

Fact Sheet on Immigration Reform

The current debate about immigration reform would require making changes to the Immigration and Naturalization Act of 1952 that currently provides for an annual worldwide limit of 675,000 permanent immigrants, with some exceptions for close family members. This number does not include refugee admissions that are authorized by Congress and the President. Immigration to the U.S. is based on four primary principles—the reunification of families, admitting those with skills that are valuable to the U.S. economy, protecting refugees from harm, and promoting diversity. The four corresponding categories are:

Family-Based Immigration—A category that allows U.S. citizens and lawful permanent residents to bring certain family members to the United States. There are 480,000 family-based visas available every year that allow U.S. citizens to petition to bring immediate relatives (spouses, minor children, parents) as legal immigrants or for someone to be admitted under a family preference system (brothers and sisters of U.S. citizens & adult children at least 21 years of age and spouses and unmarried children of lawful permanent residents).

Employment-Based Immigration—The U.S. provides various ways for immigrants with valuable skills to come in on either a permanent or temporary basis. Permanent employment-based immigration is set at a rate of 140,000 visas per year. There are more than 20 types of visas for temporary non-immigrant workers. Most of these visas are based on sponsorship by specific employers for specific jobs, with numerical limits for different professions. There are also numerical limits on how many immigrants can come to the U.S. from one country (no more than 7% can come from any one country via family-based or employment-based visas).

Refugees and Asylum Seekers—There are several categories of legal admission for people who are fleeing persecution or who are unable to return to their homeland due to life-threatening conditions. Each year the President in consultation with Congress determines a numerical ceiling for refugee admissions (the Fiscal Year 2013 total was set at 70,000). Regional allocations are also set with the larger number admitted from Near East/South Asia, East Asia and Africa.

The Diversity Visa Program—The Immigration Act of 1990 created as a dedicated channel a lottery for immigrants from countries with low rates of immigration to the United States. Each year 55,000 visas are allocated randomly to countries that have sent less than 50,000 immigrants to the U.S. in the past five years. The diversity visa has become the only avenue for individuals from certain regions of the world to secure a green card. Eligibility for a diversity visa requires a high school education within the past five years and two years working in a profession that requires two years or more of training. A computer-generated lottery selects those who have registered in their country for admission to the U.S., but the regional distribution formula in recent years have given most of these visas to Africans and Eastern Europeans.

The Immigration and Nationality Act of 1952 set out a complex and confusing set of laws that determine qualifications for naturalization, managing the programs listed above, and regulating student visas and temporary work visas. The quotas listed above were last adjusted in 1990. Following the Vietnam War, Congress enacted refugee and asylum provisions and in 1986, Congress created the legalization of approx. three million

unauthorized immigrants in exchange for requiring all workers to establish their eligibility for employment in the U.S. In 1996 Congress initiated an illegal immigrant removal process of mandatory detention and deportation. Bipartisan efforts began in 2004 to develop a comprehensive immigration reform act, but these Congressional attempts have failed because of political differences on the specifics of immigration reform legislation. Meanwhile, a number of states have attempted to criminalize illegal immigration and to take steps to prevent the illegal crossing of the international border into their states.

The Need for Immigration Reform- Today there are an estimated 8-11 million unauthorized aliens living in the United States, most of whom are here for economic reasons, working for companies that depend on low-skill, low-paid workers. Some of these “unauthorized workers” do not want to become naturalized U.S. citizens because they hope to return to their homeland when they achieve some level of economic security. Many of the illegal immigrants have been slow to learn to speak English or to become acculturated into U.S. society primarily because of their fear of being reported and/or a desire to keep their cultural heritage alive for their families. Meanwhile, state and local governments, school districts, and health providers all feel the burden of providing educational, medical, public safety and social services for the undocumented, illegal residents in our communities who are not contributing to the tax base that supports these services.

Most of the proposals for developing a pathway to citizenship for unauthorized immigrants contain provisions for those seeking legal status to make a commitment to the U.S. via some combination of initial registration, a willingness to learn English, gainful employment, the full payment of outstanding taxes from employment, etc. The current debate about revising immigration reform legislation revolves around a competing set of issues and concerns:

- Granting amnesty to unauthorized, undocumented immigrant workers who have lived in the U.S. for some period of time, have a limited criminal record, have a job, etc. versus requiring unauthorized, undocumented immigrants to apply for a pathway to citizenship in a transitional status, demonstrate they can meet the language and employment/tax requirements, have no criminal record, etc. Additionally, should misdemeanor criminal records or only felony records be considered for possible citizenship?
- Penalizing employers who hire illegal, undocumented workers.
- Enhancing national security and public safety via required government registration for services (SSI, drivers license, passports, etc.) versus securing our national borders by building more walls/fences, adding more border patrols, equipment and technology, etc.
- Creating a special guest worker status for those who are seeking the economic benefits of being in the U.S., with provisions for paying income and employment taxes (Social Security), health care taxes (Medicare), etc.
- Addressing the world refugee crisis by admitting people displaced by war (mainly) or natural disasters. The President has the power to admit additional refugees, but may depend on Congress to appropriate the money support resettlement.