



Mechanisms for hiring discrimination of immigrant applicants in the United States

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Globalization and labor shortages have led to immigrants becoming an “important source of labor” in today’s knowledge-based economies, especially in many Western countries (Dietz *et al.*, 2015; Shirmohammadi *et al.*, 2019; Zikic, 2015). Yet, management scholars have paid only scant attention to understanding the employment experience of this increasingly important part of the labor workforce (Dietz *et al.*, 2015; Zikic, 2015). Moreover, results from around the world on immigrants in the workplace, suggest that their experience is complex. For instance, in the U.S., although popular discourse purports that immigrants displace domestic-born Americans from jobs (Waldinger and Litcher, 2003; Bloomekatz, 2007), this assertion is an oversimplification of the complex interplay between employer preferences on the one hand, and workers’ attributes, such as immigration status and race, on the other hand (Bloomekatz, 2007). While anecdotal evidence suggests that employers prefer hiring immigrants rather than U.S. workers, theories of stereotypes, prejudice and discrimination suggest the opposite. First, depending on their national origin, immigrants differ remarkably on perceived competence and likability, but are also faced with prejudice and discrimination like other outgroups (Deros *et al.*, 2012; Lee and Fiske, 2006; Myslinska, 2013). Indeed, studies conducted in Britain (Qureshi *et al.*, 2013), Canada (Somerville and Walsworth, 2009) and France (Ramboarison-Lalao *et al.* , 2012), found that skilled immigrants from non-English-speaking backgrounds were underutilized compared to their English-speaking counterparts (Kostenko *et al.*, 2012; Almeida *et al.* 2015). Second, immigrants are embedded in a racialized society, an imprint of the larger social structure of the host country, and thus are likely targets of prejudice and discriminatory behaviors (Bell *et al.*, 2010; Cortina, 2008; Fiske, *et al.*, 2002; Waldinger and Lichter, 2003). As an illustration, based on a field experiment in Sweden, Carlsson and Rooth (2008) found that native-born applicants

with Swedish-sounding names had higher call back rates than native-born applicants with Middle Eastern sounding names. Given these divergent views, how are immigrants evaluated during the hiring process?

In this paper we explore this question primarily using the U.S. context and immigration system to illustrate. Specifically, we present a model to conceptualize a phenomenon that we contend serves as a predictor of worker exploitation, and offers an alternative rationale for employers' hiring decisions of immigrants beyond socio-cognitive factors. Very few studies in the management literature explore exploitation, and in particular its antecedents. To extend this literature, the focus of our paper is not to examine labor exploitation, but instead to introduce and conceptualize exploitation opportunism as the decision-making process that can occur by and between employers and immigrant applicants, and can *lead* to the discrimination of immigrant workers. Drawing from status theories and theories of intersectionality, we integrate research on immigration labor and racial hierarchy to address the unequal power relations that underlie race and immigration status affecting the hiring process. Our model shown in Figure 1 includes three stages governed by applicant categorization, employer motivation, and applicant exploitability resistance, depicting why the discrimination of immigrant applicants occurs in the labor market uniquely compared to domestic applicants. Using our model, we attempt to explain what guides the decision by employers to exploit job applicants, and influences applicants to allow themselves to be exploited based on a unique categorization resulting from their intersected demographic categories. To fully understand this model, we included the final stage of the hiring process, job offer acceptance. Ultimately, if an organization extends a subpar job offer, the applicant decides whether or not to accept the offer. We also discuss the implications of our model and ideas for future research on the experience of immigrants in the workplace. The terms

immigrant and foreign-born are used interchangeably as done in prior research (e.g., Chiswick, 1978; Stevens, 1999), and the terms native-born, domestic, U.S., and American applicant are used interchangeably as well, to refer to individuals that are legal citizens of the United States.

In some organizations the decision-maker may be the employer, whereas in other organizations hiring decisions may be delegated to others such as managers. These other decision makers may or may not face the same pressures as their employer, and what is considered rational or perceived to be in their own interest, may differ. Therefore, hiring managers may share similar or have different motivations from their employer, and as such, susceptibility to exploitation opportunism. In this paper, based on the attraction- selection-attrition (ASA) theoretical framework (Schneider, 1987), we argue that hiring managers make decisions similar to those of the employer. According to ASA theory, employees who share the same values and beliefs stay with an organization, while those who differ tend to leave (Schneider, 1987). Schneider and colleagues (2001) state that over time, an organization will become increasingly homogenous, characterized by “hiring decisions that tend to reproduce the way the founder thinks and behaves” (p238). Thus, in our model we use the terms hiring manager and employer interchangeably, assuming that hiring managers acting on behalf of employers will likely do so with respect to the shared perspectives of the owners.

INSERT FIGURE 1 HERE

Traditional models of the hiring process within social psychology are based on notions of ‘fit’ and compatibility between decision makers’ impression of an applicant and the job requirements (e.g., Brooks and McKail, 2008; Cleveland and Hollman, 1991; Heilman, 1983;

Perry, 1997; Stone and Colella, 1996). A good ‘fit’ usually signals that the candidate is better liked and highly skilled for the job (Bloomekatz, 2007; Cable and Judge, 1997; Kulik *et al.*, 2007). However, prior studies have demonstrated that the hiring process is prone to biases and discrimination where judgments may be based on decision-makers’ category-based stereotypes (Deros *et al.*, 2015; Deros *et al.*, 2016). While the literature covering hiring discrimination in general has been extensively covered (e.g., Bell *et al.*, 2010; Deros, *et al.*, 2017; Deros, *et al.*, 2012), there is scant research in the management field addressing how these mechanisms affect foreign-born job applicants. The call to extend management research to include immigrant and foreign-born workers (Bell *et al.*, 2010; Harrison *et al.*, 2018) is still open.

Recruitment and selection are critical steps in the hiring process that have received substantial empirical attention in the management literature. Recruitment refers to a broad set of activities that are intended to create a pool of potential job candidates for a job opening in an organization (Breaugh, 2008; Ployhart *et al.*, 2017). Selection is the process of identifying the best candidate for the job and organization from an applicant pool (Dowling *et al.*, 1994; Ployhart *et al.*, 2017). While there is some overlap between recruitment and selection (Ployhart *et al.*, 2017), the focus of the current paper is on selection practices, and the decision-making process that leads to the selection and hiring of employees. Both empirical and anecdotal evidence suggest considerable diversity in approaches to selection practices across nations, due to different laws and cultural values (Ryan *et al.*, 1999). In the U.S., the most common selection practices include resume screening, interviewing and testing (Aycan, 2005; Ryan *et al.*, 1999). Organizational decision-makers use information gathered from these selection activities about the candidate and compare it to the job and organizational requirements to determine whether the candidate should be hired.

