

IMMIGRATION INSIDER

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Headlines:

Certain Afghan Parolees to Receive Notices of EAD Extension – Certain Afghan parolees will receive notices indicating that the Department of Homeland Security is extending the validity of their employment authorization documents to align with the parole period shown on their Arrival/Departure Records.

USCIS Will No Longer Accept Combined Fee Payments for EB-5 Applications/Petitions – Beginning September 1, 2022, U.S. Citizenship and Immigration Services will no longer accept a single, combined fee payment when an applicant or petitioner files EB-5 applications or petitions with related forms.

ICE Plans Pilot of Photo IDs for Migrants Awaiting Deportation Proceedings – According to reports, U.S. Immigration and Customs Enforcement is developing a pilot program to issue photo ID cards to migrants awaiting deportation proceedings. The cards would not serve as a federal ID for other purposes.

EOIR Announces 19 New Immigration Judges – The Executive Office for Immigration Review appointed 19 new immigration judges to courts in California, Florida, Georgia, Illinois, Maryland, New Jersey, Tennessee, Texas, and Virginia.

USCIS Extends Certain COVID-19 Flexibilities – U.S. Citizenship and Immigration Services is extending certain COVID-19-related flexibilities through October 23, 2022.

DHS Extends and Redesignates Syria for TPS, Suspends Certain Requirements for Syrian F-1 Students – DHS is extending the designation of Syria for temporary protected status (TPS) through March 31, 2024. DHS is also redesignating Syria for TPS. Also, effective October 1, 2022, until April 1, 2024, DHS is suspending certain regulatory requirements for F-1 nonimmigrant students whose country of citizenship is Syria.

Some Parolees Can Now File Employment Authorization Applications Online – Certain parolees can now file Form I-765, Application for Employment Authorization, online, U.S. Citizenship and Immigration Services announced.

100,000 Ukrainians Admitted to United States in July – According to reports, as part of what's being called the largest refugee exodus since World War II, more than 100,000 Ukrainians who fled the Russian invasion of their country have been admitted into the United States, mostly in temporary statuses.

New STEM Resources Released – Several entities have released new resources on research and options for noncitizens in the fields of science, technology, engineering, and mathematics in the United States.

USCIS Reminds Employers That Only Unexpired I-9 List B Documents Are Accepted – If a current employee presented an expired List B document between May 1, 2020, and April 30, 2022, employers must have updated their I-9 forms by July 31, 2022.

Guidance Updated on Evidence to Support STEM-Related O-1 Extraordinary Ability Nonimmigrant Petitions – Being named on a competitive government grant for STEM research can be a positive factor in demonstrating that a beneficiary is at the top of their field, USCIS said.

Reports: Record-High Delays in Visa Interviews and Backlogs Lead to Lawsuits – Tourists and business visitors wishing to travel to the United States are waiting more than six months to schedule visa

interviews or process renewals at most consulates, and the wait for some visa interviews is more than a year. Wait times vary significantly, depending on the consulate.

USCIS Updates Guidance for Afghans and Iraqis Seeking Special Immigrant Classification –

Among other things, the guidance clarifies statutory requirements that a noncitizen seeking an Afghan or Iraqi SIV must establish to show that they provided faithful and valuable service to the U.S. government.

USCIS To Implement Second Phase of Premium Processing for Certain Previously Filed EB-1 and EB-2 Immigrant Petitions –

Similar to the first phase of the expansion, this phase only applies to certain previously filed Form I-140 petitions under an E13 multinational executive and manager classification or E21 classification as a member of professions with advanced degrees or exceptional ability seeking a national interest waiver

House Updates: STEM Measure Fails, 'Documented Dreamers' Advances – Several immigration-related proposals were among more than a thousand amendments proposed for the House of Representatives' Rules Committee to consider as additions to the annual defense bill.

DHS Extends TPS Designation for Venezuela – The Department of Homeland Security has extended Venezuela's temporary protected status (TPS) designation for 18 months, effective September 10, 2022, through March 10, 2024. Approximately 343,000 individuals are estimated to be eligible for TPS under the existing designation of Venezuela.

New EB-5 Immigrant Investor Forms Released – U.S. Citizenship and Immigration Services has revised Form I-526, Immigrant Petition by Alien Entrepreneur, to accommodate the EB-5 Reform and Integrity Act of 2022. The form is split into two versions: I-526, Immigrant Petition by Standalone Investor, and I-526E, Immigrant Petition by Regional Center Investor. Those who file Form I-526E on or after October 1, 2022, will need to pay an additional \$1,000.

Senators Send Letter to Labor Secretary on Delays in Prevailing Wage Determinations for Foreign Workers – Sens. Amy Klobuchar and Susan Collins sent a letter to Secretary of Labor Martin J. Walsh asking about steps the Department of Labor is taking to address delays in the processing of prevailing wage determinations for immigrant and nonimmigrant visas.

DHS Extends Timeframe for Ukrainian Parolees To Comply With Medical Screening and Attestation – Beneficiaries paroled into the United States under Uniting for Ukraine must complete their medical attestations within 90 days of arrival in the United States, extended from within 14 days of arrival.

SSA Resumes Normal E-Verify Timeframes – Employees whose E-Verify cases are referred to the Social Security Administration (SSA) on or after that date now have the normal eight federal working days to contact their local SSA office to begin resolving the mismatch.

Labor Dept. Releases FAQ on Process for Requesting Support for Immigration-Related Prosecutorial Discretion for Workers Involved in Labor Disputes – The Department of Labor released frequently asked questions on the process for requesting DOL support for requests to the Department of Homeland Security for immigration-related prosecutorial discretion during labor disputes.

USCIS Rescinds Decision on Agency Interpretation of Authorized Travel by TPS Beneficiaries – Among other things, USCIS will no longer use the advance parole mechanism to authorize travel for TPS beneficiaries but will instead provide a new TPS travel authorization document.

USCIS Releases New I-9 Guidance for Employers of E and L Nonimmigrants – USCIS has published new guidance on Form I-9, Employment Authorization Verification, related to employees with E and L nonimmigrant status in its Handbook for Employers (M-274, Section 6.9, Other Temporary Workers).

DHS Issues Final Rule Changing NAFTA to USMCA – The Department of Homeland Security issued a final rule relating to the temporary entry of Canadian and Mexican citizen business persons into the United States. The final rule replaces references to the North American Free Trade Agreement with references to the Agreement Between the United States of America, the United Mexican States, and Canada.

ABIL Global: Schengen Area – What's next in the Schengen Area? This article provides highlights on the new automated Entry/Exit System and the European Travel Information and Authorization System.

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Certain Afghan Parolees to Receive Notices of EAD Extension

U.S. Citizenship and Immigration Services (USCIS) announced that certain Afghan parolees will receive a Form I-797C, Notice of Action, indicating that the Department of Homeland Security (DHS) is extending the validity of their Form I-766, Employment Authorization Document (EAD), to align with the parole period shown on their Form I-94, Arrival/Departure Record.

