



A Primer on  
**U.S. Immigration**  
in a **Global Economy**

JUDITH GANS

Udall Center for Studies in Public Policy, The University of Arizona

***ABOUT THE IMMIGRATION POLICY PROGRAM  
AT THE UDALL CENTER FOR STUDIES IN PUBLIC POLICY***

The Udall Center Immigration Policy Program works at the intersection of academic research and public policy to illuminate the complexities of immigration policy in a global economy. The program's primary activities include research, publications, and educational forums. Focusing on how to think, rather than what to think, about immigration's various impacts, the program seeks to provide credible data and sound analyses on the economic, fiscal, and social impacts of immigration. The program thereby seeks to foster better understanding of the tradeoffs involved in this difficult issue.

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for Studies in Public Policy

## **About the Author**

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### ***A Primer on U.S. Immigration in a Global Economy***

by Judith Gans

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## Overview

The primer is divided into the following chapters:

**1. Introduction** discusses the connection between globalization and immigration and describes several general, but key, points to keep in mind while reading this text.

**2. Immigration in a Global Economy** presents data and information relating to immigration in a global economy – comparing the United States to other major immigrant-receiving countries.

**3. A History of U.S. Immigration Law** provides a chronology of five key eras in the development of U.S. immigration policy from 1790 to the present.

**4. Current U.S. Immigration Policy** provides an overview of current U.S. immigration laws and policies – including a description of qualifications for admission and categories of visas.

**5. Basic Data on U.S. Immigration** describes general patterns and trends in immigration to the United States – in terms of overall numbers and proportion of the U.S. population, regions of origin, immigration status, and geographical distribution.

**6. Immigrants and Native-born U.S. Citizens** compares the characteristics of immigrants and native-born U.S. citizens – in terms of age groups, family status, education, labor market participation, and incomes.

**7. Unauthorized Immigration** provides basic data on origins, arrival dates, and geographic distribution, plus such characteristics as family status, education, and labor market participation.

**8. Conclusion** synthesizes the information from previous chapters and outlines areas of further analysis.

**Data Sources and Online Appendixes** provides details about the data sources consulted and additional material.

## How to Use the Primer

This primer's analysis is based largely on a synthesis of publicly available data from a wide range of well-respected sources, including the offices of the United Nations High Commissioner for Refugees (UNHCR), the Population Division of the United Nations Secretariat, the Organisation for Economic Cooperation and Development (OECD), the Office of Immigration Statistics (OIS), the U.S. Census Bureau Current Population Surveys, the Migration Institute's Migration Information Source, and the Pew Hispanic Center (Jeffrey Passel). Each "data" chapter (chapters 2, 5, 6, and 7) includes several one- or two-page "snapshots" describing the trends and patterns for various aspects of U.S. immigration in the context of global economic integration. These factual portraits include an explanatory narrative and data highlights, followed by a figure or table. Related references and data notes are provided below each figure, with the complete list of data sources, along with more extensive annotations and relevant Web addresses are provided in the "Data Sources" at the end of the primer. As a rule, each of the figures was generated using the most recent data available at the time of the analysis (2005 and early 2006). Because of the variety in data sources and their dates of release to the public, the most recent information was in some instances 2004, and in other instances 2005.

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**Introduction** **1**



## I. Introduction

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The United States immigration system is widely understood to be in need of reform. It is significantly out of alignment with global economic forces that drive individual decisions to migrate, and public discourse tends to equate immigration with illegal immigration.

Policy debates about immigration are often contentious and characterized by opportunistic use of data and research in service of advocacy by specific social and economic interests. These realities impede an objective and meaningful discussion of the tradeoffs involved in immigration policy and confound solutions to the problems facing the United States immigration system.

This primer seeks to step back from these highly polarized debates and to present information that helps readers better understand the complexities of this issue. Focusing primarily on the economics of immigration, the information provided herein describes the global context of immigration, how immigrants' demographic profiles compare with those of native-born citizens, and the role of immigrants in the United States economy.

In addition, the primer examines illegal, or unauthorized, immigration as a symptom of basic problems with the U.S. immigration system. Because legitimate concern over this problem dominates public dialogue on immigration, the primer seeks to put the phenomenon of illegal immigration in context by examining its underlying causes and describing necessary ingredients of solutions to the problem. The reader should keep in mind a number of general points regarding immigration.

### **Decisions to migrate are multi-faceted**

A large body of academic literature explores questions of who migrates and the reasons individuals or groups decide to migrate, and where. Generally such decisions are shaped by the following four primary factors:<sup>1</sup>

*Economic pull.* Differences in wages or economic opportunities between sending and receiving countries create incentives, known as the “economic pull,” to migrate.

*Capacity to migrate.* Migrants must have the means to migrate. Thus, paradoxically, as incomes begin to rise in very poor countries, migration from those countries increases because poverty constraints are lifted and people can better afford to migrate.

*Demographic considerations.* The relative size of the young-adult population in sending countries affects both wage competition in sending countries and the number of years over which migrants can reap the benefits of higher wages in receiving countries.

*Social networks.* In receiving countries, the size of the foreign-born population from sending countries facilitates information flows and transitions to the new country for subsequent migrants.

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1. Williamson, Jeffrey, and Timothy Hatton. 2002. “What Fundamentals Drive World Migration,” National Bureau of Economic Research, NBER Working Paper #9159, Cambridge, Mass.

Emigration, or out-migration, from sending countries tends to follow an inverted “U-shaped” pattern,<sup>3</sup> increasing, peaking, then decreasing over time, reflecting changes in the underlying causes of migration mentioned above. Thus, for example, as economic opportunity in European economies expanded after World War II, emigration from Europe to the United States declined.

### **Globalization drives migration**

International economic integration, generally referred to as “globalization,” is fostered when governments lower barriers to international trade and capital investment. While these policy decisions generate significant economic efficiencies in the aggregate, they also create winners and losers in the inevitable economic adjustments that occur. As a result, globalization and migration are inexorably linked as globalization also spurs the movement of people in reaction to these economic adjustments.

Systems that are designed through political processes to limit immigration are, of course, the purview of sovereign nations. But these systems often stand in direct conflict with incentives to migrate generated by globalization. In designing immigration systems, policy-makers are well-advised to be realistic about the economic forces at work in a global economy and to recognize that these forces do not always line up neatly with domestic economic interests that shape the politics of immigration policy.

### **Demographics shape migration**

Populations in less-developed countries are younger and growing more rapidly than those of industrialized countries. These demographic realities combine with large disparities in income and economic opportunity to divide the world broadly into “immigrant-sending” and “immigrant-receiving” regions.

### **Economic change fosters migration**

In addition to the changes resulting from recent globalization, profound technological, economic, and political transformations over the last 25 years have fundamentally altered the stage for all economic actors. Individual workers, small and large corporations, and the nation-states within which they function have all felt the impacts. These trends are discussed in more depth in chapter 2, *Immigration in a Global Economy*.

### **Immigration policy formation is reactive**

Because political processes, especially in regard to immigration, are often driven by public reactions to existing problems, immigration systems in developed countries have not kept pace with these rapid global economic changes.

### **The politics of immigration are complex**

With the advent, in the late 1800s, of restrictive immigration systems in developed countries, immigration policy has evolved as a reflection of competing economic and social interests. Thus, for example, business interests advocate for access to workers. Labor interests advocate for minimizing competition from foreign workers. Social and cultural interests advocate for various visions of society, and so forth. These political processes are, in turn, shaped by differences in access to and influence within the political system and by the presence of actors

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2. Ibid.

outside the national political system (namely foreign workers, employers, and governments) who have the capacity to influence the success or failure of any given nation's immigration laws.

Current immigration debates in the United States have focused on the role of immigrants in the economy and on the basic question of whether Americans are “better off” as a result of immigration. These debates fall into three broad areas.

*Immigration's economic impacts.* Questions about impacts on wages, economic growth, and economic output are often raised in relation to immigration. Competing claims are made, for example, that immigrants do jobs that “Americans won't do” in contrast to the claim that immigrants take “American” jobs and reduce wages.

*Immigration's fiscal impacts.* Concern about whether immigrants are a drain on public coffers is widespread. Impacts on schools and health-care systems are often cited in this regard, as are questions about the extent to which immigrants, especially illegal (i.e., unauthorized) immigrants, pay taxes at the state and federal level.

*Immigrants' impacts on society and social cohesiveness.* As the number and diversity of immigrants has increased in recent years, questions about what it means to be American, debates over English-language acquisition by various immigrant groups, and the extent to which newcomers to the United States are adopting societal norms and values are frequently raised in immigration debates. And, questions of national identity, of who is “us” and who is “them,” have, in some quarters, been intertwined with national security concerns in reaction to the events of September 11, 2001.

While this text focuses primarily on immigration's economic impacts, an understanding of the complexities of immigration policy will be enhanced by keeping these three broader debates in mind.



**Immigration in a Global Economy**

**2**



## 2. Immigration in a Global Economy

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Throughout history, movement of people between countries and across continents has been tied to trade and other forms of economic integration across political and geographic boundaries. Immigration today is no different and has to be understood in the context of a global economy.

Today's globalization involves more than trade liberalization. Treaties such as NAFTA and the 1995 establishment of the World Trade Organization have combined with changes in information and telecommunications technologies to foster a different kind of global economic integration. These technologies have streamlined and internationalized virtually every aspect of the production, distribution, and consumption of goods in ways that were unimaginable as recently as twenty years ago.<sup>3</sup>

Nations are in direct competition with one another as investment capital moves through stock exchanges around the world in search of the highest possible returns. And these changes have coincided with the entry of India, China, the former Soviet Republics, and other countries – with their large numbers of low-skilled workers – into the global economy. The result has been a massive realignment of economic activity in response to shifts in global competitive advantage.

One manifestation of this realignment is that labor markets around the world are more integrated, more competitive, and more mobile than ever. They are integrated because capital investment readily goes to the labor market of its choosing. This integration means that, in a real sense, workers around the world are in direct competition with one another. They are mobile because they can be. Labor mobility is driven by a combination of factors. Technology allows rapid dissemination – through formal and informal channels – of information about economic opportunities. And travel is relatively inexpensive and rapid.

Demographic trends have divided the world into two economic “camps.” One is characterized by mature, immigrant-receiving economies with aging, slow-growing populations. The other consists of developing, immigrant-sending economies with younger, more rapidly growing populations. Legal, as well as illegal, migration by people moving for economic reasons is a world-wide phenomenon.

The United Nations estimates that 190 to 200 million people worldwide are immigrants.<sup>4</sup> Roughly 20 percent of these immigrants are in North America, 30 percent are in Europe, and the remaining 50 percent are scattered around the world, with the largest share in Asia. Remittances, monies sent home by migrant workers, are in the billions of dollars every year and are important sources of foreign currency in many developing countries.

It is not surprising that immigration systems (i.e., the policies, procedures, quotas, and laws in a given country to manage immigration) have not kept pace with these underlying global trends. Thus, in spite of attempts by individual governments to control immigration, individual people responding to global economic incentives have spawned widespread migration.

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3. See Friedman, Thomas. 2005. *The World is Flat*. New York, NY: Farrar, Straus and Giroux.

4. “Immigrant” is defined as someone living for more than one year away from his or her country of birth.

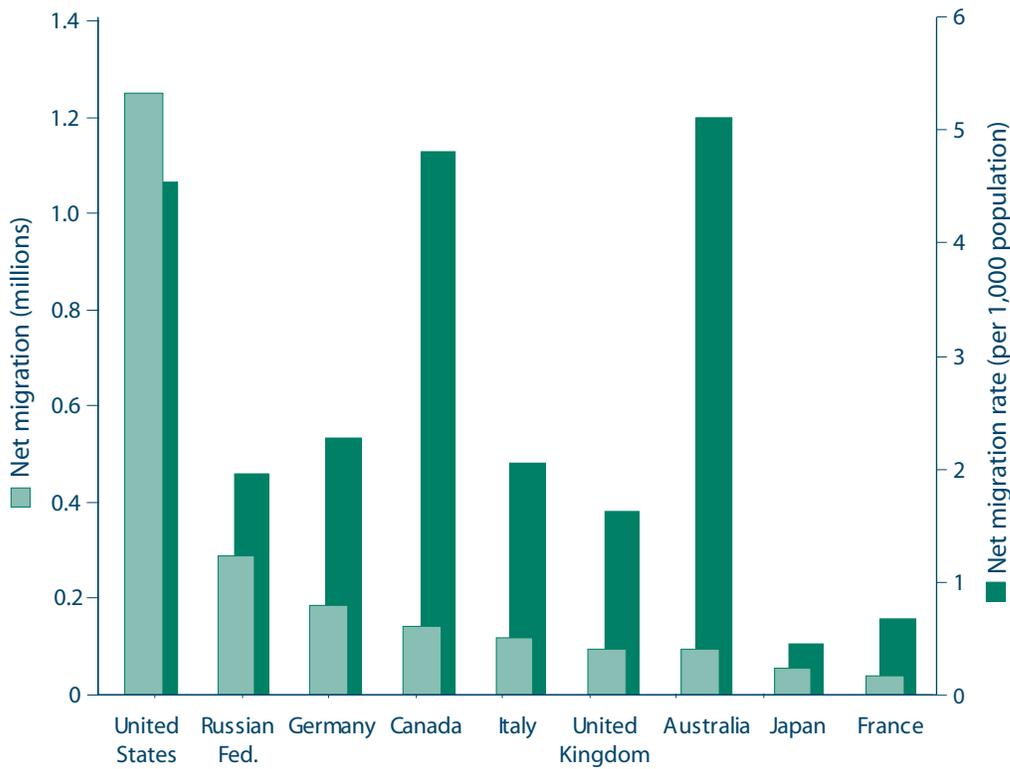
**Recent immigrant flows have been significant.**

There is significant variation in the number and proportion of immigrants in receiving countries with relatedly varying impacts on those nations’ economic, social, and fiscal fabrics.

**Data Highlights**

- Each of the industrialized countries shown below (the so-called Group of 8, plus Australia, which collectively account for more than two-thirds of the global economic output) experienced positive net migration flows (i.e., greater in-migration than out-migration) between 1995 and 2000.
- The United States, with the largest population in the group, had the greatest inflow of immigrants in terms of absolute numbers, whereas Canada and Australia, each with nearly one-tenth the U.S. population, experienced much greater proportional increases in immigration populations relative to their respective national population totals.

**Figure 2.1 Average annual net migration gain for selected countries (1995-2000)**



**Data Source:** United Nations Population Division, 2000.

**Notes:** Number represents the net average annual number of migrants, that is, the annual number of immigrants less the annual number of emigrants, including both citizens and non-citizens. Net migration rate is the net number of migrants, divided by the average population of the receiving country.

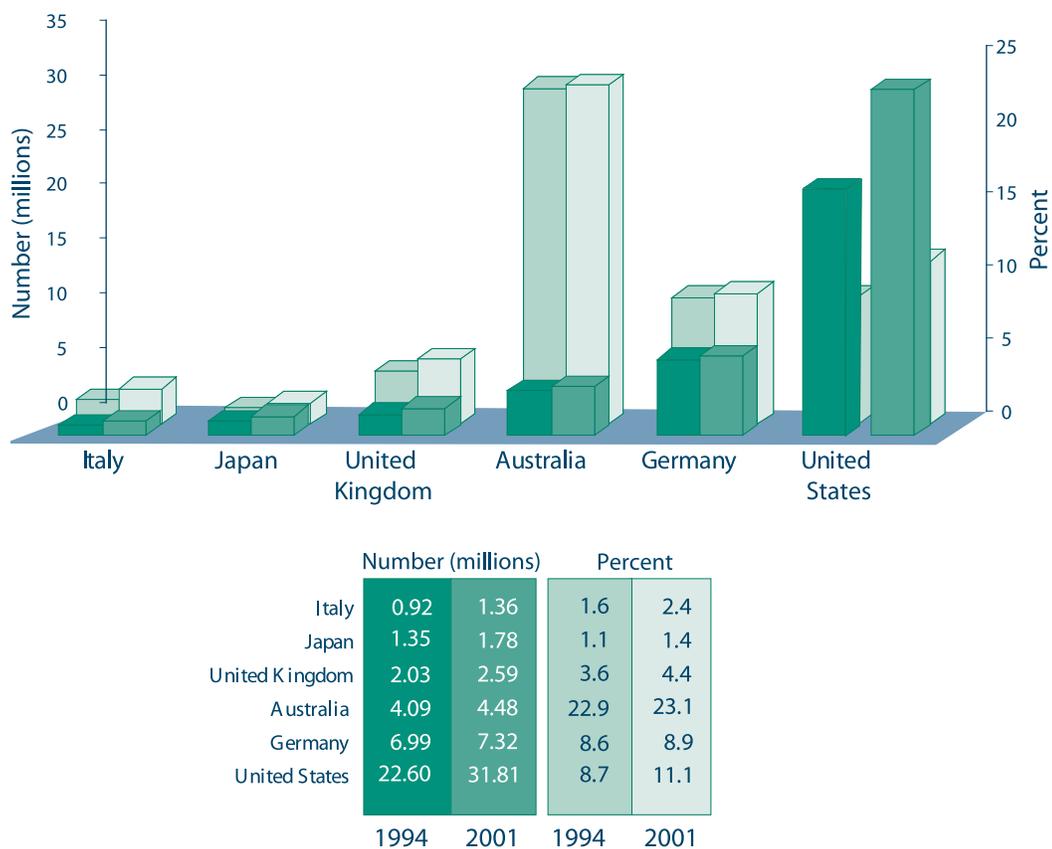
**Large flows result in large numbers of foreign-born residents, especially in the the United States.**

Again, individual countries differ significantly in the number of foreign-born persons within their borders and as a proportion of native-born populations. These differences have complex causes, and, while destination countries chosen by migrants are driven by a combination of factors, a fundamental consideration is the expected economic opportunity derived from migration.

**Data Highlights**

- For the nations shown below (six of the nine countries presented in Figure 2.1), foreign-born populations increased in number (dark green) and as a proportion (percent, light green) of native-born populations between 1994 and 2001.
- The United States experienced the greatest increase in foreign-born population.
- Australia continues to have the greatest proportion of foreign born among the countries shown.

