RSF: The Russell Sage Foundation Journal of the Social Sciences

The Legal Landscape of U.S. Immigration in the Twenty-First Century

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The Legal Landscape of U.S. Immigration in the Twenty-First Century

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CONTENTS

The Legal Landscape of U.S. Immigration: An Introduction

KATHARINE M. DONATO AND CATALINA AMUEDO-DORANTES

Many have written about and debated the U.S. visa system, but three decades after the passage of the 1990 Immigration Act, it continues to define the ways in which immigrants legally enter the United States. Yet, without comprehensive immigration policy reform grounded in deep understanding about the drivers of migration, opportunities for legal entry and the rights of noncitizens have become more restricted (Massey and Pren 2012). At the same time, greater use of broad executive actions has led to changes that reflect specific presidential preferences rather than multiple interests across the political spectrum. The following examples illustrate the range of recent executive actions. President Obama's Deferred Action for Childhood Arrivals (DACA) offered protection from deportation to those who crossed the border as children with their parents without au-

thorization. In contrast, executive actions by President Donald J. Trump have boosted immigration enforcement, banned persons of particular national origins from U.S. entry, and limited noncitizens' access to asylum.

Studies about the visa system and legal immigration have taken a back seat to a much larger and growing body of work on unauthorized migration. The objective of this issue of *RSF: The Russell Sage Foundation Journal of the Social Sciences* is to invigorate scholarly interest in legal immigration. Building on existing studies, which largely focus on wage differences among immigrants with different visas, as well as between them and U.S. natives, we aim to provide a comprehensive overview of the legal immigration system with new scholarship on the topic. Decades of backlogs and long waiting times to obtain and process visa requests, along

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Table 1. Changes in U.S. Legal Immigration Policy Regime

Period	Inclusion Versus Exclusion Content	How Implemented
Before 1925	From relatively open entry to restrictions	Growing reliance on legislation
1925–1964	Limited entry with some exceptions	Legislation / narrow executive actions
1965–1990	Expansive policies	Legislation / narrow executive actions
1991–2002	Rising restrictions with some exceptions	Legislation / narrow executive actions
2003–present	Rising restrictions	No legislation / broad executive actions

Source: Authors' compilation.

with recent increases in naturalization rates and visas for temporary migrant workers, are likely to have wide-ranging consequences for the lives of the 44.5 million foreign born living in the United States. Many are long-term residents. Only one-fifth (21 percent) entered in 2010 or later, relative to 25 percent who arrived in the 2000s and 53 percent who arrived in the 1990s or earlier. Further, even though 1.1 million immigrants became lawful permanent residents in fiscal year 2017, more than twice that number (2.3 million) entered on temporary visas as temporary workers or foreign students accompanied by family members (Zong, Batalova, and Burrows 2019).

We begin by relying on historical studies to describe immigration laws and policies, including the expansion of the visa system in 1990. We highlight both important congressional legislation and presidential executive actions that define and govern legal immigration. In the last thirty years, because Congress has been unable to pass new legislation to reform and restructure the legal visa system, U.S. presidents have used executive actions more often and more broadly than in the past. For example, relative to President Dwight D. Eisenhower's use of parole to permit the entry of tens of thousands of Hungarian refugees, current executive actions target millions of immigrants. They complicate how asylum applications are processed, limit the use of discretion by immigration judges, suspend the entry of immigrants from certain countries, and reduce the number of refugees for resettlement. Thus, combined with congressional inaction, executive actions have created a system of exclusion that influences the experiences of legal immigrants now and will again in the future.

IMMIGRATION POLICY AND PRESIDENTIAL ACTIONS

We describe the policies and executive actions that have governed migration since the late nineteenth century, defining executive actions as orders, actions, or guidelines about U.S. immigration from the executive branch of government; for the most part, these represent presidential views and preferences. Table 1 guides this section, which summarizes broad shifts in U.S. policies, their exclusionary-inclusionary content, and the mechanisms that fueled such content, such as congressional legislation or executive actions, orders, and guidelines. We consider five periods in U.S. immigration history: before 1925, 1925 to 1964, 1965 to 1990, 1991 to 2002, and 2003 to the present.[1]

Before 1925

For much of the nineteenth century, immigrants entered the United States in a climate of relative openness to newcomers. However, as industrialization took hold, U.S. immigration policies emerged to bar from entry certain types of immigrants, such as prostitutes, criminals, and the Chinese born (Ngai 2014; Zolberg 2008; P. Martin 2014).[2] As anti-immigrant sentiment grew after World War I, Congress passed legislation that broadly restricted immigrant entry. The Immigration Act of 1917 excluded

1. We draw here on a wide variety of historical works about U.S. immigration (see, for example, Ngai 2014; Daniels 2004; S. Martin 2010; P. Martin 2014; Tichenor 2009; Zolberg 2008).

2. Japanese workers migrated to replace those from China. However, in 1907, a diplomatic agreement between Japan and the United States targeted them for exclusion (Ngai 2014).

from U.S. entry the Chinese and immigrants from the Middle East, Southeast Asia, and India. It also added a literacy test for those who could enter. The first quantitative restrictions on immigrants occurred with passage of the Emergency Quota Act of 1921. Just three years later, Congress passed the National Quotas Act, setting strict and permanent numerical quotas for immigrant entry by national origin (S. Martin 2010). In addition, it required that persons entering the United States present visas obtained from embassies and consulates abroad.

1925 to 1964

Exclusionary immigration policies largely continued after 1924 and throughout the 1930s and 1940s, despite some gains for some groups (Daniels 2004).[3] One illustration was the Alien Registration Act of 1941. Although it required registration and fingerprinting of all immigrants and made Korean and Japanese women and all non-Chinese Southeast Asians ineligible for citizenship, the 1941 act also gave Filipinos, Indians, and Chinese wives of U.S. citizens naturalization rights without any numerical limitations.

Fueled by a shortage of agricultural labor during World War II, the United States opened its door to Mexicans who could work in agriculture. Mexico and the United States signed a bilateral agreement in 1942, followed by congressional approval of Public Law 45 in 1943, permitting Mexicans to migrate temporarily to the United States to work in agriculture. This work was seasonal, encouraging regular movement back and forth across the border until 1964. By that time, millions of Mexicans had worked as braceros (Galarza 1964).

Around the same time, the United States also opened its door to some refugees. Given the millions of people displaced in Europe after the end of World War II, President Truman—during the first year (1945) of his administra-

tion—issued an executive order that allocated existing immigration visa quotas to individuals displaced because of the war. Although a small gesture in terms of numbers, this was the first executive action to open U.S. entry to refugees. However, Congress also passed legislation related to refugees a few years after Truman's order. One example is the Displaced Persons Act of 1948, which led to the resettlement of approximately four hundred thousand refugees between 1949 and 1952.

In 1952, Congress passed the Immigration and Nationality Act (INA), which revised, but largely maintained, the national origin quotas excluding immigrants from countries in Europe and Asia. The 1952 INA also contained a five-preference admission system to allocate visas to relatives of permanent residents and U.S. citizens, and to workers who would not adversely affect the U.S. labor market. However, in a move toward expansive immigration policy, the INA removed the bar to Asian immigrant naturalization and maintained two provisions from the 1924 act that exempted from numerical limitations spouses and minor children of U.S. citizens, as well as persons from the Western Hemisphere. An immediate consequence was that the number of legal immigrants grew. As Roger Daniels (2004) points out, despite the 158,000 annual INA quota on total immigrants, 3.5 million immigrants were admitted between 1953 and 1965 (a larger share of nonquota than quota immigrants admitted each year).

Under greater pressure to accept refugees, President Eisenhower's administration (from 1953 to 1961) also used a combination of legislation and executive action to admit refugees. In addition to Congress' passage of six pieces of legislation that ultimately admitted about ninety thousand refugees, the president implemented an executive action to overcome the national origin quota on immigrants from Hungary. That order led to the parole of thirty-

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3. Because the National Quotas Act did not apply to Western Hemisphere countries, Mexican migration continued after 1924. In 1929, the State Department decided to assess whether those applying for visas would become a public charge. This action allowed consular officers to use discretion and deny visas to those believed to be contract laborers, unable to pass the literacy test, or become a public charge (Daniels 2004; Ngai 2014). One year later, this action cut visas for Mexicans to approximately eleven thousand in 1929, relative to an average of fifty-nine thousand in each of the previous five years (Ngai 2014). In 1930, the U.S. government then applied this to European countries, further reducing legal immigration.

five thousand Hungarian refugees who entered seeking protection in 1956. Two years later, Congress passed legislation allowing these parolees to become permanent residents and, subsequently, naturalized citizens. It passed a separate statute allowing the attorney general to permit making status changes administratively—facilitating the use of parole for future administrations.

1965 to 1990

Expansive immigration policies emerged with amendments to the INA passed in 1965 and 1976. The 1965 provisions opened immigration worldwide by terminating the national origin quotas and issuing visas based on a first-come, first-served hemispheric basis. They also expanded the admission preference system and allocated a greater share of visas for family reunification than originally existed in the 1952 INA. Immigrant visas from Eastern Hemisphere countries were capped at an annual limit of 170,000, and visas from the Western Hemisphere were capped at an annual limit of 120,000. Thus a global limit of 290,000 was set on immigrant visas subject to the numerical limitations in the admission preference system.

These expansive changes had significant implications for immigrant flows to the United States (Chishti, Hipsman, and Ball 2015; Massey and Pren 2012). Because Congress created a global admission policy across both hemispheres, allocating all visas through preference categories except for exempted immediate relatives of U.S. citizens, Mexico now became subject to numerical limits. Legal immigration from Mexico dropped by half and unauthorized entry of Mexicans grew. In addition, as more Latin Americans and Asians entered with permanent residency, they also brought immediate family members, who were exempt from numerical limits, as well as sponsored relatives through the limited admission preferences. Thus, annual legal immigration grew from approximately 333,000 in the 1960s, to 450,000 in the 1970s, and to 600,000 in the 1980s. Despite the cap of 20,000 per country, the exemption of immediate relatives of U.S. citizens meant that many countries—such as Mexico, Korea, and the Philippines—exceeded the limits.

In the 1960s and 1970s, the United States also opened its door to Cubans and Southeast Asians. From the late 1950s until 1962, more than one hundred thousand Cubans entered the United States. Many could have been designated as refugees.[4] As one of his first executive actions as president, President John F. Kennedy set up the Cuban Refugee Emergency Center and directed the secretary of Health, Education, and Welfare to begin a Cuban Refugee Program (Thomas 1967). Although the program was initially supported with discretionary presidential funds, Congress then passed the Migration and Refugee Assistance Act as more Cubans sought refuge in the United States. By the early 1970s, approximately six hundred thousand Cuban refugees had resettled as refugees; by 2000, nine hundred thousand had. In addition, as Fernando Riosmena (2010) describes, the Cuban Revolution also indirectly stimulated outmigration from the larger region. In an effort to defuse political pressure in the area, Presidents Kennedy and Lyndon Baines Johnson allocated resources to build a new consulate and hire more consular officers to meet Dominicans' growing demand for visas (Grasmuck and Pessar 1991; J. Martin 1966).

Presidents Gerald Ford and Jimmy Carter also used executive powers to open the United States to refugees from Southeast Asia; yet, once again, congressional legislation followed executive actions. President Ford began Operation Babylift, which facilitated the evacuation of Vietnamese orphans for U.S. adoption. President Carter issued an executive order that doubled the number of Southeast Asian refugees permitted to enter the United States each month. Subsequently, in 1982, Congress passed the Amerasian Immigration Act and, in 1988, the Amerasian Homecoming Act. By 1995, more than 480,000 Vietnamese had immigrated to the United States.

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4. The earliest Cuban arrivals were Cuban elites who brought their resources to the United States and transformed Miami (Portes and Stepick 1993), and children who were evacuated immediately after Castro's takeover of Cuba as part of Operation Peter Pan (de los Angeles Torres 2004).

In 1980, Congress passed the Refugee Act, which eventually permitted a dramatic expansion in refugee resettlement. The 1980 act defined refugees consistent with the United Nations definition—namely, a refugee is someone who seeks protection from persecution or fear of persecution related to race, religion, nationality, membership in a particular social group, or political opinion. Although it originally set the annual number of refugee entries at fifty thousand, the 1980 act gave presidents the authority to set annual ceilings. It also recognized the right to asylum. Persons seeking asylum could apply for protection after arriving in the United States (legally or illegally) and, if granted, like refugees, asylees could adjust to permanent residency. Although the 1980 act also included a provision to restrict the attorney general's parole power, it added a caveat that permitted the practice if justified with compelling reasons. Within weeks of the passage of the Refugee Act, the Carter administration paroled approximately 150,000 Cuban and Haitian refugees who had arrived in the Mariel boatlift.

In 1978, in an effort to review and recommend changes in immigration policy, Congress created the Select Commission on Immigration and Refugee Policy. One recommendation was to develop policy designed to reduce undocumented U.S. migration. After years of debate, Congress passed the 1986 Immigration Reform and Control Act (IRCA). IRCA substantially increased resources for border enforcement, offered amnesty to migrants already residing in the United States, authorized a special legalization program for agricultural workers, and set employer sanctions against those who knowingly hire undocumented migrants for work (Donato, Durand, and Massey 1992). In this way, IRCA is a good example of the traditional way of making broad changes to the immigration system, reflecting a compromise between humanitarians who pushed to regularize the legal status of undocumented migrants and nativists who lobbied for greater enforcement and border security. Ultimately, IRCA resulted in 2.7 million amnesty recipients and increased the existing border enforcement budget by 50 percent (Bean, Vernes, and Keely 1989).

Over the next ten years, U.S. presidents in-creasingly relied on executive actions to manage immigration issues, strategically targeting certain groups for relief from deportation. President Ronald Reagan protected minor children of parents legalized by IRCA from deportation, and President George H. W. Bush later extended this protection to all spouses and unmarried children of IRCA amnesty recipients. President Reagan blocked deportation of Nicaraguan refugees already living in the United States. President George H. W. Bush protected from deportation Chinese nationals in the United States at the time of the Tiananmen Square incident in China. Presidents Bush and Bill Clinton gave temporary protected status (after the 1990 Immigration Act passed) to Salvadoran and Haitian refugees, among others, protecting them from deportation.

In 1990, following another recommendation from the Select Commission, Congress passed the Immigration Act. It revised and substantially expanded the U.S. visa system, originating from the desire to "open the front door wider to skilled immigrants of a more diverse range of nationalities" (Simpson 1990). The act made some revisions to the system of permanent immigrant family-sponsored, employment-based, and diversity visas. It also broadened the number of temporary nonimmigrant visas that allowed persons to enter the country as specialty workers, students, exchange visitors, travelers for tourism or business, and crew members in transit (Yale-Loehr 1991).

The 1990 act also increased the annual worldwide numerical limit to 366,000 immigrants and raised the annual number of migrant workers (from 54,000 to 140,000). It created five employment-based visa types, including those for priority workers with extraordinary and outstanding ability, professionals with exceptional ability and at least a master's degree, professionals with at least a bachelor's degree, skilled workers, religious workers, and investors willing to create companies that employ at least ten full-time U.S. workers. In addition, it gave 55,000 permanent residency visas to family members of IRCA's newly legalized migrants between 1992 and 1994. Further, it established the diversity visa program, which since 1995 has offered up to 55,000 permanent residency visas to those with

at least a high school degree born in countries with low rates of immigration (such as countries sending fewer than 5,000 immigrants in the previous five years). The 1990 act also eliminated bans on homosexuals and members of the Communist Party, created temporary protected status to protect certain groups from deportation, and established special immigrant visas for juveniles—a status that subsequently permitted adjustment to lawful permanent residency.[5]

1991 to 2002

In sharp contrast to the expansive legislation in the earlier period, in 1996 Congress passed three restrictive laws during a period of rising unauthorized migration and increasing anti-immigrant sentiment. The first was the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which allocated more resources to border enforcement and levied harsher costs on unauthorized migrants and their employers than IRCA (Weintraub et al. 1998; Martin and Midgley 2003; Legomsky 1997). It legislated an increase in border patrol agents for each of the following five years and strengthened employer sanction provisions by raising fines and introducing a telephone verification system that permitted some employers to verify a potential worker's legal status. It also expedited the removal of unauthorized migrants, barred their reentry for up to ten years, and required U.S. resident sponsors of immigrants to be legally responsible and have more income than previous sponsors.

In 1996, Congress also passed the Personal Responsibility and Work Opportunity Reconciliation Act, which restricted legal permanent residents' access to food stamps, Supplemental Security Income, and other means-tested benefits for five years after admission (Newton 2008). Finally, in 1996, it passed the Anti-Terrorism and Effective Death Penalty Act, which made it possible to deport any non-citizen who had ever committed a crime, no matter when, and to limit judicial review of deportation orders (Legomsky 2000). After ex-

panding the grounds for removal and streamlining removal proceedings, deportations rose. In the five years before 1996, annual deportations averaged 43,000; five years after 1996 they averaged 170,000 (Massey and Pren 2012).

During this period, two small pieces of congressional legislation are of note. The first was the 1997 Nicaraguan Adjustment and Central American Relief Act (NACARA), which had two components. It authorized Nicaraguans and Cubans who resided continuously in the United States before December 1, 1995, regardless of their prior immigration status, to apply for permanent residency. It also permitted their spouses, minor children, and unmarried adult children to apply for lawful permanent residence if they had an eligible spouse or parent. The second component was much more restrictive for Guatemalans and Salvadorans. They could apply only for suspension of deportation or cancellation of removal, not for legal permanent residency. Moreover, Guatemalans were eligible only if they had entered the United States on or before October 1, 1990, registered for benefits with the American Baptist churches by December 31, 1999, and were not apprehended trying to enter the United States after December 19, 1990. Salvadorans could apply if they entered the United States on or before September 19, 1990, registered for Baptist benefits or applied for temporary protected status by October 31, 1991, and were not apprehended trying to enter the United States after December 19, 1990. By contrast, those from Soviet bloc countries were eligible if they entered the United States on or before December 31, 1990, or filed an application for asylum on or before December 31, 1991. As a result, NACARA led to more Cuban, Nicaraguans, and former Soviets becoming legal permanent residents than Guatemalans and Salvadorans.

The other legislation passed during this period was the 2000 Victims of Trafficking and Violence Protection Act, which created U visas for victims of criminal activity and T visas for victims of trafficking. However, unlike most temporary nonimmigrant visas, eligible appli-

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5. In 1994, the North American Free Trade Agreement (NAFTA) began. It created a new temporary nonimmigrant NAFTA professional (TN) visa that permits Canadian and Mexican accountants, engineers, lawyers, pharmacists, scientists, and teachers to work for U.S. or foreign employers.

cants of U and T visas receive multiyear temporary residence with a path to lawful permanent residence.

However, after the terrorist attacks of September 11, 2001, the trend toward growing restrictions and enforcement revived. Congress passed the 2001 USA Patriot Act, continued to boost resources for border enforcement, and set terrorism-related grounds for deporting noncitizens. In doing so, it strengthened the power of the executive branch to deport foreign nationals. Whether they lived in the United States with or without a permanent or temporary visa, if the attorney general believed a foreign national might commit, further, or facilitate acts of terrorism, deportation could occur without judicial review (Zolberg 2008; Massey and Pren 2012). The Patriot Act also permitted indefinite detention, which led to the immediate detention of more than 1,200 Muslim immigrants for extended durations (Hiemstra 2019). Notable among the many enforcement efforts was the 2002 Homeland Security Act passed by Congress. It created the Department of Homeland Security (DHS) and established the new Immigration and Customs Enforcement (ICE).

2003 to the Present

In this recent period, deportations rose dramatically. For example, during the first five years after 2001, the average grew to 229,000 deportations a year. During the most recent span (2014 to 2018), it rose to 338,000 (Massey and Pren 2012). With a large budget, ICE aimed to deport all immigrants who were removable. Congress further facilitated this effort in a variety of ways. For example, as part of the 2004 Intelligence Reform and Terrorism Prevention Act, ICE received funding for thousands of new detention beds between 2006 and 2010, expanding deportations (Hiemstra 2019). Correspondingly, DHS announced that expedited removal would apply to all migrants caught within one hundred miles of the U.S.-Mexico border, shift-

ing deportations without an immigration hearing deeper inside the United States (Coleman and Kocher 2012). Other enforcement initiatives also began after 2002. These include the DHS launch of the Secure Border Initiative and partnerships between DHS and local enforcement agencies to broaden internal enforcement efforts through the 287(g) provision of the 1996 IIRIRA (Donato and Armenta 2011).

In 2012, President Barack Obama responded by announcing an executive order to provide temporary relief from deportation to those who entered without authorization as children with their parents. In its first year, approximately eight hundred people received DACA status.[6] Also in 2012, the Obama administration implemented a regulatory change permitting existing 287(g) agreements between ICE and local enforcement agencies to expire (Kandel 2016). In 2013, after the House of Representatives failed to consider the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013—legislation passed by the Senate to overhaul the legal immigration system—President Obama announced a second executive order that would have offered similar temporary relief to millions of unauthorized parents of U.S. citizen children. This order, however, never went into effect. It was blocked by an injunction stemming from a lawsuit by twenty-six states that was later upheld.

President Obama's use of executive actions attempted to protect millions from deportation and, if they all went into effect, would have covered a large share of the unauthorized population. Although earlier executive immigration actions offered protection to smaller specific groups of people, such as immediate relatives of those receiving IRCA's amnesty, or to refugees from Hungary, Cuba, Haiti, and El Salvador, Obama's executive actions covered many more people. Greater use of executive actions, and their expanded scope, would only intensify during the Trump administration.

Indeed, as an early sign of an aggressive im-

6. Early in 2017, the Trump administration revoked DACA. After the U.S. government appealed decisions from several federal appeals courts, which ruled against DACA revocation, the Supreme Court ruled in June 2020 against the government, saying that DACA was terminated in an arbitrary and capricious manner. Currently approximately 690,00 persons have DACA status. In July 2020, the Trump administration announced new rules for DACA, including that it will no longer permit first-time DACA applications and that renewal applications must be made every year rather than every two years.

migration agenda, the Trump administration announced three executive orders in 2017 (Pierce 2019). The first covered border security and immigration enforcements, directing DHS to plan and construct a border wall, construct more detention facilities, detain noncitizens, expand expedited removal throughout the country, apply humanitarian parole on a case-by-case basis, and ensure that credible fear determinations are within "plain language of the provisions." The second was described as enhancing public safety by forbidding sanctuary jurisdictions from receiving federal funds,[7] directing DHS to restart 287(g) agreements with local communities, requiring local jurisdictions to issue detainers on all unauthorized migrants in custody, expanding the priority list for noncitizen deportation, and authorizing an additional ten thousand ICE agents. The third superseded two earlier ones. It suspended immigrant visas to those from Iran, Libya, North Korea, Somalia, Syria, Yemen, and to some from Venezuela. In early 2020, the Trump administration expanded the suspension of visas that could lead to permanent residency of noncitizens from Nigeria, Myanmar, Eritrea, and Kyrgyzstan; it also barred residents from Sudan and Tanzania from participating in the diversity visa program.[8]

Although space does not permit a comprehensive listing of all executive actions on immigration since 2017, we illustrate the breadth and depth of those taken so far. Some took the form of executive orders or proclamations; others were executive regulations and guidelines. As a result, rather than resolving big immigration issues with durable collective action via congressional legislation, numerous and often constantly changing executive actions have reflected presidential preferences about immigration (see Pierce 2019).

One example is the implementation of extensive executive actions in both the Department of Justice and at U.S. Citizenship and Immigration Services (USCIS), which have had wide-ranging consequences for all types of immigrants. At the Department of Justice, the ac-

tions have included granting more authority to political appointees in immigration courts, ending an AmeriCorps program offering free attorneys for unaccompanied children, permitting more denials of cancellation of removal cases than in the past, prosecuting all illegal entry cases (including children until June 20, 2018), temporarily restricting those in detention from accessing information about the legal system, and speeding up processing by increasing video teleconferencing. Judges also face new performance standards. They can no longer make court practices child-friendly and, for families at ten U.S. immigration courts, judges must implement expedited dockets and complete these cases within a year. Judges must complete expedited asylum applications within 180 days.

Executive unilateral guidelines and actions have also reduced the flow of humanitarian migrants. Among these are a reduction in the number of refugees, termination of the Central American Minors program, and closure of refugee resettlement offices. With respect to asylum seeking, executive actions have raised standards for credible fear interviews, limited access to asylum for victims of domestic and gang violence, and implemented an asylum ban for those crossing the border between ports of entry—although the courts have issued injunctions against the latter. Another change is the Migrant Protection Protocol program (Smith 2019). It returns asylum seekers who lack proper documentation to enter the United States back to Mexico to remain there until the date of their immigration court proceeding. On that date, they can enter the United States to have their asylum claim assessed. Metering is a practice ordered at all ports of entry by the Trump administration in April 2018 as a way to limit the daily numbers of asylum seekers permitted to enter in each U.S. port of entry (American Immigration Council 2020). Immediately before crossing the U.S. border, asylum seekers are intercepted; they are given a number and returned to Mexico by Custom and Border Protection without being processed. They then

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7. This provision was not upheld in the courts.

8. Interestingly, the 2020 order does not apply to tourist, business, or other nonimmigrant travel from these countries to the United States.

wait in Mexico until their number is called. When it is, they are permitted to return to the United States to process their potential asylum claim. In an attempt to reduce the affirmative asylum backlog, the U.S. government implemented last-in, first-out processing (so that recent applicants go ahead of older ones, the hope being that persons with older applications return to their origin countries). In addition, it now facilitates return by offering to those seeking asylum the opportunity to waive asylum interviews and go directly into removal proceedings. Finally, in July 2019, the Trump administration announced a ban on asylum for individuals entering the United States at the "southern land border" after leaving their home country and then transiting through another country.

For children, executive actions have attempted to deny Special Immigrant Juvenile Status to those who filed as minors but turned eighteen during the process. They have also increased the vetting of minors' sponsors by enforcement agencies—although the government reports it is currently refraining from both practices. Executive actions have also ended temporary protected status for people from six countries (El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal), though a temporary court injunction against this is in place.

At the USCIS, procedures are now in place to slow down the pace of nonimmigrant and immigrant visa interviews. Compared with before 2017, visa officers have greater discretion to request more information about travel, housing, and employment histories at any time during the visa processing period. The State Department can also declare that a visa application is misrepresented during a longer window of time than previously. Indeed, USCIS officers are now implementing new public charge vetting for those applying for permanent lawful residency or temporary visas, and are continuously vetting migrants throughout the visa process rather than just once. A new requirement is that when a member of Congress is involved in a visa case, the request must include a notarized signature from the migrant involved. Although symbolic, the new USCIS mission statement no longer mentions that the United States is a nation of immigrants. USCIS also destroys green cards returned after sixty days rather than saving them for longer periods. It may deny work authorization if persons are arrested or convicted of a crime, and may deny visa applications if applicants do not have required information. Finally, USCIS has created a denaturalization office, issues more notices than previously to appear in court for those with outstanding applications, and limits fast-tracked naturalizations to spouses of U.S. citizens who have been together for three years or more.

At the time of writing, the COVID-19 pandemic, which has upended the lives of millions around the world, has led to new U.S. restrictions on nonessential travel (Singer 2020). On March 20, 2020, the Centers for Disease Control, along with DHS, issued orders prohibiting many foreign nationals, regardless of country of origin, from entering at the southern and northern borders in response to COVID-19 (Santamaria and Harrington 2020). These orders have had immediate consequences for many asylum seekers. Those who present themselves at U.S. ports of entry, those apprehended between ports of entry, including unaccompanied children, are being turned back (Lind 2020). The Trump administration has also suspended entry of most foreign nationals from China, the Schengen area of Europe, the United Kingdom and Ireland, and Iran.

In conclusion, in light of decades of congressional inaction, whereby legal immigration policy has remained largely the same, presidents are increasingly using executive actions to implement their preferences about immigration. Thus the legal immigration system has been increasingly shaped by administration preferences rather than by a coalition of congressional interests. One consequence has been the emergence of a broad system of immigrant exclusion that corresponds to shifts in the volume of visas.

CURRENT PATTERNS AND TRENDS IN VISA USE

Greater and more expansive use of unilateral presidential actions, together with three decades of legislative inaction on legal immigration policy, have created a complex migration system geared toward enforcement and deter-

Figure 1. Nonimmigrant and Immigrant Visas, 1997–2018
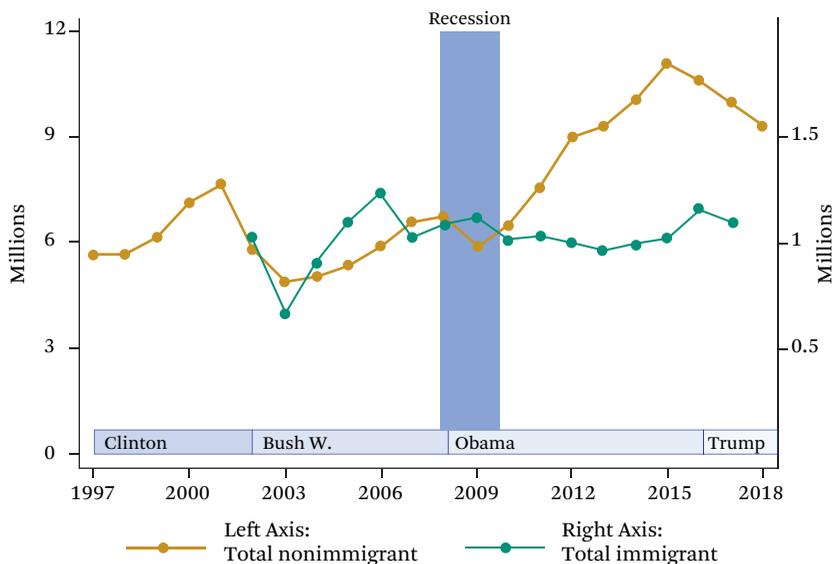
Source: U.S. Department of Homeland Security 2018; U.S. Department of State 2019.

rence. We examine how visa trends map onto these shifts in governance and influence.[9]

We rely on two data sources. For nonimmigrant visas, we use nonimmigrant visa issuances available from the U.S. Department of State (State) for the period between 1997 and 2018. These data approximate more closely the number of persons who are beneficiaries of a given nonimmigrant visa than nonimmigrant admission data, which offer much larger counts because they include the number of times a person crosses with a visa.[10] For immigrant visas, we use the number of legal permanent resident visas issued (or the number of persons who obtained legal permanent residency) between 2002 and 2017. These data are available from the Department of Homeland Security.[11]

One strength of these data is that they contain information by detailed class of admission, enabling us to classify visa issuances into broad categories. To capture the number of low-skilled temporary worker visa issuances, we include H-2A and H-2B visas for agricultural and unskilled seasonal workers, H-2R visas for returning unskilled seasonal workers, A-3, and G-5 visas. The A-3 visas are for attendants and employees of ambassadors, ministers, diplomats, consular officers, and other government officials and their families. The G-5 visas are for employees or domestic workers of foreign nationals who are permanent members of a diplomatic mission, official government representatives, or those appointed to an international organization in the United States. Among high-skilled temporary worker visas, we include H-1B and related H-1BI, H-1C, H3, as well as A1, A2, G1, I, L1, O1, O2, P1, P2, P3, R1, S5, S6, and TN. Broadly, all visas in this category are issued to high-skilled professionals, though a few exceptions are possible (for more on the categorization scheme, see table A1).

Figure 1 presents trends in temporary non-

9. The results are preliminary and descriptive. We present them to spur future research.

10. The file used is FY1997–2018 NIV Detail. It includes annual visa issuance by national origin (https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics.html, accessed April 16, 2020).

11. Unfortunately, the 2018 immigrant visa data were not available at the time of writing. We rely instead on 2017 data (https://www.dhs.gov/sites/default/files/publications/Lawful_Permanent_Residents_2017.pdf, accessed April 16, 2020).

Figure 2. Nonimmigrant Temporary Employment Visas, 1997–2018
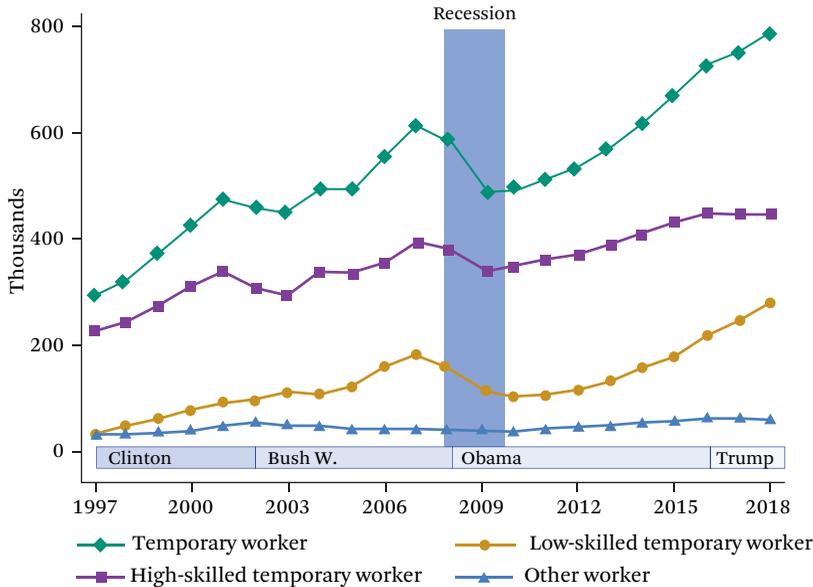
Source: U.S. Department of State 2019.

immigrant visas (from 1997 to 2018) and immigrant visas (from 2002 to 2017). Although both lines track closely together in the early 2000s, growth in nonimmigrant visas is dramatic after 2008. This was a period when the numbers of Mexico-U.S. migrants became net zero, as U.S. employment opportunities and the supply of young Mexicans seeking to migrate northward contracted (Massey 2018). Between 2009 and 2015, temporary nonimmigrant visas increased from six to eleven million, to decline thereafter to about ten million in 2018. In contrast, the number of permanent immigrant visas has remained significantly smaller, hovering around one million per year since 2004.

Figure 2 distinguishes among types of temporary nonimmigrant employment visas, mapping trends between 1997 and 2018. Across the period, temporary nonimmigrant work visas more than doubled, from approximately three hundred to eight hundred thousand. Moreover, in every year, high-skilled temporary visas outnumbered low-skilled visas, even though both declined during the Obama administration and the Great Recession. In addition, although both types of visas recovered after 2009, the growth of low-skilled visas exceeded that of high-skilled. Between 2010 and 2015, the number of

low-skilled visas tripled, from approximately one hundred to almost three hundred thousand. During the same period, the increase in high-skilled visas was more modest, from three hundred to four hundred thousand.

Figure 3 zooms in closer to describe recent trends in six broad types of permanent immigrant visas. Three facts are worth pointing out. First, the overall number of permanent immigrant visas has remained small relative to temporary nonimmigrant visas. Second, although permanent immigrant visas were rather stable for most of the time between 2002 and 2017, the change between 2002 and 2007 was notable. The numbers of immigrant permanent family-based, employment-based, and refugee-asylum visas dropped between 2002 and 2003, immediately after the events of September 11, 2001. Although they increased between 2003 and 2006, their numbers remained stable thereafter. Diversity and other immigrant visas were also stable between 2002 and 2017. Third, the number of permanent immigrant employment-based visas was always far smaller than the number of similar temporary nonimmigrant visas. Based on figure 3, about 150,000 permanent immigrant work-based visas were issued in 2017, relative to the

Figure 3. Immigrant Visa Types, 2002–2017
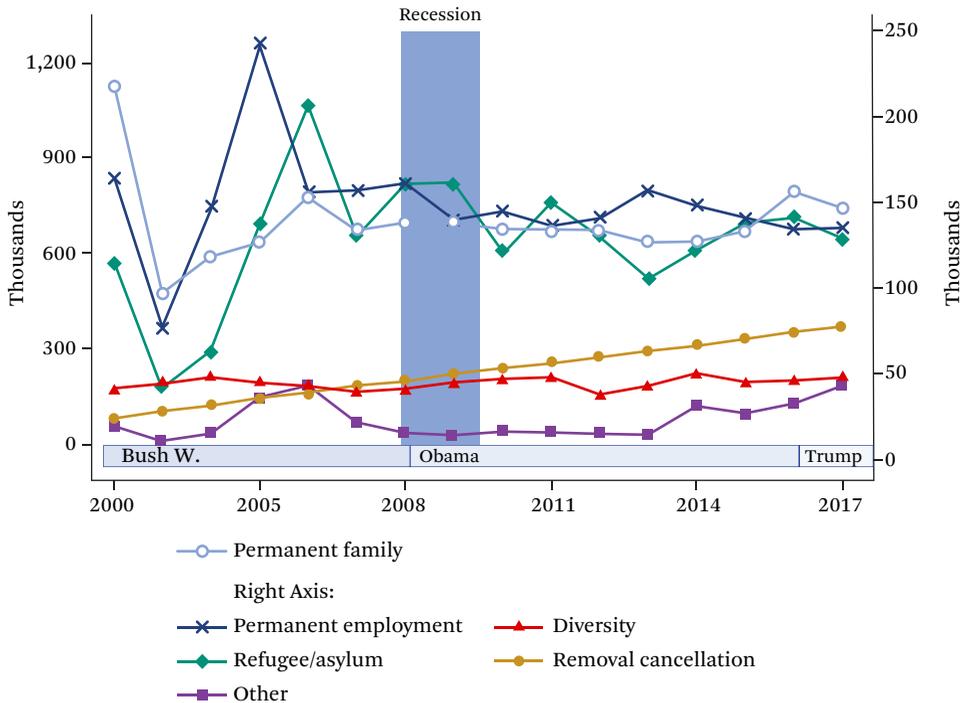
Source: U.S. Department of Homeland Security 2018.

almost 800,000 temporary ones issued the same year (see figure 2).

In sum, trends in temporary nonimmigrant visas, especially employment-related, suggest an exclusive legal migration system that has become more reliant on temporary than permanent visas. Along these lines, the growth and greater volume of temporary low-skilled employment-related visas are especially striking relative to the far smaller stable number of permanent ones. Further research should explore whether the growth in nonimmigrant visas has somehow responded to a desire to control and, perhaps, replace unauthorized migration from years past, as well as the implications of favoring this type of entry. Studies should also investigate whether and how growth in temporary work visas relates to changes in the labor market conditions of immigrants. Finally, researchers need to consider the short- and long-term consequences of greater and broader use of executive actions for the lives of noncitizens and on their chances of obtaining permanent legal relief.

A BRIEF MAPPING OF THIS ISSUE

In this issue, we explore various aspects of the legal landscape for immigrants in the United States. Although they vary widely in terms of focus and approach, the articles are similar in two ways. All use visa categories to understand broad issues of concern for social scientists, such as inequality, labor demand for immigrants, and legal justice. They also ask and answer new questions about legal immigrants using unique data sources, large-scale surveys, or combining data in innovative ways. Together, they build on prior studies, identify consequences of the legal visa system, and offer a foundation for future research on the U.S. legal immigration system.

Although the governance system of legal immigration has remained largely intact since the 1990 Immigration Act, the first article, by Daniel Costa (2020), describes shifts in employment-based temporary nonimmigrant and permanent immigrant visas. He documents a shift in the U.S. labor migration system that translates into many more temporary migrant, than per-

manent immigrant, workers each year. He then identifies the effects of such a labor migration system, including increased vulnerability and a greater chance of experiencing workplace abuse among temporary workers, as well as long backlogs among those seeking numerically limited employment-based visas.

Pia M. Orrenius and Madeline Zavodny (2020) also consider employment pathways by examining the volumes of certified visas for temporary less-skilled workers in an era of declining unauthorized migration. They note that visa issuances to temporary agricultural workers have risen dramatically and ask what accounts for the rise. They find that, when labor markets are strong, more H-2A and H-2B visa requests for unskilled workers are certified. They suggest that employers do not view these visa programs as alternatives to unauthorized migration because these visas are unrelated to the numbers of less-educated, non-naturalized, and Latin American immigrants in the labor force.

Building on these two studies, Julia Gelatt (2020) considers whether employer-sponsored immigrants fare better in the labor market than family-sponsored immigrants. Using the New Immigrant Survey and following new legal immigrants after they enter in 2003 over the four to six years that follow, she compares employment rates, self-employment rates, and occupational outcomes of various categories of family-sponsored immigrants, humanitarian migrants, and those entering with diversity visas, to those of employer-sponsored immigrants. She finds that most legal permanent U.S. immigrants, after several years of residence, have high employment rates relative to the overall U.S. population. However, employment-sponsored immigrants and their spouses bring highest levels of education and English proficiency, and work in the most highly skilled occupations, initially and over time.

The last four articles consider alternative pathways of legal entry or legal status acquisition. Cara Wong and Jonathan Bonaguro (2020) examine public opinion about *jus meritum* citizenship, which exists for noncitizens in exchange for military service. Motivated by the relative silence of politicians and pundits, who avoid mentioning the policy in public, Wong and Bonaguro examine U.S. public support for

the idea of citizenship based on service. Using experiments embedded in surveys from the Cooperative Congressional Election Studies, they investigate how public support for noncitizen soldiers' receipt of citizenship for service varies by type of service (whether in the military or not) and by whether migrants entered with or without legal documents. They find significantly more support for citizenship granted for service to migrants who entered legally.

Van C. Tran and Francisco Lara-García (2020) consider refugees resettled in the United States, and examine how their micro-level integration varies based on pre- and postmigration characteristics. Relying on the Annual Survey of U.S. Refugees, a nationally representative sample of 1,500 refugee households admitted between 2011 and 2015, the authors report three key findings. First, despite substantial variation in premigration human capital, are the small group differences in their early socioeconomic outcomes. Second, they find that, because most refugees in each group are working, most are concentrated in low-wage sectors. Finally, postmigration integration policies matter for all refugee groups.

Banks Miller, Jennifer S. Holmes, and Linda Camp Keith (2020) investigate preferences of political elites and humanitarian immigration. They find that presidential preferences are important in determining who is admitted as a refugee, but congressional preferences are important in determining the size of the refugee population. Interestingly, preferences of the president and Congress matter considerably less with respect to asylum decisions. These results highlight the discretion of the executive branch in U.S. immigration policy and how immigration enforcement bureaucracy may limit the role of elite preferences in determining humanitarian immigration.

Finally, Luis Edward Tenorio (2020) considers a lesser-known form of immigration relief available to migrant children: Special Immigrant Juvenile Status (SIJ). Based on courtroom experiences and participant observations of forty-eight Central American unaccompanied children working on SIJ applications, Tenorio describes the origins of SIJ, how it has shifted over time, and its implications. He reveals two

types of integration effects. The first relates to the complex process of seeking relief, which involves proceedings in family and immigration courts, as well as regular contacts with other federal agencies. The second effect is collateral to going through such proceedings, affecting unaccompanied minors' social networks and relationships.

CONCLUDING COMMENTS

In the United States, we are currently living through a period of highly contested politics in regard to immigration. Embedded in this polarized context is an inability to pass and implement legislative reforms of the legal immigration system, as well as a growing reliance on executive actions to make broad policy changes. This is not a sustainable situation for the long term. It has led to a system of visa exclusions, creating hardships for both unauthorized and authorized migrants. In this context, revitalizing scholarship about the legal migration system can help generate the evidence needed to unearth legislative debates and move them forward—an opportunity we urge future researchers to grasp along with us.

Table A1. Categories of Visa Issuance Data Used in Analysis

Total visas
  (Total permanent, total temporary)

Total temporary (nonimmigrant) visas
  Temporary family visas
  Temporary employment visas
      Low-skilled temporary worker visas
      (H2A, H2B, H2R, A-3, G-5)
      High-skilled temporary worker visas
      (A1, A2, G1, H1B, H1B1, H1C, H3, I, L1, 01, 02, P1, P2, P3, R1, S5, S6, TN)
      Other workers
      (V-1, NATO-1–NATO-7, E-1, E-2, E-3, E-3R)
  Student visas
      (M1, M3, F1, F3)
  Exchange visas
      (J-1)
  Tourist and business visitor visas
      (B1, B2 and B-1, B1-/B2)
  Spouses/family member visas
      (H-4, E-2, L-2, J-2, F-2, M-2, O-3, P4, Q1, Q2, Q3, R2, S7, TD, V-2, V-3, N-8, N-9, E-3D)
  Special visas
      (T1, T2, T3, T4, U1, U2, U3, U4)

Total permanent (immigrant) visas
  Permanent family visas
  Permanent employment visas
  Diversity visas
      (DV1, DV2, DV3, DV6, DV7, DV8)
  Refugee/asylum
  Cancellation of removal
      (Z13, Z14, Z15)
  Other permanent visas
      (Parolees, NACARA, HRIFA, IRCA, other)

Source: Temporary visas from U.S. Department of State 2019; permanent visas from U.S. Department of Homeland Security 2018.
Note: The following visas are not included: G2 and G3; transit visas: D, D-CREW, C-1, C-2, C-3, C-1/D; and fiancée visas K1, K2, K3.

REFERENCES

American Immigration Council. 2020. "Policies Affecting Asylum Seekers at the Border." Fact Sheet, January 29. Washington, D.C.: American Immigration Council. Accessed April 13, 2020. https://www.americanimmigrationcouncil.org/research/policies-affecting-asylum-seekers-border.

Bean, Frank D., Georges Vernes, and Charles B. Keely. 1989. *Opening and Closing the Doors: Evaluating Immigration Reform and Control*. Washington, D.C.: The Urban Institute.

Costa, Daniel. 2020. "Temporary Migrant Workers or Immigrants? The Question for U.S. Labor Migration." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 6(3): 18–44. DOI: 10.7758/RSF.2020.6.3.02.

Chishti, Muzaffar, Faye Hipsman, and Isabel Ball. 2015. "Fifty Years On, the 1965 Immigration and National Act Continues to Reshape the United States." Washington, D.C.: Migration Policy Institute. Accessed April 13, 2020. https://www.migrationpolicy.org/article/fifty-years-1965-immigration-and-nationality-act-continues-reshape-united-states.

Coleman, Mathew, and Austin Kocher. 2012. "Detention, Deportation, Devolution and Immigrant Incapacitation in the US, Post 9/11." *Geographical Journal* 177(3): 228–37.

Daniels, Roger. 2004. *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882.* New York: Hill and Wang.

de los Angeles Torres, Maria. 2004. *The Lost Apple: Operation Peter Pan, Cuban Children in the US, and the Promise of a Better Future.* New York: Beacon Press.

Donato, Katharine M., and Amada Armenta. 2011. "What We Know About Undocumented Migration." *Annual Review of Sociology* 37(1): 529–43.

Donato, Katharine M., Jorge Durand, and Douglas S. Massey. 1992. "Stemming the Tide? Assessing the Deterrent Effects of the Immigration Reform and Control Act." *Demography* 29(2): 139–57.

Galarza, Ernesto. 1964. *Merchants of Labor: The Mexican Bracero Story.* New York: McNally and Loftin.

Gelatt, Julia. 2020. "Do Employer-Sponsored Immigrants Fare Better in Labor Markets Than Family-Sponsored Immigrants?" *RSF: The Russell Sage Foundation Journal of the Social Sci-*

ences 6(3): 70–93. DOI: 10.7758/RSF.2020.6.3.04.

Grasmuck, Sherri, and Patricia Pessar. 1991. *Between Two Islands: Dominican International Migration.* Berkeley: University of California Press.

Hiemstra, Nancy. 2019. *Detain and Deport: The Chaotic U.S. Immigration Enforcement Regime*. Athens: University of Georgia Press.

Kandel, William A. 2016. "Interior Immigration Enforcement: Criminal Alien Programs." Washington, D.C.: Congressional Research Service. Accessed June 8, 2020. https://fas.org/sgp/crs/homesec/R44627.pdf.

Legomsky, Stephen H. 1997. *Immigration and Refugee Law and Policy*. New York: Foundation Press.

———. 2000. "Fear and Loathing in Congress and the Courts: Immigration and Judicial Review." *Texas Law Review* 78(7): 1612–20.

Lind, Dara. 2020. "Leaked Border Patrol Memo Tells Agents to Send Migrants Back Immediately—Ignoring Asylum Law." *ProPublica*, April 2.

Martin, John B. 1966. *Overtaken by Events: The Dominican Crisis from the Fall of Trujillo to the Civil War.* New York: Doubleday.

Martin, Susan F. 2010. *A Nation of Immigrants.* Cambridge: Cambridge University Press.

Martin, Philip. 2014. "Trends in Migration to the U.S." Washington, D.C.: Population Reference Bureau. Accessed April 13, 2020. https://www.prb.org/us-migration-trends.

Martin, Philip, and Elizabeth Midgley. 2003. "Immigration: Shaping and Reshaping America." *Population Bulletin* 58(2) (June): 3–44. .

Massey, Douglas S. 2018. "Today's U.S.-Mexico 'Border Crisis' in 6 Charts." *The Conversation,* June 27. Accessed April 13, 2020. https://theconversation.com/todays-us-mexico-border-crisis-in-6-charts-98922.

Massey, Douglas S., and Karen A. Pren. 2012. "Unintended Consequences of U.S. Immigration Policy: Explaining the Post-1965 Surge from Latin America." *Population Development and Review* 38(1): 1–29. Accessed April 13, 2020. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3407978.

Miller, Banks, Jennifer S. Holmes, and Linda Camp Keith. 2020. "The Preferences of Political Elites and Humanitarian Immigration to the United States." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 6(3): 150–71. DOI: 10.7758/RSF.2020.6.3.07.

Newton, Lina. 2008. *Illegal, Alien, or Immigrant: The Politics of Immigration Reform*. New York: New York University Press.

Ngai, Mae. 2014. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton, N.J.: Princeton University Press.

Orrenius, Pia M., and Madeline Zavodny. 2020. "Help Wanted: Employer Demand for Less-Skilled Temporary Foreign Worker Visas in an Era of Declining Unauthorized Immigration." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 6(3): 45–67. DOI: 10.7758/RSF.2020.6.3.03.

Pierce, Sarah. 2019. "Immigration-Related Policy Changes in the First Two Years of the Trump Administration." Washington, D.C.: Migration Policy Institute. Accessed April 13, 2020. https://www.migrationpolicy.org/research/immigration-policy-changes-two-years-trump-administration.

Portes, Alejandro, and Alex Stepick. 1993. *City on the Edge: The Transformation of Miami*. Berkeley: University of California Press.

Riosmena, Fernando. 2010. "Policy Shocks: On the Legal Auspices of Latin American Migration to the United States." *Annals of the American Academy of Political and Social Science* 630(1): 270–93.

Santamaria, Kelsey Y., and Ben Harrington. 2020. "Entry Restrictions at the Northern and Southern Borders in Response to COVID-19." CRS Legal Sidebar no. 10439. Washington, D.C.: Congressional Research Service. Accessed April 13, 2020. https://fas.org/sgp/crs/homesec/LSB10439.pdf.

Simpson, Alan K. 1990. "Statement on Senate Floor During Debate About Conference Reform for the Immigration Act of 1990." 136 Congressional Record S17,109 (daily ed. October 26).

Singer, Audrey. 2020. "COVID-19: Restrictions on Travelers at U.S. Land Borders." Washington, D.C.: Congressional Research Service. Accessed April 13, 2020. https://crsreports.congress.gov/product/pdf/IN/IN11308.

Smith, Hillel. 2019. "The Department of Homeland Security's Reported 'Metering' Policy: Legal Issues." *CRS* Legal Sidebar no. 10295. Washington, D.C.: Congressional Research Service. Accessed April 13, 2020. https://fas.org/sgp/crs/homesec/LSB10295.pdf.

Tenorio, Luis Edward. 2020. "Special Immigrant Juvenile Status and the Integration of Central American Unaccompanied Minors." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 6(3): 172–89. DOI: 10.7758/RSF.2020.6.3.08.

Thomas, John F. 1967. "Cuban Refugees in the United States." *International Migration Review* 1(2): 46–57.

Tichenor, Daniel J. 2009. *Dividing Lines: The Politics of Immigration Control in America.* Princeton, N.J.: Princeton University Press.

Tran, Van C., and Francisco Lara-García. 2020. "A New Beginning: Early Refugee Integration in the United States." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 6(3): 117–49. DOI: 10.7758/RSF.2020.6.3.06.

U.S. Department of Homeland Security. 2018. "Annual Flow Report: Lawful Permanent Residents." Washington: Office of Immigration Statistics. Accessed June 10, 2020. https://www.dhs.gov/sites/default/files/publications/Lawful_Permanent_Residents_2017.pdf.

U.S. Department of State. 2019. "Nonimmigrant Visa Statistics." Washington: Department of State. Accessed June 10, 2020. https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics.html.

Weintraub, Sidney, Francisco Alba, Rafael Fernandez de Castro, and Manuel García y Griego. 1998. "Responses to Migration Issues." In *Binational Study: Migration Between Mexico and the United States*. vol. 1, *Thematic Chapters*. Washington, D.C.: U.S. Commission on Immigration Reform.

Wong, Cara, and Jonathan Bonaguro. 2020. "The Value of Citizenship and Service to the Nation." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 6(3): 96–116. DOI: 10.7758/RSF.2020.6.3.05.

Yale-Loehr, Stephen. 1991. *Understanding the Immigration Act: A Practical Analysis.* Washington, D.C.: Federal Publications.

Zolberg, Aristide R. 2008. *A Nation by Design: Immigration Policy in the Fashioning of America.* Cambridge, Mass.: Harvard University Press.

Zong, Jie, Jeanne Batalova, and Micayla Burrows. 2019. "Frequently Requested Statistics on Immigrants and Immigration in the United States." *Migration Information Source*. Washington, D.C.: Migration Policy Institute. Accessed April 13, 2020. https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states.

PART I

Employment Pathways

Temporary Migrant Workers or Immigrants? The Question for U.S. Labor Migration

DANIEL COSTA

Employment-based U.S. immigrant and nonimmigrant work visa data from 1987 to 2017 show that the number of permanent immigrant work visas has remained relatively constant over time but that the number of temporary work visas has increased sharply. That is, the labor migration system has shifted from one in which permanent immigrant workers annually made up approximately 20 percent of new migrant workers to one in which they make up less than 10 percent. Major legislative reforms do not explain the change; this article examines available government data showing how the labor migration system involves mostly non-immigrant, temporary migrant workers who have few options to remain permanently in the United States and raises questions about the implications for the future legal landscape of immigration.

The United Nations (UN) International Labour Organization (ILO) estimates that 234 of the world's 258 million total international migrants (90.7 percent) are migrant workers, defined as working age (fifteen and older) and "either employed or unemployed in their current country of residence" that is not their home country. Those 234 million migrant workers make up 4.7 percent of all workers in the world and 4.2 percent of the global population age fifteen and older (ILO 2018).

The United States—where according to UN estimates nearly fifty million migrants live (UN-DESA 2019)—hosts nearly one-fifth of all international migrants, and is indisputably a nation of immigrants, and perhaps *the* nation of immigrants. According to the Bureau of Labor Statistics in the U.S. Department of Labor, migrant workers make up 17.4 percent of all workers in the U.S. labor force (BLS 2019) and in 2017 were more likely to be employed than the native born. Migrants had a labor-force participation rate of 66.0 percent and an unemployment rate of 4.1 percent; the corresponding rate for native-born U.S. workers was nearly 4 percentage points lower than that of migrant workers and an unemployment rate that was 0.3 percentage points higher (BLS 2019).

Although no official definition of labor migration is yet agreed to, the International Orga-

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nization for Migration defines it as the "movement of persons from one State to another . . . for the purpose of employment" (IOM 2019). The legal and administrative system of visas and adjudications, recruitment rules, annual limits, inspections, and enforcement that regulate the movement of persons into the United States for work effectively make up the U.S. labor migration system—that is, they are the pathways that facilitate the ability of migrant workers to come to the United States for employment.

This article focuses on U.S. labor migration and the visas that specifically authorize the employment of foreign citizens in the U.S. labor market, including the visas issued to the spouses and children who accompany those who are issued work visas. A number of major changes to the labor migration system were ushered in by the Immigration Act of 1990; this article examines how the U.S. labor migration system has evolved since its enactment with respect to the composition of the authorized migrant workforce in the U.S. labor market, and raises questions about what the implications are for the future legal landscape of immigration.

MIGRANT PATHWAYS INTO THE UNITED STATES

People migrate to the United States in a number of ways, either lawfully or without authorization. The available lawful pathways include obtaining or adjusting to lawful permanent resident (LPR) status—also commonly referred to as obtaining a permanent immigrant visa or green card—either through the family-based (FB) or employment-based (EB) preference categories, a humanitarian pathway as a refugee or asylee, or the diversity visa (DV) lottery. All persons in LPR status enjoy nearly all of the same labor rights as U.S. citizens, including being able to work for any employer and in any position except for those that explicitly require citizenship. Persons in LPR status can become naturalized citizens after five years, or after three years if they are married to a U.S. citizen, if they apply to United States Citizenship and Immigration Services (USCIS), a subagency of the U.S. Department of Homeland Security (DHS), and meet certain requirements.

The other major pathway into the United States is as temporary visitor, student, trainee, diplomat, exchange visitor, or employee by acquiring a nonimmigrant visa or status. Nonimmigrant visas are temporary, meaning that the foreign-born person to whom the visa is issued must depart the United States after the visa expires unless they adjust to LPR status by acquiring either one of the immigrant visas described or another valid nonimmigrant status. Many nonimmigrant visa classifications authorize the visa holder—sometimes referred to as the beneficiary—to be employed in the United States. Employed nonimmigrants are also often referred to as temporary foreign workers, temporary migrant workers, or guestworkers, but no one definitive term has been agreed upon.

The other route involves migrants who are present in the United States but who do not have an authorized immigration status; such individuals are sometimes referred to as unauthorized, undocumented, or irregular migrants, and sometimes (derogatorily) called illegal migrants or illegal immigrants. Unauthorized migrants either entered into the United States without inspection by the appropriate authorities—often referred to as entering without inspection in government documents and data—and may have done so in a clandestine manner. Other unauthorized migrants may have originally entered the United States lawfully with a nonimmigrant visa or through the Visa Waiver Program and after an inspection by government authorities, but then lost their immigration status. The loss of status may have occurred because of a violation that led to the revocation of their visa or status or the simple expiration of a nonimmigrant visa that was temporarily valid for a set time, usually a period of authorized travel, employment, or study. Unauthorized migrants make up 4.5 percent of the U.S. workforce (Krogstad, Passel, and Cohn 2019). This article, however, focuses on migrant workers who are authorized to be employed in LPR or nonimmigrant status.

The Pew Research Center estimates the size of the population of migrants who live in the United States under different immigration statuses and the shares of the total they represent. In 2017, the number of lawful immigrants—those with an authorized immigration status—

came to 35.2 million, 77 percent of all migrants in the United States. Of these lawful immigrants, 20.7 million (45 percent) are naturalized U.S. citizens and 12.3 million (27 percent) are LPRs. The unauthorized immigrant population stood at 10.5 million in 2017—23 percent of all migrants in the United States—and 2.2 million were "temporary lawful residents" holding nonimmigrant visas, some 5 percent of the total (Radford 2019).

CHANGES BROUGHT ABOUT BY THE IMMIGRATION ACT OF 1990

The Immigration Act of 1990 (IMMACT90), enacted on November 29, 1990, is the last time the U.S. Congress crafted a major overhaul to immigration laws that passed both houses of Congress and was signed by a sitting president.[1] The Immigration and Nationality Act of 1965 twenty-five years earlier was the previous major reform (for more, see Zamora 2015). IMMACT90 kept the basic framework of the 1965 act but made numerous amendments to the provisions on legal immigration, including remaking the permanent immigrant visas that grant lawful permanent residence, updating some of the temporary, nonimmigrant visa classifications that require departure after a period of employment, and creating new nonimmigrant visas that authorize employment. Many aspects of the new-look immigration system that resulted from IMMACT90 became the basis of the modern U.S. labor migration system and remain largely unchanged today. This section summarizes some of the major changes, mostly focusing on those relevant to labor migration (for more about the reforms ushered in by IMMACT90, see Donato and Amuedo-Dorantes, this issue, 2020).

Lawful Permanent Residents and Permanent Immigrant Visas in IMMACT90

IMMACT90 established new *preferences* for both family-based and employment-based vi-

sas that grant lawful permanent resident status that can lead to citizenship—known as immigrant visas—and created a new category called the diversity visa (see table A1 for a listing of permanent immigrant visa preference categories). The humanitarian visa system was left virtually unchanged. The DV was created with a lottery system for foreign citizens in countries with historically low levels of immigration to the United States as a way to diversify those who receive immigrant visas.[2] All potential beneficiaries of FB visas must be sponsored by either a U.S. citizen or an LPR; in most cases, U.S. employers must sponsor a person for an EB visa.

IMMACT90 updated the overall annual numerical limit (cap) on worldwide immigration. This after 1995 was intended to be set at 675,000 visas per year, which includes a limit of 480,000 total FB visas and of 226,000 for the subset in the preference categories—and 140,000 EB visas and 55,000 DV visas. However, IMMACT90's overall cap, which includes a complex system of caps for the various preference categories—where unused numbers can be assigned to other preferences[3]—is always surpassed because IMMACT90 did not set a cap on the number of immediate relatives of U.S. citizens who can acquire LPR status. These are defined as spouses of U.S. citizens, children of U.S. citizens if they are unmarried and under twenty-one years old, and parents of U.S. citizens if the citizen is twenty-one or older. This aspect of the legislation was not a change, however; the cap exemption for immediate relatives also existed under the 1965 Act (Chishti, Hipsman, and Ball 2015).

The existing FB preferences were reformed to include four preferences for other relatives of U.S. citizens and LPRs. Each preference has its own cap as well as per-country limit (often referred to as the per-country ceiling) of 7 percent; this rule was an update to the previous caps of about twenty thousand per country per

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1. Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978 (November 29, 1990).

2. The diversity visa is not discussed in detail here because it does not exist specifically for employment purposes, though it does authorize employment (for more, see American Immigration Council 2017).

3. For example, any unused FB visas in one fiscal year become available to be used as EB visas in the following year.

year (Chishti and Yale-Loehr 2016). The per-country ceiling means that no more than 7 percent of all immigrant visas issued in a preference may go to the nationals of any single country (for more on limits in FB preference categories, see Kandel 2018).

Employment-Based Immigrant Visas and Preferences in IMMACT90

EB permanent immigrant visa categories were reformed into five new preferences (employment-based first preference through fifth preference, EB-1 through EB-5), the intent being to increase the number of immigrants who could work in the United States after being sponsored by an employer, but especially skilled and educated immigrants (Chishti and Yale-Loehr 2016). The five EB preferences are as follows:

EB-1 for priority workers, which includes three subcategories: persons with extraordinary ability in the sciences, arts, education, business, or athletics; outstanding professors and researchers who are recognized internationally; and multinational managers and executives.

EB-2 for professionals holding advanced degrees or baccalaureate degrees and at least five years of experience, and persons of exceptional ability in the sciences, arts, or business.

EB-3 for skilled workers with at least two years of professional experience, professionals with jobs that require at least a baccalaureate degree, and unskilled workers (also referred to as "other workers" in the statute and government documents) capable of filling jobs that are not seasonal and that require less than two years of training or experience.

EB-4 for "certain special immigrants," which includes a number of categories including ministers of religion and other religious workers, former employees who worked on the Panama Canal, Iraqi and Afghan interpreters-translators, retired employees of international organizations and their spouses and children, and special immigrant juveniles (who have been abused, abandoned, or neglected by a parent).

EB-5 for immigrant investors who invest in a commercial enterprise in the United States and create or preserve ten permanent full-time jobs for qualified U.S. workers.

The total annual cap on employment-based immigrant visas in the Immigration and Nationality Act of 1965 was 54,000, a limit that was nearly tripled with IMMACT90's updated cap of 140,000. DHS (2019) data show that an average of just over 58,000 EB visas were issued in each of the four years preceding IMMACT90, and an average of 146,000 were issued between 2010 and 2017. Despite this 160 percent increase resulting from the increase in IMMACT90, relative to the total number of immigrant visas issued every year—including FB, EB, DV, and humanitarian visas—EB visas accounted only for approximately 12.2 percent of all 1.1 million immigrant visas issued in 2017 (Witsman 2018), relative to 9 percent of the total in 1990 (Chishti and Yale-Loehr 2016).

Athough EB-1 through EB-5 are capped annually at 140,000 combined, each preference has its own cap. EB-1, EB-2, and EB-3 are set at 40,040 (28.6 percent of the total); EB-4 and EB-5 are each capped at 9,940 (7.1 percent). The annual cap may sometimes change overall or within the preferences because any unused FB visas in one fiscal year become available to be used as EB visas in the following year, and any unused visas in one EB preference then become available for other preferences.[4] Spouses and children who accompany a principal EB immigrant (the main EB immigrant listed on a petition) are referred to as derivatives (because they derive from the original immigrant petition) and count against the EB annual limit. Every year, roughly half of EB visas are issued to principal immigrants and the other half to derivatives. In addition, the annual EB numbers are also limited by the per-country ceiling prohibiting more than 7 percent of EB immigrant visas

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4. More specifically, an unused visa number in EB-1, EB-2, or EB-3 becomes available for next preference category (EB-1 would go to EB-2, for example); an unused visa number in EB-4 or EB-5 then becomes available for EB-1.

Figure 1. Employment-Based, Family-Based, Immediate Relative, and Diversity Immigrant Visas, 1987–2017
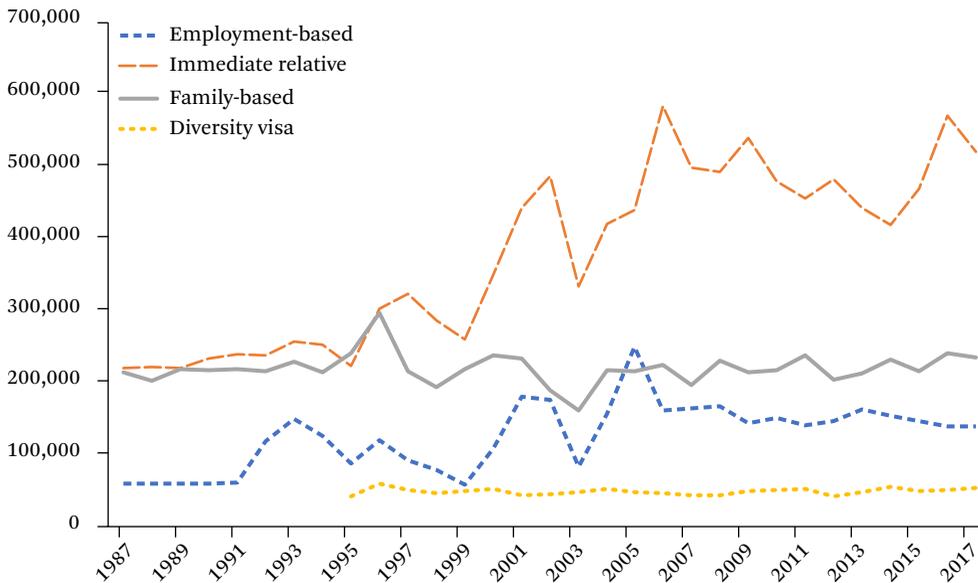
Source: Author's analysis of OIS 2020.

being issued to the nationals of any one country.

The vast majority of persons issued one of the 120,120 EB visas available in EB-1 through EB-3 each year must have been sponsored by a U.S. employer seeking to hire them for a specific job opening. In addition, all employers seeking to hire immigrants through EB-2 and EB-3 are required to obtain an approved labor certification from DOL, certifying that no U.S. workers were available for the position that will be filled by the new EB immigrant, after the employer has advertised the job opening and recruited U.S. workers. The exceptions to these requirements are persons with extraordinary ability applying through EB-1, who are allowed to self-petition for a visa without an employer and without a specific job offer, as well as those applying through EB-2 who may apply for a national interest waiver, that, if successful, exempts them from the job offer or labor certification requirements.

Each of the EB-4 categories has its own

unique requirements; some require a job offer but none require an approved labor certification from DOL (for more, see USCIS 2019a). The EB-5 preference does not require a job offer or labor certification, but instead has regulations that govern which types of investments are permitted and the minimum investment amount. In general, to qualify for EB-5, a foreign citizen must make a minimum qualifying investment of $1.8 million, but the minimum is $900,000 if made in a qualifying high-unemployment or rural area (a targeted employment area or TEA).[5]

In terms of overall numbers and where EB visas fit in, as figure 1 shows, the number of immigrant visas issued that are capped—the FB and EB preferences and DV—have fluctuated at times but remained relatively stable near their annual limit for at least the past decade. The family-based immediate relative preference, however, has grown from 235,484 in 1992—the first full fiscal year after IMMACT90 was enacted—to 516,508 in 2017, more than doubling over thirty years.

5. The minimum investment amounts in EB-5 were recently increased to $1.8 million and $900,000 from $1 million and $500,000 respectively, by a regulation published by DHS on July 24, 2019, at 84 Fed. Reg. 35750 (see USCIS 2019b).

Nonimmigrant Visa Classifications and Temporary Work Visas in IMMACT90

In the year immediately before IMMACT90, only a few major nonimmigrant visa classifications that authorize temporary work existed, among them E, H, J, and L. IMMACT90 kept many of these existing classifications in place with few changes, but made significant changes to the major nonimmigrant visas that authorize employment and created a handful of new temporary work visas (Leiden and Neal 1990):

The rules for nonimmigrants working on ships and as longshore workers with D visas were updated.

The E visa for investors was expanded in terms of eligibility.

An annual cap of sixty-six thousand was created for the H-2B visa for nonagricultural seasonal jobs (H-2B was created four years earlier by the Immigration Reform and Control Act of 1986).

The rules in the H-1B classification for professional workers in specialty occupations were updated and an annual cap of sixty-five thousand was established.

Key definitions establishing who can be an intracompany transferee under the L-1 visa were updated.

The O visa was created for individuals with extraordinary ability or achievement in the sciences, education, business, athletics, or in the arts (O-1), and for individuals accompanying them (O-2), as well as spouses and children accompanying beneficiaries of O-1 or O-2 visas.

The P visa was created for internationally recognized athletes and members of internationally recognized entertainment groups and their essential support personnel (P-1), performers in a reciprocal exchange program and their essential support personnel (P-2), artists and entertainers coming to be part of a culturally unique program and their essential personnel (P-3), and spouses and children who are accompanying beneficiaries of P-1, P-2, or P-3 visas.

The Q-1 visa was created for workers in international cultural exchange programs designated by USCIS.

The R visa was created for temporary religious workers (R-1) and their spouses and children (R-2).

Although new annual limits were imposed on H-1B and H-2B in 1990, no other nonimmigrant visa programs were capped by IMMACT90 or other legislation. The total number of nonimmigrant work visas issued in 1989—the year before IMMACT90's enactment—was 296,598. By 1999, a decade later, the number had more than doubled to 624,899.

Two other nonimmigrant visa classifications that authorize employment were created a number of years later and are part of the contemporary U.S. labor migration system. The CW-1 nonimmigrant visa, the CNMI-Only Transitional Worker visa classification, began in 2012 and allows employers in the Commonwealth of the Northern Mariana Islands (CNMI) to hire migrant workers, many of whom are employed in the construction industry, and the CW-2 visa can be issued to the spouses and children of CW-1 workers. The TN visa was created through the North American Free Trade Agreement (NAFTA) between the United States, Canada, and Mexico in 1994. TN visas allow Canadian and Mexican citizens to work in the United States in professional occupations that include accountants, engineers, attorneys, pharmacists, and nurses, among others.

WORK VISAS OVER THE PAST THREE DECADES

Some of the trends in the issuances of permanent immigrant and temporary, nonimmigrant work visas in the thirty years since IMMACT90 was enacted merit attention.

