

IMMIGRATION INSIDER

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[DHS Announces Extension and Redesignation of TPS for Venezuela](#) – Secretary Mayorkas of DHS announced the extension and redesignation of Venezuela for Temporary Protected Status for 18 months.

[DHS Announces Extension and Redesignation of TPS for Afghanistan](#) – Secretary Mayorkas of DHS announced the extension and redesignation of Afghanistan for Temporary Protected Status for 18 months, from November 21, 2023, to May 20, 2025.

[October 2023 Visa Bulletin is Published](#) – The October 2023 Visa Bulletin shows no significant movement, with instructions to use Chart B.

[USCIS Updates Policy Guidance for Extraordinary Ability and Outstanding Professor or Researcher EB-1 Immigrant Visa Classifications](#) – U.S. Citizenship and Immigration Services announced on September 12, 2023, that it is updating the USCIS Policy Manual to clarify the types of evidence the agency will evaluate to determine eligibility.

[Judge Hanen Rejects Revised Version of DACA](#) -- While expressing sympathy for DACA, Judge Hanen declared the Biden Administration’s revised version of the program illegal.

[Proposed DOL Rule Aimed at Bolstering Temporary Farm Workers’ Protection](#) – U.S. Department of Labor proposed a new rule intended to strengthen protections for H-2A farm workers.

[House Democrats Ask Biden to Help Immigrants and Asylum-Seekers through Executive Action](#) – Over 100 House Democrats issued a letter to President Biden and DHS Secretary Alejandro Mayorkas asking for executive action to be taken to support immigrants and asylum-seekers in getting work authorization.

[Certain TPS Beneficiaries Are Now Eligible for 540-day Extension of Work Authorization](#) -- USCIS announced those who have TPS (or a pending application) are eligible to extend their EADs for up to 540 days past their expiration date.

[HHS Creates Data-Matching Program With DHS](#) – The Health and Human Services Centers for Medicare and Medicaid Services published a notice of a new data-matching program that will allow government agencies to share personally identifiable information of HHS applicants and enrollees.

[State Department Jettisons 2019 Public Charge Restrictions](#) – The Department of State issued a final rule to discard public charge restrictions made in a 2019 rule.

[USCIS Provides I-9 and E-Verify Guidance for People Impacted by the 2023 Hawaii Wildfire](#) – U.S. Citizenship and Immigration Services issued guidance regarding I-9 and E-Verify compliance requirements for individuals and companies affected by the recent wildfire in Hawaii.

[USCIS Ends Biometrics Fee Suspension for I-539 Applicants](#) – On September 30, 2023, U.S. Citizenship and Immigration Services ended its temporary suspension of biometrics submission for people extending or changing their nonimmigrant status.

[COVID-Era Visa Application Fee Receipts to Expire on September 30](#) – The Department of State announced the end of COVID-era exceptions and has resumed a 12-month validity period for fee payments.

[Department of Labor Updates O*NET Database](#) – The Department of Labor released a new version of the O*NET database.

[Bipartisan Congressional Letter Requests Relief for Skilled Visa Holders](#) – Members of Congress recently sent a letter to the Secretaries of State and Homeland Security requesting executive action to provide relief to certain highly skilled workers.

[State Dept. Conducting Proof of Concept Testing for Digital Visa Authorization](#) – The State Department’s Bureau of Consular Affairs announced it is developing and testing a digital visa authorization to replace paper visas.

[ABIL Global: United Kingdom](#) – The government of the United Kingdom is implementing a full-scale digitalization project and seeks to enhance the efficiency of immigration procedures by harnessing advanced technology.

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Shutdown Averted for Now; DHS Releases Fact Sheet on Potential Impact

Shortly before the deadline on September 30, 2023, Congress passed and President Biden signed H.R. 5860, a short-term funding bill to keep the federal government funded for 45 days. A shutdown is still possible after November 17.

On September 28, 2023, the Department of Homeland Security released a fact sheet on the impact of a potential shutdown on its workforce. The fact sheet noted that if there is a shutdown, nearly three in four DHS employees—more than 185,000 people—would be required to continue working through a shutdown without receiving a paycheck during that time. Those working without pay would include law enforcement officers, analysts, investigators, and disaster response officials. DHS said a shutdown would result in, among other things:

- More than 19,000 unpaid U.S. Border Patrol agents and 25,000 unpaid Office of Field Operations officers, including CBP agents and officers working at more than 300 ports of entry and guarding more than 6,000 miles of border.
- Stopped funding to border communities and interior cities, including funding to cover costs that border and interior communities incur associated with sheltering migrants in their cities. "Recipients may be unable to draw down on a portion of the funds, and no new awards will be made under a shutdown," DHS said.
- Short- and long-term effects on hiring and onboarding, including a pause in processing of nearly 2,500 tentative job offers to DHS candidates for employment.

Details:

- [White House press release](#) (Sept. 30, 2023).
- [Biden statement](#) (Sept. 30, 2023).
- [H.R. 5860](#) (Sept. 30, 2023).
- [DHS Fact Sheet](#) (Sept. 28, 2023).

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DHS Releases Advance Copy of TPS Extension/Redesignation for Venezuela, Details on EADs

The Department of Homeland Security (DHS) has released an advance copy of its notice extending the designation of Venezuela for Temporary Protected Status (TPS) for 18 months, beginning on March 11, 2024, and ending on September 10, 2025. Existing TPS beneficiaries who wish to extend their status through September 10, 2025, must re-register during the 60-day re-registration period, which runs from January 10, 2024, through March 10, 2024. DHS also released information about Employment Authorization Documents (EADs) for Venezuela TPS beneficiaries.

DHS is also redesignating Venezuela for TPS. DHS explained that the redesignation of Venezuela allows additional Venezuelan nationals (and individuals having no nationality who last habitually resided in Venezuela) who have been continuously residing in the United States since July 31, 2023, to apply for TPS for the first time during the initial registration period, which begins on October 3, 2023, and will remain in effect through April 2, 2025. In addition to demonstrating continuous residence in the United States since July 31, 2023, 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 3, 2023.

Employment Authorization Documents. DHS said re-registrants should timely re-register during the registration period and not wait until their Employment Authorization Documents (EADs) expire.

U.S. Citizenship and Immigration Services (USCIS) announced on September 29, 2023, that it has automatically extended the validity of EADs previously issued under the TPS Venezuela designation. USCIS noted:

EADs covered by this extension are valid through March 10, 2025, as evidence of permission to work, and will list:

1. An expiration date of March 10, 2024, or September 9, 2022, on the EAD, and
2. A category code of A-12 or C-19.

Details:

- [Extension and Redesignation of Venezuela for Temporary Protected Status](#) (advance copy, to be published in the Federal Register on October 3, 2023). The official version of the Federal Register notice will also be posted on USCIS's [TPS Venezuela page \(en español\)](#).
- [DHS news release](#) (Sept. 29, 2023).