**Figure 2.2 The number and percent of foreign-born residents for selected countries (1994-2001)**



**Data Source:** OECD, 2003.

**Notes:** The data refer to the population on 31 December of the years indicated unless otherwise stated.

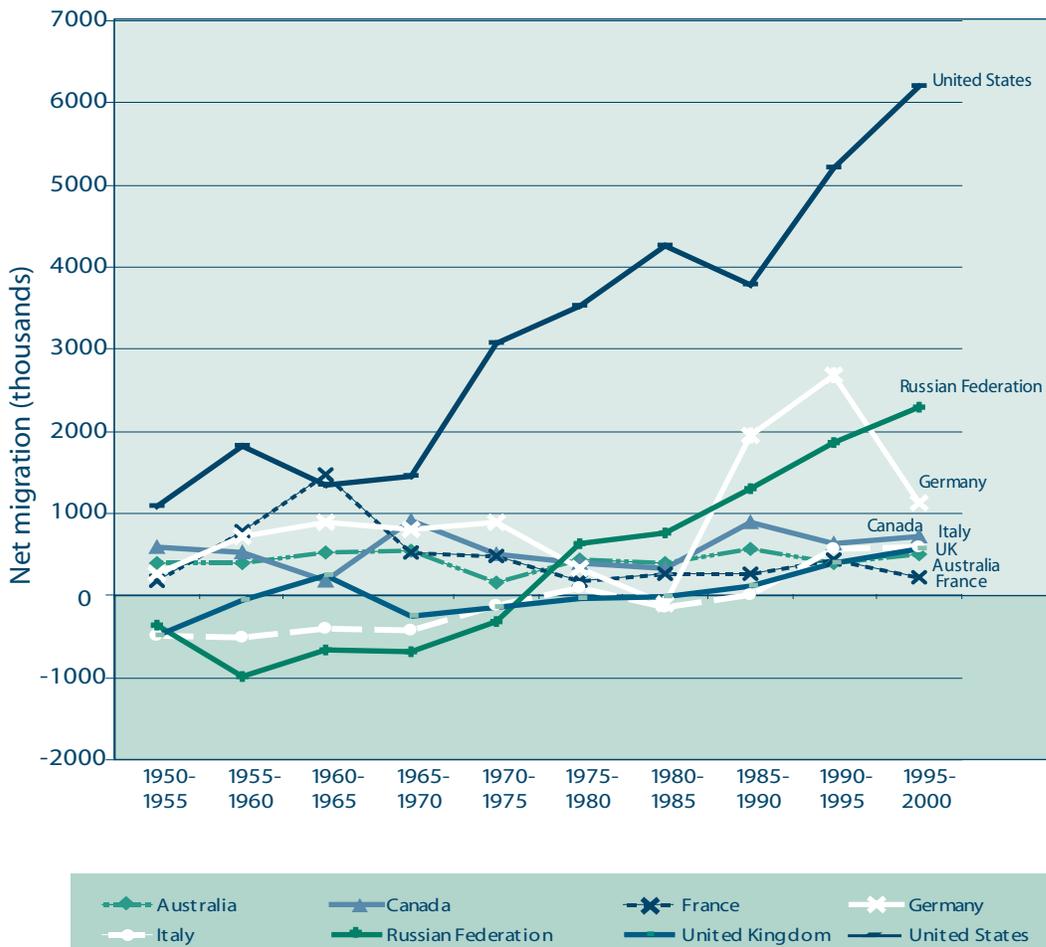
**Immigration is not new, especially in the United States.**

Compared to many other countries, immigration to the United States began to increase earlier and has increased more steadily. This is due to a number of factors unique to the United States, including its robust economy, its long-term history of welcoming and integrating immigrants, and the relative flexibility of its labor laws.

**Data Highlights**

- All countries shown below (eight of the nine countries presented in Figure 2.1) have experienced positive net migration since 1985.
- The United States had a net increase over the entire time period shown (1950 to 2000), with more rapid growth since the 1970s.
- Changes in immigration to nations such as the Russian Federation and Germany reflect events surrounding the end of the Cold War and removal of the Berlin Wall.

**Figure 2.3 Net migration to selected countries (1950-2000)**



**Data Source:** Migration Policy Institute, 2004.

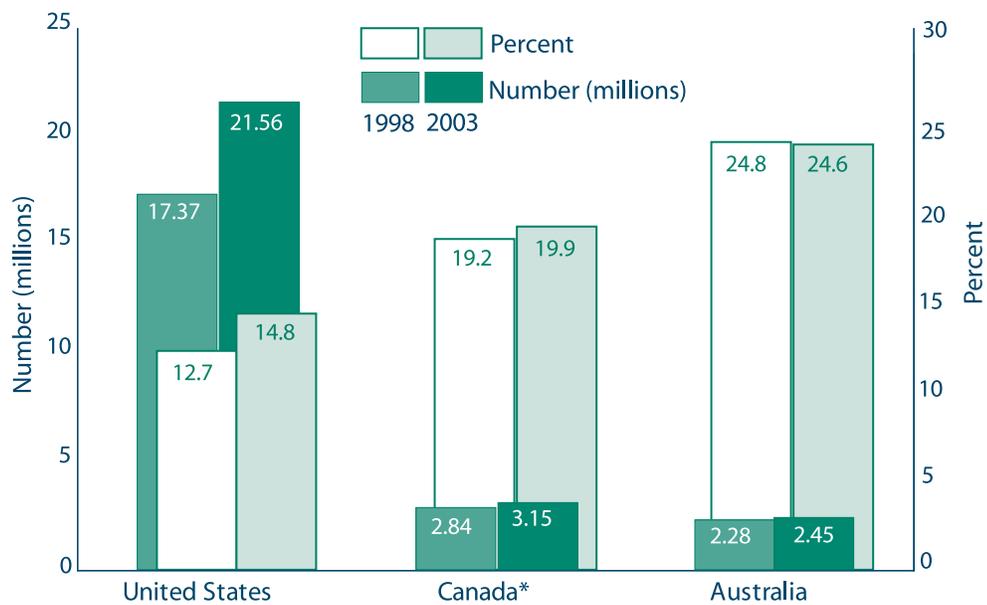
**Immigrants are important to labor markets around the world.**

Generally, in the face of aging and slow-growing native-born populations in most developed nations, much of the growth in labor forces within those economies has occurred through immigration.

**Data Highlights**

- The number of foreign-born persons in the labor forces of the three nations shown below (which also appear in Figures 2.1 and 2.3) increased between 1998 and 2003.
- The share (or percentage) of foreign-born persons in the United States labor force increased significantly during the period, while that of Canada increased slightly.
- Australia experienced a slight decrease in the share of foreign-born persons in its workforce, while the number increased slightly.

**Figure 2.4 Number and percent of foreign born in the labor forces of three selected countries**



\* Data for Canada is from 1996 and 2001.

**Data Source:** Migration Policy Institute, 2004.

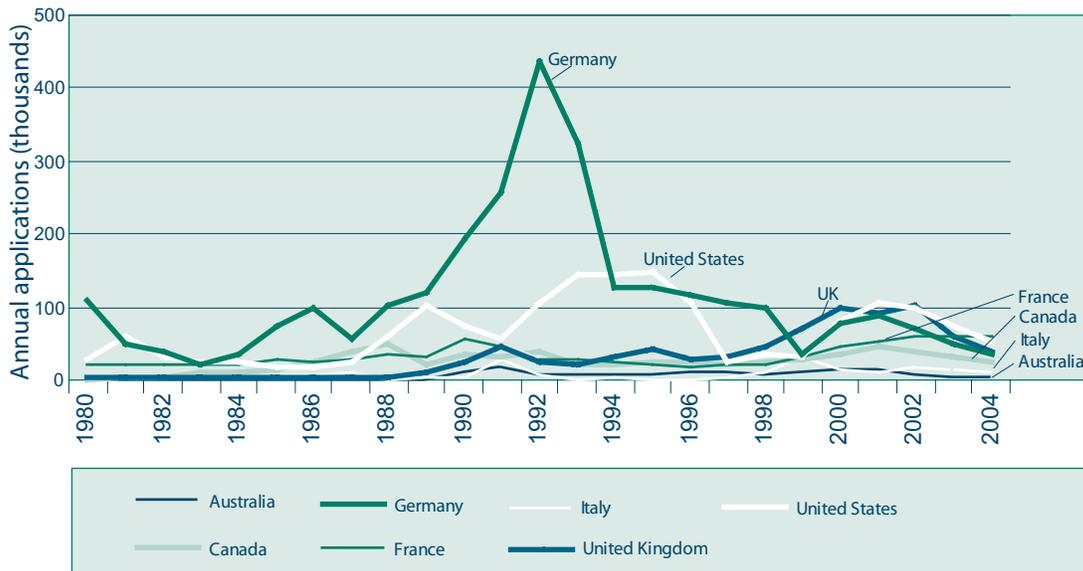
**The need for asylum also drives migration.**

While the numbers are small in comparison to the other sources of migration, requests for asylum are also a component of migration. People seeking asylum often turn to industrialized nations for assistance. Asylum applications are driven by catastrophic or significant world events and the choice of host country by asylum seekers is shaped by many factors including family and historical ties and receiving countries' asylum laws.

**Data Highlights**

- The pattern in asylum applications to Germany during the early 1980s was driven by events surrounding the fall of Communism and the Berlin Wall, the end of the Cold War, and the economic collapse of East Germany.

**Figure 2.5 Annual number of asylum applications to selected countries (1980-2004)**



**Data Sources:** 1) UNHCR, 2001. 2) UNHCR, 2005.

**A History of U.S. Immigration Law**

**3**



### **3. A History of U.S. Immigration Law**

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This chronology highlights events in U.S. immigration law and policy from 1790 to the present. Five broad time periods capture varying trends and changes in focus of U.S. immigration policy.

#### **1790 to 1874 – Relatively Open Immigration**

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- 1790** Naturalization Act: required two years' residence in the U.S. to be eligible for naturalization
- 1795** Naturalization Act: increased the U.S. residency requirement for naturalization to five years
- 1798** Aliens and Seditions Act: the first federal regulation of immigration; authorized the President to arrest and/or deport any alien considered dangerous to the U.S.; law expired two years after enactment and was never enforced
- 1798** Naturalization Act: increased the U.S. residency requirement for naturalization to 14 years
- 1802** Naturalization Act: restored the naturalization provisions of the 1795 Act
- 1819** For the first time, the U.S. government began to count immigrants.
- 1855** The Castle Garden immigration depot opened in New York to process mass immigration.
- 1864** Congress legalized the importation of contract laborers.
- 1868** Congress ratified the Burlingame Treaty which, among other things, encouraged immigration of Chinese workers in response to labor shortages caused by the Civil War. Chinese workers were important to Western agriculture and to building the transcontinental railroad.

#### **1875 to 1920 – First Era Restricting Immigration**

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- 1875** Immigration Act: the first prohibition of entry by undesirable immigrants; defined as “excludable” criminals and prostitutes; prohibited entry by Oriental persons without their free and voluntary consent
- 1875** The Supreme Court ruled that regulation of immigration is a Federal responsibility. *Henderson v. New York* and *Chy Lung v. Freeman*: Supreme Court granted sole authority to control immigration to the federal government by invalidating all state efforts to restrict immigration
- 1882** Chinese Exclusion Act: suspended immigration of Chinese labor for an initial 10 years; barred Chinese from becoming naturalized citizens; provided for deportation of Chinese illegally in the U.S.; extensions were passed in 1892 and again in 1902

- 1885** Alien Contract Labor Law: barred the importation of contract labor
- 1886** Statue of Liberty dedicated
- 1888** First deportation law: authorized deportation of contract laborers
- 1891** Immigration Act of 1891: the first comprehensive law for control of immigration and the first attempt to implement a national immigration policy
  - established the Bureau of Immigration under the Treasury Department
  - directed deportation of aliens unlawfully in the country
  - increased the list of “inadmissibles”
- 1893** Total staff of Immigration Service was 180 people. 119 of these worked at Ellis Island.
- 1906** Basic Naturalization Act: required knowledge of English for naturalization and standardized the naturalization forms
- 1907** Immigration Act: established the Dillingham Commission and increased the list of inadmissibles to include unaccompanied children under the age of 16 and any persons with physical or mental defects that could affect their abilities to earn a living, and those with tuberculosis
- 1907** Gentleman’s agreement: restricted Japanese immigration
- 1909** Congress appropriated funds for the Immigration Service. Prior to this, a head tax on immigrants financed immigration services.
- 1913** Commerce and Labor were divided into separate cabinet departments. Immigration Services within the Labor Department was divided into Bureau of Immigration and Bureau of Naturalization.
- 1917** Immigration Act: increased and codified list of inadmissibles; enacted a literacy requirement in some language for those over 16; and barred Asian Pacific Triangle aliens, barring all immigration from Asia

**Recap 1875 to 1917**

Definition of “excludables” expanded to include:

- any person likely to become a public charge (1882)
- persons suffering from contagious diseases, felons, and polygamists (1891)
- (extended exclusion of) Chinese (1902), anarchists (1903)
- imbeciles; persons with physical or mental defects which affect their ability to earn a living; persons afflicted with tuberculosis (1907); illiterate aliens (1917)
- Asian Pacific “barred zone” permanently restricted immigration of Asian persons (1917).

## 1921 to 1964 – Second Era Restricting Immigration

**1921** First Quota Law: limited immigration to a total of 357,000 people per year and allocated visas according to the national origin, limiting numbers to up to 8 percent of the national origins of Americans as of 1910

**1924** National Origins Act of 1924 (Johnson Reed Act):

- imposed first permanent numerical limit on immigration
- established the national origins quota system which limited immigration to two percent of national origin of 1890 foreign born for a total of 164,000 immigrants per year
- limited immigration by assigning each nationality a quota based on its representation in past U.S. census figures

In 1929, the formula was shifted to reflect the national origin of the white U.S. population in 1920 for a total of 154,000 immigrants.

Immigration Act of 1924:

- first permanent numerical limitation on immigration set at 150,000 visas to the Eastern Hemisphere
- established national origins quota system in order to favor immigrants from northern Europe by mandating that the percentage of visas allotted to a country be equal to the percent of the U.S. population that had that country's national origin in 1890 (later changed to 1920)
- U.S. Border Patrol established within Immigration Service

**1929** The formula for immigration limits was shifted (see, National Origins Act of 1924).

**1933** Bureau of Immigration and Bureau of Naturalization consolidated as the Immigration and Naturalization Service (INS)

**1934** Philippine Independence Act limits Filipino immigration to 50.

**1939** Congress defeats refugee bill to rescue 20,000 children from Nazi Germany, despite willingness of American families to sponsor them, on grounds that the children would exceed the German quota.

**1940** Nationality Act permits Indigenous peoples of the Western Hemisphere to become naturalized U.S. citizens.

**1941** INS transferred from the Department of Labor to the Justice Department

**1942** Bracero Program Established: a bilateral agreement with Mexico, British Honduras (now Belize), the Barbados, and Jamaica for entry of temporary foreign laborers to work in the U.S., providing labor to U.S. agriculture

**1943** Chinese Exclusion Act (of 1882) repealed

**1946** War Brides Act: facilitates immigration of spouses and children of U.S. military forces in the aftermath of World War II

**1948** Displaced Persons Act: enabled 205,000 persons, mostly European refugees, to enter the U.S. over a two year period in the aftermath of World War II

- 1950** Internal Security or McCarran-Wood Act: established the Form I-151, known as the “Green Card,” for immigrants with permanent resident status; increased grounds for exclusion to include membership in the Communist Party or membership in other organizations considered dangerous to public safety
- President Truman vetoed the act on the grounds that it “would betray our finest traditions” by attempting “to curb the simple expression of opinion.” Congress overrode Truman’s veto by large margins: House of Representatives (248-48) and the Senate (57-10).
- 1952** Immigration and Naturalization Act of 1952 (McCarren Walter Act):
- continued national origins quotas
  - established preference category system
  - eliminated all racial and gender barriers to naturalization
  - established quota for skilled aliens whose services are urgently needed
  - collected and codified many existing provisions, reorganizing immigration law
- 1953** Refugee Relief Act: admitted more than 200,000 refugees outside of existing quotas
- 1954** Operation Wetback: military-style campaign to round up Mexican aliens in California, the Southwest, and some Midwestern cities; thousands of Mexican aliens – including an undetermined number of legal residents – were deported
- 1954** Ellis Island closed
- 1955** INS declares “wetback” problem solved: asserted that, “The border has been secured.”
- 1957** Refugee Escape Act: defined refugee escapees as any alien who fled from any Communist country or from the Middle East because of persecution or the fear of persecution on account of race, religion, or political opinion
- 1960** Cuban Refugee Program established
- 1964** U.S. ended the Bracero Program (begun in 1942)

### **1965 to 2001 – Modern Globalization, Increased Immigration, and Growing Unease**

- 1965** Immigration and Nationality Amendments of 1965 (Hart-Cellar Act):
- repealed national origins quotas
  - for Eastern Hemisphere, established uniform annual per-country limits of 20,000 and preference category system with overall ceiling of 17,000
  - for Western Hemisphere, effective 1968, placed overall annual ceiling at 120,000, thus imposing a ceiling on immigration from Western Hemisphere for the first time
  - established seven-category preference system based on family unification and skills
- 1975** Indochinese Refugee Resettlement Program began
- 1976** Immigration and Nationality Act Amendments of 1976: extended 20,000 annual per country limits to Western Hemisphere

- 1978** Worldwide Ceiling Law: brought both hemispheres under single world-wide ceiling of 290,000 per year
- 1980** Refugee Act of 1980:
- reduced worldwide ceiling to 270,000 per year
  - set up first permanent and systematic procedure for admitting refugees
  - removed refugees as a category from the preference system
  - defined refugees according to international, versus ideological, standards
  - established process of domestic resettlement
  - codified asylum status
- 1986** Immigration Reform and Control Act (IRCA):
- instituted employer sanctions for knowingly hiring illegal aliens
  - created legalization program for undocumented aliens (referred to as “amnesty”)
  - increased border enforcement
- 1990** Immigration Act:
- increased legal immigration ceilings by 40 percent
  - tripled employment-based immigration emphasizing skilled labor
  - created diversity admissions category
  - established temporary stays for those in U.S. jeopardized by armed conflict or natural disasters in their native countries
- 1996** Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA):
- increased border enforcement
  - restricted access to public assistance programs for legal immigrants during their first five years in the country
  - pilot project to allow employers to verify legal status of applicant by phone
  - authorized “investigation, apprehension, or detention of aliens in the United States”
  - expanded grounds for deportation of immigrants from felony crimes to also include more minor infractions and any conviction carrying a sentence of one year or longer
  - increased income requirements for people who sponsor documented immigrants
  - expanded federal procedures to include use of “expeditious deportation”
- 1996** Anti-Terrorism Act:
- excluded foreign born persons who are members of terrorist organizations
  - automatically deported foreign born legal immigrants convicted of felony crimes
  - authorized state and local police to arrest legal immigrants
- 1996** Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform):
- restricted access to public assistance programs for legal immigrants during their first five years in the country
  - barred non-citizen immigrants here longer than five years from some programs
- 1997** Congress restored Social Security benefits to elderly and disabled legal immigrants (but legal immigrants remained ineligible for food stamps).
- 1998** INS backlog at over 2 million cases
- 2001** Supreme Court deemed key provisions of IIRIRA unconstitutional: INS cannot deport aliens without judicial review and cannot indefinitely detain aliens who are not likely to be deported in the near future.

