
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 residence 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.

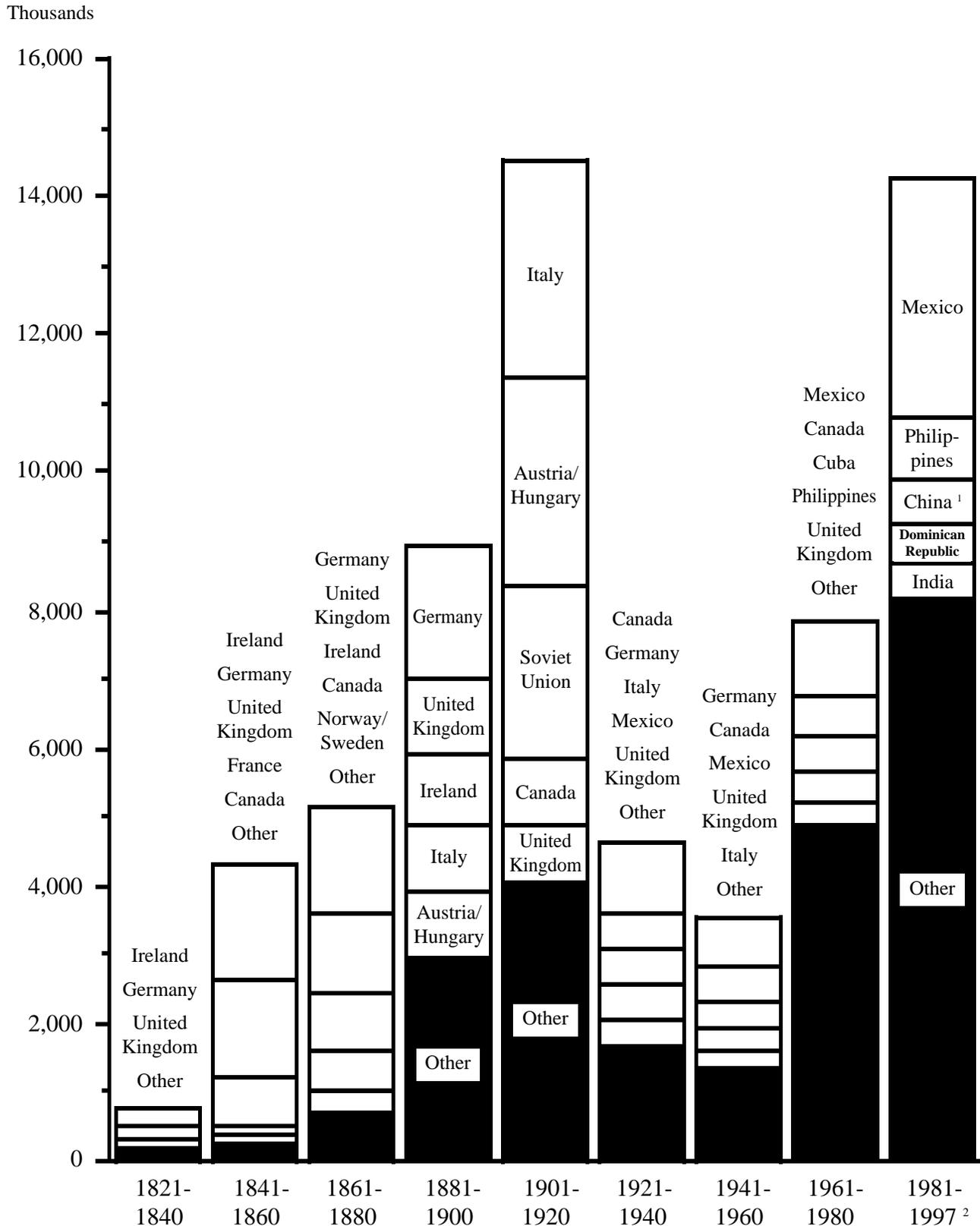
Other categories of immigrants, for example, asylees, are also subject to some form of numerical or time bound limitation. However, these categories typically involve small numbers of aliens and are covered under other sections of immigration law.

