

Legal Immigrants: Waiting Forever

*An Analysis of the Green Card Backlogs and Processing Delays
Affecting Families, Skilled Professionals and U.S. Employers*

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Executive Summary

Why don't people wait to immigrate legally to the United States? The answer is that many people do come here legally but processing delays and the family and employment-based immigration quotas legislated by Congress result in significant wait times – and much frustration – for potential immigrants and U.S. employers.

This detailed review of immigration statistics from the U.S. Department of State, Department of Homeland Security, and U.S. Citizenship and Immigration Services reveals that those who “play by the rules” are likely to wait many years to become a lawful permanent resident, whether they are sponsored by an employer or a family member. Moreover, those seeking to become citizens must also endure long processing delays in the quest for naturalization. Since many of the backlog and processing issues can change from month to month and from year to year, the National Foundation for American Policy (NFAP) will regularly update the data in this report on its website at www.nfap.com.

Among the findings of this study:

- Waits for green cards (permanent residence) in the Skilled Workers and Professionals category have worsened considerably in the past few years, with the current wait for a newly sponsored high skill immigrant in this category exceeding 5 years. Analysis of future demand and pending backlogs indicate the problem is likely to grow worse unless Congress changes the numerical limits on employment-based immigrant visas.
- For those sponsoring family members for immigration in certain categories, forward progress has stopped on waiting lists for the past year. Siblings of U.S. citizens can expect to wait 11 to 12 years from today before immigrating to America (22 years from the Philippines). Unmarried adult children can anticipate waiting 6 years, but 13 years if from Mexico and 14 years from the Philippines.
- A spouse or minor child of a legal resident (green card holder) from Mexico has a 7 year wait (a 5 year wait from other countries). A married child of a U.S. citizen must wait 7 years to immigrate (11 and 15 years, respectively, if from Mexico or the Philippines).
- Congress has failed to increase the H-1B cap in recent years, leaving employers with no way to hire new skilled foreign nationals inside the United States for many months at a time. Since it can

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take five years or more for a U.S. employer to sponsor a skilled foreigner for permanent residence (green card), the availability of H-1B visas is important, otherwise skilled foreign nationals, particularly graduates of U.S. universities, could not work or remain in the United States.

- Government fees have piled up for employers hiring skilled foreign-born professionals. Government-imposed fees related to H-1B visas generally exceed \$3,000 for each individual hired in that status. U.S. companies have paid more than \$1 billion in H-1B training and scholarship fees since 1999.
- An application for a family-sponsored immigrant in the U.S. seeking to gain permanent residence through an “adjustment of status” (I-485) application takes nearly three years in New York (119 weeks), nearly a year and a half in Chicago (72 weeks), and more than a year in Miami (64 weeks) and Dallas (62 weeks). Compared with 2004, these wait times are longer or show no improvement in 7 of the nation’s largest cities, with the exception of Los Angeles.
- Naturalization can still take as long as 36 weeks in Dallas. However, compared to two years ago, naturalization times have improved in Washington, D.C., San Francisco, New York, and Los Angeles.
- Many Americans do not realize the significant waiting times foreign visitors and business travelers experience to obtain a visa to enter the United States. To gain an interview for a visitor visa at a U.S. consulate it currently takes 169 days in Mumbai (Bombay), India, 114 days in Calcutta, 70 days in Tel Aviv, 38 days in Manila, and 37 days in Caracas.

In addressing immigration policy, Congress must examine the need to expand green card quotas for family-sponsored and employment-based immigrants. To ensure the continued flow of talent to America, it also must address the necessity of an increase in the H-1B cap for skilled professionals and sufficiently liberalized policies toward international students. To eliminate lengthy delays government agencies need to increase efficiency and their overall approach to processing applications. Taken together, such reforms will ensure that those seeking to immigrate legally and become part of America will no longer be, as it seems to them, waiting forever.

Wait Times for Employment-Based Immigrants

By law, the current annual limit on employment-based immigrant visas (green cards) is 140,000. This has demonstrated to be well below demand, creating backlogs of 5 years or more in key categories, making it impossible for individuals to be hired directly on green cards. (The 140,000 figure includes spouses and minor children of the sponsored immigrant.)

