CHAPTER 3

DIVERSITY AND LAISSEZ-FAIRE INTEGRATION IN THE UNITED STATES

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Introduction

People and institutions in the United States do not approach pluralism and immigration using the term “social cohesion.” This term is rarely, if ever, found in government documents, academic work on diversity, reports by think tanks and advocacy organizations, or in the discourse of ordinary people. Rather, politicians, academics, and citizens at times appeal to an “American creed,” based on the founding principles of the United States, as the glue that binds a disparate people. In the words of Barack Obama when he became the 44th president of the United States, unity lies in a common sense of purpose and citizenship centred on “the God-given promise that all are equal, all are free, and all deserve a chance to pursue their full measure of happiness” (Obama 2009). These words echo the opening of the American Declaration of Independence, which proclaims that “all men are created equal” and have a right to “Life, Liberty and the pursuit of Happiness.”

Of course, when the Declaration of Independence was signed in 1776, many people living in the United States were not free—notably the slave population brought from Africa to toil on American soil—and many lacked any real measure of equality, including women, indentured European immigrants, and Native American populations. Yet the ideals of equality, freedom, and the ability to pursue the American dream have served as guiding principles that define what the United States is as well as to what its people aspire. The civil rights movement of the 1950s and 1960s, when African Americans, Native Americans, Chicanos, and Asian
Americans mobilized for inclusion and equal citizenship, explicitly called on American institutions and fellow citizens to live up to the ideals of the nation. Since then, US society has changed to allow more people greater access to equality and opportunity, a change embodied by the election of Obama, an individual of mixed race, to the presidency. The belief in the American creed remains a cornerstone of Americans’ sense of common purpose or, in the language of this volume, social cohesion.

The way this sort of social cohesion is achieved, however, is quite different from that in many other countries profiled in this book. In this chapter, we focus on immigration since many debates over social cohesion centre on the worry that immigrants will undermine national unity and civic values. Immigrants, however, move into societies that have longstanding norms and established institutions for dealing with pre-existing diversity. For the United States, the most relevant faultline concerns race relations, including the legacies of slavery and the forcible incorporation of minority populations. This history sets up a template of categories into which immigrants fit, awkwardly at times, but from which they also benefit, especially from the laws and institutions set up to overcome racial subordination and inequality. Given the history of slavery and second-class citizenship experienced by US-born racial minorities, as well as past practices of immigrant exclusion based on race and national origin, an important way social cohesion is understood in the United States is as an issue of civil rights. A key mechanism for achieving social cohesion consequently becomes the creation and implementation of robust anti-discrimination legislation to ensure equal opportunities in schooling, housing, the labour market, and access to the vote. These anti-discrimination efforts largely target equality of opportunity rather than equality of outcome.

Beyond a robust legal apparatus to prevent discrimination, one that largely dates from the 1960s, US governments and institutions have not prioritized public policies or public intervention to achieve social inclusion. Instead of “top-down” government action, the predominant US approach assumes that “bottom-up” action by individuals and civil society will culminate in democratic governance, economic success, and social unity. Social cohesion thus stems from grassroots actions, not public planning. In the context of immigration, this leads to a laissez-faire integration strategy, as both a goal and process: diverse individuals become part of American society through their own hard work, with the help of family and friends, and—on occasion—with the assistance of local community organizations. Much like the “invisible hand” of laissez-faire capitalism, which produces a self-regulated market based on the individual actions of many people, the predominant approach to social cohesion, as it relates to immigration, rests on the invisible hand of individual integration and assimilation. Anti-discrimination provisions provide a space for inclusion,
but then immigrants must act to take advantage of this opportunity and become part of society.

Finally, discourses on US citizenship do some of the same conceptual work of social cohesion in other countries. Citizenship in this context is not just a legal status, but also a notion of membership and common purpose. Yet as we argue below, citizenship becomes a problematic paradigm in the contemporary United States since so many migrants lack legal residency or have not acquired US citizenship.

To tackle these issues, we first place immigrant diversity within the context of race relations, and then we examine the specificity of contemporary migration in the United States. Next, we outline four alternative concepts that stand in for social cohesion in the US context. In this discussion, we draw on examples primarily at the national level. Subsequently, we widen our discussion to talk about these themes at the sub-national level, examining how some states and localities have worked to foster inclusion, but how other places work actively to exclude immigrants. Indeed, a significant group of Americans believes that social cohesion is best achieved by keeping migrants out. Exclusion has been articulated most strongly against undocumented migrants but, we argue, the repercussions of the anti-immigrant mood stretch much further to legal migrants as well. This undermines cohesion for all immigrant populations trying to integrate into their new home. The contradictory policy environment and patchwork of integration strategies arguably also undermine social cohesion for the US-born population, not necessarily because of interpersonal tensions with immigrants, but because political choices around immigration have deeply divided the broader American population. This makes it difficult to forge consensus around how the country should move forward in building unity out of diversity, or, in the language of the Seal of the United States, how to achieve “E Pluribus Unum.”

