



Thousands of Legal Immigrants Still Blocked Under Biden, As Time Runs Out For Some

Austin Landis

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On Valentine's Day this year, Giulio De Giorgi celebrated his fourth birthday in Italy with his dad, Andrea – who was 5,000 miles away in Florida and sang to him over Zoom.

“This is actually what we're used to, and this isn't what ordinary people have to go through,” said Giulio's sister, Sofia, 19, who lives with him, another brother, and their mother in Italy. “I miss him so much.”

The De Giorgi family is one of thousands separated due to two Trump-era orders blocking nearly all legal immigration due to the pandemic, including visas for spouses and families of U.S. residents.

The question now is whether President Joe Biden will act and rescind the orders, after his quick reversal of other major facets of the former president's immigration policy.

Andrea De Giorgi, a professor at Florida State University, has lived apart from his family for more than five years. He and his wife, Stefania Martucci, began the process of applying for U.S. visas for the family in 2019, but as they neared approval, they were blocked by the ban on immigrant visas that President Donald Trump issued in April 2020.

“In this moment, we don't know anything,” Stefania said. “As you can imagine, it's hard to be separated. I'm here alone with the three of them, and Andrea — he's alone there.”

The proclamations cite the coronavirus pandemic and the need to protect American jobs. There are limited exceptions, such as foreign health care workers.

At least 130,000 people planning to join family in the U.S. are blocked due to the ban, according to the libertarian think-tank CATO Institute. The restrictions also impact another 219,000 people whose temporary work visas aren't exceptions to the ban, per numbers calculated by the Migration Policy Institute, a nonpartisan think tank that aims to improve immigration and integration policies.

As the Biden administration takes steps to address undocumented immigrants and aid asylum seekers, it's still unclear whether the president will use his executive power to reverse the two proclamations blocking legal immigrants.

“A lot of the steps he’s taken regard those that are starting the process,” said Jesse Bless, director of federal litigation at the America Immigration Lawyers Association, one of the groups fighting the bans in court.

“These people have completed the process years ago,” Bless added. “They paid all the fees. They’ve been vetted.”

One of the president’s top immigration advisers, Esther Olavarria, said last month that the administration was preparing an executive order to reverse the bans, CBS News reported. That order never came.

When asked by Spectrum News, both the White House and the State Department said they had no updates to provide on the proclamations.

“As the global fight against COVID-19 continues, we are committed to protecting the health and safety of the American people through prudent, science-driven measures, including the use of travel restrictions,” a State Department spokesperson told Spectrum News.

Visas Set To Expire

A decision on the bans is urgent for thousands of green card winners whose visas are set to expire in March, while they are still blocked from entering the U.S.

Each year, the U.S. sets aside 55,000 diversity visas for immigrants from underrepresented countries to be awarded via lottery. For many who win, it’s a once-in-a-lifetime chance to migrate to the United States.

“We’re all in limbo,” said Hilal Peker, a professor who was awarded a visa, whose documents will expire on March 23 if the ban remains in place.

Peker, who lived in the U.S. for several years before as a Fulbright Scholar and earned her Ph.D. at the University of Central Florida, returned to her home country of Turkey two years ago.

“I don’t have a life here right now,” Peker said, who quit her job in August to prepare for the move. “And I may not have a life there.”

She left behind an ongoing research project in Orlando, as well as her boyfriend and his parents, who became like family to her.

For now, the State Department has issued “national interest” exceptions to people whose documents would expire in February.

Then in a Friday order, the federal judge overseeing the case on diversity visas said he would delay their expiration while the case goes on, but he also included stipulations in case the Biden administration takes action.

“I think judges don’t want to make hard decisions when they don’t have to,” Bless said. “They know that, ultimately, the president holds the cards.”

The proclamations blocking legal immigration are set to expire on March 31. If he doesn't rescind them, President Biden could decide not to renew the orders instead of issuing an extension like Trump did in December.

In a Friday court filing, government lawyers noted that the policy blocking visa winners was “under active review.”

“We Did Everything Right”

Both Peker and Martucci said they would forgo working in the U.S. for several months if it meant reuniting with their friends and family.

“If the problem is the jobs, it’s okay for me,” Martucci said. “I can accept any kind of [visa.]”

Both women also expressed frustration with the administration’s attention on undocumented immigrants while they are left waiting, having filed paperwork and submitted application fees.

“We did everything right,” Peker said, who said she’s paid a \$400 fee for her required medical exam twice, since the first one expired. For now, she’s teaching classes remotely for Framingham State University in Massachusetts.

Andrea De Giorgi recently bought a house for his family where he lives in Tallahassee, Florida, which Martucci saw over FaceTime.

“A house for five,” she said. “He’s preparing for our life there.”