

Shumaker

Corporate Immigration Programs, I-9 Compliance, and Navigating Today's Shifting Immigration Landscape

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Corporate Immigration Programs

What we will discuss:

- Immigration Fundamentals
- Assessing Employer Needs
- Establishing an Immigration Program
- Managing Immigration Programs



Immigration Fundamentals

Who is considered an “immigrant”?

A foreign-born person who is NOT a U.S. citizen by birth.



- Non-immigrant
- Refugee/ Asylee
- Unauthorized immigrant
- Lawful permanent resident
- Naturalized citizen

Immigration Fundamentals

What is “status”?

An individual’s **lawful admission to the U.S.** and the **duration** of their authorized stay

****Common Misconceptions**:**

“Lawfully present” ≠ Permanent Immigration status

Having a pending application ≠ Being in legal status

Verified stay ≠ Status

Status may be extended or changed. Always look at the employee’s documents to confirm, not just the I-94 records.

Immigration Fundamentals

Ways to evidence "Status"

 **U.S. Customs and Border Protection**
Securing America's Borders

Get I-94 Number **I-94 FAQ**

Admission (I-94) Number Retrieval

Admission (I-94) Record Number: 69000888062

Admit Until Date (MM/DD/YYYY): 10/10/2012

Details provided on Admission(I-94) form:

Family Name:	LI
First (Given) Name:	LYDIA
Birth Date (MM/DD/YYYY):	01/01/1990
Passport Number:	P123123213
Passport Country of Issuance:	Mexico
Date of Entry (MM/DD/YYYY):	04/11/2012
Class of Admission:	B1

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797A, Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER IAC-10-123-45678	CASE TYPE 11229	PETITIONER PETITIONER FOR A NONIMMIGRANT WORKER
RECEIPT DATE MAY 12, 2010	PRIORITY DATE	PETITIONER UNIV OF HAWAII
NOTICE DATE AUGUST 10, 2010	PAGE 2 OF 3	BENEFICIARY FACE, HAPPY

UNIV OF HAWAII
C/O FACULTY & SCHOLAR IMMIGRATION SVCS
2565 MCCARTHY MALL PSB 105
HONOLULU HI 96822

Notice Type: Approval Notice
Class: H1B
Valid from 08/20/2010 to **08/19/2012**

The above petition and change of status have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner, but only as detailed in the petition and for the period authorized. Any change in employment requires a new petition. Since this employment authorization stems from the filing of this petition, separate employment authorization documentation is not required. Please contact the IIS with any questions about tax withholding.

The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He or she should keep the right part with his or her Form I-94, Arrival/Departure Record. This should be turned in with the I-94 when departing the U.S. The left part is for his or her records. A person who leaves a change of status who leaves the U.S. must re-enter the U.S. to obtain a valid admission. If the worker is applying for the new status, he or she must apply for the new status at a port of entry or by filing an application for the new status in the country in the United States. The petitioner may request that the worker be admitted to the United States to request that the worker be admitted to the United States.

The approval of this petition does not guarantee that the alien beneficiary will be found eligible for admission or extension, change, or adjustment of status.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUELS, CA 92607-0111
Customer Service Telephone: (800) 375-5283
Form I-797A (Rev. 09/07/93)N

PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records	123456789 22
Receipt # IAC-10-123-45678	Receipt Number IAC-10-123-456789
I-94# 123456789 22	Immigration and Naturalization Service
NAME FACE, HAPPY	I-94
CLASS H1B	Departure Record
VALID FROM 08/20/2010 UNTIL 08/19/2012	Petitioner: UNIV OF HAWAII
PETITIONER: UNIV OF HAWAII 2565 MCCARTHY MALL PSB 105 HONOLULU HI 96822	14. Family Name FACE
	15. First (Given) Name HAPPY
	16. Date of Birth 01/01/1990
	17. Country of Citizenship GERMANY

Form I-797A (Rev. 10/31/09) N

Immigration Building Block: Consular Processing vs. Change/Adjustment of Status

Consular Processing:

Applying for a visa at a U.S. consulate abroad
Must remain abroad until visa is issued

Change/Extension of Status:

Individual is already in the United States and is either changing their current status to another category or extending their current status
Ability to stay in the United States during processing, with limitations

Adjustment of Status:

- Adjusting from a non-immigrant status to permanent residency
- Ability to stay in the U.S. during processing.

