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COMPREHENSIVE IMMIGRATION REFORM: GOVERNMENT PERSPECTIVES ON IMMIGRATION STATISTICS

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

OF THE

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COMPREHENSIVE IMMIGRATION REFORM: GOVERNMENT PERSPECTIVES ON IMMIGRATION STATISTICS

WEDNESDAY, JUNE 6, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP,
REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:47 p.m., in Room 2141, Rayburn House Office Building, the Honorable Zoe Lofgren (Chairwoman of the Subcommittee) presiding.

Present: Representatives Lofgren, Gutierrez, Berman, Jackson Lee, Delahunt, Sánchez, Davis, Ellison, King, Lungren, and Smith.

Staff present: Ur Mendoza Jaddou, Chief Counsel; R. Blake Chisam, Majority Counsel; George Fishman, Minority Counsel; and Benjamin Staub, Professional Staff Member.

Ms. LOFGREN. The Subcommittee hearing will now come to order.

We have had a series of hearings, beginning at Ellis Island, examining comprehensive immigration reform, looking at the issues from 1986 and 1996 in an effort to avoid mistakes of the past.

We have considered current employment workplace verification systems, family priorities in immigration, and the proposed point system that the Senate is looking at. We have looked at the cost of immigration on States and localities. We have held hearings on the integration of immigrants, the future of undocumented immigrant students in the United States, heard from stakeholders in the immigrant community, labor unions, the business community, and much of the debate has been around numbers.

So this is a hearing where we are going to hear from Government witnesses about the numbers: How many illegal immigrants are here? How big is the backlog? How many occupations does the Government project there are or will be shortages in? How many potential immigrants with pending immigration petitions are outside the United States?

There are important questions, and we hope to get answers from the two panels.

We are really very blessed to have two of our colleagues who are here, but before we go to them I would just like to ask the Ranking Member if he has a statement he would like to offer for the record.

[The prepared statement of Ms. Lofgren follows:]

PREPARED STATEMENT OF THE HONORABLE ZOE LOFGREN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRWOMAN, SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

I would like to welcome the Immigration Subcommittee Members, our witnesses, and members of the public to the Subcommittee's fifteenth hearing on comprehensive immigration reform.

Our series of hearings on comprehensive immigration reform began at Ellis Island, where we examined the need for comprehensive immigration reform to secure our borders, to address economic and demographic concerns, and there we reviewed our nation's rich immigrant history. We have studied immigration reform from 1986 and 1996 in an effort to avoid the mistakes of the past. We've considered the problems with and proposed solutions for our current employment and worksite verification system. In light of the recent Senate immigration agreement to eliminate family priorities in immigration and replace those priorities with a completely new and untested point system, we studied the contributions of family immigrants to America and various immigration point systems used around the world. We have explored the costs of immigration on our states and localities. We've held hearings to explore the importance of immigrant integration and the future of undocumented immigrant students in the United States. Before the recess, we heard from numerous groups of stakeholders and labor unions about their concerns about immigration reform.

Just this morning we listened to the perspectives of business groups.

This afternoon, in the last of our hearings on comprehensive immigration reform, we will get the government's numbers.

Much of the debate about comprehensive immigration reform revolves around numbers. How many illegal immigrants are there? How big is the current immigration backlog? How many occupations does the government project there are or will be shortages in? How many potential immigrants with pending immigration petitions are outside the U.S.?

These are important questions. To draft comprehensive immigration reform legislation and to answer the inevitable questions about that legislation, the Subcommittee needs to hear from knowledgeable government witnesses about the statistics the government keeps.

This hearing will allow the Subcommittee to learn what the numbers are. Witnesses from the Administration and the Congressional Research Service will help us to get the facts and figures we all need to make the judgments and assumptions necessary to do immigration reform right.

From these numbers, we should be able to better make the policy judgments necessary to evaluate the different comprehensive immigration reform proposals.

Thank you again to our distinguished witnesses for being here today to help us sort through what is a complex and very important issue.

Mr. KING. Thank you, Madam Chair. I, like you, appreciate the witnesses that are here today.

I will begin my remarks by expressing disappointment about the procedure surrounding witness selection for today's hearing. While I appreciate the willingness of the witnesses who are here to testify, I am disappointed in the fact that the minority was required to invite only Government witnesses here to testify. There is no precedent for this, and there will be no precedent for this.

Unfortunately, today is not the first time that we have had our witnesses dictated by the majority. The same thing occurred on May 3rd on a different hearing.

And so, in response to the decree about minority witnesses and their identity and to ensure that both sides of this issue are publicly examined, just as I did on May 3rd and pursuant to House Rule 11, I now request a minority day of hearing to be able to address this subject matter from a minority perspective.

And I present a letter to you, Madam Chair.

Regarding the subject at hand, immigration statistics is a vast issue area. Many immigration-related numbers and statistics are

circulated by Government sources and private entities each day. I would like to list some of those numbers.

Nineteen thousand five hundred and eighty-eight dollars ($19,588): That is the amount each low-skilled immigrant household costs American taxpayers per year, according to The Heritage Foundation.

Two and a half trillion dollars ($2.5 trillion dollars): the amount of net retirement costs, or benefits minus taxes, to American taxpayers if all the current adult illegal immigrants in the United States were granted amnesty, according to The Heritage Foundation senior research fellow Robert Rector.

Zero: another number, the number of final orders issued to employers for hiring illegal immigrants in 2004. Zero enforcement.

Ten: the number of final orders issued for hiring illegal immigrants in 2005. Working a little better.

Three: the number of illegal immigrants in the Fort Dix Six, the group arrested while planning to murder American soldiers at Fort Dix, New Jersey.

Two hundred seven billion, one hundred million dollars ($207.1 billion): the amount estimated by TREA Senior Citizens League that a Social Security totalization agreement with Mexico would cost American taxpayers by the year 2040. That is $207.1 billion.

One hundred eight thousand and twenty-five (108,025): the number of OTMs, "other than Mexicans," from countries like Pakistan, Syria, Iran that were apprehended on the U.S.-Mexican border by Border Patrol while trying to illegally cross into the United States.

Twenty-five million (25 million): the number of pounds of trash estimated by the Bureau of Land Management to have been left along the Arizona-Mexico border by illegal immigrants crossing into the United States—25 million pounds.

Seventy-eight and six tenths (78.6): the number of miles of vehicle barrier that have been built along the 2,000 mile U.S.-Mexican border as of May 24th of this year.

Eighty-seven and two tenths (87.2): the number of miles of fencing that have been built along the southern border up to May 25th of this year.

Sixty-nine million (69 million): That is the number of people in the United States of working age who are simply not in the workforce.

One million, two hundred and sixth-six thousand, two hundred and sixty-four (1,266,264): That is the number of lawful permanent residents admitted to the United States in 2006, more than any other country in the world.

The statistics I have listed are particularly interesting since they prove that the United States is generous with its immigration policy, that the United States has an enormous problem with illegal immigration, that the United States has not in many years had an Administration interested in enforcing immigration laws, that the United States is vulnerable to another terrorist attack and that we must end illegal immigration.

With that, Madam Chair, I look forward to the witnesses' testimony. And I appreciate your acceptance and ask unanimous consent that the letter be introduced into the record as well.

And I yield back the balance of my time.

Ms. LOFGREN. The gentleman's time has expired. The letter is received and will be dealt with according to the rules.

[The letter referred to is inserted in the Appendix.]

Ms. LOFGREN. The hearing before us will really be to get a handle on answers. And before we go to our more traditional Government witnesses, we are very honored to be joined by two of our colleagues here today.

Thank you for putting up with the business part of our meeting.

And I am going to go in order of seniority here.

The minority's witness is the gentleman from California, Congressman Dana Rohrabacher. Congressman Rohrabacher, my colleague from California, represents the 46th Congressional District. A senior member of the Foreign Affairs and Science Committees, Congressman Rohrabacher came to Congress after serving as a special assistant and speechwriter to President Reagan. He earned his bachelor's degree from Long Beach State College and his master's degree from the University of Southern California. And he and his wife Rhonda became the proud parents of triplets in April 2004. And I invite you to ask him to see the pictures, as I have. It is a wonderful thing.

We are also joined by our colleague, Congressman Joe Crowley, the representative from New York's 7th Congressional District, who is serving his fifth term here in the House. After graduating from Queens College, he won a seat in the New York State Assembly at the age of 24 years old. After 12 years of service in Albany, he was elected in 1998 to serve with us in the House of Representatives. A Member of the Committee of Ways and Means and the Committee on Foreign Affairs, Congressman Crowley is the only Member of Congress to have lost a member of his family in the terrorist attacks of September 11. He and his wife Casey have three wonderful children: Colin, Kensey Louise, and Liam. And you can also ask him to see the pictures.

We are very pleased to have you both here. You know the drill. Your full statements are part of the record. We ask you to try and summarize in about 5 minutes.

We are going to ask other Members to put their opening statements into the record, and we will reserve time for Mr. Conyers or Mr. Smith if they come.

At this point, we would turn to Dana and then to Joe.

TESTIMONY OF THE HONORABLE DANA ROHRABACHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. ROHRABACHER. Thank you very much, and I appreciate the opportunity to testify.

Whereas reliable statistics on illegal immigration are notoriously hard to come by and to verify, so such a discussion as this is very beneficial.

Contrary to the image many are trying to promote, illegal immigration has had a devastating impact on Social Security. More than half of illegal immigrants in our country work for cash under the table. So these illegal immigrants do not pay into the Social Security system. And since they are paid in cash, the employers do not

pay their part of the contribution into the Social Security system either.

Another negative effect is that jobs which would have been filled by American citizens or legal immigrants are taken away. Without a pool of available illegal immigrants, employers would be forced to hire legal applicants and cover them under Social Security.

So Americans are losing jobs to illegals who aren't paying their fair share into the Social Security system.

Corresponding to this, a flow of illegal labor into our country brings down wages in general. Employers who might have paid $10 to $12 an hour now pay lower wages, which then results in lower contributions to the Social Security system.

There are those, of course, who would think the solution is to legalize all of those who are illegally in the United States and they believe that this would solve the Social Security crisis. In fact, legalizing the status of those here illegally will make the Social Security challenge facing America dramatically worse. Any plan that specifically gives Social Security to those who have been working in this country and have been working here illegally is an invitation to fraud on a massive scale.

What would stop anyone from claiming that they worked here under a false Social Security number? Hundreds of thousands of people pay into Social Security under phony numbers, especially the number 000-00-0000. How can one prove who it was that used a fraudulent Social Security number and who did not use that? So it lends itself to even more fraud.

We already have a huge problem with identity theft and fraudulent identification. Allowing those who have worked illegally in the United States to participate in Social Security exponentially increases the incentive for fraud. And of course, we already know that the people who have been working here are willing to commit identity fraud, because that is how they got the jobs that they are working here in the first place, all of those who are not working under the table, and even some of them who are working under the table.

Another overlooked consequence is the survivors' benefit and disability aspect of Social Security. What would stop anyone from claiming, "My spouse worked there under a false number, I am the widow, these are my children, start sending the survivors' benefits that we are entitled to"?

Remember, billions of people around the world have no retirement system whatsoever. So why assume that only younger immigrants are going to come here to the United States? Why wouldn't someone in their 50's think, "I could work in the United States for 10 years, and Social Security payments would let me live very well in my own country"?

Furthermore, many people will now be legalized under several different proposals who are poor and low-skilled. In fact, over half the illegal immigrants coming into our country don't even have a high school education.

The inconvenient fact is that Social Security pays out more benefits proportionally to lower-wage workers than to higher-paid workers. Thus the projections that I have seen from Social Security as-

sumes that immigrants who are coming in have the same earning potential as Americans. Well, that is just not true.

What we have got here is people pouring in who are poorer, who will then be receiving more Social Security benefits than they are putting in, which is a huge threat to the viability of the Social Security system in the long run.

The last and most significant point is this. In 1986, after being told that we would be legalizing about 1 million people, 3 million illegal immigrants ended up being granted amnesty. It is now 20 years later, and the current illegal immigrant estimates range from 12 million to 20 million people here illegally. The 20 million figure comes not from a Government source, but from a private study conducted on the monies that are sent back through remittances to other countries.

Is there any doubt that legalizing the status of those who come here illegally will result in a flood of new illegal immigrants into our country? Permitting these legalized immigrants into the Social Security system will turbo-charge the flood of illegals into our country. If we legalize 12 million to 20 million now, there will be 45 million to 60 million here in 2027.

No fence, no wall, no minefield, no system will keep the illegal aliens out of this country if we give them a reasonable hope that they will receive Government benefits, including retirement, and it can be theirs if they just get across the U.S. border and wait us out.

Under such a strain, our Social Security system will not survive. It will collapse. Being irrationally benevolent to illegals is a crime against our own people.

And I would like to submit a written statement for the record.[1]

Ms. LOFGREN. Of course. Thank you, Congressman Rohrabacher.

We will turn now to our colleague Joe Crowley, with special thanks. The Chairman of the Ways and Means Committee had a scheduling conflict, and his colleague on the Committee stepped into the breach.

So, Joe, you are now recognized for 5 minutes.

TESTIMONY OF THE HONORABLE JOSEPH CROWLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. CROWLEY. Thank you for inviting me here today.

As you point out, I have a particular interest in the issue of immigration as the son of an immigrant as well as the grandson of immigrants. And as duly noted by the leadership on our side, Whip Clyburn has appointed me as Chief Deputy Whip to work on this particular issue. So I am very happy to be here today to speak on this issue.

I believe very strongly in it as well, and I think I have a more optimistic view of the contributions of immigrants to the United States economically. And I think it is about looking forward, not looking backwards, and maybe not even looking at where we are

[1] The Subcommittee had not received a written statement at the time of the printing of this hearing,

today but looking at where we are going to be in a number of years to come.

And I am also not here today to make points or criticize in any way the Senate bill that they are working through right now. It is my hope that they do act on something and don't retreat but move forward and actually pass something, so we can then take something up here, move to a conference and get real, comprehensive immigration reform passed.

But I would point out to the Committee that the CBR report shows that comprehensive immigration reform is essential to the growth of our economy, and this is why. It is imperative we pass a comprehensive immigration reform this year in order to secure our borders, sustain a strong economic future for the United States and ensure that our country remains a haven for those who seek freedom, opportunity and a better way of life for themselves and for their families.

Immigration does not necessarily have to be a drain on the economy, as many would have you believe. Immigrants are not a drain on taxpayers in the economy. In fact, they improve many aspects of our economy, adding to job creation, increasing our national revenue, and increasing, for example, the revenue going into Social Security and our Social Security fund.

Look at the jobs they fill, the money they spend, the jobs they create. They are essential to our Nation's future prosperity. An immigrant may take a job that in turn leads to the creation of a job, or two jobs, or three jobs. So we are not talking about a fixed pie here.

At the Summit on Retirement Savings hosted by the United States Department of Labor, Alan Greenspan stated, "The larger our workforce is in the year 2010 and beyond, the easier producing goods and services for both retirees and active workers will be. Immigration policy will therefore be a key component of baby-boom retirement policy."

For example, people are not joining the workforce at the same rate as they were in the 1950's during the baby-boom era. Passing comprehensive immigration reform is necessary because it will allow more individuals to join the workforce legally and to add to our economy and the benefits that we all enjoy.

This year it was widely reported that undocumented immigrants in New York and throughout our Nation filed taxes in record numbers to start a paper trail with the prospect of Congress overhauling our immigration system. This only proves that comprehensive immigration reform holds the promise of getting more individuals, even those without documentation, to voluntarily pay into the system rather than remain an invisible part and outside of that system.

Undocumented immigrant workers already pay an estimated $7 billion a year into the Social Security system. There can be no better incentive than a common-sense immigration policy to encourage more individuals to pay taxes in the hope of getting a foothold in the climb toward naturalization.

Granted, I do agree that some of the undocumented illegal workers today are paid off the books. Some use false Social Security

numbers. Others use false taxpayer I.D. numbers to pay into a system that they will not necessarily get a benefit from in the future.

No one has yet figured out a way in which we compensate those who have already contributed toward the Social Security system who are undocumented here in the United States today.

Immigration will be the primary source of new skilled workers for manufacturing, filling 10 million new jobs by the year 2020. An inadequate labor force would accelerate the transfer of American productive capacity and well-paid manufacturing jobs overseas. Regardless of what Lou Dobbs says, it is not speak in facts but pedals fear.

Look at my district, for instance. Look at my city. It is full of foreign corporations hiring Americans and immigrants assimilating in and being a boom to our economy. Failure to attract enough labor through immigration will result in lower gross domestic product growth by at least 3 percent in 10 years and at least 17 percent in 30 years.

Immigrants are crucial to jobs and the labor force. Growth in the 1990's in the new economy of the last decade has overwhelmingly depended on male immigrant workers. That is also from Mr. Greenspan.

So in the end, Madam Chair, I applaud the work that you are doing trying to develop comprehensive immigration reform that takes into account the integrity of our borders, the need to end illegal immigration as we know it today, but also bring about a practical approach toward comprehensive immigration reform that will improve the economy of the United States and also the lives of the millions who are undocumented here today who want nothing more than a better way of life for themselves, for their families, and for all Americans.

And with that, I will have more formal testimony submitted for the record.

[The prepared statement of Mr. Crowley is inserted in the Appendix.]

Ms. LOFGREN. Thank you.

Without objection, both statements are submitted for the record.

Let me ask you this, I know how busy everybody's schedule is. We ordinarily go to questions. If you have other obligations, we will happily say goodbye. Or if you are able—okay.

Why don't we do this? We will start with questions, and then if you have conflicts, we understand, and you can leave whenever you need to.

Mr. CROWLEY. And if I don't like the question I can just leave.

Ms. LOFGREN. That is right. [Laughter.]

Let me start, if I can.

That is right. The Ranking Member is correct. I did reserve the right for both the Chairman and Ranking Member to give their opening statements. And I need to recognize the Ranking Member of the full Committee at this time.

Mr. SMITH. Madam Chair, thank you for letting me go out of order. I appreciate you and Ranking Member King in doing so. I will only take 1 minute, because I know there is limited time on the part of our witnesses, and I know Members have questions.

I just want to make a couple of comments and, on the way there, also compliment you, Madam Chair, on being such an activist Chairwoman. You have set the record and set the pace for a number of meetings and a number of hearings, and it is all for good effect, I believe.

I want to follow up on what Mr. Rohrabacher said. And I appreciate his testimony as well.

He made the statement, which is absolutely accurate, that over half of all immigrants do not have a high school education. When we talk about the impact of immigrants, for instance on Social Security, I think we need to differentiate between those immigrants who have no high school education and those who do have, say, a college education or above. Their contributions into Social Security and what they get from Social Security are obviously going to be different.

And I know later on you are going to have a witness from the Social Security Administration. I hope that they will say in open court today what they told me on the phone a year ago, and I hope they haven't changed their testimony since that time.

The discussions I had with the Social Security Administration a year ago were that if you took the median age of an immigrant who did not have a high school education—and we are talking about over half of all immigrants—and you looked at the wages that they averaged, which was less than $30,000, over their lifetime they would get back more than $100,000 more than they contributed into the Social Security trust fund.

Therefore, every immigrant that does not have a high school education is actually contributing to the destabilization and financial insolvency of the Social Security Administration over time.

We ought to just differentiate between those who contribute and have a net positive impact on Social Security and those who are actually going to be getting back over $100,000 more than they put in.

Lastly, when we had more time, I would comment further on the impact of immigration on jobs, but every credible study I have seen shows that it has a negative impact, particularly on blue-collar workers in America and disproportionately on minorities and those without a high school education. Those individuals are the ones that unfortunately see their wages decline, and there is literally a race to the bottom as to how little they can be paid.

And so I think when we go forward, Madam Chair, we ought to take into consideration the adverse impact of those immigrants on our American workers. I yearn for a national leader who will stand up for the American workers.

Thank you, Madam Chair, and I yield back.

Ms. LOFGREN. The gentleman yields back. Now we will return to our colleagues for brief questions.

I, obviously, no matter what conclusions we have reached on the subject, I believe that all of us, as Members of Congress, want the best thing for our country. I mean, I don't know of any Member of Congress who has come here trying to do something other than the best thing for our country. But we have a variety of pieces of information before us and are reaching conclusions based on that information and, in some cases, see the information in a different way.

We asked the Congressional Research Service a series of questions, and, without objection, I will make all of their answers a part of the record.

[The information referred to is inserted in the Appendix.]

Ms. LOFGREN. But one of the things that the CRS report—and I think they are actually quoting the trustee's report from Social Security. On page 15 of the report, they say that, as immigration increases, program cost rates decrease. And in a 25-year period, 2007-2031, with a net immigration per year of 672,500, the cost rate is 14.26. If you go up to 900,000, it is 14.3. If it is 1.3 million, it is 3.96.

And they base that assumption, really, on that immigrants tend to be young. And thinking back to Ellis Island, our first hearing, what they were looking for at Ellis Island in that big period was they were looking for young, healthy people who wanted to work and who wanted to come and be Americans.

I think a hundred years have passed and, really, we are kind of looking for the same thing: people with enough get-up-and-go to get up and go and get here and work and make something for themselves and their family and, in the process, they make something for America. And I think that is reflected in the Social Security trustees' report.

I don't know, Mr. Crowley, if you have or not—you are kind of a pinch-hitter here—whether you have had a chance to take a look at the trustees' report, but certainly the CBO analysis that shows a net financial benefit of this immigration, the report that they have just released—which, without objection, I will also make a part of the record—would seem to show that.

[The report referred to is inserted in the Appendix.]

Mr. CROWLEY. I haven't read the trustees' report, but I have looked over the summary of the CBO report, which does, although different years, I believe, does demonstrate the same outcome, and that is that benefit to the coffers of the United States.

I also think it is important to have, of the notion that if somehow the 12-million-plus undocumented illegals that are here today were to evaporate, who would fill the jobs that would then be created by them.

Clearly—at least in my experience, it has been clear for me—the overwhelming number of immigrants who come to the United States today are not different than immigrants who came in the past, in the sense that their overwhelming drive is to improve their state of life and for their families as well.

They take tremendous risks to come here. They leave family members behind, and many of them who have been living here in an undocumented fashion have been out of physical contact with their loved ones for many, many years. That strength, that courage and that drive is something that I think we as Americans want on our side, want on our team.

So I know there are many who would attack those same individuals and say we don't want them, whatever the reason is. But I think they do add tremendously to the value of our society. The overwhelming majority are looking to contribute and want to contribute in a more full way, and that is as full legal citizens.

And I would only add that not only are they right now not able to have a legal job, they can't live in a legal apartment, they can't live really in a legal society. They live in a subculture or a Black-market society. And I think it is better for all of us.

I am concerned about terrorism. I am concerned about people being exploited. What better way to make them unexploitable than by giving them the ability to come out into the light of day and be a more practical part of our society? Right now they don't have that opportunity, and that is what I would like to see change more than anything else.

Mr. ROHRABACHER. I would suggest, number one, we are not talking about immigration here. We are talking about illegal immigration. Because no one would certainly disagree with the sentiments just expressed about how immigrants have contributed to our societies and the great things they have done, the wonderful people they generally have been.

We are talking about illegal immigration here. That is a different issue. We bring in more legal immigrants than all the rest of the world combined, so we have no apologies to make that we open up our borders to legal immigrants. What do we do with the 15 million to 20 million people who are here illegally?

The CBO report that you are talking about, or the CRA report, that suggest that, for example, about the Social Security situation, that is assuming that the people who have come here as illegals have the same earning power as the average Americans workers does. Now, I am sorry, their assumption is wrong.

Ms. LOFGREN. No, actually, I don't think that is the case. It is not fair. I have the report, and I will give it to you, Dana.

Mr. ROHRABACHER. I think my staff did take my statistics from that as well.

Ms. LOFGREN. On page 15.

Mr. ROHRABACHER. But let's then take what common sense tells you. If we take the 15 million to 20 million people who are here illegally, we legalize their status and then say, "The people who are here illegally, who came here illegally but now are legalized are now eligible to become part of the Social Security system," what is to say that those 100 million people or 200 million or even more people who would take a message from that across the world who are 50 years old and say, "My gosh, if I can get to the United States, they have already legalized these other people and made them eligible for Social Security, I will have a retirement"?

Ms. LOFGREN. My time is expired. One of the jobs of the Chairperson is to set a good example for staying within the time frame.

I will just say, whether the United States should apologize is not the question. We are trying to find out what is in the best interest of America. That is the question for me.

Mr. ROHRABACHER. Right.

Ms. LOFGREN. I would yield now to the Ranking Member for his 5 minutes.

Mr. KING. Thank you, Madam Chair.

I think that we need to have far more discussion about the long-term implications of what may happen in this Congress this year.

I do appreciate both of your testimony, to be here today and to sit and answer questions as well.

Mr. Crowley, you made a comment that piqued my interest. I haven't had an opportunity, of course, to review the testimony of either, which means I have to pay attention, which is a good thing. But I am wondering, from a background perspective, could you give me some sense of your economic involvement throughout your non-public life career? Can you give me some sense what that might be?

Mr. CROWLEY. In regards to what?

Mr. KING. What is your profession in the real world?

Mr. CROWLEY. As was stated in the opening remarks of the Chairwoman, I was elected to the State legislature at 24. I was pretty much a year out of college when I was elected. So, therefore, I did not have the opportunity to be engaged in a full-time way in the private sector. Although the State legislature is a part-time position, and during that time I did own a business, a travel agency, in Queens County.

Mr. KING. That gives you a background, and it helps me frame this question. As I listed, one of the comments you made was one immigrant can take a job and create perhaps as many as two or three other jobs. Could you explain how that would happen?

Mr. CROWLEY. What I am suggesting is that if an immigrant is producing a job and is living in a society, for instance in a neighborhood like Jackson Heights, Queens, which I represent, which is an immigrant community, those people have to eat. They have a job, they earn an income, they provide for their family. I am talking about they go to a grocery store, they have more demand, more supplies are needed. The people who stack those shelves, the people who work at the counter.

Mr. KING. Their spending creates two to three jobs then?

Mr. CROWLEY. I am saying that potentially, theoretically, if you have more people here, more services are required to sustain those people, more jobs.

Mr. KING. I understand your answer, Mr. Crowley, and I thank you for that, because I didn't know the distinction was whether they were going to hire those two or three or whether their spending was going to create two or three. It is their spending.

Mr. CROWLEY. I am talking in terms of common-sense theory.

Mr. KING. The ripple effect.

Mr. CROWLEY. If there are more people here, there are more——

Mr. KING [continuing]. I would argue that when you spend a dollar, you don't create three, but that would be just our disagreement.

More important, I think the central question is there is something that doesn't get answered here, and as the chief deputy whip on this issue—and I congratulate you for that—the question I am wondering if it gets asked and answered on your side of the aisle is, is there such a thing as too much immigration, legal or illegal?

And the components of that are, can we fail to assimilate? Is there a number so large of cheap labor that it drags our economy down? Any of those components.

Is there any limit to what might be supported or endorsed on your side? And if so, would you consider supporting and endorsing an overall cap where we could say, however we rearrange each one of the different kinds of visas we have here, in the United States

there is going to be no more than X number for each individual year from here on out?

Mr. CROWLEY. I appreciate the question, Mr. King, and I suppose those same questions were asked throughout the history of our country. They were certainly asked in the 1840's when the Irish were coming to this country, in the 1850's when the Germans came, and the Italians came later, and the Chinese. That has been a question, I think, that has been asked often in the history of the United States.

And my perspective is, my observation is, the moment we stop growing as a Nation, we stop growing.

Mr. KING. How much is too many, though? I know the Irish are masters at filibustering, and I am one of those guys like that, so my apologies for that ability. But do we have an answer——

Mr. CROWLEY. Well, I am not filibustering. I am answering the question, that I think that is a question that has been continued to be asked by many within the country that we know as the United States today that has expanded over the past few centuries, originally starting in the 13 colonies and moving west.

Mr. KING. As the whip, will your caucus support an overall——

Mr. CROWLEY. Sorry?

Mr. KING. As a chief deputy whip, will your caucus support an overall cap so that we at least know how many we might be legalizing?

Mr. CROWLEY. Well, that is way above my pay grade right now. But what I would suggest is that this is a fluid issue that we are going through, and I appreciate the hearings that are being held, that you are participating in. I do think these are the questions that need to be asked.

Mr. KING. I am sorry. I am just about out of time. I appreciate that.

I want to turn to Mr. Rohrabacher and ask him if he wants to respond to any of those questions that I have laid out there, in the few seconds I have left.

Mr. ROHRABACHER. I think there is a distinct philosophical difference. I think the American people should pay attention to what positions people are taking.

If they think that this massive flood of illegals into our country or, even if you just legalize them, that it is not going to cause a bigger flood to come in, please pay attention to who is advocating what. I believe that is to the great detriment of our people. It is hurting our education system. It is threatening our Social Security system.

Our criminal courts in California are just crowded, the criminal justice system is breaking down, and this is caused by too large a flow of people into our country, an out-of-control flow. And it is not in the best interest of our country, and it is not creating better jobs or higher-paying jobs for our people. It is bringing wages down.

Mr. KING. I thank both of the honorable gentlemen and the Chair, and I yield back.

Ms. LOFGREN. The gentleman yields back.

The gentleman from Minnesota, Mr. Ellison, is recognized for 5 minutes.

Mr. ELLISON. Thank you, Madam Chair.

Let me also thank the two distinguished Members for presenting your ideas. Just a few questions that might be a little bit off the beaten path of this conversation.

Could either of you explain what your views are in terms of how American trade policy impacts immigration? After the passage of NAFTA, in your view, did we see the low-cost, the cheap corn from the United States, have an impact on Mexican farms, which then led to immigration?

I mean, we could build a wall as high as we want to, but if a Mexican farmer can't make it, aren't we driving them to the north? Do you guys have any thoughts on that?

Mr. CROWLEY. I wasn't here for NAFTA.

Mr. ELLISON. You can't duck it like that. [Laughter.]

Mr. CROWLEY. I am not going to duck it. What I am going to suggest, though, is I think there are a lot of contributory factors into what drives immigrants to the United States.

You are speaking specifically about a trade agreement, which I believe NAFTA was Canada and Mexico. The Canadians are not coming here in droves. What you are suggesting is that the Mexicans are.

What I would also suggest is that it is not just Mexicans who are coming across that border, that there are others who are looking for economic opportunity, that trade policy certainly can have an impact on a country's job market, but I also think there were other contributory factors. It could be discrimination, it could be religious discrimination, political issues. It could be a hurricane that wipes the economy of Central America off the map for a couple of years and drives people to come to the United States.

I think it is a factor. I can't say specifically whether that particular trade agreement——

Mr. ROHRABACHER. Can I answer?

Mr. ELLISON. Yes.

Mr. ROHRABACHER. I was here. I voted for NAFTA.

Mr. ELLISON. Okay.

Mr. ROHRABACHER. And I voted for NAFTA because I felt it would help the American and the Mexican economy.

And to the degree that it has helped the economy of Mexico, there are reasons some economists believe that the economy of Mexico would be at a lower level now if we wouldn't have passed NAFTA. To that degree, it helped solve some of the problem, some of the pull, that we have here into our country, where people who are poor in that country are coming here to better themselves.

But our own policies, what benefits we provide the people of Mexico or any other country are just as important as the trade policies. Trade policies will determine a little bit about how prosperous the other country is, if they have the ability to earn their own living there. But if we actually offer all of the benefits and treasures that belong to the American people to anyone who can come over here, they are going to come.

Mr. ELLISON. I have heard that, and I thank you for sharing it.

It sounds to me like both you gentlemen pretty much feel like trade is really not a factor in driving immigration. Or if it is, it is just one among a whole bunch of other factors, and we really can't

say that American trade policy, particularly with Central and Latin America, is driving it.

Mr. ROHRABACHER. To the degree that——

Mr. ELLISON. Let me just tell you this. Mexico imports corn, okay, from the United States. And, to me, the missing piece of this conversation is this question of how some of our policies on trade may benefit multinationals, but those same policies impact people at the lower-income scale in both the United States and let's say Mexico for example, in ways that we really haven't begun to talk about yet.

Mr. CROWLEY. Mr. Ellison, I wouldn't necessarily disagree with the point that you are making, although I think the new template that has been created under this Democratic caucus and this Democratic Party, in the trade agreements that will move forward, it will be remarkably different than whatever happened in the past.

Mr. ELLISON. I think you are right. I hope you are right about that.

Mr. CROWLEY. And, number two, I also would suggest—and, you know, I watch Lou Dobbs from time to time—that I do notice that it moves from immigration to job loss, immigration to job loss, connecting the two somehow.

Mr. ELLISON. Right.

Mr. CROWLEY. And not to say that there may not be some impact on both trade, on immigration, as it pertains to job loss here in the United States, but I do think there is a concerted effort to try to somehow mire the immigrant opportunity, blaming them for job loss that is taking place in Ohio or in Michigan.

Mr. ELLISON. The one thing that I want to just say that I agree with you wholeheartedly is that I definitely oppose the idea that somehow poor people in the United States or working people in the United States should look at immigrants as the people to blame for their woes. I think that the problem starts at a much higher level, and that is how we run our economy. And I think a lot of that has to do with globalization and trade policy.

So that is just my speech.

Ms. LOFGREN. The gentleman's time is expired.

The gentleman from California, Mr. Lungren, is recognized for 5 minutes.

Mr. LUNGREN. Thank you very much.

I would be one who wants us to get an immigration bill finally completed, but I find myself at times at odds with everybody involved in this.

Mr. Crowley, I am trying to find out a little bit of a focus on where you are coming from and some that are aligned with you are coming from.

As the Republican floor manager for Simpson-Mazzoli in 1986, I was convinced at that time it was the best we could do and that we would have a barrier against the continuation of serious illegal immigration with employer sanctions and enforcement. And it is my observation that we didn't enforce and we didn't truly implement employer sanctions. And as a result, the other half of the bargain, which was to legalize a large number of people rather than

settling the issue, became part of the attraction for more to come here.

And now, instead of dealing with 4 million or 5 million illegal aliens, we are dealing with 12 million or 14 million. Mr. Rohrabacher has raised it to 20 million. I don't know by the time we finish the debate how high the number will be, but there are a larger number.

So I would just ask you, Mr. Crowley, is that a concern, and should that be a concern—that is, the continuation of illegal immigration into the country?

Mr. CROWLEY. What I would like to see, if I were in the driver's seat on this legislation, is that it needs to be done in a holistic approach. It cannot just be about addressing the issue of the 12 million undocumented without also addressing the porous nature of our border.

And actually I think there is a third aspect to this, and that is helping people. It drives toward Mr. Ellison's comments, and that is helping people in their country of origin stay in their country of origin.

So in response to your question, I do think it is an issue that needs to be addressed, but it also has to be done at the same time we have actual real enforcement.

It is getting a little far afield from what we are talking about today, specifically, but I would envision and I hope that we have a conference report that we all get to vote on and the President has a chance to sign that it is one that recognizes that we need to take care of the security of the 12-million-plus undocumented who live here in the United States and at the same time address the security of the boundaries of our country.

Mr. LUNGREN. Okay. Well, in attempting to do that, the Senate bill, at least as it started on the floor, gave a January 1, 2007, date as the eligibility for those who would then be given a legal status. Would you agree with that date?

Mr. CROWLEY. Well, I guess you have to start somewhere.

Mr. LUNGREN. I understand that. I am asking whether you agree.

Mr. CROWLEY. I have yet to determine whether or not that will be the date that I will support. That is the Senate's bill. The House will have a bill, and we will see what the date is there, and when we go to conference we will——

Mr. LUNGREN. What would be the basis of your consideration for that?

Mr. CROWLEY. I think at this point we should consider anyone who is in the country at the point the bill is passed as a matter of a practical approach to it.

Mr. LUNGREN. You realize saying that would encourage people to come across now in hopes that a bill is going to pass.

Mr. CROWLEY. I think that people are anticipating we are going to be passing a bill anyway. So, you know, the reality is we will have a new class of undocumented who are living in the United States.

Mr. LUNGREN. Then you would disagree with those who say that if we make a legalization program available, it ought to be only for those who have actual true roots in the community—that is, who

have, in the balance of equities, been here long enough such that they have put their roots down, they have connected here for a sufficient period of time, that it would be difficult for them to go back.

You would reject that notion?

Mr. CROWLEY. Mr. Lungren, what I would suggest is that there will be a date in place. Again, you are asking me my personal feeling. There will be a date——

Mr. LUNGREN. No, I understand that. I am trying to figure out what we need to do, what principles you would bring to bear on that——

Mr. CROWLEY. And I will answer the question. What will happen is there will be a date in place, whether it is January 1, 2007, or some other date, that will be the delineation mark as to when people would have had to have been here, and then move forward.

I think that to suggest that we do anything other than that and to do nothing at all would just simply not deal with the 12 million undocumented.

Mr. LUNGREN. I am not suggesting doing nothing at all. I have a bill that says if they have been here for 5 years or more, because that is roots—I talked to one of our good Democratic friends and he says he supports that January 1st date. I said, "That is not roots." He said, "Well, you know, at least it is beginning to have some life there."

Ms. LOFGREN. I think the word was "sprouts."

Mr. LUNGREN. "Sprouts."

I think we are all here, as far as I can tell, came from ancestors who came from somewhere else. So I think we are all dedicated to the sense of immigration. But there is also something we are dedicated to, which is the rule of law. And in coming to a bill, we have to somehow balance that love and dedication to an immigrant nation with a sense of a country of laws.

And if we lose that, that could undermine—I mean, Father Hesburgh said a number of years ago something which I think would be a good guidance for us when he was the co-chair of the commission on immigration set up by Jimmy Carter. He said, "We have to close the back door of illegal immigration so that we can keep the front door of legal immigration open." And I hope we remember that.

Mr. CROWLEY. Well, I wouldn't necessarily disagree with the good father, but I would also suggest we have to do what is practical as well. And I don't know if it is necessarily practical to go just back 5 years. I think what we are creating is another class of undocumented in the United States that we will have as difficult a time dealing with as we are with the 12 million right now.

Ms. LOFGREN. The gentleman's time is expired.

And I am going to thank our colleagues for taking the time out of what we know is extremely busy days to share your testimony and your thoughts and also your willingness to stay and be a witness and answer questions.

We are going to ask the second panel to come forward, if we may. I would like to introduce them.

First on the panel, I am pleased to introduce Dr. Ruth Ellen Wasem, a specialist, some might actually say the specialist, in immigration policy with the Congressional Research Service at the Li-

brary of Congress. Dr. Wasem first came to Washington as a public health service fellow with the Office of Population Affairs in the U.S. Department of Health and Human Services. For 20 years, however, she has worked with the Congressional Research Service. Since 2000, she has led the policy analysts, attorneys and researchers who work on immigration. She earned her bachelor's degree from Muskingum College and both her master's and doctorate degrees from the University of Michigan.

I am also pleased to welcome Dr. Ronald Bird, who is the chief economist and the director of the Office of Economic Policy and Analysis under the Assistant Secretary for Policy at the U.S. Department of Labor. Prior to his work at the Labor Department, Dr. Bird served as Chief Economist at the Employment Policy Foundation and at DynCorp's Consulting Services Division. He has held faculty positions at the University of Alabama, North Carolina State University, Meredith College, and Wesleyan College. He earned his bachelor's degree from Huntingdon College and his Ph.D. in economics at the University of North Carolina at Chapel Hill.

I am also pleased to introduce Michael Hoefer, the director of the Office of Immigration Statistics, or OIS, in the Policy Directorate at the U.S. Department of Homeland Security. Mr. Hoefer began his work with OIS in 1982 and has led the office since 1997. He began his career in public service with the Bureau of Labor Statistics and was detailed at the U.S. Commission of Immigration during its operation. He graduated from Cornell University in 1976 with a degree in industrial and labor relations with a concentration in statistics.

And, finally, we are pleased to welcome Charles Oppenheim to the Subcommittee. He is chief of the Visa Control and Reporting Division at the Department of State. Mr. Oppenheim has worked at the State Department for nearly 30 years, beginning as a consular officer in the Bureau of Consular Affairs. He is the agency's expert in visa database management and statistical reporting. A native of Richmond, Virginia, Mr. Oppenheim graduated from the University of Richmond.

Now, as you know, your full written statements will be part of our formal record. We would ask that you summarize your testimony in about 5 minutes. When the yellow light goes on, that means you only have a minute left. When your time is up, if you could summarize, that would be great.

This is a wonderful opportunity for us really to hear from the experts in our own Government about—no one knows better than you do what the actual statistics are. And so, I think your answers to our questions can be definitive, and for that we thank you, not only for being here today but for your public service, which does count a great deal to all of us in the Congress.

So if we can begin, Dr. Wasem?

TESTIMONY OF RUTH ELLEN WASEM, Ph.D., SPECIALIST IN IMMIGRATION POLICY, CONGRESSIONAL RESEARCH SERVICE

Ms. WASEM. Thank you, Madam Chairman, distinguished Members of the Committee, for the opportunity to testify this afternoon.

I am Ruth Wasem, as you said, a specialist in immigration policy at the Congressional Research Service.

I am going to breeze through the written testimony I have prepared by highlighting just a few of the figures in that testimony.

First, let's take a look at Figure 1, and that is on page 1 in my written testimony. In that, you can see the trend lines in the foreign-born population. Now, this data is census data and population data that is based on those censuses and statistical samples. As you can see, we are at the highest point in our history in terms of the sheer number of foreign-born, and in 2005 that was about 36 million.

The main component of the foreign-born that I have depicted here are as follows: About 35 percent are estimated to have naturalized. This is based on their self-report. We estimate that about 30 percent in 2005 are legal permanent residents. About 31 percent are estimated to be unauthorized aliens, and I will talk about that a little bit more. And, finally, about 2 percent are estimated—again, I am saying estimated as indirect estimation techniques—to be people who are here on legal temporary visas that allow them to stay here long enough to establish a residence. By that I mean investors, intra-company transfers, non-immigrants of that sort.

Let's move on then to Figure 3, and this is on page 3 of my testimony, because this is a figure that depicts that 30 percent I talked about that were legal permanent residents. These are the annual numbers of individuals who get LPR status, and it is a trend line from 1900 up until 2005. And as you can see, the LPR numbers at the beginning of this century are approximating what they were at the beginning of the 20th century.

When we speak of LPRs, it is important to get a sense of what the components of that population are, and that is why I would like you to take a quick look at Figure 6, and that is on page 6 in my written testimony. This is the 2005 class of admission. And you can see quite obviously here that the largest single group of people who come into the country are family-based immigrants, 57.8 percent in that particular fiscal year. A distant second are the 22 percent who come in as employment-based.

I am going to focus even more on those two classes in the next figures that I am going to highlight, and these are Figures 7 and 8 from the testimony. These show trend lines over the last decade in family-based admissions and employment-based.

In Figure 7, which are the family-based, you will see that the ones that are part of the preference category, which I have labeled as first, second, and third, and that is really the brothers and sisters of U.S. citizens, the adult children of U.S. citizens, and the immediate family of legal permanent residents, those individuals have come in at about the same rate over the last decade, but they are numerically limited.

The category where we have seen the substantial growth are the immediate relatives, and that is the one category in the immigration act which is unlimited.

When we look at the employment-based trends, which I have in Figure 8—and I have only done the top three preference categories because the other numbers are too small to discern in a figure such as this—you can see that we have growth over the entire decade

in all the categories, but the main area of growth is in what we would call the third preference category. Those are the professionals, the skilled and the unskilled workers.

Now let's turn to what I promised I would speak to, and that is figure 13, which is on page 15 in my report. And I am skipping way ahead to talk a little bit about the component of unauthorized migration.

Because of the previous discussion, I will point out there is a variety of different demographers whose estimates I have in this chart. However, the thing they have in common is they are all working with the same basic data source, which is the Current Population Survey, and they are all using a similar methodology, a residual methodology. That way, I wanted something so we really could look at trends over time.

As you can see, much like the other graphs I have shown you, the trend line is upward. In 2005, we had estimates ranging from 10.5 million to 11.1 million. The number that is thrown around today, of course, is 12 million.

Let me briefly say what those components are. In terms of what I talk about as the unauthorized population, this is who I am precisely referring to. I am referring to people who entered this country without inspection, I am referring to people who entered this country with a fraudulent document, and the people who came here with a legitimate visa but overstayed the terms of that visa.

Finally, I am going to just do a quick snapshot of something that we often neglect to talk about when we talk about immigrant admissions, and that is the grounds for inadmissibility.

And on page 20 of my written testimony I present Figure 16. This time I am moving to State Department data. Before I have done census data, I used DHS administrative data. Now this is what the consular officers use. These are the number of immigrants in 2005 and non-immigrants that were denied a visa on the grounds for inadmissibility set in the immigration act.

And you can see from this chart, trying to have an employment-based visa without a proper work authorization was the principle grounds. Public charge and having been removed in the past was the second and third most often grounds.

I will conclude my remarks, and I look forward to your questions.

[The prepared statement of Ms. Wasem follows:]

PREPARED STATEMENT OF RUTH ELLEN WASEM

U.S. House of Representatives Committee on the Judiciary
Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law

Hearing on Comprehensive Immigration Reform: Government Perspectives on Immigration Statistics

June 6, 2007

Ruth Ellen Wasem, Ph.D.
Specialist in Immigration Policy
Congressional Research Service
Library of Congress

Introduction

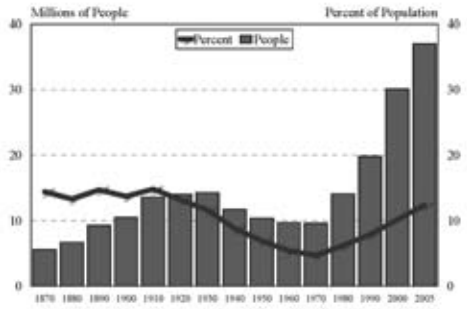
Chairwoman Lofgren and Members of the committee, I am Ruth Wasem, a Specialist in Immigration Policy in the Congressional Research Service. Thank you for inviting me here this afternoon to discuss "Government Perspectives on Immigration Statistics" as part of your series of hearings on comprehensive immigration reform.

This testimony opens with trends on foreign-born residents of the United States based upon estimates drawn from U.S. Bureau of the Census data. It then focuses on two of the major components of immigration – family-sponsored and employment-based legal permanent residents (LPRs) – their admission trends over time, and current wait times for visas. These sections draw on administrative data from the Department of Homeland Security's (DHS) Office of Immigration Statistics and the Department of State's Bureau of Consular Affairs. The testimony also presents estimates of the number of aliens who are residing without authorization, calculated from U.S. census data using indirect estimation techniques. The presentation closes with snapshots of immigration enforcement data from DHS.

