

IMMIGRATION

Some Things To Expect From The Biden Administration On Immigration

Please keep caring.

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(Photo by Drew Angerer/Getty Images)

The substantive vote-counting is over, the voter fraud lawsuits have [started the process of failing](#), and the Biden transition team is doing its thing (despite some [sad, desperate obfuscation](#) from the GSA). It's time to have a look at what we can expect on immigration from the Biden administration.

Like many people, I voted for Joe Biden first and foremost because he is not Donald Trump. Unfortunately for friends of immigrants, he is also not Julian Castro. Biden's real-world record on immigration is [pretty skimpy](#), except insofar as he was vice president to a guy whose "[deporter-in-chief](#)" moniker is not unreasonable. Things were not 100% rosy for immigrants under Barack Obama; they just weren't a constant nightmare. I'm expecting to come at Biden from the left as long as they keep letting me write these columns.

Association. Whoever wrote it clearly cares about this issue; they did not mince words on family separation or the Muslim ban. That last link has a lot of information, so I'm going to pick out a few highlights.

Stop The Bleeding

Biden's platform is replete with promises to stop various Trump administration policies that were implemented directly or indirectly through executive power. These include ending basically every immigration policy Trump ever got sued over: the Muslim ban, family separation, "Remain in Mexico," "metering," the public charge rule, wanton cancellation of Temporary Protected Status, the pretend national emergency required to build a border wall, canceling DACA, denying asylum to battered spouses, etc.

What's great about this is that a president can do all those things. If Biden makes this a top priority, he can get rid of a lot of these abominations in his first week as president.

What might take a little longer: systemic change in the federal immigration enforcement agencies. Biden is promising to restore prosecutorial discretion to the DHS attorneys who act as prosecutors in immigration court, and he's also promised to clean house at CBP and ICE. Good, but for that to work, there needs to be real accountability for people who fall short. And CBP is sort of famous for not having any accountability for its officers. I don't know if I'm ready to ask Biden to purge those agencies, but after four years of [stories like this](#), I would love to see his administration get interested in who's in charge at the local level.

It's also worth noting that Biden says Senate-confirmed professionals will be in charge of the immigration agencies. Let's see what Mitch McConnell has to say about that. Or, even better, let's flip Georgia so that what he has to say is irrelevant.

LOL, Legislation

On that note, the Biden platform also says his administration will work with Congress to get immigration reform passed. You know what presidents can't do? Pass legislation. They especially [can't seem to pass](#) immigration reform legislation.

and people who have Temporary Protected Status. He's advocating for measures intended to end-run around the per-country cap on visas, which in practice means that people from high-demand countries like India and Mexico have to wait a really long time to receive visas that are already approved. He wants worker protections for people on seasonal and temporary visas (think farmworkers), who are in a position to be exploited.

And he wants to reform the H-1B visa system, both by preventing employers from paying H-1B holders in peanuts and by expanding the number of visas available. This one made me a bit nervous. There genuinely is a problem with H-1B holders being exploited, but it's much more nuanced than "foreigners are taking our jobs and driving down our salaries!" Unfortunately, the chances of a Congressional debate being anything resembling nuanced are zero.

Pay Attention

This is where you come in. The one good thing the Trump administration did on immigration was make people care. Once the Secret Service forcibly removes them from office, it's going to be real easy to stop paying attention. A relief, even, after four years of nonstop scandals. Please resist that urge. Bad things happened to immigrants under Obama too. They're going to happen under Biden unless we keep holding their feet to the fire.

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