

Family Reunification

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(<http://www.migrationinformation.org/USFocus/display.cfm?ID=122#top>)

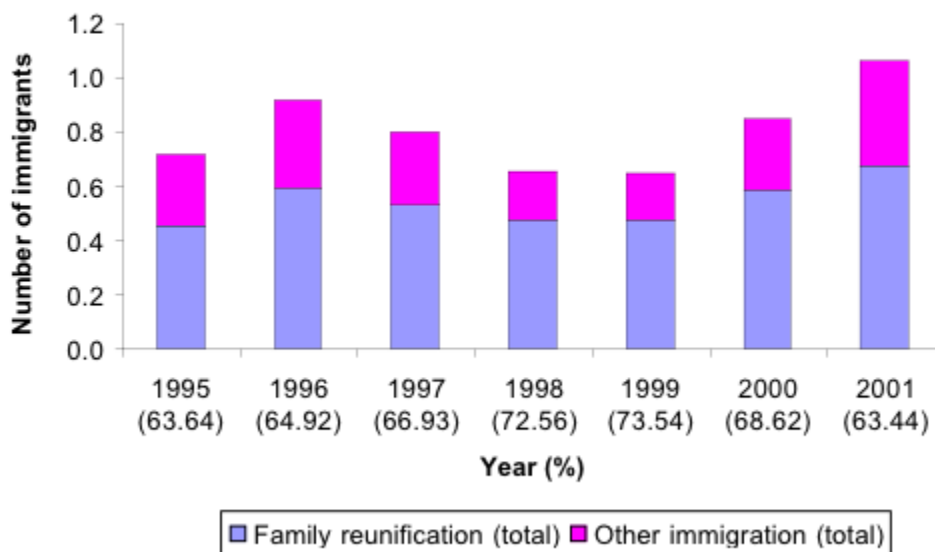
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This Spotlight examines the family reunification program, which accounts for approximately two-thirds of permanent immigration to the United States each year.

Family reunification is the largest of four major avenues through which individuals qualify for admission and "lawful permanent residence" in the US.

Applicants for "lawful permanent residence" in the United States generally enter through one of four channels. Family reunification is the largest of these channels and accounts for approximately two-thirds of total permanent immigration to the US every year. The other channels are employment-based immigration, refugees and asylum seekers, and diversity-based immigration (also known as the lottery). These four categories account for more than 99 percent of immigration into the US.

Family reunification as a proportion of total immigration, 1995-2001



(Source: *INS Statistical Yearbook*, 2001)

The majority of new immigrants each year come through family reunification. The program is particularly important for immigrants from specific countries.

The table below displays data from 2001 showing the top 10 countries of immigration through family reunification, the total number of immigrants, the number admitted under the family reunification program, and the percentage of total immigration.

Top ten countries of immigration through family reunification, 2001

Country of origin	Total immigrants to the US (2001)	Immigrants entering through the family reunification program (2001)	Family reunification as a percent of total immigration (%)
All countries	1,064,318	675,178	63.44
Mexico	206,426	196,234	95.06
Philippines	53,154	40,863	76.88
China, P.R.	56,426	33,202	58.84
India	70,290	30,157	42.90
Vietnam	35,531	24,112	67.86
Dominican Republic	21,313	20,969	98.39
Haiti	27,120	16,356	60.31
Colombia	16,730	14,884	88.97
Jamaica	15,393	14,536	94.43
El Salvador	31,272	13,932	44.55

(Source: *INS Statistical Yearbook*, 2001.)

Within family reunification, there are two broad subcategories: (1) immediate relatives of US citizens, and (2) family sponsorship according to preference categories.

There are important differences between the two categories. Immediate relatives of US citizens include the non-native spouses of US citizens, unmarried minor children (aged 21 or under) of US citizens, orphans adopted by US citizens, and the parents of US citizens over the age of 21. This category has no numerical ceiling. The number of immigrants entering through this category affects, to a usually marginal degree, the number of places available to immigrants entering through the second set of classes entry, that of family sponsorship.

The family sponsorship part of the preference entry system includes four numerically limited categories:

1. Unmarried, adult (age 21+) sons and daughters of US citizens.
2. Spouses and unmarried sons and daughters of US permanent resident aliens ("green card holders").
3. Married sons and daughters of US citizens.
4. Brothers and sisters of adult US citizens.

Note that in the numerically limited categories, no single country can account for more than seven percent of total admissions.