USCIS explained that during Operation Allies Welcome, many Afghans who arrived as part of the evacuation efforts were paroled into the United States. Many applied for and received EADs. Certain EADs with a validity period of less than two years are now being automatically extended to align with the parole period shown on the beneficiary's I-94. Affected beneficiaries will receive an I-797C indicating that DHS is extending that individual's EAD to align with the parole period shown on their Form I-94.

Details:

- "USCIS Issuing Updated I-797C for Certain Operation Allies Welcome Parolees," USCIS, Aug. 2, 2022, <https://www.uscis.gov/i-9-central/form-i-9-related-news/uscis-issuing-updated-i-797c-for-certain-operation-allies-welcome-parolees-0>

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USCIS Will No Longer Accept Combined Fee Payments for EB-5 Applications/Petitions

U.S. Citizenship and Immigration Services (USCIS) announced that beginning September 1, 2022, it will no longer accept a single, combined fee payment when an applicant or petitioner files EB-5 immigrant investor applications or petitions with related forms. If a petitioner or applicant submits a single, combined fee payment for the forms listed below, USCIS will reject the forms for improper fee payment and return the fee.

Specifically, USCIS will no longer accept combined payments when an immigrant investor files Form I-526, Immigrant Petition by Standalone Investor, or Form I-526E, Immigrant Petition by Regional Center Investor, together with Form I-485, Application to Register Permanent Residence or Adjust Status; Form I-131, Application for Travel Document; or Form I-765, Application for Employment Authorization.

Details:

- EB-5 Immigrant Investor Program alert, USCIS, Aug. 2, 2022, <https://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program>

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ICE Plans Pilot of Photo IDs for Migrants Awaiting Deportation Proceedings

According to reports, U.S. Immigration and Customs Enforcement (ICE) is developing a pilot program to issue photo ID cards to migrants awaiting deportation proceedings. The cards would not serve as a federal ID for other purposes.

The program is pursuant to the Biden administration's request for \$10 million for the "ICE Secure Docket Card" program in next fiscal year's budget. An ICE spokesperson said, "Moving to a secure card will save the agency millions, free up resources, and ensure information is quickly accessible to DHS officials while reducing the agency's [Freedom of Information Act] backlog."

Some House Republicans are "probing" the "reckless" plan, citing worries that the ID cards would be used to "improperly access benefits such as housing, healthcare, and transportation," among other concerns. In a letter to ICE Acting Director Tae Johnson, the Republican lawmakers have requested a briefing and all documents related to the ICE Secure Docket Card program.

Details:

- U.S. to Issue ID to Migrants Awaiting Deportation Proceedings," Durango Herald, Aug. 4, 2022, <https://bit.ly/3zzxlmR>
- "Comer, Grothman Probe ICE's Identification Cards Pilot Program for Illegal Immigrants," July 29, 2022, <https://republicans-oversight.house.gov/release/comer-grothman-probe-ices-identification-cards-pilot-program-for-illegal-immigrants/>
- Letter from House Republicans to Tae Johnson, ICE Acting Director, July 29, 2022, <https://republicans-oversight.house.gov/wp-content/uploads/2022/07/ICE-ID-Cards-Letter-07292022.pdf>

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EOIR Announces 19 New Immigration Judges

The Department of Justice's Executive Office for Immigration Review (EOIR) appointed 19 new immigration judges (IJs) to courts in California, Florida, Georgia, Illinois, Maryland, New Jersey, Tennessee, Texas, and Virginia.

EOIR said it continues to work to expand its IJ corps and "welcomes qualified candidates from all backgrounds to join the agency."

Details:

- EOIR notice, Aug. 5, 2022 (includes biographies of each of the 19 new IJs), <https://www.justice.gov/eoir/page/file/1524336/download>

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USCIS Extends Certain COVID-19 Flexibilities

U.S. Citizenship and Immigration Services (USCIS) is extending certain COVID-19-related flexibilities through October 23, 2022. Under these flexibilities, USCIS considers a response received within 60 calendar days after the due date set forth in the following requests or notices

before taking any action, if the request or notice was issued between March 1, 2020, and October 23, 2022, inclusive:

- Requests for Evidence
- Continuations to Request Evidence (N-14)
- Notices of Intent to Deny, Revoke, Rescind, Terminate (regional center), or Withdraw Temporary Protected Status
- Motions to Reopen an N-400 Pursuant to 8 CFR 335.5, Receipt of Derogatory Information After Grant

In addition, USCIS will consider a Form I-290B, Notice of Appeal or Motion, or a Form N-336, Request for a Hearing on a Decision in Naturalization Proceedings (Under Section 336 of the INA), if:

- The form was filed up to 90 calendar days from the issuance of a decision by USCIS; and
- USCIS made that decision between November 1, 2021, and October 23, 2022, inclusive.

USCIS also said it has been evaluating which flexibilities should be extended permanently. As a result of this evaluation, the reproduced signature flexibility announced in March 2020 became permanent policy on July 25, 2022. Under that policy, a document may be scanned, faxed, photocopied, or similarly reproduced provided that the copy is of an original document containing an original handwritten signature, unless otherwise specified. For forms that require an original "wet" signature, USCIS will accept electronically reproduced original signatures. Individuals or entities that submit documents bearing an electronically reproduced original signature must also retain copies of the original documents containing the "wet" signature, USCIS said. USCIS may request the original documents at any time, and failure to do so "could negatively impact the adjudication of the immigration benefit."

Details:

- "USCIS Extends COVID-19-Related Flexibilities," July 25, 2022, <https://bit.ly/3bjluXs>
- "USCIS Announces Flexibility in Submitting Required Signatures During COVID-19 National Emergency," March 20, 2020, <https://www.uscis.gov/news/alerts/uscis-announces-flexibility-in-submitting-required-signatures-during-covid-19-national-emergency>

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DHS Extends and Redesignates Syria for TPS, Suspends Certain Requirements for Syrian F-1 Students

The Department of Homeland Security (DHS) announced several measures to provide relief to Syrians in the United States, summarized below.

Temporary Protected Status Extended, Redesignated

DHS is extending the designation of Syria for temporary protected status (TPS) for 18 months, effective October 1, 2022, through March 31, 2024. DHS is also redesignating Syria for TPS.

Extension. The extension allows existing TPS beneficiaries to retain TPS through March 31, 2024, as long as they otherwise continue to meet the eligibility requirements. Existing TPS

beneficiaries who wish to extend their status through March 31, 2024, must re-register during the 60-day re-registration period, which begins on the date of publication of the notice in the Federal Register. As of press time, the notice was expected to be published on August 1, 2022.

Redesignation. The redesignation of Syria allows additional Syrian nationals (and individuals having no nationality who last habitually resided in Syria) who have been continuously residing in the United States since July 28, 2022, to apply for TPS for the first time during the initial registration period. In addition to demonstrating continuous residence in the United States since July 28, 2022, and meeting other eligibility criteria, initial applicants for TPS under this designation must demonstrate that they have been continuously physically present in the United States since October 1, 2022.