Kulik and colleagues (2007) advanced a two-stage model based on category activation and inhibition in the hiring process for job applicants belonging to multiple identity groups. In the first stage, automated processing occurs, and multiple categories are automatically activated simultaneously in the decision maker’s mind with the strongest signal guiding the decision maker’s impression. The second stage of their model describes how hiring selection is based upon cognitive control mechanisms such as self-enhancement motivation and motivation to avoid prejudice (Bodenhausen and Macrae, 1998; Kulik et al., 2007) in an attempt to either reduce or act upon their stereotypes or bias (see Kulik et al., 2007 for more details on category activation in the hiring process). Although Kulik and colleagues’ model is comprehensive in its explanation for how intersectionality affects the hiring process, it does not address the unique characteristics that immigrants possess, and it offers a one-sided perspective from that of the employer. Other recruitment and selection literature that addresses the applicants’ perspectives (Byrne, 1971; Cable and Judge, 1996, 1997; Celani and Singh, 2010), or the congruence between employers and applicants (Breugh and Stark, 2000; Schneider, 1987) still lack the context of how immigration policies affect the recruitment and hiring process. We introduce exploitation opportunism to fill that void and describe how hiring outcomes for foreign-born applicants are affected by perceptions of their immigrant status and racial identity.

Applicant categorization

Applicant categorization is the first mechanism of exploitation opportunism. The integrative multicultural model (McGrath *et al.*, 1995) of group interaction suggests that power and status characteristics of individuals influence their expectations of each other. As a result, group interaction between individuals, and the behaviors they exhibit can be affected. For

example, employers form expectations about immigrants based on their perceptions regarding their knowledge, skills, and abilities, and also based on perceptions regarding their power (Ridgeway, 1991), whether they possess similar, lesser, or greater power and status relative to themselves. The power immigrants have in the labor market is related to their immigration status and the resource capital they hold resulting from it (Bloomekatz, 2007). Furthermore, immigrant job applicants' characteristics signal information to employers (Harrison *et al.*, 2018) which may include the amount of power or resources they possess.

There has been a steady rise of immigration around the world (Porter and Russell, 2018). According to reports on international migration from the United Nations (2017), top countries hosting the largest numbers of international migrants in 2017 included United States, Saudi Arabia, Germany, Russian Federation, United Kingdom, United Arab Emirates, France, Canada, Australia, and provided residence to more than 50 percent of all total international migrants. Indeed, immigration researchers have noticed that in many developed countries there is converging of migration policy aimed to include greater control mechanisms (Helbling and Kalkum, 2018) possibly due to this trend. For example, Almeida and colleagues (2015) also argue that there is a growing global tendency where governments of many countries in the Organisation for Economic Co-operation and Development (OECD) are attempting to create policies to limit illegal and low skilled immigrants. Due to increased global trade, immigration and globalization, it is conceivable that immigration countries tend to have similar immigration policies and laws (especially among OECD countries), which leads to similar labor practices for immigration workers that may also parallel policies of the United States. Because of this and the fact that the United States has more immigrants than any other country (Connor and Budiman, 2019), presenting applicant categorization through the lens of U.S. immigration policy lends

relevance and generalizability for our ensuing discussion regarding perceptions of immigrants in the labor market.

In a capitalist society, employer power is a function of the relative inequality between them and their workers. Large power differences between the two groups can lead to exploitation, which refers to social relations where actors use others for their own end due to fundamentally asymmetric power relationships between them (Bloomekatz, 2007). Even in a non-capitalist society, some immigrants, because of their immigration status (e.g., those on temporary work visas, or undocumented) may have to rely heavily on their employers (see below for a more detailed discussion). The weight of this dependency is such that employers construe vulnerable immigrants as willing subordinates who will work hard for less pay without giving “lip” (Waldinger and Lichter, 2003, p. 15). This line of reasoning is consistent with Auer *et al*’s (2019) contention that because immigrants find it more difficult securing jobs, employers may anticipate higher levels of commitment and motivation from them as they are more likely to go to greater lengths to keep their jobs once hired. Title VII of the Civil Rights Act (1964) protects individuals in the United States, including immigrants, from discrimination based on race, sex, gender, religion, and national origin. The Immigration Reform and Control Act of 1986 (GovTrack.us, 2020) also protects individuals from discrimination based on citizenship status. Other countries have similar laws protecting against discrimination. For example, in the UK, the 2010 Equality Act legally protects people from different types of discrimination, including race, sex, disability and age, in the workplace and wider society (Gov.UK, 2020). For members of the European Union, the Equal Treatment (Framework) and Racial Equality Directives, implemented in each members state’s national law, protect against discrimination on the basis of race, sexual orientation, religion or belief, age and disability (Harcourt, Lam, and Harcourt, 2005).

However, we argue that from the immigrants' perspective, the more distant a person's immigration status is from the host country citizenship, in general, the less resources they possess and hence the lower his or her mobility. The lower the mobility, the more vulnerable immigrants are to exploitation in many cases, irrespective of any legislation that exists.

Below, we classify U.S. immigrant workers into three categories based on the distance of their immigration status from U.S. citizenship, and explain how their access to resource capital affects the power dynamics between them and potential employers, and ultimately their susceptibility to exploitation. Although our classification is based on U.S. immigration policy, the immigration policies of most other countries ranked as having the largest immigrant populations share similar characteristics including: 1. the need for a visa; 2. work visa classification based on the type of work; 3. documentation of employment; 4. a limited time period or expiration for visa holders' stay; and 5. consequences for no longer being employed by the company in the host country.¹

Permanent status immigrants. In the workplace, this group of immigrants has legal rights, freedom and opportunities that resemble those of American-born citizens, except that green card holders cannot work in some jobs (e.g., most federal government jobs; U.S. Citizenship and Immigration Services, 2015). Of particular note is the fact that employers do not need to sponsor these individuals or complete any paperwork on their behalf to enable them to

¹ To compare work visa and immigration policies we reviewed government websites pertaining to information regarding work visas for some of the top countries ranked as having the most immigrants (United Nations, 2017) including Saudi Arabia, United Kingdom, France, Canada, and Australia (Australian Government, 2019; France-Visas, 2017; Government of Canada, 2019; Gov.UK, 2019; The Embassy of the Kingdom of Saudi Arabia, 2019; U.S. Citizenship and Immigration Services, 2013).