EB Immigrant and Nonimmigrant Visas

The available data on EB permanent immigrant and temporary, nonimmigrant work visas issued that were selected for this analysis are represented in figure 2. Those data come from the Department of Homeland Security and the Department of State for the years 1987 to 2017, as well as other sources, such as the General

Figure 2. Employment-Based Permanent Immigrant Visas and Temporary Nonimmigrant Work Visas, 1987–2017
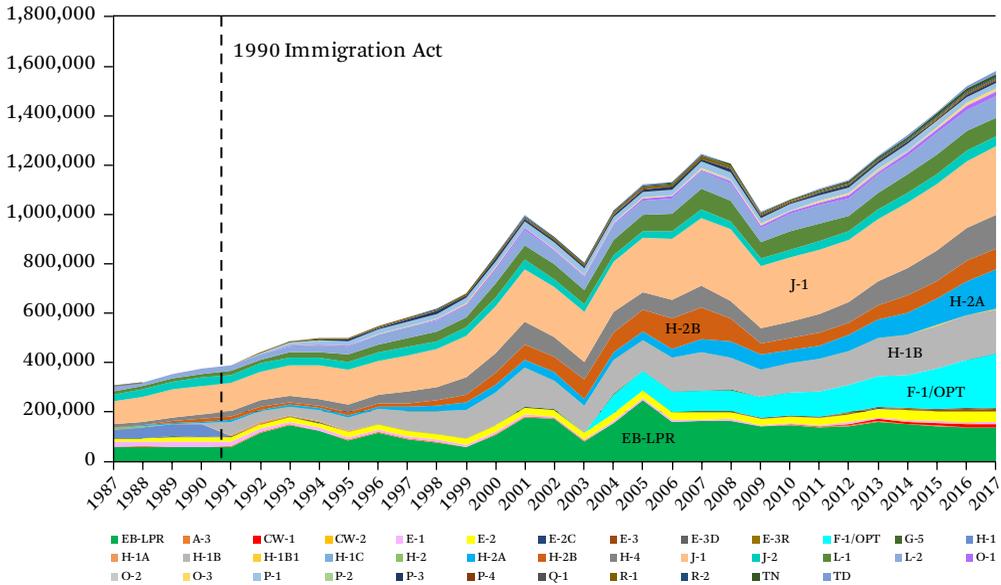
Source: Author's analysis of U.S. Department of State 2020; IAWG 2017; U.S. Government Accountability Office 2019; OIS 2020; U.S. Immigration and Customs Enforcement 2020; and Ruiz and Budiman 2018.
Note: The Immigration Act of 1990 was enacted on November 29, 1990. The optimal way to view this figure is in color. We refer readers of the print edition of this article to https://www.rsfjournal.org/content/6/3/18 to view the color version.

Accountability Office and the Pew Research Center. The total number of EB immigrant visas (including EB-1, EB-2, EB-3, EB-4, and EB-5) that grant LPR status is shown and labeled in the tables and figures throughout as EB-LPR to distinguish that they are EB immigrant visas that grant LPR status. Those data represent immigrant visas issued in all five EB preferences to both principals and derivative spouses and children.

Shown in figure 2 are thirty-six nonimmigrant visa classifications, subclassifications, or programs within a visa classification that authorize temporary employment or allow spouses and children to accompany the principal nonimmigrant worker, and that currently exist or existed between 1987 and 2017. The main rationales for temporary, nonimmigrant work visas include filling labor shortages, managing inevitable migration, cross-border communing, facilitating youth exchange pro-grams and admitting foreign students, allowing intra-corporate transferees, fulfilling trade agreement provisions, and facilitating foreign investment in countries of destination (Costa and Martin 2018). The nonimmigrant work visas in the United States authorize temporary employment in a wide range of occupations and business activities, including in professional occupations in the medical and engineering fields and information technology jobs, as well as in industries such as agriculture, construction, landscaping, and food processing, and in service sectors as maids and domestic servants, and professional sports teams.

The temporary, nonimmigrant visa classifications for spouses and children on this list either permit the spouse beneficiary to be employed (E-2 and L-2, for example), or prohibit employment (O-3), or prohibit some spouses to work but not others (for example, some H-4

spouses of H-1B workers may apply for work authorization but the rest may not).[6]

A number of nonimmigrant visa classifications were excluded from this list, either because they do not authorize employment, usually authorize employment for a very short duration, or because they authorize employment that is not typical in the U.S. labor market or for which no EB visa counterpart is in place. This includes, for example, short-term business visitors, diplomats employed by foreign governments or international organizations, and an estimated share of J-1 visa program categories that do not permit employment. Data are unavailable for migrant workers employed through the Optional Practical Training program while on F-1 visas before 2004, for example, and many years of data are unavailable for the numbers of workers in specific work programs within the J-1 Exchange Visitor program, though data are available for the total number of visas issued for all years.[7] The number of TN statuses issued to Canadian nationals at points of entry into the United States is also not available because the U.S. government does not publish it.

These data do not represent the total population of migrant workers with EB or nonimmigrant visas who are currently authorized to be employed, or who were authorized to be employed at a particular point in time. EB visas do not expire unless the immigrant violates the terms of the EB visa or their LPR status in some way, and some share become naturalized U.S. citizens. The total current population of permanent immigrants working in the United States with EB visas has not been estimated by the U.S. government. The total population of migrant workers employed with nonimmigrant visas is difficult to calculate by specific visa classification and no time series with this information exists because of a lack of reliable government data and estimates, and as a result of the varying durations that the different visa classifications authorize (for example, H-2A visas authorize farm employment for less than a year and H-1B visas authorize employment for up to six years in occupations requiring a college degree).[8]

DHS publishes an estimate of the total nonimmigrant population by broad category but not by individual visa classification (Baker 2018). Daniel Costa and Jennifer Rosenbaum (2017) estimate the number of migrant workers who were employed with nonimmigrant visas at some point in 2013, by visa classification. In total, 1.42 million migrants were employed for all or part of 2013, accounting for approximately 1 percent of the U.S. labor force at the time. They did not, however, estimate the total stock or population or the number of full-time-equivalent (FTE) jobs filled by migrants with nonimmigrant visas. The Organization for Economic Cooperation and Development, for the first time, estimates that the number of FTE jobs filled by migrants with nonimmigrant work visas in the United States was 1.6 million in 2017, adding 1.06 percent to the U.S. labor force (OECD 2019). This article does not attempt to calculate any new population estimates; the numbers that follow reflect newly issued EB immigrant visas and nonimmigrant work visas issued to migrant workers in the corresponding fiscal year or years.

The 1990 Immigration Act spurred a sharp increase in nonimmigrant work visas, though

6. The reason that spouse beneficiaries of nonimmigrant work visa classifications have been included in this analysis is that many classifications for spouses permit them to obtain work authorization from USCIS, and because they are nonimmigrant counterparts to the spouses who are issued EB visas through their principal immigrant spouse.

7. Based on the share of J-1 visas issued in programs that authorize employment in years that data are available and analysis in earlier publications (Costa 2011; Costa and Rosenbaum 2017), I have estimated that 80 percent of J-1 visas authorize employment every year.

8. In general, although the U.S. government collects a significant amount of information on nonimmigrant visas from employers who hire temporary migrant workers, those data are nevertheless inadequate and recorded inconsistently across federal agencies. As a result, little is known about the temporary migrant workforce (for more, see Costa and Rosenbaum 2017).

Table 1. Employment-Based Permanent Immigrant Visas and Temporary Nonimmigrant Work Visas, 1987–1990

	1987	1988	1989	1990	1987–1990	Annual Average
EB-LPR	57,519	58,727	57,741	58,192	232,179	58,044.75
Temp	245,645	261,712	296,598	315,369	1,119,325	279,831.15
Total	303,164	320,439	354,339	373,561	1,351,504	337,875.90
EB-LPR share	19.0%	18.3%	16.3%	15.6%	17.2%	

Source: Author's analysis of U.S. Department of State 2020; and OIS 2020.
Note: EB-LPR = immigrant visas in the five employment-based preference categories that grant lawful permanent resident (LPR) status, which include the principal immigrant and their derivative beneficiaries (spouses and children). Temp = temporary nonimmigrant work visas issued, including those issued to principal nonimmigrants and their derivative beneficiaries (spouses and children). Total = the number of immigrant and nonimmigrant work visas issued, including those issued to principal immigrants and nonimmigrants, including their derivative beneficiaries. EB-LPR share = all permanent immigrant and temporary nonimmigrant work visas that are immigrant visas in the five employment-based preference categories.

employment-based permanent immigrant visas increased but leveled off.

As noted, figure 2 shows the number of work visas issued to principal EB immigrants in all five EB preferences combined (EB-LPR), including their spouses and children, and work visas issued to principal nonimmigrant beneficiaries and their spouses and children. Unfortunately, only a few years of data on EB immigrant and nonimmigrant work visas are available before IMMACT90 became law in November 1990; data for EB visas before 1986 and nonimmigrant visa issuances before 1987 are not publicly available from DHS or State. Table 1 shows that in the four complete fiscal years before IMMACT90 (1987 to 1990), the number of EB visas was relatively constant but the annual share of permanent EB visas decreased from 19 to 15.6 percent, and the total share over the four years was 17.2 percent (EB-LPR share). In other words, EB permanent immigrant visas accounted for just over one-sixth of all new work visas (temporary and permanent) issued to migrant workers in 1987, annual totals remaining mostly constant, fluctuating by no more than 1,208. During the same period, the annual number of nonimmigrant work visas issued was steadily increasing each year, with nearly seventy thousand more issued in 1990 than in 1987.

Table 2 shows the same information as table 1, but for each of the remaining years of the 1990 decade. Because IMMACT90 was enacted during the second month of the government's 1991 fiscal year, 1991 issuances are excluded because the government was in the process of implementing a new system of permanent immigrant and temporary nonimmigrant work visas that year, possibly making the numbers unreliable due to the transitional nature of the year. Thus, excluding fiscal 1991, the annual share of permanent work visas peaked at 30.2 percent in 1993 and reached its lowest point, 8.3 percent, in 1999. Although this fluctuation in the share of EB visas is large, after an initial spike in the share in the first half of the 1990s, the downward trend during the second half of the decade is clear. Overall, the EB-LPR share for the 1992 to 1999 period is 18.7 percent, which is 1.5 percent higher than the total for the four years before IMMACT90 became law. Despite IMMACT90's nearly tripling of the number of EB visas available, in the years immediately afterward, the increase in share relative to the increase in nonimmigrant work visas was minimal.

The years immediately after IMMACT90 (1992 through 1999) are notable for kicking off a rapid rise in the number of nonimmigrant work visas issued, which increased by 92.2 percent, from 325,155 in 1992 to 624,899 in 1999. The number of EB visas fluctuated quite a bit, ending the decade with a low of 56,678 in 1999

Table 2. Employment-Based Permanent Immigrant Visas and Temporary Nonimmigrant Work Visas , 1992–1999

	1992	1993	1994	1995	1996	1997	1998	1999	1992–1999	Annual Average
EB-LPR	116,198	147,012	123,291	85,336	117,499	90,607	77,517	56,678	814,138	101,767.25
Temp	325,155	340,060	375,207	414,434	429,580	492,600	539,221	624,899	3,541,157	442,644.58
Total	441,353	487,072	498,498	499,770	547,079	583,207	616,738	681,577	4,355,295	544,411.83
EB-LPR share	26.3%	30.2%	24.7%	17.1%	21.5%	15.5%	12.6%	8.3%	18.7%	

Source: Author's analysis of U.S. Department of State 2020; IAWG 2017; and OIS 2020.

Note: EB-LPR = immigrant visas in the five employment-based preference categories that grant lawful permanent resident (LPR) status, which include the principal immigrant and their derivative beneficiaries (spouses and children). Temp = temporary nonimmigrant work visas issued, including those issued to principal nonimmigrants and their derivative beneficiaries (spouses and children). Total = the number of immigrant and nonimmigrant work visas issued, including those issued to principal immigrants and nonimmigrants, including their derivative beneficiaries. EB-LPR share = all permanent immigrant and temporary nonimmigrant work visas that are immigrant visas in the five employment-based preference categories.

and peaking at 147,012 in 1993, with an average over the eight years of almost 102,000 per year.

The decade of the 2000s saw a further continuation of the upward trend for nonimmigrant work visas that was set in motion in the early 1990s. As table 3 shows, the number of nonimmigrant visas in the selected classifications issued in 2000 was 727,234 and surpassed one million in 2007 and 2008. The number of nonimmigrant work visas issued dropped to 866,765 in 2009, coinciding with the start of the Great Recession, and the average for the decade stood at 869,226.

In the first six years of the 2000s, the EB-LPR share ranged between 10.2 and 22.1 percent of all work visas issued. However, in the last four years of the decade, the shares leveled off at roughly 13 to 14 percent of all work visas, a trend that would continue until 2013. The number of EB visas issued each year fluctuated between 81,727 and 246,877 between 2000 and 2005. The sharp decline in 2003 was due to the government's immigration functions being reorganized on the creation of DHS in 2003, and the increase in 2005 had to do with a temporary recapture of unused EB visas from the previous year that was mandated legislatively by the Real ID Act of 2005 (Kandel 2018). The totals were stable at roughly around 160,000 during the next three years of the decade and dropped to 140,903 in 2009.

During the 2010 to 2017 period (2017 is the final year for which complete data are available at the time of writing), the number of EB visas issued was relatively stable in the 140,000 to 150,000 range and the number of nonimmigrant work visas again increased greatly (see table 4). The first full fiscal year of the Great Recession was 2009, which as noted saw a drop of more than two hundred thousand over 2008, and in the three following years—2010 through 2012—of the economic recovery, the number of nonimmigrant work visas slowly grew but remained below the one million issued in 2007 and 2008. The number of nonimmigrant work visas once again reached one million in 2013 and continued to increase steadily in the following years, peaking at 1.58 million in 2017. The number of EB visas issued remained relatively stable, ranging from 137,855 to 151,596 in all but one year, 2013, when 161,110 were issued.

The average number of EB immigrant and nonimmigrant work visas issued during the three periods—the 1990s after IMMACT90, the 2000s, and from 2010 to 2017—illustrate the broader overall trends: issuances of EB visas increased slowly until stabilizing around the annual cap in the 140,000 to 150,000 range, and the number of nonimmigrant work visas issued has increased dramatically. As tables 3 through 5 show, the number of EB visas averaged 101,767 over the 1992 to 1999 period, 156,999 during the 2000s, and 145,553 between 2010 and 2017. The number of nonimmigrant work visas averaged 442,645 between 1992 and 1999, 869,226 during the 2000s, and 1,149,131 between 2010 and 2017.

The share of EB permanent immigrant visas since 1992 has gradually declined, peaking at 30.3 percent in 1993 and bottoming out at 8.7 percent in 2017, when fewer than one in eleven work visas granted the recipient with LPR status. The total share between 1992 and 1999 was 18.7 percent, declining to 15.3 percent during the 2000s, and 11.2 percent in the 2010 to 2017 period.

NONIMMIGRANT MIGRANT WORKERS AND PERMANENT IMMIGRANTS

The data trends shown reveal a shift toward a U.S. labor migration system that brings in many more workers temporarily than permanent immigrants who can eventually become naturalized citizens. What does it mean to have a labor migration system structured to increasingly be made up of temporary workers rather than permanent immigrants?

Temporary, Nonimmigrant Work Visas, Labor Standards, and Worker Rights

More than one million nonimmigrant visas have been issued every year to migrant workers, their spouses, and children since 2013. As noted, these nonimmigrant, temporary migrant workers are hired by U.S. employers to temporarily fill jobs in a wide range of occupations. Employers have more than two dozen nonimmigrant visa classifications they can choose from—each of which has its own distinct purpose and history. The most common nonimmigrant visas that authorize employment are the H-2A, H-2B, H-1B, J-1, L-1, F-1 (via the Optional Practical Training program or

Table 3. Employment-Based Permanent Immigrant Visas and Temporary Nonimmigrant Work Visas, 2000–2009

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	All 2000s	Annual Average
EB-LPR	106,642	178,702	173,814	81,727	155,330	246,877	159,081	162,176	164,741	140,903	1,569,993	156,999.30
Temp	727,234	815,944	735,629	722,796	858,779	871,624	971,019	1,081,915	1,040,560	866,765	8,692,263	869,226.32
Total	833,876	994,646	909,443	804,523	1,014,109	1,118,501	1,130,100	1,244,091	1,205,301	1,007,668	10,262,256	1,026,225.62
EB-LPR share	12.8%	18.0%	19.1%	10.2%	15.3%	22.1%	14.1%	13.0%	13.7%	14.0%	15.3%	

Source: Author's analysis of U.S. Department of State 2020; IAWG 2017; OIS 2020; U.S. Government Accountability Office 2019; U.S. Immigration and Customs Enforcement 2020; and Ruiz and Budiman 2018.

Note: EB-LPR = immigrant visas in the five employment-based preference categories that grant lawful permanent resident (LPR) status, which include the principal immigrant and their derivative beneficiaries (spouses and children). Temp = temporary nonimmigrant work visas issued, including those issued to principal nonimmigrants and their derivative beneficiaries (spouses and children). Total = the number of immigrant and nonimmigrant work visas issued, including those issued to principal immigrants and nonimmigrants, including their derivative beneficiaries. EB-LPR share = all permanent immigrant and temporary nonimmigrant work visas that are immigrant visas in the five employment-based preference categories.

Table 4. Employment-Based Permanent Immigrant Visas and Temporary Nonimmigrant Work Visas, 2010–2017

	2010	2011	2012	2013	2014	2015	2016	2017	2010–2017	Annual Average
EB-LPR	148,343	139,339	143,998	161,110	151,596	144,047	137,893	137,855	1,164,181	145,522.63
Temp	911,635	961,635	993,290	1,075,226	1,165,696	1,268,451	1,378,823	1,438,292	9,193,047	1,149,130.93
Total	1,059,978	1,100,974	1,137,288	1,236,336	1,317,292	1,412,498	1,516,716	1,576,147	10,357,228	1,294,653.55
EB-LPR share	14.0%	12.7%	12.7%	13.0%	11.5%	10.2%	9.1%	8.7%	11.2%	

Source: Author's analysis of U.S. Department of State 2020; IAWG 2017; OIS 2020; U.S. Government Accountability Office 2019; U.S. Immigration and Customs Enforcement 2020; and Ruiz and Budiman 2018.

Note: EB-LPR = immigrant visas in the five employment-based preference categories that grant lawful permanent resident (LPR) status, which include the principal immigrant and their derivative beneficiaries (spouses and children). Temp = temporary nonimmigrant work visas issued, including those issued to principal nonimmigrants and their derivative beneficiaries (spouses and children). Total = number of immigrant and nonimmigrant work visas issued, including those issued to principal immigrants and nonimmigrants, including their derivative beneficiaries. EB-LPR share = all permanent immigrant and temporary nonimmigrant work visas that are immigrant visas in the five employment-based preference categories.

OPT), along with the lesser-known visa classi-fications of A-3, G-5, CW-1, H-1B1, O-1, O-2, E-1, E-2, E-3, P-1, P-2, Q-1, and TN (see figure 1 and table A2).

The first temporary migrant worker pro-gram in the United States was the Bracero pro-gram, which was negotiated as a bilateral agree-ment between the United States and Mexico in the early 1940s. Since then, cases have been nu-merous of abuse and exploitation of migrant workers employed with temporary visas that have come to light through the media, reports from advocates and labor unions, and govern-ment audits (Galarza 1956; Meissner 2004). Many of the abuses occur because of the struc-ture of the visa programs, which have few rules and inadequate protections and oversight by federal or state labor authorities, and largely because in nearly all cases, employers own and control the visa status of temporary migrant workers. That means that if a migrant worker with a nonimmigrant visa gets fired, they lose their visa status and can become removable from the United States (Bauer and Stewart 2013). That many temporary migrant workers pay hefty fees to obtain their temporary jobs in the United States (CDM 2013) also means that they are afraid to speak up and complain to their employer or government authorities if their wages are stolen or other workplace viola-tions take place. For example, complaining could mean getting fired, which can result in the inability to earn back the money invested to obtain the temporary job and visa.

The enactment of IMMACT90 did not bring with it a restructuring of this basic setup for nonimmigrant visas that authorize work, and even in just the last decade, there have been numerous scandals and shocking tales of worker abuse have been uncovered in virtually every nonimmigrant visa program. For exam-ple, BuzzFeed News published a series of re-ports on the H-2A nonimmigrant visa for tem-porary migrant workers in agricultural occupations and the H-2B nonimmigrant visa for other low-wage, nonagricultural occupa-tions. The reports revealed documented cases in which temporary migrant workers were "de-prived of their fair pay, imprisoned, starved, beaten, raped, and threatened with deportation if they dare complain." The report also re-

counted cases of employers going to great lengths to avoid hiring local workers in favor of temporary migrant workers, and how DOL in-spectors tasked with oversight of both pro-grams had failed to penalize employers to the fullest extent after discovering that they broke the law, even allowing many lawbreaking em-ployers to keep hiring new temporary migrant workers (Garrison, Bensinger, and Singer-Vine 2015a, 2015b; Bensinger, Garrison, and Singer-Vine 2016).

In regard to the H-1B visa, a program domi-nated by information technology staffing com-panies and prominent technology firms, exam-ples of abuses include temporary migrant workers whose wages were stolen and who were held in debt bondage (Smith, Gollan, and Sam-bamurthy 2014) and grade school teachers who were victims of human trafficking (Stockman 2013). In the J-1 visa, nonimmigrant exchange visitors participating in cultural exchange pro-grams have been trafficked for sex work (Mohr, Weiss, and Baker 2010), robbed of wages, charged exorbitant fees, and forced to rely on soup kitchens (Stewart 2014), and gone on strike to protest major U.S. corporations for providing them with poor working and living conditions (Preston 2011; Jordan 2013). In July 2019, a federal court approved a $65.5 million settlement to be paid to ten thousand former workers in J-1 status by the sponsor agencies that recruit migrant workers through the State Department's J-1 au pair program. The lawsuit alleged that the sponsor agencies colluded to keep wages low and violate minimum wage and overtime laws (Slevin 2019).

In the L-1 visa—for managers, executives, and specialized knowledge employees of mul-tinational firms and which (like H-1B) is used frequently by information technology staffing firms—the Department of Labor found a group of temporary migrant workers from India who were being paid $1.21 an hour in California for computer-related jobs (Avalos 2014). This amount represented what their wage would have been in Indian rupees, but the median wage for the job in the area was $19 or $45 dol-lars per hour according to survey data, depend-ing on the exact duties of the position (Costa 2014).

A *Mother Jones* report found that foreign

graduates of U.S. universities on F-1 student visas who were employed through OPT were trapped "in virtual servitude" while working in the tech industry with the universities that sponsor OPT as "willing partners" (Swaminathan 2017). Numerous cases have been revealed in which domestic workers employed with A-3 and G-5 visas were victims of human trafficking, sometimes at the hands of high-profile diplomats (Ramchandani 2018). In Los Angeles, a bakery owner was ordered to pay $15.3 million in 2016 for exploiting eleven workers from the Philippines who slept on the floor and were paid $2 per hour. The workers were employed with E-2 visas, a visa intended for use by foreign investors, but which also allows investors to bring employees to work for them (Poston 2016).

Disney lobbied for the creation of the Q-1 visa in IMMACT90, to allow the company to staff its theme parks with "cultural exchange" workers. According to Professor Kit Johnson (2018), the visa has saved Disney more than $19 million per year because "Q-visa workers are paid less, on average, than their U.S. citizen counterparts; they require no health insurance or pension plans and are exempt from certain employment taxes; they pay to live on-site; and they reduce turnover costs in that they tend to leave their positions infrequently."

In regard to the TN visa, which allows Canadian and Mexican citizens to work in the United States in professional occupations under NAFTA, a 2018 report by a migrant worker advocacy group reported on numerous cases of economic coercion, wage theft, fraud, and discrimination against college-educated TN workers (Mauldin 2017). A news report in 2019 detailed how U.S. farms have recruited college-educated veterinarians from Mexico, but ultimately provided them with low-wage jobs on dairies requiring little or no education (Perez 2019).

Few rules are in place to protect temporary migrant workers in most visa programs or the U.S. workers employed alongside them. The Department of Labor—the federal agency tasked with protecting workers in the U.S. labor market—only has a specific mandate to oversee the H visa programs. And though DOL sometimes investigates and finds wage violations committed by employers against temporary migrant workers, as it did in the case of the L-1 Indian tech workers just cited, investigations like that one involved violations of the federal and state minimum wage laws, not any specific L-1 visa program rules. In fact, outside the H visas, virtually no rules are intended to protect the temporary migrant employees, other than the basic labor standards that apply to all workers in the United States.

Changing jobs or employers is difficult in most U.S. temporary work visa classifications, but the terms and conditions of some nonimmigrant visas permit migrant workers to change employers relatively easily—in particular the J-1, F-1/OPT H-1B, and TN visa—though the rules vary even among these visas. In the J-1, which is managed by the State Department, sponsor organizations partner with the State Department to manage oversight and compliance. Those private organizations act as middlemen between the J-1 workers and U.S. employers, and ultimately must sign off on a job change for a J-1 worker. In the F-1/OPT context, universities play a key role and ultimately approve employment for OPT workers.

The H-1B process for changing employers is straightforward, but the worker must find a new employer willing to apply for an H-1B visa. The TN visa perhaps offers the easiest way to change employers—the migrant simply applies for a new TN visa or status listing the new employer and awaits a decision from USCIS (and may renew their status with the same employer in the same fashion). Nevertheless, migrant workers in these visa programs have still been subjected to substandard workplace conditions and been the victims of fraud and even trafficking, which suggests that the ability to change employers is not a panacea for protecting temporary migrant workers.

Wage rules in temporary work visa programs are also a key aspect of some programs. H-2A, H-2B, and H-1B have a number of rules that govern how employers should treat their temporary migrant workers, including payment of a prevailing wage higher than the federal minimum wage, designed to protect U.S. wage standards. No other visa program, however, has a similar rule. Some research suggests that even the wage rules in the H-2A, H-2B, and H-1B visa

programs are inadequate. For example, temporary migrant workers are sometimes paid less on average than similarly situated U.S. workers in the H-2B (Costa 2016, 2017) and the H-1B programs (Costa and Hira 2020; Hira 2015), which can result in downward pressure on local wage rates for similar occupations. A report by Lauren Apgar (2015) using Mexican Migration Project data reveals that the employment outcomes of Mexican temporary migrant workers in H-2A and H-2B were "as poor as, or even worse than, those experienced by unauthorized Mexican immigrants" and that "both groups are disadvantaged when compared with LPRs." Part of Apgar's explanation for this result is that H-2A and H-2B workers are tied to their employers and cannot easily switch jobs to take advantage of new skills they pick up. As a result, H-2A and H-2B workers who are technically "legal" don't benefit from a wage premium for being legally authorized workers vis-à-vis unauthorized immigrants.

In addition, U.S. worker employment can be directly affected. Media reports recount numerous instances when employers have laid off their U.S. worker employees, sometimes hundreds at a time, and replaced them with much lower-paid temporary migrant workers on H-1B visas (Preston 2016; Hira 2015; Kight 2019). The replaced U.S. workers were often forced to train their replacements (Preston 2016; Hira 2015; Kight 2019; Whitaker 2017). This can occur because of the legal frameworks of the visa programs, which in most cases do not require employers to first seek available U.S. workers before they are allowed to hire a temporary migrant worker. Only the H-2A and H-2B visa require that; as a result, in most cases replacing U.S. workers with lower-paid workers with nonimmigrant visas is legal. Even in the case of H-2A and H-2B, U.S. workers have been replaced despite the rules (see, for example, Garrison, Bensinger, and Singer-Vine 2015a).

Nonimmigrant Work Visas and Comprehensive Immigration Reform

Temporary, nonimmigrant work visas have been considered one element of the three-legged stool that some politicians, advocates, and commentators believe is required to come to an agreement on comprehensive immigration reform (CIR), the other two being border and interior immigration enforcement and a legalization and path to citizenship for the unauthorized immigrant population (see, for example, Napolitano 2009). The business community has prioritized temporary work visa programs as a necessary component of CIR, without which they would possibly not support CIR legislation. Advocacy groups and labor unions have pointed out how temporary work visa programs keep migrant workers indentured and can be used to undercut wages and labor standards (Marshall 2009), and have pushed for additional rights for temporary migrant workers, including the ability to change employers and obtain LPR status (Parker and Greenhouse 2013).

Since at least 2006, coming to a political agreement on temporary work visas in the CIR context has been difficult. New York Senator Chuck Schumer, who was part of a team of eight senators who drafted CIR legislation in 2013, noted at the time that "this issue has always been the deal breaker on immigration reform" (Parker and Greenhouse 2013). Until major stakeholders and lawmakers come to a consensus on temporary work visa programs, CIR-type legislation that includes other important reforms—such as a legalization and path to citizenship for the unauthorized immigrant population—will face significant hurdles before it can become law.

New EB Immigrants and LPR Status

The characteristics of the migrants who are issued EB permanent immigrant visas and become LPRs are not well known because the Departments of Homeland Security and of Labor do not publish microdata on EB beneficiaries, though aggregate data about countries of origin, destination states, and the number of beneficiaries who adjusted their status or were new arrivals are available. Some longitudinal survey microdata about the characteristics and outcomes of EB immigrants are available through the New Immigrant Survey and have been analyzed for this volume but are quite limited (see Gelatt, this issue, 2020; Rosenzweig and Jasso 2013). Some additional useful information, however, is available from the Department of Labor's Office of Foreign Labor Certification

(OFLC), which processes employer requests for permanent labor certifications for jobs they wish to fill with permanent immigrants, who could then eventually be issued a new EB visa. That information is submitted to the department's Program Electronic Review Management (PERM) system and made public. The OFLC publishes annual reports offering basic analyses of the PERM data. However, those data do not reveal which of the applications eventually resulted in the issuance of an EB visa; they show only the first step in the application process. Finally, some conclusions about the EB population can be inferred by the nature of the respective EB preference.

The vast majority of EB immigrants are educated, skilled, or wealthy.

Almost all 120,120 visas available every year in the EB-1, EB-2, and EB-3 preferences can only be used to fill jobs that require skills, training, and advanced education, but may go to persons with extraordinary abilities who are not required to have a job offer at the time they petition for an EB-1 visa (many of whom are likely to have advanced degrees). The sole exception is the EB-3 other workers (OW) category of visas, which are available for filling permanent, year-round jobs that require little or no education and training. The EB-3 OW category is capped at ten thousand by statute but was reduced temporarily to five thousand by the Nicaraguan Adjustment and Central American Relief Act of 1997.[9] Homeland Security data for the five most recent years for which data are available as of this writing (2013 through 2017) show that an average of just under 2,700 EB-3 OW visas have been issued per year, a relatively low number given the current annual cap of five thousand.

PERM data from OFLC contain information regarding the minimum education requirements for the job certifications they review for prospective EB immigrants. In 2018, 46 percent of jobs submitted for permanent labor certification required at least an advanced degree, 40 percent required a bachelor's, 11 percent re-

quired less than a bachelor's, and 3 percent were listed as Other (OFLC 2018). Little is known about the education levels of the approximately ten thousand EB-5 immigrants every year, but it is reasonable to infer that they are quite wealthy, considering that before 2019 they had to be able to invest at least $500,000 or $1 million to qualify. (Future EB-5 immigrants will have had to pay $900,000 or $1.8 million under the current EB-5 regulations.)

Most EB immigrants were previously employed in the U.S. labor market with nonimmigrant work visas before adjusting to LPR status.

Every year, roughly half of the approximately one million permanent immigrant visas issued every year in the FB and EB preference categories combined are issued to beneficiaries who are already in the United States and usually either hold a nonimmigrant work or visitor visa (Witsman 2018, figure 1). When those nonimmigrant beneficiaries obtain LPR status, they are considered to have "adjusted" their status to that of lawful permanent resident, as opposed to being "new arrivals" who are issued new immigrant visas abroad, which then authorize their admission into the United States in LPR status. In regard to the EB preferences, the proportion who are already in the United States and adjust is much higher. DHS data on LPRs list the numbers of EB immigrants who adjusted or were new arrivals; as table 5 shows, the vast majority of new EB immigrants over the past ten years for which data are available—87 percent—were adjustments of status rather than new arrivals.

The main exception in the EB preferences is EB-5, where the shares and the trend are reversed. According to DHS data, 9,877 total EB-5 visas were issued in 2017, 1,630 of which were adjustments of status (16.5 percent) and 8,247 were new arrivals (83.5 percent) (DHS 2019). A reasonable explanation for this is that EB-5 beneficiaries are generally wealthy foreign citizens residing abroad who have decided to use a large investment in the United States as a pathway to permanent residence in the United States,

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9. The reduction of EB-3 OW visas by five thousand per year will remain in place until all of the adjustments under NACARA have been offset (see NACARA, P.L. 105-100 [1997]).

Table 5. Total Employment-Based Permanent Immigrant Visas

Year	Total	Adjustments	New Arrivals	Adjustments (%)	New Arrivals (%)
2008	166,511	149,542	16,969	90	10
2009	144,034	127,135	16,899	88	12
2010	148,343	136,010	12,333	92	8
2011	139,339	124,384	14,955	89	11
2012	143,998	126,016	17,982	88	12
2013	161,110	140,009	21,101	87	13
2014	151,596	129,645	21,951	86	14
2015	144,047	121,978	22,069	85	15
2016	137,893	113,640	24,253	82	18
2017	137,855	113,330	24,525	82	18
Total	1,474,726	1,281,689	193,037	87	13

Source: Author's analysis of OIS 2020.

Note: Total = immigrant visas in the five employment-based preference categories that grant lawful permanent resident (LPR) status, which include the principal immigrant and their derivative beneficiaries (spouses and children). Adjustments = applicants who obtained LPR status by applying to adjust to LPR status from within the United States, usually while residing in a temporary nonimmigrant status. New arrivals = applicants who obtained LPR status while residing outside the United States, usually in the country of origin.

rather than working in the United States temporarily for an employer who is seeking to obtain LPR status for them.

In terms of the specific nonimmigrant visa classifications that new EB immigrants are adjusting from while in the United States, unfortunately little is known because DHS does not publish its data on nonimmigrant visas held by migrants who adjusted to LPR status through EB preferences. PERM data represent only the initial step in the process of employers seeking to hire an EB immigrant and the visa classifications of workers seeking to adjust to LPR status as EB immigrants. In 2018, PERM data show that 68 percent of applications for labor certifications were for jobs held by nonimmigrants in H-1B, 7 percent by those in L-1, and 7 percent by foreign students on F-1 visas (OFLC 2018).

The only known available microdata revealing the specific visa classifications of nonimmigrants who completed the adjustment to LPR status through an EB preference were acquired from DHS via a Freedom of Information Act request by Lazaro Zamora, formerly of the Bipartisan Policy Center, for fiscal years 2010 through 2014. Zamora (2017) published research based on these data revealing that "about 43 percent of all individuals that adjusted to LPR in EB immigrant categories between FY2010 and FY2014 were H-1B or L-1 principal visa holders (not including their spouses and children)." That finding underscores that nearly half of all EB immigrant visas went to temporary migrant workers who were also educated professionals: the H-1B visa requires the nonimmigrant beneficiary to hold at least a university degree related to the field in which they work or equivalent experience, and L-1 beneficiaries—although in many cases a university degree is not explicitly required—work as either managers or executives for international firms (in the L-1A subclassification) or have specialized knowledge that makes them valuable to an international firm. As a result, in both L-1 subclassifications, most beneficiaries are likely to have a university degree.

Zamora graciously shared the microdata, enabling calculations of how many total EB visas were issued to beneficiaries who were employed with H-1B or L-1 visas, as well as H-4 and

L-2 (spouses of workers with H or L visas). In total, 469,687 EB visas were issued to nonimmigrants who held H-1B, H-4, L-1, or L-2 visas at the time they adjusted their status. These EB visas accounted for 76.8 percent of the 611,941 total EB visas issued via adjustment of status to persons in a nonimmigrant status in DHS's dataset for 2010 through 2014, of which 40.1 percent were issued to H-1B and H-4 nonimmigrants alone. The remaining 142,254 EB visas were issued to migrants in one of 111 nonimmigrant visa statuses or other statuses, including one nonstatus.[10]

A tiny fraction of EB immigrant visas that were issued between 2010 and 2014—503 total, or 0.08 percent—were issued to migrant workers in the two main nonimmigrant work visa programs for low-wage jobs, the H-2A and H-2B. This is strong evidence that skilled and educated migrant workers working temporarily in the United States are much more likely to adjust to LPR status than those working with nonimmigrant work visas in agriculture or other low-wage jobs that do not require a university education.

Nearly one million migrant workers have been approved for EB immigrant visas but are waiting in the green card "backlog" while in a nonimmigrant visa status and face challenges in the labor market as a result.

The statutorily mandated per-country ceiling prevents more than 7 percent of EB visas from being issued to nationals of any one country in the preference categories. But a majority of workers who have been approved to receive an EB visa hail from just two countries, and as discussed, most EB visa applicants are already in the United States working under a nonimmigrant visa. According to PERM data, 68 percent of labor certifications filed for EB visas in 2018 were for workers in the United States who were employed under H-1B visas (OFLC 2018). Available reports on H-1B reveal that in most years most new H-1B visas are issued to Indian nationals (63 percent in 2017), Chinese nationals receiving fewer but always the second most (14 percent in 2017) (USCIS 2018).

Unsurprisingly, the most recent PERM data show that more than half (52 percent) of the applications submitted for permanent labor certifications for EB visas in 2018 were for workers who are Indian nationals and that 11 percent were for Chinese nationals—accounting for nearly two-thirds of all new labor certification applications. No other nationality accounted for more than 4 percent of the total (OFLC 2018). The high shares of labor certifications and petitions for EB visas for Indian and Chinese nationals has long been a trend (for more, see the OFLC's annual reports).

More than a hundred thousand new H-1B petitions are approved every year, and the total population of H-1B workers employed in the United States is nearly half a million (Costa and Rosenbaum 2017). That large numbers of employers are applying to obtain EB visas for tens of thousands of their H-1B employees every year, combined with the 7 percent per-country ceiling and that those workers are mostly from India and China, is what has resulted in what is known as the green card backlog. The 7 percent ceiling means that only 8,408 of the 120,120 visas available in EB-1, EB-2, and EB-3 are available each year for Indian nationals, and that another 8,408 are available for Chinese nationals. USCIS reported that as of April 20, 2018, 34,824 Indian nationals had an approved EB-1 petition, 216,682 an approved EB-2 petition, and 54,892 an approved EB-3 petition—a total of 306,601—but who are in the backlog awaiting for an immigrant visa number to become available to them as a result of the per-country ceiling (Kandel 2018). The total EB backlog for Chinese nationals was 67,031. Those numbers, however, reflect only the principal prospective immigrants, meaning that their derivative spouses and children are not counted. Using multipliers provided by USCIS, the Congressional Research Service estimates that 826,867 people in the United States are waiting in the EB backlog with an approved EB immigrant petition (Kandel 2018).

Prospective immigrants living abroad who have an approved EB visa but must wait for a

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10. The one included nonstatus refers to those who entered without inspection (EWI) and are technically unauthorized. EWIs accounted for 15,313 of all EB visas beneficiaries between 2010 and 2014.

visa number to become available because of the per-country ceiling are also backlogged. The State Department reports that this population numbered 112,189 as of November 1, 2017; the top three countries are China, India, and the Philippines. The total combined backlog is 939,056.[11]

The number of nonimmigrants in the United States and persons abroad waiting in the EB backlog means extensive wait times for EB visas, in at least one case extending beyond the average life expectancy of a person living in the United States. According to the State Department visa bulletin, which is updated monthly to let prospective immigrants know when a visa number might be available in a particular preference category, EB visa numbers for Indian nationals waiting in EB-2 or EB-3 are available only to applicants who filed an immigrant petition in mid-2009 or earlier (known as a priority date) (U.S. Department of State 2019). EB-2 and EB-3 visas are available immediately for all other nationalities except Chinese, who need to have a priority date of November 2016 for EB-2 or January 2016 for EB-3, or November 2007 if the visa is in the EB-3 OW category. However, for Indian nationals who apply now for visas in EB-2 or EB-3, the wait times are much longer: David Bier (2018) estimates that Indian nationals will have to wait 151 years for a visa in EB-2 and seventeen years in EB-3.

The long wait times lead to insecurity and exclusion for those in the backlog as well as an employment relationship ripe for exploitation. For example, during the time that migrant workers in a nonimmigrant status are in the backlog, they cannot easily switch between jobs and employers by virtue of their status, which in turn makes it more difficult to improve their wages and working conditions (as discussed). The backlog also makes migrant workers more vulnerable to abuse by employers because the employer is in charge of the sponsorship process to obtain a permanent labor certification and responsible for filing an immigrant worker petition on the worker's behalf with Homeland Security. The worker's reliance on the employer

to secure LPR status can make it more difficult for them to complain to their boss or labor standards enforcement authorities in the case of workplace abuses or labor violations, given that it could jeopardize their ability to obtain LPR status (Levy 2019; Misra 2020). In addition, migrant workers in the backlog who have children in a nonimmigrant status also face the possibility that their children will pass the age of eligibility for obtaining their own derivative LPR status during the wait in the backlog, resulting in their adult children becoming removable (Hauslohner 2019).

CONCLUSION

Considering that the share of visas issued to temporary migrant workers since 1990 has dwarfed those issued to permanent immigrant workers who arrive in the United States under LPR status, what does it mean to have a labor migration system tilted so heavily toward temporary workers? It means two things, at least. First, employers will continue to have increased access to migrant employees who can be legally underpaid and are virtually indentured to their bosses, and thus unlikely to complain about wages and working conditions. Why? Complaining could result in the loss of their temporary immigration status and subsequent removal from the United States. Second, the vast majority of the 1 percent of the U.S. labor market of temporary migrant workers will never become permanent residents or naturalized citizens, which will affect their ability to integrate into the United States and prevent many of them from earning higher wages.

Permanent immigrants with LPR status, on the other hand, are not tied to a particular employer, may switch jobs at will, and are not in fear of losing their ability to remain in the United States on the basis of workplace issues and their employment relationship. Another benefit of LPR status is the ability to access the same labor standards as U.S. citizens—such as by being able to approach state or federal labor authorities without fearing removal—and to earn higher wages. Apgar (2015) for example,

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11. This total combines the April 2018 total for the USCIS backlog with the November 2017 total for the Department of State backlog.

finds that permanent immigrants earned more than both nonimmigrants and unauthorized immigrants. Other research finds that earnings for LPR immigrants who then go on to become naturalized citizens see additional income gains (Pastor and Scoggins 2012).

Considering the legal framework for U.S. labor migration, especially the existence of annual numerical limits for EB visas but not for most nonimmigrant work visas, it is highly likely that the current trajectory for temporary and permanent work visas will continue if no major reforms are enacted. It is worth considering whether this outcome is what Congress intended when drafting and voting on IMMACT90. For example, was it foreseeable that the number of temporary, nonimmigrant work visas would grow from more than three hundred thousand in 1990 to more than 1.4 million in 2017? Did Congress intend to tilt the system so far in the direction of temporariness, and was the EB immigrant cap of 140,000 per year designed to exclude so many temporary migrant workers from ever obtaining LPR status? Or did members of Congress simply fail to predict that the U.S. workforce would someday include more than 1.6 million temporary migrant workers—and accordingly misalign the size of the EB immigrant cap?

If the U.S. labor migration system maintains its current legal framework and trajectory, employers will be able to continue using the immigration system to hire more migrant workers as the population and workforce grows, but fewer and fewer of those workers will ever have the opportunity to become permanent immigrants and eventually naturalized citizens and to benefit from the additional income gains and security that LPR status brings. This possibility raises important questions about the inclusion, integration, and political participation of temporary migrant workers (Cook-Martin 2019) that Congress should consider the next time it makes major reforms.

In terms of U.S. labor migration, what the legal landscape in the twenty-first century looks like will depend heavily on whether Congress decides to keep a system in place under which migrant workers are temporary, indentured, and often underpaid, and nearly all must return home someday, never having an opportunity to participate in American political life. Congress has the option, on the other hand, to update the immigration system in a manner that allows a much larger share of migrants to arrive in the United States with full labor and employment rights in the labor market, and the knowledge that they can eventually become naturalized citizens. A system that facilitates an immediate or quick transition to LPR status would allow migrants to confidently make long-term investments in themselves and their new home and to benefit from full participation in American society.

Table A1. Permanent Immigrant Visa Preference Categories

Abbreviation	Preference Category	Description
EB	Employment-based	
EB-1	Employment-based first preference	Priority workers
EB-2	Employment-based second preference	Professionals holding advanced degrees and persons of exceptional ability
EB-3	Employment-based third preference	Skilled workers, professionals, and unskilled workers (other workers)
EB-4	Employment-based fourth preference	Certain special immigrants
EB-5	Employment-based fifth preference	Immigrant investors
FB	Family-based	
F1	Family first preference	Unmarried sons and daughters of U.S. citizens and their minor children
F2	Family second preference	Spouses, minor children, and unmarried sons and daughters (age twenty-one and older) of LPRs
F3	Family third preference	Married sons and daughters of U.S. citizens, and their spouses and minor children
F4	Family fourth preference	Brothers and sisters of U.S. citizens, and their spouses and minor children, provided the U.S. citizens are at least twenty-one years of age
IR	Immediate relative	
IR-1		Spouse of a U.S. citizen
IR-2		Unmarried child under twenty-one years of age of a U.S. citizen
IR-3		Orphan adopted abroad by a U.S. citizen
IR-4		Orphan to be adopted in the United States by a U.S. citizen
IR-5		Parent of a U.S. citizen who is at least twenty-one years old
DV	Diversity visa	

Source: U.S. Department of State 2019.

Table A2. Temporary, Nonimmigrant Visa Classifications

Visa Class	Description
A-3	Attendant, servant, or personal employee of A-1 and A-2, and immediate family
CW-1	Commonwealth of Northern Mariana Islands transitional worker
CW-2	Spouse or child of CW-1
E-1	Treaty trader, spouse and children
E-2	Treaty investor, spouse and children
E-2C	Commonwealth of Northern Mariana Islands investor, spouse, or child
E-3	Australian professional in specialty occupation
E-3D	Spouse or child of E-3
E-3R	Returning E-3
F-1	Foreign student
G-5	Attendant, servant, or personal employee of G-1 through G-4, and immediate family
H-1	Temporary worker of distinguished merit and ability
H-1A	Temporary worker performing services as a registered nurse
H-1B	Temporary worker in specialty occupations and fashion models
H-1B1	Free Trade Agreement worker (Chile/Singapore)
H-1C	Nurse in health professional shortage area
H-2	Temporary worker performing services unavailable in United States
H-2A	Temporary worker performing agricultural services
H-2B	Temporary worker performing other services
H-4	Spouse or child of H-1A/B/B1/C, H-2A/B/R, or H-3
J-1	Exchange visitor
J-2	Spouse or child of J-1
L-1	Intracompany transferee
L-2	Spouse or child of intracompany transferee
O-1	Person with extraordinary ability in the sciences, arts, education, business, or athletics
O-2	Person accompanying and assisting in the artistic or athletic performance by O-1
O-3	Spouse or child of O-1 or O-2
P-1	Internationally recognized athlete or member of an internationally recognized entertainment group
P-2	Artist or entertainer in a reciprocal exchange program
P-3	Artist or entertainer in a culturally unique program
P-4	Spouse or child of P-1, P-2, or P-3
Q-1	Participant in an international cultural exchange program
R-1	Person in a religious occupation
R-2	Spouse or child of R-1
TN	NAFTA professional
TD	Spouse or child of TN

Source: U.S. Department of State 2020.

REFERENCES

American Immigration Council. 2017. "The Diversity Immigrant Visa Program: An Overview." November 13. Washington, D.C.: American Immigration Council. Accessed May 18, 2020. https://www.americanimmigrationcouncil.org/research/diversity-immigrant-visa-program-overview.

Apgar, Lauren. 2015. "Authorized Status, Limited Returns: The Labor Market Outcomes of Temporary Mexican Workers." Briefing paper no. 400. Washington, D.C.: Economic Policy Institute. Accessed May 18, 2020. https://www.epi.org/publication/authorized-status-limited-returns-labor-market-outcomes-temporary-mexican-workers.

Avalos, George. 2014. "Workers paid $1.21 an Hour to Install Fremont Tech Company's Computers." *Mercury News*, October 22. Accessed May 18, 2020. https://www.mercurynews.com/2014/10/22/workers-paid-1-21-an-hour-to-install-fremont-tech-companys-computers.

Baker, Bryan. 2018. "Nonimmigrants Residing in the United States: Fiscal Year 2016." Washington: Office of Immigration Statistics. U.S. Department of Homeland Security. Accessed May 18, 2020. https://www.dhs.gov/sites/default/files/publications/Nonimmigrant_Population%20Estimates_2016_0.pdf.

Bauer, Mary, and Meredith Stewart. 2013. "Close to Slavery: Guestworker Programs in the United States." Montgomery, Ala.: Southern Poverty Law Center. Accessed May 18, 2020. https://www.splcenter.org/20130218/close-slavery-guestworker-programs-united-states.

Bensinger, Ken, Jessica Garrison, and Jeremy Singer-Vine. 2016. "The Pushovers: Employers Abuse Foreign Workers. U.S. Says, By All Means, Hire More." *BuzzFeed News*, May 12. Accessed May 18, 2020. https://www.buzzfeednews.com/article/kenbensinger/the-pushovers.

Bier, David. 2018. "150-Year Wait for Indian Immigrants with Advanced Degrees." *Cato at Liberty* (blog), June 8. Accessed May 18, 2020. https://www.cato.org/blog/150-year-wait-indian-immigrants-advanced-degrees.

Bureau of Labor Statistics (BLS). 2019. "Labor Force Characteristics of Foreign-born Workers Summary." Washington: U.S. Department of Labor. Accessed May 18, 2020. https://www.bls.gov/news.release/forbrn.nr0.htm.

Centro de los Derechos del Migrante (CDM). 2013.

"Recruitment Revealed: Fundamental Flaws in the H-2 Temporary Worker Program and Recommendations for Change, January 17." Baltimore, Md.: CDM. Accessed May 18, 2020. https://cdmigrante.org/wp-content/uploads/2018/02/Recruitment_Revealed.pdf.

Chishti, Muzaffar, Faye Hipsman, and Isabel Ball. 2015. "Fifty Years On, the 1965 Immigration and Nationality Act Continues to Reshape the United States." Policy Beat, October 15. Washington, D.C.: Migration Policy Institute. Accessed May 18, 2020. https://www.migrationpolicy.org/article/fifty-years-1965-immigration-and-nationality-act-continues-reshape-united-states.

Chishti, Muzaffar, and Stephen Yale-Loehr. 2016. "The Immigration Act of 1990: Unfinished Business a Quarter-Century Later." Washington, D.C.: Migration Policy Institute. Accessed May 18, 2020. https://www.migrationpolicy.org/research/immigration-act-1990-still-unfinished-business-quarter-century-later.

Cook-Martin, David. 2019. "Temp Nations? A Research Agenda on Migration, Temporariness, and Membership." *American Behavioral Scientist* 63(9): 1389–403.

Costa, Daniel. 2011. "Guestworker Diplomacy." Briefing Paper no. 317. Washington, D.C.: Economic Policy Institute, July 14. Accessed May 18, 2020. https://www.epi.org/publication/j_visas_minimal_oversight_despite_significant_implications_for_the_labor_ma.

———. 2014. "Little-Known Temporary Visas for Foreign Tech Workers Depress Wages." *The Hill* (blog), November 11. Accessed May 18, 2020. https://thehill.com/blogs/pundits-blog/technology/223607-little-known-temporary-visas-for-foreign-tech-workers-depress.

———. 2016. "The H-2B Temporary Foreign Worker Program: For Labor Shortages Or Cheap, Temporary Labor?" Briefing Paper no. 416. Washington, D.C.: Economic Policy Institute. Accessed May 18, 2020. https://epi.org/97394.

———. 2017. "H-2B Crabpickers Are So Important to the Maryland Seafood Industry That They Get Paid $3 Less Per Hour Than the State Or Local Average Wage." *Working Economics Blog*, May 26. Accessed May 18, 2020. https://www.epi.org/blog/h-2b-crabpickers-maryland-seafood-industry-paid-less-than-average.

Costa, Daniel, and Ron Hira. 2020. "H-1B Visas and Prevailing Wage Levels: A Majority of H-1B Em-

ployers—Including Major U.S. Tech Firms—Use the Program to Pay Migrant Workers Well Below Market Wages." Washington, D.C.: Economic Policy Institute. Accessed May 18, 2020. https://www.epi.org/publication/h-1b-visas-and-prevailing-wage-levels.

Costa, Daniel, and Philip Martin. 2018. "Temporary Labor Migration Programs: Governance, Migrant Worker Rights, and Recommendations for the U.N. Global Compact for Migration." Washington, D.C.: Economic Policy Institute. Accessed May 18, 2020. https://www.epi.org/publication/temporary-labor-migration-programs-governance-migrant-worker-rights-and-recommendations-for-the-u-n-global-compact-for-migration.

Costa, Daniel, and Jennifer Rosenbaum. 2017. "Temporary Foreign Workers by the Numbers: New Estimates by Visa Classification." Washington, D.C.: Economic Policy Institute. Accessed May 18, 2020. https://www.epi.org/publication/temporary-foreign-workers-by-the-numbers-new-estimates-by-visa-classification.

Donato, Katharine M., and Catalina Amuedo-Dorantes. 2020. "The Legal Landscape of U.S. Immigration: An Introduction." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 6(3): 1–16. DOI: 10.7758/RSF.2020.6.3.01.

Galarza, Ernesto. 1956. *Strangers in Our Fields*, 2nd ed. Washington, D.C.: Joint United States-Mexico Trade Union Committee.

Garrison, Jessica, Ken Bensinger, and Jeremy Singer-Vine. 2015a. "'All You Americans Are Fired.'" *BuzzFeed News*, December 1. Accessed May 18, 2020. https://www.buzzfeednews.com/article/jessicagarrison/all-you-americans-are-fired#.kiAk2QGzJ8.

———. 2015b. "The New American Slavery: Invited to the U.S., Foreign Workers Find a Nightmare." *BuzzFeed News*, July 24. Accessed May 18, 2020. https://www.buzzfeednews.com/article/jessicagarrison/the-new-american-slavery-invited-to-the-us-foreign-workers-f#.lyREpxV9Kq.

Gelatt, Julia. 2020. "Do Employer-Sponsored Immigrants Fare Better in Labor Markets Than Family-Sponsored Immigrants?" *RSF: The Russell Sage Foundation Journal of the Social Sciences* 6(3): 70–93. DOI: 10.7758/RSF.2020.6.3.04.

Hauslohner, Abigail. 2019. "The Employment Green Card Backlog Tops 800,000, Most of Them Indian. A Solution Is Elusive." *Washington Post*, December 17. Accessed May 18, 2020. https://www.washingtonpost.com/immigration/the-employment-green-card-backlog-tops-800000-most-of-them-indian-a-solution-is-elusive/2019/12/17/55def1da-072f-11ea-8292-c46ee8cb3dce_story.html.

Hira, Ron. 2015. "New Data Show How Firms Like Infosys and Tata Abuse the H-1B Program." *Working Economics Blog*, February 19. Accessed May 18, 2020. https://www.epi.org/blog/new-data-infosys-tata-abuse-h-1b-program.

Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training (IAWG). 2017. "Annual Reports." Accessed June 24, 2020. https://iawg.gov/reports/annual-reports/.

International Labour Organization (ILO). 2018. *ILO Global Estimates on International Migrant Workers: Results and Methodology*, 2nd ed. Geneva: ILO. Accessed May 18, 2020. https://www.ilo.org/global/publications/books/WCMS_652001/lang--en/index.htm.

International Organization for Migration (IOM). 2019. *International Migration Law: Glossary on Migration*. Geneva: IOM. Accessed May 18, 2020. https://publications.iom.int/books/international-migration-law-ndeg34-glossary-migration.

Johnson, Kit. 2018. "Beauty and the Beast: Disney's Use of the Q and H-1B Visas." *NYU Journal of Law & Liberty* 12(1): 124–50. Accessed May 18, 2020. http://lawandlibertyblog.com/vol-12.

Jordan, Miriam. 2013. "Guest Worker Visa Troubles Visit McDonald's." *Wall Street Journal*, March 8.

Kandel, William. 2018. "Permanent Employment-Based Immigration and the Per-Country Ceiling." *CRS* report no. R45447 Washington: Congressional Research Service. Accessed May 18, 2020. https://crsreports.congress.gov/product/pdf/R/R45447.

Kight, Stef. 2019. "U.S. Companies Are Forcing Workers to Train Their Own Foreign Replacements." *Axios*, December 29. Accessed May 18, 2020. https://www.axios.com/trump-att-outsourcing-h1b-visa-foreign-workers-1f26cd20-664a-4b5f-a2e3-361c8d2af502.html.

Krogstad, Jens Manuel, Jeffrey Passel, and D'Vera Cohn. 2019. "5 Facts About Illegal Immigration in the U.S." *FactTank* (Pew Research Center blog), June 12. Accessed May 18, 2020. https://www

.pewresearch.org/fact-tank/2019/06/12/5-facts -about-illegal-immigration-in-the-u-s.

Leiden, Warren, and David Neal. 1990. "Highlights of the U.S. Immigration Act of 1990." *Fordham International Law Journal* 4(1): 328–39.

Levy, Pema. 2019. "Indian Nationals Say the Green Card Backlog is Unfair. Their Plan to Fix it Could Be Too." *Mother Jones*, November 20. Accessed May 18, 2020. https://www.motherjones.com /politics/2019/11/indian-national-green-card -backlog.

Marshall, Ray. 2009. *Immigration for Shared Prosperity: A Framework for Comprehensive Reform*. Washington, D.C.: Economic Policy Institute. Accessed May 18, 2020. https://www.epi.org /publication/book_isp.

Mauldin, Elizabeth. 2017. "Coerced Under NAFTA: Abuses of Migrant Workers in the TN Visa Program and Recommendations for Reform." January. Baltimore, Md.: Centro de los Derechos del Migrante. Accessed May 18, 2020. https:// cdmigrante.org/wp-content/uploads/2018/01 /Coerced-under-NAFTA_-Abuses-of-Migrant -Workers-in-TN-Visa-Program.pdf.

Meissner, Doris. 2004. "U.S. Temporary Worker Programs: Lessons Learned." Washington, D.C.: Migration Policy Institute. Accessed May 18, 2020. https://www.migrationpolicy.org/article/us -temporary-worker-programs-lessons-learned.

Misra, Tanvi. 2020. "Green Card Gridlock: When Will Congress Agree on a Solution?" *Roll Call* (blog), January 23. Accessed May 18, 2020. https://www.rollcall.com/news/congress/green -card-backlog-years-waiting-list.

Mohr, Holbrook, Mitch Weiss, and Mike Baker. 2010. "US Fails to Tackle Student Visa Abuses." Associated Press, December 6. Accessed May 18, 2020. http://archive.boston.com/news/education /higher/articles/2010/12/06/ap_impact_us_fails _to_tackle_student_visa_abuses.

Napolitano, Janet. 2009. "Prepared Remarks by Secretary Napolitano on Immigration Reform at the Center for American Progress." November 13. Washington: U.S. Department of Homeland Security. Accessed May 18, 2020. https://www.dhs .gov/news/2009/11/13/secretary-napolitanos -speech-immigration-reform.

Office of Foreign Labor Certification (OFLC). 2018. "Permanent Labor Certification Program - Selected Statistics, FY 2018." Washington: Employment and Training Administration, U.S. Department of Labor. Accessed May 18, 2020. https:// www.foreignlaborcert.doleta.gov/pdf /PerformanceData/2018/PERM_Selected _Statistics_FY2018_Q4.pdf.

Office of Immigration Statistics (OIS). 2020. *Yearbook of Immigration Statistics*. Washington: U.S. Department of Homeland Security. Accessed May 20, 2020. https://www.dhs.gov/immigration -statistics/yearbook.

Organization for Economic Cooperation and Development (OECD). 2019. *International Migration Outlook 2019*. Paris: OECD. Accessed May 18, 2020. https://www.oecd.org/migration /international-migration-outlook-1999124x.htm.

Parker, Ashley, and Steven Greenhouse. 2013. "Labor and Business Reach Deal on Immigration Issue." *New York Times*, March 30. Accessed May 18, 2020. https://www.nytimes.com/2013/03/31/us /politics/deal-said-to-be-reached-on-guest -worker-program-in-immigration.html.

Pastor, Manuel, and Justin Scoggins. 2012. "Citizen Gain: The Economic Benefits of Naturalization for Immigrants and the Economy." Los Angeles: Center for the Study of Immigrant Integration, University of Southern California. Accessed May 18, 2020. https://dornsife.usc.edu/assets/sites /731/docs/citizen_gain_web.pdf.

Perez, Maria. 2019. "American Farms Recruit Mexican Veterinarians for Jobs As Animal Scientists - But the Real Work Is Milking Cows and Cleaning Pens for Low Pay." *Milwaukee Journal Sentinel*, December 4. Accessed May 18, 2020. https:// www.jsonline.com/in-depth/news/special -reports/dairy-crisis/2019/12/04/mexican -veterinarians-recruited-by-american-farms-high -skill-end-up-low-skill-jobs-milking-cleaning /4312237002.

Poston, Ben. 2016. "L.A. Bakery Owners Ordered to Pay $15.3 Million for Abuse of Workers on Visas." *Los Angeles Times*, May 13. Accessed May 18, 2020. https://www.latimes.com/local/lanow/la -me-ln-bakery-ordered-to-pay-for-abuse-of -foreign-workers-20160513-snap-story.html.

Preston, Julia. 2011. "Hershey Exchange Student Warnings Were Ignored." *New York Times*, October 16. Accessed May 18, 2020. https://www .nytimes.com/2011/10/17/us/hershey-foreign -exchange-students-pleas-were-ignored.html.

——. 2016. "Pink Slips at Disney. But First, Training Foreign Replacements." *New York Times*, June 3. Accessed May 18, 2020. https://www.nytimes

.com/2015/06/04/us/last-task-after-layoff-at
-disney-train-foreign-replacements.html.

Radford, Jynnah. 2019. "Key Findings About U.S. Im-
migrants." *FactTank* (Pew Research Center blog),
June 17. Accessed May 18, 2020. https://www
.pewresearch.org/fact-tank/2019/06/17/key
-findings-about-u-s-immigrants.

Ramchandani, Ariel. 2018. "Diplomats Are Getting
Away with Abusing Their Children's Nannies."
The Atlantic, May 21. Accessed May 18, 2020.
https://www.theatlantic.com/business/archive
/2018/05/diplomats-abuse-domestic-workers
/559739.

Rosenzweig, Mark, and Guillermina Jasso. 2013. "La-
bor Market Outcomes of Family Migrants in the
United States: New Evidence from the New Im-
migrant Survey." Presentation at OECD/DHS
Conference on Family Immigration: The Experi-
ence of OECD Countries. Washington, D.C. (No-
vember 2013).

Ruiz, Neil G., and Abby Budiman. 2018. "Number
of Foreign College Graduates Staying in U.S.
to Work Climbed Again in 2017, but Growth
Has Slowed." Washington, D.C.: Pew Research
Center. Accessed May 18, 2020. https://www
.pewresearch.org/fact-tank/2018/07/25/number
-of-foreign-college-graduates-staying-in-u-s-to
-work-climbed-again-in-2017-but-growth-has
-slowed/.

Slevin, Coleen. 2019. "About 10,000 Au Pairs to Get
Paid in Class-Action Settlement." Associated
Press, July 18. Accessed May 18, 2020. https://
apnews.com/34b821b730624fb4b42a7783f4ef6
1cc.

Smith, Matt, Jennifer Gollan, and Adithya Sam-
bamurthy. 2014 "Job Brokers Steal Wages, En-
trap Indian Tech Workers in US." *Reveal News*,
October 27. Accessed May 18, 2020. https://
www.revealnews.org/article/job-brokers-steal
-wages-entrap-indian-tech-workers-in-us.

Stewart, Meredith. 2014. "Culture Shock: The Ex-
ploitation of J-1 Cultural Exchange Workers."
Montgomery, Ala.: Southern Poverty Law Center.
Accessed May 18, 2020. https://www.splcenter
.org/20140201/culture-shock-exploitation-j-1
-cultural-exchange-workers#vulnerable.

Stockman, Farah. 2013. "Teacher Trafficking: The
Strange Saga of Filipino Workers, American
Schools, and H-1B Visas." *Boston Globe*, June 12.
Accessed May 18, 2020. https://www
.bostonglobe.com/editorials/2013/06/11/your

-child-teacher-victim-human-trafficking
/dQz2fYPwg6Xkgt1aV6HaiL/story.html.

Swaminathan, Nikhil. 2017. "Inside the Growing
Guest Worker Program Trapping Indian Students
in Virtual Servitude." *Mother Jones*, September
/October. Accessed May 18, 2020. https://www
.motherjones.com/politics/2017/09/inside-the
-growing-guest-worker-program-trapping-indian
-students-in-virtual-servitude.

United Nations Department of Economic and Social
Affairs (UNDESA). 2019. "International Migrant
Stock: The 2017 Revision." Population Division.
Accessed May 18, 2020. https://www.un.org/en
/development/desa/population/migration/data
/estimates2/estimates17.asp.

U.S. Citizenship and Immigration Services (USCIS).
2018. "Characteristics of H-1B Specialty Occupa-
tion Workers: Fiscal Year 2017 Annual Report to
Congress October 1, 2016–September 30, 2017."
Washington: U.S. Department of Homeland Se-
curity. Accessed May 18, 2020. https://www
.uscis.gov/sites/default/files/files/native
documents/Characteristics_of_H-1B_Specialty
_Occupation_Workers_FY17.pdf.

——. 2019a. "Employment-Based Immigration:
Fourth Preference EB-4." Last updated July 19,
2019. Accessed January 25, 2020. https://www
.uscis.gov/working-united-states/permanent
-workers/employment-based-immigration-fourth
-preference-eb-4.

——. 2019b. "New Rulemaking Brings Significant
Changes to EB-5 Program." News Release, July
23. Accessed May 18, 2020. https://www.uscis
.gov/news/news-releases/new-rulemaking
-brings-significant-changes-eb-5-program.

U.S. Department of Homeland Security (DHS). 2019.
"Immigration Data and Statistics." Accessed May
18, 2020. https://www.dhs.gov/office
-immigration-statistics.

U.S. Department of State. 2019. "Visa Bulletin for
July 2019. Number 31, Volume X." Accessed May
18, 2020. https://travel.state.gov/content/travel
/en/legal/visa-law0/visa-bulletin/2019/visa
-bulletin-for-july-2019.html.

——. 2020. "Nonimmigrant Visa Statistics."
Accessed June 24, 2020. https://travel.state
.gov/content/travel/en/legal/visa-law0
/visa-statistics/nonimmigrant-visa-statistics
.html.

U.S. Government Accountability Office. 2019. "Com-
monwealth of the Northern Mariana Islands:

DHS Implementation of Immigration Laws, Statement of David Gootnick, Director, International Affairs and Trade." GAO-19-376T. Washington: Government Printing Office. Accessed May 20, 2020. https://www.gao.gov/assets/700 /697121.pdf.

U.S. Immigration and Customs Enforcement. 2020. "SEVP Data Library." Washington: U.S. Department of Homeland Security. Accessed May 20, 2020. https://www.ice.gov/SEVPdata.

Whitaker, Bill. 2017. "Are U.S. Jobs Vulnerable to Workers with H-1B Visas?" *60 Minutes*, August 13. Accessed May 18, 2020. https://www .cbsnews.com/news/are-u-s-jobs-vulnerable-to -workers-with-h-1b-visas-2.

Witsman, Katherine. 2018. "Annual Flow Report: Lawful Permanent Residents." Washington: U.S. Department of Homeland Security. Accessed May 18, 2020. https://www.dhs.gov/sites/default /files/publications/Lawful_Permanent_Residents _2017.pdf.

Zamora, Lazaro. 2015. "Immigration in Two Acts." Washington, D.C.: Bipartisan Policy Center. Accessed May 18, 2020. https://bipartisanpolicy.org /report/immigration-in-two-acts.

———. 2017. "Are "Temporary Workers" Really Temporary? Turning Temporary Status into Green Cards." Washington, D.C.: Bipartisan Policy Center. Accessed May 18, 2020. https://bipartisan policy.org/blog/are-temporary-workers-really -temporary-turning-temporary-status-into-green -cards.

Help Wanted: Employer Demand for Less-Skilled Temporary Foreign Worker Visas in an Era of Declining Unauthorized Immigration

PIA M. ORRENIUS ⓘ AND MADELINE ZAVODNY ⓘ

Employer demand for less-skilled foreign workers admitted on temporary worker visas has increased considerably in recent years. Issuances of H-2A visas for agricultural workers and J-1 visas for exchange visitors have soared, and the cap for H-2B visas for nonagricultural workers is reached well before the end of the issuance period. This article examines the rise in employer demand for these programs, focusing on the roles of improved economic conditions, tougher immigration enforcement, and the drop in the number of less-skilled workers, including unauthorized immigrants. Economic conditions appear to be the most important determinant of employer demand. The upward trend in employer usage of the programs suggests that they can be a viable alternative to hiring unauthorized workers, and even more so if restructured appropriately.

Keywords: temporary foreign workers, H-2A visa, H-2B visa, J-1 visa, less-skilled immigrants

A little-noticed recent trend in immigration is the rising demand by U.S. employers for less-skilled temporary foreign workers through the H-2A, H-2B, and J-1 visa programs. The H-2A and H-2B programs allow employers to bring foreign workers into the United States to fill temporary and seasonal jobs in the agricultural and nonagricultural sectors, respectively, if they cannot find available U.S. workers. The J-1 exchange visitor program allows certain foreign students, teachers, and other professionals to work in the United States for a short time. Many of the jobs these foreign workers fill require little if any education or training and pay relatively low wages. The programs' advocates, including employers who use them, argue that few American workers are willing to accept the jobs; meanwhile, critics voice concerns that the

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programs can result in exploitation of foreign workers as well as lower wages and fewer jobs for U.S. workers (see, for example, Huettman 2017; Honig 2018; Costa 2016, 2020). This article steps back from that contentious debate and examines why employer demand for the programs has increased in recent years and the implications of that increase.

The H-2 temporary foreign worker program was created as part of the 1952 Immigration and Nationality Act. The program was divided into the H-2A and H-2B programs as part of the 1986 Immigration Reform and Control Act (IRCA). IRCA also made it illegal to hire unauthorized immigrants, increased border enforcement, and gave some 2.7 million unauthorized immigrants legal status, enabling many of them to move into more-skilled, higher-paying jobs. At the time, many employers were concerned that the IRCA provisions might leave them unable to find enough less-skilled workers. Employers' concerns about labor shortages turned out to be largely unfounded for almost three decades. Employers and unauthorized immigrants quickly realized that enforcement of the hiring provisions was often lax, and the unauthorized population swelled during the 1990s and early 2000s, reaching almost twelve million in 2007. Consequently, employer demand for H-2A and H-2B visas was quite low for the first two decades after the programs began issuing visas in 1992.

These underlying factors began to change in the mid- to late 2000s. Immigration enforcement along the U.S.-Mexico border and in the U.S. interior became tougher in the wake of the 9/11 terrorist attacks. The housing bust and subsequent general economic downturn led to weaker demand for less-skilled workers in the United States. The recession coincided with a drop in the number of unauthorized immigrants as inflows ground to a near halt and more migrants returned home, especially to Mexico. Economic conditions eventually improved: U.S. unemployment rates fell and labor markets tightened as the recovery gained steam in the 2010s. Meanwhile, baby boomers began reaching retirement age and the number of

less-educated U.S.-born workers dropped. Although these post-2010 trends traditionally would have led to growth in the unauthorized workforce, this time they did not. Immigration enforcement remained strict, with U.S. Border Patrol staffing and migrant removals near record highs. To help alleviate labor shortages, more employers began exploring other options, including turning to the H-2A and H-2B programs to legally hire less-skilled foreign workers.

Employers' use of the J-1 visa program also increased during the 2000s. The J-1 program was established under the Mutual Educational and Cultural Exchange Act (the Fulbright-Hays Act) of 1961 to promote global understanding by enabling foreign visitors to work, study, and travel in the United States. Although perhaps less well-known than the H visa programs, the J-1 program is the largest U.S. temporary foreign worker program as measured by annual visa issuances. The program has expanded over time to encompass fifteen categories. The largest of these is the Summer Work Travel (SWT) program, which allows students enrolled in a foreign university to work in a less-skilled seasonal or temporary job in the United States for up to four months. SWT typically accounts for about one-third of J-1 visas. Other less-skilled categories include au pairs and camp counselors; high-skilled categories include teachers and physicians.[1]

The confluence of trends—declining unauthorized immigration, tougher immigration enforcement, tighter labor markets, and fewer less-educated U.S.-born workers—makes it difficult to assess their relative contributions to the growth in employer demand for less-skilled temporary foreign workers via the H-2A, H-2B, and J-1 programs in recent years. Few studies have examined the determinants of employer demand for such foreign workers. The limited research available suggests that employer demand is related to economic conditions in predictable ways but has not examined the role of the unauthorized workforce or demographic shifts (Zavodny and Jacoby 2010; Charlton, Castillo, and Hertz 2018; Simnitt et

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1. Not all categories allow visa holders to work, but the majority do. Daniel Costa (this issue, 2020) estimates that 80 percent of J-1 visas authorize employment.

al. 2018; GAO 2020).[2] This article uses a multi-variate regression framework to investigate how these trends are related to employer demand for foreign workers on less-skilled temporary visas.

