

AABANY 2025 Fall Conference
Immigration Landscape in 2025:
Navigating Challenges and Strategies for Businesses and Individuals

New York Law School

Saturday, September 27, 2025

2:30 P.M. – 4:00 P.M.

Speakers

Rose Cuison-Villazor, Professor of Law, Rutgers Law School

Zhixian Liu, Partner, Z Liu Law Group, P.C.; Co-Chair of AABANY's
Immigration Committee

Susan Song, Senior Associate, Fragomen, Del Rey, Bernsen & Loewy, LLP; Co-
Chair, Immigration Committee

Moderator

Gaurav Mukherjee, Visiting Assistant Professor of Law, UConn School of Law;
Co-Chair, Immigration Committee

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Moderator: Gaurav Mukherjee

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Agenda

2:30 – 2:35 pm	Introduction & Overview
2:35 – 2:50 pm	One Big Beautiful Bill & Immigration/Border Enforcement (15 min) <ul style="list-style-type: none">• Overview of current legislative efforts• Impact on immigration policies and border enforcement measures
2:50 – 3:00 pm	Risk to Nonprofits Serving Immigrants (10 min) <ul style="list-style-type: none">• Impact of heightened immigration enforcement on the mission and operations of non-profit organizations serving AAPI communities• Legal risks related to potential prosecutions for aid deemed as "harboring"• The loss of grants and funds under new policies• Anxiety among staff and the communities they serve
3:00 – 3:10 pm	Current Visa Adjudication Trends (10 min) <ul style="list-style-type: none">• Increased scrutiny and delays in visa processing• Changes in standards and their effects on businesses and individuals
3:10 – 3:25 pm	Corporate Compliance in Uncertain Times (15 min) <ul style="list-style-type: none">• Navigating evolving compliance obligations• Preparing for site visits and audits• Strategic guidance for businesses
2:25 – 3:35 pm	Looking Out the Red Flags at the Border (10 min) <ul style="list-style-type: none">• Travel restrictions and CBP's expanded powers• Digital device searches and client advisories
3:35 – 3:45 pm	Impacts on Individuals & Families (10 min) <ul style="list-style-type: none">• F-1 visa revocations and legal challenges
3:45 – 3:55 pm	Investment-Based Immigration & Future Policies (10 min) <ul style="list-style-type: none">• The future of EB-5 visa and emerging proposals like the "U.S. gold card"
3:55 – 4:00 pm	Q&A and closing remarks (5 min)

NYCLE Credit

1.5 Areas of Professional Practice

Faculty Biography

Rose Cuison-Villazor is Professor of Law and Chancellor's Social Justice Scholar at Rutgers Law School where she previously served as Interim Co-Dean (2021-2023) and Vice Dean (2019-2021). Professor Cuison-Villazor is also Director of the Center for Immigrant Justice, which conducts publicly engaged research and policy work on behalf of noncitizens and their families.

Professor Cuison-Villazor's overall research agenda examines laws, policies, and norms that determine membership and belonging. She teaches and writes in the areas of immigration and citizenship law, property law, critical race theory, Asian Americans and the law, and U.S. territorial law. Professor Cuison-Villazor's scholarship has appeared in top law journals in the country, including *California Law Review*, *Columbia Law Review*, *Harvard Law Review Forum*, *Michigan Law Review*, and *New York University Law Review*. She is working on a monograph, *Forbidden Love: How Immigration Laws Barred Interracial Marriages* (NYU Press, forthcoming 2026). She is also co-author and co-editor of two edited volumes, *Legislating A New America: The Immigration And Nationality Act Of 1965 And Its Contributions To Law And Society* (with Gabriel "Jack" Chin) (Cambridge University Press 2015), and *Loving V. Virginia N A "Post-Racial" World: Rethinking Race, Sex And Marriage* (with Kevin Maillard) (Cambridge University Press 2012).

