

Michael Cataliotti, an immigration lawyer in New York, recalled a case in which he printed and attached emails between a physicist and the editors of peer-reviewed journals, to demonstrate the physicist had served as a reviewer for each of them. Because the email was printed from his work computer, Cataliotti's name appeared at the top of the paper.

This seemed to confuse the USCIS official handling the case. "The document has been altered, and as such, is inadmissible," the official wrote.

Other examples show an overly strict reading of the rules, sometimes applied incorrectly. Courtney Morgan-Greene, an immigration attorney in California, said the USCIS tried to deny a religious worker's request for a visa extension because she had taken some time off from her job — in order to give birth, and then to mourn the death of her child after 11 months.

The response from the agency began, "While USCIS sympathizes with the death of the beneficiary's baby," and went on to deny the case based on the time she took off. Morgan-Greene emailed the quote to ProPublica.

USCIS policy allows breaks in employment "such as sick leave, pregnancy leave, spousal care and vacation as long as they do not exceed two years." Morgan-Greene said her client's two periods of leave combined did not add up to two years. "Not only is the decision incorrect as a matter of law, it shocks the conscience," she said.

Employers are just as frustrated as immigrants trying to obtain green cards and visas. On Aug. 22, a group of CEOs representing major U.S. companies, including JPMorgan Chase, Cisco Systems, American Airlines, Apple, Coca-Cola and Texas Instruments, sent a letter to DHS Secretary Kirstjen Nielsen with their concerns with recent USCIS policy changes.

"Inconsistent government action and uncertainty undermines economic growth and American competitiveness and creates anxiety for employees who follow the law," they wrote.

They added: "USCIS actions significantly increase the likelihood that a long-term employee — who has followed the rules and who has been authorized by the U.S. government multiple times to work in the United States — will lose his or her status. All of this despite the Department of Labor having, in many cases, certified that no qualified U.S. workers are available to do that person's job."

Sarah Pierce, a policy analyst at the Migration Policy Institute, said examples of H-1B misuse are "highly concerning," but she said that there's no clear data to prove how widespread it is. "We know there are a lot of legitimate employers that use this program as well," she said.

Pierce said targeted approaches — such as limiting contractors from hiring H-1B workers or going after companies that mainly depend on H-1B workers — would be better solutions than a blanket approach making it difficult for all companies to hire foreign workers.

But Trump has made it clear that he would like to see a reduction in all immigration. "One thing really unique about President Trump is he views not just illegal immigration, but legal immigration through the context of it being a security threat and an economic threat to the United States," Pierce said.

Even when cases are ultimately approved, Feist says employers have told her they will reconsider going through the process again. Workers stuck in limbo have told her they're considering other options, too.

Cataliotti agreed the strategy seems designed to frustrate, "so either one or both parties says: Forget it, I can't do this anymore, the position is gone, or I might as well go to Canada."