

# WebMemo



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## Senate Immigration Bill Would Allow 100 Million New Legal Immigrants over the Next Twenty Years

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If enacted, the Comprehensive Immigration Reform Act (CIRA, S.2611) would be the most dramatic change in immigration law in 80 years, allowing an estimated 103 million persons to legally immigrate to the U.S. over the next 20 years—fully one-third of the current population of the United States.

Much attention has been given to the fact that the bill grants amnesty to some 10 million illegal immigrants. Little or no attention has been given to the fact that the bill would quintuple the rate of legal immigration into the United States, raising, over time, the inflow of legal immigrants from around one million per year to over five million per year. The impact of this increase in legal immigration dwarfs the magnitude of the amnesty provisions.

In contrast to the 103 million immigrants permitted under CIRA, current law allows 19 million legal immigrants over the next twenty years. Relative to current law, then, CIRA would add an extra 84 million legal immigrants to the nation's population.

The figure of 103 million legal immigrants is a reasonable estimate of the actual immigration inflow under the bill and not the maximum number that would be legally permitted to enter. The maximum number that could legally enter would be almost 200 million over twenty years—over 180 million more legal immigrants than current law permits.

### Immigration Status

To understand the provisions of CIRA, largely based on a compromise by Senators Chuck Hagel (R-Nebraska) and Mel Martinez (R-Florida), it is useful to distinguish between the three legal statuses that a legal immigrant might hold:

1. **Temporary Status:** Persons in this category enter the U.S. temporarily and are required to leave after a period of time.
2. **Near-Permanent, Convertible Status:** Persons in this category enter the U.S. and are given the opportunity to “adjust” or convert to legal permanent residence after a few years.
3. **Legal Permanent Residence (LPR):** Persons in this category have the right to remain in the United States for their entire lives. After five years, they have the right to naturalize and become citizens. As naturalized citizens, they have the constitutional rights to vote and to receive any government benefits given to native-born citizens.

A key feature of CIRA is that most immigrants identified as “temporary” are, in fact, given convert-

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ible status with a virtually unrestricted opportunity to become legal permanent residents and then citizens.

Another important feature of both CIRA and existing immigration law is that immigrants in convertible or LPR status have the right to bring spouses and minor children into the country. Spouses and dependent children will be granted permanent residence along with the primary immigrant and may also become citizens. In addition, after naturalizing, an immigrant has the right to bring his parents into the U.S. as permanent residents with the opportunity for citizenship. There are no numeric limits on the number of spouses, dependent children, and parents of naturalized citizens that may be brought into the country. Additionally, the siblings and adult children (along with their families) of naturalized citizens and the adult children (and their families) of legal permanent residents are given preference in future admission but are subject to numeric caps.

### Key Provisions of CIRA

Four key provisions of CIRA would result in an explosive increase in legal immigration.

**Amnesty for Current Illegal Immigrants:** CIRA offers amnesty and citizenship to 85 percent of the nation's current 11.9 million illegal immigrants. Under the plan, illegal immigrants who have been in the U.S. for five years or more (60 percent of illegals) would be granted immediate amnesty. Illegal immigrants who have been in the country between two and five years (25 percent of illegals) could travel to one of 16 "ports of entry," where they would receive amnesty and lawful work permits.<sup>1</sup> In total, the bill would grant amnesty to 85 percent of the current illegal immigrant population, or some 10 million individuals.

After receiving amnesty, illegal immigrants would spend six years in a provisional status before attaining LPR status. After five years in LPR status, they would have the opportunity to become naturalized citizens and vote in U.S. elections. As well, the spouses and dependent children of current illegal immigrants would have the right to enter the U.S. and become citizens.<sup>2</sup> There would be no numeric limit on the number of illegal immigrants, spouses, and dependents receiving LPR status;

under the amnesty provision, such individuals would not be counted against any other cap or limit in immigration law.<sup>3</sup>

**The New "Temporary Guest Worker" Program:** CIRA creates an entirely new "temporary guest worker" (H-2C) program. There is nothing temporary about this program; nearly all "guest workers" would have the right to become permanent residents and then citizens.

Foreign workers could enter the U.S. as guest workers if they have a job offer from a U.S. employer. In practical terms, U.S. companies would recruit foreign workers to enter the guest worker program and immigrate to the U.S. Most likely, intermediate employment firms would specialize in recruiting foreign labor for U.S. employers.

