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**MEMORANDUM**

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To: International Education Program Administrators

- 1) All Nonselected H-1B Cap Subject Petitions Returned
- 2) CBP Tests Enhanced Handheld Mobile Device to Collect Biometric Exit Data
- 3) White House Publishes “Modernizing and Streamlining our Legal Immigration System for the 21<sup>st</sup> Century”
- 4) USCIS Ombudsman Publishes “Annual Report to Congress”

1) All Nonselected H-1B Cap Subject Petitions Returned

On July 14, USCIS announced that it had completed returning all 2016 cap subject H-1B petitions which had not been selected in its computer generated random selection process. Data entry on selected petitions had been completed on May 4.

2) CBP Tests Enhanced Handheld Mobile Device to Collect Biometric Exit Data

On July 14, CBP announced that it had begun testing “an enhanced mobile device to collect biometric data from a limited number of foreign air travelers departing the United States at Hartsfield Jackson Atlanta International Airport”. The biometrics collected will be compared to those collected at entry. CBP officers will scan “selected” non US citizen traveler’s passports and biometrics at the passenger loading bridge of

“selected” flights. No information was provided regarding either the passenger, or the flight selection process. Testing will be expanded in the Fall to: Chicago, Dallas, Houston, Los Angeles, Miami, Newark, New York, San Francisco, and Washington Dulles. The project is scheduled to run through June, 2016. The announcement may be found [here](#).

3) White House Publishes “Modernizing and Streamlining our Legal Immigration System for the 21<sup>st</sup> Century”

In mid-July, the White House posted an update of the President’s November 20, 2014 Executive Action agenda on immigration. The July report provides an update of various initiatives for “modernizing and streamlining” the immigration process. The report notes that comments were received from approximately 1,650 stakeholders from both organizations and individuals addressing a broad range of issues including: long wait times, employment restrictions, poor technology, burdensome visa renewal processes, lack of predictability of numerous immigration paths, etc., across all relevant government agencies. Among specific agenda items discussed are:

- 1) “DHS is evaluating the OPT program to determine how to enhance the program in a manner that strengthens the program and improves training for students who will enhance American innovation and competitiveness, while protecting U.S., workers.”
- 2) An ongoing rebuilding of ELIS after a failed first iteration;
- 3) DOS system digitalization of the visa process across systems and agencies;
- 4) Publication of long awaited regulations to cover AC21 to provide better protections for employment based immigrants and non-immigrants;
- 5) Prioritizing CBP resources focusing on high risk, as opposed to all entrants including F-1/F-2 entrants for the same SEVP approved program, and
- 6) F-1 dual intent concerns

The report covers 40 pages and may be found [here](#).

4) USCIS Ombudsman Publishes Annual Report to Congress

On June 29 the USCIS Ombudsman released its 2015 Annual Report to Congress. The Report discusses many issues across the entire immigration spectrum, but highlighted: unduly burdensome and often vague RFEs, slow I-765 processing and, what is effectively a failed ELIS (transformation) system with no fix until 2018. It noted

that ELIS is funded by Premium Processing fees. That's two! The Report covers 100 pages and can be found [here](#).

*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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