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THE FIRST 100 DAYS: Practical Implementations of President Trump's Executive Orders On Immigration

Introduction

The first 100 days of President Trump's second term have been marked by a dramatic transformation of U.S. immigration policy. Through a series of sweeping executive orders, the administration has sought to fundamentally reshape the legal, procedural, and humanitarian landscape for foreign nationals, employers, and the legal community. These changes have not only intensified scrutiny and enforcement but have also triggered significant legal and political responses. This article provides a high-level analysis of how these executive orders are being implemented, the immediate and long-term impacts on key immigration programs, and the evolving responses from the courts and Congress.

Heightened Scrutiny on Visa Applications and the "America First" Trade Policy

One of the most immediate effects of the new executive orders is the prospective imposition of heightened

scrutiny on visa applications, particularly those related to employment. The "America First" Trade Policy, which directs a review and potential renegotiation of trade agreements, such as the United States-Mexico-Canada Agreement ("USMCA"), has had some initial impact on the adjudication of work visas. We believe scrutiny will continue to increase over the next year.

Executive Order 14161, "Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats," mandates the Department of Homeland Security ("DHS") and the Department of State to implement stricter "enhanced vetting" for all visa applicants. This will likely result in an increase in administrative processing, with foreign nationals experiencing extended delays at U.S. consulates and embassies abroad. The backlog for visa appointments is growing, and in some cases, scheduling has been suspended for extended periods.

Applicants from countries designated as "high risk" are beginning to face intense scrutiny, regardless of their current nationality or citizenship. During visa interviews, consular officers are now routinely inquiring about applicants' ties to these countries, and requiring additional security clearances. The inter-agency nature of the order is also leading to a rise in Requests for Evidence ("RFEs") and denials for filings made with U.S. Citizenship and Immigration Services ("USCIS") and U.S. Customs and Border Protection ("CBP").

The "America First" Trade Policy is continuing to affect work visa categories, especially those tied to trade agreements. TN visa applicants under the USMCA are encountering more rigorous questioning and documentation requirements at consular interviews and ports of entry. Similarly, applicants for E-1 (treaty trader), E-2 (treaty investor), E-3 (specialty occupation workers from Australia), and H-1B1 (specialty occupation workers from Chile and

Singapore) visas are also experiencing heightened scrutiny.

We have observed that many of our clients are experiencing increased uncertainty and delays in securing work authorization for foreign professionals. Many applicants are being asked to provide proof of how the individual and employer will better the economy and/or not displace U.S. workers. The cumulative effect could increase backlogs on the ability of U.S. businesses to attract and retain global talent. Immigration attorneys are advising clients to anticipate longer processing times, prepare for additional documentation requests, and consider alternative strategies for workforce planning.

Increase in Worksite Enforcement: I-9 Audits, Raids, and Worksite Visits

The administration's focus on enforcement extends well beyond the visa application process. There has been a marked escalation in worksite enforcement activities and a renewed emphasis on employer compliance and the integrity of the employment verification process.

Employers across a range of industries are reporting a significant uptick in I-9 audits, unannounced raids, and worksite visits conducted by U.S. Immigration and Customs Enforcement ("ICE") and DHS. These enforcement actions are targeting both large and small employers. There is a particular focus on sectors that have traditionally relied on foreign labor, such as agriculture, hospitality, healthcare, and technology.

The audits are more comprehensive and aggressive than in previous years. Investigators are scrutinizing not only the accuracy of I-9 forms but also the underlying documentation and record-keeping practices. Employers found to be out of compliance may face substantial fines, reputational damage, and, in some cases, criminal prosecution.

Executive Order 14010, "Protecting the American People Against Inva-

sion," authorizes DHS to delegate enforcement authority to state and local law enforcement officials. This has led to increased collaboration between federal and local agencies, with more frequent inquiries into the immigration status of employees during routine law enforcement encounters.¹ Employers are being advised to ensure that all employees have valid documentation readily available and to implement robust compliance programs to mitigate the risk of enforcement actions.

The heightened enforcement environment has prompted our clients to reevaluate their hiring and compliance practices. Many are investing in enhanced training for human resources personnel, conducting internal audits of I-9 records, and seeking legal counsel to navigate the complex and evolving regulatory landscape. Attorneys are playing a critical role in advising clients on best practices, responding to government inquiries, and representing

employers in enforcement proceedings.

Cancellation of Humanitarian Programs: TPS and Parole

The administration's executive orders have also targeted humanitarian programs, resulting in significant consequences for vulnerable populations and the communities that support them.