Table 1 represents NFAP's current estimates of likely wait times. In certain categories, the unavailability of green cards has worsened significantly in the past year. An employment-based immigrant in the Skilled Workers and Professionals category can expect to wait at least 5 years for a green card. These wait times are likely to worsen further absent legislative changes by Congress. The wait times for Priority Workers (1st preference) and Advanced Degree Holders and Persons of Exceptional Ability from China and India range from 1 to 3 years.

Today, it is also not possible to hire individuals directly on green cards for lower skilled positions, given the processing and backlogs in the Other Workers category, which is statutorily limited to 10,000 a year.¹ The wait in the Other Workers category for lesser skilled workers has grown so long that the State Department now lists visas for Other Workers as "unavailable" for June and the rest of the fiscal year.² Unlike for high skilled occupations, there are no equivalent temporary visa categories for jobs in hotels, restaurants, or agriculture, except for H-2A, the cumbersome agricultural guest worker visa, and H-2B, which is limited to temporary and seasonal, non-agricultural jobs.

Wait times are based on "cut-off dates." To stay within the numerical limits, after estimating the demand in a category, the State Department assigns a "cut-off" date that leads to processing only applications filed prior to that date. Per-country limits for employment-based immigrants are generally set at 7% of the 140,000 annual limit, though they can exceed 7% if visa slots would otherwise be left unused for skilled workers.³

Under Senate legislation, additional green cards will become available that will ease the wait times in the employment-based immigration categories. Depending on the new level for employment-based immigration, the legislation still may not be a complete fix for skilled individuals from China and India, according to Immigration Voice, a volunteer group focused on the green card wait list. The reason for concern is that the Senate bill, as it passed the Judiciary Committee, eliminates current relief in the law from the per country limit for high skilled workers.⁴

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Patricia McDermott, a manager at Keane, Inc., which has an estimated 225 sponsored employees “in limbo” waiting for green cards, says the waits extract an enormous “human cost” on individuals and their families.⁵ Those waiting cannot buy a home or travel freely, nor, in most cases, can they transfer positions or have their spouses work. This also harms innovation, as those with new ideas cannot go on to start new companies or gain venture capital, as in the past.

Table 1: Wait Times for Employment-Based Immigrants

	China	India	Mexico	Philippines	All Other Countries
Priority Workers (1st Preference)	1 year wait (Processing applications before July 2005)	1 year wait (Processing applications before January 2006)	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants
Advanced Degree Holders and Persons of Exceptional Ability (2nd Preference)	2 year wait (Processing applications before July 2004)	3 year wait (Processing applications before January 2003)	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants	Numbers Immediately Available to Qualified Applicants
Skilled Workers and Professionals (3rd Preference)	5 year wait (Processing applications before July 2001)	5 year wait (Processing applications before April 2001)	5 year wait (Processing applications before April 2001)	5 year wait (Processing applications before July 2001)	5 year wait (Processing applications before July 2001)
Other Workers (3rd Preference)	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable

Source: U.S. Department of State Visa Bulletin, June 2006; National Foundation for American Policy. Note: The relatively small number of those in the Schedule A Workers, Certain Special Immigrants, and Employment Creation Immigrants categories do not experience backlogs and are not included on the chart. Once a number/visa is available processing can take from 2 months at an overseas post to longer periods with U.S. Citizenship and Immigration Services. Of the 10,000 slots in the Other Workers category, 5,000 are available to be used for certain qualified Central Americans under legislation passed by Congress in 1997.

H-1B Visas: Costly and Often Unavailable

To hire skilled foreign nationals, U.S. employers generally must use H-1B temporary visas, which last for up to 6 years and usually require the equivalent of at least an undergraduate degree. Those with a graduate degree make up about half of new H-1B visa holders annually, according to the DHS.⁶ Since it takes five years or more for an employer to sponsor a skilled foreigner for permanent residence (green card) due to U.S. government processing times and numerical limitations, the availability of H-1B visas is vital, otherwise skilled foreign nationals, particularly graduates of U.S. universities, could not work or remain in the United States.

