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US IMMIGRATION & NATIONALITY LAW

IMMIGRATION UPDATE - MAY 20, 2024

Posted on May 20, 2024 by Cyrus Mehta

Headlines:

DHS Issues New 'Western Hemisphere Parole' Class of Admission – As part of the Biden administration's actions to manage regional migration and facilitate "safe, orderly, and humane processing of migrants," the Department of Homeland Security has issued a new class of admission, Western Hemisphere Parole.

SAVE Will Soon Require Users to Review New Tutorial – Effective May 28, 2024, SAVE users must review a new tutorial and certify completion of their review before creating new SAVE cases.

Representatives Send Letter to USCIS Director Expressing Concerns About Work Authorization Process for Asylees and Humanitarian Parolees – Sixteen members of Congress sent a letter to Ur Jaddou, Director of U.S. Citizenship and Immigration Services, expressing their concerns with the process for submitting Employment Authorization Document applications for asylees and humanitarian parolees.

DOJ Secures Agreement With National Home Healthcare Company to Resolve Immigration-Related Employment Discrimination Claims – The Department of Justice announced that it secured a settlement agreement with Maxim Healthcare Services, a home healthcare company based in Columbia, Maryland, with operations in 35 states.

Firm in the News

Details:

DHS Issues New 'Western Hemisphere Parole' Class of Admission

As part of the Biden administration's actions to manage regional migration and facilitate "safe, orderly, and humane processing of migrants," the Department of Homeland Security (DHS) has issued a new class of admission (COA), Western Hemisphere Parole (WHP). Individuals with this COA can be paroled into the United States, on a case-by-case basis, for up to three years. Such parolees are not authorized to work incident to their parole, DHS said, and must have an Employment Authorization Document (EAD) if they wish to work. DHS said that Systematic Alien Verification for Entitlements can provide an initial verification response of parolee with a COA of WHP. The initial response may also include work authorization information if the parolee has an EAD.

DHS noted that WHP parolees may have more than one valid immigration status or category and may also present valid immigration documents that demonstrate other pending applications or approved statuses or categories.

Cuban and Haitian nationals who are paroled into the United States under the WHP COA may be eligible to receive certain public benefits, DHS said.

Details:

- New COA for Western Hemisphere Parole (DHS notice), May 13, 2024.
- S. Government Announces Sweeping New Actions to Manage Regional Migration (DHS fact sheet), Apr. 27, 2023.

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SAVE Will Soon Require Users to Review New Tutorial

Systematic Alien Verification for Entitlements (SAVE) will soon require users to review a new tutorial that "provides up-to-date guidance to help SAVE users correctly and efficiently use SAVE to verify benefit applicants." The tutorial takes about 15 to 20 minutes to complete.

Effective May 28, 2024, SAVE users must review the new tutorial and certify completion of their review before creating new SAVE cases. SAVE users "are encouraged to review the tutorial now. When the certification is available on May 28, users can complete the certification without delay," U.S. Citizenship and Immigration Services (USCIS) said.

Details:

- SAVE Requires Users to Review New Tutorial, USCIS, May 13, 2024.

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Representatives Send Letter to USCIS Director Expressing Concerns About Work Authorization Process for Asylees and Humanitarian Parolees

Sixteen members of Congress sent a letter to Ur Jaddou, Director of U.S. Citizenship and Immigration Services (USCIS), with a copy to David Neal, Director of the Executive Office for Immigration Review, expressing their concerns with the process for submitting Employment Authorization Document (EAD) applications for asylees and humanitarian parolees.

The letter notes barriers that may prevent EAD-eligible individuals from completing their forms and receiving work authorization. Most notably, the letter says that "the cost of filing a Form I-765 (an application for employment authorization) ranges from $470 to $520 starting April 1, 2024 for parole-based EAD submissions. Although parolees can apply for a fee waiver with Form I-912, there is no option to file it online, despite the fact that form I-765 can be completed online and a discount is offered for doing so. Additionally, both the Form I-765 and the Form I-912 are only available in English." Furthermore, the letter states, the EAD application "is a lengthy, multi-step process, which may require assistance from an attorney or translator to complete."

The letter asks several questions, and the signers offer to work with the Biden administration "to resolve agency-level barriers for EAD applicants in order to shorten processing and adjudication times."

Details:

- Letter to Ur Jaddou, May 8, 2024.

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DOJ Secures Agreement With National Home Healthcare Company to Resolve Immigration-Related Employment Discrimination Claims

The Department of Justice (DOJ) announced on May 15, 2024, that it secured a settlement agreement with Maxim Healthcare Services (Maxim), a home healthcare company based in Columbia, Maryland, with operations in 35 states.

The agreement resolves DOJ's determination "that Maxim violated the Immigration and Nationality Act (INA) at its Gardena, California, office by discriminating against a non-U.S. citizen worker when it rejected her valid document showing her permission to work and requiring lawful permanent residents working for the company to prove their continued permission to work even though it was unnecessary."

Specifically, DOJ determined that the company rejected the worker's employment authorization document (EAD) "because the last name on it was different from the last name on her driver's license and Social Security card, even though the company accepted documents from U.S. citizens under similar circumstances and believed that the EAD reasonably appeared to be genuine and to relate to the worker," DOJ said. The investigation also determined that Maxim routinely required lawful permanent residents to present unnecessary documentation when their Permanent Resident Cards expired.

Under the settlement, Maxim will pay a civil penalty of $7,488 to the United States and $1,750 in lost wages to the affected worker, train its employees on the INA's anti-discrimination requirements, revise its employment policies and processes, and be subject to monitoring by DOJ.

Details:

- DOJ press release (May 15, 2024).
- Settlement agreement (May 15, 2024).

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Firm in the News

Kaitlyn Box was an invited speaker at the 2024 AILA Upper Midwest Immigration Law Conference in Minneapolis on May 17, 2024 , where she spoke virtually on Navigating the Intersection Between Immigrant and Nonimmigrant Intent and Related Challenging Scenarios. The co-panelists were Caroline Ostrom, Elizabeth Streefland, and Bennett Savitz.

David Isaacson was an invited speaker at the Immigrant ARC (I-ARC) 2024 Spring Conference in Brooklyn on May 17, 2024, where he spoke on State of Play for Supreme Court Cases—Past, Present, and Future.

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