In addition, she is co-author of three casebooks, including *Immigration And Citizenship, Process And Policy* (10th Ed.) (with T. Alexander Aleinikoff, David A. Martin, Hiroshi Motomura, Maryellen Fullerton, Juliet Stumpf, and Pratheepan Gulasekaram) (forthcoming 2026); *Integrating Spaces: Property, Race, And Identity* (with Al Brophy and Kali Murray) (2023); and *Race And Races, Cases And Resources For A Diverse America* (4th Ed.) (with Juan Perea, Richard Delgado, and Osamudia James) (2022).

Professor Cuison-Villazor obtained her LL.M from Columbia Law School and J.D. from American University.

Zhixian Liu is Co-Chair of AABANY's Immigration Law Committee and founder of Z Liu Law Group. She focuses on employment-based immigration, with deep expertise in EB1A, NIW, and other high-stakes petitions across industries such as tech, medicine, academia, and the arts. Her practice spans both immigrant and nonimmigrant matters, including PERM, H-1B, O-1, and marriage-based green cards, with an emphasis on strategic planning and personalized counsel. Previously, she practiced at Fragomen and served as Mobility Legal Counsel at Deel, Inc. advising Fortune 500 and international clients on global mobility and compliance.

Gaurav Mukherjee is a Visiting Assistant Professor of Law and the Stuart F. Smith Teaching Fellow at the University of Connecticut School of Law. Professor Mukherjee studies how constitutional law regulates positive rights—such as housing and education—and how these rights are reshaped when they collide with demands for accommodation by religious organizations and private entities. He is the author of *Access to Social Justice: Effective Remedies for Social Rights* (Bristol University Press, 2024), and his writing has appeared or is

forthcoming in the California Law Review, BYU Law Review, Oxford Handbook of Economic, Social & Cultural Rights, International Journal of Constitutional Law, American Journal of International Law: Unbound, and Oxford Handbook of Comparative Human Rights Law.

Susan Song is a seasoned immigration attorney with over 15 years of legal experience. Based in New York, Susan is a Senior Associate with Fragomen, Del Rey, Bernsen & Loewy, LLP, offering expert legal counsel to both companies and individuals, guiding them through complex immigration processes.

Susan has represented multinational corporate clients across a variety of industries, mostly focused on technology, financial services, life sciences, and manufacturing. She provides guidance on all aspects of corporate immigration, including nonimmigrant visas, and permanent residence. She also strategically guides human resources professionals, recruiters, employees, global mobility teams and general counsels' offices to ensure successful immigration solutions.

Beyond her professional practice, Susan is passionate about supporting immigrants. She regularly volunteers at Citizenship Day events, offering free legal assistance to individuals seeking U.S. citizenship. Additionally, she serves as the Co-Chair of the Immigration Law Committee of the Asian American Bar Association of New York.

In her personal time, Susan enjoys traveling, reading, and spending quality time with her family.

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Immigration Landscape in 2025: Navigating Challenges and Strategies for Businesses and Individuals

Moderator: Gaurav Mukherjee

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I. USCIS: Heightened Scrutiny in Individual Immigration Petitions

A. High-Stakes Adjudications and Shifting Standards

The Trump 1.0 era's *Buy American, Hire American* (BAHA) executive order continues to cast a long shadow over adjudications, even without statutory changes. Under Trump 2.0, we are now seeing a resurgence and expansion of these policies under the broader *America First* banner, resulting in:

- Elevated evidentiary standards in EB-1A, NIW, and O-1 petitions, including RFEs that reflect subjective or non-regulatory criteria.
- New expectations imposed by adjudicators that go beyond established regulatory criteria.
- Greater emphasis on granular documentation, with adjudicators frequently discounting credible and relevant evidence based on vague, inconsistent, or illogical reasoning.

Case Examples:

RFE Example: Granular documentations without any justification

The information about the Economic Herald is from the outlet itself. The outlet describes its intended audience as follows: "The newspaper is tailored to mid- and senior-level executives, managers, decision-makers, and investors in economic organizations. It also targets government officials engaged in economic management, urban white-collar professionals, and college students interested in economic development and wealth creation." The wide range of individuals indicates the intended audience is the general public. The petitioner did not submit evidence to establish the Economic Herald should be considered "other major media as the record is not supported by independent, objective evidence to establish the outlet is "other major media."

