Annual Flow Report

MARCH 2008

U.S. Legal Permanent Residents: 2007

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A legal permanent resident (LPR) or "green card" recipient is defined by immigration law as a person who has been granted lawful permanent residence in the United States. Permanent resident status confers certain rights and responsibilities. For example, LPRs may live and work permanently anywhere in the United States, own property, and attend public schools, colleges, and universities. They may also join certain branches of the Armed Forces, and apply to become U.S. citizens if they meet certain eligibility requirements. This Office of Immigration Statistics *Annual Flow Report* presents information obtained from applications for LPR status on the number and characteristics of persons who became LPRs in the United States during 2007.[1]

In 2007, a total of 1,052,415 persons became LPRs of the United States (see Table 1 and Figure 1). The majority of new LPRs (59 percent) already lived in the United States when they were granted lawful permanent residence. Two-thirds were granted permanent residence based on a family relationship with a U.S. citizen or legal permanent resident of the United States. The leading countries of birth of new LPRs were Mexico (14 percent), China (7 percent) and the Philippines (7 percent).

THE LEGAL IMMIGRATION PROCESS

Admission Priorities

The Immigration and Nationality Act (INA) and its amendments are the basis for most immigration laws in effect today. U.S. law gives priority for immigration status to foreign nationals who have a close family relationship with a U.S. citizen or LPR, who have needed job skills, who are from countries with relatively low levels of immigration to the United States, or who have refugee or asylee status.

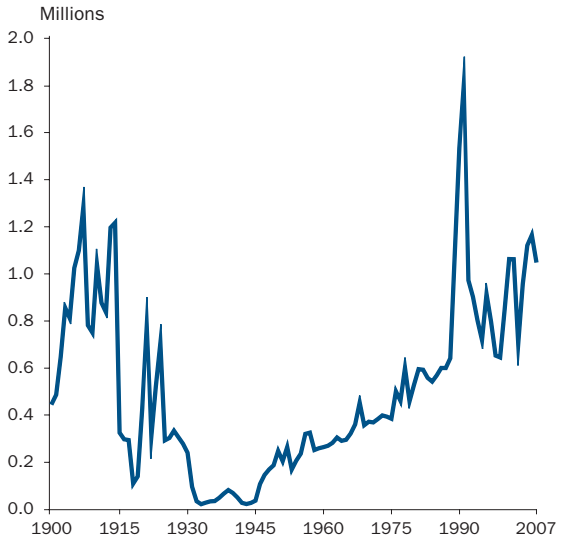
Preference Immigration and Diversity Limits

The term *preference* has been used in immigration law to designate priority categories for LPR status. As specified by the Immigration Act of 1990, an annual limit of between 416,000 and 675,000 currently exists for family-sponsored preference, employment preference, and diversity immigrants.

Family-sponsored preferences consist of four categories: unmarried sons and daughters of U.S. citizens and their children; spouses, children, and unmarried sons and daughters of lawful permanent residents and their children; married sons and daughters of U.S. citizens and their spouses and children; and brothers and sisters of U.S. citizens aged 21 and over, and their spouses and children. The annual limit for family-sponsored preferences ranges from 226,000 to 480,000. (See Appendix 1 for more details on the limit calculations).

Employment preferences consist of five categories of workers (and their spouses and children): priority workers; professionals with advanced degrees or aliens of exceptional ability; skilled workers, professionals

Figure 1.
LPR Flow to the United States: 1900 to 2007



Source: U.S. Department of Homeland Security

[1] In this report, years refer to fiscal years (October 1 to September 30).

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(without advanced degrees), and needed unskilled workers; special immigrants (e.g., ministers, religious workers, and employees of the U.S. government abroad); and employment creation immigrants or "investors." The employment preference limit is equal to 140,000 plus any unused family preferences from the previous year.

Diversity immigrants are nationals of countries with low rates of legal immigration to the United States. The annual Diversity limit has been 50,000 since 1999. Nationals of countries with more than 50,000 numerically limited admissions during the preceding five years are excluded from participating in the Diversity Program. The Office of Immigration Statistics (OIS) calculates Diversity limits for six broad world regions using data collected by U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS). The limits are calculated annually using a formula based on immigrant admissions during the preceding five years and the population total of the region. The maximum limit per country is 3,850.

