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Abstract

CRITICAL ISSUES IN THE U.S. LEGAL IMMIGRATION REFORM DEBATE

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January, 1990

The current key issue in the U.S. immigration policy arena is the continuing review of legal permanent immigration. As in the past, the **legal** immigration reform initiative **in the** 10lst Congress has come from the Senate where Senators Kennedy and Simpson introduced, and were successful in having passed, S. 358, a bill almost identical to the one that failed in the last Congress. The bill would create two separate immigration tracks, one for families (the "family connection' track) and one for labor market-bound immigrants (the independent immigrant track), while setting a worldwide immigration ceiling of 630,000. This figure is about 130,000 higher than total legal immigration to the U.S. for fiscal year 1988.

This paper addresse the process of U.S. legal permanent immigration reform by focusing on the four major perceived problem areas of the current immigrant selection system: (i) ethnic diversity; (ii) immigration levels: (iii) family immigration and visa backlogs; and (iv) responsiveness to labor market conditions. It also offers some preliminary descriptive data on the recent U.S. legalization programs.

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* The views expressed herein are the author's own and may not represent those of the Department of Labor or the U.S. Government.

INTRODUCTION

The current key issue in the U.S. immigration policy arena is the continuing review of legal permanent immigration. As in the past, the legal immigration reform initiative in the 1Olst Congress has come from the Senate where Senators Kennedy and Simpson introduced, and were successful in having passed, S. 358, a bill almost identical to the one that failed in the last Congress. The bill would create two separate immigration tracks,' one for families (the "family connection" track) and one for labor market-bound immigrants (the independent immigrant track), while setting a worldwide immigration ceiling of 630,000.[2] This figure is about 130,000 higher than total legal immigration to the U.S. for fiscal year 1988.

The reform of the U.S. legal permanent immigration system has sought to address four major perceived problem areas of the current immigrant selection system. They are as follows: (i) ethnic diversity; (ii) immigration levels: (iii) family immigration and visa backlogs; and (iv) responsiveness to labor market conditions. While at first glance each area may appear to be discrete, each coexists with the others in considerable tension.

'**Current law** also provides for two separate visa "tracks" but many people are confused and feel that the two tracks compete with each other for visas. This amendment would end that confusion.

[2]This figure excludes refugees. Refugee admission levels are determined annually through consultations between Congress and the Administration. They are set at 125,000 for the current fiscal year (see more detailed discussion on refugee admissions on pages 19-23).

I. Ethnic Diversity

One of the key issues driving the current cycle of U.S. legal immigration reform is the concern that access to the U.S. by nationals of the "traditional" source countries of U.S. immigration (i.e., Europeans) has been hampered. This is viewed as an unintended consequence of the 1965 Amendments to the Immigration and Nationality Act (INA). A concerted effort is thus being made to develop a formula that would enhance source country "diversity" and allow better access to the U.S. by Europeans.[3]

Currently, nationals of only seven countries receive the majority of exempt (numerically unrestricted) immediate relative visas.[4] The top two in that group of countries account for nearly two-thirds of these visas.

Similarly, if less dramatically, seven countries[5] routinely account for about the same proportion of all numerically restricted immigrant visas. In a widely respected report released in 1988, the General Accounting Office (GAO) projected

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3The issue has been addressed directly three times in the past three years through stop-gap legislation: in 1986, through a provision of the Immigration Reform and Control Act (P.L. 99-603) offering 10,000 visas to 35 "adversely affected countries"; and in 1988, first through a two-year extension of that proqram, and second, through a program distributing 20,000 visas to the I62 countries using less than 25 percent of the visas theoretically available to each country under the INA (P.L. 100-658).

4 These countries are, in descending order, Mexico, the Philippines, South Korea, the Dominican Republic, India, China (mainland-born Chinese), and Great Britain and dependencies (including Hong Kong).

5 These are the same countries except for substituting Jamaica for Great Britain.

that nationals of six of the first group of countries (minus Great Britain and dependencies), plus Vietnam, Jamaica, Taiwan and Iran, would account for nearly 55 percent of all visas issued by the U.S. between 1986 and 1990. The results of the various legalization programs under the 1986 Immigration Reform and Control Act (IRCA) would simply skew the results further in that direction.

