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WEBINARS

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FRAGOMEN

Buy American, Hire American: Immigration Restrictions vs. Workforce Realities



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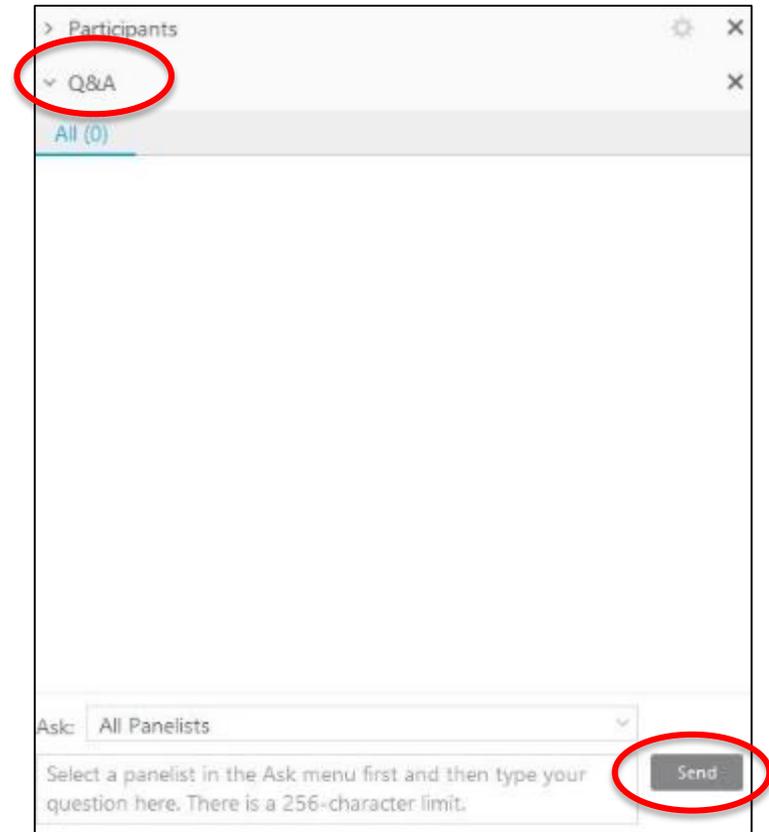
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Q&A Instructions

- Submit questions through Q&A dialogue box
- Box is located in lower right corner of screen
- Do not use the Chat Box
- Be specific
- You may submit your question at any time

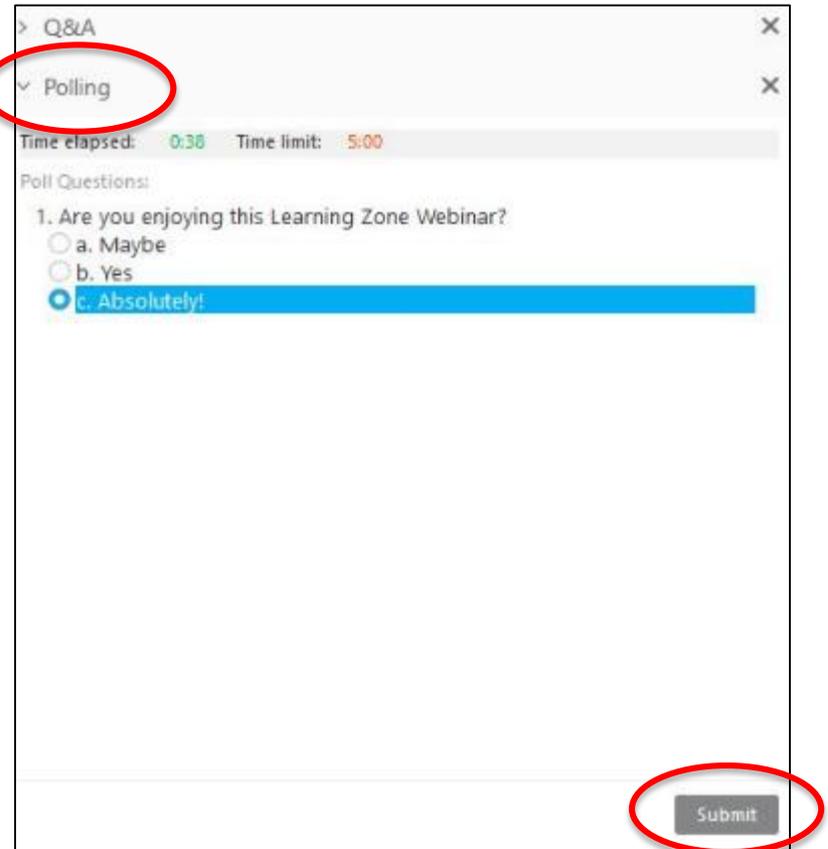
Q&A Dialogue Box:



