

Chapter 4

Immigration Through the Lens of Systemic Racism



In the 1850s nativism became an open political movement. Still it remains a remarkable fact that, except for the Oriental Exclusion Act, there was no governmental response till after the First World War.

from *A Nation of Immigrants*, by John F. Kennedy (1964)

Research on the dynamics and effects of immigration on American society dates back to the early efforts by United States sociologists, including W.E.B. Du Bois' "The Philadelphia Negro" (1899). This seminal study on urban life for African Americans yielded nuanced data on housing conditions, social class differences, and labor. Similar to other black thought leaders, Du Bois documents an increasing decline of employment opportunities for black urban dwellers. He noted that "foreigners outbid [blacks] at work, beat them on the streets and were enabled to do this by the prejudice against the Negro" (p. 31). The concern articulated by Du Bois about the impact of recent immigrants who were displacing blacks in the workforce supports how the social construction of differences between racial and ethnic groups was apparent then and remains a factor now. With Latinos¹ now the nation's largest ethnoracial minority, and in view of continued high rates of immigration from Asia, Latin America, and many other parts of the globe, sociologists and psychologists have been studying contemporary patterns of identity formation and change, social adaptation, and the broader societal effects of this "new immigration" (Anderson & Massey, 2004).

Immigration has become a focal point of heated national debates (Dillon, 2001; Fuentes, 2006; Munro, 2006; Smith & Edmonston, 1997; Toy, 2002). Immigrants are repeatedly associated with the declining economy, overpopulation, pollution, increased violence, depleted social resources (i.e., medical and educational), erosion

¹The census category of Hispanic, Spanish origin and the more recently preferred Latino/a are umbrella terms that cover a diverse population of the subgroup. Within this population are now Mexican, Puerto Rican, Cubans, and Central and South American (Hess, Markson & Stein, 2000). In the authors attempt to develop an antiracism book with understanding of these terms we have chosen to identify these groups as Latino because this label is more preferential than the term Hispanic; this is an attempt to utilize terms that are embraced by the people and not just the language constructed by the federal government.

of cultural values, and terrorism (Cowan, Martinez, & Mendiola, 1997; Munro, 2006). Immigrant individuals are often portrayed as criminal, poor, violent, and uneducated (Espanshade & Calhoun, 1993; Muller & Espenshade, 1985). Negative attitudes toward immigrants have begun to receive more attention from social psychologists (e.g., Stephan, Renfro, Esses, Stephan, & Martin, 2005; Stephan, Ybarra, & Bachman, 1999; Stephan, Ybarra, Martinez, Schwarzwald, & Tur-Kaspa, 1998) in research that has focused primarily on the roots and characteristics of such prejudice.

This chapter examines the institutional racial scaffolding built by whites in positions of power who have constructed differences between themselves and the core groups: First Nation/Indigenous People, Africans, Mexicans, and Chinese. It defines immigration, examines the history of immigration in the United States through significant laws, and describes the context of immigration policies. This is followed by an analysis of systemic racism and immigration for the core groups. The chapter ends with a discussion of the contemporary anti-immigrant climate. It then points out that it is not the differences themselves that have led to subordination and systemic oppression, but the interpretation of prejudice in the form of immigration policies and court and legislative proceedings.

Immigration Defined

The term immigration has legal, political, social, and structural meanings. According to Martin and Midgley (1994), “The word ‘immigrant’ was coined around 1789 to describe an alien who voluntarily moved from one established society to another” (p. 21). According to Miriam Potocky-Tripodi (2002), “. . . [I]legally, anyone who is not a citizen of the United States is considered an alien. Aliens are further classified as immigrants and non-immigrants, and documented or undocumented” (p. 4).

Legal immigration refers to the process by which noncitizens are granted legal permanent residence or a “green card” by the federal government of the United States. Legal permanent residents have the rights to remain in the country indefinitely, to be gainfully employed, and to seek the benefits of U.S. citizenship through naturalization (Chang-Muy, 2009; Zong & Batalov, 2016). A distinction is made between legal immigrants who are new arrivees to the United States and those who are termed adjustees (i.e., their immigrant status was adjusted while they were in the United States) or asylees (i.e., those who claim that it is impossible to return to their native countries because of wars or political persecution) (Potocky-Tripodi, 2002). The United States Internal Revenue Service (IRS) website provides further clarification:

Immigrant [is] an alien who has been granted the right by the U.S. Citizenship and Immigration Services (USCIS) to reside permanently in the United States and to work without restrictions in the United States. It is also known as a Lawful Permanent Resident (LPR) (n.p.).

As noted above, definitions and categorizations of foreign-born persons are complex and can be confusing. In part, the confusion is due to the history of immigration in the United States that has resulted in the exclusion and exploitation of many immigrant groups.

History of Immigration in the United States

The United States is a nation of immigrants. Since the founding of the United States of America, some 60 million “immigrants” have come to this country (Martin & Midgley, 1994). The reasons prompting people to move vary widely, and not all so-called immigrants would necessarily identify themselves as such. In fact, the U.S. has changed its policy toward immigrants throughout its existence depending on economic, social, and political trends. The first wave of immigrants came to colonial America from England, France, Germany, and other northern European countries to flee political and religious intolerance as well as to seek financial opportunities. The existing Colonial populace greeted later arrivals of any race with open hostility and distrust. Regardless of their less than warm welcome, hopeful immigrants continued to pour into the United States.

Immigration policies designed to relieve perceived shortages of labor have been around for decades, and the idea of targeting immigration to needy parts of the economy is not new (Sumption, 2011). From the early nineteenth century through the first decades of the twentieth century, as the United States sought to expand both geographically and economically, government officials and business leaders recognized that immigrants could fill the need for cheap labor, so they encouraged the flow of these workers into the U.S. Between 1820 and 1930, the United States absorbed about 60% of the world’s immigrants (Rowen, n.d.). In the following section, we discuss some of the more significant immigration policies that highlight the history of immigration.

