

Emergent Divides

Class and Position among Asian Americans

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THE UNITED STATES HAS HAD, AT BEST, AN AMBIVALENT RELATIONSHIP with its new immigrants, and during the past two decades, that ambivalence has evolved into an ever deeper set of policy contradictions. On the one hand, several prominent commentators have noted that we are living in the midst of a new nativism, a time when politicians and other elites have often referred to immigrants in pejorative terms and have acted politically in ways to reduce immigration overall. Certainly much supports this view: immigration rules have become increasingly harsh, especially against the poor; the southern border has become more militarized; and the United States deports more people every year now than ever before. But on the other hand, proponents of this argument might be missing the other half of the story. More people have entered the United States to work and invest than ever before—entire communities have been built around new professional classes of South Asians, Europeans, mainland Chinese, and Korean immigrants, many for whom national boundaries and immigration restrictions are largely irrelevant, just a nuisance at the international airports

through which they travel. These migrants are relatively unencumbered by the new immigration restrictions. In fact, for these classes of persons, Congress has consistently amended immigration rules to make their crossings easier.

In a complex way, we live in an era of flexible citizenship that exists alongside the new nativism, a time when immigration status is at once inconsequential and yet one of the most important of juridical identities. For the skilled and affluent, things could hardly be better; for the unskilled and the undocumented, things could hardly be worse. I argue here that Asian immigrants have felt this contradiction in greater terms than any other immigrant group in the United States over the past two decades. In light of this contradiction, we are approaching a moment when we should reevaluate Asian American studies as a field. In the 1960s, when the term “Asian American” first appeared in political contests over recognition and civil rights, the concept captured a shared life under white supremacist rules in spite of class differences or ethnic diversity among Asian Americans. It was a political term, much like “people of color,” that was used to connote a common set of political objectives, even a collective history of racial oppression in the United States.

Over the past 15 years, however, a unique combination of demographic trends—much of it related to three decades of American immigration policy—has threatened the coherence of the concept to such an extent that the material and social distances between Asian Americans has become so pronounced and so obvious that a common political agenda and a common future seem highly unlikely. This essay is merely a preliminary step in measuring these distances, as well as a reminder of how powerfully immigration rules have shaped new political and social realities. The primary objective of this piece is to suggest new areas of research within the field, to look more closely at the emergent divides between Asian Americans, distances (as well as interrelationships) that are based on immigration status, class, and other measures of inequality.

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In *Probationary Americans* (2005), my brother Edward Park and I gave a detailed account of the fundamental changes in immigration law and policy since 1990. We argued that Congress had changed immigration rules incrementally over the past two decades toward two major policy objectives: to prevent and discourage the migration of the poor, while at the same time allowing for the steady migration of skilled workers. Immigration rules were reformed to reflect better a political consensus to reduce the welfare state and to promote the economic development of a postindustrial American economy driven by high technology industries. We gave a legislative history of various pieces of immigration law and policy, and we explored some of the immigration trends associated with these new rules. We treated many of these trends with caution, noting throughout *Probationary Americans* that the full effect of basic changes to immigration law would not be known for some time.

Yet the most recent data on immigration trends tend to support the arguments we made in that work. Family-sponsored immigration into the United States has continued to change in composition: between 1995 and 2001, an average of 230,000 persons were admitted every year under family-sponsored immigrant categories, and an average of about 311,000 persons were admitted every year as the immediate relatives of U.S. citizens. From 2002 to 2004, 187,000 persons were admitted on average every year under family-sponsored immigrant categories, and 408,000 persons were admitted on average every year as the immediate relatives of U.S. citizens. In 1996, legislators spoke openly of limiting the migration of extended kin, siblings, and adult children, in favor of maintaining the migration of nuclear families. The rules that they subsequently supported—including rules to limit public assistance to all new immigrants and rules demanding financial liability from all sponsors of new immigrants—have produced a steady family reunification pattern with fewer extended kin and more nuclear families. Before 1990, academic and government studies had attempted to show that persons admitted under family reunification categories as extended kin were much more likely than others to become indigent. If the whole point of immigration policy after 1990 was to reduce the

population of relatives “most likely to become a public charge,” the policy seems to be proving a “success.”¹

