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-  5 Million Illegal Immigrants. . . . 1
-  Immigrant Visa Waiting List at 3.6 Million. . . . . 5
-  AF ISO WM: How Many Mail-Order Brides?  
*by Robert Scholes* . . . . . 7
-  Visa Lottery Still an Inviting Option. . . . . 10
-  Immigration and Welfare: The Devil Is in the Details . . . . 13
-  FYI . . . . . 6
-  Capital Currents . . . . . 11
-  Book Review:  
A Conservative Defense of Mass Immigration  
*by Mark Krikorian* . . . . . 13
-  Immigration Reading . . . 16

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## 5 Million Illegal Immigrants

### *An Analysis of New INS Numbers*

On February 7, the Immigration and Naturalization Service (INS) released its latest estimate for the size and growth of the illegal alien population in the United States, updating its 1994 report. The INS estimates that as of October 1996 there were five million illegal aliens living in the United States, with the number growing by 275,000 each year. These new numbers are for the “long-term,” illegal population — those who have been in the United States for at least one year. Although the rate of increase is 25,000 less than the 1994 estimate, the new national total is higher than INS previously thought. The change in the growth does not represent a reduction in the flow of illegal aliens, but instead reflects a change in the methodology used to calculate the numbers.

This article will review the basic findings and methodology of the estimate, plus raises questions about how the estimates were arrived at.

### *Findings*

- The number of illegal aliens who remained after the completion of the Immigration Reform and Control Act (IRCA) legalization in October of 1988 was **2,775,000** — well above the 2.18 million previously estimated.
- The number of new illegal aliens joining the long-term population each year is **420,000**. This number is offset by deaths, emigration and adjustment to legal status, so that the increase in the illegal population is 275,000 annually.
- There were 170,000 new overstayers each year between 1982-1992 and 181,000 between 1992-1996. The number of new illegals who joined the illegal population by Entering Without Inspection (EWI) was 250,000 from 1982 to 1988 and 242,000 from 1988 to 1996.
- The INS estimates that 41 percent of the illegal population are overstayers and **59 percent are EWIs**. This is a change from the estimated 50-50 split in its previous study.
- The illegal population is **54 percent Mexican**.
- 40 percent of the total illegal population lives in California.

## *Summary of Methodology*

The INS has yet to release a detailed methodological statement on exactly how it arrived at its current estimate. However, based on the press release that accompanied the figures and discussions with Robert Warren, the INS demographer who developed the estimate, it is possible to summarize the report's methodology. (The method used to arrive at these numbers is quite complex and space does not permit a detailed explanation of all the assumptions, calculations, sources and adjustments used to create these estimates).

The estimate for the size of the illegal population in October 1988 is based partly on an estimate of the flow of illegals as indicated by non-immigrant overstay data and the results of the IRCA legalization<sup>1</sup>. Additionally, analysis of the November 1989 Current Population Survey (CPS) is used to estimate the Mexican portion of the 2,775,000 figure for the illegal population in October 1988. The number of overstayers is calculated by matching I-94 forms (collected by airlines and Customs upon departure) with an INS database: an allowance is made for errors made by airline staff in collecting departure forms. Persons for whom there is no record of departure one year after they should have are assumed to have joined the long-term illegal population.

Calculating the flow of EWIs is more complex. Mexican EWIs, who account for about 80 percent of all EWIs, are calculated using CPS and INS admissions data for the period after 1990. Legal Mexican immigration numbers are compared with the number of Mexicans counted in the March 1994, 1995 and 1996 CPS. The difference is assumed to represent the illegal Mexican population who entered after 1990. Subtracting the number of Mexican overstayers, as indicated by I-94 form analysis, reveals the number of Mexican EWIs between 1990 and 1996. The flow of EWIs for all nationalities, with the exception of Mexicans in the 1990s, is based on information from the IRCA and SAW legalizations, apprehensions, and a few other sources<sup>2</sup>.

Reductions in the illegal population come from three sources: death, emigration and adjustment to legal status. Emigration figures are based on Census Bureau estimates of the return rate of migration for immigrants indicated by comparing 1980 and 1990 Census data (see Census Bureau Technical Paper number 9). The Census Bureau's rate of return migration is then increased by 10 percent in order to reflect higher emigration rates for illegals. Return migration rates are assigned to illegals based on year of entry. The death rate for the illegal population is assumed to be only 3.9 per 1,000, reflecting the young age and almost non-existent infant mortality rate in the illegal population<sup>3</sup>.

Those illegals who become legal immigrants each year are controlled for in two ways. First, overstayers who adjust to legal status are removed from the overstay population by matching immigrant data with the overstay database. EWIs from Mexico who legalize each year are accounted for because the method used to estimate the size of the illegal Mexican population is derived by comparing the number of Mexicans in the CPS with the number of Mexicans who enter legally. For EWIs from countries other than Mexico, the INS does not make any allowance for legalizations.

*Immigration Review* is published by the Center for Immigration Studies, 1522 K Street, NW, Suite 820, Washington, D.C. 20005, (202) 466-8185. The Center is a non-profit, non-partisan institute dedicated to research and policy analysis of the broad social, economic, environmental and demographic effects of immigration on American society.

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## *State Distribution*

The previous INS estimates for individual states were based on the state distribution of IRCA beneficiaries. In the new study the portion of the illegal population that arrived before 1982 is again assigned by state based on the distribution of IRCA amnesty recipients. The state distribution of the illegal population that arrived between 1982 and 1988 is based on the residence pattern of SAW beneficiaries. For EWIs that arrived between 1988 and 1996, state distributions are assigned based on the state distribution of dependents legalized under IRCA. The assignment of overstayers by state for 1982 to 1996 is based on a study of the geographical distribution of overstayers between 1986 and 1989 (see Warren in *Undocumented Migration to the United States*, edited by Frank Bean, Barry Edmonston, and Jeffrey S. Passel. RAND Corporation and Urban Institute Press, Washington, D.C., 1990).

