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Department of Homeland Security delays the effective date of the International Entrepreneur Rule

By Jason M. Gerrol

By notice dated July 11, 2017, the Department of Homeland Security (DHS) has delayed the effective date of the [International Entrepreneur Rule](#) to March 14, 2018, and will seek comments on whether or not to rescind the rule altogether. The International Entrepreneur Rule (IER), which was issued in the waning days of the Obama Presidency and was to go into effect on July 17, 2017, would have granted foreign entrepreneurs with parole (i.e., the ability to enter the United States) for the purpose of operating and growing his or her start-up entity in the United States. The IER was praised by many as a critical step to revising an antiquated U.S. immigration system that provides few options for immigrant entrepreneurs.

The primary basis for DHS's decision to delay the IER, and seek further comments on the IER, is an Executive Order issued by President Trump on January 25, 2017, titled "Border Security and Immigration Enforcement Improvements." This Executive Order directs DHS to "take appropriate action to ensure that parole authority under [the Immigration and Nationality Act] is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole." While DHS previously concluded in the IER that granting a period of stay to foreign entrepreneurs would enhance entrepreneurship, innovation and job creation in the United States (a significant public benefit), DHS will review the rule again in light of President Trump's Executive Order, and has indicated that it is "highly likely" the IER will ultimately be rescinded altogether.

One minor portion of the IER, unrelated to international entrepreneurs, will still become effective on July 17, 2017: the Department of State Consular Report of Birth Abroad (Form FS-240) will be added as an acceptable List C document for Form I-9 verification purposes.

For more information on the content of this alert, please contact your Nixon Peabody attorney or:

- Courtney H. New, Esq., 617-345-6056, cnew@nixonpeabody.com
 - Jason M. Gerrol, Esq., 617-345-1372, jgerrol@nixonpeabody.com
 - Samera S. Ludwig, Esq., 312-977-4105, ssludwig@nixonpeabody.com
 - Nathan P. Warecki, Esq., 603-628-4077, nwarecki@nixonpeabody.com
 - Elaine M. Dixon, 585-263-1588, edixon@nixonpeabody.com
 - Elizabeth H. James, 585-263-1229, ehjames@nixonpeabody.com
 - Mary-Benham B. Nygren, 617-345-6165, mnygren@nixonpeabody.com
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