

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.

Immigrants, as defined by U.S. immigration law, are persons lawfully admitted for permanent residence in the United States. Other terms used in reports by the Office of Immigration Statistics 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 seek entry into the United States. When approved for admission at a port of entry, they become legal immigrants. 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 U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security. 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.

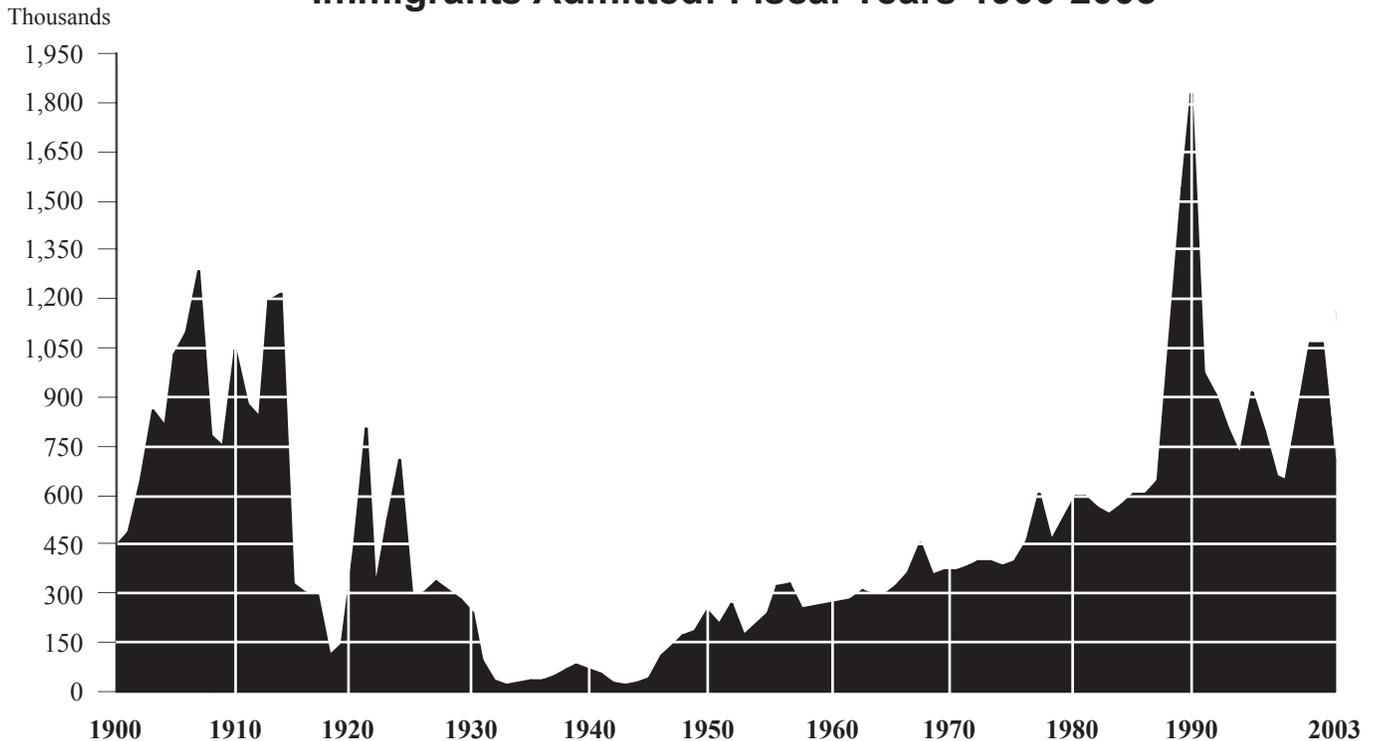
Other categories of immigrants, for example, asylees, are also subject to some form of numerical or time bound limitation. However, these categories typically involve small numbers of aliens and are covered under other sections of immigration law.

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 2003 limits are shown in Appendix 1.

The U.S. Department of State is responsible for determining the annual limits and visa allocation for preference immigration. A per-country limit is also

Chart A
Immigrants Admitted: Fiscal Years 1900-2003



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

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 2003 was 397,532—226,000 for family-sponsored immigrants and 171,532 for employment-based immigrants. Within these overall limits, no more than 27,827 preference visas could be issued to persons born in any independent country and no more than 7,951 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 2003, 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 USCIS 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.

