
IMMIGRANTS, FISCAL YEAR 1998

This report will appear as a chapter in the forthcoming *1998 Statistical Yearbook of the Immigration and Naturalization Service*. All references to Appendixes, Charts, Tables, and other sections of the *Statistical Yearbook* appear as they will in the final *Yearbook* edition.

I. IMMIGRANTS

This section presents information on the number and characteristics of persons who come to the United States for permanent residence, including persons arriving with that status and those adjusting to permanent resident status after entry.

Immigrants, as defined by U.S. immigration law, are persons lawfully admitted for permanent residence in the United States. Other terms used in INS reports to refer to immigrants include: aliens who are granted legal permanent residence; aliens admitted for legal permanent residence; immigrants admitted; and admissions. (See Appendix 3.)

Aliens wishing to become legal immigrants follow one of two paths depending on their residence at the time of application. Aliens living abroad apply for an immigrant visa at a consular office of the Department of State. Once issued a visa, they may enter the United States and become legal immigrants when they pass through the port of entry. Aliens already living in the United States, including certain undocumented immigrants, temporary workers, foreign students, and refugees, file an application for adjustment of status (to legal permanent residence) with INS. At the time they apply for adjustment of status, they may also apply for work permits. Adjustment of status applicants are granted legal permanent residence at the time their applications are approved. New legal immigrants are automatically authorized to work and should receive alien registration cards (“green cards”) soon after becoming legal permanent residents.

U.S. Immigration Program

U.S. law gives preferential immigration status to persons with a close family relationship with a U.S. citizen or legal permanent resident, persons with needed job skills, or persons who qualify as refugees. Immigrants in other categories usually account for relatively few admissions. An exception occurred during 1989-92 when over 2.6 million former illegal aliens gained permanent resident status through the legalization provisions of the Immigration and Reform and Control Act (IRCA) of 1986 (see Appendix 1, p. A.1-19).

Worldwide immigration subject to numerical limits

The Immigration Act of 1990 (see Appendix 1, p. A.1-20) specified a worldwide level of immigration for certain categories of immigrants with an annual limit that could range between 421,000 and 675,000 depending on admissions in the previous year. These categories and their limits (in parentheses) include family-sponsored preferences (226,000

to 480,000), employment-based preferences (140,000) and diversity immigrants (55,000). The family preference limit is equal to the larger of either 226,000 or a calculation consisting of 480,000 minus the previous year’s total of immediate relatives of U.S. citizens and two numerically small categories of children plus any unused employment preferences from the previous year (see Appendix 2). The employment preference limit can be higher than 140,000 if family preferences go unused in the previous year.

Other categories of immigrants, for example, asylees, are also subject to some form of numerical or time bound limitation. However, these categories typically involve small numbers of aliens and are covered under other sections of immigration law.

Preference immigrants

Family sponsored preferences consist of four categories: unmarried sons and daughters of U.S. citizens and their children; spouses, children, and unmarried sons and daughters of legal permanent residents; married sons and daughters of U.S. citizens and their spouses and children; and brothers and sisters, including spouses and children, of U.S. citizens ages 21 and over. The employment-based preferences consist of five categories: priority workers; professionals with advanced degrees or aliens of exceptional ability; skilled workers, professionals (without advanced degrees), and needed unskilled workers; special immigrants (*e.g.*, ministers, religious workers, and employees of the U.S. government abroad); and employment creation immigrants or “investors.” Spouses and children are also included in the employment preference limit. The 1998 limits are shown in Appendix 2.

The Department of State is responsible for determining the annual limits and visa allocation for preference immigration. A per-country limit is also calculated annually and is limited to 7 percent of the annual total; the limit for dependent areas is 2 percent of the annual total. The maximum number of visas allowed under the preference system in 1998 was 366,000–226,000 for family-sponsored immigrants and 140,000 for employment-based immigrants. Within these overall limits, no more than 25,620 preference

visas could be issued to persons born in any independent country and no more than 7,320 to natives of a dependent area.

