



# Immigration Crisis Impacting Construction

CAMERON FRENCH



# Agenda

- **Topic One: Current Challenges and Quick Hits**
- **Topic Two: What Initiated the Immigration Crisis?**
- **Topic Three: Programs Available for Foreign Construction Workers**
- **Topic Four: Best Practices and Solutions to the Changes in Immigration**
- **Topic Five: Positive News for the Construction Industry**





## **Introduction**

**Immigration enforcement and subsequent reforms have created a workforce shortage and have generated uncertainty for both employers and employees.**

**This presentation will discuss the root of the immigration crisis, available programs, propose solutions, outline best practices for your business moving forward, and conclude with some positive news.**

# Topic One

CURRENT CHALLENGES AND QUICK  
HITS



# Current Challenges

- **Fast-rising labor stress due to shortage and yet, it is 10<sup>th</sup> largest industry**
- **Increase in material and labor costs (.2%)**
- **Mounting compliance costs**
- **Growing legal exposure as enforcement accelerates.**
- **Delay in Projects**



# QUICK HITS

- **August 2025 - 7,000 jobs lost**
- **As of August 29, 2025, 92% of contractors report difficulty filling open positions. (AGCA/NCCER survey)**
- **Immigration enforcement affects nearly 34% of the construction workforce.**
- **In the last 6 months, California, Texas, New Jersey, Florida, Georgia, and New York have constituted approximately half of the states most affected by immigration enforcement.**
- **78% of firms report experiencing at least one project that has been delayed during the past 12 months.**
- **Only 10% of firms report using H-2B or other temporary work visa programs, citing limited access and practical constraints.**

# QUICK HITS – cont'd

- **Foreign born workers is now a growing risk.**
- **61% of plasterers and stucco masons, 61% of drywall installers and 52% of roofers are foreign born. More than half of painters are too.**
- **41% of firms report they have raised prices because of tariffs and 39% have accelerated purchases in anticipation of new tariffs.**
- **42% initiated or increased spending on training and professional development in the past year.**
- **52% engaged with career-building programs at high school, college, or career and technical education institutions.**
- **55% of firms added online strategies like social media and targeted digital advertising to connect better with younger applicants.**

# Topic Two

WHAT INITIATED THE IMMIGRATION  
CRISIS?





**January 20,  
2025**

**MAJOR CHANGES DAY ONE**

## **Executive Order 14159: 'Protecting the American People Against Invasion'**

- **Addresses the illegal entry and unlawful presence of foreign nationals inside the United States.**
- **Established the Homeland Security Taskforces (HSTF).**
- **Limit humanitarian parole and to evaluate existing temporary protected status (TPS) programs to determine whether TPS designations for foreign nationals remain necessary to fulfill the intended purpose.**
- **All previously unregistered noncitizens who meet certain criteria to register their status and to provide law enforcement with the information necessary to fulfill immigration status verification.**

## **Executive Order 14161: 'Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats'**

- **Enhance screening and vetting of noncitizens.**
- **Review of visa programs for additional security measures or possible entry bans.**
- **Identify specific countries deemed deficient in vetting to warrant suspension of admission of those nationals.**
- **A partial or full travel ban could be ordered for nationals of countries identified as having deficient screening.**
- **Foreign nationals are likely to experience increased administrative visa processing and higher levels of scrutiny at U.S. embassies and consulates abroad and ports of entry.**

# Presidential Memorandum: 'America First Trade Policy'

- Focuses on “establishing a robust and reinvigorated trade policy that promotes investment and productivity, enhances our Nation’s industrial and technological advantages, defends our economic and national security, and—above all—benefits American workers, manufacturers, farmers, ranchers, entrepreneurs, and businesses.”
- Review of the United States-Mexico-Canada Agreement (USMCA) and other existing trade agreements, which could lead to potential impacts or changes to treaty-based nonimmigrant work authorizations falling under existing trade agreements, including the TN, H-1B1, and E-3 visas.

# Other Executive Orders

## **Presidential Proclamation 10886: 'Declaring a National Emergency at the Southern Border of the United States'**

- Declares a national emergency at the southern border and directs the U.S. military to assist DHS in securing the border.
- May cause potential delays and heightened scrutiny for foreign nationals entering the United States from Mexico.

