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Permanent Legal Immigration to the United States: Policy Overview

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Summary

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 asylees, and the diversity of immigrants by country of origin. These principles are embodied in the Immigration and Nationality Act (INA) and are reflected in different components of permanent immigration. Family reunification occurs primarily through family-sponsored immigration. U.S. labor market contribution occurs through employment-based immigration. Humanitarian assistance occurs primarily through the U.S. refugee and asylee programs. Origin-country diversity is addressed through the Diversity Immigrant Visa.

In addition to the primary components of permanent immigration discussed above, there are several other pathways to lawful permanent resident (LPR) status, though they account for relatively few immigrants. The most prominent among these are *cancellation of removal* for aliens in removal proceedings, *U nonimmigrant visas* for alien crime victims who assist law enforcement agencies, and *T status* for alien victims of human trafficking.

The pool of people eligible to immigrate to the United States as LPRs each year typically exceeds numerical limits established by the INA for most immigrant pathways. In an effort to process the demand for LPR visas fairly and in accordance with the national interest, the INA imposes a complex set of numerical limits and preference categories within major immigrant pathways that admit LPRs to the United States on the basis of family relationships, needed skills, and geographic diversity.

The INA limits worldwide permanent immigration to 675,000 persons annually: 480,000 family-sponsored immigrants, made up of family-sponsored immediate relatives of U.S. citizens ("immediate relatives"), and a set of ordered family-sponsored preference immigrants ("preference immigrants"); 140,000 employment-based immigrants; and 55,000 diversity visa immigrants. This worldwide limit, however, is referred to as a "permeable cap," because certain categories of LPRs are not subject to numerical limitations. These include immediate relatives of U.S. citizens within the INA's family-sponsored immigration provisions, as well as refugees whose number is determined by the President in consultation with Congress. In addition, the number of persons granted asylum is not numerically constrained. Consequently, the number of persons receiving LPR status each year regularly exceeds the INA's statutory worldwide level for permanent immigration.

The INA further specifies that countries are held to a numerical limit of 7% of the annual worldwide level of family-sponsored and employment-based immigrants, known as the per-country limit or country cap. The cap is intended to prevent one or just a few countries from dominating immigrant flows.

In FY2016, almost 1.2 million aliens became LPRs. Of this total, 68% became LPRs through family-sponsored provisions of the INA. Other major LPR categories included refugees and asylees (13%), employment-based immigrants (12%), and diversity visa immigrants (4%). While 618,078 LPRs (52%) in FY2016 were granted LPR status upon their admission to the United States from abroad, 565,427 (48%) adjusted to LPR status from a temporary (i.e., nonimmigrant) status from within the United States. In FY2016, Mexico accounted for the largest proportion (15%) of LPRs who were admitted from abroad or adjusted status from within the United States. Other top immigrant source countries included China (7%), Cuba (6%), India (5%), and the Dominican Republic (5%).

At the start of FY2018, approximately 4.1 million approved LPR visa petitions—almost all family-sponsored petitions—were pending with the Department of State's National Visa Center

because of the numerical limits in the INA. Approximate wait times for numerically limited family and employment preference visas range widely depending on the specific preference category and country of origin. Prospective family-sponsored immigrants from China, Mexico, India and the Philippines have the most substantial wait times before a visa is scheduled to become available to them.

Some have advocated for a significant reallocation of the visa categories or a substantial increase in legal immigration to satisfy the desire of U.S. families to reunite with their relatives abroad and to meet the labor force needs of U.S. employers. Proponents of family-sponsored migration often maintain that proposals to increase immigration should include additional family-sponsored visas to more quickly reunify families by reducing wait times—currently up to years and decades—for those already "in the queue."

Those who favor reduced immigration have supported proposals to limit family-sponsored LPRs to the immediate relatives of U.S. citizens, to confine employment-based LPRs to highly skilled workers, to admit employment-based immigrants using some type of merit-based system, and to eliminate the diversity visa.

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Introduction

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 asylees, and the diversity of immigrants by country of origin. These principles are embodied in federal law, the Immigration and Nationality Act (INA). The Immigration and Nationality Act Amendments of 1965[1] replaced the national origins quota system (enacted after World War I) with per-country ceilings, and the statutory provisions regulating legal permanent immigration to the United States were last revised significantly by the Immigration Act of 1990.[2]

Despite extensive critiques of the permanent legal immigration system, no consensus exists on the specific direction reforms to the system should take. Some maintain that revising provisions governing legal permanent immigration should be a key component of any major immigration reform proposal, while others support the existing provisions and their underlying rationales. This report on legal permanent immigration may help inform the debate and discussions of policy options that may emerge as Congress considers current immigration proposals.

Legal aliens[3] are of three main types: *immigrants*, *nonimmigrants* and *refugees*. As defined in the INA, *immigrants* are synonymous with lawful permanent residents (LPRs) and refer to foreign nationals who come to live lawfully and permanently in the United States. *Nonimmigrants*—such as tourists, foreign students, diplomats, temporary agricultural workers, exchange visitors, or intracompany business personnel—are admitted for a specific purpose and a temporary period of time.[4] Nonimmigrants must leave the United States before their visas expire, although certain classes of nonimmigrants may adjust to LPR status if they otherwise qualify.[5] *Refugees* and *asylees* are people fleeing their countries because of persecution or a well-founded fear of persecution. After one year in refugee status in the United States, refugees must apply to adjust to LPR status. In contrast, asylees may, but are not required to, apply for LPR status after one year.

The conditions for the admission of immigrants and refugees are more stringent than for nonimmigrants, and many fewer immigrants than nonimmigrants are admitted each year. 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.[6] Naturalization is voluntary, and persons may remain as LPRs indefinitely as long as they do not commit a crime or some other act that makes them deportable.[7]

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[1] P.L. 89-236, also known as the Immigration and Naturalization Act of 1965 and the Hart-Celler Act.