Foreign Born Residents of the United States

The number of foreign-born people residing in the United States is at the highest level in our history and has reached a proportion of the U.S. population (12.4%) not seen since the early 20th century. As **Figure 1** illustrates, an estimated 36 million foreign-born people resided in the United States in 2005 according to the U.S. Bureau of Census' and the Bureau of Labor Statistics' March Current Population Survey (CPS). Please note that the decade intervals depicted in **Figure 1** are equally spaced between 1870 and 2000, but not in 2005.

Figure 1. Foreign-Born Residents of the United States, 1870-2005



Source: CRS presentation of data from *The Foreign-Born Population: 1994*, by K. A. Hansen & A. Bachu, U.S. Bureau of Census (1995); *The Population of the United States*, by Donald J. Bogue (1985); and the March Supplement of the CPS.

The CPS is one of the most comprehensive sources of demographic data on the foreign born.[1] Because the CPS is a sample of the U.S. population, the results it yields are estimates that rely on careful calibrations of population weights.[2] The annual March Supplement of the CPS gathers additional data about income, education, household characteristics, and geographic mobility. Additionally, while the data distinguish between the

[1] The U.S. Census Bureau's American Community Survey is emerging as an alternative data source, but does not offer the historical data on which to estimate trends over time that the CPS offers.

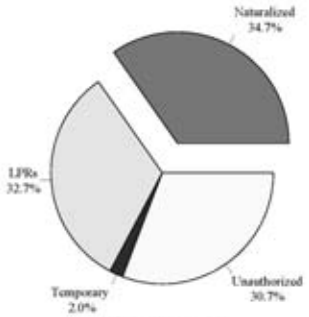
[2] The CPS began collecting immigration data on the foreign born in 1994, and the first years were plagued by problems of weighting, particularly with the Asian population in the sample, and by over-reporting of naturalization by the foreign born. Most of these problems appear to have been resolved by 1996.

foreign born who have naturalized and those who have not, they do not distinguish between types of noncitizens (e.g., permanent, temporary, illegal).

In addition to those foreign nationals who permanently reside legally in the United States, millions each year come temporarily on nonimmigrant visas, and some of these nonimmigrants (e.g., foreign students and intra-company business transfers) may reside legally in the United States for a number of years. It is also estimated that each year hundreds of thousands of foreign nationals overstay their nonimmigrant visas.[3]

Of the foreign-born residents in the United States, approximately one-third are naturalized citizens, one-third are legal permanent residents, and one-third are unauthorized (illegal) residents and legal temporary residents.[4] **Figure 2** depicts the latest estimates (2005) of the immigration status of foreign-born residents calculated from the CPS by demographer Jeffrey Passel of the Pew Hispanic Center. Passel has noted an increased proportion of foreign-born residents reporting that they have become naturalized citizens over the past decade.[5]

Figure 2. Estimated Immigration Status of Foreign-Born Residents, 2005



36 million in 2005

Source: CRS presentation of data from Pew Hispanic Research Center, *Growing Share of Immigrants Choosing Naturalization*, by Jeffrey Passel (2007).

Legal Immigration Trends, 1900-2005

Immigration was at its highest levels at the beginning of the 20th century. It dropped as a result of the numerical limits and national origins quotas imposed by the Immigration Acts in 1921 and 1924, and fell further during the Great Depression and World War II. The annual number of LPRs admitted or adjusted in the United States rose gradually after World War II, as **Figure 3** illustrates. The Immigration Amendments of 1965 replaced the national origins quota system 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.[6]

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[3] See CRS Report RS22446, *Nonimmigrant Overstays: Brief Synthesis of the Issue*, by Ruth Ellen Wasem.

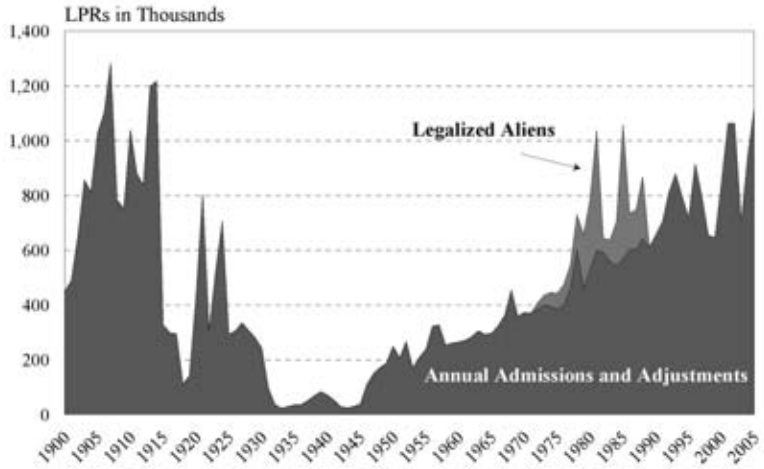
[4] CRS Report RL33874, *Unauthorized Aliens Residing in the United States: Estimates Since 1986*, by Ruth Ellen Wasem.

[5] Pew Hispanic Center, *Growing Share of Immigrants Choosing Naturalization*, by Jeffrey Passel, Mar. 2007.

[6] Congress has significantly amended the Immigration and Nationality Act (INA) numerous times since 1952. Other major laws amending the INA are the Refugee Act of 1980, the Immigration Reform and Control Act

(continued...)

Figure 3. Annual LPR Admissions and Status Adjustments, 1900-2005



Source: *Statistical Yearbook of Immigration*, U.S. Department of Homeland Security, Office of Immigration Statistics, multiple fiscal years. Aliens 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 3** 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.[7] 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.

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[6] (...continued)
of 1986, and Illegal Immigration Reform and Immigrant Responsibility Act of 1996. 8 U.S.C. §1101 et seq.

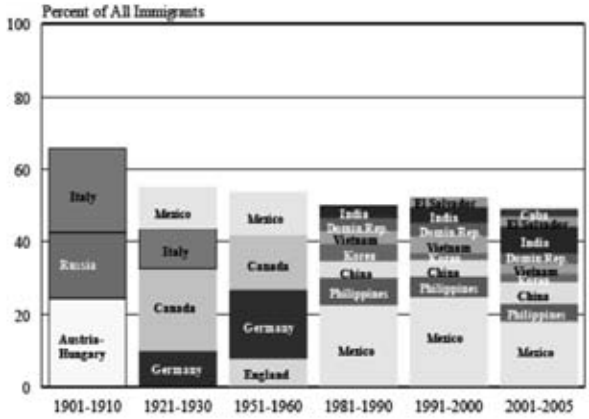
[7] The Immigration Reform and Control Act of 1986 legalized several million aliens residing in the United States without authorization.

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.

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.

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 4** 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 4** 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 pattern has continued into the 21st century.

Figure 4. 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.

Current Law

Worldwide Levels

The Immigration and Nationality Act (INA) establishes a statutory worldwide level of 675,000 annually for legal permanent residents (LPRs), but this level is flexible and certain categories of LPRs are excluded from, or permitted to exceed, the limits. **Figure 5** offers the main components of this worldwide level of admissions. The permanent worldwide immigrant level consists of the following components:

- 480,000 family-sponsored immigrants;
- 140,000 employment-based preference immigrants; and
- 55,000 diversity immigrants.

For a breakdown and definitions of the family-sponsored and employment-based preference categories, see **Appendix A**, Legal Immigration Preference System.

Immediate relatives of U.S. citizens (currently defined as the spouses and unmarried minor children of U.S. citizens and the parents of adult U.S. citizens) are not numerically limited, but their admission numbers are subtracted from the 480,000 ceiling for family-sponsored immigrants to determine the ceiling for family-sponsored preference immigrants. The INA also provides a floor of 226,000 visas for family-sponsored preferences. Unused LPR visas through the family-sponsored and employment-based preference system roll down the preference categories in a given year and, if any remain unused, roll over to the other set of preference categories the next year.[8]

Figure 5. Calculating the Annual Level of Permanei Immigration

Family-sponsored immigrants			480,000
minus	citizens' immediate relatives up to 254,000 (i.e., 480,000 minus 226,000) certain parolees	unlimited	
equals	family preference immigrants	226,000 (minimum)	
Employment-based immigrants			140,000
Diversity			55,000
Worldwide level			**675,000**
plus	citizens' immediate relatives above 254,000 refugees, asylees & others	unlimited	
equals			**Total Annual Immigration**

Source: CRS synthesis of Immigration and Nationality Act §201.

Country Limits

Of the total number of LPR visas available worldwide in any fiscal year for family-sponsored preference immigrants and employment-based preference immigrants, not more than 7% can be allocated to a single foreign state and not more than 2% can be allocated to a dependent foreign state.[9]

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[8] INA §201.

[9] INA§ 202(a)(2).

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 (2nd A family preference) are not subject to the per-country ceiling.[10] 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 so long as visas are available within the worldwide limit for employment-based preferences.

Allocation of Immigrant Visas

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 6** 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 **Figure 7** indicates. LPRs entering through the family-based preference system — 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%.[11]

Figure 6. LPRs in 2005 by Class of Admission

1.12 million

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

Family-Based. As previously stated, immediate relatives of U.S. citizens are not numerically limited, but their admission numbers are subtracted from the 480,000 ceiling for family-based preference system to determine the ceiling for family-sponsored preference immigrants (i.e., those LPRs entering through one of the numerically-limited family categories).[12] The family preference categories are summarized as follows.[13]

- The first preference category is unmarried sons and daughters of citizens, which is limited to 23,400 plus visas rolling over from fourth preference.

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[10] § 202(a)(4) of the INA; 8 U.S.C. § 1151.

[11] 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.

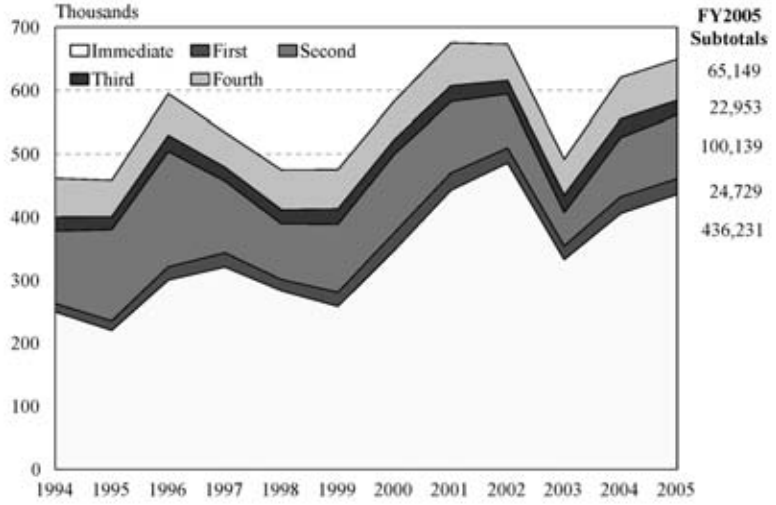
[12] INA §201(b), (c).

[13] For a breakdown and definitions of the family-sponsored preference categories, see **Appendix A**, Legal Immigration Preference System.

- The spouses and minor children of LPRs are admitted under the second family-sponsored preference category (subcategory A) and the unmarried adult children of LPRs are admitted under the second family-sponsored preference category (subcategory B). There is an annual limit on the second preference category of 114,200.
- The third preference category of the family-sponsored system is married sons and daughters of citizens, which is limited to 23,400 plus visas rolling over from first or second preferences.
- The fourth family-sponsored preference category is the siblings of citizens age 21 and over, which is limited to 65,000 plus visas rolling over from the other family-sponsored preference categories.[14]

As evident in **Figure 7**, increases in the number of immediate relatives have driven the overall growth in family-based immigration. FY2003 appears to be an aberrant year for LPR data, largely because of significant petition processing delays as the U.S. Citizenship and Immigration Services (USCIS) in the Department of Homeland Security was being established.

Figure 7. Trends in Family-Based Admissions, FY1994-FY2005



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

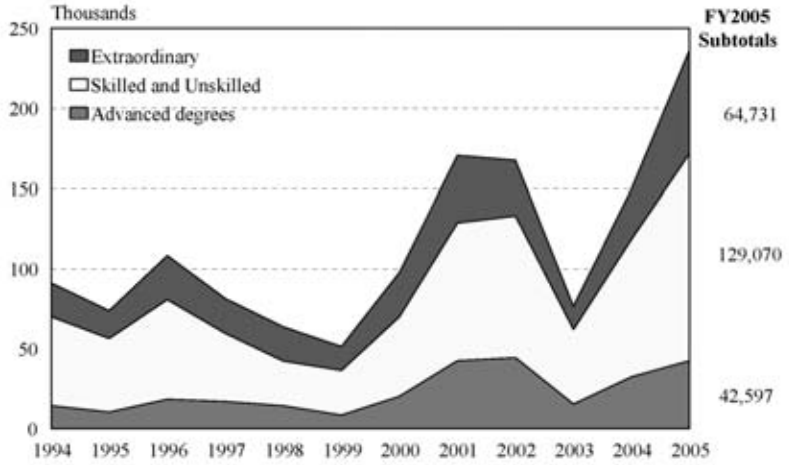
Employment-based. Annual admissions of employment-based preference immigrants currently are limited to 140,000 plus certain unused family-based preference numbers from the prior

[14] INA §203(a).

year. Visas for employment-based immigrants are allocated according to the following statutory criteria.

- Up to 28.6% to "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) is first preference.
- Up to 28.6% to professionals holding advanced degrees or certain persons of exceptional ability in the sciences, arts, or business is second preference.
- Up to 28.6% to skilled shortage workers with two years training or experience, certain professionals, and unskilled shortage workers (limited to 10,000) is third preference.
- Up to 7.1% to certain special immigrants (including religious ministers and certain overseas U.S. government employees) is fourth preference.
- Up to 7.1% to employment creation investors is fifth preference.

Figure 8. Trends in Employment-Based Admissions, FY1994-FY2005



Source: CRS analysis of data from the DHS Office of Immigration Statistics and the former INS.
Note: The 25,911 Chinese who adjusted under the Chinese Student Protection Act from 1994 to 1996 are not depicted even though they were counted under the "Skilled and Unskilled" category. In FY2005, there were 10,134 fourth pref and 346 fifth preference employment-based LPRs.

All categories include derivative immediate relatives of the qualifying LPRs, who are counted against the numerical limit on that category.[15] Employment-based immigrants applying through the second and third preferences must obtain labor certification.[16]

Over the past ten years, the numbers of aliens entering as shortage (skilled and unskilled) workers as well as workers with advanced degrees, have increased. As with the family-based LPRs, however, employment-based LPRs fell sharply in FY2003 as petitioners encountered significant processing delays. The number of fourth and fifth preference employment-based LPRs (10,134 and 346 respectively in FY2005) are too small to depict in **Figure 8**.

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, often known as the visa priority date. 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 **Appendix A**) 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. When the demand worldwide exceeds the total annual allocations, worldwide priority dates are also implemented.

Table 1. Priority Dates for Family Preference Visas

Category	Worldwide	China	India	Mexico	Philippines
Unmarried sons and daughters of citizens	Jun. 1, 2001	Jun. 1, 2001	Jun. 1, 2001	Jan. 1, 1991	Apr. 22, 1992
Spouses and children of LPRs	Apr. 22, 2002	Apr. 22, 2002	Apr. 22, 2002	May 1, 2000	Apr. . 22, 2002
Unmarried sons and daughters of LPRs	Dec. 1, 1997	Dec. 1, 1997	Dec. 1, 1997	Mar. 8, 1992	Oct. 1, 1996
Married sons and daughters of citizens	May 5, 1999	May 5, 1999	May 5, 1999	Feb. 8, 1988	Jan. 1, 1985
Siblings of citizens age 21 and over	Jun. 8, 1996	Jan. 8, 1996	Jan. 8, 1996	Jul. 15, 1994	Mar. 1, 1985

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

Family Preferences. As **Table 1** 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 December 1, 1997 are now being processed for visas. Married adult sons and daughters of U.S. citizens who filed petitions eight years ago (May 5, 1999) are now being processed for visas. Prospective family-sponsored immigrants from the Philippines have the most substantial

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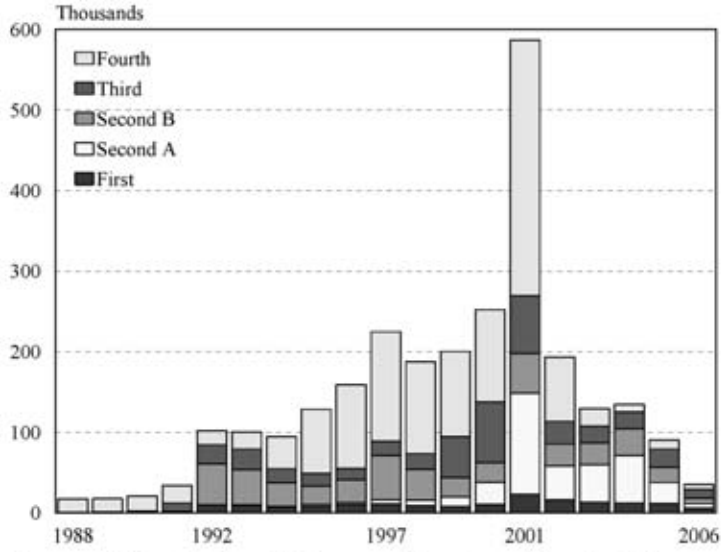
[15] INA §203(b).

[16] Certain second preference immigrants who are deemed to be "in the national interest" are exempt from labor certification.

Figure 9. Visa Backlogs by Family-Based Categories, FY1988-FY2006



Source: unpublished data from U.S. Department of State Bureau of Consular Affairs.

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.

Figure 9 offers another perspective on the waiting times for visa availability, illustrating that the backlogs appear to have diminished in recent years. Indeed, the Department of State (DOS) visa data suggest that family preference backlogs are at the lowest point since the passage of the Immigration Act of 1990. It is not clear whether USCIS has statistics on pending petitions stateside that are not included in the DOS visa data, which is an important caveat. Given that over 60% of LPR petitions are adjusted within the United States, any incompleteness of the data may affect **Figure 9** and interpretations potentially drawn.

Employment Preferences. 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 2** presents, however, some employment-based visa categories are once again unavailable. The *Visa Bulletin for September 2005* offered this explanation: "The backlog 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."[17] The visa waiting times eased somewhat over the summer of 2006. "Visa retrogression" (a phrased used to described when visa processing dates move backward rather than go forward) has occurred several times for third preference visas (professional, skilled, and unskilled). Prospective immigrants from China, India, Mexico, and the Philippines are particularly affected. The June 2007 priority dates are presented in **Table 2**.

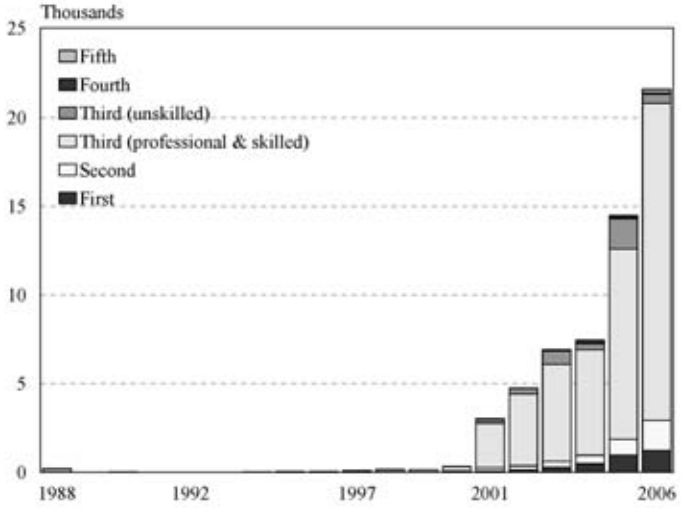
Table 2. Priority Dates for Employment Preference Visas

Category	Worldwide	China	India	Mexico	Philippines
Priority workers	current	current	current	current	current
Advanced degrees/ exceptional ability	current	Jan. 1, 2006	Apr. 1, 2004	current	current
Skilled and professional	Jun. 1, 2005	Jun. 1, 2003	Jun. 1, 2003	Jun. 1, 2003	Jun. 1, 2005
Unskilled	Oct. 1, 2001	Oct. 1, 2001	Oct. 1, 2001	Oct. 1, 2001	Oct. 1, 2001
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 June 2007*.

In contrast to the family-based preferences, the pending petitions for employment-based visas

Figure 10. Visa Backlogs for Employment-Based Categories, FY1988-FY2006



Source: unpublished data from U.S. Department of State Bureau of Consular Affairs.

[17] 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].

appear to be growing. While this trend is especially observable for third preference unskilled, skilled and professional workers, it is also apparent that demand is increasing for persons of extraordinary ability in the arts, science, education, business, or athletics; outstanding professors and researchers; and certain multi-national executives and managers (all first preference), and professionals holding advanced degrees or certain persons of exceptional ability in the sciences, arts, or business (second preference). As with family-based petitions, it is not clear whether USCIS has statistics on pending petitions stateside that are not included in the DOS visa data. As previously noted, over 60% of LPR petitions are adjusted within the United States, and as a result, incompleteness of the data may affect **Figure 10** and any interpretations potentially drawn.

Simple Models of Legal Permanent Immigration

Twentieth Century

As mentioned earlier, immigration laws in the 1920s established numerical limits, preference categories, and quotas based upon national origin. In 1952, Congress consolidated the statutory authority for immigration and citizenship in the Immigration and Nationality Act (INA). The growth in legal immigration after the 1965 amendments to the INA 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. The admissions in the 1990s were augmented considerably by aliens legalized through the Immigration Reform and Control Act of 1986.[18] 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 1966-1980 period to 1.6 million during the 1981-1995 period, after the enactment of the Refugee Act of 1980.

Immigration to the United States, nonetheless, 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.

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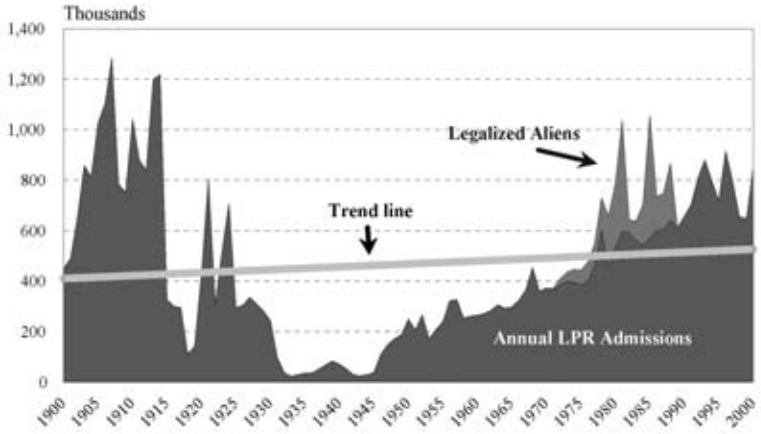
[18] The Immigration Reform and Control Act (IRCA) of 1986 legalized several million aliens residing in the United States without authorization. IRCA's major legalization program provided legal status for otherwise eligible aliens who had resided continuously in the United States in an unlawful status since before January 1, 1982. They were required to apply during a 12-month period beginning May 5, 1987. IRCA also provided legal status for otherwise eligible aliens who had worked at least 90 days in seasonal agriculture in the United States during the year ending May 1, 1986. They were required to apply during an 18-month period beginning June 1, 1987 and ending November 30, 1988.

Figure 11. Immigration Trends over the Twentieth Century



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

The simplest method of modeling legal immigration trends is a linear model based upon actual LPR admissions.[19] The trend line in **Figure 11** represents the "best fit" over the century. It illustrates a very gradual growth in legal permanent immigration to the United States.[20]

Post-1952 Models Based on Three Scenarios

Figure 12 presents three scenarios that model immigration levels over periods anchored by major legislative revisions to immigration law The first scenario models the period from passage of the Immigration and Naturalization Act of 1952 through the enactment of the Immigration Amendments of 1965. It is represented by the "Pre-1966" trend line and estimates legal immigration according to actual admissions from 1953 through 1965. The second scenario estimates legal immigration according to actual admissions from 1966 through 1990, when Congress enacted the Immigration Act of 1990. The third scenario, represented by the "Post-1990" trend line, estimates legal immigration according to actual admissions from 1991 through 2004.

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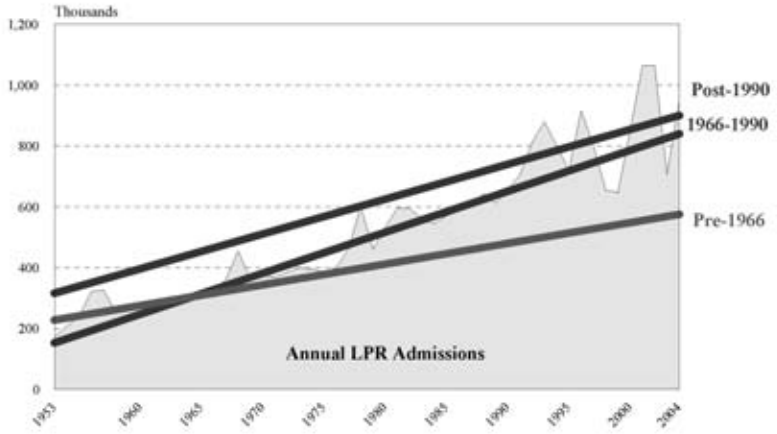
[19] The DHS Office of Immigration Statistics (OIS) data comprise those admitted as LPRs or those adjusting to LPR status.

[20] The trend line models at start point of approximately 400,000 in 1900 and an end point of approximately 500,000 in 2000.

Figure 12. Three Scenarios of Legal Permanent Immigration, 1953-2004



Source : *Statistical Yearbook of Immigration,* U.S. Department of Homeland Security, Office of Immigration Statistics, multiple fiscal years. Aliens legalizing through the Immigration Reform and Control Act of 1986 are not depicted.

As **Figure 12** illustrates, three different trends result from the three scenarios.

- "Pre-1966" trend line projects a substantially lower rate of growth and lower levels of immigration than what actually occurred from 1953 to 2004.
- "1966-1990" trend line most closely approximates the actual admissions over the entire 1950-2004 period.
- "Post-1990" trend line yields the highest level of immigration, though not the highest rate of growth.

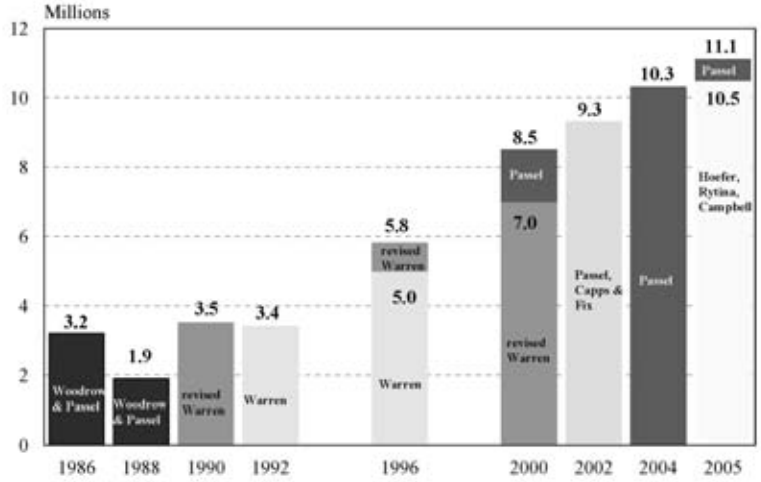
Perhaps most interesting is that the "1966-1990" trend line is the steepest of the 3 scenarios. The acceleration of this trend line may be due in part to the large numbers of refugees and other humanitarian entrants that arrived and became LPRs during this period. It also incorporates the largest span of years (24 years).

Unauthorized Migration

The three main components of the unauthorized resident alien population are (1) aliens who overstay their nonimmigrant visas, (2) aliens who enter the country surreptitiously without inspection, and (3) aliens who are admitted on the basis of fraudulent documents. In all three instances, the aliens are in violation of the Immigration and Nationality Act (INA) and subject to removal.

This CRS testimony presents data estimating the number of unauthorized aliens who have been living in the United States since 1986. There have been a variety of estimates of the unauthorized resident alien population over this period, sometimes with substantially different results. This report is limited to data analyses of the Current Population Survey (CPS) conducted by the U.S. Census Bureau and the Bureau of Labor Statistics so that there is a basic standard of comparison over time.[21]

Figure 13. Estimated Number of Unauthorized Resident Aliens, 1986-2005



Source: CRS presentation of analysis of Current Population Survey data conducted by Karen Woodrow and Jeffrey Passel (1986 and 1990), Robert Warren (1996, 2000, and 2003), Jeffrey Passel, Randy Capps and Michael Fix (2002), Passel (2000, 2005 and 2006), and Micheal Hoefer, Nancy Rytina and Christopher Campbell (2006).

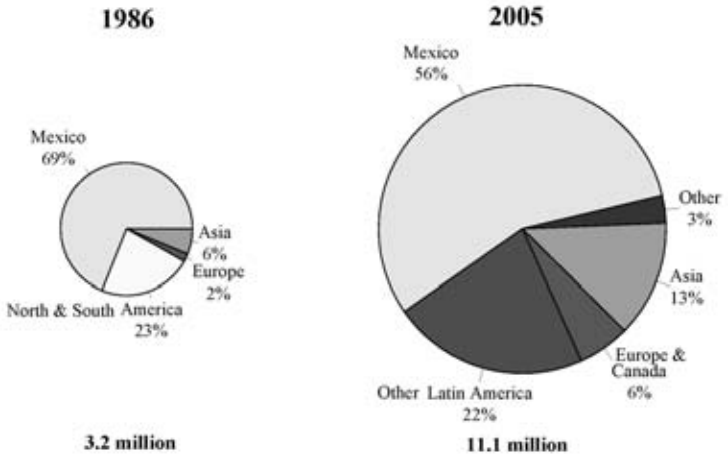
Estimates Since 1986

For a basis of comparison, **Figure 13** presents the estimate of 3.2 million unauthorized resident aliens in 1986 calculated by demographers Karen Woodrow and Jeffrey Passel, who worked for the

[21] In addition to using the CPS data, the demographers who conducted these analyses all used some variant of a residual methodology to estimate the population (i.e., the estimated population remaining after citizens and authorized aliens are accounted for). Demographers at the U.S. Census Bureau also have used a similar methodology to estimate the residual foreign born population in the 2000 decennial census, and they reported the following. "According to our calculations, the estimated residual foreign-born population counted in the 2000 census was 8,705,419. Assuming a 15-percent undercount rate yields a population of 10,241,669 in 2000." They point out that the category of residual foreign born includes "quasi legal aliens" (i.e., aliens without legal status who have petitions pending or court cases underway that potentially would give them LPR status) as well as unauthorized aliens and thus should not be considered an official estimate of unauthorized resident aliens. U.S. Census Bureau, Population Division Working Paper 61, *Evaluating Components of International Migration: The Residual Foreign Born*, by Joseph M. Costanzo, Cynthia Davis, Caribert Irazi, Daniel Goodkind, and Roberto Ramirez. June 2002.

U.S. Census Bureau at that time. As expected after the passage of IRCA, the estimate for 1988 dropped to 1.9 million.[22] According to demographer Robert Warren of the former Immigration and Naturalization Service (INS), the estimated unauthorized resident alien population grew to 3.4 million in 1992 and to 5.0 million in 1996.[23] By the close of the decade, the estimated number of unauthorized alien residents had more than doubled. Passel, now at the Pew Hispanic Center, estimated the unauthorized population in 2000 at 8.5 million, but this latter estimate included aliens who had petitions pending or relief from deportation.[24] Please note that the intervals depicted in **Figure 13** are not equally spaced according to years.

Figure 14. Unauthorized Resident Alien Population by Place of Origin, 1986 and 2005



Source: CRS presentation of analysis of Current Population Survey data conducted by Karen Woodrow and Jeffrey Passel (1990), and Jeffrey Passel (2006).

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[22] Karen Woodrow and Jeffrey Passel, "Post-IRCA Undocumented Immigration to the United States: An Analysis Based on the June 1988 CPS," in *Undocumented Migration to the United States*, by Frank D. Bean, Barry Edmonston and Jeffrey Passel (RAND Corporation, 1990).

[23] *Annual Estimates of the Unauthorized Immigrant Population Residing in the United States and Components of Change: 1987 to 1997*, by Robert Warren, Office of Policy and Planning, U.S. Immigration and Naturalization Service, Sept. 2000.

[24] U.S. Congress, House Committee on the Judiciary, Subcommittee on Immigration and Claims, *Hearing on the U.S. Population and Immigration*, Aug. 2, 2001.

Subsequently, Warren estimated that there were 7.0 million unauthorized aliens residing in the United States in 2000. As depicted in **Figure 13**, he also revised his earlier analyses using the latest CPS and estimated that there were 3.5 million unauthorized aliens living in the United States in 1990 and 5.8 million in 1996. Warren excluded "quasi-legal" aliens (e.g., those who had petitions pending or relief from deportation) from his estimates.[25] By 2002, the estimated number of unauthorized resident aliens had risen to 9.3 million.[26] During the first decade after IRCA, researchers projected that the net growth in unauthorized aliens had averaged about 500,000 annually; more recent analyses estimated the average growth at 700,000 to 800,000 annually. If the later trend held, about 12 million unauthorized aliens may have been residing in the United States by the close of 2006.[27]

Unauthorized Alien Residents in 2005

The most commonly-cited published estimate based upon the March 2006 CPS is that 11.1 million unauthorized aliens were residing in the United States. According to this analysis by Passel, Mexicans made up over half of undocumented immigrants — 56% of the total, or about 6.2 million. He estimated that 2.5 million (22%) were from other Latin American countries. About 13% were from Asia, 6% from Europe and Canada, and 3% from the rest of the world.[28]

As **Figure 14** illustrates, the 2005 distribution by region of origin was similar to Woodrow and Passel's analysis of the 1986 data, despite the growth in overall numbers from 3.2 million in 1986 to 11.1 million in 2005. In 1986, 69% of the unauthorized aliens residing in the United States were estimated to be from Mexico compared to 56% in 2005. Asia's share of the unauthorized alien residents appeared to have grown over this period (from 6% to 13%), as has the portion from the "other" parts of the world. Note that Canada is grouped with North and South America (excluding Mexico) in 1986 and with Europe in 2005.[29]

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[25] U.S. Immigration and Naturalization Service, *Estimates of the Unauthorized Immigrant Population Residing in the United States, 1990 to 2000*, Jan. 31, 2003.

[26] The Urban Institute, *Undocumented Immigrants: Facts and Figures*, by Jeffrey Passel, Randy Capps, and Michael Fix, Jan. 12, 2004.

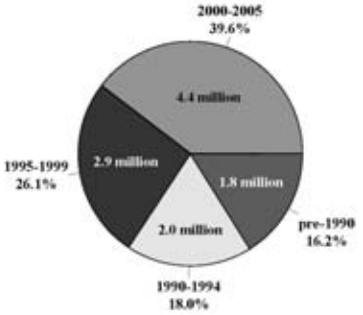
[27] Pew Hispanic Center, *Estimates of the Size and Characteristics of the Undocumented Population*, by Jeffrey Passel, March 21, 2005.

[28] Pew Hispanic Center, *Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey*, by Jeffrey Passel, March 7, 2006.

[29] *Ibid.*

Passel estimated the number of persons living in families in which the head of the household or the spouse is an unauthorized alien was 14.6 million as of March 2005. Passel also reported that there were in 2005 an estimated 1.8 million children who were unauthorized and an estimated 3.1 million children who were U.S. citizens by birth living in families in which the head of the family or a spouse was unauthorized. He projected that unauthorized aliens accounted for about 4.9% of the civilian labor force in March 2005, or about 7.2 million workers out of a labor force of 148 million.[30]

Figure 15. Unauthorized Aliens by Estimated Period of Arrival



Source: CRS presentation of analysis of Current Population Survey data conducted by Jeffrey Passel (2006).

According to Passel, the largest share of the unauthorized population – 4.4 million aliens – had been in the country five years or less. As **Figure 15** depicts, about two-thirds of the unauthorized were estimated to have entered the United States during the decade 1995-2005.[31]

Office of Immigration Statistics

The Department of Homeland Security's Office of Immigration Statistics (OIS) recently published their estimates of the unauthorized resident alien population and yielded results consistent with Passel's discussed above. OIS reported an estimated 10.5 million unauthorized alien residents as of January 2005, up from 8.5 million in January 2000. DHS estimated that the unauthorized immigrant population in the United States increased by 24%, with an annual average increase of 408,000 unauthorized aliens over the past five years.[32]

According to OIS, California had more unauthorized residents than any other state – an estimated 2.8 million unauthorized aliens in 2005. Texas followed with nearly 1.4 million, and Florida had 850,000. Among the 10 leading states of residence of the unauthorized population in 2005, OIS reported that those with the largest average annual increases since 2000 were Texas (54,000), California (52,000), and Georgia (50,000). The states with the greatest percentage

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[30] For a discussion of how many unauthorized aliens are currently in the U.S. workforce, see CRS Report RL32044, *Immigration: Policy Considerations Related to Guest Worker Programs*, by Andorra Bruno, pp. 7-8.

[31] Pew Hispanic Center, *Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey*, by Jeffrey Passel, March 7, 2006.

[32] Department of Homeland Security, Office of Immigration Statistics, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2005*, by Michael Hoefer, Nancy Rytina, and Christopher Campbell, 2006.

increases in unauthorized immigrants from 2000 to 2005 were Georgia (114%), Arizona (45%), Nevada (41%), and North Carolina (38%).[33]

Immigration Enforcement Statistics

While the focus of this testimony is on immigration to the United States and resulting foreign-born residents of the United States, the preceding discussion of unauthorized migration raises the integral topic of immigration enforcement. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (P.L. 104-208) is the law that continues to shape much of the current immigration enforcement activities. CRS Report RL33351, *Immigration Enforcement Within the United States*, provides in-depth analysis of the enforcement polices and trends in immigration enforcement activities. The testimony closes with statistics on three key components of immigration enforcement: exclusion, apprehensions and investigations; and, removals.

Exclusion

All aliens must undergo reviews performed by Department of State Consular Affairs officers abroad and Customs and Border Protection (CBP) officers upon entry to the United States. These reviews are intended to ensure that they are not ineligible for visas or admission under the grounds for inadmissibility spelled out in the INA.[34] These criteria are

- health-related grounds;
- criminal history;
- security and terrorist concerns;
- public charge (e.g., indigence);
- seeking to work without proper labor certification;
- illegal entrants and immigration law violations;
- ineligible for citizenship; and,
- aliens previously removed.[35]

Some provisions may be waived or are not applicable in the case of nonimmigrants, refugees (e.g., public charge), and other aliens. All family-based immigrants and employment-based immigrants who are sponsored by a relative must have binding affidavits of support signed by U.S. sponsors in order to show that they will not become public charges.

Figure 16 illustrates that labor market protections for U.S. workers were the largest single basis for denying LPR visas in FY2005, followed by the likelihood of becoming a public charge.[36] While the grounds of inadmissibility are an important basis for denying foreign nationals admission to the

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[33] *Op. sit.* For alternative analyses, see Pew Hispanic Center, *Estimates of the Unauthorized Migrant Population for States based on the March 2005 CPS*, by Jeffrey Passel, April 26, 2006.

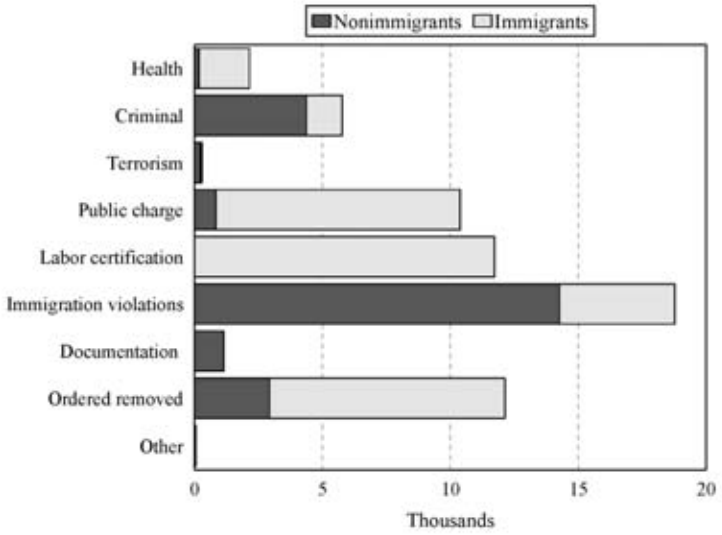
[34] §212(a) of the INA.

[35] For a fuller analysis, see CRS Report RL32480, *Immigration Consequences of Criminal Activity*, by Michael John Garcia; and CRS Report RL32564, *Immigration: Terrorist Grounds for Exclusion of Aliens*, by Michael John Garcia and Ruth Ellen Wasem.

[36] For more on these topics, see CRS Report RL33977, *Immigration of Foreign Workers: Labor Market Tests and Protections*, by Ruth Ellen Wasem; and CRS Report RL33809, *Noncitizen Eligibility for Federal Public Assistance: Policy Overview and Trends*, by Ruth Ellen Wasem.

United States, it should be noted that more immigrant petitions who are rejected by DOS — 270,615 in FY2005 — were rejected because their visa application did not comply with provisions in the INA (most of these being §221(g) noncompliance) included in the last category listed in **Appendix B**, **Table 1**.

Figure 16. Visas Denied by Inadmissibility Grounds: FY2005



Source: CRS analysis of U.S. Department of State Bureau of Consular Affairs FY2005 data.
Note: 1,956,137 aliens were denied nonimmigrant visas in FY2005 due to 214(b) presumption.

Refusals of *nonimmigrant* petitions presented in **Figure 16** have a somewhat different pattern as previous immigration law violations has been the leading category. Violation of criminal law emerged as a more common ground for refusal among nonimmigrant petitioners than it was for immigrant petitioners. Prior orders of removal from the United States was also among the leading grounds for refusals. The overwhelming basis for denying nonimmigrant visas, however, was that the alien was not qualified for the visa, largely due to the §214(b) presumption.

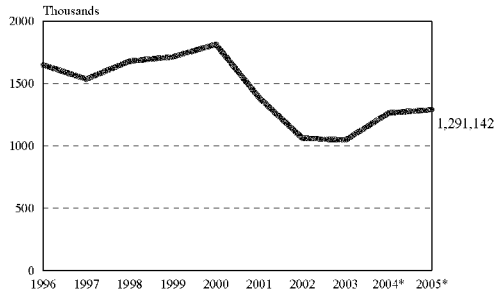
Comparable data from DHS on aliens deemed ineligible for immigrant status or inadmissible as a nonimmigrant based upon §212(a) are not available. As a result, the DOS data presented above understate the number and distribution of aliens denied admission to the United States.

Apprehensions and Investigations

Stateside, the Department of Homeland Security is the lead department for immigration enforcement, largely carried out by CBP and Immigration and Customs Enforcement (ICE). The responsibilities cover investigating violations of the INA's civil provisions (e.g., violate the conditions of their admittance), as well as U.S. citizens or aliens who violate the criminal provisions (e.g., marriage fraud or alien smuggling). Their duties include securing the border between ports of entry, conducting inspections at ports of entry, removing aliens who should not be in the United States, investigating alien smuggling and trafficking, combating document and benefit fraud, and enforcing the prohibitions against employers hiring aliens without work authorization.

Figure 17 offers a sketch of alien apprehensions over the past decade. This figure combines data from the CBP's border patrol and ICE (excluding ICE's criminal arrests), and thus includes apprehensions along the border and in the interior of the country. Although apprehensions are inching back up from FY2002-FY2003, they have not hit the levels of the late 1990s. As with data on immigration levels, it is not easy to discern whether these trends over time reflect, for example, changes in flows of migrants, in the commitment of enforcement resources, or in other push-pull factors in the sending countries and the U.S. economy.

Figure 17. Alien Apprehension by ICE and Border Patrol Officers, FY1994-FY2005



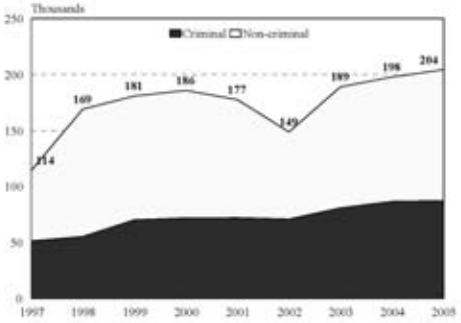
* Excludes criminal arrests by Immigration and Customs Enforcement.
Source: CRS presentation of data from Table 34 in the DHS Office of Immigration Statistics, *Yearbook of Immigration Statistics: 2005.*

Removals

An alien is "removable" if the alien has not been admitted to the United States and is inadmissible under the INA §212, or the alien has been admitted to the United States and is deportable under the INA §237. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) combined "exclusion" and "deportation" proceedings into a single removal proceeding as well as added provisions for expedited removal of aliens arriving without proper documents. The INA §237 specifies six broad classes of deportable aliens including aliens who: are inadmissible at time of entry or violate their immigration status; commit certain criminal offenses (e.g., crimes of moral turpitude, aggravated felonies, alien smuggling, high speed flight); fail to register (if required under law) or commit document fraud; are security risks (such as aliens who violate any law relating to espionage, engage in criminal activity which endangers public safety, partake in terrorist activities, or assisted in Nazi persecution or genocide); become a public charge within five years of entry; or vote unlawfully.

As **Figure 18** depicts, alien removals have steadily risen over the past decade and have surpassed 200,000 a year. This upward trend has occurred for both criminal and non-criminal removals.[37] The enactment of expedited removal as part of IIRIRA in1996 is reflected in the non-criminal trends.[38]

Figure 18. Alien Removals, FY1997-FY2005



Source: CRS analysis of workload data from DHS Office of Immigration Statistics.

This concludes my formal testimony. I would be happy to take your questions.

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[37] For a more complete discussion of removal, see CRS Report RL33351, *Immigration Enforcement Within the United States*, coordinated by Alison Siskin with Andorra Bruno, Blas Nunez-Neto, Lisa M. Seghetti, and Ruth Ellen Wasem, pp. 9-20.

[38] For a detailed discussion of expedited removal, see CRS Report RL33109, *Immigration Policy on Expedited Removal of Aliens*, by Alison Siskin and Ruth Ellen Wasem.

