

U.S. Legal Permanent Residents: 2006

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A legal permanent resident (LPR) or “green card” recipient is defined by immigration law as a person who has been granted lawful permanent residence in the United States. Permanent resident status confers certain rights and responsibilities. For example, LPRs may live and work permanently anywhere in the United States, own property, and attend public schools, colleges, and universities. They may also join certain branches of the Armed Forces, and apply to become U.S. citizens if they meet certain eligibility requirements. This Office of Immigration Statistics *Annual Flow Report* presents information obtained from applications for LPR status on the number and characteristics of persons who became LPRs in the United States during 2006.¹

In 2006, a total of 1,266,264 persons became LPRs of the United States (see Table 1 and Figure 1). The majority of new LPRs (65 percent) already lived in the United States when they were granted lawful permanent residence. Nearly two-thirds (63 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 new LPRs were Mexico (14 percent), China (7 percent) and the Philippines (6 percent).

THE REAL ID ACT OF 2005

Provisions of the REAL ID Act of 2005 (enacted into law May 11, 2005) affected the LPR flows for 2005 and 2006. The Act eliminated the 10,000 annual cap on asylee adjustments of status and recaptured 50,000 employment-based visas to be used for Schedule A workers. Schedule A occupations are those for which the Secretary of the Department of Labor has determined that there are not sufficient U.S. workers who are able, willing, qualified and available. Additionally, it must be demonstrated that the wages and working conditions of U.S. workers similarly employed will not be adversely affected by the employment of aliens in such occupations. Schedule A workers include, but are not limited to, physical therapists, nurses, and aliens of exceptional ability in the arts and sciences.

THE LEGAL IMMIGRATION PROCESS

Admission Priorities

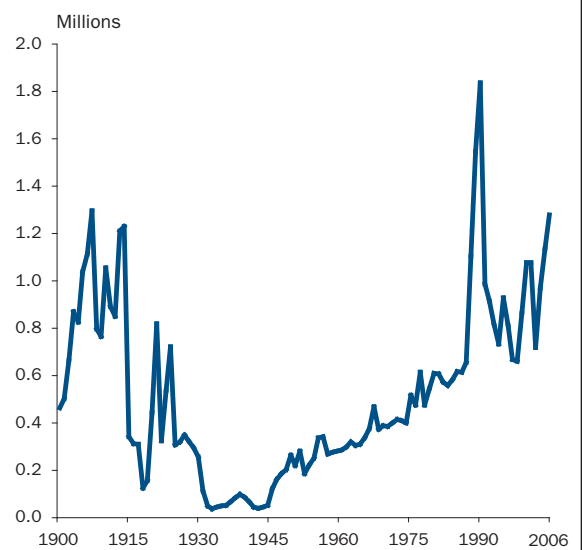
The Immigration and Nationality Act (INA) and its amendments are the basis for most immigration laws in

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

Figure 1.
**LPR Flow to the United States:
1900 to 2006**



Source: U.S. Department of Homeland Security

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



Homeland
Security

Office of Immigration Statistics
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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 and their children; married sons and daughters of U.S. citizens and their spouses and children; and brothers and sisters of U.S. citizens aged 21 and over, and their spouses and children. The annual 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 U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS). 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 2006, the limit on preference immigration was 419,949, including 226,000 for family-sponsored preferences and 143,949

Table 1.

Legal Permanent Resident Flow: Fiscal Years 2004 to 2006

Category of Admission	2006		2005		2004	
	Number	Percent	Number	Percent	Number	Percent
Total	1,266,264	100.0	1,122,373	100.0	957,883	100.0
New arrivals	447,016	35.3	384,071	34.2	373,962	39.0
Adjustments of status . . .	819,248	64.7	738,302	65.8	583,921	61.0

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2004 to 2006.

Table 2.