Prior to 1990, Congress placed no numerical limitation on the number of skilled foreign nationals employers could hire in H-1 temporary status. In the Immigration Act of 1990, Congress (arbitrarily) chose an annual cap of 65,000 and introduced several requirements in establishing a new H-1B category. Congress has changed this limit at least three times in the past 8 years, though the number has reverted back to the original 65,000. The cap has been reached most years since 1996. In FY 2006, the immigration service stopped taking new H-1B applications in August 2005. Even the recently added 20,000 exemption from the H-1B cap for those who graduated with an advanced degree from a U.S. university was exhausted by January 2006. Applications processed to date indicate the H-1Bs will also be exhausted before FY 2007 begins.

As Table 2 indicates, the market has determined the use of H-1B visas. When Congress raised the limit to 195,000 a year in FY 2002 and 2003, in both years fewer than 80,000 visas were issued against the cap, leaving 230,000 H-1B visas unused in those two years. In other words, firms did not hire more H-1Bs simply because the cap was higher in those years.

Government fees have also piled up for employers hiring skilled foreign-born professionals. Under the law, U.S. employers are obligated to pay H-1B professionals the same wage as “all other individuals with similar experience and qualifications for the specific employment in question.” But unlike the case of a native-born worker, the hiring costs to an employer do not end with the acceptance of a job offer. To hire a foreign national on an H-1B visa a U.S. employer must pay approximately \$2,500 in legal fees; \$1,500 training/scholarship fee; \$1,000 “premium processing” fee (not required but routinely used to overcome long processing times); a \$500 antifraud fee; a \$190 immigration service fee; around \$125 in additional incidental costs (Federal Express, etc.), and a \$100 visa fee. These combined costs total nearly \$6,000, more than half of which are fees imposed by the federal government. U.S. companies have paid more than \$1 billion in H-1B training and scholarship fees since 1999.⁷

Table 2: H-1B Visas Issued Against The Cap Per Year

Year	CAP*	#Issued	#Unused
1992	65,000	48,600	16,400
1993	65,000	61,600	3,400
1994	65,000	60,300	4,700
1995	65,000	54,200	10,800
1996	65,000	55,100	9,900
1997	65,000	65,000	0
1998	65,000	65,000	0
1999	115,000	115,000	0
2000	115,000	115,000	0
2001	195,000	163,600	31,400
2002	195,000	79,100	115,900
2003	195,000	78,000	117,000
2004	65,000	65,000	0
2005	65,000	65,000	0
2006	65,000	65,000	0

*Source: Department of Homeland Security. *Does not include exemptions from the cap for 20,000 international graduate students a year from a U.S. university and individuals hired by U.S. colleges and non-profit research institutes.*

International Students

International students are increasingly important to America's technological and scientific base. At many U.S. universities one-half to two-thirds of graduate students in science and engineering are foreign nationals.⁸ Although the situation has improved, it became harder to enter the country as an international student after September 11, 2001. The National Academy of Sciences and other bodies have expressed fear that if America does not improve its ability to attract international students, then there will be consequences for America's science and technology research base in the years ahead.

Enrollment figures measure whether international students are attending U.S. universities in increasing or decreasing numbers. The figures below show a rise over time in international students for most of the post-World War II period. More recently, international student enrollment increased approximately 5 percent a year between the 1996-97 and 2001-02 academic years, according to the Institute of International Education. If that growth rate had continued more than 100,000 additional international students would have enrolled at U.S. universities than did so during the 2004-05 academic year, based on an analysis by the National Foundation for American Policy. In 2002-03, enrollment rates for international students stopped growing (rising only 0.6 percent), and then declined 2.4 percent in 2003-04 and another 1.3 percent in 2004-05.⁹ NAFSA and other organizations have issued recommendations to improve U.S. government and university policies to attract international students in the face of increased competition for such students from other nations.¹⁰