In other ways, immigration law continues to be a model of efficiency, often brutally so. We reported that in 2001, close to 180,000 persons were forcibly expelled from the United States. After a brief lull in 2002, when only 150,000 persons were deported, annual deportations quickly approached and then exceeded 200,000 persons per year. In 2004, over 202,000 persons were deported, a figure higher than the number of all deportations in the entire decade between 1961 and 1970. Even in the early 1980s, deportations typically ranged under 20,000 persons per year, but if current trends hold, the United States will deport ten times that number every year for the foreseeable future. The new, efficient system of deportation—with its own jails and fewer avenues for judicial review, a system in which deportation has become the answer for a much wider array of infractions and offenses—marks the logical endpoint and policy triumph of the new nativism.²

On the other hand, the fraction of employment-based immigrants and other workers continued to rise during the same period when deportations and welfare restrictions reached their peak. In 1985, before major changes to the rules governing admissions for persons seeking permanent employment in the United States, about 50,000 persons were entering under various employment-based preferences. Yet from 1995 to 2001, about 102,000 persons were admitted every year under those preferences. From 2002 to 2004, those figures increased again, to over 137,000 persons per year. More significantly, from 2001 to 2004, over 360,000 persons were admitted every year as temporary skilled workers under the controversial H-1B program, under which skilled workers are granted temporary visas. Although Congress chose to reduce the number of H-1B visas available after the 2003 fiscal year, the sheer number of persons admitted temporarily to work in the previous decade had no precedent in American immigration history. As we pointed out in *Probationary Americans*, slightly over half of these highly skilled temporary workers had successfully adjusted their immigration status to permanent residents—many are, no doubt, still converting a short window of work into a much longer future in the United States.

In terms of race and demographics, the shifting trends in Asian migration have been the most profound. In the two decades after the Immigration Act of 1965, Asian migration was a steady mix of family reunification and employment-based migration, skewing very often toward the former rather than the latter. Even as recently as 1995, over 60 percent of immigrants from Asia came for family reunification purposes, often under categories reserved for extended kin, especially siblings, as well as the married adult sons and daughters of U.S. citizens.

That trend has clearly shifted away from family reunification and toward employment. In recent years, beginning in 1998, at least two of every three permanent immigrants under employment categories were Asian, and a staggering three of every four temporary skilled workers were also Asian. By several measures, Asians have clearly dominated both permanent and temporary categories for skilled employment for many years now. Moreover, it is rather common in recent years for the number of persons coming for employment to exceed the number of persons coming for family reunification from Asian countries: in 2004, for example, about 38,000 persons were admitted from India under employment-based preferences, while only about 13,000 were admitted under family-sponsored preference categories. (By comparison, for that same year, the figures for Mexico were 7,000 for employment-based preferences and 62,000 for family-sponsored preference categories.)

The class-based shifts in Asian migration are obvious in other powerful ways. For example, the number of refugee admissions from Asian countries has declined over the past ten years: again, in 2004, fewer than 3,200 persons were admitted as refugees from Vietnam, Laos, and Cambodia, the three countries in Southeast Asia that had sent the majority of refugees to the United States from Asia since 1980. For several years now, migrants from Southeast Asia are more likely to use family reunification categories to settle in the United States rather than coming as refugees, and like most sponsors of immigrants from Asia, their American-based sponsors petition most heavily for their immediate family members rather than their extended kin. And even as refugee admissions from Southeast Asia have fallen, the number of persons facing deportation to Southeast Asia has

increased to over 8,500 persons. Originally admitted as refugees, often coming to the United States as minors, these persons face the prospect of being sent home sometime after they complete sentences for criminal convictions. In the near future, caught in the massive waves of deportation that are a major part of American immigration policy, the number of former refugees sent back to Southeast Asia might exceed the number of new refugees admitted to the United States from that region.³

