



IMMIGRATION UPDATES

RECENT POLICY CHANGES

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GENERAL INFORMATION

- Please note that this presentation is for general information purposes only
- Immigration law is nuanced and case specific
- For individual questions please contact Tufts International Center (InternationalCenter@tufts.edu) or your student/ scholar advisor

THE TRAVEL BAN

RECENT SUPREME COURT DECISION

- On June 26 SCOTUS upheld President Trump's "travel ban"
- Travel Ban 1.0 announced January 27, 2017
- Travel Ban 2.0 announced in response to the injunctions approved on first version
 - 90 day limited ban set to expire September 24, 2017
- Travel Ban 3.0 announced September 24, 2017
 - SCOTUS recently ruled the travel restrictions as constitutional
 - Travel Ban 3.0 currently in place
 - Indefinite duration

FINAL VERSION OF TRAVEL BAN 3.0

- Travel Restrictions applied to the following countries:
 - Chad (No B1/B2 visas/ No immigrant visas)
 - Iran (No nonimmigrant visas except F, M, J/ No immigrant visas)
 - Libya (No B1/B2 visas/ No immigrant visas)
 - North Korea (No nonimmigrant visas/ No immigrant visas)
 - Somalia (No immigrant visas)
 - Syria (No nonimmigrant visas/ No immigrant visas)
 - Venezuela (No B1/B2 visas for certain government agency officials and their immediate family members)
 - Yemen (No B1/B2 visas/ No immigrant visas)
- Previously allowed for exception for nationals with “bona fide relationships” with people or businesses in the US. No longer in place

VISA CATEGORIES

- Nonimmigrant visas:
 - B1/B2 Tourist (observers, visitors, conference attendees)
 - F-1 Student (full time international students)
 - J-1 Exchange Visitor (researchers, postdocs, clinical residents)
 - Temporary Employment Visas- H1B, E-3, TN, O-1 (temporary employees such as medical residents, professors, researchers, staff)
- Immigrant Visas:
 - Greencards whether through family sponsorship, employer sponsorship, self-petition

EXCEPTIONS/WAIVERS

- The travel ban does not apply to:
 - Any nationals currently physically present in the US
 - Permanent residents
 - Dual nationals when traveling on a passport issued by a non-designated country
 - Any national who has been granted asylum, admitted as a refugee
- Waivers may be available on a case-by case basis when in the national interest, when entry would not threaten national security or public safety, and when denial would cause undue hardship.

WHAT DOES THIS MEAN?

- Travel ban only applies to visa ISSUANCE meaning that:
 - Current valid visas or valid travel document will not be revoked
 - Nationals from the 8 countries currently in the US are not subjected to these changes
 - Nationals with valid visas can travel in and out of the US with their visa (*ALWAYS contact IC before traveling)
 - Nationals with expiring visas may face difficulty renewing their visas (still unclear)
 - *Remember, it is not the dates on the visa that determine whether you are in valid status in the US or not. That is determined by your I-20/ DS-2019/ I-94

CHANGES TO UNLAWFUL PRESENCE POLICY

SOME IMMIGRATION TERMS

- Non Immigrant Visa: Permission to enter the US. Stamped in passport. Visas do not have to be valid for your entire stay in the US- consider it like an entry ticket
- I-20/DS-2019/I-797: The document indicating your authorized period of study/research/employment
- I-94 Document: Arrival/ Departure Record. The date on the I-94 card indicate how long your status is valid



U.S. Customs and Border Protection

Securing America's Borders

OMB No. 1651-0111
Expiration Date: 09/30/2015

Get I-94 Information

I-94 FAQ

Most Recent I-94

Admission (I-94) Record Number: 12345678910

Print

Most Recent Date of Entry: 2015 May 2

Class of Admission: H1B

Admit Until Date: 07/31/2017

Details provided on the I-94 Information form:

Last/Surname: Face

First (Given) Name: Smiley

Birth Date: 1971 April 1

Passport Number: XX123456

Country of Issuance: Canada

Get Travel History

► Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

► If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

► Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

SAMPLE I-94 WITH END DATE



SAMPLE

Most Recent I-94

Admission (I-94) Record Number : 12345678910

Most Recent Date of Entry: 2018 March 19

Class of Admission : F1

Admit Until Date : D/S

Details provided on the I-94 Information form:

Last/Surname : SMITH

First (Given) Name : JOHN

Birth Date : 1992 February 18

Passport Number : E12345678

Country of Issuance : Singapore

[Get Travel History](#)

► Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

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OMB No. 1551-0111
Expiration Date: 03/31/2018

I-94 SAMPLE WITH DS

WHAT IS UNLAWFUL PRESENCE?

- Unlawful presence is the period of time spent in the US after the expiration of authorized stay
- This authorized stay is indicated on the I-94
- In the past, F-1 and J-1 visa holders could never accrue unlawful presence since the I-94 did not have an end date but a D/S. This meant that after the program ended and grace period expired, if still in the US they were without status but did not accrue any time as unlawfully present.

WHY DOES THIS DISTINCTION EVEN MATTER?

- Individuals who have accrued more than 180 days of unlawful presence in the US during a single stay and then depart are subject to bars to admission
 - 3 year bar (180- 364 days of unlawful presence)
 - 10 year bar (365 days or more of unlawful presence)
 - Permanent bar
- Those subject to the bars are generally not eligible to apply for a visa, for admission to the US, or to adjust status to permanent residence unless they are eligible for a waiver of inadmissibility or another form of relief

AUGUST 9, 2018

- On August 9, 2018 the new unlawful presence policy will be implemented
- **The change:** F-1, J-1, M-1 status holders and their dependents will be subject to the unlawful presence policy
- **Meaning:** despite the I-94 being marked as D/S ALL NONIMMIGRANTS, including F, J, M who fail to maintain their status will begin to accrue unlawful presence

FAILING TO MAINTAIN STATUS

- Unlawful presence begins to accrue on the earliest of any of the following:
 - The day after the individual no longer pursues the course of study or authorized activity
 - Example: Student drops out of school, does not depart US
 - One day after engaging in unauthorized activity
 - Example: Exchange visitor works for non-authorized program
 - Day after completing course of study or program, including authorized grace period
 - Example: Grace period ended and student did not apply for OPT
 - Day after the I-94 expires
 - The day after an immigration judge orders you excluded, deported, or removed (whether or not decision is appealed)

IMPORTANT TO KEEP IN MIND

- Communicate with your advisor/IC
 - Inform them of any changes to your program dates, duties
 - OPT employment changes must be reported within 10 days
 - ARO/DSO have 21 days to report changes in SEVIS so timeliness is KEY
- You still have your authorized grace period. Unlawful presence will not accrue until one day after the last day of your grace period if you are not the beneficiary of another visa status
- Pending adjustment of status applications can prevent accruing unlawful presence (if timely filed)
- Pending change of status application can prevent accruing unlawful presence (if timely filed)

WHAT IS NEXT?

- Similar to the policies surrounding the travel ban, we can expect that this unlawful presence policy will be challenged in the courts
- Argument that the policy is vague and unclear as to when an F-I, J-I can be out of status. Minor or technical errors can have very severe consequences
- QUESTIONS?