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The impact of the 1965 immigration act on immigration to the USA: The case of Greece

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the impact of the 1965 immigration act on immigration to the USA

the case of Greece

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introduction

The 1965 amendments to the Immigration and Nationality Act had as one major policy objective the expansion of opportunities to immigrate from Southern and Eastern Europe. An examination of immigration trends to the United States from one country of this region—Greece—indicates, however, that the initial upsurge in immigration after 1965 has been followed by a period of steady decline.

Some see this trend mainly as the result of a declining Greek demand for immigrant visas. An alternative possibility, which this paper seeks to explore, is that the decline in immigrant visa issuance is related to the way opportunity is being structured for those who might otherwise intend to immigrate. Among the components of this structure of opportunity one may include: the design of the immigration law itself, as amended; the way the law is administered, through both administrative regulations, especially in Washington, and through the exercise of administrative discretion, especially at the Consular level; the economic and social conditions in the receiving country; the economic situation in the home country; and alternate opportunities for emigration.

This study focuses on the structure of opportunity presented by the design of the immigration law and the ways in which it is administered. This is not to gainsay or ignore the role of the other factors. Greece is used as a case study to elucidate the relationship between migration rates, demand, and opportunity structure.

The study hypothesizes that the structure of opportunity to immigrate can be considerably circumscribed, both by the way the Immigration Act is designed as well as by administrative regulations and the exercise of administrative discretion, at home and abroad.¹ This, in conjunction with economic conditions, especially in the United States, affects the issuance of immigrant visas, particularly to certain classes of potential immigrants—those with no close American relatives, those with no needed skills, and more generally, young «have nots» in search of a better way of life. When normal channels of obtaining immigrant visas become blocked, attempts are made to use alternate and sometimes unforseen channels. These may be formally

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1. Partly, the structure of opportunity created in this manner is intended; but partly it is an unintended, latent outcome of the intended, planned features of the Act. Robert K. Merton discusses the difference between manifest and latent functions in Chapter 1 of his book, *Social Theory and Social Structure*. The Free Press of Glencoe, Illinois, 1949.

legitimate, such as adjustment of status, or illegitimate, such as illegal entry. To examine these propositions, the study investigates what has happened, since the enactment of the 1965 amendments, in the case of Greece.

The data used in this study include immigration statistics gathered from the annual Reports of the US Department of State and the Immigration and Naturalization Service; the annual Reports of the Bureau of Consular Affairs, describing trends in visa issuance and changes in administrative regulations associated with these trends; discussions with consular personnel and I&NS representatives about the administration of American immigration law, and observation of how immigration law is actually administered; Greek statistics on emigration trends to Northern Europe, and on economic trends in Greece.

US immigration policy prior to 1965

To understand what happened to Greek immigrant visa issuance after the 1965 amendments became effective, it is necessary to go backwards in time and observe the situation of countries like Greece under the McCarran-Walter Act of 1952. The provisions of the McCarran-Walter Immigration and Nationality Act embodied American immigration policies of long standing.² Among these were:

First, qualitative restrictions—some going back to the 1880s—against certain classes of aliens, such as the mentally and physically ill, the criminal, and those unable to support themselves;

Second, quantitative restrictions, going back to the early 1920s. The 1952 Act placed a ceiling of roughly 154,000 on the number of immigrant visas which could be issued annually to countries of the Eastern Hemisphere (Europe, Asia, Africa, Oceania);

Third, a national origins quota, first instituted in 1921, which heavily discriminated against the countries of Southern and Eastern Europe. Basically, access to the annual 154,000 immigrant visas by particular nationalities was determined by the proportion they constituted of the total white population in the United States in 1920. According to the revised 1952 formula, each nationality's quota was one sixth of one per cent of the number of its inhabitants in the continental USA in 1920. Greece's quota under this formula was 308 immigrant visas; Great Britain's was 65,361.

