



# News Release **JEFF SESSIONS** UNITED STATES SENATOR | ALABAMA

## Analysis of Future Flow In Gang of Eight Plan: More than 30 Million Immigrants Granted Legal Status In 10 Years, With The Ability To Bring Their Relatives

*An Additional 25 Million Will Be Granted Nonimmigrant Work Visas, Bringing Total to 57 Million*

The Gang of Eight has stated, “this legislation does not significantly increase long-term, annual migration to the United States” and has indicated the legislation shift the United States from low-skill and chain migration to high-skill merit-based. Conspicuously, however, they have refused to provide an estimate of future flow. A conservative analysis of the legislation, with low-range estimates for the new and expanded visa programs, reveals that the proposal would dramatically increase the future flow of low-skill workers and chain migration and provide legal status and work authorization to 30 million immigrants over the next 10 years—who will then be able to bring in family members, initiating a wave of non-merit-based chain migration that will greatly increase low-skilled immigration.

Here is a shorthand way of looking at the explosive growth in the number of people who will be granted work authorization and permanent residency over the next 10 years, largely on a non-merit based track:

- An estimated 2.5 million DREAM beneficiaries of any age (including those no longer living in the country) will be eligible for citizenship in five years.
- DREAM beneficiaries will be able to bring in an unlimited number of parents, spouses, and children (not subject to any cap) and those spouses, children, and parents will get permanent legal status in five years and be eligible for citizenship in 10.
- An estimated 800,000 illegal agricultural workers will become legal permanent residents (green card holders) in five years and will then be eligible to bring in an unlimited number of spouses and children.
- An estimated 8 million additional illegal immigrants, including recent arrivals and millions of visa overstays, will receive legal status and work authorization. These 8 million will be able to bring in their relatives as soon as 10 years from now. Those relatives, over time, will be able to bring in spouses, children, and parents.
- An estimated 4.5 million aliens awaiting employment and family-based visas under current cap limitations will be cleared in less than 10 years, not subject to the family-

based annual cap (thus freeing up room for more family-based migration that is subject to the annual cap).

The bill increases the level of immigration through current and new visa systems. Here are just some examples of how the bill increases legal immigration through visas:

- The bill creates a new merit based visa, which allows for up to 250,000 visas annually. If a little over half of the visas are issued over a 10-year period, the increase in the number of immigrants would be 1,250,000.
- The bill creates a new guest worker program (W-1) for low-skilled workers with a cap of 200,000 visas annually. If a little over a half of the guest workers visas available are issued over a 10-year period, the increase in the number of immigrants would be 1,000,000.
- The bill creates a new nonimmigrant agricultural workers program (W-3 & W-4 visa) which allows up to 112,333 annually. If half of the visas are issued over a 10-year period, the increase in the number of nonimmigrants would be 561,665.
- The bill exempts Priority Workers (EB-1 under current law), STEM graduates, and spouses and children of LPRs from the employment-based visa caps. By taking the average number of immigrants in the two exempt categories over the past 10 years, the exemption will account for an additional 762,000 immigrants over 10 years.
- The bill increases the H-1B visa cap up to 180,000 with a floor of 110,000. If half of the H-1B visas are issued over a 10-year period, the increase in the number of immigrants would be 1,450,000.
- The bill leaves current employment visa caps unchanged and moderately decreases family caps, allowing 301,000 visas a year with some exemptions, but allows for unused visas from 1992 through 2013 to be recaptured. Over a 10-year period, the number of legal immigrants would be 3,879,094.

The total number of immigrants obtaining legal status from the programs listed above is 24,702,759 over a 10-year period. That number does not include other immigrant and nonimmigrant visa programs in the bill (*i.e.* refugee and asylum seekers, W-1 visas, W-2 visas, W-3 visas, W-4 visas), nor does it include student visas who are now allowed dual intent.