Diversity Program

A total of 55,000 visas are available annually to nationals of certain countries under the Diversity Program. Nationals of countries with more than 50,000 numerically limited admissions during the preceding 5 years are excluded from participating in the Diversity Program. Each of the eligible countries is assigned to one of 6 regions and limits are determined by the INS for each region. The limits are calculated annually using a formula based on immigrant admissions during the preceding 5 years and the population total of the region. The maximum visa limit per country is 3,850.

Immigration exempt from worldwide numerical limits

Immigration usually totals much more than the annual worldwide limit for preference and diversity immigrants because some major categories are exempt from the limits. These categories include:

- ◆ Immediate relatives of U.S. citizens;
- ◆ Refugee and asylee adjustments;
- ◆ Certain parolees from the Soviet Union and Indochina;
- ◆ Cancellation of removal; and
- ◆ Aliens who applied for adjustment of status after having unlawfully resided in the United States since January 1, 1982 and certain special agricultural workers. (The application period ended on November 30, 1988; most recipients of this status gained permanent resident status in fiscal years 1989-92.)

Immediate relatives of U.S. citizens are not subject to any numerical limitation. This has been the single largest category of immigrants since 1986 excluding aliens granted legal permanent residence under IRCA.

Refugees are eligible to adjust to legal permanent residence after 1 year of residence in the U.S. without regard to numerical limit. The number of aliens admitted as refugees to the U.S. each year, however, is established by the President in consultation with Congress (see Refugee section). Recent ceilings on refugee admissions were 112,000 in 1995, 90,000 in 1996, 78,000 in 1997, and 83,000 in 1998.

Asylees also must wait 1 year after they are granted asylum to apply for legal permanent residence. Until 1992, there was a limit of 5,000 adjustments per year. The Immigration Act of 1990 increased the limit to 10,000.

Data Overview

The number of immigrants admitted for legal permanent residence in the United States in 1998 was 660,477 (see Chart A). Included in this total were 357,037 aliens previously living abroad who obtained immigrant visas through the U.S. Department of State and became legal permanent residents upon entry into the United States. The remaining 303,440 legal immigrants, including former undocumented immigrants, refugees and asylees, had been living in the United States an average of three years and adjusted status through the INS. Not included in 1998 legal immigration figures are aliens whose adjustment of status applications were pending a decision at INS at the end of the year (see Pending adjustment of status applications section).

More than 660,000 immigrants were granted legal permanent resident status during 1998.

