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SUMMARY

Discussion of the unauthorized often treats this population of between 8 - 11 million persons as a monolithic whole. In fact, an estimated 1-1.5 million of the unauthorized have current or incipient claims to legal status in the United States because they are either relatives of lawful permanent residents or have been granted temporary protected status (TPS).

This argues for altering statistical practices of the way the unauthorized are counted. It also calls for policy changes that speed processing of legal status claims for certain family members of lawful residents and incentives for those with TPS to return when their temporary status expires. This brief describes the twilight statuses that some among the unauthorized population hold and analyzes how changes would reduce the inducements for illegal migration and overstays.

Twilight Statuses: A Closer Examination of the Unauthorized Population

David A. Martin

Popular discussion of the undocumented often treats this population – estimated at between 8 and 11 million persons in the United States – as a monolithic whole. Seeing the issue in this way disguises significant variety within this population and may make the overall problem seem more daunting and difficult to manage. In fact, an estimated 1-1.5 million people within these counts[1] hold current or incipient claims to legal status in the United States that are recognized by US law – for example, because they are the spouses or children of persons already holding lawful permanent resident (LPR) status, or because they have been granted "temporary protected status" (TPS) owing to political upheaval or natural disaster in their home countries.

Two major groupings within the conventionally counted undocumented population should be broken out from the usual discussion,[2] because of special considerations affecting their cases:

1. Those with legally recognized claims to eventual LPR status.
2. Those with legally recognized temporary statuses, of which the only numerically significant group consists of TPS beneficiaries.

I. Persons with legally recognized claims to eventual LPR status

The groups within the conventionally counted undocumented population that have claims to eventual permanent resident status find themselves somewhere in the processing queue, either because of administrative backlogs that derive from prolonged or under-funded processing or because of lengthier backlogs that derive from annual quota ceilings on the category for which they qualify. They have a kind of *twilight status*, partially recognized but not yet counting as full lawful residence, and usually not providing solid defense against deportation if they are discovered and placed into removal proceedings. Twilight status sends mixed signals that undermine both the enforcement goals and the services or benefits goals of the immigration system. The Congress has decided that the people who fall into these legal classes should ultimately enjoy LPR status – but not quite yet. Subjecting them to enforcement based on the illegality of their current presence in the country is often strongly resisted, but ignoring their situation, in circumstances where they do not have lawful status, thwarts consistency and undermines the rule-of-law objectives that any healthy immigration system must serve. Policy should sort out the nation's intention on these statuses – shortening the quota-induced wait for some of the categories and clarifying the enforcement consequences in others.

The most important component of these twilight statuses consists of persons somewhere in the processing pipeline under the normal provisions for family-based immigration.[3] In order to understand the exact nature of these twilight statuses, it is useful first to set forth the procedures normally followed to obtain LPR status by someone who is prima facie eligible to immigrate in one of the family-sponsored categories – categories that typically now account for over two-thirds of annual lawful permanent immigration.[4]

Procedures for obtaining LPR status: Family members of citizens or LPRs can qualify for immigration in one of five categories: namely, as immediate relatives of US citizens or in one of four preference categories:

- *Immediate relatives* of US citizens: Spouses, unmarried children under 21, and (if the citizen is 21 or older) parents (no numerical limit);
- *1st preference:* Unmarried sons and daughters (i.e., 21 and older) of US citizens (23,400 annually);
- *2d preference:* (baseline: 114,200 annually – when extra family admission numbers are available, they go to this category);
  - A. Spouses and unmarried children under 21 of LPRs[5] (at least 77 percent of the admission numbers available for the 2d preference are reserved for this group);
  - B. Unmarried sons and daughters (i.e., 21 and older) of LPRs;
- *3d preference:* Married sons and daughters of US citizens (23,400 annually);
- *4th preference:* Brothers and sisters of US citizens (citizen must be 21 or older) (65,000 annually).