## **Executive Order 14169: Reevaluating and Realigning United States Foreign Aid**

- USAID funds were paused, and legal battle began.
- May affect H-2 Visas, for people from Guatemala, Honduras, and El Salvador



# **DHS Directive Rescinding of 'Sensitive Locations' Policy**

**SCHOOLS, HOSPITALS,  
AND PLACES OF WORSHIP  
ARE NO LONGER  
PROHIBITED FROM IMM.  
ENFORCEMENT.**



**February 12,  
2025**

## Executive Order 14211: 'One Voice for America's Foreign Relations'

- **Secretary of state to identify necessary reforms for the implementation of the President's agenda.**
- **Visa processing may be affected by the potential changes to personnel procedures of the foreign services, as well as any changes to the Foreign Affairs Manual, which currently serves as the primary authority for procedures and guidance on consular and visa processing.**



# February 18, 2025

**State Department Update: Interview  
Waiver Eligibility**

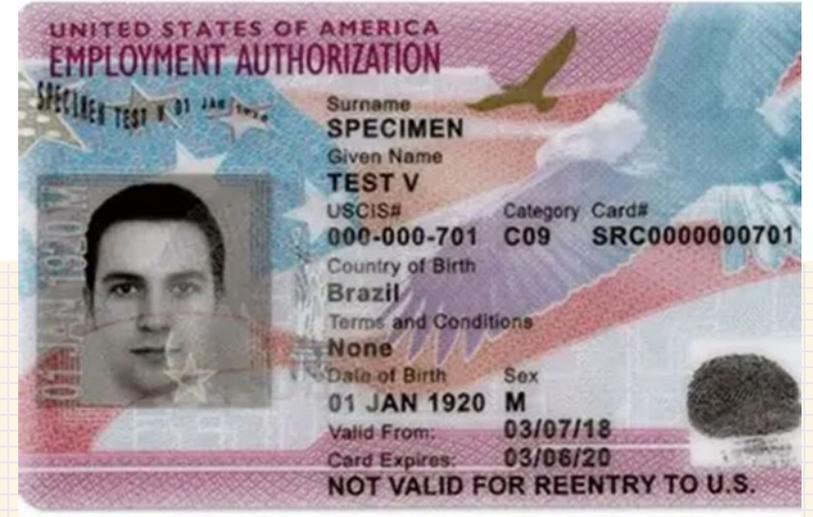
**Effects H-2 visa applicants.**

# Whistleblower Program



- **The Department of Justice broadened a whistleblower program allowing employees to report suspected immigration violations directly to federal authorities rather than through a company's internal channels.**
- **Some whistleblowers will be eligible for an award.**

# Humanitarian Programs



## Temporary Protective Services (“TPS”)

- The Secretary of Homeland Security may designate a foreign country for TPS.
- USCIS may grant TPS after the designation.
- The Secretary may designate a country for TPS due to the following temporary conditions in the country:
  - Ongoing armed conflict (such as civil war)
  - An environmental disaster (such as earthquake or hurricane), or an epidemic
  - Other extraordinary and temporary conditions
- Can obtain an employment authorization document (EAD)
- On 9/19/25, DHS ended TPS for Syrians, effective November 21, 2025.
- **Litigation:** Venezuela and Haiti AND Honduras and Nicaragua (9/8/25)

# Humanitarian Programs – cont'd

## Parole

- **The Immigration and Nationality Act (INA) allows the secretary of homeland security to use their discretion to parole any alien applying for admission into the United States temporarily for urgent humanitarian reasons or significant public benefit.**
- **An individual who is paroled into the United States has not been formally admitted into the United States for purposes of immigration law.**
- **Discretionary to grant a parolee temporary employment authorization. I-765, Application for Employment Authorization.**
- **Termination of the CHNV parole program – Cubans, Haitians, Nicaraguans, and Venezuelans (9/12/25 – Boston)**

# Humanitarian Programs Available for Foreign Construction Workers

- **Apply as a Refugee**
- **Apply for Asylum**
- **El Salvador's TPS remains valid until September 9, 2026.**
- **Haiti TPS remains valid until February 3, 2026.**
- **Venezuela TPS remains valid until at least November 17, 2025; however, the most recent court order states October 2, 2026. (Gov't petitioned US Supreme Court on 9/19/25).**



**“Construction is a matter of optimism; it’s a matter of facing the future with confidence.”**

**CÉSAR PELLI, ARCHITECT**

# Topic Three

AVAILABLE PROGRAMS FOR FOREIGN  
CONSTRUCTION WORKERS



# VISA PROGRAMS



- **An immigrant visa is for people intending to live and work in the United States on a permanent basis.**
- **A non-immigrant visa is for people who want to visit the United States temporarily, such as for tourism, business, medical treatment, or work temporarily.**

# Visas Available for Foreign Construction Workers

An H-1B visa is a type of non-immigrant visa that allows United States employers to temporarily employ foreign workers in specialty occupations. It is typically used by employers to hire foreign nationals when there is a shortage of qualified U.S. workers. The visa is valid for up to three years and can be extended for an additional three years. As of September 19, 2025, a one-time fee of \$100,000 must be submitted with each petition. This fee is valid for 12 months and subject to extension.

