

Important Immigration News and Updates

July 13, 2018 - [USCIS Updates Policy Guidance for Certain Requests for Evidence and Notices of Intent to Deny.](#)

U.S. Citizenship and Immigration Services (USCIS) posted a [policy memorandum \(PDF, 113 KB\)](#) (PM) that provides guidance to USCIS adjudicators regarding their discretion to deny an application, petition, or request without first issuing a Request for Evidence (RFE) or Notice of Intent to Deny (NOID) when required initial evidence was not submitted or the evidence of record fails to establish eligibility.

The new RFE-NOID policy will be effective for all applications and petitions filed on and after September 11, 2018.

According to the USCIS, this memo is intended to discourage frivolous or substantially incomplete filings and encourage applicants, petitioners, and requesters to be diligent in collecting and submitting required evidence. By discouraging frivolous and placeholder filings and encouraging more complete applications, USCIS believes this policy may improve its ability to efficiently process applications and petitions.

<https://www.uscis.gov/news/news-releases/uscis-updates-policy-guidance-certain-requests-evidence-and-notices-intent-deny>

https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/AFM_10_Standards_for_RFEs_and_NOIDs_FINAL2.pdf

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

June 28, 2018- [USCIS Expands Policy on Initiating Removal Proceedings](#)

A June 28, 2018, [USCIS NTA policy memorandum](#) expands the conditions under which USCIS will issue a Notice to Appear (NTA), the document that initiates removal (deportation) proceedings, to now include situations "where, upon issuance of an unfavorable decision on an application, petition, or benefit request, the alien is not lawfully present in the United States." This policy is to be implemented within 30 days of the June 28, 2018 Policy Memorandum.

Under the new policy, USCIS can issue an NTA after denying an application for an immigration benefit only if on the date of the denial the applicant is out of status. Removal proceedings are conducted by an immigration judge in an immigration court, where DHS is represented by an ICE trial attorney, and the noncitizen, referred to as the "respondent," can (and should) be represented by legal counsel as well. Regular removal proceedings (deportation) are initiated when DHS files a "Notice to Appear" (NTA) with the immigration court, after having served the NTA on the respondent. USCIS, ICE, and CBP all have legal authority to issue NTAs. The June 28, 2018 USCIS memo deals only with USCIS policy on issuing NTAs.

***** On July 30, 2018, [USCIS postponed implementation](#) of the new NTA policy until they issue operational guidance.** The Office of International Students will monitor the policy and provide updates as they become available.

June 26, 2018- US Supreme Court Upholds Travel Ban 3.0

In a 5-4 decision, the [U.S. Supreme Court](#) upheld the current version of the travel ban, which restricts individuals from certain countries from entering the United States. The affected countries are Libya, North Korea, Syria, Venezuela, Yemen, Iran and Somalia. [The travel restrictions](#) differ from country to country. Please read the September 24, 2017 [Presidential Proclamation](#) for further details.

May 31, 2018 - Revised Form I-765 required as of 09/17/2018 for all OPT and STEM OPT applications.

A new edition of Form I-765, Application for Employment Authorization, and Form I-765 instructions, are available on the USCIS web site at www.uscis.gov/i-765. The latest Form I-765 has an edition date of 05/31/18. **Starting 09/17/18, USCIS will accept only the 05/31/18 edition.** The Form I-765 fee has not changed.

May 18, 2018 - [Automatic Termination of Optional Practical Training for F-1 Students If They Transfer to a Different School or Begin Study at Another Educational Level](#)

USCIS reminds F-1 students on Optional Practical Training (OPT) that transferring to another school or beginning study at another educational level (for example, beginning a master's program after completing a bachelor's degree) automatically terminates their OPT as well as their corresponding employment authorization document (EAD). Although authorization to engage in OPT ends upon transferring to a different school or changing educational level, students in F-1 status will not be otherwise affected as long as they comply with all requirements for maintaining their student status. These requirements include not working with a terminated EAD, because termination means that students are no longer authorized to work in the United States.

May 11, 2018 – [USCIS Proposal to Change Policy on Accrual of Unlawful Presence for F-1 and J-1 Non-Immigrant Students.](#)

On May 11, 2018, U.S. Citizenship and Immigration Services (USCIS) posted a [policy memorandum \(PDF, 179 KB\)](#) changing how the agency will calculate unlawful presence for students and exchange visitors in F or J nonimmigrant status, including F-2 or J-2 dependents, who fail to maintain their status in the United States. Under the new policy, scheduled to take effect on [August 9, 2018](#), F and J visa holders admitted to the U.S. for duration of status (D/S) will start accruing unlawful presence when they fail to maintain their legal status, regardless of whether there is a formal determination to that effect. This policy changes how an immigration status violation might lead to a finding that an F or J nonimmigrant

should be subject to the 3- or 10-year reentry bar provisions of [INA 212\(a\)\(9\)\(B\)](#). This policy change has not yet gone into effect. **This policy is set to go in effect on August 9, 2018.** The Office of International Students will continue to monitor this new policy change and provide updates as they become available.

January 24, 2018 – USCIS Update on the Employer-Employee Relationship and Restricts Third Party Placement for STEM OPT Students.

The USCIS revised its STEM OPT page on its website to add content with a strict interpretation of the bonafide employer-employee relationship and restricting third party placements for students authorized with STEM OPT. Please read the [revised USCIS STEM OPT page](#) for further details regarding the specific types of employment that qualify for STEM OPT.

Additional Resources: [USCIS Tightens Language on Employer-Employee Relations and Third Party Placement for STEM OPT Students.](#)