EXECUTIVE ORDER – TRAVEL BAN

• Executive Order implemented from January 27, 2017 until March 16, 2017.
  Imposed 90-day ban on travelers from seven countries: Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen
• Nationwide (TRO) issued on February 3, 2017 and upheld by Appellate Court on February 9, 2017.
• Re-drafted EO issued March 6, 2017, excluding Iraq and providing additional travel ban exceptions to LPRs, current visa holders, and foreign nationals already admitted or paroled into U.S.
• March 15, 2017 → Hawaii District Court issued TRO preventing EO from going into effect.
• The Supreme Court of the United States issued a split decision June 26, 2017 agreeing to uphold a limited version of Executive Order.

• The Supreme Court partially backed the travel ban with exception of:
  "a credible claim of a bona fide relationship with a person or entity in the United States “close family”
  The relationship must be “formal, documented, and formed in the ordinary course” and cannot be formed to evade the executive order.

• Supreme Court cancelled scheduled October 10th hearing in light of new order and asked both parties to brief impact of new order on case.

• Department of State conducted a worldwide review of information-sharing practices and made recommendations for national security.

• New travel restrictions on certain foreigners from Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela and Yemen.
  Restrictions begin on October 18, 2017 for new countries/categories.
  Exception remains if there is a “bona fide” relationship with a person or entity in the country.
  The new restrictions are indefinite.
  Consular officers will have discretion to waive the new restrictions on a "case-by-case basis."
The U.S. Department of State obtained approval to implement a supplemental questionnaire for U.S. visa applicants. Newly created form asks visa applicants for additional personal information during the visa screening process. Questions apply to visa applicants "who have been determined to warrant additional scrutiny in connection with terrorism or other national security-related visa ineligibilities."
EXTREME VETTING QUESTIONS

• Travel history during the last 15 years, including source of funding for travel;
• Address history during the last 15 years;
• Employment history during the last 15 years;
• All passport numbers and country of issuance held by the applicant;
• Names and dates of birth for all siblings;
• Name and dates of birth for all children;
• Names and dates of birth for all current and former spouses, or civil or domestic partners;
• Social media platforms and identifiers, also known as handles, used during the last 5 years; and
• Phone numbers and email addresses used during the last 5 years.

ADMINISTRATIVE SITE VISITS FOR EMPLOYERS

• Fraud Detection and National Security Directorate (FDNS)
  Mission is to protect national security and prevent immigration fraud.
  Site visits for H-1B, L-1A and L-1B employees.
• Administrative Site Visit and Verification Program (ASVVP)
• Industries Targeted → high-tech, outsourcing
• STEM Optional Practical Training (OPT) site visits
  Conducted by ICE rather than FDNS
  48 hours advance notice
 ADMINISTRATIVE SITE VISITS FOR EMPLOYERS (cont.)

• What happens during the site visit?

  Meet with signer of petition, beneficiary and supervisor.

  Verify beneficiary’s work location, physical workspace, hours, salary, and duties.

  Photos of work site and review of documents.

• What happens after the site visit?

  Follow up phone call or email if personnel were not available to meet inspector.

  Compliance Review Report

  Possible revocation of petition and/or referral to ICE.
ADMINISTRATIVE SITE VISITS FOR EMPLOYERS (CONT.)

- Don’t panic.
- Review the current job duties, job title, work location and salary of H-1B workers to ensure compliance.
- Brief the signer(s) of immigration documents on the possibility of a site visit.
- Assign a backup Human Resources representative.
- Notify and prepare the company’s receptionist(s) that a DHS investigator may come to the company unannounced.
- Notify your nonimmigrant workers that a DHS investigator may come to the worksite.
- Ensure that copies of immigration related filings are readily available in the case of a site visit.

FORM I-9

- I-9s are used to verify the identity and employment authorization documents of employees hired after Nov 6, 1986.
- As of September 18, 2017, all employers in the United States are required to use the new version of the Form I-9 exclusively to conduct employment eligibility verification (exp. 08/31/2019).
- “Smart I-9” facilitates compliance by guiding users throughout the process and incorporating various features to reduce errors.
- Increase in I-9 audits creates “culture of compliance” under current Administration.
- August 2016, higher civil fines against employers who commit immigration-related offenses, including Form I-9 and E-Verify violations, the unlawful employment of foreign nationals, and unfair immigration employment practices.
I-9 PENALTIES

<table>
<thead>
<tr>
<th>Violation</th>
<th>Current Penalty (as of)</th>
<th>Increased Penalty (effective 10/3/2017 for violations after 10/3/17)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowingly hiring or employing unauthorized aliens – First offense per individual</td>
<td>Max. $75,500</td>
<td>Max. $129,450</td>
</tr>
<tr>
<td>Knowingly hiring or employing unauthorized aliens – Second offense per individual</td>
<td>Max. $151,000</td>
<td>Max. $258,900</td>
</tr>
<tr>
<td>Knowingly hiring or employing unauthorized aliens – Third or subsequent offense per individual</td>
<td>Max. $226,500</td>
<td>Max. $381,750</td>
</tr>
<tr>
<td>Submissions that are false or misrepresentative or materials submitted in bad faith</td>
<td>Max. $50,000</td>
<td>Max. $83,333</td>
</tr>
<tr>
<td>Knowingly making a false statement in connection with a labor certification or visa petition application</td>
<td>Max. $50,000</td>
<td>Max. $83,333</td>
</tr>
</tbody>
</table>

EMPLOYMENT-BASED IMMIGRATION UPDATES

- Interview requirement for all employment-based green card applications starting on October 1st, 2017. Expect increased delays in processing of all green card applications.

- No premium processing for H-1B transfers and extensions.

- Increase in Requests for Evidence and denials on H-1B petitions.
Thank You!

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