Legal Permanent Resident Flow by Major Category of Admission: Fiscal Years 2004 to 2006

Category of Admission	2006		2005		2004	
	Number	Percent	Number	Percent	Number	Percent
Total	1,266,264	100.0	1,122,373	100.0	957,883	100.0
Family-sponsored immigrants	803,335	63.4	649,772	57.9	632,877	66.1
Family-sponsored preferences	222,229	17.6	212,970	19.0	214,355	22.4
Unmarried sons/daughters of U.S. citizens	25,432	2.0	24,729	2.2	26,380	2.8
Spouses and children of alien residents	112,051	8.8	100,139	8.9	93,609	9.8
Married sons/daughters of U.S. citizens	21,491	1.7	22,953	2.1	28,695	3.0
Siblings of U.S. citizens	63,255	5.0	65,149	5.8	65,671	6.9
Immediate relatives of U.S. citizens	581,106	45.9	436,802	38.9	418,522	43.7
Spouses	339,843	26.8	259,144	23.1	252,193	26.3
Parents	120,441	9.5	82,113	7.3	77,534	8.1
Children	120,199	9.5	94,974	8.5	88,088	9.2
Children born abroad to alien residents	623	-	571	0.1	707	0.1
Employment-based preferences	159,081	12.6	246,878	22.0	155,330	16.2
Priority workers	36,960	2.9	64,731	5.8	31,291	3.3
Professionals with advanced degrees	21,911	1.7	42,597	3.8	32,534	3.4
Skilled workers, professionals, unskilled workers	89,922	7.1	129,070	11.5	85,969	9.0
Special immigrants	9,539	0.8	10,134	0.9	5,407	0.6
Investors	749	-	346	-	129	-
Diversity programs	44,471	3.5	46,234	4.1	50,084	5.2
Other categories	259,377	20.5	179,489	16.0	119,592	12.5
Parolees	4,569	0.4	7,715	0.7	7,121	0.7
Refugees and Asylees	216,454	17.1	142,962	12.7	71,230	7.4
Refugee adjustments	99,609	7.9	112,676	10.0	61,013	6.4
Asylee adjustments	116,845	9.2	30,286	2.7	10,217	1.1
NACARA ¹ Section 202	661	0.1	1,155	0.1	2,292	0.2
Cancellation of removal	29,516	2.3	20,785	1.9	32,702	3.4
Subject to annual limit	3,566	0.3	5,188	0.5	2,566	0.3
Not subject to limit (NACARA ¹ Section 203)	25,950	2.1	15,597	1.4	30,136	3.1
Haitian Refugee Immigrant Fairness Act	3,375	0.3	2,820	0.3	2,451	0.3
Other	4,802	0.4	4,052	0.4	3,796	0.4

- Figure rounds to 0.0.

¹ Nicaraguan 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 2004 to 2006.

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 2006, the per country limit was 25,896 and the dependent area limit was 7,399.

Table 3.**Legal Permanent Resident Flow by Region and Country of Birth:
Fiscal Years 2004 to 2006**

(Countries ranked by 2006 LPR flow)

