

U.S. Legal Permanent Residents: 2004

Nancy F. Rytina

June 2005

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 2004.¹

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

In 2004, a total of 946,142 persons became LPRs of the United States (see Table 1).² The majority (62 percent) lived in the United States when they became LPRs. Nearly two-thirds (66 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 (19 percent), India (7 percent), and the Philippines (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

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

² Excludes 11,741 orphan children, adopted abroad by U.S. citizens, who were issued IR3 visas and technically became legal permanent residents in 2004. Records for these children were not included in the data extract received from CLAIMS since these children also acquired U.S. citizenship upon arrival in the United States. Under a Child Citizenship Act of 2001 pilot program designed to streamline the certificates of citizenship production process, qualifying adopted children who have been admitted to the United States (“IR3”) receive Certificates of Citizenship after arrival rather than Permanent Resident Cards. Subsequent reports on legal permanent residents issued by OIS will include these orphan children.

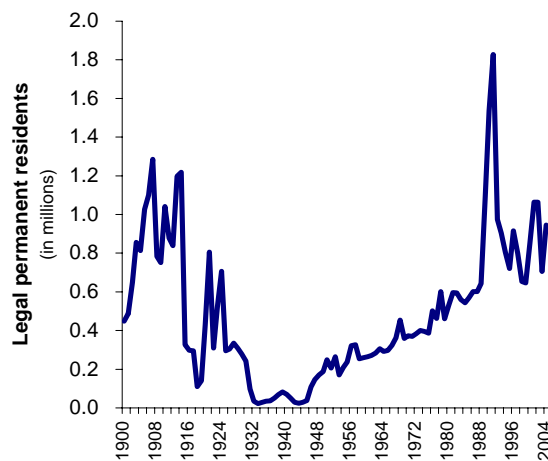
effect today. U.S. law gives priority to immigration status for foreign nationals who have a close family relationship with a U.S. citizen or LPR, who have needed job skills, who are from countries with relatively low levels of immigration to the United States, or who have refugee or asylee status.

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 limit for family-sponsored preferences ranges from 226,000 to 480,000. (See Appendix 1 for more details on the limit calculations.)

Figure 1.
LPR Flow to the United States:
1900 to 2004



Source: U.S. Department of Homeland Security,
Office of Immigration Statistics



Homeland
Security

Office of
Immigration Statistics
Management Directorate

Table 1.

Legal Permanent Resident Flow, Fiscal Year 2002 to 2004

Category of Admission	2004		2003		2002	
	Number	Percent	Number	Percent	Number	Percent
Total	946,142	100.0	705,827	100.0	1,063,732	100.0
New arrivals	362,221	38.3	358,411	50.8	384,427	36.1
Adjustments of status	583,921	61.7	347,416	49.2	679,305	63.9

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Year 2002 to 2004.

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. USCIS calculates Diversity limits for six broad world regions. 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 2004, the limit on preference immigration was 430,422, including 226,000 for family-sponsored preferences and 204,422 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 2004, the per country limit was 30,130 and the dependent area limit was 8,608.

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 LPR flow. Immediate relatives of U.S. citizens, 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 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 2002, 2003, and 2004.

Asylees must wait one year after they are granted asylum to apply for lawful permanent residence. A 10,000 annual limit existed on the number of asylees authorized to adjust status in 2004.

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, including 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 citizen parents.

DATA

The data presented in this report on persons becoming LPRs were obtained from the Computer Linked Applicant Information Management 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 2004.

Table 2.