Nationals from relatively few countries have always dominated immigration to the Unites States. The dominant countries simply change with each historical period. For instance, Northern Europe dominated the flow throughout much of the 19th century. It was followed by Southern and Eastern Europe in that century's last twenty years and the first quarter of the 20th century. And the 1924 National Origins Act codified an immigration numerical advantage for Northern Europeans by barring immigration from Asian and Pacific Rim countries and limiting access to the U.S. by other Europeans, as well as citizens of Western Hemisphere countries.

A thorough review of U.S. immigration laws in 1952 reaffirmed the earlier law's basic approach. In fact, it was not until the 1965 Amendments to the INA that the ethnic/racial biases of U.S. immigration law were eliminated.

The result has been a country-of-origin-blind immigration policy that continues to emphasize family relationships. It does so in two ways: **(a)** by exempting immediate relatives (spouses, unmarried children under age 21, and parents) of U.S. citizens from numerical limitations and (b) by creating a formula for the

entry of other close family members where the closeness of the family relationship is rewarded both with a higher priority and a de facto larger share of overall visas. Visa numbers--in the numerically-limited preference system--were eventually set at 270,000--216,000 for family reunification and 54,000 for employer-initiated immigration.

The current system's concentration of immigrant visas in nationals from a few countries has led to a search for a formula to stem and reverse this trend. By removing obstacles to the immigration of nationals of Southern European and Latin American countries, but especially of nationals of Asian countries, the 1965 Amendments to the INA are thought to have created an outlet for the pent-up demand for immigration from these countries. By tying most immigration to family relationships and ordering family immigration in accordance with the closeness of the relationship--in the face of reduced demand for U.S.immisration visas by Europeans'--post-l968 immigration[7] has gradually come to assume its current profile. In other words, the 1965 amendments created a system the effects of which were that unless a country's demand for immigrant visas remained relatively stable--and at high enough levels relative to that of other countries--

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6 This is mainly attributable to Europe's robust economic growth of the late 1950s and 1960s and the 1968 regulations instituting freedom of movement of workers across the European Community (EC), then known as the Common Market. Simultaneously, an extensive network of bilateral agreements with non-EC countries in the European periphery effectively siphoned-off most excess labor from these countries and dampened enthusiasm for the more uncertain journey to the United States.

7 This was the year the 1965 amendments came into effect.

that country's future immigrants would be pushed-aside by immigrants from higher demand countries.[8]

II. Immigration levels

A second focus of legal immigration reform has been the establishment of an immigration "national level," popularly known as a cap. No such cap now exists except for the 270,000 visas of the preference system.

The concept of an overall immigration cap was introduced in the early 1980s by Senator Simpson. It is a variation of the Canadian practice of setting biennial numerical immigration targets. However, the differences between the two concepts are critical. First, Canada's targets are demand estimates, rather than firm levels, and are used mainly for planning purposes. In all but the Government-sponsored refugee category, they may be and often are routinely exceeded. Second, Canadian immigration law draws no distinction (in terms of immigration benefits) between close family relatives of Canadian citizens and Canadian

[8] **The placing** of family and labor-market immigration visas under a single worldwide "track" in some instances perverts the system further. For instance, if an employer successfully petitions the Department of Labor for a scientist (3rd Preference) from a high visa-demand country, he may have to wait for a visa longer than if the scientist had been from a low visa-demand country. The additional delay would be caused by visa unavailability in that preference for the high demand country because in that year that country may have used up all its numerically limited visas (20,000) in earlier preferences. The Immigration and Nationality Act's safeguard against such occurrence is inadequate. Section 202 (e) compels a state to conform to precise percentages per preference category the year after it reaches the 20,000 visa limit.

permanent residents. Finally, because Canadians define close family members more broadly than the U.S. "unrestricted immediate family member" category, much of the debate about the definition of nuclear versus more extended family relationships, & especially about adherence to the principle of family reunification, becomes defused, if not moot.

Of the major components of immigration to the U.S. only immediate relatives of U.S. citizens are totally unrestricted.' The category has been growing at a very uneven pace that has averaged 6.2 percent between 1970 and 1988. While most experts expect that pace to continue until the mid-1990s, projections beyond that time frame become extremely unreliable.

There are two major reasons for this. First, at about that time, the first wave of those gaining legal status under IRCA (a number that will be between 2.5 and 3.0 million persons) will be eligible for naturalization[10] and the resulting privilege to

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9 The refugee formula is independent of immigration. Refugee levels are agreed upon annually through a formal consultative process between the Administration and the Congress. Refugee admissions have averaged about 75,000 per year during the past few years but are increasing rapidly (see pages 18-22).