An NFAP policy paper released in conjunction with an October 2005 leadership forum on internationals cosponsored by the Merage Foundations and the University of California-Irvine made several recommendations for attracting international graduate students to the United States. First, eliminate the requirement that to obtain a visa individuals pursuing master's and Ph.D.s in the United States must demonstrate they will return to their home country. Second, the United States should streamline the immigration process for international graduate students in science and engineering. Pending Senate legislation takes steps in this direction. Third, to deal with both policy and processing problems, the U.S. government needs to increase accountability and improve coordination among the numerous departments with authority over international students and develop a strategic plan for international education. Finally, U.S. universities need to increase their marketing abroad to attract international students to the United States.

Table 3: International Student Enrollment By Year

Academic Year	International Undergraduate Students	International Graduate Students	Other	TOTAL International Students	Annual Percentage Change
1954-55	19,101	12,118	3,012	34,232	-
1959-60	25,164	18,910	4,412	48,486	2.6
1964-65	38,130	35,096	8,774	82,045	9.7
1969-70	63,296	59,112	12,551	134,959	11.2
1979/80	172,378	94,207	19,758	286,343	8.5
1984/85	197,741	122,476	21,895	342,113	0.9
1987/88	176,669	156,366	23,152	356,187	1.9
1988/89	172,551	165,590	28,209	366,354	2.9
1989/90	184,527	169,827	32,495	386,851	5.6
1990/91	189,900	182,130	35,500	407,529	5.3
1991/92	197,070	191,330	31,190	419,585	3.0
1992/93	210,080	193,330	35,210	438,618	4.5
1993/94	213,610	201,030	35,110	449,749	2.5
1994/95	221,500	191,738	39,396	452,635	0.6
1995/96	218,620	190,092	45,075	453,787	0.3
1996/97	218,743	190,244	48,997	457,984	0.9
1997/98	223,276	207,510	50,494	481,280	5.1
1998/99	235,802	211,426	43,706	490,933	2.0
1999/00	237,211	218,219	59,293	514,723	4.8
2000/01	254,429	238,497	54,941	547,867	6.4
2001/02	261,079	264,749	57,168	582,996	6.4
2002/03	260,103	267,876	58,344	586,323	0.6
2003/04	248,200	274,310	49,999	572,509	-2.4
2004/05	239,212	264,410	61,417	565,039	-1.3

Source: *Open Doors 2005, Institute of International Education*

Long Waits for Families

A U.S. citizen may sponsor a spouse, minor child (under 21) or parent without quota, but face annual limits for siblings (65,000 a year) and married adult children (23,400) and unmarried adult children (23,400). A permanent resident (green card holder) may sponsor a spouse or minor child (87,934) or adult child (26,266). Per-country limits for family-sponsored immigrants are generally set at 7% of the 226,000 annual limit for family preferences.

Table 4 represents NFAP's current estimates of likely wait times in family categories. However, for certain categories – unmarried adult children of U.S. citizens, and siblings and married adult children of U.S. citizens from Mexico and Philippines – there has been no forward progress on the waiting lists during the past year, so wait times could be longer.

- Siblings of U.S. citizens can expect to wait 11 to 12 years from today before immigrating to America (22 years from the Philippines).
- Unmarried adult children can anticipate waiting 6 years, but 12 years if from Mexico and 14 years from the Philippines.
- A spouse or minor child of a legal resident (green card holder) from Mexico has a 7 year wait (a five year wait from other countries).
- A married child of a U.S. citizen must wait 7 years to immigrate (11 and 15 years, respectively, if from Mexico or the Philippines).
- There is a 9 year wait for unmarried adult children of legal residents (14 years if from Mexico).

Wait times, which are based on State Department “cut-off” dates, are lengthy, since the family and, as noted earlier, employment-based immigration quotas set into law by Congress are well short of demand. After estimating the demand in a category, the State Department assigns a “cut-off” date that leads to processing only applications filed prior to that date.

