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U.S. Immigration Policy on Permanent Admissions

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U.S. Immigration Policy on Permanent Admissions

Summary

When President George W. Bush announced his principles for immigration reform in January 2004, he included an increase in permanent immigration as a key component. President Bush has stated that immigration reform is a top priority of his second term and has prompted a lively debate on the issue. Of an array of bills to revise permanent admissions introduced, only one was enacted in the 109th Congress: A provision in P.L. 109-13 (H.R. 1268, the emergency FY2005 supplemental appropriation) makes up to 50,000 employment-based visas available for foreign nationals coming to work as medical professionals. There is a widely held expectation that the 110th Congress will consider immigration reform.

During the 109th Congress, the Comprehensive Immigration Reform Act (S. 2611) would have substantially increased legal immigration and would have restructured the allocation of these visas. S. 2611 would have doubled the number of family-based and employment-based immigrants admitted over the next decade, as well as expanded the categories of immigrants who may come without numerical limits. The Senate passed S. 2611 on May 25, 2006. The major House-passed immigration bill (H.R. 4437) did not revise family-based and employment-based immigration. Proposals to alter permanent admissions were included in several other immigration proposals (S. 1033/H.R. 2330, S. 1438, H.R. 3700, H.R. 3938, S. 1919). Thus far in the 110th Congress, H.R. 75, H.R. 938, H.R. 1645, and S. 1348 would revise categories for permanent admissions.

Four major principles underlie current U.S. policy on permanent immigration: the reunification of families, the admission of immigrants with needed skills, the protection of refugees, and the diversity of admissions by country of origin. These principles are embodied in the Immigration and Nationality Act (INA). The INA specifies a complex set of numerical limits and preference categories that give priorities for permanent immigration reflecting these principles. Legal permanent residents (LPRs) refer to foreign nationals who live lawfully and permanently in the United States.

During FY2005, a total of 1,122,373 aliens became LPRs in the United States. Of this total, 57.8% entered on the basis of family ties. Additional major immigrant groups in FY2005 were employment-based preference immigrants (including spouses and children) at 22.0%, and refugees and asylees adjusting to immigrant status at 12.7%. Mexico led all countries with 161,445 aliens who became LPRs in FY2005. India followed at a distant second with 84,681 LPRs. China came in third with 69,967. These three countries comprise 30% of all LPRs in FY2005.

Significant backlogs are due to the sheer volume of aliens eligible to immigrate to the United States. Citizens and LPRs first file petitions for their relatives. After the petitions are processed, these relatives then wait for a visa to become available through the numerically limited categories. The siblings of U.S. citizens are waiting 11 years. Prospective LPRs from the Philippines have the most substantial waiting times; consular officers are now considering the petitions of the brothers and sisters of U.S. citizens from the Philippines who filed more than 22 years ago.

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U.S. Immigration Policy on Permanent Admissions

Latest Legislative Developments

Legal immigration reform is likely to come up during the 110th Congress.[1] Senate Majority Leader Reid has indicated that S. 1348, which reportedly is virtually identical to S. 2611 as passed by the 109th Congress, will be the marker for Senate debate on comprehensive immigration reform. The Senate Majority Leader has publicly affirmed his commitment to begin floor debate on comprehensive immigration reform the week of May 14.[2] The House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law held two hearings weekly in April and intends to continue this pace through May on various aspects of comprehensive immigration reform.[3]

Overview

Four major principles currently underlie U.S. policy on legal permanent immigration: the reunification of families, the admission of immigrants with needed skills, the protection of refugees, and the diversity of admissions by country of origin. These principles are embodied in federal law, the Immigration and Nationality Act (INA) first codified in 1952. The Immigration Amendments of 1965 replaced the national origins quota system (enacted after World War I) with per-country ceilings, and the statutory provisions regulating permanent immigration to the United States were last revised significantly by the Immigration Act of 1990.[4]

The two basic types of legal aliens are *immigrants* and *nonimmigrants*. As defined in the INA, immigrants are synonymous with legal permanent residents (LPRs) and refer to foreign nationals who come to live lawfully and permanently in the United States. The other major class of legal aliens are nonimmigrants — such

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[1] CRS Report RS22574, *Immigration Reform: Brief Synthesis of Issue*, by Ruth Ellen Wasem.

[2] *CQ Today*, "Senate Immigration Vote Turns Into a Gamble for Reid and His Caucus," by Michael Sandler, May 10, 2007.

[3] For a listing of these hearings, see the website of the House Committee on the Judiciary at [http://judiciary.house.gov/], accessed May 9, 2007.

[4] Congress has significantly amended the INA numerous times since 1952. Other major laws amending the INA are the Refugee Act of 1980, the Immigration Reform and Control Act of 1986, and Illegal Immigration Reform and Immigrant Responsibility Act of 1996. 8 U.S.C. §1101 et seq.

as tourists, foreign students, diplomats, temporary agricultural workers, exchange visitors, or intracompany business personnel — who are admitted for a specific purpose and a temporary period of time. Nonimmigrants are required to leave the country when their visas expire, though certain classes of nonimmigrants may adjust to LPR status if they otherwise qualify.[5]

The conditions for the admission of immigrants are much more stringent than nonimmigrants, and many fewer immigrants than nonimmigrants are admitted. Once admitted, however, immigrants are subject to few restrictions; for example, they may accept and change employment, and may apply for U.S. citizenship through the naturalization process, generally after five years.

Petitions for immigrant (i.e., LPR) status are first filed with U.S. Citizenship and Immigration Services (USCIS) in the Department of Homeland Security (DHS) by the sponsoring relative or employer in the United States. If the prospective immigrant is already residing in the United States, the USCIS handles the entire process, which is called "adjustment of status" because the alien is moving from a temporary category to LPR status. If the prospective LPR does not have legal residence in the United States, the petition is forwarded to the Department of State's (DOS) Bureau of Consular Affairs in their home country after USCIS has reviewed it. The Consular Affairs officer (when the alien is coming from abroad) and USCIS adjudicator (when the alien is adjusting status in the United States) must be satisfied that the alien is entitled to the immigrant status. These reviews are intended to ensure that they are not ineligible for visas or admission under the grounds for inadmissibility spelled out in INA.[6]

Many LPRs are adjusting status from within the United States rather than receiving visas issued abroad by Consular Affairs.[7] As discussed more fully below, 65.8% of all LPRs adjusted to LPR status in the United States while only 34.2% arrived from abroad in FY2005.

The INA specifies that each year countries are held to a numerical limit of 7% of the worldwide level of U.S. immigrant admissions, known as per-country limits. The actual number of immigrants that may be approved from a given country, however, is not a simple percentage calculation. Immigrant admissions and adjustments to LPR status are subject to a complex set of numerical limits and

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[5] Nonimmigrants are often referred to by the letter that denotes their specific provision in the statute, such as H-2A agricultural workers, F-1 foreign students, or J-1 cultural exchange visitors. CRS Report RL31381, *U.S. Immigration Policy on Temporary Admissions*, by Ruth Ellen Wasem.

[6] These include criminal, national security, health, and indigence grounds as well as past violations of immigration law. § 212(a) of INA.

[7] For background and analysis of visa issuance and admissions policy, see CRS Report RL31512, *Visa Issuances: Policy, Issues, and Legislation*, by Ruth Ellen Wasem.

preference categories that give priority for admission on the basis of family relationships, needed skills, and geographic diversity, as discussed below.[8]

Current Law and Policy

Worldwide Immigration Levels

The INA provides for a permanent annual worldwide level of 675,000 legal permanent residents (LPRs), but this level is flexible and certain categories of LPRs are permitted to exceed the limits, as described below.[9] The permanent worldwide immigrant level consists of the following components: family-sponsored immigrants, including immediate relatives of U.S. citizens and family-sponsored preference immigrants (480,000 plus certain unused employment-based preference numbers from the prior year); employment-based preference immigrants (140,000 plus certain unused family preference numbers from the prior year); and diversity immigrants (55,000).[10] Immediate relatives[11] of U.S. citizens as well as refugees and asylees who are adjusting status are exempt from direct numerical limits.[12]

The annual level of family-sponsored preference immigrants is determined by subtracting the number of immediate relative visas issued in the previous year and the number of aliens paroled[13] into the United States for at least a year from 480,000 (the total family-sponsored level) and — when available — adding employment preference immigrant numbers unused during the previous year. By law, the family-sponsored preference level may not fall below 226,000. In recent years, the 480,000 level has been exceeded to maintain the 226,000 floor on family-sponsored preference visas after subtraction of the immediate relative visas.

Within each family and employment preference, the INA further allocates the number of LPRs issued visas each year. As **Table 1** summarizes the legal immigration preference system, the complexity of the allocations becomes apparent.

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[8] Immigrants are aliens who are admitted as LPRs or who adjust to LPR status within the United States.

[9] § 201 of INA; 8 U.S.C. § 1151.

[10] For more information, see CRS Report RS21342, *Immigration: Diversity Visa Lottery*, by Ruth Ellen Wasem and Karma Ester.

[11] "Immediate relatives" are defined by the INA to include the spouses and unmarried minor children of U.S. citizens, and the parents of adult U.S. citizens.

[12] CRS Report RL31269, *Refugee Admissions and Resettlement Policy*, by Andorra Bruno.

[13] "Parole" is a term in immigration law which means that the alien has been granted temporary permission to be present in the United States. Parole does not constitute formal admission to the United States and parolees are required to leave when the terms of their parole expire, or if otherwise eligible, to be admitted in a lawful status.

Note that in most instances unused visa numbers are allowed to roll down to the next preference category.[14]

Table 1. Legal Immigration Preference System

Category		Numerical limit
Total Family-Sponsored Immigrants		**480,000**
Immediate relatives	Aliens who are the spouses and unmarried minor children of U.S. citizens and the parents of adult U.S. citizens	Unlimited
Family-sponsored Preference Immigrants		**Worldwide Level 226,000**
1st preference	Unmarried sons and daughters of citizens	23,400 plus visas not required for 4th preference
2nd preference	(A) Spouses and children of LPRs (B) Unmarried sons and daughters of LPRs	114,200 plus visas not required for 1st preference
3rd preference	Married sons and daughters of citizens	23,400 plus visas not required for 1st or 2nd preference
4th preference	Siblings of citizens age 21 and over	65,000 plus visas not required for 1st, 2nd, or 3rd preference
Employment-Based Preference Immigrants		**Worldwide Level 140,000**
1st preference	Priority workers: persons of extraordinary ability in the arts, science, education, business, or athletics; outstanding professors and researchers; and certain multi-national executives and managers	28.6% of worldwide limit plus unused 4th and 5th preference
2nd preference	Members of the professions holding advanced degrees or persons of exceptional abilities in the sciences, art, or business	28.6% of worldwide limit plus unused 1st preference
3rd preference — skilled	Skilled shortage workers with at least two years training or experience, professionals with baccalaureate degrees	28.6% of worldwide limit plus unused 1st or 2nd preference
3rd preference — "other"	Unskilled shortage workers	10,000 (taken from the total available for 3rd preference)
4th preference	"Special immigrants," including ministers of religion, religious workers other than ministers, certain employees of the U.S. government abroad, and others	7.1% of worldwide limit; religious workers limited to 5,000
5th preference	Employment creation investors who invest at least $1 million (amount may vary in rural areas or areas of high unemployment) which will create at least 10 new jobs	7.1% of worldwide limit; 3,000 *minimum* reserved for investors in rural or high unemployment areas

Source: CRS summary of §§ 203(a), 203(b), and 204 of INA; 8 U.S.C. § 1153.

