



Overview of Family-Based Immigration

And the Effects of Limiting Chain Migration

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Executive Summary

“Chain migration” is a disparaging term that refers to the legal, family-based immigration system that is the bedrock of immigration policy in the United States. As a result of our historically conservative principles aimed at reuniting and preserving nuclear families, as well as facilitating quick assimilation, our migration system centers around giving preference to immigrants with family already in the U.S.

There is increasing interest in transitioning our family-based immigration system to a merits-based system that prioritizes accepting immigrants with specific skills, rather than family ties. Within the last year, a number of lawmakers have proposed changes that limit the scope of family members that can be sponsored by relatives for an immigrant visa; these proposals do not, however, reallocate the lost visas to employment-based or skills-based immigrant populations.

The impact to overall immigration levels is compelling. This report presents the short-term and long-term impact of proposed legislation like the RAISE Act and SUCCEED Act on overall immigration levels, as well as two other hypothetical scenarios. Additionally, it provides an introduction to family-based immigration, the petition process and requirements for immigrants entering the country, clarification of common myths about family-based immigration, and our recommendations.

Ultimately, the report concludes that without accompanying increases to numerical limits elsewhere, each scenario limiting family-based migration will lead to *significantly* lower levels of immigration in the long term, which will negatively affect our economy. Although family-based immigration is the bedrock of our system, it may be ripe for pragmatic, scaled improvement.

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Introduction

Only a U.S. citizen (USC) or legal permanent resident (LPR) can “sponsor” a visa for a relative (*See Figure 1*). There are two groups of family-based immigrant visa categories: 1) immediate relative immigrant visas, and 2) family preference immigrant visas, meaning that a USC or LPR can only sponsor an individual from the list of family members that qualify as immediate relatives, or from the list of members in the family preference categories. Admission of relatives is based on the following preferences, listed in order of priority.

Immediate Relative (IR) Immigrant Visas are only available to U.S. citizens, and are unlimited in number. USCs may only sponsor the following relatives:

- **(IR-1)** A spouse;
- **(IR-2)** Unmarried children² under 21 years of age;
- **(IR-3)** An orphan adopted abroad;
- **(IR-4)** An orphan to be adopted in the U.S.; and
- **(IR-5)** A parent.³

Family Preference (F) Immigrant Visas are available to both USCs and LPRs. There are numerical limitations on family preference immigrant visas. The law “prefers” or prioritizes certain relationships in the following way:

- **Family First Preference (F1):** Unmarried sons and daughters of U.S. citizens, and their minor children;
- **Family Second Preference (F2)**
 - **(F2A):** Spouses and minor children of LPRs;
 - **(F2B):** Unmarried sons and daughters (age 21 or over) of LPRs;
- **Family Third Preference (F3):** Married sons and daughters of U.S. citizens, and their spouses and minor children; and
- **Family Fourth Preference (F4):** Brothers and sisters of U.S. citizens, and their spouses and minor children.⁴

Below is an overview of the current family-based sponsorship framework depending on the type of sponsor (U.S. Citizen or LPR) and their relationship with the relative. If there is a numerical limit, it is listed; if a sponsor is unable to petition for admission based on the given relationship, it is indicated by “N/A” in the numerical limit and priority columns.

² For immigration purposes, a “child” is defined as being unmarried and under 21, whereas a person who is married and/or over 21 is defined as a “son or daughter.”

³ Immigration and Nationality Act §201(b). A USC must be over the age of 21 in order to sponsor their parents and siblings. Proposals to change the definition of immediate relative to make the category more restrictive have been suggested this year.

⁴ Immigration and Nationality Act §203.

Figure 1: Overview of Current Family-based Sponsorship

Sponsor	Relationship to Sponsor	Numerical Limit?	Priority
U.S. Citizen	Spouse	No limit	IR-1
LPR		Subject to total F2 visa cap of 114,200	F2A
U.S. Citizen	Children (unmarried and under 21 years of age)	No limit	IR-2
LPR		Subject to total F2 visa cap of 114,200	F2A
U.S. Citizen	Unmarried sons and daughters (21 years of age or over), including minor children	23,400	F1
LPR		Subject to total F2 visa cap of 114,200	F2B
U.S. Citizen	Sons and daughters (married and/or over 20 years of age), including their spouses and minor children	23,400	F3
LPR		N/A	N/A
U.S. Citizen (who is over 21)	Parents	No limit	IR-5
LPR		N/A	N/A
U.S. Citizen (who is over 21)	Siblings, including spouses and minor children	65,000	F4
LPR		N/A	N/A
Total Sum of Family-based Immigrant Visas: 226,000 + ⁵			

In keeping with statutory limits on the number of family members that are eligible to receive a family-based immigrant visa, the U.S. employs a system of “priority dates” that determine when an immigrant visa is available. The priority date is assigned on the date the sponsor properly and completely files a petition. If the category is not subject to a backlog, the visa is immediately available—following completion of mandatory security and admissibility checks. If not, the U.S. Department of State Visa Bulletin⁶ indicates the priority date for which a particular visa is available. The seven percent per country limit on visas means that individuals from countries like

⁵ (+) Indicates the total number of allotted visas in addition to the number of family members sponsored by U.S. citizens without limit.

⁶ November 2017 Visa Bulletin. Available at: <https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>.

