

Estimated 10-Year Impact of the Biden Amnesty Bill (H.R. 1177 & S. 348) on Legal Immigration Numbers*

Type & Class of Admission	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	10-Year Total
DACA + DREAMer Amnesty¹	2,900,000	NA	NA	NA	NA	NA	NA	NA	NA	NA	2,900,000
TPS + DED Amnesty²	320,000	NA	NA	NA	NA	NA	NA	NA	NA	NA	320,000
Farmworker Amnesty³	1,200,000	NA	NA	NA	NA	NA	NA	NA	NA	NA	1,200,000
General Amnesty (LPI adjusting to LPR)⁴	NA	NA	NA	NA	NA	7,180,000	NA	NA	NA	NA	7,180,000
Immediate Relatives (IR)											
Spouse/Minor Children of US Citizens ⁵	346,661	346,661	346,661	346,661	346,661	346,661	346,661	346,661	346,661	346,661	3,466,610
Parents of US Citizens ⁶	133,067	133,067	133,067	133,067	133,067	133,067	133,067	133,067	133,067	133,067	1,330,670
Spouse/Minor Children of LPRs ⁷	465,541	116,925	116,925	116,925	116,925	116,925	116,925	116,925	116,925	116,925	1,517,866
Family-Sponsored Preferences⁸											
Unmarried Adult Children of US Citizens ⁹	232,491	127,200	127,200	127,200	127,200	127,200	127,200	127,200	127,200	127,200	1,377,291
Unmarried Adult Children of LPRs ¹⁰	147,391	80,640	80,640	80,640	80,640	80,640	80,640	80,640	80,640	80,640	873,151
Married Adult Children of US Citizens ¹¹	147,391	80,640	80,640	80,640	80,640	80,640	80,640	80,640	80,640	80,640	873,151
Siblings of Adult US Citizens ¹²	350,052	191,520	191,520	191,520	191,520	191,520	191,520	191,520	191,520	191,520	2,073,732
Employment-Based Preferences¹³											
Priority Workers ¹⁴	94,798	40,035	40,035	40,035	40,035	40,035	40,035	40,035	40,035	40,035	455,113
Professionals with Advanced Degrees ¹⁵	94,798	40,035	40,035	40,035	40,035	40,035	40,035	40,035	40,035	40,035	455,113
Skilled Workers/Professionals (-Unskilled Workers) ¹⁶	125,845	30,040	30,040	30,040	30,040	30,040	30,040	30,040	30,040	30,040	396,205
Unskilled Workers ¹⁷	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	400,000
Special Immigrants ¹⁸	23,549	9,945	9,945	9,945	9,945	9,945	9,945	9,945	9,945	9,945	113,054
Investors ¹⁹	23,549	9,945	9,945	9,945	9,945	9,945	9,945	9,945	9,945	9,945	113,054
STEM PhD from US University²⁰	11,874	11,874	11,874	11,874	11,874	11,874	11,874	11,874	11,874	11,874	118,740
Economic Development²¹	10,000	10,000	10,000	10,000	10,000	0	0	0	0	0	50,000
Visa Lottery²²	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	800,000
Exempt Spouses/Minor Children of Immigrants²³	1,622,097	860,842	860,842	860,842	860,842	860,842	860,842	860,842	860,842	860,842	9,369,675
Refugees²⁴	108,042	108,042	108,042	108,042	108,042	108,042	108,042	108,042	108,042	108,042	1,080,420
Asylees²⁵	37,706	37,706	37,706	37,706	37,706	37,706	37,706	37,706	37,706	37,706	377,060
On Visa Waiting List for 10+ Years²⁶	?	?	?	?	?	?	?	?	?	?	?
Syrian Special Immigrant Visas²⁷	5,000	5,000	5,000	5,000	5,000	0	0	0	0	0	25,000
Other²⁸	46,294	46,294	46,294	46,294	46,294	46,294	46,294	46,294	46,294	46,294	462,940
TOTAL	8,566,146	2,406,411	2,406,411	2,406,411	2,406,411	9,571,411	2,391,411	2,391,411	2,391,411	2,391,411	37,328,845

Current Average Annual Legal Immigration from 2010-2019 = 1,063,345

Average Annual Legal Immigration (excluding the amnesties) under this legislation from 2022-2031 = at least 2,406,411

