

## **Family Immigration and Immigrant Women<sup>1</sup>**

September 22, 2009

Family-based immigration is a cornerstone of the immigration system. Not surprisingly, women are significantly impacted by family immigration laws and their experiences are critical to any discussions on the reform of family immigration.

Long backlogs and extreme bureaucracy exacerbate immigrant women's vulnerability, heightening women's dependency on partners and increasing the likelihood of exploitation by family members and employers. Reforms to the immigration process must include efforts to streamline the family immigration process, and protect the family immigration system. Without these changes, women will continue to unsafely migrate, work and live in the shadows, and lack the economic access and equality they need to prevent abuse and exploitation and to attain economic security in the United States.

Historically, lack of access to capital and social constraints, both in their home countries and in the United States, result in immigrant women disproportionately immigrating through family based immigration compared to men. The family-based systems result in an overwhelmingly female population experiencing years of delay due to immigration cases processing backlogs. The employment-based immigration backlogs result in many women remaining in forms of legal immigration status that do not include permission to accept employment while they wait for permanent immigration status. Similarly, women who receive lawful immigration status as dependent (derivative) family members of employment-visa holders also do not receive employment authorization.

Many women who are outside the United States cannot afford to live separately from their spouses and families. These women risk unsafe and unlawful migration to the United States out of necessity. Women who migrate illegally are far more vulnerable to unsafe conditions and are particularly at risk for sexual assault. Once in the United States, many immigrant families need two incomes to support themselves and their children. Whether they are victims of extended backlogs or a system that precludes their employment while in the United States, immigrant women are left with no choice but to work in the underground economy without legal work authorization. Women who work without status are extremely likely to be subject to exploitation from their employers, who know that their employees will not report crimes against them. Those women who elect not to work are economically vulnerable, which can lead to problematic power dynamics within a relationship and are at greater risk for domestic violence and sexual assault within the family.

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<sup>1</sup> Developed by Leslye Orloff and Kavitha Sreeharsha

Women who are victims of domestic violence also utilize the family-based immigration system to self-petition for status under the Violence Against Women Act (VAWA). Reducing family backlogs and prioritizing spouses of lawful permanent residents will have a distinct impact for VAWA self-petitioners. Any improvements will allow victims and their family members to have quicker access to lawful residence and provide them with the stability so necessary for women seeking to independently rebuild their lives, free from violence.

Family-sponsored immigration by the numbers:

- Women constituted 60.1% of those entering as immediate relatives, compared to 39.9% of men. A lower, but still significant, percentage of women enter on family preference visas (53.8% women vs. 46.2% men).<sup>2</sup>
- 69% of all female Lawful Permanent Residents (LPRs) entered through the family immigration system, compared to just 50.6% of all male LPRs.<sup>3</sup>
- Women are 38% more likely attain LPR status through a family-based visa than men.<sup>4</sup>

Women and the employment-based visa system:

- Men were more likely to be principal visa holders for employment-based visas: 72.2% of men as compared to women 27.7%.<sup>5</sup>
- Women were much more likely than men to be dependents (spouses and children) of the principal visa holder: 66.3% of women and 33.7% of men are dependents.<sup>6</sup>
- Only 3.9% of all female LPRs entered through the employment-based system as principal visa holders. In contrast, 12.2% of all male LPRs entered as principal visa holders.<sup>7</sup>
- Men were 212% more likely to enter as a principal visa holder for an employment-based visa, while women were 64.6% more likely to enter as dependent visa holders.<sup>8</sup> This is true despite the fact that U.S.-born and foreign-born women were roughly equal when it came to having a bachelor's degree (21.4% of U.S.-born women versus 20.3% of foreign-born women).<sup>9</sup>

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<sup>2</sup> Kelly Jeffreys, *Characteristics of Family-Sponsored Legal Permanent Residents: 2004*. Washington, DC: Office of Immigration Statistics, Department of Homeland Security, October 2005, "Table 1: Demographic Characteristics of All LPRs and Family-Sponsored Principal LPRs": Fiscal Year 2004.

<sup>3</sup> See Kelly Jeffreys, *Characteristics of Family-Sponsored Legal Permanent Residents: 2004*. Washington, DC: Office of Immigration Statistics, Department of Homeland Security, October 2005

<sup>4</sup> Id.

<sup>5</sup> Kelly Jeffreys, *Characteristics of Employment-Based Legal Permanent Residents: 2004*. Washington, DC: Office of Immigration Statistics, Department of Homeland Security, October 2005, "Table 1: Demographic Characteristics of All LPRs and Employment-Based Principal LPRs": Fiscal Year 2004.

<sup>6</sup> Id.

<sup>7</sup> See Kelly Jeffreys, *Characteristics of Employment-Based Legal Permanent Residents: 2004*. Washington, DC: Office of Immigration Statistics, Department of Homeland Security, October 2005.

<sup>8</sup> Id.

<sup>9</sup> United States Census (2000).