

# The Long Road to Obtaining a Green Card

by Jerry Grzeca and John Sesini  
September 2010



Anti-immigration advocates often urge immigrants to “get in line” and play by the rules if they want to get a visa to live and work in the United States. But under current U.S. immigration policies, there may not be a line to get in, and even if there is, many lines for obtaining a green card may lead nowhere. Given the preference categories on immigration and the low number of green cards available, coupled with outdated immigration laws,

the chance of receiving legal, permanent residency in the United States is low. Some analysts estimate that at least 4 million people in the U.S. and overseas are now “waiting in line” for an immigrant visa.

The Immigration Act of 1924, including the National Origins Act and Asian Exclusion Act, was a United States federal law that limited the number of immigrants for admittance from any country to 2% of the number of people from that country who were already living in the U.S. The law aimed to restrict Southern and Eastern Europeans, as well as prohibit the immigration of East Asians and Asian Indians. After July 1, 1927, the two percent rule was replaced by an overall cap of 150,000 immigrants annually.

Despite the archaic nature of the quota system, permanent migration to the United States is still regulated by quotas and categories. Since 1995, the worldwide immigration cap has been set at 675,000 with many categorical restrictions which shape the size and scope of the immigrant population.

First, the U.S. Department of Homeland Security mandates that “green cards” for citizens of a single, independent foreign state may not exceed 7% of the total green cards available. This means that no matter the size of the country, big or small, each is allowed the same percentage. Thus, people from China, India, Mexico, and the Philippines have an extra long wait as many of their countrymen are already

backlogged in the system. In fact, Filipinos endure the longest lines as the USCIS is now processing cases for married Filipino children of U.S. citizens who have a priority date of May 1994.

Second, the allocation of immigrant visas is further subdivided into a system of sub-categories, or preferences, determined by a variety of criteria such as education, exceptional ability, managerial status, shortage of United States workers, levels of skill, among other variables. Once placed in a “preference category,” the rate of progress depends on an additional set of factors such as age and marital status; for example, the unmarried son/daughter of citizens tend to have the shortest waits, while the adult siblings of citizens come last.

Complicating the process even further, in order for a potential immigrant to get a spot in line, a sponsor needs to file a petition. Family-based and employer-based applications take different paths, but the waiting generally begins when that first petition is filed. After approval of the first stage, the true wait begins for the government to make available a “visa number,” which can then be used down the road to secure approval for a green card.

Another huge problem with the “get in line” theory is that the U.S. does not have a workable visa system for granting permanent job status to low-skilled workers. For all our immigrant construction workers, housekeepers, restaurant and hotel staff, landscapers and truck drivers, there is no line to get in! Without creating a realistic visa status for these workers, we will never solve illegal immigration.

The U.S. immigration system is outdated and is overwhelmed by green card applicants. The road to legality isn’t as simple as “getting in line.” Many U.S. citizens point their fingers at illegal immigrants, criticizing them for coming to the United States without first obtaining a green card, but we must remember how impossible the road is to get here.

For more information on the process of obtaining a green card or other immigration-related matters, please contact Grzeca Law Group at (414) 342-3000 or visit our website at [www.grzecalaw.com](http://www.grzecalaw.com).

Milwaukee: 414-342-3000  
Madison: 608-234-5004  
Toll Free: 866-342-0445

GRZECA LAW GROUP, S.C.  
1434 West State Street  
Milwaukee, WI 53233

[www.grzecalaw.com](http://www.grzecalaw.com)  
[clients@grzecalaw.com](mailto:clients@grzecalaw.com)