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 1997 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

Chart B. Immigrants Admitted to the United States from the Top Five Countries of Last Residence: 1821 to 1997



¹ Includes People's Republic of China and Taiwan. ² Seventeen-year period. Source: Table 2. See Glossary for fiscal year definitions.

preference system in 1997 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;
- ◆ Suspension of deportation, which for the most part, was replaced by cancellation of removal during 1997; 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, and 78,000 in 1997.

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 1997 was 798,378 (see Chart C). Included in this total were 380,719 aliens previously living abroad who obtained immigrant visas through the U.S. Department of State (DOS) and became legal permanent residents upon entry into the United States. The remaining 417,659 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 1997 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).

Nearly 800,000 immigrants were granted legal permanent resident status during 1997.

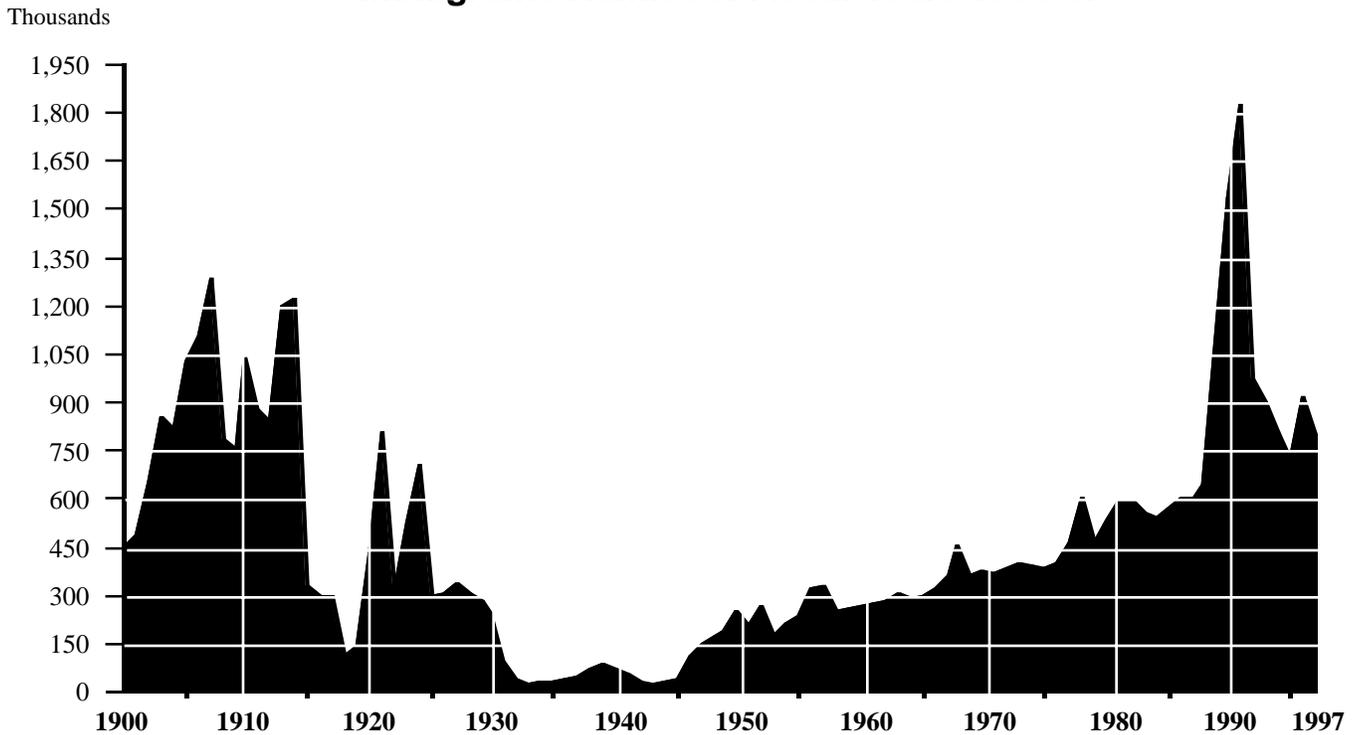
Highlights

- ◆ The number of aliens granted legal permanent residence was 13 percent lower in 1997 (798,378) than in 1996 (915,900). The decrease was due primarily to an increase in the number of adjustment of status applications pending a decision, not to a decline in the demand to immigrate.
- ◆ A reduction in the family preference limit from 311,819 to 226,000 also contributed to the decline in legal immigration between 1996 and 1997. The 1996 limit was unusually high because of increases in adjustment of status applications pending a decision in 1995 and the operation of the carryover provisions of immigration law.