Legal Permanent Residents by Major Category of Admission, Fiscal Year 2002 to 2004

Category of admission	2004		2003		2002	
	Number	Percent	Number	Percent	Number	Percent
Total	946,142	100.0	705,827	100.0	1,063,732	100.0
Family-sponsored immigrants	621,136	65.6	492,297	69.7	673,817	63.3
Family-sponsored preferences	214,355	22.7	158,894	22.5	187,069	17.6
Unmarried sons/daughters of U.S. citizens	26,380	2.8	21,503	3.0	23,567	2.2
Spouses and children of alien residents	93,609	9.9	53,229	7.5	84,860	8.0
Married sons/daughters of U.S. citizens	28,695	3.0	27,303	3.9	21,072	2.0
Siblings of U.S. citizens	65,671	6.9	56,859	8.1	57,570	5.4
Immediate relatives of U.S. citizens	406,781	43.0	333,403	47.2	486,748	45.8
Spouses	252,193	26.7	184,741	26.2	294,798	27.7
Parents	77,534	8.2	69,892	9.9	94,063	8.8
Children	76,347	8.1	78,024	11.1	97,099	9.1
Children born abroad to alien residents	707	0.1	746	0.1	788	0.1
Employment-based preferences	155,330	16.4	82,137	11.6	174,968	16.4
Priority workers	31,291	3.3	14,544	2.1	34,452	3.2
Professionals with advanced degrees	32,534	3.4	15,459	2.2	44,468	4.2
Skilled workers, professionals, unskilled workers	85,969	9.1	46,613	6.6	88,555	8.3
Special immigrants	5,407	0.6	5,456	0.8	7,344	0.7
Investors	129	--	65	--	149	--
Diversity programs	50,084	5.3	46,347	6.6	42,829	4.0
Other categories	119,592	12.6	85,046	12.0	172,118	16.2
Parolees	7,121	0.8	4,202	0.6	6,026	0.6
Refugees and Asylees	71,230	7.5	44,927	6.4	126,084	11.9
Refugee adjustments	61,013	6.4	34,496	4.9	115,832	10.9
Asylee adjustments	10,217	1.1	10,431	1.5	10,252	1.0
Subject to annual limit	10,016	1.1	10,026	1.4	9,713	0.9
Not subject to limit	201	--	405	0.1	539	0.1
NACARA ¹ Section 202	2,292	0.2	2,577	0.4	9,495	0.9
Cancellation of removal	32,702	3.5	29,109	4.1	23,827	2.2
Subject to annual limit	2,566	0.3	2,009	0.3	2,224	0.2
Not subject to limit (NACARA ¹ Section 203)	30,136	3.2	27,100	3.8	21,603	2.0
Haitian Refugee Immigrant Fairness Act	2,451	0.3	1,414	0.2	5,383	0.5
Other	3,796	0.4	2,817	0.4	1,303	0.1

¹Nicaraguan Adjustment and Central American Relief Act of November 1997. — Figure rounds to 0.0. Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Year 2002 to 2004.

Data Limitations. The 2004 data have two significant limitations. First, missing values were a problem for certain variables. Previous nonimmigrant class and year of entry were missing for 39 percent and 45 percent, respectively, of all LPRs who adjusted status. Occupation was missing for 47 percent of LPR adjustments of status. As a result, data are not presented in this report for these characteristics.

Second, since the late 1990s, an adjustment of status application backlog at USCIS and related processing issues have caused substantial fluctuations in the annual LPR flow and may have affected its demographic composition. At the end of 2004, there were 1.1 million 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 34 percent from 705,827 in 2003 to 946,142 in 2004 (see Table 1). This increase was concentrated almost entirely among adjustments of status and primarily reflects backlog reduction efforts at U.S. Citizenship and Immigration Services. The number of LPR adjustments of status increased by 68 percent from 347,416 in 2003 to 583,921 in 2004.

Adjustments of status represented 62 percent of all LPRs in 2004 compared to 49 percent in 2003 and 64 percent in 2002. In contrast, the number of LPR new arrivals increased by just 1.1 percent from 358,411 in 2003 to 362,221 in 2004. New arrivals accounted for 38 percent of the LPR flow in 2004.

Historical Trend

The annual LPR flow has exhibited an upward trend since World War II (see Figure 1). The annual average LPR flow more than tripled from 250,000 during the 1950s to 795,000 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

Table 3.

