



## IMMIGRATION UPDATE - SEPTEMBER 07, 2023

*Posted on September 7, 2023 by Cyrus Mehta*

### Headlines:

**[New York Leaders Press Biden Administration to Expedite Work Permits, DHS Notifies Migrants](#)** – New York City Mayor Eric Adams, along with city and union leaders, business leaders, and the governor of New York, pressed the Biden administration to expedite work permits and other types of aid for an estimated 100,000 migrants transported to the city from the southern U.S. border.

**[USCIS Announces Re-Parole Process for Certain Afghans](#)** – U.S. Citizenship and Immigration Services said it will accept and consider, on a case-by-case basis, re-parole requests from certain noncitizen Afghans paroled into the United States.

**[Participants Sought for USCIS 'myAccount' Usability Study](#)** – USCIS seeks input to help it improve the user experience and the design of its myAccount application. USCIS would like to hear from a diverse group of people to gather feedback.

**[ABIL Global: Australia](#)** – Home Affairs Minister Clare O'Neil announced critical changes to the Australian migration framework as part of her [address](#) to the National Press Club in Canberra on April 27, 2023.

### Details:

#### **New York Leaders Press Biden Administration to Expedite Work Permits, DHS Notifies Migrants**

New York City Mayor Eric Adams, along with city and union leaders, business leaders, and the governor of New York, pressed the Biden administration to expedite work permits and other types of aid for an estimated 100,000

migrants transported to the city from the southern U.S. border.

The New York City Council released a statement: "As an increasing number of people seeking asylum in the United States arrive in our city, it is critical that they be permitted to work legally to support themselves, their families, and our city. People seeking asylum can contribute immensely to our economy, and it is imperative that we facilitate this outcome." New York Governor Kathy Hochul met with senior administration officials to discuss the situation and request expedited work authorization and funding for related costs.

The Biden administration has assessed that "a substantial number of recent migrants who arrived in New York City are currently work eligible but have not yet applied to get a work permit." The administration plans to work with New York State and New York City in September "on a month of action to help close the gap between noncitizens who are eligible for work authorization and those who have applied, to meet labor needs in New York." The administration said individuals "will receive direct communication by SMS and email, in English, Spanish, Haitian Creole, and other languages. This effort will include sending teams working across several lines of effort to support eligible migrants to apply for work authorizations."

On August 31, 2023, the administration sent reminders via text and email to thousands of eligible migrants across the United States to apply for work authorization. "You are receiving this message because you were paroled into the U.S. You can apply for a work permit online," one notice states. A notification for asylum-seekers says, "You are receiving this message because you applied for asylum and might soon be eligible to apply for a work permit." A Department of Homeland Security (DHS) spokesperson confirmed that DHS has "launched a first-of-its-kind national campaign for noncitizens who are work-eligible but have not yet applied for employment authorization."

An open letter that business leaders—including CEOs of many major corporations—sent August 28, 2023, to President Biden and congressional leaders said, "We write to support the request made by New York Governor Hochul for federal funding for educational, housing, security, and health care services to offset the costs that local and state governments are incurring with limited federal aid. In addition, there is a compelling need for expedited processing of asylum applications and work permits for those who meet federal eligibility standards."

**Details:**

- [NYC Mayor Eric Adams Pushes Feds to Help Migrants Get Work Permits](#), ABC News (Aug. 31, 2023).
- [Top CEOs Call on Biden Administration to Address Migrant Influx in New York](#), ABC News (Aug. 29, 2023).
- [Readout of White House Meeting with Governor Hochul](#), White House (Aug. 30, 2023).
- 'Let Them Work': Hochul Pressures Biden Over New York's Migrant Surge, Politico (Aug. 24, 2023).
- [Open Letter to the President & Congressional Leaders from Concerned Business Leaders Regarding the Asylum-Seekers Humanitarian Crisis](#) (Aug. 28, 2023).

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**USCIS Announces Re-Parole Process for Certain Afghans**

U.S. Citizenship and Immigration Services (USCIS) recently announced that the Office of Refugee Resettlement (ORR) has issued [updated guidance](#) clarifying that ORR benefits and services will be available to eligible Afghan parolees who have a pending re-parole application, a pending asylum application, or a pending adjustment of status application with USCIS. This guidance applies to eligible Afghan parolees whose initial period of parole expires while their applications are pending with USCIS, the agency said.

USCIS has announced that it will accept and consider, on a case-by-case basis, re-parole requests under § 212(d)(5) of the Immigration and Nationality Act (INA) from certain noncitizen Afghans paroled into the United States with "OAR" or "PAR" classes of admission.