- ◆ Immediate relatives of U.S. citizens increased both in number (from 302,090 to 322,440) and as a proportion of all immigrants (from 33.0 percent to 40.4 percent). There were few other major changes in the demographic composition of legal immigrants from 1996 to 1997.

Pending adjustment of status applications

Legal immigration during 1997, as well as in 1995 and 1996, was affected by an increase in adjustment of status

Chart C
Immigrants Admitted: Fiscal Years 1900-97



Source: Table 1. See Glossary for fiscal year definitions.

applications pending a decision at INS. Prior to 1995, applications pending had averaged about 120,000 each year. With the implementation of the Section 245(i) provision of immigration law in 1995, however, applications pending jumped to 321,000. They continued to increase and reached 699,000 by the end of 1997. Section 245(i) allowed illegal aliens who were living in the United States and eligible for legal permanent residence to pay a penalty fee and apply for adjustment of status at an INS office.

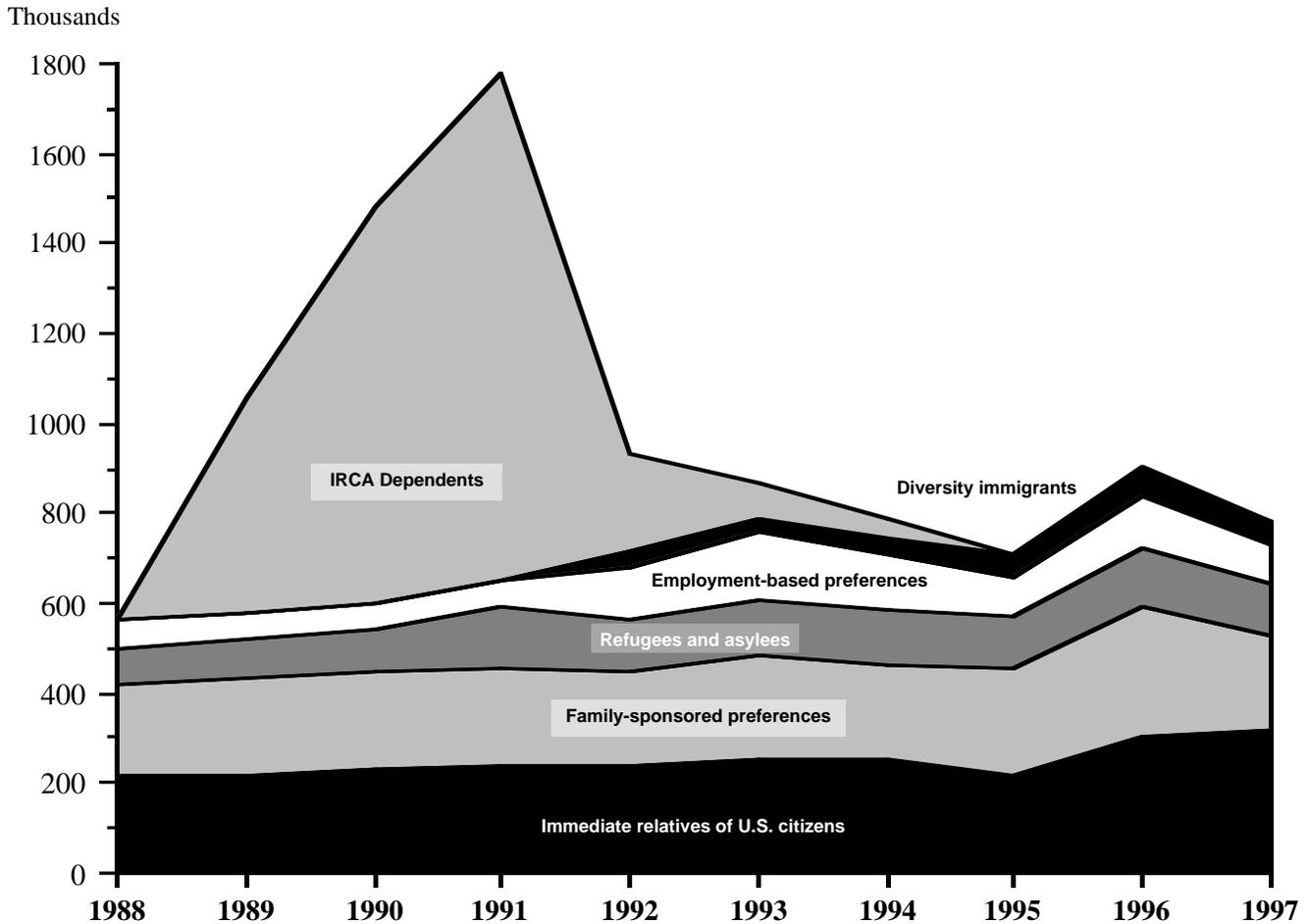
Previously, most illegal aliens were required to leave the country and obtain a visa abroad from the DOS. With Section 245(i) in effect, the immigrant application workload shifted toward INS. Adjustment of status applications received by INS nearly doubled between 1994 and 1995 and continued to increase in 1996 and 1997. However, the number of applications approved failed to keep pace with the number received, thereby increasing the pending caseload.