Immigration in the Context of American Diversity

The predominant and most common way to understand diversity in the United States is through the lens of minority relations. Within this framework, American society is divided into five ethno-racial categories: whites, blacks, Latinos, Asian Americans, and Native Americans. In 2010, people identifying as “white” were by far the largest group in the United States, 72 percent of the total, although their proportion has been declining steadily over the last four decades (Humes, Jones, and Ramirez 2011). In comparison, 13 percent of the population identified as black, 5 percent identified as Asian American, and 1 percent identified as Native American. Another 3 percent of the US population reported a mixed race background of two or more races. The remainder of respondents, mostly
Latinos who feel that they do not fit into the standard census categories, reported “some other race.”

According to government policy, the labels of white, black, Asian, and Native American are racial categories, while “Latino” or “Hispanic” is an ethnic designation that refers to a racially-diverse group of people with roots in Spanish-speaking countries. In 2010, regardless of racial group, 16 percent of US residents reported being Latino. In some parts of the country and among younger people, “Latino” is often understood as a separate racial category, distinct from those who are non-Hispanic white or black. Academic researchers and public policy analysts increasingly make such distinctions as well.

While race categories have been part of US statistical efforts since the country’s founding, the importance of these statistics changed radically following civil rights legislation in the 1960s. They henceforth served to document racial inequality, and progress towards its elimination. The creation of minority statistical categories, and the meaning attributed to them, thus flowed from the particular incorporation experiences of each major ethno-racial group living in the United States in the 1960s and 1970s. The vast majority of African Americans were the descendants of slaves brought to the United States by force. The Hispanic population, in the 1960s and 1970s, consisted primarily of people who had been incorporated into the United States when the country acquired large portions of the Southwest from Mexico in 1848, who were the US-born descendants of Mexican migrants from earlier decades, or who were US citizens from Spanish-speaking Puerto Rico. Even the Asian American population, entirely the product of immigration, counted many US-born citizens in this period since race-based immigration restrictions progressively shut the door to Asian migration starting in the 1880s. Thus, during the civil rights era, minority categories referred overwhelmingly to US-born individuals with longstanding roots in the country: in 1970, less than 5 percent of US residents were immigrants.

Today, the situation is very different. In 2010, 40 million people, or 12.9 percent of the country’s 309 million residents, were born outside of the United States. In California, the most immigrant-dense state in the nation, more than one in four people, 27 percent, were foreign-born. In this context, “minority relations” become much more complex, relating not just to longstanding US-born ethno-racial groups, but also encompassing diversity in language, national origin, religion, and culture brought by immigration.1 In 2010, immigrants constituted 8 percent of both the white and black populations, 37 percent of all Latinos, and fully 66 percent of the Asian-origin population.2 For the remainder of this chapter, we focus on questions of social cohesion and integration as they relate to the immigrant population and their American-born children, commonly called the second-generation.
Who Are the Immigrants? A Quick Profile

Contemporary immigration is structured by the 1965 *Immigration and Nationality Act*, which determines legal permanent admissions according to a series of preference categories. The preference categories emphasize family reunification over other considerations in allocating admissions slots out of the annual quotas set by the US Congress. In addition, US citizens may sponsor immediate family members outside of these quotas. As a result, in any given year, two-thirds to three-quarters of people allowed to settle permanently in the United States do so because they have family already living in the country. The remainder of legal migrants enters as economic immigrants, usually as high-skilled workers sponsored by US employers, or as refugees or asylum seekers.3

The United States is also home to a significant undocumented population, i.e., individuals who enter the country clandestinely or overstay legal visas for tourism, study, or temporary work. In 2010, an estimated 10.8 to 11.2 million people lacked legal residency papers, which totals about 28 percent of all foreign-born individuals in the United States (Hoefer, Rytina, and Baker 2011; Passel and Cohn 2011). Undocumented, or “illegal,” migration has become a defining feature of American immigration debates. Indeed, a majority of US residents think most migrants in the country are illegal.4 The prevailing belief, among the public and many policy-makers, is that stronger border control is the best way to deal with undocumented migration, which encompasses calls for more border patrol officers, more fencing, and more high technology surveillance. Border enforcement was already a priority of the Immigration and Naturalization Service (INS) before the terrorist attacks of 11 September 2001, but policing borders has now become deeply intertwined with national security, a move symbolized by the transfer of immigration and enforcement activities to the new Department of Homeland Security in 2003.

Immigration to the United States is marked by diversity within diversity. Two axes stand out: one centred on cultural pluralism, including language, religion, and national origin, and a second around socio-economic diversity. In terms of cultural pluralism, the United States draws migrants from every corner of the globe. Immigrant communities from 16 countries count at least half a million residents living in the United States. These countries range from China to Germany, El Salvador to Jamaica. At the same time, by far the largest group of migrants comes from Mexico, 11.5 million people, or about 30 percent of all immigrants. The second biggest group, from the Philippines, counts only 1.7 million people, or 4.4 percent of the total immigrant population. Indeed, migration from Mexico, Central America, South America, and the Caribbean makes up over half (53 percent) of the foreign-born population in the United States. Since this group is overwhelmingly Spanish-speaking, debates over linguistic inclusion and bilingual education focus heavily on the Spanish language,
and perceptions of immigrants as a cultural threat often revolve around the feared displacement of English by Spanish (Huntington 2004; Zolberg and Woon 1999). Cultural diversity is less problematic. For example, two-thirds of Americans feel that immigration enriches the culture of the United States. When asked whether it is better for a country if almost everyone shares the same customs and traditions, 71 percent of Americans disagreed, a higher proportion than among residents in eight other immigrant-receiving countries surveyed in an international poll.5