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[14] Employment-based allocations are further affected by § 203(e) of the Nicaraguan and Central American Relief Act (NACARA), as amended by § 1(e) of P.L. 105-139. This provision states that when the employment 3rd preference "other worker" (OW) cut-off date reached the priority date of the latest OW petition approved prior to November 19, 1997, the 10,000 OW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under NACARA. Since the OW cut-off date reached November 19, 1997 during FY2001, the reduction in the OW limit to 5,000 began in FY2002.

Employers who seek to hire prospective employment-based immigrants through the second and third preference categories also must petition the U.S. Department of Labor (DOL) on behalf of the alien. The prospective immigrant must demonstrate that he or she meets the qualifications for the particular job as well as the preference category. If DOL determines that a labor shortage exists in the occupation for which the petition is filed, labor certification will be issued. If there is not a labor shortage in the given occupation, the employer must submit evidence of extensive recruitment efforts in order to obtain certification.[15]

As part of the Immigration Act of 1990, Congress added a fifth preference category for foreign investors to become LPRs. The INA allocates up to10,000 admissions annually and generally requires a minimum $1 million investment and employment of at least 10 U.S. workers. Less capital is required for aliens who participate in the immigrant investor pilot program, in which they invest in targeted regions and existing enterprises that are financially troubled.[16]

Per-Country Ceilings

As stated earlier, the INA establishes per-country levels at 7% of the worldwide level.[17] For a dependent foreign state, the per-country ceiling is 2%. The per-country level is not a "quota" set aside for individual countries, as each country in the world, of course, could not receive 7% of the overall limit. As the State Department describes, the per-country level "is not an entitlement but a barrier against monopolization."

Two important exceptions to the per-country ceilings have been enacted in the past decade. Foremost is an exception for certain family-sponsored immigrants. More specifically, the INA states that 75% of the visas allocated to spouses and children of LPRs (2ndA family preference) are not subject to the per-country ceiling.[18] Prior to FY2001, employment-based preference immigrants were also held to per-country ceilings. The American Competitiveness in the Twenty-First Century Act of 2000 (P.L. 106-313) enabled the per-country ceilings for employment-based immigrants to be surpassed for individual countries that are oversubscribed as long as visas are available within the worldwide limit for employment-based preferences. The impact of these revisions to the per-country ceilings is discussed later in this report.

The actual per-country ceiling varies from year to year according to the prior year's immediate relative and parolee admissions and unused visas that roll over. In FY2003, the per-country ceiling was set at 27,827 and in FY2002 was 25,804. According to the Department of State's Bureau of Consular Affairs, the ceiling for FY2004 was expected to be about 30,000. Processing backlogs, discussed later in

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[15] See CRS Report RS21520, *Labor Certification for Permanent Immigrant Admissions*, by Ruth Ellen Wasem.

[16] CRS Report RL33844, *Foreign Investor Visas: Policies and Issues*, by Chad C. Haddal.

[17] § 202(a)(2) of the INA; 8 U.S.C. § 1151.

[18] § 202(a)(4) of the INA; 8 U.S.C. § 1151.

this report, also inadvertently reduced the number of LPRs in FY2003. Only 705,827 people became LPRs in FY2003. USCIS was only able to process 161,579 of the potential 226,000 family-sponsored LPRs in FY2003, and thus 64,421 LPR visas rolled over to the FY2004 employment-based categories.[19]

Other Permanent Immigration Categories

There are several other major categories of legal permanent immigration in addition to the family-sponsored and employment-based preference categories. These classes of LPRs cover a variety of cases, ranging from aliens who win the Diversity Visa Lottery to aliens in removal (i.e., deportation) proceedings granted LPR status by an immigration judge because of exceptional and extremely unusual hardship. **Table 2** summarizes these major classes and identifies whether they are numerically limited.

Table 2. Other Major Legal Immigration Categories

Nonpreference Immigrants		Numerical Limit
Asylees	Aliens in the United States who have been granted asylum due to persecution or a well-founded fear of persecution and who must wait one year before petitioning for LPR status	No limits on LPR adjustments as of FY2005. (Previously limited to 10,000)
Cancellation of Removal	Aliens in removal proceedings granted LPR status by an immigration judge because of exceptional and extremely unusual hardship	4,000 (with certain exceptions)
Diversity Lottery	Aliens from foreign nations with low admission levels; must have high school education or equivalent or minimum two years work experience in a profession requiring two years training or experience	55,000
Refugees	Aliens abroad who have been granted refugee status due to persecution or a well-founded fear of persecution and who must wait one year before petitioning for LPR status	Presidential Determination for refugee status, no limits on LPR adjustments
Other	Various classes of immigrants, such as Amerasians, parolees, and certain Central Americans, Cubans, and Haitians who are adjusting to LPR status	Dependent on specific adjustment authority

Source: CRS summary of §§ 203(a), 203(b), 204, 207, 208, and 240A of INA; 8 U.S.C. § 1153.

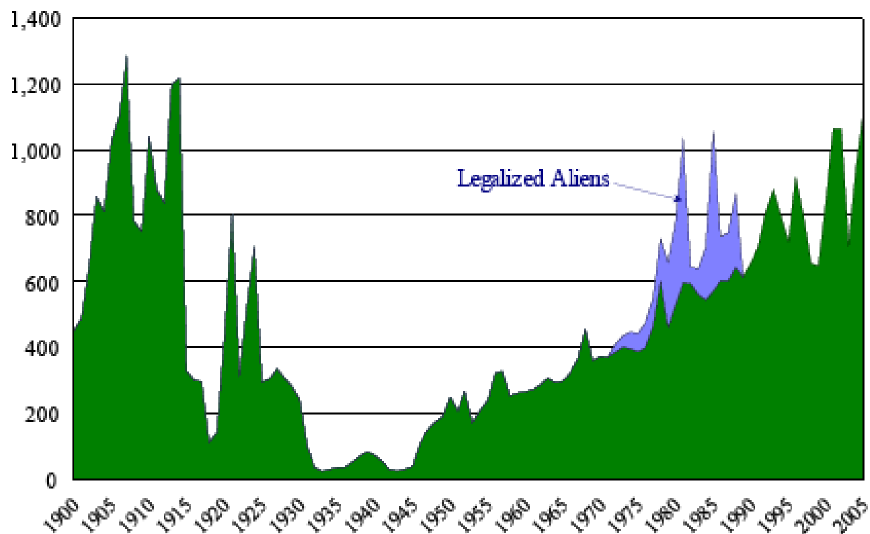
[19] Telephone conversation with DOS Bureau of Consular Affairs, February 13, 2004.

Admissions Trends

Immigration Patterns, 1900-2005

Immigration to the United States is not totally determined by shifts in flow that occur as a result of lawmakers revising the allocations. Immigration to the United States plummeted in the middle of the 20th Century largely as a result of factors brought on by the Great Depression and World War II. There are a variety of "push-pull" factors that drive immigration. Push factors from the immigrant-sending countries include such circumstances as civil wars and political unrest, economic deprivation and limited job opportunities, and catastrophic natural disasters. Pull factors in the United States include such features as strong employment conditions, reunion with family, and quality of life considerations. A corollary factor is the extent that aliens may be able to migrate to other "desirable" countries that offer circumstances and opportunities comparable to the United States.

Figure 1. Annual Immigration Admissions and Status Adjustments, 1990-2005



Source *Statistical Yearbook of Immigration*. Department of Homeland Security, Office of Immigration Statistics, multiple fiscal year liens legalizing through the Immigration Reform and Control Act of 1986 are depicted by year of arrival.

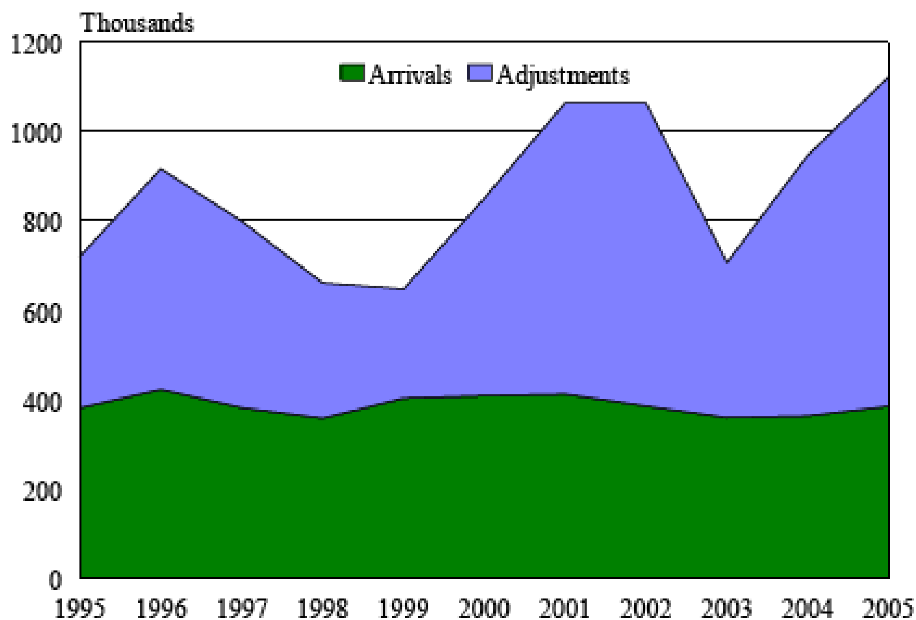
The annual number of LPRs admitted or adjusted in the United States rose gradually after World War II, as **Figure 1** illustrates. However, the annual admissions have not reached the peaks of the early 20th century. The DHS Office of Immigration Statistics (OIS) data present those admitted as LPRs or those adjusting to LPR status. The growth in immigration after 1980 is partly attributable to the total number of admissions under the basic system, consisting of immigrants entering through a preference system as well as immediate relatives of U.S. citizens, that was

augmented considerably by legalized aliens.[20] The Immigration Act of 1990 increased the ceiling on employment-based preference immigration, with the provision that unused employment visas would be made available the following year for family preference immigration. In addition, the number of refugees admitted increased from 718,000 in the period 1966-1980 to 1.6 million during the period 1981-1995, after the enactment of the Refugee Act of 1980.

