

TRENDS IN IMMIGRATION LAW IN HIGHER EDUCATION

**AICUM Fall Symposium 2013
at The College Of The Holy Cross
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TODAY'S AGENDA

- NEW STUDENT & EXCHANGE VISITOR PROGRAM (SEVP) GUIDANCE
- New Legislation and Regulations
- Site Visits & Other Compliance Issues
- Backlogs in Employment Based Permanent Resident Visa Processing
- H-1B Quota Exemptions for Jobs and Businesses “at” Your Campus

NEW STUDENT & EXCHANGE VISITOR PROGRAM (SEVP) GUIDANCE

- SEVP GUIDANCE ON OTHER INSTRUCTIONAL SITES

- SEVP DRAFT GUIDANCE ON CONDITIONAL ADMISSIONS & BRIDGE PROGRAMS

SITE VISITS & OTHER ENFORCEMENT ISSUES

- ◉ Law Enforcement Players: ICE, FBI, DOL, Campus Police
- ◉ Increase in complexity and number of H-1B site visits
- ◉ Institutional co-ordination of response to visit is crucial

NEW LEGAL DEVELOPMENTS

- Comprehensive Immigration Reform (CIR) (stalled/pending)
 - House Democrats released a new plan yesterday
 - Consensus in D.C.—CIR must pass this year otherwise no action until 2015
- DACA (DREAM PROGRAM) Deferred Action for Childhood Arrivals (in effect)
- Fall of DOMA
- New Form I-9 and updated Handbook

BACKLOGS IN PERMANENT RESIDENT QUOTAS

- ◉ Department of State *Visa Bulletin*
- ◉ Immigration Act contains strict quota for each employment based immigration category
- ◉ Quota of immigrant visas is further divided by nationality
- ◉ Backlogs continue for India and China

H-1B QUOTA EXEMPTIONS FOR BUSINESSES 'AT' YOUR CAMPUSES

- Colleges & universities are exempt from the annual H-1B cap
- FY 2014 H-1B cap hit in first week
- Recently graduated foreign students face uncertain sponsorship prospects
- Businesses 'at' your campuses may also benefit from your exemption at their own expense.
- The business petitions & must show the H-1B's duties are directly and predominately related to, and in furtherance of, the normal, primary or essential purpose, mission, objectives or function of the qualifying institution