

U.S. Legal Permanent Residents: 2005

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Every year, hundreds of thousands of persons become legal permanent residents (LPRs) or “green card” recipients of the United States (see Figure 1). LPRs, as defined by immigration law, are persons who have been granted lawful permanent residence. Permanent resident status confers certain rights and responsibilities. For example, LPRs may live and work permanently anywhere in the United States. They may own property in the United States. They may attend public schools, colleges, and universities. They may join certain branches of the Armed Forces. They may also apply to become U.S. citizens if they meet certain eligibility requirements. This Office of Immigration Statistics *Annual Flow Report* presents information on the number and characteristics of persons who became LPRs in the United States during 2005.¹

The data presented in this report consist of demographic information taken from applications for LPR status submitted by foreign nationals. This information is maintained in the Computer Linked Application Information Management System (CLAIMS) of U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security.

In 2005, a total of 1,122,373 persons became LPRs of the United States (see Table 1). The majority (66 percent) lived in the United States when they became LPRs. Nearly three-fifths (58 percent) 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 LPRs were Mexico (14 percent), India (8 percent), and China (6 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.

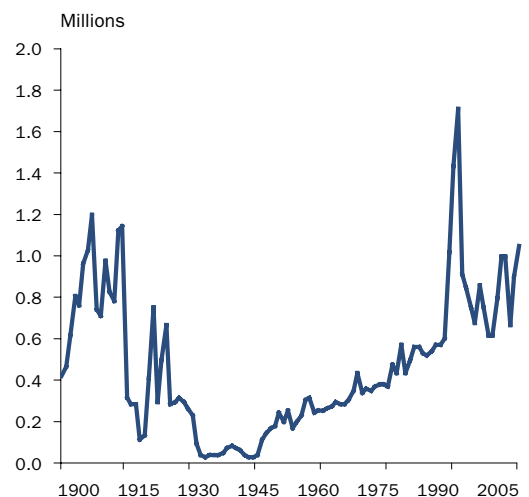
Preference Immigration and Diversity Limits

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 preferences, employment preferences, 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; married sons and daughters of U.S. citizens and their spouses and children; and brothers and sisters, including spouses and children, of U.S. citizens ages 21 and over. The annual

Figure 1.
**LPR Flow to the United States:
1900 to 2005**



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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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 (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 USCIS. 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 2005, the limit on preference immigration was 424,449, including 226,000 for family-sponsored preferences and 148,449 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 2005, the per country limit was 26,211 and the dependent area limit was 7,489.

Immediate Relatives of U.S. Citizens

The total LPR flow each year greatly exceeds the annual limit for family-sponsored and employment preferences and diversity immigrants because some categories are exempt from the limits. The numerically largest category is immediate relatives (spouses, parents, and children) of U.S. citizens. Immediate relatives of U.S. citizens typically account for 40 percent or more of the annual

Table 1.

Legal Permanent Resident Flow: Fiscal Years 2003 to 2005

Category of admission	2005		2004		2003	
	Number	Percent	Number	Percent	Number	Percent
Total	1,122,373	100.0	957,883	100.0	705,827	100.0
New arrivals	384,071	34.2	373,962	39.0	358,411	50.8
Adjustments of status . .	738,302	65.8	583,921	61.0	347,416	49.2

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2003 to 2005.

Table 2.

Legal Permanent Resident Flow by Major Category of Admission: Fiscal Years 2003 to 2005

