



MIGRATION INFORMATION SOURCE

FRESH THOUGHT, AUTHORITATIVE DATA, GLOBAL REACH

Immigration and the United States: Recession Affects Flows, Prospects for Reform

By **Kristen McCabe and Doris Meissner**
Migration Policy Institute

January 2010

Immigration, perhaps more than any other social, political, or economic process, has shaped the United States as a nation. The immigration-driven transformation of the country's economic and social landscape has previously occurred during distinct historical periods.

Such large-scale immigration resumed in earnest in the 1970s and has continued steadily until the recent recession. The recent change in immigration flows has been marked by a slowing of illegal immigration and of employer demand for foreign high-skilled workers.

The recession has also diminished a sense of urgency to enact immigration reform legislation. President Barack Obama is on record with a commitment to immigration reform, but he did not place it in his top tier of legislative priorities for the first year of his new presidency.

To date, the Obama administration has implemented new strategies for carrying out its immigration enforcement responsibilities regarding employers, detention, and criminal aliens. It has also emphasized naturalization and modernized systems that support legal immigration. Finally, it has broadened border control efforts to emphasize not only immigration but also joint efforts with Mexico to reduce arms trafficking and drug-war violence.

This profile examines major legislation and events affecting US immigration, the size and attributes of the immigrant population in the United States, legal and illegal immigration streams, US policies for refugees and asylum seekers, the impact of the recession on immigrants and immigration, immigrant integration efforts, recent immigration enforcement trends, and prospects for comprehensive immigration reform legislation.

Click on the bullet points below for more information:

- [Immigration Law before 9/11](#)
- [Immigration Policy in the Wake of 9/11](#)
- [Recent Attempts at Comprehensive Immigration Reform](#)
- [A Look at the Immigrant Population](#)
- [Unauthorized Immigrants](#)
- [Lawful Paths into the United States](#)
- [Refugees and Asylum Seekers](#)
- [The Recession's Impact on Immigration](#)
- [Immigrant Integration](#)
- [Becoming American](#)
- [Enforcement: Borders and Beyond](#)
- [Looking Ahead](#)

Immigration Law before 9/11

The United States' history of regulating immigration dates back to the 1860s, when its first immigration laws specified who could not be admitted to the country, for example paupers, or groups, such as Chinese. Such qualitative restrictions that were in place at the turn of the 20th century — the nation's greatest wave of immigration — ultimately also incorporated numerical ceilings after World War I.

The 1924 National Origins Act and the Immigration and Nationality Act of 1952 placed overall quantitative limits on immigration for the first time and enacted policies that strongly favored immigrants from Europe over other regions of the world.

By the 1960s, the discriminatory underpinnings of the national origins system had been long discredited. In the throes of the Kennedy era and the nation's civil-rights movement and legislation, the Immigration and Nationality Act Amendments of 1965 were enacted. This legislation set in motion powerful forces that are still shaping the United States today. The 1965 Amendments abolished the national-origins quota system and replaced it with a seven-category preference system for the allocation of immigrant visas that emphasized family connections and unity as the primary basis for immigration to the country.

With the 1965 act, numerical limits were increased from 154,000 to 290,000, of which 120,000 were reserved for immigration from the Western Hemisphere, the first such limits to permanent immigration within the Americas. The 290,000-person limit did not include "immediate family members" of US citizens (spouses, minor children, and parents), who are exempt from numerical limitations.

During this period, the United States also terminated the "bracero" program, which was established during World War II to recruit agricultural workers from Mexico to fill farm labor shortages in the United States. The combination of these policy changes aligned with broader changes in the demand for migration around the world, leading to the transformation from predominantly European to Latin American and Asian immigration and historically large-scale flows comprised of both legal and illegal immigration. Both continue to characterize immigration patterns today.

Refugee policy continued to limit humanitarian admissions to those escaping communism or countries of the Middle East. With the Refugee Act of 1980, US policy eliminated ideological criteria as the basis for refugee selection and brought US policy in line with the 1967 Protocol to the 1951 UN Refugee Convention. The protocol, together with the 1969 Organization of African Unity Convention, expanded the number of individuals considered for eligibility as refugees.

While the previous US definition of a refugee grew out of geopolitical circumstances and population displacements generated by World War II, the new framework took into account other global conflicts contributing to more recent refugee emergencies.

In response to the growing size (then estimated to be 3 to 5 million) of the unauthorized population in the United States, Congress passed the Immigration Reform and Control Act (IRCA) in 1986. Attempting to "close the back door so the front door can stay open," IRCA had three core provisions, known by its sponsors as the "three-legged stool":

- Made it illegal for employers to hire unauthorized workers and established a system of sanctions intended to change employer practices. For the first time, those who knowingly hired unauthorized workers faced fines and, ultimately, criminal penalties.
- Increased border enforcement with the goal of preventing future illegal immigration. However, major investments in border control did not begin in earnest until nearly a decade later, in the mid-1990s.
- Provided legalization, or amnesty, for unauthorized immigrants who could show they had resided in the United States for five years or more. Additional provisions established more relaxed criteria for agricultural workers under a separate, companion program. Nearly 2.7 million received legal status through IRCA.

Follow-on legislation — the Immigration Act of 1990 — addressed legal immigration deficiencies by adjusting admissions categories and restructuring employment-based entry provisions for both permanent and temporary admissions. The act aimed to increase the skills and education levels of these entrants.

In 1994, California passed a highly controversial state ballot initiative known as Proposition 187. The measure denied unauthorized immigrants access to public schools, medical care, and other social services, and required public employees and law enforcement officials to report individuals suspected to be unauthorized immigrants to the Immigration and Naturalization Service (INS), the federal agency then responsible for overseeing lawful immigration and enforcing immigration laws.

Although Prop 187, as it was known, was found to be unconstitutional and never implemented, the politics that animated it set the tone for other state and federal actions during the 1990s that tightened enforcement and limited immigrants' access to a range of social services and benefits for which they had been eligible for many years.

At the federal level, the new policies were enacted by Congress in 1996 in three new statutes, as follows:

- The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), commonly known as the Welfare Reform Act, denied access to federal public benefits, such as Medicaid, Supplemental Security Income (SSI), and food stamps, to categories of legal and unauthorized immigrants. Some states later chose to reinstate some of these benefits for legal immigrants who lost eligibility under PRWORA.
- The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) bolstered immigration enforcement, including hastened deportation of unauthorized immigrants who committed crimes and stringent limitations to appeals of executive branch decisions by immigrants. IIRIRA also required the government to eventually track foreign visitors' entries and exits, which became a key element in the government's security strategy after the 9/11 terrorist attacks.
- The Anti-Terrorism and Effective Death Penalty Act (AEDPA) made it easier to arrest, detain, and deport noncitizens.

In addition, Congress enacted the American Competitiveness in the Twenty-First Century Act, passed in 2000. The measure reflected the demand for skilled immigrants — especially in science, math, and engineering specialties — to fill technology jobs that were a critical dimension of the 1990s economic boom.

Thus, the number of H-1B work visas for skilled, temporary immigrants available each year rose to 115,000 in fiscal year (FY) 2000, then to 195,000 for FY 2001, 2002, and 2003. Today, 65,000 H-1B visas are available annually, with an additional 20,000 H-1B visas (thanks to a law passed in late 2004) for foreign-born individuals who receive postgraduate degrees from US universities.