Region/country of birth	2006		2005		2004	
	Number	Percent	Number	Percent	Number	Percent
Total	1,266,264	100.0	1,122,373	100.0	957,883	100.0
REGION:						
Africa	117,430	9.3	85,102	7.6	66,422	6.9
Asia	422,333	33.4	400,135	35.7	334,540	34.9
Europe	164,285	13.0	176,569	15.7	133,181	13.9
North America	414,096	32.7	345,575	30.8	342,468	35.8
Caribbean	146,771	11.6	108,598	9.7	89,144	9.3
Central America	75,030	5.9	53,470	4.8	62,287	6.5
Other North America	192,295	15.2	183,507	16.4	191,037	19.9
Oceania	7,385	0.6	6,546	0.6	5,985	0.6
South America	138,001	10.9	103,143	9.2	72,060	7.5
Unknown	2,734	0.2	5,303	0.5	3,227	0.3
COUNTRY:						
Mexico	173,753	13.7	161,445	14.4	175,411	18.3
China, People's Republic	87,345	6.9	69,967	6.2	55,494	5.8
Philippines	74,607	5.9	60,748	5.4	57,846	6.0
India	61,369	4.8	84,681	7.5	70,151	7.3
Cuba	45,614	3.6	36,261	3.2	20,488	2.1
Colombia	43,151	3.4	25,571	2.3	18,846	2.0
Dominican Republic	38,069	3.0	27,504	2.5	30,506	3.2
El Salvador	31,783	2.5	21,359	1.9	29,807	3.1
Vietnam	30,695	2.4	32,784	2.9	31,524	3.3
Jamaica	24,976	2.0	18,346	1.6	14,430	1.5
Korea	24,386	1.9	26,562	2.4	19,766	2.1
Guatemala	24,146	1.9	16,825	1.5	18,920	2.0
Haiti	22,228	1.8	14,529	1.3	14,191	1.5
Peru	21,718	1.7	15,676	1.4	11,794	1.2
Canada	18,207	1.4	21,878	2.0	15,569	1.6
Brazil	17,910	1.4	16,664	1.5	10,556	1.1
Ecuador	17,490	1.4	11,608	1.0	8,626	0.9
Pakistan	17,418	1.4	14,926	1.3	12,086	1.3
United Kingdom	17,207	1.4	19,800	1.8	14,915	1.6
Ukraine	17,142	1.4	22,761	2.0	14,156	1.5
All other countries	457,050	36.1	402,478	35.9	312,801	32.7

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2004 to 2006.

Immediate Relatives of U.S. Citizens

Some LPR admission categories are exempt from the annual numeric limits for preference and diversity immigration. The numerically largest category is immediate relatives (spouses and children of U.S. citizens and parents of adult U.S. citizens aged 21 and over). Immediate relatives of U.S. citizens typically account for 40 percent or more of the annual LPR flow. Immediate relatives combined with family-sponsored preferences are referred to as family-sponsored immigrants.

Refugees and Asylees

Refugees and asylees who adjust to LPR status are exempt from preference and diversity annual numerical limits. Refugees are eligible

to adjust to legal permanent resident status after one year of residence in the United States. The number of persons who may be admitted to the United States as refugees each year is established by the President in consultation with Congress. The ceiling on refugee admissions was set at 70,000 each year from 2003 to 2006.

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 eliminated that cap.

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 admitted under special legislation.

Paths to LPR Status

There are two paths to LPR status depending on whether the applicant is living in the United States or another country 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 are admitted at a port of entry.

Persons who qualify for legal permanent resident status who are living in the United States, including refugees, certain temporary workers, foreign students, and certain 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 permission to work. Adjustment of status applicants are granted lawful permanent residence at the time their applications are approved.

Eligibility for Naturalization

Most legal permanent residents who are at least 18 years of age are eligible to apply for citizenship after meeting certain requirements. These requirements generally include 5 years of lawful permanent residency in the United States and successful completion of English language, civics and history tests. Legal immigrant children under 18 years of age may automatically acquire citizenship from their U.S. citizen parents.

DATA

The data presented in this report were obtained from the Computer Linked Application Information System (CLAIMS) of USCIS, which 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, geographic residence, occupation, prior nonimmigrant class and year of entry (adjustments of status only). Data for the latter three variables are not presented in this report because a significant number of cases were missing that information.

From the late 1990s until recently, adjustment of status application processing issues at USCIS caused fluctuations in the annual LPR flow and its demographic composition. Therefore, caution should be exercised in drawing conclusions about the propensity to immigrate from the data presented in this report.