Concerns about non-Christian religions, and Islam in particular, are more muted in the United States than in many European countries. In another international poll, conducted in 2008, 61 percent of Americans agreed that “Muslims have a lot to offer to your country’s culture,” compared to an average of 47 percent across six European countries (German Marshall Fund of the United States 2008). Since the 2001 terrorist attacks and US military intervention in Iraq, Afghanistan, and Libya, concern about Islam has grown, but the small number of Muslims and their well-educated profile make the issue somewhat less salient in the American context. The Pew Research Center estimates that only 2.6 million Muslims lived in the United States in 2010, less than 1 percent of the country’s population, whereas Muslims are estimated to comprise between 5 and 8 percent of the population in countries like France, Austria, Switzerland, the Netherlands, and Germany (Pew Forum on Religion and Public Life 2011). A 2007 study of Muslim Americans found that, unlike Muslim populations in Europe, a significant proportion of those living in the United States had high levels of education—24 percent held a college degree or higher—while the proportion of low income Muslims was very similar to the incidence in the general population (Pew Research Center 2007). Profiling and negative attention towards Muslims has certainly increased, but religious diversity remains a muted point of contention. Indeed, the predominant concern in the United States is about Mexican, and more generally Hispanic, migration. This concern is rooted in their large numbers, a high prevalence of undocumented status, and the group’s more disadvantaged socio-economic profile. Over half (58 percent) of Mexican-born residents in the United States were estimated to lack residency documents in 2010 (Passel and Cohn 2011), and undocumented migration stands out as the central concern among politicians and the general public. While many Americans are ambivalent about immigration—54 percent see immigration more as a problem than an opportunity—anxiety centres largely on illegal migration. Asked about legal immigrants, two-thirds to three-quarters of Americans disagree with suggestions that newcomers are a burden on social services, increase crime, or increase the likelihood of a terrorist attack. When the question is framed as about illegal migrants, a majority associates them with increases in terrorism and crime, and almost three-quarters see the undocumented as a drain on social services (German Marshall Fund of the United States 2009).
The hardships of undocumented status are exacerbated for Latino migrants by their precarious socio-economic situation. Considering the entire foreign-born population in the United States, about the same proportion of immigrants and native-born Americans hold at least a college degree, 27 percent and 28 percent, respectively. However, whereas only 14 percent of US-born residents do not have a high school diploma, fully 32 percent of immigrants have not completed high school, a significant barrier to economic advancement. Among those born in Latin America, 48 percent do not have a high school diploma, and among those born in Mexico, that figure increases to 61 percent. In comparison, 49 percent of immigrants born in Asia held a bachelor’s degree or higher in 2008.

The wide variation in education is reflected in other economic indicators. Immigrant households, for example, have lower median incomes than the native-born—US$47,700 versus US$51,900, respectively—but the income difference is not because immigrants do not work. To the contrary, 68 percent of all immigrants were in the labour force in 2008, and only 4.7 percent reported being unemployed, compared to 65 percent and 4.9 percent among the US-born population. Instead, the income difference reflects a substantial earnings gap: a full-time male immigrant worker earned US$34,600 compared to US$47,800 for an American-born worker.

The lower level of schooling among a larger proportion of immigrants explains part of the gap, and legal status plays a role, but these two factors cannot account for the entire difference, raising questions about employment equity and discrimination.

Family dynamics stand at the intersection of cultural and economic issues: families are sites where culture and socio-economic deprivations can be transmitted to the next generation. Forty-four percent of immigrant families have at least one child under the age of 18 in the household, compared to only 29 percent of American-born families. Indeed, in 2007, 23 percent of all children under the age of 18 living in the United States—fully 16.4 million children—lived in a household with at least one immigrant parent (Fortuny et al. 2009). These families are also more likely to live in poverty: 15 percent of immigrant families fall below the federal poverty line, compared to 9 percent of American-born families. An alternative measure of economic deprivation suggests that the problem is much more severe, and that nearly half of all children in immigrant families live in poverty (Hernandez, Denton, and Macartney 2009). Concern among advocacy organizations and public officials over these immigrant children is expressed as an issue of ensuring successful immigrant integration or equality of opportunity, not as a matter of social cohesion.

**Conceptualizing Social Cohesion, the American Way**

As noted in the introduction, the concept of social cohesion has very little currency in the United States. The US Citizenship and Immigration
Services (USCIS) proclaims that its mission is to “secure America’s promise as a nation of immigrants by providing accurate and useful information to our customers, granting immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of our immigration system” (USCIS 2009). Other US government agencies also lack a policy on—or even notion of—social cohesion. Instead, we identify four relevant frameworks that are common in the United States: social capital; integration or assimilation; anti-discrimination and civil rights; and citizenship. We consider each in turn.