Immigration Fundamentals

“Non-immigrant” vs “Immigrant” Status

- **TEMPORARY**
 - Does not lead to permanent residency or citizenship
 - Allows a temporary visit for a specific purpose
 - Intention of returning to one's home country
- **PERMANENT RESIDENCY**
 - Ability to live and work in the United States Permanently
 - Pathway to naturalization

Hiring Foreign Employees: Options for Non-Immigrants

Visa Type	Purpose	Summary
H-1B	Specialty Occupation Worker	For professionals in specialty occupations requiring at least a bachelor's degree or equivalent.
L-1	Intracompany Transferee	For transferring executives, managers, or specialized employees from a foreign affiliate to a U.S. office.
O-1	Extraordinary Ability	For individuals with extraordinary ability in sciences, arts, business, education, or athletics.
TN	NAFTA Professional	Allows certain Canadian and Mexican professionals to work in the U.S. under the USMCA agreement.
E-2	Treaty Investor	For nationals of certain countries investing a substantial amount in a U.S. business.
E-1	Treaty Trader	For nationals engaged in substantial trade between the U.S. and their treaty country.
F-1 OPT	Student Practical Training	Allows foreign students to work in their field of study after graduation through OPT or STEM OPT.
J-1	Exchange Visitor	For interns, trainees, scholars, and others in cultural and educational exchange programs.
B-1	Business Visitor	For individuals visiting the U.S. temporarily for business purposes, not employment.
H-2B	Temporary Non-Agricultural Worker	For filling temporary or seasonal non-agricultural jobs when U.S. workers are unavailable.
H-2A	Temporary Agricultural Worker	For hiring foreign workers for temporary or seasonal agricultural labor.

Hiring Foreign Employees: Immigrant Options

EB-1:

- Extraordinary Ability
- Professors and Researchers
- Multinational Executives or Managers

No PERM required

Eb-2:

- Advanced Degrees
- Exceptional Ability
- National Interest Waiver available

PERM required unless NIW

Eb-3:

- Skilled Workers
- Professionals
- Unskilled workers (“Other” Workers)

PERM always required

Assessing Employer Immigration Needs



Determine short-term and long-term talent needs



Consider current workforce immigration status



Calculate capacity to hire and potential availability of visas for industry



Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	01FEB23	01FEB23	C	C
2nd	01APR24	01SEP21	15JUL13	01APR24	01APR24
3rd	01JUN23	01MAY21	15NOV13	01JUN23	01JUN23
Other Workers	01SEP21	08DEC18	15NOV13	01SEP21	01SEP21
4th	01JAN21	01JAN21	01JAN21	01JAN21	01JAN21
Certain Religious Workers	U	U	U	U	U
5th Unreserved (including C5, T5, I5, R5, NU, RU)	C	15AUG16	01MAY22	C	C
5th Set Aside: Rural (20%, including NR, RR)	C	C	C	C	C
5th Set Aside: High Unemployment (10%, including NH, RH)	C	C	C	C	C
5th Set Aside: Infrastructure (2%, including RI)	C	C	C	C	C

Establishing an Immigration Program

Consideration:
TIME



Establishing an Immigration Program

Consideration: LOYALTY

- Utilizing immigration benefits as a retention tool
- Strategizing immigration offerings

Establishing an Immigration Program

Consideration: COST



- Filing Fees
- Advertising Costs
- Consular Processing Fees
- Prevailing Wages

Establishing an Immigration Program

Consideration: OVERSIGHT

- What department will be responsible for management?
 - Legal
 - Human Resources
 - Recruitment
- Who will be in charge of training employees to manage the immigrant data and expirations?
- Who decides on type of visa offerings?



Managing Immigration Programs



Managing Immigration Programs

Common Duties

- Creating a Standard Operating Procedure (SOP)
- Maintaining proper documentation and forms
- Preparing employees for immigration processing
- Meeting employer obligations to foreign employees
- Auditing immigration records to ensure compliance
- Preparing for corporate restructuring



Managing Immigration Programs

Compliance

- Overall immigration status compliance
 - I-9 compliance
 - E-verify
- Specific visa compliance
 - Labor Condition Applications (LCAs)
 - Public Access Files (PAF)
 - Prevailing Wage Determinations (PWD)
- Employee individual documentation
 - Unexpired passport, etc.



