

Table of Contents

CHAPTER 1. INTRODUCTION

§ 1:1 *Handbook* overview

§ 1:2 The 2024 presidential election: impact on immigration

CHAPTER 2. EXECUTIVE ACTIONS ON IMMIGRATION

I. INTRODUCTION

§ 2:1 Generally

II. EXECUTIVE ACTIONS ON BORDER SECURITY

§ 2:2 Exec. Order No. 14165, Securing Our Borders, and Exec. Order No. 14148, rescinding Biden-era border policies

§ 2:3 Proclamation No. 10888, Guaranteeing the States Protection Against Invasion

§ 2:4 Exec. Order No. 14167 and Proclamation No. 10886, enforcement resources at the southern border

III. EXECUTIVE ACTIONS ON INTERIOR ENFORCEMENT

§ 2:5 Exec. Order Nos. 14159, 14287, and 14148, new enforcement priorities, penalties against sanctuary cities, new registration requirement, and rescission of Biden-era enforcement policies

§ 2:6 Expansion of expedited removal

§ 2:7 New registration requirement

§ 2:8 New guidelines on prosecutorial discretion, enforcement priorities, and removal procedures

§ 2:9 Changes in safe spaces policy and related litigation

§ 2:10 Change in USCIS policy on NTAs and increased detentions at USCIS interviews

§ 2:11 Exec. Order No. 14157 and Proclamation No. 10903, use of the Alien Enemies Act against noncitizen gang members

§ 2:12 DACA updates

§ 2:13 Project Homecoming (“voluntary deportation”)

§ 2:14 Information sharing initiatives facilitating enforcement

IV. EXECUTIVE ACTIONS IMPACTING HUMANITARIAN PROGRAMS

§ 2:15 Rescission of categorical parole programs

§ 2:16 Suspension of the United States Refugee Admissions Program (USRAP) and rescission of Biden-era policies

§ 2:17 Recent developments in temporary protected status (TPS)

§ 2:18 Changes to asylum rules

§ 2:19 Humanitarian parole

§ 2:20 Rescission of USCIS guidance on statelessness determinations

V. EXECUTIVE ACTIONS IMPACTING LEGAL IMMIGRATION

§ 2:21 Exec. Order No. 14161, extreme vetting and travel bans

- § 2:22 Exec. Order No. 14188, enhanced monitoring and enforcement related to antisemitism and campus activity
- § 2:23 Enhanced screening of F and J visa applicants
- § 2:24 Enforcement actions against F-1 students: revocation of student visas and SEVIS terminations
- § 2:25 Enforcement actions against Harvard
- § 2:26 Heightened vetting for Chinese F-1 visa applicants and F-1 students
- § 2:27 Proclamation No. 10949, imposing travel bans
- § 2:28 Exec. Order No. 14168, addressing gender ideology
- § 2:29 USCIS policy changes affecting adjustment and naturalization adjudications
- § 2:30 Other executive actions impacting legal immigration
- § 2:31 Travel considerations for foreign nationals

VI. BIRTHRIGHT CITIZENSHIP

- § 2:32 Exec. Order No. 14160, restrictions on birthright citizenship
- § 2:33 Scope and impact of Exec. Order No. 14160
- § 2:34 Analysis
- § 2:35 Litigation on Exec. Order No. 14160

CHAPTER 3. KEY IMMIGRATION PROPOSALS IN 118TH AND 119TH CONGRESSIONAL TERMS

I. INTRODUCTION

- § 3:1 Current debate and prospects for immigration reform

II. KEY BILLS BY TOPIC

- § 3:2 Comprehensive immigration reform bill
- § 3:3 Business immigration bills
- § 3:4 Bills addressing DACA, TPS, and DED and legalization for undocumented persons
- § 3:5 Backlog reduction for pending immigrant cases and family reunification
- § 3:6 Work verification, E-Verify expansion, and interior enforcement
- § 3:7 Border issues and asylum proposals
- § 3:8 Refugee and special immigrant visa proposals
- § 3:9 Other proposals

CHAPTER 4. 2011–2025 IMMIGRATION LEGISLATION

I. 2021–2025 ENACTED LEGISLATION

- § 4:1 Generally
- § 4:2 Laken Riley Act
- § 4:3 2025 reconciliation law
- § 4:4 Immigration provisions included in FY 2022–2025 funding measures
- § 4:5 —Reauthorization of E-Verify, J-1 Conrad 30 Waiver, and religious worker programs
- § 4:6 —EB-5 Regional Center Program revived and revised
- § 4:7 —H-2B provisions
- § 4:8 —Other immigration provisions

