

# 5 Proactive Immigration Best Practices For Employers In 2025

By **Dustin O'Quinn** (January 1, 2025)

A new presidential administration means uneasy anticipation for some employers regarding changes in immigration policy. Businesses dependent on foreign talent must prepare for a rapidly evolving landscape that could significantly affect workforce planning, compliance strategies and organizational operations.

This article delves into potential policy changes and their broader implications, exploring the challenges and opportunities ahead for businesses.



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## Possible Key Immigration Policy Changes

### *H-1B Visa Program*

One of the most watched areas in immigration is the H-1B visa program, widely used by many industries to hire skilled foreign talent. A new administration may advocate for reforms aimed at balancing protections for U.S. workers, while still attempting to foster innovation and competitiveness.

Changes may include:

- Increased wage thresholds for H-1B workers to prioritize highly paid and highly skilled roles;
- Adjustments to the lottery system to favor applicants with advanced degrees or higher salaries; and
- More stringent standards for approving H-1B petitions.

Based on the new administration's previous approach to reviewing H-1B petitions — a 2017 executive order led to increased H-1B denials and delays — employers should be prepared for the possibility of increased requests for evidence and denials, which could delay the onboarding process for key personnel.[1]

These shifts, while apparently intended to protect the domestic workforce, could inadvertently create talent gaps in critical industries like technology, healthcare and engineering, potentially hindering U.S. competitiveness on a global scale.

At the very end of 2024, the H-1B visa program has been the subject of tense debates between the president-elect and others who may be leaders in his new administration. On Dec. 28, Trump expressed vague support for the H-1B program in an interview with the New York Post and noted that he used H-1B visas at his properties. However, Trump properties notably use the H-2B and H-2A visa programs for seasonal and agricultural employees. Therefore, it is still unclear how H-1B policies may change, if at all.

## ***Deferred Action for Childhood Arrivals***

Deferred Action for Childhood Arrivals remains another critical issue in the immigration debate. DACA recipients, often referred to as "Dreamers," have faced ongoing legal and administrative uncertainty for years. President-elect Donald Trump has recently expressed a willingness to find a legislative solution for DACA, which currently protects approximately 530,000 undocumented immigrants who were brought to the U.S. as children from deportation.

In a postelection interview, Trump stated his intention to help DACA recipients remain in the U.S. However, it's important to note that during his previous administration, he sought to terminate the DACA program, a move that was blocked by the U.S. Supreme Court on procedural grounds.[2] This history has led to skepticism among DACA recipients about the durability of any proposed legislative solutions.

In Congress, there have been ongoing efforts to pass legislation that would provide permanent protections for DACA recipients for years. The Dream Act, S. 365, was introduced in February 2023 to grant lawful permanent resident status to certain undocumented individuals who were brought to the U.S. as children. Despite these efforts, legislative progress has been slow, and no permanent solution has been enacted to date.

Employment-based green cards have also faced significant challenges for years, particularly for workers from countries such as India and China, where per-country annual caps have created decades-long backlogs. Legislative efforts to reform the green card system by eliminating or increasing per-country caps have had bipartisan support in recent years, but ultimately failed.[3]

The incoming administration has not explicitly addressed the issue of per-country caps on employment-based green cards in recent policy statements. Rather, Trump's campaign and party platform primarily emphasized stringent immigration enforcement, including mass deportations and strict border security measures.

However, during his campaign, Trump proposed granting automatic green cards to foreign graduates of U.S. universities, aiming to retain skilled talent domestically. This proposal suggests a potential openness to reforms that facilitate the immigration process for high-skilled individuals.

Yet, implementing such a policy would take action by Congress and considerable time. Moreover, the administration has indicated plans to limit some legal immigration pathways, so eliminating the per-country caps appears inconsistent with its broader agenda.

Worksite enforcement and compliance audits are expected to intensify, with U.S. Immigration and Customs Enforcement potentially increasing the frequency of Form I-9 inspections and workplace raids.

