



*Institute for the Study of International Migration, Georgetown University*

## **Family Migration: Challenges, Past and Present**

### **ANNOTATED BIBLIOGRAPHY**

#### **FAMILY ADMISSION SYSTEM:**

**American Enterprise Institute for Public Policy. (2010). “Immigration Reform that Takes a Bottom-Line (Not First-In-Line) Approach: A Thorough and Unbiased Look at Today’s Immigration Policies by Economists Pia M. Orrenius and Madeline Zavodny.”**

**<http://www.aei.org/wp-content/uploads/2011/10/Orrenius-Zavodny-Beside-Golden-Door-Press-Release.pdf>**

In their thorough, detailed discussion of U.S. immigration policy options, Orrenius and Zavodny explain why recent immigration reforms have resulted in an inefficient, patchwork system that short changes high-skilled immigrants and poorly serves the American public. They propose a radical overhaul of current immigration policy to strengthen economic competitiveness and long-run growth.

**Ángel, Miguel, and Godínez, Jiménez. (2013). “Legal Migration and Free Trade in the NAFTA Era: Beyond Migration Retic.” *Wilson Center and Comexi.***

**[http://www.wilsoncenter.org/sites/default/files/Legal\\_Migration\\_Miguel\\_Angel\\_Jimenez1.pdf](http://www.wilsoncenter.org/sites/default/files/Legal_Migration_Miguel_Angel_Jimenez1.pdf)**

This study analyzes the variation of legal migration flows between Mexico and the United States (U.S.) from the entry into force of the North American Free Trade Agreement (NAFTA). As a product of the asymmetry in the size of the U.S., Canadian and Mexican economies, migration flows, both from Canada and Mexico, have the U.S. as their primary destination. This essay focuses primarily on legal economic migration linked to highly skilled jobs, particularly on migrant workers with L-type visas, for intercompany transfers, and TN-type visas, for professionals. Both of them created since NAFTA. The research hypothesis of this study is that, since the entry into force of NAFTA, legal migration flows have increased as a result of the intensification of the economic relationship between the two countries, particularly as a result of the intensification of free trade.

**Center for Human Rights and Constitutional Law. (2014). “Letter to President Barack Obama, Secretary Jeh Johnson, Attorney General Eric H. Holder.” April 14, 2014.**

The Center for Human Rights and Constitutional Law has represented several million immigrants in nationwide and statewide class action cases – more than any other law group in the country – and has previously helped draft bi-partisan legislation (including the 1986 IRCA and the 2000 LIFE Act). Below we make a series of straightforward, rational, and cost-effective administrative proposals that would better protect U.S. workers, better protect the fundamental human rights of immigrants, and set the stage for eventual Congressional action to improve the current dysfunctional immigration laws.

**Greenstone, Michael, Looney, Adam, and Marks, Harrison. (2012). “The U.S. Immigration System: Potential Benefits of Reform.” *The Hamilton Project, Brookings Institution. Framing Memo, Washington, DC.***

[http://www.brookings.edu/~media/research/files/papers/2012/5/15%20immigration%20greenstone%20looney/05\\_immigration\\_greenstone\\_looney.pdf](http://www.brookings.edu/~media/research/files/papers/2012/5/15%20immigration%20greenstone%20looney/05_immigration_greenstone_looney.pdf)

Even as immigration to the United States continues to rise after a midcentury dip (see Figure 1), most agree that America’s immigration policy has failed to keep up with changing circumstances. The current system does not meet U.S. economic needs, no longer reflects the historic humanitarian goal of reuniting families set out in the landmark 1965 Immigration and Nationality Act, undermines the confidence of Americans in the rule of law, and has produced divisive and fragmented policy responses at the state level. The Hamilton Project believes that an improved immigration system could raise the well-being of all U.S. citizens. This framing memo provides background information on the state of the current immigration system and the potential benefits of reform in order to inform the policy discussion.

