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## 3. 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 resident status after entry.*

***I***mmigrants, 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 Glossary.)

Aliens wishing to become lawful permanent residents 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 lawful permanent residence with the INS. At the time they apply for adjustment of status, they may also apply for work permits. Adjustment of status applicants are granted lawful permanent residence at the time their applications are approved. New legal immigrants are automatically authorized to work and should receive permanent resident cards (“green cards”) soon after becoming lawful 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 lawful permanent resident, persons with needed job skills, or persons who qualify as refugees. Other categories usually account for 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.

### **Worldwide immigration subject to numerical limits**

The Immigration Act of 1990 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 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 1) the previous year’s total of immediate relatives of U.S. citizens, 2) two numerically small categories of children, and 3) certain categories of aliens paroled into the United States in the second preceding fiscal year plus any unused employment preferences from the previous year (see Appendix 1). The employment preference limit can be higher than 140,000 if family preferences go unused in the previous year.

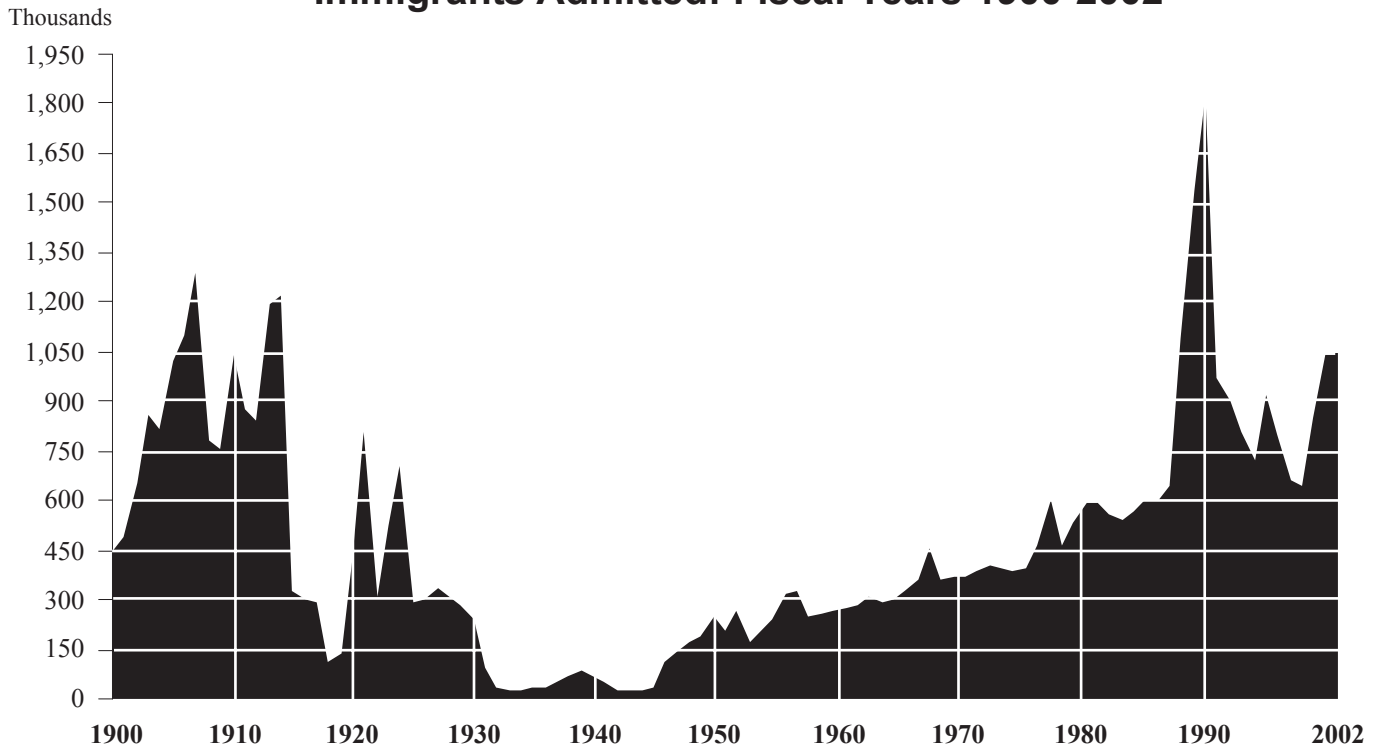
Other categories of immigrants, for example, asylees, are also subject to some form of numerical or time bound limitation. However, these categories typically involve small numbers of aliens and are covered under other sections of immigration law.

