Colorism Against Legal Immigrants to the United States

Joni Hersch

Abstract
Data from the 2003 wave of the New Immigrant Survey established that immigrants to the United States with darker skin color experienced a substantial pay penalty that is not explained by extensive individual and job characteristics. These same immigrants were reinterviewed approximately 4 years later. With additional time to assimilate to the U.S. labor market, the disadvantage of darker skin color may have declined or even disappeared. The current analysis shows that the penalty for darker color instead increased over this period from a 16% lightest-to-darkest penalty to a 25% disparity.

Keywords
colorism, immigrant, light skin, dark skin

Introduction
Whether and how quickly immigrants assimilate to the labor market of their host country is a key concern in the economics of migration. Studies show that immigrants earn less than their native counterparts at entry but that the pay disparity narrows with time in the host country, although the gap is not necessarily eliminated (Borjas, 2015; Hersch & Shinall, 2018; Lubotsky, 2007). Characteristics that influence the speed of assimilation include ethnicity, region of origin, education, work experience, language skills, and immigrant status at entry, with immigrants from regions more similar in culture and language to the host country assimilating more rapidly (Anderson, 2015).

Also potentially influencing the likelihood and speed of wage assimilation is physical appearance. One such physical characteristic is skin color. There is vast evidence

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that within almost every culture, those with lighter skin color receive better treatment.\textsuperscript{1} A substantial empirical literature finds differential outcomes based on color along numerous dimensions including earnings, education, social status, and occupational attainment.\textsuperscript{2}

Skin color has a strong influence on earnings among legal immigrants to the United States. Using data from the 2003 New Immigrant Study (NIS), Hersch (2008) establishes that, among immigrants to the United States who received legal status in 2003, those with darker skin color had substantially lower earnings. The magnitude of the penalty for darker skin color is substantial. The pay gap between otherwise comparable immigrants with the darkest and the lightest skin color is 17%. The skin color penalty between immigrants of the same ethnicity or race is also large. Within the same ethnicity or racial group, the difference in pay between comparable immigrants at the 10th percentile of the skin color distribution and at the 90th percentile of the skin color distribution is about 7% to 9%, and is similar to the Black to White disparity and the Hispanic to non-Hispanic disparity.

Notably, although skin color is often closely related to ethnicity, race, and national origin, the pay penalty for darker color identified in Hersch (2008) arises in addition to the separate influences of these characteristics on earnings. Furthermore, because the analysis takes into account a wide range of productivity characteristics, the pay penalty for darker skin color among legal U.S. immigrants is not attributable to productivity differences, leaving discrimination on the basis of skin color as the most likely explanation of the pay penalty.

These same legal immigrants were reinterviewed approximately 4 years later. With 4 additional years of adjusting to the U.S. labor market as a legal immigrant, for several reasons, it is possible that the disadvantage of darker skin color could decline or even disappear. Newly legal immigrants may overcome initial bias by proving themselves on their jobs, improving their English language skills, changing jobs, or moving to more welcoming geographical regions. They will have had more experience with the U.S. cultural and social environment and, through assimilation, may appear more “Americanized” in a way that gives observers (such as employers) the impression of lighter skin color. Furthermore, to the extent that darker skin color is associated with undocumented status in the view of some observers (such as employers or police), greater time as a legal resident may diminish perceptions of illegality.

The empirical evidence presented in this current article shows that this hopeful prediction of a decline in colorism was not realized. In fact, the magnitude of the skin color disparity increased over the period between the 2003 wave and the 2007 wave. Accounting for country of origin, race, ethnicity, and extensive pre-U.S. labor market characteristics, the lightest-to-darkest pay gap is 16% based on the 2003 wave of data and increased to 25% based on the 2007 wave of data. The larger penalty for darker skin color with more time in the United States suggests that those with darker skin color may assimilate more slowly than their counterparts with lighter skin color. This finding corroborates Hersch (2011b) using data on spouses of the main immigrants in the NIS. Unlike the main immigrants surveyed in the NIS, all of whom achieved legal
status in 2003, spouses varied in their time in the United States. Yet the penalty for
darker skin color did not erode with longer duration in the United States.