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<b>Resident Illegal Alien Population: October 1996</b>	
<b>Top Ten States</b>	<b>Number of Illegal Aliens</b>
<b>California</b>	<b>2,000,000</b>
<b>Texas</b>	<b>700,000</b>
<b>New York</b>	<b>540,000</b>
<b>Florida</b>	<b>350,000</b>
<b>Illinois</b>	<b>290,000</b>
<b>New Jersey</b>	<b>135,000</b>
<b>Arizona</b>	<b>115,000</b>
<b>Massachusetts</b>	<b>85,000</b>
<b>Virginia</b>	<b>55,000</b>
<b>Washington</b>	<b>52,000</b>

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Again it should be noted that the above outline is only a brief summary; the actual methodology is significantly more complex. The INS expects to release a detailed methodological description of the study soon. Even without a detailed methodological statement, it is clear that the estimation procedure is the product of careful and thoughtful analysis. However, despite the rigorous nature of the estimating procedures, there remain several important methodological issues surrounding the numbers.

## *Questions Arising from The Methods*

It is important to keep in mind that the INS estimates are only for the long-term illegal population and do not include those illegal aliens who stay in the United States for less than one year. These “short-term” illegal aliens have still broken the law. Moreover, by holding low-skilled jobs, they are competing with natives and legal immigrants in a section of the economy where wages are already low. And even though their stay is brief, they may still use costly taxpayer-provided services such as public hospitals and the criminal justice system. The number of illegal aliens who stay less than one year must be well over one million. For a discussion of short-term illegal immigration read Bean, Espenshade, White and Dymowski in *Undocumented Migration to the United States*, 1990.

Probably the most important question involves the use of data from the IRCA and SAW amnesties to estimate the net addition of EWIs for illegals from countries other than Mexico in the 1990s. The nativity of amnesty beneficiaries reflects the EWI flow of an earlier period. By the 1990s it is very possible that the level of EWIs and the source countries may have changed. Basing Mexican EWIs on the results of the CPS partly alleviates this problem because Mexican EWIs represent the vast majority (80 percent according to the INS) of EWIs each year. However, for illegals from countries such as China, the use of IRCA data seems questionable. Emigration pressures increased significantly in the 1990s as the pace of modernization accelerated in that country. Thus, to assume that the number of EWIs from China in the 1990s is similar to the 1980s may significantly underestimate EWIs. This may account for the seemingly low estimate of 25,000 Chinese illegal aliens.

Using CPS data to determine Mexican EWIs may also present some problems, possibly resulting in an estimate for the illegal population that is too low, because there is some question as to whether the CPS does in fact count the total illegal population. It is true that starting in January of 1994 the CPS numbers reflect new weighting procedures designed to control for the undercount of illegals. However, the Census Bureau does not claim that the new adjustments count the entire illegal population. The corrections done to the CPS reflect the estimated size of the illegal population *enumerated* in both the 1980 and 1990 Census. Thus, the number of immigrants found in the CPS is increased to reflect the flow of illegals between 1980 and 1990 as indicated by the Census. However, the Census Bureau recog-

nizes that neither the 1980 nor 1990 Census counted the entire illegal population. Thus, the adjustments made to the CPS do not consider the Census undercount. Moreover, the flow of illegals may have changed since 1990. Since the adjustments to the CPS are based on the Census, they cannot reflect this change. Therefore, there is reason to suggest that the INS's use of CPS may understate the size of the illegal Mexican population.

In response to this situation the INS states that their illegal figures are still valid because their estimate is for the long-term illegal population, which is much more likely to show up in CPS data. Moreover, the size of the long-term illegal population is partly inflated by those illegals counted in the CPS who stay less than one year. Though these may be reasonable arguments they are not based on systematic evidence. There is still the very real possibility that a significant portion of the long-term illegal population is missed even if "long-term" illegals are more likely to show up in the CPS than are "short-term" illegals. The Census Bureau does not make any claim about the percentage of the illegal population, "long-term" or otherwise, that shows up in the CPS.

The method used in the new study for emigration is also an important issue. The INS uses a return migration rate for illegals determined by the Census Bureau. The Census Bureau's return migration rate is based on a comparison of the 1980 and 1990 Censuses. The INS takes this return rate and adds 10 percent to it in order to reflect what it believes to be higher rates of return migration for illegals. The method assumes that overstayers and EWIs have the same return migration rates. Given the high cost of air travel and the fact that most overstayers are not from Mexico or Central America, this assumption may not be correct. The high cost of returning home for nationals from distant countries may reduce their propensity to return home. Also, there is no systematic rationale for assuming that return migration for illegals is dramatically higher than for immigrants in general.

A final methodological question surrounding these numbers concerns the state distribution of EWIs and overstayers in the 1990s. Using the state distribution of legalized dependents to determine the state distribution of EWIs in the 1990s creates state estimates that reflect illegal immigration of an earlier time, because legalized dependents are simply joining those who were granted amnesty in the 1980s. The distribution of overstayers in the 1990s is based on a study of their state distribution done in 1990 for the years 1985 to 1988. Like the distribution of EWIs, this method may produce results that reflect the 1980s and not the 1990s.

There are some minor issues associated with the new numbers as well. Because the INS used a uniform method to calculate the number of illegal aliens for each country, there

<b>Resident Illegal Alien Population: October 1996</b>	
<b>Top Ten Countries</b>	<b>Number of Illegal Aliens</b>
<b>Mexico</b>	<b>2,700,000</b>
<b>El Salvador</b>	<b>335,000</b>
<b>Guatemala</b>	<b>165,000</b>
<b>Canada</b>	<b>120,000</b>
<b>Haiti</b>	<b>105,000</b>
<b>Philippines</b>	<b>95,000</b>
<b>Honduras</b>	<b>90,000</b>
<b>Bahamas</b>	<b>70,000</b>
<b>Poland</b>	<b>70,000</b>
<b>Nicaragua</b>	<b>70,000</b>

are anomalous results for a few nationalities. For example, the illegal population from the Bahamas is estimated at 70,000, making it the 8th largest source country, even though the total population of that country is only 273,000. Data from the non-immigrant information system for that country is unreliable, which makes it appear as if the number of overstayers is dramatically higher than is possible. The 32,000 figure for the Caribbean island nation of Dominica is also grossly inflated (the total population of the country is 88,000). The INS estimates that roughly 25,000 of these individuals are really from the Dominican Republic, bringing the total illegal aliens from that country to 75,000.