### ***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 lawful 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 5 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 2002 limits are shown in Appendix 1.

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 preference system in 2002 was 368,632—226,000 for

**Chart A**  
**Immigrants Admitted: Fiscal Years 1900-2002**



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

family-sponsored immigrants and 142,632 for employment-based immigrants. Within these overall limits, no more than 25,804 preference visas could be issued to persons born in any independent country and no more than 7,373 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. However, beginning in fiscal year 1999, the limit could be reduced to 50,000 to allow 5,000 visas for use under the Nicaraguan Adjustment and Central American Relief Act (NACARA) program. In 2002, the Diversity Program limit was 50,000. 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

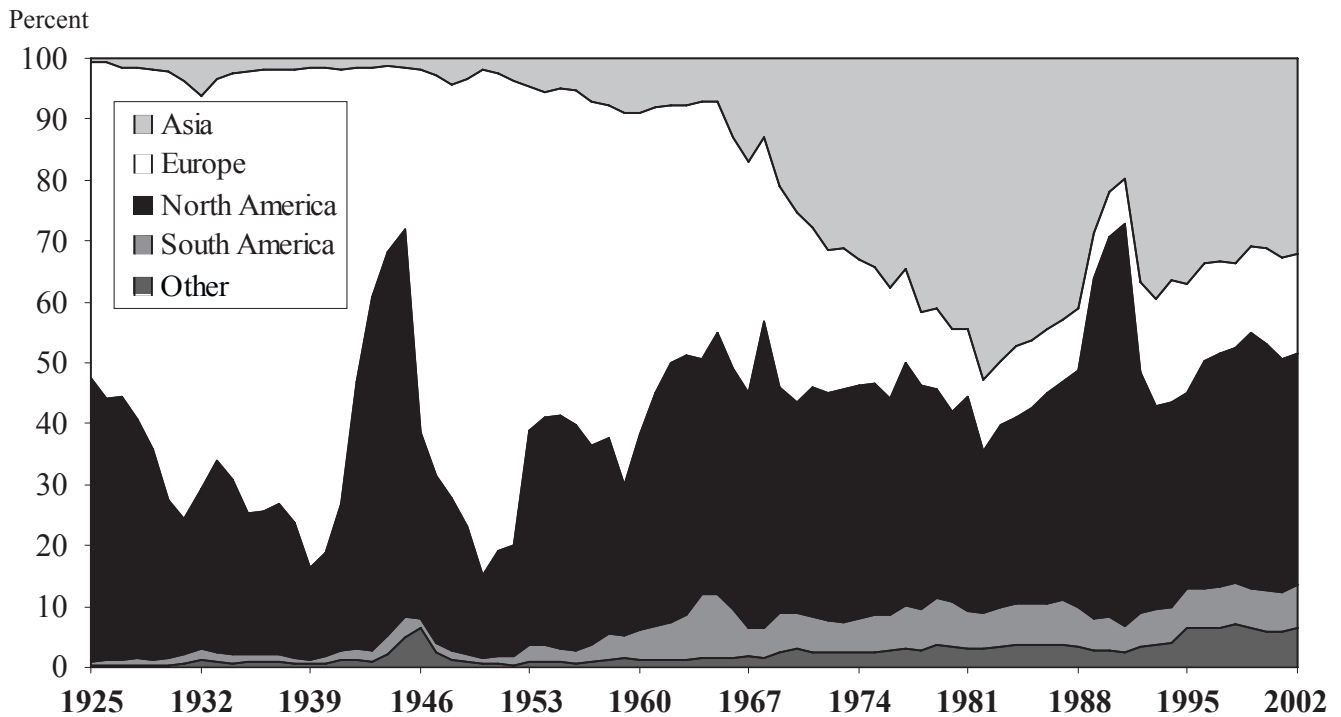
because some major categories are exempt from the limits. These categories include:

- ◆ Immediate relatives of U.S. citizens;
- ◆ Refugee and asylee adjustments;
- ◆ Certain parolees from the Soviet Union and Indochina;
- ◆ Cancellation of removal; 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 resident status after 1 year of residence in the United States without regard to numerical limit. The number of aliens admitted as refugees to the United States each year, however, is established by the President in consultation with Congress

**Chart B**  
**Legal Immigrants by Region of Birth: Fiscal Years 1925-2002**



NOTE: See Glossary for fiscal year definitions. Source: 1992-2002, Table 3; 1925-91, previous *Yearbooks*.

