

Testimony of
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On

“Family Immigration”

Before the
House Subcommittee on Immigration, Citizenship, Refugees, Border
Security, and International Law

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Thank you for the opportunity to testify. As newspapers have reported, the Bush Administration has circulated a document that proposes ending the ability of U.S. citizens to sponsor their children for immigration if those sons or daughters have reached the age of 21. One way to look at this issue is to put it at the personal level. If the policy would apply to their own families, most Members of Congress would agree they would have a difficult time barring the door to their 22-year-old daughter, while welcoming the immigration of their 19-year-old son.

In addition, under the draft proposal Americans would be told they are prohibited from sponsoring a brother or sister for immigration. Finally, the proposal, if enacted, would restrict even the admission of parents of U.S. citizens for immigration.¹

In essence, as part of a deal to appeal to critics who argue we should not reward illegal immigrants, we would change immigration law to prohibit Americans from sponsoring their own children or other close family members for legal immigration. This should be rejected as a policy option.

There is no legitimate rationale for eliminating family immigration categories. Some argue that the wait times are too long. This is true. (The wait time for unmarried sons and daughters of U.S. citizens (over 21 years old) is 6 years from most countries and 14 years or more from Mexico and Philippines.) However, the fact that long waits exist in some categories simply means that Congress has not raised the limits to correspond with the demand. The answer is not to eliminate categories and guarantee Americans in the future could never reunite with certain loved ones. The appropriate solution is to raise the quotas, as the Senate did in its immigration bill passed in 2006.

Why eliminate the option of waiting for those who choose to wait? If one argues that long waits encourage individuals to jump ahead in line, then logically destroying all hope of immigrating legally would provide even more incentive for people to come here and stay illegally. Those who decry illegal immigration by saying people should immigrate legally cannot at the same time eliminate our country's most viable options for legal immigration.

The Myth of “Chain Migration”

It is alleged that eliminating family categories would reduce “chain migration.” However, “chain migration” is a meaningless term that merely describes what has happened throughout the history of our country – some family members come to America and succeed, and then sponsor other family members.

The following example illustrates the myth of “chain migration.” In 2007, an immigrant, who arrived 6 years before and has now become a U.S. citizen, decides to sponsor a sibling for immigration. With an 11-year wait (or 12 to 20 years for certain countries), that means 17 years would pass between the arrival of the first and second immigrant. If the second immigrant takes 6 years to become a citizen and then sponsors an unmarried adult child, it would take an additional 6 to 15 years for that immigrant to arrive. So under this “chain migration,” the time between the arrival of the first immigrant and the third immigrant would be between 29 and 47 years, depending on the country of origin. This is not the continuous “onslaught” that critics seek to conjure up

when discussing this issue. Moreover, all of the immigrants in this example would immigrate under the legal quotas established by Congress.

While it is true approximately 58 percent of U.S. legal immigration in 2005 was family-based, more than half of family immigration was actually the spouses and minor children of U.S. citizens, which almost no one has proposed eliminating. Of total U.S. legal immigration in 2005, married and unmarried adult children of U.S. citizens accounted for only 2 percent each; siblings of U.S. citizens accounted for only 6 percent.²

Already High Levels of Education for Legal Immigrants

In place of certain family categories, the Administration proposal and others have discussed instituting a Canadian-style point system, which would work by establishing a “score” and assigning admission “points” for age, education level and other characteristics for those immigrants who seek entry. Only those who achieve the score could immigrate.

The point system concept is little more than a Trojan horse designed to reduce family immigration. It is far from the best way to help employers hire the key people they need or to allow high skilled individuals to stay in America after graduating from a U.S. university.³

Some say a rationale for this element of the draft proposal is to improve the skill level of immigrants. In reality, the typical legal immigrant already has a *higher* skill level than the typical native, so upon examination the basic rationale falls apart for eliminating family categories and instituting a “point system.”

