What is the Immigration Quota System?

The term "Quota System" implies a ceiling on the overall number of immigrants to the United States. But that's not how the system works. The system is actually so convoluted it might lead you to think deliberately was designed so that you would not be able to understand it.

THE TWO CATEGORIES OF LEGAL IMMIGRANT -- Legal immigrants to the United States can be grouped into two broad categories: those subject to numerical limitations, and those exempt from numerical limitations. Those subject to numerical limitations are, in effect, capped; that is, only a certain number may come each year. But those exempt from limitations have no cap, and the number who may come to this country every year is unlimited.

IMMIGRANTS EXEMPT FROM LIMITATIONS -- Most legal U.S. immigrants come exempt from limitations. For example, in 1994, there were 804,416 new immigrant admissions. Of those, fifty-eight percent were exempt (469,164) and forty-two percent (335,252) were subject to numerical limitations. Because of the exemptions, the overall number of people who can immigrate to the United States has no real limit.

IMMIGRANTS SUBJECT TO LIMITATIONS -- The limited category is composed of two main groups: family-sponsored immigrants and employment-based immigrants. Family-sponsored immigrants are people with relatives in the United States. Employment-based immigrants are people sponsored by an employer or with special skills deemed helpful to our economy. They may bring their immediate family members with them.

Most of the immigrants who come under the numerical restriction are family-sponsored. For example, in 1994, among the restricted categories, 63% (211,961) were family-sponsored and 37% (123,291) were employment-based.

THE IMMIGRATION QUOTA SYSTEM -- The quota system applies only to the restricted category (family-sponsored or employment-based categories). The system puts an overall cap on the number of those people who can be admitted (called the worldwide cap). It also puts a limit on how many of those people may be from any one country (called the country cap).

THE WORLDWIDE CAP -- The worldwide cap puts the total number of restricted admissions at 366,000: 62% (226,000) for family-sponsored immigrants and 38% (140,000) to employment-based immigrants.

THE COUNTRY CAP -- The country cap puts a limit of 7% of the 366,000 immigrants (25,620) who may be from any one country. Most countries do not come near the 7% level. At present there are excess applicants -- and therefore country-specific waiting lists for immigrants from India, Mexico and the Philippines.

THE PREFERENCE SYSTEM -- People in the numerically-limited portion are grouped into what are called preferences. The preference determines the basis for admission. Family-sponsored immigrants have one set of preferences; employment-based have another. Each preference set has its own ranking. The higher the preference, the faster you are likely to receive a visa. Admissions are controlled by the State Department's issuance of visas, although a current provision allows the INS to bypass the State Department by adjusting the status of a nonimmigrant in the United States to resident status.

Family-sponsored visas are distributed to the people in those preferences, first to the highest, then the next highest, and so on, until the visas run out. The same is done for the employment-based visas. When people from a particular country get so many immigrant visas that the country cap is reached, additional people from that country do not receive visas for that year, and must wait until the following year, when the process starts over.

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