## **September 2001 to Present – Post 9/11 Immigration and Anti-Terrorism**

- 2001** (November) Enhanced Border Security and Visa Entry Reform Act: authorized additional funds for INS and Customs Service staff
- 2002** (March) INS posthumously approved change of visa classifications for 9/11 hijackers
- 2002** (November) USA Patriot Act (Unifying and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism): broadened law enforcement powers to search, monitor, detain, and deport suspected terrorists; expanded security grounds of inadmissibility
- 2002** (December) Homeland Security Act:
- created Department of Homeland Security, consolidating 22 separate agencies into a new Cabinet department with 170,000 employees
  - agencies handling immigration services including citizenship, applications for permanent residence, non-immigrant applications, asylum, and refugee services were moved from the Department of Justice to the Department of Homeland Security
- 2003** (February) Draft of Domestic Security Enhancement Act (Patriot II): leaked to press by Center for Public Integrity. Provisions included:
- foreign-born individuals supporting lawful activities of an organization deemed by the executive branch to be a terrorist organization could be presumptively stripped of citizenship and deported
  - would have given the executive branch un-reviewable authority to deport non-citizens without having to show that the individual had violated criminal or immigration law
- 2003** (March) INS renamed Bureau of Citizenship and Immigration Services (BCIS) and moved from Department of Justice to Department of Homeland Security
- 2003** BCIS Case backlog at about 622,000 cases
- 2005** REAL ID Act: attached to an Emergency Supplemental Appropriations bill:
- established national standards for state driver's licenses and identification document security standards
  - sought to prevent terrorists from abusing U.S. asylum laws
  - defined terrorism-related grounds for inadmissibility and removal
    - > broadened definitions of "terrorism" and "terrorist"
    - > narrowed grounds for seeking asylum by requiring that the central reason for their being persecuted be proved
    - > required documentary evidence to establish persecution
  - provided for construction of a border fence in San Diego
  - mandated the transfer of habeas corpus petitions to the courts of appeals
- 2005** (February) Michael Chertoff, co-author of the USA Patriot Act, sworn in as Secretary of the Department of Homeland Security

**Current U.S. Immigration Policy**

**4**



## 4. Current U.S. Immigration Policy

This chapter, along with the information provided in chapter 3, A History of U.S. Immigration Law, is intended to provide historical and legal context for the data presented in this primer as well as in other news and information sources on immigration that the reader may encounter.<sup>5</sup>

### Immigration Agencies and Laws

Responsibility for administering the U.S. immigration system resides in five different agencies. The principal agency is the Department of Homeland Security, but important functions are also carried out in the Departments of State, Labor, Justice, and Health and Human Services. These functions are described in the flow chart in Appendix A (available online, see page 72).

Immigration laws of the United States rest on three tenets: (1) keeping families intact (often called “family reunification”), (2) protecting American labor, and (3) protecting refugees and asylum seekers. Officials from the various branches of the federal government consider these basic tenets in decisions regarding immigration law.

All persons seeking to enter the United States must establish that they are not inadmissible (see box below) and that they are eligible for the visa being sought. Admissibility is a legal concept independent of a person’s physical location. A person can be physically inside the United States and deemed inadmissible for immigration purposes. In legal terms, a *non-immigrant* is a citizen of a foreign country allowed to enter the United States temporarily for a specific purpose, such as business or vacation travel. An *immigrant* is a citizen of a foreign country permitted to enter the United States as a *legal permanent resident*. Legal permanent residents may subsequently seek to become United States citizens.

#### *Grounds for Admissibility/Inadmissibility*

There are officially ten substantive grounds for inadmissibility:

- **Health-related** – such as having a communicable disease of public health significance
- **Criminal and related** – committing a crime of moral turpitude (includes murder, kidnapping, assault, rape, child abuse, incest, bigamy, theft, shoplifting, blackmail, robbery, fraud, and extortion)
- **Security and related** such as engaging in terrorist activities or representing a foreign terrorist organization or an organization that endorses terrorism
- **Public charge** – posing a likelihood of becoming a public charge
- **Illegal Entrants and Immigration Violations** – entering the United States without authorization or fraudulently obtaining or seeking to obtain a visa
- **Labor certification** – failure to obtain a required labor certificate
- **Documentation** – arriving at a port of entry without a valid immigrant visa or a valid passport
- **Ineligibility for citizenship** – such as being a draft evader
- **Aliens previously removed and “Unlawful Presence”** – having been ordered removed, then seeking admission within five years of removal
- **Miscellaneous** – such as:
  - >being a practicing polygamist
  - >aiding international child abductors, as described above, or being a relative of an abductor
  - >unlawfully voting in any election in the United States

5. Online Appendix A provides a more elaborate discussion of the elements of U.S. immigration law discussed herein (see p. 72).

## Immigrants

Immigrants can apply for legal permanent resident status from abroad or from inside the United States. Persons immigrating from abroad must obtain an immigrant visa (“green card”) from an American consulate. An applicant must establish eligibility, pay required fees, complete medical exams and interviews, and fulfill any other requirements. This visa allows its recipient to travel to the U.S. border to request entry, though the visa-holder may still be turned away by the inspector at the port of entry. Those applying to immigrate from inside the United States do so by seeking “adjustment of status” to become legal permanent residents (see box, page 28). The immigrant must be eligible for legal permanent resident status, must have entered the U.S. legally with a nonimmigrant visa, and honored the terms of the visa. There are a variety of bases for applying for adjustment of status, each with its own rules and requirements.

### Numerical Limitations to Immigrant (Legal Permanent Resident) Categories

There are three categories of immigrant visas with annual numerical limits set by statute: (1) *family-sponsored preferences*, currently allowing a minimum of 226,000 and a maximum of 480,000 annual admissions; (2) *employment-based preferences*, allotted 140,000 admissions each year, and (3) the *diversity* category, known as the lottery, has an annual cap of 50,000 visas. Each of these three immigrant visa categories has its rules, ceilings, and country limits. There are no limits on the number of *immediate relatives* who can immigrate. For a more detailed description of these various immigrant categories, see online Appendix A (page 72). Immigrants (legal permanent residents) can, after a period of time, petition to become U.S. citizens. People who attain citizenship in this way are known as naturalized citizens.

### Other Avenues to Legal Permanent Resident Status

There are other avenues for obtaining legal permanent residence. For example:

- Individuals may seek an adjustment of status (see box below).
- Special legislation may be passed by Congress to benefit specific groups (i.e., Cubans, Nicaraguans, and Haitians).
- Rarely, a bill may be enacted on behalf of an individual seeking status as a legal permanent resident.
- Those already in removal proceedings (see page 28) may seek cancellation of removal, allowing the immigrant to obtain legal permanent resident status. Obtaining cancellation of removal requires that the immigrant prove presence in the U.S. for at least 10 years, be of good moral character, and have a qualifying relative. “Good moral character” can be defined narrowly or broadly at the discretion of the immigration judge.<sup>6</sup>
- Special immigrant juvenile visas are provided for abused, abandoned, or neglected children meeting certain criteria.
- Victims of sexual, violent, or other specific crimes cooperating with law enforcement may adjust status if they have three years of non-immigrant status and a U-Visa.

## Non-immigrants

Non-immigrant visas allow individuals to remain in the United States until the visa expires. Admission has to be for a specific reason and there are no numerical limits for non-immigrant visas. The application process is easier and simpler for non-immigrant visas than for immigrant visas. To receive a temporary visa, non-immigrants must prove their intent to

6. Battered spouses or children of abusive legal permanent residents or citizens only need to establish three years of presence in the United States, but they must also demonstrate that they have good moral character.

remain temporarily, they must specify their reasons for applying, and they must qualify for a non-immigrant visa category. Non-immigrants have specific work restrictions that vary by visa-category. If a non-immigrant violates the terms of his or her visa, it can be revoked and the person may be deported.

The most frequent non-immigrant visa violation occurs when people remain in the country beyond their admissions period, either because they failed to seek an extension or because a requested extension was denied. Violating the terms of a non-immigrant visa classifies its holder as an illegal immigrant, and as of 2005, an estimated 40 percent of illegal immigrants in the United States became illegal in this way, by “falling out of status.”

### Temporary Worker Visa Categories

The following section describes some of the most important temporary worker visa categories in more detail. For a description of all of the 24 major categories of non-immigrant visa categories, see online Appendix A (page 72).

There are three H-Visa (temporary worker visa) categories:

- H(1)(B) visas, for temporary specialty-occupation non-immigrants, are reserved for skilled temporary workers. These are granted for up to six years and applicants must prove that they have the equivalent of a U.S. bachelor’s degree or higher in their specialty. H(1)(B) non-immigrants are allowed to change jobs and may seek an extension beyond the six-year limit. These are the “high-skilled” workers referred to in later chapters.
- H(2)(A) visas are for temporary agricultural workers. A required labor certification process must establish that employment of the immigrant will not adversely affect the wages and working conditions of U.S. workers similarly employed. Employers must provide standard housing and wages, meals or cooking facilities, transport to and from work, and workers’ compensation insurance.<sup>7</sup> The H(2)(B) visas are reserved for temporary workers in non-agricultural low-skilled jobs such as landscaping and at resorts open on a seasonal basis. H(2) visas are issued for a year or less. Additionally, H(2) visas may only be for a “one-time occurrence, a seasonal need, a peak-load need, or an intermittent need.”<sup>8</sup>
- H(3) visa holders, the “trainees,” may obtain only training while in the United States under their visa, and may thus not be engaged in any productive wage-based employment.

### Refugees and Asylum Seekers

A *refugee* is someone living outside his or her native country who is unable or unwilling to return to their country of origin, because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Refugee applications are processed overseas. For fiscal year 2005, refugee admission was set at 70,000. Regional ceilings limiting admissions by region of origin were set as follows:

7. The Bracero program instituted by the United States from 1942 until around 1964 is a good example of the H(2)(A) visa and its holders.

8. Code of Federal Regulations, 8 CFR § 214.2(h)(6)(ii).

Africa (20,000), East Asia (13,000), Europe and Central Asia (9,500), Latin America and the Caribbean (5,000), the Near East and South Asia (2,500), and an unallocated reserve (20,000).<sup>9</sup>

*Asylees* are similar to refugees, except that they are physically present inside the United States or at a port of entry when they apply for asylum. There is no quota for asylum seekers, but, the Customs and Immigration Service currently notifies asylum applicants of an especially long delay due to high numbers of applications.

### **Remaining Indefinitely without Becoming a Legal Permanent Resident**

There are two forms of protection available to foreign nationals under U.S. obligations as signatory to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Called Article 3 protections, these allow foreign born persons either to remain in the United States indefinitely without legal permanent resident status or to be removed to a third country where he or she would not be tortured. See online Appendix A (page 72) for a more detailed discussion of these protections as well as those available under Temporary Protected Status and Parole.

### **Removal from the United States**

Removal proceedings are initiated when authorities seek to require an alien to leave the United States. Immigrants as well as nonimmigrants can be removed based either on grounds of inadmissibility or on grounds of deportation. Naturalized citizens can be deported if they are first de-naturalized (i.e., by having their citizenship revoked). Because deportation is not considered a punishment under U.S. immigration law, deportation proceedings can be initiated retroactively for conduct that was legal when it occurred, but subsequently became illegal. Further, there is no statute of limitations for deportation proceedings.

There are currently six general grounds for deportation: (1) being deemed inadmissible, (2) conviction of a crime of moral turpitude, (3) failure to register a change of address or use of false documents, (4) violations of security and related grounds, such as engaging in terrorist activities or engaging in conduct with serious foreign-policy consequences, (5) becoming a public charge within five years of admission to the United States, or (6) voting in violation of federal, state, or local law.

#### **Adjustment of Status**

A *nonimmigrant* who is legally in the country may seek to become an *immigrant* – a legal permanent resident – without having to leave the country through a procedural provision called “adjustment of status.” While not automatically granted, successful adjustment of status requires that the person:

- meet admissibility requirements
- have entered the United States legally
- meet the criteria for qualifying for one of the immigrant categories
- not have violated the terms of his or her nonimmigrant visa

9. American Immigration Lawyers Association, 2006. AILA Backgrounder: Legal Immigration to the United States, Washington DC.

**Basic Data on U.S. Immigration**

**5**



## 5. Basic Data on U.S. Immigration

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The graphs in this chapter present detail on the numbers, regions of origin, categories, and destinations of immigrants to the United States. The legal chronology provided in chapter 3, A History of U.S. Immigration Law, along with the current legal immigration system described in chapter 4, Current U.S. Immigration Policy, provide the context for these data.

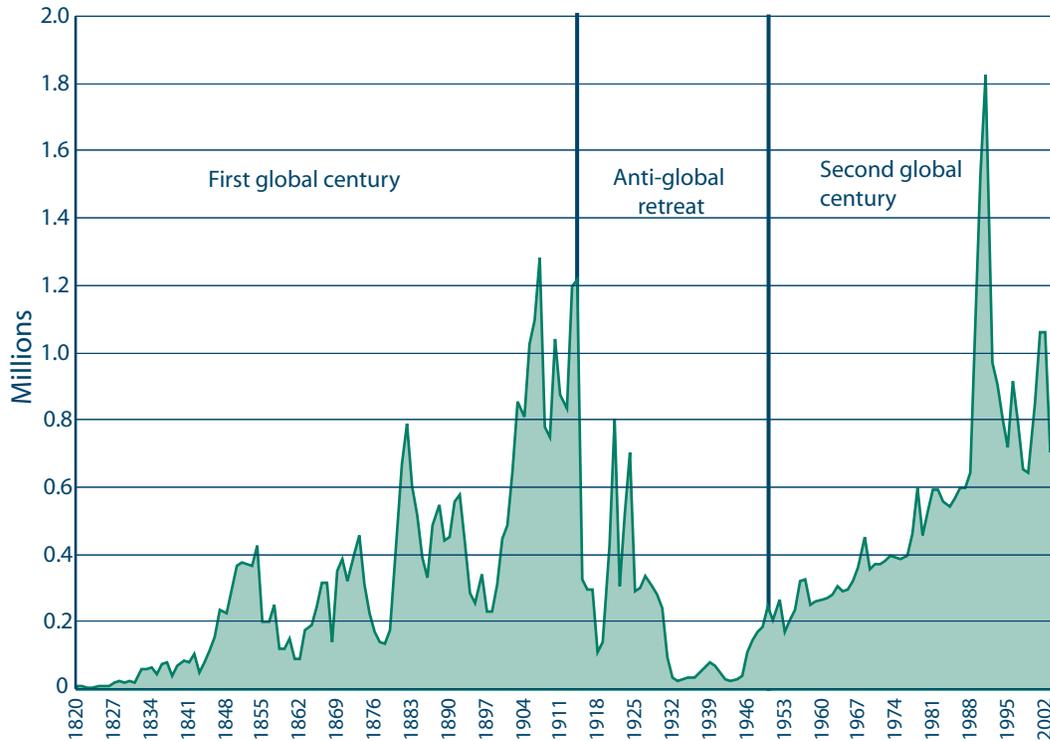
**The United States has a long history of receiving immigrants.**

The extent of current legal immigration is not unprecedented in U.S. history. Structural economic changes, political events, and demographic pressures have driven migration over time. For example, the late 1800s saw the emergence of many industrialized economies while the late 1900s saw a shift among developed countries to service and technology-driven economies. Such shifts in the global economy have triggered realignment of international labor markets and shaped the pattern of immigration to the United States.

**Data Highlights**

- U.S. immigration flows are highly correlated to broad eras of global economic integration, classified as the *first global century* from 1820 to 1913, *anti-global retreat* from 1913 to 1950, and the *second global century* from 1950 to the present.<sup>10</sup>
- The 1800s were a period of relatively “free,” or unrestricted, migration. From 1914 on, however, most developed countries, including the United States, began to impose immigration restrictions.
- Prior to 1900, year-to-year annual legal admissions of immigrants to the United States tended to fluctuate. Since the end of World War II, however, admission levels have steadily increased.

**Figure 5.1 Immigrants admitted annually to the United States (1820-2004)**



**Data Source:** Office of Immigration Statistics, 2004.

**Notes:** The spike in the late-1980s results from the 1986 Immigration Reform and Control Act (IRCA) that granted legal status to approximately 3 million immigrants that had been in the United States illegally. These people were categorized as new immigrants in spite of having already been in the United States. The numbers shown are legal immigrants to the United States, as follows: from 1820-67, figures represent alien passengers arrived at seaports; from 1868-92 and 1895-97, immigrant aliens arrived; from 1892-94 and 1898-2003, immigrant aliens admitted for permanent residence. From 1892-1903, aliens entering by cabin class were not counted as immigrants. Land arrivals were not completely enumerated until 1908. Transition quarter is July 1 through September 30, 1976.

10. Williamson, Jeffrey G. 2002. “Winners and Losers Over Two Centuries of Globalization,” National Bureau of Economic Research, NBER Working Paper #9161, Cambridge, Mass.

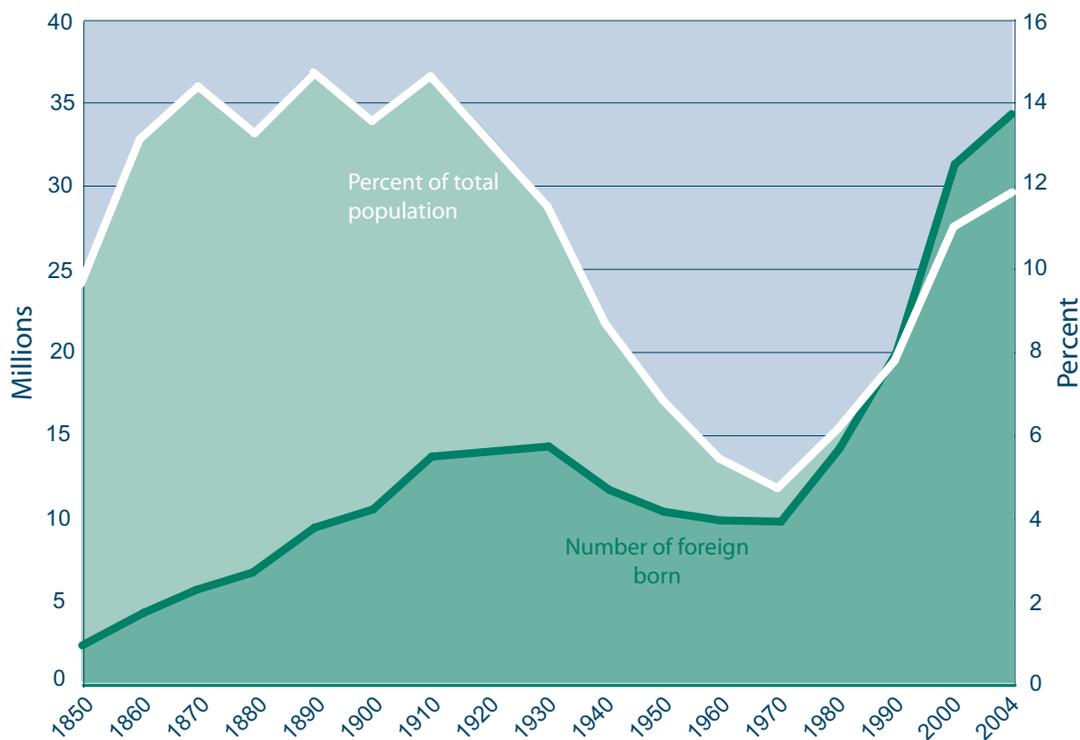
**The number and percent of foreign-born persons in the United States has varied over time.**

The current proportion of the U.S. population that is foreign-born, though high, is not unprecedented, and underscores American identity as a “nation of immigrants.”

