

Why doesn't everyone just apply for a visa?



A common question about immigration is “Why don’t undocumented people just get in line and get a visa?” The answer is that it is not that easy. In order to get a visa, you have to fit into one of the categories included in immigration law, and there are millions of people who don’t fit into any category.

Non-immigrant visas do not give the holder a path to citizenship. They are for a specific purpose, and time-limited. Examples: tourist visas, student visas. If you stay longer than the time limit, you become undocumented.

Immigrant visas are visas that put you on the path to citizenship. That means that you can get a green card (legal permanent resident) and become a citizen if you jump through the hoops – fill out paperwork, pay fees, pass a test of English and history/citizenship, and wait years for your application to be processed.

- **Family based visas:** Legal permanent residents (green card holders) and US citizens can apply for visas for some categories of relatives. There is a limit to the number of visas available for each category (adult child, sibling, parent, etc.) and for people coming from each country. That means that people wait years or decades for their turn to have an application processed. Once your turn comes up, you will wait another three years or more for the paperwork to be processed.
- **Employment-based visas:** There is a limited number of visas available for some professions. Employers apply for their employees, and it can take two years to process the paperwork.
- 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 get refugee status is limited, and the number of refugee/asylees who can get their green cards is also limited.
- **Diversity lottery:** Congress created the diversity category for countries that do not send many immigrants to the US. There is a lottery for these visas, which are very limited.
- **Very limited categories,** like for victims of human trafficking, people from a few countries (ex. Cuba), 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 get a green card or become a citizen.