**Immigration Policy Center (2013). “A Guide to H.R. 15: The Border Security, Economic Opportunity, and Immigration Modernization Act.” Washington, DC.**

[http://www.immigrationpolicy.org/sites/default/files/docs/a\\_guide\\_to\\_h.r.15\\_-\\_final\\_12-2-13.pdf](http://www.immigrationpolicy.org/sites/default/files/docs/a_guide_to_h.r.15_-_final_12-2-13.pdf).

This is a summary outline to the House of Representatives’ H.R. 15 Border Security, Economic Opportunity and Immigration Modernization Act. The bill is largely based on the Senates bipartisan bill, S.744, passed by a 68-32 vote. H.R. 15 removes the Corker-Hoeven border security amendment. Instead, the House includes their own border security bill, H.R. 1417, which was passed unanimously by the Homeland Security Committee in May 2013. The border security bill requires extensive reporting and metrics to measure progress and accountability of border enforcement methods. These new measures would include regular reports from the Department of Homeland Security to be assessed by the Government Accountability Office, a five-year period to build a strategy to gain situational awareness and control over the southwest border, and an implementation plan for biometric entry system.

**Legomsky, Stephen H. (2011). “Rationing Family Values in Europe and America: An Immigration Tug of War between States and their Supra-National Associations.”** *Georgetown Immigration Law Review, Washington University in St. Louis Legal Studies Research Paper Number 11-10-06.*

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1945851](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1945851)

Family reunification – for decades, the centerpiece of immigration policy practically everywhere – is under siege today in both Europe and the United States. Two trends, however, seem to have escaped notice. First, the most popular restriction strategies have been quantitative controls that “ration” family reunification by reducing or delaying admissions - as distinguished from qualitative immigrant “selection” policies that aim only to screen out individuals with undesirable personal attributes. Second, and perhaps counter-intuitively, the supra-national associations of which these very States are members have been pushing in precisely the opposite direction, constraining the powers of their constituent States to restrict family reunification. The result has been a tug of war, in which States adopt continually tighter restrictions, the supra-national associations respond by limiting States’ powers to restrict, and the States continue to test those limitations. This article documents and describes the increasing barriers to family immigration in the United States and the individual Member States of the European Union, highlights the more specific trend in favor of the rationing strategies, and contrasts the restrictive impulses of the EU Member States and the United States with the resistance from their own supra-national associations. It then hypothesizes several theories for that dissonance.

**North, David. (2011). “Two Types of Admission Decisions: The Sensible Way and the American Way.”** *Center for Immigration Studies, Washington, DC.*

<http://cis.org/north/two-types-of-admission-decisions>

When there are more people wanting to migrate to your country than slots for them, there are two ways of resolving that matter. There is the sensible way, adopted by most of the rest of the world, and then there is the American way. In the sensible way you may or may not have fixed ceilings, and sometimes the flow of migrants rises and sometimes it drops. But what is important is that when there are too many applicants for comfort, the admitting nation then tells some of them yes, and the rest of them no. There are no blanket rulings that assure everyone who is "qualified" can come. Admissions criteria change from time to time to regulate the flows. The American way is different; when there are too many applicants for various ceilings and quotas, everyone who is regarded as qualified is given permission to enter, but the entry date may be delayed for years, or for decades, in certain cases.

**Young, Aaron. (2014). “All in the Constitutional Family: Revisiting the Immigration and Nationality Act’s Definition of Family and Relationships.” *Family Law Quarterly* Vol. 48, No. 3.**

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2563127](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2563127)

This Article argues that the Immigration and Nationality Act’s definitional provisions unconstitutionally burden choices in family composition and structure. Absent congressional or executive action, courts following the recent same-sex marriage case, *United States v. Windsor*, should apply heightened scrutiny to remaining federal definitions of family relationships, or at least take a hard look at those policies under rational basis scrutiny, especially when a federal definition excludes an authentic relationship recognized by a state. The federalism, substantive due process, and equal protection principles raised in *Windsor* are applicable beyond the same-sex context from that case.

