

# U.S. Legal Permanent Residents: 2009

RANDALL MONGER

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 2009.<sup>1</sup>

In 2009, a total of 1,130,818 persons became LPRs of the United States (see Table 1 and Figure 1). The majority of new LPRs (59 percent) already lived in the United States when they were granted lawful permanent residence. Nearly two-thirds were granted permanent resident status 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 (15 percent), China (6 percent), and the Philippines (5 percent).

## THE LEGAL IMMIGRATION PROCESS

### Admission Priorities

The Immigration and Nationality Act (INA) and its amendments are the basis for most immigration laws in effect today. U.S. law gives priority for immigration status to foreign nationals who have a close family relationship with a U.S. citizen or LPR; who have needed job skills; who are from countries with relatively low levels of immigration to the United States; or who have refugee or asylee status.

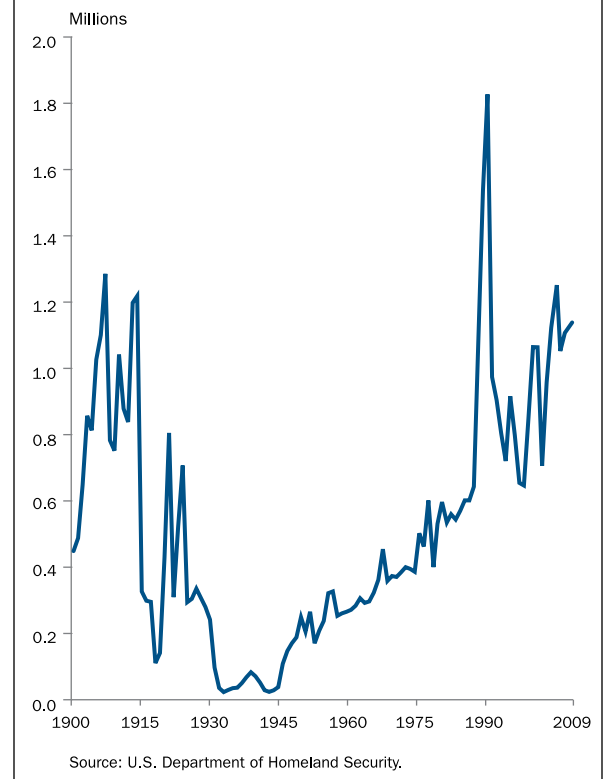
### Preference Immigration and Diversity Limits

The term *preference* has been used in immigration law to designate priority categories for LPR status. As specified by the Immigration Act of 1990, an annual limit of between 416,000 and 675,000 currently exists for family-sponsored preference, employment preference, 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 age 21 years and older, 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).

Figure 1.  
**LPR Flow to the United States:  
1900 to 2009**



<sup>1</sup> In this report, years refer to fiscal years (October 1 to September 30).



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 2009, the limit on preference immigration was 366,000 which included 226,000 visas in the family-sponsored preferences and 140,000 visas in the employment-based 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 2009, the per-country limit was 25,620 and the dependent area limit was 7,320.

### Immediate Relatives of U.S. Citizens

Some LPR admission categories are exempt from the annual numeric limits for preference and diversity immigration. The largest category numerically 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 more than 40 percent of the annual LPR flow and, when 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. The number of persons who may be admitted to the United States as refugees each year, as defined by the Refugee Act of 1980, is established by the President in consultation with Congress. The ceiling on refugee admissions was set at 70,000 from 2003 to 2007 and 80,000 in 2008 and 2009. There is no numerical limit on the number of persons who can be granted asylum status in a year.

Refugees are eligible to adjust to legal permanent resident status after one year of residence in the United States. Asylees must also wait one year after they are granted asylum to apply for lawful permanent residence. Until 2005, an annual limit of 10,000 existed

**Table 1.**

**Legal Permanent Resident Flow: Fiscal Years 2007 to 2009**

Category of admission	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total . . . . .	1,130,818	100.0	1,107,126	100.0	1,052,415	100.0
New arrivals . . . . .	463,042	40.9	466,558	42.1	431,368	41.0
Adjustments of status . . .	667,776	59.1	640,568	57.9	621,047	59.0

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2007 to 2009.