Table 4: Wait Time in Years for Family-Sponsored Immigrants

	China	India	Mexico	Philippines	All Other Countries
Unmarried Adult Children of U.S. Citizens (1st Preference) 23,400 a year	6 year wait (Processing applications before April 2001)	6 year wait (Processing applications before April 2001)	13 year wait (Processing applications received before Jan. 1992)	14 year wait (Processing applications received before Sept. 1991)	6 year wait (Processing applications before April 2001)
Spouses and Minor Children of Permanent Residents (2nd Preference – A) 87,934 a year*	5 year wait (Processing applications before April 2001)	5 year wait (Processing applications before April 2001)	7 year wait (Processing applications received before July 1999)	5 year wait (Processing applications before April 2001)	5 year wait (Processing applications before April 2001)
Unmarried Adult Children of Permanent Residents (2nd Preference - B) 26,266 a year	9 year wait (Processing applications before August 1996)	9 year wait (Processing applications before August 1996)	14 year wait (Processing applications before October 1991)	9 year wait (Processing applications before July 1996)	9 year wait (Processing applications before August 1996)
Married Adult Children of U.S. Citizens (3rd Preference) 23,400 a year	7 year wait (Processing applications before August 1998)	7 year wait (Processing applications before August 1998)	11 year wait (Processing applications before March 1993)	15 year wait (Processing applications before July 1988)	7 year wait (Processing applications before August 1998)
Siblings of U.S. Citizens (4th Preference) 65,000 a year	11 year wait (Processing applications before March 1995)	12 year wait (Processing applications before August 1994)	12 year wait (Processing applications before August, 1993)	22 year wait (Processing applications before November 1983)	11 year wait (Processing applications before March 1995)

Source: U.S. Department of State Visa Bulletin, June 2006; National Foundation for American Policy. *The spouses and minor and adult children of Permanent Residents category is 114,200 annually “plus the number (if any) by which the worldwide family preference level exceeds 226,000.” 75% of spouses and minor children of lawful permanent residents are exempt from the per-country limit.

Immigration Service Processing Times Yield Frustration

In analyzing U.S. Citizenship and Immigration Services wait times for 2004-2006, NFAP has concluded that while improvement is evident, overall wait times are simply too long for both employers and individuals.

An application for a family-sponsored immigrant in the U.S. seeking to gain permanent residence through an “adjustment of status” (I-485) application takes nearly three years in New York (119 weeks), nearly a year and a half in Chicago (72 weeks), and more than a year in Miami (64 weeks) and Dallas (62 weeks). Compared with 2004, these wait times are longer or show no improvement in 7 of the nation’s largest cities, with the exception of Los Angeles.

Naturalization can still take as long as 36 weeks in Dallas. However, compared to two years ago, naturalization times have improved in Washington, D.C., San Francisco, New York, and Los Angeles.

The wait time for appeals of decisions (through the Administrative Appeals Office) are so long for certain employment-related categories that it undermines the purpose of filing an appeal, which is to seek redress of a possible wrong decision. It takes more than a year for appeals of decisions related to the granting of an H-1B petition (13 months) or an immigrant petition for a skilled or professional worker (15 months).

Processing for employers remains problematic. Employers hiring skilled professionals on H-1B visas often must pay a \$1,000 premium processing fee because typical wait times are from 6 to 11 weeks (for change of status/extension of stay in the U.S.) at the various Service Centers, which actually represents a significant improvement from 2004 for all but the Nebraska Service Center. For L-1 petitions for intracompany transfers, the wait is 4 to 6 weeks at all four Service Centers.

Table 5: Wait Times for Immigration Benefits Processing in the U.S.