Significant Laws

As growing numbers of immigrants continued to flow into the country, the existing citizenry often vigorously, sometimes violently, objected to their presence in the United States, perceiving them as “un-American,” “alien,” and “other.” In response to this public sentiment, federal and state governments began to establish policies and laws that regulated immigration (see Table 4.1). Laws passed in the late 1880s introduced three elements into immigration policies: (1) restrictions based on personal characteristics, (2) restrictions based on national origin, and (3) protections of American labor. In turn, these elements influenced future policies on immigration (Potocky-Tripodi, 2002).

Increasing concern that immigrants were contributing to crime and poverty led to the first restrictive legislation, the Immigration Act of 1882, which excluded the admission of convicts, paupers, and those viewed as mentally ill. Proponents of the act believed that such individuals would be unemployed and therefore dependent upon public funds for financial support (Congress, 2009). In that same year, Congress passed the Chinese Exclusion Act of 1882, a law that limited immigration based on national origin. This act, which halted immigration from China and barred Chinese persons from becoming legal citizens, remained in force until 1943. In the mid-1800s, Chinese workers were actively recruited to the United States, but when the economic recession occurred in the 1880s, it was considered necessary to exclude them. In 1943, during World War II, because it needed China as a political ally, the United States changed its policy and again allowed Chinese workers to enter the country.

Table 4.1 Timeline of Immigration Legislation and Policies (adapted from Rowen, n.d.)

1790	The Naturalization Act of 1790, the country's first naturalization statute, states that unindentured white males must live in the U.S. for 2 years before becoming citizens
1795	The Naturalization Act of 1790 is amended and extends the residency requirement to 5 years
1798	With xenophobia on the rise, the residency requirement in the Naturalization Act of 1790 is lengthened again, to 14 years
1802	The residency requirement for citizenship is reduced to 5 years
1819	The Steerage Act requires that ship captains must submit manifests with information about immigrants onboard to the Collector of Customs, the Secretary of State, and Congress
1843	The American Republican party is formed in New York (it later becomes known as the Native American party) by citizens opposed to the increased number of immigrants in the U.S. The nativists, or members of the Know-Nothing Movement, seek to permit only native-born Americans to run for office and try to raise the residency requirement to 25 years
1868	Expatriation Act of 1868 states that "the right of expatriation is a natural and inherent right of all people." The act was intended to protect the rights of naturalized immigrants whose native countries did not recognize expatriation claims
1870	The Naturalization Act of 1870 allows "aliens of African nativity" and "persons of African descent" to become U.S. citizens
1875	The Page Act is the country's first exclusionary act. It bans criminals, prostitutes, and Chinese contract laborers from entering the U.S
1882	The Immigration Act imposes a \$.50 tax on new arrivals and bans "convicts (except those convicted of political offenses), lunatics, idiots and persons likely to become public charges" from entering the U.S. The Chinese Exclusion Act of 1882 bans "skilled and unskilled laborers and Chinese employed in mining" from entering the country for 10 years and denies Chinese immigrants a path to citizenship. Thousands of Chinese immigrants had worked on the construction of the Trans-Continental Railroad, and these workers were left unemployed when the project was complete. The high rate of unemployment and anti-Chinese sentiment led to passage of the law
1888	The Scott Act amends the Chinese Exclusion Act. It bans Chinese workers from re-entering the U.S. after they left
1891	Immigration Act of 1891 creates the Bureau of Immigration, which falls under the Treasury Department. The act also calls for the deportation of people who enter the country illegally and denies entry for polygamists, the mentally ill, and those with contagious diseases
1892	The Geary Act strengthens the Chinese Exclusion Act of 1882 by requiring Chinese laborers to carry a resident permit at all times. Failure to do so could result in deportation or a sentence to hard labor. It also extends for another 10 years the ban on Chinese becoming citizens Ellis Island opens. It serves as the primary immigration station of the U.S. between 1892 and 1954, processing some 12 million immigrants
1903	Anarchist Exclusion Act denies anarchists, other political extremists, beggars, and epileptics entry into the U.S. This is the first time individuals are banned from the U.S. based on political beliefs
1906	The Naturalization Act of 1906 creates the Bureau of Immigration and Naturalization and places it under the jurisdiction of the Commerce Department. The act also requires immigrants to learn English before they can become citizens

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Table 4.1 (continued)

1907	<p>The Immigration Act of 1907 broadens the categories of people banned from immigrating to the U.S. The list of those excluded include “imbeciles,” “feeble-minded” people, those with physical or mental disabilities that prevent them from working, tuberculosis victims, children who enter the U.S. without parents, and those who committed crimes of “moral turpitude”</p> <p>The “Gentleman’s Agreement” between the U.S. and Japan ends the immigration of Japanese workers</p> <p>Expatriation Act of 1907 that says women must adopt the citizenship of their husbands. Thus, women who marry foreigners lose their U.S. citizenship unless their husbands become citizens</p>
1917	<p>Immigration Act of 1917, also called Asiatic Barred Zone Act, further restricts immigration, particularly of people from a large part of Asia and the Pacific Islands. The act also bars homosexuals, “idiots,” “feeble-minded persons,” “criminals,” “insane persons,” alcoholics, and other categories. In addition, the act sets a literacy standard for immigrants age 16 and older. They must be able to read a 40-word selection in their native language</p>
1921	<p>The Emergency Quota Law of 1921 limits the number of immigrants entering the U.S. each year to 350,000 and implements a nationality quota. Immigration from any country is capped at 3% of the population of that nationality based on the 1910 census. The law reduces immigration from eastern and southern Europe while favoring immigrants from Northern Europe</p>
1922	<p>Married Women’s Act of 1922, also known as the “Cable Act,” repeals the provision of the Expatriation Act of 1907 that revoked the citizenship of women who married foreigners</p>
1924	<p>The National Origins Act reduces the number of immigrants entering the U.S. each year to 165,000 and the nationality quota set forth in the Quota Law of 1921 is cut to 2% of the population of that nationality based on the 1890 census. The quota system did not apply to immigrants from the western hemisphere</p> <p>The U.S. Border Patrol is created</p>
1929	<p>The National Origins Act again reduces the annual cap on the number of immigrants allowed to enter the U.S., this time to 150,000. The 2% quota is linked to 1920 census data, thereby further limiting the number of immigrants from eastern and southern Europe</p>
1940	<p>The Alien Registration Act (Smith Act) requires all immigrants age 14 and up to register with the government and be fingerprinted. The act also bans individuals considered “subversives” from immigrating</p>
1942	<p>Because so many American men are fighting in World War II, the U.S. faced a shortage of farm workers and begins hiring Mexican workers in what was known as the bracero program. About five million Mexican workers participate in the program</p>
1943	<p>The Chinese Exclusion Repeal Act allows Chinese workers to immigrate to the U.S., but with an annual quota of 105</p>
1946	<p>The Chinese Exclusion Repeal Act is broadened to cover Filipinos and Indians, essentially repealing the Immigration Act of 1917</p>
1948	<p>The Displaced Persons Act allows up to 200,000 refugees displaced by World War II to enter the U.S.</p>
1950	<p>Internal Security Act allows the deportation of any immigrants who were ever members of the Communist Party</p>

