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**Nativity penalty, legal status paradox:  
The effects of nativity and legal status signals in the U.S. labor market**

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## **ABSTRACT**

Latino immigrants face hiring disadvantages in the United States labor market compared to native-born Latinos, which may be due to human capital, legal status, or employer bias. However, it is difficult to adjudicate between these explanations because most scholarship documenting hiring inequalities focuses on workers' experiences, not employers' actions. This prevents understanding whether employer discrimination is a mechanism of nativity status inequalities in hiring, particularly among the growing share of Latinos with college degrees. I conduct a correspondence audit study of 1,364 jobs in eight metros to test whether employers screen out college-educated Latino men based on nativity and legal status. Employers were twice as likely to call back native-born as immigrant Latinos. Paradoxically, however, employers called back documented, work-authorized Latinos at almost the same low rates as undocumented Latinos without the right to work. A national survey experiment of 468 Human Resources representatives, and interviews with 23 HR representatives and immigration lawyers, reveal that individual concerns about immigrants' English language ability, and organizational concerns about immigrants' deportability, explain why employers are reluctant to hire any Latino immigrant. The results highlight the power of both nativist attitudes and immigration laws for hampering the employment chances of even documented, college-educated Latinos.

## INTRODUCTION

Nativity status has long shaped individuals' life chances. In the 20<sup>th</sup> century United States, European immigrants lagged behind their native-born co-ethnics in attaining similar housing, education, and earnings (Lieberson 1980). Far from a vestige of U.S. past, however, socioeconomic inequalities persist for the 44 million immigrants today; and they are particularly severe for the fifty percent of immigrants who identify as Latino (Burrows 2019). In the labor market, a crucial entry into socioeconomic integration, Latino immigrants have higher labor force participation rates, but are sorted into less prestigious occupations, than native-born Latinos (Hudson 2007; Hall and Farkas 2008). Even when Latino immigrants receive higher education, they are not hired into as prestigious or high-paying jobs as Latinos born inside the United States (Castilla 2008). Nativity status appears to be a salient source of hiring stratification. Considering one-third of the Latino population is born outside the U.S., nativity status inequalities in hiring could have grave consequences for the health of immigrant families and the U.S. economy.

Although nativity status appears to stratify individuals' hiring chances, there is little consensus on the mechanisms driving such stratification. When it comes to other axes of inequality, such as race or gender, abundant causal evidence demonstrates that employer discrimination helps explain racial and gender hiring stratification (Quillian et al. 2017; Pager 2003; Quadlin 2018; Weisshaar 2018; Rivera and Tilcsik 2016; Correll, Benard, and Paik 2007). Immigrants similarly contend that employers discriminate against them based on their nativity (Amuedo-Dorantes and Pozo 2019; Portes and Bach 1985). But we lack much causal evidence on whether employer discrimination is an equally salient mechanism of nativity status inequalities in U.S. hiring. Instead, most theories and empirical evidence attribute hiring inequalities to supply-side, worker-level human capital characteristics—such as immigrants'

lower educational attainment, fewer U.S. educational credentials, or shorter exposure to the U.S. labor market (Borjas 1987; Chiswick 1978; Hudson 2007). Other supply-side explanations focus on immigrants' legal status, given that high shares of Latinos are 'undocumented' and lack the legal right to work, so they are less likely to be hired into the primary labor market (Hall, Greenman, and Farkas 2010; Hall and Farkas 2008; Hall and Greenman 2015). Without focusing on the demand-side of the hiring process, or employers' actions, it is difficult to assess whether employer discrimination is a mechanism of nativity status inequalities in hiring, net of supply-side worker characteristics like human capital or legal status.

The question of mechanisms is especially pressing as the educational attainment of the Latino population is changing (Kreisberg and Hsin 2020). Three million Latino youth are currently enrolled in U.S. colleges, including 250,000 foreign-born Latino youth (Krogstad 2016). Yet most of the scholarship on hiring experiences focuses on immigrant *adults*, who tend to lack higher education and who have high shares of undocumented status. There is considerably less research on the hiring of higher-educated Latino *youth*. This is an important omission if labor market researchers are to understand whether employer discrimination is a mechanism of inequality among the growing share of higher-educated Latinos. In this paper, I test whether and why employers discriminate against male Latino college graduates based on nativity and legal status. I focus on men because, despite increasing access to higher education, men also face heightened criminalization based on their racialized and gender status (Golash-Boza and Hondagneu-Sotelo 2013; Moinester 2019).

To understand whether employers screen out college-educated Latino immigrants, I use an original correspondence audit study of 1,364 real job postings in eight large U.S. metropolitan areas. I apply to each job with one of three hypothetical résumés, varying whether the applicant

is an immigrant or not, and among the immigrants, varying the applicants to either be ‘documented,’ meaning they have Lawful Permanent Residence or a green card and full work rights, or ‘undocumented,’ meaning they lack the right to work. I find that, matching on individual worker characteristics like human capital, Latinos who appear to be native-born have about twice the odds of getting called back for employment than Latinos who appear to be foreign-born. Paradoxically, however, even documented Latinos with full work rights are penalized in callbacks compared to native-born Latinos, not just undocumented Latinos.

To understand why employers screen out even documented college-educated Latinos, I conduct a national survey experiment of 468 Human Resources staff and in-depth interviews with 23 of those staff and immigration lawyers. I find that both individual attitudes and organizational factors explain why employers are reluctant to hire Latino immigrants. Individually, HR staff harbor nativist attitudes about Latino immigrants. Even when they see overt signals of English fluency, they assume that Latino immigrants lack professional-level proficiency in the English language, and they express concerns that lower language proficiency threatens workplace culture. Organizationally, HR staff fear that any Latino immigrant could risk immigration enforcement actions against the firm or be deported. Such risks threaten workplace stability. Ultimately, these individual and organizational factors explain why HR staff are reluctant to hire higher-educated Latino immigrants, regardless of legal status.

The results hold important implications for studies of immigration, discrimination, and organizational inequality. First, this study brings new evidence to longstanding debates on the role of legal status on socioeconomic inequality. Whereas undocumented status is often argued to be a ‘master status’ hampering Latino immigrants’ work opportunities, the results imply that even documented immigrants are marred by their ‘master’ of immigration laws when particularly

men are associated with immigration enforcement and deportation (Enriquez 2017; Gonzales 2011; Gonzales and Burciaga 2018). This study also incorporates organizational barriers into the study of discrimination, which has largely focused on individual employer attitudes to explain discriminatory behavior (Quadlin 2018; Weissnar 2018). In the case of immigration, employers also make decisions within organizations, which are tied by laws governing their activities. As such, this study is also valuable for advancing a theory on the relationship between laws, organizational behavior, and stratification more generally.

## **BACKGROUND**

### **Nativity Status Inequalities in Hiring**

Nativity status has long hampered Latinos' employment opportunities, above and beyond any penalties based on Latino ethno-racial identity (Bean, Leach, and Lowell 2004; Duncan and Trejo 2015; Lieberman 1980; Pager, Bonikowski, and Western 2009). Foreign-born Latinos have higher labor force participation rates, but are sorted into less prestigious occupations, than comparably educated native-born Latinos, even considering region of origin (Hall and Farkas 2008). When hired for the same occupation, immigrants receive lower wages and fewer promotions than natives (Castilla 2008). These patterns have led foreign-born Latinos to claim they experience hiring discrimination in the labor market (Amuedo-Dorantes and Pozo 2019).

Most theories and evidence explaining nativity penalties in hiring, however, focus on supply-side, individual characteristics, like immigrants' human capital or legal status. For example, immigrants and native-born adults vary in their human capital, such as educational attainment, location, or work experience, as classic immigrant assimilation theories contend (Borjas 1987; Chiswick 1978; van Tubergen, Maas, and Flap 2004). Once Latinos are matched on these characteristics, these theories would predict no difference in Latinos' hiring chances.

Similarly, legal status may also drive immigrant Latinos' lower hiring rates, given the large shares of undocumented Latino immigrants who lack work authorization. Observational evidence confirms that documented immigrants with work rights through Lawful Permanent Residence (LPR) or 'green cards' are paid more and are often hired into more prestigious jobs in the primary labor market than undocumented immigrants without the right to work (Donato and Sisk 2012; Gleeson 2010; Hall, Greenman, and Farkas 2010; Terriquez 2014; Marrow 2011). Once accounting for legal status, there may not be any additional penalty attached to foreign-born nativity in hiring.

Despite evidence that individual, supply-side characteristics like human capital or legal status explain nativity status inequalities in hiring, most of this evidence uses data on workers, not employers. This precludes knowing whether employer discrimination explains hiring inequalities, net of supply-side characteristics. In addition, what supply-side evidence exists focuses largely on *adult* workers. This makes it even more challenging to adjudicate between human capital, legal status, or employer bias explanations because adults migrate straight into the labor market – without U.S. higher education and with high shares of undocumented status (Hall and Greenman 2015; Hudson 2007; Duncan and Trejo 2015; Bean, Leach, and Lowell 2004; Harrison and Lloyd 2013). Unlike adults, however, immigrant *youth* migrate into the educational system, where they acquire similar human capital as their native-born peers (Abrego 2006; Fernández-Kelly and Curran 2001). Latino immigrant youth also increasingly enroll in U.S. colleges (National Center for Educational Statistics 2017). Yet there is considerably less research on the hiring chances of this growing but understudied population. I test whether employer discrimination is a mechanism of inequality among Latino college-educated men.