Wait Times in Weeks at Regional Service Centers									
	I-140			L-1 (I-129)			H-1B (I-129)		
	Imm. Petition for Skilled Worker			Petition for Intracompany Transfe			Petition for Skilled Temp. Worker		
	2006	2005	2004	2006	2005	2004	2006	2005	2004
California	N/A	28	44	5	9	5	9	9	27
Nebraska	12	80	41	4	3	3	11	10	4
Texas	14	9	54	4	3	4	9	4	29
Vermont	21	11	45	6	2	6	6	4	25

Note: All times are calculated in weeks and rounded down.
** In May 2006, USCIS began redistributing the workload among service centers for certain applications. All wait times are based on figures published by USCIS as of May 6, 2006 and March 2004-2005.*

Wait Time in Weeks for Individuals in Selected Cities							Appeals	
	Family Based (I-485)			N-400			H-1B	
	Adjustment of Status			Naturalization				
	2006	2005*	2004	2006	2005*	2004		
Chicago	72	N/A	102	34	N/A	25	Imm., Extraordinary Ability	56
Dallas	62	N/A	52-65	36	N/A	42-52	Imm., Skilled/Prof. Worker	26
Los Angeles	27	N/A	51	33	N/A	38-51		64
Miami	64	N/A	60-77	25	N/A	26-52		
New York	119	N/A	102+	23	N/A	51		
San Francisco	34	N/A	30-34	27	N/A	38		
Wash., D.C.	42	N/A	34-51	19	N/A	51-60		

Note: All times are calculated in weeks and rounded down.
** 2005 data is unavailable.*

Foreign Visitors and Business Travelers Also Experience Long Waits

Many Americans do not realize the significant waiting times foreign visitors and business travelers experience to obtain a visa to enter the United States. Due to legislation and pressure from Congress, the State Department requires in-person interviews for almost all visa applicants.

As of May 6, 2006, among the more notable delays to gain an interview for a visitor visa at a U.S. consulate:

- 169 days in Mumbai (Bombay), India
- 114 days in Calcutta
- 70 days in Tel Aviv
- 38 days in Manila
- 37 days in Caracas

U.S. businesses complain these long waits interfere with the ability to conduct commerce, while U.S. residents cite the hardships of such delays on family members seeking to visit from other countries. After gaining an interview, an individual may still be refused a visa. If not refused, additional processing time for the visa for non-immigrants (the technical term for individuals on temporary visas) is typically one to three days (more if an additional security screening is required).

On the other hand, there have been improvements in the past three months for wait times in Beijing, which went from a 34-day wait in January 2006, to only a 14-day wait in May 2006. While wait times to gain interviews for visitor visas in Nogales (23 days) and Mexico City (122 days) may be of some concern, Mexicans can apply and receive biometric "laser visas" that are good for up to ten years and for multiple entries.

Generally, citizens of Western European countries and Japan are eligible to enter the U.S. without a visa under the Visa Waiver Program. The program is reciprocal for Americans seeking to travel to Visa Waiver countries.

Table 6: Wait Times In Days for Visa Interview Times At Key Consular Posts

City	Visitor Visa		Stud./Exch. Vistor		Other Non-Im. Visas	
	5/6/2006	1/10/2006	5/6/2006	1/10/2006	5/6/2006	1/10/2006
As of:						
Beijing	14	34	2	6	2	27
Bogota	6	10	1	1	1	1
Brasilia	35	48	5	13	35	48
Calcutta	114	91	9	14	14	91
Caracas	37	32	7	7	7	7
Chennai	58	114	2	73	163	114
Hanoi	1	1	1	1	1	1
Managua	2	21	1	7	2	21
Manila	38	27	4	1	45	27
Mexico City	122	160	9	18	9	18
Moscow	21	7	10	7	10	7
Mumbai (Bombay)	169	98	10	20	18	98
New Dehli	98	40	14	4	14	50
Nogales	23	1	Same Day	Same Day	23	1
San Salvador	2	10	1	1	2	1
Seoul	3	3	3	3	3	3
Shanghai	31	31	1	3	2	1
Taipei	8	10	1	1	8	10
Tel Aviv	70	24	2	5	2	24
Warsaw	2	2	1	2	1	2

Source: U.S. Department of State; National Foundation for American Policy

Conclusion

Despite the increased competition for talent and the tremendous changes in the U.S. and world economy over the past 16 years, with modest exceptions, the U.S. immigration system for high-skilled professionals has not changed since 1990 – except that it has become worse. Companies now pay hefty fees, endure longer waits, and submit to more restrictive regulations than in the past. Employers feel this impact but it also exacts a tremendous toll on individuals. Such people are denied an opportunity to work in the United States or are left in limbo for years through inadequate green card quotas and processing delays.

