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

IMMIGRATION UPDATE - JUNE 03, 2024

Posted on June 3, 2024 by Cyrus Mehta

Headlines:

E-Verify+ Trial Launched; Users Should Check Their Bookmarks, USCIS Said – E-Verify+ integrates the Form I-9 and E-Verify employment eligibility verification processes. USCIS also noted that E-Verify users should check their bookmarks and update them if needed.

USCIS Reminds SAVE Users to Certify Tutorial Review, Provides Best Practice Tips – As of May 28, 2024, SAVE users must **certify** review of the SAVE tutorial before creating new SAVE cases. The agency also provided best practice tips when submitting a case.

ABIL Global: France – A new law to control immigration entered into force on January 26, 2024. Also, France announced procedures related to the Olympic Games in Paris and other cities this summer, and France is on notice for failure to transpose a European Union directive relating to the European Blue Card.

Details:

E-Verify+ Trial Launched; Users Should Check Their Bookmarks, USCIS Said

U.S. Citizenship and Immigration Services (USCIS) announced the launch of the E-Verify+ trial. E-Verify+ integrates the Form I-9 and E-Verify employment eligibility verification processes.

USCIS said that the trial puts the agency "one step closer to bringing E-Verify+ to you." The trial will include live testing with E-Verify users to assess the user experience. Their feedback will be considered for incorporation in the product when it is released for wider use, USCIS said.

USCIS also noted that E-Verify users should check their bookmarks. Effective June 25, 2024, the E-Verify account log-in page will only be accessible through everify.uscis.gov. Users should review their bookmarks to ensure that they are using the current URL without a dash, USCIS said.

Details:

- E-Verify+ trial announcement (May 29, 2024).

Back to Top

USCIS Reminds SAVE Users to Certify Tutorial Review, Provides Best Practice Tips

U.S. Citizenship and Immigration Services (USCIS) reminded Systematic Alien Verification for Entitlements (SAVE) users that as of May 28, 2024, SAVE users must **certify** review of the SAVE tutorial before creating new SAVE cases. **SAVE users will be unable to create new SAVE cases until they attest to review of the SAVE tutorial and certify to completion.** Users can complete the certification without delay at SAVE> Manage Profile.

SAVE published a new SAVE Tutorial that provides guidance "to help SAVE users correctly and efficiently use SAVE to verify benefit applicants, which users are encouraged to review," USCIS said.

The tutorial provides information about:

- SAVE and the verification process
- SAVE CaseCheck
- Commonly used immigration documents and where to find immigration enumerators
- Common case responses
- Best practices for additional verification
- Managing cases
- Administering SAVE accounts

USCIS also noted that the SAVE additional verification response time for May 2024 is now five federal workdays. "Response times vary depending upon the complexity of the case," USCIS said. The agency provided the following best practice tips when submitting a case:

- Ensure that the applicant's name, date of birth, and immigration enumerators are entered exactly as they appear on the applicant's

immigration documentation.
- Include all immigration enumerators provided by the applicant. For example, if the applicant presents a Form I-766, Employment Authorization Document, and a Form I-94, Arrival/Departure Record, enter both the USCIS number from the I-766 and the I 94 number into SAVE.
- If an applicant needs their most recent Form I-94 issued by U.S. Customs and Border Protection (CBP), they can visit CBP's I-94 website or download the CBP One mobile app to retrieve a copy.

Details:

- SAVE announcements (May 28, 2024).

Back to Top

ABIL Global: France

A new law to control immigration entered into force on January 26, 2024.

The new law's legislative journey and the media debate around it have been very intense over several months. Important measures like massive regularization of undocumented workers in short-staffed professions have finally been rejected by the Senate.

The legislative process has been lively: after the adoption by the Senate of a text presenting several setbacks for foreigners' rights, a motion for prior rejection was adopted by the National Assembly. Finally, Deputies from the majority, the right wing, and the far right wing agreed on the final text, including several measures already identified as unconstitutional.

