



MELTZER HELLRUNG
IMMIGRATION SOLUTIONS

Immigration Under Trump

Planning for 2025 and Beyond

November 21, 2024



INTRODUCTION



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INTRODUCTION

- **Founded in 2014, Meltzer Hellrung combines an innovative service model, proprietary technology, and a creative immigration team to assist companies in scaling and streamlining immigration programs, increasing access to talent, and expanding into new markets**
- **200+ corporate clients, including Global 200, Fortune 500, and venture-backed unicorns in transportation, SaaS, Logistics, AI, manufacturing, and education**
- **Recognized in 2023 by Crain Magazine as a top 100 best places to work in Chicago**

INTRODUCTION

- **Meltzer Hellrung has been ranked in the Illinois Chambers Spotlight 2025 Guide and recognized as a top law firm handling high-quality work.**
- **The Chambers Spotlight recognition underscores our position as a key player in the Illinois' legal landscape, offering clients throughout the state access to high-quality legal representation that combines big-city expertise with local specialized support.**

[Meltzer Hellrung Profile](#)





Responsive

Average Email Response
Time: 4.5 hours

Efficient

Transfer case turnaround:
10 business days

Client-focused

90+ NPS Scores

Program Management

Account team, regular
touchpoints

VOYAGER[®]



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VOYAGER®

- **Voyager is our proprietary immigration program management platform designed to provide a better immigration experience for employers and employees**
- **Voyager is operated by our exceptionally skilled attorneys, paralegals, and legal assistants to fulfill our mission of providing the best immigration experience**
- **Voyager drives process efficiency, transparency, and centralization of all immigration information throughout the sponsorship process**



Core Features:

- **Dashboards or HR/FN that drive transparency throughout all immigration processes**
- **Efficient workflow automations that will save employers' and employees' time**
- **Extensive immigration reporting capabilities for HRs**
- **Comprehensive knowledge center**



Enhanced Immigration Reporting

The screenshot shows a web dashboard for immigration reporting. At the top left is a navigation menu with icons for home, profile, users, and reports. The main header area includes a 'Reports' title, a 'MY PROCESS REQUESTS' button, a notification bell, a plus sign, and a user profile for 'MAXTRADA'. Below the header are three summary cards: 'Active Foreign Nationals' (133), 'Active Companies' (2), and 'Open Cases' (58). A 'CREATE NEW REPORT' button is located on the right. The dashboard is divided into two columns. The left column is titled 'Report Templates' and contains a search bar and two report cards: 'Key filing date check' (last run 07/15/2024 at 04:51 AM, 5 columns, 0 filters) and 'Advanced Parole Exp. Date' (last run 07/07/2024 at 09:27 PM, 8 columns, 0 filters). The right column is titled 'Recent Reports' and contains a search bar and two report cards: 'H-1B Lottery Selection Due Date' (last run 07/15/2024 at 04:51 AM, 5 columns, 0 filters, status: Completed) and 'Citizenship Eligibility Date' (last run 07/07/2024 at 09:27 PM, 8 columns, 0 filters, status: Completed).

PRESENTERS



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 PRESENTERS



MATTHEW HELLRUNG

Co-Founder and Managing Partner

Specializes in scaling immigration programs for high-growth clients via immigration policy creation and stakeholder training.



MATTHEW MELTZER

Co-Founder and Managing Partner

Specializes in assisting foreign companies to enter the U.S. market and building custom solutions for entrepreneurial and high net-worth clients. Most recently recognized as one of Crain's Chicago Business Notable Leaders in Accounting, Consulting & Law!

AGENDA



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 **AGENDA**

- **Immigration Under Obama Administration**
- **Immigration Under Trump Administration**
- **Immigration Under Biden Administration**
- **What Immigration May Look Like Under Trump 2**
- **What Can Companies Do to Prepare?**



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Immigration Under Obama: 2009 - 2016



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➤ **Enforced Laws on the Books**

- Deported more a million more immigrants than Bush II
 - Prioritized recent crossers as well as violent criminals, with 2008 and 2009 highest deportation years and declining through 2016
- Issued 15 times as many fines on employers for I-9 violations
- 8 times as many arrests for immigration violations
- Encouraged employers to sign up for E-verify
- Ended Cuban “wet feet, dry feet” status policy