Finally, despite serious and repeated attempts to stop unauthorized immigration, the number of illegal immigrants in the United States has clearly risen over the past two-and-a-half decades. The most reliable estimates of that population ranged slightly above two million persons in 1980; by 2005, the estimates ranged from eight to eleven million persons. (On some of the cable news networks, commentators insisted that the figure could be as high as 20 million persons.) Up to one million undocumented aliens are now from Asian countries—like the population of undocumented persons in general, their numbers multiplied four or five times over the past 25 years. As many as one in ten persons of Asian ancestry in the United States is an undocumented alien.

All of these statistics point to a disturbing fact: current migration patterns are producing a new cohort of Asian immigrants in the United States that is very distinguishable from other groups, and immigration rules themselves are shaping significant fractures among Asian Americans already here. On the one hand, federal policies designed to discourage the migration of the poor have successfully changed the composition of family reunification. From a statistical perspective, new Asian immigrants coming under family reunification visas are less likely to rely on public assistance, just like every other group of immigrants after the immigration reforms of 1996. Legally, all new immigrants are presumptively ineligible for public assistance for ten years, or until they are granted citizenship. (Permanent residents may petition for naturalization after five years of continuous residence in the United States.) But lawfully admitted Asian immigrants coming for family reunification are even less likely than other groups to fall below poverty thresholds chiefly because a greater proportion are now admitted as immediate family members rather than as extended kin.

Indeed, for poorer Asian American citizens and lawful permanent residents, helping extended family members will more likely mean sending remittances back to those relatives in their native country, not an immigration petition to sponsor their arrival in the United States. In other words, the chief avenue through which the vast majority of relatively poorer, less skilled Asian migrants legally came to the United States—family reunification visas for extended kin—is being choked off.

Clearly, there are multiple reasons for the tremendous growth of undocumented immigrant populations in the United States, but it would seem that for poorer immigrants, the illegal options are likely the only ones available when the legal ones have closed. Among neo-conservatives, it is a truism that government fails most spectacularly when it is the most ambitious, and perhaps contemporary enforcement measures in the immigration law bear this out more than most other government policies in the past two decades. The number of undocumented persons from everywhere has exploded over the past 25 years, during which time the federal government has spent staggering sums building more fences and hiring more border patrol agents than ever before in the nation's history. And yet enforcement policies and their consequences have produced something of an odd set of political alliances on immigration policy that cut across party and ideology: law-and-order conservatives and protectionist-progressives see the burgeoning population of undocumented aliens, sense a failure of government policy, and then support more enforcement measures; laissez-faire conservatives and egalitarian-progressives see the same trend, sense the same failure, and then support moves toward legalization to measure and control the flow. It is something of an irony that George Bush, arguably the most fundamentalist president in modern history, would be on roughly the same side of the recent debates over legalization as the thousands of street protesters throughout the United States in late March and early April 2006.⁴

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In the midst of intense discussion over low-wage, undocumented immigrants, another trend in the immigration law has received far less attention,

and yet it also has the potential to reshape life in the United States. Since 1990, the avenues for skilled and affluent migrants have widened, and Asian migrants in particular have been the primary beneficiaries. With over a quarter million skilled Asian migrants coming as permanent residents and as temporary workers each year, the sheer numbers of skilled workers from Asia has no precedent in the nation's history. Chinese exclusion began in 1882, when the population of Asians in the United States numbered roughly 100,000 persons, after 30 years of sustained Asian immigration; now, at least 100,000 permanent residents come to work from Asia every year (Lee 2003; Ngai 2005).

