

MELTZER HELLRUNG

IMMIGRATION SOLUTIONS

What's Next for Immigration?

What We Know and How Employers
Can Stay Prepared

April 23, 2025



INTRODUCTION





- Meltzer Hellrung combines an innovative service model, proprietary technology, and a creative immigration team
- 200+ corporate clients: Global 200, Fortune 500, Venture-backed unicorns
- Recognized in 2023 by Crain Magazine as a top 100 best places to work in Chicago
- Meltzer Hellrung has been ranked in the Illinois Chambers Spotlight 2025 Guide and recognized as a top law firm handling high-quality work.



Meltzer Hellrung LLC



Responsive

Average Email Response Time: 4.5 hours

Efficient

Transfer case turnaround: 10 business days

Client-focused

90+ NPS Scores

Program Management

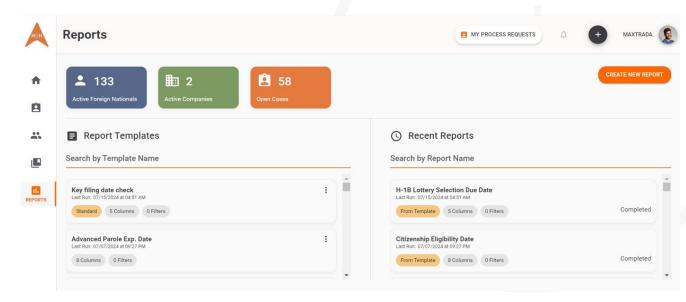
Account team, regular touchpoints, reporting and budgeting

VOYAGER®





- Our proprietary immigration program management platform
- Drives process efficiency, transparency, and centralization of all immigration information
- Core Features:
- Dashboards that drive transparency
- Efficient workflow automations that save time
- Extensive immigration reporting capabilities
- Comprehensive knowledge center



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!







- State of Immigration
- > Actions Affecting Lawful Immigrant Pathways
- > Actions Affecting Undocumented Immigrants
- > What to Expect Next
- > How to Stay Prepared



State of Immigration





> U.S. Citizenship and Immigration Services (USCIS)

- ~10% Request for Evidence (RFE) at end of 2024
- ~4% Denial rate
- ~1.5x Processing delays across most employment and family-based filings

> U.S. Department of State (DOS)

- ~20% overall visa denial rate (mostly F-1s and B-2s)
- Employment-based visa denial rate under 10%
- Visa interview waiver program expanded, In-country H-1B visa stamp pilot

> Immigration and Customs Enforcement (ICE)

- Largely focused on arresting undocumented immigrants with criminal convictions or pending charges
- Under 40 non-criminal arrests per day nationally
- I-9 enforcement largely complaint-based with emphasis on using E-Verify



> U.S. Department of Labor (DOL)

- Approves H-1B LCAs, Labor Certifications (PERM)
- Largely complaint-based Wage and Hour investigations
- ~4% PERM denial rate in 2024

> U.S. Customs and Border Patrol (CBP)

- January 2024 10,000+ arrests per day
- January 2025 ~500 arrests per day (Mexico helped)
- Used CBP One app for asylum applicants
- ~40,000 asylum admissions per month

> Office of Refugee Resettlement (ORR)

- Settled over 60,000 refugees in 2023 (goal was 125,000)
- Process takes 18-24 months

Actions Affecting Lawful Immigrant Pathways





> Refugees

- Suspended indefinitely all refugee entry, including pending applications, pending a 90-day review and report, stranding 22,000 previously approved refugees
- Directive heightening identification standards (already very high)

> Asylum

- Terminated CBP One app and reauthorized Remain in Mexico program for asylum applicants at southern border
- Individuals already paroled into U.S. using CBP One app have received notifications that their parole has been terminated, affecting 900,000 people

> Humanitarian Programs and Parole

- No longer available for Cuban, Haitian, Ukrainian, Venezuelan, Nicaraguan nationals seeking entry to U.S.
 - Unity for Ukraine program indefinitely suspended
- Ended green card program reuniting families separated from children
- ICE allowed to invalidate anyone's parole immediately



> New registration process

- Effective April 11, 2025, all foreign nationals in the U.S. for 30+ days must be registered and fingerprinted
 - Also required to carry proof of registration at all times
- Goal to identify and remove from U.S., foreign nationals who entered without inspection and those not currently in valid status
- Detailed information on who is required to register and who is already considered registered may be found on our <u>website</u>.
 - Foreign nationals that have been fingerprinted during visa stamping and issued I-94 upon entry by CBP ARE ALREADY REGISTERED
- To register, a new Form G-325R, Biometrics Information (Registration) must be submitted online through USCIS account
 - Registrant will receive an appointment notice for fingerprinting, proof issued thereafter
- Failure to register is a criminal misdemeanor punishable by a fine of up to \$5000 or imprisonment of not more than 30 days, or both.
 - May also result in denial of future benefit requests



