

How the Trump Administration is Changing U.S. Immigration: A Six Month Look Back

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President Trump's Executive Orders

- Travel to the U.S.
- Initiatives that Affect U.S. Businesses and Business Travelers
- Predictions of What Lies Ahead



Travel to the U.S.

- Initial Executive Order prohibited admission, for a period of 90 days, of any foreign national from countries known as the "countries of concern" – Libya, Syria, Iraq, Iran, Sudan, Yemen, and Somalia.
- Publication of Executive Order without clear guidelines caused significant hardship to travelers.
- Court injunctions and restraining orders.
- Obama Administration restrictions on travel by Visa Waiver Nationals who have visited the "countries of concern" in the last five years remains in effect.
 - Visa is required.

Travel to the U.S.

- New Executive Order signed March 6.
- Removes Iraq from the list of banned countries.
- Order was to take effect on March 16; court injunctions have put a hold on the travel and visa ban.
 - 4th and 9th Circuits have upheld the injunction on the travel and visa ban.
 - Trump Administration has filed for a Petition for Writ of Certiorari and stay pending disposition of appeal.



Travel to the U.S.

- A Presidential Memorandum issued March 6 calls for "enhanced vetting procedures" and "rigorous enforcement" of grounds of inadmissibility.
 - Inspection of electronic devices.
 - Customs and Border Protection searched nearly 15,000 electronic devices from October 1, 2016 to March 30, 2017.
 - Visa interviews.
 - U.S. Embassies instructed to identify applicants and population groups for additional screening.
 - Department of State introduced Form DS-5535 supplement.



Initiatives that Affect U.S. Businesses and Business Travelers

- Increase of an additional 10,000 immigration officers will heighten scrutiny of U.S. businesses, particularly those in target industries.
 - Congressional Appropriation of \$3,000,00 is being requested for Border Security and Interior Enforcement.
- Development and implementation of a biometric entry/exit tracking system for all foreign travelers to the United States.
 - Exit tracking has been a challenge for prior administrations.
- International Entrepreneur Rule sent to OMB for further review.



Initiatives that Affect U.S. Businesses and Business Travelers

- Buy American and Hire American
 - Directs Federal agencies to propose reforms to the H-1B program to prevent displacement of American workers.
 - Labor Department's authority to audit Labor Condition Applicants.
 - DOL Secretary's 6/17/2017 announcement.
 - Directs ETA to develop and propose changes to the Labor Certification Application and review forms to identify fraud.
 - Directs WHD to enforce labor protections provided by Visa programs.

Predictions

- Businesses should be ready for Form I-9 compliance audits, including unannounced inspections in target industries such as hospitality, farming, and food production.



Predictions

- Congress can require companies to clear all new employees through E-Verify, which is now optional. E-Verify is an internet-based system that determines the eligibility of employees to work in the United States.



Predictions

- Employers can anticipate a thorough review of the H-1B program, including requirements for dependent employers, the number of available Visas, prevailing wage determinations, adjudications, and site visits.



Predictions

- Colleges and students should expect increased scrutiny at Consular interviews, SEVIS tracking and enforcement, and proposals seeking to limit employment and training opportunities.





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