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Table 4.1 (continued)

1952	Immigration and Nationality Act of 1952 (the McCarran-Walter Act) consolidates earlier immigration legislation into one law and eliminates race as a basis of exclusion. However, race continues to be a factor because the quota system remains in place, except for immigrants from the western hemisphere. Immigration from any country is capped at 1/6th of 1% of the population of that nationality based on the 1920 census
1965	The Immigration Act of 1965 removes nationality quotas, but limits annual immigration from the eastern hemisphere to 170,000, with a limit of 20,000 immigrants per country. It also, for the first time, caps annual immigration from the western hemisphere at 120,000, but there is no limit by country. The Act also establishes a preference system for family members of U.S. citizens
1966	Cuban Adjustment Act allows Cubans to apply for permanent resident status after residing in the U.S. for 2 years
1975	The Indochina Migration and Refugee Assistance Act of 1975 resettles about 200,000 Vietnamese and Cambodian refugees in the U.S. and gives them a special parole status. The program was extended to Laotians in 1976
1978	The immigration caps outlined in the 1965 Immigration Act are replaced with an overall annual limit of 290,000
1980	The Refugee Act defines refugee as a person who flees his or her country “on account of race, religion, nationality, or political opinion.” Refugees are considered a different category than immigrants. The president and Congress are granted the authority to establish an annual ceiling on the number of refugees allowed into the U.S. The act also lowers the annual limit of immigrants from 290,000 to 270,000
1986	The Immigration Reform and Control Act of 1986 (IRCA) allows immigrants who entered the U.S. before Jan. 1, 1982, to apply for legal status but required them to pay fines, fees, and back taxes. It also gives the same rights to immigrants who worked in agricultural jobs for 90 days before May 1982. About three million immigrants gained legal status through the law. The act also requires employers to verify work status of all new hires and there are fines for those who hire undocumented workers
1990	The Immigration Act of 1990 sets an annual ceiling of 700,000 immigrants for 3 years, and 675,000 thereafter
1996	The Illegal Immigration Reform and Immigrant Responsibility Act broadens the definition of “aggravated felony” and increases the number of crimes classified as such so immigrants could be deported for a wider range of crimes. The law is applied retroactively. The act also increases the number of Border Patrol agents and establishes an “expedited removal” procedure to deport immigrants without a formal hearing The Personal Responsibility and Work Opportunity Reconciliation Act sharply cuts legal permanent residents’ eligibility for many public-assistance benefits, including food stamps, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and Medicaid
2005	The REAL ID Act of 2005 requires states to verify a person’s immigration status or citizenship before issuing licenses, expands restrictions on refugees requesting asylum, and limits the habeas corpus rights of immigrants
2014	On November 20, 2014, President Obama takes executive action to delay the deportation of some five million illegal immigrants. Under the new policy people who are parents of U.S. citizens or legal residents can receive deportation deferrals and authorization to work legally if they have been in the U.S. for more than 5 years and pass background checks. This action also removed the age restrictions and increased the deferral period in the 2012 Deferred Action for Childhood Arrivals (DACA) program, which allowed people brought to the U.S. as children to apply for deportation deferrals and work permits

The 1800s and early 1900s marked a second wave of immigrants, first from northern and western Europe, then from southern and eastern Europe. Immigrants from various European areas flowed into the United States to meet the increased labor demands that accompanied expanding industrialization and urbanization. During this period there was growing sentiment that immigrants were poor, criminal, or taking jobs from United States born workers. Anti-immigrant attitudes spurred the passage of the Immigration Act of 1917 which excluded individuals who were illiterate (who were more likely from southern and eastern Europe) and precipitated further restricted admission of Asian immigrants (Chang-Muy, 2009). The United States further strengthened its anti-immigration policies with passage of the Immigration Act of 1924, which restricted Europeans to 150,000 per year and established a national origin quota system based on the 1890 census. Because most immigrants from southern and eastern Europe did not arrive until after 1890, this provision had an effect similar to that of the 1917 Immigration act; it excluded illiterates and favored admission from northern and western Europe.

After World War II, the Displaced Persons Act (1948), the Refugee Relief Act (1953), and the Refugee Escape Act (1957) were passed to provide for those who were displaced by war or who were escapees from communist regimes (Potocky-Tripodi, as cited in Congress, 2009). Ultimately, the Immigration and Nationality Act of 1952 sought to unite existing laws. This law established a modified quota system that continued to favor northern and western Europeans, who were felt to be more easily assimilated into American society (Potocky-Tripodi, as cited in Congress, 2009). The quota system gave preference to those with higher education and skills, as well as those who had relatives in the United States. In summary, during the first 200 years of United States history, the country changed from having an open immigration policy to more restrictive policies that tended to follow the ebbs and flows in its economic, political, and social spheres.

The Immigration and Nationality Act amended in 1965 marked the beginning of contemporary immigration legislation (Chang-Muy, 2009; Potocky-Tripodi, 2002). This law abolished the national quota system and established a system of preference based on family relationships and employment. Following its passage, there was a shift in the pattern of immigration, with an increase in immigration from Asia and Latin America, and a decrease from Europe (see Fig. 4.1).