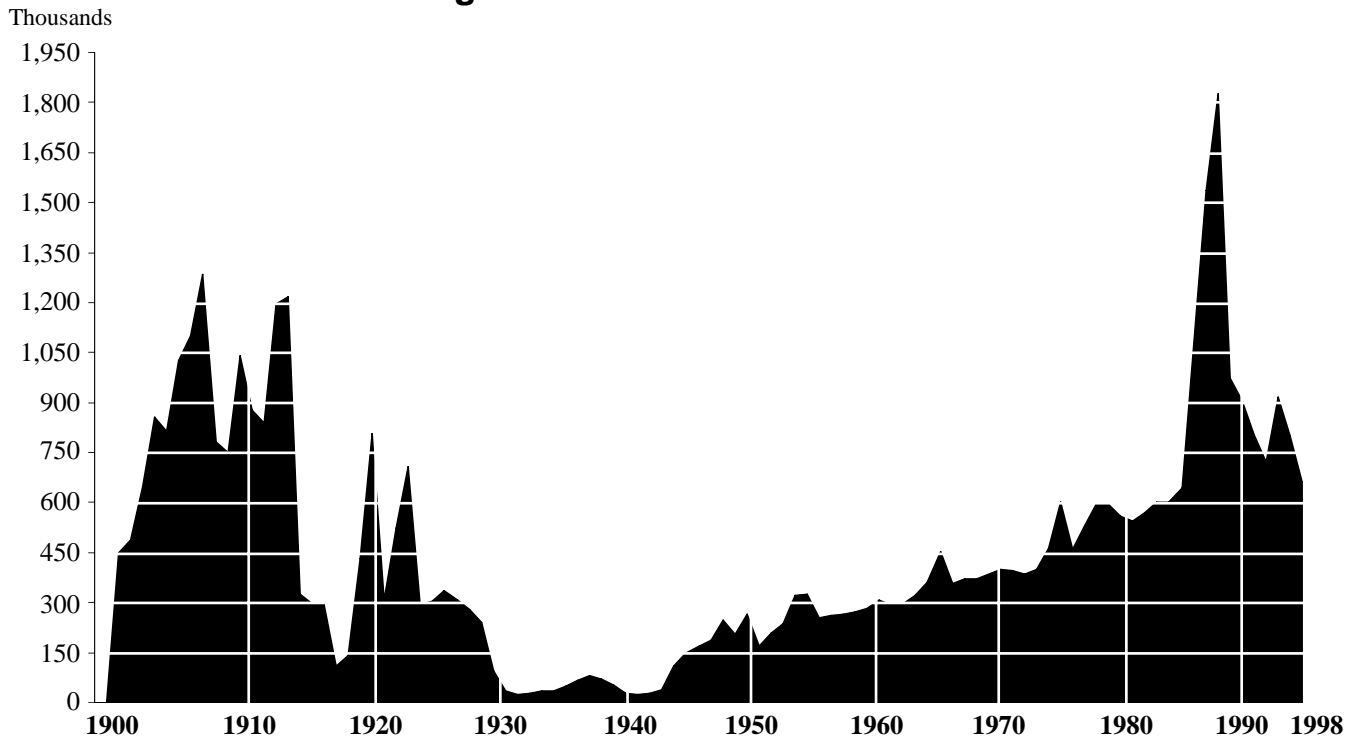
Highlights

- ◆ Legal immigration in 1998 (660,477) was at its lowest level since 1988 (643,025). Fewer immigrants than expected have been admitted for legal permanent residence in recent years as the number of adjustment of status applications pending a decision has grown.
- ◆ During the 1995-98 period, legal immigration would have been an estimated 450,000-550,000 higher than reported if the pending caseload had not increased.
- ◆ The demographic composition of the legal immigrant population, including category of admission, changed very little between 1996-97 and 1997-98. However, the impact of pending adjustment of status applications is unknown.

Pending adjustment of status applications

Between the end of fiscal years 1994 and 1998, the number of adjustment of status applications pending a decision increased 690,000 from 121,000 to 811,000. During this period the number of applications approved failed to keep pace with receipts. Part of the reason for the increase in pending caseload was the Section 245(i) provision of immigration law in effect from October, 1994-January, 1998. This provision shifted the immigrant application workload to INS because it allowed illegal aliens who were previously living in the United States but eligible for legal permanent residence to apply for adjustment of status at a local

Chart A
Immigrants Admitted: Fiscal Years 1900-98



Source: Table 1. See Appendix 3 for fiscal year definitions.

INS office. Previously eligible aliens had to leave the country and apply for immigrant visas at Department of State consular offices.

The impact of pending adjustment of status applications on legal immigration during fiscal years 1995-98 was estimated using the same method applied to 1997 data presented in the 1997 *Statistical Yearbook*. For 1995-98, it is estimated that legal immigration would have been 450,000-550,000 higher had pending applications not increased 690,000. The upper bound estimate of 550,000 assumes that 7 percent of applications would have been denied (the historical denial rate) and that 14 percent were family preference applicants (the proportion of all adjustment of status legal immigrants during fiscal years 1995-98), none of whom contributed to the increase in pending caseload. The lower bound estimate of 450,000 takes into account the increase in the family preference limit in 1996 attributable to pending adjustment of status applications in fiscal year 1995.