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work in the U.S. Moreover, if they lose their job, they will not be out of status and risk deportation.

Temporary status immigrants. A non-permanent visa usually imposes different restrictions on the visa holder in terms of the length of time a person can stay in the U.S., the type of jobs the person can do during their stay, as well as legal rights (like voting) and obligations, such as paying taxes (U.S. Citizenship and Immigration Services, 2013; U.S. Department of State, 2014). In the United States and most other countries with a high population of immigrant workers, work visas which are non-permanent or temporary visas, grant foreign visitors the opportunity to work for an employer in the host country for a limited period of time. In the United States for example, employers may sponsor foreign-born professional employees with H-1B visas or seasonal agricultural employees with H-2A visas so they may work and live in the United States (U.S. Citizenship and Immigration Services, 2013; U.S. Citizenship and Immigration Services, 2018; U.S. Department of State, 2014). This duration may range from a few days to many years depending on the host country and the nature of employment. Importantly, in many cases, holders of these types of permits or visas have to rely on their employer to sponsor them and or complete paperwork to renew their temporary permits or visas before they expire in order to continue to stay in the country legally. Thus, losing a visa or permit imposes a serious threat to visa holders, because when these immigrants lose their non-permanent/temporary status, they can no longer stay legally in the country unless they find another company willing to sponsor them before their visa expires, which could be challenging. If they fail to find an alternative sponsor, they should leave the country. However, if they choose to stay, they normally will not be able to live the same lives they did before,

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3 because accompanying the loss of their status, they also lose many basic legal rights and
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5 protections.
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8 **Undocumented workers.** These workers may not legally accept work without prior
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10 special authorization (U.S. Citizenship and Immigration Services, 2017b) giving them little to no
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12 legal rights, freedom or opportunities. They are heavily dependent on their employer therefore
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14 they are more willing to accept low wages and reluctant to complain about working conditions or
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16 unfair treatment for fear of reprisal, as they risk deportation if discovered working
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18 undocumented.
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22 **Financial resource capital.** Research shows that the richer an immigrant is, the more
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24 likely the person is naturalized or has a long-term visa, and the opposite also holds (Passel,
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26 2007). Thus, immigrants who hold non-permanent and short-term visas are more likely to be
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28 exploited because of the limited financial resources that they have, which is crucial for buffering
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30 in the event of unemployment and job change. Additionally, without legal support, immigrants
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32 may lack the financial support that the U.S. safety network provides for workers who are U.S.
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34 citizens and permanent residents. Immigrants outside these categories are not eligible for these
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36 benefits (Bloomekatz, 2007). Immigrants who are not eligible for these benefits usually are left
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38 without any choice but to work, no matter how unfavorable the employment conditions might be,
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40 and their mobility is also limited.
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45 **Social and cultural resource capital.** The more permanent the immigration status of an
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47 individual, the more social and cultural capital he/she is likely to possess. This is because the
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49 steps and requirements for obtaining permanent immigration status often result in individuals
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51 acquiring social and cultural capital. For example, becoming a naturalized U.S. citizen requires
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53 applicants to have completed a period of legal residence, provides time to build a social network,
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3 achieve proficiency in English, and demonstrate knowledge of U.S. norms and customs (Auclair
4 and Batalova, 2013).
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7 The lack of social capital restricts an immigrant's mobility and information access, which
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9 in turn limits the person's employment choices. For example, Shan (2013) argues that Canadian
10 immigrants' limited social capital, hampers their employment outcomes, as their social ties tends
11 to be restricted to family and ethnic-based networks. Supporting this contention, in a recent
12 review of studies on skilled immigrants' employment experience, Shirmohammadi *et al.*, (2019)
13 found evidence to suggest that when skilled migrants' connections were limited to co-ethnics and
14 family members, their chances of obtaining qualification-matched employment decreased. It is
15 not surprising to note that demographic data show that immigrants from the same country or
16 region tend to cluster together. For example, according to the U.S. Census Bureau, more than
17 half of the African-born immigrant population resides in only four states – New York, California,
18 Texas and Maryland (Gambino, Trevelyan, and Fitzwater, 2014).
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33 Cultural capital is another important factor that affects an immigrant's employment
34 behavior. Immigrants, due to cultural unfamiliarity, are often disadvantaged because they do not
35 or will not fight for their rights in workplaces (Bloomekatz, 2007). Moreover, immigrants who
36 do not speak English or have strong foreign accents face more difficulty finding jobs (Hosoda
37 and Stone-Romero, 2010), thus, they are less likely to give up their existing jobs, even if they are
38 being exploited. Drawing from signal theory (Spence, 1973), the decision maker may use the
39 extent of the immigrant's acculturation, such as strength of accent, mannerisms, dress attire etc.,
40 as a proxy for his or her citizenship status. Thus when domestic Americans notice immigrants'
41 accented speech, non-American mannerisms, or dress style, these act as visible cues (Harrison *et*
42 *al.*, 2018) that can trigger perceptions about the applicant's immigrant status and hence resource
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capital. These perceptions may also be triggered before meeting the immigrant job applicants based on names, residency, or education that serve as non-visible cues. From an employer's perspective, the further the applicants' immigration status is from U.S. citizenship, the more exploitable they appear.

Although current research addresses legal, structural and economic factors when considering the exploitation of immigrant workers, there is a void in the literature regarding a scholarly understanding of how their status and race intersect to impinge on the hiring process as race serves as a signal for perceived identity group hierarchies in many countries including the U.S. labor market (Bell *et al.*, 2014). We turn to the literature on intersectionality and racial hierarchy for a closer look at intragroup differences between immigrant applicants based on their perceived racial identity and its added effect on their perceived exploitability.

Intersectionality theory

Several theories have been proposed to account for the effects of multiple identities in the hiring process (Derous *et al.*, 2015). Some scholars contend that marginalization due to multiple category membership has a cumulative negative effect. For example, the double jeopardy hypothesis framework (e.g., Beal, 2008; Blakemore and Boneham, 1994) suggests that applicants' experience has a cumulative negative consequence of simultaneously belonging to two subordinate groups (e.g., ethnic minority immigrant) compared to those belonging to only one subordinate group (e.g., ethnic minority domestic American or ethnic majority immigrant) or no subordinate groups (ethnic majority domestic American). Empirical evidence supports the double jeopardy hypothesis (e.g., in workplace harassment, Berdahl and Moore, 2006; in performance evaluations, Powell and Butterfield, 1997; in pay, Bowen and Bok, 1998), including

research on hiring decisions (Derous *et al.*, 2012). However, some critics (e.g., Goff *et al.*, 2008) argue that additivity assumptions such as these are problematic and that stereotypes of multiple identity group members are not merely a collection of the stereotypes of the individual group to which they belong, but rather a unique set, comparable to none of the group to which they belong (King, 1988; Greenman and Xie, 2008). To better understand how belonging to multiple identities can shape the experience of immigrants, we draw on intersectionality theory (Crenshaw, 1989, 1991).

