

IMMIGRATION INSIDER

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[Cap Reached for Additional H-2B Returning Worker Visas; Petitioners Encouraged to File Under Country-Specific Allocations While Visas Remain Available](#) – U.S. Citizenship and Immigration Services has received enough petitions to reach the cap for the additional 20,716 H-2B visas made available for returning workers for the first half of fiscal year 2025.

[DHS Extends TPS for El Salvador, Sudan, Ukraine, and Venezuela](#) – The Department of Homeland Security (DHS) announced the extension of Temporary Protected Status for El Salvador, Sudan, Ukraine, and Venezuela. The extensions are effective for 18 months.

[OFLC Publishes List of Randomized H-2B Applications](#) – The Department of Labor's Office of Foreign Labor Certification announced that it has published the assignment groups for 8,759 H-2B applications covering 149,953 worker positions with a work start date of April 1, 2025.

[Edakunni Settlement Agreement on Concurrent Adjudication Expires on January 18](#) – A settlement agreement in *Edakunni v. Mayorkas*, effective for two years, is set to expire on January 18, 2025.

[Romania Added to Visa Waiver Program](#) – U.S. Customs and Border Protection anticipates that the Electronic System for Travel Authorization online and mobile applications will be updated on or around March 31, 2025, to allow most citizens and nationals of Romania to apply to travel to the United States under the Visa Waiver Program.

[DHS Releases Statement on Immigration Safety and Enforcement During Los Angeles Area Fires](#) – The Department of Homeland Security released a statement related to immigration enforcement in "protected areas" during the emergency response to the devastating fires in the Los Angeles area.

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DHS Pauses Humanitarian Parole Programs

On January 23, 2025, the top official at U.S. Citizenship and Immigration Services (USCIS) reportedly ordered a pause of various humanitarian parole programs while the agency assesses them, following an email order from the acting head of the Department of Homeland Security (DHS) to conduct such a review. The *New York Times*, which obtained a copy of the email, [reported](#) that the directive "demands an immediate end to 'final decisions' on applications related to the programs while the administration reviews them and decides whether to terminate them." The news report describes the scope of the programs to be paused as "vast." Affected parole programs include those for Ukrainians, [Cubans](#), [Haitians](#), [Nicaraguans](#), and [Venezuelans](#).

The agency orders are aligned with various Trump administration statements and actions, including an executive order (EO), [Protecting the American People Against Invasion](#), which President Trump signed on his first day in office; an order to end "[all categorical parole programs that are contrary to the policies of the United States established in my executive orders](#)"; and a memorandum from Acting DHS Secretary Benjamine Huffman, "[Guidance Regarding How to Enforce Enforcement Discretion](#)." A DHS statement [said](#) that this action "will return the humanitarian parole program to its original purpose of

looking at migrants on a case-by-case basis."

Yael Schacher, the director of Americas and Europe for Refugees International, said, "This suspension on parole decisions is similar to the suspension of all asylum access at the border and the suspension of the refugee program. It's a testament to the administration's hostility to all humanitarian immigration."

Uniting for Ukraine. Among the paused programs is the [Uniting for Ukraine \(U4U\) Parole Program](#), implemented after Russia's invasion of Ukraine, which permits Ukrainians seeking temporary refuge to travel to and work in the United States. The DHS directive halts the review and adjudication of both initial and renewal parole applications under the U4U program. While not officially terminated, the directive suggests that DHS will not accept new applications for initial parole periods or renewal (or "reparole") applications for those seeking to extend their parole in United States.

Practitioners have offered [tips for Ukrainians currently in the United States](#), including knowing their rights, avoiding international travel (even with advance parole or similar travel authorizations), and staying informed. Due to heightened scrutiny at ports of entry, travelers risk being denied reentry and may face expedited removal proceedings. Those seeking reentry have reportedly been asked to voluntarily depart or risk detention.

Venezuelan TPS. Kristi Noem, DHS Secretary, [canceled](#) the latest extension of Temporary Protected Status for Venezuelans, which will now end on [April 1 or September 10, 2025](#), depending on when they arrived in the United States. USCIS said it "will invalidate EADs; Forms I-797, Notice of Action (Approval Notice); and Forms I-94, Arrival/Departure Record (collectively known as TPS-related documentation) that have been issued with October 2, 2026 expiration dates under the Mayorkas [TPS for Venezuelans] Notice. USCIS will provide refunds to any fees paid by these aliens as well." USCIS said it "will provide additional guidance regarding the two Venezuela TPS designations on a future date in accordance with applicable laws." There are [more than 300,000](#) Venezuelans in the United States with TPS.

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CBP Clarifies Advance Parole Guidance; Practitioners Urge Caution

On January 22, 2025, U.S. Customs and Border Protection (CBP) [clarified](#) that an executive order to "'terminate all categorical parole programs that are contrary to the policies of the United States" does not apply to those arriving with a valid Form I-512 [advance parole] or those being processed for Significant Public Benefit Parole in coordination with federal law enforcement partners.

Even though the guidance clarified that adjustment of status applicants with a valid I-512 may be admitted, practitioners [urge caution](#) and recommend that employees maintain their underlying visa status and travel using valid H and L visas to the extent possible. Recommendations include:

- Consider deferring unnecessary travel until clear guidance, procedures, and training are in place for CBP officers at the various ports of entry.
- Those with "dual intent" H or L visas should present valid nonimmigrant visas to facilitate re-entry in lieu of relying on advance parole.
- If travel is necessary and there is no underlying H or L visa, it may be helpful to bring copies of CBP's [Regional Carrier Liaison Guidance](#) until training is fully rolled out.
- Those in other nonimmigrant statuses that are not recognized as "dual intent," such as O, E, F, and TN status, who have a Form I-485, Application to Register Permanent Residence or Adjust Status, application pending should be prepared to explain to CBP that admission in their

nonimmigrant status may trigger the abandonment of a pending I-485 and continue to request admission pursuant to their valid advance parole.

- Those seeking to travel with parole documents should be prepared for longer periods of review and questioning in CBP's Secondary Inspection and should be prepared to present relevant documentation upon request. For example, travelers presenting advance parole documents related to a pending I-485 application should confirm that their I-485 remains pending and travel with a copy of their I-485 receipt notice, as CBP often seeks to confirm whether the I-485 remains pending during secondary inspection.

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President Trump Orders Guantanamo Bay Expansion to 'Full Capacity'

On January 29, 2025, President Trump issued a [memorandum](#) to the Secretaries of Defense and Homeland Security "to expand the Migrant Operations Center at Naval Station Guantanamo Bay to full capacity to provide additional detention space for high-priority criminal aliens unlawfully present in the United States, and to address attendant immigration enforcement needs identified by the Department of Defense and the Department of Homeland Security." The memo states that this action is necessary "to halt the border invasion, dismantle criminal cartels, and restore national sovereignty."