The Gang of Eight's bill will drastically increase low-skill chain migration. Some of the chain categories are subject to an annual family-based visa cap of 161,000, including adult unmarried sons and daughters of citizens or LPRs, and married sons and daughters (under the age of 31) of U.S. citizens. However, the bill completely exempts the largest categories of chain migrants from the family- and employment-based visa caps, including spouses and children of LPRs or citizens and parents of citizens. The following illustrates how the exempt chain migration categories will dramatically increase the future flow by millions of immigrants over the next 10 years:

- An estimate 2–3 million DREAM beneficiaries are eligible for legal permanent residency and citizenship after just 5 years. After receiving LPR status, the DREAMers may bring a spouse and child through the bill's exempt chain category and, once granted citizenship, can bring their parents as well (not subject to cap). Assuming 1 million DREAMers bring

any combination of two people, the future flow of immigrants would increase by over 2 million. This does not include other chain migrants that a DREAMer may petition under the caps, including adult unmarried sons and daughters, and married sons and daughters. Subsequently, the chain migrants will have the same opportunity to petition for their relatives in the same manner as the DREAMers.

The following charts show how, over the first decade, the total number granted will be well over 32 million (not taking into account chain migration from increased legal flow). Adding in all the various categories of nonimmigrant work visas, and the number climbs to more than 57 million. Further, because approximately 7 million illegal immigrants are on a 13-year track to citizenship, there will be a second wave of chain migration initiated just outside the 10-year window (substantially increasing the net low-skill immigration).

### Estimated Future Permanent Legal Immigration Under S. 744

This chart does not include any projected increase in family chain migration that would result from the net increase in legal immigration or the resulting chain migration outside the 10 year projection.

Class of Immigrant Admitted	Average Annual Legal Immigration	Future Flow 10 Year Projection <sup>a</sup>
Amnesty <sup>b</sup>	Not Applicable <sup>c</sup>	11,100,000
Expediting LPR Applications from Previous Years (Family & Employment Petitions) <sup>d</sup>	Not Applicable	4,500,000
Merit Based Track One <sup>e</sup>	125,000*	1,250,000
Employment	150,000 <sup>f</sup>	1,500,000
Employment Based Cap Exemptions (EB-1 Category, STEM Graduates, Spouses and Children of LPRs) <sup>g</sup>	157,078**	1,570,780
Family Based Visas <sup>h</sup>	161,000	1,676,000
Family Based Cap Exemptions (Parents, Spouses and Children of LPRs or Citizens, Parents of Citizens)	563,853**	5,638,530
Unused Family and Employment Based Visa Capture (1992-2013) & Visa lottery <sup>i</sup>	Not Applicable	753,094
Other (Parolees, Children Born Abroad to alien residents, NACARA, Cancellation of Removal, Haitian Refugees)	16,883**	168,830
Asylum Seekers/Refugees	159,825**	1,598,250
DREAMer & Agricultural Workers Amnesty Exempt Chain Migration (Spouses, Children, and Parents)	Unknown	3,000,000 <sup>j</sup>
<b>Total Immigrant Visas</b>	<b>1,333,639<sup>k</sup></b>	<b>32,755,537</b>
Nonimmigrant Work Visas <sup>l</sup>	2,613,719***	24,965,395
<b>Total</b>	<b>3,947,358</b>	<b>57,711,932</b>

\*This number is an estimated average of the amount of visas available over 10 years. The number is estimated by taking the maximum number of visas in the category and dividing it in half.

\*\*This number is based on a 5-year average from FY 2008 through FY 2012 of the [Department of Homeland Security's Yearbooks of Immigration Statistics: 2012](#).

\*\*\*This number is based on a 5-year average from FY 2007 through FY 2011 of the [Department of Homeland Security's Yearbooks of Immigration Statistics: 2011](#) plus an estimate of the new W-visa categories based on the estimated average of the amount of W-visas available over 10 years. W-2 visas are based on the average from W-1 visas. The number is estimated by taking the maximum number of visas in the category and dividing it in half.

<sup>a</sup> This column shows a 10 year projection after implementation of S. 744.

## Estimated Future Permanent Legal Immigration Under S. 744

This chart does not include any projected increase in family chain migration that would result from the net increase in legal immigration or the resulting chain migration outside the 10 year projection.

