

IMMIGRATION INSIDER

Vol. 19, No. 12 ▪ December 3, 2023

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[Apple Settles Citizenship Discrimination Allegations With \\$25 Million 'Landmark' Agreement](#) – Under the agreement, Apple must pay up to \$25 million in back pay and civil penalties, which the Department of Justice said was the largest award that it has ever recovered under the antidiscrimination provision of the Immigration and Nationality Act

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[USCIS to Move Filing Location for Premium Processing Requests Filed With Immigrant Petition for Alien Workers](#) – On November 13, 2023, U.S. Citizenship and Immigration Services (USCIS) will begin transitioning the filing location for Form I-907, Request for Premium Processing, when filed with Form I-140, Immigrant Petition for Alien Workers, from the service centers to the USCIS lockbox.

[December Visa Bulletin Includes Reminder About Expiring Non-Minister Religious Workers Category](#) – No SR visas may be issued overseas, or final action taken on adjustment of status cases, after midnight November 16, 2023, unless Congress extends the program.

[Potomac Service Center Will No Longer Accept Paper Responses](#) – Starting November 13, 2023, the Potomac Service Center will no longer accept mailed correspondence. To avoid processing delays, U.S. Citizenship and Immigration Services (USCIS) said, applicants and their representatives should instead upload their responses to their USCIS online accounts (for receipt notices that start with IOE-) or mail them to the Texas Service Center.

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Three Important Cases Pending Before U.S. Supreme Court

Three important cases are pending before the U.S. Supreme Court. According to observers, at stake are the legitimacy of the current U.S. immigration court system and the longstanding precedent decision, *Chevron v. Natural Resources Defense Council*, and its standard for deference to federal administrative agency decisions. The cases include:

- [Securities and Exchange Commission v. Jarkesy](#), which involves two questions: (1) whether the SEC's choice of enforcement proceedings violates the nondelegation doctrine, and (2) whether the for-cause removal of administrative law judges (ALJs) violates the U.S. Constitution. Both issues are important for immigration lawyers. For example, observers note, a ruling in favor of Mr. Jarkesy could result in a finding that immigration judges do not have the authority to adjudicate the cases they are assigned. Oral argument in *Jarkesy* was held on November 29, 2023.
- [Relentless, Inc. v. Department of Commerce](#) and [Loper Bright Enterprises v. Raimondo](#), which include more expansive challenges to administrative law. Among other issues, the Supreme Court will consider whether to limit or overrule the Court's 1984 precedent decision in [Chevron v. Natural Resources Defense Council](#). Overruling *Chevron* would have an impact on federal court challenges to agency decisions from U.S. Citizenship and Immigration Services, the Department of Labor, U.S. Immigration and Customs Enforcement, and U.S. Customs and Border Protection. Oral argument in *Relentless* and *Loper* will be held in January.

Details:

- "[Potential Game-Changer Cases for Immigration Law at SCOTUS](#)," *thinkImmigration* (Nov. 29, 2023).

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DOS Proposes Updates to Au Pair Exchange Visitor Program

The Department of State (DOS) has issued a proposed rule to amend the Exchange Visitor Program regulations governing the au pair category to "clarify and modernize" the program. Among other things, the proposed rule would restructure the child care and educational components, replace the EduCare program with a part-time option, enhance au pair and host family orientation requirements, formalize standard operating procedures for rematching au pairs with new host families, and propose new requirements to strengthen au pair protections.

DOS said it encourages public comment on the proposed rule, particularly on restructuring the au pair program and calculating weekly compensation. DOS initially said it would accept public comments on the proposed rule until December 29, 2023, but then extended the deadline to January 28, 2024.

Details:

- DOS [notice of proposed rulemaking](#), 88 Fed. Reg. 74071 (Oct. 30, 2023).
- DOS [extension of comment period](#), 88 Fed. Reg. 83511 (Nov. 30, 2023).

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ICE Launches Online Portal for Noncitizens in Removal Proceedings

On November 30, 2023, U.S. Immigration and Customs Enforcement (ICE) launched the [ICE Portal](#), a public-facing website that centralizes communications between noncitizens who have been placed in removal proceedings and the federal government. On the portal, noncitizens can schedule appointments, update their addresses, and check hearing information in a consolidated location.

