The Integration Policy Paradox
Does the United States Have an Integration Policy for Immigrants and Their Children?

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This publication is the second policy brief produced on the issue of Muslim integration in the United States and Europe by the Division of Global Affairs (DGA) at Rutgers Newark. The product of a policy forum held in Paris in March 2009, this brief constitutes part of a larger report entitled ‘Integration and Security: Muslim Minorities and Public Policy in Europe and the United States’ to be published by DGA in the late summer of 2009. The report tackles the complex, important and sensitive issue of the integration of Muslim minorities across the Atlantic, and the important balance between the preservation of civil liberties and enhancement of security in the current policy climate. Based on a three-year study conducted in collaboration with the CEVIPOF located at the Fondation Nationale des Sciences Politiques (Sciences Po, Paris), the final report reflects the discussions, findings and recommendations of the academics and senior practitioners who participated in the policy forum. Both the policy forum and publication of the report was generously funded by a grant from the National Program of the Carnegie Corporation of New York (Grant identification number D 08080).

To download this publication please visit http://et21.rutgers.edu/publications/DGABRIEF2.pdf
To download the full report please visit http://et21.rutgers.edu/publications/DGAREPORT1.pdf

Summary
Unlike in several European countries, the United States has no formally recognized integration policy for immigrants and their descendents designed to facilitate the incorporation of minority immigrant communities into mainstream society. The presumption has always been that the US can and does rely on the cultural and market mechanisms of the melting pot. Yet, it is argued here, the US does have an unrecognized, informal policy, one that has built upon efforts to integrate the African American community through civil rights legislation.

Even if it is not formally recognized as such by policymakers, the combination of affirmative action, immigration and diversity laws and policies have incrementally generated, by default, a far more muscular integration policy for immigrants and their children than some of their European counterparts. The new challenge concerns how these policies can be extended to apply to vulnerable Muslim and Arab communities living in the United States?

Is Affirmative Action the New Integration Policy?

Despite inevitable setbacks, integration policies in America have steadily strengthened over the last five decades, notably in regards to affirmative action. The Civil Rights movement of 1960s explicitly challenged the presiding assumption that civic and economic integration could be left to social and market mechanisms. It forced U.S. policymakers to respond to protests demanding social change with the design of rights-based policies intended to promote diversity and inclusion.
Anti-discrimination and immigration measures, as outlined in Table 1, prompted and then reinforced public recognition of a multi-ethnic America. This new set of policies has effectively shaped aspects of subsequent approaches to immigrant integration such as those that promote religious diversity.

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tr>
<td>1964</td>
<td>Passage of the Civil Rights Act of 1964</td>
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<tr>
<td>1965</td>
<td>Creation of the Equal Opportunity Employment Commission (EEOC)</td>
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<tr>
<td>1965</td>
<td>Passage of the Voting Rights Act</td>
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<td>1975</td>
<td>The added protections of the 1975 amendments to the Voting Rights Act</td>
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<tr>
<td>1990</td>
<td>Passage of the “diversity clause” of the Immigration Act of 1990</td>
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The Building Blocks of Integration

Integration policy in the US today is predicated on three integral building blocks: immigration policies and laws, diversity policy and laws, and affirmative action legislation. The geographic source of applicants fundamentally shifted at the conclusion of the Cold War, with many more immigrants coming from failed and fragile states around the globe and fewer proportionately from Eastern Europe. The Immigration Act of 1990, for example, included a provision for diversity visas that eventually provided for the admission of 55,000 immigrants (determined annually by lottery) from under-represented countries.

Yet this multicultural approach to immigration in the U.S. has yet to be applied to integration policy itself. Race and ethnicity remain the presiding basis for any adjudication, with religious diversity ignored. The primary challenge in the U.S. is how to extend anti-discrimination policies to Muslim and Arab immigrants and their children. Catholics and Jews have paved the way for the observance of Muslim cultural practices with respect to establishing legal precedent and institutional recognition of religious holidays, dress codes and dietary restrictions. Yet approaches to reconciling the diverse religious, ethnic and geographic composition of Arab and Muslim immigrants, to address them as minority groups, require further examination. While this path to social inclusion is constructive and necessary, it has limitations with regard to the status and treatment of Muslims and Arabs.
Affirmative action, which was created –in part– to ensure the inclusion of African-Americans in the workforce and in universities, has been extended to include other minority groups in the United States. In addition, it has served as the basis for obtaining protected status by even religious groups in the work place in addition to addressing gender discrimination in the workplace. The broader application of affirmative action policies beyond race, is promising for the inclusion of Muslims and Arabs.

**Does One Size Fit All?**

Some Arab and Muslim immigrants may need protection under an integration policy to enhance their political and social integration as a bulwark against radicalization. Unlike in Europe, many are economically successful and don’t need assistance programs.

Doing so, however, faces several problems. Affirmative action in the US has always been applied on the basis of race or ethnicity. Arabs and Muslims, however, are such a diverse ethnic and geographic group that these categorizations don’t apply. Alternatively, their categorization as a religious minority group would set a precedent in the US: it would be the first time that affirmative action policy would be applied on the basis of religion, potentially violating the separation of church and state.

Furthermore, many non-Muslim Arabs living in the U.S. would be excluded from these protections while a multitude of other religious minorities could legitimacy lay claim to similar protections. Such complications imply that, for practical reasons, affirmative action policies might better be applied to a targeted subset of Arabs and Muslims.

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An extended discussion of the issues raised in this policy brief and many more will be addressed in a forthcoming book co-edited by Ariane Chebel d’Appollonia and Simon Reich to be published by Rutgers University Press in the winter of 2010.

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The DGA’s more comprehensive analysis of the issues discussed in each policy brief will be published in a report available in August 2009.

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