10 In U.S. immigration terms, the major benefit of naturalization is the ability to bring in one's immediate family members without limitations or delays. Hence, one can expect a quantum leap in demand for such visas at that time that will last for most of the 1990s. The reasons for this spread is due to the fact that people naturalize at different rates, those naturalized may not be married (and thus have family members that can take advantage of this provision in immigration law) until a later time, and because the demand for naturalizations in cities of major immigrant concentration will create significant processing delays.

petition11 for their immediate relatives who would now be numerically unrestricted.[12] Second, a novel S. 358 provision of

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"Enormous confusion surrounds the petitioning behavior of immigrants for numerically unrestricted immediate relatives. In 1988, the GAO reported the results of a statistically significant (valid at the 0.05 level) sample of FY 1985 petitions for such relatives. It found that nearly two-thirds of all such petitions were filed by native-born U.S. citizens--most often on behalf of a spouse. Only two petitioning groups deviated from the norm: Asians and Europeans. The majority of the former were naturalized U.S. citizens seeking to bring their parents to the United States. And those petitioning for Europeans were overwhelmingly native-born. The report also found that the average time between a naturalized U.S. citizen's arrival in the U.S. and the arrival of his or her immediate relative was more than a decade. Again, Asians deviated from the norm with intervals of slightly more than 6 years. (The time interval for Mexicans, by contrast, was 12 years). On a related topic, ongoing research by two respected University of Minnesota analysts suggests further that the average "multiplier" (the number of additional immigrants to the U.S. that a new immigrant generates over the long-term) for an immigrant entering through the family preference categories diminishes rapidly over time and "...never reaches one as n [the number of years since immigration] approaches infinity" (Demosraohv, 23, 3, 1986:308). Their research also concludes that over the course of the 21 years they studied, the "chain migration" effect of a male immigrant entering under the labor market categories stands at 1.44 additional immigrants (1.33 for females). These findings suggest the following: (a) most "chain migration" involves a principal immigrant's immediate family members, in fact takes place at the time of or soon after a principal immigrates (the relationship to the beneficiary must be preexisting), and can be calculated relatively easily; and (b) the size of the long-term immigrant multiplier is vastly exaggerated. Yet, while the evidence does not support claims that immigrants sponsor large numbers of their relatives, anecdotes about those few immigrants who have in fact sponsored 20, 30, 40, or even more of their relatives continue to drive some parts of the U.S. immigration debate

12 No estimates of the latter number are possible because of two main reasons: (a) the Immigration and Naturalization Service has not tabulated the proportion of the applicants who gained legal status under IRCA as more or less complete family units; and (b) applicants under the law's legalization provisions for agricultural workers (nearly 40 percent of the total--see pages 22-24) are overwhelmingly Mexican. Most of them are expected to continue their sojourner immigration pattern and will thus not be likely to gain U.S. citizenship with its attendant privilege of

withholding immediate visas from the spouses and unmarried children of "point-system" (selected) immigrants.13 Under that provision, these family members would join the queue in the already heavily oversubscribed ("backlogged") second family preference. As a result, when selected immigrants become eligible for naturalization (after five years of continuous U.S. residence), they can be expected to seek it expeditiously in

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petitioning for one's relatives.

13 This is at variance with current practice whereby immigrants entering through the labor market preference categories enter as nuclear family units with visas for their family members charged against the principal immigrant's preference category.

order to reunite with their immediate family members outside of numerical limitations.

When taken together with the natural increase in the unrestricted relative category, these two events can be expected to exceed the 630,000 level to a very significant degree approximately within four to five years of the bill's effective date.

III. Family Immigration and Visa Backlogs

Family reunification is widely recognized as an appropriate centerpiece for U.S. immigration policy. The 1981 Final Report of the bipartisan Select Commission on Immigration and Refugee Policy (the apparent "legitimizing" authority of all immigration initiatives during this decade) viewed family reunification as serving the national interest "... not only through the humaneness of the policy itself, but also through the promotion of the public order and well-being of the nation" (p. 112).

