

President Trump Proposes New, Merit-Based Immigration System

By Elizabeth M. Klarin

May 16, 2019 | **IMMIGRATION**

As expected, President Trump announced today a proposal to change the U.S. immigration system to a merit-based system. It's no exaggeration to call this an overhaul; if passed into law, it would dramatically reshape the current immigration system in the U.S.

Historically, U.S. immigration law and policy focused on maintaining our identity as a “nation of immigrants.” But in early 2018, the Department of Homeland Security made a quiet but significant signal that it was formally stepping away from this identity, revising the stated purpose of the U.S. Citizenship and Immigration Services (USCIS)—the main immigration arm of the U.S. government—to remove reference to securing America’s promise as a nation of immigrants. Now, the stated purpose of the USCIS includes, instead, a focus on securing “the Homeland.”

The message appeared clear at the time: we aren’t focused anymore on letting people in; we want to keep them out. Over the period since, immigration policies rapidly and dramatically shifted to implement this new mindset—both within the USCIS and within other agencies of the Department of Homeland Security. “Buy American, Hire American” has played out as “America first, and let’s make it ugly for everyone else.”

President Trump’s newly proposed system could go a long way to support that stance, giving points based on merit—as determined by the U.S. government, based on its priorities. These priorities have come to shift or stick based on a wide variety of non-regulatory or even data-based factors, often putting political priorities on an equal footing with traditional values or even hard data about what and who our country actually needs to remain economically and strategically successful. Unless this newly proposed system allows us to recruit foreign talent to fill critical gaps in the U.S. labor market, it could confound an already immense problem impacting both the U.S. economy and the ultimate success of the U.S. on the world stage. Done right, it could—at the very least—move us in a sustainable direction that might (again, at least) put a much needed cast on a very badly broken system.

The question at issue really is: what is the most effective way to begin the healing process? I, for one, am very eager to see whether any proposal on immigration can even make it through a divided Congress, no matter how effective a solution it might be. If nothing can, the rubber will never hit the road, and we’ll remain stalled in a very difficult and precarious position until the problem becomes so overwhelming that the issue itself will force some action. But by then, the most effective solutions might no longer be on the table.

Disclaimer: *The information in this post is provided for general informational purposes only, and may not reflect the current law in your jurisdiction. No information contained in this post should be construed as legal advice from our firm or the individual author, nor is it intended to be a substitute for legal counsel on any subject matter. No reader of this post should act or refrain from acting on the basis of any information included in, or accessible through, this post without seeking the appropriate legal or other professional advice on the particular facts and circumstances at issue from a lawyer licensed in the recipient's state, country or other appropriate licensing jurisdiction.*