

Immigration Update: Know Your Rights for Students, Scholars, Temporary Workers and Green Card Holders

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Dashew Center
for International Students & Scholars



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- For informational purposes only
- For legal opinions or questions pertaining to your specific case, please schedule a consultation with one of our attorneys or contact your WR Immigration case team

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- Managing Partner and founding member of WR Immigration
- Past National President of the 17,000 member American Immigration Lawyers Association (AILA)
- Ranked By Chambers as a “Eminent Practitioner” Immigration Attorney in U.S.A.
- Certified Specialist, Immigration and Nationality Law, California State Bar Board of Specialization
- 2025 Best Lawyer for Los Angeles
- WWL “Immigration Lawyer of the Year” for six years
- Human Resources Executive – Top 20 Immigration Lawyers

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Roadmap

- Policy Changes
- Impact on International Student and Scholars.
- U.S. Citizen-Permanent Residents-U.S. H-1B Worker - Know your rights.
- CBP Admission Process
- Visa Cancellations & SEVIS Terminations

Policy Changes



- The Administration's budget FY 2026 proposed cutting funding for DOS Educational and Cultural Exchanges by 93 percent
- Department of Education withdrawing Fulbright-Hays program
- NAFSA Global Enrollment Benchmark Survey summary report enrollment numbers United States, Canada and Australia decline
- United Kingdom, Europe, and Asia reaping the benefits
- Contributions of international students to the U.S. economy and workforce.

Key Points

- Do not fall out of status
- Do not violate status by working without permission
- Follow the rules and do not break the law
- Avoid getting arrested
- Any arrest for DUI, Domestic Violence, shoplifting
- Leads to automatic visa and SEVIS cancellation based on arrest (even if no charges filed or acquitted)
- Marijuana is illegal under federal law

Guidance

- Stay focused and strictly follow the law and rules
- Ensure compliance with terms of your visa/status
- First amendment allows freedom of speech and expression BUT new Executive Order directed at on campus protests
- Imperative to follow orders to disperse from law enforcement AND from campus authorities
- If found liable for campus violating Student Code of Conduct and suspended →, immediate termination of status and **MUST DEPART IMMEDIATELY**
- Chances of getting a new visa after are low to zero

Maintaining Status



- Check CBP website online after you enter the U.S. to make sure information is correct, for you and family: <https://i94.cbp.dhs.gov/home>
- F-1 student – carry latest valid I-20, EAD, and/or receipt for EAD extension if applicable, especially off campus
- J-1/J-2s, carry valid DS2019 and/or EADs especially off campus
- Off campus, carry your passport, and student ID – avoid fake ID
- H-1B workers, review job duties and requirements. If anything appears inaccurate, especially the worksite location let your immigration contact know immediately
- Lawful permanent resident MUST carry their green cards
- Make sure address is up to date
- F-1/J-1 - Information must be updated with the International Office within 10 days after change
- Others must foreign nationals must report within 10 days via form AR-11: <https://www.uscis.gov/ar-11>



CBP Admission Process



- Everyone arriving at a U.S. port of entry is subject to inspection
- As part of the inspection process, CBP officers:
 - Verify the identity of the person
 - Determine the admissibility of the traveler
 - Look for prohibited items
 - Ask questions regarding:
 - Your citizenship
 - The nature of your trip
 - Anything you are bringing back to the United States that you did not have with you when you left?
- Right to Remain Silent – but best to answer questions
- Noncitizens, if you don't answer questions, officials may deny entry to the U.S. or detain you for a search and/or questioning

CBP Secondary Screening



- You may be subject to a CBP inspection/secondary screening for a variety of reasons, including:
- Travel documents are incomplete, or you do not have the proper documents or visa
 - Travel with valid passport, valid visa, valid I-20/DS-2019
 - CBP can issue waiver of visa or passport but rare
- You have previously violated one of the laws CBP enforces (Customs/Immigration)
- Your name matches a “person of interest” in one of the government's enforcement databases

• Have been selected for a random search

CBP Searches

- Electronic Devices Can Be Searched at Airports and Land Ports
- CBP Authority/Policy to Search Electronic Devices:
<https://www.cbp.gov/travel/cbp-search-authority/border-search-electronic-devices>
 - Officers may search Laptops, Cell Phones, or other electronic devices
- Selection may not to be based on religion, race, national origin, gender, ethnicity, or political beliefs
- U.S. citizens may also be questioned and may have their devices seized for refusal to provide passwords or unlock
- U.S. citizens cannot be prevented from entering the U.S.
- Noncitizens may be denied entry if they refuse
- No right to an attorney at Port of Entry based on fiction that not “admitted” to U.S.



Know Your Rights

- You may be subject to a CBP inspection/secondary screening for a variety of reasons, including
- If ICE or Law Enforcement Stops You - 100 Mile Border Zone
- The federal government claims the power to conduct warrantless stops within 100 miles of the U.S. border
- For more information, read this ACLU “Know Your Rights” guide: <https://www.aclu.org/know-your-rights/immigrants-rights>



Know Your Rights (continued)



- Noncitizen F-1 or J-1 students must provide information about immigration status
- If you decide to remain silent or decline a request to produce documents, you could face arrest and its best to cooperate
- You have the right to remain silent or tell the agent that you will only answer questions in the presence of an attorney, but its usually not the best choice unless undocumented

If ICE Visits Your Home



- Do not have to open the door or let the officers into your home unless they have a valid search warrant signed by a judge.
- If the officers have a search warrant signed by a judge, can ask to slide it under the door so you can see it.
- If warrant does not have correct name and address and is not signed by a judge do not have to open the door or let them inside.
- Can speak through the door or step outside and close the door.

