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[USCIS Seeks Comments on Revisions to Application for Employment Authorization](#) – In addition to specific changes to the form, U.S. Citizenship and Immigration Services said it is exploring additional technology and internal process improvements.

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[DOL Debars Labor Contractor From H-2A Program for Three Years](#) – The Department of Labor (DOL) has debarred Harvest Plus LLC, a farm labor contractor based in Kennewick, Washington, from participating in the H-2A temporary agricultural worker program for three years due to violations.

[SAVE Provides Info on New 'Military Parole in Place' Admission Class](#) – The Department of Homeland Security released information to SAVE user agencies about documentation and the SAVE verification process for individuals who are paroled in the United States with the new Military Parole in Place class of admission for certain U.S. military service members and their families.

[USCIS Will Dispose of SAVE Records More Than 10 Years Old](#) – SAVE agency users with the Superuser role have until January 16, 2025, to download case information from the Historic Records Report if they want to retain information about SAVE cases with records dated on or before December 31, 2013.

[DHS Announces Restrictions on Flights Carrying Travelers From Rwanda](#) – The Secretary of Homeland Security has directed all flights to the United States carrying persons who have recently traveled from, or were otherwise present within, Rwanda to arrive at one of three designated international airports: Chicago O'Hare, John F. Kennedy, or Washington-Dulles. The directive is related to an outbreak of Marburg Virus Disease.

[OFLC Releases FAQs on Employer Needs and Communications During Recent Major Disasters](#) – The Department of Labor's Office of Foreign Labor Certification released frequently asked questions on issues related to employer needs and communications in Hurricane Helene-affected areas and Vermont.

[USCIS Updates Guidance on Expedite Requests](#) – The update clarifies how the agency considers expedite requests related to government interests and requests related to emergencies or urgent humanitarian situations, including travel-related requests. The update also clarifies how to make an expedite request and explains how USCIS processes them.

[New Application Released for Travel, Parole, Arrival/Departure Documents; No Grace Period](#) – On October 11, 2024, U.S. Citizenship and Immigration Services (USCIS) announced publication of a new Form I-131 (06/17/24 edition) named "Application for Travel Documents, Parole Documents, and Arrival/Departure Records." USCIS is not offering any grace period to transition to the new form.

[USCIS Launches PDF Filing Option for Certain Work Permit Applicants](#) – On October 8, 2024, U.S. Citizenship and Immigration Services announced a PDF filing option for certain applicants seeking a work permit.

[November Visa Bulletin Announces Extension of Religious Workers Category and the Effects of NDAA on Certain Employees of the U.S. Government Abroad](#) – The Department of State's Visa Bulletin for November 2024 includes information on the extension of the SR religious workers category and effects of the National Defense Authorization Act on certain employees of the U.S. government abroad who are applying for Special Immigrant Visas (SIVs) or adjustment of status. This does not affect certain Iraqis and Afghans applying for SQ and SI SIVs.

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OFLC to Decommission Legacy Permanent Online System on December 1

On November 1, 2024, the Department of Labor's Office of Foreign Labor Certification (OFLC) [announced](#) that it will decommission the legacy Permanent Online System on December 1. The system provides public access to permanent labor certification applications and final determinations. The [Foreign Labor Application Gateway \(FLAG\) System](#) was implemented to replace the legacy Permanent Online System.

OFLC said that stakeholders who need documents from their Permanent Online System accounts "are strongly encouraged to access and download those documents well in advance of December 1, 2024. Permanent Online System account holders who need to upload documents or request a specific case action on an application submitted in the Permanent Online System (e.g., request reconsideration, withdraw applications, etc.) should complete action in the system by November 30, 2024, at 7 PM EST."

Applications still pending in the Permanent Online System after November 30, 2024, will continue to be processed, OFLC said. Starting December 1, 2024, those who need to submit a response to the Department, upload documents, or request a specific case action on an application that was submitted in the Permanent Online System must do so by email to the PLC Help Desk at PLC.Help@dol.gov. "Documents should be submitted as PDF attachments and named with the case number assigned and title of the attachment. After November 30, 2024, stakeholders with applications pending in the Permanent Online System will not be able to upload documents directly. Employers and their attorney/agents should continue to check their email for correspondence and notifications related to these pending applications," OFLC said.