➤ **Expansion and Creation of Immigration Programs**

- Deferred Action for Childhood Arrivals (DACA) to help DREAMers (750,000)
- Deferred Action for Parents of Americans (DAPA) (3.7 million/program ended by court decision)
- International Entrepreneur Rule (never fully implemented during administration)
- Continued all TPS designations and added Haiti, South Sudan, Syria, Guinea
- Implemented and expanded F-1 STEM OPT
- Expanded EAD card usage for dependents, including H-4



➤ **Processing and timelines**

- Moved agencies toward streamlined operations and digital technology adoption
- Introduced electronic I-94
- Expanded online filing opportunities at USCIS
- Consular operations relatively stable with slight increase in transparency and accessibility
- PWRs: 60 days (mostly based on demand)
- PERMs: 6 months (mostly based on demand)
- AOS: 9 months
- Regular processing of work visa petitions: 2-4 months



➤ **Adjudications**

- USCIS H-1B denials peaked at roughly 30% with RFE rate at 35% in 2009, due to recession, proof of work issues, and overall tightening of adjudication standards
 - Significant focus on third-party employers
- USCIS H-1B denial rate fell to roughly 4% and RFE rate to 20% in 2016
- DOS ~35% visa stamp rejection rate in 2016, with majority of denials in the B1/B2, F-1, and J-1 categories
 - Excluding the above visa categories, denial rate was ~10%

Immigration Under Trump: 2017 - 2020



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➤ Quick and voluminous immigration changes

- 400 executive actions on immigration in 4 years
 - Chaos in terms of timing and announcement of policy, unpredictability of what was actual policy and whether implementation would be successful given constitutionality of staffing
- Prioritized border security with increase CBP officers and barriers
- Prioritized deporting undocumented immigrants with any criminal offense and increased ICE raids within 100 miles of US border
- Zero-tolerance policy of family separation at border crossings
- Eliminated deference to previously approved immigration petitions

➤ **Contraction of Immigration Benefits**

- Phased out DACA for new applicants
- Canceled TPS for Haiti, El Salvador, Nicaragua, Sudan, Nepal, and Honduras
- Restricted asylum eligibility
- Added Public Charge restrictions to green card adjudications (eventually overturned in courts)
- Travel and refugee bans affecting Iraq, Iran, Libya, Somalia, Sudan Somalia, Yemen, Venezuela, and North Korea
- Decreased government transparency and communication with immigration community
- Forced attrition from USCIS, DOS, DOL

➤ Processing

- Separated filing addresses and more complicated immigration processing for dependents
- Increased immigration form lengths and requested information
- Increased consular, USCIS, and DOL processing times
- Increased RFE and denial rates at consulates, USCIS, and DOL
- PWRs: 6 months
- PERMs: 9 months
- AOS: 10 months
 - Interviews for all applicants implemented without additional resources
- Regular processing of work visas 4-6 months

➤ Adjudications

- USCIS H-1B denial rate peaked at 32% and the RFE rate at almost 40% in 2019, several fold increases from 2016 numbers
- RFEs rates and denials also increased in TN, L-1, and O-1 visa applications
- DOS visa stamp rejection rate increased to 41% in 2018, with increased rejections of L-1, H-1B, F-1, and O-1 visa stamp applications

➤ Remaining Proposed Regulatory Agenda

- Changes to H-1B eligibility
- H-1B/H-1B1/E-3 and Green Card wage revisions
- Change H-1B cap selection process to no longer be random selection, but based on wages
- Terminate H-4 work authorization
- Expand biometrics collection
- Restrict and shorten OPT eligibility
- Limit B visitor visa eligibility

Immigration Under Biden: 2021 - 2024



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IMMIGRATION UNDER BIDEN

➤ Stabilizing the ship

- 535 immigration actions since taking office, more than Trump, with approach to repair and stabilize the immigration system
- Humanitarian entrance numbers are trending toward high's of 1990s with increased refugee, asylum, TPS, DACA, and parole benefits expanded
- TPS expanded/reauthorized to Cuba, Haiti, Ukraine, Venezuela, Nicaragua, El Salvador, Burma, Ethiopia, Honduras, Nepal, Yemen, Syria, South Sudan, Afghanistan, and Yemen
- H-1B modernization rule - proposes to narrow qualifications for an H-1B visa and placing additional documentation requirements on employees located at 3rd party worksite but extends F-1 OPT grants (pressure to significantly amend provisions and publish before leaving office)