Even with the issues outlined above, there can be no doubt that the new estimates represent a good faith effort on the part of the INS to deal with an extremely complex and difficult question. The INS has solicited input from the GAO, Census Bureau, the U.S. Commission on Immigration Reform, and elsewhere. Thus, these numbers have been well reviewed. Finally, the INS does not claim that these number are "set in stone." They anticipate a process of continual revision and refinement. Perhaps when better data and estimating procedures become available future estimates will deal with some of the methodological issues discussed above. ❖

*—Steven Camarota*

<sup>1</sup> While most overstayers are visa holders, the INS estimates include non-visa holders as well.

<sup>2</sup> Persons who legalized under IRCA and SAW were required to report how they entered, and these data are used to estimate the level of EWIs for many nationalities before, during and after the legalizations.

<sup>3</sup> Illegal aliens have an almost nonexistent infant mortality rate because children born to illegals are automatically citizens.

## Immigrant Visa Waiting List at 3.6 Million

**A**s of January 1997, more than 3.6 million people were waiting to receive an immigrant visa, according to the State Department's annual tabulation released in March. The waiting list consists of individuals who have approved immigrant visa petitions on file, but whose applications cannot be adjudicated because of the statutory limits on most categories of immigration and per-country levels. The 1997 figure is down two percent from 1995. (For reasons that are unclear, State never publicly released its 1996 count. A copy obtained by the Center put the 1996 waiting list for family visas alone at 3.75 million.)

### Top 10 Nationalities on Immigrant Visa Waiting List, January 1997

<u>Country</u>	<u>Number</u>
Mexico	1,020,823
Philippines	573,414
India	243,159
China (mainland)	235,175
Dom. Republic	150,596
China (Taiwan)	108,625
South Korea	77,203
Vietnam	75,568
El Salvador	69,809
Haiti	69,221

Source: State Department

Because the State Department tabulation does not include applicants for adjustment of status — those who are applying from within the United States — it understates the number of people who are actually waiting for green cards. Before 1995, only applicants who were legally present could adjust status (usually skilled employment immigrants); now, under a provision known as 245(i), illegal immigrants can have this expedited processing as well. The next chart shows the State Department's estimates of the percentage of applicants that it believes has taken up residence before being legally admitted.

As of January 1997, the INS had about 473,000 non-refugee/asylum applications in line to be adjudicated. The INS does not provide the statistics by category of applica-

## FYI

(For Your Information)

### ➔ New Visitor Permits

The INS will be replacing the Mexican Border Visitor's Permit (I-444) with the Arrival and Departure Record, Form I-94. The old form allowed applicants to put all family members traveling together on one form, was easily altered, contained no information about the individual bearing it and was not tracked by the INS. Now each applicant for admission must fill out his own form and be interviewed by the inspection officer. All I-94 recipients arrivals and departures will be tracked by the INS.

### ➔ Hispanic Poor Increases

Continued immigration of large levels of unskilled, less-educated immigrants from Latin America has caused Hispanics to surpass blacks in terms of the percentage of individuals in poverty. The Census Bureau reported that in 1995, 30 percent of Hispanics and 29 percent of blacks were in poverty.

### ➔ Migrant Interdiction

The migrant division of the Coast Guard reported 9,080 interdictions for FY-1996 — a 41% increase over FY-1995. During the first four months of FY-1997, 1,148 migrants have been interdicted by the Coast Guard.

### ➔ Final Order Removals

The INS announced that for the first quarter of 1997 18,988 Final Order Removal of criminal and non-criminal aliens occurred. Previously, INS reported Final Order Removals under the term Removals.

### State Reforms:

### ➔ \$2 million to Help Immigrants

Governor Christine Whitman of **New Jersey** has decided to offer \$2 million for citizenship efforts to a variety of private organizations in order to help recent immigrants continue to obtain federal cash assistance. The state will continue to provide cash benefits to those legal residents that arrived before the signing of the new federal welfare law but not to those that arrived after. Organizations that receive the funds will assist new arrivals with the costs associ-

*(Continued on page 7)*

# IMMIGRATION REVIEW

tion, but it is likely that most of these applicants are immediate relatives of U.S. citizens or permanent residents, most of whom are living here illegally, and employment immigrants, most of whom are in legal status.

snafu is the most plausible explanation for the significant drop (72%) in the Unskilled Worker category.

Other changes in the list:

- The Family-1st preference category, for adult sons and daughters of U.S. citizens, grew by 34 percent. More than 60 percent of these people are from the Philippines, where there is unusually high demand in this category, amounting to more than 35 times the annual visa availability.

- The Family-2nd list, which includes spouses and children of green card holders, shrank slightly. Many of those qualifying in this category are likely to adjust status, so the total is almost certainly understated. Just over one-half of the list is comprised of Mexicans.

- The Family-3rd preference, for married adult sons and daughters of U.S. citizens, went up about 20 percent, probably due to large numbers of newly naturalized citizens petitioning for these family members.

- The Family-4th category, for siblings of U.S. citizens, declined slightly, probably due to the very long waits in this category. Most of those getting visas now have been on the list since September 1986, except for the Filipinos, who have been on the list since December of 1977. Visas are available to only four percent of the applicants on the list at most, so it is unlikely that this backlog will disappear anytime soon. ❖

—Jessica Vaughan

## Estimated Percent of Waiting List Applicants Currently Living in the U.S.

Category	Pct.	Number
Family First	25%	23,300
Family Second		
Spouses/Children	65%	684,000
Adult Children	25%	144,600
Family Third	8%	25,000
Family Fourth	3%	75,100
<b>Total</b>		<b>952,000</b>

Source: State Department

A period of bureaucratic confusion that followed the enactment of 245(i) is likely to have exacerbated the undercount of the waiting list. The legislation resulted in a large shift of workload from the State Department to the INS, which had vastly underestimated the number of people who would take advantage of the program. In the first few months of the fiscal year, the INS accepted tens of thousands more applications than it could process, creating a large backlog. Once an application is accepted for processing, the case will drop off the waiting list, even though it has not yet been adjudicated. This