Specifically, the portal incorporates previous online capabilities like ICE's Appointment Scheduler and change-of-address tool, and allows noncitizens to look up information regarding upcoming immigration court hearings before the Executive Office for Immigration Review. It also includes information on finding a lawyer, including links to pro bono legal service providers and other resources; working in the United States; and finding social support.

Details:

- [ICE statement](#) (Nov. 30, 2023).

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CBP Will Temporarily Close Arizona Border Crossing

U.S. Customs and Border Protection (CBP) announced that beginning Monday, December 4, 2023, CBP's Office of Field Operations will temporarily suspend operations in Lukeville, Arizona. Both northbound and southbound pedestrian and vehicle traffic at the Lukeville port of entry will be suspended until further notice. Travelers can cross into or out of the United States through either the Nogales Port of Entry in Nogales, Arizona, or the San Luis Port of Entry in San Luis, Arizona.

CBP said the temporary closure was in response to "increased levels of migrant encounters at the Southwest Border, fueled by smugglers peddling disinformation to prey on vulnerable individuals, CBP is surging all available resources to expeditiously and safely process migrants. CBP will continue to prioritize our border security mission as necessary in response to this evolving situation."

Details:

- [CBP statement](#) (Dec. 1, 2023).
- [CBP Border Wait Times](#).

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USCIS Expands myProgress to Forms I-485 and I-821

On November 21, 2023, U.S. Citizenship and Immigration Services (USCIS) announced that it is expanding myProgress (formerly known as personalized processing times) to [Form I-821, Application for Temporary Protected Status](#), and [Form I-485, Application to Register Permanent Residence or Adjust Status](#). myProgress will initially only be available for family-based or Afghan [special immigrant](#) I-485 applicants.

USCIS explained that myProgress "provides applicants with access, in their online account, to personalized estimates of their wait time for major milestones and actions on their case, including their final case decision. While estimates are based on case type and historical patterns, they are not a guarantee of timing, and cannot take into consideration all possible unique application processing factors." Milestones include confirmation that the application was received, movement of the application through pre-processing and adjudicative steps, and the case decision.

In addition to Form I-485 and Form I-821, myProgress is available for applicants with a [USCIS online account](#) who file [Form I-765, Application for Employment Authorization](#); [Form I-131, Application for Travel Document](#); [Form N-400, Application for Naturalization](#); [Form I-90, Application to Replace Permanent Resident Card](#); or [Form I-130, Petition for Alien Relative](#).

Applicants still need to visit the public [Check Case Processing Times](#) webpage to determine whether they are eligible to file an Outside of Normal Processing Times service request, USCIS noted.

Details:

- [USCIS alert](#) (Nov. 21, 2023).

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DOJ Reaches Immigration-Related Discrimination Settlement Agreement With Tennessee Trucking Companies

On November 20, 2023, the Department of Justice (DOJ) announced that it secured a \$700,000 agreement with Covenant Transport Inc., and an affiliated entity, Transport Management Services LLC, two transportation logistics and long-haul trucking companies headquartered in Chattanooga, Tennessee. The agreement resolves the department's determination that the companies violated the anti-discrimination provision of the Immigration and Nationality Act (INA) by routinely discriminating against non-U.S. citizen workers when checking their permission to work in the United States.

DOJ's investigation found that from January 2020 through August 2022, Covenant and Transport routinely discriminated against non-U.S. citizens by requiring lawful permanent residents to show their permanent resident cards (green cards) and by requiring other non-U.S. citizens to show documents related to their immigration status. DOJ noted that federal law " allows all workers to choose which valid, legally acceptable documentation to present to demonstrate their identity and permission to work."

Under the terms of the agreement, Covenant and Transport will pay \$700,000 in civil penalties to the United States, train their employees on the INA's anti-discrimination requirements, revise their employment policies, and be subject to monitoring by DOJ.

Details:

- [Settlement Agreement](#) with Covenant and Transport.
- [DOJ Press Release](#) (Nov. 20, 2023).

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Global Entry Program Expands to PortMiami Seaport

As of December 1, 2023, PortMiami is the first seaport to host a Global Entry Enrollment Center to assist the traveling public with completing new and renewal applications for the "trusted traveler" program.

