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# Election 2024: *Immigration Impact on Corporations*

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1



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## TOP FIVE: The Impacts of Trump 1.0

- 1 **Extreme Vetting.** Increased government inquiries, audits, and denials of work visas, extensions of status for colleagues already in the US, and green card applications
- 2 **Hiring/Onboarding Impeded.** Onboarding processes slowed down significantly due to extended adjudication timelines, reduced consular operations, and increased scrutiny
- 3 **Business Disruption.** Employees and third-party contractors unable to maintain seamless work authorization, resulting in unexpected resource gaps and relocations to different countries
- 4 **Increased Costs.** Sponsorship costs ballooned as businesses sought to protect their people and ensure the enterprise's competitive advantage was maintained
- 5 **Colleague Dissatisfaction.** Constant colleague and business anxiety caused by sudden policy changes, reduced government service, and uncertain government decision making

2




**Timeline of Expected Changes**

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**Immediate**

- Install policy experts who support restrictive immigration policies and firing those who don't
- Implementation of immigration policies through presidential executive orders and proclamations
- Implement travel bans that impact business, work visa, and potentially green card holder travel

3



**Timeline of Expected Changes**

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**Immediate (cont.)**

- Cut off or redirect funding to security-related functions, rather than adjudicative and customer service functions at in-country service centers and consulates across the globe
- Eliminate deference to prior adjudications—everything is up for grabs

4



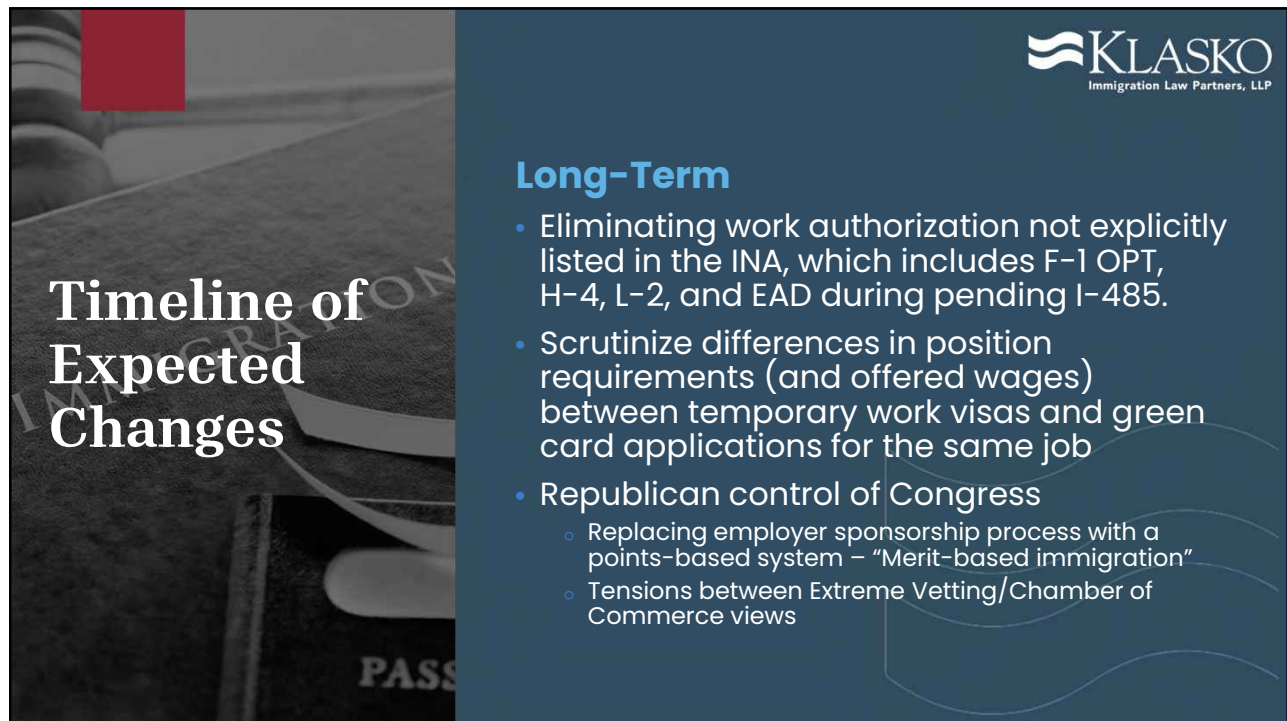
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### Short-Term (Policy Level)