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, a foreign national may enter the United States and become an LPR when admitted at a port of entry. (These LPRs are commonly referred to as new arrivals.)

Persons who qualify for legal permanent resident status who are living in the United States, including certain refugees, temporary workers, foreign students, family members, 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 permission to work. Adjustment of status applicants are granted lawful permanent residence at the time their applications are approved. (These LPRs are commonly referred to as adjustments of status.)

### 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 or 3 years for those married to a United States citizen and successful completion of English language, civics, and history tests. Legal immigrant children under 18 years of age may automatically acquire citizenship when a parent naturalizes.

### DATA

The data presented in this report were obtained from the Computer Linked Application Information Management 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.

Table 2.

**Legal Permanent Resident Flow by Major Category of Admission: Fiscal Years 2007 to 2009**

Category of admission	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total	1,130,818	100.0	1,107,126	100.0	1,052,415	100.0
Family-sponsored immigrants	747,413	66.1	716,244	64.7	689,820	65.5
Family-sponsored preferences	211,859	18.7	227,761	20.6	194,900	18.5
Unmarried sons/daughters of U.S. citizens	23,965	2.1	26,173	2.4	22,858	2.2
Spouses and children of alien residents	98,567	8.7	103,456	9.3	86,151	8.2
Married sons/daughters of U.S. citizens	25,930	2.3	29,273	2.6	20,611	2.0
Siblings of U.S. citizens	63,397	5.6	68,859	6.2	65,280	6.2
Immediate relatives of U.S. citizens	535,554	47.4	488,483	44.1	494,920	47.0
Spouses	317,129	28.0	265,671	24.0	274,358	26.1
Parents	120,155	10.6	121,470	11.0	116,734	11.1
Children	98,270	8.7	101,342	9.2	103,828	9.9
Employment-based preferences	144,034	12.7	166,511	15.0	162,176	15.4
Priority workers	40,924	3.6	36,678	3.3	26,697	2.5
Professionals with advanced degrees	45,552	4.0	70,046	6.3	44,162	4.2
Skilled workers, professionals, unskilled workers	40,398	3.6	48,903	4.4	85,030	8.1
Special immigrants	13,472	1.2	9,524	0.9	5,481	0.5
Investors	3,688	0.3	1,360	0.1	806	0.1
Diversity programs	47,879	4.2	41,761	3.8	42,127	4.0
Refugees and Asylees	177,368	15.7	166,392	15.0	136,125	12.9
Refugee adjustments	118,836	10.5	90,030	8.1	54,942	5.2
Asylee adjustments	58,532	5.2	76,362	6.9	81,183	7.7
Parolees	2,385	0.2	1,172	0.1	1,999	0.2
Other categories	11,739	1.0	15,046	1.4	20,168	1.9
Children born abroad to alien residents	587	0.1	637	0.1	597	0.1
NACARA* Section 202	296	—	296	—	340	—
Cancellation of removal	8,156	0.7	11,128	1.0	14,927	1.4
Subject to annual limit	3,392	0.3	2,769	0.3	3,148	0.3
Not subject to limit (NACARA* Section 203)	4,764	0.4	8,359	0.8	11,779	1.1
Haitian Refugee Immigrant Fairness Act	552	—	1,580	0.1	2,448	0.2
Other	2,148	0.2	1,405	0.1	1,856	0.2

\*Nicaraguan Adjustment and Central American Relief Act of 1997.

— Figures round to 0.0.

Source: U.S. Department of Homeland Security, Computer Linked Application Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2007 to 2009.