> Revocation of F-1 student visas

- Over 300 students have had their F-1 student visas revoked for support of Palestinians in Gaza
- Several thousand students have also reportedly had visas revoked for minor legal infractions
- Several ongoing high profile court cases asserting due process and procedural violations
- Department of State visa stamp revocations affect ability to travel with visa, not status in U.S.
 - Separate legal question as to whether termination of student SEVIS record results in loss of student status.
 - Schools are evaluating whether students can attend class, continue CPT/OPT if SEVIS termination by ICE



> Temporary Protected Status (TPS)

- Partially rescinded Venezuelan and Haitian TPS (over 800,000 affected)
- Likely to rescind most or all TPS designations in the next 18 months
 - Afghanistan, Burma (Myanmar), Cameroon, El Salvador, Honduras, Lebanon, Nepal, Nicaragua, Somalia South Sudan, Sudan, Syria, Ukraine, Venezuela, Yemen
- Lawsuits challenging rescissions are pending in federal court
- > DOS reduction in dropbox visa application availability



> Political Threats

- Cancelling hundreds of U.S. visa appointments for Colombians after spat over taking deportees
- Threat to cancel F-1 student visas of all Hamas sympathizers in U.S.
- Trump admin using threats of federal funding revocations to influence sanctuary cities, universities, etc.
- Executive order attempting to end birthright citizenship
 - Highly unlikely
- ICE harassment and arrests of green card holders and U.S. citizens

Actions Affecting Undocumented Immigrants





ACTIONS AFFECTING UNDOCUMENTED IMMIGRANTS

- Eliminated Biden enforcement priority of pursuing undocumented immigrants with pending charges or criminal record
 - 10x increase in ICE noncriminal arrests (45/day to 450/day)
 - Current deportation rate of 7,500/week lower than Biden's 12,000/week
- > Created ICE arrest quotas and increased access
 - Increasing likelihood of arrest even where not warranted (U.S. citizens)
 - Permitting arrests at schools, churches, courthouses
- Expanding expedited removal to include entries up to 2 years prior
 - Allows ICE agents to order and remove someone immediately without due process



ACTIONS AFFECTING UNDOCUMENTED IMMIGRANTS

- > Ordered Department of Justice to prioritize illegal entry cases
 - Over criminal prosecutions
- Ordered ICE-Homeland Security Investigations (HSI) to prioritize immigration enforcement over criminal trafficking
 - Trump did this in his first term as well
- Reassigning FBI, DEA, and other law enforcement agencies from criminal to immigration enforcement
 - Organized Crime Drug Enforcement Task Forces told to prioritize prosecution of immigration offenses over drug crimes
- Threat of restricting federal transportation funding to sanctuary cities
 - May restrict law enforcement grants in future



ACTIONS AFFECTING UNDOCUMENTED IMMIGRANT

- State police allowed to act as immigration agents during "mass influx"
 - Actual agreements needed, however, which could takes weeks/months
- > Suspension of all asylum relief at U.S. border
 - Largely already in place under Biden since 2024
- Diversion of military funding/resources to border and deportation
 - Greater use of military resources for deportation holding (Guantanamo)
 - 1,500 military personnel order to have standing mission on border
 - Greater use of military planes for deportation transportation
- Leveraging tariffs on Mexico/Canada to increase border enforcement
 - Mexico actually making more arrests than CBP in 2024

What to Expect Next





WHAT TO EXPECT NEXT

Processing Delays

- Staff reductions, expanded interview requirements and extreme vetting at USCIS will lengthen already extreme processing backlogs
- DOL's recent "Fork in the Road" buyout offer to employees will reduce staffing and increase PERM and prevailing wage processing times.

> Travel bans

- Order requiring Secretary of State to apply new vetting requirements
- Burma, Iran, North Korea, Kyrgyzstan, Libya, Nigeria, Somalia, Sudan, Syria, Tanzania, Venezuela,
 Yemen, Palestinian Authority

> Delayed consular processing

- Reduced visa interview waiver process availability
- Significant reduction in DOS consular staff announced yesterday
- Expect increased 221g denials and visa stamp processing delays due to "administrative processing."