Many LPRs are adjusting status from within the United States rather than receiving visas issued abroad by Consular Affairs before they arrive in the United States. In the past decade, the number of LPRs arriving from abroad has remained somewhat steady, hovering between a high of 421,405 in FY1996 and a low of 358,411 in FY2003. Adjustments to LPR status in the United States has fluctuated over the same period, from a low of 244,793 in FY1999 to a high of 738,302 in FY2005. As **Figure 2** shows, most of the variation in total number of aliens granted LPR status over the past decade is due to the number of adjustments processed in the United States rather than visas issued abroad.

In FY2005, 65.8% of all LPRs were adjusting status within the United States. Most (89%) of the employment-based immigrants adjusted to LPR status within the United States. Many (61%) of the immediate relatives of U.S. citizens also did so. Only 33% of the other family-preference immigrants adjusted to LPR status within the United States.

Figure 2. Legal Permanent Residents: New Arrivals and Adjustments of Status, FY1995-FY2005

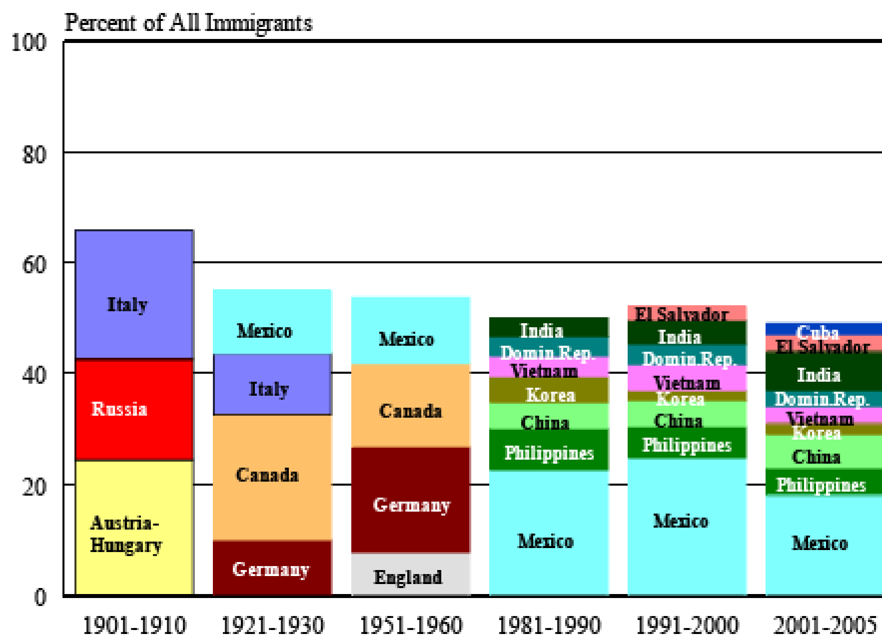


Source *Statistical Yearbook of Immigration*, U.S. Department of Homeland Security, Office of Immigration Statistics, (multiple years).

[20] The Immigration Reform and Control Act of 1986 legalized several million aliens residing in the United States without authorization.

In any given period of United States history, a handful of countries have dominated the flow of immigrants, but the dominant countries have varied over time. **Figure 3** presents trends in the top immigrant-sending countries (together comprising at least 50% of the immigrants admitted) for selected decades and illustrates that immigration at the close of the 20th century is not as dominated by a few countries as it was earlier in the century. These data suggest that the per-country ceilings established in 1965 had some effect. As **Figure 3** illustrates, immigrants from only three or four countries made up more then half of all LPRs prior to 1960. By the last two decades of the 20th century, immigrants from seven to eight countries comprised about half of all LPRs and this patterns has continued into the 21st century.

Figure 3. Top Sending Countries (Comprising More Than Half of All LPRs): Selected Periods



Source: CRS analysis of Table 2, Statistical Yearbook of Immigration, U.S. Department of Homeland Security, Office of Immigration Statistics, FY2004 (June 2005).

Although Europe was home to the countries sending the most immigrants during the early 20th century, Mexico has been a top sending country for most of the 20th century. Other top sending countries from the Western Hemisphere are the Dominican Republic and most recently — El Salvador and Cuba. In addition, Asian countries — notably the Philippines, India, China, Korea, and Vietnam — have emerged as top sending countries today.

FY2005 Admissions

During FY2005, a total of 1,122,373 aliens became LPRs in the United States. The largest number of immigrants are admitted because of a family relationship with a U.S. citizen or resident immigrant, as **Figure 4** illustrates. Of the total LPRs in

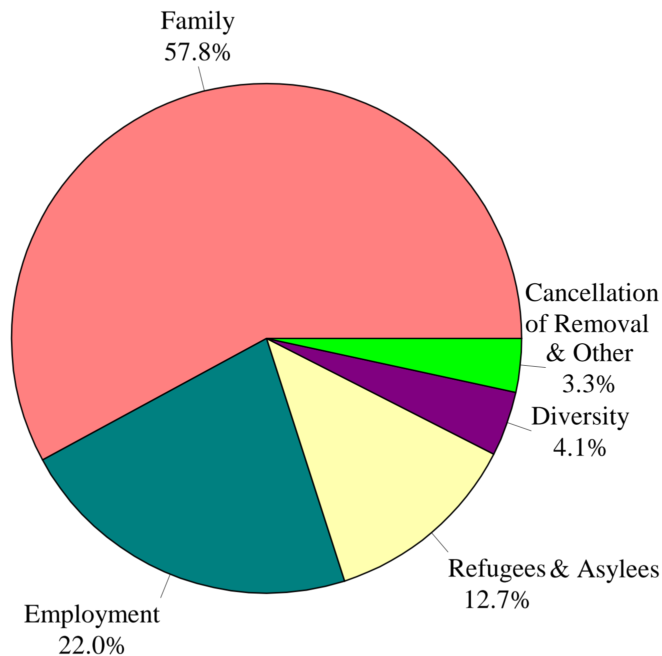
FY2005, 57.8% entered on the basis of family ties. Immediate relatives of U.S. citizens made up the single largest group of immigrants, as **Table 3** indicates. Family preference immigrants — the spouses and children of immigrants, the adult children of U.S. citizens, and the siblings of adult U.S. citizens — were the second largest group. Additional major immigrant groups in FY2005 were employment-based preference immigrants (including spouses and children) at 22.0%, and refugees and asylees adjusting to immigrant status at 12.7%.[21]

Table 3. FY2005 Immigrants by Category

Total	
Immediate relatives of citizens	436,231
Family preference	212,970
Employment preference	246,878
Refugee and asylee adjustments	142,962
Diversity	46,234
Other	37,098

Source: *Statistical Yearbook of Immigration*, FY2005, DHS Office of Immigration Statistics, Dec. 2006. For a more detailed summary of FY2005 immigration by category, see **Appendix C**.

Figure 4. Legal Immigrants by Major Category, FY2005



1.12 million

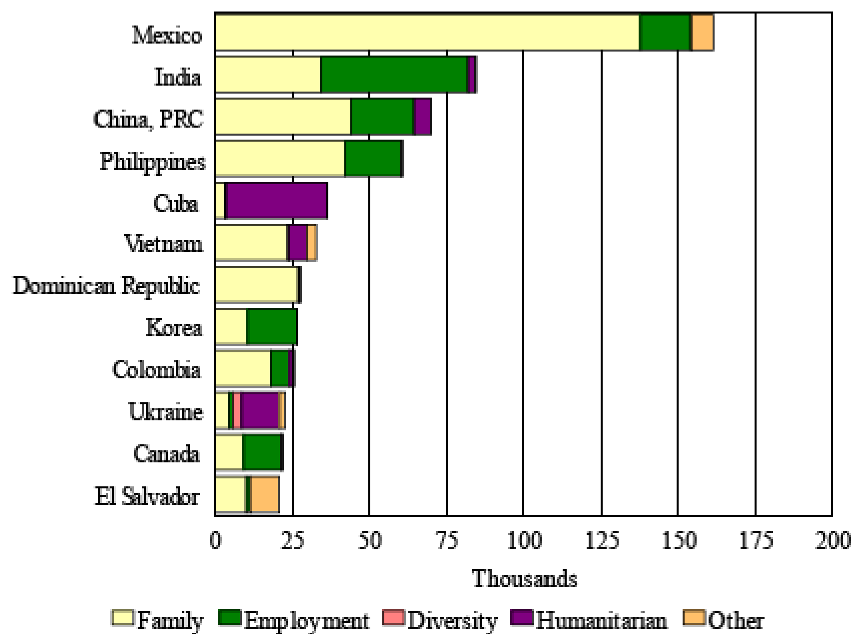
Source: CRS presentation of FY2005 data from the DHS Office of Immigration Statistics.

[21] The largest group in the "other category" are aliens who adjusted to LPR status through cancellation of removal and through §202 and §203 of the Nicaraguan and Central American Relief Act of 1997.

As **Figure 5** presents, Mexico led all countries with 161,445 aliens who became LPRs in FY2005. India followed at a distant second with 84,681 LPRs. China came in third with 69,967. These three countries comprise 30% of all LPRs in FY2005 and exceeded the per-country ceiling for preference immigrants because they benefitted from special exceptions to the per-country ceilings. Mexico did so as a result of the provision in INA that allows 75% of family second preference (i.e., spouses and children of LPRs) to exceed the per-country ceiling, while India and China exceeded the ceiling through the exception to the employment-based per-country limits.

The top 12 immigrant-sending countries depicted in **Figure 5** accounted for half of all LPRs in FY2005. The top 50 immigrant-sending countries contributed 87% of all LPRs in FY2005. **Appendix A** provides detailed data on the top 50 immigrant-sending countries by major category of legal immigration.

Figure 5. Top Twelve Immigrant-Sending Countries, FY2005



Source: CRS presentation of FY2005 data from the DHS Office of Immigration Statistics.

Backlogs and Waiting Times

Visa Processing Dates

According to the INA, family-sponsored and employment-based preference visas are issued to eligible immigrants in the order in which a petition has been filed. Spouses and children of prospective LPRs are entitled to the same status, and the same order of consideration as the person qualifying as principal LPR, if accompanying or following to join (referred to as derivative status). When visa demand exceeds the per-country limit, visas are prorated according to the preference

system allocations (detailed in **Table 1**) for the oversubscribed foreign state or dependent area. These provisions apply at present to the following countries oversubscribed in the family-sponsored categories: China, Mexico, the Philippines, and India.