Appendix A. 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; excerpted from CRS Report RL32235, *U.S. Immigration Policy on Permanent Admissions.*

Appendix B. Statistics on Grounds of Inadmissibility

Table 1. Immigrants Refused Visa by Grounds of Inadmissibility

Grounds for exclusion	Potential immigrants refused by State Department					
	FY2000		FY2002		FY2005	
Health	1,528	2.3%	1,176	2.9%	1,968	5.1%
Criminal	736	1.1%	885	2.2%	1,401	3.6%
Terrorism and security	32	0.1%	27	0.1%	63	0.2%
Public charge	46,450	69.1%	17,848	44.0%	9,559	24.9%
Labor certification	8,194	12.2%	10,046	27.7%	11,721	30.5%
Immigration violations	3,414	5.1%	6,698	16.5%	4,504	11.7%
Ineligible for citizenship	4	—	4	—	2	—
Previously removed or illegal presence	6,900	10.3%	3,909	9.6%	9,195	23.9%
Miscellaneous	7	—	13	—	21	0.1%
Total §212(a) inadmissible	**67,269**	**—**	**40,606**	**—**	**38,434**	**—**
Ineligible for visa applied for due to other reasons	205,742	—	194,255	—	270,615	—

Source: CRS analysis of DOS Bureau of Consular Affairs data.

Table 2. Nonimmigrants Refused Visa by Grounds of Inadmissibility

Grounds for exclusion	Potential nonimmigrants refused by State Department					
	FY2000		FY2002		FY2005	
Health	177	0.7%	390	1.2%	238	0.9%
Criminal	4,370	18.2%	6,554	20.6%	7,454	29.6%
Terrorism and security	224	1.0%	133	0.4%	333	1.3%
Public charge	825	3.4%	2,069	6.5%	1,341	5.3%
Immigration violations	14,263	60.0%	17,070	53.7%	1	—
Documentation problems	1,143	4.8%	1,123	3.5%	8,822	35.0%
Previously removed or illegal presence	2,930	12.2%	4,428	13.9%	6,977	27.7%
Miscellaneous	9	—	15	0.1%	4	—
Total §212(a) inadmissible	**23,953**	**100%**	**31,793**	**100%**	**25,212**	**100%**
Ineligible for visa applied for due to other reasons	2,428,248	—	2,560,526	—	1,941,374	—

Source: CRS analysis of DOS Bureau of Consular Affairs data.

Ms. LOFGREN. Thank you very much for really a very voluminous report which I read with great interest, and with the color charts it was very helpful.

Dr. Bird?

TESTIMONY OF RONALD BIRD, Ph.D., CHIEF ECONOMIST AND DIRECTOR, OFFICE OF ECONOMIC POLICY AND ANALYSIS, U.S. DEPARTMENT OF LABOR

Mr. BIRD. Thank you. I am tempted to yield my time to Dr. Wasem to continue.

Madam Chairwoman and Members of the Subcommittee, thank you for the opportunity to testify here today. My name is Ronald Bird, and I am chief economist in the Office of the Assistant Secretary for Policy at the U.S. Department of Labor.

I am here today at your request to provide information regarding demographics of the U.S. labor force.

The American labor force is large, diverse and dynamic. At over 152 million workers in May of 2007, the U.S. labor force is the third-largest among the Nations of the world, behind only China and India.

The U.S. labor market is healthy. Unemployment in May 2007 was a low 4.5 percent. And we have enjoyed 45 consecutive months of job growth, with payroll employment growing by 8 million jobs since the post-recession employment low in August 2003.

Unemployment today is below historical averages. Since 1950, the unemployment rate has averaged 5.6 percent, compared to today's 4.5 percent.

The U.S. labor force grew significantly over the past half-century. Between 1950 and 2006, the labor force increased from 62.2 million to 151.4 million, a 143 percent increase that saw 89.2 million new workers absorbed into the economy.

During the 1970's, the labor force grew at an average annual rate of 2.7 percent. Since then, the growth of the labor force has slowed to an annual average of 1.7 percent in the 1980's and 1.2 percent since 1995.

The Bureau of Labor and Statistics' projections show continuing declines in the rate of labor force growth with annual growth slowing to eight-tenths of 1 percent by 2014.

At the same time, the immigrant labor force portion of the labor force is growing. Current population survey estimates of the labor force status of the foreign-born do not distinguish between the documented and undocumented population. However, we do know that immigrants as a whole are a significant and growing component of the U.S. labor force.

In 2006, 23.1 million foreign-born workers comprised 15.3 percent of the U.S. labor force. The foreign-born component has increased by 8.7 million since 1996. Foreign-born workers accounted for about half of the 17.3 million total increase in the labor force from 1996 to 2006.

The unemployment rate for foreign-born workers was 4 percent in 2006 compared with an average unemployment rate of 4.7 percent for native-born workers on average over the 12 months of 2006.

Persons of Hispanic ethnicity comprised 50 percent of the foreign-born labor force in 2006, and 22 percent was Asian origin.

In terms of educational attainment, 28 percent of the foreign-born labor force 25 years and older had not completed high school, compared with about 6 percent of the native-born labor force. About equal proportions of both the foreign-born and native-born had bachelor's degrees, about one-third of each.

Median weekly earnings of Hispanic, foreign-born, full-time-wage and salary workers were about 75 percent of the earnings of native-born Hispanics working full-time, while foreign-born workers with at least a bachelor's degree had median weekly earnings about identical to those of native-born college graduates in 2006.

I hope it is helpful. I will be pleased to address your questions.

[The prepared statement of Mr. Bird follows:]

PREPARED STATEMENT OF RONALD BIRD

STATEMENT OF
RONALD BIRD, PH.D., CHIEF ECONOMIST
OFFICE OF THE ASSISTANT SECRETARY FOR POLICY
U.S. DEPARTMENT OF LABOR
BEFORE THE
SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW
COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES

June 6, 2007

Madam Chairwoman and Members of the Subcommittee, thank you for the opportunity to testify. My name is Ronald Bird and I am the Chief Economist in the Office of the Assistant Secretary for Policy at the U.S. Department of Labor. I am here today in response to your request for information regarding demographics of the U.S. labor force and how that may impact immigration policies you are considering. I have prepared a series of tables and charts which I would like to submit for the record and which I will briefly summarize and explain. I will be pleased to answer any questions that you may have regarding this information.

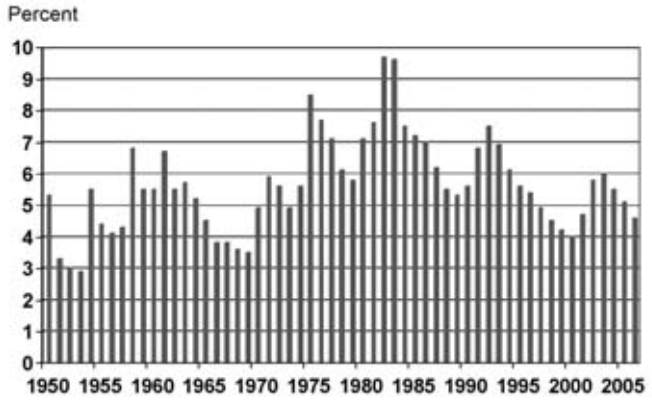
The American labor force is large, diverse and dynamic. At over 152 million workers in May 2007, the U.S. labor force is the third largest among the nations of the world – behind only China and India. The U.S. is also the world's third most populous nation – at an estimated 301 million. Table 1 compares the labor force of the U.S with other selected nations. The data reflect estimates published in The World Factbook prepared by the Central Intelligence Agency (CIA).

Table 1.
Population, Population Growth, Labor Force, Net Migration, and GDP per Capita

Nation	Population (millions) Est. July 2007	Annual Population Growth (percent)	Annual Net Migration (thousands)	Labor Force (millions) 2006	GDP Per Capita Purchasing Power Parity Dollars 2006
United States	301.1	0.89	918.5	151.4	$43,500
China	1,321.9	0.61	-515.5	798.0	$7,600
India	1,129.9	1.61	-56.5	509.3	$3,700
Mexico	108.7	1.15	-443.5	38.1	$10,600
Canada	33.4	0.87	193.3	17.6	$35,200

Source: The World Factbook, May 30, 2007, https://www.cia.gov/library/publications/the-world-factbook/index.html

Figure 1. Annual Average Unemployment Rate, 1950-2006



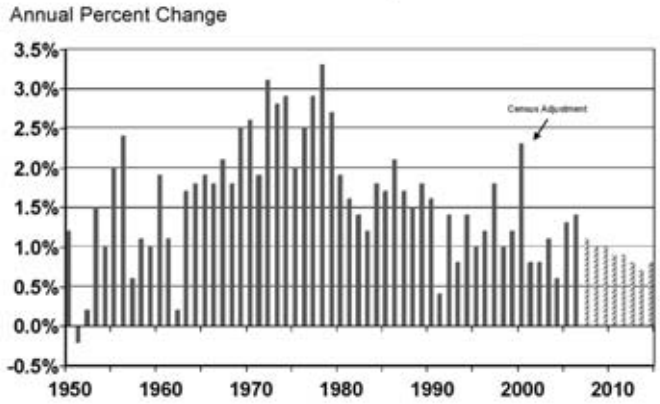
Source: Bureau of Labor Statistics.

The U.S. labor force is diverse and is composed of three major racial groups: Whites (123.8 million) comprised 81.8 percent of the labor force in 2006. Blacks or African Americans (17.3 million) comprised 11.4 percent of the labor force, and Asians (6.7 million) comprised 4.4 percent of the labor force. Persons of Hispanic (or Latino) ethnicity (who may be of any race) comprised 13.7 percent of the labor force in 2006 (20.7 million). Since 1974, the size of the Hispanic labor force component has grown from 4.4 percent of the labor force. The total number of Hispanics in the labor force increased by 16.7 million between 1974 and 2006.

The U.S. labor market is healthy. Unemployment in May 2007 was a low 4.5 percent, and we have enjoyed 45 consecutive months of job growth with payroll employment growing by nearly 8.0 million jobs since the post-recession employment low in August 2003. Unemployment today is below historical averages. Since 1950, the unemployment rate has averaged 5.6 percent. Figure 1 shows average annual unemployment rates from 1950 through 2006. The recession-related unemployment peaks were lower in the two most recent recessions than that in the recessions that began in 1973 and in 1981.

Unemployment varies across a number of demographic characteristics. In 2006, on average, the unemployment rate for teens (age 16-19) was 15.4 percent. For men age 20 and older, the unemployment rate in 2006 averaged 4.0 percent, and for women age 20 and older the average unemployment rate was 4.1 percent. Unemployment rates vary across racial categories. For example, the unemployment rate for whites was 4.0 percent in 2006. For African-Americans, it was 8.9 percent, and for Asians, it was 3.0 percent. For workers of Hispanic ethnicity the unemployment rate in 2006 averaged 5.2 percent.

Figure 2. Annual Labor Force Growth, Actual 1950-2006, and Projected 2007-2014

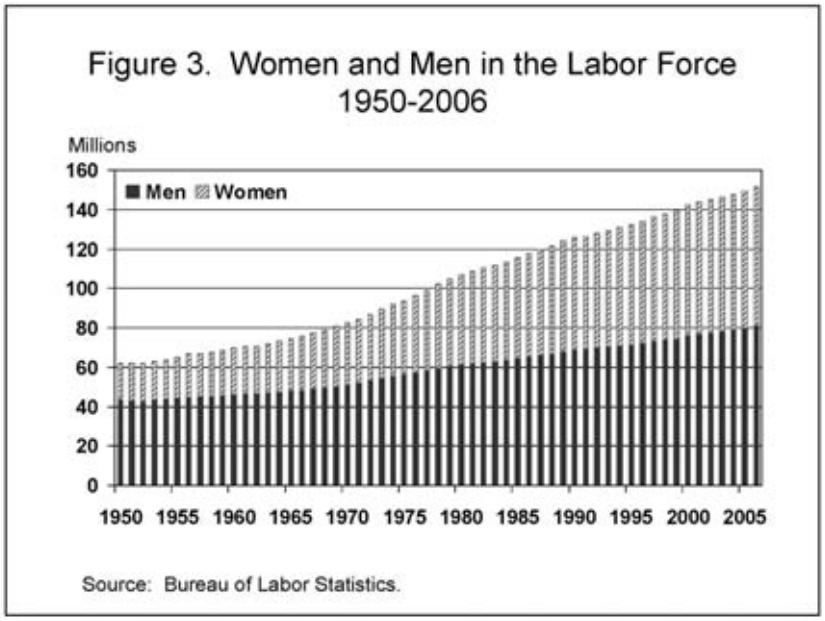


Source: Bureau of Labor Statistics.

The U.S. labor force grew significantly over the past half century. Between 1950 and 2006, the labor force increased from 62.2 million to 151.4 million – a 143 percent increase that saw 89.2 million new workers absorbed into the economy. Labor force growth averaged 2.4 million per year in the 1970s, declined to 1.6 million per year since 1990, and is projected to average 1.4 million per year for 2007 through 2014.

The percentage rate of growth of the labor force has varied notably over the period. Figure 2 shows annual average labor force growth from 1950 through 2006, with projected growth through 2014. In the 1960s and 70s, the annual rate of labor force growth trended upward. The 1.1 percent average annual labor force growth rate of the 1950s increased to 1.7 percent in the 1960s and to 2.7 percent in the 1970s. This remarkable increase in the annual rate of labor force growth reflected two major components – the post-war "baby boom" generation reaching working age and the increasing labor force participation of women. The annual average labor force growth rate slowed to 1.7 percent in the 1980s, as the size of the age cohorts reaching working age shrank; however, the participation of women continued to boost the labor force into the 1990s.

Since 1995, labor force growth has averaged 1.2 percent annually – comparable to the 1.1 percent annual growth rate of the 1950's. The unusually large labor force growth shown in Figure 2 for the year 2000 (2.3 percent) reflects an adjustment for revised population controls on the monthly survey data following the results of the 2000 Census. The



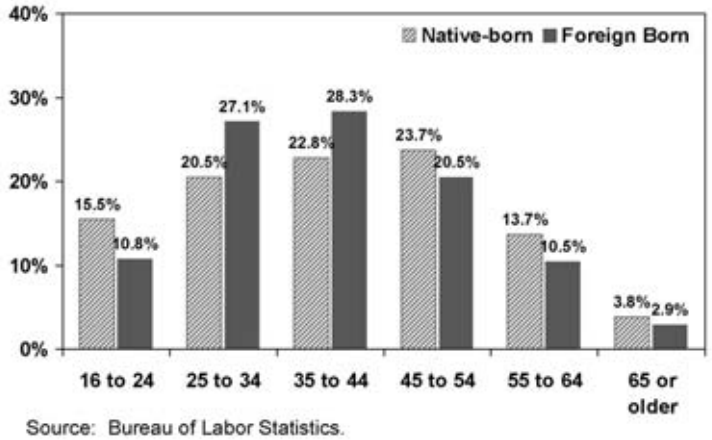
increase in labor force for 2000 includes a "catch-up" component to offset underestimates of the total level in several prior years. The annual labor force growth in 2006 was 1.4 percent. The Bureau of Labor Statistics' projections through 2014 forecast continuing declines in the rate of labor force growth – slowing to 0.8 percent annually by 2014.

Figure 3 shows the labor force by male and female components over the past half century. In 1950, women comprised just 29.6 percent of the labor force. The labor force participation rate for women was 33.9 percent -- on average about one in three women sought work in the civilian labor market in 1950. By 1980, the female labor force participation rate had risen to 51.5 percent and women comprised 42.5 percent of the labor force. Women's labor force participation rate increased further in the 1980s and by 1995 their labor force participation rate was 58.9 percent and they comprised 46.1 percent of the labor force. In 2006, the female labor force participation rate was 59.4 percent and women comprised 46.3 percent of the labor force – proportions little changed from 1995.

The increase in labor force participation of women over the past half-century has had a major impact on the U.S. labor market. If the female labor force participation rate had remained at the 1950 level over the past half century, the labor force today would be only 121.3 million – over 30 million less than 2006's average labor force of 151.4 million.

Current Population Survey estimates of the labor force status of the foreign born do not distinguish between the documented and undocumented population. An oft-cited study by the Pew Hispanic Center estimates that the undocumented labor force numbered about 7.2 million, or 4.9 percent of the civilian labor force in March 2005. The study found

Figure 4. Age Distribution of Foreign-born and Native-born Labor Force Participants, 2006



Source: Bureau of Labor Statistics.

that in 2005 about 30 percent of the foreign-born population was undocumented, while 28 percent were legal permanent residents and 31 percent were naturalized U.S. citizens. The rest were refugees or temporary legal migrants such as students and temporary workers.

Data from the Current Population Survey show that the foreign-born are a significant and growing component of the U.S. labor force. In 2006, 23.1 million foreign-born workers comprised 15.3 percent of the U.S. labor force. Foreign-born workers included 13.9 million men and 9.3 million women. The foreign-born labor force component has increased by 8.7 million or 60.4 percent since 1996.

The 33.7 million foreign-born civilian population age 16 and over comprised 14.7 percent of the total U.S. population age 16 and older in 2006. The labor force participation rate for foreign-born workers, 68.6 percent was higher than the 65.8 percent for the native born. The unemployment rate for foreign-born workers was 4.0 percent in 2006, compared with an average unemployment rate of 4.7 percent for native-born workers.

The demographic characteristics of the foreign-born labor force differ in many respects from those of the native born. Men made up a larger proportion of the foreign-born labor force (60 percent) in 2006 than they did of the native-born labor force (53 percent). The proportion of the foreign-born labor force made up of 25- to 54-year olds was higher (76 percent) than for the native-born labor force (67 percent). Figure 4 shows native and

foreign born shares of the workforce by age cohorts in 2006. The foreign born labor force had the following age distribution in 2006: 10.8 percent were age 16-to-24, 27.1 percent were age 25-to-34, 28.3 percent were in the 35-to-44 age group, 20.5 percent were age 45-to-54, 10.5 percent were age 55-to-64, and 2.9 percent were age 65 or older.

Persons of Hispanic ethnicity comprised 50 percent of the foreign-born labor force in 2006, and 22 percent was Asian. These proportions compare to 7 and 1 percent, respectively, of the native-born labor force. One out of 5 of the foreign-born labor force was White non-Hispanic, compared with nearly 4 out of 5 of the native-born labor force.

In terms of educational attainment, 28 percent of the foreign-born labor force 25 years old and over had not completed high school, compared with about 6 percent of the native-born labor force. About equal proportions of both the foreign- and native-born had a bachelor's degree or higher (31 and 33 percent, respectively).

As previously mentioned, the foreign born labor force has increased by 8.7 million since 1996. Foreign-born workers accounted for about half of the 17.3 million increase in the labor force from 1996 to 2006. The projected 1.0 percent labor force growth for 2004-2014 will be below the average labor force growth rate of the 1950s and well below the 2.7 percent average annual labor force growth rate of the 1970s. Recent and projected labor force growth includes the effects of both native population growth and growth from immigration. At 49.7 percent of labor force growth since 2002, immigrant workers comprise an important component of overall labor force growth and of our capacity to maintain growing national output.

Median weekly earnings of foreign-born full-time wage and salary workers are about three-fourths those of native-born workers. The differences in foreign-born and native-born earnings vary notably by demographic characteristics. Median weekly earnings of Hispanic foreign-born workers are about 75.1 percent of the earnings of native-born Hispanics, while there is essentially no difference between the earnings of foreign- and native-born non-Hispanics. Hispanic foreign-born workers tend to be concentrated in jobs with low educational requirements. Non-Hispanic foreign-born workers are employed across more occupations with a broader range of educational requirements.

Not surprisingly, the earnings differences between foreign-born and native-born workers are much less pronounced at higher levels of educational attainment. Foreign-born workers with at least a bachelor's degree had about identical median weekly earnings as native-born college graduates in 2006.

Thank you for the opportunity to share this summary of labor market information with you today. I hope it is helpful to your deliberations. I will be pleased to address your questions.

Ms. LOFGREN. Dr. Bird, it is helpful. Thank you very much.

Mr. Hoefer?

TESTIMONY OF MICHAEL HOEFER, DIRECTOR OF THE OFFICE OF IMMIGRATION STATISTICS (OIS), U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. HOEFER. Good afternoon, Madam Chairwoman, Ranking Member King, and distinguished Members of the Subcommittee. Thank you for the opportunity to discuss the role of the Office of Immigration Statistics, OIS, at the U.S. Department of Homeland Security, to provide an overview of our recent immigrant population estimates and to answer any additional questions you may have.

OIS is part of the DHS Policy Directorate and our mission is to lead the development of statistical information useful in making decisions and analyzing the effects of immigration in the United States. We publish reports each year on recent trends in legal immigration, persons naturalized, and aliens apprehended and removed from the United States. We primarily use administrative data collected through the DHS components.

We also provide analyses and estimates to support policy-makers as they work to understand immigration needs and trends before setting policy. For example, on the number of foreign residents in the United States by legal status, as already has been mentioned in most of the surveys, that information is not collected, so we need to estimate those numbers.

I want to start by briefly summarizing our recent estimates, beginning with the number of persons who may be in the United States unlawfully. We at the OIS estimate that there were approximately 10.5 million unlawful residents in the United States as of January 1, 2005, and project that there may be as many as 12 million as of today.

About 57 percent of the unlawful residents are from Mexico, and nearly half of the 12 million residents live in California, Texas, or Florida. The average annual net growth in the number of unlawful residents has been 500,000 per year since 1990. DHS has not estimated other characteristics of this difficult-to-measure population.

Turning to legal immigration, the DHS has granted lawful permanent resident status to an average of 1.1 million persons during the past 3 years. More than four out of 10 of these immigrants are immediate relatives of U.S. citizens who are admitted without limitation.

The next leading categories are family-sponsored preference immigrants at about 19 percent, employment-based preference immigrants at 17 percent, and refugees and asylees at 13 percent.

About one of four immigrants derives their status through a spouse or parent. For example, an employment principal who comes into the United States may bring their spouses and children.

We estimate there are approximately 11.6 million lawful permanent residents in the United States as of October 2004 and that 8 million were eligible to naturalize. Approximately 60 percent of those who were admitted legally during the 1970's and 1980's have naturalized as of 2005.

More recent immigrants are naturalizing sooner than earlier immigrants, though it is not known whether this will result in lifetime naturalization rates higher than 60 percent.

About 33 percent of immigrants admitted before 1986 had naturalized after 10 years, while between 45 and 50 percent of immigrants admitted from 1992 to 1995 had naturalized after 10 years of residence.

In addition to the immigrants that have been admitted and are living in the United States, there are other aliens who have applied for but are waiting to obtain lawful permanent resident status. The total number of petitioners for LPR status who are waiting to immigrate must be estimated because there is little information available on the number with an approved petition who are already in the United States or on the number with a pending petition at USCIS who may be living either inside or outside the United States.

My colleague from the State Department is going to talk about those who have approved petitions who are awaiting abroad.

Thank you, Madam Chairman, for the opportunity to testify. I am happy to answer any questions you may have.

[The prepared statement of Mr. Hoefer follows:]

PREPARED STATEMENT OF MICHAEL HOEFER

Statement for the Record
Michael Hoefer
Director
Office of Immigration Statistics
U.S. Department of Homeland Security
Before the House Committee on the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law

Hearing on Comprehensive Immigration Reform: Government Perspectives on Immigration Statistics

Wednesday 06/06/2007 - 2:00 PM
2141 Rayburn House Office Building

Introduction

Good afternoon, Madam Chairwoman, Ranking Member King, and distinguished members of the Subcommittee. Thank you for the opportunity to discuss the role of the Office of Immigration Statistics (OIS) at the U.S. Department of Homeland Security (DHS), to provide an overview of our recent immigrant population estimates, and to answer any additional questions you may have.

OIS Overview

OIS is part of the DHS Policy Directorate and our mission is to lead the development of statistical information useful in making decisions and analyzing the effects of immigration in the United States. We publish reports each year on recent trends in legal immigration, persons naturalized, and aliens apprehended and removed from the United States. We also provide analyses and estimates to support policy makers as they work to understand immigration trends before setting policy, for example, on the number of foreign residents in the United States by legal status.

Immigration Population Estimates and Trends

I want to briefly provide you a summary of recent estimates, beginning with the number of persons who may be in the United States unlawfully.

We estimate that there were approximately 10.5 million unlawful residents in the United States as of January 1, 2005, and project that there may be as many as 12 million here as of now. About 57 percent of the unlawful residents are from Mexico, and nearly half of the 12 million

residents live in California, Texas, or Florida. The average annual net growth in the number of unlawful residents has been 500,000 a year since 1990. DHS has not estimated other characteristics of this difficult to measure population.

Turning to legal immigration, the DHS has granted lawful permanent resident (LPR) status to an average of 1.1 million persons during the past three years (See Table 1). More than 4 out of 10 of these immigrants are immediate relatives of U.S. citizens who are admitted without limitation. The next leading categories are family-sponsored preference immigrants (19 percent), employment-based preference immigrants (17 percent), and refugees or asylees (13 percent). About 1 of 4 immigrants derives their status through a spouse or parent.

We estimate that there were approximately 11.6 million lawful permanent residents in the United States as of October 2004 and that 8.0 million were eligible to naturalize. Approximately 60 percent of legal immigrants admitted during the 1970's and 1980's had naturalized as of 2005 (see Chart 1). More recent immigrants are naturalizing sooner than earlier immigrants, though it is not known whether this will result in lifetime naturalization rates higher than 60 percent. About 33 percent of immigrants admitted before 1986 had naturalized after 10 years, while between 45 and 50 percent of immigrants admitted from 1992-95 had naturalized after 10 years of residence.

In addition to the immigrants that have been admitted and are living in the United States, there are other aliens who have applied for but are waiting to obtain lawful permanent resident status. The total number of petitioners for LPR status who are waiting to immigrate must be estimated because there is little information available on the number with an approved petition who are

already in the United States, or on the number with a pending petition at U.S. Citizenship and Immigration Services (USCIS) who may be living either inside or outside the United States.

Conclusion

Thank you, Madam Chairwoman, for the opportunity to testify before the Subcommittee today. I am happy to answer any questions you may have.

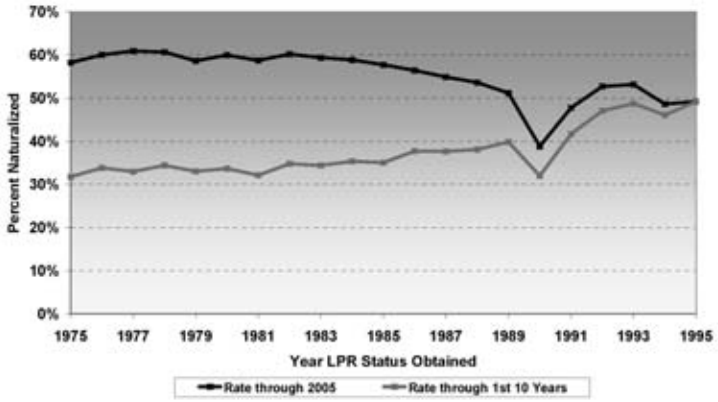
Table 1.

Average Annual Number of Persons Granted Lawful Permanent Resident Status
By Major Category of Admission and Principal/Derivative Status: Fiscal Years 2004 to 2006

	Total		Principals		Derivatives	
Category of Admission	Number	Percent	Number	Percent	Number	Percent
Total	1,115,507	100.0	842,850	100.0	272,657	100.0
Family-sponsored preferences	*216,518*	*19.4*	*134,282*	*15.9*	*82,236*	*30.2*
Unmarried sons/daughters of U.S. citizens	25,514	2.3	18,482	2.2	7,031	2.6
Spouses and children of alien residents	101,933	9.1	84,619	10.0	17,314	6.4
Married sons/daughters of U.S. citizens	24,380	2.2	7,616	0.9	16,764	6.1
Siblings of U.S. citizens	64,692	5.8	23,565	2.8	41,127	15.1
Immediate relatives of U.S. citizens	*478,810*	*42.9*	*478,443*	*56.8*	*367*	*0.1*
Spouses	283,727	25.4	283,727	33.7	0	0.0
Parents	93,363	8.4	93,363	11.1	0	0.0
Children	101,087	9.1	100,720	11.9	367	0.1
Children born abroad to alien residents	634	0.1	634	0.1	0	0.0
Employment-based preferences	*187,096*	*16.8*	*86,157*	*10.2*	*100,939*	*37.0*
Priority workers	44,327	4.0	18,223	2.2	26,104	9.6
Professionals with advanced degrees	32,347	2.9	15,540	1.8	16,807	6.2
Skilled workers, professionals, unskilled workers	101,654	9.1	48,128	5.7	53,526	19.6
Special immigrants	8,360	0.7	4,128	0.5	4,232	1.6
Investors	408	0.0	138	0.0	270	0.1
Diversity programs	*46,930*	*4.2*	*24,358*	*2.9*	*22,571*	*8.3*
Refugees and Asylees	*143,549*	*12.9*	*78,878*	*9.4*	*64,671*	*23.7*
Refugee adjustments	91,099	8.2	51,042	6.1	40,057	14.7
Asylee adjustments	52,449	4.7	27,836	3.3	24,614	9.0
Other categories	*42,604*	*3.8*	*40,731*	*4.8*	*1,873*	*0.7*

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2004 to 2006.

Chart 1. Cumulative Naturalization Rates Through 2005 for Legal Permanent Residents (LPRs) Ages 16 Years and Over by Year LPR Status Obtained: 1975-1995



Ms. LOFGREN. Thank you.

We will turn now to Mr. Oppenheim.

TESTIMONY OF CHARLES OPPENHEIM, CHIEF, VISA CONTROL AND REPORTING DIVISION, U.S. DEPARTMENT OF STATE

Mr. OPPENHEIM. Hello. Chairwoman Lofgren, Ranking Member King, and distinguished Members of the Committee, it is a pleasure to be here this afternoon to answer your questions and provide an overview of the immigrant visa control and reporting program which is operated by the Department of State.

The Department of State is responsible for administering the provisions of the Immigration and Nationality Act which relate to the numerical limitations on immigrant visa number use, and I will briefly describe that process.

At the beginning of each month, the Visa Office receives a report from each consular office abroad listing the total of documentarily qualified immigrants who are subject to numerical limitation. These cases are provided by foreign state chargeability, preference, class, and priority date.

The foreign state chargeability refers to the per country limitation to which the immigrant visa applicant will be charged and is generally the foreign state or dependent area to which the applicant was born. Exceptions are provided for a child or a spouse to prevent the separation of family members, as well as for an applicant born in the United States or in a foreign state of which neither parent was a native or resident.

Alternate chargeability is desirable in the issuance of visas when a parent or spouse has a more advantageous place of birth than that of the applicant's. The preference is the visa class established by the Immigration and Nationality Act to which the applicant may be assigned based on relationship to U.S. citizens, legal permanent residents or employment status.

Immigrant classifications fall into two basic categories: unlimited, such as immediate relatives, and numerically limited, such as family employment cases. The preference classes which are being discussed today are strictly the numerically limited.

The priority date is normally the date on which the petition to accord the applicant immigrant status was filed.

The Visa Office subdivides the annual preference and foreign state limitations specified by the Immigration Nationality Act into monthly allotments. The totals of qualified applicants which have been reported to the Visa Office are compared each month with the numbers available for the next regular allotment.

The determination of visa number availability requires the consideration of several variables. These include past number use, estimates of future number use, return rates, and estimates of U.S. Citizenship and Immigration Services demand based on cut-off date movements.

If sufficient numbers are available in a particular category to satisfy all qualified demand, the category is considered "current." For example, if the monthly allocation target is 10,000 and we only have 5,000 applicants, then the category can become "current."

Whenever the total of qualified applicants in a category exceeds the supply of numbers available for a particular month, the cat-

egory is considered to be "oversubscribed," and a visa availability cut-off date is established. The cut-off date is the priority date of the first qualified applicant who could not be accommodated for a visa number that month.

For example, if the monthly target were once again 10,000 and we had 25,000 applicants, then we would need to establish a cut-off date so that only 10,000 numbers would be allocated, and the cut-off date would be the priority date of the 10,001st applicant. Therefore, only persons with a priority date earlier than the established cut-off date are entitled to allotment of a visa number.

Once the above factors have been taken into consideration, the cut-off dates for the following month are established. They are immediately transmitted to overseas posts and the U.S. Citizenship and Immigration Services Office and are also published in the "Visa Bulletin" and online at the consular affairs Web site.

I have submitted a copy of the latest "Visa Bulletin" for the record.

Visa allotments for the month that are transmitted to posts must be returned if they are not used, and the numbers are provided in priority date order with the oldest reported first.

Citizenship and Immigration Services Office requests are based on an adjustment of status cases for which all clearance processing has been completed.

The National Visa Center, which is located in Portsmouth, New Hampshire, provides administrative support for the U.S. embassies and consulates abroad that process immigrant visas. Approved immigrant visa petitions are sent by the U.S. Citizenship and Immigration Services directly to this center for initial screening, record-keeping instructions to visa applicants prior to being forwarded to overseas posts for further processing.

If an applicant's party date does not allow the case to be forwarded overseas, then the petition is stored at the center.

As of March 27, 2007, over 2.7 million active family immigrant cases were on file at the National Visa Center and almost 60,000 employment-based applicants were on file at the center. These totals include both principal applicants and their derivatives and spouses since each requires the use of a visa number.

I thank you for the opportunity to testify today and would welcome any questions.

[The prepared statement of Mr. Oppenheim follows:]

PREPARED STATEMENT OF CHARLES OPPENHEIM

U.S. House of Representatives
Committee on the Judiciary
Subcommittee ou Immigration, Citizeuship, Refugees, Border Security, and Iuternational Law

Hearing on Comprehensive Immigration Reform: Government Perspectives on Immigration Statistics

Testimony of Charles Oppenheim
Chief, Immigrant Control and Reporting Division
Visa Services Office
U.S. Department of State

June 6, 2007
2:00 p.m.
2141 Rayburn House Office Building

Chairman Lofgren, Ranking Member King, and distinguished members of the Committee, it is a pleasure to be here this afternoon to answer your questions and provide an overview of our immigrant visa control and reporting program operated by the U.S. Department of State.

The Department of State is responsible for administering the provisions of the Immigration and Nationality Act (INA) related to the numerical limitations on immigrant visa issuances.

At the beginning of each month, the Visa Office (VO) receives a report from each consular post listing totals of documentarily-qualified immigrant visa applicants in categories subject to numerical limitation. Cases are grouped in three different categories: 1) foreign state chargeability, 2) preference, and 3) priority date.

Foreign state chargeability for visa purposes refers to the fact that an immigrant is chargeable to the numerical limitation for the foreign state or dependent area in which the immigrant's place of birth is located. Exceptions are provided for a child (unmarried and under 21 years of age) or spouse accompanying or following to join a principal to prevent the separation of family members, as well as for an applicant born in the United States or in a foreign state of which neither parent was a native or resident. Alternate chargeability is desirable when the visa cut-off date for the foreign state of a parent or spouse is more advantageous than that of the applicant's foreign state.

As established by the Immigration and Nationality Act, preference is the visa category that can be assigned based on relationships to U.S. citizens or legal permanent residents. Family-based immigration falls under two basic categories: unlimited and limited. Preferences established by law for the limited category are:

Family First Preference (F1): Unmarried sons and daughters of U.S. citizens and their minor children, if any.

Family Second Preference (F2): Spouses, minor children, and unmarried sons and daughters of lawful permanent residents.

Family Third Preference (F3): Married sons and daughters of U.S. citizens and their spouses and minor children.

Family Fourth Preference (F4): Brothers and sisters of U.S. citizens and their spouses and minor children provided the U.S. citizen is at least 21 years of age.

The Priority Date is normally the date on which the petition to accord the applicant immigrant status was filed, generally with U.S. Citizenship and Immigration Services (USCIS).

VO subdivides the annual preference and foreign state limitations specified by the INA into monthly allotments. The totals of documentarily-qualified applicants which have been reported to VO are compared each month with the numbers available for the next regular allotment. The determination of how many numbers are available requires consideration of several variables, including: past number use; estimates of future number use and return rates; and estimates of USCIS demand based on cut-off date movements. Once this consideration is completed, the cut-off dates are established and numbers are allocated to reported applicants in order of their priority dates, the oldest dates first.

If there are sufficient numbers in a particular category to satisfy all reported documentarily-qualified demand, the category is considered "Current." For example: If the monthly allocation target is 10,000, and we only have 5,000 applicants, the category can be "Current."

Whenever the total of documentarily-qualified applicants in a category exceeds the supply of numbers available for allotment for the particular month, the category is considered to be "oversubscribed" and a visa availability cut-off date is established. The cut-off date is the priority date of the first documentarily-qualified applicant who could not be accommodated for a visa number. For example, if the monthly target is 10,000 and we have 25,000 applicants, then we would need to establish a cut-off date so that only 10,000 numbers would be allocated. In this case, the cut-off would be the priority date of the 10,001st applicant.

Only persons with a priority date earlier than a cut-off date are entitled to allotment of a visa number. The cut-off dates are the 1st, 8th, 15th, and 22nd of a month, since VO groups demand for numbers under these dates. (Priority dates of the first through seventh of a month are grouped under the 1st, the eighth through the 14th under the 8th, etc.)

VO attempts to establish the cut-off dates for the following month on or about the 8th of each month. The dates are immediately transmitted to consular posts abroad and USCIS, and also published in the Visa Bulletin and online at the website www.travel.state.gov. Visa allotments for use during that month are transmitted to consular posts. USCIS requests visa allotments for adjustment of status cases only when all other case processing has been completed. I am submitting the latest Visa Bulletin for the record or you can click on: Visa Bulletin for June 2007.

BACKGROUND INFORMATION ON THE SYSTEM AND CLARIFICATION OF SOME FREQUENTLY MISUNDERSTOOD POINTS:

Applicants entitled to immigrant status become documentarily qualified at their own initiative and convenience. By no means has every applicant with a priority date earlier than a prevailing cut-off date been processed for final visa action. On the contrary, visa allotments are made only on the basis of the total applicants reported "documentarily qualified" (or, theoretically ready for interview) each month. Demand for visa numbers can fluctuate from one month to another, with the inevitable impact on cut-off dates.

If an applicant is reported documentarily qualified but allocation of a visa number is not possible because of a visa availability cut-off date, the demand is recorded at VO and an allocation is made as soon as the applicable cut-off date advances beyond the applicant's priority date. There is no need for such applicant to be reported a second time.

Visa numbers are always allotted for all documentarily-qualified applicants with a priority date before the relevant cut-off date, as long as the case had been reported to VO in time to be included in the monthly calculation of visa availability. Failure of visa number receipt by the overseas processing office could mean that the request was not dispatched in time to reach VO for the monthly allocation cycle, or that information on the request was incomplete or inaccurate (e.g., incorrect priority date).

Allocations to Foreign Service posts outside the regular monthly cycle are possible in emergency or exceptional cases, but only at the request of the office processing the case. Note that, should retrogression of a cut-off date be announced, VO can honor extraordinary requests for additional numbers only if the applicant's priority date is earlier than the retrogressed cut-off date.

Not all numbers allocated are actually used for visa issuance; some are returned to VO and are reincorporated into the pool of numbers available for later allocation during the fiscal year. The rate of return of unused numbers may fluctuate from month to month, just as demand may fluctuate. Lower returns mean fewer numbers available for subsequent reallocation. Fluctuations can cause cut-off date movement to slow, stop, or even retrogress. Retrogression is particularly possible near the end of the fiscal year as visa issuance approaches the annual limitations.

Per-country limit: The annual per-country limitation of 7 percent is a cap, which visa issuances to any single country may not exceed. Applicants compete for visas primarily on a worldwide basis. The 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. A portion of the numbers provided to the Family Second preference category is exempt from this per-country cap. The American Competitiveness in the Twenty-First Century Act (AC21) removed the per-country limit in any calendar quarter in which overall applicant demand for Employment-based visa numbers is less than the total of such numbers available.

Applicability of Section 202(e): When visa demand by documentarily-qualified applicants from a particular country exceeds the amount of numbers available under the annual numerical limitation, that country is considered to be oversubscribed. Oversubscription may require the establishment of a cut-off date which is earlier than that which applies to a particular visa

category on a worldwide basis. The prorating of numbers for an oversubscribed country follows the same percentages specified for the division of the worldwide annual limitation among the preferences. (Note that visa availability cut-off dates for oversubscribed areas may not be later than worldwide cut-off dates, if any, for the respective preferences.)

The committee submitted several questions that fell outside of VO's area of work, therefore, I have provided in my written testimony today the answers only to those questions that the Department of State can answer. Thank you for this opportunity.

ATTACHMENT

Visa Bulletin

Number 106
Volume VIII
Washington, D.C.

VISA BULLETIN FOR JUNE 2007

A. STATUTORY NUMBERS:

1. This bulletin summarizes the availability of immigrant numbers during June. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Bureau of Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by May 11th in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date earlier than the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date. 2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First : Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second : Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third : Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth : Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

First : Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second : Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third : Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers".

Fourth : Certain Special Immigrants: 7.1% of the worldwide level.

Fifth : Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is earlier than the cut-off date listed below.)

Fam-ily	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPP-INES
1st	01JUN01	01JUN01	01JUN01	01JAN91	22APR92
2A	22APR02	22APR02	22APR02	01MAY01	22APR02
2B	01DEC97	01DEC97	01DEC97	08MAR92	01OCT96
3rd	15MAY99	15MAY99	15MAY99	08FEB88	01JAN85
4th	08JUN96	08JAN96	22JAN96	15JUL94	01MAR85

*NOTE: For June, 2A numbers EXEMPT from per-country limit are available to applicants from all countries with priority dates earlier than 01MAY01. 2A numbers SUBJECT to per-country limit are available to applicants chargeable to all countries EXCEPT MEXICO with priority dates beginning 01MAY01 and earlier than 22APR02.

(All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIP-PINES
Employ-ment -Based					
1st	C	C	C	C	C
2nd	C	01JAN06	01APR04	C	C
3rd	01JUN05	01JUN03	01JUN03	01JUN03	01JUN05
Other Workers	01OCT01	01OCT01	01OCT01	01OCT01	01OCT01
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
Iraqi & Afghani Translators	18SEP06	18SEP06	18SEP06	18SEP06	18SEP06
5th	C	C	C	C	C
Targeted Employ-ment Areas/ Regional Centers	C	C	C	C	C

The Department of State has available a recorded message with visa availability information which can be heard at: (area code 202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

Employment Third Preference Other Workers Category: Section 203(e) of the NACARA, as amended by Section 1(e) of Pub. L. 105 - 139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW 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 the NACARA program. Since the EW cut-off date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides a maximum of up to 55,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA program. **This reduction has resulted in the DV-2007 annual limit being reduced to 50,000**. DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For June, immigrant numbers in the DV category are available to qualified DV-2007 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	27,000	Except: Egypt:

		21,800 Ethiopia: 18,900 Nigeria: 14,600
ASIA	6,800	
EUROPE	19,000	Except: Ukraine 11,850
NORTH AMERICA (BAHAMAS)	7	
OCEANIA	1,100	
SOUTH AMERICA, and the CARIBBEAN	1,750	

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2007 program ends as of September 30, 2007. DV visas may not be issued to DV-2007 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2007 principals are only entitled to derivative DV status until September 30, 2007. DV visa availability through the very end of FY-2007 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN JULY

For July, immigrant numbers in the DV category are available to qualified DV-2007 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	**All DV Chargeability Areas Except Those Listed Separately**	

AFRICA	35,500	Except: Egypt: 22,600 Ethiopia 22,900 Nigeria 16,150
ASIA	7,750	
EUROPE	23,000	Except: Ukraine 13,000
NORTH AMERICA (BAHAMAS)	12	
OCEANIA	1,800	
SOUTH AMERICA, and the CARIBBEAN	2,500	

D. EMPLOYMENT THIRD PREFERENCE "OTHER WORKER" CATEGORY FOR JUNE

A few "Other Worker" numbers which had been allocated for April were returned unused at the end of the month. As a result, a very small June allocation has been possible, for applicants with priority dates before October 1, 2001. The category will become "Unavailable" once again beginning in July and will remain so for the remainder of FY-2007.

E. EMPLOYMENT-BASED VISA AVAILABILITY DURING THE COMING MONTHS

The current level of demand in many of the Employment-based categories has been much lower than anticipated. As a result, the June cut-off dates have been advanced significantly in an effort to maximize number use under the annual numerical limits. At this time it appears likely that there will be additional advances during the coming months.

All readers should be aware that such cut-off date movements should allow for action to be finalized on a significant number of Citizenship and Immigration Services adjustment

of status cases. Once that level of demand begins to exceed the supply of available numbers it will be necessary to make "adjustments" to the cut-off dates. At this time is in not possible to estimate when this is likely to occur, but it is expected.

The Department of State also has available a recorded message with visa cut-off dates which can be heard at: (area code 202) 663-1541. The recording is normally updated by the middle of each month with information on cut-off dates for the following month.

Ms. LOFGREN. Thank you very much, Mr. Oppenheim.

And thanks to all of the witnesses.

We will now begin questions, and I will begin with some questions that I don't know, hopefully you can answer.

Dr. Wasem, looking at your Figure 7, trends in family-based immigration, you outline the growth in the immediate relative category.

And I remember during the markup of the 1996 Act there was a discussion, just a little trip down memory road, on what kind of constraints would be put on the spouses of American citizens. And one of the most conservative Members of the Committee all of the sudden said, "Wait a minute. We are not going to do that. It has not ever been the job of the Federal Government to tell American citizens who they get to marry."

And that is really the origin, I think, philosophically, of the immediate relative category, that Americans are free to fall in love and marry whoever they want. But it is a slightly different issue with parents.

Are you able to separate out the parents from the spouses, minor children, in that graph?

Ms. WASEM. I do not have that data with me. I don't know if Michael might.

Ms. LOFGREN. Do you have it, Mr. Hoefer?

Mr. HOEFER. In my testimony there is a Table 1, which shows the average annual numbers from 2004 to 2006, so it is recent data. But out of an average of 478,000 immediate relatives that come in each year of those 3 years, 93,000 were parents, 284,000 approximately——

Ms. LOFGREN. Of the immediate relatives?

Mr. HOEFER. Yes, were spouses, and 101,000 were children.

Ms. LOFGREN. Okay, that is very helpful. I overlooked that.

Let me ask you, Mr. Hoefer, you mentioned naturalization rates are going up, and we had a discussion here several hearings ago when one of the witnesses suggested that the rate of naturalization was actually declining.

Mr. HOEFER. I think probably part of the confusion here is I am talking about people who are legal immigrants.

Ms. LOFGREN. Who are able.

Mr. HOEFER. Who are able. So if you are looking at population data, such as through the Census or the American Communities Survey, it includes illegal aliens, it includes people who aren't eligible.

Ms. LOFGREN. So your percentage is of the people who are legally able to apply to become a citizen, that rate is increasing.

Mr. HOEFER. That is right.

Ms. LOFGREN. Okay. That is helpful. Thank you.

Dr. Wasem, your Figure 14, I am wondering if we have this data. In the 1986 chart, it lists North and South America together as 23 percent, but in 2005 it shows, by the way, that immigration from Mexico is dropping substantially, as a percentage——

Ms. WASEM. As a percentage.

