

Making and Remaking
Asian Pacific America:
Immigration Policy

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Asian Pacific Americans will continue to be the fastest growing ethnic group in the United States into the next millennium principally because of immigration. The demographic predictions for the year 2020 show that 54 percent of Asian Pacific Americans will be foreign born. This is consistent with census figures in 1980 and 1990 which revealed that except for Japanese Americans, every group was mostly comprised of those born abroad (e.g., Chinese, over 60 percent; Koreans, 80 percent; Asian Indians, 80 percent; Filipinos, over 70 percent; Vietnamese, 90 percent). These predictions also find support from current annual levels of immigration (e.g., Filipinos 60,000, Chinese 55,000, Koreans 30,000, Asian Indians 30,000, Pakistanis 9,700, Thais 8,900). In 1992, 50,000 Southeast Asian refugees were admitted. And a trend in increased immigration from Japan has developed as well. During the 1980s, Asian Pacific immigration totaled about two million to help account for the 108 percent increase during the decade (from approximately 3.8 million to 7.3 million).

Beyond numbers, there is every reason to believe that immigration and refugee policies will continue to shape the Asian Pacific American profile in terms of where people live, gender ratios, employment and income profiles, and even social and political life.

Understanding How Immigration Policy Shapes Asian Pacific America

The 1965 amendments to the Immigration and Nationality Act set the stage for the development of Asian Pacific America as we know it today.¹ Its emphasis on family reunification (ironically not intended to benefit Asian immigration) provided the basis for growth. Family categories offered many more visas (80 percent of all preference and 100 percent of immediate relative, nonquota visas were designated for family reunification) and less stringent visa requirements. A relationship as spouse, parent, child or sibling is all that was necessary. In the occupational categories, on the other hand, a certification from the Department of Labor was needed to show that no qualified American worker could fill the position an immigrant was offered. Today, 80 to 90 percent of the immigration from most Asian Pacific nations is in the family categories. But that was not always the case.

Filipinos, Asian Indians, and Koreans are the best examples of how the 1965 amendments were used to transform Asian immigration. In the late 1960s, about 45 percent of Filipino immigrants entered in the professional and 55 percent in the family unity categories. Within a few years, however, family networks developed that enabled naturalized citizens to take advantage of reunification categories. By 1976 Filipino immigration in the occupational categories dropped to about 21 percent. And by 1990, just over 8 percent came from the occupational categories compared to 88 percent in the family categories. About 64 percent of all Koreans entered in family categories in 1969 compared to over 90 percent by 1990. For Asian Indians, the figures were 27 percent in 1969 and about 90 percent in 1990. In the late 1960s and early 1970s, Koreans and Asian Indians also took advantage of the nonpreference investor category. About 12 percent of all Koreans and 27 percent of Asian Indians entered as investors at that time. Investor visas became unavailable in 1978.

Here are some examples of how many Asians eventually used the family categories under the 1965 amendments:

Under the 1965 reforms immigrants essentially were categorized as immediate relatives of U.S. citizens or under the preference system. As immediate relatives they were not subject to quotas or numerical limitations. The category included the spouses and minor, unmarried children of citizens, as well as the parents of adult citizens. The preference system

included seven categories. First preference: adult, unmarried sons and daughters of citizens. Second preference: spouses and unmarried sons and daughters of lawful permanent resident aliens. Permanent residents (green card holders) could petition for relatives only through this category. Third preference: members of the professions or those with exceptional ability in the sciences or the arts. Proof from the Department of Labor that the immigrant would not be displacing an available worker was required for third and sixth preference. Fourth preference: married sons and daughters of citizens. Fifth preference: siblings of adult citizens. Sixth preference: skilled or unskilled workers, of which there was a shortage of employable and willing workers in the United States. Seventh preference: persons fleeing from a Communist-dominated country, a country of the Middle East, or who were uprooted by a natural catastrophe. Seventh preference was eliminated in 1980, but not until after about 14,000 Chinese from mainland China entered in the category.

Here are some examples of how the immigration system worked between 1965 and 1990:

■ A Korean woman who had married a U.S. serviceman (presumably a citizen) could immigrate in the immediate relative category, thereby becoming a lawful permanent resident of the United States. After three years of marriage, she could apply for naturalization and become a citizen. She could then petition for her parents under the immediate relative category, and also for siblings under the fifth preference. Once her parents immigrated, they, as lawful permanent residents, could petition for other unmarried sons and daughters under the second preference. Married siblings entering under the fifth preference could be accompanied by spouses and minor, unmarried children.