Executive Order 14159, "Protecting the American People Against Invasion," directed DHS to limit designations of Temporary Protected Status (TPS) and to curtail the issuance of Employment Authorization Documents (EADs) based on TPS. As a result, TPS for Venezuelans and other nationalities was rescinded. This initially left thousands of individuals who previously had protection from removal and work authorization in a state of uncertainty. On March 31, 2025, Judge Edward Chen, of the United States District Court of the Northern District of California, placed a hold on this cancellation, temporarily

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allowing for TPS to continue for Venezuelans.

EO 14159 also ended the CBP One and parole programs for Cubans, Haitians, Nicaraguans, and Venezuelans. These programs had provided a lifeline for individuals fleeing violence, persecution, and instability in their home countries. The termination of these programs may close off important avenues for humanitarian relief and increase the risk of removal for those who previously benefited from parole.²

The administration's actions have sent a clear signal that humanitarian relief implemented by the Biden administration is no longer a priority. The revocation of Biden-era executive orders related to civil immigration enforcement, migration and asylum seekers, reunification of families, and the resettlement of refugees has further narrowed the scope of available protections. Attorneys representing vulnerable populations are facing new challenges in advocating for clients and should closely monitor ongoing litigation and policy developments.

Mandatory Registration and Biometrics for Foreign Nationals

A significant new requirement introduced by the administration is the mandatory registration and collection of biometrics for all foreign nationals, regardless of their immigration status.

The executive orders direct DHS to implement a comprehensive registration system for foreign nationals. This includes the collection of fingerprints and other biometric data. This initiative is intended to enhance national security and improve the government's ability to track and monitor noncitizens within the United States.

The rollout of the biometric registration program has been accompanied by confusion and logistical challenges. Our office has observed an uptick in foreign nationals, particularly those in nonimmigrant categories who have not previously been subject to such re-

quirements, being uncertain about the process and the implications for their status. Delays in scheduling biometric appointments and processing applications will likely add to the uncertainty.

Employers are being advised to inform foreign national employees of the new requirements and to assist them in maintaining up-to-date documentation. Attorneys are counseling clients on the steps necessary to comply with the registration process and are preparing for potential increases in processing times and administrative burdens.

The expansion of biometric data collection has raised concerns about privacy and civil liberties. Advocacy organizations are questioning the scope and security of the data being collected, as well as the potential for misuse. Legal challenges may arise as the program is implemented and its impact becomes more clear.

Student Visa Cancellations and SEVIS Record Terminations

The administration's approach to student visas has shifted dramatically, with a wave of cancellations and terminations that have far-reaching implications for international students and educational institutions.

There has been a notable increase in the cancellation of F-1 student visas and the termination of SEVIS (Student and Exchange Visitor Information System) records.³ The reasons for these actions have expanded beyond traditional grounds. Reports indicate that students have lost status for activities, such as participation in pro-Palestinian demonstrations, minor criminal infractions, and other conduct, including receiving speeding tickets, that previously would not have triggered such severe consequences.

Based on our conversations with clients and the review of their history, it appears that the definition of "criminal conduct" has been broadened to its maximum extent, making little distinction between serious and minor

offenses. We have observed a heightened feeling of fear and uncertainty with international students concerned about the potential for status loss and removal based on relatively minor infractions.

Educational institutions are grappling with the implications of these changes, as the loss of international students can have significant academic, cultural, and financial consequences. Attorneys are advising students on their rights and options, assisting with reinstatement applications, and representing clients in removal proceedings. The legal community is also monitoring the potential for litigation challenging the administration's expansive interpretation of "criminal conduct."

The "Gold Card" Visa Proposal: Citizenship for a Fee

The administration has announced the introduction of a "Gold Card" visa program, offering a pathway to citizenship for individuals who pay a \$5 million fee or more to the United States government.

The "Gold Card" is designed to attract foreign capital by providing a fast-track to citizenship for high-net-worth individuals willing to make a substantial monetary contribution to the U.S. government. The program was initially touted as being ready for implementation within weeks of the announcement.

The implementation of the Gold Card visa program has stalled due to the need for congressional approval. The legal framework for granting citizenship based on investment requires legislative action, and Congress has yet to take up the proposal. The legal community is watching closely to see whether the program will gain traction, particularly considering the administration's broader efforts to restrict other avenues of immigration.

The Gold Card visa proposal has generated interest among stakeholders who are involved in investment-based

immigration. However, the uncertainty surrounding the program's implementation has created challenges for those seeking to take advantage of the new pathway. The legal community is advising clients to monitor developments closely and to consider alternative investment immigration options in the interim.

Judicial Responses: Courts Begin to Weigh In

The sweeping nature of the executive orders has prompted legal challenges, with federal courts beginning to issue rulings on the scope and application of the new policies.

One of the most high-profile legal challenges has involved Executive Order 14160, limiting birthright citizenship. On January 23, 2025, the U.S. District Court for the Western District of Washington issued a Temporary Restraining Order blocking the implementation of the order. Litigation is ongoing in multiple jurisdictions, with

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civil rights organizations, states, and cities challenging various aspects of the executive orders.