The petitioner also submitted information about Dazhong Media Group which includes Qilu Evening news and Dazhong Daily from the group without information about the individual outlets so as to determine if they are professional or major trade publications or other major media. Further, the petitioner did not support the record with independent, objective evidence corroborating the publications' claims. USCIS need not rely on the self-promotional material of the publisher.

- Third-party evidence were submitted in the filing, but was disregarded without any reasons provided
- The dismiss of co called "self-produced" evidence does not warrant any justifications.

RFE Example: Requested documents that were not a part of the regulations, such as request "employee satisfaction survey" to prove organization with distinguished reputation criteria for an EB1A petition.

While there are positive reviews, media features, case studies for Inferless, Inc., and funding from global VC firms, there's limited information on overall employee satisfaction or extensive financial data to definitively declare it distinguished. In summary, Inferless seems to be on a trajectory to becoming a distinguished company, demonstrating strong early success and positive customer sentiment. However, as a younger company, it is still building its long-term reputation and industry standing.

B. Common Red Flags in USCIS Adjudications

Emerging Issues:

- **Discontinuation of Fax Transmission for Premium Processing RFEs:** USCIS has quietly discontinued the long-standing practice of sending RFE notices via fax in premium processing cases, without issuing any formal announcement or stakeholder notice. This abrupt change has created significant workflow disruptions for attorneys and petitioners, especially in time-sensitive filings where overnight mail delays result in lost response time. Practitioners should monitor case status daily and advise clients to expect RFE notices by physical mail only.
- **Policy Manual Reversions and Silent Rollbacks:** Recent and frequent updates to the USCIS Policy Manual since the confirmation of new USCIS director, reflect a broader pattern of reverting to earlier, more restrictive interpretations without clear explanation or stakeholder engagement. Notably, the rollback of favorable guidance on the Child Status Protection Act (CSPA) eligibility, previously updated in 2023, has caused confusion and potential loss of benefits for aged-out derivative beneficiaries. These reversions often appear without detailed analysis or transition guidance, leaving practitioners to navigate inconsistent policy application and retroactive impacts.
- **H-1B/I-140 RFEs Based on Biometric Information:** USCIS has recently begun issuing RFEs referencing biometric data concerns, despite the absence of any clear regulatory basis. Most foreign nationals entering the U.S. on valid visas have already completed ten-fingerprint collection at both the consular stage and the port of entry, making the rationale for these RFEs unclear and, in many cases, unfounded. There is growing concern that these RFEs may be linked to undisclosed data-matching efforts involving criminal or traffic records, but USCIS has not clarified what specific biometric issues are under review. Compounding the confusion, some RFE notices have been sent directly to the beneficiary's residential address, with no courtesy copies issued to the petitioner or attorney of record. This has led to missed deadlines in several cases where beneficiaries were unaware of the RFE's existence until it was too late.

C. Adverse Public Information and USCIS Policy Shifts

- **Use of Derogatory Information in Adjudications:** USCIS policy guidance confirms that adjudicators may rely on derogatory information that a benefit requestor is unaware of when issuing a Notice of Intent to Deny (NOID), Request for Evidence (RFE), or Notice of Intent to Revoke (NOIR). In such cases, USCIS will generally provide a detailed description of the derogatory information relied upon. However, the policy also clarifies that disclosure may be withheld in limited circumstances—such as when the information is classified, privileged, or otherwise protected by statute, or when it is derived from third-party records with disclosure limitations. This policy permits adjudicators to rely on publicly available information or interagency data even in the absence of formal charges or convictions.

U.S. Citizenship and Immigration Services is issuing policy guidance in the [USCIS Policy Manual](#) on how we disclose derogatory information upon which an adverse decision is based.

This policy guidance:

- States that, if we plan to rely on derogatory information that a benefit requestor is unaware of, we will generally provide a detailed description of the derogatory information in a Notice of Intent to Deny, Request for Evidence, or Notice of Intent to Revoke; and
- Clarifies when we may not disclose information, such as information that may be classified, sensitive, privileged, or otherwise subject to statutory protections and in other limited circumstances, such as when the information is provided in a third-party record or is subject to disclosure limitations.

This policy is effective upon publication and applies to pending benefit requests and those filed on or after the effective date.

