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IMMIGRATION, U.S.

Immigration, the entry and settlement of persons born in another nation-state, has played an important role in shaping the population and culture of the United States since the nation's founding. The country has experienced three large waves of immigration following the first arrival of Europeans, and is currently in the midst of a fourth. This entry reviews the history of immigration and examines past and present policies governing the arrival of people from other countries.

The Record

The first immigration wave included the original settlers of the U.S. colonies beginning in the 17th century and continuing into the 18th century, consisting mainly of British, Scots, Scotch Irish, Germans, and people from the Netherlands, France, and Spain. Servants and slaves from Africa were also brought coercively to the continent during this period. The second wave began in 1820 and consisted mostly of German, British, and Irish migrants who furthered the westward expansion of the country's settlements.

The third wave, from about 1880 until 1914, included settlers first from Northern and Western Europe, and then from Southern and Eastern Europe. Alongside these European waves, Chinese laborers were recruited from the late 1840s until the 1880s to work in Hawai'i and California and to build the railroads of the West. Following the Chinese Exclusion Act of 1882, Japanese and Filipino workers took their place until the 1907 "Gentlemen's Agreement" between the United States and Japan ended migration from Japan.

Mexican immigrants entered without restriction, and came in growing numbers, particularly after 1880.

The United States is now experiencing a fourth wave of immigration. About 14 million immigrants, legal and illegal, came to the country during the 1990s—more than in any previous decade. Unlike previous flows, the most recent immigrants have hailed from Asia, particularly China, India, and the Philippines, and from Latin America, primarily Mexico. Demographers estimate that more than 15 million immigrants will have entered by 2010. However, despite these large flows, the share of foreign-born persons living in the United States is not as high as it was at the beginning of the 20th century, about 12% currently compared with 15% earlier (see Figure 1).

Past Immigration Policy

The orientation of U.S. immigration policy has passed through several phases. During the first hundred years following the country's founding, immigration was

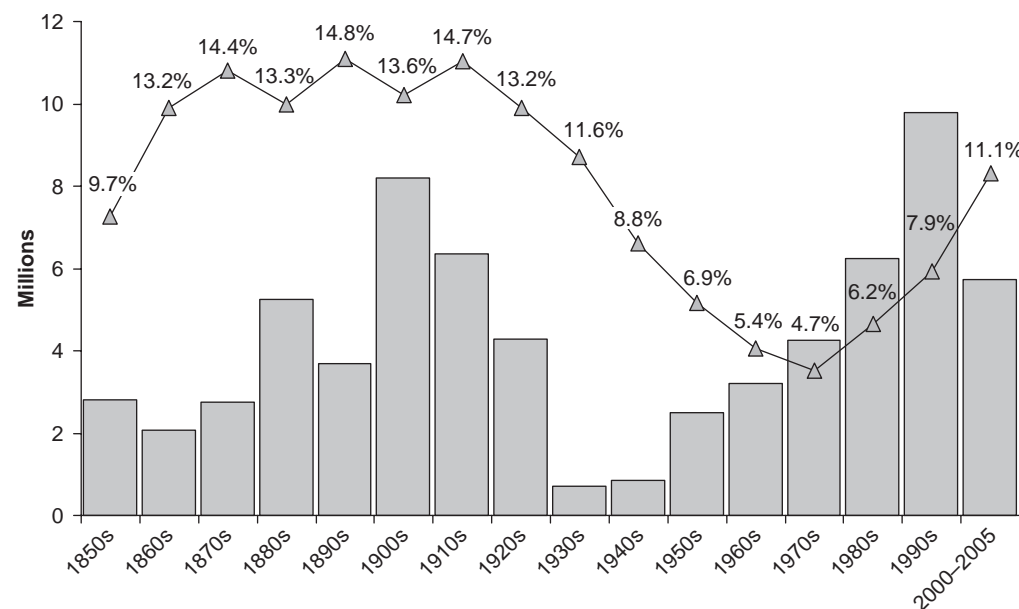


Figure 1 Number of New Lawful Permanent Residents by Decade and Foreign-Born Share of U.S. Population, 1850s to 2000s

Sources: U.S. Department of Homeland Security, *Yearbook of Immigration Statistics: 2005*, Table 1 (Washington, DC: Office of Immigration Statistics, 2006); Campbell J. Gibson and Emily Lennon, "Historical Census Statistics on the Foreign-Born Population of the United States: 1850–1990," Population Division Working Paper No. 29 (Washington, DC: U.S. Census Bureau, February 1999); U.S. Census 2000.

