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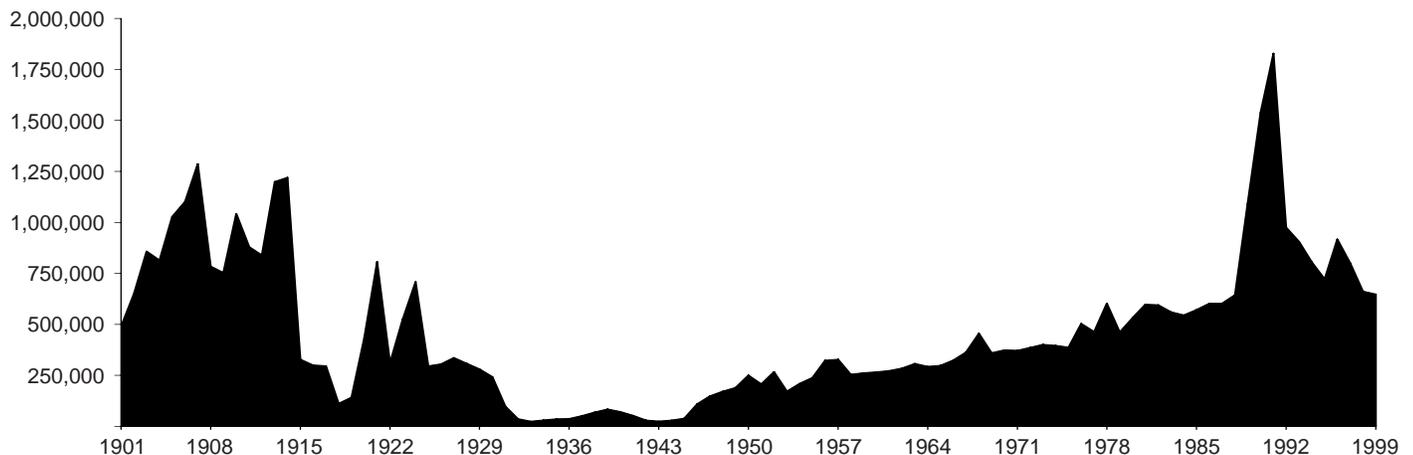
Legal Immigration, Fiscal Year 1999

This report provides a summary of INS statistics on immigrants admitted for legal permanent residence during fiscal year 1999 (October 1, 1998-September 30, 1999). Included as legal immigrants for 1999 are: 1) aliens who were previously living abroad and 2) aliens who were already living in the United States, in some cases, for many years. The former obtain immigrant visas through the U.S. Department of State (DOS) allowing them to enter

applications pending a decision. Because the impact of the backlog on the demographic composition of legal immigrants is unknown, annual trends in immigrant characteristics are not discussed.

Data were obtained from the Computer Linked Applicant Information Management System (CLAIMS) of INS. CLAIMS maintains

Chart 1. Legal Immigration: Fiscal Years 1901-99



the United States. The latter adjust status through the Immigration and Naturalization Service (INS).

In recent years, including fiscal year 1999, the number of immigrants granted legal permanent residence has been lower than expected due to a backlog in the number of adjustment of status

information from the Immigrant Visa and Alien Registration (OF-155A) of DOS for immigrant new arrivals and from applications to adjust status (I-485) of INS. Further information about the data is included in the Appendix. An attached set of tables includes detailed statistical information for further reference.

HIGHLIGHTS

- ◆ Legal immigration in 1999 (646,568) was at its lowest level since 1988 (643,025) (see Chart 1). Fewer immigrants than expected have been admitted for legal permanent residence in recent years as the number of adjustment of status applications pending a decision continued to increase (see Chart 2).
- ◆ During the 1995-99 period, total legal immigration would have been an estimated 600,000-700,000 higher than actually reported if the pending caseload had not increased.
- ◆ In 1999, the leading countries of origin for legal immigrants included: Mexico (147,573), The People's Republic of China (32,204), Philippines (31,026), India (30,237), and Vietnam (20,393). These five countries represented 40 percent of all immigrants.
- ◆ The primary destination states for legal immigrants in 1999 were: California (161,247), New York (96,979), Florida (57,484), Texas (49,393), Illinois (36,971), and New Jersey (34,095). These six states accounted for 68 percent of all legal immigrants.