Managing Immigration Programs

Common Pitfall: Corporate Restructuring

Types of Restructuring

- Merger, acquisition, dissolution, change in ownership
- Size, industry, geographic location, workforce

Impact on Non-immigrant Visas

- example: H-1B LCAs and PAFs
- example: L-1s Qualifying Organization

Impact on immigrant Visas

- PERM
- I-140 Petition Ability to Pay



I-9 Compliance

What we will discuss:

- ✓ General Requirements
- ✓ Conducting an Internal Audit
- ✓ Audit Overview
- ✓ Potential Fines for Failure to Comply



Why are employers required to verify employment authorization and identity of new employees?

- Congress reformed U.S. immigration laws to preserve the “tradition of legal immigration while seeking to close the door to unlawful entry”.
- Employment is often the magnet that attracts people to reside in the United States unlawfully. Congress worked to deter this attraction by requiring employers to hire only individuals who could legally work in the U.S.

Employment Eligibility Verification			
Department of Homeland Security			
U.S. Citizenship and Immigration Services			
You must ensure the form instructions are available to employees when completing this form. Employment requirements for completing this form. See below and the Instructions .			
ATTENTION: All employees can choose which acceptable documentation to present for Form I-9. Employees must verify information in Section 1 , or specify which acceptable documentation employees must present for Hire and Rehire. Treating employees differently based on their citizenship, immigration status, or national origin is prohibited.			
Information and Attestation: Employees must complete and sign Section 1 of Form I-9 no later than the date of hire or rehire, and not before accepting a job offer.			
First Name (Given Name)		Middle Initial (if any)	Other Last Names Used
Apt. Number (if any)		City or Town	State
U.S. Social Security Number		Employee's Email Address	Employee's Signature
Check one of the following boxes to attest to your citizenship or immigration status (See page 2 and 3 of the Instructions.)			
<input type="checkbox"/> 1. A citizen of the United States			
<input type="checkbox"/> 2. A noncitizen national of the United States (See Instructions.)			
<input type="checkbox"/> 3. A lawful permanent resident (Enter USCIS or A-Number.)			
<input type="checkbox"/> 4. An alien authorized to work until (exp. date, if any)			
If you check Item Number 4., enter one of these:			
USCIS A-Number		OR	Form I-94 Admission Number
		OR	Foreign Passport Number and Date of Issuance
			Today's Date (mm/dd/yyyy)
If a preparer or translator assisted you in completing Section 1, that person MUST complete the Preparer and/or Translator Certification .			

EMPLOYERS MUST

- ✓ Verify the identity and employment authorization of each person hired after Nov. 6, 1986. For employment in the Commonwealth of the Mariana Islands (CNMI), this verification requirement applies to persons hired after Nov. 27, 2009.
- ✓ Complete and retain Form I-9, Employment Eligibility Verification, for each employee who is required to complete the form.

Form I-9: List of Acceptable Documents

LISTS OF ACCEPTABLE DOCUMENTS

All documents containing an expiration date must be unexpired.

* Documents extended by the issuing authority are considered unexpired.

Employees may present one selection from List A or a combination of one selection from List B and one selection from List C.

Examples of many of these documents appear in the Handbook for Employers (M-274).

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
<ol style="list-style-type: none"> U.S. Passport or U.S. Passport Card Permanent Resident Card or Alien Registration Receipt Card (Form I-551) Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa Employment Authorization Document that contains a photograph (Form I-766) For an individual temporarily authorized to work for a specific employer because of his or her status or parole: <ol style="list-style-type: none"> Foreign passport; and Form I-94 or Form I-94A that has the following: <ol style="list-style-type: none"> The same name as the passport; and An endorsement of the individual's status or parole as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI 		<ol style="list-style-type: none"> Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address School ID card with a photograph Voter's registration card U.S. Military card or draft record Military dependent's ID card U.S. Coast Guard Merchant Mariner Card Native American tribal document Driver's license issued by a Canadian government authority <p>For persons under age 18 who are unable to present a document listed above:</p> <ol style="list-style-type: none"> School record or report card Clinic, doctor, or hospital record Day-care or nursery school record 		<ol style="list-style-type: none"> A Social Security Account Number card, unless the card includes one of the following restrictions: <ol style="list-style-type: none"> NOT VALID FOR EMPLOYMENT VALID FOR WORK ONLY WITH INS AUTHORIZATION VALID FOR WORK ONLY WITH DHS AUTHORIZATION Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240) Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal Native American tribal document U.S. Citizen ID Card (Form I-197) Identification Card for Use of Resident Citizen in the United States (Form I-179) Employment authorization document issued by the Department of Homeland Security For examples, see Section 7 and Section 13 of the M-274 on uscis.gov/i-9-central. The Form I-766, Employment Authorization Document, is a List A, Item Number 4, document, not a List C document.