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DOS Corrects DV-2026 Entry Period Dates

On October 31, 2024, the Department of State (DOS) [announced](#) a correction to the start and end dates of the entry period published previously for the Diversity Visa Program for fiscal year 2026.

The notice published on October 1, 2024, lists "October 4, 2023," as the start date and "November 7, 2023," as the end date of the DV-2026 entry period. The new notice states that the entry period for the DV-2026 program "begins on October 2, 2024, and ends on November 7, 2024."

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OFLC Announces Annual Determination of Labor Supply States

On October 30, 2024, the Office of Foreign Labor Certification (OFLC) [announced](#) the annual determination of labor supply states (LSS). OFLC said it is replacing Puerto Rico and Virginia as expected labor supply states with Delaware, Maryland, New Jersey, Ohio, and West Virginia for jobs in the Commonwealth of Pennsylvania. All current LSS requirements will remain in full effect otherwise.

LSS are "additional states in which an employer's job order will be circulated and, if appropriate, where additional recruitment may be required," OFLC explained, noting that the determination "includes specific geographic area(s) of the United States in which a significant number of qualified workers have been identified and who, if recruited through additional positive employer recruitment activities, would be willing to make themselves available for work in the state."

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Senators Urge DHS and DOL to Release the Maximum Number of H-2B Visas for FY 2025

Senators [Angus King](#) (I-ME) and Mike Rounds (R-SD), along with a bipartisan group of their colleagues, signed a [letter](#) sent on October 23, 2024, to the secretaries of the Departments of Homeland Security (DHS) and Labor (DOL) urging them to lift the H-2B cap and release the maximum number of additional H-2B visas allowed for fiscal year (FY) 2025, as has been done in the past.

The letter says that the senators "write on behalf of seasonal businesses in our states—including employers of housekeepers in tourist destinations, landscapers with defined seasons, seafood processors with short harvesting windows, and fairs and carnivals—who are struggling to hire a sufficient number of temporary, seasonal laborers to support their operations." In light of these labor shortages, the letter says, "we strongly urge [DHS], in consultation with [DOL], to utilize the authority provided by Congress in the FY 2025 *Continuing Appropriations and Extensions Act* to release the maximum allowable number of additional H-2B visas for Fiscal Year 2025, as you did for Fiscal Year 2024. These visas will help employers handle their labor challenges, and provide additional certainty regarding their workforce planning decisions in the coming months. We urge you to promptly publish a temporary rule implementing the release of these supplemental visas."

The letter notes that many employers turn to the H-2B program to meet their workforce needs not only to sustain their businesses but also to support their U.S. workers. "The H-2B program places requirements on employers to recruit U.S. workers, who are intentionally prioritized by the program and also receive demonstrated, positive impacts from their seasonal colleagues. In fact, a 2020 Government Accountability Office report concluded that 'counties with H-2B employers generally had lower unemployment rates and higher average weekly wages than counties that do not have any H-2B employers.'" The letter states:

The most current employment data illustrates the workforce struggles of seasonal businesses nationwide. [DOL's] Job Openings and Labor Turnover Surveys (JOLTS) show the rate of job openings have increased year over year for the industries that represent the top five H-2B occupations. As you know, the FY 2025 H-2B first half fiscal year cap was met on September 18, 2024—roughly three weeks earlier than the cap was met in FY 2024. The result is that seasonal employers whose peak seasons are in late fall and winter are capped out before their period of seasonal need begins. Absent cap relief, these employers will be unable to receive temporary, U.S. government-vetted guest workers.

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USCIS Approves New Credentialing Organization for Healthcare Workers

U.S. Citizenship and Immigration Services (USCIS) has [approved](#) International Education Evaluations, LLC, as a new credentialing organization for healthcare workers for certain immigration purposes.

USCIS explained that "an individual who seeks admission to the United States as a nonimmigrant or immigrant, or who is the beneficiary of a change of status request, or who is applying for adjustment of status, in the United States for the purpose of performing labor in certain healthcare occupations is inadmissible unless he or she presents a certificate from an authorized credentialing organization." Department of Homeland Security (DHS) regulations authorize the Commission on Graduates of Foreign Nursing Schools, the National Board for Certification in Occupational Therapy, and the Foreign Credentialing Commission on Physical Therapy to issue such [certificates](#). DHS regulations also "establish detailed standards for the approval of additional credentialing organizations after consultation with the Secretary of Health and Human Services, and USCIS has created an adjudicatory framework for the filing and adjudication of those applications using Form I-905, Application for Authorization to Issue Certification for Health Care Workers," USCIS said.

