



## IMMIGRATION UPDATE - APRIL 18, 2022

*Posted on April 18, 2022 by Cyrus Mehta*

### Headlines:

[State Dept., USCIS Announce Actions Related to Reauthorized EB-5 Regional Center Program; Visa Bulletin Revised to Include New Categories](#) – The Department of State and U.S. Citizenship and Immigration Services announced several actions related to the reauthorized EB-5 regional center program.

[DHS Designates Cameroon for TPS for 18 Months](#) – Only individuals who are already residing in the United States as of April 14, 2022, will be eligible for temporary protected status under this designation. According to estimates, approximately 40,000 Cameroonians in the United States may qualify. This is the first time that the Department of Homeland Security has designated Cameroon for TPS.

[USCIS Announces Online Filing for DACA Renewal Forms](#) – Individuals who previously received deferred action under Deferred Action for Childhood Arrivals may now file renewal requests on Form I-821D, Consideration of Deferred Action for Childhood Arrivals, online. Such individuals must also file Form I-765, Application for Employment Authorization, and the I-765 Worksheet.

[SEVP Asks Certain F-1 and M-1 Students to Verify Employment Data in SEVIS by May 16](#) – The Student and Exchange Visitor Program (SEVP) asked F-1 students previously on post-completion optional practical training and M-1 students previously on practical training to verify their employment data in the Student and Exchange Visitor Information System by contacting the SEVP Response Center by May 16, 2022.

[DHS Proposes Procedures Regarding Debarment of Vessels Violating Longshore Work Rules](#) – The Department of Homeland Security proposes to

amend its regulations to set forth procedures regarding the debarment of certain vessels from entering U.S. ports. Affected vessels include those owned or chartered by an entity found to be in violation of certain laws and regulations relating to the performance of longshore work by nonimmigrant crew members.

**Details:**

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**State Dept., USCIS Announce Actions Related to Reauthorized EB-5 Regional Center Program; Visa Bulletin Revised to Include New Categories**

The Department of State (DOS) and U.S. Citizenship and Immigration Services (USCIS) announced several actions related to the newly reauthorized EB-5 regional center program. Below are highlights.

**Department of State**

DOS has resumed processing immigrant visas associated with the EB-5 regional center program based on approved USCIS Forms I-526 (Immigrant Petition by Alien Entrepreneur), including those filed on or before the expiration of the previous regional center program on June 30, 2021.

DOS explained that on March 15, 2022, President Biden signed a law, the EB-5 Reform and Integrity Act of 2022, that made changes to the EB-5 program, reauthorized the EB-5 immigrant investor regional center program, and directed that certain "grandfathered" immigration benefits be processed.

Also, DOS's Visa Bulletin for May 2022 includes revisions and new EB-5 visa preference categories. Among other things, the bulletin notes the creation of two new "pools" of visa numbers in the EB-5 category: one pool "reserved" for certain set-aside categories and a second "unreserved" pool.

The bulletin notes that the Employment-Based Fifth Preference Unreserved (C5, T5, and all others) category is Current for all countries. The Employment-Based Fifth Preference Unreserved (I5 and R5) categories are Current for all countries except China-mainland born, which is subject to a 22NOV15 final action date. All set-aside categories are Current for all countries. DOS said it may become necessary to establish a China-mainland born final action date and application filing date for the C5 and T5 categories as early as June to keep number use within the maximum allowed under the fiscal year 2022 annual limits if

sufficient demand materializes.

## **USCIS**

Pursuant to the new law, USCIS announced that the reauthorized regional center program will be in effect through September 30, 2027. The agency said it is reviewing the new law and will provide additional guidance.

USCIS noted that the new law requires all entities seeking regional center designation to provide a proposal to comply with the new program requirements effective May 14, 2022. USCIS said it is not accepting Form I-924, Application For Regional Center Designation Under the Immigrant Investor Program, for this purpose.

USCIS has resumed processing regional center-based Forms I-526, Immigrant Petition by Alien Entrepreneur, filed on or before the sunset of the previous regional center program on June 30, 2021. USCIS said it will adjudicate all Form I-526 petitions filed before March 15, 2022, according to the applicable eligibility requirements at the time such petitions were filed (that is, the eligibility requirements in place before the enactment of the new law). USCIS will continue to process Form I-526 petitions under the "visa availability approach," prioritizing those Form I-526 petitions for investors with an available visa or a visa that will be available soon.

USCIS said it will continue to reject all Form I-526 petition received on or after July 1, 2021, when it indicates that the petitioner's investment is associated with a regional center.

The agency also said it will continue to adjudicate Forms I-829, Petition by Investor to Remove Conditions on Permanent Residence. The agency will adjudicate Form I-829 petitions associated with Form I-526 filed before March 15, 2022, under the applicable eligibility requirements in place before enactment of the new law.

