

QUARTZ

How Trump built an invisible wall around America

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Thanks to a whirlwind of executive orders, policy adjustments, and subtle bureaucratic changes, US immigration policy is looking more and more like the xenophobic 1920s. Back then, the US barred Asians, as well as Italians, Greeks, and people from Eastern Europe. This time, however, US immigration policies are focused on reducing the number of people from Muslim-majority countries, Mexico, Africa, and Central America.

While Donald Trump is still a long way off from building his much-hyped border wall, the overall effect of his administration's policies has created what experts describe as a "virtual wall." On a practical level, this barrier to entry makes the US's higher-education system less diverse, and the country less welcoming to a global pool of talent and creativity. It also presents an existential crisis for America, critics say.

"Ultimately what we're talking about is the kind of country that we are," David Price, a Democratic congressman from North Carolina told Quartz. Yes, US immigration history is checkered, he said, and the country has had nativist administrations before. But the historical norm has always been to think of the US as a country of immigrants—until now.

The invisible wall: Technicalities, delays and an avalanche of paperwork

Earlier this year, Francis Cissna, the Trump-appointed director of the United States Citizenship and Immigration Services (USCIS), changed the agency's mission statement, taking the term "nation of immigrants" out.

"The old mission statement did not accurately describe the full scope of what USCIS does," he explained in a letter to employees, and later to Congress members. It "eroded the dignity and importance of the work of USCIS while confusing employees and the public about who USCIS serves."

In June, USCIS said officers must issue a "notice to appear"—the first step of deportation proceedings—to immigrants whose application for an immigration benefit is denied for any

reason. What this means, in practice, is that many are being put on track for deportation before they have a chance to clear bureaucratic glitches or misunderstandings.

This change effectively turns USCIS, whose main responsibility was processing visas, into immigration enforcement, and erects an additional barrier for people legally in the US to stay. The US immigration process is so cumbersome, lengthy, and error-prone that something as simple as changing where you live could now ultimately result in deportation, as Quartz explained earlier.

Another new guideline issued in July allows USCIS officers to immediately reject a visa application if it's not complete, and revokes the chance to submit missing documents or provide additional information. Cissna described the changes as necessary to “discourage frivolous filings and skeletal applications used to game the system, ensure our resources are not wasted, and ultimately improve our agency’s ability to efficiently and fairly adjudicate requests for immigration benefits in full accordance with our laws.”

But immigration lawyers and former USCIS officials say the agency is deliberately creating a minefield for people legally trying to enter or remain in the country. “USCIS is methodically issuing memos that will trap many immigrants and their US citizen families and employers into deportation,” as they try to follow ever changing immigration rules, said Ur Jaddou, a former chief counsel for USCIS and director of DHS Watch, a Department of Homeland Security watchdog.

H1B visa bureaucracy: In April of 2017, Trump said in a presidential executive order that H-1B visas, which are given to skilled workers, should be harder to get. Now it appears to be burying the companies and individuals applying for them in extra paperwork, including extra “requests for evidence.”

The US caps the number of new H-1B visas it issues each year at 85,000 but renews tens of thousands more. The number of applicants slipped 15.8% from fiscal year 2016 to 2017, and the number of overall H1-B visas issued dropped 43.3%, a decrease of 151,033.

In particular, Indian H-1B visa applicants are being rejected at a higher rate than before, which threatens to cut the numbers of Indian Americans, the wealthiest, best-educated group of non-native born Americans.

Denying passports to border residents: Under the Trump administration, the State Department’s denial of passports to US citizens born near the southern border is surging, the Washington Post reports. The State Department says it is asking for additional documentation from people “who have birth certificates filed by a midwife or other birth attendant suspected of having engaged in fraudulent activities.” The group could include tens of thousands of people, the paper estimates.

Broken bureaucracy: At immigration centers around the country, response rates and service overall have declined, lawyers say. And the computer systems used to process naturalization requests are often down.

“Every time I call, the officer says ‘There is no one for you to talk to’ and that they have to call you back,” said Faith Noori, a Los Angeles-based immigration lawyer. “They never call back.” Often, after long periods on hold, you just get cut off, she said. “These Mickey Mouse games were not present” under the George W. Bush administration or Barack Obama’s, she said.

A USCIS spokesman said he couldn’t respond to the general allegations, but that the agency had naturalized more than 716,000 people, and through the first two quarters of 2018, USCIS is on pace to surpass its best 5-year output levels. At a talk hosted this month by the Center for Immigration Studies, an anti-immigrant think tank, Cissna said his agency is simply trying to align its policies with existing laws.