Visa petition: showing that the person fits a qualifying category. For all these family categories, the process normally begins by having the anchor relative – the citizen or LPR – file a visa petition (Form I-130) with Citizenship and Immigration Services (USCIS, a bureau of the Department of Homeland Security (DHS)). A USCIS officer looks at the petition and accompanying documents to decide whether the family relationship is genuine and meets the requirements for the category. Approval of a visa petition establishes only this part of eligibility – that is, eligibility for a *qualifying category*. It does not represent

a final judgment that the individual beneficiary will be *admissible* – the critical second part of the process before LPR status is granted. Admissibility covers such questions as prior criminal convictions, presence of a contagious disease, or certain earlier immigration violations. But – importantly – the vast majority of persons with approved visa petitions do later prove wholly eligible for LPR status.

The immediate relative category has no numerical limit; therefore, there are no quota-generated backlogs. The only delays encountered by immediate relatives derive from processing time, which in recent years has ranged as high as two years or more, from initial petition to grant of LPR status. The preference categories, in contrast, are all numerically limited. The available annual admission numbers for each preference category are indicated above. For many years, demand has greatly outstripped the supply of family preference spaces, and immigration in these categories is therefore more significantly delayed by quota backlogs than by processing backlogs. The date of filing of the visa petition establishes a *priority date* for the beneficiary – which, roughly speaking, marks that person's place on the waiting list. In May 2005, for example, only 3d preference applicants (unmarried offspring over 21 of US citizens) with a priority date earlier than January 22, 1998 were being admitted as LPRs. This means that nearly seven years will have elapsed between the start of the application process (the filing of the visa petition) and the person's final processing for admission as an LPR. For 4th preference applicants (siblings of US citizens), the quota delay is now just short of 12 years.

Post-visa petition process: showing individual admissibility. Cases do not ordinarily proceed to the remaining stages immediately after approval of the visa petition, because the beneficiaries' ability to satisfy the law's admissibility requirements (Immigration and Nationality Act (INA) § 212) can of course change over time. They could contract a contagious disease, for example, or commit a criminal offense. Therefore, the system tries to provide for a decision on these admissibility questions as close as possible to the time when LPR status will actually be granted. Close review of the individual's admissibility will not begin, in the preference categories, until the priority date is current – meaning that his or her place on the waiting list has been reached and the person can obtain LPR status promptly once an official decides that he or she is admissible. (Such review can begin right away for an immediate relative, once the visa petition is approved, because that category, numerically unlimited, has no waiting list.)

Classically, the process for permanent immigration assumed that the immigrating relatives would be overseas, and in such cases the system provides for notification to them once the priority date is current, telling them to gather relevant information on admissibility (e.g., a medical examination and police records) and then to come in for an interview at a US consulate overseas. If the consular officer finds them admissible, they receive an immigrant visa and must travel to the United States within six months thereafter. This process is still used, but now typically by fewer than half of all immigrants. (Those who follow this visa issuance route, because they remain overseas until entering as LPRs, are not of concern in the discussion of the undocumented.) Increasingly, persons who qualify for immigration are already in the United States, either in a lawful nonimmigrant status or unlawfully. Since 1952, the law has made available a process called *adjustment of status* so that at least some of these people, once their priority date is current, can obtain LPR status without having to leave the United States to obtain a visa. Adjustment is *not* open to everyone who

is potentially eligible for family-sponsored or employment-based immigration. Congress has frequently changed the prerequisites for adjustment – sometimes tightening them and sometimes easing them. If the person is present in the United States and eligible for adjustment, he or she is notified to bring the necessary documents to an adjustment interview with a USCIS officer, who performs basically the same role as a consular officer would if the applicant were overseas. Upon a finding of admissibility, LPR status can be granted directly.