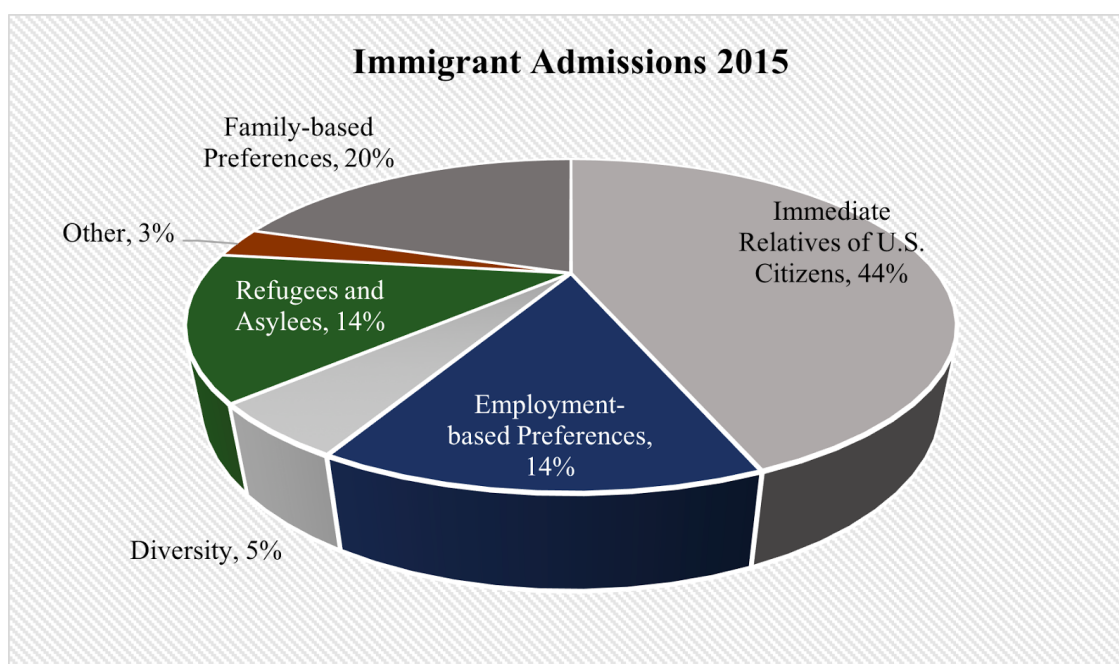
China, Mexico, Philippines, and India may wait well over a decade from their priority date for a visa.⁷

Family-Based Migration Today

Sponsorship requires proof of a legitimate relationship, minimum income, and a signed affidavit of support indicating that the sponsor will be financially responsible for the family member upon arrival.⁸

Limits are imposed on the number of family-based preferences, as well as the type of family members eligible for sponsorship. Only close relatives—like spouses, children, brothers and sisters—count as eligible relationships. Although a U.S. citizen can sponsor an unlimited number of spouses, unmarried minor children, and their parents, the sponsorship of most other eligible relationships per year is limited to roughly 226,000 visas.⁹ Comparatively, about 140,000 employment-based visas are made available to immigrants each fiscal year.¹⁰

Figure 2: Overall Immigration Admissions, 2015



Source: Department of Homeland Security, 2015 Yearbook of Immigration Statistics

Applying for and receiving a family-based visa is an arduous process. Even eligible immigrants cannot enter the U.S. for a number of reasons (*See Sponsorship Requirements section*);

⁷ Per country visa limit. Available at: <https://www.uscis.gov/tools/glossary/country-limit>.

⁸ Fees, Affidavit of Support. Available at: <https://travel.state.gov/content/visas/en/immigrate/family/family-preference.html#2>.

⁹ Family-based Immigrant Visas. U.S. Dept. of State. Available at: <https://travel.state.gov/content/visas/en/immigrate/family/family-preference.html#1>.

¹⁰ Employment-based Visas. Available at: <https://travel.state.gov/content/visas/en/immigrate/employment.html>.

health-related grounds, criminal convictions, security and public safety grounds, immigration law violations, and draft-dodging disqualify many potential immigrants as inadmissible. *This means that most illegal immigrants are ineligible for family sponsorship.*

In addition to those hurdles, many family members must wait years—even decades—to enter due to per-country limits on the number of immigrants coming from Mexico, China, India, and the Philippines. Entry is based on the date the petition was filed—the priority date—and the family preference priority—F1, F2A, F2B, F3, or F4.¹¹

Admissibility requirements are such that most illegal immigrants are ineligible for family-based visas

Sponsorship Requirements

In order to sponsor a relative, a U.S. citizen or LPR must file a petition using form I-130 available through the Department of Homeland Security U.S. Citizenship and Immigration Services (USCIS).¹²

A U.S. citizen must be at least 21 years of age to petition for siblings and parents, but there are no other minimum age requirements for most categories of family-based immigrant visas. However, an affidavit of support must accompany all applications, and is only valid once a U.S. citizen or LPR is 18 years of age.

An affidavit of support¹³ is a legally enforceable document that helps ensure that visa applicants will not become public charges—rely on federal or state benefits—while in the United States.¹⁴ Each sponsor for a petition must provide employment information, income and asset information, and real estate information. Under penalty of perjury, the sponsor must certify that they undertake the responsibility of supporting the visa beneficiary until they become a U.S. citizen, or can be credited with 40 quarters of work—roughly 10 years.

Admissibility & Security Screening

Whether a visa applicant is ‘admissible’ is based on whether she is disqualified based on numerous grounds of inadmissibility,¹⁵ including health-related grounds, criminal grounds, the conviction of two or more offenses, a reasonable belief that the individual is involved in drug trafficking or prostitution, and if the individual commits or conspires to commit human trafficking or money laundering.

¹¹ Visa Bulletin September 2017. U.S. Dept. of State. Available at: <https://travel.state.gov/content/visas/en/law-and-policy/bulletin/2017/visa-bulletin-for-september-2017.html>.

¹² I-130, Petition for Alien Relative. Available at: <https://www.uscis.gov/i-130>.

¹³ Affidavit of Support, USCIS. Available at: <https://www.uscis.gov/greencard/affidavit-support>.

¹⁴ I-134, Affidavit of Support, USCIS. Available at: <https://www.uscis.gov/i-134>.

¹⁵ INA § 212 (a).

Generally, a family member is not admissible if she is deemed a “public charge,” was previously present in the United States without being paroled or admitted, committed fraud or misrepresentation, was previously removed, or does not have proper documentation. Miscellaneous grounds of inadmissibility include practicing polygamists, international child abduction, unlawful voters, those ineligible for citizenship, and foreign nationals who evaded the draft.