Intersectionality theory is rooted in U.S. Black feminists’ literature, and challenged the idea of a universal gendered experience arguing that Black women’s experiences were simultaneously shaped by gender and race (Collins, 1990; Crenshaw, 1989, 1991; Davis, 1981; Holvino, 2010). Instead of articulating gender and race as distinct social categories, intersectionality postulates the ways that hierarchies of power exist along multiple socially defined categories (Erez *et al.*, 2009). These categories mutually construct each other through structural inequalities and social interaction, creating different axes of intersecting indivisible identities (Crenshaw, 1991; Schulz and Mullings, 2006; Erez *et al.*, 2009). For example, Crenshaw describes how Black women may suffer discrimination similar to Blacks in general, or analogous to other women. In both cases, the law that prohibits discrimination based on race and sex in the U.S., known as Title VII of the Civil Rights Act (1964) would be the relevant law. However, in some cases, Crenshaw argues that Black women experience discrimination as “an irreducible intersection of race and gender - “Black woman”. The law is ill-equipped to handle this situation. The Black woman cannot claim discrimination based on race if Black men are not experiencing the same discrimination. Similarly, they cannot claim sex discrimination if White

women are not experiencing discrimination. Crenshaw's argument highlighted the challenges of intersectionality not just in the legal realm, but also in other fields including social psychology.

Drawing from this perspective we argue that immigrant status and race are inextricably linked creating a unique type of intersected identity that shapes the experience of immigrants in the workplace. Thus, an immigrant's experience will differ from co-ethnic domestic Americans, and also from other immigrants that are of a different ethnicity. In other words, the meaning of immigrant differs across racial groups and the meaning of race differs for each immigrant group. Thus, their evaluations will not be the cumulative effect of stereotypes associated with their ethnicity and foreignness, but will be a distinct set of stereotypes unique to the intersecting identity. To illustrate, Lambert and Akinlade (2019), using fictitious resumes, found that temporary status Asian foreign-born applicants received significantly more favorable email responses to job ads than Asian native-born applicants (difference in immigration status), and Asian native-born applicants received less favorable responses to job ads than White native-born applicants (difference in race).

Immigrant hierarchy and exploitability

The majority of theories that analyze the experience of applicants do so through the lens of socio-cognitive processes. However, these theories are limited regarding the role power dimensions and economic motivations play in employer preference and the idea of "fit" in shaping the evaluations of immigrants in the hiring process (Cable and Judge, 1996; Cable and Judge, 1997; Kristof-Brown, 2000). For example, with the socio-cognitive approach, job applicants' attributes such as "warmth" (e.g., friendly, good-natured and sincere) and "competence" (e.g., capable, confident and skillful) play center stage in the evaluation of job

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3 applicants during the selection process (Fiske *et al.*, 2007). To the extent that applicants are seen
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5 as warm and/or competent, they are evaluated positively, while those considered either cold
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7 and/or incompetent are evaluated negatively.
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10 Research demonstrates that actual and symbolic power differences are associated with
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12 demographic groups (Ely, 1995; McGrath *et al.*, 1995; Tolbert *et al.*, 1995) where race may
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14 trigger perceptions about applicant’s socioeconomic status. Categorizations and perceptions
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16 regarding race affect how employers will treat immigrants because the saliency of race is unique
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18 to the effect of immigrant status on decision maker’s perception of the immigrant’s susceptibility
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20 to exploitation. Consequently, stereotypes about foreign-born applicants’ regarding their
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22 resource capital may be perceived when employers interpret signals not only based on
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24 immigration status, but also on race (Spence, 1973). This contention is supported by a report on
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26 the characteristics and experiences of black versus white Hispanics, which revealed that black
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28 Hispanics’ socio-economic profile such as income and employment rates mirrored those of non-
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30 Hispanic blacks, and were lower than other white Hispanic groups (Logan, 2003). Interestingly,
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32 the experience of White immigrants was found to differ (less favorable) from that of native-born
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34 White Americans (Myslinska, 2013), suggesting that both race and immigrant status are
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36 important.
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42 For a better understanding of the impact of race, we draw from Bell and colleagues
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44 (2014) proposed new multi-racial hierarchy which classifies racial and ethnic groups in America
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46 into three categories “Whites”, “Non-White Non-Blacks” and “Collective Blacks”, based on the
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48 differential treatment that racial groups experience (see Bell *et al.*, 2014 for more details on
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50 Multi-Racial Hierarchy). “Whites” are classified as including Whites, assimilated white Latinos,
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52 multi-racials whose non-White interracial identity is invisible, and Caucasian immigrants. “Non-
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White Non-Blacks” include light-skinned Latinos, non-Black Multi-racials, Asian Americans, Native Americans, all other identifiable non-Blacks and non-Whites, and immigrants who are neither Black nor White racially. The “Collective Blacks” category is comprised of Multi-racials whose black ancestry is visible, New West Indian and Black African immigrants, medium and dark-skinned Latinos of African descent, and American Blacks. In line with Bell and colleagues’ research we argue that immigrants’ perceived racial identity serves as a salient characteristic that impacts how decision makers’ categorize them and perceive them as exploitable.

Thus, employers may exhibit power over immigrant group members whose racial identity signals different perceptions of status and differential power to employers. This perceived power status differential will also affect group interaction and performance (McGrath *et al.*, 1995). Specifically, we contend that the darker-skinned a job applicant, the more likely he or she will be categorized as exploitable due to the perception of possessing limited resources, even if that perception is false. Consequently, racial hierarchy of immigrants will greatly impact their vulnerability to exploitation. To further explore the impact of race on immigrants’ access to resources and therefore their susceptibility to exploitation, we propose a new immigrant hierarchy based on Bell et al.’s (2014), multi-racial framework.

Comparing immigrants from European countries who are perceived to be “White” racially according to Bell and colleagues’ multi-racial hierarchy, we term them as “dominant” immigrants who may be less vulnerable to exploitation due to the perception by employers that they hold more social power and possibly other forms of applicant resource capital than their darker- skinned counterparts. It is important to note that they may indeed lack applicant resource capital, but we contend that they are *perceived* by employers to possess substantial resources due to their country of origin and skin color. Indeed, the negative consequences of being viewed as

exploitable based on the inability to understand English is not as great, or may not even exist, for White immigrants with European or Canadian ancestry. Hosoda and Stone-Romero (2010) found that applicants with French accents were rated similar to applicants with Standard American English accents, but study participants reacted more negatively to accents linked to non-White applicants.

