CHAPTER

11

Immigration Policy

The Road to Settlement and Citizenship

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!

—Emma Lazarus, "The New Colossus"[1]

"When Mexico sends its people, they're not sending their best. They're not sending you. They're not sending you. They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people."

—Donald Trump, Announcement of Presidential Candidacy, June 16, 2015[2]

The presidency of Donald Trump has realigned the norms of political discourse in many areas of public policy. Perhaps most important among these changes—certainly for racial and ethnic communities and arguably for the nation as a whole—appears in his discussions of immigrants and immigration. The attack on Mexican immigrants in his announcement of his presidential candidacy was followed by similar attacks on Muslim immigrants, refugees, and unauthorized immigrants.

Prior to Trump, the norm among U.S. presidents was to recognize the importance of immigration to the economic development of the nation as well as an organizing myth for the nation. In 1783 President George Washington said, "The bosom of America is open to receive not only the Opulent and respected Stranger, but also the oppressed and persecuted of all Nations and Religions; whom we shall welcome to a participation of all our rights and privileges, if by decency and propriety they appear to merit the enjoyment."[3] More than

Box 11.1

Chapter Objectives

- Identify the three different types of immigrants.
- Describe early immigration policies and how restrictions grew out of domestic and international pressures.

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- Explain how the Immigration and Nationality Act of 1965 provided the foundation for contemporary U.S. immigration law.
- Describe incorporation policies at the national, state, and societal levels.
- Distinguish between the varying perspectives in the contemporary debate over comprehensive immigration reform.

two hundred years later, President Barack Obama in 2010 invoked that same imagery of a welcoming nation:

> I believe we can appeal not to people's fears but to their hopes, to their highest ideals, because that's who we are as Americans. It's been inscribed on our nation's seal since we declared our independence. "E pluribus unum." Out of many, one. That is what has drawn the persecuted and impoverished to our shores. That's what led the innovators and risk-takers from around the world to take a chance here in the land of opportunity.[4]

Obama also acknowledged, however, that "each new wave of immigrants has generated fear and resentments towards newcomers, particularly in times of economic upheaval. . . . So the politics of who is and who is not allowed to enter this country, and on what terms, has always been contentious."[5] Trump as both candidate and president has seized on this fear and resentment to propel his candidacy and to give focus to a set of proposals that would fundamentally reshape U.S. immigration policy.

In this chapter, we trace the development of U.S. immigration and immigrant incorporation policies to better understand

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Many immigrants in the United States settle into the country and seek citizenship. Those seeking formal membership in U.S. society must naturalize as U.S. citizens. This process requires an exam before a U.S. official, payment of a fee, and a background check. After completion of this process, naturalizing citizens take an oath of allegiance to the United States at a public ceremony.

the debates that the nation and Congress are engaged in as they build new foundations for U.S. immigration law (the "how" question of this chapter); we look also at the role that racial attitudes and perceptions of racial difference between native-stock populations and immigrants played in the making of immigration policy (which partially answers the "why" question in immigration policy). We look at the pressures the nation faces around immigration policy and the failed efforts at comprehensive immigration reform that would replace the current immigration law, passed in 1965, that emerged from the reformist spirit of the civil rights era that we have argued establishes the foundation for today's U.S. minority politics. We also look at President Trump's initial efforts to reshape the national immigration debate and to narrow the opportunities for new immigration and for many immigrants resident in the United States.

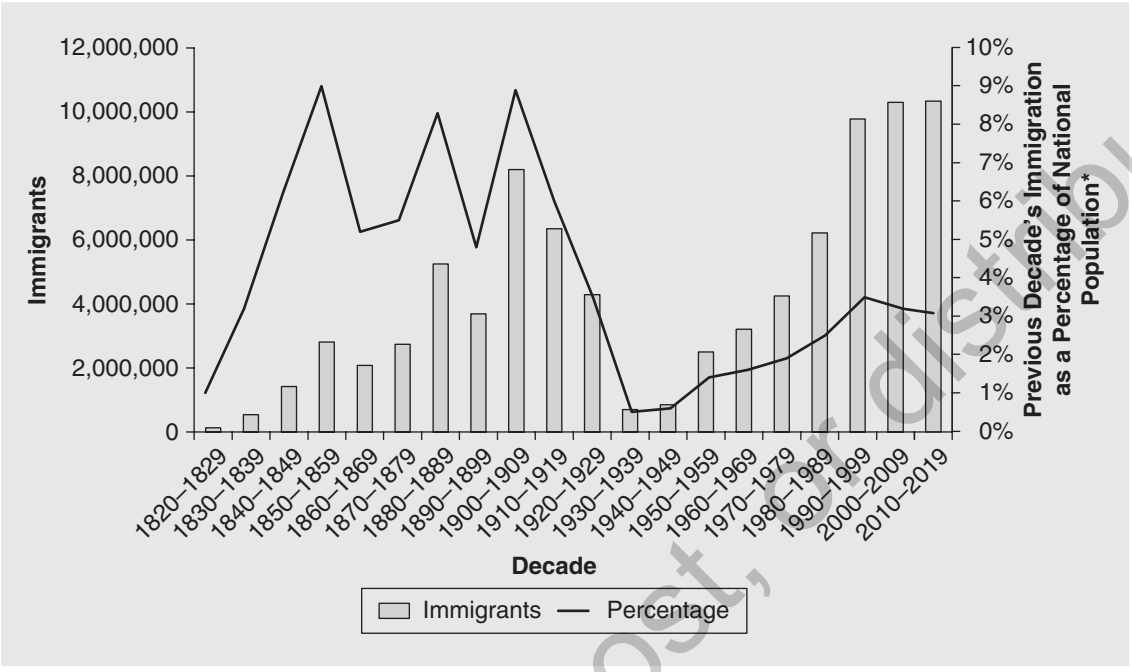
Whatever the outcome of the Trump immigration initiatives, immigration is an issue of ongoing importance to the nation. Its status has waxed and waned, depending on domestic and international events. These periods of *when* immigration and race matter in the United States have historically been tied to *why* it matters—often in response to concerns among native U.S. citizens that immigrants are taking needed jobs or represent a security threat. *How* immigration and race matter is played out in shifting policies, which this chapter examines in depth. As we explore when, why, and how immigration and race matter when it comes to U.S. immigration and immigrant integration policies, we will also come to understand the ways in which U.S. laws, institutions, and resources have been used both to establish discriminatory policies and procedures and to create more equal opportunity.

Immigrant Status and Numbers

Relative to most other countries, the United States admits more immigrants and has done so through most of its history, but not all immigrants have the same status. Immigrant status may vary from legal permanent residents, to guest workers, to unauthorized immigrants. Under current law, more than one million people who enter the United States each year are designated as **legal permanent residents**. Immigrants to permanent residence enter the United States with "green cards" that permit work in the United States and access to many of the rights enjoyed by the U.S.-born. After no more than five years, these immigrants to permanent residence can naturalize as U.S. citizens. (See Figure 11.1.)

The United States also admits large numbers of **guest workers**, businesspeople, and other temporary visitors; these are effectively immigrants who have the right to stay in the United States only until the end of their contract or visa period. For these guests, there is no road to becoming part of the United States unless they can establish the eligibility to immigrate as permanent residents. In 2015 guest workers and their families numbered approximately 3.7 million people. Other temporary visitors numbered seventy-three million: approximately sixty-one million people entered the United States as temporary visitors for pleasure, and eight million entered as temporary visitors for business.[6] Finally, the United States is home to a large number

Figure 11.1 U.S. Immigration by Decade, 1820s–2010s



Source: Authors' compilation based on Office of Immigration Statistics, *2015 Yearbook of Immigration Statistics* (Washington, DC: U.S. Department of Homeland Security, 2016).

