



Workplace Immigration Update: February 7 Edition

Insights

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The initial weeks of President Donald Trump's second term have seen the administration enact several significant new immigration policies that have immediate implications for employers across the United States. Understanding these changes and implementing appropriate compliance measures are crucial for businesses to navigate the evolving legal landscape. Here is a quick recap of what has taken place and practical steps you can take to keep pace.

Quick Background

We provided a summary about the initial steps taken by Trump and the administration in the hours after he assumed office – [you can read that Insight here](#). Now that several weeks have passed, the new policies enacted are starting to impact workplaces around the country.

5 Key Immigration Actions Already Impacting Employers

1. Mass Deportation Initiatives: The administration has begun to carry out its plans for large-scale deportations, aiming to remove millions of undocumented individuals from the country. This includes the construction of expansive detention facilities and the deputization of local law enforcement to assist in federal immigration enforcement efforts. Immigration and Customs Enforcement (ICE) has begun conducting raids and arrests on a wide scale.

2. Revocation of Parole: On January 22, the Trump administration terminated the CHNV (Cuba, Haiti, Nicaragua, and Venezuela) parole programs and revoked the parole status of anyone who entered the U.S. by virtue of CHNV humanitarian parole programs. The parole program allowed individuals who had a U.S.-based supporter, passed enhanced security vetting, and met other criteria to lawfully gain admission to the country. Any beneficiaries of the CHNV parole program who do not have another status are no longer eligible to work or remain in the U.S.

3. Revocation of Temporary Protected Status (TPS): Homeland Security Secretary Kristi Noem announced the revocation of TPS for approximately 600,000 Venezuelans residing in the United States. This decision rescinds protections granted due to the ongoing humanitarian crisis in Venezuela that allowed these individuals to live and work legally in the U.S.

- Venezuela was newly designated for TPS in 2023 based on the determination that conditions in the country prevented the safe return of Venezuelan nationals.

- Noem determined that Venezuela “no longer continues to meet the conditions for the 2023 designation” and that “it is contrary to the national interest to permit the covered Venezuelan nationals to remain temporarily in the United States,” resulting in the termination of the TPS designation.
- The notice states that the termination of the 2023 TPS designation will take effect 60 days after the notice is published in the Federal Register, which took place on February 5. These actions could be subject to court challenges, like previous TPS termination efforts under the first Trump administration.
- The termination does not apply to the 2021 designation of Venezuela for TPS, which remains in effect until September 10, 2025.

4. Adjudication of H4 and L2 EADS: Effective January 18, the settlement agreement reached in *Edakunni, et al. v. Mayorkas*, No. 21-cv-393-TL (W.D. Wash.) has expired. As a result, USCIS will no longer be required to simultaneously adjudicate Form I-539 (Application to Change or Extend Status) and Form I-765 (Application for Employment Authorization) applications submitted in conjunction with a spouse’s H-1B or L-1 petition.

5. Visa pause Columbia: In response to Colombia’s initial refusal to accept military flights filled with deportees, the U.S. Embassy in Colombia canceled Visa appointments on January 27. The embassy resumed visa services on January 31. Individuals whose appointments were cancelled may reschedule now but may face delays in getting new appointments.

Employer Compliance Strategies

Given these developments, employers should take proactive steps to ensure compliance and mitigate potential risks:

Review and Update Employment Eligibility Verification Processes

- **Form I-9 Compliance:** Employers are required to use Form I-9 to verify the identity and employment authorization of all new hires. Ensuring accurate completion and timely updating of these forms is essential to avoid penalties.
- **E-Verify Enrollment:** While not mandatory for all employers, enrolling in E-Verify, an online system that confirms employment eligibility, provides an additional layer of compliance and demonstrates a commitment to lawful hiring practices.

Stay Informed on Policy Changes

- **Monitor Government Announcements:** Regularly reviewing updates from the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS) is essential to stay informed about policy shifts and compliance requirements.

- **Legal Consultation:** Engaging with legal counsel specializing in immigration law can help employers understand the implications of new policies and develop appropriate responses.

Assess and Support Affected Employees

- **Identify Impacted Staff:** Employers should determine if any current employees or candidates are affected by the recent immigration policies.
- **Provide Resources:** Offering support, such as legal assistance or flexible work arrangements, demonstrates a commitment to employee well-being and helps mitigate potential disruptions.

Prepare for Increased Enforcement

- **Internal Audits:** Conducting regular internal audits of employment verification documents ensures ongoing compliance and readiness for potential government inspections.
- **Policy Development:** Establishing clear policies and procedures for responding to immigration enforcement actions, including protocols for handling government inquiries or audits, is prudent.

By implementing these strategies, employers can better navigate the complexities introduced by the Trump administration's recent immigration policies, ensuring compliance and supporting their workforce during this period of significant change.

Conclusion

If you have any questions about these developments or how they may affect your business, please contact your Fisher Phillips attorney, the author of this Insight, or any member of our [Immigration Practice Group](#). Our [Employers' Rapid Response Team](#) (877-483-7781) or DHSRaid@fisherphillips.com is on call to provide immediate legal counsel when a raid occurs, assist with documentation and compliance review, and provide post-raid support and strategy assistance.

Visit our [New Administration Resource Center for Employers](#) to review all our thought leadership and practical resources, and make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information.

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David S. Jones
Regional Managing Partner
901.526.0431
Email

Service Focus

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