



# IMMIGRATION UPDATE - SEPTEMBER 19, 2022

*Posted on September 19, 2022 by Cyrus Mehta*

## Headlines:

[USCIS Implements Next Phase of Premium Processing for Certain Previously Filed EB-1 and EB-2 Immigrant Petitions](#) – This premium processing expansion only applies to certain previously filed Form I-140 petitions under an E13 multinational executive and manager classification or E21 classification as a member of professions with advanced degrees or exceptional ability seeking a national interest waiver.

[USCIS Reaches H-2B Cap for First Half of FY 2023](#) – U.S. Citizenship and Immigration Services announced that it has received enough petitions to reach the congressionally mandated cap on H-2B visas for temporary nonagricultural workers for the first half of fiscal year 2023.

[Witnesses Testify at Senate Hearing on Importance of Immigrant Workers to U.S. Health Care System](#) – One witness urged Congress to pass two pending bills: the Conrad State 30 and Physician Access Reauthorization Act, S. 1810 (H.R. 3541), and the Healthcare Workforce Resilience Act, S. 1024 (H.R. 2255).

## Details:

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### **USCIS Implements Next Phase of Premium Processing for Certain Previously Filed EB-1 and EB-2 Immigrant Petitions**

U.S. Citizenship and Immigration Services (USCIS) announced on September 15, 2022, that it is implementing the next phase of the premium processing expansion for certain petitioners who have a pending Form I-140, Immigrant Petition for Alien Workers, under the EB-1 and EB-2 classifications.

This phase only applies to certain previously filed Form I-140 petitions under an

E13 multinational executive and manager classification or E21 classification as a member of professions with advanced degrees or exceptional ability seeking a national interest waiver (NIW), USCIS explained.

USCIS is now accepting Form I-907, Request for Premium Processing Service, requests for:

- E13 multinational executive and manager petitions received on or before January 1, 2022; and
- E21 NIW petitions received on or before February 1, 2022.

USCIS has 45 days to take an adjudicative action on cases that request premium processing for these newly included Form I-140 classifications.

Details:

- USCIS alert, <https://www.uscis.gov/newsroom/alerts/uscis-to-implement-next-phase-of-premium-processing-for-certain-previously-filed-eb-1-and-eb-2-form>

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### **USCIS Reaches H-2B Cap for First Half of FY 2023**

U.S. Citizenship and Immigration Services (USCIS) announced on September 14, 2022, that it has received enough petitions to reach the congressionally mandated cap on H-2B visas for temporary nonagricultural workers for the first half of fiscal year (FY) 2023. September 12, 2022, was the final receipt date for new cap-subject H-2B worker petitions requesting an employment start date before April 1, 2023. USCIS said it will reject new cap-subject H-2B petitions received after September 12, 2022, that request an employment start date before April 1, 2023.

USCIS continues to accept H-2B petitions that are exempt from the congressionally mandated cap. This includes petitions for:

- Current H-2B workers in the United States who extend their stay, change employers, or change the terms and conditions of their employment;
- Fish roe processors, fish roe technicians, and/or supervisors of fish roe processing; and
- Workers performing labor or services in the Commonwealth of the Northern Mariana Islands and/or Guam from November 28, 2009, until

December 31, 2029.

Details:

- USCIS alert, <https://www.uscis.gov/newsroom/alerts/uscis-reaches-h-2b-cap-for-first-half-of-fy-2023>

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## **Witnesses Testify at Senate Hearing on Importance of Immigrant Workers to U.S. Health Care System**

On September 14, 2022, several witnesses testified at a hearing held by the Senate Subcommittee on Immigration, Citizenship, and Border Safety, "Flatlining Care: Why Immigrants Are Crucial to Bolstering Our Health Care." Among them were Sarah K. Peterson, Principal Attorney, SPS Immigration PLLC, who testified about "smart immigration reform" to allow International Medical Graduates (IMGs,) international nurses, and other healthcare professionals to help address the United States' "ongoing shortage of access to medical care, ensuring that all Americans are able to access basic, primary medical care regardless of where they live in the United States."

Among other things, Ms. Peterson urged Congress to pass two pending bills: the Conrad State 30 and Physician Access Reauthorization Act, S. 1810 (H.R. 3541), and the Healthcare Workforce Resilience Act, S. 1024 (H.R. 2255). She said that passage of these bills would increase access to medical care and bring relief to underserved populations, and to J-1 physicians and international nurses. She noted, for example, that the Conrad bill would provide "cap gap" relief for J-1 trainees, similar to that provided to F-1 students working in Optional Practical Training status, whose work authorization expires before October 1 and whose employers have filed a cap-subject H-1B petition selected in the registration period. "Expanding this relief to physicians would provide employers with quicker access to necessary health care and allow these foreign national physicians to change status in the United States, without having to depart the United States, obtain a visa, and only be permitted to re-enter the U.S. months later. Cap gap work-authorization for U.S.-trained physicians would add a quarter of a year or more of badly needed physician coverage and is smart immigration reform," she said.

Details:

- Hearing video and testimony,  
<https://www.judiciary.senate.gov/meetings/flatlining-care-why-immigrants-are-crucial-to-bolstering-our-health-care-workforce>

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