Guest workers would be allowed to remain in the U.S. for six years.<sup>4</sup> However, in the fourth year, the guest worker could ask for LPR status and would receive it if he has learned English or is enrolled in an English class.<sup>5</sup> There are no numeric limits on the number of guest workers who could receive LPR status. Upon receiving LPR status, the guest worker could remain in the country permanently. He could become a U.S. citizen and vote in U.S. elections after just five more years.

The spouses and minor children of guest workers would also be permitted to immigrate to the U.S.<sup>6</sup> When guest workers petition for LPR status, their spouses and children would receive it as well. Five years after obtaining LPR status, these spouses could become naturalized citizens. The bill sets no limit on the number of spouses and children who could immigrate under the guest worker program. After workers and their spouses have obtained citizenship, they would be able to bring in their parents as legal permanent residents.

The bill does provide numeric limits on the number of guest workers who can enter the country each year, but the number starts high and then grows exponentially. In the first year, 325,000 H-2C visas would be given out, but if employer demand for guest workers is high, that number could be boosted by an extra 65,000 in the next year. If employer demand for H-2C workers continues to be high, the number of H-2C visas could

be raised by up to 20 percent in each subsequent year.

The 20 percent exponential escalator provision allows the number of H-2C immigrants to climb steeply in future years. If the H-2C cap were increased by 20 percent each year, within twenty years the annual inflow of workers would reach 12 million. At this 20 percent growth rate, a total of 70 million guest workers would enter the U.S. over the next two decades and none would be required to leave. While it is unlikely that so many workers would enter, the program does have the potential to bring ten of millions of immigrants to the U.S.

The “guest worker” program, then, is an open door program, based on the demands of U.S. business, that would allow an almost unlimited number of workers and dependents to enter the U.S. from anywhere in world and become citizens. It is essentially an “open border” provision.

**Additional Permanent Visas for Siblings, Adult Children, and their Families:** The permanent entry of non-immediate relatives—such as brothers, sisters, and adult children—is currently subject to a cap of 480,000 per year minus the number of immediate relatives (the parents, spouses, and minor children of U.S. citizens) admitted in the prior year. CIRA eliminates the deduction for immediate relatives from the cap.<sup>7</sup> This effectively increases the number of non-immediate relatives who could attain LPR status by 254,000 per year.

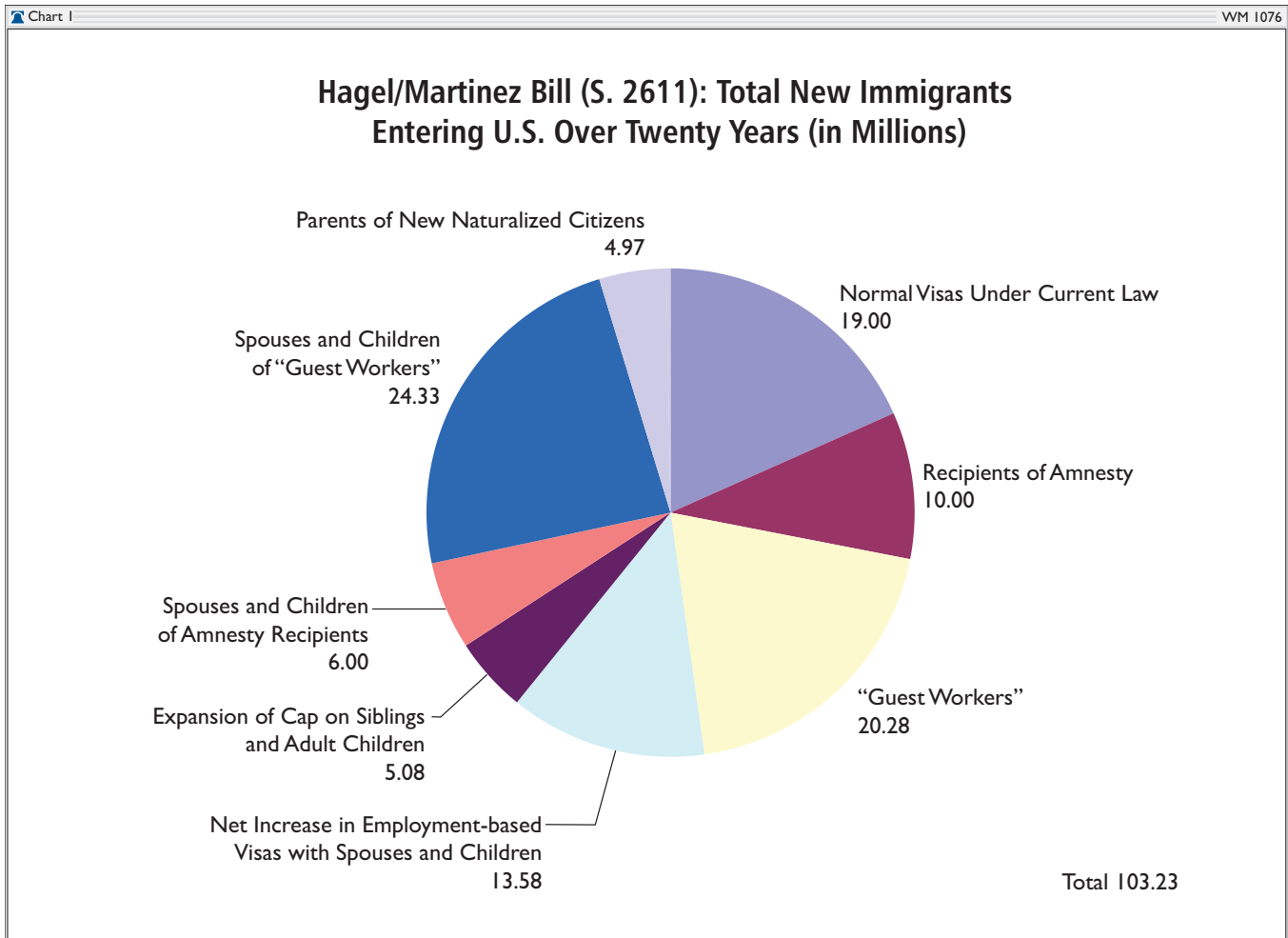
**Additional Permanent Employment Visas:** The U.S. currently issues around 140,000 employment-based visas each year. Under CIRA, the U.S. would issue 450,000 employment-based green cards per year between 2007 and 2016.<sup>8</sup> After 2016, the number would fall to 290,000 per year.<sup>9</sup> Under current law, LPR visas going to the spouses and children of workers with employment-based visas are counted against the cap. Under CIRA, these spouses and children would be removed from the cap and given legal permanent residence without numeric limits.<sup>10</sup> Historically, 1.2 dependent relatives have entered the U.S. for each worker under employment-based immigration programs.<sup>11</sup> This means that some 990,000 persons