RESULTS

Legal immigration increased 13 percent from 1,122,373 in 2005 to 1,266,264 in 2006 (see Table 1). More than one-half of the increase occurred among persons adjusting status and reflects a decline in the number of applications pending a decision. The number of LPR adjustments of status increased 11 percent from 738,302 in 2005, to 819,248 in 2006. Adjustments of status accounted for 65 percent of all LPRs in 2006 and 66 percent in 2005. The number of LPR new arrivals increased by 16 percent from 384,071 in 2005 to 447,016 in 2006.

Historical Trend

The annual LPR flow has exhibited an upward trend since World War II (see Figure 1). The annual average LPR flow quadrupled from 250,000 during the 1950s to just over one million during 2000 to 2006. 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 2006 than in any other

Table 4.

Legal Permanent Resident Flow by State of Residence: Fiscal Years 2004 to 2006

(Ranked by 2006 LPR flow)

State of residence	2006		2005		2004	
	Number	Percent	Number	Percent	Number	Percent
Total	1,266,264	100.0	1,122,373	100.0	957,883	100.0
California	264,677	20.9	232,023	20.7	253,858	26.5
New York	180,165	14.2	136,828	12.2	103,151	10.8
Florida	155,996	12.3	122,918	11.0	76,178	8.0
Texas	89,037	7.0	95,958	8.6	92,440	9.7
New Jersey	65,934	5.2	56,180	5.0	50,699	5.3
Illinois	52,459	4.1	52,419	4.7	46,896	4.9
Virginia	38,488	3.0	27,100	2.4	22,104	2.3
Massachusetts	35,560	2.8	34,236	3.1	28,067	2.9
Georgia	32,202	2.5	31,535	2.8	16,681	1.7
Maryland	30,204	2.4	22,870	2.0	20,549	2.1
Other	321,542	25.4	310,306	27.6	247,260	25.8

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2004 to 2006.

Table 5.

Legal Permanent Resident Flow by Metropolitan Area of Residence: Fiscal Years 2004 to 2006

(Ranked by 2006 LPR flow)

Metropolitan areas of residence	2006		2005		2004	
	Number	Percent	Number	Percent	Number	Percent
Total	1,266,264	100.0	1,122,373	100.0	957,883	100.0
New York-Northern New Jersey-Long Island, NY-NJ-PA	224,444	17.7	172,858	15.4	138,577	14.5
Los Angeles-Long Beach-Santa Ana, CA	120,880	9.5	98,244	8.8	110,824	11.6
Miami-Fort Lauderdale-Miami Beach, FL	98,922	7.8	79,558	7.1	49,816	5.2
Washington-Arlington-Alexandria-Rockville, DC-VA-MD-WV	54,556	4.3	37,150	3.3	32,275	3.4
Chicago-Naperville-Joliet, IL-IN-WI	49,755	3.9	49,018	4.4	43,846	4.6
San Francisco-Oakland-Fremont, CA	38,350	3.0	33,880	3.0	37,233	3.9
Houston-Sugar Land-Baytown, TX	31,557	2.5	34,791	3.1	34,996	3.7
Boston-Cambridge-Quincy, MA-NH	28,473	2.2	27,139	2.4	22,712	2.4
Dallas-Fort Worth-Arlington, TX	26,654	2.1	28,971	2.6	25,238	2.6
Atlanta-Sandy Springs-Marietta, GA	25,270	2.0	25,353	2.3	12,970	1.4
Other	567,403	44.8	535,411	47.7	449,396	46.9

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2004 to 2006.

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

year since 1991 when a record 1.8 million persons became legal permanent residents.

Class of Admission

The increase in the LPR flow between 2005 and 2006 was concentrated among immediate relatives of U.S. citizens and asylees (see Table 2). The number of persons obtaining LPR status as immediate relatives of U.S. citizens increased 33 percent from 436,802 in 2005 to 581,106 in 2006. The immediate relatives share of the total LPR flow increased from 39 percent in 2005 to 46 percent in 2006.