Ms. LOFGREN [continuing]. As a percentage, from 69 percent to 56 percent. But Latin America is now a separate category, and inexplicably Canada is linked with Europe.

Do we know if those are apples to apples instead of apples to oranges, how those trends go?

Ms. WASEM. I don't. These were estimates, because the 1986 data was done by different researchers using the same basic methodological approach and data sources, but they did cut the regions of the countries and the world differently.

Ms. LOFGREN. Does anybody else have that, or could it be easily obtained? I don't want to create a huge workload, but if there is a figure that is readily available, I would appreciate it.

Ms. WASEM. If it was readily available, I probably would have used it.

Ms. LOFGREN. I see.

Mr. HOEFER. You are referring to illegal as opposed to legal immigrants?

Ms. LOFGREN. Yes.

Mr. HOEFER. I have some data here that I can share with you for 2000 versus 2005, but that is——

Ms. LOFGREN. Perhaps after the hearing, that can be provided.

I am interested in the inadmissibility grounds on Figure 16. By far, the greatest on the bar chart is immigration violations. And I am interested—I am sure it is many things, but one of the questions that people have suggested is that the 3-and 10-year bars actually ended up being a substantial issue for immediate relatives. And you hear that the waivers are backing up and the like.

Can you address that, Mr. Oppenheim? Do you know the answer?

Mr. OPPENHEIM. Not specifically on that. I could get back to you with the data.

Ms. LOFGREN. I would appreciate that.

Do you know, Dr. Wasem, on Figure 16?

Ms. WASEM. I do not know. I am looking at my tables in the appendices, where I have some trend lines from 2000, 2002. And this is something that has changed over time in terms of the difference it makes, but I haven't gone far enough back.

Ms. LOFGREN. Well, again, I don't want to give a major research project to any of you, but if you have that information readily available, I would be very interested in receiving it.

I just note, when we were at Ellis Island, before the hearing we went through a tour of the museum, and I wish I had taken a picture of it, but there was a plaque, and it said, in the year 1902, the population of the cities of New York, Chicago, St. Louis and several others—I don't remember all of them—75 percent of the population of those cities were either immigrants or the children of immigrants.

Is that true in any city in America today? Do you know?

Ms. WASEM. I wouldn't be surprised. I don't know.

Ms. LOFGREN. That is a surprise question. Perhaps the answer can come later.

Ms. WASEM. Yes. It is worth looking up, though. We could look that up.

Ms. LOFGREN. Mr. King, it is your turn for 5 minutes.

Mr. KING. Thank you, Madam Chair.

You have piqued my interest on a number of things here, the witnesses as well as the questioning you had. And I probably have a picture of that, if I could dig through my files.

I would first turn to Mr. Hoefer, because I recall some numbers that were brought before this panel some time, a couple of weeks ago, with regard to the naturalization rate. And your testimony stated that U.S. census naturalization rates included also illegal population that were not eligible for naturalization.

And the numbers that we had before this panel a couple of weeks ago were that in 1970 there was an 82 percent naturalization rate, and that incrementally dropped from 82 percent down to the year—each census year, 1970, 1980, 1990 and 2000. By the year 2000, they had gone down to a 13 percent naturalization rate.

And so, as I hear your testimony on this, it would be an important distinction if one included illegal immigrants. And yet when I look at USCIS's report and it states here clearly that for the year 2002—and remember, the year 2000 had 13 percent naturalization rate had gone from 82 percent to 13 percent over that 30-year period.

But 2002, the numbers show this: LPR population, 2002, 11.4 million; population eligible to naturalize, 2002, 7.8 million; number of persons naturalized in fiscal year 2002, 573,000, which rolls out to be 7.3 percent.

So that would indicate that the eligible population numbers from USCIS did not include those that were not eligible for naturalization.

How would you respond to those numbers from USCIS?

Mr. HOEFER. Well, everything you said was true.

What we have done to get these naturalization rates is follow cohorts through time. So we looked at people that became in 1970, 1980 and followed them through time and matched them with their naturalization record.

When you look at a point in time, you are looking at, if you use Census data, you are looking at people who are illegal. The CIS report that you were mentioning, there are many people over time that don't naturalize, but eventually we find that about 60 percent do. So some of those people, the 8 million, they are just newly eligible, so they haven't naturalized yet. It takes them time.

What we find is about half of those who are going to naturalize do so within the first 10 years, but there are people that naturalize——

Mr. KING. That is by their own report, though, if I also hear you testimony on that.

Mr. HOEFER. Yes.

Mr. KING. And this USCIS report would be statistically those that are eligible for naturalization. The user survey numbers are——

Mr. HOEFER. No, they are not. What we have done is we have matched the individual record of legal immigration to the individual record of naturalization.

Mr. KING. Would you then disagree with a conclusion that one can draw from USCIS's report that it goes from 82 percent in 1970 down to 7 percent in the year 2002?

Mr. HOEFER. I don't think that the USCIS report says that.

Mr. KING. I have got it here, and I would be happy to introduce it into the record. I ask unanimous consent to do so.

Mr. HOEFER. Okay.

Mr. KING. But I would just say that I really wish we didn't have this kind of a trend to look at. And even if we are looking at, whatever is a number between yours and mine, it is a bad sign from an assimilation prospect that we don't see more enthusiasm for naturalization. That is the conclusion that I would draw, and maybe draw a truce there on that disagreement.

Mr. HOEFER. Respectfully, I believe the naturalization rate is increasing, and what is happening is that people do emigrate and leave the country. I think the census data shows people who immigrated in 1980 who are still here, and many of those people do naturalize. So that is the reason you see that trend going down.

But it really, if you look at the cohorts, the naturalization rate is——

Mr. KING. We will have both numbers in the record, Mr. Hoefer, and I appreciate your position on this.

And I turn to our economic analyst here, Mr. Bird, and I want to put a little philosophy out there to you. And since you are an analyst, not just a person who reports statistics but someone who can analyze it, would you agree or disagree with this statement that I am about to make, and that is that the sum total of the economic strength of a Nation is directly proportional to the average individual productivity of its people?

Mr. BIRD. Well, I think that is a reasonable statement to make. Human capital is a very important part of the total productive assets of a Nation. And certainly our prosperity, our ability to grow, to produce the goods and services we produce, depends on our productivity, and that depends on both our physical capital and our human capital.

Right now, today, or in the latest data I have calculated is 2004, we produce about $40, a little over $40 of output per hour of effort in America, and that is almost the highest in the world, and that is the product of our human and physical capital, combined effort.

Mr. KING. I have a follow-up question in writing. I have to yield back to the Chair.

Ms. LOFGREN. The gentleman's time has expired.

The gentleman from California, Mr. Lungren?

Mr. LUNGREN. Thank you very much.

Dr. Bird, one of the things that has bedeviled me for a long time, from the first time I was in Congress to this time in Congress, is the significantly higher unemployment rates we have in the African-American community than the rest of the community, and particularly with young, Black males.

When I was in my other job as attorney general of California, the figure was often brought up to me that we have a disproportionate percentage of young, Black males that are incarcerated. And as we would examine that problem, one of the suggestions was a lack of economic opportunity.

I would like to ask a question about whether you have given us some figures about the overall African-American unemployment rate. Do you have the unemployment rate for males, 20 to 35, in the various categories that you have that is White, African-American, Asian and Hispanic?

Mr. BIRD. I do not have those numbers with me today, but they are available, and I could provide those.

Mr. LUNGREN. Would it be correct to say that African-American unemployment for males from 20 to 35 is significantly higher than that for Whites and for Asians?

Mr. BIRD. I would presume that may be the case, yes.

Mr. LUNGREN. Do you have any figures that break down according to industry? I would be very interested in the construction industry.

Mr. BIRD. Congressman, there is data that can be compiled, and some of this is already tabulated routinely by the Bureau of Labor and Statistics, that reports from the current population survey the percentage of people who are unemployed with respect to their previously reported industry. That could be compiled.

Mr. LUNGREN. Let me tell you where I am trying to go, and maybe you can give me some help on where I would get the proper information.

Back in the early 1970's, I worked in construction while I was going to law school, and it was in southern California. And it was unusual on the construction job site, at least from my observation in southern California, for people who were speaking other than English and were Hispanic, and in some cases, just because of conversations I had with them, were in this country without the benefit of papers.

We had Hispanics working in the workforce, but they were second and third generation in construction, and it appeared to me, and maybe I am wrong, that African-Americans were a higher percentage in the workforce in construction then than they are now.

And again, this anecdotal. Now it appears to me we have a far greater percentage of Spanish-speaking individuals in the construction trades than we had then, a significant increase in that. Obviously I don't go around and ask people, you know, are you here legally or not here legally, but it has been suggested to me that a significant percentage are here illegally.

And as I look at an immigration fix, I am one of those who believes we have to have a temporary worker program. I think we have proven that we need that in the area of agriculture. But I am one of those who believes that perhaps you could show a loss of job or job opportunity for the African-American community, particularly young males in construction, as a result of the presence of illegal aliens in the United States.

I don't have data to try and be able to assess that. Could you give me some help as to what data might be available so at least I could have something to look at to see whether the trends are in the direction I think they are or whether my assumptions or conclusions have no merit?

Mr. BIRD. Well, of course at this time I don't have any data with me to answer whether your presumption is correct or not. However, at least some of what you are asking for I believe can be addressed by looking at our current population survey and perhaps some other data survey sources with our colleagues at Bureau of Labor and Statistics. And I would be happy to work with your staff subsequently to develop that and get that to you.

Mr. LUNGREN. I would appreciate that. That would help us, because we are in a very controversial, to say the least, controversial subject here. And one of the elements of it is a temporary worker

program, and one of those elements is what kind of a temporary worker program.

And as you analyze it, you hear those that say illegal immigration has no impact whatsoever on job opportunities for native-born Americans or Americans who are here on a legal basis and other who say it has everything to do with it.

And I have a sense of what I believe is true based on my own observations and anecdotal information, but I don't have any raw data or examined data.

Mr. BIRD. The data that I am thinking about will not address the documented versus undocumented. But it may be possible to develop some data that addresses the construction industry in particular in terms of race, ethnicity, foreign-born status——

Mr. LUNGREN. What about native-born versus——

Mr. BIRD. Native-born versus foreign-born status, perhaps, but not going back as far because that distinction has not been collected in the data except since 1997, I believe, so we have a shorter time frame there on that, and the ethnicity has not been collected for that every year.

Mr. LUNGREN. Thank you very much, Madam Chair, and I hope that we can work with you.

Ms. LOFGREN. The gentleman's time is expired. And, really, all time is expired.

I would like to thank these witnesses.

I will note that, without objection, Members will have 5 legislative days to submit additional written questions to each of you, and the Committee will forward those questions. We ask that you answer as promptly as you can.

I will just note, Mr. Hoefer, that you didn't have a copy of the document that the Ranking Member—I am not faulting the Ranking Member, but I would like to send that to you and ask you to just give us your answer in writing.

Mr. HOEFER. Certainly.

Ms. LOFGREN. And we will share it with all the Members.

I would note that we have had a series of hearings since February, 15 hearings, and this hearing today has helped us with the statistics and some of the numbers. I think that at this point, although I went into this proces thinking that I knew something, and I did, I certainly have learned some things as well.

And the testimony of a great number of enormously intelligent and scholarly people are posted on our Web site. Anybody who wants to get an education on this subject is invited to check it out.

At this point, we are hoping that we are able to move forward. I hope that we are able to move forward with comprehensive immigration reform. Your testimony today has been a part of that, and we thank you very much.

This hearing is adjourned.

[Whereupon, at 4:19 p.m., the Subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND MEMBER, SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

Today we continue these series of hearings dealing with comprehensive immigration reform. This subcommittee previously dealt with the shortfalls of the 1986 and 1996 immigration reforms, the difficulties employers face with employment verification and ways to improve the employment verification system. On Tuesday May 1, 2007 we explored the point system that the United Kingdom, Canada, Australia, and New Zealand utilize, and on May 3, 2007 the focus of the discussion was on the U.S. economy, U.S. workers and immigration reform. Last week we took a look at another controversial aspect of the immigration debate, family based immigration. Today we continue the vital task of eliminating the myths and seeking the truth. Last Wednesday's hearing dealt with probably the most crucial aspect underlying the immigration debate, an immigrant's ability to integrate, and assimilate into American society. Last Thursday we tackled another pressing topic, the practical issue of the impact of immigration on States and Localities. On Friday May 18, 2007 we discussed the issue of the "Future of Undocumented Immigrant Students," and on May 24, 2007 we examined the "Labor Movement Perspective" on comprehensive immigration reform. Today we will examine the perspectives of the business community.

Much of the rhetoric that those in the anti-immigrant camp have repeated in their efforts to deter comprehensive immigration reform is based in pure ignorance. Webster's dictionary defines ignorance as, "1. without knowledge or education. 2. Displaying lack of knowledge or education. 3. Unaware or uninformed: Oblivious." When I hear the rhetoric of those individuals in the anti-immigrant camp this very definition comes to mind, because either these individuals are actually without knowledge, willfully display a lack of knowledge, are simply uninformed, or just oblivious to the facts.

Individuals in the anti-immigrant camp consistently promote misconceptions about the undocumented population that serve this debate no justice. For example many argue that illegal immigrants are a burden on our social services, they are criminals, they are "taking" American jobs, they hate America, and they are harming our economy, and depressing the wages of American workers.

Over the last month and a half we have debunked all of these myths. Fact of the matter is that most illegal immigrants do not utilize social service programs out of fear of being detected; they have an incarceration rate that does not compare to those of Native born individuals; the concept that they are taking jobs conflicts with all the data that suggest that there is a labor shortage in the agriculture, construction, and service industries; individuals who come here to live the American dream cherish the opportunity and their children are as American as apple pie; and we have heard testimony before this subcommittee that illustrates the fact that immigration benefits our economy, and the impact of immigration on wages is small if any.

Along those same lines the biggest dispute regarding immigration statistics is the actual number of undocumented workers who are present here in the United States, the estimates range from 12 million to 20 million. We will hear testimony from Dr. Ruth Ellen Wasem from the Congressional Research Service who will help us discover the truth. For example, according to the Census Bureau there were 36 million foreign born people who resided in the United States in 2005. A further look at this population reveals that 34.7% of these individuals were naturalized, 32.7% were Legal Permanent Residents, 2% were temporary, and 30.7% were unauthorized. These statistics seem to verify the fact that there are about 12 million undocu-

mented workers here in the United States as opposed to 20 million. I look forward to the testimony of our witnesses, Madam Chair I yield back my time.

LETTER TO THE HONORABLE ZOE LOFGREN, CHAIRWOMAN, SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW, FROM A MAJORITY OF THE MINORITY MEMBERS OF THE SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW REQUESTING A MINORITY DAY OF HEARING

JOHN CONYERS, JR., Michigan
CHAIRMAN

LAMAR S. SMITH, Texas
RANKING MINORITY MEMBER

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515–6216
One Hundred Tenth Congress

June 6, 2007

Honorable Zoe Lofgren
Chairwoman
Subcommittee on Immigration, Citizenship,
Refugees, Border Security, & International Law
102 Cannon House Office Building
Washington, DC 20515

Dear Chairwoman Lofgren,

Pursuant to House Rule XI clause (2)(j)(1), we hereby request that the minority Members of the Subcommittee on Immigration, Citizenship, Refugees, Border Security & International Law be granted a minority day of hearing on matters relating to government perspectives on immigration statistics.

Although the testimony of the government panel you have assembled will likely be valuable, it is essential that the Committee examine other perspectives. We feel that a minority day is our only option to ensure that we create a balanced record.

Pursuant to the House Rules, you will find the signatures of a majority of the minority Members of this Subcommittee below.

Sincerely,

Steve King

Bob Goodlatte

Lamar Smith

Howard Coble

Tom Feeney

PREPARED STATEMENT OF THE THE HONORABLE DANA ROHRABACHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

I appreciate the opportunity to testify. As reliable statistics on illegal immigrants are notoriously hard to come by and verify such an open discussion as this is necessary.

Contrary to the image many are trying to promote, illegal immigration has had a devastating financial impact on Social Security.

More than half of illegal immigrants in our country work for cash under the table. So these illegal immigrants do not pay into the Social Security system. And since they are paid cash, the employers do not pay their contribution into the Social Security system either.

Another negative effect is that jobs which could be filled by American citizens and legal immigrants are taken away. Without a pool of available illegal immigrants employers would be forced to hire legal applicants and cover them under Social Security. So Americans are losing jobs to illegal aliens who aren't paying their fair share into the Social Security system.

Corresponding to this, a flow of illegal labor into our country brings down wages in general. Employers who might have paid $10 or $12 dollars an hour now pay lower wages, which then results in lower contributions to the Social Security system.

There are those, of course, who think the solution is to legalize all the illegals in the United States, and this will solve the Social Security crisis. In fact, legalizing the status of those here illegally will make the Social Security challenge facing America dramatically worse.

Any plan that would specifically give Social Security to those who have been working in this country is an invitation for fraud on a massive scale. What would stop anyone from claiming they worked under a false Social Security number? Hundreds of thousands of people pay into Social Security under a 000–00–0000 number, how can you prove who used that fraudulent number and who did not?

We already have a huge problem with identity theft and fraudulent identification. Allowing those who have worked illegally in the United States to participate in Social Security exponentially increases the incentive for fraud.

Another overlooked consequence is the survivors' benefits and disability aspects of the Social Security system. What would stop anyone from claiming "My spouse worked here under this false number, I am his widow, these are his children, please start sending the survivors benefits we are now entitled to."

Remember, billions of people around the world have NO retirement whatsoever. Why assume that only younger immigrants will come into the United States? Why wouldn't someone in their 50's think "I could work for ten years in the United States, and the Social Security payment would let me live well back home."

Furthermore, many people who will be legalized under several different proposals are poor and low skilled. In fact over half of illegal immigrants do not even have a high school education. The inconvenient fact is Social Security pays out more in benefits, proportionally, to lower wage workers than higher wage workers. The projections I have seen from Social Security assumes immigrants have the same general earning potential as native born Americans, and they do not. These illegal immigrants will receive far more from the system than they paid into it, creating a huge threat to the viability of the Social Security system in the long run.

The last and most significant point is this: In 1986, after being told it would only legalize about 1 million people, 3 million illegal immigrants ended up being granted amnesty. It is now 20 years later, and the current illegal immigrant estimates range from 12 to 20 million people. The 20 million figure comes, not from a government source, but from a private study conducted of the monies sent back through remittances to in Central American countries.

Is there any doubt legalizing the status of those here illegally will result in a flood of new illegal immigrants into our country. Permitting these legalized immigrants into the Social Security system will turbo-charge the flood of illegals into our country.

If we legalize 12 to 20 million people now, there will be 45 to 60 million illegal aliens here in 2027. No fence, no wall, no minefield, no system will keep illegal aliens out of the country if we give them the reasonable hope that generous government benefits, including retirement, can be theirs if they can just get across the U.S. border and wait us out. Under such a strain our Social Security system cannot survive and will collapse. Being irrationally benevolent to illegals is a crime against our own people.

PREPARED STATEMENT OF THE HONORABLE JOSEPH CROWLEY,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Thank you for inviting me here today. As you point out, I have a particular interest in the issue of immigration as the son of an immigrant as well as the grandson of immigrants. And as duly noted by Chairwoman Lofgren, Majority Whip Clyburn has appointed me as Chief Deputy Whip to work on this particular issue. Therefore, I am very happy to join you today and speak on this issue.

I strongly believe in comprehensive immigration reform and seem to have a more optimistic view of the contributions of immigrants to the United States economically. This must be about

looking forward, not backwards—looking at where we are going to be in years to come, and not where we are today.

Today, I am not here to criticize the Senate bill in any way, as they are working through it as we speak. It is, however, my hope that the Senate passes a bill so that the House can take it up, pass its bill, and move to conference in order to get real, comprehensive immigration reform passed.

As I testify before you today, I would like to highlight the Congressional Budget Office (CBO) Cost Estimate report which shows that comprehensive immigration reform is essential to the growth of our economy.

It is imperative that we pass a Comprehensive Immigration Reform bill this year in order to secure out borders, sustain a strong economic future in the United States, and ensure that our country remain a haven for those who seek freedom, opportunity, and a better life for themselves and for their families.

Immigration does not necessarily have to be a drain on the economy, as many would have you believe. Immigrants are not a drain on tax payers and the economy. In fact, they improve many aspects of our economy: adding to job creation, increasing our national revenue through greater receipts of Social Security payroll taxes, which are classified as off-budget.

Look at the jobs they fill, the money they spend, and they jobs they create. They are essential to our nation's future prosperity. As Leon Sequiera, Assistant Secretary for Policy for the U.S. Department of Labor stated, "Everyone who comes to America as an immigrant gets a job, but that doesn't mean they necessarily displace someone else in the marketplace. They may take a job that, in turn, leads to the creation of a job or two or three jobs." We have an expanding marketplace and an economy that continues to grow.

The growth of the foreign-born workforce has no produced significant adverse effects on native-born workers. Unemployment rates for all groups have gone down and wages have increased. As Mr. Sequiera pointed out, there are 4.1 million job openings in the United States, with new job vacancies opening faster than they are being filled.

At the Summit on Retirement Savings hosted by the United States Department of Labor, Alan Greenspan, the former Federal Reserve Board Chairman stated, "The larger our workforce is in the year 2010 and beyond, the easier producing goods and services for both retirees and active workers will be. Immigration policy will therefore be a key component of baby-boom retirement policy."

For example, people are not joining the workforce at the same rate as they were in the 1950s, the Baby-boom era. Economically, passing comprehensive immigration reform is essential because it will allow more individuals to join the workforce, thereby adding to our economy and the benefits we all enjoy.

This year, it was widely reported that undocumented immigrants in New York and throughout the nation filed taxes returns in record numbers to start a paper trail with the prospect of Congress overhauling our immigration system. This only proves that comprehensive immigration reform holds the promise of getting more individuals, even those without official documentation, to voluntarily pay into the system rather than remain invisible outside of it.

Undocumented immigrant workers already pay an estimated $7 billion into the Social Security system. There can be no better incentive than a common-sense immigration policy to encourage more individuals to pay taxes in the hope of getting a foothold in the climb towards naturalization. Granted, I agree that some of the undocumented workers today are paid off the books. Some use false Social Security numbers or false taxpayer I.D. numbers to pay into a system that they will not necessarily get a benefit from in the future. It has yet to be determined how we compensate the undocumented individuals in the United States who have already contributed toward the Social Security system.

Additionally, immigration will be the primary source of new skilled workers for the manufacturing sector—filling 10 million new jobs by the year 2010. An inadequate labor force would accelerate the transfer of American productive capacity and

well-paid manufacturing jobs overseas. Regardless of what Lou Dobbs says, he does not speak in facts, but peddles fear.

Look at my district, for instance. Look at my city. It is full of foreign corporations who hire Americans and assimilating immigrants alike. All of these corporations have been beneficial to our economy. As Alan Greenspan stated, "Failure to attract enough labor through immigration will result in lower gross domestic production growth by at least 3 percent in 10 years and at least 17 percent in 30 years. Immigrants were crucial to the job and labor force growth in the 1990s. Furthermore, the "New Economy" of the last decade was overwhelmingly dependent on male immigrant workers."

So in the end, Madam Chair, I applaud the work that you are doing in attempting to develop a comprehensive immigration reform bill—one that takes into account the integrity of our borders and the need to end illegal immigration as we know it today. And doing so with a practical approach that will improve the economy of the United States, the lives of the millions who are undocumented here today, who want nothing more than a better way of life for themselves, their families, and for all Americans.

"SENATE AMENDMENT 1150 TO S. 1348, THE COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007, AS AMENDED BY THE SENATE THROUGH MAY 24, 2007," A CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, PUBLISHED JUNE 4, 2007, SUBMITTED BY THE HONORABLE ZOE LOFGREN

CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

June 4, 2007

Senate Amendment 1150 to S. 1348,
the Comprehensive Immigration Reform Act of 2007

As amended by the Senate through May 24, 2007

SUMMARY

Senate Amendment (S.A.) 1150 to S. 1348, the Comprehensive Immigration Reform Act of 2007, as amended by the Senate between May 22 and May 24, would revise laws governing immigration, authorize initiatives to improve enforcement of those laws, and expand the number of legal immigrants allowed into the United States. Implementing those changes would increase both direct (or mandatory) spending and discretionary spending (spending subject to annual appropriation action). S.A. 1150 also would affect federal revenues, directly through enactment of the legislation's provisions and indirectly by increasing the size of the labor force.

CBO and the Joint Committee on Taxation (JCT) estimate that the legislation would exert a relatively small net effect on the federal budget balance over the next two decades, since additional expenditures would be mostly offset by additional revenue. In addition, CBO estimates that enacting this legislation would increase the population in the United States by about 1.8 million residents by 2017. By 2027, the net change in the population would be negligible.

Estimated Costs, 2008-2017

CBO and JCT estimate that enacting this legislation would:

- Increase federal direct spending by $10 billion over the 2008-2012 period and by $23 billion over the 2008-2017 period. Most of those outlays would be for refundable income tax credits and Medicaid.

- Increase federal revenues by $15 billion over the 2008-2012 period and by $48 billion over the 2008-2017 period. That increase would stem largely from greater receipts of Social Security payroll taxes, which are classified as off-budget.

- Lead to an increase in discretionary spending (that is, spending subject to annual appropriation action) of $20 billion over the 2008-2012 period and $43 billion over the 2008-2017 period, assuming appropriation of the amounts authorized or otherwise needed to implement the legislation.

The pay-as-you-go rule in the Senate is tied to changes in on-budget direct spending and revenues. CBO and JCT estimate that the direct spending and revenue effects from the legislation would increase the on-budget deficit by an estimated $14 billion over the 2008-2012 period and by an estimated $30 billion over the 2008-2017 period.

Many policy discussions focus not on the on-budget balance but rather on the unified budget, which includes both on-budget and off-budget effects. CBO and JCT estimate that changes in direct spending and revenues from the legislation (that is, excluding additional discretionary spending associated with the legislation) would reduce unified deficits (or add to surpluses) by about $5 billion over the first five years and by $26 billion over the 10-year period. Additional discretionary spending, however, is key to the implementation of the legislation. Including the estimated discretionary outlays, S.A. 1150 would increase deficits or reduce surpluses by a total of about $15 billion over the next five years and by about $18 billion over the 2008-2017 period.

Budget Impact Beyond the First 10 Years

The net cost of the legislation would grow after 2017, as more of the affected immigrants became eligible for benefits and the per capita cost of benefits rose, but the net impact on the unified budget (including changes in both expenditures and revenues) would remain relatively small in the context of the overall budget. In particular, CBO estimates that direct spending outlays attributable to the legislation would rise from $4 billion in 2017 to between $8 billion and $10 billion in 2027. Discretionary costs would grow to $5 billion or $6 billion a year. On the other hand, the amount of additional revenues would grow as well; most such revenues are from the off-budget Social Security payroll taxes. By 2027, CBO estimates, implementing the legislation (including the necessary appropriations) would increase the unified budget deficit (or reduce any surplus) by several billion dollars a year.

Pursuant to section 203 of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, CBO and JCT estimate that changes in direct spending and revenues from enacting S.A. 1150 (as amended to date) would cause an increase in the on-budget deficit greater than $5 billion in at least one of the 10-year periods between 2018 and 2057.

Intergovernmental and Private-Sector Mandates

S.A. 1150 (as amended to date) would impose several intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). It would preempt certain state and local authority, require state, local, and tribal governments to verify the work eligibility of their employees, and impose new requirements on those governments if they seek to hire certain foreign workers.

CBO estimates that the cost, if any, to comply with the preemptions would be small. The cost to verify work eligibility of employees and to comply with new requirements for hiring certain foreign workers would depend on regulations to be developed by the Department of Homeland Security (DHS) and the Department of Labor (DOL). Until those regulations are promulgated, CBO cannot determine how much the mandates would cost or whether they would exceed the annual threshold established in UMRA ($66 million in 2007, adjusted annually for inflation).

S.A.1150 would impose several private-sector mandates, as defined in UMRA, on certain employers and individuals. [1] The amendment would require employers of workers holding H-1B visas to pay a new supplemental fee. It also would require employers to verify the employment eligibility of new hires and existing employees. In addition, S.A.1150 would require employees and individuals seeking employment to provide additional documentation in order to verify their eligibility to work in the United States. Based on the supplemental fee that employers would have to pay for H1-B visas and the number of employees whose eligibility employers would have to verify, CBO expects that the aggregate direct costs of the mandates in the amendment would exceed the annual threshold for private-sector mandates ($131 million in 2007, adjusted annually for inflation) in each of the first five years the mandates are in effect.

1. Section 4 of UMRA excludes from application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that the exclusion applies to the provisions of this legislation that would change the immigration procedures for certain unauthorized immigrant children because they address the due process rights of those children.

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ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S.A. 1150, as amended through May 24, is summarized in Table 1.

The costs of this legislation fall within budget functions 500 (education, training, employment, and social services), 550 (health), 570 (Medicare), 600 (income security), 650 (Social Security), 750 (administration of justice), and 800 (general government). The revenue effects are mostly attributable to off-budget Social Security payroll taxes.

BASIS OF ESTIMATE

For this estimate, CBO assumes that the legislation will be enacted near the end of fiscal year 2007 and that the necessary amounts will be appropriated for each fiscal year. Given the nature and extent of the enforcement and verification requirements of the legislation, CBO also assumes that the Secretary of Homeland Security would certify that those requirements are met about three years after enactment—near the end of fiscal year 2010. That certification would trigger the implementation of the guest worker program and the awarding of visas to the currently unauthorized population.

TABLE 1. SUMMARY OF ESTIMATED BUDGET EFFECTS OF S.A. 1150 AS AMENDED

	By Fiscal Year, in Billions of Dollars											
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2008-2012	2008-2017
CHANGES IN DIRECT SPENDING												
Estimated Outlays												
On-budget	-0.1	0.8	3.3	3.7	2.0	1.4	1.8	2.1	2.7	3.9	9.7	21.5
Off-budget	*	*	*	*	*	0.1	0.2	0.2	0.3	0.4	0.1	1.2
Total	-0.1	0.8	3.3	3.7	2.0	1.5	1.9	2.3	3.0	4.2	9.8	22.7
CHANGES IN REVENUES												
Estimated Revenues												
On-budget	1.3	4.2	-1.2	-5.4	-3.2	-2.4	-1.7	-0.8	-0.1	0.4	-4.3	-8.8
Off-budget	-0.4	1.6	4.7	6.1	6.9	7.5	7.8	8.0	7.8	7.1	18.9	57.1
Total	0.8	5.8	3.6	0.7	3.7	5.1	6.1	7.2	7.8	7.5	14.6	48.3
CHANGES IN SPENDING SUBJECT TO APPROPRIATION												
Estimated Authorization Level	6.5	3.2	3.6	4.1	5.2	5.3	4.1	4.2	4.3	4.4	22.6	44.9
Estimated Outlays	2.3	3.9	4.8	4.1	4.7	5.1	5.1	4.7	4.3	4.4	19.8	43.4

Notes: Components may not sum to totals because of rounding.

The changes in direct spending would affect budget authority by similar amounts.

* = less than $50 million.

Effects on the U.S. Population

S.A. 1150 contains provisions that would permit additional immigrants to enter the United States; allow certain unauthorized immigrants (sometimes referred to as undocumented or illegal aliens) now living in the United States to obtain legal immigration status, and make it more difficult for people to work in the United States without legal status. CBO estimates that enacting this legislation would increase the population in the United States by about 1.8 million residents by 2017 (see Table 2). By 2027, the net change in the population would be negligible.

TABLE 2. PROJECTED CUMULATIVE NUMBER OF INDIVIDUALS AFFECTED BY S.A. 1150 AS AMENDED (In Millions)

	2008	2012	2017	2022	2027
TOTAL INDIVIDUALS AFFECTED					
Total individuals affected					
Guest-worker program	0.1	0.8	1.7	2.3	2.9
Family-sponsored admissions	0.1	1.2	2.2	1.3	0.5
Merit-based admissions	0.1	0.6	0.9	2.0	3.0
Diversity visas	*	-0.2	-0.4	-0.7	-0.9
H-1B visas	*	0.4	0.8	1.1	1.4
Legalization of unauthorized immigrants	0.9	4.9	3.9	3.1	2.6
Legalization of agricultural workers	0.2	1.9	1.7	1.5	1.4
Enforcement provisions	*	-0.5	-1.5	-2.5	-3.6
Total	1.3	9.1	9.2	8.2	7.3
INDIVIDUALS AFFECTED WHO WOULD BE U.S. RESIDENTS UNDER CURRENT LAW					
Individuals who are or will be in the United States under current law and would change their immigration status					
Guest-worker program [a]	*	0.3	0.5	0.7	0.9
Family-sponsored admissions [b]	*	0.4	0.7	0.3	0.1
Merit-based admissions [b]	0.1	0.5	0.7	1.6	2.4
Diversity visas	*	*	*	*	*
H-1B visas [b]	0	0	0	0	0
Legalization of unauthorized immigrants [c]	0.9	4.9	3.9	3.1	2.6
Legalization of agricultural workers [c]	0.2	1.9	1.7	1.5	1.4
Subtotal	1.1	7.9	7.4	7.2	7.3
NET CHANGE IN U.S. POPULATION					
Net change in the number of individuals in the United States under S.A. 1150 as amended					
Guest-worker program	0.1	0.5	1.1	1.6	2.0
Family-sponsored admissions	0.1	0.8	1.6	1.0	0.4
Merit-based admissions	*	0.1	0.2	0.4	0.6
Diversity visas	*	-0.2	-0.4	-0.7	-0.9
H-1B visas	*	0.4	0.8	1.1	1.4
Legalization of unauthorized immigrants	0	0	0	0	0
Legalization of agricultural workers	0	0	0	0	0
Enforcement provisions	*	-0.5	-1.5	-2.5	-3.6
Subtotal	0.1	1.2	1.8	1.0	*

(Continued)

TABLE 2. CONTINUED

NOTES: The figures in this table are fiscal year averages and include dependents.
The figures for individuals newly entering the United States include children born to new entrants after their arrival.
Components may not sum to totals because of rounding.

* = an increase or decrease of fewer than 50,000.

a. CBO anticipates that most of these individuals would enter the United States illegally under current law. Under the legislation, they would enter instead as guest workers or their dependents.

b. Under current law, these individuals are in the United States already or would enter the country in the future using some type of nonimmigrant visa. The amendment would allow them to become legal permanent residents sooner than they otherwise would.

c. Information from the Pew Hispanic Center indicates that as many as 12 million unauthorized immigrants were in the United States in March 2006. CBO anticipates that one million of them would not be affected by the legislation because they will eventually become legal permanent residents under current law. We also anticipate that about 2.0 million of the unauthorized immigrants (workers and dependents) would attain legal status under the legislation through the program for agricultural workers. Of the remaining unauthorized immigrants, CBO estimates that about 60 percent would gain legal status under the legislation. The number of individuals with legal status would decline in later years due to death, emigration, and the loss of legal status for individuals who do not complete the process of becoming legal permanent residents.

The largest factor contributing to the population increase in the first 10 years would be changes in family-sponsored admissions, which would add an estimated 1.6 million legal immigrants (or children of those immigrants) to the population by 2017. That increase would occur because the amendment would raise the cap on family-sponsored visas from 226,000 (not including parents of citizens) to 567,000 for several years. Because those limits would drop to 127,000 in 2017, the population increase relative to current law would start to decline after that.

CBO estimates that another 1.1 million people would be added by 2017 as a result of the guest-worker program—about half of them authorized workers and dependents, the remainder the result of unauthorized overstays. That figure would grow to 2.0 million by 2027.

In contrast, the enforcement and verification requirements of the legislation would act to reduce the size of the U.S. population. CBO estimates that implementing those requirements would reduce the net annual flow of illegal immigrants by one-quarter, reducing the projected population by 1.5 million people in 2017 and by 3.6 million people in 2027 (including the effects on citizen children). Other aspects of the legislation are likely to increase the number of illegal immigrants—in particular, through people overstaying their visas from the guest-worker and H-1B programs. CBO expects that the enforcement measures and the higher number of overstayers would, on net, diminish the number of unauthorized immigrants by about 500,000 in 2017 and about 1.3 million in 2027.

Direct Spending

CBO anticipates that changes in the number and status of immigrants resulting from S.A. 1150, as amended, would increase mandatory spending for a variety of federal benefit programs. Over the next 10 years, the additional spending would be primarily for refundable tax credits and Medicaid, but outlays for other programs, such as Social Security, Medicare, and Food Stamps, also would rise. Several other federal programs, such as Supplemental Security Income (SSI), unemployment insurance, and student loans, would experience spending increases of lesser magnitude. Those increases would be partially offset by collections from various fees that are recorded as offsets to outlays. The impact on other mandatory programs during that period would be much smaller because those programs have fixed funding, place more restrictions on the eligibility of noncitizens, or would not experience a significant increase in spending until after 2017.

Overall, CBO and JCT estimate that enacting the legislation would reduce direct spending by $0.1 billion in 2008, but increase that spending by $22.7 billion over the 2008-2017 period. The amendment's estimated effects on direct spending are shown in Table 3.

Noncitizens' Eligibility for Federal Benefit Programs. Since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the eligibility of noncitizens for public benefit programs such as Food Stamps and Medicaid has been limited to a subset of "qualified aliens." Qualified aliens primarily include legal permanent residents (LPRs, who have been issued so-called "green cards"), refugees, and individuals who have been granted asylum. Most other categories of legal aliens—as well as all illegal immigrants—are not considered qualified aliens.

Medicaid. Medicaid coverage for noncitizens who are not qualified aliens—including unauthorized immigrants—is limited to emergency services only. Medicaid coverage is also limited to emergency services for the first five years after an individual becomes a qualified alien. After that, states have the option of providing full Medicaid benefits, and most do so. (According to the National Immigration Law Center, 44 states currently provide full Medicaid coverage to qualified aliens. The states that do not provide full coverage account for 15 to 20 percent of the nation's immigrant population.) In all of these situations, noncitizens must also meet Medicaid's other eligibility requirements (including income and asset tests) to qualify for coverage.

TABLE 3. ESTIMATED EFFECTS OF S.A. 1150 AS AMENDED ON DIRECT SPENDING, BY PROGRAM

	Outlays by Fiscal Year, in Billions of Dollars											
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2008-2012	2008-2017
Refundable Tax Credits [a]	0	0.1	2.0	3.3	1.4	1.5	1.4	1.4	1.4	1.2	6.8	13.7
Medicaid	*	*	0.1	0.1	0.1	0.2	0.3	0.4	0.8	1.1	0.3	3.1
Food Stamps	*	*	*	*	0.1	0.1	0.1	0.2	0.5	0.8	0.1	1.8
Social Security (off-budget)	*	*	*	*	*	0.1	0.2	0.2	0.3	0.4	*	1.2
Medicare	0	0	*	*	*	0.1	0.1	0.2	0.3	0.4	0.1	1.0
Net Spending of Visa Fees	-0.1	0.7	1.2	0.3	0.3	-0.4	-0.3	-0.2	-0.4	0.2	2.3	1.2
Other [b]	*	*	*	*	*	0.1	0.1	0.1	0.1	0.2	0.2	0.7
Total Changes	-0.1	0.8	3.3	3.7	2.0	1.5	1.9	2.3	3.0	4.2	9.8	22.7
On-budget	-0.1	0.8	3.3	3.7	2.0	1.4	1.8	2.1	2.7	3.9	9.7	21.5
Off-budget	*	*	*	*	*	0.1	0.2	0.2	0.3	0.4	0.1	1.2

Notes: * = costs of less than $50 million.

Components may not sum to totals because of rounding.

a. Refundable tax credits include the outlay portion of the earned income and child tax credits.
b. Includes student loans, SSI, child nutrition, and unemployment insurance.

In general, the provisions of S.A. 1150 would increase Medicaid spending in three ways:

- *Emergency services.* The additional immigrants who would enter the United States under the legislation and meet the income and asset tests would become eligible, at a minimum, for emergency services.

- *Nonemergency services for those already in the United States.* Some individuals who are already in the United States—and thus eligible for emergency services—would become LPRs. After five years as LPRs, most of those individuals would become newly eligible for nonemergency services. Thus, for such people who meet the income and other criteria for Medicaid coverage, the increase in the program's costs would be the difference between the costs of full Medicaid benefits and those for emergency services.

- *Full benefits for new entrants.* Many of the additional immigrants who would enter the United States under the legislation and complete at least five years as LPRs would be potentially eligible for full Medicaid benefits. The additional children that would be born in the United States as a result of higher immigration would be U.S. citizens and also would be potentially eligible for full benefits.

Food Stamps. For the Food Stamp program, the eligibility of noncitizens is more straightforward. Qualified aliens who are children under the age of 18 are eligible for benefits immediately; most adults are eligible after being qualified aliens for five years. (Certain other groups, such as refugees and asylees, are eligible for benefits without a waiting period.) In addition, noncitizens must also meet the program's income and asset requirements. Noncitizens who are not qualified aliens cannot receive any Food Stamp benefits.

In general, enacting S.A. 1150 would increase Food Stamp spending in several ways:

- *Higher immigration limits.* The additional immigrants who receive family- or merit-based LPRs would become eligible for benefits after five years.

- *LPRs under age 18.* Additional immigrant children under 18 who become LPRs would be eligible without any waiting period.

- *Children born as citizens.* Children born in the United States to the new immigrants would be eligible just as other citizen-children are.

- *Other adults.* Current unauthorized and other new immigrants eventually could become eligible for Food Stamp benefits after 2017, but they would experience a much longer period of ineligibility than the LPRs admitted through the higher family-sponsored and merit-based visa limits.

Social Security and Medicare. Title II of the Social Security Act establishes a program of Old-Age, Survivors, and Disability Insurance (OASDI) for people who have worked in the United States and who meet the program's age or disability criteria, and for their eligible dependents and survivors. Workers must meet a "quarters of coverage" criterion that essentially requires them to have worked in U.S. jobs for one-fourth (40 quarters) of their adult life. For younger people with severe impairments, fewer quarters are required. In 2007, a worker gets credit for four quarters of coverage, the maximum number, by earning at least $4,000. That threshold is indexed to the average wage.

The Social Security program does not impose a citizenship requirement. The Social Security Act, however, bars the payment of benefits to people who are not "lawfully present" in the United States. Thus, under current law, unauthorized workers often pay Social Security taxes but cannot qualify for retirement, disability, or survivor benefits. If they obtain legal status, they can receive such benefits.

The rules for calculating benefits do not make exceptions for immigrants who enter the United States in mid-career. Foreign-born residents are slightly less likely than their native-

born counterparts of similar age to receive Social Security benefits because it is slightly harder for immigrants to gain insured status under the program. Likewise, those benefits are computed based on earnings averaged over the worker's adult lifetime. For an immigrant, that typically means a streak of zero earnings in early adulthood (before arriving in the United States), which tends to diminish the size of the resulting Social Security benefit.

In general, S.A. 1150 would increase the number of future Social Security beneficiaries by admitting more workers into the United States and legalizing the status of many unauthorized workers who are already here. Various sources—data from the Census Bureau's Current Population Survey (CPS), work by the Pew Hispanic Center, and studies of people who obtained legal status under the Immigration Reform and Control Act (IRCA) of 1986—indicate that those workers tend to be younger and healthier than the rest of the U.S. workforce. As a result, CBO expects that relatively few of the people directly affected by the legislation would qualify for Social Security retirement, disability, or survivor benefits in the 2008-2017 period, although those numbers would grow substantially in subsequent years.

Medicare eligibility is closely tied to Social Security. A disabled worker may qualify for Medicare benefits after two years on the Social Security rolls; a retired worker, spouse, or widow(er) who collects Social Security may enroll in Medicare at age 65. Thus, by boosting the number of people getting Social Security benefits, S.A. 1150 would also increase the number of Medicare enrollees with a lag.

Supplemental Security Income. Title XVI of the Social Security Act establishes a program of Supplemental Security Income benefits for the elderly and disabled poor. In 2007, SSI pays a basic monthly benefit of $623 to eligible people with no other income and few assets. That benefit is reduced if the beneficiary has other income. SSI benefits are reserved for the elderly (people age 65 or older) and the severely disabled, using the same medical criteria as in Title II's Disability Insurance (DI) program.

PRWORA curtailed immigrants' eligibility for SSI benefits. Except for refugees, immigrants entering the United States after 1996 must naturalize or obtain 40 quarters (10 years) of work credit and spend five years as legal permanent residents to become eligible for SSI. Thus, for immigrants, obtaining SSI is more difficult than qualifying for Social Security Disability Insurance (DI shortens the 40-quarters requirement when disability occurs before age 62, while SSI does not, and DI also imposes no LPR requirement). Unauthorized immigrants cannot get SSI under any circumstances.

The provisions of S.A. 1150 that would permit additional immigrants to enter the United States would produce few new SSI enrollees by 2017; hardly any could obtain 40 quarters of work credit by then. Most of the legislation's effect on the SSI program in the 2008-2017

period would result from U.S.-born children of immigrants, who would be citizens and would qualify if severely disabled. Those U.S.-born children of immigrants would receive benefits comparable to other child beneficiaries.

Student Loans. For a noncitizen to be eligible for federal student aid, including federal student loans, to attend an institution of higher learning, he or she must be a permanent resident, a conditional permanent resident, a refugee, an asylum grantee, a parolee, or a Cuban-Haitian entrant. S.A. 1150 would increase the number of LPRs and conditional permanent residents who could potentially attend postsecondary institutions of education and be eligible for student loans.

Participation Rates and Average Benefits. Many federal benefit programs would be affected by multiple provisions in the legislation. In general, CBO assumes the new participants within each federal program would be similar to the foreign-born individuals who currently participate in those programs.

Medicaid. CBO estimates that individuals who would become newly eligible for either emergency services or full benefits account for almost all of the additional Medicaid spending under the legislation. Individuals can usually receive Medicaid only if they fall into one of several broad eligibility categories, which include minor children and their parents, pregnant women, the disabled, and the aged. Using eligibility information from the Medicaid Statistical Information System (MSIS) on noncitizens who receive emergency services, CBO anticipates that the vast majority of noncitizens that would participate in Medicaid under the legislation would be children, pregnant women, or parents of minor children.

According to the MSIS, Medicaid provided emergency services to more than 1.3 million noncitizens in 2003. CBO grouped those recipients by age and sex and compared them to estimates of the number of unauthorized immigrants in the United States. Based on that analysis, we estimate that, under S.A. 1150, about 15 percent of children and adult women and 5 percent of adult men who would become eligible for emergency services would qualify for and participate in Medicaid.