Stages. Therefore, there are several stages at which a person already in the United States has a type of claim to lawful permanent resident status under these family immigration categories:

> *Stage 1.* When the family relationship to a qualifying anchor relative first comes into existence (marriage to a US citizen or LPR, for example, or the naturalization of the potential visa petitioner for the 1st, 3d, or 4th preferences).
>
> *Stage 2.* When the visa petition is filed, signifying interest in immigrating based on the relationship.
>
> *Stage 3.* When the visa petition is approved by USCIS, signifying an official determination that the relationship is bona fide and meets the requirements of the law.
>
> *Stage 4.* When the adjustment of status application (Form I-485) is filed (this ordinarily cannot occur until the individual beneficiary receives notice of the approved visa petition *and has a priority date that is current*).
>
> *Stage 5.* When the person is granted adjustment of status because a USCIS officer has found the beneficiary to be admissible. (This stage results in issuance of the "green card" and full formal recognition of lawful status; persons at this stage are no longer counted among the undocumented.)

Analysis. A strong majority of those who move to Stage 2 will pass on to Stage 3 and all the succeeding stages, but of course, there are no guarantees for any particular beneficiary of a visa petition. Thus, in the earlier stages they possess a kind of twilight status, but are not considered fully legal residents until they reach Stage 5. If there were no significant delays in the process – if one could move from Stage 2 to Stage 5 in a matter of months – the twilight status would make little difference to policy regarding the undocumented. The system was probably expected to work in just such a timely fashion when a version of it was originally adopted in 1965 to replace the former national-origins quota system. But that expectation began to be thwarted in 1978, when the full system became oversubscribed, and significant quota-caused delays began to appear.

In 1990, Congress revised the preference system and infused significantly more numbers into the preference for spouses and minor children of LPRs, the preference category for which family reunification delays were judged to be the most problematic. Delays were reduced for a few years, but growth in demand has again generated quota-based delays lasting as long as five years. More substantial delays in processing also developed in the mid-1990s and were exacerbated by administrative changes adopted in the wake of the September 11 attacks. The key point is that such delays in reunification were not adopted as deliberate policy. They developed because of increasing demand and the difficulty of amending the law in response – either to provide more admission spaces or to restrict eligibility.

This delay in reunifying close family members creates a significant and sympathetic reason for

undocumented migration, as many families find it intolerable to live apart for such a lengthy period. In response, Congress and the executive branch have adopted *palliative measures* that recognize in various ways the equities of those in these twilight conditions. For example, applicants for adjustment (Stage 4) are generally eligible for work authorization, to last throughout the period required to process the application. Adjustment applicants who applied when they were in a lawful nonimmigrant status are also administratively considered to be in a "period of stay authorized by the Attorney General" for certain limited purposes, even if their nonimmigrant status expires. Most importantly, they are considered authorized for purposes of deciding whether the three- and ten-year bars enacted in 1996 apply to them. These are bars to further admission that can attach if a person is unlawfully present for 180 days or one year, respectively.[6]

Further, Congress decided in late 2000 to give spouses and minor children of LPRs who had reached only Stage 2 a special nonimmigrant status that would permit them to remain in the country legally until their spot could be reached on the waiting list. This special permission, known as a V visa, however, applies only to those whose visa petitions were filed before December 21, 2000, and it is available only after the person has waited a minimum of three years since that filing.

Finally, Congress has periodically dropped most of the barriers to applying for adjustment that normally apply to persons who enter without inspection or have let their lawful temporary statuses lapse, provided the person pays a $1,000 penalty fee. Most recently, Congress has made this benefit, known as 245(i), available only to persons on whose behalf certain preliminary papers were filed (essentially, Stage 2) before specified "grandfather" dates. The first such cutoff date was January 14, 1998, but when that date began to pinch, in late 2000, Congress extended the cutoff to April 30, 2001. Persons whose family-sponsored visa petitions were filed before that date would be able to take advantage of the adjustment-of-status procedure (and avoid the three- and ten-year bars) even if their adjustment could only be processed many years later. President Bush supported a further extension of the grandfather cut-off date on behalf of these Stage-2 applicants, and extension gained significant congressional support, but the September 11 attacks stopped the momentum in this direction.