We find that economic conditions appear to be the most important determinant of employer demand for H-2A, H-2B, and J-1 workers. Employer use of the programs is not consistently related to the intensity of immigration enforcement; state-level results suggest more employers turn to the H-2B program but not the H-2A program when fewer substitutable workers are available. The rapid growth of the programs in recent years suggests that they can be a viable alternative to hiring unauthorized immigrants, particularly in seasonal industries and when labor markets are tight. However, the cap on the number of H-2B workers would need to be much higher and employer use of the programs much greater for them to fully replace the existing stock of unauthorized immigrant workers. This would also require that the programs include year-round employment in a wider array of industries. Other changes that would make the programs more attractive to employers include making the programs more flexible, easier to use, and more responsive to changes in labor market conditions. Protecting foreign and U.S. workers' rights is important as well.

OVERVIEW OF THE H-2A, H-2B, AND J-1 VISA PROGRAMS

Before looking into the determinants of employer demand for less-skilled temporary foreign workers via the H-2A, H-2B, and J-1 programs, it is helpful to understand the design of the programs and the trends in their usage.

H-2A and H-2B Program Structure and Rules

Bringing in foreign workers under the H-2A or the H-2B program involves several steps and applications to multiple government agencies. A prospective employer first files a labor certification application (LCA) with the Department of Labor (DOL) (for a detailed explanation of program structure and rules, see Bruno 2017).[3] The DOL must certify that not enough U.S. workers are able, willing, qualified, and available to do the work and that hiring foreign workers will not adversely affect the wages and working conditions of similarly employed U.S. workers. As part of this process, employers must try to recruit U.S. workers. Prospective H-2B employers also must establish that their need for foreign workers is temporary, either as the result of a one-time occurrence or a seasonal, peakload, or intermittent need. Similarly, prospective H-2A employers must have only a temporary or seasonal need for foreign workers, not a year-round need.[4]

After receiving labor certification, employers next submit an application, called an I-129 petition, to the Department of Homeland Security (DHS) to bring in foreign workers. If the application is approved (and, for numerically limited visas, the cap has not been reached), employers can hire up to the approved number of foreign workers. Employers typically work with a recruiter in a foreign country to find workers. Workers who are abroad go to a U.S. embassy or consulate to apply for an H-2A or H-2B nonimmigrant visa from the Department of State. If their visa application is approved, workers are issued a visa and can migrate to the United States to work for the approved employer. The visas are usually valid for up to ten months. An employer can apply to extend a temporary foreign worker's stay in increments of up to one

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2. Madeline Zavodny and Tamar Jacoby (2010) examine how the number of employer requests for H-2B workers is related to the employment growth rate and the unemployment rate at the state level between 2006 to 2009. Diane Charlton, Marcelo Castillo, and Tom Hertz (2018) examine employer demand for H-2A workers at the state level during 2007 to 2017. Skyler Simnitt and coauthors (2018) focus on possible "contagion effects" across counties in H-2A program use. A 2020 GAO report concludes that counties with employers that applied to hire H-2B workers had lower unemployment rates and higher wages than counties in which employers did not apply to use the program (GAO 2020).

3. As Andorra Bruno (2017) explains, H-2B employers must first register with the DOL and establish that their need for foreign workers is temporary before they can apply for labor certification.

4. This rule has limited exceptions, such as sheep herding (Bruno 2017).

year, but a worker cannot stay in the United States on an H-2A or H-2B visa for more than three consecutive years (Bruno 2017).

The H-2A and H-2B programs impose several rules regarding compensation. Employers cannot pay temporary foreign workers or U.S. workers in similar jobs below the program's wage floor, which is set based on the job and location.[5] Employers must cover round-trip transportation between foreign workers' home country and the worksite, and H-2A employers must provide free housing and daily transportation to and from the worksite for nonlocal workers. Employers must pay for H-2 workers to be included in their state workers' compensation program, but H-2 workers are exempt from Social Security and Medicare taxes. Employers must guarantee temporary foreign workers employment for at least three-quarters of the contract period.[6] It is illegal for employers or recruiters to charge temporary foreign workers fees for job placement, although critics note that many workers pay large fees to foreign recruiters (for example, Costa 2016).

The programs have several additional rules aimed at ensuring that they do not harm U.S. workers. For example, employers must try to hire U.S. workers during the recruiting phase, and during the first half of the season, an H-2A employer must continue to recruit and hire any U.S. job applicants who are ready, willing, and able to do the job even if the employer has already brought in temporary foreign workers on H-2A visas.

The number of H-2A visas is unlimited, whereas the number of H-2B visas is capped at sixty-six thousand per fiscal year (FY).[7] In some years, Congress has opted to make additional H-2B visas available, either by exempting "returning" workers who counted toward the cap in a prior year or by giving DHS discretion to raise the cap. The former occurred in FY 2005 through 2007 and again in FY 2016, and the latter in FY 2017 through 2019.[8] The years when the cap has been raised are periods of relatively strong economic growth and low unemployment. Heightened employer demand for temporary foreign workers during those periods likely underlies the temporary expansions of the H-2B program. DHS stops accepting H-2B petitions if it believes it has received enough petitions to fill the cap.[9]

5. H-2A employers must pay workers the highest of the applicable minimum wages, the applicable prevailing wage rate, the adverse effect wage rate, and any collective bargaining wage rate. H-2B employers must pay workers the highest of the applicable minimum wages and the prevailing wage rate (Bruno 2017).

6. This work guarantee was extended from the H-2A program to the H-2B program by regulations issued in 2012 (GAO 2015).

7. Limited exceptions to the cap include fish roe workers and workers in the Commonwealth of the Northern Mariana Islands and Guam. Since FY 2006, the cap has been split into thirty-three thousand visas available to workers who begin in the first half of the fiscal year and another thirty-three thousand for workers who begin in the second half. Any unused visas from the first half are made available in the second half, but they do not carry over across fiscal years.

8. Specifically, Congress exempted returning H-2B workers who had been counted against the cap in any one of the three prior fiscal years from the cap for FY 2005 through FY 2007 and again for FY 2016. For FY 2005 through 2007, those additional visas were called H-2R visas. For FY 2005 only, Congress also provided for an additional thirty-five thousand H-2B visas beyond the cap of sixty-six thousand. For FY 2017 through 2020, Congress authorized DHS to make additional H-2B visas available if the department determined after consulting with the DOL that not enough qualified U.S. workers were available to meet businesses' needs. The number of additional visas could not exceed the maximum number of H-2R visas issued, which was almost sixty-five thousand in FY 2007. DHS decided to issue an additional fifteen thousand visas in FY 2017 and 2018 under this provision and to limit them to businesses that attested they would suffer irreparable harm if they could not hire workers under the H-2B program. In FY 2019, DHS decided to issue up to an additional thirty thousand visas, available only to workers who had previously had an H-2B visa.

9. If DHS determines that it received more petitions than the number of H-2B visas available while it was still accepting petitions, it holds a lottery. This occurred for both halves of FY 2018 and 2019.

Figure 1. H-2A, H-2B, and J-1 Visas Issued
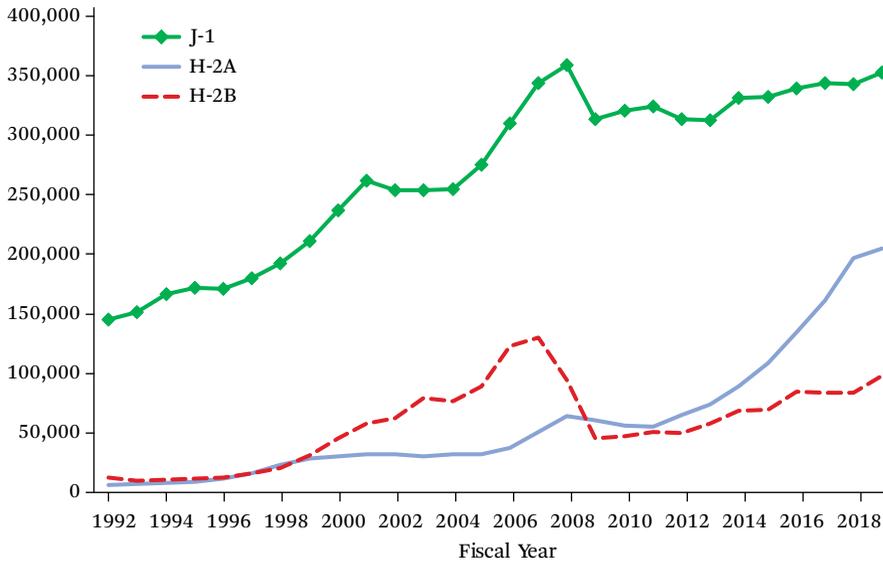
Source: U.S. Department of State 2020.
Note: H-2B visas includes H-2R visas between FY 2005 and 2007.

J-1 Program Structure and Rules

The design of the J-1 program differs from the H-2 programs in several key ways. J-1 visa holders must have a sponsor. Sponsors are U.S. government agencies, academic institutions, or private-sector entities approved by the State Department. Sponsors screen and select participants and issue participants a Form DS-2019 that allows them to apply to the State Department for a J-1 visa. Sponsors match participants with an employer and monitor them while they are in the United States. Sponsors are allowed to charge participants a fee. The J-1 program does not require that employers go through labor certification with the DOL or receive approval from DHS. J-1 visas are valid for a period ranging from several months (for the less-skilled categories) to several years (for the higher-skilled categories).

The total number of J-1 visas is uncapped, but the State Department imposed an annual cap on the SWT category of 109,000 visas in 2011. The cap was in response to concerns that inadequate oversight by the State Department allowed employers to exploit SWT program par-ticipants. The State Department also introduced several provisions aimed at protecting U.S. and J-1 workers, including that employers may not displace U.S. workers with J-1 workers, that they must pay prevailing local wages, and that they may not hire J-1 workers if they have recently laid off U.S. workers (National Immigration Forum 2018).

Trends in Program Use

Figure 1 shows the number of H-2A, H-2B, and J-1 visas issued from FY 1992 to 2019.[10] The J-1 program is by far the largest of the three programs. In the early years after the H-2 program was split into separate H-2A and H-2B programs, only a small number of H-2A and H-2B visas were issued. From FY 1999 to 2006, growth in the H-2B and J-1 programs outpaced the H-2A program. The impact of the recession is evident in the late 2000s, particularly in the H-2B data series (however, because the end of the returning worker exemption after FY 2007 coincided with the recession, the drop probably should not be fully attributed to economic conditions). Since FY 2009, issuances of H-2A

10. The number of H-2B visas issued exceeded the program cap of sixty-six thousand in several of the years shown in figure 1. Some of these—FY 2007 to 2009 and FY 2016 to 2019—are years when additional visas

Figure 2. H-2A and H-2B Workers Certified
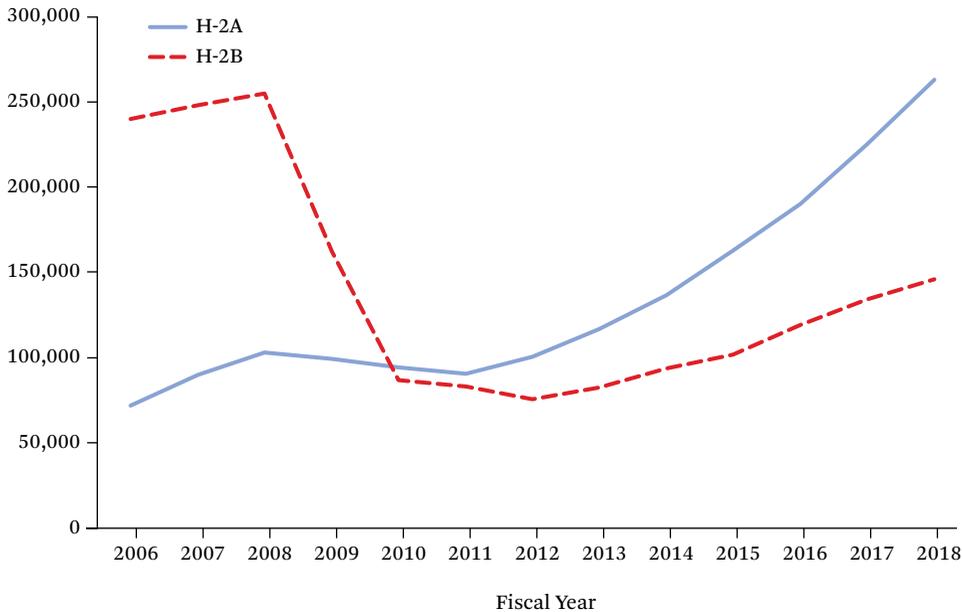
Source: Authors' calculations from labor certification applications data available at http://www .flcdatacenter.com/ (accessed June 1, 2020).

visas have exceeded those of H-2B visas. Issuances of H-2A and H-2B visas have risen at a brisk clip since the early 2010s. Growth in the J-1 program has been more muted since then, perhaps because of the cap imposed on the SWT category in 2011.[11] Nonetheless, the figure indicates rising employer demand for all three programs.

The caps on H-2B visas and the SWT program make it difficult to use visa issuances to measure employer demand for the programs. Another way to measure employer demand, at least for the H-2A and H-2B programs, is the number of workers that employers request and then are certified to hire via LCAs. Figure 2 shows the number of workers certified by the DOL for FY 2006 through 2018 for worksites in the fifty states and, for H-2B visas, in Washington, D.C.[12] The trends in the number of workers certified for the H-2A and H-2B programs are

were made available by Congress or DHS. But the number of visas issued exceeded the cap in some other years as well. This does not necessarily mean that the final number of H-2B workers in the United States exceeded the cap since not all visas issued are ultimately used to enter the United States and work. DHS takes this incomplete take-up, as well as the fact that not all approved petitions result in a visa being issued, into account when approving petitions and approves more petitions than the cap (for a discussion of the complexities of administering the H-2B cap, see U.S. Citizenship and Immigration Services 2016). In some years, the H-2B cap was exceeded because usage ended up being higher than DHS anticipated when it approved petitions. In other years, the department realized visa issuances were lower than it had anticipated when it stopped accepting petitions and reopened its application process. This happened in FY 2009 and FY 2015 (see table 1 note).

11. We would prefer to focus on less-skilled J-1 categories (au pairs, camp counselors, students, interns, and SWT), but State Department (2019) data for individual categories are available only beginning in FY 2016.

12. The number of workers requested is a better gauge of demand than the number certified, but the former is not available for both programs in FY 2008 through 2010 or FY 2013 through 2014 as well as for the H-2B program in FY 2006. For years when the number of workers requested and the number certified are both avail-

Table 1. DHS Cutoff Date for Accepting H-2B Petitions

FY	First Half of FY	Second Half of FY
2006	December 15, 2005	April 4, 2006
2007	November 28, 2006	March 16, 2007
2008	September 27, 2007	January 2, 2008
2009	July 29, 2008	January 7, 2009
2010	—	—
2011	—	—
2012	—	—
2013	—	—
2014	March 14, 2014	—
2015	January 26, 2015	March 26, 2015
2016	March 15, 2016	May 12, 2016
2017	January 10, 2017	March 13, 2017
2018	December 15, 2017	February 27, 2018
2019	December 6, 2018	February 19, 2019
2020	November 15, 2019	February 18, 2020

Source: U.S. Citizenship and Immigration Services 2016.
Note: If no date is indicated, the cap was not reached. Applications were reopened for the second half of FY 2009 from August 6, 2009, through the end of the fiscal year, and for second half of FY 2015 from June 5, 2015, through June 11, 2015.

similar to those in visa issuances during the same period. Employer demand for the H-2A program has soared since FY 2011; employer demand for the H-2B program fell dramatically during the recession but has risen steadily since FY 2012.

The H-2B cap makes labor certification applications also an imperfect measure of employer demand because employers stop submitting applications once the cap has been reached. We therefore examine one more measure of employer demand for the program: how long it takes to reach the cap. DHS stops accepting H-2B petitions when it believes the cap has been reached and announces that date on its website. Table 1 reports the last date H-2B applications were accepted for each period since FY 2006.[13] Given that the fiscal year starts in October, the earlier the first (second) half cap is reached before the end of March

(September), the longer employers have to wait until a new batch of H-2B visas is available. As the table indicates, the cap was not binding in the first few years after the recession but has been reached in both halves of the fiscal year since FY 2015. Further, the cutoff date has been moving forward over the last four years, indicating rising employer demand for the H-2B program. Indeed, for the second half of FY 2018, DHS stopped accepting applications just five business days into the application period and held a lottery among those applications. In essence, all of the H-2B visas available during the next six months were claimed in just the first week.

Other measures of employer demand for the programs include the number of foreign workers with H-2A, H-2B, and J-1 visas working in the United States during a fiscal year and the number of jobs those workers fill.[14] Unfortunately,

able, the correlation between the state-level count of workers requested and workers certified is 0.998 for the H-2A program and 0.982 for the H-2B program.

13. The cap was first split in half across the fiscal year in FY 2006.

14. The number of H-2A and H-2B visa holders does not perfectly correspond to the number of jobs filled by those workers because some workers fill more than one job. This is particularly common for agricultural workers

these numbers are not available; they are also not necessarily the same as the number of visas issued or, for H-2A and H-2B visas, the number of workers certified.[15] However, the trends in visa issuances and workers certified shown in figures 1 and 2 should reflect the trend in the actual number of temporary foreign workers and are the best available measures of the number of H-2A, H-2B, and J-1 workers.

Although the programs have grown considerably over time, they account for a fairly small share of workers. Philip Martin (2017) estimates that 7 percent of full-time-equivalent crop workers are on H-2A visas; and Skyler Simnitt and coauthors (2018) estimate that 22 percent of farm work positions are filled by H-2A workers. Because the H-2B and J-1 programs encompass a large number of sectors, it is not clear how best to measure their shares of workers. Given that the U.S. labor force included more than ten million adults (age twenty-five and older) who did not have a high school diploma and more than twenty million young adults ages sixteen to twenty-four in 2018, either program is a truly tiny share of the less-skilled labor market (see BLS 2019a, 2019b). In some sectors and locations, however, the H-2B program accounts for a substantial share of workers. Reports note, for example, that ski resorts and seafood processors in some regions depend heavily on H-2B workers (see, for example, Zavodny and Jacoby 2010; Benedict, Mishra, and Gillespie 2013).

Profile of Typical Jobs and Workers

Workers with H-2A and H-2B visas typically fill jobs that require little formal education or spe-cific skills. More than 99 percent of H-2A LCAs in FY 2018 indicated that the job required no education, and one-quarter of 1 percent that the job required a high school diploma or GED (U.S. Department of Labor, Office of Foreign Labor Certification 2020). The figures for H-2B LCAs are similar: more than 94 percent that fiscal year indicated that the job required no education, and slightly less than 5 percent that the job required a high school diploma or GED. The top jobs for workers with H-2A visas are farmworkers and laborers. The top jobs for workers with H-2B visas in recent years include landscaping and groundskeeping, forestry workers, housekeeping, and amusement and recreation attendants. Less information is available about the jobs that J-1 visa holders fill, in part because their employers do not have to file an LCA. An analysis of J-1 SWT data for 2015 obtained via a Freedom of Information Act request indicates that more than half of workers were in the leisure and hospitality sector (ILRWG 2019).

Consistent with few skill requirements, jobs filled by workers with H-2A and H-2B visas usually pay relatively low wages. The average hourly wage listed on H-2A labor certification applications was slightly below $12 in FY 2018, and the average hourly wage on H-2B applications was $13.60.[16] Information about J-1 wages is not available.

Workers with H-2A and H-2B visas are over-whelmingly male and relatively young. From FY 2009 through 2013, fully 96 percent of workers on H-2A visas were male, as were between 85 percent and 88 percent of workers on H-2B visas (GAO 2015). Three-fourths of workers were age forty or younger (GAO 2015). Most J-1 visa hold-

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in areas where cooperatives coordinate the movement of H-2A workers across farms, as in North Carolina. Each individual employer files an LCA and appears in the DOL data we use, but a worker does not receive a separate visa for each job.

15. The number of visas issued likely overcounts the number of actual foreign workers since not all visas issued were ultimately used. However, some visas are valid for longer than twelve months or are extended beyond twelve months. The number of visas issued in a given fiscal year could therefore, in theory, undercount the number of foreign workers and the number of jobs they filled during that fiscal year. The number of H-2A and H-2B workers certified by the DOL overcounts the actual number of foreign workers and the number of jobs they fill because, among other reasons, DHS does not approve all petitions, some employers decide not to proceed after receiving certification, and the H-2B cap may have been reached.

16. Total compensation significantly exceeds the wage once the value of housing, transportation, and other benefits are included, particularly in the case of H-2A workers.

ers are young because many of the categories are limited to students. According to the State Department (2019), 86 percent are age thirty or younger, and slightly more than half are female.

Participation in the H-2A and H-2B programs is limited to nationals of countries designated annually by DHS. Countries are excluded from participating in one or both programs if the U.S. government is concerned about program fraud, abuse, denial rates, overstay rates, or human trafficking, among other concerns. Most workers with H-2A and H-2B visas are from Mexico—92 percent of H-2A visas and 74 percent of H-2B visas issued in FY 2018 were to Mexicans. J-1 visa recipients are considerably more geographically diverse. Britain, Germany, Brazil, France, and Spain were the top countries of recipients in FY 2018, and each accounted for less than 10 percent of J-1 visas (U.S. Department of State 2020).

Little information is available about the employers of H-2A, H-2B, and J-1 workers. The DOL data we use gives H-2A and H-2B employers' names and addresses and a few details about the job for which the employers requested temporary workers (such as the wage and occupation). The data do not indicate total employment by a given employer, why the employer wanted to hire foreign workers (besides information on the nature of the temporary need, such as seasonal, intermittent, peak load, or one-time occurrence), or how the employer attempted to hire other workers.

EMPLOYER DEMAND

We examine employer demand for H-2A, H-2B, and J-1 workers at the national and state level using available data on visa issuances and, for H-2 visas, labor certification applications along with data on economic conditions, the number of potentially substitutable workers, and measures of immigration enforcement. We first explain the regression models and the data used to estimate those models and then turn to the results.

Data and Empirical Model

The two salient measures of employer demand at the national level are the number of H-2A, H-2B, and J-1 visas issued and the number of H-2A and H-2B workers certified by the DOL. At the state level, we are able to examine only the number of H-2A and H-2B workers certified by the DOL because the visa issuance data do not include foreign workers' destination state.[17] As discussed, both measures are imperfect proxies for underlying employer demand to hire temporary foreign workers through the programs.

We expect employer demand to depend on economic conditions, the availability of substitutable workers, and how strictly immigration laws are enforced. Our basic regression model at the national level is

$$\text{H-2A, H-2B, or J-1 workers}_t = \alpha + \beta \text{Economic conditions}_{t-1} + \gamma \text{Substitutable workers}_{t-1} + \delta \text{Enforcement}_{t-1} + \text{Trend}_t + \varepsilon_t, \quad (1)$$

and our basic regression model at the state level is

$$\text{H-2A or H-2B workers}_{st} = \alpha + \delta \text{Economic conditions}_{st-1} + \gamma \text{Substitutable workers}_{st-1} + \delta \text{Enforcement}_{st-1} + \text{State}_s + \text{Time}_t + \text{Trend}_{st} + \varepsilon_{st}, \quad (2)$$

where t indexes years in both equations and s indexes states in the second equation. For ease in interpreting the regression results, we measure the dependent variable as the natural log of the number of visas issued or workers certified.

We use two measures of economic conditions: the unemployment rate and real gross domestic product (GDP). We expect employer demand to be negatively related to the unemployment rate because a higher unemployment rate means greater availability of other workers and therefore less need for employers to turn to the visa programs. A higher unemployment rate also typically means less product and services demand and hence less labor demand.[18] We ex-

17. Only three years of J-1 state-level data are available from the State Department, making the panel too short to analyze.

18. This may be particularly true when looking at demand for H-2B workers at the state level because those workers tend to be in nontradables sectors, such as landscaping and entertainment and recreation. To the extent

pect employer demand to be positively related to real GDP because employers typically demand more workers when output and income are higher; this demand may extend to temporary foreign workers. Higher real GDP also may mean that fewer other workers are available. The regressions use the natural log of real GDP for ease of interpretation. These variables (and the other right-hand-side variables) are measured on a calendar-year basis and are lagged to reduce potential endogeneity.[19]

We focus on two measures of substitutable workers: the number of less-educated U.S. natives in the labor force and the number of less-educated immigrants from Mexico and Central America in the labor force who are not naturalized U.S. citizens. We expect the number of temporary foreign workers requested to be negatively related to both measures given that greater availability of other workers likely means that fewer employers turn to the visa programs. Less-educated U.S. natives are defined here as those who have not completed high school; less-educated immigrants are defined as those who have at most completed high school. Both measures include workers ages sixteen and older; although many younger U.S. natives will eventually complete high school, they may be quite substitutable for temporary foreign workers while still in high school.

The number of less-educated non-naturalized workers from Mexico and Central America is a proxy for the number of unauthorized workers because the majority of unauthorized workers have at most a high school education and are from that region. Several other studies use a similar measure to proxy for unauthorized immigrants (Amuedo-Dorantes and Bansak 2014; Bohn, Lofstrom, and Raphael 2014; Orrenius and Zavodny 2017). We use the estimated number of unauthorized immigrants

in some specifications as a robustness check (for data sources and further details, see the appendix). We use the natural log of these demographic variables in the regressions.

Our primary measure of immigration enforcement is the presence of laws requiring all or almost all employers to use E-Verify. E-Verify is a database run by DHS that enables employers to check the employment eligibility of workers they hire. We focus on universal E-Verify requirements because previous research indicates that their enactment reduces the number of likely unauthorized immigrants in a state (Bohn, Lofstrom, and Raphael 2014; Orrenius and Zavodny 2017) and because, unlike some other immigration enforcement initiatives, their direct target is employers rather than unauthorized immigrants. If a state requires employers to use E-Verify, some employers may shift from hiring unauthorized immigrants to using the visa programs to hire legal foreign workers. We therefore expect to find a positive relationship between the E-Verify variable and our measures of employer demand for temporary foreign workers.

During the period we examine, eight states—Alabama, Arizona, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Utah—began requiring all or almost all employers to use E-Verify; we refer to those laws as universal E-Verify laws here.[20] Currently no federal requirement is in place that employers use E-Verify except for federal agencies and certain federal government contractors. In the national-level regressions, we measure E-Verify requirements as the share of states that had a universal E-Verify law in effect. In the state-level regressions, we include a variable indicating whether that state had a universal E-Verify law in effect. In some specifications of our national-level regressions, we also examine whether

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that H-2A workers work on crops that are sold nationally or internationally, state-level economic conditions may not have much effect on product demand.

19. The lag is effectively three-quarters of a year given that the fiscal year begins in October.

20. North Carolina's law exempts agricultural employers from using the system for short-term workers; the other laws apply to agricultural and non-agricultural employers alike. Several other states require some or all government agencies and/or government contractors to use E-Verify. We do not examine those laws here because few temporary foreign workers are employed by government agencies or government contractors. We do not classify states that allow an alternative to E-Verify as universal E-Verify states.

Table 2. Descriptive Statistics

	Nation		States
	1995–2018	2006–2018	2006–2018
Number of H-2A visas issued	59,439	88,698	—
	(47,960)	(48,149)	
Number of H-2B visas issued	61,977	75,913	—
	(31,639)	(27,537)	
Number of J-1 visas issued	281,240	329,828	—
	(60,951)	(15,497)	
Number of H-2A requests certified	—	134,025	2,681
		(58,996)	(4,862)
Number of H-2B requests certified	—	140,478	2,754
		(66,492)	(4,078)
Unemployment rate	5.9	6.5	6.0
	(1.6)	(1.9)	(2.1)
Real GDP (billions)	14,466	16,217	316
	(2,264)	(1,004)	(391)
Number of less-educated U.S.-born workers (thousands)	11,605	9,825	281
	(2,277)	(1,354)	(265)
Number of less-educated, non-naturalized Latin American workers (thousands)	6,726	7,861	118
	(1,465)	(206)	(306)
Universal E-Verify requirement	0.04	0.08	0.08
	(0.06)	(0.06)	(0.26)
Number of observations	24	13	663

Source: Authors' calculations.

Note: Standard deviations in parentheses. The first two columns show national averages, and the third column shows averages across the fifty states and Washington, D.C. The H-2A, H-2B, and J-1 data are for fiscal years, and Washington, D.C., is not included in the H-2A data (and only 650 state-level observations are available). All other variables are for calendar years and are lagged one year from the period indicated. At the national level, universal E-Verify requirement is the fraction of states with a universal E-Verify requirement in place, weighted by the fraction of the year the requirement was in effect.

other measures of immigration enforcement, such as Border Patrol staffing along the U.S.-Mexico border and apprehensions of unauthorized immigrants by the Border Patrol, affect employer demand; because those measures show no state-level variation, we cannot include them in state-level regressions.

The national-level regressions include a linear time trend; the state-level include state and year fixed effects and state-specific linear time trends. The time trend variables control for smooth trends in program use. The state fixed effects control for unobservable, time-invariant state-level factors that influence program use, and the year fixed effects control for unobservable time-varying factors that are shared across

states. This includes changes in the national business cycle as well as changes in program rules, such as a temporary increase in the H-2B cap; we cannot control for such factors in the national-level regressions with year fixed effects because only one observation is available per year. The national-level regressions are estimated using the Cochrane-Orcutt transformation to control for AR(1) serial correlation. In the state-level regressions, the standard errors are clustered on the state to control for state-specific correlation over time.

Table 2 presents means and standard deviations for our primary variables of interest. At the national level, we examine the periods from 1995 to 2018 and from 2006 to 2018. At the state

level, we examine the period from 2006 to 2018.[21] The periods we are able to examine are limited by data availability. This results in a very short time series, and we caution that our results, particularly the national-level ones, should be interpreted with this in mind.[22]

Results

At the national level, the demand for less-skilled temporary foreign workers appears to be most strongly tied to economic conditions. As the first column in table 3 shows, the number of H-2A visas issued is negatively related to the unemployment rate during the period between 1995 and 2018. A 1 percentage point increase in the unemployment rate is associated with a 9 percent drop in the number of H-2A visas issued. The third column shows that the number of H-2B visas issued is positively related to real GDP during the same period. The point estimate indicates that a 1 percent increase in real GDP is associated with a 12.6 percent increase in the number of H-2B visas issued, a sizable effect. The number of J-1 visas also is positively related to real GDP (column 5), though the relationship is smaller in magnitude than for H-2B visas. Visa issuances are not statistically significantly related to our measures of the number of other workers available—less-educated U.S. natives and Latin American non-naturalized immigrants—during that period, nor to the share of states with a universal E-Verify requirement. We do not find a statistically significant relationship between the number of visas issued during 2006 to 2018 and any of our variables of interest (columns 2, 4, and 6), though the trend in H-2A visa issuances is strong and positive.

At the national level, the number of H-2A workers certified is negatively related to the unemployment rate during the short period for which data on the number of workers certified is available (2006 to 2018). As column 1 of table 4 shows, a 1 percentage point increase in the unemployment rate is associated with a drop in H-2A certifications of about 11 percent. Surprisingly, the relationship between the number of H-2A workers certified and the number of less-educated, non-naturalized Latin American workers is positive. This could indicate that more low-skilled immigrants enter or stay in the United States when demand for agricultural workers is higher, and therefore employer use of the H-2A program is higher during those years as well. In other words, some unobserved common factor may affect both the demand for H-2A workers in a given year and the number of low-skilled Latin Americans working in the United States the year before. The positive relationship also could reflect the direct influence of the programs on the number of less-educated, non-naturalized Latin American workers, although the programs are small relative to the size of that population.

The number of H-2A and H-2B workers certified is related to underlying economic conditions at the state level as well. As table 5 shows, a 1 percentage point increase in a state's unemployment rate is associated with an 8 percent drop in the number of H-2A workers certified and a 16 percent drop in the number of H-2B workers. The number of H-2A workers certified is positively related to the number of less-educated U.S.-born workers, a surprising result. For H-2B workers, in contrast, the estimated relationship is negative, which is the expected sign. The results therefore indicate that demand for H-2B workers falls within states when greater numbers of substitutable U.S. workers are available, but demand for H-2A workers does not. This may be due to differences in program structure or in the nature of the jobs involved. American workers may be more willing to take nonagricultural jobs than agricultural jobs, making them more substitutable for H-2B workers. The number of H-2A or H-2B workers certified is not related to the

21. Our two main measures of substitute workers first become available in 1994, which limits the initial year we examine to 1995 because we use a one-year lag of those variables. Data on the number of workers certified for the H-2A program are first available for FY 2006.

22. The national time-series regressions for the shorter period (2006–2018) are also a useful benchmark for state-level result comparisons.

Table 3. Demand for Less-Skilled Temporary Foreign Workers: National-Level Regression Results for Visas Issued

	H-2A		H-2B		J-1	
	(1) 1995–2018	(2) 2006–2018	(3) 1995–2018	(4) 2006–2018	(5) 1995–2018	(6) 2006–2018
Unemployment rate	-0.089**	-0.098	0.050	0.017	0.012	-0.004
	(0.035)	(0.050)	(0.070)	(0.291)	(0.014)	(0.040)
Real GDP	-1.816	-2.945	12.550**	14.400	2.821**	1.651
	(2.505)	(4.675)	(5.145)	(26.992)	(1.013)	(3.733)
Number of less-educated U.S.-born workers	1.141	0.671	4.107	1.512	-0.120	-0.244
	(1.373)	(0.999)	(2.929)	(5.802)	(0.591)	(0.789)
Number of less-educated, nonnaturalized Latin American workers	-0.285	1.938	-0.106	-6.031	-0.106	0.564
	(0.747)	(1.166)	(1.601)	(7.068)	(0.323)	(0.794)
Share of states with universal E-Verify requirement	-0.918	-0.772	3.267	0.299	-0.793	-0.152
	(1.964)	(1.547)	(4.151)	(8.877)	(0.831)	(1.258)
Trend	0.195**	0.187**	-0.126	-0.167	-0.027	-0.029
	(0.068)	(0.071)	(0.143)	(0.409)	(0.029)	(0.056)
Constant	18.094	13.602	-145.498***	-85.294	-12.118	-4.525
	(22.011)	(51.254)	(43.173)	(293.506)	(8.230)	(41.782)

Source: Authors' calculations.

Note: Standard errors in parentheses. Shown are estimated coefficients from AR(1) regressions of the number of H-2A, H-2B, or J-1 visas issued for the period indicated (in fiscal years) on the variables indicated. The H-2A, H-2B, and J-1 variables, real GDP, and number of less-educated U.S.-born workers and less-educated, nonnaturalized Latin American workers are measured as natural logs.

$*p < .1; **p < .05; ***p < .01$

Table 4. Demand for Less-Skilled Temporary Foreign Workers: National-Level Regression Results for Workers Certified, 2006–2018

	H-2A (1)	H-2B (2)
Unemployment rate	−0.111**	−0.103
	(0.034)	(0.082)
Real GDP	−5.419	7.096
	(3.127)	(7.612)
Number of less-educated U.S.-born workers	1.020	1.949
	(0.669)	(1.609)
Number of less-educated, nonnaturalized Latin American workers	1.838*	1.087
	(0.786)	(1.660)
Share of states with universal E-Verify requirement	0.106	0.095
	(1.034)	(2.559)
Trend	0.200***	−0.102
	(0.047)	(0.115)
Constant	35.519	−82.175
	(34.235)	(84.980)

Source: Authors' calculations.
Note: Standard errors in parentheses. Shown are estimated coefficients from AR(1) regressions of the number of H-2A or H-2B visa requests certified on the variables indicated. The H-2A and H-2B variables, real GDP, and number of less-educated U.S.-born workers and less-educated, nonnaturalized Latin American workers are measured as natural logs.
*p < .1; **p < .05; ***p < .01

Table 5. Demand for Less-Skilled Temporary Foreign Workers: State-Level Regression Results for Workers Certified, 2006–2018

	H-2A (1)	H-2B (2)
Unemployment rate	−0.084***	−0.163***
	(0.014)	(0.032)
Real GDP	1.023	1.457
	(0.729)	(1.350)
Number of less-educated U.S.-born workers	0.384***	−0.505***
	(0.129)	(0.185)
Number of less-educated, nonnaturalized Latin American workers	−0.013	−0.042
	(0.016)	(0.033)
Universal E-Verify requirement	−0.123	−0.933
	(0.101)	(0.624)

Source: Authors' calculations.
Note: Standard errors in parentheses, clustered on the state. Shown are estimated coefficients from OLS regressions of the number of H-2A or H-2B requests certified on the variables indicated. The H-2A and H-2B variables, real GDP, and number of less-educated U.S.-born workers and less-educated, nonnaturalized Latin American workers are measured as natural logs. Regressions include state and year fixed effects and state-specific linear time trends.
*p < .1; **p < .05; ***p < .01

Table 6. Demand for Less-Skilled Foreign Workers and Number of Unauthorized Immigrants

	H-2A		H-2B		J-1
	(1) National Issued 1995–2018	(2) State Certified 2006–2018	(3) National Issued 1995–2018	(4) State Certified 2006–2018	(5) National Issued 1995–2018
Unemployment rate	−0.108**	−0.084***	0.009	−0.164***	0.019
	(0.041)	(0.014)	(0.090)	(0.032)	(0.018)
Real GDP	−3.257	1.062	8.121	1.392	3.699**
	(3.478)	(0.734)	(8.054)	(1.277)	(1.671)
Number of less-educated U.S.-born workers	0.919	0.357**	4.484	−0.521***	−0.235
	(1.333)	(0.133)	(2.949)	(0.184)	(0.601)
Number of unauthorized immigrants	0.109	0.199	1.148	−0.190	−0.300
	(0.977)	(0.132)	(2.070)	(0.437)	(0.407)
Universal E-Verify requirement	−0.892	−0.111	3.927	−0.940	−0.859
	(1.970)	(0.102)	(4.086)	(0.619)	(0.774)

Source: Authors' calculations.

Note: Standard errors in parentheses, clustered on the state for the state-level regressions. Shown are estimated coefficients from regressions of the number of H-2A, H-2B, or J-1 visas issued or requests certified for the period indicated (in fiscal years) on the variables indicated. The national-level AR(1) regressions include a trend; the state-level OLS regressions include state and year fixed effects and state-specific trends. The H-2A, H-2B, and J-1 variables, real GDP, and number of less-educated U.S. natives and unauthorized immigrants are measured as natural logs.

*$p < .1$; **$p < .05$; ***$p < .01$

presence of a universal E-Verify requirement at the state level.[23]

The results are generally similar to those reported in other studies that included similar variables. Diane Charlton, Marcelo Castillo, and Tom Hertz (2018) find a negative relationship between employer demand for H-2A workers and the state unemployment rate; Madeline Zavodny and Tamar Jacoby (2010) find one between employer demand for H-2B workers and the state unemployment rate. However, Simnitt and coauthors (2018) find a positive relationship between employer demand for H-2A workers and the county unemployment rate. Both Charlton, Castillo, and Hertz (2018) and Simnitt and coauthors (2018) fail to find a significant relationship between employer demand for H-2A workers and state E-Verify laws.

Robustness

The main results do not indicate a clear relationship between employer demand for temporary foreign workers and either our proxy for the number of unauthorized workers or our measure of immigration enforcement. We therefore investigate whether similar null results occur when using other measures of the number of unauthorized immigrants and immigration enforcement.

We first turn to estimates from the Pew Research Center of the number of unauthorized immigrants in the United States. Pew estimates the number of unauthorized immigrants using the *residual method*, which essentially involves estimating the total number of immigrants from a population survey, such as the Current Population Survey or the American Community

23. In results not shown here, classifying North Carolina—which exempts short-term agricultural jobs from E-Verify—as not having an E-Verify requirement does not affect the estimated coefficient on that variable in the specification for H-2A workers.

Survey, and then subtracting an estimate of the number of legal immigrants based on administrative data and migrant characteristics. Using the Pew estimates, we again do not find evidence that employer demand for temporary foreign workers is higher when fewer unauthorized workers are available. As table 6 shows, none of the estimated relationships between our measures of employer demand and Pew's estimates of the unauthorized immigrant population is statistically significant at the national or state level; the pattern of the other coefficients is similar to our earlier results.[24] These null results are surprising given that use of the visa programs has been rising as the number of unauthorized immigrants in the United States has been stagnant or falling. More accurate measures of the number of unauthorized workers might show the expected negative relationship in all specifications. However, overlap between employers who are willing to use the visa programs and those who are willing to hire unauthorized workers may be minimal.

To further investigate whether employers turn to legal temporary foreign workers when fewer unauthorized immigrants are available, we examine the effect of other measures of immigration enforcement other than E-Verify laws. Again, we expect to find that tougher immigration enforcement is associated with higher demand for foreign temporary workers because tougher immigration enforcement should reduce the number of unauthorized workers available. At the national level, we examine two measures of immigration enforcement along the Southwest border: the number of people apprehended along the border by Border Patrol agents, and the number of Border Patrol agents stationed along the border. Higher levels of apprehensions may signal tougher enforcement and hence fewer unauthorized workers available; however, higher levels may also indicate larger inflows of unauthorized immigrants (Hanson 2006), reducing

the need for employers to turn to the visa programs. The number of Border Patrol agents is likewise a mixed indicator of unauthorized immigrant inflows. Having more agents makes it harder for unauthorized immigrants to enter the country but may also be a response to increased inflows of unauthorized immigrants (Hanson and Spilimbergo 1999).

The results are mixed, as table 7 shows.[25] The number of H-2A visas issued or workers certified is not significantly related to the number of people apprehended by the Border Patrol along the Southwest border (columns 1 through 3). The number of H-2B visas issued is also not significantly related to apprehensions (columns 4 and 5), but the number of H-2B workers certified is positively related to apprehensions (column 6). The number of J-1 visas issued is also positively related to apprehensions (column 8). The number of Border Patrol agents along the Southwest border is positively related to the number of H-2A visas issued (column 1), but negatively related to the number of H-2B visas issued (columns 4 and 5). These results fail to provide clear evidence on how immigration enforcement affects employer demand for legal temporary foreign workers.

At the state level, we examine five additional measures of immigration enforcement. First, we include a variable for whether a state agency has signed a 287(g) agreement with the federal government. Such an agreement allows that state agency's law enforcement officers to enforce federal immigration laws. Second, we look at whether a statewide law enforcement agency has implemented Secure Communities, a program that identifies jailed immigrants who are deportable and notifies Immigration and Customs Enforcement (ICE). Third, we consider the effect of the annual, statewide number of ICE detainers, which are frequently issued as part of the deportation process. The fourth enforcement variable is the number of immigrants removed from a state under the Se-

24. For brevity, table 6 reports only national-level results for visas issued from FY 1995 through 2018 and state-level results for requests certified from FY 2006 through 2018. National-level results for visas issued and requests certified from FY 2006 through 2018 are similar to those for FY 1995 through 2018.

25. We report only the estimated coefficients for the enforcement variables, but the regressions also include real GDP, the unemployment rate, the number of less-skilled U.S. natives, and the number of less-skilled Latin American immigrants plus the linear trend.

Table 7. Demand for Less-Skilled Foreign Workers and Intensity of National Immigration Enforcement: National-Level Regression Results

	H-2A			H-2B			J-1	
	(1) Issued 1995–2018	(2) Issued 2006–2018	(3) Certified 2006–2018	(4) Issued 1995–2018	(5) Issued 2006–2018	(6) Certified 2006–2018	(7) Issued 1995–2018	(8) Issued 2006–2018
A. Border Patrol apprehensions	-0.119	-0.106	0.020	0.121	1.192	0.444**	0.097	0.195*
	(0.158)	(0.145)	(0.096)	(0.328)	(0.726)	(0.155)	(0.067)	(0.080)
B. Border Patrol agents	1.122***	0.289	-0.017	-1.411**	-3.150**	-0.558	0.093	-0.281
	(0.169)	(0.238)	(0.208)	(0.605)	(0.954)	(0.355)	(0.130)	(0.161)

Source: Authors' calculations.

Note: Standard errors in parentheses. Shown are estimated coefficients from AR(1) regressions of the number of H-2A, H-2B, or J-1 visas issued or requests certified for the period indicated (in fiscal years) on the natural log of the variable indicated. The regressions also include real GDP, the unemployment rate, the number of less-educated U.S.-born workers and less-educated, nonnaturalized Latin American workers, and a trend.

*p < .1; **p < .05; ***p < .01

Table 8. Demand for Less-Skilled Temporary Foreign Workers and Intensity of State Immigration Enforcement: State-Level Regression Results

	H-2A (1)	H-2B (2)
A. 287(g) agreement	−0.104	−0.310*
	(0.233)	(0.154)
B. Secure Communities	−0.226***	−0.170
	(0.065)	(0.174)
C. ICE detainers	0.032	0.073
	(0.021)	(0.067)
D. Secure Communities removals	−0.030***	−0.019
	(0.011)	(0.023)
E. Share of employers enrolled in E-Verify	−0.022**	−0.029*
	(0.009)	(0.016)

Source: Authors' calculations.

Note: Standard errors in parentheses, clustered on the state. Shown are estimated coefficients from OLS regressions of the number of H-2A or H-2B requests certified on the variable indicated. ICE detainers and Secure Communities removals are measured in natural logs. The regressions also include real GDP, the unemployment rate, and the number of less-educated U.S.-born workers and less-educated, nonnaturalized Latin American workers, plus state and year fixed effects and state-specific linear time trends.

*p < .1; **p < .05; ***p < .01

cure Communities program. Last, we consider the impact of the share of state employers enrolled in the E-Verify program.[26] Studies suggest that implementing 287(g) or Secure Communities tends to reduce the number of unauthorized immigrants living in an area, although the effect may be modest (Parrado 2012; Leerkes, Leach, and Bachmeier 2012; Leerkes, Bachmeier, and Leach 2013). High numbers of detainers and removals may signal greater availability of unauthorized workers in an area but may also lead to reductions in the number of unauthorized workers available if unauthorized immigrants leave areas with more detainers and removals. A greater share of employers participating in E-Verify is likely to reduce the number of unauthorized workers in an area. As before, we expect to find positive coefficients if tougher immigration enforcement increases employer demand for legal temporary foreign workers. The regression models continue to in-

clude the variables measuring economic and demographic conditions, including our proxy for the number of unauthorized workers (the number of less-educated, non-naturalized Latin American workers).

The results, shown in table 8, do not indicate that tougher enforcement increases demand for the H-2 programs. If anything, the results suggest that tougher enforcement reduces demand for H-2 workers within a state. Alternatively, some omitted factor may cause a state to adopt tougher enforcement and employers to demand fewer H-2 workers. The number of H-2A workers certified is not affected by the presence of a state-level 287(g) agreement, and the number of H-2B workers is significantly lower. The number of H-2A workers certified is lower after a state has joined Secure Communities; the number of H-2B workers is unaffected. The number of H-2A or H-2B workers certified is not affected by the number of ICE detainers

26. We estimate a separate regression with each measure. The regressions also include real GDP, the unemployment rate, the number of less-skilled U.S. natives, and the number of less-skilled Latin American immigrants plus the fixed effects and linear trends. The 287(g) and Secure Communities variables are dummy variables, the detainers and removals variables are measured in natural logs, and the share of employers enrolled in E-Verify is a rate.

issued in a state. The number of immigrants removed in a state under the Secure Communities program is negatively related to the number of H-2A workers certified, and unrelated to the number of H-2B workers certified. The share of employers signed up for E-Verify within a state is negatively related to the number of H-2A and H-2B workers certified. These results thus provide no evidence that employers turn to the H-2A and H-2B programs when immigration enforcement becomes tougher within a state.

POLICY IMPLICATIONS

These results indicate that employer use of the H-2A, H-2B, and J-1 programs increases when labor markets are tighter and economic output is higher. State-level results suggest that employer use of the H-2B program is higher when fewer substitutable U.S.-born workers are available. Somewhat surprisingly, employer use of the programs is not consistently related to the number of less-educated Latin American immigrants in the labor force, or to various measures of immigration enforcement, including requirements that employers use E-Verify. The failure to find that employer demand for the programs increases as the estimated number of unauthorized immigrants falls is particularly surprising given that program use has increased in recent years as the size of the unauthorized immigrant population has failed to keep pace with economic growth. The lack of a strong inverse relationship between the number of visas and measures of unauthorized immigrants may mean that many employers do not see the programs as an alternative to hiring unauthorized immigrants, or perhaps employers who use the programs are not those who typically hire unauthorized immigrants. Employers may turn to labor-saving technology or to U.S. workers instead of legal temporary foreign workers when fewer unauthorized workers are available. Alternatively, it may take time for employers to learn about the programs and how to use them. A further drop in the number of unauthorized immigrant workers—and the continued aging of less-educated U.S.-born workers—could hasten this process and push more employers to use the programs. That is more likely to happen if the programs are modified along several dimensions.

One of the most important modifications is raising the cap on the number of H-2B visas. The program's cap of sixty-six thousand workers per fiscal year has been in place since 1987, even as the economy has more than doubled in size and employment has grown by 50 percent. Not only has the cap been reached each of the last five fiscal years, but it has been reached earlier each year. Demand for H-2B visas was so heavy for the second half of FY 2019 that the Department of Labor's web portal crashed on New Year's Eve 2018 as employers vied to file their labor certification requests at the stroke of midnight when the portal opened (Clozel and Simon 2019). Small, last-minute, and temporary expansions, such as adding thirty thousand visas in FY 2019, fall far short of employer demand for less-skilled temporary workers. In addition, the uncertainty regarding whether and when more visas will become available makes it difficult for employers to plan. The binding cap on H-2B visas and uncertainty about cap expansions may reduce total hiring, including that of American workers in complementary jobs. As then labor secretary Alexander Acosta noted after the web portal crash, the lengthy rule-making process means that any additional visas do not become available until July, well after most seasonal summer jobs in the tourism and hospitality sector need to be filled.

In addition to being higher, the cap on the number of H-2B visas should vary with underlying economic conditions. It makes sense to issue more visas when the unemployment rate is low and output is growing rapidly than during a recession. However, adding more H-2B visas and shifting the number up and down with the business cycle would clearly not cause all employers who currently hire unauthorized immigrants to instead hire H-2B workers. After all, the number of H-2A visas is uncapped, yet about half of all U.S. farmworkers are unauthorized immigrants. The growth in the H-2A program may have enabled employers to offset the near-zero net inflow of unauthorized immigrants over the last decade, but it has not fully substituted for the stock of unauthorized immigrants already living and working in the United States. Raising the cap on the J-1 SWT program and linking it to the business cycle

may also make sense, but more data and study of the program are warranted first.

Unauthorized immigrant workers are often attractive to employers that need to quickly fill jobs requiring little training and few specific skills because unauthorized immigrants are more likely than U.S. natives or legal immigrants to participate in a spot labor market. Historically, unauthorized immigrants have been easy to hire when workers were needed and easy to fire when they were not. Although this is less true today because unauthorized workers are relatively scarce compared with recent decades, some of these workers still gather at day labor sites where employers can hire them on the spot.

The H-2 temporary foreign worker programs are the polar opposite of spot labor markets. To use the visa programs, employers must anticipate the number of workers needed months in advance, fill out lots of forms, try to recruit U.S. workers, and then find foreign workers and have them apply for visas. Employers must comply with rules regarding pay and working conditions—and living conditions, in the case of H-2A workers—that do not apply to unauthorized immigrants. To be more appealing to employers than hiring unauthorized immigrants, the temporary worker programs need to be easier to use, faster, and more flexible.

Making temporary worker programs easier, faster, and more flexible would likely entail reducing the number of steps in the process and the lead times involved. Simplifying the U.S. worker recruitment requirements seems particularly promising. In 2008, the George W. Bush administration modified the H-2 visa programs to allow employers to attest that they had tried to recruit U.S. workers instead of needing to undergo a recruitment process assisted and supervised by the Department of Labor (Bruno 2017). The Barack Obama administration reinstated the recruitment requirement, increasing the costs and complexity of using the programs. Like many aspects of the H-2 programs, the recruitment process is slow and complicated. This makes it difficult for smaller employers in particular to use the program. Moving back to an attestation process should, of course, be accompanied by incentives to follow the rules, such as random audits and penalties

for noncompliance. Easing the housing requirement for the H-2A program would also make the program more attractive to employers, especially among those who have not participated in it before, but could make attracting reliable workers more difficult.

Another potential change is expanding the programs from temporary, seasonal jobs to year-round jobs. Because they are trying to fill year-round or permanent positions, dairy farms and other livestock operations and plant nurseries typically cannot use the H-2A program, and many employers that hire less-skilled workers cannot use the H-2B and J-1 programs. The H-1B and TN visa programs allow specialty workers, who typically hold relatively high-skilled jobs, to fill year-round, permanent positions, which establishes a precedent for expanding the other visa programs beyond temporary, seasonal jobs.

Any changes to the H-2 and J-1 programs need to address critics' concerns. Workplace health and safety requirements and minimum wage laws should be enforced. To guard against abuse and trafficking, it is important to enforce provisions that recruiters and employers do not charge fees to H-2 foreign workers and that foreign workers can quit and return home if they want to and are paid the wages they earned. The relatively young age of many J-1 workers may make them particularly vulnerable to exploitation. Currently, payroll taxes for Social Security and Medicare are not assessed on H-2 and J-1 workers, effectively making them cheaper than U.S. workers and potentially putting downward pressure on U.S. workers' wages. Another concern is overstays: some visa holders do not leave when their job ends but instead join the unauthorized workforce. A federal requirement that all employers use E-Verify is key to reducing unauthorized overstays. A nationwide E-Verify mandate and accompanying enforcement will likely be needed for temporary foreign worker programs to significantly reduce use of unauthorized immigrant workers.

Finally, researchers need better data about temporary foreign worker programs. Data on the actual number of workers participating in the various visa programs and more information about the jobs those workers fill would help researchers evaluate the programs and

their effects. The political economy of the programs, including employer lobbying for changes to them, is another area for additional research.

CONCLUSION

This study examines employer demand for less-skilled temporary foreign workers via three major visa programs. Our analysis indicates that economic conditions are the main determinant of employer demand for H-2A, H-2B, and J-1 workers. Surprisingly, we find little evidence that the number of potentially substitutable less-skilled workers—particularly unauthorized immigrants—is related to program usage or that tougher immigration enforcement increased employer demand for legal temporary foreign workers. Although the programs have grown substantially in size in recent years, their numbers still remain small relative to the number of less-skilled workers and unauthorized immigrants in the U.S. labor force. Simplifying the programs and raising the cap on the number of H-2B visas would likely make more employers turn to them, particularly if unauthorized immigration continues to fall.

APPENDIX: DATA SOURCES

Number of H-2A, H-2B, and J-1 visas issued: U.S. Department of State, Visa Statistics, "Nonimmigrant Visa Statistics," https://travel.state.gov/content /travel/en/legal/visa-law0/visa-statistics/non immigrant-visa-statistics.html (accessed May 21, 2020). We include H-2R visas with H-2B visas between FY 2005 and FY 2007.

Number of H-2A and H-2B workers certified: U.S. Department of Labor, Foreign Labor Certification, "OFLC Performance Data," https://www.foreign laborcert.doleta.gov/performancedata.cfm (accessed May 21, 2020). Only the fifty states and Washington, D.C., (for the H-2B program) are included when creating national totals.

Unemployment rates: U.S. Bureau of Labor Statistics, "Unemployment," https://www.bls.gov/data /#unemployment (accessed May 21, 2020). Annual averages are based on BLS data.

Real GDP: U.S. Bureau of Economic Analysis, http:// www.bea.gov (accessed May 21, 2020). Annual data are adjusted for inflation using the CPI-U.

Number of less-educated U.S. natives in the labor force: Authors' calculations of number of U.S. natives in the labor force who have not completed high school based on American Community Survey data for 2004 through 2016. IPUMS USA, "U.S. Census Data for Social, Economic, and Health Research," https://usa.ipums.org/usa (accessed May 21, 2020).

Number of unauthorized immigrants: Pew Research Center, "Unauthorized Immigrant Population Trends for States, Birth Countries and Regions," June 12, 2019, http://www.pewhispanic.org/interactives /unauthorized-trends (accessed May 21, 2020). Estimates are available for 2005, 2010, and every year thereafter through 2017. We linearly interpolate values between 2005 and 2010. The data are estimated to the nearest five thousand. For states with fewer than five thousand unauthorized immigrants (Montana, North Dakota, South Dakota, Vermont, West Virginia, and Wyoming in some or all years), we impute a value of 2,500.

E-Verify laws: Indicator variable for the presence of a statewide law requiring all or almost all employers to use E-Verify, based on Orrenius and Zavodny (2017).

Border Patrol apprehensions along Southwest border: U.S. Customs and Border Protection, "United States Border Patrol, Southwest Border Sectors," https://www.cbp.gov/sites/default/files/assets /documents/2020-Jan/U.S.%20Border%20Patrol %20Fiscal%20Year%20Southwest%20Border %20Sector%20Apprehensions%20%28FY%201960 %20-%20FY%202019%29_0.pdf (accessed May 29, 2020).

Border Patrol agents along Southwest border: U.S. Customs and Border Protection, "United States Border Patrol, Border Patrol Agent Nationwide Staffing by Fiscal Year," https://www.cbp.gov/sites/default /files/assets/documents/2019-Mar/Staffing%20 FY1992-FY2018.pdf (accessed May 29, 2020).

287(g) agreements and Secure Communities: Indicator variable that a state has signed a 287(g) agreement with DHS or has implemented Secure Communities. For midyear agreements, the fraction of the calendar year is used for the first year. Sarah Bohn provided 287(g) dates. Secure Communities dates are from U.S. Immigration and Customs Enforcement, "Secure Communities: Monthly Statistics

through February 29, 2012," https://www.ice.gov/doclib/foia/sc-stats/nationwide_interoperability_stats-fy2012-to-date.pdf (accessed May 21, 2020).

ICE detainers and Secure Communities removals: TRAC Immigration, "Latest Data: Immigration and Customs Enforcement Detainers," http://trac.syr.edu/phptools/immigration/detain/ (accessed May 21, 2020) and "Removals Under the Secure Communities Program," http://trac.syr.edu/phptools/immigration/secure/ (accessed May 21, 2020).

Share of employers enrolled in E-Verify: Total number of employers that have signed a memorandum of understanding with DHS to use E-Verify, based on data used by Orrenius, Zavodny, and Greer (forthcoming) and U.S. Department of Homeland Security and USCIS, "E-Verify Usage Statistics," https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-usage-statistics (accessed May 21, 2020), divided by the number of establishments in a state in Quarterly Census of Employment and Wages data, U.S. Bureau of Labor Statistics, "Quarterly Census of Employment and Wages," https://www.bls.gov/cew/ (accessed May 21, 2020). The data are for the fourth quarter except for 2015, when data are for the third quarter.

REFERENCES

Amuedo-Dorantes, Catalina, and Cynthia Bansak. 2014. "Employment Verification Mandates and the Labor Market Outcomes of Likely Unauthorized and Native Workers." *Contemporary Economic Policy* 32(3): 671–80.

Benedict, Linda, Ashok Mishra, and Jeffrey M. Gillespie. 2013. "Economic Impact of H-2B Visa Workers on the Louisiana Seafood Processing Industry." Baton Rouge: Louisiana State University, College of Agriculture. Accessed May 31, 2020. https://www.lsuagcenter.com/portals/communications/publications/agmag/archive/2013/summer/economic-impact-of-h2b-visa-workers-on-the-louisiana-seafood-processing-industry.

Bohn, Sarah, Magnus Lofstrom, and Steven Raphael. 2014. "Did the 2007 Legal Arizona Workers Act Reduce the State's Unauthorized Immigrant Population?" *Review of Economics and Statistics* 96(2): 258–69.

Bruno, Andorra. 2017. "H-2A and H-2B Temporary Worker Visas: Policy and Related Issues." *CRS* Report no. 7–5700. Washington, D.C.: Congressional Research Service.

Charlton, Diane, Marcelo Castillo, and Tom Hertz. 2019. "Explaining the Growth in Agricultural Guest Workers Demand." Paper presented at 2018 Agricultural & Applied Economics Association Annual Meeting, Washington, D.C. (August 5–7, 2018).

Clozel, Lalita, and Ruth Simon. 2019. "Demand Crashes Work-Visa Website." *Wall Street Journal*, January 2.

Costa, Daniel. 2016. "The H-2B Temporary Foreign Worker Program: For Labor Shortages or Cheap, Temporary Labor?" *EPI* Briefing Paper no. 146. Washington, D.C.: Economic Policy Institute.

——. 2020. "Temporary Migrant Workers or Immigrants? The Question for U.S. Labor Migration." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 6(3): 18–44. DOI: 10.7758/RSF.2020.6.3.02.

Hanson, Gordon H. 2006. "Illegal Migration from Mexico to the United States." *Journal of Economic Literature* 44(December): 869–924.

Hanson, Gordon H., and Antonio Spilimbergo. 1999. "Illegal Immigration, Border Enforcement, and Relative Wages: Evidence from Apprehensions at the U.S.-Mexico Border." *American Economic Review* 89(5): 1337–57.

Huettman, Melanie. 2017. "The H-2B Visa Provides Jobs for U.S. and Foreign Workers." August 1. Washington, D.C.: Niskanen Center. Accessed May 31, 2020. https://niskanencenter.org/blog/h-2b-visa-provides-jobs-u-s-foreign-workers.

Honig, Esther. 2018. "As Economy Grows, Colorado Companies Rely Increasingly On Foreign Workers." *KUNC Morning Edition*, November 16. Accessed May 31, 2020. https://www.kunc.org/post/economy-grows-colorado-companies-rely-increasingly-foreign-workers#stream/0.

International Labor Recruitment Working Group (ILRWG). 2019. "Shining a Light on Summer Work." Accessed November 20, 2019. https://www.epi.org/files/uploads/j1-ilrwg-shining-a-light-on-summer-work-r1.pdf.

Leerkes, Arjen, James D. Bachmeier, and Mark A. Leach. 2013. "When the Border Is 'Everywhere': State-level Variation in Migration Control and Changing Settlement Patterns of the Unauthorized Immigrant Population in the United States."

International Migration Review 47(4)(December): 910–43.

Leerkes, Arjen, Mark Leach, and James D. Bachmeier. 2012. "Borders Behind the Border: An Exploration of State-Level Differences in Migration Control and their Effects on US Migration Patterns." *Journal of Ethnic and Migration Studies* 38(1)(January): 111–29.

Martin, Philip. 2017. "The H-2A Farm Guestworker Program Is Expanding Rapidly." *Working Economics Blog*, April 13. Accessed May 5, 2020. https://www.epi.org/blog/h-2a-farm-guest worker-program-expanding-rapidly.

National Immigration Forum. 2018. "Mutual Benefits: The Exchange Visitor Program (J-1 Visa)," August 29. Accessed May 5, 2020. https:// immigrationforum.org/article/mutual-benefits -the-exchange-visitor-program-j-1-visa.

Orrenius, Pia M., and Madeline Zavodny. 2017. "Digital Enforcement: Effects of E-Verify on Unauthorized Immigrant Employment and Population." Dallas: Federal Reserve Bank.

Orrenius, Pia M., Madeline Zavodny, and Sarah Greer. Forthcoming. "Who Signs up for E-Verify? Insights from DHS Enrollment Records." *International Migration Review*.

Parrado, Emilio A. 2012. "Immigration Enforcement Policies, the Economic Recession, and the Size of Local Mexican Immigrant Populations." *Annals of the American Academy of Political and Social Science* 641(May): 16–37.

Simnitt, Skyler, Derek Farnsworth, Gulcan Onel, and Fritz Roka. 2018. "The Diffusion of the H-2A Temporary Agricultural Workers Program: A Spatial Econometric Approach." Paper presented at 2018 Agricultural & Applied Economics Association Annual Meeting. Washington, D.C. (August 5–7, 2018).

U.S. Bureau of Labor Statistics (BLS). 2019a. "Labor Force Statistics from the Current Population Survey: Household Data Annual Averages." Table 3. "Employment status of the civilian noninstitu-tional population by age, sex, and race." Washington: U.S. Department of Labor. Accessed May 31, 2020. https://www.bls.gov/cps/cpsaat03.htm.

——. 2019b. "Labor Force Statistics from the Current Population Survey: Household Data Annual Averages." Table 7. "Employment status of the civilian noninstitutional population by educational attainment." Washington: U.S. Department of Labor. Accessed May 31, 2020. https://www.bls.gov /cps/cpsaat07.htm.

U.S. Citizenship and Immigration Services. 2016. "H-2B Usage and Recommendations." Washington: U.S. Department of Homeland Security. Accessed May 5, 2020. https://www.dhs.gov/sites /default/files/publications/U.S.%20Citizenship %20and%20Immigration%20Services%20-%20 H-2B%20Usage%20and%20Recommendations .pdf.

U.S. Department of Labor, Office of Foreign Labor Certification. 2020. "OFLC Performance Data." Accessed May 21, 2020. https://www.foreign laborcert.doleta.gov/performancedata.cfm.

U.S. Department of State. 2019. "Exchange Visitor Program: Facts and Figures." Accessed May 31, 2020. https://j1visa.state.gov/basics/facts-and -figures.

——. 2020. "Nonimmigrant Vital Statistics." Accessed May 21, 2020. https://travel.state.gov/ content/travel/en/legal/visa-law0/visa -statistics/nonimmigrant-visa-statistics.html.

U.S. Government Accountability Office (GAO). 2015. "H-2A and H-2B Visa Programs: Increased Protections Needed for Foreign Workers." GAO Report no. 15–154. Washington: Government Printing Office.

——. 2020. "H-2B Visas: Additional Steps Needed to Meet Employers' Hiring Needs and Protect U.S. Workers." GAO Report no. 20–230. Washington: Government Printing Office.

Zavodny, Madeline, and Tamar Jacoby. 2010. "The Economic Impact of H-2B Workers." Washington: U.S. Chamber of Commerce.

PART II

Employment Versus Family Pathways

Do Employer-Sponsored Immigrants Fare Better in Labor Markets Than Family-Sponsored Immigrants?

JULIA GELATT

Debates about revising U.S. legal immigration policies tend to question the economic value of immigrants sponsored by family members rather than by employers. To date, little evidence has been cited. This article uses the latest data to measure legal immigrants' characteristics and economic outcomes by class of entry, comparing employment rates, self-employment rates, and occupational outcomes of family-sponsored immigrants, humanitarian migrants, and diversity visa immigrants with those of employer-sponsored immigrants. It finds that most legal, permanent immigrants to the United States show high employment rates relative to the overall U.S. population after several years in the country, but that employment-sponsored immigrants and their spouses bring the highest education and English proficiency and work in the most highly skilled occupations both initially and over time.

Keywords: immigration, immigration policy, visas, employment, occupations

Over the last decade, debates on reforming the U.S. legal immigration system have centered on proposals to increase the skill level of immigrants to the country by cutting certain family-sponsored immigration categories and increasing the number of green cards for higher-skilled workers. For example, the proposed 2017 RAISE Act would have slashed legal immigration in half, by eliminating all family-sponsored immigration categories other than spouses and minor children, eliminating the diversity visa program, and capping refugee admissions each year. Similarly, in 2006, 2007, and 2013, comprehensive immigration reform debates included proposals to eliminate several family-sponsored categories and to increase the size of the skills-based immigration system.

These proposals rest on the assumption that immigrants selected by employers or proposed merit-based points systems would bring greater human capital and greater economic benefit to the United States than those sponsored by their family members or arriving though humanitarian channels. Remarkably little evidence is available to test that assumption, however. Most analyses of the costs and contributions of immigrants rely on data from the U.S. Census Bureau, which does not reveal immigrants' le-

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gal status, much less the admissions category through which those who are legal secured their legal status. This article draws on data from the New Immigrant Survey, which followed a cohort of new lawful permanent residents (LPRs) from 2003, when they obtained their green cards for LPR status, through 2007–2009. The survey provides a rare look at the detailed characteristics of legal immigrants, by class of entry, and of their trajectories over their first few years in the United States. The survey captured information on immigrants' English ability, educational attainment, employment, self-employment, and occupations. I examine how human capital characteristics of immigrants compare at the time of getting their green card. Then, I investigate how the labor-market trajectories of various categories of family-sponsored immigrants compare with those of employer-sponsored immigrant and those entering through the diversity visa lottery or humanitarian channels.

Although these data represent an earlier period in U.S. immigration history, the policies shaping permanent immigration to the United States have not substantially changed since 2003 or in fact since 1990. Further, many of the major legal migration streams to the United States in 2003 are similar to those operating today. The world regions of origin of family-sponsored and employer-sponsored immigrants were similar in fiscal year (FY) 2003 and in FY 2018, the latest year for which data are available, except for a smaller share arriving from European countries among family-sponsored categories. On the other hand, some smaller visa categories have seen substantial change in national origins—diversity visa recipients were more likely to be Asian and less likely to be European in 2018 than in 2003, and refugees and asylees were more likely to be Latin American or Asian (including Middle Eastern) and less likely to be from Europe in 2018 compared to 2003 (OIS 2019, 2004).

In this work, I find that new lawful permanent residents from 2003 had high educational attainment when they obtained their green cards—a higher proportion having completed college than among the overall U.S. population. At the same time, substantial shares of new im-

migrants had limited English proficiency. Employer-sponsored immigrants and their spouses had the highest education and English proficiency on getting a green card, but diversity visa holders also had relatively high education.

In terms of labor-market outcomes, many family-sponsored immigrants and diversity visa holders had relatively low employment rates on obtaining a green card, but saw substantial increases in employment by the second survey wave. By the second survey, new LPR women and men had employment-to-population ratios that exceeded those of U.S. male and female workers overall. Nevertheless, employment rates of family-sponsored immigrants and refugees and asylees remained significantly lower than those of employer-sponsored immigrants by wave two. Among those employed, refugees and asylees showed the highest rates of operating businesses that employ other workers. Diversity visa holders and refugees and asylees saw the greatest gains in the skill level of their occupations in the four to six years after obtaining their green card. All the same, employer-sponsored immigrants were in more-skilled occupations than all other groups in wave two.

U.S. Permanent Immigration Policy

Each year around one million immigrants obtain green cards for lawful permanent resident status in the United States. Following a complex series of quotas, floors, and ceilings, green cards are allocated among several main categories. Over the past five years, 13 percent of those obtaining green cards each year were sponsored by employers (though about half of these visas went to family members of employer-sponsored principal applicants), about two-thirds through family sponsorship, 14 percent through humanitarian channels as asylees or refugees, 5 percent through the diversity visa lottery, and a small share through some other channel (see figure 1). Of those securing green cards each year, many have been already been living and working in the United States on some sort of temporary visa or as unauthorized immigrants. In fiscal year 2018, 52 percent were adjusting their status from within the United States. For employer-sponsored green card holders, this share was 80 percent (OIS 2019).

Figure 1. Major Class of Entry for Those Securing Green Cards, FY 2014–2018 Average
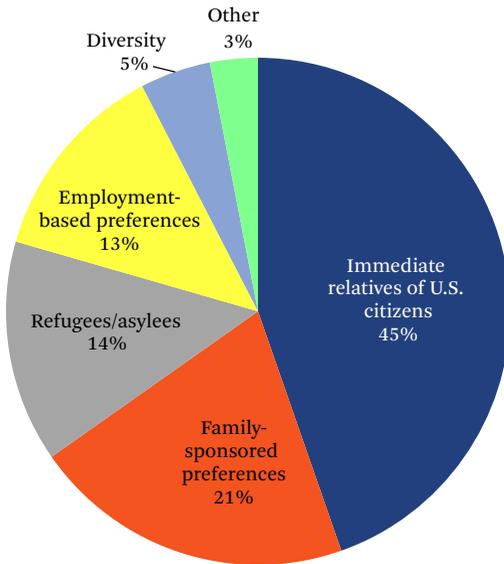
Source: OIS 2019.