Based on information from the Current Population Survey on the health insurance coverage of noncitizens now living in the United States, CBO anticipates that participation rates would be higher for individuals who became eligible for full Medicaid benefits. We expect that about 33 percent of children, 25 percent of adult women, and 5 percent of adult men who became eligible for full benefits would qualify for and participate in Medicaid. (We use a higher participation rate of 50 percent for the additional children less than a year old that would be born in this country under the legislation.)

Based on data from the MSIS, CBO estimates that the federal share of Medicaid spending for emergency services in 2008 would average about $500 for a child, $1,000 for an adult male, and $2,200 for an adult female. (The figure for adult females is relatively high due to the cost of labor and delivery services.) From previous research on costs for pregnant women and our baseline projections of spending for children and non-disabled adults, CBO estimates the federal share of full Medicaid benefits in 2008 would average about $1,400 for a child, $1,900 for an adult male, and $3,800 for an adult female. All of those figures are calculated on a full-year equivalent basis and would increase by 6 to 7 percent annually in later years. The figures have also been adjusted to account for the fact that immigrants are more likely to live in states with federal match rates that are lower than the national average of 57 percent.

Food Stamps. To estimate the share of qualified aliens who would be eligible for food stamps, CBO analyzed data from the CPS on the participation of noncitizens in the Food Stamp program. The base was adjusted to exclude those LPRs who have not been qualified aliens for at least five years, using information from an analysis by the Department of Homeland Security's Office of Immigration Statistics (OIS) about the characteristics of the current LPR population. CBO estimates that 15 percent of noncitizens who have been qualified aliens for at least five years, as well as their citizen-children, would participate in the Food Stamp program. CBO estimates that the average annual benefit per person who would newly participate in the program under this legislation would be about $1,200 in 2008, rising to $1,450 in 2017.

Social Security and Medicare. CBO expects that immigrants admitted or legalized under the provisions of S.A. 1150 would exhibit a greater likelihood of collecting Social Security the longer they are in the country. With each passing year, they would grow older and thus face greater likelihood of disability or retirement; they would also be more likely to have earned the quarters of coverage that are required for benefits. CBO projects, for example, that almost no immigrants would qualify for OASDI after a year in the United States, 1 percent would qualify by their 10th year, and 4 percent by their 20th year.

In general, CBO estimates that a new immigrant who receives Social Security as the result of S.A. 1150 would get a benefit of roughly $500 a month, in 2008 dollars—much lower than for a native-born citizen or long-established immigrant. OASDI benefits for spouses and children would typically boost that figure by one-third.

Because of the close links between the two programs, the number of added Medicare enrollees under the amendment would essentially equal the number of additional Social Security beneficiaries with a two-to-three-year lag. (That lag reflects the waiting period between disability or early-retirement benefits and Medicare eligibility.) CBO projects that annual Medicare spending per enrollee, net of premiums, would average about $8,300 in

2008 dollars for Parts A and B of Medicare and $1,400 for those who participate in Part D (the prescription drug benefit).

Supplemental Security Income. The rules of SSI—specifically, the requirement that an alien applicant must have earned 40 quarters of coverage and have spent five years as a legal permanent resident—preclude any significant increase in adult beneficiaries over the 2008-2017 period. CBO expects that a tiny fraction of the citizen-children born to immigrants admitted under S.A. 1150 would qualify for SSI as the result of birth defects or other severe disabilities.

The few additional children who would qualify for SSI as a result of the amendment would get roughly $600 a month, much like other disabled children on the SSI rolls. The few adult SSI recipients would get an average benefit of about $240 a month (in 2008 dollars), a figure that reflects the nearly dollar-for-dollar offset against OASDI benefits.

Student Loans. CBO estimated participation in the higher education aid programs based on the assumed age and skill (and implicitly education) distribution for new immigrants. New immigrants and their children are assumed to be somewhat less likely than the current U.S. population to enroll in postsecondary education and to use federal loans to help fund their education, but those who do enroll are somewhat more likely to enroll in two-year programs than the overall population.

Unemployment Compensation. A number of factors determine whether an individual is eligible for unemployment compensation (UC). For example, workers must be unemployed through no fault of their own and have sufficient work history (according to their state's law) in employment covered by the Federal Unemployment Tax Act in order to qualify for minimum benefits. In addition, an individual who files for benefits must be actively seeking work. As a result, only a fraction of unemployed individuals collect UC. The ratio of insured unemployment—those unemployed individuals who collect benefits—to total unemployment has averaged between 40 and 46 percent.

Illegal immigrants currently make up about 5 percent of the labor force. Because of their status, and because they may be working in non-covered employment, those individuals are unlikely to claim UC should they lose their jobs. Certain provisions of the legislation would allow those individuals to gain legal status, which potentially could lead to LPR status. CBO estimates that, over the 2008-2017 period, nearly 2.5 million workers would obtain such status. Once a person's status is no longer dependent on remaining employed, that individual may be more likely to claim UC should he or she become unemployed in the future. CBO estimates that such individuals would be less likely than the general population to file for UC, and that they would qualify for lower benefits overall. Over the 2008-2017 period, CBO

estimates that UC claims would increase by a total of about 100,000, and that those individuals would receive benefits averaging just over $260 a week.

Guest-Worker Program. Title IV would create a new type of visa—the Y or "guest-worker" visa—that would allow individuals to enter the United States on a temporary basis to work. The program has two components, one for year-round work and one for seasonal work. CBO estimates that the provisions regarding guest workers would increase direct spending on benefit programs by $0.9 billion over the 2008-2017 period; those costs, however, would be offset by visa fees (net of spending) over the same period.

Y-1 Visas for Guest Workers. To receive a Y-1 visa, an individual would be required to have a job offer before entering the country and to pay a $500 fee. No more than 200,000 such visas could be issued each year. The Y-1 visa would be effective for an initial period of two years, and then guest workers would be required to return to leave the country for a year. Y-1 visas could be renewed twice for a total of six years of work authorization. (Visa holders would have to leave the United States again for a year after the first extension and would have to leave the country after the second extension). Unlike other temporary nonimmigrant visas, such as H-1Bs, extensions would count against the annual limit.

A guest worker would be able to bring his or her spouse and children into the United States under a Y-3 nonimmigrant visa if he or she has health insurance coverage for them and meets certain income requirements. Y-3 visas would be limited to two years and could not be renewed. Workers who bring dependents would only be eligible for one extension.

The new visa program would take effect when the Secretary of DHS certifies that certain conditions have been met. Only people who are outside the United States could apply for those visas. CBO assumes that DHS's certification would occur near the end of fiscal year 2010.

CBO anticipates that participation in the Y-1 visa program would be substantial—by employers seeking workers who can enter the country legally, and by workers overseas seeking higher-paying work in the United States. Given the expected interest in the program, CBO expects that all the 200,000 visas for guest workers would be used. We also anticipate that many guest workers would have entered the United States under current law, either legally or illegally, so that the net change in immigration from this program is much smaller than the number of Y-1 visas awarded. CBO also estimates that a substantial portion of guest workers would extend their visas for additional terms. Finally, we anticipate that many of those would remain in the United States illegally after their visas expire.

Y-2B Visas for Seasonal Guest Workers. S.A. 1150 as amended would replace and expand the existing H-2B program for temporary workers in seasonal employment. To receive a Y-2B visa, an individual would be required to have a job offer before entering the country and to pay a $500 fee. The initial number of Y-2B visas would be no more than 100,000. The number of available visas each year could increase, up to 200,000, based on the number of Y-2B visas issued in the previous year.

The Y-2B visa would be effective for 10 months, after which the guest worker would be required to return home for at least two months. Those visas could be renewed an unlimited number of times. Unlike the Y-1 visa program, those extensions would not count against the annual limit. Guest workers also would be able to bring their spouses and children into the United States with them. Implementing this program would not depend on the Secretary of DHS's certification, but would begin shortly after enactment of the legislation.

CBO anticipates that participation in the Y-2B visa program would be substantial. Given the expected interest in the program, CBO expects that the number of available visas would grow to 200,000 by the end of the 2008-2017 period and all of the available visas would be used. We also anticipate that many seasonal guest workers would have entered the United States under current law, either legally or illegally, so again the net impact on immigration is much smaller than the number of new Y-2B visas awarded. CBO anticipates that many seasonal guest workers would extend their visas for additional terms. We also expect that many of those would ultimately remain in the United States illegally after their visas expire.

Additional Medicaid Costs. The guest-worker program would lead to higher Medicaid spending on emergency services for new entrants, as well as regular benefits for the additional children that would be born in the United States to those new entrants. However, the costs would be limited because the program requires that these workers have health insurance coverage for any dependents they bring into the country. Over the 2008-2017 period, CBO estimates the guest worker program would increase Medicaid spending by about $650 million.

Additional Food Stamp Costs. Because they would hold temporary visas, guest workers and most of their dependents would not be considered qualified aliens for the Food Stamp program and would not be eligible for benefits. However, any children of guest workers born in the United States would be citizens and immediately eligible for benefits, provided that they meet the income and asset requirements of the program. CBO estimates that the guest-worker provision would increase Food Stamp spending by about $160 million over the 2008-2017 period.

Visa Fees. Applicants for Y visas, as well as their spouses and children and the companies that employ them, would pay fees ranging from $250 to $1,250. Based on the number of

applications expected each year, CBO estimates that enacting this provision would increase offsetting receipts by about $4.8 billion over the 2008-2017 period. That income would be available for spending by DHS to cover processing costs and by the Department of Health and Human Services (HHS) for grants to states to provide services to noncitizens. We estimate that spending of those fees over the 2008-2017 period would total $3.9 billion.

Family-Sponsored, Merit-Based, and Diversity Visas: Current Law. Title V would allow more immigrants into the United States by temporarily raising the cap on the number of legal permanent residents admitted annually in the family-sponsored category. The legislation also would change the employment-based program to a merit-based one (in which a point system is used to determine who receives visas). It would raise the employer-based cap for five years, set it at the current level for several years after that, and finally raise the cap significantly after certain conditions are met.

Current immigration law establishes several categories of foreign nationals who may become legal permanent residents. The largest group of new immigrants to the United States each year who are eligible to become LPRs (that is, to receive green cards) are the immediate relatives—spouse, parent, or unmarried child under the age of 21—of U.S. citizens. There is no numerical limit on the number of aliens who can enter under this category each year. According to the Office of Immigration Statistics, green cards were granted to over 580,000 immediate relatives of citizens in 2006.

Other aliens may enter the United States under the family-sponsored, employment-based, or diversity visa categories.[2] Each of these categories has a cap on the number of green cards that can be issued annually, as well as per-country limits. There are separate provisions in immigration law for refugees, asylees, and certain other groups to enter the United States legally. In general, legal permanent residents may apply for citizenship after they have lived in the country for five years and meet certain other requirements.

Once foreign nationals become eligible for a green card, they may complete the process in two ways. Some may file their application from their home country and complete the interview process at a U.S. consulate abroad. Noncitizens who are already physically present in the United States may apply for an adjustment of status, provided they meet certain requirements and complete the application process within the United States.

In addition to immediate relatives of U.S. citizens, foreign nationals with close family ties to U.S. citizens or legal permanent residents may be eligible for LPR status as family-

2. The Immigration Act of 1990 established a new diversity-based admissions program to permit more immigration from countries with historically low levels of immigration to the United States. Since 1999, the annual limit on these visas has been 50,000; 5,000 have been set aside each year for certain Central American immigrants.

sponsored immigrants. The formula in current law for calculating the annual cap on these visas specifies a maximum of 480,000 and a minimum of 226,000. The cap has been set at the minimum for nine of the last ten years. About 222,000 foreign nationals became LPRs as family-sponsored immigrants in 2006. Four categories of people are eligible for these visas: unmarried children of U.S. citizens over the age of 21 and their dependents; spouses, children under the age of 21, or unmarried children over the age of 21 of legal permanent residents; married children of U.S. citizens and their spouses and children; and siblings of citizens and their spouses and dependents. Current law allocates the annual number of family-sponsored visas available in each of these categories. According to data from the OIS, about 70 percent of family-sponsored immigrants file their applications from their home country.

Approximately 159,000 workers and their dependents received green cards as employment-based immigrants in 2006. These individuals include highly skilled workers, investors, and certain religious workers. They also include a limited number of unskilled workers needed to fill positions for which domestic workers are not available. In most cases, a U.S. employer must file a petition on behalf of the prospective immigrant. The law limits the number of employment-based visas to 140,000 a year plus any unused family-sponsored visas from the prior year. In 2006, the cap was set at 143,771. Legislation also made some additional slots available last year by recapturing unused visas from prior years. According to OIS, about 80 percent of people who get an employment-based visa are already in the United States on some other type of visa.

Changes to Family-Sponsored Admissions. Section 501(a) would increase the cap on family-sponsored visas to 567,000 annually plus any unused merit-based visas from the current year. This higher limit would remain in place until the Z-visa holders (those who would be eligible for the legalization program) would become eligible for LPR status. Z-visa holders could begin receiving LPR status only after the backlog of family-sponsored visa applications filed before May 1, 2005, had been processed. After this backlog had been processed, the family-sponsored limit would drop to 127,000 annually. CBO expects that will occur in 2017.

Section 503 would modify the immediate family and the family-based categories. Parents of citizens would no longer be considered immediate family members. They would become the new first preference under the family-sponsored category, replacing unmarried sons and daughters of citizens. A maximum of 40,000 parents of citizens could receive LPR status each year. The second preference would no longer include unmarried sons and daughters of LPRs. The third preference would be changed from married children of citizens to individuals included in the pre-May 1, 2005, backlog; the fourth preference would be eliminated.

CBO projects that an additional 260,000 family-sponsored visas would be awarded each year from 2008 to 2016, but that in 2017, 154,000 fewer visas would be awarded than under current law. By 2017, we estimate that there would be an additional two million LPRs due to this provision.

Medicaid. The increase in family-sponsored immigrants under the legislation would increase Medicaid spending in three ways. Those individuals who are already in the United States and simply adjust their status would become eligible for nonemergency services in most states five years after they become LPRs. The additional immigrants who would newly enter the country would be eligible for emergency services and most would become eligible for full benefits five years later. Finally, the additional children that would be born in the United States as a result of the increase in immigration would be immediately eligible for full benefits as citizens. CBO estimates that the changes in family-sponsored immigration would increase federal Medicaid spending by a total of $4.3 billion over the 2008-2017 period.

Food Stamps. Over the 2008-2012 period, only LPRs under the age of 18 and the citizen-children born to new immigrants would be eligible for the Food Stamp program. During the following five years, more new immigrant adults would become qualified aliens and eligible to participate in the Food Stamp program. By 2017, we estimate that the increase in family-sponsored holders of green cards would account for most, or 210,000 people, of the increase in Food Stamp participation under S.A. 1150. CBO estimates that spending on those benefits would increase by about $1.1 billion over the 2008-2017 period.

Social Security, Medicare, and SSI. CBO estimates that the increase in family-sponsored immigration would boost outlays for Social Security benefits by $80 million over the 2008-2017 period, and add 3,600 retired and disabled workers to the rolls in 2017. Medicare would spend an extra $60 million over the 2008-2017 period and would enroll an added 1,800 people by 2017. SSI benefit payments would increase by about $60 million over the 10-year period, with 2,500 additional beneficiaries—both adults and children—in 2017.

Visa Fees. Applicants for family-sponsored visas would pay DHS fees totaling about $350. Based on the number of applications expected for these visas, CBO estimates this provision would increase offsetting receipts by about $780 million over the 2008-2017 period. In addition, the State Department imposes a $45 surcharge for immigrant visas. DHS and the State Department would spend these collections, mostly in the same year they are collected, to cover the costs of processing the applications, so the net budgetary effect of such surcharges would be small (less than $10 million over 10 years).

Merit-Based Admissions. For the next five years, section 501(b) would set the number of green cards available to merit-based immigrants at approximately 250,000, the level available to employment-based immigrants in fiscal year 2005. From year six until Z-visa holders become eligible for LPR status, it would set the cap at 140,000 annually. The level would rise to 380,000 for each year thereafter. Added to the cap would be any unused family-sponsored visas from the current year. Dependents would continue to count against the cap.

The new merit-based program would use a point system to determine which applicants receive visas. Applicants would be rated based on various criteria, including employment history, education, ability to speak English, knowledge of civics, and extended family considerations. Visas would be awarded to those applicants with the highest scores until the available visas were exhausted. The new program would, however, maintain the existing fourth and fifth preference categories. At least 5 percent of merit-based visas would still be awarded under those categories.

Under the new formula, CBO estimates that the new cap would be approximately 260,000 in fiscal year 2008. Relative to current law, CBO estimates that, on average, an additional 56,000 workers annually would receive visas over the 2008-2012 period. CBO expects that the number of visas issued annually would drop from 2013 through 2016 because the cap would be lowered to 140,000. CBO projects the cap would rise to 380,000 in 2017. Over the 2013-2017 period, CBO estimates that, on average, an additional 30,000 workers per year would receive a green card.

Currently, about half of all employment-based visas are issued to spouses and dependents of workers. In addition to the visas for workers, CBO estimates that, on average, an additional 65,000 spouses and dependents would receive visas per year over the 2008-2017 period. (The number would be lower in years six through nine, as would the number of workers.)

Medicaid. The higher limits on merit-based immigration would affect Medicaid spending on emergency services, nonemergency services, and full benefits in the same ways as the increase in family-sponsored immigration. However, the increase in the number of merit-based immigrants would have a smaller impact on Medicaid spending because all of those immigrants would be employed (which makes them less likely to qualify for Medicaid) and a larger share of them are already in the United States (and thus already eligible for emergency services). CBO estimates that the increase in the number of employment-based immigrants would raise federal Medicaid spending by a total of about $80 million over the 2008-2017 period.

Food Stamps. As with the family-sponsored immigrants, only citizen-children and LPRs under the age of 18 would be eligible for food stamps in the 2008-2012 period. After five years, adult LPRs would meet the requirement for a five-year waiting period and become

eligible for the program, provided that they meet the program's income and asset tests. Because many of the immigrants in this category would be employed as highly skilled professionals, we expect that only a small number would be potential food stamp recipients. The additional merit-based immigrants would increase Food Stamp participation by about 7,000 people. CBO estimates that Food Stamp spending for these recipients would be $35 million over the 2008-2017 period.

Social Security, Medicare, and SSI. CBO estimates that admitting more merit-based immigrants would boost outlays for Social Security benefits by $40 million over the 2008-2017 period, and add 1,700 retired and disabled workers to the rolls by 2017. Medicare would spend an extra $30 million over the 2008-2017 period and would enroll an additional 900 people by 2017. SSI would pay less than $10 million in additional benefits over the 10-year period, with 500 added beneficiaries—both adults and children—by 2017.

Student Loans. The increase in the number of permanent residents and conditional permanent residents would enable more people to be eligible for federal student aid. As a result, the number of people attending institutions of higher learning would increase by a few thousand in 2008 and by over 220,000 by 2017. Some of those students would apply for and receive federal student loans. CBO projects that annual loan volume would increase by about $85 million by 2017, and anticipates that most of the additional volume would be attributable to the new admissions under the higher family- and merit-based visa limits. The estimated federal subsidy cost would be about $80 million over the 2008-2017 period.

Visa Fees. Applicants for merit-based visas would pay fees totaling about $500. Based on the number of applicants expected for these visas, CBO estimates that this provision would increase offsetting receipts by about $500 million over the 2008-2017 period. In addition, the State Department levies a $45 surcharge for immigrant visas. DHS and the State Department would spend these collections, mostly in the same year they are received, to cover the costs of processing the applications, so the net budgetary effect of these fees over the 2008-2017 period would be small—a net reduction in outlays of about $15 million.

Diversity Admissions. Section 505 would eliminate the diversity visa program. CBO projects that eliminating this program would reduce the number of visa holders by approximately 46,000 per year. By 2017, CBO projects that there would be almost 400,000 fewer diversity visa immigrants than under current law. Those reductions would diminish spending for Medicaid (by $940 million), food stamps (by $190 million), and other programs (by $40 million), CBO estimates.

Legalization of Unauthorized Immigrants. The legislation would allow persons currently in the United States without legal authorization to apply for a new type of visa (a Z visa) that would allow them to stay in the country legally. (Those individuals who have worked in agriculture for a certain number of years would be provided a separate path to legalization, which is discussed in the following section.)

Unauthorized immigrants could apply for Z visas during a one-year period beginning six months after the enactment of the legislation and would receive temporary authorization to work. Workers would have to have been in the United States continuously since January 1, 2007, and pay a $1,000 penalty and a $500 state impact fee, plus the cost of processing the application. Spouses and children under the age of 18 who meet certain requirements and pay the required fees could also be issued Z visas. (People who apply and receive temporary authorization could not be deported during this time). The actual issuance of the Z visas could not begin until after the enforcement triggers are met.

Z visas would expire after four years, but could be renewed with the payment of additional fees. Holders of Z visas could apply to become LPRs after having a Z visa for eight years. Any individuals who become LPRs under this provision would not count against any numerical limits on visas, but the amendment would give preference for agricultural workers to receive their LPR status before other formerly unauthorized migrants.

Number and Characteristics of Unauthorized Immigrants. Based on research from the Pew Hispanic Center, CBO assumed that about 12 million unauthorized immigrants were in the United States in 2006. We estimate that about one million of those individuals would not be affected by the legislation because they will become LPRs under current law before 2017, which CBO expects is the earliest that unauthorized immigrants could become LPRs under the legislation. CBO also excluded two million unauthorized immigrants from this portion of the analysis to account for individuals that we anticipate would seek LPR status through the agricultural worker program discussed below. (Some individuals would be eligible for both programs, but the agricultural worker program would offer a faster and less-expensive path to permanent residency.)

Medicaid. The amendment would not affect Medicaid spending for unauthorized immigrants over the 2008-2017 period because those individuals would not become LPRs until after 2017 and would then have to wait another five years before becoming eligible for nonemergency services.

Food Stamps. Because these individuals would not become LPRs until after 2017, none of them would be made newly eligible for Food Stamp benefits during the 2008-2017 period.

Social Security, Medicare, and SSI. CBO estimates that legalizing the status of unauthorized immigrants would boost outlays for Social Security benefits by $860 million over the 2008-2017 period and add 27,000 disabled and retired workers to the rolls by 2017. Medicare would spend an extra $720 million over the 2008-2017 period and enroll an added 18,000 people by 2017. SSI outlays would increase by less than $10 million over the 10-year period, with 8,000 additional beneficiaries in 2017.

Section 607 would prevent individuals receiving a Social Security number after 2007 from receiving credit for Social Security taxes paid in previous years. Under current law, unauthorized workers who subsequently obtain LPR status can seek to gain Social Security credit for their unauthorized work. This legislation would prohibit such adjustments. Thus, unauthorized workers who later obtain legal status would receive lower Social Security benefits and take longer to earn eligibility for Social Security than they would under current law. CBO estimates that this provision would reduce Social Security outlays by $110 million and Medicare outlays by $80 million over the 2008-2017 period for unauthorized workers who would have taken other paths to legal status.

Visa Fees. Applicants for visas would have to pay fees (offsetting receipts) and penalties (revenues) ranging from $500 to $1,000. Based on the number of applications expected each year, CBO estimates that enacting this provision would increase offsetting receipts by about $8 billion over the 2008-2017 period and revenues by about $4 billion over the 2008-2009 period. DHS, HHS, and the Department of Labor would spend these collections to cover processing costs, make grants to states, and improve enforcement of immigration laws. We estimate that the net budgetary effect over the 2008-2017 period would be small. In addition, the State Department charges a $100 fee for nonimmigrant visas and spends those proceeds.

Legalization of Unauthorized Agricultural Workers. Title VI would create a new pathway to legal permanent resident status for agricultural workers and their families. The program would grant legal status (in the form of Z-A visas) to aliens who worked in agriculture for at least 863 hours or 150 work-days, whichever is less, between January 1, 2005, and December 31, 2006. The legislation would cap the number of Z-A visas for workers at 1.5 million. Starting six months after enactment of the legislation, workers would have up to 18 months to apply for a Z-A visa and to pay a fine of $100. With this new visa, workers would be authorized to live and work in the United States and travel abroad in the same way as green-card holders.

The legislation would specifically prohibit holders of Z-A visas from receiving benefits from most federal means-tested programs for five years. (Those programs already ban most qualified aliens from receiving benefits for five years.)

CBO expects that holders of those visas could apply for LPR status beginning in the tenth year after enactment of the legislation. To qualify for LPR status, a worker would be required to pay $400 and have been employed in agriculture for either an additional five years of at least 100 work-days or 575 hours per year, or three years of at least 150 work-days or 863 hours per year. The provision provides some exceptions to these requirements due to illness or severe weather. A worker who chooses not to apply for LPR status would be required to obtain a general Z visa and pay the applicable penalties.

The spouses and minor children of Z-A workers would also be eligible to adjust to LPR status once the worker meets the requirements. Prior to that, the spouses and children would be issued Z-A visas based on the workers' visas. They would not be subject to removal from the United States and would be allowed to travel outside the country and apply for work authorization.

CBO estimated the number of people who would be eligible for a Z-A visas using data and analysis regarding unauthorized farm workers from the DOL's National Agricultural Workers Survey (NAWS) and other data from the Departments of Agriculture and Labor. Based on this information, we estimate that there were about 2.7 million farm workers with at least one day of agricultural employment in 2004. About two-thirds of those workers were crop workers and one-third were livestock workers. According to the NAWS, about half of the crop workers were unauthorized immigrants, and we estimate that about the same share of the livestock workers were unauthorized. Using information on hours and days worked annually from the NAWS, CBO estimates that 1.5 million unauthorized agricultural workers worked a sufficient number of hours in either 2005 or 2006 to meet the requirements for a Z-A visa. Of these, we project that about 85 percent would apply for such a visa.

Medicaid. Individuals with Z-A visas would be treated like LPRs when determining eligibility for federal benefit programs and thus become eligible for nonemergency services in most states after five years. As a result, federal Medicaid costs would rise by about $690 million during the 2008-2017 period.

Food Stamps. CBO estimates that the Z-A visa program would increase Food Stamp participation by about 300,000 by the end of the 10-year period, resulting in additional spending by about $700 million over the 2008-2017 period.

Social Security, Medicare, and SSI. CBO estimates that the Z-A visa program would boost outlays for Social Security benefits by $350 million over the 2008-2017 period and add 11,500 disabled and retired workers to the rolls in 2017. Medicare would spend an extra $290 million over the 2008-2017 period and enroll an added 7,000 people in 2017. SSI outlays would increase by less than $10 million over the 10-year period, with 3,000 additional beneficiaries in 2017.

Visa Fees. Applicants for Z-A visas would have to pay fees and fines ranging from $100 to about $1,000. Based on the number of applicants expected each year, CBO estimates that enacting this provision would increase offsetting receipts by about $800 million over the 2008-2017 period. DHS would spend these collections to cover processing costs, so the net budgetary impact over the 2008-2017 period would be small. In addition, CBO estimates that revenues from fines would increase by $170 million over the 2008-2017 period.

Conditional Status for Unauthorized Students. Title VI would make certain unauthorized immigrants eligible for conditional LPR status. Unauthorized immigrants would qualify if they are high school graduates or high school students that have been admitted to an institution of higher education, have lived in the United States for at least five years prior to the amendment's enactment, were less than 16 years of age when they entered the country, and meet certain other requirements. After six years, individuals could petition to have the conditional status removed if they had received a degree from an institution of higher education, completed at least two years toward a bachelor's degree or higher, or served for at least two years in the United States military. Those changes would boost spending for Medicaid and Food Stamps by a total of nearly $100 million over the 2008-2017 period.

H-1B Nonimmigrants and Others with Advanced Degrees. S.A. 1150 would increase the number of visas available each year for H-1B nonimmigrants (persons with a bachelor's degree or higher). CBO estimates that the annual increases in the number of such individuals would exceed 100,000. These individuals or their employers would have to pay fees ranging from $320 to $3,500. As a result, CBO estimates that enacting S.A. 1150 would increase offsetting receipts by about $7.0 billion over the 2008-2017 period. Collections would be spent by the Departments of Homeland Security, Labor, and State, and the National Science Foundation for administrative, law enforcement, and educational activities. Spending would lag collections for several years; the net effect on outlays would be a reduction of $2.2 billion over the 2008-2017 period.

Effects of Enforcement and Verification on Net Flow of Unauthorized Migrants. The potential impact of the border security, employment verification, and other enforcement measures on the flow of unauthorized migrants is uncertain but could be large. While efforts to restrain the influx of unauthorized workers and their families have historically been relatively ineffective, this legislation would authorize significant additional resources as well as a comprehensive employment verification system to deter the hiring of unauthorized workers. Moreover, the implementation of the new guest worker program and the provision of visas to the currently unauthorized population could occur only if the Secretary of DHS certifies that the enforcement measures are in place.

CBO estimates that those measures would reduce the net annual flow of unauthorized immigrants by one-quarter. A reduction of that order of magnitude would reduce the

unauthorized population in the United States by about 1.3 million in 2017. The citizen population would also be slightly smaller—by about 150,000—because of fewer births. (As shown in Table 2, the enforcement effects would lead to a population reduction of an estimated 1.5 million in 2017—the combination of the two effects itemized above—relative to current law.)

Reducing the net in flows of unauthorized immigrants would reduce Medicaid spending on emergency services for those immigrants and on other Medicaid benefits for their citizen children. CBO estimates that the resulting savings would total $1.8 billion over the 2008-2017 period. In addition, spending on Food Stamps and child nutrition programs would fall by $160 million over the same period.

English-Language Requirement. Section 705 would drop the English-language requirement for immigrants aged 75 or older to naturalize. That provision would enable some older LPRs with inadequate work history to naturalize and gain eligibility for SSI and Medicaid. CBO estimates that SSI benefits would increase by $150 million over the 2008-2017 period and an extra 2,200 beneficiaries would be on the rolls in 2017. Medicaid outlays would increase by $30 million over the 10-year period, with 400 individuals receiving additional Medicaid benefits.

Refundable Tax Credits. Over the 2008-2017 period, JCT estimates that S.A. 1150 would increase outlays for refundable tax credits by about $13.7 billion, the largest direct spending effect of the legislation. The earned income and child tax credits are refundable tax credits available to individuals. Those two credits reduce a taxpayer's overall income tax liability; if the credits exceed that liability, the excess may be refunded, with the amount of the refund depending on the taxpayer's income. Those refunds are classified as outlays in the federal budget.

Enacting S.A. 1150 would increase the amount of refundable tax credits mainly by increasing the number of resident aliens for income tax purposes. Under tax law, resident aliens are citizens of a foreign country who are either lawful, permanent residents of the United States or have been physically present in this country for at least a certain specified amount of time during the past three years. They are taxed in the same manner as U.S. citizens, and thus could qualify for refundable tax credits.

To qualify for the earned income credit, the taxpayer must generally satisfy several criteria: be a U.S. citizen or resident alien; have a valid Social Security number for both oneself and any qualifying children; have earned income from employment or self-employment that falls below certain amounts; and file a tax return. To be the qualifying child of the taxpayer, additional criteria must be satisfied; the child must generally be under the age of 19, or under the age of 24 if a full-time student, or any age if permanently and totally disabled. The

amount of the earned income credit depends on a taxpayer's earnings and number of qualifying children, and whether or not the taxpayer is married. The maximum credit amount is about $4,700 in 2007 for taxpayers with two or more children and with earnings up to about $17,400 if married and $15,400 if single. The credit is fully phased out for such taxpayers with earned income of about $40,000 if married and $38,000 if single. Credit amounts are lower for taxpayers with one child, and taxpayers without children can also qualify for a much-reduced credit.

The child tax credit is worth $1,000 for each qualifying child under the age of 17, and is partially refundable. It is also available to U.S. citizens and resident aliens. The credit is phased out for married taxpayers with income above $110,000 and single taxpayers who are the head of their households with income above $75,000.

Revenues

Enacting S.A. 1150 would have several effects on federal revenues, including changes in collections of income and payroll taxes, certain visa fees that are classified as revenues, and various fines and penalties. Taken together, the Joint Committee on Taxation and CBO estimate that those effects would increase revenues by about $15 billion over the 2008-2012 period and by about $48 billion over the 2008-2017 period (see Table 4). Off-budget receipts (of Social Security payroll taxes) would rise by an estimated $57 billion; on-budget receipts would fall by an estimated $9 billion over the 10-year period.

Income and Payroll Taxes. JCT provided estimates of the effects of the legislation on revenues from income and social insurance (payroll) taxes. JCT estimates that S.A. 1150 would increase receipts from income and payroll taxes by about $43 billion over the next 10 years.

TABLE 4. ESTIMATED EFFECTS ON REVENUES OF S.A. 1150 AS AMENDED

	By Fiscal Year, in Billions of Dollars											
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2008-2012	2008-2017
Income and Social Insurance Taxes [a]	-0.7	2.8	3.5	0.6	3.6	5.1	6.1	7.2	7.7	7.4	9.9	43.3
Visa Fines and Penalties	1.5	2.9	0	0	0	0	0	0	0	0	4.4	4.4
Other Revenues	*	0.1	*	*	*	*	*	0.1	0.1	0.1	0.3	0.6
Total Changes	0.8	5.8	3.6	0.7	3.7	5.1	6.1	7.2	7.8	7.5	14.6	48.3
On-Budget	1.3	4.2	-1.2	-5.4	-3.2	-2.4	-1.7	-0.8	-0.1	0.4	-4.3	-8.8
Off-Budget	-0.4	1.6	4.7	6.1	6.9	7.5	7.8	8.0	7.8	7.1	18.9	57.1

SOURCES: Joint Committee on Taxation and Congressional Budget Office.

NOTE: * revenue increase of less than $50 million.

a. These estimates were provided by the Joint Committee on Taxation and include effects on off-budget (Social Security) receipts. Related effects on outlays for refundable credits are shown in Table 3.

The net increase in revenue would occur largely after 2011, due in part to higher numbers of immigrants, who would boost aggregate wage income in the economy. That higher level of aggregate wages would generate more receipts from both individual income and social insurance taxes. (Most of the estimated revenue effects from social insurance taxes are attributable to off-budget Social Security taxes.) In addition, because some unauthorized immigrant workers would become authorized workers under the amendment, JCT anticipates that S.A. 1150 would lead to increased reporting of employment income, which would further add to receipts from income and social insurance taxes. However, the reporting of that income would also result in larger tax deductions by businesses for their labor compensation, which would reduce their profits. Because businesses operate in both corporate and non-corporate form, those deductions would reduce both corporate and individual income tax receipts, offsetting some of the increases discussed above.

JCT estimates that S.A. 1150 would reduce on-budget receipts of income and social insurance (primarily Medicare) taxes by $13.8 billion over the 2008-2017 period. There are three main reasons for the estimated decline in on-budget receipts. First, the legislation would increase enforcement of employment laws and would induce some illegal immigrants who currently file tax returns and have income taxes withheld to work in the cash economy. Second, the legislation would have the opposite effect on some illegal immigrants who do not file tax returns because it would provide a mechanism for illegal immigrants who are

currently in the country to work legally. As a result, some currently illegal immigrants who have income taxes withheld would file tax returns and claim refunds. Third, because these workers would be able to work legally in the country, they would become eligible for many of the tax-reducing provisions available to workers with children, including the dependent exemption, child tax credit, earned income credit, and head-of-household filing status. Application of those provisions would either reduce income taxes or increase outlays from refundable tax credits.

Fines for Z Visas. Applicants for the new Z visas established by S.A. 1150 would have to pay a penalty of $1,000. Those collections would be classified as revenues, and DHS and DOL would be authorized to spend those revenues. Based on the number of applications expected each year, CBO estimates that enacting this provision would increase revenues by $4.4 billion over the 2008-2017 period.

Fines for Z-A Visas. Each applicant for Z-A visas (agricultural workers) would have to pay fines totaling $500. Based on the number of applications expected each year, CBO estimates that enacting this provision would increase revenues by about $170 million over the 2008-2017 period.

Fees for Y Visas. Employers seeking labor certifications under the new guest worker (Y visas) program would have to pay a fee related to DOL's cost of performing those certifications. Those collections would be classified as revenues, and CBO expects them to total $420 million over the 2008-2017 period.

Penalties. S.A. 1150 would establish new and increased civil and criminal penalties for various crimes involving illegal immigration. Thus, the federal government might collect additional fines if the legislation is enacted. Collections of civil fines are recorded in the budget as revenues. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund and later spent. CBO expects that any additional revenues and direct spending would not be significant.

Spending Subject to Appropriation

CBO estimates that implementing S.A. 1150 would result in additional discretionary spending of about $20 billion over the 2008-2012 period and another $23 billion over the 2013-2017 period, assuming appropriation of the necessary funds. Projected spending from 2008 through 2012 is summarized in Table 5. For this estimate, we assume that the necessary amounts will be appropriated by the start of each fiscal year and that spending will follow the historical spending patterns for existing or similar activities.

TABLE 5. ESTIMATED DISCRETIONARY COSTS FOR S.A. 1150 AS AMENDED

	By Fiscal Year, in Millions of Dollars						
	2008	2009	2010	2011	2012	2008-2012	2008-2017
CHANGES IN SPENDING SUBJECT TO APPROPRIATION							
Law Enforcement Grants to State and Local Governments							
Authorization Level	1,600	1,400	1,500	1,600	2,250	8,350	13,950
Estimated Outlays	391	975	1,480	1,490	1,737	6,073	13,015
Additional DHS, DOL, DOJ Employees							
Estimated Authorization Level	144	434	732	1,206	1,856	4,372	16,151
Estimated Outlays	128	401	687	1,153	1,785	4,163	15,869
Employment Eligibility Verification System							
Estimated Authorization Level	528	522	890	722	575	3,237	6,365
Estimated Outlays	353	544	812	737	590	3,037	6,136
Detention Facilities							
Estimated Authorization Level	2,500	0	55	110	113	2,778	3,398
Estimated Outlays	250	1,000	1,175	230	113	2,767	3,385
Institutional Removal Program							
Estimated Authorization Level	168	173	178	184	189	892	892
Estimated Outlays	151	173	178	183	189	873	892
Funds for DHS to Increase Adjudications							
Estimated Authorization Level	800	0	0	0	0	800	800
Estimated Outlays	640	160	0	0	0	800	800
Other SSA Costs							
Estimated Authorization Level	85	160	15	25	25	310	450
Estimated Outlays	75	150	35	25	25	310	450
Unmanned Aerial Vehicles							
Authorization Level	178	276	0	0	0	454	454
Estimated Outlays	89	192	118	55	0	454	454
Justice Prisoner and Alien Transfer System							
Estimated Authorization Level	80	82	83	85	87	416	876
Estimated Outlays	72	81	83	85	86	408	866
Other Provisions							
Estimated Authorization Level	394	140	142	135	146	958	1,572
Estimated Outlays	178	238	188	150	158	911	1,510
Total Changes							
Estimated Authorization Level	6,478	3,186	3,595	4,068	5,241	22,567	44,908
Estimated Outlays	2,327	3,914	4,765	4,108	4,682	19,797	43,378

Law Enforcement Grants to State and Local Governments. S.A. 1150 would authorize the appropriation of $8.35 billion in grants over the 2008-2012 period, mostly to reimburse state and local governments for costs associated with apprehending and detaining unauthorized immigrants. CBO estimates that implementing this provision would result in outlays of $6.1 billion over the 2008-2012 period.

Additional Federal Personnel. The legislation would direct DHS, the DOL, the Department of Justice (DOJ), and the Administrative Office of the United States Courts (AOUSC) to increase the number of federal law enforcement and legal personnel by more than 13,000 positions over the 2008-2012 period (not including support personnel for those positions). CBO estimates that implementing this provision would cost $4.2 billion over the five-year period. The costs for additional enforcement and legal personnel would continue after 2012. (In 2013, when all positions would be filled, costs for those additional personnel would reach $2.2 billion annually.) The following sections provide more details on the cost of hiring those additional personnel.

Department of Homeland Security. S.A. 1150 would direct DHS to increase the number of:

- Border patrol agents by 12,000 over the 2008-2012 period (half of that increase is already authorized under current law);
- Customs and Border Protection (CBP) officers by 500 in each of fiscal years 2008 through 2012;
- Immigration and Customs Enforcement (ICE) investigators by 200 annually over the 2008-2010 period;
- Investigators assigned to combat alien smuggling by 200 annually over the 2008-2012 period; and
- Citizenship and Immigration Services (CIS) personnel to adjudicate applications for immigration benefits by 100 annually over the 2008-2012 period.

Based on information from DHS, CBO estimates that the cost for each additional employee would range from $120,000 a year for CBP officers to $180,000 a year for border patrol agents, including salaries, benefits, training, equipment, and support costs. Assuming that each annual cohort required by the legislation would be hired over the course of a year, we estimate that implementing these provisions would cost $3.0 billion over the 2008-2012 period.

Attorneys and Immigration Judges. S.A. 1150 would direct DHS, DOJ, and AOUSC to increase the number of attorneys by 270 a year over the 2008-2012 period. Based on information from those agencies, CBO estimates that it costs about $170,000 a year for an additional attorney, including salaries, benefits, training, and support costs. Assuming that each annual cohort required by the legislation would be hired over the course of a year, we estimate that implementing this provision would cost $590 million over the 2008-2012 period.

The legislation would direct DOJ to increase the number of immigration judges by 20 each year over the 2008-2012 period. Based on information from DOJ, CBO estimates that it costs about $600,000 a year for an additional immigration judge, including salaries, benefits, training, office space, and support costs. Assuming that each annual cohort required by the legislation would be hired over the course of a year, we estimate that implementing this provision would cost $150 million over the 2008-2012 period.

Department of Labor. Title IV would require the Secretary of Labor to add 200 positions annually for five years for investigators dedicated to enforcing compliance with labor standards. Based on information from the department, CBO estimates that the cost for each additional employee would average $155,000 a year over the next five years. Funding those additional positions would increase discretionary costs for DOL by $360 million over the 2008-2012 period, CBO estimates.

Other Employees. Finally, the legislation would require DOJ to hire 50 additional U.S. marshals each year over the 2008-2012 period. Based on information from DOJ, CBO estimates that the cost for each additional employee would average $130,000, including salaries, training, and support costs. Assuming that each annual cohort required by the legislation would be hired over the course of a year, we estimate that implementing this provision would cost $75 million over the 2008-2012 period.

System for Verifying Employment Eligibility. S.A. 1150 would direct DHS to extend and expand a system to verify the eligibility of people for employment in the United States. CBO estimates that the system would cost about $3.0 billion over the 2008-2012 period, including amounts needed by federal agencies to use the system to verify eligibility for federal employment.

Requirements for the System. S.A. 1150 would require DHS to set up an expanded Employment Eligibility Verification System (EEVS) that would respond within three working days to inquiries made via the Internet, other electronic media, or telephone by employers and individuals. The prototype for the EEVS is a current joint effort of DHS and the Social Security Administration (SSA) known as the "basic pilot," a voluntary system available to employers nationwide who wish to check the status of new hires.

S.A. 1150 would require federal contractors and employers engaged in activities related to critical infrastructure, national security, or homeland security to verify their employees' work eligibility as of the date of enactment. For other employers, the amendment would require all new hires to be verified within 18 months of enactment and all workers in the United States to be verified within three years of enactment.

Volume of EEVS Inquiries Expected. CBO anticipates that the initial batch of inquiries from critical employers would involve around 20 million verifications. Inquiries would peak at 160 million in 2010 and decline to nearly 100 million in 2011, as employers verify all employees. Beginning in 2012, CBO expects the annual volume to settle around 70 million to 75 million verifications: 60 million to 65 million new hires (based on data from the Bureau of Labor Statistics) plus around 10 million repeat verifications.

Costs to Federal Agencies of EEVS. Under the legislation, DHS would have primary responsibility for running the EEVS. The legislation would require the department to maintain a workforce of at least 4,500 persons to operate EEVS and enforce the laws against unlawful employment of aliens. Based on information from DHS about current staffing levels, CBO estimates that the department would have to hire 3,300 additional employees to meet this requirement. We estimate that DHS would spend about $1.8 billion over the 2008-2012 period for technological components, staff, and overhead.

SSA would provide DHS with continued, secure access to its database of Social Security numbers (SSNs). SSA would also face extra costs to handle phone calls, visits, and requests for replacement cards from people seeking to clear a "nonverified" response. Based on information from SSA, CBO estimates that those tasks would cost the agency $1.2 billion from 2008 through 2012. S.A. 1150 would require DHS to reimburse SSA for EEVS-related costs.

Finally, federal agencies themselves could be among the "critical employers" required to verify the legal status of their workforce. There are slightly over 4 million federal government employees, including military personnel. CBO estimates that submitting their current and new employees to EEVS would cost federal agencies about $20 million over the 2008-2012 period.

Detention Facilities. S.A. 1150 would direct DHS to construct or acquire 20 detention facilities to detain aliens pending their removal from the United States. The amendment would require those facilities, in total, to accommodate at least 20,000 individuals at one time. Based on the costs to build and staff federal prisons in recent years, CBO estimates that constructing and operating 20 facilities would cost $2.8 billion over the 2008-2012 period.

Institutional Removal Program (IRP). The legislation would authorize the appropriation of sums necessary over the 2008-2012 period to continue and expand the IRP, a DHS program to identify criminal aliens in U.S. prisons and deport them after they complete their sentences. Based on information from DHS, CBO estimates that implementing this provision would cost about $870 million over the 2008-2012 period.

Funds for DHS to Increase Adjudications. To accommodate the sharp increase in applications for immigration services and documentation that would result from S.A. 1150, DHS would need to expand its document-production facilities, enhance its computer systems, and hire new employees to process applications. The amendment would authorize the appropriation of such sums as necessary for those actions. Based on information from DHS, CBO estimates that the department would require funding of about $800 million in fiscal year 2008 for one-time costs to improve facilities and computer systems.

For this estimate, we assume that the costs of new personnel to process applications would be covered by fees collected from individuals. CBO estimates that collections of fees would increase by $5 billion over the 2008-2012 period. CIS currently collects and spends about $2 billion in fees annually.

Cost of Social Security Cards. Besides contributing key information to the EEVS, SSA would incur significant costs to issue additional Social Security cards under S.A. 1150. The provisions to admit guest workers, increase the number of various types of admissions, and permit unauthorized immigrants in the country to seek legal status would swell the number of Social Security cards issued by the agency. CBO estimates that SSA would issue an additional 10 million cards from 2008 to 2012; at a cost of $30 each, additional outlays would total around $310 million.

Section 305 would require SSA to design and issue fraud-resistant, tamper-resistant, and wear-resistant Social Security cards within two years of enactment. Information provided by SSA suggests that enhancements already planned for late 2007 will meet the requirements of section 305; thus, CBO anticipates no additional costs for designing a new Social Security card.

