April 3, 2017

Dear UMMS community,

As Immigration, Travel and Law Enforcement continues to be a focus of the White House Administration, the UMMS Immigration Services Office is here to provide current information and guidance. Below is a brief update on recent news as it relates to our Foreign National population. Links to news and resources will continue to be updated on the ISO website.

Litigation on Second Revised Travel Ban
A second Executive Order affecting Travel from six countries was signed on March 6, 2017 and meant to go into effect on March 16, 2017. The countries affected by the 2nd Executive Order (EO) are Iran, Libya, Somalia, Sudan, Syria, and Yemen (Iraq was removed from the original EO). On March 15, 2017 the federal district court of Hawaii issued a temporary restraining order (TRO), followed by a preliminary injunction on March 29, 2017, stopping the enforcement or implementation of Section 2 (90-day travel ban) and Section 6 (120-day ban on U.S. refugee program) of the revised Travel Ban Executive Order. This injunction was applied nationwide; however, other important sections of Executive Order are still in effect.

Parts of the EO still in effect that impact UMMS students, faculty, trainees and employees
- **Indefinite suspension of the Visa Waiver Interview Program** – this means all visa applicants, world-wide, will require an in person interview. Visa renewal without an in-person interview will no longer be available. We should anticipate delays on ALL visa applications for students, employees, and international visitors (visiting professors and researchers).
- **Review of Visa Validity Reciprocity** has not been stopped by court actions. We may see shorter visa stamp validity periods, which will restrict students’, employees’ and faculty’s ability to travel frequently (whether for personal or business reasons). Always check your visa stamp validity dates before traveling outside of the U.S. While a valid visa stamp is not required to stay in the US, it is necessary when traveling to the United States.
- **Implementing Uniform Screening and Vetting Standards for All Immigration Benefits** remains in effect. “All immigration benefits” means, among others, temporary benefits, employment benefits, and permanent residence benefits granted by USCIS. To date, UMass has seen no discernable, negative impact on USCIS domestic adjudication of immigration benefits – i.e. work permits - for 6 travel ban country beneficiaries. However, this may change at any time and there has been no formal statement by DHS/USCIS on how the agency intends to operate in light of the preliminary injunction.
**Additional Agency Action**

**Travel**
Department of State (DOS) communication, updated 03/22/2017 states prior guidance issued on implementation of the revised Travel Ban is “not currently in effect” due to recent court rulings. [https://travel.state.gov/content/travel/en/news/important-announcement.html](https://travel.state.gov/content/travel/en/news/important-announcement.html)

However, over the last two weeks, Department of State Secretary Rex Tillerson issued cables to consulates that offer insight into how the government is implementing President Trump's so-called "extreme vetting" measures for noncitizens entering the United States. Among other things, the cables include

- Detail on increased vetting procedures.
- Instruction about screening of visa applicants who were “ever present in a territory at the time it was controlled by the Islamic State (ISIS).”
- Directive to post not to schedule more than 120 visa interviews per consular adjudicator/per day.

The result is that visa officers will conduct more intensive interviews to determine whether visa applicants are eligible for the immigration category they seek. In addition, officers will have more discretion to order additional security checks beyond the regular background checks that all visa applicants undergo. The new guidelines apply to ALL visa applicants. Longer waits for visa appointments and issuance are likely.


**Ice Detainer Report**

Additionally, per Enhancing Public Safety in the Interior Executive Order signed 01/25/2017, ICE has issued its first report of so-called sanctuary jurisdictions entitled "Declined Detainer Outcome Report". [https://www.ice.gov/declined-detainer-outcome-report](https://www.ice.gov/declined-detainer-outcome-report). See Section III Jurisdictions that have Enacted Policies which Limit Cooperation with ICE, which names Amherst, Boston, Cambridge, Northampton, and Somerville. General Counsel’s Office is continuing to monitor the immigration litigation and agency action.

**Travel Guidance**

We continue to recommend against international travel for non-immigrant visa holders from Iran, Libya, Somalia, Sudan, Syria, and Yemen. US citizens, dual citizens traveling with non-designated country passport, and Legal Permanent Residents originally from these countries may travel. However, visa holders from the affected countries should only travel if absolutely necessary and only if in possession of a valid visa for reentry into the U.S. They should notify ISO in advance of travel plans. In short, current litigation has not modified prior UMass travel guidance which remains highly cautious. Under the
revised Travel Ban EO, the Secretary of State, Attorney General, or Secretary of DHS may, at any time, recommend that additional countries be added or taken off the list of banned countries. While this falls under the Section of the EO that is currently suspended by preliminary injunction - it is also subject to change.

