

PUBLISHER'S NOTE

In 1958, while campaigning in Congress for passage of amendments to the Refugee Relief Act, Senator John F. Kennedy published a little book titled *A Nation of Immigrants*. His immediate purpose was to call attention to the enormous contributions made to the United States by immigrants and thereby rally public support behind liberalization of the nation's immigration laws—a task in which he succeeded. At the same time, his book helped to fix in the public mind the fact that the United States was, and always had been, a nation of immigrants. During Kennedy's run for the presidency in 1960, much was made of his Irish ancestry and the fact that the great-grandson of humble Irish immigrants could be elected president of the United States. In 2003, more than a generation later, the public reacted with equal wonderment when Arnold Schwarzenegger—a first-generation Austrian immigrant—was elected governor of California. Schwarzenegger was not the first immigrant to be elected governor of an American state, but his elevation to that office seemed all the more remarkable because California, the nation's largest state by population, would rank as the world's seventh-largest economy, were it an independent nation. Indeed, its economy would dwarf that of Schwarzenegger's Austrian homeland. In 2006, Cuban-born Mel Martinez became the Chairman of the Republican Party—the first Latino to head a major political party.

Other notable immigrants outside the political arena include: Taiwanese Jerry Yang, founder of Yahoo; Indian Indra Nooyi, CEO of PepsiCo; and Hungarian Andy Grove, co-founder of Intel Corporation.

Of the 316,128,839 residents in the United States in 2013, 13.1% were foreign born. Of course, nearly 99% of all residents can trace their ancestry to immigrants who arrived in North America within the previous four centuries. Moreover, even Native Americans can trace their ancestry to immigrants who came thousands of years earlier. The United States is, indeed, a nation of immigrants.

Of the many themes that dominate U.S. history, immigration is one of the most constant and most pervasive. Since the first European and African immigrants began arriving in North America during the early seventeenth century, immigrants have steadily poured into what is now the United States. During the early twenty-first century, that flow has continued unabated—the major difference being that most immigrants now come from Latin America—especially Mexico and Central America—and Asia. Meanwhile, immigration remains as controversial a public issue as it has ever been. In 2014, President Obama's plan to ease the threat of deportation for the 4.7 million undocumented immigrants in the United States created intense controversy.

Because the United States is a nation of immigrants, it is obvious that most of the contributions to the building of the country have been made by immigrants and their descendants. Nevertheless, immigration has long been a subject of debate—and now

more than ever, as Americans are increasingly feeling their security threatened by the constant flow of foreigners into the country.

Subject Matter The two volumes of *Issues in U.S. Immigration* (formerly *Immigration in U.S. History*) examine the many issues surrounding immigration—from the earliest settlement of British North America in the seventeenth century to the latest twenty-first century immigration legislation, including: Affordable Care Act and Undocumented Immigrants; DREAM Act; Real ID Act; and Secure Fence Act. The set's 215 essays explore immigration from a wide variety of perspectives, such as border control, law enforcement, court cases, demographics, discrimination, economic and labor issues, events, family issues, government and politics, illegal immigration, language and education, laws and treaties, literature, nativism and racism, refugees, religion, sociological theories, and stereotypes.

This second edition includes 75 new articles, including individual state essays, with current immigration statistics.

Issues in U.S. Immigration places special emphasis on the many ethnic communities that have provided American immigrants. Readers will find articles discussing: African immigrants, including Nigerian (NEW); Asian immigrants, including Bangladeshi (NEW), Cambodian (NEW), Chinese, Filipino, Hmong, Japanese, Korean, Laotian (NEW), Pacific islander, South Asian, Southeast Asian, Tibetan, and Vietnamese immigrants; Canadian immigrants (NEW), Latino and West Indian immigrants, including Cubans, Dominicans, Haitians, Jamaicans, and Mexicans; Middle Eastern immigrants, including Arabs, Iranians, Israelis, and Pakistani (NEW); European immigrants, including German, Irish, Italian, Jewish, Polish, Russian, and Scandinavian immigrants.

Issues in U.S. Immigration answers such questions as

- When did members of individual ethnic groups come to the United States?
- From what parts of the world have most immigrants come?
- Where have different immigrant groups settled in the United States?
- What contributions have immigrants made to the United States?
- How long has illegal immigration been a problem?
- How have U.S. immigration laws changed over time?
- How has U.S. immigration policy been influenced by events in other parts of the world?
- Which groups have been victims of discriminatory immigration laws?
- What is a “model minority”?
- What are “push and pull” factors?
- What are “mail-order brides” and “picture brides”?
- What is a green card?
- What do immigration lawyers do?
- How did Chinatowns get started?
- Why have there been conflicts among different immigrant groups?
- What has been the Supreme Court's role in American immigration law?