Unmanned Aerial Vehicles. S.A. 1150 would authorize the appropriation of $178 million for 2008 and $276 million for 2009 for DHS to acquire and maintain unmanned aerial vehicles to patrol U.S. borders. CBO estimates that this provision would cost $454 million over the 2008-2011 period.

Justice Prisoner and Alien Transfer System. Section 226 would direct the Attorney General to expand the Justice Prisoner and Alien Transfer System (JPATS) by increasing services provided in each metropolitan area. JPATS transports sentenced prisoners between districts, correctional institutions, and foreign countries. The program also provides regular international flights for aliens subject to deportation. Based on information from DOJ, CBO estimates that implementing this provision would cost $408 million over the 2008-2012 period for additional transport vehicles, fuel, and other recurring costs. This estimate assumes that the Attorney General increases services to unauthorized immigrants by nearly 50 percent.

Other Provisions. S.A. 1150 contains several other provisions that would increase discretionary federal costs. CBO estimates that implementing those provisions would cost a total of $900 million over the 2008-2012 period. Major provisions would include the following:

- The amendment would authorize the appropriation of sums necessary for each fiscal year over the 2008-2012 period for the Federal Bureau of Investigation to improve systems for conducting security checks relating to immigration applications. CBO estimates that implementing this provision would cost about $350 million over the 2008-2012 period to upgrade computer systems and hire additional personnel.

- The legislation would authorize the appropriation of $100 million for the Office of Citizenship and Immigrant Integration within DHS. We estimate this provision would cost $100 million over the 2008-2012 period.

- The legislation would require DOL to administer the new guest worker program. Based on the costs of administering the current H-2 programs, CBO estimates this requirement would cost DOL nearly $160 million over the 2008-2012 period.

- S.A. 1150 would establish mandatory minimum prison sentences for a wide range of offenses involving illegal entry into the United States. Based on preliminary information from the U.S. Sentencing Commission, CBO estimates that the cost to support these additional prisoners would total $100 million over the 2008-2012 period.

- Section 309 would require the Internal Revenue Service (IRS) to establish a unit within the Criminal Investigation office to investigate the employment of individuals who are not authorized to work in the United States. The unit would be composed of

up to 200 full-time special agents and support staff. Based on information from the IRS, CBO expects it would take about eight years to employ 200 agents. Thus, CBO estimates that implementing this provision would cost $50 million over the 2008-2012 period.

- Section 601 would require unauthorized immigrants receiving legal status to pay back taxes. The provision would require the Treasury to establish rules and procedures for the IRS to provide documentation to the immigrant to establish the payment of all federal tax liability. Based on information from the IRS and the cost of similar programs to enforce federal tax laws, CBO estimates that implementing this provision would cost $200 million over the 2008-2012 period.

ESTIMATED LONG-TERM EFFECTS ON DEFICITS

The net cost of the legislation would grow after 2017, as more of the affected immigrants became eligible for benefits and the per capita cost of benefits rose, but the net impact on the unified budget would remain relatively small in the context of the overall budget. In particular, CBO estimates that direct spending outlays attributable to the legislation would increase from $4.3 billion in 2017 to between $8 billion and $10 billion in 2027. Discretionary costs would grow to $5 billion or $6 billion a year. On the other hand, the amount of additional revenues would grow as well; most such revenues are from the off-budget Social Security payroll taxes. By 2027, CBO estimates, implementing the legislation (including the necessary appropriations) would increase the total budget deficit (or decrease the surplus) by several billion dollars a year.

Pursuant to section 203 of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, CBO and JCT estimate that changes in direct spending and revenues from enacting S.A. 1150 (as amended to date) would cause an increase in on-budget deficits (or a decrease in on-budget surpluses) of greater than $5 billion in at least one of the 10-year periods between 2018 and 2057.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S.A. 1150 would impose several intergovernmental mandates as defined in UMRA, because it would preempt state and local authority, require state, local, and tribal governments to verify the eligibility of employees to work, and impose new requirements on those governments if they seek to hire certain foreign workers. Because of uncertainties about what future regulations would require of employers and about the number of foreign workers employed by state, local, and tribal governments, CBO cannot determine whether the costs of complying with these intergovernmental mandates would exceed the annual threshold established in UMRA ($66 million in 2007, adjusted annually for inflation).

Mandates

The legislation would authorize DHS to designate which employers are part of the critical infrastructure and require those employers to verify the work eligibility of all employees. Other employers would, no later than18 months after enactment, be required to verify the work eligibility of newly hired employees. No later than three years after enactment, all employers would be required to verify the work eligibility of all employees.

The extent to which state and local governments would be designated part of the critical infrastructure and thus required to immediately verify the work eligibility of all employees would depend on regulations to be developed by DHS. Although current DHS documents and policies include all state, local, and tribal governments as part of critical infrastructure, CBO has no information about whether those governments would be designated as such for the purposes of employment verification. If the rules were to affect employees only in such sectors as law enforcement, transportation, public utilities, and health and financial services (such sectors represent about 35 percent of state, local, and tribal employees), CBO expects that the aggregate direct costs to comply with those requirements would be below the annual threshold in any given year. The rules would have to apply to more than 75 percent of all state, local, and tribal employees for the aggregate direct costs to exceed the threshold in any one year.

The legislation also would impose new requirements on employers seeking to hire certain foreign workers. The specific requirements would depend on regulations to be developed by DHS and DOL. Furthermore, total costs would depend on the number of foreign workers employed by state, local, and tribal governments, information that CBO does not currently have. Thus, CBO cannot estimate the total additional cost for those governments to comply.

S.A. 1150 contains additional intergovernmental mandates because it would preempt any state laws that require the use of the Electronic Employment Verification System in a manner that conflicts with the provisions of this legislation, prohibit certain nonimmigrants from being treated as independent contractors, and prohibit the use of state contract laws in litigation against certain nonimmigrants. CBO estimates that these preemptions of state law would not impose significant costs on those governments.

Other Impacts on State, Local, and Tribal Governments

Several provisions in the legislation would increase the number of legal permanent residents, some of whom would be eligible for Medicaid assistance. Benefits under the Medicaid program for those individuals would cost states almost $3 billion over the 2008-2017 period. Because states have broad flexibility to alter optional benefits and eligibility to offset such costs, the increased spending would not result from an intergovernmental mandate as defined in UMRA.

By 2017, S.A. 1150 would increase the U.S. population by an estimated 1.8 million. As a result of this growth in population, some state, local, and tribal governments would collect more tax revenues, but also would face significant additional costs to provide education, health care, and other services to those immigrants. The legislation would direct certain fees collected from non-citizens to state and local governments to cover some of those costs. CBO estimates that they would receive about $3 billion over the fiscal years 2008-2012 to provide health care and education to immigrants. In addition, assuming appropriation of the authorized amounts, those governments would receive more than $6 billion over the 2008-2012 period from grant programs authorized by the legislation.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

S. A. 1150 as amended, would impose several private-sector mandates, as defined in UMRA, on certain individuals and employers. One of the most costly mandates would require employers of workers holding H-1B visas to pay a new supplemental fee. Other mandates in the amendment include, but are not limited to, requirements for:

- Certain critical employers to verify the employment eligibility of their current employees;
- Employers and certain other entities to verify the employment eligibility of new hires and existing employees and maintain records of the verification process;

- Employees and individuals seeking employment to provide additional documentation when establishing their identity in order to verify their eligibility to work in the United States; and

- Certain employers of workers with nonimmigrant visas.

Based on the supplemental fee that employers would have to pay for H1-B visas and the number of employees whose eligibility employers would have to verify, CBO expects that the aggregate direct costs of the mandates identified in S.A.1150 would exceed the annual threshold for private-sector mandates ($131 million in 2007, adjusted annually for inflation) in each of the first five years the mandates are in effect.

Supplemental Fee for Employers of H-1B Visa Workers

As amended, S.A. 1150 would require employers that petition for H-1B visas to pay a supplemental fee of $3,500 per temporary worker. Such employers with fewer than 25 employees would be required to pay a supplemental fee of $1,750 per worker. The cap on the number of H-1B visas would be increased to at least 115,000 visas per year. The cap is usually reached each year, and most companies that employ workers with H1-B visas generally have more than 25 employees. Assuming the cap is reached each year, CBO estimates that the direct cost of complying with the mandate would exceed the annual threshold for private-sector mandates.

Employee Verification Requirements

The legislation would impose additional mandates by requiring certain employers to verify the work eligibility of newly hired employees, current employees subject to reverification, and existing employees through participation in the Employment Eligibility Verification System. Based on the large number of individuals whose eligibility employers and other entities would be required to verify under the legislation, CBO expects that the aggregate direct costs of those mandates would exceed the annual threshold for private-sector mandates in at least one of the first five years the mandates are in effect.

Requirement for Critical Employers. S.A. 1150 would authorize DHS to designate which employers are part of the critical infrastructure and require that, as of the date of enactment, those employers verify the work eligibility of all employees. Because that determination has not been made and because of uncertainty about how the program would be implemented, CBO cannot estimate the cost of complying with this mandate.

Verification for New Hires and Existing Employees. The amendment would require employers to verify, through participation in the EEVS, the employment eligibility of new

hires and current employees subject to reverification. Participation would require employers and other entities that recruit or refer individuals to confirm the name and Social Security number of individuals newly hired or subject to reverification. This requirement would begin within 18 months after the date of enactment. No later than three years after enactment, the amendment would require employers to verify the identity and employment authorization of all existing employees that have not been previously verified through the EEVS. All employers would have to maintain a record of the verification for such employees for a specific amount of time in a form that would be available for government inspection.

The direct cost of the mandates regarding new hires would be the incremental cost to verify the employment eligibility of those hires and employees subject to reverification through the EEVS and to maintain records of the verification. The direct cost of the mandates related to verification of existing employees would be the cost to verify the identity of their existing employees through the EEVS and to examine the employment authorization documentation.

Based on data from the Bureau of Labor Statistics, CBO expects that the number of new hires and repeat verifications would average about 65 million per year and that the verification of approximately 130 million existing employees would be required. Consequently, CBO expects that the direct costs to comply with those mandates would be substantial relative to the annual threshold for private-sector mandates.

Administrative and Training Requirements for Employers. The legislation would require employers and other entities that recruit or refer individuals participating in the EEVS to register in the system and conform to certain procedures. Individuals working for such employers and entities would be required to undergo such training regarding the EEVS as the Secretary deems necessary. CBO expects that the cost to comply with those mandates would be small compared to the annual threshold.

New Hires and Employee Documentation. The legislation would require all individuals to provide specific documentation when establishing their identity in order to verify their eligibility to work in the United States. Most employees would be required to provide more documentation than under current law. These requirements would impose a new mandate on both new hires and existing employees. Because of the number of people that would be required to acquire additional documents (such as passports or birth certificates) and the cost of getting such documents, CBO expects that the direct cost of complying with this mandate would be substantial relative to the annual threshold for private-sector mandates.

Requirements for Employers of L-1 Visa Workers

The amendment would establish whistleblower protections for the L-1 visa program. It would prohibit employers of L-1 nonimmigrants (intracompany transferees who work in managerial or executive capacities or who provide services that involve specialized knowledge) from taking or threatening to take a personnel action or discharging or discriminating in any manner because the employee has disclosed certain information. CBO estimates that employers would incur minimal direct costs, if any, to comply with such requirements.

S.A. 1150 also would require an employer petitioning to bring to the United States a L-1 visa nonimmigrant associated with a new facility to certify that it has a business plan, sufficient physical premises to carry out the proposed business activities, and the financial ability to start doing business immediately upon approval of the petition. Because the number of such employers would likely be small, CBO expects that the cost to comply with the mandate would be minimal compared with the annual threshold.

Requirements for Employers of Temporary Workers

The amendment would place additional requirements on employers that seek to employ certain nonimmigrant temporary foreign workers. It would require those employers to do additional advertising and recruitment of U. S. workers. It also would allow the Secretary of Labor to develop additional regulations regarding the labor certification requirements for certain temporary workers. In addition, the legislation would require the Secretary of DHS to establish user fees to be paid by the employers of those temporary workers. Because the direct cost of complying with those mandates would depend on regulations that have not yet been established and correspondingly, the number of employers that would be affected, CBO cannot estimate the direct cost of complying with those new requirements.

Whistleblower Protection

S.A. 1150 would establish whistleblower protection for the L-1 visa program. Employers of L-1 non-immigrants would be prohibited from taking or threatening to take personnel action or discharging or discriminating in any manner because the employee has disclosed certain information. CBO estimates that such employers would incur minimal direct cost, if any, to comply with such requirements.

Requirements for Employers of Temporary Workers

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PREVIOUS CBO ESTIMATE

On May 23, 2007, CBO transmitted a preliminary cost estimate for S.A. 1150, an amendment in the nature of a substitute for S.1348, the Comprehensive Immigration Reform Act of 2007. In that estimate, CBO and JCT projected that S.A. 1150 (as introduced) would increase direct spending by $13 billion to $17 billion over the 2008-2012 period and by $32 billion to $38 billion over the 2008-2017 period. In addition, that estimate indicated that enacting S.A. 1150 would increase revenues by $15 billion to $19 billion over the 2008-2012 period and by $70 billion to $75 billion over the 2008-2017 period. CBO's current estimate for S.A. 1150, as amended, reflects a revised interpretation of legislative language, some changes to estimating assumptions, and the impact of amendments to the original substitute that were adopted by the Senate as of May 24. In general, those changes tended to reduce the budgetary effects of the legislation.

Technical Revisions

CBO changed its estimates of the number of people likely to be affected by the legislation in two ways. First, CBO's and JCT's preliminary estimates were based on the assumption that the renewal of Y-1 visas under the guest worker program would not count against the numerical caps. Based on information from the Senate Committee on the Judiciary, CBO determined that any renewals would count as new visas under the caps, and the projected number of workers was reduced accordingly. Second, CBO revised the original estimate to incorporate the effect on illegal immigration from the overall enforcement and verification provisions in the legislation. CBO now estimates that S.A. 1150 (as amended) would reduce the net annual flow of illegal migrants by about one quarter.

Amendments Adopted by the Senate

S.A. 1150 was amended in several ways between May 22 and May 24. The two amendments with the most significant budgetary effects related to scaling back the guest worker program and expanding the requirements that would have to be met before the Secretary of DHS could certify that sufficient enforcement and verification measures were in place, thus allowing the guest worker and legalization programs to begin. One of the adopted amendments (S.A. 1169) would limit the basic guest worker program to 200,000 visas annually, down from the original caps that started at 400,000 initially but could rise to 600,000 over time. The second amendment (S.A. 1172) would, among other things, require the Secretary of DHS to certify that 20,000 border patrol agents were actually on duty and that the employment verification system was operational before certain programs could go into effect. CBO judges that the expanded requirements would add six months to the time necessary to meet them and that the Secretary's certification would occur near the end of fiscal year 2010.

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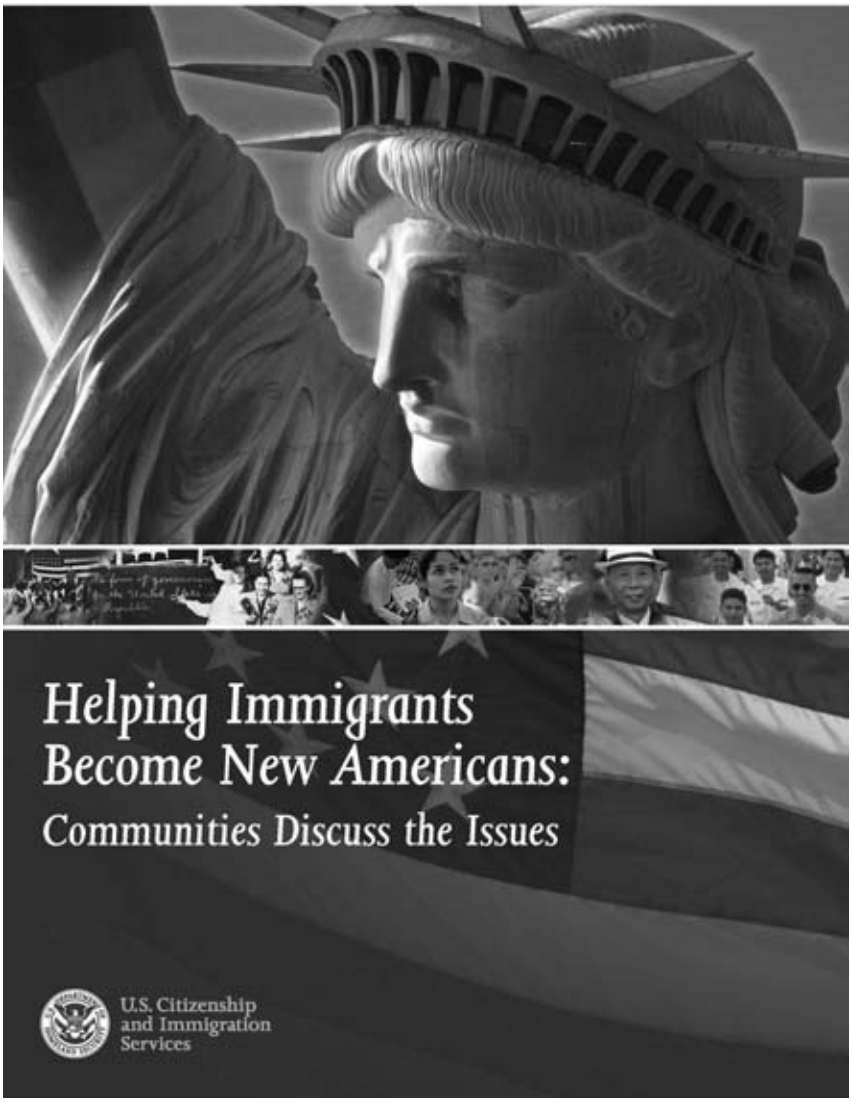

Helping Immigrants Become New Americans:
Communities Discuss the Issues

September 2004

Office of Citizenship
U.S. Citizenship and Immigration Services

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Message from the Office of Citizenship

The United States of America is a nation of immigrants, people who have come from a variety of cultural and religious backgrounds, speaking many languages and bringing diverse talents to the United States. Despite these differences in background, all Americans are bound together by a set of enduring civic principles as relevant today as they were the day our Constitution was signed more than two centuries ago. Americans embrace the ideals of freedom and opportunity, equality before the law, respect and tolerance for differences, and the primacy of individual citizens and their rights in governing our nation. We strive to enact these ideals in our laws and demonstrate them in our everyday civic life. We welcome immigrants who want to make the U.S. their home and join us in honoring these principles.

Immigration to the United States is growing and the demographics are changing, presenting the nation with both challenges and opportunities. According to the U.S. Census, in 2000 there were 31 million foreign-born in the U.S., or 11 percent of the population.[1] Today, one in nine U.S. residents is foreign-born.[2] America's immigrants are choosing to settle in new areas of the country, including the Southeast, Midwest, and Rocky Mountain regions, outside the traditional gateways for newcomers, such as California and New York. Between 1990 and 2000, the foreign-born population grew by as much as 200 percent in some states.[3]

The growth in immigration, coupled with shifts in settlement, creates civic integration challenges in both new and traditional immigrant destinations. The newer immigrant destinations have less experience with immigrant residents and may have fewer resources to help immigrants integrate into their communities, such as English language instruction or citizenship preparation courses.

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[1] Although the **number** of immigrants is at the highest level in U.S. history, the **share** of the immigrant population still remains below the record level of 15 percent in 1900.

[2] Fix, Michael, and Jeffrey S. Passel (2003). **U.S. Immigration: Trends and Implications for Schools**. Presentation to the National Association for Bilingual Education. Washington, D.C.: The Urban Institute. [Accessed on July 23, 2004 http://www.urban.org/UploadedPDF/410654_NABEPresentation.pdf]

[3] These states include North Carolina (274 percent), Georgia (253 percent), and Nevada (202 percent). See Capps, R., M. Fix, and J.S. Passel (2002). **The Dispersal of Immigrants in the 1990s**. Immigrant Families and Workers, Brief No. 2, Washington, D.C.: The Urban Institute.

The Homeland Security Act of 2002 created the Office of Citizenship within U.S. Citizenship and Immigration Services (USCIS), establishing a new federal leadership role in preparing immigrants for citizenship and fostering a deeper understanding of what it means to be an American. Recognizing that immigrant integration takes place at the local level, the Office of Citizenship turned to local communities to learn more about what they perceive to be their strengths and needs in that effort. To do this, the Office conducted focus groups in seven communities across the country in spring 2004. Participants in these groups were drawn from three key sectors: community- and faith-based organizations; state and local government; and adult education providers. The results of this research will inform our initiatives as we develop our strategic plan.

We thank the communities and participants who supported us in this important work. We look forward to learning from more communities as we move forward with our agenda.

Alfonso Aguilar
Chief, Office of Citizenship

U.S. Citizenship and Immigration Services

Helping Immigrants Become New Americans: Communities Discuss the Issues

(I) Introduction

The Office of Citizenship was created by the Homeland Security Act of 2002 with the mandate of promoting instruction and training on citizenship rights and responsibilities. The Office of Citizenship (OoC) will focus its resources on providing information to immigrants at two key points in their journey towards civic integration: when they first become Lawful Permanent Residents (LPRs) and later when they are ready and eligible to begin the formal naturalization process. Although some of the activities under our mandate are new for the U.S. government, the OoC is well aware that many local communities across the country have considerable expertise in helping immigrants integrate into U.S. civic society. Community- and faith-based organizations, state and local governments, and adult education providers all play a role in welcoming new immigrants and helping them become part of the civic fabric of this nation. The OoC plans to build on this community expertise by aligning its initiatives with local and state efforts already underway.

Since its creation, OoC staff have traveled throughout the nation informally speaking with community leaders, educators, and immigrants to learn about what services are already being provided by communities

Portland, Oregon

Houston, Texas

to promote immigrant integration as well as the needs of communities to expand or enhance services. To learn more about current local practices and needs, the OoC invited seven communities representing a variety of small and large cities and geographic regions to participate in focus groups. Some participating communities have long histories of receiving and serving immigrants, while others are newly emerging immigrant centers. Each community is also a pilot site for Immigration Refugee Services of America's (IRSA) Citizenship AmeriCorps initiative.* With the exceptions of Lowell and Lincoln, the communities all have a local OoC Community Liaison Officer (CLO). These seven communities are:

- Arlington, Virginia
- Dearborn, Michigan
- Houston, Texas
- Lincoln, Nebraska
- Lowell, Massachusetts
- Oakland, California
- Portland, Oregon

*This initiative will place AmeriCorps members in various communities across the U.S. to support community involvement with immigrants as they pursue and achieve American citizenship.

(II) Conducting the Focus Group

Each focus group consisted of approximately 12 people representing organizations that work with newly arrived immigrants and/or those preparing to naturalize. In each group, three representatives came from state or local government, three from adult education, and six from community- and faith-based organizations. Each group had at least one representative of a community-based organization accredited by the Board of Immigration Appeals (BIA).

The groups addressed two major topics: their communities' strengths and gaps in helping newly arrived LPRs integrate into daily civic life and their strengths and gaps in helping LPRs eligible for naturalization to prepare for citizenship. The groups were also asked to discuss other challenges related to assisting immigrants, how they coordinate efforts and form partnerships, and how they access information useful to their work. Each focus group lasted three hours, with the same professional facilitator moderating all groups. The meetings were recorded for transcription, and the transcripts were analyzed by OoC staff to compare results across groups and identify important issues and trends.

This report summarizes strengths and gaps identified during informal discussions with constituents throughout the nation. This report relies solely on the views expressed by the participants. No effort was made to verify the factual information provided by the participants, except where footnotes are included. The views of the focus groups were very consistent with views expressed by leaders in other community meetings during the past year, and the findings help define and inform a set of themes and issues shared by many U.S. communities in their efforts to promote the civic integration of new residents.

The Focus Groups offered the Office of Citizenship an opportunity to:

- Hear directly from a range of professionals working on immigrant integration
- Understand differences in experiences and views across various organizational sectors and geographic regions
- Collect local-level information to inform the design of OoC programs and initiatives
- Learn how limited resources are leveraged within communities to enhance services
- Demonstrate the OoC's commitment to working in partnership with service providers

(III) Helping New Immigrants Join Their Communities: The Strengths, Gaps, and Challenges

Immigrant-Serving Organizations

There are a variety of organizations in cities and towns across the United States devoted to serving the needs of immigrants, from governmental organizations to English education programs, to community- and faith-based organizations. These organizations understand the communities they serve and try very hard, often with limited resources, to provide services to improve the lives of their clients.

For immigrants, access to the services these community organizations provide is often the difference between feeling like part of a community and feeling isolated. Focus group members in all seven communities reported that the presence of community-based organizations (CBOs) was a definite strength of their communities; however, consistent with what the OoC has been hearing across the nation, the availability of the services provided by CBOs varied greatly from community to community. For example, participants said that Oakland has many nonprofit organizations serving immigrants, while Portland has many services for refugees, but not as many for non-refugee immigrants. In some communities, immigrants receive services and assistance mainly from immigrant organizations based on their countries of origin or native language.

Availability of English Language Instruction

According to the U.S. Department of Education, Office of Vocational and Adult Education, there are more than 1,400 sites throughout the United States that provide English instruction (English as a Second Language) to people for whom English is not their native language. This figure does not include the thousands more community- and faith-based organizations, volunteer agencies, colleges and universities, workplace education programs, and for-profit organizations that offer additional classes for immigrants. These programs—federally funded, other non-profits, and for-profits—offer a variety of educational services from one-on-one tutoring to comprehensive English programs consisting of multi-level classes with standardized curricula.

All seven communities reported that one of their strengths in helping new immigrants integrate within their communities was the availability of English language instruction. Participants noted that these classes also served a social integration purpose, bringing together immigrants from various backgrounds. The adult educators participating in the focus groups said they often used curricula emphasizing how immigrants could become more involved in the community, as well as teaching about the United States and its history and government. Furthermore, the adult educators agreed that they often serve as "front line" contacts for many immigrants and are important sources of referrals for them.

Although participants noted that their communities provided English language instruction in a variety of ways, most felt that the demand outweighed their capacity to supply this service. For example, one adult education provider in Portland serves about 17,000 learners a year—but has a waiting list of at least 9,000. Adult educators in Houston estimate that about one million people in their area need English language instruction; however, only about 35,000 can be served each year.

The growing gap between the demand for English as a Second Language (ESL) classes and the availability of such classes presents a challenge for many communities throughout the United States. Acquiring a functional command of the English language is the basis for many other integration opportunities. Lack of adequate funding is cited as the major reason communities are unable to meet the demand; however, often compounding the problem is a lack of facilities to hold classes, especially in rural areas, and a lack of available and

trained instructors to teach the classes. Many focus group participants also stated that when programs were confronted with low-literacy immigrants, those who have no literacy skills in their native language, and/or those with a physical or learning disability, the issues of finding trained teachers becomes even more problematic.

Partnerships and Coalitions

No single federal, state, or local organization can serve the multifaceted needs of new immigrants. It takes a number of agencies at all levels working together to achieve a community and nation where immigrants are integrated and able to participate fully in all aspects of American society.

Participants in the focus groups voiced a need for strong partnerships to improve or expand services to immigrants. In a field with high demand and limited resources, they understand that cooperating with other organizations is essential to providing good services. They observed that funders seek, and in some cases require, collaboration among organizations, which provides an incentive to create such partnerships. Participants also agreed about what makes partnerships successful:

- Sharing a common goal.
- Sharing information and resources.
- Building on the complementary strengths of the different partners.
- Communicating and coordinating work to avoid duplicating services.
- Defining the roles and responsibilities of each partner.
- Cooperating instead of competing.

Some participants gave examples of local coalitions or networks that they considered instrumental in accomplishing their work. Lowell, for example, has the One Lowell Coalition, an alliance of organizations serving immigrants, as well as another alliance of about 45 non-profits that provides information, training, and networking opportunities. The Greater Lowell Interfaith Alliance also plays a significant role in the community because it counts among its members many faith-based groups that serve immigrants.

For more than ten years, Lincoln has had a New Americans Task Force, staffed by the city of Lincoln and the county human services department. The Task Force consists of 35 organizations, including CBOs, government agencies, law enforcement, and others dedicated to helping immigrants and refugees become part of their community. The Task Force meets monthly to discuss services and programs. It also makes referrals and implements special projects, such as the production of a video, "The New Nebraskans," in cooperation with Nebraska Public Television.

Although immigrant-serving coalitions were strong in some communities, others stated that despite recognizing the value of such a coordinating body, there was no such mechanism in their communities. As several participants mentioned, forming and maintaining coalitions is not easy and requires time and ongoing effort. This competes with resources needed to serve the day-to-day needs of their clients. Most agreed, however, that it is time and energy well spent.

Centralized Information

Even in this age of technology where millions of pieces of information are available with the push of a button, trying to sift through that information can be daunting. Participants uniformly emphasized the need for a source of centralized information for immigrants themselves as well as the organizations that serve them. Some cited a lack of information on services in the community, life in the United States, what LPR status

means and requires, and the benefits of U.S. citizenship, as well as about more practical, day-to-day issues. Others said that organizations serving immigrants needed more centralized information to help with referrals and other aspects of their work. They also observed that it was difficult to get updates on changes to immigration laws or to learn about innovations and best practices from other communities.

Outreach to New Immigrants

Participants observed that, in the absence of a standardized approach to introducing new immigrants to their communities and life in the U.S., linking them to services and assistance can be "catch-as-catch can." One participant suggested that when LPRs receive their Permanent Resident Cards, they should also be given an information packet outlining their eligibility for services, their rights and responsibilities, and the benefits of U.S. citizenship, among other topics.

Participants agreed that outreach to new immigrants is vital and that communities should not wait for immigrants themselves to find services and connections to the community. Communities varied in the extent to which they actively sought out new immigrants in order to provide the assistance and orientation services they needed. Some participants noted that their city governments provided considerable outreach, whereas others said that their city governments provided little to no outreach to immigrants at all. Most participants agreed that many immigrants were not being reached at all.

Funding

Participants from every community cited funding issues as a constraint to providing services to immigrants. The challenges of finding sufficient funding to meet the vast needs of the immigrant population has, in many communities, been the catalyst for stronger and more efficient collaborative efforts. Some communities, in order to form more holistic networks, have gone beyond the traditional social service and education providers to include local government and the private sector as well. No community agency or organization that touches the lives of immigrants should be left out. As one community member said, "The only thing that should be left out is ego and turfism."

(IV) Naturalization: Helping Immigrants Become U.S. Citizens

Assistance to Immigrants Seeking to Naturalize

In many communities across the United States, there are at least some services available to immigrants ready and eligible to naturalize. All focus group participants indicated that such services were available within their communities, including citizenship classes, counseling, pro bono legal advice, and/or legal clinics. In addition, some participants stated that immigrant organizations based on ethnicity, language, country of origin, or religious affiliation often help immigrants with the naturalization process. In Dearborn, some organizations assist immigrants with limited income to pay the fee for naturalization. In Portland, citizenship classes are available in a variety of locations, such as churches with large immigrant congregations and apartment complexes with immigrant residents. In Oakland, one organization offers one-on-one citizenship preparation to elderly immigrants in accessible settings, such as senior centers.

Some organizations rely heavily on volunteers for these services. In Houston, trained volunteers often staff citizenship preparation workshops. In Northern Virginia, many residents have had international experience with the military, Peace Corps, or Department of State and eagerly volunteer to help. Others noted that staff members often provide assistance on their own time, and without funding, to those seeking help with naturalization.

Although all communities had some services to help immigrants naturalize, the services available varied widely in type and availability. Participants noted that a standard curriculum for citizenship classes, especially one with the imprimatur of USCIS, would be especially useful. Others felt that there were not enough BIA-accredited organizations, counselors, or attorneys in their communities who could provide free or low-cost legal advice to those seeking to naturalize and even fewer who could provide assistance in immigrants' native languages.

Early Outreach

Participants noted that preparation for naturalization should not begin with the immigrant's submission of a formal application to USCIS. There is a wealth of information needed by the immigrant well before the application process begins, both about the naturalization process and citizenship itself.

Several participants cited efforts to reach immigrants early with information about the benefits of U.S. citizenship and about the process of naturalization. In Lowell, for example, a CBO that serves teens is joining forces with a local university to seek funding to promote citizenship among teens and help them educate their parents about citizenship.

Again, although several communities are seeking to find and serve immigrants in their communities who are eligible and ready to naturalize, there remain wide gaps between outreach services available and outreach services needed.

Centralized Information

Just as a source of centralized information is needed by newly arrived immigrants and the organizations that serve them, those immigrants ready and eligible to naturalize need a centralized source of information about available resources and issues that concern them. Participants said that there was currently no centralized comprehensive source of information on naturalization issues, changes in laws or policies, or services for those seeking naturalization.

Coalitions

Some participants said that coalitions that coordinate efforts for those immigrants ready and eligible to naturalize do not exist within their communities. They felt that, in the absence of such coordinating networks, organizations did not do a good job of sharing information about programs and services. This sometimes leads to duplication of services and/or lost opportunities for immigrants. Those communities that have developed a good working relationship among agencies felt that coordinated efforts for those immigrants preparing to naturalize were less prevalent than coordination for new permanent residents.

(V) Challenges in Serving Immigrants

Participants noted several common challenges in working with immigrant communities. These do not necessarily represent gaps in services, but rather are some of the inherent difficulties of serving this population. These include:

Economic Challenges

Immigrants are often faced with multiple challenges. Finding a source of income to secure housing and transportation, pay for childcare, and buy food and clothes for their families may require all eligible family members to work one or more jobs. Those immigrants who try to balance long hours with other family responsibilities often find no time to devote to attending classes or participating in civic integration activities. This is a real challenge to service providers and has required many to consider new ways and schedules for delivering services.

Literacy Challenges

Many immigrants are not literate in their native language, making their transition to English and their integration into the community more difficult. English programs with such students often find it difficult to find teachers trained in techniques for teaching non-literate immigrants, adequate instructional resources, and the time and funds necessary to provide the intensive services necessary to help non-literate immigrants acquire English skills.

Isolation

Participants expressed concern about immigrants who did not manage to find assistance or who were not part of a predominant immigrant group in their communities. Some noted that immigrants who were dispersed throughout the community could be harder to reach than those in well-established immigrant neighborhoods. They also noted that new immigrants could become isolated in these predominant communities, with little incentive to learn English.

Diversity

In some communities, immigrants come from a fairly small number of countries, making it easier for the community to learn about them and provide culturally sensitive services. In other communities, the diversity of national and ethnic groups makes this difficult. One Portland participant noted that there were students speaking 67 native languages in his community's English language program.

(VI) Accessing Immigration-Related Information

Participants draw on a variety of sources of information for their work, including:

- The District USCIS office and CLO.
- National Organizations.
- Professional Organizations.
- Coalitions and Networks.
- Personal Networks.
- Conferences and Workshops.
- Websites.
- Listservs.
- Publications, including community services directories and newsletters.

Although this list is extensive, participants said that they had difficulty obtaining useful information easily and making sense of it.

(VII) What We Learned

Facilitating the Integration of Newly-Arrived Immigrants

Focus group participants highlighted the need for a more standardized approach to introducing new immigrants to their communities and life in the U.S., including mechanisms to link them to services and information sources. When asked about gaps in assisting newly arrived immigrants integrate into daily life, focus group participants consistently said that they need a source of centralized information for immigrants, and that there are not enough services for newly arrived LPRs. Many participants also stated that there are long waiting lists for ESL classes in their communities. Some participants felt that access to services is limited for immigrants who are not supported by or part of their community's majority linguistic, ethnic, or religious groups.

Focus groups also highlighted several strengths shared by the communities—community- and faith-based organizations that provide services to immigrants, dedicated volunteers who commit their time to help new immigrants, and English language instruction opportunities.

Issue for Action

To assist communities, the Office of Citizenship is developing a variety of outreach and educational materials for newly arrived immigrants. The first of these materials is a guide for LPRs entitled, "Welcome to the United States: A Guide for New Immigrants." As the title implies, this guide is targeted toward immigrants who need quick access to practical information about daily life in the United States, as well as basic civics information that will introduce them to the U.S. system of government. It will also provide guidance on the rights and responsibilities associated with lawful permanent resident status.

Preparing Those Who Are Ready and Eligible to Become Citizens

More citizenship preparation classes are needed, along with a good curriculum and teaching and learning tools. Focus group participants discussed the strengths of their communities in preparing immigrants to naturalize. They all indicated that there are citizenship preparation services available; however, many also added that these services are limited, provided informally, or conducted on staff's unpaid volunteer time. In addition, participants felt that greater outreach to immigrants on the rights and responsibilities of citizenship is needed.

Issue for Action

The development of a national citizenship curriculum with aligned assessments, learning tools, and a teacher-training framework is a high priority on the Office of Citizenship's agenda. Educational materials on the benefits, rights, and responsibilities of citizenship will be developed and made available to programs nationwide.

Access to Information

Immigrants and the organizations that serve them need a more structured method to access current information and learn about services available in their communities. Focus group participants identified a number of ways that they access information. However, many stated that there is a lack of centralized information—not only for immigrants, but also for the organizations that serve them. Practitioners, focusing on service delivery, often do not have the time to track down information and stay current on trends and best practices.

Issue for Action

To help facilitate community access to information on immigrant integration, the Office of Citizenship will update its website with a view towards building a clearinghouse of resources as well as an online library for researchers and academics. In addition, through its Community Liaison Officers, the Office will continue to seek innovative approaches to facilitate targeted, ongoing sharing of information in local communities.

Coordination and Partnership

Partnerships among all sectors are critical to communities' success in helping immigrants successfully integrate. This includes all levels of government, adult educators, community- and faith-based organizations and the private sector. It is clear from focus group comments that many organizations are engaged in meaningful partnerships to better serve immigrants within their communities. Many participants also stated, however, that there is a greater need for coordination among all provider organizations within communities. Those participants who had been part of a consortium of organizations in the past stated that such a group was an important way of keeping up-to-date with trends and resources—both local and national—and of building relationships that could potentially develop into partnerships.

Issue for Action

The Office of Citizenship will seek to establish working groups at the national level, and actively engage state and local governments to share information, identify barriers to serving immigrants, and leverage limited resources. Such collaboration already exists in some communities, and the Office will assist them in strengthening existing networks or developing new working groups where needed. The Office of Citizenship's Community Liaison Officers will play an important role in this effort.

Funding

Limited resources are often a barrier to providing the variety of services an immigrant requires to fully integrate into the civic life of the community. Partnerships help, but even that takes resources. Focus group participants agreed that partnering was one way to make limited dollars go farther and suggested that partnerships should be expanded to include more of the private sector. However, they also stated that partnering requires staff time, which requires funding in order not to diminish the ability to provide basic services.

Issue for Action

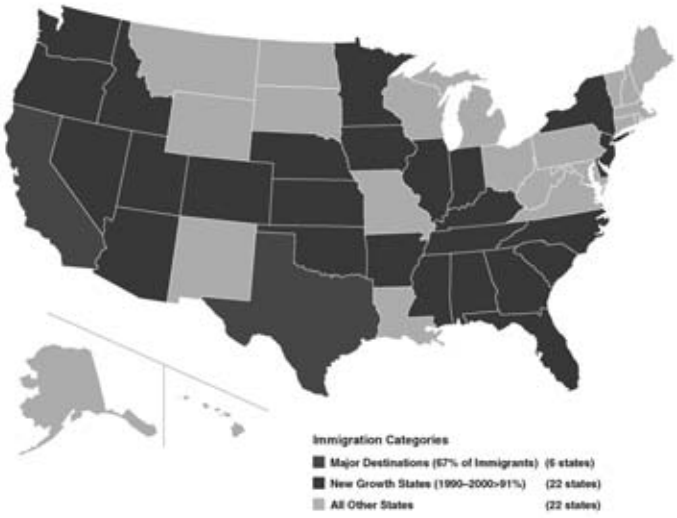
To assist programs in their struggle to both obtain and leverage funds to achieve their important mission, the Office of Citizenship will continue to raise awareness within both public and private sectors of the benefits of civic integration for immigrants and the shared responsibilities among all sectors of society in addressing these funding issues.

(VIII) Conclusion

The United States has been and continues to be a nation of immigrants, with newcomers to America both enriching the tapestry of our nation and presenting new challenges in the 21st century. The Office of Citizenship is committed to encouraging the civic integration of immigrants and their eventual naturalization. The community discussions described here were intended to help the Office of Citizenship understand how communities presently assist new immigrants and to identify gaps in services that local providers consider urgent. Although some communities have long been accustomed to welcoming immigrants, others are just beginning to have sizable immigrant communities and are learning how to assist them. The seven communities that participated in the focus groups are strongly committed to improving their assistance to immigrants, and although they bring many strengths to this task, they consistently cited insufficient resources to meet the demand as one of their greatest challenges.

The information provided by these communities is invaluable to the Office of Citizenship as it moves ahead in its work. The Office of Citizenship carefully analyzed all comments and recommendations by participants and is very appreciative of the time and enthusiasm participants devoted to this effort. Their advice and suggestions will be used to inform the future priorities of the Office of Citizenship in order to make the lives of all immigrants and the communities in which they reside much richer through civic integration.

Appendix A:
New Immigrant Growth Centers



Source: Capps, Randolph, Fix, Michael E., and Jeffrey S. Passel (2002). The Dispersal of Immigrants in the 1990s. Immigrant Families and Workers, Brief No. 7. Washington, D.C.: The Urban Institute.

Appendix B: A Snapshot of the U.S. Immigrant and Foreign-Born Populations

Size and Growth	
Total U.S. population, 2000	281,421,906
Foreign-born population,[1] 2000	31,107,889
Percent who were foreign-born, 2000	11
Percent of foreign-born population who arrived 1990–2000	43
Countries and Regions of Origin	
Percent of foreign-born population in 2000 from top five countries of origin	
Mexico	30
China	5
Philippines	4
India	3
Vietnam	3
Percent of foreign-born in 2000, by regions of origin	
Latin America[2]	52
Asia	26
Europe	16
Africa	3
North America	3
English Proficiency	
Percent of the total U.S. population ages 5 or older with limited English proficiency:[3]	8
Percent of foreign-born population ages 5 or older with limited English proficiency:[3]	51
Poverty	
Percent of residents living at or below the federal poverty level in 2000:[4]	
Foreign-born	18
Native-born	12
Naturalized citizens	11
Noncitizens	23

A Snapshot of the U.S. Immigrant and Foreign-Born Populations—continued

Naturalized Citizens

Percent naturalized, by period of entry[5]	
Before 1970	82
1970–1979	66
1980–1989	45
1990–2000	13

Legal Permanent Resident (LPR) population in 2002[6]	11.4 million
Population eligible to naturalize in 2002[7]	7.8 million
Number of persons naturalized in fiscal year 2002[8]	573,708

Unless otherwise noted, the source for these estimates is: U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau Census 2000.

[1]As defined by U.S. immigration law, immigrants are persons lawfully admitted for permanent residence in the United States. The number of **foreign-born** reflected in the Census 2000 data is the population residing in the U.S. born in a different country to parents who were not U.S. citizens. The Census 2000 foreign-born population includes non-immigrants, such as temporary workers, foreign students, and undocumented immigrants, as well as naturalized citizens.

[2]U.S. Census 2000 includes Mexico in Latin America rather than North America.

[3]As defined by the U.S. Census, persons with limited English proficiency are those who speak a language other than English and speak English "well," "not well," or "not at all."

[4]According to Census 2000, the federal poverty level in 2000 was an annual income of $17,050 for a family of four.

[5]To be eligible for citizenship, a foreign-born resident must be a legal permanent resident and have resided in the U.S. for at least five years or at least three years if married to a U.S. citizen. For data tables, see Malone, Nolan, Baluja, Kanti F., Costanzo, Joseph M., and Cynthia J. Davis (2003). **The Foreign-born Population: 2000**. Washington, DC: U.S. Census Bureau.

[6]For an explanation of the data on LPRs and the population eligible to naturalize, see Rytina, Nancy (2004). **Estimates of the Legal Permanent Resident Population and Proportion Eligible to Naturalize in 2002**. Washington, DC: U.S. Department of Homeland Security, Office of Immigration Statistics.

[7]Rytina (2004).

[8]U.S. Department of Homeland Security, **Yearbook of Immigration Statistics: 2000**. Washington, DC: U.S. Government Printing Office.

Appendix C: Focus Group Participant List

Location	Name of Organization
Arlington, VA	Arlington County Department of Human Services
	Boat People S.O.S.
	Catholic Charities Immigration Legal Services
	Center for Multicultural Human Services
	Central American Resource Center (CARECEN)
	City of Alexandria Department of Human Services
	Fairfax County Public Schools Adult & Community Education
	Hispanic Committee of Virginia
	Newcomer Community Service Center
	Northern Virginia Community College
	Arlington Education and Employment Program (REEP)–Adult ESL Program
	Virginia Office of Newcomer Services, Department of Social Services
Dearborn, MI	Arab American and Chaldean Council
	Arab Community Center for Economic and Social Services
	Dearborn Schools Adult Education
	Michigan Family Independence Agency
	Henry Ford Community College–English Language Institute
	International Institute of Metropolitan Detroit
	Islamic Center Of America Women's Society
	Italian American Cultural Center
	Latin Americans for Social and Economic Development, Inc.
	Michigan Commission on Spanish Speaking Affairs
	Michigan State Office of Adult Education
	National Association of Yemeni Americans
	Office of the Mayor of Dearborn
Houston, TX	Jewish Community Center
	Catholic Charities, Cabrina Center for Immigrant Legal Assistance
	Harris County Clerk's Office, Office of Beverly Kaufman, County Clerk
	Houston Community College–Community and Adult Education
	Mayor's Office on Immigrant and Refugee Affairs (MOIRA)
	Mexican Institute of Greater Houston
	National Association of Latino Elected and Appointed Officials (NALEO)–Houston
	North Harris County Community College–Adult Education/EL Civics
	Cy-Fair College–Project GREAT Center
	Boat People S.O.S., Houston Branch Office
	Texas Learns–Harris County Department of Education
	The Alliance for Multicultural Community Services
	YMCA International Services

Lincoln, NE	Nebraska Appleseed Center for Law and Public Interest Asian Community and Cultural Center Catholic Social Services (Catholic Charities) Lancaster County, City of Lincoln Health and Human Services State of Nebraska Health and Human Services, Economic and Family Support System Lincoln Action Program Lincoln Literacy Center Lincoln Public Schools–Federal Programs, Migrant Education Nebraska Equal Opportunities Commission Southeast Community College–ESL Program State of Nebraska Mexican American Commission
Lowell, MA	African Assistance Center of Greater Lowell Cambodian Mutual Assistance Association Eliot Presbyterian Church Enterprise Community, City of Lowell International Institute of Lowell Lao Family Mutual Association Lowell Adult Education Center Massachusetts Alliance of Portuguese Speakers Massachusetts Office for Refugees and Immigrants Middlesex Community College Refugee and Immigrant Health Program, Massachusetts Department of Public Health Saint Julie Asian Center
Oakland, CA	Asians for Job Opportunities in the Bay Area (AJOB) Berkeley Adult School, Berkeley Unified School District Catholic Charities of the East Bay Childcare and Refugees Program Branch, State of California Department of Social Services East Bay Refugee Forum Family Bridges Jewish Family and Children Services of the East Bay Neighborhood Centers Adult School, Oakland Unified School District Spanish Speaking Citizens Foundation Supervisor Alice Lai-Bitker's Office, Alameda County Board of Supervisors
Portland, OR	Asian Health and Service Center City of Eugene, Human Rights Program, City Manager's Office Clackamas Community College–ESL Program Immigrant and Refugee Community Organization Lutheran Community Services N.W. Mt. Hood Community College–Adult Basic Skills Department Office of the Governor Oregon Department of Human Resources, Refugee Program Unit Portland Community College–Adult Basic Skills Program Russian Oregon Social Services Sponsors Organized to Assist Refugees

ANSWERS TO POST-HEARING QUESTIONS FROM RUTH ELLEN WASEM, PH.D., SPECIALIST IN IMMIGRATION POLICY, CONGRESSIONAL RESEARCH SERVICE

Memorandum June 5, 2007

TO: House Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law

ATTN: Blake Chisam

FROM: Karma Ester (Immigration) 7-3036
LaVonne Mangan (Immigration) 7-5008
Abigail Rudman (Labor) 7-9519
Paul Janov (Labor) 7-6615
Gary Sidor (Social Security) 7-2588
Information Research Specialists
Knowledge Services Group

SUBJECT: Response to Questions on Immigration for June 6, 2007 Hearing

Per your request, we are providing responses to as many of your attached questions as possible. Please note, for several questions, we have been unable to locate a source of statistics.