### Details

- DOS announcement, Apr. 12, 2022, <https://travel.state.gov/content/travel/en/News/visas-news/announcement-on-resumption-of-processing-of-eb-5-visas-associated-with-the-regional-center-program.html>
- DOS Visa Bulletin for May 2022,

<https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2022/visa-bulletin-for-may-2022.html>

- USCIS EB-5 Immigrant Investor Program page, <https://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program>

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## **DHS Designates Cameroon for TPS for 18 Months**

The Department of Homeland Security (DHS) announced the designation of Cameroon for temporary protected status (TPS) for 18 months due to ongoing armed conflict in that country. Only individuals who are already residing in the United States as of April 14, 2022, will be eligible for TPS under this designation. According to estimates, approximately 40,000 Cameroonians in the United States may qualify. This is the first time that DHS has designated Cameroon for TPS.

Cameroon's 18-month designation will take effect on the publication date of the forthcoming Federal Register notice, which will provide instructions for applying for TPS and an employment authorization document (EAD). TPS applicants must meet all eligibility requirements and undergo security and background checks.

DHS said that the designation is based on "both ongoing armed conflict and extraordinary and temporary conditions in Cameroon that prevent Cameroonian nationals, and those of no nationality who last habitually resided in Cameroon, from returning to Cameroon safely." DHS cited conditions resulting from "extreme violence between government forces and armed separatists and a significant rise in attacks from Boko Haram, the combination of which has triggered a humanitarian crisis. Extreme violence and the widespread destruction of civilian infrastructure have led to economic instability, food insecurity, and several hundred thousand displaced Cameroonians without access to schools, hospitals, and other critical services."

Details:

- DHS news release, Apr. 15, 2022, <https://www.uscis.gov/newsroom/news-releases/secretary-mayorkas-designates-cameroon-for-temporary-protected-status-for-18-months>

- "U.S. Offers Protection to People Who Fled War in Cameroon," New York Times, Apr. 15, 2022, <https://www.nytimes.com/2022/04/15/us/cameroon-temporary-protected-status.html>

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## **USCIS Announces Online Filing for DACA Renewal Forms**

U.S. Citizenship and Immigration Services (USCIS) announced on April 12, 2022, that individuals who previously received deferred action under Deferred Action for Childhood Arrivals (DACA) may now file renewal requests on Form I-821D, Consideration of Deferred Action for Childhood Arrivals, online. Such individuals must also file Form I-765, Application for Employment Authorization, and the I-765 Worksheet, which is required as evidence in support of the DACA filing. A DACA requestor must first create a free USCIS online account to submit forms, pay fees, track status, and respond to Requests for Evidence.

USCIS said that During fiscal year (FY) 2021, USCIS received more than 8.8 million requests for immigration benefits and other requests, including 438,950 Form I-821D DACA requests. Since launching online filing in 2017, the overall number of forms filed online has increased significantly. In FY 2021, approximately 1,210,700 applications, petitions and requests were filed online, a 2.3% increase from the 1,184,000 filed in FY 2020.

USCIS noted that under a court order, the Department of Homeland Security continues to accept both initial and renewal DACA requests, although the agency is prohibited from granting initial DACA requests at this time.

### Details:

- USCIS news release, Apr. 12, 2022, <https://www.uscis.gov/newsroom/news-releases/uscis-announces-online-filing-for-daca-renewal-forms>
- USCIS online account sign-in page, <https://myaccount.uscis.gov/>
- USCIS forms available to file online, <https://www.uscis.gov/file-online/forms-available-to-file-online>

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## **SEVP Asks Certain F-1 and M-1 Students to Verify Employment Data in SEVIS by May 16**

In a broadcast message, the Student and Exchange Visitor Program (SEVP) asked F-1 students previously on post-completion optional practical training (OPT) and M-1 students previously on practical training to verify their employment data in the Student and Exchange Visitor Information System (SEVIS) by contacting the SEVP Response Center (SRC) by May 16, 2022.

Students can contact the SRC by email at [SEVP@ice.dhs.gov](mailto:SEVP@ice.dhs.gov) or by phone at 703-603-3400 or 800-892-4829. The SRC is open Monday through Friday from 8 a.m. to 6 p.m. ET, except federal holidays.

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## **DHS Proposes Procedures Regarding Debarment of Vessels Violating Longshore Work Rules**

The Department of Homeland Security (DHS) published a notice of proposed rulemaking on April 12, 2022, that would amend its regulations to set forth procedures regarding the debarment of certain vessels from entering U.S. ports. Affected vessels include those owned or chartered by an entity found to be in violation of certain laws and regulations relating to the performance of longshore work by nonimmigrant crew members.

Comments must be received by June 13, 2022, using the instructions provided in the proposed rule.

### Details

- DHS proposed rule, 87 Fed. Reg. 21582 (Apr. 12, 2022), <https://www.govinfo.gov/content/pkg/FR-2022-04-12/pdf/2022-07774.pdf>

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