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

[3] INA 101(a)(3) defines the term "alien" as a noncitizen. In this report, alien is synonymous with the terms "noncitizen" and "foreign national."

[4] 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. For more information, see CRS Report R45040, *Nonimmigrant (Temporary) Admissions to the United States: Policy and Trends*, by Jill H. Wilson.

[5] Ibid. In addition, INA §245 details the circumstances under which an alien can change from a nonimmigrant or other temporary status to LPR status without leaving the United States to apply for an LPR visa.

[6] For background on the naturalization process, see CRS Report R43366, *U.S. Naturalization Policy*, by William A. Kandel.

[7] For information on grounds for deportability, see CRS Report R43892, *Alien Removals and Returns: Overview and Trends*, by Audrey Singer.

Prospective immigrants must maneuver a multi-step process through federal departments and agencies to obtain LPR status. First, petitions for LPR status are filed with U.S. Citizenship and Immigration Services (USCIS) in the Department of Homeland Security (DHS) by the prospective immigrant or by the sponsoring relative or employer in the United States (in the case of family-sponsored or employment-based immigration, respectively). If the prospective LPR is residing abroad or has not established a lawful residence in the United States, the petition is forwarded to the Department of State's (DOS) Bureau of Consular Affairs in the alien's home country after USCIS has approved it. If the prospective immigrant is already legally residing in the United States, USCIS handles most of the process, which the INA refers to as "adjustment of status" because the alien is moving from a temporary status to LPR status. Roughly half of all persons granted LPR status in FY2016—the most recent year for which such data are available—did so by adjusting status.

The Consular Affairs officer (when the alien is coming from abroad) or the USCIS adjudicator (when the alien is adjusting status from within the United States) must be satisfied that the alien is entitled to LPR status. These reviews are intended to ensure that prospective immigrants are not ineligible for visas or admission under the grounds for inadmissibility spelled out in the INA.[8]

Immigrant admissions and adjustments to LPR status are subject to complex numerical limits and preference categories that give priority for admission on the basis of family relationships, needed skills, and geographic diversity. In addition, immigrants who enter through the family-sponsored and employment based preference categories are subject to a 7% per-country cap (see "Per-country Ceilings" below).[9] Numerical limits on immigration combined with the per-country cap for some categories has resulted in a sizable "visa queue" of foreign nationals with approved immigration petitions who must wait until a numerically limited visa becomes available before they can immigrate permanently to the United States (see "The Visa Queue" below).

Current Law and Policy

Worldwide Immigration Levels

The INA provides for a permanent annual worldwide level of 675,000 LPRs comprising three components:

1. **family-sponsored immigrants** (480,000 plus certain unused employment-based preference numbers from the prior year), made up of two groups:
    a. immediate relatives[10] of U.S. citizens and
    b. family-sponsored preference immigrants;
2. **employment-based preference immigrants** (140,000 plus certain unused family preference numbers from the prior year); and
3. **diversity immigrants** (55,000).

[8] These include criminal, national security, health, and indigence grounds as well as past violations of immigration law. INA §212(a); 8 U.S.C. §1182. For background information, see CRS Report R41104, *Immigration Visa Issuances and Grounds for Exclusion: Policy and Trends*, by Ruth Ellen Wasem.

[9] §202(a)(2) of the INA; 8 U.S.C. §1152(a)(2).

[10] INA §201(b)(2)(A)(i) defines "immediate relatives" to include spouses and unmarried minor children of U.S. citizens, and parents of adult U.S. citizens.

Despite the numerical limits, the annual worldwide level is flexible, and the INA permits certain LPR categories to exceed the limits.[11] For example, although the INA places a limit of 480,000 on family-sponsored immigrants, some refer to that limit as a "permeable cap" because immediate relatives of U.S. citizens are not numerically limited. The annual level of family-sponsored preference immigrants is determined as follows:

- 480,000 (the total family-sponsored immigration level),
- minus the number of immediate relatives granted LPR status in the prior year,
- minus the number of aliens paroled[12] into the United States for at least a year,
- plus (when available) the number of unused employment preference immigrant from the prior year.[13]

As a result, the actual number of immigrants who receive LPR status varies from year to year according to the prior year's number of immediate relative immigrants, parolees, and unused employment-based preference immigrant visas that roll over.

Under the INA, the annual level of family preference immigrants may not fall below 226,000. If the number of immediate relatives of U.S. citizens admitted in the previous year happens to fall below 254,000 (the difference between 480,000 for all family-sponsored immigrants and 226,000 for family-sponsored preference immigrants), then family-sponsored preference immigrants may exceed 226,000 by that amount. However, since FY1996, annual admissions of immediate relatives of U.S. citizens have exceeded 254,000 each year, ranging from a low of 258,584 immigrants in FY1999 to a peak of 580,348 immigrants in FY2006; in FY2016 they numbered 566,706.[14] Consequently, the annual limit for family-sponsored preference immigrants has effectively remained at 226,000 for the past two decades.[15]

The United States also gives LPR status to persons admitted as refugees and persons who are granted asylum. Refugees and asylees can apply to adjust to LPR status after one year in refugee/asylee status in the United States. Refugees and asylees are exempt from statutory numerical limits.[16]

Per-country Ceilings

As mentioned above, numerically-limited preference immigrants who enter through the family-sponsored and employment based preference categories are limited by a 7% per-country cap.[17]

[11] INA §201; 8 U.S.C. §1151.

[12] "Parole," in immigration law, means that an 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.

[13] INA §201(c).

[14] See U.S. Department of Homeland Security, Office of Immigration Statistics, *Yearbook of Immigration Statistics*, multiple years.

[15] In this report, CRS presents immigration trend data over the last two decades, from FY1996 to FY2016.