* Percentage of national population from the start of the next decade.

of immigrants who do not possess valid visas to be in the United States. These **unauthorized immigrants**—who are estimated to have numbered 11.3 million in 2015.[7]

Since the last major change to U.S. immigration law in 1965, more than thirty-seven million immigrants entered the United States as permanent residents. Some among the native-stock population have come to fear the competition for jobs and resources from these immigrants. Many also fear that immigrants—who are often racially/ethnically distinct from the majority of the native-stock population—will bring major cultural change to the United States.[8] These racial, ethnic, and cultural differences often lead to the assertion that immigrants are insufficiently committed to American values, a concern that President Trump seized upon in his campaign and as president. In the current debate, unauthorized migrants are a particular concern for native-stock populations and for policymakers. Their willingness to violate U.S. law to enter or to stay in the country and, often, to work in the United States (also in violation of law) adds to the suspicions held by native-stock populations of immigrants more generally. These fears, particularly of unauthorized immigrants, are

often countered in legislative debates by business leaders and others in U.S. society who benefit from immigrant labor, as well as by ethnic leaders and communities who seek to ensure that their co-ethnics have rights to immigrate comparable to those who arrived earlier in U.S. history. Additionally, some descendants of immigrants from earlier eras also argue on behalf of continuing immigration.

Is the U.S. system of classifying immigrants too simple? Should there be other categories?

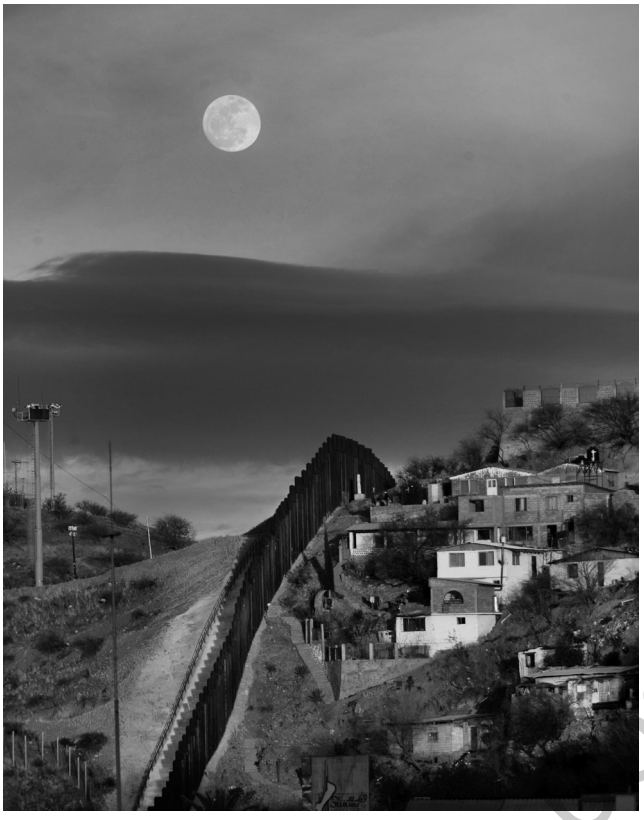
Immigration Policies Before 1965

In the late eighteenth and nineteenth centuries, there were few limits on immigration and relatively minimal standards for White immigrant men to naturalize as U.S. citizens. By the early 1900s, the nation had moved to a significantly more restrictive set of policies on who could immigrate to the United States and modestly increased standards for naturalizing as a U.S. citizen.[9] Of equal importance, as the United States expanded its regulation of who could immigrate, it established an international bureaucracy for enforcement.[10] Over the past two decades in particular, the United States has added considerably to the enforcement of its land borders, particularly the border with Mexico, including the construction of nearly seven hundred miles of wall along the southern border.

As the regulation of immigration has changed over the nation's history, so too did its composition. Prior to 1965, the overwhelming majority of immigrants to the United States came from Europe. Only in the years just before 1965 did migrants from Latin America and Asia begin to arrive in large numbers. Here, we explore the foundations of U.S. immigration policies and identify growing restrictions as a result of domestic and international pressures.

The Open Foundations of U.S. Immigration Policies, 1780s–1860s

At the time of the nation's founding, leaders did not believe that immigration could be regulated. Anyone who was able to get to U.S. shores was eligible to stay in the country. Naturalization, on the other hand, could be regulated. **Naturalization** is the process by which an immigrant becomes a legal U.S. citizen. The desire to populate the country mandated that citizenship be relatively easily achieved, at least for those immigrants with characteristics desired by the new country. Thus, among the few powers expressly delegated to the new national government in the Constitution was the power to "establish a uniform rule of naturalization" (Article I, Section 8). Using this power, Congress enacted the first naturalization law in 1790, which provided that White men could naturalize after two years of residence (extended to five years in 1795) as long as they were of "good moral character" (which has been interpreted differently over time) and were willing to swear their loyalty to the United



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In response to national concerns about unauthorized migration, the United States in 2007–2008 built a wall along approximately 700 miles of the 1,900-mile U.S.-Mexico border.

States. Race, then, was an absolute barrier to non-White immigrants seeking naturalization. Women could not naturalize on their own until the 1920s; a woman's citizenship status followed that of her husband, or her father if she was unmarried, so nineteenth-century immigrant women became U.S. citizens when their husbands or fathers did.[11]

As the number of immigrants grew in the 1800s and the relations between native-stock and immigrant populations became more contentious, the nation's philosophy about whether it could regulate immigration changed. In 1862 Congress barred labor migrants from China who arrived on U.S.-flagged ships because Congress believed that it could regulate ships sailing under the authority (the "flag") of the United States. Congress did not yet believe that it had the authority to prohibit immigration outright.

Increasing Restrictions and Prohibitions, 1870s–1964

As the nation urbanized and industrialized after the Civil War (1861–1865), its governing philosophy toward immigration regulation shifted. Between 1875 and 1921, Congress enacted steadily more restrictive legislation on who could migrate, and it established an administrative bureaucracy to enforce this legislation.[12] This period saw the prohibition of all labor migrants from China through the 1882 Chinese Exclusion Act; the expansion of these prohibitions to all Chinese immigrants and to all Asian migrants regardless of class between 1892 and 1917 in what was called the Barred Zone (see Chapter 5); and the steady expansion of classes of immigrants ineligible for migration based on health, beliefs, memberships, and literacy.[13] What began as a racial barrier to naturalization became a near-absolute racial barrier to immigration for people born in Asia.

In the 1920s, Congress passed the most restrictive immigration legislation in the nation's history, the **national origin quotas**. This legislation severely restricted the total number of migrants to the United States and sought to freeze the nation's ethnic composition at what it was in 1890. The law achieved this by allocating the number of visas to 1 percent of the people from that country counted in the 1890 census. This meant that there were few visas available to migrants from countries who began migrating in large numbers after 1890—largely Southern and Eastern Europeans.

(See Chapter 6.) Racial exclusion thus expanded from Asians to include Southern and Eastern Europeans as well.

A bureaucracy to enforce these rules was slower to develop. By 1921, immigrants entering the country through a seaport (not overland) needed a visa issued by a U.S. consulate abroad. A **visa** is written evidence that the immigrant has been authorized to immigrate; today, the visa often appears as a stamp in a passport. The first tentative efforts to regulate who could cross U.S. land borders also appeared in this period.

How does the changing shape of U.S. immigration and naturalization laws up to 1965 illustrate shifting perceptions of race?

The effort to limit migration from Southern and Eastern Europe, however, did not slow the demand for immigrant labor. The national origin quota laws exempted migrants from the Western Hemisphere from their restrictions (those from the Western Hemisphere were subject to other requirements of immigration law, such as literacy in their native language, after 1917). The consequence of this decision was to speed up migration from Mexico and the Caribbean, which had previously made up a small share of U.S. migration.

