

## Ep #2: Why Don't Immigrants Just Come Legally?



### Full Episode Transcript

With Your Hosts

**Tracie L. Morgan & Ashley Glimasinski**

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## Ep #2: Why Don't Immigrants Just Come Legally?

Ashley: You've probably heard someone say, why don't they just come the legal way? Sometimes it's not even phrased as a question. But let's unpack why this question isn't as simple as it seems.

Welcome to Hope in Action, where we offer clear insights, practical tools, and inspiring stories to navigate immigration with confidence, compassion, and faith. Each week, we break down the law, share real-world examples, and help you speak up, live out your values, and make a difference in your community.

Whether you're looking to understand immigration through a faith-driven lens, have courageous conversations with those who matter to you, or take small steps toward justice, you're in the right place. Let's dive in.

Ashley: Many people don't realize how complicated immigration law can be and how it affects real people and communities. Today, we're going to dive right into this question. Our goal is to leave you feeling better informed and equipped to handle such an overwhelming topic.

Tracie: So hi, my name is Tracie L. Morgan, and I am an immigration attorney in Atlanta, Georgia. We are here today to help you understand the legal system clearly so you can confidently talk about immigration and make informed choices in your community. But don't worry, you won't be expected to know it all. I am still learning after sixteen years of practice. But I can tell you that immigration law is one of the most complex areas of law, and it's constantly changing. Meaning that even if your legal way is legal now, it may not be considered legal under the next administration.

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Ashley: You're right, it is so complicated, and most Americans don't have any real experience with immigration law because it's something we've never had to experience. So, for example, when I started the immigration process with my husband, I had a very different expectation of what it was going to be like going through the U.S. system than what actually happened. So when my husband proposed in March of 2019, we were both living in Poland. And most people when they get engaged, they get to think about who's going to be in their bridal party, where's the wedding going to be? I was even asked, what are your wedding colors? And I responded, I don't have time to think about wedding colors because I'm thinking about this I-129F and what a K-1 visa is and all of these other terms that I had never heard of before.

So as an international couple, we were making the decision not just where to have the wedding, but which country we were going to live together in the future. So several factors led us to decide that we wanted to move to the U.S. I had lived abroad for about ten years, and I thought that getting a visa was easy. It would be easy for my husband to come live in the U.S. with me. Well, I also thought, I'm an American citizen, so there should be a quick and easy path for him to come, right?

We submitted the application for immigration in May 2019, and let me tell you that six years and thousands of dollars later, we are still not done with this process. He finally has permanent residency, but not citizenship. And if we want to pursue that, it could be another year and more money. So I was actually right that being a U.S. citizen made it easier for us. This is the fastest pathway, but it's still frustrating when people just assume that because my husband married me, he's automatically a U.S. citizen.

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Tracie: It's funny, Ashley, when I talk to newlywed couples or people in that situation wanting to become engaged, I tell them right away, immigration is not romantic. It takes all the fun out of your newlywed life or your newly engaged life right out of the picture.

Ashley: It really does. So on the surface, just come legally sounds simple. But in reality, it's one of the most misleading statements we can make about immigration. Tracie, can you walk us through why that is?

Tracie: Absolutely. And I think, to begin with, that presumes that there's a line for people to get in, that if you want to come to the United States, you just get in that line, wait your turn, and eventually you'll receive your papers. But for many families and individuals, there is no line at all. U.S. law only allows certain categories of people to immigrate, mostly close relatives of U.S. citizens or permanent residents, or workers with very specific skills. If you don't fit into these categories, there is simply no legal path to apply through. That's why we hear stories about people who have lived in our communities for decades who suddenly get picked up by ICE and detained or even deported. It's not that they didn't want to fix their status; there was just no way for them to do it.

Ashley: So that makes me think about Dreamers, the people who came as children, not because they chose to, but because their parents brought them when they didn't have a choice in the matter. They grew up in the United States, and they have no memories of their home country. If they came undocumented and don't have a sponsor, like a U.S. citizen parent or spouse, they don't have a line to get in. And even if they do have a U.S. citizen spouse, that line can still potentially be ten years.

