



the only thing certain is uncertainty

MSK Client Alert

September 26, 2017

Workplace immigration law has been the focal point of increased anxiety and uncertainty because of various changes proposed by Executive Order. Discussions have heated up considerably in the offices of human resources professionals and personnel managers, in the break room, around the water cooler, as well as in the news media and on social media. Because the changes have not come in the form of formal regulatory changes through legislation, which require a prescribed notice and comment period (though those may soon be on the way), changes in enforcement priorities and how existing laws are interpreted create an unclear path about who will be impacted and when the new Executive Order priorities will be instituted.

What are these new priorities? At present they are best explained in Executive Order 13788.

On April 18, 2017, the President signed Executive Order 13788 "Buy American Hire American", intended to "create higher wages and employment rates for workers in the United States, and to protect their economic interests." The stated goal of E.O. 13788, by directing the Secretaries of State, Labor, and Homeland Security to propose new rules and issue guidance, is to protect the interests of United States workers in the administering of our immigration system, including through the prevention of fraud or abuse. We have seen this manifest itself in a number of areas, such as...

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