- Direct agencies to apply higher standards, increase documentary requirements, issue more RFEs, and deny more cases
- Require in-person interviews for all green card, and some temporary status, cases
- Delay benefit approvals by reclassifying adjudicators as “national security sensitive” positions, requiring USCIS to take the majority of its case processing capacity offline for at least 12 months
- Prohibit new filings in backlogged green card categories

## Timeline of Expected Changes

5



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### Long-Term


- Eliminating work authorization not explicitly listed in the INA, which includes F-1 OPT, H-4, L-2, and EAD during pending I-485.
- Scrutinize differences in position requirements (and offered wages) between temporary work visas and green card applications for the same job
- Republican control of Congress
  - Replacing employer sponsorship process with a points-based system – “Merit-based immigration”
  - Tensions between Extreme Vetting/Chamber of Commerce views

## Timeline of Expected Changes

6

## Restricting Entry

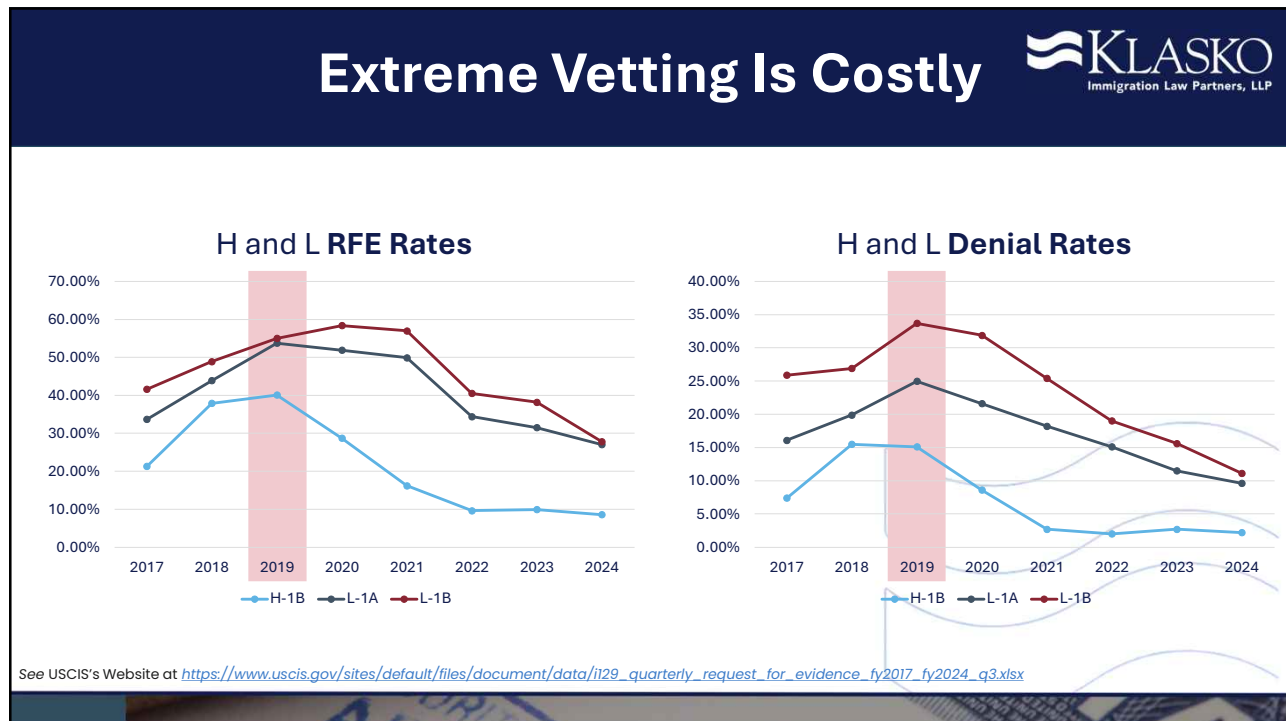
- Impose **travel bans** preventing entry of legal visa holders from disfavored countries
- Rollback visa waiver and stateside visa issuance processes—and require more **in-person interviews** and biometrics appointments
- Employ **purity tests**—ideological screenings of those entering the US (e.g., social media screening for disfavored viewpoints)




