



## IMMIGRATION UPDATE - MARCH 07, 2022

*Posted on March 7, 2022 by Cyrus Mehta*

### Headlines:

[DHS Designates Ukraine for Temporary Protected Status; Immigration Help in 'Special Situations' Available on Case-by-Case Basis](#) – The Department of Homeland Security announced the designation of Ukraine for Temporary Protected Status for 18 months. Eligible individuals must have continuously resided in the United States since March 1, 2022. Also, USCIS issued an alert about immigration help available on a case-by-case basis to those affected by "special situations," including the invasion of Ukraine.

[State Dept. Announces Processing Posts for Visa Applicants From Ukraine](#) – The U.S. Mission to Ukraine is not currently offering visa services. Ukrainian immigrant visas other than adoption cases will be processed at Consulate General Frankfurt. The announcement includes additional details.

[State Dept. Releases Info and Tips for U.S. Citizens in Ukraine](#) – The notice includes an online form to enable DOS to communicate with U.S. citizens, telephone numbers for immediate assistance, and advice and tips on how to prepare when crossing a border during a crisis, and on entering neighboring countries from Ukraine.

[DHS Designates Sudan, Extends/Redesignates South Sudan for Temporary Protected Status](#) – The Department of Homeland Security designated Sudan and extended and redesignated South Sudan for Temporary Protected Status for 18 months.

[DHS Suspends Certain Regulatory Requirements for F-1 Nonimmigrant Students From South Sudan](#) – The Department of Homeland Security is suspending certain regulatory requirements for F-1 nonimmigrant students whose country of citizenship is the Republic of South Sudan, regardless of

country of birth (or individuals having no nationality who last habitually resided in South Sudan), and who are experiencing severe economic hardship as a direct result of the humanitarian crisis in South Sudan. The notice is effective March 3, 2022, through November 3, 2023.

[FY 2022 H-1B Cap Reached](#) – USCIS received a sufficient number of petitions needed to reach the 65,000 H-1B visa regular cap and the 20,000 H-1B visa U.S. advanced degree exemption for FY 2022.

[H-2B Cap Reached for Second Half of FY 2022](#) – February 25, 2022, was the final receipt date for new cap-subject H-2B worker petitions requesting an employment start date on or after April 1, 2022, and before October 1, 2022.

[Credit Card Payment Pilot Program Expanded to All Service Centers](#) – Credit card payments are now being accepted at USCIS service centers using Form G-1450, Authorization for Credit Card Transactions, for all forms except Form I-129, Petition for a Nonimmigrant Worker, for H-1B and H-2A petitions.

[USCIS Clarifies I-9 Guidance for Native American Tribal Documents, Others](#) – USCIS recently clarified Form I-9 guidance related to Native American Tribal documents, and T and U nonimmigrants, in its *M-274, Handbook for Employers*.

#### **Details:**

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### **DHS Designates Ukraine for Temporary Protected Status; Immigration Help in 'Special Situations' Available on Case-by-Case Basis**

On March 3, 2022, the Department of Homeland Security (DHS) announced the designation of Ukraine for Temporary Protected Status (TPS) for 18 months. Also, U.S. Citizenship and Immigration Services issued an alert on March 4, 2022, about immigration help available on a case-by-case basis to those affected by "special situations," including the invasion of Ukraine. Highlights are below.

#### **Temporary Protected Status for Ukraine**

Individuals eligible for TPS under the Ukraine designation must have continuously resided in the United States since March 1, 2022. According to reports, up to an estimated 75,000 Ukrainians in the United States could be eligible for TPS.

Ukraine's 18-month designation will take effect on the publication date of a forthcoming Federal Register notice, which will provide instructions for applying for TPS and a work permit. TPS applicants must meet all eligibility requirements and undergo security and background checks.

