

The Year Ahead 2025: Immigration Issues

January 16, 2025

What can employers expect regarding changes in immigration and worksite enforcement under a second Trump administration? From pending asylum applications, temporary protected status, immigration benefits through humanitarian parole programs, DACA, raids and more, past experience and promises made during the campaign trail offer a reasonable roadmap.

Takeaways

- Review job descriptions, employee eligibility and sponsorship policies to prepare for higher scrutiny.
- Consider whether changes in humanitarian programs would affect your workforce.
- Include considerations of travel and visa delays in business plans and strategies.
- Evaluate how delays in processing could affect hiring and retention policies.
- Train staff how to respond to worksite visits.
- Conduct self-audits to prepare for compliance investigations.

Increased Scrutiny of Business Immigration Petitions

The possible reinstatement of the “Buy American and Hire American” executive order policies will lead to increased costs and less predictability for employers:

- More requests for evidence.
- More denials.
- New guidance on eligibility.
- Less deference to prior petition approvals.
- More PERM labor certification audits.

- Best and brightest H-1B standard.

Possible Elimination of Humanitarian Immigration Benefits

- Temporary Protected Status (TPS) might not be renewed.
- Deferred Enforced Departure (DED) might be eliminated.
- Other humanitarian parole programs could be eliminated.
- More attempts to end the Deferred Action for Childhood Arrivals (DACA) program.

Longer Processing Times for All Cases

- Potential decrease in USCIS and DOL staffing.
- More interview requirements.
- More biometrics requirements.
- Slower PERM adjudications and slower prevailing wage adjudications.

More Enforcement

- More FDNS (Fraud Detection and National Security) site visits.
- More ICE or HSI audits of I-9 forms.
- A return to worksite enforcement actions (commonly known as raids).

Travel Bans and Delays for Key Employees

- The Trump Administration may reinstitute travel bans for individuals from “suspect” countries on national security grounds.
- Visa processing at consulates abroad could be slowed due to staffing issues.
- Possible increase in extreme vetting and administrative processing.

Possible Elimination of Work Authorization Benefits

- Elimination of H-4 Employment Authorization Documents (EADs) for eligible dependents.
- Change in policies granting automatic extensions of EADs to avoid employment gaps.
- Ability to speed processing of EADs for eligible dependents through bundling could be ended.

Podcast



The Year Ahead 2025: Immigration and Humanitarian Concerns

Hosts: **Sarah P. Caze**, Associate, and **Marissa A. Prianti**, Associate

“A lot of employers have very innocent mistakes on their I-9s or employees have expired work authorization and they don't even realize it. These are things immigration counsel can help with and protect employers from liability before the enforcement starts.”

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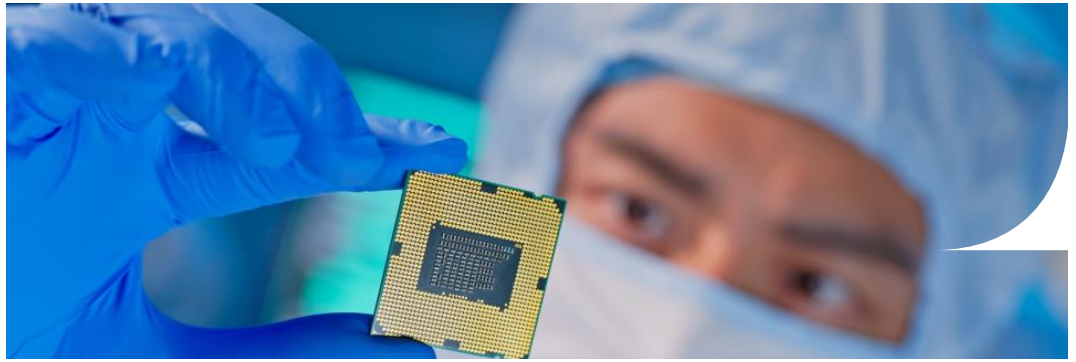
The Year Ahead 2025: Immigration Enforcement

Hosts: **Amy L. Peck**, Principal and Immigration Co-Leader, and **Nicola Ai Ling Prall**, Principal

“To be clear, raids are officially known as worksite enforcement actions. These are very large-scale operations. There are subpoenas involved, a lot of enforcement personnel, a lot of planning — and the government typically tips off the media. In terms of long-term effectiveness, they're not very effective but it does grab the headlines, which is what we think that the Trump administration wants. And it's in part, why it was done last time.”

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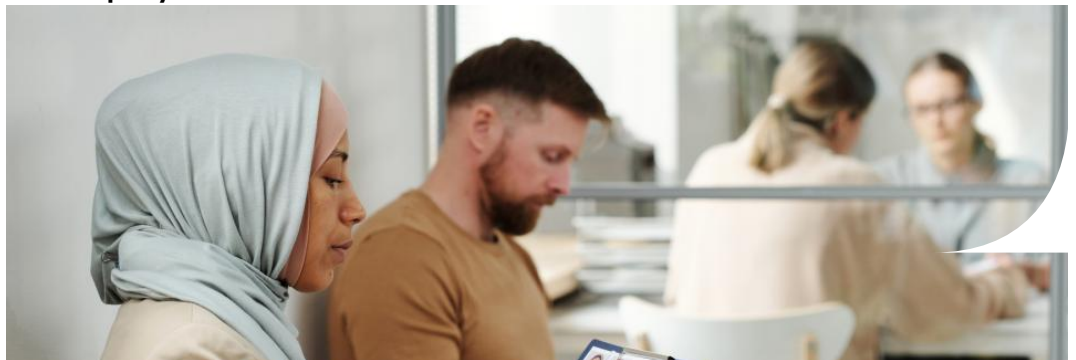
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