

IMMIGRATION INSIDER

Vol. 17, No. 6 ▪ June 6, 2021

Headlines:

Cap Reached for Additional Returning Worker H-2B Visas for FY 2021 – Under the recently announced H-2B supplemental cap temporary final rule, USCIS has received enough petitions to reach the cap for the additional 16,000 H-2B visas made available for returning workers only. USCIS continues to accept petitions for H-2B nonimmigrant workers for the additional 6,000 visas allotted for nationals of Honduras, Guatemala, and El Salvador.

State Dept. Expands National Interest Exception Criteria for Travelers from Covid-Restricted Countries – The Department expanded the NIE criteria for individuals subject to proclamations restricting travel to the United States due to physical presence in China, Iran, India, Brazil, South Africa, the Schengen Area, the United Kingdom, and Ireland.

DHS Terminates Migration Protection Protocols Program – Alejandro Mayorkas, DHS Secretary, announced on June 1, 2021, that he has terminated the Migration Protection Protocols (MPP) program.

ICE Announces Extension, New Employee Guidance on I-9 Compliance Flexibility – U.S. Immigration and Customs Enforcement announced an extension until August 31, 2021, of the flexibilities in rules related to Form I-9 compliance that were initially granted last year due to precautions related to COVID-19.

USCIS Eases Visitor Restrictions for Fully Vaccinated Individuals – Fully vaccinated individuals no longer have to wear a face covering. USCIS also eased other requirements for fully vaccinated individuals who do not have COVID-19 symptoms.

DHS Designates Haiti for Temporary Protected Status – The Department of Homeland Security has designated Haiti for TPS for 18 months.

DHS Designates Burma (Myanmar) for Temporary Protected Status – The Department of Homeland Security has designated Burma (Myanmar) for TPS through November 25, 2022.

DHS Suspends Certain Regulatory Requirements for F-1 Nonimmigrant Students From Burma (Myanmar) – The Department of Homeland Security announced the suspension until November 25, 2022, of certain regulatory requirements for F-1 nonimmigrant students from Burma (Myanmar) who are experiencing severe economic hardship as a result of the current crisis in Burma.

Higher Education Associations Urge Biden Administration to Take Action to Allow International Students to Return to Campus In Time for Fall Semester – The associations ask for timely and efficient processing of visa applications and work authorizations.

CBP Continues Temporary Travel Restrictions From Canada, Mexico Into United States Via Land POEs and Ferries – Temporary limits on nonessential travel of individuals from Canada or Mexico into the United States at land ports of entry along the border, including ferry service, will continue through June 21, 2021.

Round Table of Former Immigration Judges Asks Attorney General to Review, Rescind Trump Administration Decisions – The group asked Attorney General Merrick Garland to "review and rescind many, if not all, of the decisions that former Attorneys General Sessions, Whitaker, Barr, and Rosen certified to themselves."

DHS, DOJ Announce New Dedicated Docket Process for Immigration Hearings – The new process is intended to "significantly decrease the amount of time it takes for migrants to have their cases adjudicated while still providing fair hearings for families seeking asylum at the border."

DHS, DOL Issue Joint Rule Increasing H-2B Visa Cap – The Departments of Homeland Security and Labor published a joint temporary final rule making available an additional 22,000 H-2B temporary nonagricultural guest worker visas for fiscal year 2021 "to employers who are likely to suffer irreparable harm without these additional workers." Of the supplemental visas, 6,000 are reserved for nationals of Honduras, El Salvador, and Guatemala.

DHS Issues Final Rule to Remove Vacated H-1B Rule – The vacated interim final rule, issued in October 2020, made changes to the regulatory definitions and standards for "specialty occupation," "worksites," "third-party worksite," "U.S. employer," "employer-employee relationship," and others.

USCIS Extended SAVE Records Download Deadline – U.S. Citizenship and Immigration Services extended the deadline for SAVE users to download older case information before USCIS disposed of it. This applied to SAVE records that were more than 10 years old (those dated on or before December 31, 2010).

ETA Proposes Revision to CW-1 Application for Temporary Employment Certification in Marianas – The information collected through the form remains unchanged.

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DHS Announces Continuation of International Entrepreneur Program – USCIS said the program, first introduced in 2017, "will remain a viable program for foreign entrepreneurs to create and develop start-up entities with high growth potential in the United States."

USCIS Temporarily Suspends Biometrics Requirement for Certain Nonimmigrants Changing or Extending Status – Previously, applicants had to submit requests in writing to reschedule their biometrics appointments.

USCIS Allows Rescheduling of Biometric Appointments by Phone – The Department of Homeland Security plans to withdraw a proposed rule concerning the use and collection of biometrics in the enforcement and administration of immigration laws by U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement.

DOL Further Delays Effective Date of Prevailing Wage Computation Final Rule – The Department of Labor has delayed a final rule on prevailing wage computations until November 14, 2022.

CBP Announces Policy Change on National Interest Exceptions at Port of Atlanta – Due to a "recent necessary policy change," U.S. Customs and Border Protection (CBP) at the Port of Atlanta will only consider processing § 212(f) national interest exception waiver requests for "urgent humanitarian reasons or those involving national security and/or law enforcement matters."

Afghan Translators/Interpreters Who Helped United States Seek Visas Promised to Them – An estimated 18,000 Afghan translators/interpreters and their families who have aided the U.S. military and government with translation services await pending Special Immigrant Visas. With the September 2021 deadline looming for the United States to withdraw American troops, pleas for visas to be issued quickly have been renewed.

USCIS Provides Guidance on Exemption to Temporary Need Requirement for Certain H-2B Workers in Guam and Marianas – USCIS issued guidance effective immediately regarding the filing and adjudication of temporary nonagricultural worker (H-2B) nonimmigrant visa petitions for certain H-2B workers on Guam and in the Commonwealth of the Northern Mariana Islands.

President Biden Raises Refugee Cap to 62,500 in FY 2021 – President Joe Biden revised the United States' annual refugee admissions cap to 62,500 for fiscal year FY 2021, with a goal of 125,000 admissions for FY 2022.

DHS Will Withdraw Proposed Rule on Work Authorization for Certain Persons With Final Removal Orders – The Department of Homeland Security will withdraw a proposed rule that would have revised DHS regulations to eliminate employment authorization for individuals who have final orders of removal and are released from DHS custody on an order of supervision, with a narrow exception.

DHS Will Withdraw Proposed Rule on Expanding Biometrics Collection, Use – The Department of Homeland Security plans to withdraw a proposed rule concerning the use and collection of biometrics in the enforcement and administration of immigration laws by U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement.

DHS Ratifies Rule That Removes 30-Day EAD Processing Requirement – Secretary of Homeland Security Alejandro Mayorkas ratified a rule regarding applications for employment authorization documents filed by people who have applied for asylum.

Labor Dept. Proposes Rule on H-2A Adjudication of Temporary and Seasonal Need for Herding and Production of Livestock on the Range – The Department of Labor proposes to amend its regulations regarding the adjudication of temporary need for employers seeking herding or production of livestock on the range job opportunities under the H-2A program.

EOIR Announces 17 New Immigration Judges – The Executive Office for Immigration Review announced 17 new Immigration Judges, including one Assistant Chief Immigration Judge and six Unit Chief Immigration Judges, and released biographical information about all of them.

ABIL Global: India – The Indian government has simplified the rules for renewal of Overseas Citizenship of India (OCI) cards.

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Cap Reached for Additional Returning Worker H-2B Visas for FY 2021

Under the recently announced H-2B supplemental cap temporary final rule, U.S. Citizenship and Immigration Services (USCIS) announced on June 3, 2021, that it has received enough petitions to reach the cap for the additional 16,000 H-2B visas made available for returning workers only. USCIS continues to accept petitions for H-2B nonimmigrant workers for the additional 6,000 visas allotted for nationals of Honduras, Guatemala, and El Salvador (collectively called the Northern Triangle).