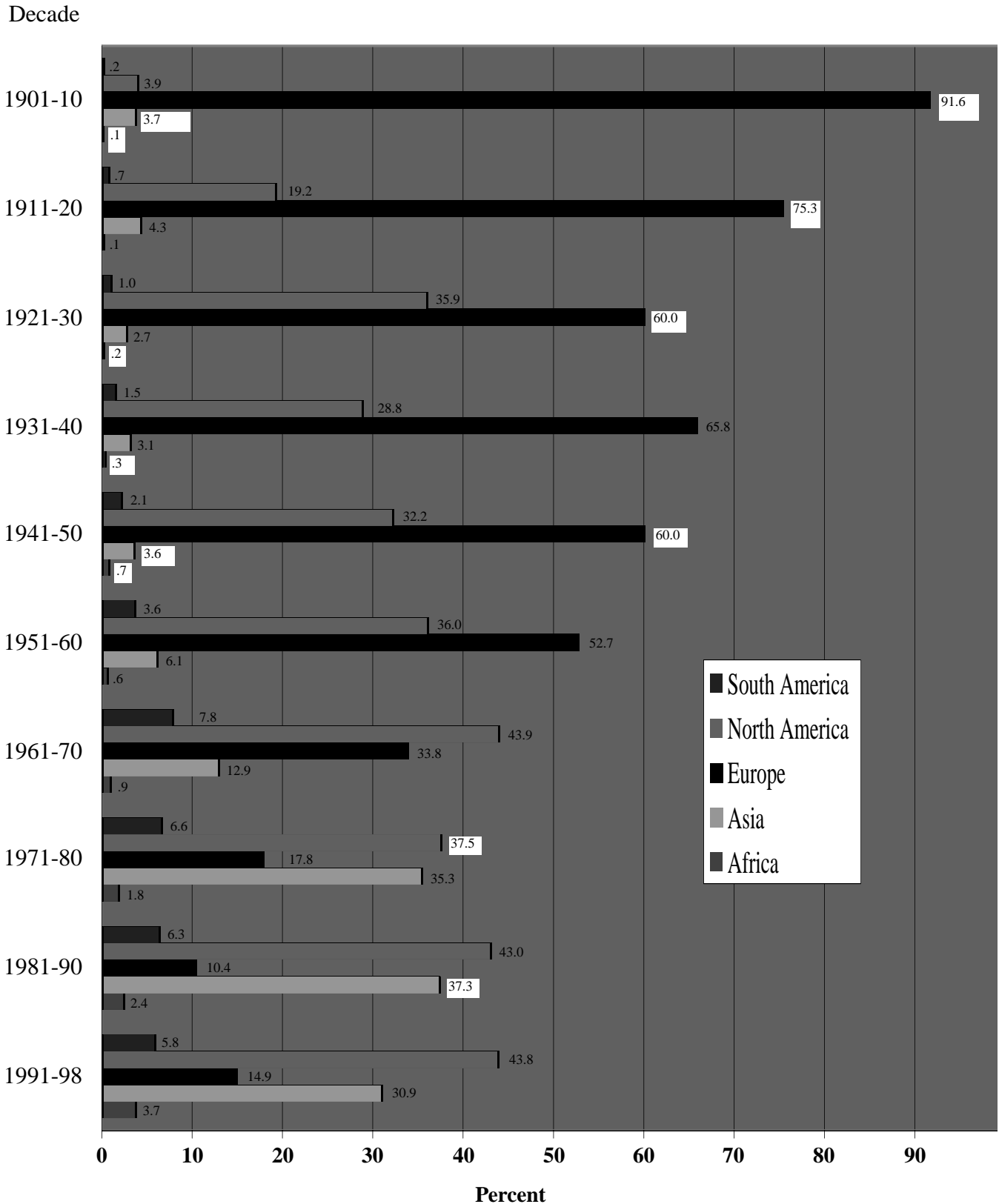
Ordinarily, family preference adjustment of status applications pending a decision do not decrease legal immigration because of a long waiting list of applicants living abroad. The Department of State regulates immigration under the preference system by issuing visas to aliens on the waiting

list whenever it appears that the annual limits may not be reached. Unlike family preferences, there is little waiting for most employment preferences, so an increase in pending caseload decreases legal immigration. In fiscal year 1998, however, the Department of State was unable to issue all the family preference visas allowable under the annual limits because of delays in the application process. The delays were caused partly by revisions in the affidavit of support.¹

These calculations suggest that legal immigration might have been 110,000-140,000 higher on average each year during 1995-98 without any increase in pending caseload. It should be noted that this average conceals some known annual variation. Pending adjustment of status applications increased more during fiscal years 1995 and 1997 than during fiscal

¹ Effective December 1997, the affidavit of support, which must be filed primarily for immediate relatives of U.S. citizens and family preferences, became an enforceable contract with household income of sponsors required to be at least 125 percent of the federal poverty guidelines. The additional information required of applicants increased the amount of time it took to complete the application correctly and delayed the adjustment of status application process. However, because of the existing pending caseload, the new affidavit of support rules had minimal effect on adjustment of status approvals in 1998.