All potential immigrants are screened, at a minimum, by the National Counterterrorism Center (NCC), the Federal Bureau of Investigation (FBI), the Department of Defense (DoD), the Department of State (DoS), and the Customs and Border Patrol (CBP). USCIS partners with a number of other agencies and offices to run pilot programs to test new screening checks, including social media vetting. Finally, interviews of every potential immigrant are conducted by highly trained officers at consular processing centers abroad and upon arrival in the United States.

Only if it is established that an individual is who she says she is and poses no security risk, is she allowed into the country; no person is entitled entry into the United States, regardless of their situation.

Clarifying Misinformation about Family-based Immigration

Framing family-based immigrants as “chain migrants” and publishing only selectively negative information about the impacts family-based immigrants have on the social and economic health of the United States are examples of efforts to disparage family-based immigration, and serve only to distract pragmatic conversations about potential reforms.

Although family-based immigration is the bedrock of our system, it may be ripe for scaled improvement, but in order to have informed discussions about our current immigration system, it is critical to understand the facts.

Myth #1: Family-based immigration is closely tied to illegal immigration.

Family-based immigration has little to do with illegal immigration. Nonetheless, critics of family-based migration often cite unity waivers as tickets to amnesty for illegal immigrants, but that is misleading.¹⁶

Family unity waivers are available to certain individuals to help immigrants families stay as they pursue legal status, but they are rare. Generally, individuals who stay in the U.S. unlawfully are barred from reentering the country again for either three or 10 years, unless they get a waiver for their unlawful presence. To do so, an individual must demonstrate “extreme hardship” in order to qualify—and very few do.

¹⁶ Provisional Unlawful Presence Waivers, USCIS. Available at: <https://www.uscis.gov/family/family-us-citizens/provisional-waiver/provisional-unlawful-presence-waivers>.

Furthermore, even waiver recipients must *still* depart the United States and appear before a consular officer abroad for an immigrant visa interview, where it is determined whether the applicant is eligible to receive the visa and is admissible.

Myth #2: Family-based migration has the highest level of immigration because it is out of control.

Family-based immigration makes up the largest percentage of allotted visas because our immigration system was founded on conservative family values, like preserving family unity.

Although a U.S. citizen can sponsor an unlimited number of spouses, unmarried minor children, and their parents, the sponsorship of most other eligible relationships per year is limited to roughly 226,000 visas.¹⁷ Comparatively, about 140,000 employment-based immigrant visas are made available to immigrants each fiscal year.¹⁸ This is in addition to the much larger number of employment-based nonimmigrant visas made available annually, which require an individual to prove that she has no intent to remain in the U.S. after the expiration of her visa.

The family-based visa system is as systematic, lawful, and thorough as every other immigrant and nonimmigrant visa processing system in the United States. That family-based immigrants make up the vast majority of immigration—for now—is a reflection of the sentiment of the country and the laws passed by Congress at work.

Myth #3: Family-based immigrants do not contribute to the economy.

It is widely recognized that the U.S. benefits substantially from immigration, including from immigrants who work as unskilled laborers. As we allow workers to specialize skills doing tasks they do best, we increase opportunity for innovation, entrepreneurship, and economic gain.

Studies suggest that the U.S. economy benefits from allowing low-skilled workers to continue to work in the U.S., regardless of whether they enter on family-based or employment visas.¹⁹ In fact, while employment-based immigrants start out with higher wages, family-based immigrants invest in their own skills at higher rates and see faster earnings growth.²⁰

Even reorienting our immigration system to focus less on family-based immigrants and more on employment based immigration—a “points system”—does not mean that family-based immigration would—or should—disappear.

¹⁷ Family-based Immigrant Visas. U.S. Dept. of State. Available at: <https://travel.state.gov/content/visas/en/immigrate/family/family-preference.html#1>.

¹⁸ Employment-based Visas. Available at: <https://travel.state.gov/content/visas/en/immigrate/employment.html>.

¹⁹ Jennifer Hunt, Analysis: Would the U.S. benefit from a merit-based immigration system?, PBS NewsHour. Available at: <https://www.pbs.org/newshour/economy/analysis-u-s-benefit-merit-based-immigration-system>.

²⁰ Harriet Duleep and Mark Regets, “Family-friendly and human-capital-based immigration policy: Shifting the focus from immigrant’ initial earnings to their propensity to invest in human capital,” *IZA World of Labor*, October 2017.

The contributions that family immigrants make to the social and economic fabric of the nation are clear; even countries that focus on a merit-based system do not outlaw family-based migration entirely. No country admits immigrants exclusively using the points system that awards higher-skilled, more educated immigrants, even in the widely heralded Canadian system, and for good reason.²¹

Myth #4: The aging cohort of family-based immigrants will harm the economy.

It is true that the share of elderly adults who are foreign born is on the rise, both because of aging immigrants and the immigration of the elderly.²² However, that does not mean they are a significant burden on the economy. In fact, foreign-born elderly are much more likely than native-born elderly to be employed, and much less likely to receive Social Security benefits or public assistance.²³

The native-born American population is aging too, which poses numerous problems for the country's long-term economic health. Immigration—specifically family-based immigration—is key to slowing these concerning demographic trends, since they pay federal and state taxes, and contribute to Social Security and Medicare and Medicaid coffers. To be clear, the population of elderly immigrants poses some serious challenges to policymakers,²⁴ but limiting family-based immigration is neither the best policy lever to address such concerns, nor worth the costs such reforms would impose.

Proposed Changes to Family-based Immigration

Many of the proposed changes to family-based immigration will affect—usually by decreasing—levels of legal immigration, and thereby negatively affect economic growth.

Below is an overview of two discussed hypothetical changes to the family-based migration system and a review of two specific pieces of legislation—the RAISE Act and SUCCEED Act—that would, in addition to other changes, affect family-based immigration and immigration levels overall.

