

# POST-INAUGURATION IMMIGRATION PANEL

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- UCLA, B.A./Loyola Law School, J.D.
- U.S. News-Best Lawyers Los Angeles Immigration Law “Lawyer of the Year” 2014 & 2016
- Best Lawyer 2025
- Who’s Who of Corporate Immigration Lawyers “expert on consular issues”
- Who’s Who Legal “excellent in-person attorney/client representation at U.S. consular posts”

# Presenter



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# Legal Disclaimer



- This does not constitute legal advice
- For informational purposes only
- For legal opinions or questions pertaining to your specific case, please schedule a consultation with one of our attorneys or contact your WR Immigration case team

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# ROADMAP

- RECENT EXECUTIVE ORDERS AND CHANGES IN IMMIGRATION POLICIES
- IMPACT OF NEW ADMINISTRATION'S POLICIES ON INTERNATIONAL STUDENTS AND SCHOLARS
- FOCUS - F, J, AND UCLA-SPONSORED EMPLOYMENT-BASED VISAS
- QUESTIONS AND ANSWERS – LIVE AND PRE-SUBMITTED

# AGENDA

- President Donald Trump's 2nd term will reshape U.S. immigration law. What to expect and how best to prepare?
- Planning ahead for extreme vetting and processing/visa delays
- Preparing for more restrictive admissions and travel bans
- Potential limits on lawful pathways such as OPT/CPT/Practical training/H-1Bs and other visa options
- Buy American/Hire American (BAHA)
- Know your rights
- Challenge to Birthright Citizenship

# U.S. Immigration



- America has greatly benefitted from immigration.
- Ronald Reagan: "Other countries may seek to compete with us; but in one vital area, as a beacon of freedom and opportunity that draws the people of the world, no country on earth comes close. This, I believe, is one of the most important sources of America's greatness. Tuesday, July 2019 "
- More than 22 million Americans living in mixed status families.
- Immigrants are vital to our economy and to our communities



# Extreme Vetting Processing/Visa Delays



- Plan ahead and anticipate delays.
- Increased Scrutiny of Consular Visa Processing with DOS and Border Entries with CBP.
- Reallocating and reducing DOS resources, coupled with a return to “extreme vetting” and “travel bans,” will lead to longer processing times for visa issuances outside the U.S.
- Prepare for potential disruptions in travel to the United States, including potential travel bans that could restrict the entry of certain foreign nationals.
- Poses challenges to foreign nationals already in the United States who need to travel abroad for business or pleasure.
- Exercise caution when traveling internationally and discuss any potential travel in advance with Dashew Office.

# President Trump Travel Ban EO

- Travel Ban and **Potential** Restrictions
- The EO titled Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats mandates a review of countries with potentially insufficient visa vetting processes.
- A travel ban could be implemented within 30 to 60 days. The same EO will implement extreme vetting for visa applicants, which would cause delayed visa issuance.
- Nonimmigrant employees and their families are strongly advised to avoid travel during this period.
- Visa applicants should plan for additional time when applying for visas at consular posts abroad.



# PRIOR President Trump Travel Bans

During **prior** Trump Administration:

- Applied to persons:
  - (i) outside of the U.S. on the day the travel ban went into effect, and
  - (ii) did not have a valid visa on the day ban in effect, and
  - (iii) and who had not obtained a waiver



# PRIOR Trump Travel Ban

- Last time did NOT apply to:
  - U.S. Citizens & Lawful Permanent Residents;
  - Persons admitted or paroled into the U.S. on or after the effective date;
  - Persons with a document other than a visa that allows them to travel to the U.S., if document is dated on or after the effective date;
  - Dual-nationals traveling on a passport from a non-designated country;
  - Individuals granted asylum;
  - Refugees already admitted to the U.S.; or
  - Individuals granted withholding of removal, advance parole, or protection under the Convention against Torture



# PRIOR Trump Travel Ban - Waivers

- If from one of the countries covered by a travel ban and do not yet have a valid U.S. visa, cannot obtain a visa unless qualify for a waiver.
- Consular officers may, on a case-by-case and discretionary basis, grant a waiver to affected individuals for certain reasons.
- Waiver Requirements:
  - denying entry to the U.S. would cause the foreign national undue hardship;
  - admission would not pose a threat to the national security or public safety of the United States; and
  - entry would be in the U.S. national interest