* The estimates here are conservative. This chart assumes an illegal population of 11 million, although some believe the population is significantly larger. Some categories in the chart, including Immediate Relatives, the category for Exempted Spouses/Minor Children of Immigrants (including Family-Based, Employment-Based, and Lottery recipients), and STEM Ph.D. graduates, are numerically unlimited. This chart does not attempt to project increases in these categories that are certain to occur in future years, but instead bases its estimates on the average number of green cards issued in each category from FY2010 through FY2019 (the last year for which detailed data is available). All numbers used to develop 10-year averages referenced in the notes below are from the Department of Homeland Security's Yearbooks of Immigration Statistics from FY 2010 through FY 2019. <https://www.dhs.gov/immigration-statistics/yearbook>

1. Section 1103 of the bill allows DACA beneficiaries and DREAMers to apply immediately for Lawful Permanent Resident (LPR) status. The Migration Policy Institute estimates that 2.9 million aliens may be eligible under the broad criteria in the bill. https://www.migrationpolicy.org/sites/default/files/publications/mpi-rethinking-legalization-2021_final.pdf
2. Section 1104 allows any alien with Temporary Protected Status or Deferred Enforced Departure to apply immediately for LPR status. The Migration Policy Institute report cited above says that there are 320,000 such aliens currently in the United States.
3. Section 1105 allows most illegal farmworkers to apply immediately for LPR status. The Migration Policy Institute report cited above estimates that about half of the 2.4 million farmworkers in the United States are illegal. This number does not include any of their spouses or minor children who reside outside the United States, who would also be eligible for LPR status. We do not have a reasonable way to calculate that.
4. Section 1101 allows any illegal alien who was present in the United States before January 1, 2021, to apply for Lawful Prospective Immigrant (LPI) status, and then adjust to LPR status after five years. The number shown in this row reflects the difference between 11 million and the three other amnesty populations (DACA/DREAMer, TPS/DED, and farmworkers), plus the 600,000 nonimmigrants estimated by ForwardUS to be "essential workers," since they also are allowed to apply for LPI status and then adjust to LPR status. <https://www.fwd.us/news/immigrant-essential-workers/>
5. 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 this bill as large numbers of aliens naturalize, this chart does not attempt to project that increase.
6. 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 this bill as large numbers of aliens naturalize, this chart does not attempt to project that increase.
7. Section 3102 of the bill removes the numerical cap from this category and adds it to the unlimited Immediate Relative category. The numbers for this category are based on the 10-year average, as well as the visa waiting list for spouses and minor children of LPRs. This chart also assumes that all of the spouses and children of LPRs currently on the visa waiting list would be admitted in the first year, which is why that year's number is so much higher.
8. Section 3101 of the bill provides for the "recapture" of supposedly unused Family-Sponsored Preference visas between 1992 and 2020, so they can be added to the family-preference quota for FY 2022. Under both existing law and this bill, any unused family visas already roll over to the employment-based preferences for the following fiscal year. Despite that, this bill pretends that such visas were unused and adds an estimated total of 397,325 extra visas to the family-preference categories for the first year, to be used in that and subsequent years until they've all been used. This chart assumes they will all be used in FY 2022, though it is unlikely that the State Department and USCIS would be able to process these massive numbers. Section 3101 also effectively raises the worldwide level for family-preference categories from 226,000 to 480,000, to be divided among the categories as described below. Finally, Section 3402 exempts the spouses and minor children of Family-Sponsored Preference immigrants, so the numbers in these categories include only the principal aliens, while their spouses and minor children are counted in the category for Exempt Spouses/Minor Children of Immigrants.
9. Section 3102 increases the cap on this category from 23,400 to 26.5 percent of the worldwide level (480,000 + unused employment based visas from the previous year + "recaptured" visas).
10. Section 3102 increases the cap on this category from 26,266 to 16.8 percent of the worldwide level (480,000 + unused employment based visas from the previous year + "recaptured" visas).
11. Section 3102 increases the cap on this category from 23,400 to 16.8 percent of the worldwide level (480,000 + unused employment based visas from the previous year + "recaptured" visas).
12. Section 3102 increases the cap on this category from 65,000 to 39.9 percent of the worldwide level (480,000 + unused employment based visas from the previous year + "recaptured" visas).
13. Section 3101 of the bill provides for the "recapture" of supposedly unused Employment-Based Preference visas between 1992 and 2020, so they can be added to the employment-based quota for FY 2022. Under both existing law and this bill, any unused employment visas already roll over to the family-sponsored preferences for the following fiscal year. Despite that, this bill pretends that such visas were unused and adds an estimated total of 232,539 extra visas to the employment-based categories for the first year, to be used in that and subsequent years until they've all been used. This chart assumes they will all be used in FY 2022, though it is unlikely that the State Department and USCIS would be able to process these massive numbers. Section 3101 also effectively raises the worldwide level for employment-based categories from 140,000 to 170,000, to be divided among the categories as described below. Finally, Section 3402 exempts the spouses and minor children of Employment-Based immigrants, so the numbers in these categories include only the principal aliens, while their spouses and minor children are counted in the category for Exempt Spouses/Minor Children of Immigrants.
14. Section 3404 reduces the share of employment-based visas available to Priority Workers from 28.6 percent to 23.55 percent, but since the overall employment-based cap is increased, the actual number of visas available for Priority Workers would remain the same (after the supposedly "recaptured" visas are used).
15. Section 3404 reduces the share of employment-based visas available to Professionals with Advanced Degrees from 28.6 percent to 23.55 percent, but since the overall employment-based cap is increased, the actual number of visas available for Professionals with Advanced Degrees would remain the same (after the supposedly "recaptured" visas are used).
16. Section 3404 increases the share of employment-based visas available to Skilled Workers/Professionals and Unskilled Workers from 28.6 percent to 41.2 percent, but the entire increase is set aside for Unskilled Workers (after the supposedly "recaptured" visas are used).
17. Section 3404 increases the number of visas available for Unskilled Workers from 10,000 to 40,000. Since the 40,000 is a statutory cap, the Unskilled Worker category does not benefit from the supposedly "recaptured" visas.
18. Section 3404 reduces the share of employment-based visas available to Special Immigrants from 7.1 percent to 5.85 percent, but since the overall employment-based cap is increased, the actual number of visas available for Special Immigrants would remain the same (after the supposedly "recaptured" visas are used).
19. Section 3404 reduces the share of employment-based visas available to Investors from 7.1 percent to 5.85 percent, but since the overall employment-based cap is increased, the actual number of visas available for Investors would remain the same (after the supposedly "recaptured" visas are used).

