

IMMIGRATION NEWS

BREAKING NEWS!!

▪ **Visa Travel Ban Partially Reinstated By US Supreme Court**

Today the US Supreme Court partially granted the White House's request to reinstate the visa travel ban for 90 days. The visa travel ban is specific to nationals of the six previously designated countries that have no pre-existing "bona fide" relationship with the United States.

What happened? - Today, the Supreme Court agreed to hear appeals in October 2017 on both lower court rulings that blocked the President's travel ban. Until then, the Court partially reinstated the travel ban for 90 days. As of today, nationals of Syria, Iran, Libya, Somalia, Sudan and Yemen with no bona fide relationship with the USA will not be allowed entry into the USA until September 27, 2017.

Nationals of the six affected countries who have a bona fide relationship to the USA will still be admitted into the USA and will still be able to obtain visas from a US consulate. According to the Court, examples of a bona fide relationship include:

A. Close familial relationships;

1. Students at USA institutions of education or individuals that **have already been admitted** into a US institutions of education; or
2. Employees of USA companies or individuals that **have already accepted employment** with a USA company.

The Court made clear that relationships formed for the purpose of evading inclusion in the ban do not qualify. The example the Court used was that of a nonprofit organization contacting individuals in one of these countries and add them to their client list for the purpose of avoiding being subject to the ban. **It is not clear how the Court or Customs and Border Protection (CBP) will treat those nationals who, for example, have already applied for admission to a US institution of education but have not yet been accepted.**

What do we recommend? - We recommend that nationals of the six countries with bona fide ties to the USA take great caution before deciding to leave and re-enter the USA since CBP will subjectively determine, on a case-by-case basis, whether an individual has bona fide ties. If travel is necessary, we strongly recommend that individuals carry extensive documentation evidencing their ties to the USA. Please feel free to contact IES.

▪ **Longer Wait Times for Visa Stamping Likely as President Trump Amends Obama 2014 Executive Order**

What happened? - On June 21, President Trump removed an Obama-era 2014 Executive Order which required consular posts to process 80% of nonimmigrant visas within three weeks. Obama's order was meant to help encourage tourism into the USA by calling for faster visa processing. The Trump administration removed this requirement in the June 21 Order, arguing that the three-week requirement was "arbitrary" and kept posts from applying "extreme vetting" to visa applicants.

What does this mean? - While it is too soon to predict the amendment's effects, it is very likely that US consular posts with higher visa request volume will revert back to longer visa processing times of six weeks or more. All nonimmigrant visa applicants will likely be affected, including tourists, business travelers, employees, and students.

▪ **DHS Issues Memo Officially Rescinding DAPA**

On June 15, 2017, the US Dept. of Homeland Security, issued a memorandum officially ending the Deferred Action for Parents of Americans and Lawful Permanent Residents (“DAPA”) program. For more information see, <https://www.dhs.gov/news/2017/06/15/rescission-memorandum-providing-deferred-action-parents-americans-and-lawful>.

DAPA was created by Executive Order during the Obama Administration and, therefore, could be ending by Executive Order under the Trump Administration. This was done on June 15th.

Note that the rescission of DAPA does not affect persons who have been granted deferred action under the DACA program. The DACA program has not ended and persons granted DACA benefits or eligible for DACA benefits may continue to pursue benefits under that program.

▪ **Does Your Electronic I-94 Need Corrections?**

Customs and Border Protection (CBP), for the Dallas area (DFW), issued a Public Information Notice (PIN) to announce that the Area Port of Dallas will establish a program to begin accepting requests, via email, to review issues with electronic I-94s that may contain erroneous information. The pilot program began on May 15, 2017 and is available to persons residing in:

Dallas, Texas	Austin, Texas
San Antonio, Texas	Lubbock, Texas
Midland, Texas	Amarillo, Texas
Oklahoma City, Oklahoma	Tulsa, Oklahoma

Please review the CBP-PIN for complete information, the Dallas CBP email address and instructions for submitting a [CBP-Dallas I-94 Correction Request](#)

▪ **Visa Priority Date Retrogression for EB-1 India and China**

The June and July 2017 Visa Bulletins showed a visa priority date retrogression for EB-1 persons born in India and China. The retrogression is expected to last for a few months. I-140 petitions can be filed but I-485 (Adjustment of Status) applications cannot unless the applicant has a visa priority date on or before the date listed in the current Visa Bulletin.

