"Colorblind" and Hidden Racism in Anti-Immigration Policy

Despite its self-advertised reputation as a diverse "melting pot" of cultures and people of all backgrounds, the United States boasts an extensive and downright violent history of anti-immigrant sentiment and policy: but is the question merely one of insiders versus outsiders? Some might say that it is deeply ironic that a country founded by people whose origins lie beyond its soil can be riddled with such fervent resentment towards exactly such people, but upon considering such factors as the displacement, exploitation, and removal of indigenous populations and the enslavement and dehumanization of innocent African and indigenous bodies, it becomes clear that European whites have objectified, exploited, and excluded people of color since their arrival. As the reality of racial hierarchy has been raised in the American political sphere in the past century, however, explicitly racist policy has all but vanished from the public eye: the legislative anti-immigration narrative has shifted from explicit ethnic references and quotas to virtually no indication of race as a basis for its political agenda, adopting realistic group conflict theory by citing supposedly objective arguments such as immigrants' alleged drain on resources and employment opportunities for natural-born citizens, despite the inconspicuously racist underpinnings of these arguments. Not only are these claims unsubstantiated, but their acceptance in the legislature enables future legislative discrimination against immigrants by purposefully leaving out names of specific immigrant populations in the name of "color-blindness" as a defense against critiques of racist motivations. This paper investigates the transition from race-specific language to race-neutral language in anti-immigration policy for the purpose of proving that supposedly objective,

non-racially motivated policy functions in effectively the same way as racially explicit policy, aimed at preserving American whiteness by calling on the restriction of immigration from nations populated by people of color. Such policies perpetuate and allow for contemporary digestibility of white supremacy by disproportionately targeting immigrants of color without explicitly identifying them.

The evolution of anti-immigration legislation in the United States is a long and convoluted one, dating back to the nation's early years, ranging from explicit exclusion of ethnic groups in pursuance of limiting diversity in the American labor force to comprehensive restrictions against low-income immigrants that indirectly and implicitly enforce a racial hierarchy of wealthy white Americans presiding over impoverished immigrants of color. The Nationalization Act of 1790, passed by the First Congress, specifically prohibited naturalization of any immigrant who was not a "free white person … of good character." From the outset, a hierarchy was established to prioritize white immigrants vying for citizenship, and allowed the court to exercise bias in evaluation of an immigrant's application on the basis of undefined "good character." In a way, the policy was inclusively exclusive by way of treating all those who did not fit such a description as second-class inadmissibles. This policy explicitly and legally established whites as the superior race by prioritizing white prospective immigrants.

Later legislation, however, was more explicit in its exclusion of specific ethnic groups: one example of such policy can be found in the Chinese Exclusion Act of 1882, which terminated legal immigration from China and barred Chinese immigrants from citizenship. Such exclusion was explicitly intended to preserve the existing ethnographic composition of

the time, which was majority white, by proscribing future additions of Chinese persons to the populace and preventing Chinese persons from being able to participate in the political process. The policy demonstrates a shift from explicit prioritization of whites to explicit exclusion of non-whites.

Another significant piece of historical federal anti-immigration legislation was the Immigration Act of 1924, which tied the amount of immigrants allowed into the country to numbers from the 1890 census, effectively barring immigrants from nations not in Western Europe from gaining legal entry into the United States (U.S. Department of State). The law included provisions that completely proscribed immigration by any immigrant ineligible for citizenship by virtue of their race or ethnicity, citing Asian-exclusionary laws dating back to the nation's early years, thus barring Japanese immigrants from securing passage into the United States (U.S. Department of State). While it did not specifically outline which countries would experience reduced admissible immigration rates, it did assign preference to an already existing majority in an attempt to preserve such majority, and implicitly prohibited Japanese immigration due to extant immigration law (U.S. Department of State). The policy marks a shift from explicit exclusion of non-whites to implicit exclusion by adding the census component, which would seem at first glance an objective touchstone of acceptable immigration but which in fact places immigrants of color beneath white immigrants.

