

President Biden
believes that immi-
grants are essential

situation, either. After all, we were told to give Trump a

21st century, and with the former director of USCIS now heading DHS, we may be in a position for great things over the next four years. We also note the rumors that Ur Jaddou is slated to take the directorship at USCIS. Jaddou is unknown to most, but she has years of experience that would serve her, USCIS, and us all quite well. From her employer's website, her biography reads:

She served as Chief Counsel to U.S. Citizenship and Immigration Services from July 2014 to January 2017 where she provided legal counsel to the agency and interacted with the DHS General Counsel and other immigration component counsel. She was previously responsible for developing and executing congressional strategy for the U.S. Department of State as Deputy Assistant Secretary for the Bureau of Legislative Affairs.²⁹

Jaddou is also the Director of DHS Watch, which is a division of America's Voice. As per its "About Us" webpage:

As far as visa issuances are concerned, those are managed by the Department of State (DoS or the State Department), which oversees all U.S. consulates and embassies. As many of our people are stuck outside the U.S. and are unable to return without a newly issued visa, or stuck within the U.S. and are unable to depart because they will not be able to obtain a visa, we must look to the Secretary of State to determine whether that person will be friendly or not. President Biden's pick, Antony Blinken, was confirmed and sworn in by the Senate on January 26, 2021, making him Secretary Blinken. The name means little to many of us, so, as usual, let us look at Blinken's biography:

Blinken is a longtime Biden aide and a key member of his 2020 campaign team. He is considered a moderate who is well regarded by foreign diplomats and can pass muster with Republicans in the Senate, where he will have to seek confirmation. At the same time, he's served as an intermediary for Biden and members of the progressive community, engaging the latter on their demands for what a Biden foreign policy will look like.

[...]

He served on the National Security Council during the Clinton administration and has spent time on Capitol Hill, where he was Democratic staff director for the Senate Foreign Relations Committee when Biden was chairman. During the Obama years, Blinken served as deputy national security adviser and deputy secretary of State.³²

Diplomatic experience. Check. Muscle memory. Check. State Department experience. Check. Extremist? Crickets. That is what we like, especially in the realm of national security and international relations. Lovely.

So, seeing as how Blinken is now in charge of the State Department, how then, will his presence impact us or our clients? The same policies and practices that we saw USCIS officers utilize were also utilized worldwide at consular posts: delay, frustrate, and ultimately, prolong for as long as possible the wait time for a visa. COVID's global sprint exacerbated this by shutting down consular posts to routine nonimmigrant visa services, but as we note above, there has been a "Rephrasing" in of procedures. That rephrasing has been terribly slow and inefficient, most likely due to a combination of antagonistic policies, incompetency by the former Secretary, and of course, social distancing/COVID-related measures.

Blinken has the authority to review the practices of the State Department, identify logjams, and relieve the pressure where appropriate. We are already seeing some

movement at consular posts, and so, with optimism, let us believe that this is a positive trend.

On the other hand, Secretary Blinken has already tightened restrictions for travelers seeking to come directly into the U.S. from Europe. A summary from the good folks at Tarter Krinsky & Drogin:

On March 2, 2021, the U.S. Department of State announced further tightening of its COVID-19 restrictions for foreign nationals present in the Schengen areas of Europe, the United Kingdom, and Ireland. Anthony Blinken, the Secretary of State, rescinded prior guidance by the State Department granting “national interest exceptions” to the travel restrictions for senior level managers and executives, technical experts, professional athletes, and E visa treaty traders and investors. The new guidance limits the issuance of national interest exception to those foreign nationals who will offer “vital support to critical infrastructure sectors.” The interpretation of the new directive has varied at each consulate.³³

This is certainly not ideal.

How will it impact most people? Well, the tightening of this national-interest-exception criteria means that executives and managers coming into the U.S. to observe operations, hold meetings, meet with clients and managers/other executives, will no longer qualify for national interest exceptions.³⁴ Likewise, individuals who have invested into businesses within the U.S. will not qualify for national interest exceptions—despite potentially having invested a significant sum into their U.S. business—unless those individuals can demonstrate that they/their ventures are fundamental to the “critical infrastructure” sectors within the U.S. None of this is desirable.

As above, a healthy dose of worrying is not necessarily a bad thing. We just don’t want to be like Mr. Worry, who, unfortunately, worried about everything, all the time, even to the extent that he worried when he had no more worries!³⁵

Concluding Thoughts

The new administration has done quite a bit already, but the hope is that we will see a change in attitude by the

Very true, but I go several steps further—and say that the real change in tone and attitude will come from the top of USCIS, as well as DHS with Mayorkas and the State Department with Blinken, we have some idea of what to expect; and with the Biden-Harris administration already pointing to a strong pro-immigration set of policies, the Secretaries may go beyond Biden’s tenure under the Obama administration.

Overall, things are looking up, so stay optimistic, but stay vigilant, because we never know which way the wind will blow, and no one likes getting a gust of air to the face, especially when it is unexpected.³⁷

22. <https://www.nbcnews.com/politics/immigration/biden-immigration-bill-would-provide-more-protections-child-migrants-n1255167>.
23. <https://www.menendez.senate.gov/newsroom/press/menendez-to-lead-biden-harris-immigration-legislation-in-the-senate>.
24. Dr. Emmett Brown, as played by Christopher Lloyd, *c.* . . . , 1989, <https://www.imdb.com/title/tt0096874/characters/nm0000502>.
25. [https://en.wikipedia.org/wiki/Reconciliation_\(United_States_Congress\)](https://en.wikipedia.org/wiki/Reconciliation_(United_States_Congress)).
26. . . .
27. <https://www.dhs.gov/news/2021/02/02/alejandra-mayorkas-sworn-secretary-homeland-security>.
28. I know, why isn't it, "RsFE"? I'm not sure. But it isn't. Moving on...
29. <https://americasvoice.org/staff/ur-jaddou/>.
30. <https://americasvoice.org/about-us/>.
31. <https://www.majorityleader.gov/content/yet-another-poll-showing-americans-want-action-immigration-reform>.
32. <https://www.politico.com/news/2020/12/08/joe-biden-administration-cabinet-picks-442621>.
33. <https://www.jdsupra.com/legalnews/state-department-tightens-regulations-8399655/>.
34. . . .
35. <https://www.amazon.com/Mr-Worry-Men-Little-Miss/dp/084319961X>; . . . <https://www.youtube.com/watch?v=8wanaz8aj2g>.
36. <https://www.ft.com/content/517a70a6-bb6e-4880-abff-323176e4a211>.
37. Do not let anyone tell you: "Don't worry about it! Biden-Harris have it all under control! It's easy! You worry too much." We are trained lawyers. We worry. We think of ideas for how to resolve those worries. It's what we're paid to do!

Michael Cataliotti is the Principal of Cataliotti Law P.C., a law firm concentrating on U.S. business immigration and global migration. His clientele includes individuals and entities from such industries as sports, music, fashion, film, television, art, theatre, new media, and technology. Michael is a faculty member at Lawline CLE; a frequent speaker on the topics of business immigration, corporate transactions, and entrepreneurship; a member of the American Immigration Lawyers Association (AILA) where he is an active participant on several committees; a repeat Super Lawyers' "Rising Star," and sits on the Legal Committee of Dance/NYC.