## **HYPOTHESES**



## **Whether Employers Screen Out College-Educated Immigrant Latinos**

Higher education often predicts immigrants' labor market integration (Jackson, Pebley, and Goldman 2010; White and Glick 2009; Alba and Nee 2009; Patler 2018). Immigrants with U.S. (versus foreign) degrees often have similar employment and wages as their native-born counterparts (Lu and Li 2021; Arbeit and Warren 2013). However, other studies focusing on Latinos—largely among recently legalized graduates—find mixed evidence that U.S.-educated immigrants will find similar jobs as their native-born peers (Gonzales 2011; Amuedo-Dorantes and Antman 2017; Pope 2016; Hamilton, Patler, and Savinar 2020). In addition, even with higher education, legal status stratifies immigrants' hiring, with undocumented immigrants largely blocked from upwardly mobile employment (Abrego 2011; Gonzales 2017). However, all of this evidence has been collected among workers, not employers, which precludes knowing the extent to which employer discrimination explains hiring stratification once higher education is held constant. I hypothesize that employers will screen out immigrant higher-educated Latinos. Additionally, employers will screen out undocumented Latinos more so than documented Latinos, given that undocumented immigrants lack work rights:

*H1a: Employers will call back immigrant less than native-born Latinos.*

*H1b: Employers will call back undocumented Latinos less than documented Latinos.*

## **Why Employers Screen Out College-Educated Immigrant Latinos**

There are both individual and organizational reasons why employers may screen immigrants less favorably than native-born Latinos, net of their human capital or legal status.

### *Individual Nativism and Threats to Workplace Culture*

At the individual level, psycho-social and taste discrimination theories argue that individuals' negative attitudes often shape discriminatory behavior (Fiske 2015; T. L. Lee and Fiske 2006). In testing these theories, discrimination studies find that employers' stereotypes

about women, mothers, gay men, and black men explain discriminatory behavior (Correll, Benard, and Paik 2007; Pedulla 2018; Quadlin 2018; Tilcsik 2011; Weisshaar 2018).

Individuals have long harbored nativist attitudes about immigrants based on stereotypes of foreignness and threats to American culture (Hall and Farkas 2008; Lu and Li 2021). Charged battles over the English language are often at the forefront of these sentiments. Historically, speaking foreign languages in public has been illegal in times of anti-immigrant sentiment; and today half the U.S. states inscribe English as their official language (Hernández-Chávez 2010; Luebke 1980; Schmid 2001). Although early evidence suggested these nativist sentiments reflected concerns that immigrants would take citizens' own jobs (Waldinger and Lichter 2003; Scheve and Slaughter 2001), other evidence suggests that labor market competition may not explain anti-immigrant sentiment (Hainmueller, Hiscox, and Margalit 2015). Rather, Americans feel strongly about immigrants speaking English because they are threatened over the potential *cultural* loss that comes from increased immigration (Espenshade and Calhoun 1993). These feelings have become a form of symbolic politics, wherein individuals view the English language as a symbol of national identity they have to maintain (Sears 1993; Jeong 2013). Employers may harbor similar nativist sentiments, citing concerns about English language and cultural fit as justification for their behavior.

Ethnographic evidence in single U.S. firms finds that employers often fear Latino immigrants are not good cultural fits for jobs requiring professional English communication, including interacting with other employees, customers, or firm leaders (Maldonado 2014; Gomberg-Muñoz 2010; Almeida, Fernando, and Sheridan 2012). Employers may express this preference as cultural matching, wherein employers seek individuals to speak the same language

and hold the same cultural preferences as their clientele (Rivera 2012b). In sum, employers may interpret Latino immigrants and concerns over Spanish language as a threat to workplace culture.

It is possible that language reflects concerns about productivity or skills rather than culture (Aigner and Cain 1977; Phelps 1972). Because employers lack perfect information about job candidates' productivity, they rely on productivity-related group characteristics to screen applicants. One such group characteristic could be English language ability. In other country contexts, assumptions about language could explain employers' discriminatory behavior against immigrants (Carlsson and Rooth 2008). In the U.S., employers rate fluent English speakers with accents as less suitable for high-status occupations (Hosoda, Nguyen, and Stone-Romero 2012).

However, recent evidence suggests that language may not reflect productivity. For example, evidence in Canada finds that even when employers *have* perfect information on immigrant candidates' language fluency, they continue to exclude immigrants, suggesting productivity or other 'rational choice' explanations may not explain employers' concerns (Oreopoulos 2011). Without any experimental evidence in the U.S. hiring context, it remains an open question whether employers will exclude immigrants over concerns about language when signals of English fluency are overt. Based on theories of symbolic politics and extant ethnographic analyses, I hypothesize that employers will want to hire immigrants less than native-born Latinos based on concerns over English language and subsequent threats to workplace culture. If that is the case, they should cite language as a cultural justification for their decision:

*H2: Employers will call back immigrant less than native-born Latinos based on language concerns and subsequent threats to workplace culture, rather than concerns over labor market competition or stalled productivity.*

*Organizational Legal Barriers and Threats to Workplace Stability*

Of course, employers do not just make decisions based on individual negative stereotypes about immigrants. Rather, employers make decisions both as individuals and as managers who are situated within an organizational structure that abides by certain laws (Almeida, Fernando, and Sheridan 2012; Baron and Bielby 1980; Midtbøen 2015). In the case of immigration, laws towards immigrants are always changing—dictating what immigrants are lawful or unlawful to hire, for how long, under what circumstances, and at what costs. A growing body of literature on the legal context of employer decision-making illustrates that employers’ interpretations of immigration laws often shape immigrant outcomes, although less of it centers around hiring (Nisbet 2018; S. Lee 2009; Menjívar 2011; Horton and Heyman 2020). Building on this literature, I expect legal barriers specific to immigration—namely laws surrounding enforcement and deportation—will increase employers’ perception that hiring any Latino male immigrant, regardless of legal status, may threaten workplace stability.

Beyond criminalizing Latino immigrants, enforcement laws dating to 1986 have also mandated that employers cannot hire undocumented immigrants (Gleeson 2010; Garip, Gleeson, and Hall 2019). Since then, Immigration Customs and Enforcement (ICE) has increased efforts to audit or raid employer establishments in search for undocumented immigrants. These efforts have made employers pay heightened attention to issues of legality among immigrant workers to maintain their stability with the state, sometimes even collaborating *with* ICE by identifying undocumented workers in exchange for ICE overlooking their prior indiscretions (S. Lee 2009).

Employers must also contend with the reality that undocumented immigrants are not the only ones ICE deports. This is because immigration laws have made it easier to deport all non-citizen immigrants. For example, although immigration enforcement efforts largely affect undocumented Latinos (Golash-Boza and Hondagneu-Sotelo 2013; Macías-Rojas 2016), over 10

percent of immigrants deported each year have LPR or green cards (American Immigration Council 2010). Some of the thousands deported annually are for serious crimes, but two-thirds are for minor offenses. As such, even documented Latinos, most notably men, are legally precarious because they risk deportation (Asad 2020; Menjívar and Lakhani 2016; Joseph 2017; Armenta 2017; Asad and Rosen 2019; Abrego et al. 2017).

These laws have had repercussions on all Latino immigrants. For example, after the 1986 immigration law was passed, employers did not hire Latino immigrants writ large, not just undocumented Latinos (Schwabach 1991). More recently, Menjívar (2011) finds that car wash owners in Arizona fired Latino immigrants out of fear they were undocumented. This could be because, without direct first-hand knowledge of what immigrants are and are not undocumented, individuals instead often rely on presumed Mexican country of origin among Latino immigrants to determine the likelihood of undocumented status (Flores and Schachter 2018). While there is less research on how these laws shape contemporary immigrant hiring, I hypothesize that legal barriers and subsequent threats to organizational stability will explain why employers are reluctant to hire documented in addition to undocumented Latino immigrants:

*H3: Employers will call back immigrant less than native-born Latinos based on legal barriers and subsequent threats to organizational stability.*

I test these three hypotheses about whether and why employers screen out higher-educated immigrant Latinos in three studies. I test the first hypothesis about whether employers screen out immigrant Latinos with a field experiment at the résumé-screening stage, otherwise known as a correspondence audit study, of 1,364 real jobs in eight large U.S. metros. I focus on the résumé-screening stage because it is a critical juncture in the hiring process from which individuals are often granted subsequent employment opportunities (Pager 2003; Pager, Bonikowski, and Western 2009; Tilcsik 2011). I test the second and third hypotheses about why

employers screen out immigrant Latinos at this stage with two additional studies: a national survey experiment of 468 Human Resource staff members; and in-depth interviews with 23 of those staff members and immigration lawyers.

## **DATA, METHODS, AND RESULTS**

### **Study 1: Correspondence Audit**

I test the first hypothesis about whether employers screen out Latino men based on nativity or legal status with a field experiment known as a correspondence audit study. In the employment context, correspondence audits match two or more résumés with identical characteristics to test for differences across a treatment in callbacks (Gaddis 2019). This method is increasingly used to examine racial and gender discrimination in hiring because it uncovers employer behavior in real life (Gaddis 2015; Pedulla 2018; Rivera and Tilcsik 2016).

#### *Signaling Nativity and Legal Status*

The most important part of an audit study is the signal of the treatment and other observable characteristics. Signals were generated based on background interviews with college students in two of the audit's metropolitan areas. I signaled characteristics in several places of the résumé: student names; objective statements; and college activities, college scholarships, and extra skills. The candidate materials were then pre-tested on Amazon's Mechanical Turk platform (Weinberg, Freese, and McElhattan 2014).

