Immigration Ban: The Difference Between a Green Card and an H-1B Visa

President Donald Trump’s controversial immigration ban on refugees and travelers from seven predominately Muslim countries has caused widespread confusion and days of protests. On Sunday, the White House backtracked on a section of the order, saying that green card holders would not be affected. Travelers with H1-B visas, however, are still in limbo. The ban hits several American companies that rely on skilled labor from foreign countries. Unsure of what all this means? Here’s a quick explainer on the differences between the two programs, and what the ban means for their beneficiaries.

Green Card
Green card holders are permanent U.S. residents who have obtained that status through a variety of means—marriage, refugee status, lottery, etc. A U.S. resident isn’t a U.S. citizen—they have no voting rights and can be deported if found guilty of certain crimes or violations. Residents remain citizens of another country, and must carry the passport of that country as well as their green card if they travel outside the U.S. After a designated length of time (usually five years), permanent residents can apply for U.S. citizenship.

The executive immigration ban does not apply to green card holders, according to a statement from the Department of Homeland Security. The exception, as outlined by DHS secretary John Kelly, is for cases “absent the receipt of significant derogatory information indicating a serious threat to public safety and welfare, lawful permanent resident status will be a dispositive factor in our case-by-case determinations.”

H-1B Visa
A visa gives a person the right to travel to the U.S. for a “temporary stay.” They come in a variety of forms (work visas, student visas, tourist visas) and expire after a certain period of time. H-1B visas are awarded to foreign workers who typically have at least a Bachelor’s degree, 12 years of work experience, or a combination of the two. The visas are assigned through a lottery that employers—not individuals—apply for, and are tied to highly-skilled positions like physicians, professors and engineers. Last year, U.S. Citizenship and Immigration Services (USCIS) received more than 236,000 H-1B petitions for 85,000 available visas.

As of this writing, H-1B holders from Iraq, Syria, Iran, Sudan, Libya, Somalia and Yemen are included in the president’s ban. So if a temporary, skilled worker is a resident of one of those seven banned countries, he or she might not able to re-enter the U.S. until the 90 day ban is lifted. This also pertains to someone who is a resident of one of those countries and is in the middle of the hiring process — they too will not be permitted entry into the U.S.

Tech companies like Apple, Twitter, and Microsoft, who use the H-1B program to fill various engineering and programming roles, have loudly denounced the policy. Some, like Google, have offered legal aid to employees affected by the ban. More than 100 Google staffers are affected by the order, Bloomberg reports.