

# Quick Guide to Immigration Issues on Campus - Updated June, 2020

[Dan Berger](#) and [Stephen Yale-Loehr](#)

This document summarizes key immigration issues to understand and follow.

## Students

- [The USCIS Unlawful Presence Memo](#), which made a myriad of student visa violations retroactive, was struck down by a federal court, thanks in part to a 2018 *amicus* brief signed by over 60 schools.
- [COVID-19 travel restrictions](#), closures of consulates, and delayed change of status (I-539) applications mean that many new students are not sure if they will make it to class on time this fall.
- 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](#). [USCIS is reportedly planning broad restrictions on OPT](#). [Advocacy is needed](#).
- [Discretionary visa denials](#) are on the rise, especially for 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 [has been 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](#) later this month. 165 schools signed an [amicus brief on DACA](#).
- The [Dream and Promise Act](#) has passed the House, but is not moving in the Senate. A Department of Education [interim final rule](#) would ban colleges from granting coronavirus relief funds to international students and (DACA) recipients.
- A [“public charge” regulation](#) took effect February 24, and is discouraging foreign nationals from accessing government programs.
- Courts have [temporarily blocked](#) an [executive order](#) requiring new immigrants to have health insurance.

## Scholars and Professors

- [H-1Bs are being scrutinized](#), particularly where the job does not require a specific degree, but [litigation has helped temper this trend](#).
- [Security checks](#) are causing delays, especially from China, Russia, and the Middle East.
- The government may propose a rule to cause [spouses of H-1B visa holders](#) to lose their ability to work.
- There has been [one Presidential Proclamation slightly limiting green card interviews abroad during COVID-19](#), and [another is expected on temporary visas](#). [Green cards in general seem to be stalled](#), except for healthcare workers.

## 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

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[student work cards](#) to visa interviews to [green cards](#).

- Have clear point people on campus to field questions. Many unfounded rumors exist.
- 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 continued leadership changes at various agencies, immigration will likely continue to get more challenging.