An overview of the long-term impacts on annual levels of immigration and on cumulative immigration to the United States, as well as an estimate of economic impacts resulting from each of the changes is detailed in the following section.

²¹Employment-Based Permanent Immigration: Examining the Value of a Skills Based Point System, Presentation Statement by Professor Charles M. Beach before the U.S. Senate Committee on Health, Education, Labor, and Pensions at its September 14, 2006. Available at: <https://www.help.senate.gov/imo/media/doc/Beach.pdf>.

²² Mark Leach, “America’s Older Immigrants: A Profile,” *Generations* 4, 34-39, 2008.

²³ George J. Borjas, “Economic Well-Being of the Elderly Immigrant Population,” 11th Annual Joint Conference of the Retirement Research Consortium, August 10, 2009.

²⁴ See for instance, E. Gorospe, “Elderly Immigrants: Emerging Challenge for the US Healthcare System,” *The Internet Journal of Healthcare Administration* 4:1, 2005.

Potential Components of a Dreamer Deal—Two Hypothetical Reform Scenarios

At the time of writing, proponents of reforming family-based immigration have advocated including such reforms in a potential deal that would grant a path to citizenship to Dreamers. The discussed reforms are based largely on the RAISE Act (for which there is a separate section below), but because they are being discussed out of the context of that particular legislation, we detail below an overview of the reforms in isolation. Both scenarios will cut long-term levels of legal immigration, although they differ in details and timing of decline.

Scenario 1: Limiting sponsorship to children under 18 years of age and spouses, and lowering allotment to 88,000 per year

Scenario 1 limits family-preference sponsorship (F2A) to children (unmarried and under 18 years of age) and spouses, adjusts the eligibility requirements, and caps the restricted family-preference category (F2) to 88,000 visas. This proposal would also bar new applicants for F1, F2B, F3, and F4 family-preference visas.

However, the proposal does “grandfather in” all current applicants in the waiting list, meaning that anybody who has already filed a visa application can continue to wait until visas become available, even if no new applicants are accepted under their family-preference category moving forward. In other words, preference categories will only expire once the entire backlog is exhausted. The changes described under this scenario are summarized below in Figure 3.

Under Scenario 1, there is no change to the level of legal immigration for the first nine years as family-sponsored visas would still be allocated to those currently in the waitlist. During that first decade—around year 2021—the F2A waitlist will be exhausted, but overall levels of legal immigration will not change because the F2A category remains. However, the composition of F2A holders will change when F2A eligibility is restricted to those under 18 years of age whereas it formerly (and presently) is restricted only to those under 21.²⁵

Around 2027, the F2B waitlist will likely be exhausted, and yearly legal immigration levels will begin to fall relative to immigration levels under current policy.

Later, in about 2030, 2031, and 2041, the F4, F1, and F3 waitlists will clear, respectively. After each waitlist clears, the level of legal immigration will fall.

By the time the backlogs are finally cleared, yearly legal immigration to the United States will have fallen by 13 percent, or by over 130,000 immigrants a year.²⁶ (See Figures 6 and 7).

²⁵ We estimate that about 16 percent of F2A preference immigrant visas will be reallocated. In other words, we estimate that about that proportion goes to children between the ages of 18 and 21 under current policy.

²⁶ All estimates are derived from the author's calculations. The sources used as the basis for these calculations, may be found below Figure 6.

Figure 3: Changes (in red) to Sponsorship under Scenario 1

Sponsor	Relationship to Sponsor	Numerical Limit?	Priority
U.S. Citizen	Spouse	No limit	IR-1
LPR		Subject to total F2 visa cap of 114,200 88,000	F2A
U.S. Citizen	Children (unmarried and under 21 years of age)	No limit	IR-2
LPR	Children (unmarried and under 21 18 years of age)	Subject to total F2 visa cap of 114,200 88,000	F2A
U.S. Citizen	Unmarried sons and daughters (21 18 years of age or over), including their minor children	23,400 N/A	F1 N/A
LPR		Subject to total F2 visa cap of 114,200 N/A	F2B N/A
U.S. Citizen	Sons and daughters (married and/or over 20 17 years of age), including their spouses and minor children	23,400 N/A	F3 N/A
LPR		N/A	N/A
U.S. Citizen (who is over 21)	Parents	No limit	IR-5
LPR		N/A	N/A
U.S. Citizen (who is over 21)	Siblings, including spouses and minor children	65,000 N/A	F4 N/A
LPR		N/A	N/A
Total Sum of Family-based Immigrant Visas: 226,000 88,000 ⁺²⁷			

Both the yearly level and the cumulative number of immigrant visas issued under Scenario 1 are illustrated in Figure 6 and Figure 7, respectively.

Scenario 2: Limiting sponsorship to spouses and children under 18 years of age; ending sponsorship of parents and sons and daughters

Some lawmakers have suggested additional cuts to family-based sponsorship to altogether end the sponsorship of adult relatives other than spouses. Under Scenario 2, the changes to family-preference categories remain the same as under Scenario 1, but feature additional changes

²⁷ (+) Indicates the total number of allotted visas in addition to the number of family members sponsored by U.S. citizens without limit.

to immediate relative categories. Namely, no new applications would be accepted under IR-5 and the age restriction under IR-2 is lowered from 21 to 18 years of age. As in Scenario 1, all current applicants under the family-preference system are grandfathered in. The changes described under this scenario are summarized below in Figure 4.

In Scenario 2, legal levels of immigration immediately fall by over 11 percent. In the first year, IR-2 (children under the age of 18) use declines by about 25 percent and IR-5 (parents) use ends entirely. By the time the last backlog is cleared, the annual level of legal immigration will have fallen by 24 percent. By such time, the United States will take in almost 250,000 fewer immigrants per year than it would under the current policy.

Both the yearly level and the cumulative number of immigrant visas issued under Scenario 2 are illustrated in Figure 6 and Figure 7, respectively.