This current article thereby contributes to three important policy areas. First, it
contributes generally to our understanding of color-based employment discrimination.
Second, it contributes to the ongoing immigration debate and to our understanding of
immigrant assimilation. Third, this article informs us more broadly about the mecha-
nism by which discrimination operates, by showing that there is a separate influence
of skin color on pay even after taking into account the influences of race and national
origin, as well as numerous other individual productivity characteristics. Because skin
color is not related in any way to individual ability, the penalty for darker skin color
cannot arise from lower productivity.

In addition, this article contributes to understanding the legal environment govern-
ing employment discrimination in the United States. Discrimination in employment on
the basis of sex, race, color, national origin, and religion are prohibited under Title VII
of the Civil Rights Act of 1964. Although the terms “color” and “race” are often used
interchangeably, and are often related to each other, color and race are not synony-

The New Immigrant Survey

The NIS consists of three survey rounds. The NIS-Pilot was a pilot study fielded in
1996. This was followed by the NIS-2003-1, fielded between June 2003 and June
2004. The NIS-2003-1 is composed of two nationally representative samples: a sam-
ple of adult immigrants and a sample of child immigrants, all of whom received lawful
permanent residence (LPR) status in 2003. The samples are drawn from administra-
tive records compiled by the U.S. Immigration and Naturalization Service (INS).
The adult sample is selected from four sampling strata composed of spouses of U.S. citi-
zens, employment-visa principals, diversity-visa principals, and all other visa catego-
ries. The analyses in this article are based on the adult sample, which in the NIS-2003-1
provides a sample of 8,573 immigrants aged 18 years or older that is nationally
representative when weighted by the provided sample weight that takes into account the sample design.

The NIS researchers attempted to reinterview respondents to the original NIS-2003-1 survey approximately 4 years later, with follow-up interviews conducted between June 2007 and December 2009. This sample is called the NIS-2003-2. There are 4,363 respondents from the NIS-2003-1 who also completed the NIS-2003-2. Skin color is reported for about half of the respondents in each wave, with 4,652 observations for the 2003 wave and 2,384 observations for the 2007 wave. To emphasize the timing of the surveys and for convenience, I use the terms “2003 wave” and “2007 wave” to refer to the NIS-2003-1 and NIS-2003-2, respectively.

All survey respondents were asked to provide detailed information on a broad range of topics, including family background and personal history, height and weight, health status and behaviors, housing environment, and sources of income and assets. Information that is reported on the INS administrative records and reported for all respondents includes information about source country and about type of visa (e.g., spouse of U.S. citizen, employment-visa principal).

There are two features of the NIS that are important for this study. First, it includes a measure of skin color. Second, it includes detailed labor market information, including earnings, about the respondent’s current and previous employment situation.

Skin color is recorded in the 2003 survey by interviewer observation using a 10-point scale developed by Massey and Martin (2003). Interviewers were trained in advance on the skin color scale, which showed a series of hands of increasing darkness, and were instructed to memorize the skin color scale and record a value at the conclusion of the survey interview. Skin color was not recorded for all respondents, in part because some were interviewed by phone, and in part because interviewers sometimes failed to record color for interviews that began in person but were completed by phone. Hersch (2008) conducts a detailed analysis of the reliability of the skin color scale and confirms that the scale provides a statistically reliable measure of skin color, as well as confirms that the NIS scale can be treated as a cardinal scale rather than an ordinal scale.

Skin color, national origin, ethnicity, and race are typically closely related to each other. The empirical analyses control for national origin in addition to ethnicity and race in order to isolate the direct influence of skin color. The 22 countries of origin sending the largest number of immigrants are separately identified within the NIS data, with respondents from the remaining countries grouped into one of six broad regions (e.g., Latin America and Caribbean, or African sub-Saharan). Seventy percent of the respondents in the original 2003 survey are from one of the countries that are separately identified.

In addition to information about country of origin, which is taken directly from the INS record, respondents were asked whether they considered themselves to be Hispanic or Latino. Respondents were also provided a list of five racial group options (American Indian or Alaskan native, Asian, Black, native Hawaiian or other Pacific Islander, and White), and were asked to indicate which race or races they considered themselves to be. Although respondents could report multiple racial categories, few
did so. Most of the respondents to the original 2003 NIS survey are from countries with majority Hispanic/Latino or Asian populations, with 41% from countries with a majority Hispanic or Latino population and 29% from a country with a majority Asian population (Hersch, 2008).