(see Refugee section). Recent ceilings on refugee admissions were 90,000 in 2000, 80,000 in 2001, and 70,000 in 2002. Asylees must wait 1 year after they are granted asylum to apply for lawful 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. Small numbers of asylees (539 in 2002) are exempt from this limit. The number of asylees authorized to adjust status in a fiscal year may differ slightly from the number that actually adjust status due to time required for application processing.

**More than 1 million immigrants were granted legal permanent resident status during 2002.**

### Data Overview

The number of immigrants admitted for lawful permanent residence in the United States in 2002 was 1,063,732 (see Chart A). Included in this total were 384,427 aliens previously living abroad who obtained immigrant visas through the U.S. Department of State and became lawful permanent residents upon entry into the United States. The

remaining 679,305 legal immigrants, including former undocumented immigrants, refugees, and asylees, had been living in the United States an average of three to four years and adjusted status through the INS.

In recent years, including 2002, the number of immigrants granted lawful permanent residence has been affected by an application backlog at INS. At the end of fiscal year 2002, there were 966,000 adjustment of status cases pending a decision. Because the impact of the backlog is unknown with respect to annual changes in legal immigration and the demographic composition of immigrants, caution should be exercised in drawing conclusions from these data.

### Highlights

- ◆ The number of persons granted lawful permanent residence in the U.S. was about the same in fiscal year 2002 (1,063,732) compared to fiscal year 2001 (1,064,318).
- ◆ Sixty-three percent of all legal immigrants in fiscal year 2002 were family sponsored, 16 percent were admitted under employment preferences, 12 percent were admitted as refugees or asylees, and 3 percent were admitted under Sections 202 and 203 of the

**Table A**  
**Immigrants Admitted by Major Category of Admission: Fiscal Years 2000-02**

Category of admission	2002		2001		2000	
	Number	Percent	Number	Percent	Number	Percent
<b>Total</b> .....	<b>1,063,732</b>	<b>100.0</b>	<b>1,064,318</b>	<b>100.0</b>	<b>849,807</b>	<b>100.0</b>
New arrivals .....	384,427	36.1	411,059	38.6	407,402	47.9
Adjustments of status .....	679,305	63.9	653,259	61.4	442,405	52.1
<b>Family-sponsored immigrants</b> .....	<b>673,817</b>	<b>63.3</b>	<b>676,107</b>	<b>63.5</b>	<b>584,159</b>	<b>68.7</b>
<b>Family-sponsored preferences</b> .....	<b>187,069</b>	<b>17.6</b>	<b>232,143</b>	<b>21.8</b>	<b>235,280</b>	<b>27.7</b>
Unmarried sons/daughters of U.S. citizens .....	23,567	2.2	27,098	2.5	27,707	3.3
Spouses and children of alien residents .....	84,860	8.0	112,260	10.5	124,595	14.7
Married sons/daughters of U.S. citizens .....	21,072	2.0	24,878	2.3	22,833	2.7
Siblings of U.S. citizens .....	57,570	5.4	67,907	6.4	60,145	7.1
<b>Immediate relatives of U.S.   citizens</b> .....	<b>486,748</b>	<b>45.8</b>	<b>443,964</b>	<b>41.7</b>	<b>348,879</b>	<b>41.1</b>
Spouses .....	294,798	27.7	270,545	25.4	197,525	23.2
Parents .....	94,063	8.8	80,964	7.6	67,619	8.0
Children .....	97,099	9.1	91,526	8.6	82,726	9.7
Children born abroad to alien residents .....	788	.1	929	.1	1,009	.1
<b>Legalization dependents</b> .....	<b>57</b>	<b>Z</b>	<b>37</b>	<b>Z</b>	<b>55</b>	<b>Z</b>
<b>Employment-based preferences</b> ..	<b>174,968</b>	<b>16.4</b>	<b>179,195</b>	<b>16.8</b>	<b>107,024</b>	<b>12.6</b>
Priority workers .....	34,452	3.2	41,801	3.9	27,706	3.3
Professionals with advanced degree or of exceptional ability .....	44,468	4.2	42,620	4.0	20,304	2.4
Skilled workers, professionals, unskilled workers .....	88,555	8.3	86,058	8.1	49,736	5.9
Special immigrants .....	7,344	.7	8,523	.8	9,052	1.1
Investors .....	149	Z	193	Z	226	Z
<b>Diversity program</b> .....	<b>42,829</b>	<b>4.0</b>	<b>42,015</b>	<b>3.9</b>	<b>50,945</b>	<b>6.0</b>
Permanent .....	42,829	4.0	42,015	3.9	50,945	6.0
Transition .....	X	Z	X	Z	X	Z
<b>Other categories</b> .....	<b>172,061</b>	<b>16.2</b>	<b>166,964</b>	<b>15.7</b>	<b>107,624</b>	<b>12.7</b>
Amerasians .....	348	Z	376	Z	943	Z
Parolees, Soviet and Indochinese <i>Refugees and asylees</i> .....	6,012	.6	5,468	.5	3,163	.4
Refugee adjustments .....	126,084	11.9	108,506	10.2	65,941	7.8
Refugee adjustments .....	115,832	10.9	97,305	9.1	59,083	7.0
Asylee adjustments <sup>1</sup> .....	10,252	1.0	11,201	1.1	6,858	.8
Subject to annual limit ...	9,713	.9	10,111	.9	4,567	.5
Not subject to limit .....	539	.1	1,090	.1	2,291	.3
NACARA Sec. 202 <sup>2</sup> .....	9,495	.9	18,926	1.8	23,641	2.8
Cancellation of removal .....	23,827	2.2	22,506	2.1	12,349	1.5
Subject to annual limit .....	2,224	.2	3,157	.3	4,334	.5
Not subject to limit (NACARA, Sec. 203) ....	21,603	2.0	19,349	1.8	8,015	.9
IRCA legalization .....	55	Z	263	Z	421	Z
HRIFA <sup>3</sup> .....	5,383	.5	10,111	.9	X	Z
Other .....	857	.1	808	.1	1,166	.1

