



## **Practice Alert: Trump Creates New Hurdles and Delays for Employment Based Green Card Applicants**

Insights

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Beginning on October 1, 2017, United States Citizenship and Immigration Services (USCIS) will start phasing in the requirement for an in-person interview for anyone obtaining employment-based permanent residency. For almost the past 20 years, interviews of employment-based applications were generally waived as there was little value that local adjudication added to the process.

The Trump Administration stated that this is part of the “extreme vetting” plan. This new policy will potentially add almost two hundred thousand more in-person interviews per year in USCIS offices throughout the country and will result in backlogs, long waits for green card approvals, and additional cost and frustration for foreign nationals and employers. While the USCIS has confirmed that this will be a program rolled in in various phases, it will eventually mandate in-person interviews across several other types of immigration benefits.

USCIS claims that its goal is to identify security risks and prevent fraud despite the lack of any evidence of pervasive fraud in employment based applications. Applicants already go through intense biometric screening and background check. In addition, USCIS has implemented new documentation requirements to confirm the existence of continued bona fide job offers.

If called for an interview for an employment based permanent residence application, the foreign national will need to be prepared for the following:

- 1) having a solid understanding of the benefit for which he or she is applying, as well as why he or she is eligible for the benefit;
- 2) being able to describe the employer, the position (including specific job duties, location, pay, etc.), and his or her credentials; and
- 3) demonstrating a clear understanding of his or her immigration history.

The economy continues to grow in sectors which are in desperate need of global talent. Innovative companies and entrepreneurs continue to struggle to find qualified talent and sponsoring a foreign national for employment-based permanent residence is generally a critical component to the employment relationship. This change in policy will create another hurdle for employers and

foreign nationals, in what is already a long and expensive process, in obtained the green card. We will continue to monitor developments and provide updates and more specifics as we learn of them.

### ***Related People***

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**Davis C. Bae**  
Regional Managing Partner  
206.693.5060  
[Email](#)