

SENATE
REPUBLICAN
CONFERENCE



Key Facts

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THE UNITED STATES AND IMMIGRATION

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I. Immigrants in the United States

How Immigrants Have Contributed to U.S. Population Growth

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Immigrant Contribution to U.S. Population Growth Since the 1960s

Hispanics Added to the U.S. Population

Mexicans Added to the U.S. Population

Figure: The Last 100 Million: Percent Distribution by Race and Ethnicity

Immigration Trends in the United States

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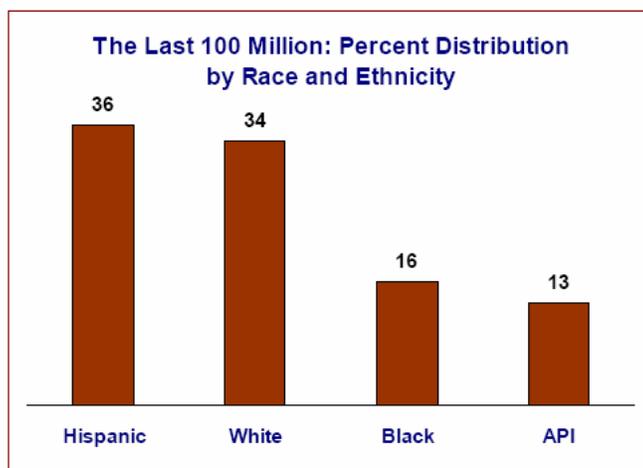
Figure: Annual Immigration Admissions and Status Adjustments, 1900-2005

Figure: Top Immigrant-Sending Countries in Selected Decades

How Immigrants Have Contributed to U.S. Population Growth¹

Immigrant Contribution to U.S. Population Growth Since the 1960s:

- The U.S. population has grown by 100 million since the late 1960s.
- Immigrants and their U.S.-born offspring account for 55 percent of the population increase since the late 1960s.
- Each year approximately 1.3 million new immigrants enter the United States.²
- In 1970 one person in 20 was foreign-born, but by 2004 the number had increased to one in eight.³



Source: Pew Hispanic Center estimates.

Note: Race groups are for persons not of Hispanic Origin. API refers to Asian and Pacific Islander

Hispanics Added to the U.S. Population:

- Of the 100 million people added to the U.S. population since the 1960s, Latinos account for 36 percent, representing the largest racial or ethnic group addition.
- Within the subgroup of immigrants and their U.S.-born offspring added to the population since the 1960s (55 percent of the total increase), Latinos also represent the largest group, accounting for 23 million people, or 53 percent of the immigrant addition.

Mexicans Added to the U.S. Population:⁴

- One-third of all foreign-born persons in the United States are Mexican.
- Nine percent of all Mexicans now reside in the United States.
- More than half of all Mexicans residing in the United States are illegal aliens.

¹ Unless otherwise noted, all information in this document can be cited to the Pew Hispanic Center, Fact Sheet, "From 200 Million to 300 Million: The Numbers Behind Population Growth," Oct. 10, 2006.

² Ibid.

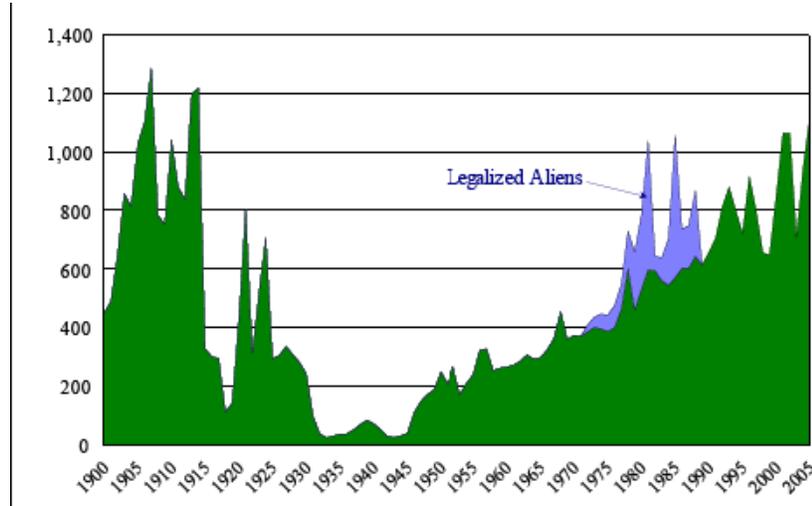
³ The Heritage Foundation, Backgrounder #1936, "Amnesty and Continued Low-Skill Immigration Will Substantially Raise Welfare Costs and Poverty," Robert Rector, May 12, 2006.

⁴ All information in this subsection can be found in Heritage Foundation, Backgrounder #1936.

Immigration Trends in the United States⁵

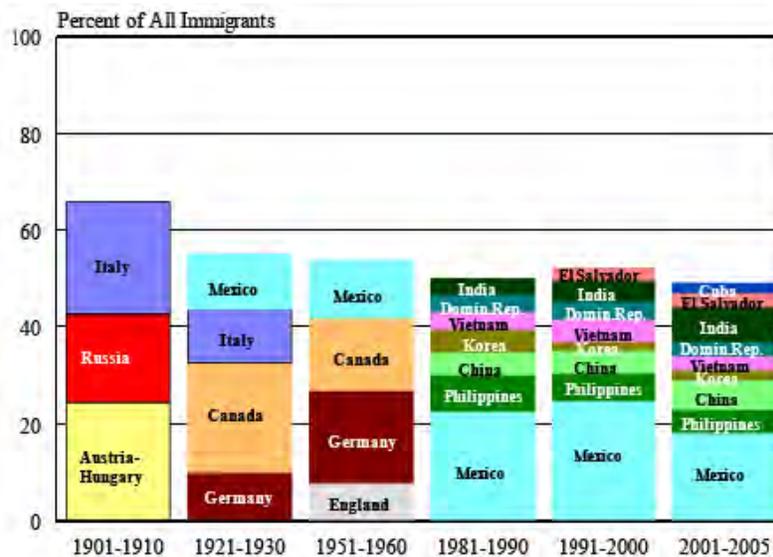
The following chart shows how immigration to the United States has fluctuated over the years. The chart represents immigrants admitted to the country as legal permanent residents (LPRs), as well as those adjusting to LPRs.

**Annual Immigration Admissions and Status Adjustments
1900-2005⁶**



The following chart depicts the nations that comprised the top-sending countries of immigrants to the United States. Together, these countries accounted for more than 50 percent of LPRs in each selected decade. While European countries sent the most immigrants to the United States during the early 20th Century, Mexico has been a top sending country for most of the 20th Century.

Top Immigrant-Sending Countries in Selected Decades⁷



⁵ All information in this document can be cited to the Congressional Research Service, "U.S. Immigration Policy on Permanent Admissions," RL32235, May 11, 2007.

