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Permanent Legal Immigration to the United States: Policy Overview

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Four major principles underlie current U.S. legal permanent immigration policy: allowing families to reunify, admitting needed skilled workers, providing humanitarian protection, and fostering geographic diversity among lawful permanent residents (LPRs; also referred to as *immigrants*). These principles are embodied in provisions of the Immigration and Nationality Act (INA) for family-sponsored immigration, employment-based immigration, the U.S. refugee and asylee programs, and the diversity immigrant visa, respectively.

Additional INA provisions provide LPR status but account for relatively few immigrants. Among these are *special immigrant visas for certain Iraqis and Afghans employed by U.S. Government and their spouses and children*; *cancellation of removal* for foreign nationals in removal proceedings; *U nonimmigrant visas* for crime victims who assist law enforcement agencies; and *T status* for human trafficking victims.

As defined in the INA, the term “immigrants” is synonymous with LPRs, also known more informally as *green card* holders, and refers to foreign nationals who come to live lawfully and permanently in the United States. Foreign nationals can either apply to adjust from a temporary, typically *nonimmigrant* status to LPR status from within the United States, or apply for an immigrant visa from a U.S. embassy or consulate and request admission as an LPR upon arrival to the United States from abroad.

The INA imposes an annual worldwide permanent immigration level of 675,000 persons: 480,000 family-sponsored immigrants, made up of family-sponsored “immediate relatives” and “preference immigrants”; 140,000 employment-based immigrants; and 55,000 diversity immigrants. However, the INA worldwide limit is a *permeable cap* that is regularly breached because immediate relatives and asylees are not numerically limited. In addition, the number of refugees admitted each year is determined by the President in consultation with Congress. As a result, the number of individuals approved for LPR status each year typically exceeds the INA numerical limits that are intended to process this demand fairly and in accordance with the national interest. In FY2023, the United States granted LPR status to 1,172,910 foreign nationals.

The INA further imposes, for family-sponsored preference and employment-based immigrants, a per-country limit of 7% of their annual worldwide levels. The 7% limit is intended to prevent nationals of one or a few countries from dominating immigrant flows. For countries that send many prospective immigrants to the United States, the 7% limit often results in years-long waits for LPR status.

From FY2014 to FY2023, the United States granted LPR status to an average of about 1 million foreign nationals each year. Of these, 65% acquired LPR status as family-based immigrants, 16% as employment-based immigrants, 11% as refugees and asylees adjusting to LPR status, 4% as diversity immigrants, and 4% as other immigrants. On average, 54% of all immigrants adjusted to LPR status from within the United States during this time. Top immigrant source countries over the period included Mexico (14%), China (7%), India (6%), the Philippines (5%), and the Dominican Republic (5%).

In FY2024, an estimated 4 million prospective family-sponsored preference immigrants possessed approved immigrant petitions and were waiting overseas to apply for a statutorily numerically limited immigrant visa. In addition, the U.S. Department of Homeland Security’s U.S. Citizenship and Immigration Services (USCIS) has approved a sizeable number of petitions for family-sponsored preference and employment-based immigrants based in the United States and overseas who represent an indeterminate number of prospective immigrants in a corresponding and sometimes overlapping queue. USCIS also has about 230,000 pending petitions for U nonimmigrant status pertaining to crime victims which, if approved, would make these petitioners eligible for LPR status.

Proponents of reducing permanent immigration often contend that family-sponsored immigration allows relatively large numbers of foreign nationals to settle permanently in the United States without regard to their skills, education levels, potential contributions to the U.S. economy or potential fiscal impacts on U.S. taxpayers. Others argue that family-sponsored immigration should be limited to immediate relatives of U.S. citizens and LPRs. Still others support limiting employment-based LPRs to only very highly skilled workers, admitting employment-based immigrants using merit-based point systems instead of or in addition to employer sponsorship, and eliminating the diversity immigrant program.

Proponents of increasing permanent immigration typically emphasize the positive impacts of skilled and other migration generally to the U.S. economy, the need for more workers in labor-short occupations and industries, or concerns over demographic trends that portend future U.S. population decline.

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Introduction

Four major principles underlie current U.S. legal permanent immigration policy: allowing families to reunify, admitting needed skilled workers, providing humanitarian protection, and fostering geographic diversity among lawful permanent residents (LPRs; also referred to as *immigrants*). These principles are embodied in provisions of the Immigration and Nationality Act (INA) for family-sponsored immigration, employment-based immigration, the U.S. refugee and asylee programs, and the diversity immigrant visa, respectively.¹

The Immigration and Nationality Act Amendments of 1965² replaced the national origins quota system that had been in place since the 1920s with overall annual limits and per-country ceilings. The statutory provisions regulating legal permanent immigration to the United States were last revised significantly by the Immigration Act of 1990 (P.L. 101-649).³

Despite extensive critiques of the permanent legal immigration system, no consensus exists on the specific direction any potential reforms to the system should take. Some maintain that revising the current approach to legal permanent immigration should be a key component of any major immigration reform proposal. Others support the existing provisions and their underlying rationales. This report is intended to help inform debates and discussions of policy options that could emerge as Congress considers various immigration proposals.

Legal aliens⁴ are of three main types: *immigrants*, *nonimmigrants*, and *refugees* and *asylees*. As defined in the INA, the term “immigrants” is synonymous with lawful permanent residents (LPRs), also known more informally as *green card* holders, and refers to foreign nationals who come to live lawfully and permanently in the United States. *Nonimmigrants*—such as tourists, foreign students, diplomats, temporary agricultural workers, exchange visitors, or intracompany business personnel—are admitted for a specific purpose and a limited time.⁵ Nonimmigrants must leave the United States before their period of authorized stay expires, although certain classes of nonimmigrants may change to LPR status if they otherwise qualify.⁶ *Refugees* and *asylees* are people unable or unwilling to return to their countries because of persecution or a well-founded fear of persecution. After one year in refugee status in the United States, refugees must apply to adjust to LPR status or their refugee status may be revoked. In contrast, asylees may apply for LPR status after one year but are not required to by law.

Admission requirements are more stringent for immigrants and refugees than for nonimmigrants, and many fewer immigrants than nonimmigrants are admitted each year. Once admitted, however, immigrants are subject to few restrictions; for example, they may accept and change employment, and may apply for U.S. citizenship through the naturalization process, generally after five years.⁷

¹ The INA (P.L. 82-414) is Act of June 27, 1952, ch. 477, codified, as amended, at 8 U.S.C. §§1101 et seq.

² P.L. 89-236, also known as the Immigration and Nationality Act of 1965 and the Hart-Celler Act.

³ Congress has significantly amended the INA numerous times since 1952. Other major laws amending the INA include the Refugee Act of 1980, the Immigration Reform and Control Act of 1986, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. 8 U.S.C. §§1101 et seq.

⁴ INA §101(a)(3), 8 U.S.C. §1101(a)(3) defines the term “alien” as “any person not a citizen or national of the United States.” In this report, alien is synonymous with the terms *noncitizen* and *foreign national*.

⁵ Nonimmigrants are often referred to by the letter that denotes the specific provision in the statute that represents them, such as H-2A agricultural workers, F-1 foreign students, or J-1 cultural exchange visitors. For more information, see CRS Report R45040, *Immigration: Nonimmigrant (Temporary) Admissions to the United States*.

⁶ INA §245, 8 U.S.C. §1255 details the circumstances under which an alien can adjust from a nonimmigrant or other temporary status to LPR status without leaving the United States to apply for an immigrant visa.

⁷ For more information, see CRS In Focus IF12322, *Naturalization: Policy Overview and Selected Trends*.

Naturalization is voluntary, and foreign nationals may remain as LPRs in the United States indefinitely as long as they do not commit a crime or some other act that makes them deportable.⁸

Prospective immigrants must navigate a multistep process through federal departments and agencies to obtain LPR status. First, petitions for LPR status must be filed with the U.S. Department of Homeland Security's (DHS's) U.S. Citizenship and Immigration Services (USCIS) by the sponsoring relative for family-sponsored immigration, or by either the prospective immigrant or the sponsoring U.S. employer for employment-based immigration. USCIS must confirm that the individual for whom the immigration benefit is sought meets the INA criteria for the applicable LPR category.

If the prospective immigrant is residing abroad or has not established lawful residence in the United States, USCIS forwards the petition to the Department of State's (DOS's) Bureau of Consular Affairs for further processing in the alien's home country after USCIS has approved it. If the prospective immigrant is already residing legally in the United States, USCIS handles most of the process, which the INA refers to as "adjustment of status" because the alien is moving from a temporary status to LPR status. In recent years, roughly half of all persons granted LPR status did so by adjusting status.

The DOS Consular Affairs officer (when the alien seeks admission from abroad) or the USCIS adjudicator (when the alien applies to adjust status from within the United States) must be satisfied that the alien is eligible for LPR status. These reviews are intended to ensure that prospective immigrants are not ineligible for visas or admission under the INA's grounds of inadmissibility.⁹

Immigrant admissions and adjustments to LPR status are subject to complex numerical limits and preference categories that prioritize admission based on family relationships, needed skills, and geographic diversity. In addition, immigrants who enter through the family-sponsored and employment based preference categories are subject to a 7% per-country limit (see the section "Per-Country Limits").¹⁰ Annual numerical immigration limits and the per-country ceiling for these immigrant categories has resulted in a sizable *visa queue* of foreign nationals with approved immigration petitions who must wait for a numerically limited *visa number* to become available before they can adjust status or immigrate to the United States (see the section "Immigrant Numerical Control and Waiting Times").

Current Law and Policy

Worldwide Immigration Levels

The INA contains an annual worldwide limit of 675,000 LPRs made up of three components:

1. **Family-sponsored immigrants** (480,000 plus certain unused employment-based preference numbers from the prior year) made up of two groups: immediate

⁸ For information on grounds of deportability, see CRS Report R43892, *Alien Removals and Returns: Overview and Trends*.

⁹ These include criminal, national security, health, and indigence grounds as well as past violations of immigration law. INA §212(a); 8 U.S.C. §1182. For background information, see CRS Report R41104, *Immigration Visa Issuances and Grounds for Exclusion: Policy and Trends*.