[16] Refugees are admitted to the United States from abroad while asylees are foreign nationals who request and receive asylum after having entered the United States. The number of refugees admitted each year is determined by the President in consultation with Congress. The number of asylees is not limited. For more information on refugee policy, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*, by Andorra Bruno. For background information on asylum policy, see CRS Report R41753, *Asylum and "Credible Fear" Issues in U.S. Immigration Policy*, by Ruth Ellen Wasem.

[17] For a dependent foreign state, the per-country ceiling is 2%. For example, Macau, the former Portuguese colony that became a special administrative region of the Peoples' Republic of China in 1999, would be considered a dependent

The per-country level is not a quota or set aside for individual countries, as each of the 195 countries in the world could not receive 7% of the specified limit. As the State Department describes: "(T)he country limitation serves to avoid monopolization of virtually all the annual limitation by applicants from only a few countries. This limitation is not a quota to which any particular country is entitled, however."[18]

Congress has enacted two important exceptions to the per-country ceilings. The first exception allows 75% of the visas allocated to the 2nd family preference category (2A) of spouses and children of LPRs to be exempt from the per-country ceiling (see **Table 1** for family preference categories).[19] The second exception allows the 7% per-country ceiling for employment-based immigrants to be surpassed for individual countries that are oversubscribed if visas are available within the 140,000 worldwide limit for employment-based preferences.[20] The impact of these revisions to the per-country ceilings is discussed later in this report.

Family-Sponsored and Employment-Based Preference Immigrants

As noted, family-sponsored and employment-based preference category immigrants are numerically limited. Both types of immigrants are subdivided into five categories. Within each family and employment preference category, the INA further allocates the number of people who can receive LPR status each year. The five family preference categories are based broadly upon a hierarchy of family relationships to U.S. citizens and LPRs.[21]

Among the five employment preference categories, the first three are based broadly upon a hierarchy of professional accomplishments and skills needed by U.S. employers (**Table 1**). The fourth category includes 13 sub-categories of "special immigrants," including religious workers, employees of the U.S. government abroad, and juvenile court dependents. As part of the Immigration Act of 1990, Congress added a fifth preference employment-based category that allows foreign investors to acquire LPR status ("EB-5 immigrant investors"). For this preference category, the INA allocates up to 10,000 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 invest in "Targeted Employment Areas" (TEAs), which include rural areas (as defined by the Office of Management and Budget) or areas experiencing unemployment at 150% of the national average.[22]

Employers seeking to hire prospective immigrants through the second and third employment-based preference categories must petition the U.S. Department of Labor (DOL) to obtain a labor certification on behalf of the alien. Prospective immigrants must demonstrate that they meet the qualifications for both the particular job and the preference category. If DOL determines that a labor shortage exists in the occupation for which a petition is filed, it will issue a labor

foreign state.

[18] U.S. Department of State, Bureau of Consular Affairs, *Operation of the Immigrant Numerical Control Process*, undated, p. 3.

[19] INA §202(a)(4); 8 U.S.C. §1152(a)(4).

[20] INA §202(a)(5)(A); 8 U.S.C. §1152(a)(5)(A). This provision was enacted through the American Competitiveness in the Twenty-First Century Act of 2000 (P.L. 106-313).

[21] For more information, see CRS Report R43145, *U.S. Family-Based Immigration Policy*, by William A. Kandel.

[22] See CRS Report R44475, *EB-5 Immigrant Investor Visa*.

certification. If DOL determines that such a labor shortage does not exist, the employer must submit evidence of extensive recruitment efforts that have failed in order to obtain certification.[23]

Table 1. Family-Sponsored and Employment-Based Preference Categories

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		**226,000 (floor)**
1st preference	Unmarried sons and daughters of U.S. citizens	23,400 plus unused visas from 4th preference visas
2nd preference	2A: Spouses and minor children of LPRs 2B: Unmarried sons and daughters of LPRs	114,200 plus unused 1st preference visas [77% are reserved for 2A preference]
3rd preference	Married sons and daughters of U.S. citizens	23,400 plus unused 1st or 2nd preference visas
4th preference	Siblings of adult U.S. citizens	65,000 plus unused 1st, 2nd, or 3rd preference visas
Employment-Based Preference Immigrants		**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 total plus unused 4th and 5th preference visas
2nd preference	Members of the professions holding advanced degrees or persons of exceptional abilities in the sciences, art, or business	28.6% of total plus unused 1st preference visas
3rd preference—skilled	Skilled shortage workers with at least two years training or experience, professionals with baccalaureate degrees	28.6% of total plus unused 1st or 2nd preference visas
3rd preference—"other"	Unskilled shortage workers	10,000 [taken from number 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 total; [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 total; [3,000 *minimum* reserved for investors in rural or high unemployment areas]

Source: CRS summary of INA §§203(a), 203(b), and 204, (8 U.S.C. §§1153(a) 1153(b), and 1154).

Notes: *children* refer to unmarried minors under age 21; *sons and daughters* refer to children ages 21 and older.

Table 1 summarizes the preference system for family-sponsored and employment-based immigrants. In most instances unused numbers roll down to the next preference category.

[23] For background information, see CRS Report RL33977, *Immigration of Foreign Workers: Labor Market Tests and Protections*, by Ruth Ellen Wasem.

Employment-based LPR allocations not used in a given year rollover to the family preference categories the following year, and vice versa for unused family-sponsored LPR allocations.[24]

Diversity Immigrant Visa

The diversity immigrant visa fosters legal immigration from countries that send relatively few immigrants to the United States.[25] Each year, 50,000 visas are made available to selected natives of countries from which immigrant admissions totaled less than 50,000 over the preceding five years.[26] Since the visa's inception in the early 1990s, the regional distribution of diversity lottery immigrants has shifted from Western European to African and Eastern European countries. To be eligible for a diversity immigrant visa, foreign nationals must have a high school education or two years of work experience within the past five years in an occupation that requires at least two years of training or experience to perform. Applicants are selected by lottery whose winners must also meet the standard eligibility criteria required for most immigrants.