**Social Capital and Pluralism**

To the extent that the concept of social cohesion is used at all, it is employed by academics studying interpersonal ties—today more commonly termed “social capital”—or doing research on face-to-face intergroup relations (Friedkin 2004). Concern over how immigration-induced diversity might undermine social cohesion (or social capital), a worry widespread in countries such as the United Kingdom, has not had much traction in the United States among academics, policy-makers, or the general public. This is perhaps surprising since widely cited research linking diversity to reduced social capital focuses on the United States (see, for example, Alesina and La Ferrara 2000, 2002; Putnam 2007).

Many initiatives around social cohesion in other countries presume an active role for government in fostering unity. In the United States, such an approach butts up against many Americans’ skepticism over government intervention, as well as their individualist ethos and “pull yourself up by the bootstraps” mentality to economic mobility (see, for example, Pickus 2005). Thus, segments of the population that might embrace a cultural project of cohesion in the United States, such as those who are more socially conservative, also tend to be the least interested in expanding government programs. Socially conservative groups are much more likely to embrace a laissez-faire approach to immigrant integration, or to favour exclusion. They are also more likely to oppose economic redistribution policies, which are sometimes seen as an element of social cohesion policy in other countries.

In a parallel way, those on the political left, and a number of social scientists, object to the cultural essentialism they perceive to lie behind accounts of social cohesion that claim immigrants are unable or unwilling to embrace an “American creed.” Often such individuals and advocacy groups, including the Mexican American Legal Defense and Education Fund (MALDEF) and Asian American Legal Defense and Education Fund (AALDEF), favour a more multicultural model of incorporation, and they see calls for social cohesion as thinly-veiled arguments for
immigrants’ cultural assimilation. While they might support government action around redistribution or other social policies, they would oppose advancing those programs under the banner of social cohesion (see, for example, Telles 2006).

Finally, while there is empirical evidence in the United States that diversity is correlated with lower social capital, academics debate how robust these findings are and whether a correlation stems primarily from the dynamics of race relations rather than immigration (see, for example, the discussion in Kesler and Bloemraad 2010). The upshot is that social cohesion is not a concept often used in the United States. Even the idea of social capital, which is much more prevalent, is not closely linked with immigration issues except as a possibly positive factor within immigrant communities facilitating immigrants’ socio-economic success (e.g., Portes and Zhou 1993).

**Immigrant Integration and Assimilation**

Indeed, academic attention to immigration and pluralism in the United States has centred on the paradigm of immigrant integration (e.g., Alba and Nee 2003; Bean and Stevens 2003; de Graauw 2008). In this view, integration is achieved when we see an absence of significant differences between immigrants and the US-born population, for example, in their language use, their labour market participation, or their political viewpoints. While the integration paradigm can be normative—immigrants and their descendants should become like native-born Americans—most contemporary social scientists view the term as an empirical reflection of inter-generational outcomes (see, for example, Alba and Nee 2003). Many scholars presume that immigrants who come to the United States as adults will have a hard time reaching native-born benchmarks due to linguistic barriers or limited educational attainment in the country of origin. The real test, from an integration perspective, is whether the children of immigrants enjoy the same opportunities and life chances as others. Most academic approaches also leave open the possibility of cultural and religious pluralism within a general pattern of economic, social, and political convergence.

Academics consequently debate whether the assimilation trajectory of the descendants of European immigrants in the twentieth century serves as a guide to migrants’ integration in the twenty-first century. According to some, there are grounds for optimism: young adults with immigrant parents living in New York City do better than their parents (as measured by educational attainment and occupation), and do better than their US-born peers of similar minority status (Kasinitz et al. 2008). According to Richard Alba and Victor Nee (2003), US anti-discrimination policy and
Americans’ social acceptance of diversity ensure that the children and grandchildren of today’s immigrants will become part of a mainstream where their background has little effect on their lives.

Other scholars, however, conclude that the prospects of today’s second-generation are mixed at best, and dim for many. Previously, a strong industrial sector with well-paying jobs offered an economic ladder of mobility to successive generations of European-origin Americans. Today, it is argued, the post-industrial economy rewards those with high education, but traps migrants with less human capital in a low-wage service economy (Gans 1992; Portes and Zhou 1993). Economic obstacles are also aggravated by racism, which is still prevalent despite anti-discrimination legislation (Telles and Ortiz 2008). Some second and later generation Americans will succeed by integrating into the white mainstream or using their human, cultural, and social capital to get ahead, but a significant number face limited educational success and bleak job prospects (Portes and Rumbaut 2001; Zhou 1999).

Both viewpoints, whether optimistic or pessimistic, envision a minimal role for government. The “new” assimilation model of Alba and Nee (2003) underscores the role of anti-discrimination legislation and, implicitly, the public school system, but it is a model primarily driven by individual immigrants’ decisions to get ahead rather than social policies promoting integration, much less social cohesion. Those who are less optimistic highlight the importance of government in structuring different paths of legal entry—as refugees, economic, family, or undocumented migrants—but they place much of the blame for integration failures on global capitalism, racism, and a new hour-glass economy. Successful integration consequently rests on the interplay between large structural forces, on the one hand, and on individual initiative and co-ethnic social support, on the other, not on public initiatives around social cohesion.