Concern over the increase in undocumented immigrants led to the passage of the Immigration Reform and Control Act of 1986 (IRCA). Provisions of this legislation included increased fines for violation of immigration laws, increased border control, and the granting of amnesty to those who had lived continuously in the United States since 1982. In response to growing apprehension that even legal immigrants might be using public benefits, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) which established new provisions that resulted in the deportation of many individuals (Frogman, 1997). Prior to IIRIRA, immigrants who were issued an order of deportation had the right to appeal the order through judicial review. The new provision, however, removed this right for several classes of immigrants, such as persons convicted of aggravated felony offenses, drug

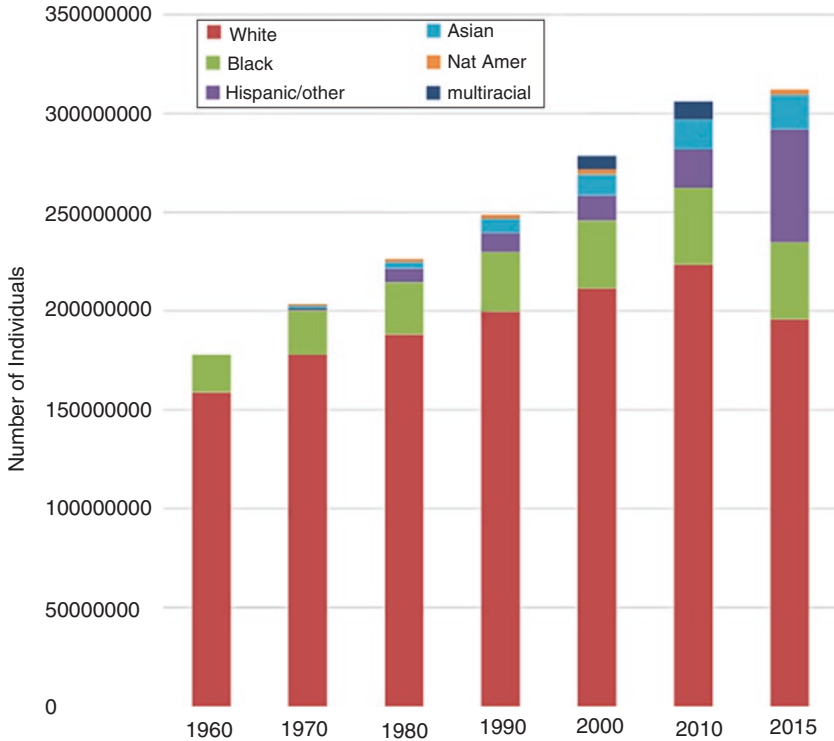


Fig. 4.1 Size of US population by race/Hispanic ethnicity from 1960 to 2015 (Source: U.S. Census Bureau, *n.d.-b*)

offenses, domestic violence, and stalking; persons convicted of child abuse, neglect, or abandonment; and persons with violations against immigration law and misdemeanors such as shoplifting and drunk driving. This act also retroactively increased restrictions on undocumented immigrants. Thus, an immigrant who committed an offense long ago became subject to immediate deportation despite residing lawfully in the United States for many years following the conviction (Drachman & Paulino, 2004).

In the wake of the September 11, 2001 terrorist attacks, the U.S. government implemented a series of critical, and sometimes controversial, immigration policy measures to respond to future threats of terrorism. The most significant was the passage of the United and Strengthening America by providing Appropriate Tools required to Intercept and Obstruct Terrorism Act (Patriot Act, 2002B). This law cedes to the United States Justice Department broad surveillance and detention powers over persons suspected of terrorism. Under the Act, a “noncitizen” can be detained for 7 days without being charged with an immigration violation, and is subjected to mandatory detention while removal proceedings are pending. Since the 9/11 terrorist attack, immigration policy has been viewed principally through the lens of national security, a development that has given rise to major new border security and law enforcement initiatives, heightened visa controls and screening of international travelers and would-be immigrants, the collection

and storage of information in vast new interoperable databases used by law enforcement and intelligence agencies, and the use of state and local law enforcement as force multipliers in immigration enforcement (Chishti & Bergeron, 2011). For example, during the first weeks of recently elected President Trump's administration, he signed an executive order on banning entry from a number of predominately Muslim countries. It created chaos at U.S. airports and sparked a number of successful legal challenges; ultimately, it was blocked by the federal appeals court. In the March 6, 2017 revised ban, Iraq was removed from the list; however, visa processing was suspended for citizens of Iran, Somalia, Sudan, Yemen, Syria, and Libya as the administration attempted to strengthen vetting procedures (Pierce, 2017).

Contemporary Immigrants

Currently, immigrants gain legal status in several ways. One of the most common ways of receiving legal status in the United States is through family-sponsored immigrant visas, which are granted to individuals who seek to become citizens or residents of the United States through family sponsors who are U.S. citizens or legal residents (Potocky-Tripodi, 2002). Another avenue to legal status is commonly referred to as the "brain drain" method (McAllester, 2012). U.S. immigration policies allow for legal immigrant status to be granted to those who are deemed to be "persons of extraordinary ability" or to those who have advanced training or skills in occupations that are important for the U.S. labor market (e.g., engineers, nurses). Companies or agencies can sponsor such individuals in gaining legal immigrant status. In 2012, approximately 143,000 out of 420,000 permanent resident documents were granted for "employment-based" reasons (U.S. Census Bureau, 2005; Zong & Batalova, 2015). It is very common for employment-based immigrants to bring their immediate family members with them to the United States. In fact, in 2012, 54% (or 78,080) of those who entered under the employment-preference category were not the principal applicant, but were actually the spouse or child of the principal applicant (Auclair & Batalova, 2013).

There also are additional ways to obtain legal resident status. One of the more recent developments in immigration policy was designed to create more equal opportunities for individuals from various countries to legally move to the United States. Each year, the Diversity Lottery Program makes 55,000 immigrant visas available for a fee to people who come from countries with low rates of immigration to the United States (Zong & Batalova, 2015). Refugees and asylum seekers also have a path to legal residence. The 105,528 refugees and 45,086 asylees who adjusted to Lawful Permanent Resident (LPR) status in 2012 comprised 15% of all lawful permanent immigrants. The number and percentage of refugees and asylees who adjusted to LPR status varied significantly between 2003 and 2013, from a low of 6% (44,764) in 2003 to a high of 17% (216,454) in 2006.