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[USCIS Updates Guidance for T Visas](#)

U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it has revised guidance in its Policy Manual related to the T visa for victims of severe forms of human trafficking to align with a final rule published in April 2024.

USCIS noted, among other things, that when an individual whose application is deemed bona fide files [Form I-765, Application for Employment Authorization](#), under category (c)(40), the agency will consider whether to grant them deferred action and a work permit while it adjudicates their application for T nonimmigrant status. USCIS said it recommends that applicants submit Form I-765 with their [Form I-914, Application for T Nonimmigrant Status](#). Applicants for T nonimmigrant status do not need to pay a fee to file Form I-765, USCIS said.

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[DOJ Settles With State Farm for Retaliation Violation](#)

The Department of Justice (DOJ) [announced](#) on October 24, 2024, that it has reached a [settlement agreement](#) with State Farm Mutual Automobile Insurance Company after determining that one of the company's corporate offices in Richardson, Texas, violated the law when it terminated a worker in retaliation for raising concerns about citizenship status discrimination.

DOJ said that its Civil Rights Division's Immigrant and Employee Rights Section determined that State Farm unlawfully terminated a worker and placed her on a "do not hire" list because she opposed State Farm's rejection of her valid documentation showing that she was authorized to work. State Farm rejected her Permanent Resident Card with a notice from the Department of Homeland Security that extended the validity of the card past its expiration date.

Under the terms of the settlement, the company will pay civil penalties of \$4,610 and will pay more than \$30,000 in back pay to the affected worker. The agreement also requires that State Farm train its personnel on the anti-discrimination requirements of the Immigration and Nationality Act, revise its employment policies, and be subject to departmental monitoring and reporting requirements.

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[USCIS Seeks Comments on Revisions to Application for Employment Authorization](#)

U.S. Citizenship and Immigration Services (USCIS) [seeks comments](#) on proposed revisions to the Form I-765, Application for Employment Authorization, and accompanying instructions.

In addition to specific changes to the form, USCIS said it is exploring additional technology and internal process improvements "to further reduce the burden to those applying for initial employment authorization, seeking evidence of existing employment authorization, or employment authorization incident to status or an Employment Authorization Document (EAD)." USCIS specifically requests "comments on the submission of passport-style photos during the application process and expanding the options available to filers for submission of photos through the use of emerging technologies, such as a smartphone application that would allow for the capture and submission of passport-style photos necessary to produce an EAD."

USCIS also requests "detailed reasons why USCIS should or should not consider use of the mobile app or alternate technology for photo capture." Specifically, the agency seeks "comments on providing alternative means to apply for employment authorization or evidence of existing employment

authorization that could substitute for submitting" a separate Form I-765. Finally, USCIS avers that "[c]omments may also address a proposal to provide applicants the option to consent to USCIS sharing certain information from their benefit requests with the Social Security Administration (SSA) for the purposes of having the SSA assign the applicant a Social Security Number and issue the applicant a new or replacement Social Security Card upon approval of the underlying benefit request."

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[DHS Designates Lebanon for Temporary Protected Status, Announces Other Relief](#)

The Department of Homeland Security (DHS) [announced](#) several measures "to provide temporary immigration reprieve to eligible Lebanese nationals currently in the United States" and to allow them to request work authorization, including Temporary Protected Status (TPS), Deferred Enforced Departure (DED), and Special Student Relief:

Temporary Protected Status

DHS has designated Lebanon for Temporary Protected Status (TPS) for 18 months "due to ongoing armed conflict and extraordinary and temporary conditions in Lebanon that prevent nationals of Lebanon from returning in safety." Those approved for TPS will be able to remain in the United States while it is "in discussions to achieve a diplomatic resolution for lasting stability and security across the Israel-Lebanon border."