Signaling nativity is perhaps the most challenging aspect of this study because it is difficult to separate foreign-born nativity from Latino ethno-racial identity. For example, most audit studies documenting discrimination against Latinos versus whites rely on signals that could be associated *both* with Latino ethno-racial identity *and* foreign-born nativity (Pager, Bonikowski, and Western 2009; Darolia et al. 2016; Decker et al. 2015). Experimental evidence

in Europe has innovatively identified hiring discrimination against higher-educated immigrants (Carlsson 2010; Carlsson and Rooth 2007). However, these studies rely on a ‘foreign-sounding’ name alone or a foreign location of schooling to signal foreign-born nativity, which precludes knowing whether discrimination is due to ethnicity or educational credentials rather than nativity (Oreopoulos 2011; Zschirnt and Ruedin 2016). I address these omissions by using multiple nativity signals, but I hold race-ethnicity constant by using only Latino names. I introduce all signals in Table 1.

[Table 1 about here]

*Student name.* As in prior audit studies and survey experiments, I signaled race-ethnicity through racialized names (Garcia and Abascal 2016; Gaddis 2015; Pedulla 2018). I chose John Hernandez for the native-born Latino candidate and José Luis Hernandez for the immigrant candidates. Among children born to immigrant families, race-neutral first names are often a marker of generational status (Alba and Nee 2009; Sue and Telles 2007). John, which is race-neutral, has long been a frequently occurring first name (Social Security Administration 2018), while Hernandez is one of the most frequently used surnames in the Census who are a majority (96 percent) Hispanic-origin (Gaddis 2017). José Luis was chosen for the immigrant candidates because it is the most frequently used first name in Mexican birth registry data (CodeandoMexico 2017). Although I did not reveal country of origin in application materials, I chose a Mexican name because much of literature suggests that the public associates ‘Latino’ with being Mexican (Flores and Schachter 2018). Although I do not wish to obscure significant country of origin heterogeneity among the Latino population, choosing a Mexican name is important to signal ethno-racial identity to a prototypical employer. Hernandez is also the most frequently used surname in the Mexican birth registry data.

*Objective statement.* All résumés had the same neutral objective statement. However, because even native-born Latinos are often assumed to be immigrants (Schachter 2016), I signaled U.S.-born nativity explicitly by writing: “I am a proud native of [metropolitan area name].” Among the immigrant candidates, I signaled documented or LPR status with: “Visa Status: Lawful Permanent Resident (Green Card).” I also signaled work authorization by writing, “Authorized to Work in the United States.” Background interviews with students, and existing résumés posted to résumé banks, confirm that overtly signaling work authorization is a common strategy among students so they are not mistakenly assumed undocumented. The undocumented candidate had no legal status, work authorization, or nativity status statement explicitly written.

*College activities, scholarships, and extra skills.* All students were peer mentors and had a fictitious named college scholarship. John Hernandez was a peer mentor for Latino students and held a named scholarship for native-born students of the metropolitan area. Meanwhile, the LPR candidate was a peer mentor for first-generation immigrant students and held a named scholarship for first-generation immigrant students who went to high school in the metropolitan area.<sup>1</sup> Finally, the undocumented candidate was a peer mentor for undocumented students and held a named scholarship for undocumented students. As an additional signal of foreign-born nativity and English fluency, both foreign-born Latino candidates were bilingual.

In summary, I signaled nativity, legal status, and Latino race-ethnicity in multiple places of the résumé.<sup>2</sup> I pre-tested these signals on a sample of 235 respondents using Amazon’s Mechanical Turk platform. The results confirm the signals were highly accurate and did not inadvertently introduce other sources of variation, like different class status or ethno-racial identity. I discuss the results of this pre-testing, the importance of using multiple names, and the limitations and benefits of a multi-signal approach in Appendix A.



### *Data Collection*

I audited job postings on a national job posting website because recent scholarship suggests that jobs for which college graduates apply are largely now listed online (Gaddis 2015; Pedulla 2018). I audited 1,364 online job postings in eight metros: New York City, NY, Philadelphia, PA, Boston, MA, Chicago, IL, Atlanta, GA, Dallas, TX, Phoenix, AZ, and Los Angeles, CA. I chose these eight because they are all among the largest 15 metropolitan areas in the United States, and they are also among the metros with the highest absolute numbers of immigrants and undocumented immigrants. I constructed three hypothetical individuals—all male economics majors—and I submitted their résumés to these 1,364 entry-level job postings online. Using a leading job search website, I selected those job postings requiring no more than a bachelor's degree, no specialized training, and no work experience. I kept the job search open to include a range of occupations, including finance and accounting, data analysis, consulting, sales and marketing, and program administration.

To decrease employer suspicion of the study, each job posting was randomly assigned one of the three matched résumés. Although this limited the total sample size of the study compared to audits which assign two or more résumés per employer, a between-subjects design is advantageous because recent research notes an increasing risk of discovery or social desirability bias when subjects are assigned more than one résumé (Gaddis 2015; Vuolo, Uggem, and Lageson 2018; Weichselbaumer 2015). Estimates of discrimination should be interpreted at the level of the labor market, not the level of an individual firm. After submitting the applications to each job, I never re-contacted employers, following other research which notes increased risk for employers should they find out they were part of an audit study (Gaddis 2018).

All three résumés represented male economics majors with a 3.57 GPA from a large, public, four-year university. All students reported the same upper division course highlights in industrial organization, economic development, and money and banking. Finally, they all had work experience in one part-time restaurant job close to campus as well as one summer unpaid internship in marketing.

I implemented the audit study in the Spring through Fall of 2019 with the help of two data scientists in the eight metropolitan areas (further described in Appendix B). In full, I submitted 276 native-born applications, 539 foreign-born green card holding applications, and 549 foreign-born undocumented applications.

#### *Variables and Analysis*

Ten weeks after I submitted a résumé, I determined whether an employer called back the applicant for an interview on a real phone number or email I dedicated to each applicant, rejected the applicant, or did not respond. I coded positive responses as 1 and negative or no responses as 0.

In addition to coding callback information, I worked with two Research Assistants to code job postings for information about other variables. First, we coded the industry and the occupation of each posting. Next, because nativity and legal status are often associated with sorting into different labor market segments (Hudson 2007; Kalleberg 2013), we coded whether the job posting reflected an occupation in the primary or secondary labor market, as defined by a job that had higher or lower than the midpoint of occupational prestige (see Table 2). Then we coded whether the job was posted by a company hiring directly or by a staffing agency. Finally, because there tends to be less inequality if hiring managers are explicitly engaged in efforts to increase diversity (Dobbin, Schrage, and Kalev 2015; Mun 2016), we coded whether the

company posting the job stated they were an Equal Employment Opportunity employer or had a Diversity and Inclusion plan. Table 2 shows the variables and distributions included for analysis.

[Table 2 about here]

The results were analyzed as a difference of proportions between the native-born and immigrant applicants, as well as between documented and undocumented applicants. These differences determined which groups had the highest and lowest odds of a positive response. Then I used logistic regressions to regress the callback rate on the treatment, the occupation, industry, whether the occupation represented a job in the primary or secondary labor market, whether the job posting came from a third-party staffing agency, whether it mentioned diversity, and metropolitan fixed effects. Because of the large number of postings to New York City, a sensitivity analysis removed New York City, and each city concurrently, from the regressions. The results (available upon request) were not sensitive to removing any single labor market.

### *Results*

Out of the 1,364 applications submitted, 127 solicited a callback for hire or an interview, yielding an overall callback rate of 9.31 percent. This is similar to other audit studies (Bertrand and Mullainathan 2004; Tilcsik 2011). As Figure 1 displays, native-born applicants had a callback rate of 14.49 percent. The immigrant applicants had an average callback rate of 8.00 percent. This equates to a difference of 45 percent ( $p=.005$ ), and it implies that otherwise qualified immigrants had to apply to almost twice as many jobs as native-born individuals to receive a callback for an interview. To provide a benchmark for the magnitude of that difference, a meta-analysis of audits conducted since 1989 found that, on average, whites received 24 percent more callbacks than Latinos in the United States (Quillian et al. 2017). This suggests that the magnitude of the nativity penalty *among* Latinos could be nearly twice that of the ethno-

racial penalty *between* Latinos and whites. Contrary to immigrant assimilation theory, even when immigrants are matched on individual characteristics of human capital, immigrant Latinos were called back less native-born Latinos, in line with the expectations under hypothesis H1a.

Figure 1 also shows that the nativity penalty holds even for documented men. Documented green card holders' callback rate was 8.91 percent, 39 percent lower than the native-born callback rate ( $p=.023$ ). Meanwhile, undocumented individuals had a callback rate of 7.10 percent. This rate is not statistically significantly different from that of documented applicants, unlike the expectations under hypothesis H1b. However, it is significantly lower than the callback rate of native-born individuals ( $p=.002$ ). Indeed, the gap between native-born and undocumented applicants was 51 percent. The large substantive penalty for undocumented Latinos is not surprising given that undocumented men had no signal of work authorization.

[Figure 1 about here]

#### *The Net Effect of Nativity on Hiring*

Because there was no statistical difference in the callback rates between documented and undocumented immigrants, Table 3 examines the net effect of nativity (merging both immigrant candidates together) on the likelihood of callback, accounting for occupational, industry, labor market, and metro area controls. However, the results with three groups (native-born, documented, and undocumented) instead of two are consistent to those presented here. Model 1 first reiterates the finding discussed above: that immigrant Latinos are 51 percent as likely as native-born Latinos to be called back for a job interview or offer ( $p<.001$ ).