In 2007, the limit on preference immigration was 373,148; including 226,000 for family-sponsored preferences and 147,148 for employment preferences (see Appendix 1). In addition, there are per-country and dependent area limits equal to 7 percent and 2 percent, respectively, of the total number of family-sponsored and employment preferences. In 2007, the per-country limit was 26,120 and the dependent area limit was 7,463.

Immediate Relatives of U.S. Citizens

Some LPR admission categories are exempt from the annual numeric limits for preference and diversity immigration. The largest category numerically is immediate relatives (spouses and children of U.S. citizens and parents of adult U.S. citizens aged 21 and over). Immediate relatives of U.S. citizens typically account for 40 percent or more of the annual LPR flow and, when combined with family-sponsored preferences, are referred to as family-sponsored immigrants.

Refugees and Asylees

Refugees and asylees who adjust to LPR status are exempt from preference and diversity annual numerical limits. The number of persons who may be admitted to the United States as refugees each year is established by the President in consultation with Congress. The ceiling on refugee admissions was set at 70,000 each year from 2003 to 2007. There is no numerical limit on the number of persons who can be granted asylum status in a year.

Refugees are eligible to adjust to legal permanent resident status after one year of residence in the United States. Asylees must also wait one year after they are granted asylum to apply for lawful permanent residence. Until 2005, an annual limit of 10,000 existed on the number of persons authorized to adjust status under the major classes of admission for asylees. The REAL ID Act eliminated that cap.

Table 1.

Legal Permanent Resident Flow: Fiscal Years 2005 to 2007

Category of Admission	2007		2006		2005	
	Number	Percent	Number	Percent	Number	Percent
Total	1,052,415	100.0	1,266,129	100.0	1,122,257	100.0
New arrivals	431,368	41.0	446,881	35.3	383,955	34.2
Adjustments of status	621,047	59.0	819,248	64.7	738,302	65.8

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2005 to 2007.

Other Admission Categories

The remaining admission categories usually account for less than 10 percent of the annual LPR flow. These categories tend to be limited to certain foreign nationals admitted under special legislation.

Paths to LPR Status

There are two paths to LPR status depending on whether the applicant is living in the United States or another country at the time of application. Foreign nationals living abroad apply for an immigrant visa at a consular office of the Department of State. Once issued a visa, they may enter the United States and become LPRs when they are admitted at a port of entry.

Persons who qualify for legal permanent resident status who are living in the United States, including refugees, certain temporary workers, foreign students, family members, and certain undocumented immigrants, file an application for adjustment of status to lawful permanent residence with USCIS. At the time they apply for adjustment of status, they may also apply for permission to work. Adjustment of status applicants are granted lawful permanent residence at the time their applications are approved.

Eligibility for Naturalization

Most legal permanent residents who are at least 18 years of age are eligible to apply for citizenship after meeting certain requirements. These requirements generally include 5 years of lawful permanent residency in the United States and successful completion of English language, civics and history tests. Legal immigrant children under 18 years of age may automatically acquire citizenship from their U.S. citizen parents.

DATA

The data presented in this report were obtained from the Computer Linked Application Information System (CLAIMS) of USCIS, which maintains information from the applications for lawful permanent resident status. The DS-230 Application for Immigrant Visa and Alien Registration of the Department of State is used by applicants living abroad. The I-485 Application to Register Permanent Residence or Adjust Status of USCIS is used by applicants living in the United States.

Information collected on these applications includes: class of admission, date the decision was made to grant the applicant lawful permanent residence, country of birth, country of last residence, age, marital status, geographic residence, occupation, previous immigrant status and year of entry (for adjustments of status only).

Table 2.