Table 4. Priority Dates for Family Preference Visas[22]

Category	Worldwide	China	India	Mexico	Philippines
Unmarried sons and daughters of citizens	May 1, 2001	May 1, 2001	May 1, 2001	Jan. 1, 1994	Jan. 22, 1992
Spouses and children of LPRs	Mar. 22, 2002	Mar. 22, 2002	Mar. 22, 2002	Aug. 15, 2000	Mar. 22, 2002
Unmarried sons and daughters of LPRs	July 1, 1997	July 1, 1997	July 1, 1997	Mar. 1, 1992	Oct. 1, 1996
Married sons and daughters of citizens	Mar. 1, 1999	Mar. 1, 1999	Mar. 1, 1999	Aug. 1, 1994	Sept. 1, 1990
Siblings of citizens age 21 and over	Mar. 22, 1996	Aug. 22, 1995	Nov. 8, 1995	May 1, 1994	Sept. 1, 1984

Source: U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin for March 2007*.

As **Table 4** evidences, relatives of U.S. citizens and LPRs are waiting in backlogs for a visa to become available, with the brothers and sisters of U.S. citizens now waiting about 11 years. "Priority date" means that unmarried adult sons and daughters of U.S. citizens who filed petitions on May 1, 2001, are now being processed for visas. Married adult sons and daughters of U.S. citizens who filed petitions eight years ago (March 1, 1999) are now being processed for visas. Prospective family-sponsored immigrants from the Philippines have the most substantial waiting times before a visa is scheduled to become available to them; consular officers are now considering the petitions of the brothers and sisters of U.S. citizens from the Philippines who filed more than 22 years ago.

Because of P.L. 106-313's easing of the employment-based per-country limits, few countries and categories are currently oversubscribed in the employment-based preferences. As **Table 5** presents, however, some employment-based visa categories are once again unavailable. The Department of State's *Visa Bulletin for July 2005*, offered the following explanation: "The Employment Third and Third Other Worker categories have reached their annual limits and no further FY2005 allocations are possible for the period July through September. With the start of the new fiscal year in October, numbers will once again become available in these categories."[23] The *Visa Bulletin for September 2005* offered further information: "The backlog

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[22] Table prepared by LaVonne Mangan, CRS Knowledge Service's Group

[23] The archived copies of the U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin*, is available at [http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html].

reduction efforts of both Citizenship and Immigration Services, and the Department of Labor continue to result in very heavy demand for Employment-based numbers. It is anticipated that the amount of such cases will be sufficient to use all available numbers in many categories...demand in the Employment categories is expected to be far in excess of the annual limits, and once established, cut-off date movements are likely to be slow."[24]

When the *Visa Bulletin for October 2005* became available, it was evident that third preference visas (professional, skilled, and unskilled) were oversubscribed on a worldwide level. The countries that are particularly affected by the oversubscription of the employment-based preference categories are China and India. The visa waiting times have eased somewhat over the summer of 2006, as indicated by the data from the *Visa Bulletin for March 2007*. "Visa retrogression" has occurred again for third preference visas (professional, skilled, and unskilled) as presented in **Table 5**. Prospective immigrants from China, India, Mexico, and the Philippines are particularly affected.

Table 5. Priority Dates for Employment Preference Visas[25]

Category	Worldwide	China	India	Mexico	Philippines
Priority workers	current	current	current	current	current
Advanced degrees/ exceptional ability	current	Apr. 22, 2005	Jan. 8, 2003	current	current
Skilled and professional	Aug. 1, 2002	Aug. 1, 2002	May 8, 2001	May 15, 2001	Aug. 1, 2002
Unskilled	Oct. 1, 2001	Oct. 1, 2001	Oct. 1, 2001	Oct. 1, 2001	Oct. 1, 2001
Schedule A[a]	current	current	current	current	current
Special immigrants	current	current	current	current	current
Investors	current	current	current	current	current

Source: U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin for March 2007*.

a. Schedule A refers to §502 of Division B, Title V of P.L. 109-13, which makes up to 50,000 permanent employment-based visas available for foreign nationals coming to work as nurses.

Petition Processing Backlogs

Distinct from the visa priority dates that result from the various numerical limits in the law, there are significant backlogs due to the sheer volume of aliens eligible to immigrate to the United States. In December 2003, USCIS reported 5.3 million immigrant petitions pending.[26] USCIS decreased the number of immigrant petitions

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[24] The U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin*, is available at [http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html].

[25] Table prepared by LaVonne Mangan, CRS Knowledge Service's Group

[26] According to USCIS, other immigration-related petitions, such as applications for work (continued...)

pending by 24% by the end of FY2004, but still had 4.1 million petitions pending. As FY2005 drew to a close there were over 3.1 million immigration petitions pending.[27] The latest processing dates for immediate relative, family preference, and employment-based LPR petitions are presented in **Appendix B** for each of the four USCIS Regional Service Centers.

Even though there are no numerical limits on the admission of aliens who are immediate relatives of U.S. citizens, such citizens petitioning for their relatives are waiting at least a year and in some parts of the country, more than two years for the paperwork to be processed. Citizens and LPRs petitioning for relatives under the family preferences are often waiting several years for the petitions to be processed. **Appendix B** is illustrative, but not comprehensive because some immigration petitions may be filed at USCIS District offices and at the National Benefits Center.

Aliens with LPR petitions cannot visit the United States. Since the INA presumes that all aliens seeking admission to the United States are coming to live permanently, nonimmigrants must demonstrate that they are coming for a temporary period or they will be denied a visa. Aliens with LPR petitions pending are clearly intending to live in the United States permanently and thus are denied nonimmigrant visas to come temporarily.[28]

Recent Legislative History

Issues in the 108th Congress

Legislation reforming permanent immigration came from a variety of divergent perspectives in the 108th Congress. The sheer complexity of the current set of provisions makes revising the law on permanent immigration a daunting task. This discussion focuses only on those bills that would have revised the permanent immigration categories and the numerical limits as defined in §201-§203 of the INA.[29]

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[26] (...continued)
authorizations or change of nonimmigrant status, filed bring the total cases pending to over 6 million. Telephone conversation with USCIS Congressional Affairs, February 12, 2004.

[27] DHS Office of Immigration Statistics. For USCIS workload statistics, see [http://www.dhs.gov/ximgtn/statistics/publications/index.shtm#6], accessed March 13, 2007. The FY2006 data are not yet available.

[28] §214(b) of INA. Only the H-1 workers, L intracompany transfers, and V family members are exempted from the requirement that they prove that they are not coming to live permanently.

[29] For discussion of other major immigration legislation, see CRS Report RL32169, *Immigration Legislation and Issues in the 108th Congress*, coordinated by Andorra Bruno. Other CRS reports on the reform of other immigration provisions are available at [http://www.crs.gov/products/browse/is-immigration.shtml].

On January 21, 2004, Senators Chuck Hagel and Thomas Daschle introduced legislation (S. 2010) that would, if enacted, potentially yield significant increases in legal permanent admissions. The Immigration Reform Act of 2004 (S. 2010), would have among other provisions: no longer deduct immediate relatives from the overall family-sponsored numerical limits; treat spouses and minor children of LPRs the same as immediate relatives of U.S. citizens (exempt from numerical limits); and reallocate the 226,000 family preference numbers to the remaining family preference categories. In addition, many aliens who would have benefited from S. 2010's proposed temporary worker provisions would be able to adjust to LPR status outside the numerical limits of the per country ceiling and the worldwide levels.

Several bills that would offer more targeted revisions to permanent immigration were offered in the House. Representative Robert Andrews introduced H.R. 539, which would have exempted spouses of LPRs from the family preference limits and thus treated them similar to immediate relatives of U.S. citizens. Representative Richard Gephardt likewise included a provision that would have treated spouses of LPRs outside of the numerical limits in his "Earned Legalization and Family Unity Act" (H.R. 3271). Representative Jerrold Nadler introduced legislation (H.R. 832) that would have amended the INA to add "permanent partners" after "spouses" and thus would have enabled aliens defined as permanent partners to become LPRs through the family-based immigration categories as well as to become derivative relatives of qualifying immigrants.

Legislation that would have reduced legal permanent immigration was introduced early in the 108th Congress by Representative Thomas Tancredo. The "Mass Immigration Reduction Act" (H.R. 946) would have zeroed out family sponsored immigrants (except children and spouses of U.S. citizens), employment-based immigrants (except certain priority workers) and diversity lottery immigrants through FY2008. It also would have set a numerical limit of 25,000 on refugee admissions and asylum adjustments. Representative J. Gresham Barrett introduced an extensive revision of immigration law (H.R. 3522) that also included a significant scaling back of permanent immigration.

Legislation Passed in the 109th Congress

Recaptured Visa Numbers for Nurses. Section 502 of Division B, Title V of P.L. 109-13 (H.R. 1268, the emergency FY2005 supplemental appropriation) amends the American Competitiveness in the Twenty-first Century Act of 2000 (P.L. 106-313) to modify the formula for recapturing unused employment-based immigrant visas for employment-based immigrants "whose immigrant worker petitions were approved based on schedule A." In other words, it makes up to 50,000 permanent employment-based visas available for foreign nationals coming to work as nurses. This provision was added to H.R. 1268 as an amendment in the Senate and was accepted by the conferees.

Recaptured Employment-Based Visa Numbers. On October 20, 2005, the Senate Committee on the Judiciary approved compromise language that, among other things, would have recaptured up to 90,000 employment-based visas that had not been issued in prior years (when the statutory ceiling of 140,000 visas was not met). An additional fee of $500 would have been charged to obtain these recaptured

visas. This language was forwarded to the Senate Budget Committee for inclusion in the budget reconciliation legislation. On November 18, 2005, the Senate passed S. 1932, the Deficit Reduction Omnibus Reconciliation Act of 2005, with these provisions as Title VIII. These provisions, however, were not included in the House-passed Deficit Reduction Act of 2005 (H.R. 4241).

The conference report (H.Rept. 109-362) on the Deficit Reduction Act of 2005 (S. 1932) was reported during the legislative day of December 18, 2005. It did not include the Senate provisions that would have recaptured employment-based visas unused in prior years. On December 19, the House agreed to the conference report by a vote of 212-206. On December 21, the Senate removed extraneous matter from the legislation pursuant to a point of order raised under the "Byrd rule" and then, by a vote of 51-50 (with Vice President Cheney breaking a tie vote), returned the amended measure to the House for further action.

