

What Part of Legal Immigration Don't You Understand? Mike Flynn and Shikha Dalmia

Illustrated by Terry Colon

Opponents of illegal immigration are fond of telling foreigners to "get in line" before coming to work in America. But what does that line actually look like, and how many years (or decades) does it take to get through? Try it yourself!



Do you have family in the USA?

No → [Flowchart continues to 'Are you skilled?']

Yes → Is your relative a U.S. citizen or lawful permanent resident?

UNITED STATES CITIZEN

Are you that relative's parent, spouse, or minor child?

Yes → Congratulations! You've found one of the easiest ways to become an American. There is no annual cap on the number of spouses, minor children, or parents of U.S. citizens who can enter, and they generally can receive green cards.

No → Adult children and siblings of U.S. citizens can apply for a green card. Wait time depends on home country and marital status.

Single adult children: six-to-14-year wait.

Married adult children: seven-to-15-year wait.

Siblings of U.S. citizens: 11-to-22-year wait.

After five years (three if you're a spouse), a green card holder is eligible to become a citizen.

After you file your naturalization papers and endure six to 12 months of processing delays, you can take a language and civics test. Pass it, and you're a citizen.

Total time to immigrate and become a citizen: BEST CASE: SIX TO SEVEN YEARS

Total time to immigrate and become a citizen: 12 TO 28 YEARS

LAWFUL PERMANENT RESIDENT

Are you the spouse or child of a lawful permanent resident?

Yes → If you're the child, are you a minor? Spouses and minor children of lawful permanent residents can apply.

No → Are you single? Sorry, you don't qualify to apply.

Wait time depends on home country. Wait time: five to seven years.

With a green card, you likely can become a citizen after six years.

Total time to immigrate and become a citizen: 11 TO 13 YEARS

Sorry, you're out of luck.

Wait time depends on home country.

Wait time for a single adult child of a lawful permanent resident: nine to 14 years.

Total time to immigrate and become a citizen: 14 TO 20 YEARS

Are you skilled?

No → Sorry! There is virtually no process for unskilled immigrants without relations in the U.S. to apply for permanent legal residence. Only 10,000 green cards are allotted every year, and the wait time approaches infinity. (Those who receive H-2A or H-2B temporary visas for seasonal work cannot transition to a green card.)

Yes → Do you have a college degree in a specialty occupation? OK. Then you have a shot, if... you have a job offer.

Can you prove that you are a genius? How about a star athlete? Or an investor with \$1 million?

No → Sorry, you're out of luck.

Yes → Congratulations! You have found the quickest way to get a green card, taking 12 to 18 months. But you would have made it anywhere, Mr. Beckham.

Is your employer willing to file the paperwork for a labor certification? And conduct a new job search for your position? And pay up to \$10,000 in legal and other fees?

No → Sorry, you're out of luck.

Yes → The wait time for a green card is typically six to 10 years. After your green card, count on another five to six years for citizenship.

If an employer can't wait six to 10 years for you to start work... is he willing to apply for your temporary work visa (H-1B)?

No → Sorry, you're out of luck.

Yes → Then you have a 50/50 chance of getting your H-1B, because these visas are capped at 85,000 per year, well below the total demand. They run out on the first day they become available. If you are lucky enough to get one, you can start working in the country and your employer can apply for your labor certification and green card.

Total time to immigrate and become a citizen: 11 TO 16 YEARS

With your green card you can become a citizen in five to six years.

Total time to immigrate and become a citizen: SIX TO SEVEN YEARS

Sorry, you're out of luck.