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EAD Validity Period Increased for Certain Categories

U.S. Citizenship and Immigration Services (USCIS) announced on September 27, 2023, that it is increasing the maximum validity period to five years for initial and renewal Employment Authorization Documents (EADs) for certain noncitizens who are employment-authorized incident to status or circumstance, including those admitted as refugees, paroled as refugees, and granted asylum, as well as recipients of withholding of removal.

USCIS is also increasing the maximum validity period to five years for initial and renewal EADs for certain noncitizens who must apply for employment authorization, including applicants for asylum or withholding of removal, adjustment of status under INA § 245, and suspension of deportation or cancellation of removal.

The agency noted that its updated guidance also explains the categories of noncitizens who are automatically authorized to work (also known as being employment-authorized incident to status or circumstance) and provides information on who can present a Form I-94, Arrival/Departure Record, to an employer as an acceptable document showing employment authorization under List C of Form I-9, Employment Eligibility Verification. The guidance also clarifies that certain Afghan and Ukrainian parolees are employment-authorized incident to parole.

USCIS noted that whether the noncitizen maintains employment authorization remains dependent on their underlying status, circumstances, and EAD filing category. For example, USCIS said, "if an individual received an EAD under the (c)(9) category based on a pending adjustment of status application for the maximum validity period of 5 years, and the adjustment application is then denied, their ancillary employment authorization may be terminated before the expiration date listed on their EAD."

Details:

- [USCIS alert](#) (Sept. 27, 2023).

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Biometric Services Fee Exempted for All Form I-539 Applicants

U.S. Citizenship and Immigration Services (USCIS) announced on September 25, 2023, that it is exempting the biometric services fee for Form I-539, Application to Extend/Change Nonimmigrant Status. Beginning October 1, 2023, applicants do not need to pay the \$85 biometric services fee.

Certain filers who filed before October 1 will still be scheduled for, and should attend, an ASC appointment. In most cases, after October 1, applicants will not be scheduled to attend a biometric services appointment. However, if USCIS determines that biometrics are required, the applicant will receive a notice with information about appearing for their biometric services appointment, the agency noted.

USCIS warned:

If you mistakenly submit the biometric services fee and the payment is submitted separately from the Form I-539 fee, we will return the biometric services fee and accept the Form I-539. If you mistakenly submit the biometric services fee and the payment is combined with a paper-based Form I-539 filing fee, this is considered an incorrect filing and we will reject the Form I-539. If you mistakenly authorize a credit card payment that combines the biometric services fee with the Form I-539 application fee, we will accept the application, and only charge the application fee.

USCIS said the biometric services fee exemption will apply to all applicants filing on or after October 1, 2023, including those applicants filing Form I-539 requesting an extension of stay in, or change of status to, H-4, L-2, or E nonimmigrant for whom USCIS had previously suspended the biometrics requirement through September 30, 2023.

Details:

- [USCIS alert](#) (Sept. 27, 2023).

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USCIS Continues Fee Exemptions and Expedited Processing for Afghan Nationals

U.S. Citizenship and Immigration Services (USCIS) announced on September 29, 2023, that it is extending and expanding previously announced filing fee exemptions and expedited application processing for certain Afghan nationals through September 30, 2024.

USCIS said these actions "will help Afghan nationals resettle, and in many cases, reunite with family in the United States by enabling USCIS to more quickly process their requests for employment authorization and/or Employment Authorization Documents (EADs), long-term status, status for immediate relatives, and associated services." Details are included in the USCIS alert.

Details:

- [USCIS alert](#) (Sept. 29, 2023).
- [Information for Afghan Nationals](#) (updated Sept. 22, 2023).

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[FY 2025 Diversity Visa Lottery Begins Soon, Embassy Releases Tips](#)

The online registration period for the DV-2025 diversity visa program begins on Wednesday, October 4, 2023, at 12 noon ET, and concludes on Tuesday, November 7, 2023, at 12 noon ET. DV 2025 instructions are now available.

Also, on September 29, 2023, the U.S. Embassy in Barbados released "[10 Tips for the 2025 Diversity Visa Lottery](#)." (As of press time, some of the links mentioned in the tip sheet did not yet include the DV-2025 updates, but the tips may be useful otherwise.)

Details:

- DV Program [application steps](#).
- DV-2025 Program [instructions](#).

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[Israel Added to Visa Waiver Program](#)

Effective September 29, 2023, Israel has been designated eligible for participation in the Visa Waiver Program (VWP). This means that eligible Israeli citizens, nationals, and passport holders from Israel may apply for admission to the United States at U.S. ports of entry as nonimmigrant visitors for a period of 90 days or less for business or pleasure without first obtaining a B-1/B-2 nonimmigrant visa stamp in their passports.

The Electronic System for Travel Authorization (ESTA) is expected to be updated by November 30, 2023, to facilitate this change.

Details:

- [DHS final rule](#), 88 Fed. Reg. 67073 (Sept. 29, 2023).

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[Comments Requested on Proposed Revisions to Immigrant Petition for Alien Workers](#)

Comments will be accepted until October 27, 2023, on proposed revisions to Form I-140, Immigrant Petition for Alien Workers. Those wishing to review the revisions and submit comments may access the information collection instrument with instructions, or additional information, by visiting the Federal eRulemaking Portal site at <https://www.regulations.gov> and entering USCIS–2007–0018 in the search box.

Details:

- [USCIS notice](#), 88 Fed. Reg. 66498 (Sept. 27, 2023).

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Comments Requested on Proposed Revisions to Trusted Traveler Programs and U.S. APEC Business Travel Card

Comments will be accepted until October 27, 2023, on proposed revisions to Trusted Traveler Programs and the U.S. Asia-Pacific Economic Cooperation (APEC) Business Travel Card.

U.S. Customs and Border Protection (CBP) said it intends to update the Trusted Traveler Programs to align with the Department of State's passport options. Specifically, CBP will modify the Trusted Traveler Program application by adding a third "X" gender marker for applicants identifying as non-binary, intersex, and/or gender non-conforming (in addition to the existing "male" and "female" gender markers). The "X" marker will be categorized as "Unspecified or Another Gender Identity" in the document sections of the electronic Trusted Traveler Programs application.

In addition, CBP's new Global Entry (GE) portals and the new Global Entry (GE) Mobile application are replacing legacy kiosks, CBP said. The portal or app will take the traveler's facial image and match it with the existing image from the application process. The questions previously asked by the legacy kiosk will now be a verbal attestation when exiting the area, CBP noted.

Details:

- [CBP notice](#), 88 Fed. Reg. 66465 (Sept. 27, 2023).

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Potential Government Shutdown Effect on Immigration Agencies

There has been much speculation in the news about a possible federal government shutdown. When this has happened in the past, the contingency plans for each federal agency have varied. The White House keeps an updated page on its website with each agency's plan for a federal government shutdown.