U.S. Customs and Border Protection (CBP) officers staffing PortMiami Global Entry Enrollment Center will help candidates complete their application processing and their conditionally approved, in-person interviews as the final step in the membership enrollment process. Global Entry includes TSA PreCheck eligibility, which expedites screening through Transportation Security Administration (TSA) checkpoints at participating airports.

CBP Global Entry continues to expand to [foreign partner countries](#).

Details:

- [CBP media release](#) (Nov. 24, 2023).
- CBP [Global Entry](#) enrollment page.
- CBP [Trusted Traveler](#) Programs page.
- [TSA PreCheck](#) page.

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DHS Increases FY 2024 Limit on H-2B Nonagricultural Workers and Provides Portability

Effective November 17, 2023, in consultation with the Department of Labor (DOL), the Department of Homeland Security (DHS) has increased the total number of noncitizens who may receive an H-2B nonimmigrant visa by up to 64,716 for fiscal year (FY) 2024. 20,000 visas are reserved for nationals of Guatemala, El Salvador, Honduras, Haiti, Colombia, Ecuador, and Costa Rica. The visas will be available "only to businesses that are suffering or will suffer impending irreparable harm, as attested by the employer." DHS is also providing temporary portability flexibility, explained in more detail in the temporary rule.

The supplemental visas will be distributed in several allocations and timeframes, which are summarized in the temporary rule. DHS said it will not accept any H-2B petitions under these allocations after September 16, 2024, and will not approve any such H-2B petitions after September 30, 2024. The provisions related to portability are available only to petitioners and H-2B nonimmigrant workers initiating employment through the end of January 24, 2025.

DOL's Office of Foreign Labor Certification is accepting comments on the temporary rule until January 16, 2024.

Details:

- DOL/DHS [temporary rule](#), 88 Fed. Reg. 80394 (Nov. 17, 2023).

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DOJ Reaches Several Immigration-Related Discrimination Settlement Agreements

Following on the heels of the Department of Justice's (DOJ) \$25 million [settlement agreement](#) with Apple Inc., DOJ has settled immigration-related discrimination cases with a New York City health care system and a staffing agency with offices nationwide. Below are highlights of the settlements:

NYC Health and Hospitals Corporation. On November 16, 2023, DOJ announced a settlement agreement with New York City Health and Hospitals Corporation (NYCHH), which provides health care services to more than a million New Yorkers. The agreement resolves DOJ's determination that NYCHH violated the anti-discrimination provision of the Immigration and Nationality Act (INA) when it rejected a worker's valid employment authorization document (EAD) based on the worker's national origin.

The worker's EAD had been extended automatically under Temporary Protected Status (TPS). DOJ determined that NYCHH rejected the valid document and delayed the onboarding of the worker based on its incorrect assumption that the worker's country of birth listed on her EAD had to be the same as the country designated for TPS. DOJ pointed out that Federal Register notices that automatically extend a TPS worker's permission to work explain that the worker does not have to show additional documentation or prove citizenship status, and that the country of birth listed on the worker's documentation does not have to match the TPS-designated country.

Under the terms of the agreement, NYCHH will pay back pay to the affected worker and a civil penalty to the United States, train its staff on the anti-discrimination provision, review and revise its employment policies and training materials, and be subject to departmental monitoring for three years.

Kforce Inc. On November 15, 2023, DOJ announced a settlement agreement with Kforce Inc. (Kforce), a staffing agency with 36 offices across the United States. The agreement resolves DOJ's determination that Kforce discriminated against non-U.S. citizens with permission to work in the United States and excluded them from job opportunities based on their citizenship status.

DOJ's investigation determined that from at least March 1, 2019, to February 28, 2022, Kforce distributed job advertisements that contained unlawful hiring restrictions based on citizenship status or otherwise screened out candidates based on their citizenship status.

Under the terms of the settlement, Kforce will pay \$690,000 in civil penalties to the United States and set aside \$230,000 to compensate affected workers. The agreement also requires Kforce to train its personnel on the INA's requirements, revise its employment policies, and be subject to departmental monitoring and reporting requirements.