Category of admission	2005		2004		2003	
	Number	Percent	Number	Percent	Number	Percent
Total	1,122,373	100.0	957,883	100.0	705,827	100.0
Family-sponsored immigrants	649,772	57.9	632,877	66.1	492,297	69.7
Family-sponsored preferences	212,970	19.0	214,355	22.4	158,894	22.5
Unmarried sons/daughters of U.S. citizens . . .	24,729	2.2	26,380	2.8	21,503	3.0
Spouses and children of alien residents	100,139	8.9	93,609	9.8	53,229	7.5
Married sons/daughters of U.S. citizens	22,953	2.0	28,695	3.0	27,303	3.9
Siblings of U.S. citizens	65,149	5.8	65,671	6.9	56,859	8.1
Immediate relatives of U.S. citizens	436,802	38.9	418,522	43.7	333,403	47.2
Spouses	259,144	23.1	252,193	26.3	184,741	26.2
Parents	82,113	7.3	77,534	8.1	69,892	9.9
Children	94,974	8.5	88,088	9.2	78,024	11.1
Children born abroad to alien residents	571	0.1	707	0.1	746	0.1
Employment-based preferences	246,877	22.0	155,330	16.2	82,137	11.6
Priority workers	64,731	5.8	31,291	3.3	14,544	2.1
Professionals with advanced degrees	42,597	3.8	32,534	3.4	15,459	2.2
Skilled workers, professionals, unskilled workers	129,070	11.5	85,969	9.0	46,613	6.6
Special immigrants	10,133	0.9	5,407	0.6	5,456	0.8
Investors	346	-	129	-	65	-
Diversity programs	46,234	4.1	50,084	5.2	46,347	6.6
Other categories	179,490	16.0	119,592	12.5	85,045	12.0
Parolees	7,710	0.7	7,117	0.7	4,199	0.6
Refugees and asylees	142,962	12.7	71,230	7.4	44,927	6.4
Refugee adjustments	112,676	10.0	61,013	6.4	34,496	4.9
Asylee adjustments	30,286	2.7	10,217	1.1	10,431	1.5
NACARA ¹ Section 202	1,155	0.1	2,292	0.2	2,577	0.4
Cancellation of removal	20,785	1.9	32,702	3.4	29,109	4.1
Subject to annual limit	5,188	0.5	2,566	0.3	2,009	0.3
Not subject to limit (NACARA ¹ Section 203)	15,597	1.4	30,136	3.1	27,100	3.8
Haitian Refugee Immigrant Fairness Act	2,820	0.3	2,451	0.3	1,414	0.2
Other	4,058	0.4	3,800	0.4	2,819	0.4

- Figure rounds to 0.0.

¹Nicaraguan 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 2003 to 2005.

LPR flow, and when combined with family-sponsored preferences are referred to as family-sponsored immigrants.

Refugees and Asylees

Refugees and asylees are exempt from preference and diversity annual limits. Refugees are eligible to adjust to legal permanent resident status without regard to numerical limit after one year of residence in the United States. The number of persons admitted as

Table 3.

Legal Permanent Resident Flow by Region and Country of Birth: Fiscal Years 2003 to 2005

Region/country of birth	2005		2004		2003	
	Number	Percent	Number	Percent	Number	Percent
Total	1,122,373	100.0	957,883	100.0	705,827	100.0
REGION:						
Africa	85,102	7.6	66,462	6.9	48,738	6.9
Asia	400,135	35.7	334,551	34.9	244,759	34.7
Europe	176,569	15.7	133,181	13.9	100,769	14.3
North America	345,575	30.8	342,399	35.7	250,667	35.5
Carribbean	108,598	9.7	89,075	9.3	68,756	9.7
Central America	53,470	4.8	62,287	6.5	54,565	7.7
Other North America	183,507	16.3	191,037	19.9	127,346	18.0
Oceania	6,546	0.6	5,985	0.6	4,377	0.6
South America	103,143	9.2	72,060	7.5	55,247	7.8
Unknown	5,303	0.5	3,245	0.3	1,270	0.2
COUNTRY:						
Mexico	161,445	14.4	175,411	18.3	115,864	16.4
India	84,681	7.5	70,151	7.3	50,372	7.1
China	69,967	6.2	55,494	5.8	40,659	5.8
Philippines	60,748	5.4	57,846	6.0	45,397	6.4
Cuba	36,261	3.2	20,488	2.1	9,304	1.3
Vietnam	32,784	2.9	31,524	3.3	22,133	3.1
Dominican Republic	27,504	2.5	30,504	3.2	26,205	3.7
Korea	26,562	2.4	19,678	2.1	12,512	1.8
Colombia	25,571	2.3	18,846	2.0	14,777	2.1
Ukraine	22,761	2.0	14,156	1.5	11,666	1.7
Canada	21,878	1.9	15,569	1.6	11,446	1.6
El Salvador	21,359	1.9	29,807	3.1	28,296	4.0
United Kingdom	19,800	1.8	14,915	1.6	11,666	1.7
Jamaica	18,346	1.6	14,430	1.5	13,384	1.9
Russia	18,083	1.6	17,410	1.8	13,951	2.0
Guatemala	16,825	1.5	18,920	2.0	14,415	2.0
Brazil	16,664	1.5	10,556	1.1	6,357	0.9
Peru	15,676	1.4	11,794	1.2	9,444	1.3
Poland	15,352	1.4	14,326	1.5	10,526	1.5
Pakistan	14,926	1.3	12,086	1.3	9,444	1.3
All other countries	395,180	35.2	316,058	33.0	237,453	33.6

