

## Estimated<sup>i</sup> Future Permanent Legal<sup>ii</sup> Immigration Under S. 744 – FY 2015-2024

Type and Class of Admission	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
<b>IMMEDIATE RELATIVES (IR)</b>										
Spouses/Minor Children of US Citizens <sup>iii</sup>	372,000	372,000	372,000	372,000	372,000	372,000	372,000	372,000	372,000	372,000
Parents of US Citizens <sup>iv</sup>	106,000	106,000	106,000	106,000	106,000	106,000	106,000	106,000	106,000	106,000
Spouses/Minor Children of Spouses/Minor Children/Parents of US Citizens <sup>v</sup>	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Spouses/Minor Children of LPRs <sup>vi</sup>	263,746	62,300	62,300	62,300	62,300	62,300	62,300	62,300	62,300	62,300
Spouses/Minor Children of Spouses/Minor Children of LPRs <sup>vii</sup>	32,697	7,800	7,800	7,800	7,800	7,800	7,800	7,800	7,800	7,800
<b>FAMILY-SPONSORED PREFERENCE<sup>viii</sup></b>										
Unmarried Adult Children of US Citizens <sup>ix</sup>	104,887	56,350	56,350	56,350	56,350	56,350	56,350	56,350	56,350	56,350
Unmarried Adult Children of LPRs <sup>x</sup>	104,887	64,400	64,400	64,400	64,400	64,400	64,400	64,400	64,400	64,400
Married Adult Children of US Citizens <sup>xi</sup>	104,887	NA	NA	NA	NA	NA	NA	NA	NA	NA
Married Adult Children Under Age 31 of US Citizens <sup>10</sup>	NA	40,250	40,250	40,250	40,250	40,250	40,250	40,250	40,250	40,250
Siblings of Adult US Citizens <sup>xii</sup>	209,774	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>EMPLOYMENT-BASED PREFERENCE<sup>xiii</sup></b>										
Priority Workers <sup>xiv</sup>	38,800	36,200	36,200	36,200	36,200	36,200	36,200	36,200	36,200	36,200
Aliens with Foreign or Domestic PhD in Any Field <sup>xv</sup>	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
Foreign Physicians <sup>xvi</sup>	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
STEM Masters or PhD from US University <sup>xvii</sup>	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000
Professionals with Advanced Degrees <sup>xviii</sup>	217,863	56,000	56,000	56,000	56,000	56,000	56,000	56,000	56,000	56,000
Skilled Workers/Professionals/Unskilled Workers <sup>xix</sup>	217,863	56,000	56,000	56,000	56,000	56,000	56,000	56,000	56,000	56,000
Special Immigrants <sup>xx</sup>	54,466	14,000	14,000	14,000	14,000	14,000	14,000	14,000	14,000	14,000
Investors <sup>xxi</sup>	54,466	14,000	14,000	14,000	14,000	14,000	14,000	14,000	14,000	14,000
Spouses/Minor Children of all Employment-Based Entrants <sup>xxii</sup>	727,201	250,792	250,792	250,792	250,792	250,792	250,792	250,792	250,792	250,792
<b>VISA LOTTERY<sup>xxiii</sup></b>	50,000	NA	NA	NA	NA	NA	NA	NA	NA	NA
<b>MERIT-BASED TRACK ONE<sup>xxiv</sup></b>	120,000	120,000	120,000	120,000	126,000	132,300	138,915	145,861	153,154	160,811
<b>MERIT-BASED TRACK TWO<sup>xxv</sup></b>	902,760	582,760	582,760	582,760	582,760	582,760	642,760	585,760	583,460	7,736,000
<b>REFUGEES/ASYLEES<sup>xxvi</sup></b>	141,300	141,300	141,300	141,300	141,300	141,300	141,300	141,300	141,300	141,300