The 1990s saw the longest period of sustained economic growth in US history. Immigration — at both high and low ends of the labor market, both legal and illegal — was an important element in achieving the productivity and prosperity of the decade. Immigration also contributed to the transformation to a global economy that the United States continued to experience throughout the 1990s, and reached record numerical levels that rivaled the all-time highs set during the first decade of the 20th century.

[Back to the top](#)

Immigration Policy in the Wake of 9/11

No recent event has dominated the thinking and actions of the American public and its leaders as the attacks of September 11, 2001. Among many other things, the threat to US national security posed by international terrorism led to the creation of the Department of Homeland Security (DHS) in 2003, the largest reorganization of the federal government since the creation of the Department of Defense after World War II. DHS merged 22 federal agencies and dissolved INS, which had been part of the Department of Justice since 1941.

The functions of INS were distributed among three new agencies created within DHS:

- Customs and Border Protection (CBP) oversees the entry of all people and goods at all ports of entry and enforces laws against illegal entry between the ports.
- Immigration and Customs Enforcement (ICE) is responsible for enforcement of immigration and customs requirements in the interior of the United States, including employer requirements, detention, and removals.
- US Citizenship and Immigration Services (USCIS) adjudicates immigrant benefits, such as visa petitions, naturalization applications, and asylum and refugee applications.

The 9/11 attack also became a catalyst for passage of far-reaching laws with implications not only for suspected terrorists, but also for foreign-born individuals already in the United States and all noncitizens seeking to enter the country.

The most well-known among these has been the USA Patriot Act, which then President George W. Bush signed in October 2001. In terms of immigration, the act expanded law enforcement powers to allow suspected terrorists to be searched, monitored, detained, and deported; strengthened border enforcement (especially along the Canadian border); and allowed for the detention of foreign nationals for up to seven days while the government decides whether or not to file criminal or immigration charges.

Other legislative developments expanding the authority of the US government to combat terrorism have also involved immigration statutes and authority. The Enhanced Border Security and Visa Entry Reform Act of 2002, for example, tightened visa screening, border inspections, and tracking

of foreign-born persons, including foreign students.

Created by Congress in 2002, the National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) was charged with investigating the circumstances surrounding the September 11, 2001, terrorist attacks and recommending responses. Its final report, which included recommendations on immigration measures, was released in July 2004.

The subsequent 2004 Intelligence Reform and Terrorist Prevention Act implemented many of the commission's recommendations regarding intelligence operations, but the act did not include a number of contentious immigration measures that went beyond the commission's report.

One of those measures — barring unauthorized aliens from obtaining driver's licenses that could be used to board airplanes or enter federal buildings — was passed in 2005 as part of the REAL ID Act. This law also mandated completion of a border fence in California, introduced stricter requirements for asylum seekers, and expanded grounds for deportations due to terrorist-related activity.

Adjustments to US antiterrorism policies and practices, including visa and immigration measures, continue today, most recently in response to the Christmas 2009 near-bombing of an international flight from Amsterdam to Detroit. Although unprecedented investments have been made to improve the capacity of immigration systems and procedures to support the government's antiterrorism work, this most recent incident demonstrated that the linkages between intelligence activities and visa information continue to require better communication and technology investments.

Since increasingly expansive measures to prevent or intercept terrorist activities could have implications for the rights and liberties of immigrants and US citizens alike, immigrant and civil-liberties groups closely followed these developments and made legislative efforts to establish a balance between the national security imperatives and civil-liberties concerns. Many lawsuits were also pursued in federal courts, challenging the government's authority to engage in preventive or indefinite detention of immigrants, and the conditions of their detention.

[Back to the top](#)

Recent Attempts at Comprehensive Immigration Reform

When President George W. Bush took office in 2001, his first foreign policy act was to meet with Mexico's also-new President, Vicente Fox. They declared their shared intentions to achieve immigration reform. Their plans were abruptly set aside when 9/11 took over the US agenda. At the beginning of President Bush's second term in January 2004, he made a major speech that revived the earlier call for immigration legislation, particularly a temporary worker program with Mexico.

However, the effort did not succeed, largely due to the divide on immigration within the president's own party. While some Republicans favored immigration reform because of its benefits for business, others vehemently opposed provisions that would have allowed for legalization of up to approximately 12 million unauthorized immigrants.

As a result, immigration and the widespread perception of the nation's immigration system as broken and ineffective became a battleground issue in the lead-up to the 2008 presidential election. The issue divided Republican candidates during their primary elections more than it did Democrats, who by and large supported legalization, the issue upon which Republican candidates could not agree.

However, with the nominations of John McCain and Barack Obama as the parties' respective candidates, immigration disappeared from the general election contest. That is because McCain's positions on immigration reform, unlike those of any other Republican primary candidate, were very similar to those of his rival. There was no political advantage, therefore, for either candidate in debating immigration, particularly in light of its overall contentiousness as a public policy problem.

Since the election, President Obama has restated several times his commitment to achieving comprehensive immigration reform legislation. At the same time, he has been consistent in stating that the economy, health care, financial reform, and climate legislation must be addressed by Congress first.

The administration's lead official on immigration is Janet Napolitano, the secretary of Homeland

Security. As a former prosecutor and governor of a Southwest border state, Arizona, she brings strong political and law enforcement credentials to the Cabinet and experience with immigration issues.

Napolitano has called for firm but smart enforcement of existing immigration laws and has authorized a series of changes in DHS immigration enforcement strategies. The new approaches have included using employer audits in place of workplace "raids" to prevent the hiring of unauthorized workers, extending the mandatory use of electronic verification of the legal status of new workers to all employers with government contracts, focusing deportation more distinctly on dangerous "criminal aliens," and instituting a civil model to manage the immigration-detention system.

She has also made the case that comprehensive immigration reform is necessary for DHS to do its job more effectively. Her most recent statement on the timing came in November 2009, when she said, "When Congress is ready to act, we will be ready to support them."

Immigrant communities, Latinos, and others who advocate for immigration reform have become increasingly restive about the pace of possible new legislation, given the stance the administration has taken. Because many of the most concerned and affected constituencies are traditionally part of the Democratic party and voted in record numbers in 2008, intraparty divides on immigration reform have now largely shifted across the political aisle.

In an effort to jumpstart the legislative process, Congressman Louis Guterrez (D-IL) introduced a comprehensive immigration reform bill in the House of Representatives in December 2009. Most observers agree, however, that legislation must first succeed in the Senate for there to be a realistic chance of passing a bill before congressional elections in November 2010. To that end, Senators Charles Schumer (D-NY) and Lindsey Graham (R-SC) are working on a bipartisan proposal that they say they hope to co-sponsor and introduce in January 2010.

Consideration of one or both of these measures by Congress would take place against the backdrop of several similar efforts in recent years. A brief chronology includes the following.

In December 2005, the House of Representatives passed the Republican-sponsored Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. It became known as the enforcement-first or enforcement-only approach to immigration reform.

The bill called for the construction of a high-tech fence along the US-Mexico border. Its most controversial provision would have made unauthorized presence in the United States a felony crime. This proposal helped fuel mass, peaceful immigration protest marches in cities across the United States in spring 2006.