Both legal and illegal immigration have been an important impetus for the United States achieving its high levels of productivity and prosperity (Hipsman & Meissner, 2013). Thousands of immigrants have contributed to the economic transformation

required for a global economy, including more than 14 million people (legal and illegal) during the 1990s and 16 million during the period from 2000 to 2010. The significant contributions of immigrants over the long term underscore the contradictions between policy and reality.

Context of Immigration Policies

Push and Pull

The push–pull theory, first articulated by Lee (1966), proposes that migrants² are often pushed from their country of origin by economic hardship, or by political and social oppression, and are pulled to the country of destination by hopes of better economic opportunities and political or religious freedom. Push factors include political, economic, natural, and cultural forces that can come in many forms, including political upheaval, severe economic circumstances, natural disasters, limited educational opportunities, and social problems such as ethnic persecutions or discriminatory practices against individuals or groups. Political forces that push and pull people to relocate include political stability/instability, war, persecution, violation/protection of human rights, immigration policies of the country of origin or destination, and the availability of organized assistance for the move and settlement in the new country (Potocky-Tripodi, 2002). Economic factors that impel people to move include differences between their country of origin and destination in standard of living, job opportunities, working conditions, unemployment rates, and wages. Cultural factors that push and pull people include the ethnic and religious composition of the population and the predominate languages spoken in the two countries. When there is total destruction of one’s homeland by natural disaster or war, the push factors can become so strong that people have no choice but to leave their country of origin.

Transnationalism

Transnationalism, a term initially used to describe multinational companies, was broadened in the 1990s to include individuals who remain financially and socially connected to their countries of origin. Basch, Schiller, and Blanc (1994) defined it as

the process by which immigrants through their daily life activities forge and sustain multi-stranded social relations that link together their societies of origin and settlement, often sending money to their home country to alleviate financial hardships faced by family who remain home. We call these processes transnationalism to emphasize that many immigrants today build social fields that cross geographic, cultural, and political borders (p. 6).

²A migrant is considered a person who moves from place to place for work. We are using the term interchangeably with immigrant.

Vertovec (1999), more succinctly, indicates that “transnationalism broadly refers to multiple ties and interactions linking people across borders or nation states” (p. 447). Thus, many immigrant communities do not delink themselves from their home countries; instead they retain and nourish their linkages to their countries of origin (Congress, 2009). Such immigrants have significant ties to their home countries and often send large portions of their earnings back to their country of origin to support their family members who remain there. This practice supports the economy of those countries.

Transnationals include many people who can never geographically return home and who are the product of forced migration due to economic reasons or who seek refuge because they fear persecution because of their race, religion, nationality, social group, or political opinion (Congress, 2009). Transnationalism can leave family members separated from each other for long periods of time, even permanently. Families that live some or most of the time separated from each other, yet hold together and create something that can be seen as a feeling of collective welfare and unity, namely “family,” even across national borders, have been labeled as transnational families (Bryceson & Vuorela, 2002). Transnational families can be very different depending on their race, class, and geographic origin. For example, upper and middleclass families may choose to divide themselves across borders in order to pursue career or educational opportunities, while poor families, often with roots in developing countries from the southern hemisphere, may separate as a means of finding work that pays a living wage (Bryceson & Vuorela, 2002). Understanding the push and pull forces and the phenomenon of transnationalism provides additional depth of understanding about contemporary immigration practices and experiences in the U.S.

The Nature of Systemic Racism and Immigration for the Core Groups

In various ways and to varying degrees, immigration patterns and laws (see Table 4.1) have affected the lives of members of the four core racial groups described in Chap. 3: First Nation/Indigenous Peoples, Mexicans, Africans, and Chinese. The following section highlights the historical experiences of the four core groups through the lens of immigration policies that serve as the foundation of racial scaffolding. Understanding their experiences provides contextualization for the historical inequality and marginalization based on skin color or race. This social construction of difference, and the resultant regard of non-white portions of the population as inhuman, deviant, or disadvantaged, underlies the systemic racism that determines how power, privilege, and wealth are distributed in the United States.

First Nation/Indigenous People

I used to refer to myself as ‘Native American,’ but over time I have learned more about colonization and the colonial terms that came with the assimilation process which continues today. We are original people of this so-called USA, therefore we should be acknowledged as such, but also to ourselves as indigenous, as the indigenous backgrounds we identify with; indigenous, or Native of our own territories.

Blackhorse, 2015

Throughout the existence of the United States, the dominant white population has used nativist and racist beliefs to support exclusion, exploitation, and restriction, and this has helped to create the ideology of modern racism. First Nation/Indigenous Peoples were the first to experience such behavior. Although they, along with Mexicans in the Southwest and far west were the original authentic dwellers, they came to experience unprecedented exploitation (see for example Gregory & Sanjek, 1994; Luhman, 2002). They quickly were defined as biologically and morally inferior. The “inferiority” presented a challenge to the “civilized” newcomers in doing God’s work while usurping the land of the authentic owners (Hess, Markson, & Stein, 2000). These ethnocentric assumptions followed the westward flow of white settlers who continually displaced the native tribes and absorbed their lands on the basis of treaties not enforced, a phenomenon known as “internal colonialism” (Bachman, 1991 p. 469). Although these native dwellers were not immigrants, they experienced “push” forces somewhat similar to those experienced by many immigrants who were escaping oppressive regimes. They were forced to migrate to accommodate the will and needs of white European immigrants. Entire tribes were forcibly relocated to reservations in sparsely populated areas with few natural resources (Brown, 1970). Structural systems (judicial and legislative) established in America became the justification for the destruction of First Nation/Indigenous People (Drinnon, 1990). An example of the exclusion, exploitation, and restrictions placed on First Nation/Indigenous Peoples is illustrated by them being granted rights to be citizens of the *land that was originally theirs*. The nativist and racist ideas of the nineteenth century and the first part of the twentieth century allowed restrictions to be placed on the recognition of First Nation/Indigenous Peoples as U.S. citizens, whether by birth or naturalization³ (Takagi, 1989). It was not until 1924 that the Indian Citizenship Act allowed citizenship to First Nation/Indigenous People (Luhman, 2002). The laws and systemic structures devised by those in power (Europeans) belatedly granted a people who originally existed on this land what should have been theirs all along—citizenship.