Polling Instructions

- The Polling Box appears below Q&A Box
- Question will appear on slide and in the Poll Box
- Submit answer quickly
- Results will display in the same location

Polling Box:



The screenshot shows a 'Polling Box' interface. At the top, there is a 'Q&A' section and a 'Polling' section, both with expand/collapse arrows. The 'Polling' section is circled in red. Below the 'Polling' section, there is a progress bar showing 'Time elapsed: 0:38' and 'Time limit: 5:00'. The main content area is titled 'Poll Questions:' and contains a single question: '1. Are you enjoying this Learning Zone Webinar?'. There are three radio button options: 'a. Maybe', 'b. Yes', and 'c. Absolutely!'. The 'c. Absolutely!' option is selected and highlighted with a blue bar. At the bottom right of the box, there is a 'Submit' button, which is also circled in red.



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Today's Presenters



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What is Buy American, Hire American?

- Presidential executive order signed April 2017
- Directs government agencies to prioritize U.S. jobs in labor and trade policies
- Sets policy direction for U.S. employment-based immigration programs



BAHA's Impact on Foreign Talent & Mobility

- New policies and regulations that restrict access to foreign talent
- Tougher compliance obligations for U.S. employers
- Challenges to U.S. competitiveness in the global competition for talent
- More uncertainty for employers and foreign employees



The Immigration Landscape Under BAHA

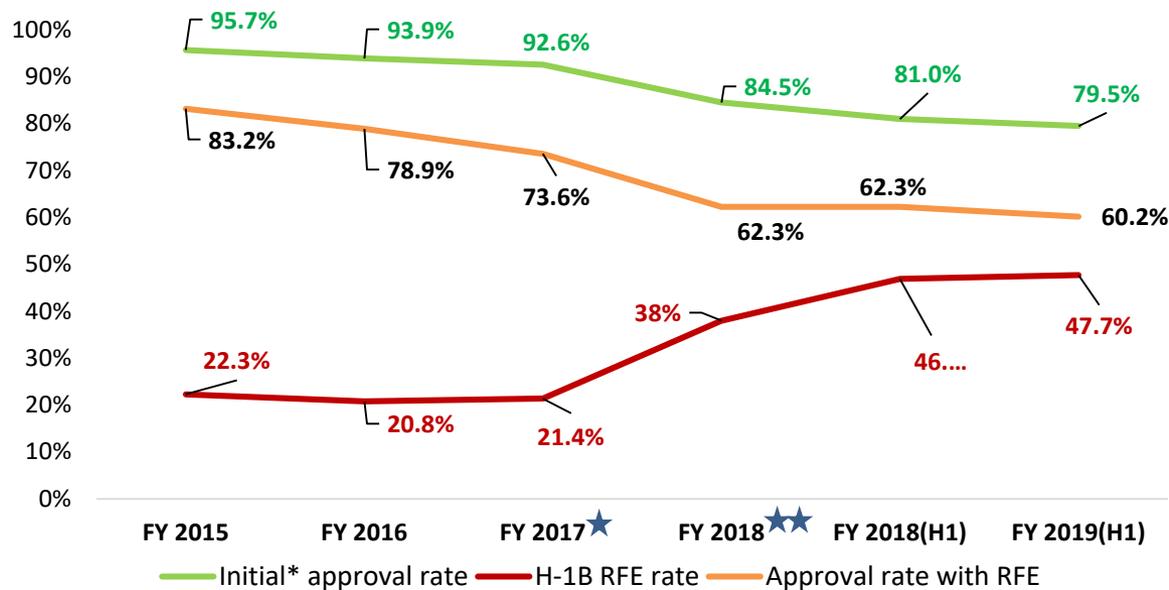
- Sudden changes in government policy
- More government scrutiny of immigration benefits applications
- Increased costs, more delays



Immigration Applications Under the Microscope

- Tougher policies mean more government challenges
- More requests for additional evidence (RFEs)

H-1B Approval & RFE Rates FY 2015-2019



***March 2017:** USCIS policy memorandum takes position that computer programmer jobs are not presumed to be eligible for the H-1B program.