¹⁰ INA §202(a)(2); 8 U.S.C. §1152(a)(2).

- relatives¹¹ of U.S. citizens (not numerically limited), and family-sponsored preference immigrants;
2. **Employment-based preference immigrants** (140,000 plus certain unused family preference numbers from the prior year); and
 3. **Diversity immigrants** (55,000).

Despite the numerical limits, the annual worldwide level is flexible, and the INA permits certain LPR categories to exceed the limits.¹² For example, the INA annual limit of 480,000 family-sponsored immigrants is sometimes referred to as a *permeable cap* because immediate relatives of U.S. citizens are not numerically limited. Refugees and asylees are also exempt from statutory numerical limits and can apply to adjust to LPR status after one year in refugee/asylee status in the United States.¹³

The annual level of family-sponsored preference immigrants is computed as follows:

- 480,000 (the total family-sponsored immigration level),
- minus the number of immediate relatives granted LPR status in the prior year,
- minus the number of aliens paroled¹⁴ into the United States for at least a year,
- plus (when available) the number of unused employment preference immigrant from the prior year.¹⁵

As a result, the actual number of family-sponsored preference immigrants authorized to receive LPR status may vary each year according to the prior year's number of immediate relative immigrants, parolees, and unused employment-based immigrant visas.

Under the INA, the annual level of family preference immigrants may not fall below 226,000, regardless of how many immediate relatives are granted LPR status. If the number of immediate relative immigrants receiving LPR status in the previous year happens to fall below 254,000 (the difference between 480,000 for all family-sponsored immigrants and 226,000 for family-sponsored preference immigrants), then that year's number of family-sponsored preference immigrants may exceed 226,000 by that difference. However, since FY1996 the number of immediate relative immigrants receiving LPR status has exceeded 254,000 each year, ranging from a low of 258,584 in FY1999 to a peak of 580,348 in FY2006. In FY2022, immediate relative immigrants numbered 428,268.¹⁶ Consequently, the annual upper limit for family-sponsored preference immigrants has effectively remained at the 226,000 floor for the past two and a half decades.

¹¹ INA §201(b)(2)(A)(i); 8 U.S.C. §1151(b)(2)(A)(i) defines "immediate relatives" to include spouses and unmarried minor (under age 21) children of U.S. citizens, and parents of adult U.S. citizens.

¹² INA §201; 8 U.S.C. §1151.

¹³ *Refugees* are foreign nationals admitted to the United States from abroad, while *asylees* are foreign nationals who request and receive asylum after having entered the United States. The number of refugees admitted each year is determined by the President in consultation with Congress. The number of asylees is not limited. For information on refugee policy, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*. For information on asylum policy, see CRS Report R45539, *Immigration: U.S. Asylum Policy*.

¹⁴ *Parole* in immigration law means that an alien has been granted temporary permission to be present in the United States. Parole does not constitute formal admission to the United States, and parolees are required to leave when the terms of their parole expire, or to be admitted in a lawful status if otherwise eligible. For more information, see CRS Report R46570, *Immigration Parole*.

¹⁵ INA §201(c); 8 U.S.C. §1151(c).

¹⁶ See DHS, *Yearbook of Immigration Statistics*, multiple years.

Limits for the three major statutorily limited immigrant visas—family-sponsored, employment-based, and diversity—include both prospective principal immigrants as well as accompanying spouses and children who are entitled to “derivative” status under the INA.

Per-Country Limit

As mentioned previously, the number of numerically limited preference immigrants who enter through the family-sponsored and employment-based categories is also limited by a 7% per-country limit.¹⁷ The per-country ceiling is not a quota or set aside for individual countries, as each of the 195 countries in the world could not receive 7% of the specified limit. As DOS points out, “the country limitation serves to avoid monopolization of virtually all the annual limitation by applicants from only a few countries. This limitation is not a quota to which any particular country is entitled.”¹⁸

The INA contains two main exceptions to the per-country ceiling. The first allows 75% of visas allocated to the 2nd family preference category (F2A) of spouses and minor unmarried children of LPRs to be exempt from the per-country ceiling (see **Table 1** for family preference categories).¹⁹ The second allows the 7% per-country ceiling for employment-based immigrants to be exceeded for individuals from oversubscribed countries if extra visas are available within the 140,000 worldwide limit for all prospective employment-based immigrants.²⁰

Family-Sponsored and Employment-Based Preference Immigrants

There are five preference categories, each with its own numerical limit, for family-sponsored preference immigrants as well as for employment-based immigrants. The five family-sponsored preference categories are based broadly on a hierarchy of family relationships to U.S. citizens and LPRs.²¹ Among the five employment-based preference categories, the first three are based broadly on a hierarchy of professional accomplishments and skills needed by U.S. employers (**Table 1**). The fourth employment-based preference category includes 13 subcategories of “special immigrants,” including religious workers, employees of the U.S. government abroad, and juvenile court dependents (i.e., special immigrant juveniles). The fifth employment-based category allows foreign investors to acquire LPR status if they invest a specified amount of capital in an enterprise that creates U.S. jobs.²²

Employers seeking to hire immigrants through the second and third employment-based categories must petition the U.S. Department of Labor (DOL) to obtain a labor certification on behalf of the foreign national. The INA’s labor certification provisions require employers to demonstrate that

¹⁷ The per-country ceiling is 2% for a dependent foreign state. For example, Macau, a special administrative region of the People’s Republic of China, is classified as a dependent foreign state.

¹⁸ DOS, Bureau of Consular Affairs, *Operation of the Immigrant Numerical Control Process*, undated, p. 3.

¹⁹ INA §202(a)(4); 8 U.S.C. §1152(a)(4).

²⁰ INA §202(a)(5)(A); 8 U.S.C. §1152(a)(5)(A). This provision was enacted through the American Competitiveness in the Twenty-First Century Act of 2000 (P.L. 106-313).

²¹ For more information, see CRS Report R43145, *U.S. Family-Based Immigration Policy*.

²² EB-5 immigrants must invest a minimum of \$1.05 million and create at least 10 U.S. jobs. The investment requirement is lower for aliens who invest in Targeted Employment Areas, which include rural areas (as defined by the Office of Management and Budget) and areas experiencing high unemployment (at least 150% of the national average), or infrastructure projects. For more information, see CRS Report R44475, *EB-5 Immigrant Investor Program*.

there are insufficient U.S. workers and that the foreign national's employment will not adversely affect wages and conditions for similar U.S. workers.²³

Table 1. Family-Sponsored and Employment-Based Preference Categories

Category		Numerical Limit
Total Family-Sponsored Immigrants		480,000
Immediate Relatives		
Spouses and unmarried minor children (under age 21) of U.S. citizens and the parents of adult U.S. citizens		Unlimited
Family-Sponsored Preference Immigrants		226,000 (floor)
1st preference	Unmarried sons and daughters of U.S. citizens	23,400 plus unused 4 th preference visas
2nd preference	2A: spouses and minor children of LPRs	114,200 plus unused 1 st preference visas (with at least 77% reserved for 2A subgroup)
2nd preference	2B: unmarried sons and daughters of LPRs	
3rd preference	Married sons and daughters of U.S. citizens	23,400 plus unused 1 st or 2 nd preference visas
4th preference	Siblings of adult U.S. citizens	65,000 plus unused 1 st , 2 nd , or 3 rd preference visas
Employment-Based (EB) Preference Immigrants		140,000
1st preference	Priority workers: persons of extraordinary ability in the arts, science, education, business, or athletics; outstanding professors and researchers; and certain multinational executives and managers	28.6% of total EB limit (40,040) plus unused 4 th and 5 th preference visas
2nd preference	Members of the professions holding advanced degrees or persons of exceptional abilities in the sciences, art, or business	28.6% of total EB limit (40,040) plus unused 1 st preference visas
3rd preference skilled	Skilled shortage workers with at least two years training or experience, professionals with baccalaureate degrees	28.6% of total EB limit plus unused 1 st or 2 nd preference visas
3rd preference "other"	Unskilled shortage workers	Up to 10,000 taken from limit available for 3 rd preference visas
4th preference	<i>Special immigrants</i> , including ministers of religion, religious workers other than ministers, certain employees of the U.S. government abroad, and others	7.1% of worldwide limit (9,940); religious workers limited to 5,000, Afghan employees of the U.S. government limited to 3,000, and broadcasters limited to 100
5th preference	Employment creation investors who invest at least \$1.05 million (or \$800,000 in rural areas, areas of high unemployment, or infrastructure projects) that will create at least 10 new jobs	7.1% of total limit (9,940); 3,000 <i>minimum</i> reserved for investors in rural or high unemployment areas

Source: CRS summary of INA §§203(a), 203(b), and 204, (8 U.S.C. §§1153(a) 1153(b), and 1154).

Notes: "Children" refers to unmarried children under age 21; "sons and daughters" refers to children ages 21 and older.

²³ For more information, see CRS In Focus IF12555, *Permanent Employment-Based Immigration: Labor Certification and Schedule A*.

In most instances, unused visa numbers roll down to the next preference category. The INA also contains “fall-across” provisions that allow any unused employment preference numbers remaining at the end of a fiscal year to fall across to family preference immigrants *in the following fiscal year*.²⁴ Likewise, remaining unused family preference numbers fall across for use by employment-based immigrants in the following fiscal year. In both cases, the fall-across is intended to fully utilize unused numerically limited immigrant visas by increasing the annual preference limit of the targeted immigrant category in the next fiscal year.²⁵

Diversity Immigrants

The diversity immigrant category was established by Congress in 1990 to foster legal immigration from countries that send relatively few immigrants to the United States.²⁶ Unlike family-sponsored and employment-based immigration, diversity immigrants do not require a familial or employment relationship to acquire LPR status. Each year, 50,000 diversity immigrant visas are made available to selected natives of countries from which immigrant admissions totaled less than 50,000 over the preceding five years.²⁷ To be eligible for a diversity immigrant visa, foreign nationals must have a high school education or two years of work experience within the past five years in an occupation that requires at least two years of training or experience to perform. Applicants are selected by lottery, and the winners must meet the standard eligibility criteria required for most immigrants.