Other Permanent Immigration Categories

Several other pathways apart from family-sponsored and employment-based immigrants allow persons to acquire LPR status. They range from aliens in removal (i.e., deportation) proceedings who are granted LPR status by an immigration judge, victims of crime and human trafficking, and refugees and asylees who adjust to LPR status.[27] **Table 2** summarizes these major pathways and any related numerical limitations.

[24] Employment-based allocations are further affected by the Nicaraguan and Central American Relief Act (NACARA, Title II of P.L. 105-100), as amended by §1(e) of P.L. 105-139. NACARA provides immigration benefits and relief from deportation to certain Nicaraguans, Cubans, Salvadorans, Guatemalans, nationals of former Soviet bloc countries, and their dependents who arrived in the United States seeking asylum. NACARA Section 203(e) states that when the cut-off date (the visa availability date for oversubscribed immigration categories) for the employment 3rd preference "other worker" (OW) category reaches the priority date (the filing 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. Since the OW cut-off date reached November 19, 1997, during FY2001, the reduced OW limit began in FY2002 and will continue until all NACARA adjustments are offset. Also, employment-based allocations are affected by the Chinese Student Protection Act (P.L. 102-404), which requires that the annual limit for China be reduced by 1,000 until such accumulated allotment equals the number of aliens (roughly 54,000) acquiring immigration relief under the act. Consequently, each year, 300 immigrant visas are deducted from the 3rd preference category and 700 from the 5th preference category for China. See U.S. Department of State, Visa Office, *Annual Numerical Limits for Fiscal Year 2018.*

[25] For more information, see CRS Report R45102, *Diversity Immigrants' Regions and Countries of Origin: Fact Sheet*, by Jill H. Wilson.

[26] The INA provides 55,000 diversity immigrant visas each year. However, beginning in FY1999, that annual ceiling has been reduced by up to 5,000 each year to accommodate adjustments made under NACARA, similar to the reduction of the 3rd employment-based preference category. The 5,000 offset is temporary, but it is unclear for how many years it will remain in effect to handle these adjustments of status.

[27] See CRS Report R43892, *Alien Removals and Returns: Overview and Trends*, by Audrey Singer.

Table 2. Other Major Pathways to LPR Status

Category		Numerical Limit
Cancellation of Removal[a]	Aliens in removal proceedings granted LPR status by an immigration judge because of exceptional and extremely unusual hardship	4,000 (with certain exceptions)
U visa[b]	Alien crime victims who help law enforcement agencies investigate and prosecute domestic violence, sexual assault, human trafficking, and other crimes	10,000 per year
T visa[c]	Alien victims of severe forms of human trafficking	5,000 per year
Refugees[d]	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	No limits on LPR adjustments
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)

Source: CRS summary of INA §203(a) (8 U.S.C. §1153(a)), INA §203(b) (8 U.S.C. §1153(b)), INA §204 (8 U.S.C. §1154), INA §207 (8 U.S.C. §1157), INA §208 (8 U.S.C. §1158), and INA §240A (8 U.S.C. §1229b).

Notes:

a. For more information on cancellation of removal, see CRS Report R43892, *Alien Removals and Returns: Overview and Trends*.

b. For more information on U visas, see CRS Report R42477, *Immigration Provisions of the Violence Against Women Act (VAWA)*.

c. For more information on T nonimmigrant status, see CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*.

d. For more information, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*, by Andorra Bruno.

Immigration Trends

Immigration Patterns, 1900-2016

Immigration to the United States (**Figure 1**) is determined by many factors apart from U.S. immigration laws. Push factors from immigrant-sending countries include civil wars, political unrest, economic deprivation, limited job opportunities, and catastrophic natural disasters. Pull factors from the United States include relatively strong employment prospects, opportunities to reunite with family members, and quality of life considerations. A corollary factor is the extent to which aliens can migrate to other countries offering circumstances and opportunities comparable to, or better than, the United States.

U.S. immigration, which experienced several peaks between the late 19th and early 20th Centuries declined considerably as the result of the Great Depression and World War II. The annual number of persons acquiring LPR status who were admitted from abroad or adjusting status from within the United States rose gradually after World War II and continued steadily for three decades, partly as the result of war refugee admissions as well as a growing U.S. economy.

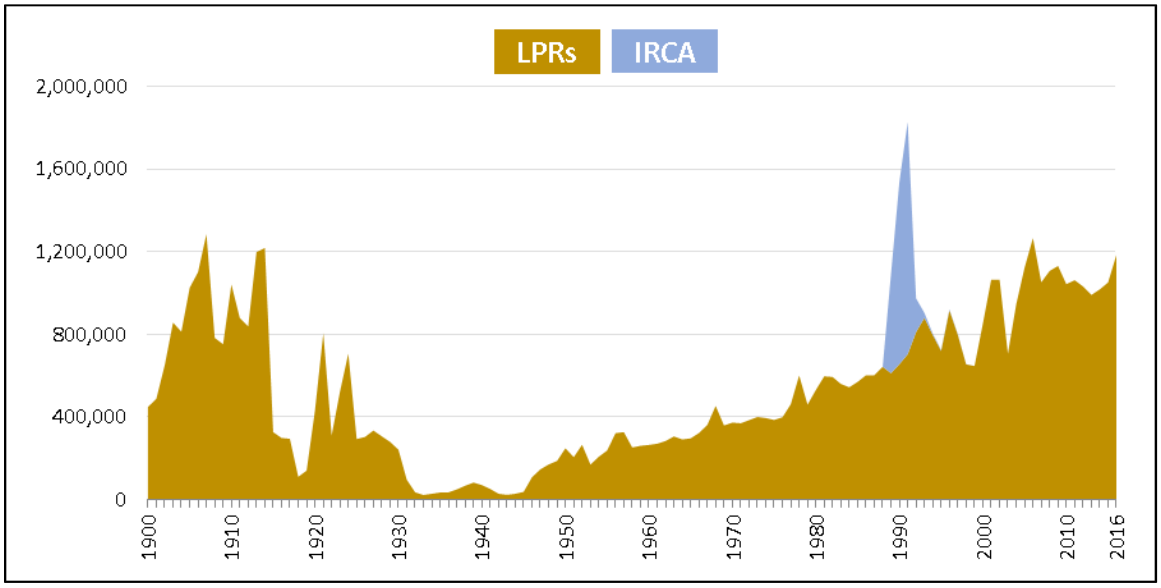
After 1980, immigration growth occurred for a number of reasons. First, the Immigration Reform and Control Act of 1986 (IRCA, P.L. 99-603) legalized 2.7 million aliens who were residing in the United States without authorization. These newly legalized individuals were then eligible to

