
Investigative Report:

U.S. Immigration Law Is NOT Racist

Key Takeaway: The overwhelming bulk of immigration to the U.S. is from countries where the majority of people *are not* Caucasian. Claims that U.S. immigration law is somehow racist simply don't hold up to scrutiny.

INTRODUCTION

Mother Jones magazine has banners all over its website encouraging readers to “fight disinformation” by signing up for the publication’s daily newsletter. As such, it’s rather ironic that *MoJo* (as the magazine is known to fans) recently published [an article](#) about immigration that consists of nothing but disinformation.

The piece pushes the idea that Western immigration laws – particularly those of the United States – all flow from the Chinese Exclusion Act of 1882 and are inherently racist.

What does *MoJo* mean by “racist”? [Merriam-Webster](#) online defines racism as, “of, relating to, or characterized by the systemic oppression of a racial group to the social, economic, and political advantage of another.” And *MoJo* seems to suggest that U.S. immigration law engages in the systemic oppression of non-white people, to the social, economic and political advantage of Caucasians.

In an immigration context, that would mean that Caucasians are deliberately manipulating U.S. immigration law and policy in order to reduce the numbers of non-Caucasians admitted to the United States. We wanted to see if *MoJo*’s claims

about U.S. immigration law and the history of the Chinese Exclusion Act were true. So, the Immigration Reform Law Institute investigated. Here's what we found:

MOTHER JONES' CLAIMS THAT U.S. IMMIGRATION LAW IS RACIST DON'T COMPORT WITH REALITY

Current immigration patterns may be a lot of things. But one thing they are most definitely not is white and European. The reality is that the *overwhelming majority* of people currently immigrating to America are not Caucasian and U.S. immigration policies are the most color-blind and inclusive in the world.

Data on Racial Demographics of U.S. Immigrant Population Is Opaque

It's difficult to determine exactly how America's current immigrant population breaks down by race. The U.S. Census Bureau doesn't subcategorize its statistics by race/ethnicity in the way one would expect. For example, it includes "Hispanics," in its count of Caucasians. Similarly, it also counts people who fall under the Middle-Easterners and North Africans (MENA) rubric as Caucasians.

That's strange, because Latin Americans and Spanish-speaking Caribbean islanders are treated as minorities (*i.e.*, not Caucasian) under most applicable state and federal laws. Meanwhile, MENA individuals are not treated as minorities under most applicable state and federal laws. However, the MENA lobby claims that its members are now an [oppressed minority](#) (*i.e.*, not Caucasian) and that there should be a MENA census category in order to properly document this status.

Moreover, race is a complicated issue, especially in places like Latin America, the Middle-East and North Africa. These are places where numerous cultures came together and where boundaries delineating modern nation-states were only recently drawn. Accordingly, referring to someone as Hispanic, Latin American or North African may provide a geographic reference point for their ancestral origins – but it provides little useful information about their "race" as *MoJo* uses that term. For instance, all Cubans are Latin Americans, as well as Hispanic. Nevertheless, some Cubans would be referred to – both by their own countrymen and outsiders – as "white" while others would be described as "black."

The Census Bureau's underlying data is also complicated by the fact that it is self-reported data. And how people characterize themselves in racial/ethnic terms doesn't always line up with what their DNA might indicate. For instance, there are people in modern-day Poland (Polish Tatars, who happen to be Muslim, in

particular) who have what is called the “[Mongol Gene](#),” which originated with Mongolian tribesmen of Genghis Khan – but none of those Poles would identify as “Asian.”

Nevertheless, a number of organizations that study migration patterns, such as Pew Research and the Migration Policy Institute (MPI), have attempted to break down underlying data from census counts and from the [American Community Survey](#) (a census bureau count that focuses on different data points than the traditional, constitutionally-mandated, decennial census count) in order to determine the racial/ethnic breakdown of the immigrant population in America. What they found definitively undermines *Mother Jones*’ claims.

*The One Definitive Conclusion That Can Be Drawn From the Available Data Is That the Vast Majority of Current Immigrants to the U.S. **Are Not** Caucasian*

In 2018, [Pew stated](#), “Immigrant origins now differ drastically [from the period prior to the passage of the 1965 Immigration and Nationality Act], with European, Canadian and other North American immigrants making up only a small share of the foreign-born population (13%) in 2018. Asians (28%), Mexicans (25%) and other Latin Americans (25%) each make up about a quarter of the U.S. immigrant population, followed by 9% who were born in another region.”