DHS said the extension of TPS for Syria allows approximately 6,448 current beneficiaries to retain TPS through March 31, 2024, if they meet TPS eligibility requirements. Approximately 960 additional individuals may be eligible for TPS under the redesignation, DHS noted.

Certain Requirements Suspended for Syrian F-1 Students

Effective October 1, 2022, until April 1, 2024, DHS is suspending certain regulatory requirements for F-1 nonimmigrant students whose country of citizenship is Syria, regardless of country of birth (or individuals having no nationality who last resided in Syria), and who are experiencing severe economic hardship as a direct result of the civil war in Syria. Eligible Syrian students may request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain their F-1 nonimmigrant student status. DHS said it will deem an F-1 nonimmigrant student who receives employment authorization by means of the notice "to be engaged in a 'full course of study' for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement" as described in the notice.

Details:

- DHS TPS notice (advance copy), <https://www.govinfo.gov/content/pkg/FR-2022-08-01/pdf/2022-16508.pdf>
- DHS TPS announcement, <https://bit.ly/3Q6vcet>
- DHS F-1 student notice (advance copy), <https://www.govinfo.gov/content/pkg/FR-2022-08-01/pdf/2022-16469.pdf>

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Some Parolees Can Now File Employment Authorization Applications Online

Certain parolees can now file Form I-765, Application for Employment Authorization, online, U.S. Citizenship and Immigration Services (USCIS) announced on July 28, 2022. Effective immediately, eligible individuals paroled into the United States for urgent humanitarian or significant public benefit purposes under INA § 212(d)(5) who are eligible to seek work authorization under category (c)(11) can file Form I-765 online, with limited exceptions.

Those seeking a waiver of the filing fee or who are eligible for a fee exemption must still file the I-765 by mail.

Details:

- USCIS alert, July 28, 2022, <https://www.uscis.gov/newsroom/alerts/parolees-can-now-file-form-i-765-online>

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100,000 Ukrainians Admitted to United States in July

According to reports, as part of what's being called the largest refugee exodus since World War II, more than 100,000 Ukrainians who fled the Russian invasion of their country have been admitted into the United States, mostly in temporary statuses.

Included are approximately 47,000 on temporary visas, including tourist visas; 30,000 under the "Uniting for Ukraine" program, which includes humanitarian parole; and 22,000 paroled in at the U.S.-Mexico border. Five hundred entered the United States via the refugee system.

Details:

- U.S. Admits 100,000 Ukrainians in 5 Months, Fulfilling Biden Pledge," CBS News, July 29, 2022, <https://www.cbsnews.com/news/us-admits-100000-ukrainians-in-5-months-fulfilling-biden-pledge/>

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New STEM Resources Released

Several entities have released new resources on research and options for noncitizens in the fields of science, technology, engineering, and mathematics (STEM) in the United States:

- U.S. Citizenship and Immigration Services has published resources to provide an overview of some of the temporary and permanent pathways for noncitizens to work in the United States in STEM fields. The materials also highlight some of the most important considerations for STEM professionals who want to work in the United States. New pages include "Options for Noncitizen STEM Professionals to Work in the United States," "Nonimmigrant Pathways for STEM Employment in the United States," and "Immigrant Pathways for STEM Employment in the United States." <https://www.uscis.gov/newsroom/alerts/new-stem-resources-available-on-uscis-website>
- The American Immigration Council rolled out a new website with guides and frequently asked questions on the five international STEM talent policies announced in January 2022 by the Biden administration to enhance the ability of the United States to attract and retain international STEM talent. The website features five guides and FAQs (<https://info.americanimmigrationcouncil.org/stem-faqs/faqs.html>) and new research and links to other work (<https://www.americanimmigrationcouncil.org/research/foreign-born-stem-workers-united-states>)
- In a new policy brief, the National Foundation for American Policy has documented the role played by immigrants as founders and key personnel in many of the United States' most innovative companies. The research shows the importance of immigrants in cutting-edge companies and the U.S. economy at a time when U.S. immigration policies have pushed talent to other countries. <https://nfap.com/research/new-nfap-policy-brief-immigrant-entrepreneurs-and-u-s-billion-dollar-companies/>

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USCIS Reminds Employers That Only Unexpired I-9 List B Documents Are Accepted

U.S. Citizenship and Immigration Services (USCIS) reminded employers that the Department of Homeland Security (DHS) ended the temporary flexibility related to accepting expired List B documents for Form I-9 employment eligibility verification purposes. DHS explained that it adopted the temporary policy in response to the difficulties many individuals experienced with renewing documents during the COVID-19 pandemic, but document-issuing authorities have reopened and/or provided alternatives to in-person renewals. If a current employee presented an expired List B document between May 1, 2020, and April 30, 2022, employers must have updated their I-9 forms by July 31, 2022.

Details:

- USCIS announcement, July 6, 2022, <https://www.uscis.gov/i-9-central/form-i-9-related-news/reminder-dhs-ended-covid-19-temporary-policy-for-expired-list-b-identity-documents>

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Guidance Updated on Evidence to Support STEM-Related O-1 Extraordinary Ability Nonimmigrant Petitions

U.S. Citizenship and Immigration Services (USCIS) updated its guidance on evidence that can be used to support a petition for an O-1A nonimmigrant of extraordinary ability with a focus on science, technology, engineering, and mathematics (STEM) fields.

USCIS clarified that "being named on a competitive government grant for STEM research can be a positive factor toward demonstrating that a beneficiary is at the top of their field. This evidence is added to the listed examples of evidence that may be submitted to show that an applicant has extraordinary ability in the STEM fields."

Details:

- USCIS alert, July 22, 2022, <https://www.uscis.gov/newsroom/alerts/uscis-updates-guidance-for-o-1-petitions-with-a-focus-on-stem-fields>
- O-1 Beneficiaries, Chapter 4, USCIS Policy Manual, <https://www.uscis.gov/policy-manual/volume-2-part-m-chapter-4>

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Reports: Record-High Delays in Visa Interviews and Backlogs Lead to Lawsuits

According to reports, due to visa interview wait times and backlogs reaching new highs, thousands of lawsuits have been filed. Tourists and business visitors wishing to travel to the United States are waiting more than six months to schedule visa interviews or process renewals at most consulates, and the wait for some visa interviews is more than a year. Wait times vary significantly, depending on the consulate.

U.S. Citizenship and Immigration Services (USCIS) acknowledged the increase in delays and backlogs in recent years and blamed the problems on the COVID-19 pandemic and resource constraints, including a drop in paperwork submissions with fees and a staff hiring freeze under the previous administration. USCIS released a public statement in March 2022 outlining steps the agency is taking to address the issues, including targeting processing backlogs, expanding premium processing, and improving access to employment authorization documents. A USCIS

spokesperson said the agency expects to resolve related processing issues and reach a 95 percent hiring target by the end of 2022.

