



## IMMIGRATION UPDATE - MARCH 27, 2023

*Posted on March 27, 2023 by Cyrus Mehta*

### Headlines:

[April Visa Bulletin Shows Worldwide EB-4 Backlog of 5+ Years, EB-2 Retrogression](#) – The EB-4 category, which includes special immigrant religious workers, now has a worldwide backlog of 5+ years. Also, the EB-2 final action dates for Rest of World, India, Mexico, and the Philippines have retrogressed several months to keep number use within the FY 2023 annual limit.

[USCIS Ends Certain COVID-19 Flexibilities](#) – Certain flexibilities first introduced in March 2020 to address the COVID-19 pandemic ended on March 23, 2023.

[CBP Issues Reminder About New EADs](#) – The redesigned work permit cards will be issued concurrently with existing card stock until it is depleted. All previously issued cards remain valid until their printed expiration dates.

[CDC Terminates COVID-19 Testing Requirements for Entry by Air Passengers From China](#) – The Centers for Disease Control and Prevention is no longer requiring a negative pre-departure COVID-19 test result or documentation of recovery from COVID-19 for air passengers traveling to the United States from the People's Republic of China, including the Special Administrative Regions of Hong Kong and Macau.

[Many Travelers No Longer Receive Admission Stamps in Passports](#) – U.S. Customs and Border Protection (CBP) expanded a pilot program to eliminate entry stamps (the ink stamp, not the visa stamp) upon admission to the United States. Records of admission are now documented online at CBP's I-94 website.

[Mobile Passport Control Available at Canadian Preclearance Locations](#) – U.S. Customs and Border Protection has expanded its Mobile Passport Control (MPC) program to include the Montréal, Toronto, and Vancouver Preclearance locations in Canada.

[June 23 is Deadline for Employers to Download Old E-Verify Case Info](#) – On June 24, 2023, U.S. Citizenship and Immigration Services will dispose of E-Verify records that are more than 10 years old (those last updated on or before December 31, 2012).

**Details:**

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## **April Visa Bulletin Shows Worldwide EB-4 Backlog of 5+ Years, EB-2 Retrogression**

According to the Department of State's (DOS) Visa Bulletin for April 2023, the EB-4 category, which includes special immigrant religious workers, now has a worldwide backlog of 5+ years. Also, the EB-2 final action dates for Rest of World, India, Mexico, and the Philippines have retrogressed several months to keep number use within the FY 2023 annual limit.

### **EB-4 Backlog**

Previously, DOS was applying the per-country limit to the EB-4 subcategory, which made the "North Central American" (NCA) countries of El Salvador, Guatemala, and Honduras oversubscribed, but preserved religious worker current priority dates for all other chargeability areas. DOS has now announced that it interprets the limit to apply to the family/employment-based system as a whole and not within each category, meaning that because the NCA countries are not oversubscribed in the total family/employment system, DOS cannot set a cutoff for them just in the EB-4 category.

DOS is no longer including a separate column covering applicants chargeable to El Salvador, Guatemala, or Honduras in the charts titled, "Final Action Dates for Employment-Based Preference Cases" and "Dates for Filing of Employment-Based Visa Applications," for applicants who are seeking an immigrant visa in the EB-4 category. Final action and filing dates for applicants from these three countries are now provided in the column headed "All Chargeability Areas Except Those Listed."

### **EB-2 Retrogression**

The Rest of World, Mexico, and Philippines EB-2 final action dates retrogressed to 01JUL22, and the India EB-2 final action date retrogressed to 01JAN11. "This situation will be continually monitored, and any necessary adjustments will be

made accordingly," the bulletin states.

#### Details:

- April 2023 Visa Bulletin, Dept. of State.  
[https://travel.state.gov/content/dam/visas/Bulletins/visabulletin\\_April2023.pdf](https://travel.state.gov/content/dam/visas/Bulletins/visabulletin_April2023.pdf)
- Employment-Based Immigration: Fourth Preference EB-4, updated Mar. 22, 2023.  
<https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-fourth-preference-eb-4>

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### **USCIS Ends Certain COVID-19 Flexibilities**

U.S. Citizenship and Immigration Services (USCIS) announced that certain flexibilities first introduced in March 2020 to address the COVID-19 pandemic ended on March 23, 2023. USCIS previously notified the public that barring any changes presented by the pandemic, the extension of these flexibilities announced on January 24, 2023, would be the last.

USCIS said it "retains discretion to provide certain flexibilities on a case-by-case basis upon request, for applicants or petitioners affected by an [emergency or unforeseen circumstance](#), such as natural catastrophes (hurricanes, wildfires, severe weather, etc.), national emergencies (public health emergencies), or severe illness (including COVID)."

USCIS also noted that flexibilities regarding reproduced signatures first announced on March 20, 2020, became policy as announced on July 25, 2022.