<b>AMNESTIED DREAMERS<sup>xxvii</sup></b>	NA	NA	NA	NA	2,500,000	NA	NA	NA	NA	NA
<b>AMNESTIED AG WORKERS<sup>xxviii</sup></b>	NA	NA	NA	NA	864,000	NA	NA	NA	NA	NA
<b>OTHER<sup>xxix</sup></b>	25,400	25,400	25,400	25,400	25,400	25,400	25,400	25,400	25,400	25,400
<b>TOTAL</b>	3,892,997	2,049,552	2,049,552	2,049,552	5,419,552	2,061,852	2,128,467	2,078,413	2,083,406	9,243,603

<sup>i</sup> The estimates here are conservative. Some categories in the chart, including Immediate Relatives, certain employment-based preferences, and the Merit-Based Track Two category, are numerically unlimited. This chart does not attempt to project increases in these categories that are certain to occur in future years. All numbers used to develop 10-year averages are from the Department of Homeland Security’s [Yearbooks of Immigration Statistics](#) from FY 2003 through FY 2012.

<sup>ii</sup> *It is important to note here that each of the individuals represented in this chart becomes eligible for Obamacare on the day a green card is issued. Most of those on the chart with then have to wait five years before they become eligible for all US welfare benefits, but they will, in fact, ALL become eligible. Some, like the amnestied DREAMers will actually become eligible for welfare immediately upon being issued a green card.*

<sup>iii</sup> The estimates for this category are based solely on the 10-year average of the actual number of green cards issued to this group. While this category is numerically unlimited, and is likely to grow dramatically under S. 744, as large numbers of aliens naturalize, this chart does not attempt to project that increase.

<sup>iv</sup> The estimates for this category are based solely on the 10-year average of the actual number of green cards issued to this group. While this category is numerically unlimited, and is likely to grow dramatically under S. 744, as large numbers of aliens naturalize, this chart does not attempt to project that increase.

<sup>v</sup> The estimates for this category are based solely on the 10-year average of the actual number of green cards issued to this group. This category is likely to grow in proportion to the category for spouses, minor children, and parents of citizens.

<sup>vi</sup> Section 2305 of S. 744 moves the category for spouses and minor children of LPRs into the numerically unlimited Immediate Relative category. This chart assumes that all approved Family 2A petitions on both the [State Department’s visa waiting list](#) and all pending I-485 applications for adjustment of status at USCIS to Family 2A are issued green cards in the first year the bill’s provisions covering this take effect. Both State and USCIS waiting list numbers are from the end of FY 2012, the most recent available. Since USCIS reports only pending “Family” I-485 applications, this chart assumes that the waiting list at USCIS is divided among the family-preference categories in the same proportions as the State Department visa waiting list.

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<sup>vii</sup> Section 2305 also adds a category for the spouses and minor children of the spouses and minor children of LPRs to the numerically unlimited Immediate Relative category. This chart assumes that this group represents the same average share of the Family 2A category that it has over the past 10 years, and applies that share to both the State Department and USCIS waiting lists. It further assumes that all pending petitions/applications for adjustment will be issued green cards in the first year the bill's provisions covering this take effect.

<sup>viii</sup> Section 2304 provides for the “recapture” of supposedly unused family-preference visas between 1992 and 2013, so they can be added to the family-preference quota for FY 2015. The drafters of S. 744 either don't understand the way the immigration quota system works, or they don't care to understand it. Under both existing law and S. 744, any unused family visas already roll over to the employment-based preferences in the following fiscal year. Despite that, this chart pretends that such visas were unused, as the drafters propose, and adds a total of 298,436 extra visas to the family floor of 226,000 visas for FY 2015, and distributes them as specified in Section 2305 for FY 2015 and in Section 2307 thereafter.

<sup>ix</sup> This category is allocated 20 percent of the family quota for 2015 under Section 2305, and 35 percent of the quota thereafter. Section 2307, however, specifies that the family floor drops from 226,000 in FY 2015 to 161,000 thereafter. The category still, however, is significantly larger than the 23,400 visas it is allocated under current law.

<sup>x</sup> This category is allocated 40 percent of the family quota for 2015 under Section 2305, and 25 percent of the quota thereafter. Section 2307, however, specifies that the family floor drops from 226,000 in FY 2015 to 161,000 thereafter. The category still, however, is significantly larger than the 26,266 visas it is allocated under current law.