These differences are robust to accounting for occupational, industry, labor market, and metropolitan area control variables in Model 2 (.52,  $p<.01$ ). There were independent effects of several of these controls on the callback rate. For example, anyone submitting an application to a

primary labor market job had lower odds of callback relative to one submitted to a secondary labor market job (.67 at  $p < .1$ ). However, there was no significant interaction effect between labor market segment (or the other controls) and nativity. Although outside the scope of the primary aims of this paper, I discuss labor market segmentation further in Appendix C.

[Table 3 about here]

The audit results illustrate a nativity penalty in callbacks: Latinos with signals of foreign-born nativity were called back less frequently than Latinos with signals of native-born nativity. This penalty holds among individuals equally matched in individual supply-side human capital characteristics, and regardless of legal status. These findings are invaluable for representing the first causal evidence of U.S. hiring discrimination based on nativity among college-educated Latino men. To understand *why* immigrants were discriminated against, I next turn to a national survey experiment and then in-depth interviews.

## **Study 2: Survey Experiment**

### *Data Collection*

To test the second and third hypotheses about the individual and organizational factors explaining why employers screen out immigrant Latinos, I first recruited a national sample of 468 Human Resources representatives from the Fall of 2019 through Winter of 2020 on Qualtrics's opt-in, online panels. Once invited to participate, respondents first answered whether they lived in the U.S. Then they answered whether they were employed as human resources managers, assistants, or associates.<sup>3</sup> The descriptive statistics of the sample of respondents is presented in Table 4.

[Table 4 about here]

In the survey, just as in the audit, each respondent was randomly assigned one of three résumés that represented a Latino college student. Employers were then asked how likely they would be to call the candidate back for an interview to an entry-level position in their firm. Finally, they answered a series of questions about attitudes, their firm, and demographics.

### *Variables and Analysis*

The primary dependent variable was the callback, or the likelihood of interviewing the candidate for a job on a likert scale of 1-7 (where 1 equaled very likely and 7 equaled not at all likely to callback the candidate for an interview). The likert-scale was then condensed into two categories: very likely and everything else. This approximates the audit study to the best ability possible, as theoretically only hiring managers who were very likely to callback a candidate actually did so in real life. However, the survey results were not sensitive to other configurations.

The primary mechanisms include language ability and cultural fit as well as legal barriers. First, English language and culture was constructed using a scaled variable of five questions. These include rating the randomly assigned candidate on a scale of 1 to 4 (1 reflecting very much and 4 reflecting not at all) the extent to which individuals would: 1) Speak English well; 2) Read English well; 3) Write English well; 4) Be perceived as a clear communicator by your firm's leadership; and 5) Fit with your firm's workplace culture (alpha .79). Second, I generated a scaled variable of two measures reflecting legal barriers. These include rating on a scale of 1 to 4 the extent to which the randomly assigned candidate would: 1) Be deported; and 2) Be detected by immigration authorities (alpha .82).

After calculating the callback rate differences, I used logistic regressions to regress the callback as a function of nativity status, demographic and firm characteristics, assumptions of language and culture, and legal barriers. I also conducted formal mediation analyses to determine

the extent to which each mechanism helped mediate the relationship between nativity and the callback rate. Specifically, I conducted a decomposition analysis that subtracts the direct effect of nativity from the total effect of nativity plus all mediating factors to derive the indirect effect: that is, the amount by which nativity is explained by English and cultural fit and legal barriers (Karlson and Holm 2011). I then decomposed the extent to which each group of factors predicts the nativity status coefficient.

### *Results*

Much like in the audit study, immigrant Latinos in the survey experiment were called back for an interview less than native-born Latinos. As Figure 2 shows, 23 percent of HR staff stated they would be “very likely” to call back native-born Latinos, compared to only 15 percent of HR staff very likely to call back immigrant Latinos ( $p < .05$ ). Again similar to the audit, this penalty is more pronounced for undocumented men, but the difference *between* immigrants is not statistically significant (18 versus 13 percent).

[Figure 2 about here] [Table 5 about here]

I explore the factors that explain the nativity penalty in Table 5. The first model replicates the baseline results from the audit study. It shows that immigrants are 58 percent as likely as native-born Latinos to be “very likely” to be called back for a job interview ( $p < .05$ ). This difference is robust to incorporating the firm-level characteristics and industry fixed-effects in Model 2. Model 3 incorporates the individual and organizational mechanisms. The professional English language and legal barriers scaled variables reduce the explanatory power of nativity, such that it is insignificant at the  $p < .10$  level. Mediation analyses (Table 6) confirm that both language and legal barriers mediate the effect of nativity status on employers’ reporting “very likely” to call back the candidate for an interview (the indirect effect is significant at  $p < .05$ ). The

results suggest that both individual and organizational mechanisms help explain why HR staff in the survey experiment exclude Latino immigrants compared to native-born Latinos, confirming the expectations of Hypotheses H2 and H3. Because employers could also exclude immigrants based on concerns about stalled productivity or labor market competition, I conduct additional analyses with these factors instead of the individual and organizational mechanisms (Appendix D). The results show that these were not salient mechanisms explaining the nativity penalty in callbacks.

[Table 6 about here]

### **Study 3: In-Depth Interviews**

#### *Data Collection, Variables, and Analysis*

To further explore the individual language and organizational legal factors explaining this nativity penalty, if any survey respondent lived in one of the eight metros of the audit, I invited them to participate in an in-depth interview over Zoom. Sixteen HR staff ultimately participated in the interviews. In addition, I interviewed seven immigration lawyers and policy advocates by phone or in person to receive more detailed background information on legal barriers. Lawyers were recruited through social networks from the author's prior employment or multi-cited referral chains (Rivera and Tilcsik 2016). During the interviews with HR staff (see Appendix E), I asked about the extent to which they recruited, screened, and employed college-educated Latino immigrant workers; the process of hiring and perceptions of Latino immigrants; and the primary legal barriers associated with hiring immigrants (Holzer 1996; Waldinger and Lichter 2003). The geographies and sex of each respondent is included in Table 7.

[Table 7 about here]

#### *Results*



*Individual language perceptions.* At the individual level, HR staff associated language with the perception that immigrant Latinos were less professional and a poorer cultural fit for the firm. Employers used language like ‘inarticulate’ or a ‘poor fit’ to describe Latino immigrants, even if they had fluent English-language ability. Rather than speaking to concerns over productivity, however, the thought of lower English proficiency implied something about a poor cultural match for English-speaking U.S. clientele or other English-speaking employees. When I asked an HR assistant about a Latino man hired before she arrived at a retail warehouse on the West coast, for example, she responded, “He does speak English. But it’s not.... He’s not very articulate, I should say...I don’t know if that’s a cultural thing...” He worked on sorting and folding clothing. Despite the fact that his job did not require English or customer-facing work, in her view, his poor language skills was a cultural mismatch for the firm.

Although this HR staff member described an employee without higher education, other staff members made clear the association between immigrant and poor English language ability even when immigrants had higher education. One HR manager, for example—who is also an owner in the food and beverage services in the Northeast hiring sales agents—said the first thing she noticed about the native-born résumé she was randomly assigned in the survey experiment was that he was born in New York. If he were born in another country, however, she said there “would be a lot of questions,” even with his degree, continuing to explain:

“I needed somebody, you know, that could speak coherently, speak the King’s English, so to speak, as we like to say. So when I would interview people if they couldn’t articulate things...not good...education is very important.”

To her, the “King’s” English—also known as English in its ‘purest form’ derived from England—was a sign of articulation, proper education, and formality. Despite the fact that the résumé she was randomly assigned in the survey was that of a native-born Latino man, his

nativity made him a better candidate for speaking the ‘King’s English’ more coherently than someone born outside the U.S. who speaks English fluently.

In firms that worked in customer-service, every single HR staff described the importance of a cultural match with the customers who spoke English. An HR manager for a West coast law firm implied that because his clients speak English, it’s important that employees speak English as well: “Yeah, it’s like everyone speaks, you know, everybody speaks English. To me, you know, hey, that’s all I can kind of take.” For these employers, even immigrants with college degrees were not enough to break the association between immigrant and poor language skills.

*Legal barriers.* Beyond associating immigrant Latinos with lower language skills at the individual level, HR staff also associated immigrant Latinos with legal barriers at the organizational level. These legal barriers centered around immigration enforcement raids and the likelihood of deportation. Rather than making HR staff question immigrants’ cultural fit, however, legal barriers made staff worry about workplace stability.

Three of the HR staff I interviewed said their firms were raided by Immigration Customs Enforcement, which made them wary of hiring any Latino immigrant. They believed they were only targeted because they hired Latino immigrants. One HR staff member in professional services, who operates offices across the United States, expressed that her southern office was only raided because it was near the border. The HR assistant who commented on the Latino immigrant’s cultural fit in the West coast believed her warehouse had been raided because it happened to be located in a building complex with predominately Latino immigrants and because the owner of the warehouse was an immigrant. She elaborated, “And the owner [of the warehouse]...has a very ethnic name. She’s born [wherever] she was. It was very ethnic...and maybe they thought, oh, maybe there might be more of an incidence of this there.” To her, a

more ethnic name implied a greater likelihood of foreign-born nativity, which she associated with a greater likelihood of ICE enforcement actions.

The lawyers who work directly with immigrants to find jobs also confirmed that employers associate Latino immigrant with enforcement. One lawyer, who works in national-level advocacy on behalf of immigrants, described that among her clients, there is “pretty good anecdotal evidence that employers make sweeping generalizations about workers...like they think Mexican immigrants are undocumented.” These associations and subsequent ICE actions made employers wary of hiring any Latino immigrants.

