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LAW OFFICE

US Visa View

Newsletter

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What to Expect from the Future Administration

As January 2025 approaches, many individuals and businesses feel uncertain about potential shifts in U.S. immigration policy. President-Elect Donald Trump has stated that Project 2025 will not set his administration's agenda. However, his recent appointment of Tom Homan, former Acting ICE Director and a Project 2025 contributor, as Border Czar suggests that some proposals from Project 2025 may still shape future immigration policies. Based on our experience during the first Trump administration and our review of Project 2025's recommendations, we anticipate the reemergence of a heightened enforcement agenda. Below is a closer look at possible changes, with a focus on potential policy reinstatements and legal options for challenges.

This is an attorney advertising

Policies Likely to Reappear

- 1. Increase in RFEs and Denials.** During Trump's first term, USCIS issued more Requests for Evidence and Notices of Intent to Deny, complicating the approval process for many applicants. We anticipate this approach will continue, especially in business and family immigration, causing potential processing delays.
- 2. Mandatory Interviews.** The first Trump administration required in-person interviews for most adjustment of status, naturalization, and visa applicants. Project 2025 supports reinstating these requirements, likely extending processing times and contributing to backlogs that could affect applicants and employers.
- 3. Changes to Forms, Fees, and Filing.** USCIS may revise forms and encourage online filing, which could disadvantage applicants with limited digital access or skills. Online payments through Pay.gov face frequent issues, with credit cards often flagging USCIS charges as fraud, leading to denied transactions. USCIS has also added fees to some nonasylum applications to help fund asylum processing, creating unexpected costs and potential errors in the fee structure. It remains unclear if the new administration will maintain these fees and contributing to backlogs that could affect applicants and employers.



- 4. Termination of DACA, TPS, and Humanitarian Parole Programs.** Project 2025 targets DACA, TPS, and other humanitarian programs, including those for Afghan and Ukrainian nationals. Terminating these protections would impact many individuals currently shielded from deportation.
- 5. Reduced Asylum and Refugee Admissions.** Project 2025 calls for stricter asylum and refugee eligibility criteria and reduced quotas, potentially slowing the processing of humanitarian cases.
- 6. Increased FDNS Site Visits and Employer Audits.** Project 2025 recommends more site visits and audits to enforce compliance, likely affecting businesses sponsoring foreign workers, especially in H1B and PERM Labor Certifications.
- 7. No Deference to Prior USCIS Adjudications.** The first Trump administration ended deference to prior USCIS decisions in renewal cases. Project 2025 supports reinstating this policy, which could require reevaluation of previously approved cases.
- 8. Travel Bans and Security Vetting.** We may see renewed travel bans targeting specific regions, along with intensified security screening through administrative processing measures like DS5535 and Controlled Application Review and Resolution Program (CARRP), adding to visa processing delays. reinstating this policy, which could require reevaluation of previously approved cases.
- 9. Public Charge Requirements and Financial Scrutiny.** Project 2025 proposes reintroducing stringent public charge standards, likely requiring the extensive Form I944, Declaration of Self-Sufficiency, for family and business immigration cases. This requirement would add financial scrutiny and additional barriers for sponsors.
- 10. Family Detention Policies.** Although Project 2025 does not explicitly propose family separations, it recommends increasing family detention, which could lead to similar outcomes as children may be released while their parents remain detained.

The *Flores* Settlement Agreement, originating from *Flores v. Reno*, sets protections for immigrant children in U.S. detention, requiring that detained minors stay in the "least restrictive setting" for their age and needs. The agreement mandates safe and sanitary conditions and generally limits detention to 20 days, requiring prompt release to a parent or guardian, barring emergencies. *Flores v. Lynch*, 828 F.3d 898, 908 (9th Cir. 2016). When children are released but parents remain detained, family separations may result. Past efforts to end the *Flores Settlement* encountered judicial resistance. In *Flores v. Rosen* (*Flores III*), 984 F.3d 720, 736 (9th Cir. 2020), the Ninth Circuit upheld *Flores*' key provisions, blocking proposed regulatory changes that sought indefinite family detention. Project 2025 seeks to end the *Flores Settlement* to allow longer detention for families, which could lead to significant litigation aimed at preserving protections for detained children.