⁶ CRS Report RL32235, sourcing the *Statistical Yearbook of Immigration*, U.S. Department of Homeland Security, Office of Immigration Statistics.

⁷ CRS Report RL32235, analyzing Table 2, *Statistical Yearbook of Immigration*, U.S. Department of Homeland Security, Office of Immigration Statistics, FY 2004 (June 2005).

II. U.S. Immigration Preference System

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U.S. Immigration Preference System⁸

- The Immigration and Nationality Act generally provides an annual limit of 675,000 legal permanent residents (LPRs) who can be admitted to the United States annually.
- The annual limit on LPRs, however, is flexible, and certain categories of permanent residents are permitted to exceed the limits.
- The U.S. immigration system is based on preference. Visas are distributed based on either family-sponsored or employment preferences.

General Breakdown of Worldwide Limit:

- Generally, the worldwide annual limit is comprised as follows:
 - 480,000 family-sponsored immigrants, including immediate relatives of U.S. citizens and family-sponsored preference immigrants (plus certain unused employment-based preference numbers from the prior year);
 - 140,000 employment-based preference immigrants (plus certain unused family preference numbers from the prior year);
 - 55,000 diversity immigrants; and
 - Immediate relatives of U.S. citizens, as well as refugees and asylees who are adjusting status, are exempt from direct numerical limits.
 - Immediate relatives include the spouses and unmarried minor children of U.S. citizens and the parents of adult U.S. citizens.

Family-Sponsored Preferences:

- The family-sponsored preference categories are as follows:
 - First — unmarried sons and daughters of U.S. *citizens* and their children
 - Second — spouses, children, and unmarried sons and daughters of *alien* residents
 - Third — married sons and daughters of U.S. citizens and their spouses and children
 - Fourth — brothers and sisters of U.S. citizens (≥ 21 years) and their spouses and children

Employment-Based Preferences:

- The employment-based preference categories are as follows:
 - First — priority workers and their spouses and children
 - Second — professionals with advanced degrees or aliens of exceptional ability and their spouses and children
 - Third — skilled workers, professionals, and unskilled workers and their spouses and children
 - Fourth — special immigrants and their spouses and children
 - Fifth — employment creation (investors) and their spouses and children

⁸ All information in this document can be cited to the Congressional Research Service, "U.S. Immigration Policy on Permanent Admissions," RL32235, Ruth Ellen Wasem, updated May 9, 2007.

U.S. Immigration Preference System By Category and Numerical Limit⁹

The following chart shows how the United States distributes its worldwide limit of visas through a preference system each year.

Legal Immigration Preference System

Category		Numerical limit
Total Family-Sponsored Immigrants		480,000
<i>Immediate relatives</i>	Aliens who are the spouses and unmarried minor children of U.S. citizens and the parents of adult U.S. citizens	Unlimited
Family-sponsored Preference Immigrants		Worldwide Level 226,000
<i>1st preference</i>	Unmarried sons and daughters of citizens	23,400 plus visas not required for 4th preference
<i>2nd preference</i>	(A) Spouses and children of LPRs (B) Unmarried sons and daughters of LPRs	114,200 plus visas not required for 1st preference
<i>3rd preference</i>	Married sons and daughters of citizens	23,400 plus visas not required for 1st or 2nd preference
<i>4th preference</i>	Siblings of citizens age 21 and over	65,000 plus visas not required for 1st, 2nd, or 3rd preference
Employment-Based Preference Immigrants		Worldwide Level 140,000
<i>1st preference</i>	Priority workers: persons of extraordinary ability in the arts, science, education, business, or athletics; outstanding professors and researchers; and certain multi-national executives and managers	28.6% of worldwide limit plus unused 4th and 5th preference
<i>2nd preference</i>	Members of the professions holding advanced degrees or persons of exceptional abilities in the sciences, art, or business	28.6% of worldwide limit plus unused 1st preference
<i>3rd preference — skilled</i>	Skilled shortage workers with at least two years training or experience, professionals with baccalaureate degrees	28.6% of worldwide limit plus unused 1st or 2nd preference
<i>3rd preference — “other”</i>	Unskilled shortage workers	10,000 (taken from the total available for 3rd preference)
<i>4th preference</i>	“Special immigrants,” including ministers of religion, religious workers other than ministers, certain employees of the U.S. government abroad, and others	7.1% of worldwide limit; religious workers limited to 5,000
<i>5th preference</i>	Employment creation investors who invest at least \$1 million (amount may vary in rural areas or areas of high unemployment) which will create at least 10 new jobs	7.1% of worldwide limit; 3,000 <i>minimum reserved for investors in rural or high unemployment areas</i>

⁹ The chart was taken from the Congressional Research Service, “U.S. Immigration Policy on Permanent Admissions,” RL32235, Ruth Ellen Wasem, updated May 9, 2007, summarizing §§ 203(a), 203(b), and 204 of INA; 8 U.S.C. § 1153.

U.S. Immigration Preference System—
Number of Immigrants Qualifying In Each Preference Category, 2001-2005¹⁰

Appendix C. FY2005 Immigrants by Preference Category

Type and Class of Admission		2001	2002	2003	2004	2005
Family-sponsored preferences		231,699	186,880	158,796	214,355	212,970
First	Unmarried sons/daughters of U.S. citizens and their children	27,003	23,517	21,471	26,380	24,729
Second	Spouses, children, and unmarried sons/daughters of alien residents	112,015	84,785	53,195	93,609	100,139
Third	Married sons/daughters of U.S. citizens and their spouses and children	24,830	21,041	27,287	28,695	22,953
Fourth	Brothers/sisters of U.S. citizens (at least 21 years of age) and their spouses and children	67,851	57,537	56,843	65,671	65,149
Employment-based preferences		178,702	173,814	81,727	155,330	246,878
First	Priority workers and their spouses and children	41,672	34,168	14,453	31,291	64,731
Second	Professionals with advanced degrees or aliens of exceptional ability and their spouses and children	42,550	44,316	15,406	32,534	42,597
Third	Skilled workers, professionals, and unskilled workers and their spouses and children	85,847	88,002	46,415	85,969	129,070
Fourth	Special immigrants and their spouses and children	8,442	7,186	5,389	5,407	10,134
Fifth	Employment creation (investors) and their spouses and children	191	142	64	129	346
Immediate relatives of U.S. citizens		439,972	483,676	331,286	417,815	436,231
Spouses		268,294	293,219	183,796	252,193	259,144
Children		91,275	96,941	77,948	88,088	94,974
Parents		80,403	93,516	69,542	77,534	82,113
Refugees		96,870	115,601	34,362	61,013	112,676
Asylees		11,111	10,197	10,402	10,217	30,286
Diversity		41,989	42,820	46,335	50,084	46,234
Cancellation of removal		22,188	23,642	28,990	32,702	20,785
Parolees		5,349	6,018	4,196	7,121	7,715
Nicaraguan Adjustment and Central American Relief Act (NACARA)		18,663	9,307	2,498	2,292	1,155
Haitian Refugee Immigration Fairness Act (HRIFA)		10,064	5,345	1,406	2,451	2,820
Other		2,295	2,056	3,544	4,503	4,623
Total		1,058,902	1,059,356	703,542	957,883	1,122,373

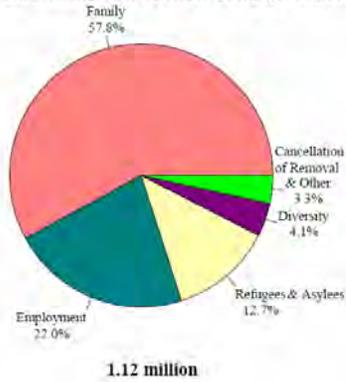
Source: CRS analysis of data from the U.S. Department of Homeland Security, *FY2005 Statistical Yearbook of Immigration*, 2006.