TABLE OF CONTENTS

- § 4:9 NDAA for FY 2024 and FY 2023 with modifications to H-2B and E visa programs and special immigrant program for U.S. government workers
- § 4:10 Respect for Marriage Act

II. 2020 ENACTED LEGISLATION

- § 4:11 Funding measures enacted between October 2020 and December 2020 (extension of expiring immigration programs, H-2B cap relief, expansion of premium processing, and other immigration provisions)
- § 4:12 USMCA Implementation Act and Citizenship for Children of Military Members and Civil Servants Act

III. 2018-2019 ENACTED LEGISLATION

- § 4:13 National Defense Authorization Act for FY 2020 (adjustment for Liberians, extension of Afghan SIV program, and protections for service members)
- § 4:14 Funding measures enacted between January 2018 and December 2019 (extension of immigration programs, H-2B cap relief, Ombudsman for detention, and other immigration provisions)
- § 4:15 CNMI Long-Term Residents Relief Act
- § 4:16 KIWI Act (E visa benefits for New Zealand nationals)
- § 4:17 Northern Mariana Islands U.S. Workforce Act (extending CNMI CW-1 program)
- § 4:18 National Defense Authorization Act for FY 2019 (H-2B program in Guam and CNMI)
- § 4:19 FAA Reauthorization Act of 2019 (miscellaneous immigration provisions)

IV. 2017 ENACTED LEGISLATION

- § 4:20 Funding measures extending immigration programs and increasing visas for H-2B program and Afghan Allies SIV program
- § 4:21 National Defense Authorization Act for FY 2018 (additional visas for Afghan Allies SIV Program)
- § 4:22 Northern Mariana Islands Economic Expansion Act
- § 4:23 APEC Business Travel Card program extension

V. 2016 ENACTED LEGISLATION

- § 4:24 Appropriations legislation extending expiring immigration programs
- § 4:25 Northern Border Security Review Act
- § 4:26 National Defense Authorization Act of 2017

VI. 2015 ENACTED LEGISLATION

- § 4:27 Immigration provisions in Consolidated Appropriations Act of 2016
- § 4:28 Adoptive Family Relief Act
- § 4:29 National Defense Authorization Act for FY 2016 (revision to Afghan Allies SIV Program, military assistance to CBP)

VII. 2014 ENACTED LEGISLATION

- § 4:30 Immigration provisions in Consolidated Appropriations Act of 2014
- § 4:31 Accuracy for Adoptees Act
- § 4:32 Denial of admission to certain U.N. representative
- § 4:33 Amendments to Afghan Allies Protection Act

§ 4:34 National Defense Authorization Act for FY 2015

VIII. 2013 ENACTED LEGISLATION

§ 4:35 VAWA reauthorization

§ 4:36 Extension of special immigrant visa program for Iraqis, temporary increase of MRV fee

§ 4:37 Universal accreditation for intercountry adoptions

IX. 2012 ENACTED LEGISLATION

§ 4:38 Extension of immigration programs

§ 4:39 E-2 visas for Israeli investors

§ 4:40 Restrictions on admission of Iranian citizens

X. 2011 ENACTED LEGISLATION

§ 4:41 Legislation barring implementation of H-2B prevailing wage rule

§ 4:42 Legislation tolling I-751 filing period for active-duty military service members who are conditional residents

XI. TEXT OF RELEVANT LAWS AND GUIDANCE DOCUMENTS

§ 4:43 Immigration-related provisions of the Laken Riley Act

§ 4:44 Immigration-related provisions of the 2025 reconciliation law (H.R. 1)

§ 4:45 Immigration-related provisions of the Further Consolidated Appropriations Act of 2024 (H.R. 2882)

§ 4:46 Immigration-related provisions of the Consolidated Appropriations Act of 2023 (H.R. 2617)

§ 4:47 Immigration-related provisions of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (H.R. 7776)

§ 4:48 Immigration-related provisions of the Consolidated Appropriations Act of 2022 (H.R. 2471)

CHAPTER 5. 2008-2010 IMMIGRATION LEGISLATION

I. INTRODUCTION

§ 5:1 Generally

II. 2010 ENACTED LEGISLATION

§ 5:2 Fees for high volume users of H-1B and L-1 petitions

§ 5:3 Help Haiti Act of 2010 (adjustment for certain Haitian orphans)