Fourth, a good neighbor policy, which allowed unrestricted immigration of persons born in the in-

dependent countries of the Western Hemisphere (North and South America).

Fifth, a policy of family unification, embodied in two types of provisions. According to the first, applicants who were immediate relatives, like alien spouses of US citizens, were issued immigrant visas without having to wait for a quota number. They were assigned nonquota status, classified as nonquota immigrants, and issued nonquota immigrant visas. A second device to accomplish the objective of family unification was the assignment of preference status. This was a status assigned *within* the quota limitations, to various types of close (but not immediate) relatives, like parents of US citizens under the 1952 Act. Persons assigned preference status did need a quota number. But they were assigned priority in access to visas among quota applicants of their nationality.

The McCarran-Walter Act not only embodied long standing American immigration policies; it also contained a number of new policies and emphases. These included:

First, preference status for skilled workers. The first preference in the McCarran-Walter Act was assigned to skilled workers and their dependents. This policy was to be continued, in modified form, in the amended 1965 Act.

Second, abolition of sex discrimination in the issuance of immigrant visas.

Third, the abolition of racial discrimination against Asians. In accordance with the provisions of the McCarran-Walter Act, Asians in principle were no longer excluded from either naturalization or immigration.

period prior to 1965

Prior to the 1965 amendments to the Immigration and Nationality Act of 1952, Greece had an annual quota of 308 visa numbers, which were always used in their entirety. As in the case of other countries with small quotas under the national origins provisions of American immigration law, the great majority of Greeks who received immigrant visas were immediate relatives and other categories of visa applicants not subject to quota limitations. For example, in the year preceding the 1965 Immigration Act, more than 85 per cent of the total number of 2,082 immigrant visas issued went to nonquota applicants.³

An examination of the distribution of quota visas according to preference category under the McCarran-Walter Act shows that the priorities set by the Act, and the percentage of visas set aside for the different preference categories, determined the visa issuance pat-

2. Two detailed presentations of the laws prior to the 1965 amendments are: Frank L. Auerbach, *Immigration Laws of the United States*, N.Y.: Bobbs-Merrill 1961; and Marion T. Bennett, *American Immigration Policies: A History*, Washington, DC: Public Affairs Press, 1963.

3. US Department of State, *Visa Activities* 1963, 1964, 1965, Table 1.

tern for Greece, as well as for other countries subject to that preference system (see Chart I).

Since the quota for Greece was so small, the number of applicants far exceeded the number of available visas in each preference category. The first three categories were entirely used up, each to its legal limit, every year.

CHART I. *Preference Systems Under the Immigration Acts of 1952 and 1965**

Immigration and Nationality Act of 1952
(McCarran-Walter Act)

1. First preference: Highly skilled immigrants whose services are urgently needed in the United States and the spouse and children of such immigrants.
50 percent plus any not required for second and third preferences.
2. Second preference: parents of United States citizens over the age of 21 and unmarried sons and daughters of United States citizens.
30 percent plus any not required for first and third preferences.
3. Third preference: Spouse and unmarried sons and daughters of an alien lawfully admitted for permanent residence.
20 percent plus any not required for first or second preference.
4. Fourth preference: Brothers, sisters, married sons and daughters of United States citizens and an accompanying spouse and children.
50 percent of numbers not required for first three preferences.
5. Nonpreference: Applicants not entitled to one of the above preferences.
50 percent of numbers not required for first three preferences, plus any not required for fourth preference.

Immigration Act of 1965

1. First preference: Unmarried sons and daughters of United States citizens.
Not more than 20 percent.
2. Second preference: Spouse and unmarried sons and daughters of an alien lawfully admitted for permanent residence.
20 percent plus any not required for first preference.
3. Third preference: Members of the professions and scientists and artists of exceptional ability.
Not more than 10 percent.
4. Fourth preference: Married sons and daughters of United States citizens.
10 percent plus any not required for first three preferences.
5. Fifth preference: Brothers and sisters of United States citizens.
24 percent plus any not required for first four preferences.
6. Sixth preference: Skilled and unskilled workers in occupations for which labor is in short supply in the United States.
Not more than 10 percent.
7. Seventh preference: Refugees to whom conditional entry or adjustment of status may be granted.
Not more than 6 percent.
8. Nonpreference: Any applicant not entitled to one of the above preferences.
Any numbers not required for preference applicants.