## Waiting List by Category, January 1997

Category	Number of Registrants	Percent of List	Percent Change from 1995	Percent to be Issued Visas in 1997
<b>Family</b>				
First	93,376	2.6%	+34.3%	25%
Second	1,630,621	45%	-0.1%	7%
Third	312,200	8.6%	+19.9%	8%
Fourth	1,502,233	1.5%	-5.7%	4%
<b>Family Total</b>	<b>3,538,430</b>	<b>97.7%</b>	<b>-0.5%</b>	
<b>Employment</b>				
First	11,405	0.3%	+21.8%	100%
Second	9,527	0.2%	+4.7%	100%
Third (total)	56,864	1.6%	-49.0%	
skilled	35,030	1%	+7.6%	~100%
unskilled	21,834	0.6%	-72.3%	~46%
Fourth	6,171	0.2%	-16.5%	100%
<b>Employment Total</b>	<b>84,467</b>	<b>2.3%</b>	<b>-38.6%</b>	

[Editor's note: Last year's immigration bill instructed the Attorney General to present to Congress within one year a study of mail-order marriages to determine the number of such marriages, the extent of fraud and domestic abuse, and the need for expanded regulation and education. The article below is the Center's small contribution to that effort.]

## AF ISO WM

### *How Many Mail-Order Brides?*

by Robert J. Scholes

"Heaven is having a Japanese wife, a Chinese cook, a British country home and an American salary. Hell, on the other hand, is having a Chinese salary, a British cook, a Japanese house and an American wife."

—Gary Clark, *An Introduction to the "Penpal Bride" or so-called "Mail Order Bride" Movement*, Copyright © 1995, available on the Internet at: [www.upbeat.com/wtwpubs/intro.htm](http://www.upbeat.com/wtwpubs/intro.htm)

While there is little demand among foreign men for American wives, there is a huge demand for American husbands. Thousands of foreign women are seeking husbands in the international bride market. Most of these women seem to prefer an American man if they can find one. American men are highly sought after because, compared with (what these women know about) the men in most countries, American men simply make better husbands.

At any one time, there are approximately 90 agencies offering the names, addresses, pictures, and short biographies of around 25,000 women who are looking for husbands. The women listed by these services are predominantly Filipino or Russian, but entries may be found from nearly every country of the world. Most of these agencies update their listings quarterly (some more often, some less), indicating that the annual number of women available as "mail-order brides" is in the neighborhood of 100,000.

According to the agencies themselves (in written replies to a 1996 questionnaire from the author) approximately 10 percent of these women are successful — they find and marry a man through the service. There are, then, around 10,000 marriages a year between women listed by these agencies and men who use the service; i.e., 10,000 mail-order marriages a year.

Of these 10,000, around 4,000 involve U.S. men. The

## FYI

(For Your Information)

ated with preparing for citizenship. Those costs include transportation to classes, legal services and translators. Once legal residents becomes citizens the individual is entitled to all federal cash benefits.

### ➡ "Patient Dumping"

In an attempt to find out the cost associated with a practice referred to by hospitals as "patient dumping", **California** Assemblyman Jan Goldsmith (R-Poway) persuaded the state Joint Legislative Audit Committee to investigate the costs San Diego hospitals incur by treating sick or injured illegal immigrants brought to them by the Border Patrol. The Border Patrol is not allowed to spend funds on those who were injured outside of their custody.

### ➡ Gang Violence Prompts Orange City Council to Action

The **Orange** City Council in California has agreed to implement a portion of the Illegal Immigration Reform and Immigrant Responsibility Act that allows local police to apprehend illegal immigrants. The council voted 4 to 1 to draft a resolution supporting the law. Its passage is in response to increased violence caused by gangs that many city residents believe include illegal aliens as members. Local police are allowed to act as immigration agents once they are trained in immigration laws and procedures.

### ➡ Marriage Licenses

Driven by inaccurate information about the new immigration law, long lines at marriage license bureaus in **New York, Miami and Chicago** are forming. In New York the number of marriage licenses issued in January was 47% higher than the same month in 1996 and Miami's grew 43%. Cook County, Illinois reported the largest increase — a 50% rise in February 1997 over February 1996.

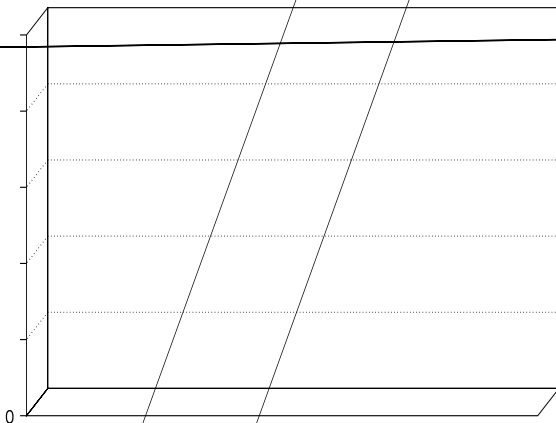
### ➡ California's Workforce

Foreign-born workers in a number of occupations in **California** account for the majority of workers in that field. Immigrants were 96% of the sewing machine operators, 91% of the farm workers, 76% of the maids and housemen and 64% of the construction workers.

remainder is distributed among Canadian, Australian, European and, increasingly, Japanese clients.

## *Who Are They?*

An analysis of the listings in recent issues of five popular catalogs featuring 1,400 Asian women found that 70 percent were Filipino (despite the fact that Republic act No. 6955 makes such listings illegal), many of whom are “in-service” as domestic workers in other countries, 16 percent Indonesian, 8 percent Thai, 2 percent Malaysian and Japanese, and 1 percent Chinese and Korean. In terms of age, 20 percent are 16-20 years of age, 41 percent are 21-25, 24 percent are 26-30, 11 percent 31-35, and just 4 percent over the age of 35.



According to a report from the Commission on Filipinos Overseas (see “Data from Filipino women and intermarriages” by Catherine Paredes-Maceda in *Asian Migrant* 8.4, 1995), mail-order brides constitute 10 percent of the marriages between Filipinos and foreign nationals. Between 1989 and 1994, 95,000 Filipino men and women were engaged to be married to foreigners, the great majority of whom met their partners through work or personal introductions. Of the foreign men who marry Filipinos, 44 percent are U.S. citizens.