Based on the multi-racial hierarchy, immigrants from countries related to the African diaspora perceived as “Collective Blacks” we term as “non-dominant minority” immigrants, who will be more vulnerable to exploitation since they will be perceived to have fewer options due to the stigma associated with the color of their skin and country of origin. We also include in this category foreign-born individuals from other countries besides the African diaspora who are darker-skinned or do not speak English, including darker-skinned foreign-born workers from Latin America diaspora who may or may not speak English, and foreign-born workers from the Asia-Pacific region who are not fluent in English. However, immigrant applicants from all other countries who may be perceived as “Non-White Non-Blacks”, or simply “Non-Blacks” according to Bell and colleagues’ multi-racial hierarchy we term as “quasi-dominant” immigrants because their status is not viewed as high compared to “dominant” immigrants but they are perceived to have more resources than “non-dominant minority” immigrants. This group is comprised of racial minorities (i.e. Asian, Latino), but unlike the non-dominant racial minorities, they can speak English and are lighter-skinned, allowing them some, but not all, of the benefits of “dominant” immigrant status. Also, only light-skinned Latinos or Hispanics fall under this category, whereas darker-skinned foreign-born Latinos and Hispanics will be perceived as non-dominant minorities regardless of if they can speak English well. Our conceptualization of the new immigrant hierarchy in the United States can be found in Table I.

Our immigrant hierarchy describes how the intersection of race and immigration status of applicants signal to employers a set of beliefs regarding applicants' resource capital, which in turn informs employers of their degree of exploitability. As a result, non-dominant immigrant applicants can be viewed as more exploitable compared to other immigrant applicants even if they hold a permanent immigrant status (i.e. green card holder or naturalized) due to the *perception* that they lack resources to combat or resist exploitation, signaled by the color of their skin and origin of birth. Overall, we contend that applicants' immigration status, immigrant hierarchy, and accessibility to resources significantly affect employers' perceptions regarding how easily they may be exploited.

Stage 1 of our model depicts how immigrant status and race signal to employers the immigrant hierarchy categorization of applicants, and perceived applicant's resource capital. We posit that decision makers' biases can be activated by *both* racial hierarchy *and* immigrant status, with neither being dominant, resulting in a unique intersected categorization. The effect that applicant categorization has on hiring outcomes is more fully explored by turning to the second mechanism of exploitation opportunism, employer motivation.

Employer motivation

In a capitalist economic system employers "prefer cheaper workers who are willing to do whatever it takes to work, get paid, and get the work done" (Brooks and McKail, 2008, p.369). This motivation by economic concerns can be explained using the statistical discrimination model (Arrow, 1998), which is based on the notion that employers are motivated to hire an employee who will be most productive and pose the least risk to the company (Thomas, 2003). Employers operating in political economies which are less capitalistic may not be as concerned

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about profit, but productivity will still be important in order to meet goals and deadlines under time pressure and satisfy customers’ needs. Since employers lack information about the true productivity of individual job applicants, and obtaining detailed information on each applicant is prohibitively costly and inefficient, a ‘rational’ employer may rely on membership in specific identity groups that have statistical correlations with productivity or risk in evaluating an applicant’s fit (Baumle and Fossett, 2005).

Since the purpose of a company is to produce a profit (Friedman, 1970), it follows that decision makers will make decisions towards that goal. In stage 2 of the model we present different motivational influences of employers, and introduce employer utilitarian motivation as a mechanism that governs the hiring employer’s motive to maximize profits and productivity, based on the definition of utilitarian as exhibiting or stressing utility over other values. In this stage we contend that immigrants’ visual and salient features associated with their race and immigrant status, act as signals to the employers regarding the applicant’s immigrant hierarchy and perceived access to resource capital, and hence the degree to which the applicant is exploitable. In other words, how applicants are categorized will differentiate them as a basis for employment, irrespective of the veracity of their perceived characteristics. A utilitarian-based decision is more cognition-driven versus affect-driven and considers the extent to which consequences of actions benefit those impacted (Conway and Gawronski, 2013). As a result, immigrant job applicants can be viewed as attractive candidates irrespective of whether the employer likes, dislikes, or feels neutral about the immigrant group. Employers will be motivated to employ people purely for economic reasons — their immigrant economic utility — because they are less likely to complain about wages and working conditions (Bell et al., 2010; Bloomekatz, 2007) due to their foreign-born status.

We focus on the utilitarian motive in our model because its role in the selection process is often overlooked or diminished in the management literature as it pertains to immigrant workers. However, it is important to note that not all employers will be motivated purely by the economic utility of the immigrant. As we alluded to above, it is possible that employers are motivated by internal factors such as affect-based motives – the extent to which they like or dislike the applicants’ immigrant group, or by self-enhancement motives, where decision makers, in order to protect their sense of self-esteem (Kunda and Spencer, 2003), are guided by their goal to avoid prejudice or discrimination (Kulik *et al.*, 2007) against applicants.

For example, those who have a strong aversion to racial outgroups and or immigrants may see them as competition for limited resources or wish to discriminate based on their prejudice in order to affirm their own identity status (Hogg and Terry, 2000; Turner, 1978), thereby denying them employment. Personal values also may affect employer motivation. Enoksen (2016) found that Norwegian employees who measured high on social-focused personal values were more likely to perceive discrimination against immigrants in the workplace than employees who measured low. Specifically, universalism, a value that reflects one’s appreciation and tolerance for humanity and nature (Schwartz, 1992), predicts the ability of individuals to clearly recognize when immigrant employees are mistreated (Enoksen, 2016). Individuals with high universalism values may also be less likely to hire immigrant applicants with intentions to exploit them. Studies also demonstrate that organizations perceived to be inclusive towards minorities (Avery, 2003; Brown *et al.*, 2006; Perkins *et al.*, 2000), immigrants (Lambert *et al.*, 2019) or are socially responsible (Turban and Greening, 1997) are more attractive to applicants. So, some employers may actively target foreign-born applicants to enhance their reputation as their employer of choice and attract skilled labor in a competitive market.

