



The Executive Order on Immigration

Practical Implications for International Students
and Scholars

ISSS, University of Connecticut

What this session covers:

Details of the executive order

New developments

Questions for the future

Impact on travel plans

USCIS benefits

What to do if your status will soon expire

Your privacy and records

Resources

This session will not cover:

The impact of the EO on Syrian refugees and the U.S. refugee program

Larger, ethical questions related to the EO

U.S. government and legal system

[http://www.nafsa.org/Professional Resources/Browse by Interest/International Students and Scholars/Practical Immigration Concepts in a Time of Change/](http://www.nafsa.org/Professional_Resources/Browse_by_Interest/International_Students_and_Scholars/Practical_Immigration_Concepts_in_a_Time_of_Change/)

Details of the Order

“Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States”

Signed on Friday, January 27th

Developments since going into effect:

Local temporary protection orders that applied to specific airports and protected detained individuals

Friday, February 3rd

Washington state judge ordered a halt to certain sections of the executive order
3(c), 5(a), 5(b), 5(c), and 5(e)

Department of Justice filed an appeal, appeal was turned down

At this time: Parts of EO remain suspended

Details of the Order

Sec. 3. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. (a) **The Secretary of Homeland Security**, in consultation with the Secretary of State and the Director of National Intelligence, **shall immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.**

Details of the Order

3 (b) **The Secretary of Homeland Security**, in consultation with the Secretary of State and the Director of National Intelligence, **shall submit to the President a report on the results of the review described in subsection (a)** of this section, **including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order.** The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

Details of the Order

3 (d) **Immediately upon receipt of the report** described in subsection (b) of this section regarding the information needed for adjudications, **the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.**

Details of the Order

3 (e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas) from countries that do not provide the information requested pursuant to subsection (d) of this section until compliance occurs.

During this review process:

3 (c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), **I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order** (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

Which countries does this include?

Iran, Iraq, Syria, Libya, Somalia, Sudan and
Yemen

What is **section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12)**?

Regulations on Visa Waiver Program

Identified as countries of concern

May not be eligible to participate in VWP if you visited any of these countries

Implementing Uniform Screening Standards

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall **implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission.** This program will include **the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.**

Changes to Visa Interview Waiver Program

Sec. 8. Visa Interview Security. (a) **The Secretary of State shall immediately suspend the Visa Interview Waiver Program** and ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that **all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.**

Visa Validity Reciprocity

Sec. 9. Visa Validity Reciprocity. **The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If a country does not treat United States nationals seeking nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country, to the extent practicable.**

What does this all mean?

Impact on citizens of Iran, Iraq, Libya, Syria, Somalia, Sudan and Yemen

Currently suspended

During 90 day period, U.S. visa will not be issued.

During 90 day period, you will not be permitted entry to the U.S. (unless you qualify for an exception)

U.S. Department of State guidance:

<https://travel.state.gov/content/visas/en/news/executive-order-on-protecting-the-nation-from-terrorist-attacks-by-foreign-nationals.html>

Impact on citizens of Iran, Iraq, Libya, Syria, Somalia, Sudan and Yemen

Currently suspended

Unexpired visas are provisionally revoked

Unclear when/if visa validity will be reinstated

You might receive an email or letter notifying of visa revocation, you might now.

If visas are reinstated, may be reused if not physically cancelled.

If physically cancelled, cannot be reused.

Impact of suspension

- Foreign nationals of the seven designated countries may now be issued visas and seek entry to the U.S. under the same terms before the order.
- All visas that were provisionally revoked have been reinstated, unless they were physically cancelled by a U.S. official (CBP, Consular Officer)
- DOJ actively pursuing appeal.

What if you **must** travel, and you are from a designated country?

Consult with an immigration attorney on the risks of travel during the 90 day travel ban.

Consult with an immigration attorney with any questions about whether your country of nationality, country of birth, country of residence, or travel history will make you subject to the EO.

Consult with academic advisor to see if academic work can be completed overseas.

Legal Status During This Time

The Executive Order **does not** call for deportation of nonimmigrants and immigrants who are here.

You **do not** have to leave the United States, even if you are from a designated country, based on this Executive Order.

Visa ≠ status

What about other **student** visa benefits?

International students from the 7 designated countries can still:

- Work on campus incidental to status (up to 20 hours per week)

- Participate in Curricular Practical Training

International students/scholars from 7 designated countries can still:

- Extend their program

- Transfer to another school/program

USCIS benefits for designated countries

USCIS has indicated they will continue to adjudicate applications.

OPT, Change of Status, Adjustment of Status applications, etc.

<https://www.uscis.gov/news/alerts/uscis-implementation-jan-27-executive-order>

Possible impacts on travel for ALL international students and scholars

ALL international students and scholars should anticipate longer visa processing times and appointment wait times.

<https://travel.state.gov/content/visas/en/general/wait-times.html/>

Visa Interview Waiver Program will not be an option for your visa renewal.

Expect to interview with U.S. consulate for all visa renewals.

Visa reciprocity review could result in different U.S. visa application fees, duration of validity.

What to watch for, all students:

Increased visits to secondary inspections - this is NOT the same as detainment.

Possible domestic flight security checks

Changes to visa/entry policies (e.g. countries added/taken away from banned list)

Cancellations/revocations of visas

Email from NIV division of U.S. consulate

Report travel problems: <https://www.dhs.gov/dhs-trip>

What can you do?

Allow plenty of time for layovers when traveling (U.S. or international)

Carry all documents in your carry on luggage, including support documents

Plan B - what would you do if your visa is not renewed, or you face visa delays?

Can you finish degree from outside the U.S.?

Follow the news

Remember that CBP can inspect things like cell phones, computers.