Table 6.**Legal Permanent Resident Flow by Age: Fiscal Years 2004 to 2006**

Age	2006		2005		2004	
	Number	Percent	Number	Percent	Number	Percent
Total	1,266,264	100.0	1,122,373	100.0	957,883	100.0
Under 5 years	45,570	3.6	42,194	3.8	40,653	4.2
5 to 14 years	146,100	11.5	132,895	11.8	108,708	11.3
15 to 24 years	232,977	18.4	195,783	17.4	164,468	17.2
25 to 34 years	311,302	24.6	295,638	26.3	268,327	28.0
35 to 44 years	244,575	19.3	225,049	20.1	183,655	19.2
45 to 54 years	138,494	10.9	117,663	10.5	94,884	9.9
55 to 64 years	82,077	6.5	63,343	5.6	53,866	5.6
65 years and over	65,119	5.1	49,789	4.4	43,282	4.5
Unknown age	50	-	19	-	40	-
Median age (years)	31		31		31	

- Figure rounds to 0.0.

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2004 to 2006.

Table 7.**Legal Permanent Resident Flow by Gender: Fiscal Years 2004 to 2006**

Gender	2006		2005		2004	
	Number	Percent	Number	Percent	Number	Percent
Total	1,266,264	100.0	1,122,373	100.0	957,883	100.0
Male	563,034	44.5	509,104	45.4	434,496	45.4
Female	703,213	55.5	613,192	54.6	523,226	54.6
Unknown	17	-	77	-	161	-

- Figure rounds to 0.0.

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2004 to 2006.

Table 8.**Legal Permanent Resident Flow by Marital Status: Fiscal Years 2004 to 2006**

Marital Status	2006		2005		2004	
	Number	Percent	Number	Percent	Number	Percent
Total	1,266,264	100.0	1,122,373	100.0	957,883	100.0
Single	470,393	37.1	421,335	37.5	357,926	37.4
Married	730,327	57.7	650,829	58.0	561,886	58.7
Other	58,062	4.6	45,594	4.1	35,770	3.7
Unknown	7,482	0.6	4,615	0.4	2,301	0.2

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2004 to 2006.

Employment preferences, including principals and their dependents, represented 13 percent of the total LPR flow in 2006, down from 22 percent in 2005. The LPR flow for employment preferences decreased 36 percent from 246,878 in 2005 to 159,081 in 2006. The large number of LPRs in the employment preferences in 2005 was primarily due to the American Competitiveness in the 21st Century Act of 2000, which recaptured 130,107 unused employment-based visa numbers from 1999 and 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. None of these visas were used in 2006. In addition, the REAL ID Act of 2005 recaptured 50,000 unused employment-based visas, 5,125 of which were used in 2005. In 2006, 33,341 of these visas were used, exceeding the 2006 employment preference limit of 143,949. The majority of the visa numbers recaptured by the REAL ID Act were issued to individuals whose country of origin was the Philippines (57 percent) or India (22 percent).

The refugee and asylee LPR flow increased from 13 percent of the total flow in 2005 to 17 percent in 2006 due to the increase in asylee adjustments from the REAL ID Act. Asylee adjustments increased 286 percent from 30,286 in 2005 to 116,845 in 2006. The asylee share of the total LPR flow increased from 3 percent in 2005 to 9 percent in 2006. In contrast, the refugee LPR flow declined 12 percent from 2005 to 2006.

Diversity immigrants accounted for 3.5 percent (44,471) of new LPRs in 2006. The annual number of LPRs admitted under the Diversity program has decreased each year since 2004.

Region and Country of Birth

The leading regions of birth for persons becoming LPRs in 2006 were Asia (33 percent) and North America (33 percent) (see Table 3). These two regions accounted for approximately two-thirds of the LPR flow each year from 2004 to 2006. The number of LPRs from Africa increased 38 percent from 85,102 in 2005 to 117,430 in 2006. Approximately 50 percent of this increase was due to greater numbers of African asylee adjustments of status.

