



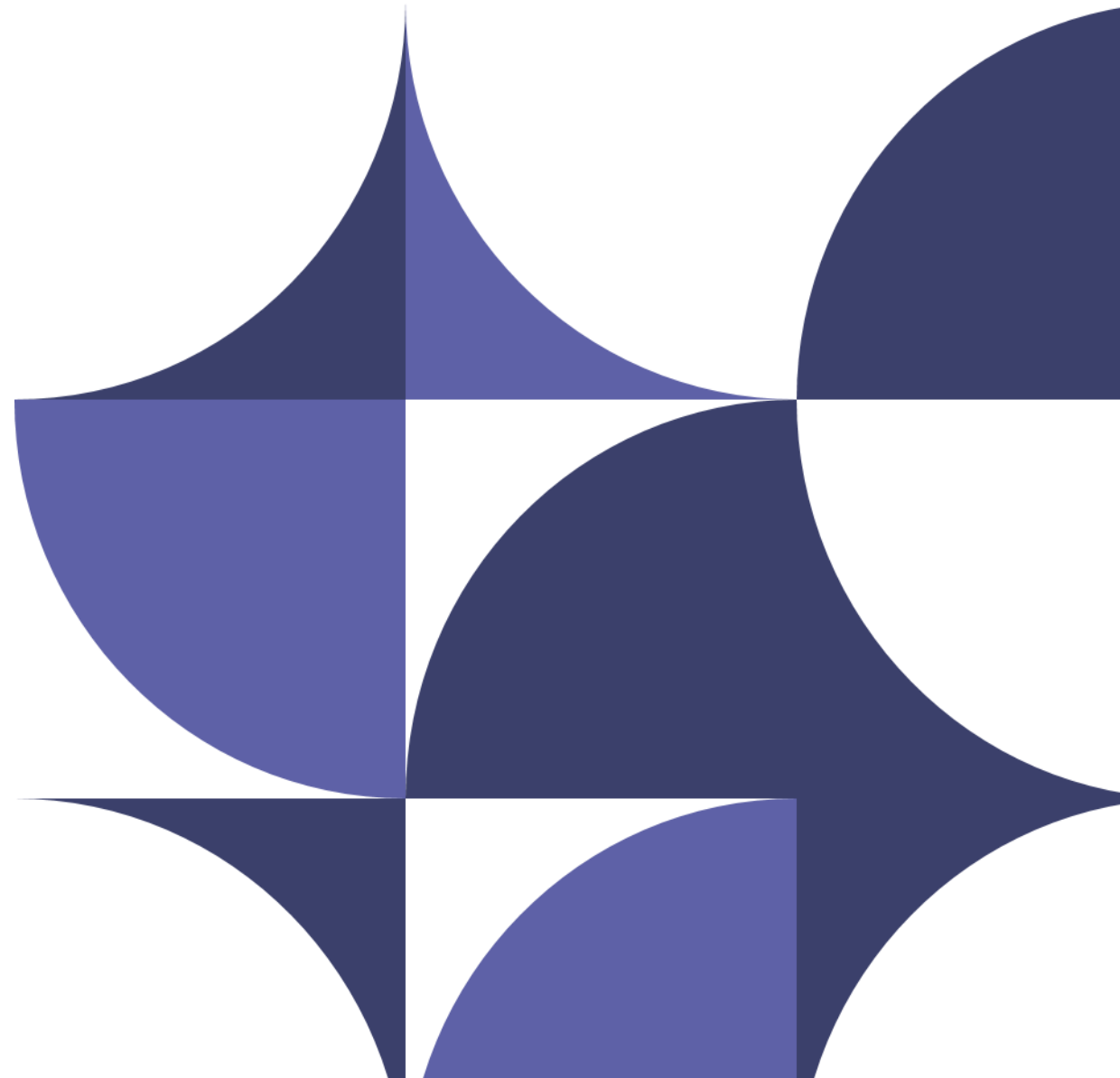
Immigration & Recent Presidential Proclamations