**H-2B Visa:** This visa allows U.S. employers to hire foreign workers for temporary, non-agricultural jobs. It is commonly used to fill seasonal or peak labor shortages in the construction industry. (Subcategory EW-3)

**EB-3 Visa:** An employment-based immigrant visa that allows foreign workers to obtain a green card to work permanently in the U.S. It is commonly used for skilled and unskilled construction workers.

**TN Visa:** Available to Canadian and Mexican professionals under the USMCA (formerly NAFTA), this visa can be useful for specialized roles in construction engineering and project management.

**L-1 Visa:** This intra-company transfer visa allows multinational construction companies to bring foreign employees to the U.S. for management or specialized knowledge roles.

# Latest Information on the H-1B VISA

- **\$100,000 fee - September 21, 2025.**
- **The fee is valid for 12 months, yet it is subject to extension.**
- **National Interest Exception, solely at the discretion of the Secretary of Homeland Security.**
- **New rulemaking to be done by Sec. of DOL – wage levels and DHS - prioritize the admission of high-skilled and high-paid aliens.**
- **One-time fee on submission of a new H-1B visa.**

# H-2B VISA

- **H-2B Visa - A temporary nonagricultural work visa program used by some construction firms but limited by caps and timing.**
- **The H-2B program allows U.S. employers to bring foreign nationals to the United States to fill temporary nonagricultural jobs. A U.S. employer must file Form I-129, Petition for a Nonimmigrant Worker, on a prospective worker's behalf.**
- **H-2B cap at 66,000 per fiscal year, with 33,000 for workers who begin employment in the first half of the fiscal year (October 1 - March 31) and 33,000 for workers who begin employment in the second half of the fiscal year (April 1 - September 30).**
- **On September 12th, cap for start date April 12<sup>th</sup> has been reached.**

# H-2B VISA – cont'd

- **Step One: Petitioner submits temporary labor certification application to DOL.**
- **Step Two: Petitioner submits Form I-129 to USCIS.**
  - **I-129, Petition for a Nonimmigrant Worker**
  - **Used for H-2B nonimmigrant worker.**
- **Step Three: Prospective workers outside the United States apply for visa and/or admission.**
- **Term: 12 months, with up to two one-year extensions**

# **EW-3 Visa: US Third Priority Workers Visa for Unskilled Workers**

- **An EW-3 visa is a subcategory of the H-2B visa, which is for nonimmigrant (temporary) non-agricultural workers.**
- **The main difference between an EW-3 visa and an H-2B visa is that the EW-3 visa is specifically designated for unskilled workers while H-2B visa is for both skilled and unskilled workers.**
- **To be eligible for an EW-3 visa, the applicant must be:**
  - **Reciprocal agreement between US and the other country;**
  - **Employer must demonstrate that there are no U.S. workers who are able, willing, and qualified to perform the work; and**
  - **Employment of foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers.**

# EW-3 Visa - cont'd.

- The application process for an EW-3 visa is similar to that for an H-2B visa, with the employer filing a petition with (USCIS) and the applicant then applying for a visa at the U.S. consulate or embassy in their home country.
- It's important to note that the EW-3 visa is not a permanent visa, and it is only valid for the duration of the employment, also it's subject to annual cap set by the government.
- Up to 10,000 per fiscal year, capped notification 9/9/25



“

Whatever good thing we build

**END UP BUILDING US**

- JIM ROHN

**Jim Rohn**

**MOTIVATIONAL SPEAKER**

# EB-3 Visa: Skilled worker, Professional, or Other Worker

- The EB-3 visa is a type of employment-based, third-preference visa for individuals who are skilled workers, professionals, or unskilled workers.
  - Individuals who have a job offer from a U.S. employer; and
  - U.S. employer is able to demonstrate that they are unable to find a qualified U.S. worker for the position.
- To qualify an individual shall have a bachelor's degree or its equivalent, or have at least two years of experience in their field, or be able to demonstrate that the job requires less than 2 years of experience.
- The EB-3 visa process typically involves an employer sponsoring the individual and a significant amount of documentation and evidence to demonstrate the individual's qualifications, to include filing a Labor Certification Application (LCA) with the DOL.
- EB-3 visas have a per-country limit.

