



2024 IN PERSPECTIVE FROM THE INSIGHTFUL IMMIGRATION BLOG

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By Cyrus D. Mehta & Jessica Paszko*

In 2024, we stayed true to our name, offering insightful commentary on immigration policy, cases, and trends.

We celebrated positive policy changes, such as the [removal of countries like China and India from the Exchange Visitors Skills List](#). At the same time, we highlighted discrepancies, like the [CSPA disharmony](#) caused by the DOS's failure to align with USCIS.

When landmark, administrative-state-dismantling decisions emerged from the Supreme Court in [SEC v. Jarkesy and Loper Bright v. Raimondo](#), we provided in-depth analysis on how these cases might impact immigration law. After the Fifth Circuit Court of Appeals dismissed a lawsuit challenging President Biden's [humanitarian parole program in Texas v. DHS](#), we urged the Biden administration to take bolder steps, reforming the immigration system through parole initiatives and other executive actions without fear of lawsuits from certain states.

Our insights on immigration trends unfolded against the backdrop of an election year. Early on, with the specter of a potential Trump 2.0 looming on a foggy and uncertain horizon, we posed a series of "what ifs"—such as, [what if he follows through on his promise to deploy a deportation army?](#) Late in the night on the first Tuesday of November, the fog cleared revealing a horizon that was not the familiar, joyful blue of recent years but a striking, loud, and unpredictable red—with an ironic tinge of spray-tan orange. Our "what ifs" quickly turned to "what now" as we prepared for the MAGA storm on the way.

First, we reminded ourselves that a popular mandate does not give a president

the right to disregard the law or act outside the bounds of the Constitution and Bill of Rights. Above all, we reaffirmed [our commitment to defending immigrants](#) and upholding the foundational principles of the nation. We then turned to [our ethical obligations](#), testing the limits of confidentiality in the face of potential demands by law enforcement carrying out removal orders under the new administration. Additionally, we called on the current administration to act while still in office and urged President Biden to advance the filing dates in the January 2025 visa bulletin as a [departing gift to legal immigrants](#).

Although the Biden administration disappointingly did not advance the filing dates as we had proposed, the idea remains viable. We hope the tech faction within the Trump administration, including DOGE, if they succeed in the H-1B debate, will consider it. However, as long as Stephen Miller oversees immigration policy, our proposal is likely to remain on hold.

On a brighter note, [the H-1B modernization rule](#), set to take effect in a few weeks, could provide critical protection for the H-1B visa program. This comes at a crucial time, with H-1Bs becoming a hot topic following [Trump's appointment of Siriam Krishnan](#) as senior advisor on artificial intelligence. The appointment garnered support from Elon Musk and Vivek Ramaswamy but drew backlash from anti-immigration groups within Trump's MAGA faction. [Musk has championed H-1B visas](#) as pivotal to the success of companies like SpaceX and Tesla.

[Trump's recent remarks in favor of H-1Bs](#), claiming he's "a believer in H-1B" and calling it "a great program" he has "used many times," mark a notable shift from his 2016 campaign stance. Back then, he called the program "very bad for workers" and suggested it should be ended. However, a closer look at the visa programs Trump has used in the past reveals his frequent and longtime use of H-2B and H-2A visas—programs starkly different from H-1Bs. Whether Trump 2.0 will embrace H-1Bs in a way that contrasts with Trump 1.0, or whether his recent comments reveal a persistent misunderstanding of these programs that shaped Trump 1.0, remains to be seen. Indeed, in the face of attacks by influential people in Trump's circle, Musk has now somewhat backpedaled his support for the H-1B program. He states that the program needs [major reform](#) by raising the minimum salary significantly and adding a yearly fee for maintain the H-1B visa making it materially more expensive to hire from overseas. Such reforms would hurt skilled H-1B workers in green card backlogs who need to constantly renew their H-1B visas every three years if the goal

posts get shifted at the time of the next renewal. Hopefully, Biden's H-1B Modernization rule should help insulate the program from administrative changes by the Trump administration.

Looking ahead, we are committed to navigating the evolving landscape of immigration law, continuing to advocate for justice, and providing our community with the insights necessary to thrive in an ever-changing environment.

As we close out 2024, we reflect on the top 10 most-read blogs of the year although each blog we wrote is worthy of reading:

1. [Biden's Last and Best Gift to Legal Immigrants: Advancing the Filing Dates in the 2025 January Visa Bulletin to Current](#)
2. [Ethical Obligation of the Public Official Lawyer Who Falsely Undermines the Criminal Justice System after Trump's Conviction](#)
3. [Who Are the Undocumented Immigrants That Would Become Targets of Trump's Deportation Army If He Got Reelected](#)
4. [USCIS Policy Manual Recognizes Dual Intent for Foreign Students as Expressed in *Matter of Hosseinpour*](#)
5. [Board of Immigration Appeals in *Matter of Aguilar Hernandez* Provides Glimpse of How Statutes and Regulations Will Be Interpreted Without Deference to Government](#)
6. [237\(a\)\(1\)\(H\) Waiver After Denial of Naturalization Application?](#)
7. [*Harrow v. Department of Defense* and What It Means for Immigration Cases: The 30-Day Time Limit for Filing a Petition for Review Is Still Very Important, but Probably Not Jurisdictional Anymore](#)
8. [How *Corner Post*, Along with the Demise of Chevron Deference, Can Open Immigration Regulations to Challenges](#)
9. [*SEC v. Jarkesy* and *Loper Bright v. Raimondo*: How the Supreme Court's Dismantling of the Administrative State Impacts Immigration Law](#)
10. [CSPA Disharmony: USCIS Protects Child's Age Under the Date for Filing While DOS Protects It Under the Final Action Date](#)

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