**Data Highlights**

- After a period of slight decline (from 1930 to 1970), the number of foreign-born persons in the United States has increased steeply, reaching historic levels.
- The percent of foreign born in the total population has also increased significantly but has not reached the percentages of the late 1800s and early 1900s.

**Figure 5.2 Number and percent of foreign born residing in the United States (1850-2004)**



**Data Sources:** 1) Campbell J. Gibson and Emily Lennon, 1999. 2) 1870 census, Vol. I (Dubester #45), Table XXII, pp. 606-615. 3) 1960 census, Vol. II, Subject Reports, Report No. 2A, State of Birth, PC(2)-2A, Table 1, p. 1. 4) 1970 census, Vol. I, Characteristics of the Population, Ch. D, Part I, PC(1)-D1, Table 191, p. 596. 5) 1980 census, Vol. I, Characteristics of the Population, Ch. D, Part I, Sect. A, PC80-D1-A, Table 253, p. 7. 6) 1990 census, Social and Economic Characteristics, 1990 CP-2-1, Table 18, p. 18. 7) The Foreign Born: Population. Census 2000 Brief: 2000. Dec 2003. For 2004 data, Table 1. Current Population Survey - March 2004.

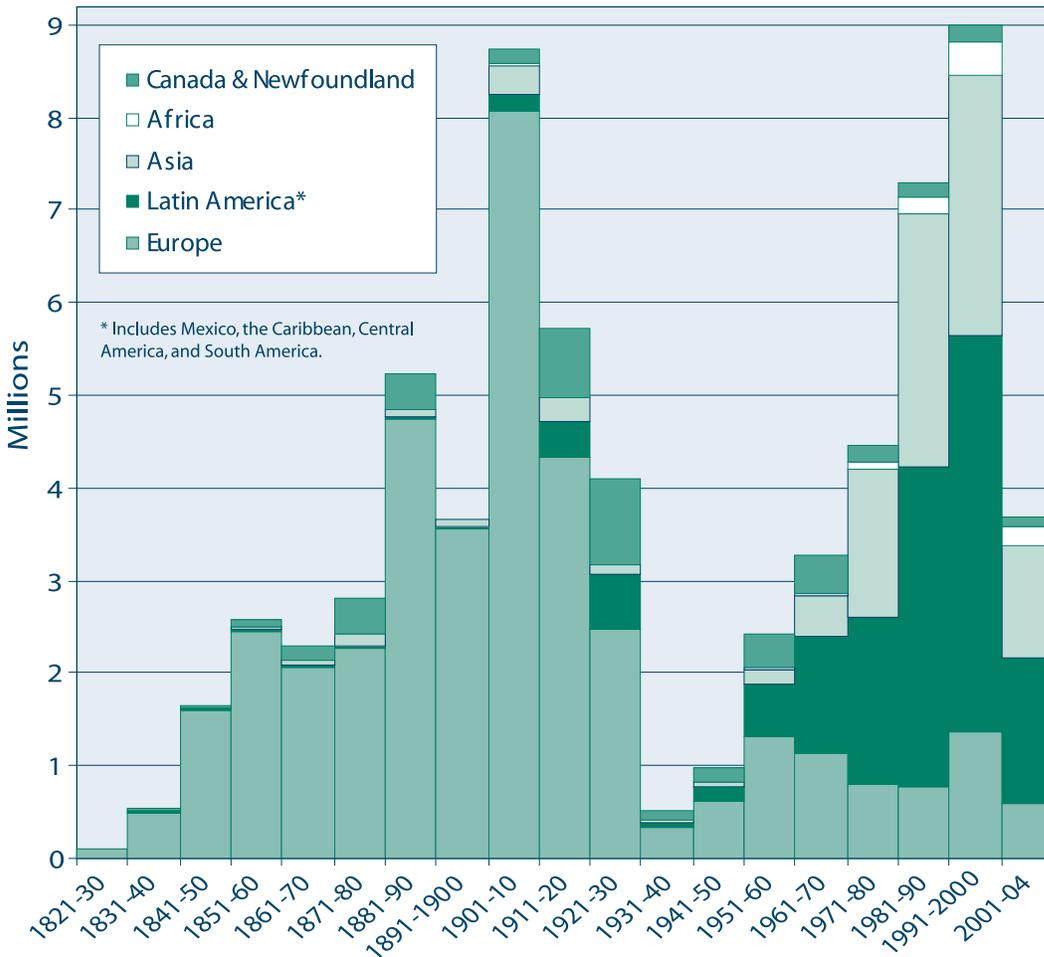
**Recent immigrants come from different and more diverse regions of the world than previous immigrants.**

Relatedly, the size and diversity of the immigrant population in the United States has increased in recent years, raising questions about the impacts of immigration in a range of economic, social, and cultural areas. Specifically, there is concern about the capacity of communities to integrate large numbers of diverse immigrants, and about English-language usage within large immigrant communities.

**Data Highlights**

- For the decade, 1991 to 2000, the number of immigrants coming to the United States reached a historic high (the previous high was during the period, 1901-1910).
- Regions of origins have shifted, and immigrants are more diverse than at previous times in U.S. history. Latin America rather than Europe is now the largest region of origin for newly arriving immigrants, while immigration from Europe has dropped to levels approaching historic lows.

**Figure 5.3 Legal immigrants arriving by region of last residence (1821-2004)**



**Data Source:** Office of Immigration Statistics, 2004.

**Notes:** Together, Oceania and immigration from “unspecified” regions represent less than 1 percent of all legal immigration. Newfoundland was independent until 1949 when it became part of Canada through a referendum vote. The height of the bar for 2001-04 is relatively low due to the fact that it includes only three years of data as opposed to ten for all other bars.

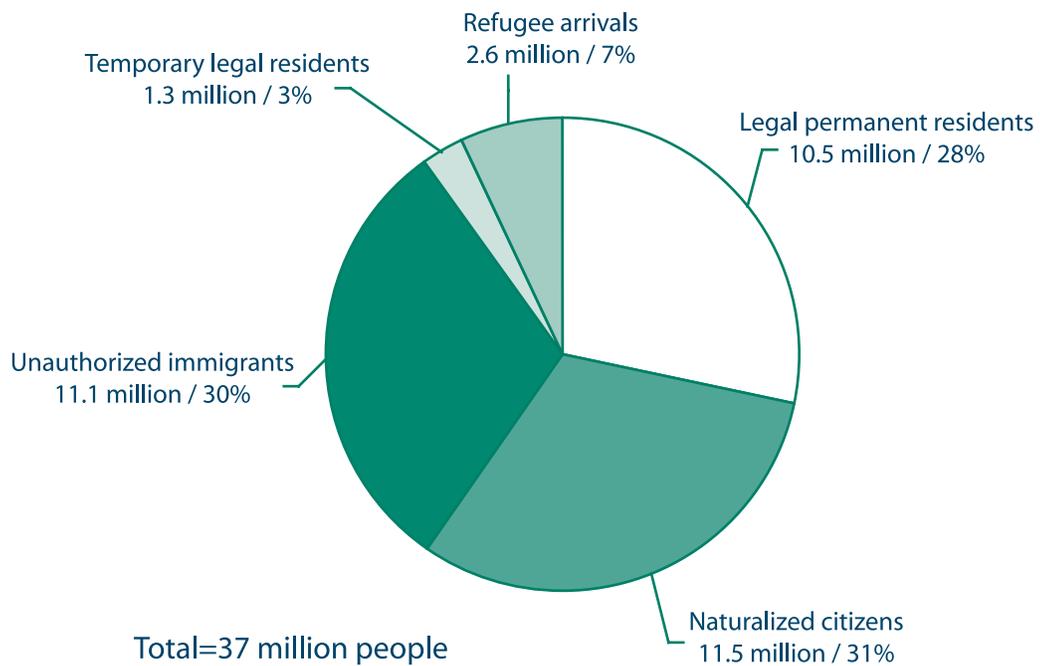
**Legal status of foreign-born residents in the United States varies.**

Foreign-born residents in the United States possess different types of legal status. Furthermore, the presence of a large number of foreign born who are not in the country legally has broad ramifications for all immigrants, for the politics of immigration reform, and for the civic, political, and economic life of the country.

**Data Highlights**

- Approximately 70 percent of foreign-born residents in the United States have legal status (i.e., as temporary legal residents, refugee arrivals, legal permanent residents, and naturalized citizens), while the remainder (about 30 percent) are unauthorized, or in the country illegally.

**Figure 5.4 Immigration status of the 2005 foreign-born population**



**Data Source:** Passel, 2006.

**Current U.S. immigration policy tends to favor admissions based on family reunification rather than based on employment or economic factors.**

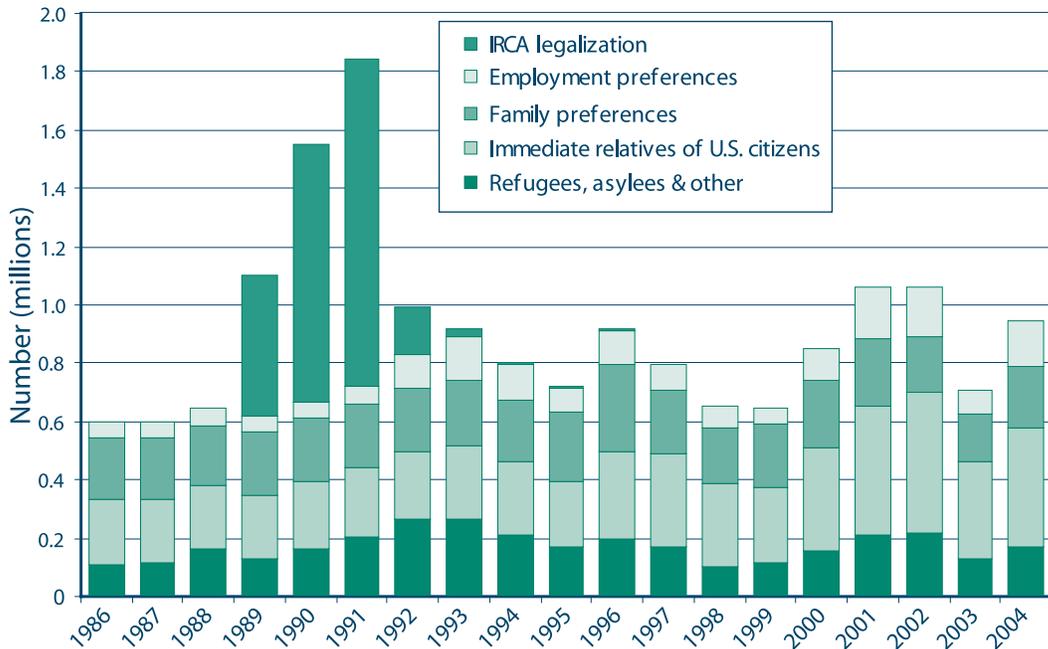
The data shown below illustrate the extent to which the United States’ legal-immigration system favors admissions based on family reunification, thereby limiting economic immigration.

This architecture puts the U.S. immigration system out of alignment with the large forces driving migration in a global economy. This misalignment and the ability of unauthorized immigrants to obtain employment in the United States combine to set the stage for today’s illegal immigration and indicates the extent to which economic incentives and structural factors combine to overwhelm the legal-immigration system.

**Data Highlights**

- Together, immediate relatives of U.S. citizens and family-based preference categories are the largest on-going avenues for legal permanent immigration to the United States.
- Between 1989 and 1992, the Immigration Reform and Control Act of 1986 (IRCA) legalization process almost doubled legal admission of immigrants to the United States: slightly more than 2.6 million people already present in the country became legal immigrants through IRCA during that period, while a little over 2.8 million additional people immigrated through normal legal channels.
- Employment-based immigration has consistently been the smallest category of legal immigrants.

**Figure 5.5 Immigration by admission type (1986-2004)**



**Data Source:** Office of Immigration Statistics, 2004.

**Notes:** Immigrants granted legal permanent resident status under the Immigration Reform and Control Act of 1986 (IRCA) were required to have been in the United States since 1982 or to have been special agricultural workers.

**Immigrants and Native-born U.S. Citizens**

**6**



## 6. Immigrants and Native-born U.S. Citizens

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The following set of graphs compares various demographic characteristics of the native-born and foreign-born populations in the United States. The foreign born are further analyzed according to their status as either naturalized citizens or non-U.S. citizens. This is analytically important because the vast majority of naturalized citizens have entered the country legally, have been in the United States longer than non-citizens, and have integrated into society sufficiently to become citizens. The category “non-U.S. citizens” includes a wide variety of individual recent legal arrivals, legal permanent residents who have not become citizens (but who may do so in the future), as well as unauthorized immigrants.

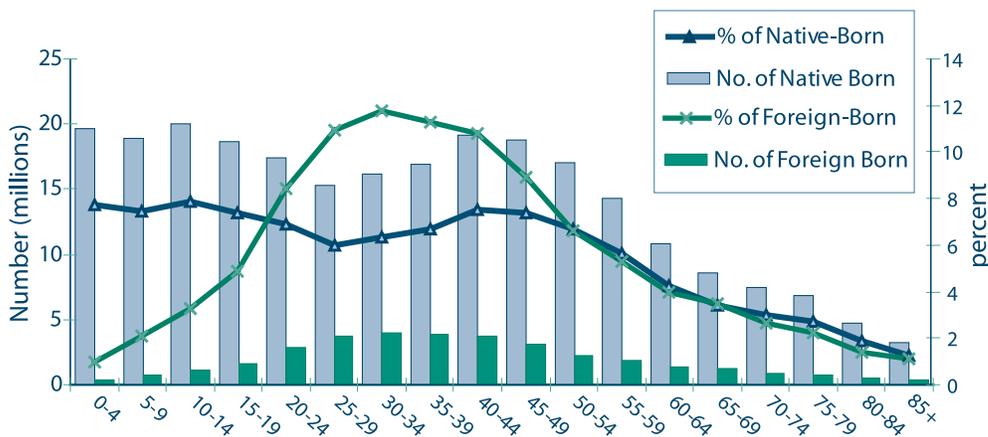
**Immigrants are, on average, younger than native-born citizens.**

In looking at the percent of native-born and immigrants (foreign-born persons) that fall into specific age categories, we see that there are higher proportions of foreign-born adults in precisely those working-age brackets with lower proportions of native-born adults. Thus, the age-profile of native-born and foreign-born adults can be seen as complementary. And, the relatively small number of native-born adults between the prime working years of ages 20 to 40 sheds light on some of the demographic trends underlying immigrants' role in the United States labor force.

**Data Highlights**

- The age distribution of the native-born population peaks in the 24-and-under and the 40-60 age groups.
- The number and percent age distribution of the foreign-born population is overwhelmingly of working age, between the ages of 20 and 54.
- The proportion of native-born persons over the age of 60 will increase significantly during the next 20 years.
- Foreign-born children constitute a small fraction of children aged 19 and under. (Note: as will be seen in the chapter on unauthorized immigration, about 3.1 million of the approximately 77 million native-born children are children of foreign-born, unauthorized parents.)
- Foreign-born adults are, on average, younger than native born adults.

**Figure 6.1 Population distribution by age group: Native born compared to foreign born (2004)**



**Data Source:** U.S. Census Bureau, 2004.

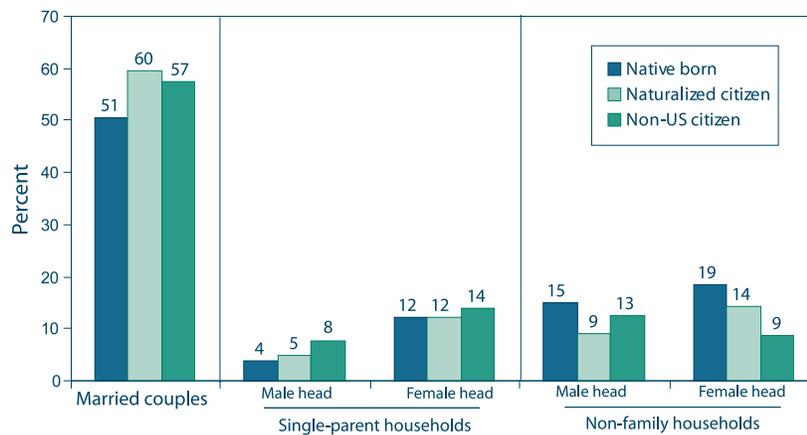
**Immigrants are more likely to be in nuclear families than are native-born citizens.**

Immigrants, regardless of citizenship status, are more likely to be married or to live in family settings than are the native-born. This is true for both naturalized citizens and non-citizen immigrants. In light of the fact the “non-citizen” category includes unauthorized immigrants, these data indicate that immigrants who are in the United States illegally are not necessarily “solo” males, but do, in fact, live in family settings.

**Data Highlights**

- Among immigrants, 60 percent of naturalized citizens and 57 percent of non-citizens live in married couple households as compared to 51 percent of native-born citizens.
- Among immigrants, 17 percent of households headed by naturalized citizens, and 22 percent of households headed by non-citizens, are single-parent households, compared to 16 percent households headed by single-parent native-born citizens.
- Thirty-four percent of native-born persons, compared to 23 percent of naturalized citizens and 22 percent of non-citizens, live in non-family settings.

**Figure 6.2 Household type by citizenship of head of household (2004)**



**Data Source:** U.S. Census Bureau, 2004.

**Notes:** The data do not include the population living in group quarters. In married-couple households, citizenship status refers to the householder (person who owns or rents the house). Data includes households in which at least one member is related to the householder.