Details:

- [DOJ release](#) re NYC Health Care System settlement (Nov. 16, 2023).
- [Settlement Agreement](#) with NYC Health Care System (Nov. 16, 2023).
- [DOJ release](#) re Kforce Inc. (Nov. 15, 2023).
- [Settlement Agreement](#) with Kforce Inc. (Nov. 15, 2023).

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Federal Government Shutdown Averted for Now

As many know, before a deadline of 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 was possible after November 17, but it was averted. Below are highlights of how immigration-related services could be affected if a shutdown happens in the future.

Many immigrant and nonimmigrant visa applications and petitions would not be severely affected because they are fee-based. "Nonessential" visa processing, such as tourist visas, could be slowed or suspended abroad, however, which could increase backlogs. Consular services located in federal buildings could be affected if those buildings are closed. Applications and petitions that depend on action by the Department of Labor's (DOL) Office of Foreign Labor Certification (OFLC) would be affected, including those requiring a Labor Condition Application (e.g., H-1B, H-1B1, EB-3) and PERM employment-based immigrant petitions. Other OFLC functions could also cease during a shutdown, including processing of temporary labor certifications and prevailing wage determinations. Some programs that rely on appropriations could be suspended temporarily, such as the E-Verify program and Conrad 30 J-1 doctors.

A Department of Homeland Security (DHS) fact sheet notes that if there is a shutdown, nearly three in four DHS employees—more than 185,000 people—would be required to continue working through the 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.

Contact your [Alliance of Business Immigration Lawyers](#) attorney for help in specific situations.

Details:

- [Procedures Relating to a Lapse in Appropriations](#), DHS (Sept. 22, 2023).
- OMB [Agency Contingency Plans](#).

- [What Happens to Immigration if U.S. Government Shuts Down?](#), Voice of America (Sept. 28, 2023).
- [White House press release](#) (Sept. 30, 2023).
- [Biden statement](#) (Sept. 30, 2023).
- [H.R. 5860](#) (Sept. 30, 2023).

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Apple Settles Citizenship Discrimination Allegations With \$25 Million 'Landmark' Agreement

On November 9, 2023, the Department of Justice (DOJ) announced a landmark agreement with Apple Inc. (Apple) to resolve allegations that the company illegally discriminated in hiring and recruitment against U.S. citizens and certain non-U.S. citizens whose permission to live in and work in the United States does not expire.

Under the agreement, Apple must pay up to \$25 million in back pay and civil penalties, which DOJ said was the largest award that it has ever recovered under the antidiscrimination provision of the Immigration and Nationality Act (INA).

The settlement agreement relates to Apple's recruitment for positions falling under the permanent labor certification program (PERM). Specifically, DOJ's investigation found that Apple did not advertise positions it sought to fill through the PERM program on its external job website, even though its standard practice was to post other job positions on that website. It also required all PERM position applicants to mail paper applications even though the company permitted electronic applications for other positions. In some instances, Apple did not consider certain applications for PERM positions from Apple employees if those applications were submitted electronically instead of being mailed in on paper. DOJ said that these "less effective recruitment procedures nearly always resulted in few or no applications to PERM positions from applicants whose permission to work does not expire."

Pursuant to the \$25 million agreement, Apple must pay \$6.75 million in civil penalties and establish an \$18.25 million back pay fund for eligible discrimination victims. The agreement also requires Apple to ensure that its recruitment for PERM positions more closely matches its standard recruitment practices. Under the agreement, Apple must conduct more expansive recruitment for all PERM positions, including posting PERM positions on its external job website, accepting electronic applications, and enabling applicants for PERM positions to be searchable in its applicant tracking system. DOJ said that Apple implemented some of these measures after the agency opened its investigation. Additionally, Apple must train its employees on the INA's antidiscrimination requirements and be subject to departmental monitoring for the three-year period of the agreement.

Details:

- [DOJ press release](#) (Nov. 9, 2023).
- [Settlement Agreement](#) between Apple and DOJ (Nov. 2023).
- [Attachment A](#) – Back Pay Funds Claim Process.