In 2006, 14 percent of all persons becoming LPRs were born in Mexico. The second leading country of birth was China (6.9 percent), followed by the Philippines (5.9 percent), India (4.8 percent), Cuba (3.6 percent), Colombia (3.4 percent), the Dominican Republic (3.0 percent), El Salvador (2.5 percent), Vietnam (2.4 percent), and Jamaica (2.0 percent). These 10 countries accounted for almost 50 percent of all new LPRs in 2006.

The removal of the 10,000 annual cap on asylee adjustments of status was partially responsible for increases in the number of LPR adjustments from China and Colombia between 2005 and 2006. In addition, the use of recaptured employment based visas resulted in an increase for the Philippines.

State and Metropolitan Statistical Area of Residence

California was the residence of approximately one-fifth (21 percent) of persons becoming LPRs in 2006 (see Table 4). Other leading states of residence included New York (14 percent), Florida (12 percent), Texas (7 percent), New Jersey (5.2 percent) and Illinois

(4.1 percent). These six states represented the residence of 64 percent of new LPRs in 2006. The top 10 states of residence (which also included Virginia, Massachusetts, Georgia, and Maryland) accounted for the residence of 75 percent of new LPRs.

The leading metropolitan statistical areas of destination represented in the LPR flows in 2006 were New York-Northern New Jersey-Long Island, NY-NJ-PA (18 percent) and Los Angeles-Long Beach-Santa Ana, CA (9.5 percent) (see Table 5)². Other leading destinations included Miami-Fort Lauderdale-Miami Beach, FL, Washington-Arlington-Alexandria-Rockville, DC-VA-MD-WV, and Chicago-Naperville-Joliet, IL-IN-WI. These five metropolitan statistical areas represented the residence of 43 percent of persons becoming LPRs in 2006.

Age, Gender, and Marital Status

LPRs have historically been younger than the native population of the United States. In 2006, 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 34 years.³

New LPRs are more likely to be female than the native U.S. population. In 2006, females accounted for 56 percent of new LPRs (see Table 7) compared with 51 percent for the U.S. native population. The majority (58 percent) of new LPRs were married (see Table 8) compared with 40 percent of the native population.³

Appendix 1

PREFERENCE IMMIGRATION LIMITS⁴

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 residence issued visas or who adjusted status in fiscal year 2005 under categories 1 to 4 above was 457,848. There were zero unused employment preferences in 2005. The calculated limit for family-sponsored preferences in 2005 was 22,152 (480,000 minus 457,848 plus 0). 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).

Table A1.

Annual Limits for Preference and Diversity Immigrants: Fiscal Year 2006

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	143,949
First: Priority workers	41,170 ³
Second: Professionals with advanced degrees or aliens of exceptional ability	41,170 ²
Third: Skilled workers, professionals, and needed unskilled workers	41,169 ²
Fourth: Special immigrants	10,220
Fifth: Employment creation ("investors")	10,220
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.

Employment Preference Limit

The annual limit is equal to 140,000 plus unused family-sponsored preferences in the previous fiscal year. There were 3,949 unused family sponsored preferences in 2005. The 2006 employment preference limit was 143,949 (140,000 plus 3,949). The limit is 28.6 percent of the total for each of the first three employment preferences and 7.1 percent for the last two preferences. In 2006, the number of employment-based preference immigrants exceeded the above limit. This was due to the REAL ID Act of 2005, which recaptured 50,000 unused employment-based visas, 33,341 of which were used in 2006.

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 2006 limit for independent foreign states was 25,896 (7 percent of 369,949 or 226,000 plus 143,949) and the limit for dependencies was 7,399 (2 percent of 369,949).

Diversity Limits

The annual limit for diversity visas was 50,000 in 2006.

² 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 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/inforeg/statpolicy.html#fs>.

³ Calculated from the March 2006 Current Population Survey public use microdata file of the Bureau of the Census.

⁴ 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).