Employer motivation may also be based on external factors related to labor market conditions or applicants’ attitudes towards the type of work or industry. For example, JBS Cactus Beef Plant in the United States is a company that offers competitive wages and other benefits to it’s mostly immigrant employee population (Burnett, 2019). With the federal minimum wage at \$7.25 per hour (U.S. Department of Labor, 2019), JBS provides wages that are double that amount and also pays U.S. citizenship application fees for some of its employees (Burnett, 2019) in order to attract job seekers to an industry deemed undesirable by some U.S. citizens. When there is a low supply for skilled labor, such as for jobs that require arduous manual labor or during competitive labor market conditions, hiring managers may opt to pursue a strategy of enhancing their reputation as an employer of choice to attract candidates (Cable and Turban, 2003). Thus, the motives of hiring managers may be guided by utilitarianism, internal factors, or external factors and can ultimately influence their hiring decision.

INSERT TABLE 1 HERE

Applicant exploitation resistance

The third mechanism of exploitation opportunism, applicant exploitation resistance, governs stage 3, the final stage of our model, and describes how the conditions for exploitation develop over time as the interpersonal cognitive process between employers and applicants drive subsequent exploitation. Foreign-born workers are aware of the degree of exploitation that occurs in the labor climate (Avery *et al.*, 2010), and job applicants must opt to accept a job for which they will be overworked or receive less pay compared to their domestic counterparts based on a number of decisive factors. In other words, an exchange of signals between both the

exploiter and the target being exploited must occur. Without this symbiosis, a discriminatory job offer will not be offered or accepted. Drawing from schema theory (Fiske and Taylor, 1991) and expectation states theory (Berger, 1974), we contend that applicant self-perceptions in conjunction with employer perceptions regarding applicant resource capital either discourages or encourages exploitation opportunism behavior. Precursors to applicant exploitation does not occur by the sole action of employers. Although applicants should not share blame or be criticized for their exploitability, perceptions regarding their expectations from the labor market, in part, drives their resistance or vulnerability to be exploited. The next section will describe how immigrants evaluate their situation through the lens of schema theory and expectation states theory, thereby affecting their vulnerability to employers.

Schema theory and applicant exploitation resistance

Individuals develop schemas about their environment, including other people, based on their prior experiences or beliefs (Fiske and Taylor, 1991). Individuals learn how to interact socially with different individuals from different groups, in part, by using schemas to encode information about others. Drawing from schema theory, foreign-born workers form schemas about employers based on their multiple interactions with them during the hiring process. Because foreign-born workers are attuned to the degree of labor exploitation that occurs (Avery *et al.*, 2010) and employers believe they are more exploitable (Jordan, 2006), their experiences and beliefs formed over time should have an effect on their inferences regarding future treatment with new employers. For example, immigrant workers who have been exploited in the past or know others who have been exploited are likely to assume they will be exploited in their future employment. Consequently, during the hiring process, immigrant applicants must encode the

behavior of hiring managers based on schemas they have developed over time, signaling to them a sense of powerlessness and vulnerability which lowers their resistance to accept jobs with unequal pay for more labor.

Expectation states and applicant exploitation resistance

Expectation states theory further explains why some individuals allow themselves to be exploited by employers. Defined as a research program (Berger, 1974), expectation states theory is comprised of multiple research models and theories addressing power, prestige, status, and their effect on perceived performance expectations between members in groups. It describes how group members draw inferences about each other based on socio-demographic characteristics. Ridgeway (1991) describes how nominal characteristics such as gender and race are socially recognized, and thereby used to categorize individuals based on perceived performance expectations. Consequently, their perception of each other governs their behavior. In addition, members also form perceptions about *themselves* based on the status, power, and prestige of the person with whom they are interacting, which in turn, informs them as to how they should govern their own behavior.

Drawing from the looking glass perspective, Mead (1934) developed the concept of the “generalized other” as an important development integrated into expectations states theory that explains this concept of self-governing behavior. Mead posits that individuals perceive themselves in multiple ways, including how they believe others perceive them. Consequently, individuals may behave according to how they *believe* they should behave, versus how they may traditionally behave. Berger *et al.* (1985) identify the theory of sources of self-other evaluations to describe this phenomenon drawing from Webster’s (1969) source theory. Using the labor

market as an example, assume that person A represents employers and person B represents foreign-born applicants. Employer A interacts with different applicants, and applicant B interacts with different employers over a given time period. Both employer A and applicant B perceive themselves through the eyes of the other based on the looking glass perspective. Employer A is likely perceived by applicant B as possessing differential power and high status via the ability to make hiring decisions. As a result, in this situation applicants will perceive themselves as having a low status in comparison. Applicants may also be perceived by employers as having limited resource capital (i.e. financial capital, social capital, cultural capital, and mobility) based on their perceived immigrant hierarchy. Consequently, based on the level of employers' utilitarian motivation, this may signal to employers the degree of applicants' perceived exploitability. Drawing from expectation states theory (Berger *et al.*, 1985; Ridgeway, 1991), applicants' behavior of opting to be exploited will become a function of their expectation state, as they are repeatedly categorized as exploitable from interactions with multiple employers. Moreover, when applicants have a history of encountering employers with utilitarian motivated hiring practices, applicants over time will also expect to be exploited and behave as an exploitable applicant in the labor market. Furthermore, employers will categorize applicants they encounter as exploitable, at varying degrees, based on cues from interactions with multiple foreign-born applicants. The behavior exhibited by and between employers and applicants over time guide their decisions and reinforce their behaviors in the labor market. Consequently, some applicants become vulnerable and develop a weakened resistance to being exploited by employers, while employers are conditioned to believe that applicants' cost of labor varies based on where they fall on the immigrant hierarchy, and will use that knowledge as leverage in their job offer. Employers may even begin to make utilitarian motivated hiring decisions on a

subconscious level, no longer realizing their behavior is signaled by the immigrant hierarchy, believing their hiring practices are fair and objective.

When decision makers repeatedly categorize applicants as exploitable, applicants begin to categorize *themselves* as exploitable and their resistance to be exploited weakens. Non-dominant immigrant applicants will be categorized as exploitable more often than dominant and quasi-dominant immigrants, and as a result, will have weaker applicant exploitation resistance compared to other immigrant applicants. Their expectation state in the labor market causes their resistance to weaken and their vulnerability to increase, thereby making them more willing to accept a job offer with lower pay and longer working hours. In other words, immigrant hierarchy is indirectly related to the strength of applicant exploitation resistance via employers' expectations about applicants, based on their perceived categorized exploitability.