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2003 to 2005.

refugees to the United States each year, however, is established by the President in consultation with Congress. The ceiling on refugee admissions was 70,000 in 2003, 2004, and 2005.

Asylees must 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 of 2005 (enacted into law May 11, 2005) eliminated the 10,000 limit.

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 from specific countries.

Paths to LPR Status

There are two paths to LPR status depending on country of residence 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 pass through a port of entry.

Persons already living in the United States, including refugees and certain temporary workers, foreign students, and 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 a work permit. Adjustment of status applicants are granted lawful permanent residence at the time their applications are approved.

Eligibility for Naturalization

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

DATA

The data presented in this report on persons becoming LPRs were obtained from the Computer Linked Application Information System (CLAIMS) of USCIS. CLAIMS 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, occupation, geographic residence, and prior nonimmigrant class and year of entry (adjustments of status only). The data presented in this report include cases where the date the decision was made to grant lawful permanent residence occurred in 2005.

Data Limitations. The 2005 data have two significant limitations. First, missing values were a problem for certain variables. Previous nonimmigrant class and year of entry were missing for 34 percent and 50 percent, respectively, of all LPRs who adjusted status. Occupation was missing for 29 percent of LPR adjustments of status. As a result, data are not presented in this report for these characteristics.

Second, since the late 1990s, adjustment of status application processing issues at USCIS have caused substantial fluctuations in the

annual LPR flow and may have affected its demographic composition. At the end of 2005, there were 900,000 adjustment of status applications pending a decision, and the demographic characteristics of these persons are unknown. Therefore, caution should be exercised in drawing conclusions about the propensity to immigrate from the data presented in this report.

RESULTS

Legal immigration increased 17 percent from 957,883² in 2004 to 1,122,373 in 2005 (see Table 1). Most of this increase occurred among adjustments of status and reflects backlog reduction efforts at U.S. Citizenship and Immigration Services. The number of LPR adjustments of status increased 26 percent from 583,921 in 2004 to 738,302 in 2005.

Adjustments of status represented 66 percent of all LPRs in 2005 compared to 61 percent in 2004 and 49 percent in 2003. In contrast, the number of LPR new arrivals increased by just 2.7 percent from 373,962 in 2004 to 384,071 in 2005. New arrivals accounted for 34 percent of the LPR flow in 2005.

Historical Trend

The annual LPR flow has exhibited an upward trend since World War II (see Figure 1). The annual average LPR flow nearly quadrupled from 250,000 during the 1950s to 980,000 during the 1990s. Changes in immigration law associated with this increase include the elimination of country quotas on Eastern hemisphere immigration and increases in annual limits for hemispheric and preference immigration. 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. The LPR flow was larger in 2005 than in any other year since 1991 when a record 1.8 million persons legalized.