On the basis of these data, it would appear that about 2,000 Filipino women find husbands each year

through the agencies, 800 of whom marry Americans.

Based on published material from the agencies, similar numbers apply to women from Russia, Latin America, and other areas; i.e., 10 percent find husbands, of whom 40 to 50 percent are U.S. citizens.

Again, based largely on data supplied by the agencies themselves (along with the Commission on Filipinos Overseas report), marriages arranged through the mail-order services would appear to have a lower divorce rate than the nation as a whole, fully 80 percent of these marriages having lasted over the years for which reports are available.

## *The Reasons for Mail-Order Marriages*

Why do foreign women want American husbands? Many sources suggest that the women are searching for a “better life” in terms of socio-economic factors — they do, for the most part, come from places in which jobs and educational opportunities for women are scarce and wages are low. However, when the women themselves are asked this question, the answer generally indicates an attraction to American men (they look like movie stars) and an aversion to native men. Americans, they say, “make good husbands” while Filipino (Thai / Indonesian / Russian / etc.) men do not. Americans are thought to be faithful and kind to their wives, while the native men are cruel and run around with other women. True or not, this is the perception.

Why do American men want foreign wives? Most of the personal reports from American men who have married women through these agencies talk about “traditional values.” That is, that American women are not content to be wives and mothers, but seek personal satisfaction through their own careers and interests, while the foreign woman is happy to be the homemaker and asks for nothing more than husband, home, and family. Again, true or not, this is the perception.

I would like to suggest, however, other attractions to the “mail-order bride.” For one, these girls tend to be younger (by an average of 15 years) than the man and slimmer and





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ately affected Hispanic immigrants. In citing his...  
work and commitment to the Latino community,” the  
National Council of La Raza honored Sen. Abraham  
with its NCLR Congressional Award, this despite the  
fact that Hispanics led the nation in percentage poor this  
year and rank high among the number of immigrants  
coming to this country.

~~~~~ Five Republican Senators from Southwest border states have sent President Clinton a letter requesting he abide by the **Illegal Immigration and Reform and Immigrant Responsibility Act of 1996** and authorize funds for the increase in Border Patrol agents, additional land border inspectors and more space to detain criminal

McCain...  
... (R-TX), Kay...  
... Pete Domenici (R-NM),  
... authorized enough funds to fulfill  
... the law he signed September 30, 1996.  
... Senators are asking that either the remaining funds  
... be allocated or that the Administration explain in writing  
why it is not complying with the law.

~~~~~ **Representative John Porter** (D-IL) has introduced legislation to protect journalists in Hong Kong from reprisal or retribution for doing their jobs. Rep. Porter’s bill allows for up to 2,000 “special immigrant” visas to be issued to journalists in Hong Kong whose “welfare or safety is likely to be subject to threats or harassment due directly to the journalist’s work in the news media.” Immediate family members of the journalists are also eligible and would have until January 1, 2002 to apply. The Xinhua news agency reported that Zhang Junsheng, deputy director of China’s embassy in Hong Kong, told a group of Hong Kong reporters, “There is absolutely no need for them (U.S. Representatives) to be worried about you.”

~~~~~ **Rep. Nick Rahall** (D-WV) is sponsoring a bill to

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r... (Guang), many Taiwanese men prefer  
t... other Asian countries because they feel  
T... Taiwanese women — who tend to be better educated  
and more affluent — expect too much from their  
husbands. Due to this attitude, Taiwan has imposed a  
limit on the number of brides from certain countries  
that can enter Taiwan each year — 360 from Indonesia,  
420 from Burma and 1,080 from China. On the women’s  
side, many of them are seeking Western men since,  
they say, Taiwanese men want to marry only hard-  
working, obedient drudges while Taiwanese women  
have discarded this traditional role and are seeking  
equality and mutual respect in marriage.

## *Impact on the United States*

Clearly, an annual figure of 4,000 to 5,000 new Americans arriving via the “mail-order bride” route is a small figure compared to total immigration of more than one million. Moreover, these newcomers, unlike refugees and other immigrant groups who concentrate in specific urban areas, tend to be dispersed over a wide geographic range, further diminishing any impact they may have. Encounters International, for example, reports that the 53 couples who have married during the agency’s three years of existence reside in 12 different states (none in California or New York).

Compared to the 40,000 to 50,000 annual marriages between Americans and foreign nationals where the couple met through other means (friends, travel, military, workplace, etc.), the “mail-order bride” source of new Americans is small. Nonetheless, this stream of women who would not otherwise be able to enter the United States may create future chain migration as they petition for parents or siblings. Also, the perception that these women have succeeded in dramatically improving their lives may encourage still more foreign women to seek this route into the United States. ❖

*Robert Scholes is a professor of linguistics at the University of Florida.*

## Visa Lottery Still An Inviting Option

**A**t noon on March 5, the State Department closed the application period for the 1998 diversity immigration visa program, often referred to as the visa lottery. The National Visa Center, which runs the selection process, reports that roughly seven million applications were submitted from around the world and within the United States.



The diversity program was established by the Immigration Act of 1990 (actually, re-incarnated from two similar programs that had existed earlier), ostensibly to offer the opportunity of immigration to individuals in countries that had been sending few immigrants to the United States so as to diversify the U.S. immigration flow. It is widely believed, however, that the Congressional sponsors of the visa lottery adopted the “diversity” mantra as cover for a program that was actually designed to admit more European immigrants in general, and to legalize the entire population of illegal Irish immigrants, in particular. The program has also won praise from a few observers as the ideal kind of immigration program, because it tends to attract relatively young, motivated, and educated applicants who tend not to bring along many family members.

Today, however, the visa lottery has developed a personality of its own, far different from what its creators had apparently envisioned. As early as the

second year, the number of Polish recipients began to surpass the number of Irish applicants. In 1995, the program was opened to far more countries and is now dominated not by European applicants, although they are entitled to 43 percent of the available visas, but by immigrants from underdeveloped countries. What’s more, what was sold as a harmless and feel-good visa program has now become riddled with fraud.

### *Demand Remains Strong*

Approximately 7.6 million applications were received for the current round ending on September 30. After more than one million of these were disqualified, 100,000 lucky winners were randomly selected to apply for the 55,000 visas that can actually be awarded (which includes family members of winners). Only 3,850 can be admitted from any one country. Since a significant number of winners will drop out after being notified that they have been selected, the State Department overbooks the program in order to ensure that all the visas are taken. Visa Office spokesman Charles Oppenheim says that the three main reasons winners drop out are: 1) they can’t meet the requirements of the program; i.e., have a high school degree or two years of experience working in a skilled occupation; 2) they find out they have to pay \$200 in visa fees; or 3) “they find out that the United States government is not going to take care of them when they get here.”

Details on the 1997 winners suggest that the diver-

sity program has become a welcome escape chute for enterprising individuals seeking to leave some of the world's poorer nations. Out of the 168 foreign states with winners this year, Ghana, Nigeria, Bangladesh and Albania had the most winners, and therefore probably the most applicants (See Table). Out of 32 Asian countries that qualify, Bangladesh alone produced more than half the winners. The 12 countries that currently send the most legal immigrants are excluded from the program.

### Top 10 Nationalities of Visa Lottery Winners, 1997

| Country    | Number |
|------------|--------|
| Ghana      | 7,119  |
| Nigeria    | 7,080  |
| Bangladesh | 6,784  |
| Albania    | 6,764  |
| Poland     | 5,003  |
| Egypt      | 3,903  |
| Romania    | 3,769  |
| Russia     | 3,255  |
| Ethiopia   | 3,210  |
| Ukraine    | 3,154  |

Source: State Department

There continues to be considerable demand from European countries, overwhelmingly from the former Eastern bloc countries. Germany was the only western European country to have more than 1,000 winners (it had 2,330); most other western European countries had just a few hundred winners. Even Ireland had only 990 winners.

### *Disappointed Applicants Get Second Chance*

Like so many other government programs that have been established to benefit certain groups over others, the diversity program has already spawned additional spin-off special interest legislation. A little-noticed section of the 1996 immigration reform law, known as the Diversity Visa "Second Chance" provision, allows anyone who was selected as a winner in 1995, and who applied from within the United States (meaning they



adjust the status of **Persian Gulf evacuees** that have been residing in the United States for more than a year. The evacuees were admitted to the United States temporarily but Rep. Rahall's bill would adjust their status to permanent residence. The bill also gives power to the Attorney General to waive certain grounds of inadmissibility such as likelihood that the alien would become a public charge, previous criminal convictions (except drug trafficking convictions) and having a communicable disease.