“The idea that we are intentionally, mischievously, impishly, malevolently trying to build an invisible wall on purpose because we don’t want foreign workers to come is false,” Cissna said. “Everything we do is guided by the law.”

Visible bricks: From the “Muslim ban” to DACA

The government has already taken clear action against specific groups of immigrants to the US.

Temporary Protected Status (TPS): The Department of Homeland Security (DHS) ended TPS, which allows people fleeing violence or natural disasters, for 46,000 Haitians and 2,500 Nicaraguans in November of 2017. In January of this year, it ended TPS for an estimated 200,000 immigrants from El Salvador, and in May it was ended for 57,000 people from Honduras, for a total of 305,000 people so far.

DACA: Trump killed the “Deferred Action for Childhood Arrivals,” or DACA, program last year, asking Congress to pass a law that would legalize their status in the United States. An estimated 1.8 million people who came to the US illegally as children, most of the from Mexico, could qualify under the original guidelines.

The “Muslim Ban:” The Supreme Court’s ruling in June backing Trump’s ban on visitors from five Muslim-majority countries, as well as North Korea, and Venezuela has split up extended and immediate families, and interrupted the lives of students and professionals. Tens of thousands of people are expected to be barred from visiting or relocating to the US every year because of it, although, as the Cato Institute points out, no one from any of the countries included has committed a lethal act of terrorism on US soil in over 40 years.

Laos and Burma: On July 10, the the Department of Homeland Security said that it would stop issuing tourist and business visas for people from Laos and Burma, “due to lack of cooperation in accepting their citizens who have been ordered removed from the United States.” In the 2017 fiscal year (the 12 months ending Sept. 30, 2017,) the State department issued 16,142 non-immigrant visas to Burmese citizens and 2,697 to Laotians; it also issued 1,309 immigrant visas to people from Burma and 296 to people from Laos.

MAVNI: The Military Accessions Vital to National Interest program gives foreign students and other visitors with language and other skills the US needs a pathway to citizenship by joining the military. The program was suspended in October of 2016 pending an overhaul of the application

screening process, and has yet to be reinstated. Some 1,000 foreign recruits may be deported under a Trump-era Pentagon proposal, another 4,100 citizens naturalized during the program will have their citizenship reexamined, the Military Times says.

Refugees: The number of refugees accepted into the US plummeted from 85,000 to just under 54,000 between fiscal years 2016 and 2017, and the administration said last September it plans to admit just 45,000 in 2018. The administration is now considering capping the number of refugees in 2019 at 25,000, lower than they were in 2002, when the US clamped down on immigration following the terrorism attacks of Sept. 11.

“There’s plenty of evidence that there is quite a deliberate slow-walking of the refugee process,” said Price, the North Carolina Congressman, and “virtually an entirely closed door in respect to Syria, which is the most desperate place in the world right now.” Accepting just 25,000 refugees in 2019 would mean a 60,000 drop from the 2016.

Asylum seekers on the US-Mexico border: Attorney general Jeff Sessions’s “zero-tolerance” policy for asylum seekers who cross into the US without prior permission has resulted in hundreds of immigrant children being separated from their parents, possibly permanently, even after a California court ordered families reunited. The point was to deter families from coming to the US, officials have said, but it doesn’t appear to be working.

In June, the Department of Justice (DOJ) issued new guidance that domestic abuse and gang violence should not be considered a valid reason to request asylum. It is hard to estimate how many people could be affected. The US has a backlog of about 79,000 people seeking to stay in the US because they face a “credible fear” of violence back home USCIS, said in January. Another 142,000 asylum cases are pending—people who were allowed to stay pending a hearing in front of a judge—but how many of their cases relate to these two issues is unclear.

Investors: One of the few visa category whose numbers has increased recently is the EB5, which allows wealthy foreigners to get US citizenship by pledging a certain level of investment. They went up 1.4% from fiscal year 2016 to 2017, for a total of 10,090 issued worldwide.

But the Trump administration temporarily froze the “start-up visa” program designed to welcome less wealthy entrepreneurs into the country in July of 2017, and now appears to be killing it with bureaucracy.

In response to questions, DHS pointed Quartz to a June presentation by Secretary Kirstjen Nielsen. She said then: “We are a compassionate country that has taken in millions of refugees and granted asylum to hundreds of thousands over the last few decades or assisted them near their home countries.”

