

Why doesn't everyone just apply for a visa?

A common question about undocumented immigrants is “Why don't they just get in line and apply for a visa?” The answer is that it is not that easy. In order to receive a visa, you have to fit into one of the categories included in immigration law. Millions of people do not fit into any category.

Immigration law allows for two main types of visas that permit people to emigrate legally. They are (1) non-immigrant visas and (2) immigrant visas. **Non-immigrant visas** do not give the holder a path to citizenship. They are for a specific purpose, and time-limited. Examples are tourist visas and student visas. Anyone who stays longer than the time limit on the visa becomes undocumented. **Immigrant visas** are visas that put one on the path to citizenship. This means that one can obtain a green card (legal permanent resident) and become a citizen by filling out the paperwork, paying fees, passing a test of English and history/citizenship, and waiting years for the application to be processed. In addition to non-immigrant and immigrant visas, there are also:

- **Family based visas:** Legal permanent residents (green card holders) and U.S. citizens can apply for visas for some relatives. Green card holders can apply for (1) spouses (2) unmarried sons and daughters. U.S. citizens can apply for (1) spouses (2) married or unmarried sons and daughters (3) brothers and sisters, but only if the U.S. citizen is 21 years of age or older. (4) parents – the U.S. citizen must be at least 21 years of age. **Many relatives are denied these visas because there are a limited number of them available.** This causes people to wait years or even decades for their application to be processed. Once the application is processed, the immigrant has to wait at least another two years for the paperwork to be finalized. This causes hardships on families who do not wish to be separated.
- **Employment-based visas:** There are a limited number of visas available for employment. Most times employment visas are awarded to those with high skill sets, like engineers and doctors. There are very few visas for “low skilled” workers, like construction and agricultural workers. This is despite the fact that our economy relies on an estimated 485,000 new, low-skilled immigrant workers each year and our immigration system provides only 5,000 visas in this area (Pew Hispanic Center).
- People facing persecution may come as **refugees** or apply for **asylum** once here, and later apply for permanent residence. The number of people who can receive refugee/asylee status is limited.
- Some **crime victims** can also receive visas, but the rules are strict and relatively few visas are available.



- **Diversity lottery:** Congress created this visa, so that the U.S. can admit ethnicities from countries that do not have a high population presence in the U.S. This lottery system only gives out a small number of visas a year, and only to certain countries.
- **Very limited categories:** There are other visas for victims of human trafficking, some military immigrants, and some religious workers.

What if you do not fit any of these categories? Millions do not fit into any category and can never obtain a green card or become a citizen, even though they have family here and our economy needs them. This is why immigrants choose to come to the U.S. without permission or overstay valid visas.

Last updated January 2009