For one multi-national food service restaurant, HR played a unique role as an intermediary between ICE and employees to maintain stability with the state. Due to increased immigration enforcement, this HR manager actually established a relationship *with* ICE to coordinate a mass firing of individuals without documentation status. She said:

“We were working with immigration... We had a period to where our stores were getting raided... Luckily, we developed such a great relationship with, you know, immigration customs enforcement that...we could arrange for them to come in and audit our employees... And it was intense. I worked like the entire weekend going through and verifying employees... I mean between me and the other consultants in the region that I supported...we lost over like 2,000 employees.”

Serving as a de facto ICE agent on the ground made her question immigrant hires writ large after such a pivotal experience coordinating with ICE to fire immigrants based on documentation status.

In addition to associating Latino immigrants with the potential for immigration enforcement, employers also worried any Latino immigrant could be deported. Even though the large majority of HR staff relied on a work authorization screening tool called E-Verify, they still feared Latino immigrants’ deportation risk, regardless of work authorization, would threaten

their stability. For example, one retail entrepreneur who serves as her own HR staff for her retail start-up, for example, said:

“They have an *alien* number, right [emphasis employer]? A lot of companies don’t want to hire them... Like they’ll just look the other way because they think it’s too much or too stressful or, you know... Yeah, I don’t know if I’d want to hire them. I mean, that’s just stressful, unless they knew they were going to be here for a while... I feel horrible saying that, but you know, I need some stability.”

She associated even LPRs with a risk of turnover due to deportation. For her, any propensity of deportation risks the stability of building her new business. The HR manager on the west coast reiterated the same association between Latino immigrant and deportation:

“When you see an immigrant, sometimes...you’re going to have a few issues and I got to say, even to the extreme that, hey, this guy might have to go get deported. So I have to worry about that just in the back of my mind...And if you don’t have to worry about that by hiring a regular U.S. citizen then you’re going to hire it out.”

This employer also affirmed the association between immigrants and deportation. If he did not have to worry about the risk of a new hire getting deported, he would rather not. A lawyer I spoke with at the Immigrant Employee Rights Section, who processes claims of hiring discrimination inside the Department of Justice, confirmed that excluding immigrants based on perceived risk of deportation was common, even though it constituted unlawful behavior.

## **DISCUSSION**

Using data from an original correspondence audit study conducted in eight large metropolitan areas, I show that employers screen out higher-educated Latinos based on their nativity. The survey experiment and in-depth interviews illustrate that employers make hiring decisions based on their individual perceptions attached to English language use and culture, as well as organizational constraints related to immigration law. A primary contribution of this study is its focus on higher-educated Latino men. While overrepresented in immigration enforcement proceedings, Latino men also represent a large and growing share of the higher-

educated workforce. As such, the results have important implications for organizational inequality and immigration.

First, this article advances studies on the relationship between laws, organizational behavior, and stratification. Organizational scholars have identified diverse employment situations in which organizations interpret rules, laws, and norms (Castilla and Benard 2010; DiMaggio and Powell 1983; Meyer and Rowan 1977). More recent research has extended this literature into the immigration context by examining the organizational conditions under which employers' decisions are affected (Rissing and Castilla 2016). This study expands upon this fruitful organizations literature by examining the legal barriers by which organizations make decisions. Evaluating the legal barriers organizations face when hiring immigrants can improve understanding of other stratification processes moving forward.

The second key implication is that employer behavior is a salient mechanism of Latino immigrant integration (López-Sanders 2017). The migration literature has long sought to theorize the barriers to integration (Alba and Nee 2009; Bean et al. 2011; Marrow 2011; M. C. Waters, Ueda, and Marrow 2007). But rather than integrating faster once acquiring more education, skills, or language facilities—as immigrant assimilation theories suggest—immigrants with the same exact human capital and educational credentials as natives are still penalized in the U.S. labor market (Borjas 1987; Chiswick 1978). With less data collected from employers, the labor market literature has overlooked a crucial barrier to immigrant integration. This is important considering the large and growing number of foreign-born Latinos finishing college and entering the labor market.

Finally, the results call into question what role legal status plays in the employment outcomes of foreign-born Latinos. Legal scholars have debated whether and to what extent

undocumented legal status functions as a “master status,” overshadowing other status characteristics in hampering immigrants’ lives (Enriquez 2017; Gonzales 2011; Gonzales and Burciaga 2018). By contrast, LPR status has often been touted to be an immigrant’s golden ticket for promoting greater social rights and increasing immigrants’ wages (Donato and Sisk 2012; Gleeson 2010; Hall, Greenman, and Farkas 2010; Mukhopadhyay and Oxborrow 2012). Yet employers did not just penalize undocumented immigrants in hiring (Aranda, Menjivar, and Donato 2014). Rather, even documented immigrants were marred by their “master”—immigration laws. This adds empirical evidence to the growing literature on the precarity of all non-citizen migrants (Armenta 2017; Asad 2020; Menjivar and Lakhani 2016). This also suggests it is employers’ *interpretation* of legal status categories which affect the organization of labor and the precarity of non-citizen legality.

What about the role of naturalized citizen legal status? Many employers spoke about naturalized immigrant citizens in higher legal terms than other immigrants, although some employers conflated ‘citizen’ with ‘native-born.’ The audit study was unable to formally test the effect of naturalized citizenship on the employment opportunities of foreign-born Latinos. Observational evidence suggests that immigrants who naturalize increase their wage trajectories to the point of convergence with native-born workers (Bratsberg, Ragan, and Nasir 2002). However, future research should aim to test this explicitly to understand whether and which legal status junctures screen out foreign-born ‘others’ from equal employment.

These implications aside, there are several important caveats of this research. First, specifying the prevalence and mechanisms of discrimination against less-educated Latinos, Latinas, and other ethno-racial groups is outside the scope of this study. As a result, it would be hasty to claim that immigrant discrimination, as well as the mechanisms explaining it, can

generalize to Latinas or other ethno-racial groups, especially when Latino male immigrants are the most targeted for deportation efforts and must contend with racialization of legal status (Armenta 2017; Asad and Clair 2018).

Another important caveat when considering the role of employer discrimination in immigrant integration is that the study was unable to test the effect of immigrant generational status. Migration scholars often find that gaps in educational attainment, employment, and earnings narrow with each passing generation (Alba and Nee 2009). This audit study was unable to formally compare the effect of native-born Latinos by their generational status, or whether employment outcomes varied between the second generation (native-born Latinos to immigrant parents) and the third plus generation. To the extent that employers in the audit study perceived the native-born Latino applicants to be second-generation immigrants, the results could represent a conservative estimate of employment discrimination against immigrant Latinos.

Next, how do these results compare to other country contexts? This study was conducted in the United States, where Latinos are racialized—and immigrants are treated—differently than in other countries. For example, in Europe, ethnicity and nativity are more tightly coupled, with some studies finding ethnicity to matter more than nativity in hiring (Thijssen 2020; McGinnity and Lunn 2011; Wysienska 2014). In the U.S., by contrast, not all Latinos had poor chances of employment, suggesting nativity matters independent of ethnicity for Latinos' employment prospects.

Finally, I have argued that culture in part explains the nativity penalty in hiring Latino men. Yet I cannot rule out the possibility that employers were responding *not* to nativity per se, but rather solely to differential associations of cultural assimilation between “John” and “José Luis” (Alba and Nee 2009; M. Waters and Jimenez 2005; Wimmer 2008). In the end, both

native-born nativity and American cultural assimilation capture the extent to which individuals are accepted to the U.S. national imaginary (Anderson 2016; Soysal and Soyland 1994; Zolberg 2006). Nativity encompasses multiple differences between who does and does not belong to that imaginary, including legal, rights-based, participatory, and cultural differences (Bloemraad, Korteweg, and Yurdakul 2008). Future research should attempt to disentangle the degree to which nativity *versus* cultural belonging shapes immigrants' workplace inequalities.

Ultimately, despite increasing access to higher education, Latino immigrants may struggle to be hired for jobs for which they are qualified. This article demonstrates that employers' individual perceptions and organizational constraints ultimately led them to perpetuate immigrant Latino workplace exclusion. This suggests that nativity status has become a powerful axis of stratification, even for college-educated Latinos with work rights, in the 21<sup>st</sup> century.



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## NOTES

1. Writing that the authorized immigrant went to high school in the metropolitan area is important to ensure that all immigrants are associated with a similar U.S. exposure.
2. Job seekers must signal their work authorization explicitly when applying to jobs online. For example, applicants are asked to check whether they are “legally authorized to work in the U.S. for any employer,” “legally authorized to work for their current employer only,” or “require sponsorship to work.” No option is technically lawful for undocumented immigrants. Based on background interviews with college students, I stated all applicants were legally authorized to work in the United States. However, in audit piloting, checking “I require sponsorship to work” did not systematically change the callback rates for any treatment.
3. The 468 HR staff in the survey (and 23 respondents in the interviews) were recruited alongside a larger total survey sample of 1,515 employers and interview sample of 47 employers and lawyers, including small business owners and executives, as part of a separate study. I select HR staff for this analysis for several reasons. First, HR staff best match who screens application materials in the audit study. Informant interviews prior to launching the audit suggest that the first round of screening, especially for companies posting on job-posting websites, is often done by HR managers, rather than mid-level supervisors or executives, who might only screen the finalists (Rivera 2012a). Second, Human Resources became a part of organizations in response to workplace discrimination and subsequent Equal Employment Opportunity laws (Dobbin, Schrage, and Kalev 2015). A large body of law and organizations literature finds that HR staff play a large role in interpreting and then implementing the law inside organizations (Edelman and Suchman 1997; Mun 2016). Therefore, I focus on HR staff because I am interested in explicitly testing the extent to which legal barriers explain employers’ hiring decisions.