Chart B. Region of Last Residence of Legal Immigrants, Percent Distribution by Decade



Note: Oceania and unspecified region represent no more than 1 percent of legal immigration each decade.

Table A
Class of Admission of Legal Immigrants: Fiscal Years 1988-98
 (Percent of total)

Year	Total	Immediate relative of U.S. citizen	Family preference	Employment preference	Refugee/Asylee	IRCA/ Legalization dependent	Diversity	Other
1988	100	34	31	9	13	NA	NA	13
1989	100	20	20	5	8	44	NA	3
1990	100	15	14	4	6	57	NA	4
1991	100	13	12	3	8	61	NA	3
1992	100	24	22	12	12	22	3	4
1993	100	28	25	16	14	9	4	4
1994	100	31	26	15	15	5	5	2
1995	100	31	33	12	16	1	7	1
1996	100	33	32	13	14	1	6	1
1997	100	40	27	11	14	Z	6	1
1998	100	43	29	12	8	Z	7	1

NA Not available. Z Rounds to less than .05 percent.

year 1996 when the increase in the family preference limit offset much of the loss from pending applications. In 1998, the decline in the number of applications received may have prevented the pending caseload from growing more rapidly.

Understanding the Data

Data Collection

Aliens arriving from outside the United States (new arrivals) generally must have a valid immigrant visa issued by the U.S. Department of State to be admitted for legal permanent residence. Aliens already in the United States in a temporary status who are eligible to become legal permanent residents (adjustments) are granted immigrant status by the U.S. Immigration and Naturalization Service. The source of information on new arrivals is the immigrant visa (OF-155, Immigrant Visa and Alien Registration, U.S. Department of State), and the source of information on adjustments is the form granting legal permanent resident status (I-181, Memorandum of Creation of Record of Lawful Permanent Residence, U.S. Immigration and Naturalization Service).

During fiscal years 1997 and 1998, INS transitioned immigrant application processing from the Immigrant Card Facility (ICF) to the Computer Linked Applicant Information Management System. Most immigrant records for fiscal year 1998 were selected using the date of approval for legal permanent residence. Alternative methods were required for selecting records for certain categories of immigrants, including refugees, asylees, and cancellation of

removal. For these immigrant categories, an earlier or roll-back date, rather than the actual approval date, is stored in the admission/adjustment field for counting the time spent toward meeting the residency requirement for naturalization. Refugee and cancellation of removal cases were selected using the most recent date of data entry as a proxy for the approval date. Asylee cases were selected by adding one year to the date appearing in the admission/adjustment date field since asylees are eligible for naturalization four years after they become legal permanent residents.

The refugee count (44,645) was consistent with the number of approvals (44,829) reported through INS workload statistics, although less than expected based on recent trends in the refugee ceiling, the number of refugee arrivals, and the number of refugee adjustments of status.

Counts for cancellation of removal immigrants (428) and asylees (7,546) were considered too low. The annual limits, 4,000 and 10,000, respectively, were reached during fiscal year 1998 and substituted as estimates. Demographic characteristics for the additional cases (10,000 - 7,546 = 2,454 asylees and 4,000 - 428 = 3,572 cancellation of removal immigrants) were considered to be unknown.

In addition, some of the variables traditionally included in the data extract for legal immigration were not included initially in CLAIMS. This omission, corrected for 1999 data, resulted in missing information for about 100,000 1998 cases for country of chargeability and nationality, marital status, occupation, and nonimmigrant class and year of entry.

Limitations of Data

The number of immigrants admitted for legal permanent residence in a year is not the same as the number of net migrants who entered the United States in that year. The reasons for the difference in counts are:

1) Immigrant adjustments are reported in the year the aliens adjust their status to lawful permanent residence and not in the year they migrate to the United States in a temporary or other (refugee or asylee) status.

2) Some migrants (such as parolees, refugees, and asylees) may never be counted as lawful permanent residents even though they reside permanently in the United States (they are not required to adjust to permanent resident status).

3) Information on emigration (aliens permanently departing the United States) and information on net illegal immigration is not available (see Data Gaps section).