This third and final stage depicts the perspective of immigrant applicants and how they find themselves in the position of accepting a job offer for which they will receive underpayment or be overworked. Although employers may categorize applicants as exploitable, that does not guarantee that applicants will accept a job where they believe they will be exploited. For example, a dominant immigrant will be less likely to receive and more likely to reject a poor job offer than other immigrants based on our model. We contend that a consensual perspective including both employers and applicants is warranted in order to fully explain aspects of the hiring process which precede exploitation. As described earlier, the expectation states that applicants hold based on their categorization and, as a result, their experience with the labor market, determine their degree of resistance to accepting a job offer where they will be exploited.

The interactionist perspective in recruitment literature considers how applicants' characteristics influence their attraction to organizations (Chatman, 1989). Even early

researchers and theorists have considered how individual differences interact with organizational characteristics to affect organizational attractiveness (i.e. Barnard, 1938; Burke and Deszca, 1982; Schneider, 1987). Although applicants will base their decision upon their prior experiences and developed expectation states, drawing from the interactionist perspective, individual characteristics that some candidates may possess such as high self-esteem or internal locus of control could mitigate the effect of applicant exploitation resistance. Consequently, those candidates are less likely to accept a subpar job offer or allow themselves to be exploited. They may exercise the option of seeking employment elsewhere even if they lack resource capital due to their internal personal characteristics.

Discussion

We introduce exploitation opportunism to better understand the mechanisms of hiring discrimination among immigrant job seekers. Although our current model focuses on individual characteristics of immigrant job seekers such as immigrant status and race, we did not fully address other ones that are equally important such as gender, industry, work visa type, applicants' level of education, and other contextual factors. We next share some implications for future research regarding these factors.

Implications for research and future directions

Gender is an identity group that has structural implications that could affect how immigrants are viewed. In fact, research on the experience of immigrants suggest that female immigrants are worse off (Waldinger and Feliciano, 2003). We suggest that future research might apply the exploitation framework to further study immigrants and the intersection of sex and race. Second, we recommend more research to further explore the role of industry in

moderating the process exhibited in our model. According to the Washington Examiner (Giaritelli, 2019), 37% of Silicon Valley are foreign-born, but that percentage may vary considerably across different industries. We recommend testing this model across industries and within industries with proportionally higher numbers of immigrants, to see if factors like systemic structure, organizational culture, or labor skill, affect when and how exploitation occurs. Different environmental factors such as the industry and types of work visas needed for that particular industry may affect the outcomes for immigrant job applicants differently. The agricultural industry attracts applicants with different levels of education compared to the software technology industry. Compared to H-2A visas which allow foreign-born workers to enter the U.S. for seasonal agricultural work (U.S. Citizenship and Immigration Services, 2018) only applicants with at least a bachelor’s degree or higher (or comparable work experience) are eligible to be sponsored for H-1B work visas by their employers typically in professional fields (i.e. medicine, engineering, computer technology, education; U.S. Citizenship and Immigration Services, 2017a). Differing characteristics between industries among other host countries regarding visa restrictions or education levels of applicants may communicate different perceptions to employers regarding the exploitability of job applicants.

Third, it is important to note that our model is based on an immigrant hierarchy classification that is built on current stereotypes of different immigrant groups. It is possible that this classification can change over time either due to evolving cultural changes in society or a major event, such as stereotypes about Muslims after the July 2007 London bombings in England, and the 9/11 terrorist attacks in the U.S. For example, Rabby and Rodgers (2010) found that the employment rate for young Muslim men relative to non-Muslim immigrants in the United Kingdom dropped by ten percent after the London bombings. We suggest that future

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3 researchers who plan to use this model consider appropriate modifications to reflect current
4 stereotypes that may change over time, and as such, immigrant hierarchy classifications.
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7 Interestingly, in their study, Rabby and Rodgers did not find any difference in the employment
8 rates for older Muslim men and their immigrant counterparts, underscoring the importance of
9 exploring the effects of other demographic factors on immigrants' experience beyond race and
10 sex.
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17 The current model applies to the hiring process, but little is known about the experience
18 of immigrants in the workplace. For example, how does the intersection of race and immigrant
19 status influence immigrants' salaries, promotion and leadership? Another fruitful direction for
20 future research is to extend the current model to explore how the intersection of race and
21 immigration status affects immigrants' experience in the workplace. We also recommend that
22 researchers explore other immigrant-related variables such as nativity and generational status
23 beyond immigration status.
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33 Lastly, it is important to note that organizational hiring decisions do not occur in a
34 vacuum, and the broader context, beyond the type of industry, may influence the hiring process
35 in several different ways (Perry and Filkenstein, 1999; Williamson and Cable, 2003), including
36 the scope and scale of exploitation opportunity. For example, the organizational size may
37 determine who makes the hiring decisions. In larger organizations the distance between the
38 hiring manager and owners or top management is typical (Fama, 1980). Thus, agency problems
39 may arise as hiring managers (agents) may be more likely to make decisions contrary to the
40 values and beliefs of the owners or employers (principals) (Jensen and Mecklin, 1976). In this
41 situation, selection decisions may be based on values by hiring managers that diverge from those
42 of employers who are striving to be fair with respect to the selection process. Also, when *a priori*
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selection criteria are not clearly defined or absent in an organization’s employment policies, decision-makers may be more susceptible to exploitation opportunism as it is easier for them to rationalize their preference. Similarly, the type and/or quality of product or service provided by the organization, and the level of skills required for the job, can influence decision-making. For instance, organizations that focus on high quality service or products and/or require advanced skills, may be more motivated to hire the most talented candidate for the job, and as such, decision-makers may be less susceptible to exploitation opportunism.

Implications for practice

Our paper also sheds light on potential practical implications once the model has been tested. For example, we discussed some of the interpersonal cognitive mechanisms that drive the likelihood for exploitation occurring, that may be mitigated through diversity training. In larger organizations where the hiring manager has greater agency in employment selection decisions, employer sanctioned sensitivity training and workshops addressing implicit bias towards foreign-born applicants can assist organizations in preventing their hiring managers from mistreating foreign-born individuals during the selection process, thereby reducing the organization’s legal liability and increasing the likelihood of selecting the most qualified candidates based on skills and experience versus applicants’ exploitability. While most diversity and inclusion training programs address race, gender, and even sexual orientation, attention towards immigrant job seekers and workers and how to avoid discriminatory practices against them is lacking in many organizations.

Employers who exploit workers should also recognize that not all foreign-born applicants are vulnerable to exploitation, thus, making a utilitarian approach to selection less advantageous

than they think. Although the labor market is more competitive for immigrant job seekers, those who possess strong applicant exploitation resistance may seek employment elsewhere, resulting in employers losing potentially strong candidates. Employers should also not expect applicants who accept subpar job offers to remain with them for long. Once they begin to build resource capital there is no incentive for them to stay with employers who seek to exploit them. Over time, holding a utilitarian perspective when selecting candidates may become expensive for employers as turnover among exploited workers becomes frequent as they build their resource capital and find better opportunities elsewhere.