#### Details:

- USCIS alert (Mar. 23, 2023).  
<https://www.uscis.gov/newsroom/alerts/uscis-announces-end-of-covid-related-flexibilities>
- "Immigration Relief in Emergencies or Unforeseen Circumstances," USCIS.  
<https://www.uscis.gov/newsroom/immigration-relief-in-emergencies-or-unforeseen-circumstances>

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## CBP Issues Reminder About New EADs

U.S. Customs and Border Protection's (CBP) Carrier Liaison Program recently issued a reminder that U.S. Citizenship and Immigration Services (USCIS) began producing redesigned employment authorization documents (EADs) on January 30, 2023. CBP said that the redesigned work permit cards will be issued concurrently with existing card stock until it is depleted.

All previously issued cards remain valid until their printed expiration dates, CBP said.

### Details:

- CBP Liaison Program Message on New EAD Cards, American Immigration Lawyers Association.

<https://www.aila.org/infonet/cbp-liaison-program-message-on-new-ead-cards>

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## CDC Terminates COVID-19 Testing Requirements for Entry by Air Passengers From China

The Centers for Disease Control and Prevention (CDC) is no longer requiring a negative pre-departure COVID-19 test result or documentation of recovery from COVID-19 for air passengers traveling to the United States from the People's Republic of China, including the Special Administrative Regions of Hong Kong and Macau. The previous requirement also applied to passengers who had been in China, Hong Kong, or Macau in the past 10 days and were traveling to the United States from Incheon International Airport (ICN) in Seoul, South Korea; Toronto Pearson International Airport (YYZ) in Canada; and Vancouver International Airport (YVR) in Canada.

The CDC said the PRC's COVID-19 surge has returned to a baseline level. According to World Health Organization data, daily cases peaked at 7 million cases per day on December 23, 2022, then declined 99% by January 24, 2023, leveling off around 20,000 cases per day from January 24 through February 21, 2023. In addition, no variants of concern have been identified as emerging from the PRC now, the CDC said.

### Details:

- CDC notice, 88 Fed. Reg. 15724 (Mar. 14, 2023).

<https://www.govinfo.gov/content/pkg/FR-2023-03-14/pdf/2023-05305.pdf>

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## **Many Travelers No Longer Receive Admission Stamps in Passports**

According to reports, U.S. Customs and Border Protection (CBP) expanded a pilot program to eliminate entry stamps (the ink stamp, not the visa stamp) upon admission to the United States, begun in December 2021. Records of admission are now documented online at CBP's I-94 website.

Ports of entry participating in the pilot program to eliminate entry stamps include:

- Atlanta (Hartsfield-Jackson Atlanta International Airport (ATL))
- Boston-Logan International Airport (BOS)
- Calgary International Airport (YYC)
- Chicago O'Hare International Airport (ORD)
- Dallas/Ft. Worth International Airport (DFW)
- Dublin Airport (DUB)
- Houston (George Bush Intercontinental Airport (IAH))
- Los Angeles International Airport (LAX)
- Montréal Pierre Elliott Trudeau International Airport (YUL)
- New York (John F. Kennedy International Airport (JFK))
- Newark Liberty International Airport (EWR)
- San Francisco International Airport (SFO)
- Seattle-Tacoma International Airport-SeaTac (SEA)
- Toronto Pearson International Airport (YYZ)
- Washington-Dulles International Airport (IAD)
- Land ports of entry at Buffalo, Detroit, El Paso, Laredo, San Diego, Seattle, and Tucson

The admission stamp may be used during secondary processing, when appropriate, and in limited circumstances in primary processing, such as when processing immigrant visas or upon the specific request of a traveler, CBP said. Travelers experiencing difficulties in retrieving their I-94 form as proof of admission through the CBP website or mobile application can contact their local CBP port of entry for assistance.

Travelers must still obtain visas, unless exempt.

#### Details:

- "CBP Expands Pilot Program Eliminating Entry Stamps on Admission to the United States," National Law Review.

<https://www.natlawreview.com/article/cbp-expands-pilot-program-eliminating-entry-stamps-admission-to-united-states>

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### **Mobile Passport Control Available at Canadian Preclearance Locations**

U.S. Customs and Border Protection (CBP) has expanded its Mobile Passport Control (MPC) program to include the Montréal, Toronto, and Vancouver Preclearance locations in Canada. This brings MPC availability to 38 air and seaport locations, CBP said. The MPC mobile app, available to U.S. citizens and Canadian B1/B2 visitors, allows travelers to submit their passport and travel information using a mobile device and to store their information for future international travel.

#### Details:

- USCIS announcement (scroll to E-Verify Records Disposal).

<https://www.e-verify.gov/about-e-verify/whats-new>

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### **June 23 is Deadline for Employers to Download Old E-Verify Case Info**

On June 24, 2023, U.S. Citizenship and Immigration Services (USCIS) will dispose of E-Verify records that are more than 10 years old (those last updated on or before December 31, 2012). E-Verify employers have until June 23, 2023, to download case information from the Historic Records Report if they want to retain information about these E-Verify cases.

Employers who have not already done so must record the E-Verify case verification number on the corresponding Form I-9, Employment Eligibility Verification, or attach a copy of the case details page to the Form I-9.

Employers should retain the Historic Records Report with the Forms I-9, USCIS said.

#### Details:

- CBP announcement (scroll to Improving Traveler Experience).  
<https://www.cbp.gov/newsroom/national-media-release/cbp-highlights-top-2022-accomplishments>

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