

# Immigration Law Post-Election Status

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**MIRA MDIVANI**

**Mdivani  
Corporate  
Immigration  
LAW FIRM**



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**Things that could  
wake us up in the morning ...**



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**What is HOT**

- Fear, Bans
- Deportations
- Attack on legal Immigration, incl. Business visa



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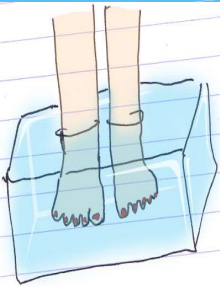
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**What is NOT hot**

- Immigration Reform
- Lack of tools To do it right



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**WHERE is the back of the line?**



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### Visa Bulletin – Family

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01JUN10	01JUN10	01JUN10	15MAY95	15DEC05
F2A	08MAY15	08MAY15	08MAY15	22APR15	08MAY15
F2B	15AUG10	15AUG10	15AUG10	22NOV95	01MAY06
F3	22APR05	22APR05	22APR05	22DEC94	08SEP94
F4	22FEB04	22FEB04	22JUL03	01JUN97	01AUG93

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### What about business?

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01JAN11	01JAN11	01JAN11	01JUN95	01MAY06
F2A	22NOV15	22NOV15	22NOV15	22NOV15	22NOV15
F2B	08FEB11	08FEB11	08FEB11	01JUN96	01FEB07
F3	22AUG05	22AUG05	22AUG05	01MAY95	01JAN95
F4	01JUL04	01JUL04	01MAY04	01DEC97	01APR94

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### Can We Fix it?



**Hot Potato Issues**

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**what EXECUTIVE ACTION could do**

- ✓ **Work Permits for 5.5 Million People**
- ✓ **Heightened Enforcement**
- ✓ **Work Visa Fixes**

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**Limits on What President Can Do**

<p><b>President:</b></p> <ul style="list-style-type: none"><li>➤ Work Permits</li><li>➤ Deferred Action</li><li>➤ Ask for Clarifications</li></ul>	<p><b>Only Congress</b></p> <ul style="list-style-type: none"><li>➤ Reform</li><li>➤ "Amnesty"</li><li>➤ Raise Quota for H-1Bs &amp; Green Cards</li></ul>
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Executive Action in two words

**YES: Work Permits**

**NO: Legal Status or Citizenship**

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26 courts sued to stop the executive action

work permits

Federal court has ordered a stay

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**Current President**



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**Proposed solutions –  
NB Golden Fence Co.**



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**Another solution: Deport them All**



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### 15 states sued to stop the BAN; Note Impact on Businesses, Taxes, Revenue - State of Washington Brief



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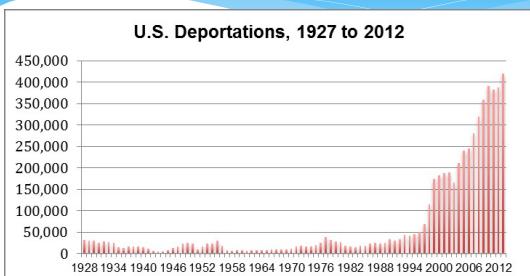
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### Under past Presidents



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### IMMIGRATION COURT BACKLOG



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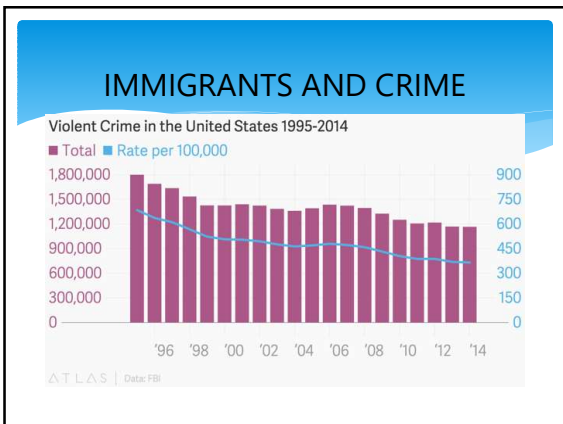
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**PROBLEM: Illegal Immigration.  
Solution?**

- More Enforcement Against Employers
- 2009 ICE Memo: **We are going after CEOs, Management, Supervisors for Criminal Prosecutions**
- Agriprocessors – 27 years

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GOOD WORKERS, GOOD PAPERS?

***I-9 forms Not Perfect:***  
**\$1.3 M Fine**



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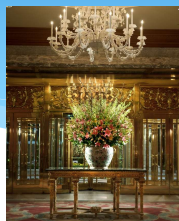
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ICE: Spend \$500K on Compliance

*The*  
**GRAND AMERICA**  
*Hotel*



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TREND: IRCA + DISCRIMINATION

17.4 MM MORENO



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Let's hire a

- Baseball Player?
- Kitchen Staff
- French chef
- Disaster cleaning crew
- Cleaning crew
  - CEO?
- Software engineer

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**WHAT ABOUT BUSINESS?**

How many visas for:

- ❖ IT workers?
- ❖ Mathematics Teachers?
- ❖ Meatpacking industry?

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**85,000 H-1B  
Visa Cap and  
Lottery**



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**Number of jobs lost in the US  
in October 2015  
due to shortage H-1B problem:**

**233,000-85,000  
=148,000**

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**Number of jobs lost in the US  
in October 2016  
due to shortage H-1B problem:**

**175,000-85,000  
=90,000**

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**Remaining Options:**

**H1B Transfer**

**TN VISAS FOR CANADIAN PROFESSIONALS**

**E-2 VISA**



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**Priorities? Congress Got it Right ...**



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**Baseball's Aliens**

- 230 players are aliens (26%)
- H-2B Cap?
- No More: P-1s

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**Priorities? Congress Got it Right ...**



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**Solutions & Questions**

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