



COMPETING PERSPECTIVES: THE POTENTIAL IMPACT OF THE 2020 PRESIDENTIAL ELECTION ON IMMIGRATION

THE TRUMP PLAN



In the past four years, President Trump has issued hundreds of policies that have disrupted virtually every aspect of the U.S. immigration system. Some of the more significant changes include:

- The Remain in Mexico policy, which forces Central American migrants seeking asylum to return to Mexico while their claims are being processed;
- Ending Temporary Protected Status (TPS) for over 300,000 individuals;
- Prohibiting the entry of immigrants and nonimmigrants into the United States with few exceptions;
- Increasingly denying and delaying the processing of requests for foreign skilled workers;
- Slowing adjudication of applications for green cards and citizenship;
- Reopening thousands of deportation cases that were previously marked as low priority;
- Allowing the State Department to deny temporary visas to pregnant women;
- Establishing a case quota for immigration judges;
- Creating a denaturalization task force to revoke citizenship from naturalized Americans;
- Limiting avenues to citizenship by closing the vast majority of USCIS offices overseas; and
- Significantly lowering the refugee cap to 15,000 for fiscal year 2021 – the lowest cap since the program began in 1980.

Under a second term of the Trump administration, immigrants and their families should expect the continued addition of even more stringent immigration restrictions. Trump boasts plans to further overhaul the immigration system in his second term by instituting a so-called “merit-based” point system that would effectively end most family-sponsored visa categories, the [Deferred Action for Childhood Arrivals](#) (DACA) program, and the [Diversity Visa Lottery](#), and replace them with a system based on prioritizing factors such as age, education, income, and self-sufficiency.

Trump has begun enforcing the financial self-sufficiency standard through efforts to expand the [public charge rule](#), which deems those who have relied on certain government benefits inadmissible. The rule includes new income thresholds and counts the use of non-cash benefits such as the Supplemental Nutrition Assistance Program (SNAP), housing assistance, and Medicaid as factors affecting a determination of inadmissibility as a public charge. The merit-based system would also significantly limit the number of immigrants admitted for humanitarian reasons, such as asylum applicants and refugees, as they would likely score lower under the proposed point system.



THE BIDEN PLAN

Across the aisle, Democratic candidate Vice President Joe Biden vows to reverse the restrictionist immigration policies enacted by the Trump administration. Within the first 100 days of his presidency, these are just some of the actions Vice President Biden has pledged to accomplish:

- Reverse family separation for people who are detained;
- Reestablish and improve U.S. asylum policies;
- Reverse Trump’s changes to the public charge rule;
- Send more humanitarian resources to the border;
- Fully reinstate DACA;
- End workplace raids; and
- Order immediate reviews of [Temporary Protected Status](#) (TPS).

While this is a heavy lift to accomplish in a short period of time given the drastic number of changes made by the Trump administration, Vice President Biden’s plan signals a commitment to honor our history of immigration. Vice President Biden’s immigration plans can be found in [AILA’s Election Guide](#).

Lasting reforms to the immigration system will require Congress to pass a law for the president to sign. In this regard, Vice President Biden has pledged to champion a bill that would provide permanent legal status to those who are unauthorized, adjust the employment- and family-based visa systems to meet the needs of American families and businesses, and improve asylum and humanitarian law to ensure the country protects people fleeing persecution. He has also promised to reform immigration enforcement at the border and in our nation’s interior to ensure order and security as well as to uphold fairness and humane values.

With all of the recent changes to the immigration system and Trump’s and Biden’s proposed reforms being in polar opposition, it is inevitable that significant changes will be made following the election of either candidate. These changes will affect new applicants and current visa holders. It is also important to note that the state of the coronavirus pandemic may impact the elected candidate’s ability to enforce any new policies. It is therefore critically important that you stay in touch with your immigration attorney both to understand how any new changes may impact your immigration status and to remain compliant with rapidly changing policies.



GOT QUESTIONS?

Don’t hesitate to reach out to your immigration attorney for questions regarding voting eligibility and more.