Here is an overview of the immigration agencies:

- **U.S. Citizenship & Immigration Services (USCIS).** USCIS is funded by user fees and does not depend on federal funds for its operations. Processing of all applications and petitions is expected to continue. The only exception is if a petition or application requires the certification of another affected federal agency, such as an H-1B petition that requires certification by the Department of Labor (DOL).
- **Department of Labor (DOL).** The Office of Foreign Labor Certifications (OFLC) oversees most immigration processes and is part of the DOL, which has typically been closed during government shutdowns. DOL will likely not accept or process any Labor Condition Applications (LCAs), Prevailing Wage Determinations, or Applications for Permanent Employment Certification (PERM).

Additionally, as mentioned above, the operational status of DOL impacts USCIS petitions that require a certified LCA (H-1B, H-1B1, and E-3 visa petitions). Historically, USCIS would temporarily allow an exemption to the LCA requirement for status maintenance filings. Similarly, the DOL's status may impact the timing requirements of PERM applications. In the past, DOL has extended any deadlines that fell during a government shutdown.

- **Department of State (DOS).** Consular operations and visa issuance may or may not be operational during a shutdown. DOS maintains a small reserve of funds for continued operations. However, the Department of State has reduced or halted visa issuance during prior shutdowns. Employees with international travel plans that would require them to obtain a new visa stamp while abroad should monitor the situation closely and may need to cancel their travel plans or risk being unable to return to the United States.
- **Customs and Border Protection (CBP).** Borders will remain open and CBP will be operational, so individuals entering with a valid visa should not encounter any issues with ports of entry. However, individuals who plan to apply for an immigration benefit at a port-of-entry or a pre-clearance facility (such as TNs and L-1s for Canadian nationals) will need to check the operational status of the location at which they intend to apply for the latest information.
- **E-Verify.** E-Verify is unavailable during a government shutdown. As a result, E-Verify employers will not be able to verify employment eligibility or take any other action in E-Verify. The three-day rule for E-Verify cases will be suspended, and the time during which employees may resolve Tentative Nonconfirmations will be extended. Employers are not permitted to take any adverse action against an employee whose query is in an extended interim case status due to the government shutdown. The government will release additional information on how to address situations that cannot adhere to traditional E-Verify deadlines if or when a shutdown occurs. This disruption does not affect I-9 obligations.

It is important to check each agency's contingency plan as the situation unfolds because as mentioned, shutdown operations have varied with each presidential administration.

Details:

- [Agency Contingency Plans](#), The White House, whitehouse.gov

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USCIS Issues Update on DACA Decision

U.S. Citizenship and Immigration Services (USCIS) issued an update about the partial stay of the recent Deferred Action for Childhood Arrivals (DACA) decision by a Texas federal judge. On September 13, 2023, District Court Judge Andrew Hanen declared the Biden administration's revised version of the DACA program illegal. However, Judge Hanen also kept in place a partial stay for DACA recipients who received their status before July 16, 2021.

USCIS states that current grants of DACA and associated employment authorization documents (EADs) will remain valid until they expire unless otherwise terminated. USCIS will continue to accept and process renewal requests. As for initial DACA requests, USCIS will continue to accept these, but the agency will not process the applications.

Individuals who currently have valid DACA and related EADs do not have to submit a request for DACA or employment authorization until it is time for renewal.

Details:

- [USCIS News Alert](#) (Sept. 18, 2023).
- [DACA information page](#), USCIS.gov (updated Sept. 18, 2023).

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Proposed DHS Rule Seeks to Modernize H-2 Program

On September 18, 2023, the U.S. Department of Homeland Security (DHS) announced a proposed rule to strengthen protections for temporary workers under the H-2A temporary agricultural and H-2B temporary nonagricultural worker programs. The proposed rule is intended to improve the H-2 programs by providing more flexibility and protections for the workers, as well as improving efficiency.

The H-2 visa program allows U.S. employers to hire foreign nationals to fill temporary jobs when there are not enough U.S. workers willing, able, and qualified to do the temporary (often seasonal) work. The employer must file a petition accompanied by a certification from the Department of Labor (DOL) that states why there are no qualified U.S. workers and demonstrate how a foreign worker's employment will not adversely affect the wages and working conditions of U.S. workers in similar roles.

There are a limited number of visas available to participate in the H-2 program and, under the proposed rules, employers who violate the requirements may become ineligible. The proposed rule also clarifies restrictions on employer-imposed fees and seeks to protect workers from incurring debts and abuse. DHS also proposes extended grace periods to seek other employment, depart the United States, or change visa status. There would also be a major benefit to employers, as DHS proposes to make H-2 portability permanent, allowing employers to hire workers already lawfully in the United States.

The [60-day public comment period](#) starts following the publication of the proposed rule in the Federal Register.

Details:

- [News Release](#), U.S. Department of Homeland Security (Sept. 18, 2023).
- [Proposed Rule](#), Federal Register (Sept. 20, 2023).

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CIS Ombudsman Provides Tip Sheet on How F-1 Students Can Avoid Form I-765 Delays

On September 18, 2023, the U.S. Citizenship and Immigration Services (USCIS) Ombudsman's Office released a tip sheet for F-1 international students on how to avoid delays with adjudications on Form I-765, Applications for Employment Authorization.

The tip sheet includes suggestions for students to check USCIS' website before submitting their Form I-765 for relevant updates, ensuring that their designated school official (DSO) has provided a properly completed and signed Form I-20, Certification of Eligibility for Nonimmigrant Student Status for submission with the Form I-765, and applying online if possible, as USCIS receives online applications faster. Additional recommendations include submitting Form I-765 within 30 days (if applying for Post-Completion Optional Practical Training) or 60 days (if applying for a STEM Optional Practical Training Extension) after their DSO has entered the appropriate recommendation into their Student and Exchange Visitor Information System (SEVIS) record, and making sure that students update their mailing address with both USCIS and the U.S. Postal Service.

Details:

- DHS, [CIS Ombudsman Tip Sheet](#) (Revised Sept. 2023).

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Electronic Signatures Now Acceptable for STEM OPT Students

Immigration Customs Enforcement (ICE) and the Student and Exchange Visitor Program (SEVP) recently updated Form I-983 (Training Plan for STEM OPT students) to remove the requirement for wet signatures. According to the ICE bulletin released about this form change, SEVP will accept electronic signatures in the following formats:

- Electronic signatures produced with software programs
- Digitally reproduced signatures, such as a scanned image of a physical signature

Additionally, students can now send their completed Form I-983 to their designated school official via email or a secure platform, such as a school portal.

Details:

- [ICE Bulletin](#), AILA Infonet (Sept. 20, 2023).