¹⁰ The chart was taken from the Congressional Research Service, "U.S. Immigration Policy on Permanent Admissions," RL32235, Ruth Ellen Wasem, updated May 9, 2007.

Legal Permanent Residents of the United States¹¹

- During FY2005, a total of 1,122,373 aliens became legal permanent residents (LPRs) in the United States.
- The largest number of immigrants, 57.8 percent, was admitted because of a family relationship with a U.S. citizen or resident.

Figure 4. Legal Immigrants by Major Category, FY2005



- Immediate relatives of U.S. residents made up the largest group of aliens obtaining LPR status.

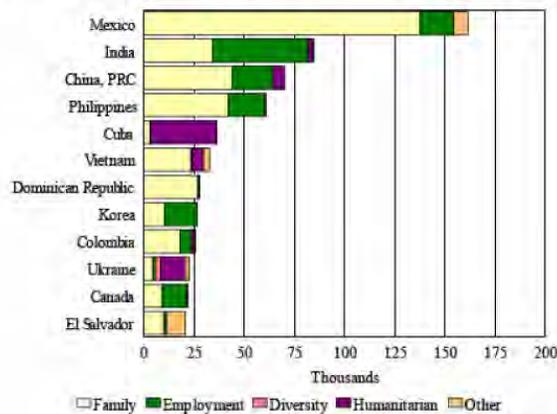
Table 3. FY2005 Immigrants by Category

Total	
Immediate relatives of citizens	436,231
Family preference	212,970
Employment preference	246,878
Refugee and asylee adjustments	142,962
Diversity	46,234
Other	37,098

Source: *Statistical Yearbook of Immigration*, FY2005. DHS Office of Immigration Statistics, Dec. 2006. For a more detailed summary of FY2005 immigration by category, see **Appendix C**.

- Citizens of Mexico comprised the largest group of any nationality, with 161,445 becoming LPRs in FY2005.

Figure 5. Top Twelve Immigrant-Sending Countries, FY2005



¹¹ All information in this document can be cited to the Congressional Research Service, "U.S. Immigration Policy on Permanent Admissions," RL32235, Ruth Ellen Wasem, updated May 9, 2007.

III. Immigrant Naturalization

The Immigrant Naturalization Process

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Increase in Naturalization Rates

Naturalization Rates by Nationality

*Figure: Percent Naturalized of Eligible Immigrants, All Immigrants and Mexican-Born
1995-2005*

The Immigrant Naturalization Process¹²

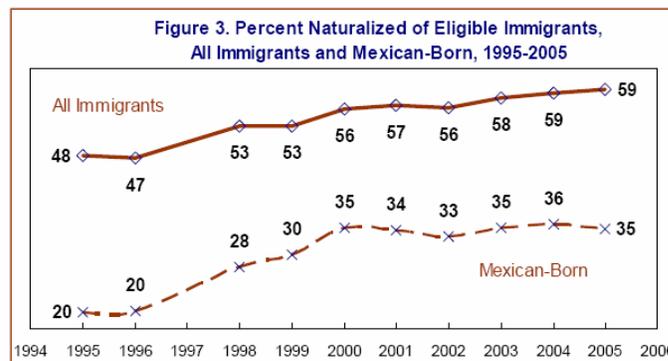
- A naturalized citizen is a legal permanent resident who has fulfilled the length of stay and other requirements to become a U.S. citizen and has taken the oath of citizenship.
- The number of naturalized citizens in the United States reached an all-time high in 2005 when the total grew to 12.8 million.
- The number of immigrants in the United States who were *eligible* to become U.S. citizens in 2005 was 8.5 million.

Increase in Naturalization Rates:

- In 2005, the proportion of *all* legal foreign-born residents who have become naturalized citizens rose to 52 percent, the highest level in 25 years.
- The average number of annual naturalizations has increased from less than 150,000 in the 1970s to more than 650,000 since the mid-1990s.

Naturalization Rates by Nationality:

- Naturalization rates by geographic region are as follows:
 - Middle East — 77%
 - South and East Asia — 71%
 - Europe and Canada — 69%
 - Latin America — 46%
 - Mexico — 35%
- More than one-third of foreign-born residents eligible for U.S. citizenship are Mexican.
 - Mexican citizens, however, are the group of immigrants least likely to naturalize, although the percentage of those who choose to do so is growing.



Source: Pew Hispanic Center tabulations of augmented March supplements to the Current Population Survey

¹² All information in this document can be cited to the Pew Hispanic Center, "Growing Share of Immigrants Choosing Naturalization," Jeffrey S. Passel, March 28, 2007.

IV. Illegal Aliens in the United States

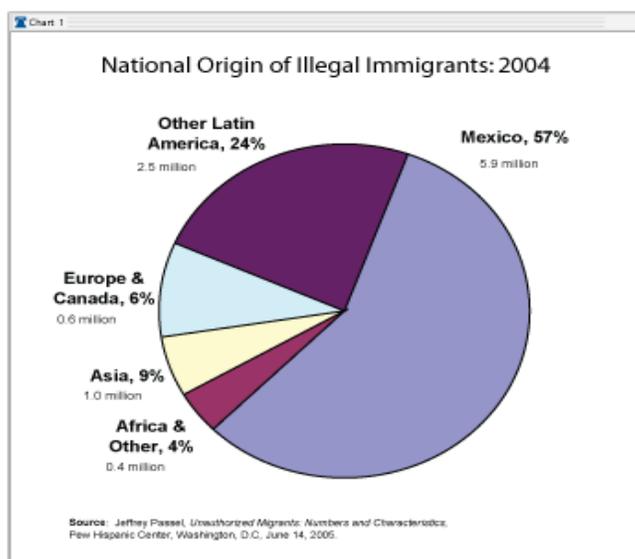
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<i>Figure: State-by-State Breakdown of 11,100,000 Illegal Aliens in the United States</i>	

Illegal Aliens as a Percentage of the Immigrant Population in the United States¹³

- Between 10 and 12 million illegal aliens currently reside in the United States.
- Illegal aliens comprised one-third of the 36 million foreign-born residents in the United States in 2005. The composition of all 36 million foreign-born residents is as follows:¹⁴
 - Naturalized citizens — 35 percent
 - Legal non-citizens — 33 percent, and
 - Illegal aliens — 31 percent.
- Illegal aliens now comprise three to four percent of the total U.S. population.
- Of the approximately 1.3 million new immigrants entering the United States each year, about 700,000 are illegal.

