

THE ERASURE OF MIDDLE EASTERN AND NORTH AFRICAN IMMIGRANTS FROM THE AMERICAN NARRATIVE: A CASE FOR ADDING A MENA CATEGORY TO THE UNITED STATES CENSUS

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I. INTRODUCTION

The Decision by the United States Census Bureau to exclude a “Middle Eastern or North African” (MENA) category raises concerns about the ability of the US Census Bureau to conduct an accurate count of the United States immigrant population.¹ The resulting inaccuracies have severe consequences for these populations. Without accurate data, these populations cannot access needed aid and government services. Overall, this lack of information leads to a huge blind spot regarding bias and discrimination affecting these immigrants. This Current Development argues the US Census Bureau should include a MENA category in the census to generate data about these populations and adopt the combined question with detailed checkboxes model to produce the best data about MENA immigrant communities. First, this Current Development will review the current census form and its categories. Then it will recount the efforts to incorporate a combined question with a detailed checkboxes model. Finally, it will explain why a separate category is necessary to promote the well-being of MENA individuals.

II. THE US CENSUS

A. *Purpose of the Census*

Accurate census data is vital to the function of our democracy. The population count influences the design of state legislative districts and grants a certain allocation of seats in the United States House of Representatives.² Furthermore, over 600 billion dollars each year are appropriated to communities across the

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1. *Ensuring a Fair and Accurate Count in the 2020 Census*, ARAB AM. INST., https://static1.squarespace.com/static/5c96c17de5f7d145081a1f94/t/5d5f0a721aabda00017d6163/1566509682639/2019LD_Census_Issue_Brief.pdf (last visited Apr. 24, 2021).

2. *Why We Conduct the Decennial Census*, U.S. CENSUS BUREAU, <https://www.census.gov/programs-surveys/decennial-census/about/why.html> (last updated April 16, 2020).

United States.³ This funding supports programs involving public health, transportation, education, and community development.⁴ The census is also used for redistricting school district assignment areas.⁵ Arguably most essential, the census data is used to research populations' needs, resulting in catered aid and economic, social, and political support.⁶

B. *The Race Question on the Census*

Question seven of the census asks, "What is Person X's race?"⁷ The form includes the following categories underneath the Race question: "White; Black or African American; American Indian or Alaska Native; Chinese; Filipino; Asian Indian; Vietnamese; Korean; Japanese; other Asian; Native Hawaiian; Samoan; Chamorro; other Pacific Islander; some other race."⁸ Under the census, the "White" category encompasses "all individuals who identify with one or more nationalities or ethnic groups originating in Europe, the Middle East, or North Africa. Examples of these groups include, but are not limited to, German, Irish, English, Italian, Lebanese, Egyptian, Polish, French, Iranian, Slavic, Cajun, and Chaldean."⁹

According to the Bureau, racial data is used to create statistics about race, analyze other statistics within racial groups, help federal agencies monitor compliance with anti-discrimination provisions, monitor growth patterns, document social inequalities, and ensure compliance with federal restrictions on diluting minority voting power through redistricting.¹⁰ Furthermore, this data provides the groundwork for implementing (and monitoring) a vast range of civil rights laws and policies, including fair political representation, voting reforms, and equal access to housing, education, healthcare, and the workforce.¹¹

III. MENA TREATMENT ON THE US CENSUS

A. *Past Efforts*

Arab Americans first began being labeled as White in the early 20th century.¹² Fearing harsh limitations on immigration, Lebanese and Syrian immigrants wished to be omitted from the Asian Exclusion Act of 1924, which

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. Individual Census Questionnaire, U.S. CENSUS BUREAU, [https://2020census.gov/content/dam/2020census/materials/group-quarters/questionnaires/Informational%20Copy%20of%20the%202020%20Individual%20Census%20Questionnaire%20\(State%20side%20English\).pdf](https://2020census.gov/content/dam/2020census/materials/group-quarters/questionnaires/Informational%20Copy%20of%20the%202020%20Individual%20Census%20Questionnaire%20(State%20side%20English).pdf) (last visited April 5, 2021).

8. *Questions Asked on the Form*, U.S. CENSUS 2020, <https://2020census.gov/en/about-questions.html> (last visited Apr. 24, 2021).