Also in spring 2006, the Senate took up legislation sponsored by the late Senator Edward Kennedy (D-MA) and Senator John McCain (R-AZ). Known as comprehensive reform, their bill called for heightened border security, an increase in low-skilled visas, a legalization program for unauthorized immigrants, visa backlog reduction, a mandatory employer verification program, and state grants to fund education and health services for immigrants. The bill was defeated.

Needing to take some progress on immigration home to the voters, Congress enacted the Secure Fence Act late in 2006. It mandated construction of 700 miles of double-layer fencing along the Southwest border and allowed for the creation of a virtual fence along the entire Southwest border. A few months earlier, President Bush had sent 6,000 National Guard troops to the US-Mexico border to provide intelligence, surveillance, training, and logistical assistance to the Border Patrol.

In 2007, the Senate tried again to enact a comprehensive reform measure. While some aspects of the 2007 proposal differed from that of 2006, the bill's cosponsors, Kennedy and Senator Jon Kyl (R-AZ), called for largely similar reforms. A standing commission on nonimmigrant visas and a restructuring of immigrant admissions based on a points system were additional elements in the 2007 bill, which also failed.

Thus, despite mounting pressure to fix a broken immigration system, legislative attempts over three consecutive years generated heated public and legislative debates, but were, in the end, unsuccessful in establishing new policies. Frustrated by federal inaction, many state and local governments soon began to take immigration matters into their own hands. State legislatures passed over 150 laws in 2007 alone, many of which were intended to restrict immigrants' access to public benefits and beef up immigration enforcement; others aimed to improve immigrant integration.

A Look at the Immigrant Population

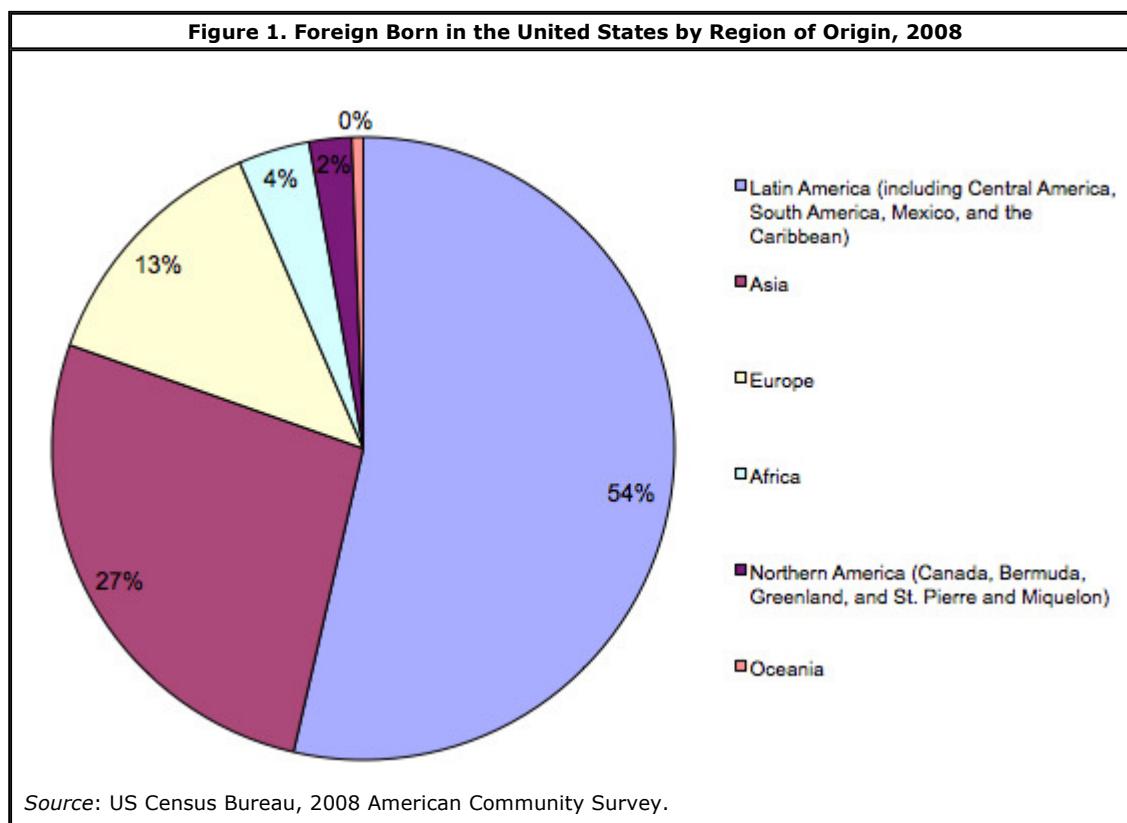
In absolute numbers, the foreign-born population in the United States — about 38 million in 2008 according to US Census Bureau data — is at one of its highest points in history. However, the foreign born make up a smaller share of the population today (12.5 percent) than they did in 1890 and 1910, when immigrants' share of the population peaked at almost 15 percent.

Definitions

"Foreign born" and "immigrants" are used interchangeably and refer to persons with no US citizenship at birth. This population includes naturalized citizens, lawful permanent residents, refugees and asylees, persons on certain temporary visas, and the unauthorized.

Today's foreign-born population is made up of primarily three groups, in roughly equal shares: naturalized US citizens; lawful permanent residents (LPRs) or those with "green cards", i.e. legal immigrants; and the unauthorized population, who lack legal status in the United States.

Approximately 53.6 percent of immigrants residing in the United States in 2008 came from Latin America (including Central America, South America, Mexico, and the Caribbean), 26.8 percent from Asia, 13.1 percent from Europe, 3.7 percent from Africa, 2.2 percent from Northern America (Canada, Bermuda, Greenland, and St. Pierre and Miquelon), and 0.6 percent from Oceania (see Figure 1).



The 11.4 million foreign-born from Mexico constituted the largest immigrant group in the United States in 2008 and accounted for 30.1 percent of the foreign-born population. With a significantly smaller population, the Philippines is the source country for the second-largest group (4.4 percent), followed by India (4.3 percent), China (3.6 percent, excluding Hong Kong and Taiwan), and Vietnam (3.0 percent).

The foreign-born population is geographically concentrated, with approximately 66 percent residing in the six states that have long been the country's main immigrant destinations — about 26 percent in California alone. The other immigrant-heavy states are New York (11 percent of all foreign born), Texas (10 percent), Florida (9 percent), Illinois (5 percent), and New Jersey (5 percent).

While these states continue to attract and retain the bulk of the foreign-born population, newcomers began to settle in many additional destinations in the 1990s. Employment opportunities, particularly in food manufacturing and construction, mainly fueled the new settlement patterns, combined with lower costs of living and population losses due to the aging of

the society. As a result, states like Georgia, Nevada, and many others have become known as "new destination" states.

The trend became clear in 2000 census data, which showed tremendous growth in states across the South and West that had not experienced large-scale immigration in generations. For example, between 2000 and 2008, South Carolina, Georgia, Tennessee, Nevada, and Mississippi witnessed the largest percent growth in their share of immigrants of any states in the country.

The majority of the foreign born are working age: 69 percent were between the ages of 18 and 54 in 2008. The foreign-born also made up 16 percent of the US civilian labor force in 2008, accounting for 25 million of the country's 156 million workers.