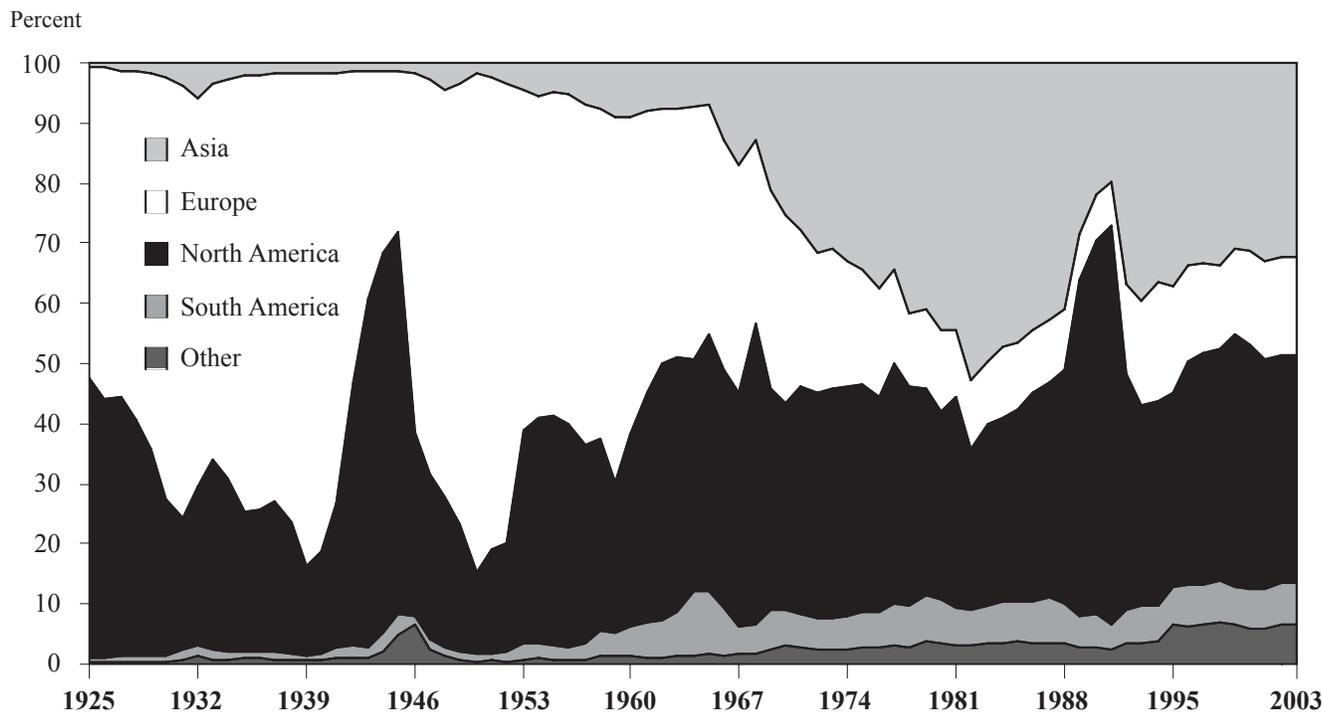
Immigration exempt from worldwide numerical limits

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.

Chart B
Legal Immigrants by Region of Birth: Fiscal Years 1925-2003



NOTE: See Glossary for fiscal year definitions.

Source: 1992-2003, Table 3; 1925-91, previous *Yearbooks*.

Refugees are eligible to adjust to legal permanent resident status without regard to numerical limit after 1 year of residence in the United States. The number of aliens admitted as refugees to the United States each year, however, is established by the President in consultation with Congress (see Refugee section). Recent ceilings on refugee admissions were 80,000 in 2001, 70,000 in 2002, and 70,000 in 2003. 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 (405 in 2003) 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.

Nearly 706 thousand immigrants were granted legal permanent resident status during 2003.

Data Overview

The number of immigrants admitted for lawful permanent residence in the United States in 2003 was 705,827 (see

Chart A). Included in this total were 358,411 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 347,416 legal immigrants, including former undocumented immigrants, refugees, and asylees, had been living in the United States and adjusted status through USCIS.

In recent years, including 2003, the number of immigrants granted lawful permanent residence has been affected by an application backlog at USCIS. At the end of fiscal year 2003, there were 1,200,000 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. declined 34 percent to 705,827 in fiscal year 2003 from 1,063,732 in fiscal year 2002 due primarily to security checks that affected application processing at USCIS.