Legal Permanent Residents by Region and Country of Birth, Fiscal Year 2002 to 2004

Region/country of birth	2004		2003		2002	
	Number	Percent	Number	Percent	Number	Percent
Total	946,142	100.0	705,827	100.0	1,063,732	100.0
REGION:						
Africa	66,309	7.0	48,738	6.9	60,269	5.7
Asia	330,004	34.9	244,759	34.7	342,099	32.2
Europe	127,669	13.5	100,769	14.3	174,209	16.4
North America	341,242	36.1	250,726	35.5	404,437	38.0
Caribbean	88,921	9.4	68,815	9.7	96,489	9.1
Central America	61,333	6.5	54,565	7.7	68,979	6.5
Other North America	190,988	20.2	127,346	18.0	238,969	22.5
Oceania	5,960	0.6	4,377	0.6	5,557	0.5
South America	71,785	7.6	55,247	7.8	74,506	7.0
Unknown	3,173	0.3	1,211	0.2	2,655	0.2
COUNTRY:						
Mexico	175,364	18.5	115,864	16.4	219,380	20.6
India	70,116	7.4	50,372	7.1	71,105	6.7
Philippines	57,827	6.1	45,397	6.4	51,308	4.8
China	51,156	5.4	40,659	5.8	61,282	5.8
Vietnam	31,514	3.3	22,133	3.1	33,627	3.2
Dominican Republic	30,492	3.2	26,205	3.7	22,604	2.1
El Salvador	29,795	3.1	28,296	4.0	31,168	2.9
Cuba	20,488	2.2	9,304	1.3	28,272	2.7
Korea	19,766	2.1	12,512	1.8	21,021	2.0
Colombia	18,678	2.0	14,777	2.1	18,845	1.8
Guatemala	17,999	1.9	14,415	2.0	16,229	1.5
Canada	15,567	1.6	11,446	1.6	19,519	1.8
United Kingdom	14,915	1.6	9,601	1.4	16,421	1.5
Jamaica	14,414	1.5	13,384	1.9	14,898	1.4
Poland	14,250	1.5	10,526	1.5	12,746	1.2
Haiti	13,998	1.5	12,314	1.7	20,268	1.9
Ukraine	13,655	1.4	11,666	1.7	21,217	2.0
Russia	13,358	1.4	13,951	2.0	20,833	2.0
Pakistan	12,086	1.3	9,444	1.3	13,743	1.3
Peru	11,781	1.2	9,444	1.3	11,999	1.1
All other countries	298,923	31.6	224,117	31.8	337,247	31.7

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Year 2002 to 2004.

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 of 1986.

Between 2000 and 2004, the LPR flow averaged 926,000. This was 16 percent higher than the average LPR flow during the 1990s.

Class of Admission

Family-sponsored immigrants, including family preferences and immediate relatives of U.S. citizens, accounted for nearly two-thirds (66 percent) of persons becoming LPRs in 2004 (see Table 2). Immediate relatives of U.S. citizens represented

66 percent of all family-sponsored immigrants and 43 percent of the total LPR flow in 2004.

Employment preferences accounted for 16 percent of persons becoming LPRs in 2004. The LPR flow in this category increased by 89 percent between 2003 and 2004 partly because of an increase in the annual limit between the two years from 140,000 to 204,422.

Refugees and asylees represented 7.5 percent of all persons becoming LPRs in 2004. The refugee LPR flow in 2004 was 77 percent higher than in 2003 but 47 percent lower than in 2002.

Diversity immigrants accounted for 5.3 percent of new LPRs in 2004. The annual number of LPRs admitted under the Diversity program increased from 2002 to 2004.

Region and Country of Birth

The leading regions of birth for persons becoming LPRs in 2004 were North America (36 percent) and Asia (35 percent) (see Table 3). These two regions accounted for approximately 70 percent of the LPR flow during 2002 to 2004

In 2004, nearly one-fifth (19 percent) of all persons becoming LPRs were born in Mexico. The second leading country of

Table 4.