The new administration has signaled that it may amplify enforcement efforts to deter unauthorized employment while also holding employers accountable for compliance failures.

During Trump's first administration, ICE significantly increased its worksite enforcement

efforts, including more I-9 audits, unannounced worksite raids and steep penalties for employers found in violation. In 2018, ICE conducted 6,848 worksite investigations, a sharp increase from 1,691 in 2017.

### ***Temporary Protected Status***

Temporary protected status, or TPS, and other humanitarian programs provide legal status and work authorization to individuals from certain countries experiencing crises. These programs may also see policy shifts.

In a campaign statement, Trump emphasized his commitment to ending TPS, indicating that individuals benefiting from this program should prepare to depart the U.S. promptly upon his administration taking office.

While TPS is a status created by congressional act, each country's designation is only valid for up to 18 months, and the country's conditions that created the need for TPS must be reviewed by the secretary of the U.S. Department of Homeland Security before TPS designation can be extended.[4]

Therefore, each country's TPS designation could end upon its next occasion for renewal if the secretary deems the country's conditions have improved. Changes to TPS designations could have an impact on workforce stability for employers with employees who have U.S. employment authorization pursuant to these programs.

### **Five Best Practices for Employers**

#### ***1. Conduct regular compliance audits.***

Employers should proactively review their Form I-9 and other immigration-related documentation to ensure compliance with evolving regulations. Conducting regular internal audits allows companies to identify and correct errors before a possible government inspection. Taking steps to understand the audit process can further reduce risks and demonstrate good faith efforts to comply with federal laws.

#### ***2. Develop contingency plans.***

To avoid, or prepare for, unexpected disruptions to workflow, employers should develop contingency plans for visa-status denials, processing delays or changes in employee work authorization status. Contingency plans may include identifying roles that can be performed remotely so that affected employees can be transferred to international offices. Employers may also need to reallocate responsibilities within teams or offices.

Proactive planning can increase business continuity and hopefully minimize the impact of immigration challenges. Employers and employees should file extension of status petitions as early as possible.

#### ***3. Leverage technology for immigration management.***

Investing in digital tools that track visa expirations, compliance deadlines and employee

documentation can significantly enhance efficiency. Automated systems should reduce error, streamline petition processes and provide detailed reports that support strategic workforce planning. Many platforms also offer compliance alerts, ensuring that employers meet all legal obligations on time.

#### **4. Help employees with support and communication.**

Maintaining transparent communication with foreign national employees helps build trust and loyalty. Employers may consider any number of resources, such as immigration updates, legal assistance or professional counseling services, to help employees navigate uncertainties.

Access to regular updates on policy changes will help both employees and human resources stay abreast of constant changes. Companywide initiatives to assist affected employees can go even further to foster a culture of inclusivity and support.

#### **5. Implement comprehensive training programs**

Ensuring that human resources personnel and hiring managers are thoroughly trained in immigration compliance, including properly completing and retaining employment eligibility verification forms, understanding visa status categories and recognizing the legal rights of foreign national employees.

Regular training sessions will also help to prevent inadvertent violations and promote a culture of compliance.

### **Conclusion**

Employers must brace for potential shifts in immigration policy that could reshape their workforce strategies in the coming years. By staying informed and adopting proactive best practices, businesses can navigate uncertainty with a bit more confidence.

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[1] <https://www.federalregister.gov/documents/2017/04/21/2017-08311/buy-american-and-hire-american>.

[2] [https://www.supremecourt.gov/opinions/19pdf/18-587\\_5ifl.pdf?utm\\_source=chatgpt.com](https://www.supremecourt.gov/opinions/19pdf/18-587_5ifl.pdf?utm_source=chatgpt.com).

[3] <https://www.congress.gov/bill/116th-congress/senate-bill/386#>.

[4] <https://www.law.cornell.edu/uscode/text/8/1254a>.