



# IMMIGRATION UPDATE - DECEMBER 11, 2023

*Posted on December 11, 2023 by Cyrus Mehta*

## Headlines:

[OFLC Announces Annual Determination of H-2A Labor Supply States for U.S. Worker Recruitment](#) – The Department of Labor's Office of Foreign Labor Certification (OFLC) Administrator has determined that current requirements for labor supply states will remain in effect, with one modification: OFLC will no longer recognize North Carolina and Texas as traditional labor supply states for the state of Michigan.

[USCIS Releases Employment-Based Adjustment of Status FAQs](#) – U.S. Citizenship and Immigration Services released frequently asked questions about employment-based adjustment of status.

[State Dept. Issues Final Rule to Eliminate Informal Evaluations of Immigrant Visa Applicants' Family Members](#) – Effective January 8, 2024, the Department of State is amending its immigrant visa regulations by removing the section allowing a consular officer to conduct an informal evaluation of the family members of an immigrant visa applicant to identify potential grounds of ineligibility.

## Details:

### **OFLC Announces Annual Determination of H-2A Labor Supply States for U.S. Worker Recruitment**

The Department of Labor's Office of Foreign Labor Certification (OFLC) Administrator has determined that current requirements for labor supply states (LSS) will remain in effect, with one modification: OFLC will no longer recognize North Carolina and Texas as traditional labor supply states for the state of Michigan.

DOS said that this LSS determination was effective December 7, 2023, for employers who have not commenced recruitment after receiving a Notice of Acceptance. The determination will remain valid until the OFLC Administrator publishes a new determination on the OFLC website.

OFLC explained that a 2022 H-2A Final Rule implemented a new process for the OFLC Administrator's LSS determinations. LSS are additional states in which an employer's job order will be circulated and, if appropriate, where additional recruitment may be required. Earlier this year, the OFLC Administrator solicited public input about LSS and related recruitment mechanisms. Determinations include particular areas of the United States in which a significant number of qualified workers have been identified and who, if recruited through additional positive employer recruitment activities, would be willing to make themselves available for work in the state.

**Details:**

- OFLC [announcement](#) (Dec. 7, 2023).

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### **USCIS Releases Employment-Based Adjustment of Status FAQs**

On December 8, 2023, U.S. Citizenship and Immigration Services (USCIS) released [frequently asked questions \(FAQs\)](#) about employment-based (EB) adjustment of status.

USCIS noted that the EB annual limit for fiscal year (FY) 2024 will be higher than was typical before the pandemic, but lower than it was in FYs 2021-2023. USCIS said it is dedicated to using as many available [employment-based visas](#) as possible in FY 2024, which ends on September 30, 2024.

**Details:**

- USCIS [FAQs](#) (Dec. 8, 2023).

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### **State Dept. Issues Final Rule to Eliminate Informal Evaluations of Immigrant Visa Applicants' Family Members**

Effective January 8, 2024, the Department of State (DOS) is amending its

immigrant visa regulations by removing the section allowing a consular officer to conduct an informal evaluation of the family members of an immigrant visa applicant to identify potential grounds of ineligibility.

DOS explained that the existing regulation was promulgated in 1952, when a consular officer could more readily assess a family member's potential qualification for a visa without a formal visa application. "Assessing eligibility for an immigrant visa is now a more complex task and not one which can be accomplished accurately with an informal evaluation," DOS said.

**Details:**

- DOS [Final Rule](#), 88 Fed. Reg. 85109 (Dec. 7, 2023).

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