President Trump [indicated](#) that some migrants would be sent there indefinitely rather than being deported to their home countries: "We have 30,000 beds in Guantanamo to detain the worst criminal illegal aliens threatening the American people. Some of them are so bad we don't even trust the countries to hold them, because we don't want them coming back, so we're going to send them to Guantanamo."

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Scammers Are Impersonating ICE Officers and Local Police

In the current climate of aggressive deportations, scammers are attempting to cash in by impersonating U.S. Immigration and Customs Enforcement (ICE) officers and local police to scare naturalized U.S. citizens and immigrants into giving out information.

For example, on the NextDoor social media site, a posting stated that a naturalized U.S. citizen received multiple calls from purported ICE agents and the county police. The fake ICE agent informed him that there was an arrest warrant and asked about his bank account and other assets. The spoofed phone number matched the phone number on ICE's actual website. The fake police detective called and gave the victim his badge number and name and stated that the police were coming to arrest him. The victim and his brother took steps to verify the information. The police did not have any detective or badge number matching the fake information.

Police or ICE agents will not call people before serving an arrest warrant and ask for personal or financial information. Also, scammers can mimic valid phone numbers. Such scams should be reported to the local police.

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The First Week: Round-Up of Key Trump Immigration Actions

As expected, there has been a flurry of immigration-related actions since President-elect Trump's inauguration on January 20, 2025. Selected key highlights include:

- **Wide-ranging Executive Order issued, "Protecting the American People Against Invasion."** On January 20, 2025, President Trump signed an [Executive Order](#) with a long list of effects. Included in the list is a revocation of various Biden administration orders and related guidance, memoranda, and policies; a focus on enforcement of orders of removal and the "prosecution of criminal offenses related to the unauthorized entry or continued unauthorized presence of aliens in the United States"; efforts to identify "unregistered illegal aliens"; the "the efficient and expedited removal of aliens from the United States"; the construction and operation of detention facilities; withholding of federal funds from "sanctuary" jurisdictions; "significantly increase the number of agents and officers available to perform the duties of immigration officers"; and other orders.
 - The Executive Order, through federal-state agreement, also calls for authorizing state and local law enforcement officials "to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary of Homeland Security."
 - The Executive Order also orders the Attorney General and the Secretary of Homeland Security to jointly establish "Homeland Security Task Forces (HSTFs)" in every state nationwide. The composition of each HSTF will "be subject to the direction of the Attorney General and the Secretary of Homeland Security, but shall include representation from any other Federal agencies with law enforcement officers, or agencies with the ability to provide logistics, intelligence, and operational support to the HSTFs, and shall also include representation from relevant State and local law enforcement agencies." The objective of each HSTF is "to end the presence of criminal cartels, foreign gangs, and transnational criminal organizations throughout the United States, dismantle cross-border human smuggling and trafficking networks, end the scourge of human smuggling and trafficking, with a particular focus on such offenses involving children, and ensure the use of all available law enforcement tools to faithfully execute the immigration laws of the United States."
- **"Remain in Mexico" program relaunched.** President Trump announced the relaunch of the Migrant Protection Protocols program, also known as "Remain in Mexico," under which asylum seekers wishing to enter the United States via Mexico must remain in Mexico while their cases are processed. However, Mexico's President, Claudia Sheinbaum, said [Mexico has not agreed](#) to accept non-Mexican asylum seekers. The program previously had been introduced by President Trump in 2019 but was discontinued by President Biden in 2021. Mexico said that it will welcome returning Mexicans and is [setting up a "tent city"](#) to house and tend to deportees. Also, after [Colombia rejected two U.S. military planes](#) carrying deported persons, President Trump ordered various "retaliatory" measures, including tariffs, visa sanctions, and travel bans. Colombia, which is the [third largest trading partner with the United States in Latin America](#), countered with tariffs of its own. Among other things, imports from Colombia include coffee and cut flowers. Gustavo Petro, President of Colombia, [said](#), "The U.S. cannot treat Colombian migrants as criminals," [and](#) "[t]his measure responds to the [Colombian] Government's commitment to guarantee dignified conditions. In no way have Colombians, as patriots and subjects of rights, been or will be banished from Colombian territory."
- **Refugee admissions program suspended; funding cut off.** Effective January 27, 2025, an Executive Order [suspends refugee admissions](#), with some exceptions on a case-by-case basis.

The program will be reviewed in three months. As part of this effort, the Department of State (DOS) suspended funding to groups aiding refugees in the United States with housing, job placement, and other needs, *Reuters* [reported](#). A letter from DOS said such agencies must stop all related work and "cancel as many outstanding obligations as possible." Scheduled refugee arrivals were halted as a result, including nearly [1,660 Afghans who had been cleared to resettle in the United States](#), a group that includes Afghans at risk of retribution by the Taliban after fighting for the previous U.S.-backed Afghan government, family members of U.S. service members on active duty, and unaccompanied minors who had been scheduled to reunite with their families.

- **"Finding of Mass Influx of Aliens" announced.** On January 23, 2025, Benjamine Huffman, Acting Secretary of Homeland Security, [declared](#) that a "mass influx of aliens is arriving at the southern border of the United States and presents urgent circumstances requiring an immediate federal response." The finding expires in 60 days unless extended.
- **Directive expanding immigration law enforcement to some Department of Justice (DOJ) officials.** On January 23, 2025, the Acting Secretary of Homeland Security issued a [directive](#) giving DOJ law enforcement officials in the U.S. Marshals, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives, and Federal Bureau of Prisons "authority to investigate and apprehend illegal aliens."
- **CBP One app shut down.** The app allowed people to apply for asylum. Previously, asylum seekers were able to submit advance information and schedule appointments at eight southwest border ports of entry. All such appointments have been [cancelled](#), U.S. Customs and Border Protection said.
- **'Illegal alien' terminology reinstated.** The Department of Homeland Security [reinstated](#) official use of the term "illegal alien" over "undocumented noncitizen."
- **Birthright citizenship challenged.** President Trump ordered birthright citizenship to be discontinued, but one court has already issued an injunction on the ground that such a move is unconstitutional.
- **Deportations.** Mass deportations at the anticipated scale have not yet begun, although [activities](#) such as arrests and flights with deported persons have been carried out, along with a call for the U.S. military to be deployed to the southern border, and the lifting of rules that restricted enforcement near sensitive areas like churches and schools. Mexico [denied permission](#) for the United States to fly a C-17 military transport aircraft land in Mexico with persons deported from the United States. Two similar flights with about 80 passengers each went to Guatemala. Meanwhile, immigrant advocacy organizations are putting out "[know your rights](#)" information.