<sup>1</sup> Differs from number authorized due to time required for application processing. <sup>2</sup> Section 202 of the Nicaraguan Adjustment and Central American Relief Act of November 1997. <sup>3</sup> Haitian Refugee Immigration Fairness Act of 1998.

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

**Table B**  
**Immigrants Admitted by Region and Top 20 Countries of Birth: Fiscal Years 2000-02**

Category of admission	2002		2001		2000	
	Number	Percent	Number	Percent	Number	Percent
<b>All countries .....</b>	<b>1,063,732</b>	<b>100.0</b>	<b>1,064,318</b>	<b>100.0</b>	<b>849,807</b>	<b>100.0</b>
Africa .....	60,269	5.7	53,948	5.1	44,731	5.3
Asia .....	342,099	32.2	349,776	32.9	265,400	31.2
Europe .....	174,209	16.4	175,371	16.5	132,480	15.6
North America .....	404,437	38.0	407,888	38.3	344,805	40.6
Caribbean .....	96,489	9.1	103,546	9.7	88,198	10.4
Central America .....	68,979	6.5	75,914	7.1	66,443	7.8
Other North America .....	238,969	22.5	228,428	21.5	190,164	22.4
Oceania .....	5,557	.5	6,113	.6	5,136	.6
South America .....	74,506	7.0	68,888	6.5	56,074	6.6
Unknown .....	2,655	.2	2,334	.2	1,181	.1
Mexico .....	219,380	20.6	206,426	19.4	173,919	20.5
India .....	71,105	6.7	70,290	6.6	42,046	4.9
China .....	61,282	5.8	56,426	5.3	45,652	5.4
Philippines .....	51,308	4.8	53,154	5.0	42,474	5.0
Vietnam .....	33,627	3.2	35,531	3.3	26,747	3.1
El Salvador .....	31,168	2.9	31,272	2.9	22,578	2.7
Cuba .....	28,272	2.7	27,703	2.6	20,831	2.5
Bosnia-Herzegovina .....	25,373	2.4	23,640	2.2	11,828	1.4
Dominican Republic .....	22,604	2.1	21,313	2.0	17,536	2.1
Ukraine .....	21,217	2.0	20,975	2.0	15,810	1.9
Korea .....	21,021	2.0	20,742	1.9	15,830	1.9
Russia .....	20,833	2.0	20,413	1.9	17,110	2.0
Haiti .....	20,268	1.9	27,120	2.5	22,364	2.6
Canada .....	19,519	1.8	21,933	2.1	16,210	1.9
Colombia .....	18,845	1.8	16,730	1.6	14,498	1.7
Guatemala .....	16,229	1.5	13,567	1.3	9,970	1.2
United Kingdom .....	16,181	1.5	18,436	1.7	13,385	1.6
Jamaica .....	14,898	1.4	15,393	1.4	16,000	1.9
Pakistan .....	13,743	1.3	16,448	1.5	14,535	1.7
Iran .....	13,029	1.2	10,497	1.0	8,519	1.0
Subtotal .....	739,902	69.6	728,009	68.4	567,842	66.8
Other .....	323,830	30.4	336,309	31.6	281,965	33.2

Nicaraguan Adjustment and Central American Relief Act (NACARA) of 1997 (see Table A).