In short, quite an array of ad hoc legal provisions recognizes the equities held by at least some family members who are on their way to legal status based on a relationship to a US citizen or LPR. But they make for a complex, confusing picture. These palliatives are important, but they are limited in reach. Most of them would not protect the person from deportation if discovered before he or she could reach Stage 4 or, sometimes, Stage 5. But even in those circumstances, strong de facto recognition exists of the equities these cases present.

Attempted removal of a family member who has reached that part of the family reunification process is highly controversial and likely to bring hostile media coverage to the immigration agencies. After all, the person would probably gain a wholly legal status unless discovered, or in the event that the enforcement officer simply declines to proceed. As a result, enforcement officers tend to avoid these cases, and those cases that still make it to immigration court often encounter efforts by immigration judges to stall any ruling until such time as a visa petition is approved and adjustment becomes fully available. All these practices reinforce the twilight nature of the status that such family members hold.

Data implications. Persons in this process who are not yet at Stage 5 are usually included in undocumented census counts. But data on persons issued employment authorization documents (EADs) for the 12 months ending May 2003 show 617,000 persons who have reached Stage 4 (their priority date is current and they have filed an adjustment application). (These data cover all adjustment applications, not just those based on the family categories, but for purposes of counting the undocumented population, this difference is immaterial.) All but a small fraction of this group will clearly qualify for adjustment; hence, only processing delays stand in the way of their obtaining full LPR status. This group, numerically quite significant, should not be counted as undocumented.

A more difficult question arises for those at stages 2 and 3 – a visa petition has been filed (Stage 2) or approved (Stage 3), but they cannot yet file for adjustment because the priority date is not current. Because most of this group would not appear in the EAD data referred to above, it is not so easy to get a fix on the numerical scope of this category. But some rough idea can be gleaned from the 2003 *Yearbook of Immigration Statistics*, which shows that over 127,000 V visas were issued in the first three years of that visa's availability (FY 2001 through 2003). V visa holders are at Stage 2 or (usually) Stage 3, but V visas are available only to a rather specific subset of those in stages 2 and 3. There could easily be another few hundred thousand living illegally in the United States who are the beneficiaries of filed visa petitions (family- or employment-based) but who cannot yet file for adjustment. That is, their path to LPR status is – for the time being – blocked by quota backlogs. Most of them will in fact qualify for LPR status, once they have waited out that backlog. A case could be made for removing these persons from undocumented counts, at least once they have reached Stage 3, because reaching that stage requires an official government decision that they validly fit within a qualifying category.

Policy implications. For the reasons indicated above, twilight statuses provide at least a sympathetic basis for a person's undocumented presence, and they sow doubts about enforcement of the immigration laws that run far beyond the group subject to these mixed signals. The twilight statuses considered in this section result from processing delays and quota backlog delays. Policy should be changed to reduce or eliminate these delays, and where it is decided not to reduce them, policy should make clear that the persons involved are expected to wait abroad until they become eligible, and that they will be fully subject to enforcement if they do not. Only those categories where such enforcement is realistic should therefore remain subject to prolonged quota delays.

Processing delays should be reduced to a minimum (e.g., to meet the traditional standard of completing action on adjustment applications within six months from filing). This is an uncontroversial objective, but one that seems hard to achieve in reality. Steps that could contribute to this end include: adding resources to adjudications; assuring that the fee structure keeps pace with rising costs; eliminating procedures that consume adjudication resources but are not cost-effective (e.g., admitting overseas refugees as LPRs instead of in a special refugee status that necessitates a cumbersome adjustment of status application a year after arrival); and in other ways simplifying the laws governing immigration benefits.

