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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - MARCH 11, 2024

Posted on March 11, 2024 by Cyrus Mehta

Headlines:

USCIS Reaches H-2B Cap for Second Half of FY 2024, Announces Filing Dates for Supplemental Visas – U.S. Citizenship and Immigration Services (USCIS) has received enough petitions to meet the H-2B cap for the second half of fiscal year (FY) 2024. USCIS also announced the filing dates for supplemental H-2B visas for the remainder of FY 2024.

Visa Final Action Dates Advance in April, Non-Minister Religious Workers Category Set to Expire – The Department of State's Visa Bulletin for April 2024 notes that little to no additional forward movement in final action dates for visa categories is expected in the coming months, and that the non-minister special immigrant program (EB-4 SR category) expires on March 22, 2024, absent congressional reauthorization.

H-1B Registration Glitch Causes Missing Signatures on Form G-28 PDFs – According to reports, some practitioners have reported signatures missing on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative (PDF version), for H-1B registrations.

Details:

USCIS Reaches H-2B Cap for Second Half of FY 2024, Announces Filing Dates for Supplemental Visas

U.S. Citizenship and Immigration Services (USCIS) announced on March 8, 2024, that it has received enough petitions to meet the H-2B cap for the second half of fiscal year (FY) 2024, which ends September 30, 2024. USCIS also announced the filing dates for supplemental H-2B visas for the remainder of FY 2024 made

available under the FY 2024 H-2B supplemental visa temporary final rule.

March 7, 2024, was the final receipt date for new cap-subject H-2B worker petitions requesting an employment start date on or after April 1, 2024, and before October 1, 2024. USCIS said it is rejecting new cap-subject H-2B petitions received after March 7, 2024, that request an employment start date within that range.

USCIS said it continues to accept H-2B petitions that are exempt from the congressionally mandated cap. This includes petitions for:

- Current H-2B workers in the United States who wish to extend their stay and, if applicable, change the terms of their employment or change their employers;
- Fish roe processors, fish roe technicians and/or supervisors of fish roe processing; and
- Workers performing labor or services in the Commonwealth of the Northern Mariana Islands and/or Guam (until December 31, 2029).

Below are the filing start dates for each of the remaining supplemental visa allocations under the rule:

- **For employers seeking workers who are nationals of El Salvador, Guatemala, Honduras, Haiti, Colombia, Ecuador, and Costa Rica, regardless of whether such nationals are returning workers:** USCIS will begin accepting petitions for employers requesting an employment start date from April 1, 2024, to September 30, 2024, on March 22, 2024.
- **For employers seeking returning workers for the early second half of FY 2024 (April 1 to May 14):** USCIS will begin accepting petitions for the additional 19,000 visas made available to returning workers regardless of country of nationality on March 22, 2024.
- **For employers seeking returning workers for the late second half of FY 2024 (May 15 to September 30):** USCIS will begin accepting petitions for the additional 5,000 visas made available to returning workers regardless of country of nationality on April 22, 2024.

USCIS said it will stop accepting petitions under the temporary final rule received after September 16, 2024, or after the applicable cap has been reached, whichever occurs first.

USCIS previously announced that it received enough petitions to reach the cap for the additional 20,716 H-2B visas made available for returning workers for the first half of FY 2024 with employment start dates on or before March 31, 2024.

Details:

- USCIS alert (Mar. 8, 2024).

Back to Top

Visa Final Action Dates Advance in April, Non-Minister Religious Workers Category Set to Expire

The Department of State's Visa Bulletin for April 2024 notes that little to no additional forward movement in final action dates for visa categories is expected in the coming months because the final action dates for many categories advanced for April 2024, in many cases by several months to a year.

The bulletin also notes that the non-minister special immigrant program (EB-4 SR category) expires on March 22, 2024, absent congressional reauthorization. If extended, the category will be subject to the same final action dates as the listed EB-4 categories per applicable foreign state of chargeability, the bulletin states.

Details:

- of State Visa Bulletin for April 2024.

Back to Top

H-1B Registration Glitch Causes Missing Signatures on Form G-28 PDFs

According to reports, some practitioners have reported signatures missing on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative (PDF version), for H-1B registrations.

The American Immigration Lawyers Association said that U.S. Citizenship and Immigration Services has advised that any legal representative affected not submit registrations until further notice.

Back to Top