- The New Immigrant Survey, which examines only legal immigrants finds: “The median years of schooling for the legal immigrants, 13 years, is a full one year higher than that of the U.S. native-born.”⁴

- The Pew Hispanic Center reports: “By 2004, all groups of legal immigrants in the country for less than 10 years are more likely to have a college degree than natives . . .”⁵
- The Pew Hispanic Center also reports that the average family income for a naturalized U.S. citizen in the country more than 10 years in 2003 was more than \$10,000 a year higher than a native (\$56,500 vs. \$45,900).⁶
- Writing in the May 1999 *American Economic Review*, economists Harriet Duleep, then a senior research associate at the Urban Institute, and Mark Regets, a senior analyst at the National Science Foundation, found that the gap in earnings between new immigrants and natives largely disappears after 10 years in the United States, with immigrant wage growth faster than native (6.7 percent vs. 4.4 percent).⁷

Simply put, while the policy of eliminating family categories would cause real pain for families, it would create little or no net benefit with regards to its stated purpose. Moreover, instituting the draft proposal’s idea of requiring every American with a relative on the immigration waiting list to re-file their applications and pay a \$500 fee (essentially a new tax) would display disdain toward such Americans.

Most past concerns with immigrant skill level focused on reports using Census data that included many illegal immigrants. Two of the studies cited above differentiate between legal and illegal immigrants and show “low education” level among legal immigrants is not a problem. Legal immigrants do congregate at the top and bottom of the education scale, but less so than Census data imply. Besides, economists agree that immigrants increase America's labor productivity most when they fill niches at the top and bottom. Moreover, the draft proposal’s advocacy of a temporary worker program is recognition that America requires workers at different skill levels.

Economic Benefits of Family Immigration

Family immigration provides important economic benefits, particularly in fostering entrepreneurship, while also promoting the type of family cohesiveness that political office seekers tell voters is vital to the nation's future. "A large majority of immigrant-owned businesses in the United States are individual proprietorships relying heavily on family labor," testified University of South Carolina Professor Jimmy M. Sanders before the Senate Immigration Subcommittee. "Our experiences in the field suggest that the family is often the main social organization supporting the establishment and operation of a small business." Sanders notes: "The family can provide important resources to members who pursue self-employment. Revision of Federal law in the mid-1960's to allow large increases in immigration from non-Western European societies and to give priority to family reunification increased family-based immigration and contributed to a virtual renaissance of small business culture in the United States. By contrast, labor migration that involves single sojourners who leave their families behind and work temporarily in the United States has produced far less self-employment."⁸

In New York City during the 1990s, the number of immigrant self-employed increased by 53 percent, while native-born self-employed declined by 7 percent, according to the Center for an Urban Future.⁹

Family members immigrating to support other family members in caring for children and running family-owned businesses are more likely to benefit the United States economically than unattached individuals who achieve a certain number of points based on criteria designed by government bureaucrats.

John Tu, President and CEO of Kingston Technology, based in Fountain Valley, California, immigrated to America from Taiwan after being sponsored by his sister. He built up his computer memory company with fellow Taiwanese immigrant David Sun. When Tu sold the company for \$1 billion he did something almost unheard in the annals of business: He gave \$100 million of the sale's proceeds to his American employees – about \$100,000 to \$300,000 for each worker. This decision changed the lives of those

working at Kingston, allowing many to fund dreams for themselves and their children. Kingston employee Gary McDonald said, “Kingston’s success came from a philosophy of treating employees, suppliers, and customers like family, this being based upon the Asian family values of trust, loyalty, and mutual support, practiced by John and David.”¹⁰

Jerry Yang, co-founder of Yahoo!, one of America’s top companies, came to this country at the age of 10. “Yahoo! Would not be an American company today if the United States had not welcomed my family and me almost 30 years ago,” said Yang.

Maintaining an open legal immigration system is a key conclusion of a study I co-authored for the National Venture Capital Association. That study found entrepreneurs that received venture capital arrived in America through many different parts of our immigration system. The study found that since 1990 one in four (25 percent) of America’s publicly traded venture-backed companies had at least one immigrant founder.¹¹ The market capitalization of these immigrant-founded companies exceeds \$500 billion, adding significant value to the U.S. economy.

