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

IMMIGRATION UPDATE - MAY 28, 2024

Posted on May 28, 2024 by Cyrus Mehta

Headlines:

USCIS Updates Guidance on Family-Based Immigrant Visas – Effective May 22, 2024, U.S. Citizenship and Immigration Services (USCIS) has updated its guidance on family-based immigrant visa petitions. The update includes an explanation of how USCIS corrects approval notice errors, processes requests for consular processing or adjustment of status on the beneficiary's behalf, and handles routing procedures for approved petitions.

District Court Approves New Visa Applications and Fee Waivers for Travel Ban Class Members – Affected class members include nationals of Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen who were refused visas under Presidential Proclamation 9645.

DOJ, DOL Secure Agreements With Tech Company to Resolve Discriminatory "U.S. Born Citizens " Job Posting – On May 23, 2024, the Departments of Justice and Labor announced separate agreements with Arthur Grand Technologies Inc., an information technology services firm based in Virginia.

DOS Implements New Visa Restrictions for Certain Georgians – Secretary of State Antony Blinken said that "anyone who undermines democratic processes or institutions in Georgia—including in the lead-up to, during, and following Georgia's October 2024 elections—may be found ineligible for U.S. visas under this policy and precluded from travel to the United States."

Details:

USCIS Updates Guidance on Family-Based Immigrant Visas

Effective May 22, 2024, U.S. Citizenship and Immigration Services (USCIS) has

updated its guidance on family-based immigrant visa petitions. The update includes an explanation of how USCIS corrects approval notice errors, processes requests for consular processing or adjustment of status on the beneficiary's behalf, and handles routing procedures for approved petitions.

USCIS explained that the update clarifies procedures for family-based immigration petitions "to promote more efficient processing where the beneficiary's preference for consular processing or adjustment of status is unclear or has changed or a correction is needed."

The updated guidance "provides that if you do not clearly indicate whether your beneficiary wants consular processing or adjustment of status, we will use discretion to decide whether to send the approved petition to the for consular processing or keep the petition for adjustment of status processing, based on evidence of the beneficiary's most recent location, including the beneficiary's address on the petition," USCIS said.

Details:

- USCIS alert (May 22, 2024).
- USCIS Policy Manual.

Back to Top

District Court Approves New Visa Applications and Fee Waivers for Travel Ban Class Members

Certain nonimmigrant and immigrant visa applicants who were refused visas under a Trump-era travel ban can now obtain a one-time fee waiver to submit a new visa application and receive a prioritized visa appointment, thanks to federal district court approval. Affected class members include nationals of Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen who were refused visas under Presidential Proclamation 9645.

The U.S District Court for the Southern District of California also requires the government to notify all eligible class members and provide periodic reports.

Details:

- *Emami v. Nielsen*, Case 3:18-cv-01587-JD, Joint Proposed Injunction (May 14, 2024).
- *Emami v. Mayorkas,* 18-cv-01587-JD and 18-cv-07818-JD, Order re Summary

Judgment (Aug. 1, 2022).

Back to Top

DOJ, DOL Secure Agreements With Tech Company to Resolve Discriminatory "U.S. Born Citizens " Job Posting

On May 23, 2024, the Departments of Justice (DOJ) and Labor (DOL) announced separate agreements with Arthur Grand Technologies Inc., an information technology services firm based in Virginia.

DOJ's agreement resolves the department's determination that Arthur Grand violated the Immigration and Nationality Act (INA) by posting a discriminatory job advertisement in March 2023 that restricted eligible candidates to "only US Born Citizens who are local within 60 miles from Dallas, TX " .

DOJ's agreement notes that Arthur Grand "asserted that the posted advertisement was generated by a disgruntled recruiter in India and was intended to embarrass the company; and Respondent thereby denies that the posting was authorized by the company or that Respondent intended to dissuade non-U.S. Citizens from applying for the position." The agreement orders the company to pay a civil penalty of $7,500. Among other requirements, the agreement also requires recruitment personnel to view a training video.

DOL's agreement resolves its determination that Arthur Grand violated Executive Order 11246, which prohibits federal contractors from discriminating in employment based on race, color, religion, sex, sexual orientation, gender identity, or national origin. That agreement includes $31,000 to compensate individuals and other injunctive relief.

Details:

- DOJ press release (May 23, 2024).
- DOJ agreement (May 23, 2024).
- DOL agreement (May 3, 2024).

Back to Top

DOS Implements New Visa Restrictions for Certain Georgians

In response to a new "foreign influence" law and related "campaign of

intimidation and the use of violence to suppress peaceful dissent," Secretary of State Antony Blinken announced on May 23, 2024, that it is implementing "a new visa restriction policy for Georgia that will apply to individuals who are responsible for or complicit in undermining democracy in Georgia, as well as their family members." He said this includes "individuals responsible for suppressing civil society and freedom of peaceful assembly in Georgia through a campaign of violence or intimidation."

Secretary Blinken said that "anyone who undermines democratic processes or institutions in Georgia—including in the lead-up to, during, and following Georgia's October 2024 elections—may be found ineligible for U.S. visas under this policy and precluded from travel to the United States."

Details:

- DOS press statement (May 23, 2024).

Back to Top