sponsor other family members, either as LPRs or, for those who subsequently naturalized, as U.S. citizens.

Second, the Immigration Act of 1990 (P.L. 101-649) increased the ceiling on employment-based preference immigration and included a provision allowing unused employment-based preference visas to be made available the following year for family-sponsored preference immigration and vice versa for unused family-sponsored preference visas. Third, following the enactment of the Refugee Act of 1980 (P.L. 96-212), the number of refugees admitted increased from 718,000 for the 15-year period between 1966 and 1980 to 1.6 million between 1981 and 1995.

Figure 1. Permanent Immigration to the United States, 1900-2016

(Number of Immigrants)



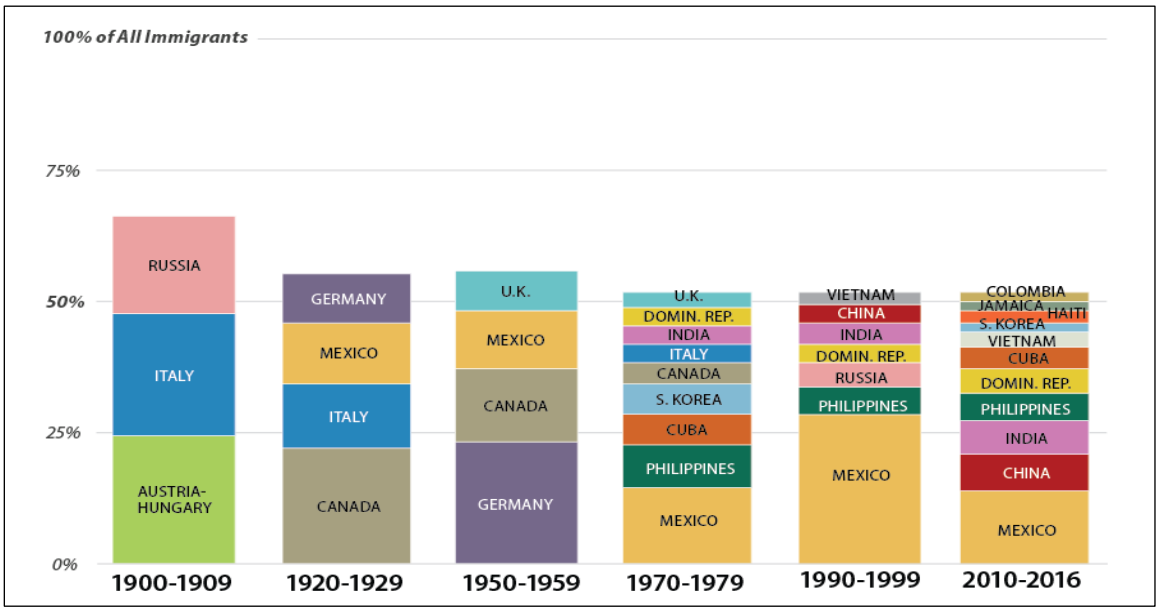
Source: U.S. Department of Homeland Security, Office of Immigration Statistics (OIS), *Yearbook of Immigration Statistics*, multiple fiscal years.

Note: Aliens legalizing through the Immigration Reform and Control Act (IRCA) of 1986 are depicted by year of adjustment.

In any given period of U.S. history, a handful of countries have dominated the flow of immigrants, but the dominant countries have changed over time. **Figure 2** presents the countries from where the most individuals emigrated and together comprised at least half of all immigrants for selected decades. The figure illustrates two points. First, while immigration at the start of the 20st century was dominated by three or four countries, immigration at the start of the 21st century originated from a much broader set of countries. Second, these data suggest that the per-country ceilings established by the Immigration and Nationality Act Amendments of 1965 had a considerable impact on this shift in country-of-origin composition.

Figure 2. Top Sending LPR-Sending Countries, Selected Decades

(Countries comprising 50% or more of all LPRs in decade)



Source: CRS analysis of Table 2, *Statistical Yearbook of Immigration*, U.S. Department of Homeland Security, Office of Immigration Statistics, FY2010.

Notes: Decades presented were chosen at 20-year intervals, except 1940-1949 which was not presented because of the major disruptions to immigration flows during World War II.

Figure 2 also illustrates the change in geographic origin of U.S. immigration. Most immigrants during the early 20th century originated from European countries, such as Germany, Italy, Austria-Hungary, and the United Kingdom. Mexico has been a top sending country for most of the 20th century and into the 21st century. Most immigrants in more recent decades originate from Western Hemisphere countries such as the Dominican Republic, Cuba, Haiti, Jamaica, and Colombia, and Asian countries including China, India, the Philippines, Vietnam, and South Korea.

