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Family members not allowed to join U.S. citizens

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While family separation at the border received significant media attention last year, a quieter family separation policy continued under the radar, and the separations have targeted American families. New research shows that President Donald Trump's travel ban — first ordered two years ago last week — has already separated thousands of U.S. citizens from their spouses and minor children.

Virtually no one in the immigration debate openly supports separating the nuclear family by denying visas to spouses or minor children of U.S. citizens or legal permanent residents. Last year, even the White House promoted its plan to restrict “chain migration” of other family members — adult children, siblings and parents — as “promoting nuclear family immigration.”

Yet the travel ban — which currently restricts entry of nationals of five majority-Muslim countries — is breaking apart nuclear families every day. New research from the Cato Institute suggests that as of this January, the policy has prevented more than 9,000 family members of U.S. citizens from entering the United States since the Supreme Court allowed the policy to take full effect in December 2017. That number includes more than 5,500 children and just short of 4,000 spouses.

If we continue this trend, the separations will hit an estimated 15,000 spouses and minor children of U.S. citizens by the end of 2019. The policy will also keep out an additional nearly 2,000 spouses and minor children of legal permanent residents by year's end.

We don't know the exact numbers, since the State Department has not released official numbers of visas denied to family members of U.S. citizens. But we can estimate how many people were prevented from coming to the United States by looking at the average visa issuances before the ban and comparing them with those after it.

Before the ban, from 2012 to 2016, more than 9,000 spouses and children of U.S. citizens entered from the travel-ban countries per year. The current pace predicts just 1,700 will enter in 2019 — more than an 80 percent decline. This decline is a clear departure from earlier trends in each of the five banned countries.

The majority of the separations so far — more than 5,000 — have been of Yemeni spouses and children of U.S. citizens, but nearly 1,500 Iranians, almost 1,500 Somalis, about 850 Syrians and around 200 Libyans with U.S. citizen spouses or parents were stranded abroad as of January. These separations have largely occurred since the Supreme Court's 2017 decision.

While the president's travel ban makes across-the-board exceptions for certain temporary travelers, students and guest workers from the banned countries, it specifically singles out immigrants — that is, new permanent legal residents such as spouses and children of citizens — as an extra security threat.

This is despite the fact that no terrorists from the targeted countries have killed anyone in a terrorist attack in the United States in more than four decades, and no legal permanent resident from those countries has ever even tried to carry out a U.S. terrorist attack.

Case-by-case waivers for “close family members” of U.S. citizens or lawful permanent residents are available, but the president's travel ban proclamation specifically states that just being separated from your family is not sufficient for a waiver. Rather, family members must show that they — not their U.S. citizen family — would suffer “undue hardship” if denied.

The State Department defined this term to mean an “unusual situation” in which a delayed approval would “defeat the purpose of travel.” In other words, keeping the nuclear family together is, for the Trump administration, not enough. They need to show that there'd be no point to coming at all if they didn't come immediately. That standard keeps these families apart.

Most of these families are waiting in silent desperation, afraid to speak up publicly against the policy lest they harm their chances at these illusive waivers. Some have organized Facebook groups and discuss their prospects for waivers on online forums, but the fear of permanent family separation has kept most of this practice of breaking up families out of the public eye.

Little hope remains that the travel ban for these countries will be lifted under the Trump administration. But the State Department could — consistent with the president's proclamation — make waivers more easily available to prevent these unnecessary and cruel separations. So far, many observers believe that the waiver process is largely symbolic — a few token approvals here or there — and that the rate of approvals will not significantly increase.

If the current restrictions do remain in place, the policy will have broken tens of thousands of American families by the end of the president's first term. This is a crisis that Congress cannot allow to continue. It must conduct oversight and demand answers for why the administration believes these families would harm this country.

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