

INTERNATIONAL TRAVEL &
U.S. IMMIGRATION
TUFTS UNIVERSITY

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Disclaimer

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Immigration law is complex and nuanced. This presentation provides information in general terms. Therefore, please seek individualized guidance from a competent professional before taking any action.

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Immigration Government Agencies



U.S. Department of State (DOS)

Department of Homeland Security (DHS)

US Citizenship & Immigration Services (CIS)

Customs & Border Protection (CBP)

Immigration Customs Enforcement (ICE)

Department of Justice (DOJ)

Department of Labor (DOL)

Common Temporary Visa Categories at Post-Secondary Institutions -- Students & Professionals

J-1: Exchange visitors

F-1: Students

H-1B: Specialty occupation professionals

TN: Canadian & Mexican professionals

O-1: Persons of extraordinary ability

E-3: Australian professionals

H-1B1: Chilean and Singaporean professionals

Travel Planning



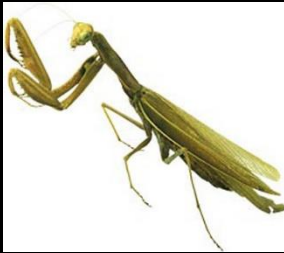
- Process
- Nonimmigrant Visa Application vs. Change of Status
- Review U.S. Embassy Website
- DS-160
- Organize Evidence
- The Interview
- Post-visa Issuance

U.S. Nonimmigrant Visa Denials



- Refusal under section 214(b)
- Not qualified finding per section 221(g)
- Inadmissible under section 212
- Presumption of Intending Immigrant
- Student Requirements
- Reapply
- Alternative Actions

Delays in U.S. Visa Issuance



- “Necessary Administrative Processing” – INA 221(g)
- “Further Consultation”
- Security Advisory Opinion (SAO)
- Database “Hit”
- Technology Alert List (TAL)

How Long?



- 60 days...
- How to Contact the Consular Post
- 30 days...
- More follow-ups...
- Going Congressional Route
- Trends

