

Quick Guide to Immigration Issues on Campus - 2020

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This document summarizes key immigration issues to understand and follow this year.

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. The *amicus* was an experiment in national litigation on immigration.
- A court challenge threatens [student work authorization \(OPT\)](#). Over 150 schools have joined an [amicus brief](#). ICE has started [STEM OPT site visits](#), and now [requires more evidence of the relationship to the student's major](#).
- [Discretionary visa denials](#) are on the rise, especially Middle Eastern students [at airports and consulates](#). [Searches of electronics](#) have been [limited through court action](#), but [social media screening continues](#).
- The Supreme Court upheld the [travel ban](#), and it could be expanded to other countries. There is a [bill in Congress to address this](#).
- Court challenges are temporarily keeping [discretionary programs](#) such as DACA and TPS alive. The [Supreme Court will likely rule on DACA](#) in the spring or early summer. Schools have joined 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. [The rule has been paused by injunction](#).

Scholars and Professors

- [H-1Bs are being scrutinized](#), particularly where the job does not require a specific degree.
- [Security checks](#) are causing delays, especially from China, Russia and the Middle East.
- Some [spouses of H-1B visa holders](#) may lose their ability to work some time next year.

Overall Recommendations

- Address mental health consequences of immigration policy. Consider adding counseling resources to visa law presentations.
- Be ready for more scrutiny from 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 to field questions - 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, [new bill to address severe green card backlogs](#)).
- Support continuing education and government liaison efforts of international advisers. With new leadership at various agencies, immigration will likely continue to get more challenging.