Notes: Percentages show foreign-born share of the total U.S. population in the year of the decennial census, so 1850s data show 2.8 million new lawful permanent residents between 1850 and 1859, with the foreign-born share of the U.S. population at 9.7% in 1850. Although the foreign-born made up 11.1% of the U.S. population in 2000, that share grew to 12% by 2005.

quite unrestricted, and both the government and private groups actively recruited new migrants. Immigration did not require any admissions tests or fees. However, some limited bars to admission were enacted following the Civil War, first blocking convicts and prostitutes and later paupers and “mental defectives” from entry.

The government established an admissions test in 1917, which required immigrants older than 16 to prove literacy in at least one language. The Immigration Act of 1924 further limited entry by establishing a national origins quota system, which set caps on migration from any given country based on the percentage of U.S. residents who traced their heritage to that country. This arrangement clearly favored immigration from the Northern and Western European countries that had sent the largest numbers in the past. Immigrants were also required to have a sponsor in the United States. The Immigration and Nationality Act (INA) of 1952 generally continued this quota system, with only minor modifications. No special category for entrance by refugees was established until the Displaced Persons Act of 1948, which was followed by the Refugee Relief Act of 1953.

The quota system was finally overhauled by 1965 amendments to the INA that equalized treatment of all immigrants from the Eastern Hemisphere through the establishment of a 20,000 per-country limit. Migration from individual countries in the Western Hemisphere was not capped, though the hemisphere as a whole was subject to a cap. The revised laws allocated the most visas to family members of U.S. citizens and permanent residents. As a result, immigration levels increased substantially, and immigration flows shifted from mainly European origins to large-scale immigration from Asian and Latin American countries.

Furthermore, levels of unauthorized immigration began to grow, as would-be immigrants from Europe and particularly from Mexico found that insufficient permanent visas were available to permit their entry. Mexican workers had lost a primary legal migration stream with the end of the Bracero program, which had allowed entry by temporary agricultural workers from 1942 through 1964. In addition, the 20,000 per-country cap as applied to Mexico in 1976 allowed only half as many visas as Mexican migrants had previously used.

The next revision of permanent immigration preference categories came in the Immigration Act of 1990. The act shifted the emphasis of immigration quotas toward employment-based migration, more than

doubling the number of annual employment-based visas and setting aside most of these visas for highly educated workers. It also established the Diversity Visa program for persons from countries with low levels of immigration to the United States.

Beginning in 1940, the administration of immigration law, including the adjudication of applications for temporary and permanent immigration and enforcement of immigration laws, had been the responsibility of the Immigration and Naturalization Service, under the Department of Justice. Following the creation of the Department of Homeland Security (DHS) in 2002, immigration responsibilities were transferred to Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), and Customs and Border Protection (CBP), all within DHS.

The Current Immigration System

Permanent Immigration

The current immigration system remains largely that set by the 1990 law. Most visas for permanent immigration are allocated according to per-country and preference category caps. Uncapped visas are also available for the immediate family, including spouses, minor children, and parents of U.S. citizens age 21 or older, and for certain other humanitarian and assorted special visa categories.

Each year, 226,000 visas are reserved for family-sponsored preference categories. These visas are divided among four family preference categories, reserving the largest number for spouses, minor children, and unmarried adult children of lawful permanent residents. Employment-based visas are limited at 140,000 a year, with most allocated to skilled and highly skilled workers. Each country of the world is limited to no more than 7% of the visas allocated under any given family or employment-based preference category.

Nonimmigrant System

The nonimmigrant (temporary) immigration system offers visas for limited entry to the United States for specific purposes. There are more than seventy classes of nonimmigrant admissions including, for example, temporary visits for business or tourism, work visas, student visas, religious workers, intra-company transferees, diplomats, and representatives of international organizations.

The number of nonimmigrants entering each year is not capped, although specific nonimmigrant visas do have numerical limitations; this applies to the H-1B visa for those with a bachelor's or higher degree to work in "specialty occupations" and the H-2B visa for workers in other than agricultural occupations, among others. Temporary visas allow widely differing lengths of stay in the United States. For example, visitors on transit visas are authorized to stay for only a number of hours, but H-1B holders may enter for 3 years, renewable once for a total of 6 years. Individual athletes on P-1 visas may enter for as long as two 5-year periods. Persons on many temporary worker visas can adjust to permanent resident status, including E visas for treaty traders, H-1B visas for specialty occupations, L visas for intracompany transferees, and O-1 visas for individuals with extraordinary ability in science, art, business, or athletics.