### **Case-by-Case Help in Special Situations**

U.S. Citizenship and Immigration Services issued an alert on March 4, 2022, about immigration help available on a case-by-case basis to those affected by "special situations," including the invasion of Ukraine. USCIS provided a list of measures that may be available on a case-by-case basis upon request:

- Changing a nonimmigrant status or extending a nonimmigrant stay for an individual currently in the United States. USCIS said, "If you fail to apply for the extension or change before expiration of your authorized period of admission, we may excuse that if the delay was due to extraordinary circumstances beyond your control";
- Reparole of individuals previously granted parole by USCIS;
- Expedited processing of advance parole requests;
- Expedited adjudication of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- Expedited adjudication of petitions or applications, including employment authorization applications, when appropriate;
- Consideration of fee waiver requests due to an inability to pay;
- Flexibility for those who received a Request for Evidence or a Notice of Intent to Deny but were unable to submit evidence or otherwise respond in a timely manner;
- Flexibility if you were unable to appear for a scheduled interview with USCIS;
- Expedited replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card), Employment Authorization Document, or Form I-94, Arrival/Departure Record; and
- Rescheduling a biometric services appointment.

At least an estimated 1.3 million Ukrainians have fled their country since Russia invaded Ukraine in late February, with more following. More than half are in Poland, with others in Hungary, Moldova, Romania, and Slovakia. The rapidly escalating situation on the ground in Ukraine remains fluid, chaotic, and

extremely dangerous.

It is unclear whether the United States will be taking in new Ukrainian refugees or offering asylum in addition to providing TPS for those already in the country.

#### Details:

- USCIS news release, Mar. 3, 2022, <https://www.uscis.gov/newsroom/news-releases/secretary-mayorkas-designates-ukraine-for-temporary-protected-status-for-18-months>
- USCIS alert, Mar. 4, 2022, <https://www.uscis.gov/newsroom/alerts/immigration-help-available-to-those-affected-by-special-situations-including-the-invasion-of-ukraine>
- USCIS TPS page, <https://www.uscis.gov/humanitarian/temporary-protected-status>
- USCIS Special Situations page, <https://www.uscis.gov/humanitarian/special-situations>
- "Ukrainian Nationals Receive Temporary Protected Status in the U.S.," Newsweek, Mar. 3, 2022, <https://www.newsweek.com/ukrainian-nationals-receive-temporary-protected-status-us-1684751>
- "Ukraine: UN Says More Than 1.3 Million Have Fled Since Russian Invasion Began," The Guardian, Mar. 5, 2022, <https://www.theguardian.com/global-development/2022/mar/05/ukraine-un-says-more-than-13-million-have-fled-since-russian-invasion-began>

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### **State Dept. Announces Processing Posts for Visa Applicants From Ukraine**

The Department of State (DOS) announced on March 1, 2022, that the U.S. Mission to Ukraine is not currently offering visa services. Ukrainian immigrant visas (IVs) other than adoption cases will be processed at Consulate General Frankfurt. (The U.S. Embassy in Warsaw will process Ukrainian adoption cases as well as A and G diplomatic and official visas.) The announcement includes the following details:

- Contact [KyivIV@state.gov](mailto:KyivIV@state.gov) with questions about Ukrainian immigrant and fiancé(e) visa cases.
- Nonimmigrant visa (NIV) applications may be processed wherever a

Ukrainian applicant is physically located and can schedule an appointment. Interested applicants should follow instructions on the relevant U.S. Embassy website to apply for a nonimmigrant visa. A list of U.S. Embassy websites is at <https://www.usembassy.gov>.

- Ukrainian applicants do not require a Schengen visa to enter Germany or Poland. However, immigrant visa (IV) and diversity visa (DV) applicants who already have been scheduled for appointments in Frankfurt or Warsaw may request that their cases be transferred to another post. To do so, the applicant should contact the alternate post to request a case transfer, and the transfer is contingent upon the alternate post's acceptance of the case.
- IV and DV applicants who have not yet been scheduled will be automatically reassigned to Frankfurt and will be notified once their appointment is on the calendar. Unscheduled Ukrainian DV applicants who need to interview outside of Germany can send requests to [KCCDV@state.gov](mailto:KCCDV@state.gov).