The TPS designation will allow Lebanese nationals (and individuals having no nationality who last habitually resided in Lebanon) who have been continuously residing in the United States since October 16, 2024, to file initial applications for TPS if they are otherwise eligible.

USCIS said that more information about TPS, including how to apply for employment authorization, will be included in a Federal Register notice that DHS "intends to publish in the next few weeks. Individuals should not apply for TPS" until the notice is published.

Deferred Enforced Departure

U.S. Citizenship and Immigration Services (USCIS) also posted a [Federal Register notice](#) establishing procedures for Lebanese nationals covered by President Biden's July 26, 2024, grant of [Deferred Enforced Departure](#) (DED) to apply for Employment Authorization Documents that will be valid through January 25, 2026.

Special Student Relief

DHS also [announced Special Student Relief](#) for F-1 nonimmigrant students whose country of citizenship is Lebanon or who have no nationality and last habitually resided in Lebanon. Eligible students may request work authorization, work an increased number of hours while school is in session, and reduce their course loads while continuing to maintain F-1 status through the DED designation period.

USCIS said that approximately 11,000 Lebanese nationals will likely be eligible for DED and TPS. Approximately 1,740 F-1 nonimmigrant students from Lebanon in the United States may be eligible for Special Student Relief.

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[DOL Debars Labor Contractor From H-2A Program for Three Years](#)

The Department of Labor (DOL) has [debarred](#) Harvest Plus LLC, a farm labor contractor based in

Kennewick, Washington, from participating in the H-2A temporary agricultural worker program for three years. DOL found that the employer "provided workers with unhealthy living conditions; transported them in unsafe vehicles driven by people without licenses or proper permits; withheld wages and made illegal pay deductions; told workers to falsify documents to mask violations of federal regulations; and denied U.S. workers access to jobs."

Specifically, DOL's Wage and Hour Division (WHD) found that Harvest Plus violated H-2A program requirements by:

- Housing H-2A workers in unsafe, overcrowded conditions in moldy motel rooms.
- Failing to reimburse H-2A workers for inbound and outbound transportation costs between their home countries and Washington.
- Allowing drivers without permits or licenses to transport workers in dangerous, dilapidated vehicles with broken or missing seatbelts and lights and inadequate seats.
- Making unlawful pay deductions not stated in job orders, including for laundry expenses.
- Failing to provide a copy of work contracts and not stating job orders' actual terms and conditions.
- Giving preference when contracting H-2A workers and failing to contact U.S. workers employed previously.

WHD also learned that Harvest Plus tried to require workers to work beyond the H-2A certification periods and outside the period of allowed employment.

WHD assessed the employer \$252,475 in civil penalties.

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[SAVE Provides Info on New 'Military Parole in Place' Admission Class](#)

The Department of Homeland Security (DHS) released [information](#) to Systematic Alien Verification for Entitlements (SAVE) user agencies about documentation and the SAVE verification process for individuals who are paroled in the United States under the new Military Parole in Place class of admission (MIL COA) for certain U.S. military service members and their families. Individuals with this COA can be paroled in one-year increments.

Parolees with the MIL COA may present one or more of the following:

- A copy of their electronic Form I-94, Arrival/Departure Record, from the U.S. Customs and Border Protection website at i94.cbp.dhs.gov, which will include a COA of MIL;
- Paper Form I-94 with a COA of MIL; or
- Form I-766, Employment Authorization Document (EAD), with a C11 parole category. **Note:** MIL parolees are not employment-authorized incident to their parole. They must apply for and receive an EAD to be employment authorized.

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USCIS Will Dispose of SAVE Records More Than 10 Years Old

U.S. Citizenship and Immigration Services (USCIS) announced that beginning on January 17, 2025, the agency will dispose of SAVE records more than 10 years old. This affects records dated on or before December 31, 2013.

USCIS said that SAVE agency users with the Superuser role have until January 16, 2025, to download case information from the Historic Records Report if they want to retain information about those SAVE cases. For information and guidance on downloading this report, see the [SAVE Instructions to Download Historic Records Report Tip Sheet](#).

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DHS Announces Restrictions on Flights Carrying Travelers From Rwanda

The Secretary of Homeland Security has [directed](#) all flights to the United States carrying persons who have recently traveled from, or were otherwise present within, Rwanda to arrive at one of three designated international airports: Chicago O'Hare, John F. Kennedy, or Washington-Dulles. The directive is related to an outbreak of Marburg Virus Disease.

