Myths of Family Reunification

by William Buchanan

The admission of immigrants who are nuclear family members — spouses and minor children of U.S. citizens and permanent resident aliens (legal immigrants) — is sound social policy. The same cannot be said for extended family[1] preferences which produce mounting backlogs, chain migration and significant displacement of low-skill domestic workers. A return to assimilable levels of immigration must begin with the elimination of such preferences.

Of course, defenders of America's current immigration policy disagree. They portray extended family immigration as good for the country, and a part of American tradition, facilitating the loving reunification of long-separated families and (with a superior lift of the eye) affirming family values. Which view is supported by the evidence?

I. Some History

Prior to 1917, the selection process for immigrants was rather simple, if difficult to enforce. Dangerous or unproductive individuals such as criminals, prostitutes, carriers of disease, and persons likely to become a public charge were excludable. But there were no overall numerical limits and therefore no need for preference categories. Hod carrier, husband; needle worker, niece; illiterate, illegitimate, ill-mannered — all were welcomed.

Things changed, however, with passage of a 1917 law requiring new immigrants to be able to read and write — in English or any other language. Recognizing the importance of family ties, our lawmakers now had to deal with the question of admitting the illiterate family members of literate immigrants. Obviously feeling their way, they chose wives, adult unmarried daughters, children under age 17, and parents and grandparents over age 55.

In 1921, numerical limits and national-origins quotas were introduced for immigrants from the Eastern Hemisphere. Preference was granted "so far as possible" to children under age 18, and the wives, fiancés, parents, and brothers and sisters of U.S. citizens.

A product of experience, the 1924 Johnson-Reed Act provided for the admission of wives and minor children of U.S. citizens with no numerical limit (non-quota), but limited all other Eastern Hemisphere immigration to 150,000 per year, apportioned by national-origins quotas. Up to 50 percent of each country's quota could be used for husbands and parents of U.S. citizens plus skilled agriculturalists (and their spouses and minor children). The remaining 50 percent was reserved for non-preference immigrants — the "sink or swimmers" willing to come to a strange new land, often with little but their courage and fortitude to support them.

The Congress relented in 1928, allowing leftover quota visas to be used by spouses and minor children of permanent resident aliens (legal immigrants). That was it! After 40 years of wrestling with it, the Congress appeared to have consigned massive immigration to the halls of remembrance.

Following WWII, however, Congressional resolve began to weaken. The American economy boomed and labor unions struck. Business complained of a "labor shortage" and demanded relief. One obvious target was unused ("wasted") quota slots. Quota-favored Great Britain, Ireland, and Germany, for example, used only 134,000 of 327,000 available quota slots in the three years 1949-51.

Responding in 1952 with the McCarran-Walter Act, our representatives added husbands of U.S. citizens to the list of those admitted outside of quota and divided the 150,000 national-origins quota visas among three discrete preferences — 50 percent for "needed workers" and their spouses and minor children, 20 percent for spouses and minor children of permanent resident aliens, and 30 percent for parents of U.S. citizens. Unused visas in any one of

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Family Preferences Specified in Selected Immigration Acts

	1924-8	1952	1959	1965
Minor Children of USCs	NQ	NQ	NQ	NQ
Wives of USCs	NQ	NQ	NQ	NQ
Husbands of USCs	Q	NQ	NQ	NQ
Parents of USCs	Q	Q	Q	NQ
Spouses and Minor Children of PRAs	LQ	Q	Q	Q
Unmarried Adult Children of PRAs			Q	Q
Brothers and Sisters of USCs		LQ	Q	Q
Their Spouses and Minor Children			Q	Q
Adult Children of USCs		LQ	Q	Q
Their Spouses and Minor Children			Q	Q

Key: USC = U.S. Citizen
PRA. = Permanent Resident Alien (Legal Immigrant Non-Citizen)
NQ = Non-Quota (Without Limit)
Q = Quota — Annual Limit
LQ = Leftover Quota

these preferences were available for either of the other two preferences.

Since there might still be some unused visas, leftover quota slots were made available for extended family members — brothers and sisters and adult sons and daughters of U.S. citizens — in what came to be called "fourth preference." Instead of luring the favored peoples, however, extended family backlogs began to appear for the countries with small quotas. This, in turn, made the national origins quotas appear still more onerous and problematic.

In 1959, Congress rearranged the deck chairs again. Fourth preference was expanded to include spouses and minor children. Permanent resident aliens could now bring in their unmarried adult sons and daughters. But once again, there were few takers in the quota-favored nations, but a lot of demand (backlogs) arising in countries with small quotas. In the five years 1960 to 1964, only 23,176 fourth preference visas were issued, but the fourth preference backlog grew to 163,805. And in 1965, only two-thirds of the 150,000 Eastern Hemisphere quota slots were used and 80 percent of these were for non-preference.