Humanitarian-Related Permanent Immigration Categories

Several other pathways allow persons to acquire LPR status. They range from aliens in removal (i.e., deportation) proceedings who are granted LPR status by an immigration judge because of hardship, victims of certain crimes who assist law enforcement investigating and prosecuting their alleged offenders, human trafficking victims, and refugees and asylees who adjust to LPR status. **Table 2** summarizes these major pathways and any related numerical limitations.

²⁴ The INA does not specify the employment-based categories to which unused family-sponsored preference numbers must fall across, and vice versa. INA §201(c)(3), 8 U.S.C. §1151(c)(3); and INA §201(d)(2), 8 U.S.C. §1151(d)(2).

²⁵ In FY2021, for example, the COVID-19 pandemic resulted in immigration restrictions and limited administrative processing capacity for USCIS and DOS. Consequently, 122,000 family-sponsored preference immigrant visas were not used in that fiscal year. Accordingly, in FY2022 DOS increased the annual limit for employment-based immigration from 140,000 to 262,000.

²⁶ For more information, see CRS Report R45973, *The Diversity Immigrant Visa Program*.

²⁷ The INA provides 55,000 diversity immigrant visas each year. However, beginning in FY1999 that annual ceiling has been reduced by up to 5,000 each year to accommodate adjustments made under the Nicaraguan Adjustment and Central American Relief Act of 1997, similar to the reduction of the 3rd employment-based preference category. The 5,000 offset is temporary, but it is unclear for how many years it will remain in effect to handle these adjustments of status. In FY2024, Congress passed the National Defense Authorization Act (P.L. 118-31), which made additional immigrant visas available for qualified applicants for the U.S. government employee classification if visas are not immediately available to them. For FY2024, it makes up to 3,500 additional visas available; in subsequent years, the number declines to 3,000. To ensure no immigrant visas are issued beyond current total INA limits, the bill reduces the number of diversity visas available each year by the same number of special immigrant visas (SIVs) issued under this provision (§5104).

Table 2. Other Major Pathways to LPR Status

Category	Description	Numerical Limit
Cancellation of Removal^a	Aliens in removal proceedings granted LPR status by an immigration judge because their removal would create exceptional and extremely unusual hardship for a qualifying U.S. citizen or LPR relative	4,000 (with exceptions)
U Nonimmigrant Status^b	Alien crime victims who help law enforcement agencies investigate and prosecute domestic violence, sexual assault, human trafficking, and other crimes	10,000 per year
T Nonimmigrant Status^c	Alien victims of severe forms of human trafficking	5,000 per year
Refugees^d	Aliens located outside of the United States who have been granted refugee status due to persecution or a well-founded fear of persecution; they must wait one year in the United States before applying for LPR status	No limits on LPR adjustments
Asylees^e	Aliens in the United States who have been granted asylum due to persecution or a well-founded fear of persecution; they must wait one year before applying for LPR status	No limits on LPR adjustments

Source: CRS summary of INA §203(a) (8 U.S.C. §1153(a)), INA §203(b) (8 U.S.C. §1153(b)), INA §204 (8 U.S.C. §1154), INA §207 (8 U.S.C. §1157), INA §208 (8 U.S.C. §1158), and INA §240A (8 U.S.C. §1229b).

- a. For information on cancellation of removal, see CRS Report R43892, *Alien Removals and Returns: Overview and Trends*.
- b. For information on U nonimmigrant status (also referred to as the U visa), see CRS Report R47404, *Immigration Relief for Noncitizen Crime Victims*.
- c. For information on T nonimmigrant status, see CRS Report R47404, *Immigration Relief for Noncitizen Crime Victims*.
- d. For information on refugee status, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*.
- e. For information on asylum, see CRS Report R45539, *Immigration: U.S. Asylum Policy*.

Immigration Trends

Permanent Immigration Since 1900

Immigration to the United States (**Figure 1**) is determined by other factors apart from U.S. immigration laws. Push factors from origin countries include civil wars, political unrest, limited educational and economic opportunity, persecution, and catastrophic natural disasters. Pull factors from the United States include relatively strong employment demand, opportunities to reunite with family members, educational opportunity, and quality of life considerations. A corollary factor contributing to foreign nationals' decisions to leave their home countries is the extent to which they can migrate to other countries offering circumstances and opportunities comparable to the United States.

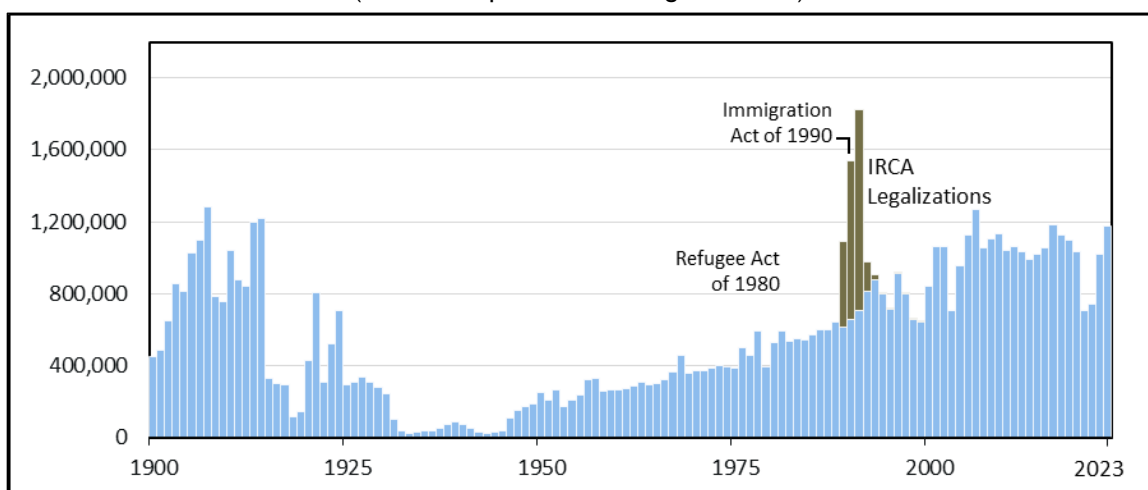
U.S. immigration, which experienced several peaks between the late 19th and early 20th centuries, declined considerably as the result of the imposition of numerical restrictions with the Immigration Act of 1924, the Great Depression, and World War II. The annual number of persons acquiring LPR status who were admitted from abroad or adjusting status from within the United States rose gradually after World War II and continued steadily for three decades, partly because of war refugee admissions and a growing U.S. economy.

The Immigration and Nationality Act of 1965 (P.L. 89-236; also known as the Hart-Celler Act) ended the de facto discriminatory formula for admitting immigrants based on country of origin (the National Origins Formula) and established a new numeric system based on family and employment preferences. Following the act's passage, immigration from Asia and Latin America expanded substantially.

After 1980, permanent immigration increased for several reasons. First, following the enactment of the Refugee Act of 1980 (P.L. 96-212), the number of refugees admitted increased from a total of 718,000 over the 15-year period between FY1966 and FY1980 (equivalent to about 48,000 annually) to a total of 1.6 million after passage of act between FY1981 and FY1995 (equivalent to about 107,000 annually). The number of refugees who acquired LPR status between FY1996 and FY2022 averaged about 86,000 annually.²⁸

Figure 1. Permanent Immigration to the United States, FY1900-FY2023

(Number of persons receiving LPR status)



Source: DHS, Office of Immigration Statistics, *Yearbook of Immigration Statistics*, multiple fiscal years.

Note: Foreign nationals obtaining legal status through the Immigration Reform and Control Act of 1986 (IRCA, P.L. 99-603) are depicted by year of adjustment.

Second, the Immigration Reform and Control Act of 1986 (IRCA, P.L. 99-603) legalized 2.8 million foreign nationals, mostly Mexican nationals, who were residing in the United States without authorization.²⁹ These newly legalized individuals were then eligible to sponsor other family members, either as LPRs or, for those who subsequently naturalized, as U.S. citizens.

Third, the Immigration Act of 1990 (P.L. 101-649) increased the overall annual limit on LPRs from 270,000 to 675,000; removed limits on immediate relatives of U.S. citizens that allow them to breach this overall limit; created the family preference categories as well as the floor of 226,000; increased the ceiling on employment-based preference immigration; and included a provision allowing unused employment-based preference visa numbers to be made available the following year for family-sponsored preference immigration and vice versa for unused family-sponsored preference visa numbers. The act also created the diversity immigrant category.

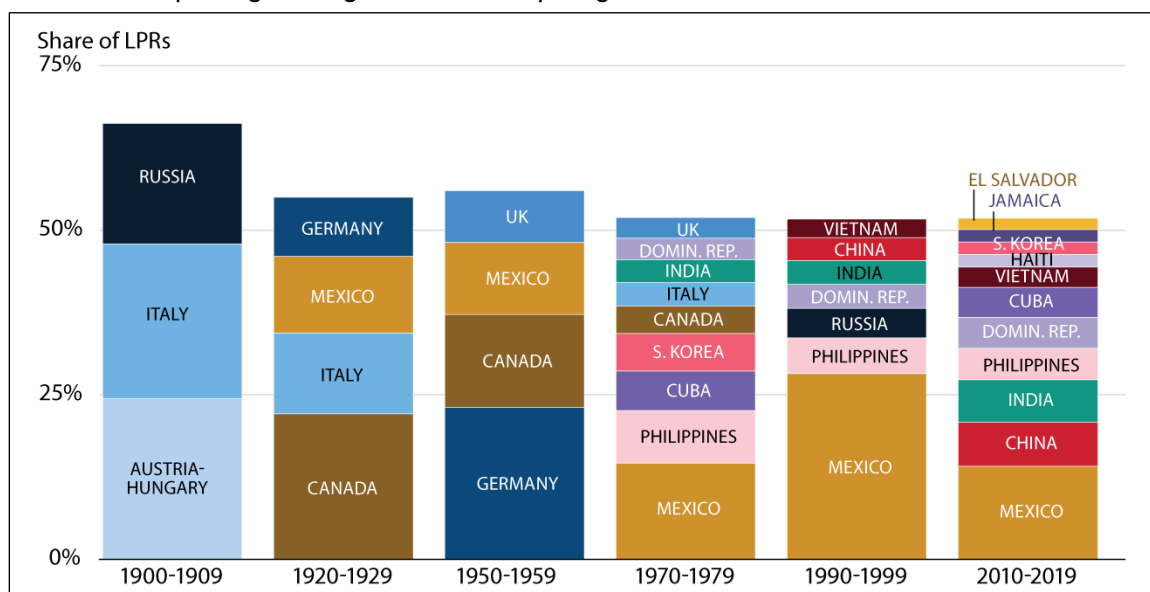
²⁸ This average conceals considerable variation, particularly during the Obama, Trump, and Biden Administrations.