# PRIOR Limitations on Work Authorization for Students and Others

- The prior Trump administration attempted to restrict employment and benefits for international students.
- Likely to see similar initiatives in 2025 but too early to tell.
- May tighten policies relating to “unlawful presence” for international students who fall out of status making it more difficult to transfer between schools and other academic programs and to obtain reinstatement.
- Do not fall out of status
- Do not violate status
- Do not break rules or get arrested for DUI. Automatic visa cancellation on arrest
- **Marijuana is illegal under federal law**



# Possible limitations on Work Authorization for Students and Others

- Possibly may roll back regulatory authorization of employment authorization categories not explicitly granted by the Immigration and Nationality Act (INA).
- Possible restrictions or even elimination of Optional Practical Training for F-1 students, work authorization for certain H-4 spouses, and humanitarian programs such as Uniting for Ukraine, Temporary Protected Status, and Deferred Action for Childhood Arrivals.



# Possible Stricter Limits on Visa-Sponsored Petitions



- May be harder for employers to obtain work-sponsored visas for their foreign workers.
- H-1B visa may see new laws and regulations designed to limit eligibility and availability and increase site visits.
- Policy changes may affect other employer-sponsored visa categories, including L-1 intracompany transfers, TN, E-3 professionals, and many others.
- Prepare for stricter adjudications, particularly on H-1Bs, TNs, O-1s and E-3s (initial petitions and extensions)
- Possible uptick in Requests for Evidence, which would cause a significant delay in case adjudications and make approvals more challenging.



# Possible Stricter Limits on Visa-Sponsored Petitions



- Tightening the definition of “specialty occupation” for H-1B visas, making it more difficult to obtain an H-1B for roles that do not generally require a specific degree, such as computer programmers and similar positions.
- Enforcing stricter employer-employee relationship requirements that may limit third-party placement of H-1B workers.
- Increasing denials: the previous Trump administration had higher H-1B RFEs and denial rates (up to 24 percent denied in 2018).
- Modifying and enforcing stricter wage requirements for H-1B visa holders, likely reintroducing a 2020 Department of Labor rule that would have raised the required wages for H-1B workers. Such changes could make it financially unfeasible for many H-1B professionals to obtain visas, particularly in entry-level positions.
- Modifications to the random H-1B lottery system to skew selection more toward higher-skilled, higher-paid positions. This could harm U.S. employers seeking to use H-1B workers to fill entry-level skilled positions and reduce the ability of foreign graduates from U.S. universities to qualify for entry-level H-1B roles.

# Buy American, Hire American (BAHA)

- **Prior** Executive Order required all immigration officers to determine whether approval of any temporary visa or green card petition or application would harm U.S. workers.
- Sought to create higher wages and employment rates for U.S. workers by rigorously enforcing and administering immigration laws.
- Likely return of in-person interviews for employment-based and family-based green card applications filed within the U.S.



# Cautions

- Stay focused and strictly follow the law and rules
- Do not violate visa status
- Ensure compliance with terms of your visa/status
- Do not engage in unauthorized employment
- First amendment allows freedom of speech and expression  
BUT new Executive Order
- Imperative to follow orders to disperse from law enforcement  
AND campus authorities
- If found liable for campus violating Student Code of Conduct  
and suspended, immediate termination of status and **MUST  
DEPART IMMEDIATELY**
- Chances of getting a new visa are low to zero

# Tips for Maintaining Status



- Check CBP website online after you enter the U.S. to make sure your expiration date and classification are correct, for you and all dependent family members. <https://i94.cbp.dhs.gov/home>
- If you are an F-1 student – conservatively best to **carry your** latest valid I-20, EAD, and/or receipt for EAD extension if applicable, especially off campus. J-1/J-2s, **carry** have your valid DS2019 and/or EADs especially off campus.
- Off campus, carry your passport which upon entry must be valid for at least 6 months with exceptions.
- H-1B workers, carefully review and understand your latest petition filing including the job duties and requirements. You may be questioned by an Immigration Officer. If anything appears inaccurate, especially the worksite location for H-1B workers, let your immigration contact know immediately.
- Lawful permanent residents note the law requires you to carry your green card.
- F-1 and J-1 status holders, make sure your U.S. address and your home country address are always up to date on [MyBruin International Portal](#)

