

# Immigration Law Update

## Current Developments in Immigration

*This is the latest installment in our efforts to keep you apprised of the rapidly changing U.S. immigration environment. Some of the most recent changes could have a serious impact on you or your employees, and we urge you to communicate these changes to interested parties.*

### **U.S. Consulates Abroad Proactively Cancelling DUI-Arrestee Visas**

The Department of State has acknowledged a practice that began November 5, 2015 whereby U.S. Consulates around the globe are cancelling visas of non-immigrants in the United States who have been

*charged* with an offense of driving under the influence of alcohol or drugs. Even before the case has been resolved in criminal or traffic court, the U.S. Consulate is directed to send a letter to the foreign national explaining that the visa has been cancelled and that the foreign national may not use it to reenter the United States. The foreign national is usually not required to leave the U.S. immediately, but s/he must attempt to renew the visa at the U.S. Consulate in the home country before attempting to reenter after a trip abroad.

The DOS takes the position that driving under the influence is indicative of possible inadmissibility due to a physical or mental disorder with associated harmful behavior. Consular officers have been required to refer any nonimmigrant visa applicant with one alcohol related arrest in the last five years or two or more in the last 10 years to the panel physician for a medical examination prior to visa issuance to rule out a medical ineligibility. Panel physicians at many posts have required compelling evidence before clearing applicants for new visa issuance.

Family members whose visas and status is tied to those of a foreign national whose visa is revoked due to a DUI arrest will also have their visas revoked. Individuals with F-2, H-4, L-2, O-3, etc. who are outside the United States when the visa of the principal foreign national is revoked will not be able to reenter the U.S. or renew that visa until the principal foreign national's visa is reissued. However, such family members may be able to reenter the United States on a B-2 visa to settle their affairs.

### **Application Window Reopens for Temporary Protected Status for Syrians**

On Aug. 1, 2016, USCIS announced the re-designation of Syria for Temporary Protected Status (TPS) and the extension of Syria's current TPS designation. This allows eligible Syrian nationals (and persons without nationality who last habitually resided in Syria) who have not previously done so to register for TPS. Those who already have TPS status may reregister to extend their expiring TPS status.

Syrian nationals who currently have TPS status may register. The deadline is September 30, 2016. They are encouraged to file their applications as soon as possible.

Syrian nationals who have not yet applied for TPS may do so between now and January 31, 2017 if they have been in the United States since

The last time that Syria was designated for TPS was January 5, 2015. Until the August 1 announcement, someone who arrived after January 5, 2015 was ineligible for TPS. With this new announcement, anyone who has had continuous residence in the United States since August 1, 2016 and who has been continually physically present in the United States since October 1, 2016 may apply for TPS registration. Individuals who have been approved for TPS are granted employment authorization during the duration of their TPS status.

*For additional information about any of the topics presented here, please contact us. If you would prefer not to receive future e-mails of this nature, please unsubscribe on the link below.*

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