



Week in Regulation

Asylum Measures Drive Net-Cost Week

DAN GOLDBECK, DAN BOSCH | JUNE 29, 2020

Last week, the Supreme Court handed down a favorable [ruling](#) to the Trump Administration regarding asylum procedure. Meanwhile, in the pages of the Federal Register, the two regulatory actions that dominated the week in terms of economic impact also happened to focus on asylum procedure. The pair of Department of Homeland Security (DHS) rules ended a four-week long deregulatory streak. Across all rulemakings, agencies published \$27.6 billion in total net costs and added 2.3 million hours of annual paperwork.

REGULATORY TOPLINES

- Proposed Rules: 31
- Final Rules: 82
- 2020 Total Pages: 38,688
- 2020 Final Rule Costs: -\$168.2 billion
- 2020 Proposed Rule Costs: \$7 billion

TRACKING THE REGULATORY BUDGET

Two DHS regulations regarding asylum caused significant movement in the fiscal year (FY) 2020 regulatory budget. The first [rule](#) removes the primary time constraints that dictate how quickly DHS must act upon an asylum-seeker's "Application for Employment Authorization." The second [rule](#) makes a much broader set of changes to the asylum process with the intent of bringing greater scrutiny towards an asylum-seeker's overall application. Together, these rules bring roughly \$26.7 billion in totals costs, largely from the opportunity cost of forgone productivity due to the absence of these individuals' labor as they face a longer waiting period for a final determination from the government.

The Trump Administration expected to reach \$51.6 billion in cumulative net savings in [FY 2020](#). To date in the fiscal year, agencies have officially published 100 deregulatory actions and 35 regulatory actions, totaling \$170 billion in quantified total net cost savings.

THIS WEEK'S REGULATORY PICTURE

This week, the U.S. State Department eliminates two regulations dealing with obsolete visa programs.

Ⓡ Removal of Regulations Relating to the Irish Peace Process Cultural Exchange and Training Program

by the State Department on 06/26/2020.

In accordance with Executive Orders 13771 and 13777, which direct federal agencies to review and eliminate outdated and unnecessary regulations, the Department of State ("Department") is removing regulations related to an obsolete visa program. The Irish Peace Process and Cultural Training Program was established in 1998 and created what is...

Ⓡ Removal of Regulations Related to Immigrant Visas for Certain Expatriates

by the State Department on 06/26/2020.

In accordance with Executive Orders 13771 and 13777, which direct federal agencies to review and eliminate outdated and unnecessary regulations, the Department of State (Department) is removing a regulation related to issuance of immigrant visas to women expatriates who lost citizenship as the result of marrying an alien prior to 1922.

The State Department published two rules in the June 26 issue of the Federal Register eliminating regulations implementing two visa programs that are no longer used.

The [first](#) removes text from the federal code for a visa program that has not been used since 1998. The Expatriation Act of 1907 forced some American women to lose their citizenship status if they married a foreign citizen. Though that provision was repealed in 1922, women who lost their citizenship during those 15 years were still required to get a special immigration visa. Since 22 years has passed since the last time such a visa was issued, the State Department has determined "it is unlikely that any person eligible for this category is still living." Accordingly, it is removing the regulation.

The [second](#) removes a rule pertaining a program known as the Walsh Visa. That program, enacted in 1998, "allowed young people from disadvantaged areas of Northern Ireland and designated counties of the Republic of Ireland suffering from sectarian violence and high structural unemployment to temporarily enter the United States to develop job skills and conflict resolution abilities in a diverse, cooperative, peaceful, and prosperous environment." The program, which was intended to assist in the Irish peace process, expired in 2008.

Though the repeal of these rules may seem minor – there are no quantifiable savings even though each qualifies as a deregulatory action for the purposes of the regulatory budget – their removal does help clean up the regulatory code. It also illustrates that too often federal agencies let obsolete regulations linger on the books rather than remove them. This week's State Department actions are a small step in the right direction.

TOTAL BURDENS

Since January 1, the federal government has published \$161.2 billion in total net cost savings (with \$168.2 billion from finalized rules) and 34.6 million hours of net annual paperwork burden increases (with 17.1 million hours due to final rules). [Click here](#) for the latest Reg Rodeo findings.

ct All]

Total Number of
Regulations
Finalized

168

Total Finalized Cost
-\$168.2b

Paperwork Hours
17,099,309