Chain Migration Under Current U.S. Law
The Potential Impact of a Single Immigrant Admission

Source: NumbersUSA
The chart above illustrates the effect of Congress’ decision since 1957 to prioritize the admission of non-nuclear, extended family members in U.S. immigration policy. By allowing each immigrant admitted to subsequently petition for the admission of parents, siblings and their families, and adult children and their families, Congress has put in place an immigration system that results in virtually unlimited chain migration. One consequence of this policy—a consequence cited by the bipartisan Jordan Commission on Immigration Reform as a primary reason to eliminate chain migration categories—is the unrealistic expectations it creates on the part of literally hundreds of distant relatives of new immigrants to the United States. Because these distant relatives may eventually obtain a visa on the basis of the extended relationship, they come to see immigration as a right or entitlement. When they realize that they may, in fact, have to wait years for a visa to become available because of annual caps and per-country limits on several of the family-based immigration categories, many decide to come illegally, despite that the law requires them to wait in the home country.

The chart begins with the admission of one employment-based immigrant, who is accompanied by his spouse and three minor children, all of whom are natives of a country in the developing world. It assumes he has three children based on the fact that, according to the Population Reference Bureau, the Total Fertility Rate (TFR) in the “less developed world” was 2.8 in 20081.

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1 The Total Fertility Rate is the average number of children born to each woman. The Population Reference Bureau’s 2008 World Data Sheet shows that almost 5.5 billion people live in the “less developed world,” including the vast majority of those who enter the United States as immigrants each year.
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(This is a conservative assumption, since many immigrants to the United States come from the “least developed world,” where almost a billion people live and the TFR was 4.7 in 2008.) The chart further assumes that:

- The original immigrant is a young adult, born between 1970, when the TFR in the less developed world was 6.0, and 1980, when the TFR was 4.6. Using the lower end of that TFR range, it is assumed that he has four siblings. Similarly, the number of siblings shown for each parent and spouse is based on the TFR in the less developed world at the time that parent or spouse was born. Thus, the original immigrant’s parents, who are assumed to have been born around 1950, each have five siblings, since the TFR was 6.2 in 1950.
- All extended family members up to the original immigrant’s parents’ generation are alive and otherwise eligible for an immigrant visa.
- Each immigrant naturalizes when eligible and so may petition for siblings, parents, and/or adult, married children.
- No relative has been divorced and remarried, since this would result in additional chains being created. For example, if the original immigrant’s parents had divorced and remarried, the new spouses would be eligible to accompany the parents to the United States, and then would be eligible to petition for their own adult children, siblings and parents on the same basis as any other immigrant. Rather than the two (yellow) chains created by these parents in the chart, four chains would be created.

Current U.S. immigration law prioritizes the following categories of relatives a citizen or Lawful Permanent Resident (LPR) of the United States may petition to bring here:

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

- **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.

Despite the fact that these family categories have represented an average of almost 67 percent of total immigration to the United States over the past 10 years, the family-preference categories are all over-subscribed. As of March 2009, Filipino siblings of U.S. citizens (Family 4th) must wait more than 23 years for a visa to become available. Mexicans and Filipinos must wait significantly longer than other nationalities for all these categories, due to higher-than-average application rates. Perhaps most ironic, though, is the fact that, in our family-centric immigration system, the spouses and minor children of LPRs (Family 2A) must wait a minimum of more than four years for a visa to become available.