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[Senate Confirms Kristi Noem as Homeland Security Secretary](#)

On Saturday, January 25, 2025, the U.S. Senate [confirmed](#) Kristi Noem as Secretary of Homeland Security. She will oversee U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement. She previously was governor of South Dakota. Ms. Noem also served in the South Dakota legislature and as South Dakota's sole member of the U.S. House of Representatives.

President Trump separately appointed Tom Homan as "border czar." It is unclear what role Mr. Homan will play in working with Secretary Noem.

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USCIS Waives COVID-19 Vaccination Requirement for Adjustment of Status Applicants

Effective January 22, 2025, U.S. Citizenship and Immigration Services (USCIS) is [waiving](#) "any and all requirements" that applicants for adjustment of status to permanent residence present documentation on their Form I-693, Report of Immigration Medical Examination and Vaccination Record, that they received the COVID-19 vaccination.

USCIS said it will not issue any Request for Evidence or Notice of Intent to Deny related to proving a COVID-19 vaccination or deny any adjustment of status application on that basis.

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Inauguration Eve: A Nation Holds Its Breath

President-elect Trump's inauguration on January 20, 2025, is expected to usher in immigration-related actions of various kinds. What will actually happen and when, in the short term and over the long term? Only time will tell. Discussion and preparation on both sides have been wide-ranging. According to reports, highlights include:

- **Deportations.** The incoming "border czar," Tom Homan, has [said](#) Chicago could be an early target for deportation operations, although later he appeared to [walk that back following leaks](#) of the details. Noting that a goal of the Trump administration is to create "[shock and awe](#)," he also said "[there's gonna be a big raid all across the country](#). Chicago is just one of many places." Sources said U.S. Immigration and Customs Enforcement has been putting agents in place and has readied plans to conduct operations in major cities [starting shortly after inauguration](#). On January 18, Mr. Homan [said](#) that the incoming administration "hasn't made a decision yet" about whether Chicago would be targeted first and is "looking at this leak and will make decision based on this leak. It's unfortunate because anyone leaking law enforcement operations puts officers at greater risk." President-elect Trump [said](#) earlier this weekend that mass deportations would "begin very early, very quickly," adding that "I can't say which cities because things are evolving. And I don't think we want to say what city. You'll see it firsthand." In terms of priority, he said, "We have to get the criminals out of our country. And I think you would agree with that. I don't know how anyone could not agree." Sources have [said](#) that "sanctuary" jurisdictions would be targeted. In addition to Chicago, [New York City, San Francisco, Miami, and Los Angeles](#) have been mentioned.

According to CNN, in a briefing with senior Republican lawmakers on Sunday afternoon (January 19), Stephen Miller, chosen by President-elect Trump to be his deputy chief of staff for policy, [confirmed](#) "elements of a long-planned, sweeping suite of immigration actions, including Trump invoking a national emergency at the border as a way to unlock funding from the Defense Department for the administration's use." CNN also reported that President-elect Trump will "direct his administration to move to reinstate his first-term Migrant Protection Protocol policy, which is more commonly referred to as 'Remain in Mexico.' Trump will act to reinstate a series of his first-term immigration policy directives and actions that President Joe Biden rescinded on his own first day in office in 2021."

It's unclear when or how big deportation operations will be or where those slated for deportation will be taken. Also unclear is how much the operations will cost and how much legal pushback will occur.

- **Wild card: state/legal actions.** California and other states have not been passively awaiting the

inauguration. California's Governor Gavin Newsom and state Democrats, for example, [reached agreement](#) on a \$50 million deal to defend against federal anti-immigrant efforts and detentions, and fund grants for nonprofits to help with legal issues and immigrant support. Related bills would need to pass the California Assembly. "This funding agreement cements California's readiness to serve as a bulwark against Trump's extremist agenda," said Scott Wiener, a state senator and budget chair from San Francisco. United Farm Workers officials [warned](#) of "rogue" agents in California who appear to be already engaging in sweeps and arrests: "This is part of a new political climate of people in some of these agencies feeling emboldened." [Reportedly](#), in Trump's first term, California spent at least \$41 million suing the Trump administration. Some commentators [predict](#) a backlash against California from the Trump side on various fronts.

The New York City Comptroller's Office released a report, [Protecting New York City](#). Comptroller Brad Lander [said](#) that the possible "mass deportation of hundreds of thousands of New Yorkers" poses a "grave threat." Comptroller Lander also led a roundtable of civic, business, labor, religious, and community leaders "to discuss how to best prepare to protect New York City and New Yorkers who may be targeted by the policies of the incoming Trump Administration."

Organizations like the American Civil Liberties Union (ACLU) also have been [working on legal strategies](#) to fight mass deportations and protect immigrants. For example, the ACLU said it has plans to litigate against new mass detention centers and any erosions of due process for those facing deportation in the United States.

- **H-1B visa feud.** An [intramural argument](#) is going on within Trump circles and the Make America Great Again base related to H-1B nonimmigrant visas. Elon Musk—a multi-billionaire CEO of Tesla and SpaceX who has been named "[richest man in the world](#)" and helped bankroll the Trump campaign—favors the H-1B visa as a way to bring in global talent. According to one [report](#), in 2024, "Tesla won 742 new H-1B visas through the lottery, more than double the 328 it secured in 2023. In addition, Tesla had another 1,025 existing H-1B visas extended in 2024." Mr. Musk vowed to "go to war" with those who might try to block the visa program, [noting](#) that "The reason I'm in America along with so many critical people who built SpaceX, Tesla and hundreds of other companies that made America strong is because of H-1B." On the anti-H-1B side, Steve Bannon, who has said the visas are a way for companies to undercut U.S. workers, called Mr. Musk a "toddler" and threatened him and other like-minded H-1B supporters that Mr. Bannon and allies would "rip your face off." He also [said](#) Mr. Musk is trying to establish "techno-feudalism on a global scale." President-elect Trump has recently seemed to lean in favor of the Musk side of the controversy, but it remains to be seen how this issue will play out.
- **International students.** President-elect Trump has [commented](#) on international students: "If you graduate or you get a doctorate degree from a college, you should be able to stay in this country."
- **Effects on other industries.** Effects of anti-immigrant efforts could also be felt in the construction, medical, and hospitality industries, among others. President-elect Trump has commented that he has a lot of employees at his properties on visas.
- **Travel bans and extreme vetting.** Also under discussion have been [possible travel bans on certain groups](#), similar to former President Trump's Muslim travel ban during his first term, and [extreme vetting of visa applicants along with crackdowns](#) on would-be immigrants trying to cross into the United States from Mexico.
- **Temporary Protected Status (TPS) and humanitarian parole rollbacks.** According to discussions, mass designations of TPS are [likely to end](#). The President also has authority to revoke

humanitarian parole. Legal challenges are expected if the Trump administration attempts to revoke TPS before it expires for designated countries.