9. *2020 Census Questions: Race*, U.S. CENSUS 2020, <https://2020census.gov/en/about-questions/2020-census-questions-race.html> (last visited Apr. 24, 2021).

10. Kim Parker, Juliana Menasche Horowitz, Rich Morin, & Mark Hugo Lopez, *Race and Multiracial Americans in the U.S. Census*, PEW RSCH. CTR. (June 11, 2015), <https://www.pewsocialtrends.org/2015/06/11/chapter-1-race-and-multiracial-americans-in-the-u-s-census/>.

11. *Race and Ethnicity in the 2020 Census: Improving Data to Capture a Multiethnic America*, LEADERSHIP CONF. EDUC. FUND (Nov. 2014), <https://censuscounts.org/wp-content/uploads/2019/03/Census-Report-2014-WEB.pdf>.

blocked Asian immigration to the United States and therefore lobbied Congress to be identified as Caucasian.¹³

However, years later, MENA Americans suffer the consequences of this misidentification.¹⁴ Like many immigrant populations, assimilation into American society has been used as a benchmark to demonstrate success. MENA immigrants considered adopting whiteness as a method of survival and were all too happy to accept the label.¹⁵ However, a post-9/11 world highlighted just how different these populations were from one another.¹⁶ MENA faced renewed discrimination and alienation. As a result of the world's perception of Arab Americans, the white category became too restrictive and prevented MENA individuals from understanding their population's trauma.¹⁷ Instead, MENA populations needed their own Census category in order to understand their unique individuality and meet the need for a distinct MENA identity. As a result, they lobbied to include a separate category for MENA populations on the census.¹⁸

The Census Bureau finally agreed to research the benefits of including a MENA Category through the 2015 National Count Test. The 2015 National Count Test concluded that having a MENA category on the US Census would elicit higher quality data. After conducting interviews with participants of the study, the Bureau concluded that a "combined with checkboxes" model elicited better data because far fewer MENA selected "Some other Race" (SOR) and saw their category reflected in the questionnaire.¹⁹ This is extremely positive behavior because it indicates that if a MENA category were adopted onto the official census, the data would be consistent and far more accurate. Researchers will finally be able to study trends, and the population will see helpful data in the future. Thus, the Census Bureau recommended the MENA category be included in the 2020 census.²⁰

Despite these results, the Trump administration reversed the Census Bureau's decision and refused to add a MENA category to the 2020 census, claiming more research and testing was needed.²¹ The MENA populations were devastated.²² This move was considered an effort to erase MENA

12. ALIXA NAFF, *BECOMING AMERICAN: THE EARLY ARAB IMMIGRANT EXPERIENCE* 206 (S. III. Univ. Press, 1993).

13. *Id.*

14. Sarah Parvini & Ellis Simani, *Are Arabs And Iranians White? Census Says Yes, But Many Disagree*, L.A. TIMES (March 28, 2019), <https://www.latimes.com/projects/la-me-census-middle-east-north-africa-race/>.

15. *Id.*

16. *Id.*

17. *Id.*

18. Hansi Lo Wang, *How The U.S. Defines Race And Ethnicity May Change Under Trump*, NPR (Nov. 23, 2017), <https://www.npr.org/2017/11/22/564426420/how-the-u-s-defines-race-and-ethnicity-may-change-under-trump>.

19. *Id.*

20. *Research to Improve Data on Race and Ethnicity*, U.S. CENSUS BUREAU, <https://www.census.gov/about/our-research/race-ethnicity.html> (last updated Mar. 6, 2017).

21. *Id.*

22. Parvini & Simani, *supra* note 14.

populations, which has real-world consequences for these communities.²³ Congresswoman Rashida Tlaib, in an impassioned speech, explained “circling white” on the census changed her “lived experience as a person of color” in the United States. “I am not white. I’m not . . . When I sit on this form and I look at it, I don’t see myself represented on this form. And I think that’s a huge issue for people like me . . . We will be invisible for another decade.”²⁴

B. *Consequences*

Combining MENA populations with European populations eliminates opportunities for MENA immigrant populations to benefit from the census. The “White” category, even with its write-in option, is insufficient to understand the MENA population as a whole. Unlike populations belonging to other distinct racial categories groups, MENA populations cannot be studied and even counted accurately without this category. In fact, the Census Bureau severely undercounts the MENA population, claiming it to be 2.1 million when in reality, the MENA population consists of about 3.7 million individuals.²⁵ This substantial undercount restricts MENA access to rights and services, leads to inadequate growth data, and fails to protect MENA communities’ rights.

