



## IMMIGRATION UPDATE - APRIL 4, 2023

*Posted on April 4, 2023 by Cyrus Mehta*

### Headlines:

[H-1B Electronic Registration Selection Process Completed](#) – U.S. Citizenship and Immigration Services has received enough electronic registrations during the initial registration period to reach the fiscal year 2024 H-1B numerical allocations (H-1B cap), including the advanced degree exemption (master's cap).

[USCIS Removes 60-Day Rule for Civil Surgeon Signatures on Form I-693](#) – U.S. Citizenship and Immigration Services is removing the requirement that civil surgeons sign Form I-693, Report of Immigration Medical Examination and Vaccination Record, no more than 60 days before an individual applies for an underlying immigration benefit.

[DOS to Raise Most Consular Service Fees](#) – Effective May 30, 2023, a Department of State final rule raises most consular service fees, although the fee increases are smaller than those proposed in the notice of proposed rulemaking due to revised projections.

[DOS Eliminates Separate Column for El Salvador, Guatemala, Honduras in Visa Bulletin Employment-Based Charts](#) – As announced in its April Visa Bulletin, the Department of State is no longer including a separate column covering applicants chargeable to El Salvador, Guatemala, or Honduras in certain employment-based charts.

[DOS to Allow J-1 Sponsors to Digitally Sign Form DS-2019 and Submit It Electronically](#) – Effective April 27, 2023, a Department of State interim rule will give J-1 sponsors two new options: using digital signature software to sign Certificates of Eligibility for Exchange Visitor (J-1) Status (Form DS-2019) and transmitting the form electronically.

[USCIS Updates Policy on Timeframes for Paper-Based Filings/Responses](#) – U.S.

Citizenship and Immigration Services has updated policy guidance to address situations when the last day to file a benefit request or respond to a USCIS action falls on a Saturday, Sunday, or federal holiday.

[New Filing Address Announced for Courier Delivery Services to USCIS Phoenix Lockbox](#) – U.S. Citizenship and Immigration Services has changed the filing location for courier delivery services to the Phoenix, Arizona, lockbox. The facility has moved to Tempe, Arizona.

[New HART Center to Focus on Humanitarian Cases](#) – U.S. Citizenship and Immigration Services announced the opening of the virtual Humanitarian, Adjustment, Removing Conditions, and Travel Documents (HART) Service Center, the first to focus on humanitarian and other cases, such as visas for crime and domestic violence victims.

[USCIS To Propose 'Frontlog' Rule To Eliminate Backlogs](#) – As part of its modernization program, U.S. Citizenship and Immigration Services announced on April 1, 2023, that it plans to propose a "Frontlog Rule" soon to eliminate and reverse backlogs.

[ABIL Global: Mexico](#) – This article provides a summary of the non-lucrative Temporary Resident Visa.

### **Details:**

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## **H-1B Electronic Registration Selection Process Completed**

U.S. Citizenship and Immigration Services (USCIS) announced on March 27, 2023, that it has received enough electronic registrations during the initial registration period to reach the fiscal year (FY) 2024 H-1B numerical allocations (H-1B cap), including the advanced degree exemption (master's cap). USCIS said it randomly selected registrations to reach the cap and has notified all prospective petitioners with selected registrations that they are eligible to file an H-1B cap-subject petition for the beneficiary named in the registration.

H-1B cap-subject petitions for FY 2024, including petitions eligible for the advanced degree exemption, may be filed with USCIS beginning April 1, 2023, if based on a valid, selected registration.

USCIS noted that an H-1B cap-subject petition must be properly filed at the

correct USCIS service center and within the filing period indicated on the relevant registration selection notice. The period for filing the H-1B cap-subject petition is at least 90 days. Online filing is not available for H-1B petitions, so petitioners filing H-1B petitions must do so by paper, the agency noted. Petitioners must include a printed copy of the applicable registration selection notice with the FY 2024 H-1B cap-subject petition.

Details:

- USCIS alert (Mar. 27, 2023).  
<https://www.uscis.gov/newsroom/alerts/fy-2024-h-1b-cap-season-updates>

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### **USCIS Removes 60-Day Rule for Civil Surgeon Signatures on Form I-693**

U.S. Citizenship and Immigration Services (USCIS) announced on March 31, 2023, that it is removing the requirement that civil surgeons sign Form I-693, Report of Immigration Medical Examination and Vaccination Record, no more than 60 days before an individual applies for an underlying immigration benefit, including Form I-485, Application to Register Permanent Residence or Adjust Status. The requirement had been subject to a temporary waiver since December 9, 2021.

USCIS said that this policy update will allow it to adjudicate cases with immigration medical examinations that previously would have been considered invalid. Rather than issuing a Request for Evidence (RFE) in the case of a Form I-693 signed more than 60 days before the filing of the I-485, but otherwise valid, USCIS can now accept I-693s for adjudicative purposes for up to two years after the date the civil surgeon signed the form.