Acceptable Receipts

May be presented in lieu of a document listed above for a temporary period.

For receipt validity dates, see the M-274.

<ul style="list-style-type: none"> Receipt for a replacement of a lost, stolen, or damaged List A document. Form I-94 issued to a lawful permanent resident that contains an I-551 stamp and a photograph of the individual. Form I-94 with "RE" notation or refugee stamp issued to a refugee. 	OR	<ul style="list-style-type: none"> Receipt for a replacement of a lost, stolen, or damaged List B document. 	<ul style="list-style-type: none"> Receipt for a replacement of a lost, stolen, or damaged List C document.
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If your employee	Then you should	Tips
Provides documentation that reasonably appears to be genuine, relates to the employee, and is on the <u>Lists of Acceptable Documents</u>	Accept the documentation.	
Provides a document that does not reasonably appear to be genuine or relate to the employee or is not on the Lists of Acceptable Documents	Reject the document and ask your employee to provide other document(s) that satisfy Form I-9 requirements.	The standard is reasonableness. You are not expected to be a document expert.
Writes more than one last name in <u>Section 1</u> , but presents a document from the List of Acceptable Documents that has only one of those last names	Ask your employee the reason for the difference in the names. If the document reasonably appears to be genuine and to relate to the individual, you may accept the document.	Attach a memo to Form I-9 explaining the discrepancy.
Presents a document from the List of Acceptable Documents in which his or her name is spelled slightly differently than the name he or she wrote in Section 1	Ask your employee the reason for the difference in spelling. If it reasonably appears to be genuine and to relate to the individual, you may accept the document.	Ask your employee to use his or her full legal name in Section 1. Ask him or her to do one of the following: correct Form I-9 and initial the change; provide a different document with the correct spelling; provide you a corrected document.
Provides a document in which the name the employee wrote in Section 1 is completely or substantially different from the name on the document	Ask the employee the reason for the name change If your employee maintains that the name in Section 1 is his or her legal name and you are satisfied that the document reasonably appears to relate to the employee, you may accept the document.	Attach a memo to the Form I-9 explaining the discrepancy. If the employee voluntarily provides proof of a name change, you may keep a copy of it with the memo.
Provides a document that does not reasonably appear to be genuine and/or to relate to the individual or if he or she cannot present other documents to satisfy the requirements of Form I-9	You may terminate employment.	

Correcting Form I-9s

To correct the form:

1. Draw a line through the incorrect information.
2. Enter the correct information.
3. Initial and date the correction.

To correct **multiple recording errors** on the form, you may redo the section on a new Form I-9 and attach it to the old form.

A new Form I-9 can also be completed if major errors (such as entire sections were left blank or Section 2 was completed based on unacceptable documents) need to be corrected. A note should be included in the file regarding the reason you made changes to an existing Form I-9 or completed a new Form I-9.

Be sure not to conceal any changes made on the form (other than simple notation errors when copying document information). Doing so may lead to increased liability under federal immigration law.

MEMORANDUM OF CORRECTION

TO: Note to Form I-9 Document Compliance and Correction System
FROM: Generic Company, LLC
SUBJECT: Jane Doe (Employee): Form I-9 Documentation Correction
DATE: April 5, 2025

This Memorandum represents the corrections made to the Form I-9 for Jane Doe (Employee) based on an internal audit conducted April 5, 2025. The following errors were corrected:

√ Section 2-List A Identity and Employment Authorization

- Document Title
- Documentation Number and Expiration date

√ Section 2-Certification:

- Date missing for “First Day of Employment”
- Signature of Employer or Authorized Representative
- Missing Employer Business address

√ Employer Signature line

- Missing date

Strategies for I-9 Compliance



Conduct Regular Internal Audits

Review I-9 forms periodically to identify and correct errors.



Implement Comprehensive Training

Ensure HR personnel are well-versed in I-9 requirements and procedures.