Legal Permanent Resident Flow by Major Category of Admission: Fiscal Years 2005 to 2007

Category of Admission	2007		2006		2005	
	Number	Percent	Number	Percent	Number	Percent
Total	1,052,415	100.0	1,266,129	100.0	1,122,257	100.0
Family-sponsored immigrants	689,820	65.5	802,577	63.4	649,085	57.8
Family-sponsored preferences	194,900	18.5	222,229	17.6	212,970	19.0
Unmarried sons/daughters of U.S. citizens	22,858	2.2	25,432	2.0	24,729	2.2
Spouses and children of alien residents	86,151	8.2	112,051	8.8	100,139	8.9
Married sons/daughters of U.S. citizens	20,611	2.0	21,491	1.7	22,953	2.0
Siblings of U.S. citizens	65,280	6.2	63,255	5.0	65,149	5.8
Immediate relatives of U.S. citizens	494,920	47.0	580,348	45.8	436,115	38.9
Spouses	274,358	26.1	339,843	26.8	259,144	23.1
Parents	116,734	11.1	120,441	9.5	82,113	7.3
Children	103,828	9.9	120,064	9.5	94,858	8.5
Employment-based preferences	162,176	15.4	159,081	12.6	246,877	22.0
Priority workers	26,697	2.5	36,960	2.9	64,731	5.8
Professionals with advanced degrees	44,162	4.2	21,911	1.7	42,597	3.8
Skilled workers, professionals, unskilled workers	85,030	8.1	89,922	7.1	129,070	11.5
Special immigrants	5,481	0.5	9,539	0.8	10,133	0.9
Investors	806	0.1	749	0.1	346	0.0
Diversity programs	42,127	4.0	44,471	3.5	46,234	4.1
Refugees and Asylees	136,125	12.9	216,454	17.1	142,962	12.7
Refugee adjustments	54,942	5.2	99,609	7.9	112,676	10.0
Asylee adjustments	81,183	7.7	116,845	9.2	30,286	2.7
Parolees	1,999	0.2	4,569	0.4	7,715	0.7
Other categories	20,168	1.9	38,977	3.1	29,384	2.6
Children born abroad to alien residents	597	0.1	623	0.0	571	0.1
NACARA [1] Section 202	340	0.0	661	0.1	1,155	0.1
Cancellation of removal	14,927	1.4	29,516	2.3	20,785	1.9
Subject to annual limit	11,779	1.1	25,950	2.0	15,597	1.4
Not subject to limit (NACARA [1] Section 203)	3,148	0.3	3,566	0.3	5,188	0.5
Haitian Refugee Immigrant Fairness Act	2,448	0.2	3,375	0.3	2,820	0.3
Other	1,856	0.2	4,802	0.4	4,053	0.4

[1] Nicaraguan Adjustment and Central American Relief Act of 1997.

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2005 to 2007.

Since the late 1990s, the annual LPR flow and its demographic composition have fluctuated because of application processing issues at USCIS, affecting the number of adjustment of status applications adjudicated. Therefore, caution should be exercised in drawing conclusions about the propensity to immigrate from the data presented in this report.

RESULTS

Legal immigration decreased 17 percent from 1,266,129 in 2006 to 1,052,415 in 2007 (see Table 1). This decrease was due primarily to application processing issues at USCIS. The number of adjustment of status applications filed increased from 2006 to 2007, but the number pending a decision also increased. LPR adjustments of status decreased 24 percent from 819,248 in 2006 to 621,047 in 2007. Adjustments of status accounted for 59 percent of all LPRs in 2007 compared to 65 percent in 2006. The number of LPR new arrivals decreased by 3.5 percent from 446,881 in 2006 to 431,368 in 2007, but increased as an overall percentage of the LPR flow from 35 percent in 2006 to 41 percent in 2007.

Historical Trends

The annual LPR flow has exhibited an upward trend since World War II (see Figure 1). The annual average LPR flow quadrupled from 250,000 during the 1950s to just over one million during 2000 to 2007. Changes in immigration law associated with this increase include the elimination of country quotas controlling Eastern Hemisphere immigration, increases in annual limits for hemispheric and preference immigration and the inclusion of parents of adult U.S. citizens as numerically exempt immediate relatives. The spike in legal immigration around 1990 reflects the legalization of 2.7 million undocumented immigrants under the Immigration Reform and Control Act (IRCA) of 1986.