Legal Permanent Residents by State of Intended Residence, Fiscal Year 2002 to 2004

State of intended residence	2004		2003		2002	
	Number	Percent	Number	Percent	Number	Percent
Total	946,142	100.0	705,827	100.0	1,063,732	100.0
California	252,920	26.7	176,375	25.0	291,216	27.4
New York	102,390	10.8	89,661	12.7	114,827	10.8
Texas	91,799	9.7	53,592	7.6	88,365	8.3
Florida	75,644	8.0	52,969	7.5	90,819	8.5
New Jersey	50,303	5.3	40,818	5.8	57,721	5.4
Illinois	46,314	4.9	32,488	4.6	47,235	4.4
Massachusetts	27,676	2.9	20,184	2.9	31,615	3.0
Virginia	21,695	2.3	19,781	2.8	25,411	2.4
Maryland	20,253	2.1	17,813	2.5	23,751	2.2
Washington	19,442	2.1	18,017	2.6	25,704	2.4
Other	237,706	25.1	184,129	26.1	267,068	25.1

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Year 2002 to 2004.

Table 5.

Legal Permanent Residents by Metropolitan Area of Intended Residence: Fiscal Year 2002 to 2004

Metropolitan area of intended residence	2004		2003		2002	
	Number	Percent	Number	Percent	Number	Percent
Total	946,142	100.0	705,827	100.0	1,063,732	100.0
Los Angeles-Long Beach, CA	88,366	9.3	64,771	9.2	108,613	10.2
New York, NY	83,633	8.8	71,622	10.1	91,275	8.6
Chicago, IL	42,455	4.5	29,883	4.2	43,810	4.1
Houston, TX	32,926	3.5	15,408	2.2	28,225	2.7
Washington, DC-MD-VA-WV	31,925	3.4	29,845	4.2	38,468	3.6
Miami, FL	29,688	3.1	21,139	3.0	40,832	3.8
Orange County, CA	22,179	2.3	15,256	2.2	25,806	2.4
San Jose, CA	20,562	2.2	13,045	1.8	27,431	2.6
Oakland, CA	20,285	2.1	13,753	1.9	21,250	2.0
San Diego, CA	19,859	2.1	12,840	1.8	22,484	2.1
Other	554,264	58.6	418,265	59.3	615,538	57.9

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Year 2002 to 2004.

birth was India (7.4 percent), followed by the Philippines (6.1 percent), China (5.4 percent), the Dominican Republic (3.2 percent), El Salvador (3.1 percent), Cuba (2.2 percent), Korea (2.1 percent), and Colombia (2.0 percent). These 10 countries represented 53 percent of all new LPRs in 2004.

State and Metropolitan Area of Residence

California was the destination of more than one-quarter (27 percent) of persons becoming LPRs in 2004 (see Table 4). Other leading states of residence included New York (11 percent), Texas (9.7 percent), Florida (8.0 percent), New Jersey (5.3 percent), and Illinois (4.9 percent). These six states represented the residence of 66 percent of new LPRs in 2004.

Table 6.

Legal Permanent Residents by Age, Fiscal Year 2002 to 2004

Age	2004		2003		2002	
	Number	Percent	Number	Percent	Number	Percent
Total	946,142	100.0	705,827	100.0	1,063,732	100.0
Under 5 years	30,739	3.2	36,652	5.2	43,464	4.1
5 to 14 years	107,002	11.3	81,818	11.6	125,353	11.8
15 to 24 years	164,347	17.4	126,753	18.0	185,698	17.5
25 to 34 years	268,327	28.4	187,899	26.6	313,438	29.5
35 to 44 years	183,655	19.4	121,807	17.3	187,990	17.7
45 to 54 years	94,884	10.0	69,695	9.9	95,130	8.9
55 to 64 years	53,866	5.7	43,991	6.2	60,895	5.7
65 years and over	43,282	4.6	37,176	5.3	51,555	4.8
Unknown age	40	--	36	--	209	--
Median age (years)	31	N/A	30	N/A	30	N/A

-- Figure rounds to 0.0. N/A = not applicable. Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Year 2002 to 2004.