- **Effects on "Dreamers."** Although the previous Trump administration attempted unsuccessfully to end an earlier version of Deferred Action for Childhood Arrivals (DACA), President-elect Trump [said more recently](#) that he "will work with the Democrats on a plan" to protect Dreamers. He said that DACA Dreamers "were brought into this country...many years ago. Some of them are no longer young people. And in many cases, they've become successful. They have great jobs. In some cases they have small businesses. Some cases they might have large businesses. And we're going to have to do something with them."

It is impossible to overstate the complexity and uncertainty of the immigration situation in the United States today, or to predict outcomes. There are many more considerations and discussions afoot. Stay tuned.

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[USCIS Updates Guidance on EB-2 National Interest Waivers](#)

On January 15, 2025, U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it has [updated](#) its policy guidance to clarify how the agency evaluates eligibility for the second preference employment-based (EB-2) classification for immigrant petitions filed with a request for a national interest waiver (NIW).

The new guidance explains that for advanced degree professionals seeking an NIW, USCIS considers whether the occupation in which the petitioner proposes to advance an endeavor is a profession and, if applicable, whether the five years of post-bachelor's experience is in the specialty. The guidance also states that for persons of exceptional ability seeking an NIW, the exceptional ability must relate to the endeavor proposed as part of the NIW request. USCIS said it determines the relationship of exceptional ability to the proposed endeavor "on a case-by-case basis, considering any shared skillsets, knowledge, or expertise."

In addition, the new guidance—which builds on a [previous Policy Manual update](#) that discussed the unique considerations for persons with advanced degrees in science, technology, engineering, and mathematics fields and entrepreneurs—provides information about how USCIS evaluates whether a proposed endeavor has national importance and explains how the agency evaluates evidence, such as letters of support and business plans, when determining whether a person is well-positioned to advance an endeavor.

This guidance, in [Volume 6, Part F, Chapter 5 of the Policy Manual](#), applies to requests pending or filed on or after the publication date. The guidance is controlling and supersedes any related prior guidance, USCIS said.

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[Filing Procedures Updated for Immigrant Petitions for Alien Workers](#)

On January 13, 2025, U.S. Citizenship and Immigration Services (USCIS) [announced updated procedures](#) for submitting a Form I-140, Immigrant Petition for Alien Workers, accompanied by a permanent labor certification, application for Schedule A designation, or national interest waiver (NIW) request.

The instructions to Form ETA-9089 state that only a signed Final Determination must be submitted with the Form I-140 petition as evidence of permanent labor certification approval. USCIS noted that this

"limited requirement is because, as a part of this process change, USCIS receives most of the information about the permanent labor certification directly from DOL under a [data sharing agreement](#)."

USCIS said that employers whose labor certifications were processed in the FLAG system must include a printed copy of the electronic Final Determination with their Form I-140, and USCIS "will consider this printed copy as an original, approved labor certification." The Final Determination "must be completed and electronically signed by DOL, and must be signed by the foreign worker, employer, and the employer's attorney or agent, if applicable." In addition, Form I-140 petitions for Schedule A occupations "must contain a completed, uncertified Form ETA-9089, including all applicable appendices, a signed Final Determination, and a valid prevailing wage determination tracking number in Section E, Item 1 of the Form ETA-9089." Finally, a Form I-140 petition with an NIW request "must contain a copy of the Form ETA-9089, Appendix A, and a signed Final Determination," USCIS said.

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[USCIS Extends and Expands DED for Certain Hong Kong Residents in the United States](#)

President Biden has [extended](#) Deferred Enforced Departure (DED) for eligible Hong Kong residents present in the United States on January 15, 2025, for two years, through February 5, 2027, and has ordered related extended work authorization for the same period.

In a memorandum, President Biden said there are "compelling foreign policy reasons" to extend DED for an additional period for those residents of Hong Kong presently residing in the United States who were under a grant of DED until February 5, 2025, as well as to defer enforced departure for other Hong Kong residents who arrived in the United States after the initial grant of DED.

The order also directs the Secretary of Homeland Security to "consider suspending regulatory requirements with respect to F-1 nonimmigrant students who are Hong Kong residents."

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[Appeals Court Rules DACA Is Illegal But Limits Ruling to Texas](#)

On January 17, 2025, the U.S. Court of Appeals for the Fifth Circuit largely [affirmed](#) the judgment of a district court that the Deferred Action for Childhood Arrivals (DACA) program is illegal, but limited the ruling to Texas.

Previously, in 2022, the Fifth Circuit affirmed in part and remanded because the Department of Homeland Security (DHS) had cured a procedural defect in the DACA program by promulgating a final rule. A new appeal addressed that final rule. The district court found that Texas still had standing to challenge DACA and held that the final rule was substantively unlawful. The court accordingly vacated the rule, entered a nationwide injunction, and preserved the stay.

The Fifth Circuit said it largely agreed with the district court and thus affirmed its judgment, although it modified the remedial order. Among other things, the Fifth Circuit also limited the injunction to Texas and maintained the stay pending further appeal.

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Visa Bulletin for February Includes Details About March Expiration of EB-4 Religious Workers (SR) Category

The Department of State's [Visa Bulletin for February 2025](#) includes information about the expiration of the EB-4 Religious Workers (SR) visa category, among other developments.

According to the bulletin, no SR visas may be issued overseas, or final action taken on adjustment of status cases, after March 13, 2025. Visas issued before that date will be valid only until March 13, 2025, and all individuals seeking admission in the non-minister special immigrant category must be admitted into the United States by March 13, 2025.

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USCIS Updates O-1 Guidance on Extraordinary Ability Evidence

On January 8, 2025, U.S. Citizenship and Immigration Services (USCIS) [updated its policy guidance](#), effective immediately, to clarify how it evaluates evidence to determine eligibility for O-1A nonimmigrants of extraordinary ability, including adding examples of evidence for individuals in critical and emerging technologies. The updated guidance aligns with President Biden's Executive Order from October 2023, aimed at enhancing pathways for individuals working in artificial intelligence and other critical technologies.

The guidance:

- Explains that a separate legal entity owned by the beneficiary, such as a corporation or limited liability company, may file a petition on the beneficiary's behalf.
- Provides clarifying guidance regarding evidentiary criteria for O-1A and O-1B nonimmigrants.
- Adds examples of relevant evidence that may be submitted by an interested U.S. government agency.
- Provides an example of an occupational change within a technological field.
- Clarifies the circumstances under which USCIS limits an extension of stay to 1 year.