The RAISE Act

The Reforming American Immigration for Strong Employment (RAISE) Act, introduced by Sens. Tom Cotton (R-AK) and David Perdue (R-GA), proposes drastically cutting both family-based immigration and other immigration categories.

As it pertains to family-based immigration, the RAISE Act would eliminate all family-preference sponsorship beyond spouses and minor children, reduce the age of majority (as it applies to both family-preference and immediate relative sponsorship) from 21 to 18, and reduce the number of family-preference visas to 88,000 per year.

Current applicants in the waiting list are not grandfathered in, except for those applicants who could enter the United States within one year of the bill's enactment. The RAISE Act replaces the green card benefit for parents of citizens with a five-year renewable residency visa without work authorization. The changes to family sponsorship under the RAISE Act are summarized below in Figure 4.

Figure 4: Changes (in red) to Sponsorship under Scenario 2 or the RAISE Act²⁸

Sponsor	Relationship to Sponsor	Numerical Limit?	Priority
U.S. Citizen	Spouse	No limit	IR-1
LPR		Subject to total F2 visa cap of 114,200 88,000	F2A
U.S. Citizen	Children (unmarried and under 21 18 years of age)	No limit	IR-2
LPR		Subject to total F2 visa cap of 114,200 88,000	F2A
U.S. Citizen	Unmarried sons and daughters (21 18 years of age or over), including minor children	23,400 N/A	F1 N/A
LPR		Subject to total F2 visa cap of 114,200 N/A	F2B N/A
U.S. Citizen	Sons and daughters (married and/or over 20 17 years of age), including their spouses and minor children	23,400 N/A	F3 N/A
LPR		N/A	N/A
U.S. Citizen (who is over 21)	Parents	No limit N/A	IR-5 N/A
LPR		N/A	N/A
U.S. Citizen (who is over 21)	Siblings, including spouses and minor children	65,000 N/A	F4 N/A
LPR		N/A	N/A
Total Sum of Family-based Immigrant Visas: 226,000 88,000 ⁺²⁹			

Additionally, the RAISE Act also affects immigration through channels other than family sponsorship. The existing employment-based immigrant visas system is replaced with a point-based system, the Diversity visa program is eliminated, and refugee resettlement is permanently capped at 50,000. By way of comparison, in 2015, the United States resettled about 85,000 refugees and allotted about 50,000 diversity visas.

The result is a drastic reduction in the level of legal immigration; **within two years, legal immigration would be cut by almost 50 percent.** Both the yearly level and the cumulative

²⁸ While the long-term changes to sponsorship are equivalent under both Scenario 2 and the RAISE Act, under Scenario 2, *all* applicants in line are grandfathered whereas RAISE only grandfatheres in applicants for one year. RAISE also limits and changes immigration in other categories, reducing immigration further.

²⁹ (+) Indicates the total sum of allotted family-based visas in addition to the number of family members sponsored by U.S. citizens without limit.

number of immigrant visas issued under the RAISE Act and the proposals described in this brief are illustrated in Figure 6 and Figure 7, respectively.

The SUCCEED Act

The Solution for Undocumented Children through Careers, Employment, Education, and Defending our Nation (SUCCEED) Act was introduced by Sens. Thom Tillis (R-NC), James Lankford (R-OK), and Orrin Hatch (R-UT) as a conservative plan to protect Dreamers.

In doing so, it attempts to answer concerns from chain migration critics about the ability of legalized Dreamers to sponsor relatives by eliminating all sponsorship by LPRs who received their LPR status through the SUCCEED Act. The details are illustrated in Figure 5.

The SUCCEED Act does not impact family-based migration for immigrants who already have status or who will immigrate to the country in the future through legal channels; it does, however, limit sponsorship by a new class of LPRs.

For the first 10 years in the program, participants will have conditional status, during which time eligible participants can be considered for special LPR status that prohibits sponsorship. After five years with special LPR status, an individual may be able to naturalize to U.S. citizenship, after which they may sponsor family members through the same channels as other citizens.

Figure 5: Sponsorship under SUCCEED Act

Sponsor	Relationship to Sponsor	Was Sponsor in SUCCEED?	Numerical Limit?	Priority
U.S. Citizen	Spouse	N/A	No limit	IR-1
LPR		No	Subject to total F2 visa cap of 114,200	F2
		Yes	N/A	N/A
U.S. Citizen	Children (unmarried and under 21 years of age)	N/A	No limit	IR-2
LPR		No	Subject to total F2 visa cap of 114,200	F2
		Yes	N/A	N/A
U.S. Citizen	Unmarried sons and daughters (21 years of age or over), including minor children	N/A	23,400	F1
LPR		No	Subject to total F2 visa cap of 114,200	F2
		Yes	N/A	N/A
U.S. Citizen	Sons and daughters (married and/or over 21 years of age), including their spouses and minor children	N/A	23,400	F3
LPR		N/A	N/A	N/A
U.S. Citizen (who is over 21)	Parents	N/A	No limit	IR-5
LPR		N/A	N/A	N/A
U.S. Citizen (who is over 21)	Siblings, including spouses and minor children	N/A	65,000	F4
LPR		N/A	N/A	N/A
Total Sum of Family-based Immigrant Visas: 226,000+ ³⁰				

The effect of the SUCCEED Act on the number of immigrant visas issued is positive, albeit distant and relatively small, especially compared to the other scenarios and legislation discussed in this brief. Such a comparison may be found in Figure 6 and Figure 7, respectively.

