

What Immigration Looks Like Under a President Biden & Important Updates During this Lame Duck Period

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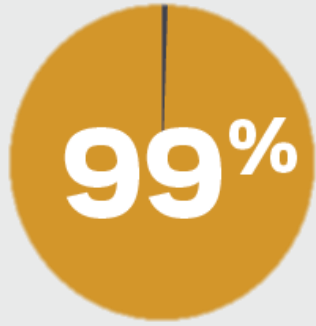
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Agenda

- Key updates in recent weeks
 - Department of State rules – B-1 in Lieu...
 - Department of Labor wage calculations
 - DHS H-1B requirements rule and lottery determinations
- What does President Biden mean for immigration
 - First 100 days
 - Longer term changes



Our Value Proposition



Over 99% Success Rate

Brown continues to succeed at over a 99% success rate every year



Maintain excellent relationship with
USCIS/DOS

Focus exclusively on **Immigration** **9 Attorneys, 27 staff** – largest stand-alone boutique business immigration law firm in Midwest

Serve all U.S. time zones in a **central location**



Approach each case with a **bespoke strategy**



Provide a highly skilled legal team at a **lower cost** by Midshoring



Utilize the **latest tech** available to support you



Hard to Keep Score – Important Updates

- Public Charge rule introduced in 2018 has been under attack since it's introduction – Nov 2nd it was struck down; Nov 3rd Court of Appeal stayed decision pending appeal; Dec 2nd struck down by 9th Circuit; I-944 is currently a required filing
- DHS introduced new H-1 rules 10/8 – 1st case – summary judgement (rule struck down Dec. 1st) – DHS publicly capitulated Dec. 4th
- DOL introduced new wage calculation rules 10/8 – three courts struck down, 1 set 10-day period to fix erroneous PWDs – to use or not use bad PWDs
- DHS introduced new F-1/J-1 rules and new lottery selection criteria – pending – will litigate if final rules introduced
- DOS – seeking to end B-1 in Lieu of H-1B/H-3 – pending
- Attempt to put S. 386 in spending bill (h-1 restrictions/CCP)



First 100 Days

- There is a pandemic and split House/Senate – no legislative changes likely
- Changes on the regulatory and Executive Order front (400-900 changes in last 4 years)
- What is likely to go:
 - Muslim Travel Ban (3.0)
 - Push to reunite separated families
 - Reauthorization of DACA (2 courts have told DHS to accept new cases)
 - Pause on immigration related litigation related to recent rules
 - Return to regular refugee resettlement numbers (125k target)
 - Termination of NIV Ban (June 22nd memo)
 - Examination of prior Trump EOs and pending regulations (pending regulations will remain pending – H-1 Cap; D/S rule; H-4 EAD rule; B-1 in lieu of H rule and die on the vine...)



Remainder of Term

- Regulatory reform – pull out the bad regulations – what doesn't make sense
 - Public Charge regulation
 - DOL wage rule
 - DHS new H-1 rules
 - DOS B-1 in lieu of H-1/H-3
 - Hire American/Buy American could be Build America Better EO
- Pause on litigation will turn into withdrawal on many
- Revisit DHS policies and manuals
- Investment in Consular infrastructure/normalizing relations with allies
- Likely an attempt will be made on immigration reform (post-Trump) – on wish list – remove per country quotas; increase GC numbers; exempt US Ph.D. from H lottery/give auto GC; legalization (Dreamers/TPS/Others) [note: we talk litigation and visa revalidation]



Questions?

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