



IMMIGRATION UPDATE - MARCH 22, 2021

Posted on March 22, 2021 by Cyrus Mehta

Headlines:

[House Passes 'Dreamer' and Farmworker Bills; Senate Passage Uncertain](#) – On March 18, 2021, two immigration-related bills passed the House of Representatives with bipartisan support.

[DHS Withdraws Affidavit of Support Proposed Rule](#) – The Department of Homeland Security announced the withdrawal of a proposed rule, "Affidavit of Support on Behalf of Immigrants," published on October 2, 2020.

[EB-5 Reauthorization Bill Introduced in Senate](#) – The "EB-5 Reform and Integrity Act of 2021" would reauthorize the EB-5 Regional Center Program, set to expire at the end of June, through 2026. The bill also includes measures to address fraud and national security concerns.

[Labor Dept. Proposes Further Delay of Effective Date of Prevailing Wage Rule](#) – The Employment and Training Administration proposes to further delay the effective date of the prevailing wage rule until November 14, 2022, along with corresponding proposed delays to the rule's transition dates.

[Registration Period Opens for TPS for Syrians](#) – DHS has extended and redesignated Syria for temporary protected status through September 30, 2022. The 60-day re-registration period runs through May 18, 2021.

[USCIS Stops Applying Public Charge Final Rule to All Pending Applications and Petitions](#) – USCIS stopped applying the public charge final rule to all pending applications and petitions on March 9, 2021. The agency removed content related to the vacated rule from the affected USCIS forms and posted updated versions of affected forms.

[CBP Extends Temporary Travel Restrictions Between U.S. and Canada/Mexico](#) – U.S. Customs and Border Protection announced that temporary travel

restrictions between the United States and Canada, and between the United States and Mexico, at land ports of entry along the border (including passenger ferry services and pleasure boat travel) will remain in effect through April 21, 2021. Travel will be limited to that deemed "essential," due to continued transmission of the virus associated with the COVID-19 pandemic.

Details:

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House Passes 'Dreamer' and Farmworker Bills; Senate Passage Uncertain

On March 18, 2021, two immigration-related bills passed in the House of Representatives with bipartisan support. The bills are briefly summarized below:

- The **American Dream and Promise Act (H.R. 6)** passed the House 228-197, with 9 Republicans joining Democrats in voting in favor. The legislation includes provisions to create a pathway to legalization for an estimated 2.5 million "Dreamers" who came to the United States as children, granting conditional permanent residence for 10 years, granting full permanent resident status subject to certain requirements, and canceling removal proceedings for eligible people.

The bill imposes various qualifying requirements for conditional permanent residence, such as the person being continuously physically present in the United States since January 1, 2021, passing a background check, and being enrolled in or having completed certain educational programs. The conditions placed on permanent resident status would be removed if the person applies and meets certain requirements, such as completing certain programs at an educational institution, serving in the military, or being employed. Removal also would be canceled and a path to permanent residence would be provided for certain beneficiaries of temporary protected status or deferred enforced departure.

- The **Farm Workforce Modernization Act (H.R. 1603)** passed the House 247-174, with 30 Republicans joining all but one Democrat in voting in favor. The legislation includes provisions to streamline the H-2A agricultural worker visa process, establish a pathway for eligible farmworkers to obtain permanent residence (green cards), and create

temporary status as "Certified Agricultural Workers." Roughly a million farmworkers could be affected by the legislation.

Both bills now head to the Senate, where their fates are uncertain.

