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### The Cyclical Racialization of U.S. Immigration Policy

Throughout U.S. history, immigration policy has served not only as a mechanism for regulating the movement of people but also as a powerful tool for enforcing social constructs. In moments of national anxiety—whether driven by labor competition, war, or fears of terrorism—immigration laws have defined who belongs and who is seen as an outsider. These definitions are never racially neutral. Rather, they reveal how race is a social construct, shaped and reshaped through language, law, and power. This paper explores how the language of immigration and national security policy has evolved over time—and how that language reveals a persistent, cyclical pattern of racial exclusion. Specifically, it examines the Chinese Exclusion Act of 1882 and 2017 Muslim Travel Ban (Executive Order 13769), arguing that while the terms used in such policies may shift—moving from explicit racial language to coded, ‘colorblind’ language and back again—the underlying logic of racialized exclusion remains constant. By analyzing the rhetoric and justification behind these two policies, this paper demonstrates that racial difference is not biologically determined but socially constructed to reinforce systems of inequality.

Understanding the racialization of immigration policy requires a theoretical grounding in racial formation theory. Developed by Michael Omi and Howard Winant, this framework posits that race is not a fixed biological category but a social construct, shaped by institutions, political forces, and cultural practices. Laws, in particular, play a central role in producing and

reproducing racial categories by defining who is allowed to belong to the national body and who is marked as a threat.

Complementing this is Eduardo Bonilla-Silva's concept of colorblind racism, which argues that in the post-civil rights era, racism often operates not through explicit slurs or openly discriminatory laws but through seemingly neutral language. Phrases like "national security," "merit-based immigration," and "cultural fit" obscure the racial motivations underlying policy decisions. While this language may appear neutral on the surface, it often functions to preserve white dominance and exclude non-white groups under the guise of fairness or objectivity.

Both frameworks illuminate the social construction of racial difference and the role of state power in legitimizing exclusion. Immigration law becomes a key site where race is produced—not by naming race directly, but by embedding it in the logic and rhetoric of national security, economic value, and cultural compatibility.

The Chinese Exclusion Act of 1882 was the first major federal immigration law to ban a specific group based explicitly on race and nationality. Passed during a period of intense anti-Chinese sentiment in the western United States, the act prohibited the immigration of Chinese laborers and denied naturalization rights to those already in the country. The justification for the law was unambiguous: Chinese immigrants were portrayed as racially inferior, culturally alien, and economically threatening to white American workers. In the language of the law itself and the surrounding public discourse, Chinese people were framed as a danger to public morality, health, and social order. Terms like "unassimilable," "undesirable," and "threat to good order" were commonly used in congressional debates and newspaper editorials. This rhetoric drew on the racist trope of the "Yellow Peril"—the fear that Asians would overrun Western civilization

through their supposed cultural and moral deviance. The law did not attempt to hide its racial bias; rather, it institutionalized it.

The Chinese Exclusion Act illustrates how racial difference is socially constructed by the state. Chinese immigrants were not simply defined as foreign based on citizenship or culture—they were racialized as a permanent threat to national identity. Through this policy, Chinese identity was redefined as inherently incompatible with Americanness, laying the groundwork for future racial exclusions.

In January 2017, then President Donald Trump signed Executive Order 13769, widely known as the Muslim Travel Ban. While the order never explicitly mentioned religion, it barred entry from seven Muslim-majority countries and immediately triggered protests, lawsuits, and national debate. The administration justified the policy on the grounds of national security and counterterrorism, claiming that individuals from these countries posed a risk to the United States. However, the context surrounding the order made its racialized and Islamophobic intent clear. On the campaign trail, Trump had called for a “total and complete shutdown of Muslims entering the United States,” and his administration consistently used phrases like “radical Islamic terrorism” to connect Muslim identity with violence. While the executive order was written in legalistic seemingly neutral language—speaking of “security risks”—its implementation and rhetorical framing revealed its true target.

This case exemplifies Bonilla-Silva’s notion of colorblind racism. The law avoided explicit reference to race or religion but relied on coded language that signaled who was being excluded. Phrases like “threats to national security” allowed the administration to enact a policy of religious and racial exclusion under the cover of neutrality. Like the Chinese Exclusion Act,

the Muslim Travel Ban constructed a racialized other—this time not through overt racism, but through the strategic deployment of fear in discourse and language.