Permanent Immigration in FY2016

In FY2016, approximately 1.2 million aliens became LPRs, either by being admitted as such upon arrival to the United States from overseas, or by adjusting to LPR status from a nonimmigrant status while in the United States (**Figure 3)**. Of this total, just over two-thirds acquired LPR status as family-sponsored immigrants**.** Employment-based immigrants (12%) and refugees and asylees (13%) make up another quarter, and diversity immigrants (4%), and all other classes of immigrants (3%) make up the remainder.

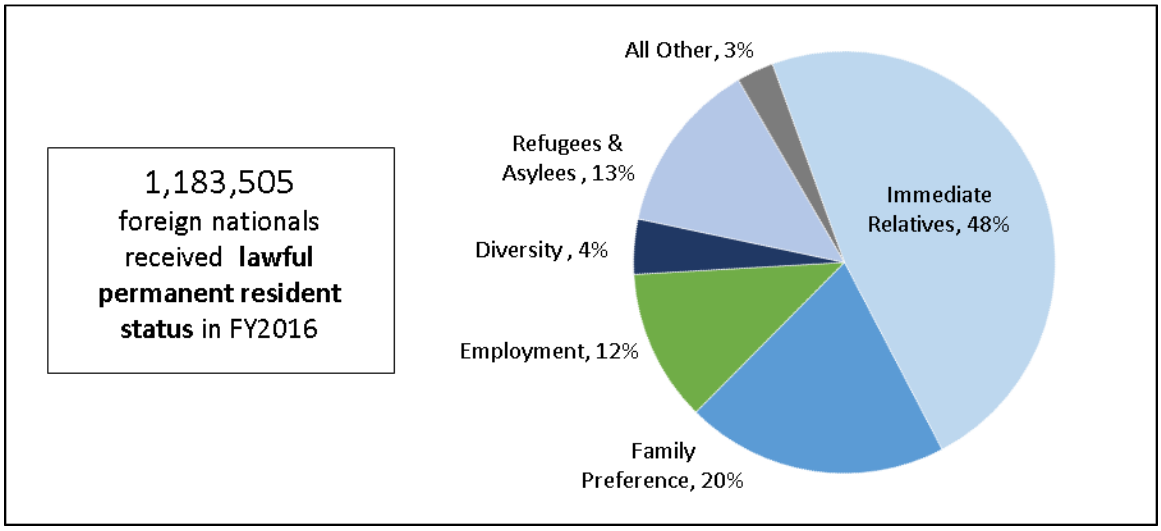
Immediate relatives of U.S. citizens, who are not numerically limited by the INA, accounted for 48% of all LPRs granted in 2016. This portion of all LPRs can be further broken down by relationship to the U.S. citizen: spouses made up 26%, parents made up 15%, and children (including adopted orphans) made up 7%.[28]

In FY2016, Mexico was the source country of 15% of LPRs who were admitted or adjusted status. Other top countries were China (7%), Cuba (6%), India (5%), and the Dominican Republic

[28] U.S. Department of Homeland Security, Office of Immigration Statistics, *FY2016 Yearbook of Immigration Statistics*, Table 6. FY2016 represents the most recent data available on permanent immigration from DHS.

(5%). These five countries made up 37% of all LPRs who were admitted or who adjusted status in FY2016. Similarly, the leading regions of birth for LPRs in FY2016 were Asia (37%), Mexico and Central America (20%), and the Caribbean (15%), together accounting for almost three-fourths of all LPRs.[29]

Figure 3. New Lawful Permanent Residents by Major Category, FY2016



Source: U.S. Department of Homeland Security, Office of Immigration Statistics, FY2016 Yearbook of Immigration Statistics, Table 6.

In FY2016, 565,427 aliens (48%) *adjusted to LPR status* from within the United States, while 618,078 (52%) received visas issued abroad from DOS Consular Affairs, arrived from overseas, and were *admitted as LPRs*. Over the last two decades, the percentage of all LPRs adjusting status each year has ranged from 38% in FY1999 to 66% in FY2005. In FY2016, most employment-based immigrants (82%) adjusted to LPR status from within the United States. Close to half (45%) of immediate relatives of U.S. citizens also did so that year, in contrast with less than 10% of family-preference immigrants.[30]

The Visa Queue

The pool of people eligible to immigrate to the United States as LPRs each year typically exceeds the worldwide level set by U.S. immigration law. At the end of each fiscal year, the Department of State (DOS) publishes a tabulation of immigrant petitions that have been approved by USCIS and forwarded to DOS's National Visa Center.[31] These published figures do not constitute a backlog of petitions to be processed; they represent persons who have been approved as family-sponsored or employment-based immigrants who cannot yet immigrate to the United States due

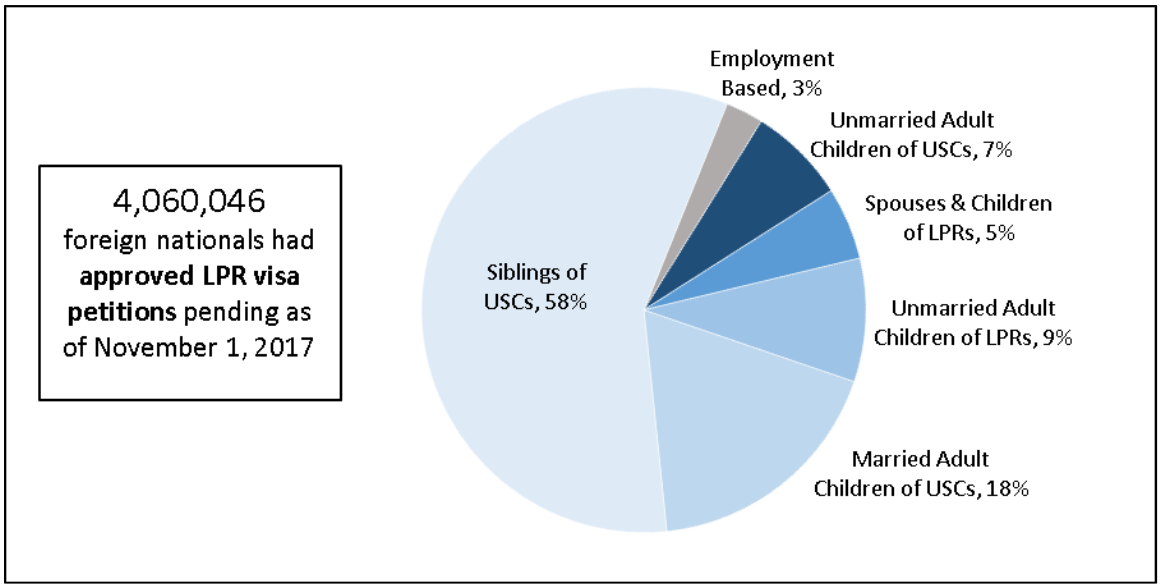
[29] U.S. Department of Homeland Security, Office of Immigration Statistics, *2016 Yearbook of Immigration Statistics*, Table 2.