§ 5:4 International Adoption Simplification Act

III. 2009 ENACTED LEGISLATION

§ 5:5 FY 2010 DHS Appropriations

§ 5:6 —Widow penalty and survivor protections for spouses of U.S. citizens

§ 5:7 —Survivor benefits for other family members

§ 5:8 —Extension of temporary immigration programs

§ 5:9 —Other immigration-related provisions in FY 10 DHS Appropriations Act

§ 5:10 American Recovery and Reinvestment Act of 2009 (H-1B restrictions on TARP/FRA recipients)

TABLE OF CONTENTS

- § 5:11 Human Rights Enforcement Act of 2009
- § 5:12 Special immigrant status for Afghan allies
- § 5:13 Health insurance benefits for LPR children and pregnant women

IV. 2008 ENACTED LEGISLATION

- § 5:14 Trafficking Victims Protection and Reauthorization Act
- § 5:15 —Criteria for T and U nonimmigrant benefits
- § 5:16 —Penalties for trafficking
- § 5:17 —Dissemination of information on the legal rights of nonimmigrants, new requirements in A-3 and G-5 cases
- § 5:18 —Provisions regarding unaccompanied minor children
- § 5:19 The Consolidated Natural Resources Act of 2008
- § 5:20 Anti-fraud provisions for special immigrant religious worker program
- § 5:21 Removal grounds for persons engaged in recruitment of children soldiers
- § 5:22 Naturalization processing for military personnel and veterans
- § 5:23 SSI extension for elderly and disabled refugees, asylees, and others
- § 5:24 Repeal of HIV travel and immigration ban
- § 5:25 Removal of African National Congress from treatment as a terrorist organization
- § 5:26 The National Defense Authorization Act for FY 2008

CHAPTER 6. 2006-2007 IMMIGRATION LEGISLATION

I. INTRODUCTION

- § 6:1 Generally

II. VIOLENCE AGAINST WOMEN AND TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACTS

- § 6:2 Amendments to VAWA provisions
- § 6:3 International marriage brokers
- § 6:4 DNA collection
- § 6:5 Amendments to provisions affecting trafficking victims

III. OTHER LEGISLATION ENACTED IN 2006-2007

- § 6:6 Adam Walsh Child Protection and Safety Act of 2006
- § 6:7 Secure Travel and Counterterrorism Partnership Act of 2007 (VWP amendments)
- § 6:8 The Implementing Recommendations of the 9/11 Commission Act of 2007 (WHTI amendments)
- § 6:9 The Physicians for Underserved Areas Act (extension of Conrad 30 Program)
- § 6:10 Nursing Relief for Disadvantaged Areas Reauthorization Act (extension of H-1C program)
- § 6:11 Extension of H-2B worker cap exemption
- § 6:12 COMPETE Act (P nonimmigrant amendments)
- § 6:13 Secure Fence Act of 2006
- § 6:14 Deemed export restrictions
- § 6:15 Special immigrant status for Afghan and Iraqi translators
- § 6:16 Passport Backlog Reduction Act of 2007
- § 6:17 Immigration provisions of Consolidated Appropriations Act of 2008

§ 6:18 2007 Department of Homeland Security (DHS) Appropriations Act

CHAPTER 7. 2005 IMMIGRATION LEGISLATION

I. INTRODUCTION

§ 7:1 Generally

II. THE REAL ID ACT OF 2005

§ 7:2 State driver's license and identification card provisions

§ 7:3 H-2B relief

§ 7:4 Immigrant visas for Schedule A workers

§ 7:5 E-3 visa category for Australian professionals

§ 7:6 Asylum-related provisions

§ 7:7 Judicial review of removal orders

§ 7:8 Amendments to grounds for denial of admission and removal based on terrorist activities

§ 7:9 Border security and construction of barriers along the U.S. border

III. DHS APPROPRIATIONS FOR FY 2006

§ 7:10 Generally

CHAPTER 8. 2004 IMMIGRATION LEGISLATION

I. INTRODUCTION

§ 8:1 Generally

II. L-1 VISA AND H-1B VISA REFORM ACT

§ 8:2 H-1B cap exemption for advanced degree holders

§ 8:3 Reinstitution of education and training fee

§ 8:4 Anti-fraud fee

§ 8:5 Reinstitution of attestation requirements for H-1B dependent employers and LCA violators