- Which immigrants were the first victims of segregation laws?
- What are the origins of ethnic stereotypes?
- How have immigrants organized to protect their rights and interests?
- What role have immigrants played in U.S. labor history?
- Did all African immigrants to North America come as slaves?
- What has been the impact of the September 11 terrorist attacks on U.S. immigration policy and border control?
- What was the “yellow peril”?
- What was the bracero program?
- What was American nativism?
- What was the role of immigrants in the political “machines” of big cities?
- Who are the “boat people”?
- How have bilingual education programs affected immigrants?
- What is “generational acculturation”?
- Is there a specifically immigrant literature?
- What state and federal agencies are responsible for enforcing immigration laws?

Volume One Volume 1 contains 114 articles, from Accent discrimination to Indentured servitude. Each of the alphabetically arranged articles opens with the type of ready-reference top matter for which Salem Press reference works are well known. Following the title is a brief **Definition** of the article’s subject and a list of **Immigration Issues** it covers. Articles on events, court cases, organizations, and laws include **Dates** and **Places**, as relevant. Next is a paragraph on **Significance**, helping readers see at a glance the most essential information about the topic.

Boldface subheads help guide readers through longer articles, and all articles are followed by up-to-date, annotated **Further Reading** lists. Every article also includes **Cross-References** to other articles on closely related subjects. Readers are encouraged to follow the paths that these cross references provide.

Immigration provides a rich subject for illustration, and many articles include images – nearly 200 are placed throughout the volumes—of immigrants arriving in the New World, working, going to school, and adapting to life in America.

Volume Two The 101 articles in Volume 2 start with Indigenous superordination, and end with *Zadvydas v. Davis*. Following the last article is a section of individual **State Essays**, including New York City and Washington D.C., that offer specific insight into their specific immigration issues. Each essay includes a statistical table with numbers of immigrants, largest immigrant groups, with comparisons and rankings, based on 2013 numbers.

Following the State Essays, readers will find a comprehensive **Bibliography**, and detailed **Time Line of U.S. Immigration History**.

Next is a brand new feature to this second edition – a 100-page, 41-table section of **Immigration Statistics** from the U.S Department of Homeland Security Office of

Immigration Statistics. This section covers five broad categories: Legal Permanent Residents; Refugees and Asylees; Naturalizations; Non-immigration Admissions; and Enforcement Actions.

Issues in U.S. Immigration offers two helpful indexes. The first is a **Category Index of Topics** that carefully lists articles under one or more of 37 categories, from African Americans to Women. The second index is a **Subject Index**.

Acknowledgments A number of articles in this set come from various Salem Press publications: *Racial and Ethnic Relations in America*; *Encyclopedia of Family Life*; *Great Events from History*; *Great Events from History II*; *Great Events: 1900-2001*; *Magill's Legal Guide*; *Encyclopedia of the U.S. Supreme Court*; *Identities and Issues in Literature*; *Criminal Justice*; *American Justice*; *The Bill of Rights*; *Survey of Social Science: Sociology Series*; and *Encyclopedia of American Immigration*. These articles and their Further Reading notes have all been updated, as necessary.

Grey House Publishing thanks the editors and contributors who made this reference work possible. See list following this Publisher's Note in Volume 1.

ACCENT DISCRIMINATION

Definition: Employment discrimination based on the manner in which employees or prospective employees speak English

Immigration issues: Civil rights and liberties; Discrimination; Education; Language; Sociological theories

Significance: Under U.S. law, employers can discriminate against applicants for employment whom they believe to have accents that might impede their normal business activities. Immigrants, whose primary language is not English, therefore, may have to shed their accents to qualify for jobs that involve speaking with the general public.

A standard American English accent is commonly heard in schools and spoken on radio and television, but there are regional variations, especially in Hawaii, New England, and the southern states. Immigrants who learn English tend to speak the new language in accordance with the pronunciation and intonation patterns of their native tongues, which means that those unfamiliar with their accents may not understand them completely and may ask these immigrants to repeat what they are saying. At issue, therefore, is whether an employer can reject someone with an unfamiliar accent without discriminating against that person on the basis of ethnic group membership.