The Departments of Homeland Security and Health and Human Services (HHS), including the Centers for Disease Control and Prevention, and other agencies are implementing enhanced public health measures at the three U.S. airports, which receive the largest number of travelers originating from Rwanda.

The directive considers a person to have recently traveled from Rwanda if they departed from, or were otherwise present in, Rwanda within 21 days of the date of the person's entry or attempted entry into the United States, excluding crew and flights carrying only cargo.

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OFLC Releases FAQs on Employer Needs and Communications During Recent Major Disasters

The Department of Labor's Office of Foreign Labor Certification (OFLC) released frequently asked questions (FAQs) on issues related to employer needs and communications in areas affected by hurricanes, severe storms, flooding, landslides, and mudslides, specifically for [Hurricane Helene-affected areas](#) and [Vermont](#). Highlights include:

- OFLC said it will continue to contact employers and their authorized attorneys or agents primarily using email and will use U.S. mail where email addresses are not available. Employers are reminded to check their email routinely for information related to their OFLC applications. If an employer is affected by internet and power outages, the employer may contact OFLC using the phone numbers listed in the notices.
- OFLC noted that if a geographic area has no or partial U.S. mail delivery and no planned restoration date, it will contact employers and their authorized attorneys or agents via email, if that information is disclosed on the application, to arrange for the delivery of correspondence using alternate services or to a mailing address not affected by mail delivery disruptions. In these circumstances, employers and/or their authorized attorneys or agents should contact the applicable OFLC National Processing Center using the information provided in the notice.
- "For each of OFLC's programs, the most effective means of communicating with OFLC is through the established Foreign Labor Application Gateway (FLAG) or the PERM Case Management System ('PERM system') and should be used whenever possible," OFLC said. "In the event an employer or its authorized attorney or agent is unable to communicate with OFLC through FLAG

or the PERM system, alternative methods of contacting OFLC regarding each of OFLC's programs" appears in the FAQs.

Extensions of time and deadlines may be granted depending on the circumstances, OFLC said. The notice includes additional details about closing offices, moving workers or worksites, changing start dates for employment, and other disaster-related issues.

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[USCIS Updates Guidance on Expedite Requests](#)

On October 11, 2024, U.S. Citizenship and Immigration Services (USCIS) [announced](#) an update to its guidance on expedite requests, effective immediately. The update in the [USCIS Policy Manual](#) clarifies how the agency considers expedite requests related to government interests and requests related to emergencies or urgent humanitarian situations, including travel-related requests. The update also clarifies how to make an expedite request and explains how USCIS processes them.

Among other things, the update clarifies that USCIS will consider expediting [Form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records](#), when a benefit requestor in the United States has "a pressing or critical need to leave the United States, whether the need to travel relates to an unplanned or planned event, such as a professional, academic, or personal commitment."

For more information, see the [Policy Alert](#), the newly updated [Expedite Requests](#) page, and the new [Interested Government Agency](#) page.

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[New Application Released for Travel, Parole, Arrival/Departure Documents; No Grace Period](#)

On October 11, 2024, U.S. Citizenship and Immigration Services (USCIS) [announced](#) publication of a new Form I-131 (06/17/24 edition). The new form is named "[Application for Travel Documents, Parole Documents, and Arrival/Departure Records](#)." It is used to apply for reentry permits, refugee travel documents, Temporary Protected Status (TPS) travel authorization documents, advance parole documents, initial parole documents for noncitizens outside the United States, and Arrival/Departure Records for parole in place and re-parole for noncitizens inside the United States.

USCIS noted:

- The new 06/17/24 edition of Form I-131 replaces the 04/01/24 edition of the Form I-131 (Application for Travel Document). There is no grace period. Effective October 11, 2024, USCIS is rejecting applications on the 04/01/24 edition of Form I-131.
- The agency will not accept a mailed 04/01/24 paper edition of the form that is postmarked on or after 10/11/24 but will accept that edition if it is postmarked before 10/11/24.

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USCIS Launches PDF Filing Option for Certain Work Permit Applicants

On October 8, 2024, U.S. Citizenship and Immigration Services (USCIS) [announced](#) a PDF filing option for certain applicants seeking an Employment Authorization Document (EAD).

