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The missing immigrant workers

The pandemic kept some would-be immigrants out of this country. But others already here and working legally are being forced out of the labor market because of bureaucratic delays.

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Helen Muradyan, a second-year resident physician, stopped working last month.

Not because her skills aren't needed. To the contrary: The Southern California community hospital and health clinic that employed Muradyan struggle to find staff even during normal times. The pandemic worsened their staffing shortages.

“At one point we were operating at 150 percent of capacity,” Muradyan told me. “We worked day, night. We worked without breaks or anything, without seeing our loved ones, without seeing our family.”

But Muradyan, an immigrant from Armenia, had to stop working — because the U.S. government couldn't be bothered to process her application to renew her work permit. Eventually, her existing work permit expired, and her employers had to terminate her.

Many factors contribute to our nationwide labor shortages, which are, in turn, driving supply-chain problems and inflation. Most of those issues — lack of child care, early retirements, fear of getting ill, burnout — would be difficult for employers or policymakers to resolve even if wages rise. But there's one underappreciated factor contributing to labor shortfalls that the Biden administration could alleviate almost immediately: the “missing” immigrant workers.

Immigration inflows slowed sharply during the Trump administration and then collapsed under the combination of Trump-era policies and pandemic-driven closures. The number of visas issued by the State Department's Foreign Service posts, for example, fell by more than 60 percent between fiscal years 2016 and 2020. There are millions fewer immigrants here today than would have been the case if pre-Trump trends in immigration had continued.

But the labor force is also losing immigrants *already here legally*, whose work permits are expiring because the Biden administration hasn't gotten its act together.

For immigrants in the country lawfully, renewing an existing work permit was once relatively straightforward. When Muradyan applied for a renewal in 2019, she recalls the process took two to three months. That's close to the average processing time such applications required in recent years.

Her experience this year has been very different.

U.S. Citizenship and Immigration Services (USCIS) received her renewal application in April; then, for months, Muradyan heard almost nothing. Requests to expedite processing were rejected twice, then ignored. On Oct. 13, her existing permit expired. It might be months more before USCIS reviews her pending application: The agency field office handling her case estimates that similar applications are taking 9.5 to 11 months to process.

Terminations that result from these delays affect more than workers. Muradyan's employers, for instance, have had difficulty covering her scheduled shifts.

"Sometimes, my colleagues call me asking like, 'Okay, your patient came — what's supposed to happen for her exactly?'" Muradyan says. "My hospital is struggling, my colleagues are struggling, my patients are struggling."

Muradyan is struggling, too.

An asylum seeker, Muradyan lives with her elderly parents and her 10-year-old U.S.-born son, who has started asking whether they will be able pay their rent. She lost her health insurance, which was tied to her employment. The longer it takes USCIS to process her paperwork, the worse the possible consequences get: Under her residency program's rules, if she misses 12 weeks of work, she has to redo an entire year of training (and would have to wait until July 2022 to restart). Her license to prescribe medication will expire if she is out of work too long.

She is hardly the only person hurt by USCIS's backlog.

Muradyan is a plaintiff in one of several national class-action lawsuits against USCIS over processing delays. A nonprofit representing the co-plaintiffs in her suit, the Asylum Seeker Advocacy Project, says at least 2,000 of its members have either recently lost their jobs because of work-permit processing delays or are on the verge of having their documents expire.

These asylum seekers have been employed in industries experiencing high-profile labor shortages: truck driving, food services, nursing, tech. And some firms that employ these unlucky immigrants are losing multiple workers.

Abelardo Rios is a telecommunications field technician who has been installing 5G equipment in Florida. His employer sometimes struggled to recruit workers even before covid-19, he says, “because not everybody is willing to go up a tower that’s 400 feet.”

Nonetheless, he and his direct supervisor are being let go this month because their work-authorization renewal applications are stuck in the USCIS backlog.

“My employer basically has told us that if they keep us working, they would be breaking the law, and they can’t do that,” Rios said. Because he, too, wants to stay on the right side of the law, he’s not sure how he’ll make his next mortgage payment. Like Muradyan, Rios is his family’s sole breadwinner.

Cases such as Rios’s or Muradyan’s shouldn’t take long to adjudicate: On average, USCIS employees spend only 12 minutes before rendering a decision on each employment authorization application, according to a 2019 agency estimate.

But the queue to get any specific application reviewed is long — and growing. As of June 30, nearly 1.4 million employment authorization applications were pending. That’s double the size of the backlog that existed right before covid-19 reached the United States. It’s *triple* the number from the quarter just before Donald Trump took office.

Multiple factors have expanded the backlog: Pre-pandemic, Trump officials had deliberately slowed down processing of nearly all immigration-related applications. The red tape and other obstacles they added increased costs not just for applicants but also USCIS. The agency had a budget crisis last year and ultimately froze the hiring of new employees and laid off contractors.

Covid safety measures then further slowed processing.

The Biden administration has reversed many Trump-era policies but the agency remains understaffed. And shrinking the work-permit backlog does not appear to be a Biden administration priority, even as it touts a “whole-of-government” approach to unblocking supply chains and reducing inflationary pressures.

When asked what role the constricted immigrant labor force might play in today’s economic bottlenecks, White House officials often change the subject. When I asked USCIS what it is doing to shorten wait times for employment documents, the agency said it was “committed to using all available policy and operational improvements to reduce both the number of pending cases and overall processing times,” and cited several changes it has made to expedite processing. (Some of those were the result of a recent settlement in a different class-action case.)

The problem, says Cato Institute research fellow David Bier, is that the administration has "done a lot of the reversing of the bad stuff that Trump did to slow things down even more, but not

enough to go above and beyond that necessary to get rid of the backlogs and added delays that the Trump policies originally created.”

So what could USCIS do, while it rebuilds its staff?

Eliminating some redundancies from the process is a good start. The agency could also automatically extend more existing work permits while applicants wait for their renewals to be processed. Some categories of noncitizens already get this courtesy, but even those grace periods are too short. Asylum seekers, for instance, have their existing work permits auto-extended for up to 180 days while the renewal application awaits processing. But as Muradyan’s case and others show, that’s not enough time to avoid a lapse in employment.

“It doesn’t make sense, that if someone really wants to work, they can’t go back to work because of these delays,” she said. “It’s like they just don’t care.”