In addition to economic benefits, it is important to remember that family immigration has always been the foundation of America’s immigration system. It is part of the country’s tradition going back from the Mayflower through Ellis Island and to the present day. The historical records at Ellis Island make clear that most immigration prior to the 1920s was family-based, and such unification never entirely lost its role. A report of the House Judiciary Committee on the 1959 legislation states, “The recognized principle of avoiding separation of families could be furthered if certain categories of such relatives were reclassified in the various preference portions of the immigration quotas.” Joyce Vialet of the Congressional Research Service analyzed the 1965 Immigration Act and concluded, “In response to the demand for admission of family members, Congress enacted a series of amendments to the Immigration and Nationality Act (INA), beginning in 1957, which gave increasing priority to family relationship. The family preference categories included in the 1965 Act evolved directly from this series of

amendments. Arguably, the 1965 Act represented an acceptance of the status quo rather than a shift to a new policy of favoring family members.”¹²

Is The Goal Of A Point System To Reduce Hispanic Immigration?

Without more information it is difficult to forecast the precise impact of a point system on a particular cohort of immigrants. However, Harvard economist George Borjas, an advocate of a point system, concedes that keeping out Mexicans is a likely end product of a point system. “Most likely,” he writes, that under a point system, “the predominance of Mexican immigrants and of immigrants from some other developing countries will decline substantially.”¹³ One would hope the goal of today’s proponents of a point system is not to prevent immigration from Mexico and Central America. But whether or not this controversial idea is the intended goal, it is the most likely outcome of the proposal. Lending credence to the idea the draft proposal means to reduce immigration from Mexico and Central America is a controversial provision in the proposal that would prohibit current illegal immigrants who obtain legal status from ever being permitted to sponsor family members.

A Point System: The Federal Bureaucrat Empowerment Act

While the President and many Members of Congress were elected on a platform of empowering families and entrepreneurs, the draft immigration proposal empowers unelected bureaucrats. In short, a point system would transfer power from Congress to federal bureaucrats at the expense of individuals, families, and employers. “A point system has many imperfections,” concedes point system advocate George Borjas. “A few hapless government bureaucrats have to sit down and decide which characteristics will enter the admissions formula, which occupations are the ones that are most beneficial, which age groups are to be favored, how many points to grant each desired characteristic and so on.”¹⁴

After noting that the list of occupations, each assigned points, takes up 10 pages in the Canadian system, Borjas writes, “Most of these decisions are bound to be arbitrary

and clearly stretch the ability of bureaucrats to determine labor market needs well beyond their limit.”¹⁵ But bureaucrats are not well suited to handle labor market decisions. Moreover, no government test can ever measure life's most important intangibles: drive, individual initiative, and a commitment to family.

Those who advocate limiting the entry of “less skilled” immigrants are generally among the most vociferous opponents of skilled immigrants. In 1998 and 2000, anti-immigration groups and some Congressional allies fought the expansion of H-1B temporary visas for high-skilled, foreign-born engineers and computer scientists. But these same groups also oppose family immigration. One advocate of a point system derisively refers to scientists and engineers entering on H-1B temporary visas as “high tech braceros,” equating them with the migrant farm workers of the 1950s.¹⁶

Finally, one should note that the Canadian point system is designed with a different purpose in mind. Given its relatively small population, Canada needs to attract immigrants to the country. In the United States, attracting skilled immigration is not a problem. The American problem is straightforward – Congress has failed to increase the quotas for H-1B temporary visas and employment-based green cards. This has resulted in year-long delays in hiring highly skilled individuals on H-1B temporary visas and five-year or longer delays for employer-sponsored immigrants to complete the green card process.

The Correct Policy To Expand Skilled Immigration Is To Increase Employment-Based Immigration

U.S. employers want to hire specific skilled individuals, not skilled people in general. This is the most serious flaw behind a point-based system. When companies recruit, often off U.S. campuses, they find skilled foreign nationals along with many talented Americans. One-half to two-thirds of graduate students in electrical engineering, computer science and other key fields at major U.S. universities are foreign nationals.¹⁷

Companies thrive on certainty. Replacing the current uncertainty in the immigration system with another form of uncertainty (Will company-identified individuals be able to pass a bureaucratic “point” test?) is not a recipe for building a highly competitive U.S. workforce. While the current backlogs and delays in green card create uncertainty, at least employers are able to sponsor specific individuals.