USCIS said it is rejecting and returning any cap-subject petitions for H-2B returning workers (not including those filed under the Northern Triangle allotment) received after June 1, 2021, together with any accompanying filing fees.

Petitioners whose workers were not selected for the 16,000 returning worker allotment are encouraged to refile for workers from the Northern Triangle countries while visas for that allotment remain available. The final date for filing petitions requesting Northern Triangle nationals who are exempt from the returning worker requirement is July 8, 2021. If fewer than 6,000 beneficiaries are requested toward the visas set aside for nationals of the Northern Triangle countries, USCIS will announce by July 23, 2021, that the remaining visa numbers will be made available to beneficiaries regardless of nationality, subject to the returning worker limitation.

USCIS said it will continue to accept H-2B petitions for workers filing under the Northern Triangle allotment, as well as those that are exempt from the congressionally mandated cap. This includes petitions for:

- Current H-2B workers in the United States petitioning to extend their stay and, if applicable, change the terms of their employment or change their employers;

- Fish roe processors, fish roe technicians, and/or supervisors of fish roe processing; and
- Workers performing labor or services in the Commonwealth of the Northern Mariana Islands and/or Guam from November 28, 2009, until December 31, 2029.

Details:

- USCIS announcement, <https://www.uscis.gov/news/alerts/cap-reached-for-additional-returning-worker-h-2b-visas-for-fy-2021>
- "Temporary Increase in H-2B Nonimmigrant Visas for FY 2021" page, USCIS, <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-2b-non-agricultural-workers/temporary-increase-in-h-2b-nonimmigrant-visas-for-fy-2021>
- Joint temporary final rule, <https://www.govinfo.gov/content/pkg/FR-2021-05-25/pdf/2021-11048.pdf>

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State Dept. Expands National Interest Exception Criteria for Travelers from Covid-Restricted Countries

On May 27, 2021, the Department of State expanded the National Interest Exception (NIE) criteria for individuals subject to proclamations restricting travel to the United States due to physical presence in China, Iran, India, Brazil, South Africa, the Schengen Area, the United Kingdom, and Ireland.

Categories of qualified travelers who can now apply and qualify for NIEs include those "who are seeking to provide vital support or executive direction for critical infrastructure; those traveling to provide vital support or executive direction for significant economic activity in the United States; journalists; students and certain academics covered by exchange visitor programs; immigrants; and fiancés."

Qualified travelers who are applying for or have valid visas or Electronic System for Travel Authorization (ESTA) may travel to the United States following the procedures summarized in the notice, which also provides information for F-1 or M-1 students and on NIEs for qualified travelers seeking to enter the United States for purposes related to humanitarian travel, public health response, and national security.

Travelers requiring a visa stamp and/or NIE should review the website of the nearest U.S. embassy or consulate for further instructions specific to the post.

Details:

- State Dept. notice, <https://bit.ly/3x0xRgd>

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DHS Terminates Migration Protection Protocols Program

Alejandro Mayorkas, Secretary of the Department of Homeland Security (DHS), announced on June 1, 2021, that he has terminated the Migration Protection Protocols (MPP) program. The Trump administration implemented the program in January 2019 with a memorandum from then-DHS Secretary Kirstjen Nielsen.

Under the program, approximately 68,000 individuals were returned to Mexico following their enrollment. According to a new memorandum, Secretary Mayorkas determined that "MPP does not adequately or sustainably enhance border management in such a way as to justify the

program's extensive operational burdens and other shortfalls." Under MPP, certain non-Mexican applicants for admission to the United States who arrived on land at the southwest border could be returned to Mexico to await their removal proceedings. Due to public health measures necessitated by the ongoing COVID-19 pandemic, however, DHS and the Executive Office for Immigration Review (EOIR) "stopped being able to facilitate and conduct immigration court hearings for individuals enrolled in MPP beginning in March 2020," the memo notes. DHS "has worked with interagency partners and facilitating organizations to implement a phased process for the safe and orderly entry into the United States of certain individuals who had been enrolled in MPP" following DHS's suspension of new enrollments as of January 21, 2021.

The memo states that termination of MPP "does not impact the status of individuals who were enrolled in MPP at any stage of their proceedings before EOIR or the phased entry process" described in the memo.

Details:

- DHS memorandum, June 1, 2021, https://www.dhs.gov/sites/default/files/publications/21_0601_termination_of_mpp_program.pdf

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ICE Announces Extension, New Employee Guidance on I-9 Compliance Flexibility

U.S. Immigration and Customs Enforcement (ICE) announced an extension until August 31, 2021, of the flexibilities in rules related to Form I-9 compliance that were initially granted last year due to precautions related to COVID-19.

The latest extension includes guidance for employees hired on or after June 1, 2021, who work exclusively in a remote setting due to COVID-19-related precautions. Those employees are temporarily exempt from the physical inspection requirements associated with the Employment Eligibility Verification (Form I-9) process until they undertake non-remote employment on a "regular, consistent, or predictable basis," or the extension of the flexibilities related to such requirements is terminated, whichever is earlier. If there are employees physically present at a work location, no exceptions are being implemented for in-person verification of identity and employment eligibility documentation.

Details:

- ICE announcement, May 26, 2021, <https://www.ice.gov/news/releases/ice-announces-extension-new-employee-guidance-i-9-compliance-flexibility-0>

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USCIS Eases Visitor Restrictions for Fully Vaccinated Individuals

Due to updated guidance from the Centers for Disease Control and Prevention, U.S. Citizenship and Immigration Services (USCIS) has updated its visitor policy. Fully vaccinated individuals no longer have to wear a face covering. Individuals two years old and older who are not fully vaccinated must still wear a face covering.

"Fully vaccinated" is defined as at least two weeks having passed after receiving a second dose in a two-dose series or at least two weeks having passed after receiving a dose of a single-dose vaccine.

USCIS also eased other requirements for fully vaccinated individuals who do not have COVID-19 symptoms. Those who have returned from domestic air, international air, or cruise ship travel

in the past 10 days may enter USCIS facilities if they are fully vaccinated. Individuals who have been in close contact (within six feet for a total of 15 minutes or more) with anyone known to have COVID-19 in the previous 14 days may also enter USCIS facilities if they are fully vaccinated. Healthcare workers who consistently wear an N95 respirator and proper personal protective equipment or equivalent when in contact with COVID-19-positive individuals continue to be exempt from reporting close contact, USCIS said.

In Department of Homeland Security-controlled spaces, "this guidance supersedes state, local, tribal, or territorial rules and regulations regarding face coverings," USCIS said.

Details:

- USCIS notice, May 27, 2021, <https://www.uscis.gov/news/alerts/uscis-eases-visitor-restrictions-for-fully-vaccinated-individuals>

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DHS Designates Haiti for Temporary Protected Status

The Department of Homeland Security (DHS) has designated Haiti for temporary protected status (TPS) for 18 months.

TPS will apply only to those individuals who are already residing in the United States as of May 21, 2021, and meet all other requirements. Those who attempt to travel to the United States after this announcement will not be eligible for TPS and may be repatriated, DHS warned. Haiti's 18-month designation will take effect on the publication date of the Federal Register notice, to come shortly. The notice will provide instructions for applying for TPS and employment authorization documentation.

Details:

- DHS announcement, May 22, 2021, <https://www.dhs.gov/news/2021/05/22/secretary-mayorkas-designates-haiti-temporary-protected-status-18-months>

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DHS Designates Burma (Myanmar) for Temporary Protected Status

The Department of Homeland Security (DHS) has designated Burma (Myanmar) for temporary protected status (TPS) through November 25, 2022. The designation allows an estimated 1,600 Burmese nationals (or individuals having no nationality who last habitually resided in Burma) who have been continuously residing in the United States since March 11, 2021, and continuously physically present in the United States since May 25, 2021, to file initial applications for TPS.