The Nature of Accents Vocal muscles develop so early in life that it is difficult for an adult native speaker of one language to learn a second language without carrying forward the accents of the primary language. In the United States, composed as it is of immigrants and their descendants, English is spoken with many accents. Some schools teach adult immigrants to speak without a noticeable accent, but these classes are expensive and not always accessible to newcomers, whose time is usually preoccupied with material adjustments to life in a new country.

The United States does not have an official standard of speech, although the informal standard is the American English accent spoken by newscasters at the national level. Accent is the result of speech patterns that differ from region to region or country to country. For example, Cuban speakers of Spanish speak more quickly than do Mexican speakers of Spanish. Variations also exist within countries. Because one characteristic of an ethnic group in the United States is the manner in which its members pronounce English, ethnic group membership is often identified by or associated with accent. It is this connection that makes accent a key issue of racial and ethnic relations.

Antidiscrimination Legislation and Litigation In the Civil Rights Act of 1964, Congress banned discrimination on the basis of a person's color, ethnicity, or race in education, employment, government services, public accommodations, public facilities, and voting. The law regarding employment discrimination prohibits not only obvious discrimination, such as signs that say "Blacks Need Not Apply,"

but also the use of neutral-sounding job qualifications that systematically place minorities or women at a disadvantage unless these qualifications are vital for the performance of the job. To refuse to hire a member of a minority group on the pretext that the person's accent is too strong, therefore, might violate the law unless the lack of a noticeable accent can be demonstrated to be necessary for the performance of the job.

In *Carino v. University of Oklahoma Board of Regents* (1984), the federal appeals court ruled that Donaciano Carino, a dental laboratory supervisor, could not be terminated from his position because of his Filipino accent as his job did not involve communication with the general public.

In 1982, Manuel Fragante, a Filipino with a noticeable accent, applied for the position of applications intake clerk in the motor vehicle licensing division of the city and county of Honolulu. The hiring officer turned him down, claiming that Fragante's accent would make communication difficult; Fragante's lawyer argued that his client's accent was fully understandable and therefore was a mere pretext for a Japanese supervisor to discriminate against a Filipino. In *Fragante v. City and County of Honolulu* (1987), the federal district court in Honolulu upheld the right of the employer to refuse to hire someone with a "heavy accent," ruling that Fragante's accent was not an immutable part of his Filipino ethnic group membership. The court of appeals upheld the ruling in 1989, and the Supreme Court refused to review the case in 1990.

In 1985-1986, James Kahakua and George Kitazaki applied for the position of weather-service broadcaster. Although they were native speakers of English, they spoke "pidgin" English, a decided accent local to Hawaii. The position involved broadcasting marine weather reports to ships at sea, and most of the vessels in the area were based in California, so the National Weather Service felt justified in refusing to hire the two men because their accents might prevent a clear transmission of information. Kahakua and Kitazaki sued the weather service for discrimination but lost.

Impact on Public Policy In the 1964 Civil Rights Act, Congress did not explicitly forbid discrimination on the basis of accent. For the present, clarity in speech is recognized as a bona fide occupational qualification for jobs involving considerable oral communication with the general public. The standards for determining whether an accent is unclear tend to be subjective, so the issue may be resolved by use of the Test of Spoken English (TESOL), a standardized test administered nationwide by the Educational Testing Service.

Michael Haas

Further Reading

Laughlin McDonald's *Rights of Racial Minorities: The Basic ACLU Guide to Racial Minority Rights* (2d ed. Carbondale: Southern Illinois University Press, 1993) is one of the publications sponsored by the American Civil Liberties Union that describes the laws governing employment discrimination.

A more focused study is Rosini Lippi-Green's *English with an Accent: Language,*

Ideology, and Discrimination in the United States (2nd ed; New York: Routledge, 2012).

For an analysis of the legal issues, see Mari J. Matsuda's "Voices of America: Accent, Antidiscrimination Law, and a Jurisprudence for the Last Reconstruction," in *Yale Law Journal* (100, 1991), and Beatrice Bich-Dao Nguyen's "Accent Discrimination and the Test of Spoken English: A Call for an Objective Assessment of the Comprehensibility of Nonnative Speakers," in *California Law Review* (81, October, 1993).