IMMIGRATION UNDER BIDEN

- Somewhat modernized processes including online filing, remote hearings, waived interviews, and extended document validity periods
- Expanded spousal work authorization benefits
- Proposal to improve AOS processing and employment authorization to be released in August 2024
- High migration at the southern border, record 6.3 million border encounters under Biden with restricted asylum processes and expedited removal increasing

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➤ Processing

- Across the board, processing times have increased as a result of the pandemic and lack of staff
 - USCIS director stated in 2023 that they need 3,000 more staff
- PWRs: 8-9 months
- PERMs: 12 months
- AOS: 12-18 months
- Regular work visa processing: 4-6 months
- 10.4 million new visa passport stamps issued (most since 2015)
- Consolidated some visa processing to promote efficiencies, including dependents, electronic H-1B lottery, consular dropboxes, and interview waivers

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➤ Adjudications

- 3.5% H-1B denial rate in 2023, with H-1B RFE rate at 10%
- Decreased denials in other work visa and green card categories
- Visa stamp denial rate decreased to 21%, work visa denial rate below 10%

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➤ Remaining Proposed Regulatory Agenda

- H-1B “modernization”
 - Updating definition of specialty occupation
 - Expansion of cap exemption
 - Expansion of cap gap timeline
- Update list of Schedule A occupations exempt from PERM labor market test
- Tweak work authorization processes for spouses of nonimmigrant workers
- Update standards for I-140 adjudication



Immigration Policy Under Trump II



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➤ **Likely to return to a harsher policy and enforcement stance on employment and family-based immigration, including:**

- More RFEs for employment-based visas
- Level 1 wage issues
- F-1 CPT status issues
- Specialty occupation
- More denials for employment-based visas
- Longer consular appointment wait times and higher visa stamp denial rates
- If Biden's H-1B modernization rule is not finalized or finalized too late, could be used to narrow H-1B qualifications and limit 3rd party H-1B work

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IMMIGRATION UNDER TRUMP II

- Likely to contract humanitarian immigration programs, including TPS, parole, asylum, and refugee benefits
- May have greater influence over immigration agencies due to appointment agenda
 - Project 2025
- Overturn of Chevron may, ironically, provide employers and others greater legal recourse against overly restrictive immigration changes that are not expressly authorized by an Act of Congress

What Companies Can Do to be Prepared



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WHAT COMPANIES CAN DO TO BE PREPARED

➤ Before inauguration

- File visa extensions as early as possible this year
- Have employees prioritize renewing visa stamps before the end of the year
- Be prepared to upgrade pending cases to premium processing to avoid potential RFEs and denials come January 2025
- Accelerate green card sponsorship cases, especially EB-1 and NIW applications
- Have employees avoid international travel in Q1 2025 if possible
- Examine immigration policy and compliance programs, including I-9, site visits, and DOL audits



WHAT COMPANIES CAN DO TO BE PREPARED

- Consider LCA filings prospectively to lock in wages for a certain time period
- Assess the political visibility of your company to determine whether it may be subject to unusually high harassment
 - Discuss with your counsel how to prepare accordingly
- Budget for additional immigration expenses and delays in 2025
- Assess your current vendor's experience and ability to pursue immigration litigation
- Expect changes to H-1B rules for wages and third-party employers under either administration
- Could increases prevailing wages for H-1B, H-1B1, E-3, and green card positions



➤ After inauguration

- Keep up with policy changes and their impact by reading resources from Meltzer Hellrung and corresponding with your legal team
- Ensure continued efforts with compliance
- Communicate with employees regularly to provide clarity and assurance
- Build contingency plans for at risk employee populations
 - Workforce disruptions and business risks
 - Creation of foreign offices or other systems (e.g. PEO structures) to move workers outside the US, if reasonable and applicable
- Liaise with organizations and elected officials to advocate for policies and fair treatment

QUESTIONS?



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