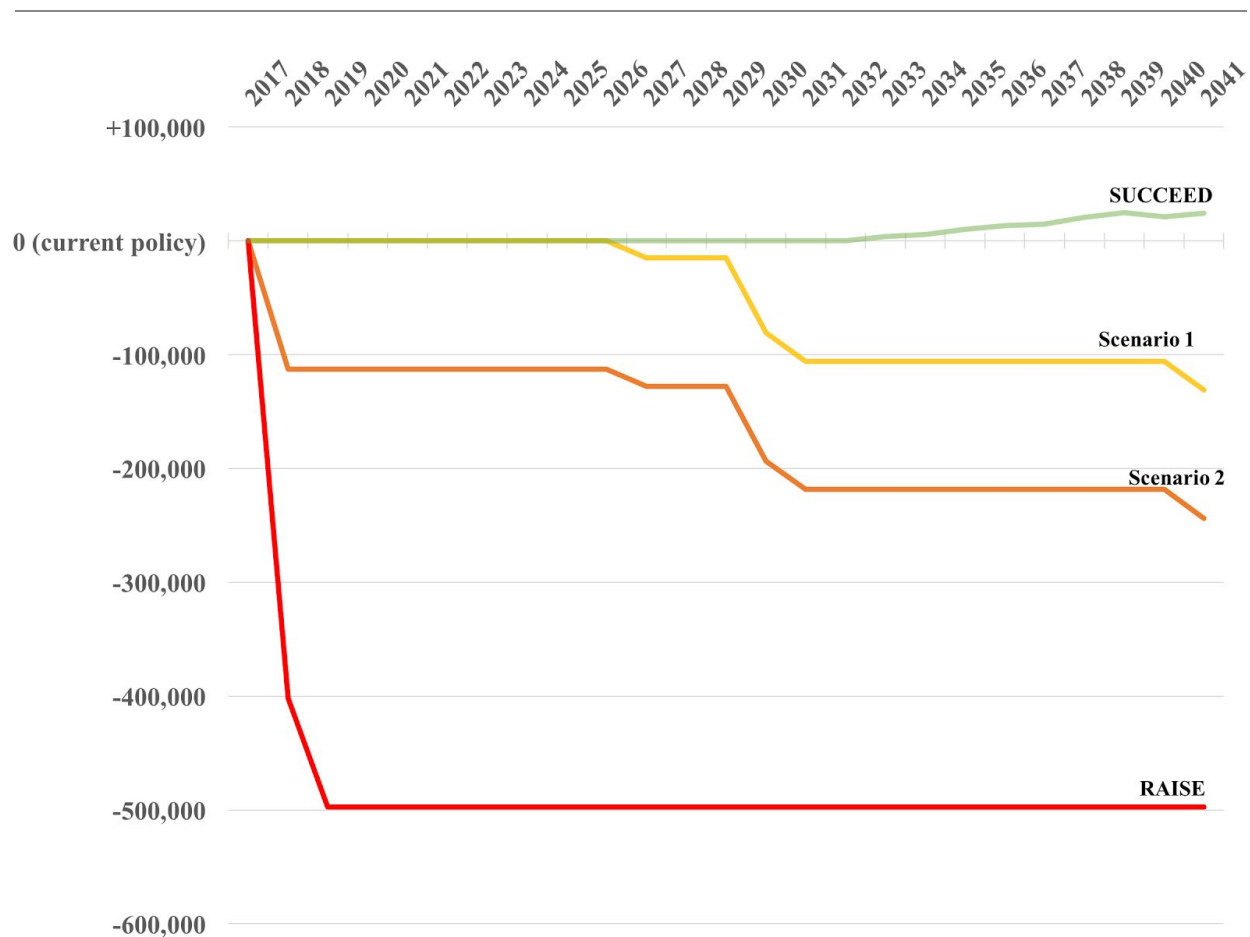
³⁰ (+) Indicates the total number of allotted visas in addition to the number of family members sponsored by U.S. citizens without limit.

Future Effects of Proposed Changes on Immigration Levels

As indicated above, Figures 6 and 7 compare future levels of immigration under each of the proposals discussed in this brief.

Figure 6 projects the yearly number of immigrant visas issued under each proposal, showing how much higher or lower such levels would be than they would be without any changes to immigration policy.

Figure 6: Yearly level of immigrant visas issued under various reform proposals, relative to current policy (2017-2041)