In terms of higher education, about the same share of immigrants and native-born individuals age 25 and older had a bachelor's degree or higher in 2008 (27 percent and 28 percent, respectively). However, 68 percent of the foreign-born age 25 and older had a high school diploma compared to 88 percent of their native-born counterparts.

In addition, a little over half of the foreign-born population is limited English proficient. Thus, 52 percent of noncitizens age 5 and older in 2008 reported speaking English "not at all," "not well," or "well" on the US Census Bureau's American Community Survey questionnaire.

Millions of children in the United States are second-generation Americans, meaning they have at least one immigrant parent. In 2008, 23 percent of all children 17 and under in the United States (16.3 million) had at least one immigrant parent. (See the [Frequently Requested Statistics on Immigrants and Immigration in the United States](#)).

[Back to the top](#)

Unauthorized Immigrants

Unauthorized immigrants enter the United States by crossing the border between ports of entry, thereby avoiding official inspection; passing through inspection with fraudulent documents; entering legally but overstaying the terms of their temporary visas; or violating other terms of their status.

Under IRCA, roughly 2.7 million unauthorized immigrants were legalized by 2001. But the size of the unauthorized population grew at a rate of 300,000 to 500,000 per year between 1990 and 2006, beginning with those ineligible for IRCA's five-year residency requirement who did not depart and then growing rapidly in response to jobs generated by the booming economy of the 1990s. As of 2008, the number of the unauthorized population reached an estimated 11.9 million, according to Pew Hispanic Center analyses of official data.

Illegal immigration is sensitive to economic conditions and has grown largely because of employment opportunities and demand for low-skilled workers throughout the economy and in increasingly widely dispersed locations. Although unauthorized immigrants have contributed to the economic growth of their communities, the social change and pressures on public services that accompany these contributions — along with their illegal status — have often sparked anger and resentment that has helped make illegal immigration, and immigration overall, an issue of national concern.

Mexico is the leading country of origin for unauthorized immigrants according to Pew Hispanic Center estimates, claiming 59 percent of the total in 2008. Asia (11 percent), Central America (11 percent), and South America (7 percent) were also strongly represented.

[Back to the top](#)

Lawful Paths into the United States

Noncitizens admitted to the United States must qualify through one of three basic immigration streams: LPRs, refugees and asylum seekers (see the Refugee and Asylee section for details on this group), or nonimmigrants.

LPRs are authorized to reside permanently in the United States and are eligible, after five years, to apply for US citizenship. Such immigrants, who possess a "green card," generally qualify for LPR status through family-sponsored immigration (spouses, children, parents, and adult siblings), employment-based immigration, or one year after admittance as a refugee or asylee.

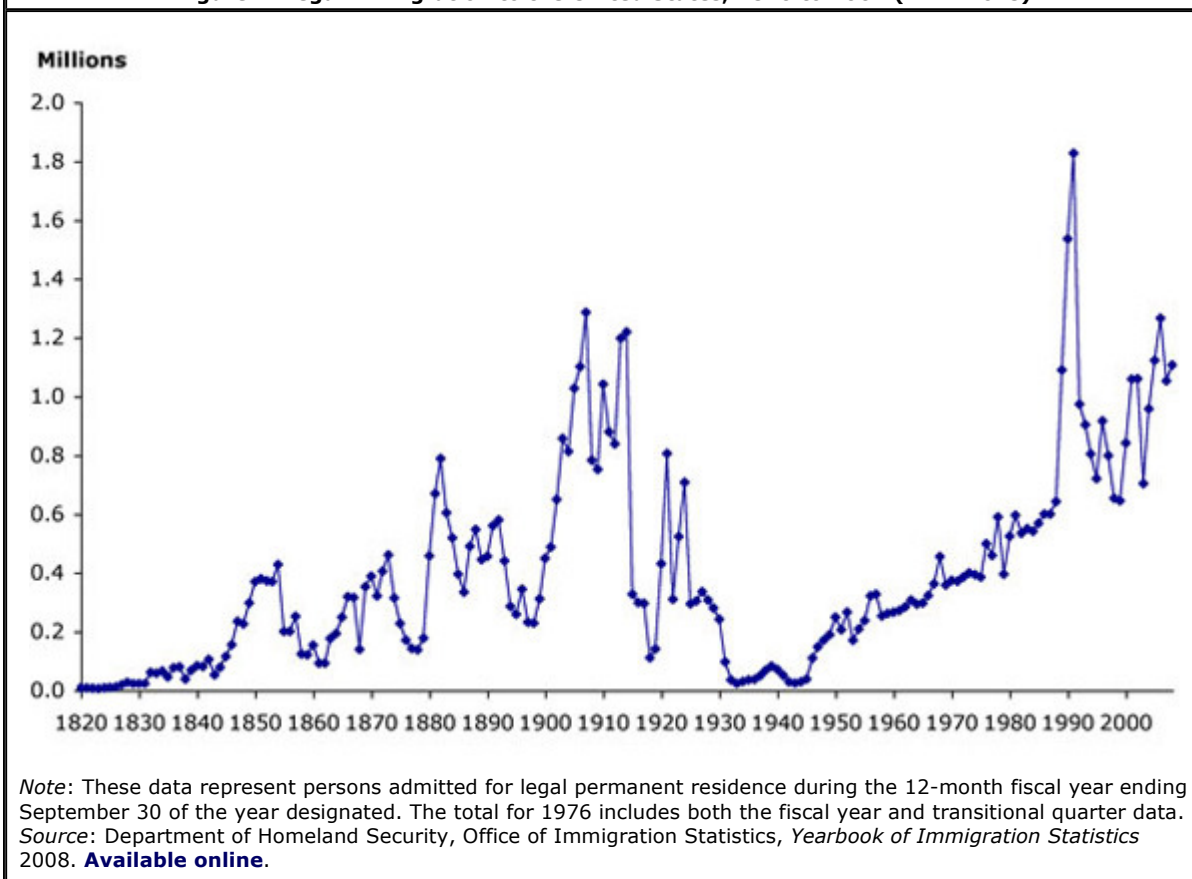
According to DHS statistics, family-sponsored immigration has accounted for about two-thirds of all permanent immigration to the United States over the last decade. In 2008, employment-preference immigrants made up 15 percent of all permanent immigrants, as did those who entered as refugees or asylees (see the [Spotlight on Legal Immigration](#)).

Employment-based immigrants include those who enter on nonimmigrant temporary worker visas and later adjust to LPR status. In addition, permanent residents may be admitted through the diversity-visa lottery program, which allots additional immigration visas to countries that are underrepresented in US immigration streams.

Among the 1.1 million who obtained LPR status in 2008, the top countries of birth were Mexico (17 percent), China (7 percent), India (6 percent), the Philippines (5 percent), and Cuba (5 percent).

Over the last 150 years, the number of legal immigrants has varied, from over 1 million people per year during the wave of the early 20th century to a trickle during the Great Depression and World War II (see Figure 2). Immigrants legalized under IRCA caused the number of legal immigrants to peak in the late 1980s. The 1990s and 2000s, until the recession, have registered historical highs in overall immigration levels, though the percentage of foreign born is less than the 1900-1910 period.