Claims that employer-sponsored immigrants contribute more to the country than family-sponsored immigrants generally point to the higher education of employer-sponsored immigrants. A wide body of evidence shows that more highly educated immigrants contribute more to economic growth of the country and to government coffers (National Academies of Sciences, Engineering, and Medicine 2017). U.S. immigrant selection criteria do mean that most employer-sponsored immigrants are highly educated. Most employer-sponsored green cards are preserved for workers who have at least a college education. Only five thousand employer-sponsored visas are available each year for low-skilled workers with fewer than two years of training. In contrast, family migrants are eligible to immigrate regardless of skills and education if they have a family sponsor. LPRs may sponsor spouses, minor children, and unmarried adult children, and U.S. citizens may also sponsor parents, siblings, and married adult children. Refugees and asylees are likewise not selected on the basis of skills. Instead, they may be eligible for U.S. admission if they demonstrate a well-founded fear of persecution in their home country for reasons of race, religion, nationality, political opinion, or membership in a particular social group, and they pass thorough screenings and background checks. Refugees are vetted and selected abroad; asylees apply for recognition from inside the United States. Diversity visa holders are selected through a lottery and can apply if they are from a country that sends few migrants to the United States. They are also required to have a high school diploma or equivalent education, and to have at least two years of experience in a job that requires at least two years of training.

RELATIONSHIP BETWEEN CLASS OF ENTRY, SKILL, AND LABOR-MARKET OUTCOMES

Being selected on the basis of skills does not guarantee that employer-sponsored immigrants will fare better in the labor market than those selected through family ties, humanitarian claims, or the diversity visa lottery. Those selected for reasons other than skill levels may nevertheless bring strong education and skills to the United States. Further, those bringing the highest skills may not always experience the greatest labor-market success.

U.S. immigrants overall are more likely to be college educated than U.S.-born residents and have been since at least the 1990s (Batalova and Fix 2017), suggesting that substantial numbers of all legal immigrants, not just those who are employer sponsored, arrive in the country with strong educational backgrounds. Further, immigrants may fare best in U.S. labor markets when their skills complement rather than compete with those of U.S. workers. This may mean that technical and trade skills benefit immigrant workers as much as a college or graduate education. Immigrants are also, on average, more entrepreneurial than U.S.-born workers, which may help them secure greater economic and labor-market mobility, even with when they have less education.

Even if employer-sponsored immigrants bring greater skills to the country, they may not find jobs commensurate with their education and training. As many as a quarter of immigrants with college degrees in the United States experience "brain waste"—either lacking employment or working in low-skilled jobs (Batalova, Fix, and Bachmeier 2016). Canada began

to shift its immigration policies in recent years after studies showed that substantial numbers of highly skilled workers selected through their points system were working in jobs that did not match their education level (Vincenza Desiderio and Hooper 2016). In addition, although employer-sponsored immigrants may come to the United States as pioneers, moving to a country where they have few ties, family-sponsored immigrants, by definition, have family networks in the country. The social capital embedded in these networks may be very helpful in locating and applying for open jobs, and could assist family-sponsored immigrants in finding jobs commensurate with their education, skills, and training. Further, given that the federal safety net for low-income families is mostly unavailable to new legal immigrants in their first five years, family-sponsored migrants may rely on their family's support as they adapt to the United States, using their family support as a launching pad to faster success in the country.

LITERATURE

A few, mostly decades-old, studies have looked at how immigrants entering through different migration streams fare within the United States. Reflecting the long-standing nature of concerns about the productivity of family-sponsored migrants, in the 1990s, Harriet Duleep and Mark Regets (1996) explore how immigrants from a country admitted through family versus employer sponsorship shaped initial wages and wage trajectories. Using 1980 census data, they find that immigrants from countries that sent more family migrants had lower initial earning but faster earnings growth than their counterparts from countries sending mainly employer-sponsored migrants. This earnings growth was fast enough that they predicted family-sponsored migrants would reach wage parity with employer-sponsored immigrants in eleven to eighteen years (Duleep and Regets 1996). However, these analyses control for education, one of the strongest predictors of earnings—so they compare earnings of employer-sponsored and family-sponsored immigrants *with the same education level.* For policy purposes, it would be better to compare outcomes without this education control, given that the real question for policy is whether

employer-sponsored streams are more highly educated than family-sponsored immigrants, and if so, whether that higher education brings substantially improved labor-market outcomes.

Research on men from the 1977 cohort of new legal immigrants offers similar findings—immigrants sponsored by spouses had lower-skilled jobs when getting their green cards than employer-sponsored immigrants but relatively rapid occupational upgrading, at the same time that employer-sponsored immigrants saw slight occupational downgrading. Despite this, the data suggest that occupational standing would never converge between the two groups (Jasso and Rosenzweig 1995).

Looking at the first wave only of the New Immigrant Survey, Jeanne Batalova and Michael Fix (2008) find that family-, diversity-, and humanitarian-based LPRs experience occupational downgrading from their last occupation abroad to their first U.S. occupation, but that employer-sponsored immigrants do not. This downgrading was worst for diversity immigrants, who are least likely to have family ties in the United States. This observed downgrading on arrival suggests that their subsequent occupational upgrading, observed between their first U.S. occupation and their occupation at the time of securing a green card, may represent a partial return to premigration occupational standing. Employer-sponsored immigrants saw no such upgrading, perhaps in part because they had not experienced downgrading in the first place.

RESEARCH QUESTIONS

In this article, I update the literature by exploring the labor-market trajectories of the 2003 cohort of new legal immigrants four to six years after they secure a green card. I ask two basic sets of questions:

> How do the skills and characteristics of family-sponsored, diversity visa, and humanitarian LPRs compare with those of employer-sponsored LPRs on getting a green card? How do those characteristics compare with the overall U.S. population?

> How do the labor-market trajectories of family-sponsored, diversity visa, and hu-

manitarian LPRs compare with those of employer-sponsored LPRs several years after obtaining a green card? How do these immigrants compare in terms of employment rates, self-employment rates, and occupational skill level several years after obtaining green cards? Do these differences persist after controlling for factors unrelated to how immigrants are selected for migration to the United States?

These questions are inherently descriptive. The goal of this article is to inform changes to legal immigration policies by describing what the immigrants who come through existing U.S. immigration channels look like and how they fare in the United States. The goal is not to isolate a causal effect of arriving through a particular channel on outcomes in the United States, net of other characteristics. Therefore, selection by immigrants of different characteristics into particular U.S. immigration channels is part of the story this article aims to portray.

DATA: NEW IMMIGRANT SURVEY

I answer these questions using the New Immigrant Survey (NIS). The NIS is a longitudinal, representative survey of people who became lawful permanent residents in 2003. It covers topics such as family demographics, schooling, English ability and use, health, labor-force participation, occupations, public benefits use, and religion. Respondents were sampled from the top eighty-five metropolitan statistical areas in the United States and the top thirty-eight counties. The first survey reached 8,573 adults—68.6 percent of the adult sampling frame. The survey oversampled spouses of U.S. citizens, employment-sponsored immigrants, and immigrants with diversity visas, and applied sampling weights to adjust for this sampling strategy. Respondents were first interviewed, on average, seventeen weeks after obtaining their green card (Massey, Jasso, and Espinoza 2017). About 60 percent of baseline interviews were conducted by telephone, and 40 percent in person (Massey 2011). The survey was conducted in respondents' language of choice. Respondents were interviewed again between 2007 and 2009.

Locating respondents for this second wave

was more difficult than anticipated, because attitudes toward immigrants became more hostile over this period, and the U.S. Citizenship and Immigration Services (USCIS) did not provide the study directors with updated contact information for families (Massey, Jasso, and Espinoza 2017). The follow-up survey had a lower response rate of 46 percent of the baseline sample, reaching 3,902 respondents. To correct for survey nonresponse, which was observed to be nonrandom across several observed characteristics, the survey developers generated nonresponse weights. These weights assume that LPRs who did not respond to the survey were still be in the United States, which is a reasonable assumption given that U.S. emigration rates are relatively low. Jonanthan Schwabish (2009) looks at immigrants with earnings tracked by the Social Security Administration and finds that those in their first four years in the United States had an annual emigration rate of 2.7 percent.

METHODS

I use both waves of the New Immigrant Survey to examine longitudinal labor-market outcomes. Specifically, I observe employment status during the first and second waves, rates of being both self-employed and employing other workers, and occupational skill level among those who are employed at each survey wave. Employment status reflects the employment-to-population ratio. I measure occupational skill level by matching occupations with job zones, developed by the Department of Labor, which classify all occupations into five categories ranging from 1, occupations that need little or no preparation to 5, occupations that need extensive preparation. Job zone 1 jobs generally require a high school diploma or less education; job zone 5 occupations generally require a graduate degree (for more, see table A1). I examine these outcomes descriptively, then run multivariate regression models predicting wave two outcomes, controlling for a range of factors.

I use information provided in the NIS to classify adult LPRs into eight groups by class of entry: spouses of LPRs and U.S. citizens, parents of U.S. citizens, siblings of U.S. citizens, employer-sponsored principal visa applicants,

spouses of employer-sponsored immigrants, diversity visa holders, refugees and asylees, and other legal immigrants outside these groups. The other legal immigrant category includes adult unmarried children of LPRs and adult married and unmarried children of U.S. citizens, among others. I focus on these eight groups to demonstrate how the occupational trajectories of those favored by immigration reform proposals—employer-sponsored immigrants—and those maintained by immigration reform proposals—spouses of LPRs and U.S. citizens—compare with categories often slated to be reduced or eliminated by reform proposals: siblings, parents, adult children, diversity visa holders, and refugees and asylees.

Before looking at these outcomes among each immigrant group, I compare the background and demographic characteristics of each immigrant group before showing descriptive statistics of employment outcomes for those respondents who made it to the second survey wave. Last, I complete multivariate regressions predicting employment in wave two; having a business that employs others in wave two, among those employed in that wave; occupational skill level in wave two, among those employed in that wave; and person-level change in occupational skill level between wave one and wave two, among those employed in both waves. I look at rates of being both self-employed and employing other workers rather than simply at self-employment, because self-employment can represent a survival strategy for struggling workers, rather than a sign of economic success. People who are both self-employed and managing other employees are more likely to be operating a successful business, and are increasing employment opportunities in the United States. For the first two outcomes, I use a linear probability model. For occupational skill level, I use an ordinary least squares (OLS) regression model because the distribution of wave two occupational rankings and of the change in occupational rankings both approximate a normal distribution.

In these models, I introduce two sets of controls. The first set controls for factors that vary between the eight groups I study but are unrelated to whether someone is eligible to obtain a green card through any particular channel: gender, age (and age-squared), the year of interview, the person's years of U.S. residence in the second survey wave, whether they adjusted status to a green card within the United States, and their country or region of birth. Years of U.S. residence are based on when the person last came to the United States to live. I control for the year of the interview to account for the fact that the Great Recession was setting in as the second wave of interviews were occurring. The control for country or region of birth controls for a variety of factors—how well a country's educational credentials are recognized in the United States, cultural preferences related to employment, and racialized experiences within the United States, among other factors.

The second set of controls accounts for human capital, measured through educational attainment; whether any education was earned in the United States, given that U.S. employers may value U.S. education more highly; whether the respondent had limited English proficiency in the wave one survey; and whether they worked before coming to the United States. All these factors are related to selection factors under U.S. immigration policy, or in the case of English proficiency, proposed changes to policy. It does not make much sense from a policy perspective to look at how groups compare, net of their human capital, because human capital is inherent to a person's ability to migrate through a particular skills-based migration stream. I include these factors in the last iteration of each regression model simply to view how much of variation in labor-market outcomes between groups can be explained by observable human capital differences.[1]

In examining baseline characteristics of each group, I use wave one survey weights, provided with the NIS data. In looking at employment outcomes, I limit the sample to those who

1. I attempted to also control for prior legal status in the United States for those who were adjusting within the United States to green cards. However, the measures of prior status have substantial incomplete information, limiting their utility. After imputing missing information, and adding a variable for prior legal status into the regression models, the results did not change, so I removed this control variable from the models.

responded to the second survey wave, and use combined wave one and wave two weights, generated by the survey team, which combine wave one sampling weights and wave two nonresponse rates. I impute missing data using Stata 14's mi impute chained command.

FINDINGS

Characteristics by Class of Entry

First, I compared the demographic and background characteristics of immigrants, by class of entry. Table 1 presents these descriptive statistics.

As to gender, a slight majority of new green card holders are women, driven by the fact that two-thirds of immigrants through larger, uncapped categories of spouses of U.S. citizens and of parents of U.S. citizens are women. The majority—66 percent—of employer-sponsored principal applicants are men, while the great majority of spouses of employer-sponsored applicants—78 percent—are women.

As to age, unsurprisingly, parents of U.S. citizens are oldest, at a mean of sixty-three. The next oldest group is siblings of U.S. citizens, at forty-eight years old. This reflects the fact that due to per-country caps on green cards, many people face decade or longer backlogs for sibling visas. Employer-sponsored immigrants are already well into their careers, age thirty-seven on average; refugees and asylees are on average forty. Diversity visa holders are younger, at a mean of thirty-three. As a result of these differences, employment outcomes at the first NIS survey wave reflect earlier U.S. career outcomes for some groups and mid-U.S. career outcomes for other groups.

As to the rate adjusting status within the United States, the great majority of employer-sponsored immigrants—72 percent—were adjusting to LPR status from some other status in the United States, likely student visas or H-1B temporary worker visas. Spouses also had high

rates of adjusting status within the United States; other groups show lower rates.

In regard to place of origin, immigrants securing green cards through spouses or parent categories are primarily from Mexico or other parts of Latin America, whereas most siblings and employer-sponsored immigrants are from Asia. Diversity visa holders in 2003 were primarily from Europe, Africa, or the Middle East. Refugees and asylees showed a wide mix of origins.

I looked at rates of both limited English proficiency (LEP), defined as speaking English less than very well, on a self-reported measure, and of low LEP, defined as speaking English less than well, on the same measure. Overall rates of LEP are quite high, 71 percent for the total sample. LEP rates are lowest for employer-sponsored immigrants, at 45 percent, and highest for parents of U.S. citizens, siblings of U.S. citizens, and refugees and asylees at 89, 87, and 84 percent, respectively.[2] Looking at low LEP rates shows similarly that parents and siblings are most commonly low LEP.

Overall educational attainment is relatively high. Forty-six percent of these categories of LPRs have a bachelor's degree or higher. As a point of comparison, just 27 percent of all Americans, age twenty-five and older, had a bachelor's degree or higher in 2003 (Stoops 2004). Education is, unsurprisingly, highest among employer-sponsored immigrants, a full 80 percent of employer-sponsored principal applicants having a bachelor's degree or higher. Diversity visa holders are next, 55 percent having a bachelor's or higher. Parents have the least education, likely reflecting historically lower education levels in their countries of origin.

In sum, the characteristics of new permanent immigrants vary considerably by class of entry. Rates of educational attainment are high—and highest among employer-sponsored immigrants—though a majority of new LPRs have limited English proficiency.

2. Given that the largest shares of employment-based immigrants are from India, Europe, Canada, and Oceania, the Philippines, and "other Asia"—many of which are places where English is commonly taught in school, it is a bit surprising that the LEP share is as high as it is for employment-based immigrants. But 31 percent of employment-based immigrants from India, 28 percent from Europe, Canada, and Oceania, 43 percent from the Philippines, and 69 percent from "other Asia" report being LEP, along with higher shares from Mexico, other Latin American countries, and China.

Table 1. Baseline Characteristics of LPRs by Class of Entry, 2003

	Spouse of LPR or U.S. Citizen	Parent of U.S. Citizen	Sibling of U.S. Citizen	Employment-Based Principal	Employment-Based Spouse	Diversity	Refugee or Asylee	Other	Total
Female (%)	66	66	53	33	78	41	48	52	52
Mean age at obtaining green card	33.8	63.3	47.8	37.1	36.2	32.8	40.3	35.7	39.5
Adjusting status within the United States (%)	75	33	9	72	73	9	100	24	49
Mean years in United States (since first U.S. trip)	6.3	5.4	1.7	7.2	5.8	1.5	6.4	3.7	4.9
Place of birth (%)									
Mexico	28	25	6	5	3	0	0	17	12
Other Latin America	22	23	15	9	7	4	28	42	18
India	4	10	23	25	33	0	4	5	10
China	4	10	15	9	12	0	2	6	6
Philippines	4	8	9	14	9	0	0	6	7
Other Asia	11	10	28	14	15	12	6	9	12
Africa	4	4	1	3	2	21	12	2	7
Middle East, North Africa	5	3	2	3	4	22	12	3	8
Europe, Canada, Oceania	17	7	2	19	16	41	35	5	20
Limited English proficiency at obtaining green card (%)	71	89	87	45	52	78	84	71	71
Low English proficiency at obtaining green card (low-LEP) (%)	45	78	69	14	21	47	51	51	45
Educational attainment at obtaining green card (age twenty-five+) (%)									
Less than high school diploma	27	66	40	7	10	7	25	32	25
High school diploma or equivalent	25	13	25	8	9	24	28	29	20
Some college	11	4	6	5	8	14	14	11	9
Bachelor's degree	26	12	23	43	43	34	20	22	28
Master's degree	9	4	5	28	26	16	9	3	13
JD, MD, PhD	3	1	2	9	5	5	4	2	4
Any education within the United States (%)	21	3	3	28	22	8	22	11	16
Sample size	1,605	904	469	1,358	295	1,379	553	751	7,314

Source: Author's analysis of New Immigrant Survey data, weighted for sampling design (Jasso et al. 2006, 2014).

Figure 2. Employment Rates of Immigrant Men in Wave One and Two, by Class of Entry
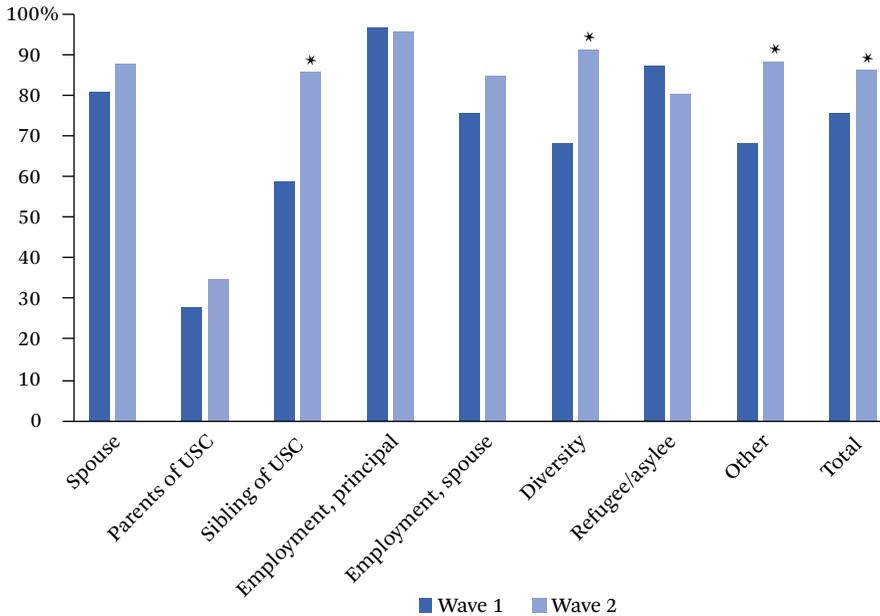
Source: Author's analysis of New Immigrant Survey data, weighted for sampling design and for wave two nonresponse (Jasso et al. 2006, 2014).
Note: USC = U.S. citizen.
*p < .05, denotes significance of difference from wave one

Variation in Labor-Market Outcomes

Looking descriptively at the employment rates of new green card holders shows that among both men and women, all other categories of immigrants show lower rates of employment shortly after receiving their green cards relative to employer-sponsored principal applicants. However, several groups—siblings, diversity visa holders, female spouses, and other immigrants—saw significant increases in employment rates by the second survey wave, four to six years later. In contrast, employer-sponsored principal applicants show steadily high employment rates between the two periods. By the second survey wave, high shares of male immigrants were employed for all classes of entry except for parents—who are generally at retirement age, as were relatively high shares of female immigrants. On average, the employment rates of male immigrants rose from 76 to 86 percent over this period, but for female immigrants from 47 to 64 percent. Figures 2 and 3 illustrate these descriptive measures. In comparison, for the overall U.S. population, 69 per-

cent of men were employed in 2003 and 68 percent on average in 2007–2009. Among women in the overall U.S. population, these shares were 56 percent in 2003 and 56 percent in 2007–2009. Therefore, male new green card holders were more likely to be employed than U.S. workers overall in both periods, and female new green card holders started with lower employment rates but surpassed U.S. women overall by the second wave.

Among those not employed in wave two, substantial shares were filling other roles in their households and not looking for work. Almost half (48 percent) said they were homemakers or on parental leave, and 13 percent that they were retired. Spouses of employer-sponsored principal applicants and spouses of U.S. citizens and LPRs were most likely to report being homemakers or new parents, 91 percent and 68 percent, respectively, of those not employed saying they were homemakers. Forty-nine percent of parents of U.S. citizens and 42 percent of siblings of U.S. citizens who were not employed in wave two said they were home-

Figure 3. Employment Rates of Immigrant Women in Wave One and Two, by Class of Entry

Source: Authors' analysis of New Immigrant Survey data, weighted for sampling design and for wave two nonresponse (Jasso et al. 2006, 2014).
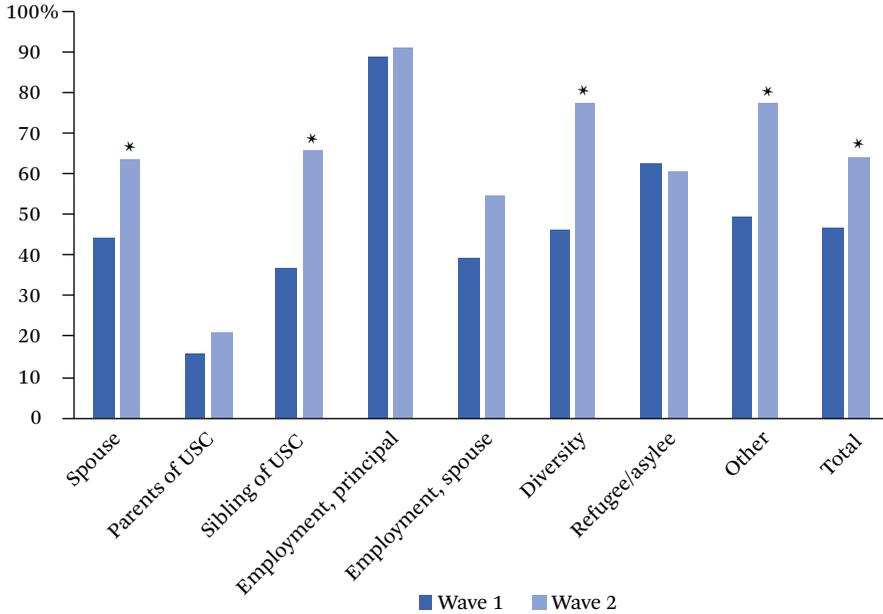*Note:* USC = U.S. citizen.
*p < .05, denotes significance of difference from wave one

makers or on parental leave. Parents were most likely to report being retired. Of parents not employed in wave two, 29 percent said they were retired.

To net out demographic and other factors that may explain differences in employment between immigrants in different classes of entry, I ran linear probability regression models predicting employment at wave two. Given strong differences in male and female employment rates, I ran these separately by gender. Absent any controls, in the male sample, all classes of entry showed lower employment rates than employer-sponsored immigrants, with the exception of spouses of employment-sponsored immigrants (see table 2). After controlling for factors not related to U.S. immigrant selection policies—age, years of U.S. residence, whether they adjusted status within the United States, country or region of birth, and the timing of the wave two interview—four groups still have significantly lower employment than employer-sponsored principal applicants: spouses, parents, refugees and asylees, and other immi-

grants (including adult children of citizens and LPRs). In contrast, spouses of employer-sponsored immigrants, siblings of U.S. citizens, and diversity immigrants show similar employment rates to employer-sponsored principal applicants. Parents have 25 percent lower employment rates than employer-sponsored principals, while the other three groups have employment rates only 7 to 11 percent lower.

In the female sample, all classes of entry showed lower employment rates than employer-sponsored immigrants, even after adding controls for age, duration of U.S. residence, whether adjusted status within the United States, country or region of birth, and the interview year (see table 3). Controlling for educational attainment, English proficiency, and premigration work experience explains the lower employment of sibling, diversity, and other immigrants; spouses, parents, employer-sponsored spouses, and refugees and asylees still show significantly lower employment. Education is more strongly correlated with employment for women than for men.

Table 2. Linear Probability Models Predicting Employment in Wave Two, Men

	(1)		(2)		(3)	
	Beta	SE	Beta	SE	Beta	SE
Class of entry (reference = employer-sponsored principal)						
Spouse	−0.09***	(0.02)	−0.09***	(0.02)	−0.08**	(0.02)
Parents of U.S. citizen	−0.60***	(0.04)	−0.25***	(0.06)	−0.22***	(0.06)
Sibling of U.S. citizen	−0.10**	(0.03)	0.02	(0.04)	0.04	(0.04)
Employment, spouse	−0.08	(0.06)	−0.07	(0.06)	−0.06	(0.06)
Diversity	−0.05**	(0.02)	−0.03	(0.03)	−0.03	(0.03)
Refugee or asylee	−0.16***	(0.03)	−0.11***	(0.03)	−0.10**	(0.03)
Other	−0.08**	(0.03)	−0.07*	(0.03)	−0.06	(0.03)
Controls						
Female						
Age at follow-up			0.03***	(0.01)	0.03***	(0.01)
Age-squared			−0.00***	(0.00)	−0.00***	(0.00)
Interview in 2007 (reference)						
Interview in 2008			−0.02	(0.02)	−0.02	(0.02)
Interview in 2009			−0.05*	(0.02)	−0.05*	(0.02)
Years in United States at wave two			0.00	(0.00)	0.00	(0.00)
Adjusted to green card within United States			0.03	(0.02)	0.02	(0.02)
Place of birth (reference = Mexico)						
Other Latin America			−0.05	(0.03)	−0.08*	(0.03)
India			−0.03	(0.03)	−0.07	(0.03)
China			−0.03	(0.04)	−0.06	(0.04)
Philippines			0.01	(0.05)	−0.03	(0.05)
Other Asia			−0.07*	(0.03)	−0.09**	(0.03)
Africa			0.00	(0.03)	−0.03	(0.04)
Middle East, North Africa			0.03	(0.03)	−0.00	(0.03)
Europe, Canada, Oceania			−0.04	(0.03)	−0.07*	(0.03)
Educational attainment (reference = < high school)						
High school diploma or equivalent					0.07*	(0.03)
Some college					0.09**	(0.03)
Bachelor's degree					0.08**	(0.03)
Master's degree					0.07*	(0.03)
MD, JD, or PhD					0.10**	(0.03)
Any education in the United States					−0.00	(0.02)
Was limited English proficient in wave one					−0.00	(0.02)
Worked before coming to United States					0.00	(0.02)
Constant	0.96***	(0.01)	0.47***	(0.12)	0.44***	(0.12)
N	1,743		1,743		1,743	

Source: Author's analysis of New Immigrant Survey data, weighted for sampling design and for wave two nonresponse (Jasso et al. 2006, 2014).

*p < .05; **p <.01; ***p < .001

Table 3. Linear Probability Models Predicting Employment in Wave Two, Women

	(4)		(5)		(6)	
	Beta	SE	Beta	SE	Beta	SE
Class of entry (reference = employer-sponsored principal)						
Spouse	−0.27***	(0.03)	−0.25***	(0.03)	−0.20***	(0.03)
Parents of U.S. citizen	0.69***	(0.03)	−0.35***	(0.05)	−0.28***	(0.05)
Sibling of U.S. citizen	−0.24***	(0.04)	−0.12**	(0.05)	−0.05	(0.05)
Employment, spouse	−0.35***	(0.05)	−0.37***	(0.06)	−0.35***	(0.05)
Diversity	−0.13***	(0.03)	−0.11**	(0.04)	−0.06	(0.04)
Refugee or asylee	−0.30***	(0.05)	−0.28***	(0.05)	−0.20***	(0.05)
Other	−0.12***	(0.03)	−0.08*	(0.04)	−0.03	(0.04)
Controls						
Female						
Age at follow-up			0.03***	(0.00)	0.03***	(0.00)
Age-squared			−0.00***	(0.00)	−0.00***	(0.00)
Interview in 2007 (reference)						
Interview in 2008			−0.06*	(0.03)	−0.06*	(0.03)
Interview in 2009			0.00	(0.03)	0.01	(0.03)
Years in United States at wave two			0.00	(0.00)	−0.00	(0.00)
Adjusted to green card within United States			0.07**	(0.03)	0.04	(0.03)
Place of birth (reference = Mexico)						
Other Latin America			0.12***	(0.03)	0.06	(0.04)
India			0.07	(0.05)	−0.01	(0.05)
China			0.14**	(0.05)	0.06	(0.05)
Philippines			0.17***	(0.04)	0.09*	(0.05)
Other Asia			0.06	(0.04)	−0.01	(0.04)
Africa			0.17***	(0.05)	0.08	(0.05)
Middle East, North Africa			0.09	(0.05)	0.01	(0.05)
Europe, Canada, Oceania			0.13***	(0.04)	0.03	(0.04)
Educational attainment (reference = < high school)						
High school diploma or equivalent					0.10**	(0.03)
Some college					0.07	(0.04)
Bachelor's degree					0.13***	(0.03)
Master's degree					0.11**	(0.04)
MD, JD, or PhD					0.16**	(0.06)
Any education in the United States					0.09**	(0.03)
Was limited English proficient in wave one					−0.04	(0.02)
Worked before coming to United States					0.07***	(0.02)
Constant	0.90***	(0.02)	0.28*	(0.12)	0.21	(0.12)
N	1,982		1,982		1,982	

Source: Author's analysis of New Immigrant Survey data, weighted for sampling design and for wave two nonresponse (Jasso et al. 2006, 2014).
*p < .05; **p <.01; ***p < .001

Figure 4. Share of Employed Workers Who Are Self-Employed and Employ Others

Source: Author's analysis of New Immigrant Survey data, weighted for sampling design and for wave two nonresponse (Jasso et al. 2006, 2014).
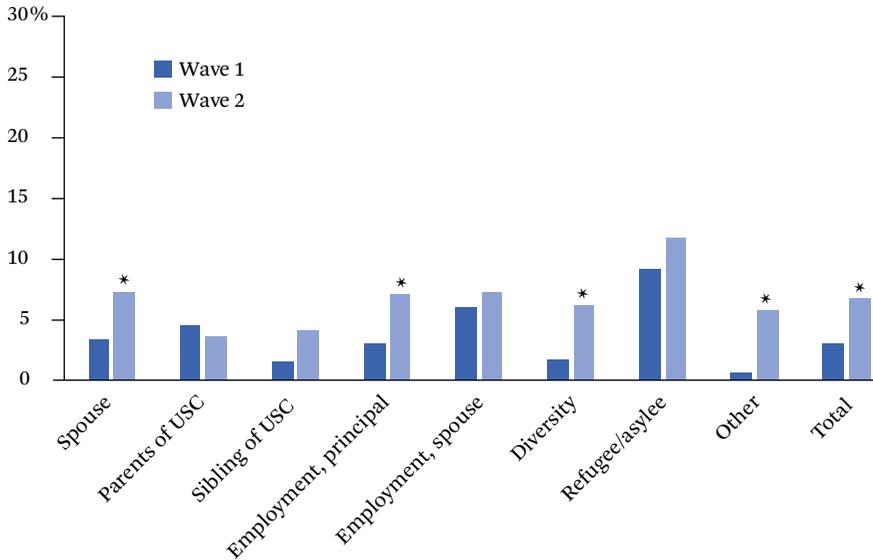*Note:* USC = U.S. citizen.
*p < .05, denotes significance of difference from wave one

In sum, both male and female non-employer-sponsored immigrants show rapid growth in employment in the years following their acquisition of a green card. In fact, both male and female new green card holders show higher employment rates than U.S. men and women overall after several years in the United States. However, even after accounting for demographic differences between groups, many family-sponsored and humanitarian classes of immigrants show lower employment rates than employer-sponsored principal immigrants a few years after migration.

Next, I look at self-employment, the share of employed workers who have a business and employ others—that is, those who are self-employed and have at least one other employee (see figure 4). Wave one shows relatively higher rates of business ownership among refugees and asylees—9 percent—relative to other groups. Overall, 3 percent of new LPRs were self-employed and employed others in 2003. By the second survey wave, the figure is more than double, 7 percent. At wave two, refugees and asylees still had the highest rates of business ownership, 12 percent, followed by 7 percent of

spouses, employer-sponsored principal applicants, and employer-sponsored spouses. Parents, who are likely entering retirement, are the only group with lower rates of business ownership in wave two than in wave one.

To explore how self-employment rates compare across groups net of other factors, I ran a linear probability model predicting self-employment (see table 4). In this model, I combine men and women because findings were similar. These models show that in the absence of any controls, refugees and asylees have significantly higher rates of employing others than employer-sponsored principal applicants. Other immigrants, a group that includes adult children of citizens and LPRs), have lower rates, though the differences are small in magnitude. After controlling for gender, age, duration of U.S. residence, status adjustment within the United States, country or region of birth, and interview year, refugees and asylees still show slightly higher rates of employing others.

For occupational skill level, I look at the "job zones" (the skill level required for the jobs worked by new green card holders), as shown in figure 5. Job zones classify occupations on a

Table 4. Linear Probability Models Predicting Being Both Self-Employed and Employing Others, Among Employed Workers in Wave Two

	(1)		(2)		(3)	
	Beta	SE	Beta	SE	Beta	SE
Class of entry (reference = employer-sponsored principal)						
Spouse	0.00	(0.01)	0.01	(0.01)	0.01	(0.01)
Parents of U.S. citizen	0.02	(0.02)	0.00	(0.02)	0.01	(0.02)
Sibling of U.S. citizen	−0.02	(0.01)	−0.00	(0.01)	0.00	(0.01)
Employment, spouse	0.03	(0.03)	0.04	(0.03)	0.04	(0.03)
Diversity	−0.01	(0.01)	0.02	(0.01)	0.02	(0.01)
Refugee or asylee	0.06**	(0.02)	0.05*	(0.02)	0.06*	(0.02)
Other	−0.02**	(0.01)	−0.01	(0.01)	−0.01	(0.01)
Controls						
Female			−0.03***	(0.01)	−0.03***	(0.01)
Age at follow-up			−0.00	(0.00)	−0.00	(0.00)
Age-squared			0.00	(0.00)	0.00	(0.00)
Interview in 2007 (reference)						
Interview in 2008			−0.00	(0.01)	−0.00	(0.01)
Interview in 2009			−0.02*	(0.01)	−0.02*	(0.01)
Years in United States at wave two			0.00*	(0.00)	0.00**	(0.00)
Adjusted to green card within United States			0.01	(0.01)	0.02	(0.01)
Place of birth (reference = Mexico)						
Other Latin America			0.01	(0.02)	0.01	(0.02)
India			−0.00	(0.02)	−0.02	(0.02)
China			−0.02	(0.02)	−0.02	(0.02)
Philippines			0.01	(0.02)	−0.01	(0.02)
Other Asia			−0.00	(0.02)	−0.01	(0.02)
Africa			−0.01	(0.02)	−0.02	(0.02)
Middle East, North Africa			−0.01	(0.02)	−0.02	(0.02)
Europe, Canada, Oceania			−0.00	(0.02)	−0.01	(0.02)
Educational attainment (reference = < high school)						
High school diploma or equivalent					0.01	(0.01)
Some college					0.01	(0.01)
Bachelor's degree					0.03**	(0.01)
Master's degree					0.01	(0.01)
MD, JD, or PhD					−0.00	(0.01)
Any education in the United States					−0.02	(0.01)
Was limited English proficient in wave one					−0.01	(0.01)
Worked before coming to United States					0.01	(0.01)
Constant	0.03***	(0.01)	0.01	(0.07)	0.02	(0.07)
N	2,765		2,765		2,765	

Source: Authors' analysis of New Immigrant Survey data, weighted for sampling design and for wave two nonresponse (Jasso et al. 2006, 2014).
*p < .05; **p < .01; ***p < .001

Figure 5. Mean Job Zones Among Employed Workers
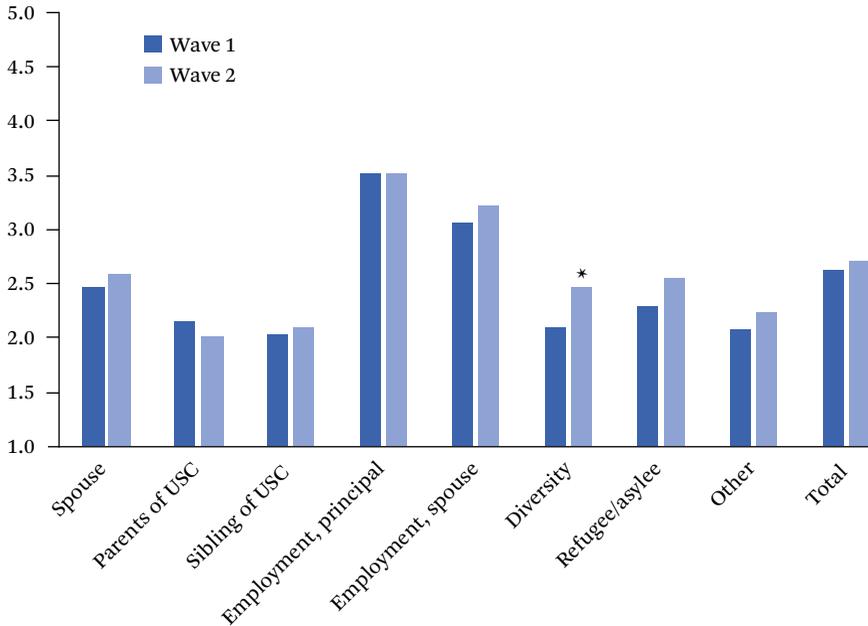
Source: Author's analysis of New Immigrant Survey data, weighted for sampling design and for wave two nonresponse (Jasso et al. 2006, 2014).
Note: USC = U.S. citizen.
p < .05, denotes significance of difference from wave one

scale of one to five, where one is jobs that require little or no preparation and five is jobs that require extensive preparation (for more, see table A1). Looking descriptively at the mean job zones of employed workers in wave one and wave two shows that most classes of immigrants saw a slight improvement in the skill level of their occupation between wave one and wave two, though this change was significant only for diversity visa holders. Parents of U.S. citizens and employer-sponsored principal applicants did not see such an improvement.

The regression model predicting an immigrant's wave two job zone shows that all groups have lower-skilled jobs than employer-sponsored principals (see table 5). The difference is smallest for spouses of employer-sponsored immigrants and greatest for parents and siblings of U.S. citizens and other immigrants (including adult children of LPRs and U.S. citizens). After adding the first set of controls, all groups still have significantly lower occupational skills than employer-sponsored

principal applicants. Controlling for education, English proficiency, and U.S. work experience reduces the gaps in occupational skill level for most groups. After adding these controls, spouses of employer-sponsored immigrants show occupational skill levels similar to those of employer-sponsored principal applicants.

Another way to look at occupational skill levels is whether individual immigrants experienced occupational mobility, finding more-skilled jobs by 2007–2009 than directly after receiving their green card. Figure 6 shows the mean change in job zones for immigrants, by class of entry, between the first and second NIS survey, focusing now on just those who were employed in both wave one and wave two. Several groups—spouses, diversity visa holders, refugees and asylees, and other immigrants (including adult children of LPRs and U.S. citizens)—show significant improvement in the skill level of their jobs from wave one to wave two.

An OLS regression model of the change in

Table 5. OLS Regression Models Predicting Job Zone (1–5) Among Employed Workers in Wave Two

	(1)		(2)		(3)	
	Beta	SE	Beta	SE	Beta	SE
Class of entry (reference = employer-sponsored principal)						
Spouse	−0.92***	(0.06)	−0.73***	(0.07)	−0.47***	(0.06)
Parents of U.S. citizen	−1.49***	(0.07)	−0.89***	(0.11)	−0.51***	(0.11)
Sibling of U.S. citizen	−1.42***	(0.07)	−1.00***	(0.09)	−0.53***	(0.08)
Employment, spouse	−0.29*	(0.13)	−0.29*	(0.13)	−0.19	(0.12)
Diversity	−1.05***	(0.06)	−0.88***	(0.08)	−0.62***	(0.07)
Refugee or asylee	−0.97***	(0.09)	−1.00***	(0.10)	−0.62***	(0.09)
Other	−1.29***	(0.06)	−0.86***	(0.07)	−0.54***	(0.07)
Controls						
Female			−0.13**	(0.04)	−0.11**	(0.04)
Age at follow-up			0.01	(0.01)	−0.00	(0.01)
Age-squared			−0.00	(0.00)	−0.00	(0.00)
Interview in 2007 (reference)						
Interview in 2008			−0.09	(0.06)	−0.01	(0.06)
Interview in 2009			−0.05	(0.05)	0.03	(0.05)
Years in United States at wave two			−0.01	(0.00)	−0.01	(0.00)
Adjusted to green card within United States			0.37***	(0.06)	0.22***	(0.05)
Place of birth (reference = Mexico)						
Other Latin America			0.33***	(0.07)	0.10	(0.07)
India			0.78***	(0.09)	0.30***	(0.09)
China			0.66***	(0.11)	0.23*	(0.10)
Philippines			0.48***	(0.09)	0.12	(0.09)
Other Asia			0.49***	(0.09)	0.14	(0.08)
Africa			0.75***	(0.10)	0.30***	(0.09)
Middle East, North Africa			0.31**	(0.11)	0.03	(0.09)
Europe, Canada, Oceania			0.81***	(0.08)	0.37***	(0.08)
Educational attainment (reference = < high school)						
High school diploma or equivalent					0.15**	(0.05)
Some college					0.12	(0.06)
Bachelor's degree					0.62***	(0.06)
Master's degree					0.95***	(0.07)
MD, JD, or PhD					1.33***	(0.11)
Any education in the United States					0.30***	(0.05)
Was limited English proficient in wave one					−0.23***	(0.04)
Worked before coming to United States					−0.02	(0.04)
Constant	3.52***	(0.04)	2.73***	(0.34)	2.75***	(0.31)
N	2,625		2,625		2,625	

Source: Author's analysis of New Immigrant Survey data, weighted for sampling design and for wave two nonresponse (Jasso et al. 2006, 2014).

*p < .05; **p < .01; ***p < .001

Figure 6. Mean Change in Job Zone Between Wave One and Wave Two, Among Those Employed in Both Waves
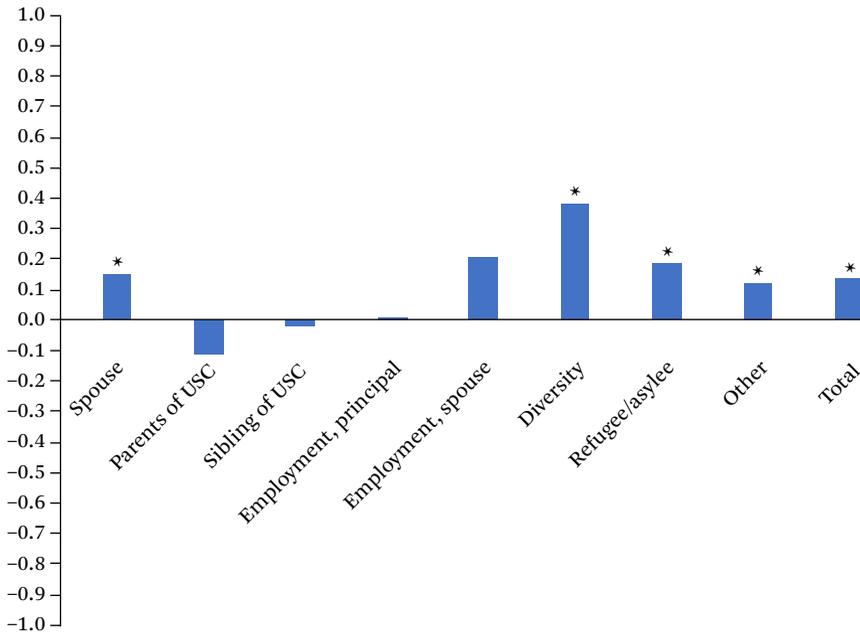
Source: Author's analysis of New Immigrant Survey data, weighted for sampling design and for wave two nonresponse (Jasso et al. 2006, 2014).
Note: USC = U.S. citizen.
*p < .05, denotes significance of difference from zero change in job zone

job zones between wave one and wave two, among workers employed in both waves reveals that spouses, diversity visa holders, and refugees and asylees all experienced greater occupational mobility than employer-sponsored principal applicants (see table 6). No groups show significantly less occupational mobility than employer-sponsored principals. After controlling for age, gender, duration of residence, adjustment of status in the United States, country or region of birth, and year of interview, this higher mobility persists for diversity visa holders and for refugees and asylees.

However, some of this job mobility may represent immigrants regaining the occupational standing that they enjoyed in their home countries—that is, it may show recovery from brain waste. Considering only those who had jobs in their home countries before migration, and who were working at waves one and two, figure 7 presents trajectories in immigrants' occupational standing over time.

Employment-sponsored principal applicants, who were selected for a visa based on their match with a U.S. employer, have better occupational standing in their first U.S. job than in their last job outside the country. No other group saw occupational progression, however, and several groups—siblings, diversity visa recipients, refugees and asylees, and other immigrants (including adult children of citizens and LPRs)—saw occupational downgrading. This change is likely the result of a combination of limited English skills, lack of recognition of foreign professional credentials, and limited familiarity with how to navigate U.S. labor markets. For siblings, diversity visa holders, and other immigrants, their occupational standing at wave two of the survey was still lower than their last job outside the country. Refugees were able to recover to their premigration occupational standing. Parents saw occupational downgrading over time in the United States.

Table 6. OLS Regression Models Predicting Change in Job Zone (1–5) Between Wave One and Wave Two, Among Workers Employed in Both Waves

	(1)		(2)		(3)	
	Beta	SE	Beta	SE	Beta	SE
Class of entry (reference = employer-sponsored principal)						
Spouse	0.14*	(0.06)	0.11	(0.06)	0.10	(0.07)
Parents of U.S. citizen	−0.12	(0.13)	−0.11	(0.14)	−0.12	(0.15)
Sibling of U.S. citizen	−0.03	(0.10)	−0.08	(0.11)	−0.08	(0.11)
Employment, spouse	0.19	(0.17)	0.20	(0.17)	0.20	(0.17)
Diversity	0.37***	(0.06)	0.28***	(0.07)	0.27**	(0.08)
Refugee or asylee	0.17*	(0.08)	0.20*	(0.09)	0.19	(0.10)
Other	0.11	(0.07)	0.06	(0.07)	0.04	(0.08)
Controls						
Female			0.07	(0.04)	0.08	(0.05)
Age at follow-up			−0.02	(0.02)	−0.03	(0.02)
Age-squared			0.00	(0.00)	0.00	(0.00)
Interview in 2007 (reference)						
Interview in 2008			0.07	(0.07)	0.08	(0.07)
Interview in 2009			0.11*	(0.05)	0.11	(0.05)
Years in United States at wave two			−0.00	(0.00)	−0.00	(0.00)
Adjusted to green card within United States			−0.07	(0.06)	−0.06	(0.06)
Place of birth (reference = Mexico)						
Other Latin America					0.04	(0.08)
India					−0.06	(0.10)
China					0.02	(0.13)
Philippines					0.00	(0.12)
Other Asia					0.08	(0.10)
Africa					0.18	(0.12)
Middle East, North Africa					−0.01	(0.11)
Europe, Canada, Oceania					−0.06	(0.09)
Educational attainment (reference = < high school)						
High school diploma or equivalent					0.09	(0.07)
Some college					−0.10	(0.08)
Bachelor's degree					0.05	(0.08)
Master's degree					0.07	(0.09)
MD, JD, or PhD					0.01	(0.11)
Any education in the United States					−0.11	(0.06)
Was limited English proficient in wave one					−0.05	(0.05)
Worked before coming to United States					−0.01	(0.05)
Constant	0.01	(0.03)	0.67	(0.39)	0.75	(0.41)
N	1,852		1,852		1,852	

Source: Authors' analysis of New Immigrant Survey data, weighted for sampling design and for wave two nonresponse.
*p < .05; **p < .01; ***p < .001

Figure 7. Mean Job Zone Before Migration, in First U.S. Job, at Wave One, and at Wave Two
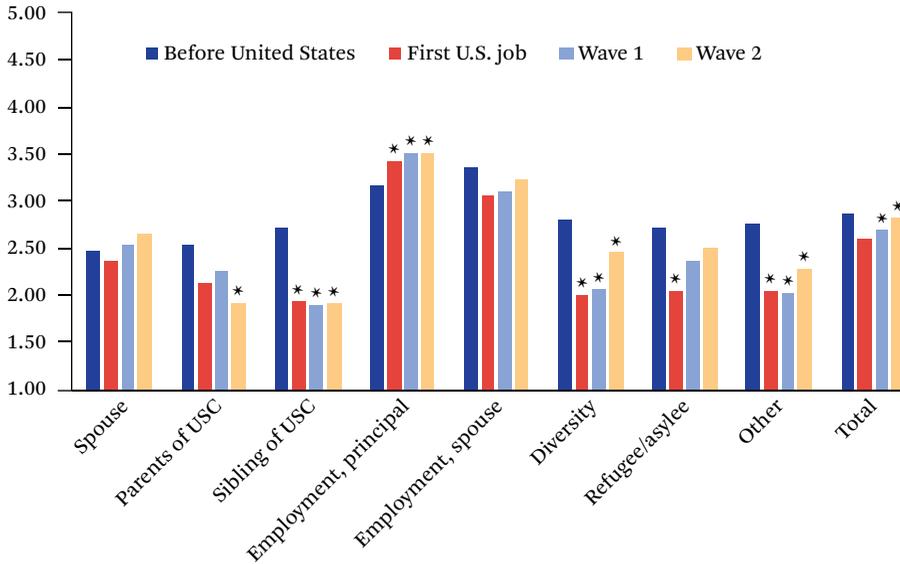
Source: Author's analysis of New Immigrant Survey data, weighted for sampling design and for wave two nonresponse (Jasso et al. 2006, 2014).
Note: USC = U.S. citizen.
*$p < .05$, denotes significance of difference from pre-migration job zone

CONCLUSION

The data show that on obtaining green cards for permanent residence, employer-sponsored immigrants show the highest level of human capital and employment, and the highest-skilled occupations, relative to family-sponsored immigrants or those entering under a diversity visa or humanitarian channels. But other classes of immigrants—family-sponsored, diversity, and refugee and asylee—are not poorly educated on the whole. In 2003, most groups of new permanent immigrants had higher rates of college completion than the U.S. population overall. The biggest exception is parents of U.S. citizens, who represent the lower educational attainment of past generations. Immigrants coming through different classes of entry also represent different mixes of ages, gender, and years of U.S. residence, which must be accounted for when generalizing about their outcomes in the United States.

Although most new LPRs have high rates of employment relative to the overall U.S. workforce, particularly several years after gaining their green cards, family, diversity, and human-itarian immigrants do not have the same levels of occupational success as employer-sponsored immigrants. New LPR men have employment rates higher than those of U.S. men overall, and even higher levels of employment several years later. New LPR women start with lower employment than U.S. women overall but see strong increases after several years, with most groups exceeding U.S. women's employment overall. All the same, most classes of immigrants still have significantly lower employment rates at wave two than employer-sponsored entrants—the exceptions being male siblings of U.S. citizens, male spouses of employer-sponsored immigrants, and male diversity visa holders.

Four groups—spouses, employer-sponsored principal applicants, diversity visa holders, and other immigrants (including adult children of citizens and LPRs)—showed significant increases in rates of self-employment and employing others. Relative to employer-sponsored immigrants, refugees and asylees had significantly higher self-employment rates at wave two.

Finally, looking at occupational skill levels

shows that employer-sponsored principal applicants have the highest-skilled jobs at wave two, significantly higher than those of other LPRs. But refugees and asylees and diversity visa holders see the fastest growth in the skill level of their jobs from wave one to wave two. Several categories of family-sponsored immigrants, as well as diversity visa holders and humanitarian migrants, experience substantial occupational downgrading in their first U.S. job. Although some groups are able to recover over time, others, such as parents, siblings, diversity visa holders, and other immigrants (including adult children of LPRs and U.S. citizens), do not, at least not during their first four to six years in the country.

Limitations

This work has two main limitations in application to current policymaking. First, the 2003 cohort of new LPRs does not necessarily represent today's immigration streams. Although immigrants in 2003 entered under the same set of rules and policies as today, and the top sending countries to the United States have remained the same, global political and economic changes have meant that some immigration streams, namely diversity visa applicants and refugees and asylees, come from different places than they did in 2003. Further, changes in sending countries and changes in the costs and incentives for migration may lead to different types of immigrants from within sending countries. However, the NIS represent the latest and best data available for studying differences in outcomes by class of entry, and so shed at some much-needed light on an otherwise murky topic.

Second, this study is subject to various forms of selection bias. The wave two NIS response rate was low, and the nonresponse weights may not have been able to fully account for differences in response rates by those with different labor-market outcomes. Even more, self-employment and occupational skill levels are only observed for those working, leading to upward bias in both outcomes. In particular, longitudinal models showing within-person change in occupational skill level between wave one and wave two represent only the selected sample of survey respondents who were em-

ployed in both survey waves. Without an ideal instrument that predicts employment but is not correlated with other labor-market outcomes, it is difficult to overcome this selection. Nevertheless, these findings, interpreted carefully, present the most up-to-date look available at how labor-market trajectories vary among groups of new legal immigrants.

Policy Implications

If the country's goal is to bring in only immigrants with greatest labor-market success, these findings suggest that employer-sponsored migrants do have the greatest success in the first few years after obtaining permanent resident status, showing the highest employment rates and the highest-skilled jobs. On the other hand, nearly all LPRs have higher employment rates than U.S. workers. And refugees and asylees show highest rates of self-employment and employing others, relative to other LPRs. LPRs may be strongly contributing to the country's economy, even if through lower-skilled work. Decisions about immigration policies should consider how immigrants across the skill spectrum affect U.S. economic growth, and which immigrants best complement U.S. workers.

That the occupational skill levels of family, diversity, and humanitarian migrants remain lower than those of employer-sponsored migrants, even when controlling for differences in education and English proficiency, also suggests that many LPRs may be facing durable barriers to their occupational success, such as difficulties gaining recognition of their foreign degrees or credentials, ongoing lack of savvy about how to navigate U.S. job markets, or discrimination. Research showing high rates of brain waste among highly educated immigrants suggests that immigrant workers might benefit from greater assistance in finding employment commensurate with their skills and education or in getting their foreign credentials recognized. Such efforts may help the country derive the greatest benefit from immigrant workers already here. On the other hand, it could be that the education and skills that family-sponsored, diversity, and humanitarian migrants bring are not a good match with U.S. labor-market needs, and that employer spon-

sorship is key to identifying immigrants likely to have high labor-market success.

Finally, policymakers should consider broader objectives of immigration policy. Most immigrants operate as parts of family units, not just as individuals. Family unity has long been a goal of U.S. immigration policy. But family unity may also help support immigrants' labor-market contributions. As shown by high rates of spouses, parents, and siblings reporting that they do not work because they are homemakers, family members may migrate to the United States to fill vital childcare and housekeeping duties, and thus support the high employment rates of other immigrants. A survey of sponsors of family-sponsored immigrants in Canada re-

vealed that 40 percent of sponsors of spouses or partners and 48 percent of sponsors of parents or grandparents said having their relative in Canada helped them work more hours (Citizenship and Immigration Canada 2014). Similarly, the ability to bring their parents to live with them in the United States may allow some LPRs and naturalized citizens to continue living and contributing to the United States, rather than moving back to their countries of origin to care for aging parents (Treas and Mazumdar 2004). Finally, U.S. refugee and asylum policies were established to support human rights and foreign-policy goals, rather than in consideration of such entrants' economic impacts on the country.

Table A1. Job Zone Classification Scheme

Job Zone	Name	Experience	Education	Job Training	Examples	SVP Range
1	Job Zone One: Little or No Preparation Needed	Little or no previous work-related skill, knowledge, or experience is needed for these occupations. For example, a person can become a waiter or waitress even if he/she has never worked before.	Some of these occupations may require a high school diploma or GED certificate.	Employees in these occupations need anywhere from a few days to a few months of training. Usually, an experienced worker could show you how to do the job.	These occupations involve following instructions and helping others. Examples include counter and rental clerks, dishwashers, cashiers, furniture finishers, logging equipment operators, and baristas.	(Below 4.0)
2	Job Zone Two: Some Preparation Needed	Some previous work-related skill, knowledge, or experience is usually needed. For example, a teller would benefit from experience working directly with the public.	These occupations usually require a high school diploma.	Employees in these occupations need anywhere from a few months to one year of working with experienced employees. A recognized apprenticeship program may be associated with these occupations.	These occupations often involve using your knowledge and skills to help others. Examples include orderlies, forest firefighters, customer service representatives, security guards, upholsterers, and tellers.	(4.0 to < 6.0)
3	Job Zone Three: Medium Preparation Needed	Previous work-related skill, knowledge, or experience is required for these occupations. For example, an electrician must have completed three or four years of apprenticeship or several years of vocational training, and often must have passed a licensing exam, in order to perform the job.	Most occupations in this zone require training in vocational schools, related on-the-job experience, or an associate's degree.	Employees in these occupations usually need one or two years of training involving both on-the-job experience and informal training with experienced workers. A recognized apprenticeship program may be associated with these occupations.	These occupations usually involve using communication and organizational skills to coordinate, supervise, manage, or train others to accomplish goals. Examples include food service managers, travel guides, electricians, agricultural technicians, barbers, nannies, and medical assistants.	(6.0 to < 7.0)

Table A1. *(continued)*

Job Zone	Name	Experience	Education	Job Training	Examples	SVP Range
4	Job Zone Four: Considerable Preparation Needed	A considerable amount of work-related skill, knowledge, or experience is needed for these occupations. For example, an accountant must complete four years of college and work for several years in accounting to be considered qualified.	Most of these occupations require a four-year bachelor's degree, but some do not.	Employees in these occupations usually need several years of work-related experience, on-the-job training, and/or vocational training.	Many of these occupations involve coordinating, supervising, managing, or training others. Examples include accountants, sales managers, database administrators, graphic designers, chemists, art directors, and cost estimators.	(7.0 to < 8.0)
5	Job Zone Five: Extensive Preparation Needed	Extensive skill, knowledge, and experience are needed for these occupations. Many require more than five years of experience. For example, surgeons must complete four years of college and an additional five to seven years of specialized medical training to be able to do their job.	Most of these occupations require graduate school. For example, they may require a master's degree, and some require a PhD, MD, or JD (law degree).	Employees may need some on-the-job training, but most of these occupations assume that the person will already have the required skills, knowledge, work-related experience, and/or training.	These occupations often involve coordinating, training, supervising, or managing the activities of others to accomplish goals. Very advanced communication and organizational skills are required. Examples include librarians, lawyers, astronomers, biologists, clergy, surgeons, and veterinarians.	(8.0 and above)

REFERENCES

Batalova, Jeanne, and Michael Fix. 2008. *Uneven Progress: The Employment Pathways of Skilled Immigrants in the United States*. With Peter A. Creticos. Washington, D.C.: Migration Policy Institute. Accessed August 7, 2020. https://www.migrationpolicy.org/research/uneven-progress-employment-pathways-skilled-immigrants-united-states.

——. 2017. "New Brain Gain: Rising Human Capital Among Recent Immigrants to the United States." Washington, D.C.: Migration Policy Institute. Accessed August 7, 2020. https://www.migrationpolicy.org/research/new-brain-gain-rising-human-capital-among-recent-immigrants-united-states.

Batalova, Jeanne, Michael Fix, and James D. Bachmeier. 2016. "Untapped Talent: The Costs of Brain Waste Among Highly Skilled Immigrants in the United States." Washington, D.C.: Migration Policy Institute.

Citizenship and Immigration Canada. 2014. *Evaluation of the Family Reunification Program*. Ottawa: Government of Canada. Accessed May 13, 2020. https://www.canada.ca/content/dam/ircc/migration/ircc/english/pdf/pub/e4-2013-frp.pdf.

Duleep, Harriet Orcutt, and Mark C. Regets. 1996. "Admission Criteria and Immigrant Earnings Profiles." *International Migration Review* 30(2): 571–90. DOI: 10.2307/2547394.

Jasso, Guillermina, Douglas S. Massey, Mark R. Rosenzweig, and James P. Smith. 2006. "The New Immigrant Survey 2003 Round 1 (NIS-2003-1) Public Release Data." March 2006. Accessed May 20, 2020. Funded by NIH HD33843, NSF, USCIS, ASPE & Pew. http://nis.princeton.edu.

——. 2014. "The New Immigrant Survey 2003 Round 2 (NIS-2003-2) Public Release Data." Accessed May 20, 2020. Funded by NIH HD33843, NSF, USCIS, ASPE & Pew. http://nis.princeton.edu.

Jasso, Guillermina, and Mark R. Rosenzweig. 1995. "Do Immigrants Screened for Skills Do Better Than Family Reunification Immigrants?" *International Migration Review* 29(1): 85–111. DOI: 10.2307/2546998.

Massey, Douglas S. 2011. "The New Immigrant Survey and Research on American Stratification." *Social Science Research* 40(5): 1287–91. DOI: 10.1016/j.ssresearch.2011.06.001.

Massey, Douglas S., Guillermina Jasso, and Monica Espinoza. 2017. "Weighting for Nonresponse on Round Two of the New Immigrant Survey." Princeton, N.J.: Princeton University.

National Academies of Sciences, Engineering, and Medicine. 2017. *The Economic and Fiscal Consequences of Immigration*. Washington, D.C.: National Academies Press. DOI: 10.17226/23550.

Office of Immigration Statistics (OIS). 2004. *Yearbook of Immigration Statistics 2003*. Washington: U.S. Department of Homeland Security.

——. 2019. *Yearbook of Immigration Statistics 2018*. Washington: U.S. Department of Homeland Security. Accessed May 20, 2020. https://www.dhs.gov/immigration-statistics/yearbook/2018.

Schwabish, Jonathan A. 2009. "Identifying Rates of Emigration in the United States Using Administrative Earnings Records." *CBO* working paper no 2009-01. Washington, D.C.: Congressional Budget Office. Accessed May 20, 2020. https://www.cbo.gov/sites/default/files/111th-congress-2009-2010/workingpaper/2009-01_1.pdf.

Stoops, Nicole. 2004. "Educational Attainment in the United States: 2003." Suitland, Md.: U.S. Census Bureau. https://www.census.gov/content/dam/Census/library/publications/2004/demo/p20-550.pdf.

Treas, Judith, and Shampa Mazumdar. 2004. "Kin-keeping and Caregiving: Contributions of Older People in Immigrant Families." *Journal of Comparative Family Studies* 35(1): 105–22.

U.S. Department of Labor, Employment and Training Administration. 2020. "Job Zone Reference." O-NET Resource Center. Accessed May 20, 2020, https://www.onetcenter.org/dictionary/21.3/excel/job_zone_reference.html.

Vincenza Desiderio, Maria, and Kate Hooper. 2016. "The Canadian Expression of Interest System: A Model to Manage Skilled Migration to the European Union?" Washington, D.C.: Migration Policy Institute Europe. Accessed May 13, 2020. https://www.migrationpolicy.org/research/canadian-expression-interest-system-model-manage-skilled-migration-european-union.

PART III

Alternative Pathways

The Value of Citizenship and Service to the Nation

CARA WONG AND JONATHAN BONAGURO

Noncitizens in the United States have been receiving citizenship for military service in every war and almost every significant military operation since before the country was founded. Currently, many noncitizens fight for the United States and in return receive faster access to naturalization and citizenship. Nevertheless, politicians and pundits across the political spectrum tend to avoid mentioning this policy altogether. To explore the possible mass bases of this elite silence, we provide the first look at whether contemporary Americans support jus meritum *(citizenship based on service) or not. Using experiments, we also examine whether opinions differ if the immigrants initially entered the country with documents or not, and whether the type of service (military or other) affects public support for these long-running policies.*

Keywords: citizenship, immigration, service, undocumented, public opinion

Aliens have fought in American wars since before the United States was even a country (Burk 1995; Kestnbaum 2000).[1] This aspect of history is not mentioned in civics classes and is not common knowledge among most Americans (beyond, perhaps, the name of Lafayette). In addition, noncitizens who fought on behalf of colonial militias and the United States were given the right to apply for citizenship—state and national, once the latter existed—as a re-

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1. In the rest of this article, we use *noncitizens* to refer to those the United States Citizenship and Immigration Services (USCIS) calls *aliens*. The latter term is offensive to some, but obviously, many noncitizens throughout American history were not immigrants. Given the limited scope of this article, we do not discuss the extensive military service of noncitizens who were not allowed to be or become citizens because of their race or ethnicity.

sult of their service, a practice defined as *jus meritum* (Wong and Cho 2006).[2] Again, this policy of granting citizenship for service throughout American history is generally unfamiliar, although the existence of noncitizen soldiers and the practice of granting them citizenship has been mentioned by the media more frequently since the start of the Iraq War in 2003.

Some of the first casualties and deaths after the invasion were of noncitizens (Amaya 2007), and about once a year (usually on July 4), reporters have covered the naturalization ceremonies for soldiers who were wounded or killed (Stolberg 2006; Liptak 2014). In these recent news stories, the implicit normative argument is that naturalization is a just reward for military service (Navarrette 2003). After all, someone brave enough to volunteer and fight for the United States—a duty that many American citizens have eschewed—deserves a reward worthy of that sacrifice.

What is not discussed in the stories, however, is that this is an odd inversion of the typical relationship between membership and responsibilities, or consent and obligation (Pitkin 1965; Gilbert 2006). Usually, someone becomes a member of a group *before* taking on the special duties or responsibilities of membership (Scheffler 2001; Jeske 2002)—owed only to the subset of people with whom that individual has a "special relationship," such as family members or fellow citizens—and benefits follow from the fulfillment of those obligations. In this case, however, by performing a specific duty that can last for years, noncitizens are eligible to apply for naturalization. And, despite the policy's long history, we do not know whether the American public agrees that noncitizens should even be allowed to serve the nation in this way, much less whether they should receive citizenship as a result of their service.

Another issue not raised in these media ha-

giographies is whether any other type of service deserves equal reward. One could imagine that self-sacrifice on behalf of a country deserves accolade, regardless of its nature. After all, the government compensates its employees for their service, perhaps even more than the private sector does (Falk 2017). Even in strictly cost-benefit terms, one imagines that a country should compensate those who suffered costs and damages in its service, whether in terms of time, ambition, physical well-being, or finances (O'Neill 1987). However, U.S. citizenship itself has not been granted for service that is not explicitly in defense of the nation. This raises the question of whether Americans think there is something special about military service. If not, should AmeriCorps volunteers, for example, also be granted citizenship for their service?

Although some discussions have addressed whether noncitizens should be included in military drafts in historical congressional debates (Capozzola 2008), to our knowledge, no national public opinion data have been available until now about the existence of noncitizen soldiers or about the policy of granting citizenship for military service.[3] What do ordinary people think of these policies, which are as American as apple pie and older than baseball? What do they see as the value of citizenship? In this article, using experiments fielded in two nationally representative public opinion surveys, we show the effects that types of service have on who Americans think should be allowed to serve the nation and on who they believe should receive citizenship for that service.

Because the unsuccessful DREAM Act proposal included military service as one pathway by which undocumented immigrants could gain access to citizenship, we also look at whether the legal status of immigrants affects attitudes about who can serve the country and

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That is another important story in American history that deserves its own focus and shows that race trumped notions of *jus meritum* well into the twentieth century (Burk 1995; Salyer 2004; Wong and Cho 2006).

2. Of the eight people declared honorary citizens of the United States, three were noncitizens who fought on behalf of the Americans in the Revolutionary War.

3. A few excellent recent works have discussed proposals for *undocumented* immigrants, particularly Dreamers, to gain citizenship via military service (Wallace and Wallace 2019; Sullivan 2019), but not the more general, centuries-old, practice of granting citizenship for military service.

what are one's just rewards as a result. In other words, do attitudes about noncitizen soldiers and granting citizenship for that service, for example, differ, depending on whether the immigrants were authorized to enter the country?[4]

RELATIONSHIP BETWEEN MEMBERSHIP AND RESPONSIBILITIES AND DUTIES

Special obligations, political obligations, and associative obligations are largely implicit in political psychology, but are widely discussed in political theory (Pitkin 1965; Scheffler 2001; Horton 2007; Wong 2010). The assumption across fields is that via social identities and group membership, belonging to a group can lead individuals to feel a desire to promote the well-being of ingroup members (Tajfel 1981; Simmons 1996). When the group is the nation, it implies a sense of duty and obligation to the state and its people, despite debate about whether these responsibilities should be spelled out (Transue 2007; Waldron 2011).

What exactly is required of a citizen of the United States? Given the emphasis on citizens' rights in schoolchildren's American history lessons—particularly the Bill of Rights—it is perhaps surprising that no explicit responsibility of citizenship is listed in the Constitution. Various duties are *implied*—to obey the law, avoid treason, and serve on juries and the armed forces when called, though when specified, they apply to "persons" generally and not to "citizens."[5] In contrast, the United States Citizenship and Immigration Services (USCIS)

lists the following as responsibilities of U.S. citizens:

> support and defend the Constitution
>
> stay informed of the issues affecting your community
>
> participate in the democratic process
>
> respect and obey federal, state, and local laws
>
> respect the rights, beliefs, and opinions of others
>
> participate in your local community
>
> pay income and other taxes honestly, and on time, to federal, state, and local authorities
>
> serve on a jury when called upon
>
> defend the country if the need should arise[6]

Most responsibilities on this list are not required by law, many do not demand specific actions be taken, and only jury duty is restricted to citizens.[7] The other responsibilities can all be performed by noncitizens with impunity. However, fulfilling these responsibilities does not mean that a noncitizen's status changes in the eyes of the government.

The performance of ordinary duties associated with a role or position rarely leads to changes in legal status. For example, taking care of children does not necessarily make someone a parent in the eyes of the law, even if the adult has raised a child from birth. Simi-

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4. The only undocumented immigrants currently allowed to serve in the U.S. armed forces are DACA recipients included through the Military Accessions Vital to National Interest (MAVNI) program, the status of which is currently in limbo (Copp 2018). The Encourage New Legalized Immigrants to Start Training Act (ENLIST) was first proposed in Congress in 2013 (and most recently in 2019), which would allow undocumented immigrants who entered the country before the age of fifteen to serve in the military and subsequently qualify for legal permanent residence after honorable service. It has more than two hundred bipartisan cosponsors.

5. Of these duties, only jury duty is now restricted to citizens; until the early nineteenth century, noncitizens were able to serve (Lombardi 2009).

6. USCIS, "Citizenship Rights and Responsibilities," http://www.uscis.gov/citizenship/learners/citizenship -rights-and-responsibilities (accessed May 14, 2020).

7. Voting is restricted in almost all locales as well, though many other forms of political participation are open to noncitizens (Hayduk 2006). Until the early twentieth century, immigrants were granted the right or duty to vote in many states, regardless of citizenship status. However, alien suffrage ended almost everywhere after World War I, once anti-immigrant opponents were able to change the laws.

larly, the performance of almost any of the responsibilities listed by the USCIS does not affect the legal status of noncitizens. A Chinese tourist to Disneyworld must pay sales tax for a Mickey Mouse hat, a legal permanent resident has to obey highway speed limits, and a young male undocumented immigrant is legally required to register for selective service. Payment of taxes and law-abidingness do not trigger any officially recognized changes in national membership, and attempts by noncitizens to behave as only citizens may (voting, for example) can land them in prison or deportation proceedings.