○

USCIS Email Alert, USCIS Issues Guidance Regarding Disclosure of Derogatory Information

- **Increased Data-Sharing and Surveillance-Based Evidence:** Practitioners should be aware of the growing use of interagency data-sharing and third-party surveillance in benefit adjudications. Recent patterns suggest USCIS may incorporate information from outside sources, including public databases, law enforcement records, and social media activity, without providing full transparency as to the origin or reliability of the data. The lack of disclosure in certain cases may raise procedural fairness concerns and complicate the ability to meaningfully respond to adverse information.

II. Consular Processing: Unpredictability and Re-Adjudication

A. Inconsistent Visa Adjudications: Consular officers operate under broader discretionary authority, often with limited oversight. Current trends include:

- **Expanded Use of 221(g) Administrative Processing in STEM Fields:** Consular officers are increasingly issuing 221(g) refusals for applicants in STEM-related disciplines, particularly those working in artificial intelligence, semiconductors, cybersecurity, and other *sensitive* technologies. These cases are often subject to prolonged administrative processing and interagency security checks, regardless of prior visa history or employer reputation. Practitioners should be aware of this when advising clients on international travel.
- **Re-Adjudication and Refusals Under INA §214(b) and §214(g):** In O-1 and other employment-based cases, consular officers are frequently re-evaluating the beneficiary's qualifications and denying visas under §214(b) (lack of ties to home country) or §214(g) (ineligibility for classification). These denials often disregard USCIS's prior determination of eligibility and instead reflect subjective assessments inconsistent with regulatory standards.
- **Practice Note:** Although applicants may seek to schedule visa interviews at consular posts perceived as more lenient or efficient, forum shopping is generally discouraged. Many posts apply local procedures inconsistently, and officers may be less familiar with specific requirements of any third-party national (eg. visa validity period difference)

B. New Legal and Compliance Requirements for Nonimmigrants

- **Proof of Immigration Status Required Under INA §264(e) (Effective April 17, 2025):** All non-U.S. citizens age 18 and older are now required to carry physical proof of their immigration status at all times. Acceptable documents include a printed copy of Form I-94, Form I-797, Form I-20 (for F-1 students), or Form I-551 (Green Card). This requirement stems from enforcement of INA §264(e), which has historically been on the books but is now being actively applied.
- **Alien Registration Requirement for Certain Noncitizens (Effective January 20, 2025):** Individuals age 14 and older who are physically present in the United States for 30 consecutive

days must register with DHS unless already registered through issuance of a Form I-94. Minor children who turn 14 while in the United States must complete a new registration process at that time, regardless of prior documentation¹. A client flyer is attached (made by AILA)²

- **Practice Tip – I-94 Verification:** Practitioners should advise clients to routinely verify their I-94 record following each reentry to ensure accuracy in both classification and duration of stay. Errors in the I-94 may affect eligibility for future benefits or trigger unlawful presence accrual.

C. Expanded Surveillance and Vetting

- **Expanded Social Media Screening Requirements for Visa Applicants:** As of June 2025, the U.S. Department of State has implemented expanded screening and vetting measures for nonimmigrant visa applicants, with a particular focus on F, M, and J visa categories³. All applicants are required to disclose social media identifiers on the DS-160 application form. Consular officers may use this information to evaluate potential security concerns, including suspected affiliations, ideological indicators, or online activity deemed inconsistent with U.S. immigration or national security laws. The standards for interpretation remain discretionary and opaque, and decisions influenced by social media content are typically not subject to substantive review or appeal.
- **National Security as a Default Framework:** Practitioners have observed a growing trend in which consular posts and adjudicating agencies frame visa delays, RFEs, revocations, and denials under broad “national security” concerns. This framing is often invoked without providing specific allegations, limiting transparency and complicating meaningful responses. STEM applicants, individuals from designated countries, and those with significant online presence may face heightened scrutiny under this approach.

D. Mass F-1 Visa Revocations and the Chilling Effect on Free Speech

In April 2025, the U.S. government abruptly revoked or terminated the F-1 visa status of over 1,800 international students across more than 280 academic institutions⁴. Many affected students received no prior notice or clear explanation. The revocations were widely believed to result from an automated data-matching process that flagged minor infractions, such as speeding tickets, or raised unspecified “security concerns.” Some were detained by CBP upon reentry or placed in expedited removal proceedings.