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, date of birth, marital status, geographic residence, occupation, previous immigrant status and date of entry (for adjustments of status only). The number and demographic composition of new LPRs are affected by many factors including immigration legislation and volatility in application volume at USCIS. Therefore, caution should be exercised in drawing conclusions about the propensity to immigrate from the data presented in this report.

### TRENDS AND CHARACTERISTICS OF NEW LEGAL PERMANENT RESIDENTS

Legal immigration increased 2.1 percent from 1,107,126 in 2008 to 1,130,818 in 2009 (see Table 1). LPR adjustments of status increased 4.2 percent from 640,568 in 2008 to 667,776 in 2009. Adjustments of status in 2009 were driven by a decrease in applications pending a decision rather than an increasing number of applications received during 2009. Fifty-nine percent of new LPRs in 2009 were adjustments of status and 41 percent were new arrivals (see Table 1).

in the immediate relatives category represented 72 percent of new family-sponsored immigrants and 47 percent of the total LPR flow. About 28 percent of new family-sponsored immigrants were admitted under a family-sponsored preference.

Immigrants admitted under an employment-based preference accounted for 13 percent of the LPR flow in 2009. Among employment based preference categories, the second preference (professionals with advanced degrees) represented 32 percent of the LPR flow, and the first preference (priority workers) and third preference (skilled workers, professionals, unskilled workers) each represented 28 percent. The number of new LPRs admitted under an employment-based preference declined 13 percent between 2008 and 2009. This decrease coincided with a reduction in the annual limit of employment-based visas from 162,704 in 2008 to 140,000 in 2009.

Refugee and asylee immigrant classes of admission represented 16 percent of new LPRs in 2009. Refugee adjustments accounted for 67 percent of admissions in the refugee and asylee immigrant classes of admission.

Diversity immigrant classes of admission accounted for 4.2 percent of the total LPR flow in 2009.

### Historical Trends

The annual LPR flow has exhibited an upward trend since World War II (see Figure 1). The average annual LPR flow increased from 250,000 during the 1950s to 1 million between 2000 and 2009. Changes in immigration law associated with this increase included the elimination of country quotas controlling Eastern Hemisphere immigration; increases in annual limits for hemispheric and preference immigration; and the inclusion of parents of adult U.S. citizens as numerically exempt immediate relatives. The spike in legal immigration around 1990 reflects the legalization of 2.7 million unauthorized immigrants under the Immigration Reform and Control Act (IRCA) of 1986.

### Class of Admission

Family-sponsored immigrants, including the family-sponsored preferences and immediate relatives of U.S. citizens, represented 66 percent of the total LPR flow in 2009 (See Table 2). New LPRs

## Region and Country of Birth

The leading regions of birth of persons becoming LPRs in 2009 were Asia (37 percent) and North America (33 percent) (see Table 3). Together, Asia and North America accounted for approximately 70 percent of the LPR flow each year from 2007 to 2009.

In 2009, 15 percent of all persons becoming LPRs were born in Mexico. The second leading country of birth was China (5.7 percent), followed by the Philippines (5.3 percent), India (5.1 percent), and the Dominican Republic (4.4 percent). These five countries accounted for 35 percent of all new LPRs in 2009.

## State and Metropolitan Area of Residence

California was the state of residence of one-fifth (20 percent) of persons gaining LPR status in 2009 (see Table 4). Other leading states of residence included New York (13 percent), Florida (11 percent), Texas (8.4 percent), and New Jersey (5.2 percent). These five states represented the residence of 58 percent of new LPRs in 2009.

The leading metropolitan areas of residence for new LPRs in 2009 were New York-Northern New Jersey-Long Island, NY-NJ-PA (17 percent) and Los Angeles-Long Beach-Santa Ana, CA (8.6 percent) (see Table 5).<sup>2</sup> Other prominent locations included Miami-Fort Lauderdale-Pompano Beach, FL, Washington-Arlington-Alexandria, DC-VA-MD-WV, and Chicago-Naperville-Joliet, IL-IN-WI. These five metropolitan areas accounted for the residence of 40 percent of new LPRs in 2009.