Several prominent scholars have written at length about this cohort of skilled workers and investors from Asia, ~~and it is worth summarizing some of their findings here.~~ In her study of ethnic entrepreneurs in Silicon Valley, for example, AnnaLee Saxenian has suggested that these entrepreneurs are part of a constant global movement of talent and capital—that contemporary migration of skilled workers from Asia represents not so much a brain drain as a brain circulation. Young graduates of the National Taiwan University might get their graduate training at MIT or Berkeley, but rather than settling into a corporate life in America, they are more likely to return to Taiwan, cultivate business contacts, and travel back and forth across the Pacific in search of different types of opportunities in this global economy. In a similar way, Indian programmers on temporary work visas like the H-1B truly are probationary Americans, because they must petition separately for the right to remain permanently in the United States after six years, and yet their options back in India are looking ever brighter. Bangalore, New Delhi, and Mumbai continue to experience tremendous growth in their own high-technology sectors, at a rate that has rivaled high-technology regional economies within the United States (Saxenian 1999, 2006; Ong 1999).⁵

Despite all of this circulation, though, major regions within the United States have fundamentally changed as a result of new Asian immigrant settlements. There is a growing literature on Asian American “ethnoburbs,” places like the San Gabriel Valley in Southern California or the region around San Jose in Northern California. Queens in New York City is yet

another vast and thriving ethnoburb with similar economic and political trajectories as its analogs in California. They all have much in common. In their separate studies of Monterey Park, for instance, Timothy Fong (1994) and Leland Saito (1998) both mapped the transition of a predominantly white Los Angeles suburb into the first suburban Chinatown, a place where Asian Americans came to political consciousness in the face of intense local hostility against their very presence. The new Chinese in Monterey Park resisted; they now constitute a firm demographic and political majority. In subsequent studies, sociologists and economists have noted the establishment of transnational banks—from mainland China, South Korea, and Taiwan—in these once-contested areas. After winning power, Asian American political leaders now run what are effectively Asian American suburbs, and when Asian American entrepreneurs look for start-up money or venture capital, they look to one or several of the Asian transnational banks within their ethnoburb.⁶

Of course, this has utterly changed the scale and scope of Asian American entrepreneurship in the past decade. In the late 1980s, the prototypical Asian American entrepreneur was the Korean American liquor store owner in South Central Los Angeles or the Chinese American restaurant operator in New York Chinatown. They had scrapped together family savings, loans from relatives, and perhaps relied on a rotating credit association for start-up money or the occasional renovation, and many of them also depended on the free labor of their spouses and children to run what was essentially a family business. While this form of entrepreneurship has not disappeared altogether, much larger and much more corporate forms of Asian American entrepreneurship have displaced the mom-and-pop businesses in areas with large Asian American populations. A Korean-owned grocery store in Los Angeles is literally a much bigger enterprise than it was 20 years ago; it is much more likely to be part of a chain of stores, financed in a significant way by investors from Korea, and with hundreds of employees, often Latinos and Koreans. Similarly, the endless strip malls that line Valley Boulevard in the San Gabriel Valley are owned by Asian American real-estate companies, each holding millions of dollars worth of prime commercial properties.⁷

In other respects, in rather conventional sectors of the American economy, Asian American entrepreneurs are playing an increasingly unconventional and surprising role. Check into a hotel in the South these days and chances are very good that it is owned by a South Asian hotelier. Check into a motel or hotel anywhere in the United States, and chances are still good that it is owned by South Asian entrepreneurs, as they own over 50 percent of all motels and about 40 percent of all hotels in this country. No other racial or ethnic group has made such an obvious entry into this industry. Ironically, very few Asian Americanists have written or mentioned this trend, and yet it is the kind of phenomenon that nowadays speaks to the speed and pace of change in contemporary Asian American communities.⁸

The new Asian American upper-middle and entrepreneurial class might well be different than other groups of middle-class people of color, if only because of its ability to replicate itself intergenerationally. The sons and daughters of all of these high-end workers and entrepreneurs are attending college in what is by now a familiar pattern of overrepresentation among students of Asian descent in American higher education. In the public university system where I teach, the percentage of incoming undergraduates who are of Asian descent is approaching 50 percent. In the graduate and professional schools within the same system, the numbers of Asian students has steadily increased across the disciplines, at a time when Latino and African American enrollments have either declined or flattened.