#### Details:

- Department of State notice, Mar. 1, 2022, <https://travel.state.gov/content/travel/en/News/visas-news/announcement-of-processing-posts-for-visa-applicants-from-Ukraine.html>

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### **State Dept. Releases Info and Tips for U.S. Citizens in Ukraine**

The Department of State (DOS) released information on March 4, 2022, for U.S. citizens in Ukraine, including an online form to enable DOS to communicate with U.S. citizens, telephone numbers for immediate assistance, and advice and tips:

- The online form is at <https://cacms.state.gov/s/crisis-intake>
- U.S. citizens seeking to leave Ukraine can call 1-833-741-2777 (in the United States) or 1-606-260-4379 (from overseas) for immediate assistance.
- DOS encourages U.S. citizens to enroll in its Smart Traveler Enrollment Program (STEP). STEP enrollment provides the latest security updates and makes it easier for the U.S. Embassy to contact citizens in the event of an emergency.

The notice includes additional information, including specific tips on how to prepare when crossing a border during a crisis, and on entering neighboring countries from Ukraine.

Details:

- "Information for U.S. Citizens in Ukraine," which includes border-crossing advice, <https://bit.ly/3pG4mil>

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### **DHS Designates Sudan, Extends/Redesignates South Sudan for Temporary Protected Status**

Due to "political instability and unrest" and "armed conflict in South Sudan," which has displaced millions, the Department of Homeland Security (DHS) designated Sudan and extended and redesignated South Sudan for Temporary Protected Status (TPS) for 18 months.

Individuals newly eligible for TPS under the Sudan designation must have continuously resided in the United States since March 1, 2022. This includes those who benefited from the previous TPS designation for Sudan, which required continuous residence in the United States on or before January 9, 2013.

The 18-month extension and redesignation of South Sudan for TPS will be effective May 3, 2022, through November 3, 2023. To be eligible, individuals must have continuously resided in the United States since March 1, 2022, and meet all other TPS eligibility criteria. The extension of South Sudan allows currently eligible TPS South Sudan beneficiaries to re-register and retain TPS through November 3, 2023, as long as they otherwise continue to meet the TPS eligibility requirements. DHS noted that the redesignation of South Sudan allows additional individuals who have been continuously residing in the United States since March 1, 2022, to obtain TPS, if otherwise eligible.

TPS applicants must meet all eligibility requirements and undergo security and background checks. The Federal Register notices include instructions for applying for TPS and an Employment Authorization Document.

Details:

- DHS notice, Mar. 2, 2022,

<https://www.uscis.gov/newsroom/news-releases/secretary-mayorkas-designates-sudan-and-extends-and-redesignates-south-sudan-for-temporarily-protected>

- South Sudan TPS designation, 87 Fed. Reg. 12190 (Mar. 3, 2022), <https://www.govinfo.gov/content/pkg/FR-2022-03-03/pdf/2022-04573.pdf> .
- USCIS TPS page, <https://www.uscis.gov/humanitarian/temporary-protected-status>

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## **DHS Suspends Certain Regulatory Requirements for F-1 Nonimmigrant Students From South Sudan**

The Department of Homeland Security (DHS) announced that it is suspending certain regulatory requirements for F-1 nonimmigrant students whose country of citizenship is the Republic of South Sudan, regardless of country of birth (or individuals having no nationality who last habitually resided in South Sudan), and who are experiencing severe economic hardship as a direct result of the humanitarian crisis in South Sudan. The notice is effective March 3, 2022, through November 3, 2023.

The Federal Register notice from U.S. Immigration and Customs Enforcement (ICE) announcing the suspension explained that an eligible F-1 nonimmigrant student may request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain F-1 status. The notice states that DHS will deem such a student who receives employment authorization to be engaged in a "full course of study" for the duration of the employment authorization if the student satisfies the minimum course load requirement described in the notice.

Details:

- DHS/ICE notice, 87 Fed. Reg. 12182 (Mar. 3, 2022), <https://www.govinfo.gov/content/pkg/FR-2022-03-03/pdf/2022-04570.pdf>

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## **FY 2022 H-1B Cap Reached**

On February 28, 2022, U.S. Citizenship and Immigration Services (USCIS) announced that it received a sufficient number of petitions needed to reach the

congressionally mandated 65,000 H-1B visa regular cap and the 20,000 H-1B visa U.S. advanced degree exemption, known as the master's cap, for fiscal year (FY) 2022, which ends September 30, 2022.