#### **FAMILY ADMISSION & INTEGRATION:**

**Abrams, Kerry. (2013). “What Makes the Family Special?” *The University of Chicago Law Review* Vol. 80, No. 1: 7-28.**

[http://www.jstor.org/stable/41825867?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org/stable/41825867?seq=1#page_scan_tab_contents)

This Article engages in a thought experiment. It asks: For what reasons might a nation like the United States decide to give an overwhelming number of its admission slots to family members of citizens and permanent residents? In considering this question, it not only looks to the (rather slim) evidence of what Congress actually *did* consider when enacting these provisions but also speculates more broadly about what the advantages of family-based immigration might be. The Article develops a taxonomy of reasons a nation might choose to privilege family-based immigration over other types.

**Ackerman, Edwin (2014) “‘What part of illegal don’t you understand?’: Bureaucracy and civil society in the shaping of illegality.” *Ethnic and Racial Studies* Vol. 37, No. 2: 181-203.**

While unauthorized immigration has existed in the USA since the inception of immigration laws in the early twentieth century, ‘illegality’ did not become a central concern in mainstream debate until the late 1970s. Existing scholarship has developed two lines of argument to explain the salience of illegality: a state-centred approach that sees bureaucrats pushing forth the category, and a ‘bottom-up’ approach that emphasizes the grass-roots activism of restrictionist organizations effectively disguising their nativism by appealing to law and order. The data collected here builds on but complicates the state-centred explanation, and points away from the ‘bottom-up’ approach. I locate a critical juncture in the immigration debate during the early 1970s and argue that the shift towards the focus on illegality as a point of concern was due to an

alignment of interests that brought an array of civil society organizations commonly understood as progressive to coincide with sectors of the bureaucracy.

**Carr, Stacie, and Tienda, Marta. (2013). “Family Sponsorship and Late-Age Immigration in Aging America: Revised and Expanded Estimates of Chained Migration.” *Population Research and Policy Review* Vol. 32, No. 6: 825-840.**

[http://www.ingentaconnect.com/content/klu/popu/2013/00000032/00000006/00009300?utm\\_source=E-mail+Updates&utm\\_campaign=b6a24b3e24-CIS Immigration Reading 1 2 141 2 2014&utm\\_medium=email&utm\\_term=0\\_7dc4c5d977-b6a24b3e24-45095725](http://www.ingentaconnect.com/content/klu/popu/2013/00000032/00000006/00009300?utm_source=E-mail+Updates&utm_campaign=b6a24b3e24-CIS+Immigration+Reading+1+2+141+2+2014&utm_medium=email&utm_term=0_7dc4c5d977-b6a24b3e24-45095725)

We use the Immigrants Admitted to the United States (microdata) supplemented with special tabulations from the Department of Homeland Security to examine how family reunification impacts the age composition of new immigrant cohorts since 1980. We develop a family migration multiplier measure for the period 1981–2009 that improves on prior studies by including immigrants granted legal status under the 1986 Immigration Reform and Control Act and relaxing unrealistic assumptions required by synthetic cohort measures. Results show that every 100 initiating immigrants admitted between 1981 and 1985 sponsored an average of 260 family members; the comparable figure for initiating immigrants for the 1996–2000 cohort is 345 family members. Furthermore, the number of family migrants ages 50 and over rose from 44 to 74 per 100 initiating migrants. The discussion considers the health and welfare implications of late-age immigration in a climate of growing fiscal restraint and an aging native population.

**Costa, Daniel. (2012). “STEM Labor Shortages? Microsoft report distorts reality about computing occupations.” *Economic Policy Institute*, Washington, DC.**

<http://www.epi.org/publication/pm195-stem-labor-shortages-microsoft-report-distorts/>

Microsoft Corporation recently published a report warning that there will not be enough American college graduates in computer science to fill all of the available job openings in computer-related occupations between now and 2020 (Microsoft 2012). However, contrary to its report and public statements, Microsoft (and other employers in STEM fields) already have plenty of avenues to hire and retain new foreign graduates to work in STEM occupations. Recent research suggesting that the most highly educated graduates in STEM fields are in fact remaining in the United States for the long term supports this conclusion. Keeping the best and brightest foreign STEM workers in the United States to fill labor shortages in STEM occupations should be a national priority, but recent data show that no significant labor shortages exist, and suggest that an adequate number of foreign graduates in STEM fields are already remaining in the United States to fill the limited job openings available in the stagnating U.S. labor market.