Utilize Electronic I-9 Solutions



Stay Informed on Regulatory Changes

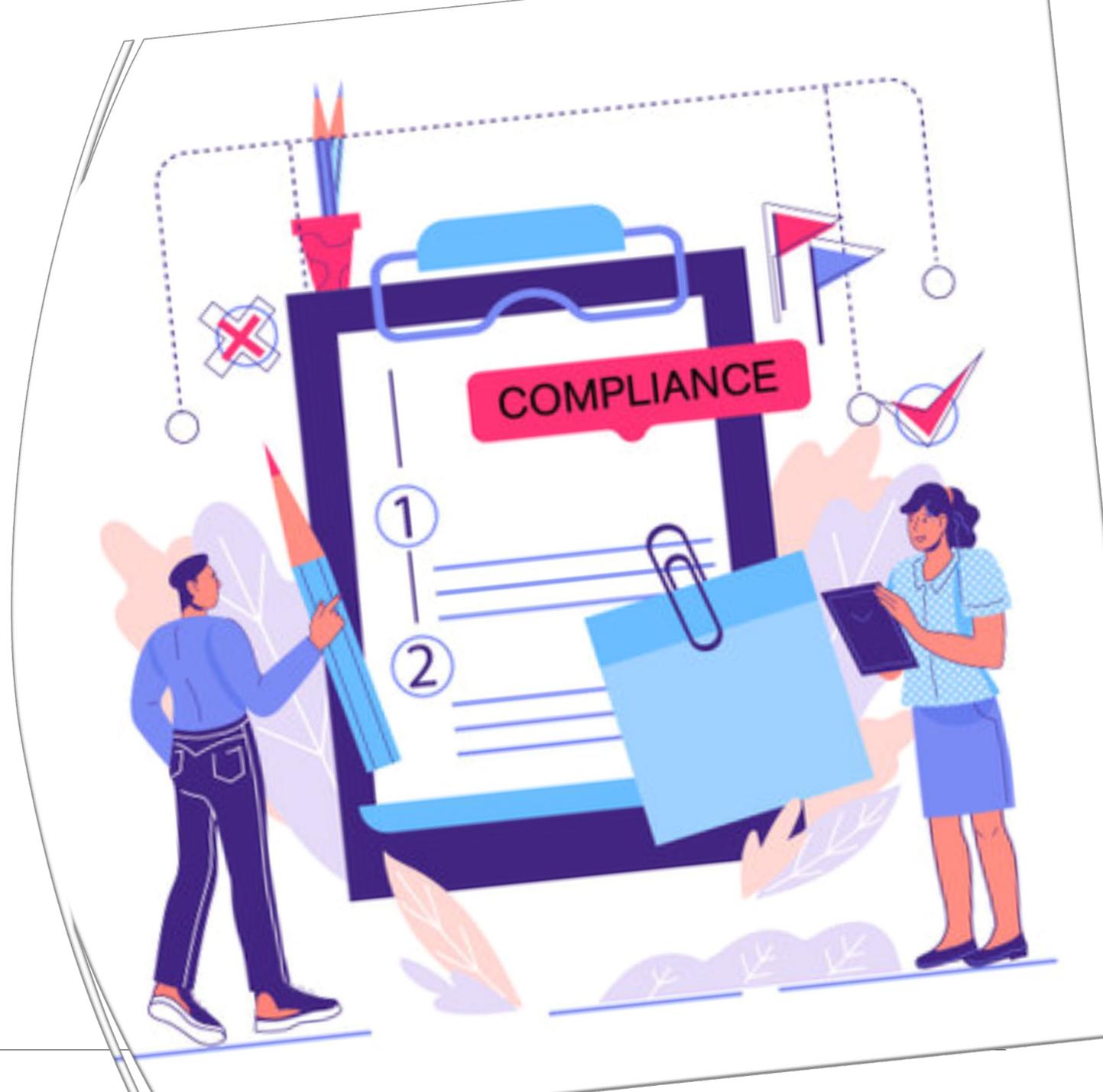
Keep well-informed of updates from DHS and ICE to ensure ongoing compliance.

Conducting an Internal Audit



Pros of an Internal Audit

- ✓ Periodic internal Form I-9 audits can trigger use of good faith as a mitigating factor.
- ✓ Demonstrates to ICE that any violations are not due to employer's lack of diligence.
- ✓ Less likely ICE will accuse employer of willfully ignoring signs that some employees were unauthorized to work.
- ✓ More likely ICE will cut employer slack with violations or fines.



Cons of an Internal Audit

- Time consuming and expensive.
- Most companies do not have a person that can solely oversee Form I-9s or auditing them.
- Smaller companies usually do not have a dedicated HR person.