§ 8:6 Prevailing wage changes

§ 8:7 —DOL implementation of four-tier prevailing wage system

§ 8:8 — —Sample Form 4-1: check sheet for use in determining OES wage level

§ 8:9 — —Sample Form 4-2: worksheet for use in determining OES wage level

§ 8:10 Expansion of DOL investigative authority

§ 8:11 Good faith defense in LCA proceedings

§ 8:12 Amendments to L-1 visa program

III. OTHER RECENT IMMIGRATION LEGISLATION

§ 8:13 Electronic generation and storage of Form I-9

§ 8:14 Deferral of biometric passport requirement for VWP travelers

§ 8:15 Conrad program extended

§ 8:16 Immigration-related provisions in intelligence reform law

§ 8:17 DHS appropriations

§ 8:18 Amendments to Irish Cultural and Training Program

CHAPTER 9. 2003 IMMIGRATION LEGISLATION

I. INTRODUCTION

§ 9:1 Generally

II. CHILE AND SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACTS

§ 9:2 Generally

§ 9:3 Key requirements

§ 9:4 Duration of stay and general procedures for H-1B1 nonimmigrants

§ 9:5 Special conditions for H-1B1 nonimmigrants

§ 9:6 Obtaining H-1B1 status

§ 9:7 Change to H-1B1 status and H-1B1 extensions

§ 9:8 E treaty status

III. OTHER 2003 IMMIGRATION LEGISLATION

§ 9:9 Extension of employment verification and immigrant investor programs

§ 9:10 Extension of special immigrant religious worker program

§ 9:11 Naturalization and other immigration benefits for military personnel and their families

§ 9:12 Nonimmigrant benefits for victims of trafficking

§ 9:13 Appropriations for the Department of Homeland Security

§ 9:14 Visa ban for Burmese officials

§ 9:15 SAFE ID Act

CHAPTER 10. 2002 IMMIGRATION LEGISLATION

I. INTRODUCTION

§ 10:1 Generally

II. HOMELAND SECURITY ACT OF 2002

§ 10:2 Generally

§ 10:3 DHS mission and structure

§ 10:4 U.S. Citizenship and Immigration Services

§ 10:5 ICE and CBP

§ 10:6 Division of Children's Services and Executive Office for Immigration Review

§ 10:7 Relationship with the Department of State

III. BORDER SECURITY ACT

§ 10:8 Generally

§ 10:9 Entry-exit and interoperable data systems

§ 10:10 Foreign student and exchange visitor tracking

§ 10:11 Secure documents and machine-readable visas

§ 10:12 Visa Waiver Program amendments

§ 10:13 Visa restrictions for persons from state sponsors of terrorism and terrorist lookout committees

§ 10:14 Transmission of electronic visa files

- § 10:15 Passenger manifests and repeal of time limitation on inspections
- § 10:16 Staffing, funding, and studies

IV. OTHER LEGISLATION ENACTED IN 2002

- § 10:17 Child Status Protection Act
- § 10:18 Immigration provisions included in DOJ Authorization Act
- § 10:19 Legislation affecting E and L nonimmigrants
- § 10:20 Affidavit of support amendment
- § 10:21 Border Commuter Student Act
- § 10:22 Extension of E-Verify program for employment verification
- § 10:23 Reinstatement of food stamps for certain immigrants
- § 10:24 Immigration benefits for certain family members of Vietnamese refugees

CHAPTER 11. 2001 IMMIGRATION LEGISLATION

I. INTRODUCTION

- § 11:1 Generally

II. THE USA PATRIOT ACT

- § 11:2 Generally
- § 11:3 Border security
- § 11:4 Enhanced immigration provisions
- § 11:5 Immigration benefits for victims of terrorism

III. OTHER IMMIGRATION LEGISLATION ENACTED IN 2001

- § 11:6 Citizenship requirements for airport security screeners and restrictions on flight school training for noncitizens
- § 11:7 Immigration-related provisions of 2002 funding legislation