Let’s take a closer look at the [Pew statistics](#). Hispanics (*i.e.* Mexicans and Latin Americans) collectively make up 50% of all immigrants. And, more than one quarter of all immigrants to the U.S. are now Asians. That means at least 78% of all immigrants now coming to America are from places where the majority population is not Caucasian and falls within a group that is considered a minority in the U.S.

But the number of non-Caucasian immigrants may be even higher. Pew estimates that 13% of immigrants were born in Europe, Canada or other parts of North America (meaning in countries other than Canada, the U.S. or Mexico). While the majority of Europeans and Canadians are Caucasian, both [Europe](#) and [Canada](#) have a growing number of migrants from Africa, Asia and the Middle East. So, in today’s world, neither European nor Canadian citizenship automatically indicates that a migrant is Caucasian.

The term “other North American,” as used in immigration research, generally refers to people from non-Spanish-speaking Caribbean islands – the vast majority of whom are not Caucasian. The population of [Barbados](#), for instance, is

approximately 92.3% African-descended. Similarly, [Jamaica's](#) population is 76.3% African-descended and 15.1% Afro-European (*i.e.* “mixed race”).

Pew indicates that another 9% of immigrants were born in a region not covered under Europe, Canada, North America, Asia, Mexico or Latin America but doesn't specify what those regions actually are. The only portions of the globe not specifically referred to in Pew's report are Africa and the Middle East.

According to the American Immigration Council, the number of [African-born](#) individuals in the United States doubled from 881,200 in 2000 to 1,606,914 in 2010. And, according to online news outlet *Quartz Africa*, as of July 2022, “Africa has the fastest-growing number of immigrants in the United States.” While there are Caucasian populations resident in Africa, particularly in South Africa and Zimbabwe, the vast majority of Africa's population is non-Caucasian. According to [World Population Review](#), there are about 1.22 billion people in Africa and approximately 980 million (80%) are not Caucasian.

An MPI [analysis](#) of Census Bureau and American Community Survey data indicates that in 2019 the U.S. was home to about 1,203,000 migrants who fall into the MENA category. Migration from the Middle East actually [expanded](#) after the September 11, 2001 terrorist attacks and continues to grow.

Based on this data, the number of immigrants to the U.S. who can be safely presumed to be of some ethnicity other than Caucasian would appear to be somewhere between 84 % to more than 90 % of the total immigrant population. Frankly, it's impossible to see how American immigration laws could be “racist” when they facilitate the admission to the U.S. of millions of people each year who are either non-Caucasian or who belong to a racial/ethnic group that is classified as a minority within the U.S.

THE CHINESE EXCLUSION ACT IS NOT REPRESENTATIVE OF U.S. IMMIGRATION LAW GENERALLY AND THE HISTORY OF THE ACT HAS BEEN DELIBERATELY MISCHARACTERIZED

Even presuming – based on the numbers above – that U.S. immigration law is not currently racist, is there a legitimate argument that our immigration laws were racist in the past? Well, no, not really.

The Truth About the Chinese Exclusion Act

The Chinese Exclusion Act was only one of hundreds of pieces of immigration legislation passed throughout the history of the Republic. And its passage and enforcement were both complicated and nuanced. But while statesmen and scholars will long continue to debate the ethical considerations connected with barring certain Chinese from the U.S., the fact is that much of the history written about the Act is intended to perpetuate hysteria, rather than elucidate historical fact.

To begin with, there is a tendency to presume that words used in the past carry exactly the same meaning as they do today. Of course, this is far from accurate. And it is particularly deceptive to presume that the word “race” meant the same thing in the 1700 and 1800’s as it does today. According to Harvard historian Arthur M. Schlesinger, Jr., in his best-selling book [*The Disuniting of America*](#), “The word *race* as used in the eighteenth and nineteenth centuries meant what we mean by nationality today; thus people spoke of ‘the English race,’ ‘the German race,’ and so on.” Schlesinger, who served as an advisor to the John F. Kennedy administration on civil rights, was anything but an apologist for racists. Virtually all of the references to “race” made in reference to the Chinese Exclusion Act were actually comments about Chinese nationality.

