



Act Now: Leverage Current Policies Before Potential Immigration Changes Under Trump Administration

This guide provides important information regarding the potential immigration changes under President-Elect Trump and his administration. We include our recommendations to safeguard our clients' options moving forward.

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Our team speaks 12 languages and employs high levels of cultural sensitivity, always focused on the experience of the individual.

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With President-Elect Trump's recent election victory, heated immigration reform discussions have become the forefront issue in American politics. While it is impossible to predict exactly what potential immigration changes we will see under Trump and his administration, we can revisit past immigration legislation efforts supported by President Trump for insight. Most experts and immigration advocates are anticipating potential legislation similar to the RAISE Act, an immigration bill first introduced in 2017 by Sens. Tom Cotton and David Perdue. This immigration bill, known formally as the "Reforming American Immigration for Strong Employment Act" has been praised by President Trump, who could seek to revive the previous bill or pass similar legislation. The policies outlined in the RAISE Act, which we know have President Trump's support, would usher in massive change to U.S. immigration policy, fundamentally altering the immigration landscape and disrupting the status quo.

What is the RAISE Act?

The RAISE Act was first introduced in 2017. It did not receive a vote in the Senate, but a similar bill was endorsed by President Trump in 2018, where it was defeated in a 39-60 vote. In 2019, the legislation was reintroduced but failed to advance.

The RAISE Act sought to overall reduce immigration to the U.S. by 50% by cutting in half the number of green cards issued each year. The bill aimed to dramatically reduce family-based immigration by eliminating many of the existing pathways to obtain a green card. Specifically, the RAISE act eliminated a U.S. citizen's ability to petition for their parents, children over 21, and siblings. The bill imposed a cap of 50,000 refugee admissions a year, ended the visa diversity lottery, and fundamentally altered the current employment-based immigration model.

Currently, employment-based immigration is based on demand. Under the RAISE Act, it would be replaced with a point system. This system would prioritize individuals with advanced skills and qualifications, in an effort to improve the U.S. economy. In other words, employment-based immigration would become merit-based, prioritizing the highest qualified workers.



Under the RAISE Act (or any similar legislation), an applicant's education, English proficiency, age, employment, and compensation will be determining factors to benefit through a points system. This system favors younger and skilled workers who can contribute to the U.S. economy, similar to the systems Canada and Australia currently have. The RAISE Act would allow a maximum of 140,000 points-based immigrant visas each fiscal year and only those who accrued 30 points under a set allocation scheme would be eligible to apply. For example, individuals with a bachelor's degree would have 6 points towards the 30 points to qualify, while those holding a U.S. professional degree or doctoral STEM degree would be awarded 13 points. If your offered annual salary is between 150% and 200% of the median household income in the state of employment, you would be awarded 5 points. If the offered salary is 300% of the median household income, the points increase to 13. In other words, access to an employment-based green card becomes mathematical – you either have enough points to apply based on your education, age, English proficiency, and salary or you are not eligible, even if you have a job offer. This would be a drastic departure from the current system, which allocates green cards by demand, preference category, and country of origin.

In sum, the RAISE Act, or other potential immigration changes under Trump, is likely to significantly curtail immigration to the U.S. and fundamentally change how our immigration system works. We know President Trump supports policies outlined in the RAISE Act and with the majority in both the House and the Senate, it's very possible this legislation, or something similar, could pass.

Impact of the RAISE Act or Other Potential Immigration Changes

The U.S. immigration landscape may change drastically if legislation like the RAISE Act is passed by Congress and signed into law by the president. There are several changes we could see, outlined below:

- A shift toward high-skilled immigration
- More limited family-based immigration options
- Reduction in overall immigration numbers
- Changes in refugee policy
- Economic considerations



A Shift Toward High-Skilled Immigration

Under a points-based system, the RAISE Act or similar legislation would offer preference to candidates who have specific qualifications and advanced skills. With a focus on factors such as advanced degrees, specialized work experience, high compensation, and English language proficiency, the new model might be more productive for the U.S. economy by fostering a more talented worker base. On the other hand, it may become more difficult to qualify for an employment-based green card and potentially more costly for employers. Consider this: under the points-system outlined in the RAISE Act, someone with the highest English level proficiency would be granted 12 points. If that individual is between the ages of 22-25 (the average age of master's degree program graduates), they will be allocated 8 points. With a U.S. Master's degree in STEM, the allocation is 8 points. That brings their total points to 28, which is not enough to apply under the 30-point requirement. The remaining points available are allocated to compensation or investment into new enterprises (which entails investment of at least \$1.35 million into a new commercial enterprise). Since the investment points are likely out of reach for most people, this means that the individual would need to prove their salary is at least 150% of the median household income in the state of employment, worth 5 more points, in order to reach the required 30 points and become eligible to apply. In other words, for many people, eligibility will hinge on obtaining a job offer that is above the average wage paid to workers in the state of employment, which could burden U.S. employers.

That said, under the points system proposed by the RAISE Act, employers would no longer need to sponsor employees, which is a highly burdensome, costly process. Rather, individuals would submit applications showing how they meet the 30-point threshold and then be placed in a "pool" of eligible applicants, which would then be sorted by highest level of points. The most qualified applicants (based on the points system) would then be invited to apply for the available visas each year. If not invited, an applicant would be able to reapply to be in the "pool" for the following year. In other words, having the eligible 30 points will not guarantee you a visa – it merely places you in a pool to be considered.



More Limited Family-Based Immigration Options

Restrictions on family-based visas, as outlined in the RAISE Act, would make it more difficult for extended families to be reunited in the United States. Currently, U.S. citizens can petition for their spouses, minor children under 21, parents, children over 21, and their siblings. Under the RAISE Act, U.S. citizens would only be able to sponsor their spouses and minor children.

Reduction in Overall Immigration Numbers

By reducing the number of green cards granted every year by half and gutting the Diversity Visa Program, the RAISE Act would significantly curtail legal immigration, which could derail the United States' population and employment growth. Supporters of the RAISE Act contend it will mean more jobs for American workers, but critics fear that it will harm industries that rely on immigrant workers and inhibit the growth and innovation historically contributed by immigration.

Changes in Refugee Policy

With harsh restrictions on refugee intake, the RAISE Act would detract from the U.S.' role as a shelter for refugees. This decline could affect the U.S.' status as a global leader in refugee resettlement, and might impact whether refugees from war, persecution and conflict could migrate to the United States.

Economic Considerations

According to advocates of the RAISE Act, if high-skilled immigration is prioritized, the U.S. will be better off economically, with a more competitive and diverse global labor market. However, critics argue that fewer immigrant workers will harm immigrant-labor-reliant industries like agriculture, construction, and healthcare. Further, less inbound talent could have a significant effect on tech and engineering innovation and competition, which has historically been driven by immigrant entrepreneurs.





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