



IMMIGRATION UPDATE – JANUARY 28, 2024

Posted on January 31, 2024 by Cyrus Mehta

Headlines:

[USCIS Releases Additional Details About Organizational Accounts](#) – U.S. Citizenship and Immigration Services unveiled additional details about its launch of organizational accounts in February 2024, in time for the fiscal year 2025 H-1B cap season.

[USCIS May Excuse Untimely Filed Extension of Stay and Change of Status Requests Under 'Extraordinary Circumstances'](#) – U.S. Citizenship and Immigration Services updated its policy guidance to provide that USCIS, "in our discretion and under certain conditions, may excuse a nonimmigrant's failure to timely file an extension of stay or change of status request if the delay was due to extraordinary circumstances beyond the control of the applicant or petitioner."

[DHS Announces 'Streamlined and Expedited' Deferred Action Process for Noncitizen Workers Who Are Victims of, or Witness, Violations of Labor Rights](#) – Noncitizen workers who are victims of, or witnesses to, violations of labor rights can now access a "streamlined and expedited deferred action request process." The Department of Homeland Security explained that deferred action "protects noncitizen workers from threats of immigration-related retaliation from the exploitive employers."

[DHS Extends and Redesignates Syria for TPS, Announces Student Relief](#) – The Department of Homeland Security is extending and redesignating Syria for Temporary Protected Status. DHS also announced Special Student Relief for F-1 nonimmigrant students whose country of citizenship is Syria.

[USCIS Announces New Process for Paying for Certain Benefit Requests by Mail or Remotely](#) – U.S. Citizenship and Immigration Services announced a

new process for most applicants, petitioners, and requestors, and their attorneys and accredited representatives, to pay for certain benefit request forms by mail or remotely instead of in person at a field office.

Details:

USCIS Releases Additional Details About Organizational Accounts

During a public engagement session, U.S. Citizenship and Immigration Services (USCIS) unveiled additional details about its launch of organizational accounts in February 2024, in time for non-cap filings and the fiscal year 2025 H-1B cap season. USCIS [noted](#):

- A company can designate representatives who will have the authority to review, sign on behalf of the company, and pay (if necessary) the filing fees associated with submissions. Those designated individuals will be deemed as the "**Administrators**" for the company and will need to either create their own USCIS accounts or leverage their existing ones if they have served as company representatives for H-1B cap registration purposes.
- For companies, **Administrators** will have a wide range of account management capabilities, from creating working Groups, inviting other Administrators, Legal Representative Teams, or regular working Group Members to collaborate on projects within the created corporate Group. Administrators are also the only account holders authorized to review, sign, and submit filings on behalf of the organization.

Details:

- USCIS [news release](#) (Jan. 12, 2024).

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USCIS May Excuse Untimely Filed Extension of Stay and Change of Status Requests Under 'Extraordinary Circumstances'

On January 24, 2024, U.S. Citizenship and Immigration Services (USCIS) updated its policy guidance to provide that USCIS, "in our discretion and under certain conditions, may excuse a nonimmigrant's failure to timely file an extension of stay or change of status request if the delay was due to extraordinary circumstances beyond the control of the applicant or petitioner."

USCIS said that extraordinary circumstances may include, for example, work slowdowns or stoppages involving a strike, lockout, or other labor dispute, or the inability to obtain a certified labor condition application or temporary labor certification due to a lapse in government funding supporting those certifications.

Details:

- [USCIS alert](#) (Jan. 24, 2024).

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DHS Announces 'Streamlined and Expedited' Deferred Action Process for Noncitizen Workers Who Are Victims of, or Witness, Violations of Labor Rights

On January 13, 2024, the Department of Homeland Security (DHS) announced that noncitizen workers who are victims of, or witnesses to, violations of labor rights can now access a "streamlined and expedited deferred action request process." DHS explained that deferred action "protects noncitizen workers from threats of immigration-related retaliation from ... exploitive employers."

