THE IMPORTANCE OF MAINTAINING A FAMILY-BASED IMMIGRATION SYSTEM

“The family is a good which society cannot do without, and it ought to be protected.”
—Pope Francis

What is family-based immigration?

Family-based immigration (or “family reunification” under federal law), is the foundation of the U.S. immigration system and the primary means by which people legally immigrate to the U.S. Under current immigration law, U.S. citizens and lawful permanent residents (LPRs) can sponsor certain family members for a visa (also known as a “green card”), which provides permanent residence to the visa recipient.

Is family-based immigration a new way the U.S. government implements immigration policy?

No. From the nation’s founding, immigration has been “family-based”, even if informally. The enactment of the Immigration and Nationality Act (INA) in 1965 formally established family ties as the main method for legal immigration. Today, family visas account for over 68% of documented immigrants admitted each year.

What is “chain migration” and how does it relate to family-based immigration?

“Chain migration” refers to the same system as family-based immigration, and it is typically used by those who take a restrictionist approach to U.S. immigration law. Today, it has taken on a more pejorative meaning than in the past. Most recently, it has been used in proposals by members of the 116th Congress to limit lawful immigration.

Does family-based immigration mean those without family in the U.S. can’t immigrate?

No. Family sponsorship is only one of the paths for permanent residency in the U.S. Other pathways to perma-
nent residency are: (1) employer sponsorship; (2) humanitarian classifications (temporary protected status, parolees, asylees, and refugees); (3) the diversity lottery; (4) longtime-residency; and (5) limited numbers of so-called special immigrants (e.g., religious workers, former international U.S. government workers, etc.). It should be noted, however, that all of these forms of immigration include their own sets of requirements and specific processes.

Who qualifies for family-based immigration?

There are two general categories of family-based immigrants: (1) immediate relatives and (2) family members who are not immediate relatives (called “family preference” in immigration law):

- Spouses, minor children, and parents of U.S. citizens qualify as immediate relatives and do not need to wait for a visa number. For immediate relatives, there is no annual quota, and the U.S. citizen can file a petition. For the family preference category, the number of immigrant visas is limited. That’s because Congress put a numerical cap on the number of green cards that can be issued for this category each fiscal year (480,000, beginning in 1990). As a result, there is a backlog and long waiting period for those in the family preference category.

- The family preference category is also divided up into subcategories. From highest to lowest preference, these are: unmarried, adult sons and daughters (age 21 or over) of U.S. citizens; spouses and unmarried children (under age 21) of LPRs; unmarried, adult sons and daughters of LPRs; married sons and daughters (any age) of U.S. citizens; and brothers and sisters of adult U.S. citizens. Under current immigration law, grandparents, grandchildren, nephews, nieces, uncles, aunts, cousins, and in-laws cannot be directly sponsored by a U.S. citizen or LPR.

What is merit-based immigration?

Merit-based immigration (also known as a “point-based system”), gives favorable consideration or “points” to prospective immigrants who have specific employment-related characteristics that are found to be desirable for high-skill employment, such as: education, specialized work skill sets, employment experience, English language proficiency, and age. In countries with a merit-based immigration system, such as Canada and Australia, a minimum number of “points” is generally required for an applicant to qualify for immigration.

In merit-based point systems like those used in Canada and Australia, are there better employment rates for immigrants compared to the U.S., where family-based immigration is the primary means?

No. Both Canada and Australia have faced challenges with their supply-driven points-based systems, which allow foreign applicants to apply to migrate without any advanced domestic sponsorship from persons already living in-country. In particular, there have been problems with immigrant underemployment and unemployment after arrival, since having a job offer in advance is also not required. For example, the immigrant unemployment rate in Canada is higher on average than it is for native-born Canadians (6.9 percent compared to 5.5 percent). Among recent immigrants (i.e., those who immigrated less than five years ago), the unemployment rate is over 10 percent. In contrast, the foreign-born unemployment rate in the U.S., which requires most immigrants to have secured employment or a family sponsor pre-arrival, is 4.9 percent, compared to 5.4 percent for the native-born population. Recently arrived higher-skilled immigrants also experience challenges entering the labor force in countries with a points-based system, often because they have a hard time finding work that matches their particular skill level or they need to spend additional time upgrading their existing credentials.