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Department of Homeland Security Proposes Rule to Modernize H-1B Regulations

On September 19, 2023, the Office of Management and Budget (OMB) received a proposed rule from the Department of Homeland Security (DHS) to amend regulations governing H-1B specialty occupation workers and F-1 students who are beneficiaries of timely filed H-1B cap-subject petitions.

DHS proposes to revise regulations relating to the employer-employee relationship and flexibility for start-up entrepreneurs, implement new requirements and guidelines for site visits in connection with petitions filed by H-1B dependent employers whose basic business information cannot be validated through commercially available data, and provide flexibility on the employment start date listed on the H-1B petition in limited circumstances. The proposed rule also includes details on addressing cap-gap issues for F-1 students changing to H-1B status, reducing misuse and fraud in the H-1B registration system, and clarifying the requirement that an amended or new petition be filed where there are material changes, including streamlining notification requirements relating to certain worksite changes, among other provisions.

After OMB reviews the proposed rule, it will be published in the Federal Register for public comment.

Details:

- Reginfo, [Proposed Rule](#) (Sept. 19, 2023).
- Reginfo, [Pending Review](#) (Sept. 19 2023).

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Labor Contractor Penalized After Repeated Violations of H-2A Farmworkers' Rights

A federal court has ordered a Santa Maria, California farm labor contractor to pay over \$1 million in back wages and penalties for violating H-2A agricultural worker program regulations.

The Department of Labor's (DOL) Wage and Hour Division conducted three investigations into Rancho Nuevo Harvesting Inc.'s employment practices. The results of the investigations showed that the company underpaid workers, violated H-2A program requirements, and made false statements in the certification process.

According to the DOL news release, the company failed to:

- Provide meals on Sundays (and, when feeding workers, the company provided insufficient and spoiled food)
- Provide safe and healthy housing
- Provide safe transportation to and from worksites
- Pay outbound transportation and subsistence upon completion of workers' contracts
- State terms and conditions accurately in job orders and work contracts
- Meet the three-fourths pay guarantee required for the H-2A program

In addition, the company was also found to have purposefully made false statements in the H-2A certification process regarding the company's plans to provide the required meals to the farm workers. Rancho Nuevo Harvesting also illegally sought worker resignations when there was insufficient work and to avoid paying wages specified in the contracts.

These recent investigations are in relation to workers in three counties in California: Ventura, Fresno, and Riverside. The company also had similar findings in four other investigations in two counties in Arizona and two additional counties in California in 2020 and earlier in 2023.

The court fined Rancho Nuevo Harvesting \$475,211 in penalties and ordered it to pay \$558,298 in back wages, as well as permanently forbid the company from future H-2A program violations.

Details:

- [News Release](#), Department of Labor (Sept. 19, 2023).
- [U.S. District Court Statement](#), Central District of California, Department of Labor website (Sept. 6, 2023).
- [Three-fourths pay guarantee](#), Department of Labor website Fact Sheet.

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White House Announces Plans to Increase Border Enforcement and Accelerate Work Authorization

On September 20, 2023, the Department of Homeland Security (DHS) announced a series of actions to increase enforcement along the U.S.-Mexico border and accelerate work authorization processing. Regarding the southern border, DHS outlined several enforcement changes, including deploying additional military personnel to support DHS, increasing holding capacity, and working with international partners to facilitate removals and returns.

The DHS also outlined its plan to work with U.S. Citizenship and Immigration Services (USCIS) to improve the processing of employment authorization documents (EADs) for certain applicants. For parolees who

scheduled an appointment through the CBP One app and are eligible for work authorization immediately, the goal is to improve processing times from 90 days to 30 days. At the same time, USCIS will work to reduce the median EAD processing time for Cuban, Haitian, Nicaraguan, and Venezuelan parolees to 30 days.

To help ease the processing burden on related agencies, USCIS will increase the validity period of initial and renewal EADs to 5 years for refugees, asylees, recipients of withholding of removal, and those applying for asylum, adjustments of status, or cancellation of removal.

Customs and Border Protection (CBP) will also increase awareness to work-eligible individuals that they can apply for work authorization and provide instructions. CBP noted that only a small percentage of paroled individuals who have applied through the CBP One app have taken the extra steps to apply for work authorization. DHS will deploy increased messaging to raise awareness of eligibility and the process, as well as deploy extra personnel to New York to educate newly arrived immigrants on the U.S. immigration system and how to apply for work authorization.

Details:

- [DHS Fact Sheet](#), Department of Homeland Security (Sept. 20, 2023).

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Justice Department Secures Agreement with UPS to Resolve Immigration-Relation Employment Discrimination Claims

On September 21, 2023, the Justice Department announced a settlement with United Parcel Service Inc. (UPS) following the department's determination that UPS violated the Immigration and Nationality Act (INA) by discriminating against a lawful permanent resident.

Under the INA, employers cannot discriminate against employees based on their citizenship, immigration status, or national origin at any stage of the hiring process. Similarly, employers cannot retaliate against an individual for asserting their rights under the law. The department's investigation revealed that UPS discriminated and retaliated against a lawful permanent resident in its airport badging process at their Logan Airport facility in Boston, Massachusetts by rejecting documentation provided by the worker to receive an airport badge and refusing to submit a badge application to the relevant airport authority. Without the airport badge, it was impossible for the worker to complete certain job duties. The department also uncovered that UPS retaliated against the worker by firing him after he complained to UPS about the discrimination and that this UPS facility had a policy or practice of rejecting valid documentation that some non-U.S. citizens show to obtain an airport badge, such as Machine Readable Immigrant Visas (MRIVs) with an I-551 stamp.

Under the settlement, UPS will pay nearly \$100,000 in back pay, front pay, and associated benefits to the affected worker. UPS must also pay a civil penalty to the United States, train UPS staff on the INA's anti-discrimination provision, revise its policies and procedures, and be subject to monitoring by the department.

Details:

- OPA, [Press Release](#) (Sept. 21, 2023).
- [UPS Settlement Agreement](#) (Sept. 21, 2023).

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DHS Announces Extension and Redesignation of TPS for Venezuela

On September 20, 2023, the Department of Homeland Security (DHS) announced the extension and redesignation of Venezuela for Temporary Protected Status (TPS) for 18 months. The extension and redesignation are based upon a review of country conditions and findings that Venezuela continues to experience increased instability and safety concerns.

Applicants must establish they are Venezuelan nationals who have been continuously residing in the United States since July 31, 2023, and meet other eligibility criteria. USCIS will continue to process pending applications under the previous TPS designation for Venezuela, including associated EAD applications, and applicants do not need to resubmit their applications. USCIS will accept new applications during an initial registration period to be published in a forthcoming Federal Register notice.

There are currently approximately 242,000 TPS beneficiaries under Venezuela's existing TPS designation. An estimated 472,000 additional nationals of Venezuela may be eligible under the redesignation.

