

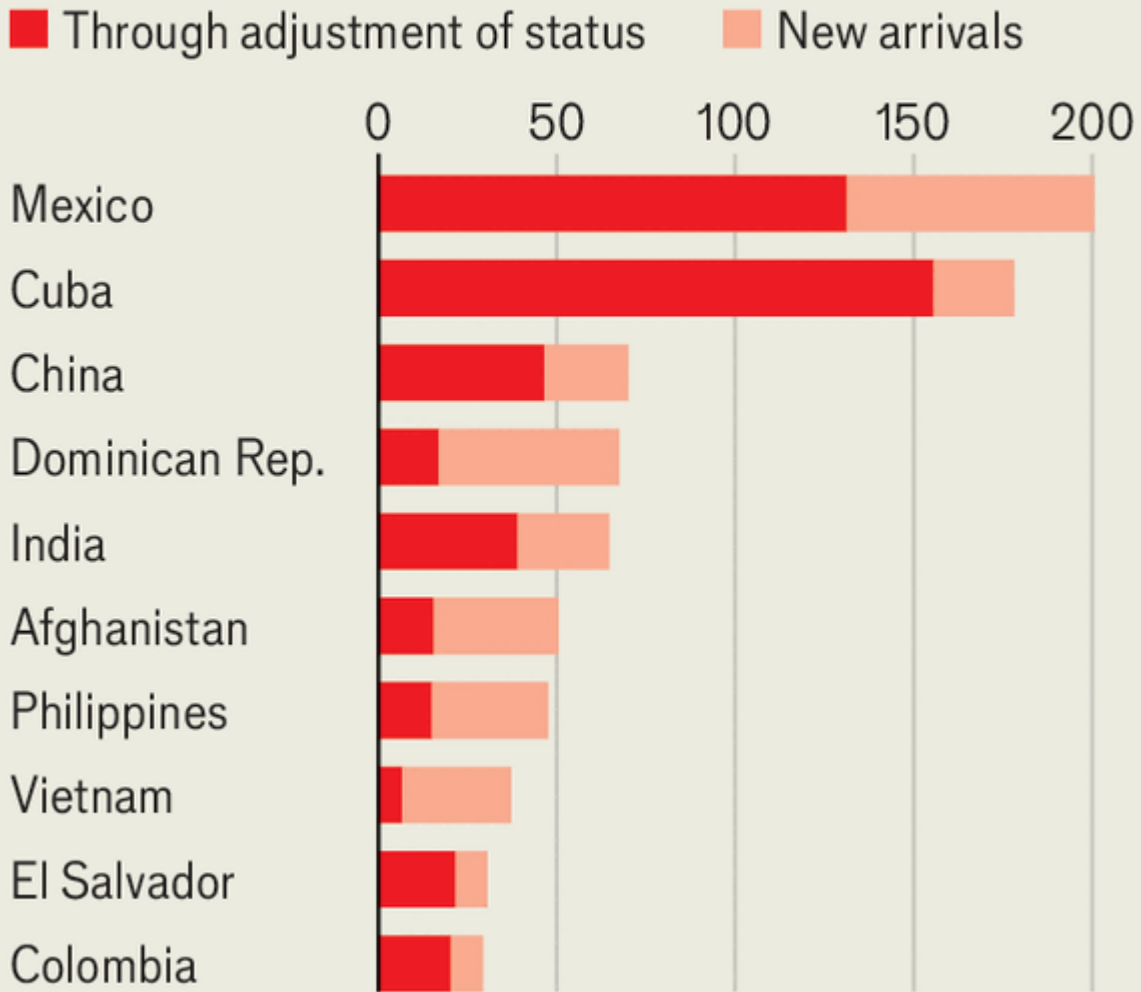
## **The Trump administration’s big move to limit legal immigration**

“GREEN CARD”, released in 1990, is one of the few romantic comedies built around immigration law. In the film Gérard Depardieu plays a French waiter living and working illegally in New York City. Andie MacDowell plays an environmentalist who marries him so that he can obtain a “green card”, as America’s permanent-residency permit is known. Alas, if President Donald Trump gets his way, the film’s premise may no longer work. In a move seemingly designed to slow legal migration—not just ruin mediocre films—the administration wants applicants to leave America before applying for a green card.

That would be a dramatic change. Since 1952, when Congress passed the Immigration and Nationality Act, America has allowed eligible foreigners—including those who marry citizens—to obtain permanent residency through a process formally known as “adjustment of status”. Anyone who arrived in the country legally could do this, in many cases even if they later overstayed a visa or otherwise violated its terms. In 2024, of the almost 1.4m people who obtained green cards, 58% did so from within the United States.

## The old way in

United States, people obtaining permanent residency, 2024\*, '000, top ten nationalities



\*Fiscal year ending September 30th

Source: Office of Homeland Security Statistics

According to a press release issued by the Citizenship and Immigration Services (USCIS) on May 22nd, the administration intends to end the practice except in what it called “extraordinary circumstances”. Instead, “aliens seeking adjustment of status must do so through consular processing via the Department of State outside of the country”, the release said. This, it added, “reduces the need to find and remove those who decide to slip into the shadows and remain in the US illegally”.

The announcement has alarmed applicants and left immigration lawyers scrambling to work out how the new policy might be implemented. If enforced strictly, it would freeze a large share of legal immigration and separate hundreds of thousands of families across the country. Immediate relatives of American citizens—including spouses, parents and children—account for a majority of adjustment-of-status applicants.

### **That door is closed**

For many—perhaps most—immigrants, returning home to apply for permanent residency simply is not feasible. In 75 countries the administration has paused visa processing. Nationals of those countries, which include Cuba and Afghanistan, accounted for more than 40% of adjustment-of-status applications in 2024. Elsewhere, including in India, waiting times for consular appointments can stretch to a year or more. Then there is the fact that applicants unlawfully present in America for more than a year face an automatic ten-year ban on re-entry if they leave the country—a category that may include a significant share of applicants.

Accompanying the short press release was a longer policy memo instructing immigration officers on how to exercise their discretion when considering adjustment-of-status applications. Essentially, it tells them to scrutinise such requests more aggressively. But immigration lawyers say the new policies may not withstand judicial scrutiny. “It is cobbled-together nonsense and it should die a swift death in court,” says Justin Randolph, an immigration lawyer in Chicago. “It is going to be enjoined pretty quickly,” adds Matt Cameron, another lawyer from Boston.

Adjustment of status was not created by Congress as a rare exception. Many “temporary” visas are explicitly designated by law as “dual intent”, meaning they allow foreigners to arrive while intending eventually to stay permanently. The situation is different for tourists who later apply for green cards: immigration officers may deny such applications if they conclude that the applicant entered the country already intending to remain. Even so, the law specifically requires immigration authorities to overlook visa overstays and illegal employment—though not illegal entry—for immediate relatives of American citizens. Judges deciding individual cases will have

to look to the statute and long-standing practice, not to the administration's memo. "With a good lawyer you could still get through this," says Mr Cameron.

For now, though, the process will almost certainly become tougher. USCIS is already sending out "requests for evidence", notices demanding additional documentation from applicants. Absent a class-action lawsuit or a clear judicial rebuke, applicants from wealthier countries will probably wait abroad while their cases grind through the bureaucracy. Others may stay and hope immigration judges eventually rule in their favour. Making the process more expensive, unpredictable and exhausting may be the point. The administration's apparent aim is to scare people away from applying. Officials around Mr Trump have repeatedly promised to deport 20m or more illegal immigrants, which is difficult when there are at most 14m in the country. Preventing some from obtaining legal status may be easier.