USCIS said it has completed sending non-selection notices to registrants' online account. The agency will continue to accept and process petitions that are otherwise exempt from the cap, including petitions "filed for current H-1B workers who have been counted previously against the cap, and who still retain their cap number." USCIS said it will continue to accept and process petitions filed to:

- Extend the amount of time a current H-1B worker may remain in the United States;
- Change the terms of employment for current H-1B workers;
- Allow current H-1B workers to change employers; and
- Allow current H-1B workers to work concurrently in additional H-1B positions.

USCIS began its registration system for cap-subject H-1Bs for fiscal year 2023 on March 1.

#### Details:

- USCIS alert, Feb. 28, 2022, <https://www.uscis.gov/newsroom/alerts/uscis-reaches-fiscal-year-2022-h-1b-cap>

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## **H-2B Cap Reached for Second Half of FY 2022**

On March 1, 2022, U.S. Citizenship and Immigration Services (USCIS) announced that it received enough petitions to meet the congressionally mandated H-2B cap for the second half of fiscal year (FY) 2022. February 25, 2022, was the final receipt date for new cap-subject H-2B worker petitions requesting an employment start date on or after April 1, 2022, and before October 1, 2022. USCIS said it will reject new cap-subject H-2B petitions received after February 25, 2022, that request an employment start date on or after April 1, 2022, and before October 1, 2022.

USCIS continues to accept H-2B petitions that are exempt from the



congressionally mandated cap, including petitions for:

- Current H-2B workers in the United States who wish to extend their stay and, if applicable, change the terms of their employment or change employers;
- Fish roe processors, fish roe technicians and/or supervisors of fish roe processing; and
- Workers performing labor or services in the Commonwealth of Northern Mariana Islands and/or Guam (until December 31, 2029).

Details:

- USCIS alert, Mar. 1, 2022,  
<https://www.uscis.gov/newsroom/alerts/h-2b-cap-reached-for-second-half-of-fy-2022>

### **Credit Card Payment Pilot Program Expanded to All Service Centers**

Credit card payments are now being accepted at U.S. Citizenship and Immigration Services (USCIS) service centers using Form G-1450, Authorization for Credit Card Transactions, for all forms except Form I-129, Petition for a Nonimmigrant Worker, for H-1B and H-2A petitions.

USCIS said it will evaluate the results of the pilot program when it concludes, which previously was implemented at the Nebraska, Texas, Vermont, and California service centers. USCIS did not indicate when the pilot program would end.

Details:

- USCIS alert, Mar. 2, 2022,  
<https://www.uscis.gov/newsroom/alerts/uscis-expands-credit-card-payment-pilot-program-to-all-service-centers>
- USCIS "Pay With a Credit Card" page,  
<https://www.uscis.gov/forms/filing-fees/pay-with-a-credit-card>

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### **USCIS Clarifies I-9 Guidance for Native American Tribal Documents, Others**

U.S. Citizenship and Immigration Services (USCIS) recently clarified Form I-9 guidance related to Native American Tribal documents in *M-274, Handbook for*

## *Employers.*

The handbook explains that a Native American Tribal document is an official Tribal or community membership document issued by a Native American Indian Tribe, or an Alaska Eskimo or Aleut community, that is recognized by the U.S. federal government. A Tribal or community membership document that is issued by a Tribe or community that is *not* recognized by the U.S. federal government is not acceptable for Form I-9 employment eligibility verification purposes.

USCIS noted that because federal recognition of Tribes and communities can change over time, employers should check the Bureau of Indian Affairs (BIA) website to determine if the Tribe or community that issued the membership document is federally recognized. USCIS provided guidance to determine if a document is acceptable as evidence of both identity and employment authorization, or only for identity purposes.

The agency also published new guidance regarding T nonimmigrants (victims of human trafficking) and U nonimmigrants (victims of certain other crimes) in the handbook.

### Details:

- M-274, Native Americans,  
<https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/60-evidence-of-status-for-certain-categories/62-native-americans>
- Federally Recognized Tribes search page, BIA,  
<https://www.bia.gov/service/tribal-leaders-directory/federally-recognized-tribes>
- M-274, T and U Nonimmigrant Status,  
<https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/60-evidence-of-status-for-certain-categories/68-t-and-u-nonimmigrant-status>

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