## TABLES

**Table 1. Treatment Signals for the New York City Metro**

	<b>Name</b>	<b>Objective Statement</b>	<b>College Activity</b>	<b>College Scholarship</b>	<b>Extra Skills</b>
<b>Native-Born Latino</b>	John Hernandez	Neutral skill summary + “Proud Native of New York City, NY”	Peer Mentor for Latino Students	“Robert E. Corman Memorial Scholarship (for New York City natives)”	Neutral Skills
<b>Foreign-Born Latino, Documented Lawful Permanent Resident</b>	José Luis Hernandez	Neutral skill summary + “Visa Status: Lawful Permanent Resident (Green Card)   Authorized to Work in the United States”	Peer Mentor for First-Generation Immigrant Students	“Achieve Scholarship (for immigrant students who went to New York City high schools)”	Neutral Skills + “Bilingual (Spanish & English)”
<b>Foreign-Born Latino, Undocumented</b>	José Luis Hernandez	Neutral skill summary	Peer Mentor for Undocumented Students	“Esperanza Foundation Scholarship (for undocumented immigrant students)”	Neutral Skills + “Bilingual (Spanish & English)”

**Table 2. Control Variables, Operationalization, and Descriptive Statistics**

<b>Variable and Definition, Data Source</b>	<b>N</b>	<b>Percent</b>
<b>Callback Rate.</b> <i>The share of positive responses (a callback for an interview) out of the total applications submitted for each job applicant.</i>	127/1,364	9.31
Native-Born Latino	40/276	14.49
Foreign-Born Documented	48/539	8.91
Foreign-Born Undocumented	39/549	7.10
<b>Industry.</b> <i>Each job posting's North American Industry Classification (NAICS) was coded using 2018 data from <a href="https://www.naics.com/search/">https://www.naics.com/search/</a>.</i>		
Agriculture, Mining, Construction, Transportation, Utilities, or Trades	140	10.26
Administrative, Education, or Health Services	85	6.23
Financial or Information	168	12.32
Leisure or Hospitality	96	7.04
Manufacturing	100	7.33
Professional or Business Services, Public Administration	322	23.61
Other	453	33.21
<b>Occupation.</b> <i>Each job posting's major occupation was coded using 2019 data from the Bureau of Labor Statistics from <a href="https://www.bls.gov/oes/current/oes_stru.htm">https://www.bls.gov/oes/current/oes_stru.htm</a>.</i>		
Management, Business, or Financial	533	39.08
STEM	146	10.7
Sales	139	10.19
Administrative Support	362	26.54
Trades	96	7.04
Services, Restaurants, Cleaning, or Personal	47	3.45
Other	41	3.01
<b>Diversity Plan.</b> <i>Whether the posting states they are an Equal Opportunity Employer or has an official Affirmative Action or Diversity Statement.</i>		
Yes	204	14.96
No	1160	85.04
<b>Labor Market Segment.</b> <i>Primary or secondary labor market job categories were coded by evaluating whether each job posting fell above or below the mid-point occupational prestige, as delineated by the National Opinion Research Center (NORC) in Nam and Boyd (2000).</i>		
High	876	64.22
Low	488	35.78
<b>Posting Type.</b> <i>Postings were categorized as either direct hire or third parties using the language of the job posting and looking up companies to determine whether they were employment agencies.</i>		
Direct Hire	696	51.03
Third Party Staffing or Employment Agency	668	48.97
<b>Metropolitan Area.</b> <i>Jobs were searched within a 50-mile radius from each center city.</i>		
ATL	166	12.17

BOS	201	14.74
CHI	147	10.78
DAL	153	11.22
LAX	155	11.36
NYC	282	20.67
PHL	154	11.29
PHX	106	7.77

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**Table 3. Logistic Regression Estimations of Callback Rate in Audit (OR)**

	<b>Model 1</b>	<b>Model 2</b>
<b>Nativity</b>		
(Native-Born Omitted)		
Foreign-Born	0.513** (0.105)	0.517** (0.113)
<b>Industry (Professional or Business Services, Public Administration Omitted)</b>		
Agriculture, Mining, Construction, Transportation, Utilities, or Trades		0.878 (0.306)
Administrative, Education, or Health Services		0.569 (0.201)
Financial or Information		2.144* (0.798)
Leisure or Hospitality		1.021 (0.343)
Manufacturing		1.012 (0.432)
Other		0.392+ (0.194)
<b>Occupation (Management, Business, or Financial Omitted)</b>		
STEM		0.407+ (0.222)
Sales		4.423*** (1.273)
Administrative Support		1.058 (0.296)
Trades		2.508* (1.016)
Services, Restaurants, Cleaning, or Personal		0.870 (0.549)
Other		0.473 (0.363)
<b>EEO or Diversity Statement (Neither Mentioned Omitted)</b>		
Yes		1.608+ (0.399)
<b>Labor Market Segment (Secondary Omitted)</b>		
Primary		0.665+ (0.152)
<b>Job Posting Type (Direct Hire Omitted)</b>		
Third-Party Staffing Agency		0.575* (0.156)
<b>Metropolitan Area (Atlanta Omitted)</b>		

BOS		1.586 (0.554)
CHI		0.726 (0.303)
DAL		0.612 (0.266)
LAX		0.866 (0.356)
NYC		0.584 (0.221)
PHL		1.094 (0.427)
PHX		1.544 (0.636)
<hr/>		
Observations	1,364	1,364
Pseudo R2	0.012	0.113
<hr/>		

Notes: + p<.10; \* p<.05; \*\* p<.01; \*\*\* p<.001 using two-tailed tests

**Table 4. Descriptive Statistics Survey Experiment**

	Mean	SD
Education		
High School	0.12	--
Some College	0.27	--
College Degree	0.44	--
Graduate Degree	0.18	--
Gender		
Male	0.47	--
Female	0.52	--
Other Gender	0.01	--
Age	35.65	10.18
Race		
White	0.72	--
Black	0.11	--
Latino	0.10	--
Other Race	0.07	--
Nativity		
Native-Born	0.97	--
Foreign-Born	0.03	--
Political Ideology		
Republican	0.29	--
Democrat	0.44	--
Independent	0.22	--
Other	0.05	--
Firm Characteristics		
Firm Size		
1 to 99 Employees	0.36	--
100 to 499 Employees	0.36	--
500+ Employees	0.28	--
Percent of Firm Hispanic	24.05	19.70
Percent of Firm Immigrant	17.80	16.46
Industry		
Agriculture, Mining, Construction, Transportation, Utilities, or Trades	30.98	--
Education or Health Services	5.98	--
Financial or Information	5.77	--
Leisure or Hospitality	10.90	--
Manufacturing	12.18	--
Professional or Business Services, Public Administration	29.70	--
Other	4.49	--
N	468	



**Table 5. Logistic Regression Estimations of Callback Rate in Survey (OR)**

	Model 1	Model 2	Model 3
<b>Nativity of Applicant</b>			
Foreign-Born	0.582* (0.146)	0.601* (0.156)	0.669 (0.187)
<b>Employer Demographic Characteristics</b> (Educational Attainment, Gender, Age, Race/Ethnicity, Nativity, Political Ideology)			
	Yes	Yes	Yes
<b>Employer Firm Characteristics</b>			
Firm Size (1-99 Excluded)			
100-499 Employees		0.947 (0.301)	0.905 (0.299)
500+ Employees		2.374** (0.739)	2.342** (0.764)
Percent Employees Hispanic		1.013* (0.007)	1.011+ (0.007)
Percent Employees Immigrant		0.994 (0.008)	0.992 (0.008)
Industry Fixed-Effects	No	Yes	Yes
<b>Mechanisms</b>			
English and Culture Scale			0.959 (0.113)
Legal Barriers Scale			0.611*** (0.072)
Observations	468	468	468
Pseudo R2	0.057	0.100	0.161

Notes: + p<.10; \* p<.05; \*\* p<.01; \*\*\* p<.001

**Table 6. Mediation Analysis of the Role of Legal Barriers and English Language in Explaining the Effect of Nativity on the Likelihood of HR Callback**