Details:

- American Dream and Promise Act of 2021 (H.R. 6),
<https://www.congress.gov/bill/117th-congress/house-bill/6>
- Farm Workforce Modernization Act of 2021 (H.R. 1603),
<https://www.congress.gov/bill/117th-congress/house-bill/1603>
- "House Tackles Biden's Immigration Plans Amid Migrant Influx," New York Times, Mar. 15, 2021,
<https://www.nytimes.com/2021/03/15/us/politics/biden-immigration-plan-bill.html> (subscription)
- "House Passes Pair of Immigration Bills Amid Influx of Migrants Crossing U.S.-Mexico Border," CNN Politics, Mar. 18, 2021,
<https://www.cnn.com/2021/03/18/politics/house-immigration-vote-bills/index.html>
- "Immigration Bills Passed in the House Face Uncertain Fate in the Senate," CBS News, Mar. 19, 2021,
<https://www.cbsnews.com/news/immigration-bills-daca-senate-obstacles/>
- "House Votes to Give Millions of Dreamers and Farmworkers a Path to Citizenship," New York Times, Mar. 18, 2021,
<https://www.nytimes.com/2021/03/18/us/politics/biden-immigration.html> (subscription)
- "House Passes Immigration Bill, Creating Pathway to Citizenship for 'Dreamers'," USA Today, Mar. 18, 2021,
<https://www.usatoday.com/story/news/politics/2021/03/18/house-passes-immigration-bill-creating-citizenship-pathway-dreamers/4729821001/>
- "Immigration Bill Creating Green Card Process for Farmworkers Passes House, Legislation Now Goes to Senate," USA Today, Mar. 18, 2021,
<https://www.usatoday.com/story/news/politics/2021/03/18/house-passes-bill-gives-legal-status-undocumented-farmworkers/4729871001/>

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DHS Withdraws Affidavit of Support Proposed Rule

On March 19, 2021, the Department of Homeland Security (DHS) announced the withdrawal of a proposed rule, "Affidavit of Support on Behalf of Immigrants," published on October 2, 2020. The agency said that by withdrawing the rule, "DHS aims to reduce barriers and alleviate burdens on American families who wish to sponsor individuals immigrating to the U.S. within the legal immigration system." The withdrawal notice will be published in the Federal Register on March 22, 2021.

The proposed rule would have revised DHS regulations governing affidavit of support requirements. The withdrawal follows an executive order President Biden issued on February 2, 2021, "Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans," which revoked a related 2019 presidential memorandum.

Details:

- DHS announcement, Mar. 19, 2021, <https://www.uscis.gov/news/alerts/dhs-withdraws-affidavit-of-support-proposed-rule>
- Unpublished version of DHS withdrawal notice, to be published on March 22, 2021, <https://public-inspection.federalregister.gov/2021-05427.pdf>
- Executive Order 14012, <https://www.federalregister.gov/documents/2021/02/05/2021-02563/restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts>
- Proposed Rule (Oct. 2, 2020), <https://www.federalregister.gov/documents/2020/10/02/2020-21504/affidavit-of-support-on-behalf-of-immigrants>

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EB-5 Reauthorization Bill Introduced in Senate

On March 18, 2021, Sens. Charles Grassley (R-Iowa) and Patrick Leahy (D-Vt.) introduced the "EB-5 Reform and Integrity Act of 2021," a bill that would reauthorize the EB-5 Regional Center Program, set to expire at the end of June, through 2026. The bill also includes measures to address fraud and national security concerns.

According to statements from Sens. Grassley and Leahy, the bipartisan bill would establish new disclosure requirements for EB-5 regional centers "to protect investors and certify regional center compliance with program rules." It also would require the Department of Homeland Security to perform regular audits of and site visits to regional centers.

Details:

- Grassley statement,
<https://www.grassley.senate.gov/news/news-releases/grassley-leahy-introduce-new-eb-5-investor-visa-integrity-reforms>
- Leahy statement,
<https://www.leahy.senate.gov/press/leahy-grassley-introduce-eb-5-investor-visa-integrity-reform-bill>
- Bill text,
<https://www.leahy.senate.gov/imo/media/doc/EB-5%20Reform%20and%20Integrity%20Act%202021.pdf>
- Bill summary,
<https://www.grassley.senate.gov/imo/media/doc/EB-5%20Reform%20and%20Integrity%20Act%202021%20-%20Summary.pdf>
- IIUSA press release,
<https://iiusa.org/blog/press-release-introduction-of-eb-5-reform-and-reauthorization-bill-applauded-by-iiusa-and-cscj/>

