

Sending Immigrants To The Back Of An Endless Line

By [John Rosman](#)

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SAN DIEGO — Both the Senate and the President's [proposals for immigration reform](#) agree the pathway to citizenship begins at the “back of the line” — behind everyone who's legally waiting. But, it turns out, there isn't one line. There are many lines. And for some families, the wait is so long it's going back in time.

It's easier to think of the line like the ones you see at the airport. Imagine they're all full of people waiting to fly to the United States. There are different airlines, or ways to get a green card. But by far the most popular airline to the U.S. is the [family-based visa](#).

There are two pathways to that gate.

People who have immediate relatives like a spouse, child or — if they're under 21 — a parent who's a U.S. citizen, they are streamlined to go right to the gate.

The line everyone is talking about is the line to check bags.

"The second line, the second-rate line, is when you're not an immediate relative. But you're a family member," said Lilia Velasquez, an immigration lawyer in San Diego.

Lilia Velasquez shows examples of visa retrogression in her San Diego office.

This line is made up of siblings or older children of U.S. citizens; also, the spouses and younger children of green card holders. These family preference lines are divided, again, depending on your country of origin.

For countries that have the highest demand on visas — places like Mexico and the Philippines — imagine getting to the airport on Christmas Eve. The line is snaking out the door and around the airport. It's that line, times 1,000.

[Charles Foster](#) was an immigration policy adviser for both George W. Bush and Barack Obama's election campaigns. As a lawyer, he tells his clients this:

“Be prepared not to wait a few days, or weeks, or months, in some cases many years, before you move up in that invisible line and a visa number would be available to you.”

But some of these lines go on forever.

“A U.S. citizen parent that wishes to bring over a son or daughter over 21 who’s single, the wait for Mexico is over 100 years,” Velasquez said.

The bottleneck is a yearly [government cap on family-based visas](#). Every country is only allowed 7 percent of the total number. And that [hasn’t changed since 1965](#).

[But the demand has.](#)

For countries with the highest demand, there are simply fewer visas to go around. If you fall into a certain family preference you’ll be waiting for an indefinite amount of time.

Velasquez explains it like this to her clients: "Let's see how fast the dates, the priority dates, are moving. And then we can judge more or less when we can be expected that you will become eligible."

A priority date is like a time stamp on your ticket, marking when your application went in.

This month, the child of a U.S. citizen — who’s over 21 — living in Mexico is eligible for a green card if their priority date is on or [before July 15, 1993](#).

That’s a 20-year wait — not 100.

Most of the time those priority dates move forward and you wait your turn. But sometimes, if there are too many applicants for too few visas, that priority date moves backward. The line in front of you gets longer and longer.

It’s called [Visa Retrogression](#).

Here's an example of the F1 category in Mexico, a child of a U.S. citizen — who's over 21, going through Visa Retrogression

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Family-Sponsored	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	15JAN06	15JAN06	15JAN06	15JUL93	08MAR98

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	All Chargeability Areas Except Those Listed	INDIA	MEXICO	PHIL-IPPINES
Family				
1st	08SEP00	08SEP00	15OCT94	01JUN90

In nine years, the first preference line for Mexico has moved backward 13 months. Gustavo Valencia knows this well.

“All they give you is a notification and there’s nothing you can do. But you’d like to know a little bit more. How come things are not moving properly?”

Valencia’s been in this line for 18 years. And on at least two separate occasions, his priority date’s been called. But in the few months of lag time between filing his final visa application and going to the interview, the dates went back in time.

He was no longer eligible.

Sitting inside his father's home in San Diego, he has much to be proud of. He has a work permit. He went to college in the United States.

But not having a green card has shelved other dreams in his life, like getting married.

“If I were to marry someone who doesn’t have any documentation, I’m going to be into a different bracket. And all these 18 years that I’ve been waiting for that green card would be meaningless,” Valencia said.

“I’ve had people walk out of my office, saying 'no that’s too long,'" Foster said of clients. "And come back five years later saying 'now what can I do?'"

And the line is longer. That’s why Valencia’s still waiting, after 18 years.

“I believe for me it's worth it.”

<http://www.fronterasdesk.org/news/2013/feb/07/sending-immigrants-back-endless-line/>