The top 10 states of residence (which additionally include Massachusetts, Virginia, Maryland, and Washington) accounted for the residence of three-quarters (75 percent) of new LPRs.

The leading metropolitan destinations represented in the LPR flows in 2004 were Los Angeles-Long Beach, CA (9.3 percent) and New York, NY (8.8 percent) (see Table 5). Other leading destinations included Chicago, IL, Houston, TX, Washington, DC-MD-VA-WV, Miami, FL, Orange County, CA, San Jose, CA, Oakland, CA, and San Diego, CA. These 10 metropolitan areas represented the residence of 41 percent of persons becoming LPRs in 2004.

Age, Gender, and Marital Status

LPRs have historically been younger than the native population of the United States. In 2004, 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.³

New LPRs are more likely to be female than the U.S. native population. In 2004, females accounted for 55 percent of new LPRs (see Table 7) compared with 51 percent for the U.S. native population.⁴ The majority (59 percent) of new LPRs were married (see Table 8) compared with 46 percent of the native population.⁵

♦ ♦ ♦

FOR MORE INFORMATION

Visit the Office of Immigration Statistics Web page at uscis.gov/graphics/shared/statistics.

³U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, 2004, Immigration Statistics Staff, Population Division. Internet Release February, 2005.

⁴Ibid.

⁵Calculated from the March 2004 Current Population Survey public use microdata file of the Bureau of the Census.

Table 7.

Legal Permanent Residents by Sex, Fiscal Years 2002 to 2004

Sex	2004		2003		2002	
	Number	Percent	Number	Percent	Number	Percent
Total.....	946,142	100.0	705,827	100.0	1,063,732	100.0
Male.....	430,662	45.5	316,225	44.8	485,596	45.7
Female.....	515,314	54.5	389,507	55.2	577,868	54.3
Unknown.....	166	--	95	--	268	--

-- Figure rounds to 0.0. Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Year 2002 to 2004.

Table 8.

Legal Permanent Residents by Marital Status, Fiscal Year 2002 to 2004

Marital status	2004		2003		2002	
	Number	Percent	Number	Number	Percent	Number
Total.....	946,142	100.0	705,827	100.0	1,063,732	100.0
Single.....	346,185	36.6	275,047	39.0	375,451	35.3
Married.....	561,886	59.4	401,134	56.8	644,892	60.6
Other.....	35,770	3.8	28,318	4.0	39,842	3.7
Unknown.....	2,301	0.2	1,328	0.2	3,547	0.3

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Year 2002 to 2004.

PREFERENCE IMMIGRATION LIMITS⁶**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.

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 2003 under categories 1 to 4 above was 344,027. There were 88,482 unused employment preferences in 2003. The calculated limit for family-sponsored preferences in 2004 was 224,455 (480,000 *minus* 344,027 *plus* 88,482). 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).

⁶The Bureau of Consular Affairs, U.S. Department of State, is responsible for determining these limits. See the monthly Visa Bulletin for more information about the limits (http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html).

Table A1.

Annual Limits for Preference and Diversity Immigrants: Fiscal Year 2004

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.....	204,422
First: Priority workers	58,465 ³
Second: Professionals with advanced degrees or aliens of exceptional ability.....	58,465 ²
Third: Skilled workers, professionals, and needed unskilled workers.....	58,464 ²
Fourth: Special immigrants	14,514
Fifth: Employment creation ("investors").....	14,514
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 Homeland Security.

Employment Preference Limit. The annual limit is equal to 140,000 plus unused family-sponsored preferences in the previous fiscal year. There were 64,422 unused family-sponsored preferences in 2003. The 2004 employment preference limit was 204,422 (140,000+64,422). The limit is 28.6 percent of the total for the first three preferences and 7.1 percent for the last two preferences.

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 is set for dependent areas. The 2004 limit for independent foreign states was 30,130 (7 percent of 430,422, or 226,000+204,422) and the limit for dependencies was 8,608 (2 percent of 430,422).

Diversity Limits. The annual limit was 50,000 in 2004. 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.