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Tracie: Which brings us to the second point, that even when a person does qualify, the line is decades long in some cases. And each category is treated differently. Spouses, minor children, and parents of U.S. citizens get top priority. But people who are related to lawful permanent residents or who are adult children or siblings of U.S. citizens get put in a much slower line. For example, if you're a U.S. citizen trying to bring your brother or sister from Mexico, the current wait is for more than twenty years. In some countries like the Philippines, it can actually be over eighty years, so more than a lifetime. And if someone entered the U.S. undocumented twice, they are looking at a ten-year wait back in their home country. No waivers, no shortcuts. It's a ten-year potential family separation, and that's just not realistic for most families.

And then I think about victims of crime who have reported crimes and cooperated with local law enforcement. But based on visa restrictions created by Congress, it's over a twenty-five-year wait for them to get their status resolved in the U.S.

Ashley: And third, let's remember what many families are facing. Parents may be fleeing persecution, violence, or extreme poverty. They're not just taking a vacation for a better life. They're comparing, do I wait twenty years and hope that this situation in my country resolves and gets better? But I risk my children not surviving to do that. Or do I take the only option available now and flee? I've met many refugees and asylum seekers that didn't want to leave their home country.

Think about your home country. It's where your family is, your friends are, you speak the language, and you know the culture. The same is true for refugees and asylum seekers. All my friends that I know, they're people who were forced to flee their country. They

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didn't want to leave, but the circumstances forced them out. And oftentimes, it was a matter of life or death, and they chose life for themselves and their children.

Tracie: As Christians, this matters because the way we talk about immigration shapes how we view the very people God commands us to love. I think about Jesus and the Good Samaritan, the story told in Luke chapter 10. The priest and the Levite could have easily justified passing by the wounded man, thinking, hey, he should have traveled more carefully, or it's not my responsibility. But the Samaritan who stopped, he cared, and he bore the cost. When we say just come legally, we risk sounding like the priest or Levite, distancing ourselves with a slogan instead of drawing near with compassion. Jesus calls us to be like the Samaritan, willing to see the need and to respond in love.

Ashley: Instead, we're called to speak truth with compassion, to recognize that it's our immigration system that is broken, not the family seeking safety. And to let our hearts be shaped more by scripture's commands to welcome the stranger than by slogans that oversimplify human suffering. For example, the book of Exodus tells the story of Israel as strangers in Egypt. God constantly reminded Israel in that book, you shall not wrong a sojourner or oppress him, for you were sojourners in the land of Egypt. And that's Exodus 22:21. Their own story of displacement becomes the basis for their compassion.

So when we hear just come legally, it's a chance to remember. God doesn't call us to focus on whether people fit a man-made process, but on how we treat them in their vulnerability, because we know what it's like to be dependent on God's mercy.

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Tracie: So the next time you hear just come legally, remember, for most immigrants, there's no line to get into. And as followers of Jesus, our role isn't to repeat misleading phrases, but to lead with grace, truth, and hospitality.

Ashley: In addition to misleading statements, there are also so many barriers to even come the legal way. Tracie, can you tell us what legal requirements or barriers make immigration complicated?

Tracie: Absolutely. We've touched on a few of these already, but the limited options for people to seek status, I think, surprises a lot of people. There's no what I call a "good guy" visa, where someone is paying their taxes, has no criminal history, been here for twenty years, but maybe is not married, has no kids, just living their life. There's no way for that person to get their status regularized in the United States.

There are often long wait times and strict punishments that people are unwilling or unable to subject their families to. For U.S. citizens who want to bring over their spouse, just the first step alone is fifty-two months. That's not the full process. There's still a lot of work after that. But fifty-two months, that's what we're dealing with. And immigration law is also complicated because you have the law on one side, but then on the other side, you have discretion, and immigration law is all about discretion. Is the person deserving? And if the officer says no, that's the end of the story.