* According to the 1952 Law, the percentage is applied against each national quota. According to the 1965 Act, the percentage is applied against the 170,000 limitation.

Source: Keely, Charles B., «Effects of US Immigration Law on Manpower Characteristics of Immigrants», *Demography*, Vol. 12, No. 2, May 1975, p. 181.

The first preference went to Greek immigrants with requisite skills and their dependents. Second preference visas were issued mainly to parents of citizens, and third preference visas to unmarried sons and daughters of resident aliens. No visas remained to be issued to brothers and sisters or other close relatives, or to non-preference applicants. In other words, persons of Greek descent were allowed to bring in, and did so, a maximum of 154 skilled workers and their dependents, 92 parents of US citizens, and 62 adult sons and daughters of resident aliens.

It is important to note that neither the number nor the types of quota visas issued prior to 1965 corresponded to demand. Instead, the 308 visas issued, and the composition of the successful candidates, reflected the structure of opportunity for obtaining visas under the McCarran-Walter Act.

policy changes embodied in the 1965 Immigration Act⁴

The 1965 Law embodied new policies which affected visa issuance patterns throughout the world. One major policy change was the abolition of the national origins quotas. Instead, each country within the Eastern Hemisphere (Europe, Asia, Africa, and Oceania) was given *competitive* access to a maximum number of 20,000 visas annually on a first come, first served basis, within a numerical limitation of 170,000 for the Eastern Hemisphere. The competitive position of the applicant depends on: his preference status; his priority date; and how rapidly he completes the needed administrative steps (filling out applications, providing documentation, etc.).

It is important to understand the difference between the old and the new systems. Under the 1952 Act, fixed, non-transferable quotas were allocated to each country. Under the new Act, there is simply a specification of an annual maximum numerical limitation (of 20,000) beyond which applicants born in a given country cannot be issued visas; but no country has a «right» to these numbers except in competition with all other countries of the Eastern Hemisphere.⁵

A second policy change embodied in the 1965 Immigration Act involved the preference system for Eastern Hemisphere countries. The Act established seven preference categories—four for the purpose of family reunion, two for workers, and one for refugees. The new legislation placed greater emphasis than

4. For a more detailed discussion of these policy changes, see: Keely, Chas. B., «Effects of the Immigration Act of 1965 on Selected Population Characteristics of Immigrants to the United States», *Demography*, Vol. 8, No. 2, May 1971, 157-169; Sandis, Eva E., «Ethnic Group Trends in New York», in P. Saran and E. Eames, eds., *New Ethnicity: The case of the East Indians*, NY: Praeger, 1980.

5. See the US State Department's 1967 *Visa Report*, p. 8, for a useful discussion.

heretofore on family relationships as a basis for selecting immigrants. Almost three quarters (74 per cent) of all allowable visas are reserved to family members. Two relative categories have higher preference than any worker categories. Furthermore, parents of US citizens are now classified as «immediate relatives» and removed from the numerically limited visa category.

The new law also placed less emphasis on immigrant visa issuance to workers as compared to relatives, introduced distinctions between skill levels, and assigned higher preferences to those in professional and kindred occupations than to those qualified to do other types of work.

A third change involved labor certification procedures. Until 1965, the burden of proving «adverse effect» was placed on the Secretary of Labor. The present Law, on the other hand, specifies that workers shall not enter unless the Secretary of Labor certifies that there are not sufficient able and qualified workers available in the United States and that the aliens would not adversely affect wages and working conditions. Since 1965, labor certification has been required of all Eastern Hemisphere immigrants entering under the third and sixth preference categories (preferences based on work skills) and under the nonpreference category. (For a comparison of the preference systems under the 1952 and 1965 legislations see Chart 1).