Unfortunately, because of these long waits and disruptions, the day may soon come when promising international students and outstanding foreign-born scientists and engineers decide America is no longer the land of opportunity for them.

Innovation is being stifled. In the past, after working in the United States for a number of years enterprising individuals with fresh ideas were able to go off and start new firms and gain venture capital. But today, by imposing waits of 5 years or more for green cards, as well as long waits for H-1B visas, Congress is inadvertently delaying or preventing this cycle of innovative activity that has proved so valuable to America and Americans. Indian and Chinese entrepreneurs have founded nearly one-third of Silicon Valley's technology companies, according to research by University of California, Berkeley professor Annalee Saxenian.¹¹

Similarly, U.S. citizens and lawful permanent residents sponsoring family members must wait years – or even decades – to be reunited with loved ones. As with green cards for employment-based immigrants, raising immigration quotas for families is within the power of Congress. Administratively, the State Department still needs the resources and/or improved process to minimize the significant wait times for visitor and business visa interviews at consulates abroad. U.S. Citizenship and Immigration Services also needs increased resources, better use of technology, and an improved overall approach to balance security with speedier processing for legitimate applicants. Most of the processing delays are not due to enhanced security.

In the debate over immigration, many have said we must “honor” legal immigrants. Behind every statistic related to waiting lists and backlogs stands tens of thousands of individuals and their family members. The best way to honor legal immigrants both now and in the future is to solve the immigration and backlog problems that cause such pain, frustration, and heartache.

About the Authors

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About the National Foundation for American Policy

Established in the Fall 2003, the National Foundation for American Policy (NFAP) is a 501(c)(3) non-profit, non-partisan public policy research organization based in Arlington, Virginia focusing on trade, immigration, and related issues. The Advisory Board members include Columbia University economist Jagdish Bhagwati, Ohio University economist Richard Vedder, Cesar Conda, until recently Vice President Dick Cheney's chief domestic policy adviser, and other prominent individuals. Over the past 24 months, NFAP's research has been written about in the *Wall Street Journal*, the *New York Times*, the *Washington Post*, and other major media outlets. The organization's reports can be found at www.nfap.com.

Endnotes

¹ Of the 10,000 in the Other Workers category, 5,000 have been made available to qualified Central Americans under the Nicaraguan Adjustment and Central American Relief Act, passed in 1997.

² State Department Visa Bulletin, June 2006.

³ Under Section 202(a)(5) of the Immigration and Nationality Act, “If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.”

⁴ Analysis provided to NFAP by Immigration Voice.

⁵ Interview with NFAP.

⁶ *Characteristics of Specialty Occupational Workers (H-1B): Fiscal Year 2003*, Department of Homeland Security, November 2004.

⁷ *H-1B Fees Paid By U.S. Companies Have Funded 40,000 Math And Science Scholarships For U.S. Students; Fee Totals Exceed \$1 Billion Since 1999*, NFAP Policy Brief, March 2006, available at www.nfap.com.

⁸ Testimony of Stuart Anderson, House Immigration Subcommittee, March 30, 2006.

⁹ *Open Doors 2005*, Institute of International Education.

¹⁰ NAFSA’s 2003 report issued policy recommendations that can be found at <http://www.nafsa.org/content/PublicPolicy/stf/inamericasinterest.htm>. See also *Policy Implications of International Graduate Students and Postdoctoral Scholars in The United States*, Committee on Science, Engineering, and Public Policy, Board on Higher Education and Workforce, Policy and Global Affairs, The National Academies, (National Academy of Sciences), Washington D.C.

¹¹ AnnaLee Saxenian, “Brain Circulation, How High-Skilled Immigration Makes Everyone Better Off,” *Brookings Review*, Winter 2002. In past years, the majority of H-1B visa holders have been from India and China.