Myths of Family Reunification

Immigrants disrupt families to start process

by William Buchanan

The admission of immigrants who are *nuclear* family members — spouses and dependent minor, never married children of U.S. citizens and permanent resident aliens — is sound social policy. The same cannot be said for the admission of *extended* family members — under current law the adult sons and daughters of U.S. citizens and the brothers and sisters of U.S. citizens *plus* their spouses and minor children *plus* the unmarried adult sons and daughters of permanent resident aliens. The latter produce mounting backlogs, chain migration and, since they are admitted without reference to skills, significant displacement of domestic workers. Moreover, we can never succeed in returning to the supportable level of immigration that prevailed prior to 1965 until we eliminate such preferences.

Defenders of America's current immigration policy disagree, portraying 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. Specific groups such as criminals, prostitutes, paupers, and carriers of disease were excludable, but there were no broadly applicable limits and therefore no need for qualifiers. Hod carrier or husband; needle worker or niece; uncle or undertaker — the law treated all of them alike.

Things changed, however, with passage of a 1917 law requiring new immigrants to be literate in some language, not necessarily English. Now the Congress had to deal with the question of admitting the illiterate family members of literate immigrants. Obviously feeling their way, our lawmakers chose parents and grandparents over 55, children under 17, wives, and adult unmarried daughters.[1]

In 1921, numerical limits (350,000 per year) and national-origins quotas were introduced for immigrants from the Eastern Hemisphere. Preference was granted “so far as possible” to the children under 18, and the wives, fiancees, parents, and brothers and sisters of U.S. citizens as well as aliens who had applied for citizenship.[2]

A product of experience, the 1924 Johnson-Reed Act[3] provided for the admission of wives and minor children of U.S. citizens with no numerical limit (non-quota). But all other Eastern Hemisphere immigration was set at 150,000 per year, apportioned by national-origins quota. 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” who come to a strange new land, often with little but their courage and fortitude to support them.

Congress relented in 1928 and allowed leftover quota visas to be used to admit 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 put the tar baby of massive immigration to bed.

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 quota slots, often referred to as “wasted.” Quota-favored Great Britain, Ireland, and Germany, for example, used only 134,000 of their 327,000 available quota slots

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in the three years 1949-51.[4]

Responding in 1952 with the McCarran-Walter Act[5], 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 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 these preferences were available for either of the other two preferences.

Fearing there might still be some unused visas, the Congress made leftover quota slots available for extended family members — brothers and sisters and adult sons and daughters of U.S. citizens — fourth preference. This ploy completely backfired. First, instead of luring the favored peoples, extended family backlogs began to appear for the countries with small quotas. Second, it roused the immigration tar baby from its 28-year slumber.

In 1959, Congress rearranged the deck chairs again. The fourth preference was made eligible for up to 50 percent of quota visas and it now included spouses and minor children. Permanent resident aliens could bring in their unmarried adult sons and daughters. Once again, there were few takers among those who qualified, but a lot of demand among those who did not. In the five fiscal years 1960 to 1964, only 23,176 fourth preference visas were issued, but the backlog grew to 163,805.[6] As of FY65, only two-thirds of the 150,000 Eastern Hemisphere quota slots were used and 80 percent of these were for non-preference.[7]

In the years 1952-65, Congress strove mightily to limit quota immigration to 150,000 per year, maintain unequal national-origin quotas, respond to humanitarian appeals, reunify families, admit all who managed to qualify (thus avoiding backlogs), and provide incentives so as not to "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 — and threw a fist into the immigration tar baby. Overnight, our immigration policy shifted from emphasizing national-origins to emphasizing extended family. Parents of U. S. citizens were shifted to non-quota status, the Eastern Hemisphere quota was bumped up to 170,000, and three discrete new preferences were set up for extended family:

(Preference 1) unmarried adult sons and daughters of U.S. citizens,

(Preference 4) married sons and daughters of U.S. citizens and their spouses and minor children,

(Preference 5) brothers and sisters of U.S. citizens and their spouses and minor children.