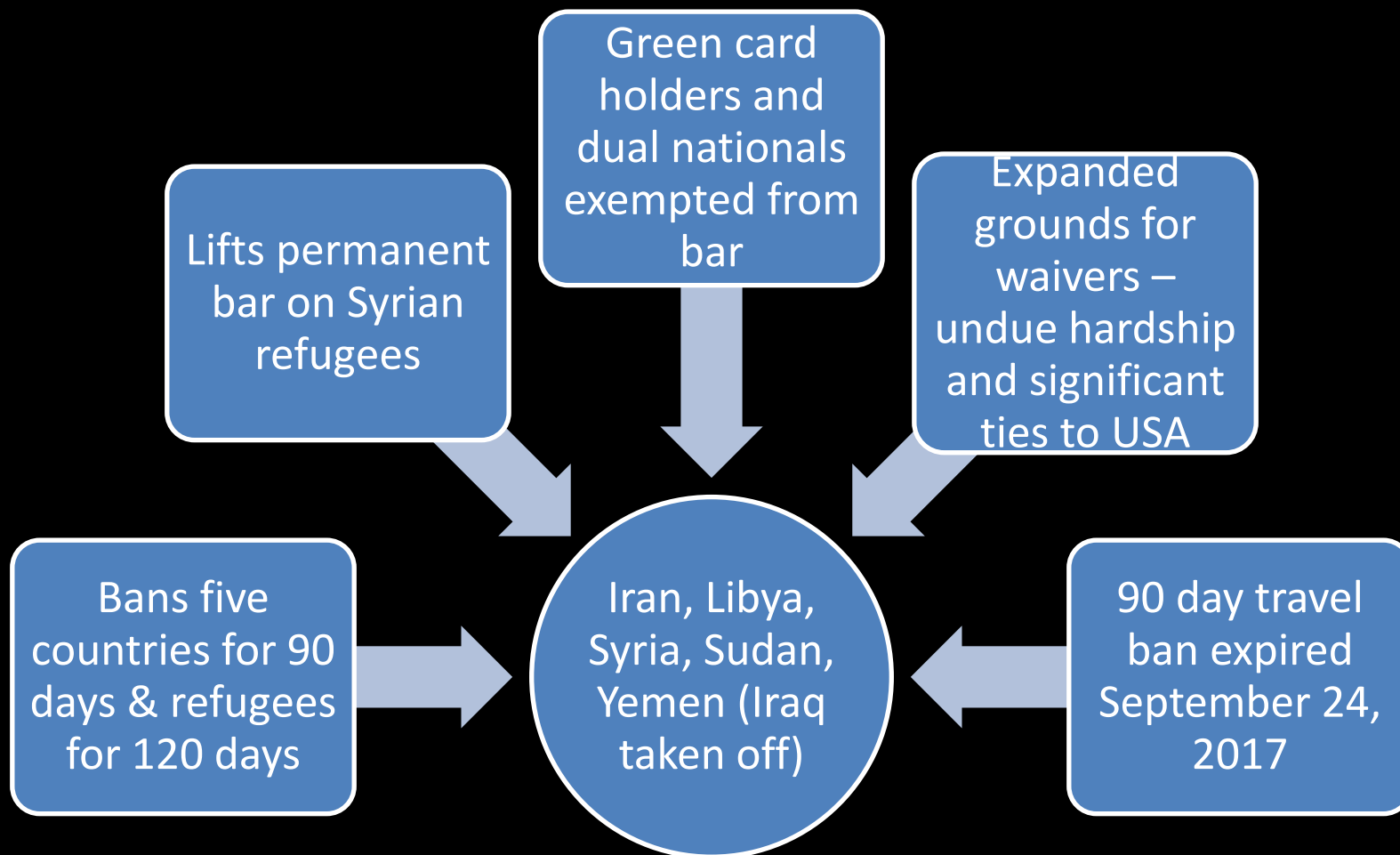
Prelude to Travel Ban 3.0



- Travel Ban 1.0 – January 27, 2017
 - Barred entry of all foreign nationals from Iran, Iraq, Libya, Sudan, Syria and Yemen
 - Suspended Refugee admission for 120 days
 - Barred refugees from Syria indefinitely
 - Excepts those fleeing religious persecution as minority religion
- Federal District Court in Washington state blocks implementation
- Injunction applied nation wide
- Injunction upheld by 9th Circuit Court of Appeals