Details:

- "Visa Interview Wait Times Reach New Highs: 247 Days for Visitors/Business Travelers," CATO at Liberty, July 19, 2022, <https://www.cato.org/blog/visa-interview-wait-times-reach-new-highs-247-days-visitors/business-travelers>
- "Government Inaction on Immigration Paperwork Leads to Record High Lawsuits," TRAC Report, July 12, 2022, <https://trac.syr.edu/tracreports/civil/689/>
- "Thousands of Lawsuits Have Been Filed Over Wait Times, Backlogs at U.S. Citizenship and Immigration Services," Reason, July 18, 2022, <https://reason.com/2022/07/18/thousands-of-lawsuits-have-been-filed-over-wait-times-backlogs-at-u-s-citizenship-and-immigration-services/>
- "USCIS Announces New Actions to Reduce Backlogs, Expand Premium Processing, and Provide Relief to Work Permit Holders," USCIS, March 29, 2022, <https://www.uscis.gov/newsroom/news-releases/uscis-announces-new-actions-to-reduce-backlogs-expand-premium-processing-and-provide-relief-to-work>

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USCIS Updates Guidance for Afghans and Iraqis Seeking Special Immigrant Classification

USCIS updated guidance regarding Afghan and Iraqi nationals seeking special immigrant classification. Effective immediately, the new guidance:

- Explains that noncitizens seeking an Afghan Special Immigrant Visa (SIV) on or after July 20, 2022, must file Form DS-157, Petition for Special Immigrant Classification for Afghan SIV Applicants, with the Department of State when they are applying for Chief of Mission approval. In some circumstances, noncitizens must still file a petition with USCIS to pursue an Afghan SIV;
- Updates eligibility criteria to reflect that the employment requirement for an Afghan SIV is now one year and clarifies what type of employment with the International Security Assistance Force qualifies;
- Updates eligibility criteria for surviving spouses and children of deceased principal noncitizens to expand the scope of who may apply for Afghan and Iraqi SIVs;
- In cases where a visa is not immediately available, removes the date limitation to convert an approved petition for an Afghan or Iraqi translator or interpreter to an approved petition for an Iraqi or Afghan employed by or on behalf of the U.S. government; and
- Clarifies statutory requirements that a noncitizen seeking an Afghan or Iraqi SIV must establish that they provided faithful and valuable service to the U.S. government by submitting a positive recommendation or evaluation from their supervisor.

Details:

- USCIS alert, July 20, 2022, <https://www.uscis.gov/newsroom/alerts/uscis-updates-guidance-for-afghans-and-iraqis-seeking-special-immigrant-classification>

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USCIS To Implement Second Phase of Premium Processing for Certain Previously Filed EB-1 and EB-2 Immigrant Petitions

On July 15, 2022, U.S. Citizenship and Immigration Services (USCIS) announced that it is implementing the second phase of the premium processing expansion for certain petitioners who have a pending Form I-140, Immigrant Petition for Alien Workers, under the EB-1 and EB-2 classifications. Similar to the first phase of the expansion, this phase only applies to certain previously filed Form I-140 petitions under an E13 multinational executive and manager classification or E21 classification as a member of professions with advanced degrees or exceptional ability seeking a national interest waiver (NIW). Petitioners who wish to request a premium processing upgrade must file Form I-907, Request for Premium Processing Service.

Beginning August 1, 2022, USCIS will accept Form I-907 requests for:

- E13 multinational executive and manager petitions received on or before July 1, 2021; and
- E21 NIW petitions received on or before August 1, 2021.

USCIS will reject premium processing requests for these Form I-140 classifications if the receipt date is after the dates listed above. USCIS has 45 days to take an adjudicative action on cases that request premium processing for these newly included Form I-140 classifications. The agency said it will not accept new (initial) Forms I-140 with a premium processing request now.

On May 24, 2022, USCIS published a new version of Form I-907, dated 05/31/22. As of July 1, the agency is no longer accepting the older 09/30/20 edition of Form I-907.

Details:

- USCIS announcement, July 15, 2022, <https://www.uscis.gov/newsroom/alerts/uscis-to-implement-second-phase-of-premium-processing-for-certain-previously-filed-eb-1-and-eb-2>

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House Updates: STEM Measure Fails, 'Documented Dreamers' Advances

Several immigration-related proposals were among more than a thousand amendments proposed for the House of Representatives' Rules Committee to consider as additions to the annual National Defense Authorization Act (H.R. 7900):

- A measure to streamline the path to a green card for immigrants with doctorates in science, technology, engineering, and mathematics (STEM) fields failed as the Rules Committee deemed it "out of order" for consideration as an amendment to the defense bill. According to reports, other efforts to find a way to advance it also stalled in negotiations.
- However, a proposal to admit experts in science and technology for national security-related reasons will receive a vote on the House floor. The proposal appears to be limited to 10 experts per year to be selected by the Department of Defense.

- Also advancing to the House floor is a measure to ensure that "documented Dreamers," who are dependents of foreign workers or applicants for permanent residence (green cards), won't age out of legal status when they turn 21.
- Another amendment that advanced would exempt Afghan students from having to show nonimmigrant intent when they apply for student visas to the United States.

Details:

- "Immigration Measure for STEM Workers Adrift After Defense Flop," Bloomberg Law, July 13, 2022, <https://bit.ly/3PddJAR>

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DHS Extends TPS Designation for Venezuela

The Department of Homeland Security has extended Venezuela's temporary protected status (TPS) designation for 18 months, effective September 10, 2022, through March 10, 2024. Only beneficiaries under Venezuela's existing designation, and who were already residing in the United States as of March 8, 2021, are eligible to re-register for TPS under this extension. Venezuelans who arrived in the United States after March 8, 2021, are not eligible. Approximately 343,000 individuals are estimated to be eligible for TPS under the existing designation of Venezuela.

A forthcoming Federal Register notice will provide instructions for re-registering for TPS and applying to renew an employment authorization document (EAD). Venezuelans who are currently eligible for TPS under the existing designation but have not yet applied with U.S. Citizenship and Immigration Services (USCIS) should file their applications before the September 9, 2022, application deadline, including those Venezuelans who are covered under the January 2021 grant of Deferred Enforced Departure (DED), USCIS said. Venezuela's DED is set to expire July 20, 2022.

Details:

- USCIS news release, July 11, 2022, <https://www.uscis.gov/newsroom/news-releases/dhs-announces-extension-of-temporary-protected-status-for-venezuela>

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New EB-5 Immigrant Investor Forms Released

U.S. Citizenship and Immigration Services (USCIS) has revised Form I-526, Immigrant Petition by Alien Entrepreneur, to accommodate the EB-5 Reform and Integrity Act of 2022, which made significant changes to the filing and eligibility requirements for investors under the EB-5 program. The form is now split into two versions:

- **Form I-526, Immigrant Petition by Standalone Investor**, is to be used by "standalone immigrant investors who are not seeking to pool their investment with additional investors seeking EB-5 classification." It closely resembles the prior edition of Form I-526.
- **Form I-526E, Immigrant Petition by Regional Center Investor**, is to be used by "immigrant investors who are seeking to pool their investment with one or more additional investors seeking EB-5 classification under the new regional center program."

