

## Immigration Updates: June 26, 2017

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June 27, 2017

### **Supreme Court Addresses Travel Ban Executive Order**

The United States Supreme Court has **allowed** portions of President Trump's travel ban to take effect; citizens from Iran, Libya, Somalia, Sudan, Syria, and Yemen may be denied admission to the United States if they lack any bona fide relationship with a person or entity in the United States. On the other hand, the opinion stated that the travel ban may not be enforced against foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States.

The June 26, 2017, decision suggests that U.S. employers lawfully employing or seeking to employ foreign nationals from one of the six listed countries should not be impacted by the travel ban given that a bona fide relationship can be established through a job offer.

The Supreme Court also confirmed it would hear the case in full in the fall of 2017.

### **USCIS Reinstates H-1B Premium Processing for Select Foreign Physicians**

Effective June 26, 2017, U.S. Citizenship and Immigration Services ("USCIS") will **resume** premium processing for all H-1B petitions filed for foreign physicians under the Conrad 30 Waiver program and for interested government agency waivers.

The announcement will provide relief to employers of foreign physicians that depend on issuance of such waivers to staff positions following residency and fellowship programs, typically set for July 1 start dates.

Employers may now submit a request to upgrade pending H-1B petitions to premium processing by submitting Form I-907 and the required \$1,225 fee.

### **Premium Processing Service Remains Suspended for Other H-1B Petition Types**

Premium processing remains temporarily suspended for all other H-1B petition types. The **suspension** has been in effect since April 3, 2017, and is expected to last up to six months, permitting USCIS to improve processing times for pending H-1B petitions. However, USCIS has recently indicated that it intends to resume premium processing in phases by petition types, which will be announced as available.

### **Conclusion**

Employers should work with their Miller Canfield immigration attorney to determine if recent changes impact their foreign workers. We will continue to monitor developments related to the executive order and premium processing services and will update you with any important developments.