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The Trump administration's stealth attack on legal immigration

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The Trump administration is quietly throwing up new obstacles for legal immigrants: increasing the load of paperwork for immigration applications by double, triple or more.

The new forms have complex and vague questions, which will result in mistakes with devastating consequences and will cost immigrants thousands of dollars in attorney's fees to complete.

Since January, Citizenship and Immigration Services, the agency that processes applications for immigrants, has increased the length of 15 immigration applications — including many of the most commonly required forms — collectively doubling their length from 72 to 162 pages. Each new form also comes with instructions, which also almost doubled in length from 114 to 215 pages. That amounts to a combined total of an additional 191 pages of forms and instruction in less than a year.

Unbelievably, the agency estimates in its instruction booklets, as required under the Paperwork Reduction Act, that the forms will take, collectively, only 7 percent longer to complete. It asserts that applicants will be able to finish each individual page in about half the time needed for previous forms.

In fact, on 10 of these forms, the agency claims that it will take not even a minute longer to complete. The agency, for example, increased the length of the I-485 form, which allows immigrants to adjust status from temporary to permanent residency, from six to 18 pages. The form's instructions underwent a fivefold increase, from eight to 42 pages. Still, the government asserts that immigrants will be able to finish the new application in the exact same amount of time as the old one — at three times faster per page.

But the main issue is not the time — it's the cost. U.S. citizens will need to fill out nine times as many pages to bring over their spouses. Because the new questions are confusing and complex, many immigrants who would not have previously needed a lawyer will now have to hire one. Some attorneys have told me that the forms have already forced them to raise their prices dramatically.

The need to hire a lawyer becomes obvious once you read the new questions. The I-485 adjustment of status form asks, for example, whether you have ever been “arrested, cited, charged or detained for any reason by any law enforcement official.” These terms are undefined. Does “cited” include parking violations? Is a parking enforcement officer a “law enforcement

official”? Does “detained” include at the airport, where everyone undergoes screening? What about being pulled over or patted down by police on the street?

Another question asks immigrants to state whether you “*could* endanger” the “welfare” of the United States. Are we asking immigrants to claim they have no risk *at all*? Yet another asks whether you will “have potentially serious adverse foreign policy consequences.” This year, the administration suggested that allowing any grandmothers from certain countries would have serious adverse foreign policy consequences. What standards are applicants supposed to apply?

This is “extreme” vetting — extremely vague vetting. It’s a morass of complex questions that will undoubtedly keep out no determined terrorists, but will ensnare millions of immigrants in needless bureaucracy. And it’s exceptionally important that immigrants answer these questions correctly and precisely — one wrong answer can count as “misrepresentation” and result in a denial, deportation after an approval or the inability to naturalize.

That can be true — although legally, it’s not supposed to be — even if it’s an admission against your own interests. Jason Dzubow, a D.C.-based immigration attorney, has a client who denied he was “associated with” any political groups “in the United States or in any other location in the world,” or had been arrested for a “crime,” and the government denied him naturalization because he took part in a protest at which he was arrested. How did it find out? He had told the agency himself. The arrest was the reason the government granted him asylum in the first place.

He interpreted “associated” to mean formal association, not just attending a protest, and the arrest was for political activities, not a “crime.” This occurred *before* the new form rolled out. Now there are even vaguer questions that will trip up well-meaning immigrants.

“Is the goal of this an employment program for immigration lawyers?” Dzubow quipped to me.

No, but these changes do offer the government something else: control. If anyone falls out of favor after an approval, the government can always find an excuse to kick him or her out later. This allows the executive branch to wrench power over legal immigration from the legislative branch.

President Trump has already revealed his preferred vision of legal immigration reform — a bill to make drastic cuts to the number of legal immigrants. The new forms and bureaucratic hurdles may provide a way to accomplish that goal without legislation: delay, obfuscate and price out immigrants who would otherwise come to the United States. Congress should reassert its control and protect the system that it created.

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