1965-1968: the visa pool

The national origins quota system was phased out during a two and a half year transition period, ending June 1968. For this period, a general visa pool was established, made up of unused visas from undersubscribed countries and available to preference applicants from oversubscribed countries with long waiting lists. During this transition period, countries retained the quotas allocated to them under the pre-1965 legislation, even if these exceeded the 20,000 country maximum of the new legislation. Those quota numbers unused by the undersubscribed countries were put in to the visa pool at the end of each fiscal year for use by the oversubscribed countries during the next fiscal year. Applicants from oversubscribed countries had access to the visa pool according to their preference status and their priority date.

The objective of a transition period was to allow time for the backlog of demand from preference applicants throughout the Eastern Hemisphere to be taken care of through the visa pool mechanism, and at the same time to prevent visa numbers from becoming completely unavailable to the traditionally undersubscribed countries through an abrupt change to a first-come first-served system.

Greece was one of the countries which benefited immediately from the visa pool mechanism. In the first

year of the transition, the total number of immigrant visas issued to persons of Greek birth jumped from 2,082 to 9,097.

Of the 9,097 immigrant visas issued to Greeks in FY 1966, almost three quarters—6,583—were numerically limited visas.⁶ This numerically restricted type of immigration became the prevalent one throughout the world, beginning with the transition years.

During the transition period, the rapid increase in visa issuance to Greeks was mainly due to: access to the visa pool; priority of visa numbers as a result of the past long delay in processing Greek applications because of the absence of available visas; and demand for relative preferences which were given higher priority by the new Act (e.g. P2s) than by the old.⁷ However, immigrant visa issuance to Greek applicants did not approach the 20,000 limit in any of the transition period years despite the ongoing demand because of the structural limitations inherent in the visa pool mechanism.

the post-transition period

In FY 1969, Greeks were issued a total of 19,588 immigrant visas, a peak in issuance that has not been reached since. Although the abolition of the national origins quota system resulted in a substantial drop in immigration from Northern and Western Europe, immigration from Europe as a whole increased slightly over FY 1965. This was the net result of a shift in the traditional high volume of immigration from north-western Europe to southern Europe. Immigrants—mostly relatives of US citizens and resident aliens—from Italy, Greece, Portugal, Yugoslavia, and Spain—accounted for over three fifths of the European total in FY 1969 as compared with less than one fifth in FY 1965.⁸ Immigrant visa issuance to Greeks, which in FY 1965 had constituted a mere 1.7 per cent of the European total, represented 16 per cent by FY 1969.

The worldwide trend since 1969 has been a steady increase in the total number of immigrant visas issued; this trend has been the result of increases in the number of visas issued in both the Eastern and Western Hemispheres. However, an examination of individual continents and countries within the Eastern Hemisphere indicates that the trend is not true of Europe in general nor of Greece in particular; in both, a steady decline in immigrant visa issuance has occurred, as Table 1 indicates.

The trends just outlined for immigrant visa issuance in general hold for the numerically unrestricted visas, of which immediate relatives constitute by far the largest

6. 1966 *Visa Report*, Tables XII a.b. and XIV b.c; 1967 and 1968 *Visa Reports*, Tables VIII, X, XII.

7. 1966 *Visa Report*, Tables X, XII a.b; 1967 and 1968 *Visa Reports*, Tables VI, VII.

8. 1969 *Visa Report*, p. 6.

