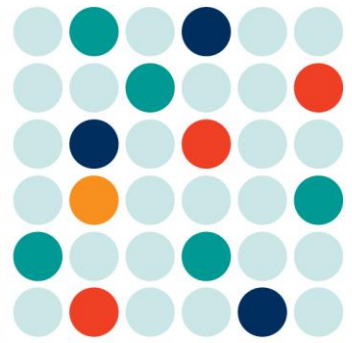


# LEGAL UPDATE

November 2016

By: Pryor Cashman's Immigration Group



## **NOW WHAT? THE POTENTIAL IMPACT OF THE U.S. ELECTION ON BUSINESS IMMIGRATION**

Since his election last week, President-Elect Donald Trump has confirmed that immigration reform will be one of his top priorities. What Trump's "immigration reform" will practically mean for business immigration remains a guessing game. Suggestions of possible changes under President-Elect Trump include increased enforcement and investigations relating to I-9 Employment Eligibility Verification and a push for legislation to make E-Verify mandatory for all U.S. employers. In terms of business visa categories, the President-Elect has also advocated for reforms in the H-1B visa program in order to prioritize the hiring of U.S. workers.

Some changes that the President-Elect could implement to the H-1B visa program include increasing prevailing wages, instituting a labor market test, or both. Further, he also stated that he will review the United States' involvement in the North American Free Trade Agreement (NAFTA). If he does, that could mean changes to the current TN visa program as well as the L-1 border adjudications for Canadian nationals. At the same time, in various interviews, President-Elect Trump did offer support for highly-skilled immigration and even for the need to retain talented and educated foreign workers in such industries as technology.

During the campaign, President-Elect Trump also raised the issue of vetting visa applicants prior to issuance of visas. This could translate into additional procedures or delays in visa issuance, particularly for citizens of certain countries.

It is important to note that there have been no specific policy proposals released by the President-Elect with regard to business immigration and it is therefore hard to predict what changes he will ultimately promote.

Pryor Cashman LLP will closely monitor all immigration-related changes and will issue updates and alerts as they occur. The President-Elect will be sworn into office on January 20, 2017. Until that time, absent new policy guidance from the Obama administration, employees should not expect changes to their ability to travel or otherwise seek immigration benefits.

Employers should feel free to reach out to the Pryor Cashman LLP attorney with whom they work to discuss the potential impact of the new administration on their foreign national employees.

\*\*\*

*Copyright © 2016 by Pryor Cashman LLP. This Legal Update is provided for informational purposes only and does not constitute legal advice or the creation of an attorney-client relationship. While all efforts have been made to ensure the accuracy of the contents, Pryor Cashman LLP does not guarantee such accuracy and cannot be held responsible for any errors in or reliance upon this information. This material may constitute attorney advertising. Prior results do not guarantee a similar outcome.*