Reducing quota delays requires more controversial choices. The most problematic delays befall family preference category 2A, for spouses and minor unmarried children of LPRs. US policy is not well served by a legal provision that delays the reunification of nuclear family

members by over four years, and the V-visa statistics suggest that a great many family members enter clandestinely anyway in order to reunify before those delays run their course. Quota delays here can be reduced by providing more admission numbers for this category, but new, relatively fixed ceilings will of course provide only temporary relief as the demand continues to grow. Several proposals in Congress in recent years have therefore provided in some form for treating the spouses and minor children of LPRs essentially like the spouses and minor children of US citizens (who are in the immediate relative category) by eliminating any ceiling on such admissions. Because annual legal admissions would thereby rise significantly, political realities might require numerical reductions elsewhere. The diversity category and the family-sponsored fourth preference (for brothers and sisters) are usually considered the main candidates for reduction or elimination, and proposals to this effect have been offered in Congress before. Each generates substantial resistance, but such proposals (and their variants) deserve another close look in light of the strong desirability of swiftly unifying the nuclear families of LPRs.

Of course, the most compelling family reunification argument exists for spouses and minor unmarried children. Few would find the same urgency for reuniting adult siblings (4th preference). Grown children – married (3d preference) or unmarried (1st preference and preference 2B) – fall somewhere in-between. Most of the congressional palliatives listed above have not reached persons holding the family relationships listed in this paragraph, and enforcement of removal against them while they wait out the quota delays is not usually as controversial as removing spouses and minor children. If quota delays in some or all of these categories are retained (because no additional numbers are provided to them and no further restrictions on eligibility are enacted), it would be good to signal clearly that such persons are expected to wait in a foreign country and will be subject to full enforcement action if found in the United States before gaining LPR status.

II. Persons with legally recognized temporary statuses: TPS

Congress enacted the provision for temporary protected status (INA § 244) in 1990, to permit this country, on selected occasions, to avoid returning persons to countries beset by civil war, natural disaster, or other unsafe conditions. The secretary of the Department of Homeland Security makes the discretionary decision whether to provide TPS in view of information about conditions in the homeland. If a TPS designation is made, nationals of that country who entered the United States before the designation may apply for temporary permission to remain until the secretary decides that the danger has abated. TPS is usually provided in 12- or 18-month increments, and the period may be renewed or extended. Beneficiaries of TPS are entitled to work authorization and are shielded against removal (save on very limited grounds, such as a criminal conviction). Since its enactment, TPS has been provided to nationals of at least 14 countries. Seven countries are currently on the list: Burundi, El Salvador, Honduras, Liberia, Nicaragua, Somalia, and Sudan.

Data implications. Beneficiaries of TPS are usually counted among the undocumented. This inflates those statistics in a significant way. The May 2003 EAD data show over 239,000 TPS beneficiaries and another 159,000 persons who received EADs as applicants for TPS whose applications had not yet been adjudicated. It can be expected that a strong majority of those applicants would eventually receive TPS. Thus, over 300,000 people

are counted as undocumented even though they have or will soon have full lawful permission to stay under the TPS provision, with work authorization. TPS is a valid lawful status and its beneficiaries should not be counted as undocumented for so long as that status is maintained, even if they were undocumented before the TPS registration.

Policy implications. TPS is quite different from the incipient LPR status discussed in Part I. It is expressly meant to be temporary; in fact, the legislation contains special rules meant to make it difficult for the Senate even to consider legislation that might make the temporary status permanent (INA § 244(h)). Nonetheless, this country has no good system for assuring or even encouraging departure when the TPS period ends; therefore, TPS beneficiaries often remain in the United States in undocumented status after the authorized period has expired. They are then subject to deportation if discovered, but it appears that relatively few are thus removed. The stick of enforcement has not proven highly successful; policy should develop additional carrots inducing return.

TPS should not become a basis for deepening eventual undocumented status. Although in limited circumstances it may make good sense to permit a particular TPS group to obtain LPR status, e.g., because of a greatly prolonged TPS period (some Liberians have held TPS for 14 years), granting permanent status cannot be the primary way to limit TPS' contribution to the growth of the undocumented population.