Humanitarian Immigration

In addition to the temporary and permanent immigration systems, humanitarian entries as asylum seekers or refugees constitute a third path of entry into the United States. In this area, people are granted protection if they can demonstrate they are unable or unwilling to return to their home country because of persecution, or well-founded fear of persecution, based on their race, religion, nationality, membership in a particular social group, or political opinion. This requirement is adapted from international law set by the 1951 United Nations Convention Relating to the Status of Refugees and amended by the 1967 Protocol Relating to the Status of Refugees. Refugees and asylum seekers are eligible to apply for lawful permanent immigrant status after one year in the United States.

Normally, refugees apply for resettlement and are interviewed while outside the country they fled following the outbreak of armed conflict, violence, persecution, human rights violations, or other circumstances in their home country. In contrast, asylum seekers apply for protection upon entry to or after entering the United States (as long as it is within 1 year of arrival).

Each year since the passage of the Refugee Act of 1980, the president has consulted with Congress to determine the number of refugees who could be admitted to the United States for the coming fiscal year. The level fluctuates depending on world events and estimates of the size of the refugee population

worldwide. The cap on refugee resettlement has varied since 1980 between a high of 231,000 in fiscal year (FY) 1980 and a low of 67,000 in FY 1986. Refugee admissions have been capped at 70,000 since FY 2002, though regional allocations have shifted during these years. The number of persons granted asylum in a given year is not limited.

In FY 2005, 25,257 people were granted asylum. Numbers of persons granted asylum grew significantly between FY 1991 and FY 2001, but have dropped in each year since then. About 53,800 refugees were admitted to the United States in FY 2005, which was substantially under the 70,000 ceiling. Refugee admissions have reached historic lows following the implementation of new policies after the terrorist attacks of September 11, 2001.

Unauthorized Immigration

A fourth stream of immigration includes those who enter without authorization or violate the terms of a temporary visa. According to demographer Jeffrey Passel, the number of unauthorized immigrants living in the United States is 11 to 12 million, more than double the number 20 years ago. He estimates that the size of the unauthorized population is growing by about 500,000 a year. About two-thirds of the unauthorized population have been in the United States for 10 years or less, and 40% have been in the country only 5 years or less.

About 40% to 50% of unauthorized immigrants entered on legal temporary visas and remained beyond the terms of the visa, and the rest crossed the U.S. border illegally. As a result of these high levels of unauthorized immigration in recent years, by 2005, almost a third of the foreign-born persons in the country were unauthorized immigrants (see Figure 2). Immigrants from Latin America (particularly Mexico but also Guatemala, Honduras, and El Salvador) compose the largest numbers of unauthorized immigrants.

Trends in U.S. Immigration

The level of immigration to the United States has been increasing substantially during the past decade, with growing numbers of temporary, permanent, and unauthorized immigrants. An average of almost 1 million people have gained permanent resident status during each of the past 5 years, and the unauthorized immigrant population has grown by an estimated 500,000

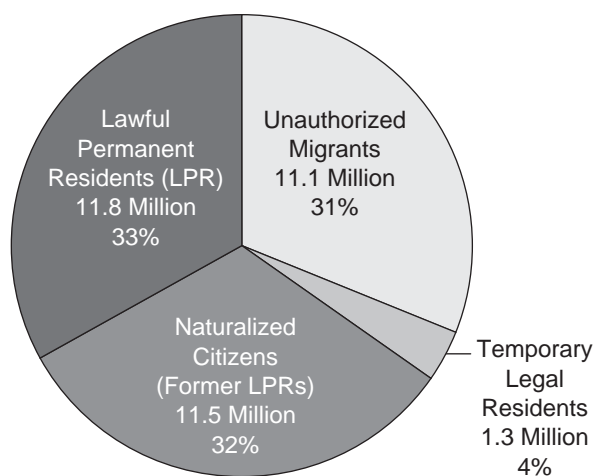


Figure 2 Legal Status of the U.S. Foreign-Born Population, 2005

Source: Jeffrey S. Passel, "The Size and Characteristics of the Unauthorized Migrant Population in the U.S." (Washington, DC: Pew Hispanic Center, March 2006).