The 180-day initial registration period began on May 25, 2021, and runs through November 22, 2021. Applicants may also be eligible to apply for TPS-related employment authorization documents and for travel authorization.

Details:

- DHS announcement, <https://www.uscis.gov/news/news-releases/dhs-announces-open-registration-for-temporary-protected-status-for-burma>
- Designation of Burma (Myanmar) for Temporary Protected Status, 86 Fed. Reg. 28132 (May 25, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-05-25/pdf/2021-11075.pdf>

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DHS Suspends Certain Regulatory Requirements for F-1 Nonimmigrant Students From Burma (Myanmar)

On May 24, 2021, the Department of Homeland Security (DHS) announced the suspension until November 25, 2022, of certain regulatory requirements for F-1 nonimmigrant students from Burma (Myanmar) who are experiencing severe economic hardship as a result of the current crisis in Burma. The notice temporarily suspends applicable on-campus and off-campus employment regulations for eligible Burmese students who meet certain conditions.

Details:

- DHS notice, <https://www.ice.gov/doclib/sevis/pdf/bcm2105-03.pdf>
- Federal Register notice, <https://bit.ly/3wBJkCC>

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Higher Education Associations Urge Biden Administration to Take Action to Allow International Students to Return to Campus In Time for Fall Semester

The American Council on Education (ACE) and a group of higher education associations sent a letter to Secretary of State Antony Blinken and Secretary of Homeland Security Alejandro Mayorkas urging them to take immediate action to allow international students to return to their campuses and institutions in the fall semester. "Given the processing time for visas, we believe there are actions that need to be taken now to allow enough time for processing and for international students to make plans to travel to the United States safely." The associations ask for timely and efficient processing of visa applications and work authorizations, including optional practical training, among other measures.

NAFSA: Association of International Educators, sent a separate letter to Secretary Blinken, noting among other things that over the past four years, the United States "lost international students to competitors like Canada, Australia, and even China."

The ACE letter notes a 43 percent decline in new international student enrollment at U.S. institutions during the COVID-19 pandemic, and a decline in the overall economic impact generated by international students of \$1.8 billion during the 2019-2020 academic year from \$40.5 billion in the prior year. There were approximately 1.1 million international students in the United States in the 2019-2020 academic year.

Details:

- ACE letter, <https://www.acenet.edu/Documents/Letter-State-DHS-Fall-2021-031821.pdf>
- NAFSA letter, <https://www.nafsa.org/sites/default/files/media/document/NAFSAtoSecretaryBlinken.pdf>
- "Colleges Beg Biden to Save International Student Enrollment," Politico, May 29, 2021, <https://www.politico.com/news/2021/05/29/colleges-biden-visas-international-students-491346>

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CBP Continues Temporary Travel Restrictions From Canada, Mexico Into United States Via Land POEs and Ferries

The Department of Homeland Security (DHS) announced that temporary limits on nonessential travel of individuals from Canada or Mexico into the United States at land ports of entry along the border, including ferry service, will continue through June 21, 2021. The restrictions only allow processing for entry into the United States of those travelers engaged in "essential travel," as defined in the notice.

Details:

- Federal Register notice (Canada), <https://www.govinfo.gov/content/pkg/FR-2021-05-24/pdf/2021-10991.pdf>
- Federal Register notice (Mexico), <https://www.govinfo.gov/content/pkg/FR-2021-05-24/pdf/2021-10992.pdf>

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Round Table of Former Immigration Judges Asks Attorney General to Review, Rescind Trump Administration Decisions

The Round Table of Former Immigration Judges (RTFIJ), a group of 40 former immigration judges and appellate-level judges of the Board of Immigration Appeals, sent a letter on May 25, 2021, asking Attorney General Merrick Garland to "review and rescind many, if not all, of the decisions that former Attorneys General Sessions, Whitaker, Barr, and Rosen certified to themselves." RTFIJ said that the "vast majority of those decisions overturned decades of substantive and procedural immigration law and policy and are antithetical to an unbiased and independent immigration court system."

RTFIJ singled out 17 cases divided into three general categories: (1) decisions regarding the authority of Immigration Judges to control and manage their own dockets; (2) decisions involving the intersection of criminal and immigration laws; and (3) decisions that significantly contract substantive asylum laws. RTFIJ said it is especially concerned about the first and third categories, which "have turned the Immigration Courts into nothing more than cogs in the deportation machine, and Immigration Judges into prosecutors instead of fair and impartial adjudicators." RTFIJ noted that instead of ensuring the issuance of more orders of removal, the Department of Homeland Security "succeeded only in increasing the case backlog exponentially while reducing the overall case completion rate."

Details:

- RTFIJ letter, May 25, 2021, <https://immigrationcourtside.com/wp-content/uploads/2021/05/AG-Garland-letter-Precedents-Final.pdf>

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DHS, DOJ Announce New Dedicated Docket Process for Immigration Hearings

The Departments of Homeland Security (DHS) and Justice (DOJ) announced on May 28, 2021, a new "Dedicated Docket" process intended to "significantly decrease the amount of time it takes for migrants to have their cases adjudicated while still providing fair hearings for families seeking asylum at the border."

The effort is focused on families arriving between ports of entry at the southwest border and aims to have an immigration judge issue a decision within 300 days of the initial master calendar hearing, subject to the unique circumstances of each case.

Details:

- DOJ announcement, May 28, 2021, <https://www.justice.gov/opa/pr/dhs-and-doj-announce-dedicated-docket-process-more-efficient-immigration-hearings>

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DHS, DOL Issue Joint Rule Increasing H-2B Visa Cap

The Departments of Homeland Security (DHS) and Labor (DOL) published a joint temporary final rule making available an additional 22,000 H-2B temporary nonagricultural guest worker visas for fiscal year (FY) 2021 "to employers who are likely to suffer irreparable harm without these additional workers." Of the supplemental visas, 6,000 are reserved for workers from Honduras, El Salvador, and Guatemala (Northern Triangle).

The supplemental H-2B visa allocation consists of 16,000 visas available only to returning H-2B workers from one of the last three fiscal years (FY 2018, 2019, or 2020), and 6,000 visas for Northern Triangle nationals, which are exempt from the returning worker requirement.

USCIS Acting Director Tracy L. Renaud said that the rule "requires that employers take additional steps to recruit U.S. workers, and provides for 'portability,' which allows H-2B workers already in the United States to begin employment with a new H-2B employer or agent once USCIS receives a timely filed, non-frivolous H-2B petition, but before the petition is approved." She noted that portability enables H-2B workers to "change employers more quickly if they encounter unsafe or abusive working conditions." She said DHS and DOL "will conduct a significant number of post-adjudication reviews to ensure compliance with the program's requirements."

Starting May 25, 2021, eligible employers who have already completed a test of the U.S. labor market to verify that there are no U.S. workers who are willing, qualified, and able to perform the seasonal nonagricultural work can file Form I-129, Petition for a Nonimmigrant Worker, to seek additional H-2B workers. They must submit an attestation with their petition to demonstrate that their business is likely to suffer irreparable harm without a supplemental workforce.

Details:

- "U.S. Departments of Homeland Security and Labor Issue Joint Rule Supplementing H-2B Visa Cap," May 21, 2021, <https://www.uscis.gov/news/news-releases/us-departments-of-homeland-security-and-labor-issue-joint-rule-supplementing-h-2b-visa-cap>

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DHS Issues Final Rule to Remove Vacated H-1B Rule

The Department of Homeland Security issued a final rule, effective May 19, 2021, that removes an interim final rule issued in October 2020 and later vacated by a federal district court, "Strengthening the H-1B Nonimmigrant Visa Classification Program." The interim final rule made changes to the regulatory definitions and standards for "specialty occupation," "worksites," "third-party worksite," "U.S. employer," "employer-employee relationship," and others.