²⁹ CRS Report 97-230 EPW, *Immigration: Reasons for Growth, 1981-1995*, Joyce C. Violet, February 12, 1997. (Congressional clients may contact CRS for this nondistributable report.)

Throughout U.S. history, a handful of countries have dominated the flow of immigrants, but the dominant countries have changed over time. **Figure 2** shows the top immigrant origin countries that together comprised at least 50% of all immigrants for selected decades. The figure illustrates two points. First, at the start of the 20th century, 3 countries contributed two-thirds (66%) of all U.S. immigrants; by the second decade of the 21st century, 11 countries contributed slightly more than half (51.9%) of all immigrants. Second, while all 3 countries dominating U.S. immigration between 1900-1909 were European, all 11 countries comprising the top half of U.S. immigration between 2010-2019 were Latin American and Asian. These data illustrate the origin country compositional change that followed the Immigration and Nationality Act of 1965.³⁰

Figure 2. Top Immigrant-Origin Countries, Selected Decades, FY1900-FY2019

Top immigrant-origin countries comprising at least 50% of all LPRs in each decade



Source: DHS, Office of Immigration Statistics, *Yearbook of Immigration Statistics*, Table 2, multiple years.

Notes: Yearbook of Immigration Statistics data are presented for all decades from 1820-1829 through 2010-2019, as well as for individual fiscal years of FY2020, FY2021, and FY2022. **Figure 2** presents 2010-2019 to maintain consistency with other decades shown. Decades were selected at 20-year intervals, except 1940-1949, which was not presented because of major disruptions to immigration flows during World War II.

Permanent Immigration During the Most Recent Decade

From FY2014 through FY2023, the most recent decade for which data are available, roughly 1 million foreign nationals acquired LPR status each year.³¹ Of this average total, 64%, or just under two-thirds, acquired LPR status as family-sponsored immigrants (**Figure 3**). Among these immigrants, the single category of numerically unlimited immediate relatives of U.S. citizens accounted for almost half (46%) of all LPRs granted annually over the past decade. Within this

³⁰ Other, more recent laws have affected immigration flows for individual countries, such as the 1966 Cuban Adjustment Act. For more information, see CRS Report R44714, *U.S. Policy on Cuban Migrants: In Brief*.

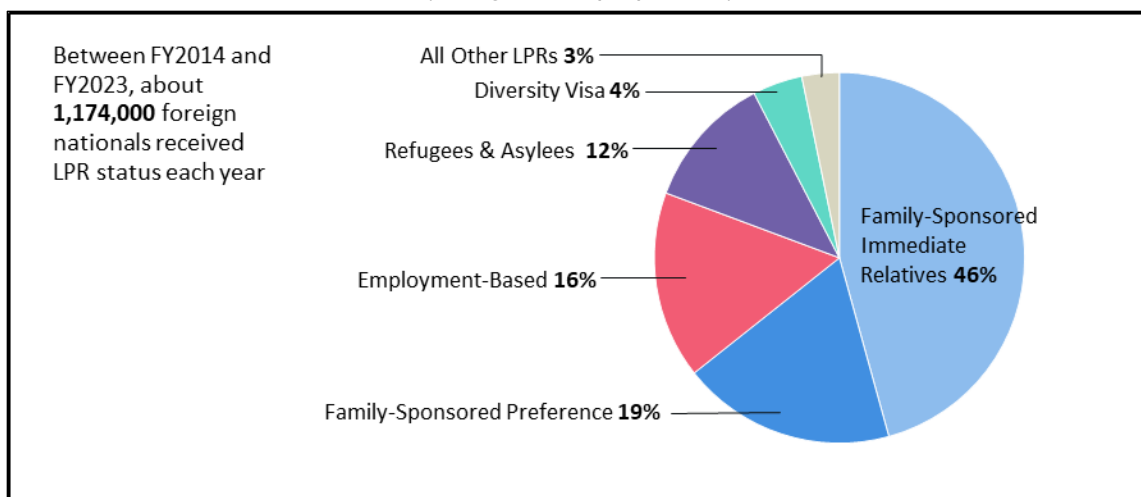
³¹ This section provides average annual figures over 10 years to more consistently portray immigrant flows during a period that included substantial immigration policy shifts between administrations and immigration impacts from the COVID-19 pandemic. Because FY2023 represents the most recent DHS immigration data available, statistics presented reflect the most recent decade of FY2014 through FY2023.

total, DHS data further distinguish immediate relatives by relationship to their U.S. citizen sponsors: spouses (26%), parents (14%), and children (6%).³²

The remaining LPR categories comprised 36%, or just over one-third, of all persons receiving LPR status over this period. They include employment-based immigrants and their family members (16%), refugees and asylees and their family members (12%), diversity visa immigrants and their family members (4%), and all other categories of immigrants and their family members (4%).

Figure 3. New LPRs by Major Category, FY2014-FY2023

(average annual proportions)



Source: DHS, Office of Immigration Statistics, *Yearbook of Immigration Statistics*, Table 6, multiple years.

Notes: Total figure is rounded to the nearest 1,000.

Table 3 presents, the top 10 origin countries for each major immigrant category for the most recent year of available data (FY2023). For the largest two categories—family-sponsored immediate relatives and family-sponsored preference immigrants—the origin country distribution, dominated by large immigrant-sending countries such as Mexico, India, China, Philippines, and the Dominican Republic, resembles that for the most recent decade of migration (FY2010-FY2019) shown in **Figure 2**.

In contrast, employment-based immigration is dominated by immigrants from India, China, and the Philippines. Diversity immigrants originate from countries that in the past five years have been the source of a relatively minor number of immigrants to the United States (e.g., Nepal, Morocco, Algeria). Refugees and asylees originate from countries where individuals have experienced persecution or a well-founded fear of persecution on one of five qualifying grounds.³³ “All other” immigrants include nationals from countries that benefit from special immigrant provisions (e.g., Afghanistan).³⁴

³² DHS, Office of Immigration Statistics, *Yearbook of Immigration Statistics 2023*, Table 6.

³³ These grounds include race, religion, political opinion, nationality, and membership in a particular social group. INA §101(a)(42); 8 U.S.C. §1101(a)(42). For more information, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*; and CRS Report R45539, *Immigration: U.S. Asylum Policy*.

³⁴ See, for example, CRS Report R43725, *Iraqi and Afghan Special Immigrant Visa Programs*; and CRS Report R43703, *Special Immigrant Juveniles: In Brief*.

Table 3. Top 10 Origin Countries for Persons Acquiring LPR Status, by Broad Admission Class, FY2023

Immediate Relatives of U.S. Citizens			Family-Sponsored Preference Immigrants			Employment-Based Immigrants		
Mexico	123,280	22%	Dominican Republic	40,180	20%	India	28,570	15%
India	31,790	6%	Mexico	29,860	15%	China, P.R.	26,270	13%
Dominican Republic	28,100	5%	Vietnam	18,180	9%	Philippines	16,250	8%
China, P.R.	22,100	4%	Cuba	17,020	8%	Brazil	14,030	7%
Cuba	21,240	4%	India	15,140	7%	Korea, South	9,570	5%
Philippines	20,640	4%	Philippines	12,030	6%	Mexico	8,800	4%
Colombia	18,970	3%	Bangladesh	8,880	4%	Canada	5,310	3%
Jamaica	14,820	3%	Jamaica	5,690	3%	United Kingdom	4,450	2%
Vietnam	14,080	3%	China, P.R.	4,630	2%	El Salvador	3,740	2%
Brazil	13,700	2%	El Salvador	4,620	2%	Venezuela	3,440	2%
All Other	242,870	44%	All Other	48,010	24%	All Other	76,330	39%
Total	551,590	100%	Total	204,240	100%	Total	196,760	100%
Diversity Visa Immigrants			Refugees and Asylees			Other Immigrants		
Nepal	4,230	6%	Cuba	42,510	43%	Afghanistan	26,170	49%
Algeria	4,000	6%	China, P.R.	5,940	6%	Mexico	17,000	32%
Morocco	3,260	5%	Venezuela	4,770	5%	Guatemala	2,050	4%
Russia	3,200	5%	El Salvador	3,390	3%	El Salvador	1,810	3%
Egypt	2,940	4%	Guatemala	2,900	3%	Honduras	1,140	2%
Uzbekistan	2,790	4%	Congo, D.R.	2,690	3%	India	790	1%
Ukraine	2,650	4%	Honduras	2,110	2%	Ecuador	720	1%
Sudan	2,260	3%	Ukraine	1,940	2%	Canada	280	1%
Armenia	2,110	3%	India	1,740	2%	China, P.R.	280	1%
Albania	1,990	3%	Turkey	1,690	2%	Vietnam	260	0%
All Other	37,920	56%	All Other	29,680	30%	All Other	3,110	6%
Total	67,350	100%	Total	99,360	100%	Total	53,610	100%