DHS said that in addition to providing new guidance to labor agencies regarding processes to seek deferred action for certain workers, DHS will also provide for a single intake point for deferred action requests from noncitizen workers that are supported by labor enforcement agencies. In addition to satisfying individual criteria to facilitate case-by-case determinations, DHS said, requests for deferred action submitted through this centralized process "must include a letter (a Statement of Interest) from a federal, state, or local labor agency asking DHS to consider exercising its discretion on behalf of workers employed by companies identified by the agency as having labor disputes related to laws that fall under its jurisdiction."

Discretionary grants of deferred action under this process will typically last for two years, DHS said. Those granted deferred action may be eligible for work authorization if they can demonstrate an economic necessity for employment. They may also be eligible for subsequent grants of deferred action "if a labor agency has a continuing investigative or enforcement interest in the matter identified in their original letter supporting DHS use of prosecutorial discretion," DHS said.

Details:

- [DHS Support of the Enforcement of Labor and Employment Laws](#) (Jan. 17, 2024).
- [DHS press release](#) (Jan. 13, 2024).

[Back to Top](#)**DHS Extends and Redesignates Syria for TPS, Announces Student Relief**

The Department of Homeland Security (DHS) is extending and redesignating Syria for Temporary Protected Status (TPS).

DHS also announced Special Student Relief for F-1 nonimmigrant students from Syria. DHS said this will enable eligible students to request employment authorization, work an increased number of hours while school is in session, and reduce their course loads while continuing to maintain F-1 status through the TPS designation period.

Below are highlights of the extension and redesignation.

Extension. TPS will be extended for Syria for 18 months, beginning on April 1, 2024, and ending on September 30, 2025. DHS said this extension allows existing TPS beneficiaries to retain TPS through September 30, 2025, if they otherwise continue to meet the eligibility requirements for TPS. Existing TPS beneficiaries who wish to extend their status through September 30, 2025, must re-register during the 60-day re-registration period, which will begin on the date the notice is published in the Federal Register (expected to be January 29, 2024), and run for 60 days.

Redesignation. DHS is also redesignating Syria for TPS. The agency explained that the redesignation allows additional Syrian nationals (and individuals having no nationality who last habitually resided in Syria) who have been continuously residing in the United States since January 25, 2024, to apply for TPS for the first time during the initial registration period, which will begin on the date the notice is published in the Federal Register (expected to be January 29, 2024), and will remain in effect through September 30, 2025. In addition to demonstrating continuous residence in the United States since January 25, 2024, and meeting other eligibility criteria, initial applicants for TPS under this designation must demonstrate that they have been continuously physically present in the United States since April 1, 2024.

DHS said, "It is important for re-registrants to timely re-register during the re-registration period and not to wait until their Employment Authorization Documents (EADs) expire, as delaying reregistration could result in gaps in their employment authorization documentation."

Details:

- [DHS notice](#) (Syrian TPS) (advance copy).
- [USCIS news release](#) (Syrian TPS) (Jan. 26, 2024).
- [ICE notice](#) (Special Student Relief for Syrians) (advance copy).

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USCIS Announces New Process for Paying for Certain Benefit Requests by Mail or Remotely

On January 26, 2024, U.S. Citizenship and Immigration Services (USCIS) announced a new process for most applicants, petitioners, requestors, and their attorneys and accredited representatives to pay for certain benefit request forms by mail or remotely instead of in person at a field office. Under the new process, applicants may mail either a check or [Form G-1450, Authorization for Credit Card Transactions](#), to the field office with their benefit request.

In addition, USCIS said, attorneys and accredited representatives now can process payments for [EOIR-29, Notice of Appeal to the Board of Immigration Appeals from a Decision of a DHS Officer](#), through a link in the email they receive or via text from the USCIS Contact Center. Once such a payment has been processed, attorneys and accredited representatives must mail their client's EOIR-29; their EOIR-27, Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals; and their Pay.gov receipt to the field office.

An exception to the new process is emergency advance parole (EAP) requests, USCIS said. Applicants submitting [Form I-131, Application for Travel Document](#), with an EAP request must still make an appointment with the USCIS Contact Center, apply in person with their package (completed form and supporting documentation), and pay the application fee (if applicable) by credit card with Form G-1450 or check at the field office.

Details:

- [USCIS alert](#) (Jan. 26, 2024).

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