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## A CLAMPDOWN SLOWING LEGAL, NOT JUST ILLEGAL, IMMIGRATION

*Trump administration is taking myriad quieter steps to reduce legal immigration through new policies or a stricter interpretation of existing regulations*

By Gerald F. Seib  
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A Canadian financial firm recently opened an office in the U.S. and, as part of its staffing-up process, hired an analyst – a numbers whiz with a Ph.D. in physics – who had been working in Boston for another financial company.

Because the man was a Chinese national, his firm took what previously had been a pro forma step: It applied to have his H-1B visa transferred to his new employer.

In today's immigration climate, though, that step is no longer routine. U.S. authorities denied his new visa. The math whiz, having lost his legal status, returned to China. And his job now is being done not in the U.S. but back at the financial firm's home office in Canada.

William Stock, a Philadelphia immigration lawyer who handled the case, says that in the past there "wouldn't have been any doubt" that the visa transfer would have been approved. Instead, the anecdote illustrates a little-understood but economically important aspect of the raging debate on immigration: While the loud public discussion focuses on Trump administration policies to stop illegal immigration, the administration also is taking myriad quieter steps to reduce legal immigration.

Some of these steps are being made through new policies, usually implemented with little public notice. Sometimes, say lawyers and immigration advocates, the changes are simply the result of stricter interpretation of existing regulations.

Indeed, the American Immigration Lawyers Association this spring published a 26-page booklet detailing how Trump administration policy changes "are slowing and restricting legal immigration." The association now is working on an update to incorporate new actions taken in the months since.

"Brick by brick the administration actually is making it more difficult for higher-skilled individuals to come to work in the United States," says Diane Rish, associate director of government relations for the association.

Among other things, this new posture is having a chilling effect on the issuance of H-1B visas, the main vehicle businesses use to hire highly educated foreign nationals who, they say, often fill skill gaps not met by the supply of American workers. Mr. Stock, the lawyer, whose clients include numerous large corporations, says that when an H-1B visa is denied "that does not mean a U.S. worker is getting that job. Sometimes that is the outcome. But sometimes it means the project doesn't get initiated. Other times it means the project gets moved to India."

Data compiled by the nonpartisan National Foundation for American Policy document the trend. The foundation reports that in the fourth quarter of fiscal 2017, the rate of H-1B

denials increased by 41 percent from the third quarter. Perhaps more telling, the rate at which immigration authorities requested further evidence on a visa application – a step that can be a signal of a denial to come – more than tripled between the third and fourth quarters.

Anecdotal evidence suggests the rising rate of visa denials has continued into the current fiscal year, says Stuart Anderson, executive director of the foundation and a former official at the Immigration and Naturalization Service.

But H-1B visas are just one program affected. For example, a humanitarian program designed to admit refugees has been scaled back. In 2016, the annual limit of such refugee admissions had been set at 110,000. President Trump has cut the ceiling to 45,000 – and statistics suggest that significantly fewer actually will be admitted this year.

Similarly, the administration has sharply curtailed a program called temporary protected status, which allows foreign nationals to remain in the U.S. if a disaster or crisis would put them in danger upon returning to their homelands. It has ended the temporary status program for immigrants from El Salvador, Haiti, Nicaragua, Sudan and Honduras. More than 300,000 immigrants, many of them American residents for years, will be affected.

Now, a policy under consideration within the administration could block legal status for immigrants if their family members have received social welfare benefits – or if authorities decide an applicant is likely to receive benefits down the line.

The legal immigration issue has gotten a splash of attention in recent days because first lady Melania Trump's parents received citizenship, apparently through a family migration program the administration would like to end. But most cases are far more mundane.

Nicole Simon, an immigration attorney, tells of one client, an American-educated computer engineer from Bangladesh, who unknowingly lost his H-1B status in part because of incorrect guidance from an immigration official after returning from a trip home to get married.

After his application for a renewal was denied, he lost his job, though he and his wife had just had a baby who needed intensive care after a premature birth. After months in limbo, and repeated efforts, he ultimately received legal status this summer. The case, Ms. Simon says, reflects "a climate where everything is about trying to deter immigration."