USCIS Funding Trends

USCIS funds the processing and adjudication of immigrant, nonimmigrant, refugee, asylum, and citizenship benefits largely through monies generated by the Examinations Fee Account.[30] The Administration increased the fees charged to U.S. citizens and legal permanent residents petitioning to bring family or employees into the United States and to foreign nationals in the United States seeking immigration benefits.[31] In FY2004, 86% of USCIS funding came from the Examinations Fee Account. In FY2005, USCIS has budget authority for $1.571 billion from the Examinations Fee Account.[32] Congress provided a direct appropriation of $60 million in FY2005 to reduce the backlog of applications and to strive for a six-month processing standard for all applications by FY2006.[33]

FY2006. The Administration sought $1.81 billion for USCIS for FY2006. This figure would have been an additional $79 million for FY2006, a 5% increase over FY2005. For direct appropriations, the Administration requested $80 million — a cut of $80 million from FY2005 and a cut of $155 million from the $235 million Congress appropriated in FY2004. A decrease of 26% in backlog reduction and customer service activities was proposed for FY2006. The House-passed bill making FY2006 appropriations for the Department of Homeland Security (H.R. 2360) would have provided an increase of $40 million above the President's request for a total of $120 million, which would have been $40 million less than FY2005.

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[30] § 286 of the Immigration and Nationality Act. 8 U.S.C. § 1356.

[31] For example, the I-130 petition for family members went from $130 to $185, the I-140 petition for LPR workers went from $135 to $190, the I-485 petition to adjust statuswent from $255 to $315, and the N-400 petition to naturalize as a citizen went from $260 to $320. *Federal Register*, vol. 69, no. 22, February 3, 2004, pp. 5088-5093.

[32] P.L. 108-334, conference report to accompany H.R. 4567, H.Rept. 108-774.

[33] The President's Budget request for FY2002 proposed a five-year, $500 million initiative to reduce the processing time for all petitions to six months. Congress provided $100 in budget authority ($80 direct appropriations and $20 million from fees) for backlog reduction in FY2002. P.L. 107-77, conference report to accompany H.R. 2500, H.Rept. 107-278.

The Senate-reported version of H.R. 2360 would have provided $80 million for USCIS in direct appropriations, recommending $40 million less than provided in H.R. 2360 as passed by the House, and $80 million less than enacted in FY2005.

On September 29, 2005, the conference committee approved and filed the conference report (H.Rept. 109-241) to H.R. 2360. The conferees recommend a total of $1,889 million for USCIS, of which 94% comes from fees. The remaining 6% is a direct appropriation of $115 million, which includes $80 million for backlog reduction initiatives as well as $35 million to support the information technology transformation effort and to convert immigration records into digital format. The FY2006 appropriations amount is a decrease of 28% from the $160 million appropriated in FY2005. As a result of a 10% increase in revenue budgeted from fees, the FY2006 total is 6% greater than the FY2005 total. The President signed H.R 2360 as P.L. 109-90 on October 18, 2005.

FY2007. In terms of direct appropriations, the Administration requested $182 million — an increase of $68 million from FY2006. The Administration requested a total of $1,986 million for USCIS (an increase of 5% over the enacted FY2006 level of $1,888 million), the bulk of the funding coming from fees paid by individuals and businesses filing petitions. For FY2007, USCIS expects to receive a total of $1,804 million from the various fee accounts, most of which ($1,760 million) would be coming from the Examinations Fee Account. According to the USCIS Congressional Justification documents, funds from the Examinations Fee Account alone comprise 91% of the total USCIS FY2007 budget request. The FY2007 Budget also included $13 million from the H-1B Nonimmigrant Petitioner Account[34] and $31 million from the H-1B and L Fraud Prevention and Detection Account.[35] The Administration proposed to use the $31 million generated from the fee on H-1B and L petitions to expand its Fraud Detection and National Security Office.[36]

The House-passed FY2007 DHS appropriations bill, H.R. 5441, would have appropriated $162 million for USCIS in FY2007. The Senate would have provided USCIS $135 million in direct appropriations for FY2007. Among the Senate floor amendments to H.R. 5441 was one that would direct DHS, notably through USCIS, to increase its fees charged to noncitizens to produce an additional $350 million in receipts for FY2007. Most of the funds collected by the fee increases would have gone to CBP and ICE, but $85 million would have remained with USCIS for business transformation ($47 million) and fraud detection and national security ($38 million).[37]

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[34] §286(s) of INA; 8 U.S.C. §1356(s).

[35] §286(v) of INA; 8 U.S.C. §1356(v).

[36] USCIS added a Fraud Detection and National Security Office to handle duties formerly done by the INS's enforcement arm, which is now part of DHS's ICE Bureau. CRS Report RL33319, *Toward More Effective Immigration Policies: Selected Organizational Issues*, by Ruth Ellen Wasem.

[37] For complete analysis, see CRS Report RL33428, *Homeland Security Department:*
(continued...)

The conferees (H.Rept. 109-699) provide USCIS with $182 million in direct appropriations, $47 million of which is contingent on USCIS obtaining approval from the Committees on Appropriations of the USCIS plan for "business system and information technology transformation plan." As enacted, P.L. 109-295 provides $114 million for expansion of the Employment Eligibility Verification system and $21 million for the Systematic Alien Verification for Entitlements (SAVE) system, automated database systems to ascertain immigration status. In terms of USCIS income from fees, current estimates are $1,804 million, giving USCIS $1,986 million in total resources.

Major Issues in the 109th Congress

President Bush's Immigration Reform Proposal. When President George W. Bush announced his principles for immigration reform in January 2004, he included an increase in permanent legal immigration as a key component. The fact sheet that accompanied his remarks referred to a "reasonable increase in the annual limit of legal immigrants."[38] When the President spoke, he characterized his policy recommendation as follows:

> The citizenship line, however, is too long, and our current limits on legal immigration are too low. My administration will work with the Congress to increase the annual number of green cards that can lead to citizenship. Those willing to take the difficult path of citizenship — the path of work, and patience, and assimilation — should be welcome in America, like generations of immigrants before them.[39]

Some commentators are speculating the President is promoting increases in the employment-based categories of permanent immigration, but the Bush Administration has not yet provided specific information on what categories of legal permanent admissions it advocates should be increased. Details on the level of increases the Administration is seeking also have not been provided.

The President featured his immigration reform proposal in the 2004 State of the Union address, and a lively debate has ensued. Most of the attention has focused on the new temporary worker component of his proposal and whether the overall proposal constitutes an "amnesty" for aliens living in the United States without legal authorization.

President Bush continues to state that immigration reform is a top priority. In an interview with the Washington Times, the President responded to a question about where immigration reform ranks in his second term agenda by saying, "I think it's

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[37] (...continued)
FY2007 Appropriations, coordinated by Jennifer Lake and Blas Nunez-Neto.

[38] The White House, *Fact Sheet: Fair and Secure Immigration Reform*, January 7, 2004, available at [http://www.whitehouse.gov/news/releases/2004/01/20040107-1.html].

[39] President George W. Bush, "Remarks by the President on Immigration Policy," January 7, 2004, available at [http://www.whitehouse.gov/news/releases/2004/01/20040107-3.html].

high. I think it's a big issue." The President posited that the current situation is a "bureaucratic nightmare" that must be solved.[40]

Securing America's Borders Act (S. 2454)/Chairman's Mark. Title IV of S. 2454, the Securing America's Borders Act, which Senate Majority Leader Bill Frist introduced on March 16, 2006, as well as Title V in the draft of Senate Judiciary Chairman Arlen Specter's mark circulated March 6, 2006 (Chairman's mark) would have substantially increased legal immigration and would have restructured the allocation of these visas. The particular provisions in S. 2454 and the Chairman's mark were essentially equivalent.

Foremost, Title IV of S. 2454 and Title V of the Chairman's mark would have no longer deducted immediate relatives of U.S. citizens from the overall family-sponsored numerical limit of 480,000. This change would have likely added at least 226,000 more family-based admissions annually (based upon the current floor of 226,000 family-sponsored visas). The bills would have increased the annual number of employment-based LPRs from 140,000 to 290,000. They also would have no longer counted the derivative family members of employment-based LPRs as part of the numerical ceiling. If each employment-based LPR would be accompanied by 1.2 family members (as is currently the ratio), then an estimated 348,000 additional LPRs might have been admitted. The bills would have "recaptured" visa numbers from FY2001 through FY2005 in those cases when the family-based and employment-based ceilings were not reached.

Title IV of S. 2454 and Title V of the Chairman's mark would have raised the current per-country limit on LPR visas from an allocation of 7% of the total preference allocation to 10% of the total preference allocation (which would have been 480,000 for family-based and 290,000 for employment-based under this bill). Coupled with the proposed increases in the worldwide ceilings, these provisions would have eased the visa wait times that oversubscribed countries (i.e., China, India, Mexico, and the Philippines) currently have by substantially increasing their share of the overall ceiling.

Title IV of S. 2454 and Title V of the Chairman's mark would have further reallocated family-sponsored immigrants and employment-based visas. The numerical limits on immediate relatives of LPRs would have increased from 114,200 (plus visas not used by first preference) to 240,000 annually. They would have shifted the allocation of visas from persons of "extraordinary" and "exceptional" abilities and persons having advanced professional degrees (i.e., first and second preferences), and increased the number of visas to unskilled workers 10,000 to 87,000 — plus any unused visas that would roll down from the other employment-based preference categories. Employment-based visas for certain special immigrants would have no longer been numerically limited.[41]

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[40] *Washington Times*, January 12, 2005.

[41] For analysis of immigration trends and projections under S. 2454, see CRS Congressional Distribution Memorandum, "Legal Immigration: Modeling the Principle Components of Permanent Admissions," by Ruth Ellen Wasem, March 28, 2006.

Comprehensive Immigration Reform (S. 2611). As the Senate was locked in debate on S. 2454 and the Judiciary Chairman's mark during the two-week period of March 28-April 7, 2006, an alternative was offered by Senators Chuck Hagel and Mel Martinez. Chairman Specter, along with Senators Hagel, Martinez, Graham, Brownback, Kennedy, and McCain introduced this compromise as S. 2611 on April 7, 2006, just prior to the recess. The identical language was introduced by Senator Hagel (S. 2612). Much like S. 2454 and S.Amdt. 3192, S. 2611 would have substantially increased legal permanent immigration and would have restructured the allocation of the family-sponsored and employment-based visas. After several days of debate and a series of amendments, the Senate passed S. 2611 as amended by a vote of 62-36 on May 25, 2006.

In its handling of family-based legal immigration, Title V of S. 2611 mirrored Title IV of S. 2454 and Title V of the Chairman's mark. It would have no longer deducted immediate relatives of U.S. citizens from the overall family-sponsored numerical limit of 480,000. This change would have likely added at least 226,000 more family-based admissions annually (based upon the current floor of 226,000 family-sponsored visas). The numerical limits on immediate relatives of LPRs would have increased from 114,200 (plus visas not used by first preference) to 240,000 annually.