Furthermore, without accurate data, these populations cannot access needed aid and government services. For example, MENA does not have appropriate access to language assistance programs for voters because, under Section 203 of the Voting Rights Act, the census identifies which minority language populations have a significant need for access to foreign language ballots and translation services at polling places.²⁶ Without census data about these populations, MENA would not qualify for voter assistance.

Absent appropriate health data, MENA Americans’ health is at risk. Because data about MENA populations cannot be accurately disaggregated from the rest of the White population, researchers cannot address ethno-specific diseases, such as diabetes rates and lactose intolerance. As a result, MENA populations have restricted access to information regarding their

23. *Id.*

24. Andrew Mark Miller, ‘Do I look white to you?’ Tlaib accuses census director of ‘erasing’ people of Middle Eastern descent, WASH. EXAM’R (Feb. 15, 2020), <https://www.washingtonexaminer.com/news/do-i-look-white-to-you-tlaib-accuses-census-director-of-erasing-americans-of-middle-eastern-descent>.

25. According to the Arab American Institute, which uses immigration data to more accurately estimate the population, the MENA population consists of about 3.7 million individuals. *Ensuring a Fair and Accurate Count in the 2020 Census*, ARAB AM. INST., https://static1.squarespace.com/static/5c96c17de5f7d145081a1f94/t/5d5f0a721aabda00017d6163/1566509682639/2019LD_Census_Issue_Brief.pdf (last visited Apr. 24, 2021).

26. Karen Zeigler & Steven A. Camarota, *Almost Half Speak a Foreign Language in America’s Largest Cities*, CTR. FOR IMMIGR. STUD. (Sept. 19, 2018), <https://cis.org/Report/Almost-Half-Speak-Foreign-Language-Americas-Largest-Cities>.

nutrition and healthcare.²⁷ Furthermore, the elderly and disabled are prevented from accessing tailored health services they otherwise should have received.²⁸

Moreover, because MENA Americans are considered “White,” they are barred from opportunities provided to minority students in higher education. They are less likely to receive diversity-based financial aid,²⁹ and colleges seeking to promote diversity treat MENA students the same as other White students because an influx in MENA has no impact on their statistics.³⁰

Overall, this lack of information leads to a huge blind spot regarding bias and discrimination affecting these immigrants. A MENA category will also facilitate enhanced tracking of hate crimes and civil rights violations.³¹ Housing and employment discrimination trends will also be monitored and studied. In sum, the addition of a MENA category will provide these communities with a chance for a greater overall quality of life.

IV. CONCLUSION

Unfortunately, it is too late to include MENA in the 2020 census. While this population is subjected to yet another decade of invisibility, past efforts by community leaders and experts demonstrate the possibility that one day MENA will no longer be forced to repress their unique identity and select “White.” This lack of data collection leads to the refusal to provide basic protections and services to these communities, especially to those who need it most. To remedy this harm and to prevent future harms, MENA individuals deserve the freedom to identify and be recognized as exactly who they are on the United States census.

27. *Adding a MENA Category to The U.S. Census*, ARAB AM. INST., https://b3cdn.net/aa/e951988dfdf8c093a2_0cm6bhd0r.pdf (last visited Apr. 24, 2021).

28. *Id.*

29. Sarah Parvini & Ellis Simani, *Are Arabs And Iranians White? Census Says Yes, But Many Disagree*, L.A. TIMES (Mar. 28, 2019), <https://www.latimes.com/projects/la-me-census-middle-east-north-africa-race/>.

30. *Id.*

31. Paula Tutman, *U.S. Census Won't Include Middle Eastern-North African Ethnic Category In 2020 Survey*, CLICK ON DETROIT (Feb. 1, 2018), <https://www.clickondetroit.com/news/2018/02/01/us-census-wont-include-middle-eastern-north-african-ethnic-category-in-2020-survey/>.