■ A doctor or engineer from India could immigrate under the third preference as a professional. He/she could be accompanied by a spouse and unmarried, minor children. After five years of permanent residence, the doctor/engineer could apply for naturalization, and upon obtaining citizenship could petition for parents under the immediate relative category, siblings under the fifth preference, and married sons and daughters under the fourth

preference (who could also bring their spouses and minor, unmarried children). The same scenario is possible even if the first Indian immigrant in this family had entered as a nonpreference investor when such visas were available.

■ A nurse from the Philippines might be able to immigrate under the third preference. After qualifying for citizenship five years later, she could petition for her parents. Her parents could petition for other unmarried sons and daughters under the second preference or the nurse could petition for these siblings under the fifth preference. If the son or daughter married on a visit to the Philippines, that spouse could then be petitioned for under the second preference.

■ A Chinese American citizen might marry a foreign student from Taiwan. The student would then be able to become an immigrant under the immediate relative category. After three years of marriage to a citizen, naturalization opens immigration possibilities for parents under the immediate relative category and siblings under the fifth preference.

Gender ratios are affected by immigration as well. Today, more women than men immigrate from the Philippines, China, Korea, and Japan. For example, about 60 percent of Filipino and 55 percent of Korean immigrants in 1990 were women. This has contributed to census findings that the Chinese, Japanese, Filipino, and Korean American communities are predominantly female. The Asian Indian community has a very even gender ratio, in part because about the same number of men as women immigrate each year from India.

There is every reason to believe that many Asian women (particularly Koreans, Filipinos, and Japanese) immigrate because they perceive relatively progressive views on gender equality in the United States. This is interrelated to the fact that many women from Korea and the Philippines were able to qualify for employment categories as nurses and in other medical fields. Marriages between women and U.S. servicemen in these countries also contributed to a larger share of immigrant women.

The employment profile of various Asian Pacific communities also

has its roots in immigration policy. The fifth of the preference visas that were set aside for employment categories under the 1965 amendments provided a window for many Asians to immigrate who did not have specific relatives in the United States. The proportion of professionals in every Asian Pacific community increased as a result. And even after more began using the family categories, the actual number of immigrants who identified themselves as professionals or managers remained high.

Some observers, who note fewer professionals among Chinese immigrants for example, contend that after the initial influx of professionals in the late 1960s and early 1970s, poorer, working-class Chinese began entering. But this is only part of the story. The proportion who enter in professional and occupational categories did decrease over time in part because a 1976 law required all professionals to first secure a job offer from an employer. The absolute number of professionals and executives, however, has increased. In 1969, for example, a total of 3,499 immigrated from mainland China, Taiwan and Hong Kong. In 1983 the total had jumped to 8,524. Thus, the smaller percentage merely reflects the increased use of family categories. The proportion of those who enter in professional and occupational categories from Taiwan is also much higher than for those from mainland China (28 percent to 5 percent in 1989). And though more than twice as many born in mainland China entered in 1989 (32,272 to 13,974), Taiwan had more occupational immigrants (3,842 to 1,599). Large numbers of professionals continue to enter from the Philippines, Korea, and India as well. Over 6,500 Indian immigrants who designate their prior occupation as professionals or managers enter annually.

Immigration policies influence residential preferences as well. Historical recruitment of Asian and Pacific immigrants to work in the fields, on the railroads, and in service industries in the West Coast established a residential pattern that has continued for some time. However, in recent years, more and more Asian immigrants are settling in other parts of the country. Since 1967, New York City has attracted more Chinese immigrants than San Francisco and Oakland combined, and more than 17 percent of Chinese Americans reside in New York State. Almost 23 percent of Korean Americans live in the Northeast, 19.2 percent in the South, and 13.7 percent in the Midwest. Thirty-five percent of Asian Indians live in the Northeast and about 24 percent in the

South. Asian Indians and Filipinos are the largest Asian American communities in New Jersey and Illinois. Relatedly, working class immigrants who are able to enter in the family categories have helped to sustain Chinatowns and develop residential enclaves among Koreans, Filipinos, and Asian Indians. Koreans have also established small business enclaves in places like New York, Chicago, Washington, D.C., and, of course, Los Angeles.