TABLE 1. *Immigrant Visas Issued, FY 1969-FY 1976*

Year	Worldwide	Eastern Hemisphere	Europe	Greece
1969	351,130	212,195	121,794	19,588
1970	362,005	213,872	117,476	16,490
1971	363,403	213,250	102,756	15,971
1972	365,859	211,049	90,764	10,902
1973	378,117	215,876	94,012	10,865
1974	381,176	214,333	84,813	11,073
1975	370,961	215,660	78,310	10,169
1976	377,896	226,019	74,060	8,363

Sources: Tables I, III, X, XV and pages 5, 7 of the 1970-1976 *Visa Reports*; and Tables I, VIII, IX, XI, and XIII of the 1969 *Visa Report*.

category.⁹ Between FY 1969 and FY 1976, both worldwide and in the Eastern Hemisphere, the number of numerically unrestricted immigrant visas issued increased by almost fifty per cent and forty per cent respectively. But in Europe the number dropped by 27 per cent during that time period; in Greece, by nine per cent. For Greece, the main reason was a steady drop in the number of parents (IR-5s), who can be admitted under the 1965 Act outside any numerical limits. Apparently, the backlogged demand under the 1952 Act has been met and the current demand by newly naturalized citizens is declining.

The same trends are far more conspicuous when the numerically limited visas are examined. Worldwide, the statutory maximum of 170,000 for the Eastern Hemisphere, plus 120,000 for the Western one (290,000 worldwide), continued to be issued. However, drastic drops are evident for Europe since 1967, and also for Greece from 17,782 in 1969 to 6,726 in 1976.¹⁰

An examination of trends in individual preferences for Greece sheds light on what appears to have occurred. According to the data in Table 2 the significant drops in numerically limited visas since 1969 were due to drops in fifth preferences, especially in FY 1970, 1972, and 1976. In FY 1972, there were also significant drops in sixth preferences, and decreases in nonpreference visa issuance. Both phenomena were related to a new, restrictive US Labor Department policy, which suspended Schedule C job pre-certifications and required applicants with these job qualifications to be individually certified.¹¹

9. Tables I and III, 1969 *Visa Report*; Tables I and XV, 1970-1976 *Visa Reports*.

10. Tables I and VI, 1969 *Visa Report*; Tables I and VII, 1970-1976 *Visa Reports*.

11. Schedule C was one or three labor certification schedules published by the US Department of Labor. Schedule A was a list of shortage occupations in the Federal Register. Schedule B listed various unskilled jobs, such as dishwasher and charwoman, for which there was no need for foreign workers, anywhere in the US, according to the Labor Department. Schedule C was a list of occupations in

TABLE 2. *Preference and Nonpreference Visas Issued to Greeks, Including Adjustments of Status and Refugees Admitted or Adjusted, FY 1969-FY 1976*

Preference	1969	1970	1971	1972	1973	1974	1975	1976
First	48	42	42	29	27	26	26	20
Second	2,045	2,642	3,001	2,655	2,603	2,509	1,986	1,806
Third	81	62	38	28	6	18	35	17
Fourth	189	239	157	189	179	204	215	161
Fifth	13,211	7,980	6,696	4,664	4,788	4,586	4,752	3,815
Sixth	1,428	1,597	1,967	706	458	364	374	150
Seventh	8	8	21	18	13	22	21	91
Nonpreference	772	1,923	2,129	815	823	1,366	902	666
Total	17,782	14,493	14,051	9,104	8,897	9,095	8,311	6,726

Sources: Table VI, 1969 *Visa Report*; Table VII, 1970-1976 *Visa Reports*.

After January 1969, the visa availability pattern for Greece was the same as that for the Eastern Hemisphere countries generally. Specifically, the relative preferences—first, second, fourth, and fifth—were current ever since January 1969. Among skill categories, the sixth was backlogged until 1971, and the third (professional applicants) until 1976. Nonpreference status applicants had substantial waiting periods during the entire period under consideration.¹²

The 1965 Immigration and Nationality Act gave the opportunity for those demands to be met which conformed to the new opportunity structure—namely, of close relatives and workers needed in this country during times of economic affluence. In conformity with the opportunities offered by the 1965 amendments, Greek parents and brothers and sisters joined their American relatives by the thousands. Skilled and unskilled workers with qualifications acceptable under labor certification procedures also obtained sixth preference and nonpreference visas to work in this country, often in small businesses for employers of Greek descent. However, drastic reductions in these types of visas resulted from the more restrictive measures of the Department of Labor introduced in the early 1970s to protect American labor during the economic recession.