To sum up, in the years 1952-65, Congress strove mightily to maintain quota immigration at 150,000 per year, retain the unequal national-origin quotas, respond to humanitarian appeals, reunify families, and provide incentives so as not "waste" quota slots. It was a little like trying to direct a blizzard to build a snowman.

In a further effort at "correction," Congress now passed the 1965 Immigration and Nationality Act — the correction that keeps on correcting until it gets everything wrong! National origins quotas were scrapped. Parents of U.S. citizens were shifted to non-quota status, the Eastern Hemisphere quota was bumped up to 170,000, and four discrete quota preferences were set up for extended family. Family would now account for 74 percent of quota immigrants, all to be admitted without reference to skills. Emphasis would shift from national-origins to extended family, and extended family to a kind of nepotism, where, once again, a few countries would dominate.

Assurances were given that the 1965 Act would not affect jobs and, indeed, would change America very little — our country and indigenous population were too vast to be affected; backlogs would soon dry up; people from Third-World countries would not come here because of the cultural differences.

Chief spokesman for the opposition, Sen. Sam Ervin, attacked every argument for the 1965 Act with Demosthenean oratory and logic — he feared displacement of American workers and was suspicious that advancing extended family preferences to Third-World countries with large and impoverished families might substantially change immigration patterns — existing and undeniable backlogs were visible evidence of potential problems. Offering his opinion of that long-ago debate, former Congressman and mayor, Ed Koch, remarked gleefully (and approvingly): "You were misled"!

Ervin did manage to obtain a first-time-ever cap on Western Hemisphere immigration — 120,000 per year. However in 1976, to celebrate the

Bicentennial, Eastern and Western Hemisphere quotas were combined and extended family preferences were applied to the Western Hemisphere. Legislation to essentially uncap refugee admissions followed in 1980. Now 80 percent of quota visas (216,000 per year) were devoted to family reunification.

Onward and ever upward! While an uninformed public slept, our representatives dumped the 1990 Immigration Act on us. They increased the number of quota visas for family members to a minimum of 226,000 per year and provided for the transfer of unused worker visas to family members. Between 1992 and 1996, the extended family category would use up, on average, 130,000 of these visas each year.

II. Evaluation

TRADITION OR ENTITLEMENT? Extended family preferences, back door entrants in 1952 and 1959, hardly qualify as part of a tradition. Instead, what we have are entitlements. And like all entitlements, the numbers have a life of their own with lawmakers constantly responding to the boundless demands of the beneficiaries.

ENEMY OF THE TIGHT LABOR MARKET. During every immigration debate, a great deal of oink and ink is shed over fears of a "labor shortage" but very little about the flip-side of the coin: a "tight labor market." A tight labor market is, perhaps, the most effective means to narrow the income gap between rich and poor. It stimulates productivity and innovation, and is a significant agent of community. Massive immigration is always at odds with a tight labor market and its desirable results.

ENEMY OF RACIAL PROGRESS. With passage of the 1964 Civil Rights Act, America, land of opportunity and equality, decided to become such for black Americans after 300 years of enslavement and Jim Crowism. But Congress was on a roll and, bemused by words, passed the 1965 Act, calling it: "Civil Rights Legislation for the World". In the opinion of one observer: "....it was the genius of the architects of immigration 'reform' that they recognized the possibility for conflating the two [equal rights for blacks and an end to national origins quotas for immigrants] and amalgamating them as statute law."

One could focus on the ironies but for the fact that the effect on black Americans has been devastating. Whole areas of unskilled niche labor, once typically handled by black workers, are now performed by foreign workers. Average unemployment levels for black workers rose from 9.0 percent in the 1960s, to 11.1 percent in the 1970s, and 14.9 percent during the 1980s. It is reasonable to assert that the policy of admitting extended family members with no reference to skills is one major reason for this.

CHAIN MIGRATION. In 1981, Father Theodore Hesburgh expressed disappointment that the Select Commission on Immigration and Refugee Policy, which he chaired, had voted to continue the

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preference for brothers and sisters. "I do not believe we should continue a preference in which there will be an ever-multiplying demand to immigrate, totally disproportionate to the number of visas available," he lamented. He then projected how, by means of this preference, a single naturalized couple could make "no less than 84 persons...eligible for visas in a relatively short period of time."

BACKLOGS "DRY UP"? Backlogs have risen without respite — from the 164,000 noted in 1965 to 800,000 in 1976, 1.8 million in 1982, 2.4 million by 1990, and 3.6 million in 1997. Moreover, naturalizations, which qualify one to petition for extended family, have increased steadily — the annual average was 146,000 in the 1970s, 221,000 in the 1980s, and 343,000 in the five years 1991-5. And in FY96, naturalizations exceeded a million — more than double the previous annual record — and almost two million more applications are in the pipeline.

