Immigrants' Pathways to Legal Permanent Residence:
Now and Under the Proposed Points System

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The defeat of the comprehensive federal immigration reform bill this spring provides an opportunity to gather information about how immigration law currently functions and thereby provide a baseline for informing subsequent debate on the issue, which is certain to resurface. Two key elements of the reform debate – changing the priorities we use to admit legal permanent residents and offering an opportunity for the undocumented to enter into some form of legal status – may greatly affect the composition of our nation's immigrant population. This paper aims to clarify, for policy makers and the public, the current process of becoming a legal permanent resident (LPR), especially for the great many immigrants who were undocumented at some point prior. To do so, we will use the New Immigrant Survey (NIS) to examine the cohort of immigrants admitted to LPR status in 2003.

We will explore the ways in which these immigrants gained admission to legal permanent residence, with special attention to their migration histories in the United States (both legal and illegal) prior to becoming a LPR. We will also evaluate the ways in which the failed federal proposal would be likely to affect their chances of being admitted, should key components of it ever become law.

For this paper, we will first examine the demographics and experiences of immigrants who become legal permanent residents of the United States. This

research will use the first full cohort of the New Immigrant Survey (NIS-2003)

and will update Massey and Malone (2002)[1], in which the authors use the NIS

Pilot Study (1996). We will reexamine some of their findings using the updated

and expanded study sampled from May to November of 2003 (8,573 adults

nationally, 2,223 in California). As did Massey and Malone, we plan to use a

taxonomy of immigrants' various routes (called "pathways") to establishing LPR

status, and cross-tabulate these pathways with class of admission, nationality,

prior migration histories, social background, and economic status. We will

identify the most common processes used by undocumented immigrants to

attain LPR status and the incidence of undocumented status among immigrants

who eventually receive green cards. Preliminary findings suggest that a very

large percentage of 2003 LPRs had at least some prior undocumented experience

(upwards of 35 percent nationally and nearly 50 percent in California).

Distribution of Pathways to LPR in the United States and California

Pathway	U.S.	California
New Arrival	43%	34%
Illegal Border Crosser	16%	32%
Visa Abuser	19%	18%
Student/Exchange	6%	3%
Refugee/Asylee	2%	2%
Non-resident Visitor	4%	3%
Non-resident Worker	10%	7%
Total	**100%**	**100%**

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[1] Massey, D., Malone, N. "Pathways to Legal Immigration" *Population Research and Policy Review,* Vol. 21, No. 6, December 2002.

The second part of the paper will examine the proposed Senate bill's points system, which weights educational attainment and occupation much more heavily than does the current federal immigration system. The current system emphasizes family reunification (as well as employment preferences). We will examine how the cohort of legal permanent residents admitted in 2003 under our current system of family and employment preferences would fare under the proposed points system.

Proposed Points System from S. 1348

Occupation	**47**
Specialty (defined by DOL)	20
High Demand (BLS largest 10 year job growth, top 30)	16
Employer-endorsed	6
Years worked US firm (2pts/yr)	10
Age of worker 25 – 39	3
Education (terminal degree)	**28**
M.D., MBA, Graduate degree	20
Bachelor's degree	16
AA degree	10
GED / HS Diploma	6
Certified Perkins Voc Ed program	5
Completed DOL Registered Apprenticeship	8
STEM associate	8
English/Civics	**15**
Native speaker	15
TOEFEL score 75 or higher	10
TOEFEL score 60 – 74	6
Pass Citizenship test in English and Civics	
Extended Family	**10**
Adult child is US citizen	8
Adult child is LPR	6
Sibling citizen or LPR	4
Applied after May 1, 2005	2

Using what we know from the 2003 NIS data about educational attainment, employment history and occupation, English language ability, and family connections in the United States, we can approximate the numbers and characteristics of the 2003 LPR cohort who would achieve the minimum 55 points required by the Senate bill's proposal for admission to LPR.

We expect that those who were sponsored under the family preference system subject to annual limitations will not do well under the proposed point system. Immigrant advocates were very concerned that families already here will no longer be able to reunify. This simulation will help examine the extent to which that concern is valid.

This exceptionally rich dataset will allow us to make a timely contribution to informing a contentious public debate. Its detailed migration histories will enable us to characterize immigrants' complicated trajectories toward achieving LPR, providing an opportunity to move beyond the simple "legal or illegal" categorization. The demographic and economic data will facilitate a simulation of the point system's operation with a real-life cohort of LPRs. Combining these analyses, we will provide a clearer picture of who will likely be affected by the outcome of future immigration reform efforts.