The national origin quota laws remained in effect from 1921 until 1965, but the demands of the growing U.S. economy after World War II sealed their demise. During World War II, the United States and Mexico entered into a bilateral agreement to provide seasonal agricultural labor to the U.S. farmers and agricultural processors, called the ***Bracero* program**. This program far outlived the war. The *Bracero* program was arguably one of the foundations of large-scale unauthorized migration from Mexico in the final third of the twentieth century, in that it encouraged Mexican migrants to come to the United States for work. Although the program was discontinued in 1964, U.S. companies continued to seek cheap labor, and Mexican workers were willing to continue supplying it, even if doing so meant that both the companies and the workers violated U.S. law.

The 1965 Immigration and Nationality Amendments

By 1965, the nation had outgrown the **nativism**—policies and social practices that limit the rights and social standing of newcomers in society based on the assumption that the newcomers are less worthy and less likely to adopt the values and practices of the established groups in society—that guided the enactment of the national origin quotas.[14] That alone might not have led to their replacement, yet as the *Bracero* program demonstrated, the economy dictated a change. After minimal debate, Congress established the foundation for today's immigration system. This legislation diminished the importance of nationality—and consequently race—in determining who could and could not migrate to the United States.

The **Immigration and Nationality Act of 1965** established the foundation for today's immigration law. It recognized three paths to eligibility for immigration to

permanent residence: close family in the United States, job skills or professional training needed in the U.S. economy or by specific U.S. employers, or being a **refugee** who cannot safely return to one's country of citizenship. The 1965 act also sought to reduce the national origin bias and to eliminate the national origin quotas that privileged migrants from Northwestern Europe in U.S. immigration law. It established annual limits of twenty thousand migrants from any country, but exempted from these limits immediate relatives of U.S. citizens and, in some cases, permanent residents. The law established no limit on overall migration to the United States. In the 1960s, approximately 65 percent of immigrant visas were based on family connections. This share has declined somewhat in the intervening years, though family-based visas continue to make up the majority of those issued.

Although it does not say so explicitly, the 1965 immigration act also created a large pool of people globally who would never be able to migrate to the United States: those without close relatives, job skills, or a recognized refugee status. It also tells some potential immigrants that although they will someday be eligible to migrate, they will have to wait many years to be awarded a visa (such as adult children of U.S. citizens and siblings of U.S. citizens, who have a very low priority under the 1965 law to immigrate and are subject to numerical limits on the numbers who can migrate from each country). For those who will never have eligibility to migrate, or for family members of U.S. citizens or permanent residents who will have to wait many years, there is an incentive to migrate anyway, as an unauthorized immigrant. At the time the 1965 act was passed, enforcement along the border was minimal and largely nonexistent in the nation's interior, laying the foundation for subsequent immigration controversies that would come to have an explicitly nativist and racial/ethnic dimension.

The Controversy of Unauthorized Migration Post-1965

In the years since the passage of the 1965 act, debates over immigration have primarily focused on unauthorized migration and the lengths to which the country should go to enforce immigration laws. Most recently, debates have also included questions over the numbers of legal immigrants who should be admitted annually and the skills they should have; the degree of access that immigrants to permanent residence should have to social welfare programs; and the standards for deportation of legal immigrants prior to naturalization. In the period since the passage of the 1965 immigration act, the overwhelming majority of immigrants are Latino and Asian American, so anti-immigrant rhetoric often introduces race into the immigration debate to tap native-stock fears of immigrant cultural difference (and immigrant potential to adopt American values) as a tool to motivate restrictionist policies. In this pattern, the contemporary era shares similarities with the period prior to the passage of the national origin quota laws.

Since 1965, Congress has sought to reduce the incentives to unauthorized migration in several ways. In 1986, as part of the **Immigration Reform and Control Act (IRCA)**, Congress mandated that employers verify the work eligibility of all new employees within the first three days of employment and created legal penalties

("employer sanctions") for employers who knowingly hired unauthorized workers. It is for this reason that all new employees complete an I-9 form and present identification, including state-issued photo identification, to their employer. Ultimately, the easy availability of fraudulent identity documents undermined the effectiveness of this legislation.

Should the United States have erected a wall along its border with Mexico?

In the early 1990s, Congress and the executive branch began to considerably expand enforcement efforts to control unauthorized immigration, initially along U.S. borders and, more recently, in the interior of the country, focusing particularly on work sites. These efforts, which began in 1993, have spurred a rapid growth in the size, training, and compensation of the border patrol, the construction of a seven-hundred-mile wall along part of the U.S. border with Mexico, and the use of advanced technologies (such as motion and heat detectors in the ground and aerial drones) to create a "virtual fence" along other parts of the border. The United States is also developing a database of employment records so as to target workplace raids; to deport unauthorized workers; and to fine and, in some cases, imprison employers who knowingly hire unauthorized workers. The number of deportations has also steadily increased. During the Obama presidency, the Department of Homeland Security deported more than three million foreign nationals, fully one million more than the George W. Bush administration.[15] There are no reliable data on the deportation levels under President Trump's Department of Homeland Security.

The Controversy of Immigration Levels Post-1965

Unauthorized migration has not been the only point of controversy in the 1965 act. Policymakers and the citizenry have been concerned by the overall levels of legal immigration, by the perception that legal immigrants are not contributing economically, by fears that legal immigrants are too hard to deport, and by the sense that some countries are largely excluded from contemporary migration because they have few recent migrants in the United States to seek family reunification visas. Congress has reformed aspects of the 1965 law to address all of these concerns, except for the issue of the overall number of legal immigrants; but the structure established in 1965 remains the law of the land.

In 1996 Congress eliminated the eligibility of some permanent residents for needs-based social welfare programs, such as food stamps and Medicaid, while allowing states to provide this access if they so choose. In this same period, Congress also sought to address concerns about the economic contributions of legal immigrants by increasing the income requirements for permanent residents and their sponsors. The sponsor is the U.S. citizen, permanent resident, or company that petitions for the immigrant visa. In the 1990s and after September 11, 2001, Congress also made it easier to deport nonnaturalized permanent residents and added to the crimes that resulted in deportation. These policy changes reflect the ongoing concern that immigrants are less likely than their immigrant predecessors to become

equal contributors to American society. There is often little social science–based evidence to support these concerns. Instead, the fear of difference—often racial/ethnic difference—is at the root of such insecurities.

Congress also expanded the pool of immigrants eligible for legal immigration. In 1990, it established the "diversity visa" lottery, to which potential immigrants from countries that have not been sending large numbers to the United States could apply. In 2017, 14.4 million people worldwide entered the lottery for the fifty thousand visas available annually through this program. These new "diversity immigrants" expanded opportunities for Africans to migrate to the United States, but they also created opportunities for European migrants, who had not arrived in large numbers since the 1920s. Interestingly, here, Congress expanded the racial diversity of immigrants to the United States.

Recent changes in immigration law have not included an overall limit on annual levels of legal immigration. In 1990, at the same time it created the diversity visa lottery, Congress debated whether to pass an annual cap on legal immigration, but it rejected the proposal.