Additionally, the notion that the U.S. had entirely open borders, which suddenly closed with the passage of the Chinese Exclusion Act is not historically accurate. As Thomas G. West, history professor at the University of Dallas notes in [*The Founders on Citizenship and Immigration*](#), early American immigration policy consisted of two parts. “In the first place, many immigrants were welcomed with remarkable liberality.” However, the second part presumed that migrants wished to become citizens and understood good moral character as a pre-condition to citizenship. In other words, virtually anyone could enter the Republic during its early days but not everyone was allowed to stay. Immigrants were expected to assimilate. Those immigrants who could not assimilate and conform their behavior

to American standards were not permitted to remain. And not everyone who was authorized to stay in the U.S. was granted the privilege of naturalization. As discussed below, the primary issues that most Americans had with Chinese immigrants were cultural – connected to Chinese labor practices, plural marriage – not racial and centered on whether those cultural habits made Chinese laborers resistant to assimilation into American society.

An Act to Protect America's Workforce, Protect Women, Prohibit Sex Trafficking and Discourage All Forms of Slavery

Contrary to popular opinion, the Chinese Exclusion Act *did not* bar all Chinese from the United States on the basis of their ethnicity. For example, there were ethnic Chinese residing in various nations across Asia throughout the time period when the Chinese Exclusion Act was in effect. These ethnically Chinese citizens of other countries were not barred from the United States on the basis of their race. Furthermore, China is not, and never has been, a racially/ethnically monolithic country. It has numerous racial/ethnic groups within its population and presuming that the label “Asian” adequately describes Mongol, Han and Uighur is simply ignorant.

The reality is that the Chinese Exclusion Act specifically prohibited Chinese *laborers* from entering the United States. During the period in which the Act was in effect, other Chinese, such as teachers, students, artists and diplomats were still permitted to enter the U.S. Laborers were excluded on the basis of their Chinese citizenship and their presumed purpose for seeking admission to the U.S. (*i.e.* seeking employment). The [text of the Act](#) itself clearly states:

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof, Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That... the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or having so come after the expiration of said ninety days to remain within the United States.

The primary purpose of the Act *was not* to keep non-whites out of the United States, as is incorrectly argued by many commentators. Rather, the legislation was passed in order to protect an American workforce that included recently freed slaves with no experience in capitalist labor markets and a large number of former

Confederate soldiers who needed to be integrated back into the Union's economy. Meanwhile, all of the members of this heterogeneous workforce – Asian, African-American and Caucasian – were only just coming to grips with the industrial revolution of the Nineteenth Century, which increasingly required clear communication and teamwork in order to use and maintain machinery. That is why the exclusion of Chinese laborers was so heartily supported by unions like the [American Federation of Labor](#), which perceived Chinese and Japanese laborers – who were willing to work for below-market-wages – as a significant threat to the U.S. work force.

An additional motivation for the passage of the Chinese Exclusion Act was to protect American women from polygamy – viewed as yet another form of the slavery only recently abolished during the Civil War. According to [one expert](#), “Most Chinese women who migrated to California during the 1860s and 1870s were second wives, concubines in polygamous marriages, or prostitutes.” The Chinese Exclusion Act was first proposed at a time when Congress was forced to address the emergence of plural marriage on the Western frontier. In 1862, it passed the [Morrill Act for the Suppression of Polygamy](#). Shortly thereafter, in [Reynolds v. United States](#), the Supreme Court held that a religious belief cannot serve as justification for committing the crime of polygamy – and frankly stated its belief that polygamy leads to both the oppression of women and political despotism.

A precursor to the Chinese Exclusion Act, the [Page Law of 1875](#), prohibited the importation, from China and Japan, of women brought here by forced labor traffickers and by sex traffickers. (Once again, this was not a prohibition based on race, but a prohibition based on an intending immigrant's country of citizenship, the purpose for which she was brought to the United States and whether she made a conscious choice to immigrate.) In addition to protecting American workers from competition by large numbers of Chinese laborers, the Chinese Exclusion Act was seen as an adjunct to the Page Law, which would prevent the spread of sex trafficking and polygamy in the United States.

Both the Page Law and the Chinese Exclusion Act were heavily influenced by the women's suffrage movement. The Page Law was passed in the same year that Susan B. Anthony and Matilda Joslyn Gage disrupted the official U.S. Centennial program at Independence Hall in Philadelphia, in order to present the “Declaration of Rights of the Women of the United States.” And, in 1877, California Senator

A.A. Sargeant introduced the Woman Suffrage Amendment to Congress. That draft legislation included the language eventually passed as the 19th Amendment, which extended the franchise to American women. The importation into the United States of large numbers of Chinese migrants who brought with them misogynistic religious and cultural practices was seen by legislators as deleterious to efforts to secure equal rights for American women. In short, the Chinese Exclusion Act was directed toward cultural and social practices that were at odds with American laws and public morals. It was not based on any particular dislike of the Chinese specifically or Asians generally – although it has been falsely portrayed that way.

