

FAMILY REUNIFICATION AND DIVERSITY POLICIES

Immigration Study Brief #4

Family Reunification Policies

U.S. immigration laws have always included provisions designating persons eligible or ineligible to enter the country based on the perceived common good. Originally, paupers, those engaged in immoral activities and the physically handicapped were banned. In 1882, the Chinese Exclusion Act restricted entry for immigrants from China. It wasn't until 1924 that the first quota act affecting non-Asians was passed; it set limits on immigrants from the southern and eastern portions of Europe.

The current policy originated with the Immigration Act of 1965. The new law eliminated the national origin quota system that had favored immigrants from Europe to the exclusion of those from other parts of the world. It created a system favoring diversity of country of birth. The 1965 Act also provided a "family preference" quota framework that systematized the sponsorship of relatives of legal immigrants, emphasizing the reunification of immigrant families.

Among current immigrants, family unity is one of the most powerful motivators. Since 1965, between 50 and 70 percent of U.S. immigrant visas distributed annually have been allotted to close family members of U.S. citizens and legal permanent residents. During the past ten years, more than 200,000 persons per year have been admitted to the U.S. as beneficiaries of family preference visas.

How effective is the current policy in reuniting immigrant families? For spouses and minor children of U.S. citizens, the wait to reunite is often less than a year. However, many legal permanent residents ("green card holders") are not so fortunate. These individuals, who themselves have waited many years to enter the U.S. legally, often precede their spouses and children to the U.S. in order to find work and housing and save money for air tickets for the rest of the family. They soon learn that family preference category visa quotas and processing backlogs can delay the legal reunification of their family in the U.S. for many years. For example, the spouse or minor child of a legal permanent resident from Mexico can expect to wait more than a decade to receive a visa to enter the U.S.

These deficiencies in the system force many families to resort to illegal immigration rather than wait for years for permission to enter legally. The result is that a significant percentage of the estimated 11 million unauthorized immigrants in the U.S. are the spouses and minor children of legal permanent residents who have been approved for family-based visas but are caught in the years-long preference category logjam.

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Clearly, the current family reunification system is not working well for many legal permanent residents and their immediate family members. Furthermore, the lack of a reasonably timely family reunification option within the legal system is contributing to the breakdown of the integrity of the U.S. immigration system.

There are no easy fixes for our family-based immigration system. However, unless our nation finds the political courage to come to grips with the short- and long-term implications of our current untenable policy, tens of thousands of families desperate to be together rather than face interminable separation are likely to continue resorting to unauthorized immigration.

Diversity Policies

Diversity of country of birth is integral to who we are, and what our country is, but not everyone agrees about how much value to place on diversity.

The U.S. both caps the number of immigrants from a given country and allows for a “diversity lottery” to ensure at least some possibility of entry from all countries. Despite these policies, Mexican-born immigrants composed a predominant segment of the entire U.S. foreign-born population in 2000, and are predominant to an even greater degree today.

Critics argue that today’s immigrants are too different – they hang on to their culture, stay connected to their native countries and continue to speak their native languages. Proponents of the diversity policy say these connections have always been a part of immigrants’ lives, and that today’s immigrants own their homes, intermarry with other Americans and are learning English at rates as high, or higher, than was true for earlier ethnic groups.

The differing viewpoints may result from the larger numbers of immigrants living in communities that have never had immigrant populations before. Change can be difficult to manage, particularly such sudden change as many communities have experienced with respect to immigration and diversity. Generally, and over time, change, immigration and diversity have been embraced in this country’s communities more frequently than they have been rejected.

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