These explicitly and implicitly racially coded pieces of legislation set the stage for the past few decades' worth of anti-immigration policy, which has been adapted not to mention race or ethnicity but still undermines the rights of undocumented immigrants of color. The REAL ID Act of 2005, intended to tighten national security in the face of blatant terrorism,

regulates and standardizes the legitimacy of state-issued forms of identification and allows for greater executive authority to waive impediments to border barrier construction, all in an effort to monitor and control those traveling between states and into the country (REAL ID Act). The law institutes a series of restrictions on incoming immigrants via increased financial allocations for border security and virtually unfettered authority of the Secretary of Homeland Security -- no longer the Attorney General, who had previously held such authority -- to disregard any laws restricting construction of border barriers (REAL ID Act), effectively identifying the influx and presence of immigrants as a threat to security despite the fact that the chance of being murdered in the United States by someone other than a foreign-born terrorist is 252.9 times greater than that of being murdered by a foreign-born terrorist (Nowrasteh). The law also places significant burdens on currently residing immigrants, implementing highly strict standards for proof of legal status and requiring that such proof be presented in order to obtain a driver's license or other such nationally recognized forms of identification, thus complicating the process of procuring liability insurance and inhibiting channels to employment for undocumented workers (REAL ID Act).

In February of 2017, a small group of Senate Republicans proposed a bill known as the RAISE (Reforming American Immigration for Strong Employment) Act, which seeks a series of further restrictions to and limitations on legal immigration into the United States: if passed, it would cut the number of green cards by about 500,000, create more impediments for families applying for citizenship, institute a limit of 50,000 refugees accepted per year, and put an end to the visa diversity lottery, a system created to diversify the immigrant pool by granting access to those from typically underrepresented countries (Nakamura). A recent

revision to the bill includes a points system used to evaluate applicants vying for legal status. Applicants are awarded more points for higher demonstrated proficiency in the English language, establishing a standard of assimilation and conformity as opposed to multiculturalism and diversity as well as prioritizing immigrants with financial access to an English education and immigrants from primarily English-speaking (caucasian) countries (RAISE Act). Applicants are also awarded more points for higher formal education, again prioritizing "high-skilled" immigrants with access -- often dictated by the state of the country in question -- to educational institutions and resources, comparatively devaluing those without such access (RAISE Act). Applicants who have received job offers at salaries that exceed the median household income in the state of employment are awarded additional points, not only giving preference to applicants lucky and skilled enough already to have job offers but also suggesting that wealthier immigrants are more desirable than poorer (RAISE Act). If an applicant does not meet the required threshold of points -- even if they have no criminal record and show no dangerous tendencies -- they may be unable to apply for legal status.

These policies, from the explicitly exclusive Naturalization Act of 1790 to the recently proposed racially coded RAISE Act, encapsulate several manifestations of racism in their language and implementation. They dehumanize immigrants by treating them as political objects, stripping them of any identity but their nation of origin so that they become mere "aliens" rather than human beings. They ostracize and segregate immigrants by considering their rights separately from the rights of natural-born and naturalized citizens despite equal and sometimes disproportionately high contributions to the diversification of the labor market, tax revenue, and diversity of perspective. They make it difficult for undocumented families to

maintain financial stability by impeding employment opportunities and forcing many into criminal activity, fueling media portrayals of immigrants as criminals. They further criminalize immigrants by referring to and emphasizing the illegality of undocumented presence rather than attempting to tackle the problems that foment poverty in immigrant communities in the first place. They hold immigrants to virtually unachievable standards with practically indecipherable laws and provisions. They favor immigrants lucky enough to have access to education and thus bar immigrants without such access from legal paths to citizenship. They subsidize homogeneity and conformity over diversity.

How do these policies arise? Where do these restrictions on immigration originate? Opposition to immigration is a long-established sentiment that is by no means exclusive to any one country, but the United States offers a somewhat unique investigative opportunity due to its structural reliance on and cultural celebration of free-market liberalism. The "American Dream" places particular emphasis on the individual building themselves up the ladder of material and societal achievement. Following this predetermined touchstone of success, the individual must work for their own success in competition with others vying for the same success, thus perceived increases in competition translated to perceived threats to one's own potential for prosperity. This ideology lays the foundation for a significant portion of contemporary anti-immigration policy: that allowance for increased immigration threatens the established individual's stability and security. Such an outlook holds several manifestations in political rhetoric, including but certainly not limited to the following concerns: job scarcity and consignment of citizens' jobs to immigrants, depletion of social resources, and increased crime and security risks.