Furthermore, much of the commentary on the Chinese Exclusion Act is deliberately misleading in a manner that is stunningly similar to recent commentary on President Trump’s anti-terror measures that were intentionally mischaracterized by political opponents as a “Muslim Ban.” [Presidential Proclamation No. 9645](#) sought to improve immigrant vetting procedures by identifying ongoing deficiencies in the information needed to assess whether nationals of particular countries present a security threat. Proclamation No. 9645 was found non-discriminatory and upheld by the Supreme Court in [Trump v. Hawaii](#). In reality it did not target anyone on the basis of religion, but like the Page Law and the Chinese Exclusion Act, it applied to defined categories of citizens from specific nations.

Ultimately, all legislation which barred any Chinese from immigrating to America was [repealed](#) in 1943 and the entire U.S. immigration system was disconnected from any concept of national origin with the passage of the [Immigration and Nationality Act of 1965](#).

U.S. immigration law has become increasingly more expansive and permissive ever since, with the level of mass migration to America breaking records throughout the 1990’s and 2000’s.

THE MIGRANT POPULATION OF THE UNITED STATES WAS DIVERSE EVEN WHEN THE CHINESE EXCLUSION ACT WAS IN EFFECT

Nearly 200,000 Chinese and Japanese Resided in the U.S. While the Allegedly Anti-Asian Chinese Exclusion Act Was in Force

Even prior to passage of the Magnuson Act, which repealed the Chinese Exclusion Act, the United States was the recipient of migrants from all over the world. In

fact, [in 1900](#), while the Chinese Exclusion Act was still in effect, there were approximately 106,659 Chinese residing in the United States – along with 2,577 Africans; 11,159 Cubans; 2,069 Indians; 81,590 Japanese; 103,445 Mexicans; 2,659 Pacific Islanders; 4,814 South Americans; and 9,949 Turks. That’s 324,921 non-Caucasian migrants at a time when the [population](#) of the United States was just 76.3 million. Those numbers hardly seem to be the results of the type of discriminatory immigration laws and policies *Mother Jones* criticizes.

Over the Last 150 Years Our Immigrant Population Has Only Become More Homogenous

And our immigrant population has become progressively less European and less Caucasian over time. According to a study by the [Pew Research Center](#) (Pew), there were approximately 584,000 Mexican immigrants in 1960, or six percent of the 9,729,147 foreign-born total then present in the United States. That’s a five-fold increase from the 1900 numbers. Per the Migration Policy Institute (MPI), there were also nearly half a million [Asian immigrants](#) and 35,355 [African immigrants](#) in the U.S. in 1960. That means that the Asian population of the U.S. more than doubled in 60 years and there was more than a ten-fold increase in the number of African immigrants during the same period.

So, while the very immigration laws that *Mother Jones* classifies as “racist” were still applicable, migration into the United States by non-Caucasians was expanding geometrically, with the numbers of migrants who would be considered members of “minority groups” significantly increasing each decade from 1960’s to the present.

EUROPEAN (I.E. “WHITE” OR “CAUCASIAN”) MIGRATION TO THE UNITED STATES IS MINISCULE COMPARED TO MIGRATION FROM LATIN AMERICA, AFRICA AND ASIA

None of the Top Five Countries Sending Immigrants to the U.S. Have Caucasian Majorities

According to the [American Immigration Council](#), in 2019 the top countries of origin for immigrants were Mexico, India, China, the Philippines and El Salvador. The vast majority of citizens from those countries are people who would be classified as members of minority groups in the United States. And none of these nations have any type of significant, native Caucasian minority.

Migration to the U.S. From Europe Has Been Declining Since 1960

Moreover, immigration from both Eastern and Western Europe to America has been [declining](#) since 1960. According to [Bruegel](#), a major European Union (EU) think tank, immigrants from EU member states constituted only 5.5% of all green cards issued in 2013. A combined total of about 60,000 migrants come to the U.S. each year from all 27 EU member states (Belgium, France, Germany, Italy, Portugal, Spain, etc.). Compare that number to the 168,980 [Mexicans](#) who received lawful permanent resident status in 2017 and the 60,000 Indians who received green cards in [2018](#).