Figure 2. Legal Immigration to the United States, 1820 to 2007 (in millions)



Nonimmigrants are admitted to the United States temporarily. This category includes tourists and foreign students, as well as workers who enter to help satisfy the temporary needs of US employers — such visas allow stays of varying lengths, from a few months up to as long as six years.

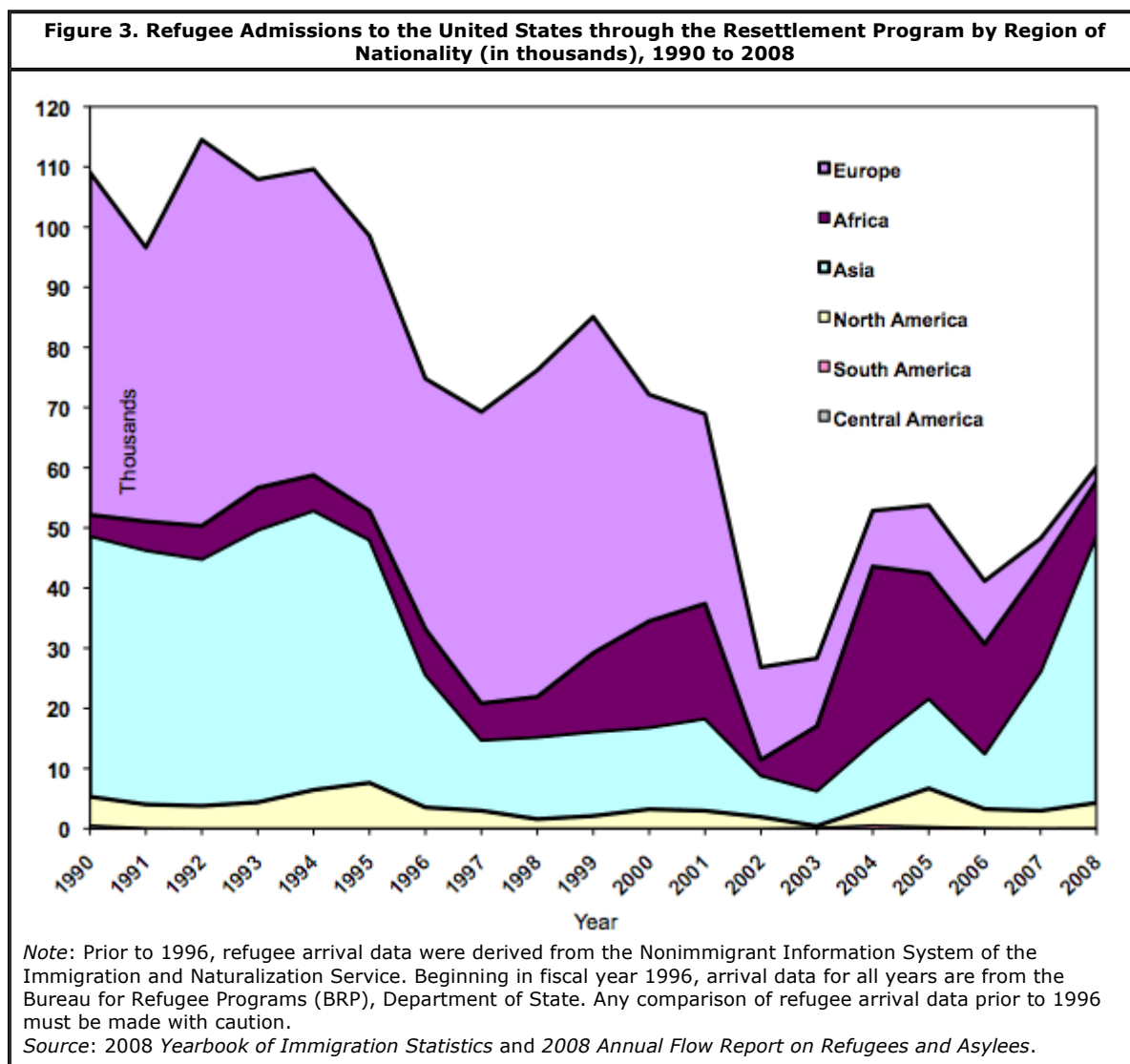
In 2008, there were 39.3 million nonimmigrant admissions (not individuals), of which 89 percent were temporary visits (tourists and business travelers). Temporary workers made up 5 percent of all admissions in 2008, and foreign students made up nearly 4 percent (see the [Spotlight on Temporary Admissions of Nonimmigrants to the United States](#)).

[Back to the top](#)

Refugees and Asylum Seekers

The United States has long been a country of refuge, offering protection from persecution through refugee resettlement as part of its immigration policies. With a flexible ceiling on admissions that the president and Congress set each year, slots are allotted regionally to refugees from East Asia, Near East/South Asia, Africa, Europe/Central Asia, and Latin America and the Caribbean. Admissions may also be made from an "unallocated reserve."

With the end of the Cold War, refugee admissions have become less an extension of broad foreign policy priorities toward adversary nations. Thus, larger programs for refugees from Southeast Asia and the former Soviet Union have ended, and admissions from a larger and more diverse set of countries are being made (see Figure 3). Overall, the size of the US refugee program has decreased over the last decade and a half.



A vestige of the Cold War era, however, is a 1994 agreement with Cuba, a communist country from which hundreds of thousands have fled since its 1959 revolution. The agreement is meant to prevent Cubans from trying to reach the United States by boat and allows at least 20,000 Cuban immigrants to enter the United States through legal admissions channels each year.

In the 1970s and 1980s, refugee emergencies led to annual admissions of more than 200,000 during some years. The peak year in the 1990s and 2000s was 1992, when the refugee ceiling was 142,000.

From 2002 to 2007, the ceiling was 70,000. President Bush raised the refugee admissions ceiling for 2008 to 80,000 to accommodate additional refugees from Iraq, Iran, and Bhutan.

In general, administrative delays and budgetary shortfalls prevent the refugee program from reaching 100 percent of its authorized ceiling for admissions. Between 1983 and 2001, on average 91 percent of the cap was used.

Since 9/11, however, these percentages have dropped, ranging from 39 percent (2002) to 75 percent (2008) of the cap. The lowered rates of admissions in 2002 and 2003 were largely due to heightened security measures.

One post-9/11 policy — strengthened restrictions on granting entry to foreigners who provided "material support" to a terrorist group — has had longer-term, unintended effects on some refugees and asylum seekers due to the extremely broad statutory definition of material support. Those who are found to have provided material support (generally unknowingly or under duress) may be declared ineligible for resettlement in the United States or have their appeals for asylum either rejected or put on hold for long periods.

Despite US involvement in Iraq, the yearly admission of Iraqi refugees was set at relatively low levels until 2008. From 2002 through 2007, the United States admitted a total of 2,844 Iraqi refugees. In 2008, 13,823 Iraqi refugees were admitted, and the government's goal for 2009 was 17,000.

In 2008, 5,000 special immigrant visas were also made available to Iraqis through the Defense Authorization Act for Fiscal Year 2008. These visas are intended to benefit Iraqis who have "worked for or on behalf of the US government" and will remain in effect from 2008 through 2012.

The United States also allows those arriving or already present who have a well-founded fear of persecution to apply for asylum. There is no set yearly limit on asylum admissions; in 2005, Congress removed the annual cap on the number of asylees who could adjust to permanent residence.