Moreover, in the future, there will be uncertainty about what level of immigration any point system will sustain. In the end, we will not end up with a solution but only a different set of problems.

The most effective policy to promote skilled immigration is simply to exempt from the current quotas employer-sponsored immigrants with a master’s degree or higher. In addition, Congress can raise the quotas for both H-1B temporary visas and green cards, eliminate the per country limits for employment-based immigration and allow international students an easier path to remain in the country after completing their studies.

These are not revolutionary ideas. In fact, this is precisely the package of reforms the Senate approved last year when it passed Senator John Cornyn’s SKIL bill (S. 2691) as part of the larger immigration bill. Congress can simply return to the key reforms made in that bill, rather than engage in wholesale reforms that will undermine the current immigration system.

Denying U.S. citizens the ability to sponsor adult children, parents or siblings is both unnecessary and politically divisive. The bill the Senate passed last year raised quotas for both family and employment-based immigrants and Congress can do so again this year.

Conclusion

The President's 2000 Election campaign site, which delineated his policy positions on several key issues, stated:

Governor Bush believes that immigration is not a problem to be solved, but the sign of a successful nation. As Governor of a border state, he knows first-hand the benefits legal immigrants bring to America. While he is strongly opposed to illegal immigration, he believes more should be done to welcome legal immigrants. Therefore, he will establish a 6-month standard for processing immigration applications, *encourage family reunification*, and split the INS into two agencies: one focused on enforcement, and one focused on naturalization and immigration services.¹⁸

Eliminating family categories to make it perhaps impossible for individuals to become reunified with close family members cannot be described as "encouraging family reunification."

In the end, the President and the Congress need to decide whether immigration policy will be made only with the assent of those most opposed to immigration. If not, then it appears likely a consensus can be formed by a majority of legislators in both the House and Senate to make needed reforms that will reduce illegal immigration, preserve family immigration, establish new legal avenues for lesser skilled workers and expand opportunities for high-skilled, employment-based immigrants.

APPENDIX

Table 1: Wait Times for Family-Sponsored Immigrants

	China	India	Mexico	Philippines	All Other Countries
Unmarried Adult Children of U.S. Citizens (1st Preference) 23,400 a year	6 year wait (Processing applications before May 2001)	6 year wait (Processing applications before May 2001)	15 year wait (Processing applications received before Jan. 1991)	14 year wait (Processing applications received before March 1992)	6 year wait (Processing applications before May 2001)
Spouses and Minor Children of Permanent Residents (2nd Preference – A) 87,934 a year*	5 year wait (Processing applications before April 2002)	5 year wait (Processing applications before April 2002)	6 year wait (Processing applications received before Jan. 2001)	5 year wait (Processing applications before April 2002)	5 year wait (Processing applications before April 2002)
Unmarried Adult Children of Permanent Residents (2nd Preference - B) 26,266 a year	9 year wait (Processing applications before October 1997)	9 year wait (Processing applications before October 1997)	14 year wait (Processing applications before March 1992)	10 year wait (Processing applications before October 1996)	9 year wait (Processing applications before October 1997)
Married Adult Children of U.S. Citizens (3rd Preference) 23,400 a year	7 year wait (Processing applications before April 1999)	7 year wait (Processing applications before April 1999)	17 year wait (Processing applications before Feb. 1988)	20 year wait (Processing applications before Jan. 1985)	7 year wait (Processing applications before April 1999)
Siblings of U.S. Citizens (4th Preference) 65,000 a year	11 year wait (Processing applications before November 1995)	11 year wait (Processing applications before January 1996)	12 year wait (Processing applications before July 1994)	20 year wait (Processing applications before January 1985)	11 year wait (Processing applications before May 1996)