Details:

- USCIS alert (Mar. 31, 2023).  
<https://www.uscis.gov/newsroom/alerts/uscis-removes-60-day-rule-for-civil-surgeon-signatures-on-form-i-693>

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### **DOS to Raise Most Consular Service Fees**

Effective May 30, 2023, a Department of State (DOS) final rule raises most

consular service fees, although the fee increases are smaller than those proposed in the notice of proposed rulemaking due to revised projections for fiscal year (FY) 2022-2024 demand, DOS said.

Below are the adjustments that DOS will implement under the final rule:

- The application processing fee for non-petition-based nonimmigrant visas (NIVs) (except the E category) will increase from \$160 to \$185.
- The application processing fee for H, L, O, P, Q, and R category NIVs will increase from \$190 to \$205.
- The processing fee for Border Crossing Cards for Mexican citizens age 15 and over will increase from \$160 to \$185.
- The fee for E category NIVs will increase from \$205 to \$315.
- The fee for the exchange visitor waiver of two-year residency requirement will stay at \$120, instead of the proposed \$510.

#### Details:

- DOS final rule, 88 Fed. Reg. 18243 (Mar. 28, 2023).  
<https://www.govinfo.gov/content/pkg/FR-2023-03-28/pdf/2023-06290.pdf>

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### **DOS Eliminates Separate Column for El Salvador, Guatemala, Honduras in Visa Bulletin Employment-Based Charts**

As announced in its April Visa Bulletin, the Department of State (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."

DOS has now published a notice in the Federal Register confirming the change and explaining its rationale.

#### Details:

- DOS notice, 88 Fed. Reg. 18252 (Mar. 28, 2023).  
<https://www.govinfo.gov/content/pkg/FR-2023-03-28/pdf/2023-06252.pdf>

- 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)

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### **DOS to Allow J-1 Sponsors to Digitally Sign Form DS-2019 and Submit It Electronically**

Effective April 27, 2023, a Department of State (DOS) interim rule will give J-1 sponsors two new options: using digital signature software to sign Certificates of Eligibility for Exchange Visitor (J-1) Status (Form DS-2019), and transmitting the form electronically.

DOS said that the sponsor community "has long sought the ability to digitally sign and electronically transmit (e.g., via email) Forms DS-2019, i.e., the Student and Exchange Visitor Information System- (SEVIS-) generated documents that prospective exchange visitors and their spouses and dependents, if any, must present at U.S. embassies or consulates to apply for J visas."

Comments on the interim rule are due May 30, 2023.

Details:

- DOS interim rule, 88 Fed. Reg. 18249 (Mar. 28, 2023).  
<https://www.govinfo.gov/content/pkg/FR-2023-03-28/pdf/2023-06157.pdf>

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### **USCIS Updates Policy on Timeframes for Paper-Based Filings/Responses**

U.S. Citizenship and Immigration Services (USCIS) has updated policy guidance to address situations when the last day to file a benefit request or respond to a USCIS action falls on a Saturday, Sunday, or federal holiday. In these situations, effective immediately, USCIS will consider a filing or response submitted on paper timely if the agency receives it by the end of the next business day. While the receipt date for these cases will continue to reflect the date USCIS physically received the request, USCIS will consider the benefit request timely filed.

USCIS said it is pursuing several ways to increase flexibility related to filing deadlines, including this policy update. The update applies to all benefit requests or responses to a USCIS action that the agency receives on paper on

or after March 29, 2023. The update does not affect electronic filings or responses submitted electronically, which USCIS considers received immediately upon submission. USCIS is not applying this policy retroactively.

Details:

- USCIS alert (Mar. 29, 2023).  
<https://www.uscis.gov/newsroom/alerts/uscis-updates-policy-on-time-frames-for-paper-based-filings-and-responses-ending-on-saturdays>

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### **New Filing Address Announced for Courier Delivery Services to USCIS Phoenix Lockbox**

U.S. Citizenship and Immigration Services (USCIS) has changed the filing location for courier delivery services to its Phoenix, Arizona, lockbox. The facility has moved to Tempe, Arizona, and the filing location for courier delivery services for UPS, FedEx, and DHL has also changed to Tempe. The filing location remains the same when using the U.S. Postal Service.

USCIS said it will forward any applications, petitions, or requests received in Phoenix via courier delivery services to Tempe between March 30 and April 28, 2023. After April 28, USCIS will not accept courier delivery at the previous address.