All Visa Bulletins are available at <https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>

IN OTHER NEWS.....

Department of State & Consulate Updates

Visa Processing Delays Expected During the Summer Season

Visa applicants, especially those from India and China, are experiencing visa issuance delays (221g or administrative processing delays). These delays are expected to continue and increase during the summer due to the larger number of F-1 and J-1 visa applications. If you plan to travel outside the USA this summer, and will need a visa stamp before returning to the USA, please plan your travel carefully and anticipate that visa issuance may take longer than usual. Remember to contact IES at least two week prior to your travel and complete the Travel Packet Request questionnaire. IES can be reached at IES@ttuhsc.edu.

State Department Proposes New Data Collection Form for Certain Visa Applicants

The State Department has proposed and asked for "emergency approval" of a new form (DS-5535) to collect additional information from visa applicants "who have been determined to warrant additional scrutiny in connection with terrorism or other national security-related visa ineligibilities." The text of the State Department request is at <https://www.regulations.gov/document?D=DOS-2017-0019-0001>.

If the request is granted, the State Department would collect:

- Travel history during the last fifteen years, including source of funding for travel;
- Address history during the last fifteen years;
- Employment history during the last fifteen years;
- All passport numbers and country of issuance held by the applicant;
- Names and dates of birth for all siblings;
- Name and dates of birth for all children;
- Names and dates of birth for all current and former spouses, or civil or domestic partners;
- Social media platforms and identifiers, also known as handles, used during the last five years; and
- Phone numbers and email addresses used during the last five years.

IES will provide an update if this new process is implemented.

Department of Homeland Security (USCIS, CBP and ICE) Updates

Cap-Subject H-1B Season Has Ended; TTUHSC is a Cap-Exempt Employer

Please remember that TTUHSC, like all US colleges and universities, is an H-1B cap-exempt employer. This means that the April rush to get one of the 85,000 H-1B slots available each fiscal year, does not apply to TTUHSC. TTUHSC can file an H-1B petition at any time. Also, if you are working at TTUHSC and want to concurrently work for an H-1B cap-subject employer, you may do so because the cap issues do not apply to

you. The cap-subject employer will need to file an H-1B petition, however. Also, be sure to complete the TTUHSC Conflict of Commitment form.

- **H-1B Premium Processing Suspension Affects TTUHSC**

The temporary suspension of H-1B premium processing continues. The suspension affects all H-1B employers and includes institutions of higher education and state government agencies. The suspension took effect on April 3, 2017 and is expected to last for six months. IES identified all employees affected by the suspension and filed a number of H-1B petitions before the suspension took effect. If you believe the premium processing suspension will affect your employment at TTUHSC or have general questions, please contact IES at IES@ttuhsc.edu.

H-B petitions filed since the premium processing suspension are being approved within 30 - 45 days. IES will request an expedited processing waiver if circumstances warrant the request.

- **Entry Level Computer Programmer Positions No Longer H-1B Eligible**

On April 3, 2017 USCIS announced that entry level computer programmer positions are no longer eligible for H-1B “specialty occupation” classification. The reasoning is that entry-level positions do not require a bachelor’s degree and the job duties can be completed by persons with a lower degree or on-the-job experience. Human Resources is working now to identify positions that will be affected by this change in policy and will contact departments and international employees to discuss visa options. If you believe your position may be affected by this change, please contact IES at IES@ttuhsc.edu.

- **IES Reminders & Updates**

- **Traveling?** Remember to email IES at IES@ttuhsc.edu and request a Travel Packet. IES will provide you with the original approval notice (except for EAD employees) and an Employment Verification Letter that satisfies US consulate visa issuance and Customs & Border Protection (CBP) admission requirements. The Travel Packet also has information about applying for a visa stamp; administrative delays and IES assistance with consulate and CBP issues. All IES Questionnaires will soon be available on our website at <http://www.ttuhsc.edu/hr/IES.aspx>.