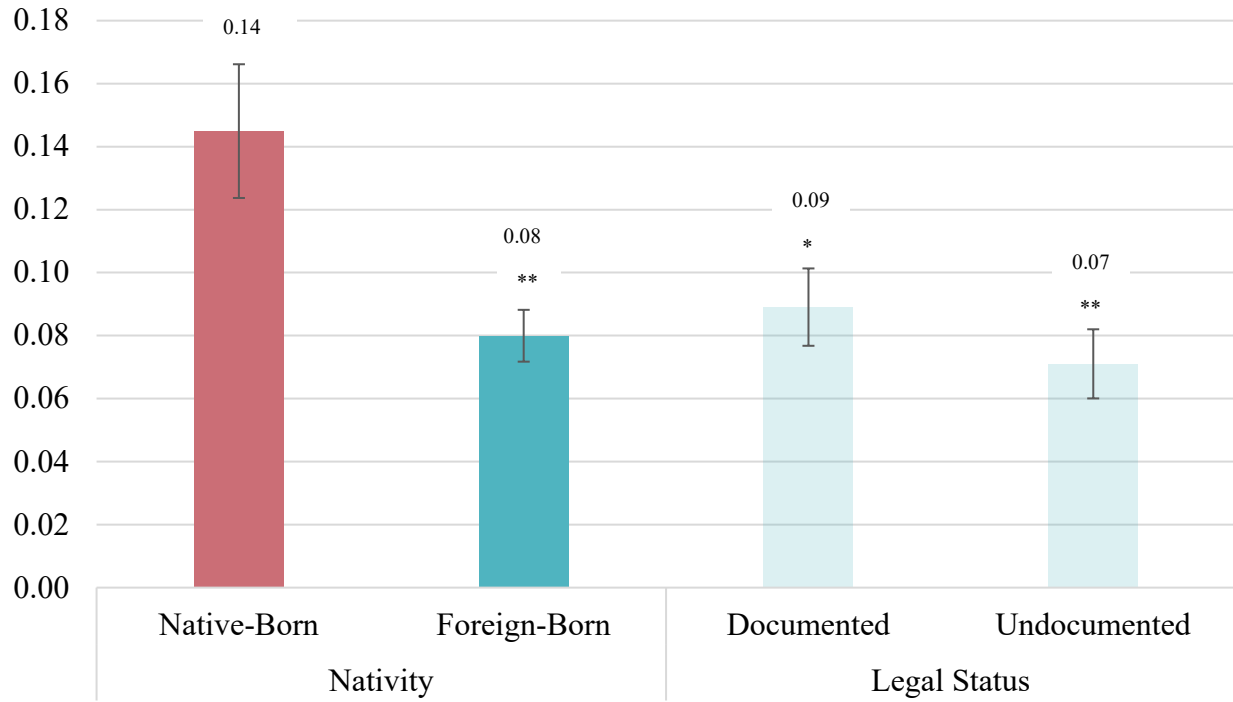
	<b>Mechanisms</b>			<b>Components of Difference</b>		
	Total Association	Direct Association	Indirect Association	Language and Culture	Legal Barriers	
<b>Coefficient</b>	0.626*	0.393	0.234*	<b>Percent Reduced</b>	31.97	5.35
<b>SE</b>	0.276	0.280	0.118			

+ p<.10; \* p<.05; \*\* p<.01; \*\*\* p<.001

**Table 7. Interview Sample Characteristics (n=23)**

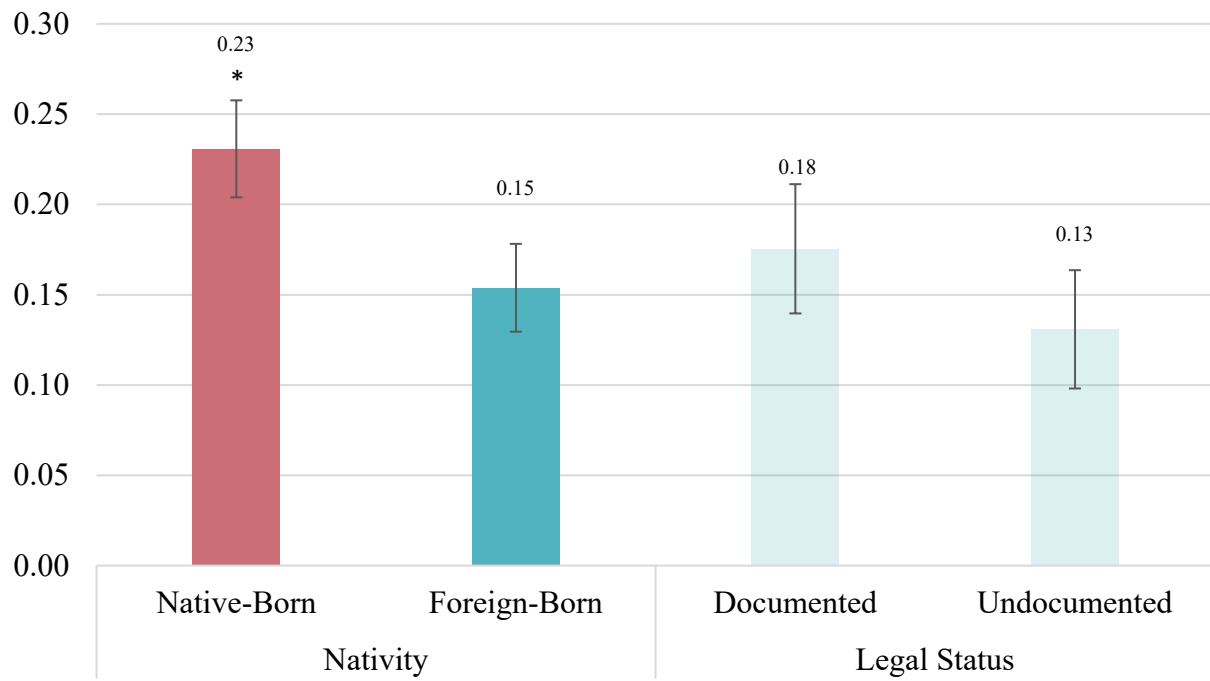
<b>Variable</b>	<b>N</b>
<b>Occupation</b>	
<i>Human Resources Representative</i>	
HR Manager and Owner	2
HR Manager	11
HR Assistant	3
Total HR Reps	16
<i>Lawyers and Policy Advocates</i>	
Lawyer and Director	2
Lawyer	3
Policy Advocate	2
Total Lawyers	7
<b>Metropolitan Area</b>	
ATL	3
BOS	2
CHI	1
DAL	2
LAX	2
NYC	6
PHL	7
<b>Sex</b>	
Male	9
Female	14

## FIGURES



**Figure 1. Callback Rate by Nativity and Legal Status in the Audit**

Notes: \*\*  $p < .01$ , \*  $p < .05$  error bars are plus/minus two standard errors



**Figure 2. Callback Rate by Nativity and Legal Status in the Survey Experiment**  
 Notes: \*\*  $p < .01$ , \*  $p < .05$ , error bars are plus/minus the standard error

## ONLINE APPENDICES

### Appendix A. Pre-Testing Nativity and Legal Status Signals; and Benefits and Limitations of a Multi-Signal Approach

#### *Pre-Testing*

As Table A, Panel A shows, all candidates were equally likely to be perceived as Latino (rating 1.69 out of 7, where a lower rating signaled more agreement). Additionally, all candidates were equally likely to be perceived as *not* white, suggesting that the first name ‘John’ did not inadvertently signal a ‘whiter’ ethno-racial identity than the first name ‘José.’ In addition, the two foreign-born candidates were perceived as more likely to be immigrants than the native-born candidate (1.91 versus 5.10, significant at  $p < .001$ ). The documented candidate was perceived as more likely to have a green card compared to the others (1.97 versus 4.01, significant at  $p < .001$ ); and the undocumented candidate was perceived as more likely to be undocumented compared to the other candidates (3.04 versus 6.11, significant at  $p < .001$ ), alleviating concerns that employers might perceive the undocumented candidate to lack a work permit *in the past*, rather than the present. Although the undocumented rating is higher (signaling less agreement) than the other treatments, that rate of agreement improves to a 2.75 when limiting the sample to hiring managers only (results available upon request). Finally, respondents perceived that all three candidates came from a working-class background (2.35/7), suggesting that class did not confound the treatment signals.

Although some native-born Latinos are certainly named José Luis, and some foreign-born immigrants may be named ‘John’, the latter is uncommon. For example, in the Mexican birth registry records, the only name close to John, “Johnny,” was given to 31 boys in Mexico in 2012 (compared to the #1 most common name in the same year, José Luis, given to 7,028 boys). I therefore include two different first names to be most realistic to represent native- versus foreign-

born Latino men. However, to further explore the association between name and nativity, in a separate survey experiment on MTurk (n=100), I tested, holding constant the other signals of native-born nativity, whether John read more native-born than José. The results (Appendix Table A, panel B) show that when the native-born candidate is named José, he is more likely to be mistakenly categorized as foreign-born than when he is named John. This confirms prior experimental evidence on the subject, in which a more race-neutral name accurately identifies native-born nativity among Latinos (Gaddis 2021).

### *Multi-Signal Approach*

Typically, only one signal is used for one treatment (an exception is Rivera and Tilcsik 2016). One potential limitation of a multi-signal approach is that more than one signal may be unrealistic, especially if the signals are overt. Indeed, one might intuit that individuals without legal status would conceal that information rather than reveal it. However, considering the public already associates Latino individuals with undocumented status (Flores and Schachter 2018), it was necessary to signal nativity and legal status overtly to accurately isolate their causal effects. Another limitation of a multi-signal approach is that it could increase employer detection of the audit study. For this and other ethical reasons, only one résumé was submitted per employer. Finally, a multi-signal approach could inadvertently introduce signals *other* than nativity or legal status, which would bias any estimates of the intended causal effects. For example, foreign-born nativity is associated with other overlapping concepts, including lower cultural assimilation and lower English language ability, which may decrease callbacks for the immigrant candidates based on these other associations rather than nativity (Carlsson and Rooth 2007; Deros and Ryan 2012; Widner and Chicoine 2011). That is why I explicitly test language and cultural fit as potential mechanisms of immigrant exclusion, and I return to this discussion then.

In sum, a multi-signal approach is ideal to signal nativity and legal status because fewer signals do not tend to accurately identify the causal effects (see Rivera and Tilcsik 2016). To confirm, in a separate round of pre-testing on MTurk with a sample of 278 respondents, I checked the associations with a range of one to five signals for each treatment. The results (available upon request) showed that, the more signals of each treatment, the more strongly the respondents rated each treatment on a scale of 1 to 7.



