



Can Congress trust Trump to implement immigration reform?

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As President Donald Trump recently rolled out yet another plan to reform the immigration system, new data reveal that his administration is still ramping up denials of applications by legal immigrants. Congress has not passed any legislation, but the denial rate for immigration applications — ranging from family reunification to travel authorization — has increased in all but one of the eight fiscal quarters under President Trump.

This raises an important question for Congress. Even if it adopted the reforms that the president wants, would he implement them?

Overall, the denial rate in the first quarter of Fiscal Year (FY) 2019 — the most recent quarter with available numbers — was 80 percent higher than the last quarter under President Obama in the first quarter of FY 2017 (October to December 2016). The higher denial rate means that U.S. Citizenship and Immigration Services (USCIS) turned down more than 72,000 additional applicants for benefits than it would have under the prior denial rate.

More than 13 percent of applicants were rejected in the first quarter of 2019, compared to just 7 percent in the first quarter of 2017. In no other quarter for as far back as the government has published quarterly denial data (2013) has the denial rate gone much past 10 percent. But under Trump, it has exceeded that level each month since the first quarter of FY 2018.

These figures include USCIS applications for all types of immigration benefits except for citizenship and DACA or TPS — the two programs that the president has tried to close almost completely. They also don't count denials of visa applications made with the State Department. Denial rates increased dramatically for asylum applications as well as for victims of trafficking.

In addition, the government is now turning down family-based green card applications at a 30 percent higher clip than during President Obama's final quarter. Employers requesting foreign temporary workers saw their denial rate increase from 18 percent to 28 percent. Immigrants seeking advanced parole — which allows them to travel and reenter — saw their denial rate spike 75 percent.

The higher denials come even as applications have fallen 22 percent. Nearly 400,000 fewer applications were filed with the government in the first quarter of FY 2019 as in the first quarter

of FY 2017. It could be that fewer applicants want to apply right now. The government is driving immigrants away.

The causes of the increased denials vary depending on the category, but virtually nothing has escaped the attention of this administration. In general, U.S. Citizenship and Immigration Services, the agency responsible for immigration benefits applications, has made those forms much longer and more complicated. It has introduced complex, vague new “vetting” questions designed to trip up applicants and lead to rejections.

USCIS head Francis Cissna has made it clear that he expects more denials from his employees. He has repeatedly stated he wants to focus on “restoring the integrity of the immigration system” — as if it didn’t have integrity before he arrived. To that end, he has adopted a “look-over-the-shoulders” policy of adjudicators that makes them more fearful of approvals than denials.

As a result, employers have seen a 45 percent increase in the number of requests for additional evidence to support a request for foreign workers. These evidence demands are basically an initial denial of the employer’s request that can then be overcome with more evidence. But then last year, the agency made it easier to just issue a denial without allowing for more evidence.

Obviously, these trends are worrying for immigrants as well as their U.S. families and employers. They should also worry U.S. workers and consumers who, the weight of the academic research shows, benefit from immigration. Workers are one of the primary fuels of economic growth. With unemployment already near record lows and the tax cuts already implemented, the administration has few other ways to grow the economy quickly.

President Trump told Congress in his state of the union address that he wanted legal immigrants in “the largest numbers ever.” But his administration is not carrying out that mission. The fact that immigration denials keep rising even without congressional action should make legislators wary of how the administration will enforce any reforms that it enacts. It is making its goal clear every day: fewer immigrants — legal or otherwise.

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