The final rule removes from the Code of Federal Regulations the regulatory text that DHS promulgated in the October 2020 interim final rule and restores the regulatory text to appear as it did before.

Details:

- Final rule, DHS, May 19, 2021, <https://www.govinfo.gov/content/pkg/FR-2021-05-19/pdf/2021-10489.pdf>
- Vacated interim final rule, October 8, 2020, <https://www.govinfo.gov/content/pkg/FR-2020-10-08/pdf/2020-22347.pdf>

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USCIS Extended SAVE Records Download Deadline

The Systematic Alien Verification for Entitlements (SAVE) program announced that U.S. Citizenship and Immigration Services extended the deadline to June 4, 2021, for SAVE users to download older case information before USCIS disposed of it. This applied to SAVE records that were more than 10 years old (those dated on or before December 31, 2010).

The downloadable Historic Records Report "provides data about each SAVE case that is more than 10 years old and slated for deletion in accordance with the governing National Archives and Records Administration (NARA) Retention and Disposal schedule," SAVE explained. The data includes basic SAVE verification case information. The report is available annually to SAVE Super Users for about 90 days to allow user agencies to download and retain information about these cases before their deletion.

Details:

- "SAVE Instructions to Download Historic Records Report Tip Sheet," https://www.uscis.gov/sites/default/files/document/guides/Instructions_to_Download_NA_RA_Reports_in_SAVE.pdf

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ETA Proposes Revision to CW-1 Application for Temporary Employment Certification in Marianas

The Department of Labor's Employment and Training Administration (ETA) proposes to amend Form ETA-9141C, Application for Prevailing Wage Determination, and its instructions, "to make sure this form, which is specific to the CW-1 program, conforms to the information collected through the general Form ETA-9141, Application for Prevailing Wage Determination (Form ETA-9141C)," used by employers in connection with prevailing wage requests for other labor certification application programs and for labor condition applications. The information collected through the form remains unchanged.

The CW-1 nonimmigrant visa program permits employers who meet program requirements to hire nonimmigrant workers temporarily in the Commonwealth of the Northern Mariana Islands to perform services or labor based on the employer's need.

The notice informs the public of the Department's request to seek an extension of the validity of this information collection while also revising the Form-9141C, and its instructions, and invites comments from the public for 60 days. The deadline for comments is July 19, 2021.

Details:

- Office of Foreign Labor Certification notice, May 19, 2021, <https://www.dol.gov/agencies/eta/foreign-labor>
- Federal Register notice, May 19, 2021, <https://www.govinfo.gov/content/pkg/FR-2021-05-19/pdf/2021-10529.pdf>

- Supporting statement, <https://bit.ly/345x69h>

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State Dept. Announces Updated Interpretation of Acquisition of Citizenship at Birth

The Department of State announced on May 18, 2021, an update in its interpretation and application of the requirements for acquisition of U.S. citizenship at birth in light of advances in assisted reproductive technology. Children born abroad to parents, at least one of whom is a U.S. citizen and who are married to each other at the time of the birth, "will be U.S. citizens from birth if they have a genetic or gestational tie to at least one of their parents and meet the [Immigration and Nationality Act's] other requirements." Previously, the Department's interpretation and application of the INA required that children born abroad have a genetic or gestational relationship to a U.S. citizen parent. Requirements for children born to unmarried parents remain unchanged.

Details:

- U.S. Citizenship Transmission and Assisted Reproductive Technology," May 18, 2021, <https://www.state.gov/u-s-citizenship-transmission-and-assisted-reproductive-technology/>

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DHS Announces Continuation of International Entrepreneur Program

U.S. Citizenship and Immigration Services (USCIS) announced on May 10, 2021, that the Department of Homeland Security (DHS) is withdrawing a 2018 proposed rule that would have removed the International Entrepreneur parole program from DHS regulations. USCIS said the program, first introduced in 2017, "will remain a viable program for foreign entrepreneurs to create and develop start-up entities with high growth potential in the United States."

Under the program, parole may be granted for up to three entrepreneurs per start-up entity, as well as their spouses and children. Entrepreneurs granted parole are eligible to work only for their start-up business. Their spouses may apply for employment authorization in the United States, but their children are not eligible for such authorization based on the program. An applicant must file Form I-941, Application for Entrepreneur Parole, with the required fees (including biometric) and supporting documentary evidence. The fees are \$1,200 for filing the I-941 and \$85 for biometrics. Additional forms and fees are required for spouses and children.

Details:

- USCIS/DHS announcement, May 10, 2021, <https://www.uscis.gov/news/news-releases/dhs-announces-continuation-of-international-entrepreneur-parole-program>
- USCIS International Entrepreneur Parole page, which includes details on eligibility requirements, filing procedures, and links to forms, is at <https://www.uscis.gov/humanitarian/humanitarian-parole/international-entrepreneur-parole>

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USCIS Temporarily Suspends Biometrics Requirement for Certain Nonimmigrants Changing or Extending Status

Effective May 17, 2021, U.S. Citizenship and Immigration Services (USCIS) will temporarily suspend the biometrics submission requirement for certain applicants filing Form I-539, Application to Extend/Change Nonimmigrant Status, requesting an extension of stay in or

change of status to H-4, L-2, and E nonimmigrant status. USCIS will allow adjudications for those specific categories to proceed based on biographic information and related background checks, without capturing fingerprints and a photograph. This suspension will apply through May 17, 2023, subject to affirmative extension or revocation of the suspension period by the USCIS director, the agency said.

This temporary suspension will apply to applicants filing Form I-539 requesting:

- Extension of stay in or change of status to H-4, L-2, or E-1 nonimmigrant status;
- Extension of stay in or change of status to E-2 nonimmigrant status (including E-2C (E-2 CNMI Investor)); or
- Extension of stay in or change of status to E-3 nonimmigrant status (including those selecting E-3D).

This suspension will apply only to the above categories of Form I-539 applications that are either:

- Pending as of May 17, 2021, and have not yet received a biometric services appointment notice; or
- New applications postmarked or submitted electronically on or after May 17, 2021.

USCIS noted that it retains discretion on a case-by-case basis to require biometrics for applicants who meet the criteria above, and any applicant may be scheduled for an Application Support Center (ASC) appointment to submit biometrics.

Form I-539 applicants who have already received a biometric services appointment notice should still attend their scheduled appointment, USCIS said.

Effective May 17, 2021, Form I-539 applicants meeting the criteria above are not required to submit the \$85 biometric services fee for Form I-539 during the suspension period. USCIS will return a biometric services fee if submitted separately from the base fee. USCIS will allow a short grace period during which USCIS will not reject Form I-539 filed with the biometric services fee. USCIS will begin rejecting paper Form I-539 applications postmarked May 27, 2021, or later (while this suspension of the biometrics requirement is in effect), if applicants meeting the above criteria submit a single payment covering both the filing fee and the \$85 biometrics services fee. If USCIS rejects the paper application because the applicant included the \$85 biometrics service fee after the grace period, the applicant will need to re-file Form I-539 without the biometric services fee.