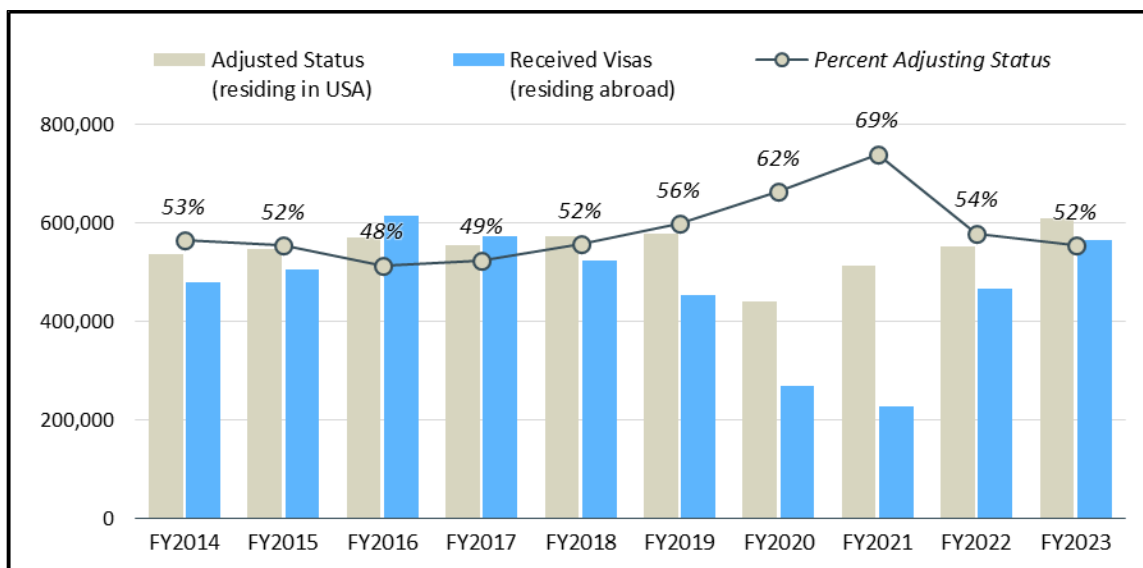
Source: DHS, Office of Immigration Statistics, *Yearbook of Immigration Statistics 2023*, Table 10.

Notes: Countries represent persons' countries of birth.

As described earlier in this report, foreign nationals acquire LPR status by either adjusting from a nonimmigrant (temporary) status to LPR status from within the United States, or receiving an immigrant visa from a U.S. embassy or consulate abroad and being admitted to the United States as an LPR upon arrival. **Figure 4** illustrates that between FY2013 and FY2022, the two pathways to acquiring LPR status were roughly comparable in the number and percentage of those acquiring LPR status until COVID-19-related factors, starting in FY2020, reduced both the absolute number of people receiving LPR status and especially the number of LPRs arriving from abroad, until this number rebounded to pre-COVID-19 levels in FY2022.

From FY2014 to FY2023, on average, 54% of all immigrants acquired LPR status by adjusting from within the United States. Employment-based immigrants and family-sponsored immediate relatives were the most likely major immigrant categories to adjust to LPR status from within the United States (83% and 54%, respectively). In contrast, 92% of all family-sponsored preference immigrants and 97% of all diversity visa immigrants obtained immigrant visas as residents abroad.³⁵

Figure 4. Adjusting to LPR Status Within the United States Versus Arriving to the United States with an Immigrant Visa, FY2014-FY2023



Source: DHS, Office of Immigration Statistics, *Yearbook of Immigration Statistics 2023*, Table 6.

Immigrant Numerical Control and Waiting Times

DOS is responsible for ensuring that eligible prospective immigrants receive LPR status according to the INA's numerical and per-country limits. DOS maintains an immigrant numerical control system for this purpose that is reflected in its monthly *Visa Bulletin*.³⁶

When USCIS approves an immigrant petition, the agency forwards it to DOS's National Visa Center (NVC), which assigns it a "priority date"—typically the date of USCIS's receipt of the petition—representing the prospective immigrant's place in either the family-sponsored preference queue or the employment-based queue.³⁷ Individuals must wait for their priority date to "become current"—indicating that a visa number is available—before they can either apply for an immigrant visa from abroad or apply to adjust to LPR status from within the United States. Priority dates are current when they are on or earlier than the "final action dates" (often referred to as *cutoff dates*) in the *Visa Bulletin*. If the *Visa Bulletin* indicates a category for a given country is "current," eligible foreign nationals from that country can apply for a visa or to adjust status immediately, regardless of priority date.

³⁵ INA §209(b), 8 U.S.C. §1159(b) requires refugees and asylees to adjust status from within the United States.

³⁶ For more information, see DOS, *The Operation of the Immigrant Numerical Control System*, undated.

³⁷ 8 C.F.R. §204.5(d). For more information, see DHS, USCIS, "Visa Availability and Priority Dates."

Table 4 shows final action dates in the October 2024 *Visa Bulletin* for family-sponsored preference immigrants, reflecting the queue of foreign nationals waiting for a family-sponsored green card either abroad (**Figure 5**) or in the United States. **Table 4** shows, for example, that DOS and USCIS were processing applications for immigrant visas or adjustments of status, respectively, for unmarried adult children of U.S. citizens (F1 category) from India whose immigration petitions had been filed on or before October 22, 2015—nine years earlier. Likewise, the two agencies were processing applications for married adult children of U.S. citizens (F3 category) from China whose immigration petitions had been filed on or before April 1, 2010—more than 14 years earlier.³⁸

Table 4. Final Action Dates, Family-Sponsored Preference Immigrants, October 2024

Category	Worldwide	China	India	Mexico	Philippines
F1—Unmarried adult children of USCs	10/22/2015	10/22/2015	10/22/2015	1/1/2003	3/1/2012
F2A—Spouses and minor children of LPRs	11/22/2021	11/22/2021	11/22/2021	3/8/2021	11/22/2021
F2B—Unmarried adult children of LPRs	5/1/2016	5/1/2016	5/1/2016	1/15/2005	10/22/2011
F3—Married adult children of USCs	4/1/2010	4/1/2010	4/1/2010	8/22/2000	9/8/2002
F4—Siblings of adult USCs	8/1/2007	8/1/2007	3/1/2006	2/22/2001	2/1/2004

Source: DOS, *Visa Bulletin for October 2024*, September 3, 2024.

Notes: “USCs” refers to U.S. citizens, “LPRs” refers to lawful permanent residents, “Worldwide” refers to all countries other than China, India, Mexico, and the Philippines.

Similarly, **Table 5** shows final action dates in the October 2024 *Visa Bulletin* for employment-based immigrants, reflecting the queue of foreign nationals waiting for an employment-based green card either abroad (**Figure 5**) or in the United States. As of October 1, 2024, for many foreign nationals, final action dates were current for the EB1 and EB5 (Worldwide, Mexico, Philippines) employment-based categories and were within the past five years for the EB2, EB3, and EB4 categories.

Table 5. Final Action Dates, Employment-Based Immigrants, October 2024

Category	Worldwide	China	India	Mexico	Philippines
1 st —Priority	current	11/8/2022	2/1/2022	current	current
2 nd —Advanced degrees	3/15/2023	3/22/2020	7/15/2012	3/15/2023	3/15/2023
3 rd —Skilled/Professional	11/15/2022	4/1/2020	11/1/2012	11/15/2022	11/15/2022
3 rd —Unskilled/Other	12/1/2020	1/1/2017	11/1/2012	12/1/2020	12/1/2020
4 th —Special	1/1/2021	1/1/2021	1/1/2021	1/1/2021	1/1/2021
5 th —Investors (unreserved)	current	7/15/2016	1/1/2022	current	current
5 th —Investors (other)	current	current	current	current	current

Source: DOS, *Visa Bulletin for October 2024*, September 3, 2024.

Notes: “Worldwide” refers to all countries other than China, India, Mexico, and the Philippines.

For foreign nationals from China and India, final action dates extended farther back for almost all employment-based categories relative to foreign nationals from all other countries. For example, Indian foreign nationals in the 2nd employment-based category who had filed immigration

³⁸ For more information, see CRS Report R43145, *U.S. Family-Based Immigration Policy*.

petitions roughly 12 years ago (July 15, 2012) were able to apply for LPR status starting October 1, 2024. This and the other earlier final action dates for Indian and Chinese nationals reflect that both groups have long dominated the employment-based queue.³⁹

Visa Bulletin users sometimes interpret final action dates as the current waiting times to acquire LPR status. This can be inaccurate. For example, the October 2024 *Visa Bulletin* shown in **Table 5** indicates that Mexican nationals who originally submitted their EB3 Skilled/Professional petitions to USCIS on or before November 15, 2022, could apply to adjust to LPR status or to receive an immigrant visa. Some interpret this to imply a roughly two-year wait for newly approved EB2 petitioners from Mexico to acquire a green card. However, if substantially more or substantially fewer Mexican nationals applied for LPR status as EB2 immigrants between 2022 and 2024 compared to the number applying during the two years prior to October 2024, wait times for LPR status could be longer or shorter, respectively.

Cutoff dates in the *Visa Bulletin* typically advance with time. However, visa number demand by prospective immigrants with different priority dates can fluctuate from month to month, affecting cutoff dates. Such fluctuations can cause cutoff date movement to slow or stop. In some cases, more people apply for a visa number in a particular category or origin country than there are numbers available for that month. DOS then may decide to regress cutoff dates (*visa retrogression*) to maintain an orderly queue.⁴⁰

Queues for LPR Status

Foreign nationals who meet the INA's eligibility and admissibility criteria for their LPR category often encounter timelines of months and sometimes years or decades to acquire LPR status. These waits primarily occur for two reasons: (1) some LPR categories are subject to statutory numerical limits for each fiscal year and (2) prospective immigrants who are eligible to receive LPR status face a wait for the federal agencies to process their petitions and applications. Processing can include multiple requests for additional supporting documentation and collaboration with other federal agencies for criminal background checks and labor certification.

Foreign Nationals Abroad Waiting for Immigrant Visas

For numerically limited family-sponsored preference and employment-based immigrants, the number of petitioners approved by USCIS each year typically exceeds the worldwide limit set by U.S. immigration law. These limits include numerical limits on immigrant categories, as well as the 7% per-country ceiling (both described previously). Consequently, sizable numbers of foreign nationals with approved immigrant petitions from certain oversubscribed countries sometimes wait for decades for a numerically limited green card to become available. Among the numerically limited immigrant categories, most prospective family-sponsored preference immigrants reside abroad while they wait for an immigrant visa. In contrast, most prospective employment-based immigrants reside in the United States while they wait to adjust to LPR status.

