

IMMIGRATION EXECUTIVE ORDERS HELP MEMO

February 9, 2017

The final week of January 2017 saw the release of four Executive Orders immediately changing U.S. immigration policy. Implementing the orders is the responsibility of several agencies including the Department of Homeland Security, Customs and Border Protection, Citizenship and Immigration Services, and the Department of State. It is difficult to advise on how best to preserve legal immigration status and work benefits, given the overlapping jurisdictions of the relevant agencies and other legal variables. Recognizing that this situation may be temporary, this memo seeks to offer some practical advice for those non-U.S. citizens in the United States, particularly those affected by the travel ban.

General Recommendations:

- ✓ Carry immigration documents
- ✓ Avoid unnecessary travel
- ✓ Renew driver's licenses, passports, status documents
- ✓ Prepare for delays - longer adjudication times, longer visa issuance wait times, longer airport inspection times
- ✓ Timely file tax returns
- ✓ DO NOT work without authorization

Recommendations for eligible individuals:

- Obtain a Canadian passport or passport of a non-listed country to facilitate future visa issuance and entry to the U.S.;
- File an I-130 green card application if you have a U.S. citizen spouse, or parent or child over the age of 21 (this filing may help if you are detained or put in removal);
- Early file an EXTENSION of a work benefit, such as I-129 or I-765 to extend a work visa or work permit for an adjustment applicant, STEM OPT applicant, or TPS applicant (under a regulations, these extend work authorization by 240 or 180 days);
- File an I-539 to EXTEND status if in a non-work authorized, non-student status (this keeps you in status while pending);
- File an I-140 employment-based green card application to establish a priority date for your I-140, or PERM (this filing may help in the future);
- Avoid road blocks, international transportation hubs and carriers (including buses and trains that cross the Canadian border), and international airports;
- Remove texts and Facebook posts from your cell phone regarding immigration and politics when you travel domestically or internationally;
- For students, consider remaining on campus, re-enrolling in a degree program, or working or volunteering on campus; and
- Be aware that the arrest of a non-U.S. citizen always produces the possibility of consequences for that person's immigration status. While a foreign national apprehended or arrested within the territorial confines of the U.S. has due process rights to a hearing, legal representation, and certain forms of relief from removal, the immigration consequences of even minor criminal infractions can be severe.
- Execute a power of attorney, consent to custody or guardianship order for care of family members or if property detained or removed.