Litigation efforts by students and universities, especially in federal district courts, led to temporary restraining orders (TROs) and, in many cases, restoration of SEVIS status. However, these students continue to face significant challenges in obtaining new visa stamps, with many consular posts reportedly refusing reissuance or imposing extended administrative processing delays. The revocations have raised serious concerns regarding due process, the opaque nature of government data-matching, and lack of transparency in enforcement practices.

Compounding these developments, First Amendment concerns have come to the forefront. Reports emerged that some visa revocations or delays may be linked to students’ lawful participation in campus protests, public demonstrations, or social media activity deemed politically sensitive.

These events illustrate a growing convergence between immigration enforcement and domestic surveillance. For international students, even minor legal infractions or political expression can now lead to life-altering immigration consequences.

¹ <https://www.uscis.gov/alienregistration>

² <https://www.aila.org/library/client-flyer-understanding-alien-registration-requirements-1>

³ See <https://www.state.gov/releases/office-of-the-spokesperson/2025/06/announcement-of-expanded-screening-and-vetting-for-visa-applicants>

⁴ https://www.theguardian.com/us-news/2025/apr/19/aditya-wahyu-harsono-immigration-indonesia?utm_source=chatgpt.com

Practice Advisory for Immigration Counsel:

- **Monitoring and Response:** Encourage F-1 clients, especially those who are on OPT/STEM OPT to regularly monitor their SEVIS records and maintain close communication with designated school officials (DSOs). Immediate legal action may be necessary to preserve status and challenge improper revocations.
- **Speech and Activism:** Attorneys should approach conversations about protest participation and political expression with care. While noncitizens are entitled to First Amendment protections, those rights do not shield them from immigration consequences triggered by government surveillance, misinterpretation of intent, or adverse discretionary decisions. Ethically, attorneys must avoid telling clients what to do or not do; instead, the attorney's role is to clearly explain the potential legal and immigration risks, such as visa revocation, denial of entry, or deportation, and to empower the client to make an informed decision. This includes discussing how public protest, social media posts, or perceived associations may be used against them in a future benefit adjudication. or controversial social media activity may be misconstrued by adjudicating officers.
- **Travel and Reentry Risks:** Advise heightened caution around international travel, particularly for students with pending benefits, minor legal citations, or public visibility due to activism. Visa reissuance is not guaranteed even after SEVIS status is restored. Avoid unnecessary international travel.

E. The Big Beautiful Bill

1. **Visa Integrity Fee (Effective 2025–2026):** Congress has enacted a new, non-waivable \$250 *Visa Integrity Fee* to be imposed in addition to existing application and processing fees for all nonimmigrant visa issuances, including categories such as B-1/B-2, F, J, H-1B, O-1, and more. The fee may potentially be refunded after visa expiration, provided the holder fully complied with the terms of their visa, such as timely departure or approved extensions, but refunds remain hypothetical until implementation guidelines are released. This more than doubles the cost of petition-based visas (H, L, O, P, Q, R) from \$205 to a total of \$455.
2. **Related Fee Increases and Additions:** The law also raises several other immigration and travel-related fees:
 - a. Fee for applying for Form I-94 Arrival/Departure Record: increased from \$6 to \$24
 - b. ESTA (Visa Waiver Program): new fee of \$30-\$40. Previously Chinese national who holds 10-year B1/B2 visa does not need to pay a fee for their bi-annual EVUS enrollment. Now a fee of \$30 applies
 - c. Additional increases for humanitarian-based applications, including asylum (\$100 plus annual fee), parole, TPS, and EAD filings⁵.

