

Press Coverage | December 9, 2024

Employers Scramble to Get Immigration Records in Order Ahead of Trump Crackdown

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[Robert J. Lee](#)

Robert Lee, a partner with Troutman Pepper and leader of the firm's Immigration Practice Group, was quoted in the December 9, 2024 Corporate Counsel article, "[Employers Scramble to Get Immigration Records in Order Ahead of Trump Crackdown](#)."

Added Robert Lee, a partner and immigration and employment attorney at Troutman Pepper Hamilton Sanders: "There are going to be workplace actions. That's certainly going to be the biggest shift back to Trump 1.0 and in stark contrast to the Biden administration."

...

Lee said industries that historically have had a high percentage of undocumented workers, such as construction and agriculture, "really need to be proactive in terms of making sure their documentation is in order, specifically their Form I-9s. They're going to have to go through those."

Even though the I-9 is a single page, it is "deceptive," Lee said, noting that the instructions exceed 100 pages, with myriad details leaving lots of room for mistakes.

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"The new administration is likely to push requiring more evidence and information to show that the job does actually require that bachelor's degree in the specific field, maybe narrowing it down to be not just in a related field but in an actual single specialty field," Troutman Pepper's Lee said.

In response, employers may want to explain in greater detail the complexity of what the specialty occupation entails to prove a position meets the criteria.

For example, employers may want to gather more evidence that a position requires intensive knowledge of equipment or involves the design of complicated parts to help establish that the job involves the application of highly specialized knowledge within the specialty field, "just digging into the details of what makes the job so complex," Lee said.

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