Impact of Pending Adjustment of Status Applications

Between the end of fiscal years 1994 and 1999, the number of adjustment of status applications pending a decision increased 830,000 from 121,000 to 951,000. The impact of pending adjustment of status applications on legal immigration during fiscal years 1995-99 was estimated using the same method presented in the annual reports on legal immigration for fiscal years 1997 and 1998. For 1995-99, it is estimated that legal immigration

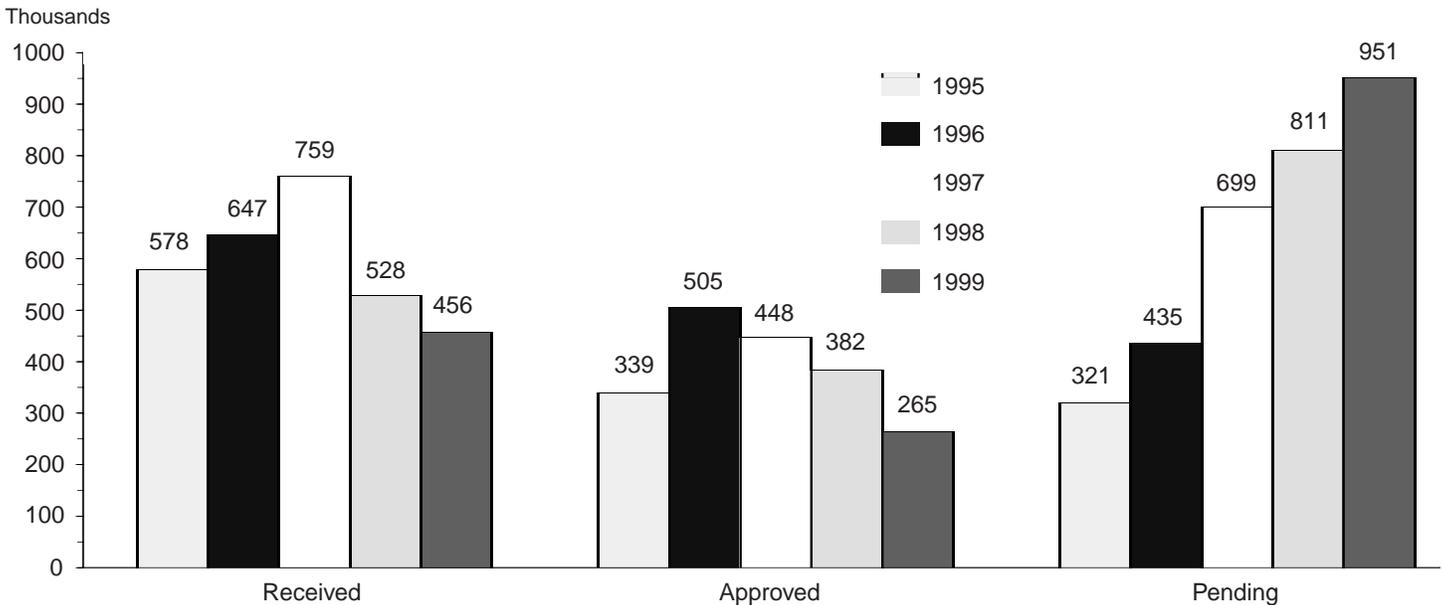
would have been 600,000-700,000 higher had pending applications not increased by 830,000. The upper bound estimate of 700,000 assumes that 7 percent of applications would have been denied (the historical denial rate) and that 14 percent were family preference applicants (the proportion of all adjustment of status legal immigrants during fiscal years 1995-99), none of whom contributed to the decrease in legal immigration.¹ The lower bound estimate of 600,000 takes into account the increase in the family preference limit in 1996 attributable to pending adjustment of status applications in fiscal year 1995.

The calculations presented above suggest that legal immigration might have been 120,000-140,000 higher on average each year during 1995-99 without any increase in the pending caseload. It should be noted, as in the 1998 report, that the average conceals some known annual variation. Pending adjustment of status applications increased more during fiscal years 1995 and 1997 than during fiscal year 1996 when the increase in the family preference limit offset much of the loss from pending applications. In 1998 and 1999 the decline in the number of applications received may have prevented the pending caseload from growing more rapidly.

