



FEDERATION FOR AMERICAN IMMIGRATION REFORM

S. 744 Immigrant Visa Projections—The First Decade

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	10-Year Total
Current flow ^[1]	1,198,134	1,222,097	1,246,539	1,271,470	1,296,899	1,322,837	1,349,294	1,376,280	1,403,805	1,431,881	13,119,236
S.774 Admission Category ▼											
Visa Backlog Reduction ^[2]	671,429	671,429	671,429	671,429	671,428	671,428	671,428				4,700,000
Merit Track One ^[3]	120,000	120,000	120,000	120,000	126,000	132,300	138,915	145,861	153,154	160,811	1,337,041
Recapture Employment ^[4]	40,460	40,460	40,460	40,460	40,460	40,460	40,460	40,460	40,460	40,460	404,600
Recapture Family ^[5]	29,840	29,840	29,840	29,840	29,840	29,840	29,840	29,840	29,840	29,840	298,400
Family-Based ^[6]	226,000	161,000	161,000	161,000	161,000	161,000	161,000	161,000	161,000	161,000	1,675,000
Immediate Relatives ^[7]	735,000	550,000	550,000	550,000	550,000	550,000	550,000	550,000	550,000	550,000	5,685,000
Employer-Based (EB-1) ^[8]	36,000	36,360	36,724	37,091	37,462	37,836	38,215	38,597	38,983	39,373	376,640
Ph.D. from U.S. University ^[9]	5,000	5,250	5,513	5,788	6,078	6,381	6,700	7,036	7,387	7,757	62,889
STEM Advanced Degree ^[10]	32,000	33,600	35,280	37,044	38,896	40,841	42,883	45,027	47,279	49,643	402,493
Employer Sponsor* (EB-2-EB-6) ^[11]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	1,500,000
Derivative Increase ^[12]	167,250	168,908	170,637	172,442	174,326	176,294	178,349	180,495	182,737	185,079	1,756,517
Refugees/Asylees ^[13]	154,000	154,000	154,000	154,000	154,000	154,000	154,000	154,000	154,000	154,000	1,540,000
Amnesty ^[14]					3,000,000					8,900,000	11,900,000
Relatives of Amnestied LPRs ^[15]					425,000	425,000	425,000	425,000	425,000	425,000	2,550,000
Deportee Return ^[16]					270,000					630,000	900,000
Visa Lottery ^[17]	55,000										55,000
Total	2,443,229	2,148,409	2,153,823	2,159,482	6,266,397	2,608,883	2,621,967	1,964,251	1,978,622	11,123,685	35,143,580

*There are an unlimited number of green cards available to aliens who have earned a doctorate degree from “the foreign equivalent” of “an institution of higher education in the United States,” and for “alien physicians who have completed the foreign residency requirements...or obtained a waiver of these requirements or an exemption requested by an interested State agency or by an interested Federal agency” (Section 2307). It is not possible to accurately project the number of aliens who will be admitted under these categories.