DOS publishes data that facilitate estimates of prospective immigrants waiting for green cards. For prospective immigrants *residing abroad* that have been approved by USCIS and forwarded to DOS's National Visa Center, DOS tabulates the number of numerically limited family-sponsored

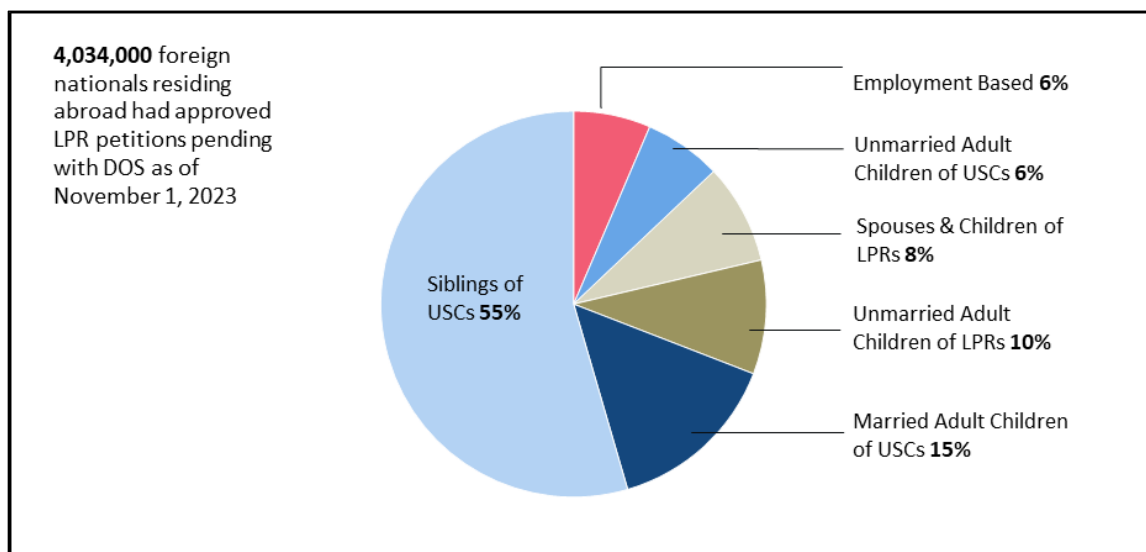
³⁹ For more information, see CRS Report R47164, *U.S. Employment-Based Immigration Policy*.

⁴⁰ For more information, see DHS, USCIS, *Visa Retrogression*, updated October 11, 2024.

preference and employment-based immigrant petitions at the end of each fiscal year.⁴¹ This queue of persons waiting for consular processing of an immigrant visa consists almost entirely of prospective family-sponsored preference immigrants, who make up 94% of the total queue, and it includes principal and derivative prospective immigrants (**Figure 5**).

USCIS publishes quarterly reports on the number of petitions the agency has approved for family-sponsored preference immigrants and employment-based immigrants who are waiting for immigrant visa numbers to become available. However, USCIS has advised that these published petition data contain aberrations—most notably the sizable, indeterminate number of individuals submitting multiple immigrant petitions, and the indeterminate number of petitions that overlap with DOS’s annual report (described previously)—that hamper producing estimates of immigrant visa queues.⁴²

Figure 5. Foreign Nationals Residing Abroad with Pending Approved LPR Petitions
As of November 1, 2023



Source: U.S. Department of State, *Annual Report of Immigrant Visa Applicants in the Family-Sponsored and Employment-Based Preferences Registered at the National Visa Center as of November 1, 2023*.

Notes: Figures shown are the most recent available as of the cover date of this CRS report. Figures represent both principal immigrants and accompanying family members. Total figure is rounded to the nearest 1,000.

Humanitarian-Related Backlogs

Apart from queues of prospective immigrants with approved petitions who are waiting for a numerically limited immigrant visa number to become available, two categories of prospective immigrants with humanitarian-related claims also face substantial queues because of processing times and numerical limits: asylum applicants and U nonimmigrant status petitioners.

Foreign nationals can apply for asylum in two ways: affirmatively and defensively. An asylum application is *affirmative* if the foreign national, who is physically present in the United States

⁴¹ DOS’s National Visa Center processes immigrant visas. DOS, *Annual Report of Immigrant Visa Applicants in the Family-Sponsored and Employment-Based Preferences Registered at the National Visa Center as of November 1, 2023*.

⁴² Email correspondence to CRS from USCIS Office of Legislative Affairs, December 28, 2023. See also notes in DHS, USCIS, *Number of Form I-140, I-360, I-526 Approved Employment-Based Petitions Awaiting Visa Availability By Preference Category and Country of Birth As of June 2024*, July 2024.

(and not in removal proceedings), submits an application to USCIS. An asylum application is *defensive* when the applicant is in standard removal proceedings with the Department of Justice's (DOJ's) Executive Office for Immigration Review (EOIR) and requests asylum as a defense against removal.⁴³ Applicants who are granted asylum may then apply for LPR status after one year of physical presence in the United States.

While the INA does not limit the number of asylum recipients, neither USCIS, which adjudicates affirmative asylum applications, nor EOIR, which operates the immigration court system, possesses the operating capacity to adjudicate the number of pending cases in their backlog and docket, respectively. As of June 2024, USCIS faced an asylum processing backlog of just under 1.2 million applications.⁴⁴ As of June 2024, EOIR faced a backlog of nearly 3.5 million immigration cases, of which at least 1.3 million had filed asylum applications.⁴⁵

Past approval rates indicate that many affirmative asylum applicants receive asylum and many defensive asylum applicants do not. Between FY2014 and FY2023, for example, USCIS adjudicated on the merits (i.e., issued either an asylum grant or denial) a total of 200,587 affirmative asylum applications. Of these, asylum was granted in 128,426 cases (64%) and denied in 72,161 cases (36%).⁴⁶ For defensive applications during this 10-year period that were filed with EOIR (380,078 asylum applications), the reverse occurred: asylum was granted in 144,289 cases (38%) and denied in 235,789 cases (62%).⁴⁷

Crime victims who petition for U nonimmigrant status face processing delays as well as numerical limits. As noted above, the U status category is statutorily limited to 10,000 principal petitioners annually.⁴⁸ That limit has been met every year since FY2010. Irrespectively, USCIS continues to accept and process new petitions for U status, and the agency issues "conditional approval" and work authorization documents to petitioners who are found eligible for but are unable to receive U status because the annual limit has been reached. While they wait, petitioners typically receive a discretionary reprieve from removal, such as deferred action or parole.⁴⁹ If petitioners receive U status, they then have up to four years to apply for LPR status.⁵⁰

The most recent USCIS data indicate that as of June 30, 2024, roughly 230,000 foreign nationals had principal U status petitions pending with USCIS.⁵¹ Given the annual limit of 10,000, new

⁴³ For more information, see CRS Report R48249, *What Is Affirmative Asylum?*; and CRS Report R47504, *Asylum Process in Immigration Courts and Selected Trends*.

⁴⁴ DHS, USCIS, "Number of Service-wide Forms By Quarter, Form Status, and Processing Time," April 1, 2024-June 30, 2024, <https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data>.

⁴⁵ DOJ, EOIR, "Total Asylum Applications," July 19, 2024. For more information, see CRS Insight IN12312, *FY2023 Immigration Court Data: Caseloads and the Pending Cases Backlog*.

⁴⁶ DHS, USCIS, *Number of Service-wide Forms By Quarter, Form Status, and Processing Time*, multiple years.

⁴⁷ DOJ, EOIR, "Asylum Decisions," July 19, 2024. These figures do not include cases that were abandoned (52,595), not adjudicated (208,308), had "other" outcomes (31,300), were withdrawn (71,107), or were administratively closed (103,198). For more information, see CRS Insight IN12318, *FY2023 Immigration Court Data: Case Outcomes*.

⁴⁸ Accompanying dependent (i.e., derivative) family members are exempt from the annual limit of 10,000.

⁴⁹ Petitioners currently wait an average of about four years for DHS to review their petitions and, if approved, grant them deferred action or parole and place them in the queue for LPR status.

⁵⁰ The INA does not limit how many persons with U status (principal or derivative) may adjust to LPR status each year.

⁵¹ DHS, USCIS, *Number of Form I-918 Petitions for U Nonimmigrant Status, By Fiscal Year, Quarter, and Case Status, Fiscal Years 2009-2024*, July 2024.

petitioners can expect to wait roughly 23 years to receive U status. In the past decade, USCIS has approved an average of about 80% of all U status petitions processed.⁵²

Queues from Processing Time

Apart from statutorily imposed waits resulting from numerical limits, many foreign nationals encounter waits for USCIS and/or DOS to adjudicate petitions and applications. USCIS publishes quarterly statistics on the status of all USCIS forms that were received, approved, denied, completed, and pending. For example, as of June 30, 2024, USCIS held over 1.9 million pending *I-130 Petition for Alien Relative* forms and 531,000 pending *I-485 Application to Register Permanent Residence or Adjust Status* forms, just for family-sponsored preference immigrants.⁵³

In recent years, USCIS has attracted congressional attention because of widespread processing backlogs and extended processing times for many of its applications and petitions. USCIS has attributed delays to public health protocols stemming from the COVID-19 pandemic, historically high levels of migrants seeking asylum at the Southwest border, and its response to major humanitarian crises in Afghanistan and Ukraine.⁵⁴ In FY2020, in particular, USCIS and DOS both restricted their processing operations and interviews, respectively.⁵⁵ In FY2020 and FY2021, sizable numbers of family-sponsored preference and employment-based immigrant visa numbers remained unused and in some cases were permanently lost because petitions were not processed within the fiscal year.⁵⁶

Unlike most federal agencies, USCIS is funded almost entirely through user fees. Because USCIS does not receive fees for most humanitarian benefits provided to asylum seekers and refugees, unexpected events can create fiscal pressures on the agency and cause it to delay regular petition and application processing as it responds to humanitarian crises.⁵⁷ At the same time, relatively sizable fees can impose financial hardships on prospective immigrants and delay or hinder their willingness to naturalize and become U.S. citizens.⁵⁸

Policy Considerations

Observers from across the political spectrum agree that the permanent immigration system is flawed. They cite sizable queues of approved immigrants with lengthy waits, often involving considerable inconvenience and expense, to acquire lawful permanent residence;⁵⁹ labor shortages

⁵² Ibid. From FY2014 through FY2023, USCIS approved an average of 10,021 petitions and denied an average of 2,804 petitions. Dividing the 10,021 average approvals by the average total petitions processed (10,021 plus 2,804) yields an average approval rate of 78.2%.

