

Despite 'Trumpocalypse' U.S. immigration still a hot ticket

By [Elizabeth M. Klarin](#)

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(March 22, 2019, 8:14 AM EDT) -- As Canadian politics is rocked by the recent SNC-Lavalin scandal and its negative impact on Prime Minister Trudeau, America's commander-in-chief continues to battle his own challenges and accusations impacting his policies and presidency.

Both sides of the border are experiencing rather unprecedented challenges to the status quo, as they approach new elections in 2019 and 2020. But despite the political circus, businesses in the Great White North have other things to focus on — including signs that all is not well on the economic front. Despite recent job growth, many other indicators show that the Canadian economy is struggling, including recent GDP figures that show the economy shrank in December.

At the same time, the U.S. economy and U.S. spending continues to remain strong. As a result, many Canadian businesses and individuals continue to look south of the border at the vast and diverse opportunities to set up shop or sell their products or services to eager U.S. purchasers. Likewise, the U.S. job market remains robust, offering a wide array of opportunities to Canadians who qualify for nonimmigrant or immigrant visas under the U.S. immigration system.

Immigration in the age of Trump

Certainly, nothing has gotten easier in terms of immigration to the U.S. over the past several years. Since taking office, President Trump's stance on immigration has appeared staunch. While a good deal of the focus has been on curbing illegal immigration, many Department of Homeland Security agencies and officers have seized on the opportunity to double-down on all immigration enforcement and tighten their policies to restrict immigration for all.

Nowhere is this more evident than in petitions for H-1B visas, where U.S. businesses are being subjected to intense scrutiny and challenges to their petitions to employ professionals working in jobs that require workers to have at least a bachelor's degree in a specific field relating to their work ("specialty occupations"). These highly-coveted visas — which are subjected to an annual cap of 85,000 available visas and can be requested for FY2020 (with a worker start date of Oct. 1, 2019) beginning on April 1, 2019 — have become a mine field of requests for additional evidence and swinging policy shifts that delay and derail approvals.

But despite the increased scrutiny surrounding these and most other visa types, Canadians and other foreigners continue to apply in droves for permission to work in the U.S. In fact, many individuals and business owners are being far more strategic in their business planning, proactively looking at their visa and status options before they encounter problems at the border, rather than waiting to be told they cannot enter to engage in their planned activities at the time they request admission to the U.S.

The Department of Homeland Security's (DHS) most recent Annual Flow Report: Nonimmigrant Admissions — published in Oct. 2018 — shows Canada as one of the leading countries of citizenship for nonimmigrant admissions. In fact, Canadians and Mexicans accounted for a full 42 per cent of total I-94 (arrival and departure record) admissions to the U.S. in FY2017.

According to this report, leading classes of admission for workers included the North America Free Trade Agreement (NAFTA) professional workers, L-1 intracompany transferees and — despite the program's challenges — H-1B temporary workers in specialty occupations. Overall, nonimmigrant admissions for the 103 million travelers for business or pleasure entering the U.S. from Canada and Mexico were up 1.5 per cent year-over-year from the previous reporting period, according to DHS workload estimates outlined in the report.

A 2018 report by the U.S. Department of State echoes the continued interest in work authorization by nonimmigrants. For example, according to the U.S. Department of State's Report of the Visa Office 2018, 6,542 E-1 Treaty Trader visas were issued in 2018 to qualifying applicants (and their spouses and children) conducting substantial trade with the U.S., and 41,181 E-2 Treaty Investor visas were issued to qualifying applicants (and their spouses and children) based on a substantial foreign investment in the United States. Applicants for these visas — including Canadians — often need to jump through substantial hoops to qualify, making these numbers even more impressive.

Immigrant visas are a slightly different story. In 2014, 467,370 immigrant visas were issued at foreign service posts. That number peaked in 2016, at 617,752. By 2018, the number had shrunk back to 533,557. However, this still puts the number of immigrant visas being issued at foreign service posts at more than half a million in 2018, up by 12 per cent in 2018 over 2014.

There is little doubt that despite the political turmoil in the U.S. and elsewhere, demand for U.S. nonimmigrant and immigrant status remains robust.

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