The earlier versions of S. 358 had brought the level of commitment to elements of that principle into question by proposing (a) to restrict severely the eligibility of and available visa numbers for the fifth family preference (brothers and sisters of U.S. citizens) and (b) to impose a relatively strict cap on overall immigration. After much debate, however, and significant changes to the bill both at Committee mark-up and

on the Senate floor,[14] S. 358 has retained an apparent allegiance to this principle.[15]

At the political level, the issue has been the definition of family and the level of commitment toward family members other than the closest relatives that is possible absent an explicit decision to increase U.S. immisration substantially. To varying degrees, both the present system's and S. 358's commitment to family reunification is, for the nationals of some countries, a partly empty promise.[16] Yet, efforts to rationalize the system by curtailing or eliminating the fifth family preference have been resisted strenuously by virtually all immigrant group

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14 The Senate approved a floor amendment to S. 358 that made the cap "flexible" by guaranteeing numerically-limited family preference immigrants a minimum of 216,000 visas--the same number as under current law. Under that formula, growth in the numerically unrestricted immediate relative category after the initial few years (where such growth can be accommodated under the increased number of visas allocated to family immigration) will automatically lead to an equal increase in overall immigration. As a result, the S. 358 "cap" has become more akin to a minimum immigration floor.

15 This, however, has been accomplished at the cost of avoiding any decisions on family reunification.

"Backlogs in the fifth family preference now stand at about 1.5 million persons. Five countries account for 54 percent of the persons on this waiting list. They are the Philippines (16%), India (13%) Mexico (l0%), Korea (8%), and China (7%). In a report to be released next month, the GAO estimates that under current law, 5th preference relatives from low visa-demand countries can expect average delays of 20 years. Delays for high visa-demand countries are expected to reach 50 years. The slight reduction in the absolute number of visas available to that category proposed under S. 358 and petitions from those aliens gaining legal status under IRCA will only exacerbate these delays.

advocates--and particularly those for whom the promise of reunification is the most distant.

The criticism has not only come from the Hispanic and other ethnic lobbies but also from a recently formed Asian-American umbrella lobby organization[17] that is becoming increasingly influential in immigration matters. The debate seems to be not only over the withdrawal of a privilege to U.S. citizens (since it is thev that petition on behalf of their siblings), but also over differing cultural definitions of the family. The argument has been that in "their" cultures, siblings are regarded as integral family members and eliminating or even curtailing the category would be discriminatory.

Another change to family immigration proposed by S. 358 would recalibrate the categories under the numerically limited family preferences in order to give to give additional weight to nuclear family members of lawful permanent residents (second family preference). The bill guarantees a minimum of 123,120 visas to that category--approximately a 20 percent increase over the visas currently de facto available to that category. Additional visas

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17 Underlying the effectiveness of the Asian-American argument is that community's emergence as a powerful political group. Its power in this regard stems from the following facts: (a) Asian immigrants as a group have comprised nearly half of the total immigrant population to the U.S. in the 1980s; (b) the community's aggregate measures of education and, in most instances, economic success, are much higher that those for all U.S. natives or, for that matter, for virtually any other ethnic group; and (c) their geographic concentration in a few states (such as California, New York and Illinois) where they make up substantial shares of the population.

would come from visas unused by first preference immigrants (unmarried sons and daughters of U.S. citizens). That category would be allocated a minimum of 19,440 visas but used only about 12,000 in FY 1988.18

Any increase in visas for this category, however, will be more than offset by visa demand by those aliens legalized under IRCA and the petitioning requirements of point-system immigrants. Both of these matters were discussed earlier. Their petitions would join a second preference backlog that in January of 1989 stood at more than 400,000, a 6 percent increase over 1988.1' Given additional pressures on the category, and the complex interactions among family categories also discussed earlier, it is not unreasonable to project significantly larger second preference backlogs over the next 5 to 7 years.20

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18 Visa use in that category has been growing at about 10 percent per year for the past 4 years. As a result, within a few years, there will be no unused visas in the category to "fall-down" to the second preference.

19 Three countries, Mexico (19 percent), the Philippines (18 percent), and the Dominican Republic (9 percent) account for 46 percent of the persons on this waiting list. Respectively, the waiting period for each of them is projected to be 20, 19, and 7 years!

20 It is difficult to project such backlogs beyond a few years with any degree of confidence because increased enforcement of U.S. immigration laws required under IRCA will be increasing the impetus for naturalization by groups that have traditionally straddled the fence in this regard. Naturalization removes numerical restrictions from the immigration of one's immediate relatives and thus becomes a critical relief valve to the second preference.

