



**Adapting to the New Reality:
Tips for Immigration Professionals**

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ADAPTING TO THE NEW REALITY: TIPS FOR IMMIGRATION PROFESSIONALS

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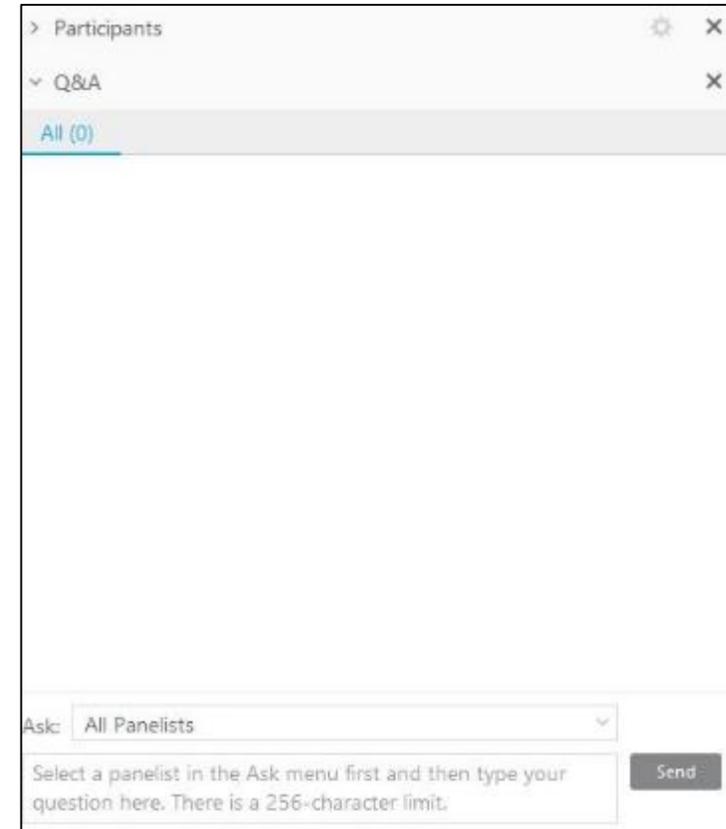
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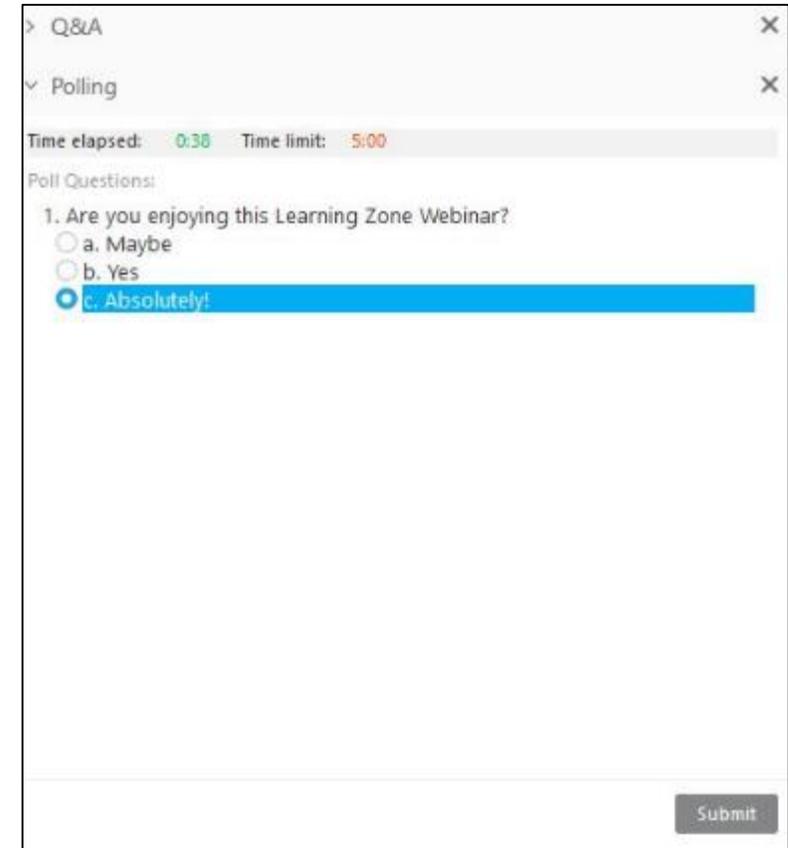
Q&A Instructions

- 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



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



The screenshot shows a web interface with a 'Q&A' section and a 'Polling' section. The 'Polling' section displays a progress bar with 'Time elapsed: 0:36' and 'Time limit: 5:00'. Below the progress bar, the question is '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, indicated by a blue highlight. A 'Submit' button is located at the bottom right of the polling section.

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Today's Presenters



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Outlining Themes

- Executive orders and the impact to moving people into the US
- Unpredictability of government processing
- Working from home and the challenges this brings
- PERM Recruitment
- Ensuring I-9 Compliance

Benchmarking – Polling Question

QUESTION:

What topic are you most concerned about for your immigration program?

ANSWERS:

- A. Ability to ensure I-9 compliance despite remote work policies
- B. Budgetary restrictions impacting immigration sponsorship and policies
- C. Retention of foreign national employees
- D. Efficient movement of employees into the US
- E. Impact to personal lives of foreign national workforce
- F. Furloughs and layoffs and impact on immigration program

Executive Order Overview

President Trump has signed 8 Executive Orders since January 31, 2020 limiting travel for certain foreign nationals entering the US. All Executive Orders are still in effect today.

