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MEMORANDUM

To: **International Education Program Administrators**

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 - 2) State Department Provides Information for J-1 Exchange Visitors Impacted by Novel Coronavirus
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- 1) New Public Charge Requirements Effective February 24-New Form I-539A

The revised regulations regarding admissibility of immigrants and nonimmigrants on public charge grounds became effective on February 24. The new strict interpretation of this long-standing ground for admissibility will affect international education in several ways. Although family immigrants are the primary target, employment-based immigrants will also need to file extensive documentation to demonstrate that they will not need public benefits. Nonimmigrants seeking a visa at a consulate or a change of status in the US will also need to demonstrate their fiscal ability to accomplish their stated purpose for coming to the U.S. The new form I-539A contains 1 ½ pages of questions regarding receipt of public benefits. In the F or J context, additional material should be submitted to demonstrate ability to attend school, as was always the case. The form and instructions may be downloaded from USCIS.gov, although use of knowledgeable immigration counsel is strongly suggested.

2) State Department Provides Information for J-1 Exchange Visitors Impacted by Novel Coronavirus

In February, DOS provided information to J-1 exchange visitors seeking to extend or change status, or obtain work authorization in extreme circumstances. It was understood that in certain circumstances, a waiver of the two-year foreign residence requirement may be needed under section 212(e), but noted that an expedited waiver may be requested for urgent humanitarian need. See long standing instructions at <https://www.uscis.gov/humanitarian/special-situations>.

3) SEVP Broadcast Message on STEM OPT Employer Site Visits

On February 14 SEVP issued Broadcast Message 2002-02 “An Overview of STEM OPT Employer Site Visits”.

Noting its’ authority to conduct “routine” site visits to monitor the employment of STEM OPT beneficiaries, the Broadcast Message provides direction for preparation for the site visits stating:

Students should make sure their employer information and home addresses are up-to-date by updating their information via the SEVP Portal or reporting updates to their school official. The employer address should be the address the student reports to for work. If working at a client site, which is different from the employer address, the client name and address should be listed along with the STEM OPT employer.

DSOs should be prepared to provide the student’s Form I-983 if requested and should ensure the Form I-983 is up-to-date. DSOs are encouraged to use the upload evidence functionality in the Student and Exchange Visitor Information System (SEVIS). In an effort to streamline the review process, DHS may request information concerning compliance by email or phone before conducting an inspection. Such a request may seek to confirm the work locations of STEM OPT students and their supervisors or may request documentation on the STEM OPT program to assist in assessing the commensurate wage or other regulatory requirements.

The complete Broadcast Message may be found [here](#).

4) Fill in the Blanks

The Washington Post carried an article on February 13: “This latest trick from the Trump administration is one of the most despicable yet”. The article describes a recent

policy whereby USCIS will reject certain applications if every blank, even an obviously irrelevant one, is not completed. Which forms are impacted could change at will. The best way to combat this make-work and frustrating bureaucratic nastiness is to complete every blank using “none, not applicable, n/a, or unknown. Better to frustrate the persnickety examiner, than the applicant.

5) New York State Files Lawsuit Challenging DHS’ Prohibition on NYS Residents from Filing/or Extending the Trusted Traveler Program.

On February 10, the New York State Attorney General filed *State of New York v. Wolf* in the U.S. District Court, Southern District of New York. On February 5, the Acting Secretary of DHS had advised the NYS DMV that, as a result of the passage of legislation by New York State which denies DHS access to the State’s DMV database, DHS would deny Trusted Traveler benefits to NYS residents. The letter, with what some have called mean spirited and specious justifications, may be found [here](#). The *New York Times* carried the story “New York Will File Lawsuit Over Traveler Program Ban” on February 8. It is too early to predict the outcome, except that the Trump family may not receive a hearty welcome if and when they return to New York.

I recently entered the U.S. from a trip abroad and found the Trusted Traveler Global Entry program to be helpful in speeding entry-even though 1/3 of the kiosks were out of order, and the CBP officer on duty was on a bathroom break.

Please let us know if you have any questions, or if you would like copies of any of the materials covered.

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