Details:

- DHS, [Press Release](#) (Sept. 20, 2023).
- DHS, [Press Releases](#).

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DHS Announces Extension and Redesignation of TPS for Afghanistan

On September 21, 2023, the Department of Homeland Security (DHS) announced the extension and redesignation of Afghanistan for Temporary Protected Status (TPS) for 18 months, from November 21, 2023, to May 20, 2025. The extension and redesignation are based upon a review of country conditions and ongoing armed conflict in Afghanistan.

Current beneficiaries under TPS for Afghanistan must re-register during the 60-day registration period from September 25, 2023, to November 24, 2023. DHS will automatically extend the validity of EADs previously issued under Afghanistan's TPS designation through November 20, 2024.

USCIS will continue to process pending applications under the previous TPS designation for Afghanistan, including associated EAD applications, and applicants do not need to resubmit their applications. USCIS will accept new applications during the initial registration period from September 25, 2023, to May 20, 2025. Afghan nationals who were granted parole under Operation Allies Welcome, or re-parole, may apply for and receive TPS, if eligible.

Also on September 21, 2023, DHS announced Special Student Relief for Afghanistan, effective November 21, 2023, to May 20, 2025. Notice will be published in the Federal Register on September 25, 2023.

- DHS, [Press Release](#) (Sept. 21, 2023).

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October 2023 Visa Bulletin is Published

On September 15, 2023, the Department of State released the October 2023 Visa Bulletin, indicating which green card applications are eligible to move forward based on their initial filing date. For employment-based filings, USCIS has directed the public to use “Chart B,” the Dates for Filing chart in the October Visa Bulletin.

The Visa Bulletin affects those born in countries where there are more green card applications filed than green cards available for the fiscal year. Those born in India and China are subject to backlogs and have to wait for their priority date to become current so that they may file an Adjustment of Status, the final stage in the green card application.

The EB-1 category is “current” for all countries except for India and China. Indian nationals with priority dates of July 1, 2019, and earlier are eligible to move forward. Chinese nationals with priority dates of August 1, 2022, can move forward with their applications.

EB-2 Indian nationals with priority dates of May 15, 2012, and EB-2 Chinese nationals with priority dates of January 1, 2020, can move forward.

In the EB-3 category, Indian nationals with priority dates of August 1, 2012, and Chinese nationals with priority dates of September 1, 2020, are eligible to file their Adjustment of Status applications for their green cards.

Details:

- [Department of State October 2023 Visa Bulletin.](#)
- [USCIS Visa Bulletin Guidance.](#)

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USCIS Updates Policy Guidance for Extraordinary Ability and Outstanding Professor or Researcher EB-1 Immigrant Visa Classifications

U.S. Citizenship and Immigration Services (USCIS) announced on September 12, 2023, that it is updating the USCIS Policy Manual to clarify the types of evidence the agency will evaluate to determine eligibility for extraordinary ability and outstanding professor or researcher EB-1 immigrant visa classifications.

An extraordinary ability EB-1 immigrant visa classification does not require a job offer, and it is filed by a person who has extraordinary ability in the sciences, arts, education, business, or athletics, which has been demonstrated by sustained national or international acclaim, and whose achievements have been recognized in the field through extensive documentation.

An outstanding professor or researcher EB-1 immigrant visa classification is filed by a U.S. employer on behalf of a professor or researcher who is internationally recognized as outstanding in a specific academic area to work in a tenured or tenure-track position or a comparable position to conduct research.

USCIS explained that the new clarifying guidance enumerates and describes the evidence, or qualified comparable evidence, that meets the relevant evidentiary criteria for these petitions. Additionally, USCIS clarified the totality of the circumstances approach used by officers to evaluate the relevant evidentiary criteria, as well as outlined a list of positive factors that officers should consider when adjudicating these matters. While the examples of relevant evidence and factors have a focus on science, technology, engineering, or mathematics (STEM) fields, USCIS states that the list of examples is

non-exhaustive and that while the listed factors are more relevant to STEM fields, the guidance applies to all extraordinary ability persons and outstanding professors or researchers.

Details:

- [USCIS alert](#) (Sept. 12, 2023).
- [Policy Manual, Volume 6, Part F, Chapter 2 – Extraordinary Ability](#) (current as of Sept. 12, 2023).
- [Policy Manual, Volume 6, Part F, Chapter 3 – Outstanding Professor or Researcher](#) (current as of Sept. 12, 2023).

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Judge Hanen Rejects Revised Version of DACA

On Wednesday, September 13, 2023, U.S. District Court Judge Andrew Hanen declared the Biden Administration’s revised version of the Deferred Action for Childhood Arrivals (DACA) program illegal. While expressing sympathy for DACA, Judge Hanen agreed with Texas and eight other states that the program is beyond the authority of the Executive Branch.

The DACA program was created and initiated by the Obama Administration in 2012. The program protects eligible youth immigrants from removal and provides them with employment authorization. Judge Hanen’s decision keeps in place an injunction barring the government from accepting new applications but allows the program to continue for existing recipients during the ongoing legal review. The case is expected to reach the Supreme Court.

Details:

- [AILA News Alert](#), Sept. 14, 2023.
- [Federal judge again declares that DACA is illegal with issue likely to be decided by Supreme Court](#), Associated Press (Sept. 13, 2023).

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Proposed DOL Rule Aimed at Bolstering Temporary Farm Workers’ Protection

On September 12, 2023, the U.S. Department of Labor (DOL) proposed a new rule intended to strengthen protections for H-2A farm workers.

The rule intends to add protections for H-2A farm workers including self-advocacy, protection against retaliation, enhanced transparency of foreign labor recruitment, and increased enforcement.

In the DOL release, acting Secretary Julie Su says, “Farm workers are vital to our farmers, our food supply and our communities. This proposed rule would strengthen protections for H-2A farm workers who are particularly vulnerable to labor abuses, empower them to advocate for fair treatment and ensure that their employment does not depress labor standards and undercut domestic farm workers. The administration is committed to protecting all workers, and this proposal would significantly advance that effort.”

The release outlines five specific parts of the proposed rule and how they will be implemented:

- **More protections for work self-advocacy.** The rule would expand and clarify existing anti-retaliation protections and expand workers’ rights to invite guests like labor organizations to

employer-provided housing. The release also lists requirements for employers to prevent coercion and transparency for employees' rights to organize freely.