**Anti-Discrimination and Civil Rights**

For much of its history, the central issue of social cohesion—indeed, of political cohesion—in the United States centred on the incorporation of racial minorities as equal citizens. The idea of individual rights, enshrined in the US Constitution from the country’s earliest days, were only extended to African Americans through the 13th, 14th, and 15th Amendments following the Civil War in the nineteenth century. Even after this bloody conflict to end slavery, many African Americans living in the US South experienced second-class citizenship well into the twentieth century: state and local law segregated public schools, private businesses ranging from movie theatres to diners, and even drinking fountains. African Americans were also effectively disenfranchised in politics by the imposition of literacy tests and poll taxes.
The notion of civil rights and equal citizenship remained a powerful ideal, however, and was central in motivating and framing the civil rights movement of the 1950s and 1960s. During this time, the battle for inclusion was litigated in courtrooms through appeals to constitutional rights, and it was fought through street-level activism and moral appeals directed at legislators and the American public (Lee 2002).

The US Congress responded to these legal and moral claims with the Civil Rights Act of 1964, which outlawed racial segregation in schools, workplaces, and public accommodations. The following year, the Voting Rights Act mandated federal oversight of states’ election procedures. Both laws have been strengthened through subsequent amendments and by the actions of the federal government under its power to regulate interstate commerce and to guarantee equal protection under the 14th and 15th Amendments. Congress and state legislatures also developed new legal protections, bureaucratic institutions, and initiatives, including affirmative action, which allows special consideration to be given to minorities in awarding government contracts, public employment, and public school admissions.

These laws, initiatives, and court cases, which make up the civil rights infrastructure of the United States, have in many ways benefited and protected immigrants, even if that was not their original or primary intent (Bloemraad and Provine forthcoming; Kasinitz 2008; Skrentny 2002). For example, Title VI of the 1964 Civil Rights Act prohibits discrimination based on race, colour, or national origin. Although the courts have consistently rejected attempts to equate language with national origin, Congress and the president have used Title VI as a statutory basis to require administrative agencies at various levels of government to hire bilingual personnel and translate forms, notices, and applications for limited-English proficient (LEP) individuals. Following complaints about spotty implementation, President Bill Clinton issued an executive order requiring any agency or program receiving federal funding to provide meaningful access for LEP individuals. The order, issued in 2000, was reaffirmed by President George W. Bush in 2002. On its heels, immigrant gateway cities such as San Francisco, Washington, DC, and New York adopted their own, more expansive, language access policies. In a similar vein, Section 203 of the 1975 amendments to the Voting Rights Act requires election officials to provide bilingual voting assistance in particular circumstances.

In fact, the Migrant Integration Policy Index (MIPEX)—an international survey of policies that affect immigrants’ labour access, family reunification rights, education, political participation, and access to nationality—ranked the United States first, with Canada, as having the strongest anti-discrimination policy protecting immigrants out of the 31 countries surveyed (Migrant Integration Policy Index 2010). Many of these protections flow from civil rights legislation and court cases.
This general framework has provided a template for a new generation of immigrant rights advocates to mobilize on behalf of the foreign-born and non-citizens (Voss and Bloemraad 2011). Equal protection guarantees under the US Constitution apply to all persons in the United States, not just to citizens. The courts have consequently taken some steps to protect immigrants under civil rights. In *Plyler v. Doe*, a close 1982 decision, the US Supreme Court declared that children without legal status had a constitutional right to attend primary and secondary public school. Courts also declared unconstitutional a 1994 California initiative eliminating emergency social services for unauthorized immigrants. These cases, however, involved state and local laws. Pursuant to the plenary power doctrine, the courts have been much more reluctant to limit the authority of the federal US Congress over immigration and citizenship matters.

It has also proven difficult to build support for proactive federal integration initiatives out of anti-discrimination legislation and programs. For example, despite executive, legislative, and judicial directives to assist LEP individuals, federal funding for adult English as a Second Language (ESL) instruction—arguably a central part of civic, social, economic, and political incorporation—has been modest and contested. Providers of ESL classes report long waiting lists, sometimes up to three years, and overcrowded, understaffed classrooms (Bloemraad and de Graauw 2012; Tucker 2006). Federal anti-discrimination legislation has also not stopped numerous states from passing “English-only” laws that mandate government information and services be provided only in the English language. The language of civil rights is potent and evocative, but it tends to be conceived as *freedom from* certain kinds of governmental interference, not *rights to* civic and social inclusion.

The case of adult ESL instruction illustrates well the American public’s laissez-faire philosophy to immigrant integration. In an international survey conducted in 2009, 91 percent of Americans felt it was very or somewhat important that immigrants speak English. However, only 30 percent felt that the government should pay for English language classes for immigrants, a level of support lower than the 48 percent of Canadians and 39 percent of Europeans who supported publicly-funded language classes (German Marshall Fund of the United States 2009). The anti-discrimination infrastructure in the United States, while robust, does not constitute a comprehensive strategy or vision of societal cohesion.