Class of Admission

The increase in the LPR flow between 2004 and 2005 was concentrated among employment preferences, refugees and asylees (see Table 2). Family-sponsored legal immigration, including family preferences and immediate relatives of U.S. citizens, increased less than three percent between the two years. The share of the total LPR flow represented by family-sponsored LPRs declined

² Updated to include 11,741 orphan children, adopted abroad by U.S. citizens, who were issued IR3 visas and became LPRs upon entry into the United States. Data for these children were not included in the 2004 Annual Flow Report.

Table 4.

Legal Permanent Resident Flow by State of Residence: Fiscal Years 2003 to 2005

(Ranked by 2005 LPR flow)

State of residence	2005		2004		2003	
	Number	Percent	Number	Percent	Number	Percent
Total	1,122,373	100.0	957,883	100.0	705,827	100.0
California	232,023	20.7	253,858	26.5	176,375	25.0
New York	136,828	12.2	103,151	10.8	89,661	12.7
Florida	122,918	11.0	76,178	8.0	52,969	7.5
Texas	95,958	8.5	92,440	9.7	53,592	7.6
New Jersey	56,180	5.0	50,699	5.3	40,818	5.8
Illinois	52,419	4.7	46,896	4.9	32,488	4.6
Massachusetts	34,236	3.1	28,067	2.9	20,184	2.9
Georgia	31,535	2.8	16,681	1.7	10,805	1.5
Pennsylvania	28,908	2.6	18,813	2.0	14,638	2.1
Virginia	27,100	2.4	22,104	2.3	19,781	2.8
Other	304,268	27.1	248,996	26.0	194,516	27.6

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2003 to 2005.

Table 5.

Legal Permanent Resident Flow by Metropolitan Statistical Area of Residence: Fiscal Years 2003 to 2005

(Ranked by 2005 LPR flow)

Metropolitan statistical area of residence	2005		2004		2003	
	Number	Percent	Number	Percent	Number	Percent
Total	1,122,373	100.0	957,883	100.0	705,827	100.0
New York-Northern New Jersey-Long Island, NY-NJ-PA	172,858	15.4	138,577	14.5	117,677	16.7
Los Angeles-Long Beach-Santa Ana, CA	98,244	8.8	110,824	11.6	80,026	11.3
Miami-Fort Lauderdale-Miami Beach, FL	79,562	7.1	49,817	5.2	36,740	5.2
Chicago-Naperville-Joliet, IL-IN-WI	49,018	4.4	43,846	4.6	30,624	4.3
Washington-Arlington-Alexandria-Rockville, DC-VA-MD-WV	37,150	3.3	32,275	3.4	29,720	4.2
Houston-Sugar Land-Baytown, TX	34,791	3.1	34,996	3.7	16,187	2.3
San Francisco-Oakland-Fremont, CA	33,880	3.0	37,233	3.9	26,318	3.7
Dallas-Fort Worth-Arlington, TX	28,971	2.6	25,238	2.6	15,612	2.2
Boston-Cambridge-Quincy, MA-NH	27,141	2.4	22,721	2.4	16,605	2.4
Atlanta-Sandy Springs-Marietta, GA	25,353	2.3	12,970	1.4	8,516	1.2
Other	535,405	47.7	449,386	46.9	327,802	46.4

Note: Metropolitan areas defined based on Core-based Statistical Areas (CBSAs).

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2003 to 2005.

from 66 percent in 2004 to 58 percent in 2005. In both years, immediate relatives of U.S. citizens accounted for two-thirds of family-sponsored LPRs.

Employment preferences, including principals and dependents, represented 16 percent of the total LPR flow in 2004 and 22 percent in 2005. The LPR flow for employment preferences increased 59 percent from 155,330 in 2004 to 246,877 in 2005. This increase was due primarily to the American Competitiveness in the 21st Century Act of 2000, which allowed 130,137 unused employment-based visa numbers from 1999 to 2000 to be made available to 1st, 2nd, and 3rd preference employment-based immigrants once the annual limit had been reached. Approximately 94,000 of those recaptured