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<sup>b</sup> PEW, Unauthorized Immigrants: 11.1 million in 2011, December 2012; available [here](#). (There were 11.1 million unauthorized immigrants living in the U.S. in March 2011.) Any reduction from the alleged cut-off date would likely be offset by aliens previously removed or voluntarily departed from the country but eligible to return under S. 744.

<sup>c</sup> The numbers are not applicable because they are not continuous after a certain number of years.

<sup>d</sup> CRS, Permanent Legal Immigration to the United States: Policy Overview, at Summary, December 2012, available [here](#). (There were 4.5 million approved LPR visa petitions pending with the National Visa Center at the end of FY2011 because of the numerical limits in the INA, most of which are family-based petitions.)

<sup>e</sup> The merit based track one has an annual floor of 120,000 visas and a cap of 250,000 visas. The visa will fluctuate based on demand and BLS unemployment rate. For the first four years, the visas **may** go to INA 203(b)(3) visas. However, we only assume half the visas will be allocated each year. Our estimate is 50,000 more conservative than [Center for American Progress](#).

<sup>f</sup> This number is based off S.744 new cap and includes the new “EB-6” visa for entrepreneurs; 10,000 visas per year.

<sup>g</sup> CRS, Immigration of Foreign National with Science Technology, Engineering, and Mathematic (STEM) Degrees, at Summary, November 2012; available [here](#). (The STEM number included is derived from the graduation rates of foreign student graduating in STEM fields with a graduate degree or higher.)

<sup>h</sup> This number is based off the S.744 new cap of 161,000. However, the ten year projection includes the 65,000 additional visas for the bill’s first year cap of 226,000.

<sup>i</sup> This number includes the following: 298,436 unused family based visas, 404,658 employment based unused visas and 50,000 for the visa lottery. The number of unused visas was derived by taking the maximum numbers of family and employment based visas issued from fiscal year 1992 through 2012 and subtracting that from the total number of visas issued for the same time period. *See [Security’s Yearbooks of Immigration Statistics: 2012](#)*.

<sup>j</sup> An estimated 2.5 million DREAMers and 800,000 current agricultural workers illegally present in the United States. *See [here](#) and [here](#)*. If less than half of the estimated DREAMers and agricultural workers were to bring 2 family members (parent, spouse, or child) through chain migration, the result would be over 3,000,000 additional legal immigrants. Chain migration will be millions higher when you include the 13 million from the other amnestied immigrants and the visa backlog.

<sup>k</sup> Our estimates are extremely conservative. [Center for American Progress](#) estimates that total legal immigration future flow will be 1,523,000 compared to our 1,333,639. However, [Center for American Progress](#) does not take into consideration the legal immigration resulting from amnesty and visa backlog or the future chain migration in those categories.

<sup>l</sup> This category includes the following visas: H-1B, H-1B1, H-1C, H-2A, H-2B, H-2R, H-3, H-4, W-1, W-2, W-3, W-4, E-1, E-2, E-3, L-1, L-2, O-1, O-2, O-3, P-1, P-2, P-3, R-1, R-2, TD. The numbers only include nonimmigrant working visas, eligible spouses and children. The chart does not include nonimmigrant student visas and certain work visas, including temporary visas for business, diplomats and other representatives, transit aliens, commuter students, and legal immigration family equity visas. The visas granted in the H-2A program are removed from the totals after one and a half years based on the removal of the category in S.744.

	W-1 Nonimmigrant Visas <sup>a</sup>		W-2 Nonimmigrant Visas <sup>b</sup>		W-3 & W-4 Nonimmigrant Visas <sup>c</sup>		Yearly Presence <sup>d</sup>	Yearly Presence <sup>e</sup>
<u>Year 1</u>	200,000 <sup>f</sup>	100,000 <sup>g</sup>	200,000 <sup>h</sup>	100,000 <sup>i</sup>	100,000	56,166 <sup>j</sup>	500,000	256,166
<u>Year 2</u>	400,000	200,000	400,000	200,000	200,000	112,332	1,000,000	512,332
<u>Year 3</u>	600,000	300,000	600,000	300,000	300,000	168,498	1,500,000	768,798
<u>Year 4</u>	600,000	300,000	600,000	300,000	400,000	224,664	1,600,000	824,664
<u>Year 5</u>	600,000	300,000	600,000	300,000	500,000	280,830	1,700,000	880,830
<u>Year 6</u>	600,000	300,000	600,000	300,000	600,000	336,996	1,800,000	936,996
<u>Year 7</u>	600,000	300,000	600,000	300,000	600,000	336,996	1,800,000	936,996
<u>Year 8</u>	600,000	300,000	600,000	300,000	600,000	336,996	1,800,000	936,996
<u>Year 9</u>	600,000	300,000	600,000	300,000	600,000	336,996	1,800,000	936,996
<u>Year 10</u>	600,000	300,000	600,000	300,000	600,000	336,996	1,800,000	936,996