Eligible applicants now may upload a completed [Form I-765, Application for Employment Authorization](#), along with required evidence, in PDF format using their [USCIS online account](#). Eligible applicants also may file a completed [Form I-912, Request for Fee Waiver](#), with their application using the PDF filing option. "This is the first time we are accepting fee waiver requests electronically filed via USCIS online accounts," USCIS said. The agency noted that planned future expansion of PDF filing "will allow attorneys and accredited representatives to file these applications on behalf of their clients, as well as additional form types."

The notice includes details on which categories are available initially for PDF filing. USCIS noted that individuals may still file paper application packages by mail.

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November Visa Bulletin Announces Extension of Religious Workers Category and Effects of NDAA on Certain Employees of the U.S. Government Abroad

The Department of State's [Visa Bulletin for November 2024](#) includes the following information:

- The **Employment Fourth Preference Religious Workers (SR) category was extended** until December 20, 2024. No SR visas may be issued overseas, or final action taken on adjustment of status cases, after midnight Eastern Time (ET), December 19, 2024. All individuals seeking admission in the non-minister special immigrant category must be admitted into the United States by midnight ET on December 19, 2024. The bulletin notes that the SR category is subject to the same final action dates as the other Employment Fourth Preference categories per applicable foreign state of chargeability.
- The **National Defense Authorization Act (NDAA)** for Fiscal Year 2024, signed into law on December 22, 2023, **may affect certain current and former employees of the U.S. government abroad** who are applying for Special Immigrant Visas (SIVs) or adjustment of status, the bulletin notes. This does not affect certain Iraqis and Afghans applying for SQ and SI SIVs. "Applicants should contact the consular section at which they filed their Form DS-1884 for further information on the impact of that law on their case," according to the bulletin.

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New Publications and Items of Interest

Kurzban's Immigration Law Sourcebook: The 19th edition of Kurzban's Immigration Law Sourcebook is now [available](#). The two-volume (printed) set is \$699.

STEM Research Initiative: The [Early Career STEM Research Initiative](#) connects U.S. STEM businesses and research institutions across the United States with J-1 exchange visitors seeking STEM training and research experience through Department of State-designated [BridgeUSA](#) sponsors. The initiative uses seven existing educational and cultural exchange program categories focused on education, research, or professional development.

Employment-based adjustment of status FAQ: U.S. Citizenship and Immigration Services (USCIS) released [frequently asked questions](#) on employment-based (EB) adjustment of status. USCIS noted that the EB annual limit for fiscal year (FY) 2025 will be higher than was typical before the COVID-19

pandemic but lower than in FYs 2021–2024. USCIS said it is "dedicated to using as many available [employment-based visas](#) as possible in FY 2025, which ends on Sept. 30, 2025."

Relief for H-1B workers' children: U.S. Citizenship and Immigration Services [announced updated guidance](#) in its [Policy Manual \(Volume 7, Part A, Chapter 7\)](#) that clarifies how to calculate the [Child Status Protection Act \(CSPA\)](#) age for noncitizens who demonstrate extraordinary circumstances.

USCIS Tech Talks: U.S. Citizenship and Immigration Services announced a Tech Talk session to answer questions about USCIS online accounts:

- [Tuesday, Nov. 5, 2–2:45 p.m. ET](#)

E-Verify+ video: E-Verify has launched E-Verify+, a new service that streamlines the Form I-9 and E-Verify into one digital process. E-Verify has released a video on the new "plus" service, [Inside E-Verify+](#) (scroll down to video link).

E-Verify webinars: E-Verify has updated its [calendar of webinars](#).

SAVE webinars: Systematic Alien Verification for Entitlements (SAVE) has updated its [calendar of webinars](#) and added a webinar with a focus on commonly used immigration documents for SAVE.