- ◆ The classes of admission with the greatest increases in legal immigration between 2001 and 2002 were parents and spouses of U.S. citizens and refugees. The category with the largest decrease was the family second preference (spouses and children of alien residents), due primarily to security checks that affected both INS and Department of State application processing.

- ◆ The leading regions of origin of legal immigrants in fiscal year 2002, as in 2001, were North America and Asia. These regions accounted for 38 percent and 32 percent, respectively of all legal immigrants in 2002 (see Chart B and Table B).
- ◆ In 2002, as in 2001, the leading source country for legal immigrants was Mexico (219,380). (see Table B). India was second (71,105), followed by the People's Republic of China (61,282), the Philippines (51,308), and Vietnam (33,627). These

**Table C**  
**Immigrants Admitted by Top 10 States and Metropolitan Areas of Intended Residence:**  
**Fiscal Years 2000-02**

Category of admission	2002		2001		2000	
	Number	Percent	Number	Percent	Number	Percent
<b>Total</b> .....	<b>1,063,732</b>	<b>100.0</b>	<b>1,064,318</b>	<b>100.0</b>	<b>849,807</b>	<b>100.0</b>
California .....	291,216	27.4	282,957	26.6	217,753	25.6
New York .....	114,827	10.8	114,116	10.7	106,061	12.5
Florida .....	90,819	8.5	104,715	9.8	98,391	11.6
Texas .....	88,365	8.3	86,315	8.1	63,840	7.5
New Jersey .....	57,721	5.4	59,920	5.6	40,013	4.7
Illinois .....	47,235	4.4	48,296	4.5	36,180	4.3
Massachusetts .....	31,615	3.0	28,965	2.7	23,483	2.8
Washington .....	25,704	2.4	23,085	2.2	18,486	2.2
Virginia .....	25,411	2.4	26,876	2.5	20,087	2.4
Maryland .....	23,751	2.2	22,060	2.1	17,705	2.1
Subtotal .....	796,664	74.9	797,305	74.9	641,999	75.5
Other .....	267,068	25.1	267,013	25.1	207,808	24.5
Los Angeles-Long Beach, CA	108,613	10.2	98,997	9.3	70,644	8.3
New York, NY .....	91,275	8.6	92,361	8.7	85,867	10.1
Chicago, IL .....	43,810	4.1	44,888	4.2	32,300	3.8
Miami, FL .....	40,832	3.8	48,797	4.6	47,404	5.6
Washington, DC-MD-VA .....	38,468	3.6	39,815	3.7	29,394	3.5
Houston, TX .....	28,225	2.7	26,687	2.5	17,429	2.1
San Jose, CA .....	27,431	2.6	28,715	2.7	16,874	2.0
Orange County, CA .....	25,806	2.4	23,506	2.2	20,859	2.5
San Diego, CA .....	22,484	2.1	22,319	2.1	14,624	1.7
Boston-Lawrence, MA <sup>1</sup> .....	21,535	2.0	20,591	1.9	16,469	1.9
Subtotal .....	448,479	42.2	446,676	42.0	351,864	41.4
Other .....	615,253	57.8	617,642	58.0	497,943	58.6

<sup>1</sup> Includes Lowell and Brockton.

5 countries represented 41 percent of all immigrants in 2002.

- ◆ The primary destination states for legal immigrants in 2002, as in every year since 1971, were California (291,216), New York (114,827), Florida (90,819), Texas (88,365), New Jersey (57,721), and Illinois (47,235) (see Table C). Nearly two-thirds (65 percent) of all legal immigrants in 2002 lived in these six states.
- ◆ Ten metropolitan areas were the intended residence of 42 percent of all legal immigrants in 2002. (see Table C). The leading destinations were Los Angeles-Long Beach, CA, New York, NY, Chicago, IL, Miami, FL, and Washington, DC-MD-VA.

## 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 *DS-230 Application for Immigrant Visa and Alien Registration* from the U.S. Department of State. Information on adjustments comes from the *I-485 Application to Register Permanent Residence or Adjust Status* from the U.S.

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Immigration and Naturalization Service. Immigrant applications from both sources are processed through the Computer Linked Applicant Information System (CLAIMS). Immigrant records for fiscal year 2002 were identified in CLAIMS based on the date the decision was made to grant lawful permanent 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).

4) Missing values were a problem especially for adjustment of status cases for certain variables including occupation, nonimmigrant class of entry, and nonimmigrant year of entry.