*Integration and Common Purpose through US Citizenship*

To the extent that the US federal government has any project for immigrant inclusion, it focuses on civic integration. For example, in 2009, US Citizenship and Immigration Services (USCIS) launched a Citizenship and Integration Grant Program to fund local citizenship preparation efforts.
With grants totaling just US$1.2 million in its first year, US$8.1 million in its second, and US$9 million in its third, the program is modest in scope; it can only serve a fraction of the over 22 million non-citizens living in the United States (USCIS 2011). In the 1990s, there was a similar effort, Citizenship USA, but it sputtered on Republicans’ accusations that this was a political ploy by the Democratic White House to win voters in the 1996 presidential elections. Citizenship also becomes a mechanism of integration—and perhaps social cohesion—due to US law on birthright citizenship. Under the 14th Amendment to the US Constitution, any person born in the United States is a citizen by birth. In this way, the United States incorporates millions of children into the nation each year, irrespective of their parents’ immigration or documentation status, a process much more inclusive than in most other countries in the world (Vink and de Groot 2010).

We can read an implicit definition of good citizenship in the formal documents used by US authorities to grant immigrants legal residence or US citizenship. These documents assess whether applicants contribute economically (by working or going to school, paying taxes, and not using welfare); they evaluate immigrants’ “good moral character” by making sure they have committed no crimes (including hate crimes, terrorism, and bigamy); and they verify that men between the ages of 18 and 25 have signed up for the selective service (to be used in the event of a military draft). Good citizenship, by implication, is obeying the law and making an economic contribution to society. The naturalization process also requires immigrants to demonstrate a basic knowledge of the English language, US government, and American history. Read in the light of social cohesion, the message that immigration officials reiterate in their forms and through the naturalization exam is that the bond tying Americans together is attachment to the US Constitution, common political values such as liberalism and democracy, and participation in free-market capitalism.

Ordinary Americans also embrace citizenship as a social and civic glue unifying the nation. Asked how important having citizenship was to being a national of the country, almost all Americans agreed that it was somewhat or very important; the percentage claiming it was very important, 79 percent, was significantly higher than the 48 percent of Europeans expressing the same opinion (German Marshall Fund of the United States 2008).

The centrality of citizenship to American notions of cohesion and inter-generational integration cannot be underestimated. As a framework for incorporation, however, the focus on citizenship carries significant limitations, especially for those outside the circle of citizenship. Thus, while American notions of civil rights for all persons parallel some facets of an inclusive human rights discourse, equality and civil rights remain rooted in the US Constitution, not universal ideals. Courts have read the Constitution as granting broad latitude to the US Congress over the
legal entry of people onto US territory, the categories of membership in US society, and the government’s right to deport non-citizens, even long-time residents with legal status. The US Congress used this power to restrict non-citizens’ access to social welfare benefits in 1996, drawing a bright line of membership between those with citizenship and those without, and it has subjected non-citizens to greater surveillance and interrogation in the wake of the terrorist attacks of 11 September 2001. Citizenship is the only status that brings the full protections of the US Constitution to bear. Without citizenship, an individual is always subject to the possibility of deportation, and the grounds for deportation have expanded notably since 1996.

The issue of undocumented migration throws the limits of the citizenship framework in sharp relief. Long-term unauthorized residents may be de facto members of American communities in an economic or social sense, but legally they have few protections, and without residency status, these people can never become US citizens (Bosniak 2006). This places almost a third of migrants in the United States outside the protective circle of citizenship. Things become even more complicated when we consider families rather than individuals. In an increasing number of families, children are citizens by birth, but parents are non-citizen legal residents or undocumented. Demographer Jeffrey Passel estimates that 84 percent of all children living in the United States with at least one immigrant parent are themselves US citizens by birth. Of this group, about 4 million have a parent without legal papers (Passel 2011, 26). The existence of these “mixed-status” families has generated fierce debates over inclusion, including recent calls by some politicians and interest groups to deny birthright citizenship to the children of undocumented or temporary migrants. To the extent that policy flows from political pressure and voter preferences, the low level of citizenship among US immigrants—only 44 percent had naturalized in 2010—also makes it hard to promote policies for the 22.5 million foreign-born shut out of the voting booth.

Local Battles around Inclusion, Integration, and Exclusion

Given the high prevalence of undocumented migration, taking nuanced stances on immigration has become a no-win issue for politicians. Support for increased border enforcement is virtually obligatory in any proposal for reform, despite evidence suggesting that this approach does not produce its intended effect (Cornelius 2005). The situation has been aggravated by the structure of government in the United States. Power is divided between a national (federal) government, 50 states, and close to 20,000 municipalities. While the laws passed by the federal government are, as stated in the US Constitution, “the supreme law of the land,” lower levels of government have jurisdiction to set policy in certain areas, such
as education and social programs, and to collect taxes. US politics are also characterized by a system of shared executive and legislative governance that, due to political bargaining and interest group influence, produces long periods of legislative stasis on immigration policy, followed by brief moments of significant change (Tichenor 2002; Zolberg 2006).