CLAIMS does not maintain data on the characteristics of applicants whose adjustment of status applications are pending a decision. It may be assumed that immigrant categories most affected in 1999 include those which traditionally have had the highest percentages of adjustments of status cases: employment preferences; refugees; and spouses of U.S. citizens.

¹ Ordinarily family preference adjustment of status applications pending a decision do not decrease legal immigration because of a waiting list of applicants. The DOS regulates immigration under the preference system by issuing visas to aliens on the waiting list whenever it appears that the annual limits may not be reached. Unlike family preferences, there is little wait for most employment preferences so an increase in pending caseload decreases legal immigration.

Chart 2. Immigrant Adjustment of Status Applications (I-485): Fiscal Years 1995-99



APPENDIX

Notes on Data

Terms and definitions — Legal immigrants according to immigration law are persons lawfully admitted for permanent residence in the United States. Other terms used in INS reports to refer to legal immigrants include: aliens who were granted legal permanent residence; aliens admitted for legal permanent residence; immigrants admitted; and admissions.

There are two basic administrative paths open to aliens wishing to become legal permanent residents 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. They are granted legal permanent residence at the time they pass through the port of entry. Aliens already living in the United States, including certain undocumented immigrants, temporary workers, foreign students,

and refugees, become legal immigrants by filing an application with the INS for adjustment of status to legal permanent residence. Adjustment of status applicants are granted legal permanent residence at the time their applications are approved. New legal immigrants are automatically authorized to work. They should receive alien registration cards (“green cards”) within several weeks of becoming legal permanent residents, but in recent years this process has sometimes taken longer.

Data quality — Most immigrant records for fiscal year 1999 were identified in CLAIMS based on the date of approval for legal permanent residence. For certain categories of immigrants, including refugees, asylees, and those granted cancellation of removal, CLAIMS does not store the approval date so alternative selection criteria were used. Refugee and cancellation of removal records were identified using the date that approved applications were received in INS service centers. Asylee records were identified by adding one year to the date appearing in the admission/adjustment date field. This field stores the date used to count the time

spent toward meeting the residency requirement for naturalization. Asylees are eligible for naturalization four years after becoming legal permanent residents, so the admission/adjustment date represents the actual approval date rolled back one year.

The 1998 Legal Immigration Report stated that the 10,000-person annual limit for asylees had been reached and that the count from CLAIMS (7,548) was too low. Subsequent information indicates that the 7,548 number in CLAIMS reflects the actual number of asylee applications that were processed for adjustment of status in 1998.

The INS administers the 10,000-person limit on the number of asylees allowed to adjust status in a fiscal year. The actual number of asylee adjustments was 7,548 in fiscal year 1998 and 3,357 in fiscal year 1999. The INS authorized for completion a total of 20,000 asylee adjustments subject to the limit during fiscal years 1998-99. At the time of this report, 10,076 of these asylees have obtained adjustment of status during that two-year period.² There may be a multi-year wait between the time that an alien is granted asylum status and the time the adjustment of status application is approved due to the waiting list (currently at approximately 87,000 cases) resulting from the 10,000 cap and the need to complete mandatory processing steps such as fingerprinting and medical examinations. The number of cases actually approved for adjustment is less than the total number authorized for completion. Many asylee adjustment applicants, while awaiting an asylee adjustment number, obtained adjustment of status through other methods such as marriage to a U.S. citizen or legal permanent resident, or were unable to be located by the INS due to name and address changes. The INS will improve this process in fiscal year 2001 so that the number of asylees granted permanent resident status approaches the 10,000 limit.

² A total of 827 Iraqi asylees granted permanent resident status during 1998-99 were exempt from the limit as specified in the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999, P.L. 105-277, § 128 (1998).

The 1998 Legal Immigration Report also stated that the annual limit on cancellation of removal (4,000) had been reached. The actual count in CLAIMS (428) has since been confirmed as correct.