Class of Admission

The decrease in the LPR flow between 2006 and 2007 was concentrated among family-sponsored immigrants, refugees and asylees (see Table 2). The number of persons obtaining LPR status based on a family relationship decreased 14 percent from 802,577 in 2006 to 689,820 in 2007. However, the family-sponsored immigrants' share of the total LPR flow increased from 63 percent in 2006 to 66 percent in 2007.

Employment preferences, including principals and their dependents, represented 15 percent of the total LPR flow in 2007, up from 13 percent in 2006. The LPR flow for employment preferences increased 2 percent from 159,081 in 2006 to 162,176 in 2007, but was below the record of 246,877 set in 2005. The large number of LPRs in the employment preferences in 2005 was primarily due to the American Competitiveness in the 21st Century Act of 2000 (AC21). This Act resulted in the recapture of 130,107 unused employment-based visa numbers from 1999 and 2000 to be made available to first, second, and third preference employment-based immigrants once the annual limit had been reached. Approximately 94,000 of those recaptured visa numbers were used in 2005, none were used in 2006, and 7,312 were used in 2007. In addition, provisions of the REAL ID Act of 2005 resulted in the recapture of 50,000 unused employment-based visas from 2001 to 2004, of which 11,950 were used in 2005, 33,335 were used in 2006, and 4,743 were used in 2007. The number of

employment-based LPRs for 2007 includes 10,849 recaptured REAL ID visas. The majority of these visas were issued to individuals whose country of origin was the Philippines (64 percent) or India (21 percent). As a result of the use of additional visas recaptured by provisions of the AC21 and the REAL ID Act, the number of employment-based preferences in 2007 was greater than the annual limit of 147,148.

The refugee and asylee LPR flow decreased 37 percent from 216,454 in 2006 to 136,125 in 2007. Asylee adjustments had increased 286 percent from 30,286 in 2005 to 116,845 in 2006 due to the elimination of the 10,000 annual limit by the REAL ID Act. The asylee LPR flow decreased 30 percent from 116,845 in 2006 to 81,183 in 2007 as the number of applications pending a decision decreased. The refugee LPR flow declined 45 percent from 2006 to 2007 partly due to a decrease in the number of refugee arrivals since 2001 and a significant decline in the number of Cuban refugee adjustments of status.

Diversity immigrants accounted for 4 percent (42,127) of new LPRs in 2007. The annual number of LPRs admitted under the Diversity program has decreased each year since 2004.

Region and Country of Birth

The leading regions of birth of persons becoming LPRs in 2007 were Asia (36 percent) and North America (32 percent) (see Table 3). The percentage of new LPRs born in Asia increased from 33 percent in 2006 to 36 percent in 2007. Together, Asia and North America accounted for approximately two-thirds of the LPR flow each year from 2004 to 2007.

In 2007, 14 percent of all persons becoming LPRs were born in Mexico. The second leading country of birth was China (7.3 percent), followed by the Philippines (6.9 percent), India (6.2 percent), Colombia (3.2 percent), Haiti (2.9 percent), Cuba (2.8 percent), Vietnam (2.7 percent), the Dominican Republic (2.7 percent), and Korea (2.1 percent). These 10 countries accounted for 51 percent of all new LPRs in 2007.

Among the top 20 countries of birth, only Haiti and India showed an increase in the number of persons becoming LPRs from 2006 to 2007. The increase in the number of new LPRs born in Haiti was concentrated among family-sponsored preferences and immediate relatives of U.S. citizens. In India, the increase was associated with higher use of the employment-based third preference.

Table 3.

Legal Permanent Resident Flow by Region and Country of Birth: Fiscal Years 2005 to 2007