In 2010, the population of First Nation/Indigenous People including those of more than one race approximated 5.2 million or 2% of the total U.S. population (U.S. Census, 2010). The Census counted 56% as American Indian and Alaska Native only, and about 44% as American Indian and Alaska Native in combination with one or more other races.

³Naturalization is the legal act or process by which a noncitizen in a country may acquire citizenship or nationality of that country. It may be done by a statute, without any effort on the part of the individual, or it may involve an application and approval by legal authorities (U.S. Census Bureau, 2015).

Mexicans

The experience of Mexican immigrants in the United States actually began with the Louisiana Purchase in 1803, but was especially propelled by the U.S. expansionist wars of the nineteenth century, namely, the Mexican-American War (1846–1848) and the Spanish-American War (1898) (Kilty & Haymes, 2000). Since the Treaty of Gaudalupe Hidalgo, which ended the Mexican-American War in 1848 and ceded most of what is now the American Southwest to the United States, Mexicans in the U.S.—whether born within or outside its borders—have been affected in various ways by the exclusionary and restrictive nature of its immigration laws and policies. Mexican migrant farm laborers were actually welcomed in the early years of the twentieth century. Then, when the economic tides turned during the Great Depression years, the forces of systemic racism strengthened and Mexicans were systematically rounded up and deported. In fact, in the American Southwest which was home to many Mexican laborers who were native-born U.S. citizens, even U.S. citizens were deported by local and state governments under the assumption that they were Mexican by birth (Meier & Ribera, 1993; Schaefer, 1993).

Yet, as Reimers (1998) notes, the economy alone was not responsible. Racism was a powerful force and came to be expressed in public policy, including the most restrictive immigration law to that point, the National Origins Act of 1924. This law took effect several years before the Great Depression and “not only barred further entries from most countries, but did so on explicitly racial considerations” (Portes & Rumbaut, 1996, pp. 162–163).

Policies of the U.S. Census Bureau also have affected the status and treatment of Mexican Americans. Although people of Spanish origin predate most others of European descent in what is now the United States, the definition of Spanish origin and Hispanic has been changed from one census to another (Kilty & Haymes, 2000) and the “official” count of Hispanics was quite small until recently. In 1930 Mexican Americans were identified as a separate racial category but this designation disappeared 10 years later when they were identified as part of the white population (Kilty & Haymes, 2000).

The impact of public policy on Latinos is not merely a function of specific immigration law, but is felt in other areas as well, where noncitizens who are Latino were targeted. For example, the Supreme Court case of *Plyler v Doe* illustrates exclusion by states and localities to avoid compliance with the public education law (American Immigration Council, 2012).

In 1975, the Texas Legislature authorized local school districts to deny enrollment in public schools to foreign-born children who were not “legally admitted” to the United States. Two years later, the Tyler Independent School District adopted a policy requiring foreign-born students to pay tuition if they were not “legally admitted.” Under the school district’s policy, children were considered “legally admitted” if (1) they possessed documentation showing that they were legally present in the United States, or (2) federal immigration authorities confirmed they were in the process of securing such documentation.

Shortly thereafter, a group of students from Mexico who could not establish that they were “legally admitted” brought a class action lawsuit challenging the policy. The district court, after making extensive findings of fact, held that the policy violated the Constitution and was also “preempted” by federal immigration law. A federal appeals court upheld the injunction, although its decision rested on constitutional rather than preemption grounds. The school district then filed a petition with the Supreme Court, which granted the case for review. (n. p.).

The above case is critical to immigration policy because the court recognized that access to public education is crucial to prevent establishment of a permanent underclass of undocumented immigrants in the United States and to ensure that immigrants are productive participants in U.S. society. Ultimately, the Court cites *Brown vs. Board of Education* to acknowledge that denying immigrant children a basic education would “deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation” (Romero, 2012).

Although more than 16 million Mexicans migrated to the United States from 1965 to 2015 in one of the longest mass migrations in modern history (Krogstad, 2016), there was a downturn after 2008. In fact, during the Great Recession between 2009 and 2014, there was a net outflow of Mexican nationals; that is, more left than came to the United States. Transnationalism was a driving force in this outflow. According to the 2014 Mexican Nation Survey of Demographic Dynamics, approximately one million Mexican immigrants and their United States born children moved from the U.S. to Mexico between 2009 and 2014, and 61% said they had done so to reunite with family or to start a family. This outward migration was attributed to the increase in anti-Mexican sentiments (see Krogstad, 2016).

Immigration laws targeting Mexicans have bolstered the racial scaffolding that now affects all Latinos in the United States. Latinos who come from South and Central America often are confused with Mexicans and Puerto Ricans. The island of Puerto Rico is a United States Commonwealth, and the populous can flow throughout the U.S. at will. In contrast, Latinos from South and Central America are subject to immigration laws; push factors in their homelands have forced many to come to the U.S. illegally, although many try to come through the legal immigration system. In 2013, Mexican immigrants accounted for 28% of the immigrant population in the United States and another 24% of the immigrant population originated from other Latin American countries (see Pew Research, 2015).

Africans

The transatlantic slave trade beginning in the seventeenth century brought hundreds of thousands of enslaved Africans to the Americas. Of all the enslaved Africans brought to the Americas, approximately 10% were sold to North American colonies, the remainder going to Latin American and Caribbean countries (Luhman, 2002; Schaefer, 1993). Many present day African Americans are descendants of this first group of Africans to inhabit America. Their ancestors were forced here either as indentured servants or slaves and were kept from openly retaining their African heritage. Voluntary immigration for this group was not an option. Today, descendants of this group see themselves as Americans of African ancestry (this group is also known as African Americans). Centuries of established systemic laws and structures deterred their freedom and eliminated their ability to maintain a connection to their ancestral lands in Africa.