## Extreme Vetting

- More biometrics requirements, background checks, and **security screenings**
- Increase in **RFEs, denials**, and US **entry refusals**
- Agency **comparisons of immigration filings** for the same client
- **Longer waits** for visas, entry, and immigration benefits approvals

7



8

	<p>In addition to increased filing fees and a lower threshold to trigger H-1B dependency costs:</p> <ul style="list-style-type: none"> <li>• Require wage parity for similar positions at contracting firm and the end client</li> <li>• Continue/expand disclosure and compliance requirements for “end clients” (joint employer theory)</li> </ul>																
	<p><b>Increasing Wages</b></p>	<p>Appx. 30% increase in the minimum salary requirement, for <u>every</u> H-1B and PERM sponsored role.</p>															
	<p>The roadmap is clear, from the 2020 Wage Rule:</p>	<table border="1"> <thead> <tr> <th></th><th>Existing Methodology</th><th>2020 Proposed DOL Rule</th></tr> </thead> <tbody> <tr> <td>Level I</td><td>17th percentile</td><td>45th percentile</td></tr> <tr> <td>Level II</td><td>34th percentile</td><td>62nd percentile</td></tr> <tr> <td>Level III</td><td>50th percentile</td><td>78th percentile</td></tr> <tr> <td>Level IV</td><td>67th percentile</td><td>95th percentile</td></tr> </tbody> </table>		Existing Methodology	2020 Proposed DOL Rule	Level I	17th percentile	45th percentile	Level II	34th percentile	62nd percentile	Level III	50th percentile	78th percentile	Level IV	67th percentile	95th percentile
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9



## Limiting Legal Pathways

- Capping annual refugee settlements
- Allowing Temporary Protected Status designations to sunset
- Ending humanitarian parole programs for Ukrainians, Haitians, Nicaraguans, Venezuelans, and Cubans
- Eliminating DACA—in court or via executive action (500k)
- Unraveling legal entitlement of birth-right citizenship

10



## Preparing

### Tactical

- Reevaluate **petition models** with an eye towards “Buy American, Hire American”
- Identify employees requiring **work visa extensions** in 2025 and/or 2026 for potential amendment and extension of their status
- Update **FDNS site visit** protocols, and prepare employees and managers
- Audit **I-9 compliance**
- Identify employees from countries likely impacted by **travel bans**



## Now

### Strategic

- Recommend businesses **plan for international relocations** by end of 2024
- Brief leadership on impact to mobility and seamless employment to develop **backup/contingency workforce plans**
- Develop **communications plan** for employees and managers if we need to pivot for expected policy changes
- Evaluate **non-US locations for top talent** and consider risk tolerance for employees to rely on digital nomad visas
- Consider support for visa petitions filed by third-party contractors

11

## Details of Our Planning

- ❑ Begin reviewing your policies and planning for impacts
- ❑ Prepare for strained onboarding processes
- ❑ Review your recruitment materials
- ❑ Consider the impacts of increased sponsorship costs
- ❑ Communicate with your people
- ❑ Expand and accelerate existing sponsorship policies
- ❑ Review worksite compliance-related risk exposure