# Permanent Resident Card (Green card)

## Employment-Based Green Card

- It is available to individuals who have a job offer from a U.S. employer or who qualify under certain employment categories, such as priority workers, professionals with advanced degrees, and skilled workers.

## Refugee or Asylum Status

- Individuals who have been granted refugee status or asylum in the United States may be eligible to apply for a Green Card after meeting specific eligibility requirements and completing a period of lawful permanent residence.

## Green Card Through Family

- Spouse, Parent to a citizen at least 21, and Unmarried child under 21 of a citizen

# Topic Four

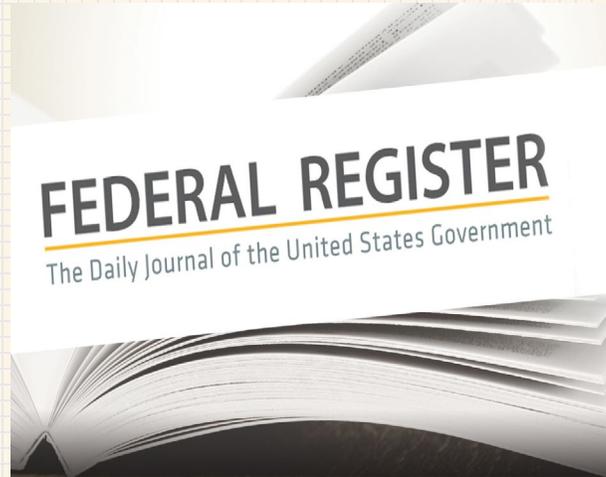
BEST PRACTICES AND SOLUTIONS TO  
THE CHANGES IN IMMIGRATION



# Important Resources



**U.S. Citizenship  
and Immigration  
Services**



**Federal Register**



**[www.e-verify.gov](http://www.e-verify.gov)**



**[www.dhs.gov/](http://www.dhs.gov/)**

# Best Practices

- **Form I-9 and E-Verify compliance, including regular internal audits**
- **Proactive communication with your human resources and legal departments, to include training on verification rules, retention timelines, and respectful, lawful worker communications.**
- **Create clear internal reporting channels so concerns surface early rather than through external complaints.**
- **Prepare for worksite inspections with written protocols covering on-site point persons, timely notice to counsel, and employee rights education.**
- **Track policy updates from ICE, CBP, and the Department of Justice, and adjust practices quickly.**

# Solutions to Labor Shortage

- **Lobby to your local, state, and federal legislators to create a visa program that aligns or is comparable with the well-established agriculture visa program for seasonal labor.**
- **Further advocate for a visa program for construction workers, with limits set by market demand, not fixed caps.**
- **Be proactive with applying to current visa programs.**
- **Support pathways to legal status for workers already on the job and comply with immigration regulations. The goal is to secure the border without gutting the workforce needed to build the country's housing.**

# Solutions to Labor Shortages – cont'd

- **Advertise, including social media**
- **Job Fairs, including college campuses**
- **Competitive Salaries, opportunity for advancement**