The total number of individuals granted asylum has declined each year from 2002 to 2008, falling from 36,894 to 22,930. In 2008, the majority of approved asylum applicants were from China, Columbia, Haiti, and Venezuela (see the [Spotlight on Refugees and Asylees](#)).

In contrast to many European countries, neither the number of asylum applications nor the legitimacy of asylum claims has been a major political issue since the mid-1990s, when a new asylum adjudications system was successfully implemented.

[Back to the top](#)

The Recession's Impact on Immigration

The recession that formally began in the United States in December 2007 pushed the unemployment rate to a peak of 10.2 percent in October 2009, the highest level in over 25 years.

The effect of the recession on immigrants in the United States has been deepened by the fact that many immigrants share demographic characteristics with the groups most vulnerable during a recession — young people, individuals with lower levels of education, and those who have recently entered the labor force. Foreign-born workers are also overrepresented in the industries that have been hit the hardest during the recession, such as construction, manufacturing, leisure and hospitality, and support and personal services.

In particular, those from Mexico and Central America have been affected disproportionately. Many worked in the construction industry, which started collapsing after the housing bubble burst in late 2006.

In addition, many recent refugees, including those from Iraq, have struggled to find work due to the recession. Their precarious situation prompted advocacy groups to criticize the funding of US refugee resettlement programs and to point to the lack of sensitivity shown to this group's vulnerability during an economic downturn.

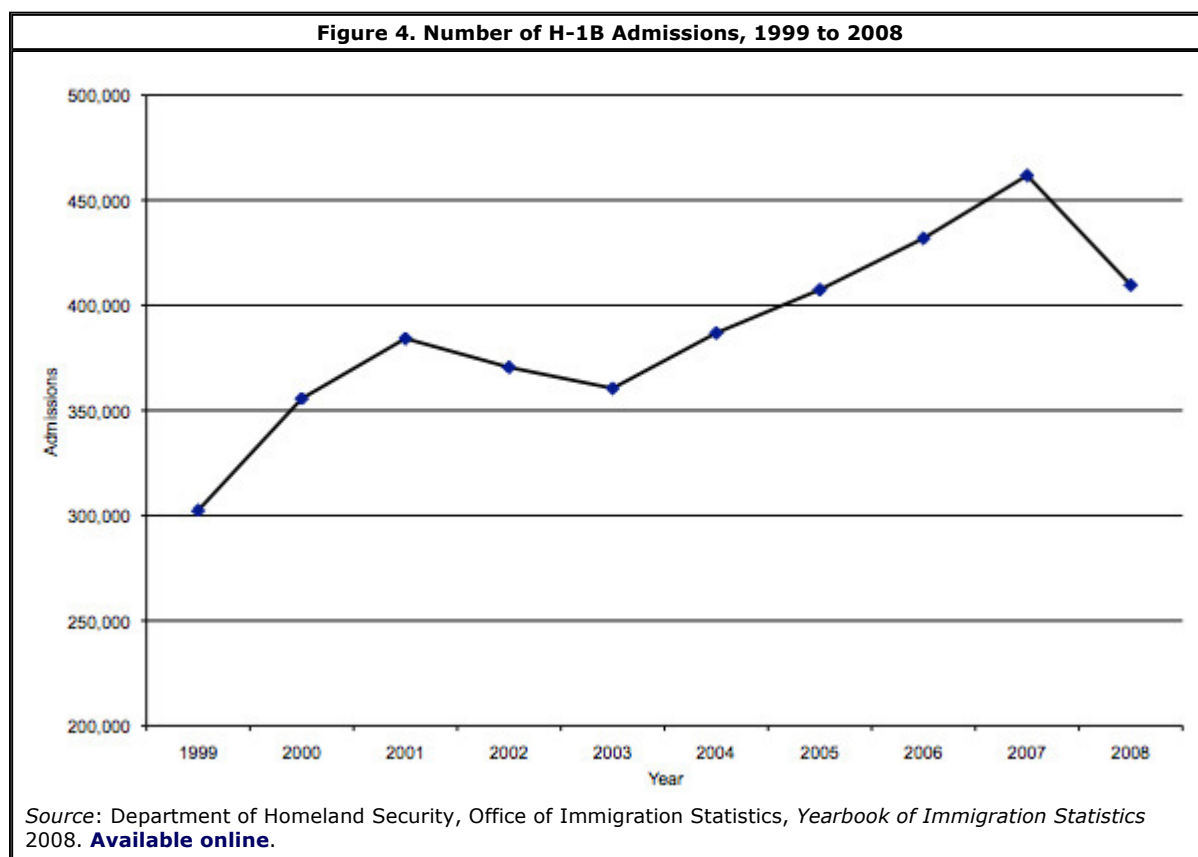
These impacts have been lessened to some extent by the fact that immigrants are generally more flexible about changing jobs and geographic locations than are native-born workers.

The sluggish economy has also made the United States less attractive for those seeking economic opportunities. Data suggest that immigration to the United States began to slow in late 2007 and that flows of unauthorized immigrants have decreased significantly.

However, there is no evidence that the recession has caused a substantial wave of returns to Mexico. Over the last year, the size of the unauthorized population, of which the largest share (59 percent) is Mexican, has decreased only slightly, from an estimated 12.1 million in July 2008 to 11.9 million in August 2009.

In an interesting twist, anecdotal evidence suggests that some Mexican families have sent money to support their family members in the United States.

Another impact of the recession has been decreased demand for H-1B temporary visas for highly skilled workers. In previous years, the 65,000 cap has been reached within the first few days the visas become available (see Figure 4). The cap for fiscal year 2010 was not met until December 21, 2009 — nearly nine months after employers were eligible to file fiscal year 2010 petitions.



[Back to the top](#)

Immigrant Integration

Integrating immigrants in the United States has long been a local process that involved schools, churches, employers, and community groups, and more recently state and local governments. Unlike other traditional immigration countries, like Canada and Australia, and many European countries, the United States does not have a federal-level policy for immigrant integration or an agency responsible for making sure immigrants become part of US society.

However, the federal government does have a limited set of programs that were created in an ad hoc manner that target mainly refugees and migrant workers. Their budgets are relatively small.

In addition, perhaps one of the most significant pieces of legislation affecting immigrant integration is the 2001 No Child Left Behind Act (NCLB). As part of its larger mandate to improve educational outcomes, NCLB requires schools to ensure that limited English proficient (LEP) children become proficient in English and meet the standards set for all children. Every state receives at least \$500,000 to pay for English-language instruction, services for LEP children and their families, and professional development of teachers and staff.

Through the federal Adult Education program, the government also funds English-language instruction as well as literacy and preparation for a high school-equivalency degree.

Although legal immigrants have limited access to many government welfare programs, in early 2009 Congress reauthorized the State Children's Health Insurance Program (SCHIP) and expanded it to cover legal immigrant children. SCHIP allows the federal government to reimburse states for providing low-income children with government-subsidized health insurance.

A handful of states have set up initiatives dedicated to immigrant integration. Illinois led the way when, in 2005, its governor established the Office of New Americans, which aims to provide more and better services to the state's immigrants and to study how immigration policy impacts the state.

In 2008, Massachusetts launched its New Americans Agenda and Maryland its Council for New Americans.

