



IMMIGRATION UPDATE - JANUARY 23, 2023

Posted on January 23, 2023 by Cyrus Mehta

Headlines:

[Visa Bulletin for February 2023 Includes Retrogressions in the Employment Third Preference 'Other Workers' Category, and 'Certain Religious Workers' Availability](#) – The Department of State's Visa Bulletin for February 2023 has been released.

[HHS Issues Poverty Guidelines for 2023](#) – The Department of Health and Human Services issued updated poverty income guidelines for 2023 to account for 2022's increase in prices as measured by the Consumer Price Index. The poverty guidelines are used as an eligibility criterion by a number of federal programs.

[ICE Unintentionally Releases Information on 6,000 Noncitizens in Custody](#) – U.S. Immigration and Customs Enforcement (ICE) announced that while performing routine website updates, it unintentionally posted a document on ICE.gov for about five hours that included names and other personally identifiable information (PII), along with immigration information, of approximately 6,000 noncitizens in ICE custody.

[DOS Launches 'Welcome Corps' for Private Sponsorship of Refugees](#) – The Department of State, in collaboration with the Department of Health and Human Services, announced the launch of "Welcome Corps," a new private sponsorship program to welcome refugees and support their resettlement and integration into the United States.

[USCIS Provides Follow-Up Q&A on International Student Issues](#) – U.S. Citizenship and Immigration Services provided questions and answers following a webinar presented by the Office of the Citizenship and Immigration Services Ombudsman on international student issues.

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Visa Bulletin for February 2023 Includes Retrogressions in the Employment Third Preference 'Other Workers' Category, and 'Certain Religious Workers' Availability

The Department of State's Visa Bulletin for February 2023 includes the following information about retrogressions in the worldwide final action and application filing dates in the employment third preference "Other Workers" category:

Higher than expected number use in the Employment Third Preference "Other Workers" (EW) category, most notably amongst applicants with earlier priority dates, has necessitated further retrogressions in the worldwide final action date and application filing date for February to hold number use within the maximum allowed under the Fiscal Year 2023 annual limit. Except for China and India, all countries are subject to a final action date of 01JAN20 and an application filing date of 01FEB20. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

The bulletin also notes the availability of the Certain Religious Workers category:

The Consolidated Appropriations Act, 2023, enacted on December 29, 2022, extended the Employment Fourth Preference Certain Religious Workers (SR) category until September 30, 2023. As indicated in item E of the January 2023 Visa Bulletin, the extension resulted in this category immediately becoming available, subject to the same final action dates as the other Employment Fourth Preference categories per applicable foreign state of chargeability.

Details:

- DOS Visa Bulletin for February 2023.
<https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2023/visa-bulletin-for-february-2023.html>

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HHS Issues Poverty Guidelines for 2023

The Department of Health and Human Services (HHS) issued updated poverty income guidelines for 2023 to account for 2022's increase in prices as measured by the Consumer Price Index. Several federal programs use the poverty guidelines as an eligibility criterion.

As in prior years, the 2023 guidelines "are roughly equal to the poverty thresholds for calendar year 2022 which the Census Bureau expects to publish in final form in September 2023," HHS said. As an example, the 2023 poverty guidelines for the 48 contiguous states and the District of Columbia (DC) are \$14,580 annually for a household of one person and \$19,720 for a household of two. For families/households with more than eight persons, the guidelines add \$5,140 for each additional person. The Alaska and Hawaii guidelines differ from those for the 48 contiguous states and DC.

Details:

- Annual Update of the HHS Poverty Guidelines, 88 Fed. Reg. 3424 (Jan. 19, 2023).

<https://www.govinfo.gov/content/pkg/FR-2023-01-19/pdf/2023-00885.pdf>

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ICE Unintentionally Releases Information on 6,000 Noncitizens in Custody

U.S. Immigration and Customs Enforcement (ICE) announced that on November 28, 2022, while performing routine website updates, it unintentionally posted a document on ICE.gov that included names and other personally identifiable information (PII), along with immigration information, of approximately 6,000 noncitizens in ICE custody. The information was posted for approximately five hours before being removed, ICE said.

On December 7, 2022, the Department of Homeland Security (DHS) notified ICE that during its routine communication with the government of Cuba related to removal flights, DHS unintentionally indicated that some of the 103 names of individuals previously provided for removal processing were part of the ICE PII disclosure that occurred on November 28. ICE said that 46 of them were part of the previous ICE PII disclosure and 57 were not. All of these 103 individuals are Cuban.

For affected noncitizens subject to a final order of removal, ICE has delayed their removal for at least 30 days. The 30 days will be calculated from the time notification is provided to the noncitizen, ICE said. The noncitizens who were in custody "are being notified of the incident and the removal hold via hand delivery and almost all of those who were not in custody are receiving the notification via United States Postal Service," ICE said.

Details:

- ICE statement. <https://www.ice.gov/news/releases/statement-improper-disclosure-noncitizen-personally-identifiable-information>
- ICE PII information page. <https://www.ice.gov/pii>

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DOS Launches 'Welcome Corps' for Private Sponsorship of Refugees

The Department of State (DOS), in collaboration with the Department of Health and Human Services, announced the launch of "Welcome Corps," a new private sponsorship program to welcome refugees arriving through the U.S. Refugee Admissions Program (USRAP) and support their resettlement and integration into the United States. The initiative is pursuant to President Biden's Executive Order 14301, "Rebuilding and Enhancing Programs to Resettle Refugees."

The Welcome Corps "creates new opportunities for everyday Americans to engage directly in refugee resettlement through private sponsorship, independent of and complementary to existing avenues for volunteering with resettlement agencies," DOS said. Groups of at least five U.S. citizens or permanent resident adults will be able to apply to the Welcome Corps to privately sponsor the resettlement of refugees in the United States. Private sponsors will be responsible for independently raising funds and directly providing essential assistance to refugees for their first 90 days in their new community, DOS said. Such assistance includes helping refugees find housing and employment, enrolling children in school, and connecting refugees to essential services in the community.

In the first year of Welcome Corps, DOS will seek to mobilize 10,000 Americans as private sponsors for at least 5,000 refugees. If more than 10,000 individual Americans join the Welcome Corps in 2023, DOS will seek to pair additional

private sponsors with refugees. DOS said it is funding a consortium of nonprofit organizations with expertise in welcoming, resettling, and integrating refugees into U.S. communities to support the Welcome Corps.

Details:

- DOS statement, <https://bit.ly/3wkiC3n>
- Welcome Corps website, <https://welcomecorps.org/>

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USCIS Provides Follow-Up Q&A on International Student Issues

U.S. Citizenship and Immigration Services (USCIS) provided questions and answers following a webinar presented by the Office of the Citizenship and Immigration Services Ombudsman in August 2022 on international student issues.

Topics include maintaining F-1 status and Optional Practical Training (OPT), applications for employment authorization, Systematic Alien Verification for Entitlements, the Student and Exchange Visitor Information System, changes of address, and COVID-19-related issues.

Details:

- USCIS Follow-Up Q&A.
<https://www.dhs.gov/sites/default/files/2023-01/Q%26A%20-%20international%20student%20engagement%208.25.22.pdf>

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Cyrus Mehta was an invited speaker at the 2023 AILA Midwinter Conference in San Juan, Puerto Rico on January 21, 2023 where he spoke on a panel entitled 1-140/Adjustment of Status Challenges in Fiscal Year 2023.

Kaitlyn Box was an invited speaker for the AILA MN/DAK Chapter's Advanced PERM CLE on January 19, 2023.

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