The only task for which a noncitizen can gain immediate access to membership in the nation is to actively defend the country in times of crisis.[8] For example, in extremely rare circumstances the U.S. government has promised citizenship to foreign nationals in exchange for "one-shot" services hugely beneficial to the country's welfare, such as during the scramble in the weeks following 9/11 to find reliable and useful information about terrorist activity (Stout 2001).[9] When the practice of recruiting noncitizens for military service began in the colonial militias, necessity was the main motivation: inadequate numbers of volunteers meant that defenses were inadequate for the safety of a community, whether local or national (Kestnbaum 2000). To recruit men for this risky job, political and military elites had to provide adequate incentives: inclusion in the community, with its concomitant benefits, would be attractive to some (and cheap for the elites, relatively speaking) (Kettner 2014).[10] The policy has continued over the centuries for noncitizen permanent legal residents, even if the need is no longer so clear (Wong and Cho 2006; for an argument that noncitizen soldiers may allow native-born Americans to avoid a draft, see Wong 2007).

Until recently, certain noncitizens who had legal status but who were not permanent residents also were allowed to enlist in the armed forces and thereby become eligible for citizenship.[11] Via the Military Accessions Vital to National Interest program (MAVNI), noncitizens who were legal but not permanent residents in the United States and who had either medical training or fluency in certain languages could join the military.[12] The pilot program began in 2008, was frozen in 2016 due to security concerns arising from inadequate background checks, and has not been restarted.

Despite these various programs, noncitizen soldiers are not recruited explicitly in such an instrumental fashion. No posters are in evidence, for example, in which Uncle Sam says he wants to make a tit-for-tat bargain with noncitizen legal residents, swapping citizenship for service. Instead, noncitizen soldiers are re-

8. Individuals of extraordinary talent are sometimes given access to citizenship in anticipation of the benefits—Olympic gold medals, Nobel science prizes, or better training for Americans—that will accrue to the United States (Shachar 2011). However, this Olympic citizenship is given before the athlete can compete as an American, and citizenship is not revoked if medals are not earned. In these situations, the United States is making a gamble ahead of time, not rewarding services rendered.

9. This practice also exists outside the United States. In France, for example, Article 21-19 states that a foreign national who has "performed exceptional services for France, or whose naturalisation would be of exceptional interest for France" is eligible for expedited citizenship (Schofield 2018).

10. Even when drafts were called to make up for shortages in personnel, some political elites still opposed allowing noncitizens into the armed forces, arguing that fighting for the United States was a *right* of citizenship, and others worried about national security.

11. This includes asylees, refugees, recipients of Temporary Protected Status, and those who hold one of a range of non-immigrant visas (DOD 2015).

12. Undocumented immigrants generally were not eligible for MAVNI. At the time, the program was developed, the plan was that the proposed Dream Act would cover undocumented immigrants and allow them to enlist (Stock 2015). DACA recipients did later became eligible to enlist via MAVNI, though the actual number enrolled was small (Watson 2018).

warded for their service by becoming eligible for naturalization, expedited in times of peace and immediate in times of war.[13] The offer of membership is not a payment or restitution; similarly, veterans are not paid with educational benefits (Mettler 2005).[14] All soldiers receive a salary for their labor, but access to higher education and health services—and citizenship for noncitizens—are benefits of service, both concurrent and future. They are not legally or morally compelled compensation for any previous damage or injury (O'Neill 1987).

Gratitude for Performance of Duties by Members (and Nonmembers)

If benefits resulting from the performance of service are not payments, how are they seen by ordinary Americans? "Gratitude" is perhaps the common response (Emmons and McCullough 2004), given that it is the "proper or called-for response in a beneficiary to benefits or beneficence from a benefactor" (Manela 2015, 1). In the case of noncitizen soldiers, the immigrant is the agent who intentionally chooses to defend the community, which benefits the members of the community. Of course, it is unlikely that defending the community is the only motivation for the choice to act; some philosophers question whether agents who act with the intention of receiving a return in the future deserve gratitude at all or to a lesser degree (Card 1988). However, it is clear that noncitizens have no obligation to defend citizens, so the service is definitely a supererogatory act, and the action is risky and costly on the part of the noncitizen (Weiss 1985).

Gratitude may depend on whether the recipient wants the beneficence (military service) from the benefactor (noncitizens). Although most citizens probably desire some level of protection from the state, it is less obvious whether they want the benefit from these particular benefactors.[15] And if they do not want this service performed by noncitizens, how likely is it that they believe gratitude should be expressed for this unwelcome behavior? These are empirical questions we can answer with public opinion data.

What is the grateful response? If one acknowledges the beneficence, the resulting positive affect often leads to grateful behavior. The response can lead to reciprocity and a desire to extend generosity (Bartlett and DeSteno 2006), but the goal is not simply to compensate the benefactor for costs incurred (McCullough, Kimeldorf, and Cohen 2008; Manela 2015). What is the proper degree of response? Apathy or ingratitude is equally as reprehensible as servility or excess gratitude, yet it is unclear how much gratitude should be expressed. This article asks how ordinary citizens make these decisions and studies the extent to which gratitude may lead to reciprocity in granting a boon—citizenship—for the service provided by those who bore no responsibility to do so.[16]

What Is Service Worth?

National membership or citizenship is only one possible reward for service on behalf of a country. As mentioned, members of the military, their families, and veterans are eligible for a

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13. In peacetime, members of the U.S. armed forces are eligible to apply after one year of honorable service. It is not automatic in times of peace or war, however; the military does not consistently facilitate this process, and the process has slowed significantly with added background checks and the closing of USCIS offices at U.S. army basic training camps. As of October 2017, there is also an additional requirement to serve 180 consecutive days (Bergengruen 2018).

14. That said, although citizenship has not been promised, at times freedom and pay have been advertised in recruitment posters (Freeman, Schamel, and West 1992).

15. For example, some view military service as a *right* of citizenship. Also, the use of mercenaries is banned by international laws, and use of private military companies by the U.S. government—though common—is not welcomed with open arms (McFate 2016; Wehle 2017; Ramirez and Wood 2018).

16. We do not measure gratitude directly in our surveys; instead, we examine the extent to which Americans support granting individuals group membership in response to service to the group, even in circumstances when that service was not initially desired.

range of health and education benefits.[17] Government and nonprofit employees are also eligible for the Department of Education's Public Service Loan Forgiveness Program (Federal Student Aid 2016). People working in public service jobs earn less than if they were to pursue other careers, it is argued, and the Forgiveness Program therefore allows them to enter and continue working for the government or nonprofit organizations. As a result, individuals who work for AmeriCorps, for example, may have some of their educational loans forgiven as a result of their service to thousands of the nation's communities. However, applicants are eligible only after about ten years of payments, and only a small percentage of applications are approved (Maldonado 2018).

In many ways, it is easier to determine the dollar value of military service than for other types of service, perhaps because of its long history. For example, during the Civil War, all male citizens (that is, white) between twenty and thirty-five (and all unmarried men age thirty-five to forty-five) were eligible for military service. Draftees could present an "acceptable substitute" or pay $300 (roughly $5,000 today) as a commutation fee to avoid service (Bernstein 1991); recruits could also receive bounties for volunteering up to $400 (Levi 1997). Individuals who fought on behalf of the country could also receive benefits that were less material. Throughout U.S. history, minority groups—defined by race, ethnicity, gender, or sexual orientation—that served in the armed forces have sought to help diminish societal levels of prejudice and discrimination toward their group by demonstrating their worth, patriotism, and bravery explicitly (Rochin, Fernandez, and Oliveros 2005; Belkin 2012). However, service did not lead to citizenship for black soldiers who fought in the Revolutionary War or for Japanese immigrants who fought for the United States in World War I, for example (Salyer 2004; Haney-Lopez 2006). The sacrifice of American soldiers was compelling, but race was still the prevailing factor for most of the country's history.

From the point of view of immigrants, what is citizenship worth? Fixed costs imposed by the government include the fee for obtaining the correct visa, the expenses paid to gain legal permanent residence (which often includes the costs of civil surgeons and lawyers), and the cost of naturalization, totaling in the thousands of dollars per person. In addition are the costs of coming to the United States, residing here for a specified amount of time, learning English and American history, and proving that one will not become a burden on the state. Given these monetary and especially temporal costs, Margaret Stock (2015) argues in defense of MAVNI that a smart immigrant will weigh these costs with the benefits of service and choose to join the military if at all possible for citizenship.

Is Military Service Unique?

If we reward military service, especially in time of a national need, do we reward other service in a similar fashion? One might argue that our H-1B visa program has a passing resemblance. When the United States needs programmers or nurses, for example, they are allowed to immigrate from other countries to the United States. However, they are allowed only to cross the country's borders and work legally; they are not granted permanent residence or membership to the national community, even if that pathway is a possibility in the distant future. Immigrants who invest money in a business and hire American workers are also granted a limited number of visas (EB-5 investment green card or E-2 temporary work visas) to reside in the country; again, this is limited to residency, not citizenship. To the best of our knowledge, performance of no other normal duty or service regularly gains a person access to U.S. citizenship directly. As a point of comparison to *jus meritum*, however, we discuss public attitudes about these investment visas.

Why is military service still special now? Scholarship is extensive about the heroic and noble nature of soldiers in the past, but is it still

17. However, even benefits given to veterans were not always directly intended as expressions of gratitude. As much as we think of the GI Bill today as providing the opportunity for a college education to the Greatest Generation and beyond, it was formulated primarily with demobilization and reintegration in mind (Mettler 2005).

viewed in a distinct light in the current age of the all-volunteer force?[18] Army recruitment continues to be affected by the state of the economy, such that quotas are harder to reach when unemployment is low and easier during a recession (James 2009). Also, as is true for other jobs with stringent requirements, between 70 and 75 percent of American youth are ineligible even to be considered for military service, mainly because of obesity, too little education, and criminal records (Christeson, Taggart, and Messner-Zidell 2009; Spoehr and Handy 2018).

Nevertheless, signs also indicate that military service is not considered to be like other jobs. Jonathan Ebel (2015, 2) explains the role of American soldiers in the narrative of America's civil religion as "not simply as protectors and preservers of the nation and its ideals, but as incarnations of those ideals—the Word made flesh—whose willingness to suffer and die brings salvation to an often wayward but nevertheless chosen people."

News stories about Americans thanking veterans of the Iraq and Afghanistan wars for their service have been numerous, often trying to compensate in some measure for the hostility Vietnam War veterans received (Bell 2016). The military consistently tops a list of ten occupational groups (including teachers, doctors, clergy, and scientists) in terms of its contribution to the well-being of society, and this support does not differ by gender, education, or age (Pew Research Center 2013). The American public also has more confidence that the military will act in the best interests of the public (80 percent), relative to the news media, business leaders, and elected officials; only 25 to 45 percent express confidence in these institutions (Johnson 2018).[19]

Despite this admiration expressed for mem-bers of the armed forces, a national poll conducted in 1988 and 1989 showed an ambivalent picture about taking on this responsibility personally: almost all Americans said they were proud of the men and women who serve in the military, yet more than one in five nonveterans said that they would not want their children to do so (Holsti 2001). A 2011 Pew survey shows that this ambivalence has continued over decades: whereas three-quarters of veterans would recommend a career in the military, only about half of Americans who have a family member who served would advise a young person close to them to join the military, and only 43 percent of those without a military relative would agree with that advice (Pew Research Center 2011).[20] Admiration does not trump self-interest for all Americans, especially now that the end of the draft has concentrated military service in some communities and largely removed the experience of military service from others (Florida 2010; Pew Research Center 2011; Winnefeld and Schafer 2017).

At the same time, people can perform public service for their community and country in many other ways, informal and formal. Public servants range from post office employees to public school teachers to police officers, and programs explicitly designed for public service—such as the Park Rangers or Peace Corps—developed throughout the twentieth century. Of course, some of these are more directly aimed at conservation or humanitarianism, for example, or are more standard jobs for which employees draw regular salaries (and perhaps are not seen as deserving additional gratitude). In 2020, the National Commission on Military, National, and Public Service completed its report that reviewed the selective service registration process (particularly with regard to the inclu-

18. Individuals are still required by the Constitution to serve if called upon, but they also have to serve on juries when requested, and citizenship was not offered to noncitizens for serving on a jury of their peers when this was still a common practice. Proposals have been made that voting or serving on juries would be excellent socialization tools that would create better citizens, but legislation to include noncitizens has met with limited success (DeSipio and de la Garza 1998).

19. Of those who expressed confidence in the military, 12 percent mentioned the selfless bravery of the volunteers willing to give up their lives as a reason for that confidence (Newport 2017).

20. Even if a choice had been made, support was mixed. A 2005 Gallup poll showed that only 51 percent of Americans chose support when asked, "If you had a son or daughter who was planning to enter the military, would you support that step or would you suggest a different occupation?" (Gallup 2018).

sion of women), and examined and recommended ways to "increase participation in military, national, and public service as a means to strengthen our nation" (Heck et al. 2019, 5). Although the very title of the commission lumps together different types of service, the main issue driving its creation was the military draft.

Little explicit comparison is made of military service with other types of public service in public discourse, even when *heroes* is a blanket term used to describe many of them.[21] When President Bill Clinton's call to service heralded the creation of AmeriCorps in 1993, the Clinton Foundation equated volunteering for the armed services with volunteering to be a member of AmeriCorps (Clinton Foundation 2013). However, in general, discussion of these types of public service does not associate them, and it is possible that ordinary citizens see military service as more of a sacrifice than other types of selflessness on behalf of the country. The casualty rates are different albeit not the highest (Planes 2014), and members of Congress and presidents have not seen all service as equal in their bills and executive orders. It is possible that Americans' perceptions of the risk to one's life involved in military service distinguishes it from AmeriCorps, or that they see the former as particularly patriotic.

However, military service does not seem to hold special status as a patriotic service in the public's mind. In a 2008 Gallup poll, 62 percent of Americans thought serving in the U.S military indicated that a person is patriotic "a great deal."

However, voting was more universally seen as patriotic: 78 percent said that the act of voting indicated a person is patriotic "a great deal." As a point of comparison, 53 percent thought the same for saying the pledge of allegiance and 28 percent for wearing an American flag pin (Morales 2008).[22] And, according to a Pew poll, only 37 percent of Americans think that veterans are more patriotic than other people in the country (Taylor 2011). We come back to this issue of patriotic service in the conclusion.

What we examine next is whether ordinary Americans have the same views about the value of service and citizenship as their political institutions and leaders. Do they support allowing noncitizens to serve the country and granting citizenship for that service? Using experiments, we can also answer questions about whether the type of service (military or nonmilitary) or the type of noncitizen (authorized or not) affects their opinions. We hypothesize that both will matter.

DATA AND MEASURES

The data used in this study are from the 2014 and 2016 Cooperative Congressional Election Studies (CCES).[23] The questions and experiments, which were fielded on the post-election questionnaire in 2014 and on the pre- and post-election questionnaires in 2016, were administered to modules of a thousand respondents each year.[24] In 2014, 897 respondents completed the post-election wave questions; in 2016, a thousand respondents did.[25]

21. One implicit equation of service arises from the list of individuals who can be excused from federal jury duty categorically: active duty members of the armed forces, police officers, firefighters, and public government officers (U.S. Courts, n.d.).

22. Serving in the U.S. military is seen as patriotic by a majority of Republicans and Democrats and a majority of Americans of all ages and education levels. The same is not true for saying the pledge of allegiance or wearing an American flag pin.

23. The CCES was conducted by YouGov/Polimetrix, which recruits and maintains a large online panel of survey respondents. YouGov takes a target random sample of adults from the American Community Survey and matches each member of this target sample with people from their opt-in sample on a range of characteristics. The matched sample is then weighted using propensity scores to ensure that it is nationally representative. For more information, see https://cces.gov.harvard.edu, accessed August 3, 2020.

24. The pre-election survey is fielded in September and October, and the post-election survey is in the field in November.

25. The questions were originally tested using departmental subject pools. Because college students (and political science undergraduates, in particular) can differ significantly from the general population in many ways,

In 2014, respondents were asked whether they agreed or disagreed with the following statement:

1a (A/n) (legal/illegal) resident of the United States who is not an American citizen should be allowed to serve in the U.S. military.

1b If someone who is not an American citizen were to serve in the U.S. military, he should be granted American citizenship as a result of his service.

2a (A/n) (legal/illegal) resident of the United States who is not an American citizen should be allowed to serve in the Peace Corps.[26]

2b If someone who is not an American citizen were to serve in the Peace Corps, he should be granted American citizenship as a result of his service.

Possible answers were agree strongly, agree somewhat, neither agree nor disagree, disagree somewhat, or disagree strongly.[27]

This experiment includes two manipulations. The first treatment randomized the order of types of service about which respondents were asked: half were asked about noncitizen service in terms of military activities first; the other half were asked about nonmilitary activities (the Peace Corps) first. Given previous research on survey context, we hypothesized that order could matter: respondents could feel pressures to treat all types of service equally or to venerate military service more. The second treatment framed the questions in terms of whether the immigrants had documents: half of the respondents were asked about legal immigrants across the two types of service, and the other half were asked about undocumented immigrants across the two types of service. The

questions asking whether citizenship should be granted for service did not contain the word *legal* or *illegal*, although it was implied given that they immediately followed the questions about whether the two types of immigrants should be allowed to serve.

In 2014, we compared the Peace Corps with the military because it is a long-standing program that is relatively well known, and Peace Corps volunteers serve around the world, much like members of the U.S. military. However, one interpretation for potential differences in opinions about service in the military and service in the Peace Corps could be that the latter organization is focused on helping people in other countries more than the United States (although part of their mission is to foster greater knowledge and understanding among Americans). Both Peace Corps volunteers and U.S. soldiers can serve abroad, but the primary goal of the military is to protect the interests of the United States. The beneficiaries of the types of service being compared may not all be seen as Americans.

One alternative is public service in AmeriCorps (which focuses on sending volunteers to American communities), in an agency whose name makes explicit the government affiliation and domestic focus (the U.S. Department of Health and Human Services, given that people may not know that the Peace Corps is a program run by the U.S. government). If work explicitly on behalf of the United States and its citizens is what is rewarded, then noncitizens showing selflessness in other types of public service exclusively aimed to benefit Americans may garner the same support as noncitizen soldiers.

Another possible explanation for differences in opinion is that risk to life is what distinguishes service in the military from that in the Peace Corps. Few would dispute that Peace

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we wanted to replicate the experiment. The samples of the CCES are nationally representative. For a comparison of the CCES with the American Community Survey across a number of demographic variables, see table A1.

26. Only U.S. citizens are currently allowed to serve in the Peace Corps.

27. The singular gendered language was chosen deliberately to get an upper-bound response by avoiding priming considerations of large numbers of immigrants and debates about women's participation in combat or selective service.

Corps and AmeriCorps volunteers often face hardship in impoverished conditions, but in general they do not have to worry about the risk of death in their work. Therefore, to learn whether military service is unique because of its potential dangers rather than because of who is helped, firefighting is added as an alternative type of service that involves greater physical risk and potentially life-threatening situations (Desmond 2011).[28]

In the 2016 CCES, we replicated the experiment but switched Peace Corps to AmeriCorps and added firefighting as a third type of service.[29] The order in which respondents were asked about the types of service was randomized. We also added "legal or illegal" to the question wording about whether citizenship should be granted, just to make explicit that the question referred to the same type of immigrants asked about in the previous question.[30] In contrast to 2014, respondents could be asked whether they agreed or disagreed with the following statement about immigrants with and without documents across the three types of service.

1a (A/n) (legal/illegal) resident of the United States who is not an American citizen should be allowed to serve in the U.S. military.

1b If (a/n) (legal/illegal) resident of the United States who is not an American citizen were to serve in the U.S. military, he should be granted American citizenship as a result of his service.

2a (A/n) (legal/illegal) resident of the United States who is not an American citizen should be allowed to serve as a firefighter.

2b If (a/n) (legal/illegal) resident of the United States who is not an American citizen were to serve as a firefighter, he should be granted American citizenship as a result of his service.

3a (A/n) (legal/illegal) resident of the United States who is not an American citizen should be allowed to serve in the Ameri-Corps—a government-sponsored program to allow young people to serve in nonprofits, schools, public agencies, and community and faith-based groups across the United States.

3b If (a/n) (legal/illegal) resident of the United States who is not an American citizen were to serve in the AmeriCorps, he should be granted American citizenship as a result of his service.

We did not first ask whether respondents knew noncitizens could serve in these organizations before asking them their opinions. We assume that many Americans do not know the eligibility requirements for these organizations; we also assume that if they were told about the existing policies, some respondents would be influenced to agree with the status quo out of inertia, implicit support for government decision making and actions, or uncertainty arising from their ignorance about the relationship between citizenship and service. Although some respondents likely did know that legal resident soldiers were eligible for citizenship and supported it simply because of the status quo, many fewer would be primed and affected if information were not provided. To the extent possible, we wanted to measure attitudes about whether noncitizens should be allowed to serve, and whether they should be eligible for citizenship if they were to serve.[31]

28. First responders are often called heroes, and include firefighters, police officers, and paramedics. Police service was also considered as a possible treatment, but given the salience of Black Lives Matter and stories of police violence in the news in 2016, firefighting seemed better suited to garner the greatest positive affect.

29. The experiment with the new types of service was first tested using a university subject pool, and we had similar results to the ones reported here.

30. Depending on the location and position, AmeriCorps volunteers and firefighters do not have to be citizens.

31. We did ask about knowledge of and attitudes about eligibility for a variety of activities in the 2016 post-election wave, which we will discuss.

ANALYSIS: WHO CAN SERVE THE UNITED STATES?

A majority of Americans believe that legal immigrants should be allowed to serve in the U.S. military, the Peace Corps, AmeriCorps, and as firefighters (support ranges from 53 to 60 percent). Americans do not differentiate much between types of public service when it comes to deciding who should be allowed to serve. Despite concerns expressed in historical congressional debates about fears of espionage by noncitizens and perceptions that noncitizens might be unqualified for the work required in the armed forces, no evidence indicates that the public is less willing to let noncitizens into the military (versus the Peace Corps, for example).[32]

However, respondents do make a clear distinction between immigrants who were authorized to enter the country and those who were not. In 2014, only about a third of respondents thought that undocumented immigrants should be allowed to serve in the military or the Peace Corps. The public was only slightly more tolerant in 2016: between 38 and 43 percent of respondents thought undocumented immigrants should be allowed to serve in the military, in AmeriCorps, or as firefighters. In other words, a majority of Americans believe that legal immigrants should be allowed to serve regardless of the type of service; for immigrants who entered the country without documents, regardless of the type of service, a majority of Americans oppose their participation.[33]

Figure 1 shows the means and 95 percent confidence intervals for responses to the questions about service. The outcomes were 5-point scales, with agreement that noncitizens should be allowed to serve scored low (1 = strongly agree and 5 = strongly disagree). The legality treatment is statistically significant for all five outcome measures, the differences ranging from 0.5 to 0.79 ($p < .000$).[34]

The order in which respondents were asked about their attitudes did not have a statistically significant effect on their responses. Support for noncitizen service was the same in 2014, for example, regardless of whether someone was asked about the Peace Corps or military service first. In other words, no evidence indicates any social desirability bias (to treat all types of service equally, for example), nor does framing these types of service as comparable lead to more similar responses.

ANALYSIS: SHOULD CITIZENSHIP BE GIVEN FOR SERVICE?

Should service be rewarded with membership in the national community? Does gratitude for service merit citizenship? With respect to citizenship, respondents do differentiate between the types of public service. In 2014 and 2016, 61 percent and 68 percent, respectively, said legal immigrants who served in the military should be eligible to apply for citizenship, but only 35 percent said the same about legal immigrants who served in the Peace Corps, 38 percent about AmeriCorps, and 45 percent about firefighters. Opinion also differs about rewarding the service of undocumented immigrants, depending on what kind of sacrifice was made: a majority said undocumented immigrant soldiers should be eligible for citizenship, but only

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32. Comparing attitudes about whether noncitizens should be allowed to serve—ignoring the legal-illegal manipulation—in the military and Peace Corps in 2014 and in the military, AmeriCorps, and as firefighters in 2016, paired t-tests show no statistically significant differences.

33. Exploratory analyses regressing support for immigrant service in the Peace Corps, AmeriCorps, firehouses, and the military on respondents' characteristics show that greater education and identifying as Democrat were related to more support ($p < .01$). Other variables included in the multivariate models that were not consistently statistically significant at α = .05 included income, age, gender, race-ethnicity, being a veteran, living in the South, or living in a border state. Analyses not shown here.

34. Confidence intervals for both figure 1 and figure 2 were calculated using design-based standard errors (HC2) from linear regression models excluding intercepts following best practices in the analysis of randomized experiments (Gerber and Green 2012).

Figure 1. Should Noncitizens Be Allowed to Serve the United States?
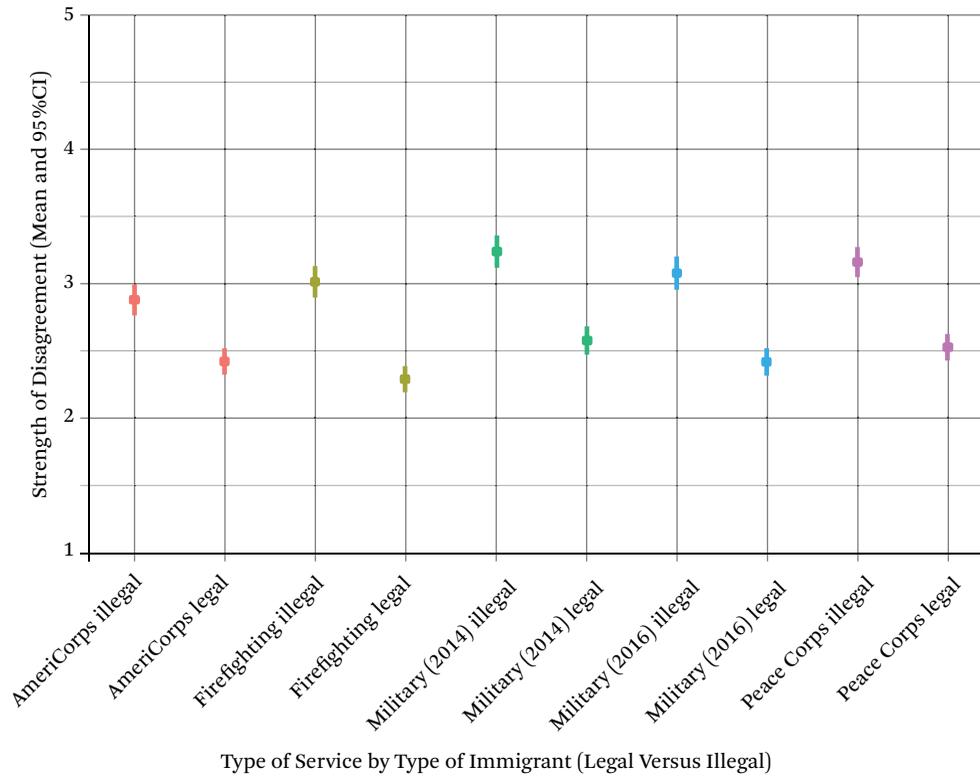
Type of Service by Type of Immigrant (Legal Versus Illegal)

Source: 2014 and 2016 CCES.
Note: Means and 95 percent confidence intervals for questions about service.

about a third agreed that undocumented immigrant Peace Corps and AmeriCorps volunteers and firefighters should be eligible.

Figure 2 shows the mean scores and 95 percent confidence intervals for attitudes about whether immigrants—documented or not—should be granted citizenship if they served in the U.S. Armed Forces, Peace Corps, AmeriCorps, or as firefighters. As for the questions about service, the outcomes were 5-point scales, with agreement that citizenship should be granted for service scored low. The legality treatment is statistically significant for all five outcome measures, the differences ranging from 0.2 to 0.48 ($p < .02$).

The order in which people were asked about citizenship for service had some effects, although a clear pattern is difficult to discern. For example, in 2014, respondents asked about military service first were more likely to agree that

noncitizen soldiers should be granted citizenship for service than if they had been asked about Peace Corps volunteers first (and this difference is statistically significant, $p < .000$). One might interpret that to mean that citizenship is less likely to be seen as a special reward for military service if other types of service have been made salient first. In contrast, question order had no effect on responses about citizenship for Peace Corps volunteers, so respondents did not feel the need to treat both types of service similarly. An *F*-test shows that in 2016, only attitudes about citizenship for AmeriCorps service are significantly affected by order ($p < .04$), but the substantive story is unclear; respondents asked about citizenship for AmeriCorps first were most in support of citizenship for that service, and support is diminished if it was asked third after citizenship for both military service and firefighting, in that particular

Figure 2. Should Noncitizens Be Given Citizenship for Service?
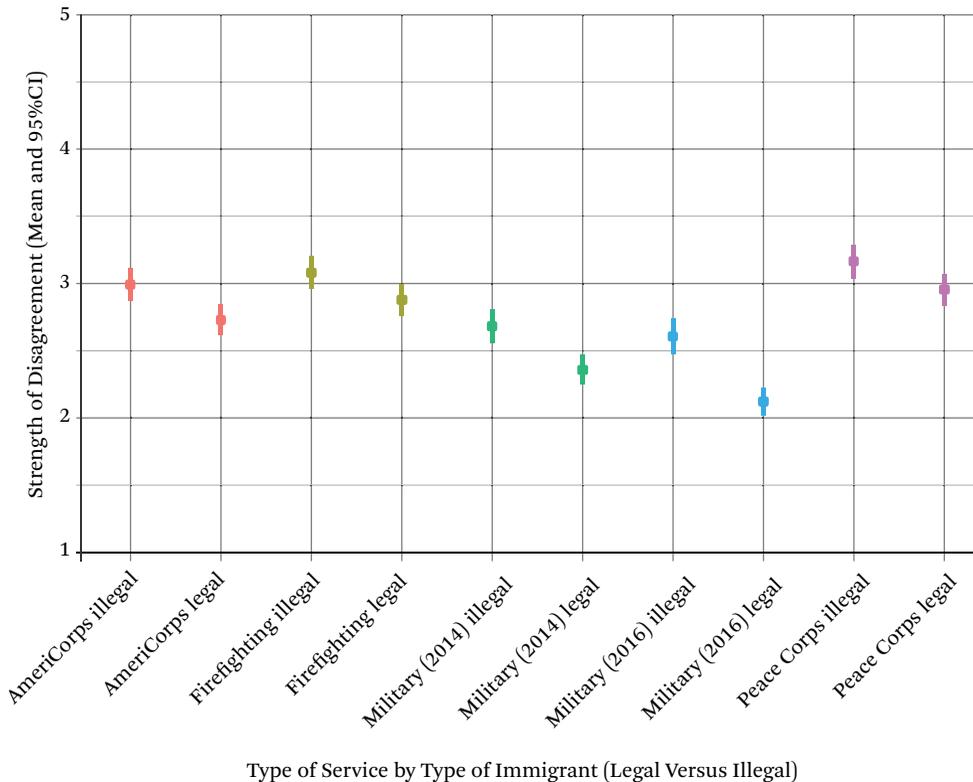
Type of Service by Type of Immigrant (Legal Versus Illegal)

Source: 2014 and 2016 CCES.
Note: Means and 95 percent confidence intervals for questions about service.

order (but not when firefighting was asked before military service).[35]

In both 2014 and 2016, even among respondents who said that undocumented immigrants should not be allowed to serve in the armed services, more than 31 percent agreed that if they were to serve, they should be eligible for citizenship. In other words, military service trumps misgivings about legal status for some. As a point of comparison, fewer than one in six who opposed service by noncitizens in the Peace Corps, AmeriCorps, and firefighting thought service should nevertheless be grounds for naturalization. Also, military service is seen by a vast majority as worthy of citizenship: in 2014 and 2016, only 6 and 5 percent, respectively, of those who thought non-

citizens should be allowed to serve in the armed forces thought this service should not lead to naturalization.

In the CCES data, Americans clearly differentiate between the U.S. armed forces and other types of service when it comes to granting citizenship for that service. They still make some distinctions between soldiers who entered the country legally and illegally, though a majority supports naturalization after military service, regardless of legal status. In contrast, people's opinions do not differ about reward for other types of service, regardless of whether immigrants entered the country with or without documents. Only a third believed working for the Peace Corps, for example—whose volunteers serve two years "under condi-

35. In 2014, respondents were randomized to receive the military service battery first or the Peace Corps battery first. In 2016, the order of each of the kinds of service was randomized, yielding six orders; thus we used an *F*-test to assess the overall effect of the order-manipulation.

tions of hardship if necessary"—should lead to naturalization for noncitizens.[36]

What Is Service on Behalf of the Nation: Investor Visas?

One might argue that serving in the military is unique because it is so clearly service in the national interest, whereas serving in the Ameri-Corps or as a firefighter benefits a local community. Another question in the 2016 CCES asked whether immigrants who contribute to the national economy—via capital and job creation—should be allowed to enter the country. Currently, immigrants can apply for a temporary E-2 visa (which can be renewed multiple times) or an EB-5 green card, which provides for temporary or provisionally permanent immigrant status with an investment in the U.S. economy. Because the EB-5 has the more stringent requirements (for example, investment of $500,000 to $1 million), the survey question used the larger amount to better gauge the greatest potential public support for the policy. In particular, respondents were randomly assigned to be asked one of the following questions:

> A foreigner should be allowed to immigrate to the United States if he invests roughly $1 million in an American business and creates ten full-time jobs for U.S. workers.

> A foreigner should be allowed to immigrate to the United States and potentially become an American citizen if he invests roughly $1 million in an American business and creates ten full-time jobs for U.S. workers.

Our experiment, priming respondents to think about citizenship via the addition of the phrase "and potentially become an American citizen," had null results: 29 percent agree without the mention of citizenship and 28 percent

agree with it. The rest of the respondents—again for both versions—are evenly split between opposition and a neutral "neither agree nor disagree" position.

One could argue that job creation and capital investment help the American economy and therefore the nation as a whole. Nevertheless, regardless of whether contributing to the economy is seen as service on behalf of the nation, Americans are ambivalent about letting entrepreneurial immigrants come into the country, even on a temporary basis.

What Do Americans Think and Know About the Rights and Duties of Noncitizens?

Another interpretation of the results does not pertain to how people view the value of service and citizenship. Respondents may know about the existing policies, and their answers may be driven by knowledge of the status quo rather than by animus toward undocumented immigrants or preferential status for the military. For example, although we find strong differences in opinion about whether noncitizens should be allowed to serve in any capacity, depending on their legal status, the finding could simply reflect what they believe to be current practices. Also, respondents could be aware that service does not, for example, lead to naturalization generally.

Therefore, we wanted to know both how widespread knowledge was about the ability of noncitizens to serve in the military and what Americans thought about the policy. Because we did not want to prime respondents before they were asked the survey experiment in the 2016 pre-election survey, however, we included questions about eligibility in a different wave of the survey.[37]

In the 2016 post-election wave of the CCES, respondents were asked two batteries of questions on whether citizenship should be required

36. Exploratory analyses regressing support for citizenship for service on characteristics of survey respondents show that partisanship was the only consistently significant predictor of support, Democrats being much more likely than Republicans to believe citizenship should be granted for service. Variables that were not consistently statistically significant at α = .05 in the multivariate models included income, age, being a veteran, gender, race-ethnicity, living in the South, or living in a border state. Analyses not shown here.

37. One consequence of this ordering is that the level of knowledge may be overestimated, since respondents received cues about the military service of immigrants in the earlier wave. Some respondents may have looked up information about the topic or discussed it with someone in their social network between waves.

Table 1. Which Activity Does or Should Require Citizenship to Participate?

	Requires Citizenship	Should Require Citizenship
Voting in elections (federal)	83	85
Volunteering in the Peace Corps	20	25
Donating money to the American Red Cross	7	11
Donating money to a political campaign	19	49
Serving as a public school teacher	36	53
Serving in the U.S. military	39	53
Serving on a jury	74	76
Serving as a firefighter	29	38
Paying taxes	27	28

Source: 2016 CCES.
Note: The order of the batteries about the current state of the law and respondents' preferences were randomized.

for certain acts or positions, and whether citizenship is currently required for an identical set of acts and positions. The order in which respondents received the batteries was randomized so that we could determine whether responses were driven by what respondents believed was the current state of the law. The wording of the first question was "We want to see how much Americans know off the top of their heads about American citizenship. Please answer the following question quickly, without looking up the answers. Which of the following requires American citizenship." The wording of the second was "For the following question, we want to see what you think should be the policy, not what is currently the law or practice. Which of the following do you think should require American citizenship." The list included the following items: voting in elections (for the president or members of Congress), volunteering in the Peace Corps, donating money to the American Red Cross, donating money to a political campaign, serving as a public school teacher, serving in the U.S. military, serving on a jury, serving as a firefighter, and paying taxes.

American seem to know the laws regarding eligibility to serve in various organizational capacities. A clear majority of Americans knows that voting in federal elections and serving on a jury require citizenship and agree with this requirement. A majority believes that none of the other activities require citizenship, and they are correct for all except the Peace Corps (see table 1).

In general, their beliefs about what activities require citizenship and which they think should require citizenship line up; for example, only 27 percent think that citizenship is required for paying taxes, and 28 percent believe citizenship should be required. In a few instances, Americans disagree with current laws. Legal permanent residents are currently allowed to donate money to political campaigns, and a majority of Americans seem to know that citizenship is not required (that is, fewer than one in five Americans thought only citizens could donate money to a political campaign); however, 49 percent believe only citizens should be allowed to give money to campaigns. Also, only about a third of Americans think that citizenship is required to be a public school teacher or serve in the U.S. military (36 and 39 percent, respectively); nevertheless, a majority believe that only American citizens should be allowed to teach in public schools and serve in the armed forces (53 percent for both activities). In other words, Americans would like more restrictive laws when it comes to political money, public schools, and the U.S. military.[38]

38. Attitudes about military service are quite stable. Responses to the same question asked in the 2014 and 2016 CCES were very similar (46 percent and 50 percent, respectively, agreed that noncitizens should be allowed to

These results make it clear that Americans are not making decisions about the values of service and citizenship based on inertia. A majority believe that service (in the Peace Corps, military, and as firefighters) does not require citizenship; a majority also believe that their perception of the status quo is normatively correct for the Peace Corps and firefighting. However, even though they believe citizenship should not be required for these types of service, they do not then believe that service should lead to citizenship.

A little more than half of Americans think that citizenship should be required for serving in the U.S. military when asked in a battery of other civic rights and responsibilities in the post-election survey, but a majority also know that it is not currently required. It is clear that knowledge of the status quo alone does not seem to be driving Americans' opinions about who should be able to serve and who should get citizenship from that service.

DISCUSSION AND CONCLUSION

Our analyses of two national surveys yield two main results. First, the legal status of immigrants makes a big difference in determining whether Americans believe they should be allowed to serve the nation. Regardless of the type of service, similar proportions of survey respondents thought legal immigrants should be allowed to join—and that undocumented immigrants should be barred from—the military, Peace Corps, AmeriCorps, and firefighting. Even if noncitizens are offering to provide benefits to the nation, Americans are reluctant to allow individuals who were not authorized to enter the country to serve, possibly because "illegal immigrants" and related stereotypes trigger strong negative affect (Wright, Levy, and Citrin 2016).

Second, military service is seen as different from the other types of service in terms of its worth; a majority of Americans believes that only service in the U.S. armed forces is worth citizenship, and this support for *jus meritum* is true whether the immigrant was authorized to enter the country or not. This special status given to military service does not seem to be a result of it being a risky job, benefiting only Americans, or involving work around the globe; otherwise, firefighting, serving in AmeriCorps, or serving in the Peace Corps should be seen as similarly worthy of gratitude.

Investing financially in the country could also be seen as a service to a nation (Baubock 2018). However, our survey evidence shows that fewer than a third of Americans support the immigration (or future naturalization) of foreign nationals willing to invest $1 million in the U.S. economy. The number of countries around the world from which investors can now "buy citizenship" is growing (Millington 2018), but the American public, at least, does not see an infusion of cash and jobs into the American marketplace as a service worthy of earning membership in the nation.

So why are Americans willing to grant citizenship to immigrants only for military service? It is not because this practice is simply familiar and therefore accepted: precedence does not explain why Americans think some civic acts should or should not require citizenship in our 2016 data. It also seems tautological to say that it is because military service is different. It has not been seen as a uniquely patriotic act, nor as more inextricably linked with citizenship in past public opinion polls. However, asking Americans whether a list of activities are indicative of patriotism may not be able to capture the differences perceived between voting—which is seen as more patriotic, but generally involves no more than one day in a year—and service in the military, which involves years in someone's life.[39]

One preliminary clue that military service

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serve, independent of the legality treatment). In the 2016 pre-election survey, 50 percent disagreed or were undecided (on a 5-point scale) about whether noncitizens should be allowed to serve; in the 2016 post-election survey, 53 percent said only citizens should be allowed to serve, given a dichotomous choice.

39. The research on the enactment of identity and noun labels versus behavior or action-adjectives may help make clear the distinction between being patriotic and being a patriot, the latter being of greater importance and requiring greater investment (Walton and Banaji 2004; Bryan et al. 2011).

has a different status comes from an open-ended question we included in the 2016 CCES. Half of the respondents were asked to name some of the people who come to mind when they hear the word *patriot*. They were allowed to give up to three examples, real or fictional, historical or contemporary. The roughly five hundred respondents gave 1,097 answers. Almost half named a president, 12 percent named someone in the military, and 9 percent mentioned another politician. These were the most common categories, and given the number of presidents (such as Washington and Kennedy) and politicians (such as Powell or McCain) who are well known for their military service, it highlights how often an identified *patriot* is a

soldier and political leader. Some others were named, but they were rarely (and likely never) chosen simply because they voted, wore an American flag pin, served in the Peace Corps, or were a firefighter. If one assumes that patriots deserve citizenship (or that it is required by definition), then the common understanding of patriotism may provide part of an understanding for why only military service deserves citizenship, why people are willing to overlook a lack of documents in granting citizenship to soldiers, and why for only this type of service can the relationship between membership and obligations be reversed. Obviously, this quick look only scratches the surface and more research is needed.

Table A1. Comparison of the CCES Modules and the American Community Survey, 2014 and 2016

	2014 ACS	2014 CCCES	2016 ACS	2016 CCES
Female (%)	51	54	51	52
BA or postgraduate (%)	29	32	30	29
Black (%)	13	12	13	13
White (%)	74	75	73	73
Hispanic (%)	17	10	17	10
Median age	37	54	38	45
Veteran (%)	9	18	8	11

Source: 2014 and 2016 CCES; 2014 and 2016 American Community Survey.
Note: The CCES refers to the thousand person modules that contained the questions about service.

REFERENCES

Amaya, Hector. 2007. "Dying American or the Violence of Citizenship: Latinos in Iraq." *Latino Studies* 5(1): 3–24.

Bartlett, Monica Y., and David DeSteno. 2006. "Gratitude and Prosocial Behavior: Helping When It Costs You." *Psychological Science* 17(4): 319–25.

Baubock, Rainer, ed. 2018. *Debating Transformations of National Citizenship*. New York: Springer Open.

Belkin, Aaron. 2012. "Readiness and DADT Repeal: Has the New Policy of Open Service Undermined the Military?" *Armed Forces & Society* 39(4): 587–601.

Bell, Matthew. 2016. "'Thanks for Your Service' Brings Up Mixed Emotions for US Veterans." *PRI's the World*, May 30. Accessed May 19, 2020. https://www.pri.org/stories/2016-05-30/thanks -your-service-brings-mixed-emotions-us -veterans.

Bergengruen, Vera. 2018. "'The US Army Promised Immigrants a Fast Track for Citizenship. That Fast Track Is Gone.'" *BuzzFeed News*, March 5. Accessed May 19, 2020. https://www.buzzfeed news.com/article/verabergengruen/more-bad -news-for-immigrant-military-recruits-who-were.

Bernstein, Iver. 1991. *The New York City Draft Riots: Their Significance for American Society and Poli-*

tics in the Age of the Civil War. New York: Oxford University Press.

Bryan, Christopher J., Gregory M. Walton, Todd Rogers, and Carol S. Dweck. 2011. "Motivating Voter Turnout by Invoking the Self." *Proceedings of the National Academy of Sciences* 108(31): 12653–656.

Burk, James. 1995. "Citizenship Status and Military Service: The Quest for Inclusion by Minorities and Conscientious Objectors." *Armed Forces & Society* 21(4): 503–29.

Capozzola, Christopher. 2008. *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen*. Oxford: Oxford University Press.

Card, Claudia. 1988. "Gratitude and Obligation." *American Philosophical Quarterly* 25(2): 115–27.

Christeson, William, Amy Dawson Taggart, and Soren Messner-Zidell. 2009. "Ready, Willing, and Unable to Serve." Washington, D.C.: Mission Readiness. Accessed May 19, 2020. http://cdn .missionreadiness.org/NATEE1109.pdf.

Clinton Foundation. 2013. "AmeriCorps at 20: Building on a Legacy of Service." Accessed May 19, 2020. https://stories.clintonfoundation.org /americorps-at-20-building-on-a-legacy-of -service-2d59b857f7fb.

Copp, Tara. 2018. "Here's the Bottom Line on the Future of MAVNI: Many Foreign-Born Recruits May Soon Be Out." *Military Times*, July 6. Accessed May 19, 2020. https://www.militarytimes.com /news/your-military/2018/07/06/heres-the -bottom-line-on-the-future-of-mavni-many -foreign-born-recruits-may-soon-be-out.

DeSipio, Louis, and Rodolfo O. de la Garza. 1998. *Making Americans, Remaking America: Immigration and Immigrant Policy*. Boulder, Colo.: Westview Press.

Desmond, Matthew. 2011. "Making Firefighters Deployable." *Qualitative Sociology* 34(1): 59–77.

Ebel, Jonathan H. 2015. *G.I. Messiahs: Soldiering, War, and American Civil Religion*. New Haven, Conn.: Yale University Press.

Emmons, Robert A., and Michael E. McCullough. 2004. *The Psychology of Gratitude*. Oxford: Oxford University Press.

Falk, Justin. 2017. "Comparing the Compensation of Federal and Private-Sector Employees, 2011 to 2015." Washington, D.C.: Congressional Budget

Office. Accessed May 19, 2020. http://www.cbo .gov/publication/52637.

Federal Student Aid. 2016. "Public Service Loan Forgiveness Program." Washington: U.S. Department of Education. Accessed May 19, 2020. https:// studentaid.ed.gov/sa/repay-loans/forgiveness -cancellation/public-service.

Florida, Richard. 2010. "The Military's Deepening Geographic Divide." *The Atlantic*, October 5. Accessed May 19, 2020. https://www.theatlantic .com/business/archive/2010/10/the-militarys -deepening-geographic-divide/64012.

Freeman, Elsie, Wynell Burroughs Schamel, and Jean West. 1992. "The Fight for Equal Rights: A Recruiting Poster for Black Soldiers in the Civil War." *Social Education* 56(2): 118–20. Accessed May 19, 2020. https://www.archives.gov/files /education/lessons/blacks-civil-war.

Gallup. 2018. "Military and National Defense." Accessed May 19, 2020. https://news.gallup.com /poll/1666/military-national-defense.aspx.

Gerber, Alan S., and Donald P. Green. 2012. *Field Experiments: Design, Analysis, and Interpretation*. New York: W. W. Norton.

Gilbert, Margaret. 2006. *A Theory of Political Obligation: Membership, Commitment, and the Bonds of Society*. New York: Oxford University Press.

Haney-Lopez, Ian Haney. 2006. *White by Law: The Legal Construction of Race*. New York: New York University Press.

Hayduk, Ron. 2006. *Democracy for All: Restoring Immigrant Voting Rights in the U.S.* New York: Routledge.

Heck, Joseph, et al. 2019. "Interim Report January 2019: A Report to the American People, the Congress, and the President." Washington, D.C.: National Commission on Military, National, Public Service.

Holsti, Ole R. 2001. "Of Chasms and Convergences: Attitudes and Beliefs of Civilians and Military Elites at the Start of a New Millennium." In *Soldiers and Civilians: The Civil-Military Gap and American National Security*, edited by Peter D. Feaver and Richard H. Kohn. Cambridge, Mass.: MIT Press.

Horton, John. 2007. "In Defence of Associative Political Obligations: Part Two." *Political Studies* 55(1): 1–19.

James, Frank. 2009. "In First, Entire All-Volunteer

Military Meets Recruiting Goals." *NPR*, October 13. Accessed May 19, 2020. https://www.npr.org /sections/thetwo-way/2009/10/in_first_entire _allvolunteer_m.html.

Jeske, Diane. 2002. "Special Obligations." *Stanford Encyclopedia of Philosophy*. Accessed May 19, 2020. https://plato.stanford.edu/entries/special -obligations.

Johnson, Courtney. 2018. "Trust in the Military Exceeds Trust in Other Institutions in Western Europe and U.S." Washington, D.C.: Pew Research Center. Accessed May 19, 2020. http://www .pewresearch.org/fact-tank/2018/09/04/trust-in -the-military-exceeds-trust-in-other-institutions -in-western-europe-and-u-s.

Kestnbaum, Meyer. 2000. "Citizenship and Compulsory Military Service: The Revolutionary Origins of Conscription in the United States." *Armed Forces & Society* 27(1): 7–36.

Kettner, James H. 2014. *The Development of American Citizenship, 1608–1870*. Chapel Hill: University of North Carolina Press.

Levi, Margaret. 1997. *Consent, Dissent, and Patriotism*. Cambridge: Cambridge University Press.

Liptak, Kevin. 2014. "July 4 White House Ceremony: Military Members Become Citizens." *CNN*, July 4. Accessed May 19, 2020. https://www.cnn.com /2014/07/04/politics/military-citizenship/index .html.

Lombardi, Mary. 2009. "Reassessing Jury Service Citizenship Requirements." *Case Western Reserve Law Review* 59(3): 725–65.

Maldonado, Camilo. 2018. "Chances of Public Service Loan Forgiveness Approval? Lower Than Getting into Yale Law School." *Forbes Magazine*, October 5. Accessed May 19, 2020. https://www .forbes.com/sites/camilomaldonado/2018/10/05 /pslf-approval-less-common-than-rhodes-scholar ship/#4d9db4446082.

Manela, Tony. 2015. "Gratitude." *Stanford Encyclopedia of Philosophy*. Accessed May 19, 2020. https://stanford.library.sydney.edu.au/entries /gratitude.

McCullough, Michael E., Marcia B. Kimeldorf, and Adam D. Cohen. 2008. "An Adaptation for Altruism: The Social Causes, Social Effects, and Social Evolution of Gratitude." *Current Directions in Psychological Science* 17(4): 281–85.

McFate, Sean. 2016. "America's Addiction to Mercenaries." *The Atlantic*, August 12. Accessed May

19, 2020. https://www.theatlantic.com/inter national/archive/2016/08/iraq-afghanistan -contractor-pentagon-obama/495731.

Mettler, Suzanne. 2005. *Soldiers to Citizens: The GI Bill and the Making of the Greatest Generation*. Oxford: Oxford University Press.

Millington, Allison. 2018. "23 Countries Where Money Can Buy You a Second Passport or 'Elite Residency.'" *Business Insider*, December 27. Accessed May 19, 2020. https://www.busines sinsider.com/countries-where-you-can-buy -citizenship-residency-or-passport-2018-9.

Morales, Lymari. 2008. "Nearly All Americans Consider Military Service 'Patriotic.'" *Gallup News*, July 3. Accessed May 18, 2020. https://news .gallup.com/poll/108646/nearly-all-americans -consider-military-service-patriotic.aspx.

Navarrette, Ruben. 2003. "Heroism Should Be Worth Citizenship." *Dallas Morning News* 11.

Newport, Frank. 2017. "U.S. Confidence in Military Reflects Perceived Competency." *Gallup News*, July 27. Accessed May 18, 2020. https://news .gallup.com/poll/214511/high-confidence-military -reflects-perceived-competency.aspx.

O'Neill, Onora. 1987. "Rights to Compensation." *Social Philosophy and Policy* 5(1): 72–87.

Pew Research Center. 2011. "The Military-Civilian Gap: Fewer Family Connections." November 23. Washington, D.C.: Research Center. Accessed May 19, 2020. http://www.pewsocialtrends.org /2011/11/23/the-military-civilian-gap-fewer -family-connections.

———. 2013. "Public Esteem for Military Still High." July 11. Washington, D.C.: Research Center. Accessed May 19, 2020. http://www.pewforum .org/2013/07/11/public-esteem-for-military-still -high.

Pitkin, Hanna. 1965. "Obligation and Consent—I." *American Political Science Review* 59(4): 990–99.

Planes, Alex. 2014. "Dying for a Paycheck." *The Motley Fool*, March 15. Accessed May 19, 2020. https://www.fool.com/investing/general/2014 /03/15/dying-for-a-paycheck-these-jobs-are -more-dangerous.aspx.

Ramirez, Mark D., and Reed M. Wood. 2019. "Public Attitudes Toward Private Military Companies: Insights from Principal–Agent Theory." *Journal of Conflict Resolution* 63(6): 1433–59.

Rochin, Refugio I., Lionel Fernandez, and Jose Alonso Oliveros. 2005. "U.S. Latino Patriots:

From the American Revolution to Iraq 2003—an Overview." East Lansing: Julian Samora Research Institute, Michigan State University. Accessed May 19, 2020. https://jsri.msu.edu/upload /ebooks/Latino%20Patriots.pdf.

Salyer, Lucy E. 2004. "Baptism by Fire: Race, Military Service, and US Citizenship Policy, 1918–1935." *Journal of American History* 91(3): 847–76.

Scheffler, Samuel. 2001. *Boundaries and Allegiances: Problems of Justice and Responsibility in Liveral Thought*. New York: Oxford University Press.

Schofield, Hugh. 2018. "Mamoudou Gassama: Balcony Rescue Highlights French Immigration Row." *BBC News*, May 29. Accessed May 19, 2020. https://www.bbc.com/news/world-europe -44291810.

Shachar, Ayelet. 2011. "Picking Winners: Olympic Citizenship and the Global Race for Talent." *Yale Law Journal* 120(8): 2088–139.

Simmons, A. John. 1996. "Associative Political Obligations." *Ethics* 106(2): 247–73.

Spoehr, Thomas, and Bridget Handy. 2018. "The Looming National Security Crisis: Young Americans Unable to Serve in the Military." *Backgrounder* no. 3282. Washington, D.C.: Heritage Foundation. Accessed May 19, 2020. https:// www.heritage.org/sites/default/files/2018-02 /BG3282.pdf.

Stock, Margaret. 2015. "Exploiting the Myths, Traps, and Absurdities of Immigration Law to Benefit U.S. National Security." February 9. Accessed May 19, 2020. https://www.youtube.com/watch ?v=U0MdppuuWS4.

Stolberg, Sheryl Gay. 2006. "Three Wounded Soldiers Take Another Oath." *New York Times*, July 15. Accessed May 19, 2020. https://www.nytimes .com/2006/07/25/washington/25bush.html.

Stout, David. 2001. "U.S. Citizenship May Be Reward in Terror War, Ashcroft Says." *New York Times*, November 29. Accessed May 19, 2020. https:// www.nytimes.com/2001/11/29/politics/us -citizenship-may-be-reward-in-terror-war -ashcroft-says.html.

Sullivan, Michael J. 2019. *Earned Citizenship*. Oxford: Oxford University Press.

Tajfel, Henri. 1981. *Human Groups and Social Categories*. Cambridge: Cambridge University Press.

Taylor, Paul. 2011. "The Military-Civilian Gap: War and Sacrifice in the Post-9/11 Era." Washington,

D.C.: Pew Research Center. Accessed May 19, 2020. https://www.pewsocialtrends.org/2011/10 /05/war-and-sacrifice-in-the-post-911-era.

Transue, John E. 2007. "Identity Salience, Identity Acceptance, and Racial Policy Attitudes: American National Identity as a Uniting Force." *American Journal of Political Science* 51(1): 78–91.

U.S. Courts. n.d. "Juror Qualifications." Accessed May 19, 2020. https://www.uscourts.gov/services -forms/jury-service/juror-qualifications.

U.S. Department of Defense. 2015. "Military Accessions Vital to National Interest (MAVNI) Recruitment Pilot Program." Fact Sheet. Accessed May 19, 2020. https://dod.defense.gov/news/mavni -fact-sheet.pdf.

Waldron, Jeremy. 2011. "Dignity, Rights, and Responsibilities." *Arizona State Law Journal* 43(1): 1177–201.

Wallace, Geoffrey P.R., and Sophia Jordan Wallace. 2020. "Who Gets to Have a DREAM? Examining Public Support for Immigration Reform." *International Migration Review* 54(2): 527–58.

Walton, Gregory M., and Mahzarin R. Banaji. 2004. "Being What You Say: The Effect of Essentialist Linguistic Labels on Preferences." *Social Cognition* 22(2): 193–213.

Watson, Kathryn. 2018. "Mattis Says DACA Recipients in Military Are 'Protected' Even If Program Expires." *CBS News*, February 8. Accessed May 19, 2020. https://www.cbsnews.com/news /mattis-says-daca-recipients-in-military-are -protected-even-if-program-expires.

Wehle, Kimberly. 2017. "Letting Mercenaries Fight Our Wars Undercuts the Constitution." *The Hill*, September 2. Accessed May 19, 2020. https:// thehill.com/blogs/pundits-blog/defense/348981 -letting-mercenaries-fight-our-wars-undercuts -the-constitution.

Weiss, Roslyn. 1985. "The Moral and Social Dimensions of Gratitude." *Southern Journal of Philosophy* 23: 491–501.

Winnefeld, James A., Jr., and Amy Schafer. 2017. "Military Is Trending Regional and 'All in the Family.' We Need More Diversity." *USA Today*, May 29. Accessed May 19, 2020. https://www .commercialappeal.com/story/opinion/2017/05 /29/military-trending-regional-and-all-family-we -need-more-diversity/353029001.

Wong, Cara. 2007. "Who Fights: Substitution, Com-

mutation, and 'Green Card Troops.'" *Du Bois Review: Social Science Research on Race* 23(4): 167–88.

———. 2010. *Boundaries of Obligation in American Politics: Geographic, National, and Racial Communities*. Cambridge: Cambridge University Press.

Wong, Cara, and Grace Cho. 2006. "Jus Meritum: Citizenship for Service." In *Transforming Politics,*

Transforming America: The Political and Civic Incorporation of Immigrants in the United States, edited by Taeku Lee, S. Karthick Tamakrishnan, and Ricardo Ramirez. Charlottesville: University of Virginia Press.

Wright, Matthew, Morris Levy, and Jack Citrin. 2016. "Public Attitudes Toward Immigration Policy Across the Legal/Illegal Divide." *Political Behavior* 38(1): 229–53.

A New Beginning: Early Refugee Integration in the United States

VAN C. TRAN AND FRANCISCO LARA-GARCÍA

The U.S. refugee population not only has grown dramatically, but the countries from which the refugees are fleeing have also diversified over the last decade. Focusing on five recent refugee groups—Bhutanese, Burmese, Iraqis, Somalis, and Cubans, we examine how premigration characteristics and postmigration integration policies shape early socioeconomic integration in the United States. Our analyses point to three findings. First, early socioeconomic outcomes show only modest differences across refugee groups, despite significant variation in premigration selectivity in human capital. Second, the two possible pathways toward integration are schooling and employment. Third, postmigration integration policies matter. Our findings highlight the role of integration policies, programs, and practices in successful refugee integration, underscoring U.S. refugee policy as a key component of immigration policy.

Keywords: refugees, immigration policy, premigration characteristics, postmigration integration, socioeconomic indicators

According to the United Nations High Commissioner for Refugees (UNHCR), the world is facing an unprecedented wave of forcibly displaced people, totaling 68.5 million in 2018 (UNHCR 2019b). This number includes forty million internally displaced people within their home countries, 25.4 million refugees, and 3.1 million asylum seekers. This high level of displacement is a significant spike since 2008. Over the last decade, the numbers of forcibly displaced individuals and of refugees have grown globally by 63 and 67 percent (UNHCR 2019b). Although refugees accounted for fewer than 10 percent of the massive flow of interna-

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tional migrants, which totaled 244 million—3.3 percent of the world's population—in 2015, differences between voluntary migrants and involuntary refugees are numerous (International Organization for Migration 2017). The latter are more likely to have fled their home country in the context of extreme trauma, political persecution, civil wars, armed conflict, or economic deprivation. Refugees therefore constitute a special category of admission in the broader legal landscape of global immigration policies in the twenty-first century.

Although the United States was a leader in the resettlement of refugees for decades, recent trends have been discouraging (Connor 2017). Since 2016, refugee admission has dropped to the lowest level in decades and numbered 22,491 for fiscal year 2018 (U.S. Department of State 2009; Tran 2020). Although the United States alone resettled more refugees than the rest of the world combined for the second half of the twentieth century, the situation has reversed over the last few years. In 2017, countries other than the United States resettled about twice as many refugees as it did (Connor and Krogstad 2018). Although Australia, Canada, and the United States all admitted fewer refugees in 2017 than they had in decades, the United States reported an annual decrease of 70 percent—the steepest drop ever. This shift signals a significant departure in refugee policy under the Donald J. Trump administration (International Rescue Committee 2018).

Despite this decline, U.S. refugee policy remains a key component of immigration policy. By definition, a refugee is a person fleeing their country because of persecution or a well-founded fear of persecution on the basis of race, religion, nationality, membership in a social group, or political opinion (UNGA 1951). Refugees are different from asylees—a related category—because refugees apply for this legal status from a country of first refuge that is outside their country of resettlement (Tran 2020). Unlike economic immigrants, refugees form a distinct group and face a uniquely negative context of exit because many fled wars, violence, political persecution, or religious persecution in their sending countries (Capps et al. 2015). Historically, refugees have been offered more state social assistance on arrival than economic

migrants (Bloemraad 2006). This support can include cash assistance, medical care, language and employment trainings (Capps et al. 2015). Overall, integration policies for refugees aim to move them toward self-sufficiency and nonreliance on governmental assistance as soon as possible (Chambers 2017; Portes and Rumbaut 2014). At the same time, the limited assistance often hinders their socioeconomic integration and financial independence.

A robust literature examines the integration of previous waves of refugees, focusing on the experiences of those fleeing communist states such as Cuba, Vietnam, or the former Soviet Union (Gold 1992; Eckstein 2009; Zhou and Bankston 1998; Rumbaut and Ima 1988). Research on immigrant integration has also grown significantly over time (Waters and Pineau 2015). Nonetheless, much less attention, beyond qualitative accounts, has been paid to recently arrived refugee groups such as the Burmese, Bhutanese, and Iraqis. Scholarship on refugees, centering on new groups, has been revived in response to the dramatic rise of refugees and displaced persons worldwide (FitzGerald and Arar 2018; Gowayed 2019; FitzGerald 2019). More generally, these refugee flows form an essential part of a "global system of human mobility" (Aleinikoff 2017).

We have three broad goals for this analysis. First, we ask how socioeconomic integration of refugees into American society varies by *national origin* in the early years after their arrival. We examine five refugee groups: Bhutanese, Burmese, Iraqis, Somalis, and Cubans. Although Cubans are a more established group, their admission numbers spiked in the period leading to the Obama administration's decision to restore normal relations with Cuba in 2014. Given research on the Cuban experience, we use them to benchmark the experiences of other groups. Moreover, the five groups are racialized as Asian, black, Hispanic, and white in the U.S. context, raising questions on how the racialization process might shape their adaptation. Second, we ask how their *premigration characteristics* (educational selectivity, occupational attainment, and English proficiency) impact these five refugee groups' integration into American society. Rather than treating refugees as "blank slates" on arrival in the United States

(Gold 1992)—an assumption in much prior work, we ask how premigration skills might promote or hinder early socioeconomic attainment in the host society. Third, we focus on how *postmigration integration policies* such as language- or job-training programs affect their integration trajectories. Unlike economic migrants, refugees qualify for benefits at the federal, state, and local level that may help rebuild their lives in the United States.

This article analyzes the 2016 Annual Survey of Refugees (ASR)—the first publicly available dataset with a nationally representative sample of 1,500 refugee households admitted to the United States in the previous five years (from 2011 to 2015). Because the survey only captures respondents who had been in the United States for fewer than five years, our focus is to document their early integration. Despite the importance of early policy interventions in supporting refugees, the research on this initial, yet critical, period of adjustment into the receiving society has been lacking (International Rescue Committee 2017).

INTEGRATION OF REFUGEES INTO AMERICAN SOCIETY

We begin by providing an overview of recent trends in refugee admissions into the United States to contextualize our analyses. We then review prior research on how premigration characteristics and postmigration integration policy interact to shape the integration experiences of refugees upon their arrival in the United States.

Recent Trends in Refugee Admissions into the United States

Although the notions of the United States as a land of opportunity and a land of refuge have been central to American national identity, U.S. immigration policy mostly reflects the country's shifting priorities in foreign policies and its engagement with the world (Haines 2010). This is especially the case with the U.S. refugee resettlement program, which began after Congress passed the Displaced Persons Act of 1948. This legislation admitted more than a quarter million displaced Europeans in the aftermath of World War II. As the United States entered the Cold War, the program continued to wel-

come refugees fleeing communist regimes in the Soviet Union over the decades that followed. The collapse of Saigon in 1975 shifted the composition of refugee flows, which increasingly came from Southeast Asia (Zhou and Bankston 1998). In the aftermath of this wave, the legal basis for the Refugee Admissions and Refugee Resettlement Programs was first established by the U.S. Refugee Act and signed into law by President Jimmy Carter on March 17, 1980.

Under this new program, the United States has admitted more than 3.4 million refugees since 1975. In the 1970s and 1980s, most arrived from Vietnam and Southeast Asia, with annual admissions peaking at 207,116 in 1980. After the fall of the Berlin wall in 1989, a significant share arrived from Europe in the 1990s. The collapse of the Soviet Union in 1992 brought refugees from the Baltic and Slavic states (Lithuania and Ukraine) as well as the Central Asian republics (Kazakhstan and Uzbekistan) to the United States. The early 2000s saw refugees arriving mostly from Africa (Sudan, Somalia and Eritrea), the influx reaching a low of 27,131 in 2002—the lowest in decades. After 2007, most arrived from Asia (Afghanistan and Bhutanese). Annual admissions peaked at 84,994 in 2016, with the majority of refugees arriving from Burma, Bhutan, Iraq, and Somalia that year.

Figure 1 illustrates these trends by graphing the annual ceiling of U.S. refugee admissions over two decades. Unlike immigration policy, the annual quota for refugees is determined by the president in consultation with Congress, as mandated in the 1980 Refugee Act. This provides both flexibility over and adaptability to the changing socio-political conditions around the world that might necessitate the adjustment of this annual ceiling. For fifteen years, this annual ceiling remained stable between seventy and eighty thousand, and the actual number of admissions fell significantly short of the quota until 2012.

From 2006 to 2016, annual U.S. refugee admissions doubled from 41,223 to 84,994 (Bernstein and DuBois 2018). From 2013 to 2015, admissions actually met the ceiling of seventy thousand. One factor behind this closer alignment between the actual number of refugee admissions and the annual refugee quota was the

Figure 1. Annual Refugee Admissions and Ceilings, 2000–2019
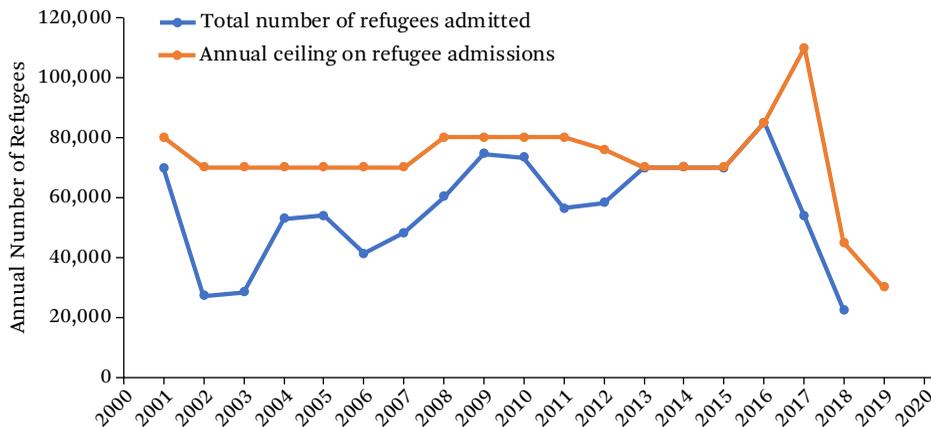
Source: Authors' compilation based on U.S. Department of State 2020.

higher need for refugee resettlement worldwide. In response, President Obama designated a ceiling of eighty-five thousand in 2016 and of one hundred ten thousand in 2017—a 57 percent increase over 2015—prompted partially by the Syrian refugee crisis, which displaced more than five million people (Gowayed 2019).

Despite decades of generous refugee policy in the United States, the trend has reversed since the 2016 presidential election. In January 2017, the Trump administration introduced a travel ban that barred entry of refugees and immigrants from seven predominantly Muslim countries (for a summary of recent travel bans and ensuing legal decisions, see Bernstein and Dubois 2018, 9). Furthermore, the refugee ceiling was cut more than half to forty-five thousand in 2018 and the proposed number to only thirty thousand in 2019. The 2019 quota is not only just the lowest in decades, but also less than half the number designated by prior administrations in the previous decades (that is, seventy or eighty thousand) under both Democratic and Republican presidents (U.S. Department of State 2009). Moreover, this proposed reduction occurred at a time when the number of refugees worldwide reached 25.4 million in 2018 (Connor 2017; Tran 2020).

How Premigration Characteristics Matter

In 2016, refugees make up about 8 percent of the foreign-born U.S. population (Kallick and Mathema 2016). Although refugees are few in number, they are diverse in national origins, human capital, and class diversity. Moreover, they are among the neediest of migrants because their reintegration into a new society is often fraught with trauma related to exit (UNHCR 2009). Many of them lived in limbo in refugee camps in countries of first asylum for decades (Capps et al. 2015; Dryden-Peterson 2016). Refugees also arrive in their countries of resettlement after extensive prescreening. They often do not choose the country that offers them resettlement, which curbs family reunification—a key channel for immigrant mobility and community creation (Bloemraad 2006; FitzGerald and Arar 2018). A robust literature has focused on the integration of refugees from Cuba (Eckstein 2009), the former Soviet Union (Gold 1992), Vietnam (Zhou and Bankston 1998), Cambodia and Laos (Hein 2006; Tang 2015), Nepal (Gurung 2015), Somalia (Besteman 2016; Chambers 2017; Voyer 2013), Syria (Gowayed 2019), and Liberia (Ludwig 2019).

Refugee integration is often arduous, given the low starting points on arrival (Portes and Rumbaut 2014; Waters and Pineau 2015). Recent refugees, despite varying levels of financial and social support, often take longer to find work, achieve economic self-sufficiency, cultivate communities, and develop a sense of belonging (Capps et al. 2015; Evans and Fitzgerald 2017; Fix, Hooper, and Zong 2017; Kallick and Mathema 2016; New American Economy 2017). They report additional barriers—including language

and culture, lack of social support, and emotional trauma—that often constrain their ability to achieve meaningful employment and mobility in the United States.

Refugee integration research frequently assumes that refugees arrive in the United States as blank slates. The premigration credentials and experiences of those with high human capital are discounted because foreign credentials do not translate well into the U.S. labor market. Among low-skilled refugees, a lack of English proficiency can be a real impediment. Although all refugees face challenges in finding work, barriers vary depending on refugee starting points. In light of this variation, we examine how *premigration characteristics* shape integration outcomes among refugees. This reveals how differences in the distribution of premigration characteristics inhibits or aids adjustment of refugees to the receiving society. This approach is consistent with research on how selectivity might shape immigrant integration into the American mainstream (Tran, Guo, and Huang 2020; Tran, Lee, and Huang 2019; Tran et al. 2018; Feliciano 2005).

How Postmigration Integration Policy Matters

Although the United States prioritizes *immigration policy*, it lacks any *integration policy* (Kasinitz et al. 2008; Portes and Rumbaut 2014; Waters and Pineau 2015). Put differently, debates are contentious about what types of immigrants the United States should admit, how many should be allowed in annually, and how the influx of undocumented migrants from the southern border can be stemmed (Amuedo-Dorantes, Puttitanun, and Martinez-Donate 2013; Donato and Armenta 2011; Waters and Pineau 2015). By contrast, little discussion has been held on what policies can help refugees and immigrants make successful adjustments into American life. Although the federal government is solely responsible for shaping national immigration policy, the task of integration often falls on both local governmental agencies and coethnic communities. This description is accurate with one important exception: integration policies for refugees are formally mandated by the Refugee Act of 1980.

