

Immigration News and Analysis
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International Students to Be Subject to Increased Scrutiny Upon Return to the U.S.

According to an internal memorandum from a senior official at Customs and Border Protection (CBP), all F-1 visa holders seeking admission to the United States will now have the validity of their student status checked by a border agent prior to being admitted into the country.

Under prior procedure, a border agent at primary inspection would not have had access to information in the Student and Exchange Visitor Information System, or SEVIS. The information contained in SEVIS would have been verified only if the student was referred to secondary inspection, where his or her student status could be confirmed.

After the Boston marathon bombing, it was revealed that an international student charged with hiding evidence after the bombing was allowed to re-enter the country despite the invalidity of his student status. As a result, customs and immigration authorities accelerated their efforts to verify the status of all student visa holders applying for admission to the United States. The new proposed procedure will involve the verification of a student's visa status before the individual arrives in the United States by looking to information contained in flight manifests. Customs and border agents may also check the visa status manually with the agency's national targeting data center.

It is unclear at this time whether this new policy will cause significant delays at the airport for returning student visa holders. However, F-1 visa holders are advised to allow for additional time to go through immigration processing, at least while the policy is in its early stages.

Social Security Administration Updates Policy and Documentary Evidence of Nonimmigrant Status

The Social Security Administration updated its Program Operations Manual System (POMS) substantially in April, adding "admission stamp in unexpired foreign passport" to its list of acceptable primary evidence of identity among other key changes. The updated SSA information, "List of Documents in Priority of Acceptability for Use as Evidence of Identity," notes that this is considered to be a separate document from an unexpired foreign passport. SSA has also posted new types of nonimmigrant evidence, including the admission stamp and recently introduced versions of the I-94 Arrival/Departure record, and has added a parole stamp placed in an unexpired foreign passport as acceptable evidence of parole status for a Social Security number (SSN).

Importantly, SSA has also eliminated the 10-day hold procedure for verifying evidence of status for an SSN using the Systematic Alien Verification for Entitlements (SAVE) program through the enumeration system (SSNAP). SSA made these changes as a result of Department of Homeland Security (DHS) automation of the I-94 Arrival/Departure record and recent DHS information regarding the real-time verification of alien status information.

Elimination of the Family-Based Fourth Preference Category: Brothers and Sisters of U.S. Citizens

The Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744), which is currently under review by the Senate Judiciary Committee, proposes to eliminate the Family-Based Fourth Preference Visa category which allows adult U.S. citizens to petition for their brothers and sisters to immigrate to the U.S as permanent residents.

Under the current system, visas are distributed to applicants seeking to become U.S. permanent residents according to a preference system. Green card applications based on a sibling relationship with a U.S. citizen fall under the Family-Based Fourth Preference Visa category. U.S. citizens must be 21 years old or older to be eligible to petition for their brother or sisters. The U.S. Department of State allocates approximately 65,000 visas per year for this category. There are currently significant backlogs under this category; the longest waiting time is for siblings from the Philippines. (According to the U.S. Department of State's visa bulletin, immigrant visas are currently available for siblings from the Philippines if their applications were filed on or before October 1, 1989.)

Under the Senate Bill, this preference category would be eliminated 18 months after the new Act is enacted. However, applications under this preference category that are submitted before the law is enacted will be adjudicated. Therefore, it is important that U.S. citizens, who want to petition for their brothers and sisters' permanent residence status in the U.S., submit their petitions as soon as possible. The first step in the application process is to file a Petition for Alien Relative, Form I-130, with the U.S. Citizenship and Immigration Services. The U.S. petitioner must provide proof of U.S. citizenship and submit a copy of his/her birth certificate and a copy of his/her brother or sister's birth certificate showing that they share at least one common parent. There have been suggestions that the current backlog associated with this preference category will be reduced following the enactment of the Act. However, it is currently too soon to predict what the final law and its regulations will look like.

Keep the American Dream Alive, Keep student loan rates low

In a recent message from Senator Bob Menendez, he said that college students in New Jersey and across the country are graduating this month. They're full of optimism and hope for the future.

Unfortunately, their bank accounts are full of student loan debt – **and if Congress doesn't act by July 1, their interest rates will double to nearly 7%**. More than 140,000 New Jersey students will wind up paying more every month.

We have a plan to keep the rates low, but Republicans are blocking it. Instead, they want to link student loan interest rates to the financial markets. The Congressional Research Service has already said that would mean higher rates.

This has got to be stopped. Help me deliver a clear and resounding message to the GOP: keep student loan rates low!

I was the first in my family to go to college. It opened doors of opportunity that led me all the way from a tenement apartment in Union City to the U.S. Senate.

But my path may have been different if I had faced crushing student loan debt. Who knows? Maybe I would not have gone to college at all.

If we do not overcome Republican opposition and keep interest rates low for college students, we will be pulling opportunity right out from under our students' feet. The extra money students will pay could go to buying a home or starting a small business. It's real money. And yet, some in Congress want to take those students' money just to preserve tax loopholes for big oil companies and billionaires.

This is unacceptable. Our students and their families deserve better.

For more information, please feel free to contact the Immigration and Nationality Lawyers at the NPZ Law Group at 201-670-0006 or by e-mailing us at info@visaserve.com.