<sup>2</sup> 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). 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/infocore/statpolicy.html#fs>.

**Table 3.**

### Legal Permanent Resident Flow by Region and Country of Birth: Fiscal Years 2007 to 2009

(Countries ranked by 2009 LPR flow)

Region/country of birth	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total . . . . .	1,130,818	100.0	1,107,126	100.0	1,052,415	100.0
<b>REGION:</b>						
Africa . . . . .	127,050	11.2	105,915	9.6	94,711	9.0
Asia . . . . .	413,312	36.5	399,027	36.0	397,834	37.8
Europe . . . . .	105,398	9.3	103,719	9.4	106,495	10.1
North America . . . . .	375,236	33.2	393,253	35.5	339,355	32.2
Caribbean . . . . .	146,127	12.9	137,098	12.4	119,123	11.3
Central America . . . . .	47,868	4.2	50,840	4.6	55,926	5.3
Other North America . . . . .	181,241	16.0	205,315	18.5	164,306	15.6
Oceania . . . . .	5,578	0.5	5,263	0.5	6,101	0.6
South America . . . . .	102,878	9.1	98,555	8.9	106,525	10.1
Unknown . . . . .	1,366	0.1	1,394	0.1	1,394	0.1
<b>COUNTRY:</b>						
Mexico . . . . .	164,920	14.6	189,989	17.2	148,640	14.1
China . . . . .	64,238	5.7	80,271	7.3	76,655	7.3
Philippines . . . . .	60,029	5.3	54,030	4.9	72,596	6.9
India . . . . .	57,304	5.1	63,352	5.7	65,353	6.2
Dominican Republic . . . . .	49,414	4.4	31,879	2.9	28,024	2.7
Cuba . . . . .	38,954	3.4	49,500	4.5	29,104	2.8
Vietnam . . . . .	29,234	2.6	31,497	2.8	28,691	2.7
Colombia . . . . .	27,849	2.5	30,213	2.7	33,187	3.2
South Korea* . . . . .	25,859	2.3	22,405	2.0	26,666	2.5
Haiti . . . . .	24,280	2.1	26,007	2.3	30,405	2.9
Jamaica . . . . .	21,783	1.9	18,477	1.7	19,375	1.8
Pakistan . . . . .	21,555	1.9	19,719	1.8	13,492	1.3
El Salvador . . . . .	19,909	1.8	19,659	1.8	21,127	2.0
Iran . . . . .	18,553	1.6	13,852	1.3	10,460	1.0
Peru . . . . .	16,957	1.5	15,184	1.4	17,699	1.7
Bangladesh . . . . .	16,651	1.5	11,753	1.1	12,074	1.1
Canada . . . . .	16,140	1.4	15,109	1.4	15,495	1.5
United Kingdom . . . . .	15,748	1.4	14,348	1.3	14,545	1.4
Ethiopia . . . . .	15,462	1.4	12,917	1.2	12,786	1.2
Nigeria . . . . .	15,253	1.3	12,475	1.1	12,448	1.2
All other countries . . . . .	410,726	36.3	374,490	33.8	363,593	34.5

NA Not Available.

— Figures round to 0.0.

\*Data for South Korea prior to Fiscal Year 2009 include a small number of cases from North Korea.

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2007 to 2009.

**Table 4.**

### Legal Permanent Resident Flow by State of Residence: Fiscal Years 2007 to 2009

(Ranked by 2009 LPR flow)