Form I-526E "reflect[s] elements of the new regional center program, including the ability to incorporate evidence by reference from a regional center's Form I-956F," USCIS said.

As of July 12, 2022, Forms I-526 and I-526E must be submitted in compliance with new program requirements, USCIS said. The filing fee is \$3,675 for each form. Those who file Form I-526E on or after October 1, 2022, will need to pay an additional \$1,000, required by the EB-5 Reform and Integrity Act of 2022. This additional amount does not apply to an amendment request. A separate biometric services fee of \$85 is also required for each petitioner submitting an initial I-526E petition. The biometric services fee is not required for petitions filing the I-526 to amend a previously filed petition.

Details:

- USCIS announcement, July 12, 2022, <https://www.uscis.gov/newsroom/alerts/uscis-releases-new-forms-for-immigrant-investor-program-0>
- Form I-526, <https://www.uscis.gov/i-526>
- Form I-526E, <https://www.uscis.gov/i-526e>

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Senators Send Letter to Labor Secretary on Delays in Prevailing Wage Determinations for Foreign Workers

U.S. Senators Amy Klobuchar and Susan Collins sent a letter on July 7, 2022, to Secretary of Labor Martin J. Walsh asking about steps the Department of Labor (DOL) is taking to address delays in the processing of prevailing wage determinations for immigrant and nonimmigrant visas.

They noted that the H-1B, H-2B, and employment-based visa programs all require DOL to conduct prevailing wage determinations to ensure that hiring foreign workers will not negatively affect the wages and working conditions of U.S. employees in similar positions. As of May, the senators pointed out, some employers who filed applications for prevailing wage determinations in November were still waiting for their applications to be processed. "These delays make it hard for businesses to have the confidence that they will have the workers they need," the senators said. "This is especially true for seasonal businesses that have a small window of time where they can make all the revenue they need for the entire year. Delays of even a few days can have devastating impacts on their ability to stay open."

The senators asked for answers to their questions by July 29, 2022.

Details:

- Letter from senators to Secretary Walsh, July 7, 2022, <https://bit.ly/3Ocd81g>

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DHS Extends Timeframe for Ukrainian Parolees To Comply With Medical Screening and Attestation

The Department of Homeland Security (DHS) has extended the timeframe beneficiaries paroled into the United States under the "Uniting for Ukraine" program have to attest to their compliance with medical screening for tuberculosis and additional vaccinations, if required. Beneficiaries paroled into the United States under Uniting for Ukraine must complete their medical

attestations within 90 days of arrival in the United States. Previously, such beneficiaries had to complete the medical screening and attestation within 14 days of arrival.

The attestation is a condition of parole and must be completed in the beneficiary's USCIS online account. Beneficiaries are responsible for arranging their vaccinations and medical screening for tuberculosis, including an Interferon-Gamma Release Assay (IGRA) blood test, DHS said.

Details:

- DHS news release, July 13, 2022, <https://www.uscis.gov/newsroom/alerts/time-frame-extended-for-uniting-for-ukraine-parolees-to-comply-with-medical-screening-and>

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SSA Resumes Normal E-Verify Timeframes

E-Verify announced that as of July 15, 2022, employees whose E-Verify cases are referred to the Social Security Administration (SSA) have the normal eight federal working days to contact their local SSA office to begin resolving the mismatch.

At the onset of the COVID-19 pandemic in March 2020, E-Verify extended the timeframe for an employee to take action to resolve a Tentative Nonconfirmation (mismatch). For E-Verify cases referred on or after July 15, 2022, E-Verify is no longer providing extended timeframes for employees to visit SSA to resolve these mismatches. However, E-Verify cases referred between March 2, 2020, to July 14, 2022, with an SSA mismatch still had an extended timeframe to be resolved, E-Verify said.

Details:

- E-Verify announcement, July 5, 2022, <https://bit.ly/3Rj1HHI>

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Labor Dept. Releases FAQ on Process for Requesting Support for Immigration-Related Prosecutorial Discretion for Workers Involved in Labor Disputes

On July 6, 2022, the Department of Labor (DOL) released frequently asked questions (FAQ) on the process for requesting DOL support for requests to the Department of Homeland Security (DHS) for immigration-related prosecutorial discretion during labor disputes.

The FAQ states that DOL considers such requests on a case-by-case basis. DOL remains open to requests from workers to express DOL support for their requests to DHS seeking immigration-related prosecutorial discretion. The FAQ notes:

[W]orkers must feel free to participate in the Department's investigations and proceedings without fear of retaliation or immigration-related consequences. DOL's mission and effective enforcement depends on the cooperation of workers. However, vulnerable workers who lack work authorization or sufficiently 'portable' immigration status are often reluctant to report violations, engage with government enforcement agencies, or otherwise exercise their rights. For example, undocumented workers who experience labor law violations may fear that cooperating with an investigation will result in the disclosure of their immigration status or that of family members, or that it will result in immigration-based retaliation from their employers and adverse immigration consequences for themselves or their family. As a result, both workers and the Department face barriers to equitable and effective enforcement of workplace rights and

protections, and the many employers that adhere to labor and employment laws face unfair competition.

DOL has long supported prosecutorial discretion on a case-by-case basis, to further enforcement of laws within DOL's jurisdiction.

Details:

- FAQ, Dept. of Labor, July 6, 2022, <https://bit.ly/3nOSNEa>

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USCIS Rescinds Decision on Agency Interpretation of Authorized Travel by TPS Beneficiaries

On July 1, 2022, U.S. Citizenship and Immigration Services (USCIS) announced that it has rescinded its designation of the Administrative Appeals Office (AAO) decision in *Matter of Z-R-Z-C-2* as an Adopted Decision and updated its interpretation of the effects of authorized travel by temporary protected status (TPS) beneficiaries. The memorandum notes, among other things:

- USCIS will no longer use the advance parole mechanism to authorize travel for TPS beneficiaries, but will instead provide a new TPS travel authorization document. This document will serve as evidence that the bearer may be inspected and admitted into TPS pursuant to the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (MTINA) if all other requirements are met.
- TPS beneficiaries whom DHS has inspected and admitted into TPS under MTINA, subsequent to that inspection and admission, will have been "inspected and admitted" and are "present in the United States pursuant to a lawful admission," including for purposes of adjustment of status under INA § 245 for a green card. This is true even if the TPS beneficiary was present without admission or parole when initially granted TPS.
- In adjudicating an application for adjustment of status, or any other benefit request where relevant, USCIS will consider whether to apply this guidance to travel undertaken by the applicant before the issuance of this memorandum. This consideration will include a case-by-case review of any reliance on the prior policy, applicable law, and any other relevant factors. Additionally, to be eligible for consideration under this guidance, past travel must meet each of the following requirements:
 - The noncitizen obtained prior authorization to travel abroad temporarily on the basis of being a TPS beneficiary;
 - The noncitizen's TPS was not withdrawn or the designation for their foreign state (or part of a foreign state) was not terminated or did not expire during their travel;
 - The noncitizen returned to the United States in accordance with the authorization to travel; and
 - Upon return, the noncitizen was inspected by DHS or the former Immigration and Naturalization Service (INS) at a designated port of entry and paroled or otherwise permitted to pass into the territorial boundaries of the United States in accordance with the TPS-based travel authorization.

