



## IMMIGRATION UPDATE - MARCH 08, 2021

*Posted on March 8, 2021 by Cyrus Mehta*

### Headlines:

#### [Dept. of State Issues New Guidance on Exceptions for Travelers From Schengen Area, United Kingdom, and Ireland](#)

The Department of State rescinded the previous national interest determination regarding categories of travelers eligible for exceptions under Presidential Proclamation (PP) 10143 related to the Schengen Area, the United Kingdom, and the Republic of Ireland. Those categories included "certain technical experts and specialists, senior-level managers and executives, treaty traders and investors, professional athletes, and their dependents." The Department also made a new national interest determination covering "certain travelers seeking to provide vital support for critical infrastructure. Travelers in these categories, as well as certain academics, students, and journalists, may qualify for national interest exceptions to PP 10143 related to the Schengen Area, the United Kingdom, and Ireland.

#### [USCIS Releases Tips to Avoid Common Mistakes in H-1B Registration](#)

USCIS released tips to avoid common mistakes when filing an H-1B electronic registration. The agency said the top two user errors were creating the wrong type of account and entering the same beneficiary more than once.

#### [E-Verify Updates SSA Tentative Nonconfirmation Process](#)

Employees who receive the SSA TNC with a citizenship mismatch now have the option to call the Department of Homeland Security to resolve their cases instead of visiting an SSA field office.

#### [ICE Announces New Case Review Process](#)

ICE announced the "ICE Case Review (ICR)" process for individuals who believe their case does not align with ICE's enforcement, detention, and removal priorities.

[OFLC Issues FAQ Guidance for Employers Affected by Texas and Oklahoma Severe Storms](#) – The guidance includes information on how to contact OFLC; communications related to prevailing wage determinations, temporary visa programs, and the PERM program; deadlines/timeframe flexibility; worksite location moves and short-term placements due to storm-related circumstances; and other issues.

[ABIL Global: Belgium](#) – A change in legislation is consequential for European Union/Schengen travel to Belgium.

**Details:**

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**Dept. of State Issues New Guidance on Exceptions for Travelers From Schengen Area, United Kingdom, and Ireland**

On March 2, 2021, the Department of State rescinded the previous national interest determination regarding categories of travelers eligible for exceptions under Presidential Proclamation (PP) 10143, issued on January 25, 2021. That proclamation barred the admission into the United States of individuals (other than U.S. citizens, lawful permanent residents, and certain other classes of foreign nationals) who were physically present in the Schengen area, the United Kingdom, the Republic of Ireland, Brazil, and South Africa during the 14 days prior to seeking admission to the United States. Affected categories of exceptions included "certain technical experts and specialists, senior-level managers and executives, treaty traders and investors, professional athletes, and their dependents."

The Department also made a new national interest determination covering "certain travelers seeking to provide vital support for critical infrastructure. Travelers in these categories, as well as certain academics, students, and journalists, may qualify for national interest exceptions (NIEs) to PP 10143 related to the Schengen Area, the United Kingdom, and Ireland.

The Department said that no previously issued visas or NIEs will be revoked due to the new policy, and that qualified travelers who are applying for or have valid visas or ESTA authorization may travel to the United States even while PP 10143 remains in effect. The Department also continues to grant NIEs for qualified travelers seeking to enter the United States for purposes related to

humanitarian travel, public health response, and national security.

#### Details:

- "National Interest Exceptions for Certain Travelers from the Schengen Area, United Kingdom, and Ireland," Dept. of State, <https://travel.state.gov/content/travel/en/News/visas-news/national-interest-exceptions-from-certain-travelers-from-the-schengen-area-uk-and-ireland.html>
- "Proclamation on the Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease," Jan. 25, 2021, <https://bit.ly/3eeQGpO>

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### **USCIS Releases Tips to Avoid Common Mistakes in H-1B Registration**

U.S. Citizenship and Immigration Services (USCIS) released tips to avoid common mistakes when filing an H-1B electronic registration. The agency said the top two user errors were creating the wrong type of account and entering the same beneficiary more than once.

USCIS noted that a prospective petitioner may only have one registration submitted per beneficiary per fiscal year. Once the initial registration period has closed, if the prospective petitioner has more than one registration submitted for the same beneficiary, USCIS will remove all registrations submitted for that beneficiary by that prospective petitioner. "This does not prevent other prospective petitioners or their representatives from submitting registrations for that same beneficiary, but they too need to ensure that each prospective petitioner only has one registration submitted for the beneficiary," USCIS noted.

The agency said that those who submitted more than one registration for the same person while the initial registration period is still open can delete the extra submission(s) from their account until there is only one registration for the beneficiary. USCIS does not refund the \$10 fee for a deleted duplicate registration.

If more than one registration was submitted by the same prospective petitioner for the same person and the initial registration period has closed, there is no way to correct this error.

The initial registration period closes after noon ET on March 25, 2021.