Moreover, the second preference combined spouses and minor children of permanent resident aliens (2A) with the unmarried adult sons and daughters of permanent resident aliens (2B). Family would now account for 74 percent of quota

Table 1

Family Preference Specificed in Selective Immigration Acts

	1924-28	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

immigrants, all to be admitted *without reference to skills.* One positive development: for the first time, a numerical limitation of (120,000 per year) was placed on Western Hemisphere quota immigration.

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, the backlogs would soon dry up, and people from Third World countries would not come here because of the cultural differences.

Senator 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. The existing and undeniable backlogs were additional evidence of potential problems. Offering his opinion of that long-ago debate, former congressman and mayor Ed Koch remarked gleefully: "You were misled!"[9]

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And then in 1976, to celebrate the Bicentennial (and throwing another fist into the tar baby), the 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 kicked the immigration tar baby and launched the 1990 Immigration Act, increasing the number of quota visas for family members to a *minimum* of 226,000 per year, adding another 55,000 per year for the spouses and minor children of amnestied illegal aliens, and providing for the transfer of unused worker visas to family members.

II. Evaluation

TRADITION OR ENTITLEMENT? — Extended family preferences, back door entrants in 1952, 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 TIGHT LABOR MARKETS — During every immigration debate, a great deal of oink and ink is shed over fears of a "labor shortage" but very little about its far more valuable twin: *a tight labor market* — the avenue to equality of opportunity and outcome, a choice weapon of empowerment and self-respect, and perhaps the most effective means to narrow the income gap between rich and poor. Moreover, a tight labor market stimulates productivity and innovation, is an antidote for crime, and 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 Immigration and Nationality Act, calling it: "Civil Rights Legislation for the World." The impact 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% in the 1960s, to 11.1 % in the 1970s, and 14.9% during the 1980s.[10] It is difficult to believe that a policy of admitting extended family members with no reference to skills is not a major reason.

BACKLOGS "DRY UP"? — Of course not! 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 1994.

CHAIN MIGRATION — In 1981, Father Theodore Hesburgh expressed disappointment that his Commission had voted to continue the 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."[11]

NO RELIEF IN SIGHT — 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 318,000 in the four years 1991-94. Meanwhile, naturalization require-ments have been relaxed and 3 million IRCA beneficiaries are now eligible to become citizens. Backlogs can't help but skyrocket.

COMMISSION RECOMMENDATIONS IGNORED — In 1995, the Commission on Immigration Reform recommended elimination of all the extended family preferences except for parents. Partly with this in mind, Barbara Jordan, Commission chairwoman, commented that: "With 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."[12] Yet every House and Senate effort to enact these Commission recommendations (or even tiny steps toward them) was soundly defeated.

PROMOTES ILLEGAL IMMIGRATION — During debate, opponents of legal reform repeatedly raised this rhetorical Q & A: Include *legal* immigration reform in the same bill with legislation to control *illegal* immigration? Why, that would be an insult to legal immigrants "who play by the rules" and "wait their turn." But do they? Prior to FY95, family members could only obtain immigrant visas from the U.S. embassy in the home country. However, a 1994 appropriations bill amended the immigration act to allow an illegal alien family member for whom an immigrant visa has been issued to apply for immigrant status in the U.S. This convenience is referred to as "adjusting status" and was heretofore permitted only for workers. Preliminary reports are that applications for adjustment increased from 203,000 in FY94 to over 470,000 in FY95.[13]

From this and anecdotal information, we can deduce that many aliens eligible for family preferences live here illegally, waiting (and working), perhaps for years, for their visas to emerge from the backlog — evidence that legal immigrants don't always wait their turn or play by the rules, evidence that legal immigration often promotes illegal immigration.

