

# THE ORANGE COUNTY REGISTER

## Biden lets down immigrants in his first year as president

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President Biden has just finished the first year of his term in office, and the one issue no one seems happy about a year into the new administration is immigration. Republicans claim he has instituted open borders, and immigrants counter that he's done almost nothing to improve their situation from the Trump years. The truth is in the middle, but the immigrants are closer to it.

The president campaigned as the most pro-immigrant winning candidate since Lincoln. But far from embracing the open borders of America's founders, President Biden has made it only marginally easier to immigrate legally to the United States. He has missed more opportunities than he has seized to improve the legal immigration system, and the result is a dysfunctional, chaotic and costly mess for immigrants and the Americans who seek to interact with them.

The focus of most political debate throughout the year was over border policy. Border Patrol encountered larger and larger numbers of immigrants, leading to Republicans' "open borders" claims. But actual processing at the border was as draconian as ever. Biden continued to expel immigrants back to Mexico—just like his predecessor—but managed to get Mexico to accept even more immigrants back than Trump.

The detention centers along the border were still overflowing, and in September, America was treated to the spectacle of the Border Patrol trapping tens of thousands of Haitians in a rancid encampment without so much as food for weeks. It then proceeded to expel them to Haiti—a country that the State Department says is too dangerous to travel to, even by Americans who can afford the nicest hotels and best security.

These immigrants, who were seeking to apply for asylum as the law allows, could not do so at lawful ports of entry because the Biden administration has banned applying for asylum at these ports. This left them no alternative but to cross illegally.

Other immigrants seeking legal permission to enter did not fare much better during most of the year. Until the very end of the year, the Biden team kept U.S. consulates and embassies closed for visa processing, while maintaining a ban on "nonessential" travel through

the land border for Mexico and Canada. The president even re-imposed a travel ban on Europeans even after President Trump had rescinded it before eventually dropping it in favor of a ban on the unvaccinated.

The Biden administration retained a visa processing system designed by President Trump to exclude family members of U.S. citizens who are subject to annual caps as well as winners of the diversity visa lottery. It failed to process tens of thousands of employment-based green cards. In 2021, the U.S. government wasted about 400,000 cap slots for visas authorized by Congress under both temporary and permanent visa programs.

Visa processing is still not even close to back to pre-Trump levels, with extremely long waits and many closed or partially closed consulates. About a half a million immigrants trying to become permanent residents are waiting for appointments and, at the current pace, will have to wait more than a year and a half.

Biden failed to evacuate most of America's Afghan allies at risk, and his administration is still denying their applications today. He admitted the fewest refugees in the history of the refugee program. The administration is presiding over a backlog of other immigration benefit applications—including employment authorization for 1.5 million people—which is the largest in history.

The fact is that the new president has not ushered in a fundamental shift in the immigration system. Perhaps the most damaging aspect of Biden's legacy so far has been his continued use of Trump's extraordinary powers to ban immigrants. His repeated use of country-wide bans and the ban on asylum at the border under the guise of controlling the pandemic has undermined any hope that these powers can be reined in or limited under future presidents.

If he had ordered his agencies to settle lawsuits against them, and reverse Trump era policies, the powers could have been seen as a brief and anomalous departure from the rule of law. But by continuing to use them and defending them in court, the new president will hand the next restrictionist president a loaded legal gun to kill the legal immigration system. That's a legacy that few could have envisioned when candidate Biden decried Trump's abuses.

President Biden's term is not over. He has time to rescue his immigration legacy, and he's already moving away from some bad policies from this past year, but the first year is not one that many immigrants will remember fondly.

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