THE 1996 LEGISLATION: SOLUTION OR TEMPORARY FIX? By one estimate, 40 percent of the aliens on current waiting lists no longer qualify for admission thanks to the 1996 welfare and immigration reforms. No doubt some who would immigrate to get on the dole will be discouraged by the new laws. And elimination of SSI and Medicaid benefits may reduce the number of parents who enter. The fact that the affidavit of support is now enforceable in court might discourage some would-be sponsor from bringing in her ne'er-do-well brother and his family. And the requirement that sponsors must "maintain the sponsored alien at an annual income that is not less than 125 percent of the Federal poverty line..." may disqualify some of them.

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It's much too early to assess the effects of last year's legislation, however. Historically, all new immigration reform legislation springs forth like the national bird — proud, full-beaked and vigilant. But, then, court decisions, Justice Department sidesteps, inadequate funding, and worm-holes in the unfathomable INA soon combine to clip its wings. Add to this the private bills, the lawyerly observations, the scam artists, state and local initiatives that "pick up the slack," and a deluge of tiny non-germane "compassionate" back-slides attached to "must-pass legislation," and the noble bird may be reduced to a pile of picked-over bones.

NO MORAL IMPERATIVE. Financial requirements imposed on would-be immigrants, it should be noted, are nothing new. Beginning twenty years before the Lazarus Memorial plaque was affixed in a hallway under the State of Liberty in 1903, American policy had been to deny entry to any alien who might become a "public charge." The reapplication of monetary and fiduciary requirements for sponsors should remind us that family reunification has never been regarded as some kind of moral imperative.

COMMISSION RECOMMENDATIONS. The Commission on Immigration Reform (CIR), in its June 1995 report, recommended elimination of extended family preferences in large part because such family members often turn out to be unskilled workers. Commission Chairwoman Barbara Jordan had this in mind, in part, when she observed caustically that: "[w]ith our own population undereducated and underskilled...it defies all common sense and rationality for unskilled foreign workers to be admitted to this country. It can't be justified."

COMMISSION OUT OF COMMISSION? The National Research Council (NRC), in its recent report to the Commission, found that despite the likelihood that the federal deficit would be reduced by the year 2002, "long-term projections reveal that serious [fiscal] imbalances" will result from the aging of the population. Constructing a "Baseline Scenario" for the year 2016 (their supposed year of the crunch), and developing net present values (NPVs) by age, and projecting that the median age of Americans will climb to 38 years while that of immigrants at entry will remain at 28 years, the Commission concluded that we need more immigrants. This is also the answer offered by the irrepressible Ben Wattenberg.

There are some problems with that Council solution. If the past 20 years offer any evidence, the next 20 years will see more change than any such period in history. Life expectancy may skyrocket, nanotechnologies may eliminate all manufacturing jobs, the federal retirement system may be privatized, and medical care may actually become cheaper.

Assuming, as the NRC does, that the world will remain static, however, the panel might have considered a survey conducted by one its own — Thomas Espenshade. The author of many studies sympathetic to immigrants, Professor Espenshade nevertheless concluded, based on an array of studies, that increased immigration would be "ineffective on a small scale and impractical on a large one" as a means for solving America's aging problem.

Others conclude that there is something repugnant, even craven, about bringing in immigrants to support aging retired Americans. In any case, though the NRC report will haunt the immigration reform debate for years to come, the

Commission on Immigration Reform, in its final report, decided to stick with its earlier call for a modest reduction in immigration — to an annual level of 550,000.

NOT ALL BAD? The NRC report projected a positive NPV "for an immigrant aged 21 years with a high school education...." However, "For arrivals after the mid-thirties," they found, "the NPV turns negative, reaching about [minus] $224,000 for an immigrant arriving at age 70." A 1988 GAO study found that, on average, 12.4 years elapsed between the arrival of a primary immigrant who becomes a citizen and the arrival of his or her non-quota immediate relatives — spouse, minor children, and parents. Entry of quota-limited extended family members would be further delayed, putting the age of most well into the negative NPV range. Thus confirmed in its earlier conclusion, the Commission, in its final report, repeated its recommendation that extended family immigration be eliminated.

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DOES OUR POLICY ACTUALLY REUNIFY EXTENDED FAMILIES? A decent respect for the language says: no, it doesn't and it can't! Realistically, what we have is a series of options that allow some foreign relatives to join some U.S. citizen relatives — the sponsor must become a U.S. citizen, must petition for the foreign relative, and must sign an affidavit of support, and the foreign relative must act on the petition. We all have relatives we would just as soon never see and should not be surprised to find that many petitions for family members are advanced out of a sense of family obligation rather than a desire for reunification. Indeed, many petitioners may secretly wish that such options were not available.