*What it Means for the Business
Community*

June 26, 2020

Seyfarth Shaw LLP

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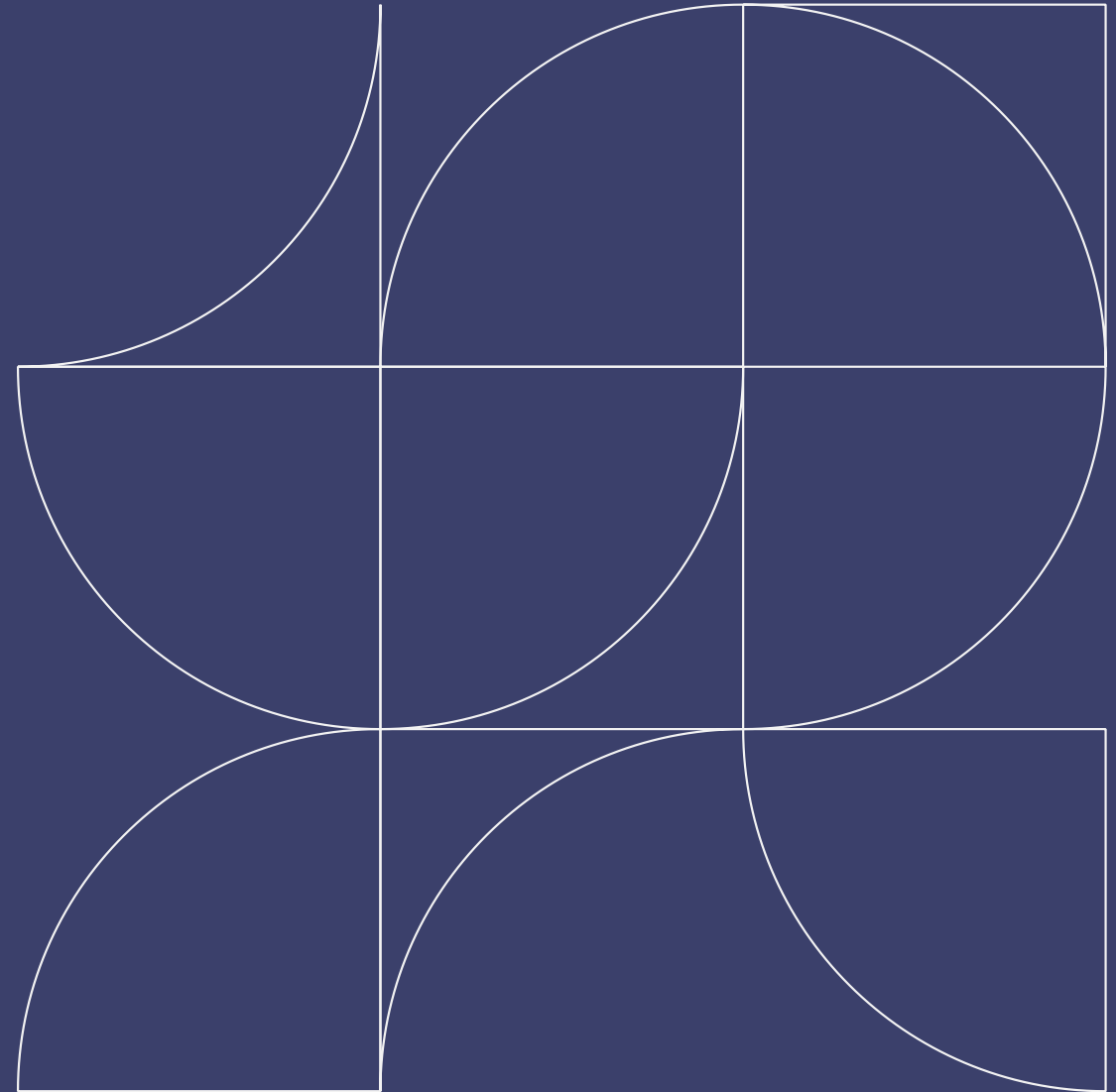


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Today's session will cover:

- 01** Presidential Proclamations
- 02** Practicality of Exemptions and Timing of Travel with COVID-19
- 03** Anticipated Future Regulation
- 04** Litigation on the Horizon
- 05** Policy Advocacy