Table 6.**Legal Permanent Resident Flow by Age: Fiscal Years 2003 to 2005**

Age	2005		2004		2003	
	Number	Percent	Number	Percent	Number	Percent
Total	1,122,373	100.0	957,883	100.0	705,827	100.0
Under 5 years	42,194	3.8	40,653	4.2	36,652	5.2
5 to 14 years	132,895	11.8	108,708	11.3	81,818	11.6
15 to 24 years	195,783	17.4	164,468	17.2	126,753	18.0
25 to 34 years	295,638	26.3	268,327	28.0	187,899	26.6
35 to 44 years	225,049	20.1	183,655	19.2	121,807	17.3
45 to 54 years	117,663	10.5	94,884	9.9	69,695	9.9
55 to 64 years	63,343	5.6	53,866	5.6	43,991	6.2
65 years and over	49,789	4.4	43,282	4.5	37,176	5.3
Unknown age	19	-	40	-	36	-
Median age (years)	31		31		30	

- Figure rounds to 0.0.

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2003 to 2005.

Table 7.**Legal Permanent Resident Flow by Gender: Fiscal Years 2003 to 2005**

Gender	2005		2004		2003	
	Number	Percent	Number	Percent	Number	Percent
Total	1,122,373	100.0	957,883	100.0	705,827	100.0
Male	509,104	45.4	434,496	45.4	316,225	44.8
Female	613,192	54.6	523,226	54.6	389,507	55.2
Unknown	77	-	161	-	95	-

- Figure rounds to 0.0.

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2003 to 2005.

Table 8.**Legal Permanent Resident Flow by Marital Status: Fiscal Years 2003 to 2005**

Marital status	2005		2004		2003	
	Number	Percent	Number	Percent	Number	Percent
Total	1,122,373	100.0	957,883	100.0	705,827	100.0
Single	421,335	37.5	357,926	37.4	275,047	39.0
Married	650,829	58.0	561,886	58.7	401,134	56.8
Other	45,594	4.1	35,770	3.7	28,318	4.0
Unknown	4,615	0.4	2,301	0.2	1,328	0.2

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2003 to 2005.

visa numbers were used in 2005. In addition, the Real ID Act of 2005 allowed for the recapture of 50,000 unused employment-based visas from 2001 to 2004, 5,125 of which were used in 2005. Between 2004 and 2005, the LPR flow doubled for 1st preference priority workers and increased 31 percent for 2nd preference professionals with advanced degrees. The largest category, 3rd preference skilled workers, professionals and unskilled workers, increased 50 percent from 2004 to 2005.

Refugees and asylees represented 13 percent of all persons becoming LPRs in 2005 compared to 7 percent in 2004. The LPR flow in this

category doubled between 2004 and 2005. The refugee LPR flow increased from 61,013 to 112,676 due primarily to a decline in the number of refugee adjustment of status applications pending a decision. The asylee LPR flow tripled from 10,217 to 30,286 as a result of the elimination of the 10,000 annual limit by the REAL ID Act.

Diversity immigrants accounted for 4.1 percent of new LPRs in 2005. The annual number of LPRs admitted under the Diversity program decreased from 2004 to 2005.

Region and Country of Birth

The leading regions of birth for persons becoming LPRs in 2005 were Asia (36 percent) and North America (31 percent) (see Table 3). These two regions accounted for approximately 70 percent of the LPR flow each year from 2002 to 2005.

In 2005, 14 percent of all persons becoming LPRs were born in Mexico. The second leading country of birth was India (7.5 percent), followed by China (6.2 percent), the Philippines (5.4 percent), Cuba (3.2 percent), Vietnam (2.9 percent), the Dominican Republic (2.5 percent), Korea (2.4 percent), Colombia (2.3 percent), and Ukraine (2.0 percent). These 10 countries accounted for almost 50 percent of all new LPRs in 2005.