Because the US Congress has repeatedly failed to pass comprehensive immigration reform, states and localities are reacting with their own laws and ordinances, attempting to fill the federal policy void. In 2005, legislatures in 25 states considered approximately 300 immigration-related bills and resolutions and enacted 39 of them. In 2007, when the failure of federal immigration reform became apparent, state legislative activity increased five-fold: a total of 1,562 bills and resolutions were introduced and 290 passed in 46 states. More recently, in 2011, state legislators introduced 1,607 immigration-related bills and resolutions and passed 306 of them in 42 states and Puerto Rico (National Conference of State Legislatures 2012). Attention to immigration issues has also spiked in localities around the country: by the end of 2007, close to 180 cities, towns, and counties had considered immigration-related proposals and enacted close to 120 ordinances (Ramakrishnan and Wong 2010). These state and local laws tackle immigration issues across a broad range of policy areas, but they tend to concentrate on immigrants’ eligibility for state-issued identification documents (such as drivers’ and professional licenses), employment, education, and other public benefits, or they target the relationship between local law enforcement agencies and federal immigration authorities.

Sub-national policies that seek to integrate immigrants can be found in both traditional and newer immigrant destinations, although they are more prevalent in very large cities, cities with immigrant populations composed primarily of recent arrivals, and cities in areas that tend to vote for the Democratic Party (Ramakrishnan and Wong 2010). Many such policies address language issues: various states (including California, Illinois, Indiana, New York, and Pennsylvania) have funded English as a Second Language (ESL) programs, and various gateway cities (including San Francisco, New York, Oakland, CA, and Washington, DC) have enacted ordinances that require city agencies to offer information and services in several foreign languages (de Graauw 2008; National Conference of State Legislatures 2011). In 2011, 12 states offered in-state college tuition rates to undocumented students (National Conference of State Legislatures 2011), and at least 19 cities across 12 states have set up mayoral offices and commissions of immigrant affairs, which are executive-level agencies that foster immigrant integration, often with a focus on language assistance, citizenship acquisition, community outreach, and civic and political participation (National League of Cities 2009a, 2009b). Furthermore, 64 cities nationwide have instituted “sanctuary” ordinances that offer protections to undocumented immigrants. These ordinances discourage city staff and police from cooperating with federal immigration officials except in cases
involving felony crimes (Ridgley 2008; Varsanyi 2010b). Finally, four cities—San Francisco, CA, New Haven, CT, Oakland, CA and Richmond, CA—provide local ID cards to undocumented immigrants who can use the card to access city services, identify themselves with local police, and open bank accounts. Insofar as these state and local initiatives strive to include immigrants—even those without legal status—they enhance social cohesion in their respective communities.

The prevailing tendency, however, in both political rhetoric and proposed legislation, is to exclude immigrants, especially the undocumented. Exclusionary state policies can be found in all regions of the country, but southern and southwestern states seem to take the hardest line (Newton and Adams 2009). Exclusionary policies include laws adopted in 28 states that declare English the official language of government (English First 2011), and legislation enacted in 2007 in Arizona, Oklahoma, Tennessee, and West Virginia that makes it illegal for employers to hire undocumented workers (Laglagaron et al. 2008).11 Arizona made national headlines in 2010 when it enacted legislation that made being in the country without legal documentation a violation of state (and not just federal) law. The legislation also gave local police broad powers to stop and verify the immigration status of anyone they suspect of being undocumented. Following Arizona’s lead, state officials in Alabama, Georgia, South Carolina, and Utah also enacted tough laws targeting undocumented immigrants in 2011. Immigrant rights groups have subsequently challenged the constitutionality of these state laws in court, and in June 2012 the US Supreme Court invalidated most provisions of the Arizona law.

Localities, and particularly cities in Republican areas, have also jumped on the exclusion bandwagon (Hopkins 2010; O’Neil 2010; Ramakrishnan and Wong 2010). Following the 2006 enactment of the Illegal Immigration Relief Act in Hazleton (PA), more than 130 cities nationwide have passed or considered similar ordinances that bar undocumented immigrants from working and renting homes in their cities (Varsanyi 2010a). Other cities, in contrast, have entered the fray with policies such as zoning and anti-loitering laws that appear neutral and innocuous, but in reality serve as tools to drive away undocumented individuals as well as legal, low income migrants (Romero 2008; Varsanyi 2008). Finally, a total of 68 law enforcement agencies in 24 states had, by September 2011, entered into agreements with the Department of Homeland Security, pursuant to Section 287(g) of the 1995 Immigration and Nationality Act (US Immigration and Customs Enforcement 2011). Under these agreements, local law enforcement officials help federal immigration officials by apprehending undocumented immigrants in their jurisdictions.

The increase in state and local policy activism generates multiple concerns. Contradictory state and local legislation—to promote integration or exclusion—has produced a confused patchwork of policies and programs. Immigrants—depending on where they live—can be treated
very differently. This dynamic is exacerbated by a division of roles that leaves most of the responsibility, and costs, for serving immigrants at the local level. Thus, the day-to-day practicalities of immigrant settlement—housing, education, and the like—must be funded by states and local governments, but immigration and citizenship law is a federal jurisdiction. There has been some effort at the national level to provide for refugees, but even here, the federal role is minimalist, providing temporary support for housing, food, and job seeking. As states and localities across the country challenge the federal government’s primacy around immigration, this also becomes a contest over who belongs, and to which political jurisdiction.

Looking Forward: Social Cohesion or Political Conflict?