IV. Responsiveness to Labor Market Conditions

The second immigration track proposed by S. 358 would make dramatic changes to the way that the U.S. selects labor-market-bound immigrants. Such immigrants are now chosen directly as a response to U.S. employer needs. Employers petition the Department of Labor for a specific alien and must show that there are no U.S. workers who, at the time and place of the job offer,[21] were able, willing, qualified, and available for the job and that the wages offered to the alien would not affect adversely the wages and working conditions of similarly employed U.S. workers.

Fifty-four thousand aliens can now enter under this provision although more than half of them are family members accompanying the principal alien. There are currently backlogs (individuals with approved petitions but no available visas) of more than one year for professionals and well over three years for skilled and unskilled workers.

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21 Immigration reform legislative proposals since the early 1980s have included language explicitly granting the Secretary of Labor discretion to make labor certification determinations using either the current "case-by-case" standard (requiring individual tests that there are no U.S. workers "...able, willing, qualified... and available at the time...and place [needed]..."), or one that uses general labor market information to determine that there are "... not sufficient qualified workers available in the United States in the positions in which aliens will be employed" (Section 212 (a) 14). The proposals would further require that if the determination using the latter approach is adverse, and the employer requests it, the Secretary of Labor must revert to the case-by-case standard. Finally, they would also require a Secretarial report evaluating the two approaches (by March 31, 1993, as per S. 358). None of these bills have ever become law. S. 358 has borrowed that language verbatim.

In fiscal year 1988, employer-selected immigrants accounted for about 4 percent of total immigration to the United States (inclusive of refugees). The S. 358 proposals would increase that proportion to about 13 percent.[22] In raw numbers, S. 358 would increase independent (employment/labor-market) immigrant visas from 54,000 to 150,000. This would normally result in a near tripling in labor-market-related visas. Because of the changes in the petitioning rights of selected immigrants discussed earlier, however, the number of immigrants gaining access to the U.S. as a direct result of their labor market skills would basically quadruple--from about 24,000 persons to about 95,000.

Independent immigrant visas under S. 358 would be distributed as follows:

- First Preference: 4,050 for "special immigrants." Under current law special immigrants are not subject to numerical limitations. Demand for such visas has been running at about three-quarters of the number allocated.

- Second Preference: 4,950 for "medical personnel for rural areas." This preference has no counterpart in current law. Visas under this preference would be "conditional" in that the alien must make a lo-year commitment to obtain hospital privileges and perform medical services in a Health Manpower Shortage Area. Aliens entering under this category would not qualify for naturalization until after their tenth year in the u.s.--double that for all other permanent residents. Failure to honor the terms of the agreement for the entire period

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22 This figure is based on an estimated FY 1990 total immigration figure of 730,000--also inclusive of refugees.

23 These include ministers of religion, current and former long-term foreign employees of the U.S. government abroad and their immediate family members, and certain foreign-trained medical doctors and employees or former employees of international organizations and their immediate family members.

would result in deportation. Of the available visas, 3,960 would go to nurses and 990 to medical doctors.

- Third Preference: 40,200 (plus any surplus visas from the previous two preferences) for alien professionals with "advanced degrees or aliens of exceptional ability." Under current law, the third preference (the similarity in designation is coincidental) was limited to 27,000 visas and did not require an advanced degree. In January of 1989, there were 32,660 persons on this waiting list representing more than a year's delay.

- Fourth Preference: 40,200 (plus any surplus visas from all previous categories) for skilled workers with two years of training or experience, or professionals with baccalaureate degrees. This preference category is a hybrid of the current law's third preference (regarding professionals) and sixth preference (regarding skilled workers). Under this fourth independent preference unskilled workers will no lonser be able to immisrate to the United States. The waiting list for the current sixth preference (an allocation of 27,000 visas) extends to more than 100,000 persons--or nearly four years.

- Fifth Preference: 6,750 for "employment creation"--4,245 for those investing $l,000,000 anywhere in the U.S. and creating 10 jobs for U.S. workers, and 2,505 for those investing $500,000 and creating 10 jobs for U.S. workers in rural areas experiencing high-unemployment ("at least one-and-one-half times the national average"). Although an investor provision exists in current law, those visas have been unavailable since 1978. In a manner similar to that for second independent preference immigrants, these visas will also be issued conditionally to prevent abuse of the category by those who are not intending to be long-term investors. The conditionality would be removed within two years from entry.