**Table A. Agreement Means by Treatment (Lower Score=More Agreement) in Two MTurk Survey Experiments**

This Candidate Is...	Panel A			Panel B	
	FB Undoc with name José	FB Doc with name José	NB with name John	NB with name John	NB with name José
<b>Native-Born</b>	5.26	6.34	2.29***	2.52	3.13+
<b>Foreign-Born</b>	2.26	1.55	5.1***	4.26	3.35*
<b>LPR</b>	4.89	1.97***	3.13	--	--
<b>Undocumented</b>	3.04***	6.48	5.73	--	--
<b>Work Permit</b>	3.67***	1.34	1.67	--	--
<b>Working Class Background</b>	2.46	2.21	2.38	--	--
<b>Latino</b>	1.78	1.55	1.73	--	--
<b>White</b>	5.37	5.97	4.93	--	--
<b>N</b>	235	235	235	100	100

*Panel A Notes:* \*\*\* indicates differences between highlighted and non-highlighted cells (within a row) at  $p < .001$

*Panel B Notes:* \*, + indicates differences significant between the two NB cells at  $p < .05$  and  $p < .10$ , respectively

## Appendix B. Audit Study Sampling Procedure

I worked with two data scientists to scrape the full selection of job postings within 50 miles of the metropolitan area each day over the eight-month period. Once postings were scraped, we eliminated duplicate postings, as well as postings that re-directed the applicant to a company's own website because often the application procedure and questions varied across company sites. Topic models were run on the postings to determine the level of education and experience required for each job, and then specific search criteria eliminated job postings that required any amount of work experience, education beyond a Bachelor's degree, or that required additional certification or training (e.g., nursing jobs or truck drivers). This allowed me to collect a range of entry-level job postings, as I did not need to search explicitly for postings that required a BA degree. After filtering, the postings that remained constituted the sample to which I randomly assigned one résumé and one corresponding cover letter. Each foreign-born candidate had a 40 percent chance of being assigned to any given job posting, while the native-born candidate had a 20 percent chance. In between-subject designs, it is necessary to weight the random assignment prior to submission based on the expected difference across treatments (Gaddis 2018; Pager 2003). In this case, I up-weighted the immigrant applicants' chance of application submission because I expected that the nativity difference *between* immigrant and native-born applicants would be larger than the legal status difference *among* immigrant applicants.

## Appendix C. Labor Market Segmentation

Foreign-born nativity and undocumented legal status are often associated with secondary labor market employment (Hudson 2007), marked by informal jobs with precarious schedules and low wages (Kalleberg 2013). Segmented labor market theories would therefore predict immigrant Latinos to *only* be penalized in the primary labor market, even if once hired evidence is mixed as to whether immigrants remain penalized in earnings (Mithas and Lucas 2010; Hunt 2011; Lindsay Lowell and Avato 2014). Even though labor market segmentation is outside the scope of the original study, for those reason, I also ran stratified models by labor market segment.

The stratified models (Table C) show that, perhaps unsurprisingly, the nativity penalty was substantively smaller in secondary labor market jobs, but this difference was not statistically significant. Similar to the overall results, however, there was no difference by legal status in either primary or secondary labor market jobs. Occupational analyses suggest the smaller penalty was driven by an immigrant callback *premium* in trades jobs (callback rate of .14 for foreign-born vs. .08 for native-born) and services jobs (.09 foreign-born vs 0 native-born), though again there was no difference by legal status. This confirms much of the existing evidence on labor market segmentation and immigrants' occupational sorting into less-prestigious jobs (Hall, Greenman, and Farkas 2010; Hudson 2007). However, the results are important for showing that the nativity penalty was not solely confined to the primary labor market, contrary to what labor market segmentation theories might expect.

**Table C. Callback Rate Regressed on Nativity, Stratified by Labor Market Segment (Odds Ratios)**

	<b>Primary Labor Market Jobs</b>	<b>Secondary Labor Market Jobs</b>
<b>Nativity and Legal Status</b>		
(Native-Born Omitted)		
Foreign-Born	0.463* (0.139)	0.541+ (0.185)
<b>Industry (Professional or Business Services, Public Administration Omitted)</b>		
Agriculture, Mining, Construction, Transportation, Utilities, or Trades	0.701 (0.339)	1.071 (0.580)
Administrative, Education, or Health Services	0.533 (0.274)	0.567 (0.296)
Financial or Information	1.877 (0.996)	2.243 (1.265)
Leisure or Hospitality	1.174 (0.486)	0.656 (0.393)
Manufacturing	0.862 (0.538)	1.256 (0.810)
Other	0.116* (0.123)	0.828 (0.534)
<b>Occupation (Management, Business, or Financial Omitted)</b>		
STEM	0.306+ (0.193)	2.736 (3.242)
Sales	3.816*** (1.432)	9.603*** (5.693)
Administrative Support	0.863 (0.354)	1.813 (0.956)
Trades	2.400 (2.051)	3.430* (2.113)
Services, Restaurants, Cleaning, or Personal	10.966** (9.707)	0.325 (0.384)
Other	1.000 (.)	3.070 (3.026)
<b>EEO or Diversity Statement (Neither Mentioned Omitted)</b>		
Yes	1.298 (0.459)	2.247* (0.851)
<b>Job Posting Type (Direct Hire Omitted)</b>		
Third-Party Staffing Agency	0.530 (0.207)	0.654 (0.270)

**Metropolitan Area (Atlanta Omitted)**

BOS	1.619 (0.744)	1.517 (0.864)
CHI	0.609 (0.361)	0.864 (0.551)
DAL	0.463 (0.275)	0.844 (0.570)
LAX	0.670 (0.371)	1.112 (0.730)
NYC	0.543 (0.262)	0.418 (0.284)
PHL	0.859 (0.453)	1.438 (0.898)
PHX	0.683 (0.490)	2.813+ (1.672)
Observations	847	488
Pseudo R2	0.134	0.134

Notes: + p<.10; \* p<.05; \*\* p<.01; \*\*\* p<.001 using two-tailed tests

## **Appendix D. Testing Alternative Mechanisms of the Nativity Penalty in Callbacks**

Perceptions of lower productivity or labor market competition could also explain why employers callback foreign-born less than native-born Latinos. For this reason, I conducted two additional regressions adding two variables instead of the language and culture or legal barriers variables: one is a likert-scale question asking the degree to which (from 1-4) the randomly assigned candidate is productive; and the other is a multiple-choice question asking employers, “Would you say that immigration has had a positive effect, a negative effect, or no effect on your job?” I collapsed the responses into a negative effect and other (positive, no effect, or no opinion). The results (Table D) suggest that neither productivity nor labor market competition helps to decrease the significance of the immigrant penalty in callbacks. Mediation analyses (not shown) also confirm that neither of these two potential factors help explain the nativity penalty.

**Table D. Alternative Mechanisms Explaining Immigrant Penalty among HR Staff**

	Model 1 (Replicates Table 5, Model 2)	Model 2 (Table 5, Model 2 plus productivity)	Model 3 (Table 5, Model 2 plus job threat)
Treatment (Native-Born Excluded) Foreign-Born	0.604+ (0.157)	0.570* (0.158)	0.591* (0.155)
Productivity Scale		7.639*** (3.220)	
Immigration Has a Negative Effect on Your Job (vs. Positive, no Effect, or no Opinion)			3.208+ (2.172)
Demographic and Firm-Level Characteristics	Yes	Yes	Yes
N	468	468	468

Notes: + p<.10; \* p<.05; \*\* p<.01; \*\*\* p<.001

## **Appendix E. In-Depth Interviews**

The HR interview guide below was piloted with two additional HR managers in person, then I revised it based on the pilot data. The interviews lasted an average of 58 minutes and they were recorded on Zoom then transcribed. Each employer was given a \$20 Amazon gift card as a token of appreciation for their time. I coded all transcripts for common themes in NVivo. These themes ultimately centered around race and immigration, individual-level factors including language and professionalism, legal or policy factors including the firm's history with ICE, and organizational factors including the employers' hiring role within the structure of the organization.



## Figure E. HR Staff Interview Guide

Thank you for participating. I am interested in learning about hiring college graduates from an organizational perspective. So first, tell me about the organization you work for.

- Industry, firm size, firm age, firm mission
- What is your role in the firm?

Tell me about the process of recruiting people at your organization.

- Do you have specific recruitment strategies? Do you do your own recruitment, or do you use another firm? How do you advertise – online, through referrals? Do you have an internship?
- How often do you recruit? What kinds of factors influence frequency?
- What offices recruit? Just yours? How many people? What is the process like?

So now talk to me about how you go from recruitment to screening for a specific job, let's say for an entry-level worker or college graduate.

- What offices/individuals are in charge of screening job candidates? Are they the same or different as those who recruit personnel? Do you participate in screening?
- What sorts of criteria do you use to screen job candidates? Are there specific skills/education/training you need? Are there any factors that influence screening (e.g. U.S. laws, organizational policies regarding recruitment/screening, economic considerations)?
- What is the ideal worker in your mind? How much does “fit” with other members of your organization matter?

On the subject of other members of your firm, talk to me more about the composition of your firm now.

- What quality makes up the majority of your firm? (e.g. race, gender, age, or training)?
- If majority, how did that group come to be the majority at your firm?
- If no majority, how did your firm come to be so diverse?
- Has the composition changed over the years? How did that come to be? Have your organization had any there any opportunities/challenges with managing diversity?

(If immigrants have come up already): What's it like working with immigrants? Ethno-racial composition? What roles do they have?

- What qualities or strong suits do they have for that role? Is it done in English?
- Are there any challenges to working with an immigrant workforce? (e.g. probe on language, immigration laws, sponsorship, citizenship, cultural fit, stereotypes)
- Have you had problems with immigrant workers migrating back to their home country?

(If Latino immigrants have not come up): A lot of organizations have had to recruit more Latino immigrant workers to fill their jobs in recent years. Is that something your firm has experienced?

- If yes, tell me about the process of recruiting/screening specifically Latino immigrants. What have your experiences been like working with them?
- If no, why is that? What is your perspective on the trend of immigrant workers more generally?