Details:

- Proposed rule, withdrawal (prepublication copy), <https://bit.ly/3vVsD4D>
- "USCIS Will Suspend Trump-Era Biometric Screening Rule for Work-Permit Applicants," Reuters, May 4, 2021, <https://www.reuters.com/business/legal/uscis-will-suspend-trump-era-biometric-screening-rule-work-permit-applicants-2021-05-04/>

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USCIS Allows Rescheduling of Biometric Appointments by Phone

U.S. Citizenship and Immigration Services (USCIS) announced on May 11, 2021, that applicants, petitioners, requestors, and beneficiaries may now call the USCIS Contact Center (800-375-5283) to reschedule their biometric services appointments scheduled at a USCIS Application Support Center. Previously, applicants had to submit requests in writing to reschedule their biometrics appointments.

USCIS said that applicants must establish "good cause" for rescheduling and must call before the date and time of their original appointment to reschedule. If an applicant fails to call before the scheduled appointment or to establish good cause, "USCIS may consider the application, petition, or request abandoned and, as a result, it may be denied."

Details:

- "Rescheduling Biometric Services Appointments by Phone," USCIS, May 11, 2021, <https://www.uscis.gov/news/alerts/rescheduling-biometric-services-appointments-by-phone>

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DOL Further Delays Effective Date of Prevailing Wage Computation Final Rule

The Department of Labor has delayed a final rule on prevailing wage computations from May 14, 2021, until November 14, 2022.

The latest action includes corresponding delays in the rule's transition dates until January 1, 2023, January 1, 2024, January 1, 2025, and January 1, 2026, respectively. For most job opportunities, the transition would occur in two steps. For job opportunities that will be filled by workers who are the beneficiary of an approved Immigrant Petition for Alien Worker, or successor form, or are eligible for an extension of their H-1B status under sections 106(a) and (b) of the American Competitiveness in the Twenty-first Century Act of 2000, as amended by the 21st Century Department of Justice Appropriations Authorization Act, (2002), the transition would occur in four steps.

Details:

- Final rule; delay of effective and transition dates, Dept. of Labor, 86 Fed. Reg. 26164 (May 13, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-05-13/pdf/2021-10084.pdf>

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CBP Announces Policy Change on National Interest Exceptions at Port of Atlanta

Due to a "recent necessary policy change," effective May 14, 2021, U.S. Customs and Border Protection (CBP) at the Port of Atlanta will only consider processing § 212(f) national interest exception (NIE) waiver requests for "urgent humanitarian reasons or those involving national security and/or law enforcement matters." All other requests, including any requests currently pending with CBP Atlanta, "will need to be processed by the U.S. Embassy or Consulate," CBP said.

On April 26, 2021, the Secretary of State made a national interest determination regarding categories of travelers to be excepted from Presidential Proclamations (PPs) 9984, 9992, and 10143 related to the spread of COVID-19. As a result of this determination, together with national interest determinations already in place, travelers subject to these proclamations, due to their presence in China, Iran, Brazil, South Africa, the Schengen area, the United Kingdom, and Ireland, who are seeking to provide vital support for critical infrastructure; journalists; and students and certain academics covered by exchange visitor programs, among others, may now qualify for a National Interest Exception (NIE).

Details:

- "National Interest Exceptions for Certain Travelers from China, Iran, Brazil, South Africa, Schengen Area, United Kingdom, and Ireland," Dept. of State, May 13, 2021, <https://bit.ly/3bsOWqW>

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Afghan Translators/Interpreters Who Helped United States Seek Visas Promised to Them

An estimated 18,000 Afghan translators/interpreters and their families who have aided the U.S. military and government with translation services await pending Special Immigrant Visas. With the September 2021 deadline looming for the United States to withdraw American troops, pleas for visas to be issued quickly have been renewed.

Many such Afghans fear for their lives. The Lutheran Immigration and Refugee Service (LIRS) wrote to President Biden to urge him to "evacuate Afghan wartime allies who have already applied for the Special Immigrant Visa [SIV] program and their families to American territory." According to LIRS, "[s]ince 2002, the U.S. government has employed Afghan allies to serve alongside U.S. troops, diplomats, and other government employees as translators, interpreters, cultural advisors, or support staff." In recognition of the peril they face, LIRS noted, Congress enacted the Afghan SIV program in 2009 and "mandated that visa applications be processed within nine months." The American Legion has also pleaded their case to the Biden administration and Congress.

Details:

- "Family of Slain Afghan U.S. Military Interpreter Headed to Houston After 10-Year Visa Delay," Houston Public Media, May 14, 2021, <https://www.houstonpublicmedia.org/articles/news/politics/immigration/2021/05/14/398056/family-of-slain-afghan-u-s-military-interpreter-headed-to-houston-after-10-year-visa-delay/>
- "Thousands of Afghans and Iraqis Are Under Threat for Helping Americans. Now They Hope Biden Will Help Them Resettle in the United States," Washington Post, Dec. 30, 2020, https://www.washingtonpost.com/politics/biden-refugees-visas/2020/12/30/572c00fc-3e4f-11eb-9453-fc36ba051781_story.html
- "U.S. Veterans Scramble to Help Interpreters Left Behind," American Legion, Apr. 29, 2021, <https://www.legion.org/security/252361/us-veterans-scramble-help-interpreters-left-behind>
- "Review of the Afghan Special Immigrant Visa Program," Office of Inspector General, Dept. of State, June 2020, <https://www.oversight.gov/sites/default/files/oig-reports/AUD-MERO-20-35.pdf>
- "Recommendations to Provide Humanitarian Protections for Certain Afghan Civilians," LIRS, May 12, 2021, https://www.lirs.org/wp-content/uploads/2021/05/LIRS-Letter-Requesting-Humanitarian-Protections-for-Certain-Afghan-Civilians_12-MAY-2021.pdf

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USCIS Provides Guidance on Exemption to Temporary Need Requirement for Certain H-2B Workers in Guam and Marianas

U.S. Citizenship and Immigration Services (USCIS) issued guidance on May 13, 2021, effective immediately, regarding the filing and adjudication of temporary nonagricultural worker (H-2B) nonimmigrant visa petitions for certain H-2B workers on Guam and in the Commonwealth of the Northern Mariana Islands. Specifically, the guidance notes that the National Defense

Authorization Act for fiscal year 2021 (FY 2021 NDAA) provides that an H-2B employer who qualifies under certain parameters is not required to demonstrate that the service or labor is temporary in nature if the employment start date is before December 31, 2023. Included are employers with contracts or subcontracts that are "supporting" or "adversely affected by" the military realignment, in addition to those that are "associated with" or "directly connected to" it. The FY 2021 NDAA states that priority will be given to federally funded military projects. "Adversely affected by" includes but is not limited to projects for which the military realignment "has caused a loss of business income or a negative impact on the availability of necessary labor or resources that is not purely speculative (that is, based on assertions with no documentation to support the claim."

The exemption may be granted for certain contracts or subcontracts for labor or services required for performance of a contract or subcontract for construction, repairs, renovations, or facility services, "provided they have a non-speculative supporting relationship to, association with, are adversely affected by, or have a direct connection to the military realignment."

Details:

- USCIS Policy Alert PA-2021-06, May 13, 2021, <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20210513-H2BNDAA.pdf>

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President Biden Raises Refugee Cap to 62,500 in FY 2021

President Joe Biden revised the United States' annual refugee admissions cap to 62,500 for fiscal year (FY) 2021, with a goal of 125,000 admissions for FY 2022. The announcement followed criticism after he announced plans to keep the number of refugee admissions at 15,000 this fiscal year primarily because of logistical concerns.

President Biden said that the "sad truth is that we will not achieve 62,500 admissions this year. We are working quickly to undo the damage of the last four years." He said that "we are going to rebuild what has been broken and push hard to complete the rigorous screening process for those refugees already in the pipeline for admission."