Assuming that the trend in the number of immediate relatives of U.S. citizens continued at the same upward rate, the projected number of immediate relatives would have been approximately 470,000 in 2008. Assuming that the demand for the numerically limited family preferences continued at the same level, the full 480,000 would have been allocated. If these assumptions held, the United States would have likely admitted or adjusted an estimated 950,000 family-sponsored LPRs by 2009, as **Figure 6** projects.[42]

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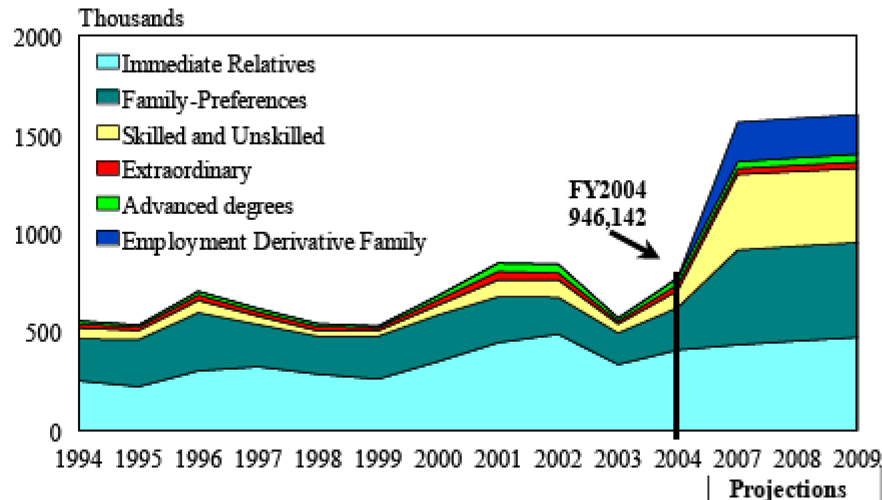
[42] 20 CFR §656.

Figure 6. Projected Flow of LPRs under S. 2611, FY2007-FY2009



Note: Future Employment-based 4th preference special immigrants and 5th preference in have too many unknown factors to estimate.

Source: CRS analysis of data from the DHS Office of Immigration Statistics and the former INS.

In terms of employment-based immigration, S. 2611 would have increased the annual number of employment-based LPRs from 140,000 to 450,000 from FY2007 through FY2016, and set the limit at 290,000 thereafter. S. 2611/S. 2612 also would have no longer counted the derivative family members of employment-based LPRs as part of the numerical ceiling. As in S. 2454, S. 2611 would have reallocated employment-based visas as follows: up to 15% to "priority workers"; up to 15% to professionals holding advanced degrees and certain persons of exceptional ability; up to 35% to skilled shortage workers with two years training or experience and certain professionals; up to 5% to employment creation investors; and up to 30% (135,000) to unskilled shortage workers.

Employment-based visas for certain special immigrants would have no longer been numerically limited. S. 2611 also would have no longer counted the derivative family members of employment-based LPRs as part of the numerical ceiling. If each employment-based LPR would be accompanied by 1.2 family members (as is currently the ratio), then an estimated 540,000 additional LPRs might have been admitted. However, the Senate passed an amendment on the floor that placed an overall limit of 650,000 on employment-based LPRs and their accompanying family annually FY2007-FY2016, as **Figure 6** projects.[43]

[43] 20 CFR §656.

In addition, special exemptions from numerical limits would have also been made for aliens who have worked in the United States for three years and who have earned an advanced degree in science, technology, engineering, or math. Certain widows and orphan who meet specified risk factors would have also been exempted from numerical limits. The bills would have further increased overall levels of immigration by reclaiming family and employment-based LPR visas when the annual ceilings were not met, FY2001-FY2005. As noted earlier, unused visas from one preference category in one fiscal year roll over to the other preference category the following year.

S. 2611 would have significantly expanded the number of guest worker and other temporary foreign worker visas available each year and would have coupled these increases with eased opportunities for these temporary workers to ultimately adjust to LPR status.[44] Whether the LPR adjustments of guest workers and other temporary foreign workers were channeled through the numerically limited, employment-based preferences or were exempt from numerical limits (as were the proposed F-4 foreign student fourth preference adjustments) obviously would have affected the projections and the future flows.[45]

S. 2611 included a provision that would have exempted from direct numerical limits those LPRs who are being admitted for employment in occupations that the Secretary of Labor has deemed there are insufficient U.S. workers "able, willing and qualified" to work. Such occupations are commonly referred to as Schedule A because of the subsection of the code where the Secretary's authority derives. Currently, nurses and physical therapists are listed on Schedule A, as are certain aliens deemed of exceptional ability in the sciences or arts (excluding those in the performing arts).

Title V of S. 2611 would have raised the current per-country limit on LPR visas from an allocation of 7% of the total preference allocation to 10% of the total preference allocation (which would be 480,000 for family-based and 450,000/290,000 for employment-based under this bill).[46] Coupled with the proposed increases in the worldwide ceilings, these provisions would have eased the visa wait times that oversubscribed countries (i.e., China, India, Mexico, and the Philippines) currently have by substantially increasing their share of the overall ceiling. The bill

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[44] For an analysis of guest worker and other temporary foreign worker visas legislation, see CRS Report RL32044, *Immigration: Policy Considerations Related to Guest Worker Programs*, by Andorra Bruno; and, CRS Report RL30498, *Immigration: Legislative Issues on Nonimmigrant Professional Specialty (H-1B) Workers*, by Ruth Ellen Wasem.

[45] In S. 2611/S. 2612, unauthorized aliens who have been residing in the United States prior to April 5, 2001, and meet specified requirements would be eligible to adjust to LPR status outside of the numerical limits of INA. An estimated 60% of the 11 to 12 million unauthorized aliens residing in the United States may be eligible to adjust through this provision, according to calculations based upon analysis by demographer Jeffrey Passel. "The Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey," by Jeffrey S. Passel, Senior Research Associate, Pew Hispanic Center, available at [http://pewhispanic.org/files/reports/61.pdf].

[46] The per-country ceiling for dependent states are raised from 2% to 7%.

would have also eliminated the exceptions to the per-country ceilings for certain family-based and employment-based LPRs, which are discussed above.[47]

Secure America and Orderly Immigration Act (S. 1033/H.R. 2330). On May 12, 2005, a bipartisan group of Senators and Congressmen[48] introduced an expansive immigration bill known as the Secure America and Orderly Immigration Act (S. 1033/H.R. 2330). Among other things, these bills would have made significant revisions to the permanent legal admissions sections of INA.[49] Specifically Title VI of the legislation would have

- removed immediate relatives of U.S. citizens from the calculation of the 480,000 annual cap on family-based visas for LPR status, thereby providing additional visas to the family preference categories;
- lowered the income requirements for sponsoring a family member for LPR status from 125% of the federal poverty guidelines to 100%;
- recaptured for future allocations those LPR visas that were unused due to processing delays from FY2001 through FY2005;
- increase the annual limit on employment-based LPR visa categories from 140,000 to 290,000 visas; and
- raised the current per-country limit on LPR visas from an allocation of 7% of the total preference allocation to 10% of the total preference allocation (which would be 480,000 for family-based and 290,000 for employment-based under this bill).

Comprehensive Enforcement and Immigration Reform Act of 2005. The Comprehensive Enforcement and Immigration Reform Act of 2005 (S. 1438), introduced by Senators John Cornyn and Jon Kyl on July 20, 2005, had provisions that would have restructured the allocation of employment-based visas for LPRs. Among the various proposals, Title X of this legislation would have made the following specific changes to the INA provisions on permanent admissions:

- reduced the allocation of visas to persons of "extraordinary" and "exceptional" abilities and persons having advanced professional degrees (i.e., first and second preferences);
- increased the number of visas to unskilled workers from a statutory cap of 10,000 annually to a level of 36% of the 140,000 ceiling for employment-based admissions (plus any other unused employment-based visas);

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[47] For analysis of immigration trends and projections under S. 2611/, see CRS Congressional Distribution Memorandum, "Legal Immigration: Modeling the Principle Components of Permanent Admissions, Part 2," by Ruth Ellen Wasem, May 10, 2006.

[48] In the Senate, the co-sponsors are Senators John McCain, Ted Kennedy, Sam Brownback, Ken Salazar, Lindsey Graham and Joe Lieberman. In the House, the co-sponsors are lead by Representatives Jim Kolbe, Jeff Flake, and Luis Gutierrez.

[49] For an analysis of other major elements of these bills, see CRS Report RL32044, *Immigration: Policy Considerations Related to Guest Worker Programs*, by Andorra Bruno.

- eliminated the category of diversity visas; and
- recaptured for future allocations those employment-based visa numbers that were unused from FY2001 through FY2005.

Immigration Accountability Act of 2005. As part of a package of four immigration reform bills, Senator Chuck Hagel introduced the Immigration Accountability Act of 2005 (S. 1919), which would have provided for "earned adjustment of status" for certain unauthorized aliens who met specified conditions and would have expanded legal immigration. In terms of permanent legal admissions, S. 1919 would have among other provisions:

- no longer deducted immediate relatives from the overall family-sponsored numerical limits of 480,000;
- treated spouses and minor children of LPRs the same as immediate relatives of U.S. citizens (i.e., exempt from numerical limits); and
- reallocated the 226,000 family preference numbers to the remaining family preference categories.

The Hagel immigration reform proposal also included legislation revising the temporary worker programs, border security efforts, and employment verification.

Enforcement First Immigration Reform Act of 2005. Title VI of the Enforcement First Immigration Reform Act of 2005 (H.R. 3938), introduced by Representative J.D. Hayworth, focused on revising permanent admissions. H.R. 3938 would have increased employment-based admissions and decreased family-based admissions. More specifically, it would have

- increased the worldwide ceiling for employment-based admissions by 120,000 to 260,000 annually;
- within the employment-based third preference category, doubled unskilled admission from 10,000 to 20,000;
- eliminated the family-based fourth preference category (i.e., adult sibling of U.S. citizens); and
- eliminated the diversity visa category.

H.R. 3938 also had two provisions aimed at legal immigration from Mexico: §604 would have placed a three-year moratorium on permanent family-preference (not counting immediate relatives of U.S. citizens) and employment-based admissions from Mexico; and §605 would have amended the INA to limit family-based immigration from Mexico to 50,000 annually.

Reducing Immigration to a Genuinely Healthy Total (RIGHT) Act of 2005. On September 8, 2005, Representative Thomas Tancredo introduced the "Reducing Immigration to a Genuinely Healthy Total (RIGHT) Act of 2005" (H.R. 3700), which would have substantially overhauled permanent admissions to the United States. Among other provisions, H.R. 3700 would have

- reduced the worldwide level of employment-based immigrants from 140,000 to 5,200 annually;

- limited the 5,200 employment-based visas to persons of "extraordinary" and "exceptional" abilities and persons having advanced professional degrees (i.e., first and second preferences);
- eliminated the family preference visa categories; and
- eliminated the category of diversity visas.