Immigration agency X (formerly Twitter) accounts:

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

Alliance of Business Immigration Lawyers: ABIL is available on X (formerly Twitter): [@ABILImmigration](#)

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ABIL Member/Firm News

Adam Cohen, of **Siskind Susser PC**, and **Ira Kurzban**, of **Kurzban Kurzban Tetzeli & Pratt**, were quoted by the *Washington Post* in [Elon Musk, Enemy of 'Open Borders,' Launched His Career Working Illegally](#) [available by subscription]. Mr. Cohen said that Mr. Musk could have obtained work authorization as a student, but that would have required him to be engaged in a full course of study. Otherwise, "that would have been a violation," he said. If he didn't go to school, "he wasn't maintaining his status." Mr. Kurzban said the Musk brothers' subsequent applications for work visas and to become U.S. permanent residents and naturalized citizens would have asked whether they worked in the United States without authorization. "If you tell them you worked illegally in the U.S., it's highly unlikely you'd get approved," he said. Mr. Kurzban also commented on an incident where Mr. Musk's brother, Kimbal, entered the United States to attend a crucial work meeting under false pretenses. "That's fraud on entry. That would make him inadmissible and permanently barred from the United States" unless the penalties were waived, Mr. Kurzban noted.

Mr. Cohen was quoted by the *Washington Post* in [Elon Musk Claims Student Visa Permitted Him to Work in U.S.](#) [available by subscription]. He said, "There are work options during studies, while engaged in a full course of study, and also after the completion of studies. But dropping out of school does not allow for work authorization. So there is a quite a gap there."

Charles Kuck and **Greg Siskind**, of **Siskind Susser PC**, were quoted by CNN in [Elon Musk Is Sharing Some Details About His Immigration Path. Experts Say They Still Have Questions](#). Mr. Kuck said that Musk stating that he had a J-1 visa made it clear that he worked illegally, given the restrictions that would have allowed work only in connection with his academic program. "So clearly, he's admitting now that in

fact, he did work illegally and violate his status. The only question is at that point, what did he do to fix his status violation?" Working illegally isn't a crime, Mr. Kuck said, but having done so would require steps to be taken to return to legal immigration status. Key unanswered questions, he said, are what steps Musk took to get his H-1B visa and when that occurred. "Student visas are some of the most complicated visas out there, and work related to them is also extraordinarily complicated. And to dismiss it in a two-line tweet, 'Well I had a J-1 and it went to H-1B,' yeah, trust me, there's always a lot more to it than that," he said. Mr. Siskind said, "Musk would have needed to be engaged in a full course of study (at least 12 academic hours a semester) in order to qualify for work while being a J-1 student." He added, "For me, it's the hypocrisy. He's been fixated on illegal immigration in the last year. And you know, he should be empathetic to the people who are struggling with the immigration system."

Mr. Kuck was quoted by the *Atlanta Journal-Constitution* in [Democrats Turn to Former Presidents for Campaign Boost in Georgia](#) (available by subscription). The article discusses a proposed Georgia law to make it harder for undocumented people to buy guns using government-issued IDs. Immigrants without legal status cannot use such IDs to buy guns, Mr. Kuck said.

Cyrus Mehta and **Kaitlyn Box** co-authored a blog post: [State Department's Interpretation of Matter of Arrabally and Yerrabally at Odds with BIA's](#).

Mr. Mehta authored a blog post: [USCIS' Change in CSPA Policy Can Help Aged Out Children Who Missed Out During the October 2020 Visa Bulletin EB-3 Advance for India](#).

Mr. Mehta was chair of the American Immigration Lawyers Association's (AILA) National Ethics Committee when AILA released its first ethics compendium in 2012. The book was updated and re-released in book format in 2024 when Mr. Mehta was again chair of the National Ethics Committee. [AILA Ethics Compendium: Modern Legal Ethics for Immigration Lawyers](#) is designed to assist both experienced and novice immigration lawyers in navigating the complex ethical issues that arise in their practice. It is the result of a decade-long project brought to fruition by the dedicated efforts of the committee. It provides an in-depth analysis of the ABA Model Rules of Professional Conduct from the perspective of immigration lawyers. The compendium includes real-world hypotheticals, annotations, and commentary on each rule.

Stephen Yale-Loehr and several others co-authored [Why U.S. Immigration Officials Should Allow 'Digital Nomad' Admissions](#), published by the Cato Institute.