**Educational attainment of immigrants differs from that of native-born citizens.**

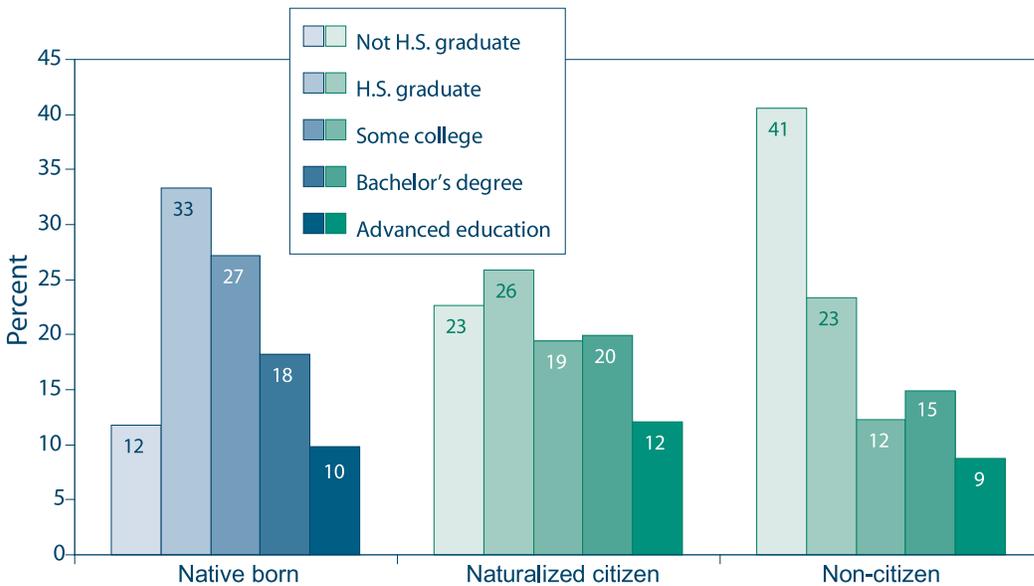
Economic benefit from immigrant labor is maximized when immigrants’ skills complement rather than compete with those of native-born workers. Using educational attainment as a proxy for skill, we see that immigrant skills are highly complementary to those of native-born adults at the low end of the education spectrum and slightly complementary at the high end of the education spectrum. It should be noted that educational attainment is only a rough approximation for the extent to which immigrants’ skills complement or compete with those of the native-born. Other factors include years of work experience, English language skills, and the industry sectors in which each category of worker clusters.

Low-skilled immigrant workers compete most directly with the 12 percent of native-born adults who have not completed high school, and there is evidence that wages of native-born workers without a high-school diploma have been lowered by the availability of low-skilled immigrants. The extent of competition between highly educated native-born and foreign-born workers depends on the specific skills and training of each group. U.S. law provides for immigration by scarce high-skilled workers in areas such as math and science. There is ample evidence that highly educated immigrants are concentrated in fields in which native-born workers are scarce, such as bioscience, computer science and electrical engineering. Thus high-skilled native-born workers may not necessarily face significant competition from high-skilled immigrants in spite of having similar educational profiles.

**Data Highlights**

- Foreign-born adults are more likely to lack a high-school education than native-born adults.
- Naturalized citizens complete college and advanced-degree studies at a higher rate than either native-born or non-U.S. citizens.

**Figure 6.3 United States rate of educational attainment, by immigration status (2004)**



**Data Source:** U.S. Census Bureau, 2004.

**Notes:** These data examine the educational attainment of the 2004 United States population age 25 and over. Data refers to years of school completed, not attended.

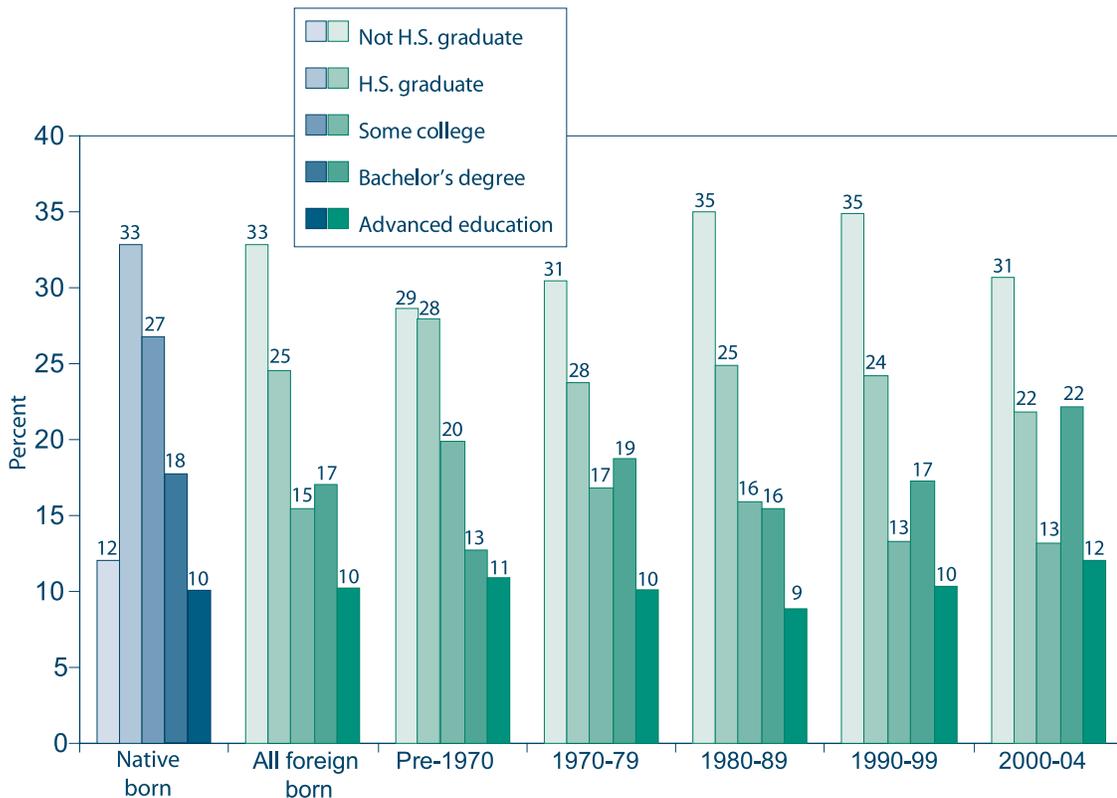
**Educational attainment of recent immigrants is similar to that of earlier immigrants.**

Public debate on immigration has included concern about whether recent immigrants are significantly less educated than previous generations of immigrants. The following graph compares the educational attainment of immigrants by period of arrival.

**Data Highlights**

- The overall educational profile of the foreign-born population has not changed significantly over the period shown.
- The proportion of immigrants without a high-school diploma increased slightly during the 1980s and 1990s, then declined in recent years.
- The proportion of immigrants with a bachelor’s degree or higher has increased in recent arrival years.

**Figure 6.4 Educational attainment for foreign-born persons by year of entry (2004)**



**Data Source:** U.S. Census Bureau, 2004.

**Notes:** These data parse the educational attainment of the 2004 foreign born population age 25 and over by period of arrival in the United States. The U.S. Census designation of “Pre-1970” refers to immigrants who arrived in the United States prior to 1970. Data refers to the years of school completed, not attended. Totals for some bar clusters are more than 100 percent due to rounding.

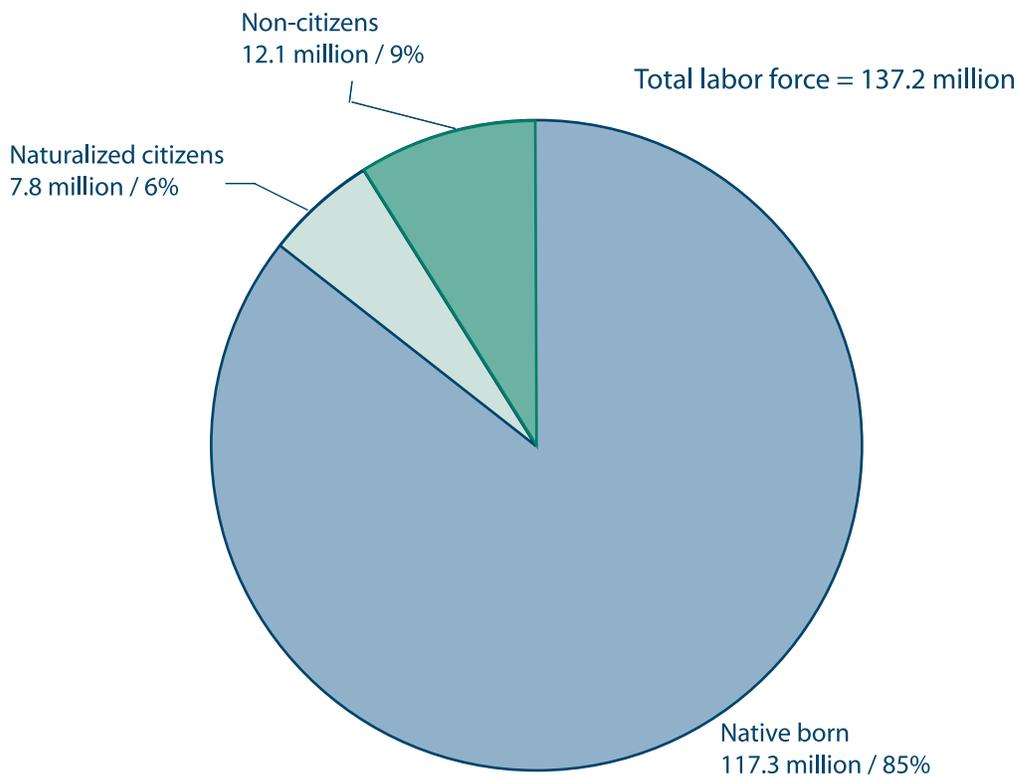
**Foreign-born residents are currently 15 percent of the labor force.**

By way of background, over 50 percent of the growth in the labor force since 1990 has come through immigration, and the proportion of immigrants in the work force increased from 1 in 17 workers in 1960 to 1 in 10 workers in 1994, to 1 in 6.5 workers in 2004. A significant number of new workers are recent immigrants.

**Data Highlights**

- As of 2004, immigrants comprised about 15 percent of the civilian labor force.
- Of that total, 60 percent of the workers are non-citizens.

**Figure 6.5 Composition of U.S. civilian labor force by status (2004)**



**Data Source:** U.S. Census Bureau, 2004.

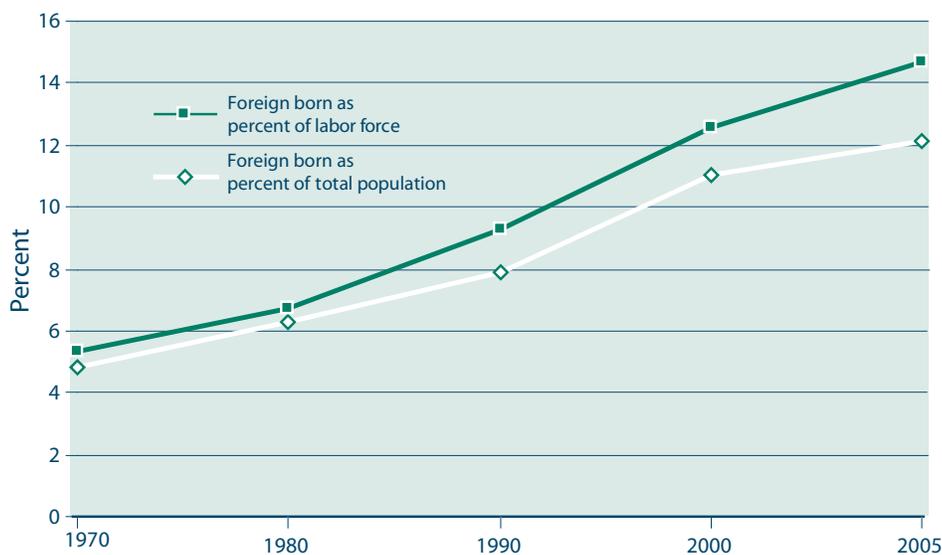
**Immigrants are an increasing share of the population and of the labor force.**

As the size of the immigrant population has increased in the United States, so has its role in the labor force. As we have seen, migration is largely driven by economic motives. As a result, immigrants participate in the labor force at higher rates than do native-born residents.

**Data Highlights**

- The foreign-born population has been increasing, both as a share of the total population and as a share of the work force.
- Immigrants comprised about 15 percent – or slightly more than 1 in 7 members – of the labor force in 2005.
- Immigrants’ proportion of the labor force is consistently higher than their share of total population. This is due to several factors including.
  - > immigrants are, on average, younger than the native born population, thus a higher proportion are of working age
  - > while family reunification is the primary legal vehicle for immigration, economic opportunity is the principal reason people immigrate

**Figure 6.6 Foreign born share in total population and civilian labor force (1970-2005)**



**Data Source:** Migration Policy Institute, 2005.

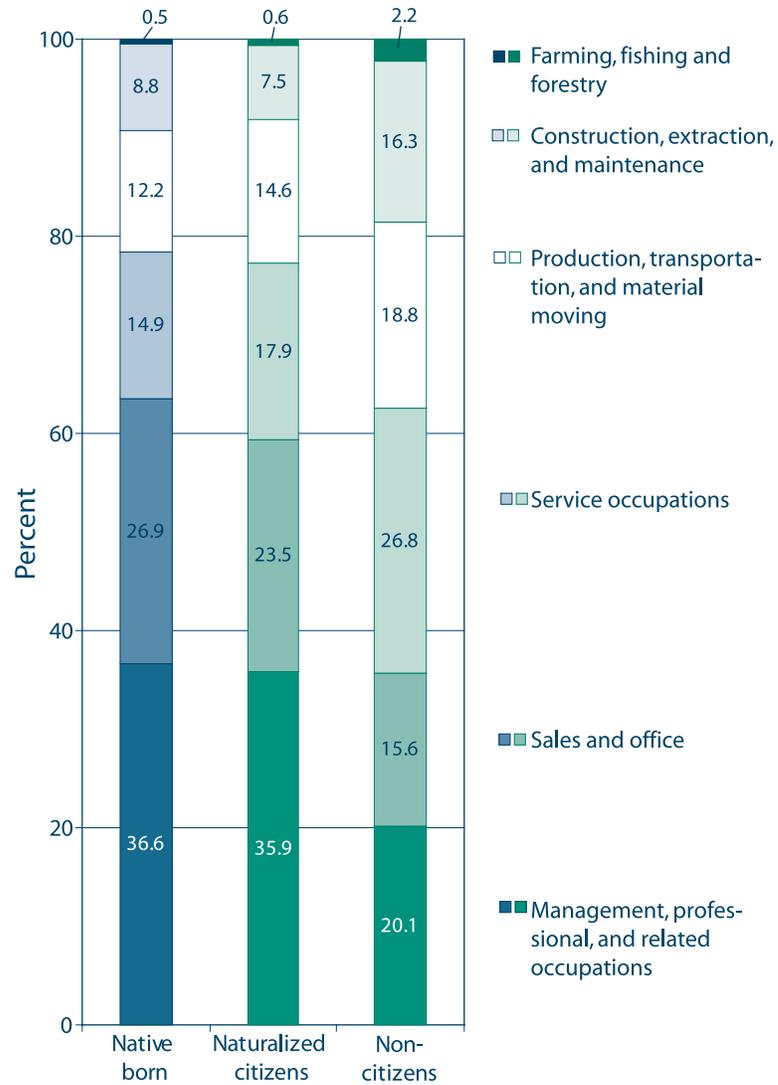
***Immigrants are concentrated in different occupations than native-born citizens.***

The foreign-born workforce can be segmented into naturalized citizens and non-citizens. Comparing these two foreign-born populations to native-born workers provides insight on occupational differences among the three groups. Naturalized citizens, on average, have been in the United States longer than non-citizens, and are more likely to have entered the country via legal channels that favor high-skilled workers. As a result, they have had more opportunity and time to incorporate into the economy. This incorporation occurs through language and continued skill acquisition, and results in their greater level of participation in higher skilled occupations.

**Data Highlights**

- Naturalized citizens' occupations are more similar to those of native-born workers than to those of non-citizens.
- The differences between non-citizens and other workers are most dramatic in occupations with high-skilled workers such as management, professional and related occupations.
- Native-born and foreign-born cluster in different occupational areas. For example:
  - > Native-born workers are disproportionately represented in higher skilled occupations with almost 40 percent employed in managerial, professional, and related occupations and over 26 percent employed in sales and office occupations as compared to about 26 percent and 19 percent of foreign-born workers in each of these areas, respectively.
  - > Non-citizen workers, on the other hand, are disproportionately employed in lower skilled occupations such as service, construction, extraction, and maintenance, and production, transportation, and material moving. Native-born workers are less likely to work in each of these occupations.

Figure 6.7 Occupational category by citizenship status



Data Source: U.S. Census Bureau, 2004.

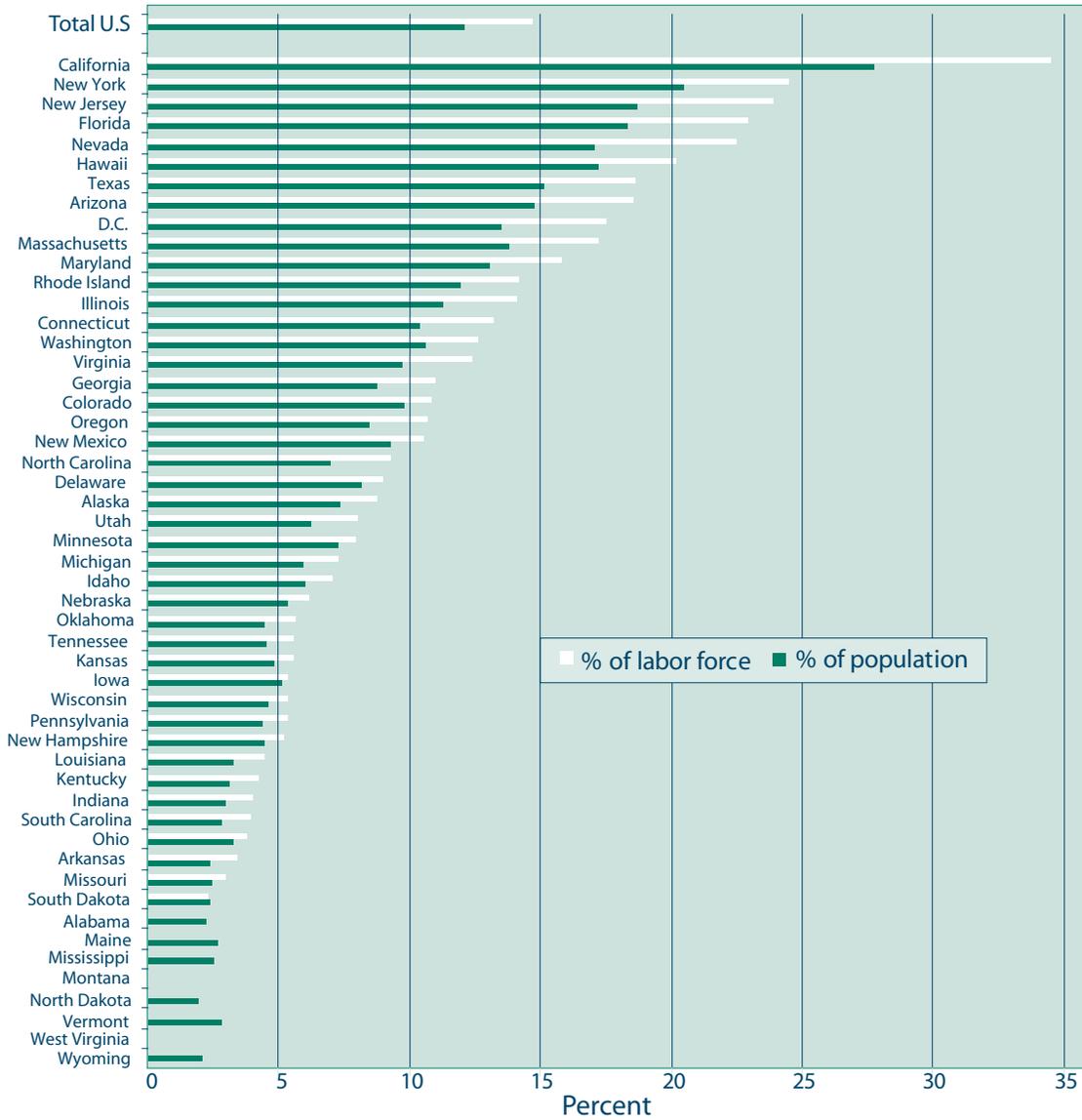
***Immigrants are more concentrated in some states than in others.***

While foreign-born persons are concentrated in traditional “receiving” states, their presence in the United States is now widespread and their participation in the civilian labor force touches virtually every state. Also, nationally, as well as at the state level, immigrants are a larger share of the labor force than they are of the population.