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DHS Announces Eligible Countries for H-2A and H-2B Programs; Bolivia Added

The Department of Homeland Security (DHS), in consultation with the Department of State (DOS), announced the lists of countries whose nationals are eligible to participate in the H-2A and H-2B visa programs in the next year. Each country's designation is valid until November 8, 2024. Bolivia has been added to the list of countries eligible to participate in both programs.

DHS said the notice does not affect the status of H-2 beneficiaries who currently are in the United States unless they apply to extend their stay in H-2 status on the basis of a petition filed on or after the date of publication of the Federal Register notice (November 9, 2023). Similarly, the notice would not affect the eligibility of an H-2 beneficiary to apply for an H-2 visa and/or seek admission to the United States based on an H-2 petition approved prior to the date of publication. It does apply to nonimmigrants changing status in the United States to H-2A or H-2B, DHS said.

Mongolia and the Philippines are eligible to participate in the H-2B program but not the H-2A program. Paraguay is eligible to participate in the H-2A program but not in the H-2B program.

Details:

- [DHS alert](#) (Nov. 8, 2023).
- [DHS notice](#), 88 Fed. Reg. 77343 (Nov. 9, 2023).

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USCIS to Move Filing Location for Premium Processing Requests Filed With Immigrant Petition for Alien Workers

U.S. Citizenship and Immigration Services (USCIS) announced that it began transitioning the filing location for Form I-907, Request for Premium Processing, when filed with Form I-140, Immigrant Petition for Alien Workers, from the service centers to the USCIS lockbox on November 13, 2023.

This change does not apply to those who are filing Form I-907 for a currently pending Form I-140 or to those who are filing Form I-140 with an associated application (such as Form I-765, Form I-131, or Form I-485). USCIS said it will soon announce filing location changes for those forms, but for the time being, they should continue to be filed with the service centers.

Those mailing Form I-140 and Form I-907 together to USCIS should use the addresses listed in the USCIS alert. Starting December 13, 2023, USCIS will reject any Form I-907 filed with Form I-140 that is received at the previous service center address.

Details:

- [DHS alert](#) (Nov. 9, 2023).

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December Visa Bulletin Includes Reminder About Expiring Non-Minister Religious Workers Category

The Department of State's Visa Bulletin for December 2023 includes a reminder that the non-minister special immigrant program expired on November 17, 2023. No SR visas may be issued overseas, or final action taken on adjustment of status cases, unless Congress extends the program. Visas issued before

that date were valid only until November 16, 2023, and all individuals seeking admission in the non-minister special immigrant category must have been admitted into the United States by November 16, 2023.

The bulletin notes that the SR category is listed as "Unavailable" for all countries for December. If Congress extends the category, the bulletin says, it is likely that it will become available immediately. If extended, the category will be subject to the same final action dates as the other employment fourth preference categories per applicable foreign state of chargeability.

Details:

- [DOS Visa Bulletin](#) for December 2023.

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Potomac Service Center Will No Longer Accept Paper Responses

As of November 13, 2023, the Potomac Service Center (PSC) is no longer accepting mailed correspondence. All mailed correspondence intended for cases processed by the PSC must be mailed to the Texas Service Center (TSC), unless otherwise noted.

To avoid processing delays, USCIS said, applicants and their representatives should instead upload their responses to their USCIS online accounts (for receipt notices that start with IOE-) or mail them to the Texas Service Center at:

USCIS Texas Service Center
Attn: Digital RFE
6046 N Belt Line Rd. STE 114
Irving, TX 75038

USCIS strongly encourages use of an USCIS online account and self-service tools to upload responses for all online cases.

Details:

- [USCIS alert](#) (Nov. 6, 2023).

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ABIL Global: Spain

Spain has partially implemented European Union (EU) Directive 2021/1883 concerning the conditions of entry and residence for highly qualified employment of third-country nationals.

This implementation is being carried out through amendments to Spain's Entrepreneurs Act 14/2013, establishing two schemes for highly qualified professionals (HQP) within the Large Companies Unit. The most substantial features are:

National Residence Permit for Highly Qualified Professionals

This category already exists, but the permit's requirements have been updated to include individuals with qualifications equivalent to at least level 1 of the Spanish Qualifications Framework or with professional experience of at least three years comparable to the required qualification. The labor market test does not apply.

