

IMMIGRATION

What Are These Biden Executive Orders Trying To Achieve On Immigration?

The dizzying recent changes in immigration policy require a cheat sheet.

By LORELEI LAIRD

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As part of what I hope will be an ongoing campaign to remove the cruelty from American immigration policy, Joe Biden signed three executive orders on immigration Feb. 2 and then another on Feb. 4. You've probably read about them. However, because Biden is also busy unwinding all the messed-up stuff on other topics, you probably haven't done a deep dive into any of it.

Allow me to present my cheat sheet, with accompanying opinions. Broadly speaking, these four executive orders accomplish the following:

1. [Create a task force](#) to reunify families separated by the Trump administration. This is the headline order. Despite some [heroic efforts](#) from a group of nonprofits, there are still [1,198 children](#) who have not been reunited with parents deported without them. (Yes, the

Biden executive order creates a task force with representatives from the departments of Justice, State, HHS and Homeland Security to try to reunite the families, issue immigration documents when appropriate, and connect them to any services they need.

This is great. The *Ms. L. v. ICE* (the leading case on this topic) plaintiffs have been frustrated all along by the government's unwillingness to help clean up the mess it made. The order also asks them to issue a report every 120 days, which gives me a journalist boner. But the people who are [actually doing this work](#) want specifics and a timeline, and I don't blame them. Governments love to study questions for months and produce thick reports that don't do anything about whatever the underlying problem is. Actual implementation then takes months more. When children are growing up without anybody in their lives who loves them, and in some cases outside their own cultures, that is not an acceptable timeline.

2. [Start to unwind](#) Trump-era policies designed to destroy the asylum system. This order starts out strong by asking government agencies to look at the root causes of immigration. This is way overdue, since long before Trump. In fact, I'm not sure whether anybody has ever bothered to look at the root causes of migration, even though doing what we can on Latin America policy could go a long way toward addressing immigration. People don't leave everything they've ever known for fun; they usually have powerful "push" factors like violence or famine.

Where this thing stumbles is Section 4, asking agencies to review and consider terminating or modifying various Trump-era anti-asylum policies. This would include Remain in Mexico/MPP, Title 42, the "safe third country" agreements they strong-armed Central American nations into, policy on asylum for domestic violence victims, and more. These things were never intended to do anything other than keep brown people out of the United States, and a lot of them are probably illegal. It's obscene that our tax dollars support them.

The Biden administration [has publicly argued](#) that we don't have the processing capacity to deal with renewed migration that would result. But after four years of the Trump administration repeating "processing capacity" like a mantra every time it slammed the door shut, I need specifics. Did all the asylum officers [quit after being reassigned to Kansas City](#)? Make your case before the immigration law community starts making noise.

public charge rule. What I like about this is that it mandates a review of agency actions, and the devil is in the details on a lot of this stuff — ask anyone who’s dealt with USCIS. What I don’t like is that nothing is specifically said about visas, and the Trump administration certainly messed with visa programs. I’m also concerned about the federal government’s inability to get rid of immigration judges (and probably others in the immigration agencies) who were [hired specifically to harm immigrants](#). Those people are protected by civil service laws, so they probably can’t be fired just because they were illegally hired for political purposes.

4. [Rebuild the refugee admissions system](#). Quick explanation: Refugees and asylum seekers enter the U.S. through two different programs. Asylum seekers come to the border and ask for help; refugees apply while still living overseas and go through a comprehensive battery of tests. The number of refugees admitted to the United States every year is set by the president for each fiscal year, and the Trump administration cut refugee admissions from six figures under Obama to 15,000 in Trump’s last year. Biden is free to raise that back up to a more responsible number, and [CBS News](#) says he’s planning on setting it at 125,000 for fiscal 2022. The trouble is that federal fiscal years start October 1.

In the interim, the executive order authorizes all the necessary rehiring, attempts to streamline the application process, cancels Trump executive orders on the subject, and asks agencies to report on any policies that need to be changed. The order also, and I love this because it is not well known in the civilian media, mandates a review of the Special Immigrant Visa program for Iraqis and Afghans who used to work for the U.S. military. These people risked their lives for us, and too often, we have repaid them by letting their visa applications rot while terrorists tried to kill them. Even under Obama, a lot of them were [stuck in administrative processing forever](#), so I can only imagine how bad it must have been under an administration that actively hated Muslims.

Lorelei Laird is a freelance writer specializing in the law, and the only person you know who still has an “I Believe Anita Hill” bumper sticker. Find her at wordofthelaird.com.



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