Details:

- "Statement by President Joe Biden on Refugee Admissions," White House, May 3, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/05/03/statement-by-president-joe-biden-on-refugee-admissions/>
- "Biden, in Reversal, Raises the Refugee Admission Cap to 62,500 in the Next Six Months," New York Times, May 3, 2021, <https://www.nytimes.com/2021/05/04/us/politics/biden-refugee-numbers.html>

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DHS Will Withdraw Proposed Rule on Work Authorization for Certain Persons With Final Removal Orders

On May 10, 2021, the Department of Homeland Security (DHS) will withdraw a proposed rule published on November 19, 2020, that would have revised DHS regulations to eliminate employment authorization for individuals who have final orders of removal and are released from DHS custody on an order of supervision, with a narrow exception.

DHS noted that it received more than 302 comments in response to the proposed rule, nearly

98 percent of which were in opposition. Commenters who opposed the rule argued that it "would significantly limit the ability of individuals who have a final order of removal and are released on an order of supervision to legally work, be self-sufficient, and support their families, which may include U.S. citizen children and lawful permanent resident spouses or partners. Several commenters also noted the proposed rule would impose exorbitant costs and burdens on U.S. employers related to labor turnover and the proposed E-Verify requirement," DHS said. Also, various state and local agencies, including Attorneys General from 15 states, opposed the rule on the basis that "it would decrease tax revenue, deny states various revenue streams, and increase costs related to state-funded public benefit programs." Many commenters also disagreed with the proposed rule's assertion that the proposed changes would incentivize individuals with final orders of removal to leave the United States.

DHS said it decided to withdraw the proposed rule because the original bases and rationale "no longer align with the [Biden administration's] immigration enforcement priorities." Withdrawing the proposed rule, DHS said, will allow covered individuals "to continue to work for American businesses that provide services in key industries and to supplement the existing U.S. workforce."

Details:

- Proposed rule, withdrawal (prepublication copy), <https://bit.ly/3w5rWWT>
- USCIS announcement, <https://www.uscis.gov/news/alerts/dhs-withdraws-proposed-biometrics-rule>

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DHS Will Withdraw Proposed Rule on Expanding Biometrics Collection, Use

On May 10, 2021, the Department of Homeland Security (DHS) plans to withdraw a proposed rule concerning the use and collection of biometrics in the enforcement and administration of immigration laws by U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement.

The proposed rule called for providing DHS with flexibility to change its biometrics collection practices and policies as needed. Included were expanding the use of biometrics beyond background checks and document production to include identity verification and management in the immigration lifecycle, enhancing vetting to prove identity and familial relationships, precluding imposters, and improving consistency in biometrics terminology.

DHS said it still supports some of these goals but "not in a way that conflicts" with Executive Order, 14012, "Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans," which instructs the Secretary of Homeland Security to identify barriers impeding access to immigration benefits.

In response to the notice of proposed rulemaking published on September 11, 2020, DHS received more than 5,000 comments, most of them in opposition. Commenters mentioned immigration policy, privacy, and economic concerns, and said the rule was "unnecessary, offensive, an invasion of privacy, would infringe on freedoms, and [would] violate the respect, privacy rights, and civil liberties of U.S. citizens, legal immigrants, noncitizens, victims of domestic violence, other vulnerable parties, and children." Many commenters also said the rule was "overly broad, highly invasive, and would impose excessive monetary costs on applicants and result in administration delays," DHS said.

DHS said it will analyze the entirety of the proposed rule in the context of the directive in EO 14012 and consider what changes may be appropriate. In the meantime, DHS will maintain its current biometrics collection practices and policies.

Details:

- Proposed rule, withdrawal (prepublication copy), <https://bit.ly/3vVsD4D>
- "USCIS Will Suspend Trump-Era Biometric Screening Rule for Work-Permit Applicants," Reuters, May 4, 2021, <https://www.reuters.com/business/legal/uscis-will-suspend-trump-era-biometric-screening-rule-work-permit-applicants-2021-05-04/>

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DHS Ratifies Rule That Removes 30-Day EAD Processing Requirement

On May 7, 2021, Secretary of Homeland Security Alejandro Mayorkas ratified a rule regarding applications for employment authorization documents (EADs) filed by people who have applied for asylum.

The Department of Homeland Security (DHS) said that although the promulgation of the rule and its ratification "were necessary and justified due to operational realities, Secretary Mayorkas recognizes that work authorization is crucially important to people requesting asylum and reaffirms [DHS's] commitment to adjudicate applications as quickly and efficiently as possible." The Department said it "plans to engage in future rulemaking to advance this important interest."

Details:

- "DHS Ratifies Rule That Removes 30-Day EAD Processing Requirement and Acknowledges Importance of Issuing Timely Work Authorizations," Dept. of Homeland Security, May 7, 2021, <https://www.dhs.gov/news/2021/05/07/dhs-ratifies-rule-removes-30-day-ead-processing-requirement>

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Labor Dept. Proposes Rule on H-2A Adjudication of Temporary and Seasonal Need for Herding and Production of Livestock on the Range

The Department of Labor proposes to amend its regulations regarding the adjudication of temporary need for employers seeking herding or production of livestock on the range job opportunities under the H-2A program. Consistent with a court-approved settlement agreement, the proposed rule would rescind the regulation that governs the period of need for such job opportunities to ensure that "the Department's adjudication of temporary or seasonal need is conducted in the same manner for all applications for temporary agricultural labor certification."

Comments are due by June 7, 2021.

Details:

- Proposed rule, May 6, 2021, <https://bit.ly/3bcTzF7>

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EOIR Announces 17 New Immigration Judges

The Executive Office for Immigration Review (EOIR) announced 17 new Immigration Judges (IJs), including one Assistant Chief Immigration Judge (ACIJ) and six Unit Chief Immigration Judges (UCIJs).

Attorney General Merrick B. Garland appointed Megan B. Herndon, Wade T. Napier, Tamaira Rivera, David H. Robertson, Elizabeth Crites, Bryan E. DePowell, Nicholle M. Hempel, Kathy J. Lemke, Martinique M. Parker, David M. Paxton, Bryan D. Watson, Kenya L. Wells, and Mark R. Whitworth to their new positions; former Acting Attorney General Monty Wilkinson appointed Adam Perl to his new position; former Acting Attorney General Jeffrey A. Rosen appointed William H. McDermott to his new position; and former Attorney General William P. Barr appointed Elliot M. Kaplan and Jeb T. Terrien to their new positions.

Details:

- "EOIR Announces 17 New Immigration Judges," Executive Office for Immigration Review, May 6, 2021 (includes biographical information), <https://www.justice.gov/eoir/file/1392116/download>

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ABIL Global: India

The Indian government has simplified the rules for renewal of OCI cards.

The Overseas Citizenship of India (OCI) card is popular among foreign nationals who are of Indian origin and spouses of foreign origin of Indian citizens. The card provides for hassle-free entry and unlimited stay in India.

According to news reports, the Ministry of Home Affairs has simplified the rules regarding renewals. OCI cardholders are no longer required to have their OCI cards reissued each time they obtain a new passport.

Previously, it was mandatory for OCI cards to be re-issued each time a cardholder 20 years of age or younger obtained a new passport, and also at least once after the cardholder obtained a passport after the age of 50. Although the Indian government never enforced this rule consistently and permitted entry to OCIs even if they had not renewed the card, many OCIs frequently faced issues at foreign airports before traveling to India if they had not renewed the OCI card after being issued a new passport. Different airlines interpreted these rules inconsistently.

The new guidance is summarized as follows:

- **Card issued before holder turned 20.** Those with OCI cards issued before the cardholder turned 20 years old only need to obtain a reissued OCI card once when they obtain a new passport after reaching 20 years of age.
- **Card issued after holder turned 20.** OCI cardholders who obtained their OCI card after they turned 20 years of age no longer need to obtain a re-issued OCI card and can continue to use their existing card.
- **New passport obtained after holder turns 50.** OCI cardholders who obtain new passports after the age of 50 are no longer required to have their OCI card reissued.
- **New government notification requirements.**
 - OCI cardholders 20 years of age or younger must upload copies of their new passports with recent passport-size photographs to the OCI online portal each time a new passport is issued, and once after reaching 50 years of age.

