

# Web Memo



Published by The Heritage Foundation

No. 1097  
May 26, 2006

## Immigration Numbers: Setting the Record Straight

*Robert Rector*

The Comprehensive Immigration Reform Act (CIRA, S.2611), which recently passed the Senate, provides amnesty to illegal immigrants and creates a massive “guest worker” for life program. Earlier this month, The Heritage Foundation released an analysis calculating that the bill, if enacted, likely would result in 103 million immigrants obtaining legal status or entering in the U.S. legally over the next twenty years.<sup>1</sup> All of these individuals would have the right to permanent residence and could become citizens and vote in U.S. elections.

On May 18th, the White House Office of Media Affairs issued a press release challenging the Heritage study.<sup>2</sup> The White House defended the Senate bill, charging that the Congressional Budget Office (CBO) estimated the bill would add only 8 million new legal immigrants, “a fraction of the Heritage report’s claims.”<sup>3</sup>

The Heritage estimate that 103 million immigrants would gain legal status under S.2611 explicitly included: legal immigrants who would enter the country under current law; illegal immigrants currently residing in the U.S. who would receive amnesty; and the increase in new legal immigration that likely would result from the bill.

The CBO figure of eight million immigrants

promoted by the White House differed from the Heritage estimate because the figure:

- was limited to 10 years rather than 20 years;
- excluded immigration allowed under current law; and
- excluded illegal immigrants currently residing in the U.S. who would receive legal permanent residence due to S.2611.

### **CBO’s Clarification**

In a subsequent memo provided to Senator Jeff Sessions (R –AL) on May 24th, CBO clarified the number promoted by the White House.<sup>4</sup> This CBO memo shows the White House figure was less than half of the actual CBO estimate of persons who would receive permanent status under S.2611.

The CBO memo indicated that, over the next ten years, S.2611 would result in 11 million

This paper, in its entirety, can be found at:  
[www.heritage.org/research/Immigration/wm1097.cfm](http://www.heritage.org/research/Immigration/wm1097.cfm)

Published by The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002-4999  
(202) 546-4400 · heritage.org

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current illegal immigrants receiving legal permanent residence and 7.8 million new legal immigrants entering the country. Combined with 9.5 million immigrants who will enter under current law, the result would be 28.3 million persons becoming legal residents over ten years. This is almost three times the level permitted by current law.

### **Differences in CBO and Heritage Estimates**

The CBO number of 28 million is still considerably lower than the original Heritage estimate of 49 million over ten years. The difference is caused by four factors.

**Amnesty Rates:** CBO estimated that most current illegal immigrants would receive legal permanent residence and the right to citizenship but assumed that many would not qualify for direct amnesty; instead, they would achieve permanent residence through participation in employment-based visa programs. This would, in turn, reduce the number of foreign residents entering the U.S. with employment visas during the first ten years. This factor accounts for a difference of roughly five to six million between the Heritage and CBO estimates.

The CBO estimate assumed that only 50 to 66 percent of individuals eligible for amnesty under S.2611 would receive it, claiming that this ratio is based on experience from the 1986 amnesty.<sup>5</sup> The Heritage Foundation assumed, given the very lenient standards of evidence in S.2611, that almost all of those deemed potentially eligible for amnesty would receive it; this estimate also assumes that current count of 12 million current illegal immigrants in the U.S. may be low and that there may be a large number of fraudulent amnesty claims filed.

**Dependents:** Under the bill, immigrants placed on a track to amnesty or in the guest worker program may bring into the U.S. spouses and dependent children from abroad. The number of

spouses and dependent children that may be given legal permanent residence status through this provision is not limited by S.2611.

Historically, foreign workers receiving employment-based visas have brought 1.2 dependents with them. On the other hand, many illegal immigrants currently residing in the U.S. already have families with them, and therefore the Heritage analysis assumed that only 0.6 dependents would be brought into the U.S. for each current illegal immigrant receiving permanent residence. By contrast, CBO estimated that current illegal immigrants obtaining legal permanent residence will bring very few dependents from abroad—roughly one dependent for every seven illegal immigrants gaining permanent residence. CBO also seems to assume a lower ratio of dependents to workers in the guest worker program in general. The CBO numbers appear to be well below historic norms in immigrant programs. This factor accounts for a five to six million-person difference between the estimates.

