

## SUMMARY OF 2025 IMMIGRATION-RELATED EXECUTIVE ORDERS :

The Trump administration has issued a number of executive orders since taking office that impact immigration. While these do not directly target employers or address business immigration, they nevertheless may impact employers and their workforce. As a result of these orders, employers can expect an increase in a variety of types of government enforcement, including ICE raids to detain undocumented immigrants. Additionally, employers should expect increased I-9 compliance audits by Immigration and Customs Enforcement (ICE) and a corresponding increase in civil and possible criminal liability assessments by the agency, as well as increased compliance activity by U.S. Citizenship and Immigration Services (USCIS) and the Department of State. Certain workers who have been employed pursuant to humanitarian programs introduced or extended by the previous administration have been put on notice of the termination of these programs and cessation of their status and corresponding work authorization. Employers will need to take immediate steps to transition them to another status or terminate where no alternative work authorization is available, with employers in certain industries likely needing to let go of a significant portion of their workforce if they are found to be ineligible to continue working in the United States. It is also critical for employers with a global workforce to assess the impact of the executive orders on foreign national employee travel and curtail or reduce travel for certain employees depending on status. Delays resulting from enhanced security checks by U.S. embassies or consulates abroad responsible for visa issuance will also need to be considered in overseas travel.

### Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats

– authorizes and tasks government agencies with reviewing visa programs to prevent bad actors from entering the United States.

#### EMPLOYER IMPACT

- Increased scrutiny of visa applications at consular posts and petitions and applications by USCIS, along with a potential increase in processing times and an increase in denial rates. Authorizations and timing for business travel timing for nonimmigrant employees should be considered carefully by employers.
- Nonimmigrant employees who are nationals of countries designated as state sponsors of terror, such as Iran, Cuba, Syria, and North Korea can expect increased vetting.
- Nonimmigrant employees who are nationals of sanctioned countries can expect increased vetting. This includes Russia, Belarus, Venezuela, Ethiopia, Congo, Ukraine, and Venezuela.
- Nonimmigrant employees who are from China can expect delays in visa issuance.

**America First Trade Policy** – largely reiterates the Buy American and Hire American executive order from President Trump's first term. Directs Congress to review implementation of trade agreements to ensure employers give preference to hiring domestic workers and industries likewise favor U.S. manufacturers.

#### EMPLOYER IMPACT

- May result in the application of this scrutiny to treaty-based and other employment-based visa applications.

**Guaranteeing the States Protection Against Invasion** – imposes additional vetting requirements on those immigrating to the United States. Authorizes the creation of enhanced medical and security clearances for entry to the United States, though the executive order was drafted specifically with focus on the southern U.S. border.

#### EMPLOYER IMPACT

- Delays in green card application processing.
- Possible reintroduction of interview requirements for employment-based applications.
- Increased scrutiny of USCIS and visa applications by former Communist Party members that may impact individuals from China, Vietnam, and Cuba.

## Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists – likewise authorizes the creation of additional vetting mechanisms for foreign nationals.

### EMPLOYER IMPACT

- Delays in background checks for visa and green card issuance for foreign nationals from target countries.

**Protecting the American People Against Invasion** – expands expedited removal authority and revokes humanitarian parole programs. The Department of Homeland Security has already followed through on the termination of the parole programs. Additional impact could include the expansion of “public charge” evaluations in foreign national applications for immigration benefits.

### EMPLOYEE IMPACT

- DHS has announced the termination of humanitarian parole and temporary protected status (TPS) programs for citizens of **Venezuela**. U.S. work authorization for beneficiaries of Venezuela TPS will conclude by April 7, 2025 (for beneficiaries of the 2023 Venezuela TPS designation), or by Sept. 10, 2025 (for beneficiaries of the 2021 Venezuela TPS designation).
- DHS has announced that the United for Ukraine (U4U) program has been suspended as of Jan. 27, 2025. USCIS is no longer accepting Form I-134A, the online request for support, and the declaration of financial support, for parole applicants. Applications are currently frozen until USCIS reviews all requests already submitted. Ukraine TPS designation remains unaffected by the announcement.
- DHS has announced that humanitarian parole programs for nationals of **Nicaragua, Cuba, and Haiti** have been terminated.
- Employers will need to work to find alternative visa status for impacted employees or terminate those without other work authorization options.
- DHS has announced that it has shortened the period of redesignation of Haiti for TPS from 18 months provided by the prior administration, to 12 months, with a new end date of August 3, 2025.

**Protecting the Meaning and Value of American Citizenship** – reinterprets birthright citizenship. This executive order has been blocked by the U.S. District Court in New Hampshire where it has been challenged (along with legal challenges in a number of other jurisdictions).

### EMPLOYER IMPACT

- None at this time. If successful, could impact the eligibility of certain green card holders to sponsor their children and result in relocation out of the United States to more desirable work locations.

## EMPLOYERS SHOULD CONSIDER TAKING THE FOLLOWING STEPS:

- For employers in industries that include undocumented workforces, potential impact includes raids and resulting shortages of workers, in addition to civil and criminal penalties assessed by ICE.
- Evaluate their workforce to identify employees working on the basis of the terminated programs as outlined and note their date of employment authorization expiration, and confer with immigration counsel regarding related I-9 and Department of Labor compliance requirements and potential visa strategies.
- Ensure all extensions and amendments of stay filings are initiated and file as early as possible within the filing deadlines to avoid delays.
- To the extent possible, anticipate delays in the processing and issuance of visas such as H-1B, L-1, E-2, E-3, and O-1 at U.S. embassies and consulates overseas.
- Work with employees and immigration counsel to ascertain potential of third-country consular processing and outbound visa requirements.
- Reduce and advise of risks of international travel for employees who are working in F-1 foreign student status using optional practical training, TPS, and advance parole.
- Expect greater scrutiny and corresponding delays in the review of visa and green card submissions.

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