



IMMIGRATION POLICY CENTER

...providing factual information about immigration and immigrants in America

Why Don't They Just Get In Line? The Real Story of Getting a "Green Card" and Coming to the U.S. Legally

Many Americans wonder why undocumented immigrants do not come to the U.S. legally or simply "get in line" to get residency (a "green card"). In fact, the U.S. immigration system is grossly out of date and not keeping up with the demands of a growing and changing U.S. economy. Our laws have not been updated in nearly 20 years and there are only limited avenues for securing legal immigration status. The overly restrictive legal limits on green cards mean that virtually all undocumented immigrants have no alternative for legal entry to the U.S.

There is no "line" for the vast majority of undocumented immigrants. Accusations that immigrants in the U.S. illegally — numbering an estimated 12 million, and representing five to six percent of the U.S. workforce — should simply get in line miss the point: **There is no line and the "regular channels" do not include them.** If given a choice, [opinion surveys](#) of undocumented immigrants indicate that 98 percent would prefer to live and work legally in the U.S. and would do so if they could. However, most do not have the necessary family relationships to apply for legal entry, or, if they do, they face years or decades of waiting time for a visa. Those here illegally generally do not qualify as refugees unless they come from a handful of countries experiencing political unrest. Finally, most undocumented immigrants do not work in professions that qualify for a green card. The annual number of green cards for low-skilled workers is extraordinarily small and insufficient for America's enormous economy, which depends on high-, medium-, and low-skilled workers.

The ways to "come legally" are restricted to certain categories of persons. Getting a green card is generally limited to four different routes:

- **Employment Green Card Numbers Out of Synch with America's Needs:** An employer can request permission to bring in a qualified foreign worker in certain professions based on job skills and education level if the employer cannot find a qualified U.S. worker to take the job first. Most of the qualifying professions are high-skilled and require high levels of education, such as scientists, professors, and multinational executives. The number of green cards available for unskilled or low-skilled workers—hotel workers, landscapers, construction workers to name a few — is limited to **5,000 per year for the entire United States**. This grossly insufficient number of green cards in these types of jobs is the crux of the illegal immigration problem in the U.S.

The demand for workers in the service sectors has grown considerably while the supply of available U.S. workers has steadily diminished. Consider this: in 1960 approximately 50 percent of the U.S. workforce did not have a high school diploma. Today, it is approximately 12 percent. This means that fewer American workers are available for unskilled jobs. While the number of available workers for these jobs is dropping as Americans become better educated and have fewer children, the demand for workers in these industries is growing and expected to increase in coming years. Approximately 500,000 undocumented immigrants enter the U.S. each year — most coming to work and typically to do so in the service sector — yet there are only 5,000 green cards for unskilled workers. Until there are more legal avenues for employers to hire immigrant workers, illegal immigration will fill the gap and we will not gain the control over immigration that the American people demand.

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- ***Limited, Restricted, and Capped Family Immigration:*** A legal, qualified family member in the U.S. can seek permission (a petition) to bring in certain eligible foreign-born family members. U.S. citizens, for example, can petition for a green card for their spouses, parents, children, and siblings. Legal Permanent Residents (green card holders) can petition for their spouses and unmarried children, provided they meet other eligibility requirements. In all cases, the legal resident or U.S. citizen family member must demonstrate an income level above the poverty line and legally commit to support the family member they are seeking to bring to the U.S. Finally, in most cases, the new immigrant is ineligible for most federal benefits or services until they have worked in the U.S. for 10 years.

While the requirements are largely reasonable, the limitations on the number of total green cards are not. There are numerical limits on most family categories, with demand typically higher than the number of available green cards. This results in significant backlogs for most family members hoping to enter the U.S. legally, with some immigrants from some countries waiting decades for entry. For example, an immigrant residing in the U.S. legally with a green card must wait at least five years to receive a green card for her minor child. U.S. citizens must wait 16 years for a green card for a married son or daughter if they are coming from Mexico. While U.S. citizens and Legal Permanent Residents wait their turn to get a green card for their family member, it is nearly impossible for that family member to receive permission to even visit the U.S. Mothers, fathers and children, therefore, face years of separation or they may decide to risk breaking the law by entering illegally. Doing so, however, makes their chances at eventually receiving green cards even more distant and unlikely.

- ***(Some) Political Refugees, Yes. But Economic Refugees, No.:*** Persons who can prove a “well-founded fear of persecution” may in some cases be granted political asylum or refugee status. However, the burden of proof is high and the process is rigorous. They must prove that any harm that came to them is based on “race, religion, membership in a particular social group, political opinion, or national origin.” Even if they can meet this requirement, they are subject to numerical limits before they may get their residency, typically after a substantial waiting period. An immigrant does not qualify as a refugee because of poverty or difficult economic conditions in their home country.
- ***Limited Lottery for Certain Countries:*** The annual Diversity Visa program makes 55,000 green cards available to persons from countries with low rates of immigration to the U.S. People from Mexico, China, the Philippines, India, and other countries with higher levels of immigration to the U.S. are not eligible. To qualify, applicants must have a high school education and two years of job experience. Since each year millions of people around the world apply, the chances of winning a green card are low.

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