⁵ <https://www.aila.org/library/practice-alert-new-immigration-fees-authorized-by-the-reconciliation-bill>

Pub. L. 119-21 Fee Chart²

Fee Type	Minimum Fee Amount	Fee Waivable per H.R. 1	Fee Waivable According to PM or FRN
Asylum Application	\$100	X	X
• Annual Fee for Pending Application	\$100	X	X
• Initial EAD for Asylum Applicants	\$550	X	X
• Renewal or Extension EAD for Asylum Applicants	\$275	X	X
Parole Applications³	\$1,000	X	TBD
• Initial EAD for Parolees (<i>limited to 1 year</i>)	\$550	X	X

Fee Type	Minimum Fee Amount	Fee Not Waivable per H.R. 1	Fee Waivable According to FRN or PM
• Renewal, Reparole or Extension EAD for Parolees (<i>limited to 1 year</i>)	\$275	X	X
Temporary Protected Status (TPS) Application	\$500	X	X
• Initial EAD for TPS applicants (<i>limited to 1 year</i>)	\$550	X	X
• Renewal or Extension for TPS Holders (<i>limited to 1 year</i>)	\$275	X	X
Special Immigrant Juvenile Application	\$250	✓ ⁴	X
Visa Integrity Fee for Nonimmigrant Visa Issuance⁵	\$250	X	TBD
Form I-94 Application	\$24	X	TBD
Immigration Court Filings			
• Adjustment of Status	\$1,500	✓	X
• Asylum Application	\$100	X	X
• Annual Asylum Fee	\$100	X	X
• Waiver of Grounds of Inadmissibility	\$1,050	✓	X
• TPS Application	\$500	✓	X
• Application for Suspension of Deportation or Cancellation of Removal	\$600	✓	X

Fee Type	Minimum Fee Amount	Fee Not Waivable per H.R. 1	Fee Waivable According to FRN or PM
<ul style="list-style-type: none"> Cancellation of Removal and Adjustment of Status Application for Certain Non-permanent Residents 	\$1,500	☑	X
<ul style="list-style-type: none"> Individuals Removed in Absentia 	\$5,000	X	TBD
Appeals			
<ul style="list-style-type: none"> Immigration Judge Decision (to BIA) 	\$900	☑	X
<ul style="list-style-type: none"> DHS Officer 	\$900	☑	X
<ul style="list-style-type: none"> Practitioner Disciplinary Decision 	\$1,325	☑	X
<ul style="list-style-type: none"> Motion to Reopen or Reconsider IJ or BIA Decision 	\$900	☑	X
ESTA Fee for Visa Waiver Applicants	\$40	☑	TBD
EVUS Fee for Chinese B-1/B-2 Visa Holders	\$30	X	TBD
Inadmissible Individuals Arrested between Ports of Entry	\$5,000	☑	TBD

III. CBP and Port-of-Entry Enforcement: Secondary Inspections and Digital Device Searches

U.S. Customs and Border Protection (CBP) has significantly expanded its use of secondary inspections and electronic device searches at ports of entry, affecting not only nonimmigrant visa holders but also lawful permanent residents (LPRs) and, in some cases, U.S. citizens. Under CBP policy, officers may inspect and copy the contents of digital devices without a warrant when the search is conducted at the border or its functional equivalent. These inspections can occur during primary or secondary inspection and may include the review of:

- Locally stored content, such as documents, photos, text messages, call logs, and app data.
- Social media apps and messaging platforms, which may be used to identify perceived immigration violations or inadmissibility grounds.
- Travel history and geolocation data, which can be cross-referenced against visa compliance records.

Key distinctions in search authority:

- Nonimmigrant visa holders (e.g., B-1/B-2, F, H-1B, O-1) are generally expected to comply with requests for passwords or device access. Refusal may be treated as grounds for inadmissibility.
- LPRs and U.S. citizens may lawfully refuse to provide passwords, but CBP can seize the devices for further examination, often for extended periods.

- Cloud-based content is, in theory, outside CBP's immediate search authority; however, in practice, officers may access synced or cached material, and nonimmigrant visa holders have little practical ability to challenge such access.

Practice Advisory:

- **Client Education:** Provide clients with CBP's public guidance and AILA's traveler rights flyers before departure⁶. A flyer is attached.
- **Digital Minimalism:** Advise clients to travel only with essential devices and to minimize sensitive personal or professional content stored locally.
- **Ethical Boundaries:** Attorneys should avoid instructing clients to delete data solely to evade inspection, as this may raise obstruction concerns. Instead, present the risks and best practices so clients can make informed decisions.
- **Secondary Inspection Risks:** Device content, particularly casual references to work, study, or controlled substances, has been used to justify refusals of admission or visa revocations. Counsel clients on how even informal communications can be misinterpreted. Clients must make informed decisions; practitioners should avoid ethically questionable guidance.