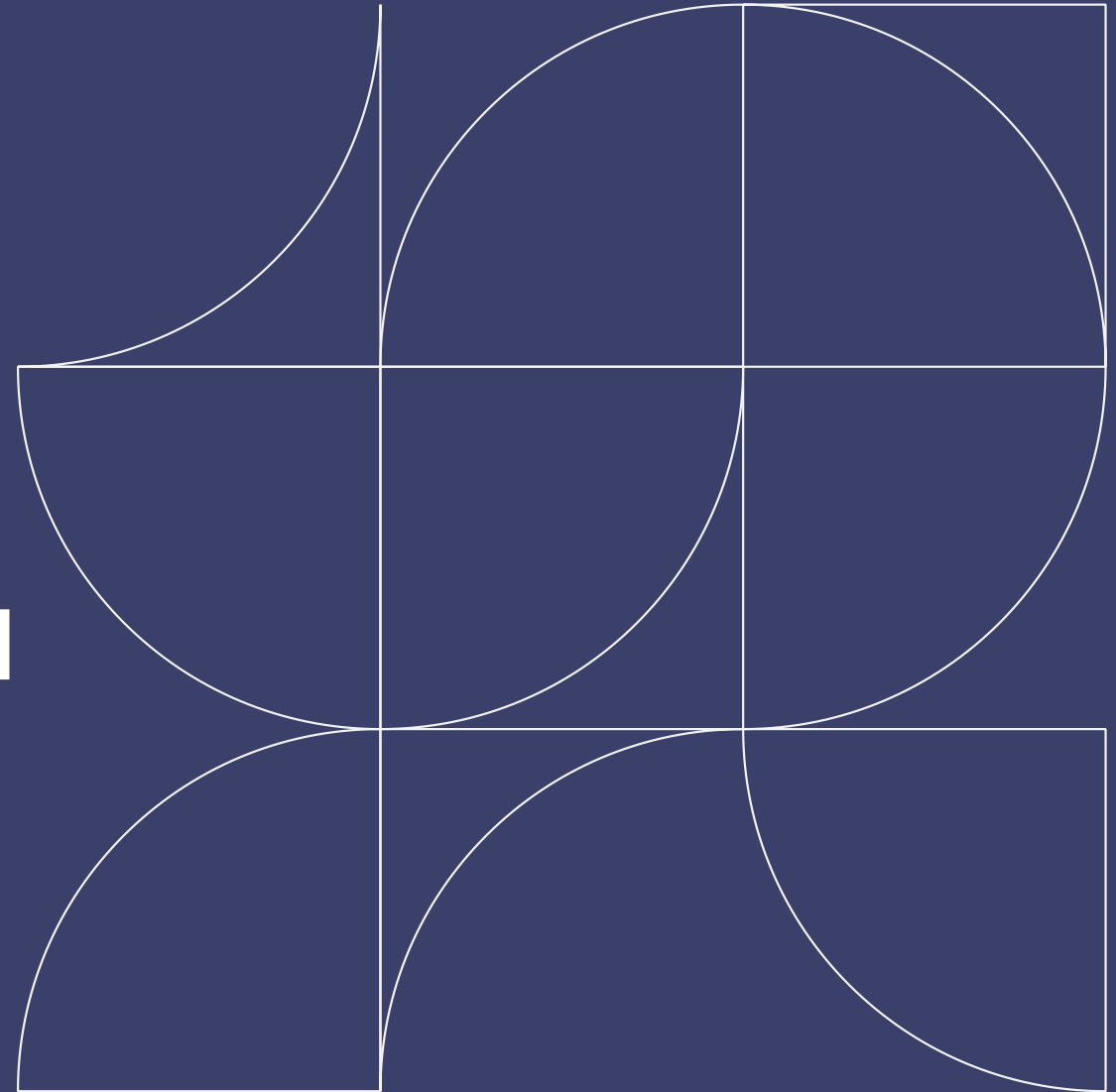
PRESIDENTIAL PROCLAMATIONS



WHERE ARE WE NOW AND WHAT DOES THE FUTURE HOLD?

