CYRUS D. MEHTA & PARTNERS PLLC
US IMMIGRATION & NATIONALITY LAW

# IMMIGRATION UPDATE - APRIL 01, 2024

*Posted on April 1, 2024 by Cyrus Mehta*

**Headlines:**

**U.S. District Judge Declines to Temporarily Stop Immigration Fee Increases** – A U.S. District Judge in Colorado denied a request for a temporary restraining order to stop immigration fee increases scheduled to take effect April 1, 2024.

**USCIS Announces Filing Location Change for Certain Employment-Based Forms** – U.S. Citizenship and Immigration Services (USCIS) announced that on April 1, 2024, it is changing the filing location from USCIS service centers to a USCIS lockbox for several employment-based forms.

**USCIS Reminds Employers About H-1B I-129 Filing Location Change and FY 2025 H-1B Cap Updates** – U.S. Citizenship and Immigration Services (USCIS) issued several H-1B-related announcements and reminders.

**Naturalization Applicants Can Now Request Social Security Numbers on Form N-400** – Beginning April 1, 2024, noncitizens applying for naturalization, using the new edition of Form N-400 (edition date 04/01/24), can complete additional questions on the form to request an original or replacement Social Security number card and to authorize U.S. Citizenship and Immigration Services to update their immigration status as a U.S. citizen with the Social Security Administration.

**New Law Provides Immigrant Visas to Certain Foreign National Employees of U.S. Government Abroad** – Foreign nationals (and their spouses and children) can now receive special immigrant visas when the foreign national has been employed by the U.S. government abroad for at least 15 years and it is in the national interest to award the visa.

**DOJ Secures Agreement With IT Staffing Company to Resolve Hiring Discrimination Claims** – Under the terms of the settlement, the staffing

company will pay $100,000 in civil penalties to the United States, train its employees on anti-discrimination requirements, revise its employment policies, and be subject to monitoring by the Department of Justice.

**In Surprise About-Face on April 1, USCIS Cancels Raised Fees, Lowers Most Fees, and Freezes Other Fees** – The agency said it was just kidding about the immigration and naturalization-related fee "adjustments" scheduled for April 1, 2024.

**Firm in the News**

**Details:**

## U.S. District Judge Declines to Temporarily Stop Immigration Fee Increases

A U.S. District Judge in Colorado denied a request for a temporary restraining order to stop immigration fee increases scheduled to take effect April 1, 2024.

The judge said the court "simply cannot say is great, especially in comparison to the amount she invested." The judge also noted that the plaintiffs waited about two months after the rule was finalized to file their lawsuit, finding that the delay "undercuts their claimed irreparable harm." Although the court did not grant a temporary restraining order, the litigation will proceed.

**Details:**

- No Temporary Stay on U.S. Visa-Fee Hikes, But Lawsuit Will Continue, Times of India (Mar. 30, 2024).
- Judge Won't Stop Immigration Fee Hikes From Taking Effect, Law360 (registration required) (Mar. 29, 2024).
- *Moody v. Mayorkas*, 1:24-cv-00762, U.S. District Court for the District of Colorado (Mar. 29, 2024).

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## USCIS Announces Filing Location Change for Certain Employment-Based Forms

U.S. Citizenship and Immigration Services (USCIS) announced that on April 1, 2024, it is changing the filing location from USCIS service centers to a USCIS lockbox for concurrently filed Forms I-907, Request for Premium Processing Service; I-140, Immigrant Petition for Alien Worker; and I-485, Application to Register Permanent Residence or Adjust Status, and for related Forms I-131,

Application for Travel Document; I-765, Application for Employment Authorization; and I-824, Application for Action on an Approved Application or Petition, filed with the application package.

The USCIS alert includes the addresses to use based on where the beneficiary will work. USCIS said that starting May 2, 2024, the agency may reject concurrently filed Forms I-907, I-140, and I-485, and any related Forms I-131, I-765, and I-824 filed with the application package, that are received at USCIS service centers.

**Details:**

- USCIS alert (Mar. 29, 2024).