- 1 This reflects the average annual increase in immigration flows between 1993 and 2012 of approximately two percent. The current projections are estimated to increase 2 percent per annum, assuming that S.744 is not enacted. These projections do not take into account illegal immigration flows, or the implementation of Deferred Action for Childhood Arrivals (DACA), or similar executive actions that grant illegal aliens “lawful presence” but not legal status.
- 2 The National Visa Center lists 4.5 million approved petitions for immigrant visas for individuals residing outside the United States for FY2011. See Congressional Research Center, “Permanent Legal Immigration to the United States: Policy Overview,” December 2010, p. 10. Recent estimates by government officials has put the current backlog at 4.7 million (“3 Leaked Immigration Reform Details You Need to Know,” ABC News, April 15, 2013; “Immigration Overhaul Proposal Is Likely to Ignite Fierce Debate,” The New York Times, April 16, 2013). S.744 would expedite the processing of these petitions, removing the ceiling on legal permanent residents admitted annually. S.744 allows for seven years to clear the visa backlog. This is accomplished under the “Merit-Based Points Track Two” category (Section 2302).
- 3 S.744 creates a “Merit-Based Points Track One” immigration category (Section 2301). The initial ceiling is set at 120,000 and this ceiling can be raised by 5 percent per year until it reaches 250,000. The ceiling will not increase in a year when the official unemployment rate measured by the Bureau of Labor Statistics (Summary Table A) is higher than 8.5 percent. In the first four years, this program will be used to expedite the processing of “Skilled Workers, Professionals, and Other Workers” (EB-3). In year five, these visas will be rewarded on a two-tiered point system. This estimate assumes a 5 percent increase per annum beginning in 2019.
- 4 S.744 recaptures all unused employment-based visas between 1993 and 2012 (Section 2304). This number, according to DHS, is 404,600. This estimate apportions these visas over ten years, though there is no limit on how many recaptured visas can be issued in any one year.
- 5 S.744 recaptures all unused family-based visas between 1993 and 2012 (Section 2304). This number, according to DHS, is 298,400. This estimate apportions these visas over ten years, though there is no limit on how many recaptured visas can be issued in any one year.
- 6 The ceiling for family-based visas in FY2015 is 226,000. In subsequent years the ceiling is 161,000 (Section 2304).
- 7 S.744 allocates an unlimited number of green cards for spouses and children of U.S. citizens and current Legal Permanent Residents and their derivatives –accompanying spouses and children (Section 2305). The bill also creates a new family-based preference category that ends 18 months after enactment, when a new preference system takes effect (see Section 2307). This estimate is the average annual admissions in these categories over the previous ten years, according to DHS, taking into account the initial preference system established under S.744. Note that this category has no ceiling, meaning there are an unlimited number of visas available every year.
- 8 The employer-based first preference category has no ceiling in S.744 (Section 2307). This estimate is the average admissions in this category over the previous ten years, according to DHS, and assumes a 1 percent increase per annum for future years.
- 9 S.744 allows for an unlimited number of green cards to be awarded annually to foreign-born students who earn a Ph.D. at U.S. universities (Section 2307). According to National Science Foundation and Institute of International Education data, there were approximately 10,000 non-STEM doctorate degrees awarded to foreign-born students in 2011. This estimate assumes that half will receive will become legal permanent residents in 2015, with a 5 percent per annum increase in subsequent years.
- 10 S.744 allows for an unlimited number of green cards to be awarded annually to foreign-born students who earn an advanced degree (Master’s or Ph.D.) at U.S. universities in STEM fields (Section 2307). In 2010, there were approximately 41,500 foreign-born STEM advanced degree graduates, according to the National Science Foundation. This number has grown by 16 percent since 2004. This estimate assumes that 32,000 foreign-born STEM advanced degree will become legal permanent residents in 2015, with a 5 percent per annum increase in subsequent years. Technically, these workers fall under the EB-2 category but are exempt from the EB-2 ceiling.
- 11 A permanent ceiling of 150,000 per annum for 2nd through 6th employer-based preference categories is established by S.744 (Section 2307).
- 12 S.744 exempts the spouses and children of all employment-based immigrants from an annual ceiling. This estimate assumes that derivatives will be admitted at the level of 75 percent of the number of principal new immigrants.
- 13 S.744 grants the DHS Secretary expanded discretion over asylum petitions and removes the time limit for making a claim (Sec. 3401). This estimate is the average admissions in this category over the previous ten years, according to DHS, plus an additional 10 percent due to the relaxation of requirements for asylum seekers and refugees.
- 14 S.744 contains three separate amnesty provisions: one for illegal aliens who were brought to the U.S. at an early age, one for illegal aliens who work in agriculture, and a general amnesty for all other illegal aliens (Title II). The first two illegal alien cohorts will become Legal Permanent Residents (LPRs) five years after the bill’s passage. The third cohort become LPRs in the tenth year. This estimate of new LPRs includes the “childhood arrival” population estimated at 2.5 million and an estimated 500,000 agricultural workers. It does not include: (1) new illegal aliens who are now arriving in the hope of receiving amnesty; (2) illegal aliens who will arrive in future years as long as the border remains unsecured and employers are not required to use E-Verify; (3) aliens who will arrive legally and overstay visas because there is no biometric entry-exit system to identify them.
- 15 When 3,000,000 illegal aliens receive LPR status five years after passage of S.744, they will be able to immediately sponsor their relatives for immigrant visas. This estimate assumes that derivatives will be admitted at the level of 75 percent of the number of principal new immigrants.
- 16 This estimates that slightly less than half of the 1,855,869 removals from 2002-2011 identified as “non-criminal” in the Department of Homeland Security Yearbook of Immigration Statistics will qualify to receive Registered Provisional Immigrant (RPI) status under S.744 (Section 2101). The number of qualified deportees who have or who may attempt to reenter the U.S. is unknown. That number may be as high as several millions considering that under S.744 any illegal alien who makes a prima facie claim to RPI status is ineligible to be removed from the United States until that claim is adjudicated. S.744 does not indicate the formal process for admitting aliens who have been removed back into the U.S. It is likely that many aliens who attempt to enter the United States illegally, have already illegally reentered the United States, or have remained illegally in the United States upon the expiration of their visa, will claim to be RPI eligible in order to remain in the United States.
- 17 S.744 will end the operation of the visa lottery with no visas to be rewarded through that program after FY2015 (Section 2303).