Additional Resources:

- AILA's summary on actions from executive branches that affects immigration: https://www.aila.org/library/tracking-notable-executive-branch-action-during-the-second-trump-administration?utm_campaign=7108098-Hubspot-AILA8-1-29-25&utm_medium=email&_hsenc=p2ANqtz--w6vGHPLQqgbRqjgzW4lIMp-LfkYio_YJtq2tgrRUv2I0FCiZ8pLCCpXHEYcx_a9EgQeWBYvV69dXsSwx7uMVGy4E2eQ&hsmi=344813781&utm_content=344813781&utm_source=hs_email
- AILA Trend Tracker: <https://www.aila.org/library/aila-trend-tracker>

⁶ <https://www.aila.org/library/client-flyer-electronic-device-searches>

Immigration Landscape in 2025 Navigating Challenges and Strategies for Businesses and Individuals

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Presented by:

Asian American Bar Association of New York

September 27, 2025



Our Panelists



Zhixian Liu
Partner, Z Liu Law Group
Zhixian@zliulaw.com



Susan Song
Senior Associate, Fragomen, Del
Rey, Bernsen & Loewy



Rose Cuisson-Villazor
Professor of Law, Rutgers Law
School



Moderator: Gaurav Mukherjee
Visiting Assistant Professor of Law,
UConn School of Law



Update on Immigration Legislation



Challenges and Strategies for Individuals



Challenges and Strategies for Businesses



Challenges and Strategies for Nonprofit Orgnaizations



Non-Profit Organizations/ Non- Governmental Organizations

* for purposes
of today's
discussion

Immigrant advocacy organizations

- Mission is to specifically serve or advocate for immigrants

Religious or faith-based organizations

- Religious mission; may have members, clients, patients, etc. who come from immigrant populations

“General” charitable organizations

- Mission serves clients, consumers, members, patients, etc. and some may come from immigrant populations

Executive Order 14159

Protecting the American People Against Invasion (Jan. 21, 2025)



1. Increased enforcement
2. Revocation of previous policies
3. Funding review or audit
4. Identification of unregistered undocumented immigrants
5. Sanctuary jurisdictions
6. Travel ban

9.27.25

8

Source: <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

Sensitivity: Confidential

Implications for Non-profit Organizations



Non-Profit Organizations' Responses

1

Affirm Mission
and Ensure
Legal
Compliance

2

Implement
Trainings on
Constitutional
Rights

3

Pursue Legal
Challenges
(affirmative or
defensive)

Additional Resources

September 19 Proclamation on H-1B Entry Restriction:

- **President's Proclamation on Restriction on Entry of Certain Nonimmigrant Workers:** <https://www.whitehouse.gov/presidential-actions/2025/09/restriction-on-entry-of-certain-nonimmigrant-workers/>
- **White House Fact Sheet: President Donald J. Trump Suspends the Entry of Certain Alien Nonimmigrant Workers:** <https://www.whitehouse.gov/fact-sheets/2025/09/fact-sheet-president-donald-j-trump-suspends-the-entry-of-certain-alien-nonimmigrant-workers/>
- **U.S. Department of State Announcement on Enforcing the September 19 Proclamation:** <https://travel.state.gov/content/travel/en/News/visas-news/restriction-on-entry-of-certain-nonimmigrant-workers.html>
- **USCIS H-1B FAQ:** <https://www.uscis.gov/newsroom/alerts/h-1b-faq>

H-1B Selection Process Proposed Rule Making

- **Federal Register: Weighted Selection Process for Registrants and Petitioners Seeking to File Cap-Subject H-1B Petitions:** <https://www.federalregister.gov/documents/2025/09/24/2025-18473/weighted-selection-process-for-registrants-and-petitioners-seeking-to-file-cap-subject-h-1b>



Q & A



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