It is difficult to estimate how much higher legal immigration would have been during 1995-97 had adjustment of status applications pending not increased.

The total increase in pending applications between the end of 1994 (121,000) and the end of 1997 (699,000) was 578,000. The potential increase in legal immigration depends on factors including the date of application, the class of admission, and whether or not the application is approved. This information is not available in automated form for pending applicants. INS considers estimates for the individual years too imprecise. However, for the entire three-year period, 1995-97, it is estimated that approximately 350,000-450,000 out of the total 578,000 increase in pending caseload would have been included in the legal immigration numbers.

The upper bound estimate of 450,000 is based on the assumption that about 7 percent of applications would have been denied (the historical denial rate) and that 15 percent were family preference applicants (the proportion of all adjustment of status legal immigrants during 1995-97), none of whom contributed to the increase in pending caseload. Family preference adjustment of status applications pending do not necessarily decrease legal immigration because the DOS, which regulates immigration under the preference system to match the annual limits as closely as possible, compensates by

Chart D
Immigrants Admitted by Admission Category: Fiscal Years 1988-97



Source: Table 4.

issuing visas to aliens abroad on a waiting list of applicants. The lower bound estimate of 350,000 takes into account the increase in the family preference limit in 1996 attributable to pending adjustment of status applications in 1995 (see Carryover Provisions section below).

These calculations suggest that legal immigration during 1995-97 would have been about 120,000-150,000 higher on average per year without any increase in the pending caseload beyond the pre-Section 245(i) level. However, the average conceals some known sources of annual variation. Pending adjustment of status applications increased more during year 1995 and year 1997 than 1996 when the increase in the family preference limit offset most of the loss from pending applications. Without pending adjustment of status applications, legal immigration in 1995 and 1997 might have been much

higher and immigration in 1996 marginally so, if higher at all. As a result, the annual trend in legal immigration during this period might have been one of modest or small increases rather than the fluctuations shown in the official statistics (804,416 in 1994; 720,461 in 1995; 915,900 in 1996; and 798,378 in 1997).

