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Immigration

Trump Administration Unveils Scaled-Back Immigration Agenda

The Trump administration's first regulatory agenda largely contains immigration regulations started under the Obama administration and declines to revoke some of its predecessor's regulations that became final.

Top among the planned rules in the Homeland Security Department's spring 2017 regulatory agenda are two regulations addressing the EB-5 immigrant investor program. Both were formulated under President Barack Obama.

The agenda, released July 20, also mentions the Trump administration's reconsideration of the international entrepreneur regulation, which was finalized under Obama but suspended shortly before going into effect this month. The rule would allow immigrants to start businesses in the U.S. without having to obtain a visa.

The entrepreneur rule is the only immigration regulation the Trump administration said it is planning to scale back. That's despite the agenda being the first to contain deregulatory actions in compliance with President Donald Trump's executive order requiring agencies to revoke two regulations for every new one imposed.

'Bigger Story' The ''bigger story'' in the regulatory agenda isn't what's there, but what isn't there, Greg Siskind of Siskind Susser in Memphis, Tenn., told Bloomberg BNA July 20.

There are several Obama administration regulations associated with the former president's 2014 immigration executive action that don't appear in the regulatory agenda. They include a regulation allowing the spouses of certain H-1B guestworkers to obtain work permits and an expansion of optional practical training for foreign graduates of U.S. colleges and universities, said Siskind, who serves on the board of governors for the American Immigration Lawyers Association.

Both regulations faced legal challenges from U.S. workers who claimed they created unfair competition from foreign labor. Protecting U.S. workers has been a priority of the Trump administration.

A representative for U.S. Citizenship and Immigration Services, the DHS agency in charge of those programs, said the agency can't speculate on what will happen to them in the future.

Labor Certification Overhaul Missing Several regulatory actions that had appeared in many previous agendas appear to have been withdrawn.

Most notably, the Obama administration planned a regulation updating the Labor Department's permanent labor certification program, which employers in most cases must complete to sponsor foreign workers for green cards. A regulation that had been in the works was withdrawn by the Obama administration in December.

There is no mention of the PERM regulation in the current agenda.

In fact, the only immigration-related regulation in the DOL's agenda is the rule, published July 19 in the Federal Register, increasing seasonal guestworker visas for the remainder of fiscal year 2017.

A representative for the Labor Department didn't immediately respond to Bloomberg BNA's request for comment.

There are also some new items in the agenda related to immigration enforcement, including a regulation to collect biometric information from individuals entering and leaving the U.S. and one that would return deported immigrants to the country ''from which they came'' while their removal cases are pending in immigration court.

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The spring 2017 regulatory agenda is available at https://www.reginfo.gov/public/do/eAgendaMain.

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