per year would be granted LPR status until 2016 and, after that, 638,000 per year.

## Estimating Future Immigration Under CIRA

Most provisions of CIRA are straightforward; in many categories, the number of future immigrants allowed is either directly stated or can be easily calculated from the law’s provisions. In some areas, however, the law’s impact is uncertain. To estimate future legal immigration under the bill, three assumptions have been used in this paper:

- **Spouses and children of workers:** Dependent spouses and children represent a major component of current immigration. In the current employment-based visa program, 1.2 dependents enter for each incoming worker.<sup>12</sup> This paper assumes this ratio will continue in the employment-based program and will also apply to those entering under the new guest worker program. This is a conservative assumption: guest workers are likely to have lower education levels and thus to have larger families. Finally, many current illegal immigrants who would receive amnesty under the bill already have families in the U.S.; therefore the ratio of incoming spouses and children to amnesty recipients is assumed to be only 0.6, or half the ratio of the employment-based program.
- **Parents of naturalized citizens:** Parents of naturalized citizens currently make up eight percent of all new legal immigrants. This paper assumes that half of all adult immigrants will naturalize after five years of LPR status and that 30 percent of the parents of these naturalized citizens will immigrate in the three years after their children’s naturalization.
- **Growth in the guest worker program:** The number of immigrants in the guest worker program will be driven by employer demand. The bill allows the number of H-2C visas to increase by 20 percent per year; this level of growth would result in an extraordinary 60 million guest workers in the U.S. over the next twenty years. This paper assumes that the number of immigrants in the guest worker program would increase at a more moderate rate of 10 percent per year. Alter-