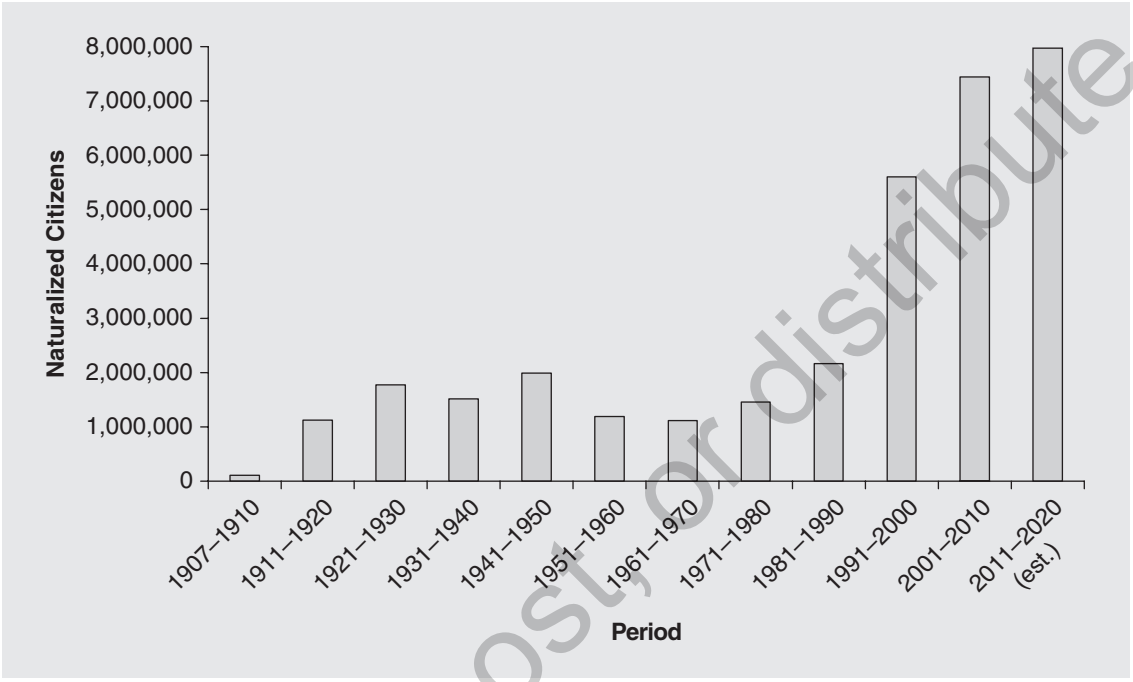
U.S. Immigrant Incorporation Policies

Despite the fact that throughout its history the United States has been "a nation of immigrants," there are relatively few formal policies to ensure that immigrants and their children make the transition from immigrant to equal citizen. These **incorporation policies** are considerably less debated than immigration policies. Also unlike immigration, naturalization is less measured. Until 1907, there was no centralized record of who naturalized as a U.S. citizen and no count of total number of immigrants who naturalized. Between 1907 and 2015, more than twenty-eight million immigrants became new U.S. citizens. (See Figure 11.2.)

While immigration regulation has changed considerably over the past 225 years, U.S. rules for naturalization—the core of its incorporation policies—were established early in its history. Among the first acts of Congress was the passage of a naturalization law that set a pattern for those that would follow: a minimal residency requirement for those immigrants desired by the nation. In the case of the 1790 legislation, the residency requirement was set at two years, and naturalization was only available to White men. The period of residence was extended to five years in 1795, and this has remained largely unchanged since. Several new standards were added in 1795, such as "good moral character" and attachment to the principles of the U.S. Constitution. Although these standards have since been supplemented, the basic structure remains. In the early twentieth century, Congress required that naturalizing citizens demonstrate the ability to speak, read, and write English, and at midcentury, it required that naturalizing immigrants demonstrate a basic knowledge of U.S. history and civics. By midcentury, race was removed as a bar to naturalization.

Unlike in many other countries, the formal process of immigrant incorporation in the United States—naturalization—is only a concern for immigrants. The

Figure 11.2 U.S. Naturalization, 1907–2015



Source: Office of Immigration Statistics, *2015 Yearbook of Immigration Statistics* (Washington, DC: U.S. Department of Homeland Security, 2016), Table 20.

Notes: The U.S. government did not collect naturalization data before 1907. Records for individuals who naturalized prior to 1907 are sometimes available from the states and cities where they naturalized.

Fourteenth Amendment to the Constitution, drafted in large part to provide U.S. citizenship for former slaves, also provided for **birthright citizenship**, or the grant of U.S. citizenship to all persons born in the United States. At the time of its ratification, this provision was largely noncontroversial and reflected prevailing practice in the nation. In the years since immigrant regulation began and some newcomers arrived as unauthorized migrants, however, it has become more controversial, particularly for the U.S.-born children of unauthorized immigrants.[16] Whether intentional or not, birthright citizenship has sped the incorporation of immigrants' children and grandchildren in the United States and removed race as a barrier to citizenship for people born in the United States. While they have undoubtedly faced cultural and economic barriers to incorporation relative to the native stock, the children and grandchildren of immigrants—regardless of the immigration status of the immigrant ancestor—have not had to contest their right to participate in governance based on the status of the immigrant ancestor.

Immigrant incorporation, arguably, should be thought of more expansively than simply as a set of rules to allow for the legal transition from immigrant to citizen. Yet the United States has not established a formal incorporation system at the federal level, and instead has largely left it to the states and the society at large. States have traditionally provided the most important resource to ensure that immigrants and their children make the transition to becoming Americans: public education. States also bear the primary responsibility for much of the incorporation that adult immigrants seek in the United States, including adult English language and civics classes, job retraining, and establishing licensing standards for different professions. While the federal government offers partial reimbursements to states for providing these services—particularly to refugees, for whom the federal government has traditionally taken a greater responsibility—the states largely determine what services are provided and which immigrants are eligible. The private and philanthropic sectors, community-based organizations, and trade unions have also assumed responsibilities for ensuring the incorporation of immigrants. These efforts have historically included job training and retraining, capacity building, social service provision, and leadership training.[17] The philanthropic sector also responds in periods when immigrants organize to make demands on the society. In periods of high demand for naturalization, for example, community-based organizations are on the front lines providing classes, form assistance, legal representation, and sometimes even loans to help immigrants prepare for naturalization and to pay the application fees. A few cities, such as New York, provide some naturalization assistance, but the vast majority are delivered by community organizations relying on philanthropic support.

The Incorporation of Unauthorized Immigrants

A final component of immigrant incorporation is traditionally discussed more as immigration policy than in terms of immigrant incorporation policy, but we see it more as the latter. When the nation began to recognize some potential immigrants as eligible to immigrate and others not, it created a new category of immigrant: the "unauthorized" immigrant. Over time, Congress has created the opportunity for some unauthorized immigrants to become legal permanent residents (and eventually, through a separate application, to become U.S. citizens). Congress has extended this opportunity to legalize one's immigration status to long-term unauthorized residents of the United States—arguably immigrants who have begun to make the connections to the United States that the nation expects of its newest members. For this reason, we see legalization programs as part of the nation's immigrant incorporation policies.

The number of unauthorized immigrants began to grow dramatically in the 1920s, with the passage of the national origin quota laws. Interestingly, soon after the number of unauthorized immigrants grew, Congress passed legislation to regularize the status of this population (to "legalize" them, in the contemporary usage).

The first large-scale legalization plan was enacted in 1929 and provided the opportunity to move into permanent resident status for immigrants who could prove that they had been resident without legal status in the United States since 1921. The year of migration for long-term unauthorized immigrants has been updated several times. Under current law, unauthorized immigrants who have been resident in the United States since 1972 can become legal permanent residents. The year of eligibility was last updated in 1986.

Courtesy of Cagle Cartoons

As part of the 1986 Immigration Reform and Control Act, Congress created a less direct path to legal status for immigrants who had shorter periods of unauthorized residence. Unauthorized immigrants who had been resident in the United States since 1981 could apply for a temporary legal status that could be made permanent after an additional eighteen months and after the formerly unauthorized immigrants demonstrated knowledge of U.S. history, civics, and English. Approximately two million long-term unauthorized immigrants legalized under the provisions of IRCA. An additional one million agricultural workers legalized under the program that required shorter periods of unauthorized residence. Most immigrants who legalized under IRCA had achieved permanent status by 1992. A study conducted in 2009 found that 53 percent of those had naturalized as U.S. citizens by 2009.[18] Arguably, these programs were very successful, as they allowed immigrants to incorporate more fully into U.S. society and allowed greater protections for their U.S. citizen and permanent resident family members.

Naturalization Policy and Outcomes in the Contemporary Era

Considering the major debates surrounding immigration policy in the United States, naturalization is largely taken for granted by policymakers. Many assume, incorrectly, that all immigrants naturalize soon after they become eligible. On the contrary, a large share of eligible immigrants never naturalize. What perhaps should be understood by policymakers is that many eligible immigrants seek naturalization in some tangible way, but are unable to complete its bureaucratic requirements.