Significant voluntary immigration from Africa and the Caribbean is a relatively new trend and African and Caribbean immigrants are a growing segment of the U.S. population (Anderson, 2017). There were 1.8 million African immigrants living in the U.S. in 2013, up from 881,000 in 2000 and a substantial increase from 1970, when the U.S.A. was home to only 80,000 foreign-born Africans. African immigrants accounted for 4.4% of the immigrant population in 2013, up from 0.8% in 1970. Compared to other major groups who arrived in the U.S. from 2000 to 2013, Africans had the fastest growth rate, increasing by 41% during that period (Anderson, 2017).

According to the Pew Report, half of recent black immigrants have arrived from the Caribbean (Anderson, 2015). The largest source is Jamaica, with 682,000, followed by Haiti, with 586,000. Jamaican immigrants make up 18% of the black population in the United States; those from Haiti represent about 15% of the U.S. black population. These statistics indicate that about 8% of black immigrants originate from South or Central America (Anderson, 2015). It is important to note that there are many differences that exist between these groups of immigrants and they self-identify based on their country of origin.

In contrast to the descendants of U.S. slaves, blacks currently coming to the country from the continent of Africa and from the Caribbean are able to retain their cultural, tribal, and national identities. They consider themselves to be Africans or Caribbeans living in America, and not “African Americans.” However, although their history of arrival in the U.S. is different from African Americans, Africans and Caribbean blacks living in the U.S. are confronted with the same oppressive system of institutionalized racism.

Chinese

Chinese began to immigrate to the United States in 1820 and their numbers increased dramatically during the California gold rush. They were one of the first non-white immigrant groups to come to the United States voluntarily and today they constitute the largest proportion (23%) of Asian Americans (Pew Research, n.d.). Early immigrants from China were largely male laborers, and laws curtailing Chinese immigration began in the late 1880s. Chinese men were recruited to work on the transcontinental railroad during the 1860s, but were restricted by laws that prevented them from becoming citizens or sending for their wives or marrying Americans. Consequently, these early Chinese immigrants resided mostly in all male communities in the West of the United States.

Chinese migration to the United States is a history of two parts. The first wave was from the 1850s to 1880s. A second wave occurred from the late 1970s to the present, following normalization of U.S.-Chinese relations as well as changes to U.S. and Chinese migration and immigration policies. Restrictive immigration laws were revised in 1965, and after that many Chinese men were finally granted citizenship and allowed to bring family members to the U.S.

Currently, Chinese persons are aggregated in the overall racial category labeled as “Asian.” Since 1997, the Federal Government (see [U.S. Census, n.d.a](#); [n.d.b](#)) has defined Asian American to include persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent. In general, Asians consist of Chinese, Filipino, East Indians, Vietnamese, Koreans, Japanese, Hmong, and other smaller groups (see Pew Research Center, 2013). Although these groups all are of Asian descent, Spickard (2007) suggests that the identity “Asian American” emerged in the 1960s to bring together Chinese, Japanese, and Filipino Americans. Similar to other core groups discussed, Asians are not a monolithic population and there has been a great deal of advocacy on the part of these various groups to identify themselves as separate populations.

During the era of Chinese Exclusion, the federal court and the Supreme Court, as well as Congress, modified their understanding of how Chinese people were categorized. For example, after initially considering “Chinese” to be a designation of national origin or national citizenship, Congress definitively adopted a racial understanding, such that “Chinese” refers to any person of Chinese ancestry—a form of bloodline categorization. This is exemplified in the 1854 case of *George W. Hall* who was convicted of murder based primarily on the testimony of three Chinese witnesses. Hall appealed his conviction, asking that it be overturned because, he claimed, the Chinese witnesses should have been prohibited from testifying under the 1850 California law that barred an “Indian or Negro” from testifying against “a White person.” The Superior Court to which he appealed agreed. The judges asserted that “the Chinese are a race of people whom nature marks as inferior, and who are incapable of progress or intellectual development beyond a certain point” (*People v. Hall, n.d.*).

Although it was persons emigrating from China who were the intended focus of many immigration restrictions, the designation of “Chinese” gradually was expanded to include persons from Asia, in general. The case of *The People vs. Hall, n.d.* clearly illustrates how race has become a socially constructed category for people of Asian descent that sets them apart from European immigrants (Rothenberg, 2000, p. 24). The broader racial category of “Asian” was created piecemeal as the ascription of foreignness to the racialized Chinese body gradually was extended to include other Asian groups (Takagi, 1989). The racialization of all persons of Asian ancestry was formalized in the 1924 Immigration Act, which prohibited the immigration of “aliens ineligible for citizenship,” a euphemism for all people of Asian descent. The adoption of this racialized conception of Asians provided justification for them to be viewed as undesirable and “other,” and made them targets of the entrenched system of institutionalized racism in the United States of America. States imposed a number of race-based restrictions that were applied to Asians, including alien land laws that prohibited ownership of certain real property by aliens ineligible for citizenship, racial segregation in education, and restrictions on interracial marriage. The federal government imposed race-based restrictions on immigration and naturalization (U.S. Department of Justice, 2002). Together, these official acts joined with private violence to consolidate the socially constructed racial category of

“Asian.” Chinese immigrants are now the third-largest foreign-born group in the United States, after Mexicans and East Indians, numbering more than two million and comprising 5% of the overall immigrant population in 2013 (Hooper & Batlova, 2015). Similar to what has happened with the composition of other racialized immigrant groups in the U.S. the countries of origin of Asian immigrants have shifted over time in response to the occurrence of wars, natural disasters, and other events.

Immigration Trends

Although this book highlights four core groups, there are many immigrants who also are assigned to these racialized categories by American society. Thus, many individuals who genealogically are not members of one of these four groups also experience oppression based on the entrenched system of institutional racism in the United States. As the numbers of immigrants entering from various parts of the globe have shifted, the scaffolding of institutionalized racism has adapted and morphed to incorporate them into the society’s system of institutionalized racial oppression.

Of course, during its early years, the population of the U.S. was largely foreign born. However, the U.S. did not start collecting immigration statistics until 1850. Since then, the percentage of the U.S. population who are immigrants has fluctuated between a high of 14.7% in 1910 and a low of 4.7% in 1970 (see *U.S. Immigrant Population and Share over Time, 1850-Present*, n.d.).