Please let us know if we may be of further assistance.

1. How much does deportation cost per individual?

According to Immigration and Customs Enforcement (ICE) officials, there is no way to determine these costs.

2. How many individuals have been deported annually since 1986?

Aliens Expelled: Fiscal Years 1986 To 2005

Year	Formal removals [1]	Voluntary departures [2]
1986	24,592	1,586,320
1987	24,336	1,091,203
1988	25,829	911,790
1989	34,427	830,890
1990	30,039	1,022,533
1991	33,189	1,061,105
1992	43,671	1,105,829
1993	42,542	1,243,410
1994	45,674	1,029,107
1995	50,924	1,313,764
1996	69,680	1,573,428
1997	114,432	1,440,684
1998	173,146	1,570,127
1999	181,194	1,574,803
2000	186,391	1,675,827
2001	178,207	1,254,182
2002	150,788	934,463
2003	189,856	888,409
2004	204,290	1,036,133
2005	208,521	965,538

[1] Formal removals from the United States Pursuant to final orders of exclusion, deportation, or removal.
[2] Voluntary departures from the United States that are verified by the Department of Homeland Security. Voluntary departures are a form of relief from formal removal, under which an alien is permitted to depart the United States voluntarily. Most of the voluntary departures are of Mexican nationals who have been apprehended by the U.S. Border Patrol and are returned to Mexico.

Note: Data for 1999 to 2005 reported as of January 2006.
Source: *2005 Yearbook of Immigration Statistics*, Office of Immigration Statistics, U.S. Department of Homeland Security.

I

3. How many immigration-related worksite enforcement cases have been brought annually since 1986?

Note: The data available to CRS pertaining to worksite enforcement cases is presented below in the Table, *Employer-Related Worksite Enforcement Data*. The data was compiled by the Department of Homeland Security, Office of Immigration Statistics (OIS) from the Performance Analysis System (PAS) database. Please note that Immigration and Customs Enforcement (ICE) no longer uses PAS to report its enforcement actions for years after FY2003. Additional data was not readily available upon request. The data presented below provides answers to questions #3 and #4.

Employer-Related Worksite Enforcement Data, FY1992-FY2003

	All Prosecutions		Employer Investigations				
Year	Total Convictions	Employer Convictions	Cases Completed	Warnings	Notice of Intent to Fine	Final Orders	Arrests
1992	-	-	7,053	840	1,461	1,063	8,027
1993	10,189	40	6,237	758	1,302	944	7,630
1994	9,180	11	6,169	683	1,063	836	7,554
1995	11,110	52	5,283	550	1,055	909	10,014
1996	11,014	48	5,149	668	1,019	808	14,164
1997	15,219	48	7,537	733	862	777	17,552
1998	20,768	48	7,788	642	1,023	535	13,914
1999	19,753	24	3,898	383	417	297	2,849
2000	20,007	49	1,966	282	178	180	953
2001	20,297	19	1,595	169	100	78	418
2002	20,483	25	2,061	124	53	13	451
2003	21,821	72	2,194	479	162	124	445

Source: CRS presentation of DHS OIS data from the PAS database.

Note: The "Total Convictions" column presents information on convictions across all categories of prosecutions, including immigration violations, naturalization violations and other violations. Additionally, in terms of employer investigations, if ICE believes that an employer has committed a violation of these provisions, the agency may issue the employer either a warning or a Notice of Intent to Fine (NIF). Employers have 30 days to request a hearing before an Administrative Law Judge in DOJ's Executive Office for Immigration Review (EOIR) to contest a NIF. If no hearing is requested, ICE issues a Final Order for civil money penalties. If a hearing is requested, the process may end in a Final Order, a settlement, or a dismissal. The "Arrest" column includes data on individuals arrested for criminal worksite violations under INA §274A, as well as individuals arrested for immigration violations and placed in civil removal proceedings under INA §240. While the criminal violation arrests include both U.S. citizens and noncitizens, only noncitizens are placed in civil removal proceedings.

4. How many criminal prosecution cases have been brought against employers for immigration-related offenses annually since 1986?

See table provided for Question #3.

5. What is the number of undocumented immigrants in the U.S.?

Note: Due to the lack of data available on the unauthorized population residing in the United States, information to address questions #5 and #6 is compiled from data presented in *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2005*, by the Office of Immigration Statistics, U.S. Department of Homeland Security (DHS) and *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.*, by the Pew Hispanic Center. The Pew Hispanic Center is a nonpartisan research organization supported by The Pew Charitable Trusts. Data presented by DHS is based on the *Public Use Microdata Sample* of the *2004 American Community Survey*, and the Pew Hispanic Center data is based on the *March 2005 Current Population Survey (CPS)*. Both surveys are administered by the U.S. Census Bureau.

Components of the Unauthorized Immigrant Population: January 2005 *(in thousands)*

1) Foreign-born population	
a. Foreign-born population, entered 1980-2004	24,890
b. Adjustment for shift in reference date from July 1, 2004 to January, 2005	550
c. Adjustment for exclusion of group quarters in ACS	310
d. Undercount of nonimmigrants in ACS	140
e. Undercount of other legally resident immigrants (LPRs, recent refugee/asylee arrivals) in ACS	390
f. Undercount of unauthorized immigrant population in ACS.	1,050
g. Estimated foreign-born population, January 1, 2005(a.+b.+c.+d.+e.+f.)	27,320
2) Legally resident population	
h. LPR, refugee, and asylee flow, entered 1980-2004	19,170
i. Mortality 1980-2004	1,010
j. Emigration 1980-2004	2,690
k. LPR, refugee, and asylee resident population, January 1, 2005 (h.-i.-j.)	15,470
l. Nonimmigrant population on January 1, 2005	1,350
m. Estimated legally resident population, January 1, 2005 (k.+l.)	16,820
3) Unauthorized immigrant population	
n. Estimated resident unauthorized immigrant population, 1/1/2005(g.-m.)	10,500

Note: Detail may not sum to totals because of rounding.
Source: *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2005*, Office of Immigration Statistics, U.S. Department of Homeland Security.

Figure 1. Unauthorized Migrants by Period of Arrival: March 2005

Source: Pew Hispanic Center tabulations of augmented March 2005 Current Population Survey, adjusted for omissions. See Passel, Van Hook, and Bean 2006 for discussion of methodology.

6. What is the number of undocumented immigrants whose households within the U.S. contain both documented and undocumented family members?

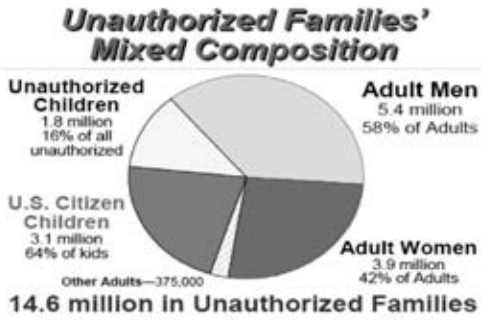


Figure 6. Demographic Composition of Unauthorized Families: March 2005

Source and Notes: Pew Hispanic Center tabulations of augmented March 2005 Current Population Survey, adjusted for omissions. An "unauthorized family" is one where the head or spouse is an unauthorized migrant. Families, as defined here as basically nuclear families—couples, either married or unmarried, with children (if any). Unrelated single individuals are also treated as a "family."

7. What is the number of households headed by an undocumented immigrant but comprised of both documented and undocumented family members within the U.S.?

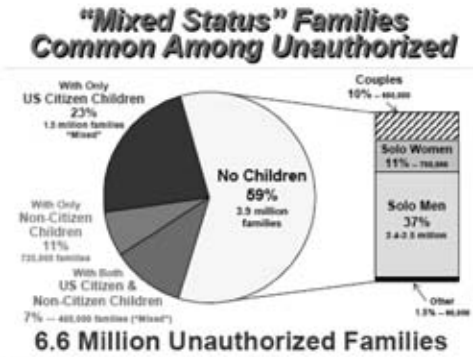


Figure 7. Unauthorized Families Classified by Composition: March 2005

Source and Notes: Pew Hispanic Center tabulations of augmented March 2005 *Current Population Survey*, adjusted for omissions. An "unauthorized family" is one where the head or spouse is an unauthorized migrant.

8. What is the number of undocumented immigrants with family members (spouse and minor children) outside the U.S.?

No information located.

9. What is the number of family members (spouse and minor children) of undocumented immigrants residing outside the U.S?

No information located.

10. What is the number of people in the family backlog broken down by preference category and country of chargeability?

According to U.S. Citizenship and Immigration Services (CIS), data is not available.

11. What is the number of people in the employment backlog broken down by preference category and country of chargeability?

According to U.S. Citizenship and Immigration Services (CIS), data is not available.

12. What percent of family-based beneficiaries "drop out" (i.e. do not complete processing) once a visa is available per year since 1990?

According to U.S. Citizenship and Immigration Services (CIS), data is not available.

13. What percent of employment-based beneficiaries "drop out" (i.e. do not complete processing) once a visa is available per year since 1990?

According to U.S. Citizenship and Immigration Services (CIS), data is not available.

14. What is the number of lawful permanent residents each year for the family-based preference (broken down by category and by derivative)?

Number of Family-Sponsored Preferences

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Total Legal Permanent Residents (LPRs)	**797,847**	**653,206**	**644,787**	**841,002**	**1,058,902**	**1,059,356**	**703,542**	**957,883**	**1,122,373**	**1,266,264**
Total Family-Sponsored	**534,060**	**474,013**	**474,420**	**581,442**	**671,671**	**670,556**	**490,082**	**632,170**	**649,201**	**802,712**
Total Family Preference Categories	**213,292**	**191,396**	**216,705**	**235,092**	**231,699**	**186,880**	**158,796**	**214,355**	**212,970**	**222,229**
First: Unmarried sons/daughters of U.S. citizens and their children	22,527	17,698	22,346	27,635	27,003	23,517	21,471	26,380	24,729	25,432
Second: Spouses, children, and unmarried sons/daughters of alien residents	113,659	88,447	107,945	124,540	112,015	84,785	53,195	93,609	100,139	112,051
Third: Married sons/daughters of U.S. citizens and their spouses and children	21,941	22,245	24,018	22,804	24,830	21,041	27,287	28,695	22,953	21,491
Fourth: Brothers/sisters of U.S. citizens (at least 21 years of age) and their spouses and children	55,165	63,006	62,396	60,113	67,851	57,537	56,843	65,671	65,149	63,255
Immediate Relatives of U.S. citizens	**320,768**	**282,617**	**257,715**	**346,350**	**439,972**	**483,676**	**331,286**	**417,815**	**436,231**	**580,483**
Spouses	170,094	150,589	127,370	196,405	268,294	293,219	183,796	252,193	259,144	339,843
Children*	76,616	70,423	69,031	82,638	91,275	96,941	77,948	88,088	94,974	120,199
Parents	74,058	61,605	61,314	67,307	80,403	93,516	69,542	77,534	82,113	120,441

Source: *2006 Yearbook of Immigration Statistics*, Office of Immigration Statistics, U.S. Department of Homeland Security.
*Includes orphans.

15. What percentage of the total of lawful permanent residents each year is made up of the family-based preference (broken down by category and by derivative)?

Rate of Family-Sponsored Preferences

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Total Family-Sponsored	**66.9%**	**72.6%**	**73.6%**	**69.1%**	**63.4%**	**63.3%**	**69.7%**	**66.0%**	**57.8%**	**63.4%**
Total Family-Sponsored Preferences	**26.7%**	**29.3%**	**33.6%**	**28.0%**	**21.9%**	**17.6%**	**22.6%**	**22.4%**	**19.0%**	**17.5%**
First: Unmarried sons/daughters of U.S. citizens and their children	2.80%	2.70%	3.50%	3.30%	2.60%	2.20%	3.10%	2.80%	2.20%	2.00%
Second: Spouses, children, and unmarried sons/daughters of alien residents	14.20%	13.50%	16.70%	14.80%	10.60%	8.00%	7.60%	9.80%	8.90%	8.80%
Third: Married sons/daughters of U.S. citizens and their spouses and children	2.80%	3.40%	3.70%	2.70%	2.30%	2.00%	3.90%	3.00%	2.00%	1.70%
Fourth: Brothers/sisters of U.S. citizens (at least 21 years of age) and their spouses and children	6.90%	9.60%	9.70%	7.10%	6.40%	5.40%	8.10%	6.90%	5.80%	5.00%
Immediate relatives of U.S. citizens	40.20%	43.30%	40.00%	41.20%	41.50%	45.70%	47.10%	43.60%	38.90%	45.80%
Spouses	21.30%	23.10%	19.80%	23.40%	25.30%	27.70%	26.10%	26.30%	23.10%	26.80%
Children*	9.60%	10.80%	10.70%	9.80%	8.60%	9.20%	11.10%	9.20%	8.50%	9.50%
Parents	9.30%	9.40%	9.50%	8.00%	7.60%	8.80%	9.90%	8.10%	7.30%	0.00%

* Includes orphans.

Source: Compiled by CRS from the *2006 Yearbook of Immigration Statistics*, Office of Immigration Statistics, U.S. Department of Homeland Security.

16. What is the number of lawful permanent residents each year for the employment-based preference (broken down by category and by derivative)?

Number of Employment-Based Preferences

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Total Legal Permanent Residents (LPRs)	**797,847**	**653,206**	**644,787**	**841,002**	**1,058,902**	**1,059,356**	**703,542**	**957,883**	**1,122,373**	**1,266,264**
Total Employment-Based Preferences	**90,490**	**77,413**	**56,678**	**106,642**	**178,702**	**173,814**	**81,727**	**155,330**	**246,878**	**159,081**
First: Priority workers	21,774	21,375	14,844	27,566	41,672	34,168	14,453	31,291	64,731	36,960
Second: Professionals with advanced degrees or aliens of exceptional ability	17,033	14,362	8,557	20,255	42,550	44,316	15,406	32,534	42,597	21,911
Third: Skilled workers, professionals, and unskilled workers	42,557	34,282	27,920	49,589	85,847	88,002	46,415	85,969	129,070	89,922
Fourth: Special immigrants	7,765	6,570	5,072	9,014	8,442	7,186	5,389	5,407	10,134	9,539
Fifth: Employment creation (investors)	1,361	824	285	218	191	142	64	129	346	749

Source: *2006 Yearbook of Immigration Statistics*, Office of Immigration Statistics, U.S. Department of Homeland Security. Available

17. What percentage of the total of lawful permanent residents each year is made up of the employment-based preference (broken down by category and by derivative)?

Rate of Employment-Based Preferences

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Total Employment-Based Preferences	**11.3%**	**11.9%**	**8.8%**	**12.7%**	**16.9%**	**16.4%**	**11.6%**	**16.2%**	**22.0%**	**12.6%**
First: Priority workers	2.7%	3.3%	2.3%	3.3%	3.9%	3.2%	2.1%	3.3%	5.8%	2.9%
Second: Professionals with advanced degrees or aliens of exceptional ability	2.1%	2.2%	1.3%	2.4%	4.0%	4.2%	2.2%	3.4%	3.8%	1.7%
Third: Skilled workers, professionals, and unskilled workers	5.3%	5.2%	4.3%	5.9%	8.1%	8.3%	6.6%	9.0%	11.5%	7.1%
Fourth: Special immigrants	1.0%	1.0%	0.8%	1.1%	0.8%	0.7%	0.8%	0.6%	0.9%	0.8%
Fifth: Employment creation (investors)	0.2%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%

Source: Compiled by CRS from the *2006 Yearbook of Immigration Statistics*, Office of Immigration Statistics, U.S. Department of Homeland Security.

18. What is the number of lawful permanent residents each year for the humanitarian categories (broken down by category and by derivative)?

Number of Permanent Residents by Humanitarian Cause

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Total Legal Permanent Residents (LPRs)	**797,847**	**653,206**	**644,787**	**841,002**	**1,058,902**	**1,059,356**	**703,542**	**957,883**	**1,122,373**	**1,266,264**
Total Humanitarian Legal Permanent Residents (LPRs)	**112,050**	**52,048**	**42,509**	**62,928**	**107,981**	**125,798**	**44,764**	**71,230**	**142,962**	**216,454**
Refugees	101,967	44,529	39,164	56,091	96,870	115,601	34,362	61,013	112,676	99,609
Asylees	10,083	7,519	3,345	6,837	11,111	10,197	10,402	10,217	30,286	116,845

Source: *2006 Yearbook of Immigration Statistics*, Office of Immigration Statistics, U.S. Department of Homeland Security.

19. What percentage of the total of lawful permanent residents each year is made up of the humanitarian categories (broken down by category and by derivative)?

Rate of Permanent Residents by Humanitarian Cause

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Total Humanitarian Legal Permanent Residents (LPRs)	**14.0%**	**8.0%**	**6.6%**	**7.5%**	**10.2%**	**11.9%**	**6.4%**	**7.4%**	**12.7%**	**17.1%**
Refugees	12.8%	6.8%	6.1%	6.7%	9.1%	10.9%	4.9%	6.4%	10.0%	7.9%
Asylees	1.3%	1.2%	0.5%	0.8%	1.0%	1.0%	1.5%	1.1%	2.7%	9.2%

Source: Compiled by CRS from the *2006 Yearbook of Immigration Statistics*, Office of Immigration Statistics, U.S. Department of Homeland Security.

20. What is the number of lawful permanent residents each year for the diversity-based preference (broken down by category and by derivative)?

Number of Diversity-Based Preferences

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Total Legal Permanent Residents (LPRs)	**797,847**	**653,206**	**644,787**	**841,002**	**1,058,902**	**1,059,356**	**703,542**	**957,883**	**1,122,373**	**1,266,264**
Total Diversity-Based Preferences	49,344	45,485	47,535	50,920	41,989	42,820	46,335	50,084	46,234	44,471

Source: *2006 Yearbook of Immigration Statistics*, Office of Immigration Statistics, U.S. Department of Homeland Security.

21. What percentage of the total of lawful permanent residents each year is made up of the diversity-based preference (broken down by category and by derivative)?

Rate of Diversity-Based Preferences

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Total Diversity-Based Preferences	6.20%	7.00%	7.40%	6.10%	4.00%	4.00%	6.60%	5.20%	4.10%	3.50%

Source: Compiled by CRS from the *2006 Yearbook of Immigration Statistics*, Office of Immigration Statistics, U.S. Department of Homeland Security.

Total Legal Permanent Residents

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Total Legal Permanent Residents (LPRs)	**797,847**	**653,206**	**644,787**	**841,002**	**1,058,902**	**1,059,356**	**703,542**	**957,883**	**1,122,373**	**1,266,264**
Total Family-Sponsored	26.7%	29.3%	33.6%	28.0%	21.9%	17.6%	22.6%	22.4%	19.0%	17.5%
Total Employment-Based	11.3%	11.9%	8.8%	12.7%	16.9%	16.4%	11.6%	16.2%	22.0%	12.6%
Total Humanitarian-Based	14.0%	8.0%	6.6%	7.5%	10.2%	11.9%	6.4%	7.4%	12.7%	17.1%
Total Diversity-Based	6.20%	7.00%	7.40%	6.10%	4.00%	4.00%	6.60%	5.20%	4.10%	3.50%

Source: Compiled by CRS from the *2006 Yearbook of Immigration Statistics*, Office of Immigration Statistics, U.S. Department of Homeland Security.

22. How many immigrants have entered the U.S. illegally each year since 1986?

Period of Entry of the Unauthorized Immigrant Population: January 2005 (in thousands)

	Estimated population Jan-05	
Period of entry	**Number**	**Percent**
All years	10,500	100
2003-2004	990	9
2000-2002	2,070	20
1995-1999	3,130	30
1990-1994	2,090	20
1985-1989	1,160	11
1980-1984	1,050	10

Note: Detail may not sum to totals because of rounding.
Source: *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2005*, Office of Immigration Statistics, Department of Homeland Security, 2006.

23. How many immigrants overstayed their visas each year since 1986?

Note: Currently, there is no reliable data available to determine the number of visa overstays. According to the Government Accountability Office (GAO) report *Overstay Tracking is a Key Component of a Layered Defense (GAO 04-82)*, there is no accurate list of overstays, due to weaknesses in DHS's tracking system. The data presented below was obtained from the 2006 Pew Hispanic Center report *Modes of Entry for the Unauthorized Migrant Population*.

Modes of Entry for the Unauthorized Migrant Population

Entered Legally with Inspection	Non-Immigrant Visa Outstayers	4 to 5.5 Million
	Border Crossing Card Violators	250,000 to 500,000
	Sub-total Legal Entries	*4.5 to 6 Million*
Entered Illegally without Inspection	Evaded the Immigration Inspectors and Border Patrol	6 to 7 million
Estimated Total Unauthorized Population in 2006		**11.5 to 12 Million**

Source: Pew Hispanic Center Estimates based on the March 2005 Current Population Survey and Department of Homeland Security reports.

Available at http://pewhispanic.org/files/factsheets/19.pdf, as of June 5, 2007.

24. What has been the overall unemployment rate in the U.S. each year since 1986?

Overall Unemployment Rate											
	1986	**1987**	**1988**	**1989**	**1990**	**1991**	**1992**	**1993**	**1994**	**1995**	**1996**
	7.0%	6.2%	5.5%	5.3%	5.6%	6.8%	7.5%	6.9%	6.1%	5.6%	5.4%
...continued	**1997**	**1998**	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007***
	4.9%	4.5%	4.2%	4.0%	4.7%	5.8%	6.0%	5.5%	5.1%	4.6%	4.5%

Source: Bureau of Labor Statistics, Table 1, Employment Status of the Civilian Noninstitutional Population, 1940 to date, [http://www.bls.gov/cps/cpsa2006.pdf]
*Current Unemployment Rate for May 2007, seasonally adjusted, from the BLS Current Population Survey [http://www.bls.gov/cps/home.htm]

25. What is the number of unemployed individuals in the U.S. each year since 1986?

Number of Overall Unemployed *(in thousands)*											
	1986	**1987**	**1988**	**1989**	**1990**	**1991**	**1992**	**1993**	**1994**	**1995**	**1996**
	8,237	7,425	6,701	6,528	7,047	8,628	9,613	8,940	7,996	7,404	7,236
...continued	**1997**	**1998**	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007***
	6,739	6,210	5,880	5,692	6,801	8,378	8,774	8,149	7,591	7,001	6,819

Source: Bureau of Labor Statistics, Table 1, Employment Status of the Civilian Noninstitutional Population, 1940 to date, [http://www.bls.gov/cps/cpsa2006.pdf]

*Current Unemployed Persons (in thousands) for May 2007, seasonally adjusted, from the BLS, Current Population Survey, Employment Situation Summary, [http://www.bls.gov/news.release/pdf/empsit.pdf]

26. What has been the unemployment rate of immigrants in the U.S. each year since 1986?

Unemployment Rate of Foreign Born Workers											
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Foreign born	7.0%	6.1%	5.3%	4.8%	4.2%	5.2%	6.3%	6.6%	5.5%	4.6%	4.0%
Citizen	4.6%	4.1%	3.8%	3.5%	3.0%	3.8%	5.2%	5.5%	4.2%	3.8%	2.8%
Noncitizen	8.3%	7.4%	6.2%	5.6%	4.9%	6.1%	7.1%	7.3%	6.3%	5.2%	4.7%

Note: No data available from 1986-1996. Beginning in 2000, data incorporate population controls from Census 2000.
The Bureau of Labor Statistics (BLS) uses the terms "Foreign-Born" in documentation. The definition of "Foreign-Born" according to the BLS is "persons residing in the United States who were not U.S. citizens at birth. That is, they were born outside the United States or one of its outlying areas such as Puerto Rico or Guam, to parents neither of whom was a U.S. citizen. The foreign-born population includes legally admitted immigrants, refugees, temporary residents such as students and temporary workers, and undocumented immigrants. The survey data, however, do not separately identify the number of persons in these categories." See p. 3 of *Foreign-Born Workers: Labor Force Characteristics in 2006*, [http://www.bls.gov/news.release/pdf/forbrn.pdf]
Source: Unpublished foreign born tables, Current Population Survey, Bureau of Labor Statistics

27. What has been the number of unemployed immigrants in the U.S. each year since 1986?

Number of Unemployed Foreign-Born Workers *(in thousands)*											
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Foreign born	1,009	942	856	790	799	1,040	1,281	1,385	1,178	1,020	923
Citizen	234	238	238	228	218	291	407	454	363	335	262
Noncitizen	776	704	618	563	581	749	873	931	816	685	660

Note: No data available from 1986-1996. Beginning in 2000, data incorporate population controls from Census 2000
Source: Unpublished foreign born tables, Current Population Survey, Bureau of Labor Statistics

28. What has been the unemployment rate of illegal immigrants in the U.S. each year since 1986?

No information located. The Bureau of Labor Statistics does not compile statistics on unauthorized immigrants.

29. What has been the number of unemployed illegal immigrants in the U.S. each year since 1986?

No information located. The Bureau of Labor Statistics does not compile statistics on unauthorized immigrants

30. What has been the unemployment rate of American workers each year since 1986?

Unemployment Rate of Native-Born Workers											
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Native-born	5.3%	4.8%	4.4%	4.1%	4.0%	4.7%	5.7%	5.9%	5.5%	5.2%	4.7%

Note: No data available from 1986-1996. Beginning in 2000, data incorporate population controls from Census 2000.
The Bureau of Labor Statistics (BLS) uses the terms "Native-Born" in documentation. The definition of "Native-Born" according to the BLS is "persons born in the United States or one of its outlying areas such as Puerto Rico or Guam or who were born abroad of at least one parent who was a U.S. citizen."
Source: Unpublished foreign born tables, Current Population Survey, Bureau of Labor Statistics

31. What has been the number of unemployed American workers each year since 1986?

Number of Unemployed Native-Born Workers (in thousands)											
	1996	**1997**	**1998**	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**
Native born	6,302	5,824	5,354	5,089	4,893	5,760	7,097	7,389	6,971	6,570	6,078

Note: No data available from 1986-1996. Beginning in 2000, data incorporate population controls from Census 2000
Source: Unpublished foreign born tables, Current Population Survey, Bureau of Labor Statistics

32. What is the unemployment rate for immigrants who entered through a family-based preference each year since 1990?

No information located. The Bureau of Labor Statistics does not compile statistics on foreign-born workers by immigration status.

33. What is the number of unemployed immigrants who entered through a family-based preference each year since 1990?

No information located. The Bureau of Labor Statistics does not compile statistics on foreign-born workers by immigration status.

34. What is the unemployment rate for immigrants who entered through an employment-based preference each year since 1990?

No information located. The Bureau of Labor Statistics does not compile statistics on foreign-born workers by immigration status.

35. What is the number of unemployed immigrants who entered through an employment-based preference each year since 1990?

No information located. The Bureau of Labor Statistics does not compile statistics on foreign-born workers by immigration status.

36. Given unlimited access, what is the number of people in the world who are willing come to the U.S. if they could each year?

No information located.

37. What are the naturalization rates, by year, for immigrants in the U.S. since 1970?

Persons Naturalized since 1970						
	Petitions	Persons naturalized				Petitions
Year	filed	Total	Civilian	Military	Not reported	denied
1970	114,760	110,399	99,783	10,616	-	1,979
1971	109,897	108,407	98,858	9,549	-	2,028
1972	121,883	116,215	107,740	8,475	-	1,837
1973	126,929	120,740	112,944	7,796	-	1,708
1974	136,175	131,655	124,807	6,848	-	2,210
1975	149,399	141,537	135,323	6,214	-	2,300
1976*	199,152	190,722	183,578	7,144	-	2,799
1977	186,354	159,873	154,568	5,305	-	2,845
1978	168,854	173,535	168,409	5,126	-	3,894
1979	165,434	164,150	158,276	5,874	-	3,987
1980	192,230	157,938	153,343	4,595	-	4,370
1981	171,073	166,317	162,227	4,090	-	4,316
1982	201,507	173,688	170,071	3,617	-	3,994
1983	187,719	178,948	175,678	3,196	74	3,160
1984	286,440	197,023	192,113	2,965	1,945	3,373
1985	305,981	244,717	238,394	3,266	3,057	3,610
1986	290,732	280,623	275,352	2,901	2,370	5,980
1987	232,988	227,008	224,100	2,402	506	6,771
1988	237,752	242,063	239,541	2,296	226	4,304
1989	227,692	233,777	231,198	1,954	625	5,200
1990	233,843	270,101	246,845	1,630	21,626	6,516
1991	206,668	308,058	299,373	1,804	6,881	6,268
1992	342,238	240,252	222,519	5,702	12,031	19,293
1993	521,866	314,681	303,211	7,069	4,401	39,931
1994	543,353	434,107	402,050	6,194	25,863	40,561
1995	959,963	488,088	474,169	3,862	10,057	46,067
1996	1,277,403	1,044,689	926,481	1,261	116,947	229,842
1997	1,412,712	598,225	534,756	538	62,931	130,676
1998	932,957	463,060	439,416	964	22,680	137,395
1999	765,346	839,944	742,749	712	96,483	379,993
2000	460,916	888,788	814,796	839	73,153	399,670
2001	501,643	608,205	576,671	749	30,785	218,326
2002	700,649	573,708	551,628	1,055	21,025	139,779
2003	523,370	463,204	449,650	3,870	9,684	91,599
2004	662,796	537,151	520,771	4,668	11,712	103,339
2005	602,972	604,280	589,269	4,614	10,397	108,247

- Represents zero.
*Includes the 15 months from July 1, 1975 to September 30, 1976 because the end date of fiscal years was changed from June 30 to September 30.

Source: *2005 Yearbook of Immigration Statistics*, Office of Immigration Statistics, U.S. Department of Homeland Security.

38. What is the median annual income of an undocumented immigrant household?

No information located.

39. Given a net immigration assumption of 0 immigrants per year (both legal and otherwise), in what year would the Social Security trust fund be exhausted?

Information for projections of Social Security trust fund performance based on an assumption of zero net immigration is not available.

Source for Questions #39 - #46: The Board of Trustees, Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, *The 2007 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, http://www.ssa.gov/OACT/TR/TR07/tr07.pdf*, pp. 151-152

40. Given a net immigration assumption of 672,500 immigrants per year (both legal and otherwise), in what year would the Social Security trust fund be exhausted?

Long-range net immigration of 672,500 persons annually will result in the trust funds becoming exhausted in 2039.

41. Given a net immigration assumption of 900,000 immigrants per year (both legal and otherwise), in what year would the Social Security trust fund be exhausted?

Assuming long-range net immigration of 900,000 persons annually would push trust fund exhaustion to 2041.

42. Given a net immigration assumption of 1,300,000 immigrants per year (both legal and otherwise), in what year would the Social Security trust fund be exhausted?

Assuming long-range net immigration of 1.3 million persons annually would push trust fund exhaustion to 2043.

43. Given a net immigration assumption of 0 immigrants per year, what would be the Social Security cost rate decrease for a 25, 50, and 75-year period?

Assumptions based on zero net immigration are not available.

44. Given a net immigration assumption of 672,500 immigrants per year, what would be the Social Security cost rate decrease for a 25, 50, and 75-year period?

Program cost rates decrease with increasing rates of net immigration. The Trustees' report states, "The cost rate decreases with increasing rates of net immigration because immigration occurs at relatively young ages, thereby increasing the numbers of covered workers earlier than the numbers of beneficiaries. Each additional 100,000 net immigrants increases the long-range actuarial balance by about 0.07 percent of taxable payroll."

	Ultimate net immigration per year		
	672,500	**900,000**	**1,300,000**
Summarized cost rate:			
25-year: 2007-31	14.26	14.13	13.96
50-year: 2007-56	15.53	15.33	15.05
75-year: 2007-81	16.09	15.87	15.57

Source: Table created by CRS from data excerpted from *The 2007 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds*, Table VI.D3.

45. Given a net immigration assumption of 900,000 immigrants per year, what would be the Social Security cost rate decrease for a 25, 50, and 75-year period?

See above table.

46. Given a net immigration assumption of 1,300,000 immigrants per year, what would be the Social Security cost rate decrease for a 25, 50, and 75-year period?

See above table.

ANSWERS TO POST-HEARING QUESTIONS FROM RONALD BIRD, PH.D., CHIEF ECONOMIST AND DIRECTOR OF THE OFFICE OF ECONOMIC POLICY AND ANALYSIS, U.S. DEPARTMENT OF LABOR

UNITED STATES DEPARTMENT OF LABOR

OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS

POC: Sarah Pierce (OCIA), 202-693-4612

Questions for the Record
Hearing on *Hearing on Comprehensive Immigration Reform: Government Perspectives on Immigration Statistics*
June 6th, 2007

Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law

Committee on the Judiciary
U.S. House of Representatives

- **Responses to the Honorable Zoe Lofgren……Page 1**
- **Responses to the Honorable Steve King……Page 8**

Enclosed:
Table 1. Number of unemployed persons and unemployment rate, 1986-2006 annual averages …….....Page 9

Table 2a. Number of unemployed persons by foreign-born status, 1996-2006[1] annual averages……..Page 10

Table 2b. Unemployment rate by foreign-born status, 1996-2006[1] annual averages……..Page 11

Responses to the Honorable Zoe Lofgren

1. **How much does deportation cost per individual?**

   DOL does not have responsibility for the referenced data and thus does not have the information requested.

2. **How many individuals have been deported annually since 1986?**

   DOL does not have responsibility for the referenced data and thus does not have the information requested.

3. **How many immigration-related worksite enforcement cases have been brought annually since 1986?**

   DOL does not have responsibility for the referenced data and thus does not have the information requested.

4. **How many criminal prosecution cases have been brought against employers for immigration-related offenses annnally since 1986?**

   DOL does not have responsibility for the referenced data and thus does not have the information requested.

5. **What is the number of nndocumented immigrants in the U.S.?**

   Current Population Survey estimates of the labor force status of the foreign born do not distinguish between the documented and undocumented population. An oft-cited study by the Pew Hispanic Center estimates that the undocumented population numbered between 11.5 and 12 million in March 2006.

6. **What is the number of undocumented immigrants whose households within the U.S. contain hoth documented and undocumented family members?**

   DOL does not have responsibility for the referenced data and thus does not have the information requested.

7. **What is the number of households headed by an undocumented immigrant but comprised of both documented and undocumented family members within the U.S.?**

   DOL does not have responsibility for the referenced data and thus does not have the information requested.

8. **What is the number of undocumented immigrants with family members (spouse and minor children) outside the U.S.?**

DOL does not have responsibility for the referenced data and thns does not have the information reqnested.

9. What is the number of family members (spouse and minor children) of undocnmented immigrants residing outside the U.S?

DOL does not have responsibility for the referenced data and thns does not have the information reqnested.

10. What is the number of people in the family backlog broken down by preference category and country of chargeability?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

11. What is the number of people in the employment backlog broken down by preference category and country of chargeability?

DOL does not have data on the total nnmber of people in the employment preference waiting list since it is composed of:

1) Persons with petitions and/or immigrant adjustment applications pending with U.S. Citizenship and Immigration Services (USCIS) or before the Executive Office for Immigration Review (EOIR).
2) Persons outside the United States with approved petitions waiting for their visa to become available or their application for an immigrant visa to be adjndicated.
3) Persons with labor certifications pending at DOL.
4) Persons inside the United States with approved petitions waiting for their visa number to become available.

There are approximately 40,000 persons waiting for a permanent labor certification from DOL.

12. What percent of family-based beneficiaries "drop ont" (i.e. do not complete processing) once a visa is available per year since 1990?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

13. What percent of employment-based beneficiaries "drop ont" (i.e. do not complete processing) once a visa is available per year since 1990?

DOL does not have responsibility for the referenced data and thus does not have the

information requested.

14. What is the number of lawful permanent residents each year for the family-based preference (broken down by category and by derivative)?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

15. What percentage of the total of lawful permanent residents each year is made up of the family-based preference (broken down by category and by derivative)?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

16. What is the number of lawful permanent residents each year for the employment-based preference (broken down by category and by derivative)?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

17. What percentage of the total of lawful permanent residents each year is made up of the employment-based preference (broken down by category and by derivative)?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

18. What is the number of lawful permanent residents each year for the humanitarian categories (broken down by category and by derivative)?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

19. What percentage of the total of lawful permanent residents each year is made up of the humanitarian categories (broken down by category and by derivative)?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

20. What is the number of lawful permanent residents each year for the diversity-based preference (broken down by category and by derivative)?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

21. What percentage of the total of lawful permanent residents each year is made np of the diversity-based preference (broken down by category and by derivative)?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

22. How many immigrants have entered the U.S. illegally each year since 1986?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

23. How many immigrants overstayed their visas each year since 1986?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

24. What has been the overall nnemployment rate in the U.S. each year since 1986?

See table 1, below.

25. What is the number of unemployed individuals in the U.S. each year since 1986?

See table 1, below.

26. What has been the unemployment rate of immigrants in the U.S. each year since 1986?

See table 2, below. Note that the table lists values for all foreign-born persons, as well as separate estimates for the foreign-born who have become U.S. citizens and those who are non-citizens.

27. What has been the number of unemployed immigrants in the U.S. each year since 1986?

See table 2, below. Note that the table lists values for all foreign-born persons, as well as separate estimates for the foreign-born who have become U.S. citizens and those who are non-citizens.

28. What has been the unemployment rate of illegal immigrants iu the U.S. each year since 1986?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

29. What has been the number of unemployed illegal immigrants in the U.S. each year since 1986?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

30. What has been the unemployment rate of American workers each year since 1986?

See table 2. Note that the table lists values for native-born Americans as well as foreign-born persons who are U.S. citizens.

31. What has been the number of unemployed American workers each year since 1986?

See table 2. Note that the table lists values for native-born Americans as well as foreign-born persons who are U.S. citizens.

32. What is the unemployment rate for immigrants who entered through a family-based preference each year since 1990?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

33. What is the number of unemployed immigrants who entered through a family-based preference each year since 1990?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

34. What is the unemployment rate for immigrants who entered through an employment-based preference each year since 1990?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

35. What is the number of unemployed immigrants who entered through an employment-based preference each year since 1990?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

36. Given unlimited access, what is the number of people in the world who are willing

come to the U.S. if they could each year?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

37. What are the naturalization rates, by year, for immigrants in the U.S. since 1970?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

38. What is the median annual income of an undocumented immigrant household?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

39. Given a net immigration assumption of 0 immigrants per year (both legal and otherwise), in what year would the Social Security trust fund be exhausted?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

40. Given a net immigration assumption of 672,500 immigrants per year (both legal and otherwise), in what year would the Social Security trust fund be exhausted?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

41. Given a net immigration assumption of 900,000 immigrants per year (both legal and otherwise), in what year would the Social Security trust fund be exhausted?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

42. Given a net immigration assumption of 1,300,000 immigrants per year (both legal and otherwise), in what year would the Social Security trust fund be exhausted?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

43. Given a net immigration assumption of 0 immigrants per year, what would be the Social Security cost rate decrease for a 25, 50, and 75-year period?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

44. Given a net immigration assumption of 672,500 immigrants per year, what would he

the Social Security cost rate decrease for a 25, 50, and 75-year period?

DOL does not have responsibility for the referenced data and thus does not have the information requested.

45. **Given a net immigration assumption of 900,000 immigrants per year, what would be the Social Security cost rate decrease for a 25, 50, and 75-year period?**

DOL does not have responsibility for the referenced data and thus does not have the information requested.

46. **Given a net immigration assumption of 1,300,000 immigrants per year, what would be the Social Security cost rate decrease for a 25, 50, and 75-year period?**

DOL does not have responsibility for the referenced data and thus does not have the information requested.

Responses to the Honorable Steve King

47. **What is the number of people in the U.S. who are between the ages of 16 and 74 and are not in the work force?**

In 2006, there were 61.5 million persons between 16 and 74 years old that were not in the civilian labor force (which is defined as the sum of employed and unemployed persons).

They represent about 29 percent of the civilian noninstitutional population age 16 to 74. This percentage has remained essentially unchanged over the past decade.

48. If you agree, as you did at the hearing, with the statement that the sum total of the economic strength of a nation is directly proportional to the productivity of each of its people, then why does the Administration advocate legalizing a population that makes up 4.7% of the workforce but contributes only 2.2% of its productivity?

I am not aware of credible data that supports the allegation that there exists a group that comprises "4.7% of the workforce but contributes only 2.2% of its productivity?" Any attempt to ascribe productivity differences to subgroups of the labor force is both theoretically and empirically questionable. Such inferences are sometimes drawn on the basis of lower educational attainment of oue group compared to another. While it is sometimes implied that lower educational attainment equates with lower labor productivity, it should also be recognized that there are many situations in which joint production makes it impossible to distinguish the separate productivities of individual workers. Lower skilled workers may enable more highly skilled workers to achieve greater productivity by focusing more of their efforts on the highest value-added opportunities and avoiding routine activities (e.g., emptying the trash and sweeping the office floor) that can be delegated to less skilled workers. Indeed it is arguable that the total of output might be less in a mono-skilled economy in which everyone had the same high educational attainment than in a diversely skilled economy in which division of labor allows each individual to concentrate their efforts on their comparative advantages.

Table 1. Number of unemployed persons and unemployment rate, 1986-2006 annual averages

	Unemployed Persons (in thousands)	Unemployment Rate (percent)		Unemployed Persons (in thousands)	Unemployment Rate (percent)
1986	8,237	7.0	**1998**	6,739	4.9
1987	7,425	6.2	**1999**	6,210	4.5
1989	6,701	5.5	**2000**	5,880	4.2
1990	6,528	5.3	**2001**	5,692	4.0
1991	7,047	5.6	**2002**	6,801	4.7
1992	8,628	6.8	**2003**	8,378	5.8
1993	9,613	7.5	**2004**	8,774	6.0
1994	8,940	6.9	**2005**	8,149	5.5
1995	7,996	6.1	**2006**	7,591	5.1
1996	7,404	5.6	**2007**	7,001	4.6
1997	7,236	5.4			

SOURCE: Current Population Survey, Bureau of Labor Statistics.

Table 2a. Number of unemployed persons and unemployment rate by foreign-born status, 1996-2006[1] annual averages (Note: because of rounding, subgroup counts may not add to grand totals)

	Unemployed Persons (in thousands)				
				Foreign-born	
Year	Total	Native-born	Total	Citizen	Noncitizen
1996[2]	7,312	6,302	1,009	234	776
1997[2]	6,766	5,824	942	238	704
1998	6,210	5,354	856	238	618
1999	5,880	5,089	790	228	563
2000	5,692	4,893	799	218	581
2001	6,801	5,760	1,040	291	749
2002	8,378	7,097	1,281	407	873
2003	8,774	7,389	1,385	454	931
2004	8,149	6,971	1,178	363	816
2005	7,591	6,570	1,020	335	685
2006	7,001	6,078	923	262	660

SOURCE: Unpublished foreign born tables, Current Population Survey, Bureau of Labor Statistics.
[1] In response to the increased demand for statistical information about the foreign born, questions on nativity, citizenship, year of entry into the United States, and the parental nativity of respondents were added to the Current Population Survey (CPS) beginning in January 1994. Prior to 1994, the primary sources of data on the foreign born were the decennial census, two CPS supplements (conducted in Apri 1983 and November 1989), and, to some extent, information collected by the U.S. Citizenship and Immigration Services. Data for 1994 and 1995 had problems and are not strictly comparable with data fo 1996 and subsequent years, thus, only data since 1996 are compiled by BLS.
[2] The total number of unemployed and the unemployment rate for 1996 and 1997 differ slightly from currently published figures because of the differences in the weights used to calculate these estimates.

Table 2b. Unemployment rate by foreign-born status, 1996-2006[1] annual averages (Note: because of rounding, subgroup counts may not add to grand totals)

	Unemployment Rate (percent)				
Year	Total	Native-born	Total	Foreign-born Citizen	Noncitizen
1996[2]	5.5	5.3	7.0	4.6	8.3
1997[2]	5.0	4.8	6.1	4.1	7.4
1998	4.5	4.4	5.3	3.8	6.2
1999	4.2	4.1	4.8	3.5	5.6
2000	4.0	4.0	4.2	3.0	4.9
2001	4.7	4.7	5.2	3.8	6.1
2002	5.8	5.7	6.3	5.2	7.1
2003	6.0	5.9	6.6	5.5	7.3
2004	5.5	5.5	5.5	4.2	6.3
2005	5.1	5.2	4.6	3.8	5.2
2006	4.6	4.7	4.0	2.8	4.7

SOURCE: Unpublished foreign born tables, Current Population Survey, Bureau of Labor Statistics.

[1] In response to the increased demand for statistical information about the foreign born, questions on nativity, citizenship, year of entry into the United States, and the parental nativity of respondents were added to the Current Population Survey (CPS) beginning in January 1994. Prior to 1994, the primary sources of data on the foreign born were the decennial census, two CPS supplements (conducted in April 1983 and November 1989), and, to some extent, information collected by the U.S. Citizenship and Immigration Services. Data for 1994 and 1995 had problems and are not strictly comparable with data for 1996 and subsequent years, thus, only data since 1996 are compiled by BLS.