All other foreign nationals may travel, but should expect and plan accordingly for:

- Scheduling an in-person visa interview if a new visa is required
- Delays when applying for new visa stamps
- Increased scrutiny and possible secondary inspection at Ports of Entry

Legal Permanent Residents (LPR)
LPR employees should inform ISO if they intend to be out of the U.S. for 6 months or more so that we may contact the General Counsel’s Office for a review whether immigration re-entry documents are needed. This is particularly critical for Legal Permanent Resident (LPR) faculty members considering sabbatical abroad. Further, UMass employees in LPR status are instructed not to sign the voluntary Form I-407, Record of Abandonment of Lawful Permanent Resident. If asked to sign Form I-407 by Customs and Border Officials, they should deny the request and contact their emergency UMass contact as soon as possible.

Airport Guidance
Travel questions and concerns are increasingly being raised by U.S. Citizens and Legal Permanent residents (LPR). U.S. Citizens should be aware that they may be subject to secondary inspection at airports and ports of entry. We have published *Know Your Rights: What to Do When Encountering Law Enforcement at Airports and Other Ports of Entry.*

Further ALL UMass community members, including US Citizens, should be aware that Ports of Entry – such as Terminal E at Logan - are located on federal property where federal law controls. As such, the federal Controlled Substances Act remains in effect and is actively enforced by CBP who have well-trained drug sniffing dogs. CBP may also search personal electronic devices for evidence that the person has engaged in activities that may constitute a violation of federal law. It is critical to understand that while possession of small doses of marijuana is legal in Massachusetts, possession or admission of possession at border crossings, including airports, may give rise to denial of entry into the U.S. and/or prosecution under federal law, impacting current status and ability to apply for future immigration benefits.

Registering International Travel with UMMS
This is a reminder that all international business travel should be registered with the UMMS Office of Global Health using their *International Travel Registration Form.*

Visa Sponsorship at UMMS
*H1B’s*
As of April 3, 2017, Premium Processing for H1B has been suspended by USCIS. While most critical cases have been filed prior to this date, future needs for Premium Processed H1Bs may not be available. The suspension is expected to last up to 6 months. Regular processed H1Bs may continue to be filed at this time, and are currently taking 10 months to be adjudicated.

GME Residents/Fellows
ECFMG will continue to sponsor eligible J-1 Alien Physicians from all countries, including the 6 countries affected by the Travel Ban. Eligible extensions will be approved, and while travel delays may occur, most new residents and fellows should be able to enter the US and begin their program on July 1. Resources and messages for GME Residents and Fellows are available on the ECFMG website, including a Consular Fact Sheet to take with you when applying for a new visa stamp.

UMMS communications and recommendations:
ISO News Website is being kept up to date with information regarding Executive Orders, travel guidance, domestic guidance and articles regarding the rights and responsibilities of visa holders while in the United States. Examples include:

- **Reminder about Document Retention:** All non-immigrant visa holders and legal permanent residents in the U.S. should carry originals or clear copies of their legal authorization to be in the U.S. at all times. This includes copies of identifying page of their passports, electronic I-94 documents permanent resident card (green card), employment authorization cards (EAD), or approved I-797 USCIS notices. We do NOT recommend carrying copies of expired visa stamps, as they may cause confusion to officers unfamiliar with immigration documents. Read Know your Immigration Obligations: [https://www.fragomen.com/knowledge-center/immigration-alerts/your-immigration-obligations-guidance-foreign-nationals-united](https://www.fragomen.com/knowledge-center/immigration-alerts/your-immigration-obligations-guidance-foreign-nationals-united)

- **Know Your Rights:** What To Do When Encountering Law Enforcement at Airports and Other Ports of Entry: [https://www.aclu.org/blog/free-future/can-border-agents-search-your-electronic-devices-itscomplicated](https://www.aclu.org/blog/free-future/can-border-agentssearch-your-electronic-devices-its-complicated)


- **Know Your Rights:** What To Do If Stopped by Police, Immigration Agents, or the FBI: [https://www.aclu.org/know-your-rights/what-do-if-youre-stopped-police-immigration-agents-or-fbi](https://www.aclu.org/know-your-rights/what-do-if-youre-stopped-police-immigration-agents-or-fbi)