State of residence	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total . . . . .	1,130,818	100.0	1,107,126	100.0	1,052,415	100.0
California . . . . .	227,876	20.2	238,444	21.5	228,941	21.8
New York . . . . .	150,722	13.3	143,679	13.0	136,739	13.0
Florida . . . . .	127,006	11.2	133,445	12.1	126,277	12.0
Texas . . . . .	95,384	8.4	89,811	8.1	77,278	7.3
New Jersey . . . . .	58,879	5.2	53,997	4.9	55,834	5.3
Illinois . . . . .	41,889	3.7	42,723	3.9	41,971	4.0
Massachusetts . . . . .	32,607	2.9	30,369	2.7	30,555	2.9
Virginia . . . . .	29,825	2.6	30,257	2.7	29,682	2.8
Georgia . . . . .	28,396	2.5	27,769	2.5	27,353	2.6
Maryland . . . . .	27,562	2.4	23,170	2.1	22,657	2.2
Other . . . . .	310,672	27.5	293,462	26.5	275,128	26.1

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2007 to 2009.

**Table 5.****Legal Permanent Resident Flow by Metropolitan Area of Residence: Fiscal Years 2007 to 2009**

(Ranked by 2009 LPR flow)

Metropolitan area of residence	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total . . . . .	1,130,818	100.0	1,107,126	100.0	1,052,415	100.0
New York-Northern New Jersey-Long Island, NY-NJ-PA . . .	189,860	16.8	179,981	16.3	175,742	16.7
Los Angeles-Long Beach-Santa Ana, CA . . . . .	97,539	8.6	96,492	8.7	95,410	9.1
Miami-Fort Lauderdale-Pompano Beach, FL . . . . .	83,936	7.4	87,786	7.9	78,169	7.4
Washington-Arlington-Alexandria, DC-VA-MD-WV . . . . .	42,567	3.8	42,832	3.9	40,703	3.9
Chicago-Naperville-Joliet, IL-IN-WI . . . . .	38,840	3.4	39,826	3.6	39,503	3.8
San Francisco-Oakland-Fremont, CA . . . . .	32,304	2.9	36,120	3.3	35,644	3.4
Houston-Sugar Land-Baytown, TX . . . . .	32,022	2.8	30,514	2.8	26,851	2.6
Dallas-Fort Worth-Arlington, TX . . . . .	29,022	2.6	26,443	2.4	23,264	2.2
Boston-Cambridge-Quincy, MA-NH . . . . .	26,346	2.3	24,687	2.2	24,676	2.3
Atlanta-Sandy Springs-Marietta, GA . . . . .	23,344	2.1	22,329	2.0	22,055	2.1
Other . . . . .	535,038	47.3	520,116	47.0	490,398	46.6

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

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2007 to 2009.

**Age, Gender, and Marital Status**

LPRs have historically been younger than the native population of the United States. In 2009, the median age for persons becoming LPRs was 31 years; in contrast, the median age of the U.S. native population was 35 years (see Table 6).<sup>3</sup>

New LPRs are more likely to be female than the native U.S. population. In 2009, females accounted for 55 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 compared with 39 percent of the native population (see Table 8).<sup>4</sup>

<sup>3</sup> Calculated from the March 2009 Current Population Survey public use microdata file from the Bureau of the Census.

<sup>4</sup> Ibid.

**Table 6.****Legal Permanent Resident Flow by Age: Fiscal Years 2007 to 2009**

Age	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total . . . . .	1,130,818	100.0	1,107,126	100.0	1,052,415	100.0
Under 5 years . . . . .	38,177	3.4	38,278	3.5	39,319	3.7
5 to 14 years . . . . .	130,701	11.6	127,601	11.5	118,889	11.3
15 to 24 years . . . . .	209,682	18.5	199,029	18.0	192,265	18.3
25 to 34 years . . . . .	277,867	24.6	261,548	23.6	257,522	24.5
35 to 44 years . . . . .	210,901	18.7	216,968	19.6	199,643	19.0
45 to 54 years . . . . .	124,621	11.0	123,716	11.2	113,717	10.8
55 to 64 years . . . . .	80,208	7.1	79,375	7.2	72,550	6.9
65 years and over . . . . .	58,659	5.2	60,604	5.5	58,504	5.6
Unknown age . . . . .	2	—	7	—	6	—
Median age (years) . . . . .	31	X	32	X	32	X

X Not applicable.