In fact, the most robust integration pro-grams target refugees (Fix, Hooper, and Zong 2017). For fiscal year 2018, the Refugee Resettlement Assistance program—run by the Department of Health and Human Services' Office of Refugee Resettlement (ORR)—was allotted a budget of more than $2 billion (Bruno 2018). These assistance programs include not only cash benefits, but also both medical and social services. Although benefits vary significantly across states (Fix, Hooper, and Zong 2017), most refugees are entitled to four to eight months of federal cash assistance, up to eight months of medical assistance, six months of employment services, five years of citizenship preparation, education and training services, and food stamp assistance through the Supplemental Nutrition Assistance Program, or SNAP (GAO 2011). Refugees are also eligible for Supplemental Security Income, Medicaid, and Temporary Assistance for Needy Families for at least five to seven years after entry (Bruno 2017).

An important goal of U.S. refugee integration policy is spatial dispersion (Bruno 2017). This placement is managed by the U.S. Refugee Admissions Program (USRAP) within the Department of State to ensure the adequate delivery of initial resettlement assistance. As a result, the assignment of refugees is based on whether the type of sponsorship is private (personal) or public (organizational). New refugees with a personal sponsorship (a blood relative) in the United States will be placed within a hundred miles of and within the same state as the sponsor. The geographical proximity helps facilitate the process of integration into local communities. Refugees without any U.S. ties are often dispersed across the country such that no single local community will be burdened by the arrival of refugee groups. Under USRAP's supervision, a national network of public and private nonprofits—often referred to as voluntary agencies—work closely with their local affiliates to assist refugees with basic needs on arrival, including housing, home furnishings, food, school enrollment, training programs, and employment services (Nawyn 2011). In contrast to those with a personal sponsorship, refugees with an organizational sponsorship must be placed within fifty miles of and within the same state as their local affiliate.

The Reception and Placement program, also

run by the State Department, has resulted in significant variations across states. For example, Audrey Singer and Jill Wilson (2006) find that three-quarters of refugees who arrived in the United States between 1983 and 2004 settled in thirty metropolitan areas with significant foreign-born populations, including New York, Los Angeles, San Jose, Chicago, and Minneapolis-St. Paul. Beyond these gateways, new refugee arrivals into smaller communities can have a profound impact, especially when refugees also make up the majority of the foreign-born population in these areas (Besteman 2016; Chambers 2017; Ludwig 2019). In smaller communities such as Utica, New York, or Fargo, North Dakota, the arrival of refugees helps reverse population decline or economic stagnation. In mid-size communities such as Fresno, California, or Springfield, Massachusetts, refugees contribute to ethnic diversity in local communities.

At the same time, the current placement system has several disadvantages. First, the Office of Refugee Resettlement relies on a mix of public agencies and public-private partnerships to administer refugee assistance program (GAO 2011). Despite the billions of dollars spent annually to resettle between seventy and eighty thousand refugees, little research is undertaken on how effective the current programs are in helping refugees find work or achieve financial self-sufficiency (GAO 2011). Second, a personal sponsorship is often more effective than an organizational one (Larsen 2011). Given the lack of familial ties and coethnic community, many refugees with language barriers must navigate the myriad social services available to them at the local level on their own, often with mixed success. Furthermore, formal integration policies, though well intended, often cannot compensate for the lack of community and the feeling of isolation among refugees. Finally, high rates of mental illness and trauma among refugees remain unaddressed, which compromises their emotional well-being and impedes social integration (Ao et al. 2015; Meyerhoff, Rohan, and Fondacaro 2018).

The randomization of refugees in the United States contrasts starkly with practices in other countries, such as the United Kingdom or Canada. In the UK, the recent Syrian Vulnerable Persons Resettlement program matches refugees to a local authority, which is responsible for the refugees' initial placement. Not only is participation of these local authorities entirely voluntary, but the UK system takes great care in achieving a "good" match between the refugees and local areas to prevent secondary migration of refugees within the UK (Jones and Teytelboym 2017). The program is jointly run by the Home Office, the Department for International Development, and the Department for Communities and Local Government. Although refugees do not fully rank the 350 "local authorities" in the UK, the Home Office does ask refugees to express preferences "over the *types* of local areas that refugees prefer" to resettle (Jones and Teytelboym 2017, 676). Canada adopts a similar matching system under three types of refugee resettlement schemes: government assistance, private sponsorship, and a "blended program" mixing both schemes.

FIVE RECENT REFUGEE GROUPS AT A GLANCE

The five largest refugee groups in our survey—Bhutanese, Burmese, Iraqis, Somalis, and Cubans—merit a statistical and historical overview. Figure 2 presents trends in numbers of refugee admissions from these five sending countries from 2011 to 2018. The graph focuses on the 2011 to 2015 period because it coincides with the years of entry for the sample of refugees in the 2016 ASR. To provide the most recent snapshot, we extend the line to include data from 2015 to 2018. Between 2011 and 2015, approximately fifty thousand refugees from the five groups arrived each year in the United States. Altogether, these five groups make up the majority of all refugees resettled during this period, accounting for a high of 84 percent of total U.S. refugee admissions in 2011 and a low of 67.5 percent in 2015. Since 2016, the number has dropped precipitously. Only 6,180 refugees were admitted in 2018, about 10 percent of the total from the same countries at the peak of the influx in 2014. Figure 2 also shows a shift in the composition of refugees admitted over the same period.

From 2011 to 2015, Burmese and Iraqis were the majority, followed by Bhutanese, Somalis, and Cubans. In 2011 and 2012, Bhutanese and

Figure 2. Trends in Refugee Admissions from Five Sending Countries of Origin, 2011–2018
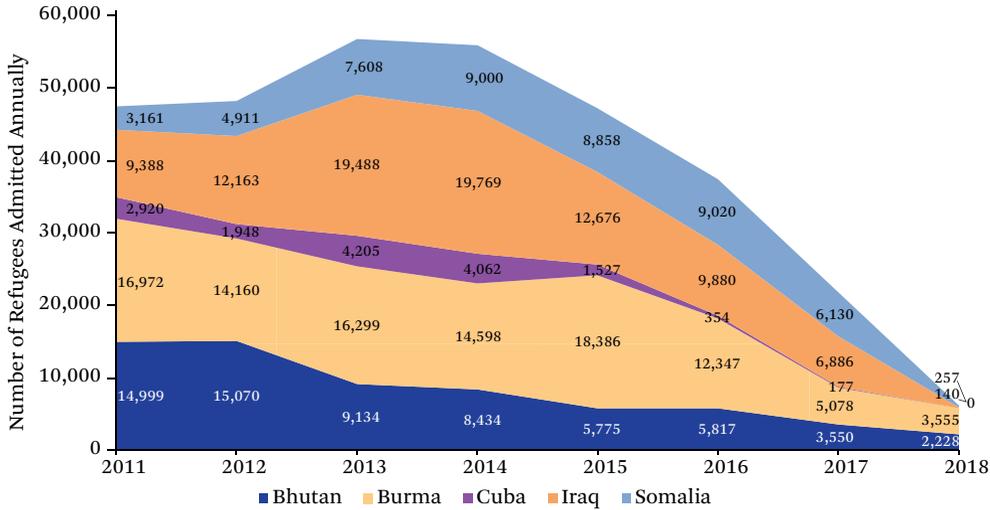
Source: Authors' compilation based on U.S. Department of State 2020.

Burmese made up the lion's share of new arrivals. From 2013 to 2015, the Burmese refugee flow continued unabated and the Iraqi flow sharply increased. The declines since 2016 are due to changes both in the political priorities of both the Obama and the Trump administrations and in the state of conflict in the sending countries of origin. During this period, the Iraq and Somali conflicts wound down. In 2017, the United States officially ended the "wet foot, dry foot" policy toward Cuba, which led to a decline in Cuban admissions. In 2018, the United States admitted 257 Somalis, 140 Iraqis, and no Cubans, effectively ending the Cuban refugee flow that had begun in 1959 (Portes and Rumbaut 2014). This shifting composition reflects the global dynamics of displacement. Increasing hostility toward asylees, refugees, and immigrants is also a factor behind this drop (Connor and Krogstad 2018; Kerwin 2018). Since 2019, refugee resettlement has dropped to a mere trickle.

On arrival, these refugees are settled in virtually every state in the country. Many also engaged in secondary migration in search of better job opportunities and coethnic communities. Table 1 presents the top three states in which each of the five groups settled from 2011 to 2015. One-third of Bhutanese resettled in Pennsylvania, Ohio, and New York; a similar proportion of Burmese ended up in Texas, New

York, and Indiana. Slightly less than half of Iraqis arrived in California, Michigan, and Texas; a quarter of Somalis resettled in Minnesota, New York, and Texas. Cubans are significantly more spatially concentrated—68 percent resettled in Florida, and fewer than a thousand in Texas and Nevada. Despite dispersion policy under USRAP, these numbers show remarkable geographical concentration, Texas and New York being the most common destinations for recent refugees from all five groups.

Bhutanese

Bhutanese refugees began arriving in the United States in 2007, following a UNHCR decision to resettle those living in Nepalese refugee camps (Trieu and Vang 2015). Many are descendants of ethnic Lhotshampas—Nepalese migrants settling in southern Bhutan. Lhotshampas differ from the Drukpa ethnic majority in Bhutan in their adherence to Hinduism rather than Buddhism (Rizal 2004). Between 1990 and 1993, about a hundred thousand Nepalese-speaking Bhutanese fled Bhutan for refugee camps in eastern Nepal. They languished in these camps for two decades, unable to repatriate to Bhutan or to receive formal refugee status from the UNHCR (Trieu and Vang 2015). Following a change in policy by UNHCR, a total of 5,244 Bhutanese refugees arrived in the United

Table 1. Recent Refugee Arrivals' Top Three States of Settlement, 2011–2015

Bhutan	Pennsylvania	Ohio	New York	Total (%)
	7,138	5,615	4,605	32.50
Burma	Texas	New York	Indiana	Total (%)
	11,758	6,100	6,091	29.78
Cuba	Florida	Texas	Nevada	Total (%)
	8,421	905	638	67.96
Iraq	California	Michigan	Texas	Total (%)
	13,686	11,580	7,864	45.08
Somalia	Minnesota	New York	Texas	Total (%)
	3,830	2,636	2,570	26.94

Source: Authors' compilation based on U.S. Department of State 2020.

States from these refugee camps in 2008 (Vang et al. 2014; Capps et al. 2015).

The Bhutanese are the second smallest Asian ethnic group in the United States (after Mongolians), an estimated population of only twenty-four thousand in 2015 (López, Ruiz, and Patten 2017)*.* From 2009 to 2011, Bhutanese men worked at higher rates than their U.S.-born counterparts, but the rates are significantly lower among Bhutanese women (Capps et al. 2015). This partially reflects their rather unequal education: a quarter of Bhutanese men have at least a college degree, but about half of Bhutanese refugees, especially women, have yet to complete high school (Capps et al. 2015).

Bhutanese refugees have particularly high levels of depression and suicide. The suicide rate is not only twice that of the U.S. national average (Ao et al. 2015; Meyerhoff, Rohan, and Fondacaro 2018), but also comparable to the rate among Bhutanese still living in refugee camps (Vonnahme et al. 2015; Hagaman et al. 2016). Laura Vonnahme and colleagues (2015) find that men who viewed themselves as family providers tended to demonstrate depressive symptoms at a rate four times higher than men who were not providers. Difficulty in finding work or periods of unemployment can undermine their traditional role as the provider. Depressive symptoms are exacerbated among those reporting to be in poor health, who are also most likely to experience depression (Vonnahme et al. 2015). Scholars still debate the cul-

tural and structural factors for these high rates, but suicide poses a serious health risk to this community.

Burmese

Burma (or Myanmar) is a diverse country with regards to ethnic and religious minorities.[1] The people of Burma are one of eight ethnic groups. Burman is the largest, followed by Chin, Kachin, Karen (Kayin), Mon, Arakhan (Rakhine), Shan, and Karenni (Kayah). Burman, Mon, Arakhan, and Shan are primarily Buddhist, whereas Chin, Kachin, Karen, and Karenni are primarily Christian. Following the uprising on August 8, 1988, the oppression of ethnic minorities and political dissidents by the ruling military regime led to the displacement of more than one million people who settled in massive refugee camps in neighboring countries, including Bangladesh, India, Malaysia, and Thailand (Vang et al. 2014). There, many lived in limbo for decades; only 3,528 were resettled in the United States between 1984 and 2004 (Furukawa and McKinsey 2009). The dramatic rise of Burmese refugees in the United States is a fairly recent phenomenon: 77,265 were admitted from 2005 to 2011 (Vang et al. 2014).

To date, the Myanmar conflict remains one of the world's largest humanitarian crises, the Rohingya conflict in particular. The Rohingya people are a predominantly Muslim ethnic minority in Rakhine State at the northern edge of Myanmar. In 2017, seven hundred thousand Ro-

1. In this article, following current media convention, we use Burma and Myanmar interchangeably.

hingya fled Myanmar to Bangladesh to avoid ethnic cleansing, mass killings, sexual violence and widespread arson from the Burmese security forces. The number of Rohingya refugees of Muslim background was estimated at more than one million by the end of 2018 (UNHCR 2019a). Despite this group's significance, they are not among the Burmese refugees we examine here, given the timing of migration.

The Burmese—estimated population of 168,000 in 2015—are one of the smallest Asian ethnic groups in the United States (López, Ruiz, and Patten 2017). According to an analysis of Current Population Survey (CPS) data (Trieu and Vang 2015), the population is a fairly young cohort, 67 percent under the age of forty. The majority are first generation (58 percent), though the 1.5 and second generation is growing (38 percent). Language is a major barrier for Burmese, a majority speaking either no or very poor English. About a third of those in the United States live below the poverty line with an average income of $25,901 (Trieu and Vang 2015). Both men and women report working at a lower rate than U.S. natives (Capps et al. 2015), despite their strong desire for work (Trieu and Vang 2015).

Burmese refugees struggle to achieve economic self-sufficiency (Trieu and Vang 2015). As with other refugees, resettlement agencies provide crucial support in their initial resettlement. When state support ends, Burmese turn to voluntary agencies and self-help organizations, which emerged as a way to organize and leverage community resources to aid their integration (Trieu and Vang 2015). Yet these agencies are often inadequate to serve diverse cultural and linguistic needs of new Burmese arrivals. This internal diversity poses an additional challenge for the Burmese because social service providers in the United States often adopt a one-size-fits-all policy that fails to account for the internal cultural and social differences (Brown and Scribner 2014; Kerwin 2018).

Iraqis

The fall of the Saddam Hussein regime and the ensuing instability of the Iraq war brought a steady flow of Iraqis, mostly from Baghdad, to the United States (Capps et al. 2015). Many settled in California, Michigan, and Texas. At the city level, San Diego, Dearborn, and Detroit have the largest populations (Shoeb, Weinstein, and Halpern 2007). Iraqis, however, do not form a cohesive community in the places they settle. Internal divisions along socioeconomic lines and along ethnicity—Arab, Kurdish, and Chaldean—are important markers of difference (Shoeb, Weinstein, and Halpern 2007). In many of these places, Iraqis also identify discrimination by U.S. natives as a potential barrier to integration (Jamil et al. 2012; Shoeb, Weinstein, and Halpern 2007)

Iraqis are a relatively educated refugee group. Relative to the overall U.S. population, Iraqis report similar college completion rates but higher levels of high school drop-out rates (Capps et al. 2015). At the same time, they report the lowest employment rates of any refugee group in the country, men and women each working at lower rates than the U.S. natives. On average, Iraqis report working low-wage jobs, often earning annual incomes of $20,000 or less (Capps et al. 2015; Shoeb, Weinstein, and Halpern 2007). Additionally, Iraqi refugees report unemployment rates double that of Iraqi immigrants with comparable educations and credentials (Jamil et al. 2012). Potential hindrances to employment for Iraqis include language skills, knowledge of the U.S. professional world, and health (Jamil et al. 2012). Given the limited assistance from the state, Iraqi refugees are likely drawing on their savings or financial resources from their home country to make ends meet. They might still be engaged in businesses in their sending country or work in the informal economy within their ethnic enclave, resulting in an underreporting of their employment. Iraqi refugee children also struggle because of the considerable gaps in their educational history (Bang and Collet 2018). These gaps result from transitionary periods characterized by significant instability in Iraq—where an active armed conflict interrupted school attandance—and by educational restrictions imposed in transitional countries. Integration into local U.S. schools is further complicated by the emotional trauma experienced during displacement (Bang and Collet 2018).

Somalis

Somali refugees began resettling in the United States following the ouster of Mohamed Siad

Barre in the 1990s (Chambers 2017; Golden, Garad, and Boyle 2011). From 2010 to 2016, about nine thousand Somali refugees arrived each year. They are most likely to first settle in Minnesota, New York, and Texas. Other sizable Somali communities have formed in Lewiston, Maine, and Columbus, Ohio (Voyer 2013; Waters 2013; Chambers 2017). Minnesota is the destination for a considerable secondary Somali migration flow from other states and from Toronto, Canada (Horst 2006). The Twin Cities boast the largest Somali populations, especially within St. Paul and Minneapolis (Chambers 2017; Waters 2013). Detailed data on Somalis are not available at the city level. However, East Africans[2]—a census category that includes Somalis—accounted for 23.5 percent of the immigrant population in Minneapolis and 15.9 percent in St. Paul from 2009 to 2013 (Chambers 2017). They are also the largest and second largest ethnic group in these cities, respectively. Lewiston, Maine, where many arrived after initially settling in Georgia in the 2000s, is now home to about five thousand Somalis.

Once settled, Somalis often find low-skilled work, supplementing their income with informal entrepreneurial work (Chambers 2017). Given their concentration in blue-collar work, Somali refugees report extremely low wages, with average annual earnings ranging from $13,370 in Saint Paul to $11,414 in Minneapolis, Minnesota. These numbers also partially reflect the relatively high rates of informal work (Chambers 2017). In the Twin Cities, many Somalis are employed in meat-packing operations, whereas factory and warehouse work are the most common sources of employment in Columbus (Chambers 2017). More entrepreneurial Somalis also start their own small businesses, Somali businesses appearing in large malls (*suuqs*) and storefronts (Chambers 2017). Despite their economic hardships, financial remittances—*xawilaad*—back to Somalia or related refugee camps are rather common (Horst 2006; Lindley 2009). Over the last decade, this inflow of financial remittances has totaled $1.3 billion annually, 16 percent

coming from the United States (Chambers 2017; Waters 2013).

Somalis encounter significant variation in their reception. In the Twin Cities, they have access to a robust system of nongovernmental organizations and state assistance such as mental health services and business development groups (Chambers 2017). This positive reception reflects the city's long history in welcoming refugees, including Jewish refugees after World War II and Hmong refugees in recent decades (Chambers 2017). Columbus, by contrast, offers a more negative reception, including stronger anti-immigrant rhetoric and more limited service provision (Waters 2013). In Lewiston, despite welcoming official rhetoric, concerns are circulated about their fiscal burden on the city (Voyer 2013). Across cities, Somalis also report discrimination experiences in most settings, usually on the basis of their racial or religious background (Voyer 2013; Waters 2013; Chambers 2017) .

Cubans

Cuban refugees have been in the United States for more than half a century. Strictly speaking, they do not qualify as a new refugee group. For three decades following the rise of Fidel Castro, the United States admitted Cuban refugees on the basis of the Cuban Admissions Act of 1966, which granted any Cuban the expedited and virtually automatic right to legal permanent residency, and thus an eventual pathway to citizenship once they were in a position to apply for naturalization (Barrios 2011). The fall of the Soviet Union in the 1990s led to a significant increase in Cubans fleeing the island by boat, many of whom were apprehended by the Coast Guard in territorial waters (Barrios 2011). This surge in *balseros*, or rafters, gave rise to the wet-foot, dry-foot policy in 1994. Under this agreement, Cubans who reached U.S. soil would be given asylum; those caught at sea were sent back to Cuba (Henken 2005).

Cubans are among the most studied refugee groups (Portes and Bach 1985; Portes and Rumbaut 2001; Portes and Stepick 1993). Cubans,

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2. The category of East Africans comprises individuals from Burundi, Comoros, Djibouti, Madagascar, Malawi, Mauritius, Mayotte, Mozambique, Reunion, Rwanda, Seychelles, Somalia, Tanzania, Uganda, Zambia, and Zimbabwe.

whose U.S. population numbers some two million people, are the fourth largest Hispanic group behind Mexicans, Puerto Ricans, and Salvadorans (Krogstad 2017). The United States has resettled more Cuban refugees than any other group except the Vietnamese (Hooper et al. 2016). Cuban refugees in the United States benefit from a support network of established coethnics. New arrivals are able to access strong networks of economic and cultural support established by previous generations of Cubans. In Miami, the most populous area of Cuban settlement, several vibrant ethnic enclaves include Cuban grocers, barbershops, professional organizations, and other small businesses (Eckstein 2009; Henken 2005).

In 2014, the Obama administration announced plans to normalize relations with Cuba. This led to a final surge in Cuban refugees seeking to take advantage of the wet-foot, dry foot policy in the period leading to 2017. In 2016, 56,406 Cubans entered the United States through ports of entry—31 percent more than the previous year (Krogstad 2017). In January 2017, the Department of Homeland Security officially ended the wet foot, dry foot policy as a part of this process. This change made Cuban nationals entering the United States illegally subject to removal for the first time since the Cuban revolution in 1959 (White House 2017). In 2018, the number of refugees from Cuba was zero, effectively ending this continuous flow of refugees.

DATA AND METHODS
To examine patterns of labor-market integration among recently arrived refugees, we use data from the 2016 Annual Survey of Refugees.

The 2016 Annual Survey of Refugees
Since the 1980s, the Office of Refugee Resettlement has administered the ASR annually. However, only the 2016 version has been made available to the research community. Its public availability offers a unique opportunity to understand the early integration of refugees. For our purpose, the dataset provides a good sample size for five recent refugee groups, along with detailed survey questions about both the *premigration characteristics* and *postmigration integration policies*, which are the core of this article's empirical contributions.

Prior work on refugee integration in the United States has relied on a patchwork of datasets. These include national surveys, administrative data sources, and some primary sources (Bernstein and DuBois 2018, table 3). National samples include the American Community Survey (ASC) from the U.S. Census Bureau, the New Immigrant Survey, and the ASR. Administrative sources include the Worldwide Refugee Admissions Processing System, which provides selected characteristics on all refugees, including their initial state of resettlement in the United States. Other administrative sources are refugee resettlement program data from the Bureau of Population, Refugees and Migration in the Department of State and ORR. Last, some researchers and refugee-assisting agencies collected surveys and interview-based data on specific refugee groups, but these data sources are either smaller in scope or not nationally representative.

The 2016 ASR is the only national survey that specifically tracks the progress of refugee integration, the results of which are used to fulfill congressionally mandated reporting. The 2016 ASR contains a representative sample of 1,500 refugee households that entered the United States between fiscal years 2011 and 2015. This sample was drawn using a stratified probability sample from 141,000 principal applicants (PAs) contained within the ORR Refugee Arrivals Data System. For refugee families, the PA is the family member whose refugee case is used as the basis of the admission application. The surveys were conducted by telephone interview after an introduction letter and $2 cash incentive were sent by postal mail. These interviews were offered in the seventeen most common languages spoken by refugees, covering 77 percent of the linguistic variation of the refugee population that has arrived in the last decade. All respondents received a $25 gift card via first-class mail for their participation in the survey.

The analysis is limited to 1,500 respondents (eighteen years or older) who have PA status. Although the survey sampled 4,037 refugees, including household members within the same refugee family, we focus only on the 1,500 PAs because they are most likely to be the head of household within their family. By definition, these respondents are first-generation immi-

grants. The majority of household heads are men (1,273); one in six are women (227). By contrast, most second household members enumerated are women (957), typically the spouse of the household head. These numbers reflect traditional gender norms within these refugee communities, in which men are more likely to be the household head.

The 2016 ASR has a number of strengths. It contains the most recent data on a number of refugee groups. It also includes key variables on both pre- and postmigration characteristics. The premigration variables—English proficiency, education, and occupation—help us understand issues of immigrant selectivity and how it affects their integration. The postmigration variables—training programs and cash assistance—provide a unique glimpse into the role of integration policy in shaping refugee experiences. At the same time, the 2016 ASR has a few limitations. First, it has an adequate sample size for only five groups and does not fully capture the heterogeneity in refugee experiences. Second, it focuses only on the early period of adjustment for refugees in the United States. Thus it provides no information on the long-term outcomes of these groups. Third, it includes many variables on socioeconomic integration, but no information on other outcomes, such as political participation or residential patterns. Fourth, the sample size is too small for reliable state- or county-level analyses in light of the important role of local policies in incorporating refugees. Although the ASR collected respondents' state of residence, this variable was recoded to regions to protect the anonymity of respondents. Finally, it provides no information on where and for how long refugees lived after leaving their country of birth and before they were resettled in the United States.

Dependent Variables

We examine eight outcome variables on the early socioeconomic integration of refugees. Because education and work are the two pathways to integration into American society, the first four dependent variables are attending school within *the past twelve months*, working at a job anytime *last week*, number of hours worked at all jobs *last week*, and hourly wages at primary job *last week*. Because hourly wages are not normally distributed, we use the log version of hourly wages. The next four outcomes capture postmigration occupational attainment by focusing on four occupational categories: professional, sales, service, and blue-collar work. The first variables on attending school and working, along with the last four variables on occupations, are dichotomous; hours worked and hourly wages are continuous.

Independent Variables

Our first set of independent variables are the national origin of refugees. This variable is categorical with six categories: Bhutanese, Burmese, Iraqi, Somali, Cuban, and Other. Other is a residual category that combines refugees from the other sending countries with fewer than one hundred respondents in the sample. It is inherently not meaningful as a category, but its inclusion allows us to retain the largest sample size possible for our analyses. One primary goal of this article is to compare the integration experiences among these recent refugee groups, so we are interested in how each refugee group fares relative to the others. In a standard analysis, we would like to compare the socioeconomic outcomes of these five refugee groups with the native-born majority group (non-Hispanic whites) to benchmark their progress. One limitation of the ASR is its exclusive focus on refugees: it does not include any nonrefugee groups. As a result, we use Cubans—the most established among the five refugee groups—as our reference category in our analyses because we would like to know how the other groups fare relative to Cubans.

National origin is important because we expect refugee groups that arrived with more resources and positive context of reception to become better integrated into American society than groups with fewer resources and a negative context of reception (Portes and Rumbaut 2001). We use Cubans as the reference group to probe the role of ethnic enclaves in shaping the early integration of refugees (Martén, Hainmueller, and Hangartner 2019). Some of these refugee groups arrive in localities with few coethnics and this lack of coethnic community would hinder their initial integration. Furthermore, despite ethnic heterogeneity within each of these national groups, individuals with different eth-

nicities from the same national origin can face systematically similar experiences, such as contexts of exit in the sending country and contexts of reception in the United States.

We include three additional sets of independent variables in our analyses. The second set focuses on demographic characteristics: age, the quadratic term of age, gender, age at arrival, marital status, parental status, legal permanent residency, region and length of residency. Age of arrival is categorical with four categories. Marital, parental, and legal statuses are all dichotomous. Region is categorical with four categories. Length of residency is continuous and measured by the number of months at the current address.

The third set of variables controls for premigration characteristics prior to arrival in the United States. These include years of schooling, English proficiency, and prior occupations in the home country to show how selectivity affects refugee integration experiences. Years of schooling is continuous whereas English proficiency and occupation are both categorical. Beyond four major occupation categories is another for students and a residual one for Other.

The fourth set of variables controls for postmigration integration policies. These include enrollment in English-language, job-training, refugee assistance, and nonprofit cash assistance programs over the last year. The variables are dichotomous. These integration policies provide refugees with initial assistance on resettlement and other training to facilitate their reentry into the labor market and economic self-sufficiency. We are interested in English-language and job-training programs as potential paths to integration. These two variables are based on two survey questions that asked whether the respondent has attended an English-language training program or any job-training program within the past twelve months. To account for sequencing of job training, we analyze job training in the last year in relation to employment in the last week. As a result of this temporal order, we are confident that job training precedes employment, as opposed to the other way around. On school attendance, an English-language program should precede school or university attendance because English proficiency is often a prerequi-

site for university enrollment. Additionally, the possibility that the respondents might conflate attending school or university with attending an English-language training program is unlikely, given the survey's careful wording: "Within the past twelve months, has [the respondent] attended school or university (other than to take English-language training or the job-training class indicated in the previous question)?" Finally, although we are interested in the impact of refugee sponsorship (private versus public sponsorship) on integration outcomes, the ASR has no such variables. Table A1 provides all descriptive statistics for the independent variables.

Analytical Methods

The analyses proceed in two stages. First, bivariate analyses provide a snapshot of early socioeconomic integration for the five refugee groups. Second, multivariate analyses focus on how the three sets of independent variables shape the integration process. For dichotomous outcome variables, we use logistic regressions with simulated standard errors and report the odds ratios. For continuous outcome variables, we use standard ordinary least squares regressions. For dichotomous outcome variables, the logistic regression models for measuring group differences are as follows:

$$\log \frac{P(Y_i = 1)}{1 - P(Y_i = 1)} = \beta_0 + \beta_1 N_i + \beta_2 D_i + \beta_3 Pre\_M_i + \beta_4 Post\_M_i, \tag{1}$$

where $\log \dfrac{P(Y_i = 1)}{1 - P(Y_i = 1)}$ denotes the log odds of

the probability of a particular socioeconomic outcome (Y) for respondent i. N_i is the national origin for respondent i—the main variable of interest. D_i is a vector of demographic control variables for respondent i. Pre_M_i denotes a set of variables on respondents' premigration characteristics. $Post\_M_i$ denotes a set of postmigration integration policies. Because Cubans are the most established in the United States, they serve as the reference group and the benchmark for the integration of other groups in multivariate analyses. These analyses also adjust for the stratified survey design by using the appropriate final weights provided by the 2016 ASR.

All missing data were imputed using a multiple imputation procedure. Multiple imputation is a flexible, simulation-based statistical technique for handling missing data (StataCorp 2015; Rubin 1987). This procedure rests on the assumption that data are missing at random, conditional on the observable individual-level covariates (StataCorp 2015). We adopt the MICE (Multivariate Imputation via Chained Equations) package in R. The percentage of missing values across the variables we used ranged from 0 to 22 percent, though only 3 percent of total records were missing. Following Stef van Buuren (2018), we use the default techniques for the four types of variables. The imputation process follows predictive mean matching for continuous variables, logistic regression for dichotomous variables, proportional odds model for ordinal variables, and multinomial logistic regression for categorical variables. The predictors used in the imputation equation include the individual-level covariates in the final models. For wages, we first imputed the missing values before transforming the variables into log wages. To lessen the Monte Carlo error from the simulation, we generated two separate datasets based on five and twenty imputations, but the results are substantively similar, suggesting that our findings are robust in regard to the missing data that were imputed. In addition, the distribution of imputations and the convergence of the algorithm that produced them were inspected visually to ensure that these were reasonable. This article reports results from our imputation with $m = 20$. We estimate a full set of coefficients for each of the twenty imputed datasets before pooling using Rubin's rules across the twenty estimates using the pool() function in MICE. In R, one standard way to report standard errors when converting logits to odds ratios is simulation, as we have done. The standard errors and the confidence intervals are uneven in our odds ratio plots because these represent the simulated distribution (n = 1,000) of the odds ratios using the covariance matrix at the 95% level, so these are actually more accurate to the distribution of our data. Our final sample is 1,496 instead of 1,500 respondents because four of them reported being younger than eighteen.

PATTERNS OF EARLY SOCIOECONOMIC ATTAINMENT AMONG REFUGEES

In this section, we begin with our descriptive findings by refugee group. We then present our regression models, which use premigration characteristics and postmigration integration as key predictors of schooling and employment.

Descriptive Findings

Table 2 presents descriptive statistics for the eight dependent variables by refugee group. Somalis (19 percent) and Iraqis (14 percent) are

Table 2. Early Socioeconomic Outcomes Among Refugees

Dependent Variables	Bhutan	Burma	Cuba	Iraq	Somalia	Other[a]	N
School and work							
Attending school (%)	7	7	3	14	19	20	1,496
Working (%)	71	75	77	67	69	70	1,496
Weekly work hours[b]	40	39	41	37	35	37	1,056
Hourly wages[b]	12	12	12	12	13	13	1,056
Occupation							
Professional (%)	8	3	6	6	3	11	1,496
Sales (%)	17	9	11	20	21	14	1,496
Service (%)	27	27	31	28	34	34	1,496
Blue collar (%)	28	42	32	28	30	20	1,496

Source: Authors' calculation based on 2016 Annual Survey of Refugees (Urban Institute 2016).
Note: All figures in this table have been rounded to the nearest integer for consistency.
[a]This is a residual category that includes refugees from other sending countries.
[b]These are both continuous variables and based on information about the job respondents reported working last week.

Figure 3. Educational Attainment of Refugees and Nonmigrants by National Origin
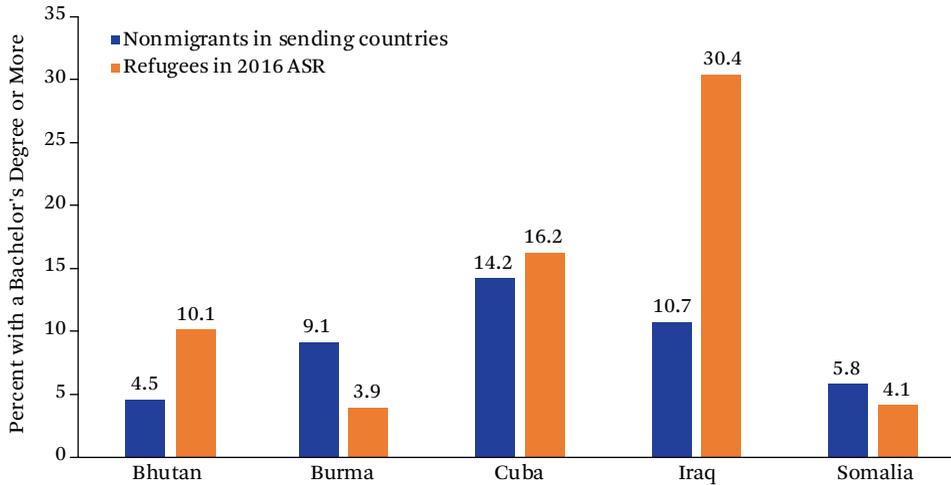
Source: Authors' calculation based on 2016 Annual Survey of Refugees (Urban Institute 2016), UNESCO Institute for Statistics 2019, UNFPA Population Estimation Survey of Somalia 2016, and UNFPA Myanmar Population and Housing Census 2017.
Note: Samples are limited to population age twenty-five and older. Nonmigrant data for Bhutanese, Cubans, and Iraqis are from United Nations Educational, Scientific and Cultural Organization's (UNESCO) Institute for Statistics. Nonmigrant data for Burmese are from UNFPA Myanmar Population and Housing Census "Thematic Report on Education." Nonmigrant data for Somalis are from UNFPA Population Estimation Survey (PESS) Report on "Educational Characteristics of the Somali People."

the most likely to attend school. Cubans are the least likely to do so. By contrast, Cubans (77 percent) and Burmese (75 percent) are most likely to work. Iraqis and Somalis are least likely. Among those who reported being employed during the week prior to the survey, Cubans report working the highest number of weekly hours and Somalis the fewest. Despite variation in educational attainment across groups (see appendix table A1), the average hourly wage is universally low for all groups (approximately $12 per hour), indicating that refugees are mostly concentrated in low-wage work.

On occupation, refugees from every group disproportionately report being in service and blue-collar work. Many are in sales, but few report working in a professional occupation. First, on professional occupation, Burmese and Somalis report the lowest rate (3 percent) and Bhutanese the highest (8 percent). Second, Bhutanese, Iraqis, and Somalis are about twice as likely as Burmese and Cubans to be in the sales industry. Third, at least a quarter of re-

spondents from every group report working in the service sector. Finally, Burmese are the most concentrated in blue-collar work (42 percent) and a third from the other refugee groups are also in blue-collar work.

Figure 3 presents educational achievement for both refugees and nonmigrants in sending countries by national origin. Refugees from Burma and Somalia are negatively selected. 9.1 percent of nonmigrants in Burma have a bachelor's degree or more, relative to only 3.9 percent among Burmese refugees. Similarly, the proportion with a bachelor's degree or more is 5.8 percent in Somalia, but only 4.1 percent among Somali refugees in the sample. By contrast, refugees from Bhutan and Iraq are positively selected. Bhutanese refugees in the ASR are twice as likely as Bhutanese nonmigrants to have a college education, whereas Iraqi refugees are three times more likely than their counterpart nonmigrants to have one. Among Cubans, the slight edge in education is among the refugees in the sample over nonmigrants. These patterns of selectivity, in turn, should

shape refugees' early integration. In particular, we expect Burmese and Somalis to report the worst outcomes and Iraqis and Bhutanese to report the best outcomes in their early integration, given human capital on arrival in the United States. For Cubans, we hypothesize that the established coethnic community will provide them with an advantage, given the availability of employment opportunities for new refugees. Finally, variation is substantial in the rate of legal permanent residency by national origin, from 49 percent among those from Bhutan and to 98 percent among Iraqis. This variation is consistent with findings in other work, which attributes these differences to sociodemographic characteristics and initial resettlement location, among other factors (Mossaad et al. 2018).

Early Indicators of School and Work Among Refugees

Table 3 presents multivariate results from logistic regressions predicting schooling and employment for the five refugee groups while accounting for the three sets of demographic, premigration and postmigration covariates. We estimate two models for each dependent variable. The first examines the role of premigration characteristics in shaping integration, controlling for national origin and demographic characteristics. The second introduces postmigration integration policies to examine their impact on pathways to integration.

On school attendance, model 1 shows that Somalis are 4.2 times more likely than Cubans to attend school, controlling for the full set of demographic variables. Being married or being a legal permanent residency reduces the likelihood of school attendance by about half. Among the premigration characteristics, prior education positively predicts school attendance. This suggests that those who are more educated on arrival are more likely to pursue school to regain their credentials. Finally, those in blue-collar work in the home country are half as likely to report being in school as those working in service occupations.

Model 2 introduces postmigration integration policy. First, Somalis are 3.2 times more likely than Cubans to attend school. The coefficients for marital and legal status change

slightly, but remain significant. Among the postmigration variables, the strongest predictor of being in school is enrollment in an English-language training program. Those who indicate attendance in such a program are five times more likely to be enrolled in school.

Models 3 and 4 show that Cubans are significantly more likely than the other five groups to report working, controlling for other observable covariates. Specifically, Cubans are three times more likely than Bhutanese and Burmese, six times more likely than Iraqis, and four times more likely than Somalis to be employed. Men are about four times as likely as women to work and those with lawful permanent residence (LPR) status are 1.4 times more likely to work. Most surprisingly, none of the premigration variables reach statistical significance in model 5, suggesting that refugees are treated as "blank slates" on arrival in the United States. Their prior credentials and work experiences do not predict their short-term socioeconomic outcomes. Among postmigration integration policies, refugees participating in an English-language training program are one-third less likely to report working whereas those who had received job training in the last twelve months are 2.8 times more likely to be employed in the week before the survey.

Overall, we observe an association between integration policy and economic integration. Moreover, these findings suggest that participation in different training programs puts refugees on different integration paths. Language-training enrollment positively predicts school attendance whereas job-training participation predicts work. In fact, the coefficient for English-language training program is positive for schooling (in model 2) and negative for employment (in model 4), pointing to two possible integration paths training programs can provide. At the same time, our findings cannot address the effectiveness of these programs. We do not know whether the respondents attended job-training programs for the jobs they eventually receive, although job-training programs likely target specific industries or sectors (health care or technology, for example).

Table 3. Logistic Regressions on Attending School (Last Year) or Working (Last Week)

	In School Model 1	In School Model 2	Working Model 3	Working Model 4
National origin				
Bhutanese versus Cuban	1.842	2.097	0.283**	0.284**
	(1.329)	(1.562)	(0.136)	(0.134)
Burmese versus Cuban	1.482	1.349	0.399*	0.382**
	(1.013)	(0.974)	(0.164)	(0.169)
Iraqi versus Cuban	2.304	2.066	0.151***	0.166***
	(1.481)	(1.396)	(0.059)	(0.069)
Somali versus Cuban	4.151*	3.226*	0.262**	0.292**
	(3.361)	(2.476)	(0.129)	(0.149)
Other versus Cuban	3.873**	2.904*	0.272***	0.274***
	(2.314)	(1.864)	(0.104)	(0.113)
Demographic characteristics				
Female	0.902	0.799	0.232***	0.234***
	(0.172)	(0.171)	(0.038)	(0.038)
Age	0.788**	0.750**	1.239***	1.233***
	(0.068)	(0.069)	(0.077)	(0.075)
Quadratic term of age	1.003**	1.003**	0.997***	0.997***
	(0.001)	(0.001)	(0.001)	(0.001)
Age at arrival, fifty-five or older	0.118	0.104	1.227	1.113
	(0.847)	(0.507)	(1.110)	(1.094)
Age at arrival, forty to fifty-four	1.676	1.851	0.898	0.882
	(1.304)	(1.606)	(0.487)	(0.489)
Age at arrival, twenty-five to thirty-nine	1.029	1.150	0.819	0.838
	(0.364)	(0.447)	(0.252)	(0.262)
Married	0.409***	0.415***	0.794	0.813
	(0.081)	(0.088)	(0.120)	(0.129)
Children	1.075	0.984	1.187	1.179
	(0.214)	(0.198)	(0.183)	(0.184)
Legal permanent resident	0.662*	0.591*	1.410*	1.406*
	(0.133)	(0.131)	(0.237)	(0.233)
West versus Northeast	1.279	1.369	1.107	1.116
	(0.362)	(0.411)	(0.239)	(0.263)
Midwest versus Northeast	0.800	0.820	1.132	1.204
	(0.249)	(0.256)	(0.250)	(0.269)
South versus Northeast	0.864	0.888	1.141	1.149
	(0.248)	(0.283)	(0.253)	(0.263)
Months at current residence	1.001	1.003	0.995	0.995
	(0.005)	(0.005)	(0.004)	(0.004)
Premigration characteristics				
Years of schooling	1.061*	1.073*	1.032	1.032
	(0.030)	(0.031)	(0.022)	(0.022)
Spoke English, not well	0.927	0.937	0.915	0.930
	(0.224)	(0.247)	(0.170)	(0.174)
Spoke English well	1.286	1.508	0.899	0.863
	(0.371)	(0.492)	(0.234)	(0.220)
				(*continued*)

Table 3. (*continued*)

	In School Model 1	In School Model 2	Working Model 3	Working Model 4
Spoke English very well	1.334	1.948	1.557	1.419
	(0.757)	(1.230)	(0.880)	(0.935)
Occupation: professional	1.113	1.234	0.894	0.939
	(0.458)	(0.528)	(0.353)	(0.372)
Occupation: sales	0.605	0.512	0.467*	0.527
	(0.322)	(0.284)	(0.203)	(0.237)
Occupation: blue collar	0.433*	0.428*	0.715	0.799
	(0.187)	(0.194)	(0.255)	(0.316)
Occupation: student	1.052	1.187	0.590	0.683
	(0.450)	(0.544)	(0.255)	(0.298)
Occupation: other	0.647	0.721	0.503*	0.546
	(0.254)	(0.283)	(0.167)	(0.194)
Postmigration integration policy				
English training program		4.999***		0.696*
		(0.989)		(0.114)
Job training program		1.157		2.801***
		(0.275)		(0.705)
Refugee cash assistance		1.138		1.179
		(0.546)		(0.455)
Nonprofit cash assistance		1.173		0.396*
		(0.989)		(0.222)
Constant	9.709	12.074	0.894	0.819
	(147.442)	(255.696)	(3.360)	(2.823)
N	1,496	1,496	1,496	1,496

Source: Authors' calculation based on 2016 Annual Survey of Refugees (Urban Institute 2016).
Note: Odds ratios reported with simulated standard errors in parentheses. The reference group for ethnic origin is Cuban. The reference category for age of arrival is age twenty-four or younger. The reference category for region is Northeast. The reference category for premigration English ability is no English. The reference category for premigration occupation is Service.
*p < .05; **p < .01; ***p < .001

Table 4 shifts the focus to hours worked and hourly wage among those who are working. The most consistent and significant effect across all four models is gender: women not only work eight fewer weekly hours but also report earning hourly wages[3] that are less than one third those of men. On hours worked last week, model 1 shows that, on average, Cubans work 6.2 more hours than Iraqis and 4.5 more than Somalis. In model 2, Cubans still report working 5.6 more weekly hours than Iraqis. Among the premigration variables, every additional

year of schooling in the home country is associated with a quarter fewer work hours in model 2, but has no impact on log hourly wages.

On log hourly wage, no significant differences by national origin are observed. This flattening of hourly wages, despite educational selectivity across groups, is likely for one of two reasons. First, refugees are disproportionately concentrated in low-wage, entry-level jobs, at least in the short term, where wages vary little. Second, significant barriers in the conversion of foreign credentials means that refugees with

3. Because the dependent variable is log hourly wage, the percent decrease in wages for the female coefficient in table 4 is equivalent to [exp (0.258) – 1]*100 = 29.4 in model 4.

Table 4. OLS Regressions on Weekly Work Hours and Log Hourly Wage (Last Week)

	Hours Worked Model 1	Hours Worked Model 2	Hourly Wage Model 3	Hourly Wage Model 4
National origin				
Bhutanese versus Cuban	−2.454	−2.206	0.069	0.078
	(1.929)	(1.923)	(0.125)	(0.126)
Burmese versus Cuban	−1.053	−0.978	0.061	0.062
	(1.704)	(1.699)	(0.116)	(0.115)
Iraqi versus Cuban	−6.200***	−5.693**	0.069	0.103
	(1.769)	(1.774)	(0.117)	(0.117)
Somali versus Cuban	−4.547*	−4.065	0.183	0.229
	(2.224)	(2.241)	(0.144)	(0.148)
Other versus Cuban	−4.400**	−4.234*	0.071	0.076
	(1.696)	(1.705)	(0.115)	(0.116)
Demographic characteristics				
Female	−8.246***	−8.197***	−0.281***	−0.258***
	(1.036)	(1.043)	(0.070)	(0.069)
Age	−0.030	−0.037	−0.011	−0.011
	(0.107)	(0.108)	(0.006)	(0.006)
Age at arrival, fifty-five or older	0.167	0.663	0.287	0.287
	(4.298)	(4.305)	(0.266)	(0.269)
Age at arrival, forty to fifty-four	−1.153	−0.832	0.125	0.121
	(2.719)	(2.720)	(0.173)	(0.173)
Age at arrival, twenty-five to thirty-nine	0.074	0.329	0.098	0.102
	(1.400)	(1.399)	(0.090)	(0.092)
Married	−1.588	−1.476	−0.018	−0.005
	(0.966)	(0.977)	(0.061)	(0.060)
Children	−0.474	−0.551	0.003	−0.004
	(0.908)	(0.906)	(0.060)	(0.058)
Legal permanent resident	−1.131	−1.090	−0.049	−0.057
	(0.929)	(0.932)	(0.065)	(0.062)
West versus Northeast	−1.811	−1.734	−0.111	−0.105
	(1.276)	(1.274)	(0.085)	(0.082)
Midwest versus Northeast	−0.161	−0.147	0.025	0.027
	(1.239)	(1.236)	(0.088)	(0.084)
South versus Northeast	−1.932	−1.949	−0.141	−0.144
	(1.178)	(1.176)	(0.081)	(0.078)
Months at current residence	0.002	(0.002)	0.000	0.000
	(0.021)	(0.021)	(0.002)	(0.002)
Premigration characteristics				
Years of schooling	0.254*	0.247*	0.011	0.012
	(0.125)	(0.125)	(0.008)	(0.008)
Spoke English, not well	−1.347	−1.326	−0.113	−0.114
	(1.025)	(1.024)	(0.065)	(0.065)
Spoke English well	1.788	1.737	0.002	−0.005
	(1.342)	(1.342)	(0.084)	(0.084)

(*continued*)

Table 4. (*continued*)

	Hours Worked Model 1	Hours Worked Model 2	Hourly Wage Model 3	Hourly Wage Model 4
Spoke English very well	1.685	1.318	0.143	0.113
	(2.495)	(2.501)	(0.160)	(0.158)
Occupation: professional	−1.152	−1.088	−0.077	−0.077
	(1.758)	(1.764)	(0.118)	(0.114)
Occupation: sales	1.343	1.436	−0.216	−0.201
	(2.279)	(2.272)	(0.144)	(0.143)
Occupation: blue collar	−0.177	0.028	−0.059	−0.039
	(1.648)	(1.660)	(0.109)	(0.108)
Occupation: student	0.406	0.936	−0.126	−0.107
	(2.006)	(2.003)	(0.131)	(0.129)
Occupation: other	−2.794	−2.665	−0.053	−0.035
	(1.617)	(1.626)	(0.113)	(0.110)
Postmigration integration policy				
English training program		−0.475		−0.100
		(0.969)		(0.066)
Job training program		1.229		0.190**
		(1.034)		(0.068)
Refugee cash assistance		−1.699		−0.039
		(2.147)		(0.230)
Nonprofit cash assistance		−8.951*		−0.006
		(3.653)		(0.184)
Constant	46.300***	46.119***	2.829***	2.771***
	(4.003)	(4.024)	(0.267)	(0.263)
R^2	0.115	0.126	0.056	0.068
Adjusted R^2	0.093	0.100	0.032	0.041
N	1,056	1,056	1,056	1,056

Source: Authors' calculation based on 2016 Annual Survey of Refugees (Urban Institute 2016).
Note: Standard errors in parentheses. The reference group for ethnic origin is Cuban. The reference category for age of arrival is age twenty-four or younger. The reference category for region is Northeast. The reference category for premigration English ability is no English. The reference category for premigration occupation is Service.
*p < .05; **p < .01; ***p < .001

more education in the home country cannot translate their training to U.S. employers. That none of the other premigration variables is significant is further evidence of the devaluation of foreign credentials in the United States. On postintegration policies, those receiving nonprofit cash assistance report 8.9 fewer weekly work hours but those who participated in job-training programs report earning 21 percent ([exp (0.190)−1]*100 = 20.9) more.

Figure 4 presents odds ratio plots and pre-dicted value plots for socioeconomic attainment based on models 2 and 4 from tables 3 and 4, controlling for other covariates. This figure shows a clear pattern by refugee group. Somalis are most likely to be in school and Cubans are most likely to work. Iraqis are not only the least likely to work relative to Cubans, but also report the lowest work hours when they do. Given their relatively high level of education, Iraqi's lower propensity to work reflects the group's higher reservation wages—the low-

Figure 4. Odds Ratios and Predicted Values of Early Socioeconomic Attainment
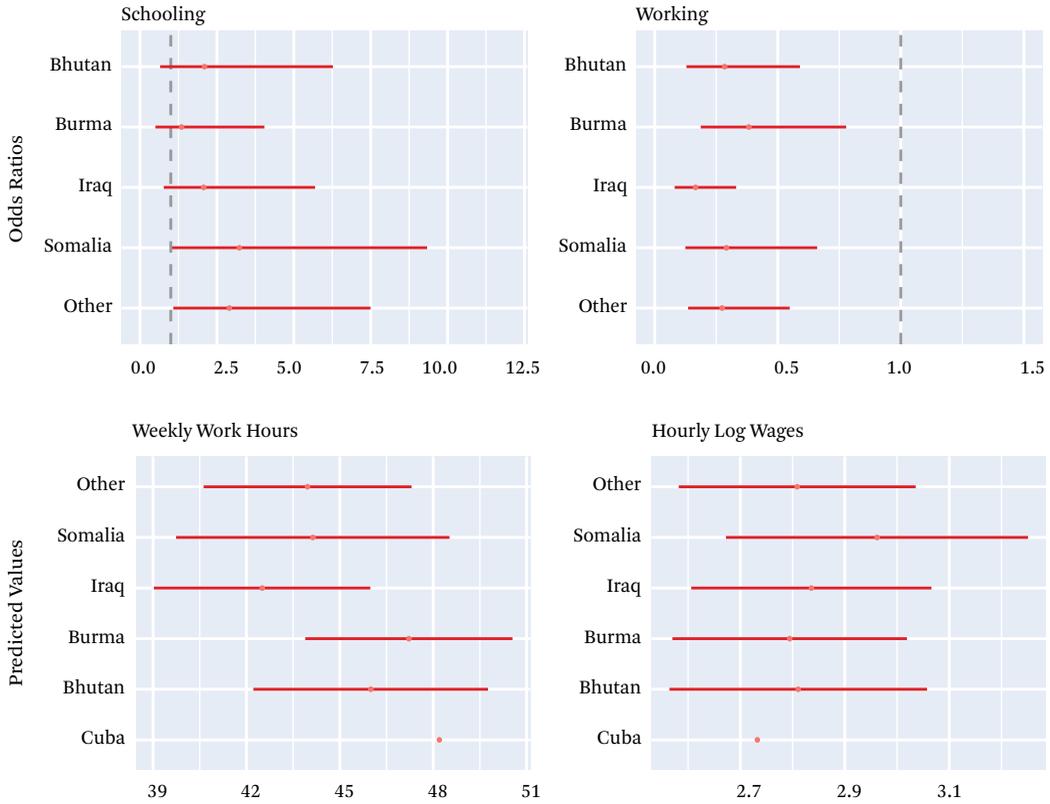
Source: Authors' calculation based on 2016 Annual Survey of Refugees (Urban Institute 2016).
Note: Odds ratios are based on models 2 and 4 in table 3. Predicted values are based on models 2 and 4 in table 4.

est wage rate at which an Iraqi refugee is willing to accept a particular job, especially in light of the low-wage work that is more readily available to them.

Occupational Distribution Among Refugees

Table 5 presents a mobility matrix of pre- and postmigration occupational patterns. Specifically, respondents report one of these four occupational categories: professional, sales, service, and blue-collar work.[4] Among those who worked as a professional in their country of origin, only 22 percent report working in a professional occupation in the United States. Put differently, more than three-quarters of professionals experience downward occupational mobility on arrival in the United States. In addition, 32 percent of those in the sales sector, 43

percent of those in the service sector, and 46 percent of those in blue-collar work in the home country report working in the same occupational category after migration. These findings point to stability in low-status jobs and major shifts in high-status jobs between pre- and postmigration reported occupations.

Table 6 presents the multivariate regressions on postmigration occupational attainment, controlling for the full set of covariates. Cubans are five times more likely than Iraqis and twelve times more likely than Somalis to work in a professional occupation. By contrast, Somalis are three times more likely than Cubans to be in sales. No significant differences by national origin are apparent in other occupations. Among other covariates, females are 2.5 times more likely to report being in a profes-

4. Two additional categories, as mentioned, are students and Others. We exclude these cases from this table.

Table 5. Preimmigration Versus Postmigration Occupation Matrix

Occupation Attainment	Postmigration			
	Professional (%)	Sales (%)	Service (%)	Blue Collar (%)
Premigration				
Professional (%)	22	21	28	28
Sales (%)	4	32	35	29
Service (%)	4	18	43	35
Blue collar (%)	4	16	34	46

Source: Authors' calculation based on 2016 Annual Survey of Refugees (Urban Institute 2016).
Note: Premigration refers to occupation in the refugee's sending country. Postmigration refers to occupation in the United States in 2016 when the survey was conducted.

sional occupation and males three times more likely to be in blue-collar work. This *female professional advantage* among recent refugees is due to women's higher concentrations in teaching and healthcare professions.[5] Age at arrival also matters. Relative to those who arrived after the age of fifty-five, refugees who arrived before the age of twenty-five are twenty times more likely to work as a professional or in the blue-collar sector. By contrast, refugees in the former age group are 8.3 times more likely to do service work. Finally, those with LPR status are 2.5 times more likely to be a professional and 1.4 times more likely to be in service.

The impact of premigration characteristics varies by occupation. First, those with higher English proficiency are ten times more likely to be in a professional occupation. Second, those with more education report higher likelihood of working in sales. Third, those who worked in the blue-collar sector or who reported being a student in the home country are less likely to be in service work. Among postmigration integration policies, none has an impact on occupation in the United States. The only exception is blue-collar work: refugees who participated in a job-training program are 1.5 times more likely to work in this sector. Active integration policies like job training seem to channel refugees into blue-collar work as opposed to other professions.

Figure 5 presents odds ratio plots for occu-

pational attainment based on results in table 6. It reveals a clear pattern of occupation distribution by refugee groups. Cubans are more likely to be in a professional position than Iraqis and Somalis whereas Somalis are most concentrated in sales. Finally, all five groups are roughly equally concentrated in sales and blue-collar work.

How Selection Shapes Enrollment in Training Programs

Although we identify English-language training and job-training programs as two possible pathways for refugee integration, it is possible that some selection process might shape enrollment in each program. We address this issue by examining the characteristics that might predict enrollment in one program versus the other. Because participation in the two training programs predicts school and employment in the United States, we also focus on the role of premigration school and work patterns in shaping this postmigration decision. For example, refugees with low English proficiency and those who were in school before migration might be more likely to enroll in an English-language training program in the United States. By the same logic, those who were employed before migrating will be more likely to enter a job-training program in the United States.

Empirically, we fitted two sets of logistic regressions with the enrollment in an English-

5. Results are not shown but are available on request.

Table 6. Logistic Regressions on Postmigration Occupational Attainment

	Model 1 Manager	Model 2 Sales	Model 3 Service	Model 4 Blue Collar
National origin				
Bhutanese versus Cuban	0.305	1.583	0.685	0.637
	(0.253)	(0.770)	(0.241)	(0.228)
Burmese versus Cuban	0.489	0.754	0.710	1.262
	(0.360)	(0.346)	(0.220)	(0.380)
Iraqi versus Cuban	0.184**	1.219	0.843	0.633
	(0.133)	(0.513)	(0.264)	(0.202)
Somali versus Cuban	0.092**	2.842*	0.980	1.330
	(0.155)	(1.428)	(0.417)	(0.514)
Other versus Cuban	0.693	0.877	1.121	0.590
	(0.427)	(0.393)	(0.342)	(0.191)
Demographic characteristics				
Female	2.473**	0.795	1.067	0.313***
	(0.689)	(0.161)	(0.167)	(0.063)
Age	1.040	0.992	1.186*	1.030
	(0.033)	(0.020)	(0.087)	(0.017)
Quadratic term of age			0.997**	
			(0.001)	
Age at arrival, fifty-five and older	0.057*	0.431	8.068**	0.047***
	(0.270)	(0.664)	(8.882)	(0.058)
Age at arrival, forty to fifty-four	0.185*	0.713	2.609*	0.496
	(0.250)	(0.470)	(1.380)	(0.242)
Age at arrival, twenty-five to thirty-nine	0.592	0.961	1.204	0.749
	(0.284)	(0.281)	(0.349)	(0.175)
Married	1.287	0.794	1.159	1.016
	(0.398)	(0.154)	(0.170)	(0.160)
Children	0.782	1.344	0.623**	1.129
	(0.223)	(0.240)	(0.089)	(0.175)
Legal permanent resident	2.465**	1.237	1.353*	0.953
	(0.866)	(0.261)	(0.211)	(0.147)
West versus Northeast	0.678	1.570	0.879	0.858
	(0.272)	(0.474)	(0.187)	(0.185)
Midwest versus Northeast	0.490	1.477	0.720	1.131
	(0.212)	(0.449)	(0.150)	(0.233)
South versus Northeast	0.445*	1.583	1.026	0.830
	(0.170)	(0.458)	(0.207)	(0.171)
Months at current residence	1.002	0.997	0.999	1.000
	(0.007)	(0.004)	(0.003)	(0.003)
Premigration characteristics				
Years of schooling	1.014	1.074**	0.975	1.034
	(0.044)	(0.027)	(0.018)	(0.019)
Spoke English, not well	1.108	1.268	0.963	1.269
	(0.476)	(0.295)	(0.168)	(0.204)

(*continued*)

Table 6. (*continued*)

	Model 1 Manager	Model 2 Sales	Model 3 Service	Model 4 Blue Collar
Spoke English well	2.409	1.176	0.646	1.034
	(1.371)	(0.342)	(0.155)	(0.233)
Spoke English very well	10.414***	0.981	0.544	0.591
	(9.030)	(0.551)	(0.329)	(0.369)
Occupation: professional	10.054**	0.707	0.662	0.619
	(15.525)	(0.265)	(0.187)	(0.206)
Occupation: sales	2.417	1.345	0.717	0.819
	(4.630)	(0.600)	(0.248)	(0.334)
Occupation: blue collar	2.424	0.990	0.566*	1.223
	(5.344)	(0.360)	(0.165)	(0.372)
Occupation: student	1.960	1.366	0.415**	0.993
	(3.547)	(0.547)	(0.150)	(0.333)
Occupation: other	2.126	0.660	0.662	1.034
	(3.534)	(0.233)	(0.176)	(0.294)
Postmigration integration policy				
English training program	1.027	0.977	0.944	0.799
	(0.314)	(0.188)	(0.146)	(0.132)
Job training program	1.382	1.028	0.906	1.529*
	(0.470)	(0.242)	(0.177)	(0.276)
Refugee cash assistance	0.198	1.934	0.658	1.201
	(1.420)	(0.810)	(0.286)	(0.511)
Nonprofit cash assistance	0.768	0.551	0.683	2.049
	(2.465)	(0.517)	(0.434)	(0.973)
Constant	0.007***	0.062***	0.072	0.190*
	(0.036)	(0.079)	(0.543)	(0.169)
N	1,496	1,496	1,496	1,496

Source: Authors' calculation based on 2016 Annual Survey of Refugees (Urban Institute 2016).
Note: Odds ratios reported and simulated standard errors in parentheses. The reference group for ethnic origin is Cuban. The reference category for age of arrival is age twenty-four or younger. The reference category for region is Northeast. The reference category for premigration English ability is no English. The reference category for premigration occupation is Service.
*p < .05; **p < .01; ***p < .001

language training or a job-training program as the dependent variables. We control for national origin, the full set of demographic variables, and premigration characteristics. We summarize these findings (full results available on request).

In regard to English-language training programs, Somalis are more likely than Cubans to enroll. Women are 1.75 times more likely than men to be enrolled in English classes. Moreover, those with greater English proficiency are less likely to enroll (self-select out of classes).

Besides these, no other coefficients are significant, including the premigration school and premigration employment variables. This is evidence that those enrolling in English classes were not simply students in the country of origin and are therefore continuing a path into school by self-selecting into English classes.

The job-training program also has few significant predictors in the model, other than premigration employment and LPR status. Those who report working in the sending countries are twice as likely to enroll in a job-training

Figure 5. Odds Ratios of Early Occupational Attainment
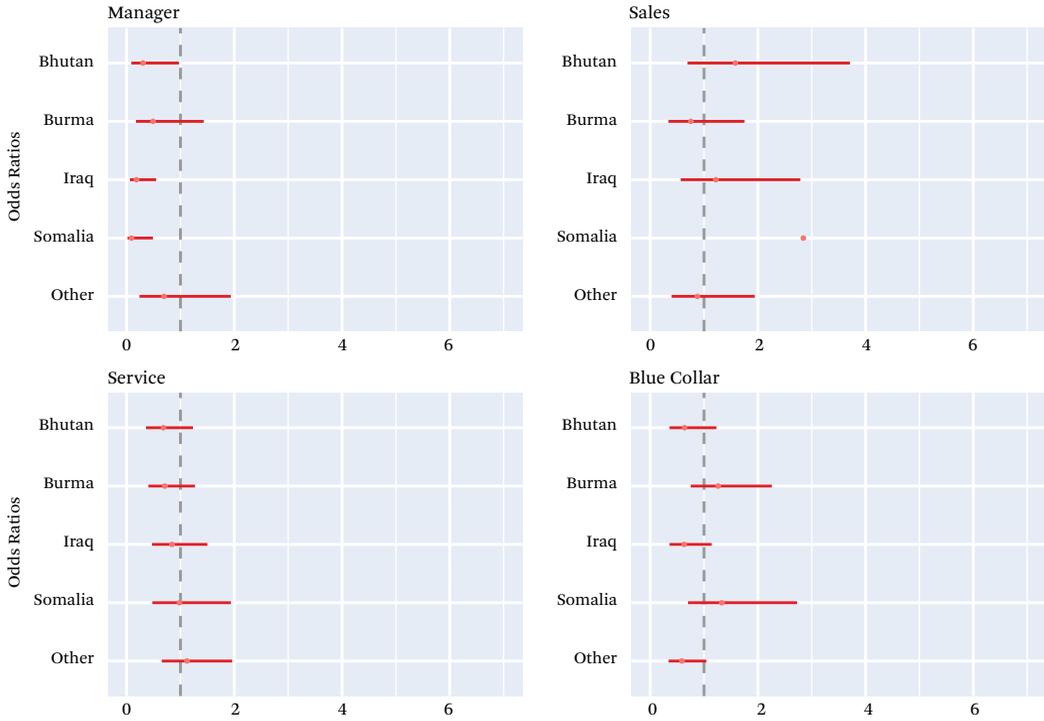
Note: Odds ratios are reported based on multivariate models in table 5.

program in the United States. Moreover, those with LPR status are 1.5 times more likely to enroll in job training. Iraqis are significantly less likely to be enrolled than Cubans—evidence that some selection is driving a part of the effect that job training has on the likelihood of employment. Those who worked in their home country are more likely to be in job-training programs. These participants, in turn, are also more likely to pursue work as an integration pathway in the United States.

DISCUSSION AND CONCLUSION

This is a crucial moment to study refugee integration in the United States given that refugees across the world face an uncertain future. Not only has the refugee population grown dramatically, but the countries they flee have also diversified over time. As the need for refuge has peaked globally, the annual quota for refugee admissions in the United States has plummeted to the lowest level in decades. The

United States is not alone in this retreat; this trend is universal across many affluent democracies in the Global North (FitzGerald 2019; Tran 2020).

Our analyses point to three findings. First, despite significant variation in selectivity and premigration educational profile, English proficiency, and occupation, we find only modest differences across the five refugee groups. The absence of any strong associations between premigration characteristics and postmigration socioeconomic outcomes in the United States indicates an active process of human capital discounting (the nontransferability of human capital) for recently arrived refugees, at least in the short term.

Second, the two possible pathways to integration are education and work. The majority of every refugee group reported working in the week before the survey, whereas only a fraction pursued schooling. When they work, they are mostly concentrated in low-wage sectors such

as service and blue-collar work. Iraqis and Somalis are more likely to be in school and Cubans to work. Bhutanese and Burmese take both paths.

Third, postmigration integration policies matter. Both English-language and job-training programs are positively associated with the likelihood of attending school and of working, respectively. At the same time, English-language training program is negatively associated with the likelihood of working. Taken together, these patterns point to two distinct paths of incorporation. Refugees enrolled in English courses are more likely to end up in school; those in job-training programs are channeled into employment, given their desire to retrain themselves for the U.S. labor market.

Although federal refugee cash assistance has no impact on integration pathways, nonprofit cash assistance is negatively associated with weekly work hours. We interpret nonprofit cash assistance as an indicator of both prolonged need for support and delayed self-sufficiency. Put differently, negative selectivity is likely among refugees who have to rely on such support given that they might have exhausted the federal refugee cash assistance, while not having been able to find work. In fact, this pattern fits the qualitative descriptions of Burmese refugees in selected case studies. Overall, our findings show how selected federal, state, and local policies can shape the opportunities available for refugees on arrival and eventual incorporation.

We also find clear evidence of downward occupational mobility, especially among those with higher education and occupational status in their country of origin. The selective recognition of foreign credentials has long been identified as a crucial mechanism for variation in the labor pathways of immigrants (Bratsberg and Ragan 2002; Friedberg 2000; Sumption 2013). This process is most apparent among Iraqi refugees. Although almost 30 percent had a university degree on arrival, they were far less likely to be employed than Cubans. The lower rates of labor-market participation were not offset by schooling, because Iraqis were not more likely to be attending school than other groups, net of controls. This general pattern holds across the other groups in the sample, even among the group with lowest human capital on arrival—the Burmese. Refugees may not be premigration blank slates, but their context of reception on arrival in the United States effectively renders them so, at least in the short term. We do not know how educational selectivity might affect the long-term prospects of refugees, but our findings show that high levels of human capital on arrival do not translate into work or school success.

National origin also matters, but less consistently. Relative to Cubans, all other groups are less likely to work and, among those employed, some report working fewer hours. We think of these findings in two ways. For some groups, they could indicate discrimination in the labor market, which would align with qualitative accounts of discrimination in the literature, especially among Iraqis and Somalis (Chambers 2017; Jamil et al. 2012; Voyer 2013). Second, fewer weekly work hours can indicate the difficulty some groups have in finding full-time work without the support of an ethnic community due to linguistic barriers to mainstream employment. By contrast, Cubans have an advantage because their established coethnic communities not only offer employment opportunities, but also can insulate refugees from labor-market discrimination (Eckstein 2009; Portes and Stepick 1993). Because the 2016 ASR does not include questions on coethnic communities or discrimination, we cannot empirically evaluate these competing explanations.

Postmigration integration policy significantly helps refugees settle into American life. Those participating in some sort of training programs were far more likely to be in school or working, English-language training offering a path into school and job training a path into the labor market. Job training was also associated with higher wages for refugees. We could speculate on three possible mechanisms behind this. First, training programs might have a network effect, connecting prospective students and workers with prospective schools and employers. Second, training can either make refugees' prior credentials more visible to U.S. employers or offer refugees skillsets and credentials for the U.S. labor market. Third, refugees who want jobs seek out training pro-

grams, suggesting that they are motivated to work and selected in other "unmeasurable" characteristics.

The contrast between the differential impacts that premigration human capital and postmigration training programs have on refugee integration highlights the crucial role of integration policy in shaping refugee outcomes in the short term. That we welcome refugees at all is so important, but the resources and training programs available to them on arrival matter just as much for their success. Further, we may also be undervaluing skills that refugees—especially the most educated—bring with them to the United States. This could be remedied by the creation of a mechanism for credentials from other nations to be evaluated and validated on the refugees' resettlement in the United States (Sumption 2013).

Our analysis is limited to short-term integration outcomes, but highlights the crucial role of integration policies, programs, and practices in setting refugees on a path to success in this country. Although the inclination has been to do less and less for those who have been fortunate to escape violence and persecution, the evidence indicates that we should be doing just the opposite if we want refugees to lead productive lives. New beginnings, after all, are about second chances. A helping hand can go a long way for the poor, the tired, and those yearning to breathe free.

Table A1. Descriptive Statistics for Independent Variables by National Origin (Imputed Data)

Independent Variables	Bhutan	Burma	Cuba	Iraq	Somalia	Other
Demographic characteristics						
Female (%)	24	29	19	20	44	37
Age[a]	39.1	37.8	51.1	40.7	36.3	37.7
Age at arrival, one to twenty-four	19	17	2	16	22	24
Age at arrival, twenty-five to thirty-nine	54	57	25	46	55	48
Age at arrival, forty to forty-five	17	20	48	26	18	21
Age at arrival, fifty-five or older	9	5	26	12	6	7
Year of arrival,[b] 2011	28	21	16	6	4	14
Year of arrival, 2012	31	21	19	25	23	16
Year of arrival, 2013	13	13	31	18	18	12
Year of arrival, 2014	12	16	23	28	25	17
Year of arrival, 2015	16	29	11	23	30	41
Married	84	69	67	61	60	52
Children	56	41	56	67	42	40
Legal permanent resident	49	57	77	98	70	63
West	14	11	9	33	28	34
Midwest	27	35	9	36	31	19
South	31	36	76	21	20	33
Northeast	29	17	6	10	21	15
Months at residence[a]	25.9	21.9	23.6	22.8	17.6	22.8
Premigration characteristics						
Years of schooling[a]	7.7	6.9	11.0	12.8	5.9	11.1
No degree	29	46	6	6	52	17
Primary degree[c]	29	23	11	23	11	15
Secondary degree	30	28	37	28	31	45

Technical degree	3	0	29	11	0	6
University degree or more	10	3	18	32	6	18
Spoke no English	35	60	85	16	40	34
Spoke English, not well	42	37	13	41	18	45
Spoke English well	23	3	1	34	36	18
Spoke English very well	0	0	1	9	5	2
Occupation: professional	34	14	17	31	26	24
Occupation: sales	3	4	7	12	16	15
Occupation: service	11	9	13	9	20	12
Occupation: blue collar	35	43	52	24	15	24
Occupation: student	11	11	1	7	14	12
Occupation: other	6	18	10	17	8	14
Postmigration integration policy						
Recent English training	13	18	16	26	40	42
Recent job training	12	16	17	9	15	23
Refugee cash assistance	7	5	0	3	6	6
Nonprofit cash assistance	2	1	0	3	2	3
N = 1,496	245	245	117	480	110	299

Source: Authors' calculation based on 2016 Annual Survey of Refugees (Urban Institute 2016).