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## USCIS Reminds Employers About H-1B I-129 Filing Location Change and FY 2025 H-1B Cap Updates

U.S. Citizenship and Immigration Services (USCIS) issued several H-1B-related announcements and reminders:

- USCIS reminded employers that starting April 1, 2024, H-1B and H-1B1 (HSC) Form I-129 petitions must no longer be filed at USCIS service centers. All paper-based H-1B and H-1B1 (HSC) Form I-129 petitions must be filed at USCIS lockbox locations, including cap, non-cap, and cap-exempt H-1B filings. USCIS said it will reject such petitions received at a USCIS service center on or after April 1, 2024. There will be no grace period.
- USCIS also reminded employers that the initial registration period for the FY 2025 H-1B cap season closed at noon ET on March 25, 2024. USCIS said it "will soon randomly select enough unique beneficiaries of properly submitted registrations projected as needed to reach the FY 2025 H-1B numerical allocations (H-1B cap), including the advanced degree exemption (master's cap), and will notify all prospective petitioners with selected beneficiaries that they are eligible to file an H-1B cap-subject petition for such beneficiaries."
- Topics also included new fees and when to use the new I-129 form edition (04/01/24), online filing and organizational accounts, and prepaid mailers no longer being used.

**Details:**

- USCIS alert (Mar. 29, 2024).

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## Naturalization Applicants Can Now Request Social Security Numbers on Form N-400

Beginning April 1, 2024, noncitizens applying for naturalization, using the new edition of Form N-400 (edition date 04/01/24), can complete additional questions on the form to request an original or replacement Social Security number (SSN) card and to authorize U.S. Citizenship and Immigration Services to update their immigration status as a U.S. citizen with the Social Security Administration (SSA) office, USCIS announced. The agency said this will eliminate the need for most new citizens to separately visit the SSA field office to apply for an SSN or replacement card or to provide documentation of their new U.S. citizen status to the SSA. (SSA may request additional information if needed.)

Applicants who do not request an SSN card or authorize the disclosure of information to the SSA when completing the Form N-400 must visit a Social Security office to request an SSN card and update their status as a U.S. citizen.

**Details:**

- USCIS alert (Mar. 28, 2024).

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## New Law Provides Immigrant Visas to Certain Foreign National Employees of U.S. Government Abroad

U.S. Citizenship and Immigration Services (USCIS) announced on March 26, 2024, that foreign nationals (and their spouses and children) can now receive special immigrant visas when the foreign national has been employed by the U.S. government abroad for at least 15 years and the Department of State has found that it is in the national interest to award the visa. A limited number of such visas are available each fiscal year.

Individuals with the new classes of admission (COAs) are lawful permanent residents (LPRs). They may present the following documentation that includes a

GV1 (USG SIV Employee—2024 NDAA (Arrival)), GV2 (Spouse, Arrival), GV3 (Child, Arrival), GV6 (USG SIV Employee—2024 NDAA (Adjustment)), GV7 (Spouse of GV6, Adjustment), or GV8 (Child of GV6, Adjustment) COA:

- Form I-551, Permanent Resident Card (Green Card);
- Form I-94, Arrival/Departure Record with a Temporary I-551 Permanent Resident Stamp;
- Foreign passport with a Temporary I-551 Permanent Resident Stamp; or
- Foreign passport with a Temporary I-551 Machine Readable Immigrant Visa.

Systematic Alien Verification for Entitlements will provide an initial verification response of "Lawful Permanent Resident – Employment Authorized" for a COA of GV1, GV2, GV3, GV6, GV7, or GV8.

**Details:**

- USCIS notice (Mar. 26, 2024).