If TPS becomes identified as simply a ready avenue to LPR status, opposition to any new designation would only intensify, often blocking truly needed temporary humanitarian action. But this political reality means that the United States should develop better mechanisms that can prepare a solid basis for return when TPS ends. Susan Martin, Andrew Schoenholtz, and Deborah Waller Meyers offered innovative ideas for making progress toward these goals in a 1998 article. They suggested that the United States should "plan for return as a part of the larger political and economic reconstruction processes in the home country. Return of those granted temporary protection could be accomplished by voluntary means with a combination of individual financial and home country development aid incentives."[7] The incentives could be financed by setting aside the Social Security contributions deriving from the work of TPS beneficiaries (in recognition of the fact that they are not supposed to remain in the United States until retirement). Part of the fund could go toward community development, including "quick impact projects" in the home communities to which the TPS beneficiaries would be returning. The funds deriving from the individual employee's Social Security contributions, however, could be transmitted to the individual beneficiaries upon proof of return to the country of origin. This would be an attractive but self-financed inducement to voluntary return, as well as a significant resource for reestablishing a normal life in a country of origin emerging from turmoil.

Data Used

Jeffrey S. Passel, *Estimates of the Size and Characteristics of the Undocumented Population* (Pew Hispanic Center, March 21, 2005)

Yearbook of Immigration Statistics (Department of Homeland Security, and predecessor volumes published by the Immigration and Naturalization Service)

Employment Authorization Document (EAD) Issuances (Approvals): June 2002 through May 2003 (data supplied by Office of Immigration Statistics, Department of Homeland Security, Nov. 2004)

ENDNOTES

1 See Jeffrey S. Passel, Unauthorized Migrants: Numbers and Characteristics, slide 9 (Background Briefing Prepared for the Independent Task Force on Immigration and America's Future, May 4, 2005).

2 Other smaller groups are shown in the EAD study that should also be excluded from undocumented counts, but because of their lesser numerical significance, they are not discussed here.

3 Similar issues could arise for persons who are awaiting processing in the employment-based preference categories, and some of the recommendations tendered here could be applicable. But the issues have been far less acute for those categories. Most of the employment categories have remained current for the past several years; hence, the only relevant delays are processing delays. Moreover, Congress has amended the laws in recent years to help assure that persons delayed in receiving an employment-based status for which they qualify can retain a lawful nonimmigrant status in the meantime.

Similar data and policy issues have also cropped up as a result of the decision by Congress to provide special time-limited programs for particular groups deemed to have been unduly disadvantaged by some of the sharp restrictions on relief from removal enacted in 1996. Instead of revisiting those restrictions and easing them for all in ways that could have been administered as part of well-established procedures in immigration court, Congress chose to enact two special and intricate laws, the Nicaraguan Adjustment and Central American Relief Act (NACARA) in 1997 and the Haitian Refugee Immigration Fairness Act (HRIFA) in 1998. These laws created three special intricate carve-outs for Haitians and Central Americans that were difficult to administer. Because of their complexity, these cases are still making their way through the adjudication system. Had Congress chosen instead a general fix for the 1996 amendments found to be problematic, costly complications for both enforcement and adjudications could have been avoided.

4 The other main categories for permanent immigration are (1) humanitarian categories – principally refugees and asylees, and (2) diversity immigrants.

(1) Because refugees resettled under the main refugee provision (INA § 207) must come in from overseas, this category is not relevant to discussion of the undocumented population. Asylum applicants usually are illegally present at the time of filing, but historically 30-40 percent of those who persist to a final decision receive asylum and eventual LPR status. A modest adjustment to undocumented census counts might be worthwhile to account for this success rate. But because new asylum applications are ordinarily resolved within six months of filing in the vast majority of cases (and receipts of asylum applications by DHS in recent years have run between 30,000 and 50,000), failing to make such an allowance does not greatly distort the counts. Most of the old cases currently listed in the asylum applicant backlog are actually there awaiting resolution under the special programs established by NACARA and HRIFA. DHS expects to have all such old backlog cases resolved by the end of FY 2006.