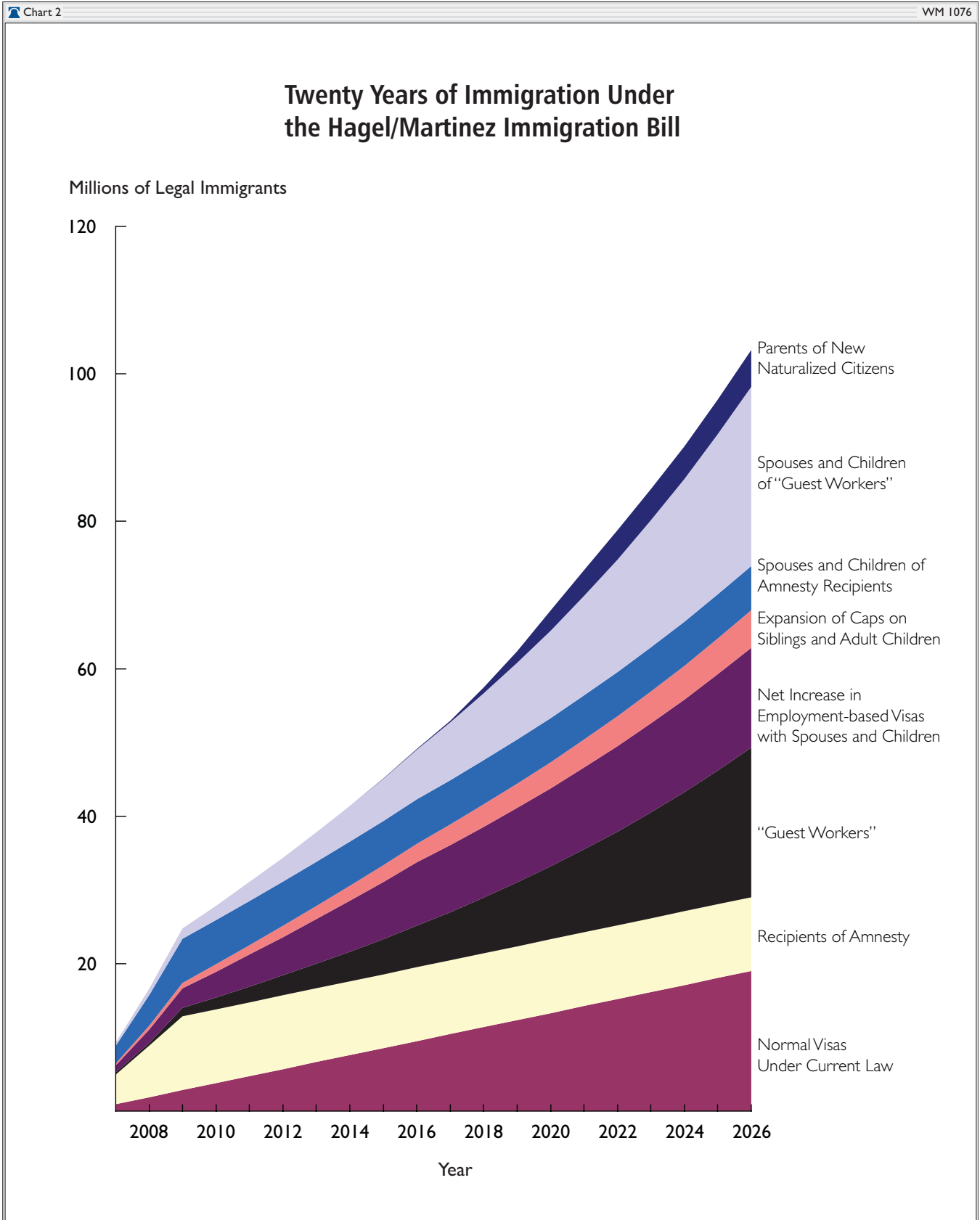


native estimates for 20 percent growth and zero growth in the program are also presented.<sup>13</sup>

### A Flood of Legal Immigrants

Under CIRA, immigrants could enter the country or attain lawful status within the country through eight channels. In each channel, immigrants would be granted permanent residence and the right to become citizens. The first channel represents immigrants who would have entered under current law; the second channel represents illegal immigrants who are currently in the country and would be given legal permanent residence under the bill. The other six channels represent new inflows of legal immigrants that would occur as a result of the bill. The total number of new legal immigrants over a twenty year period would be as follows: (See Charts 1 and 2.)

1. **Visas under current law:** Roughly 950,000 persons receive permanent residence visas under current law each year. Over 20 years, the inflow of immigrants through this channel would be 19 million. This represents the status quo under existing law.
2. **Amnesty:** The bill would grant amnesty to roughly 10 million illegal immigrants. These individuals are currently living in the U.S.; amnesty would allow them to remain legally and to become U.S. citizens.
3. **Expanded family chain migration:** The number of family-sponsored visas for secondary family members, such as adult brothers and sisters, is currently limited to 480,000 per year minus the number of visas given to immediate family members (spouses, minor children, and



parents of U.S. citizens). The bill changes the law so that the total quota on secondary family members would be 480,000 without deductions for immediate family members. The net increase in the number of immigrants under this provision would be around 254,000 per year, or 5.1 million over 20 years.<sup>14</sup>