[30] U.S. Department of Homeland Security, Office of Immigration Statistics, *2016 Yearbook of Immigration Statistics*, Table 7.

[31] DOS's National Visa Center handles immigrant visa processing. U.S. Department of State, *Annual Report of Immigrant Visa Applicants in the Family-Sponsored and Employment-Based Preferences Registered at the National Visa Center as of November 1, 2017.*

to numerical limits in the INA. The National Visa Center caseload drives the priority dates published in the monthly *Visa Bulletin*.[32]

Figure 4. Approved LPR Visa Petitions Pending as of November 1, 2017



Source: U.S. Department of State, *Annual Report of Immigrant Visa Applicants in the Family-Sponsored and Employment-Based Preferences Registered at the National Visa Center as of November 1, 2017.*

Family-sponsored preference immigrants dominated the queue of 4.06 million approved LPR visa petitions pending with the National Visa Center at the end of FY2017 (**Figure 4**). Over half (58%) of all approved petitions pending were 4th preference siblings of U.S. citizens, and one-quarter (25%) were 1st preference unmarried adult children and 3rd preference married adult children of U.S. citizens. Second preference family members of LPRs totaled 14% of the queue.

Figure 4 indicates that employment-based preference immigrants accounted for 3% of the 4.06 million LPR visas pending with the National Visa Center as of November 1, 2017. This figure of 112,189 reflected not only principal applicants or petition beneficiaries, but also their spouses and children entitled to derivative status under the INA).[33]

Caveat on the Queue

In addition to the visa queue that has accumulated at DOS's National Visa Center and which is described in an annual DOS report, there is also a queue of petitions that have been received by USCIS and are pending completed processing. USCIS performance data suggest that USCIS has

[32] The priority date is the date that an immigration petition—which DOS is currently processing for a numerically limited visa—was received by USCIS. Priority dates listed in the Visa Bulletin indicate that DOS is currently processing visas for petitions that were originally submitted to USCIS as of those dates. For further specifications of the data that DOS factors into the visa priority dates, see U.S. Department of State, Visa Office, *Annual Numerical Limits for Fiscal Year 2018.*

[33] The relatively small proportion of employment-based petitions in the visa queue (3%) reflects the relatively more stringent criteria for employment-based LPR sponsorship compared with that for family-sponsored petitions, the relatively larger pool of potential sponsors for family-sponsored petitions, and employers' time-sensitivity to meeting their labor force requirements compared with family-sponsored petitioners who typically are able to wait for considerably longer periods to be reunited with family members.

not yet forwarded a substantial portion of its LPR caseload to the DOS National Visa Center.[34] This queue includes family-sponsored, employment-based, and humanitarian (e.g., refugee, asylum) petitions for LPR status.[35]

Visa Processing Dates

Family-sponsored and employment-based preference visas are issued to eligible immigrants in the order in which petitions are filed.[36] In addition, spouses and children of prospective LPRs are entitled to the same status and order of consideration as the person qualifying as the principal LPR, if they are accompanying or "following to join" (referred to as *derivative* status).[37] When visa demand exceeds the numerical limits, visas are allocated according to the preference system detailed in **Table 1** for the "oversubscribed" foreign state or dependent area.[38]

Family-sponsored Visa Priority Dates

Table 3 presents information from a recent *Visa Bulletin* published monthly by the Department of State for all five family-sponsored preference categories. It indicates that, as of February 9, 2018 (the date when the March *Visa Bulletin* was published), relatives of U.S. citizens and LPRs who fell into all five of these categories and who had approved immigration petitions were waiting for a visa to become available. As such, it reflects the consequences of both numerical limits for family-sponsored and employment-based preference immigrants as well as the 7% per-country cap on those LPR categories.

Table 3. Priority Dates for Family Preference Visas, as of March 2018

Category	Worldwide	China	India	Mexico	Philippines
F1—Unmarried adult children of USCs	3/22/2011	3/22/2011	3/22/2011	7/22/1996	10/15/2005
F2A—Spouses & minor children of LPRs	3/22/2016	3/22/2016	3/22/2016	3/1/2016	3/22/2016
F2B—Unmarried adult children of LPRs	3/1/2011	3/1/2011	3/1/2011	10/15/1996	9/8/2006
F3—Married adult children of USCs	12/15/2005	12/15/2005	12/15/2005	6/22/1995	3/22/1995
F4—Siblings of adult USCs	8/22/2004	8/22/2004	2/1/2004	11/15/1997	11/22/1994

Source: U.S. Department of State, Bureau of Consular Affairs, Visa Bulletin for March 2018, February 9, 2018.

Notes: The "F" codes are used by DOS in its *Visa Bulletin* to refer to the various family-sponsored preference categories. The second family-sponsored preference category is divided into two groups: 2nd Preference A, consisting of spouses and minor children of LPRs; and 2nd Preference B, consisting of adult unmarried children of LPRs. ***USCs*** refer to U.S. citizens, and ***LPRs*** refer to lawful permanent residents.