**Data Highlights**

- The share of immigrants in the total population and labor force varies widely by state.
- California, New York, New Jersey, Florida, and Nevada are the five states with the highest percent of immigrants in the population and the workforce.

Figure 6.8 Foreign-born labor force participation by state (2005)



Data Source: Migration Policy Institute, 2005.

**Certain industries rely heavily on immigrant labor.**

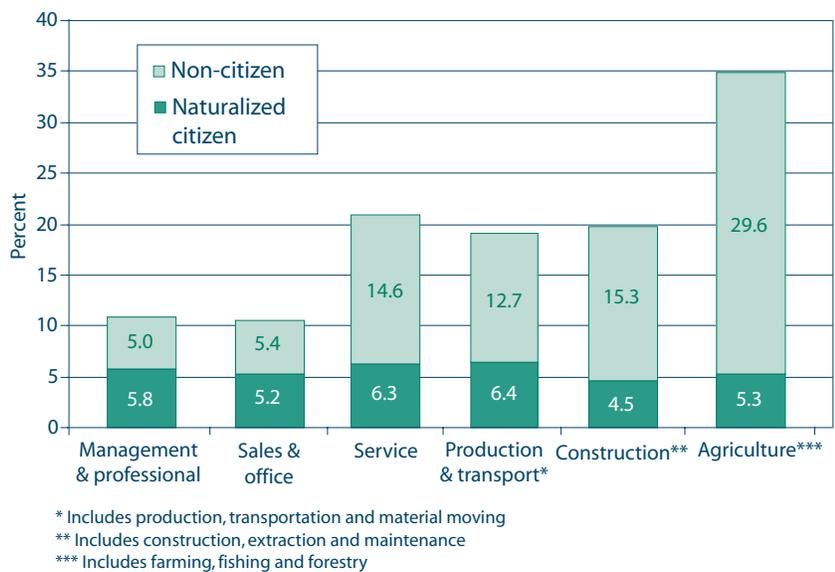
Another way to examine the role of immigrants in labor markets is to examine the proportion of all workers in a given industry that is foreign born. Within the foreign-born workforce, further distinguishing between naturalized citizens and non-citizens provides additional insight. As we see in the graph below, the dispersal throughout the economy of naturalized citizens is striking, indicating a high degree of economic incorporation by this group. Because the “non-citizen” category includes recent legal immigrants, seasonal agricultural and other temporary workers, along with the vast majority of unauthorized workers, reliance on non-citizen immigrant labor by industries employing large numbers of low-skilled workers suggests that these industries may also rely heavily on unauthorized workers.

As a sidenote, in this context, “unauthorized workers” refers both to immigrants who entered the United States illegally as well as those who entered legally but are not authorized by the terms of their visas to work in the United States.

**Data Highlights**

- Industries that employ large numbers of low-skilled workers such as construction, farming, and services are particularly reliant on foreign-born workers.
- Those industries that disproportionately rely on foreign-born labor also rely heavily on non-citizen workers, with these workers comprising up to 35 percent of the workforce.

**Figure 6.9 Proportion of foreign born in workforce by major industry group (2004)**



**Data Source:** U.S. Census Bureau, 2004.

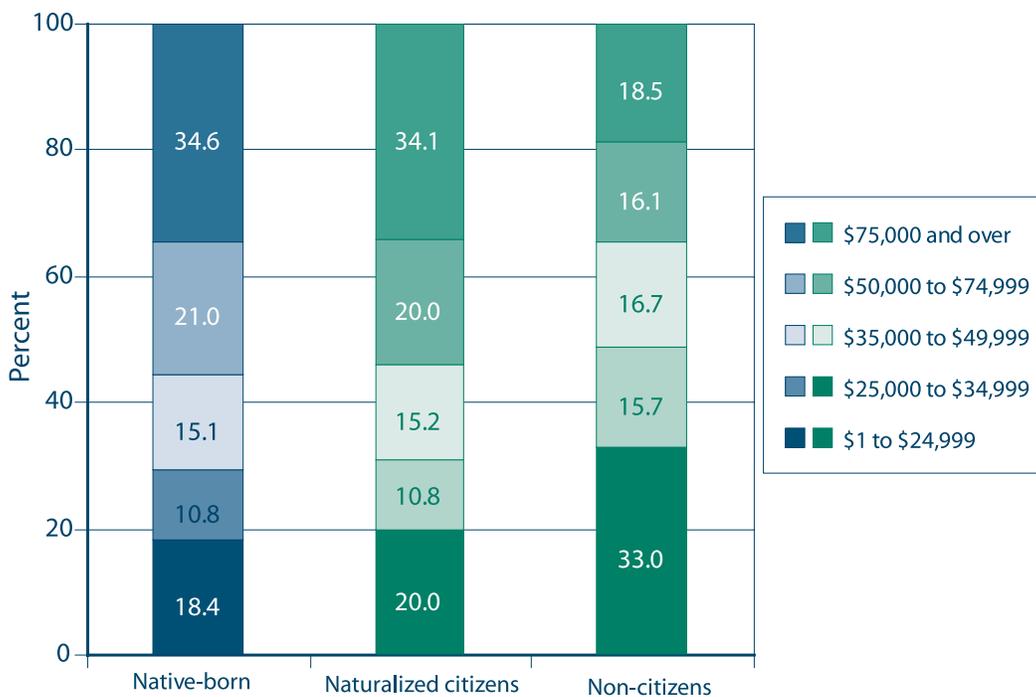
**Foreign-born residents' incomes differ by citizenship status.**

Differences in skills and areas of employment between native-born citizens, naturalized citizens, and non-citizens are, not surprisingly, also reflected in the incomes of these three groups. Once again, we see (below) similarities between native-born and naturalized citizens and also observe that non-citizens are very different from these two groups.

**Data Highlights**

- The income distribution of naturalized citizens is similar to that of native-born citizens, with over 65 percent of each group earning, on average, more than \$35,000 per year per household.
- Non-U.S. citizens are disproportionately concentrated in lower income categories, with almost 50 percent earning, on average, less than \$35,000 per year per household.

**Figure 6.10 Household income distribution by citizenship status (2003)**



**Data Source:** U.S. Census Bureau, 2004.

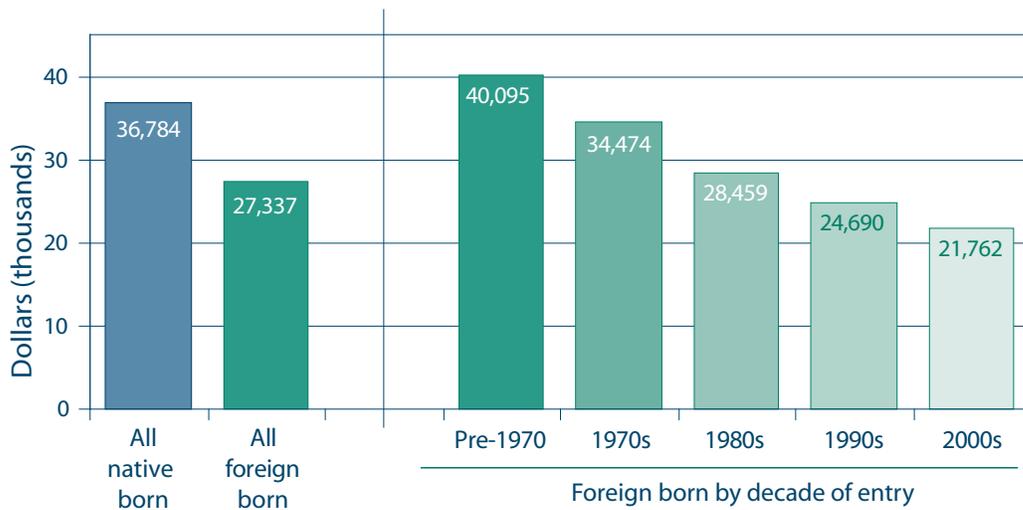
**Incomes of immigrants rise with time in the United States.**

This graph shows median 2003 earnings of all foreign born workers by period of arrival in the United States. We see that incomes increase over time ( i.e., the length of time of U.S. residence) as work experience translates to language and skill acquisition.

**Data Highlights**

- Foreign-born workers, on average, have lower earnings than do native-born workers.
- Median earnings increase with length of time in the country.
- Lower median incomes of recent arrivals are, in part, a reflection of the fact that unauthorized workers are disproportionately represented in this group as will be seen later in this document in chapter 7, Unauthorized Immigration.

**Figure 6.11 Median earnings of native-born and foreign-born residents by decade of entry (2003)**



**Data Source:** U.S. Census Bureau, 2004.

**Unauthorized Immigration**

**7**



## 7. Unauthorized Immigration

This chapter examines unauthorized, or illegal, immigration to the United States. It introduces data specifically comparing unauthorized immigrants to other immigrants and native-born citizens in the United States.

There are three principal reasons for illegal immigration to the United States. These are:

- increased migration around the world in response to *global economic integration*, increasingly internationalized labor markets, and significant income disparities between developed and developing countries
- *inadequate provision for legal economic immigration* to the United States in the face of national economic growth and demographic trends
- *failure to sanction employers* for hiring illegal immigrants as a result of:
  - absence of reliable mechanisms for verifying employment eligibility
  - inadequate funding of interior enforcement
  - absence of political will due to labor needs of the U.S. economy

The phenomenon of global economic integration was discussed in chapters 1 and 2. The two remaining factors are discussed in more detail here.

### Inadequate Provision for Legal Economic Migration

United States immigration laws rest on three pillars (see chapter 4, Current U.S. Immigration Policy), which combine to limit provisions for economic immigration. These limits come into question in the face of U.S. demographic trends and economic growth. Except for a recession in 1991, real growth in gross domestic product (“GDP”) has averaged about 3 percent per year since the late 1980s. This growth is expected to continue, and generates demand for greater numbers of workers than the native-born population currently provides.

- As was noted earlier, from 1990 to 2001, over half of the growth in the U.S. civilian labor force occurred through immigration.<sup>11</sup>
- By 2002, immigrant workers comprised 1 in 8 members (12.5 percent) of the U.S. workforce, up from 1 in 17 in 1960.<sup>12</sup>
- Between 1996 and 2000, the U.S. economy generated 14.3 million new jobs. Total population growth during the same period, including immigration, was only 12.3 million people.<sup>13</sup>
- Unemployment rates have remained relatively low.

#### Looking forward:

- Over the next 15 years, the number of workers in the 55-and-older category is projected to grow by nearly five times the growth of the overall labor force.<sup>14</sup>

In short, the native-born population is growing slowly and it is aging. In the aggregate, immigrants are not just doing jobs that U.S. citizens *won't* do; they are doing jobs that U.S. citizens aren't *available* to do. To put it simply, illegal immigrants are here because, as a nation,

11. Mosisa, Abraham T., 2002. “Foreign-Born Workers in the US Economy,” Monthly Labor Review, May 2002.

12. Ibid.

13. Bean, Frank D. and Gillian Stevens, 2003. America's Newcomers and the Dynamics of Diversity, New York: Russell Sage Foundation, page 6.

14. Bureau of Economic Analysis.

we are willing to hire them. And we hire them not only because they are cheaper to employ, although this may be the case, but because they are available. U.S. economic performance over the past two decades has become increasingly dependent on the presence of immigrant workers. *Without legal channels of entry, economic incentives have trumped legal structures to create a large pool of illegal immigrants inside U.S. borders and embedded in the domestic economy.*

Of course, if these workers were not available, the economy would adjust through higher wages and more rapid transfer of certain economic activity to locations overseas. However, not all economic activity can be out-sourced, and the economic dislocation that would occur through removing these workers from the labor force would be significant, disproportionately impacting the industries, such as construction and hospitality, that rely on them.

### **Failure to Enforce Employer Sanction Laws**

It has been unlawful to hire an illegal immigrant since 1986, but these laws have not been consistently enforced. As of 2005, fewer than 200 immigration agents nationwide and less than three percent of the budget for patrolling the border is dedicated to worksite enforcement.<sup>15</sup> Employer-sanction laws are weak. Employers are not required to determine whether an immigrant is in the country legally. They are simply enjoined from knowingly hiring an immigrant without work authorization, and there is no reliable mechanism for verifying such authorization. Many documents are acceptable as proof of eligibility to work (see online Appendix B, page 72, for a description of acceptable documents). Employers are, in fact, limited in the extent to which they can seek to verify an immigrant's eligibility to work in order to avoid unfair immigration related labor practices (see online Appendix C for a description).

The result of this is that immigrants who are in the country illegally or who are not authorized to work can readily find employment in the United States. In truth, there has been insufficient political will to disrupt the economic activity generated by illegal immigrants.

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15. Jacoby, Tamar, 2005. "An Idea Whose Time Has Finally Come? The Case for Employment Verification," Policy Brief: Independent Task Force on Immigration and America's Future, No. 9, November 2005, Washington DC: Migration Policy Institute.

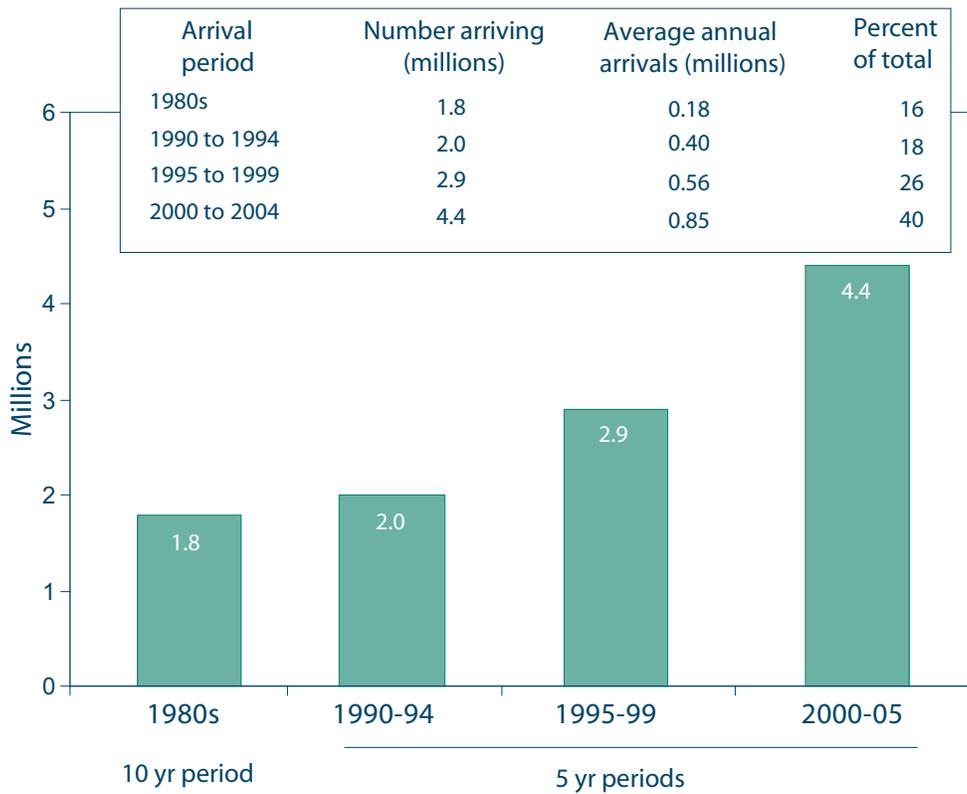
**Unauthorized immigrants are arriving at increasing rates and most are recent arrivals.**

Illegal entry to the United States has been occurring since before the 1986 Immigration Reform and Control Act. Significant increases in spending to patrol the U.S.-Mexico border have been ineffective in preventing illegal immigration as economic incentives overwhelm legal structures.

**Data Highlights**

- Unauthorized immigrants have been arriving at an increasing rate since the 1980s.
- Approximately 40 percent of the unauthorized immigrants in the U.S. as of 2005 arrived after 2000.

**Figure 7.1 Unauthorized immigrants by arrival period (2005)**



**Data Source:** Passel, 2006.

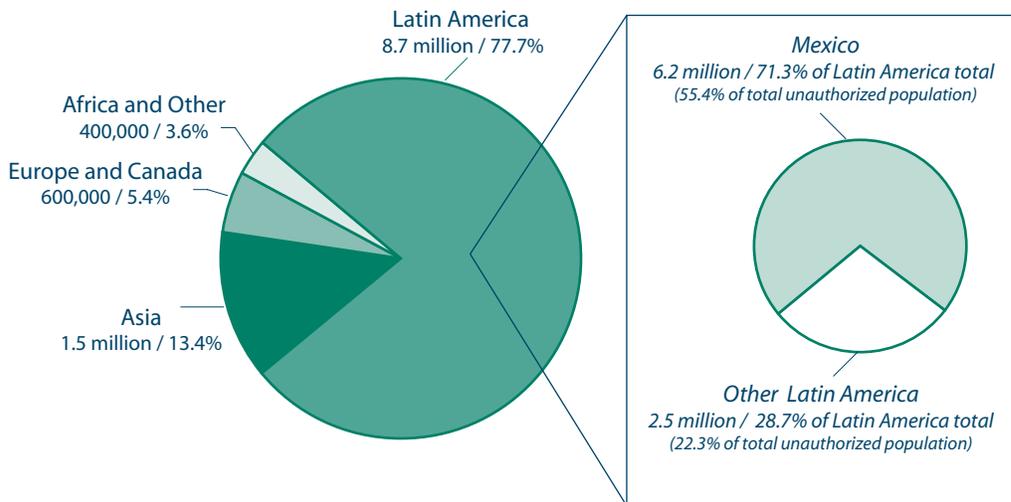
**Most unauthorized immigrants are from Latin America, in particular, Mexico.**

Unauthorized immigrants fall into two categories. Those who enter the United States illegally, typically by walking across the border, have entered without inspection and are often referred to as “EWIs.” Those who enter the United States with a legal visa and later “fall out of status” by violating the terms of that visa, usually by staying in the country longer than permitted, are often referred to as visa overstays. Most EWIs are presumed to be from Mexico and Central America and most visa overstays are presumed to be from the rest of the world.