Greece's failure to reach its annual statutory maximum of 20,000 immigrant visas, it must be emphasized, does not in itself signify a lack of demand. It simply signifies that the competitive demand for immigrant visas in other parts of the Hemisphere has been great, due to such factors as the population size of the countries in-

short supply in most parts of the country, but not nationwide. These were nonprofessional occupations, like television repairman and secretary. Prior to 1970, no job offer was needed for occupations listed in Schedule C. The I&NS or the Consulate made the labor certification decision on the spot. D. North, *Alien Workers*, Washington, DC: TransCentury Corp., 1971, p. 45ff.

12. See US Department of State, Bureau of Consular Affairs, Visa Office, *Monthly Bulletin* (July 1966-July 1976) regarding the availability of immigrant visas.

volved, the backlog of applicants for immigrant visas due to historical circumstances, and the types of visas in demand. The steady decline during the 1970s in the number of visas issued to Greeks does suggest a declining demand for the *available* types of visas.

Many explanations have been offered to account for this trend. Foremost is the argument that the emigration to the United States has been complemented, and is being replaced, by Greek emigration to Northwestern Europe, especially the German Federal Republic. Although there was a mass exodus to Germany in the early sixties, there was a steady decline in permanent migration during the 1970s. According to the Statistical Yearbook of Greece, the number of Greek permanent emigrants to Germany in 1970 was 65,285; in 1976, it was 6,829. Temporary emigration, which represents mostly the Greek merchant marine, has also shown a significant drop since 1974.¹³

An explanation which attempts to account for both the decline in emigration from Greece and in some cases, for the return migration of emigres, is the improved economic situation in Greece during the 1970s. According to a variety of indices, economic conditions in Greece during this period have ameliorated. For example, hourly payment of workers in industrial establishments of ten or more employees went up from 17.3 drachmae in 1971 to 54.0 drachmae in 1977. Per capita gross national income at current prices went up during the same period from 33,439 drachmae to approximately 93,000 drachmae. Among telephone subscribers, the number of persons per telephone apparatus went down from 7.3 in 1971 to 4.2 in 1976.¹⁴

The return of Greeks from abroad also has been linked to the improved economic situation of Greece. In a recent article on the subject of return migrants, Washington Post correspondent Mary Anne Weaver noted that there were 20,000 retired Americans living in Greece, who were receiving thirty-five million dollars in social security retirement checks each year.¹⁵ On the other hand, some return migration to Greece, and decisions not to emigrate to the USA, are 'involuntary', in the sense that they are brought on by economic recessions abroad rather than by economic affluence at home. For example, US consular officials have pointed out that during times of economic downturn in the United States, American relatives of Greeks advise them to delay their applications for immigrant visas

since they find themselves unable to undertake the responsibilities of support during such lean periods.

In Washington, Government policies (e.g. tightening of labor certification procedures) and, at the local level, administrative actions of consular personnel, can make it more difficult (or easy) for persons to immigrate. For example, by tightening the criteria of economic support—which is within the discretionary power of consuls—it is possible to increase the number of exclusions. By favoring the elderly for nonpreference visas, competition for jobs in the USA is minimized, but the issuance of visas to nonpreference applicants who require labor certifications is reduced.

The exercise of such administrative discretion affects the issuance of nonimmigrant visas as well as of immigrant visas. As the demand for nonimmigrant visas steadily rises, consuls, by controlling nonimmigrant visa issuance, can and do indirectly affect immigration rates by anticipating adjustments of status. The control of nonimmigrant visa issuance is by law part of the consul's job. According to American immigration law, all nonimmigrants are considered immigrants unless the applicants can prove otherwise. The consuls must determine whether the applicants have so proved. Consuls utilize three main criteria in making this judgment: applicants' residential, job, and family ties to their country of origin. That leaves a lot of room for the exercise of administrative discretion. It often works against the young, who are not yet firmly anchored in their society through jobs and marriage. It also favors the haves over the have-nots, since the former are viewed as likely to have a reason to emigrate. In a time of economic downturn, these considerations are likely to be accentuated.