The 134.8 percent growth rate of Vietnamese Americans between 1980 and 1990 (261,729 to 614,547) makes them the fastest growing Asian Pacific group. The development of Southeast Asian communities in the United States is related more to refugee policies than to standard immigration admission criteria. Take its current size. Of the 18,000 who immigrated by 1974, many were the spouses of American businessmen and military personnel who had been stationed in Vietnam. But a dramatic upsurge in new arrivals began after 1975, with 125,000 admitted immediately after the troops pulled out of Southeast Asia. By 1980 more than 400,000 additional refugees were welcomed from Vietnam, Laos, and Cambodia, approximately 90 percent of whom were from Vietnam. Although the 1980 Refugee Act established new controls, the flow of refugees continued due to persistent humanitarian pressure on the United States. After a second, sizable wave entered in 1980, the flow of new entries declined steadily. In 1984, 40,604 Vietnamese refugees entered, then the average dropped to about 22,000 until 1988 when 17,626 were admitted. So by 1988, 540,700 Vietnamese refugees had arrived. By October 1991, 18,280 Amerasians (mostly from Vietnam) arrived along with another 44,071 relatives. Eventually as many as 80,000 to 100,000 Amerasians and their relatives may enter. As a result of these entrants, over 90 percent of the Vietnamese population is foreign born, the highest percentage of all Asian American groups.

Refugee policies also affect gender ratios. In 1980 there were 108.5 Vietnamese men per one hundred Vietnamese women, compared to 94.5 per one hundred in the general population. This ratio is not as skewed as those for initial waves of Filipinos and Chinese which were much more male-dominated. The refugee policy that enabled Vietnamese to enter after 1975 under unique circumstances contributed to greater balance. Rather than fleeing individually, those departing Vietnam have done their best to keep their families intact. Roughly 45 percent of recent arrivals are women.

Another policy was to resettle refugees across the country in order to lessen the economic and social impact on just a few areas, and to avoid ghettoization. Although many refugees moved after their initial placement, refugees have become widely dispersed. By 1990, over 54 percent of the Vietnamese resided in the West, but 27.4 percent were in the South, almost 10 percent in the Northeast, and 8.5 percent in the Midwest. More of them lived in the South and Midwest than Filipinos and Japanese.

The goal of preventing ethnic enclaves ignored the dynamics of Vietnamese culture and perhaps even basic psychology. The need for ethnically based social, cultural, and economic support among refugees was either seriously misjudged or coldly ignored. Although enclaves provided an historical means for the mainstream to keep an eye on Asian immigrants, those established by Chinese, Filipino, and Japanese immigrants played key roles in easing their adjustment to American society. The need for a stable support system may be even more crucial for Southeast Asians, whose experience has been profoundly unsettling. Politically persecuted, unexpectedly driven from their homes, their hopes dashed, these refugees not surprisingly turned to the past for sustenance.

In doing so they turned to each other, and despite numerous obstacles have been remarkably successful in developing their own communities. They have, for example, transformed San Francisco's red-light district near Union Square into a bustling hub of Vietnamese hotels, residences, and small businesses. Vietnamese Americans have likewise helped to develop a "booming" wholesale district out of Skid Row in Los Angeles and altered the downtown areas of San Jose and Santa Ana, California, as well as a section of the Washington, D.C., suburb of Arlington, Virginia.

Nationwide, 64 percent of all Southeast Asian households headed by refugees arriving after 1980 are on public assistance, three times the rate of African Americans and four times that of Latinos. Not surprisingly, groups such as the Vietnamese have been accused of developing a welfare mentality, and the government has responded in knee-jerk fashion. Their relatively low rate of labor-force participation has in fact led many Vietnamese refugees to depend on government assistance. But much of this dependency is due to a system that creates disincentives to work. Policy-makers have urged state and local resettlement agencies to

expeditiously assist refugees with job placement. Under the 1980 Refugee Act, refugees were given 36-month stipends of special refugee cash, medical assistance programs, and other support services. But in 1982 amendments to the act reduced the stipends to 18 months to pressure refugees to become economically independent more quickly. These changes came with the entry of the poorer, less-educated, and more devastated second wave of refugees. After 1982, most programs stressed employment-enhancing services such as vocational, English-language, and job development training. Most refugees are unable to acquire the skills that would qualify them for anything other than minimum-wage jobs in 18 months. They were, nonetheless, constrained to take these positions in the absence of continued public assistance.

Restrictions on federal assistance thus help to account for increased Vietnamese American concentration in entry-level, minimum-wage jobs requiring little formal education or mastery of English. For many refugees, in fact, these types of jobs and the poverty that results are unavoidable. Indeed, figures show that in 1979, a striking 35.1 percent of Vietnamese families were living below the poverty level. And by 1985 the figure had risen to an astonishing 50 percent for all Southeast Asian refugees.