- Sixth Preference: 53,850 (plus any surplus visas from all other previous preferences) for "selected immigrants" distributed in accordance with their scores on a point-assessment system. Twenty percent of these visas would be issued to those with the highest scores in the point system. The remaining ones would be distributed randomly to those with a total of a minimum of 60 points in the assessment system. The criteria are as follows:

  age (up to 10 points):
  education (up to 25 points);

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24 Employer petition data indicate that if the new training or experience requirement were in existence in fiscal year 1988, 44 percent of the petitions approved by the Department of Labor would have been denied.

occupational demand (up to 20 points);
occupational training and work experience (up to 20 points); and
prearranged employment (15 points).

Overall, the proposed changes are clearly designed to enhance the educational and formal qualifications profile of independent immigrants to the United States. The second, fifth, and sixth preferences are supposed to respond to generally perceived deficiencies of the U.S. economy or labor market. The proposed third and fourth independent preferences, however, are intended to respond to an employer's need for a specific person with qualifications that are otherwise unavailable in the United States.

Despite this system's apparent appeal, it has been facing increasingly difficult times both with the Administration and in the House of Representatives. One contentious issue seems to be whether the proposals' less stringent labor certification standards, together with the significant increases in visas, might affect adversely upward mobility opportunities for U.S. workers or permit certain occupational niches to become dominated by foreigners. The apparently more significant issue, however, is the desirability of the point system.

The first issue is extremely complex. Answering it must await the results of actual experience with how expanding the size of the third and fourth independent preference categories by about 50 percent, <u>together with the proposed changes to the labor</u>

certification process, affects demand.[25] Opportunities to revisit the law triennially and a mandated review of the labor certification process promises to allow the U.S. Government much more latitude in fine-tuning labor-market immigration than it has had in the past.

At this time, most observers expect the new fourth preference's two-year training or experience requirement to enhance opportunities for entry-level U.S. workers by increasing access to such jobs by those who have had difficulty in entering the economic mainstream--such as minorities, the disabled, and the disadvantaged. The more stringent requirements can be expected to affect demand significantly--if unpredictably[26]--and are expected to be monitored closely.

The second issue, the desirability of the selected (point-system) immigrants, has focused on the following matters: (a) the system's difficulties of implementation; (b) costs: (c) the

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[25] Given the rate of increase in sixth preference backlogs, we can expect that, even if the bill is adopted, by the end of its first triennium we will still be,clearing up the grand-fathered sixth preference petitions--while learning more about changes in demand that can be traced directly to procedural changes in labor certification. With regard to the current labor certification process it is worth keeping in mind that while it is clearly cumbersome and probably provides few protections for U.S. workers (and may be cost-ineffective both for the government and the petitioning employer), these very attributes clearly discouraqe many frivolous applications!

[26] The elimination of unskilled workers from the fourth preference may have significant unintended consequences in other areas--especially in the demand for temporary, low-skilled, non-agricultural workers (H-2B workers).

category's similarity to the proposed third and fourth preferences (the point system appears to be a hybrid of these categories); (d) concerns about entering into complex new territory while the benefits are ill-defined and uncertain and the need unclear; and (e) the availability of what many observers consider a superior alternative composed of more visas for preferences three and four and modifications to the labor certification process that would allow employers to gain faster and more predictable access to workers from abroad without foregoing essential protections for U.S. workers.

These concerns, and most employer groups' tepid reception of the point system, make its adoption particularly uncertain--especially since the Administration also appears to be ambivalent about its advisability.

LEGALIZATION STATISTICS

The major legalization program under IRCA (known as I-687) attracted 1,768,316 applicants. This compares with 1,301,970 applicants for the agricultural legalization program (known as I-700).

As of the end of July, the last date for which the U.S. Government has updated legalization data, the I-687 program had approved 1,526,470 petitions and denied 74,332. The rest were still pending. Of those persons with approved petitions, 570,378 had applied for U.S. permanent residence. About half of them had their applications acted upon and only 52 had been denied

permanent residence status.

Progress in the I-700 program has been much slower. Only 391,082 petitions for temporary residence had been granted by last July; 34,322 had been denied. The bulk of the petitions are pending because it has been much more difficult to verify the claims, and thus assess the eligibility of applicants under that program.27 In addition, claims about large scale abuses of the program have probably slowed the adjudication process even further.