Travel Ban 2.0

President called it a “watered down version” of Travel Ban 1.0



Travel Ban 2.0 Litigation



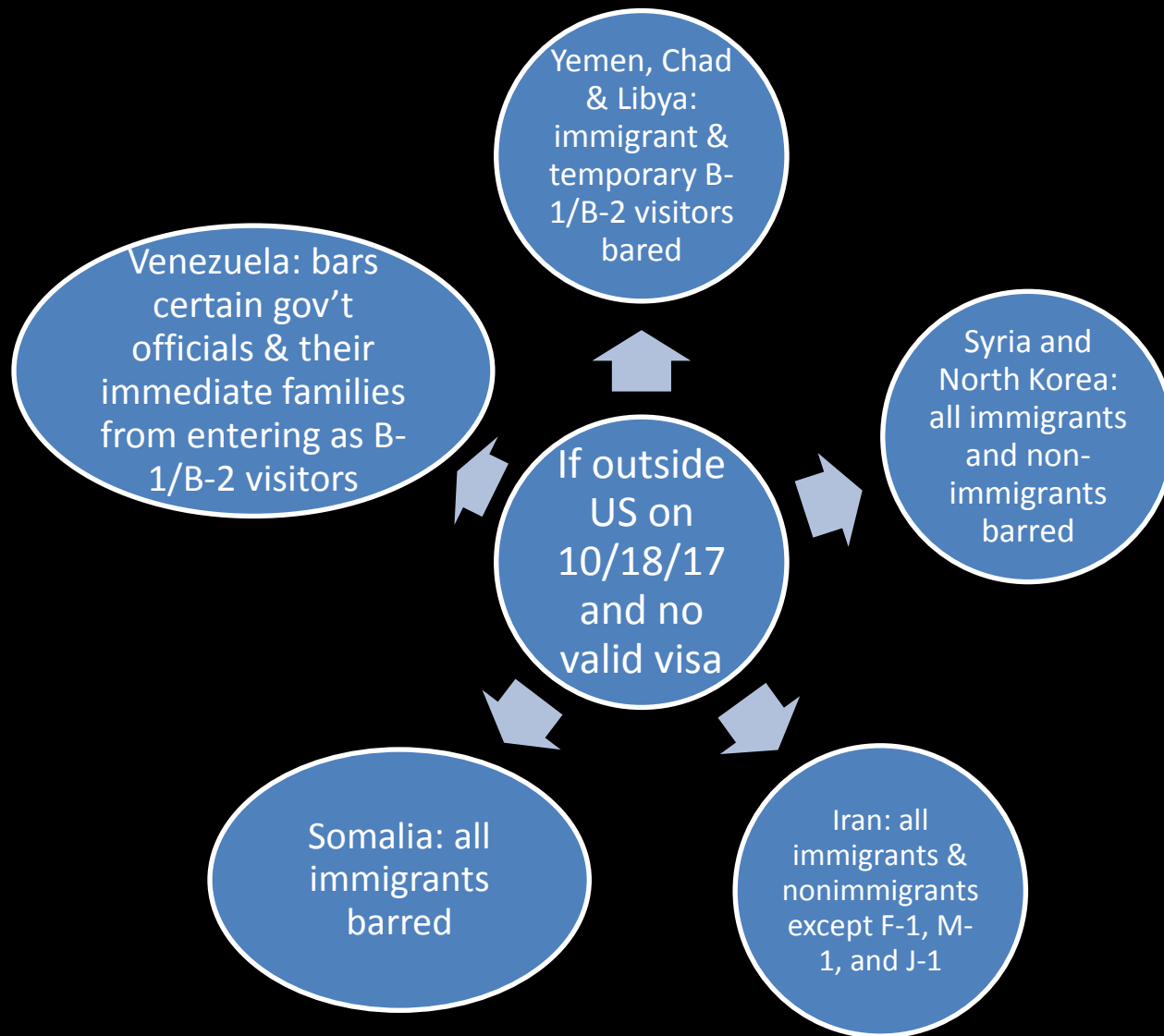
Federal District Courts, HI & MD block most aspects of Travel Ban 2.0--9th and 4th Circuits affirm

Gov't appeals to U.S. Supreme Court

In June Supreme Court allows Travel Ban 2.0 except to those with "bona fide" relationship to U.S. person or entity

Travel Ban 2.0 expired on September 24

Travel Ban 3.0 Announced Sept. 24



Travel Ban 3.0 Litigation



- Supreme Court dismisses Ban 2.0 cases as moot
- Nullifies 4th Circuit's decision finding that Travel Ban 2.0 violated the 1st Amendment's Establishment Clause
- Courts in Hawaii and Maryland block Travel Ban 3.0 except as to North Korea and Venezuela
- 9th Circuit overrules and allows Travel Ban 3.0 to go into effect except as to those with a bona fide relationship with a U.S. person or entity
- Oral arguments this week in 9th and 4th
- Gov't petitions U.S. Supreme Court for full implementation of Travel Ban 3.0

Summary

- Travel Ban 3.0 in effect unless applicant has bona fide relationship to U.S. person
 - Close Family Relationships: Includes cousins and grandparents, etc.
 - Employment Relationships
- Litigation pending before U.S. Supreme Court
- Refugee ban expired on October 24, new Presidential Proclamation allowed resumption of refugee admissions with additional vetting

Current Immigration Landscape

- CBP searches of electronic devices
- DOS update to Foreign Affairs Manual may increase consular officers' finding of fraud or misrepresentation based on visa holders' activities within 90-days of entering the U.S.
- Buy American, Hire American Executive Order
- Increased requests for evidence for all types of petitions
- Interviews of employment based green card applicants
- DACA Rescission
- TPS Designation changes for Haiti, Nicaragua, Sudan