Remember that a visa does not guarantee entry to the U.S.

What *don't* we know about the EO?

Will the 90 day period extend beyond 90 days?

Will more countries be added to the list?

What measures will be implemented to improve security measures/screening?

Importance of maintaining status

Update your address within 10 days of moving

Keep your home country address up to date

Study full time, every semester

Scholars: Participate full time in your program activity

Only work with legal authorization

Follow all rules for extension/transfer of program

File your taxes

Keep your passport valid

What if my status will end soon?

Students who are pursuing a full time, educational objective with an F-1 or J-1 student visa may be able to extend their stay without departing the U.S.

Extensions to continue in same degree program must be based on unexpected academic/medical issues. Must be approved before I-20/DS-2019 end date.

Extensions to start a new program after completing a program must be processed within 60 days of completing the first program.

Visiting scholars may extend their exchange programs to continue their exchange objective (up to maximum time allowed).

Host departments must submit extension request at least one month before DS-2019 end date.

Transfer to a new institution may also be possible. See ISSS.

Release of Information

Student records are subject to FERPA

The University can only provide *directory* information on students at the University to outside parties

Directory information does not include country of citizenship or visa status information

Exception: F and J visa holders

The University must provide information on F and J visa holders when asked by **Department of Homeland Security** and **Department of State** upon request

When you sign your Form I-20/DS-2019 you provide approval for the University to release this information to these specific government agencies

F-1 and J-1 Release of Information

STUDENT ATTESTATION

I have read and agreed to comply with the terms and conditions of my admission and those of any extension of stay. I certify that all information provided on this form refers specifically to me and is true and correct to the best of my knowledge. I certify that I seek to enter or remain in the United States temporarily, and solely for the purpose of pursuing a full program of study at the school named above. I also authorize the named school to release any information from my records needed by DHS pursuant to 8 CFR 214.3(g) to determine my nonimmigrant status. **Parent or guardian, and student, must sign if student is under 18.**

X

- 2. EXCHANGE VISITOR CERTIFICATION:** I have read and understand the foregoing, including the Two-Year Home-Country Physical Presence Requirement, and agree to comply with the Exchange Visitor Program regulations, as amended (22 CFR Part 62). I certify that all the information on the Form DS-2019 is true and correct to the best of my knowledge. I agree that I will maintain compliance with the insurance regulations as specified in 22 CFR 62.14, including maintaining health insurance coverage for myself and my J-2 spouse/dependents throughout my J-1 program. **I understand that it is my responsibility to maintain my exchange visitor status.** For the purposes of 20 U.S.C. 1232g and 22 CFR 62, I authorize the U.S. Department of State-designated sponsor and any educational institution named on the Form DS-2019 to release information to the U.S. Department of State relating to compliance with Exchange Visitor Program regulations. Signature of Applicant: The J-1 exchange visitor should sign the J-1 form under Signature of Applicant. The J-2 spouse/dependents should sign the J-2 form under Signature of Applicant unless the J-2 dependent is under the age of 14, in which case the J-1 exchange visitor, as the parent or legal guardian, must sign.

Your SEVIS record includes:

Name, country of birth, citizenship and permanent residence (Js)

Current local and home country address

Program of study

Financial resources

Any special academic or employment authorizations granted to you by ISSS or USCIS

Where your visa was issued, last dates and place of entry/departure

Legal Resources

Immigration Attorneys in CT: <http://iss.uconn.edu/legal-resources/>

CT Bar Association: www.ctbar.org

Connecticut Low Income Assistance: ctlawhelp.org/self-help-guides/immigration

Connecticut Legal Services: expects to have an immigration hotline available for low-income individuals by mid-February: PovertyLaw@ConnLegalServices.org

Connecticut Community Law Center (soon to come)

<https://www.law.uconn.edu/academics/centers/connecticut-community-law-center>

Other Resources

International Student and Scholar Services - issu.uconn.edu

UConn Counseling and Mental Health Services: <http://counseling.uconn.edu/>

UConn Uprising - On Facebook

ACLU of Connecticut: <http://www.acluct.org/>

NAFSA.org:

http://www.nafsa.org/Professional_Resources/Browse_by_Interest/International_Students_and_Scholars/Travel_Advisory_for_Nationals_of_Certain_Countries_Pursuant_to_Executive_Order_13769/

Scholars at Risk: www.scholarsatrisk.org

If you choose to demonstrate:

Do so peacefully, and safely

Know what actions are legal and not legal

If there is violence, leave the demonstration

If you are arrested:

- Consult with an attorney who is versed in both immigration and criminal law

- Notify ISSS if you are on an F or J visa

- F-1 students: If the campus takes disciplinary action, we must report to government via SEVIS

- J-1 visa holders: Arrests must be reported to Department of State

Arrests can have an impact on visa status (but won't always)

Must disclose any arrests on future visa applications

<http://www.acluct.org/updates/know-your-rights/>

Incidents of bias on or off campus

Hate speech and actions are not tolerated at the University of Connecticut and individuals who are victims of hate speech or actions are protected through the Student Code (<http://community.uconn.edu/the-student-code-preamble/>) and Connecticut laws related to discrimination, harassment or intimidation based on bigotry or bias.

If you experience any sentiment or expression of hate or bias based on your international status, culture, religion or nationality on campus:

<http://dos.uconn.edu/bias-incident-protocol/>

How can UConn staff and faculty support international students and visitors?

Attend student-centered events

Invite students/scholars to participate in department activities/U.S. life

Accommodate, when possible, unexpected academic circumstances

Help students to understand all options and resources available to them

<http://www.connectingourworld.org/get-involved/>

What else?

Questions???