Mr. Yale-Loehr and **Mr. Siskind** were quoted by the *Washington Post* in [Under Trump Immigration Policies, Elon Musk Might Have Faced a 'Bad Situation'](#) [available by subscription]. The article says that Mr. Musk worked illegally in the United States for a time, obtaining a J-1 visa but launching a start-up instead of attending classes. According to the article, Mr. Yale-Loehr noted that in Musk's time, enforcement of rules against foreign students failing to enroll in classes or otherwise violating their terms of admission was spotty. Schools would have notified the government by mail or fax and information may have fallen through the cracks, he said. Mr. Yale-Loehr also noted that a 1996 law included penalties for those who had been in the United States unlawfully, including a requirement to leave the United States for three or 10 years before coming back, depending on how long they had been here. Mr. Siskind noted that the Trump administration tried to ratchet up those requirements even further, but was blocked by a federal court, and may try again to introduce further restrictions if they get the chance, adding, "They'll learn something from that time."

Mr. Yale-Loehr and **Mr. Siskind** were quoted by *Wired* in [Elon Musk Could Have U.S. Citizenship Revoked If He Lied on Immigration Forms](#). Mr. Yale-Loehr said that if Musk worked in the United States without authorization but attested that he hadn't done so, it's not clear whether that would be considered important enough to denaturalize him. However, he said, "on purely legal grounds, this

would justify revoking citizenship, because if he had told the truth, he would not have been eligible for an H-1B [visa], a green card, or naturalization." The article also notes that applications for a green card include questions about whether the applicant has ever worked in the United States without authorization, violated the terms or conditions of their nonimmigrant status, or given the government false, fraudulent, or misleading information. Having done so is grounds for deportability. "Those grounds of deportability have been around for decades, and the forms back then probably had similar or identical questions," Mr. Yale-Loehr said. Mr. Siskind didn't disagree that the law could expose someone who lied about working without authorization to loss of citizenship, but said that as a practical matter, it may not amount to a material fact. "If he had disclosed it, would that have prevented him from getting later immigration benefits? The answer to that is probably no." He said he nonetheless believes that there are serious questions here about the nature of the professional relationship between the Musk brothers, among other things.

Mr. Yale-Loehr co-authored [After Nearly a Decade, the Federal Program for Immigrant Entrepreneurs Is Finally Working](#), published by Technical.ly.

Mr. Yale-Loehr received an [award](#) from Cornell University for teaching and mentoring. He received the Provost Award for Teaching Excellence in Graduate and Professional Degree Programs for his work as a [professor of immigration law practice](#) and strategic director of the [Path2Papers](#) project in Cornell Law School. He has also created multiple law clinics to help people seeking asylum in the United States. Cornell noted that he "has taught immigration and asylum law to more than 500 students over more than 30 years."

Mr. Yale-Loehr was interviewed on the Sophie Alcorn Podcast, [198: Immigration Frontlines: Teaching, Testifying, and Transforming With Stephen Yale-Loehr](#).

Mr. Yale-Loehr was quoted by *Indian Express* in [The Long History of Immigration in the US—Part 2](#). He said that 1996 legislation has done little to address undocumented immigration. Due to the lack of temporary visas and the backlog in immigration courts, he said, "people are willing to take the chance of remaining in the U.S. illegally, rationalizing that if they do get caught, they would at least be able to send 5-6 years' worth of wages back home." Mr. Yale-Loehr said that the difficulty is between balancing humanitarian considerations with a mass justice system. Compounding the problem is that immigration law has not been amended in 34 years even though the needs of the United States have changed. He added that while the labor coalition of the Republican Party acknowledges the need for cheap workers, they struggle to "square that reality against those who are opposed to foreign migration."

Mr. Yale-Loehr was quoted by the *Gothamist* in [White House Move Spells Doom for Migrant Program That's Aided Untold Numbers in NY](#). Commenting on the Biden administration's decision not to extend parole for certain people from Cuba, Haiti, Nicaragua, and Venezuela, Mr. Yale-Loehr noted that the program was established in part "to try to relieve some pressure on the U.S.-Mexico border." He explained, "So the people would be coming legally if they could have a financial sponsor in the United States, rather than illegally and tak[ing] their chances, risking that dangerous journey. But it is temporary and it has worked to reduce the number of illegal entries at the border." He noted that factors affecting the decision not to extend parole might include reports that the Venezuelan economy is improving.

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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

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