Applicants may apply for any one of twelve types of nonimmigrant visas, the most common of which is the tourist visa. Once in the United States, they may apply for adjustment of status, provided they are eligible to receive an immigrant visa, are admissible to the US for permanent residence, and that visas are immediately available. Adjustments of status tend to vary inversely with immigrant visa issuance abroad: the more preference and nonpreference visas are issued abroad, the less adjustments of status are made in the United States in any one year (and vice versa). This is so because the combined total of immigrant visas issued abroad plus adjustments made in the United States must not exceed the annual numerical limitations for the two hemispheres or for each country prescribed by American immigration law.

The trend in status adjustment has been downward since 1973 for the Eastern Hemisphere as a whole, for Europe since FY 1974, and for Greece, from 1020 to 873.¹⁶

13. National Statistical Service of Greece, *Statistical Yearbooks of Greece*, 1971, Table II:26, p. 46 and 1977, Table II:39, p. 56; and *Statistical Bulletin*, November 1977. I also wish to thank Prof. Tsoussis of Deree College for calling my attention to the migratory patterns of those in the Greek merchant marine.

14. *Personal Communication*, Ministry of Economic planning, Athens, Greece, June 1978.

15. *Washington Post*, July 15, 1977. My thanks to Athens Time correspondent Mirka Gondicas for making the article available to me.

16. 1969 *Visa Report*, Tables I (worldwide and Eastern

A comparison of the issuance of immigrant visas for Greece before and after inclusion of adjustments shows which preference categories benefit most from these adjustments. According to the data in Table 3, the adjustments are not randomly distributed. The greatest impact of adjustments is on the third, sixth, and non-preference categories, in other words, categories which require labor certifications. One can surmise that these are applications for admission which are so difficult to obtain abroad that one alternative route is to come to this country as a visitor, try to find a job here, and then attempt to adjust status.

TABLE 3. Greek Status Adjustments, FY 1976

Preference Category	Total Number Visas Issued		Number of Adjustments	% Increase Due to Adjustments
	Before Adjustments	Including Adjustments		
	N	N	N	%
First	14	20	6	42.9
Second	1,519	1,806	287	18.9
Third	2	17	15	650.0
Fourth	154	161	7	4.5
Fifth	3,532	3,815	283	8.0
Sixth	87	150	63	72.4
Seventh	91	91	0	0.0
Nonpreference	454	666	212	46.7
Total	5,853	6,726	873	14.9

Source: 1976 Visa Report, Table VIII.

Consuls are supposed to try and spot this kind of potential immigrant, who is produced by the structural limitations inherent in the law. Although the manifest intent of the law is not to make detectives out of consular officials, nor to promote devious behavior among applicants for nonimmigrant visas, the latent effects of the law press in that direction.

Illegal migration, to some extent, is also the unintended consequence of immigration legislation which makes it difficult for certain persons to come to this country legally. Who, after all, are the illegal migrants? Often, these are persons who are either without the right kind of job qualifications or too poor to be considered good risks for admission to this country. The only way these persons can enter the United States is illegally. A major reason why Greeks have a high rate of illegal entry is that as seamen, the opportunity for illegal entry has been greater than for many other nationality groups. Whereas worldwide, in FY

Hemisphere) and Tables VII (Europe and Greece), 1970-1976 Visa Reports, Tables I and VIII.

The slight upturn for Greece in FY 1976 appears to be a function of the even more rapid decrease in preference and nonpreference visas issued abroad, and its effect of the availability of slots for adjustments of status.