**Data Highlights**

- The vast majority (almost 78 percent) of unauthorized immigrants is from Latin America and, more than 70 percent of these from Mexico.
- Some proportion of the 2.5 million non-Mexican unauthorized immigrants from Latin America is also presumed to have entered the United States through Mexico.
- Others from more distant countries are presumed to be visa overstays.

**Figure 7.2 Region of origin of the 2005 unauthorized population in the United States**



**Data Source:** Passel, 2006.

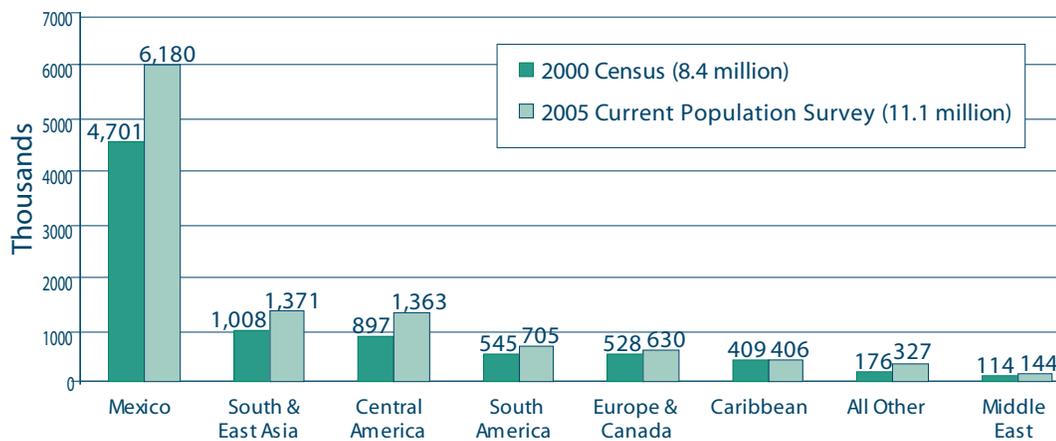
**Unauthorized immigration is increasing from most regions.**

Mexico’s share of the unauthorized population in the United States is estimated to have dropped slightly between 2000 and 2005 while the shares from Central America and South and East Asia are estimated to have increased slightly. Preventing immigrants from entering the United States illegally through Mexico (assuming this could be done) would significantly reduce, but would not eliminate, unauthorized immigration.

**Data Highlights:**

- The number of unauthorized immigrants in the United States increased by approximately 32 percent between 2000 and 2005.
- There were increases in unauthorized immigrants from seven of eight sending regions.

**Figure 7.3 Unauthorized population by region of origin**



The details in numbers, percent of total for each region, and percent change by region are shown in the following table:

<b>Estimated Changes in Unauthorized Immigration 2000 to 2005 (in thousands)</b>					
<b>Origin</b>	<b>2000 Census</b>	<b>2005 CPSI</b>	<b>2000 % of Total</b>	<b>2005 % of Total</b>	<b>Change 2000-2005</b>
Mexico	4701	6180	56.1	55.5	- 0.6
Central America	897	1363	10.7	12.3	1.6
Caribbean	409	406	4.9	3.6	-1.3
South America	545	705	6.5	6.3	-0.2
Europe & Canada	528	630	6.3	5.7	-0.6
Middle East	114	144	1.4	1.3	-0.1
South & East Asia	1008	1371	12.0	12.3	0.3
All Other	176	327	2.1	2.9	0.8
<b>Total</b>	<b>8.4 Million</b>	<b>11.1 Million</b>			<b>2.7 Million</b>

**Data Source:** Passel, 2006.

### **Unauthorized immigrants often live in mixed-status families.**

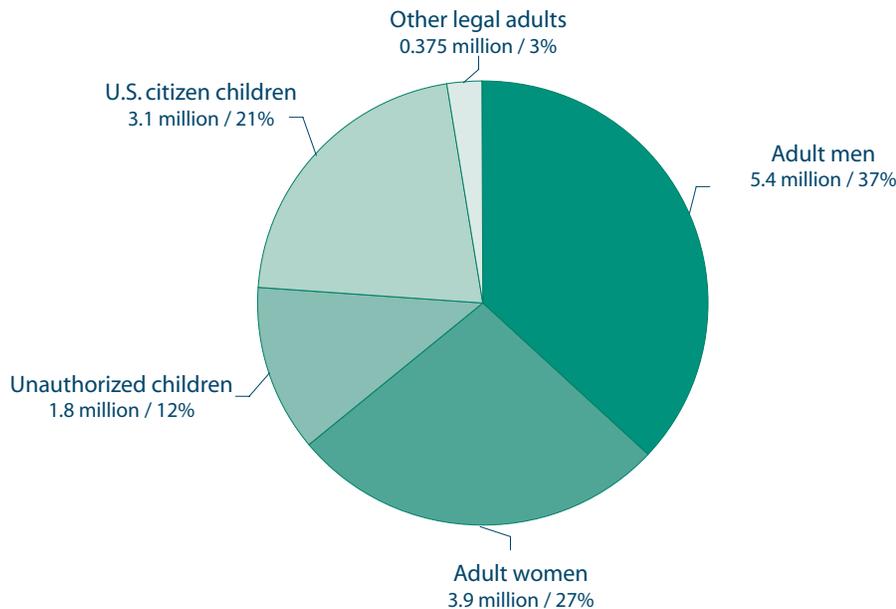
Because most unauthorized immigration is economically motivated, there is a perception that unauthorized immigrants are young men without their families. The picture that emerges from the data is more complex. Many unauthorized immigrants live in “mixed-status” families where one or more persons of the household is either a U.S. citizen child, a U.S. citizen adult, or a legal-resident (authorized) foreign-born adult.

#### **Data Highlights**

- There are approximately 14.6 million people living in families that include both unauthorized immigrants and citizens.
- Unauthorized families can include U.S. citizen children and U.S. citizen or legal resident (authorized) adults.
- Of the 5.4 million unauthorized adult men, only 37 percent are estimated to live “solo” or without a wife or children.
- Of the 3.9 million unauthorized adult women, only 20 percent are estimated to live “sola” or without a husband or children.

**Figure 7.4 Persons in families with one or more unauthorized adult**

Total = 14.6 million persons in families containing one or more unauthorized adults



**Data Source:** Passel, 2006.

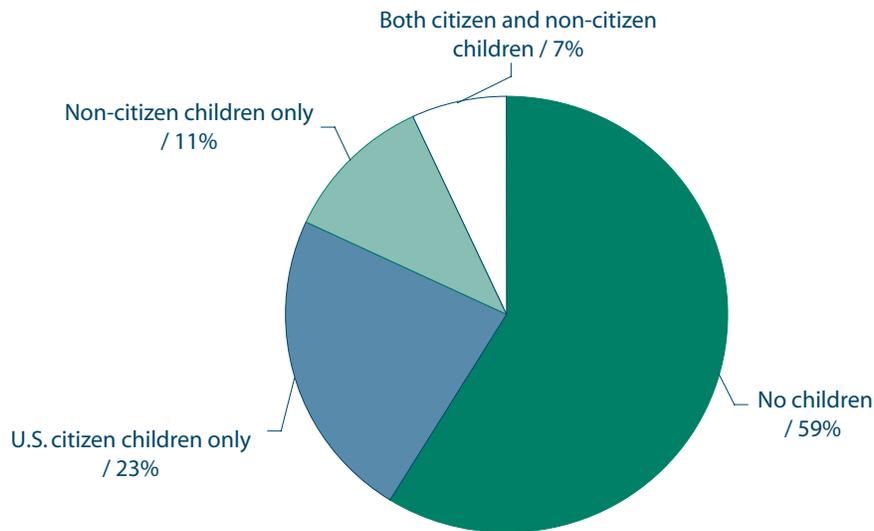
**Many unauthorized families are childless, but children’s status is mixed.**

Approximately 30 percent of unauthorized families contain U.S. citizen children. The presence of these children in unauthorized families complicates the legal and public policy questions surrounding the presence of unauthorized immigrants in the United States, and deportation of unauthorized immigrants would involve breaking up families that include U.S. citizens.

**Data Highlights**

- Most unauthorized families (59 percent) do not have children.
- Nearly one-fourth of unauthorized families have only U.S. citizen children.
- Approximately 11 percent of unauthorized families have only non-citizen children while seven percent of unauthorized families have both citizen and non-citizen children.

**Figure 7.5 Children in unauthorized families**



**Data Source:** Passel, 2006.

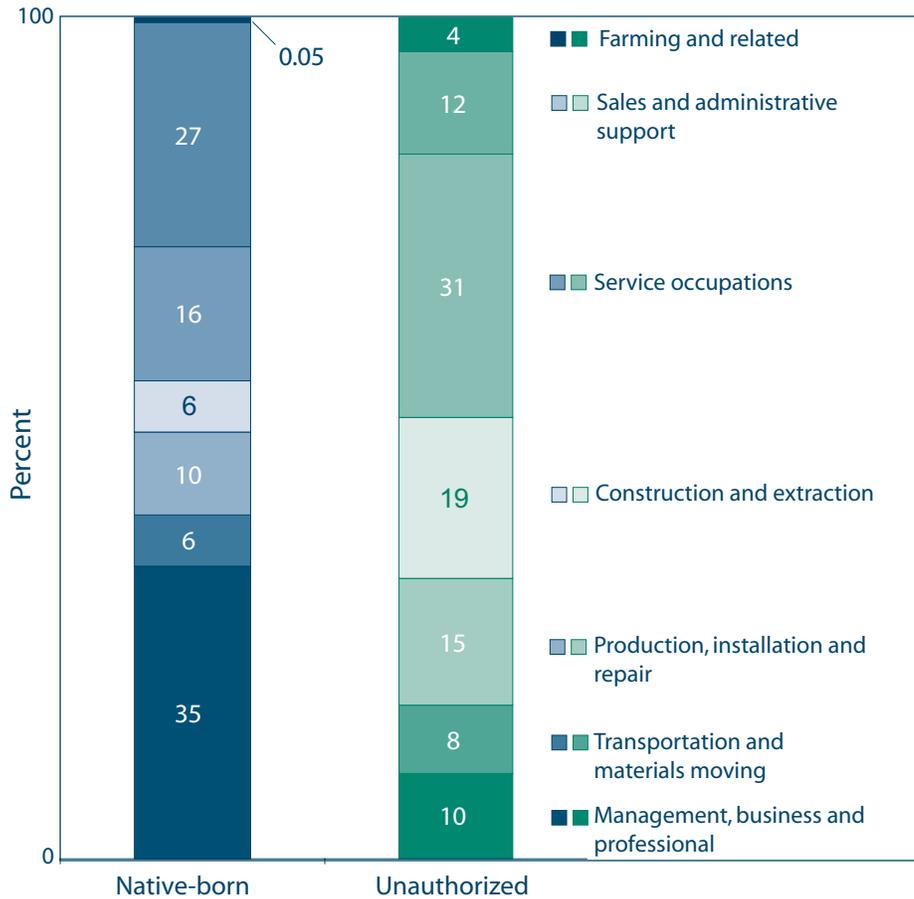
**Unauthorized immigrants and native-born citizens cluster in different economic sectors.**

In 2005, the workforce in the United States was just over 148 million people. Of these, 7.2 million or 4.9 percent were estimated to be unauthorized immigrants, distributed among various sectors of the workforce.

**Data Highlights**

- The distribution of unauthorized workers across broad industry groups within the economy differs significantly from that of native-born workers.
- The majority of unauthorized workers are concentrated in specific low-skilled, low paying occupations, such as the 31 percent in service occupations.

**Figure 7.6 Distribution of native born citizens and unauthorized immigrants in the workforce (2005)**



**Data Source:** Passel, 2006.

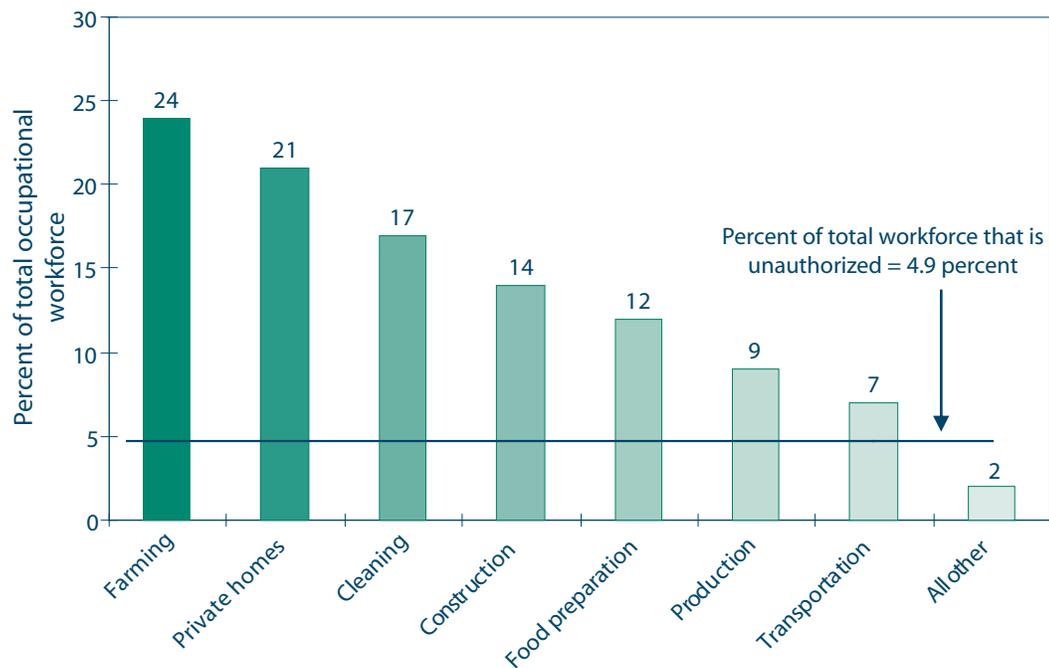
**Unauthorized workers are an important source of labor in specific occupations.**

Specific sectors of the economy are heavily reliant on unauthorized workers.

**Data Highlights**

- An estimated 4.9 percent of the overall workforce is unauthorized.
- In comparison to their 4.9 percent share of the total workforce, unauthorized workers are over-represented in the industries shown below and underrepresented in all other industries.
- Specific industries such as farming are heavily reliant on unauthorized workers, who comprise 24 percent of all farm workers. This is the case even though only four percent of unauthorized workers are employed in farming (see Figure 7.6).
- Private household employment and cleaning occupations also rely heavily on unauthorized workers, with 21 and 17 percent respectively of these employees estimated to be working illegally.

**Figure 7.7 Share of workforce that is unauthorized, by occupation group (2005)**



**Data Source:** Passel, 2006.

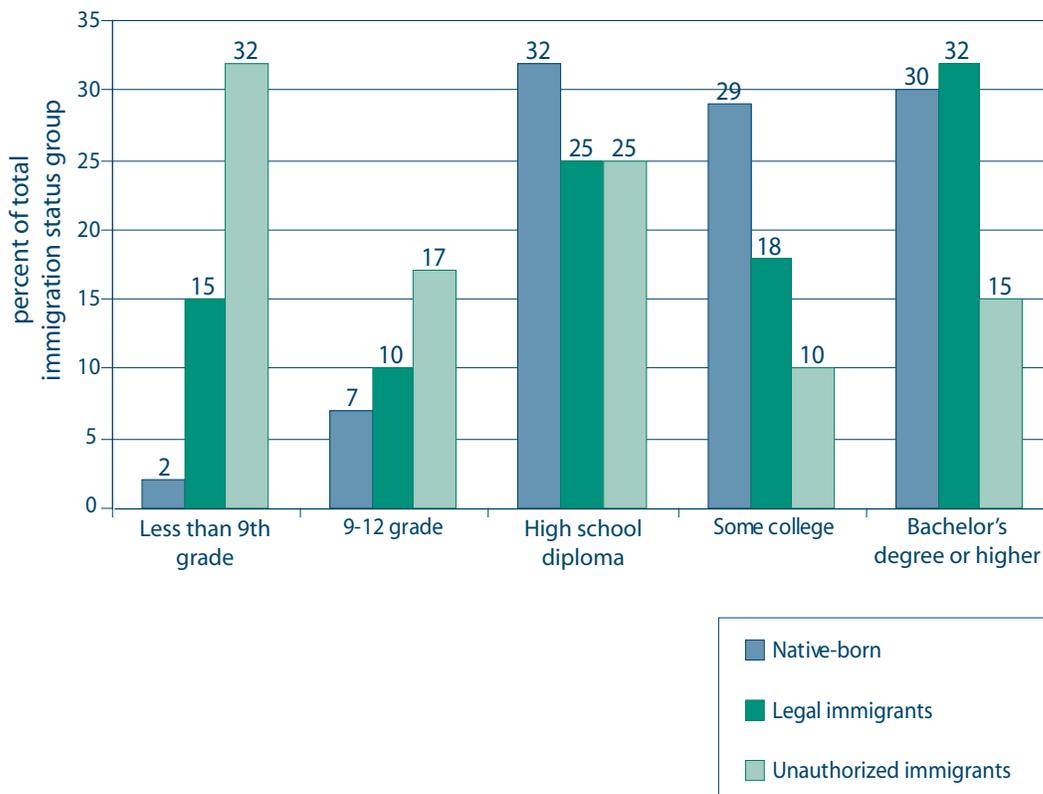
### Unauthorized immigrants tend to be less educated than other residents.

Again, using education as a proxy for skill, the skills of immigrants, particularly unauthorized immigrants, tend to complement those of native-born citizens at the low end of the education spectrum. Among the highly educated (those holding a bachelor's degree or higher), legal immigrants have higher educational attainment than do native-born citizens.

#### Data Highlights

- Thirty-two percent of native-born adults in 2004 completed high school but did not continue their education, while only nine percent did not graduate from high school.
- In total, 91 percent of native-born adults at least completed high school, with 59 percent of native-born adults continuing their education beyond high school.
- Forty-nine percent of unauthorized immigrants did not graduate from high school.
- In total, 50 percent of unauthorized immigrants at least completed high school, with 25 percent of unauthorized immigrants receiving some further education.
- In total, 75 percent of legal immigrants at least completed high school. Twenty-five percent of legal immigrants completed high school but did not continue their education, and 50 percent have received some further education. The remaining 25 have not completed high school.

Figure 7.8 Educational attainment by immigration status (2004)



Data Source: Passel, 2005.

Note: These data examine the 2004 educational attainment of adults 25 years and older.

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**Conclusion** 8



## 8. Conclusion

Sovereign nations implement immigration systems to regulate the terms whereby citizens of other sovereign nations enter and remain in their countries. But implementation of immigration laws is complicated by the fact that any immigration system, by definition, involves making tradeoffs that benefit some groups at the expense of others (see box below). In other words, decisions about immigration control are inherently political, complicated, and contentious.