More to the point, immigration is basically a process of disunification. Almost every individual immigrant leaves a large extended family in his wake. Immigration is a linear process, extended family reunification is a geometric one.

RE-DISUNIFICATION? There is nothing to stop a "reunited" family member from making the bargain look ridiculous by moving somewhere else in the country in search of work or a nicer place to live. Is a Moroccan who moves 3,000 miles to join her brother in Raleigh, NC reunified with her family when she then relocates 6,000 miles away in Hawaii? In fact, isn't the process a familiar one? — American families distribute themselves all across our vast land. Would we consider legislation to reunify them? And don't we all have the same options? — the telephone and airplane put us all within minutes or hours of everyone on Earth.

PARENTS. America has always provided for the admission of parents of U.S. citizens. But until recent years, the numbers were small — for reasons not hard to divine. Picture an elderly couple living comfortably in a society they have known since birth. Imagine they are surrounded by their children and grandchildren and brothers and sisters and nephews and nieces, and cocooned in a traditional web of obligations that protect them from extremes of poverty. Such parents would be unlikely to pick up and move to a strange land, with a strange tongue, and no welfare safety net, just to rejoin one child who had immigrated there.

Parent admissions were first reported in 1954 and averaged less than 3,000 per year in the years 1954-8. Why did the numbers balloon to an annual average of 60,000 in the years 1992-6? There are two obvious answers: (1) adoption in 1953 and 1959 of extended family preferences meant that many of a parent's children and siblings could now move to the U.S., making relocation more comfortable and desirable; (2) the lure of increasingly generous government benefits such as SSI and Medicaid — a decided advantage to citizens of Third World countries.

Children ought to take care of needy parents. But with few exceptions that can best be effected by means other than immigration. Absent SSI and Medicaid benefits, most naturalized citizens will find it cheaper to support their parent(s) in the home country. And, still surrounded by their extended family, parents are apt to prefer that arrangement.

Proposals have been advanced that would limit the immigration of parents to situations where all or more than half of their children are living in the U.S.A. Robert Rector of the Heritage Foundation proposes exploring a "guest" visa program which would admit parents on a permanent basis but deny them the right ever to become immigrants or citizens and thereby the opportunity to qualify for government assistance.

NO MORE ANCHOR BABIES? Many parents-to-be enter our country in order to bear a child on American soil. Obviously, this method for gaining the prize of American citizenship for one's child should be discouraged. For one thing, the numbers are potentially astronomical. There is much argument over whether denying such citizenship would require a statute or a constitutional amendment. One thing we can do is to deny these "anchor babies" the right (at age 21) to legalize the status of their parents and siblings. Who knows? These secondary benefits might turn out to be the main incentive for such births.

POPULATION. Like all other categories, extended family immigration adds greatly to our population. Large marginal increases have a massive impact on our schools, our environment, our physical infrastructure, and our opportunities for solitude. All such increases portend additional government and consensual regulations and consequent reductions in our freedom.

III. Conclusions and Recommendations

Extended family reunification is one of the least justifiable of all the huge flows that make up our current immigration policy. Like much of that policy it is out of control, associated as it is with mounting backlogs and the encouragement of illegal immigration.

Since no skills are required, extended family members almost by definition will compete with American workers who can least afford such competition and of whose meager grasp on the ladder of success we should be most protective.

And since immigration is basically disunifying, extended family immigration is justified upon a false premise — it does not and cannot reunify families. We can reunite, reunify, and rejoin the extended family best by not separating, fracturing and breaking it apart in the first place.

Family reunification therefore can only sensibly mean nuclear family reunification — granting immigrant status to the spouse and minor children of U.S. citizens and legal immigrants with no affidavit of support required. This is real family values! TSC

NOTE

[1] Under current law these include adult sons and daughters of U.S. citizens and their spouses and minor children; brothers and sisters of U.S. citizens and their spouses and minor children; and the unmarried adult sons and daughters of permanent resident aliens.

Irish: The Great Emigrants

But not so keen on receiving outsiders

by Kevin Rafter

DUBLIN

Resentment is growing in Ireland against foreigners seeking asylum here.

The antagonism has become so public that Irish President Mary Robinson has warned of the danger of racism "rearing its ugly head" unless people learn to deal with the issues surrounding refugees and immigration.

The number of asylum-seekers in Ireland has grown from 39 in 1992 to 1,179 least year. Ireland, which has for the last two centuries exported its own people to the four corners of the globe, is now the destination for refugees from the Third World and Eastern Europe. It's said that not since the Celts were driven westward by the Romans has Ireland seen such a large influx of refugees.

Ironically, statistics from the Organization for Economic Cooperation and Development show that among all the Western