

Other ¹	0 ^c	+29,100	+123,800	+218,500	+313,200	+407,900	+502,600	+597,300	+692,000	+786,480
Amnestied Aliens ²	0 ^d	+61,250	+122,500	+183,750	+245,000	+245,000	+245,000	+245,000	+245,000	+245,000
TOTAL Permanent Resident Aliens³	0	+85,350	+236,300	+387,250	+538,200	+627,900	+712,600	+797,300	+882,000	+966,480
Anchor Babies ⁴	NA ^e	NA	NA	NA	NA	NA	NA	NA	NA	NA
Net) in Adjustment of Status Backlog ⁵	NA ^f	NA	NA	NA	NA	NA	NA	NA	NA	NA
TOTAL PERMANENT IMPACT⁶	0	+85,350	+236,300	+387,250	+538,200	+627,900	+712,600	+797,300	+882,000	+966,480

NA = Not affected by NACARA

Yes Vote = Increase; No Vote = Blocked Increase

* This table shows by how much legal immigration to the United States is likely to increase as a result of the Nicaraguan Adjustment and Central American Relief Act (NACARA). NACARA took effect immediately upon passage in fiscal year 1998, so the numbers in the table represent the cumulative projected increase in immigration that is likely to result between 1998 and 2007. However, because of the growing adjustment of status backlog at the INS, beneficiaries of NACARA will not begin to receive permanent resident status in significant numbers until 1999. The act grants amnesty to certain Nicaraguans and Cubans, and it authorizes the Attorney General to cancel the removal (i.e., deportation) of certain Salvadorans, Guatemalans and Eastern Europeans and allow them to adjust to permanent resident status under more lenient criteria than are applied under current law. In exchange, the number of visas for unskilled workers and lottery immigrants both may be reduced by up to 5,000 per year beginning in 1999. Thus, the only immigration categories affected by NACARA are "Unskilled Workers," "Lottery," "Amnestied Aliens" and "Other" humanitarian, since the latter includes immigrants whose removal has been canceled and who have been allowed to adjust to permanent residence. While the aliens who are eligible for permanent resident status under NACARA have been living in the U.S. for several years, they have not been counted in official immigration statistics since they have been living here illegally or under color of law. Once they are granted legal residence, they will be eligible to bring over their extended families on the same basis as other legal immigrants.

** LPR = Legal Permanent Resident

¹ This category includes a variety of ad hoc humanitarian programs, such as the Cuban/Haitian Entrants Act, adjustment programs for Soviet and Indochinese parolees, and immigrants whose removal is canceled for humanitarian reasons. It is the latter group that NACARA affects. This new law creates a presumption of eligibility for cancellation of removal and adjustment of status for certain aliens who have lived in the U.S. continuously for seven years, have no criminal history, and can show that deportation would result in hardship to themselves or their immediate family; and for aliens who have

lived in the U.S. continuously for 10 years, have not been convicted of an aggravated felony, and can show that deportation would result in hardship to themselves or their immediate family. The following groups are eligible to apply for cancellation of removal and adjustment of status under NACARA, and would not be counted against the annual limit of 4,000 cancellations of removal and adjustment of status:

1. Salvadorans and Guatemalans who entered the country illegally in the late 1980s or early 1990, applied for and were denied asylum, and were class members of a lawsuit that ended in a settlement granting them new asylum hearings (*American Baptist Churches, et al, v. Thornburgh*, 760 F.Supp. 796 (N.D. Cal. 1991));
2. Salvadorans who entered the country illegally and registered for Temporary Protected Status by October 31, 1991;
3. Salvadorans and Guatemalans who entered the country illegally and applied for asylum on or before April 1, 1990;
4. The spouses and minor children of the Salvadorans and Guatemalans listed above;
5. The adult unmarried children of the Salvadorans and Guatemalans listed above, as long as the children have been living in the U.S. since October 1, 1990; and
6. Nationals of the former Soviet Union or any of its republics, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia or any state of the former Yugoslavia who were living in the U.S. by December 31, 1990 and applied for asylum by December 31, 1991. There is no presumption of eligibility for the Eastern Europeans, but they will be processed under the more lenient standards.