What allows the President to restrict travel?

Section 212(f) of the Immigration and Nationality Act (INA) gives the President broad authority to restrict or suspend by proclamation entry into the U.S. Under this statute, the President can suspend or temporarily restrict the entry of any aliens or class of aliens if he determines that their entry would be detrimental to the U.S. Interest. The President may set the time frame and define the included group(s) to be restricted.



Physical Presence Bans

- Foreign nationals who travelled to **China, Iran, Schengen Area, United Kingdom, Ireland, or Brazil** during the 14-day period prior to arrival in U.S.
- No end date

What are the travel bans currently in place?



Visa Bans

- **Immigrants** who had their applications processed outside the US
- Certain **Chinese nationals on an F or J visa** to study or conduct research in the U.S who have received funding or were affiliated with an entity in the China that implements or supports the China's "military-civilian fusion strategy"
- **H-1B, H-2B, L-1A/B** and (most) **J-1** visa holders who do not have a US visa or travel document and were outside the US as of June 24, 2020 as well as their family members
- Bans in place through calendar year (30/60 day review), but could be longer

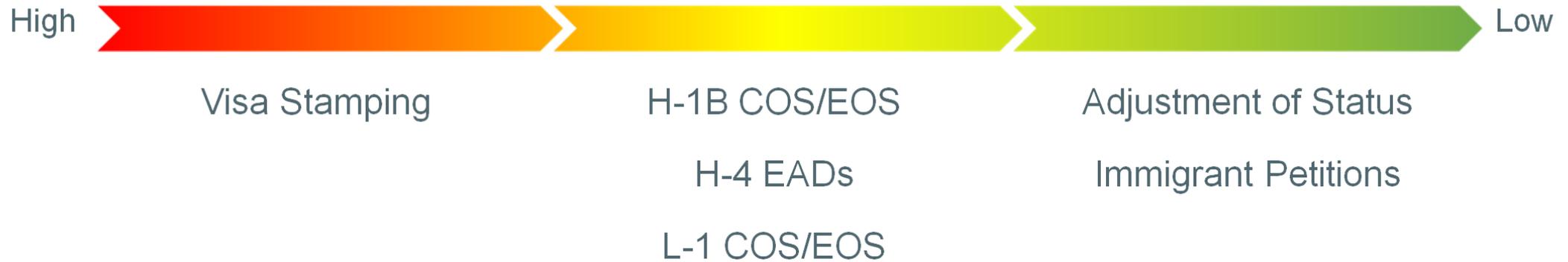
Travel Considerations for Foreign National Workforce

- The US and other countries could expand travel bans while employees are outside the US impacting employees' ability to return timely to the US
- Visa processing outside the US is still widely suspended, impacting employees' ability to extend their work authorization and visas while abroad. Once Consulates resume visa services, expect operational delays
- Employees that fall within the exception list for the June 22 proclamation may apply for visas once Consulates re-open
- There is no set process or consistency across Consulates for obtaining emergency appointments
- Employees in the UK, Ireland, and Schengen region countries may be eligible to apply for a National Interest Exception



Unpredictability of Government Processing

Impact of Government Service Restrictions/Office Closures



Workforce
Survey: Most Feds Say the Coronavirus Pandemic Has Had a 'Major' or 'Extreme' Impact on Agency Operations

Note: Despite recent budgetary concerns, USCIS furloughs have been cancelled

Working from Home Challenges

Working from home in a different state

- Potential impact to NIV status
- Site visits
- Potential impact to Green Card processing

Working from home in another country

- Securing work authorization to allow for work in the other country
- Returning to the US before their US work authorization expires
- Potential impact to Green Card processing
- Risk of losing Green Card
- Tax and employment restrictions

Benchmarking – Polling Question

QUESTION:

Has your company decided to allow employees to work-from-home for an extended period of time?

ANSWERS:

- A. Yes, until end of year
- B. Yes, until summer 2021
- C. Yes, we made WFH a permanent option
- D. No

Challenges Impacting PERM Recruitment

Potential Challenges

- Budget limitations
- Layoffs
- High unemployment rates
- Remote work policies
- Increased PERM audits

Strategies

- Think holistically – how does the sponsorship policy impact recruitment and retention?
- Proceed with strategy steps and postpone recruitment
- Conduct batch recruitment to minimize ad expenses
- Consider green card sponsorship under a different category
- Comply with PERM Notice requirements at closed worksites
- Ensure managers and HR are trained on resume review and business necessity



Challenges Impacting I-9 Compliance

Potential Challenges

- Frequent I-9 updates increase ambiguity
- Remote HR personnel
- Remote agents
- Furloughs
- Layoffs



Strategies

- Define risk tolerance
- Document COVID I-9 SOPs into written I-9 compliance policy
- Implement an action plan to immediately address Notices of Inspection if HR is off-site
- Conduct I-9 training
- Develop a quality control process to quickly identify and correct errors
- Ensure personal data is protected when transmitting scanned Forms I-9 and related documentation

Tips and Strategies



Document a policy which requires employees to provide their WFH locations throughout your entire policy.



Create a robust tracking system for employees who are working outside of their permanent location, either domestically or internationally.



Manage expectations across stakeholders:

- Recruitment
- HR
- Employees
- Managers
- Legal Counsel
- Leadership



Plan ahead for the known... and unknown.





Thank you for attending!

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