Additional Immigration Reduction Legislation. Representative J. Gresham Barrett introduced an extensive revision of immigration law (H.R. 1912) that also included a significant scaling back of permanent immigration. This legislation was comparable to legislation he introduced in the 108th Congress.

Permanent Partners. Representative Jerrold Nadler introduced legislation (H.R. 3006) that would have amended the INA to add "permanent partners" after "spouses" and thus would have enabled aliens defined as permanent partners to become LPRs through the family-based immigration categories as well as to become derivative relatives of qualifying immigrants. This bill was comparable to legislation he introduced previously.

Legislation in the 110th Congress

Key Issues

Balancing the Priorities. The challenge inherent in reforming legal immigration is balancing employers' hopes to increase the supply of legally present foreign workers, families' longing to re-unite and live together, and a widely-shared wish among the various stakeholders to improve the policies governing legal immigration into the country. President Bush emphasized the importance he places on comprehensive immigration reform in his recent tour of Latin American countries,[50] and there is a commonly-held expectation that the 110th Congress will consider immigration reform.

Broader Issues of Debate. As Congress debates immigration control (i.e., border security and interior enforcement) and legal reform (i.e., temporary and permanent admissions), the proposals that remain contentious include expanding the number of guest worker and other temporary foreign worker visas available each year and a concurrent easing of opportunities for these temporary workers to ultimately adjust to LPR status.[51] Whether the LPR adjustments of guest workers and other temporary foreign workers are channeled through the numerically limited, employment-based preferences or are exempt from numerical limits will affect the

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[50] For examples of news coverage, see *Houston Chronicle*, "Immigration tops agenda as Bush meets with Calderon," March 14, 2007; *New York Times*, "From Mexico Also, the Message to Bush Is Immigration," March 14, 2007; *Washington Times*, "Calderon condemns border fence," March 14, 2007.

[51] For an analysis of other major elements of these bills, see CRS Report RL32044, *Immigration: Policy Considerations Related to Guest Worker Programs*, by Andorra Bruno; and, CRS Report RL30498, *Immigration: Legislative Issues on Nonimmigrant Professional Specialty (H-1B) Workers*, by Ruth Ellen Wasem.

future flow of LPRs. Whether the legislation also contains the controversial provisions that would permit aliens currently residing in the United States without legal status to adjust to LPR status, to acquire "earned legalization," or to obtain a guest worker visa also has affects on future legal permanent admissions.[52] Although guest workers and other temporary foreign workers options, as well as legalization proposals, are not topics of this report, the issues have become inextricably linked to the debate on legal permanent admissions.

Preference System versus Point System.[53] Replacing or supplementing the current preference system (discussed earlier in this report) with a point system is garnering considerable interest for the first time in over a decade. Briefly, point systems such as those of Australia, Canada, Great Britain, and New Zealand assign prospective immigrants with credits if they have specified attributes, most often based upon educational attainment, shortage occupations, extent of work experience, language proficiency, and desirable age range. Proponents of point systems maintain that such merit-based approaches are clearly defined and based upon the nation's economic needs and labor market objectives. A point system, supporters argue, would be more acceptable to the public because the government (rather than employers or families) would be selecting new immigrants and this selection would be based upon national economic priorities. Opponents of point systems state that the judgement of individual employers are the best indicator of labor market needs and an immigrant's success. Opponents warn that the number of people who wish to immigrate to the United States would overwhelm a point system comparable to Australia, Canada, Great Britain, and New Zealand. In turn, this predicted high volume of prospective immigrants, some say, would likely lead to selection criteria so rigorous that it would be indistinguishable from what is now the first preference category of employment-based admissions (persons of extraordinary ability in the arts, science, education, business, or athletics; outstanding professors and researchers; and certain multi-national executives and managers) and ultimately would not result in meaningful reform.[54]

Comprehensive Immigration Reform Legislation

Senate Majority Leader Harry Reid has introduced S. 9 as the Comprehensive Immigration Reform Act of 2007. The bill's expressed purpose is "to recognize the heritage of the United States as a nation of immigrants and to amend the Immigration

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[52] An estimated 60% of the 11 to 12 million unauthorized aliens residing in the United States have been here for at least five years, according to calculations based upon analysis by demographer Jeffrey Passel. "The Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey," by Jeffrey S. Passel, Senior Research Associate, Pew Hispanic Center, available at [http://pewhispanic.org/files/reports/61.pdf].

[53] A point system approach is also being offered for the adjustment of status of unauthorized aliens in the United States. For example, see the Immigrant Accountability Act of 2007 (S. 1225).

[54] U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, *Hearing on An Examination of Point Systems as a Method for Selecting Immigrants,* May 1, 2007.

and Nationality Act to provide for more effective border and employment enforcement, to prevent illegal immigration, and to reform and rationalize avenues for legal immigration, and for other purposes." Reportedly, the Senate's comprehensive immigration reform package is expected to come to the Senate floor as early as the week of May 14, 2007.[55] Senate Majority Leader Reid has indicated that S. 1348, which reportedly is virtually identical to S. 2611 as passed by the 109th Congress, will be the marker for Senate debate on comprehensive immigration reform.[56]

STRIVE (H.R. 1645). Congressmen Luis Gutierrez and Jeff Flake have introduced a bipartisan immigration reform bill, H.R. 1645, know as the Security Through Regularized Immigration and a Vibrant Economy Act of 2007 or STRIVE. This legislation is similar, but not identical, to S. 2611 of the 109th Congress. Specifically, H.R. 1645 would no longer deduct immediate relatives of U.S. citizens from the overall family-sponsored numerical limit of 480,000. This change would likely add at least 226,000 more family-based admissions annually (based upon the current floor of 226,000 family-sponsored visas). Family-sponsored immigrants would be reallocated as follows: up to 10% to unmarried sons and daughters of U.S. citizens; up to 50% to spouses and unmarried sons and daughters of LPRs, (of which 77% would be allocated to spouses and minor children of LPRs); up to 10% to the married sons and daughters of U.S. citizens; and, up to 30% to the brothers and sisters of U.S. citizens.

STRIVE would increase the annual number of employment-based LPRs from 140,000 to 290,000 and would no longer count the derivative family members of employment-based LPRs as part of the numerical ceiling. It would, however, cap the total employment-based LPRs and their derivatives at 800,000 annually. It would reallocate employment-based visas as follows: up to 15% to "priority workers"; up to 15% to professionals holding advanced degrees and certain persons of exceptional ability; up to 35% to skilled shortage workers with two years training or experience and certain professionals; up to 5% to employment creation investors; and up to 30% (135,000) to unskilled shortage workers.

Congresswoman Sheila Jackson-Lee has introduced H.R. 750, the Save America Comprehensive Immigration Act of 2007. Among its array of immigration provisions are those that would double the number of family-sponsored LPRs from 480,000 to 960,000 annually and would double the number of diversity visas from 55,000 to 110,000 annually.

Immigration Control and Reform Legislation

Nuclear Family Priority Act. H.R. 938, the Nuclear Family Priority Act would amend the INA to limit family sponsored LPRs the immediate relatives of U.S. citizens and LPRs. More specifically, it would eliminate the existing

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[55] *CQ Today*, "Reid Readies Senate Immigration Debate Despite Chamber's Changed Views," by Michael Sandler, May 8, 2007.

[56] *CQ Today*, "Senate Immigration Vote Turns Into a Gamble for Reid and His Caucus," by Michael Sandler, May 10, 2007.

family-sponsored preference categories for the adult children and siblings of U.S. citizens and replace them with a single preference allocation for spouses and children of LPRs.

USCIS Funding and Backlogs

FY2008 Funding. The Administration requests a total of $2,569 million for USCIS in FY2008, an increase of 29% over the enacted FY2007 level of $1,986 million. To achieve this increase, the Administration recommends funding 99% of the USCIS budget from fees collected by the agency and has proposed a substantial increase in the user fees.[57] The Administration requests $30 million in direct appropriations to continue expanding the agency's employment eligibility verification program (previously known as basic pilot). Congress provided USCIS with $182 million in direct appropriations in FY2007.

The proposed fee increase is sparking considerable controversy as well as an oversight hearing in which concerns over many immigrants' ability to pay the higher fees arose.[58] A January 2004 GAO report had concluded that USCIS' fees were insufficient to fund its operations. GAO recommended that USCIS "perform a comprehensive fee study to determine the costs to process new immigration applications."[59] USCIS maintains that the agency loses $3 million a day the current fee schedule.[60]

Backlog Issues. Many in Congress have expressed concern and frustration about the backlogs and pending caseload, and Congress has already enacted statutory requirements for backlog elimination.[61] Former USCIS Director Eduardo Aguirre acknowledged the challenges his agency faces in testimony before the House Judiciary Subcommittee on Immigration, Border Security and Claims in 2004.

> We fully realize that the increased funding requested in the budget alone will not enable us to realize our goals. We must fundamentally change the way we conduct our business. We are aggressively working to modernize our systems and increase our capacity through the reengineering of processes, the development and implementation of new information technology systems, and

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[57] *Federal Register,* vol. 72, no. 21, February 1, 2007, pp. 4888-4915.

[58] U.S. House Committee on the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, Hearing on Proposal to Adjust the Immigration Benefit Application and Petition Fee Schedule, February 14, 2007.

[59] U.S. Government Accountability Office, *Immigration Application Fees: Current Fees are Not Sufficient to Fund U.S. Citizenship and Immigration Services' Operations,* GAO-04 — 309R, January 5, 2004.

[60] U.S. House Committee on the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, Hearing on Proposal to Adjust the Immigration Benefit Application and Petition Fee Schedule, Testimony of Emilio T. Gonzalez, February 14, 2007.

[61] For example, see §§ 451-461 of the Homeland Security Act of 2002 (P.L. 107-296).

> the development of mechanisms to interact with customers in a more forward-reaching manner.[62]

Pending caseloads and processing backlogs continue to plague USCIS. The U.S. Government Accountability Office (GAO) concluded in 2005 that it was unlikely that USCIS would completely eliminate the backlog of pending adjudications by the 2006 deadline.[63] Despite progress in cutting the backlog of pending cases from 3.8 million in January 2004 to 1.2 million in June 2005, GAO speculated that USCIS may have difficulty eliminating its backlog for the more complex application types that constitute nearly three-quarters of the backlog.[64]

The agency's redefinition of what constitutes a backlog has emerged as an issue. The June 2006 report of the USCIS Ombudsman stated "...in July 2004, USCIS reported 1.5 million backlogged cases, which was an apparent reduction from the 3.5 million backlogged cases in March 2003. However, the agency also reclassified 1.1 million of the 2 million cases eliminated...." The Ombudsman went on to disclose that USCIS had again redefined the backlog in April 2006: "After the redefinition, the backlog supposedly declined from 1.08 million cases to 914,864 cases at the end of FY 05. Yet, individuals whose cases were factored out of the backlog still awaited adjudication of their applications and petitions."[65] This reclassification of pending cases arose at a recent oversight hearing of the House Committee on the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law.[66]

The DHS Inspector General found problems in the background checks for which USCIS is now responsible. Among other findings, the report concluded that USCIS' security checks are overly reliant on the integrity of names and documents that applicants submit and that "USCIS has not developed a measurable, risk-based plan to define how USCIS will improve the scope of security checks." It further stated that "USCIS' management controls are not comprehensive enough to provide assurance

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[62] U.S. Congress, House Committee on the Judiciary, Subcommittee on Immigration, Border Security and Claims, *Hearing on Backlog Reduction Plan for Immigration Applications*, June 17, 2004.