Immigrant Visa	Annual Legal Immigration Caps <sup>k</sup>	Future Flow (10 years) <sup>l</sup>
W-1 (Guest Worker Program)	100,000	1,000,000
W-2 (Spouses and Children of W-1s)	100,000	1,000,000
W-3 & W-4 (Agricultural Worker Program)	56,166	561,665
<b>Total</b>	<b>256,166</b>	<b>2,561,665</b>

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<sup>a</sup> W-1 nonimmigrant visas are for low skilled temporary workers. The annual cap on new W-1 nonimmigrant visa positions made available is 200,000. That position remains open for a 3 year period. That position can remain open beyond the 3 year period indefinitely, and not count against the annual cap, if the W-1 worker in the position is the beneficiary of a petition for immigrant status by the registered employer or the W-1 worker is returning to the same employer. This column does not take into account the yearly allocation for shortage occupations or positions made available through accessing the safety valve.

<sup>b</sup> W-2 nonimmigrant visas are for the spouse and children of a W-1 nonimmigrant worker. There is no annual cap on W-2 nonimmigrant visas. The W-2 visas duration is tied to the W-1 visa holder.

<sup>c</sup> W-3 nonimmigrant visas are for temporary contract agricultural workers. W-4 nonimmigrant visas are for temporary at-will agricultural workers. The yearly allocation of W-3 and W-4 nonimmigrant visas in year one is 112,333. That number can be adjusted by the Secretary of Agriculture without limit.

<sup>d</sup> This column represents the number of W visa nonimmigrants present during a particular year. The total number is based on the assumption that the yearly W-1 visas amount is of 200,000 (the maximum), W-2 visa amount is 200,000 (1 spouse or child per W-1 visa), and W-3 and W-4 visa amount is 100,000 (below the initial allotment of 112,333).

<sup>e</sup> This column represents the number of W visa nonimmigrants present during a particular year. The total number is based on assumptions that the yearly W-1 visas amount is 100,000 (half the annual cap), W-2 visa amount is 100,000 (1 spouse or child per W-1 visa), and W-3 and W-4 visa amount is 56,166 (half the initial allotment of 112,333).

<sup>f</sup> This column is calculated by assuming that the annual number of positions made available to W-1 visa holders is the maximum of 200,000. Every position expires after 3 years. The calculation assumes that at the end of the 3 years period when the position expires, the worker leaves the country.

<sup>g</sup> This column is calculated by assuming that the annual number of positions made available to W-1 visa holders is the half of the yearly maximum of 200,000, making the number of positions available to W-1 visas holders per year be 100,000. Every position expires after 3 years. The calculation assumes that at the end of the 3 years period when the position expires, the worker leaves the country.

<sup>h</sup> This column assumes that every W-1 nonimmigrant visa holder brings 1 family member with them.

<sup>i</sup> This column assumes that every W-1 nonimmigrant visa holder brings 1 family member with them.

<sup>j</sup> This column assumes that the yearly amount of W-3 and W-4 visas allotted is 100,000. The initial cap is set at 112,333, but can be adjusted by the Secretary of Agriculture.

<sup>k</sup> This column assumes that the annual visa amounts are one-half the annual cap, and each W-1 visa holder brings with them one W-2 visa holder.

<sup>l</sup> This column is adding the total number of visas that are allocated every year based on the assumption that the annual visa amounts are one-half the annual cap, and each W-1 visa holder brings with them one W-2 visa holder