Many opponents of open immigration justify their position on the claim that immigrants take jobs away from citizens, but this claim is factually baseless. Such concerns about increased job competition are largely unsubstantiated, predicated on the notion that immigrants and natural-born citizens would necessarily vie for all the same jobs: Furchtgott-Roth finds that immigrants empirically tend to have different job and career preferences than their natural-born counterparts, complementing areas with gaps left by natural-born citizens and diversifying the American labor market. The negative effect of some substitution for natural-born citizens in the labor market is largely negligible, especially when compared with the overall positive effect of a more sizeable and diverse labor market which allows more opportunities for specialization in various job markets. In fact, not only does increased immigration allow for a more diverse and more productive labor market; in the long term, it leads to higher wages for natural-born citizens in similar markets (Furchtgott-Roth). Classical economic theory asserts that the price of a good or service will decrease as the supply of said good or service increases: as such, as the supply of labor in any market increases with an increase of immigrant populations, the price of labor will consequently decrease, thereby stimulating local economies with lower market labor costs and actually increasing wages for natural-born citizens (Furchtgott-Roth).

Another prominent economic argument against open immigration policy is that the presence of undocumented residents places a strain on social programs due to the notion that undocumented families do not pay taxes or contribute to economic interests on the local, state, or national levels. In fact, undocumented immigrants do pay taxes: The Institute on Taxation and Economic Policy (ITEP) found in a 2016 study that undocumented families contribute

approximately $11.64 billion per year in state and local taxes alone. Not only do they pay taxes, but the nationwide effective tax rate at which they pay their taxes comes out to about 8 percent of total income, to be compared with that of the top one percent of taxpayers averaging around 5.4 percent (Gee et al.) The same study found that, in the event of comprehensive immigration reform, undocumented families granted citizenship would contribute about $2.1 billion more per year. Continued restrictive immigration regulation and denial of legal status to current undocumented families therefore preclude the possibility of increased tax revenue and huge additions to GDP which would result from more relaxed immigration policy and enforcement: the increased tax revenue of foreign graduates in the sciences alone would provide more than enough funding for programs and resources that benefit undocumented families (Furchtgott-Roth).

Perhaps one of the most thinly veiled racist arguments against immigration is that immigrants present several variations of threats to national security in the form of (organized) crime, drug distribution, disease, prostitution, and others. Contrary to this claim of allegedly dangerous criminal immigrants runs a wealth of empirical evidence showing that immigrants are less likely to engage themselves in criminal activity than their native counterparts, despite the fact that the conditions faced by immigrants today -- widespread poverty and inadequate access to infrastructure and social resources, for example -- are so often associated and correlated with crime (Martinez and Lee, 489). To put it another way, native-born citizens of the United States are more likely to engage in criminal activity than immigrants. Many have speculated on the reasons behind such findings, including that systemic imposition of fear of

severe legal consequences has caused both undocumented and documented immigrants to refrain from crime (Martinez and Lee, 520).

In light of increasingly irrefutable objective evidence supporting open borders and refuting restrictive immigration policy, it becomes clear that such strong oppositional movement against immigrants does not come from a place of rational concern. Economic analytical support for easier paths to citizenship, immigrant support programs, and allowance of immigrant workers abounds, and yet the current political reality is that immigrants are made to feel both unwelcome and unwanted due to extremely restrictive regulatory laws and political rhetoric. Immigrants, particularly those who are undocumented, are literally alienated and dehumanized by the current state of federal immigration law, which blocks and inhibits several key pathways for immigrants to secure citizenship and passage into the United States, and complicates the lives of undocumented residents already living in the United States. Anyone born outside the demarcated territory of the United States is automatically held to virtually unachievable standards if they wish to pursue legal residence, simply by virtue of their place of birth, which is hardly an accurate measure of human potential. Natural-born citizens, however, undergo no vetting, background checks, or formal process in order to guarantee their citizenship and ability to reside in the country. This is by no means a coincidence: the law as it stands draws on a racial hierarchy built to keep people of color out of white communities. According to data collected by the Pew Research Center, nearly seventy-nine percent of the 11.4 million unauthorized immigrants in the U.S. in 2012 originated from Latin America (Passel and Cohn). "Voters are more likely to hold negative views of illegal [sic] Mexican immigrants then illegal [sic] immigrants from Asia or Europe"

(Gulasekaram and Ramakrishnan, 2135). Anti-immigration legislation dehumanizes and ostracizes immigrants of color under the guise of colorblindness, economic interests, and concern for American security. These are mere biases, but extrapolated to the federal level, they pose a huge threat to the concept of liberty that Americans hold so closely to their flag-clad chests.

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