Another social issue that our model highlights is that applicants signal to employers their vulnerability, and therefore degree of exploitation resistance. Immigrants can prepare themselves to encounter exploitation opportunism by broadcasting signals that are counter to those stereotypically perceived by employers. For example, non-dominant and quasi-dominant immigrants who may be perceived as having less capital than dominant immigrants due to their race may improve their status through self-promotion about any monetary resources or higher levels of education they may possess. This self-promotion may mitigate any misperceptions held by employers about them regarding their resource capital and cause them to be viewed as less exploitable.

Conclusion

In this paper, we have argued that a richer understanding of the selection and hiring process as it relates to immigrants is warranted. We furthered the research in this area by introducing a conceptual model we term as exploitation opportunism to include the role of economic motivations and unequal power relations on the hiring process. Our hope is that this

model will be tested and will stimulate future organizational research and theorizing that includes utilitarian processes in addition to socio-cognitive processes regarding discrimination research.

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Figure 1: Exploitation Opportunism Framework

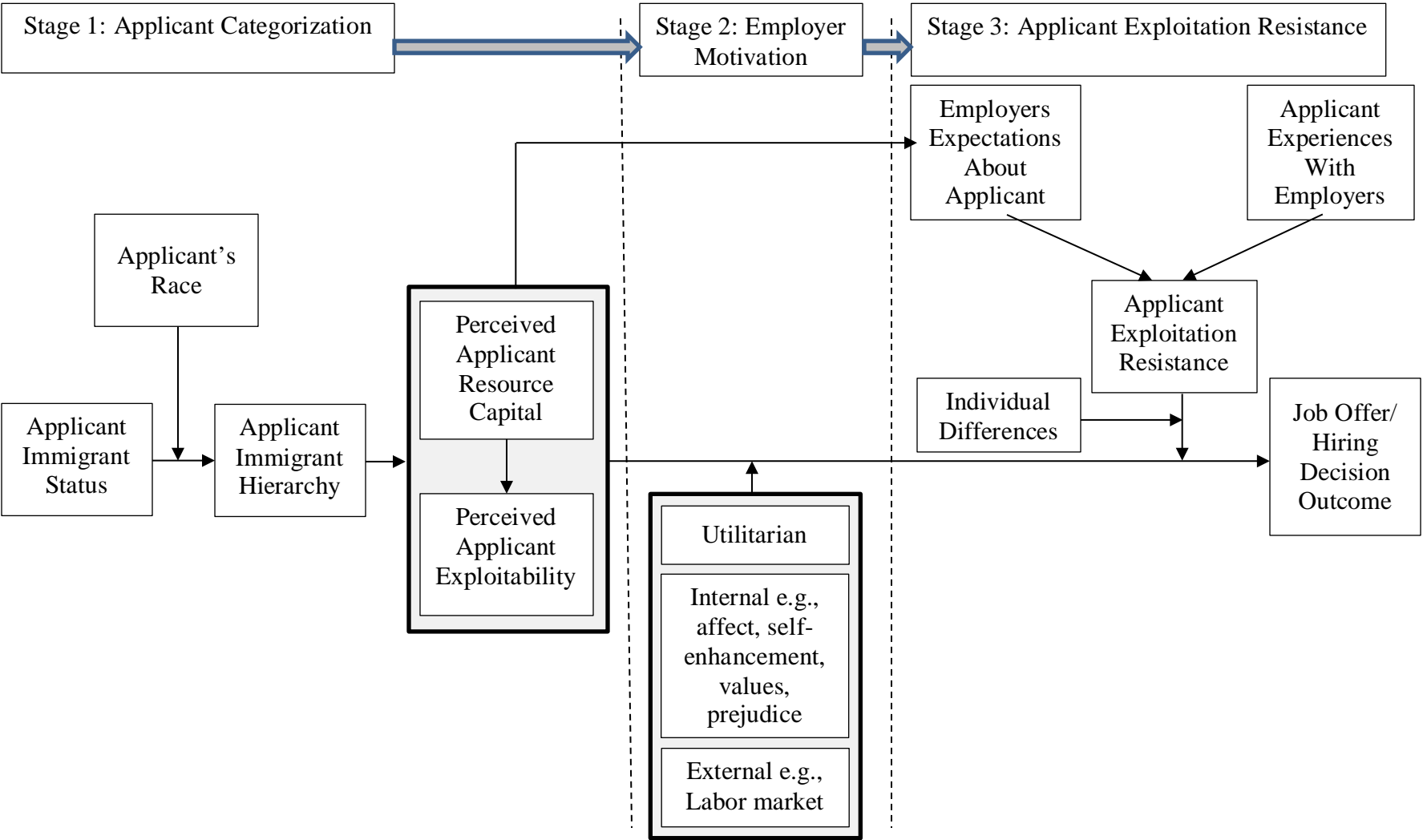


Table I. Mapping of new immigrant hierarchy in the USA

Classification	Description	Perceived applicant resource capital level	Perceived exploitability based on immigrant status
“Dominant Immigrants”	White immigrants who <i>do</i> or <i>do not</i> speak English	Financial: High Social: High Cultural: Medium	Permanent: Low Temporary: Low Undocumented: Medium
“Quasi-dominant Immigrants”	English speaking light-skinned Latino and Hispanic Immigrants; English speaking Asian Immigrants (Korean, Chinese, Indian, Japanese, Filipino, Vietnamese, Hmong, Laotian, etc.); All other English speaking identifiable non-Black and non-White Immigrants	Financial: Medium Social: Medium Cultural: Low	Permanent: Low Temporary: Medium Undocumented: High
“Non-dominant Minority Immigrants”	Light-skinned Latino and Hispanic Immigrants who do not speak English; Asian Immigrants who do not speak English; New West Indian and Black African immigrants who <i>do</i> or <i>do not</i> speak English; Dark-skinned Latino and Hispanic Immigrants who <i>do</i> or <i>do not</i> speak English;	Financial: Low Social: Low Cultural: Low	Permanent: Medium Temporary: High Undocumented: High

Source: Adapted from Bell, M.P., Marquardt, D., & Berry, D. P. (2014). “Diversity,” immigration, and the new American multi-racial hierarchy. *Journal of Managerial Psychology*, 29(3), 285-303, Table II, p. 289.