What You Say Can & Will Be Used Against You: Succeeding in The Trump Era

Andrew J. Zeltner | Lauren D. Berkowitz
Know Your Immigration Documents

- Electronic I-94 receipts/check within 24 hours of entry
- Deferred inspections

Key Agency Players
Different Agencies; Different Responsibilities

USCIS approved my case
Not the End of the Journey

- Take DS-160 seriously/be consistent with petition
- Embassy visa interview is NOT a “rubber stamping”
- Trump factor/BAHA/Government shutdowns
- Partnering with counsel is essential
USCIS Approved My Case
Not the End of the Journey

Choosing a consulate
• Default: opt for post closest to your residence
• Trickier Cases-talk to an attorney about other options (if any)
• Wait Times
• Problem Consulates
  • L-1/Chennai
  • L-1/O-1/London

USCIS Approved My Case
Not the End of the Journey

The NIV Interview
• General trends
• Interviews are quick (usually just 2 minutes)
• Opportunity to advocate for yourself
• Preparatory call with counsel/NO 2nd chance to make a 1st impression
• Read your visa application – be consistent!
• Common interview questions
• Administrative processing

The Next Hurdle:
Interacting with CBP
• Even after succeeding at USCIS & DOS, the journey is not yet complete
• What to expect at CBP/Required documentation
• Special rules for Canadians
• Review your entry record
But Wait, There's More
USCIS Site Visits

- Company site visits on the rise
- Site visits quadrupled in FY18
- Form I-9 audits increased by 5x
- Verifying job duties/location
- Attack on H-1Bs and 3rd party worksites
- Must inform counsel of changes PRIOR to taking place

- Maintain records
- Notify counsel of employment changes (and USCIS if required)
- Conduct internal I-9 audits
- Have an I-9 policy in place
- E-Verify?

Questions?