⁵³ DHS, USCIS, *Number of Service-wide Forms By Quarter, Form Status, and Processing Time, April 1, 2024 – June 30, 2024*, July 2024.

⁵⁴ For more information, see CRS Report R48021, *U.S. Citizenship and Immigration Services (USCIS): Operations and Issues for Congress*.

⁵⁵ See CRS Insight IN11362, *COVID-19-Related Suspension of Immigrant Entry* and CRS Insight IN11435, *COVID-19-Related Suspension of Nonimmigrant Entry*.

⁵⁶ See, for example, Walter Ewing, “The Biden Administration Let Over 200,000 Green Cards Go to Waste This Year,” *Immigration Impact*, October 5, 2021.

⁵⁷ DHS, *Annual Report 2024 Citizenship and Immigration Services Ombudsman*, June 28, 2024.

⁵⁸ For more discussion on USCIS fees, see CRS Report R48021, *U.S. Citizenship and Immigration Services (USCIS): Operations and Issues for Congress*; and CRS Report R43366, *U.S. Naturalization Policy*.

⁵⁹ See, for example, Diana Roy, Claire Klobucista, and Amelia Cheatham, “The U.S. Immigration Debate,” Council on Foreign Relations, August 7, 2024; David J. Bier, *Why Legal Immigration Is Nearly Impossible*, Cato Institute, June 13, (continued...)

in several major economic sectors, such as health care, for which existing employment-based immigration provisions seem insufficient; growing competition between the United States and other advanced economies for highly skilled foreign workers; and U.S. population aging reflected in declining population growth. Recent U.S. Census Bureau reports indicate that future U.S. population growth would rely heavily on immigration due to declining U.S. fertility and increased mortality.⁶⁰

Some posit that revising permanent legal immigration policies should figure prominently in any immigration reform proposal.⁶¹ In the past decade, Congress has considered proposals to revise the permanent immigration system, either with incremental policies aimed at specific changes⁶² or with comprehensive approaches.⁶³

Among the four major pathways for lawful permanent residence—family-sponsored immigration, employment-based immigration, diversity immigration, and refugee admissions and asylum—skilled employment-based immigration may be more likely to receive broad support for its positive economic impacts on the U.S. economy and relatively minimal fiscal impacts on U.S. taxpayers.

Those who advocate specifically for increased employment-based immigration point out that the last major legislative change to the permanent employment-based system occurred with the Immigration Act of 1990, which established the current preference category system and its numerical limits. In the three plus decades since then, the U.S. gross domestic product (GDP) has doubled and the use of technology has expanded throughout the U.S. economy. Advocates consequently consider the INA's statutory immigration limits insufficient for current U.S. labor market needs. They favor expanded employment-based immigration to help U.S. employers compete for the most highly skilled foreign professional workers in science, technology, and engineering.⁶⁴ Some have estimated considerable positive economic impacts to GDP that could

2023; Denise N. Obinna, "Wait-times, visa queues and uncertainty: the barriers to American legal migration," *Migration and Development*, vol. 9 (2020), pp. 390-410; Doris Meissner, *Rethinking U.S. Immigration Policy: New Realities Call for New Answers*, Migration Policy Institute, August 2019; and Pia Orrenius and Madeline Zavodny, "Creating Cohesive, Coherent Immigration Policy," *Journal on Migration and Human Security*, vol. 5 (2017), pp. 180-93.

⁶⁰ See, for example, U.S. Census Bureau, "U.S. Population Projected to Begin Declining in Second Half of Century," press release, November 9, 2023.

⁶¹ Other aspects of the U.S. immigration system that also receive attention during calls for reform typically include increased border security, enforcement of immigration laws within the U.S. interior, reform of temporary worker visas, and options to address the millions of unauthorized aliens residing in the United States.

⁶² A recent example of a targeted immigration bill with provisions affecting permanent legal immigration and approved by either body of Congress occurred in July 2019 when the House in the 116th Congress passed the Fairness for High Skilled Immigrants Act (H.R. 1044), which would have eliminated the 7% per-country ceiling on employment-based immigrants and increased it to 15% for family-sponsored preference immigrants.

⁶³ The most recent example of a comprehensive immigration bill with provisions affecting permanent legal immigration and approved by either body of Congress occurred in June 2013, when the Senate in the 113th Congress passed the Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744), a comprehensive reform bill that, among many other immigration-related provisions, would have significantly changed the system of permanent legal immigration. For a full discussion of S. 744 as passed, see CRS Report R43097, *Comprehensive Immigration Reform in the 113th Congress: Major Provisions in Senate-Passed S. 744*. For other frameworks to address immigration reform comprehensively, see Jennifer Hunt, *Renewing America, Revamping Immigration*, The Hamilton Project, December 2022; Kay James, James J. Carafano, John G. Malcolm, and Jack Spencer (eds.), *An Agenda for Immigration Reform*, The Heritage Foundation, February 20, 2019; and Doris Meissner, *Rethinking U.S. Immigration Policy: New Realities Call for New Answers*, Migration Policy Institute, August 2019.

⁶⁴ See, for example, Rachel Rosenthal and Noah Smith, "Do H-1B Workers Help or Hurt American Workers?" *Bloomberg*, August 24, 2020; and Stuart Anderson, *Setting the Record Straight on High-Skilled Immigration*, National Foundation for American Policy, August 2016.

occur from addressing the current immigration queues and granting LPR status to those with approved pending petitions.⁶⁵

Opponents of increasing employment-based immigration point to comparatively high unemployment rates among less advantaged native-born workers—particularly racial and ethnic minorities and rural-based workers.⁶⁶ They also cite evidence showing that substantial numbers of STEM field graduates end up working in different fields because of insufficient employment opportunities in their areas of study.⁶⁷ They argue that because of tight labor markets, limiting access to foreign workers is essential for addressing labor market discrimination and benefiting the most disadvantaged U.S. workers. They also point out that who actually benefits from immigration depends on immigrant selection criteria as well as labor market impacts of such immigrants. They tend to support maintaining current limits on lower-skilled permanent immigrants and more strictly enforcing laws and policies that prevent native-worker displacement.⁶⁸

Family-sponsored immigration policies have less consensus in Congress. Opponents of current family-sponsored immigration provisions contend that the INA permits a disproportionately large share of immigrants to settle permanently in the United States without regard to immigrants' skills, education levels, potential contributions to the U.S. economy, or potential fiscal impacts on U.S. taxpayers.⁶⁹ Some argue that family-sponsored immigration should be scaled back and limited to immediate relatives of U.S. citizens and LPRs. Critics also take issue with what some refer to as *chain migration*, the process by which family-sponsored immigration can create self-perpetuating migration flows that allow foreign nationals who obtain LPR status and citizenship to then sponsor other relatives under the same INA provisions.⁷⁰

Proponents of family-sponsored immigration counter these objections with analyses suggesting that family-sponsored immigrants, as well as the family members they sponsor, make substantial economic and community contributions that are not always readily discernable or widely recognized by policymakers.⁷¹ Some have argued that the ability of foreign nationals to bring or sponsor relatives apart from immediate relatives is necessary to attract foreign workers.⁷²

Some who favor employment-based immigration but not family-sponsored immigration have proposed increasing the former and reducing the latter. In May 2019, for example, President

⁶⁵ See, for example, Jack Malde, Theresa Cardinal Brown, and Ben Gitis, *Green Light to Growth: The Economic Benefits of Clearing Green Card Backlogs*, Bipartisan Policy Center, November 2023.

⁶⁶ See, for example, Rachel Rosenthal, "Biden is Caught Between Big Tech and Black Voters," *Bloomberg*, May 29, 2022.

⁶⁷ See, for example, Tyler Ransom and John V. Winters, "Do Foreigners Crowd Natives out of STEM Degrees and Occupations? Evidence from the US Immigration Act of 1990," *ILR Review*, vol. 74 (2021), pp. 321-351; M. Demirci, "International students and labor market outcomes of US natives," *SSRN*, 3371469, 2019; Massimo Anelli, Kevin Shih, and Kevin Williams, "Foreign Peer Effects and STEM Major Choice," CESifo Working Paper Series No. 6466, 2017; and George J. Borjas, "Do Foreign Students Crowd Out Native Students from Graduate Programs?" Working Paper 10349, *NBER*, 2004.

⁶⁸ See, for example, Mark Krikorian and Roy Beck, "Immigration's Impact on Black Americans: A 200-Year Chronology," *Parsing Immigration Policy*, Episode 31, December 2, 2021.

⁶⁹ See, for example, Robert VerBruggen, *Which Immigrants Succeed? Simple Facts to Guide Better Policy*, Manhattan Institute, April 27, 2023.

⁷⁰ See, for example, Mark Krikorian and Jessica M. Vaughan, "Chain Migration and Why It Matters," *Parsing Immigration Policy*, Episode 19 (podcast), Center for Immigration Studies, September 2, 2021.

⁷¹ See, for example, Harriet Duleep, Mark Regets, and Guillermo Cantor, *The Immigrant Success Story: How Family-Based Immigrants Thrive in America*, American Immigration Council, June 11, 2018; and American Immigration Lawyers Association, *The Value of Family-Based Immigration*, January 2018.

⁷² See, for example, Harriet Duleep, *U.S. Immigration Policy at a Crossroads*, IZA Discussion Paper, January 2013.