Practitioners have [noted](#) that the flexibility offered with this guidance may particularly benefit for entrepreneurs, startup founders, and self-employed individuals working in areas of extraordinary ability. The clarification of O-1 extension circumstances may also benefit those working in research and development as their projects progress and extend to subsequent phases.

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Cap Reached for Additional H-2B Returning Worker Visas; Petitioners Encouraged to File Under Country-Specific Allocations While Visas Remain Available

On January 10, 2025, U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it has received enough petitions to reach the cap for the additional 20,716 H-2B visas [made available](#) for returning workers for the first half of fiscal year 2025 with start dates on or before March 31, 2025. January 7, 2025, was the final receipt date for petitions requesting supplemental H-2B visas under this allocation.

USCIS said it is still accepting petitions for H-2B nonimmigrant workers with start dates on or before March 31, 2025, for the additional 20,000 visas allotted for nationals of Colombia, Costa Rica, Ecuador,

El Salvador, Guatemala, Haiti, and Honduras (country-specific allocation), as well as those who are exempt from the congressionally mandated cap.

USCIS encourages petitioners whose H-2B workers with start dates on or before March 31, 2025, were not accepted for the 20,716 returning worker allocation to file under the country-specific allocation while visas remain available. As of January 7, 2025, USCIS had received petitions requesting 3,678 workers under the 20,000 visas set aside for nationals of Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, and Honduras.

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DHS Extends TPS for El Salvador, Sudan, Ukraine, and Venezuela

On January 10, 2025, the Department of Homeland Security (DHS) announced the extension of Temporary Protected Status (TPS) for [El Salvador](#), [Sudan](#), [Ukraine](#), and [Venezuela](#). [But see new Homeland Security Secretary Kristi Noem's [vacatur](#) of the latest TPS extension notice with respect to Venezuela on February 3, 2025.]

El Salvador: The TPS extension is effective for 18 months, from March 10, 2025, to September 9, 2026. It allows approximately 232,000 current beneficiaries to re-register for TPS if they continue to meet eligibility requirements, U.S. Citizenship and Immigration Services (USCIS) said. Re-registration is limited to individuals who previously registered for and were granted TPS under El Salvador's prior designation. USCIS will continue to process pending applications filed under previous TPS designations for El Salvador. Individuals with a pending Form I-821 or a related Form I-765, starting when the Federal Register notice is published, do not need to file either application again. If USCIS approves a pending Form I-821 or Form I-765 filed under the previous designation of TPS for El Salvador, USCIS will grant the individual TPS through September 9, 2026, and issue an Employment Authorization Document (EAD) valid through the same date. A [Federal Register](#) notice provides information about how to re-register for TPS under this extension.

Sudan: The TPS extension is effective for 18 months. It allows approximately 1,900 current eligible beneficiaries to re-register for TPS if they continue to meet eligibility requirements. Re-registration is limited to individuals who previously registered for TPS under Sudan's designation. This includes nationals of Sudan (and individuals without nationality who last resided in Sudan) who have been continuously residing in the United States since at least August 16, 2023, with or without lawful immigration status. Both initial applicants and re-registering current beneficiaries who have a pending Form I-821 or Form I-765 do not need to file either application again. If USCIS approves an individual's pending Form I-821, USCIS will grant them TPS through October 19, 2026. Similarly, if USCIS approves a pending TPS-related Form I-765, USCIS will issue the individual a new EAD valid through the same date.

Ukraine: The TPS extension is effective for 18 months. It allows approximately 103,700 current eligible beneficiaries to re-register for TPS if they continue to meet eligibility requirements. Re-registration is limited to individuals who previously registered for TPS under Ukraine's designation. This includes nationals of Ukraine (and individuals without nationality who last resided in Ukraine) who have been continuously residing in the United States since at least August 16, 2023, with or without lawful immigration status. Both initial applicants and re-registering current beneficiaries who have a pending Form I-821 or Form I-765 do not need to file either application again. If USCIS approves an individual's pending Form I-821, USCIS will grant them TPS through October 19, 2026. Similarly, if USCIS approves a pending TPS-related Form I-765, USCIS will issue the individual a new EAD that will be valid through the same date.

Venezuela: See new Homeland Security Secretary Kristi Noem's [vacatur](#) of the latest TPS extension notice with respect to Venezuela on February 3, 2025.

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OFLC Publishes List of Randomized H-2B Applications

On January 6, 2025, the Office of Foreign Labor Certification (OFLC) [announced](#) that it has published the assignment groups for 8,759 H-2B applications covering 149,953 worker positions with a work start date of April 1, 2025.

OFLC said it completed the randomization process on January 4, 2025, and assigned to National Processing Center analysts all H-2B applications placed in Assignment Group A for issuance of Notices of Deficiency or Acceptance. That group includes enough worker positions to reach the H-2B semiannual visa allotment of 33,000.

On January 4, 2025, OFLC notified each employer (and the employer's authorized attorney or agent) informing them about the Assignment Group for their application(s).

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Edakunni Settlement Agreement on Concurrent Adjudication Expires on January 18

A [settlement agreement](#) in *Edakunni v. Mayorkas*, effective for two years, is set to expire on January 18, 2025. Under the agreement, U.S. Citizenship and Immigration Services (USCIS) said it would bundle the adjudication of the Form I-539 (Application to Extend/Change Nonimmigrant Status) and Form I-765 (Application for Employment Authorization) with the underlying Form I-129 (Petition for a Nonimmigrant Worker), where applicable, for H-4 and L-2 derivatives (e.g., dependent spouses) when these forms were properly filed together regardless of whether they were filed under standard or premium processing.

The agreement was seen as a way to [help the spouses of H-1B and L-1 visa holders](#) timely obtain work authorization.

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Romania Added to VWP

On January 10, 2025, the Department of Homeland Security (DHS), in consultation with the Department of State, [announced](#) the designation of Romania as a participating country in the [Visa Waiver Program](#) (VWP).

The U.S. Embassy in Romania [said](#) that U.S. Customs and Border Protection anticipates that the Electronic System for Travel Authorization (ESTA) online and mobile applications will be updated on or around March 31, 2025, to allow most citizens and nationals of Romania to apply to travel to the United States under the VWP for tourism or business purposes for up to 90 days without first obtaining a U.S. visa. The embassy noted that these authorizations are generally valid for two years. Travelers with valid B-1/B-2 visas may continue to use their visas for travel to the United States, and B-1/B-2 visas will remain an option for Romanian citizens. The embassy said that U.S. citizens already can travel visa-free to Romania and stay there for up to 90 days for tourism or business purposes if they have a passport that is valid for at least three months from the date of arrival.

Romania is the 43rd member of the VWP and the fourth country added under DHS Secretary Mayorkas, after [Croatia](#) (2021), [Israel](#) (2023), and [Qatar](#) (2024).

