



IMMIGRATION UPDATE- JANUARY 13, 2020

Posted on January 13, 2020 by Cyrus Mehta

Headlines

[Iranian-Americans Stopped, Questioned When Returning From Canada](#) – More than 60 Iranian-Americans reportedly were held for questioning when returning from Canada recently via Washington State.

[USCIS Publishes Notice 'Formally Announcing' Implementation of Electronic H-1B Registration Process and Timeframe](#) – USCIS will open an initial registration period from March 1 through March 20, 2020, for the FY 2021 H-1B numerical allocations.

[Trump Administration Considering Expanding Travel Ban to More Countries, Insiders Say](#) – People familiar with the draft plan said information could be released publicly, as part of election-year efforts, around the third anniversary of President Trump's first travel ban announced on January 27, 2017.

Iranian-Americans Stopped, Questioned When Returning From Canada

Following closely on the heels of heightened tensions between the United States and Iran, reports have surfaced of more than 60 Iranian-Americans being held for questioning when returning from Canada via Washington State. The questions reportedly included political opinions in some cases. Most were released, some after up to 10 hours of questioning. Others were denied entry, at least temporarily.

A spokesperson for U.S. Customs and Border Protection (CBP) said, "Social media posts that CBP is detaining Iranian-Americans and refusing their entry into the U.S. because of their country of origin are false." Meanwhile, Washington's Lt. Governor Cyrus Habib said that he personally received worrisome messages from friends that they or their family members were

stopped and questioned at the Peace Arch border crossing at Blaine, Washington.

[Back to Top](#)

USCIS Publishes Notice 'Formally Announcing' Implementation of Electronic H-1B Registration Process and Timeframe

On January 9, 2020, U.S. Citizenship and Immigration Services (USCIS) published a Federal Register notice formally announcing implementation of the H-1B registration process for fiscal year 2021 H-1B cap-subject petitions.

USCIS will open an initial registration period from March 1, 2020, through March 20, 2020, for the FY 2021 H-1B numerical allocations. The agency released the following details:

- During this timeframe, H-1B cap-subject petitioners, including those eligible for the advanced degree exemption, seeking to file a FY 2021 H-1B cap petition must first register electronically with USCIS and pay the associated \$10 H-1B registration fee for each submission.
- Prospective petitioners or their authorized representatives must electronically submit a separate registration naming each person for whom they seek to file an H-1B cap-subject petition. Duplicate registrations are prohibited.
- As described in the H-1B registration final rule, if more than a sufficient number of registrations are received, USCIS will randomly select the number of registrations projected as needed to reach the FY 2021 H-1B numerical allocations after the initial registration period closes and notify registrants with selected registrations no later than March 31, 2020.
- Prospective petitioners with selected registrations will be eligible to file a FY 2021 cap-subject petition only for the person named in the registration and within the filing period indicated on the eligibility notice.
- Employers will be notified by USCIS of the exact amount of time allowed for filing the H-1B petition, which will in all cases be at least 90 days but may be longer at the discretion of USCIS. Employers will have the ability to file their petitions as soon as eligible (i.e., by April 1) to allow the beneficiary to obtain cap-gap, if required.
- USCIS may determine it is necessary to continue accepting registrations, or open an additional registration period, if it does not receive enough

registrations and subsequent petitions projected to reach the numerical allocations.

The Alliance of Business Immigration Lawyers recommends a thorough evaluation of any potential H-1B petition even before submitting the registration. For example, there ought to be preliminary discussions on education credentials, occupational classifications, wage levels, job descriptions, proving the specialty occupation, and establishing the nexus between the petitioner and third-party sites all before submitting a registration. It would be most unfortunate for an employer to be notified of a selection only to be later advised that their H-1B petition would likely be denied due to a degree or specialty occupation issue.

[Back to Top](#)

Trump Administration Considering Expanding Travel Ban to More Countries, Insiders Say

According to reports, the Trump administration is considering a substantial expansion of its travel ban to more countries, possibly seven. The plan has not yet been finalized, and a draft being circulated does not indicate which countries may be included. People familiar with the draft plan said information could be released publicly, as part of election-year efforts, around the third anniversary of President Trump's first travel ban announced on January 27, 2017.

[Back to Top](#)