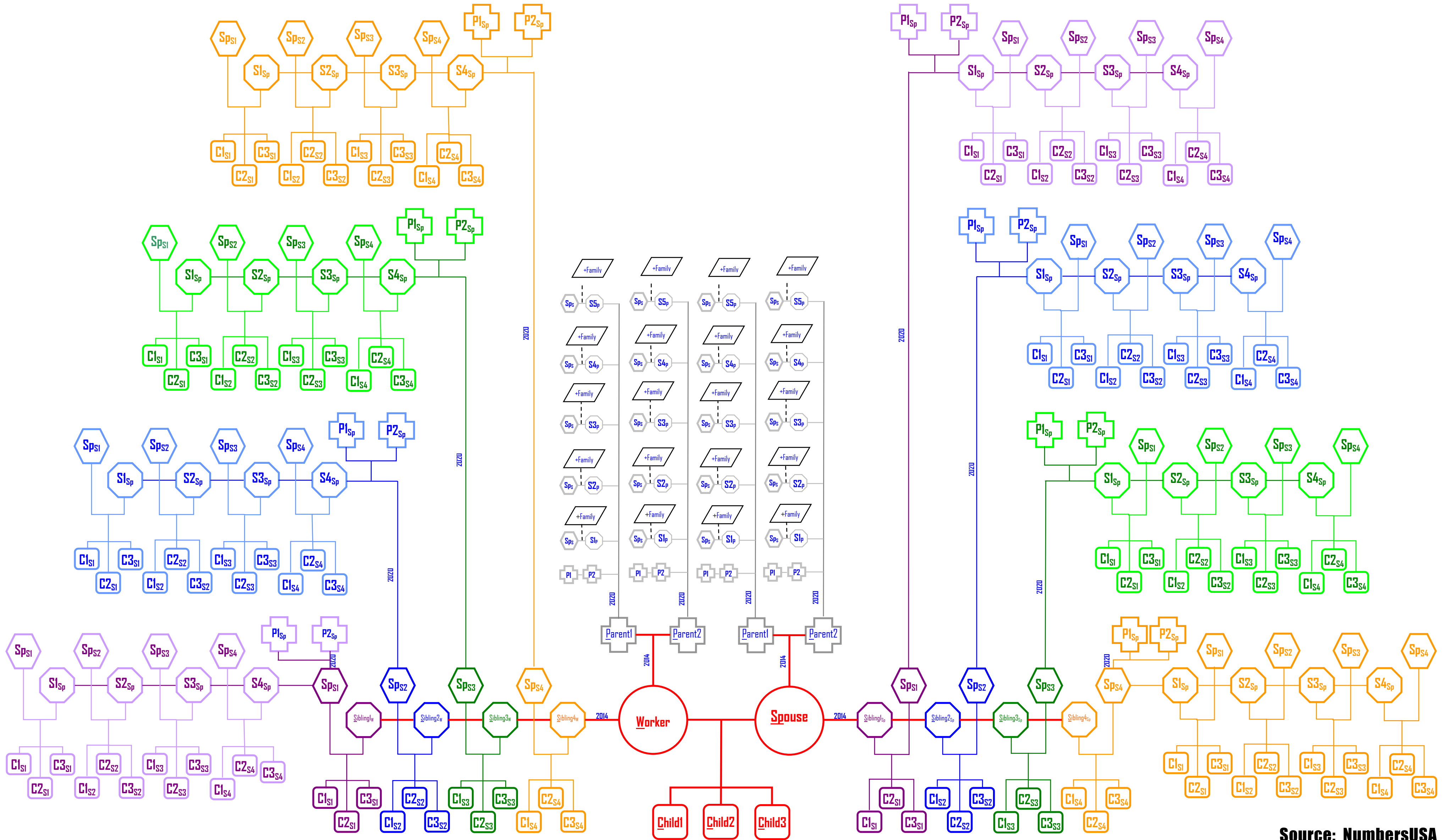


Chain Migration Under Current U.S. Law: The Potential Impact of a Single Employment-Based Immigrant