***October 2017:** USCIS officers no longer bound by previous petition approvals when reviewing nonimmigrant extension requests, including H-1B and L-1 extensions.

****February 2018:** USCIS increases scrutiny of end-client contracts and itineraries in H-1B third-party placements.

****September 2018:** USCIS gives adjudicators more authority to deny immigration benefits filings without giving employers the opportunity to provide additional evidence.

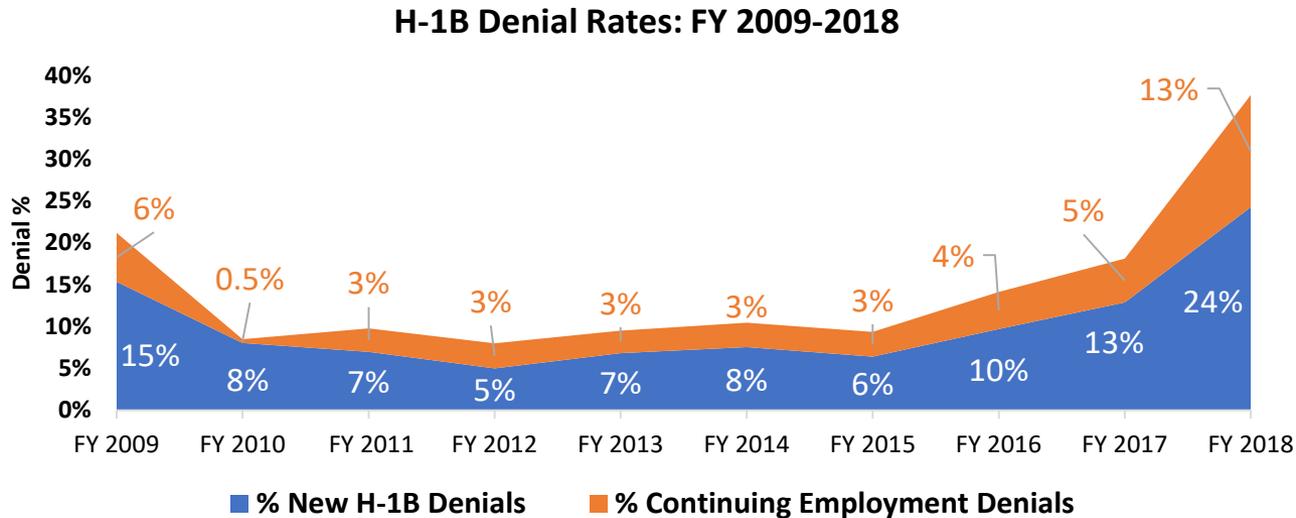


Challenges to Immigration Status Renewals

- Impact of “no deference” policy
- Make your case, then make it again
- Prove eligibility from scratch each time, even if circumstances are unchanged



Application Denials on the Rise



- Immigration denials have tripled since FY 2016
- Extension denials have quadrupled since FY 2016
- Financial and professional/tech services among the hardest hit
- Consequences: rescinded job offers, sudden terminations, disrupted projects



Be Prepared: Investigations & Enforcement on the Rise

- Coordinated federal investigations and enforcement
- ICE I-9 audits more than tripled in FY 2018
- Up to 20,000 USCIS worksite anti-fraud inspections this year
- H-1B wage inspections up 10% since FY 2016, assessed penalties up 90%
- New areas of enforcement
 - Foreign students
 - Permanent labor certification



What's Ahead: Forthcoming Immigration Restrictions

- New H-1B cap registration system next year
- Tougher H-1B eligibility rules
- Cancellation of H-4 employment program
- Stricter rules on foreign business travelers
- DACA and Temporary Protected Status terminations
- Foreign student practical training



Strategies for Success & Risk Management

- Educate leadership about immigration hurdles
- Foster accountability
- Budget adequately
- Allow enough time
- Manage expectations up and down
- Create Plan B and Plan C
- Consider litigation
- Don't give up on foreign talent!



Your Experiences Under BAHA

- Are your stakeholders aware of the immigration challenges and scrutiny under this Administration?
- Have you experienced longer processing times in the last year?
- Have you seen an increase in RFEs in the last year?
- Have you seen an increase in denials in the last year?
- Have your immigration costs increased in the last year?



Winning the Long Game in the Competition for Talent

- Raise awareness of the impact of BAHA
- Get involved in policy advocacy
- Promote the domestic labor force while attracting foreign talent





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