[2] The total number of unemployed and the unemployment rate for 1996 and 1997 differ slightly from currently published figures because of the differences in the weights used to calculate these estimates.

ANSWERS TO POST-HEARING QUESTIONS FROM MICHAEL HOEFER, DIRECTOR OF THE OFFICE OF IMMIGRATION STATISTICS (OIS), U.S. DEPARTMENT OF HOMELAND SECURITY, WITH ADDENDUM

Question#:	1
Topic:	deportation cost
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: How much does deportation cost per individual?

Answer:

The total cost from initial detention to removal of an alien is not tracked, as it varies depending on the type of immigration proceeding and mode of removal (commercial air, JPATS, Escorted/Unescorted, etc.). The average removal cost is $1000 and the average detention cost is $2, 900 (based on a stay of 30 days and at a cost of $97 a day).

Question#:	2
Topic:	annual deportation
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: How many individuals have been deported annually since 1986?

Answer:

More than 2 million aliens have been formally removed from the United States during the period from 1986-2005 (See Table 1). An additional 24 million aliens have been removed under voluntary departure procedures during the 1986-2005 periods. Voluntary departures are a form of relief from formal removal, under which an alien is permitted to depart the United States voluntarily. Most of the voluntary departures are of Mexican nationals who have been apprehended by the U.S. Border Patrol and are returned to Mexico.

Table 1.
ALIENS REMOVED OR EXPELLED: FISCAL YEARS 1986 TO 2005

Year	Formal removals [1]	Voluntary departures [2]
1986	24,592	1,586,320
1987	24,336	1,091,203
1988	25,829	911,790
1989	34,427	830,890
1990	30,039	1,022,533
1991	33,189	1,061,105
1992	43,671	1,105,829
1993	42,542	1,243,410
1994	45,674	1,029,107
1995	50,924	1,313,764
1996	69,680	1,573,428
1997	114,432	1,440,684
1998	173,146	1,570,127
1999	181,194	1,574,803
2000	186,391	1,675,827
2001	178,207	1,254,182
2002	150,788	934,463
2003	189,856	888,409
2004	204,290	1,036,133
2005	208,521	965,538

[1] Formal removals from the United States pursuant to final orders

Question#:	2
Topic:	annual deportation
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

of exclusion, deportation, or removal.
[2] Voluntary departures from the United States that are verified by the Department of Homeland Security. Voluntary departures are a form of relief from formal removal, under which an alien is permitted to depart the United States voluntarily. Most of the voluntary departures are of Mexican nationals who have been apprehended by the U.S. Border Patrol and are returned to Mexico.
Note: Data for 1999 to 2005 reported as of January 2006.
Source: U.S. Department of Homeland Security

Question#:	3
Topic:	worksite enforcement
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: How many immigration related worksite enforcement cases have been brought annually since 1986?

Answer:
The average annual number of administrative arrests as a result of worksite investigations was more than 6,100 during 1992-1999, decreasing to an average of approximately 1,950 during 2000-03. Data on investigations completed are not available since 2003; however, a complete series on administrative arrests resulting from employer sanctions investigations is available since 1986 (Table 2). The average annual number of administrative arrests was approximately 11,700 from 1995-99, reduced to 660 from 2000-04, but increased to 1,116 in Fiscal Year 2005, and reached 3,667 in Fiscal Year 2006.

TABLE 2
EMPLOYER INVESTIGATION ACTIVITIES OF THE INS AND ICE IMMIGRATION INVESTIGATIONS PROGRAM
FISCAL YEARS 1986-2006

Fiscal Year	Cases completed	Warnings	Notices of Intent to Fine	Final orders	Administrative Arrests
1986	968	NA	NA	NA	12,359
1987	1,749	NA	NA	NA	1,862
1988	7,953	1,425	1,092	25	3,912
1989	11,062	1,199	1,700	375	6,027
1990	10,069	1,375	1,278	898	5,352
1991	7,403	1,179	1,274	946	7,871
1992	7,053	840	1,461	1,063	8,027
1993	6,237	758	1,302	944	7,630
1994	6,169	683	1,063	836	7,554
1995	5,283	550	1,055	909	10,014
1996	5,149	668	1,019	808	14,164
1997	7,537	733	862	777	17,552
1998	7,788	642	1,023	535	13,914
1999	3,898	383	417	297	2,849

Question#:	3
Topic:	worksite enforcement
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

2000	1,966	282	178	180	953
2001	1,595	169	100	78	735
2002	2,061	124	53	13	485
2003	2,194	479	162	124	445
2004	NA	NA	NA	NA	685
2005	NA	NA	NA	NA	1,116
2006	NA	NA	NA	NA	3,667

Employer investigations target employers of unauthorized aliens and include criminal investigations, administrative investigations, auxiliary investigations, ICE Headquarters Investigation Project, and Department of Labor ESA-91. In FY 2003, also includes statistics pertaining to Work Site Enforcement National Interest Investigations.
NA - Not available
Sources:
Performance Analysis System (PAS), Department of Homeland Security (Fiscal Years 1986-2003) Treasury Enforcement Communications System (TECS) (Fiscal Years 2004-2006)

Question#:	4
Topic:	criminal prosecution cases
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: How many criminal prosecution cases have been brought against employers for immigration related offenses annually since 1986?

Answer:
The number of prosecutions brought against employers is more appropriately directed to the U.S. Department of Justice.

Question#:	5
Topic:	undocumented immigrants
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the number of undocumented immigrants in the U.S.?

Answer: The Office of Immigration Statistics estimated that there were 10.5 million unauthorized residents in the United States as of January 1, 2005 and projects there were approximately 12 million residents as of January 1, 2007.

Question#:	6
Topic:	documented and undocumented
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the number of undocumented immigrants whose households within the U.S. contain both documented and undocumented family members?

Answer: There is no government source of information on the number of households within the U.S. containing both documented and undocumented family members.

Question#:	7
Topic:	household head
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the number of households headed by an undocumented immigrant but comprised of both documented and undocumented family members within the U.S.?

Answer: There is no government source of information on the number of U.S. households headed by an undocumented immigrant but comprised of both documented and undocumented family members.

Question#:	8
Topic:	outside US
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the number of undocumented immigrants with family members (spouse and minor children) outside the U.S.?

Answer: There is no government source of information on the number of undocumented immigrants with family members outside the U.S.

Question#:	9
Topic:	family members
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the number of family members (spouse and minor children) of undocumented immigrants residing outside the U.S?

Answer: There is no government source of information on the number of family members (spouse and minor children) of undocumented immigrants residing outside the United States; however, some older information is available that may be instructive. A survey conducted of 1.66 million aliens who were granted legalization under the Immigration Reform and Control Act (IRCA) of 1986 based on their residence in the U.S. of at least 5 years found that these undocumented aliens had an estimated 60,000 spouses and 424,000 children living outside the United States.

Question#:	10
Topic:	family backlog
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the number of people in the family backlog broken down by preference category and country of chargeability?

Answer:

There is currently no government system to determine the number of persons waiting for a family or employment preference visa number. For many years, the U.S. Department of State (DOS) published an estimate of the backlog for those abroad based on its files. The State Department stopped publishing backlog totals in 2000 because by then it was clear that an increasing percentage of intending immigrants were already in the United States rather than abroad, and no data were available to estimate those inside the United States.

The continuing lack of data on persons waiting for a visa number in the United States makes backlog estimates very difficult to construct. The recent Senate bill (S. 1348) on comprehensive immigration reform had a proposal that required an estimate of those persons potentially eligible to immigrate who had been petitioned for before May 2005. Based on that requirement, and limited to those petitioned for before May 2005, the DHS estimates that approximately 4.2 million persons are in the family preference backlog as of March 2007. The number of persons in the backlog who were petitioned for since May 2005 is unknown, as is the distribution by country of chargeability. The distribution by preference category is shown below:

Estimated Family Preference Backlog as of March 2007
Limited to Persons Petitioned for before May 2005

Category	Number	Percent
Family First (Unmarried Sons and Daughters of Citizens)	373,000	9%
Family 2A (Unmarried Sons and Daughters of LPRs)	680,000	16%
Family 2B (Unmarried Sons and Daughters of LPRs)	799,000	19%
Family Third (Married Sons and Daughters of Citizens)	692,000	16%
Family Fourth (Brothers and Sisters	1,690,000	40%

Question#:	10
Topic:	family backlog
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

of Adult Citizens)		
Total	4,234,000	100%

The estimates were based on the DOS list of persons waiting for a visa waiting abroad, historical attrition rates in visa usage, historical distributions of those who adjust status from within the United States as compared to those who enter with a visa, and estimates of the number of persons with pending family petitions. These estimates will be updated as the DOS refines their waiting lists.

Question#:	11
Topic:	employment backlog
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the number of people in the employment backlog broken down by preference category and country of chargeability?

Answer:

The number of people in the employment backlog is more difficult to estimate than the family backlog because 80 percent of employment preference immigrants typically adjust from within the United States, and there is limited information is available on those inside the United States.

The estimate of the number of persons in the employment preference waiting list as of March 2007 is between 500,000 and 550,000 (excluding approximately 27,000 persons awaiting a labor certification at the U.S. Department of Labor (DOL)). No estimates are available by preference category or country of chargeability, however, there should be very few persons waiting for a visa under the first preference because the category has been current for many years. Within the second preference, nearly all of those waiting should be from China (mainland) and India.

The estimate has three components:

1) Persons with petitions and/or immigrant adjustment applications pending at the U.S. Citizenship and Immigration Service (USCIS) or before the Executive Office for Immigration Review (EOIR).
2) Persons outside the United States with approved petitions waiting for their visa to become available or their application for an immigrant visa to be adjudicated.
3) Persons inside the United States with approved petitions waiting for their visa number to become available.

Question#:	12
Topic:	drop out
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What percent of family based beneficiaries "drop out" (i.e. do not complete processing) once a visa is available per year since 1990?

Questions 12-13 are more appropriately answered by the U.S. Department of State, who also testified at the hearing.

Question#:	13
Topic:	employment based
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What percent of employment based beneficiaries "drop out" (i.e. do not complete processing) once a visa is available per year since 1990?

Questions 12-13 are more appropriately answered by the U.S. Department of State, who also testified at the hearing.

Question#:	14
Topic:	permanent residents
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the number of lawful permanent residents each year for the family based preference (broken down by category and by derivative)?

Answer: The average number of persons granted LPR status under the family-based preferences during FYs 2004-06 was 216,500: 134,300 were principals and 82,200 were dependents (see Table 3).

Table 3
Average Annual Number of Persons Granted Lawful Permanent Resident Status
By Major Category of Admission and Principal/Derivative Status: Fiscal Years 2004 to 2006

	Total		Principals		Derivatives	
Category of Admission	Number	Percent	Number	Percent	Number	Percent
Total	1,115,507	100.0	842,850	100.0	272,657	100.0
Family-sponsored preferences	*216,518*	*19.4*	*134,282*	*15.9*	*82,236*	*30.2*
Unmarried sons/daughters of U.S. citizens	25,514	2.3	18,482	2.2	7,031	2.6
Spouses and children of alien residents	101,933	9.1	84,619	10.0	17,314	6.4
Married sons/daughters of U.S. citizens	24,380	2.2	7,616	0.9	16,764	6.1
Siblings of U.S. citizens	64,692	5.8	23,565	2.8	41,127	15.1
Immediate relatives of U.S. citizens	*478,810*	*42.9*	*478,443*	*56.8*	*367*	*0.1*
Spouses	283,727	25.4	283,727	33.7	0	0.0
Parents	93,363	8.4	93,363	11.1	0	0.0
Children	101,087	9.1	100,720	11.9	367	0.1
Children born abroad to alien residents	634	0.1	634	0.1	0	0.0
Employment-based preferences	*187,096*	*16.8*	*86,157*	*10.2*	*100,939*	*37.0*
Priority workers	44,327	4.0	18,223	2.2	26,104	9.6
Professionals with advanced degrees	32,347	2.9	15,540	1.8	16,807	6.2
Skilled workers, professionals, unskilled workers	101,654	9.1	48,128	5.7	53,526	19.6
Special immigrants	8,360	0.7	4,128	0.5	4,232	1.6
Investors	408	0.0	138	0.0	270	0.1
Diversity programs	*46,930*	*4.2*	*24,358*	*2.9*	*22,571*	*8.3*
Refugees and Asylees	*143,549*	*12.9*	*78,878*	*9.4*	*64,671*	*23.7*
Refugee adjustments	91,099	8.2	51,042	6.1	40,057	14.7
Asylee adjustments	52,449	4.7	27,836	3.3	24,614	9.0
Other categories	*42,604*	*3.8*	*40,731*	*4.8*	*1,873*	*0.7*

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2004 to 2006.

Question#:	14
Topic:	permanent residents
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question#:	15
Topic:	percentage
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What percentage of the total of lawful permanent residents each year is made up of the family based preference (broken down by category and by derivative)?

Answer: Family-based preference immigrants accounted for 19.4 percent of all immigrants admitted during FYs 2004-06. Family-based preference principals accounted for 15.9 percent of all principals, and their family members accounted for 30.2 percent of all derivatives (see Table 3.)

Question#:	16
Topic:	employment based
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the number of lawful permanent residents each year for the employment based preference (broken down by category and by derivative)?

Answer: The average number of persons granted LPR status under the employment-sponsored preferences during FYs 2004-06 was 187,100: 86,000 were principals and 100,700 were dependents (see Table 3).

Question#:	17
Topic:	percentage
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What percentage of the total of lawful permanent residents each year is made up of the employment based preference (broken down by category and by derivative)?

Answer: Employment-sponsored preference immigrants accounted for 16.8 percent of all immigrants admitted during FYs 2004-06. Employment-sponsored preference principals accounted for 10.2 percent of all principals, and their family members accounted for 36.9 percent of all derivatives (see Table 3.)

Question#:	18
Topic:	humanitarian
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the number of lawful permanent residents each year for the humanitarian categories (broken down by category and by derivative)?

Answer: The average number of persons granted LPR status as refugees or asylees during FYs 2004-06 was 143,500: 78,900 were principals and 64,700 were dependents (see Table 3 in the answer to question 22).

Question#:	19
Topic:	percentage
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What percentage of the total of lawful permanent residents each year is made up of the humanitarian categories (broken down by category and by derivative)?

Answer: Refugees and asylees accounted for 12.9 percent of all immigrants admitted during FYs 2004-06. Refugee and asylee principals accounted for 9.4 percent of all principals, and their family members accounted for 23.7 percent of all derivatives.

Question#:	20
Topic:	diversity based
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the number of lawful permanent residents each year for the diversity based preference (broken down by category and by derivative)?

Answer: The average number of persons granted LPR status under the diversity program during FYs 2004-06 was 46,900: 24,400 were principals and 22,600 were dependents.

Question#:	21
Topic:	percentage
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What percentage of the total of lawful permanent residents each year is made up of the diversity based preference (broken down by category and by derivative)?

Answer: Diversity immigrants accounted for 4.2 percent of all immigrants admitted during FYs 2004-06. Diversity principals accounted for 2.9 percent of all principals, and their family members accounted for 8.3 percent of all derivatives.

Question#:	22
Topic:	Entering U.S.
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: How many immigrants have entered the U.S. illegally each year since 1986?

Answer:
The number of immigrants who enter the United States illegally each year is unknown; however, the Office of Immigration Statistics (OIS) estimates that the net increase in the resident illegal alien population has averaged approximately 500,000 persons per year since 1990. The gross number of entrants exceeds 500,000 by an unknown amount.

Question#:	23
Topic:	visa overstays
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: How many immigrants overstayed their visas each year since 1986?

Answer: The number of persons who overstay each year is unknown, but some estimates from the early 1990s place the percentage of illegal immigrants who overstayed their visas at between 30 and 40 percent.

Question#:	24
Topic:	unemployment
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What has been the overall unemployment rate in the U.S. each year since 1986?

Answer: This will be more appropriately answered by the U.S. Department of Labor, who also testified at the hearing.

Question#:	25
Topic:	number of unemployed
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the number of unemployed individuals in the U.S. each year since 1986?

Answer: This will be more appropriately answered by the U.S. Department of Labor, who also testified at the hearing.

Question#:	26
Topic:	immigrant unemployment
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What has been the unemployment rate of immigrants in the U.S. each year since 1986?

Answer: This will be more appropriately answered by the U.S. Department of Labor, who also testified at the hearing.

Question#:	27
Topic:	number of unemployed immigrants
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What has been the number of unemployed immigrants in the U.S. each year since 1986?

Answer: This will be more appropriately answered by the U.S. Department of Labor, who also testified at the hearing.

Question#:	28
Topic:	illegal immigrant unemployment rate
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What has been the unemployment rate of illegal immigrants in the U.S. each year since 1986?

Answer: The unemployment rate of illegal immigrants in the U.S. each year since 1986 is unknown.

Question#:	29
Topic:	number of unemployed illegal immigrants
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What has been the number of unemployed illegal immigrants in the U.S. each year since 1986?

Answer: The number of unemployed illegal immigrants in the U.S. each year since 1986 is unkown.

Question#:	30
Topic:	american workers
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What has been the unemployment rate of American workers each year since 1986?

Answer: This will be more appropriately answered by the U.S. Department of Labor, who also testified at the hearing.

Question#:	31
Topic:	number of unemployed American workers
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What has been the number of unemployed American workers each year since 1986?

Answer: This will be more appropriately answered by the U.S. Department of Labor, who also testified at the hearing.

Question#:	32
Topic:	family based
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the unemployment rate for immigrants who entered through a family based preference each year since 1990?

Answer:

The unemployment rate for immigrants who entered through a family based preference each year since 1990 is unknown.

Question#:	33
Topic:	employment based
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the unemployment rate for immigrants who entered through an employment based preference each year since 1990?

Answer:

The unemployment rate for immigrants who entered through an employment based preference each year since 1990 is unknown.

Question#:	34
Topic:	unlimited access
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: Given unlimited access, what is the number of people in the world who are willing come to the U.S. if they could each year?

Answer:

The number of people who want to come to the United States is unknown, but an indicator of the large number of people who wish to immigrate is the numbers who apply for the 50,000 visas available under the Diversity Lottery each year. Persons applying need to have either a high school education or its equivalent, defined as successful completion of a 12-year course of elementary and secondary education; or two years of work experience within the past five years in an occupation requiring at least two years of training or experience to perform. Nationals from the leading immigrant countries are not allowed to participate in the program. Despite the exemption of the 18 leading countries, there were over 6.4 million applications in 2008. Taking into account dependents, there were more than 10 million participants.

Question#:	35
Topic:	naturalization rates
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What are the naturalization rates, by year, for immigrants in the U.S. since 1970?

Answer:
Approximately 60 percent of immigrants entering from 1973 to 1985 have naturalized as of 2005. Immigrants may naturalize any time after 5 years of lawful permanent residence so the rate of naturalization for this cohort of immigrants will continue to increase in the future. Immigrants admitted since 1985 have lower overall rates because they have been in the U.S. for fewer years, but they have a higher rate of naturalization 10 years after they immigrated compared to earlier cohorts. About 33 percent of immigrants admitted before 1986 had naturalized after 10 years, while between 45 and 50 percent of immigrants admitted from 1992-95 had naturalized after 10 years residence. It is not known whether the recent increase in naturalization after 10 years will result in an increase in lifetime naturalization rates, or simply more rapid naturalization.

Question#:	36
Topic:	median annual income
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question: What is the median annual income of an undocumented immigrant household?

Answer: There is no government source of information on the median annual income of an undocumented immigrant household; however, some older information is available that may be instructive. A survey conducted of 1.66 million aliens who were granted legalization under the Immigration Reform and Control Act (IRCA) of 1986 based on their residence in the U.S. of at least 5 years found that the median annual income was $15,364 in 1987. The mean family income for undocumented households was $18,196, which compared to the U.S. resident mean of $30,853 in 1987.

Question#:	37
Topic:	social security
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question:
Given a net immigration assumption of 0 immigrants per year (both legal and otherwise), in what year would the Social Security trust fund be exhausted?

Answer:
As shown in Table VI.D3 of the 2007 Trustees Report, a reduction in annual ultimate net immigration of about one-fourth (from 900,000 to 672,500) would result in acceleration of the Trust Fund exhaustion date by about 1.4 years (this rounds to 2 years, from 2041 to 2039, in the 2007 Trustees Report). A complete elimination of net immigration going forward would accelerate the exhaustion year of the Trust Funds by approximately 6 years, from 2041 to 2035.

Question:
Given an ultimate net immigration assumption of 672,500 immigrants per year (both legal and otherwise), in what year would the Social Security trust fund be exhausted?

Answer:
The Social Security Trust Fund would be exhausted in 2039 assuming 672,500 immigrants per year. These results reflect the Trustees' high-cost assumption with regard to total net immigration, but with all other assumptions the same as for the intermediate alternative II "best estimate." (Source: 2007 OASDI Trustees Report, Appendix VI, D. Long-range Sensitivity Analysis, Table VI.D3, D3, http://www.ssa.gov/OACT/TR/TR07/VI_LRsensitivity.html#wp92900).

Question:
Given an ultimate net immigration assumption of 900,000 immigrants per year (both legal and otherwise), in what year would the Social Security trust fund be exhausted?

Answer:
The Social Security Trust Fund would be exhausted in 2041 assuming 900,000 immigrants per year. This represents the Trustees' intermediate alternative II estimate. (Source: 2007 OASDI Trustees Report, Appendix VI, D. Long-range Sensitivity Analysis, Table VI.D3, http://www.ssa.gov/OACT/TR/TR07/VI_LRsensitivity.html#wp92900).

Question:

Question#:	37
Topic:	social security
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Given an ultimate net immigration assumption of 1,300,000 immigrants per year (both legal and otherwise), in what year would the Social Security trust fund be exhausted?

Answer:
The Social Security Trust Fund would be exhausted in 2043 assuming 1,300,000 immigrants per year. These results reflect the Trustees' low-cost assumption with regard to total net immigration, but with all other assumptions the same as for the intermediate alternative II best estimate. (Source: 2007 OASDI Trustees Report, Appendix VI, D. Long-range Sensitivity Analysis, Table VI.D3, http://www.ssa.gov/OACT/TR/TR07/VI_LRsensitivity.html#wp92900).

Question:
Given a net immigration assumption of 0 immigrants per year, what would be the Social Security cost rates be for a 25, 50, and 75-year period?

Answer:
Table VI.D3 of the 2007 Trustees Report shows summarized 25-year, 50-year, and 75-year cost rates under a reduction in ultimate annual net immigration of about one-fourth from Alternative II assumptions (from 900,000 to 672,500). A complete elimination of net immigration going forward would result in an increase in summarized cost rates from alternative II projections, which is about four times the projected increase going from net annual ultimate immigration of 900,000 individuals to 672,500 individuals. The summarized cost rates would increase from 14.13 percent of payroll to about 14.55 for the 25-year period, from 15.33 to about 16.13 percent for the 50-year period, and from 15.87 to about 16.75 percent of payroll for the 75-year period.

Question:
Given an ultimate net immigration assumption of 672,500 immigrants per year, what would be the Social Security cost rates be for a 25, 50, and 75-year period?

Answer:
The Social Security Trust Fund summarized cost rates assuming 672,500 immigrants per year would be: 14.26 percent of taxable payroll for the 25-year period from 2007-31, 15.53 percent for the 50-year period from 2007-56, and 16.09 percent for the 75-year period from 2007-81. This result reflects the Trustees' high-cost assumption with regard to total net immigration, but with all other estimates the same as the alternative II best-estimate assumptions. (Source: 2007 OASDI Trustees Report, Appendix VI, D. Long-range Sensitivity Analysis, Table VI.D3, http://www.ssa.gov/OACT/TR/TR07/VI_LRsensitivity.html#wp92900).

Question#:	37
Topic:	social security
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Zoe Lofgren
Committee:	JUDICIARY (HOUSE)

Question:
Given an ultimate net immigration assumption of 900,000 immigrants per year, what would be the Social Security cost rates be for a 25, 50, and 75-year period?

Answer:
The Social Security Trust Fund summarized cost rates assuming 900,000 immigrants per year would be: 14.13 percent of taxable payroll for the 25-year period from 2007-31, 15.33 percent for the 50-year period from 2007-56, and 15.87 percent for the 75-year period from 2007-81. This represents the Trustees' alternative II estimates (best estimates). (Source: 2007 OASDI Trustees Report, Appendix VI, D. Long-range Sensitivity Analysis, Table VI.D3, http://www.ssa.gov/OACT/TR/TR07/VI_LRsensitivity.html#wp92900).

Question:
Given an ultimate net immigration assumption of 1,300,000 immigrants per year, what would be the Social Security cost rates be for a 25, 50, and 75-year period?

Answer:
The Social Security Trust Fund summarized cost rates assuming 1,300,000 immigrants per year would be: 13.96 percent of taxable payroll for the 25-year period from 2007-31, 15.05 percent for the 50-year period from 2007-56, and 15.57 percent for the 75-year period from 2007-81. These results reflect the Trustees' low-cost assumption with regard to total net immigration, but with all other assumptions the same as for the intermediate alternative II best estimates. (Source: 2007 OASDI Trustees Report, Appendix VI, D. Long-range Sensitivity Analysis, Table VI.D3, http://www.ssa.gov/OACT/TR/TR07/VI_LRsensitivity.html#wp92900).

Question#:	38
Topic:	percentage of illegal border crossers
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Steve King
Committee:	JUDICIARY (HOUSE)

https://ect.dhs.gov/iq/workflow_edit.aspx?cid=690360&tabid=

Question: What percentage of illegal border crossers are interdicted/apprehended while trying to enter the United States illegally?

Answer:
No reliable information is available on the percentage of illegal border crossers are interdicted/apprehended while trying to enter the United States illegally.

Question#:	39
Topic:	population eligible to naturalize
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Steve King
Committee:	JUDICIARY (HOUSE)

Question: When explaining the declining naturalization rates quoted from Appendix B of the USCIS pamphlet Helping Immigrants Become New Americans: Communities Discuss the Issues you said that one factor is that some lawful permanent residents go back to their native countries. However, if they have abandoned their lawful permanent resident status they can no longer be considered as being eligible to naturalize. Your figures appear to include only those who are eligible to naturalize. In fact, the 2002 figure specifically states that it represents the "Population eligible to naturalize in 2002." Can you clarify your explanation?

Answer: The USCIS pamphlet titled "Helping Immigrants Become New Americans: Communities Discuss the Issues" cites data from multiple sources. The first part of the table at the top of page 14 showing percent naturalized by period of entry is based on population data from the 2000 census. The bottom half of the table provides information developed by the Office of Immigration Statistics showing estimates of the number of lawful permanent residents in the United States as of 2002 (11.4 million), the number eligible to naturalize (7.8 million), and the number of persons who naturalized in Fiscal Year 2002 (574,000). I was confused as to the source of the data quoted at the hearing so my answer was not as clear as it could have been.

It is true that the number eligible to naturalize provided in the bottom section of the table only include those in the United States, but the question I was asked was whether the trend in persons naturalized has increased or decreased. The data provided in the report can not answer the question. In fact, the first part of the table on page 14 shows the naturalization proportions for the population as of 2000. The percent naturalized is highest for those immigrating before 1979 because they have had more years to naturalize and it is likely that those who didn't naturalize have emigrated, further inflating the percent naturalized. Those that entered between 1990-2000 had the lowest percent naturalized partly because some are not eligible to naturalize (i.e. they are here illegally or haven't met the residence requirement).

The only way to determine if naturalization rates are increasing or decreasing is to follow legal immigrant cohorts over time as provided in my written testimony and in response to question 37. It is difficult to conclusively determine if naturalization rates have changed over time because the rates can always change for a particular immigrant cohort until all have died. We have found that about 60 percent of legal immigrants eventually naturalize but the percent of those who naturalize after 10 years has increased from 34 percent for those entering as immigrants from 1981-85 to 46 percent for those entering

Question#:	39
Topic:	population eligible to naturalize
Hearing:	Comprehensive Immigration Reform
Primary:	The Honorable Steve King
Committee:	JUDICIARY (HOUSE)

from 1991-95. This does not necessarily mean that the eventual rates are increasing; instead, the only conclusion that can be drawn at this time is that aliens are naturalizing sooner. It will take years to determine if the 1991-95 immigrant cohort naturalizes at a higher rate than those who entered in 1981-85.

A Fact Sheet titled "Naturalization Rate Estimates: Stock vs. Flow," which is available on the OIS website and is attached may provide further explanation for interpreting naturalization rate information. We developed this fact sheet because many of our data users were confused between population (stock) and administrative (flow) data, and how to interpret each set of data.

Fact Sheet

NOVEMBER 2006

Naturalization Rate Estimates: Stock vs. Flow

DEREKH D. F. CORNWELL

A commonly asked question about naturalization is whether immigrants from certain countries are more likely to become U.S. citizens than immigrants from other countries. Two primary data sources commonly used to calculate naturalization rates are the U.S. Census Bureau's decennial census and surveys, and the administrative records of the Department of Homeland Security (DHS). Naturalization rates computed from these two data sources, however, may be quite different. This Office of Immigration Statistics *Fact Sheet* explains why this happens and provides illustrative examples.

BACKGROUND

To understand why naturalization rates calculated from DHS and Census data differ, it is first important to understand the difference between a stock and a flow (see Box 1).

Census data provide a cross sectional snapshot of the foreign-born population or "stock" living in the United States at a given point in time by citizenship status and year of entry. These data measure the proportion of the foreign born population at a point in time that is naturalized. However, this does not provide an indication of the frequency with which immigrants are naturalizing. The numerator – namely, the naturalized citizen population – consists of the survivors of same-year entry cohorts of immigrants reduced by mortality and emigration. The denominator – namely, the total foreign-born population – includes many noncitizens, such as temporary workers, foreign students, and undocumented immigrants, who are not eligible to naturalize as of the survey date. Thus, the denominator does not exclusively capture the subset of the foreign-born population that is at risk to naturalize.

Since 1973, DHS has maintained data electronically from the applications of immigrants who are granted LPR status and naturalize. These data essentially capture the "flow" of LPRs and persons naturalizing. By matching LPR and naturalization records for the same individuals, naturalization rates may be calculated for persons who obtained LPR status at the same time (e.g. same-year). The DHS naturalization rates measure the number of immigrants who have naturalized as a proportion of all those who obtained LPR status at the same time and are thus eligible to naturalize. In this respect, rates calculated from DHS data more accurately reflect the propensity of LPRs to naturalize than do the rates obtained from Census data (proportion naturalized). The DHS rates, however, are based on data from 1973 through 2004. Naturalization tends to be concentrated in the first few decades of eligibility although there is no age limit. While DHS rates calculated for LPRs in the 1970s cohorts are relatively complete, the rates for the 1990s cohorts are relatively incomplete and do not provide an accurate representation of lifetime likelihood of naturalization. In addition, DHS naturalization rates are based on all LPRs and do not include adjustments for subsequent emigration or mortality.

Box 1.

Definitions of Stock vs. Flow

Stock: The population at a point in time. Example: the number of naturalized citizens residing in the United States on January 1, 2004.

Flow: Additions (or subtractions) to the existing stock during a specified period of time. Example: the number of persons who naturalized during each year 1975 through 2004.

METHOD

Naturalization rates calculated from DHS and Census data were compared for two cohorts: 1975 and 1995. The 2004 American Community Survey (ACS) was the source for Census data. For the ACS, the cohorts were approximated by year of entry. This approximation is

Homeland Security

Office of Immigration Statistics
POLICY DIRECTORATE

Table 1:

DHS and ACS Naturalization "Rates" of Immigrants Ages 16 and Over from Ten Largest Source Countries

	Department of Homeland Security				American Community Survey			
	Year of LPR status				Year of entry			
	1975		1995		1975		1995	
Country of origin	Total LPR flow	Percent naturalized through 2004	Total LPR flow	Percent naturalized through 2004	Total foreign-born population	Percent citizen in 2004	Total foreign-born population	Percent citizen in 2004
Total[1]	283,010	58	572,672	46	491,053	76	987,311	28
Mexico	41,045	47	71,800	18	127,598	54	314,682	11
Philippines	25,080	71	40,022	51	27,661	86	41,222	45
Vietnam	1,760	78	34,680	68	101,387	92	39,861	56
El Salvador	1,680	70	10,185	27	10,909	68	30,433	12
China	14,375	72	26,496	53	13,714	98	41,708	38
India	13,670	71	30,869	58	17,973	95	43,788	32
Korea	17,085	71	12,200	39	14,027	86	10,948	25
Dominican Republic	9,247	53	22,583	18	4,767	90	24,987	23
Jamaica	6,039	61	12,148	42	9,642	90	18,442	45
Haiti	3,845	64	10,773	37	6,495	84	12,553	40

[1] Total includes all sending countries.

Note: Ten largest source countries are ranked based on each country's contribution to the total foreign-born population residing in the United States according to the 2004 American Community Survey.

Source: U.S. Department of Homeland Security and U.S. Census Bureau.

necessary because the ACS does not ask non-citizens about their legal status, which means the date LPR status was granted cannot be determined. For DHS data, the two cohorts were represented by persons who obtained LPR status in either 1975 or 1995 and who may have naturalized through 2004. Both the ACS and DHS data were restricted to persons ages 16 and over because the lower bound for DHS naturalization data is 18 years.

FINDINGS

The results reported in Table 1 demonstrate that estimates of cohort naturalization rates can vary widely depending on the data source used to estimate them. According to the ACS, for example, the "rate" of naturalization for the 1975 year of entry cohort was 76 percent as of 2004. By contrast, the DHS rate of naturalization for the 1975 LPR cohort was only 58 percent through fiscal year 2004. On the other hand, while the ACS reports a naturalization rate of 28 percent through 2004 for the 1995 cohort, the DHS rate for the 1995 LPR cohort is 46 percent. Relying on ACS data to calculate the naturalization rates can give estimates quite wide of the mark compared with estimates obtained from DHS data.

The naturalization rates calculated from the two data sources also differ by country of origin. For the 1975 cohort, the ACS indicates that, of the ten largest sending countries listed in Table 1, the three with the highest naturalization rates as of 2004 were China (98 percent), India (95 percent), and Vietnam (92 percent). The countries with the lowest naturalization rates were Mexico (54 percent), El Salvador (68 percent), and Haiti (84 percent). With the sole exception of Mexico, which retained the lowest naturalization rate across data sources, these rankings change when DHS data are used. For the 1975 LPR cohort, the sending countries with the highest naturalization rates are Vietnam (78 percent), China (72 percent), and the Philippines, India, and Korea (all at 71 percent). Naturalization rates were lowest for LPRs from Mexico (47 percent) and the Dominican Republic (53 percent). This general pattern also holds for the more recent 1995 cohort. For this cohort, immigrants from Vietnam had the highest rate of naturalization through 2004 according to the ACS and DHS (56 and 68 percent, respectively). A similar result holds for the lowest end of the distribution as well, as the 1995 Mexican cohort again had the lowest rate of naturalization according to both data sources.

The potential for large disparities in naturalization rates is also demonstrated by examining the 1995 Haitian cohort in particular. As noted above, the ACS estimates suggest that Haitians who entered the United States in 1995 were in the upper half of the top ten source countries with respect to naturalization, which would make them among the most likely groups among the top sending countries to have naturalized as of 2004. The DHS estimates, on the other hand, suggest that the 1995 Haitian LPR cohort was in the bottom half of the ten-country naturalization distribution. Accordingly, the results indicate that, relative to the same cohort from the top ten sending countries, this group was actually among the last likely to naturalize through 2004. Again, this result underscores the idea that estimating and comparing naturalization rates based on ACS and DHS data will yield different results.

CONCLUSION

This analysis illustrated the differences that result when calculating and comparing naturalization rates for immigrants from different countries using ACS and DHS data. Because the rate of naturalization is conceptually more similar to a measure of flow than stock, and eligibility to naturalize is restricted to a certain subset of immigrants (LPRs), data sources that capture both these characteristics will produce more accurate naturalization estimates than data sources that do not. Consequently, DHS data, which covers the population at risk to naturalize as well as the naturalization flow over time, are better suited than aggregate cross-sectional data sources, such as the ACS, to gauge immigrants' propensity to naturalize.

ANSWERS TO POST-HEARING QUESTIONS FROM CHARLES OPPENHEIM, CHIEF, VISA CONTROL AND REPORTING DIVISION, U.S. DEPARTMENT OF STATE

Questions for the Record Submitted to
Mr. Charles Oppenheim by
Chairwoman Zoe Lofgren (#10)
Subcommittee on Immigration, Citizenship, Refugees,
Border Security and International Law
House Committee on the Judiciary Comprehensive Immigration reform:
Government Perspectives on Immigration Statistics
June 6, 2007

Question:
What is the number of people in the family backlog broken down by preference category and country of chargeability?

Answer:

The following two charts reflect the current status of the family categories both in terms of total applications pending and country of chargeability for applicants registered abroad. The charts do not reflect those who may adjust status in the United States. Chart 1 shows the country breakout by family category for the countries with the largest numbers. Chart 2 gives the status of active immigrant visas by family category. No other single country has a significant number of applicants. The Department can provide specifics on any particular country at the Committee's request.

CHART 1
ACTIVE IMMIGRANT VISA APPLICANTS
Registered at the National Visa Center

Family Preference Categories

Foreign State	F1	F2A	F2B	F3	F4	Total
China	2,231	5,453	17,110	19,610	106,954	**151,358**
India	1,183	3,702	8,404	29,682	85,822	**128,793**
Mexico	46,065	221,293	218,356	58,452	445,424	**989,590**
Philippines	41,872	12,043	47,738	129,031	192,078	**422,762**
All Others	75,767	119,517	187,774	210,635	479,575	**1,073,268**
Grand Total	**167,118**	**362,008**	**479,382**	**447,410**	**1,309,853**	**2,765,771**

CHART 2
ACTIVE IMMIGRANT VISA APPLICANTS
Registered at the National Visa Center

Family Preference by Calendar Year of Petition

	F1	F2A	F2B	F3	F4	Family Total
1980	0	0	0	0	991	**991**
1981	0	0	0	0	656	**656**
1982	0	0	0	0	977	**977**
1983	0	0	0	0	2317	**2,317**
1984	0	0	0	0	12244	**12,244**
1985	0	0	0	0	13056	**13,056**
1986	0	0	0	0	13344	**13,344**
1987	0	0	0	0	15588	**15,588**
1988	195	27	61	544	16476	**17,303**
1989	356	10	31	555	16500	**17,452**
1990	449	21	80	1418	18756	**20,724**
1991	1295	81	481	10375	21584	**33,816**
1992	9714	302	50830	23560	17473	**101,879**
1993	9485	254	43658	25814	21085	**100,296**
1994	7401	620	29305	17406	39678	**94,410**
1995	8360	2318	22437	15595	79800	**128,510**
1996	9903	2736	28240	14254	103912	**159,045**
1997	10941	5057	55035	17652	135761	**224,446**
1998	8902	6580	38699	19248	113958	**187,387**
1999	8041	11882	23540	50919	105791	**200,173**
2000	10487	27407	24281	75264	114625	**252,064**
2001	23133	125197	49550	71572	317103	**586,555**
2002	15993	42224	27221	28008	79780	**193,226**
2003	13272	46254	27086	21006	21590	**129,208**
2004	12226	59043	32987	21007	9159	**134,422**
2005	11321	26394	19008	22420	11223	**90,366**
2006	5644	5601	6852	10793	6426	**35,316**
Grand Total	**167,118**	**362,008**	**479,382**	**447,410**	**1,309,853**	**2,765,771**

As of March 27, 2007

Questions for the Record Submitted to
Mr. Charles Oppenheim by
Chairwoman Zoe Lofgren (#11)
Subcommittee on Immigration, Citizenship, Refugees,
Border Security and International Law
House Committee on the Judiciary Comprehensive Immigration
reform: Government Perspectives on Immigration Statistics
June 6, 2007

Question:

What is the number of people in the employment backlog broken down by preference category and country of chargeability?

Answer:

The following two charts reflect the current status of the employment categories both in terms of total applications pending and country of chargeability for applicants registered abroad. The charts do not reflect those who may adjust status in the United States. Chart 1 shows the country breakout by employment category for the countries with the largest numbers of applicants. Chart 2 gives the status of active immigrant visas by employment category. No other single country has a significant number of applicants. The Department can provide specifics on any particular country at the Committee's request.

CHART 1
EMPLOYMENT PREFERENCE CATEGORIES

Foreign State	E1	E2	E3	EW	E4	E5	Total
China	251	508	3,069	1,516	1	93	**5,438**
India	232	1,992	8,067	71	44	0	**10,406**
Mexico	137	17	903	316	39	0	**1,412**
Philippines	35	31	21,963	292	21	0	**22,342**
All Others	2,644	1,357	13,292	1,928	449	178	**19,848**
Grand Total	**3,299**	**3,905**	**47,294**	**4,123**	**554**	**271**	**59,446**

CHART 2
ACTIVE IMMIGRANT VISA APPLICANTS
Registered at the National Visa Center

Employment Preference by Calendar Year of Petition

	E1	E2	E3	EW	3rd Total	4th Total	5th Total	Grand Total
1988	0	0	6	208	214	0	0	**214**
1989	0	0	2	3	5	0	0	**5**
1990	0	0	6	24	30	0	0	**30**
1991	0	0	0	5	5	0	0	**5**
1992	0	0	0	3	3	0	0	**3**
1993	0	1	1	1	2	0	0	**3**
1994	5	2	8	12	20	5	0	**32**
1995	4	3	42	1	43	2	0	**52**
1996	1	7	40	0	40	3	0	**51**
1997	3	10	71	2	73	2	3	**91**
1998	7	13	124	6	130	7	0	**157**
1999	10	19	110	7	117	2	0	**148**
2000	33	30	255	16	271	5	1	**340**
2001	76	190	2508	213	2721	34	0	**3021**
2002	146	222	4052	293	4345	31	0	**4744**
2003	281	343	5456	765	6221	64	0	**6909**
2004	491	468	5952	331	6283	203	9	**7454**
2005	970	889	10732	1713	12445	142	24	**14470**
2006	1230	1696	17873	520	18393	54	211	**21584**
2007	42	12	56	0	56	0	23	**133**
Grand Total	**3299**	**3905**	**47294**	**4123**	**51417**	**554**	**271**	**59446**

Applicants on file at NVC as of March 27, 2007

Questions for the Record Submitted to
Mr. Charles Oppenheim by
Chairwoman Zoe Lofgren (#12)
Subcommittee on Immigration, Citizenship, Refugees,
Border Security and International Law
House Committee on the Judiciary Comprehensive Immigration reform: Government Perspectives on Immigration Statistics
June 6, 2007

Question:

What is the percent of family-based beneficiaries "dropout" (i.e. do not complete process) once a visa is available per year since 1990?

Answer:

When a numerically controlled family preferences case is eligible for processing which could lead to the issuance of a visa, the State Department's National Visa Center sends out an "agent of choice" letter. This letter is notification that action on the case may be initiated, and that the applicants should reply back to the National Visa Center. The following chart shows the percentages of applicants who did not respond to notifications sent prior to April 30, 2006.

Category	Notified	No Response	Percentage
F1	75,938	10,450	13.8%
F2A	170,412	48,693	28.6%
F2B	119,580	43,853	36.7%
F3	33,273	4,272	12.8%
F4	187,601	53,665	28.6%
Average	**586,804**	**160,933**	**27.4%**

Questions for the Record Submitted to
Mr. Charles Oppenheim by
Chairwoman Zoe Lofgren (#13)
Subcommittee on Immigration, Citizenship, Refugees,
Border Security and International Law
House Committee on the Judiciary Comprehensive Immigration
reform: Government Perspectives on Immigration Statistics
June 6, 2007

Question:

What is the percent of employment-based beneficiaries "drop out" (i.e. do not complete processing) once a visa is available per year since 1990?

Answer:

When a numerically controlled employment-based case is eligible for processing which could lead to the issuance of a visa, the State Department's National Visa Center sends out an "agent of choice" letter. This letter is notification that action on the case may be initiated, and that the applicants should reply back to the National Visa Center. The following chart shows the percentages of applicants who did not respond to notifications sent prior to April 30, 2006.

Category	Notified	No Response	Percentage
E1	950	82	8.6%
E2	467	61	13.1%
E3	10,950	742	6.8%
EW	485	68	14.0%
E4	599	38	6.3%
Average	**13,451**	**991**	**7.4%**

ADDITIONAL ANSWER TO QUESTION POSED DURING THE HEARING BY THE HONORABLE ZOE LOFGREN FROM CHARLES OPPENHEIM, CHIEF, VISA CONTROL AND REPORTING DIVISION, U.S. DEPARTMENT OF STATE

June 6, 2007
Charles Oppenheim
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Ms. Lofgren. I am interested in the inadmissibility grounds on Figure 16. By far, the greatest on the bar chart is immigration violations. And I am interested—I am sure it is many things, but one of the questions that people have suggested is that the 3-and 10-year bars actually ended up being a substantial issue for immediate relatives. And you hear that the waivers are backing up and the like. Can you address that, Mr. Oppenheim? Do you know the answer?

Mr. Oppenheim. Below is the data you requested:

212(a)(9)(B)(I) for Immediate Relative Visa Categories
Unlawfully present 181-364 days

Fiscal Year	Refused	Waived	Overcome
FY 2007	217	105	93
FY 2006	229	68	78
FY 2005	123	46	63
FY 2004	90	51	38
FY 2003	89	63	41
FY 2002	145	162	72
FY 2001	273	338	186
FY 2000	470	188	40

212(a)(9)(B)(II) Immediate Relative Visa Categories
Unlawfully present 365 or more days

Fiscal Year	Refused	Waived	Overcome
FY 2007	7,880	5,313	0
FY 2006	7,794	2,601	1
FY 2005	3,125	1,524	1
FY 2004	1,853	1,205	1
FY 2003	1,216	967	0
FY 2002	1,218	2,387	2
FY 2001	3,197	4,049	0
FY 2000	3,515	629	1

Note: The "refused" total includes all refusals under 9B1 or 9B2, regardless of whether or not they were subsequently overcome/waived.

During FY 2000-2002, there were more overcomes/waivers than refusals. This is because these overcome/waived cases refer back to a prior year's refusal. It appears that during that period there was a backlog in waiver approvals at DHS.

It is also important to note that each action (i.e., the refusal and the overcome/waiver) is reported independently, in the fiscal year during which the action occurred. The overcomes/waivers are not linked to specific refusals; each action is reported for workload purposes when it occurs. Also, the 9B1s are only subject to a 3-year bar, whereas 9B2s are subject to a 10-year bar. Therefore, 9B1 refusals can be overcome/waived much faster than 9B2 refusals. It is possible for an applicant to be refused in one fiscal year and then overcome that refusal in a subsequent year.

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