- **Clarifying when a termination is “for cause”.** The rule will clarify what is required of an employer when terminating an employee “for cause” and establish six conditions when this termination can happen.
- **More transparency in foreign labor recruitment.** The rule is intended to protect agricultural workers from predatory recruitment practices and would require employers to provide a copy of the agreement with agents and recruiters in the H-2A recruitment process, regardless of whether the agent or recruiter is U.S.-based or abroad.
- **Predictable wages.** New wage rates will apply immediately upon their publication in the Federal Register, instead of weeks later. In addition, employers who do not provide adequate notice to workers if there is a delay in their start date will be required to pay workers the rate for each day the work is delayed up to 14 days.
- **Access to safe transportation.** Long and crowded travel to and from worksites is commonplace and has raised safety concerns. The proposed rule would require seat belts in transport vehicles and prohibit employer-provided vehicles unless each occupant is wearing a seat belt.
- **Enhancing enforcement.** Debarment would be faster for any business that violates H-2A program rules with the proposed rule and would make it easier for the system to discontinue recruitment for employers who continue to fail to meet program requirements. It would also forbid employers from confiscating workers' passports, visas, or other government IDs.

There will be a [60-day notice-and-comment period](#) after the proposed rule is published in the Federal Register before the department considers all comments and publishes the final rule.

Details:

- [News Release](#), U.S. Department of Labor (Sept. 12, 2023).

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House Democrats Ask Biden to Help Immigrants and Asylum-Seekers through Executive Action

On September 10, 2023, over 100 House Democrats, led by Representative Jerry Nadler (D-NY) and Representative Pramila Jayapal (D-WA) issued a letter to President Biden and Department of Homeland Security (DHS) Secretary Alejandro Mayorkas asking for executive action to be taken to support immigrants and asylum-seekers in getting work authorization.

The letter requests the Biden Administration use “all the tools available to provide stability to undocumented individuals and recently arrived asylum seekers, seeking to work lawfully, support their families, and contribute to the economy.”

The letter suggests three paths to ease the burdens on asylum seekers in obtaining work authorization.

- **Relieving delays for EADs.** Asylum seekers face significant regulatory and processing delays in obtaining employment authorization documents (EADs). Immigration courts present long delays to even apply. After that, there is a regulatory waiting period of 150 days for asylum seekers to apply for work authorization, and another 30 days to receive their EADs. During this time,

refugees are forced to rely on underfunded community groups to provide housing, food, and health services, while many asylum seekers have the skills and desire to work and provide for their families independently.

- **Humanitarian parole.** The letter suggests the Biden Administration to consider using humanitarian parole on a case-by-case basis, which has been used by both parties since the 1950s for urgent humanitarian reasons.
- **Provisional waiver.** Finally, the Democrats urge the administration to reduce the backlog in the provisional waiver program, which has been a successful program to reunite families designed to streamline the family-based immigration visa process. Backlogs have grown significantly, with the current wait time reaching 43 months (over 3 ½ years) as of this past April.
- **Streamline cancellation of removal.** Many eligible noncitizens residing in the U.S. only are aware of this program once they are in removal proceedings. The House Democrats urge the Biden Administration to use rulemaking to implement a process to proactively request a case review to access this relief.

The letter addresses that Congress is unlikely to pass any legislative immigration relief plans, but Biden can still make meaningful reforms through other authorities like executive action and rulemaking.

Details:

- [House Letter to Biden](#), Representatives Nadler and Pramila (Sept. 10, 2023).
- [103 House Democrats join calls for Biden to open up the immigration playbook](#), The Hill (Sept. 11, 2023).

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Certain TPS Beneficiaries Are Now Eligible for 540-day Extension of Work Authorization

On September 8, 2023, USCIS announced that individuals who have TPS (or a pending application) are now eligible to extend their Employment Authorization Document (EAD) for up to 540 days past their EAD card expiration date. For I-9 purposes, the TPS beneficiary can present their expired EAD card and their I-765 Receipt Notice showing that they timely filed an EAD renewal application before October 26, 2023.

TPS (“Temporary Protected Status”) is a designation that allows nationals from specific countries to stay in the United States for up to 18 months while their home country has a temporary emergency condition.

Details:

- [USCIS Clarifies Certain TPS Beneficiaries Eligible for 540 Day Extension](#), last updated Sept. 8, 2023.
- [USCIS I-9 Guidance for TPS Automatic EAD Extensions](#), last updated Sept. 8, 2023.

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HHS Creates Data-Matching Program With DHS

The Health and Human Services (HHS) Centers for Medicare and Medicaid Services published notice of a data-matching program with the Department of Homeland Security to share data related to applicants' citizenship and immigration status for HHS eligibility determinations. The program will allow these government agencies to share personally identifiable information (PII) of HHS applicants and enrollees to determine the applicant's eligibility for enrollment in health insurance plans established under the Affordable Care Act. The relevant PII that will be shared between these agencies includes name, date of birth, Alien Registration Numbers, I-94 Arrival/Departure Records, SEVIS ID, foreign passport numbers, and other immigration-related information such as the individual's country of birth and details of USCIS employment authorizations. The program is committed to complying with all requirements of the Privacy Act of 1974, including notification to affected individuals and fail-safes to verify findings before taking adverse action such as suspending or terminating the enrollee's HHS benefits.

The comment period for this notice ends on October 6, 2023. This program is expected to begin around October 20, 2023, for an initial term of 18 months, with the possibility for a 1-year renewal in 2025. If an error is discovered in immigration records, a [Privacy Act amendment request may be submitted](#) in writing to USCIS's FOIA/PA Office in Lee's Summit, MO.

Details:

- [Centers for Medicare & Medicaid Services Notice](#) (Sept. 6, 2023).

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State Department Jettisons 2019 Public Charge Restrictions

On September 5, 2023, the Department of State issued a final rule to discard the regulatory amendments included in a 2019 rule regarding ineligibility for immigration benefits based on an applicant's likelihood to become a public charge. Before 2019, only public cash assistance for income maintenance or long-term institutionalization at government expense was considered in the public charge inadmissibility assessment. The 2019 rule expanded the public charge test by adding several other factors that would be considered in determining whether an individual is likely to become a public charge. The 2019 rule raised concerns about fear and confusion preventing immigrants, including children, from accessing government services and benefits available to them.

This final rule will take effect on October 5, 2023. By abandoning the 2019 amendments, the DOS will continue to apply the regulatory language and Foreign Affairs Manual guidance in use before 2019.

Details:

- [DOS Final Rule](#) (Sept. 5, 2023).
- [USCIS Public Charge Resources](#) (July 10, 2023).

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USCIS Provides I-9 and E-Verify Guidance for People Impacted by the 2023 Hawaii Wildfire

U.S. Citizenship and Immigration Services (USCIS) issued guidance on September 5, 2023, regarding I-9 and E-Verify compliance requirements in light of the 2023 Hawaii wildfires, regarding the potential loss or destruction of affected employees' documentation. All employment eligibility verification requirements remain in effect for areas impacted by the wildfires and there have been no exceptions made for employers seeking to onboard or re-verify affected employees. Individuals whose

documentation was lost or damaged should immediately apply for replacement documentation. Employers may accept receipt for the replacement request to complete I-9 verification for the first 90 days of employment. The employee should follow up with the replacement document or other acceptable documentation within 90 days from the first date of employment to complete the verification. Employers whose I-9 records have been lost or destroyed because of the wildfires must recreate new I-9 forms for current employees, with an annotation stating: "Original Form I-9 destroyed in 2023 Hawaii wildfire; replacement created MM/DD/YYYY."