National Origin of Illegal Immigrants:

- The vast majority of illegal immigrants in the United States come from Mexico.
 - Nine percent of all Mexicans now reside in the United States.
 - The number of Mexicans in the United States has increased from 760,000 in 1970 to 10.6 million in 2004.
 - Over half of all Mexicans in the United States are illegal immigrants.
 - In the last decade, 80 to 85 percent of all Mexicans coming to the United States have been illegal.



¹³ Unless otherwise noted, all information in this document can be cited to The Heritage Foundation, Backgrounder #1936, "Amnesty and Continued Low-Skill Immigration Will Substantially Raise Welfare Costs and Poverty," Robert Rector, May 12, 2006.

¹⁴ Pew Hispanic Center, Report, "Growing Share of Immigrants Choose Naturalization," Jeffrey S. Passel, March 28, 2007.

How Illegal Aliens Arrive in the United States¹⁵

More than half of the approximately 12 million illegal aliens currently living in the United States entered the country *illegally*. The rest of the illegal population entered the country legally but have since violated the terms of their admission.

Illegal Entrants

- The Pew Hispanic Center estimates that between 6 and 7 million illegal aliens in the United States entered the country illegally, by evading Border Patrol and other law enforcement authorities.

Legal Entrants

- The Pew Hispanic Center estimates that between 4.5 and 6 million illegal aliens in the United States entered the country legally, either with a visa permitting a temporary stay or with a Border Crossing Card permitting short visits to the border region

Nonimmigrant Visas:

- It is estimated that 45 percent (4 to 5.5 million) of the illegal population in the United States overstayed visas permitting them to remain for a limited time.
- Of the 179 million non-immigrant entries reported by the Department of Homeland Security (DHS) in 2004, 30.8 million were foreign nationals with visas permitting temporary stays for pleasure, business, or study.
 - Because some visa-holders entered the country more than once, DHS estimates that only 25.8 million individuals actually entered the country with nonimmigrant visas.
- The United States currently has no means of tracking foreign nationals who enter the country on nonimmigrant visas to ensure that they do not overstay their permitted visits.
- While entrants are required to submit an I-94 form to document their arrival in the United States, collecting the same documentation when they depart has not been done effectively.

Border Crossing Cards:

- If the rate of Border Crossing Card overstays mirrors that of visa overstays, 250,000 to 500,000 such entrants join the illegal population annually.
- Border Crossing Cards permit holders to cross the border for short visits to the United States, including work commutes. For Mexican nationals, they authorize visits of up to 30 days within a border zone of 25 miles along the border in California, Texas, and New Mexico and 75 miles of the border in Arizona.
- The vast majority of nonimmigrants entering the United States are either Mexican or Canadian citizens with Border Crossing Cards.
 - Of the 179 million non-immigrant entries reported by DHS in 2004, 148 million were Mexican and Canadian citizens using Border Crossing Cards.
- Since 1998, Border Crossing Cards have included biometric identifiers (i.e., fingerprints), although that data is not checked for all border crossers or at all points of entry.

****See related chart on the following page.***

¹⁵ All information in this document can be cited to the Pew Hispanic Research Center, "Modes of Entry for the Unauthorized Migrant Population," May 22, 2006.

How Illegal Aliens Arrive in the United States — Chart¹⁶

Modes of Entry for the Unauthorized Migrant Population		
Entered Legally with Inspection	Non-Immigrant Visa Overstayers	4 to 5.5 Million
	Border Crossing Card Violators	250,000 to 500,000
	<i>Sub-total Legal Entries</i>	<i>4.5 to 6 Million</i>
Entered Illegally without Inspection	Evaded the Immigration Inspectors and Border Patrol	6 to 7 million
Estimated Total Unauthorized Population in 2006		11.5 to 12 Million
Source: Pew Hispanic Center Estimates based on the March 2005 Current Population Survey and Department of Homeland Security reports.		

¹⁶ All information in this document can be cited to the Pew Hispanic Research Center, "Modes of Entry for the Unauthorized Migrant Population," May 22, 2006.

Illegal Alien Population by State¹⁷

The following chart lists the total number of illegal aliens living in each state in 2005. The chart was created by the Pew Hispanic Center, based on an analysis of data from the Current Population Survey (CPS). The CPS found that there were an estimated 11.1 million illegal aliens living in the United States in March 2005. This chart is based on that total number.

U.S. total 11,100,000 (10,700,000-11,500,000)			
California	2,500,000-2,750,000	Indiana	55,000-85,000
Texas	1,400,000-1,600,000	Iowa	55,000-85,000
Florida	800,000-950,000	Oklahoma	50,000-75,000
New York	550,000-650,000	New Mexico	50,000-75,000
Arizona	400,000-450,000	Kansas	40,000-70,000
Illinois	375,000-425,000	South Carolina	35,000-75,000
Georgia	350,000-450,000	Missouri	35,000-65,000
New Jersey	350,000-425,000	Nebraska	35,000-55,000
North Carolina	300,000-400,000	Kentucky	30,000-60,000
Virginia	250,000-300,000	Alabama	30,000-50,000
Maryland	225,000-275,000	Mississippi	30,000-50,000
Colorado	225,000-275,000	Arkansas	30,000-50,000
Washington	200,000-250,000	Louisiana	25,000-45,000
Massachusetts	150,000-200,000	Idaho	25,000-45,000
Nevada	150,000-200,000	Rhode Island	20,000-40,000
Pennsylvania	125,000-175,000	Hawaii	20,000-35,000
Oregon	125,000-175,000	Delaware	15,000-35,000
Tennessee	100,000-150,000	District of Columbia	15,000-30,000
Michigan	100,000-150,000	New Hampshire	10,000-30,000
Ohio	75,000-150,000	Alaska	<10,000
Wisconsin	75,000-115,000	Wyoming	<10,000
Minnesota	75,000-100,000	South Dakota	<10,000
Utah	75,000-100,000	Maine	<10,000
Connecticut	70,000-100,000	Vermont	<10,000
		North Dakota	<10,000
		Montana	<10,000
		West Virginia	<10,000

Based on March 2005 Current Population Survey

¹⁷ The chart in this document was taken from the Pew Hispanic Center, Fact Sheet, "Estimates of the Unauthorized Migrant Population for States Based on the March 2005 CPS," April 26, 2006.