- First it was Tweeted, then it was proclaimed.
 - **April 22, 2020:** *Issuance of immigrant visas was paused for those seeking lawful permanent residence (Green Card) status through consular processing at posts outside of the U.S. for 60 days.*
- Politics of Immigration led to a second proclamation.
 - **June 24, 2020:** *A new entry ban was implemented, directly affecting foreign nationals in H-1B, H-2B, J-1, and L-1 status.*

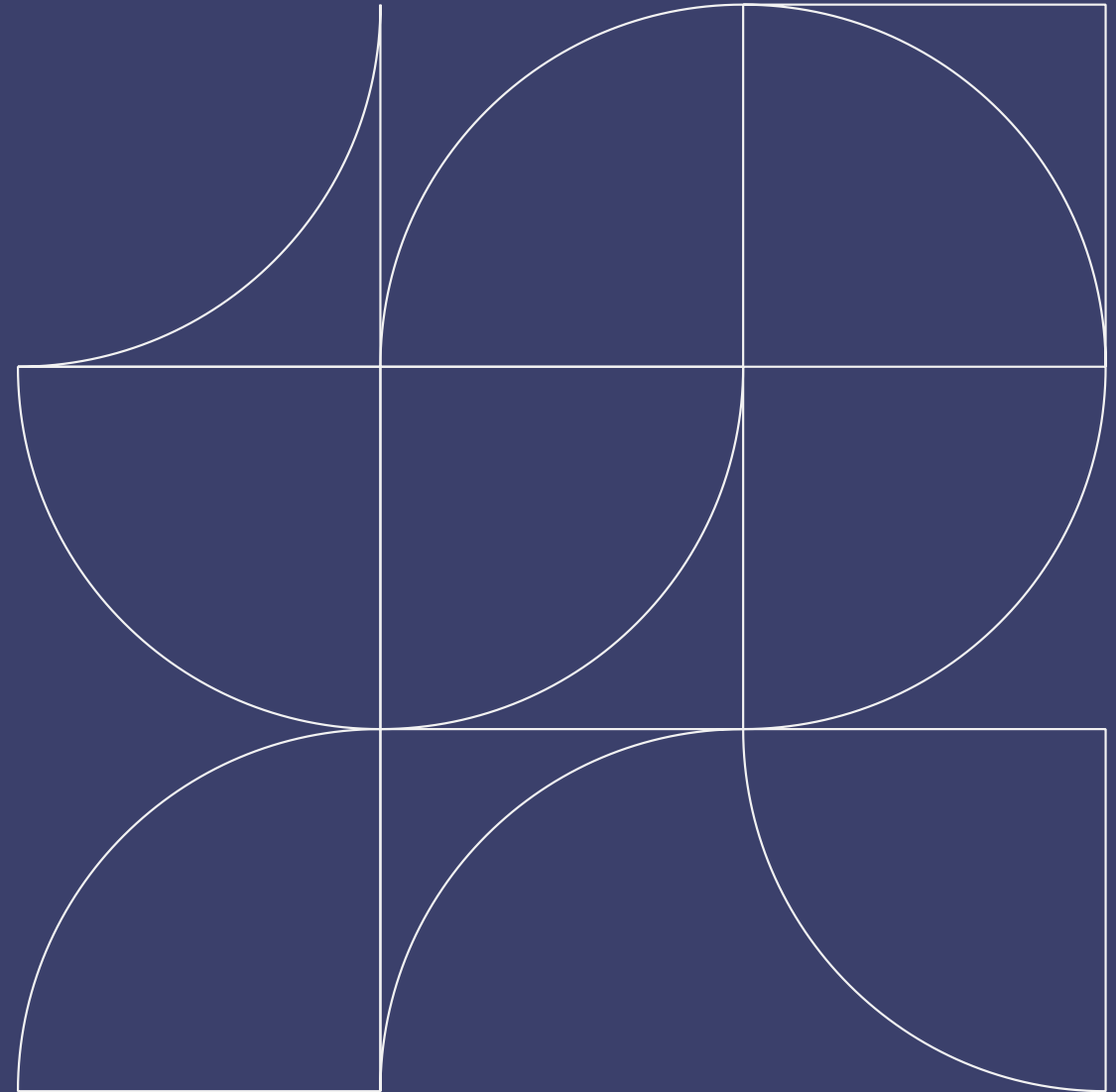
PRACTICALITY OF EXEMPTIONS & TIMING OF TRAVEL WITH COVID-19



WHAT EXCEPTIONS APPLY?

- Provision of temporary labor or services **essential to the U.S. food supply chain**
- Entry in the **national interest** of the U.S.:
 - critical to **defense, law enforcement, diplomacy, or national security** of the U.S.;
 - involved with the provision of **medical care related to COVID-19** for individuals who are currently hospitalized;
 - involved with the provision of **medical research** at U.S. facilities to help the U.S. combat COVID-19; and
 - necessary to facilitate the immediate and continued **economic recovery** of the U.S.