Carryover provisions of immigration law

The annual limits on family and employment preferences may fluctuate from year to year because the previous year's total of preference immigrants, immediate relatives of U.S. citizens, and other small categories of immigrants affects the current year's limits (see Appendix 2). In 1996, the family preference limit was set at 311,819 because in 1995, the number of immediate relatives of U.S. citizens and employment preferences was much lower than expected due to increases in adjustment of status applications pending a decision. In 1997, the family preference limit

Table A
Immigrants Admitted by Major Category of Admission: Fiscal Years 1995-97

Category of admission	1997		1996		1995	
	Number	Percent	Number	Percent	Number	Percent
All categories	798,378	100.0	915,900	100.0	720,461	100.0
New arrivals	380,719	47.7	421,405	46.0	380,291	52.8
Adjustments of status	417,659	52.3	494,495	54.0	340,170	47.2
Categories related to world-wide numerical limits ¹	675,816	84.6	772,737	84.4	593,234	82.3
Family-sponsored immigrants	535,771	67.1	596,264	65.1	460,376	63.9
Family-sponsored preferences	213,331	26.7	294,174	32.1	238,122	33.1
Unmarried sons/daughters of U.S. citizens	22,536	2.8	20,909	2.3	15,182	2.1
Spouses and children of alien residents	113,681	14.2	182,834	20.0	144,535	20.1
Married sons/daughters of U.S. citizens	21,943	2.7	25,452	2.8	20,876	2.9
Siblings of U.S. citizens	55,171	6.9	64,979	7.1	57,529	8.0
Immediate relatives of U.S. citizens ²	322,440	40.4	302,090	33.0	222,254	30.8
Spouses	170,263	21.3	169,760	18.5	123,238	17.1
Parents	74,114	9.3	66,699	7.3	48,382	6.7
Children	76,631	9.6	63,971	7.0	48,740	6.8
Children born abroad to alien residents	1,432	.2	1,660	.2	1,894	.3
Legalization dependents	64	Z	184	Z	277	Z
Employment-based preferences	90,607	11.3	117,499	12.8	85,336	11.8
Priority workers	21,810	2.7	27,501	3.0	17,339	2.4
Professionals with advanced degree or of exceptional ability	17,059	2.1	18,462	2.0	10,475	1.5
Skilled, professionals, unskilled	42,596	5.3	62,756	6.9	50,245	7.0
Chinese Student Protection Act	142	Z	401	Z	4,213	.6
Needed unskilled workers	8,702	1.1	11,849	1.3	7,884	1.1
Other skilled workers, professionals	33,752	4.2	50,506	5.5	38,148	5.3
Special immigrants	7,781	1.0	7,844	.9	6,737	.9
Investors	1,361	.2	936	.1	540	.1
Diversity programs	49,374	6.2	58,790	6.4	47,245	6.6
Permanent	49,360	6.2	58,245	6.4	40,301	5.6
Transition	14	Z	545	.1	6,944	1.0
Other categories	122,562	15.4	143,163	15.6	127,227	17.7
Amerasians	738	.1	956	.1	939	.1
Parolees, Soviet and Indochinese	1,844	.2	2,269	.2	3,086	.4
Refugees and asylees	112,158	14.0	128,565	14.0	114,664	15.9
Refugee adjustments	102,052	12.8	118,528	12.9	106,827	14.8
Asylee adjustments	10,106	1.3	10,037	1.1	7,837	1.1
Suspension of deportation ³	4,628	.6	5,812	.6	3,168	.4
Total, IRCA legalization	2,548	.3	4,635	.5	4,267	.6
Residents since 1982	1,439	.2	3,286	.4	3,124	.4
Special Agricultural Workers	1,109	.1	1,349	.1	1,143	.2
Other	646	.1	926	.1	1,103	.2

¹ Includes family-sponsored preferences, legalization dependents, employment-based preferences, and diversity programs. ² May enter without limitation; the number admitted may affect the limit on family-sponsored preference immigrants in the following year. ³ Became cancellation of removal effective April 1, 1997 with the implementation of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (see Appendix 1, p. A.1-23).