Visas in each preference category are allocated as follows:

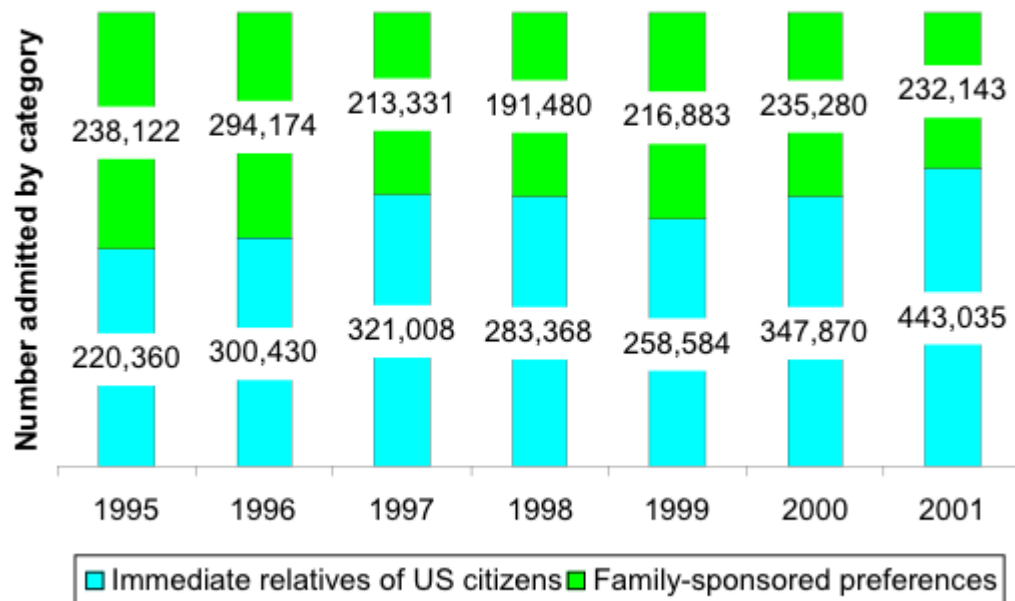
Flexible caps for each preference category, 1990 to the present

First	Unmarried adult sons and daughters of US citizens	23,4000
Second	Spouses, dependent children, and unmarried adult sons and daughters of US permanent residents*	114,200
Third	Adult, married sons and daughters of US citizens	23,400
Fourth	Brothers and sisters of US citizens who are over 21 years of age	65,000

(Source: *INS Statistical Yearbook*, 2001; US State Department, *Visa Bulletin*)

*Spouses and children are allotted 77 percent of the second preference category; 75 percent are exempt from the per-country limit. The remaining 23 percent is reserved for unmarried sons and daughters age 21 and over.

Immediate relatives of US citizens and family-sponsorship, 1995-2001



(Source: *INS Statistical Yearbook*, 2001)

The family reunification program preference categories are subject to annual caps.

Theoretically, 480,000 slots are available for family reunification. In reality, the immediate family visa slots are unlimited and at least 226,000 visas are guaranteed to individuals entering through the numerically limited, family-sponsored preference categories. During years in which fewer than 254,000 immediate relatives enter, the remaining spaces "spill over" into the family preference categories. The table below displays family preference slots during the years 1992-2001 under the limits established by the Immigration Act of 1990.

Annual entrants through family preference, 1992-2001

1992	226,000	1997	226,000
1993	232,483	1998	226,000
1994	226,000	1999	226,000
1995	253,721	2000	294,601
1996	311,819	2001	226,000

(Source: *Triennial Comprehensive Report on Immigration*, 2001)

Limits are also imposed by country of origin. Immigration from any single country may not exceed seven percent of the total numerically limited family-based immigration annually.

Just as unused visas spill over from immediate relatives to other family-sponsored categories, they also spill over from the first preference category to the second, and so on, until they are filled. Unused visas also move between employment-based immigration categories and family reunification.

The family reunification program faces an ever-larger number of backlogged applications.

By 2001, the former INS faced an application backlog of 3.9 million for all benefits, including naturalization and immigrant and non-immigrant visas, four times the number of backlogged applications in 1994. In 2002 the backlog for adjustment of status applications, one of the primary means by which family members of legal permanent residents and US citizens apply for lawful permanent residency, was 966,341. This backlog represented 57 percent of the total caseload. In addition, by the end of 2002, there were more than one million backlogged applications for numerically limited slots in preference category 2 (spouses and children of legal permanent residents). The backlog results in long waiting periods between the time that a petition is approved and the time that a visa may be issued. For some categories of applicants, that wait may be decades long.

Many analysts believe that alleviating the backlog by processing increased numbers of applicants each year and raising the cap on the first and second preference categories would reduce significantly the number of illegal aliens in the United States.

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