Internal Audit: Most Common Form I-9 Errors

- The Form I-9 is missing entirely
- Major portions of the Form I-9 have not been completed
- Failure to re-verify an employee's work authorization after expiration
- Missing signatures
- Missing dates
- Over-documentation
- Missing employee's document information
- Missing personal or company information

DHS AUDIT AND PENALTIES

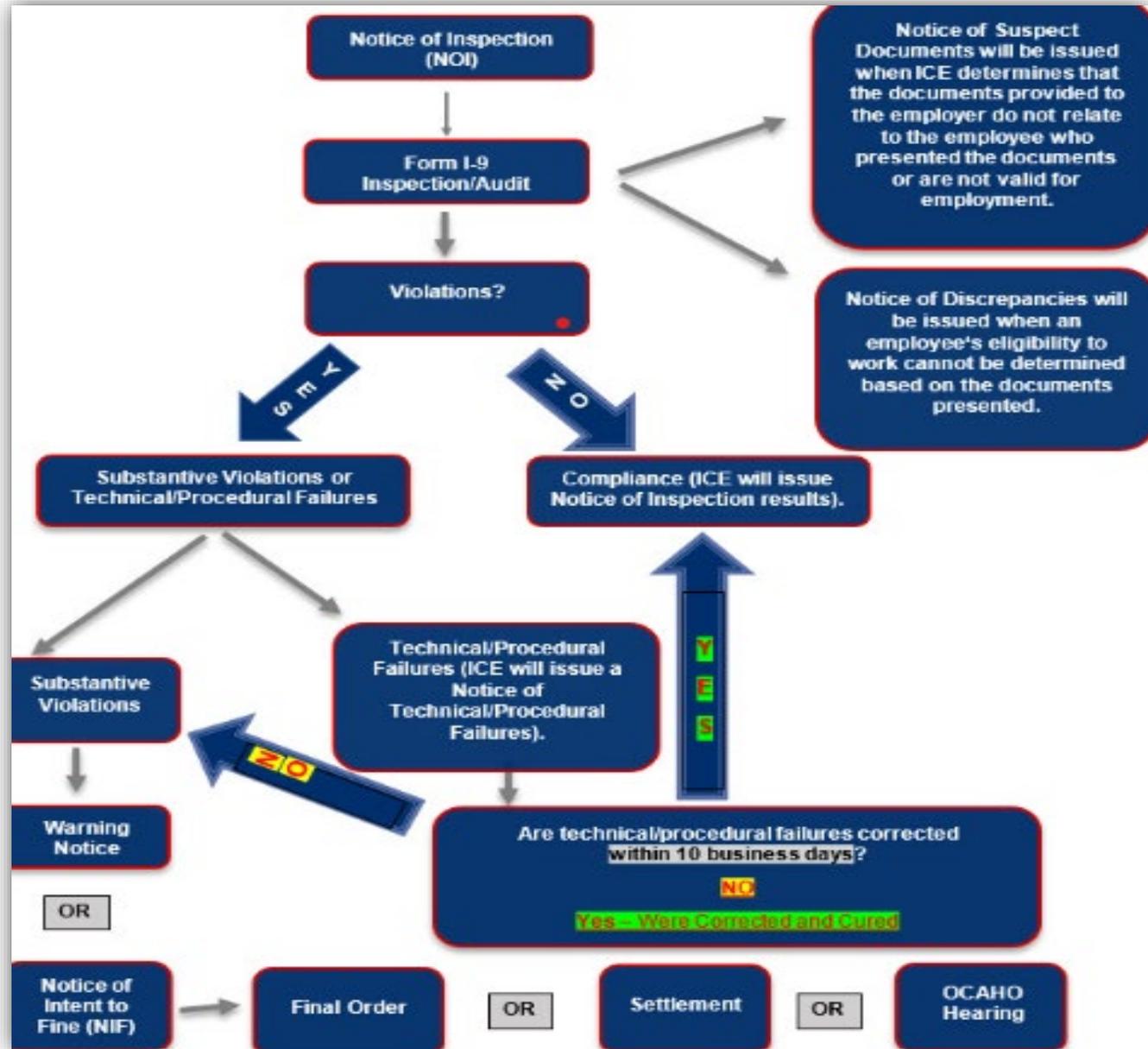


I-9 Inspection: How it begins



- If DHS is initiating an administrative inspection, they typically will provide the Employer with a Notice of Inspection (NOI)
- Employers receive AT LEAST 3 business days to produce Form I-9s requested.
- In addition, DHS can request:
 - A copy of the employer's payroll
 - A list of active and terminated employees
 - Articles of incorporation
 - Business licenses

Form I-9 Audit Inspection Process



I-9 Inspection Outcomes

Notice of Inspection Results: Also known as a "Compliance Letter," this notice is used to notify a business that it is in compliance with applicable employee eligibility verification requirements.

