Quick Guide to Immigration Issues on Campus - 2019

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This document summarizes key immigration issues to understand and follow this year. More details on each point are in the links.

**Students**

- **The USCIS Unlawful Presence Memo**, which made a myriad of student visa violations retroactive, is on hold by injunction, thanks in part to a 2018 *amicus* brief signed by over 60 schools.
- A court challenge threatens student work authorization (OPT). Schools are invited to join an *amicus* brief. ICE has started STEM OPT site visits.
- Discretionary visa denials are on the rise, especially Middle Eastern students over the past few months at airports and consulates.
- The Supreme Court upheld the travel ban, and it could be expanded to other countries.
- Court challenges are temporarily keeping discretionary programs such as DACA and TPS alive. The Supreme Court will likely rule on DACA next spring. Schools are invited to join an *amicus* brief on DACA.
- The **Dream and Promise Act** has passed the House, but is not moving in the Senate.
- A new “public charge” regulation is discouraging foreign nationals from accessing government programs.

**Scholars and Professors**

- **H-1Bs are being scrutinized**, particularly where the job does not require a specific degree.
- **Security checks** are delaying scientists and engineers, especially from China, Russia and the Middle East.
- Some **spouses of H-1B visa holders** may lose their ability to work later this year.

**Overall Recommendations**

- Address mental health consequences of immigration policy. Consider adding counseling resources to visa law presentations to help overcome cultural barriers.
- Be ready for more scrutiny as part of the President’s “Extreme Vetting” and “Buy American/Hire American” executive orders. This means longer processing times for everything from student work cards to visa interviews to green cards.
- Have clear point people on campus - there are many rumors swirling around.
- Collect campus data to support advocacy at the state (e.g. drivers licenses, NJ schools letter,) and federal levels (e.g., StartUp Act to help entrepreneurs, Believe Act to reform employment-based immigration, House Fairness bill a start for reform, but some flaws).
- Support continuing education and government liaison efforts of international advisers. With new leadership at various agencies, immigration will likely continue to get more challenging.