- OCI cardholders married to Indian citizens or other OCI cardholders who obtain a new passport must upload a copy of their passport with a recent photograph and a declaration that they are still married.
- Updated documents and photographs may be uploaded by OCI cardholders within three months of receipt of the new passport.
- **Travel restrictions.** There are no travel restrictions from the date the new passport is issued until new details are recorded on the OCI portal.

The Indian government has yet to post instructions on updating documents and photographs under the relaxed guidance.

Details:

- "Government Simplifies Renewal of OCI Cards," NDTV, Apr. 16, 2021, <https://bit.ly/3wJFw2q>

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New Publications and Items of Interest

Training webinar on Labor Dept. e-filing. The Department of Labor announced a training webinar to be held June 23, 2021, on e-filing. Topics will include understanding the dashboard and case details page, how to file cases, receiving served documents, and other issues. <https://efile.dol.gov/announcements/efs-webinars-apr-may-june-2021>

Webinar on international entrepreneur parole program. USCIS invites stakeholders to a webinar on June 16, 2021, from 2 to 3 p.m. ET, on the international entrepreneur parole program. The webinar will provide an overview of the criteria for consideration for parole, details on how to file, and answers to questions, which should be emailed by June 2 to public.engagement@uscis.dhs.gov. To register, go to https://public.govdelivery.com/accounts/USDHSCISINVITE/subscriber/new?topic_id=USDHSCISINVITE_408

Immigrant and Employee Rights Section webinars. The Immigrant and Employee Rights Section of the Department of Justice's Civil Rights Division is offering free webinars for the public. There are webinars for workers, employers, and advocates. <https://www.justice.gov/crt/webinars>

COVID-19 resources. The response of the U.S. immigration agencies to the coronavirus (COVID-19) pandemic is constantly evolving, making it difficult to report relevant, up-to-date information. The list of online resources below is intended to serve as a quick reference to the most current available agency information.

General Information

- [Coronavirus.gov](https://www.coronavirus.gov): Primary federal site for general coronavirus information
- [USA.gov/coronavirus](https://www.usa.gov/coronavirus): Catalog of U.S. government's response to coronavirus
- [CDC.gov/coronavirus](https://www.cdc.gov/coronavirus): Centers for Disease Control and Prevention information
- American Immigration Lawyers Association: <https://www.aila.org/advo-media/issues/all/covid-19> (links to practice alerts on this site are restricted to members)
- NAFSA: <https://www.nafsa.org/regulatory-information/coronavirus-critical-resources>

Immigration Agency Information

Department of Homeland Security: [DHS.gov/coronavirus](https://www.dhs.gov/coronavirus)

- <https://www.dhs.gov/coronavirus-news-updates>
- <https://www.dhs.gov/news/2020/03/17/fact-sheet-dhs-notice-arrival-restrictions-china-iran-and-certain-countries-europe>
- USCIS: [USCIS.gov/coronavirus](https://www.uscis.gov/coronavirus)

- ICE:
 - Overview and FAQs: <https://www.ice.gov/coronavirus>
 - Requirements for ICE Detention Facilities: <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>
- CBP:
 - Updates and Announcements: <https://www.cbp.gov/newsroom/coronavirus>
 - Accessing I-94 Information: <https://i94.cbp.dhs.gov/I94/#/home>

Department of Labor:

- Office of Foreign Labor Certification:
 - OFLC Announcements (COVID-19 announcements included here): <https://www.foreignlaborcert.doleta.gov/>
 - COVID-19 FAQs:
 - Round 1 (Mar. 20, 2020): https://www.foreignlaborcert.doleta.gov/pdf/DOL-OFLC_COVID-19_FAQs_Round%201_03.20.2020.pdf
 - Round 2 (Apr. 1, 2020): https://www.foreignlaborcert.doleta.gov/pdf/DOL-OFLC_COVID-19_FAQs_Round%202_04.01.2020.pdf
 - Round 3 (Apr. 9, 2020): https://www.foreignlaborcert.doleta.gov/pdf/DOL-OFLC_COVID-19_FAQs_Round%203.pdf

State Department: <https://www.state.gov/coronavirus/>

- Travel advisories: <https://travel.state.gov/content/travel/en/traveladvisories/ea/covid-19-information.html>
- Country-specific information: <https://travel.state.gov/content/travel/en/traveladvisories/COVID-19-Country-Specific-Information.html>
- J-1 exchange visitor information: <https://j1visa.state.gov/covid-19/>

Justice Department

- Executive Office for Immigration Review: <https://www.justice.gov/eoir/eoir-operational-status-during-coronavirus-pandemic>

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 (IER), of the Civil Rights Division, 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 has 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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Dorothee Mitchell, an attorney and partner at **Foster LLP**, was named new Honorary Consul of the Federal Republic of Germany in Austin, Texas. Ms. Mitchell was inaugurated by Consul General Thomas Meister at a ceremony on May 11, 2021. Ms. Mitchell is licensed to practice law in both the United States and in Germany. She is a native German speaker with fluency in English, and is a dual German-U.S. citizen with extensive German and U.S. legal experience. She has lived in Austin, Texas, for the past 15 years and is well-connected in the German community in Austin. <https://www.germany.info/us-en/embassy-consulates/gkhoustonen/-/2458662>

Jeff Joseph, of **Joseph & Hall, PC**; **Charles Kuck** (bio: <http://www.abil.com/lawyers/lawyers-kuck.cfm>); and **Greg Siskind**, of **Siskind Susser, PC**, along with the American Immigration Lawyers Association and several other nonprofit organizations, filed a federal lawsuit challenging a rule that would prioritize H-1B visas based on wage levels. Among other things, the plaintiffs argue that the rule would "have a deleterious impact on small business, start-ups, non-profits, ruraly located business and other industries that rely on foreign highly skilled workers, but who are not able to compensate workers at the highest wage level." According to reports, the lawsuit also notes that Chad Wolf, who reviewed and approved the final rule, was not properly appointed as Acting Secretary of Homeland Security and thus lacked the authority to promulgate the rule. <https://timesofindia.indiatimes.com/world/us/lawsuit-against-biden-admin-challenges-proposed-allocation-of-h-1b-visas-based-on-wages/articleshow/82733895.cms>

Glasko Immigration Law Partners, LLP, has posted the latest episode in its "Statutes of Liberty" series: "The International Entrepreneur Rule is Back!" (Episode 25). <https://bit.ly/3uSZENZ>

Glasko Immigration Law Partners, LLP, has released the third and final episode in a three-part series about problems in the EB-5 investor program. This episode covers litigation options. <https://bit.ly/3yqnjZn>

Cyrus Mehta (bio: <http://www.abil.com/lawyers/lawyers-mehta.cfm>) has authored several new blog posts: "State Department's New Guidance Broadening Transmission of Citizenship to Children Born Abroad is Welcome and Consistent With Federal Court Decisions," <http://blog.cyrusmehta.com/2021/06/3440.html>; "Proposals for Shattering Barriers and Obstacles to Legal Immigration Without Waiting for Congress to Act." <http://blog.cyrusmehta.com/2021/05/proposals-for-shattering-barriers-and-obstacles-to-legal-immigration-without-waiting-for-congress-to-act.html>

Mr. Mehta co-authored a new blog post: "U.S. Imposes Covid Travel Ban on India: How Effective Are Such Travel Bans?" <http://blog.cyrusmehta.com/2021/05/us-imposes-covid-travel-ban-on-india-how-effective-are-such-travel-bans.html>