Between the openly racist Chinese Exclusion Act and the more subtly racialized Muslim Travel Ban lies a crucial middle phase in the cycle of immigration policy: the emergence of coded, colorblind language. The 1965 Immigration and Nationality Act (INA), also known as the Hart-Cellar Act, marked a significant turning point in U.S. immigration law. It eliminated the national origins quota system that had heavily favored Northern and Western European immigrants since the 1920s and introduced a new system based on family reunification and occupational merit. On the surface, the law appeared to usher in a new era of fairness and racial neutrality in immigration. However, a closer look at its structure and implementation reveals that the INA was deeply informed by racial and cultural biases—just hidden under the rhetoric of equality.

The shift away from explicit racial exclusion toward neutral-seeming criteria like “skills,” “merit,” and “family reunification” did not eliminate racialized outcomes—it merely obscured and ignored them. While the Act opened the door for increased immigration from Asia, Africa, and Latin America, it continued to prioritize Western values and cultural proximity. By placing an emphasis on economic contribution and family structures, the INA subtly favored applicants who could assimilate into a white, middle-class American ideal. The law also imposed per-country caps that, while appearing equal, has disproportionate effects on countries with higher demands for visas.

This new phase of immigration policy illustrates Eduardo Bonilla-Silva’s concept of colorblind racism: a system that maintains racial hierarchies not through direct exclusion but through seemingly race-neutral principles that have racially disparate effects. Rhetoric around

“assimilation,” “national interest,” and “American values” continued to racialize non-white immigrants by implying cultural inferiority without naming race explicitly. At the same time, immigration debates of the 1970s through early 2000s—around welfare use, criminality, or undocumented status—frequently invoked race-coded language such as “illegals,” “border crisis,” and “aliens” to target Latinx and other non-white populations without overtly invoking race.

Thus, the middle era represents a period where the language of immigration became more subtle, but no less racialized. The INA created the appearance of a fair and open system while continuing to privilege whiteness and cultural assimilation. This period of coded policy and rhetoric illustrates the middle phase in the cycle of racialized exclusion: the moment when overt racism is replaced by proxies, but the underlying power structures remain intact.

Both the Chinese Exclusion Act and the Muslim Travel Ban targeted specific groups as existential threats to the American nation. While separated by over a century, the logic behind these policies remains strikingly similar. Each defines certain populations as dangerous, unassimilable, and fundamentally foreign. Each constructs racial differences in response to a perceived national crisis—economic instability in the 1880s, terrorism in the 2010s—and uses the power of the state to exclude. The primary difference lies in the language. In 1882, racial exclusion could be stated directly. In 2017, it had to be coded in terms of national security. Yet the underlying structure remains unchanged. The shift from explicit racism to coded language does not represent progress; rather it demonstrates the adaptability of racial exclusion to different political and cultural climates. Indeed, the Muslim Travel Ban shows that even coded language can give way to more direct forms of targeting, especially when the political climate permits.

Trump's administration blurred the line between legal neutrality and overt racism, revealing how quickly the colorblind mask can slip.

Taken together, these two policies illustrate a cyclical pattern in the racialization of immigration law. The cycle begins with overt racism, evolves into coded rhetoric in the face of civil rights gains or shifting public norms, and eventually returns to more explicit racial targeting during periods of social or political upheaval. This is not a linear progression toward equality—it is a recurring loop in which the language of exclusion is constantly updated to meet the needs of the moment. This pattern persists today in policies such as family separation at the border, mass surveillance of Muslim communities, and merit-based immigration proposals that disproportionately favor white, Western applicants. These measures often rely on neutral-sounding language—"border security," "public charge," "national interest"—but they reproduce the same racial hierarchies that have long structured American immigration law.

U.S. immigration policy is not merely a set of rules about who can enter the country; it is a powerful instrument for defining the boundaries of race and belonging. Through the case studies of the Chinese Exclusion Act and the Muslim Travel Ban, this paper has shown how racial exclusion is constructed, justified, and sustained through language that shifts with political context. Whether through explicit racial language or coded appeals to security and merit, the goal remains the same: to preserve a racialized vision of who counts as American. Recognizing this cycle is the first step toward breaking it. To challenge the structures of racial inequality embedded in immigration law, we must learn to read not just what policies say, but what they are designed not to say.

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