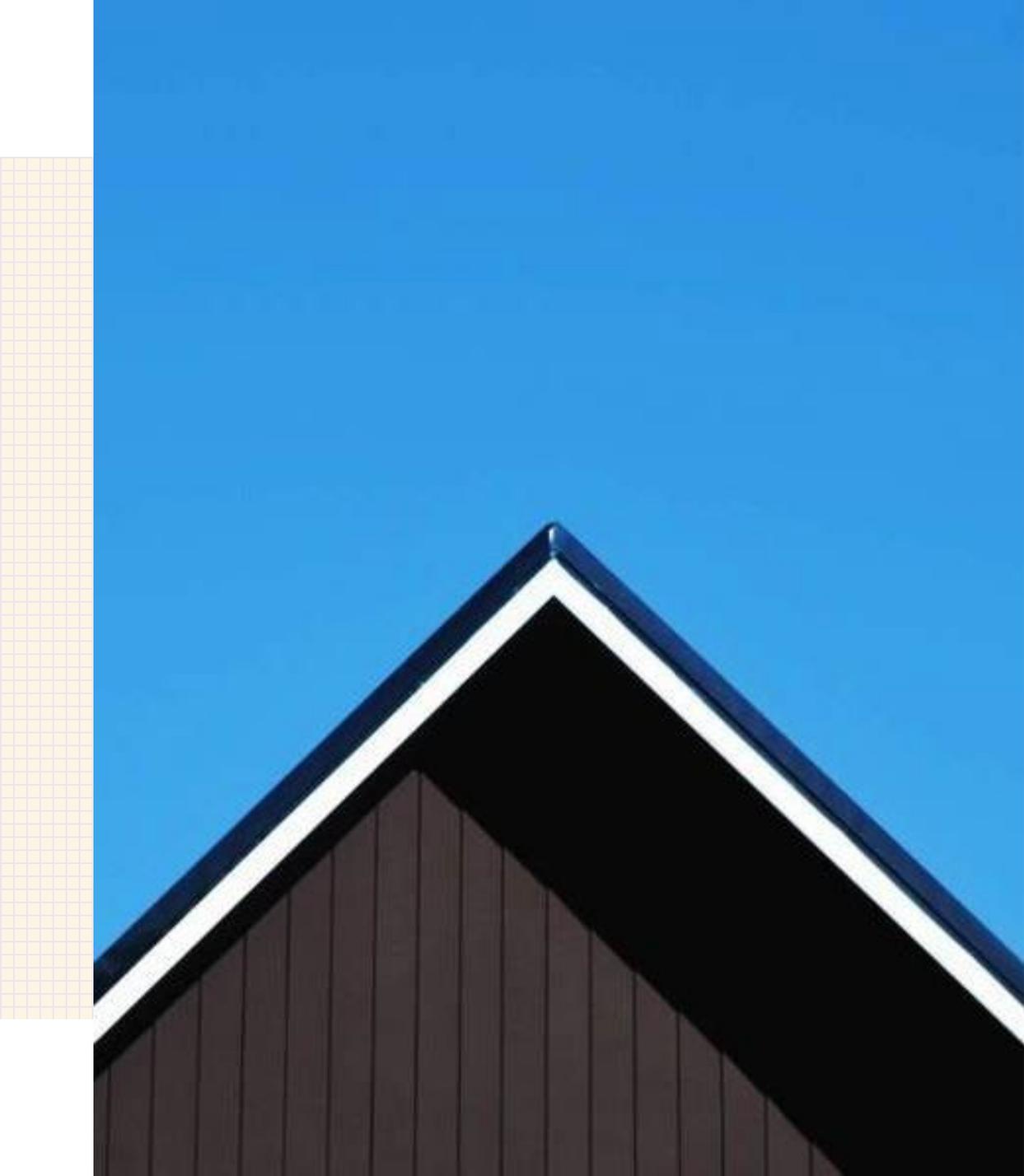
# Topic Five

POSITIVE NEWS FOR THE  
CONSTRUCTION INDUSTRY



# BREAKING NEWS

- **Federal reserve made its first interest cut of the year, a .25% cut yesterday. They are hinting at least another cut before the end of the year.**
- **Several states have passed legislation to expand funding for career and technical education (CTE) programs.**
  - **September 16, 2025 – Texas**
  - **September 7, 2025 – Massachusetts**
  - **April 30, 2025 - Pennsylvania**
- **WIOA (Workforce Innovation and Opportunity Act) Reauthorization bill is pending; both sides agree reform is needed, but currently there is not an agreement. Yet they did expand Federal Pell Grant funding for CTE programs over the summer.**



**“You can dream,  
create, design, and  
build the most  
wonderful place in the  
world. But it requires  
people to make the  
dream a reality.”**

**W A L T   D I S N E Y**

# Summary

Navigating the constantly evolving immigration laws and regulations can be complex; therefore, it is crucial to stay informed, schedule trainings, perform regular internal audits, establish clear procedures, and maintain innovation in attracting new employees to ensure your business thrives with minimal risk.

**\*Please note that the content contained within this PowerPoint is meant to be informative and should not be considered to be or used as legal advice. Legal questions should be directed to your legal counsel.**





# Thank you

CAMERON FRENCH | CAMERON.FRENCH@ADBLEGAL.COM |  
WWW.ADBLEGAL.COM

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