Notice of Suspect Documents: Advises the employer that, based on a review of the Form(s) I-9 and documentation submitted by relevant employee(s), HSI has determined that the documentation presented by employee(s) do not relate to the employee(s) or are otherwise not valid for employment. This notice also advises the employer of the possible criminal and civil penalties for continuing to employ unauthorized workers. HSI provides the employer and employee(s) an opportunity to provide documentation demonstrating valid U.S. work authorization if they believe the finding is in error.

Notice of Discrepancies: Advises the employer that, based on a review of the Form(s) I-9 and any related documentation submitted by employee(s), HSI has been unable to determine the employees' eligibility to work in the U.S. The employer should provide the employee(s) with a copy of the notice, as well as an opportunity to present HSI with additional documentation establishing valid U.S. employment eligibility.

Notice of Technical or Procedural Failures: Identifies technical or procedural failures found during the inspection of Form(s) I-9 and gives the employer at least ten business days to correct the forms. After this correction period ends, uncorrected technical or procedural failures become substantive violations.

Warning Notice: Issued when substantive verification violations were identified, but there is an expectation of future compliance by the employer. However, a Warning Notice should not be issued in the following circumstances: instances where: (1) the employer was previously the subject of a Warning Notice or a Notice of Intent to Fine; (2) the employer was notified of technical or procedural failures and failed to correct them within the allotted 10-business day period; (3) the employer had a 100% failure to prepare and present Form(s) I-9; (4) the employer hired unauthorized workers as a result of substantive violations; or, (5) there is any evidence of fraud in the completion of Form I-9 (e.g., backdating) on the part of the employer. Companies that are served a Warning Notice may be subject to a follow-up NOI six months, or later, after a Warning Notice is issued to ensure compliance. A reinspection may be contingent on resources.

Notice of Intent to Fine (NIF): May be issued for substantive violations, uncorrected technical or procedural failures, knowingly hire violations, and/or continuing to employ violations.

Possible Penalties for Form I-9 Violations

- ❖ Civil fines
- ❖ Criminal penalties (when there is a pattern or practice of violations)
- ❖ Debarment from government contracts
- ❖ Court order requiring back pay and/or to re-hire individual discriminated against



Civil Fines Calculations

To determine the base fine amount, the number of substantive violations/uncorrected technical or procedural failures and knowingly hire/continue to employ violations will be divided by the number of Forms I-9 that should have been presented for inspection.

The percentage from this calculation is the violation percentage that will determine the minimum and maximum civil penalty base fine amount. This percentage may change depending on whether the offense being evaluated is the employer's first offense, second offense, or a third or higher offense.

Then, DHS will use the enhancement matrix to enhance or mitigate the fines.

Paperwork Violations: Form I-9 paperwork (substantive administrative errors or uncorrected technical errors) fines range from \$288 to \$2,861 per form.

Penalties for knowingly employing authorized workers:

First offense: \$716 - \$5,724

Second offense: \$5,724 - \$14,308

Third offense: \$8,586 - \$26,619

ICE Enhancement Matrix

Once the base civil fine amount is determined, the 5 statutory factors (below) are considered to determine whether the fine should be enhanced, mitigated, or deemed neutral.

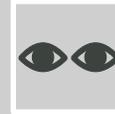
Factor	Aggravating	Mitigating	Neutral
Business size	+ 5%	- 5%	+/- 0%
Good faith	+ 5%	- 5%	+/- 0%
Seriousness	+ 5%	- 5%	+/- 0%
Unauthorized Aliens	+ 5%	- 5%	+/- 0%
History	+ 5%	- 5%	+/- 0%
Cumulative Adjustment	+ 25%	- 25%	+/- 0%

Best Audit Practices to Minimize Penalties

**Good
Faith
Defense**



Initial Audit: Correct deficiencies, initial, and date (but **NEVER** backdate)



After initial audit, re-check new Form I-9s every 6 months (two sets of eyes)