Details:

- USCIS Policy Memorandum, PM-602-0188, July 1, 2022, <https://www.uscis.gov/sites/default/files/document/memos/PM-602-0188-RescissionofMatterofZ-R-Z-C-.pdf>

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USCIS Releases New I-9 Guidance for Employers of E and L Nonimmigrants

U.S. Citizenship and Immigration Services has published new guidance on Form I-9, Employment Authorization Verification, related to employees with E and L nonimmigrant status in its Handbook for Employers (M-274, Section 6.9, Other Temporary Workers).

Details:

- "M-274 Update: New Section Added for Other Temporary Workers," July 5, 2022, <https://www.uscis.gov/i-9-central/form-i-9-related-news/m-274-update-new-section-added-for-other-temporary-workers-0>
- Handbook for Employers, Section 6.9, Other Temporary Workers, <https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/60-evidence-of-status-for-certain-categories/69-other-temporary-workers>

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DHS Issues Final Rule Changing NAFTA to USMCA

The Department of Homeland Security (DHS) issued a final rule relating to the temporary entry of Canadian and Mexican citizen business persons into the United States. The final rule replaces references to the North American Free Trade Agreement (NAFTA) with references to the Agreement Between the United States of America, the United Mexican States, and Canada (USMCA).

The USMCA superseded NAFTA and its related provisions on July 1, 2020. Chapter 16 of the USMCA "generally maintains the same treatment as provided under NAFTA with respect to the temporary entry of Canadian and Mexican citizen business persons," DHS said. The final rule "makes other minor, non-substantive conforming amendments and stylistic changes and corrects typographical errors."

Details:

- U.S. Customs and Border Protection, Final Rule, 87 Fed. Reg. 41027 (July 11, 2022), <https://www.govinfo.gov/content/pkg/FR-2022-07-11/pdf/2022-14728.pdf>

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ABIL Global: Schengen Area

What's next in the Schengen Area? This article provides highlights on the new automated Entry/Exit System and the European Travel Information and Authorization System.

The new automated Entry/Exit System (EES)

The Entry/Exit System (EES) is an automated IT system for registering travelers from third countries, both short-stay visa holders and visa-exempt travelers, each time they cross an EU external border. The EES will replace the current system of manual stamping of passports, which does not allow for the systematic detection of overstayers (travelers who have exceeded the maximum duration of their authorized stay).

It is expected to be operational in 2022 (starting date to be confirmed). The system will register the person's name, type of travel document, biometric data (fingerprints and captured facial images), and date and place of entry and exit.

The EES is intended to contribute to preventing irregular migration and to identifying overstayers more efficiently (and automatically) as well as cases of document and identity fraud.

European Travel Information and Authorization System

Starting in May 2023, non-European Union (EU) nationals who do not need a visa to travel to the Schengen Area will need to apply for travel authorization through the European Travel Information and Authorization System (ETIAS) before their trip. The system aims to carry out pre-travel screening for security and migration risks of visa-exempt visitors and will be a mandatory pre-condition for entry to the Schengen States.

Applicants will file an online application form, and the system will issue travel authorization in most cases within minutes or, where further checks on the traveler are needed, within 30 days. Applicants will need to submit information to answer questions about the Member State of their first intended stay, the purpose of their trip, background relating to previous criminal records, presence in conflict zones, and orders to leave the territory of a Member State or third countries. The applicant must report any criminal offense listed over the previous 10 years and, in the case of terrorist offenses, over the previous 20 years, including when and in which country.

Details:

- How to Count Your Schengen 90 Days, Marco Mazzeschi, <https://medium.com/studiomazzeschi/how-to-count-your-schengen-90-days-ee96f5d25326>
- "Can You Enter the Schengen Area If You Have Past Criminal Convictions?," Marco Mazzeschi, <https://mm-63015.medium.com/can-you-enter-the-schengen-area-if-you-have-past-criminal-convictions-e2280bcc2ccb>

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New Publications and Items of Interest

FAQs on ICE prosecutorial discretion. U.S. Immigration and Customs Enforcement (ICE) released updated frequently asked questions (FAQs) on prosecutorial discretion and the Department of Homeland Security's civil immigration enforcement priorities in light of a court's vacating Secretary Alejandro Mayorkas' related September 30, 2021, memorandum. The FAQs note, among other things, that although ICE's Office of the Principal Legal Advisor (OPLA) attorneys are no longer applying the Mayorkas memo, they may still "exercise their inherent prosecutorial discretion on a case-by-case basis during the course of their review and handling of cases." <https://www.ice.gov/about-ice/opla/prosecutorial-discretion>

Webinars on E-Verify and Form I-9. E-Verify is presenting free webinars on E-Verify and the

Form I-9 employment eligibility verification process. The webinars are eligible for professional development credits through the Society of Human Resource Management and the Human Resource Certification Institute, except for "E-Verify in 30" and "myE-Verify." Customized sessions are also available; email E-VerifyOutreach@uscis.dhs.gov to arrange the topic, date, and time. <https://www.e-verify.gov/about-e-verify/e-verify-webinars>

Beware of ICE imposters. U.S. Customs and Immigration Enforcement (ICE) released a safety alert warning people to beware of ICE imposters after reports of people representing themselves as ICE personnel in person, by telephone, or online for fraudulent gain and attempting to elicit some form of payment or compensation for immigration benefits or other immigration services.

<https://www.ice.gov/sites/default/files/documents/Document/2019/bewareICEimposters.pdf>

HHS releases lists of designated primary medical care, mental health, and dental health professional shortage areas. The Department of Health and Human Services released the complete lists of all geographic areas, population groups, and facilities designated as primary medical care, dental health, and mental health professional shortage areas (HPSAs) in a designated status as of April 29, 2022. The lists are available from HRSA at <https://data.hrsa.gov/tools/shortage-area>.