A spokesman for the agency said the US had taken in 1,761,927 migrants for humanitarian reasons since 2008, and resettled 10,743,014 other immigrants, but didn’t address the shifts since Trump took office January of 2017.

The fate of the diversity lottery and family visas

Diversity lottery and family reunification: Trump has been pushing to end the diversity lottery program that grants 50,000 visas to people, and to ban residents from getting visas for their non-immediate family.

In fiscal 2017, the US issued more than 212,000 “family-sponsored visas,” most commonly to spouses and children of “alien residents,” or to brothers and sisters of US citizens. Trump calls this “chain migration,” and it is how hundreds of thousands of immigrants get permanent visas to the US every year—including his own mother.

The changes, which have been introduced by Republicans in Congress in bills like the Trump-backed “Securing America’s Future Act,” would disproportionately affect non-whites, a study by the Center for Global Development, a DC non-profit, found:

The Trump-backed bill would result in “the largest policy-driven reduction in legal immigration since the awful, racially motivated acts of the 1920s,” according to the Cato Institute, and could trim as many as 430,000 legal immigrants a year.

Non-wealthy legal immigrants: Another high-impact proposal from the White House could stop legal immigrants from becoming citizens if they’ve ever used a host of social safety net programs, from Obamacare to Medicare to food stamps, for themselves or their US-born children, who are US citizens by birth. Documented immigrants in the US are legally allowed to access non-cash benefits, according to a 1999 DOJ ruling, but the proposal would rewrite that rule.

Data on how many US residents this might impact is hard to come by. Combined, the number of first and second generation immigration in the US is more than 74 million, but immigrants are less likely to use welfare benefits than native-born Americans with similar income and ages, a Cato Institute study found. Unnamed immigration experts told NBC they thought 20 million people could be affected by the policy.

A growing impact

Immigration to the US hit a record under Barack Obama, and is now declining. For the fiscal year 2017, the total number of non-immigrant visas (for temporary stays, including students and workers) fell by 6.7%, while the number of immigrant visas (for permanent stays) fell by 9.4%.

Fewer immigrants are applying for citizenship:

Trump’s concrete policies, “coupled with the administration’s antagonism to immigrants, have already had a measurable impact,” the American Immigration Lawyers Association said in an April report. Among other things, “there’s not enough workers to fill jobs that desperately need to be filled,” said Diane Rish, associate director of government relations with the group.

Foreign student attendance at US universities doubled between 2008 and 2016, and it’s widely credited with helping higher education survive the 2008 recession. But between 2017 and 2018,

the overall number of international students in the US declined for the first time since the recession. Most schools cited “visa issues” as the reason.

Calculating the total future impact of all these policies on actual immigration figures is tough, in part because there isn’t enough information about why people seek asylum, and it is impossible to predict how thoroughly the administration will be able to implement some proposals.

But at their bare minimum, and without taking into account an expected reduction in the number of people who successfully apply for asylum, the changes proposed and already enacted by Trump would prevent about half a million people a year from coming to the US:

Even more dramatic, the proposals and announced policies that aim to kick out immigrants already living in the United States, including TPS grantees, DACA recipients, and those who have used public benefits, could impact over 22 million people.

America risks becoming Japan

The US grew to become the world’s largest economy in part because of its reliance on immigration. In modern day America, immigrants provide a much-needed labor force, start a disproportionate number of new US businesses, and take out a higher-than-expected percentage of US patents.

Already, US civil society groups are pushing back on the Trump policies, unleashing a flood of lawsuits that are blunting the severity of the changes. But economists are worried about the long-term impacts.

“Reducing immigration has the potential to be a slow burn disaster for the US economy,” said Jason Furman, a professor of economics at Harvard Kennedy School and a former economic advisor to president Obama. The effects won’t be felt like a stock market collapse, which happens over a day or days, he said. Instead the country will be poorer five or ten years from now.

Relying on only native-born workers in the US is going to shrink the base of workers, he said, make recessions more frequent, and ultimately make the US more like Japan, where the economy has stopped growing.

Over the course of American history, accepting immigrants, and particularly poor and troubled ones is one of the things that has helped to make America great, a group of US mayors wrote in a letter to Trump on August 6 about the proposed refugee reduction.

“The United States has a strong tradition of providing safe haven, freedom, and opportunity to refugees fleeing the world’s most dangerous and desperate situations,” they wrote. These people are “are taxpayers, job creators, innovators, entrepreneurs and they are consumers,” they wrote, and we’re denying them access to the American dream.