

Immigrant Pathways to Legal Permanent Residence: Now and Under a Merit-Based System

Technical Appendix

Joseph M. Hayes
Laura E. Hill

Description

This appendix to *California Counts* (vol. 9, no. 4) provides statistical background on visa categories, skill levels, regions of origin, and pathways to legal permanent residence.

Contents

- I. Table A.1. Percentage Distribution of Visa Categories by Pathway: U.S. Sample
- II. Table A.2. Skill Levels in the New Admissions Categories Under Proposed S. 1639 for 2003 LPR Cohort
- III. Table A.3. Sample Sizes from 2003 NIS, U.S. Sample: Region of Origin by Pathway



PPIC

PUBLIC POLICY
INSTITUTE OF CALIFORNIA

Table A.1 presents the percentage distribution of pathways to legal permanent residence for each of the official LPR admission categories.

Table A.1.
Percentage Distribution of Visa Categories by Pathway: U.S. Sample

	No Prior U.S. Trip	Prior Illegal U.S. Trip		Prior Legal U.S. Trip				Total
	New Arrival	Illegal Border Crosser	Visa Abuser	Student/Exchange	Refugee/Asylee	Non-resident Visitor	Non-resident Worker	
Family-based (unlimited)	32	17	26	7	0	16	2	100
Family-based (limited)	64	16	14	0	0	5	1	100
Employment-based	20	6	25	16	0	23	10	100
Refugee/asylee	7	21	25	1	31	14	1	100
Diversity	79	0	16	3	0	1	1	100
Legalization	3	89	8	0	0	0	0	100
Other	68	15	14	1	0	1	1	100
All visa categories	38	20	21	5	2	11	2	100

Source: Authors' calculations using the 2003 NIS.
 Note: Estimates are based on weighted data.

Among those admitted under numerically unlimited family preferences, 43 percent had at some time entered or stayed in the United States illegally: 17 percent were illegal border crossers, and 26 percent were visa abusers.

Among those admitted under numerically limited family preferences, almost two-thirds had not been to the United States before, and 30 percent had a prior illegal trip, about evenly split between illegal border crossers (16%) and visa abusers (14%).

Although those admitted under employment preferences show the highest propensity among visa categories to have worked legally in the United States (10%), the proportions of students (16%) or nonresident visitors (23%) are far higher. The illegal U.S. experience of this group is primarily in the form of visa abuse (25%) rather than border crossing (6%).

Table A.2 compares the skills characteristics of the 2003 LPR cohort for each of the three proposed admission categories implicit in S. 1639: those who would be admitted without limitation because of their immediate family connections or refugee/asylee status, those who could still be sponsored for LPR status through family members in the limited preference categories, and those who would be subject to points.

Table A.2.
Skill Levels in the New Admissions Categories
Under Proposed S. 1639 for 2003 LPR Cohort

	% Exempt from Points	% with Limited Family Preferences	% Subject to Points
Employment			
Specialty occupation	3.3	0.2	5.4
High-demand occupation	21.1	7.8	22.2
Other occupation	35.8	9.5	32.0
Not working	39.8	82.4	40.4
Total	100.0	100.0	100.0
Educational attainment			
No degree/certificate	25.4	67.3	29.4
Vocational certificate	5.1	3.5	4.5
High school diploma	35.1	13.5	28.0
Associate's degree	3.8	1.8	2.7
Bachelor's degree	21.1	9.5	22.6
Graduate degree	9.2	4.0	12.5
Total	99.8	99.6	99.8
English language ability			
Not good or none at all	42.5	81.0	48.2
Good	28.5	10.1	25.3
Very good	28.8	8.6	26.3
Total	99.8	99.8	99.8

Source: Authors' calculations using the 2003 NIS.

Notes: Estimates are based on weighted data. Totals may not sum exactly because of rounding.

Skills and employment that are highly rewarded by the merit-based point system are found among both those exempt from points and those subject to points. In all cases, the skills deemed desirable by the proposed merit-based system are underrepresented in the limited family preference category. For example, more than two-thirds of those in this category lack an educational degree, and 81 percent have poor levels of English language ability. It appears from Table A.2 that restricting the parents of U.S. citizens in the new category of limited family preferences may be an effective way to screen out low-skill LPR

applicants. (The other proposed limited family preference category, spouses and children of LPRs, is already restricted in practice).

LPR applicants admitted without numerical limitation are almost as skilled as those screened through the merit system – roughly equal percentages have a B.A. degree, and 9 percent of those admitted without numerical limitation have a graduate degree, compared to 13 percent of those subject to points. The percentage in specialty or STEM occupations is lower among those admitted without restriction (not shown here), but the percentage employed in high-demand occupations is about the same. Indeed, in the 2003 LPR cohort, nearly 20 percent of LPRs adjusting from H-1B status, and nearly 80 percent of those adjusting from student visas, did so through the numerically unlimited “spouse of U.S. citizen” category. Those percentages translate to 7 percent of the “spouse of U.S. citizen” category overall (Wadhwa et al., 2007).

All of the estimates presented use the weights that the NIS assigned to each sampled record. Below we present the actual sample sizes from which these estimates were calculated. Table A.3 presents the size of the U.S. sample of the 2003 NIS, cross-tabulated by LPRs’ region of origin and the pathway followed.

Table A.3.
Sample Sizes from 2003 NIS, U.S. Sample: Region of Origin by Pathway

Region of Origin	No Prior U.S. Trip	Prior Illegal U.S. Trip		Prior Legal U.S. Trip				Total
	New Arrival	Illegal Border Crosser	Visa Abuser	Student/Exchange	Refugee/Asylee	Non-resident Visitor	Non-resident Worker	
Latin America/Caribbean	902	1,299	609	49	20	228	29	3,136
Asia/Pacific	1,333	64	452	254	16	391	145	2,655
Europe/Central Asia	599	30	364	94	108	133	38	1,366
Sub-Saharan Africa	480	15	140	31	14	50	15	745
Mideast/North Africa	222	11	98	15	15	29	7	397
Canada	42	18	38	11	0	34	15	158
Oceania/other	20	19	41	19	2	10	5	116
All regions of origin	3,598	1,456	1,742	473	175	875	254	8,573