Trump unveiled a comprehensive overhaul of permanent immigration that would have maintained the total level of permanent immigration but rebalanced the percentages of family-sponsored and employment-based permanent immigration from 66% and 12% of the total, respectively, to 33% and 57%, respectively.⁷³

Some have contrasted the current systems of immigrant sponsorship with a *points-based* or *merit-based* system that would select immigrants using independently established criteria (e.g., educational attainment, employment in a high-demand field, English language ability).⁷⁴ In some proposals, a points-based system would supplement existing provisions.⁷⁵ In others, it would replace them.⁷⁶

Some also support eliminating the diversity immigrant category, which they contend requires minimal skill and education qualifications and poses potential security risks.⁷⁷ Bills to eliminate the diversity immigrant category have been introduced in nearly every Congress since the program was created and have passed a congressional chamber on at least one occasion.⁷⁸ Supporters of the diversity immigrant category counter that it helps address an admissions system that disproportionately favors family-based immigration and perpetuates dominant immigration flows from certain countries like Mexico, China, India, and the Philippines.⁷⁹ Other proponents argue that it boosts American *soft power* abroad and allows remittances sent by diversity immigrants to their origin countries to serve as international development assistance without U.S. government expense.⁸⁰

⁷³ The White House, “Remarks by President Trump on Modernizing Our Immigration System for a Stronger America,” May 16, 2019; and The White House, “President Trump’s Bold Immigration Plan for the 21st Century,” press release, May 21, 2019. For two commentaries on this plan, see Reihan Salam, “Trump’s Immigration Proposal Is a Step in the Right Direction,” *The Atlantic*, May 20, 2019; and Muzaffar Chishti and Jessica Bolter, “‘Merit-Based’ Immigration: Trump Proposal Would Dramatically Revamp Immigrant Selection Criteria, But with Modest Effects on Numbers,” *Policy Beat*, Migration Policy Institute, May 30, 2019.

⁷⁴ For more information, see Demetrios G. Papademetriou and Kate Hopper, *Competing Approaches to Selecting Economic Migrants: Points-Based vs. Demand-Driven Systems*, Migration Policy Institute, April 2019; and Demetrios G. Papademetriou and Madeleine Sumption, *Rethinking Points Systems and Employer-Selected Immigration*, Migration Policy Institute, June 2011.

⁷⁵ For example, the Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744), a comprehensive reform bill passed by the Senate in the 113th Congress by a 68-32 vote, would have established two merit-based permanent immigration systems that would have supplemented revised versions of the current family-sponsored and employment-based immigration pathways. For more information, see CRS Report R43097, *Comprehensive Immigration Reform in the 113th Congress: Major Provisions in Senate-Passed S. 744*.

⁷⁶ For example, the Reforming American Immigration for a Strong Economy (RAISE) Act (S. 1720) in the 115th Congress would have eliminated all family-sponsored immigration categories except for immediate relatives of U.S. citizens and LPRs, and replaced the current employment-based system with a points-based system.

⁷⁷ See, for example, Phillip Linderman, “Chain Migration and the Diversity Visa Program: Legal Immigration at Its Worst,” Center for Immigration Studies, September 18, 2023.

⁷⁸ For example, S. 744, passed by the Senate in the 113th Congress, and S. 1720, introduced in the 115th Congress, would have eliminated the diversity immigrant category.

⁷⁹ See, for example, Testimony of Representative John Conyers, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington, DC: GPO, 2011).

⁸⁰ See, for example, Klara Bilgin, “It is called hope! Why we should keep the U.S. diversity immigrant visa program,” *International Policy Digest*, November 6, 2017; and John Gibson and David McKenzie, “The Economic Consequences of ‘Brain Drain’ of the Best and Brightest: Microeconomic Evidence from Five Countries,” *The Economic Journal*, vol. 122 (2015), pp. 339-375. For a more extensive discussion of arguments for and against the diversity immigrant category, see CRS Report R45973, *The Diversity Immigrant Visa Program*.

Among the four major pathways for acquiring LPR status, asylum has become particularly contentious due to the large recent increase in the number of asylum seekers.⁸¹ Some argue that the INA should impose greater restrictions on asylum eligibility. They assert that the Biden Administration’s asylum-related policies—in contrast to those of the Trump Administration—have contributed to the recent large migrant flows to the Southwest border and encouraged unauthorized migration to the United States.⁸² They, cite, among other factors, the ease with which most migrants can pass an initial asylum screening and then work lawfully in the United States for years while awaiting their immigration hearing, the extent to which transnational criminal organizations now control and profit from migration to the border, and the prevalence of mixed motives of many asylum seekers (e.g., escaping economic hardship, family reunification) other than persecution or a well-founded fear of persecution.⁸³

Those who oppose restricting asylum contend that many migrants’ asylum claims, while not meeting the current grounds of persecution outlined in statute, are genuine and include climate change-induced economic dislocation and widespread physical threats, such as organized criminal violence and gender-based violence.⁸⁴ They contend that countries throughout the world are grappling with similar historically high levels of migration and asylum-seeking.⁸⁵ Some maintain that rather than becoming more restrictive, Congress needs to revise U.S. asylum laws, which were established in the aftermath of World War II, to reflect the types of threats people currently face.⁸⁶

⁸¹ For more discussion and background on U.S. asylum law and its implementation, see CRS Legal Sidebar LSB10582, *Asylum Processing at the Border: Legal Basics*; and CRS Report R45539, *Immigration: U.S. Asylum Policy*.

⁸² See, for example, U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Immigration, Integrity, Security, and Enforcement, *The Biden Border Crisis: New Data and Testimony Show How the Biden Administration Opened the Southwest Border and Abandoned Interior Enforcement*; interim staff report, October 9, 2023; and U.S. Senate, Committee on Foreign Relations, *Biden’s Border Crisis: Examining Policies that Encourage Illegal Migration*, minority report, June 2022.

⁸³ Ibid.

⁸⁴ See, for example, CRS In Focus IF11151, *Central American Migration: Root Causes and U.S. Policy*; and National Immigration Forum, “Push or Pull Factors: What Drives Central American Migrants to the U.S.?” July 23, 2019.

⁸⁵ Testimony of Adam Isacson, Director for Defense Oversight, Washington Office on Latin America, U.S. Congress, House Committee on Foreign Affairs, Hearing, *The U.S. Border Crisis and the American Solution to an International Problem*, 118th Cong., 1st sess., November 30, 2023.

⁸⁶ See, for example, Doris Meissner, “The U.S.-Mexico Border Problem Will Not Be ‘Solved’ Until All Parts of the Border Enforcement System Are Properly Resourced,” Migration Policy Institute, November 2023; and Randy Capps, Doris Meissner, Ariel G. Ruiz Soto, Jessica Bolter, and Sarah Pierce, *From Control to Crisis: Changing Trends and Policies Reshaping U.S.-Mexico Border Enforcement*, Migration Policy Institute, August 2019. For background information on one aspect of this topic, see CRS Legal Sidebar LSB10207, *Asylum and Related Protections for Aliens Who Fear Gang and Domestic Violence*.

Appendix. Permanent Immigration Statistics

Table A-1. Annual Number of Persons Acquiring LPR Status by Major Class, FY2014-FY2023

	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023
Immediate Relatives	416,460	465,070	566,710	516,510	478,960	505,770	321,150	385,400	428,270	551,590
<i>Spouses</i>	238,850	265,370	304,360	292,910	268,150	304,330	195,720	251,830	238,630	276,080
<i>Children</i>	61,220	66,740	88,490	74,990	66,790	61,300	37,380	53,060	57,130	67,150
<i>Parents</i>	116,390	132,960	173,850	148,610	144,020	140,130	88,050	80,520	132,510	208,350
Family Preference	229,100	213,910	238,090	232,240	216,560	204,140	121,560	65,690	166,040	204,240
<i>Unmarried adult children of USCs</i>	25,690	24,530	22,070	26,220	27,250	24,500	11,380	6,840	17,760	23,690
<i>Spouses and unmarried children of LPRs</i>	105,640	104,890	121,270	113,500	109,840	93,400	51,700	39,130	89,860	116,560
<i>Married adult children of USCs</i>	25,830	24,270	27,390	23,260	19,530	25,210	13,930	6,630	17,450	19,180
<i>Siblings of USCs</i>	71,950	60,210	67,360	69,260	59,940	61,030	44,550	13,100	40,970	44,820
Employment-Based	151,600	144,050	137,890	137,860	138,170	139,460	148,960	193,340	270,280	196,760
<i>Priority workers</i>	40,550	41,690	42,860	41,060	39,510	39,470	47,390	61,450	53,430	57,140
<i>Professionals with advanced degrees</i>	48,800	44,340	38,860	39,330	40,100	39,510	43,670	59,830	109,080	55,790
<i>Skilled and other workers</i>	43,160	37,240	35,930	38,080	39,230	41,790	43,220	54,100	79,360	57,310
<i>Special immigrants</i>	8,360	10,580	10,380	9,500	9,710	9,610	10,700	15,320	20,530	14,600
<i>Employment creation</i>	10,720	10,190	9,860	9,880	9,620	9,090	3,980	2,640	7,880	11,930
Diversity Visa	53,490	47,930	49,870	51,590	45,350	43,460	25,030	15,150	43,230	67,350
Refugees	96,070	118,430	120,220	120,360	155,730	80,910	44,400	35,850	29,420	59,030
Asylees	38,180	33,560	37,210	25,650	30,180	26,000	19,470	20,550	53,660	40,330
All Other	31,640	28,070	33,530	42,990	31,660	32,030	26,800	24,040	27,440	53,610
TOTAL LPRs	1,016,520	1,051,030	1,183,510	1,127,170	1,096,610	1,031,770	707,360	740,000	1,018,350	1,172,910

Source: CRS presentation of data from DHS, Office of Immigration Statistics, *Yearbook of Immigration Statistics 2023*, Table 6.

Notes: Non-bold figures sum up to bold figures immediately above them. “USC” refers to U.S. citizen, “LPR” refers to lawful permanent resident.

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