The absolute number of citizenship-eligible, nonnaturalized immigrants is not known. The best estimates are that 9.3 million citizenship-eligible permanent residents resided in the United States in 2015.[19] Why do some immigrants naturalize

Box 11.2 Road Sign

U.S. Promotion of Naturalization

The barriers to naturalization for immigrants to the United States have traditionally been lower than for other advanced democracies. Today, immigrants to permanent residence can naturalize after five years of U.S. residence. They must complete a lengthy application form; pass a background check; pay a fee of $680 ($595 as an application fee and $85 for "biometrics" used in the background check of all applicants); and demonstrate knowledge in two areas: U.S. history/civics and the ability to read, write, and speak English. The language requirements are waived for older applicants who have resided in the United States for more than fifteen years. Yet, not all eligible immigrants naturalize. Should the United States do more to encourage naturalization among the eligible?

Through most of its history, the United States has seen naturalization as an individual decision. It provides some support for the production of citizenship texts and for localities to offer adult education classes to prepare immigrants for the citizenship exam. In recent years, it has also made small grants to immigrant-serving, community-based organizations to allow them to offer direct citizenship training and assistance. With very narrow exceptions, particularly among active-duty military and during a short window in the 1990s, it has not promoted naturalization directly among eligible immigrants.

Canada offers an alternative model.[1] Like the United States, Canada receives a large number of immigrants annually relative to its population and has relatively low barriers to naturalization. Yet, overall, it has higher rates of naturalization among its immigrants. Among the possible explanations for this difference in outcomes is that Canada informs immigrants when they become eligible to naturalize and provides training for the exam directly to immigrants; also, it allows Canadian-born citizens to go through the naturalization process with immigrants to create a shared experience of being Canadian.

Should the United States follow the Canadian model and more actively promote naturalization? History offers a lesson as to why the United States is less encouraging. In the mid-1990s, the Clinton administration moved to change the long-standing policy and more actively promote naturalization. Congressional Republicans (President Bill Clinton was a Democrat) challenged these efforts asserting that the president was using government resources to build the pool of future Democrats. After much investigation, there was no evidence found to support these allegations; in fact, evidence showed that naturalization promotion reached out to immigrants just as likely to become Republicans as Democrats.[2] The investigations, however, had the desired effect. Clinton backed away from naturalization promotion; no subsequent president has sought to change this policy. Arguably, the United States pays a price for inaction; many immigrants eligible for U.S. citizenship fail to apply due to lack of knowledge about how to proceed or inaccurate understanding of the potential consequences of applying and not receiving U.S. citizenship.

1. Louis DeSipio, Harry P. Pachon, and W. Andrew Moellmer, *Reinventing the Naturalization Process at INS: For Better or Worse* (Claremont, CA: The Tomás Rivera Policy Institute, 2001).
2. Louis DeSipio, "Immigrant Incorporation in an Era of Weak Civic Institutions: Immigrant Civic and Political Participation in the United States," *American Behavioral Scientist* 55, no. 9 (September 2011); Irene Bloemraad, *Becoming a Citizen: Incorporating Immigrants and Refugees in the United States and Canada* (Berkeley: University of California Press, 2006), 215–232.

and others do not? The most obvious explanation is probably the least likely one. Many assume that immigrants do not naturalize simply because they don't want to be U.S. citizens. Survey evidence suggests that this is not the case. Most permanent residents indicate that they desire U.S. citizenship, and a large share have made concrete steps to naturalize.[20] Many who have not completed the naturalization application process either are in the process of formally applying for U.S. citizenship or have done something concrete to naturalize, such as taking classes to prepare for the civics, history, or English exams, or obtaining the naturalization application form.[21] The United States does not promote naturalization among citizenship-eligible immigrants.

Should naturalization be reformed to ensure more equitable outcomes among immigrants eligible for and interested in becoming U.S. citizens? How?

The potential applicants who succeed in their pursuit of citizenship generally have higher income levels and higher levels of education. Income and education provide immigrants with the resources to naturalize (the application costs $595, and applicants are required to pay an additional $85 for biometrics [fingerprints]), as well as increasing the odds that applicants will have the coping skills necessary to negotiate the lengthy application bureaucracy. Immigrants seeking citizenship are also advantaged if they have longer periods of residence in the United States and are older. Eligible immigrants are more likely to naturalize if they migrated from an English-speaking country or were exposed to English-language media before they migrated. Those from Asia generally naturalize more rapidly than immigrants from the Americas and the Caribbean. Finally, one factor seems to consistently disadvantage eligible immigrants from moving toward U.S. citizenship—proximity to the United States. Controlling for other factors, immigrants from Mexico and Canada are less likely than immigrants from other countries to naturalize as U.S. citizens.[22]

Immigration Policy in the 21st Century: Alternative Roads

The United States is again at a point in its national development where many in the country are profoundly dissatisfied with immigration policies. Race and the perception of large-scale cultural change driven by immigration at current levels is one factor, but certainly not the only factor, that drives this mass (and elite) dissatisfaction. Concerns about immigration policy shape national and local elections, and states have passed laws that arguably usurp federal prerogatives to make and enforce immigration law. Public opinion is mixed on immigration reform. The loudest popular voices on immigration generally support restrictions and added enforcement to control unauthorized migration. Yet, most people in the United States do not rank immigration among the most important issues that the nation faces. Employers are

increasingly vocal in their complaints that they cannot find sufficient workers in the domestic labor force. In Latino and, to a lesser degree, Asian American communities, demands for immigration reform—including a path to legalization for many of the unauthorized immigrants in the United States—have been central to community politics since 2006.

Congress has engaged in an extended debate on immigration policies several times since 2006 (most recently in 2013), but it has failed to pass a **comprehensive immigration reform** bill.[23] In the discussion that follows, we highlight the most contentious issues such a bill would have to address. Should Congress enact a comprehensive reform, it will require compromises that will be uncomfortable for many legislators. Although the U.S. Senate passed such a bill in 2013 (and President Obama offered his endorsement), the U.S. House of Representatives failed to consider it, and it did not become law. President Trump has proposed an alternative to the model of a broad compromise reform that focuses instead on narrowing opportunities for immigration to the United States and deporting unauthorized immigrants. We outline the initial efforts of his administration to reshape the national debate over immigration policy.

Central to the debate over comprehensive reform—but not the Trump initiatives—is meeting the needs of the labor market. Arguably, this has been the primary purpose of U.S. immigration policy since the nation's first days. In comparison to other countries, the United States has a low number of people relative to its large landmass, so it has always been population-short and has attempted to overcome this deficit by selectively encouraging immigration.[24] Employers seek to ensure that they have access not just to skilled workers, but also to low-skilled workers who work in jobs that native-stock workers are less likely to accept, such as service-sector jobs or work in agriculture and light industry. As the Trump campaign demonstrated, this perceived need for labor—both skilled and unskilled—is not shared by many in U.S. society. Immigrant workers can, but do not always, compete with native-stock workers, and they have the potential to lower wage rates in sectors of the economy where immigrant and native-stock workers compete. Much of contemporary low-skilled immigrant labor, however, does not directly compete with the labor of native-stock workers.

Advocates of comprehensive reform largely agree that the 1965 act does not provide enough visas to skilled workers. When the U.S. Senate debated comprehensive reform in 2006, 2007, and 2013, it was pressured to expand the number of immigration visas available to skilled workers and their families. These new immigration opportunities could be provided over and above the number of visas currently being offered, meaning an overall increase in immigration or could come at the expense of family-preference immigration opportunities. Employers, however, argue that immigration law must also account for their needs for low-skilled workers, which are often filled through family-preference migration. Opposition to immigration eligibility based on family connections has a racial dimension in contemporary U.S. society; approximately 80 percent of contemporary immigrants are Latino or Asian American. It is these recent immigrants who would most likely have

immediate family members abroad and be able to petition for their immigration to permanent residence.

