



Immigrating to the U.S. legally is already hard. Trump administration changes make it tougher

Jeffrey Robb

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From the separation of migrant families at the U.S.-Mexico border to the August raid in O’Neill, Nebraska, the Trump administration has made clear: Cracking down on unauthorized immigration is a priority.

Now the Trump administration also is making a series of changes to the legal immigration system, and local lawyers in the field say the moves are making it more difficult to enter the United States legally.

The legal immigration system in the United States already is widely considered to be broken, with waitlists that stretch millions of people long and cause some applicants to wait two decades to even apply for a visa. But it remains an active system — more than 1.1 million people per year are given green cards to become lawful permanent residents in the United States.

With that, those immigrants can put themselves on the path toward citizenship — like the 16 newly naturalized citizens welcomed as Americans at a ceremony in downtown Papillion earlier this month.

U.S. District Judge Robert Rossiter, presiding over the ceremony, recalled a speech from President George H.W. Bush, when he signed the Immigration Act of 1990 into law. Bush said, “Immigration is not just a link to America’s past; it’s also a bridge to America’s future.”

Today, President Donald Trump calls the immigration laws a disgrace. And administration officials say they are adding more scrutiny to the system — aiming to protect American workers’ interests, guard national security and fix fraud and abuse in the system.

But one Nebraska attorney says the administration is effectively throwing a monkey wrench into the system. A national expert says the steps are completely consistent with the administration’s stated goal to cut legal immigration as proposed in policies put before Congress.

“It’s been impossible for them to convince Congress to cut legal immigration,” said Alex Nowrasteh, a senior immigration policy analyst at the libertarian Cato Institute’s Center for Global Liberty and Prosperity. “So they’re trying to do it through executive fiat by changing the regulations.”

Unauthorized immigration has been a flashpoint in public debate and a focus of Trump, from his campaign to his presidency. Trump's hallmark has been his call for a wall along the U.S.-Mexico border, and this year he sparked outrage with the administration's move to separate immigrant families detained at the border.

But the Trump administration's moves also have targeted legal immigration. Among the recent changes:

- » Immigration experts report the federal government is requiring additional evidence in a sharply higher number of immigration applications for guest workers in specialty occupations. That's raising the complexity and cost for getting an application approved.
- » This month, U.S. Citizenship and Immigration Services is implementing a new policy allowing it to toss out applications it sees as incomplete, instead of sending them back for more evidence. Immigration services says the policy is intended to discourage frivolous filings. But that policy, too, has potential to slow the process and raise costs for legal immigrants.
- » Last week, the U.S. Department of Homeland Security proposed a new policy to deny visa applications for people who have received certain public benefits in the U.S. Immigrants also must show they are financially stable and won't draw public benefits above a certain threshold in the future.

Those are all on top of the Trump administration's well-publicized cutting of refugee admissions — and the administration took steps this month to cut refugee entries even more, to 30,000 a year. The number had been set at 85,000 in fiscal year 2016 under President Barack Obama.

Along with those changes, the administration has taken a series of other actions that, taken together, are limiting legal options, increasing denials or increasing processing times, said Shane Ellison, legal director of the Immigrant Legal Center in Omaha and director of the Immigrant and Refugee Clinic at Creighton Law School.

In the absence of Trump's border wall with Mexico, Ellison said the administration is erecting a virtual wall. Ellison said the changes ultimately will deter people even if they have legal routes to enter the country.

"This is more than just cracking down on immigrant violators," he said. "It's about limiting overall the number of immigrants that can come into the United States, even in a lawful way."

L. Francis Cissna, director of Citizenship and Immigration Services, said in an August discussion at the National Press Club that the agency has no nefarious intent but is guided by the law. The discussion was held by the Center for Immigration Studies, which wants lower immigration numbers.

"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 in is false," he said.

Trump has made clear he wants to change the nation's immigration laws — shifting to a merit-based entry system from one that uses family connections to determine who enters. Two-thirds of the lawful permanent residents entering each year are able to come because of family

connections. One proposal would cut legal immigration by 52 percent, compared with 2017 levels, within 10 years.

“The immigration laws are such a disgrace. We’re getting them changed,” the president said at a rally following the discovery of the body of Mollie Tibbetts of Iowa, whose accused killer is suspected of being an unauthorized immigrant.

But Congress, in its gridlocked state, has failed to pass Trump-backed immigration proposals — or any significant immigration changes for years.

According to immigration officials, the greater scrutiny is meant to protect American workers under Trump’s executive order to “Buy American and Hire American,” as well as to protect the public and the system’s integrity.

In a statement to The World-Herald, U.S. Citizenship and Immigration Services spokesman Michael Bars said the administration has been relentlessly pursuing merit-based policy and regulatory immigration reforms. “USCIS is committed to adjudicating all petitions fairly, efficiently and effectively on a case-by-case basis to determine if they met all standards required under the law,” his statement read.

Visa figures are not yet available to document the impact of the most recent changes.

According to federal figures, the early numbers out of the Trump administration show a decline in green cards — granted to people to become lawful permanent residents — compared with the last year of the Obama administration. Even so, the 2016 numbers represented the peak under Obama, and the initial Trump administration figures are still higher than any other year under Obama.

Compared with the last four quarters of the Obama administration, the Trump administration authorized 86,144 fewer foreigners looking to move permanently to the United States — a 7 percent drop. The figures overall dropped from 1,187,673 to 1,101,529, according to Department of Homeland Security data.

About half of those approvals represent people already in the United States under an earlier authorization. The number of new arrivals dropped 11 percent, or 68,357 people. The totals there went from 619,024 to 550,667.

David Brown, managing partner of Brown Immigration Law of Lincoln, said the changes have made the system much more difficult and time consuming.

In a note to his clients — typically national or international firms trying to bring in specialty workers — Brown wrote that he sees no parallel to these changes in his experience. He said the changes are introduced under the guise of national security or fraud prevention, but don’t make the country safer and the fraud is “imagined or minimal at best.”

“While we recognize the need to have checks and balances, our current administration, through myriad cuts and tweaks, is harming a system that was already badly in need of repair,” he wrote.

Brown said his firm used to see requests for evidence in less than 10 percent of cases; now it’s closer to 40 or 50 percent. A 50- to 60-page filing, he said, now takes 500 to 600 pages.

Brown said the changes risk hurting U.S. employers, given the shortage of workers. “We’re scaring away the people you really want,” he said.

Brian Blackford, an attorney with the immigration law firm Blackford Law of Omaha, said he’s witnessing more vetting by immigration officials and more questioning — beyond what he says is legally required. He said he hasn’t seen the fraud that officials contend.

“It’s rare to ever come across somebody who’s not eligible trying to defraud the system,” Blackford said. “That’s just not founded in fact whatsoever.”

Jamie Hall, senior policy analyst with the conservative Heritage Foundation, said he doubts the administrative changes will make a large difference in the number of legal immigrants, and he believes it’s good that the administration is more strictly enforcing the country’s existing immigration laws.

But Hall said immigration laws as they stand are not anybody’s optimal system, and it’s up to Congress to change that. If thoroughly enforcing laws draws attention to problems in the system, Hall said he hopes Congress would act.

“If this motivates Congress toward that,” he said, “that’s a good thing.”