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## DOJ Secures Agreement With IT Staffing Company to Resolve Hiring Discrimination Claims

The Department of Justice (DOJ) announced on March 28, 2024, that it has secured a settlement agreement with Frank Recruitment Group Incorporated (FRG), an information technology staffing company that does business under eight brand names (Revolent Group, Nigel Frank International, Mason Frank International, Washington Frank International, Anderson Frank International, Nelson Frank International, Jefferson Frank International, and FRG Technology Consulting) at locations throughout the United States. The agreement resolves DOJ's determination that FRG "violated the Immigration and Nationality Act (INA) by excluding or deterring certain non-U.S. citizens with permission to work in the United States from applying to job opportunities because of their citizenship status." Under the terms of the settlement, FRG will pay $100,000 in civil penalties to the United States, train its employees on the INA's anti-discrimination requirements, revise its employment policies, and be subject to monitoring by DOJ.

DOJ said its investigation "determined that FRG published several online job advertisements with language that restricted eligibility to U.S. citizens and

lawful permanent residents, even though FRG had no lawful basis to do so. FRG's restrictive job ads excluded and deterred other potentially qualified individuals, including individuals granted asylum or refugee status by the federal government, based on their citizenship or immigration status."

**Details:**

- Settlement agreement (Mar. 27, 2024).
- DOJ press release (Mar. 27, 2024).

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## In Surprise About-Face on April 1, USCIS Cancels Raised Fees, Lowers Most Fees, and Freezes Other Fees

In response to reports that a U.S. district judge declined to temporarily stop immigration fee increases, U.S. Citizenship and Immigration Services (USCIS) said they'd do that themselves. The agency announced on April 1, 2024, that it was just kidding about the immigration and naturalization-related fee "adjustments" scheduled for April 1, 2024. At a press conference announcing the cancellation of fees, President Biden said, "This is not a joke, folks. No, I'm serious." He leaned over and whispered into the microphone for emphasis, "*No new taxes!* I mean fees!"

USCIS had planned to adjust fees for the first time since 2016 to "recover operating costs" and "support timely processing." But among other things, the agency realized that timely processing is but a dream that flits away in the cold light of dawn like an unreliable seagull, so it threw up its hands and decided to cancel the final rule. As USCIS Director Ur Jaddou noted, "'Clearing the Backlogs' would be a great name for a band! It markets itself through sheer repetition. But as with many band names, it's really a mere mist of a possibility, or in the realm of a wisp of hope passing like a ship in the night, or maybe a lonely seagull coasting across a bleak sky against the backdrop of a foggy, only dimly perceivable, horizon at the end of the lagoon of time and memory as we gaze into a future of backlogged, built-up, piled-up, pooled, and cached uncertainty, not to say doom..." Here Dr. Jaddou trailed off, gazed into the indeterminate distance, and held up her hand as if motioning toward a mirage. Doctors expect a full recovery.

Advocates, attorneys, and corporate immigration and HR professionals were

agog at the announcement. "It boggles the mind!" said Buster Higginbotham, a reporter from the *Binghamton Bangle*. There were general blatherings of bafflement about the reverse adjustment, which one wag likened to "realizing you'd just put your pants on backwards." But these reactions were tempered with feelings of fortune and unflappability.

As of this writing, April 1 wasn't scheduled to occur until tomorrow, although USCIS said that was subject to change. This has led some to suspect that a bamboozlement about the freezing fees, or droppings, was afoot—or that perhaps USCIS just got cold feet, like a seagull in late fall padding across a wet, sandy beach whipped with the chill wind of approaching winter. Journalists (like gulls hungry for that last piece of fish glinting on the sea, or was it just a mirage?) flocked breathlessly to a hastily assembled press conference at which Director Jaddou's son's band, "Clearing the Backlogs," played to warm up the audience and clear the room of overblown metaphors. When asked, Director Jaddou said she had only one comment: "Happy April Fool's Day!"

**Details:**

- No further comments, Your Honor (Apr. 1, 2024).

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**Firm in the News**

**Cyrus Mehta** was quoted by *Law360* in High Court SEC Case May Bear on DOJ's Immigration Probes (registration required). Mr. Mehta said, "In the SpaceX case, there's a unique statute that doesn't allow one to go and ask for attorney general review of the decision. You have to go directly to the court of appeals." He suggested that that feature of the case could mean it's destined for a stop at the Fifth Circuit and perhaps ultimately the U.S. Supreme Court, the article noted.

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