4. **Employment-based green cards:** The bill would increase the number of employment-based visas from 140,000 to 450,000 per year. For the first time, it would also exempt the spouses and children of workers from the cap. Total annual immigration under this provision is likely to be 450,000 workers plus 540,000 family members annually. The net increase above current law over 20 years would be around 13.5 million persons.<sup>15</sup>
5. **The guest worker (H-2C) program:** CIRA would allow 325,000 persons to participate in the guest worker program in the first year. This number could rise by 65,000 in the next year and then by 20 percent per year. Assuming 10 percent annual growth in the annual number of guest workers entering the country (well below the bill's maximum), the total inflow of workers under this program would be 20 million over 20 years.
6. **Spouses and children of guest workers:** Guest workers could bring their spouses and children to the U.S. as permanent residents; the added number of entrants would be 24 million over 20 years.
7. **Spouses and children of illegal immigrants given amnesty:** Illegal immigrants who received amnesty could bring their spouses and children into the U.S. as legal permanent residents with the opportunity for full citizenship. The number of spouses and children who would enter the U.S. as a result of amnesty would be at least six million.
8. **Parents of naturalized citizens.** The bill would substantially increase the number of naturalized citizens. Naturalized citizens would have an unlimited right to bring their parents into the U.S. as legal permanent residents. Over twenty years, the number of parents who

would enter the U.S. as permanent legal residents as a result of CIRA would be around five million.

Overall, the bill would allow some 103 million persons to legally immigrate over the next twenty years. This is roughly one-third of the current population of the United States. All of these new entrants would be permanent residents and would have the right to become citizens. This would be a 84 million person net increase over current law.

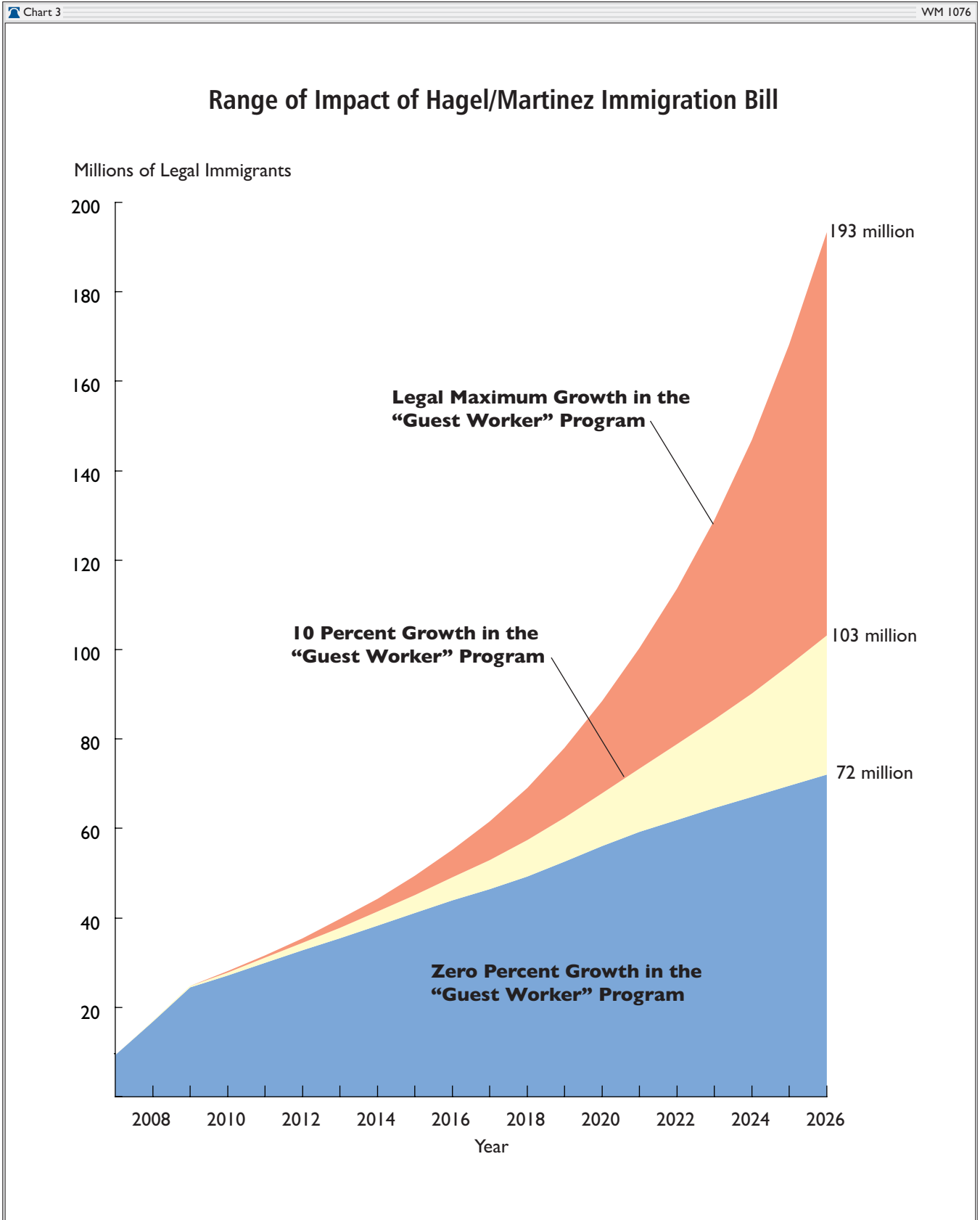
### Legal Flow Compared to Illegal Immigration