**Enchautegui, María, and Cecilia Menjívar. (2015). “Paradoxes of Family Immigration Policy: Separation, Reorganization, and Reunification of Families Under Current Immigration Laws.” *Law & Policy*.**

<http://onlinelibrary.wiley.com/doi/10.1111/lapo.12030/abstract;jsessionid=4B584002B74D8B273E6276F472536E66.f01t02?deniedAccessCustomisedMessage=&userIsAuthenticated=false>

It is increasingly recognized that immigration laws affect immigrants' integration. Most recently there has been growing attention to how immigration enforcement affects families through forced separations caused by deportations and long-term family separations across national borders stemming from unauthorized entry to the United States. However, beyond enforcement, there has been little systematic account of how other provisions of immigration law contribute to family separations. In this article we examine how four key provisions in immigration law, far from creating conditions for immigrant families to reunite, contribute to keeping families apart. As such, these provisions shape, in fundamental ways, the structure and composition of immigrant families. Relying on data from the American Community Survey and ethnographic interviews in Phoenix, Arizona, we find evidence consistent with the premise that immigration laws affect the formation, composition, and structure of immigrant families with potential long-term consequences.

**Enchautegui, Maria E. (2013). “A Comparison of Family and Employment Immigrants and Possible Implications of a Shift toward Skilled Immigration.” *Urban Institute*, Washington, DC.**

<http://www.urban.org/publications/412785.html>

If the United States were to move toward a more employment-intensive immigration system, the representation of women in the immigration flow will likely decline, immigrants will be older, there will be less country diversity, and more immigrant families will come already formed, instead of forming them in the United States. These implications should be considered when discussing the merits of skilled immigration.

**Enchautegui, Maria E. (2013). “Broken Immigration Policy: Broken Families.” *Urban Institute* Washington, DC.**

<http://www.urban.org/publications/412806.html>

This brief discusses how immigration policy keeps families apart and presents national data attesting to these family separations. Immigrants are more likely than natives to be married with spouse absent, their households are more likely to be headed by men with no wife present, and foreign-born children are more likely to be in nonchild relationships to the householder than

natives. In a subset of foreign-born children with at least one parent in the United States, 21 percent were separated from their mothers and 34 percent from their fathers for 1 year or more.

**Koslowski, Rey. (2015). "Why New York Still Welcomes Immigrants." *The Wall Street Journal* February 24, 2015.**

<http://www.wsj.com/articles/SB10000872396390443477104577551214017664808>

Many states across the U.S. have passed restrictive immigration measures in recent years. But New York under Gov. Andrew Cuomo is bucking the trend. "We are a state of immigrants," he declared in his 2012 State of the State address. "While other states build walls to keep people out, we open our arms and we invite people in." The Empire State is in this regard a lot like Australia, which is notable among developed nations for actively recruiting immigrants.

**Strach, Patricia. (2010). "Family Capacity as State Capacity." *Conference Paper – American Political Science Association*, 1-21.**

Since 2000 when I started my dissertation on the role of family in public policy, I have been haunted by a dogged conceptual misunderstanding: family is not political. I heard this comment at the same time Republicans were aggressively asserting that they were the party of "family values;" during the heated debates over same-sex marriage (from the 1996 Defense of Marriage Act to the landmark 2013 ruling in *US v. Windsor*); throughout immigration and tax reforms where family status had huge consequences for policy outcomes; and all the while scholars were producing rich theoretical and empirical work on the place of family in American politics. In this paper, I summarize what I have learned from this body of scholarship as it applies to the concept of state capacity. I show in what ways family promotes state capacity and the limitations of relying on this seemingly private institution for public ends.

