

HUSCH BLACKWELL

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Immigration and Trade Regulations in the 2nd Trump Term

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ICE Enforcement at Businesses



Take a Unified Approach



Have a Communications Plan



Have a Response Team



Understand Rights and Responsibilities



Prepare Staff



Prepare Facilities

Proactive Steps to Ensure Compliance



Conduct Regular Internal Audits:

Identify and correct errors before audits occur.



Train HR Staff:

Provide ongoing training on I-9 completion, retention, and anti-discrimination practices.



Be Aware of Audit Triggers:

Address employee concerns promptly and monitor industry trends.



Use E-Verify:

Consider enrolling to simplify compliance and reduce risks.



Maintain Organized Records:

Keep I-9 forms separate from personnel files for easier access.



Respond Appropriately to Audits:

Designate a point of contact and seek legal counsel immediately.

Administration's Policies and Workforce Disruptions

- Failed attempts to reduce number of authorized foreign nationals
 - Ending or revocation of humanitarian programs or protections from deportation
 - Termination of status for F-1 students
- Maintaining data about noncitizens to ensure employment authorization compliance
- Explore more stable alternatives for foreign national employees

USCIS

Adjudication Delays

Expected Changes to H-1Bs and other filings

- Tightening the eligibility criteria.
- Requiring higher salary wages.
- Ending deference policy.

Noncitizen Registration Requirement

Nonimmigrants, Green Card Holders, and other Noncitizens

Registration for Some

Document Carry for All

Address Update Requirement

Severe fines, jail time, and possible deportation

Visa and Travel Issues

Delays at Consulates

Visa Denials and Revocations

Trusted Traveler Program Revocations

Delays & Denials at Ports of Entry

- Electronic Device Searches
- Prolonged Questioning

Resources for Staying Up to Date

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AND GLOBAL MOBILITY
RESOURCE CENTER**

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Retaliatory Tariffs

Retaliatory Tariffs

- Retaliatory tariffs operate like a tax on U.S. exports, and U.S. trading partners have begun to enact their own tariffs in response to President Trump's tariffs.
- Effective March 13, Canada imposed additional surtaxes targeting CAD \$29.8 billion worth of goods originating from the U.S.
 - This amount is approximately equal to the value of steel and aluminum products affected by U.S. tariffs, with the surtaxes distributed among various categories as follows: steel (CAD \$12.6 billion), aluminum (CAD \$3 billion), and additional U.S. goods (CAD \$14.2 billion).
- Effective April 9, Canada announced 25% *ad valorem* tariffs on (1) non-USMCA compliant fully assembled vehicles; and (2) non-Canadian and non-Mexican content of USMCA-compliant fully assembled vehicles imported from the United States.



Retaliatory Tariffs (Cont.)

- The EU delayed implementation of its countermeasures of tariffs on U.S. goods worth €21 billion until July 15, 2025 to allow for negotiations between EU and U.S. will implement countermeasures in two phases on up to \$26 billion EUR of U.S. goods:
 - The tariffs will range from 4.4% - 50% and affect U.S. goods such as textiles, poultry, and beef.
- Effective April 10, China issued a retaliatory tariff of 125% on all U.S. goods in response to President Trump's additional 145% tariff on all Chinese-origin goods.
 - China has quietly excluded some U.S. products from the tariffs, such as certain U.S. semiconductors, pharmaceuticals, and ethane imports.



Agency Updates

BIS – Export Controls

- Export controls contained in Export Administration Regulations (“EAR”).
- Administered by Department of Commerce’s Bureau of Industry & Security (“BIS”).
- Prohibit exporting or reexporting items, software, or technology to certain destinations based on technical classifications.



BIS Personnel Changes

- Multiple career senior officials in BIS's Export Administration ("EA") division were forced to retire.
 - Matt Borman – Principal Deputy Assistant Secretary for Export Administration
 - Eileen Albanese – Director of BIS's Office of National Security Controls
- Replaced by senior career officials from BIS's Office of Export Enforcement ("OEE").
- Some in Congress and Trump administration viewed BIS's Export Administration, which is responsible for issuing export regulations and export licenses, as too accommodating to industry, particularly regarding exports to China.



BIS Personnel Changes (Cont.)

- Jeffrey Kessler confirmed as Under Secretary of Commerce for Industry and Security (head of BIS).
- In confirmation hearing, Kessler promised “aggressive” enforcement of export controls.
- In internal town hall, Kessler also reportedly promised less coordination with allies and less engagement with industry.
- Expected to review BIS’s staffing, budget, and regulations that were published by Biden administration but not yet implemented.
 - Including review of additional overseas enforcement agents and possible retooling of advanced artificial intelligence semiconductor controls.