What is most striking about this trend is that students of Asian descent within the system are much more likely than before to report that they are from affluent suburban school districts or from private schools, in a pattern that has also emerged in other places outside of California. The trend is not surprising, but preliminary evidence suggests that upper-middle-class Asian American and Asian immigrant professionals are investing heavily in the education of their children and thus passing on substantial cultural and financial capital. In her recent study of Chinese American college-age students in New York, Vivian Louie reports that many of her informants embraced the model minority myth, and that this collective expectation of Asian American success had penetrated into their minds and hearts. At a time when several of our most prominent Asian American scholars are

calling for Asian Americans to move beyond self-interest, the kids may have it right: perhaps some Asians in the United States are different, and even if they are not a model minority, they might certainly be part of a group that is an identifiable, self-aware, politically powerful, and professional class able to reproduce itself through investments in its children. Given the structure of current immigration rules that favor their arrival, as well as the obvious trends that suggest their reproduction as a class within the United States, they are likely to be around for a while (Louie 2004).⁹

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In the near future, the most useful contributions to Asian American studies and the most compelling interventions by Asian Americanists into other fields are likely to be those that examine in greater detail the relationships between the Asian American haves and the Asian American have-nots. By all accounts, the federal government's several efforts to limit or to eliminate the migration of the poor since 1990 have made illegal migrations more dangerous and more expensive, but this clandestine flow has hardly stopped. In large part, this is because the demand for unskilled laborers is often greatest in the very communities where their presence is and has been least noticeable.

The two groups are related: Asian American entrepreneurs in almost all sectors have relied on the employment of less-skilled and more vulnerable Asian Americans. In his study of illegal Chinese migration to the United States, for example, Ko-lin Chin (1999) reported that the federal government estimated roughly 500,000 undocumented Chinese aliens in 1991, almost all connected initially to Chinese American subcontractors and businesses. In a separate study, Peter Kwong noted that government officials in 1994 estimated up to 100,000 persons per year were coming to the United States from China illegally, again to work for fellow Chinese. At least one million persons of Chinese ancestry are now probably living illegally in the United States, a figure that matches estimates of the population of undocumented Chinese aliens in all of Europe. According to the Census Bureau in 2000, there were as many as 180,000 illegal aliens from Korea,

representing about 16 percent of the Korean American population in the United States. In Southern California alone, there are roughly 50,000 illegal aliens from Korea, almost all tied to the economic life of legal Korean immigrants and Korean Americans (Kwong 1997).¹⁰

There have been illegal immigrants for as long as there has been a federal immigration law, and in the late nineteenth century, the Chinese were the pioneers in this traffic. More recently, this illegal movement has occurred through complex criminal gangs and networks traversing all regions of the world: illegal Mexican and Central Americans have relied on coyotes, illegal Chinese on snakeheads. While the cost of transporting someone across the Southern border could be as little as a \$1,000 per person, snakeheads rarely charge less than \$10,000 per person, and have often charged over \$20,000 to take illegal immigrants across three or four countries, sometimes over several months, before landing them in the United States. Because this particular market for illegal immigration is so expensive, illegal Chinese aliens may face special kinds of pressure and coercion from their smugglers and their coconspirators, parties that include corrupt government officials, drug traffickers, and street gangs (Kwong 1997).¹¹

There is voluminous academic literature showing that even when things go relatively well getting here, undocumented aliens have hard day-to-day lives. They work long hours and for low pay, in restaurants, as janitors, and in garment work (Bonacich and Appelbaum 2000). In some instances, their modern working conditions have been so deplorable as to trigger alleged violations of the 13th Amendment. And yet their unlawful status itself has hampered efforts to improve their working conditions—unionizing and organizing undocumented workers has had mixed success, at best. To complicate matters, federal court decisions treat these workers as both workers protected by federal labor laws and subject to deportation: while it is unfair to deny these workers the right to organize or the right to strike, for example, they are still deportable should their actions reveal their illegal status. These decisions give employers enormous incentives to betray their less compliant workers, as in the Assi Supermarket case, where the Korean American owners of one of the most profitable ethnic supermarkets in