Why is this the case? The U.S. immigration system requires a would-be immigrant to have either a sponsoring family member or a sponsoring employer already in America. Therefore, the typical immigrant pathway goes something like this: An alien enters the U.S. as an asylee. After one year in asylum status, he/she can apply for a green card. Once a green card is granted, the alien can petition for additional family members to come to the U.S. as lawful permanent residents.

Sometimes the initial family member is an H-1B temporary worker or someone who entered the U.S. in another nonimmigrant status that permits a transition to lawful permanent residency. Then the pattern progresses in the same manner – the anchor migrant petitions for additional family members, who then petition for more family members, and so on. This is called “chain migration.”

Most of the EU member states have healthy economies and stable political systems. So Europeans rarely apply for refugee status or come to the U.S. to request political asylum or temporary protected status. (The small numbers who do request these types of relief typically come from Eastern European countries experiencing civil war or political strife.)

And U.S. companies rarely recruit European workers. Europeans typically want a competitive salary, benefits similar to those they would receive back home, and reasonable working hours. Indians, Chinese, South Korean and others are often more interested in obtaining long term permission to reside in the United States than they are in compensation and employment satisfaction. They will commonly work longer hours for lower wages, with a green card – rather than career progression – as the long-term goal. American employers know this and know they can save on labor costs by recruiting in places like India, China and the [Philippines](#). Per [U.S. Citizenship and Immigration Services](#) statistics for FY 2019: Indian workers received 313,944 H-1B visas; Chinese received 49,917; South Koreans received 3,928; French received 1,627; Germans received 1,243.

(And it should be noted that all of the foregoing also applies to migration from Australia, New Zealand, and Europe's outlying territories such as Guernsey, Jersey, Guadeloupe, Martinique and St. Martin – places that aren't Europe *per se*, but where the culture is European and the majority of citizens are Caucasian.)

Because Europeans typically can't secure an anchor in the U.S. – without an offer of employment from a U.S. company – they generally can't kick off the chain migration upon which the citizens of other foreign nations rely. As a result, European migration to the U.S. has slowed to a trickle.

RATHER THAN FIGHTING DISINFORMATION *MOTHER JONES* IS SPREADING DISINFORMATION

Mother Jones and other organizations continue to make irrational claims that, as the [Brookings Institution](#) phrased it, “U.S. immigration policy [is] a classic, unappreciated example of structural racism.” Those claims, however, are not supported by the realities of current immigration policy. The vast majority of the people admitted to the U.S. under current immigration law are neither European nor Caucasian. In fact, if there is any structural racism built into the U.S. immigration system, there is strong evidence in favor of the conclusion that it operates to *exclude* European immigrants.

So, why do arguments that U.S. immigration law favors Caucasian Europeans persist? America has lost control of its borders. Those who benefit from mass migration want to distract attention from the honest debate that the citizens of the United States need to have. That debate must involve discussions about how our nation should be secured, how border controls should be implemented, and who we should permit to come live and work in our country. So anti-borders, mass migration advocates resort to deliberate attempts to inhibit consideration of the real questions at issue by claiming that our immigration policies are racist. After all, accusations of racism are the quickest way to end meaningful debate in American politics.

It's also worth noting that even if our immigration programs were tied to predictors of economic success, like education, marketable job skills and the ability to speak English – migration to the U.S. still would not skew noticeably Caucasian. By some estimates, India, by itself, has the largest English-speaking [workforce](#) in the world. And Pakistan, Bangladesh, the Philippines and Singapore all have massive [English-speaking](#) populations – which are also extremely well-educated. None of those countries have sizeable Caucasian populations.

In the end, Americans shouldn't be concerned about what immigrants look like. We should be concerned with how intending immigrants can contribute to the future of a strong, prosperous and free United States.

The fact is, the type of "immigration laws = racism" arguments made by *Mother Jones* simply can't stand up to the facts – every year the U.S. admits millions of people of every race, color and creed. So, the next time you hear somebody complaining that U.S. immigration law is exclusionary and embodies racism, ask them this question: "If the treatment of immigrants to the U.S. is so racist, why do so many people, who are not Caucasian keep coming to our shores, begging to be allowed to live and work here?"