

# The Administration's Unprecedented Impact to Nation's Immigration System

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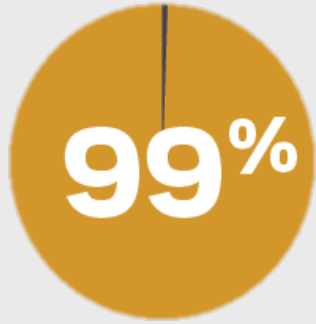
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# Agenda

- Presidential Proclamation from June 22, 2020
  - Who does this target?
  - Who is exempt?
  - What is unknown?
  - What else should we expect?



# 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**

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



**10 Attorneys, 27 staff** – largest stand-alone boutique business immigration law firm in Midwest

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



# Impact of Coronavirus on Immigration System

- Aside from impact of the Administration - be sure to consider any “work arounds” you come up with and how they intersect with: airlines, other countries, current travel restrictions
- Saving grace - we have cautioned on travel since Jan 31<sup>st</sup> - thankfully, a limited number of individuals we represent are impacted at this time by proclamation
- Additionally, Consulates are essentially shuttered likely for several more months, so visas would not be available for some time in any event



# Who is impacted by Proclamation

- It extends the prior April Proclamation related to IVs
- The NIV restrictions apply to the following people:
  - Those who were not in the U.S. on June 24<sup>th</sup>,
  - Do not possess a valid visa, and
  - Do not have a valid travel document
- The Proclamation only prevents reentry to the U.S. for any one in H-1B, H-2B, L-1 or certain J-1 program types (intern, trainee, teacher, camp counselor, au pair, or summer work travel program) [now “Restricted NIVs”]
- Expires on December 31, 2020



# Who is safe

- Anyone not in a Restricted NIV - e.g. O/E/F/TN
- Anyone who had a valid visa for a Restricted NIV at time of proclamation's enactment
- Canadians - as visa exempt (no requirement to have a visa) - and either I-797/I-94 or passport is being accepted as valid travel document - frankly not sure of mechanism
- H-1B1s from Chile or Singapore - we have been advised that applications will be handled routinely
- Those in a Restricted NIV currently in the U.S. - you can extend status
- Consider exemptions if necessary - COVID/Economic/Ag



# Unknowns

- Those in the U.S. in a Restricted NIV status on 6/24 should be able to this fall apply for a visa and return - DOS yesterday said no - they don't qualify
- Those in U.S. in a different status on 6/24 or out of the U.S. possessing a different visa
- Until we know - do not leave US if you need a visa (again still the issue of when consulates will reopen)



# What is Likely to Follow

- Litigation on this point - estimates suggest over 200k H-1s possibly stranded, plus hold on L-1 transfers
- The April 22 proclamation was challenged - injunction is still pending
- Litigation will take some time - general argument - attempting to legislate from the executive
- Anticipated regulatory action on EADs, H-1s, L-1s, and others
- Are there other visas in the cross-hairs
- What will happen to DACA
- Furlough of USCIS employees
- When does DOS return to service



# Way Forward

- Each company will manage their issues differently - depends on global reach as to what options you have
- Reduce travel, limit contact, create social distance
- Know when to bring in outside legal team:
  - If person stuck or has emergent travel
  - If RIF planned
  - If wage reduction planned
  - If work from home happening
  - If new hire not in



# Way Forward (Cont.)

- What we are managing - people who are in process or stuck right now
  - Planning for extensions and change of status applications - determining best approach - seeking to file asap
  - Ensuring PERMs are filed timely
  - Ensuring we get needed extensions of time
  - Navigating uncertainty to figure out best option but always having a back-up





# Questions?

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