DOES IT REUNIFY? — 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 U.S. relative must become a U.S. citizen, must petition for the foreign relative, who must, in turn, act on the option. And, coming soon, the two must satisfy the feds that their combined incomes can support both of them.

More to the point, immigration is basically a process of disunification. Almost every immigrant leaves a large extended family in his wake. Immigration is a linear process, extended family reunification is a geometric one. Even though many who qualify choose not to come, the qualified who do seek to come will exceed all quotas no matter how large these quotas become. For proof one need only review the spiraling backlogs.

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DIS-REUNIFICATION? — 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 a brother in Raleigh, NC reunified with her family when she then relocates 6,000 miles away in Hawaii? Of course not!

POPULATION — Like all other categories of immigration, extended family immigration adds massively to our population. Any such marginal increase has 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 freedom and opportunity.

III. Conclusions and Recommendations

Extended family reunification is 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 disuniting, disunifying, and disjoining it in the first place. And never have alternatives been more available. The telephone and airplane and visitor's visa put us all within minutes or hours of everyone on Earth.

Further, many U.S. citizen families are "disunited" — one child in Los Angeles, another in Minnesota, and a third in Philadelphia. We have no government plan for reuniting them, yet by phone, fax and air fare immigrant families are no more disunited than these. Family reunification can only sensibly mean *nuclear* family reunification — the spouse and minor children of a U.S. citizen or legal immigrant with no affidavit of support required. This is real family values!

Parents present a different problem. Children ought to take care of their infirm parents. But with few exceptions that can best be done by means other than immigration. Absent the monstrously expensive and rapidly growing SSI and Medicaid benefits — which are making America the world's retirement home (at U.S. taxpayers expense) — most naturalized citizens will find it cheaper to support their needy parent(s) in the home country.

Various legislative 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. and require the sponsor to show that he or she has sufficient income to provide housing and the equivalent of welfare, Medicare and Medicaid.

Robert Rector of the Heritage Foundation recommends 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.[14]

Anyone who observed this year's battle in Congress over immigration reform and the limited results will recognize the aptness of the "tar baby" metaphor. Each effort to accommodate the beneficiaries of today's policies has only further entrenched them and magnified their demands. Nevertheless, the Congress still has one foot free of tar and the means therefore to return to an immigration policy that reflects the national interest and the opinions of the American people. □

NOTES

[1] Immigration Act of February 5, 1917, (39 Stat 874)

[2] Quota Act of May 19, 1921, (42 Stat 6)

[3] Immigration Act of May 26, 1924, (43 Stat 153)

[4] *Annual Report of the Immigration and Naturalization Service, Fiscal Year 1953*, Table 7.

[5] Immigration and Nationality Act of 1952, (66 Stat 163).

[6] Hearing, Senate Committee on the Judiciary, Subcommittee on Immigration and Naturalization, February 10, 1965, Page 27. Note: Obvious errors in table corrected.

[7] *Annual Report of the Immigration and Naturalization Service. Fiscal Year 1965*, Table 4.

[8] In FY 1965, Canada, Mexico, Great Britain, Germany, and Italy accounted for 47 percent of all immigrants. In FY 1994, Mexico, China, Philippines, Dominican Republic, and Vietnam accounted for 40 percent of all immigrants.

[9] Immigration Debate, Bard College, "Firing Line," June 16, 1995.

[10] Andrew Hacker, *Two Nations, Black and White, Separate, Hostile, Unequal* (New York: Ballantine, Rev. 1995), p.109.

[11] Statement of Chairman Father Theodore M. Hesburgh, *Final Report of the Select Commission on Immigration and Refugee Policy*, p.334.

[12] *The Washington Times*, June 29, 1995, p.A3.

[13] U.S. Department of Justice, Immigration and Naturalization Service, *Immigration to the United States in Fiscal Year 1995*, March 1996, p.5.

[14] Hearing, House Judiciary Committee, Subcommittee on Immigration and Claims, June 19, 1995, page 78.