All of the immigration discussed to this point would be legal immigration. If illegal immigration continued after enactment of S.2611, the inflow of immigrants would be even greater. Although illegal immigration is considered a major problem, the proposed legal immigration under CIRA would dwarf it numerically. The net inflow of illegal immigrants into the U.S. population is around 700,000 per year.<sup>16</sup> Legal immigration under CIRA would exceed five million per year, seven times the rate of the current illegal immigration flow. Annual legal and illegal immigration together now equals about 1.7 million; future legal immigration alone under CIRA would be three times this amount.

### Range of Estimates

The figure of 103 million new legal immigrants is based on the assumption that immigration under the guest worker program would grow at 10 percent per year. If guest-worker immigration grows at the maximum rate permitted by the bill, 20 percent per year, the total number of new immigrants coming to the U.S. over the next twenty years would be 193 million. On the other hand, if immigration under the H-2C program did not increase at all for two decades but remained fixed at the initial level of 325,000 per year, total legal immigration under CIRA would be 72 million over twenty years, or more than three times the level that would occur under current law. (See Chart 3.)

The tables in the Appendix show annual inflows of total legal immigrants in each of the eight channels mentioned above over the next twenty years. The tables show the estimated yearly rate of immi-



gration under three scenarios for the H-2C program: zero growth, ten percent growth, and twenty percent growth.

### **Dwarfing the Great Migration**

Between 1870 and 1920, the U.S. experienced a massive flow of immigration known as the “great migration.” During this period, foreign born persons hovered between 13 and 15 percent of the population.<sup>17</sup> In 1924, Congress passed major legislation greatly reducing future immigration. By 1970, foreign born persons had fallen to 5 percent of the population.

In the last three decades, immigration has increased sharply. The foreign born now comprise around 12 percent of the population, approaching the levels of the early 1900’s. However, if CIRA were enacted, and 100 million new immigrants entered the country over the next twenty years, foreign born persons would rise to over one quarter of the U.S. population.<sup>18</sup> There is no precedent for that level of immigration at any time in U.S. history.

### **Conclusion**

If enacted, CIRA would be the most dramatic change in immigration law in 80 years. In its over-

all impact on the nation, the bill would rival other historic milestones, such as the creation of Social Security or Medicare.

The bill would give amnesty to 10 million illegal immigrants and quintuple the rate of legal immigration into the U.S. Under the bill, the annual inflow of immigrants with the option of becoming legal permanent residents would rise from the current level of one million per year to more than five million per year. Within a few years, the annual inflow of new immigrants would exceed one percent of the current U.S. population. This would be the highest immigration rate in U.S. history.

Within 20 years, some 103 million new immigrants would enter the U.S. This number is about one-third of the current U.S. population. All of these immigrants would be permanent residents with the right to become citizens and vote in U.S. elections. CIRA would transform the United States socially, economically, and politically. Within two decades, the character of the nation would differ dramatically from what exists today.

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**APPENDIX**

Appendix Table I		WM 1076	
<b>Legal Immigration Under The Hagel/Martinex Bill (S. 2611)</b>			
Assumption	Total New Legal Immigrants		
	Over 10 Years	Over 20 Years	
If Entries From the New “Guest Worker” (H-2C) Program Have:			
Zero Growth Per Year	44 Million	72 Million	
5 Percent Growth Per Year	46 Million	85 Million	
10 Percent Growth Per Year (Best Estimate)	49 Million	103 Million	
15 Percent Growth Per Year	51 Million	135 Million	
Maximum Growth Permitted By S. 2611 (20 Percent Per Year)	55 Million	193 Million	

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### Ten Percent Annual Growth in the "Guest Worker" Program Impact of Hagel/Martinez Bill (S. 2611) on Future Immigration