[63] The Immigration Services and Infrastructure Improvements Act of 2000 (§ 205(a) of P.L. 106-313, 8 U.S.C. § 1574(a)) defines backlog as the period of time in excess of 180 days that an immigration benefit application has been pending before the agency. USCIS defines backlog as the number of pending applications (i.e., the number of applications awaiting adjudication) in excess of the number of applications received in the most recent six months.

[64] U.S. Government Accountability Office, *Immigration Benefits: Improvements Needed to Address Backlogs and Ensure Quality of Adjudications*, GAO-06-20, November 2005.

[65] U.S. Citizenship and Immigration Services Ombudsman, *2006 Annual Report to Congress*, June 2006. Available at [http://www.dhs.gov/xabout/structure/editorial_0890.shtm], accessed March 14, 2007.

[66] U.S. House Committee on the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, Hearing on Proposal to Adjust the Immigration Benefit Application and Petition Fee Schedule, February 14, 2007.

that background checks are correctly completed."[67] GAO expanded on the concerns of the DHS Inspector General detailed in their report on USCIS.[68] The USCIS Ombudsman further concluded "FBI name checks, one of the security screening tools used by USCIS, significantly delay adjudication of immigration benefits for many customers, hinder backlog reductions efforts, and may not achieve their intended national security objectives."[69]

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[67] U.S. Department of Homeland Security, Office of Inspector General, *A Review of U.S. Citizenship and Immigration Services' Alien Security Checks*, OIG 06-06, November 2005, p .2.

[68] U.S. Government Accountability Office, *Immigration Benefits: Additional Controls and a Sanctions Strategy Could Enhance DHS's Ability to Control Benefit Fraud*, GAO-06-259, March 2006, p. 5.

[69] U.S. Citizenship and Immigration Services Ombudsman, *2006 Annual Report to Congress*, June 2006. Available at [http://www.dhs.gov/xabout/structure/editorial_0890.shtm], last accessed March 14, 2007.

Appendix A. Top Fifty Sending Countries in FY2005 by Category of LPR

Region and Country of Birth	Total	Family Sponsored Preferences	Employment Based Preferences	Immediate Relatives of U.S. Citizens	Diversity	Refugees and Asylees	Cancellation of Removal and Other
Mexico	161,445	65,369	16,347	72,435	11	240	7,043
India	84,681	15,256	47,705	19,108	60	2,331	221
China, People's Republic	69,967	17,082	20,626	26,852	32	5,335	40
Philippines	60,748	14,975	18,332	27,157	6	85	193
Cuba	36,261	1,478	18	1,759	371	32,555	80
Vietnam	32,784	12,220	304	11,379	5	5,818	3,058
Dominican Republic	27,504	15,813	444	11,134	6	49	58
Korea	26,562	1,997	15,929	8,598	8	7	23
Colombia	25,571	2,725	5,976	15,413	12	1,270	175
Ukraine	22,761	198	1,235	4,346	2,745	12,421	1,816
Canada	21,878	761	12,296	8,483	72	28	238
El Salvador	21,359	3,847	1,243	6,234	D	D	9,476
United Kingdom	19,800	594	10,753	8,237	113	33	70
Jamaica	18,346	5,032	1,214	12,049	D	D	45
Russia	18,083	172	2,574	8,767	613	5,335	622
Guatemala	16,825	1,949	1,071	7,518	D	D	5,586
Brazil	16,664	335	8,866	7,105	170	99	89
Peru	15,676	2,264	2,301	8,911	1,128	900	172
Poland	15,352	2,953	3,241	5,768	3,259	60	71
Pakistan	14,926	3,203	4,798	5,789	12	967	157
Haiti	14,529	4,363	192	6,032	4	1,118	2,820
Bosnia-Herzegovina	14,074	D	71	650	44	13,298	D
Iran	13,887	1,986	1,024	3,922	407	6,480	68
Ecuador	11,608	2,547	2,323	6,366	193	77	102
Bangladesh	11,487	3,118	1,520	4,625	1,753	405	66
Venezuela	10,645	454	4,929	4,573	133	520	36
Nigeria	10,598	900	1,383	5,383	2,379	502	51
Ethiopia	10,573	378	182	2,771	3,427	3,802	13
Guyana	9,318	5,360	279	3,655	5	4	15
Germany	9,264	167	3,516	4,473	602	464	42
Taiwan	9,196	2,749	3,001	3,101	326	6	13
Japan	8,768	135	3,451	4,885	271	11	15
Egypt	7,905	897	995	2,548	2,478	938	49
Romania	7,103	295	1,714	3,322	1,585	163	24
Argentina	7,081	195	3,382	3,129	69	279	27
Honduras	7,012	1,889	589	4,174	7	158	195
Trinidad and Tobago	6,568	1,413	955	4,119	D	D	53
Ghana	6,491	534	487	4,100	1,049	289	32
Albania	5,947	125	207	2,036	2,438	1,137	4
Somalia	5,829	D	29	260	46	5,478	D
Israel	5,755	262	2,437	2,805	192	31	28
Bulgaria	5,635	80	792	1,713	2,854	163	33
Thailand	5,505	337	1,084	3,370	60	414	240
Kenya	5,348	147	967	1,963	1,536	718	17

Region and Country of Birth	Total	Family Sponsored Preferences	Employment Based Preferences	Immediate Relatives of U.S. Citizens	Diversity	Refugees and Asylees	Cancellation of Removal and Other
Sudan	5,231	28	59	269	248	4,619	8
Serbia and Montenegro	5,202	120	353	1,400	208	3,078	43
Liberia	4,880	178	55	712	373	3,548	14
Afghanistan	4,749	143	16	517	16	4,049	8
Turkey	4,614	167	1,439	1,869	1,043	89	7
South Africa	4,536	78	3,017	1,291	128	18	4
Morocco	4,411	137	373	1,922	1,958	4	17
Totals	970,942	197,405	216,094	368,997	34,455	119,393	33,277

Source: CRS analysis of data from the U.S. Department of Homeland Security, *FY2005 Statistical Yearbook of Immigration*, 2006.

Note: "D" means that data disclosure standards are not met; " — " represents zero.

Appendix B. Processing Dates for Immigrant Petitions

Immigrant Category	Regional Service Centers			
	California	Nebraska	Texas	Vermont
Immediate relatives	August 21, 2006	N/A	N/A	Mar. 12, 2006
Unmarried sons and daughters of citizens	Jan. 17, 2003	N/A	N/A	Feb. 26, 2006
Spouses and children of LPRs	Jan. 1, 2005	N/A	N/A	Oct. 22, 2005
Unmarried sons and daughters of LPRs	Feb. 7, 2005	N/A	N/A	Mar. 12, 2006
Married sons and daughters of citizens	April 30, 2001	N/A	N/A	Mar. 12, 2006
Siblings of citizens age 21 and over	April 30, 2001	N/A	N/A	Oct. 7, 2000
Priority workers — extraordinary	N/A	June 6, 2006	August 21, 2006	April 1, 2006
Priority workers — outstanding	N/A	June 8, 2006	August 21, 2006	April 1, 2006
Priority workers — executives	N/A	June 16, 2006	August 21, 2006	April 1, 2006
Persons with advanced degrees or exceptional abilities	N/A	July 19, 2006	August 21, 2006	April 1, 2006
Skilled workers (at least two years experience) or professionals (B.A.)	N/A	August 2, 2006	August 21, 2006	April 1, 2006
Unskilled shortage workers	N/A	August 21, 2006	June1, 2006	April 1, 2006

Source: CRS presentation of USCIS information dated February 20, 2007; available online at [https://egov.immigration.gov/cris/jsps/ptimes.jsp/]. Table prepared by LaVonne Mangan, CRS Knowledge Service's Group.

Appendix C. FY2005 Immigrants by Preference Category

Type and Class of Admission		2001	2002	2003	2004	2005
Family-sponsored preferences		231,699	186,880	158,796	214,355	212,970
First	Unmarried sons/daughters of U.S. citizens and their children	27,003	23,517	21,471	26,380	24,729
Second	Spouses, children, and unmarried sons/daughters of alien residents	112,015	84,785	53,195	93,609	100,139
Third	Married sons/daughters of U.S. citizens and their spouses and children	24,830	21,041	27,287	28,695	22,953
Fourth	Brothers/sisters of U.S. citizens (at least 21 years of age) and their spouses and children	67,851	57,537	56,843	65,671	65,149
Employment-based preferences		178,702	173,814	81,727	155,330	246,878
First	Priority workers and their spouses and children	41,672	34,168	14,453	31,291	64,731
Second	Professionals with advanced degrees or aliens of exceptional ability and their spouses and children	42,550	44,316	15,406	32,534	42,597
Third	Skilled workers, professionals, and unskilled workers and their spouses and children	85,847	88,002	46,415	85,969	129,070
Fourth	Special immigrants and their spouses and children	8,442	7,186	5,389	5,407	10,134
Fifth	Employment creation (investors)and their spouses and children	191	142	64	129	346
Immediate relatives of U.S. citizens		439,972	483,676	331,286	417,815	436,231
Spouses		268,294	293,219	183,796	252,193	259,144
Children		91,275	96,941	77,948	88,088	94,974
Parents		80,403	93,516	69,542	77,534	82,113
Refugees		96,870	115,601	34,362	61,013	112,676
Asylees		11,111	10,197	10,402	10,217	30,286
Diversity		41,989	42,820	46,335	50,084	46,234
Cancellation of removal		22,188	23,642	28,990	32,702	20,785
Parolees		5,349	6,018	4,196	7,121	7,715
Nicaraguan Adjustment and Central American Relief Act (NACARA)		18,663	9,307	2,498	2,292	1,155
Haitian Refugee Immigration Fairness Act (HRIFA)		10,064	5,345	1,406	2,451	2,820
Other		2,295	2,056	3,544	4,503	4,623
Total		**1,058,902**	**1,059,356**	**703,542**	**957,883**	**1,122,373**

Source: CRS analysis of data from the U.S. Department of Homeland Security, *FY2005 Statistical Yearbook of Immigration*, 2006.