To meet employer needs for these workers, employers also advocated for additional guest worker programs as well as additional permanent resident visas. The nation already has many guest workers (3.7 million annually), but these are all limited to specific industries—agriculture/agricultural processing, high technology, seasonal entertainment/recreation, and child care. As part of a comprehensive reform, employers seek a labor market–wide guest worker program that would allow guest workers to move from job to job throughout the economy for a set period of time before having to return to their country of origin.

The general public is suspicious of guest worker programs. Some express concern that guest workers will compete with native-stock workers for jobs. Others fear that guest workers will be exploited and will lower the standard of treatment of workers generally or weaken the ability of trade unions to organize. Finally, many worry that guest workers will not willingly leave the country at the end of their contracts and will become the next generation of unauthorized immigrants. Based on the experiences of previous guest worker programs in the United States and Europe, these assessments are well grounded. Guest workers will also likely be racially distinct from the native population, adding to the perception that immigration is leading to massive cultural and racial change.

Unauthorized Migrants and Comprehensive Immigration Reform

The need for labor, however, is not the aspect of the 1965 immigration bill that most angers the general public. Instead, unauthorized immigration shapes popular perceptions of the perceived failure of U.S. immigration policy. Any immigration reform, particularly any reform that includes new routes to legal immigration, will need to convince the public that the United States has designed a system to prevent or drastically reduce future unauthorized migration. The nation has invested a great deal over the past twenty years to increase border enforcement, to increase staff of Immigration and Customs Enforcement, to routinize interior enforcement, and to build approximately seven hundred miles of wall and fencing along the U.S.-Mexico border. Although not broadly recognized by the general public, these new investments have proven successful in stabilizing the size of the unauthorized population, which has not grown since 2009.[25]

New technologies are available to reduce the likelihood of new unauthorized migration, but these would limit the freedoms of U.S. citizens and hence would be highly controversial. Most obvious of these would be a counterfeit-proof national identification card that citizens and immigrants with legal status would need to provide to government authorities and, potentially, to employers and health care providers. Whether this is the appropriate solution or not, it seems unlikely that comprehensive immigration reform will be possible without added guarantees that new unauthorized migration will slow considerably or stop entirely.

Box 11.3 Road Sign

DREAMers, DACA, and DAPA

As it became evident that Congress would not be able to pass a comprehensive immigration reform bill, advocates of immigrant rights looked for a compromise within a compromise. While continuing to call for a broad legalization for many in the unauthorized immigrant community as part of a broad comprehensive immigration reform, they also sought a more targeted legalization for a subset of the unauthorized community who could not be so easily said to have violated U.S. law when they migrated: young adults who migrated as children with their parents, and who were particularly deserving of legal status because of their accomplishments in the United States (such as graduation from high school, college attendance, or service in the U.S. military). The DREAM (Development, Relief, and Education for Alien Minors) Act first introduced to Congress in 2001 provided this path and gave a name to a generation of unauthorized immigrants: DREAMers.

The DREAM Act has yet to become law, but did once come close. In December 2010, it had passed in the U.S. House of Representatives and received majority support in the U.S. Senate, but could not overcome a Republican-led filibuster. Its failure on the same day that the Senate reversed previous policy and allowed gay and lesbian troops to serve openly in the U.S. military demonstrates that civil rights victories are often uneven.

In response to congressional inaction, President Barack Obama used his executive authority to create a temporary protection for DREAMers. In 2012, he introduced the Deferred Action for Childhood Arrivals (DACA) program. DACA applicants had to pay a $465 fee, pass a background check, demonstrate that they had migrated when they were younger than sixteen (and younger than thirty at the time of application), and show that they had completed high school or served in the military. DACA provided a temporary (two-year) reprieve from deportation and authorization to work. DACA status could be renewed until President Donald Trump terminated the program effective March 5, 2018, unless Congress voted to extend the program or replace it with a more permanent solution. More than 750,000 of the approximately 1.1 million immigrants eligible for DACA have applied for and received DACA status.

In 2014, President Obama tried to build on DACA to create a comparable short-term protected status for the undocumented parents of U.S. citizens and permanent residents (Deferred Action for Parents of Americans, or DAPA). This would have been a much larger program (as many as 3.6 million) and was challenged in the courts by twenty-six states, which claimed that they would suffer financial damages if DAPA were implemented. This judicial challenge was successful in preventing the implementation of DAPA during President Obama's term. Had a Democrat followed him in office, a similar program might have received judicial sanction, but President Trump is unlikely to resurrect a DAPA-like program.

President Trump, on the other hand, faces a political challenge with DACA. He has expressed sympathy for the DACA recipients. During his campaign, however, he promised to end the program. This promise was enthusiastically received at his campaign rallies. Seeing inaction by Trump, several states threatened to challenge DACA in the courts, which spurred his termination of DACA. These political pressures—and Trump's generally nativist immigration proposals—adds to the fears of immigrant communities and, particularly, among DACA recipients who have by applying for DACA provided detailed information on themselves and their families to the Department of Homeland Security.

President Trump's approach to DACA has been erratic, so it is not possible to predict the long-term status of DACA recipients. What is clear is that their unclear status reflects a failing of U.S. immigration policy. Comprehensive immigration reform would resolve their status (and that of many of their parents) and lay the foundation for building a new immigration regime for the twenty-first century.

Reform Efforts and Immigrant Incorporation

In congressional debates over comprehensive immigration reform from 2006 to 2013, immigrant incorporation policies were rarely discussed. One proposal would have reduced the waiting period for naturalization to four years for immigrants with college educations. Implicit in the debates, however, was what could potentially have been a major incentive for large-scale immigrant incorporation. Any legalization proposal would have required that legalizing immigrants demonstrate both English language skills and knowledge of U.S. history and civics. Should comprehensive immigration reform pass Congress and some of today's 11.3 million unauthorized immigrants become eligible for legalization, the legislation would spur unprecedented demand for states and localities to increase the classes that they offer and would encourage community-based organizations to increase their resources to help immigrants prepare for government forms and tests.

Despite the very contentious debates over immigration policy, immigrant settlement policy is largely not debated at the national level (or, for the most part, in the states). Some polemicists assert that immigrants are not incorporating or that they are seeking to change the political or cultural makeup of the nation,[26] but their evidence often doesn't stand up to scholarly tests.[27] More important, while the native stock may express some concerns about the effects of immigration generally on the United States, the majority indicate that they believe that immigrants contribute to U.S. society and are joining the cultural and political mainstream. (See Table 11.1.) Although the numbers vary somewhat based on the polling source, the majority of

Table 11.1 U.S. Attitudes Toward Immigration and Immigrants

"In your view, should immigration be kept at its present level, increased, or decreased?"				
	2000	**2005**	**2010**	**2016**
Increased	13%	16%	17%	21%
Maintained at present level	41%	34%	34%	38%
Decreased	38%	46%	45%	38%
"On the whole, do you think immigration is a good thing or a bad thing for this country today?"				
	2002	**2006**	**2010**	**2016**
Good thing	52%	67%	57%	72%
Bad thing	42%	28%	36%	25%
"Do you think immigrants mostly help the economy by providing low-cost labor, or mostly hurt the economy by driving wages down for many Americans?"				
	1993		**2005**	**2017**
Mostly help	28%		42%	49%
Mostly hurt	64%		49%	40%

Sources: Gallup, *Gallup Review: Americans, Immigration, and the Election* (Washington, DC: Author, October 27, 2016); Gallup, *More Americans Say Immigrants Help Rather Than Hurt Economy* (Washington, DC: Author, June 29, 2017).

Americans generally favor providing a path to legal status for unauthorized immigrants as part of a comprehensive immigration reform.[28] The American public is very sensitive to how this question is asked, however. If surveys ask about "amnesty" rather than a path to legalization, popular opinion frequently shifts.