Trump 2.0 Employer Preparation Checklist	
<b>Pre-Employment Policies and Procedures</b>	
<input type="checkbox"/>	Review foreign national sponsorship policies for impacts of and obstacles created by new immigration policies (e.g., increased scrutiny of H-1B sponsorship)
<input type="checkbox"/>	Review pre-communicated onboarding timelines for visa-sponsored employees given the potential for increased timelines to obtain visa and employment sponsorship
<input type="checkbox"/>	Audit PERM program for impacts of increased scrutiny on the hiring of foreign workers and layoffs of US citizens
<b>Immigration-Related Costs</b>	
<input type="checkbox"/>	Review annual Immigration and mobility budget, as costs are expected to increase with new policies (increased filing fees, lower visa dependency thresholds, increased scrutiny of wage parity)
<input type="checkbox"/>	Review internal policy of immigration-related cost distribution among business units
<b>Communications to Foreign National Employees</b>	
<input type="checkbox"/>	Send mass communications to foreign national population to message that the company is being thoughtful about impacts of a change in administration
<input type="checkbox"/>	Send mass communication to hiring leaders regarding the potential administration change and what impacts may result
<input type="checkbox"/>	Send mass communication to talent acquisition and recruiting teams regarding the potential administration change and what impacts may result
<input type="checkbox"/>	Schedule a Town Hall with immigration-related stakeholders to discuss the potential impacts of an administration change
<b>Preemptive Status Protection for Foreign National Employees</b>	
<input type="checkbox"/>	Perform reporting and analysis to identify the primary sponsorship avenues for foreign national employees
<input type="checkbox"/>	Submit immigration-related corporate registration filings to US Citizenship and Immigration Services (L blanket petitions, E-1/E-2 registrations, etc.)
<input type="checkbox"/>	Consider accelerating green card sponsorship in advance of administration change
<input type="checkbox"/>	Consider filing visa extensions early in advance of administration change
<input type="checkbox"/>	Develop consistent approach and strategy to visa filings to ensure consistency across the business
<input type="checkbox"/>	Review employee visa applications (DS-160s) for potential misrepresentations
<input type="checkbox"/>	Review common Requests for Evidence issued by US Citizenship and Immigration Services from 2017 to 2021 to determine potential pitfalls of petition strategies
<b>Worksite Compliance Related Actions</b>	
<input type="checkbox"/>	Perform internal audit of I-9 files to identify risk exposure in the event of increased ICE audits
<input type="checkbox"/>	Schedule trainings with I-9 teams to ensure compliance with right-to-work rules
<input type="checkbox"/>	Review policies for utilizing contractor resources in light of potential increased scrutiny

12



13

**Other Upcoming Webinars**

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The slide features a background image of a book titled "IMMIGRATION LAW" with a red ribbon bookmark. Two webinar topics are highlighted in boxes:

- UNIVERSITIES, HEALTHCARE, & RESEARCH**  
**TODAY (11/12)**  
**2:00pm**
- INDIVIDUALS & EMPLOYEES**  
**TOMORROW (11/13)**  
**2:00pm**

At the bottom of the book cover, the word "PASSPORT" is visible.

14

  
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# For Further Information



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15

  
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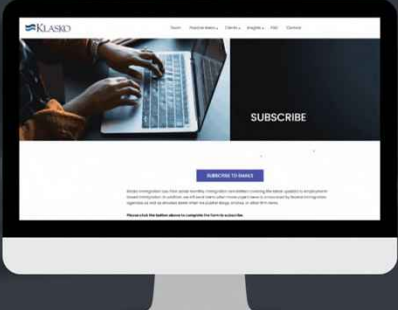
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16





**William Stock**  
*Managing Partner*

**William A. Stock (Bill)** is one of the country's leading immigration lawyers and a founding member of Klasko Immigration Law Partners, LLP. He has practiced immigration law exclusively for over thirty years. His clients include small businesses, medium-sized companies, and multinational corporations and their employees, as well as individual clients, investors and researchers.

Bill leads a team of thirty-two attorneys, senior and junior paralegals in obtaining employment-based immigration benefits for clients, such as nonimmigrant visa classification (H-1B, L-1, E-1 and E-2, TN, and O-1); permanent residence or "green card" status through Labor Certification or as immigrants of Exceptional or Extraordinary Ability (EB-1, EB-2 and EB-3); investment-based immigration (EB-5); and unusual or complicated matters such as physician J-1 waivers, visas for entrepreneurs, and mandamus or APA review actions brought in federal court.