WHAT DO WE EXPECT FUTURE REGULATION TO LOOK LIKE?



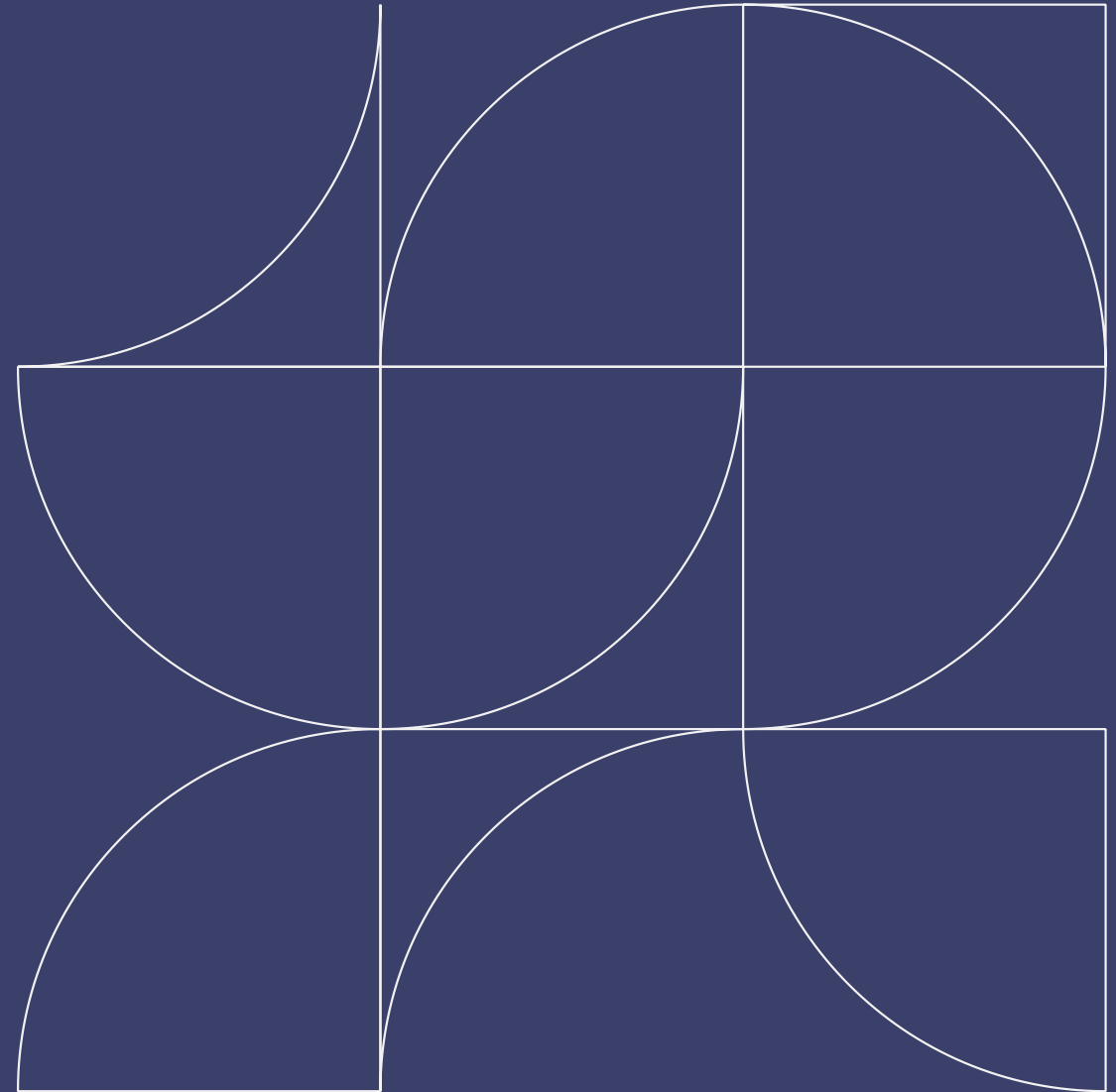
H-1B REGULATIONS

- **Historical context**
- **Employer-employee definition**
- **Specialty occupation analysis**
- **Merit based process, focusing on salary**

