

“The US Senate’s Immigration Point System Misses the Point” by Adam Edward Rothwell, Esq.

A major component of the Senate Immigration Bill (S.774) is to change a large portion of issued immigrant visas / green cards to a point system. If this change is eventually made, it will have tremendous ramifications to US Immigration in the future. A point system comes with a lot of problems.

What is a Point System?

A point system is a way to determine who receives a green card first based on assigning points, and points are assigned by meeting different levels of specific criteria.

The Senate Bill designates an education criteria. If a foreign citizen has a bachelor’s degree, he might receive five points for example. If someone has a Master’s Degree, she might receive ten points, and if someone has a Ph.D, she might receive 15 points.

The Senate Bill designates a language criteria. If a foreign citizen is fluent in English, she might receive five points. If someone speaks multiple languages, she might receive a couple more points.

The Senate Bill designates other criteria for points. If someone has a job offer in the US, he might receive seven points, and if someone has a net worth over \$150,000, she might receive ten points.

What are the problems with a point system?

A point system for immigration benefits is a vast change from anything the United States has used in the past. A point system is in the Senate Bill, because a point system supposedly will ensure the most desirable foreign citizens receive green cards in the future. A point system will supposedly play a major role in fixing our immigration system. However, a point system comes with major potential problems.

- A point system invites fraud. Since a point system is literally check-marking skills and attributes in a foreign citizen, fraud is as easy as providing documentation to receive more check marks.
- A point system dumbs down the immigration system. If a foreign citizen has a bachelor’s or advanced degree from a top program, a point system provides that foreign citizen with the same number of points as a foreign citizen with the same degree from a diploma mill. There is no variance in a point system.
- At the same time a point system is overly-subjective in areas. What one officer considers English fluent to award points may be different from what another officer considers English fluent.
- A point system often results in an approval or denial over just one or two points. In these cases one or two points determines whether the foreign citizen receives a green card, and the denied foreign citizen in a point system realizes the number of points received. It is confusing to me how the answer for fixing the immigration system results in denying foreign citizens green cards over points, which are usually reserved for sport contests.

Canada uses a point system.

Canada uses a point system for immigration. While I love Canada and have always enjoyed visiting Canada, I do not believe Canada has such an ideal immigration system the US needs to look to their point-based system as a model. And it has been my experience most Americans do not wish to use Canada as a model for anything important to our country.

Canadian immigration is considered to be easy. In the past when foreign citizens with few options for US Immigration have contacted me, I have often referred them to Canadian immigration lawyers. The theory is if a foreign citizen has no options for US Immigration, there is still a good chance Canada will take him.

For all the above reasons, changing legal US Immigration to a point based system is unlikely to fix our immigration system. Americans and foreign citizens alike should not allow the immigration system to change to a point based system without substantial assurance that the points mentioned in this article as well as other concerns are fully addressed.

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