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

IMMIGRATION UPDATE - JUNE 17, 2024

Posted on June 17, 2024 by Cyrus Mehta

Headlines:

EB-3 Category Retrogresses for July, Other Updates: Visa Bulletin – The worldwide EB-3 final action date (including Mexico and Philippines) will retrogress in July.

OFLC Seeks Info on Availability of Qualified Workers and Ways to Contact Them – The Office of Foreign Labor Certification seeks input on the annual determination of Labor Supply States to enhance U.S. worker recruitment.

Class Certified for Visa Applicants Refused Visas Under Presidential Proclamation – A U.S. District Court has certified a class to allow certain visa applicants who were refused visas under Presidential Proclamation 9645 to receive a one-time, non-transferable fee credit to submit a new visa application and (for eligible class members) to get a prioritized visa appointment.

New USCIS Policy Guidance Interprets Confidentiality Protections as Ending at Naturalization – "This policy will result in naturalized citizens having full access to USCIS electronic benefit processing and critical customer service tools that are available to other U.S. citizens," USCIS said.

Update Your E-Verify Login Bookmark! – The URL should say "everify.uscis.gov", not "e-verify.uscis.gov".

Firm in the News

Details:

Back to Top

EB-3 Category Retrogresses for July, Other Updates: Visa Bulletin

The Department of State's Visa Bulletin for July includes the following

information about retrogression in the EB-3 immigrant visa preference category and an alert about a new law's impact on special immigrant visas:

RETROGRESSION IN THE EMPLOYMENT-BASED THIRD (EB-3) PREFERENCE CATEGORY

As readers were informed was possible in Item D of the June 2024 Visa Bulletin, it has become necessary to retrogress the worldwide EB-3 final action date (including Mexico and Philippines) effective in July. Given continued high demand and number use in this category, it will likely be necessary to either further retrogress the final action date or make the category "Unavailable" in August. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

U.S. GOVERNMENT EMPLOYEE SPECIAL IMMIGRANT VISAS (SIVs)

The National Defense Authorization Act (NDAA) for Fiscal Year 2024, signed into law on December 22, 2023, may affect certain current and former employees of the U.S. Government abroad applying for SIVs or adjustment of status, as described in section 101(a)(27)(D) of the INA. This does not affect certain Iraqis and Afghans applying for SQ and SI SIVs. Applicants should contact the consular section at which they filed their Form DS-1884 for further information on the impact of that law on their case.

Details:

- Visa Bulletin for July 2024.

Back to Top

OFLC Seeks Info on Availability of Qualified Workers and Ways to Contact Them

The Department of Labor's Office of Foreign Labor Certification (OFLC) seeks input by August 13, 2024, on the annual determination of Labor Supply States (LSS) to enhance U.S. worker recruitment. OFLC explained that LSS are "additional states in which an employer's job order will be circulated and, if appropriate, where additional positive recruitment may be required of the employer."

To make a determination regarding labor supply and the positive recruitment needed to reach qualified workers within a state, OFLC requests information on the availability of qualified workers and the "appropriate, effective methods of

contacting those workers." Information sought includes but is not limited to:

- The type of qualified workers available (e.g., tomato harvest workers);
- The state and geographic area(s) within the state where the workers may be located (e.g., city, county, regional non-metropolitan area);
- The methods for apprising the workers of a job opportunity (e.g., local newspaper or periodical, posting with a particular community organization engaged with those workers); and/or
- Most current information for the person(s) or entity (e.g., worker union, community-based organization) to be contacted for assistance in circulating the job opportunity to those workers.

OFLC said that all "previously determined LSS requirements will remain in full effect, unless the OFLC Administrator receives information indicating that a previous LSS is no longer a source for qualified workers."

Details:

- OFLC announcement (scroll to June 14, 2024).

Back to Top

Class Certified for Visa Applicants Refused Visas Under Presidential Proclamation

The Department of State (DOS) disseminated a notice that the U.S. District Court for the Northern District of California has certified a class in the consolidated cases *Emami v. Mayorkas* and *Pars Equality Center v. Blinken* to allow certain visa applicants who were refused visas under Presidential Proclamation 9645 to receive a one-time, non-transferable fee credit to submit a new visa application and for eligible class members to get a prioritized visa appointment.

Certain nationals of Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen who were denied a visa between December 8, 2017, and January 20, 2021, and did not receive a waiver under that proclamation may be eligible for relief, DOS said.

Details:

- DOS notice (also available in Arabic and Farsi) (June 13, 2024).

Back to Top

New USCIS Policy Guidance Interprets Confidentiality Protections as Ending at Naturalization

U.S. Citizenship and Immigration Services (USCIS) has issued guidance that interprets certain confidentiality protections as ending at naturalization.

USCIS said it made this change because "the previous practice of maintaining 8 U.S.C. 1367 protections beyond naturalization created burdens for some naturalized U.S. citizens. This policy will result in naturalized citizens having full access to USCIS electronic benefit processing and critical customer service tools that are available to other U.S. citizens."

Details:

- Customer Service and Interpretation of 8 U.S.C. 1367 Confidentiality Protections for U.S. Citizens, USCIS Policy Alert PA-2024-15 (June 12, 2024).

Back to Top

Update Your E-Verify Login Bookmark!

U.S. Citizenship and Immigration Services (USCIS) reminded E-Verify users to delete the dash in their E-Verify login bookmarks. The URL should say "everify.uscis.gov", not "e-verify.uscis.gov". USCIS said the old URL and associated redirect will no longer work, effective June 25, 2024. USCIS also reminded users to update "any material(s) used internally."

Details:

- USCIS notice (June 11, 2024).

Back to Top

Firm in the News

Cyrus Mehta served as Discussion Leader on a panel entitled “Immigration Challenges Faced By Beneficiaries From Countries With Backlog & Retrogression Issues” the AILA Annual Conference and Webcast on Immigration Law in Chicago, IL on June 13, 2024.

David Isaacson spoke on a panel entitled “Judicial Review of Mixed Questions” at the AILA Annual Conference and Webcast on Immigration Law in Chicago, IL

on June 15, 2024.

Back to Top