The U.S. Embassy in Romania noted that ESTA applications may be accessed [online](#) or by downloading the “ESTA Mobile” application through the [iOS App Store](#) or the [Google Play](#) store.

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DHS Releases Statement on Immigration Safety and Enforcement During Los Angeles Area Fires

The Department of Homeland Security (DHS) released the following [statement](#) related to immigration enforcement in "protected areas" during the emergency response to the devastating fires in the Los Angeles area:

During emergency events, [DHS] works with its federal, state, local, and non-governmental partners to support the needs of the people in the areas that may be impacted.

In such circumstances, U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) remind the public that sites that provide emergency response and relief are considered [protected areas](#). To the fullest extent possible, ICE and CBP do not conduct immigration enforcement activities at protected areas such as along evacuation routes, sites used for sheltering or the distribution of emergency supplies, food or water, or registration sites for disaster-related assistance or the reunification of families and loved ones.

At the request of [the Federal Emergency Management Agency] or local and state authorities, ICE and CBP may help conduct search and rescue, air traffic de-confliction and public safety missions. ICE and CBP provide emergency assistance to individuals regardless of their immigration status. DHS officials do not and will not pose as individuals providing emergency-related information as part of any enforcement activities.

DHS is committed to ensuring that every individual who seeks shelter, aid, or other assistance as a result of a natural disaster or emergency event is able to do so regardless of their immigration status.

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New Publications and Items of Interest

New immigration estimates and effects on employment in the United States: The Brookings Institution has released a report, [New Immigration Estimates Help Make Sense of the Pace of Employment](#). The report considers recent immigration flows and their potential macroeconomic implications in the United States.

Know your rights. A number of organizations, including the [Immigrant Legal Resource Center](#) and [Catholic Legal Immigration Network, Inc.](#), have published resources highlighting immigrants' rights in the United States, including "know your rights" information and what documents they may want to carry when traveling inside the United States.

E-Verify webinars: E-Verify has [added a webinar](#) with a focus on acceptable documents for Form I-9 verification, and has updated its [calendar of webinars](#).

SAVE webinars: Systematic Alien Verification for Entitlements (SAVE) has updated its [calendar of webinars](#).

Immigration agency X (formerly Twitter) accounts:

- EOIR: [@DOJ_EOIR](#)

- ICE: @ICEgov
- Study in the States: @StudyinStates
- USCIS: @USCIS

Alliance of Business Immigration Lawyers: ABIL is available on X (formerly Twitter): [@ABILImmigration](#)

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ABIL Member/Firm News

Janice Flynn was quoted extensively by *Irish News* in [Trump's Citizenship Restrictions to Impact Children of Undocumented Irish, Warns U.S. Immigration Lawyer](#). Ms. Flynn, who offers U.S. immigration legal services in London and Dublin, said that birthright citizenship has been the "bedrock of our immigration law since the 14th amendment" to the U.S. Constitution. Ms. Flynn said that the amendment, which grants automatic citizenship to anyone born in the United States who is "subject to the jurisdiction thereof," has been a "benefit" to the country: "It's straightforward. If you're in the United States, you give birth, you're contributing to society, you need to have that confidence that your children are going to have status and they're not going to be treated like second-class citizens." For the estimated 10,000 to 50,000 Irish citizens living in the United States without legal status, revoking the amendment could limit their children's involvement in society and "access to education, employment and healthcare." She also talked about the fear factor: "I know there's a lot of people who were from Ireland who work in the construction industry, so it sort of opens the lid on all of that. If they don't have status, I'm wondering if they'll think, 'Oh well, I'm just giving up, I'm going to go back to Ireland'. It just feeds the fear. Unfortunately, it's going to affect people of color more than anything. So maybe not so much the Irish, but I think a knock-on effect if they're going after these industries, they get caught up in it."

Charles Foster, Chairman of **Foster LLP**, was featured by WBUR and National Public Radio in a discussion of the latest actions and plans of the Trump administration regarding immigration. "President Trump and his advisers will clearly, as evidenced by the fact that he plans to sign a bunch of executive orders, will do that (deport criminal aliens) and a lot of things to give the impression that they're doing more than what they can actually accomplish." The full discussion on WBUR is available at [Immigration attorney on Trump's plans to tackle immigration this term | Here & Now](#).

José Perez, of **Foster LLP**, was interviewed by *Houston Public Media*, a service of the University of Houston, in [Houston Attorney Says President Donald Trump Unlikely to Succeed in Removing Birthright Citizenship](#). He said that President Trump's executive order abolishing birthright citizenship will "be challenged as soon as President Trump signs it. It will have no effect whatsoever, because again, it's a constitutional protection. It's a civil rights issue, really." Regarding various actions President Trump has taken in his first week in office, Mr. Perez said, "If you're undocumented, the first thing you need to do is not to sign anything if you're detained by ICE, get yourself a lawyer, and then ask for a hearing before an immigration judge. You're entitled to that. That's due process."

Loan Huynh was quoted by the *Minnesota Post* in [Minnesota's Farmers Are Increasingly Dependent on Foreign-Born Workers Who May Be Victims of Trump's Immigrant Crackdown](#). She said that her firm provides farmers with hundreds of H-2A migrant workers every year, mostly from Mexico. "As our population grows, we need more workers and our farmers and agricultural workers are finding it harder to find these workers. U.S. workers don't want to do this work." She noted, "We are really concerned about an administration that has made it clear that immigration is something they want to decrease rather than increase."

Klasko Immigration Law Partners, LLP, has published several client alerts: [CBP Clarifies That Holders of Valid I-512 Advance Parole May Be Admitted to the United States](#); [Uniting for Ukraine Parole Program Paused—Options Parolees May Have to Remain in the United States](#); and [President Trump's Day One](#)

[Immigration Executive Orders Summary.](#)

Charles Kuck was quoted by *State Affairs* in [Legislation Seeks Stiffer Penalties Against Cities Harboring Undocumented Immigrants](#). The article discusses Georgia's [Senate Bill 21](#), which would "waive sovereign and governmental immunities for local governments and their officials and employees for a violation of the prohibition on immigration sanctuary policies" and "require sheriffs, jailers, and deputies to honor immigration detainer requests issued by the Department of Homeland Security." Mr. Kuck said the bill is "irrelevant": "There are no sanctuary cities in Georgia. They've been illegal for years. This type of legislation is designed to be purely about politics. 'Hey, look at me. I'm tough on immigration,' because right now, they think people hate immigrants. That boat will turn around very quickly here when we start deporting people's best friends and best workers."