Southern California threatened to have their Latino and Korean workers deported should they form a union.¹²

In this instance and in many others, in situations where relatively better positioned Asian immigrants and Asian Americans are able to exploit hyper-vulnerable coethnics, one of the most urgent and important moral and political questions might be this one: Just how much of the comfortable, affluent lifestyle enjoyed by some Asian Americans has depended in part upon the withering conditions faced by their coethnics? How much will the former continue to depend upon the latter? Perhaps unwittingly, federal immigration rules have helped to create the very distances and gaps between Asian Americans. Just as important, American law has also helped to structure the conditions that can lead to the increasingly predatory relationships between the Asian American haves and the Asian American have-nots. Politically, economically, and socially, if current rules and trends remain the same, the next few decades may produce even more divergent paths among Asian Americans, between Asians who enjoy the full benefits of the civil rights revolution versus those who are, by law, not treated as formal members of American civil society at all.



NOTES

1. For additional background about changes in immigration policy, especially the economic arguments critical of federal policies before 1990, see Borjas (1991, 2001). For a discussion of the politics behind immigration reform, see Reimers (1999). All figures for immigration admissions come from the United States Department of Homeland Security (2006).
2. For background on border control and deportation policy, see Nevins (2001). For further discussions about contemporary rules governing deportation, see Newcomb (1998) and Welch (2004). For figures and estimates of annual deportations, see United States Department of Homeland Security (2006).
3. All of these trends, toward employment-based admissions, the adjustment of temporary workers, and the deportation of refugees, are discussed in Park and Park (2005). For a thorough discussion about the deportation of Southeast Asian refugees, see Hing (2005).
4. For a sampling of media accounts about possible reforms to the immigration law in

70 ● Emergent Divides

- 2006, see Gorman and Kennedy (2006), Brownstein (2006), and Kirkpatrick (2006).
5. See also Greenspan (2005).
 6. See, for example, Wei Li et al. (2001) and Dymski and Mohanty (1999).
 7. On Asian American ethnic entrepreneurship in general, see Light and Bonacich (1991), Lee (2006), Min (1996), and Park (1997). On the turn toward a new, highly capitalized ethnic entrepreneurship, see Li (1999) and Meyers (2006).
 8. For media accounts of South Asian Americans in the hotel and motel industry, see Varadarajan (1999), Ahmed (2001), and Hendrix and Kim (2005).
 9. For figures for the student population for the University of California, see Office of the President, Department of Information Resources and Communications, University of California, "Statistical Summary of Students and Staff" (Fall 1991–Fall 2005). On affirmative action and higher education among Asian Americans, see Chin et al. (1996). For a discussion of the model minority myth in a related setting, among Asian American professionals, see Ho (2003).
 10. See Chin (1999) and Kwong (1997). For estimates of the illegal Korean population, see Wood (2006).
 11. For a discussion of transnational criminal organizations, including Chinese snakeheads, see Levitsky (2003) and Kung (2000).
 12. Two of the most important federal cases concerning the peculiar status of illegal workers are *Sure-Tan, Inc. v. NLRB*, 467 U.S. 883 (1984); and *Hoffman Plastic Compounds, Inc. v. NLRB*, 535 U.S. 137 (2002). In another case, *Bureerong v. Uvawas*, 959 F. Supp. 1231 (1997), undocumented Thai garment workers were held captive in El Monte, California, by Thai subcontractors; using a joint liability theory, they sued in the present case another contractor, one who did business with the people who had held them captive. For a discussion of this case, see Su (1998). For a discussion of the Assi Supermarket controversy in Los Angeles, see Park (2005).

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72 ● Emergent Divides

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