Employees whose immigration documents or processes are impacted by the wildfires should seek relief through [USCIS' Immigration Relief in Emergencies or Unforeseen Circumstances program](#).

Details:

- [USCIS I-9 Related News](#) (Sep. 5, 2023).

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USCIS Ends Biometrics Fee Suspension for I-539 Applicants

The temporary suspension of biometrics submission for I-539 applicants changing to or extending their H-4, L-2, E-1, E-2, E-2C, E-3, or E-3S, and E-3Y nonimmigrant status expired on September 30, 2023. Notably, in U.S. Citizenship and Immigration Services' (USCIS) [FY 2022 Progress Report](#) issued in December 2022, the Service announced its intent to establish a permanent biometrics exemption for all I-539 applicants "in the months ahead." As fiscal year 2023 came to a close, USCIS had not yet followed through with these plans. In the absence of further guidance from USCIS, applicants must include the \$85 biometrics fee per applicant for all I-539 and I-539A applications postmarked or submitted electronically after September 30, 2023.

Details:

- [USCIS Alert](#) (April 19, 2023).

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COVID-Era Visa Application Fee Receipts Expired on September 30

Machine-Readable Visa (MRV) fees paid to the Department of State (DOS) in connection with a visa application submitted to a U.S. consulate or embassy abroad are normally valid for up to 12 months from the date of payment. Due to consulate closures and other processing delays caused by the COVID-19 pandemic, the DOS extended the validity of MRV fees paid on or after March 20, 2020. On September 1, 2023, the DOS announced the end of these COVID-era extensions and has resumed the 12-month validity period for all MRV fee payments. Any visa applicant who submitted their MRV fee payment between March 20, 2020, and October 1, 2022, must have scheduled an appointment or submitted an interview waiver application before September 30, 2023. Interviews scheduled beyond this date will remain valid so long as the appointment was scheduled before the deadline. Importantly, applicants who have been scheduled for an interview to take place after September 30 should not attempt to reschedule their appointments after that date, as this will result in both the loss of the original appointment date and forfeiture of the MRV fee. If the MRV fee expires before the applicant has scheduled an appointment or submitted an interview waiver application, the applicant must submit a new application package in addition to a new MRV fee payment.

Details:

- [DOS U.S. Visas News](#) (Sep. 1, 2023).

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Department of Labor Updates O*NET Database

The Department of Labor, Employment and Training Administration released the O*NET 28.0 Database and updated its site on September 5, 2023, making [updates to 90 occupation codes](#). Among these updates were revisions to occupation descriptions (including tasks, skills, work activities, etc.); minimum requirements for training, work experience, and education; job zones; and alternate job titles. Significantly, the occupation code [15-1211, Computer Systems Analysts](#) was downgraded from Job Zone Four: Considerable Preparation Needed, to Job Zone Three: Medium Preparation Needed. As a result of this change, practitioners should expect a higher risk for PERM business necessity audits and H-1B specialty occupation requests for additional evidence for positions classified under the Computer Systems Analysts occupation.

The next O*NET update is expected in November 2023.

Details:

- [O*NET Resource](#) (Sept. 5, 2023).

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Bipartisan Congressional Letter Requests Relief for Skilled Visa Holders

Congressmen Raja Krishnamoorthi (D-IL) and Larry Bucshon, M.D. (R-IN) recently sent a letter to Secretary of State Antony Blinken and Department of Homeland Security Secretary Alejandro Mayorkas requesting executive action to provide relief to highly skilled workers, allowing the filing of employment-based immigrant visa applications by marking all dates as “current” across all chargeability areas for employment-based green card cases in the October 2023 Visa Bulletin.

The letter, co-signed by a bipartisan group of 56 other members of Congress, outlined the precedent and authority for such action and highlighted the compelling government and economic interests in retaining these highly skilled professionals within the U.S. labor force, particularly during this time of increased opportunities for STEM workers to relocate to Canada. The action would bring relief and security to thousands of foreign nationals and their families by securing their ability to maintain work authorization, get promoted, and launch businesses. Under the current backlogs, these foreign nationals and their families are stuck in limbo waiting for the next step in obtaining their green cards beholden to their current job and employer. According to the letter, if the United States does not address these shortcomings, it is at risk of losing critical talent to countries that have already taken steps to prioritize immigration opportunities for highly skilled workers.

In the press release on Congressman Krishnamoorthi’s website, Aman Kapoor ,president of Immigration Voice was quoted as saying, "The entire basis for this problem is a discriminatory immigration system that requires Indian nationals to have to wait 200 years for a green card while people from 150 other countries have no wait at all. While this larger problem cannot be fixed without legislation, our organization of over 100,000 members is absolutely thrilled with the bipartisan effort of Congressman Krishnamoorthi, Bucshon and 56 other members of Congress to call on the Biden Administration to adopt this change."

Details:

- [Letter to the Biden Administration](#), Congressman Raja Krishnamoorthi website (July 28, 2023).
- [Press Release](#), Congressman Raja Krishnamoorthi website (July 28, 2023).

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State Dept. Conducting Proof of Concept Testing for Digital Visa Authorization

On September 8, 2023, the U.S. Department of State's (DOS) Bureau of Consular Affairs announced it is developing and testing a digital visa authorization (DVA) capability instead of the traditional process of printed visas placed in applicants' passports. The U.S. Embassy in Dublin is conducting proof of concept testing with a small number of K-1 visas. If successful, DOS plans to expand the DVA to other visa classifications and other posts abroad. There was no timeline indicated in this announcement.

U.S. Customs and Border Protection's (CBP) Document Validation program will notify airlines digitally when a traveler has valid travel credentials, including a DVA. DOS will provide more information and updates as they become available.

Details:

- [Travel.state.gov Visa News](#), U.S. Department of State (September 8, 2023)

ABIL Global: United Kingdom

The government of the United Kingdom is implementing a full-scale digitalization project and seeks to enhance the efficiency of immigration procedures by harnessing advanced technology.

Technological developments in the United Kingdom (UK) are intended to expedite the submission and processing of visa applications and other immigration-related paperwork and modernize border operations by automating digital border processes. This initiative aims to enable Border Force and UK Visas and Immigration personnel to streamline current workflows, concentrating their resources on application categories that demand more time and effort due to their intricate legal aspects. The digital transformation of the UK immigration system is intended to bring the border management system and broader government in line with the demands of the 21st century.