IMMIGRANT VISAS: EB-2 & EB-3 REGULATIONS

- Existing DOL role already includes a test of the labor market to safeguard U.S. workers
- Additional obstacles to final IV being issued
- Allocation based on salary & visa lottery numbers
- DOL & DOJ authority to conduct investigations

LITIGATION ON THE HORIZON

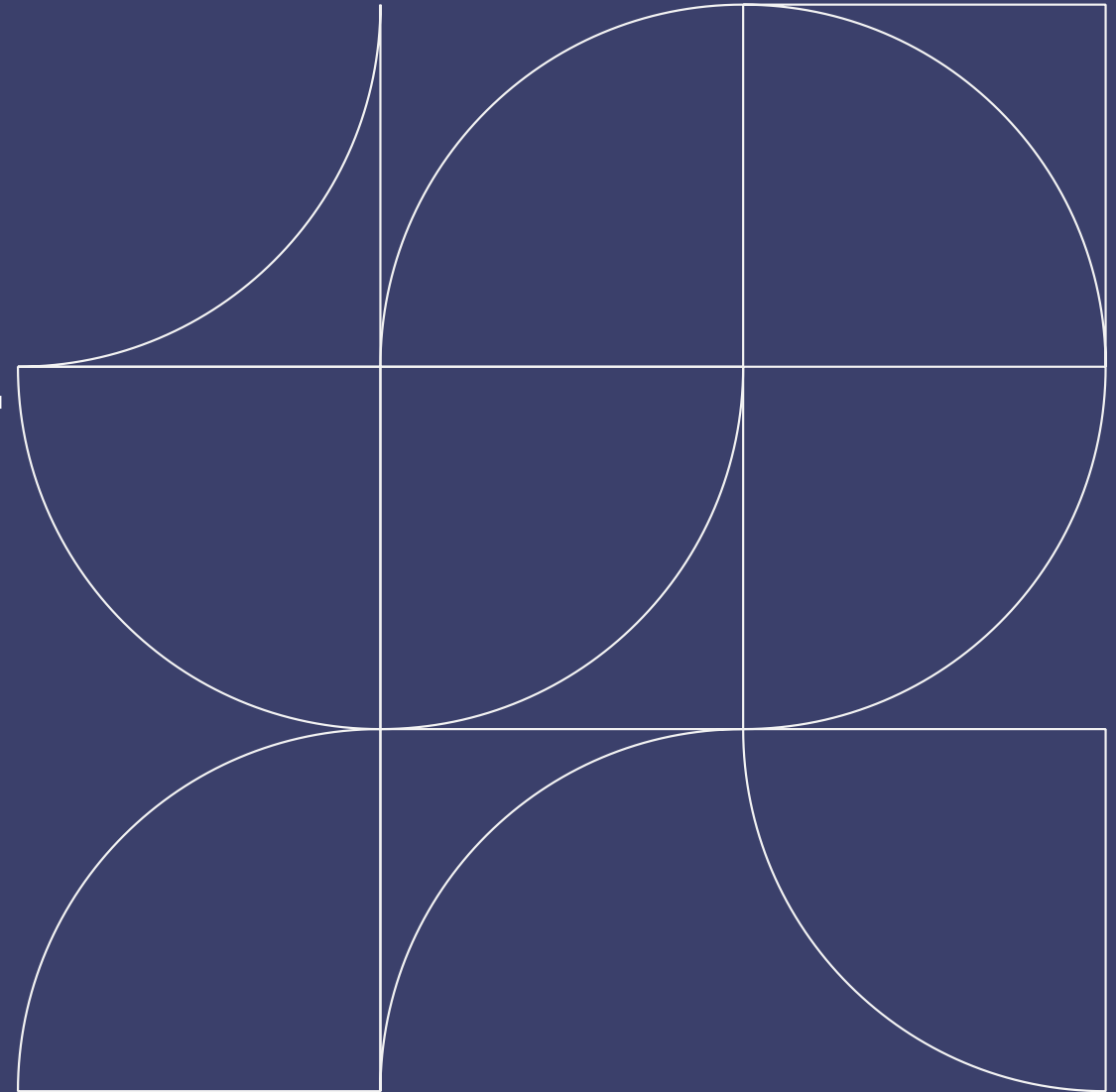


ANTICIPATED SUBJECTS OF LITIGATION

– Proclamations Part 1 & 2