These re-parole requests (from self-petitioners only) are exempt from:

- The filing fee for re-parole application;
- The filing fee for the Employment Authorization Document application; and
- The requirement to file Form I-134, Declaration of Financial Support.

The USCIS alert explains eligibility requirements and application procedures, how to apply for fee-exempt re-parole, and how to request an employment authorization document.

**Details:**

- "[Re-Parole Process for Certain Afghans](#)," USCIS alert (Aug. 21, 2023).
- "[Continuation of ORR Services for Certain Afghans Who Have Filed for Re-Parole, Asylum, or Adjustment of Status](#)," ORR Policy Letter 23-06 (Aug. 1, 2023).

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**Participants Sought for USCIS 'myAccount' Usability Study**

U.S. Citizenship and Immigration Services (USCIS) is conducting a usability study for USCIS' myAccount application, a platform designed to streamline access to U.S. government websites such as myUSCIS. USCIS seeks input to help it improve the user experience and the design of its application. USCIS would like to hear from a diverse group of people to gather feedback on myAccount. Recruitment for this test will close on Friday, September 15, 2023.

To participate, email [myuscisfeedback@uscis.dhs.gov](mailto:myuscisfeedback@uscis.dhs.gov) with the subject line, "myAccount Usability Testing," and include age, gender identity, and racial and ethnic category. USCIS will randomly select participants for a 30-minute to one-hour session where it will ask for feedback on proposed designs. If you are selected, a single 30-minute to one-hour long session will be scheduled between Monday, September 25 and Friday, September 29. During the usability testing session, you will have the opportunity to join a video call from a computer (not a mobile device) via Microsoft Teams. Webcam usage is welcome but not mandatory. However, USCIS will require you to share your screen as you review the designs and allow the agency to record your audio and screen. Questions can be sent to [myuscisfeedback@uscis.dhs.gov](mailto:myuscisfeedback@uscis.dhs.gov).

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**ABIL Global: Australia**

*Home Affairs Minister Clare O'Neil announced critical changes to the Australian migration framework as part of her [address](#) to the National Press Club in Canberra on April 27, 2023.*

The new Labor government commissioned a significant review of Australia's migration framework after the Home Affairs Minister, Clare O'Neil, determined that the existing legislative framework was not working to serve Australia's

needs. Over the years, Australia's migration policies changed to effectively create a niche group of temporary residents known as "permanently temporary." They have been part of Australia for years, having worked there, had children, and become part of the community, but they could never access permanent residence. Permanent migration is now the focus of this new government.

### **TSMIT Increase—July 2023 and the Future**

In the biggest-ever change to sponsored temporary work visas, known as 482 or 457 visas, in 2023 the government announced an increase in the minimum salary that must be paid to a sponsored visa holder. This is known as the Temporary Skilled Migration Income Threshold (TSMIT). The TSMIT has not changed since 2009, and until June 30, 2023, the minimum salary was set at \$53,900 AUD.

After reviewing the visa program, the government announced that all new 482 sponsorships lodged after July 1, 2023, must be paid a minimum TSMIT of \$70,000 AUD base salary, excluding compulsory superannuation guarantees. The Grattan Institute, a public policy think tank, recommended the increase to \$70,000 after reporting that the average 457 visa holder in Australia was earning about \$75,000 anyway. The increase in the minimum salary also reflected the true cost of living in Australia and was much more attuned to the labor market than the original \$53,900 salary set in 2009.

### **Permanent Australians**

The Home Affairs Minister also said that all temporary skilled workers will have a pathway to permanent residence by the end of 2023. It is likely that the government is working on the regulations for release later in the year. However, like most government announcements, it may take place much later than the anticipated timeframe—to carve out the correct legal framework to ensure that some 1.8 million temporary visa holders currently in Australia have a secure pathway to permanent residence. Australian immigration lawyers are patiently waiting to examine the new legislation when it becomes available.

To continue to attract the "best and brightest" not only to fulfill critical skills shortages but also to drive up innovation, the government made other announcements:

- High-performing student visa holders will have a pathway to permanent

residence.

- Requirements are being tightened for international student visa holders and applicants to attract and retain bright minds and skills attributable to Australia.
- The points-tested visas will be overhauled and the search for global talent to build the country's future will be increased.
- Three new pathways for temporary skilled migrants will include:
  - A fast and simple route for highly skilled workers to drive innovation and jobs growth;
  - A mainstream pathway to bring in core skills, including migrants earning above the TSMIT and middle-income earners; and
  - Essential industries to cater to sectors such as aged care.

While some 482 visa holders are eligible to access permanent residence now, the legislation has yet to be released to support the government's intentions for growth. For now, Australia remains a lucrative destination, open for business again and ready to recover from the global impact of the COVID-19 pandemic.

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