



News & Types: Immigration Monthly Updates

ビジネス移民法ニュース(2024年11月号)(英語版)が発行されました。

11/18/2024

By: ジュリー エメリック, デレク ストレイン

Practices: 移民法

NEW TRUMP ADMINISTRATION IN 2025 – WHAT TO CONSIDER FOR THE US IMMIGRATION SYSTEM

It has been more than 130 years since an individual was elected to non-consecutive terms as President of the United States. President Stephen Grover Cleveland, a Democrat, served from 1885 to 1889 (22nd) and from 1893 to 1897 (24th). The interim period was led by Republican President Benjamin Harrison. President Cleveland defeated incumbent President Harrison to secure his second term.

With the election of Donald Trump to a second term, he has promised an overhaul of current immigration policies including mass deportations and expanded workplace raids. How his new policies will impact employment-based immigration can be gleaned from policies during his first term in office which generally made it much more difficult for employers to sponsor foreign workers. These policies increased the level of scrutiny and numbers of denials of employment-based petitions.

It is also anticipated that incoming President Trump will be guided by the “Mandate for Leadership – The Conservative Promise,” also known as “Project 2025”, prepared in 2023 by The Heritage Foundation. Project 2025 outlines several immigration-related initiatives including:

- Prioritizing border security and immigration enforcement by taking into custody all noncitizens who are felons, who have records of crimes of violence, DUIs or other crimes considered to be a threat to national security or public safety, or who have removal orders.
- Reducing the number of student visas (F-1/M-1/J-1) issued to noncitizens from so called “enemy nations”. China is referred to as an enemy nation in Project 2025.
- Mandating employment verification through the existing or an enhanced E-Verify program or a new G-Verify (for “Government Verification”) program. G-Verify would eliminate the paper version of the Form I-9 and require employers to verify an employee’s work authorization in an online system, similar to the existing E-Verify program.
- Recission of Biden Administration immigration related policies. Including deference to previously approved employment petitions when an extension petition is filed; how U.S. Citizenship and Immigration Services (USCIS) evaluates evidence to determine eligibility for immigrant classification as a person of extraordinary ability; eligibility for STEM OPT employment authorization for foreign students (F-1 visa); the validity of medical examinations for noncitizens applying for permanent resident status; eliminating humanitarian

programs, such as DACA and TPS, and reducing the validity of employment authorization documents (EAD).

- Return of prior Trump Administration’s regulatory agenda including proposed rules for public charge rule, temporary work visa reform, eliminating Duration of Status (D/S) for F, M and J visa categories, employment authorization reform rules, asylum bars rule, and a third-country transit rule.
- Requiring FDNS review of USCIS petitions before approval: Requiring the USCIS Fraud Detection and National Security Directorate (FDNS) to review applications and petitions approved by USCIS before issuing the Approval Notice.
- Changing the focus of USCIS from “upholding America’s promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve” to “operating as a screening and vetting agency.”
- Reimplementing the USCIS denaturalization unit to identify and prosecute naturalized citizens who obtained citizenship through fraud or other illicit means.
- Creating an enforcement arm of USCIS to investigate immigration benefit fraud (in addition to FDNS).
- Requiring interviews for all applications for permanent residence status.
- Reinstating Biometrics requirement for most applications prior to approval.
- Repealing the Diversity Visa program (“Green Card Lottery”).
- Repealing Temporary Status and Humanitarian programs. Current Temporary Status programs benefit nationals from Afghanistan, Burma (Myanmar), Cameroon, El Salvador, Ethiopia, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, Ukraine, Venezuela, and Yemen. Such nationals may be eligible to remain in the United States and apply for work authorization for a specific period of time.
- Consolidating the visa classifications for victims of trafficking (T visa) and victims of crimes (U visa) into the visa classification for individuals cooperating with law enforcement (S visa), impacting the number of visas available and limiting immigration options for victims.

For more information, please register for Masuda Funai Immigration Group’s Late-Breaking Webinar: Potential Impact of the Presidential Election on the Legal Immigration System on Thursday, November 21, 2024 at 2:00PM (Central).

DECEMBER 2024 VISA BULLETIN UPDATE

The Department of State (“DOS”) recently issued the December 2024 Visa Bulletin. During December, the following foreign nationals approved employment-based immigrant classifications for eligibility to apply for permanent resident status through adjustment of status (“AOS”). There has been no movement in priority dates since October 2024.

First Preference

- Persons eligible for the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researcher/Professors or workers recognized for their Extraordinary Ability) who were born in any country other than India or China.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researcher/Professors or workers

recognized for their Extraordinary Ability) whose priority date is before **January 1, 2023**, no change since October 2024.

- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researcher/Professors or Workers recognized for their Extraordinary Ability) whose priority date is before **April 15, 2022**, no change since October 2024.