Z Rounds to less than .05 percent.

was lowered to 226,000 because the large number of immediate relative immigrants in 1996 offset the unused employment preferences that year by more than 254,000.

Demographic characteristics of legal immigrants

Adjustment of status applications pending also may have affected the demographic composition of the legal immigrant population admitted in 1997. As a result, caution should be exercised in drawing inferences about recent trends in immigrant characteristics.

Class of admission (Tables 4, 5, 6, 7, 8, 9)

The increase between 1996 and 1997 in the largest admission category, immediate relatives of U.S. citizens, was due to increases in parents (from 66,699 to 74,114) and children (63,971 to 76,631) categories (See Chart D and Table A). Spouses, however, still accounted for the majority (170,263 or 52.8 percent) of immediate relatives of U.S. citizens admitted in 1997.

The number of family-sponsored preference immigrants decreased from 294,174 in 1996 to 213,331 in 1997 due for the most part to the decrease in the annual limit in the second preference (spouses and children of legal permanent residents) to 114,200 from 200,019.

Family-sponsored immigrants (family preference immigrants and immediate relatives of U.S. citizens) accounted for two-thirds (66.9 percent) of all legal immigrants in 1997. This represents an increase of nearly 10 percentage points since 1994 (57.6 percent).

The number of employment-based preference immigrants decreased to 90,607 in 1997 due to a decline of 20,160, or 32.1 percent, in third preference admissions. As of 1997, employment-based immigration (excluding third preference admissions under the Chinese Student Protection Act; see Appendix 1, p. A.1-21) had not reached the annual limit of 140,000 set in 1992.

The number of legal immigrants in the two other major categories of admission—refugee adjustments of status and diversity immigrants—decreased between 1996 and 1997. Although the number of Cuban refugee adjustments increased, total refugee adjustments of status decreased to 102,052 due to recent declines in the annual admission ceilings. The decrease in diversity immigration to 49,374 was consistent with the overall decline in legal immigration between 1996 and 1997.

Region and country of birth (Tables 3, 7, 8, 10, 11, 15, 16, 17, 19, 21)

The leading regions and countries of birth for legal immigrants were the same in 1996 and 1997 (See Chart A, Table B, and Table C). North America was the leading region of birth of 38.5 percent of legal immigrants in 1997, followed by Asia (33.3 percent) and Europe (15.0 percent). The top five sending countries did not change between 1996 and 1997. They include Mexico, which was the country of birth of 18.4 percent of all legal immigrants in 1997, followed by the Philippines, China, Vietnam, and India. These five sending countries were the birthplace of 39.3 percent of

Table B
Percent of Immigrants Admitted by Region and Period: Fiscal Years 1955-97

Region	1955-64	1965-74	1975-84	1985-94	1995-97
All regions	100.0	100.0	100.0	100.0	100.0
Europe	50.2	29.8	13.4	11.0	16.2
Asia	7.7	22.4	43.3	32.2	34.6
Africa7	1.5	2.4	2.6	5.9
Oceania4	.7	.8	.5	.6
North America	35.9	39.6	33.6	48.0	36.1
Caribbean	7.0	18.0	15.1	11.0	13.1
Central America	2.4	2.5	3.7	6.6	4.9
Other North America	26.4	19.0	14.8	30.5	18.1
South America	5.1	6.0	6.6	5.7	6.6

Source: 1981-97, Table 3; 1955-80, previous *Yearbooks*.

Table C
Immigrants Admitted from Top Twenty Countries of Birth: Fiscal Years 1995-97