Mr. Kuck was quoted by *Filter* in [DEA Cleared to Make Immigration Arrests as Mass Deportations Begin](#). He said that agencies other than the Department of Homeland Security "do not have authority to...start the removal proceedings, nor to physically deport [undocumented persons] from the United States. That happens in the venue of the immigration courts." He warned, "What we're gonna see is [U.S. Immigration and Customs Enforcement] and these collaborating federal agencies now being forced to go after mom and dad, grandma and grandpa. Folks who've been here for 20, 30 or 40 years." He noted that "ICE already has a database of 1.5 million people with active deportation orders. Even if they focused only on them, they would be busy for the next four years."

Mr. Kuck was quoted by *Atlanta News First* in [Atlanta Immigration Attorney Explains What to Do if ICE Knocks on Your Door](#) (article and video). He said, "We've been actively calming people's fears since the day after the election, because anyone who really understood Trump knew all of this was coming." Mr. Kuck noted, "ICE issues these things called 'administrative warrants' that do not have the power of law and do not allow entry into a property. They don't satisfy the requirements of the fourth amendment. If they want to come in your house, they need a judicially signed warrant from a federal court judge. You simply say, 'I'm not letting you into my house. I'm not speaking to you any longer and I'm calling my lawyer. Thank you.' "

Mr. Kuck was quoted by *Axios* in [ICE Arrests Spark 'Fear' in Metro Atlanta Latino Communities](#). He said, "What I'm hearing is fear at a level that I have never seen, except perhaps after 9/11 in the Muslim communities. Fear, fear of losing the life they have, fear of sending their kids to school, fear of the future. And clearly, that's Trump's intention." The report notes that Mr. Kuck "predicted Trump's deportation plan isn't realistic considering the time and resources spent planning, processing and adjudicating the arrests of undocumented immigrants, plus limited available space in metro Atlanta's jails."

Mr. Kuck was interviewed by WABE's "Closer Look" in [Georgia-Based Immigration Attorney Responds to ICE's 'Targeted Operations' Across the Nation](#) (article and audio). He talked about the unfolding situation and how his law firm is responding. He also said he believes it's important for detainees to understand their rights and how they can protect themselves under the Constitution.

Mr. Kuck was featured in the *Atlanta Journal-Constitution's* "Politically Georgia" podcast, available on [Spotify](#) and [Apple](#). He discussed the implications of President Trump's decisions and what might come next.

Mr. Kuck was quoted by the *Atlanta Journal-Constitution* in [In Georgia, Enforcement of Laken Riley Act Presents Complications](#). "This is not a bill that would have helped poor Laken Riley," he said.

Mr. Kuck was quoted by the *Union-Bulletin* in [Georgia Schools, Colleges Brace for Immigration Changes Under Trump](#). He said that although U.S. Immigration and Customs Enforcement (ICE) agents are allowed on public properties like schools and colleges, he does not think they will make arrests in such

places: "I think the American public would react quite negatively to that, in that context and in the reality that we live in. I think Americans still have a soul and that we believe that everybody does deserve a second chance. So, I don't see them doing it." Mr. Kuck said he's advising clients to know their rights. "If an ICE agent talks to you, you have no legal obligation to respond to them. You have no legal obligation to produce paper. You have no legal obligation to allow them into your house without a warrant signed by a judge. Even if you're undocumented, every right in the Constitution is given to you...in your personal life," he said.

Mr. Kuck was quoted by *Deseret News* in [Faith Leaders Weigh In as Trump Puts Pause on Refugee Resettlement](#). He noted that President Trump's order to abolish birthright citizenship would overrule the Supreme Court's past ruling on the 14th Amendment, which the President does not have the power to do. It would be difficult for President Trump to prevail in court, Mr. Kuck predicted: "There's no district court judge in the country who will overturn Supreme Court precedent, which exists on this issue. Actually, I don't think there are four Supreme Court justices who will agree to hear this case."

Mr. Kuck was quoted by *U.S. News & World Report* in [What Is Birthright Citizenship, and Can Trump Take It Away?](#) He said that for the Supreme Court to take up a case challenging President Trump's birthright citizenship executive order, four justices would need to accept it. But, he said, "I have no doubt that every district court judge in the United States will say that this executive order is unconstitutional. There's no doubt. Even Trump-appointed ones, I believe, will say that." Mr. Kuck noted that the term "subject to the jurisdiction thereof" in the 14th Amendment to the U.S. Constitution "was a widely used legal term in 1868. And everybody knew exactly what it meant, and it means diplomats. To say that it means anything else is completely contrary to history and to the facts."

Cyrus Mehta and **Kaitlyn Box** have co-authored several new blog posts: [Should Trump's Lawyers Implementing Policies that Hurt Immigrants Be Concerned About Violating Their Ethical Obligations?](#); [Trump's Executive Order Restricting Birthright Citizenship Is So Unconstitutional That Even the Supreme Court May Reject It](#); and [Biden's USCIS Welcomes Entrepreneurs Through the H-1B and O Visas. Will Trump Do the Same?](#)

Kaitlyn Box was [promoted](#) to Partner at **Cyrus D. Mehta & Partners PLLC**. She joins the leadership alongside Founder and Managing Partner **Cyrus Mehta** and Partner **David Isaacson**. Beyond her casework, Ms. Box has played a crucial role in the management of the firm. She has been instrumental in shaping recruitment decisions and advancing the firm's technological capabilities, and was a key figure during the acquisition of Claudia Slovinsky and Associates on October 1, 2024. Additionally, **Jessica Paszko** was promoted to Senior Associate.

Mr. Mehta was quoted by the *Times of India* in [End of Birthright Citizenship? What Donald Trump's Order Means for Indian Americans](#). He said, "This [executive order] will obviously be challenged in court, but the [Trump] administration seems prepared to take it all the way to the Supreme Court, where a conservative majority may uphold it."

Mr. Mehta was Chair of [Practising Law Institute](#)'s Basic Immigration Law program on January 30, 2025, in New York City and webcast. He worked with distinguished panelists through the day who also contributed to the conference [handbook](#).

Greg Siskind, of **Siskind Susser PC**, was quoted by the *Times of India* in [End of Birthright Citizenship? What Donald Trump's Order Means for Indian Americans](#). He called President Trump's executive order "stunningly unconstitutional," noting that the term "subject to the jurisdiction thereof" was meant to apply to diplomats.

Stephen Yale-Loehr, of **Miller Mayer, LLP**, was quoted by *Vox* in [How Trump is Laying the Groundwork for Another Travel Ban](#). He said, "I think that [the Trump administration has] learned from their mistakes in the first administration, setting things up so that if they want to do a travel ban, it's fairly likely to be

upheld in court. He said he thinks that immigrants' rights advocates "will try to find a friendly court to challenge whatever new travel ban comes out, and they may get an injunction. If the new travel ban is like the provision set forth in [President Trump's] executive order, and like the travel ban that was upheld by the Supreme Court back in 2018, then I would predict that the Supreme Court would also uphold this travel ban."