Table A
Immigrants Admitted by Major Category of Admission: Fiscal Years 2001-03

Category of admission	2003		2002		2001	
	Number	Percent	Number	Percent	Number	Percent
Total	705,827	100.0	1,063,732	100.0	1,064,318	100.0
New arrivals	358,411	50.8	384,427	36.1	411,059	38.6
Adjustments of status	347,416	49.2	679,305	63.9	653,259	61.4
Family-sponsored immigrants	492,297	69.7	673,817	63.3	676,107	63.5
Family-sponsored preferences	158,894	22.5	187,069	17.6	232,143	21.8
Unmarried sons/daughters of U.S. citizens	21,503	3.0	23,567	2.2	27,098	2.5
Spouses and children of alien residents	53,229	7.5	84,860	8.0	112,260	10.5
Married sons/daughters of U.S. citizens	27,303	3.9	21,072	2.0	24,878	2.3
Siblings of U.S. citizens	56,859	8.1	57,570	5.4	67,907	6.4
Immediate relatives of U.S. citizens	333,403	47.2	486,748	45.8	443,964	41.7
Spouses	184,741	26.2	294,798	27.7	270,545	25.4
Parents	69,892	9.9	94,063	8.8	80,964	7.6
Children	78,024	11.1	97,099	9.1	91,526	8.6
Children born abroad to alien residents	746	.1	788	.1	929	.1
Legalization dependents	21	Z	57	Z	37	Z
Employment-based preferences ..	82,137	11.6	174,968	16.4	179,195	16.8
Priority workers	14,544	2.1	34,452	3.2	41,801	3.9
Professionals with advanced degree or of exceptional ability	15,459	2.2	44,468	4.2	42,620	4.0
Skilled workers, professionals, unskilled workers.....	46,613	6.6	88,555	8.3	86,058	8.1
Special immigrants	5,456	.8	7,344	.7	8,523	.8
Investors	65	Z	149	Z	193	Z
Diversity program	46,347	6.6	42,829	4.0	42,015	3.9
Permanent	46,347	6.6	42,829	4.0	42,015	3.9
Transition	X	Z	X	Z	X	Z
Other categories	85,025	12.0	172,061	16.2	166,964	15.7
Amerasians	120	Z	348	Z	376	Z
Parolees, Soviet and Indochinese <i>Refugees and asylees</i>	4,199	.6	6,012	.6	5,468	.5
Refugee adjustments	44,927	6.4	126,084	11.9	108,506	10.2
Refugee adjustments	34,496	4.9	115,832	10.9	97,305	9.1
Asylee adjustments	10,431	1.5	10,252	1.0	11,201	1.1
Subject to annual limit ...	10,026	1.4	9,713	.9	10,111	.9
Not subject to limit	405	.1	539	.1	1,090	.1
NACARA Sec. 202 ¹	2,577	.4	9,495	.9	18,926	1.8
Cancellation of removal	29,109	4.1	23,827	2.2	22,506	2.1
Subject to annual limit	2,009	.3	2,224	.2	3,157	.3
Not subject to limit (NACARA, Sec. 203)	27,100	3.8	21,603	2.0	19,349	1.8
IRCA legalization	39	Z	55	Z	263	Z
HRIFA ²	1,414	.2	5,383	.5	10,111	.9
Other	2,640	.4	857	.1	808	.1

¹ Nicaraguan Adjustment and Central American Relief Act of November, 1997. ² 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 2001-03

Category of admission	2003		2002		2001	
	Number	Percent	Number	Percent	Number	Percent
All countries	705,827	100.0	1,063,732	100.0	1,064,318	100.0
Africa	48,738	6.9	60,269	5.7	53,948	5.1
Asia	244,759	34.7	342,099	32.2	349,776	32.9
Europe	100,769	14.3	174,209	16.4	175,371	16.5
<i>North America</i>	<i>250,726</i>	<i>35.5</i>	<i>404,437</i>	<i>38.0</i>	<i>407,888</i>	<i>38.3</i>
Caribbean	68,815	9.7	96,489	9.1	103,546	9.7
Central America	54,565	7.7	68,979	6.5	75,914	7.1
Other North America	127,346	18.0	238,969	22.5	228,428	21.5
Oceania	4,377	.6	5,557	.5	6,113	.6
South America	55,247	7.8	74,506	7.0	68,888	6.5
Unknown	1,211	.2	2,655	.2	2,334	.2
Mexico	115,864	16.4	219,380	20.6	206,426	19.4
India	50,372	7.1	71,105	6.7	70,290	6.6
Philippines	45,397	6.4	51,308	4.8	53,154	5.0
China	40,659	5.8	61,282	5.8	56,426	5.3
El Salvador	28,296	4.0	31,168	2.9	31,272	2.9
Dominican Republic	26,205	3.7	22,604	2.1	21,313	2.0
Vietnam	22,133	3.1	33,627	3.2	35,531	3.3
Colombia	14,777	2.1	18,845	1.8	16,730	1.6
Guatemala	14,415	2.0	16,229	1.5	13,567	1.3
Russia	13,951	2.0	20,833	2.0	20,413	1.9
Jamaica	13,384	1.9	14,898	1.4	15,393	1.4
Korea	12,512	1.8	21,021	2.0	20,742	1.9
Haiti	12,314	1.7	20,268	1.9	27,120	2.5
Ukraine	11,666	1.7	21,217	2.0	20,975	2.0
Canada	11,446	1.6	19,519	1.8	21,933	2.1
Poland	10,526	1.5	12,746	1.2	11,818	1.1
United Kingdom	9,601	1.4	16,181	1.5	18,436	1.7
Pakistan	9,444	1.3	13,743	1.3	16,448	1.5
Peru	9,444	1.3	11,999	1.1	11,131	1.0
Cuba	9,304	1.3	28,272	2.7	27,703	2.6
Subtotal	481,710	68.2	726,245	68.3	716,821	67.4
Other	224,117	31.8	337,487	31.7	347,497	32.6