Mr. Mehta was quoted extensively by the *Times of India* in "U.S. Immigration Reforms: Stop Counting Family Members to Mitigate Green Card Backlogs, Says Cyrus Mehta, Immigration Attorney." The article reported on his recommendations to overcome barriers to legal immigration. <https://bit.ly/3fAGjNd>

Mr. Mehta was quoted in several articles about H-1B temporary workers who traveled to India to look after their Covid-stricken parents and are now stranded there:

- "They Went Back to India to Care for Parents Dying of COVID-19. Now, They're Stranded," *Mother Jones*, May 6, 2021. Mr. Mehta said that the ban on travel from India isn't very useful in stopping the spread of the virus since citizens, permanent residents, and others are still allowed to travel. But the ban disproportionately affects those who are working on temporary visas such as the H-1B visa. "Representing H1B visa holders, I know what they've gone through. Each time they go to India, there's a ban imposed on them. In the Trump administration, they were subject to bans. Then they wait patiently. They've now scheduled a visa appointment. And their appointment for later this week has been cancelled because of this latest COVID ban on India. So they've got a double whammy." He suggested stricter controls and protocols such as rigorous testing,

quarantining, and vaccination requirements as a better approach to controlling the spread of the virus, the article noted. <https://bit.ly/3w9BhN4>

- "As U.S. Travel Ban Kicks In, Families Are Sundered and Plans Are Disrupted," *Times of India*, May 5, 2021. Instead of banning nonimmigrant professionals from India, who may have been vaccinated or tested negative for the virus, while allowing in students, green card holders, and citizens from around the world who may be carrying the virus, "[i]sn't it better to ensure that travelers to [the United States] are vaccinated and/or test negative and quarantine?" he said. Mr. Mehta added that the ban is disproportionately affecting professionals from India and the virus "does not know the difference" between citizens and nonimmigrants. <https://bit.ly/2QqKGRq>

Mr. Mehta spoke on "Australian Gold Rush or Cave In? Navigating the Minefield of Dual Representation in Family-Based Immigration" at the 2021 Annual Conference of the American Immigration Lawyers Association's Asia-Pacific Chapter (APAC) on May 10, 2021.

Several ABIL members/firms submitted comments in response to the Biden administration's invitation to suggest ways to overcome barriers to legal immigration:

- **Mr. Mehta**, <https://www.regulations.gov/comment/USCIS-2021-0004-6585>
- **Angelo Paparelli** (bio: <http://www.abil.com/lawyers/lawyers-paparelli.cfm>), <https://www.regulations.gov/comment/USCIS-2021-0004-7288>
- **Mr. Siskind**, <https://www.regulations.gov/comment/USCIS-2021-0004-5933>

Mr. Paparelli; **Stephen Yale-Loehr** (bio: <http://www.abil.com/lawyers/lawyers-loehr.cfm?c=US>), and **Nicolai Hinrichsen**, a partner at **Miller Mayer, LLP**; and **Bernard Wolfsdorf** (bio: <http://www.abil.com/lawyers/lawyers-wolfsdorf.cfm>) and **Vivian Zhu**, a partner at **Wolfsdorf Rosenthal LLP**, were listed in the 2021 edition of *EB5 Investors Magazine's* awards issue. <https://www.eb5investors.com/magazine/article/eb5-top25-attorneys-immigration-attorneys>

Mr. Siskind was quoted by the *New York Times* in "They Live in the U.S., But They're Not Allowed to Come Home." Mr. Siskind said that the Biden administration "just put the same blanket ban for India that they were using in the Trump administration. He is suing the administration over the Department of State's inability to issue visas in countries experiencing lockdowns. "This was the same style ban that President Biden said last March was ineffective and was a bad idea." <https://www.nytimes.com/2021/05/17/us/politics/india-travel-restrictions.html>

Wolfsdorf Rosenthal LLP published a new blog post: "HR is Driving the Economy With Foreign-Born Talent"; "Biden's Actions on Immigration Enforcement Have Been Inconsistent Since Taking Office"; "Do H-1B Workers Displace American Workers? It's Not a Zero-Sum Game"; and "DHS to Withdraw Trump Opposition to International Entrepreneur Parole Rule." <https://wolfsdorf.com/news/>

Mr. Yale-Loehr was quoted by *Brasil de Fato* in "American Dream, International Nightmare: Immigration to the USA." He said, "The last time we reformed immigration rules was in 1996, so for 25 years we've seen mismanagement of resources and a Congress acting under outdated laws." Mr. Yale-Loehr also said that "every administration has a lot of power to interpret these laws more rigidly or lightly. [Former President] Trump interpreted it harshly, while [President] Biden promises to adopt more serenity. Part of this complexity reflects the scale of the challenge of creating a series of general regulations that affect millions of people, from those who want to come to the U.S. for a short period, as tourists, to those who want to come as students, who flee some kind of persecution, or who want to naturalize themselves as American citizens." <https://www.brasildefato.com.br/2021/06/03/sonho-americano-pesadelo-internacional-a-imigracao-aos-eua> (Portuguese with English translation available)

Mr. Yale-Loehr co-wrote an article, "Using Existing Immigration Categories Creatively to Support Immigrant Entrepreneurs." <https://millermayer.com/2016/visa-options-immigrant-entrepreneurs/>

Mr. Yale-Loehr supervised a case in Cornell Law School's Asylum Clinic recently. An article about the case, "Asylum Clinic Wins Release for Cuban Doctor Detained by ICE," was

published in the *Cornell Chronicle* on June 1, 2021.

<https://news.cornell.edu/stories/2021/06/asylum-clinic-wins-release-cuban-doctor-detained-ice>

Mr. Yale-Loehr was quoted by Univision in "Biden Moves Forward With His Plan to Eliminate 'Zero Tolerance' and Expand Legal Migration." He said, "The administrative reforms proposed by the Biden administration are a good first step, but they will take time to implement and will be challenged in court. In addition, Republicans will use immigration against Biden in the 2022 midterm elections. Finally, the next president could undo any administrative reform."

<https://www.univision.com/noticias/inmigracion/politica-migratoria-biden-se-basa-desaparecer-tolerancia-cero-trump> (Spanish with English translation available)

Mr. Yale-Loehr was interviewed in a podcast, Immigration Nerds.

<https://player.captivate.fm/episode/c8dc09d2-b41e-492e-9d29-5aef3bb99d54>

Mr. Yale-Loehr co-authored an article with **Leon Rodriguez** (partner at **Seyfarth Shaw LLP** and former USCIS Director) and others called "Unleashing International Entrepreneurs to Help the U.S. Economy Recover from the Pandemic." The article, published by the Brookings Institution, recommends several ways to make it easier for international entrepreneurs to work in the United States and build or grow new companies.

<https://www.brookings.edu/research/unleashing-international-entrepreneurs-to-help-the-u-s-economy-recover-from-the-pandemic/>

Mr. Yale-Loehr authored an op-ed for The Hill that was mentioned in a Forbes article, "What International Students and U.S. Universities Need to Know." Forbes article:

<https://www.forbes.com/sites/stuartanderson/2021/05/03/what-international-students-and-us-universities-need-to-know/?sh=5ef5033c79d2>; Hill op-ed: "Biden Brings Hope for International Students," <https://thehill.com/opinion/immigration/550110-biden-brings-hope-for-international-students>

Mr. Yale-Loehr co-authored an article in the *New England Journal of Medicine* about a Cornell University asylum clinic client, Dr. Merlys Rodriguez Hernandez, who was in immigration detention while seeking asylum during the Covid-19 pandemic. She is now released on bond but still fighting deportation. The article, "Graphic Perspective: Detained," is accessible to nonsubscribers with site registration. <https://www.nejm.org/doi/full/10.1056/NEJMp2032690>

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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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