# Tips for Challenge to Birthright Citizenship

- The EO titled Protecting the Meaning and Value of American Citizenship introduces restrictions on birthright citizenship.
- **Effective February 19, 2025** . Key changes include:
- Eligibility Restrictions: Children born in the U.S. will not automatically receive citizenship if their parents are:
  - Unlawfully present in the U.S. and not U.S. citizens or lawful permanent residents.
  - Temporarily in the U.S. on nonimmigrant visas (e.g., B-1/B-2, **F-1, H-1B**, L-1, TN, O-1, P-1).



# Tips for Challenge to Birthright Citizenship

- Recommended Actions for Work Visa Holders:
- Plan to include children in future green card and immigration petitions.
- Apply for or renew children's U.S. passports where possible now using expedited processing to avoid delays.
- Litigation Note: This EO is currently being challenged by 22 states. While its future is uncertain, employees should take precautions and secure documentation for their children promptly.



## **CURRENT LAW** - Know Your Rights:



### If ICE or Law Enforcement Stops You

For more information, read this ACLU “Know Your Rights” guide.

<https://www.aclu.org/know-your-rights/immigrants-rights>

### CBP Authority/Policy to Search Electronic Devices:

<https://www.cbp.gov/travel/cbp-search-authority/border-search-electronic-devices>

# Resources and Executive Orders



PROTECTING THE U.S. FROM FOREIGN TERRORISTS AND OTHER NATIONAL SECURITY AND PUBLIC SAFETY THREATS

<https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-united-states-from-foreign-terrorists-and-others-national-security-and-public-safety-threats/>

CLARIFYING THE MILITARY'S ROLE IN PROTECTING THE TERRITORIAL INTEGRITY OF THE U.S.

<https://www.whitehouse.gov/presidential-actions/2025/01/clarifying-the-militarys-role-in-protecting-the-territorial-integrity-of-the-united-states/>

PROTECTING THE AMERICAN PEOPLE AGAINST INVASION

<https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

AMERICA FIRST POLICY DIRECTIVE TO THE SECRETARY OF STATE

<https://www.whitehouse.gov/presidential-actions/2025/01/america-first-policy-directive-to-the-secretary-of-state/>



# Resources and Executive Orders



## AMERICA FIRST TRADE POLICY

<https://www.whitehouse.gov/presidential-actions/2025/01/america-first-trade-policy/>>\*

## DESIGNATING CARTELS AND OTHER ORGANIZATIONS AS FOREIGN TERRORIST ORGANIZATIONS AND SPECIALLY DESIGNATED GLOBAL TERRORISTS

<https://www.whitehouse.gov/presidential-actions/2025/01/designating-cartels-and-other-organizations-as-foreign-terrorist-organizations-and-specially-designated-global-terrorists/>

## GUARANTEEING THE STATES PROTECTION AGAINST INVASION

<https://www.whitehouse.gov/presidential-actions/2025/01/guaranteeing-the-states-protection-against-invasion/>>\*

## RESCINDING BIDEN'S EXECUTIVE ORDERS

<http://www.whitehouse.gov/presidential-actions/2025/01/initial-rescissions-of-harmful-executive-orders-and-actions/>

# Resources and Executive Orders



REALIGNING THE UNITED STATES REFUGEE ADMISSIONS PROGRAM

<https://www.whitehouse.gov/presidential-actions/2025/01/realigning-the-united-states-refugee-admissions-program/>

PROTECTING THE MEANING AND VALUE OF AMERICAN CITIZENSHIP

<https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-emergency-at-the-southern-border-of-the-united-states/>

DECLARING A NATIONAL EMERGENCY AT THE SOUTHERN BORDER OF THE UNITED STATES

<https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-emergency-at-the-southern-border-of-the-united-states/>

**SECURING OUR BORDER**

<https://www.whitehouse.gov/presidential-actions/2025/01/securing-our-borders/>

# Questions & Answers



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**Thank you!**  
We look forward to serving your  
Global Immigration needs