Note: All figures are percentages except for continuous variables.

[a]These three are continuous variables and figures represent mean values. We did not include standard deviations in this table due to space constraints, but they are available on request.

[b]Because age, age at arrival, and year of arrival are strongly correlated, we use only age and age at arrival in the multivariate models to avoid multicollinearity, but we report year of arrival to provide a sense of the arrival of groups.

[c]We use years of schooling in the multivariate models, but we also report information on premigration degree attainment as a categorical variable in this table to provide a granular sense on refugees' educational attainment before arrival in the United States.

REFERENCES

Aleinikoff, T. Alexander. 2017. "Toward a Global System of Human Mobility: Three Thoughts." *American Journal of International Law* 111(1): 24–28.

Amuedo-Dorantes, Catalina, Thitima Puttitanun, and Ana P. Martinez-Donate. 2013. "How Do Tougher Immigration Measures Affect Unauthorized Immigrants?" *Demography* 50(3): 1067–91.

Ao, Trong, Sharmila Shetty, Teresa Sivilli, Curtis Blanton, Heidi Ellis, Paul Geltman, Jennifer Cochran, Eboni Taylor, Emily Lankau, and Barbara Cardozo. 2015. "Suicidal Ideation and Mental Health of Bhutanese Refugees in the United States*." Journal of Immigrant and Minority Health* 18(5): 828–35.

Bang, Hyeyoung, and Bruce A. Collet. 2018. "Educational Gaps and Their Impact on Iraqi Refugee Students' Secondary Schooling in the Greater Detroit, Michigan Area." *Research in Comparative and International Education* 13(2): 299–318.

Barrios, Jarrett. 2011. "People First: The Cuban Travel Ban, Wet Foot-Dry Foot and Why the Executive Branch Can and Should Begin Normalizing Cuba Policy." *Connecticut Public Interest Law Journal* 11(1): 2–31.

Bernstein, Hamutal, and Nicole DuBois. 2018. *Bringing Evidence to the Refugee Integration Debate*. Washington, D.C.: Urban Institute.

Besteman, Catherine Lowe. 2016. *Making Refuge: Somali Bantu Refugees and Lewiston, Maine*. Durham, N.C.: Duke University Press.

Bloemraad, Irene. 2006. *Becoming a Citizen: Incorporating Immigrants and Refugees in the United States and Canada*. Berkeley: University of California Press.

Bratsberg, Bernt, and James F. Ragan. 2002. "The Impact of Host-Country Schooling on Earnings: A Study of Male Immigrants in the United States." *Journal of Human Resources* 37(1): 63–105.

Brown, Anastasia, and Todd Scribner. 2014. "Unfulfilled Promises, Future Possibilities: The Refugee Resettlement System in the United States." *Journal on Migration and Human Security* 2(2): 101–20.

Bruno, Andorra. 2017. "Reception and Placement of Refugees in the United States." *CRS* report no. R44875. Washington, D.C.: Congressional Research Service.

———. 2018. "Refugee Admissions and Resettlement Policy." *CRS* report no. R31269. Washington, D.C.: Congressional Research Service.

Capps, Randy, Kathleen Newland, Susan Fratzke, Susanna Groves, Gregory Auclair, Michael Fix, and Margie McHugh. 2015a. "The Integration Outcomes of U.S. Refugees: Successes and Challenges." Washington, D.C.: Migration Policy Institute.

———. 2015b. "Integrating Refugees in the United States: The Successes and Challenges of Resettlement in a Global Context." *Statistical Journal of the IAOS* 31(3): 341–67.

Chambers, Stefanie. 2017. *Somalis in the Twin Cities and Columbus: Immigrant Incorporation in New Destinations*. Philadelphia, Pa.: Temple University Press.

Connor, Phillip. 2017. "U.S. Resettles Fewer Refugees, Even as Global Number of Displaced People Grows: Break with Past Responses to Global Refugee Surges." Washington, D.C.: Pew Research Center.

Connor, Phillip, and Jens Manuel Krogstad. 2018. "For the First Time, U.S. Resettles Fewer Refugees than the Rest of the World." Washington, D.C.: Pew Research Center.

Donato, Katharine M., and Amada Armenta. 2011. "What We Know About Unauthorized Migration." *Annual Review of Sociology* 37(1): 529–43.

Dryden-Peterson, Sarah. 2016. "Refugee Education in Countries of First Asylum: Breaking Open the Black Box of Pre-Resettlement Experiences." *Theory and Research in Education* 14(2): 131–48.

Eckstein, Susan. 2009. *The Immigrant Divide: How Cuban Americans Changed the U.S. and Their Homeland*. New York: Routledge.

Evans, William, and Daniel Fitzgerald. 2017. "The Economic and Social Outcomes of Refugees in the United States: Evidence from the ACS." *NBER* working paper no. 23498. Cambridge, Mass.: National Bureau of Economic Research.

Feliciano, Cynthia. 2005. "Educational Selectivity in U.S. Immigration: How Do Immigrants Compare to Those Left Behind?" *Demography* 42(1): 131–52.

FitzGerald, David Scott. 2019. *Refuge Beyond Reach: How Rich Democracies Repel Asylum Seekers*. Oxford: Oxford University Press.

FitzGerald, David Scott, and Rawan Arar. 2018. "The Sociology of Refugee Migration." *Annual Review of Sociology* 44(1): 387–406.

Fix, Michael, Kate Hooper, and Jie Zong. 2017. "How

Are Refugees Faring? Integration at U.S. and State Levels." Washington, D.C.: Migration Policy Institute.

Friedberg, Rachel M. 2000. "You Can't Take It with You? Immigrant Assimilation and the Portability of Human Capital." *Journal of Labor Economics* 18(2): 221–51.

Furukawa, Urara, and Kitty McKinsey. 2009. "Resettlement of Myanmar Refugees from Thailand Camps Hits 50,000 Mark." *UNHCR News*, June 20. Accessed May 11, 2020. https://www.unhcr.org/en-us/news/latest/2009/6/4a4a178f9/resettlement-myanmar-refugees-thailand-camps-hits-50000-mark.html.

Gold, Steven. 1992. *Refugee Communities: A Comparative Field Study*. Newbury Park, Ca.: Sage Publications.

Golden, Shannon, Yasin Garad, and Elizabeth Heger Boyle. 2011. "Experiences of Somali Entrepreneurs: New Evidence from the Twin Cities." *Bildhaan: An International Journal of Somali Studies* 10: 89–102. Accessed May 11, 2020. https://core.ac.uk/download/pdf/46721289.pdf.

Gowayed, Heba. 2019. "Diverging by Gender: Syrian Refugees' Divisions of Labor and Formation of Human Capital in the United States." *Gender & Society* 33(2): 251–72.

Gurung, Shobha. 2015. *Nepali Migrant Women: Resistance and Survival in America*. Syracuse, N.Y.: Syracuse University Press.

Hagaman, Ashley K., Teresa I. Sivilli, Trong Ao, Curtis Blanton, Heidi Ellis, Barbara Lopes Cardozo, and Sharmila Shetty. 2016. "An Investigation into Suicides Among Bhutanese Refugees Resettled in the United States Between 2008 and 2011." *Journal of Immigrant and Minority Health* 18(4): 819–27.

Haines, David W. 2010. *Safe Haven? A History of Refugees in America*. West Hartford, Conn.: Stylus Publishing.

Hein, Jeremy. 2006. *Ethnic Origins: The Adaptation of Cambodian and Hmong Refugees in Four American Cities*. New York: Russell Sage Foundation.

Henken, Ted. 2005. "Balseros, Boteros, and El Bombo: Post-1994 Cuban Immigration to the United States and the Persistence of Special Treatment." *Latino Studies* 3(3): 393–416.

Hooper, Kate, Jie Zong, Randy Capps, and Michael Fix. 2016. "Young Children of Refugees in the United States: Integration Successes and Challenges." Washington, D.C.: Migration Policy Institute.

Horst, Cindy. 2006. "Connected Lives: Somalis in Minneapolis, Family Responsibilities and the Migration Dreams of Relatives." Research Paper no. 124. Oslo: International Peace Research Institute. Accessed May 11, 2020. https://www.unhcr.org/en-us/research/working/44b7b6912/connected-lives-somalis-minneapolis-family-responsibilities-migration-dreams.html.

International Organization for Migration. 2017. *World Migration Report 2018*. Geneva: The UN Migration Agency.

International Rescue Committee. 2017. *Financial Capability for New Americans: Lessons from Early Interventions with Refugees*. New York: International Rescue Committee.

———. 2018. *(Un)Welcome: The State of Refugee Resettlement in America*. New York: International Rescue Committee.

Jamil, Hikmet, Samer S. Kanno, Rami Abo-Shasha, Mazen M. AlSaqa, Monty Fakhouri, and Bengt B. Arnetz. 2012. "Promoters and Barriers to Work: A Comparative Study of Refugees versus Immigrants in the United States." *New Iraqi Journal of Medicine* 8(2): 19–28.

Jones, Will, and Alexander Teytelboym. 2017. "Matching Systems for Refugees." *Journal on Migration and Human Security* 5(3): 667–81.

Kallick, David Dyssegaard, and Silva Mathema. 2016. "Refugee Integration in the United States." Washington, D.C.: Center for American Progress.

Kasinitz, Philip, Mary C. Waters, John H. Mollenkopf, and Jennifer Holdaway. 2008. *Inheriting the City: The Children of Immigrants Come of Age*. New York and Cambridge, Mass.: Russell Sage Foundation and Harvard University Press.

Kerwin, Donald. 2018. "The US Refugee Resettlement Program — A Return to First Principles: How Refugees Help to Define, Strengthen, and Revitalize the United States." *Journal on Migration and Human Security* 6(3): 205–25.

Krogstad, Jens. 2017. "Surge in Cuban Immigration to U.S. Continued through 2016." *FactTank* (Pew Research Center blog), January 17. Accessed May 11, 2020. http://www.pewresearch.org/fact-tank/2017/01/13/cuban-immigration-to-u-s-surges-as-relations-warm.

Larsen, Birgitte Romme. 2011. "Becoming Part of Welfare Scandinavia: Integration through the Spatial Dispersal of Newly Arrived Refugees in

Denmark." *Journal of Ethnic and Migration Studies* 37(2): 333–50.

Lindley, Anna. 2009. "The Early-Morning Phonecall: Remittances from a Refugee Diaspora Perspective." *Journal of Ethnic and Migration Studies* 35(8): 1315–34.

López, Gustavo, Neil G. Ruiz, and Eileen Patten. 2017. "Key Facts About Asian Americans, a Diverse and Growing Population." *FactTank* (Pew Research Center blog), September 8. Accessed May 11, 2020. https://www.pewresearch.org/fact-tank/2017/09/08/key-facts-about-asian-americans.

Ludwig, Bernadette. 2019. "It Is Tough to Be a Liberian Refugee in Staten Island, NY: The Importance of Context for Second Generation African Immigrant Youth." *African and Black Diaspora: An International Journal* 12(3): 189–210.

Martén, Linna, Jens Hainmueller, and Dominik Hangartner. 2019. "Ethnic Networks Can Foster the Economic Integration of Refugees." *Proceedings of the National Academy of Sciences* 116(33): 16280–85.

Meyerhoff, Jonah, Kelly J. Rohan, and Karen M. Fondacaro. 2018. "Suicide and Suicide-Related Behavior Among Bhutanese Refugees Resettled in the United States." *Asian American Journal of Psychology* 9(4): 270–83.

Mossaad, Nadwa, Jeremy Ferwerda, Duncan Lawrence, Jeremy M. Weinstein, and Jens Hainmueller. 2018. "Determinants of Refugee Naturalization in the United States." *Proceedings of the National Academy of Sciences* 115(37): 9175–80.

Nawyn, Stephanie J. 2011. "'I Have so Many Successful Stories': Framing Social Citizenship for Refugees." *Citizenship Studies* 15(6–7): 679–93.

New American Economy. 2017. *From Struggle to Resilience: The Economic Impact of Refugees in America*. New York: New American Economy.

Portes, Alejandro, and Robert Bach. 1985. *Latin Journey: Cuban and Mexican Immigrants in the United States*. Berkeley: University of California Press.

Portes, Alejandro, and Rubén Rumbaut. 2001. *Legacies: The Story of the Immigrant Second Generation*. New York: Russell Sage Foundation.

———. 2014. *Immigrant America: A Portrait*. Berkeley: University of California Press.

Portes, Alejandro, and Alex Stepick. 1993. *City on the Edge: The Transformation of Miami*. Berkeley: University of California Press.

Rizal, Dhurba. 2004. "The Unknown Refugee Crisis: Expulsion of the Ethnic Lhotsampa from Bhutan." *Asian Ethnicity* 5(2): 151–77.

Rubin, Don B. 1987. *Multiple Imputation for Nonresponse in Surveys*. New York: John Wiley & Sons.

Rumbaut, Rubén, and Kenji Ima. 1988. *The Adaptation of Southeast Asian Refugee Youth: A Comparative Study—Final Report to the Office of Resettlement*. San Diego, Ca.: San Diego State University.

Shoeb, Marwa, Harvey M. Weinstein, and Jodi Halpern. 2007. "Living in Religious Time and Space: Iraqi Refugees in Dearborn, Michigan." *Journal of Refugee Studies* 20(3): 441–60.

Singer, Audrey, and Jill H. Wilson. 2006. *From "There" to "Here": Refugee Resettlement in Metropolitan America*. Washington, D.C.: The Brookings Institution.

StataCorp. 2015. *Stata Multiple-Imputation Reference Manual: Release 13*. College Station, Tex.: Stata Press.

Sumption, Madeleine. 2013. "Tackling Brain Waste: Strategies to Improve the Recognition of Immigrants' Foreign Qualifications." Washington, D.C.: Migration Policy Institute.

Tang, Eric. 2015. *Unsettled: Cambodian Refugees in the New York City Hyperghetto*. Philadelphia, Pa.: Temple University Press.

Tran, Van C. 2020. "The Borders Around Us: Forced Migration and the Politics of Border Control." *City & Community* 19(2). Published online May 25. DOI: 10.1111/cico.12498.

Tran, Van C., Fei Guo, and Tiffany Huang. 2020. "The Integration Paradox: Asian Immigrants in Australia and in the United States." *The ANNALS of the American Academy of Political and Social Science,* forthcoming. DOI: 10.1177/0002716220926974.

Tran, Van C., Jennifer Lee, and Tiffany J. Huang. 2019. "Revisiting the Asian American Second-Generation Advantage." *Ethnic and Racial Studies* 42(13): 2248–69.

Tran, Van C., Jennifer Lee, Oshin Khachikian, and Jess Lee. 2018. "Hyper-Selectivity, Racial Mobility, and the Remaking of Race." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 4(5): 188–209. DOI: 10.7758/RSF.2018.4.5.09.

Trieu, Monica M., and Chia Youyee Vang. 2015. "A Portrait of Refugees from Burma/Myanmar and Bhutan in the United States." *Journal of Asian American Studies* 18(3): 347–69.

UNESCO Institute for Statistics. 2019. "UIS Statistics Database, 2010–2012." Accessed August 29, 2019. http://data.uis.unesco.org/.

UNFPA Myanmar Population and Housing Census. 2017. "Thematic Report on Education." Accessed May 30, 2020. https://myanmar.unfpa.org/en/publications/thematic-report-education.

UNFPA Population Estimation Survey of Somalia. 2016. "Educational Characteristics of the Somali People." Accessed May 30, 2020. http://www.dns.org.so/docs/Analytical_Report_Volume_3.pdf.

United Nations General Assembly (UNGA). 1951. "Convention Relating to the Status of Refugees." Accessed May 11, 2020. https://www.unhcr.org/en-us/5d9ed32b4.

United Nations High Commissioner for Refugees (UNHCR). 2009. *2008 Global Trends: Refugees, Asylum-Seekers, Returnees, Internally Displaced and Stateless Persons*. New York: The UN Refugee Agency.

———. 2019a. "Rohingya Emergency." Accessed January 7, 2020. https://www.unhcr.org/rohingya-emergency.html.

———. 2019b. "Statistical Yearbook: Figures at a Glance." Accessed May 11, 2020. https://www.unhcr.org/figures-at-a-glance.html.

Urban Institute. 2016. *Annual Survey of Refugees*. Ann Arbor, Mich.: Inter-university Consortium for Political and Social Research [distributor], last modified February 19, 2020. DOI: 10.3886/E104642V4.

U.S. Department of State. 2009. "Proposed Refugee Admissions for Fiscal Year 2009." Report to Congress. Washington, D.C.: Bureau of Population, Refugees, and Migration. Accessed May 11, 2020. https://2001-2009.state.gov/documents/organization/91978.pdf.

———. 2020. *Refugee Processing Center: Interactive Reporting Database: Arrivals by State and Nationality*. Accessed on May 30, 2020. https://ireports.wrapsnet.org/Interactive-Reporting/EnumType/Report?ItemPath=/rpt_WebArrivalsReports/Map%20-%20Arrivals%20by%20State%20and%20Nationality.

U.S. Government Accountability Office (GAO). 2011. "Refugee Assistance: Little Is Known About the Effectiveness of Different Approaches for Improving Refugees' Employment Outcomes." GAO-11-369. Washington: Government Printing Office.

van Buuren, Stef. 2018. *Flexible Imputation of Missing Data*, 2nd ed. Boca Raton, Fl.: CRC Press.

Vang, Chia Youyee, Monica Mong Trieu, Mary Yu Danico, Neil Horikoshi, and Katie Tran-Lam. 2014. "Invisible Newcomers: Refugees from Burma/Myanmar and Bhutan in the United States." Washington, D.C.: Asian & Pacific Islander American Scholarship Fund.

Vonnahme, Laura A., Emily W. Lankau, Trong Ao, Sharmila Shetty, and Barbara Lopes Cardozo. 2015. "Factors Associated with Symptoms of Depression Among Bhutanese Refugees in the United States." *Journal of Immigrant and Minority Health* 17(6): 1705–14.

Voyer, Andrea M. 2013. *Strangers and Neighbors: Multiculturalism, Conflict, and Community in America*. Cambridge: Cambridge University Press.

Waters, Anita M. 2013. "Racial Formation and Anti-Somali Ideologies in Central Ohio." *Bildhaan: An International Journal of Somali Studies* 12: 53–86.

Waters, Mary, and Marisa Pineau, eds. 2015. *The Integration of Immigrants into American Society*. Washington, D.C: National Academies Press.

White House of President Barack Obama (White House). 2017. "Statement by the President on Cuban Immigration Policy," January 2017. Accessed May 11, 2020. https://obamawhitehouse.archives.gov/the-press-office/2017/01/12/statement-president-cuban-immigration-policy.

Zhou, Min, and Carl L. Bankston. 1998. *Growing up American: How Vietnamese Children Adapt to Life in the United States*. New York: Russell Sage Foundation.

The Preferences of Political Elites and Humanitarian Immigration to the United States

BANKS MILLER, JENNIFER S. HOLMES, AND LINDA CAMP KEITH

How do the preferences of political elites shape humanitarian immigration to the United States? Focusing on the asylum and refugee systems, we trace the ways that the preferences of political elites affect the number and characteristics of migrants who receive relief. Our findings suggest that presidential preferences remain crucial in determining who is admitted in the U.S. refugee system and that congressional preferences are important in determining the number admitted. The preferences of both appear to matter considerably less on asylum decisions. These results highlight the difficulty of eliminating or reducing the role of the executive branch in American immigration policy, and suggest the importance of the design of the immigration enforcement bureaucracy in limiting the role of elite preferences in determining humanitarian immigration outcomes.

Keywords: refugee, asylum, humanitarian immigration, political elites

Historically, presidents have tended to view the refugee system as a useful tool of foreign policy. Cold War presidents from Dwight D. Eisenhower to Ronald Reagan favored those fleeing communist regimes (Loescher and Scanlan 1986; Gibney 1988). A clear example is the treatment Cuban and Haitians refugees received from the 1970s through the 1990s. Generally, Cubans were welcomed in an effort to embarrass and shame the communist Cuban government, even as Haitians were denied relief (Cox and Rodríguez 2009). Indeed, evidence suggests that these strategic uses of refugee relief were a primary motivation for the Refugee Act of 1980: Congress sought to restrict the discretion the president had enjoyed with respect to refugee admissions (Leibowitz 1983). As Senator Edward Kennedy noted at the time, "One of the principal arguments for the Act was that it would bring the admission of refugees under

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greater Congressional and statutory control" (Kennedy 1981, 146). Simultaneously, liberals have pushed to broaden the groups of people to whom the humanitarian system will provide relief, something also embodied in the 1980 Refugee Act (Tichenor 2002). As Norman Zucker and Naomi Zucker note, "humanitarian and nondiscriminatory aspects . . . were to be emphasized" (1992, 63). Although the system created by the 1980 act was both broad and generous, ideological battles have continued over who counts as a refugee or an asylee, battles that have remained the "primary issues of American refugee-asylum policy" (Zucker and Zucker 1992, 63).

For example, in September 2015, in response to the growing Syrian refugee crisis, Secretary of State John Kerry announced that the United States would increase its annual admissions of refugee from seventy thousand to eight-five thousand in 2016 and one hundred thousand in 2017. Kerry's announcement came amid growing demands that United States do more in response to the mass forced migration of Syrians fleeing the civil war. Opposition played out in the halls of Congress as Republicans on the House Judiciary Committee attempted to give Congress the power to set admissions, threatening refugee resettlement funding, and culminating in a House bill that would require the FBI director "to certify . . . [that] each Syrian or Iraqi refugee admitted to the United States . . . were not security threats" (DeBonis 2015). Notably, the president was able to resettle the promised ten thousand refugees despite vociferous opposition from Republican members of Congress and Republican governors. Are presidential preferences paramount in determining U.S. refugee policy, as suggested by this episode? Can coordinated congressional action work to restrain the extent to which presidential preferences matter?

In this article, we use an innovative weighting approach to characterize the refugee and the asylum systems to understand how the preferences of political elites affect the humanitarian commitments of the United States. The refugee and asylum systems together are the primary way the United States admits migrants for humanitarian reasons, yet the two systems are distinct. First, refugees are admitted from outside U.S. borders, whereas asylees are already in the country when they seek asylum. Second, who within the executive branch determines whether one is admitted differs greatly between the two programs. For refugees, primary decision making is granted to a group of workers in the Department of State; for asylees, it is primarily in the Department of Homeland Security and the Department of Justice.

We argue that these differences condition the extent to which presidential and congressional preferences affect the number and characteristics of those admitted under the two programs. Using both descriptive and multivariate analyses, we find that presidential preferences are a key determinant of the characteristics of who is admitted as a refugee and that congressional preferences matter with respect to the number of refugees admitted; we find less support for the notion that the preferences of elites matter in the asylum system. Ideological influence on who is admitted is especially important given that refugees typically make up 80 percent of the total humanitarian intake in our period of study. These findings suggest the extent to which the administrative structure of an immigration bureaucracy can cabin or promote the role that preferences play in immigration admissions.

In 1980, U.S. humanitarian migration policy dramatically changed with the passage of the Refugee Act.[1] The act was intended to restrict the president's unconstrained use of the parole power to admit refugees (Rodríguez 2010) and to promote the use of humanitarian factors in decisions about who should receive relief in the United States in both the refugee and asylum

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1. The president, through the secretary of the Department of Homeland Security, has the power to grant parole to noncitizens to allow them to enter and remain in the United States for specific reasons, determined by the executive branch. Permission to remain is granted temporarily under current law, but before the Refugee Act of 1980, the president in conjunction with Congress regularly used the power to grant permanent admission to large numbers of immigrants. A prominent example is Hungarians admitted using the parole power in the 1950s and granted status as lawful permanent residents.

systems (Gibney 1988). The law passed 328–47 in the House, strongly resisted by Republicans, who opposed the generosity of the law to refugees (Tichenor 2002, 247–48).[2] The goal, in other words, was to reduce the extent to which the president could use humanitarian relief to further strategic goals and to reinforce the U.S. commitment to the international refugee resettlement system. In place of the old parole-based system, Congress substituted a regime in which the president has authority to set the number of refugees admitted in consultation with Congress, leaving asylum adjudication to be determined on a case-by-case basis. Summarizing the Refugee Act, Zucker and Zucker suggest that though the idea was to create a nondiscriminatory relief program, the broader humanitarian aspects of the law have instead been conditioned by "perceived foreign-policy needs and domestic politics" (1992, 63).

Together with the Refugee Act, the Immigration and Nationality Act (INA) establishes the legal requirements for admission under both humanitarian programs. Under the INA, to be eligible for refugee or asylum status, an applicant must be unwilling to return to his or her country because of a well-founded fear of persecution (101(a)(42) INA). It establishes that the number of refugees admitted each year shall be determined by the president before the beginning of the fiscal year and "after appropriate consultation with Congress." It stipulates that the number be "justified by humanitarian concerns or is otherwise in the national interest" (8 U.S.C. 1157, Sec. 207).

The president is required to provide a significant level of analysis in the consultative documents prepared for Congress. Yet typically this consultation is no more than cosmetic, and the executive's position is approved without much vetting (Zucker and Zucker 1992). Congress has no similar consultative role with respect to the number of asylees admitted

yearly, nor is any numerical cap set on asylum admissions (Miller, Keith, and Holmes 2015), though occasionally Congress will intervene to change asylum policy.[3]

To date, we have little empirical evidence about whether this now four-decade-old statutory scheme works as intended, constraining presidential discretion in the admission of refugees and asylees. In the next section, we further distinguish the refugee and asylum systems.

COMPARING THE U.S. ASYLUM AND REFUGEE SYSTEMS

The most important distinction between the asylum and refugee systems is where an applicant seeking humanitarian admission to the United States is when applying. Asylees seek asylum from within the United States or on arriving at a point of entry. Asylum applications may be either affirmative or defensive. Affirmative applications are those filed by an applicant not under threat of removal from the country. Immigrants placed under removal proceedings by the Department of Homeland Security (DHS) may file defensive asylum applications. Those applying for relief affirmatively have their applications heard by asylum officers, who are part of the DHS bureaucracy. Immigration judges (IJs), who are similar to administrative law judges and appointed within the Department of Justice (DOJ), hear appeals from denials of affirmative decisions and all defensive claims of asylum.

Prior work shows that IJs tend to pursue their own policy preferences when adjudicating asylum claims (Miller, Keith, and Holmes 2015; Keith, Miller, and Holmes 2013), though they also remain susceptible to pressure from the attorney general (Kim 2018). A key point on individual decision making in the asylum system is that case-by-case adjudications frequently hinge on an assessment of the credibility of the

2. This is preliminary evidence that the partisan-ideological split we describe was present from the beginning in our data.

3. Rebecca Hamlin (2012) recounts the fight over how to define Chinese asylum-seekers fleeing forced sterilization. Although the Clinton administration and the asylum bureaucracy initially classified these asylees as not facing state persecution, Republicans in Congress ultimately intervened to redefine state-required sterilization as persecution in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) in 1996. This was done with a nod to the domestic politics of abortion.

applicant by the decision maker—indeed this is a major route by which preferences determine admissions (Miller, Keith, and Holmes 2015). Further, no ex ante (before arrival) discretion about who is allowed to apply for asylum is possible (Cox and Rodríguez 2009). In this way, asylum mirrors the larger U.S. immigration system, under which executive discretion influences who is allowed to stay through selective enforcement, not who is allowed to enter in the first place (Cox and Rodríguez 2009, 2014).

Refugees apply for relief from within their country of origin or a safe third-party country. Refugee status is determined with the help of the UN High Commissioner for Refugees (UNHCR) and, since 2006, a group known as the Refugee Corps. President George W. Bush created the Refugee Corps to provide a highly trained and specialized set of adjudicators (and supervisors) of overseas refugee claims, rather than rely on circuit-riders borrowed from the Asylum Office and elsewhere. The goal was to provide more consistent outcomes across adjudicators and refugees (U.S. Congress 2006). Decisions about whether an individual is eligible for relief are typically made by officials from the U.S. Department of State (State), secondary screening being performed by elements of the Department of Health and Human Services and DHS. Decisions occur at nine regional resettlement support centers located abroad and staffed by the Department of State.

Under the 1980 Refugee Act, the president is to determine how many may receive relief as refugees with the stipulation that the number be "justified by humanitarian concerns or is otherwise in the national interest" (8 U.S.C. 1157, Sec. 207). The president is required to provide a significant level of analysis in the consultative documents prepared for Congress.[4] Further, the president has wide latitude to determine admissions under the proposed cap. Usually this is a designation made based on the country of origin for a refugee, where country of origin is considered a proxy for "immigrant type" (Cox and Rodríguez 2009, 458). As Aristide Zolberg notes, the provision in the law for groups of "'special humanitarian concern to the United States' opened the selection process to bargaining by . . . ideological . . . interest groups" (2006, 349). Indeed, the UNHCR makes recommendations about groups of refugee for U.S. resettlement, not individuals (Martin 2005).

Scholars continue to argue that presidents perceive humanitarian migration policy as a foreign policy tool divorced from U.S. treaty commitments to protect the vulnerable (Tichenor 2002; Zolberg 2006; Bon Tempo 2008; Salehyan and Rosenblum 2008; Rottman, Fariss, and Poe 2009). Our argument is slightly more nuanced in that we suggest a finer distinction to be made on the notion that presidents are strategic, namely, that conservative administrations will tend to use the system to embarrass geopolitical opponents more than liberal presidents will. Another way to phrase this difference is that liberal presidents might place more emphasis on humanitarian concerns than conservative presidents do. We develop these expectations.

Table 1 summarizes the key differences between the asylum and refugee systems. Aside from displaying the discussed characteristics of where individuals are when they apply for relief and who makes relief determinations, table 1 also shows that over the period of study—FY 1982 through 2018—relief in the refugee system has been more important numerically. On average, about four times as many people gain relief through the U.S. refugee system as through the asylum system. The next two rows highlight characteristics of who gets relief

4. The analysis is meant to include descriptions of the following seven factors: the nature of the refugee situation; the number and allocation of the refugees to be admitted and an analysis of conditions within the countries from which they came; the proposed plans for their movement and resettlement and the estimated cost of their movement and resettlement; the anticipated social, economic, and demographic impact of their admission to the United States; the extent to which other countries will admit and assist in the resettlement of such refugees; the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States; and any additional information as may be appropriate or requested by such members.

Table 1. Comparison of Asylum and Refugee Systems

Characteristic	Asylum System	Refugee System
Location of decision	Domestic: port of entry; immigration court	Foreign: country of origin or third-party country; RSC or embassy
Decision maker	Department of Justice; asylum officer; immigration judge	Department of State; UN High Commissioner for Refugees; Refugee Corps
Average admissions (1982–2018)	18,656	71,160
Weighted repression average	3.78	3.52
Weighted % from military allies	0.54	0.39
Number of economic sanctions	1.66	0.94

Source: Authors' calculations based on federal government data.

through each system. Human rights repressions scores range from 1 to 5, higher scores representing a more repressive regime. The aggregate data in table 1 show that the asylum system tends to protect people fleeing slightly more repressive regimes than the refugee system does.

Similarly, in the penultimate row of table 1, we calculate the percentage of asylees and refugees fleeing countries that are military allies of the United States. Perhaps not surprisingly given the long noted strategic use of the refugee system, it appears that 39 percent of refugees and 54 percent of asylees are fleeing military allies. The final row shows that the average number of economic sanctions for countries fled by asylees is higher (1.66) than the average for refugees (0.94). All of these differences are statistically significant (p<.00).

IMMIGRATION PREFERENCES OF U.S. POLITICAL ELITES

Generally, scholars assert a consistent difference in the approach of conservative and liberal parties on immigration issues. As Idean Salehyan and Marc Rosenblum suggest, the political divide on humanitarian migration and immigration in general lines up in predictable ways, parties on the right "tend[ing] to oppose the expansion of asylum, refugee, and family reunification flows and the extension of rights

to immigrants," and parties on the left "tend[ing] to be stronger proponents of international human rights protections, including asylum" (2008, 107). For instance, Randall Hansen and Desmond King (2000) note that the conservative party led the increase in migrant deterrence policies in the United Kingdom (for Australia, see Mughan and Paxton 2006).

Salehyan and Rosenblum assert that such a pattern has "held in the United States, where Democrats have generally advocated more liberal humanitarian migration policies than have Republicans" (2008, 107; see also Schrag 2000). Strategic concerns arise because admitting refugees and asylees "acknowledges human rights problems in the sending country and may be seen as providing shelter to dissidents" (Salehyan and Rosenblum 2008, 105).[5] In a comprehensive policy history of U.S. immigration, Daniel Tichenor notes that "the struggle among modern policymakers has reflected differences over *who* [emphasis in original] should benefit from generous refugee relief" (2002, 248).

Within the United States, and specific to the humanitarian relief system, the battle has not necessarily been over whether broad refugee protections should be in place, given that both conservatives and liberals historically found some common ground in expanded protections. Disagreement instead centers on whether, as conservatives tended to prefer, the

5. To further clarify the distinction between humanitarian and strategic or geopolitical uses of the humanitarian immigration systems consider that the law dictates that refugee status be granted only to those fleeing a well-founded fear of persecution in their home countries, but many U.S. presidents are seen as using the refugee system in particular to advance their "particularistic foreign policy goals" (Cox and Rodríguez 2014, 119).

system be used to shame strategic adversaries (historically communist adversaries) or whether, as liberals would prefer, the system be used to protect human rights more broadly (Tichenor 2002). Put slightly differently, it may be that liberal presidents simply put less emphasis on strategic concerns in the context of refugee admissions.

Further, the relative broadness of relief provided by the refugee system narrowed in the United States (as in most other affluent democracies) with the end of the Cold War (Zolberg 2006). Yet within this narrowed scope for relief, we believe that ideological differences over who should benefit will remain. Additionally, a trade-off is not always required between providing humanitarian relief and using the system strategically. It is possible, of course, to admit people fleeing a geopolitical adversary that is also highly repressive of human rights.[6]

Our main expectations flow from this general split on immigration policy as reflected in four measures of the asylum and refugee admissions flow. These are the overall number of asylees or refugees admitted, the level of physical repression faced by those admitted, the proportion fleeing U.S. military allies, and the average number of U.S.-imposed economic sanctions on countries that asylees or refugees are fleeing. These measures give broad coverage over time and across aspects of humanitarian and strategic concerns. Including these measures leads to four hypotheses:

> Hypothesis 1a: Conservative presidential administrations tend to allow fewer refugees than liberal administrations.

> Hypothesis 1b: Conservative presidential administrations tend to select fewer refugees threatened by physical repression than liberal administrations.

> Hypothesis 1c: Conservative presidential administrations tend to select fewer refugees fleeing military allies than liberal administrations.

> Hypothesis 1d: Conservative presidential administrations tend to select more refugees from countries under U.S. economic sanctions than liberal administrations.

We also expect that, given the histories of the two programs and the decision-making structure in each that these partisan and ideological differences will be more prevalent in the refugee system than in the asylum system. This expectation stems from the fact that the asylum bureaucracy is not as centralized as the refugee bureaucracy. Interventions into asylum policy by the courts (Zucker and Zucker 1992; Zolberg 2006) and by Congress have been frequent. Indeed, the model in the asylum system is one of adversarial legalism (Hamlin 2012, 942), under which decisions are made on a case-by-case basis with attorneys before a judge-like bureaucrat (Hamlin 2012; Miller, Keith, and Holmes 2015).

Congress has also occasionally shown interest in changing the policies at work in the asylum system as it did with both IIRIRA and the REAL ID Act. Indeed, the REAL ID Act of 2005 increased the difficulty of gaining relief through asylum by sharply raising the requirements for documenting proof of persecution (Hamlin 2012). Given that bureaucratic insulation is much higher for the asylum system than the refugee system, we expect the refugee system to be more revealing:

> Hypothesis 2: Differences between presidential administrations will be greatest in the refugee system.

Finally, we expect that congressional preferences may matter, but that if they do it will be primarily in regard to the number of refugees admitted. This expectation arises for three reasons: first, because the law explicitly directs the president to consult with Congress on the number of refugees—but not asylees—to be admitted; second, because the relative insulation of the asylum bureaucracy makes congressional

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6. For instance, Iran is a strategic opponent of the United States that also typically has high human rights repression scores. Accepting refugees from Iran could be seen as satisfying both strategic and humanitarian objectives. For reference, in the period after 2005, Iran is typically under economic sanctions, does not receive military aid from the United States, and has an average repression score of 3.94.

Table 2. Theoretical Expectations

	Asylees-Refugees	Military Aid	Economic Sanctions	Human Rights Repression
Asylum system				
Presidential ideology	–	–	+	–
Congressional ideology	~	~	~	~
Refugee system				
Presidential ideology	–	–	+	–
Congressional ideology	–	~	~	~

Source: Authors' compilation.

intervention less likely to be effective; and, third, because the much higher numbers in the refugee system imply that if legislative concerns center on costs, then the refugee system should be the focus of attention. Indeed, as noted, at least some members of Congress saw increased congressional control as the express purpose of the Refugee Act of 1980. Congressional preferences on the number of refuges admitted mirror the partisan breakdown of hypothesis 1a:

> Hypothesis 3: Conservative Congresses will tend to allow fewer refugees than liberal Congresses.

Table 2 summarizes these expectations in terms of how we expect conservative control of government to correlate with a particular characteristic. Cells with tildes indicate that we do not expect to observe a statistically significant difference between administrations. Unfortunately, we cannot test the argument Tom Wong (2017) puts forward that ideological alignment on immigration occurred in Congress only following contentious events in 2005 because it overlaps with two key interventions—the Real ID Act in the asylum system (see Hamlin 2012) and the creation of the Refugee Corps in the refugee system.

Evidence suggests that members of Congress will be less concerned with the characteristics of the refugee and asylee flow—who is entering rather than how many. The general immigration literature holds that Congress has crosscutting influences that pit pro-migration interest groups against the "overall pattern of [popular] hostility to migration" (Rosenblum

2004, 32). As Marc Rosenblum (2004) reports, members of Congress are generally uninterested in immigration issues because they are of little value to constituents and this is likely to be reflected in little impact for congressional preferences on the characteristics of the refugee and asylee flows.

The one exception might be concerns with the costs of refugee resettlement. The Refugee Act of 1980 specifically requires a projection of the costs of any refugee resettlement program. As Zucker and Zucker note, "large numbers of refugees incur the fear of . . . heavy costs for long-term refugee support . . . thus galvanizing the legislature into making refugee or asylum policy" (1992, 64). Cost is related to the number of refugees admitted, so if Congress is concerned with costs it should be primarily concerned with the number of refugees admitted. Indeed, three of the seven consultation requirements in the Refugee Act concern the costs of resettling refugees and other provisions of the law repeatedly emphasize the importance of the "economic self-sufficiency" of refugees (8 U.S.C., Sec. 1522(a)). Given that typically four times as many people are admitted as refugees than as asylees, and limited congressional attention to immigration more generally, we expect that any concern with the number of migrants admitted is likely to focus on refugee admissions.

Figure 1 displays the overtime trends in refugee and asylum admissions across three historical eras. The Cold War era is the period (in our data) from FY 1982 through FY 1991 and the collapse of the Soviet Union; the post–Cold War era covers FY 1992 through FY 2001, ending with the 9/11 attack; the 9/11 attack defines the third

Figure 1. Asylum and Refugee Admissions to the United States
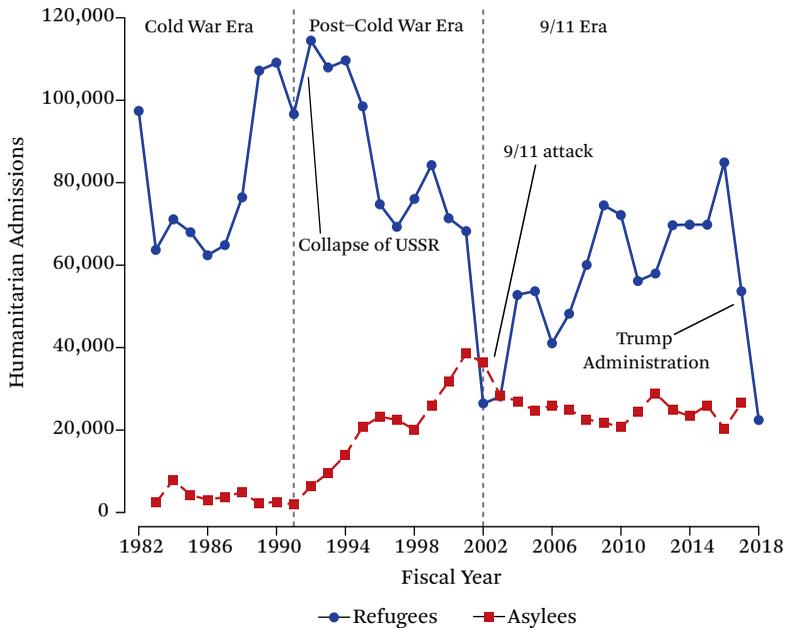
Source: Authors' calculations based on federal government data.

era on the figure, through FY 2018. A few things are notable. First, refugee admissions always exceed—usually greatly—asylum admissions except immediately following the 9/11 attacks and in FY 2018 under the Donald J. Trump administration. Indeed, FY 2018 shows the lowest refugee admission in the period covered by our data (22,484).

Second, asylum admissions are quite low until the creation of the modern asylum system in 1991. The creation of a group of asylum officers to handle affirmative asylum cases to ensure that asylum rulings are "fair and sensitive" (Koehn 1991, 231) defines this change. Indeed, writing at the creation of this newer asylum system, Zucker and Zucker suggest that it would be fairer and more consistent and that "foreign-policy concerns will no longer be a major influence on asylum decisions, which instead will draw on human rights conditions" (1992, 68). With the implementation of the new adjudicatory system, the number of asylees admitted rose correspondingly from approximately two thousand to thirty-nine thousand by FY 2001.

However, since the 9/11 attacks, the number of asylees admitted to the United States has held steady around twenty-five thousand with minimal yearly fluctuations. The decrease in fluctuations is most likely because courts have intervened to stabilize definitions and practices and the bureaucracy itself relies to some extent on precedent in its decision making. Finally, it is clear from figure 1 that variability is greater in the number of refugees admitted than in the number of asylees. This is the first indication that the refugee system may be more responsive to the preferences of political elites than the asylum system is.

DATA AND METHODS

As noted, we take a unique approach to gauging the influence of political elites. A number of studies analyze the broad dynamics of how many refugees or asylees are admitted to the United States in a given year (Miller, Keith, and Holmes 2015; Keith, Miller, and Holmes 2013; Salehyan and Rosenblum 2008; Rosenblum 2004). Our approach differs because we are interested in not only the number of people admitted under each program, but also the characteristics of that population. In addition, our focus in this work is on how the preferences of political elites condition the characteristics of the asylum and refugee flows. These prefer-

ences are most likely to be manifest in broad patterns at the aggregate level. Therefore, we seek to create a data set that captures this aggregate picture for both systems.

To do so, we begin with a time-series cross-sectional (TSCS) data set of every country that sent an asylee or a refugee to the United States in our period of study. We are able to characterize these humanitarian flows according to the countries from which they flee. For instance, refugees from Somalia in FY 2009 are coded as fleeing a U.S. military ally. Then, for each fiscal year, we weight the contribution of a country to the total flow. For example, in FY 2010, Iraq is the single largest contributor in the refugee flow, at 25 percent of the total. In FY 2010, China contributes 32 percent to the asylum flow. The appendix provides additional information on weighting for both systems.

Using this approach, we can summarize how much of the flow in either system comes from a military ally or highly repressive regimes, for instance. Aside from the number in either system, we focus on three characteristics of the flow: whether the country of origin is a military ally, whether the country of origin is under economic sanctions by the United States, and the level of human rights repression in the country of origin. Each is selected to help us understand whether any focus is on strategic or humanitarian uses of the systems—the key difference highlighted in the literature on the politics of humanitarian migration (Miller, Keith, and Holmes 2015; Keith, Miller, and Holmes 2013; Salehyan and Rosenblum 2008; Katzenstein, Keohane, and Krasner 1999; Loescher 1993; Loescher and Scanlan 1986).

Military allies are defined by whether a country receives military aid in a given year from the United States, coded as 0 or 1 (more information on each variable is presented in

the appendix). We code the number of U.S. imposed economic sanctions a country is under in a given year, which ranges from 0 to 11. Our measure of human rights repression comes from the political terror scale (PTS), which ranges from 1 to 5, higher scores indicating greater repression.[7] Two versions of the PTS scale are used, one based on reports from the Department of State and one based on reports from Amnesty International (Gibney et al. 2015). We average these two to create our repression scores. To give an intuitive sense of these scores, the average for Somalia in 2008 is 4.5 (high repression); Cuba in 2008 is a three (moderate repression).

Figure 2 presents the change in weighted averages of these variables over time. The dashed lines divide each panel into the eras noted in figure 1. A few trends are noteworthy. Correlation is tight in the proportion of refugees and asylees receiving relief who are fleeing military allies until the post-9/11 era. In regard to economic sanctions, divergence is considerable in the two series starting in the mid-1990s, as those admitted in the asylum process are considerably more likely to be fleeing states under a higher number of economic sanctions from the United States; the opposite is true in the refugee system. Finally, with respect to human rights repression, the asylum system reaches something of an equilibrium in the mid-1990s (stabilizing around a mean repression score just below 4), but in the refugee system fluctuates considerably from a low of 2.67 in FY 1989 to a high of 4.48 in FY 2016.

Our analytical approach is straightforward. First we present descriptive differences across partisan control of the presidency and Congress for the number of asylees and refugees, as well as information on each of the three characteristics we have chosen to analyze. Then we

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7. The political terror scale levels can be interpreted as follows: 1) Countries under a secure rule of law, people are not imprisoned for their views, and torture is rare or exceptional; political murders are rare. 2) Imprisonment for nonviolent political activity is limited; few persons are affected; torture and beatings are exceptional; political murder is rare. 3) Political imprisonment or a recent history of such imprisonment is extensive; execution or other political murders may be common; unlimited detention, with or without trial, for political views. 4) Civil and political rights violations have expanded to large numbers of the population; murders, disappearances, and torture are common; terror tends to affect those who interest themselves in politics or ideas. 5) Terror has expanded to the entire population; leaders of these states place no limits on the means or thoroughness on means in pursuit of goals. See http://www.politicalterrorscale.org/Data/Documentation.html (accessed May 18, 2020).

Figure 2. Three Characteristics of Asylum and Refugee Systems
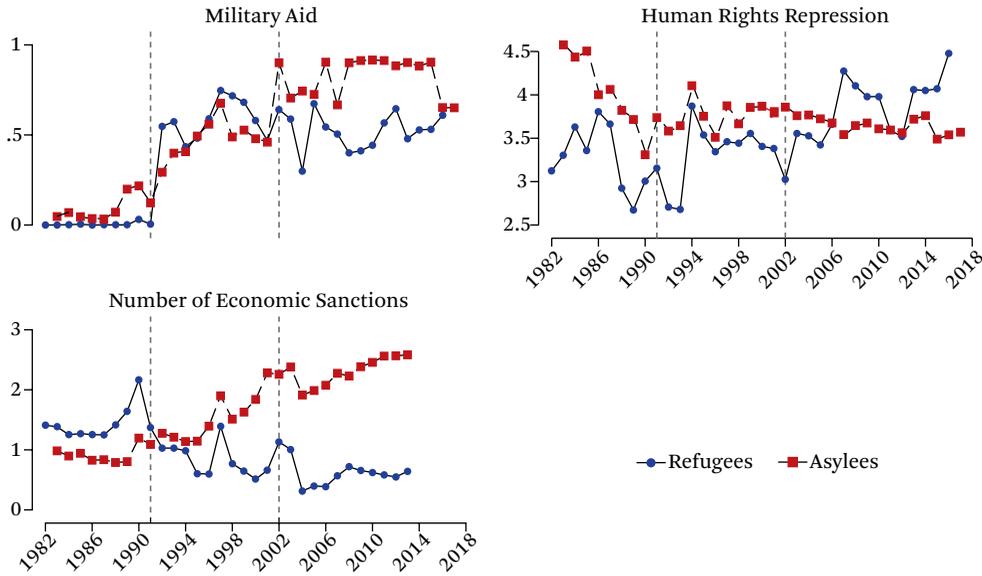
Source: Authors' calculations based on federal government data.

support the descriptive analysis with a series of multivariate regressions that control for a host of potential confounders. We think it is important to look closely at the descriptive statistics, given potential concerns about the power of the analysis in a multivariate regression framework. Although a relatively small N does raise some concerns about how small changes might alter our results, we undertake a number of robustness checks to probe our regression results. We used all of the available data in constructing this analysis—the entire population of interest rather than only a sample.

In each analysis (both descriptive and multivariate), we lag all explanatory variables by one period to allow for a causal interpretation of the results, reducing our N from 37 to 36.[8] Differences are generally few between the descriptive analysis and the multivariate analysis with a full suite of controls. Where differences are, the multivariate results tend to contradict

theoretically inconsistent results from the descriptive analysis.

To account for partisan differences among political elites, we code for partisanship in the descriptive analysis and ideology in the regression analyses. We use ideology scores in the regression analyses because they allow for more flexibility in the particularistic policies of both presidents and the legislature at any given time. Coding partisanship is simple with respect to the president, but for Congress we are careful to note periods of mixed control (where one party controls each House). In the descriptive results we present, mixed control is excluded from the analysis: for the thirty-six years in the analysis, we have fourteen years of Republican control, eleven years of Democrat control, and eleven years of mixed control. In the regression analyses, we use ideology scores rather than simple partisanship.

To measure ideology, we use DW Nominate

8. We tested whether two lags better fit the data than the one-lag structure we use. For the refugee data, evidence from comparing the information criterion suggest the one lag models fit best. For the asylum data, only the model for human rights repression in the asylum system evidence better fit with two lags. This two-lag model suggests an even stronger positive effect for conservative congressional ideology on how much the system protects those fleeing persecution (about twice the size of the effect displayed in table 4). As we note elsewhere, this effect is contrary to our theoretical expectations.

scores (Poole and Rosenthal 1985). Higher scores indicate greater conservatism. For the president, these scores are, in chronological order: Reagan (0.693), H. W. Bush (0.557), Clinton (-0.438), G. W. Bush (0.693), and Obama (-0.354). For Congress, we calculate the median Nominate scores for each chamber for each Congress and then calculate the midpoint between the medians. This approach follows those taken by leading scholars of Congress (Gray and Jenkins 2017). These scores range from -0.1935 to 0.2848.

For the multivariate analysis, we include a host of control variables suggested by the literature on asylum and refugee admissions in the United States. We control for the preferences of political elites as noted. Varying levels of attention to immigration in the public and among political elites might alter the extent to which preferences can operate to shape refugee and asylum flows. We therefore also introduce controls for the number of mentions of immigration in the president's State of the Union address, the number of congressional hearings on immigration, and the number of articles in the *New York Times* on refugee or asylum issues.

We do not have any a priori expectations about how the attention of elites and the public to immigration issues will affect the number and characteristics of those admitted in either system. Nevertheless, inclusion of the attention variables is important because it helps account for exogenous shocks to the asylum and refugee system (Wong 2017).[9] In addition, we include two control variables in our refugee regressions to account for changes in the decision-making process for resettling refugees in the United States. First, we include a dummy variable for the switch to UNHCR involvement in the process in 1994 (0 before and 1 after). Second, we include a dummy variable to account for the creations of the Refugee Corps in 2006 (0 before and 1 after). Both changes were made in an attempt to refocus the refugee system on the need to protect the persecuted. We therefore expect that both will increase the repression scores of those admitted in the refugee system. The equivalent change in the asylum system is the creation of asylum officers for interviewing

affirmative asylum applicants in 1991 (modern asylum system). This change should also work to increase the average level of repression for those admitted into the system.

Finally, to help account for change over time not otherwise controlled for in our regressions, we include a counter of elapsed time that starts at one in fiscal year 1982 (or 1983 in the asylum system) and adds one for each additional year. Where necessary, we also include lags of the dependent variable to account for potential autoregression in our multivariate regressions. This is a concern only in a few of the asylum regressions, as indicated by testing using the Durbin-Watson alternative statistics. Table A1 in the appendix includes descriptive information on the included variables.

RESULTS

Table 3 presents the results of the descriptive analyses (for additional results and models, see the appendix). We divide our descriptive analyses into two parts, the asylum system and the refugee system. For each system, we display results for the three characteristics of interest and the number of immigrants admitted in each category by partisan control of the presidency and Congress. To aid with interpretation, we present the difference between the average score (or number admitted) for Republicans and Democrats; signs for each category indicate whether we expect Republican control to lead to higher or lower numbers than under Democratic control. Each category corresponds to a described hypothesis; for each, we indicate the expected direction (positive or negative) of the difference between the Republicans and Democrats. We test the differences across each category for statistical significance using a t-test of the means, *p*-values reported in parentheses. Finally, we shade the comparisons that are consistent with our hypothetical expectations.

The takeaway from table 3 is the considerable evidence that the preferences of the president predominate in refugee admissions, and that congressional preferences matter for the number of refugees admitted but not the char-

9. Wong gives the example of interest in unaccompanied minor immigrants from Central America dropping once the media stopped covering the issue (2017, 7).

Table 3. Descriptive Analysis of the Asylum and Refugee Systems

	Number of Asylees (−)	Military Aid (−)	Economic Sanctions (+)	HR Repression (−)
Panel A. Asylum admissions and characteristics				
President				
Republican	13,725	0.41	1.50	3.84
Democrat	24,511	0.69	1.87	3.70
Difference (*p*-value)	−10,786 (.00)	−0.28 (.00)	−0.37 (.05)	0.14 (.07)
Congress				
Republican	25,967	0.65	1.78	3.70
Democrat	13,366	0.46	1.53	3.67
Difference (*p*-value)	12,601 (.00)	0.19 (.04)	0.25 (.15)	0.03 (.34)
Panel B. Refugee admissions and characteristics				
President				
Republican	65,998	0.28	1.07	3.39
Democrat	77,935	0.57	0.71	3.79
Difference (*p*-value)	−11,937 (.06)	−0.29 (.00)	0.36 (.01)	−0.33 (.02)
Congress				
Republican	62,918	0.58	0.62	3.39
Democrat	88,743	0.35	1.04	3.63
Difference (*p*-value)	−25,825 (.00)	0.23 (.00)	−0.42 (.02)	−0.24 (.13)

Source: Authors' calculations based on federal government data.
Note: Shaded entries are consistent with our hypothetical expectations.

acteristics of the flow. Presidential preferences seem to affect the number and characteristics of asylum admissions; congressional preferences do not matter with respect to the characteristics of those admitted as asylees. Evidence suggests that approximately eleven thousand fewer asylees are admitted under Republican administrations than under Democratic administrations (see table 3, panel A, top rows).

This difference stems from ex post (after arrival in the United States) enforcement discretion, most likely manifested through directives to IJs and asylum officers. Such enforcement is the common way the executive is able to influence immigration policy (Rodríguez 2010). Evidence also indicates that asylees fleeing U.S. military allies fare better under Democratic presidential administrations—69 percent of

the asylum flow comes from these countries, 28 percentage points higher than in the Republican administrations. This fits with the notion that Republican administrations might seek to use the humanitarian immigration system to further U.S. geopolitical interests. Together, the evidence from the number of asylees admitted being higher in Democratic administrations and Republican administrations disfavoring asylees fleeing military allies supports the notion that presidential preferences shape the asylum flow.[10]

Although differences are significant in the average number of economic sanctions and human rights repression between Democratic and Republican administrations in the asylum system, the direction of these effects is inconsistent with our expectation for how presidential pref-

10. It also fits with evidence on the decision of immigration judges. More conservative judges are significantly less likely to admit asylees fleeing U.S. military allies and less likely to admit those fleeing highly repressive regimes (Miller, Keith, and Holmes 2015).

erences will matter. Therefore, evidence in favor of presidential preferences conditioning asylum admissions is mixed. The second set of rows in panel A indicate limited evidence that congressional preferences are important determinants of asylee admissions. Although a number of differences across partisan congressional control are statistically significant, none is consistent with theoretical expectations. For instance, we do not expect that Republican control of Congress will lead to an increase in the number of asylum seekers admitted. Indeed, these results disappear in the regression analyses.

Panel B of table 3 presents results for the refugee system. Here, evidence for the role of executive preferences in shaping refugee immigration to the United States is striking. In each category, we observe statistically significant and theoretically consistent differences between Republican and Democratic administrations. On average, we expect that almost twelve thousand fewer refugees will be admitted in Republican administrations than in Democratic administrations.[11] Democratic administrations are also more likely to admit refugees fleeing military allies, are less likely to seek to embarrass states under U.S. economic sanctions, and provide relief to refugees who are, on average, fleeing regimes that are more repressive.

All of these differences are consistent with our expectations, as represented in hypotheses 1a through 1d. We also find evidence that partisan control of Congress is consequential for the number of refugees admitted. When Republicans control both the House and the Senate, we expect almost twenty-six thousand fewer refugee admissions than when the Democrats control both houses. This difference is about twice as large as the effect for changes in partisan control of the executive. It may be that a conditional effect between executive and congressional control applies, which we explore further in the context of multivariate regression. In regard to Congress, this is the only difference consistent with our theoretical expectations, despite significant and theoretically inconsistent differences in the number of refugees from military allies and average number of U.S. economic sanctions.

That congressional preferences only seem to affect the number of refugees admitted, but not the underlying characteristics of those admitted, supports hypothesis 3. It is consistent with the notion that the president is required to consult with Congress on the number of refugees admitted and the notion that members of Congress should care about refugee admission numbers to the extent the number of refugees admitted affects the availability of resources for constituents. The clear evidence supporting the importance of presidential preferences in the refugee system relative to the more mixed evidence in the asylum system tends to support hypothesis 2.

As noted, to test the robustness of the descriptive results presented in table 2, we also estimated a series of multivariate regressions. Table 4 presents the asylum models and table 5 presents the refugee models.[12] The most important takeaway from these regressions is that they support our descriptive analyses on the refugee system but undermine the statistically significant descriptive results for asylum admissions. Namely, we continue to find significant evidence in favor of the importance of presidential preferences in the refugee system and limited evidence of the importance of Congress, excepting the number of refugees admitted. In addition, we find evidence that changes in the decision-making apparatus in both the asylum and refugee systems had an important impact on how many and what kinds of humanitarian immigrants are admitted to the United States independent of the preferences of political elites.

11. This difference is robust to the exclusion of the 9/11 outlier in refugee admissions.

12. A disadvantage of the multivariate models is that for several independent variables we do not have data beyond 2014, or 2013 for economic sanctions data. This reduces our N from 36 to 32 or 31, depending on the model. Counting the lag necessary to allow independent variables to credibly affect the dependent variable, most of the refugee multivariate models include FY 1983 through FY 2014, whereas the asylum models include FY 1984 through FY 2014. Modern record keeping for asylum admissions did not begin until FY 1983 (for more information, see the appendix).

Table 4. Asylum Admissions Regressions

Political Elites	Aslyees (−)	Military Aid (−)	Sanctions (+)	HR Repression (−)
Presidential ideology	−2,629 (1470)*	0.14 (.05)**	−0.03 (.11)	0.04 (.07)
Congressional ideology	3,586 (5360)	−0.15 (.17)	−0.01 (.37)	0.42 (.24)*
Controls				
State of the Union mentions	11 (213)	0.012 (.004)**	0.020 (.014)	0.01 (.01)
Congressional immigration hearings	−39 (86)	−0.01 (.01)	−0.002 (.007)	−0.01 (.01)
New York Times asylum articles	−59 (24)**	−0.00 (.00)	0.001 (.002)	0.00 (.00)
Modern asylum system	3,560 (1222)**	0.21 (.09)**	0.13 (.12)	−0.01 (.16)
Elapsed time	−44 (132)	—	—	−0.01 (.01)
DV_{t-1}	0.76 (.13)**	0.38 (.13)**	0.84 (.08)**	0.44 (.18)**
DV_{t-2}	—	0.39 (.10)**	—	—
N	31	30	30	31
F	59.65 (0.000)	73.79 (0.000)	72.37 (0.000)	2.74 (0.029)
R^2	0.94	0.93	0.92	0.60
Durbin's alternative test (F)	0.80 ($p < .38$)	0.19 (.67)	1.13 (.30)	2.34 ($p < .14$)

Source: Authors' calculations based on federal government data.
*$p < .10$; **$p < .05$

In regard to presidential preferences, we find some theoretically consistent evidence for effects in the asylum system, namely, conservative presidents decreasing the number of asylees admitted. Moving from the most liberal to the most conservative president in the data decreases the number by three thousand. This effect is only marginally significant at the $p<.10$ level, an effect contradicted in the descriptive analysis. Although the coefficient for presidential ideology is statistically significant for military aid, it is incorrectly signed, indicating that conservative control of the White House increases the likelihood of admitting refugees from military allies, an effect we expect in Democratic administrations, not Republican ones.

This result is also contrary those in the descriptive analysis, in which Democratic administrations were more likely to admit those fleeing military allies. The coefficient for congressional control is significant for human rights repression, but the sign of the coefficient is not consistent with our theoretical expectations about the effects of conservative control. Furthermore, these results are unsupported by the descriptive evidence presented in table 3. For the most part, neither public nor elite at-

tention to immigration and asylum issues affects either the number of asylees admitted or their characteristics. The exceptions are that an increase in the number of *New York Times* articles mentioning asylum decreases the number of asylees admitted and an increase in the mentions of asylum in the SOTU increases the portion of asylees admitted from military allies.

The transition to the modern asylum system seems to have had an important effect on the number of asylees admitted. Our estimates suggest that moving to the modern system, with asylum officers, increased the number of asylees admitted by 3,560. Considering that the mean number of asylum seekers admitted across our period of study is 18,656, this is a 19 percent increase in the number of people receiving relief. Evidence also indicates that the advent of the modern asylum system increased the likelihood that asylum seekers fleeing U.S. military allies receive admission—increasing the percentage admitted from allies by 21 percentage points.

In table 5, we find evidence consistent with the influence of presidential policy preferences in the refugee system. The coefficients for pres-

Table 5. Refugee Admissions Regressions

Political Elites	Refugees (–)	Military Aid (–)	Sanctions (+)	HR Repression (–)
Presidential ideology	–13,558 (5,224)**	–0.14 (.07)*	0.25 (.12)**	–0.30 (.14)**
Congressional ideology	–85,892 (30,574)**	–0.21 (.35)	–0.95 (.69)	1.34 (.80)
Controls				
State of the Union mentions	1,551 (686)**	0.01 (.01)	0.02 (.02)	–0.02 (.02)
Congressional immigration hearings	1,512 (279)**	–0.00 (.01)	–0.00 (.02)	0.00 (.01)
New York Times refugee articles	–154 (44)**	0.00 (.00)	–0.00 (.00)	0.003 (.001)**
Refugee Corps	–31,462 (9,592)**	–0.35 (.14)**	0.09 (.25)	0.86 (.23)**
UN High Commissioner of Refugees	–31,124 (10,905)**	0.14 (.13)	0.30 (.27)	–0.26 (.31)
Elapsed time	1,245 (501)**	0.02 (.01)**	–0.05 (.02)**	–0.00 (.01)
N	32	32	31	32
F	23.82 (0.000)	22.87 (0.000)	11.19 (0.000)	6.46 (0.000)
R^2	0.81	0.73	0.66	0.66
Durbin's alternative test (F)	0.11 ($p < .74$)	0.96 ($p < .34$)	1.28 ($p < .27$)	0.02 ($p < .90$)

Source: Authors' calculations based on federal government data.

*$p < .10$; **$p < .05$

idential administration are statistically significant and consistently signed in each of the four models (refugee admissions, military aid, economic sanctions, and human rights repression). Similarly, the coefficient for congressional ideology is statistically significant and consistently signed in the refugee admissions regression, supporting the evidence presented in table 3. Moving from the most liberal to the most conservative president decreases the number of refugees admitted by 15,334. Similarly, it decreases the percentage of the refugee flow coming from military allies by 16 percentage points, increases the number of economic sanctions countries being fled are under by 0.30 (about 30 percent), and decreases the level of repression in the flow by 0.33 points (about 9 percent). However, the effects for refugees fleeing military allies are not robust to the exclusion of the Cold War era, signaling that since the early 1990s, this particular strategic use of the refugee system may have diminished.

Last, moving from a very liberal Congress (10th percentile of the data) to a very conservative one (90th percentile of the data) decreases the number of refugees admitted by 32,228. This effect is twice that of presidential ideology on the numbers of refugees admitted and suggests strong interest from Congress over concerns about how many are admitted as refugees. That we find no other effects for congressional ideology implies little concern, however, over who is admitted as a refugee.

Public and elite attention to immigration and refugee issues appears to matter a good deal to the number of refugees admitted. As State of the Union mentions of immigration increase, a proxy for public attention, so do the number of refugees admitted.[13] Similarly, as the number of congressional immigration hearings increase, so do the number of refugees admitted. As the number *of New York Times* articles on refugees increase, a proxy for elite attention, the number of refugees admitted decreases. Varying the number of articles from the 10th percentile (0) to the 90th percentile

13. In most years, no mention is made in the State of the Union of immigration. Using a dummy variable rather than a continuous indicator of number of mentions does not alter our conclusions about the effects of presidential attention, with one exception. Using the dichotomous indicator reduces the statistical significance of the SOTU variable in the refugee model for total admissions from $p<.05$ to $p<.10$ while increasing the coefficient to 17,702.

(153) decreased expected refugee admissions by 23,562. Attention to refugee issues in the *New York Times* is accompanied by an increase in the level of human rights repression in the refugee system. An increase from the 10th percentile to the 90th percentile in the number of articles is accompanied by an increase in the average level of repression by 0.46 points. In reference to the average repression score for the refugee system as a whole (see table 1), this represents an 11-percentage point increase in the level of human rights protection.

Taken together, the results for the attention variables suggest that increasing elite attention increases the number of refugees admitted but increasing public attention decreases the number admitted. This divergence mirrors the sense that many immigration scholars have that elite opinion has been insulated from popular opinion (Tichenor 2002, 246). Notably, it may be that the Trump presidency has changed this dynamic, given that Trump has made immigration restrictions perhaps the central policy component of his administration (Gimpel 2017).

Mirroring findings in table 4 for the asylum system, we find evidence that changes in the decision-making apparatus of the refugee system had important consequences. The movement in the mid-1990s to incorporating greater UNHCR input decreased the number of refugees admitted considerably, by about thirty thousand. This result holds if we omit the 9/11 outlier year, though the size of the effect decreases to about twenty-six fewer refugees. The introduction of the Refugee Corps in 2006 also lead to a decrease in the number of refugees admitted, about thirty-one thousand fewer. But the effects of the Refugee Corps are more far-reaching than those of the UNHCR, given the additional evidence that creating the Corps reduced the likelihood that refugees fleeing military allies were admitted, and increased substantially the protection the refugee system provides against human rights repression.

The effect of the Refugee Corps on the level of human rights protection the system offers is significant. Before the Refugee Corps, we estimate the average level of repression in the system at 3.31, which increased to 4.2 after implementation. The introduction of asylum officers

resulted in a shift from an average level of repression equivalent to Egypt in FY 2005 to Uganda in FY 2007 (straddling the introduction of the Refugee Corps in FY 2006). The introduction of the Refugee Corps therefore increases the human rights protection afforded by the refugee system while also seeming to increase the geopolitical uses of the system (by decreasing the likelihood of a refugee from a military ally gaining admission). This effect disappears, however, if we exclude the Cold War era from the calculation, so it should be treated with caution.

Given the finding in the descriptive analysis that both presidential and congressional preferences seem to influence the numbers of refugees admitted, we return to the possibility that presidential and congressional preferences interact to influence the number of refugees admitted to the United States. To better understand whether the preferences of one actor condition the effect of the other, we interacted our measure of presidential ideology with our measure of congressional ideology and entered it into the regression in table 4 for refugee admissions.

Figure 3 presents the results of this model (full model results presented in the appendix). Under conservative Congresses (90th percentile of ideology), differences between liberal and conservative administrations are considerable, liberal control of the White House leading to approximately seventy-eight thousand refugee admissions, and under GOP control of the presidency and the legislature some thirty-seven thousand (95% confidence intervals are represented by the vertical bars). Yet under Democratic control of Congress, we estimate no difference in the number of refugees admitted, no matter who controls the White House—approximately eighty-five thousand under both Democratic and Republican administrations.

The pattern here suggests that under Republican control of Congress, presidential discretion on the numbers of refugees is at a maximum, but is more constrained when Democrats control Congress. It is not immediately clear why this should be the case. The key here is to understand the movement of GOP presidents, who change from admitting some thirty-seven thousand refugees under GOP control of Con-

Figure 3. Presidential Partisanship, Congressional Control, and Refugee Admissions
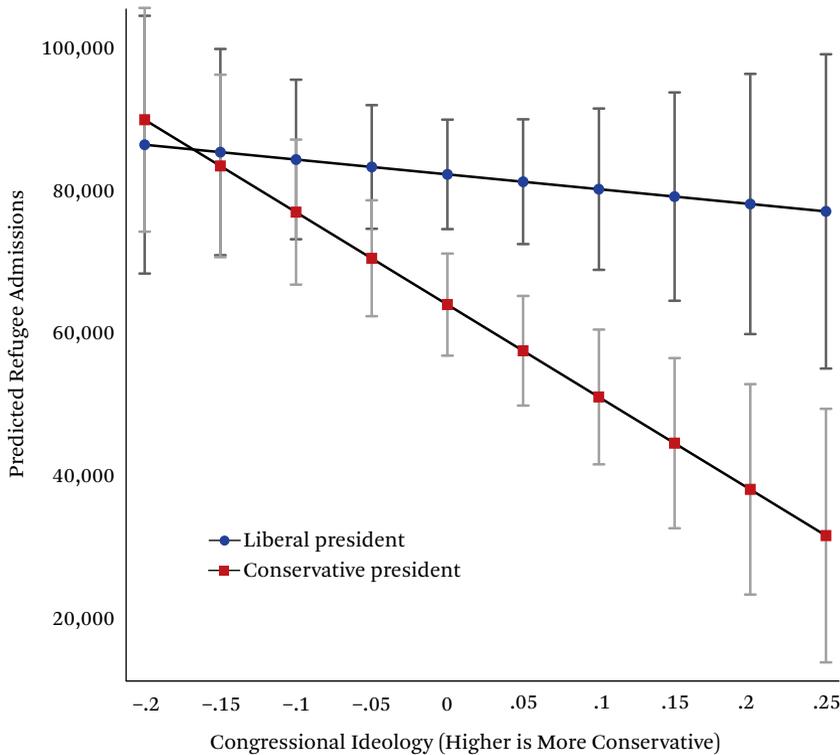
Source: Authors' calculations based on federal government data.

gress to admitting more than twice as many under Democratic control. It might be that Republican presidents are happy to admit fewer refugees when their copartisans in Congress seek such a reduction but are also happy to increase the number of refugees admitted, satisfying more liberal Congresses, as long as they maintain control over the characteristics of admitted refugees. This discussion throws relief on the notion that an inherent trade-off between humanitarian and strategic uses of the refugee system is not necessarily the case, because it is at least theoretically possible that an administration could seek to protect allies while also admitting those fleeing truly repressive situations.

DISCUSSION AND CONCLUSION

Evidence demonstrates that presidents exert a good deal of control over the refugee system in the United States. More specifically, presidents can influence *who* comes in to the country as a refugee, beyond just the number of refugees ad-

mitted. Three separate aspects of the countries that refugees flee reflect this: the level of human rights repression, whether the country is a military ally, and whether the country is under U.S. economic sanctions. Further, the ideology of both the president and the Congress influence the number of refugees admitted. We believe that the focus for Congress is mostly on the potential costs of the refugee program.

