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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - APRIL 08, 2024

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Headlines

USCIS Has Completed FY2025 H-1B Cap Initial Registration– U.S. Citizenship and Immigration Services has completed the selection process for fiscal year 2025 H-1B cap registrations, including the master's cap.

Higher Immigration Fees Took Effect April 1 – Despite pending litigation, higher immigration fees took effect on April 1.

USCIS Announces Rule to Increase Automatic Extension Period for Work Permits – U.S. Citizenship and Immigration Services announced a temporary final rule to increase the automatic extension period for certain work permit holders from 180 days to 540 days.

USCIS Issues New Guidance on Medical Exam Validity – Immigration medical examinations that were completed and signed by a civil surgeon on or after November 1, 2023, are valid indefinitely. Those examinations completed before November 1, 2023, remain subject to prior policy and the two-year validity period.

Details:

USCIS Has Completed FY2025 H-1B Cap Initial Registration

U.S. Citizenship and Immigration Services (USCIS) has completed the selection process for fiscal year (FY) 2025 H-1B cap registrations, including the master's cap, and has notified selected petitioners to proceed with filing their H-1B cap-subject petitions. Registrants can now check the status of their submissions online, with designations ranging from "Submitted" to "Selected" or "Not Selected." Additionally, USCIS reminds petitioners that H-1B cap-subject petitions for FY 2025 may be filed starting April 1, 2024, for selected

beneficiaries, requiring submission of a copy of the selection notice and evidence of the beneficiary's valid passport or travel document used during registration. USCIS also highlighted changes in fees, form edition, and filing location effective April 1, 2024.

Details:

- USCIS alert (Mar. 29, 2024).

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Higher Immigration Fees Took Effect April 1

Effective April 1, 2024, higher immigration fees took effect following a U.S. district court judge's refusal to block a U.S. Citizenship and Immigration Services (USCIS) fee rule. USCIS has primarily targeted employers sponsoring workers, with fee increases of 70% for H-1B petitions, 201% for L-1 petitions, and 129% for O-1 petitions, alongside a new $600 Asylum Program Fee and a raise in the H-1B Electronic Registration Fee from $10 to $215 per beneficiary. According to estimates by the National Foundation for American Policy, under the new rule, most companies may spend around $9,400 to petition for a first-time H-1B visa holder, with costs potentially rising to about $18,000 when including H-1B extensions.

In Moody v. Mayorkas, a federal judge denied the plaintiffs' motion for a temporary restraining order against USCIS, citing the high burden required for such an injunction. Despite this setback, the litigation continues, with plaintiffs aiming to challenge the fee rule's compliance with federal law and seeking potential returns of already paid higher fees. The plaintiffs affirmed their commitment to the case, emphasizing their belief in the strength of their arguments against the fee rule and their determination to pursue legal action against USCIS.

Details:

- USCIS FAQs (Apr. 3, 2024).
- Forbes article (Apr. 1, 2024)

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USCIS Announces Rule to Increase Automatic Extension Period for Work Permits

U.S. Citizenship and Immigration Services announced a temporary final rule to increase the automatic extension period for certain employment authorization document (EAD) holders from 180 days to 540 days. This temporary measure applies to eligible applicants who timely filed an EAD renewal application on or after October 27, 2023, if the application is pending on the date of publication in the Federal Register, as well as those renewal applicants who timely file their applications during the 540 day period after the rule's publication. The aim is to prevent nearly 800,000 EAD renewal applicants, including asylum applications, Temporary Protected Status applicants and green card applicants, from suffering a lapse in their employment authorization.

Details:

- USCIS notice (Apr. 4, 2024).

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USCIS Issues New Guidance on Medical Exam Validity

U.S. Citizenship and Immigration Services (USCIS) has issued new guidance on the validity of Form I-693, Report of Immigration Medical Examination and Vaccination Record. For all forms that were properly completed and signed by a civil surgeon on or after November 1, 2023, there is no expiration date and they may be used indefinitely to demonstrate an applicant is admissible on health-related grounds. However, USCIS officers do retain the discretion to request more evidence or a new or updated Form I-693 if they have reason to believe the submitted Form I-693 is inaccurate or that an applicant's medical condition has changed.

If an applicant's immigration medical examination was completed before November 1, 2023, the two-year validity period still applies.

Details:

- USCIS Alert (Apr. 4, 2024).

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