Americans are somewhat more divided on an increasingly debated aspect of immigrant incorporation. Concerns about unauthorized migration have spurred many to seek a change in the birthright citizenship provisions of the Fourteenth Amendment. Changing this provision would require a constitutional amendment, which is a high bar to meet (requiring support from two-thirds of the members of both houses of Congress and ratification by three-quarters of the states). A 2011 poll found 57 percent of the U.S. population opposed to changing the Constitution and 39 percent in favor.[29]

Immigrant and ethnic interests will also need to be addressed as part of comprehensive immigration reform. Immigrant communities and their U.S.-born co-ethnics are closest to the immigration experience. Hence, immigration and immigrant incorporation are more salient for Latinos and Asian Americans than they are for many others in U.S. society. That alone does not give them a voice were the rest of the country to be allied against their interests (which we do not believe is the case). As a practical matter, the votes of Latinos, Asian Americans, and African Americans will be crucial to the success or failure of comprehensive immigration reform in Congress. Later in the chapter, we will return to the question of how unified these communities' interests are on immigration.[30]

For immigrant and ethnic communities, fair treatment of immigrants is the central issue. A plan for legalization of unauthorized immigrants already resident in the United States tops their goals for immigration reform. Immigrant and ethnic communities express concern about how guest workers will be treated and question the fairness of a system that uses people's labors, but doesn't offer them the rights or citizenship or many protections in labor law. They will likely be even more opposed than the population as a whole to any national guest worker program that does not allow for a transition to permanent resident status at the end of the guest worker period. Finally, and contrary to the assertions often made by opponents of immigration at current levels, immigrant ethnic communities do *not* advocate for an expansion of overall immigration. Many, however, do seek to be able to allow their relatives to immigrate. Consequently, they will be cautious about any significant change to the current balance in the immigration system between skilled migrants and family-preference migrants.

Like other areas of policy in the United States, some actors have louder voices in immigration reform debates than others. The agriculture and agricultural processing sectors, for example, often ensure that their needs are met before those of other employers. Comprehensive immigration reform will probably include some special benefits for agricultural employers—such as additional targeted guest worker programs and reduced enforcement—more than those for employers in general. Refugee policy, which has largely been left to the U.S. State Department as a tool of foreign policy, will become more regulated (limited and managed by Congress rather

Box 11.4 Coalitions in Action

Strange Bedfellows for Comprehensive Immigration Reform

Comprehensive immigration reform has spurred previously unseen coalitions in American politics. Perhaps most notably, organized labor has worked with the Chamber of Commerce (which represents employers) to craft a compromise that both can accept on the expansion of the number of guest workers in the U.S. economy. Recognizing the changing composition of the American workforce, particularly in the service and light industrial sectors of the economy that have relatively high levels of unionization, organized labor has also become a strong advocate of legislation to protect unauthorized immigrants in U.S. society. In the past, organized labor feared the labor competition that would come from newly legalized workers.

Ultimately, though, the success and inclusiveness of comprehensive immigration reform will result from the demands of immigrant-ethnic communities, particularly Latinos and Asian Americans, for policies that are fair to all in U.S. society. Republicans and Democrats could have easily settled their differences over most aspects of immigration policy and passed new legislation that would have built on and partially replaced the 1965 immigration law. So far, one element of comprehensive immigration reform has prevented compromise—a path to legal status for many of the 11.3 million unauthorized immigrants in the United States. Here, minority leaders and minority voters spoke with near-unanimity and ensured that Democrats would not compromise. Republicans are more divided, but many Republican voters strongly opposed any immigration reform that included a path to legal status for unauthorized immigrants, leading to the current immigration stalemate. When viewed from the perspective of previous immigration debates, this outcome—though not in the nation's long-term interests—suggests a new and important role for Latino, Asian American, and African American communities on issues of central importance to them.

than the State Department) as part of a new reform. President Trump has raised the salience of refugee policy even if his highly restrictionist instincts do not become the nation's permanent policy.

Although the exact contours of a new or significantly revised U.S. immigration policy cannot be predicted, it is safe to say that all interests will have to make significant compromises for reform to occur. Until then, the current structure and the large numbers of unauthorized immigrants that it encourages will be a part of the nation's fabric. Despite the high levels of public anger spurred by the current system, it is important to note that the status quo serves many, particularly employers in certain sectors who need a steady supply of low-skilled/low-wage workers who do not require extensive training, and immigrant families seeking to live with family members who cannot migrate legally. Having so many people outside of the protections of the U.S. government, however, raises long-term concerns about how well they and their children can be integrated into the American mainstream.[31]

The Trump Administration's Challenge to the Orthodoxy of Comprehensive Immigration Reform

As a candidate, President Trump seized on popular concerns about immigration to animate his candidacy and to distinguish himself from the other Republican candidates for the presidency. Once in office, President Trump honored his campaign promises. This took four forms. In its first days in office, the Trump administration sought to temporarily halt new refugee migrations, to cut the annual flow of refugees to the United States in half, and to halt temporarily all immigration from seven (later six) Muslim-majority countries (Executive Order 13769 [January 27, 2017]). These efforts spurred national protests, some modifications from the Trump administration, and court challenges that are ongoing at this writing.

Also in the administration's first days, President Trump expanded who the government considers a priority for deportation (Executive Order 13768 [January 25, 2017]). Under these new procedures, the Department of Homeland Security is directed to make a priority for deportation any unauthorized immigrant who entered the United States without presenting immigration documents or who is suspected of committing fraud or misrepresentation of his or her immigration case (such as using a false identification document to work in the United States). These rules dramatically expand the pool of unauthorized immigrants subject to deportation to include most of the unauthorized population. Under President Obama, the Department of Homeland Security focused its enforcement efforts on unauthorized immigrants who had committed serious crimes or who had outstanding orders of deportation. Immigration and Customs Enforcement (ICE) has seized this new mandate and considerably expanded its interior enforcement activities. Although data are not available to measure the effectiveness of this new level of enforcement, immigrant communities report a new level of fear that daily activities such as going to work or taking a child to school could result in detention and deportation. President Trump has sought appropriations from Congress to expand ICE by ten thousand agents. This executive order also sought to withhold federal funds from state and cities that fail to cooperate with the Department of Homeland Security in its detention and deportation efforts (so-called sanctuary cities). This proposal is also being challenged in the courts (and Congress has been reluctant to appropriate funds for new ICE agents at the levels proposed by President Trump).

Also on January 25, 2017, President Trump issued Executive Order 13767 directing that a wall be built along the U.S.-Mexico border. This executive order was short on specifics and has also not been followed by congressional appropriations. The president subsequently acknowledged that it would not be necessary to have a wall along significant parts of the border. Although there has been no formal acknowledgement, it seems likely the current wall could be extended by as much as two hundred miles.

Finally, President Trump has endorsed legislation that would reduce U.S. legal immigration by half and largely restrict permanent resident visas to high-skilled workers and English speakers (the Reforming American Immigration for Strong Employment [RAISE] Act, August 2, 2017). Were legislation along these lines to

become law, it would reflect a rejection of the family unification principles of the 1965 immigration law and considerably shift the sources to new migrants away from the Americas. The RAISE Act also ends the Diversity Immigrant Visa Program, which has been the engine of new migration from Africa. Finally, and perhaps most importantly, it would not address needs identified by employers for non-high-skilled labor, making it unlikely that this legislation will pass in its current form. Republicans in the Senate are divided, and Democrats strongly oppose the bill. Economists have begun to identify the potentially severe costs to the economy of such a drastic cut in immigration.[32]

President Trump's immigration agenda is unfolding at this writing, and major components have not been implemented because of either judicial review or unwillingness by Congress to endorse such dramatic (and expensive) changes to long-standing policies. It is important, however, to recognize that President Trump's nativist approach to immigration and immigrants reflect the voices of many Americans (though not a majority—see Table 11.1). This introduction of these policy proposals into what was already a contentious debate reduces the likelihood that a comprehensive reform can be crafted that speaks to the nation's needs as well as the needs of the interests that will ultimately have the greatest influence on establishing a new U.S. immigration policy for the twenty-first century.