Tables 1 to 5 present an overview of what is known to date about legalization applicants under each of the two major programs. A brief review of their highlights points to the following general observations. The median ages of the two groups are rather close to each other (30 years for I-687 applicants and 28 years for I-700 applicants) and conform to expectations derived from the large literature on undocumented aliens written during the early 1980s (see Table 1).

Mexican aliens were by far the largest beneficiaries of the two programs, followed by aliens from countries in the Caribbean littoral (Table 2). The absolute majority of each group of legalization beneficiaries applied in California. Other major states of application were, in descending order, Texas, Florida, New York, Illinois, and Arizona (Table 3). Both results were pretty much as expected and generally in line with the geographic

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27Please refer to previous U.S. SOPEMI Reports for a review of the two programs' different eligibility criteria.

concentration patterns of legal U.S. immigrants. Anomalies, however, existed: many more persons than expected applied in Texas and Florida while the reverse was true for New York.

Finally, the applicants' labor force profile again shows certain trends that are also in line with the research literature (Tables 4 and 5). Among the unusual features of these data are the significant proportion of I-687 applicants who were farmworkers (but nonetheless applied under the more stringent of the two programs) and the substantial numbers of foreign students qualifying under the I-687 program.

TABLE 1

DEMOGRAPHIC CHARACTERISTICS

AGE	I-687*	I-700**
Under 15	7%	0%
15 to 19	8%	8%
20 to 24	13%	30%
25 to 29	20%	23%
30 to 34	19%	15%
35 to 39	13%	9%
40 to 44	8%	6%
45 to 64	11%	8%
65+	1%	0%
SEX		
Male	57%	57%
Female	43%	43%
MARITAL STATUS		
Single	49%	49%
Married	41%	41%
Other	10%	10%

Source: Unpublished data, Immigration and Naturalization Service, 1989.

*Median Age: 30 years
Age 15 to 44: 81% of total

**Median Age: 28 years
Ages 15 to 44: 91% of total

TABLE 2

COUNTRY OF CITIZENSHIP

	I-687		I-700	
All Countries	1,768,300	100.0%	1,302,000	100.0%
Mexico	1,235,800	69.9%	1,064,100	81.7%
El Salvador	143,800	8.1%	24,500	1.9%
Guatemala	52,800	3.0%	19,000	1.5%
Colombia	26,500	1.5%	8,100	.6%
Philippines	19,200	1.1%	10,900	.8%
Dominican Rep.	18,400	1.0%	9,700	.7%
Nicaragua	16,100	.9%	--	--
Haiti	16,000	.9%	46,200	3.5%
Poland	15,600	.9%		
Iran	14,700	.8%		
India			18,200	1.4%
Pakistan			16,900	1.3%
Peru			7,200	.6%
Other	209,400	11.8%	77,200	5.9%

Source: Unpublished data, Immigration and Naturalization Service, 1989.

TABLE 3

STATE OF RESIDENCE

	I-687*		I-700*	
Total U.S.	1,768,300	100.00	1,302,OOO	100.0%
California	964,000	54.5%	704,400	54.1%
Texas	315,100	17.8%	118,800	9.1%
Illinois	121,600	6.9%	37,600	2.9%
New York	120,500	6.8%	45,200	3.5%
Florida	48,900	2.8%	119,900	9.2%
Arizona	28,800	1.6%	56,500	4.3%
New Jersey	28,200	1.6%	--	--
New Mexico	16,800	.9%	__	--
Nevada	10,100	.6%		
Colorado	1o,oocI	.6%	__	-_
Washington		--	29,2OO	2.2%
Oregon			26,500	2.0
Georgia		__	17,900	1.4%
N. Carolina			15,800	1.2%
Other	104,300	5.9	130,200	10.0%

Source: Unpublished data, Immigration and Naturalization Service, 1989.

*Estimated & rounded to the nearest hundred.

TABLE 4

OCCUPATIONAL/LABOR FORCE STATUS (I-687)

Laborers	24%
Service Workers	21%
Students	11%
Skilled Craft	11%
Unemployed/Retired	5%
Clerical	4%
Farming	4%
Other and Unknown	20%

Source: Unpublished data, Immigration and Naturalization Service, 1989.

TABLE 5

CROP TYPE (I-700)

Fruits & Tree Nuts	38%
Vegetables & Melons	31%
Field Crops	7%
Cash Grains	6%
Horticultural Specialties	3%
Other	6%
Unknown	10%

Source: Unpublished data, Immigration and Naturalization Service, 1989.