Contrasting the results for the refugee system with those for the asylum system, we find less influence for the president and Congress on asylum admissions, consistent with our a priori expectations—excepting presidential influence on the number of asylees admitted. This relative lack of influence reflects the fact that the asylum system is significantly more insulated than the refugee system from outside influence. Judge-like actors make asylum decisions in a court-like setting and federal courts are much more involved in asylum decision making than they are in regulating refugee admissions. However, under President Trump,

conflict is heightened between the executive and the IJs, through numerous DOJ policies and other executive decisions.

Notably, much of the system we describe here may have changed with the election of Donald Trump, the first modern president to make immigration the central issue of his campaign (Gimpel 2017). Evidence for this comes in the dramatic drop in refugee admissions for fiscal year 2018, when just twenty-two thousand refugees were admitted. For the first time since 9/11, the number of refugees has declined below the number of asylees. In a sense, Trump may be seen as a president who is not as insulated as most prior modern presidents from popular opinion on immigration.

Given bipartisan public support for admitting refugees (Daniller 2019), such a dramatic reduction in the number admitted may be surprising. Yet our evidence suggests that presidential control of the refugee system makes it an easy example for Trump to use in bolstering his immigration bona fides to his base. Control over the asylum system will remain more difficult for the president as long as other branches of government—particularly the judiciary—are willing to intercede in asylum decision making. However, the Trump administration has also appointed significant numbers of judges, nearly four in ten IJs as of July 2019 (Taxin 2019), which may significantly influence individual asylum outcomes in the long term if the administration is appointing judges that may be predisposed to deny asylum. This is particularly true given that Trump has also successfully appointed a large number of federal judges (Petersen and Szafir 2019). The Trump presidency may therefore increase the importance of the asylum system relative to the refugee system in providing relief for those fleeing persecution in the short term.

Last, our results speak to the need to treat the humanitarian immigration system in the United States as two distinct systems. The asylum system can be characterized as adversarial in nature and driven by case-by-case decision making in a relatively well-insulated bureaucracy. On the other hand, the refugee system is premised on deciding based on groups of people through a process that is susceptible to executive influence. An open question is whether it is possible and desirable to design a more insulated refugee decision-making bureaucracy.

APPENDIX

Data and Descriptive Statistics

Refugee counts come from the Department of State and, before 1988, the UN High Commissioner for Refugees. Physical repression scores, both State Department and Amnesty International measures, are from the political terror scale (Gibney et al. 2016; see also http://www.politicalterrorscale.org). Data on countries to which we send military aid are collected from USAID Foreign Aid Explorer (http://explorer.usaid.gov). Data on economic sanctions comes from the TIES (Threat and Imposition of Sanctions) project (Morgan, Bapat, and Kobayashi 2014; see also http://www.unc.edu/~bapat/TIES.htm). Data on congressional immigration hearings comes from the Policy Agendas Project, specifically the congressional hearings dataset focusing on the major topic of immigration, which includes hearings on refugee and asylum issues, among others. These data were originally collected by Frank R. Baumgartner and Bryan D. Jones, with the support of National Science Foundation grant numbers SBR 9320922 and 0111611, and are distributed through the Department of Government at the University of Texas at Austin. Finally, data on the number of *New York Times* articles concerning refugees in the United States was collected by our research assistant from the *New York Times* online index (http://www.nytimes.com/info/contents/contents.html).

Additional Model

Table A2 displays the full regression results used to generate figure 3 in the text. A few things are noteworthy. First, the constituent terms and the interaction term are all statistically significant, as is an F-test of whether the interaction should be included in the model ($F_{(3, 22)} = 10.24$ (0.000)). Most of the variables that are significant in the model for refugee admissions presented in table 5 are significant in table A2, save that presidential mentions of immigration in the State of the Union are no longer significant.

Table A1. Descriptive Statistics

Variable	Mean	SD	Min.	Max.
Asylees	18,656	10,744	1,939	38,539
Refugees	71,160	23,139	22,484	114,416
Military aid (asylum)	0.54	0.32	0.03	0.92
Military aid (refugee)	0.39	0.26	0.00	0.75
Economic sanctions (asylum)	1.66	0.63	0.78	2.58
Economic sanctions (refugee)	0.94	0.43	0.31	2.17
HR repression (asylum)	3.78	0.28	3.31	4.58
HR repression (refugee)	3.52	0.45	2.67	4.48
Presidential ideology	0.18	0.54	–0.438	0.693
Congressional ideology	0.02	0.15	–0.194	0.284
State of the Union mentions	2.81	3.91	0	11
Congressional immigration hearings	14.77	7.22	0	38
New York Times asylum articles	18.75	15.14	0	59
New York Times refugee articles	69.32	52.77	0	201
UN High Commissioner of Refugees	0.65	0.48	0	1
Refugee Corps	0.25	0.44	0	1
Modern asylum system	0.76	0.43	0	1
Elapsed time	19.00	10.82	1	37

Source: Authors' calculations based on federal government data.

Table A2. President-Congress Interaction and Refugee Admissions

Political Elites	Refugees
Presidential ideology	–16,152 (5,320)**
Congressional ideology	–62,951 (29,730)**
Congressional ideology * presidential ideology	–936,256 (40,104)**
Controls	
State of the Union mentions	362 (776)
Congressional immigration hearings	1,421 (277)**
New York Times refugee articles	–84 (40)**
Refugee Corps	–29,169 (9,022)**
UN High Commissioner of Refugees	–40,467 (12,458)**
Elapsed time	1,977 (607)**
N	32
F	23.68 (0.000)
R^2	0.84
Durbin's alternative test (F)	0.02 (p<.90)

Source: Authors' calculations based on federal government data.
*p < .10; **p < .05

Asylum and Refugee Weights

Tables A3 and A4 present, by fiscal year, the top five countries contributing the U.S. asylee and refugee flows, noting their weights—the percentage of the total contributed by those countries. We include weights at four-year intervals in the tables. These weights are applied to create our dependent variables for military aid, economic sanctions, and human rights repression.

Table A3. Asylum Weights

1984		1996		2008	
Iran	0.64	Serbia	0.10	China	0.24
Nicaragua	0.13	India	0.09	Colombia	0.07
Poland	0.09	Haiti	0.07	Haiti	0.06
El Salvador	0.04	Ethiopia	0.05	Venezuela	0.05
Afghanistan	0.02	Iraq	0.04	Iraq	0.04
1988		**2000**		**2012**	
Nicaragua	0.56	China	0.18	China	0.35
Iran	0.15	Colombia	0.08	Egypt	0.10
Poland	0.09	Somalia	0.07	Ethiopia	0.04
Romania	0.07	Ethiopia	0.05	Russia	0.03
El Salvador	0.02	Armenia	0.04	Nepal	0.03
1992		**2004**		**2016**	
Ethiopia	0.06	China	0.16	China	0.22
Russia	0.04	Haiti	0.09	El Salvador	0.11
China	0.03	Venezuela	0.05	Guatemala	0.09
Nicaragua	0.03	Ethiopia	0.04	Honduras	0.07
Cuba	0.02	Albania	0.03	Mexico	0.04

Source: Authors' calculations based on federal government data.

Table A4. Refugee Weights

1984		1996		2008	
Vietnam	0.35	Russia	0.40	Burma	0.30
Cambodia	0.28	Vietnam	0.22	Iraq	0.23
Laos	0.10	Bosnia	0.16	Bhutan	0.09
Romania	0.06	Somalia	0.09	Iran	0.09
Poland	0.06	Cuba	0.05	Cuba	0.07
1988		**2000**		**2012**	
Russia	0.27	Bosnia	0.27	Bhutan	0.26
Vietnam	0.23	Ukraine	0.10	Burma	0.24
Laos	0.19	Somalia	0.08	Iraq	0.21
Iran	0.08	Iran	0.07	Somalia	0.08
Poland	0.04	Russia	0.06	Cuba	0.03
1992		**2004**		**2016**	
Russia	0.54	Liberia	0.14	DR Congo	0.19
Vietnam	0.23	Laos	0.11	Burma	0.15
Laos	0.06	Sudan	0.07	Syria	0.15
Cuba	0.03	Ukraine	0.07	Iraq	0.12
Iraq	0.03	Cuba	0.06	Somalia	0.11

Source: Authors' calculations based on federal government data.

REFERENCES

Bon Tempo, Carl J. 2008. *Americans at the Gate: The United States and Refugees during the Cold War*. Princeton, N.J.: Princeton University Press.

Cox, Adam B., and Cristina M. Rodríguez. 2009. "The President and Immigration Law." *Yale Law Journal* 119(3): 458–47.

———. 2014. "The President and Immigration Law Redux." *Yale Law Journal* 125(1): 104–225.

Daniller, Andrew. 2019. "Americans' Immigration Policy Priorities: Divisions Between—and Within—the Two Parties." *FactTank* (Pew Research Center blog), November 12. Accessed August 7, 2020. https://www.pewresearch.org/fact-tank/2019/11/12/americans-immigration-policy-priorities-divisions-between-and-within-the-two-parties/.

DeBonis, Mike. 2015. "House Passes Bill to Tighten Flow of Syrian Refugees Over Obama's Objections." *Washington Post,* November 19. Accessed May 18, 2020. https://www.washingtonpost.com/news/powerpost/wp/2015/11/19/house-moves-to-tighten-flow-of-syrian-refugees-over-obamas-objections.

Gibney, Mark. 1988. "A Well-Founded Fear of Persecution." *Human Rights Quarterly* 10(1): 109–21.

Gibney, Mark, Linda Cornett, Reed Wood, Peter Haschke, and Daniel Arnon. 2015. "The Political Terror Scale 1976–2015." Accessed May 15, 2019. http://www.politicalterrorscale.org.

Gimpel, James G. 2017. "Immigration Policy Opinion and the 2016 Presidential Vote." Washington, D.C.: Center for Immigration Studies. Accessed May 18, 2020. https://cis.org/Report/Immigration-Policy-Opinion-and-2016-Presidential-Vote.

Gray, Thomas R., and Jeffrey A. Jenkins. "Unpacking Pivotal Politics: Exploring the Differential Effects of the Filibuster and Veto Pivots." *Public Choice* 172: 359–76.

Hamlin, Rebecca. 2012. "International Law and Administrative Insulation: A Comparison of Refugee Status Determinations Regimes in the United States, Canada, and Australia." *Law and Social Inquiry* 37(4): 933–68.

Hansen, Randall, and Desmond King. 2000. "Illiberalism and the New Politics of Asylum: Liberalism's Dark Side." *Political Quarterly* 71(4): 396–403.

Katzenstein, Peter J., Robert O. Keohane, and Stephen D. Krasner. 1999. *Exploration and Contestation in the Study of World Politics*. Cambridge, Mass.: MIT Press.

Keith, Linda Camp, Banks Miller, and Jennifer S. Holmes. 2013. "Explaining Divergence in Asylum Grant Rates Among Immigration Judges: An Attitudinal and Cognitive Approach." *Law & Policy* 35(4): 261–89.

Kennedy, Edward S. 1981. "Refugee Act of 1980." *International Migration Review* 15(1–2): 141–56.

Kim, Catherine Y. 2018. "The President's Immigration Courts." *Emory Law Journal* 68(1): 1–48.

Koehn, Peter H. 1991. *Refugees from Revolution: U.S. Policy and Third-World Migration*. Boulder, Colo.: Westview Press.

Leibowitz, Arnold H. 1983. "The Refugee Act of 1980: Problems and Congressional Concerns." *Annals of the American Academy of Political & Social Sciences* 467(1): 163–71.

Loescher, Gil. 1993. *Beyond Charity: International Cooperation and the Global Refugee Crisis*. New York: Oxford University Press.

Loescher, Gil, and John A. Scanlan. 1986. *Calculated Kindness: Refugees and America's Half-Open Door, 1945—Present*. New York: Free Press.

Martin, David A. 2005. *The United States Refugee System: Reforms for a New Era of Refugee Resettlement*. Washington, D.C.: Migration Policy Institute.

Miller, Banks, Linda Camp Keith, and Jennifer S. Holmes. 2015. *Immigration Judges and U.S. Asylum Policy*. Philadelphia: University of Pennsylvania Press.

Morgan, T. Clifton, Navin Bapat, and Yoshi Kobayashi. 2014. "The Threat and Imposition of Sanctions: Updating the TIES dataset." *Conflict Management and Peace Science* 31(5): 541–58.

Mughan, Anthony, and Pamela Paxton. 2006. "Anti-Immigrant Sentiment, Policy Preferences and Populist Party Voting in Australia." *British Journal of Political Science* 36(2): 341–58.

Petersen, Cori, and C. J. Szafir. 2019. "Trump is Remaking the Federal Judiciary at a Historic Rate." *Real Clear Politics*. Accessed January 6, 2020. https://www.realclearpolitics.com/articles/2020/01/04/trump_is_remaking_the_federal_judiciary_at_a_historic_rate_142073.html.

Poole, Keith T., and Howard Rosenthal. 1985. "A Spatial Model for Legislative Roll Call Analysis." *American Journal of Political Science* 29(2): 357–84.

Rodríguez, Cristina M. 2010. "Constraint through Delegation: The Case of Executive Control over

Immigration Policy." *Duke Law Journal* 59(8): 1787–846.

Rosenblum, Marc R. 2004. *The Transnational Politics of U.S. Immigration Policy*. La Jolla: Center for Comparative Immigrations Studies, University of California San Diego.

Rottman, Andy J., Christopher J. Fariss, and Steven C. Poe. 2009. "The Path to Asylum in the US and the Determinants for Who Gets In and Why." *International Migration Review* 43(1): 3–34.

Salehyan, Idean, and Marc R. Rosenblum. 2008. "International Relations, Domestic Politics, and Asylum Admissions in the United States." *Political Research Quarterly* 61(1): 104–21.

Schrag, Phillip G. 2000. *A Well-Founded Fear: The Congressional Battle to Save Political Asylum in America*. New York: Routledge.

Taxin, Amy. 2019. "Trump Puts His Stamp on Nation's Immigration Courts." Associated Press, July 23. Accessed May 18, 2020. https://apnews.com /50e97a112fb142f2abffa061ed5737d6.

Tichenor, Daniel J. 2002. *Dividing Lines: The Politics of Immigration Control in America*. Princeton, N.J.: Princeton University Press.

U.S. Congress. 2006. U.S. Refugee Admissions and Policy: Hearing Before the Subcommittee on Immigration, Border Security, and Citizenship of the Committee on the Judiciary, United States Senate, 109th Congress, 2nd sess., September 27, 2006, Volume 4.

Wong, Tom. 2017. *The Politics of Immigration: Partisanship, Demographic Change, and American National Identity*. New York: Oxford University Press.

Zolberg, Aristide. 2006. *A Nation by Design: Immigration Policy in the Fashioning of America*. New York: Russell Sage Foundation.

Zucker, Norman L., and Naomi Flink Zucker. 1992. "From Immigration to Refugee Redefinition: A History of Refugee and Asylum Policy in the United States." *Journal of Policy History* 4(1): 54–70.

Special Immigrant Juvenile Status and the Integration of Central American Unaccompanied Minors

LUIS EDWARD TENORIO

Although research has advanced our understanding of immigrant integration, understanding how this integration occurs in concert with or in contrast to legal processing remains unexplored. Drawing on ethnographic research of the lived experiences of Central American unaccompanied minors, this analysis focuses on how special immigrant juvenile (SIJ) status affects the initial integration of unaccompanied minors into the key social institutions of the home, school, and work. I argue that the integration effects of SIJ status are two-pronged. The first involves the effects of the process and structure of legal relief, in this case, through a bifurcated system of local (family court) and federal governance (immigration court and federal agencies). The second encompasses the collateral effects on the unaccompanied minor's social networks and relationships.

Keywords: SIJ status, Central American, unaccompanied minors, integration

Despite surges in the migration of unaccompanied minors to the United States in recent years, little is known about this vulnerable population, their unique circumstances, and the challenges they may pose to our understanding of first- and 1.5-generation integration patterns.[1] Fiscal years 2014 through 2018 alone saw at least thirty thousand Central American unaccompanied minor apprehensions each year—as reported by the U.S. Department of

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1. Despite possible variation, the 1.5 generation is generally understood to be those who arrive in the United States before the age of fourteen. Those who migrate in their late teens (age fifteen and into early adulthood) have generally been considered first-generation migrants (Zhou 1997). Because the sample in this article includes those both younger and older than fourteen, I mention both the 1.5 and first generation.

Homeland Security (DHS).[2] Research on unaccompanied minors has examined their migration experiences, their motives, or decision-making models (Casillas 2006, 2009; Lorenzen 2017; Donato and Perez 2017), the asylum-seeking process (Connolly 2015; Bhabha and Schmidt 2006; Bhabha and Young 1999), dilemmas in policy and practice (Rosenblum 2015; Zatz and Rodríguez 2015), or child migration in other social and geopolitical contexts (see Wells 2015). However, we still know little about the integration experiences of this population, despite advancements in scholarship on the first and 1.5 generation and the role of legal status, for example, in the transition to adulthood (Gonzales 2011), access to higher education (Abrego 2006), opportunity structures for employment (Cho 2017; Abrego and Gonzales 2010; Gleeson 2010), and cultivation of a political or legal consciousness (Negrón-Gonzales 2013; Abrego 2011). More important, one axis of difference still underplayed is the effects of seeking legal status and related bureaucratic entanglement, given that studies of the first and 1.5 undocumented generation have generally focused on DACA (Deferred Action for Childhood Arrivals) recipients or those simply undocumented.

Drawing on ethnographic data collected between 2014 and 2018, I explore the initial integration of Central American unaccompanied minors into the institutions of the home, school, and work. Within this group, I focus on unaccompanied minors who are either seeking or have attained special immigrant juvenile (SIJ) status—a legal protection offering a pathway to citizenship for those determined to be abandoned, abused, or neglected. My motivating research question is how the process and attainment of SIJ status affects integration for Central American unaccompanied minors. The analysis across home, school, and work analyzes the relationships minors cultivate within these institutions as well as how they relate to and navigate their landscapes. I demonstrate how even the traditional advantage afforded by legal status is not a panacea for integration, in part because of the complexities of the SIJ sta-

tus process. I argue that we must pay sociological attention to the structure and process of legal relief and how their effects permeate migrant life and restrict or foster integration into key social institutions. A tracking study of a cohort of unaccompanied minors apprehended in 2014 highlights the value of this contribution as well as the nonlinearity of legal status and integration, revealing that much of the cohort continued to be in proceedings for legal relief in 2018 (OIS 2018). This situation underscores the contemporary challenge to linear expectations of immigrant and generational integration (Gans 1992; Portes and Rumbaut 2006; Portes and Zhou 1993), given that the minors no doubt saw immense uncertainty regarding their overall status, which potentially informed how they were living, studying, or working in the United States. Therefore, we must analyze how outcomes in everyday life may take form in contrast to, or in concert with, legal processing.

In this undertaking, I take calls for the study of integration across the life course and through an intergenerational approach seriously. I argue, however, this initial integration data, spanning four years, is potentially precedent setting for these minors given the formative years during which this study occurred. This article thus adds to the literature examining the everyday constructions and effects of legality (Coutin 2000; De Genova 2002; Ngai 2004; Willen 2007; Cho 2017) and responds to Alejandro Portes and Patricia Fernandez-Kelly's (2008) acknowledgment of the value in taking alternative approaches to understanding what produces different integration trajectories and outcomes.

BACKGROUND ON SIJ STATUS
The dominant family-sponsorship framework of the U.S. immigration system sets a barrier to securing legal status while communicating a preference for family unification, both of which disadvantage unaccompanied minors. In fact, U.S. immigration policy largely discusses children in relation to their parents, a trend also reflected in the literature on migration, whether

2. The exception to this being fiscal year 2015 (U.S. Border Patrol 2019, "Southwest Border Unaccompanied Alien Children Apprehensions by Country").

the act of migrating or the vulnerabilities it may bring about (Dobson 2009; Bailey and Boyle 2004; Dreby 2012). The *special immigrant* designation, however, is an exception to the family-sponsorship framework. To be eligible, an individual must meet four criteria: be under twenty-one years of age and unmarried; be a dependent on a juvenile court; have it found not in their best interest to return to their country of origin or last habitual residence; and have found reunification with one or both parents to be unviable because of abandonment, abuse, neglect, or similar basis under state law.

Given its focus on victimhood—through abandonment, abuse, and neglect—SIJ status embodies a larger theme across immigration relief involving crimes (U visas), trafficking (T visa), abuse by a U.S. citizen or permanent resident (VAWA petitions), or persecution (asylum). Studies highlight how navigating perceptions of victimhood is integral to applications for relief (Coutin 2000; Bhuyan 2008; Berger 2009; Villalón 2010). Others underscore backdrop perceptions of threat that are simultaneously present (Doná and Veale 2011; Hancock 2003; Chavez 2017). The tension between these two can be seen in the inability to extend the protections of SIJ status to family members or caretakers. However, how victimhood intersects with other variables that contribute to an individual's decision or compulsion to migrate remains unrecognized. This leaves applicants vulnerable to scrutiny over whether protection from abandonment, abuse, or neglect is the true motive underlying the minor's case. Scholars have reported concerns of fraud throughout SIJ status's history (Pulitzer 2014)—which this fieldwork contemporarily confirms.

Much like other forms of relief, such as the U visa, SIJ status is also a delegated process. It operates as a bifurcated system, between local and federal governance, each with different fo-

cuses (juvenile courts on the best interests of the child and federal agencies on state immigration interests, respectively). The inclusion of juvenile courts is meant to compensate for immigration law's lack of legal standards for a child's best interests. This bifurcation has led to a power struggle among stakeholders in the decision-making process—and ultimately to an increased concentration of power in federal decision making and to bureaucratic involvement as part of a larger move to consolidate federal immigration authority (Hirota 2017; Motomura 2014; Zolberg 2006). Examples include previously requiring the attorney general's consent to process applications, authority being given to the Department of Health and Human Services to investigate the child's dependency determination through the 2008 Trafficking Victims Protection Act, and federal agencies questioning the application of local family court statutes in the cases of unaccompanied minors. Given a growing roster of stakeholders—juvenile courts, DHS, the Department of Justice, and HHS—the ability of minors to fall through the cracks has also increased. In 2018, federal agencies involved in processing unaccompanied minors acknowledged this vulnerability, admitting to a lack of tracking post-apprehension (Dickerson 2018).

Since the creation of SIJ status, the difference in the scope of need for relief and increased awareness of its existence has also challenged what characterized its early years: a designation with comparatively few applicants and recipients.[3] The large numbers of unaccompanied minors arriving at the United States southern border between 2010 and 2019, increased awareness of its existence, and reforms that increased accessibility have caused it to face the challenge of bureaucratic backlog at both the juvenile court and federal agency levels.[4]

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3. Only 660 children received SIJ status in 2005, for instance, despite the thousands in DHS custody in that year (OIS 2005).

4. The 2008 reform of the TVPA saw removal of a filing fee—a significant financial barrier; removed eligibility for long-term foster care as a criterion; emphasized reunification with one or both of the child's parents not being viable because of abandonment, abuse, or neglect; and required the secretary of DHS to process all SIJ applications within 180 days of filing. In 2015, a policy memo issued by the U.S. Citizenship and Immigration Service noted that applications could not be denied based on one of the following three criteria: one, the ap-

INTEGRATION FOR UNDOCUMENTED YOUTH

The reexamination, reform, and evolution of assimilation theory have led to the development of a number of terms to describe the experience—among them integration, incorporation, and acculturation (Waters and Gerstein Pineau 2015). Although the meaning of each varies depending on context, integration best captures and embraces the diversity of sociocultural differences (Favell 2001; FitzGerald and Cook-Martín 2014). This is in contrast to sacrificing cultural norms in the pursuit of social mobility, as traditionally informed assimilation theories argue (Alba and Nee 1997, 2003; Glazer 1993; Kazal 1995; Rumbaut 1999). Integration also allows for a wider discussion informed by support for migrants (García 2019), which is a useful lens in assessing protections such as SIJ status. Taken in conjunction with the importance of social cohesion and human capital for integration outcomes (Portes and Rumbaut 2001, 2006; Portes and Zhou 1993; Zhou 1997), fundamental social institutions such as home, school, and work are prime grounds for understanding key mechanisms of migrant integration.

In recent years, research has further complicated axes of difference in integration by interjecting the significance of legal status in studies of the undocumented (Menjívar and Abrego 2012; Menjívar and Lakhani 2016) or those under tenuous legal status (Menjívar 2006; Mountz et al. 2002), especially youth (Gonzales 2011; Abrego 2006). Studies analyze how being undocumented plays a formative role in employment (Cho 2017; Abrego and Gonzales 2010; Gleeson 2010), education (Abrego 2006), political engagement (Andrews 2018), and identity (Negrón-Gonzales 2013). Although being undocumented is a constant circumstance, studies highlight salient moments during which it brings about "newly stigmatized identities" and causes migrants to "navigate new restrictions" and "reshape their aspirations" (Gonza-

les 2011, 608). Yet unaccompanied minors—Central American or otherwise—remain distinctly understudied in this regard. This lack of attention is also seen in studies unpacking the web of tenuous legal statuses for Central American migrants (Coutin 2000; Menjívar 2006; Menjívar and Abrego 2012; Menjívar and Lakhani 2016). Lauren Heidbrink calls for more scholarly consideration on the matter, noting the potency of the law, its processes, and discourses in shaping "where they circulate, how they engage with or evade the state, how and where they access resources and opportunities, with whom they construct social networks, and how they envision their futures" (2014, 85). Setting the landscape for legal status and integration broadly, context of reception—such as state policies and racial stratification—is also salient in determining migrant integration (Menjívar 2000; Reitz 1998; Bhabha and Young 1999; Zolberg 2006; Kastroom 2010; Dreby 2007), even more so for those undocumented (Rumbaut 1995, 1997; Chavez 1998). With exclusionary policies and the denial of legal relief come critical restrictions to the migrant's network, economic opportunities, and overall precarity (Chavez 1998; Coutin 2000). This is important for Central American migrants given their history of being denied protections in the United States (López, Popkin, and Telles 1996; Hamilton and Chinchilla 2001), as well as the general disproportionate effect of immigration policies and militarization felt by Latin American migrants (De Genova 2004).

In regard to unaccompanied minors, it is important to consider how factors before arrival in the United States may also inform integration patterns. Studies have shown concerns for children who have had to cross several dangerous international borders (Casillas 2006, 2009), given the potential social and psychological consequences (Ashworth 1975; Aronowitz 1984; Williams and Berry 1991; Portes and Rumbaut 2006). In addition are the physical, social, and psychological impacts of having been de-

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plicant turned twenty-one after filing the SIJ petition but before adjudication; two, the applicant's juvenile court order, which was valid and in effect at the time of filing the SIJ petition, was terminated based on age after filing the SIJ petition but before adjudication; or, three, the applicant did not receive a grant of HHS specific consent before going before the juvenile court and the court order did not alter the applicant's HHS custody status or placement.

tained. Children have been shown to exhibit apathy, a sense of worthlessness, and even critical psychological disorders (Piwowarczyk 2006; Bhabha and Schmidt 2006). Although not dismissive of these concerns, some research suggests that incremental improvement in later stages of integration is possible. For instance, Portes and Rubén Rumbaut (2001) note the increase in measures of self-esteem over time in immigrant youth, echoing that though precedent setting, this study does not attempt to overwrite the evolving dynamics of integration across the life course that scholars have unpacked.

DATA AND METHODOLOGY

This analysis draws on participant observation data collected between 2014 and 2018 at a legal and social services organization in New York, Relief for Migrant Children (RMC), where I served as a volunteer in providing legal services to Central American unaccompanied minors. These services included but were not limited to conducting screenings for immigration relief, interpreting, translating affidavits and other court documents between English and Spanish, conducting home and school visits, attending court appearances, interviewing others living in the home, reviewing school and other personal records, and tending to other needs that arose on a case-by-case basis. I worked directly on forty-eight cases, thirty of which involved SIJ status. This points to the inherent limitation of my data: each unaccompanied minor observed had legal representation.

The restriction of the sample to those with legal representation was methodologically intentional. As a form of civil court, individuals appearing before immigration court—even children—do not have the right to legal representation. Should they wish to be represented, they are obliged to seek and pay for such services themselves. Data on the representation of children in immigration court suggest that the majority go unrepresented, despite findings

that those represented fare significantly better.[5] In regard to SIJ status, family court may appoint an attorney for the child but the representation does not extend beyond family court. To my knowledge, no data on children represented in family court for SIJ status are available, though my ethnography suggests that representation itself is a barrier to pursuing SIJ status to begin with. Including unaccompanied minors with an attorney provided additional supervision to my data collection, minimizing any potential risk to an inherently vulnerable population. Moreover, focusing on unaccompanied minors with strong traditional advantages (legal representation and a case for immigration relief) enables me to highlight the way in which outcomes are influenced by the process and structure of relief.

My sample was further restricted to minors age seven and older—a decision made in consultation with the institutional review board at the University of California, Berkeley. In table 1, the age range of six to eight includes those who were six or younger when their case was launched with RMC but seven or older when this study began. Not including cases of minors under seven years of age assuaged concerns that respondents may not be positioned to provide assent. Further, I had no control over case selection because I did not select RMC's clients, nor did my relationship with RMC afford the opportunity for case selection or input.

Because it is based on available data, my sample lacks representativeness and proportionality to the general trends of Central American unaccompanied minors arriving in the United States. The Office of Refugee Resettlement has reported Guatemala as the most represented country of origin for unaccompanied minors among Northern Triangle countries, El Salvador and Honduras alternating for the second and third most represented (for more, see ORR 2020). My sample, as shown in table 1, is thus not representative of nor proportional to the general trend of unaccompanied minors

5. TRAC data, current through June 2014, notes that "children were not represented about half of the time (48%) they appeared in Immigration Court, although there is wide variation by state and hearing location. Less than a third (31%) have thus far been able to secure an attorney in currently pending cases" (TRAC Immigration, "New Data on Unaccompanied Children in Immigration Court," July 2014, https://trac.syr.edu/immigration/reports /359, accessed May 20, 2020).

Table 1. Unaccompanied Minors Observed (N = 48)

	El Salvador		Guatemala		Honduras		Total	
	n	Percent	n	Percent	n	Percent	N	Percent
Age group								
6–8	2	09	2	12	0	0	4	08
9–11	8	36	7	41	4	44	19	40
12–14	10	45	5	29	3	33	18	38
15–17	2	09	3	18	2	22	7	15
Immigration relief								
SIJ status	15	68	9	53	6	67	30	62.5
Asylum	7	32	8	47	3	33	18	37.5
Case outcomes								
Granted (SIJ)	10	45	7	41	4	44	21	44
Pending (SIJ)	5	23	2	12	2	22	9	19
Granted (asylum)	6	27	5	29	3	33	14	29
Pending (asylum)	1	5	3	18	0	0	4	8
Caretaker-guardian								
Biological parent	6	27	2	12	3	33	11	23
Family member (I)	4	18	0	0	1	11	5	10
Family member (E)	10	45	12	71	5	56	27	56
Other	2	9	3	18	0	0	5	10
Gender								
Male	17	81	10	59	7	70	34	71
Female	4	19	7	41	3	30	14	29

Source: Author's calculations.

apprehended at the U.S. southern border based on country of origin. This same lack of representativeness and proportionality extends to the age and gender make-up across the sample—however, the sample's significantly higher representation of male versus female unaccompanied minors reflects the general trend data suggest.[6]

Gaps in available data also limit the extent to which proportionality and representativeness in the sample can be assessed. For instance, to my knowledge no public data are available on who the caretakers, guardians, or custodians are for unaccompanied minors seeking any forms of relief. The majority of those in my sample have been united with some type of family member, whether immediate (noted as Family Member (I) in table 1), extended (noted as Family Member (E) in table 1), or a biological parent.

FINDINGS: HOW THE PROCESS AND STRUCTURE OF RELIEF MATTERS

This research suggests the integration of unaccompanied minors into the institutions of the home, school, and work are significantly affected by their experience seeking SIJ status. The process of seeking legal relief forced minors to confront their illegality—despite studies suggesting undocumented youth are more protected from critically doing so until transitioning into adulthood (Gonzales 2011). For the minors in this study, their illegality transformed into a liminal state they then had to process, in addition to navigating the collateral damage to their social networks related to

6. FY 2018 reported 71 percent males to 29 percent females (ORR 2020).

pursuing SIJ status. Thus, this effect is two-pronged: embedded in the relief seeking process (such as court appearances) and felt in social relationships that then inform how they navigate key institutions.

Managing removal proceedings in immigration court while managing family court proceedings on the grounds for SIJ status, appointing guardianship-custody, and determining best interest kept the stakes at hand ever-present for the minor. One of the most significant was the threat of deportation. As Javier explained, "Any time I go to court, I am afraid they will take me; that the judge will say I need to go back [to Honduras] right away or that I cannot go to school anymore or that I don't belong [in the United States]." This blurred distinction between immigration and family court (the former of which has the authority to order the minor removed), and its connection to the fear of deportability, was common across unaccompanied minors regardless of their age or the favorability of the judge. Javier went on to elaborate that it was not only going to court which caused these fears, but also that they were a looming presence in his mind: "I think about what can happen while I'm at school," he told me, "or when [my family and I] are driving somewhere, or when I'm at home alone." This confirms Joanna Dreby's (2013) argument about the wide circle of harm caused by deportation. Although the presence of these fears alone is important, minors also relayed the social effects they produced. Ixchel noted that when these fears arose she felt "numb": "I can't speak. No matter where I am, I want to isolate myself. I just want to be alone and I don't like to talk about it." This reaction, not unique to Ixchel, potentially may be a result of abuse, abandonment, or neglect—research having shown reduced ability to effectively process emotions when undergoing such experiences (Young and Widom 2014). Yet in this case it is important to underscore how the process of seeking legal relief proved a catalyst for these emotions and impacts as is clear in Ixchel's comment, "maybe I should give up [on my case], so I can stop feeling this way."

Apart from a fear of deportation, seeking relief also brought a fear of being a burden. As noted, SIJ status requires dependence on a juvenile court. Throughout my field observa-tions, this was established by having a family court issue an order of guardianship or cus-tody—even if the proposed guardian or custo-dian was their biological parent. Therefore, should the proposed guardian or custodian withdraw from the case, the process would be stymied. Even though in most cases caretakers and minors saw their not court-sanctioned arrangement as guardianship, the formality of the process added pressure and anxiety. One caretaker noted, "What if the judge doesn't think I would be a good guardian? Will [the minor] be sent to foster care? Can they take my children away too?" That many of the unaccompanied minors observed had limited histories with their proposed guardian or custodian only complicated feelings of being a burden. It was not uncommon for an unaccompanied minor to have never met the family member they were united with when turned over by DHS, or to have not even seen the family member for the majority of their life. Felipe, who had been united with his aunt, remarked, "I had no memory of meeting her before. We talked on the phone a few times when she would call my mom in El Salvador, but that's it. I knew her basically from her voice and through pictures." Likewise, it was also common for these same family members to be undocumented—true for more than half of my sample. None of this is to suggest the guardians and custodians were not interested in supporting the unaccompanied minor throughout the process, only that their investment existed within a larger landscape of concerns, especially, as alluded to earlier, when they had children of their own. As Felipe's aunt explained during a home visit, "I want to do everything I can to help Felipe, but I don't have papers. There is only so much I can do. I'm scared. I have my own children who also don't have papers. I'm worried. I can't afford to let something happen to them." Acknowledging this type of concern, as well as feeling like a burden, Ian remarked, "I'm embarrassed to ask my uncle for things, like things for school or to take me somewhere if I want to go out. He already has to do a lot, so I try to stay quiet and not bother him or my cousins and stay in my room. He doesn't like going to court, but he has to because of me, and I feel bad, because it is my fault. . . . Would he get in trouble if I lose

my case? Would they send him and my cousins back to El Salvador also?"

Here we see Ian tying a sense of burden to his acts of self-isolation and withdrawal; we also see the threat of deportation as being not only something the minor must consider for themselves, but also something that weighs heavily for them as a potential risk for their proposed guardian or custodian and others tied to them. These feelings and concerns were heightened when cases were prolonged.

Among the cases observed, a common reason for prolongment was tensions in the bifurcated system of SIJ status. In family court, judges would try to assess the immigration merits of the case, something reserved for federal agencies or immigration court, as well as the best interests of the child. They would thus ask the minor to testify repeatedly or focus significant court time on the migration journey itself rather than the criteria for SIJ status eligibility. Attorneys would challenge that the focus of the local court should be eligibility for SIJ status—not strengths of the case for application approval, or the migration motives of the minor. This argument, however, did little to stop judges from moving court appearances in that direction. At times, judges' questioning became an interrogation that entailed significant stress for the minor. Take the following isolated questions asked of Magda, age nine and from Honduras:

Did you come to the United States alone?

Who was with you as you traveled to the United States?

Were your parents with you?

Where were your parents?

No one else came with you?

Did you come with an adult?

Who told you how to get here?

You did it all by yourself?

Did anyone tell you to come to the United States?

Did you know how dangerous it is to come to the United States?

No one tried to stop you?

Why do you want to live in the United States?

Why did you leave Honduras?

Did you see others you knew leaving Honduras?

Did you like living in Honduras?

Did you like living in Honduras more than you like living in the United States?

What would happen if you went back to Honduras?

Who would you return to in Honduras?

Have you spoken to them recently?

How often do you speak to them?

Do they miss you?

Do your parents miss you?

Did you told them you left?

What did they say?

Relatedly, the way in which the judge prefaced their interrogation of Magda also induced stress: "I am going to ask you a few questions. I want to remind you, you are in court and under oath. Do you know what that means? It means that you are required to tell the truth. Not what your attorney told you to say, not what your family told you to say—the truth. This is a big deal."

The hearing left Magda distressed. After she had been interrogated for a while, Magda's responses were reduced to "I don't know" as she visibly held back tears. When asked how she felt about the experience, she said that she had felt "scared" and was under the impression the judge "wanted [her] to mess up" and "wanted [her] to feel guilty," to which she confessed, "I'm sorry, I feel bad to have wasted everyone's time." Overall, case prolongments such as these were a resource and psychological drain on caretakers and minors, who would have to arrange their schedules, miss work or school, and commute to and from court for both family court and immigration court appearances. Another factor is the meetings that are necessary to prepare for these appearances. The frequency of appearances and the required time investment kept precarity front and center in the minor's mind. It also disrupted their ability

to build relationships or be integrated into the institutions of interest for this article.

Tension was also spurred by federal agencies pushing for faster removal proceedings and against the interpretation of local family court statues—challenging the jurisdiction family court had over aspects of these cases. In December 2017, the Department of Justice advised immigration judges against considering "the best interest of the child" in determining removability, eligibility for relief, or protection from removal and to remain alert to potential fraud (Keller 2017). This discouraged the discretion of judges to let the SIJ status process play out before deciding on removal and conveyed assumption of or concern about abuse of immigration relief. This in turn translated to more frequent immigration court appearances. It also meant that immigration court appearances were more dynamic and tense and that judges challenged the progress made in family court. Responding to these delays and pressures, Leo said, "I hate that [the process] is taking so long. I can see [my attorney] and [my family] are stressed. I've been putting them through this for over a year now; I don't want this to be a problem for everyone anymore." As delays continued, collateral damage was evident in Leo's school performance, as he explained: "I can't focus on school with all these problems [with my case]; I get anxious and distracted. My grades are bad. I've failed three exams already." For those who were working, a collateral impact could also be seen in their work relationships, as Javier noted: "My boss hates [that] I have to miss work because of my case. They've started reducing my hours. . . . [My coworkers] can tell I'm distracted at work and they don't talk to me as much, probably because they can tell I'm in a bad mood. They don't ask me to go out with them anymore like they used to." The frustrations of delays were experienced across age groups, but the older the unaccompanied minor, the more likely they were to have these expressed stresses boil into considering withdrawing from the SIJ status process.

Case prolongment could also occur after the SIJ status petition was approved. However, in this case, the reason was the adjustment of legal status. Adjustment of status is what grants the individual legal permanent residency (a green card). The number of green cards available for all special immigrant categories has an annual cap, however. When the number of applications exceeds the number available, a retrogression period begins whereby priority dates are issued to applicants to then be acted on in future allotments outside the current annual cap. In other words, for SIJ status, an applicant may be designated with SIJ status in 2015, but because the cap has been reached for adjustment of status from certain countries of origin, the applicant is issued a priority date and must wait for the visa bulletin to post their priority date at a later time. That same applicant may be able to adjust their status in a year, two years, or even later depending on how deep the retrogression is. This allows for SIJ status to serve as another form of what Cecilia Menjívar (2006) terms liminal legality, when migrants are between documented and undocumented. Despite having an approved SIJ status petition, not having a green card plants seeds of doubt and uncertainty as the minor embarks on a waiting game to reach their priority date. As they await status adjustment, however, they are issued work authorization, should they be old enough. This further entrenches them in liminal legality, which began as hope but evolves into uncertainty. I discuss later how receiving this work authorization is also encouragement to shift aspirational trajectories away from education and toward the workplace.

Integration into the Home

Whether in the home, in school, or at work, unaccompanied minors found themselves in contact with others who were also undocumented. The primary difference, however, was that most lacked legal representation and the promise of legalization. At times, this engendered tension in social relationships among unaccompanied minors, manifesting itself through boundary work (Lamont and Molnár 2002)—where a good-bad dichotomy would be drawn, meant to underscore the perceived shortcomings of the unaccompanied minor and elevate the behavior of the other—resulting in feelings or behavior of social exclusion. Even for younger youth, the inclusionary protections generally afforded through institutions such as

schools (Bean, Telles, and Lowell 1987; Chavez 1991, 1998), did not assuage the social effects on relationships with peers or those in the home.

In the home, this boundary work came in the form of allegations around the minor's approach to their case. Xochitl, age twelve from Guatemala, explained: "My cousin will scold me, telling me I am not taking my case seriously enough, because I do not ask enough questions [to the attorney] or am too quiet [in court]. She says I should be more 'grateful' of the 'privilege' that I have to be [in the United States] and getting legal help." In such cases, the elevated behavior was often of relatives who were also undocumented and had no legal resources. Xochitl went on to say, "She is frustrated that my cousins [her children] are undocumented. When she scolds me, she'll tell me how much effort my cousins put into finding resources at school and stuff, how it shows how grateful they are . . . but [my cousins] grew up here though; we're different. Still, it makes me feel bad. It is like she is saying they are the ones who deserve an attorney, not me." For some, this boundary work also involved physical distancing. Felipe, a ten-year-old Honduran, elaborated: "since my cousins saw [my attorney] come to [talk about my case], they have been trying to avoid me around the house. I remember hearing them ask my aunt why me and not them." Aside from enhancing a feeling of burden, these forms of boundary work deteriorated unaccompanied minors' feelings of belonging in the home and more broadly in the United States—the latter through comparisons of deservingness in relation to other undocumented counterparts. Cases like this—when although the entire household might be undocumented, not all had the same access to or potential for legal status—raise the importance of studying mixed-potential-status families, complementing existing research on mixed-status families, where typically the child has legal status but at least one of the parents does not (Abrego 2019).

Another tension in the home was around the unaccompanied minor adapting to a new level of independence. This was particularly true for male minors who were in or entering their teenage years. Cesar, a sixteen-year-old from Guatemala, explained:

In Guatemala, I was already working; I didn't have to tell someone where I was going or when I would be back. I brought money into the household. I felt that was part of my role, to provide. But it is really different here. I cannot provide in that same way and [my uncle's] rules are different. It can be frustrating. Sometimes we argue because I feel he treats me like a little kid. I know he needs to become my guardian [to seek SIJ status], but he can still treat me more like an adult.

Female minors, in contrast, more frequently noted growing up with limited independence and therefore found less of a need to adjust to a new degree of independence and more of one to adjust to a new authority figure. Case prolongments fueled these tensions and adjustments because they reminded the minor of their dependence on their caretaker, which, for the caretaker, provided them grounds to have more oversight of the minor and rein in the minor's independence. Cesar's caretaker explained it this way: "I'm going to be his guardian now, that's why we are going to family court. That means, it is also my responsibility to make sure that he behaves, and he has to stick to the rules—my rules. He is not in Guatemala anymore where he could do whatever he wants. Here [in the United States] there are rules." Here we also see a distinction being made between what childhood or adolescence means across national borders—yet a third form of boundary making. Although in Cesar's case tensions with his uncle never escalated, in other cases unaccompanied minors would become what their guardian would call a delinquent. As a result, minors experiencing these dynamics were reported to spend less and less time in the home of their guardian, yet another ground for isolation from the home and perceived deviance.

Cases also existed of strong relationships between caretakers and unaccompanied minors. Marcella, age eight from El Salvador, called her cousin and eventual guardian "both the mother and sister I never had." The difference in circumstances here was that Marcella's cousin had legal status and had no children of her own, allowing her to dedicate substantial time

and attention to Marcella even as she moved forward supporting the SIJ status process without personal fear or risk. In addition, absent other immediate children or undocumented youth as a basis for boundary making, this situation was rare. These factors were common in other cases of strong relationships between caretakers and unaccompanied minors. Another, though uncommon, factor in strong caretaker-minor relationships was when the minor had had a substantive, lived history with the caretaker before migration.

Cases in which the unaccompanied minor had been reunited with a biological parent also generally showed strong social cohesion. One minor noted being reunited with a parent made them feel a little more "normal" and "happier than [they] could have been without them." A parent remarked, "even though I would not have liked my child to have migrated the way they did, I can't help but be happy to be able to hold them again and see them." In these cases, points of tension arose around questions of why the parent had left the home country without the child or why the child had decided to migrate to the United States without the parent's permission. In contrast to some of the mixed-potential-status cases, parents reported no tensions around not being able to secure status, "at the end of the day, I want what is best for my child; that's the purpose of my life now that I am a mother. . . . Is it going to be rough to stay undocumented? Sure, but I have done it and I will continue to do it. I just pray my child gets status, because I want them to be able to do more and be more than me."

The absence of a strong relationship or social cohesion does not suggest a negative assessment of either actor. However, across strong and weaker relationships between guardians and parents was an uncertainty about how to address that apathy, withdrawal, depression, or other indicator of concerning social behavior—let alone equipped to reconcile past trauma with the cultural and social adjustments that were being demanded as the minor begin integrating into U.S. society. The degree to which any parent or caretaker is equipped to handle these circumstances and situations, however, is debatable.

School Integration

In school, as other studies posit, relationships had the potential to serve as an integral resource of support and identity formation (Portes and Fernandez-Kelly 2008). School provided unaccompanied minors the opportunity to date, develop friendships (outside the focus of their legal status or migration experience), and consider different career trajectories. The driving variables of what made integration into the school successful for those I observed varied based on the age of the minor, as well as the make-up of the school itself.

For minors between twelve and sixteen, a positive transition into the education system depended largely on their ability to establish community or a peer group early on. Several of the minors observed in this study attended schools with a sizable number of other Latino undocumented youth. For some, this situation provided the opportunity to develop relationships with others who could empathize with their circumstances and thus serve as a social foundation through which to ease their transition. On building community with other Latina peers, Maribel, age fifteen from Guatemala, commented,

It has been really helpful to make friends that are also Latinas. I felt comfortable with them from the beginning. I can speak Spanish with them, and they don't make fun of my English when I try to speak it even though I'm still learning and it's not that great. Some of them understand what it was like in Guatemala and we can talk about how different it is to the United States or I can talk to them about having to go to court and stuff. . . . We hang out outside of class during the breaks or form study groups to work together.

Having established this social group early on, Maribel and others similar to her in this respect engaged in school social activities, expanded their group of friends, progressed steadily in their academic performance, and consistently advanced their English-speaking abilities. Even when their cases were delayed or complicated, their academic performance suffered less than that of their peers. After having

secured SIJ status, those able to establish a school-based community or social group early on also found themselves more engaged in conversations with their peers about future educational or career plans. Although bureaucratic delays in processing their adjustment of status still loomed over them, the comfort of SIJ status allowed for a small sense of stability.

In contrast, Alejandro recounted the following story from his middle school: "The Mexican kids have their own group. There are two other boys from El Salvador at my school, though I don't really talk to them; they call us 'the refugees' and they pick on us. . . . It pisses me off, because I know they are also illegal. Why do they see me as any different?" This shows not only the hostile relationships that can arise, but also that part of forming a sense of self and integrating is understanding where they fit in the larger fabric of U.S. immigration distinctions and categories, what that means, and perhaps even an understanding of how they see themselves within the larger Latino community in the United States. Alejandro's school, as in other similar cases, had a small Latino population. In cases like Alejandro's, characterized by more of an absence of community or a foundational social group early on, minors noted less enthusiasm for school, a more difficult time learning English, a smaller circle of friends, and a greater desire to leave school and enter the workforce. They also noted not sharing much of the experiences related to their case with others, and also saw delays and challenges in their case affect their academic performance considerably. Even once this group secured SIJ status, many of these characteristics remained.

For minors eleven years old and younger, transitioning into the education system was relatively seamless overall—especially if their school had the infrastructure and support for those who did not speak English as a first language. This held true even if they were not able to develop a foundational social group; in fact, many did not have a small group but instead a wide range of acquaintances and relationships across their class. Their academic performance in school may have suffered initially as they transitioned, but over the course of a few months notable improvement was observed.

This positive transition allowed them to develop and establish long-term goals. "I really like school. My friends and I really like science; one of them told me she wants to be a doctor. I think I want to be a doctor one day also," Magda said. For those who secured SIJ status, no longer needing to appear in court or be constantly reminded of their legal precarity allowed this to fade into the background, even if their status was not yet formally adjusted. Those who were granted legal permanent residency were able to adjust to their peers all the more seamlessly.

Although peer groups played a role in encouraging minors toward a particular educational trajectory, the SIJ status process continued to exert its influence as well. Family court judges often steered those twelve years old and older toward technical careers or GED programs during the SIJ status process. Throughout my observations, female unaccompanied minors were never encouraged to take up a technical career, only to pursue GED programs. Their male counterparts were generally offered both, greater emphasis being on a technical career. This may reflect a gendered understanding of who belongs in technical careers or even male-female trends in college attendance and graduation rates in the United States. Nevertheless, for the minors, it reflected how they saw their ability to achieve upward mobility. Female unaccompanied minors such as Maribel spoke this way: "Me making the best for myself and my future is in getting an education. I want to work. I want to make money, but I don't want to lose focus on school because it will work out in the long run." Male unaccompanied minors such as Cesar explained a different perspective: "It is important for me to work. The faster I can get a job, the faster I can start working on moving up in that job and making money and providing for myself. I think the judge telling me about a technical career makes sense."

In contrast, minors older than sixteen (both male and female) expressed interest in school, but also an understanding (more common among males) that the need to work was more immediate. The first response for many was to start work on a GED program—though when tensions with their guardian or custodian were

a factor, they prioritized financial independence and the ability to support their family in their country of origin—reiterating a system and cycle of remittances that many generations of Central American migrants, as well as migrants generally, have come to participate in.

Workplace Integration

Those who reported to be working were generally older than sixteen. Further, those granted SIJ status were able to secure employment authorization—even before formal status adjustment to legal permanent residency. Having this authorization in hand compelled those wanting to prioritize their sense of urgency to work to do so. Like many migrant workers throughout the country, these minors entered low-skill labor sectors—construction, retail, fast food, landscaping, and agriculture. Most who chose to prioritize work were male unaccompanied minors, continually expressing a need to continue to fulfill the role of a financial contributor to their families—in the United States and abroad. Selvin, age seventeen from El Salvador, explained it this way:

Now that I'm working, and I can bring back some money to my aunt and save some money to send back to El Salvador, I feel a lot better. I feel more comfortable at home, knowing that I am not just taking from my aunt and her family. It's like I'm earning my spot to be with them. That makes me feel much better. . . . I don't make that much, but it's something. I've thought about looking for another job, but it isn't easy. . . . I have great coworkers though. They're all much older than me, but many also came from El Salvador. They tell me I remind them of when they first came, so they've been really nice and help me learn things quick. We go out after work and sometimes when I'm with them it feels like El Salvador is a little closer.

Like Selvin, minors mainly expressed dissatisfaction in feeling constrained in their earning or job-seeking potential. Working in sectors with a higher concentration of immigrants, minors often found community among Spanish speakers, others who would sympathize and understand the experience of migrating, as well

as those that had strong ties with their countries of origin. As a result, the workplace offered strong avenues for integration as well as potential mentors. Further, this significantly positive integration, coupled with the fact that the minor was able to earn money, provided them a different outlook into how they navigated institutions like the home. Selvin's comments about "earning [his] spot" are not uncommon for those in situations like his.

Although not as common, some expressed seeing their adult counterparts as a manifestation of their fears. Cuthberto, age sixteen from Honduras, noted,

I see the people I work with and something inside me feels shaken. All they do is work. They have multiple jobs, they live in apartments with a lot of roommates, sometimes paying to sleep in the living room—all so they can live here, send some money back home. . . . I don't want to live that way and at the same time I'm scared that's the only option I have. I don't know when my case will be closed. If I lose my case, how will I keep studying? I feel since coming here, I've had to give up my dreams just to keep living. Even if I win my case, will I be able to turn it around? What if it is too late? What if this is the only choice I have?

Here we see difficulty in accepting the need to adjust future aspirations and a sense of hopelessness in successfully avoiding doing so. For this group, even SIJ status did not assuage these feelings or concerns. Instead, what weighed most heavily was the adjustment of legal status and how waiting for it to happen would only require more adjustments.

DISCUSSION AND CONCLUSION

It is clear both the process of SIJ status and the integration it facilitates are increasingly complex and far from perfect. The bifurcated structure of SIJ status in local governance, through family courts, and federal governance, through a number of federal agencies and immigration court, have yielded a tension that not only plays out among stakeholders (evident in its history), but also can be felt by those it processes. In reporting observations around bureaucratic de-

lays or conflicts between purpose and practice in family court, for instance, I highlight the potential volatility in avenues for legal relief. How this volatility is exacerbated by changes in federal administration and overall immigration management, though not explored in this article, remains a critical gap in the literature—especially regarding unaccompanied minors (for more, see Wadhia 2019). These vulnerabilities may not be unique to SIJ status, but instead similar to a number of other protective statuses and visas. Studies dissecting the process of seeking various forms of relief are therefore needed to complement studies of the undocumented experience. Moreover, although recent scholarship has underscored the way in which immigration has made its way into the criminal court system, this study shows that immigration proceedings have also permeated other aspects of the system, such as family court (for effects on foster care, see Wessler 2011).

In studying initial integration into home, school, and work, I outline how each operates as a potential site of inclusion and exclusion. A common salient factor is legal status—whether through boundary work, strains in relationships due to dependency, or the social foundation for mentorship. The workplace tended to show greater rates of inclusion for older minors, highlighting the social cohesion possible among undocumented communities, although schools showed more mixed results in this social cohesion. What remains to be explored is whether this contrast is the result of limited general social services or of experiences not uncovered in this study. The concern with the findings of the workplace is that although unaccompanied minors may experience greater social cohesion in this institution, such trends (if generalizable) would suggest that this population is positioned to operate as a new cohort of labor vulnerable to greater precarity and exploitation and, given its limited social mobility, as a more permanent underclass. Such positioning would also make the findings on the educational trajectories of male versus female unaccompanied minors important to consider.

In addition, the focus on this understudied population—unaccompanied minors—provides a platform for future scholars to contex-

tualize studies of how such a uniquely positioned population navigates long-term integration into U.S. society and the possible impact across generations. For example, sociological work such as that of Margaret Frye (2012) understands imagined futures or aspirations as an assertion of one's identity. Thus future research may more closely study the evolving aspirations of unaccompanied minors or minors who withdraw from seeking relief or are denied relief altogether and their potential cultivation of new imagined futures and aspirations outside a secure legal status. Additionally, given events such as recent surges in migration, this case opens the door for conversations on the evolving migrant demographics in the United States and discourses of the Latino or migrant threat more broadly. The importance of these discussions, particularly those on evolving demographics, is in how different migrant groups and cohorts interact with one another, and in how they understand or create boundaries based on the legal categories of status and the like.

What has not been as well articulated here is the relief and pathway to citizenship that SIJ status has provided for a number of migrant children. However, the need for stronger support systems and wraparound services is evident. Although not specific to SIJ status, two important developments worth investing in to aid this population are efforts to advocate for the guaranteed representation of unaccompanied children and to create a standard for consideration of the best interests of the child in immigration law. Such a standard is important, despite the expertise held by juvenile courts, because not all cases of minors—unaccompanied or otherwise—reach juvenile courts. The scope of impact in creating such a standard is therefore much broader. Its creation could also inform greater synergy and coordination between the processing elements at the federal and local levels.

REFERENCES

Abrego, Leisy Janet. 2006. "'I Can't Go to College Because I Don't Have Papers': Incorporation Patterns of Latino Undocumented Youth." *Latino Studies* 4(3): 212–31.

———. 2011. "Legal Consciousness of Undocumented

Latinos: Fear and Stigma Barriers to Claims-Making for First and 1.5 Generation Immigrants." *Law & Society Review* 45(2): 337–70.

———. 2019. "Relational Legal Consciousness of U.S. Citizenship: Privilege, Responsibility, Guilt, and Love in Latino Mixed-Status Families." *Law & Society Review* 53(3): 641–70.

Abrego, Leisy Janet, and Roberto G. Gonzales. 2010. "Blocked Paths, Uncertain Futures: The Postsecondary Education and Labor Market Prospects of Undocumented Latino Youth." *Journal of Education for Students Placed at Risk* 15(1-2): 144–57.

Alba, Richard, and Victor Nee. 1997. "Rethinking Assimilation Theory for a New Era of Immigration." *International Migration Review* 31(4): 826–74.

———. 2003. *Remaking the American Mainstream: Assimilation and Contemporary Immigration.* Cambridge, Mass.: Harvard University Press.

Andrews, Abigail Leslie. 2018. *Undocumented Politics: Place, Gender, and the Pathways of Mexican Migrants.* Oakland: University of California Press.

Aronowitz, Michael. 1984. "The Social and Emotional Adjustment of Immigrant Children: A Review of the Literature." *International Migration Review* 18(2): 237–57.

Ashworth, Mary. 1975. *Immigrant Children and Canadian Schools.* Toronto: McClelland and Stewart.

Bailey, Adrian, and Paul Boyle. 2004. "Untying and Retying Family Migration in the New Europe." *Journal of Ethnic and Migration Studies* 30(2): 229–41.

Bean, Frank, Edward Telles, and Lindsey Lowell. 1987. "Undocumented Migration to the United States: Perceptions and Evidence." *Population and Development Review* 13(4): 671–90.

Berger, Susan. 2009. "(Un)Worthy: Latina Battered Immigrants Under VAWA and the Construction of Neoliberal Subjects." *Citizenship Studies* 13(3): 201–17.

Bhabha, Jacqueline, and Susan Schmidt. 2008. "Seeking Asylum Alone: Unaccompanied and Separated Children and Refugee Protection in the U.S." *Journal of the History of Childhood and Youth* 1(1): 126–38.

Bhabha, Jacqueline, and Wendy Young. 1999. "Not Adults in Miniature: Unaccompanied Child Asylum Seekers and the New U.S. Guidelines." *International Journal of Refugee Law* 11(1): 84–125.

Bhuyan, Rupaleem. 2008. "The Production of the 'Battered Immigrant' in Public Policy and Domestic Violence Advocacy." *Journal of Interpersonal Violence* 23(2): 153–70.

Casillas, Rodolfo R. 2006. "La Trata de Mujeres, Adolescentes, Niñas y Niños en México: Un Estudio Exploratorio en Tapachula, Chiapas." México, D.F.: Comisión Interamericana de Mujeres / Organización de Estados Americanos / Organización International para las Migraciones / Instituto Nacional de las Mujeres/Instituto Nacional de Migración.

———. 2009. "Presencia Toleradas: Niñas y Niños en la Frontera Sur de México." In *Niñez Migrante, Trata y Explotación Infantil en México. Temas Emergentes en la Agenda Nacional.* México, D.F.: Comisión Nacional de los Derechos Humanos / UNICEF.

Chavez, Leo. 1991. "Outside the imagined Community: Undocumented Settlers and Experiences of Incorporation." *American Ethnologist* 18(2): 257–78.

———. 1998. *Shadowed Lives: Undocumented Immigrants in American Society.* Fort Worth, Tex.: Harcourt Brace.

———. 2017. *Anchor Babies and the Challenge of Birthright Citizenship.* Stanford, Calif.: Stanford University Press.

Cho, Esther Yoona. 2017. "Revisiting Ethnic Niches: A Comparative Analysis of the Labor Market Experiences of Asian and Latino Undocumented Young Adults." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 3(4): 97–115. DOI: 10.7758/RSF.2017.3.4.06.

Connolly, Helen. 2015. "Seeing the Relationship Between the UNCRC and the Asylum System through the Eyes of Unaccompanied Asylum-Seeking Children and Young People." *International Journal of Children's Rights* 23(1): 52–77.

Coutin, Susan. 2000. *Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency.* Ann Arbor: University of Michigan Press.

De Genova, Nicholas. 2002. "Migrant 'Illegality' and Deportability in Everyday Life." *Annual Review of Anthropology* 31(1): 419–47.

———. 2004. "The Legal Production of Mexican/Migrant "Illegality." *Latino Studies* 2(2): 160–85.

Dickerson, Caitlin. 2018. "Who Tracks Migrant Children Who Enter the U.S. Alone? Don't Ask Us, 4 Agencies Say." *New York Times*, August 16. Accessed May 20, 2020. https://www.nytimes.com/2018/08/16/us/trump-immigration-unaccompanied-minors.html.

Dobson, Madeleine E. 2009. "Unpacking Children in Migration Research." *Children's Geographies* 7(3): 355–60.

Doná, Giorgia, and Angela Veale. 2011. "Divergent Discourses, Children, and Forced Migration." *Journal of Ethnic and Migration Studies* 37(8): 1273–89.

Donato, Katharine M., and Samantha Perez. 2017. "Crossing the Mexico-U.S. Border: Illegality and Children's Migration to the United States." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 3(4): 116–35. DOI: 10.7758/RSF.2017.3 .4.07.

Dreby, Joanna. 2007. "Children and Power in Mexican Transnational Families." *Journal of Marriage and Family* 69(4): 1050–64.

———. 2012. "The Burden of Deportation on Children in Mexican Immigrant Families." *Journal of Marriage and Family* 74(4): 829–45.

Favell, Adrian. 2001. "Integration Policy and Integration Research in Europe: A Review and Critique." In *Citizenship Today: Global Perspectives and Practices*, edited by T. Alexander Aleinikoff and Douglas B. Klusmeyer. Washington, D.C.: Carnegie Endowment for International Peace.

FitzGerald, David, and David Cook-Martín. 2014. *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*. Cambridge, Mass.: Harvard University Press.

Frye, Margaret. 2012. "Bright Futures in Malawi's New Dawn: Educational Aspirations as Assertions of Identity." *American Journal of Sociology* 117(6): 1565–24.

Gans, Herbert J. 1992. "Second Generation Decline: Scenarios for the Economic and Ethnic Futures of the Post-1965 American Immigrants." *Ethnic and Racial Studies* 15(2): 173–92.

García, Angela S. 2019. *Legal Passing: Navigating Undocumented Life and Local Immigration Law*. Oakland: University of California Press.

Glazer, Nathan. 1993. "Is Assimilation Dead?" *Annals of the American Academy of Political and Social Science* 530(1): 122–36.

Gleeson, Shannon. 2010. "Labor Rights for All? The Role of Undocumented Immigrant Status for Worker Claims Making." *Law & Social Inquiry* 35(3): 561–602.

Gonzales, Roberto G. 2011. "Learning to Be Illegal: Undocumented Youth and Shifting Legal Contexts in the Transition to Adulthood." *American Sociological Review* 76(4): 602–19.

Hamilton, Nora, and Norma Stoltz Chinchilla. 2001. *Seeking Community in a Global City: Guatemalans and Salvadorans in Los Angeles.* Philadelphia, Pa.: Temple University Press.

Hancock, Ange-Marie. 2003. "Contemporary Welfare Reform and the Public Identity of the 'Welfare Queen.'" *Race, Gender & Class* 10(1): 31–59.

Heidbrink, Lauren. 2014. *Migrant Youth, Transnational Families, and the State: Care and Contested Interests*. Philadelphia: University of Pennsylvania Press.

Hirota, Hidetaka. 2017. *Expelling the Poor: Atlantic Seaboard States and the Nineteenth Century Origins of American Immigration Policy*. New York: Oxford University Press.

Kastroom, Daniel. 2010. *Deportation Nation: Outsiders in American History*. Cambridge, Mass.: Harvard University Press.

Kazal, Richard. 1995. "Revisiting Assimilation: The Rise, Fall, and Reappraisal of a Concept in American Ethnic History." *American Historical Review* 100(2): 437–71.

Keller, MaryBeth. 2017. "Operating Policies and Procedures Memorandum 17-03: Guidelines for Immigration Court Cases Involving Juveniles, Including Unaccompanied Alien Children." Memorandum, December 20. Falls Church, Va.: Office of the Chief Immigration Judge, U.S. Department of Justice. Accessed May 20, 2020. https://www.justice.gov/eoir/file/oppm17-03/ download.

Lamont, Michèle, and Virág Molnár. 2002. "The Study of Boundaries in the Social Sciences." *Annual Review of Sociology* 28(1): 167–95.

López, David, Eric Popkin, and Edward Telles. 1996. "Central Americans: At the Bottom, Struggling to Get Ahead." In *Ethnic Los Angeles*, edited by Roger Waldinger and Mehdi Bozorgmehr. New York: Russell Sage Foundation.

Lorenzen, Matthew. 2017. "The Mixed Motives of Unaccompanied Child Migrants from Central America's Northern Triangle." *Journal on Migration and Human Security* 5(4): 744–67.

Menjívar, Cecilia. 2000. *Fragmented Ties: Salvadoran Immigrant Networks in America.* Oakland: University of California Press.

———. 2006. "Liminal Legality: Salvadoran and Guatemalan Immigrants' Lives in the United States." *American Journal of Sociology* 111(4): 999–1037.

Menjívar, Cecilia, and Leisy Janet Abrego. 2012. "Legal Violence: Immigration Law and the Lives of

Central American Immigrants." *American Journal of Sociology* 117(5): 1380–421.

Menjívar, Cecilia, and Sarah M. Lakhani. 2016. "Transformative Effects of Immigration Law: Immigrants' Personal and Social Metamorphoses through Regularization." *American Journal of Sociology* 121(6): 1818–55.

Motomura, Hiroshi. 2014. *Immigration Outside the Law.* Oxford: Oxford University Press.

Mountz, Alison, Richard Wright, Ines Miyares, and Adrian J. Bailey. 2002. "Lives in Limbo: Temporary Protected Status and Immigrant Identities." *Global Networks* 2(4): 335–56.

Negrón-Gonzales, Genevieve. 2013. "Navigating 'Illegality': Undocumented Youth & Oppositional Consciousness." *Children and Youth Services Review* 35(8): 1284–90.

Ngai, Mae. 2004. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton, N.J.: Princeton University Press.

Office of Immigration Statistics (OIS). 2005. *Yearbook of Immigration Statistics*. Washington: U.S. Department of Homeland Security. Accessed May 20, 2020. https://www.dhs.gov/sites/default/files/publications/Yearbook_Immigration_Statistics_2005.pdf.

———. 2018. "2014 Southwest Border Encounters: Three-Year Cohort Outcomes Analysis." Washington: U.S. Department of Homeland Security. Accessed May 20, 2020. https://www.dhs.gov/sites/default/files/publications/18_0918_DHS_Cohort_Outcomes_Report.pdf.

Office of Refugee Resettlement (ORR). 2020. "Facts and Data." Washington: U.S. Department of Health & Human Services. Accessed May 20, 2020. https://www.acf.hhs.gov/orr/about/ucs/facts-and-data.

Piwowarczyk, Linda. 2006. "Our Responsibility to Unaccompanied and Separated Children in the United States: A Helping Hand." *Boston University Public Interest Law Journal* 15: 263–96.

Portes, Alejandro, and Patricia Fernandez-Kelly. 2008. "No Margin for Error: Educational and Occupations Achievement Among Disadvantaged Children of Immigrants." *Annals of the American Academy of Political and Social Science* 620(1): 12–36.

Portes, Alejandro, and Rubén G. Rumbaut. 2001. *Legacies: The Story of the Immigrant Second Generation*. Berkeley: University of California Press.

———. 2006. *Immigrant America: A Portrait*. Berkeley: University of California Press.

Portes, Alejandro, and Min Zhou. 1993. "The New Second Generation: Segmented Assimilation and Its Variants." *Annals of the American Academy of Political and Social Science* 530(1): 74–96.

Pulitzer, Jessica. 2014. "Fear and Failing in Family Court: Special Immigrant Juvenile Status and the State Court Problem." *Cardozo Journal of Law & Gender* 21: 201–28.

Reitz, Jeffrey G. 1998. *Warmth of the Welcome: The Social Causes of Economic Success for Immigrants in Different Nations and Cities*. Boulder, Colo.: Westview Press.

Rosenblum, Marc. 2015. "Unaccompanied Child Migration to the United States: The Tension Between Protection and Prevention." Washington, D.C.: Migration Policy Institute.

Rumbaut, Rubén G. 1995. "The New Californians: Comparative Research Findings on the Educational Progress of Immigrant Children." In *California's Immigrant Children: Theory, Research, and Implications for Educational Policy*, edited by Rubén G. Rumbaut and Wayne A. Cornelius. La Jolla: Center for U.S.-Mexican Studies, University of California, San Diego.

———. 1997. "Ties That Bind: Immigration and Immigrant Families in the United States." In *Immigration and the Family: Research and Policy on U.S. Immigrants*, edited by Alan Booth, Ann C. Crouter, and Nancy Landale. Mahwah, N.J.: Lawrence Erlbaum Associates.

———. 1999. "Assimilation and Its Discontents: Ironies and Paradoxes." In *The Handbook of International Migration: The American Experience*, edited by Charles Hirschman, Philip Kasinitz, and Josh DeWind. New York: Russell Sage Foundation.

U.S. Border Patrol. 2019. "U.S. Border Patrol Southwest Border Apprehensions by Sector Fiscal Year 2019." Washington: U.S. Department of Homeland Security. Accessed June 18, 2020. https://www.cbp.gov/newsroom/stats/sw-border-migration/usbp-sw-border-apprehensions-fy2019.

Villalón, Roberta. 2010. *Violence Against Latina Immigrants: Citizenship, Inequality, and Community*. New York: NYU Press.

Wadhia, Shoba Sivaprasad. 2019. *Banned: Immigration Enforcement in the Time of Trump*. New York: NYU Press.

Waters, Mary, and Marisa Gerstein Pineau. 2015. *The Integration of Immigrants into American Society*. Washington, D.C.: National Academies of Sciences, Engineering, and Medicine.

Wells, Karen. 2015. *Childhood in a Global Perspective*. Cambridge: Polity Press.

Wessler, Seth Freed. 2011. "Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System." Oakland, Calif.: Applied Research Center. Accessed May 20, 2020. https://www.raceforward.org/research/reports/shattered-families?arc=1.

Willen, Sarah S. 2007. "Towards a Critical Phenomenology of 'Illegality': State Power, Criminalization, and Abjectivity Among Undocumented Migrant Workers in Tel Aviv, Israel." *International Migration* 45(3): 7–38.

Williams, Carolyn L., and John W. Berry. 1991. "Primary Prevention of Acculturative Stress Among Refugees: Application of Psychological Theory and Practice." *American Psychologist* 46(6): 632–41.

Young, Joanna Cahall, and Cathy Spatz Widom. 2014. "Long-Term Effects of Child Abuse and Neglect on Emotion Processing in Adulthood." *Child Abuse & Neglect* 38(8): 1369–81.

Zatz, Marjorie, and Nancy Rodriguez. 2015. *Dreams and Nightmares: Immigration Policy, Youth, and Families*. Oakland: University of California Press.

Zhou, Min. 1997. "Segmented Assimilation: Issues, Controversies, and Recent Research on the New Second Generation." *International Migration Review* 31(4): 975–1008.

Zolberg, Aristide R. 2006. *A Nation by Design: Immigration Policy in the Fashioning of America*. Cambridge, Mass.: Harvard University Press.