The permit validity aligns with the employment contract duration plus an additional three months, with a maximum period of three years.

Residence Permit for Highly Qualified Professionals—EU Blue Card

This category is for third-country nationals with higher education qualifications of at least three years (equivalent to level 2 of the Spanish Qualifications Framework or level 6 of the European Qualifications Framework) or at least five years of relevant professional experience. For Information and communications technology managers and professionals, the required experience is reduced to three years within seven years before applying for an EU Blue Card. The labor market test does not apply.

The salary threshold ranges between 1.0 and 1.6 times the average gross annual salary, with a possibility of applying at 80 percent of the threshold under specific circumstances.

The permit validity aligns with the employment contract duration plus an additional three months, with a maximum period of three years.

Holders of an EU Blue Card from another Member State can stay up to 90 days in any 180-day period in Spain without authorization. To stay longer, they must apply for the EU Blue Card in Spain, with a streamlined process allowing them to start working upon application submission.

Dependents of EU Blue Card holders can apply for a residence permit in Spain unless they hold international protection status in Spain.

The implementation provides pathways for highly qualified professionals to work and reside in Spain, with adjustments made to existing permits and the introduction of the EU Blue Card system to facilitate mobility within the EU for qualified workers.

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New Publications and Items of Interest

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](#).

Alliance of Business Immigration Lawyers:

- ABIL is available on X (formerly Twitter): @ABILImmigration

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[Dagmar Butte](#) and [Cyrus Mehta](#) were quoted by *Forbes* in [Apple Settles \\$25 Million DOJ Immigrant Lawsuit, Regardless of PERM](#). **Ms. Butte** said, "The Apple settlement highlights the disconnect between real-world recruitment practices and the artificial nature of the mandated recruitment steps under PERM. This is especially true when you consider that most modern recruitment practices did not exist when PERM was rolled out in 2005." She noted that even if the PERM recruitment structure is an invention of the Department of Labor, the underlying good-faith test of the labor market seems to require treating PERM positions no less favorably in the breadth of recruitment than regular positions. "I tell my clients to remember that this system was designed to protect U.S. workers, and not to facilitate hiring foreign nationals and they should view recruitment from that perspective. I also always ask them to tell me how they would recruit for the job if PERM were not a part of the process and make that part of the optional steps for professional positions." **Mr. Mehta** said, "The safest course is for employers to hew as closely as possible to their non-PERM recruitment practices. Thus, while it is lawful for employers to ask applicants to send resumes only by postal mail under the PERM regulations, if the employer otherwise allows applicants to send their resumes electronically, the employer should be consistent and require applicants even responding to PERM recruitment to send their resumes electronically." He said employers are caught between the conflicting requirements of two federal agencies.

[Avi Gomberg](#) was listed in Who's Who Legal Canada 2023 and recognized as a Thought Leader and Global Leader for Corporate Immigration.

[Charles Kuck](#) spoke with the *Atlanta Journal-Constitution* and WABE News in [Listen: Why Were Videos Leaked in Fulton Election Case?](#) (available by subscription).

Mr. Mehta and [Kaitlyn Box](#) were cited by *Forbes* in [SpaceX Court Win Could End DOJ Immigrant Lawsuits](#). The article cited their [blog](#) in explaining that "[t]he Appointments-Clause challenge by Space X, if not overturned by the Fifth Circuit or Supreme Court, could provide a pathway for other employers to fend off investigations and lawsuits by the [Immigrant and Employee Rights Section of the Department of Justice's Civil Rights Division] when they conduct recruitment under the foreign labor certification program."

Mr. Mehta and [Kaitlyn Box](#) co-authored several new blog posts: [SpaceX's Constitutional Challenge May Nix DOJ's Ability to Bring Discrimination Claims Against Employers under Section 274B of the Immigration and Nationality Act, Including in the Labor Certification Context](#) and [Will the Immigration Provisions in the AI EO Bring About Meaningful Change Or Be Mere Window Dressing?](#)

Mr. Mehta and [Jessica Paszko](#) co-authored a new blog post: [How Prosecutorial Discretion Saved Our Client](#).

