

IMMIGRATION NEWS

BREAKING NEWS!!

▪ **DHS Issues Memo Officially Rescinding DAPA**

On June 15, 2017, the US Dept. of Homeland Security, issued a memorandum officially ending the Deferred Action for Parents of Americans and Lawful Permanent Residents (“DAPA”) program. For more information see, <https://www.dhs.gov/news/2017/06/15/rescission-memorandum-providing-deferred-action-parents-americans-and-lawful>.

DAPA was created by Executive Order during the Obama Administration and, therefore, could be ending by Executive Order under the Trump Administration. This was done on June 15th.

Note that the rescission of DAPA does not affect persons who have been granted deferred action under the DACA program. The DACA program has not ended and persons granted DACA benefits or eligible for DACA benefits may continue to pursue benefits under that program.

▪ **Does Your Electronic I-94 Need Corrections?**

Customs and Border Protection (CBP), for the Dallas area (DFW), issued a Public Information Notice (PIN) to announce that the Area Port of Dallas will establish a program to begin accepting requests, via email, to review issues with electronic I-94s that may contain erroneous information. The pilot program began on May 15, 2017 and is available to persons residing in:

Dallas, Texas
San Antonio, Texas
Midland, Texas
Oklahoma City, Oklahoma

Austin, Texas
Lubbock, Texas
Amarillo, Texas
Tulsa, Oklahoma

Please review the CBP-PIN for complete information, the Dallas CBP email address and instructions for submitting a [CBP-Dallas I-94 Correction Request](#)

▪ **Visa Priority Date Retrogression for EB-1 India and China**

The June and July 2017 Visa Bulletins showed a visa priority date retrogression for EB-1 persons born in India and China. The retrogression is expected to last for a few months. I-140 petitions can be filed but I-485 (Adjustment of Status) applications cannot unless the applicant has a visa priority date on or before the date listed in the current Visa Bulletin.

All Visa Bulletins are available at <https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>

IN OTHER NEWS.....

▪ Department of State & Consulate Updates

• **Visa Processing Delays Expected During the Summer Season**

Visa applicants, especially those from India and China, are experiencing visa issuance delays (221g or administrative processing delays). These delays are expected to continue and increase during the summer due to the larger number of F-1 and J-1 visa applications. If you plan to travel outside the USA this summer, and will need a visa stamp before returning to the USA, please plan your travel carefully and anticipate that visa issuance may take longer than usual. Remember to contact IES at least two week prior to your travel and complete the Travel Packet Request questionnaire. IES can be reached at IES@ttuhsc.edu.

• **State Department Proposes New Data Collection Form for Certain Visa Applicants**

The State Department has proposed and asked for "emergency approval" of a new form (DS-5535) to collect additional information from visa applicants "who have been determined to warrant additional scrutiny in connection with terrorism or other national security-related visa ineligibilities." The text of the State Department request is at <https://www.regulations.gov/document?D=DOS-2017-0019-0001>.

If the request is granted, the State Department would collect:

- Travel history during the last fifteen years, including source of funding for travel;
- Address history during the last fifteen years;
- Employment history during the last fifteen years;
- All passport numbers and country of issuance held by the applicant;
- Names and dates of birth for all siblings;
- Name and dates of birth for all children;
- Names and dates of birth for all current and former spouses, or civil or domestic partners;
- Social media platforms and identifiers, also known as handles, used during the last five years; and
- Phone numbers and email addresses used during the last five years.

IES will provide an update if this new process is implemented.

▪ Department of Homeland Security (USCIS, CBP and ICE) Updates

• **Cap-Subject H-1B Season Has Ended; TTUHSC is a Cap-Exempt Employer**

Please remember that TTUHSC, like all US colleges and universities, is an H-1B cap-exempt employer. This means that the April rush to get one of the 85,000 H-1B slots available each fiscal year, does not apply to TTUHSC. TTUHSC can file an H-1B petition at any time. Also, if you are working at TTUHSC and want to concurrently work for an H-1B cap-subject employer, you may do so because the cap issues do not apply to

you. The cap-subject employer will need to file an H-1B petition, however. Also, be sure to complete the TTUHSC Conflict of Commitment form.

- **H-1B Premium Processing Suspension Affects TTUHSC**

The temporary suspension of H-1B premium processing continues. The suspension affects all H-1B employers and includes institutions of higher education and state government agencies. The suspension took effect on April 3, 2017 and is expected to last for six months. IES identified all employees affected by the suspension and filed a number of H-1B petitions before the suspension took effect. If you believe the premium processing suspension will affect your employment at TTUHSC or have general questions, please contact IES at IES@ttuhsc.edu.

H-1B petitions filed since the premium processing suspension are being approved within 30 - 45 days. IES will request an expedited processing waiver if circumstances warrant the request.

- **Entry Level Computer Programmer Positions No Longer H-1B Eligible**

On April 3, 2017 USCIS announced that entry level computer programmer positions are no longer eligible for H-1B "specialty occupation" classification. The reasoning is that entry-level positions do not require a bachelor's degree and the job duties can be completed by persons with a lower degree or on-the-job experience. Human Resources is working now to identify positions that will be affected by this change in policy and will contact departments and international employees to discuss visa options. If you believe your position may be affected by this change, please contact IES at IES@ttuhsc.edu.

- **IES Reminders & Updates**

- **Traveling?** Remember to email IES at IES@ttuhsc.edu and request a Travel Packet. IES will provide you with the original approval notice (except for EAD employees) and an Employment Verification Letter that satisfies US consulate visa issuance and Customs & Border Protection (CBP) admission requirements. The Travel Packet also has information about applying for a visa stamp; administrative delays and IES assistance with consulate and CBP issues. All IES Questionnaires will soon be available on our website at <http://www.ttuhsc.edu/hr/IES.aspx>.