Larger ideological shift in adjudications at DOS, CBP, USCIS, DOL

 Person's country of birth, place of residence, physical appearance, and/or religious affiliations may be more heavily considered going forward



> Termination of work authorizations

- Asylum applicants, parolees (U4U)
- H-4, L-2, E-3D, J-2 dependent authorizations
- > Termination of TPS designations and all humanitarian parole
 - Affects ~1.5 million immigrants in the U.S. with work authorization
- Rise in RFEs/inquiries/audits and denials across all family-based and employment-based filings
 - DOS, CBP, USCIS, DOL
- > Substantive change in H-1B lottery selection criteria for 2026
 - Mentioned during Trump's first term, could move to more of a merit-based system
- ➣ Increase in prevailing wages for H-1B, E-3, H-1B1, and green card cases
 - Wage data is traditionally updated annually on July 1st
 - New regulations are needed to change wage review process



Increased site visits from USCIS Fraud Detection and National Security (FDNS) Unit

- Applies primarily to H-1B and L-1 visa employees
- Increased immigration coordination and enforcement by federal, state, and local law enforcement
 - "mass influx" designation allows agreements to be executed, deputizing state and local immigration agents
 - Increased worksite enforcement activities by ICE, HSI, FBI, DEA, ATF, state and local law enforcement
- Increased barriers to immigration benefits
 - More "public charge" type regulations, increasing income requirements for permanent residency
 - Increase in filing fees for humanitarian, family, and employment-based visas

How to Stay Prepared





Centralize your company's I-9 and immigration data

- Adopt a system that allows for safe storage and quick reporting
- Adopt E-Verify or E-Verify+, if appropriate

> Review your I-9 completion, storage, and audit procedures

A spot audit will help you understand your overall compliance and financial risk

> File now!

- File work authorization extensions and early as possible before current expiration
- Initiate green card cases as long-term solutions and ask vendor to prioritize the fastest options (EB-1, EB-2 NIW, EB-2 EA)
- Sponsor for the H-1B lottery if you can

Create a site visit protocol plan

Who will receive a government agent? Where will you put them? Do you know your employer rights?



Create an immigration policy for employment-based sponsorships

• Who will the company sponsor for what, when? How much will the company pay for?

> Communicate with your employees!

- Partner with your counsel to review your immigration program and create a plan to communicate the company's stance on immigration to worried employees
- Provide your employees with good information via counsel
- Give your employees access to immigration counsel to ask questions when needed

> Ask employees to refrain from unnecessary international and local travel

- With potential visa revocations and travel bans, international travel should be on an as-needed basis
- Build contingency plans for at-risk employees with your counsel
 - Be it a green card, H-1B sponsorship, marriage, or nomad visa
- Make sure your employees know their rights!



Review your immigration counsel

- Does your counsel have all the skills/tools needed to help support your immigration program over the next 4 years?
- Can your counsel support visas in other countries if necessary?
- Can your counsel litigate against the government?
- Does your counsel have staffing and account plans to make sure your employees are prioritized?

What to Know About Immigration Raids at Worksites





> Employer rights during an ICE raid

- ICE may enter any public area of your business, but needs a valid search warrant OR your consent for non-public areas
- Warrant will typically be served to primary point of contact: manager, receptionist, etc.
 - If judicial warrant issued, company must comply
- If no judicial warrant, company point of contact can choose whether or not to consent to search
 - Non-consent means search will still happen but your non-consent preserves ability to challenge search later
- Depending on type of business, ICE may demand operations to stop, equipment to shutdown, and employees to wait in contained area
- ICE may question employees and, simultaneously, continue search for items listed in warrant



What employers should do if judicial warrant issued

- Examine the search warrant to make sure it's valid: timeframe, address, items being searched are within scope
- Examine ID of ICE agent, write down name as well as name of attorney on search warrant
- If search warrant seems valid, comply with ICE commands like opening locked doors, rooms, files, etc.
- Have an employer representative follow each ICE agent around employer's facility and videotape actions
 - Passive videotaping is permitted but DO NOT disrupt execution of search warrant
- If equipment or documentation being seized is vital to company operations, ICE concessions like copies or time to replace equipment can be requested



What employers should do

- Verbally object to any search you feel is outside scope of warrant, but do not interfere
- If ICE tries to seize privileged attorney-client information or communication, verbally state it is privileged and ask for time to consult with counsel
 - ICE may not oblige. If not, document where, when, and what privileged information taken
- Ask for a list of all seized items from supervising ICE officer
- Company representatives SHOULD NOT give any statements to ICE or agree to any type of interrogation before consulting counsel
- Inform employees that they may chose to talk or not talk to ICE
 - DO NOT direct them to not speak with ICE
- DO NOT hide or assist employees in leaving company premises
- REMEMBER health and welfare of your employees
 - ICE raids can last for hours, if your employee requires regular medication or has kids that need to be picked up from school, communicate these concern to the supervising ICE officer



Employee rights during ICE raid

- Ask ICE if your employees are free to leave. If not, they have the right to an attorney
- Even without attorney present, your employees have the right to remain silent and do not need to answer ICE questions
- If ICE asks employees to group by immigration status, they are not required to comply
- They may refuse to show identity documents that indicate their nationality or country of citizenship
- If employees are taken into custody, notify their families and ensure all wages due are promptly paid

Post-raid issues

- The investigation does not end after ICE leaves company premises
- U.S. attorney will review items seized and investigation, including undercover surveillance, may continue for months

QUESTIONS?



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