Region/country of birth	2007		2006		2005	
	Number	Percent	Number	Percent	Number	Percent
Total	1,052,415	100.0	1,266,129	100.0	1,122,257	100.0
REGION:						
Africa	94,711	9.0	117,422	9.3	85,098	7.6
Asia	383,508	36.4	422,284	33.4	400,098	35.7
Europe	120,821	11.5	164,244	13.0	176,516	15.7
North America	339,355	32.2	414,075	32.7	345,561	30.8
Caribbean	119,123	11.3	146,768	11.6	108,591	9.7
Central America	55,926	5.3	75,016	5.9	53,463	4.8
Other North America	164,306	15.6	192,291	15.2	183,507	16.4
Oceania	6,101	0.6	7,384	0.6	6,546	0.6
South America	106,525	10.1	137,986	10.9	103,135	9.2
Unknown	1,394	0.1	2,734	0.2	5,303	0.5
COUNTRY:						
Mexico	148,640	14.1	173,749	13.7	161,445	14.4
China, People's Republic	76,655	7.3	87,307	6.9	69,933	6.2
Philippines	72,596	6.9	74,606	5.9	60,746	5.4
India	65,353	6.2	61,369	4.8	84,680	7.5
Colombia	33,187	3.2	43,144	3.4	25,566	2.3
Haiti	30,405	2.9	22,226	1.8	14,524	1.3
Cuba	29,104	2.8	45,614	3.6	36,261	3.2
Vietnam	28,691	2.7	30,691	2.4	32,784	2.9
Dominican Republic	28,024	2.7	38,068	3.0	27,503	2.5
Korea	22,405	2.1	24,386	1.9	26,562	2.4
El Salvador	21,127	2.0	31,782	2.5	21,359	1.9
Jamaica	19,375	1.8	24,976	2.0	18,345	1.6
Guatemala	17,908	1.7	24,133	1.9	16,818	1.5
Peru	17,699	1.7	21,718	1.7	15,676	1.4
Canada	15,495	1.5	18,207	1.4	21,878	1.9
United Kingdom	14,545	1.4	17,207	1.4	19,800	1.8
Brazil	14,295	1.4	17,903	1.4	16,662	1.5
Pakistan	13,492	1.3	17,418	1.4	14,926	1.3
Ethiopia	12,786	1.2	16,152	1.3	10,571	0.9
Nigeria	12,448	1.2	13,459	1.1	10,597	0.9
All other countries	358,185	34.0	462,014	36.5	415,621	37.0

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2005 to 2007.

Table 4.

Legal Permanent Resident Flow by State of Residence: Fiscal Years 2005 to 2007

State of residence	2007		2006		2005	
	Number	Percent	Number	Percent	Number	Percent
Total	1,052,415	100.0	1,266,129	100.0	1,122,257	100.0
California	228,941	21.8	264,667	20.9	232,014	20.7
New York	136,739	13.0	180,157	14.2	136,815	12.2
Florida	126,277	12.0	155,986	12.3	122,915	11.0
Texas	77,278	7.3	89,027	7.0	95,951	8.5
New Jersey	55,834	5.3	65,931	5.2	56,176	5.0
Illinois	41,971	4.0	52,452	4.1	52,415	4.7
Massachusetts	30,555	2.9	35,558	2.8	34,232	3.1
Virginia	29,682	2.8	38,483	3.0	27,095	2.4
Georgia	27,353	2.6	32,202	2.5	31,527	2.8
Maryland	24,255	2.3	30,199	2.4	22,868	2.0
Other	273,530	26.0	321,467	25.4	310,249	27.6

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2005 to 2007.

Table 5.

Legal Permanent Resident Flow by Metropolitan Area of Residence: Fiscal Years 2005 to 2007

Metropolitan areas of residence	2007		2006		2005	
	Number	Percent	Number	Percent	Number	Percent
Total	1,052,415	100.0	1,266,129	100.0	1,122,257	100.0
New York-Northern New Jersey-Long Island, NY-NJ-PA	175,753	16.7	224,439	17.7	172,844	15.4
Los Angeles-Long Beach-Santa Ana, CA	95,413	9.1	120,881	9.5	98,241	8.8
Miami-Fort Lauderdale-Pompano Beach, FL	78,172	7.4	98,918	7.8	79,558	7.1
Washington-Arlington-Alexandria-Rockville, DC-VA-MD-WV	40,698	3.9	54,549	4.3	37,146	3.3
Chicago-Naperville-Joliet, IL-IN-WI	39,504	3.8	49,748	3.9	49,015	4.4
San Francisco-Oakland-Fremont, CA	35,652	3.4	38,348	3.0	33,876	3.0
Houston-Sugar Land-Baytown, TX	26,850	2.6	31,557	2.5	34,788	3.1
Boston-Cambridge-Quincy, MA-NH	24,679	2.3	28,469	2.2	27,135	2.4
Dallas-Fort Worth-Arlington, TX	23,272	2.2	26,639	2.1	28,961	2.6
Atlanta-Sandy Springs-Marietta, GA	22,056	2.1	25,270	2.0	25,347	2.3
Other	490,366	46.6	567,311	44.8	535,346	47.7

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2005 to 2007.
Note: Metropolitan areas defined based on Core-based Statistical Areas (CBSAs).