Over the past half century, the U.S. population has shifted in terms of race/ethnicity and region of birth. The country has experienced a recent decline in the number of whites in the U.S. population and an increase in number of non-whites, largely Latinos and Asians (Fig. 4.1). Over this same period, there has been growth in the proportion of the U.S. population that is foreign born (see Fig. 4.2). Immigration data from 1960 to 2014 show not only an overall growth in the number of permanent legal residents (Fig. 4.2), but a shift in where these immigrants are coming from (Fig. 4.3).

Due to the shifting patterns of immigration in the late twentieth century and beginning of the twenty-first century, immigrants have become a growing percentage of the U.S. population. In 1960, immigrants constituted 5.5% of the population, and they grew to be 13% of the population by 2010 (see Fig. 4.2). Before 1980, the vast majority of immigrants living in the United States came from Europe. Since then, there has been a slow decline in the numbers of immigrants coming from Europe and there have been very dramatic proportional increases in the numbers of U.S. residents who were born in Asia, South America, Central America, and the Caribbean. Although their numbers are much smaller, there also has been notable growth in the number of immigrants coming from Africa. All of these immigration trends have contributed to the dramatic growth in the non-white population in the U.S. (see Fig. 4.1).

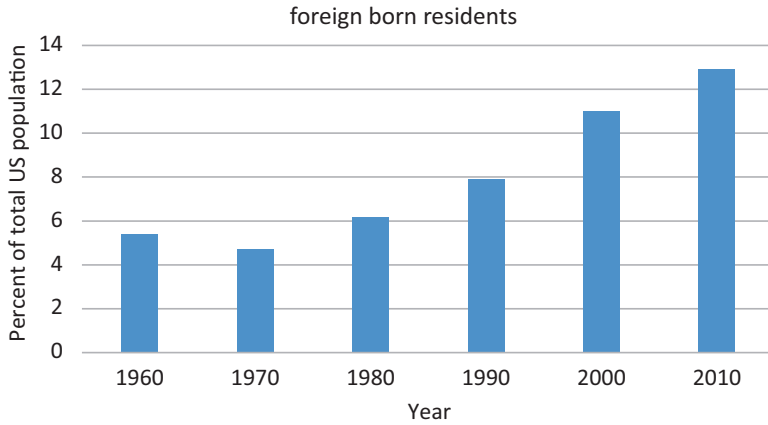


Fig. 4.2 Percent of US residents who are foreign born from 1960 to 2010 (Source: U.S. Census Bureau, n.d.-a)

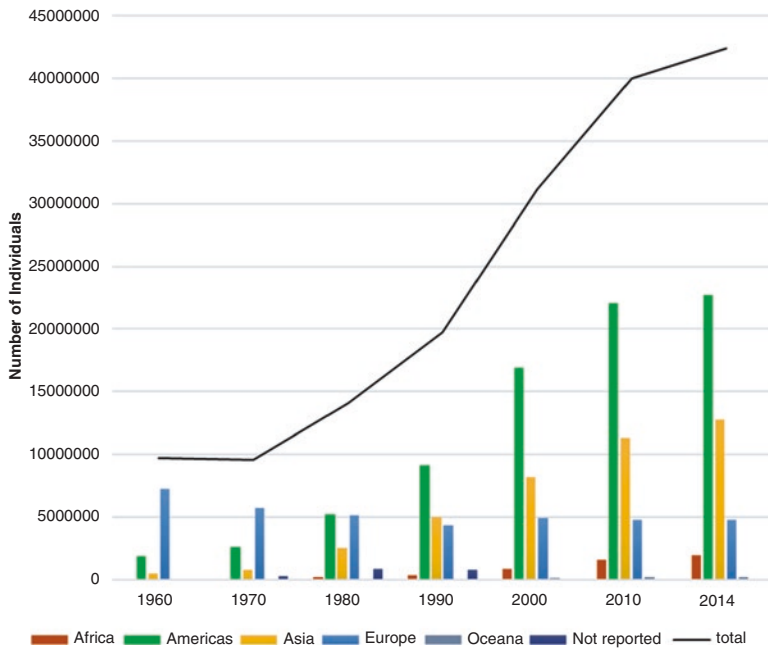


Fig. 4.3 Total inflow of new legal permanent residents in the USA from 1960 to 2014 and their distribution by region of the world in which they were born (Source: US Department of Homeland Security, Office of Immigration Statistics, n.d.)

Summary

The United States often is referred to as a “nation of immigrants.” While much of the political discussion surrounding immigration in the U.S. focuses on the 11–11.5 million unauthorized immigrants residing across the nation, border security, and highly contested state-level immigration legislation, it is easy to forget that the majority of the country’s immigrants are lawful permanent residents and U.S. citizens. As of January 2011, an estimated 13.1 million green card holders resided in the United States, about 8.5 million of whom were eligible to naturalize as citizens (Russell & Batalova, 2012).

Unfortunately, the changing pattern of immigration has coincided with a surge of nativism and exclusionary efforts in the United States. The contemporary anti-immigrant climate, however, is nothing new; it has long historical roots. Scholars of immigration have noted that sociopolitical contexts shape opportunities for the inclusion of immigrants and their offspring (Dillon, 2001; Fuentes, 2006; Munro, 2006; Smith & Edmonston, 1997; Toy, 2002). Historically, policies that either support or stigmatize immigrants have constituted an important facet of the social context of reception (Chang-Muy, 2009). Kilty and Haymes (2000). Fears and anxieties about who “belongs here” and what the American self-image ought to be have cropped up throughout the history of the United States. At various points, such fears have led to restriction and exclusion of First Nation Peoples and immigrants, beginning with Mexicans, Africans, and Chinese.

When new immigrants come into the U.S., they find themselves entering a country that has an entrenched system of institutionalized discrimination based on the social construction of race. Consequently, these new arrivals are assigned to various racial categories, as defined in U.S. society, and they find themselves treated in accordance with those designations. They, in turn, are forced to adapt to these assigned identities as they adjust to a new country and become part of the U.S. population. Thus, although the history of the core groups (First Nation/Indigenous Peoples, African, Mexican, and Chinese) in America is not their history, they too become the heirs to those histories. They are unable to escape from also being the targets of oppression because of their racialized status and the scaffolding that supports entrenched racism in the United States.

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