AMENDMENTS TO THE LAW IN 1990

After 1990 reforms, immigration visas are distributed under two preference systems, one for family reunification and the other for employment. The immediate relative category (spouses, unmarried children, and parents of adult citizens) continues to remain unlimited and outside of any of the numerically restricted preference systems. In the family preferences, first preference is for unmarried adult sons and daughters of citizens. Second preference is the only category under which lawful permanent residents of the United States can petition for relatives. There are two subcategories: (1) the 2A category for the spouses and children (unmarried and under 21), and (2) the 2B category for unmarried sons and daughters (age 21 and over). Third preference is reserved for the married sons and daughters of United States citizens. And fourth preference is for brothers and sisters of adult citizens. Only United States citizens, not lawful permanent residents or noncitizen nationals, can petition for married sons and daughters and for siblings.

The law now provides several categories for employment-based immigrant visas. First preference is for immigrants with extraordinary ability (such as in the sciences, arts, education, business or athletics), outstanding professors and researchers, and certain executives and managers of multinational companies. Second preference is for members of the professions holding advanced degrees or for those of exceptional ability. Third preference is for skilled workers, professionals, and other workers. Fourth preference is for special immigrants (except returning lawful permanent residents and former citizens). Fifth preference is a category for investors whose investments are to each create at least ten new jobs.

Persons who immigrate to the United States under the preference systems are subject to two types of numerical limitations: a worldwide numerical cap and a country or territorial limit.

At least 226,000 family preference category visas are available annually on a worldwide basis. While in theory the worldwide quota can be increased to a cap of 465,000 annually through 1994, and 480,000 thereafter, the level will not likely be much more than 226,000. This is because the family preference category level is determined by subtracting the number of immediate relative entrants—generally well over 200,000 annually—from the cap (465,000 or 480,000), with an absolute floor of 226,000. Assuming that 226,000 is the operative figure, this means that in a given year, a maximum of 226,000 persons can immigrate to the United States under the first, second, third, and fourth preferences. A separate worldwide numerical limitation of 140,000 is set aside for employment-based immigrants.

In addition to the worldwide numerical limitations, the law also provides an annual limitation of visas per country of 7 percent of the worldwide quotas. Thus, assuming a 226,000 worldwide family visa numerical limitation and 140,000 for employment visas, 7 percent of the total (366,000) is 25,620 for each country. But 75 percent of the visas issued for spouses and children of lawful permanent residents (family second preference “2A”) are not counted against each country’s quota.

Note that the visa of any immigrant born in a colony or other dependent area of a country is charged to that country. However, Hong Kong, which will become part of the People’s Republic of China in 1997, is treated as a separate foreign state for purposes of its annual visa allot-

ment (i.e., 25,620), except that through the end of fiscal year 1993 its annual quota is set at 10,000 preference visas.

Considerations for the Future

The confluence of social, political, and economic conditions in Asia and the Pacific region will continue to drive immigration to the United States for many more decades. And U.S. policies will continue to shape the profiles of Asian and Pacific communities here. As the prospects of immigration during the next several decades are appraised, these are the types of issues that have to be kept in mind:

■ *Impact of 1990 reforms.* Asian Pacific immigrants comprise almost half of all legal immigrants today, mostly entering in the family reunification categories. The 1990 reforms did not reduce the number of visas available to family immigrants. In fact it added some numbers for families and added large numbers for employment categories. Asian Pacific immigrants are likely to continue taking advantage of the family preference system. And as in the late 1960s and early 1970s, they will likely use the employment categories and new investor category to create further bases for future family migration. For example, interest in emigration remains high among Chinese professionals. Taiwan's politically volatile environment has contributed to the desire of the educated class to look for residential options elsewhere, and the stability of the United States and its longstanding anti-Communist philosophy appeals to them. Similarly, the impending return of Hong Kong to mainland China's jurisdiction in 1997 has provided a strong impetus for its elite to look to the United States. And the Tiananmen Square massacre in June 1989 significantly accelerated emigration from Hong Kong. But there are analogous sociopolitical considerations for Filipinos, Asian Indians, and Koreans. And Japanese have also demonstrated a slow but steady increase in immigration in recent years, particularly among women.

■ *Gender ratios.* The special interest in immigration that has been demonstrated by Korean, Filipino, Chinese, and Japanese women is likely to continue, especially because of the increase in employment-based visas and the perception of gender equality in the United States.