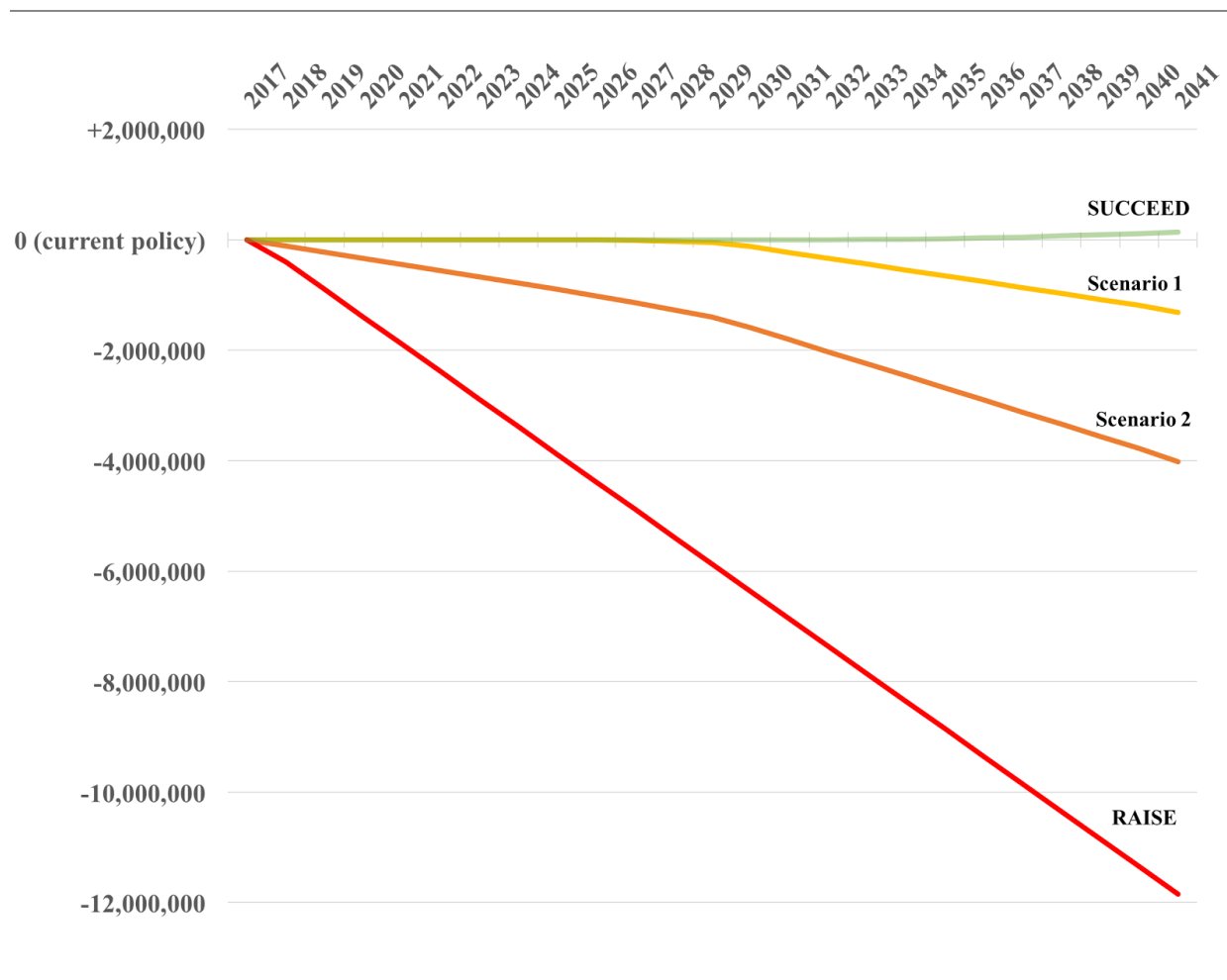


Source: Authors' own projections.³¹

³¹ Projections derived from figures in U.S. Department of State, "Report of the Visa Office," 2006-2016; US Department of Homeland Security, Office of Immigration Statistics, "Yearbook of Immigration Statistics," 2007-2015; US Department of State, National Visa Center, "Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based preferences Registered at the National Visa Center as of November 1," 2009-2016; US Department of State, Visa Bulletin, "Worldwide Final Action Dates," 2001-2017; US Department of

Figure 7 looks at how each proposal affects *cumulative* immigration by presenting the difference in the cumulative number of immigrant visas issued. Each projection assumes that a proposal goes into effect in 2018. We show levels through 2041, at which time levels of annual immigration in each scenario flattens and cumulative immigration begins to decline at an approximately constant rate.

Figure 7: Cumulative immigrant visa issuance under various reform proposals, relative to current policy (2017-2041)



Source: Authors' own projections.³²

Justice, Immigration and Naturalization Service, "Immigrants Admitted to the United States," 2000; Karl Smith and Jeremy L. Neufeld, "The Economic and Fiscal Impact of the SUCCEED Act," *Niskanen Center*, September 25, 2017; Nancy Rytina, "IRCA Legalization Effects: Lawful Permanent Residence and Naturalization through 2001," Office of Policy and Planning, Statistics Division, US Immigration and Naturalization Service, 2002; and Stacie Carr and Marta Tienda, "Family Sponsorship and Late-Age Immigration in Aging America: Revised and Expanded Estimates of Chained Migration," *Population Research and Policy Review* 32:6 825-849, 2013.

³² Ibid.

There has been some discussion among lawmakers of pairing the SUCCEED Act with a reform like Scenario 1 or Scenario 2 to “offset” the effects of SUCCEED. However, as can be seen from Figure 7, the increases in immigration caused by the SUCCEED are dwarfed by the cuts to immigration by any of the discussed proposals.³³ Although SUCCEED does lead to a one-time increase in the number of green cards issued, it is exactly that: a one-time increase.³⁴ Pairing a *one-time* increase with a *permanent* decrease must lead to fewer green cards being issued in the long run. Lawmakers should be aware as they consider this option that they would be drastically cutting immigration in the long-term.

As can be seen from the above figures, the RAISE Act, Scenario 1, and Scenario 2 lead to much lower levels of immigration in the long term. Such proposals do not shift the priorities of the immigration system from one kind of immigration to another, but instead, slash total immigration levels. Even Scenario 1, the most modest family-based immigration reform proposal discussed, creates an “immigration cliff,” where immigration stays on its present course for ten years, before substantial and permanent cuts begin to take place.

Impacts of Proposed Changes on the Economy

The effects of family-based immigration reforms on immigration levels detailed above will have substantial effects on economic growth. Scenario 1, Scenario 2, and the RAISE Act each reduce the number of immigrants in the United States (by respectively increasing amounts) relative to current trends and by extension, lead to a smaller labor force, less entrepreneurship, and less innovation, leading in turn to slower economic growth.