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Illegal Aliens — A Snapshot¹⁸

- In March 2005, an estimated 11.1 million illegal aliens lived in the United States.
 - Based on the average annual growth rate, the Pew Hispanic Center estimates that the illegal population in March 2006 was between 11.5 and 12 million.

Basic Composition of the U.S. Illegal Population in 2005:

- 49 percent (5.4 million) were adult males.
- 35 percent (3.9 million) were adult females.
- 16 percent (1.8 million) were unauthorized children.

Average Annual Growth of the Illegal Population:

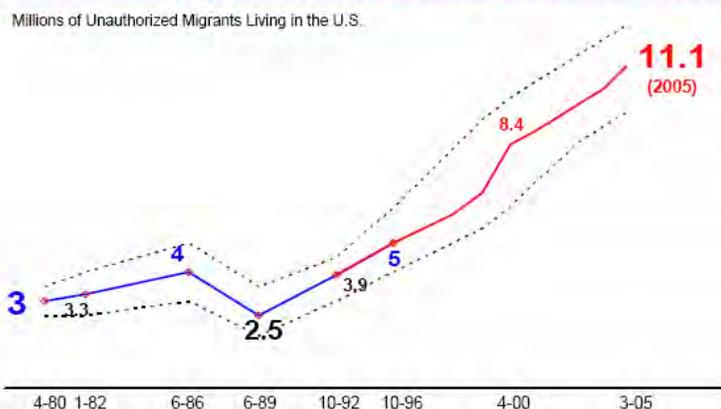
- The average annual growth of the illegal alien population between 2000 and 2005 was more than 500,000 per year.

When Most Illegal Residents Arrived in the United States:

- More than two-thirds of the illegal alien population currently living in the United States has been in the country less than 10 years.
 - More than 40 percent (4.4 million) arrived in the United States after 2000.
 - Another 26 percent (2.9 million) arrived between 1995 and 1999.

Trend in Unauthorized Migrants Living in the United States, 1980-2005

Unauthorized Clearly at New High — Trend Uncertain



¹⁸ All information in this document can be cited to the Pew Hispanic Center, Research Report, “The Size and Characteristics of the Unauthorized Migrant Population in the U.S.,” Jeffrey S. Passel, March 7, 2006.

The Composition of Illegal Alien Families¹⁹

- In America, there are 6.6 million families in which either the head of the family or the spouse is unauthorized. These unauthorized families contain 14.6 million persons.
- A majority of these unauthorized families, 59 percent, do not have children.

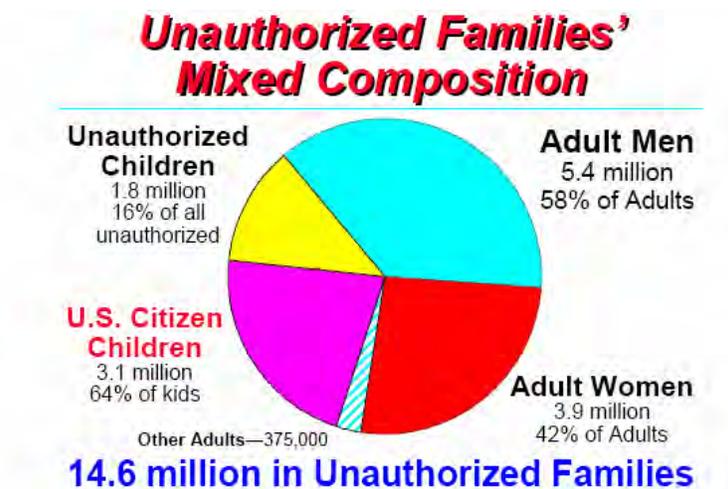
Children of Unauthorized Families:

- Nearly two-thirds (64 percent, or 3.1 million) of the children living in unauthorized families are U.S. citizens by birth.

Composition of Unauthorized Families With Children:

- 1.5 million unauthorized families have children who are *all* U.S. citizens.
 - These families represent more than half of all unauthorized families with children.
- 460,000 unauthorized families have children who are U.S. citizens as well as children who are illegal.
- 725,000 families have children who are all illegal.

Figure: Demographic Composition of Unauthorized Families, March 2005



Source and Notes: Pew Hispanic Center tabulations of augmented March 2005 Current Population Survey, adjusted for omissions. An “unauthorized family” is one where the head or spouse is an unauthorized migrant. Families, as defined here as basically nuclear families—couples, either married or unmarried, with children (if any). Unrelated single individuals are also treated as a “family.”

¹⁹ The information in this document can be cited to the Pew Hispanic Center, “Size and Characteristics of the Unauthorized Migrant Population in the U.S.,” Jeffrey S. Passel, March 7, 2006.

The Importance of English Language Proficiency for Immigrants²⁰

- At least 28 states have laws declaring English the official state language.²¹
- In the 109th Congress, the Senate adopted an amendment sponsored by Senator Jim Inhofe declaring English to be our “national language” and calling for a governmental role in “preserving and enhancing” the role of English.²²

Hispanic Attitudes and Beliefs:

According to the Pew Hispanic Center, “*Hispanics by a large margin believe that immigrants have to speak English to be a part of American society and even more so that English should be taught to the children of immigrants.*”

The Pew Hispanic Center, in conjunction with the Henry J. Kaiser Family Foundation, conducted surveys to measure public opinion with respect to the English language. The key survey results are as follows:

- A majority of Latinos, 57 percent, believe that immigrants have to learn English to be a part of American society.
 - Fifty-seven percent of Latino *immigrants* believe that immigrants have to learn English to be a part of American society, while slightly fewer *native-born* Latinos, 52 percent, agree.
- Hispanics hold stronger views about the importance of teaching English to children of immigrant families than do either non-Hispanic whites or blacks. Those who responded “very important” were as follows:
 - Hispanics — 92 percent
 - Non-Hispanic whites — 87 percent
 - Blacks — 83 percent
- A 2004 poll conducted by the National Council of LaRaza revealed that 97 percent of Latinos strongly agree that “The ability to speak English is important to succeed in this country.”²³

²⁰ Unless otherwise noted, the information in this document can be cited to the Pew Hispanic Center, Fact Sheet, “Hispanic Attitudes Toward Learning English,” June 7, 2006.

²¹ Congressional Research Service, “English as the Official Language of the United States: Legal Background and Analysis of Legislation in the 110th Congress,” RL33356, Jan. 25, 2007.

²² Ibid.

²³ National Council of LaRaza, News Release, “Latinos Optimistic About Future, Feel Candidates Ignore Their Issues, and Have a Shared Policy Agenda, Poll Finds,” June 27, 2004 (poll conducted by Zogby International).

VI. Government Benefits and Services

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The Taxpayer Costs of Increased Immigration of Low-Skill Households²⁴

Effect of Immigration:

“Any alteration in immigration policy that would substantially increase the future inflow of low-skill immigrants ... would dramatically increase the future fiscal burden to taxpayers.”