FAQ on VWP and ESTA. U.S. Customs and Border Protection has released frequently asked questions about the Visa Waiver Program and the Electronic System for Travel Authorization. <https://www.cbp.gov/travel/international-visitors/frequently-asked-questions-about-visa-waiver-program-vwp-and-electronic-system-travel>

New citizenship ambassador initiative. U.S. Citizenship and Immigration Services (USCIS) announced the launch of the first-ever citizenship ambassador initiative. Through this new initiative, USCIS will partner with community leaders who will promote citizenship through their own immigrant experiences. The initiative "is designed to make a personal and local connection to the more than 9.1 million lawful permanent residents who may be eligible to apply for naturalization and who otherwise may not have access to or knowledge of the naturalization process," USCIS said. <https://www.uscis.gov/newsroom/news-releases/uscis-announces-new-citizenship-ambassador-initiative>

List of randomized H-2B applications published. The Office of Foreign Labor Certification (OFLC) has published the Assignment Group(s) for 1,360 H-2B applications covering 29,856 worker positions with a work start date of October 1, 2022 (fiscal year 2023). Since the number of the H-2B applications received during the three-day filing window (July 3–5, 2022) collectively requested fewer worker positions for certification than the number of visas available under the semi-annual visa allotment for the first half of fiscal year 2022, all H-2B applications filed within that time period that requested workers starting October 1, 2022, were randomly given a unique number in accordance with OFLC's randomization process and placed into the same group for assignment to analysts for review and processing. <https://www.dol.gov/agencies/eta/foreign-labor> (scroll to July 12, 2022)

Immigrant and Employee Rights Section free webinars. The Department of Justice's Immigrant and Employee Rights Section is offering free webinars for the public. <https://www.justice.gov/crt/webinars>

Agency Twitter accounts:

- EOIR: @DOJ_EOIR
- ICE: @ICEgov
- Study in the States: @StudyinStates
- USCIS: @USCIS

Immigrant and employee rights webinars. The Department of Justice's Immigrant and Employee Rights Section is offering a number of free webinars for workers, employers, and advocates. For more information, see <https://www.justice.gov/crt/webinars>.

E-Verify webinar schedule. E-Verify released its calendar of webinars at https://www.e-verify.gov/calendar-field_date_and_time/month.

Alliance of Business Immigration Lawyers:

- ABIL is available on Twitter: @ABILImmigration
- Recent ABIL member blogs are at <http://www.abilblog.com/>

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ABIL Member/Firm News

Klasko Immigration Law Partners, LLP, has released several new episodes in the Statutes of Liberty podcast series. In "Episode 29: EB-5 Regional Centers," Klasko EB-5 attorneys discuss the latest updates to the EB-5 regional center program and what that means for investors, developers, and brokers. They also address what role they played in recent litigation and give advice on next steps for EB-5 clients. Attorneys Ron Klasko, Dan Lundy, and Allison Li address questions on what a federal district court judge's preliminary injunction means and more, including:

- Is the regional center program fully operational now?
- Can regional centers file project approval applications now?
- When can investors file I-526s?
- Are there any risks for investors who file I-526 petitions?
- What if an existing regional center wants to change or extend its geographic territory?

In "Episode 28: Introduction to the EB-1 Visa," Klasko's EB-1 attorney team discusses the fundamentals of EB-1, gives an overview on how to prepare for a successful EB-1 petition, and covers ways to increase your chances of approval. Anu Nair, Allie Dempsey, and Nigel James answer these need-to-know questions before starting your EB-1 application:

- Do you need a sponsor?
- What are the benefits?
- What criteria are needed?
- What are some alternative options?

The podcast episodes are available at <https://bit.ly/3IGFQ9k>

Robert Loughran (bio: <https://www.abil.com/abil-lawyers/robert-f-loughran/>) released several **Foster LLP** announcements:

- Chairman **Charles Foster** discussed U.S. immigration policy and border protection on a recent episode of KPRC Newsmakers with Khambrel Marshall. Click here to watch the interview: <https://bit.ly/3uLQ3eH>
- **Avalyn Langemeier** will present "Next Level Immigration Knowledge—Latest Updates and Impacts" at HR Houston's Gulf Coast Symposium on Wednesday, July 27, 2022. She will discuss the latest updates to immigration policy and the impact they will have on the immigration process. https://www.hrhouston.org/mpage/GCS22_Home
- **Oxana Bowman** and **Brenda Hicks** will present "Riding the Pandemic Roller Coaster with H-1B Workers—A Review of H-1B Requirements When Employment Terms Change" at HR Houston's Gulf Coast Symposium on Thursday, July 28. She will provide HR professionals with a basic understanding of the special requirements related to

changes in the employment of H-1B workers.
https://www.hrhouston.org/mpage/GCS22_Home

Cyrus Mehta (bio: <https://www.abil.com/abil-lawyers/cyrus-d-mehta/>) has been named Editor-in-Chief of the *American Immigration Lawyers Association Law Journal*. Mr. Mehta is Managing Partner of Cyrus D. Mehta & Partners PLLC in New York City and is a graduate of Cambridge University and Columbia Law School. He has served in varied national roles with AILA, currently continuing his long-time service with AILA's Ethics Committee as Vice Chair. Mr. Mehta is a board member of the New York Immigration Coalition and is a board member of Volunteers of Legal Services. He is also special counsel on immigration matters to the Departmental Disciplinary Committee, Appellate Division, First Department, New York.
<https://www.aila.org/advo-media/press-releases/2022/aila-law-journal-welcomes-new-editor>

Mr. Mehta has authored several new blog posts: "The Long, Windy, Bumpy, and Outrageous Road to Labor Certification," <http://blog.cyrusmehta.com/2022/08/the-long-windy-bumpy-and-outrageous-road-to-labor-certification-feat-two-sunday-ads.html>; and "Considerations When Terminating a Foreign Worker," <http://blog.cyrusmehta.com/2022/07/considerations-when-terminating-a-foreign-worker.html>

Mr. Mehta and Kaitlyn Box co-authored a new blog post, "A Practical Guide to Spending the 3 and 10 Year Bars in the United States." <http://blog.cyrusmehta.com/2022/07/a-practical-guide-to-spending-the-3-and-10-year-bars-in-the-us.html>

Angelo Paparelli (bio: <https://www.abil.com/abil-lawyers/angelo-paparelli/>) has authored a new blog post, "A Snitch in Time Saves How Many?—Incentivizing Noncitizens to Report Employment Law Violations." <https://www.nationofimmigrants.com/biden-administration-immigration-policies/a-snitch-in-time-saves-how-many-incentivizing-noncitizens-to-report-employment-law-violations/>

Wolfsdorf Rosenthal LLP has published a new blog post: "Italy: Faster Immigration Procedure for Limited Categories of Work." <https://wolfsdorf.com/italy-faster-immigration-procedure-for-limited-categories-of-work/>

Stephen Yale-Loehr (bio: <https://www.abil.com/abil-lawyers/stephen-yale-loehr/>) was quoted by the Associated Press in "Immigrants Are Not Getting Social Security Numbers at the U.S. Border." In response to anti-immigrant activists' claims that Border Patrol agents are handing out social security cards to undocumented immigrants at the border, Mr. Yale-Loehr explained that Border Patrol agents can't issue social security cards: "Even if they were to do it, it would be illegal for them to do it and they could be prosecuted for doing it. I believe it is a false statement." <https://apnews.com/article/fact-check-social-security-number-border-552180846074>

Mr. Yale-Loehr authored an op-ed published by The Hill, "Ending Title 42 Won't Cause Immigration Mayhem—It Will Restore Order." <https://thehill.com/opinion/immigration/3575601-ending-title-42-wont-cause-immigration-mayhem-it-will-restore-order/>

Mr. Yale-Loehr was quoted by Univision in "Forced Separation of Families at the Border, the Mark of Terror That Still Persists." He said, "The forced separation of families during the Trump administration violated the due process rights of families. Many of them are now suing the U.S. government for damages. The forced separation also set a bad precedent, both for future presidents and for leaders of other countries, who might try the same." He noted that criminal proceedings against asylum seekers and others trying to enter the United States "also set a bad precedent. People fleeing persecution have the right under U.S. and international law to apply for asylum. U.S. law allows criminal prosecutions against others who try to enter the country illegally, but such prosecutions do not deter desperate people. Instead, we need smart border management and more temporary work visas to allow people to legally enter the United States."