[Back to the top](#)

Becoming American

Unlike most countries in the world, the United States grants citizenship to any person born on US soil, regardless of his or her parents' citizenship or legal status. Children born abroad to US citizens also hold US citizenship in most cases.

LPRs must meet a number of criteria in order to become US citizens. Generally, these include living continuously in the United States for five years (three years if married to a US citizen), having no criminal record, being of good moral character, and having a basic knowledge of the English language and US history and governing principles (demonstrated by passing a citizenship test). The government spent years evaluating and then testing a new citizenship test before formally launching it in late 2008. The new test emphasizes civics and an understanding of American democratic government and its underlying principles.

LPRs serving in the US military since September 11, 2001, are eligible for immediate citizenship under a July 2002 executive order from then President Bush. During times of peace, noncitizen service members may obtain citizenship after a one-year waiting period.

Of the approximately 38 million foreign born residing in the United States in 2008, 43 percent were naturalized citizens, according to the 2008 American Community Survey.

Applications for naturalization increased dramatically in the 1990s in response to several converging forces: eligibility for naturalization by the IRCA-legalized population; backlog reduction and speedier processing by INS; and legislation restricting access to public benefits and legal protections for noncitizens.

Between 1994 and 1997, the number of naturalization petitions filed nearly tripled, from 543,353 to 1,412,712. From 1999 to 2006, there were, on average, slightly more than half a million applications for naturalization filed every year.

However, the number of petitions for naturalization surged to 1,383,275 in 2007. The near doubling can be attributed to a substantial fee increase for petitions that was announced for later in the year, aggressive citizenship campaigns by pro-immigrant groups, the charged national immigration debate going on at the time, and individuals' desire to vote in the 2008 US presidential elections.

This surge resulted in substantial processing backlogs, increasing the processing time for citizenship cases from around seven months to 18 months and inciting the ire of immigrant advocates, as almost 1 million citizenship cases remained pending adjudication in December 2007.

USCIS responded by ramping up its staffing to deal with the backlog, naturalizing just over 1 million LPRs in 2008, 58 percent more than in 2007. Of those who naturalized in 2008, 22 percent were born in Mexico, 6 percent in India, and 6 percent in the Philippines (see the [Spotlight on Naturalization Trends](#)).

[Back to the top](#)

Enforcement: Borders and Beyond

The US borders with Mexico and Canada are among the busiest in the world. Canada and Mexico are the United States' first and third largest trading partners, respectively, and exports to Canada and Mexico account for nearly one-third of total US exports.

In the broad sense, US borders and border policies encompass the Southwest and northern land borders, land and air ports of entry, seacoasts and harbors, and consulates abroad where visas are issued to enter the United States. Regulating cross-border flows of goods and people involves

hundreds of millions of crossings each year. For example, the San Ysidro, CA, port of entry is the busiest land crossing point in the world. Under these circumstances facilitating legal flows and preventing those that are illegal is a complex challenge.

With regard to immigration, US border enforcement, especially along the Southwest border with Mexico, has been given priority attention during the past 15 years.

Stepped-up enforcement along the US-Mexico border has taken the form of major investments in additional Border Patrol personnel, now numbering approximately 20,000; infusions of technology, including sensors, drone aircraft, and cameras; and extensive fencing. Crossing points that were traditionally used by people crossing illegally into the country have been largely closed off, making it much more difficult, dangerous, and expensive to cross in the areas that still remain permeable, because they are remote and all but inaccessible without the assistance of smugglers.

A number of specific border and interior enforcement initiatives have gained special visibility and are particularly controversial. One is fence-building, spurred on by the Secure Fence Act that Congress passed in 2006 and that is offensive to many border communities and to the government of Mexico.

Another is the Secure Border Initiative (SBI). Launched in 2005, SBI has aimed for substantial increases in the number of Border Patrol agents, the development of a "virtual" fence — through integrated packages of technology — along the entire border; and increased detention and removal capabilities.

In addition, strengthened interior enforcement capabilities have included partnerships with state and local law enforcement and employer accountability to discourage employment of unauthorized immigrants.

Immigration enforcement has been seen as the responsibility of the federal government since at least the late 1800s, when various federal statutes regulating immigration began to be enacted. However, in 1996, as part of IIRIRA, Congress created a provision known as the 287(g) program. It authorizes ICE to train state and local law enforcement officials to enforce immigration laws. Since 2007, when a federal overhaul of immigration laws failed in the Senate, the 287(g) program has become both increasingly popular and controversial.

Supporters of tough enforcement have praised the program as a force-multiplier for inadequate federal resources and efforts. Immigrant advocates argue that the 287(g) program contributes to racial profiling and erodes relations between immigrant communities and law enforcement officials.

The Obama administration has revised and standardized 287(g) agreements to encourage program participants to target serious offenses and violent crimes and to improve ICE's supervision of the program.

Another program of federal and local cooperation was introduced in May 2008, and is called the Secure Communities program. It allows law enforcement officials to check the immigration status of all individuals booked into participating state prisons and local jails. The program is intended to "prioritize the removal of the most dangerous criminal aliens." However, the possibility that flawed government databases could result in the mistaken deportation of US citizens is a concern that has been raised.

Employer enforcement also continues to get attention and raise difficult issues. Large-scale worksite enforcement raids, such as the one of a meatpacking plant in Postville, Iowa, in 2008, became more common during the last years of the Bush administration after immigration legislation failed.

In contrast, the Obama administration has focused its employer efforts on audits to ensure that hiring practices are properly observed and on promoting the use of E-Verify, a voluntary, online database system that allows employers to validate whether new hires are eligible to work in the United States.

In 2009, ICE sent out over 1,500 I-9 inspection notices to employers across the country.

E-Verify use has more than tripled between 2006 and 2008. In mandating its use by all federal contractors, the Obama administration has significantly extended the reach of the program. As of November 2009, about 170,000 companies were enrolled and about 2,000 companies per week were signing up.

E-Verify continues to be criticized by security experts and civil liberties advocates alike because of the program's inability to validate identity and detect identity theft and the possibility that its use will promote discrimination in hiring against the foreign born.

[Back to the top](#)

Looking Ahead

The recession and health-care reform dominated the country's policy agenda in 2009. Immigration and immigrants have been part of both debates.

The Senate and the House each passed health-care bills in late 2009 that limit or deny unauthorized immigrants' eligibility for new health insurance exchanges and subsidies. Thus, the population of uninsured that remains once health-care reform is implemented — if it is enacted — would be largely the unauthorized population.

The recession has interrupted historically high immigration levels — legal and illegal — that had been underway for almost two decades and has sidelined the public controversy generated by large-scale immigration for the moment. The key question going forward is whether recovery will bring with it a return to the labor market demand of the boom years, or whether a more fundamental economic realignment will emerge that generates less immigration demand, particularly for low-skilled workers, who have been largely unauthorized.

Some legislators plan to tackle immigration reform in 2010, but continued high unemployment and slow job growth are likely to make some of its main goals — legalizing unauthorized immigrants and providing for future flows of needed workers — even more controversial.

Some argue that steady-state legal immigration and reduced levels of illegal immigration present an opportune time to develop and implement meaningful reform suited to the new century and economic recovery. As a practical matter, however, legislation that expands immigration has generally been enacted only in times of growth and well-being.