*Source: U.S. Department of State Visa Bulletin, May 2007; National Foundation for American Policy. *The spouses and minor and adult children of Permanent Residents category is 114,200 annually "plus the number (if any) by which the worldwide family preference level exceeds 226,000." 75% of spouses and minor children of lawful permanent residents are exempt from the per-country limit. Wait times are approximate.*

Table 2: Wait Times for Employment-Based Immigrants

	China	India	Mexico	Philippines	All Other Countries
Priority Workers (1st Preference)	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants
Advanced Degree Holders and Persons of Exceptional Ability (2nd Preference)	2 year wait (Processing applications before April 2005)	4 year wait (Processing applications received before January 2003)	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants
Skilled Workers and Professionals (3rd Preference)	5 year wait (Processing applications before August 2002)	6 year wait (Processing applications before May 2001)	6 year wait (Processing applications before May 2001)	4 year wait (Processing applications before August 2003)	4 year wait (Processing applications before August 2003)
Other Workers	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable

Source: U.S. Department of State Visa Bulletin, May 2007; National Foundation for American Policy. Once a number/visa is available processing can take from 2 months at an overseas post to longer periods with U.S. Citizenship and Immigration Services. Wait times are approximate.

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Stuart Anderson is Executive Director of the National Foundation for American Policy, a non-profit, non-partisan public policy research organization in Arlington, Va. focusing on trade, immigration, and related issues. Stuart served as Executive Associate Commissioner for Policy and Planning and Counselor to the Commissioner at the Immigration and Naturalization Service from August 2001 to January 2003. He spent four and a half years on Capitol Hill on the Senate Immigration Subcommittee, first for Senator Spencer Abraham and then as Staff Director of the subcommittee for Senator Sam Brownback. Prior to that, Stuart was Director of Trade and Immigration Studies at the Cato Institute in Washington, D.C., where he produced reports on the military contributions of immigrants and the role of immigrants in high technology. He has an M.A. from Georgetown University and a B.A. in Political Science from Drew University. Stuart has published articles in the *Wall Street Journal*, *New York Times*, *Los Angeles Times*, and other publications.

ENDNOTES

¹ There currently is no numerical quota on the immigration of the parents of U.S. citizens. The draft proposal contemplates placing a quota that would restrict the immigration of such individuals to the United States.

² *2005 Yearbook of Immigration Statistics*, Office of Immigration Statistics, Department of Homeland Security, Table 6.

³ Today, highly skilled researchers and scientists endure waits of 5 years or more for green cards, preventing such individuals from advancing their careers. It also signals to international students and other innovators that America may not be the place to build their future.

⁴ New Immigrant Survey (1998); Stuart Anderson, "Muddles Masses," *Reason*, February 2000.

⁵ Jeffrey S. Passel, *Unauthorized Migrants: Numbers and Characteristics*, Pew Hispanic Center, June 14, 2005, p. 24. Passel points out that this is the case "notwithstanding the continued over-representation of legal immigrants at low levels of education."

⁶ *Ibid.*, p. 31.

⁷ Anderson, "Muddles Masses."

⁸ Testimony of Jimy M. Sanders before the Senate Judiciary Committee, Subcommittee on Immigration, "Immigrant Entrepreneurs, Job Creation, and the American Dream," April 15, 1997.

⁹ Jonathan Bowles, *A World of Opportunity*, Center for an Urban Future, February 2007, p. 7.

¹⁰ Testimony of Gary D. MacDonald, Kingston Technology, at hearing on "Immigrant Entrepreneurs, Job Creation, and the American Dream, Senate Immigration Subcommittee, April 15, 1997.

¹¹ Stuart Anderson and Michaela Platzer, *American Made*, National Venture Capital Association, November 2006.

¹² Anderson, "Muddles Masses."

¹³ *Ibid.*; George J. Borjas, *Heaven's Door*, Princeton University Press, 1999.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ National Science Foundation.

¹⁸ George W. Bush for President 2000 Web Site. Emphasis added.

<http://www.4president.org/issues/bush2000/bush2000issues.htm>.