

INTRODUCTION

The U.S. immigration system has been in need of reform on a variety of fronts—from the challenges facing those in the country without documentation, to the need for fairer asylum laws, to often-inefficient processing of employment-based immigration benefits—and is crying out for common-sense solutions. Sadly, Congress has not been able to pass immigration reform legislation in many years. Perhaps 2022 will be the year for a long-awaited success.

It is an understatement to say that the four years of the Trump administration were challenging for both immigrants and immigration attorneys. For the duration of the administration, policy changes came often and with little warning. Toward the end of the Trump administration, a heap of regulations were proposed and quickly struck down by courts or dropped as the administration came to an end.

The Biden administration quickly reversed a number of Trump-era policies, but more work is needed to make the U.S. immigration system work fairly and efficiently for its diverse stakeholders. Most notably, the Biden administration rescinded the much-reviled Public Charge Rule, which required all green card applicants to submit voluminous and intrusive financial documentation to prove that they would not become financially dependent on the U.S. government.

On the other hand, the Biden administration perpetuated other Trump-era rules and it is unclear when or whether those policies will be reformed. Thankfully, as of November 8, 2021, the COVID-related travel bans for those who visited China, Iran, Brazil, South Africa, the United Kingdom, Ireland, the European Schengen Zone, and India were rescinded in favor of a COVID-19 vaccination policy for all nonimmigrants who travel to the United States. While this should make travel to the United States much smoother, the U.S. Department of State continues to face major challenges.

Due to local restrictions and lack of staffing, the agency's ability to quickly and efficiently process nonimmigrant and immigrant visas has been severely impacted by COVID-19 and mismanagement. Obtaining visa appointments for “routine” vi-

sas, like H-1Bs, can take weeks or months and often requires extensive follow-up with the consular post. In addition, the agency has said it will take years to clear its backlog of immigrant visa applications. Those waiting abroad for green cards might wait for several years, not because visas are unavailable, but because the agency cannot process them efficiently.

The silver lining of the Department of State's backlogs was a glut of green card numbers for Fiscal Year 2021 that allowed thousands of individuals to file adjustment of status applications in October 2020. Unfortunately, U.S. Citizenship and Immigration Services' slow processing and potential mismanagement of that influx of applications has led to the loss of a similar glut of visa numbers for Fiscal Year 2022. Applicants who thought their green cards would at least be approved by October 2021 find themselves still waiting.

As this Introduction is completed in late 2021, we are anxiously awaiting action by Congress on budget reconciliation that could provide that long-awaited green card backlog relief for thousands of physicians. As stated above, many years have passed since Congress provided any sort of immigration reform, so it is hard to know whether this latest attempt will be successful. If immigration reform passes, we will endeavor to educate the public and the community of international physicians, their employers, and recruiters as to how the reforms will operate.

As the economic changes brought on by COVID-19 continue to disrupt many industries, including health care, our firm will continue to stay at the forefront of immigration policy changes—both positive and negative. We continue to advocate before government agencies for changes to our nation's immigration laws and policies that will positively benefit physicians and their employers.