<sup>xi</sup> Under Section 2307, the category for married adult children of US citizens is limited to only those married adult children who are under age 31 beginning in FY 2016, and the category is allocated 25 percent of the quota. However, married adult children of all ages who are on the visa waiting list are to be issued Merit-based Track Two green cards under Section 2302.

<sup>xii</sup> The category for siblings of US citizens is phased out in FY 2016, however siblings on the visa waiting list are to be issued Merit-based Track Two green cards under Section 2302.

<sup>xiii</sup> Section 2307 maintains the current employment-based quota of 140,000, however it exempts several major categories of employment-based entrants from any numerical limits. It is unclear exactly what impact these large exemptions will have. Section 2304 establishes the employment-based quota formula for FY 2015 and beyond, but it is unclear when the changes to the employment-based categories take effect, as there is no effective date provided. This chart, therefore, assumes that the changes apply beginning in FY 2015. In addition, Section 2304 provides for the “recapture” of supposedly unused employment-based visas between 1992 and 2013, so they can be added to the employment-based quota for FY 2015. Under both existing law

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and S. 744, any unused employment visas already roll over to the family-based preferences in the following fiscal year. Despite that, this chart pretends that such visas were unused, as the drafters propose, and adds a total of 404,658 extra visas to the employment-based quota of 140,000 visas for FY 2015, and distributes them as specified in Section 2307.

<sup>xiv</sup> Section 2307 exempts Priority Workers (EB-1 under current law) from the employment-based cap. The numbers in this chart represent the 10-year average for this category, plus an additional 500 per year, since the visa waiting list for Priority Workers has been increasing by about that amount in recent years. The number for FY 2015 is higher because it includes all those currently on the visa waiting list.

<sup>xv</sup> Section 2307 exempts from the employment-based quota any aliens with a doctorate degree in any field from any university. The numerical impact of this is unknown.

<sup>xvi</sup> Section 2307 exempts from the employment-based quota alien physicians who have completed the foreign residency requirements set out in Section 212(e) of the Immigration and Nationality Act, or who have obtained a waiver or exemption. The numerical impact of this is unknown.

<sup>xvii</sup> Section 2307 exempts from the employment-based quota any alien who earns a Master's or PhD in a STEM (science, technology, engineering, and mathematics) field from an accredited US university within five years before applying, and who has a job offer. Currently, approximately 40,000 foreigners complete such degrees at accredited US universities each year. This is likely to increase as it becomes clear that such a degree is a direct path to US residence. Rather than factoring in the 200,000 aliens who obtained such degrees in the five years prior to enactment of S. 744, attempting to project the likely increase in the number of such graduates, or guessing what percentage of such graduates would apply to remain in the United States, this chart assumes that 40,000 will be issued green cards each year.

<sup>xviii</sup> Section 2307 allocates 40 percent of the employment-based quota to the category for Professionals with Advanced Degrees (EB-2 under current law). The number for FY 2015 is higher because it also includes 40 percent of the supposedly unused employment-based visas from 1992 through 2012.

<sup>xix</sup> Section 2307 also allocates 40 percent of the employment-based quota to the category for Skilled Workers, Professionals, and Unskilled Workers (EB-3 under current law). S. 744 also removes the cap of 10,000 visas for unskilled workers in this category, so there is no doubt it will be fully subscribed as an avenue for cheap, low-skill labor. The number for FY 2015 is higher because it also includes 40 percent of the supposedly unused employment-based visas from 1992 through 2012.

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<sup>xx</sup> Section 2307 allocates 10 percent of the employment-based quota to the category for Special Immigrants (EB-4 under current law). The number for FY 2015 is higher because it also includes 10 percent of the supposedly unused employment-based visas from 1992 through 2012.

<sup>xxi</sup> Section 2307 allocates 10 percent of the employment-based quota to the category for Investors (EB-5 under current law). The number for FY 2015 is higher because it also includes 10 percent of the supposedly unused employment-based visas from 1992 through 2012.