Based on the original sample surveyed in 2003, Figure 1 shows the distribution of skin color for the four largest racial or ethnic categories, where these groupings include only those who report a single race and are constructed so that respondents appear in only one group. The four groups are non-Hispanic White, non-Hispanic Black, non-Hispanic Asian, and Hispanic (of any race).

It is important to note the wide range of skin color among respondents who report the same race. Indeed, without variation in skin color within race, color and race would be statistically identical, and it would be impossible to isolate the effect on earnings of skin color from the effect of race on earnings.

As discussed earlier, it is well established that people are treated differently on the basis of their skin color, as well as on the basis of other attributes of their appearance including height and attractiveness. In the context of immigrants, appearance may provide an important visual cue that an individual is an immigrant (and which may also signal the possibility that an individual is an undocumented immigrant). Important visual cues that may serve to indicate immigrant status include skin color and height,
to the extent that skin color and height among immigrants differs noticeably from that of the U.S. native-born population.

The NIS color scale is unique to the NIS, so there is no comparable skin color data for a representative sample of the U.S. native-born population. To get an idea of how immigrants compare to the White population, Hersch (2011b) examines data from the interviewed spouses of adult respondents in the 2003 NIS sample, which includes those native-born U.S. citizens who are married to immigrants in the adult sample. Hersch (2011b) finds that among those spouses who are married to the immigrants in the adult sample, within the same ethnicity and race, those who are native-born U.S. citizens have lighter skin color on average than those who are themselves immigrants.

In addition, calculations for White immigrants from majority White countries in the adult NIS using the 2003 wave reported in Hersch (2008) shows an average skin color rating of 2.3 among men and 2.2 among women. In the NIS sample overall, the average skin color rating is 4.4 among men and 4.0 among women.

Both pieces of evidence, darker skin color of immigrants relative to the native-born U.S. citizens of the same race, and darker average skin color of immigrants relative to those racially White, suggest that observers may make an association between darker skin color and immigrant status.

In addition to darker skin color, immigrants are on average shorter than in the non-Hispanic White U.S. population. In contrast to skin color for which there is no comparable data for a representative sample of the U.S. population, there is comparable height data. As demonstrated in Figure 2, non-White immigrants are for the most part shorter on average than their same-sex non-Hispanic White counterparts. A number of empirical studies have established that those who are taller have higher earnings.11

Figure 2. Relative height.12
Darker skin color and shorter average height among non-White immigrants provide visual cues of immigrant status.

**Conceptual Framework and Variable Definitions**

Skin color is only one of a number of factors that may influence earnings. In order to isolate the independent influence of skin color on earnings, as well as to help identify the mechanism by which skin color influences wages, I estimate a series of wage regressions using both the 2003 and the 2007 waves of the NIS sample, sequentially adding groups of variables to the equations. I begin with estimates that control only for skin color, then provide estimates that additionally control for race and country of origin, which may be highly correlated with skin color. The next equation adds exogenous personal characteristics. I follow these estimates with equations that add characteristics associated with the individual before they entered the U.S. labor market. These background characteristics may be themselves associated with colorism in the originating country. I follow these estimates with equations that include characteristics associated with current U.S. employment.

A comparison of the penalty for darker skin color among these regressions helps identify the mechanism through which skin color affects wages. Current U.S. employers cannot influence characteristics that were set before the individual entered the U.S. labor market. But current labor market characteristics may be influenced by any existing skin color discrimination in the United States. If so, individuals with darker skin color may be in worse jobs because of their darker color and not because of actual productivity differences. In this situation, the skin color effect in the equations that control for characteristics associated with current U.S. employment would be smaller than in equations that do not control for current U.S. employment characteristics. If so, we may be tempted to interpret the smaller penalty for darker skin color as evidence of a decline in colorism. Instead, a reduction in the skin color penalty is actually an indication that the mechanism by which colorism is manifested is, at least in part, via employment in worse jobs.