Mr. Mehta was quoted by Bloomberg Law's *Daily Labor Report* in [Apple's Hiring Bias Case Reveals Big Tech Foreign Worker Dilemma](#). He said it's hard to know how much of an enforcement focus the PERM process will receive beyond the two tech giants. He noted, however, that a recent [court victory](#) for Elon Musk's SpaceX may open a pathway for other companies to challenge Department of Justice (DOJ) investigations. "One wonders why Apple and Facebook copped a settlement rather than contesting the lawsuit like SpaceX did," Mr. Mehta said.

Mr. Mehta received the [Corporate Immigration Lawyer of the Year](#) award from Who's Who Legal (WWL) on November 9, 2023, at a ceremony in London, England. He is also a [WWL Global Elite Thought Leader](#).

WR Immigration has published a new blog post: [Time to Feast: EB-5 Visa Outlook in FY 2024](#).

WR Immigration will host a webinar, [December Investor Visa Outlook](#), as part of its "Chatting With Charlie" series.

Stephen Yale-Loehr was quoted by the *Cornell Daily Sun* in [Dyson Students' "Pathways of Belonging" Initiative Partners With Local Human Rights Office](#). The article discusses a panel held at Cornell on the immigration process and its effects on migrants. The article notes that during the panel discussion, Mr. Yale-Loehr discussed the broken immigration system and the challenges immigrants face as they try to find a sense of belonging amid their journey toward U.S. citizenship. He highlighted the overwhelming volume of pending cases, exacerbated by a shortage of immigration judges. Mr. Yale-Loehr said the backlog subjects many immigrants to years of waiting for crucial decisions.

Mr. Yale-Loehr was quoted by the *New York Times* in [They Fled Climate Chaos. Asylum Law Made Decades Ago Might Not Help](#) (available by subscription). He said, "The general public is becoming less accepting of asylum as a remedy because there are so many people being creative in applying for it. When people think of asylum, they imagine a government official pointing a gun at someone's head. They don't think of crop failures or sea levels rising because of climate change."

Mr. Yale-Loehr was quoted by *The Guardian* in [Abbott Slated to Sign Law Allowing Arrest of Anyone Crossing Texas Border Without Papers](#). He said, "Part of the reason for passing this law is to send a message to the Biden administration that Texas is going to go as far as it dares, and they don't care whether they lose in court, they're making a political statement." Mr. Yale-Loehr said that a legal challenge against the Texas law, SB4, would probably succeed, but court battles can take several years. He said he is especially concerned about the new law's interim effect on asylum seekers.

Mr. Yale-Loehr was quoted by the *New York Daily News* in [Hochul Says NY Will Not Give State Work Permits to Migrants: "I'm Constrained by the Law."](#) He said that no state has ever tried to supersede the federal government's role as the dispenser of work papers. He noted that the approach Hochul described would have invited long-running litigation and would not have helped the state in the short-term.

Mr. Yale-Loehr was quoted by *AM New York* in [Tales of Survival: NYC Migrants Face Bureaucratic Challenges to Gain Work Visas After a Long Journey to America](#). "It seems to be hit or miss as to who gets parole versus being told just to file an asylum application," he said. He noted, among other things, that migrants are confronted with a slew of legal obstacles when trying to avoid deportation and build a life in the United States. "There are so many challenges they have. Just on the legal front, understanding the work permit complexities, depending on what status they are. Trying to find an immigration lawyer or other advocate who can help them navigate this process. While the number of applications filed by a clinic in Lower Manhattan is impressive, he said, New York City needs to be more consistent in its efforts to help migrants apply for work permits, and it needs to step up its outreach so a greater number of newcomers are aware of the legal help available to them: "We need to have more money, and train more paralegals and more lawyers to be able to do this on an ongoing basis."

Mr. Yale-Loehr was quoted by *Univision* in [Academics Urge Congress to Enact Specific Immigration Reforms as Soon as Possible](#). The article discusses a white paper, [Immigration Reform: A Path Forward](#), which Mr. Yale-Loehr co-authored. "We designed our proposals to address three areas where we see public support and support from a bipartisan Congress. Even in a gridlocked Congress, these targeted immigration reforms can be implemented," he said. The article is in Spanish with English translation available.

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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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