Details:

- USCIS alert (Mar. 30, 2023).  
<https://www.uscis.gov/newsroom/alerts/new-filing-address-for-courier-delivery-services-to-uscis-phoenix-lockbox>
- Lockbox Filing Location Updates.  
<https://www.uscis.gov/forms/forms-updates/lockbox-filing-location-updates>

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### **New HART Center to Focus on Humanitarian Cases**

On March 30, 2023, U.S. Citizenship and Immigration Services (USCIS) announced the opening of the virtual Humanitarian, Adjustment, Removing Conditions, and Travel Documents (HART) Service Center, the sixth service center within its Service Center Operations directorate and the first to focus on

humanitarian and other cases, such as visas for crime and domestic violence victims.

"One of my biggest visions for USCIS is to ensure that this backlog—this unprecedented backlog—is something that, by the time I depart the agency, is well on its way to recovery," USCIS Director Ur Jaddou said. "The backlog has stopped growing and it's starting to peer downward. My goal is to continue that slide downward." The virtual center will accept paper and electronic applications, Ms. Jaddou said.

"HART's workforce will improve the quality and efficiency of our humanitarian caseload processing. These applications and benefits affect vulnerable populations, and this center will make a positive impact in the quality and scale of our humanitarian processing abilities," USCIS tweeted.

#### Details:

- USCIS tweet (Mar. 30, 2023).  
<https://twitter.com/USCIS/status/1641485390115745810>
- "Immigration Agency Sets Up New Virtual Service Center," Roll Call (Mar. 30, 2023).  
<https://rollcall.com/2023/03/30/immigration-agency-sets-up-new-virtual-service-center/>

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### **USCIS To Propose 'Frontlog' Rule To Eliminate Backlogs**

As part of its modernization program, U.S. Citizenship and Immigration Services (USCIS) announced on April 1, 2023, that it plans to propose a "Frontlog Rule" soon to eliminate and reverse backlogs, which have led to backbiting, backlashing, and backtracking. The plan is to leapfrog over backlogs without getting bogged down. The logging industry reportedly will particularly benefit.

Some said they were agog at the plan and hoped it would not become a boondoggle or pose logistical problems. Sen. Grassley expressed skepticism: "How can you toggle back and forth between backlogs and frontlogs? Sounds like something made up by goblins. It boggles the mind," he commented, squinting skeptically through his goggles. USCIS said it would take dogged determination, along with a backbone.

Some said they didn't even know what a frontlog was. "Google it," a USCIS spokesperson replied. USCIS staff plan a webinar on the proposal, to be broadcast from Lake **Chaubunagungamaug (formally known as** Lake Chargoggagoggmanchauggagogg-chaubunagungamaugg).

#### Details:

- Excerpted from blog, "Happy April Fool's Day!," by Ogden Gobble.
- Lake **Chaubunagungamaug (formally known as** Lake Chargoggagoggmanchauggagogg-chaubunagungamaugg).  
<https://www.britannica.com/place/Lake-Chargoggagoggmanchauggagogg-chaubunagungamaugg>

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## **ABIL Global: Mexico**

*This article provides a summary of the non-lucrative Temporary Resident Visa.*

The COVID-19 pandemic has had a significant impact on the way people work, with many companies and employees shifting to remote work to comply with social distancing guidelines and stay-at-home orders. Overall, the pandemic has accelerated the trend toward remote work, and it is likely that remote work will continue to be a more common and accepted way of working in the future.

From an immigration perspective, many countries are exploring the possibility of offering a "nomad" visa, and some others have already updated their laws and now offer a nomad visa. Mexico is not offering a specific "nomad visa" or program, but it does offer a Temporary Resident Visa that can be obtained for a variety of purposes, including studying, working, or retirement.

While the Temporary Resident Visa's non-lucrative activities are not specifically designed for digital nomads, the visa can be a viable option for those who wish to live and work in Mexico for an extended period and continue working remotely. The Temporary Resident Visa for non-lucrative activities, in general terms, will be the appropriate immigration visa for foreigners coming to Mexico to work remotely, provided that they continue to receive their salaries or income from abroad.

Moreover, the non-lucrative visa is a type of visa that allows individuals to live in Mexico for an extended period without engaging in any paid work or



remunerative activities. This type of visa is typically intended for individuals who have sufficient financial resources to support themselves while living in the host country and who wish to spend an extended period of time there for leisure or other non-work-related purposes.

To obtain a non-lucrative visa to work remotely and live in Mexico, foreigners must meet certain requirements, such as proof of economic solvency, demonstrating that they have a steady source of income or savings to support themselves during their stay in Mexico, explaining the activities to be carried out, and identifying the city where they plan to live, among others.

This type of visa is requested directly at the Consulate General of Mexico of the foreigner's choice as the first step of the process. The second and final stage of the process is to convert the consular visa to the temporary resident card for non-lucrative activities.

#### Details:

- Temporary Resident Visa, Government of Mexico.  
<https://consulmex.sre.gob.mx/leamington/index.php/non-mexicans/visas/115-temporary-resident-visa>

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