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Labor Dept. Proposes Further Delay of Effective Date of Prevailing Wage Rule

On March 12, 2021, the Department of Labor's Employment and Training Administration (ETA) published a final rule delaying until May 14, 2021, the effective date of a rule, "Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States," which was published January 14, 2021. ETA proposes to further delay the effective date of the rule by 18 months, until November 14, 2022, along with corresponding proposed delays to the rule's transition dates.

The proposed delay notice, which includes a request for comments, will be published in the Federal Register on March 22, 2021.

Details:

- Advance copy of proposed delay notice,
<https://public-inspection.federalregister.gov/2021-05847.pdf>

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Registration Period Opens for TPS for Syrians

The Department of Homeland Security (DHS) has extended and redesignated Syria for temporary protected status (TPS) for 18 months, effective March 31, 2021, through September 30, 2022. The 60-day re-registration period began March 19, 2021, and runs through May 18, 2021.

U.S. Citizenship and Immigration Services (USCIS) is automatically extending the validity of employment authorization documents (EADs) previously issued under the TPS designation of Syria for 180 days, through September 27, 2021. USCIS will issue new EADs with a September 30, 2022, expiration date to eligible Syrian TPS beneficiaries who timely re-register and apply for EADs during the re-registration period.

The extension allows approximately 6,700 current beneficiaries to re-register and retain TPS through September 30, 2022, as long as they otherwise continue to meet the TPS eligibility requirements. The re-designation of Syria allows an estimated 1,800 additional individuals who have been continuously residing in the United States since March 19, 2021, and continuously physically present in the United States since March 31, 2021, to file initial applications to obtain TPS if they are otherwise eligible, USCIS said.

Details:

- USCIS release,
<https://www.uscis.gov/news/news-releases/registration-period-opens-for-temporary-protected-status-tps-for-syria>
- Federal Register notice, Mar. 19, 2021,
<https://www.federalregister.gov/documents/2021/03/19/2021-05715/extension-and-redesignation-of-syria-for-temporary-protected-status>

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USCIS Stops Applying Public Charge Final Rule to All Pending Applications and

Petitions

U.S. Citizenship and Immigration Services (USCIS) stopped applying the public charge final rule to all pending applications and petitions on March 9, 2021. The agency removed content related to the vacated rule from the affected USCIS forms and posted updated versions of affected forms.

Starting April 19, 2021, USCIS will accept only the 03/10/21 edition of these forms: I-864, I-864A, I-864EZ, I-864W; I-539, I-539A; I-129CW, I-129CWR; I-129; I-485, I-485A, I-485J; and I-912.

Details:

- USCIS alert, <https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge>
- USCIS final rule, Mar. 15, 2021, <https://www.govinfo.gov/content/pkg/FR-2021-03-15/pdf/2021-05357.pdf>
- Litigation summary, <https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge/inadmissibility-on-public-charge-grounds-final-rule-litigation>
- USCIS forms, <https://www.uscis.gov/forms/all-forms>

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CBP Extends Temporary Travel Restrictions Between U.S. and Canada/Mexico

U.S. Customs and Border Protection announced that temporary travel restrictions between the United States and Canada, and between the United States and Mexico, at land ports of entry along the border (including passenger ferry services and pleasure boat travel) will remain in effect through April 21, 2021. Travel will be limited to that deemed "essential," due to continued transmission of the virus associated with the COVID-19 pandemic.

Details:

- Federal Register notice re U.S.-Canada travel restrictions, <https://www.govinfo.gov/content/pkg/FR-2021-03-19/pdf/2021-05878.pdf>
- Federal Register notice re U.S.-Mexico travel restrictions, <https://www.govinfo.gov/content/pkg/FR-2021-03-19/pdf/2021-05877.pdf>

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