Minority Communities and Minority Coalitions in the Immigration Reform Debate

The debates over reforming immigration policy are of greater importance in Latino and Asian American communities than for African Americans or Native Americans. It is perhaps a truism in American politics that Native Americans have been most disadvantaged by migration to the United States. In the current era, Native American leaders do not engage in debates over U.S. immigration policy except to the degree that it directly affects tribal lands, such as reservations that cross the U.S.-Mexico or U.S.-Canada borders.

The African American community, though grounded in migration, has also paid a price for the long-term policy to encourage migration. To explain these costs, it is necessary to briefly discuss the economic effects of migration on the United States. Although there are extensive debates about the short-term economic costs of migration, economists largely agree that in the long term, migration has been a considerable economic benefit to the country. Migrants have traditionally offered the people, the labor, the ingenuity, and the creativity that have allowed the United States to grow into the North American continent and to tap its resources to become a world power. In the short term, however, immigrants offer competition for domestic workers to the degree that they work in the same sectors of the economy. The presence of large numbers of low-skilled immigrants who are frequently willing to work for lower wages, who expect less of their employers, and who seek fewer services from and make lesser demands on government reduce the pressures on society to improve conditions for the least advantaged of the native-stock populations.

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Among the most vocal advocates of comprehensive immigration reform are young adult unauthorized immigrants who came to the United States as children. Early versions of immigration reform legislation created a special legalization path for these immigrants, the so-called DREAMers.

What principles should guide Congress in its efforts at comprehensive immigration reform? What compromises need to be made in order to implement these principles?

African Americans have often been the group in U.S. society that would be most advantaged by lower levels of immigration (in the twentieth century, they were joined by Puerto Ricans and Mexican Americans). Without a large pool of immigrants, employers would have greater incentives to train and reward domestic workers, as well as to invest in new labor-saving technologies that would reduce demands for labor.

Despite the relatively higher costs paid by African American communities and others to support national policies that encourage large-scale migration, it is important to note that U.S. residents, including African Americans, see immigrants as an asset to U.S. society. African American leaders and organizations such as the National Association for the Advancement of Colored People (NAACP) have also seen immigrants and immigration more broadly through a separate lens—that of civil rights. The premise of the civil rights movement—that government has a fundamental responsibility to ensure equal protections of the law—is understood by many in the African American community to extend to immigrants as well as to native-stock citizens. Equally important, African American civil rights leaders and organizations have generally understood immigration policies and the rights of immigrants as civil rights and, hence, as broadly a part of the agenda of the African American community. This understanding is undoubtedly enhanced by the fact that African and

Afro-Caribbean immigrants are making up a larger share of immigrants (making up approximately 13 percent of legal immigrants between 2000 and 2015), but it also reflects a broader recognition by African Americans of the need to protect the rights of the disadvantaged in U.S. society. Latinos and Asian Americans are also more likely than nonminority U.S. populations to recognize the contributions of immigrants to U.S. society and to support policies that ensure the incorporation of immigrants.

Where minority communities differ from Whites, and where they see the foundation for cross-group alliance, is in policies that ensure that immigrants are able to incorporate into U.S. society. These include policies that allow for education, including adult education, to be available to immigrants; for professional licenses earned abroad to be recognized in the United States; for immigrants (particularly immigrants to permanent residence) to be eligible for participation in U.S. social welfare benefit programs; and for long-term unauthorized residents to be able to earn legal status. Although support for these immigrant incorporation policies is not universal in minority communities, it is more likely to come from Latinos, Asian Americans, and African Americans than from non-Hispanic Whites. As such, these minority communities offer one pillar for minority politics in the United States.

Conclusion: A Turning Point for U.S. Immigration Policy

President Obama observed that the United States is "a place of refuge and freedom for, in Thomas Jefferson's words, 'oppressed humanity,'" but that it has often not lived up to these goals. This failure to ensure the incorporation of immigrants has spawned several of the uneven roads that are the focus of this book. We are at another of these turning points in American politics today. If we fail to ensure that today's immigrants—legal and unauthorized and, more important, their children—incorporate into the polity and into the society, the nation will face generations of steadily more diverging roads and, ultimately, a dual society in which the roads never cross. If, on the other hand, the United States continues as it has with many immigrants—particularly White immigrants—in the past and creates incentives to ensure that immigrants are able to become part of the nation's civic life and economic vitality, immigrant status will simply be the local lane that will eventually merge with the main highway.

As Congress debates changes to immigration policy, it will set the foundation for the nation's ethnic composition for the rest of the twenty-first century. The comprehensive immigration reform legislation debated in the U.S. Senate between 2006 and 2013 would likely have reduced migration from some countries that sent large numbers of immigrants in the twentieth century (Mexico, in particular), but extend new opportunities for Latin American, Asian, and African migration that would have added to the nation's racial and ethnic diversity. President Trump's proposals would

considerably reduce immigration levels overall and change the ethnic composition, increasing the overall share of White migrants and reducing the share of Latin American and African migrants.

Increasingly, then, immigration and immigrant incorporation will be issues of shared interest in Asian American, Latino, and African American communities, and of greater interest in these communities than in the non-Hispanic White community (where, it should be noted, there will also be new immigrants). Clearly, race is playing a different role in the current wave of immigration reform than it has in the past. The fear of immigrant-driven cultural change is certainly part of the debate, as it has been in the past, and a central aspect of the opposition to legalization of unauthorized immigrants as part of comprehensive immigration reform legislation. Unlike previous eras when Congress debated major changes to immigration policy, however, racial and ethnic minorities have a legislative voice and vote in large numbers. Their presence in Congress and in the electorate ensures that their interests must be a part of whatever compromise is ultimately reached.

As Congress undertakes this process of reform, however, it should be attentive to the concerns about immigrant incorporation raised by President Obama and assumed by President Washington. Through much of the nation's history, incorporation could safely be predicted as the likely outcome for most, and the costs to the country of those who were denied incorporation—who were put on the path of uneven roads—were not of concern to policymakers or to voters. In today's more diverse United States, immigration that leads to multigenerational uneven roads comes at far too high a risk, and one that will be disproportionately felt in minority communities.

DISCUSSION QUESTIONS

1. How do the three categories of immigrants—legal permanent residents, guest workers, and unauthorized immigrants—contribute to the shaping of support and opposition to U.S. immigration policy?

2. Consider the increasing restrictions and prohibitions on immigration from the late 1880s to 1965. How effectively did the restrictions enacted in this period contribute to the maintenance of a White-dominant society up to the 1960s? In what ways might these restrictions have encouraged the creation of a unified White identity versus various White ethnic identities?

3. What are the most notable similarities and differences between pre- and post-1965 immigration concerns? What distinctions can be made in comparing the motivations for these concerns?

4. Lacking a formal federal incorporation system, most of the responsibility for immigrant incorporation falls to the state and society. Should there be a formal federal system? If

so, what should it address, and how should it steer state policies to encourage immigrant incorporation?

5. There exists a divergence between economic and mass interests on immigration policy. Does the racial and ethnic diversification of the electorate change this equation? If so, how? Will this be a permanent change?
6. What changes has President Trump proposed to the national immigration debate? Is there a way to balance the concerns of President Trump and Americans who share his concerns about the volume and composition of contemporary U.S. immigration with the goals of advocates of comprehensive immigration reform?

KEY TERMS

birthright citizenship (p. 379)
Bracero program (p. 375)
comprehensive immigration reform (p. 384)
guest workers (p. 371)
Immigration and Nationality Act of 1965 (p. 375)
Immigration Reform and Control Act (IRCA) (p. 376)
incorporation policies (p. 378)
legal permanent residents (p. 371)
national origin quotas (p. 374)
nativism (p. 375)
naturalization (p. 373)
refugee (p. 376)
unauthorized immigrants (p. 372)
visa (p. 375)

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