² This category includes Nicaraguans and Cubans who have lived in the U.S. illegally since December 1, 1995 and who apply for amnesty by April 1, 2000. It also includes the spouses and minor children of the Nicaraguans and Cubans, along with any adult unmarried children who have lived continuously in the U.S. since December 1, 1995. The vast majority of immigrants in this category are Nicaraguans, since almost all Cubans are eligible to adjust to permanent residence under the Cuban Adjustment Act. The U.S.-Cuba Migration Agreement of 1994 modified that act by denying adjustment of status to Cubans who entered the U.S. illegally (as opposed to being paroled in). Thus, the only Cubans who would need to adjust their status under NACARA are those who arrived illegally between the time the Migration Agreement took effect and December 1, 1995.

³ This row shows the impact of NACARA on the total number of aliens to be granted legal permanent resident status.

⁴ "Anchor Babies" are the children born in the United States to illegal-alien mothers. Under current practice, these children are U.S. citizens at birth, simply because they were born on U.S. soil. They are called anchor babies because, as U.S. citizens, they become eligible to sponsor for legal immigration any of their relatives, including their illegal-alien mothers, when they turn 21 years of age, thus becoming the U.S. "anchor" for an extended immigrant family. Moreover, the INS rarely deports illegal immigrants

who have U.S.-born children, so by virtue of being born on U.S. soil, these children offer some protection to their parents from deportation.

⁵ This row shows the net annual change in the number of aliens whose applications for adjustment to permanent resident status are still pending because of administrative delays in processing at the INS. The adjustment of status backlog first appeared in 1994 and was exacerbated by a provision of immigration law, Section 245(i), enacted by Congress to allow illegal immigrants to adjust to permanent resident status without having to leave the country, if they were otherwise qualified. The effect of this provision was to shift a large workload from the State Department, which handles the issuance of immigrant visas abroad, to the INS. The numbers shown in the table reflect the entire backlog of pending adjustment of status application, less the seven percent historical denial rate. All the aliens in the backlog were residing in the United States as of the time their applications were submitted, and all those included in the table, since it accounts for the denial rate, eventually will be issued green cards and allowed to remain permanently. (It is possible, of course, that a small number of them will change their minds about immigrating and decide to return home, or will die before their paperwork is processed, but otherwise, all will become legal permanent residents.) Had the INS kept up with its adjustment workload, total annual immigration would not have increased by the whole amount shown in this category because of the annual ceilings on most legal immigration categories, particularly on the family-preference categories, which represent an estimated 14 percent of the backlog. However, because the vast majority of the backlog is comprised of spouses, minor children and parents of citizens, and a smaller number of workers seeking employment-based visas, some of which go unused each year, the INS estimates that, had it kept up with adjustment of status processing, up to 140,000 additional immigrants would have been granted permanent residence status each year. Thus, the backlog numbers are included in the table for a couple of reasons: first, they show that the demand for immigrant visas is not declining, even though official immigration numbers are at their lowest point in several years; and second, they indicate the degree to which the official numbers are artificially low. The table uses the net change in the adjustment backlog in order to avoid double counting these aliens once the INS begins to get on top of the backlog. Once the backlog begins to decline, the category will show a negative number, which will then be subtracted from the number of total permanent resident aliens, since these immigrants have already been counted in previous years.

⁶ This row shows the total permanent impact of NACARA. Since it is impossible to quantify how NACARA will affect the adjustment of status backlog or the number of anchor babies, the numbers in this row are the same as those in "TOTAL Permanent Resident Aliens."

^a Under current law, a maximum of 10,000 unskilled workers may be admitted each year. NACARA provides that the annual number of unskilled workers to be admitted each year may be reduced by 5,000, until such time as fewer than 10,000 Salvadorans and Guatemalans and their dependents are being adjusted to permanent residence each

year. However, this reduction can begin only after all the unskilled workers whose visa applications had been approved and who were on the visa waiting list by the date of enactment of NACARA have been issued visas. State Department statistics on the visa waiting list indicate that about 50,000 unskilled worker visas had been approved by the date of enactment, so the annual unskilled worker ceiling likely will not be reduced as permitted under NACARA until 2004 at the earliest.

