



IMMIGRATION UPDATE - NOVEMBER 29, 2021

Posted on November 29, 2021 by Cyrus Mehta

Headlines:

[Travel Bans Imposed Quickly in Response to New 'Omicron' Coronavirus Variant](#) – In a rapidly developing situation, President Biden said that most travelers (excluding U.S. citizens and lawful permanent residents) who have been in any of eight countries in southern Africa for the prior 14 days will be barred from entry into the United States as of November 29, 2021. Other countries imposed similar bans.

[USCIS Will Issue Refunds for Certain U Petitioners Who Submitted Work Authorization Applications; Some Rejected Applicants Can Resubmit](#) – USCIS expects to issue refunds by March 22, 2022.

[USCIS Incorporates General Adjudications Guidance Into Policy Manual](#) – In general, USCIS said, the update does not make major substantive changes but simply consolidates and incorporates existing AFM guidance on general adjudication topics into the Policy Manual, streamlines USCIS immigration policy, and removes obsolete information.

Details:

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Travel Bans Imposed Quickly in Response to New 'Omicron' Coronavirus Variant

In a rapidly developing situation, President Biden said that most travelers (excluding U.S. citizens and lawful permanent residents) who have been in any of eight countries in southern Africa for the prior 14 days will be barred from entry into the United States as of November 29, 2021. The countries include South Africa, Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, and Zimbabwe. He said this was in response to concerns and unknowns about a

new coronavirus variant, called Omicron (B.1.1.529), which appears to be rapidly spreading in South Africa and present in other countries.

The Biden administration indicated that more countries could be added to the restricted list if warranted. Several other countries also issued similar travel bans and restrictions, including the European Union, Australia, Bahrain, Brazil, Canada, Egypt, Jordan, Saudi Arabia, Singapore, Thailand, Turkey, and the United Kingdom. The variant, which is being studied to determine its contagiousness, severity, and ability to circumvent immunity, has been detected in several countries in addition to Africa, including Belgium, Brazil, Hong Kong, Israel, the United Kingdom, and Germany.

Meanwhile, as of November 27, 2021, the Department of State issued a Level 4 Travel Health Notice for South Africa: "Do not travel to South Africa due to COVID-19."

Details:

- "A Proclamation on Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease 2019," White House, Nov. 26, 2021, <https://bit.ly/312b35x>
- "U.S. Imposes Travel Ban From Eight African Countries Over Omicron Variant," Nov. 27, 2021, <https://www.reuters.com/world/us/us-impose-travel-curbs-eight-southern-african-countries-over-new-covid-19-2021-11-26/>
- "U.S. Announces Travel Restrictions Over New Covid-19 Variant," CNN, Nov. 27, 2021, <https://www.cnn.com/world/live-news/new-covid-variant-south-africa-11-27-21/index.html>
- "Travel Doors Slam Shut as New Covid Variant Triggers Alarm, Stranding Hundreds of Passengers," CNN, Nov. 27, 2021, <https://www.cnn.com/travel/article/new-covid-variant-travel/index.html>
- "Omicron Variant Detected From Britain to Hong Kong as Countries Race to Impose Controls," Washington Post, Nov. 27, 2021, https://www.washingtonpost.com/world/covid-variant-fallout-omicron/2021/11/27/8c6e0548-4f02-11ec-a7b8-9ed28bf23929_story.html
- South Africa Travel Advisory, Dept. of State, Nov. 27, 2021, <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories>

</south-africa-travel-advisory.html>

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USCIS Will Issue Refunds for Certain U Petitioners Who Submitted Work Authorization Applications; Some Rejected Applicants Can Resubmit

U.S. Citizenship and Immigration Services (USCIS) announced on November 22, 2021, that it mistakenly rejected certain Forms I-765, Application for Employment Authorization, from petitioners for U nonimmigrant status that were filed without a fee (or request for fee waiver) from June 14, 2021, through September 29, 2021. USCIS said it also mistakenly accepted fees where certain petitioners for U nonimmigrant status unnecessarily submitted fees with their I-765 applications.

USCIS expects to issue refunds by March 22, 2022. Individuals who filed an initial bona-fide-determination-related Form I-765 under the (c)(14) eligibility category from June 14 through September 29, 2021, whose Form I-765 was rejected for lack of fee, and who have not refiled, may resubmit Form I-765 without a fee, USCIS said.

Details:

- USCIS alert, Nov. 22, 2021, <https://www.uscis.gov/newsroom/alerts/certain-petitioners-for-u-nonimmigrant-status-may-receive-a-refund-for-applications-for-employment>

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USCIS Incorporates General Adjudications Guidance Into Policy Manual

U.S. Citizenship and Immigration Services (USCIS) announced on November 23, 2021, that it is incorporating existing guidance from the Adjudicator's Field Manual (AFM) into the USCIS Policy Manual. In general, USCIS said, the update does not make major substantive changes but simply consolidates and incorporates existing AFM guidance on general adjudication topics into the Policy Manual, streamlines USCIS immigration policy, and removes obsolete information.

Among other things, USCIS said the update "explains how officers should handle cases involving unreliable evidence, including consulting the

Department of State's Reciprocity Table, providing information on voluntary DNA collection options, and referring certain cases for in-person interviews. The update also clarifies "that when a petitioner, beneficiary, or authorized representative requests a copy of a signed sworn statement taken during an interview, officers provide a copy of the statement to the affiant (the person making the statement) at the conclusion of the interview where the statement was taken."

Details:

- USCIS alert, Nov. 23, 2021, <https://www.uscis.gov/newsroom/alerts/uscis-incorporates-general-adjudications-guidance-into-the-policy-manual>
- USCIS Policy Manual, <https://www.uscis.gov/policy-manual>

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