The far-reaching impacts of immigration are likely to be debated in greater depth when comprehensive immigration reform becomes a legislative priority. This "nation of immigrants" will then, once again, debate the character and appropriate levels of immigration for the future.

In the meanwhile, another pivotal moment in the life of the nation will take place in April 2010, when the decennial census occurs. The census not only updates population estimates, it provides the metrics used at all levels of government to allocate funds and resources for numerous programs and services. In addition, it determines the redistribution of congressional seats among the states.

An accurate count of the foreign-born population — legal and illegal — is essential to the success of the census and our understanding of immigration since 2000. Intensive outreach efforts are underway to insure the participation required for an accurate count of this most dynamic aspect of US population growth and change.

[Back to the top](#)

New Resources

Department of Homeland Security. 2005. Fact Sheet: Secure Border Initiative. November 2, 2005. [Available online](#).

Department of Homeland Security, Office of Immigration Statistics. 2008. 2008 Yearbook of Immigration Statistics. Office of Immigration Statistics. [Available online](#).

Frey, William. 2002. Census 2000 Reveals New Native-Born and Foreign-Born Shifts Across U.S. University of Michigan Population Studies Center Research Report No. 02-520. [Available online](#).

Gelatt, Julia. 2006. House Passes Enforcement Bill Lacking Temporary Worker Program. Migration Information Source. January 1, 2006. [Available online](#).

Human Rights First. 2009. Denial and Delay: The Impact of the Immigration Law's "Terrorism Bars" on Asylum Seekers and Refugees in the United States. November 2009. [Available online](#).

Immigration and Customs Enforcement. 2009. Secure Communities Fact Sheet. Department of

Homeland Security. September 1, 2009. [Available online.](#)

International Rescue Committee. 2009. Flawed US Refugee Admissions Program is Failing Iraqi Refugees; Recession Only Makes Matters Worse - IRC Commission Calls for Overhaul of Resettlement System. June 16, 2009. [Available online.](#)

Keeter, Scott. 2009. Where the Public Stands on Immigration Reform. Pew Research Center. November 23, 2009. [Available online.](#)

Lacy, Marc. 2009. Money Trickles North as Mexicans Help Relatives. The New York Times. November 15, 2009. [Available online.](#)

Martin, Daniel C. and Michael Hoefer. 2009. Refugees and Asylees: 2008; Annual Flow Report. Department of Homeland Security, Office of Immigration Statistics. June 2009. [Available online.](#)

Meissner, Doris and Donald Kerwin. 2009. DHS and Immigration: Taking Stock and Correcting Course. Washington, DC: Migration Policy Institute. [Available online.](#)

Migration Policy Institute. 2008. Behind the Naturalization Backlog: Causes, Context, and Concerns. Washington, DC: Migration Policy Institute. [Available online.](#)

———. 2009. 2008 American Community Survey and Census Data on the Foreign Born by State. [Available online.](#)

Migration Policy Institute. 2009. Side-by-Side Comparison of 2006 and 2007 Senate Legislation and 2009 CIR ASAP Bill. [Available online.](#)

O'Donnell, Kelly and Kathleen Newland. 2008. The Iraqi Refugee Crisis: The Need for Action. Migration Policy Institute. January 2008. Washington, DC: Migration Policy Institute. [Available online.](#)

Papademetriou, Demetrios G. and Aaron Terrazas. 2009. Immigrants and the Current Economic Crisis: Research Evidence, Policy Challenges, and Implications. Washington, DC: Migration Policy Institute. [Available online.](#)

Passel, Jeffrey and D'Vera Cohn. 2009. A Portrait of Unauthorized Immigrants in the United States. Washington, DC: Pew Hispanic Center. [Available online.](#)

Pershing, Ben. 2009. House Democrats push new comprehensive immigration bill. The Washington Post. December 15, 2009.

Preston, Julia. 2008. Large Iowa Meatpacker in Illegal Immigrant Raid Files for Bankruptcy. The New York Times. November 6, 2008. [Available online.](#)

———. 2009. Surge Brings New Immigration Backlog. The New York Times. November 23, 2007. [Available online.](#)

Rodríguez, C., Chishti, M., Nortman, K. 2007. Testing the Limits: A Framework for Assessing the Legality of State and Local Immigration Measures. Washington, DC: Migration Policy Institute. [Available online.](#)

Rosenblum, Marc. 2009. The Basics of E-Verify, the US Employer Verification System. Migration Information Source. April 30, 2009. [Available online.](#)

Rytina, Nancy. 2002. IRCA Legalization Effects: Lawful Permanent Residence and Naturalization through 2001. Paper presented at The Effects of Immigrant Legalization Programs on the United States: Scientific Evidence on Immigrant Adaptation and Impacts on U.S. Economy and Society, The Cloister, Mary Woodward Lasker Center, NIH Main Campus, October 25, 2002. [Available online.](#)

Semple, Kirk. 2008. Citizenship Seekers Told Not to Fear New Test. The New York Times. September 23, 2008. [Available online.](#)

Sriidharan, Swetha. 2008. Material Support to Terrorism – Consequences for Refugees and Asylum Seekers in the United States. Migration Information Source. January 2008. [Available online.](#)

Terrazas, Aaron. 2009. Iraqi Immigrants in the United States. Migration information Source. March

2009. **Available online.**

Terrazas, Aaron and Jeanne Batalova. 2009. Frequently Requested Statistics on Immigrants and Immigration in the United States. Migration Information Source. October 27, 2009. **Available online.**

Testimony of Doris Meissner, Director, US Immigration Policy Program, Migration Policy Institute. 2009. Hearing on "Comprehensive Immigration Reform in 2009, Can We Do It and How?" Before the Committee on the Judiciary, Subcommittee on Immigration, Border Security and Citizenship, US Senate, Washington, DC. April 30, 2009. **Available online.**

The New York Times. 2009. Comparing the House and the Senate Health Care Proposals. December 23, 2009. **Available online.**

Top 10 Issues of 2009 - Issue #2: Enforcement Tactics Shift in the Obama Era – But What About Immigration Reform? 2009. Migration Information Source. December 1, 2009. **Available online.**

US Bureau of Labor Statistics. 2009. Labor Force Statistics from the Current Population Survey. **Available online.**

US Census Bureau. 2008. 2008 American Community Survey. **Available online.**

US Citizenship and Immigration Services. 2009. Cap Count for H-1B, H-2B and H-3 Workers for Fiscal Year 2010. **Available online.**

US Citizenship and Immigration Services. 2008. Fact Sheet: New Naturalization Test. October 1, 2008. **Available online.**

US Department of Commerce - International Trade Administration. 2009. US Trade Overview. July 15, 2009. **Available online.**

US Department of Health and Human Services, Office of Refugee Resettlement. 2007. Report to Congress - FY 2007. **Available online.**

United States Department of State, United States Department of Homeland Security, United States Department of Health and Human Services. 2009. Proposed Refugee Admissions for Fiscal Year 2010. **Available online.**

Copyright © 2010 Migration Policy Institute. **All rights reserved.**
MPI • 1400 16th St. NW, Suite 300 • Washington, DC 20036
ph: (001) 202-266-1940 • fax: (001) 202-266-1900
source@migrationpolicy.org