(2) Diversity immigrants are chosen in a new lottery each year. Only 50,000 can be admitted annually, out of applicant pools that usually number over six million. Applicants can be illegally present in the United States when selected, but a sizeable percentage are not. This policy brief does not discuss the diversity category, because no one has an incipient claim to legal status under this provision until selected via lottery, and then they must physically immigrate or adjust status before the end of the relevant fiscal year or the nascent claim expires.

5 If the relationship existed when the principal obtained LPR status, the rest of the nuclear family can immigrate immediately as spouses or children "accompanying or following to join." The 2d preference is therefore for family members whose immigration rights would be based on a relationship legally created after the principal obtained lawful status.

6 INA § 212(a)(9)(B). These bars attach only to persons who accumulate the stated period of unlawful presence and thereafter depart the country. The italicized provision can mean that a person who clearly has a qualifying family relationship will be able to secure LPR status only if he can adjust status – because visa process requires departure to a foreign country, whereas adjustment does not. This difference is the source of much of the intense interest in expanding eligibility for the special form of adjustment under INA § 245(i) – which is now available only to persons who reached Stage 2 before April 1, 2001. A more complete explanation of these legal complications can be found in David A. Martin, Waiting for Solutions, ***Legal Times***, May 28, 2001, at 66.

7 Susan Martin, Andrew Schoenholz, & Deborah Waller Meyers, Temporary Protection: Towards a New Regional and Domestic Framework, 12 Geo. Immigr. L.J. 543, 575 (1998).

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He is the co-author with T. Alexander Aleinikoff and Hiroshi Motomura of a preeminent law school casebook, *Immigration and Citizenship: Process and Policy*, now in its fifth edition. He most recently authored *The United States Refugee Admissions Program: Reforms for a New Era of Refugee Resettlement*, which was published by MPI in May 2005.

Mr. Martin joined the law faculty at the University of Virginia in 1980, after serving two years as Special Assistant to the Assistant Secretary for Human Rights and Humanitarian Affairs at the US Department of State, where he was involved in drafting the Refugee Act of 1980. From 1995 to 1998, he served as General Counsel of the Immigration and Naturalization Service.

Mr. Martin has twice served as a consultant to the Administrative Conference of the United States, preparing studies and recommendations on federal migrant worker assistance programs and on reforms to political asylum adjudication procedures. In 1993, he served as an advisor to the Department of Justice, leading to major reforms of the US political asylum adjudication system. He recently completed a comprehensive study of the US overseas refugee admissions program for the Department of State, containing recommendations for reform of that system.

The Migration Policy Institute (MPI) is an independent, non-partisan, non-profit think tank dedicated to the study of the movement of people worldwide. The institute provides analysis, development, and evaluation of migration and refugee policies at the local, national, and international levels. It aims to meet the rising demand for pragmatic responses to the challenges and opportunities that migration presents in an ever more integrated world. MPI produces the Migration Information Source web site, at www.migrationinformation.org.

MORE FROM MPI:

This report was commissioned as part of MPI's Independent Task Force on Immigration and America's Future. The task force is a bipartisan panel of prominent leaders from key sectors concerned with immigration, which aims to generate sound information and workable policy ideas.

The task force's work focuses on four major policy challenges:

- The growing unauthorized immigrant population
- Immigration enforcement and security requirements
- Labor markets and the legal immigration system
- Integrating immigrants into American society

The panel's series of reports and policy briefs will lead to a comprehensive set of recommendations in 2006.

Former Senator Spencer Abraham (R-MI) and former Congressman Lee Hamilton (D-IN) serve as co-chairs, and the task force's work is directed by MPI Senior Fellow Doris Meissner, the former Commissioner of the Immigration and Naturalization Service.

The approximately 25 task force members include high-ranking members of Congress who are involved in shaping legislation; leaders from key business, labor and immigrant groups; and public policy and immigration experts. MPI, a nonpartisan think tank dedicated to the analysis of the movement of people worldwide, is partnering with Manhattan Institute and the Woodrow Wilson International Center for Scholars for this project.

For more information on the Independent Task Force on Immigration and America's Future, please visit:

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