Country of birth	1997		1996		1995	
	Number	Percent	Number	Percent	Number	Percent
All countries	798,378	100.0	915,900	100.0	720,461	100.0
1. Mexico	146,865	18.4	163,572	17.9	89,932	12.5
2. Philippines	49,117	6.2	55,876	6.1	50,984	7.1
3. China	41,147	5.2	41,728	4.6	35,463	4.9
4. Vietnam	38,519	4.8	42,067	4.6	41,752	5.8
5. India	38,071	4.8	44,859	4.9	34,748	4.8
6. Cuba	33,587	4.2	26,466	2.9	17,937	2.5
7. Dominican Republic	27,053	3.4	39,604	4.3	38,512	5.3
8. El Salvador	17,969	2.3	17,903	2.0	11,744	1.6
9. Jamaica	17,840	2.2	19,089	2.1	16,398	2.3
10. Russia	16,632	2.1	19,668	2.1	14,560	2.0
11. Ukraine	15,696	2.0	21,079	2.3	17,432	2.4
12. Haiti	15,057	1.9	18,386	2.0	14,021	1.9
13. Korea	14,239	1.8	18,185	2.0	16,047	2.2
14. Colombia	13,004	1.6	14,283	1.6	10,838	1.5
15. Pakistan	12,967	1.6	12,519	1.4	9,774	1.4
16. Poland	12,038	1.5	15,772	1.7	13,824	1.9
17. Canada	11,609	1.5	15,825	1.7	12,932	1.8
18. Peru	10,853	1.4	12,871	1.4	8,066	1.1
19. United Kingdom	10,708	1.3	13,624	1.5	12,427	1.7
20. Iran	9,642	1.2	11,084	1.2	9,201	1.3
Subtotal	552,613	69.2	624,460	68.2	476,592	66.2
Other	245,765	30.8	291,440	31.8	243,869	33.8

legal immigrants in 1997. Cuba was the only sending country among the top 20 with a substantial increase in legal immigration between 1996 and 1997, due to an increase in Cuban refugee adjustments of status.

State and metropolitan area of intended residence
(Tables 17, 18, 19)

The leading states and metropolitan areas of intended residence of legal immigrants in 1997 were the same as those in 1994-96. California was the intended state of residence of one-quarter (25.5 percent) of legal immigrants in 1997, followed by New York (15.5 percent), Florida (10.3 percent), Texas (7.3 percent), and New Jersey (5.2 percent). These five states were the intended residence of more than 5 out of 8 legal immigrants in 1997. California and Florida were the only leading states to show increases in legal immigration between 1996 and 1997. New York, NY was the top metropolitan area of intended residence of legal immigrants in 1997, followed by Los Angeles, CA, Miami, FL, Chicago, IL and Washington, DC-MD-VA.

One in three legal immigrants in 1997, about the same proportion as in 1996, intended to live in one of these five metropolitan areas. An increase in Cuban refugee adjustments between 1996 and 1997 accounted for most of the increase in legal immigration in Miami.

Age, gender, and occupation (Tables 12, 13, 14, 20, 21)

The age, gender, and occupational composition of legal immigrants in 1997 were about the same as in 1994-96. In 1997, the majority (54.2 percent) were female. Median age was 28 years.

Less than one-half (46.7 percent) of legal immigrants ages 16-64 reported an occupation in 1997. Consistent with Census data on the foreign born population, the occupations most frequently mentioned by legal immigrants in 1997 were: machine operators, fabricators and laborers; professional, specialty and technical occupations; and service occupations.

Chart E

Percent Age and Sex Distribution of U.S. Population and Immigrants Admitted in Fiscal Year 1997

Attached

Percent of total

Source: U.S. population data are estimates for July 1, 1997 published by the U.S. Bureau of the Census, Population Division, *Annual Population Estimates by Age Group and Sex, Selected Years from 1990 to 1999*, June 4, 1999; immigrants, Table 12.

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). After the immigrant is admitted, the immigrant visa and adjustment forms are forwarded to the INS Immigrant Data Capture (IMDAC) facility. During 1997, INS began to transition immigrant application processing from the IMDAC facility to the Computer Linked Application Information Management System (CLAIMS) at the regional Service Centers. The IMDAC facility and the Service Centers generated the records that are the source of the statistics on immigrants presented in this report. Variables collected

include: port of admission; type (or class) of admission; country of birth, last residence, and nationality; age, gender, and marital status; occupation; original year of entry and class of entry for those adjusting from temporary to permanent residence; and the state and zip code of the immigrant's intended residence.

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).