–Robert Rector, Senior Research Fellow, The Heritage Foundation

Background:

- “Low-skill households” refers to those households headed by persons without a high school diploma.
- The average earnings of low-skilled households in FY2004 were \$20,564 per household.
- In 2004, there were 17.7 million low-skill households in the United States.

Government Benefits and Services Received:

- On average, low-skill households receive more in government benefits and services than do other households.
 - In FY2004, low-skill households received approximately \$32,138 per household in immediate benefits and services.
 - In general, low-skill households received about \$10,000 more in government benefits than the average U.S. household.
 - Each year, low-skill households receive approximately \$10,000 more in government benefits and services than they make in income.

Taxes Paid:

- On average, low-skill households pay less in taxes than do other households.
 - Low-skill households paid an average of only \$9,689 in taxes in FY2004.
 - In general, low-skill households received approximately \$3 in government benefits and services for every dollar in taxes paid.

Cost to American Taxpayers:

- The net fiscal deficit (benefits received minus taxes paid) of each low-skilled household is \$22,449.
 - Assuming an average adult life span of 50 years for each head of household, the average lifetime costs to the taxpayer will be \$1.1 million for each low-skilled household.
- In 2004, the total net fiscal deficit (benefits received minus taxes paid) of all 17.7 million low-skill households was \$397 billion.
- Over the next 10 years, the total cost of low-skill households to the taxpayer is likely to be at least \$3.9 trillion.

²⁴ The information in this paper can be cited to The Heritage Foundation, Special Report #12, “The Fiscal Cost of Low-Skill Households to the U.S. Taxpayer,” Robert Rector, April 4, 2007.

Noncitizens' Eligibility for Federal Assistance Programs²⁵

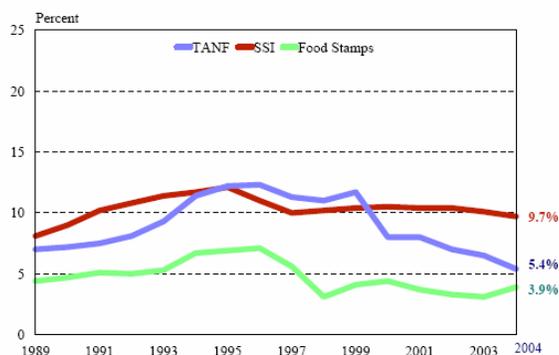
The four major federal means-tested benefit programs are: the Food Stamp program, the Supplemental Security Income (SSI) program, Temporary Assistance for Needy Families (TANF) block grant programs, and Medicaid.

Current Law Regarding Noncitizen Eligibility:

Under current law, legally resident noncitizens' eligibility for the major federal means-tested benefit programs depends on their immigration status. Accordingly, the basic rules are as follows:

- LPRs with a substantial work history — generally 10 years (40 quarters) of work documented by Social Security or other employment records — or a military connection (active duty military personnel, veterans, and their families) are eligible for the *full range* of programs.
- LPRs receiving SSI as of August 22, 1996, continue to be eligible for SSI.
- Medicaid coverage is *required* for all otherwise qualified SSI recipients (they must meet SSI noncitizen eligibility tests).
- Disabled LPRs who were legal residents as of August 22, 1996, are eligible for SSI.
- Disabled LPRs are generally eligible for food stamps.
- LPRs who were elderly (65+) and legal residents as of August 22, 1996, are eligible for food stamps.
- LPRs who have been legal residents for five years or are children (under 18) are eligible for food stamps.
- LPRs entering after August 22, 1996, are *barred* from TANF and Medicaid for five years, after which their coverage becomes a state option. For SSI, the five-year bar for new entrants is irrelevant because they generally are denied eligibility (without a time limit).
- Refugees and asylees are eligible for food stamps.
- Refugees and asylees are eligible for SSI benefits and Medicaid for seven years after arrival, and are eligible for TANF for five years. After this term, they generally are ineligible for SSI, but may be eligible, at state option, for Medicaid and TANF.

Figure 5. Noncitizens as a Percentage of all Food Stamp, SSI, and TANF/AFDC Cash Assistance, 1989-2004



Source: CRS presentation of data published annually by the Social Security Administration, the DHHS Administration for Children and Families, and the USDA Food Stamp Quality Control Samples.

²⁵ All of the information in this document can be cited to the Congressional Research Service, "Noncitizen Eligibility for Major Federal Public Assistance: Policy Overview and Trends," RL33809, Jan. 19, 2007.

VII. Employment of Illegal Aliens

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Current Employment Eligibility Verification

The Illegal Workforce in the United States

Estimates of Unauthorized Employment in Selected Industries, 2005

Prohibitions on Employing Illegal Aliens and Characteristics of the Illegal Workforce²⁶

Prohibitions in Current Law:

- The Immigration Reform and Control Act (IRCA) of 1986 amended the Immigration and Nationality Act (INA) to create employer sanctions. These sanctions make it unlawful for employers to knowingly hire, recruit or refer for a fee, or continue to employ an alien who is not authorized to work.
 - Employer violations of the INA, enforced by the Department of Homeland Security’s Immigration and Customs Enforcement (DHS/ICE), can result in civil or criminal penalties.

Current Employment Eligibility Verification:

- The current employment eligibility verification system is paper-based. The system relies on employers to submit I-9 forms, which they complete based on documents submitted by employees to verify identity and work eligibility.
 - According to the Congressional Research Service, “*There is general agreement that the I-9 process has been undermined by fraud.*”
 - In 1996, the Basic Pilot Program was launched by the attorney general to improve employment eligibility verification. Employers who voluntarily participate in the program verify employment eligibility through Social Security Administration and DHS databases. The program was extended to all 50 states in 2004 and now has 15,663 participants.

The Illegal Workforce in the United States:

- An estimated 5 percent of the U.S. civilian labor force — or 7.2 million workers — is unauthorized for employment in the United States.
- The diverse industries in which illegal aliens work are as follows:

Table 1. Estimates of Unauthorized Employment in Selected Industries, 2005

Industry Group	Unauthorized Workers (in Industry)
Private Households	21%
Food Manufacturing	14%
Agriculture	13%
Furniture Manufacturing	13%
Construction	12%
Textile, Apparel, and Leather Manufacturing	12%
Food Services	12%
Administrative and Support Services	11%
Accommodation	10%

Source: Jeffrey S. Passel, *Size and Characteristics of the Unauthorized Migrant Population in the U.S.*, Pew Hispanic Center, Mar. 7, 2006.

²⁶ The information contained in this document can be cited to the Congressional Research Service, “Unauthorized Employment in the United States: Issues and Options,” April 20, 2007.