Table 6.

Legal Permanent Resident Flow by Age: Fiscal Years 2005 to 2007

Age	2007		2006		2005	
	Number	Percent	Number	Percent	Number	Percent
Total	1,052,415	100.0	1,266,129	100.0	1,122,257	100.0
Under 5 years	39,319	3.7	45,491	3.6	42,127	3.8
5 to 14 years	118,889	11.3	146,048	11.5	132,853	11.8
15 to 24 years	192,265	18.3	232,973	18.4	195,776	17.4
25 to 34 years	257,522	24.5	311,302	24.6	295,638	26.3
35 to 44 years	199,643	19.0	244,575	19.3	225,049	20.1
45 to 54 years	113,717	10.8	138,494	10.9	117,663	10.5
55 to 64 years	72,550	6.9	82,077	6.5	63,343	5.6
65 years and over	58,504	5.6	65,119	5.1	49,789	4.4
Unknown age	6	–	50	–	19	–
Median age (years)	32		31		31	

– Figure rounds to 0.0.
Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2005 to 2007.

Table 7.

Legal Permanent Resident Flow by Gender: Fiscal Years 2005 to 2007

Gender	2007		2006		2005	
	Number	Percent	Number	Percent	Number	Percent
Total	1,052,415	100.0	1,266,129	100.0	1,122,257	100.0
Male	471,377	44.8	562,991	44.5	509,068	45.4
Female	581,031	55.2	703,121	55.5	613,112	54.6
Unknown	7	–	17	–	77	–

– Figure rounds to 0.0.
Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2005 to 2007.

Table 8.

Legal Permanent Resident Flow by Marital Status: Fiscal Years 2005 to 2007

Marital Status	2007		2006		2005	
	Number	Percent	Number	Percent	Number	Percent
Total	1,052,415	100.0	1,266,129	100.0	1,122,257	100.0
Single	387,252	36.8	470,258	37.1	421,219	37.5
Married	610,134	58.0	730,327	57.7	650,829	58.0
Other	50,318	4.8	58,062	4.6	45,594	4.1
Unknown	4,711	0.4	7,482	0.6	4,615	0.4

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2005 to 2007.

State and Metropolitan Area of Residence

California was the state of residence of more than one-fifth (22 percent) of persons gaining LPR status in 2007 (see Table 4). Other leading states of residence included New York (13 percent), Florida (12 percent), Texas (7.3 percent), New Jersey, (5.3 percent), and Illinois (4 percent). These six states represented the residence of 63 percent of new LPRs in 2007. The top 10 states of residence (which also included Massachusetts, Virginia, Georgia, and Maryland) accounted for the residence of 74 percent of new LPRs.

The leading metropolitan areas of residence for new LPRs in 2007 were New York-Northern New Jersey-Long Island, NY-NJ-PA (17 percent) and Los Angeles-Long Beach-Santa Ana, CA (9.1 percent) (see Table 5).[2] Other prominent locations included Miami-Fort Lauderdale-Pompano Beach, FL, Washington-Arlington-Alexandria-Rockville, DC-VA-MD-WV, and Chicago-Naperville-Joliet, IL-IN-WI. These five metropolitan areas accounted for the residence of 41 percent of new LPRs in 2007.