Maintain a current employee list with hire/termination dates: Cross check against Form I-9 list



Keep written record of all voluntary internal audits conducted to be kept with Form I-9 records

Navigating Today's Shifting Immigration Landscape

What we will discuss:

- Preparing for DHS Site Visits
- Immigration UPDATES
- Considerations under the Trump Administration



Preparing for an ICE Worksite Visit

- **Ensure Documentation Is in Order:** Designate a team/individual to be responsible for managing Form I-9 compliance.
- **Develop a Preparedness Plan:** Partner with counsel to draft a plan to share with relevant personnel. Plan should outline clear steps.
- **Establish Communication Procedures:** Assign responsibilities for key personnel such as HR, security, and reception area. Ensure staff assigned to address ICE understands their rights and responsibilities.
- **Provide Training Materials for Staff**





If ICE Is Seeking an Individual or Conducting an Enforcement Action



Request and review any warrants or subpoenas



Follow your preparedness plan for answering questions and providing information



Limit access to areas and documents



Inquire about employee rights



Ensure the safety of your employees



Document



Do not attempt to conceal, lie, or mislead

IMMIGRATION UPDATE:

President Trump's H-1B Proclamation



Requires a \$100,000 payment to accompany any new H-1B visa petitions submitted after 12:01 a.m. eastern daylight time on Sept. 21, 2025.

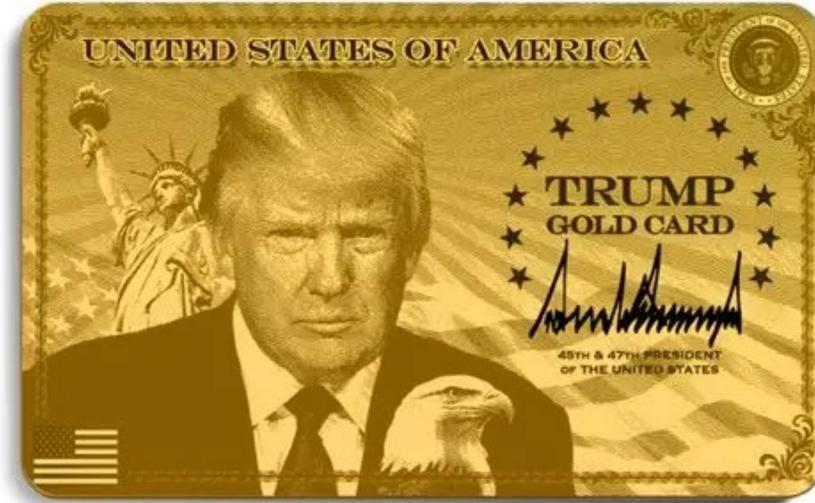
This includes the 2026 lottery, and any other H-1B petitions submitted after deadline.

Does not change any payments or fees required to be submitted in connection with any H-1B renewals or for current H-1B visa holders.

The fee is a one-time fee on submission of a new H-1B petition. Already being challenged in court for violating the Immigration and Nationality Act.

Alternatives to H-1B: L-1, O-1, E-2, TN, OPT

UPDATE: President Trump's Gold Card



Individual gold card

What we know now:

- \$15,000 DHS processing Fee + Contribution of \$1,000,000
- Filed under EB-1 or EB-2 category
- EACH family member is subject to an additional \$15,000 DHS processing fee and \$1 million dollar gift.
- “Should take weeks”.
- Applicants subject to U.S. tax and non-U.S. income

Corporate gold card

What we know now:

- \$15,000 DHS processing Fee + Contribution of \$2,000,000 “per employee gift”.
- Allows company to transfer access from one employee and grant it to another for a 5% transfer fee
- 1% annual maintenance fee
- Filed under EB-1 or EB-2 category

Additional Considerations under the Trump Administration



Administration's focus is on enforcement over adjudication. Timeframes are expanding, therefore take advantage of premium processing and detailed strategies for short-term and long-term stay.



Increased Scrutiny. Expect longer, comprehensive RFE's for cases you do not routinely expect requests.



Emphasis on Public Charge Rule, and immigrants access to public benefits. Clear and concise evidence of ability to pay employees will be paramount.



Be prepared for fast policy shifts and have updated information on employee status and future eligibility.



Processing locations for non-immigrant and immigrant visas



Contact Information:

Olivia Johnson, Partner

843.996.1948

ojohnson@shumaker.com