I think about a client who she was in the active duty military. Her mom would have qualified for a special type of program that would allow her to get a green card in the United States instead of returning home to her home country, which would have been

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really dangerous. But because the mom had a history of driving without a license, I think she had maybe three charges over twenty years. And keep in mind, she didn't have the legal ability to get a license because she had no status. Immigration declined to grant her case. And so here's the daughter fighting for our country and our freedoms, and her mother lives in the shadows, worried about deportation every day.

Ashley: That's so sad, Tracy, and getting a license is really important in the U.S. I know that outside of major cities, how are you going to get around without a car? So it seems like the system isn't made for people in a way that is just. We have laws, but are the laws working the way that they're intended to?

And also so much about immigration law is discretionary because from my husband's perspective, when we were coming to the U.S., he had a legal visa to enter the country. And he was worried about it. He said, well, the immigration officer could still turn me away. And I said, no, you have a visa, they have to let you in. But Poland is a former communist country, and there's a long history of visa denials. And so he said he knew plenty of people who had a visa to enter the U.S. and were denied at the border, at the airport. So that's when I realized really that so much of immigration law is discretionary, even up to the point of entry into the country.

But going back to barriers, I think another barrier to immigration is that it's expensive. A green card, which includes a work card and travel permission, like the one my husband and I applied for, costs three thousand and five dollars per person. So imagine that with a large family, if you have multiple family members, three thousand and five dollars per person for a green card application. And attorneys have their fees too. But although you don't need an

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immigration attorney to navigate this, some people do feel more comfortable having a guide, especially if you run into problems along the way.

There's also no right to an attorney in any type of immigration proceedings. Yes, this means that even children who are left to navigate the system on their own without any legal representation. I've seen children as young as four years old in a courtroom with no attorney. These interpretation headphones on their head that are bigger than their head, and they're talking to the judge by themselves. The judge asks, do you understand what's going on today? Does a four-year-old understand what's going on today? No. And so unfortunately, legal representation is not included for immigrants in our system.

Tracie: I've definitely seen that too, and it's just heartbreaking. Then we also have politics that come into play with the complexities and complications with immigration law. We have congressional gridlock. Our immigration system hasn't had a major reform since 1996, when I was a junior in high school. So you can do that math. That means we're using laws written almost thirty years ago, even though the world has changed drastically since then. Families are left trying to fit today's realities into yesterday's system.

We also have presidential policies that come into play with immigration. Because Congress hasn't acted, presidents often step in with executive actions and executive orders. That's why one administration might create a program to protect certain immigrants, and the next administration may end it. For example, we have DACA, the Deferred Action for Childhood Arrivals program, also kind of used interchangeably with Dreamers, which protects young people who grew up here. DACA has been in legal

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limbo for over a decade since the first Trump administration. And families just never know if tomorrow their status will be taken away. It's unpredictable.

Ashley: And it's so difficult to live like that when you don't know what your status will be the next day. How do you plan for the future? So in addition to the presidential actions, there's also court decisions. Immigration policy is shaped by the federal courts. So a single judge's ruling can stop a program overnight, leaving families who thought they had a path forward suddenly back at square one.

There's also agency backlogs and rule changes. Even the agencies that process cases, like U.S. Citizenship and Immigration Services, also known as USCIS, are constantly adjusting forms, fees, and requirements. Right now, millions of applications are stuck in backlogs. A process that used to take months might now take years. For example, I know someone who has been waiting on a court date for their asylum case for two years, and that's probably the lower end of the spectrum.

Tracie: I was going to say, Ashley, I have a asylum case where we filed with USCIS fourteen years ago.

Ashley: No.

Tracie: Yeah. We're still waiting for an interview. And they're not an anomaly. It's so common these days.

Ashley: That's awful. So we've talked about a lot of the problems, but we've also mentioned a lot of different words like visas, green cards, and citizenship. Can you tell us how these processes actually work?