[34] Performance data from the first quarter of FY2018 indicate that 3.7 million LPR petitions were pending. See https://www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-all-uscis-application-and-petition-form-types.

[35] For further discussion of numerical limits and backlogs for employment-based petitions, see CRS Report R42048, *Numerical Limits on Permanent Employment-Based Immigration: Analysis of the Per-country Ceilings*.

[36] INA §203(e).

[37] INA §203(d).

[38] U.S. Department of State, Bureau of Consular Affairs, *Visa Bulletin For March 2018*, February 9, 2018.

According to the March 2018 Visa Bulletin (**Table 3**), DOS was processing visa petitions, as of February 9, 2018, for unmarried adult sons and daughters of U.S. citizens (1st preference) from India whose immigration petitions were submitted to USCIS on March 22, 2011. Depending on the country of origin, persons in this category who had submitted petitions even earlier were also being processed for visas. Likewise, as of February 9, 2018, DOS was processing visa petitions for married adult sons and daughters of U.S. citizens from China (3rd preference) whose immigration petitions were submitted to USCIS more than 12 years ago (December 15, 2005). Depending on the country of origin, persons in this category who had submitted petitions even earlier were also being processed for visas.

Brothers and sisters of U.S. citizens (4th preference) could expect to wait over 13 years, with considerably longer waits for siblings from Mexico and the Philippines. DOS consular officers, as of February 9, 2018, were adjudicating visa petitions of brothers and sisters of U.S. citizens from the Philippines who had filed immigration petitions over 23 years ago.[39] In contrast, spouses and minor children of LPRs (category F2A in **Table 3**) for all countries had the most recent priority date of March 22, 2016, indicating that DOS consular officers were adjudicating visa petitions submitted approximately two years ago.

Employment-Based Visa Priority Dates

Table 4 presents information from the March 2018 *Visa Bulletin* for the five employment preference categories. It indicates that, as of February 9, 2018, categories for all worker visas were current. However, workers applying to emigrate from countries that send large numbers of employment-based immigrants to the United States faced waiting times for specific categories. For example, those seeking advanced degree visas from China and India had December 8, 2013, and December 15, 2008, priority dates, respectively. Visas granted for professional and skilled workers were current, except for workers from China, India and the Philippines, who faced waiting times.

Table 4. Priority Dates for Employment Preference Visas, as of March 2018

Category	Worldwide	China	El Salvador, Guatemala, Honduras	India	Mexico	Philippines
1st—Priority workers	current	current	current	current	current	current
2nd—Advanced degrees	current	12/8/2013	current	12/15/2008	current	current
3rd—Skilled/professional	current	11/15/2014	current	1/1/2007	current	5/1/2016
3rd—Unskilled/Other	current	3/1/2007	current	1/1/2007	7/1/2016	5/1/2016
4th—Special immigrants	current	current	12/1/2015	current	current	current
5th—Investors	current	7/22/2014	current	current	current	current

Source: U.S. Department of State, Bureau of Consular Affairs, Visa Bulletin for March 2018.

[39] For more on the family-sponsored visa queue, see CRS Report R43145, *U.S. Family-Based Immigration Policy*, by William A. Kandel.

Concluding Observations

Some posit that revising the system of permanent legal immigration should be a major component of any immigration reform proposal.[40] In recent years, Congress has considered proposals to alter the legal immigration system—either with a comprehensive approach[41] or with incremental revisions aimed at strategic changes.[42]

Those favoring expanded immigration typically advocate for specific changes. Some favor a significant reallocation of the visa categories or a substantial increase in legal immigration to satisfy the desire of U.S. families to reunite with their relatives still abroad and to meet the labor force needs of employers hiring foreign workers. Others favor a reallocation toward employment-based immigration to help U.S. employers compete for the "best and the brightest," including foreign professional workers in science, technology, engineering, or mathematics (STEM) fields. Proponents of family-sponsored migration maintain that any proposal to increase immigration levels generally should also include the option of additional family-sponsored visas to reduce wait times—currently up to years or decades—for those already "in the queue."

Those who favor reduced immigration contend that family-sponsored immigration permits relatively large numbers of foreign nationals to permanently settle in the United States without regard to their skill, education levels, or potential contribution to the U.S. economy. Some argue that family-sponsored immigration should be limited to immediate relatives of U.S. citizens and LPRs. Others favor revising employment-based immigration so that immigrants are selected on the basis of "merit-based" criteria (e.g., educational attainment, employment in a high demand field, English language skills, age) rather than largely being sponsored by employers under the current system. Many in Congress also support eliminating the Diversity Immigrant Visa which they contend poses security risks and requires relatively little in terms of skill and education requirements.

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[40] Other aspects of the U.S. immigration system that also typically receive attention during calls for reform include increased border security and enforcement of immigration laws within the U.S. interior, reform of temporary worker visas, and options to address the millions of unauthorized aliens residing in the country.

[41] As an example of this approach, in June 2013, the Senate in the 113th Congress passed S. 744, a comprehensive reform bill that would make significant changes to the system of permanent legal immigration. For a full discussion of S. 744 as passed, see CRS Report R43097, *Comprehensive Immigration Reform in the 113th Congress: Major Provisions in Senate-Passed S. 744*, by Ruth Ellen Wasem.

[42] On February 15, 2018, the Senate voted on four immigration proposals, including S.Amdt. 1959 to H.R. 2579 introduced by Senator Charles Grassley. The amendment would have substantially reduced permanent immigration by limiting family-sponsored immigration to spouses and unmarried children (under age 18) of U.S. citizens and LPRs and by terminating the Diversity Immigrant Visa Lottery. The amendment, which also included provisions related to border security and the Deferred Action for Childhood Arrivals (DACA) population, was defeated by a vote of 39-60.

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