

National Foundation for American Policy

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New Research: Second Trump Administration Likely To Reduce Legal Immigration and Restrict H-1B Visas

Harsh Policies Expected on Illegal Immigration, Possible Family Separation

Arlington, Va. – If Donald Trump is elected president in November 2024, he should be expected to restrict legal immigration, including green cards and H-1B visas, according to a new National Foundation for American Policy (NFAP) [analysis](#). The nonpartisan research organization, based in Arlington, Virginia, has produced three new reports on the Trump administration's policies on [high-skilled immigration](#), [illegal immigration](#) and [legal immigration](#). The goal is to review past immigration policies to understand better the course of future policies.

Based on the immigration policies enacted during the Trump administration, if Donald Trump is elected president in November 2024, his administration will pursue an enforcement-only approach to illegal immigration by resuming past policies, eliminating humanitarian pathways the Biden administration established, reducing legal immigration and attempting to deport immigrants on a mass scale. A Democratic victory in the November election would likely lead to a continuation of policies that returned legal immigration to pre-Trump levels and used new legal pathways and restrictions on asylum to discourage illegal entry. Illegal entry, based on border arrests, was lower in July 2024 than during Donald Trump's last month in office: 56,408 Border Patrol encounters in July 2024 vs. 75,316 in January 2021.

The three studies can be found at <https://nfap.com/>.

Among the findings in the research:

- In April 2020, Donald Trump used his authority under section 212(f) of the Immigration and Nationality to issue a [proclamation](#) to prevent the entry of nearly all categories of immigrants, including employment-based. No other president had used the 212(f) authority in this manner. In June 2020, a second [proclamation](#) suspended the entry of H-1B, L-1 and other temporary visa holders.
- During the four years Donald Trump served as president, his administration did not enact or propose any measures to expand the entry of high-skilled foreign nationals or immigrants to the United States
- The Trump administration carried out what judges later determined to be unlawful policies on high-skilled immigration for nearly four years. Those policies resulted in high denial rates for H-1B petitions for initial employment of 24% in FY 2018, 21% in FY 2019 and 13% in FY 2020, compared to 6% in FY 2015. The FY 2020 denial rate would have been much higher without court rulings and a [legal settlement](#). H-1B petitions for "initial" employment are primarily for new employment, typically a case that would count against the H-1B annual limit.

- The Trump administration attempted to make its H-1B policies lawful through an interim final rule on H-1B visas issued in October 2020, but the rule was blocked for violating the Administrative Procedure Act. That regulation went even further than earlier administration policies and company and university personnel said the rule would have made employing H-1B visa holders nearly impossible.
- The Trump administration used presidential authority and administrative methods to reduce legal immigration. In FY 2016, 1,183,505 people immigrated (i.e., received permanent residence) to the United States. If the FY 2016 legal immigration level had continued during the four years of the Trump administration, approximately 770,000 more individuals would have immigrated legally to the United States. The annual level of legal immigration declined by 13% (or 151,740) between FY 2016 and FY 2019 and 40% (or 476,143) between FY 2016 and FY 2020. That decline continued in FY 2021, almost four months of which took place during the Trump administration. Temporary visa holder admissions also declined during the Trump administration.
- The Trump administration endorsed the RAISE Act and a bill that failed in the Senate. Both bills aimed at eliminating several immigration categories and reducing annual levels of legal immigration by up to 50%.
- Economists found the lower number of immigrants and temporary visa holders admitted during the Trump administration, combined with the impact of Covid-19, caused significant economic harm to the U.S. economy. University of North Florida Professor Madeline Zavodny found that slower growth in the working-age foreign-born population between 2016 and 2022 “reduced U.S. real GDP growth by an estimate of up to 1.3 percentage points in 2022,” according to an NFAP [study](#). “U.S. real GDP would have risen by up to an estimated 3.2 percentage points in 2022 if the working-age foreign-born population had continued to grow at the same rate it did during the first half of the 2010s.” Instead, U.S. real GDP rose by only 1.9 percentage points in 2022. Zavodny found if America had more immigrants and temporary visa holders in recent years, it would likely have boosted economic growth. Preventing a shortfall of workers also helps to control inflation by increasing supply.
- The Biden administration’s policies returned legal immigration in FY 2022 close to the FY 2016 level by restoring processing, eliminating administrative obstacles and increasing refugee admissions. Economists have credited the increase in foreign-born workers in recent years with improvements in the U.S. economy. That increase in foreign-born workers has included those who entered without authorization. “With this recent immigration wave, the foreign-born labor force has recovered completely from the pandemic drop, even exceeding what would have been expected absent the pandemic,” according to an analysis published by the Federal Reserve Bank of Dallas.
- The Trump administration separated parents from their children at the U.S.-Mexico border, believing it would deter illegal entry. When the policy became widely known, including after *ProPublica* published audio of separated children crying for their parents, Republican lawmakers joined with Democrats to criticize the policy, which resulted in its demise. A DHS task force identified more than 3,900 children separated from their parents during the Trump administration, with nearly 1,000 children still not reunited with their families as of February 2023. “Throughout the remainder of his presidency, Trump pushed to relaunch family separations,” according to *The Atlantic*, indicating the policy could return in a second Trump administration.
- The Trump administration attempted to end DACA for young people brought to the United States as children. The Supreme Court blocked the effort to remove current DACA recipients from the Deferred Action for Childhood Arrivals program. The Trump