The cancellation of removal limit is administered by the Executive Office for Immigration Review (EOIR) and is counted in the fiscal year that the alien is granted relief from removal. The actual date that the INS processes the cancellation of removal and adjustment of status order and counts the alien as an immigrant is later. Due to delays in reporting and in aliens approaching the INS for further processing after issuance of the order, it could extend into the succeeding fiscal year.³ The number of reported adjustments of status under cancellation of removal, therefore, would not be expected to match the 4,000 limit in a typical year, even though that limit was reached in both fiscal years 1998 and 1999. The number of cancellation of removal cases processed by the INS increased from 428 in fiscal year 1998 to 9,032 in fiscal year 1999.⁴

The 1998 legal immigrant total has been reduced by 6,026 from previous reports due to the revisions in the 1998 asylum and cancellation of removal counts. Missing values also were a problem in fiscal year 1999 especially for adjustment of status cases for certain variables. These included: occupation; country of chargeability (preference limit); nonimmigrant class of entry; and nonimmigrant year of entry.

Preference Limits

The Immigration Act of 1990 (P.L. 101-649) restructured the immigrant categories of admission and made other modifications to the Immigration

³ The date that the cancellation of removal was ordered by EOIR is the official date of permanent residence status in INS records.

⁴ A total of 577 cancellations of removal and adjustments of status during 1998-99 were exempt from the 4,000 limit as specified in the Nicaraguan Adjustment and Central American Relief Act (NACARA), P.L. 105-100, § 203.

and Nationality Act. The 1990 Act divided the preference classes into two general categories: family-sponsored and employment-based. Limits on the number of visas issued in these two categories are determined annually.

Family-sponsored limits — The worldwide level for family-sponsored preferences is calculated as:

480,000 minus the number of aliens who were issued visas or adjusted to legal permanent residence in the previous fiscal year as 1) immediate relatives of U.S. citizens, 2) children born subsequent to the issuance of a visa to an accompanying parent, 3) children born abroad to lawful permanent residents on temporary trips abroad, and 4) certain categories of aliens paroled into the United States in the second preceding fiscal year (1997), *plus* unused employment preferences in the previous fiscal year.

The 1990 Act specifies that the family-sponsored limit may not fall below a minimum of 226,000 in any year. The number of legal permanent residents issued visas or who adjusted in fiscal year 1998 under categories 1-3 listed above was 288,810. The number of parolees in 1997 was estimated at

more than 25,000. The number of unused employment-based visas in 1998 was 53,571. The 1999 family-sponsored limit, therefore, was set to 226,000 ($480,000 - 288,810 - 25,000 + 53,571 = 219,761$, which is below 226,000). The limits for each of the family-sponsored preferences and their descriptions are shown below.

Employment-based limits — The 1990 Act specifies that the worldwide limit on employment-based preference immigrants is equal to 140,000 plus unused family-sponsored preference visas in the previous year. The limit for fiscal year 1999 was set to 160,906 ($140,000 + 20,906$ family preference visas in 1998).

Per-country limits — The per-country limit on preference immigration for independent countries is set to 7 percent of the total family and employment limits ($226,000 + 160,906 = 386,906$), while dependent areas are limited to 2 percent of the total. The 1999 limit for independent foreign states was 27,083 (7 percent of 386,906) and the limit for dependencies was 7,738 (2 percent of 386,906).

Diversity limits — This classification became effective in fiscal year 1995. The annual limit is set at 55,000.

Categories of Immigrants Included in World-Wide Annual Limit Specified in Section 201 of the Immigration and Nationality Act: Fiscal Year 1999 Limits

PREFERENCE	DESCRIPTION	UNADJUSTED LIMIT	LIMIT
Family-sponsored immigrants		480,000 ¹	480,000 ¹
Family-sponsored preferences		226,000	226,000
First	Unmarried sons and daughters of U.S. citizens and their children	23,400 ²	23,400 ²
Second	Spouses, children, and unmarried sons and daughters of permanent resident aliens	114,200 ³	114,200 ³
Third	Married sons and daughters of U.S. citizens	23,400 ³	23,400 ³
Fourth	Brothers and sisters of U.S. citizens (at least 21 years of age)	65,000 ³	65,000 ³
Immediate relatives of adult U.S. citizens (spouses, children, and parents) and children born abroad to alien residents		Not limited: 254,000 ¹	Not limited: 254,000 ¹
Employment-based preferences		140,000	160,906
First	Priority workers	40,040 ⁴	46,020 ⁴
Second	Professionals with advanced degrees or aliens of exceptional ability	40,040 ³	46,019 ³
Third	Skilled workers, professionals, needed unskilled workers	40,040 ³	46,019 ³
Fourth	Special immigrants	9,940	11,424
Fifth	Employment creation ("Investors")	9,940	11,424
Diversity		55,000	55,000
TOTAL		675,000	695,906

Note: The annual limits are adjusted based on visa usage in the previous year.