Age, Gender, and Marital Status

LPRs have historically been younger than the native population of the United States. In 2007, the median age for persons becoming LPRs was 32 years, compared to 31 years from 2004 to 2006 (see Table 6). In contrast, the median age of the U.S. native population was 34 years.[3]

New LPRs are more likely to be female than the native U.S. population. In 2007, females accounted for 55 percent of new LPRs (see Table 7) compared with 51 percent for the U.S. native population. The majority (58 percent) of new LPRs were married (see Table 8) compared with 40 percent of the native population.[3]

[2] Beginning in 2005, the Office of Immigration Statistics (OIS) redefined metropolitan areas (Primary Metropolitan Statistical Areas), to conform with new standards issued by the U.S. Office of Management and Budget for core-based statistical areas (CBSAs). See Federal Register, Vol. 65, No. 249, Wednesday 12/27/2000, available at http://www.whitehouse.gov/omb/fedreg/metroareas122700.pdf. The most current CBSA definitions are available from OMB at http://www.whitehouse.gov/omb/inforeg/statpolicy.html#fs.

[3] Calculated from the March 2007 Current Population Survey public use microdata file from the Bureau of the Census.

Appendix 1

PREFERENCE IMMIGRATION LIMITS[4]

Family-Sponsored Preferences Limit

The annual limit is calculated as 480,000 *minus* the number of aliens who were issued visas or who adjusted to LPR status in the previous fiscal year as 1) immediate relatives of U.S. citizens, 2) children born subsequent to the issuance of a visa to an accompanying parent, and 3) children born abroad to lawful permanent residents on temporary trips abroad *minus* 4) certain categories of aliens paroled into the United States in the second preceding fiscal year *plus* 5) unused employment preferences in the preceding year.

Table A1.

Annual Limits for Preference and Diversity Immigrants: Fiscal Year 2007

Preference/description	Limit
Family-sponsored preferences	226,000
First: Unmarried sons and daughters of U.S. citizens and their children	23,400[1]
Second: Spouses, children, and unmarried sons and daughters of permanent resident aliens	114,200[2]
Third: Married sons and daughters of U.S. citizens	23,400[2]
Fourth: Brothers and sisters of U.S. citizens (at least 21 years of age)	65,000[2]
Employment-based preferences	147,148
First: Priority workers	42,084[3]
Second: Professionals with advanced degrees or aliens of exceptional ability	42,084[2]
Third: Skilled workers, professionals, and needed unskilled workers	42,084[2]
Fourth: Special immigrants	10,448
Fifth: Employment creation ("investors")	10,448
Diversity	50,000

[1] Plus unused family 4th preference visas.
[2] Visas not used in higher preferences may be used in these categories.
[3] Plus unused employment 4th and 5th preference visas.
Source: U.S. Department of State.

The family-sponsored preference limit may not fall below a minimum of 226,000 in any year. The number of legal permanent residents issued visas or who adjusted status in fiscal year 2006 under categories 1 to 4 above was 591,938. There were 10,326 unused employment preferences in 2006. The calculated limit for family-sponsored preferences in 2007 was -101,612 (480,000 *minus* 591,938 *plus* 10,326). Since this number was below 226,000, the family-sponsored preference limit was set at 226,000. The limit for each category is shown below (see Table A1).

Employment Preference Limit

The annual limit is equal to 140,000 plus unused family-sponsored preferences in the previous fiscal year. There were 7,148 unused family sponsored preferences in 2006. The 2007 employment preference limit was 147,148 (140,000 *plus* 7,148). The limit is 28.6 percent of the total for each of the first three employment preferences and 7.1 percent for the last two preferences. In 2007, the number of employment-based preference immigrants exceeded the above limit. This was due to provisions of the REAL ID Act of 2005 that allowed the recapture of 50,000 unused employment-based visas (4,743 of these visas were used in 2007) and provisions of the American Competitiveness in the 21st Century Act of 2000 that permitted the recapture of 130,107 visas (7,312 of these visas were used in 2007).

Per-Country and Dependent Area Limits

A limit of 7 percent of the total family-sponsored and employment preferences is set for independent countries, and a limit of 2 percent is set for dependent areas. The 2007 per-country limit for independent foreign states was 26,120 (7 percent of 373,148 or 226,000 *plus* 147,148) and the limit for dependencies was 7,463 (2 percent of 373,148).

Diversity Limits

The annual limit for diversity visas was 50,000 in 2007.

[4] The Bureau of Consular Affairs, U.S. Department of State, is responsible for determining these limits. See the monthly Visa Bulletin for more information on the limits (http://travel.state.gov/visa/frvi/bulletin/bulletin_1770.html).