~~~~~ The recent murders at the Empire State building have encouraged members of Congress to change firearm laws with regards to temporary immigrants. **H.R. 844** and **H.R. 949**, along with a Senate bill entitled **The Empire State Building Counter-Terrorism Act of 1997**, have been introduced. The bills differ slightly but the common goal is to prohibit anyone other than a U.S. citizen or a lawful permanent resident from buying or possessing a firearm. The Senate bill makes exceptions for hunters, foreign law enforcement officials and official representatives of foreign governments.

~~~~~ **Rep. Patsy Mink (D-HI)** in response to **welfare reform**, has sponsored legislation that would cut the long waiting period for citizenship applicants by waiving the english and civics tests for those who: have lived in the country for five years and are 70 years or older; or paid U.S. taxes for 40 quarters; or have been a permanent resident in the country for 20 years.

~~~~~ **INS General Counsel David Martin** announced in January at a private meeting with immigration lawyers that the agency, along with the State Department, will be actively working to preserve the controversial provision of the immigration law, known as 245(i), that allows illegal immigrants to have their permanent residence applications processed in the United States instead of in their home country, as most legal immigrants do. The provision, passed in 1994, is scheduled to sunset at the end of the 1997 fiscal year (September 30). If 245(i) is extended, it could significantly undermine the deterrent effect of one of the important provisions of the new immigration law — the three year/ten year bar on re-entry for illegal immigrants who have been caught or left the country. With 245(i) in place, illegal immigrants who aspire to a green card can avoid the bar simply by remaining here and eluding detection by the INS.

# IMMIGRATION REVIEW

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were probably here illegally), but who did not receive an immigrant visa due to heavy demand, to apply for a 1997 visa. These applicants do not have to enter the lottery again, but are put at the head of the line in front of the new 1997 winners. While the law applies to applicants of any nationality, it was expected to benefit primarily Polish applicants. INS regional offices were charged with tracking down all those who might be eligible.

A senior INS official very familiar with the program guessed that 700-800 Poles would obtain a green card by this route. However, the State Department's notice announcing the 1995 winners reported that a total of 49,985 Polish applicants were registered that year, of whom only 3,850 could have been awarded visas, because of the per-country limits. Some of the remaining 46,000 applicants probably opted out of the program voluntarily, but it would not be unreasonable to expect that as many as half of them would still be interested. Even if only one-fourth of those individuals were still living here, that would leave over 5,000 potential beneficiaries just from Poland.

The second chance diversity visa is reportedly the brainchild of Rep. William Lipinski, a Chicago Democrat. It may well be the last chance for prospective Polish applicants to qualify for a diversity visa, because Poland was dropped from the list of countries eligible

for future lotteries due to recent high admissions levels.

The existence of the second chance program helps confirm that the visa lottery has helped create an attitude of entitlement among prospective immigrants

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## **Sierra Leone's capital was shut down when rioters stormed the central post office after 5,000 complete diversity visa applications were found floating in the harbor.**

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that can be fulfilled through special interest pressure points in Congress. By broadcasting an invitation to immigrate to nearly every nation in the world, the lottery also seems to have unleashed new demand in places where previously there was little interest or hope to do so. In February of this year, the downtown area of Freetown, Sierra Leone was literally shut down by stone-throwing rioters who stormed the central post office after 5,000 completed and posted diversity visa applications were found floating in the city's harbor. According to the Associated Press report, police had to use tear gas and live ammunition to restore calm. A local newspaper theorized that the government had tried to dispose of the applications in order to hide the fact that so many wish to leave. In FY-1995, the latest year for which statistics are available, 919 immigrants from Sierra Leone were admitted to the United States. In 1997, 2,440 winners from Sierra Leone were registered in the diversity program alone.