¹ The number of immediate relatives of U.S. citizens included in these figures is assumed to be 254,000. Immediate relatives may enter without any limitation; however, the limit for family-sponsored preference immigrants in a fiscal year is equal to 480,000 minus the number of immediate relatives admitted in the preceding year. The limit of family-sponsored preference visas cannot fall below a minimum of 226,000—the worldwide limit of 480,000 minus 254,000.

² Plus unused family 4th preference visas.

³ Visas not used in higher preferences may be used in these categories.

⁴ Plus unused employment 4th and 5th preference visas.

Table 1. Immigrants Admitted by Major Category of Admission: Fiscal Years 1996-99

Category of admission	1999		1998 ¹		1997		1996	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	646,568	100.0	654,451	100.0	798,378	100.0	915,900	100.0
New arrivals	401,775	62.1	357,037	54.6	380,719	47.7	421,405	46.0
Adjustments of status	244,793	37.9	297,414	45.4	417,659	52.3	494,495	54.0
Categories related to world-wide limits	580,833	89.8	598,787	91.5	675,816	84.6	772,737	84.4
Family-sponsored immigrants	476,445	73.7	475,750	72.7	535,771	67.1	596,264	65.1
Family-sponsored preferences	216,883	33.5	191,480	29.3	213,331	26.7	294,174	32.1
Unmarried sons/daughters of U.S. citizens	22,392	3.5	17,717	2.7	22,536	2.8	20,909	2.3
Spouses and children of alien residents	108,007	16.7	88,488	13.5	113,681	14.2	182,834	20.0
Married sons/daughters of U.S. citizens	24,040	3.7	22,257	3.4	21,943	2.7	25,452	2.8
Siblings of U.S. citizens	62,444	9.7	63,018	9.6	55,171	6.9	64,979	7.1
Immediate relatives of U.S. citizens	259,562	40.1	284,270	43.4	322,440	40.4	302,090	33.0
Spouses	127,988	19.8	151,172	23.1	170,263	21.3	169,760	18.5
Parents	61,483	9.5	61,724	9.4	74,114	9.3	66,699	7.3
Children	69,113	10.7	70,472	10.8	76,631	9.6	63,971	7.0
Children born abroad to alien residents	978	.2	902	.1	1,432	.2	1,660	.2
Legalization dependents	X	X	21	Z	64	Z	184	Z
Employment-based preferences ..	56,817	8.8	77,517	11.8	90,607	11.3	117,499	12.8
Priority workers	14,898	2.3	21,408	3.3	21,810	2.7	27,501	3.0
Professionals with advanced degree or of exceptional ability	8,581	1.3	14,384	2.2	17,059	2.1	18,462	2.0
Skilled workers, professionals, unskilled workers	27,966	4.3	34,317	5.2	42,596	5.3	62,756	6.9
Special immigrants	5,086	.8	6,584	1.0	7,781	1.0	7,844	.9
Investors	286	Z	824	.1	1,361	.2	936	.1
Diversity programs	47,571	7.4	45,499	7.0	49,374	6.2	58,790	6.4
Permanent	47,571	7.4	45,499	7.0	49,360	6.2	58,245	6.4
Transition	X	X	X	X	14	Z	545	.1
Other categories	65,735	10.2	55,664	8.5	122,562	15.4	143,163	15.6
Amerasians	239	Z	346	.1	738	.1	956	.1
Parolees, Soviet and Indochinese	1,827	.3	1,225	.2	1,844	.2	2,269	.2
Refugees and asylees	42,852	6.6	52,193	8.0	112,158	14.0	128,565	14.0
Refugee adjustments	39,495	6.1	44,645	6.8	102,052	12.8	118,528	12.9
Asylee adjustments	3,357	.5	7,548	1.2	10,106	1.3	10,037	1.1
Cancellation of removal	9,032	1.4	428	.1	4,628	.6	5,812	.6
Total, IRCA legalization	8	Z	955	.1	2,548	.3	4,635	.5
NACARA ²	11,267	1.7	1	Z	X	X	X	X
Other	510	.1	516	.1	646	.1	926	.1

¹ The 1998 immigrant total has been revised.