11. **Remain in Mexico Policy.** The Migrant Protection Protocols, or “Remain in Mexico” policy, previously required Central and South American asylum seekers to await their case processing outside the U.S. We expect this policy to return as part of efforts to deter unauthorized entry.

New Immigration Proposals from Project 2025

ICE and USCIS Restructuring Under Project 2025. Project 2025 outlines a return to ICE’s core mission, proposing that the agency reduce roles not directly tied to immigration and customs enforcement. This agenda calls for major reforms.

Deportations and ICE Raids. Project 2025 suggests large scale deportations through increased ICE operations, which may strain agency resources.

State Cooperation with Immigration Enforcement. Project 2025 recommends conditioning FEMA funds on state and local cooperation with ICE, including sharing state databases like DMV records.

Strict Enforcement of the Immigration and Nationality Act. Project 2025 recommends that ICE end the practice of closing pending immigration cases and instead apply the INA exactly as Congress wrote it. This directive seeks to counter the Biden administration’s closure of thousands of prepared cases, which Project 2025 characterizes as “lawlessness” that allowed noncitizens to remain in the U.S. indefinitely without resolution.

Merging ICE, CBP, and USCIS functions. According to Project 2025, merging the functions will streamline interagency cooperation and information sharing. This restructuring, it argues, would strengthen immigration enforcement by creating a single, consolidated enforcement agency with the authority to handle both immigration processing and removal.

The new administration may also attempt to implement broader proposals from Project 2025, though many could face legal or logistical challenges.

Elimination of T and U Visas.

Project 2025 recommends eliminating the T visa for trafficking victims and the U visa for victims of crime. The initiative argues that victimization should not serve as grounds for immigration benefits, asserting that cooperation with law enforcement, rather than victim status, should be the basis for any immigration relief. The plan suggests using the S visa, which grants status only to witnesses who provide active, significant cooperation with law enforcement.



New Immigration Proposals from Project 2025

Shifting USCIS Back to Its Role as a Screening and Vetting Agency. Project 2025's recommendations for USCIS focus on vetting and fraud detection, proposing several structural reforms.

Detention and Bond Reforms. Project 2025 urges ICE to implement strict guidance on detention and bond for noncitizens, aiming to prevent individuals from "bonding out" and potentially disappearing into the interior of the U.S. It suggests that current regulations and policies around bond and detention contain ambiguities that enable this trend, recommending reforms to the Alternatives to Detention (ATD) program to ensure noncitizens remain in the government's custody or supervision until removal or case resolution.

Consistent Custody of Criminal Migrants Identified Through the 287(g) Program. Project 2025 advises ICE to take custody of individuals identified by local law enforcement through the 287(g) program. The plan emphasizes detaining noncitizens with felony records, histories of violent crime, DUIs, prior removals, or any other record deemed a national security or public safety threat. The proposal argues that, pending further legislative action, ICE must prioritize detaining and removing noncitizens with significant criminal records, aligning with the agency's enforcement priorities.

Stricter Eligibility Standards. Project 2025 suggests higher eligibility standards, particularly for T and U humanitarian visas, and proposes the authority to pause processing for backlogged visa categories, potentially stalling certain applications.

Reintroducing the Denaturalization Unit and Creating a Criminal Investigations Unit. The plan proposes reinstating USCIS's denaturalization unit to work alongside the Department of Justice in identifying individuals who obtained citizenship through fraudulent means. It further calls for creating a criminal enforcement component within USCIS to investigate benefits fraud, particularly in visa programs vulnerable to exploitation, such as temporary work visas where forced labor and trafficking may occur.