Other sources that touch on the subject of accent discrimination include *Portraits of Literacy Across Families, Communities, and Schools: Intersections and Tensions* (Mahwah, N.J.: L. Erlbaum Associates, 2005), by Jim Anderson and others; *Foreign Accent: The Phenomenon of Non-Native Speech* (Cambridge: Cambridge University Press, 2013) by Alene Moyer; Charmian Kenner's *Becoming Biliterate: Young Children Learning Different Writing Systems* (Sterling, Va.: Trentham Books, 2004); *Language and Cultural Diversity in U.S. Schools: Democratic Principles in Action* (Westport, Conn.: Praeger, 2005), edited by Terry A. Osborn; and Terrence G. Wiley's *Literacy and Language Diversity in the United States* (2d ed. Washington, D.C.: Center for Applied Linguistics, 2005).

See also Anglo-conformity; Bilingual education; Discrimination; English-only and official English movements; Proposition 227.

AFFORDABLE CARE ACT AND UNDOCUMENTED IMMIGRANTS

The Law: The Affordable Care Act, also known as ObamaCare, was President Barack Obama's landmark action in his presidency. According to Healthcare.gov, only U.S. citizens and lawfully present residents are eligible for purchasing private health insurance through the Marketplace. "Lawfully present" includes immigrants who have:

- "Qualified non-citizen" immigration status without a waiting period (see the definition below)
- Humanitarian statuses or circumstances (including Temporary Protected Status, Special Juvenile Status, asylum applicants, Convention Against Torture, victims of trafficking)
- Valid non-immigrant visas
- Legal status conferred by other laws (temporary resident status, LIFE Act, Family Unity individuals)

Date: The 2010 Affordable Care Act (ACA)

Immigration Issues: While the Marketplace is meant for U.S. citizens and legal residents, there are some critics who argue that providing health care services would encourage more illegal immigration. Media Director Ira Mehlman of the the Federation for American Immigration Reform says in a Los Angeles Times interview, “County hospitals are overwhelmed with uninsured people, and they’ve been forced to come up with more money to accommodate these people—largely because they’ve encouraged them to come in.”

Significance: The Affordable Healthcare Act, ObamaCare, and its policy changes limit immigrants’ access to insurance and to health care. As such, there has been a reduction in noncitizen immigrants who have Medicaid or job-based insurance. Additionally, noncitizens and their children have poorer access to both regular ambulatory and emergency care, even if they are insured.

Background: The Affordable Care Act, also known as ObamaCare, was designed to give affordable health care coverage to everyone. However, the nearly 12 million undocumented immigrants currently living in the United States are excluded from benefiting. Under the federal health care law, undocumented immigrants are not eligible for any assistance. This keeps them from being able to receive federal subsidies to buy health insurance and from shopping for health insurance coverage in Marketplace.

Under the Affordable Care Act, lawfully present immigrants are able to buy private health insurance on the Marketplace. Additionally, they may be eligible for lower premiums and lower out-of-pocket costs based on income. Lawfully present immigrants are eligible for these reduced costs if:

- **Annual income is 400% of the federal poverty level or below:** This comes out to about \$45,960 for an individual or \$94,200 for a family of 4. Their eligibility for tax credits can be used immediately to reduce monthly premiums.
- **Annual household income is below 100% federal poverty level:** This comes out to \$11,490 for an individual or \$23,550 for a family of 4, who are not otherwise eligible for Medicaid, will be eligible for tax credits and lower out-of-pocket costs for private insurance through the Marketplace if they meet all other eligibility requirements.

Immigrants who are “qualified non-citizens” are commonly eligible for Medicaid and Children’s Health Insurance Program (CHIP) coverage, if they are otherwise eligible for Medicaid and CHIP in the state.

The term “qualified non-citizen” includes those who are:

- Lawful Permanent Residents (LPR/Green Card Holder)
- Asylees
- Refugees
- Cuban/Haitian entrants
- Paroled into the U.S. for at least one year

- Conditional entrant granted before 1980
- Battered non-citizens, spouses, children, or parents
- Victims of trafficking and his or her spouse, child, sibling, or parent or individuals with a pending application for a victim of trafficking visa
- Granted withholding of deportation
- Member of a federally recognized Indian tribe or American Indian born in Canada

Under current law, there is a 5-year waiting period in order to qualify for Medicaid and CHIP coverage, most LPRs or green card holders. The 5 year waiting period begins after they receive “qualified” immigration status and before eligibility for Medicaid and CHIP. There are a few exceptions of LPRs who do not have to wait 5 years, such as people who are former refugees or asylees.