### ***Fraud a Serious Problem***

In addition to stoking demand for visas, the diversity program has imposed additional burdens on the

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## **Diversity Visa Refusal Rates for Selected Consulates, 1996**

| <u>Consulate</u>      | <u>Issuances</u> | <u>Refusals</u> | <u>Percent</u> |
|-----------------------|------------------|-----------------|----------------|
| Lagos, Nigeria        | 3,117            | 12,219          | 80%            |
| Accra, Ghana          | 2,740            | 4,421           | 62%            |
| Islamabad, Pakistan   | 1,179            | 1,075           | 49%            |
| Cairo, Egypt          | 1,910            | 1,600           | 46%            |
| Dhaka, Bangladesh     | 2,176            | 1,679           | 44%            |
| Addis Ababa, Ethiopia | 2,922            | 1,811           | 38%            |
| Warsaw, Poland        | 5,313            | 1,668           | 24%            |
| Moscow, Russia        | 2,973            | 409             | 12%            |

Source: State Department

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State Department's consular corps, which (openly) grudgingly administers the program. An internal audit recently conducted by State characterizes the visa lottery as a costly unfunded mandate that saps personnel resources. The report warns that more resources must be devoted to the program, not only to address the increased workload, but also to help fight fraud, which has emerged as a serious problem.

State Department records indicate that in some countries diversity visa fraud has become the most troublesome immigrant visa problem and that in general, refusal rates are higher for diversity visas than for any other immigrant visa category. The worst case is Nigeria, where four out of five diversity winners' applications are denied, nearly all due to fraud. This is a logical consequence, Department officials say, of a program that

invites applications from almost anyone, and only requires them to show they qualify after they are selected, prompting a mad rush for documents once the winners are notified.

In addition to identity fraud and use of bogus documents to establish eligibility, the visa lottery has also given rise to scams in the United States, as crooked attorneys and "consultants" boast to unsuspecting would-be immigrants that they can guarantee a winning application, for a fee ranging from \$50 to \$2,000. These rackets have become so widespread that the Federal Trade Commission has issued an official warning on the practice. ❖

—Jessica Vaughan

## Immigration and Welfare: The Devil Is in the Details

When Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the welfare reform law), it barred non-citizens from collecting Supplemental Security Income (SSI) and other federal benefits. More than 40 percent of the law's projected savings were to come from the alien welfare bar.

It was immediately evident that the savings estimates were exaggerated, since lawmakers did not consider the possibility, since resoundingly confirmed, that many aliens would naturalize in order to preserve their eligibility for benefits. However, another provision of the law ensures that, even without additional naturalizations, the law's savings will be even less than imagined.

The welfare-reform law includes certain exceptions to the eligibility bar, including for refugees during their first five years of residence, veterans, and those who had worked for 40 quarters.

This last exception was based on the implicit premise that after 10 years of work, an alien, even if he had not been naturalized, could be considered as having become "vested" in the welfare system. Advocates and commentators observed that immigrants who had lived here less than 10 years would be ineligible for federal benefits.

But, as is often the case in legislation, the devil is in the details. Section 435 of the law specifies that an alien

can accrue *more* than four quarters in one calendar year by getting credit for quarters worked by his parents before the alien turned 18 and/or quarters worked by the alien's spouse.

Instructions from the Social Security Administration to its field offices offer the following example: "A LAPR [legal immigrant] alien couple and their two LAPR alien children (one age 12 and the other age 23) all apply for SSI. Each member of the couple has earned 20 QCs [qualifying quarters of coverage] for work done more than five years earlier, before the older child had turned age 18. All four LAPR aliens meet the 40 QC eligibility category based on the couple's 40 QCs." In other words, all four members of this hypothetical family become eligible for federal benefits after each spouse works five years, rather than the ten years per person many imagined.

Thus, the use of federal benefits by low-skilled non-citizens is not likely to be reduced as much as proponents of the eligibility bar had imagined. This underlines the difficulty with solving problems of *immigration* policy (the admission of too many unskilled family members) by way of *immigrant* policy (welfare cutoffs). The more direct approach of limiting low-skilled immigration would appear to offer a more effective solution. ❖

—Mark Krikorian

## Book Review

## A Conservative Defense of Mass Immigration

by Mark Krikorian

A review of **Assimilation, American Style**, by Peter D. Salins (New York: BasicBooks, 1997, 259 pp.).

Peter Salins' *Assimilation, American Style* may be seen as the fourth book in an unplanned and serendipitous series of recent works on immigration. Peter Brimelow's *Alien Nation* was a conservative critique of high immigration, Roy Beck's *The Case Against Immigration* a liberal critique, and John Isbister's *The Immigration Debate: Remaking America* a liberal defense of immigration. There remained only to write a book-length conservative defense of mass immigration, and this is what Salins has done.

His book seeks to justify high levels of immigration while decrying the multiculturalism and divisiveness that many of his fellow conservatives see as inevitably linked to modern immigration. Salins, provost of New York's State University system in Albany and a senior fellow of the Manhattan Institute, attempts to do this by describing a traditional American paradigm for assimilation, one which makes high immigration compatible with national unity. His "assimilation, American style" requires only three things of immigrants: that they accept the public primacy of English, embrace the American Idea embodied in its liberal democratic and egalitarian principles, and live according to the Protestant Ethic of hard work, thrift and sobriety. The assimilation contract did not require cultural conformity of the immigrant or proscribe whatever ethnic traditions he chose to maintain.