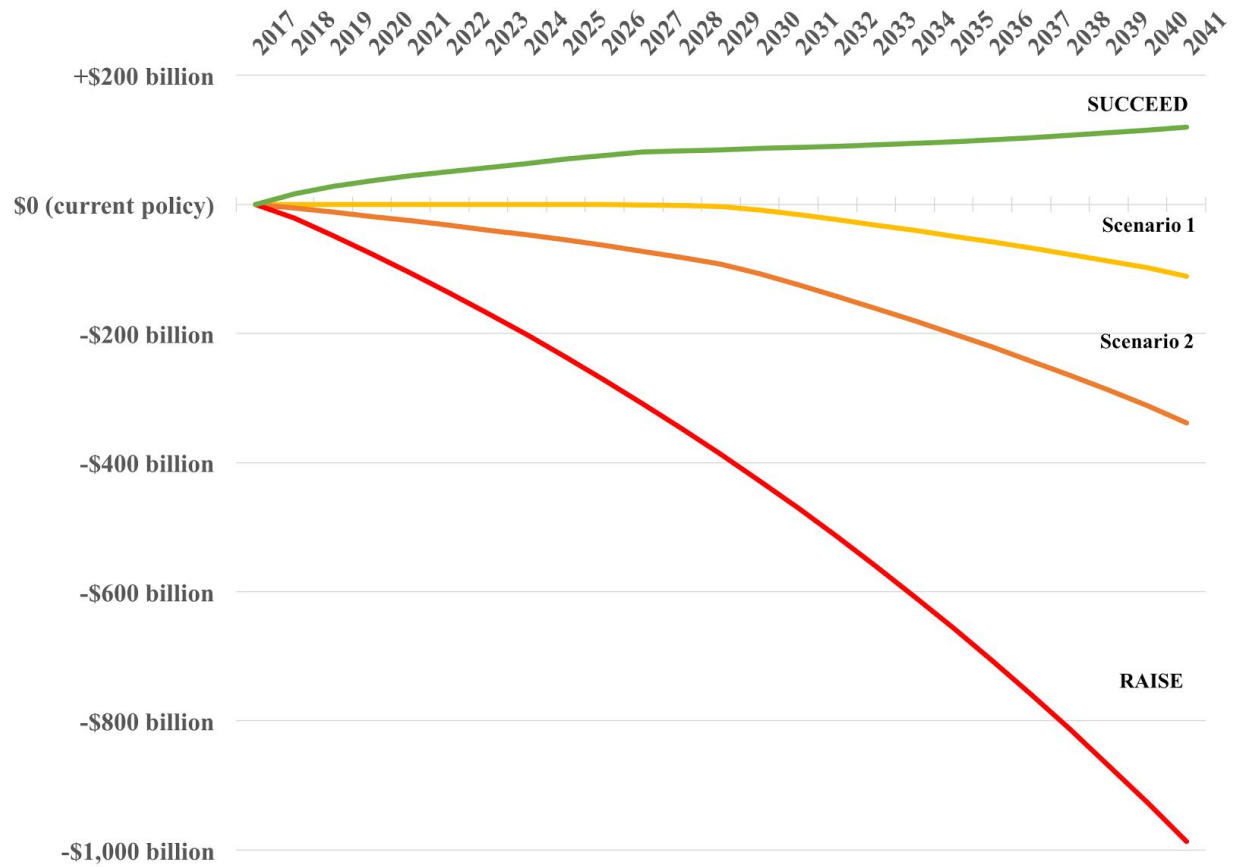
The SUCCEED Act by contrast, would lead to higher economic growth, although this effect is driven predominantly by the legalization and work authorization granted in the bill, rather than its small increases in immigration.

An estimate for the effect of each scenario on yearly gross domestic product (GDP) as compared to GDP under current trends can be found in Figure 8.

³³Note: cumulative immigration, as illustrated in Figure 7, does not fully capture changes in the stock of immigrants (or therefore of US residents in general) because it does not account for factors contributing to the decline of such stocks, like emigration or the deaths of immigrants. However, it is illustrative of the potential “snowball effect” of family migration reforms.

³⁴Note: the one-time increase in green cards does not itself increase total immigration into the United States because recipients have already immigrated, albeit illegally. Whether the immigrants are granted green cards or not, most will remain in the country. Most of the actual increase in *immigration*, as opposed to an increase in mere green card issuance, is captured in Figure 6 by looking at visa issuance.

Figure 8: Yearly GDP under various reform proposals, relative to current policy (2017-2041)



Source: Authors' own projections.³⁵

Thirty years from now—in 2047—we predict US GDP will be about \$34 trillion (in 2016 dollars) if immigration policy is not changed and current trends continue. However, GDP in 2047 would be \$200 billion lower under Scenario 1, \$520 billion lower under Scenario 2, and \$1.39 trillion lower under the RAISE Act. Under SUCCEED, GDP in thirty years would be about \$150 billion higher.³⁶

³⁵ Projections based on the immigration levels projected above, along with the analysis of the effect of immigration on GDP by Adam Ozimek and Mark Zandi described in Lena Groeger, “The Immigration Effect,” *ProPublica*, July 19, 2017 and an estimate of the effect of the SUCCEED Act on GDP in Smith and Neufeld, “The Economic and Fiscal Impact of the SUCCEED Act,” *Niskanen Center*, September 25, 2017.

³⁶ Ibid. We note that the simpler model used here and in Figure 8 provides a noticeably larger effect than that estimated in “The RAISE Act: Effect on Economic Growth and Jobs,” Penn Wharton, University of Pennsylvania, August 2017, indicating that our estimate may be somewhat high. However, we are confident of the signs (and the order of each scenario’s effects), if not the precise magnitudes.

Recommendations

Assessing proposals to reallocate family-based immigration visas to merit-based immigration streams is outside the scope of this brief. However, we can make the following recommendations:

1. No reform of family-preference migration should reduce future levels of total immigration;
2. Congress should increase statutory caps on yearly immigrant visa issuance and adopt temporarily larger caps to shrink existing waitlists. A compromise position could pair such increases with a cap on the number of sponsorship petitions from a single sponsor in a given length of time;
3. The State Department should be required to estimate the size of statutory caps to keep the lengths of immigrant visa waitlists from growing, as well as the size and duration of temporary caps to shrink visa waitlists to targeted lengths; and
4. As a supplement to the Visa Bulletin, the State Department should be required to publish tables of estimated wait times based on immigrant visa category, priority date, and nationality.

Conclusion

Increasingly, more people want family-based visas than there are visas available. Increasing the number of available visas can alleviate pressure from the lengthening waiting lists without forfeiting the cultural, social, and economic benefits from family-based immigration.

But if increasing the total number of visas is not a feasible option, then policymakers face a choice: what proportion of immigrants should be chosen on the basis of family reunification and what proportion should be chosen on another basis? This is an important question without a clear answer. Lawmakers must be aware that existing proposals to reform family-based immigration, like the RAISE Act, don't merely adjust that proportion, they drastically cut the total level of immigration, which is detrimental to the country.