



U.S. CHAMBER OF COMMERCE

New Lawful Permanent Residents FY13 ⁱ	LPRs FY13 ⁱⁱ by category	New LPRs in FY13 with Labor Certification from USDOL
Workers who have Extraordinary Ability (EB1)	4,064	0
Workers who are Outstanding Researchers or Professors (EB1)	3,117	0
Workers who are Managers or Executives in Multinational Companies (EB1)	9,044	0
Workers where Job Requires an Advanced Level of Expertise, identified by a Masters or higher, or Bachelors + 5 Years of Related, Progressively Responsible Experience (EB2)	31,130	28,030 ⁱⁱⁱ
Workers whose Job Requires a Bachelors degree (EB3)	10,106	10,106
Workers whose Job Requires 2 Years of Training or Experience (EB3)	8,585	8,585
Workers in Lesser Skilled Occupations (EB3)	1,343	1,343
Worker Sub Totals FY13	67,389	48,064
Spouse/Minor Child of Workers EB1, 2, 3 (immediate family members of "employment-based" principals)	77,580	0
Special Immigrants (EB4 principals)	4,664	0
Investors (EB5 principals)	3,102	0
Spouse/Minor Child of Investors EB5 and Special Immigrants EB4 (immediate family of "economic-related" principals)	7,708	0
Refugee/Asylee	119,630	0
Spouse/Minor Child of USC (no quota, Immediate Relatives)	319,715	0
Spouse/Minor Child of LPR ^{iv} (subject to F2A quota)	86,245	0
Parents of USC ^v (no quota, Immediate Relatives)	119,745	0
Relatives of LPRs: Over 21 Unmarried Sons/Daughters (F2B)	12,870	0
Relatives of USCs: Over 21 Unmarried Sons/Daughters; Married Sons/Daughters; Siblings of USC (F1, F3, F4)	49,313	0
Spouse/Minor Child of Relatives of USCs (immediate family of USC relative principals in F1, F3, F4)	61,875	0
Visa Lottery	45,618	0 ^{vi}
Other ^{vii}	15,399	0
Non-Worker Sub Totals FY13	923,164	0
Total New Lawful Permanent Residents FY13	990,553	48,064

ⁱ Table prepared by U.S. Chamber of Commerce 12/2014 to summarize the breakdown of new Lawful Permanent Residents (LPRs) regarding workers, skill sets and labor market protections under current law. The table summarizes data on those who obtained LPR status (or "green card" status) in FY13 (10/1/2012 to 9/30/2013), the last FY for which data is publicly available as of 12/2014. See DHS Yearbook of Immigration Statistics, Table 7 <http://www.dhs.gov/yearbook-immigration-statistics-2013-lawful-permanent-residents>

ⁱⁱ In FY13, 6.8% of new LPRs were workers who obtained LPR status based on their skills (67,389). Usually new LPRs that are workers total about 59,000 each year under current law, but in FY13 immigrants selected on skills were higher because the congressional formula identified about 18,000 unused family preference numbers from FY12 that fell across to the employment preferences. How to become a Lawful Permanent Resident (LPR, or green card holder) under current law:

1. Refugee (processed for resettlement outside the US) or Asylee (applies before USCIS in the US) – based on well-founded fear of persecution. Numbers set annually by the President after consultation with Congress.
2. "Employment-Based" Preference immigrants including employment-based (workers) and economic-related. Number set by Congress in 1990.
 - Employment-Based: Workers selected based on skills.
 - EB1 – Employment Based 1st Preference – no US labor market protection tests for individuals with renown and sustained record of accomplishment in their field, or outstanding professors and researchers, or managers and executives of multinational companies assigned to run U.S. operations.
 - EB2 – Employment Based 2nd Preference – advanced degree or exceptional ability individuals, requiring compliance with US labor market protection tests with limited exceptions.
 - EB3 – Employment Based 3rd Preference – individuals who possess a Bachelors degree or two years of training or experience or are working in lesser skilled occupations, requiring compliance with US labor market protection tests.

