



IMMIGRATION UPDATE - JULY 31, 2023

Posted on July 31, 2023 by Cyrus Mehta

Headlines:

[USCIS Will Conduct Second Random Selection for FY 2024 H-1B Cap](#) – U.S. Citizenship and Immigration Services will soon select, using a random process, additional registrations from previously submitted electronic registrations for the fiscal year 2024 H-1B cap.

[National Security Advisor Discusses 'Legal Pathways Initiative' With Mexico](#) – U.S. National Security Advisor Jake Sullivan announced additional steps the United States is taking "to expand access to safe, orderly, legal migration pathways" following meetings in Mexico between the President of Mexico and a U.S. delegation.

[State Dept. Proposes Rule Providing for Third-Party Attendance at Certain Appointments](#) – The Department of State proposed a rule to allow private attorneys, interpreters, and other third parties to attend certain appointments at passport agencies and centers and at U.S. embassies and consulates abroad to assist the person requesting services.

[Labor Dept., Interagency Task Force Announce Actions on Child Labor](#) – The Department of Labor and the Interagency Task Force to Combat Child Labor Exploitation announced recent actions to hold companies accountable for violating federal child labor laws.

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USCIS Will Conduct Second Random Selection for FY 2024 H-1B Cap

U.S. Citizenship and Immigration Services (USCIS) announced on July 27, 2023, that it will soon select, using a random process, additional registrations from

previously submitted electronic registrations for the fiscal year (FY) 2024 H-1B cap.

In March 2023, USCIS [conducted](#) an initial random selection. The initial filing period for those with selected registrations for FY 2024 was April 1, 2023, through June 30, 2023. USCIS noted that only petitioners with selected registrations for FY 2024 are eligible to file H-1B cap-subject petitions.

USCIS said it will announce when the second selection process is completed and all prospective petitioners with selected registrations have been notified that they are eligible to file an H-1B cap-subject petition for the beneficiary.

USCIS will update the myUSCIS accounts of those with selected registrations to include a selection notice, which includes details of when and where to file.

Details:

- USCIS alert (July 27, 2023).
<https://www.uscis.gov/newsroom/alerts/uscis-will-conduct-second-random-selection-from-previously-submitted-fy-2024-h-1b-cap-registrations>

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National Security Advisor Discusses 'Legal Pathways Initiative' With Mexico

U.S. National Security Advisor Jake Sullivan released a statement on July 28, 2023, announcing additional steps the United States is taking "to expand access to safe, orderly, legal migration pathways" following meetings in Mexico between Mexican President Andres Manuel Lopez Obrador and a U.S. delegation led by White House Homeland Security Advisor Elizabeth Sherwood-Randall.

Mr. Sullivan announced the United States' "full support" for "an international multipurpose space that the Government of Mexico plans to establish in southern Mexico to offer new refugee and labor options for the most vulnerable people who are currently in Mexico. We also commit to accept refugee resettlement referrals from qualified individuals from Cuba, Haiti, Nicaragua, and Venezuela who are already in Mexico."

President Biden "has significantly expanded legal pathways to the United States, in line with the goals of the Los Angeles Declaration on Migration and Protection," Mr. Sullivan said. "We encourage migrants to use these legal

pathways instead of putting their lives in the hands of dangerous smugglers and traffickers. Pursuant to our laws, those seeking to enter the United States unlawfully will continue to face strong consequences, including removal, possible criminal prosecution, and a bar on reentry."

Details:

- Statement From National Security Advisor Jake Sullivan on Legal Pathways Initiative With Mexico (July 28, 2023). <https://tinyurl.com/yeckx8py>

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State Dept. Proposes Rule Providing for Third-Party Attendance at Certain Appointments

On July 26, 2023, the Department of State (DOS) proposed a rule to allow private attorneys, interpreters, and other third parties to attend certain appointments at passport agencies and centers and at U.S. embassies and consulates abroad to assist the person requesting services (the applicant/requester).

DOS said the rulemaking will apply only to appointments in support of an application for a U.S. passport, either domestically or overseas; to appointments related to a request for a Consular Report of Birth Abroad or a Certificate of Loss of Nationality of the United States (CLN); and to other appointments for certain other services offered by American Citizens Services (ACS) units at U.S. embassies and consulates overseas (posts).

DOS will accept comments on the proposed rule until September 25, 2023.

Details:

- DOS proposed rule, 88 Fed. Reg. 48143 (July 26, 2023). <https://www.govinfo.gov/content/pkg/FR-2023-07-26/pdf/2023-15744.pdf>

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Labor Dept., Interagency Task Force Announce Actions on Child Labor

The Department of Labor (DOL) and the Interagency Task Force to Combat Child Labor Exploitation announced recent actions to hold companies accountable for violating federal child labor laws.

For example, DOL said its Wage and Hour Division has significantly enhanced child labor enforcement efforts. Between October 1, 2022, and July 20, 2023, as a result of stepped-up enforcement, the agency concluded 765 child labor cases finding 4,474 children employed in violation of federal child labor laws. The agency assessed employers more than \$6.6 million in penalties. DOL said these cases "reflect a 44 percent increase in children found employed in violation of federal law and an 87 percent increase in penalties assessed from the same time period in the previous fiscal year. In addition, the agency is currently pursuing more than 700 open child labor cases."

DOL also recently announced findings that three businesses operating 62 McDonald's locations across Kentucky, Indiana, Maryland, and Ohio had employed 305 children to work more than the legally permitted hours and perform tasks prohibited by law for young workers. In all, DOL said, the investigations led to assessments of \$212,544 in civil money penalties against the employers. DOL also announced child labor violations affecting 83 minors at 16 McDonald's franchise locations in Louisiana and Texas. For example, the division determined one franchisee allowed three children to operate manual deep fryers, a task prohibited for employees under age 16. DOL assessed more than \$77,500 in civil money penalties to two McDonald's franchisees for violations.

Details:

- DOL news release (July 27, 2023).
<https://www.dol.gov/newsroom/releases/osec/osec20230727>

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