Appendix Table 2

Year	Normal Visas Under Current Law (Status Quo)	Recipients of Amnesty	"Guest Worker" Program (Growing at 10 Percent Per Year)	Net Increase in Employment-based Workers and Their Spouses and Children	Expansion of Cap on Family-sponsored Immigration of Siblings and Families, and Adult Children and Families			Spouses and Children of Recipients of Amnesty	Spouses and Children of "Guest Workers"	Parents of Citizens Naturalized as a Result of the Bill	Annual Total
					2,400	1,800	1,800				
2007	950	4,000	325	945	254	254	2,400	390		9,264	
2008	950	3,000	390	850	254	254	1,800	468		7,712	
2009	950	3,000	429	850	254	254	1,800	515		7,798	
2010	950		472	850	254	254		566		3,092	
2011	950		519	850	254	254		623		3,196	
2012	950		571	850	254	254		685		3,310	
2013	950		628	850	254	254		754		3,436	
2014	950		691	850	254	254		829		3,574	
2015	950		760	850	254	254		912	32	3,758	
2016	950		836	850	254	254		1,003	71	3,965	
2017	950		920	498	254	254		1,104	114	3,839	
2018	950		1,012	498	254	254		1,214	529	4,456	
2019	950		1,113	498	254	254		1,335	841	4,991	
2020	950		1,224	498	254	254		1,469	1,155	5,550	
2021	950		1,346	498	254	254		1,616	771	5,435	
2022	950		1,481	498	254	254		1,777	489	5,449	
2023	950		1,629	498	254	254		1,955	208	5,494	
2024	950		1,792	498	254	254		2,150	228	5,873	
2025	950		1,971	498	254	254		2,365	251	6,290	
2026	950		2,168	498	254	254		2,602	276	6,749	
10-Year Total	9,500	10,000	5,621	8,595	2,540	2,540	6,000	6,745	104	49,105	
20-Year Total	19,000	10,000	20,277	13,575	5,080	5,080	6,000	24,332	4,966	103,231	

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### Twenty Percent Annual Growth in the "Guest Worker" Program Impact of Hagel/Martinez Bill (S. 2611) on Future Immigration

Year	Normal Visas Under Current Law (Status Quo)	"Guest Worker" Program				Expansion of Cap on Family Sponsored Immigration of Siblings and Families, and Adult Children and Families			Spouses and Children of "Guest Workers"	Parents of Citizens Naturalized as a Result of the Bill	Annual Total
		Recipients of Amnesty	Net Increase in Employment-based Workers and their Spouses and Children	Program (Growing at 20 Percent Per Year)	Net Increase in Employment-based Workers and their Spouses and Children	Spouses and Children of Amnesties	Spouses and Children of Amnesties	Spouses and Children of Amnesties			
2007	950	4,000	945	325	254	2,400	390	9,264			
2008	950	3,000	850	390	254	1,800	468	7,712			
2009	950	3,000	850	468	254	1,800	562	7,884			
2010	950		850	562	254		674	3,290			
2011	950		850	674	254		809	3,537			
2012	950		850	809	254		970	3,833			
2013	950		850	970	254		1,165	4,189			
2014	950		850	1,165	254		1,397	4,616			
2015	950		850	1,397	254		1,677	5,161			
2016	950		850	1,677	254		2,012	5,815			
2017	950		498	2,012	254		2,415	6,247			
2018	950		498	2,415	254		2,898	7,556			
2019	950		498	2,898	254		3,477	8,946			
2020	950		498	3,477	254		4,173	10,555			
2021	950		498	4,173	254		5,007	11,726			
2022	950		498	5,007	254		6,009	13,312			
2023	950		498	6,009	254		7,210	15,274			
2024	950		498	7,210	254		8,653	17,989			
2025	950		498	8,653	254		10,383	21,246			
2026	950		498	10,383	254		12,460	25,155			
10-Year Total	9,500	10,000	8,595	8,437	2,540	6,000	10,124	55,299			
20-Year Total	19,000	10,000	13,575	60,674	5,080	6,000	72,808	193,306			

Appendix Table 3

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### Zero Annual Growth in the "Guest Worker" Program Impact of Hagel/Martinez Bill (S. 2611) on Future Immigration