The Constitutional Council, in its decision of January 25, censored 35 articles of the law. The Constitutional Council has deemed the following measures unconstitutional:

- *Migration quotas*. The law planned the establishment of "quotas" to cap for the next three years the number of foreigners admitted to the country. Because this measure was considered unconstitutional by the Constitutional Council, quotas will not be implemented.
- *Family reunification*. The conditions for family reunification will remain the same. The extension of the duration of residence in France for more than 24 months has been deemed unconstitutional as well as the other new

measures regarding family reunification.

With regard to aspects relating more to private life, the following measures deemed unconstitutional have been excluded:

- Tightening of the conditions to be met by a foreigner married to a French national to be issued with a temporary residence permit bearing the title "private and family life" for a period of one year;
- Tightening of the conditions for issuing a residence permit for reasons of study; and
- Full right issuance of a long-stay visa to British nationals who own a secondary home in France.

Legislative Changes

Measures under this new law that directly impact professional immigration include:

Talent Passport Residence Permits

"Talent Passport" residence permits change their name to "Talent" residence permits, in a simplification effort.

The following three Talent Passport residence permits all merge to a single "Talent—Qualified employee" residence permit: (1) Talent—Passport Qualified employee, (2) Talent Passport employee of an innovative company, and (3) Talent Passport intra-company. This simplification does not modify the initial conditions required for each status, but the minimum salary thresholds could change since the article refers to "*a salary threshold set by decree in the Council of State,*" which has not yet been published.

The following three Talent Passport residence permits will all merge into a single "Talent—Project Bearer" residence permit: (1) Talent Passport—Business Creation, (2) Talent Passport innovative economic project, and (3) Talent Passport economic investment.

The new law also creates a "Talent—medical and pharmacy professions" residence permit for doctors, midwives, dental surgeons, and pharmacists.

Regularization of Undocumented Workers in Short-Staffed Professions

The law gives prefects discretion to regularize an undocumented worker who has lived in France for at least three years; worked at least 12 months,

consecutive or not, over the last 24 months; and has a job in a short-staffed profession in a specific area. This will allow the issuance of a residence permit bearing the title "temporary worker" or "employee" for a period of one year. The worker can apply without the employer's approval.

Olympic Games 2024

The Olympic Games will take place in Paris and other cities (Marseille, Toulouse, Lille) from July 26 to August 11, 2024. The Paralympic Games will take place from August 28 to September 8, 2024.

Among measures for foreigners is the possibility for foreign students to participate in private security activities. The work time performed in these activities will not be considered in the calculation of the ancillary work time allowed for foreign students, which is 60 percent of the annual work time (i.e., around 964 hours per year).

Also, according to the French Ministry and consulates in the United States, a simplified process has been implemented for travelers for whom an accreditation request is submitted to the Olympic or Paralympic Committee, such as members of the Olympic and Paralympic Committees, athletes, accompanying persons, media, and official guests.

They can appear in any visa center to apply for a visa without an appointment; a time slot is dedicated to them every morning. They only need to provide their passport, proof of accreditation, and photos. Fingerprinting takes place as well. There are no visa fees to be paid and no visa form to be filled out before submission of the application.

Absence of Transposition of EU Blue Card Directive

On January 25, 2024, the European Commission announced adoption of a set of decisions concerning delays in the transposition of European Union (EU) Directives. France is on notice for failure to transpose the directive of October 20, 2021, relating to the European Blue Card.

States had until November 18, 2023, to adapt their internal laws to EU Directives. In France, the law of January 26, 2024 (which includes several articles related to the work of foreigners) did not include any modification of the Foreigners Code (CESEDA) for European Blue Card status.

French authorities had two months to respond and complete the transposition.

Failing this, the Commission could issue a reasoned opinion and, in the absence of a response, bring the matter before the EU Court of Justice. As of May 30, 2024, there was no update regarding the transposition of the EU Blue Card Directive into French law, and the Commission had not yet issued its opinion.

The Foreigners Code (CESEDA) includes several provisions relating to the multi-year "talent, European blue card" residence card, but those are not in line with the Directive: the possibility for the foreigner to present an employment contract or a job offer of at least six months (currently 12 months); duration of the residence permit set at a minimum of 24 months (currently one year); and possible mobility to another Member State after 12 months of legal residence in the first Member State (instead of 18).

Back to Top