BIS License Freeze

- BIS quietly paused all reviews of new export license applications submitted after February 5, 2025.
- Widely reported but never confirmed publicly or explained by BIS.
- The pause was reportedly lifted at least partially in March, but then reinstated at end of month following Kessler's confirmation.
- Expect the already lengthy licensing process to be exacerbated, as BIS also faces a staffing shortage in its licensing division.



Foreign Direct Product Rule

- FDP Rule places export controls on foreign-made items that are the direct products of U.S. “technology” or software.
 - Originally targeted China’s Huawei but has since expanded to other Chinese end-users, certain parties on BIS’s Entity List, and “military end-users” in Russia and Belarus.
- Could see an expansion of this as U.S. seeks to exert greater jurisdiction over its technology, particularly with certain semiconductors and microelectronics, artificial intelligence systems, and quantum information.
- New BIS head Kessler called the FDP Rule an “important tool” and will consider using to promote U.S. national security and foreign policy.



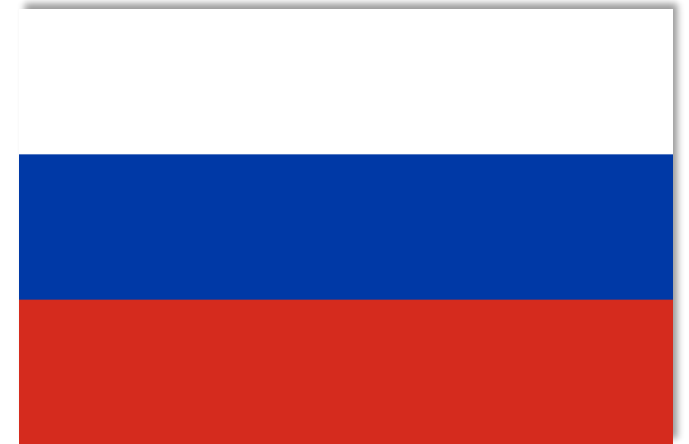
Other Agencies

- Reports of layoffs at Departments of State and Defense
 - Both departments review and vote on export license applications.
 - State Department also administers the International Traffic in Arms Regulations (“ITAR”) for defense articles and services and related technical data.
- Treasury Department included its Office of Terrorism and Financial Intelligence (“TFI”) in hiring freeze and rescinded job offers.
 - After public pressure, Treasury says its working to lift the freeze under the freeze order’s national security exemption.
- Unclear what impact this will have on day-to-day export and sanctions administration as well as enforcement.

Country Updates

Russia

- In February, Department of Justice disbanded Task Force KleptoCapture, the inter-agency unit responsible for enforcing the vast sanctions, export controls, and economic countermeasures against Russia.
 - Despite this, so far no lifting or modifications of any sanctions or export controls.
- Trump administration has indicated it could increase or decrease sanctions depending on Russia's negotiating posture regarding an end to the war in Ukraine.
- Some speculation that Trump is unlikely to lift energy-related sanctions because of potential negative impact on U.S. energy producers.
- President Trump could begin by lifting SDN designations of certain oligarchs.



Russia (Cont.)

- President Trump could unilaterally lift most OFAC sanctions against Russia, including most SDN designations and prohibitions on services by repealing Executive Orders.
 - Current Congress is unlikely to consider legislation to codify those Russia sanctions Executive Orders into law.
- Some of the sanctions imposed under the Countering America's Adversaries Through Sanctions Act ("CAATSA") following 2014 invasion of Crimea would require congressional approval.
- While President Trump could ease enforcement, OFAC sanctions now have 10-year statute of limitations, so next president could still prosecute for violations.

China

- China itself is not subject to a country-wide embargo, but many ECCN-classified products require licenses for export to China.
- No major new export controls or sanctions—tariffs have been preferred tool so far.
- The Biden administration imposed increasing export controls on semiconductors and advanced computing items for artificial intelligence and quantum computers.
- Trump administration could take a more hardline approach toward China, with broader export prohibitions for technology items.
 - Many appointees, including some in BIS, considered China “hawks”.
- However, the U.S. and China are too dependent on each other for President Trump to impose any type of full embargo on China.



Venezuela

- OFAC sanctions prohibit transactions with the “Government of Venezuela”, which is defined very broadly to include any political subdivision, agency or instrumentality thereof, which includes many state-owned businesses that comprise a large portion of Venezuela’s economy.
- In 2023 and 2024, OFAC issued General Licenses to authorize limited amount of transactions with government-owned oil/gas and gold-mining sectors of Venezuelan economy, contingent upon the Maduro regime conducting fair and legitimate elections.
- Maduro regime did not cooperate, so those General Licenses were withdrawn and full sanctions against Government of Venezuela were continued.