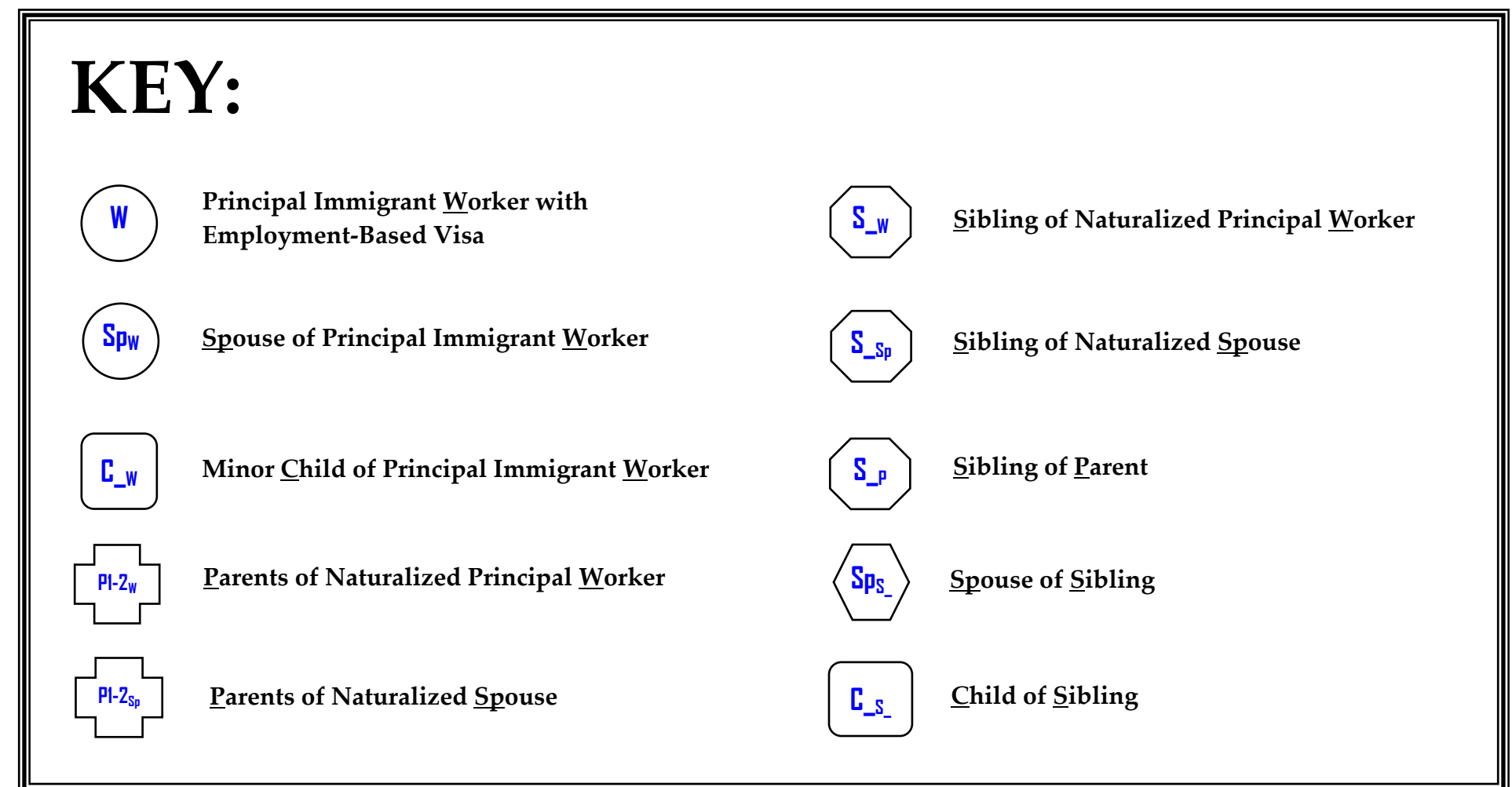
Source: NumbersUSA

Current U.S. immigration law sets out several categories of relatives a citizen or Lawful Permanent Resident (LPR) of the United States may petition to bring here. Some of these are numerically capped; others are unlimited. The categories are:

1. **Immediate Relatives**—the spouse, minor children, and parents of adult U.S. citizens; no numerical limit.

2. **Family-Preference Categories:**

- *Family 1st Preference*—Unmarried, adult children of U.S. citizens; capped at 23,400.
- *Family 2A Preference*—Spouses and minor children of LPRs; capped at 114,000, with a floor of 87,934.
- *Family 2B Preference*—Unmarried, adult children of LPRs; capped at 26,266.
- *Family 3rd Preference*—Adult, married children of U.S. citizens, plus their spouses and minor children; capped at 23,400.
- *Family 4th Preference*—Siblings of adult U.S. citizens, plus their spouses and minor children; capped at 65,000.¹



The chart reflects the following assumptions, all of which are provided for under current U.S. immigration law:

- One worker (W) is granted an Employment-Based (EB) immigrant visa in 2008;
- This worker hails from a developing country with a Total Fertility Rate (TFR) of 3.0 children per woman;²
- The worker brings a spouse and three children to the United States with him (the spouse and children would be issued EB visas, as well, since they are accompanying the worker);
- The worker and his spouse and children naturalize in 2014 (they become eligible in 2013, but one year is added to account for the time it takes to process their applications) and the worker and spouse petition for their parents and siblings;
- The extended families of both the worker and his spouse are all alive and reflect the average TFR of the developing world at the relevant time (i.e., during their child-bearing years); and
- It takes one year for the extended family members to be approved and granted immigrant visas (it could take significantly longer than one year depending on the country from which they are coming due to visa backlogs resulting from the caps on the family-based immigrant categories and the per-country limit on most family- and employment-preference visas, which, under current law is about 26,000 visas annually for independent countries).

The chart shows what happens when the worker and his spouse naturalize and bring in their parents and siblings, along with the siblings' spouses and minor children. Then, the parents and the spouses of the siblings naturalize after five years of LPR status and bring in their own parents and siblings, along with the siblings' spouses and children. It is this endless "chain migration" of adult relatives and in-laws that drives annual, legal immigration levels higher every year and creates pressure to increase category caps because of ever-growing waiting lists. The long waiting lists, in turn, fuel illegal immigration, as people begin to develop a sense of entitlement to move to the United States.

Based on the above assumptions, the approval of an employer's petition to import a single permanent foreign worker could result in the permanent immigration to the United States of 273 individuals, not including the 100 or so cousins of the worker and his spouse (the children of the siblings of their parents) who are represented in the chart only as "+ family" due to space limitations.

¹ The family-preference immigration categories are all over-subscribed. Mexicans and Filipinos must wait significantly longer than other visa applicants due to higher than average application rates for each category. Mainland Chinese and Indians have longer than average waiting times for sibling visas.

² The Total Fertility Rate is the average number of children each woman will have in her lifetime. Examples of sending countries with a TFR of 2.8-3.2 include: India, the Philippines, El Salvador, Nicaragua, Peru, Venezuela, Bangladesh, and Malaysia. In much of the developing world, the TFR is significantly higher than three children per woman. According to the United Nations Population Division, the TFR in "less developed countries," where about 5.3 billion people live, was 2.9 in mid-2005. In "least developed countries," where another 800 million people live, the TFR was 5.0 in mid-2005.