<sup>xxii</sup> Section 2307 exempts the spouses and minor children of all employment-based immigrants from the employment-based quota. On average over the past 10 years, spouses and minor children of employment-based immigrants represented 54 percent of the total number of employment-based green cards issued. This chart assumes that the same percentage will apply to future employment-based immigrants, including those exempted from the cap. Since the numerical impact of some of these exempted categories is unknown, the figure provided here for spouses and minor children of employment-based immigrants is low.

<sup>xxiii</sup> Section 2303 of the bill repeals the visa lottery effective October 1, 2014, but adds that lottery visas can be distributed through FY 2015.

<sup>xxiv</sup> Section 2301 creates a new Merit-based Track One immigrant category. The cap for this category is set initially at 120,000, but can be increased by 5 percent each year to a maximum of 250,000, as long as the average annual unemployment rate for the civilian labor force 18 years of age and over is no higher than 8.5 percent (this calculation specifically excludes discouraged workers and those who can only find part-time work, but want full-time jobs). During the first four years of this new program, Merit-based Track One green cards are to be used to clear the backlog of Skilled Workers, Professionals, and Unskilled Workers (EB-3 under current law). However, the backlog for these workers was just under 100,000 November 2012, and with the large number of supposedly unused visas available to the category, it is unclear how many of these extra visas will be needed. Thus, this chart assumes that the cap will remain at 120,000 during the first four years, and then begin to climb by 5 percent each year thereafter.

<sup>xxv</sup> Section 2302 creates a numerically unlimited Merit-based Track Two immigrant category. Applicants for these green cards include: more than 4 million aliens on the visa waiting list (everyone on the waiting list at the date of enactment is to be issued a green card within 7 years); aliens who have resided lawfully in the United States for at least 10 years, including those with Temporary Protected Status, Deferred Enforced Departure, and other long-term nonimmigrant visa holders (for example, an alien who entered as a foreign student and then was granted an H-1B visa could easily have been lawfully in the United States

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for 10 years); and, beginning 10 years after enactment, all of the amnestied illegal aliens who have not already received green cards as DREAMers or agricultural workers. This chart includes in these numbers estimates of the TPS populations in the 10<sup>th</sup> year after their grant of TPS. It does not include estimates of long-term nonimmigrant visa holders. It assumes that all DREAMers and agricultural workers were issued green cards five years after they were given Registered Provisional Immigrant (RPI) status under the bill, and subtracts them from the 11.1 million illegal aliens the [Pew Hispanic Center](#) says were here at the end of 2011 and may qualify for RPI status and then apply for green cards 10 years after enactment of S. 744.

<sup>xxvi</sup> The number of refugees and asylees in the chart is the 10-year average number of refugees and asylees who adjusted to lawful permanent resident status between 2003 and 2012.

<sup>xxvii</sup> Section 2103 of S. 744 permits so-called DREAMers who receive Registered Provisional Immigrant status to adjust to lawful permanent residence after they have had RPI status for five years. Assuming they are granted RPI status in FY 2014, they would be eligible for green cards in FY 2019. The [Migration Policy Institute](#) has estimated that some 2.1 illegal aliens may qualify for under the DREAM Act with an upper age limit of 35 years. Since S. 744 has no age limit, it seems reasonable to increase the estimate to 2.5 million.

<sup>xxviii</sup> Section 2211 of S. 744 provides illegal alien agricultural workers with Blue Card status. Section 2212 permits these aliens, along with their spouses and minor children, to adjust to lawful permanent residence after five years. According to [Pew Hispanic Center](#), roughly 400,000 illegal aliens work in agriculture. Assuming that they have just over one nuclear family member each (like employment-based immigrants), that would mean an additional 464,000 family members would be issued green cards, as well.

<sup>xxix</sup> The number in this category is the 10-year average number of all the miscellaneous groups issued green cards between 2003 and 2012. It includes parolees, cancellation of removal, and a variety of other small programs, along with those not categorized by DHS in annual statistics.