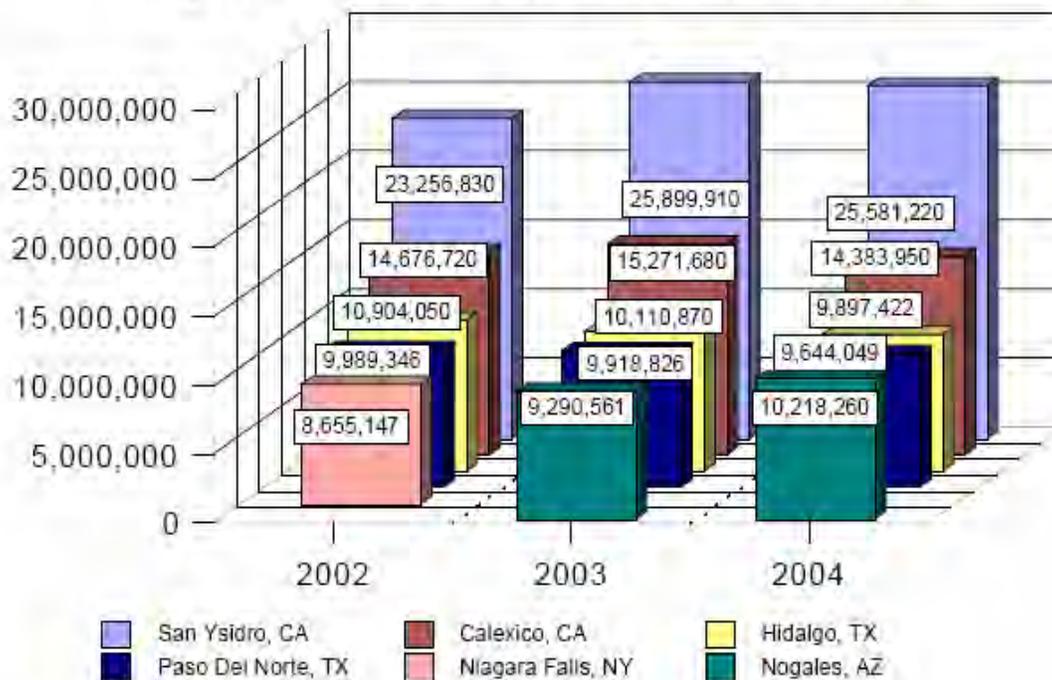
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Border Security — Busiest Ports of Entry (POE)²⁷

- In recent years, the Southwest border has seen the highest volume of travelers seeking entry into the United States.
 - The majority of those seeking U.S. entry at a Southwest land POE are Mexican nationals with border crossing cards.
- There are 25 land POE along the southwest border, with more than 800,000 people arriving from Mexico daily.
 - There are six land POE in California, six in Arizona, two in New Mexico, and 11 in Texas.
- Four of the top five busiest land POE in FY2004 were in the Southwest, with the San Ysidro land POE consistently ranking the busiest for passenger travel.

Figure 1. Busiest Land POE FY2002 - FY2004



Source: CRS Analysis of DHS Performance Analysis System (PAS) data.

²⁷ The data in this document can be cited to the Congressional Research Service, "Border Security and the Southwest Border," RL33106, Lisa M. Seghetti, Sept. 28, 2005.

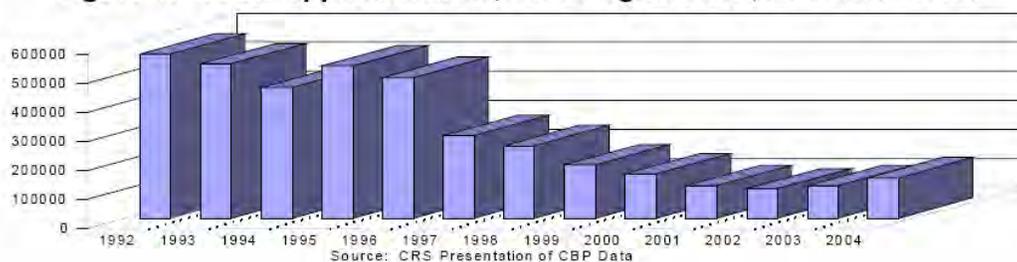
Border Security — San Diego Sector²⁸

The San Diego Fence:

- The United States Border Patrol's (USBP) San Diego sector is located between Tijuana and Tecate, Mexican cities with a combined population of two million people.
- Since there are no natural barriers between the San Diego sector and Mexico, the USBP built a 10-foot-high welded steel fence in 1990 along 14 miles of the border, which illegal immigrants eventually evaded.
- In 1993, a study authorized by the Immigration and Naturalization Service (INS) concluded that “[a] three-fence barrier system with vehicle patrol roads between the fences and lights will provide the necessary discouragement” to stop evasion.
- In response, in 1996 Congress authorized the construction of a 14-mile, triple-layered fence between Tijuana and Tecate.
- By 2004, only nine miles of the San Diego fence had been completed, and environmental concerns caused construction to be stopped.
- In 2005, the secretary of the Department of Homeland Security (DHS) waived environmental and conservation laws that were hindering the project, pursuant to new authority granted to him by Congress in FY2005 emergency supplemental appropriations.

Border Apprehensions After Fence Construction Began:

Figure 1. USBP Apprehensions, San Diego Sector, FY1992-FY2004



- After Congress authorized construction of the triple-layered fence, apprehensions in the San Diego sector dropped from 480,000 in FY1996 to 100,000 in FY2002.
 - Apprehensions dropped more drastically in the specific areas where the triple-layered fence was built. In those areas, apprehensions were reduced by 94 percent over 12 years, from 321,560 in FY1993 to 19,035 in FY2004.

²⁸ All information in this document can be cited to the Congressional Research Service, “Border Security: The San Diego Fence,” Jan. 25, 2007.

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Alien Detention Space and Costs²⁹

Size of Recently Detained Populations:

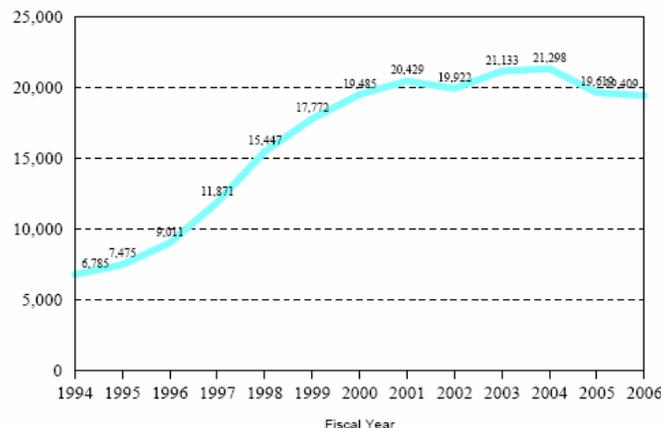
- Immigration and Customs Enforcement (ICE) increased its detention bed space by 6,300 during FY2006, bringing the current number of funded beds to 27,500 immigration detainees.³⁰
- As of September 2006, for FY2006, on an average day, 19,409 noncitizens were in Department of Homeland Security (DHS) custody.
- In FY2005, the average daily detention population was 19,619. ICE detained approximately 237,667 aliens in all.

