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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - NOVEMBER 27, 2023

Posted on November 27, 2023 by Cyrus Mehta

Headlines:

USCIS Expands myProgress to Forms I-485 and I-821 – U.S. Citizenship and Immigration Services (USCIS) announced that it is expanding myProgress (formerly known as personalized processing times) to Form I-821, Application for Temporary Protected Status, and Form I-485, Application to Register Permanent Residence or Adjust Status. myProgress will initially only be available for family-based or Afghan special immigrant I-485 applicants.

DOJ Reaches Immigration-Related Discrimination Settlement Agreement With Tennessee Trucking Companies – The Department of Justice has secured a $700,000 agreement with two transportation logistics and long-haul trucking companies headquartered in Chattanooga, Tennessee. The agreement resolves DOJ's determination that the companies violated the anti-discrimination provision of the Immigration and Nationality Act by routinely discriminating against non-U.S. citizen workers when checking their permission to work in the United States.

Global Entry Program Expands to PortMiami Seaport – Starting December 1, 2023, PortMiami will be the first seaport to host a Global Entry Enrollment Center to assist the traveling public with completing new and renewal applications for the "trusted traveler" program.

Details:

USCIS Expands myProgress to Forms I-485 and I-821

On November 21, 2023, U.S. Citizenship and Immigration Services (USCIS) announced that it is expanding myProgress (formerly known as personalized processing times) to Form I-821, Application for Temporary Protected Status, and Form I-485, Application to Register Permanent Residence or Adjust Status.

myProgress will initially only be available for family-based or Afghan special immigrant I-485 applicants.

USCIS explained that myProgress "provides applicants with access, in their online account, to personalized estimates of their wait time for major milestones and actions on their case, including their final case decision. While estimates are based on case type and historical patterns, they are not a guarantee of timing, and cannot take into consideration all possible unique application processing factors." Milestones include confirmation that the application was received, movement of the application through pre-processing and adjudicative steps, and the case decision.

In addition to Form I-485 and Form I-821, myProgress is available for applicants with a USCIS online account who file Form I-765, Application for Employment Authorization; Form I-131, Application for Travel Document; Form N-400, Application for Naturalization; Form I-90, Application to Replace Permanent Resident Card; or Form I-130, Petition for Alien Relative.

Applicants still need to visit the public Check Case Processing Times webpage to determine whether they are eligible to file an Outside of Normal Processing Times service request, USCIS noted.

Details:

- USCIS alert (Nov. 21, 2023).

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DOJ Reaches Immigration-Related Discrimination Settlement Agreement With Tennessee Trucking Companies

On November 20, 2023, the Department of Justice (DOJ) announced that it secured a $700,000 agreement with Covenant Transport Inc., and an affiliated entity, Transport Management Services LLC, two transportation logistics and long-haul trucking companies headquartered in Chattanooga, Tennessee. The agreement resolves the department's determination that the companies violated the anti-discrimination provision of the Immigration and Nationality Act (INA) by routinely discriminating against non-U.S. citizen workers when checking their permission to work in the United States.

DOJ's investigation found that from January 2020 through August 2022,

Covenant and Transport routinely discriminated against non-U.S. citizens by requiring lawful permanent residents to show their permanent resident cards (green cards) and by requiring other non-U.S. citizens to show documents related to their immigration status. DOJ noted that federal law " allows all workers to choose which valid, legally acceptable documentation to present to demonstrate their identity and permission to work."

Under the terms of the agreement, Covenant and Transport will pay $700,000 in civil penalties to the United States, train their employees on the INA's anti-discrimination requirements, revise their employment policies, and be subject to monitoring by DOJ.

Details:

- Settlement Agreement with Covenant and Transport.
- DOJ Press Release (Nov. 20, 2023).

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Global Entry Program Expands to PortMiami Seaport

Starting December 1, 2023, PortMiami will be the first seaport to host a Global Entry Enrollment Center to assist the traveling public with completing new and renewal applications for the "trusted traveler" program.

U.S. Customs and Border Protection (CBP) officers staffing PortMiami Global Entry Enrollment Center will help candidates complete their application processing and their conditionally approved, in-person interviews as the final step in the membership enrollment process. Global Entry includes TSA PreCheck eligibility, which expedites screening through Transportation Security Administration (TSA) checkpoints at participating airports.

CBP Global Entry continues to expand to foreign partner countries.

Details:

- CBP media release (Nov. 24, 2023).
- CBP Global Entry enrollment page.
- CBP Trusted Traveler Programs page.
- TSA PreCheck

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Firm in the News

Cyrus Mehta was quoted by Bloomberg Law's *Daily Labor Report* in Apple's Hiring Bias Case Reveals Big Tech Foreign Worker Dilemma. He said it's hard to know how much of an enforcement focus the PERM process will receive beyond the two tech giants. He noted, however, that a recent court victory for Elon Musk's SpaceX may open a pathway for other companies to challenge Department of Justice (DOJ) investigations. "One wonders why Apple and Facebook copped a settlement rather than contesting the lawsuit like SpaceX did," Mr. Mehta said.

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