1976, the modal status at entry for deportable aliens was «entry without inspection» (mainly from Mexico and Canada), for Europe it was that of «visitor», and for Greece, crewmen who were «willful violators» (28.7 per cent), that is seamen who jumped ship. Another 38.2 per cent were in technical violation because of delayed ship departures.¹⁷

A brief look at the trend in Greek deportable aliens located, by status at entry, since FY 1969 reveals a continuing rise in the number found deportable among those who entered as visitors. A similar trend is evident for those who entered as students, except for a slight reversal in FY 1975. For crewmen, a downturn in numbers is evident since FY 1973, when the Immigration and Naturalization Service began a systematic crackdown on this obvious method of illegal entry. The trend data are presented in Table 4.

TABLE 4. Greek Deportable Aliens Located, by Status at Entry, FY 1969 - FY 1976

Year	Number Located	Visitor	Student	(Willful Violators Only)			All* Other
				D-1 Crewman	D-2 Crewman	Entry without Inspection	
1969	6,043	652	113	1,141	28	65	4,044
1970	4,055	477	98	1,526	38	90	1,826
1971	3,351	418	93	1,612	24	69	1,135
1972	5,065	421	85	1,708	24	107	2,720
1973	4,394	702	128	1,811	25	122	1,606
1974	4,619	783	136	1,722	30	93	1,855
1975	5,300	846	113	1,659	30	90	2,562
1976	4,581	959	151	1,296	21	83	2,071

* Mainly D-1 and D-2 crewmen who are non-willful violators, e.g., overstayed because of delayed ship departures, etc.

Source: Annual Reports of the Immigration and Naturalization Service: Tables 27B, 1969-1975; Table 30, 1976

conclusions

It is evident that the apparent decline in demand for available visas must be appraised with some care, since, in fact, the opportunity structure itself is constantly changing in ways that are not always obvious. The 1965 Act itself has been designed in such a way that changes in the number of immigrant visas which can be issued annually can occur despite a steady demand, provided only that demand becomes heavier in another country within the same Hemisphere. Furthermore, changes in administrative policy in Washington, such as the tightening or relaxation of labor certification procedures, or, at the local level, in the exercise of consular discretion—e.g., as to who is excludable because of the

17. 1976 Annual Report of the Immigration and Naturalization Service, Table 30.

danger of becoming a public charge—can and do affect the opportunity structure. When the normal ways of entry dry up, alternate routes are sought by those who are excluded. These ways may be formally legitimate, or illegitimate, depending on the specific opportunity structure in effect at any given time. In essence, the number and kinds of visas, and the amount of illegal entry, is governed by an opportunity structure defined by immigration law, federal regulation of the responsible departments, administrative discretion, and surveillance at borders and ports of entry.

As far as Greece is concerned, the design of the 1965 Immigration and Nationality Act most probably affected the downward trend in visa issuance since FY 1969, although the very design of the legislation makes it difficult to ascertain precisely the extent to which intra-Hemispheric competition affects the opportunities of any one country.¹⁸

But it is apparent that both administrative policy in Washington, especially with respect to labor certification regulations, and the exercise of administrative discretion at the consular level, have contributed to the decline in immigrant visa issuance, evidently in consonance with economic pressures in the United States. This is not to gainsay the relationship of events in north western Europe or Greece to these migration trends.

The number of US immigrant visas issued to Greeks in FY 1976 still was substantially above that of FY 1965, the last year of the McCarran-Walter Act, and is

indicative of a continuing demand within the limits of the opportunity structure. The use of adjustments of status by Greeks in disproportionate numbers to gain third and sixth preference and nonpreference visas, and their attempts to enter illegally, are also indicative of continuing demand, a demand which must be viewed in the context of the limitations of the opportunity structure defined by American immigration law.

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18. It will be even more difficult to ascertain from now on, due to recently passed legislation which combines the hemispheric ceilings and preferences, creating worldwide competition for visa numbers and preferences, rather than Hemispheric competition.