Salins goes on to describe how that model has broken down, how the cultural revolution of the 1960's has negated each of the elements of the assimilation contract: "Bilingualism eroded English's monopoly as the only language of school instruction and government. Historical revisionism discredited the American Idea as a hypocritical myth. The welfare state superseded the Protestant Ethic." (p. 8)

He acknowledges the danger of combining high

immigration with anti-assimilationism: "It is disheartening to contemplate the long-term outlook for America's large new immigrant communities ... if they remain unassimilated. ... The United States' two-hundred-year history of maintaining national unity while accommodating ethnic diversity may be robust enough to withstand a temporary defection from the ethos and practice of assimilation, but it cannot withstand it for long before a host of unhappy consequences is unleashed." (p. 16)

One might expect, then, that Salins would recommend a prudent pause in immigration while the nation attempts to put its own house in order. After all, if it is increasingly difficult to maintain national unity, if the nation's elite derides and laughs at the very notion of assimilation and patriotism, common sense would argue against the introduction of additional challenges to this dysfunctional system.

Salins will have none of it. For him, mass immigration is a given, a requirement for America to continue to be America. He articulates two related reasons for admitting "the largest possible number of new immigrants" (p.18), even at a time when he admits immigrants are not being successfully assimilated. The first is that our nation is "the land of the new beginning" and, as such, must necessarily continue to admit immigrants: "As the land of the new beginning, America has no choice but to be made up of immigrants. That was the whole idea." (p. 105) Immigration, in his understanding, is America's *raison d'être*, and to stop (or, apparently, even reduce) immigration would snuff out America as we know it.

The second, related, justification appears to be that mass immigration is necessary to prevent ethnic homogenization, and thus ensure that the United States remains an ethnically variegated "civic nation," rather than allow the various strands of our population to fuse into a more

traditional “ethnic nation.” (pp. 220-221) Here is the root distinction between Salins and Brimelow; while Brimelow puts perhaps inordinate emphasis on the ethnic component of American nationality, Salins denies it altogether. In this, Salins is at one with the multiculturalists he reviles, in that he also seeks to actively promote increased ethnic diversity, and a reduction of the majority percentage in the population, as the route to a better society. From page 40: “Immigrants have always seemed alien initially, but Americans have always gotten used to them, and the experience has nurtured their tolerance and given them more cosmopolitan views.” More than just a description of the past, this is a prescription for the future, holding up immigration as an instrument to be used by the State to shape American society.

Salins’ view of assimilation and American purpose shapes his outline of an “assimilationist immigration policy,” which has four building blocks: 1) a high, but stable, level of immigration; 2) closing the door to illegal immigration; 3) awarding most immigration slots by lottery; and 4) encouraging immigrants to become citizens.

While items two and four are unremarkable, one and three are telling. He calls for the annual immigration level to be set as a percentage of the population, suggesting .4% (today around 1 million) as a possible target. He says the level should be “well within America’s absorptive capacity but high enough to offer immigration seekers some hope of success.” (p. 211) The illogic is palpable; not only has he spent an entire book ridiculing the notion that immigration could ever exceed America’s absorptive capacity, but with hundreds of millions of people around the world considering immigration to the United States, no number could ever be high enough to offer “some hope of success.” Last year, 7 million people applied for the tiny Diversity Lottery, 4 million people were on waiting lists to immigrate, 900,000 people entered legally and 400,000 illegally — would a 1 in 12 chance qualify as “some hope of success”? What about 1 in 50 or 1 in 100? — the odds would surely mount as word spread of hundreds of thousands of visas available by lottery. And as the number of frustrated applicants grew, the number of illegal immigrants would also grow, as scores of millions begin considering what was previously beyond their reach.

The author’s view of immigration as a good in

itself, unconnected to any specific goals, is also made clear in his criteria for selecting immigrants. He would abolish employment- and skills-based immigration altogether (much to the consternation, no doubt, of the traditional corporate defenders of mass immigration, including Ron Unz, who underwrote the book), grudgingly accepts the need to allow in some refugees, and would limit family immigration to the spouses and minor children of citizens (much to the consternation of the traditional ethnic defenders of high immigration).

But beyond that, he prefers to select the majority of immigrants on a first-come-first-served basis, screening them “to determine their motivation for immigrating,” selecting “the most highly motivated candidates from the most diverse pool of applicants, by the fairest and most objective criteria.” (p. 214) Motivated to do what? Criteria which fairly and objectively judge what? What this is supposed to mean is anyone’s guess, but it is indicative of his breezy and superficial treatment of the actual details of immigration policy.

Simplistic and two-dimensional as his description of assimilation is, Salins correctly identifies the anti-assimilationist ethos that has prevailed in the United States for the past generation. He also is correct in pointing out that Americans, not immigrants, dreamed up and propagated the multicultural assault on the American polity. But his prescriptions for reinstating assimilation amount to little more than hopes and wishes. And his quasi-religious attachment to high levels of immigration, even at a time when the engines of assimilation appear to be stalling, is profoundly irresponsible.

Salins would appear to be saying that the American polity cannot exist without high immigration. This is a curious view, considering the great achievements which occurred during periods of low immigration, such as the post-World War II blossoming of the middle class or the victory of the civil rights movement, not to mention the War of Independence and the Constitution. There is nothing in this book to suggest that Salins could reconcile himself to low immigration even if it could be demonstrated that such a reform would help suppress multiculturalism and restore the body politic to health. If this book has made any contribution to the current national debate over immigration, it is in making plain this perverse preference among some on the Right for high immigration above all else.❖

## Immigration Reading



***Characteristics of Childless Unemployed Adult and Legal Immigrant Food Stamp Participants: Fiscal Year 1995***, (Alexandria: U.S. Department of Agriculture, 1997). Provides statistical information about food stamp recipients who may be affected by the work requirements and restrictions on benefits to legal immigrants authorized in last year's welfare reform bill.



***Immigration: Debating the Issues***, edited by Nicholas Capaldi (Amherst: Prometheus Books, 1997). This is a collection of essays from scholars and public officials exploring whether unfettered immigration is negative or positive to the nation.



***Desperate Crossings***, by Norman Zucker and Naomi Flink Zucker (Armonk: M.E. Sharpe, 1996). This work examines United States refugee policy over the last 30 years and addresses possible future refugee flows.



***Key to Successful Immigration: Implications of the New Jersey Experience***, edited by Thomas J. Espenshade (Washington D.C.: The Urban Institute Press, 1997). Provides a comprehensive examination of the impact of immigrants on the native born, the economy, and institutions in New Jersey. Points out similarities and dissimilarities elsewhere in the country.



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