Importantly, I include in the wage equation indicators of Hispanic or Latino ethnicity, race, and country of origin. There is widespread evidence of discrimination in the United States on the basis of Hispanic or Latino ethnicity and on the basis of race. Individuals may also be subject to discrimination on the basis of country of origin. In addition, because countries differ in characteristics such as quality of education and cultural similarity to the United States, individuals may differ in their productivity in the U.S. labor market based on country of origin. Inclusion of this information in the wage equations thereby isolates the influence of skin color net of any effects associated with ethnicity, race, or national origin. However, because skin color is highly correlated with Hispanic or Latino ethnicity, race, and country of origin, inclusion of these factors inherently raises the possibility that multicollinearity will reduce the precision of the estimate of the effect of skin color on wage. To help gauge the influence of possible multicollinearity on the estimates’ effect of skin color, I start by presenting estimates that control for skin color only. A sharp drop in the magnitude or statistical
significance of the skin color effect is an indication that multicollinearity may have an important influence on the estimates.

The dependent variable in all regression equations is the log of hourly wage. Respondents report their hourly wage rate or their salary and the corresponding unit of time (e.g., monthly salary). In the latter situation, I calculate an hourly wage rate from information on salary, unit of time, and hours worked. Because the survey period for the 2003 wave extended between 2003 and 2004, and because the survey period for the 2007 wave extended between 2007 and 2009, I convert hourly wage for all observations into real 2014 dollars. I restrict the sample to those with real hourly earnings between $1.50 and $150.00 to eliminate the handful of respondents with implausibly small or large hourly wages, as well as to reduce any possible influence on the results of the handful of high earning outliers. I also include only those respondents who are 18 to 72 years old in the 2003 wave (all are between ages 21 and 75 in the 2007 wave). In the regression estimates, I use the values of the variables that correspond to the indicated survey wave.

In addition to skin color, Hispanic ethnicity, race, and country of origin defined earlier, the variables in the analyses are defined as follows. Respondents self-report their height and weight. To allow for a nonlinear effect of height as well as to account for differences in average height between men and women, height is included in the regressions as the difference in inches between the individual’s height and the gender-specific U.S. average height, where separate terms are used for inches below and inches above the U.S. average. Weight is measured as body mass index; alternative specifications, such as grouping into categories (e.g., obese or overweight), yield identical findings and are not reported in this article.

The wage regressions control for age and its square. English language proficiency is taken into account by the individual’s self-report of whether they understand spoken English well or very well in the specific survey wave. I control for education in years divided into education attainment before migration to the United States and education attainment in the United States, based on data reported on the 2003 wave.

I include U.S. region of current residence, grouped into the four broad Census regions of Northeast, South, Midwest, and West, to take into account regional difference in average pay and cost of living, as well as regional differences in the concentration of immigrants. I also control for the year in which the respondent completed the survey, in order to allow for broad based economic conditions that varied over time, most notably labor market conditions associated with the recession that began in 2008.

I control for potential U.S. work experience and its square, where potential experience is calculated as the difference between the year the respondent was interviewed and the year of the first job in the United States. Other characteristics reflecting pre-U.S. labor market characteristics are family background (measured as father’s education and family relative income when the respondent was 16 years old), occupation before migrating (grouped into five categories of professional and managerial; health; services; sales and administrative; and production; those not reporting an occupation in the source country form the omitted occupation category), and whether the
respondent was a new arrival (who acquired immigration documents before migrating to the United States) or an adjustee (who resided in the United States) when granted LPR status in 2003. Adjustees would have more time to assimilate, which may improve earnings prospects.

If those with darker skin color were relatively darker than others in their originating country, they may have faced colorism before migrating to the United States and for that reason may have weaker labor market skills once they enter the U.S. labor market. Inclusion of family background and occupation before migrating takes into account possible discriminatory treatment the respondent may have experienced in their originating country and mitigates bias on the skin color estimates in the wage equations.

Current labor market characteristics are defined as follows. I include visa status (grouped into employment visa; spouse of U.S. citizen visa; diversity visa who are granted a visa via lottery; and all others, which includes refugees and asylees), tenure with current employer and its square, class of worker (government, private sector, or self-employed), union status, whether paid an hourly rate (rather than salaried), full-time employment, broad occupational category (in the same five categories used to group occupation in originating country), and whether the worker’s job is likely to involve outdoor work (because sun exposure may cause skin color to be darker). Visa status is included as a current labor market characteristic because most employment visa holders are sponsored by their employer. All of the other current labor market characteristics clearly may be influenced by possible colorism in the U.S. labor market.