Immigrants in thousands		Normal Visas Under Current Law (Status Quo)	Recipients of Amnesty	"Guest Worker" Program (Zero Annual Growth)	Net Increase in Employment-based Workers and their Spouses and Children	Expansion of Cap on Family Sponsored Immigration of Siblings and Families, and Adult Children and Families		Spouses and Children of Recipients of Amnesty	Spouses and Children of "Guest Workers"	Parents of Citizens Naturalized as a Result of the Bill	Annual Total
Year	Year										
2007	950	4,000	325	945	254	2,400	390	9,264			
2008	950	3,000	325	850	254	1,800	390	7,569			
2009	950	3,000	325	850	254	1,800	390	7,569			
2010	950		325	850	254		390	2,769			
2011	950		325	850	254		390	2,769			
2012	950		325	850	254		390	2,769			
2013	950		325	850	254		390	2,769			
2014	950		325	850	254		390	2,769			
2015	950		325	850	254		390	2,801			
2016	950		325	850	254		390	2,834			
2017	950		325	498	254		390	2,514			
2018	950		325	498	254		390	2,914			
2019	950		325	498	254		390	3,214			
2020	950		325	498	254		390	3,513			
2021	950		325	498	254		390	3,114			
2022	950		325	498	254		390	2,814			
2023	950		325	498	254		390	2,514			
2024	950		325	498	254		390	2,514			
2025	950		325	498	254		390	2,514			
2026	950		325	498	254		390	2,514			
10-Year Total	9,500	10,000	3,250	8,595	2,540	6,000	3,900	43,882			
20-Year Total	19,000	10,000	6,500	13,575	5,080	6,000	7,800	72,023			

Appendix Table 4

## NOTES

1. S. 2611, Section 601.
2. S. 2611 under Section 601, section 245B(a)(2).
3. S. 2611, under Section 601, section 245B (a)(3).
4. S. 2611, Section 403 (f)(1).
5. S. 2611 Section 408 (n)(1)(B).
6. See S. 2611, Section 403 (m)(1). Some might argue that the number of guest workers who would be permitted to attain LPR status would be subject to the overall caps on employment-based permanent visas elsewhere in law. But Section 408(h) of the bill, which deals with the right of guest workers to convert to LPR status, clearly states that "employment-based immigrant visas *shall* be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) [the H-2C program] upon the filing of a petition for such a visa." In other word, LPR status shall be granted to any guest worker upon his filing of petition; there is no mention of any numeric cap or other mechanism limits the number of such status adjustments. If the bill's authors intend to limit the opportunity of guest workers to obtain legal permanent residence with a numeric cap, then the bill should explicitly state that fact.
7. S. 2611 Section 501 (a)
8. S. 2611 Section 501(b)
9. S. 2611, Section 501(b)
10. S. 2611, Section 501(b)
11. Ruth Ellen Wasem, "U.S. Immigration Policy on Permanent Admissions," *CRS Report for Congress*, Congressional Research Service, Library of Congress, May 12, 2006, p. 18.
12. *Ibid.*
13. Several factors have not been included in the estimates. The paper ignores future levels of illegal immigration. The paper assumes that there are some 12 million illegal immigrants in the U.S.; this widely used figure rests on the assumption that nearly all illegal immigrants are counted in annual Census surveys. In fact, the number of illegal immigrants in the U.S. may be much larger; this would mean that the number of immigrants eligible for amnesty would also be higher. The paper also assumes that there will be no successful fraud in applications for amnesty; in fact, the standards for proving prior residence and employment in the U.S. are very flimsy. Fraud may be prevalent, further boosting amnesty numbers. Finally, there is no attempt to estimate return to native countries or reverse migration by new immigrants. In effect, the paper assumes that returns will be matched by a corresponding increase in new entrants under the H-2C program.
14. This number is the net increase in immigration due to the legislation and does not include the secondary family members who would have immigrated under current law.
15. This number is the net increase in employment-based immigration and does not include persons who would have immigrated under current law.
16. Jeffrey Passel *Unauthorized Migrants: Numbers and Characteristics*, Pew Hispanic Center, Washington, D.C, June 14, 2005, p.6.
17. National Research Council, *The New Americans: Economic, Demographic and Fiscal Effects of Immigration*, National Academy Press, Washington, D.C. 1997, p. 35
18. Currently there are around 35.7 million foreign-born persons in the U.S. (Passel, op.cit., p.3). With a new influx of 103 million immigrants, the total foreign-born population would reach around 124 million (adjusting for deaths in the interim.) Given the massive projected immigration, the population of the U.S. would have swollen to around 449 million by 2027. This would be up from a base projection of around 355 million. (U.S. Census Bureau, 2004, "U.S. Interim Projections by Age, Sex, Race and Hispanic Origin," at [www.census.gov/ipcl/www/usinterimproj/](http://www.census.gov/ipcl/www/usinterimproj/). The foreign born would comprise around 27 percent of the total population.