**Suárez-Orozco, Carola, Bang, Hee Jin, and Kim, Ha Yeon. (2011). "I felt Like My Heart Was Staying Behind: Psychological Implications of Family Separations & Reunifications for Immigrant Youth." Vol. 26, No. 2: 222-257.**

<http://jar.sagepub.com/content/26/2/222.abstract>

Though many transnational families undergo profound transformations that are often complicated by extended periods of separation between loved ones, it is challenging to establish a sense of prevalence of family separations as well as their effects on youth. Utilizing the Longitudinal Immigrant Student Adaptation data with 282 newcomer adolescents from China, Central America, the Dominican Republic, Haiti, and Mexico, the authors report that nearly three quarters of the participants had been separated from one or both parents for extended periods. Results of general linear model (GLM) analyses indicate that children who were separated from their parents were more likely to report symptoms of anxiety and depression in the initial years

after migrating than children who had not been separated; follow-up analyses 5 years later show that symptoms had abated. Qualitative data from youth and parents shed light on the experience of separations and reunifications.

### **FURTHER RESOURCES:**

**“Adapting to changes in Family migration: The experience of OECD countries.” (2013)). Conference jointly organised by the Department of Homeland Security of the United States and the OECD. Washington DC.**

**<http://www.oecd.org/els/mig/family-migration-conference.htm>**

Family migration is also a term which covers many different categories of entry: family formation, that is citizens and resident foreigners marrying foreigners resident abroad; accompanying family of newly arriving workers or other immigrants; reunification of family members – spouses, children, and sometimes other relatives – following immigration by one member of the family; or international adoption. What are the main characteristics of migrants entering through these different categories? What are the dynamics of the different components of family migration and how do they relate to other categories of flows? What new emerging trends can be identified and what are possible policy implications?

**Duleep, Harriet, and Regets, Mark. (2014). “U.S. Immigration Policy at a Crossroads: Should the U.S. Continue Its Family-Friendly Policy?” *International Migration Review* Vol. 48, Issue 3: 823-945.**

**<http://onlinelibrary.wiley.com/doi/10.1111/imre.12122/full>**

An ongoing debate is whether the U.S. should continue its family-based admission system, which favors visas for family members of U.S. citizens and residents, or adopt a more skills-based system, replacing family visas with employment-based visas. In many ways, this is a false dichotomy: family-friendly policies attract highly-skilled immigrants regardless of their own visa path, and there are not strong reasons why a loosening of restrictions on employment migrants need be accompanied by new restrictions on family-based immigration. Moreover, it is misleading to think that only employment-based immigrants contribute to the U.S. economy. Recent immigrants, who have mostly entered via kinship ties, are economically productive, a fact hidden by a flawed methodology that underlies most economic analyses of immigrant economic assimilation.

**Immigration Policy Center. (2010). “Family Immigration: Repairing our Broken Immigration System.” <http://www.immigrationpolicy.org/just-facts/family-immigration-repairing-our-broken-immigration-system>**

Reforming our broken immigration system will require us to transform our family-based immigration system, clear out the backlogs, recapture unclaimed family-based visas, reset numerical caps and allow law-abiding families to reunite with loved ones in a humane and reasonable timeline. This paper lays out the key principles for family immigration within the context of comprehensive immigration reform.

**U.S. Citizenship and Immigration Services, Department of Homeland Security. “Family of Green Card Holders (Permanent Residents).”** <http://www.uscis.gov/family/family-green-card-holders-permanent-residents>

This page describes how you (a permanent resident) may petition for certain family members to receive a green card based on your relationship.

**U.S. Citizenship and Immigration Services, Department of Homeland Security. “Family of U.S. Citizens.”** <http://www.uscis.gov/family/family-us-citizens>

This page describes how you (a U.S. citizen) may petition for certain family members to receive either a green card, a fiancée visa or a K-3/K-4 Visa based on your relationship.

**U.S. Department of State Bureau of Consular Affairs. “Family Immigration.”** <http://travel.state.gov/content/visas/english/immigrate/types/family.html>

A lawful permanent resident is a foreign national who has been granted the privilege of permanently living and working in the United States. If you want to become a lawful permanent resident based on the fact that you have a relative who is a citizen of the United States or is a lawful permanent resident, your relative in the United States will need to sponsor you and prove he/she has enough income or assets to support you, the intending immigrant(s) when in the United States.