State and Metropolitan Statistical Area of Residence

California was the destination of approximately one-fifth (21 percent) of persons becoming LPRs in 2005 (see Table 4). Other leading states of residence included New York (12 percent), Florida (11 percent), Texas (8.5 percent), New Jersey (5.0 percent), and Illinois (4.7 percent). These six states represented the residence of 62 percent of new LPRs in 2005. The top 10 states of residence (which additionally included Massachusetts, Georgia, Pennsylvania, and Virginia) accounted for the residence of almost three-quarters (73 percent) of new LPRs.

The leading metropolitan statistical areas of destination represented in the LPR flows in 2005 were New York-Northern New Jersey-Long Island, NY-NJ-PA (15 percent) and Los Angeles-Long Beach-Santa Ana, CA (8.8 percent) (see Table 5)³. Other leading destinations included Miami-Fort Lauderdale-Miami Beach, FL, Chicago-Naperville-Joliet, IL-IN-WI, and Washington-Arlington-Alexandria-Rockville, DC-VA-MD-WV. These five metropolitan statistical areas represented the residence of 39 percent of persons becoming LPRs in 2005.

³ 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). LPR data for 2004 and 2003 have been revised to reflect this definitional change. 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/infoereg/statpolicy.html#fs>.

Age, Gender, and Marital Status

LPRs have historically been younger than the native population of the United States. In 2005, the median age for persons becoming LPRs was 31 years (see Table 6). In contrast, the median age for the U.S. native population was 35 years.⁴

New LPRs are more likely to be female than the native U.S. population. In 2005, females accounted for 55 percent of new LPRs (see Table 7) compared with 51 percent for the U.S. native population.⁴ The majority (58 percent) of new LPRs were married (see Table 8) compared with 40 percent of the native population.⁴

Table A1.

Annual Limits for Preference and Diversity Immigrants: Fiscal Year 2005

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	148,449
First: Priority workers	42,456 ³
Second: Professionals with advanced degrees or aliens of exceptional ability	42,456 ²
Third: Skilled workers, professionals, and needed unskilled workers	42,456 ²
Fourth: Special immigrants	10,540
Fifth: Employment creation (investors)	10,540
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.

Appendix 1

PREFERENCE IMMIGRATION LIMITS

Family-Sponsored Preferences Limit

The annual limit⁵ 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.

The family-sponsored preference limit may not fall below a minimum of 226,000 in any year. The number of legal permanent residence issued visas or who adjusted status in fiscal year 2004 under categories 1 to 4 above was 432,390. There were 47,307 unused employment preferences in 2004. The calculated limit for family-sponsored preferences in 2005 was 94,917 (480,000 minus 432,390 plus 47,307). 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 8,449 unused family sponsored preferences in 2004. The 2005 employment

preference limit was 148,449 (140,000 plus 8,449). The limit for the first three employment preferences is 28.6 percent of the total, and is 7.1 percent for the last two preferences. In 2005, the number of employment-based preference immigrants exceeded the above limit. This was due to the American Competitiveness in the 21st Century Act of 2000, which allowed 130,137 unused employment-based visa numbers from 1999 to 2000 to be made available to 1st, 2nd, and 3rd preference employment-based immigrants once the annual limit had been reached. Approximately 94,000 of those recaptured visa numbers were used in 2005. In addition, the Real ID Act of 2005 allowed for the recapture of 50,000 unused employment-based visas from 2001 to 2004, 5,125 of which were used in 2005.

Per-Country and Dependent Area Limits

A limit of 7 percent of total family-sponsored and employment preferences is set for independent countries, and a limit of 2 percent for dependent areas. The 2005 limit for independent foreign states was 26,211 (7 percent of 374,449 or 226,000 plus 148,449) and the limit for dependencies was 7,489 (2 percent of 374,449).

Diversity Limits

The annual limit for diversity visas was 50,000 in 2005. The limit was set at 55,000 effective in 1995, but reduced to 50,000 beginning in 1999 to allow 5,000 visas for use under the Nicaraguan Adjustment and Central American Relief Act (NACARA) of 1997.

⁴ Calculated from the March 2005 Current Population Survey public use microdata file of the Bureau of the Census.

⁵ 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_2805.html).