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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - MARCH 25, 2024

Posted on March 25, 2024 by Cyrus Mehta

Headlines:

USCIS Extends FY 2025 H-1B Cap Initial Registration Period to March 25 – The initial registration period will now run through noon ET on March 25, 2024.

USCIS Clarifies Policy Guidance Clarified on Expedite Requests – U.S. Citizenship and Immigration Services (USCIS) clarified how the agency considers expedite requests related to government interests and emergencies or urgent humanitarian situations, including travel-related requests. The update also clarifies how to make an expedite request and explains how USCIS processes expedite requests.

DHS Extends and Redesignates Burma (Myanmar) TPS – The Department of Homeland Security is extending and redesignating Burma (Myanmar) for Temporary Protected Status.

USCIS Reopens Field Office in Tegucigalpa, Honduras – The Tegucigalpa Field Office will be located inside the U.S. Embassy in Honduras.

Firm in the News

Details:

USCIS Extends FY 2025 H-1B Cap Initial Registration Period to March 25

U.S. Citizenship and Immigration Services (USCIS) announced on March 21, 2024, that it has extended the initial registration period for the fiscal year (FY) 2025 H-1B cap. The initial registration period, which opened at noon ET on March 6, 2024, and was originally scheduled to run through noon ET on March 22, 2024, will now run through noon ET on March 25, 2024. USCIS said it is "aware of a temporary system outage experienced by some registrants, and is extending the registration period to provide additional time due to this issue."

During this period, prospective petitioners and their representatives, if applicable, must use a USCIS online account to register each beneficiary electronically for the selection process and pay the associated registration fee for each beneficiary, USCIS said. The agency added that it still intends to notify selected registrants by March 31, 2024.

Details:

- USCIS alert (Mar. 21, 2024).

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USCIS Clarifies Policy Guidance on Expedite Requests

U.S. Citizenship and Immigration Services (USCIS) announced on March 21, 2024, that it has updated guidance in its USCIS Policy Manual, effective immediately, to clarify how the agency considers expedite requests related to government interests and emergencies or urgent humanitarian situations, including travel-related requests. The update also clarifies how to make an expedite request and explains how USCIS processes expedite requests.

USCIS said it "may expedite cases identified as urgent by federal, state, tribal, territorial, or local governments of the United States because they involve public interest, public safety, national interest, or national security interests." When an expedite request is made by a federal government agency or department based on government interests, USCIS generally defers to that agency or department's assessment.

The update also clarifies that USCIS will consider expediting Form I-131, Application for Travel Document, to benefit requestors in the United States "when they have a pressing or critical need to leave the United States, whether the need to travel relates to an unplanned or planned event, such as a professional, academic, or personal commitment."

When the need is related to a planned event, USCIS said it considers whether the applicant timely filed Form I-131, and whether processing times would prevent USCIS from issuing the travel document by the planned date of departure.

Details:

- USCIS alert (Mar. 21, 2024).

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DHS Extends and Redesignates Burma (Myanmar) TPS

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

Extension. TPS for eligible beneficiaries will be extended for 18 months, beginning on May 26, 2024, and ending on November 25, 2025. Existing TPS beneficiaries who wish to extend their status through November 25, 2025, must re-register during the 60-day re-registration period beginning on the date of publication of the notice in the Federal Register (currently scheduled for March 25, 2024).

Redesignation. DHS estimates that approximately 7,300 individuals may become newly eligible for TPS under the redesignation of Burma. DHS explained that the redesignation of Burma allows additional nationals of Burma (and individuals having no nationality who last habitually resided in Burma) who have been continuously residing in the United States since March 21, 2024, to apply for TPS for the first time during the initial registration period, which begins on the date of publication of the notice in the Federal Register (currently scheduled for March 25, 2024), and runs through November 25, 2025.

In addition to demonstrating continuous residence in the United States since March 21, 2024, and meeting other eligibility criteria, initial applicants for TPS under the designation must demonstrate that they have been continuously physically present in the United States since May 26, 2024, the effective date of the redesignation, DHS said.

Details:

- Federal Register notice (advance copy), scheduled for publication on March 25, 2024.
- DHS news release (Mar. 22, 2024).

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USCIS Reopens Field Office in Tegucigalpa, Honduras

U.S. Citizenship and Immigration Services (USCIS) announced on March 22, 2024, the reopening of an international field office in Tegucigalpa, Honduras. USCIS said the Tegucigalpa Field Office, which will be available only by

appointment, "will focus on increasing refugee processing capacity and helping reunite individuals with their family members already in the United States."

The Tegucigalpa Field Office will be located inside the U.S. Embassy in Honduras. USCIS said its staff will assume responsibility for agency workloads currently handled by the Department of State's Consular Section there. Additionally, reopening the USCIS Tegucigalpa Field Office "will help support the U.S. government's effort to resettle refugees from the Americas," USCIS said.

Details:

- USCIS alert (Mar. 22, 2024).

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Firm in the News

Cyrus Mehta coordinated the first-ever AILA Law Journal Symposium, held in Washington, D.C. on March 21, 2024 in connection with the AILA Spring CLE Conference, and delivered opening remarks as Editor-in-Chief of the Journal.

Kaitlyn Box moderated a panel on “DACA and the Opportunity for All Campaign” at the symposium with Professors Ahilan Arulanamtham and Anil Kalhan.

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