



IMMIGRATION UPDATE - JANUARY 02, 2024

Posted on January 2, 2024 by Cyrus Mehta

Headlines:

[DHS Increases Premium Processing Fees](#) – On February 26, 2024, the Department of Homeland Security will increase premium processing fees charged by U.S. Citizenship and Immigration Services.

[DOJ Threatens to Sue Texas Over State Migration Bill](#) – The Department of Justice sent a letter to Texas Governor Greg Abbott threatening to sue the state over its Senate Bill 4. The bill would create, effective March 5, 2024, new state crimes tied to federal prohibitions on unlawful entry and reentry by noncitizens into the United States, among other things.

[U.S. and Mexico Release Joint Communique Following Visit to Discuss Migration Management](#) – On December 27, 2023, a U.S. delegation visited Mexican President Andrés Manuel López Obrador and others to discuss migration management.

[DOS Proposes Supplemental Questionnaire for Passport Applications](#) – The Department of State seeks public comment on a proposed supplemental questionnaire to an existing passport application that would solicit information relating to the respondent's identity.

Details:

DHS Increases Premium Processing Fees

On February 26, 2024, the Department of Homeland Security will increase premium processing fees charged by U.S. Citizenship and Immigration Services (USCIS):

- From \$1,500 to \$1,685, for Form I-129, Petition for a Nonimmigrant Worker, for H-2B and R-1 nonimmigrant status, and Form I-765,

- Application for Employment Authorization, for certain F-1 students
- From \$1,750 to \$1,965, for Form I-539, Application to Extend/Change Nonimmigrant Status, for F-1, F-2, M-1, M-2, J-1, J-2, E-1, E-2, E-3, L-2, H-4, O-3, P-4, and R-2 nonimmigrant status
- From \$2,500 to \$2,805, for Form I-140, Immigrant Petition for Alien Workers, for employment-based classifications E11, E12, E21 (non-NIW), E31, E32, EW3, and recently available E13 and E21 (NIW)

A table in the final rule shows that overall, of those eligible for premium processing in fiscal years 2018 through 2022, 57 percent chose to submit a premium processing request:

If USCIS receives a Form I-907 postmarked on or after February 26, 2024, with the incorrect filing fee, it will reject the Form I-907 and return the filing fee. For filings sent by commercial courier (such as UPS, FedEx, and DHL), the postmark date is the date reflected on the courier receipt, USCIS said.

Details:

- USCIS [alert](#) (Dec. 27, 2023).
- USCIS [final rule](#), 88 Fed. Reg. 89539 (Dec. 28, 2023).

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DOJ Threatens to Sue Texas Over State Migration Bill

The Department of Justice sent a letter to Texas Governor Greg Abbott on December 28, 2023, threatening to sue the state over its Senate Bill 4 (SB4). The bill would create, effective March 5, 2024, new state crimes tied to federal prohibitions on unlawful entry and reentry by noncitizens into the United States, and would authorize state judges to order the removal of certain noncitizens from the country. It would allow Texas law enforcement officers to arrest those suspected of being in the United States without authorization. The letter states that SB4 "is preempted and violates the United States Constitution. Accordingly, the United States intends to file suit to enjoin the enforcement of SB4 unless Texas agrees to refrain from enforcing the law."

The letter states that in addition to violating the U.S. Constitution, which tasks the federal government with regulating immigration and controlling the international borders, SB4 also conflicts with various provisions of the Immigration and Nationality Act. For example, it "interferes with the federal

government's ability to enforce the entry and removal provisions of federal law," and "conflicts with various provisions of federal law permitting noncitizens to seek protection from removal to avoid persecution or torture. SB4 likewise improperly regulates the movement of persons across an international boundary and undermines the United States' foreign relations," the letter states.

The letter gives Texas until January 3, 2024, to respond. Otherwise, "the United States will pursue all appropriate legal remedies to ensure that Texas does not interfere with the functions of the federal government."

Several civil rights groups, including the American Civil Liberties Union and the Texas Civil Rights Project, have already sued to challenge the constitutionality of SB4.

Details:

- [Letter](#) from DOJ to Texas Governor (Dec. 28, 2023).
- [Civil Rights Groups File Federal Lawsuit Against New Texas Immigration Law SB4](#), CBS Texas, Dec. 19, 2023.

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U.S. and Mexico Release Joint Communique Following Visit to Discuss Migration Management

On December 27, 2023, a U.S. delegation visited Mexican President Andrés Manuel López Obrador and others to discuss migration management. The U.S. delegation was led by Secretary of State Antony Blinken, Secretary of Homeland Security Alejandro Mayorkas, and White House Homeland Security Advisor Elizabeth Sherwood-Randall.

The two countries reaffirmed their existing commitments on fostering "orderly, humane, and regular migration," including reinforcing their partnership to address the root causes of migration, and the two countries' initiative for Cubans, Haitians, Nicaraguans, and Venezuelans. The communique emphasized ongoing cooperation, "to include enhanced efforts to disrupt human smuggling, trafficking, and criminal networks, and continuing the work to promote legal instead of irregular migration pathways." Both delegations also agreed on the importance of maintaining and facilitating bilateral trade at the U.S.-Mexico border.

Mexican President López Obrador stressed the need to continue investing in ambitious development programs throughout the hemisphere. The delegations also discussed "the benefit of regularizing the situation of long-term undocumented Hispanic migrants and DACA recipients, who are a vital part of the U.S. economy and society."

The two delegations agreed to meet again in Washington in January 2024.

Details:

- [Joint Communiqué](#) (Dec. 28, 2023).

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DOS Proposes Supplemental Questionnaire for Passport Applications

The Department of State (DOS) has published a 60-day notice seeking public comment on a proposed supplemental questionnaire to an existing passport application that would solicit information relating to the respondent's identity, including family and birth circumstances, that is needed before passport issuance. If such information on Form DS-5513 is needed, a passport agency will mail the form to the applicant for completion and return, or the applicant can download and complete a fillable PDF version.

DOS will accept comments until February 26, 2024.

Details:

- DOS [notice](#), 88 Fed. Reg. 89002 (Dec. 26, 2023).

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