Bill served as President of the American Immigration Lawyers Association (AILA), the 16,000 member national organization of immigration lawyers in 2017. Bill is a Senior Editor of AILA's annual Immigration & Nationality Law Handbook, and is the co-author of the "J Visa Guidebook" from Lexis Publishing. He has been included since 2004 in Best Lawyers in America ©; since 2006 in Chambers & Partners, Who's Who in American Law, and The International Who's Who of Business Lawyers.

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17



**Elise Fialkowski**  
*Partner*

**Elise Fialkowski** has been providing immigration assistance and solutions to leading universities, research institutions, multinational corporations, startups, entrepreneurs and individuals for over 25 years. Her clients run the gamut from multinational corporations and their employees to universities, startups, entrepreneurs, and private individuals.

Elise has particular experience working with venture capital and startup companies through all phases of growth. She regularly presents at conferences and other forums regarding effective immigration options and programs for startups and entrepreneurs.

Elise has long been active in the American Immigration Lawyers Association (AILA) and currently serves on AILA's National Online Course Committee, AILA's 2021 Annual Conference Committee, AILA's Verification and Documentation Liaison Committee, the Philadelphia Customs and Border Protection Liaison Committee, Nationalities Service Center's Nominating and Governance Committee, Women Owned Law Steering Committee, and is a Board Member of John F. Peto Studio Museum. She has served on many other committees at the local and national levels.

Elise has been named in Best Lawyers in America ©, Pennsylvania SuperLawyers, The International Who's Who of Corporate Immigration Lawyers, and the International Who's Who of Business Lawyers. A Phi Beta Kappa graduate of the University of North Carolina at Chapel Hill, Elise received her law degree from the Villanova University School of Law (J.D., magna cum laude, 1991).

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18



**Tim D'Arduini**  
Partner-in-Charge, D.C.

**Timothy (Tim) C. D'Arduini** is the Partner-in-Charge of the firm's Washington, DC office and a member of the global immigration and mobility, corporate immigration, and worksite compliance teams.

Tim primarily serves multinational corporations and Fortune 500 companies in financial services, technology, consumer products, manufacturing, health care, insurance, and defense industries. To advance their talent attraction, productivity, and retention goals, he advises these clients on policies, procedures, and operating models for sponsoring their foreign national staff members for visas, work authorizations, paths to permanent residence, naturalization, and citizenship. He also has experience advising clients on the immigration-related impact of mergers and acquisitions for companies across multiple sectors and multiple continents.

Tim has experience advising clients on the immigration-related impact of mergers and acquisitions for companies across multiple sectors and multiple continents. He also provides premier services for right-to-work (I-9 and similar regulatory schemes across the world), suspect identity and work authorization documents, immigration-related fraud, and wage compliance programs by auditing existing programs or initiating new compliance practices and protocols.

Tim is a graduate of Rutgers Law School, where he was the senior managing editor of the law review and a member of the Order of the Coif. He earned his undergraduate degree from Georgetown University.

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19



**Nick Lowrey**  
Of Counsel

**Nick Lowrey** represents clients across industries and of all sizes—from Fortune 100 financial institutions to startups in the non-profit space. Nick is known for his creativity and superior client service. Throughout his career, he has focused on improving technologies across firms to better support clients, increase compliance, and enhance efficiency.

Nick's practice primarily focuses on two subject areas: business immigration and worksite compliance. He has in-depth experience advising employers and their people across the full range of employment-based temporary and permanent visa categories. Nick has also supported clients through both family-based and humanitarian immigration processes, including Uniting for Ukraine parole and the Processes for Haitians, Cubans, Nicaraguans, and Venezuelans. In terms of worksite compliance, Nick leads clients through large-scale I-9 compliance audits, provides strategic policy consulting and compliance trainings. He also offers routine consultations with clients on unique I-9 issues, including suspect document assessments, immigration-related fraud, and anti-discrimination policies.

Nick received his Juris Doctor from The University of Texas School of Law in Austin. During his time in Austin, he was a competitor on the law school's interscholastic mock trial team—ultimately earning the award of Best Trial Advocate for his class and being inducted into the Order of Barristers. He also served as a Staff Editor on the Texas Journal on Civil Liberties and Civil Rights and participated in the Actual Innocence Clinic.

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20



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