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Tracie: I will, and I promise not to get too much into the weeds. A visa is permission to enter. It's a temporary pass to come to the United States for a specific reason. For example, to be a tourist and go to Disney, to have a work visa to come and do a specific training program or something like that. Student visas, obviously for those who are in university. And then we've got other types of visas that are just short-term. And again, I think that's the key, short-term. Visas are temporary. They don't give you permanent legal status. They only let you enter and stay for the purpose that you were approved for, which can be really limited. For example, if you came on a student visa, you're not allowed to work except in certain circumstances.

Then we have green cards, which is permanent residence. So you'll hear us talk about green card holders, lawful permanent residents, same thing. These are people who have the right to live and work in the U.S. permanently. People can get green cards through family sponsorship, like a U.S. citizen or another permanent resident can sponsor certain relatives. You can get it through employment where a U.S. employer will sponsor a worker long-term. And then you have humanitarian relief. Refugees or asylees, victims of crime, they can all adjust to permanent status once that underlying benefit has been approved and become green card holders. But green cards often involve really long waits. For some categories, it can take years or even decades. And some people are barred from applying at all, especially if they previously entered without legal status or have certain criminal activities in their background.

And then finally, we have citizenship, full membership to the United States of America. After someone has a green card for a certain number of years, usually five, but you do get a fast pass if

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you've been married to a U.S. citizen, and then you can apply after just three years of having your green card. Then they can all apply for naturalization, the process of becoming a U.S. citizen. This involves having to show good moral character. Applicants have to pass an English and a civics exam, and they take the oath of allegiance to our country. Citizenship grants the right to vote and more security for the family, but it's only possible after being a lawful permanent resident. So you can't jump straight from no status to citizenship.

Ashley: That's a long process, right? So it sounds like you start with a temporary entry, then you move to a permanent residence, and then from there's citizenship. But each step has forms and fees, it's limited and complicated is what it sounds like. And I think that's why the idea of just come legally isn't realistic for most families. So we're still talking about a lot of different things about law, why it's complicated, a lot of the terminology. But there's also a lot of common misunderstandings, and we've addressed some of those. But Tracie, can you talk about a couple more of them and how a listener can clarify those when asked?

Tracie: Yes. So one that's been in the news a lot lately is about babies who are born in the United States to people who are undocumented. And so the misunderstanding is people have, quote unquote, "anchor babies" in order to get citizenship. And while it's true that a child born in the U.S. is a U.S. citizen, it does not do anything regarding their parents' legal status. In fact, that child cannot sponsor their parents until they turn twenty-one years old. And even then, the parents may face long bans if they were ever undocumented. So there is no automatic green card for parents.

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On another one that I often hear is, why don't people just apply for citizenship? And we've touched some on this already. And we just discussed how you cannot apply for citizenship unless you already have a green card. And getting a green card usually requires a qualifying family relationship, an employment sponsor, or winning a very limited number of one of the humanitarian types of visas. If someone doesn't fit those specific categories, there's simply no way to apply for citizenship.

Ashley: There really isn't. Another misunderstanding that I hear a lot being married to an immigrant is that marrying a U.S. citizen is an easy fix. But marriage doesn't erase past immigration violations. Many spouses of citizens still face ten-year bars to entering the country if they previously entered without permission. And some can never adjust their status inside the U.S. without special waivers that are difficult to win. And remember, just because someone marries a U.S. citizen does not mean they automatically become a citizen themselves. That's the one thing I would like you to remember, at least today. So maybe people will stop asking me about it.

But another misunderstanding is that immigrants are supposed to just get in line. But for some categories, the line, as we call it, is twenty to thirty years long. For many people, like the siblings of citizens from certain countries, the line is effectively a lifetime. We talked about that earlier. And for millions of others, there is no line at all because they don't fit the limited categories Congress has allowed.