Is it true that merit-based immigration generates more financial benefits for American communities, whereas family-based immigration only benefits those who immigrate?

No. There is an assumption that merit-based immigration generates more practical financial benefits for communities, while family-based immigration merely benefits those who immigrate and their families. However, family-based immigration actually provides numerous economic and social benefits that merit-based immigration does not. For example, family-based immigration:

- Offers integration opportunities into communities that workplaces alone frequently do not due to a lack of
explicit policies mandating such integration;⁵

- Creates financial support and is a resource generator for newcomers, giving access to credit, childcare, informal unpaid work, and formal paid jobs within families and communities; and
- Provides incentives for entrepreneurship. In 2014, for example, immigrants made up 20.6 percent of all U.S. entrepreneurs—despite representing only 13.2 percent of the country’s overall population—and many of these immigrants choose entrepreneurship as a more efficient way to support their families.⁶

Outside of purely economic reasons, why is family-based immigration preferable to merit-based immigration?

Merit-based immigration is primarily concerned with the potential for assumed economic impact, having little consideration for the reunification of families and individual wellbeing. However, family-based immigration helps to ensure the positive economic benefits discussed above while also facilitating family unity and individual wellbeing, as well as the positive contributions families have on society. Additionally, family-based immigration reflects the immigrant tradition of America and the welcoming ethos that we as a nation have embraced. Furthermore, family-based immigration ensures a more diverse array of immigrants are able to come to the U.S., rather than limiting certain types of immigrants for arbitrary, prejudicial, or tenuous reasons. A poor immigrant, or an immigrant from a poor country, is no less deserving of being “welcomed, protected, promoted, and integrated”⁷ within American society than a rich or well-established immigrant, especially since the U.S. has long prided itself as a nation of limitless opportunity and has embraced the belief that anyone can achieve success in this land.

Why does the Catholic Church promote family-based immigration?

Foundational to Catholic social teaching is the belief that families—and their wellbeing—directly impact the life, growth, and welfare of a society. Therefore, “[e]conomic and social policies as well as organization of the work world should be continually evaluated in light of their impact on the strength and stability of family life. The long-range future of this nation is intimately linked with the wellbeing of families, for the family is the most basic form of human community.”⁸ Additionally, “[t]he Church has repeatedly underlined the need for an integral approach to the issue of migration, in profound respect for each person’s dignity and rights.”⁹ This directly contradicts the negative impressions some have of economically disadvantaged, less educated, and less skilled immigrants. These immoral views, as defined by Church teaching, often motivate calls for merit-based immigration and require that such proposals be approached with caution and a more holistic understanding of immigration, as well as its true impact on local communities.

Understanding that immigration is important to economic success and also successful family and community development and integration, what is the solution to ensuring that we can have employment-based immigration without sacrificing family immigration?

Meaningful legislative reform of the immigration system has not occurred for over twenty years. It is vital that Congress develop, review, and implement these reforms. Some possible solutions could be:

- Keeping family-based immigration as the foundational element of the U.S. immigration system while also adding more employment-based immigration opportunities, especially for temporary and agricultural workers;
- Reworking the existing family-based system to clear backlogs and prevent decade-long wait times for reunification;
- Adding, and giving substantial weight to, any family, community, and social ties within any proposed merit-based system, such as existence of family in the U.S., preexisting social and community ties to a community, etc.; and
- Preventing any sort of merit-based system from penalizing individuals who do not speak English or come from certain countries.
Endnotes


Photo Credit: Migrant and Refugee Section/Vatican

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