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Why Trump-era policies create new barriers to legal immigration to the US

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When Moshe Schulman's then fiancée visited the United States consulate in Casablanca, he believed that she would leave her interview – for a K-1 visa – with permission to return to New York and they could finally stop conducting their relationship long-distance.

Instead, she walked out with even more paperwork.

The supplementary form she was assigned – DS-5535 – is a brainchild of Donald Trump's administration. After an executive order and memorandum from the White House calling for "enhanced vetting" of foreign nationals, the state department also announced a three-page document for visa applicants whom consular officers believe could pose terrorist or national security threats.

That experience – in finding sudden new barriers to legal immigration to the US – is hardly unique. From more in-person interviews, to stricter guidance on denying student visas, to travel bans, to lower refugee caps, experts say recent policy shifts have impacted the number of foreign nationals who are coming to America. On top of that is recent news that the Trump administration wants to close all international offices of US Citizenship and Immigration Services, shifting the paperwork back to the US – but almost certainly adding to delays for those seeking to come to America from abroad.

As more data from the last two years become available, the long-term effects of such actions are finally coming into focus.

During the first nine months of fiscal year 2018, immigration application denials increased by 37% since fiscal year 2016, according to the Cato Institute's immigration policy analyst David Bier. Reuters reported that more than 37,000 visa applications were refused in 2018 as a direct result of the administration's travel ban on primarily Muslim-majority countries.

K-1 visas for fiances of US citizens dropped 35.7% in fiscal year 2018, compared to 2016, and student visas declined by 23%, according to statedepartment data.

"The key is that this is no longer speculation. We're now seeing the consequences of the rhetoric and the policy," said Miriam Feldblum, executive director of the Presidents' Alliance on Higher Education and Immigration.

Schulman's partner – who asked to remain anonymous – spent a year in the US for an internship and completed her master's degree in France. But her history in the west didn't prevent her from being flagged for additional vetting.

Schulman suspects his partner's obviously Arabic name had something to do with why she was targeted.

“To me, it's Islamophobia. It's racist, in my opinion,” Schulman told the Guardian.

A myriad of changes under the Trump administration have made it more difficult for people to enter and stay in the country through lawful means. Photograph: REX/Shutterstock

An estimated 65,000 visa applicants annually now have to fill out DS-5535, which requires a 15-year travel log, social media handles, a list of prior addresses and a 15-year employment history, among other information. The document is just one of myriad changes under the current administration that have made it more difficult for people to enter and stay in the country through lawful means – even as Trump says publicly that he wants foreigners in the US, but “they have to come in legally”.

Some students are now opting to study elsewhere, avoiding an immigration climate that feels unwelcoming and hostile to foreigners. Among those who still want an American education, certain populations appear to be especially at risk of scrutiny.

Masume Assaf, the director of international student and scholar advising at Penn State University, has noticed Chinese nationals are suddenly being funneled into administrative processing for further review. She has watched as Iranian students have been unable to visit Iran; one of her PhD candidates who went home for a brother's wedding was barred from re-entering the US for months.

But perhaps the most dramatic testament to the administration's perceived aversion to foreigners is the major drop in refugee resettlement. In fiscal year 2016, the US admitted nearly 85,000 refugees. Two years later, that number plummeted to 22,491.

“Is it deliberate? I would say that there's nothing being done to facilitate more efficient processing,” said Denise Bell, the researcher for refugee and migrant rights at Amnesty International USA.

On a research mission to Lebanon and Jordan in November, Bell met refugees who had been stranded because of Trump-era policies. Among them were Fawzi, his wife and two sons, who fled Iraq for Lebanon in 2013 because they feared retaliation for being Christian.

In August 2016, Fawzi and his family say they received a letter with conditional approval to resettle in the US. The letter warned it would be a minimum of four months before they could get on a plane.

“Four months,” Fawzi's family told the Guardian, “and we are now in two years and [a] half.”

Every time they ask officials about why they are stuck in Lebanon, they get the same answer: security procedure. It's a similar rationale that justifies the administration's extreme vetting protocols for visa applicants.

However, experts in immigration policy say there's no evidence many of the new vetting policies affecting foreign nationals work. Bier said the requirements have been devised primarily to "obstruct legal immigration".

"The ultimate goal is making it more difficult to live in the United States legally," Bier said.

"I'm not sure any if these steps actually improve our security," added Ali Noorani, executive director of the National Immigration Forum. "These are political moves by the administration to reduce immigration."

Noorani and Schulman expressed frustration that people who are trying to follow the law must now jump through cumbersome hoops as the administration cracks down on legal as well as undocumented immigration. But at least his partner's visa was eventually approved.

She traveled to the US on 29 December, and they married at a court in Brooklyn four days later. Then they spent the next two and a half weeks poring over forms to continue her legalization process.

"I think the average American doesn't know the time, the money and the energy it takes to actually do legal immigration," Schulman said. "I think people don't give enough credit to the folks who are doing that."