Venezuela (Cont.)

- On March 4, 2025, OFAC revoked Chevron Corporation's authorization to operate in Venezuela.
 - Chevron now required to wind down its petroleum transactions in Venezuela with the state-owned oil giant Petróleos de Venezuela, S.A. ("PDVSA") by April 3, 2025
- Previous statements made by Secretary of State Marco Rubio suggest the Trump administration might terminate other OFAC licenses related to Venezuela, though no such revocations have been announced yet.



Latin America

- Designation of cartels and transnational criminal organizations (“TCOs”) as Foreign Terrorist Organizations (“FTOs”) and Specially Designated Global Terrorists (“SDGTs”)
 - Designation traditionally reserved for entities such as ISIS and the Taliban.
- In addition to traditional blocking sanctions, the FTO/SDGT designation prohibits U.S. companies from providing “material support” to designated entities and violations come with greater penalties under the terrorism-related statutes.
- The Treasury’s Department’s Terrorist Finance Tracking Program (“TFTP”) will likely allow for government to scrutinize most transactions, including ordinary commercial transactions, involving Mexico and other countries in which a designated FTO or SDGT operates.
- Exporters should consider heightened due diligence given these organizations can be embedded in local supply chains and economies.



Iran

- In February 2025, President Trump issued a National Security Memorandum (“NSM”) directing multiple U.S. departments and agencies to escalate enforcement of sanctions and related remedies against Iran.
 - Includes the Commerce, Treasury, and Justice Departments.
- NSM specifically directs OFAC to conduct a “review for modification or rescission any general license, frequently asked question, or other guidance that provides Iran or any of its terror proxies any degree of economic or financial relief.”
- Unlikely to see a change in posture from either U.S. or Iran, though the two countries are reportedly talking.



Foreign Investment & Anti-Corruption

Foreign Investment

- On February 21, 2025, President Trump issued a National Security Presidential Memorandum (“NSPM”) directing multiple federal agencies to take action to further restrict foreign adversaries’ ability to invest in sensitive U.S. businesses and to further restrict U.S. outbound investments into China.
 - Mostly focused on China but other “foreign adversaries” included Hong Kong, Macau, Cuba, Iran, North Korea, Russia, and Venezuela.
- Trump administration plans to use “all necessary legal instruments to further deter United States persons from investing in the PRC’s military-industrial sector.”
- Will consider restricting private equity, venture capital, greenfield investments, corporate expansions, and investments in publicly traded securities from pension funds, university endowments, and other limited-partner investors.
- Critical areas include semiconductors, artificial intelligence, quantum, biotechnology, hyper sonics, aerospace, advanced manufacturing, directed energy, and others.



Foreign Investment (Cont.)



- Many NSPM objectives related to the Committee on Foreign Investment in the United States (“CFIUS”), which can block foreign acquisition of or investments in U.S. businesses that threaten U.S. national security.
- Potential new regulations to monitor:
 - Creating a new “fast-track” process to facilitate greater investment from allies and partners involved with U.S. advanced technology and other important areas
 - Expediting “environmental reviews” for any investment in the U.S. of over \$1 billion.
 - Committing to protect U.S. farmland.
 - Strengthening CFIUS’s authority over “greenfield investments,” which are currently exempt from CFIUS regulations.
 - Restricting foreign adversary access to artificial intelligence and other sensitive technologies and generally expanding the types of “emerging and foundational technologies” which are subject to potential CFIUS restrictions.

Anti-Bribery & Anti-Corruption

- On February 10, 2025, President Trump issued an E.O. instructing DOJ to pause all enforcement action under the Foreign Corrupt Practices Act (“FCPA”) pending review.
- E.O. stated the FCPA may place American businesses at a disadvantage in their dealings overseas.
- SEC retains authority to enforce violations of FCPA’s bookkeeping and records provisions.
- Many other countries still maintain similar anti-bribery laws, so risk remains.



Next Steps

Resources for Staying Up to Date



**Husch Blackwell's International Trade Insights
blog – *First 100 Days of Trade***

Additional resources:

- Whitehouse.gov
- Subscribe to BIS, OFAC, and other mailing lists
- President Trump's social media posts

Questions?

The image features a solid blue background with a pattern of thin, white, wavy lines that create a sense of motion and depth. The lines are more densely packed in some areas and more spread out in others, giving the background a dynamic, almost liquid appearance. Centered horizontally and slightly above the vertical midpoint is the text "HUSCH BLACKWELL" in a bold, white, sans-serif typeface. The letters are evenly spaced and have a clean, modern look.

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