### Who gains and who loses from immigration?

It depends on the extent and type of immigration that a system fosters. Thus, immigration by low-skilled workers benefits, through lower wages, the employers who hire them and, through lower prices, the consumers who use the goods and services they produce. Immigration also benefits workers whose skills are complementary to those of low-skilled workers by expanding job opportunities. These benefits are achieved at the expense, through lower wages, of the native-born high-school dropouts with whom these immigrants compete and at the expense, through higher taxes, of state and local taxpayers who bear any net fiscal burdens (excess of costs over taxes paid) of providing services such as education to the children of these immigrants. Thus, while immigration generally results in a larger economic “pie”, it also affects how that “pie,” gets “sliced,” impacting the distribution of income. This, in turn, significantly shapes the politics of immigration policy.

Today’s debates are no exception nor are they unprecedented. At earlier periods in U.S. history, demand for labor has spurred large-scale immigration with subsequent policy responses limiting immigration. One example of this was the 1868 Burlingame Treaty that encouraged immigration by Chinese workers during the Civil War, westward expansion in the United States, and building of the trans-continental railroad. An ensuing backlash against these immigrants led to passage of the Chinese Exclusion Act of 1882. Another example was the 1948 Bracero Program that provided for immigration by Mexican workers during World War II. This was followed by “Operation Wetback” in 1954 that attempted to stop illegal immigration and resulted in the deportation of large numbers of illegal, as well as legal, Mexican immigrants.<sup>16</sup>

### Reform Remains Elusive

This brings us to the current problems facing the U.S. immigration system. Two questions dominate these debates. The first is how best to *stop* illegal immigration. Proposals broadly fall into two, mutually-exclusive, categories: “enforcement before reform” and, alternatively, “reform in order to enforce.” The second question is what to do about the estimated 12 million immigrants inside the United States illegally as of 2005. Debates on this question focus on disagreements over the *magnitude* of penalties that should be imposed on illegal immigrants for having broken the law. Proposals range from incarceration and/or deportation to a payment of fines and back taxes in combination with pathways for permanent legal status that could include citizenship. Political stalemates on both of these questions have, to date, stymied efforts to reform the U.S. immigration system.

16. See chapter 3 of this primer and, for a detailed history of United States immigration policy, see Daniel Tichenor, 2002. *Dividing Lines: The Politics of Immigration Control in America*, Princeton, NJ: Princeton University Press.

## Ingredients of Comprehensive Reform

As was stated in the introduction to this primer, immigration systems designed through domestic political processes to limit immigration often directly conflict with incentives to migrate generated by globalization. In other words, domestic political interests do not usually line up neatly with economic incentives in a global economy. As a result, the United States faces the challenge of crafting an immigration system that recognizes two central realities:

1. Global economic integration is spurring widespread migration of low-skilled workers responding to competition in global labor markets and seeking employment across political boundaries. There is real “sending-country” pressure for migration.
2. Social and demographic trends in the United States are resulting in specific gaps in the native-born labor force. The native-born population is aging and growing slowly and only a small proportion of workers are low-skilled: nearly 90 percent of 25 year olds are high-school graduates (see Figure 7.8).

The extent to which current laws (and the way they have been implemented) are at odds with these two realities is a key reason for today’s widespread illegal immigration to the United States. Thus, a case can be made that the solution to illegal immigration is technically straightforward and must involve the following three elements:

*Legal avenues for immigrants to enter the country to work.* A temporary worker program can be part of the solution in that it would allow circular migration between the United States and other countries, in particular, Mexico. But U.S. demographic trends also suggest a need for increased permanent economic migration, and Congress must balance the interests of American workers and businesses so that the labor needs in the economy are reasonably met. It is also important to point out that strictly-temporary worker programs distinguish between workers and citizens, set up social divisions, and work against immigrant incorporation to the fabric of U.S. American society.

*Reliable mechanisms for workplace verification.* Employers must have both the tools and the legal requirement to verify a prospective employee’s eligibility to work (and legal presence in the country). An easy-to-use technology such as electronic swipe cards tied to federal Social Security and Department of Homeland Security databases, combined with mandatory employment verification would be one way to accomplish this.

*Enforcement beyond the border.* Once adequate legal economic immigration channels have been created and employee verification mechanisms are in place, adequate resources must be devoted to enforcement in the worksite as well as at the border. Recent experience suggests that efforts to stop illegal immigration at the border are unlikely to succeed until the “jobs magnet” is eliminated and immigrants entering the country illegally are no longer easily able to find employment.

However, while solutions may be *technically* straightforward, they are *politically* very difficult and are seriously complicated by the estimated 12 million immigrants in the United States illegally. There are legitimate disagreements over what to do with this population. On one side of the often rancorous debate is outrage over illegal entry and reluctance to reward it along with concern over consequent incentives for future illegal immigration. On the other side is

concern over the cost, feasibility, and economic dislocation that would result from incarcerating or deporting 12 million people. In addition, there is a recognition that the ease with which immigrants in the country illegally can obtain employment means that there is some shared responsibility for the problem. It is as if there are two signs at the border, one saying *Help Wanted!* and the other saying *Keep Out!*

These debates will, ultimately, be resolved through political processes and the United States immigration system will continue to evolve. The extent to which that evolution will result in a system that is realistically in line with economic incentives in a global economy and United States demographic trends, provides adequate mechanisms for employers to verify immigrant eligibility to work, and adequately funds enforcement at the worksite in order to prevent employment of unauthorized workers will determine whether it will be enforceable in preventing continued illegal immigration.



## Data Sources

This list provides the more detailed reference information for each of the figures in chapters 2, 5, 7, and 8. In addition, it includes data notes excerpted from the original sources.

**2.1 United Nations, 2000.** World Population Prospects: The 2000 Revision, Volume I: Comprehensive Tables. Available online at: <http://www.unpopulation.org>. Number represents the net average annual number of migrants, that is, the annual number of immigrants less the annual number of emigrants, including both citizens and non-citizens. Net migration rate is the net number of migrants, divided by the average population of the receiving country. It is expressed as the net number of migrants per 1,000 people. **2.2 OECD, 2003.** Online version of tables published in *Trends in International Migration*, 2003 edition. Based on data called "Stocks of foreign population," annotated at: [http://www.oecd.org/document/36/0,2340,en\\_2825\\_494553\\_2515108\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/36/0,2340,en_2825_494553_2515108_1_1_1_1,00.html). Data on Australia and the U.S. are based on censuses and are from Table A.1.4. Data also come from Table A.1.5, based on population registers or from registers of foreigners (except for Italy based on residence permits and the United Kingdom based on the Labour Force Survey). **2.3 Migration Policy Institute, 2004.** Migration Information Source, Data Finder World Population Prospects: The 2004 Revision Population Database at: <http://esa.un.org/unpp/index.asp?panel=2>. / Data is based on U.N. estimates of the net number of migrants in five-year intervals and in thousands. The UN Population Division retroactively updates figures of population change, births, and deaths. The net numbers of migrants by five year intervals, which are shown in the table, are based on the 2004 Revision Population Data and are calculated as follows: Net number of migrants = 5\*(Population change - Births + Deaths). **2.4 Migration Policy Institute, 2004.** "Foreign Born as a Percentage of the Labor Force," Migration Information Source. / Canada's numbers are from 1996 and 2001. Data are from Table I.10. in SOPEMI (Système d'Observation Permanente des Migrations) 2004, *Trends in International Migration* (OECD). **2.5 UNHCR 2001.** *Asylum Applications in Industrialized Countries: 1980 – 1999. Trends in Asylum Applications Lodged In 37, Mostly Industrialized, Countries* November 2001 Population Data Unit Population And Geographic Data Section UNHCR, Geneva. Also available on: [www.unhcr.org](http://www.unhcr.org). AND UNHCR, 2005. *Asylum Levels and Trends in Industrialized Countries, 2004. Overview Of Asylum Applications Lodged in Europe and Non-European Industrialized Countries in 2004.* March 2005. Population Data Unit/Pgds Division of Operational Support UNHCR Geneva. At: [unhcr.org/statistics/](http://unhcr.org/statistics/) / **Notes for pre-2000 data:** All data reflect calendar years, except for Australia and the United States, where the years refer to the respective fiscal years. Generally, the data refer to the number of applicants or persons rather than the number of applications or families. The 1980-82 figures for Canada are estimates. For Italy, applications submitted to the Italian Government during 1988 and 1989 are not available. The 1999 figure, provided by the Government, includes applications not yet officially recorded by the Eligibility Commission. During 1999, the Eligibility Commission received 12,150 asylum applicants. For the United Kingdom, the 1975-1984 figures refer to the number of applicants (persons), whereas the period 1985-1999 indicates the number of applications (cases). There are some 1.3 persons per application in the UK. For the United States, the data by nationality have been provided by the Immigration and Naturalization Service (INS). These figures refer to the number of applications (cases). There are some 1.45 persons per application in the U.S. **Notes for 2000-04 data:** 2004 data for France and Italy are UNHCR estimates. For Australia, figures since September 2001 exclude persons who arrived off-shore or are being processed on Manus Island, Papua New Guinea or Nauru. For Canada, the source is "Citizenship and Immigration Canada." For France, 2000, the numbers are adjusted to reflect minors (multiplied by 1.15). For France 2004, the UNHCR estimate is based on official data for the first 11 months. For Italy, the 2004 figure (10,000) has been estimated by UNHCR based on previous years and regional trends. For the United States, figures are a combination of U.S. fiscal year and calendar years and include: statistics from the Department of Homeland Security, based on the number of cases and multiplied by 1.4 to reflect the number of persons; the number of new ("defensive") requests lodged with the Executive Office for Immigration Review (EOIR), based on the number of persons. **5.1 Office of Immigration Statistics, 2004.** Yearbook of Immigration Statistics 2004. / The numbers shown are legal immigrants to the United States, as follows: from 1820-67, figures represent alien passengers arrived at seaports; from 1868-92 and 1895-97, immigrant aliens arrived; from 1892-94 and 1898-2003, immigrant aliens admitted for permanent residence. From 1892-1903, aliens entering by cabin class were not counted as immigrants. Land arrivals were not completely enumerated until 1908. Transition quarter, July 1 through September 30, 1976. **5.2 Campbell and Lennon, 1999. (etc., as follows).** 1) Campbell J. Gibson and Emily Lennon. 1999. "Historical Census Statistics on the Foreign-born Population of the United States: 1850-1990." Population Division Working Paper No. 29, Washington DC: U.S. Bureau of the Census. 2) 1870 census, Vol. I (Dubester #45), Table XXII, pp. 606-615. For 1880-1960 data, 1960 census, Vol. II, Subject Reports, Report No. 2A, State of Birth, PC(2)-2A, Table I, p. 1. 3) 1970 census, Vol. I, Characteristics of the Population, Ch. D, Part I, PC(1)-D1, Table 191, p. 596. 4) 1980 census, Vol. I, Characteristics of the Population, Ch. D, Part I, Sect. A, PC80-D1-A, Table 253, p. 7. 5) 1990 census, Social and Economic Characteristics, 1990 CP-2-1, Table 18, p. 18. 6) The Foreign Born: Population. Census 2000 Brief: 2000. Dec 2003. 7) Table I. Current Population Survey - March 2004. **5.3 Office of Immigration Statistics, 2004.** Yearbook of Immigration Statistics 2004, Table 2: Immigration by region of last residence: fiscal years 1820-2004. / From 1820-67, figures represent alien passengers arrived at seaports; from 1868-91 and 1895-97, immigrant aliens arrived; from 1892-94 and 1898-2004, immigrant aliens admitted for permanent residence. From 1892-1903, aliens entering by cabin class were not counted as immigrants. Land arrivals were not completely enumerated until 1908. Data for Czechoslovakia, Soviet Union, and Yugoslavia include independent republics. Fiscal year 1843 covers 9 months ending September 1843; fiscal years 1832 and 1850 cover 15 months ending December 31 of the respective years; and fiscal year 1868 covers 6 months ending June 30, 1868. **5.4 Passel, Jeffrey S., 2006.** *The Size and Characteristics of the Unauthorized Migrant Population in the U.S. Estimates Based on the March 2005 Current Population Survey.* Fig 3, p.4, Pew Hispanic Center. Washington DC: Pew Research Center. / Pew Hispanic Center tabulations augmented March 2005, Current Population Survey, adjusted for omissions. Note that temporary legal migrant population shown in this figure includes an adjustment for CPS omissions that is not built into the other tabulations. Thus the foreign born population shown here is slightly larger than in other figures. See Passel, Van Hook, and Bean for a discussion of the methodology. **5.5 Office of Immigration Statistics, 2004.** Yearbook of Immigration Statistics 2004 / D Disclosure standards not met. X Not applicable. ' Represents zero. 1 Includes children. 2 Includes spouses and children. 3 Includes immigrants issued third preference.

sixth preference, and special immigrant visas prior to fiscal year 1992. 4 Effective in fiscal year 1992, under the Immigration Act of 1990, children born abroad to alien residents are included with immediate relatives of U.S. citizens for calculating the annual limit of family-sponsored preference immigrants. 5 Includes orphans. 6 Suspension of deportation prior to April 1, 1997; changed by the implementation of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. **6.1 U.S. Census Bureau, 2004.** Population by Sex, Age, and U.S. Citizenship Status: 2004, Table 1.1; Table 2.1 Current Population Survey, Annual Social and Economic Supplement, Immigration Statistics Staff, Population Division. Internet release date: February 22, 2005. **6.2 U.S. Census Bureau, 2004.** Table 1.3, Current Population Survey, Annual Social and Economic Supplement, 2004. Immigration Statistics Staff, Population Division, Internet Release Date: February 22, 2005. / Numbers in thousands. 1/ The data in this table do not include the population living in group quarters. 2/ In married-couple households, citizenship status refers to the householder. 3/ No spouse present. 4/ Households in which at least one member is related to the person who owns or rents the house (householder). **6.3 and 6.4 U.S. Census Bureau, 2004.** Table 1.5, 2.5. Current Population Survey, Annual Social and Economic Supplement, 2004. Immigration Statistics Staff, Population Division, Internet Release Date: February 22, 2005. / T1.5 1/ Years of school completed, not attended. T2.5 1/ Years of school completed, not attended. 2/ The category '2000 or later' includes 2000-2004. **6.5 U.S. Census Bureau, 2004.** Table 1.8, 2.8. Current Population Survey, Annual Social and Economic Supplement, 2004. Immigration Statistics Staff, Population Division, Internet Release Date: February 22, 2005. / T1.8 Status refers to reference week of the survey. T2.8 - Represents zero or rounds to zero. 1/ Status refers to reference week of the survey. 2/ The category '2000 or later' includes 2000-2004. **6.6 Migration Policy Institute, 2005.** Migration Information Source. / The 2005 data are from the Current Population Survey 2005 March Supplement. The 1980 to 2000 data are from the 1 percent Integrated Public Use Microdata Series (IPUMS). The 2005 data are from the Current Population Survey 2005 March Supplement; The 1980 to 2000 data are from the 1 percent Integrated Public Use Microdata Series (IPUMS). Foreign born refers to people residing in the United States who were not United States citizens at birth. The foreign-born population includes immigrants, legal non-immigrants (e.g., refugees and persons on student or work visas), and persons illegally residing in the United States. The civilian labor force includes all civilians 16 years and over who were classified as employed or unemployed during the reference week of the survey or census. **6.7 U.S. Census Bureau, 2004.** Table 1.8, 2.8. Current Population Survey, Annual Social and Economic Supplement, 2004. Immigration Statistics Staff, Population Division, Internet Release Date: February 22, 2005. / T1.8 1 Status refers to reference week of the survey. T2.8 - Represents zero or rounds to zero. 1/ Status refers to reference week of the survey. 2/ The category '2000 or later' includes 2000-2004. **6.8 Migration Policy Institute, 2005.** See Figure 6.6 notes (above). **6.9 U.S. Census Bureau, 2004.** Current Population Survey, Annual Social and Economic Supplement, 2004. Immigration Statistics Staff, Population Division, Internet Release Date: February 22, 2005. / Table 1.8, 2.8. T1.8 1 Status refers to reference week of the survey. T2.8 - Represents zero or rounds to zero. **6.10 U.S. Census Bureau, 2004.** Table 1.9, 2.9, Current Population Survey, Annual Social and Economic Supplement, 2004 Immigration Statistics Staff, Population Division Internet Release Date: February 22, 2005. / Tbl 1.9 Numbers in thousands. 1/ Total money income is the algebraic sum of money wages and salaries, net income from self-employment, and income other than earnings 2/ Households in which at least one member is related to the person who owns or rents the house (householder) 3/ In married-couple households, citizenship status and year of entry refer to the householder. 4/ No spouse present. 5/ All characteristics based on 2004 data except income which is based on 2003. Tbl 2.9 1/ Total money income is the algebraic sum of money wages and salaries, net income from self-employment, and income other than earnings. 2/ Households with a foreign-born householder are defined as foreign-born households, regardless of the nativity of the other household members. 3/ The category '2000 or later' includes 2000-2004. 4/ Households in which at least one member is related to the person who owns or rents the house (householder) 5/ In married-couple households, citizenship status and year of entry refer to the householder. 6/ No spouse present. 7/ All characteristics based on 2004 data except income, which is based on 2003. **6.11 U.S. Census Bureau, 2004.** Current Population Survey, Annual Social and Economic Supplement, 2004. Immigration Statistics Staff, Population Division Internet Release Date: February 22, 2005. / Tbl 1.9 . See Figure 6.10 notes (above). **7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7 Passel, Jeffrey S., 2006.** *The Size and Characteristics of the Unauthorized Migrant Population in the U.S. Estimates Based on the March 2005 Current Population Survey.* Pew Hispanic Center. Washington DC: Pew Research Center. 7.1 (Fig 1, p.2), 7.2 (Fig 4, p.5 / Pew Hispanic Center tabulations of augmented March 2005 Current Population Survey, adjusted for omissions), 7.3, 7.4. 7.4 (pages 6-10). 7.5 (pages 6-10), 7.6, 7.7. **7.8 Passel, Jeffrey S., 2005.** *Unauthorized Migrants: Numbers and Characteristics. Background Briefing Prepared for Task Force on Immigration and America's Future.* June 14, 2005. Washington DC: Pew Hispanic Center. / Based on Urban Institute data from march 2004 CPS with legal status assigned using methods of Passel and Clark (1998) and Passel, Van Hook, and Bean (2004, 2005). Also see Passel (2005, p. 17 notes).

## Online Appendixes

The following Appendixes and other materials, including a digital version of this primer, are available online at:

[udallcenter.arizona.edu/immigrationprimer](http://udallcenter.arizona.edu/immigrationprimer)

Appendix A: Overview of United States Immigration Law

Appendix B: Documents Proving Authorization to Work

Appendix C: Definition of Unfair Immigration Related to Employment Practices



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