And one misunderstanding that I hear a lot working with asylum seekers and refugees is that asylum is a loophole anyone can claim. But asylum is actually one of the hardest forms of relief to

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win. You must prove persecution based on specific reasons, like religion or political opinion, and the majority of applicants are denied. Poverty, violence, or natural disasters alone do not qualify under U.S. law. And another misunderstanding that I often hear is that asylum seekers aren't here legally, but the truth is that seeking asylum is legal. And so when someone comes to the southern border and maybe even an airport and presents themselves to border patrol or border officers, they have the right to declare asylum in that space, and that would make them a legal entrant to the United States while their case is being decided. So another important thing to remember is that seeking asylum is legal.

Tracie: Absolutely. And you were talking about how it's a loophole anyone can claim or anyone can win. I will say in the Atlanta immigration courts, our approval rate is 1%. No exaggeration. It is that difficult to win. So people seeking asylum are definitely trying really hard and face really difficult circumstances to try and get that approval.

And then finally, a misunderstanding I want to address is that immigrants want to follow the law. That is when people say immigrants don't want to follow the law, they're just here to freeload or get all of our benefits. That's not true. The reality is most families would love to come legally. They often pay thousands of dollars in filing fees, they wait for decades, and then are told that there's no path. It's not a lack of desire. It's the law itself that is so limited and so complicated.

Ashley: Right. So we've covered a lot today, but to sum it up, how can we explain this to a family member or a friend who asks, why don't they just come legally? And I think there's a couple things

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we can consider. So first, you can start with empathy. You might say something like, I used to think the same thing. It seems like there should be a simple process. And this helps the other person feel heard instead of corrected. We always want to make sure that we start with empathy and think about how the other person is approaching this so that we can connect on that level.

You can also offer a simple truth by generally adding, like, actually, for most people, there isn't a legal line to get into. The system only allows certain family members or workers, and even then, the wait can be several decades long. Or something like, the process changes all the time. One year there's a program, the next year it's gone. Families are constantly left in limbo.

You can also connect it to your shared values by bringing it back to what you both care about. For example, as Christians, it's important that we remember God's call to love the stranger. Even if the system is broken, we're still called to treat people with compassion. You can also say, imagine if you had to choose between waiting decades or protecting your kids right now. Most of us would do whatever it takes to keep our children safe. We say that every day, and I believe we mean it. Can we believe the same thing about other parents caring for their children? And in all of this, the goal is not to win an argument. It's to plant a seed of understanding and compassion.

Tracie: And I know that this can feel so overwhelming, and you might be thinking, okay, but what can I actually do? And here's some concrete steps that you can take this week. Number one, you can learn one fact and share it. Pick just one truth that comes up that clears a common myth and commit it to memory. For example, parents of U.S. citizens don't get legal status

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automatically. The child has to be twenty-one before they can even start to think about applying for them, if they're even eligible. Or maybe, you can't apply for citizenship unless you already have a green card. Then, when these topics come up at church, work, or just around the dinner table, you can share that fact. You don't have to know every detail. Just correcting one misunderstanding can open someone's heart to a new perspective.

Ashley: And if you want to go a step further, I encourage you to read or listen to an immigrant's personal story. Maybe a memoir, listen to a podcast, or a local ministry newsletter. You can also visit the website of a trusted Christian organization like World Relief or We Choose Welcome, who works with immigrants, and spend ten minutes on their websites learning something new. And the more we understand, the more compassion we can show. Compassion, friends, is always the first step toward justice.

Tracie: For us as Christians, building up our knowledge matters deeply. Proverbs says, the tongue of the wise brings healing. Understanding the barriers helps us to use our words to heal, not to wound. We can be people who bring light into confusing debates, not with anger, but with grace and truth. So the next time immigration comes up in conversation, you'll be ready, not to win an argument, but to offer a little more clarity and a lot more compassion.

Ashley: If this episode helped you understand immigration more clearly, we'd love for you to subscribe and share it with someone who could benefit from learning too. Take your small action this week and notice how it changes your confidence in these conversations. Until next time.

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