◆ Decreases in legal immigration between fiscal years 2002 and 2003 occurred among most classes of admission. The only major categories showing increases in legal immigration between the two years were diversity programs and cancellation of removal.

◆ The leading regions of origin of legal immigrants in fiscal year 2003, as in 2002, were North America and Asia. These regions accounted for 36 percent and 35 percent, respectively, of all legal immigrants in 2003 (see Chart B and Table B).

◆ The leading source country for legal immigrants in 2003 was Mexico (115,864), followed by India (50,372), the Philippines (45,397), China (40,659) and El Salvador (28,296) (see Table B). These 5 countries represented 40 percent of all immigrants in 2003.

◆ The primary destination states for legal immigrants in 2003, as in every year since 1971, were California (176,375), New York (89,661), Texas (53,592), Florida (52,969), New Jersey (40,818), and Illinois (32,488) (see Table C). Sixty-three percent of all legal immigrants in 2003 lived in these six states.

Table C
Immigrants Admitted by Top 10 States and Metropolitan Areas of Intended Residence:
Fiscal Years 2001-03

Category of admission	2003		2002		2001	
	Number	Percent	Number	Percent	Number	Percent
Total	705,827	100.0	1,063,732	100.0	1,064,318	100.0
California	176,375	25.0	291,216	27.4	282,957	26.6
New York	89,661	12.7	114,827	10.8	114,116	10.7
Texas	53,592	7.6	88,365	8.3	86,315	8.1
Florida	52,969	7.5	90,819	8.5	104,715	9.8
New Jersey	40,818	5.8	57,721	5.4	59,920	5.6
Illinois	32,488	4.6	47,235	4.4	48,296	4.5
Massachusetts	20,184	2.9	31,615	3.0	28,965	2.7
Virginia	19,781	2.8	25,411	2.4	26,876	2.5
Washington	18,017	2.6	25,704	2.4	23,085	2.2
Maryland	17,813	2.5	23,751	2.2	22,060	2.1
Subtotal	521,698	73.9	796,664	74.9	797,305	74.9
Other	184,129	26.1	267,068	25.1	267,013	25.1
New York, NY	71,622	10.1	91,275	8.6	92,361	8.7
Los Angeles-Long Beach, CA	64,771	9.2	108,613	10.2	98,997	9.3
Chicago, IL	29,883	4.2	43,810	4.1	44,888	4.2
Washington, DC-MD-VA	29,845	4.2	38,468	3.6	39,815	3.7
Miami, FL	21,139	3.0	40,832	3.8	48,797	4.6
Houston, TX	15,408	2.2	28,225	2.7	26,687	2.5
Orange County, CA	15,256	2.2	25,806	2.4	23,506	2.2
Oakland, CA	13,753	1.9	21,250	2.0	16,452	1.5
Boston-Lawrence, MA ¹	13,560	1.9	21,535	2.0	20,591	1.9
San Jose, CA	13,045	1.8	27,431	2.6	28,715	2.7
Subtotal	288,282	40.8	447,245	42.0	440,809	41.4
Other	417,545	59.2	616,487	58.0	623,509	58.6

¹ Includes Lowell and Brockton.

◆ Ten metropolitan areas were the intended residence of 41 percent of all legal immigrants in 2003 (see Table C). The leading destinations were New York, NY, Los Angeles-Long Beach, CA, Chicago, IL, 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 USCIS. 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 USCIS. Immigrant applications from both sources are processed through the Computer Linked Applicant Information System (CLAIMS). Immigrant records for fiscal year 2003 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.