Details:

- H-1B Electronic Registration Process, <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations-and-fashion-models/h-1b-electronic-registration-process>

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### **E-Verify Updates SSA Tentative Nonconfirmation Process**

On March 4, 2021, E-Verify updated the Social Security Administration (SSA) Tentative Nonconfirmation (TNC) process. Employees who receive the SSA TNC with a citizenship mismatch now have the option to call the Department of Homeland Security to resolve their cases instead of visiting an SSA field office.

Details:

- SSA and DHS TNCs, E-Verify, <https://www.e-verify.gov/employers/verification-process/tentative-nonconfirmations/ssa-and-dhs-tncs>
- Tips to Prevent a Tentative Nonconfirmation, E-Verify, <https://www.e-verify.gov/employees/tentative-nonconfirmation-overview/tips-to-prevent-a-tentative-nonconfirmation-tnc>

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### **ICE Announces New Case Review Process**

On March 5, 2021, U.S. Immigration and Customs Enforcement (ICE) announced the "ICE Case Review (ICR)" process for individuals who believe their case does not align with ICE's enforcement, detention, and removal priorities.

Those requesting a detention case review can contact their local Enforcement and Removal Operations (ERO) field office for initial consideration. Cases of those detained in ICE custody or pending imminent removal will be prioritized, ICE said.

Details:

- "ICE Announces Case Review Process,"

<https://www.aila.org/infonet/creation-ice-case-review-process>

- "ICE Is Adding a New Appeals Process for Immigrants Who've Been Detained," BuzzFeed News, Mar. 5, 2021, <https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrants-new-appeals-process>

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## **OFLC Issues FAQ Guidance for Employers Affected by Texas and Oklahoma Severe Storms**

On March 4, 2021, the Department of Labor's Office of Foreign Labor Certification (OFLC) released frequently asked questions on how its office is handling communications with employers affected by the Texas and Oklahoma severe winter storms.

The guidance includes information on how to contact OFLC; communications related to prevailing wage determinations, temporary visa programs, and the PERM program; deadlines/timeframe flexibility; worksite location moves and short-term placements due to storm-related circumstances; and other issues.

Details:

- Texas and Oklahoma Severe Winter Storms FAQ, OFLC, <https://www.dol.gov/sites/dolgov/files/ETA/oflc/pdfs/Texas-and-Oklahoma-Severe-Weather-Disaster-Guidance-3.4.2021.pdf>

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## **ABIL Global: Belgium**

*A change in legislation is consequential for European Union (EU)/Schengen travel to Belgium.*

A change in legislation, published in the Belgian Official Journal on January 26, 2020, and effective January 27, 2021, is having substantial consequences for EU/Schengen travel to Belgium. Between January 27, 2021, and March 1, 2021, all non-essential travel was forbidden for all those whose main place of residence is located abroad. The Belgian State Council recently extended the ban until April 1, 2021. This does not change the situation for travel from most third countries, which was already limited to non-essential travel. However, the

EU/Schengen travel restriction was new. Third countries are defined as non-EU/non-Schengen countries. The definition of essential travel and the required formalities depend on the country of origin and/or citizenship:

- Travel from a third country, other than "safe" third countries (currently Australia, South Korea, Japan, New Zealand, Rwanda, Singapore, and Thailand), by a third country national with main residence in the third country (e.g., United States, Canada, India): An overview of essential travels is available at the website of the Belgian federal immigration office (point 2.2., <https://dofi.ibz.be/sites/dvzoe/EN/Pages/International%20travels.aspx>). An essential travel certificate, issued by the Belgian embassy/consulate with jurisdiction, will in principle be required. Before the traveler boards, the transporter must check whether an essential travel certificate is available. If not, boarding must be refused.
- All other travels by non-residents (e.g., travel from an EU/Schengen country; travel from a "safe" third country (see list above); travel by an EU/Schengen country national): A sworn statement must be completed by the traveler (see [https://d34j62pglfm3rr.cloudfront.net/downloads/20210126\\_BU\\_Verklaring\\_op\\_eer\\_Finaal\\_EN\\_Goedgekeurd\\_Blanco.pdf](https://d34j62pglfm3rr.cloudfront.net/downloads/20210126_BU_Verklaring_op_eer_Finaal_EN_Goedgekeurd_Blanco.pdf)). The sworn statement lists all essential travels; the relevant travel purpose must be selected (see also the website of the Belgian federal immigration office—point 2.1., <https://dofi.ibz.be/sites/dvzoe/EN/Pages/International%20travels.aspx>). Before the traveler boards, the transporter must check whether a sworn statement was completed. If not, boarding must be refused. Failure to make a sworn statement or making a false, misleading, or incomplete statement may result in denial of entry. These travel restrictions have been added to other current measures, such as the requirements to complete a Public Health Passenger Locator Form (PLF), a prior negative Covid-19 test, and quarantine/isolation/testing in Belgium.

Details: "Belgium Rejects Proposal to Suspend Non-Essential Travel Ban," <https://www.schengenvisainfo.com/news/belgium-rejects-proposal-to-suspend-non-essential-travel-ban/>

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