Second Preference

- Persons born in any country other than India or China having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **August 1, 2023**, no change since October 2024.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **October 1, 2020**, no change since October 2024.
- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **January 1, 2013**, no change since October 2024.

Third Preference

- Persons born in any country other than India or China having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before **March 1, 2023**, no change since October 2024.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before **November 15, 2020**, no change since October 2024.
- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before **June 8, 2013**, no change since October 2024.

Noncitizens approved for an *employment-based* immigrant classification who either have their AOS application pending or who will complete the Immigrant Visa processing at a U.S. Consular Post become eligible to have their AOS application approved or their interview scheduled in December 2024.

The only holiday gift is to Indian nationals in the EB2 classification where the priority date advanced 16 days to August 1, 2022, and Indian nationals in the EB3 classification where the priority date advanced 7 days to November 8, 2012.

First Preference

- Persons eligible for the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researcher/Professors or workers recognized for their Extraordinary Ability) who were born in any country other than India or China.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researcher/Professors or workers recognized for their Extraordinary Ability) whose priority date is before **November 8, 2022**, no change since October 2024.
- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researcher/Professors or Workers recognized for their Extraordinary Ability) whose priority date is before **February 1, 2022**, no change since October 2024.

Second Preference

- Persons born in any country other than India or China having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **March 15, 2023**, no change since October 2024.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **March 22, 2020**, no change since October 2024.
- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **August 1, 2012**, an advancement of 16 days.

Third Preference

- Persons born in any country other than India or China having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before **November 15, 2022**, no change since October 2024.

- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before **April 1, 2020**, no change since October 2024.
- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before **November 8, 2012**, an advancement of 7 days.

The DOS, which manages the Visa Bulletin, notes its intention to keep visa issuance within quarterly limits in accordance with the provisions of the Immigration and Nationality Act (INA).

J-1 EXCHANGE VISITOR VISA FOR INTERNS AND TRAINEES NOW AVAILABLE FOR CERTAIN SWISS GRADUATES OF TECHNICAL, VOCATIONAL OR PROFESSIONAL PROGRAMS

On November 5, 2025, the DOS published a notice in the Federal Register of an agreement between the U.S. and Switzerland allowing Swiss citizens between 18 and 35 who are enrolled in or graduated from a technical, vocational (apprenticeship) or professional training program or post-secondary institution to participate in the Exchange Visitor Program in the Intern and Trainee categories and apply for a J-1 visas.

The agreement makes it easier for graduates of Swiss technical, vocational (apprenticeships), or professional training programs to receive training through the exchange visitor program. Since the Swiss system offers vocational education and training programs based on apprenticeships and theoretical classes, rather than universities, these would not meet the existing requirements for the Intern and Trainee categories of the Exchange visitor program were it not for the agreement.

Under the agreement, recent Swiss graduates or currently enrolled students in technical, vocational, or professional training (apprenticeship) program or post-secondary institution may apply as *J-1 Interns* in support of their career development through a pre-arranged placement as a Trainee at a U.S. private sector or non-profit organization in support of their career development. Swiss graduates, currently enrolled students, or persons with five years of work experience may apply as *J-1 Trainees*.

A reciprocal program has been established for U.S. citizens meeting the same criteria to obtain further training in their field in Switzerland.

MFEM NEWS

MASUDA FUNAI IMMIGRATION GROUP TO HOST LATE-BREAKING WEBINAR DISCUSSING POTENTIAL UPCOMING CHANGES TO LEGAL IMMIGRATION SYSTEM

The Masuda Funai Immigration Group will be hosting a Late-Breaking Webinar to discuss how the new Trump Administration may change the legal U.S. immigration system and how those changes may impact our clients and their employees. Masuda Funai immigration attorneys Fazila Vaid, Julie Emerick and Bob White will be leading this webinar. The webinar will be held on Thursday, November 21st at 2pm CST.

Additional information about the webinar (including how to register) is available on the Masuda Funai website - [Late-Breaking Webinar: Potential Impact of the Presidential Election on the Legal Immigration System | Masuda Funai](#)

BOB WHITE TO LEAD A DISCUSSION WITH DOL AT THE PLI IMMIGRATION LAW CONFERENCE IN NEW YORK

Bob White, co-Chair of the Masuda Funai Immigration Group, will be leading a panel with officials from the U.S. Department of Labor's (DOL) Headquarters at the Practising Law Institute's (PLI) annual Immigration Law Conference held on December 4, 2024 in New York City.

During the panel, Mr. White will be discussing with the DOL officials current trends being encountered by employers in the FLAG PERM system and the expectation for processing times in the future for all DOL Office of Foreign Labor Certification (OFLC) programs.

Masuda Funai is a full-service law firm with offices in [Chicago](#), [Detroit](#), [Los Angeles](#), and [Schaumburg](#).