<https://www.univision.com/noticias/inmigracion/separaciones-forzadas-familias-frontera-mexico-huella-de-terror-que-persiste> (Spanish with English translation available)

Mr. Yale-Loehr was quoted by CBS News in "Republican States' Lawsuits Derail Biden's Major Immigration Policy Changes." Mr. Yale-Loehr said federal policymaking on immigration is now primarily dictated by federal courts, not Congress or the executive branch. "I think every major policy initiative by Biden that they plan to roll out in the next year is going to be certainly challenged in the courts, and the conservative states have done a good job of judge-shopping to find judges that are likely to agree with these conservative states," he said, noting that he expects lawsuits will continue to shape federal immigration policy unless Congress inhibits the power of judges to block nationwide initiatives or passes a broad reform of the U.S. immigration system, a prospect that has remained elusive for decades amid intense partisanship. However, he said, "that's not the way our government is supposed to run," and the role of the federal court system should be limited to determining whether the actions of the president and Congress are lawful and constitutional. "From the American public's perspective, when people disagree with a policy, theoretically they can vote that person out of office, whether it's a member of Congress or the president. But when the judges are making a policy decision that the public disagrees with, they cannot vote that judge out of office," he noted.

<https://www.cbsnews.com/news/immigration-biden-republican-states-lawsuits/?intcid=CNM-00-10abd1h>

Mr. Yale-Loehr was quoted by the Voice of America about the Department of State's 2022 Trafficking in Persons Report. The video interview is in Russian at <https://www.youtube.com/watch?v=AHlWV9BEAJE>. Click on CC and select English to see Mr. Yale-Loehr's comments subtitled in English. Mr. Yale-Loehr said that human trafficking is a huge and growing problem worldwide, affecting about 25 million people per year. Report: <https://www.state.gov/reports/2022-trafficking-in-persons-report/>

Mr. Yale-Loehr co-authored the second edition of *Immigration and Nationality Law: Problems and Strategies*, published by Carolina Academic Press. The book introduces the reader to the legal concepts and experience of practicing immigration law by presenting the material through a series of hypotheticals. It is designed for both law students and attorneys as it covers not only statutory provisions and key immigration law cases but also provides an understanding of the many government agencies involved in the immigration process and how to navigate the wide variety of adjudications that are central to the U.S. immigration system. The book goes beyond doctrine to implications for strategies and policy. For more information, including a video with the authors, or to order, see <https://bit.ly/3IHUuWS>

Mr. Yale-Loehr was quoted by Scripps Media in "Companies Add Immigration Reimbursement to List of Benefits." Commenting on new immigrant assistance benefits some companies are offering, Mr. Yale-Loehr said, "This is a new trend because of the tight labor market and employers need to figure out how to both attract and retain workers. And with foreign workers being a growing part of the employment base, [offering] benefits to foreign-born workers is increasingly one way that they can entice people to come work for them or to stay with them." As examples, he noted that Amazon "has just started a reimbursement program to cover fees for a work permit renewal, which can cost between \$410 and \$495 every two years. [Tyson Foods], which is the biggest U.S. food processor, is expanding its immigration benefits by offering a program to its workers to give them free legal services ranging from work authorization renewals to green card and citizenship applications." <https://www.ksby.com/news/national/companies-add-immigration-reimbursement-to-list-of-benefits>

Mr. Yale-Loehr was quoted by Univision in " 'Remain in Mexico' Is Still in Force and It Is Not Known When and How It Will Be Dismantled." The article notes that although the Supreme Court determined at the end of June 2022 that the government can "cancel" the Trump

administration's "remain in Mexico" policy, a series of legal requirements must be met to dismantle it and create a replacement protocol. "The Supreme Court ruling is significant for a number of reasons," Mr. Yale-Loehr said. First, the Court "preserved its right to decide the merits of an immigration dispute, even if immigration law prohibits lower courts from issuing an injunction. Second, the Court held that the immigration statute gives immigration officials discretion over whom to admit into the United States while they await an immigration hearing. And third, the majority noted that by interpreting federal law to require the return of asylum seekers to Mexico, the lower court in the case limited the ability of the executive branch to conduct foreign relations with Mexico." In short, he said, the Court "upheld the Biden administration's efforts to end a Trump-era immigration policy," although the process will take time. <https://www.univision.com/noticias/inmigracion/fallo-corte-suprema-interrogantes-programa-mpp-quedate-en-mexico-desmantelamiento> (in Spanish, with English translation available)

Mr. Yale-Loehr was quoted by several media outlets relating to the Supreme Court's decision on the "Remain in Mexico" policy:

- "Explaining the Supreme Court Immigration Ruling on 'Remain in Mexico,' " PolitiFact. He explained that historically, when people believe an immigration policy violates immigration law, they can sue the government, which initiates a court case. However, these cases often take a long time, so the person or group suing can ask the courts to either stop or restart the policy if it is causing immediate harm, which is called an injunction, he noted. <https://www.politifact.com/article/2022/jul/07/explaining-supreme-court-immigration-ruling-remain/>
- "Biden Administration Can Drop 'Remain in Mexico' Policy, But What Will it Use Instead?," Marketplace. He said, "The court today recognized that this is really part of a bigger political problem of not enough funding for our broken immigration system." <https://www.marketplace.org/2022/07/05/biden-administration-can-drop-remain-in-mexico-policy-but-what-will-it-use-instead/>

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Government Agency Links

Follow these links to access current processing times of the USCIS Service Centers and the Department of State's latest Visa Bulletin with the most recent cut-off dates for visa numbers:

USCIS case processing times online: <https://egov.uscis.gov/processing-times/>

Department of State Visa Bulletin: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html>

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About ABIL

The Alliance of Business Immigration Lawyers (ABIL) offers a single point of contact for customer needs, news alerts, staff training, and other programs that benefit clients through the collaboration of more than 425 member lawyers and their more than 1,400 staff. Corporate counsel, human resource professionals, in-house immigration managers, and other corporate decision-makers turn to ABIL lawyers for outstanding legal skills and services. ABIL's work also includes advocating for enlightened immigration reform, providing speakers and media sources, presenting conferences, publishing books and articles on cutting-edge immigration topics, and

sharing best practices, all with the ultimate goal of offering value-added services to business immigration clients.

The Alliance of Business Immigration Lawyers' website is at <http://www.abil.com/>. ABIL is also on Twitter: @ABILImmigration.

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