

Immigrants find legal paths to U.S. long, difficult

By Brian Lyman, The Montgomery (Ala.) Advertiser

MONTGOMERY, Ala. – Pablo Pilco has met [Pope John Paul II](#) and Mother Theresa of Calcutta.

By Joshua Roberts, for USA TODAY

Ruth Salamanca, left, of El Salvador, takes the oath of citizenship along with others during a naturalization ceremony at George Washington's Mount Vernon Estate in Virginia on July 4. Immigrants traditionally take two paths to reaching this country: Family ties or employment opportunities.

He studied philosophy, psychology and mass communications in Peru, his native land. And when the Catholic TV network EWTN, based in Irondale, Ala., asked him to produce their Spanish-language programming, he felt called to do so.

"It's just part of my life," he said. "That is the reason they called me. They knew my work as a religious producer in Latin America."

To do that work, Pilco started the legal immigration process in 2000. After a visa renewal, a change of status, one rejection for permanent status and an application his lawyers says is an inch-and-a-half thick, Pilco received permanent legal status Oct. 17 — 11 years after receiving his first, temporary work visa.

The processing time was surprising in part because he falls under skilled worker classifications that the immigration system typically favors

"I am very well-educated. I speak four languages, and I am very skilled in my work," Pilco said. "In Peru, I was in a very good position. It is not like I came into this country (on my own). They called me into this country for my expertise."

A hard road to legal status

Pilco's saga underlines a major reason many newcomers to the [United States](#) find it difficult to go through the legal process of immigration. Few visa categories, high expenses and processing times that can stretch decades put several obstacles along the legal road to immigration.

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The federal government caps family-based immigration visas at 226,000 a year, and work-based immigration visas at 140,000. By comparison, the [Pew Hispanic Center](#) estimated Alabama had 120,000 unauthorized immigrants in 2010.

Temporary nonimmigrant visas are available but often require applicants to possess particular skills or resources to qualify. Those considered unskilled have a more difficult time.

"It definitely favors people who have the financial means, skills and education," said Jeremy Love, legal services director for the Hispanic Interest Coalition of Alabama. "It's not people who have the strong desire and need."

Immediate relatives of U.S. citizens have relatively short wait times on immigration visas, as do those planning to marry citizens after immigrating. Those holding advanced degrees or considered to have "extraordinary ability" in arts, athletics or business also see low wait times.

For others, the process can take years.

Take a man from the Philippines with brother who holds U.S. citizenship. If he wants to immigrate but has no advanced degrees or special skills, the man could have his brother file a petition for an F4 visa, capped at 65,000 a year. The family will have to wait for a number to be assigned to the case before the visa application can be processed.

That wait is currently 23 years. According to the monthly Visa Bulletin published by the [U.S. State Department](#), F4 visa applications filed in the Philippines before Aug. 22, 1988, are now being processed. If the family is from Mexico, the wait time is 15 years; wait times in China and India are now at 11 years.

"You can wait six years, 15 years or 20 years to come on a family visa," said President Tamar Jacoby of ImmigrationWorks USA, a coalition of pro-immigration business groups. "For a young, able-bodied man to look for work, he'd apply when he's 18 and come when he's 40."

Processing of work-based immigration visas is slightly better. Immigrants with advanced degrees generally have their applications processed faster, but those listed as "other workers" might wait six to eight years before receiving a decision.

"It's a really long process, and there aren't enough categories for people who come, especially from Mexico," said Amy Myers, a lawyer with Haskell Slaughter Young & Rediker in Birmingham, Ala., who works with businesses to bring in skilled immigrants. "There are different preferences."

Klari Tedrow, a Birmingham lawyer who worked with Pilco on his application, said professionals can run into their own roadblocks.

"If a foreign physician does a residency, they're not allowed to apply for permanent residence until they go home for two years or work for three years in a medically underserved area," she said. "And then they can file for it."

Before coming to Alabama, Pilco said he was twice rejected for a visa that would have allowed him to study in Dallas. He considers himself fortunate to meet a visiting U.S. congressman to whom he told his story.

The congressman's intervention helped him secure his documentation, he said.

The H-2A visa, available for agricultural workers, is capped at 66,000 a year, and farmers have complained that the paperwork and long lead times — an application has to be filed at least 60 days in advance of the need for the worker — make hiring impractical.

"It's just very cumbersome, and you have to plan way ahead," Myers said. "It's not very user-friendly."

Cost is also a factor. The application fee for employment visas is \$720, more than the average monthly incomes of many professions in Mexico. Legal fees can push that even higher.

Barring amnesty, those without documents have no legal path to legal status.

"If you came in without documents, it's very rare that you can do anything," Love said. "If you've overstayed a visa, sometimes you have options. But most people don't."

That also applies to those brought to the country as children. Foreign-born kids and teenagers with unauthorized status are not considered unlawfully present until they turn 18. After their 18th birthdays, problems can develop.

"What they would do is go back to their home country when they turn 18, and then go back through process, which could take 20 years," Love said.

'A privilege for me'

Pilco initially worked for EWTN on an H1B visa, which allows skilled individuals to work on a temporary basis in the United States. The visa, renewed once, covered Pilco for six years. EWTN wanted to keep Pilco on and paid the fees for all his applications, Pilco and Tedrow said.

After briefly considering applying for an employment visa, they decided to go for a religious worker visa, which grants status for five years.

It was a natural fit, Pilco said. His work has walked in lockstep with his Catholic faith.

"That's why I studied communications, to produce things with religious content," he said. "In my case, I can say I am very happy my work goes along with my ideals. It's a privilege for me."

Next, Pilco applied for permanent status, but his application initially was rejected. Tedrow said that although he had worked as a religious producer during his time with EWTN, the federal government determined that he was ineligible for permanent status. The reason: Pilco had worked in his position for the prior two years on the H1B visa, not the religious worker one.

"We take issue with that," she said.

Pilco had to wait two years before applying again, and no chances were taken with his second attempt: The form included proof of EWTN's status as a religious organization, Pilco's church membership, and video of his work for EWTN. Tedrow said it took four to six months to assemble it all.

"All the documentation with proof is about an inch and a half thick," she said. "We wanted to really work hard on proving he was a religious worker."

Pilco's next step is getting a green card. He would like to become a citizen, but he will have to wait five years after he gets the card before applying.

The state's immigration law required aliens to carry documentation with them until a federal appeals court blocked the provision last week. Pilco, who always has been in the country legally, said he did not generally carry his visa with him and had worried that police officers who stopped him might not accept his driver's license or Social Security number as proof of his status.

"I feel like this is home," he said. "But right now, I feel like I have to carry my papers, just in case."

<http://www.usatoday.com/news/nation/story/2011-10-24/legal-immigration-usa/50895150/1?csp=34news>