States have the option to waive the 5-year waiting period and cover lawfully residing children and/or pregnant women who would otherwise be eligible for Medicaid. In fact, this option is already in effect in 25 states, plus the District of Columbia and the Commonwealth of the Northern Mariana Islands. Additionally, twenty of these states cover lawfully residing children or pregnant women in CHIP. However, those who do not have eligible immigration status, and therefore aren’t eligible for Medicaid, have the option of applying for Medicaid coverage for limited emergency services, but only if they meet all other Medicaid eligibility criteria in the state.

For those applying for Medicaid or CHIP, or for those who have assistance with health insurance costs in the Marketplace, it will not affect their chance of becoming a Lawful Permanent Resident or U.S. citizen. The one exception is for anyone who receives long-term care in an institution at the government’s expense. They could face barriers when applying for their green card.

Legislation: The 2010 Affordable Care Act (ACA) includes a set of provisions that expands access to subsidized health insurance coverage to the non-elderly population, including immigrants.

Unauthorized immigrants are excluded from benefits of Medicaid or CHIP coverage or for exchange subsidies under the Affordable Care Act and are not be permitted to purchase unsubsidized coverage through the Marketplace. Additionally, they are not subject to the mandate and are excluded from temporary high-risk pools; however, they can remain eligible for emergency care under Medicaid, if they otherwise meet the eligibility criteria for Medicaid (NILC, 2010). The coverage of emergency services is meant to help hospitals providing services and to reduce medical billings to families with undocumented immigrants.

Some states may choose to continue covering undocumented children with state funds. While undocumented immigrants will not have access to subsidized coverage, they could however benefit from the fact that other family members, who are documented, will be able qualify for Medicaid or subsidized coverage. Additionally, their access to care could be dependent on safety net providers to serve them, to the extent that their medical services extend beyond screening and

stabilizing treatments found in emergency medical conditions, which are situations that legally require hospitals to accept Medicare reimbursement.

While the Affordable Care Act provides additional funding for Community Healthcare Centers, a critical source for the uninsured to turn to, current budget cuts have limited these funds in the health reform bill (NCSL, 2011b). Additionally, because the number of uninsured in the U.S. is reduced following the healthcare reform, this may enable providers to cross-subsidize care for the remaining uninsured, a quarter of which will be undocumented immigrants. On the other hand, the reduction in disproportionate share hospital (DSH) spending may mean cut-backs with some providers on uncompensated care they provide to the uninsured.

While the ACA will expand the coverage options, not all immigrant groups will be included. In fact, undocumented immigrants, who are currently prohibited from enrolling in Medicaid or from purchasing coverage through the new health insurance exchanges, are projected to constitute 25 percent of the uninsured population after the major provisions of the ACA are fully implemented (Buettgens et al., 2010). The major provisions of the ACA include:

- The expansion of Medicaid up to 133 percent of the federal poverty level;
 - New state-based health insurance exchanges combined with insurance market reforms;
 - Premium subsidies for individuals with incomes below 400 percent of the Federal Poverty Limit (FPL) and cost-sharing subsidies for individuals with incomes below 250 percent FPL; and
 - An individual requirement to obtain health insurance coverage.
- According to projections by the Congressional Budget Office, the ACA will reduce the uninsured rate by 11 percentage points, reducing the share without insurance coverage from 19 to 8 percent by 2017.

Heather Hummel

Further Reading

Emanuel, Ezekiel, *Reinventing American Health Care: How the Affordable Care Act will Improve our Terribly Complex, Blatantly Unjust, Outrageously Expensive, Grossly Inefficient, Error Prone System*, PublicAffairs; First Trade Paper Edition, March 3, 2015.

The author addresses the definitive story of American health care today—its causes, consequences, and confusions.

The Staff of the Washington Post, *Landmark: The Inside Story of America's New Health-Care Law-The Affordable Care Act-and What It Means for Us All (PublicAffairs Reports)*, PublicAffairs; 1 edition (April 27, 2010)

A resource for understanding the Affordable Care Act written by the staff of the Washington Post.

Gruber, Jonathan and Schreiber, Nathan (illustrator), *Health Care Reform: What It Is, Why It's Necessary, How It Works*, Hill and Wang; 1 edition, December 20, 2011.

The author, a specialist in the industry, explains—in layman's terms that everyone can understand—the healthcare reform.