Registration



- USCIS has issued a new Alien Registration Requirement guidance which impacts some young dependents of nonimmigrants.
- Nonimmigrant F-2 or J-2 children turning 14 must register even if previously registered.
- Most nonimmigrants 14 years or older were registered when they first arrived.
- Registration applies to persons without legal immigration status but need to consult with counsel if no valid status.
- Permanent residents turning 14 must obtain new green cards

Possible Travel Ban



- A travel ban could be implemented soon
- Nonimmigrants from certain countries advised to avoid international travel during this period
- The Administration is considering targeting citizens of as many as 43 countries as part of a new travel ban
- Evaluate risk

Possible Travel Ban

Red Countries

The draft proposal includes a “red” list of 11 countries whose citizens would be flatly barred from entering the United States.

They are:

- Afghanistan
- Bhutan
- Cuba
- Iran
- Libya
- North Korea
- Somalia
- Sudan
- Syria
- Venezuela
- Yemen

Possible Travel Ban

Orange Countries

The draft proposal includes an “orange” list 10 countries travel would be restricted but not cut off. Business travelers might be allowed but not immigrant or tourist visas (not clear if student visas exempt)

- Belarus
- Eritrea
- Haiti
- Laos
- Myanmar
- Pakistan
- Russia
- Sierra Leone
- South Sudan
- Turkmenistan

Possible Travel Ban

Yellow Countries

60 Days to Resolve:

- Angola
- Antigua and Barbuda
- Benin
- Burkina Faso
- Cambodia
- Cameroon
- Cape Verde
- Chad
- Republic of Congo
- Democratic Republic of Congo
- Dominica

Possible Travel Ban

Yellow Countries

60 Days CTD:

- Equatorial Guinea
- Gambia
- Liberia
- Malawi
- Mali
- Mauritania
- St. Kitts and Nevis
- St. Lucia
- São Tomé and Príncipe
- Vanuatu
- Zimbabwe

SEVIS Termination

- Approximately 5,000 students SEVIS record terminated
- Approximately 99% based on prior criminal arrest or admissibility or prior interaction with CBP.
- Very few “protest: cases and only if arrest but caution with social media postings. Maybe the next big issue.
- Arrests raising admissibility issue auto-visa termination.
- Status unclear but change of status or travel remain huge issues.

NEW – Consular Visa Revocations



- Obtain arrest records and original final disposition of arrest from court
- Caution with pleading – many criminal lawyers not know immigration law. Do not seal records—need to prove court outcome.
- Plead to non-CIMT crime-explain outsize punishment of inadmissibility or deportation
- Diversion, expungement mean nothing in immigration law, “conviction” can be based on admission-”yes I did it.”
- Solution-leave and apply for a new visa if clearly admissible.
- Retain experienced litigation lawyer for Federal District Court relief.

Visa Delays & Denials



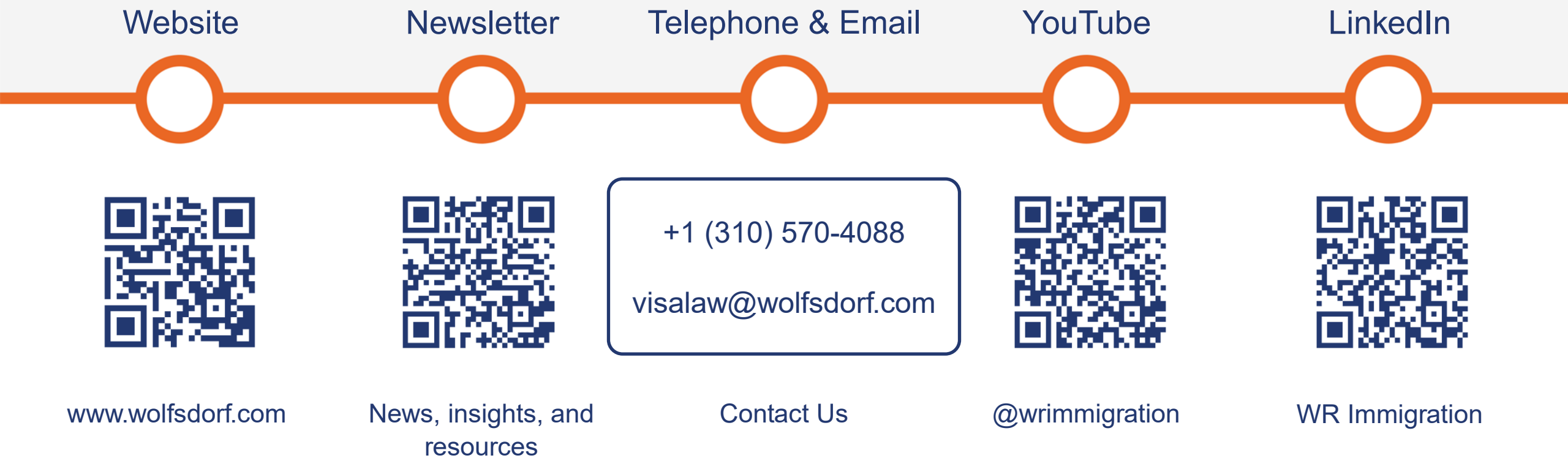
- Plan ahead-determine wait times
- Many locations have lengthy wait times
- Global wait times updated monthly
- INA §221(g) Denial
- Grounds of Inadmissibility §212
 - It appears applicant is ineligible to receive a visa
 - The application fails to comply with the provisions of this Act
 - The consular officer knows or has “reason to believe” that applicant is ineligible to receive a visa.

Birthright Citizenship



- Recommended Action:
- Apply for children's U.S. passports where possible using expedited processing to avoid delays.
- **Litigation Note: This EO was challenged and a temporary restraining order issued blocking the EO.**
- The Administration will contest the ruling and Supreme Court likely to review.

Stay Informed



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