– Regulations

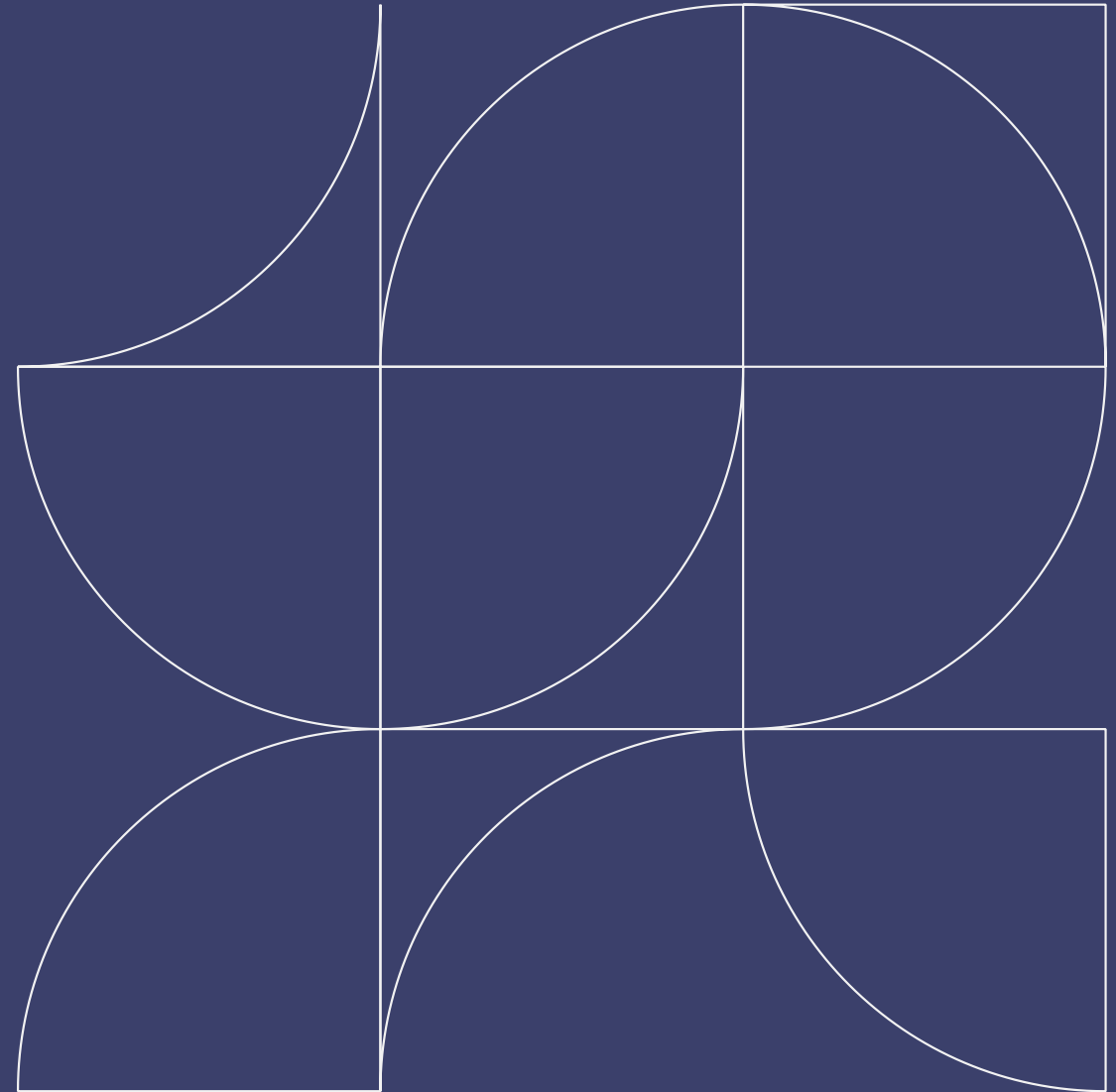
POLICY ADVOCACY AT DIFFERENT LEVELS



WHAT CAN YOU DO TO EFFECTUATE CHANGE?

- **Contact Representatives**
- **Utilize media resources to tell the story and change the narrative**
- **Stand together**
- **Seyfarth can help**

QUESTIONS & ANSWERS



thank you

**For more information please contact
your Seyfarth immigration attorney or
any of the speakers.**