**Wage Equation Estimates**

The objective of this article is to compare wage equation estimates based on data from the 2003 wave of the NIS to the 2007 wave of the NIS in order to examine whether the penalty for darker skin color was reduced for those immigrants after more time as a legal immigrant in the United States had elapsed.

The samples used to estimate the wage equations are restricted to those working for pay in the United States in the relevant survey wave, not missing information on country of birth, age, education, or full-time employment status, between ages 18 and 72 in the 2003 wave, and with hourly wages in 2014 dollars between $1.50 and $150.14

Table 1 summarizes the percentage difference between immigrants with the lightest and darkest color on the skin color scale, controlling for the variables indicated in the first column of each row. Row 1 controls only for skin color and shows a substantial penalty for darker skin color, of nearly 26% based on the 2003 wave of data, and an even larger 36% based on the 2007 wave.

However, as discussed earlier, color, Hispanic ethnicity, race, and country of origin may be correlated. Row 2 adds controls for these factors. As expected, the lightest-to-darkest skin color penalty is smaller, because part of the penalty to darker skin color is being accounted for by the penalty to Hispanic or Latino ethnicity, non-White race, or country of origin. However, the magnitudes of the penalty remain large and statistically significant, at 22% for the 2003 wave and 29% for the 2007 wave, confirming
that skin color has a strong effect on pay independent of the effect of ethnicity, race, and national origin on pay.

Row 3 adds physical characteristics to the equation; there is little difference in the lightest-to-darkest skin color penalty between the results in rows 2 and 3. However, in results not reported in the table, height has an important influence on wages in each wave, with taller immigrants earning more.

Row 4 adds variables accounting for family background and English language proficiency. The magnitude of the pay penalty is reduced by about one third in the 2003 wave and by about one quarter in the 2007 wave. These substantial reductions in the penalty for darker skin color due to inclusion in the regressions of characteristics attained before entering the U.S. labor market indicate that part of the skin color penalty arises from a correlation of skin color with pre-U.S. labor market characteristics.

The main findings of this article are the estimates reported in row 4, and show the lightest-to-darkest wage penalty of 16% in the 2003 wave and 25% in the 2007 wave. Because the wage equations include extensive information about individuals that are not at the discretion of employers in the U.S. labor market, they net out the separate influences of characteristics including race, country of origin, education, prior occupation, and family background.

Finally, rows 5 and 6 add variables indicating current U.S. employment. The smaller magnitude of the penalty indicates that part of the skin color penalty reported


<table>
<thead>
<tr>
<th>Variables in equation</th>
<th>NIS 2003</th>
<th>NIS 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Skin color</td>
<td>25.7**</td>
<td>36.4***</td>
</tr>
<tr>
<td>2. 1 + Hispanic ethnicity, race, country of origin</td>
<td>21.1**</td>
<td>28.8***</td>
</tr>
<tr>
<td>3. 2 + Male, age, height, weight, time period</td>
<td>21.6**</td>
<td>31.1**</td>
</tr>
<tr>
<td>4. 3 + Family background, education, occupation in last job abroad, English language proficiency</td>
<td>16.4***</td>
<td>25.3***</td>
</tr>
<tr>
<td>5. 4 + Visa type, new arrival, potential U.S. work experience, U.S. region</td>
<td>10.6*</td>
<td>16.0*</td>
</tr>
<tr>
<td>6. 5 + Tenure, employer characteristics, job characteristics, occupation</td>
<td>10.7*</td>
<td>9.2</td>
</tr>
</tbody>
</table>