Overview of Detained Populations from FY2004 to FY2006:

As indicated by the chart below:

- The size of the daily population increased by 115 percent, from 9,011 to 19,409, between FY1996, when the Illegal Immigrant Reform and Immigrant Responsibility Act of 1996 (IIRIRA) — which increased the number of aliens subject to mandatory detention — was enacted, and FY2006.
- The largest population increase occurred between FY1997 and FY1998, the year that all the provisions of the IIRIRA became enforceable.

Figure 1. Daily Detention Population FY1994- FY2006



Source: FY1994 through FY2005 CRS presentation of published DHS data. FY2006 CRS presentation of unpublished DHS data.
Note: FY2006 is the average daily population in detention through September 11, 2006.

Cost of Detention:

- FY2007 appropriations increased funding by 46 percent to sustain an average bed space capacity of 27,500.
- For FY2004, DHS budgeted \$80 a day for each detainee held in detention (not including the cost of transportation or of deporting the alien).
- For FY2000 through FY2002, INS budgeted \$75 a day for each detainee held in detention.
 - In FY2000, \$1,390,125 per day was budgeted for 18,535 beds.
 - For FY2001, \$1,477,650 per day was budgeted for 19,702 beds.
 - In FY2002, \$1,583,025 per day was budgeted for 21,107 beds.

²⁹ Unless otherwise noted, the information in this document can be cited to the Congressional Research Service, "Immigration-Related Detention: Current Legislative Issues," RL32369, Jan. 25, 2007.

³⁰ Immigration and Customs Enforcement, Fact Sheet, Nov. 2, 2006, available at <http://www.ice.gov/pi/news/factsheets/dro110206.htm>.

The Removal Process for Illegal Aliens³¹

Removal in Practice:

- Immigration and Customs Enforcement (ICE) removed 187,513 illegal aliens from the country in FY06, a record for the agency and a 10 percent increase over the number of removals during the prior fiscal year.³²
- There are, however, reportedly 300,000 noncitizens in the United States who have been ordered deported but have not left the country.
- One DOJ study found that almost 94 percent of aliens with final orders of removal who were detained were deported while only 11 percent of those not detained left the country.³³

Current Law:

- The Immigration and Nationality Act (INA) authorizes the detention of noncitizens in the United States.
- The INA provides broad authority to detain aliens while they await a determination of whether they should be removed from the United States and mandates which categories of aliens are subject to mandatory detention.
 - Mandatory detention is required for certain criminal and terrorist aliens who are removable, pending a final decision on whether the alien is to be removed.
 - Aliens not subject to mandatory detention can be paroled, released on bond, or continue to be detained.

Removal:

- After a removal order has been issued against an alien, the law generally requires him to be removed within 90 days.
- Certain aliens subject to a removal order may be detained beyond the removal period.
 - Although indefinite detention was once permitted where removal was not reasonably foreseeable, in 2001 the U.S. Supreme Court in *Zadvydas v. Davis* held that such detention was only permissible for up to six months.

Expedited Removal and Detention:

- Aliens subject to an “expedited removal” decision are ordered removed from the United States without any further hearings, reviews, or appeals.
- Aliens who arrive in the United States without valid documentation or with false documentation are subject to expedited removal.
- Aliens subject to expedited removal must be detained until they are removed.

³¹ Unless otherwise noted, the information in this document can be cited to the Congressional Research Service, “Immigration-Related Detention: Current Legislative Issues,” RL32369, Jan. 25, 2007.

³² Immigration and Customs Enforcement, Fact Sheet, Nov. 2, 2006, available at <http://www.ice.gov/pi/news/factsheets/dro110206.htm>.

³³ CRS, citing Office of the Inspector General, Department of Justice. *The Immigration and Naturalization Service’s Removal of Aliens Issued Final Orders*, Report I-2003-004, February 2003.

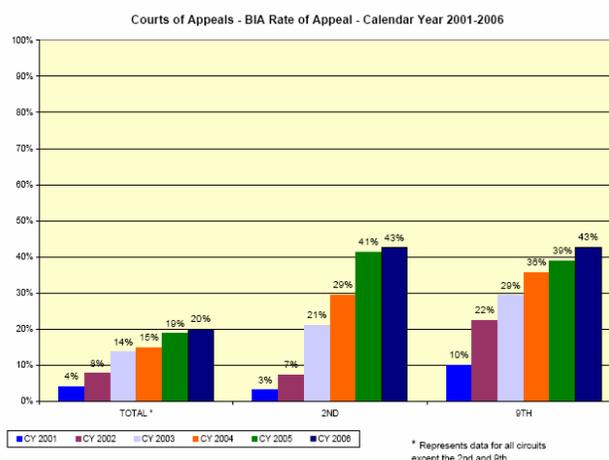
Immigration Litigation's Toll on the U.S. Legal System³⁴

Immigration Appeals:

- The typical alien has three layers of administrative review, including determinations by the Department of Homeland Security, an immigration judge, and the Board of Immigration Appeals (BIA). Subsequently, he can appeal to one of 12 federal circuit courts of appeals.
- After a 2002 reorganization of the BIA, the number of appeals in federal courts soared.

Increase in BIA Appeals to Federal Circuit Courts:

- BIA appeals accounted for 17 percent of all 63,676 appeals filed in the federal appellate courts in FY2006.
- In FY2006, 10,750 BIA appeals were filed in federal courts, representing a 555 percent increase since FY2001.
- The number of filings in FY2006 was down from FY2005, representing the first decrease in five years.
 - There was a 603 percent increase in the number of BIA decisions appealed to federal courts from FY2001 (1,757 cases) to FY2005 (12,349 cases).
- BIA appeals place a growing burden on federal circuit courts:



- In FY2006, nearly three-fourths of all BIA appeals were in the Ninth Circuit (49 percent) and Second Circuit (22 percent).

Consequences of Increased Immigration Litigation:

- Between FY2001 and FY2005, all but two of the circuit courts experienced an increase in the time it takes to process a BIA appeal.
 - The Second Circuit experienced the longest delay. Processing time for a BIA appeal increased 171 percent, requiring almost 27 months to resolve a BIA appeal.

BIA Reversal Rate:

- According to the Department of Justice, the government prevailed in 91.5 percent of its immigration cases in 2005. From 1983 to 2005, the government prevailed in almost 90 percent of cases.

³⁴ The information in this document can be cited to either the Administrative Office of the Courts or to the testimony, Jonathan Cohn, Deputy Assistant Attorney General, Civil Division, U.S. Dept. of Justice, before the U.S. Senate Judiciary Committee, April 3, 2006.

SENATE
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Key Facts

JON KYL, CHAIRMAN

THE UNITED STATES AND IMMIGRATION