² Section 202 of the Nicaraguan Adjustment and Central American Relief Act of November 1997.

X Not applicable. Z Rounds to less than .05 percent.

Table 2. Immigrants Admitted by Region and Selected Country of Birth: Fiscal Years 1996-99

Region and country of birth	1999		1998 ¹		1997		1996	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
All countries	646,568	100.0	654,451	100.0	798,378	100.0	915,900	100.0
Africa	36,700	5.7	40,660	6.2	47,791	6.0	52,889	5.8
Asia	199,411	30.8	219,696	33.6	265,810	33.3	307,807	33.6
Europe	92,672	14.3	90,793	13.9	119,871	15.0	147,581	16.1
North America	271,365	42.0	252,996	38.7	307,488	38.5	340,540	37.2
Caribbean	71,683	11.1	75,521	11.5	105,299	13.2	116,801	12.8
Central America	43,216	6.7	35,679	5.5	43,676	5.5	44,289	4.8
Other North America	156,466	24.2	141,796	21.7	158,513	19.9	179,450	19.6
Oceania	3,676	.6	3,935	.6	4,344	.5	5,309	.6
South America	41,585	6.4	45,394	6.9	52,877	6.6	61,769	6.7
Unknown	1,159	.2	977	.2	197	Z	5	Z
1. Mexico	147,573	22.8	131,575	20.1	146,865	18.4	163,572	17.9
2. China, People's Republic	32,204	5.0	36,884	5.6	41,147	5.2	41,728	4.6
3. Philippines	31,026	4.8	34,466	5.3	49,117	6.2	55,876	6.1
4. India	30,237	4.7	36,482	5.6	38,071	4.8	44,859	4.9
5. Vietnam	20,393	3.2	17,649	2.7	38,519	4.8	42,067	4.6
6. Dominican Republic	17,864	2.8	20,387	3.1	27,053	3.4	39,604	4.3
7. Haiti	16,532	2.6	13,449	2.1	15,057	1.9	18,386	2.0
8. Jamaica	14,733	2.3	15,146	2.3	17,840	2.2	19,089	2.1
9. El Salvador	14,606	2.3	14,590	2.2	17,969	2.3	17,903	2.0
10. Cuba	14,132	2.2	17,375	2.7	33,587	4.2	26,466	2.9
11. Pakistan	13,496	2.1	13,094	2.0	12,967	1.6	12,519	1.4
12. Nicaragua	13,389	2.1	3,521	.5	6,331	.8	6,903	.8
13. Korea	12,840	2.0	14,268	2.2	14,239	1.8	18,185	2.0
14. Russia	12,347	1.9	11,529	1.8	16,632	2.1	19,668	2.1
15. Ukraine	10,123	1.6	7,448	1.1	15,696	2.0	21,079	2.3
16. Colombia	9,966	1.5	11,836	1.1	13,004	1.6	14,283	1.6
17. Ecuador	8,904	1.4	6,852	1.8	7,780	1.0	8,321	.9
18. Canada	8,864	1.4	10,190	1.0	11,609	1.5	15,825	1.7
19. Poland	8,798	1.4	8,469	1.6	12,038	1.5	15,772	1.7
20. Peru	8,438	1.3	10,154	1.3	10,853	1.4	12,871	1.4
Subtotal	444,032	68.7	435,364	66.5	541,329	67.8	607,521	66.3
Other	202,536	31.3	219,087	33.5	257,049	32.2	308,379	33.7

¹ The 1998 immigrant total has been revised.

Z Rounds to less than .05 percent.