N 2,171 1,243

Note. Author’s calculations from the New Immigrant Survey (NIS) 2003 and 2007. Dependent variable is the log of real hourly wage. Sample includes respondents ages 18 to 72 in the 2003 wave with real hourly wage between $1.50 and $150.00 in the indicated survey wave. Table reports percent difference between those with lightest and darkest skin color, calculated from the coefficient on skin color in a multiple regression that controls for the indicated variables. The asterisks indicate statistical significance of the skin color coefficient. **Indicates statistical significance at 5%; *indicates statistical significant at 10% (2-sided tests). All values are weighted to account for sample design. See Hersch (2008) for additional information.
in row 4 arises from the correlation of skin color with visa or job characteristics, and indicates that part of the larger skin color penalty relative to row 4 arises from workers with darker skin color sorting into jobs with less favorable characteristics. Notably, however, the penalty for darker skin color remains substantial and is statistically significant with the exception of the final estimates for the 2007 wave reported in row 6.

The main question of this article is whether more time in the United States eroded the pay penalty for darker skin color. The answer, resoundingly, is that it did not. If anything, the pay penalty for darker skin color increased between the 2003 and 2007 waves of the NIS.

But is this penalty caused by discrimination? These results, based on a multiple regression analysis, strongly indicate that discrimination is the source of the penalty for darker skin color. Multiple regression is used to perform the “all else equal” experiment. Pay gaps on the basis of group membership can be divided into two parts: differences due to premarket factors or individual preferences and the unexplained gap that may reflect discriminatory treatment toward members of the group.

The possibility that omitted variables are the actual cause of a pay disparity between groups must always be carefully considered. For example, studies universally show that women earn less than comparable men. If the reason for this pay gap is that any worker who chooses to make family a priority over market work earns less, but that women are more likely than men to make this choice, then a component of the gender pay gap would actually be due to an omitted variable—that is, differences in preferences. Or, if school quality affects earnings, and schools disproportionately attended by non-Whites tend to be of lower quality, then a component of the estimated racial pay disparity would arise from an omitted variable—that is, differences in school quality.

However, skin color differs from gender and race. In contrast to gender or race, which are largely quantified empirically as binary categories, skin color varies within race, ethnicity, nationality, and families. There are no likely omitted variables such as preferences over work–family balance or school quality. There is no evidence that skin color affects ability. Although ample evidence finds that those with lighter skin color are rated as more attractive, and that those more attractive earn more, Hersch (2006) shows that the penalty for darker color is not changed by additionally considering attractiveness in the wage equation. Any other omitted variable would need to favor lighter skin and have a low correlation with non–skin color variables already included in the wage regressions. It is indeed hard to imagine what such a variable would be.

To summarize, the penalty for darker skin color faced by legal immigrants to the United States increased over the approximately 4-year period between survey waves. Furthermore, discrimination on the basis of color is the most likely interpretation for the substantial penalty for darker skin color.

**Implications for Color Discrimination Claims**

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, religion, sex, and national origin. Figure 3 shows the number of charges on these bases (as well as the number of retaliation charges) filed with the
As Figure 3 shows, race charges are the most common basis for discrimination charges, and far outnumber color discrimination charges. In 2007, the EEOC launched the E-Race (Eradicating Racism and Colorism from Employment) Initiative. The heightened awareness after this initiation was launched may have had some role in the approximate doubling of colorism discrimination charges between 2003, with 1,550 charges in that year, and 2017, with 3,240 charges.

As discussed earlier, color and race are often conflated but in fact form distinct bases for employment discrimination claims. The distinction between color and race is likely to be most relevant when parties are the same identified race or are immigrants from the same country. This is not an abstract possibility: Hersch (2012) finds that in nearly one third of EEOC charges of color discrimination, the charge also includes a claim of discrimination on the basis of national origin.\(^{16}\) As highlighted by Banks (2000) and Nance (2005), legal cases have involved litigants of the same national origin but of a different skin tone.

**Implications for Understanding the Role of Skin Color in the United States**

This article confirms that a pay penalty among legal U.S. immigrants with darker skin color is real, substantial, and not eroding with more time in the United States. The
results show a strong and separate influence of color on pay even after taking into account the influences of race and national origin, as well as numerous other individual characteristics. The magnitude is substantial: among comparable immigrants, the magnitude of the skin color penalty for darker color increased from a 16% lightest-to-darkest penalty based at the time the immigrants achieved legal permanent resident status in 2003, to a 25% disparity after approximately 4 additional years as a legal resident. Unobserved productivity characteristics are highly unlikely to be the source of the pay penalty for darker color, leaving employment discrimination as the most likely explanation. Immigrants do assimilate into the U.S. economy, but these results imply a rockier road for those immigrants with darker skin color.