Transition to Digital Immigration Status

By late 2024, the UK government intends to fully transition to a digital system for managing immigration status. This will enable individuals to apply for and verify their immigration status and cross borders without the need for physical travel vignettes or Biometric Residence Permits (BRPs). Some migrants have already begun receiving digital status as the default option. All BRPs are set to expire by December 31, 2024, in anticipation of these forthcoming changes.

Electronic Travel Authorisation Scheme

In March 2023, the government introduced the Electronic Travel Authorisation (ETA) scheme. Under this program, travelers from countries currently exempt from the requirement to apply for prior UK visa clearance before visiting the UK must obtain an ETA before their journey. The primary goals of the ETA scheme are to enhance border security in the UK and streamline the travel process. The ETA scheme will be slowly introduced, first with selected Middle Eastern nationals. Beginning November 15, 2023, Qatar nationals traveling to the UK will require an ETA. Nationals of the following countries traveling to the UK will need an ETA beginning February 22, 2024:

- Bahrain
- Jordan
- Kuwait
- Oman
- Saudi Arabia

- United Arab Emirates

More countries on the non-visa national list (those countries whose nationals do not require prior UK visa clearance before visiting the UK) will be added to the ETA scheme, with the aim for it to be fully in place by the end of 2024 for all relevant non-visa nationals traveling to the UK. As details of the ETA are still to be finalized for non-Gulf countries, multinational corporations with frequent business travel should stay vigilant for updates and make necessary preparations for its implementation.

Sponsorship System Reforms

In response to calls for a simplified sponsorship system following Brexit, the Home Office unveiled a sponsorship roadmap in August 2021. This roadmap outlines proposed changes to the current process of hiring foreign nationals to make it more straightforward and efficient. The plan includes:

- Various IT improvements;
- Enhancements in customer service;
- Modifications to compliance procedures; and
- Strategies for engaging stakeholders.

These reforms aim to create a more user-friendly system that reduces the time required to sponsor a migrant worker. The IT transformation will be implemented in three phases, with the Home Office anticipating full operational capability by Q1 2024. All sponsors are expected to transition to the new system by this deadline.

Online Verification of Right to Work and Rent

As of April 2022, employers and landlords are now legally obligated to conduct online checks to verify an individual's right to work and rent status for most migrants. With limited exceptions, manual right-to-work verification for these individuals is no longer permitted. The Home Office has also introduced a digital service allowing British and Irish nationals to confirm their right to work and rent status online. Employers and landlords can opt to use an Identity Service Provider (IDSP) for these checks. However, manual checks of physical identity documents are still permitted for British and Irish nationals.

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New Publications and Items of Interest

U.S. Citizenship and Immigration Services (USCIS) has updated its *Policy Manual* to clarify voter registration access at its administrative naturalization ceremonies. The [updated guidance](#): (1) affirms that USCIS provides access to voter registration services at each administrative naturalization ceremony, including information regarding points of contact for voting and voter registration; (2) provides that USCIS offices request that election officials from state or local government election offices attend ceremonies to distribute, collect, and review voter registration applications and to officially register new citizens to vote; (3) affirms that USCIS offices coordinate with nonpartisan, nongovernmental organizations for voter registration services when state and local government election officials are not available; and (4) provides that, to the extent feasible, USCIS offices invite governmental or nongovernmental organizations offering on-site voter registration services the opportunity to introduce themselves and address the naturalization candidates before the ceremony.

The **Department of Homeland Security** and the **General Services Administration** plan to use \$288 million in Inflation Reduction Act funds to complete three construction projects: the relocation of the U.S. Cybersecurity & Infrastructure Security Agency (CISA) Headquarters and Immigration & Customs Enforcement (ICE) Headquarters to the St. Elizabeths campus in southeast Washington, DC, and building

a new 1,500-space parking garage, the agencies [announced](#) on August 17, 2023. The new construction will provide additional office space for approximately 6,500 personnel, DHS said.

Immigration agency X (formerly Twitter) accounts:

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

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

Alliance of Business Immigration Lawyers:

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

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ABIL Member/Firm News

[Cyrus Mehta](#) has authored a new blog post: "[Although the October 2023 Visa Bulletin is Disappointing, the Administration Still Has the Option to Advance the Dates for Filing in the Next Visa Bulletin.](#)"

[Mr. Mehta](#) and [Kaitlyn Box](#) have co-authored a new blog post: "[NYC Should Welcome Migrants Rather Than Have a Mayor Who Disparages Them.](#)"

[Mr. Mehta](#) was quoted in the *Times of India* on India's visa suspension for Canadians: [India's Visa Suspension Will Have Limited Impact on Biz.](#)

[WR Immigration](#) has published a [new installment](#) in its "Chatting with Charlie" series. WR Immigration Director of Visa Consulting Charlie Oppenheim, Partners Dan Maranci and Kimberley Best Robidoux, and Senior Attorney Laura Bloniarz discuss the latest insights on the October Visa Bulletin and fiscal year 2024 visa availability, and provide information regarding the new I-9 process.

[Stephen Yale-Loehr](#) was interviewed in a [podcast](#) about the New York migrant surge. Mr. Yale-Loehr discussed how local and federal leaders can work to manage the New York migrant surge and support individuals seeking refuge in the United States. He also discussed changes in migrant demographics, immigration statuses, complications of the U.S. immigration system, legal protections for migrants, labor shortages and work training programs, and funding for resources to address the migrant surge.

[Mr. Yale-Loehr](#) was quoted by *Newsday* in [Venezuelan Migrants, Once Granted Federal TPS Protection, Could Seek Shelter on Long Island, in Other Counties](#). He noted that those with TPS can receive some public benefits but not others.

[Mr. Yale-Loehr](#) was quoted in the *Christian Science Monitor* in [New York's Immigrant Spirit Tested by Influx of Asylum-Seekers](#).

[Mr. Yale-Loehr](#) was quoted in the *Gothamist* about work permits for Venezuelans in the United States: [Next Step for Venezuelan Migrants in NYC: Navigating the Bureaucracy](#).

[Mr. Yale-Loehr](#) was quoted in the *New York Times* in [New York Considers State Work Permits for Migrants as Influx Worsens](#).

Mr. Yale-Loehr was quoted in the *New York Daily News* in [NY Looking At 'Unprecedented' Plan to Give Migrants State Work Permits, Hochul Says](#).

Mr. Yale-Loehr was quoted in a *Financial Times* podcast about a prominent Russian banker who received asylum in the United States: [The Russian Banker, Part 3: Asylum](#).

Mr. Yale-Loehr was quoted in a *Politifact* article about critics of Biden's immigration policies: [Who is responsible for helping migrants in Chicago and New York City? Leaders say Biden can do more?](#)

Mr. Yale-Loehr was quoted in a *Raw Story* article about a federal judge declaring DACA illegal: ['Dreamers' deferred: Democrats are blowing the immigration debate and hurting kids by hiding](#).

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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 445 member lawyers and their more than 1,100 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.

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