As we have argued, contestation over who belongs takes place in a society where the notion of social cohesion is largely understood within a framework of minority civil rights, immigrant integration, or US citizenship. In all these visions, public policy and government intervention play a limited role. To the extent that there is a key institution of social cohesion, it is the US legal apparatus, which encompasses the Constitution, the framework of civil rights laws that protect individuals from discrimination, and the courts that enforce these protections. Outside of these institutions, it is presumed that the work of integration is taken up by immigrants themselves, their families, and US civil society, including both immigrant community organizations and other groups that work with immigrants.

Within this context, the massive growth in the immigrant population, from under 10 million in 1970 to 40 million individuals in 2010, creates opportunities and tensions. As we highlighted, some communities in the United States have reached out to newcomer populations, attempting to ease the integration process. A growing number of communities, however, have proposed—and in some cases passed—legislation to push newcomers out. They have done so in part out of frustration at the impasse over immigration policymaking at the highest levels of US government, though legislative gridlock in Congress is certainly not the only, and perhaps not the main, motivation behind the politics of exclusion across all these communities.

We believe such exclusions come at a societal cost. Exclusionary legislation and enforcement activities contribute to a climate of fear, one that extends beyond those directly targeted by legislation. The increase in state and local policies targeting immigrants parallels the federal government’s expanded deportation activities, which have increased under both the Bush and Obama administrations. Indeed, deportation removals are at all-time highs, and even over a small two-year span, they climbed from just under 320,000 people in 2007 to over 393,000 in 2009 (Office of
Immigration Statistics 2010: 4). Not only does the ensuing climate of fear hinder immigrants’ societal integration, regardless of legal status, but it may impede the development of cohesive communities more broadly: US-born citizens are deeply divided on the question of who can migrate to the United States, what rights immigrants should have, and what the government should do about undocumented residents. Immigration has become a highly politicized issue, with contestation occurring not just in legislatures and in the electoral arena, but also in strident media debates and duelling demonstrations, including the 2006 immigrant rights rallies that brought millions of people into the streets. Many exclusionary laws are also being contested in the courts, following a long-established practice of judicial appeals in the United States. The recent explosion in litigation illustrates well the extent to which immigration controversies have produced deep cleavages in American society. This further undermines social cohesion in a country that has long prided itself on its diversity and immigrant past.

Notes

1. Population data come from the American Community Survey, an annual survey conducted by the US Census Bureau. For general population statistics, we report estimates from the one-year 2010 ACS; for more detailed statistics, we report estimates from a three-year average centred on 2008. Data available at http://factfinder2.census.gov.

2. Eight percent of people who self-report as natives of the Americas or Pacific Islands were born outside of US territory. This could include indigenous people born in Canada, Central or South America, or on various Pacific Islands.

3. Some economic and family migrants live in the United States prior to becoming permanent residents. These people might be undocumented or have a temporary status as an international student or temporary worker. They then adjust their status to gain permanent residency.

4. According to a 2010 survey, 58 percent of Americans think most immigrants are illegal, a notable increase from the 48 percent with a similar view in 2008 (German Marshall Fund of the United States 2010).

5. This Globus International Affairs Poll, conducted by AP-Ipsos Public Affairs in 2004, surveyed residents in the United States, Canada, Mexico, Japan, France, Germany, Italy, Spain, and the United Kingdom. The second highest level of opposition came from Canadians, with 58 percent disagreeing that it is better for a country if almost everyone shares the same customs and traditions. See http://www.ipsos-na.com/news-polls/searchresults.aspx?search=GLOBUS (accessed 16 February 2012).

6. Putnam’s (2007) widely cited article linking higher diversity with lower social capital in the United States rests, empirically, on an ethno-racial classification of diversity, not a measure of immigrant-generated diversity. This
is despite the article’s heavy emphasis on immigration in its introduction and conclusion.

7. Bilingual assistance is mandatory where a single language minority group makes up 5 percent of the voting-age population or has more than 10,000 voting-age citizens and is limited-English proficient. Section 203 applies to persons of American Indian, Asian, Alaskan Native, or Spanish heritage. As of 2002, a total of 466 jurisdictions in 31 states were required to provide voting information and ballots in non-English languages (US Commission on Civil Rights 2006). Congress has reauthorized these provisions five times, most recently in 2006 for 25 years.

8. The United States, however, was weaker in other integration policy areas. Overall, it ended up 9th most welcoming out of 31 countries (Migrant Integration Policy Index 2010).

9. The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) made legal immigrants who entered the country after 22 August 1996 ineligible for Medicaid (a federal/state funded health insurance program for the poor) and Medicare (the federal health insurance program that covers most people age 65 and older) during their first five years in the United States.

10. See, for example, the policy brief published by the Center for Immigration Studies, a group that advocates for more restrictive immigration measures: http://www.cis.org/birthright-citizenship-for-visiters (accessed 16 February 2012). Since birthright citizenship is enshrined in the 14th Amendment to the US Constitution and constitutional change is very difficult, the probability of ending birthright citizenship is remote, but the rhetoric around it contributes to the anti-immigrant climate.

11. Such laws replicate existing federal legislation, passed in 1986, making it unlawful to employ undocumented migrants. While the federal law has been largely unenforced (Brownell 2005), these states appear to be taking a more aggressive stance.

References