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Notes
1. A valuable introduction to the worldwide scope of differential treatment on the basis of color is Hall (2012).
2. There is a large literature documenting preferential treatment of African Americans with lighter skin color on dimensions such as education, income, and earnings. See, for example, Hall (2008), Russell, Wilson, and Hall (1992), Dixon and Telles (2017), and Kreisman and Rangel (2015). Empirical studies documenting preferential treatment of Hispanics/Latinos in the United States with lighter skin color include Mason (2004) and Espino and Franz (2002). Kiang and Takeuchi (2009) find that Filipino Americans residing in San Francisco or Honolulu with darker skin color have lower income. In an experimental study, Ostfeld (2017) demonstrates that White observers have a more favorable view of undocumented immigrants when depicted with lighter skin and stereotypically Eurocentric features.
3. See http://www.eeoc.gov/eeoc/publications/fs-race.cfm for more information from the EEOC about the characteristics of race and color discrimination. The EEOC website states: “Even though race and color clearly overlap, they are not synonymous.” See Banks (2000), Jones (2000), and Nance (2005) for a description and analysis of the legal environment of color discrimination claims under Title VII.
4. See Hersch and Shinall (2015) for further discussion of the relation between color and national origin discrimination under Title VII.
5. See Jasso, Massey, Rosenzweig, and Smith (2005) as well as Hersch (2008) for additional information about the sampling design. Detailed information about the NIS, as well as survey documentation and downloadable data files, is available at http://nis.princeton.edu/. Spouses of the adult respondents, and parents of the children respondents, are also interviewed.
6. The INS ceased to exist in 2003, and its functions were transferred to three new entities within the newly created Department of Homeland Security.
7. Although the skin color scale shows values ranging from 1 to 10, interviewers were instructed to assign zero for those with the lightest possible skin color. The zero value was intended to be reserved only for those with the rare condition of albinism, and the NIS researchers flagged a concern over excessive use after the survey interviews had begun. My statistical analyses take into account the apparent overuse of zero to indicate skin color by inclusion of an indicator variable in the regressions, but the reported distributions include zeros when recorded as such in the data.

8. The specific survey question is, “Surveys of American citizens typically ask questions on ethnicity and race. How would you answer these questions? Do you consider yourself to be Hispanic or Latino?” Hispanic or Latino identification is the only ethnicity recorded in the U.S. Census and is the only ethnicity separately identified in the NIS. There is seemingly no consensus about whether Hispanic or Latino is the preferred term. A Pew Research Center survey found that among those Hispanics or Latinos who expressed a preference, more than twice as many preferred the term Hispanic to Latino—33% compared with 14%; the remainder had no preference (Taylor, Lopez, Martínez, & Velasco, 2012). In this article, I use “Hispanic or Latino” and “Hispanic/Latino,” and “Hispanic” interchangeably in order to provide clarity within the context.

9. Specifically, the terms for the race group “Black” include “Black, Negro, or African American.” The terms for the other four racial groups are worded as indicated in the text.

10. These figures are reported in Hersch (2008) and are based on the 2003 wave of the NIS.

11. See, for example, Case and Paxson (2008).

12. The source for average height for non-Hispanic White males and females in the United States is McDowell, Fryar, Hirsch, and Ogden (2005). The values for immigrants are reported in Hersch (2008) and are based on the 2003 wave of the NIS.

13. All wages are standardized to 2014 dollars using the Consumer Price Index for all urban consumers without seasonal adjustment.

14. All values are weighted using the sample weight provided in the 2003 wave which takes into account the design of the sampling frame. There is no weight provided for the 2007 wave that might additionally account for any attrition.


16. See Hersch and Shinall (2015) for further discussion of the relation between color and national origin discrimination under Title VII.

References


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**Joni Hersch** is the Cornelius Vanderbilt Professor of Law and Economics at Vanderbilt University. Her research focuses on the influence of gender, race, national origin, skin color, and family background on labor market outcomes, higher education, and inequality.