^b Current law allocates 55,000 visas each year to be given to lottery winners. NACARA provides that, beginning in 1999, the number of lottery winners to be admitted each year is to be reduced by 5,000, until such time as fewer than 10,000 Salvadorans and Guatemalans and their dependents are being adjusted to permanent residence per year.

^c The final rule promulgated by INS regarding implementation of NACARA allowed eligible Salvadorans, Guatemalans and Eastern Europeans to begin applying for cancellation of removal and adjustment of status in June 1999. The numbers in the table are based on estimates by the INS and the House Immigration & Claims Subcommittee that 250,000 Salvadorans and Guatemalans are prima facie eligible for adjustment of status and that each of them has, on average, two dependents (i.e., spouses and children), for a total of 750,000 Salvadorans and Guatemalans. The estimated number of dependents for this group is significantly larger than for the other groups that fall under NACARA both because of their large average family size and the fact that the Salvadorans and Guatemalans have been in this country longer (since 1990, as opposed to 1995 for the Nicaraguans) so have had more opportunity to bring over illegally any immediate family members they originally left behind. Since there is a presumption of adjustment eligibility for Salvadorans and Guatemalans, the table assumes that all those who are prima facie eligible will be granted permanent residence. The numbers in the table also include an estimated 30,000 prima facie eligible Eastern Europeans, plus an estimated 18,000 dependents (0.6 dependents per applicant). However, since there is no regulatory presumption of eligibility for Eastern Europeans, the table uses an approval rate of 76 percent (based on cancellation of removal decisions by immigration judges regarding Eastern Europeans through January 14, 1999), for a total of 36,480 Eastern Europeans. While there is no deadline for eligible immigrants to apply for adjustment of status under this provision of NACARA, the immigrants have incentives to legalize their status as quickly as they are able. Thus, the table assumes that all eligible aliens will have applied and been processed by the end of fiscal year 2007. While this time frame may be too optimistic for an already-backlogged INS, processing the Salvadorans and Guatemalans should be fairly quick and routine since they are to be presumed eligible, and there are not nearly as many Eastern Europeans, who are to be processed on a case-by-case basis. In any case, the numbers in the table show what the overall likely impact of NACARA will be, whether it occurs over a 10-year period or a longer one.

^d The numbers in the table are based on INS estimates that 150,000 Nicaraguans are eligible for the amnesty, and that each of them has, on average, 0.6 dependents (i.e., spouses and/or children), for a total of 240,000 Nicaraguans. The table also includes an INS estimate that a total of 5,000 Cubans are eligible for the amnesty (see note ² above).

While it is impossible to determine how fast INS will be able to process the amnesty applicants and grant them permanent residence, the table assumes that they will be processed at a steady rate (61,250 per year), so that all applicants have been granted permanent residence by the end of fiscal year 2001 — a year and one-half after the application deadline. Again, this may be an overly optimistic assumption, but it makes little difference in the total 10-year cumulative impact of the amnesty, since all applicants certainly will have been processed by the end of fiscal year 2007.

^e Amnesty programs like NACARA likely result in increases in the number of anchor babies, since they encourage illegal immigration. They send a message to illegal immigrants that if they remain in the United States long enough, they, too, may be amnestied. Available data, however, are insufficient to quantify any such increase.

^f NACARA is likely to have a significant impact on the adjustment of status backlog, since it will add substantially to the workload of the INS, which must process all of the amnesty beneficiaries. If the INS focuses its resources on reducing the current adjustment of status backlog (811,000 as of the end of fiscal year 1998), NACARA beneficiaries will become backlogged; if NACARA beneficiaries are processed first, the current backlog will continue to grow. At this point, the extent of NACARA's impact on the adjustment of status backlog is unclear.