**Guest Workers and Green Cards:** CBO assumed that the permanent guest workers in Section 408 of the bill would be subject to the green card caps granting legal permanent residence under Section 501. Because there was no language in the bill stating that the permanent guest workers would be subject to this cap, the Heritage analysis assumed the green card cap would not apply. This resulted in a difference of eleven to twelve million persons between the estimates. (After the publication of both the Heritage and the CBO estimate Senator Jeff Sessions successfully introduced an amendment, with concurrence from Senator Mel Martinez (R-FL), a chief sponsor of S.2611, stipulating that the Section 501 caps would apply to guest workers.)

**Emigration** The White House also claimed that The Heritage Foundation study was flawed

because it failed to take into account that many immigrants, given the right to become permanent U.S. citizens, would instead choose to leave. The White House states that “emigration rates may be 25 to 30 percent.”<sup>6</sup> There seems to be little basis for this claim. The Census Bureau finds that the less developed a nation is, the less likely immigrants from that nation are to leave the U.S. and return home.<sup>7</sup> Its data show that the return rate for Hispanic immigrants is around 7 percent per decade.<sup>8</sup> If enacted, CIRA would probably reduce return rates even further by greatly increasing incentives for immigrants to stay in the U.S.<sup>9</sup>

The CBO estimates include a fairly significant emigration factor; the assumed rate of emigration and the basis for determining that rate are undisclosed.

### **Immigration Under the Amended Bill**

S.2611 has been amended by Senator Bingaman (D-NM) to reduce the largely unlimited potential inflow under the guest worker program. The bill has also been amended by Senator Sessions to include guest workers under the employment green card caps in the bill. These amendments reduce the vast flow of 103 million immigrants projected under the original bill. The amended bill would still grant permanent residence (and the opportunity for citizenship) to some 60 million persons by over the next twenty years. Finally, it should be noted that our estimates assume zero future illegal immigration. In reality, S.2611 is likely to increase future illegal immigration.

*[Robert Rector](#) is Senior Research Fellow in Domestic Policy Studies at The Heritage Foundation.*

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<sup>1</sup> Robert Rector, “Senate Immigration Bill Would Allow 100 Million New Legal Immigrants over the Next Twenty Years,” Heritage Foundation *WebMemo* No. 1076, May 15, 2006.

<sup>2</sup> The White House Office of Media Affairs, “Setting the Record Straight: Heritage Foundation Report Overestimates Legal Immigration Increase Under Senate Immigration Bill,” May 18, 2006.

<sup>3</sup> Ibid.

<sup>4</sup> Memo from Donald B. Marron, Acting Director, Congressional Budget Office, to the Honorable Jeff Sessions, May 24, 2006.

<sup>5</sup> Congressional Budget Office, “Cost Estimate: S.2611, Comprehensive Immigration Reform Act of 2006,” May 16, 2006, p. 22.

<sup>6</sup> The White House, *op. cit.*

<sup>7</sup> Bashir Ahmed and J. Gregory Robinson, “Estimates of Emigration of the Foreign-born Population: 1980-1990,” *Population Division Working Paper*, No. 9, December 1994, p.9.

<sup>8</sup> Ibid.

<sup>9</sup> The original Heritage Foundation analysis did not incorporate an emigration rate for immigrants. The emigration rate, at any level, would not have affected the estimate of 103 million persons since that figure represents a count of all those receiving legal status and not a count of persons remaining in the country at the end of 20 years. The very low likely emigration rate of the immigrant stock would affect modestly the estimate of the percent of the population that is foreign born in 2027. On the other hand, the original estimates assumed a zero rate of future illegal immigration. An assumption of a modest rate of continuing illegal migration would have affected the number as much or more.