- Special Immigrant
 - EB4 – Employment Based 4th Preference – individuals who work in a variety of special sectors, including religious workers, NATO, the Voice of America, and the US Armed Services, along with other immigrants not elsewhere classified.
- Investor
 - EB5 – Employment Based 5th Preference – individuals who invest at least \$500,000 (through a regional center) or \$1,000,000 (if not through a designated regional center) and create jobs for at least 10 US workers
- Spouse or Minor Child (under 21) of a worker, investor or special immigrant

3. Family Based Preference immigrant. Number set by Congress in 1990.

Some relatives may only come if they are related to a sibling of a USC. Nieces/nephews of USCs may only immigrate if under 21 at the time of final processing and they are coming with a parent who is a sponsored sibling of a USC, and brothers-/sisters-in-law of USC may only immigrate with spouse who is a sponsored sibling of a USC. Similarly, other relatives may only come based on their relationship to an adult daughter/son of a USC. Grandchildren of USCs may only immigrate if under 21 and with a parent who is a sponsored adult daughter/son of a USC, and sons-/daughters-in-law of USC may only immigrate with spouse who is a sponsored daughter/son of a USC.

4. Immediate Relative of a US Citizen (USC). No numerical limit (non quota immigrants) for a USC's spouse, minor child, or parent.

5. Diversity visa (DV) random lottery. Number set by Congress as 55,000 in 1990

- Individual from region of the world underrepresented.
- Since FY99 5,000 each year from DV have been used to cover green cards issued under the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted in 1997. Annually, 5,000 of the DV numbers go to cover green cards given to Central Americans fleeing civil strife in the mid-1990s (along with 5,000 from the pool for individuals filling jobs that do not require at least 2 years of training or experience, so called "other workers") as a sort of reverse mortgage. FY99 to FY18 = 19 years = 5,000 from DV + 5,000 from other workers to "pay off" the 191,727 green cards given under NACARA in the mid-1990s).

ⁱⁱⁱ USCIS does not make public the number of LPRs who obtain status based on National Interest Waivers in its Yearbook of Immigration Statistics. National Interest Waivers are granted to non-citizen physicians who agree to work in underserved areas (about 30 per state) as well as other non-citizens in any field making exceptional contributions. Job creation is not codified by law as the basis of a National Interest Waiver and is not recognized as the basis of a National Interest Waiver under USCIS controlling precedent. Individuals granted National Interest Waivers do not need a sponsoring employer and do not need to complete the Labor Certification. Based on the number of physicians selected annually (up to 1,500 annually) and anecdotal data on the extent that National Interest Waiver petitions for non-physicians are successful, it is estimated that no more than 10% of advanced degree LPRs receive National Interest Waivers including physicians in underserved areas.

^{iv} Spouse and minor children of LPRs who are later acquired (the marriage or birth (or step child relationship) established after principal obtains LPR status, or were abroad when the LPR obtained green card status through legalization programs) do not qualify for "Immediate Relative" status and instead are subjected to a quota necessitating a wait of several years to be issued LPR status. There is a backlog in this preference category since demand outstrips visa allocation for these immediate family members. If an LPR marries a non-citizen or becomes a parent to a non-citizen, such as orphans or adopted children or step-children, the LPR may wait many years for his immediate family to obtain LPR status, often without any other lawful temporary status available for such family members.

^v The parents of a USC are Immediate Relatives not subject to a quota. Until an LPR becomes a naturalized USC he cannot sponsor parents, married sons and daughters or their spouses and minor children, or siblings or their spouses and minor children.

^{vi} There is no Labor Certification for visa lottery immigrants, but the principal in each family must document completion of 12 years of primary and secondary education equivalent to a US high school degree or two years of recent employment in an occupation that requires at least two years of training or experience. See Visa Lottery Instructions (at p.9) http://travel.state.gov/content/dam/visas/DV-2016-Instructions-Translations/DV_2016_Instructions_English.pdf.

^{vii} Special statutory benefits exist for dozens of different categories of immigrants not part of the preference system, not refugees or asylees, and not Immediate Relatives, for the following, among others: children born abroad while LPR is temporarily abroad, individuals in specified circumstances from Haiti, Central America, Indochina, Tibet, Vietnam, or former Soviet bloc countries, and individuals eligible for protection under the Violence Against Women Act. In addition, some data is withheld publicly, in order limit disclosure (including certain categories of refugees or asylees).