Despite the legal challenges, courts have generally continued to defer to the President's broad authority over immigration. This deference is rooted in longstanding legal principles that recognize the executive branch's primary role in setting immigration policy. However, as litigation progresses, courts are beginning to grapple with the limits of executive authority and the potential for overreach.

Attorneys representing clients affected by the executive orders are closely monitoring judicial developments and adjusting their legal strategies accordingly. The evolving case law will play a critical role in shaping the future of immigration policy and the rights of foreign nationals.

Legislative Outlook: Industry Sectors Ramp Up Lobbying

The sweeping changes to immigra-

tion policy have galvanized industry groups, advocacy organizations, and other stakeholders, who are ramping up lobbying efforts on Capitol Hill.

Sectors such as technology, health-care, agriculture, and higher education, which rely heavily on foreign talent, are urging legislators to push back against the most restrictive measures and to protect access to critical visa programs. The economic impact of the new policies is becoming increasingly apparent, with employers reporting difficulties in recruiting and retaining skilled workers.

While Congress has thus far been slow to act, the mounting pressure from business and civil society may force a legislative response. Lawmakers are being called upon to address the unintended consequences of the executive orders, to provide relief for affected individuals, and to ensure that the U.S. remains competitive in the global economy.

Attorneys are playing a key role in

advocating for legislative change, providing testimony before congressional committees, and working with industry groups to develop policy proposals. The legal community is also advising clients on how to engage in the legislative process and to make their voices heard.

Looking Ahead: Navigating an Uncertain Landscape

The first 100 days of President Trump's second term have brought a dramatic shift in U.S. immigration policy, with far-reaching consequences for foreign nationals, employers, and the legal community. Heightened scrutiny, increased enforcement, the rollback of humanitarian protections, and new registration requirements are creating a challenging environment that demands vigilance and adaptability.

Attorneys must stay abreast of rapid developments and be prepared to advise clients on a wide range of issues, from compliance and enforcement to

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litigation and legislative advocacy. Employers should review their hiring and compliance practices, invest in training and internal audits, and maintain open lines of communication with legal counsel.

The legal community has a critical role to play in advocating for fair and effective immigration policies, educating the public, and representing the interests of vulnerable populations. As the courts and Congress begin to respond, attorneys must be prepared to engage in policy debates and to defend the rights of their clients. 



Sang M. Shin is a partner in Jackson Walker's Houston office, focusing on business immigration and compliance. He advises multinational corporations, startups, and individuals on a wide range of immigration matters, including employment-based visas, compliance strategies, and govern-

ment investigations. Sang is recognized for his expertise in navigating complex immigration issues and for his commitment to client service.



Christian Triantaphyllis is a partner at Jackson Walker, where he leads the firm's investment immigration practice. He represents foreign investors, developers, and regional centers in EB-5 and other investment-based immigration matters, and is recognized for his expertise in complex cross-border transactions. Christian is a frequent speaker and author on investment immigration topics.



Kelly Cobb is a partner in Jackson Walker's Houston office, with a practice focused on labor and employment law, including immigration compliance, I-9 audits, and

workplace investigations. She counsels employers on best practices and represents clients in government enforcement actions. Kelly is known for her practical approach to complex compliance issues and her dedication to client advocacy.

Endnotes

1. "The 287(g) Program enhances the safety and security of our nation's communities by allowing ICE Enforcement and Removal Operations (ERO) to partner with state and local law enforcement agencies to identify and remove criminal aliens who are amenable to removal from the U.S." Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act, ICE's 287(g) Program, <https://www.ice.gov/identify-and-arrest/287g> (last visited June 9, 2025).
2. Litigation-Related Update: Supreme Court stay of CHNV Preliminary Injunction, Release Date: June 6, 2025, <https://www.uscis.gov/newsroom/alerts/litigation-related-update-supreme-court-stay-of-chnv-preliminary-injunction> (last visited June 9, 2025); see also DHS Releases Statement on Major SCOTUS Victory for Trump Administration and the American People on Ending the CHNV Parole Program, Release Date: May 30, 2025, <https://www.dhs.gov/news/2025/05/30/dhs-releases-statement-major-scotus-victory-trump-administration-and-american> (last visited June 9, 2025).
3. Ashley Mowreader, International Student Visas Revoked, Inside Higher Ed, <https://www.insidehighered.com/news/global/international-students-us/2025/04/07/where-students-have-had-their-visas-revoked> (last visited June 9, 2025); see also NAFSA: Association of International Educators, NAFSA Releases Initial Analysis of Visa Revocations and other Actions Targeting International Students and Scholars, <https://www.nafsa.org/reports-of-actions-targeting-international-students> (last visited June 9, 2025).



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