**Table 3. Immigrants Admitted by Selected State and Metropolitan Area of Intended Residence:
Fiscal Years 1996-99**

State and metropolitan area	1999		1998 ¹		1997		1996	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
All states	646,568	100.0	654,451	100.0	798,378	100.0	915,900	100.0
1. California	161,247	24.9	170,126	26.0	203,305	25.5	201,529	22.0
2. New York	96,979	15.0	96,559	14.8	123,716	15.5	154,095	16.8
3. Florida	57,484	8.9	59,965	9.2	82,318	10.3	79,461	8.7
4. Texas	49,393	7.6	44,428	6.8	57,897	7.3	83,385	9.1
5. Illinois	36,971	5.7	33,163	5.1	38,128	4.8	42,517	4.6
6. New Jersey	34,095	5.3	35,091	5.4	41,184	5.2	63,303	6.9
7. Maryland	15,605	2.4	15,561	2.4	19,090	2.4	20,732	2.3
8. Massachusetts	15,180	2.3	15,869	2.4	17,317	2.2	23,085	2.5
9. Virginia	15,144	2.3	15,686	2.4	19,277	2.4	21,375	2.3
10. Michigan	13,650	2.1	13,943	2.1	14,727	1.8	17,253	1.9
11. Pennsylvania	13,514	2.1	11,942	1.8	14,553	1.8	16,938	1.8
12. Washington	13,046	2.0	16,920	2.6	18,656	2.3	18,833	2.1
13. Georgia	9,404	1.5	10,445	1.6	12,623	1.6	12,608	1.4
14. Arizona	8,667	1.3	6,211	.9	8,632	1.1	8,900	1.0
15. Nevada	8,305	1.3	6,106	.9	6,541	.8	5,874	.6
16. Connecticut	7,887	1.2	7,780	1.2	9,528	1.2	10,874	1.2
17. Colorado	6,984	1.1	6,513	1.0	7,506	.9	8,895	1.0
18. Ohio	6,855	1.1	7,697	1.2	8,189	1.0	10,237	1.1
19. Minnesota	5,956	.9	6,981	1.1	8,233	1.0	8,977	1.0
20. North Carolina	5,792	.9	6,415	1.0	5,935	.7	7,011	.8
Other	64,410	10.0	67,050	10.2	81,023	10.1	100,018	10.9
All metropolitan areas	646,568	100.0	654,451	100.0	798,378	100.0	915,900	100.0
1. New York, NY	80,893	12.5	81,417	12.4	107,434	13.5	133,168	14.5
2. Los Angeles-Long Beach, CA	55,236	8.5	60,220	9.2	62,314	7.8	64,285	7.0
3. Chicago, IL	33,754	5.2	31,033	4.7	35,386	4.4	39,989	4.4
4. Miami, FL	30,179	4.7	29,242	4.5	45,707	5.7	41,527	4.5
5. Washington, DC-MD-VA	23,976	3.7	25,639	3.9	31,444	3.9	34,327	3.7
6. Houston, TX	14,662	2.3	13,189	2.0	17,439	2.2	21,387	2.3
7. Orange County, CA	14,423	2.2	14,291	2.2	18,190	2.3	17,580	1.9
8. San Francisco, CA	11,755	1.8	14,553	2.2	16,892	2.1	18,171	2.0
9. Boston-Lawrence-Lowell- Brockton, MA	11,501	1.8	12,854	2.0	13,937	1.7	18,726	2.0
10. Oakland, CA	10,794	1.7	13,499	2.1	15,723	2.0	15,759	1.7
11. San Diego, CA	10,309	1.6	9,836	1.5	14,758	1.8	18,226	2.0
12. San Jose, CA	10,252	1.6	11,811	1.8	17,374	2.2	13,854	1.5
13. Riverside-San Bernardino, CA	9,928	1.5	10,227	1.6	9,518	1.2	10,314	1.1
14. Newark, NJ	9,751	1.5	9,551	1.5	10,801	1.4	17,939	2.0
15. Dallas, TX	9,598	1.5	9,641	1.5	11,061	1.4	15,915	1.7
16. Philadelphia, PA-NJ	9,441	1.5	9,197	1.4	10,858	1.4	13,034	1.4
17. Detroit, MI	9,432	1.5	9,852	1.5	10,019	1.3	11,929	1.3
18. Fort Lauderdale, FL	8,407	1.3	9,954	1.5	10,646	1.3	10,290	1.1
19. Bergen-Passaic, NJ	8,074	1.2	8,645	1.3	9,788	1.2	15,682	1.7
20. Nassau-Suffolk, NY	7,747	1.2	7,932	1.2	9,167	1.1	10,594	1.2
Other	266,456	41.2	267,561	40.9	319,922	40.1	373,204	41.7

¹ The 1998 immigrant total has been revised.