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President Trump's Executive Orders on Immigration

In late January, the Trump Administration published three important Executive Orders on immigration. Many of the subjects addressed in these Orders have practical ramifications for foreign nationals. While some are policy statements that will require congressional funding, others are projects that the Executive Branch can initiate and report back to the President. The following is a brief summary of the Executive Orders' objectives:

- Reinstigate a program of engagement between the Department of Homeland Security and local law enforcement to deputize and train local law enforcement officials to perform certain Department of Homeland Security immigration-related functions with respect to identification and detention of foreign nationals who may be out of status in the United States.
- Call for an additional 10,000 immigration officers to perform immigration-related functions, a directive subject to Congressional appropriation.
- Direct that funding to "sanctuary jurisdictions" be cut off. Sanctuary jurisdictions are those that refuse to detain individuals targeted by the Department of Homeland Security for potential immigration violations.
- Terminate the Priority Enforcement Program established by the Obama administration that prioritized criminal aliens for detention and deportation.
- Prohibit admission, for a period of 90 days, of any foreign national from countries known as the "countries of concern." These countries include Libya, Syria, Iraq, Iran, Sudan, Yemen, and Somalia.
- Suspend refugee admissions for 120 days.
- Discontinue the Syrian Refugee Program.
- Limit refugee admission for fiscal year 2017 to no more than 50,000 refugees. The number of refugee admissions is historically determined by the President, and the last administration had been admitting approximately 110,000 refugees per year.
- Direct the Department of Homeland Security to develop and implement a biometric entry/exit tracking system for all foreign travelers to the United States.



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If these Executive Orders are any indication of what is to come, expect further initiatives by the Executive Branch and proposals to Congress to curtail immigration to the United States. Here are some things to watch for in the long term:

- Businesses should be ready for Form I-9 compliance audits, including unannounced inspections in target industries such as hospitality, farming, and food production.
- 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.
- 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.
- Colleges and students should expect increased scrutiny at Consular interviews, SEVIS tracking and enforcement, and proposals seeking to limit employment and training opportunities.
- Families may see increases in the income levels that are required to sponsor a spouse or other family member for immigration to the United States.

In light of these Executive Orders, it is critical for all U.S. employers to review immigration documents, understand the meaning of each document, and know the interplay between the several government agencies that oversee temporary and permanent immigration to the United States.



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