■ *Working-class immigrants.* A continued influx of working-class and service-class immigrants will also continue to enter in family preference categories. This will continue to impact not only the employment profile of communities, but also such things as the viability of residential enclaves—not only Chinatowns, but also Koreatowns, Little Manilas, and Asian Indian ghettos.

■ *Southeast Asians.* In spite of large numbers of refugees that continue to flee Southeast Asia and occupy refugee camps in Asia, the United States has gradually reduced the number of refugee slots to Southeast Asians since the Refugee Act of 1980. The admission of up to 35,000 refugees from Southeast Asia was allocated in 1990, and another 22,000 spots were reserved for relatives of refugees already in the United States under the Orderly Departure Program. But this is a far cry from the 525,000 that were admitted between 1975 and 1980. Following the pattern set by other Asian Americans, small but increasing numbers of Vietnamese are entering in family reunification categories. In order to take full advantage of these categories, U.S. citizenship is required, and most Vietnamese have been residents long enough to qualify. Some do so to demonstrate allegiance, others recognize that, as citizens, they may petition for more relatives. Though about 38 percent of the first wave of Vietnamese were naturalized by 1984, the rate for the second wave is significantly lower. In 1983 roughly 3,300 entered in the family categories, and by 1988 more than 4,000 had. These figures do not approach those of the other large Asian American communities for family category admissions (with the exception of the Japanese). Nonrefugee admission is likely to remain low because in the absence of normal

diplomatic ties between the United States and Vietnam, Vietnamese nationals attempting to obtain exit permits face tremendous difficulties. After an immigration petition is filed by a resident on behalf of a relative in Vietnam, the Vietnamese government must approve it. In 1984 only 3,700 immigrants were allowed under the Orderly Departure Program. More than half a million cases are currently backlogged. As a result, sizable growth of the Vietnamese American community exclusively through existing nonrefugee categories is unlikely.

■ *Other Asians.* Aside from the larger Asian Pacific groups mentioned—Chinese, Filipinos, Japanese, Koreans, Vietnamese, and Asian Indians—as well as other groups alluded to, such as Laotians and Cambodians, other Asian Pacific countries send at least a few thousand immigrants to the United States each year. Annual admissions of Indonesians (3,500), Malaysians (1,800), Pakistanis (9,700), Thais (8,900), Tongans (1,400), and Samoans (700) contribute to growing communities that have become part of the Asian Pacific patchwork.

■ *Political backlash.* As always, immigration and refugee policies in the near and distant future will respond to economic and social pressures. The 1990 reforms put into place the concept of a ceiling on preference visas, which could be extended to the immediate relative category given strong xenophobia or nativism. While some might label as extreme the anti-immigrant of color sentiment of someone like presidential candidate Patrick Buchanan, are his views really that different from that of the mainstream's given the popularity of English-Only initiatives across the nation? We also kid ourselves if we think this sentiment is aimed solely at Latin immigration. Consider only the experiences of Chinese in Monterey Park and the widespread upsurge in anti-Asian violence. Public opinion polls reveal that the general population does not hold Asian Americans in very high esteem. In one national survey which ascertained attitudes towards 15 different ethnic groups, no European ethnic group received lower than 53

percent positive rating, and no Asian group received higher than a 47 percent positive rating. Conducted before recent Japan bashing, Japanese were considered to be the minority group that had contributed the most (47 percent), followed by African Americans, Chinese, Mexicans, Koreans, Vietnamese, Puerto Ricans, Haitians, and Cubans. In a separate poll that focused on refugees, only 21 percent believed that Southeast Asian refugees should be encouraged to move into their community. Nearly half believed that Southeast Asians should have settled in other Asian countries, and one-fourth believed that "America has too many Asians in its population." Other polls continue to show that much of the public regards Asians as sinister, suspicious, and foreign. Thus, the threat of a serious backlash against Asian Pacific Americans that could negatively impact immigration laws is always real.

Asian Pacific America has been shaped by immigration and refugee policies. The profiles of the communities we know today are reflective of the 1965 amendments and a variety of refugee policies. The reforms in 1990 in all likelihood will continue the opportunities of the past 27 years, particularly in family reunification categories, but also open new doors with the expansion of employment-based numbers and the renewed availability of an investors category. Only if anti-immigrant, or specifically anti-Asian, sentiment carries the day will the course set in 1965 be obstructed.

Notes

1. A much more detailed analysis of how immigration and refugee policies shape the demographic and social profiles of various Asian Pacific communities can be found in my book *Making and Remaking Asian America Through Immigration Policy* (Stanford: Stanford University Press, 1992).