CHAPTER 12. 2000 IMMIGRATION LEGISLATION

I. INTRODUCTION

- § 12:1 Generally

II. THE LIFE ACT AND LIFE ACT AMENDMENTS

- § 12:2 Provisions affecting adjustment of status under § 245(i)
- § 12:3 —Who is covered by the grandfather provision (generally)?
- § 12:4 —What are the bars to adjustment waived under § 245(i)?
- § 12:5 Provisions affecting adjustment of status under § 245(i)—What are the procedures for adjustment under § 245(i)?
- § 12:6 Adjustment of status benefits for certain legalization claimants
- § 12:7 —Application procedures
- § 12:8 —Family unity benefits for family members
- § 12:9 Nonimmigrant categories for family-based immigrants with pending permanent residence papers
- § 12:10 —K-3 and K-4 nonimmigrants
- § 12:11 —V nonimmigrants
- § 12:12 LIFE Act Amendments to NACARA and HRIFA

III. THE AMERICAN COMPETITIVENESS IN THE 21ST CENTURY ACT (AC 21)

- § 12:13 Portability of H-1B status
- § 12:14 Extensions beyond six-year limit
- § 12:15 Elimination of visa backlogs in employment-based categories
- § 12:16 Portability of I-140s and labor certifications
- § 12:17 Backlog reduction provisions

IV. VICTIMS OF TRAFFICKING AND VIOLENCE PREVENTION ACT OF 2000 (VTVPA)

- § 12:18 Generally
- § 12:19 Provisions impacting benefits under the VAWA
- § 12:20 Nonimmigrant benefits for victims of abuse
- § 12:21 Provisions of VTVPA relating to trafficking

V. VISA WAIVER PERMANENT PROGRAM ACT (VWPPA)

- § 12:22 Generally
- § 12:23 VWP provisions
- § 12:24 Paperwork requirements for H-1B employers in merger and acquisition situations
- § 12:25 EB-5 pilot program extension
- § 12:26 INTELSTAT G-4 employees

VI. THE CHILD CITIZENSHIP ACT OF 2000

- § 12:27 Generally
- § 12:28 Automatic acquisition of citizenship for certain foreign-born children
- § 12:29 Other provisions of the CCA

VII. OTHER LEGISLATION ENACTED IN 2000

- § 12:30 Premium processing program
- § 12:31 International Patient Act of 2000
- § 12:32 Legislation implementing Hague Convention on International Adoptions
- § 12:33 —Requirements for obtaining Convention adoptee status
- § 12:34 —Procedures for obtaining Convention adoptee status
- § 12:35 Religious Workers Act of 2000
- § 12:36 Expedited adjustment for Syrian Jews
- § 12:37 Special immigrant status for United States international broadcasting employees
- § 12:38 Hmong Veterans' Naturalization Act
- § 12:39 Oath waivers for disabled naturalization applicants
- § 12:40 Bring Them Home Alive Act
- § 12:41 Adjustment of status for certain Vietnamese, Cambodians, and Laotians

APPENDICES

- APPENDIX 1. Text of Pub. L. 111–5
- APPENDIX 2. Text of “REAL ID Act of 2005”
- APPENDIX 3. Text of Title VIII and Title X of “Violence Against Women and Department of Justice Reauthorization Act of 2005”

- APPENDIX 4. Text of “L-1 Visa and H-1B Visa Reform Act”
- APPENDIX 5. Text of 2004 Legislation Extending and Modifying Conrad Waiver Program
- APPENDIX 6. Text of Title IV of “United States-Chile and United States-Singapore Free Trade Agreement Implementation Acts”
- APPENDIX 7. Text of “Basic Pilot Program Extension and Expansion Act of 2003”
- APPENDIX 8. Text of “Homeland Security Act” Immigration Provisions
- APPENDIX 9. Text of “Border Security Act of 2002”
- APPENDIX 10. Text of “Child Status Protection Act”
- APPENDIX 11. Text of “21st Century DOJ Appropriations Act” Immigration Provisions
- APPENDIX 12. Text of Title IV (Immigration-Related Provisions) of “USA PATRIOT ACT”
- APPENDIX 13. Text of 2002 Legislation Permitting L-1 Spouses to Obtain Work Authorization and Amending One-Year Employment Abroad Requirement
- APPENDIX 14. Text of 2002 Legislation Permitting E Spouses to Obtain Work Authorization
- APPENDIX 15. Text of “LIFE Act” and “LIFE Act Amendments”
- APPENDIX 16. Text of “American Competitiveness in the Twenty-First Century Act of 2000”
- APPENDIX 17. Text of “Victims of Trafficking and Violence Protection Act of 2000”
- APPENDIX 18. Text of “Child Citizenship Act of 2000”
- APPENDIX 19. Text of “Visa Waiver Permanent Program Act”

Table of Laws and Rules

Table of Cases

Index