



What Does It Mean to Send Undocumented Immigrants to the Back of the Line?

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Summary

- Donald Trump's immigration proposal would require undocumented immigrants to exit the United States, return to their home countries, and apply for legal visas before re-entering
- Under the current system, some individuals already wait up to 20 years before becoming eligible for legal entry
- Trump's proposal would dramatically increase wait times for all incoming immigrants, including foreign-born individuals who wish to legally apply for residency

Donald Trump's stance on immigration can be hard to decipher. During an [immigration speech](#) in August, he made it clear that all undocumented immigrants would be required to exit the country and apply for legal visas before re-entering. The next morning, he [contradicted this position](#): Trump revealed in a radio interview that his administration's main priority would be to remove the unauthorized immigrants who are engaged in criminal activity. He did not outline any other details of his plan, but pledged to make a decision about non-criminal undocumented immigrants "once everything is stabilized."

It is important to clarify the distinctions between these two policy proposals. In one instance, he would only enforce current immigration law against criminal undocumented immigrants. This applies to [approximately 690,000](#) undocumented immigrants with felony or serious misdemeanor convictions. These immigrants account for only 6.2 percent of the undocumented population, meaning that over 10 million undocumented immigrants may be allowed to remain in the United States.

Removing every undocumented immigrant would be significantly more challenging. Approximately [11 million](#) unauthorized immigrants live in the United States, a population that has remained relatively stable since 2009. Previous [American Action Forum \(AAF\) research](#) found that removing all of these immigrants and preventing future unlawful entry would cost taxpayers between \$400 billion and \$600 billion. AAF [further estimated](#) that this would cause a private sector labor shortage of 4 million to 6.8 million workers and reduce private sector output by \$381.5 billion to \$623.3 billion.

Recently, Senator Jeff Sessions [defended](#) Trump's hardline stance on immigration by explaining that undocumented immigrants would be asked to self-deport. This means that unauthorized immigrants would voluntarily return to their home countries, apply for visas, and come back to the United States once they obtain legal status. In addition, Donald Trump has [stated](#) that unauthorized immigrants who return to their home countries "will not be awarded surplus visas" and will have to "get in line" behind foreign-born individuals who are already in the process of applying for legal status.

Asking undocumented immigrants to return home and wait in line behind those who legally apply may seem like a fair solution. However, the complexity and current priorities of the U.S. immigration system make it extremely difficult for people without family in the United States to legally enter. This is because the vast majority of visas are set aside for family reunification. While there is no limit on the number of visas available to the immediate family of U.S. citizens, employment-based visas are capped at around 140,000 per year. Approximately 226,000 additional visas are allocated for other family members or for the family of legal permanent residents (LPRs).

Of the 140,000 employment-based visas, almost 100,000 are reserved for immigrants with very specific qualifications. For instance, they require immigrants to have postgraduate degrees, international recognition for an extraordinary ability, or \$1 million to invest in U.S. businesses. Only a small number of visas (around 40,000) are available for immigrants without advanced degrees or other specific qualifications, making it impossible for many individuals who want to become residents of the United States to do so.

These restrictions on immigration have created lengthy backlogs of immigrants waiting to legally enter the United States. Last year, the [State Department](#) disclosed that 4.5 million immigrant visa applicants were on the waiting list. While the bulk of those are waiting for family-based immigrant visas, over 100,000 are waiting for employment-based visas. Since that report was released, more than 500,000 additional family-based and 95,000 employment-based visa petitions have been approved by [U.S. Citizenship and Immigration Services](#).

This accumulation of immigrant visa applications has resulted in significant wait times for new applicants. The following tables display wait times for immigrants seeking both employment-based and family-based visas.

Wait Times Experienced by Immigrants Currently Eligible to Apply for Employment-Based Visas

| Country of Origin | Workers with a Post-Graduate Degree | Workers with a Bachelor's Degree | Workers with less than a Bachelor's Degree |
|-------------------|-------------------------------------|----------------------------------|--|
| Mainland China | 3.5 years | 2.5 years | 7 years |
| India | 7.5 years | 11 years | 11 years |
| Mexico | No wait | No wait | No wait |
| Philippines | No wait | 3 years | 3 years |
| All other workers | No wait | No wait | No wait |

Source: [The U.S. State Department's Visa Bulletin for October 2016](#)

Wait Times Experienced by Immigrants Currently Eligible to Apply for Family-Based Visas

| Country of Origin | 1 st Preference | 2A Preference | 2B Preference | 3 rd Preference | 4 th Preference |
|-------------------|----------------------------|---------------|---------------|----------------------------|----------------------------|
| Mainland China | 5 years | 2 years | 6.5 years | 12 years | 13.5 years |
| India | 5 years | 2 years | 6.5 years | 12 years | 14 years |
| Mexico | 21.5 years | 2 years | 21 years | 22 years | 19.5 years |
| Philippines | 11 years | 2 years | 11 years | 22 years | 23.5 years |

| | | | | | |
|-------------------|---------|---------|-----------|----------|----------|
| All other workers | 7 years | 2 years | 6.5 years | 12 years | 13 years |
|-------------------|---------|---------|-----------|----------|----------|

Source: [The U.S. State Department's Visa Bulletin for October 2016](#)

The tables above list the length of time that immigrants who are *currently* eligible to file an LPR application had to wait before becoming eligible. They do not provide any information about wait times that new applicants would face. Furthermore, the wait times for family-based visas only apply to immigrants who are not immediate family members of U.S. citizens; there is no visa cap and therefore no wait time for immediate family members.

The tables show that immigrants seeking family-based visas had to wait significantly longer than those applying for employment-based visas. This is likely because U.S. immigration policy prioritizes family reunification, and demand for family-based visas is much higher as a result. Furthermore, many immigrants seeking employment in the United States choose to obtain temporary worker visas (such as H-1B or H-2B visas) as a simpler alternative to pursuing legal permanent residency.

The tables also show that immigrant wait times can be significant: as long as 11 years for employment-based visas and 23 years for family-based visas. As the backlog continues to grow, new applicants will undoubtedly spend even more time waiting to become eligible. Forcing undocumented immigrants into this line on top of the current backlog would drastically increase the wait times even for those immigrants who take the appropriate steps to legally apply.

Research shows that immigration positively impacts the U.S. economy. Immigrants [create jobs](#) for U.S. workers, prevent the [U.S. population](#) from shrinking, fill [existing gaps](#) in the labor force, and [start businesses](#) at higher rates than natives. Immigrant workers also [complement](#) U.S. workers of all skill levels. When considering whether to remove all undocumented immigrants currently in the United States, it is important to understand the consequences for the undocumented, legal immigrants, and the overall U.S. economy.