— Figures round to 0.0.

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2007 to 2009.

**Table 7.****Legal Permanent Resident Flow by Gender: Fiscal Years 2007 to 2009**

Gender	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total . . . . .	1,130,818	100.0	1,107,126	100.0	1,052,415	100.0
Male . . . . .	513,015	45.4	506,549	45.8	471,377	44.8
Female . . . . .	617,799	54.6	600,555	54.2	581,031	55.2
Unknown . . . . .	4	—	22	—	7	—

— Figures round to 0.0.

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2007 to 2009.

**Table 8.****Legal Permanent Resident Flow by Marital Status: Fiscal Years 2007 to 2009**

Marital Status	2009		2008		2007	
	Number	Percent	Number	Percent	Number	Percent
Total . . . . .	1,130,818	100.0	1,107,126	100.0	1,052,415	100.0
Single . . . . .	417,232	36.9	410,938	37.1	387,252	36.8
Married . . . . .	654,674	57.9	637,807	57.6	610,134	58.0
Other* . . . . .	54,454	4.8	53,633	4.8	50,318	4.8
Unknown . . . . .	4,458	0.4	4,748	0.4	4,711	0.4

\*Other includes persons who are widowed, divorced, or separated.

Source: U.S. Department of Homeland Security, Computer Linked Applicant Information Management System (CLAIMS), Legal Immigrant Data, Fiscal Years 2007 to 2009.

**Appendix 1**

**PREFERENCE IMMIGRATION LIMITS<sup>5</sup>**

**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 2008 under categories 1 to 4 above was 500,573. There were zero unused employment preferences in 2008. The calculated limit for family-sponsored preferences in 2008 was -20,573 (480,000 minus 500,573 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).

**Employment Preference Limit**

The annual limit is equal to 140,000 plus unused family-sponsored preferences in the previous fiscal year. There were zero unused family sponsored preferences in 2008. The 2009 employment preference limit was 140,000. 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.

**Table A1.**

**Annual Limits for Preference and Diversity Immigrants: Fiscal Year 2009**

Preference/description	Limit
Family-sponsored preferences . . . . .	226,000
First: Unmarried sons and daughters of U.S. citizens and their children. . . . .	23,400 <sup>*</sup>
Second: Spouses, children, and unmarried sons and daughters of permanent resident aliens. . . . .	114,200 <sup>†</sup>
Third: Married sons and daughters of U.S. citizens . . . . .	23,400 <sup>†</sup>
Fourth: Brothers and sisters of U.S. citizens (at least 21 years of age) . . . . .	65,000 <sup>†</sup>
Employment-based preferences . . . . .	140,000
First: Priority workers . . . . .	40,040 <sup>†</sup>
Second: Professionals with advanced degrees or aliens of exceptional ability . . . . .	40,040 <sup>†</sup>
Third: Skilled workers, professionals, and needed unskilled workers . . . . .	40,040 <sup>†</sup>
Fourth: Special immigrants . . . . .	9,940
Fifth: Employment creation (“investors”) . . . . .	9,940
Diversity . . . . .	50,000

<sup>\*</sup>Plus unused family 4th preference visas.

<sup>†</sup>Visas not used in higher preferences may be used in these categories.

<sup>‡</sup>Plus unused employment 4th and 5th preference visas.

Source: U.S. Department of State.

**Per-Country and Dependent Area Limits**

A limit of 7 percent of the total family-sponsored and employment preferences is set for independent countries, and a limit of 2 percent is set for dependent areas. The 2009 per-country limit for independent foreign states was 25,620 (7 percent of 366,000 or 226,000 plus 140,000) and the limit for dependencies was 7,320 (2 percent of 366,000).

**Diversity Limits**

The annual limit for diversity visas was 50,000 in 2009.

<sup>5</sup>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\\_1770.html](http://travel.state.gov/visa/frvi/bulletin/bulletin_1770.html)).