20. Section 3401 of the bill provides that any alien who has earned a Ph.D. in a STEM field may be granted a LPR status with no numerical limits. The numbers provided in the chart represent the average annual number of nonresident aliens earning a STEM Ph.D. at a U.S. university between the 2009-10 school year and the 2018-19 school year, according to the National Center for Education Statistics. It is possible that not all of these graduates will want to remain permanently in the United States, but the provision isn't limited to only recent graduates or to those currently in the United States. This visa apparently is available to anyone who has ever received a STEM Ph.D. from a U.S. university, so the number will be far higher than the chart shows. It is also highly likely that the number of foreign students seeking to earn a STEM Ph.D. in the US will increase, as they realize that it is an immediate path to a green card. https://nces.ed.gov/programs/digest/d20/tables/dt20_318.45.asp?referer=raceindica.asp
21. Section 3406 creates a five-year pilot program for the admission of up to 10,000 aliens each year whose "employment is essential to the economic development strategies of cities or counties in which they will live or work."
22. Section 3301 increases the number of Lottery visas available each year from 55,000 to 80,000. Additionally, Section 3402 exempts the spouses and minor children of Lottery immigrants, so the numbers in this category includes only the principal aliens, while their spouses and minor children are counted in the category for Exempt Spouses/Minor Children of Immigrants.
23. Section 3402 exempts the spouses and minor children of all Family-Preference, Employment-Based, and Lottery categories from the numerical caps on those categories. The numbers in the chart are calculated from the 10-year average share of spouses and minor children who came in under each category, which is then applied to the new caps on each.
24. The numbers in this category are based exclusively on the 10-year average number of refugees who adjusted to LPR status. It does not account for the Biden Administration's intention to increase refugee admissions.
25. The numbers in this category are based exclusively on the 10-year average number of asylees who adjusted to LPR status.
26. Section 3402 exempts from numerical caps any aliens who have been on the visa waiting list for more than 10 years. We have no way of knowing what that number is because the State Department doesn't make that data available to the public. However, due to the massive increases in the caps, and the fact that everyone on the visa waiting list would be entitled to come to the United States and work on a renewable nonimmigrant visa under this bill, this provision is unlikely to have a big impact on the numbers.
27. Section 4310 creates a new five year Special Immigrant Visa (SIV) program for Syrians who worked for the United States government for not less than one year beginning on January 1, 2014, and their spouses and children. The program is capped at 5,000 visas per year for principal applicants, not including their spouses and minor children, so the number likely will be significantly higher than what this chart shows. Any of the 5,000 visas that are not used in a given year would roll forward to the following year.
28. This category is a catch-all for small classes of aliens, including the Afghan and Iraqi SIVs, aliens who have been granted cancellation of removal, and certain parolees. The number shown is based exclusively on the 10-year average.