administration was also stopped in court from removing approximately 300,000 people from Temporary Protected Status.

- Despite using harsh policies, illegal immigration rose significantly during the Trump administration. Border Patrol data show the Trump administration's use of more punitive immigration enforcement policies was ineffective in reducing illegal entry. Apprehensions at the Southwest border, a proxy for illegal entry, [increased](#) by more than 100 percent between [FY 2016](#) and [FY 2019](#) (from 408,870 to 851,508). After the start of the Covid-19 pandemic in March 2020, Border Patrol encounters initially declined. However, Border Patrol [encounters](#) on the Southwest border rose from 16,182 in April 2020 to 69,032 by October 2020, a 327% increase.
- An NFAP [policy analysis](#) found the Biden administration's introduction of humanitarian parole programs proved effective in reducing illegal entry. "After the Biden administration introduced humanitarian parole programs, Border Patrol encounters declined by 92% for Cubans, Haitians and Nicaraguans as a group between December 2022 (the month before the parole programs started) and November 2023 compared to an 18% increase for nationals of non-parole countries," according to the analysis.
- Border Patrol encounters dropped in April, May, June and July 2024 after the Biden administration introduced a new asylum policy and gained greater cooperation from Mexico in preventing migrants from reaching the Southwest border.

The immigration policies the Trump administration enacted signal the types of policies one can expect should Donald Trump be elected president in November 2024. A Democratic administration would likely continue policies similar to those of the past four years. A new Trump administration may enact harsher immigration policies than during its first term, including an effort at mass deportation, pursuing undocumented immigrants in schools and using the military for immigration enforcement. Trump officials in a second term can be expected to reduce legal immigration through all means at their disposal.

About the National Foundation for American Policy

Established in 2003, the National Foundation for American Policy (NFAP) is a 501(c)(3) nonprofit, nonpartisan public policy research organization based in Arlington, Virginia focusing on trade, immigration and related issues. The Advisory Board members include Columbia University economist Jagdish Bhagwati, Ohio University economist Richard Vedder, Cornell Law School professor Stephen W. Yale-Loehr and former INS Commissioner James W. Ziglar. Over the past 24 months, NFAP's research has been written about in the *Wall Street Journal*, the *New York Times*, the *Washington Post* and other major media outlets. The organization's reports can be found at www.nfap.com. Twitter: [@NFAPResearch](https://twitter.com/NFAPResearch)

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