Note: Although the unauthorized population was estimated at 11.1 million in 2005, the estimate for 2006 is 11.5 to 12 million.

per year. The majority (64%) of legal permanent immigrants over recent years have been family-based immigrants. Only a small share of permanent immigrants are workers: Employment-based immigrants made up only 17% of all immigrants, but more than half of those employment-based immigrants were spouses and minor children, rather than the workers themselves. About 11% of lawful permanent residents during this period were adjusting from refugee, asylum seeker, or another humanitarian status.

U.S. immigration flows are shaped by the existence of substantial backlogs in both the employment- and family-based permanent immigration streams. Employment-based permanent visas are delayed by backlogs for workers from some countries and for some skill levels, and most workers must wait for often-lengthy labor certification processes, intended to protect the wages, working conditions, and job opportunities of U.S. workers. Low-skill workers face another barrier to entry because of the very low number (5,000) of visas available each year for workers with low educational levels. In the family-based permanent immigration system, backlogs for certain categories can stretch to 14 or even 23 years.

As a result of backlogs, many workers of all skill levels as well as other would-be immigrants work their way around the permanent entry system. High-skill workers and their employers increasingly turn to temporary

work visas to facilitate faster entry. Nearly two-thirds of those gaining lawful permanent resident status in recent years were already in the country, often on a temporary visa, and were adjusting their status. Among employment-based immigrants, that share was 80%. Congress has facilitated this process by creating increasing categories and subcategories of temporary visas to allow skilled workers to enter the country. Many of these visas now allow adjustment to permanent status. Low-skilled workers often turn to illegal means of entry by crossing the border without authorization or overstaying the terms of a legal temporary visa.

Within the overall trend of increasing immigration from Asia and Latin America, migrants' origins vary somewhat by mode of entry. For example, the main countries of origin for lawful permanent residents in recent years have been Mexico, India, China, the Philippines, Vietnam, El Salvador, and the Dominican Republic. The largest numbers of temporary workers in 2005, in contrast, were from India, Mexico, the United Kingdom, Japan, and Canada. Tourist and business travelers arrived in largest numbers from the United Kingdom, Mexico, Japan, Germany, and France. Foreign students were most likely to arrive from Asia, with more than half of student admissions in 2005 coming from South Korea, Japan, India, Taiwan, China, and Canada. About 56% of the unauthorized immigrants currently living in the country are estimated to have come from Mexico, 22% from other parts of Latin America, 13% from Asia, 6% from Europe or Canada, and about 3% from Africa and other areas. Asylum seekers in recent years have come from China, Colombia, Haiti, and Venezuela. The main countries of origin of new refugees in FY 2005 were Somalia, Laos, Cuba, Russia, and Liberia.

The traditional states of settlement for the largest numbers of immigrants—California, New York, Florida, Texas, and New Jersey—continued to receive the largest absolute numbers of permanent, temporary, and unauthorized migrants in recent years. However, states experiencing the fastest growth in the size of their foreign-born populations in the last 10 to 15 years have included many states for whom immigration is a new phenomenon, including North and South Carolina, Georgia, New Hampshire, Tennessee, Nevada, Arkansas, and Delaware.

As growing migration flows, and particularly growing populations of unauthorized immigrants, reach new communities, state and local legislators have faced real challenges and costs. Immigration was

the subject of more than 500 bills in state legislatures around the country during 2006, including measures to limit government services to unauthorized immigrants and prevent employers from hiring workers who lack authorization to work in the country. Both the Senate and House of Representatives passed immigration-related legislation in 2006 after much debate, but ultimately, only a provision requiring a fence became law. Immigration promises to remain a pressing topic of policy debates as the country decides how immigration fits into national values and the country's demographic and economic future.

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See Appendix A; Appendix B

See also Alien Land Acts; "Boat People"; Borderlands; Border Patrol; Bracero Program; Chinese Exclusion Act; Citizenship; Dillingham Flaw; Gentlemen's Agreement (1907–1908); Guest Workers; Illegal Immigration Reform and Immigrant Responsibility Act of 1996; Immigration and Nationality Act of 1965; Immigration and Naturalization Service (INS); Immigration Reform and Control Act of 1986; "Marielitos"; McCarran-Walter Act of 1952; National Origins System; Refugees; Remittances; Return Migration; "Wetbacks"

Further Readings

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