Enhanced Security in the Student and Exchange Visitor Program (SEVP). Project 2025 recommends that ICE reduce security risks associated with foreign student visas, in coordination with the Department of State. This includes minimizing the issuance of visas to students from countries identified as national security threats, thereby tightening oversight within SEVP to align with national security objectives.



Proposed Regulatory Agenda

Project 2025 introduces a detailed regulatory agenda focused on enforcement and system integrity.

Key points include:

Reinstating the Public Charge Rule.

The initiative seeks to bring back a strict public charge rule that would require family and employment based applicants to demonstrate financial self sufficiency. This would likely involve reintroducing the Form I944, which demands applicants provide extensive financial information to prove they will not rely on public benefits.

Restricting Employment Authorization.

The proposal seeks to limit employment authorization to statutory mandates only, cutting back on discretionary employment eligibility expansions seen in recent years. Project 2025 calls for clear rules on employment authorization to reduce competition for U.S. jobs and prevent unauthorized work.

Mandatory EVerify and TPS Repeal.

The agenda pushes for nationwide mandatory EVerify to enforce lawful employment practices. Additionally, Project 2025 calls for the repeal of Temporary Protected Status designations, limiting temporary immigration relief in favor of more streamlined enforcement.

Reforming the H1B Program and Temporary Work Visas.

Project 2025 recommends transforming the H1B program into an “elite” visa category, allowing only top paid, high skilled foreign workers to qualify. This reform aims to restrict H1B eligibility to prevent wage suppression of American workers. Project 2025 also advocates for increased integrity checks within other temporary work visa programs to prevent exploitation and ensure compliance.

Eliminating Chain Migration and the Diversity Visa Lottery.

Project 2025 urges the repeal of the diversity visa lottery and ending family based chain migration, replacing these programs with a merit based system that emphasizes skills and contributions to the U.S. economy. The initiative argues that this shift would create a pathway prioritizing “the best and brightest” applicants, aligning with economic and national interests. .



Further USCIS Reforms and New Policies

Project 2025 proposes returning USCIS to its core functions as a screening and vetting agency. It suggests rescinding policies implemented under the Biden administration that expanded access to work authorization or eased adjudicatory standards. Specific reforms include:

Ending COVID19 Flexibilities and Streamlining Adjudication. Project 2025 seeks to end COVID era policy flexibilities and increase scrutiny on applications, requiring completeness before acceptance for filing and extensive FDNS involvement in fraud checks.

Reforming Adjudication Standards. Project 2025 promotes a return to near universal interview requirements and a strict adherence to eligibility standards, viewing interviews as crucial to ensure applicant suitability.

Zneimer & Zneimer's Commitment to Supporting Our Clients

As these policy shifts develop, Zneimer & Zneimer PC remains dedicated to guiding our clients through the evolving immigration landscape.

Legal Challenges. In *Loper Bright Enterprises v. Raimondo*, 603 U.S. ___ (2024), and its companion case *Relentless, Inc. v. Department of Commerce*, 603 U.S. ___ (2024), the U.S. Supreme Court overturned Chevron deference, a doctrine from *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984). Previously, Chevron deference had required courts to accept an agency's reasonable interpretation of ambiguous laws that the agency administers. In this ruling, the Court directed that courts now exercise independent judgment in interpreting statutes, rather than deferring to agency interpretations. This change enables courts to more closely scrutinize agency actions and interpretations, potentially increasing legal challenges to agency decisions that lack explicit support in statutory language.

Comprehensive Case Preparation. With increased scrutiny and potential delays on the horizon, we prioritize thorough documentation and strategic guidance for those navigating the system.



We continue to monitor these developments.

Please contact **Zneimer & Zneimer PC** at **773-516-4100** or **immigration@zneimerlaw.com** with questions or concerns regarding the impact of these potential changes on your immigration status or business operations.