Mr. Yale-Loehr was quoted by *Newsweek* in [Donald Trump Has Promised a 'Golden Age' for the U.S. Can He Deliver?](#) He said, "With better-crafted [executive orders], courts may be less likely to issue injunctions. From a legal perspective [the executive orders] may more easily pass judicial scrutiny." He noted that "[e]ven if Congress appropriates more money, it certainly is never going to be enough to deport millions of people" in a single term.

Mr. Yale-Loehr was quoted by the *Miami Herald* in [Can Schools Turn Away ICE Officials? Agents Need Specific Warrant to Enter, Experts Say](#). Mr. Yale-Loehr said that for U.S. Immigration and Customs Enforcement (ICE) agents to enter schools and other sensitive locations, including hospitals and courthouses, agents need a judicial warrant: "That means a warrant issued by a judge, not an administrative warrant signed by an ICE official." He explained, for example, that a judge might sign such a warrant for ICE agents to enter a school if a migrant student, staff member, or teacher is suspected of a crime. When asked whether school officials can turn away ICE agents, he said, "School officials can inform ICE agents that all agency inquiries must first be reviewed by the school district's lawyers to make sure they comply with applicable privacy and other laws." He noted that "[a]s a practical matter, ICE agents are unlikely to go to a school, for several reasons. First, obtaining a judicial warrant takes time. Second, ICE could get public blowback from arresting someone at a school." (A recent [highly publicized](#) instance turned out to be Secret Service agents rather than ICE agents visiting an elementary school. A spokesperson said they were investigating threats against a government official.)

Mr. Yale-Loehr was quoted by the *Financial Times* in [What It Would Take for America to Deport 11 \[Million\] Immigrants](#) (subscription required). Individuals with outstanding deportation orders may be removed from the United States immediately, he noted, "[b]ut that is a relatively small number. Most people picked up will be put into deportation proceedings in immigration courts."

Mr. Yale-Loehr was quoted by *Vox* in [Mass Deportations Aren't Here—Yet](#). He said, "We're not going to see a significant increase in actual deportations this year, even with the Trump administration's best efforts, simply for logistical and financial reasons. There will be some increase in actual deportations this year, but it's not going to be millions of people." He also noted that "practical challenges will make it difficult for Trump to quickly implement his campaign vision for mass deportations. But the reality of it may not matter so much as how the public perceives his agenda. What he's trying to do is have a public relations campaign that sows fear and chaos among immigrant communities and assures his base that he is doing everything that he can to have increased immigration enforcement."

Mr. Yale-Loehr was quoted by *Law360* in [Immigrant Rights Attorneys Set for Battle as Trump Returns](#). Commenting on immigrant advocacy groups' pushing for legislation at the federal level to provide additional funding for deportation defense programs and provide a right to counsel in immigration courts, Mr. Yale-Loehr said such bills are a long shot: "Those bills are not going to be enacted any time soon ... and even if they were, it would not solve the problem."

Mr. Yale-Loehr was quoted by *Newsday* in [Trump Signing Executive Orders on Immigration That Will Trigger Fear, Legal Challenges, Immigrant Advocates Say](#). Although the Supreme Court has not explicitly decided whether children of persons living in the United States without authorization are entitled to birthright citizenship, similar cases have ruled that those children are automatically U.S. citizens, he said. "Of all of the expected immigration orders, that one is the most likely to be struck down by the courts." He said that even if President Trump is unsuccessful in court, the orders "will cause chaos and fear among immigrants. And that may be the main point if he hopes that people will self-deport back to their

home countries." Mr. Yale-Loehr noted that for asylum-seekers already in the country, the immediate impact of the orders may be limited because they have hearings pending in immigration court. "But if they have relatives overseas, those relatives may not be able to come to the United States, either through the refugee resettlement program or by trying to cross the border legally or illegally," he said.

Mr. Yale-Loehr was quoted by *Times Higher Education* in "[Dire Consequences](#)": [Colleges in Crossfire of Trump Visa Debate](#). He said that discussions over H-1B work visas are tied into a wider debate around immigration. "H-1B work visas are a common way for international students to work in the United States after they graduate. If the Trump administration restricts H-1B visas, international students may be less likely to attend U.S. universities," he said.

Mr. Yale-Loehr was quoted by *Vox* in [What's Actually in Congress' Harsh New Immigration Bill?](#) The article discusses the "Laken Riley Act," named after a young woman killed by an undocumented person in February 2025. Mr. Yale-Loehr said, "The federal government will never have enough money or manpower to deport every undocumented noncitizen. Courts are not equipped to delve into the details of who to prioritize for deportation." If the bill becomes law and survives legal scrutiny, he said, the "result is that courts would become the final arbiters of immigration policy."

Mr. Yale-Loehr authored an article for the *Cornell Law Forum*: [How Cornell Law is Helping to Fix America's Broken Immigration System](#).

Mr. Yale-Loehr was quoted by the *New York Times* in [Biden Issues Sweeping Deportation Protections Before Trump Takes Office](#). He said, "Because President Biden has extended protection for the nationals of all these countries [Sudan, Ukraine, Venezuela], President Trump will be unable to deport these individuals any time soon. Trump can't ignore what Congress wrote into law in 1990."

Mr. Yale-Loehr was quoted by *PolitiFact* in [Are H-1B Holders Hired as Dog Trainers, Massage Therapists? Here's What Bernie Sanders Misses](#). "It is too early to tell which side will prevail in this battle" over nonimmigrant work visas, he said. "People like Elon Musk want to preserve H-1B visas. Other Trump administration officials like Stephen Miller want to restrict all immigration, including H-1Bs."

Mr. Yale-Loehr was quoted by *BBC News (Delhi)* in [H-1B: Visa Row Under Trump Fuels Anxiety for Indian Dreamers](#). He said, "The first Trump administration tightened H-1B visas by increasing denial rates and slowing processing times, making it harder for people to get visas in time. It is unclear whether that will happen again in the second Trump administration. Some people like Elon Musk want to preserve the H-1B visas, while other officials in the new administration want to restrict all immigration, including H-1Bs. It is too early to tell which side will prevail." With respect to what students aspiring for jobs in the United States should do, Mr. Yale-Loehr advised, "Any immigration changes in the U.S. will take time to implement. Students should pick the best college for them, wherever that may be. With good immigration counsel, they will be able to figure out what to do."

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Government Agency Links

Follow these links to access current processing times of the USCIS Service Centers and the Department of State's latest Visa Bulletin with the most recent cut-off dates for visa numbers:

USCIS case processing times online: <https://egov.uscis.gov/processing-times/>

Department of State Visa Bulletin: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html>

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