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

IMMIGRATION UPDATE - JULY 29, 2024

Posted on July 29, 2024 by Cyrus Mehta

Headlines:

DHS Adds Environmental Economics to STEM Designated Degree Program List – The Department of Homeland Security has amended its Science, Technology, Engineering and Mathematics Designated Degree Program List by adding "Environmental/Natural Resource Economics" to the qualifying fields of study

White House Orders Deferred Enforced Departure for Certain Lebanese Nationals – President Biden issued a memorandum directing the deferral, for 18 months, of the removal of any Lebanese national who is present in the United States on July 23, 2024, with a few exceptions.

USCIS Increases Investment and Revenue Thresholds Under International Entrepreneur Rule – In a final rule effective October 1, 2024, U.S. Citizenship and Immigration Services will increase the investment and revenue thresholds under International Entrepreneur Rule, as required every three years. The application fee will not change.

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Details:

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DHS Adds Environmental Economics to STEM Designated Degree Program List

Effective July 23, 2024, the Department of Homeland Security (DHS) has amended its STEM Designated Degree Program List by adding "Environmental/Natural Resource Economics" to the qualifying fields of study, and the corresponding Department of Education Classification of Instructional Programs code for that field:

The list is used to determine whether a degree obtained by certain F-1 nonimmigrant students following the completion of a program of study qualifies as a STEM degree as determined by DHS, as required for the F-1 student to be eligible to apply for a 24-month extension of their post-completion optional practical training (OPT) work authorization (EAD).

Details:

- DHS notice, 89 Fed. Reg. 59748 (July 23, 2024).

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White House Orders Deferred Enforced Departure for Certain Lebanese Nationals

On July 26, 2024, President Biden issued a memorandum directing the deferral, for 18 months, of the removal of any Lebanese national who is present in the United States on that date, with a few exceptions.

The memo also directs the Department of Homeland Security to authorize employment for noncitizens whose removal has been deferred under the memo for the duration of such deferral, and to consider suspending regulatory requirements with respect to F-1 nonimmigrant students who are Lebanese nationals "as the Secretary of Homeland Security determines to be appropriate."

Details:

- White House memorandum (July 26, 2024).

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USCIS Increases Investment and Revenue Thresholds Under International Entrepreneur Rule

In a final rule effective October 1, 2024, U.S. Citizenship and Immigration Services (USCIS) will increase the investment and revenue thresholds under the International Entrepreneur Rule (IER), as required every three years. The application fee will not change.

The IER allows the Department of Homeland Security (DHS) to "grant a period of authorized stay , on a case-by-case basis, to noncitizen entrepreneurs who show that their stay in the United States would provide a significant public

benefit through their business venture and that they merit a favorable exercise of discretion." Under the rule, entrepreneurs granted parole are eligible to work only for their start-up businesses. The spouses and children of noncitizen entrepreneur may also be eligible for parole.

USCIS will make the following adjustments:

- For an initial application, entrepreneurs must show at least **$311,071** (currently $264,147) in qualified investments from qualifying investors, at least **$124,429** (currently $105,659) in qualified government awards or grants, or, if only partially meeting the threshold investment or award criteria, alternative reliable and compelling evidence of the start-up entity's substantial potential for rapid growth and job creation.
- For a second period of authorized stay under the IER, the entrepreneur generally must demonstrate that the start-up entity has either:
    - Received a qualified investment, qualified government grants or awards, or a combination of such funding, of at least **$622,142** (currently $528,293);
    - Created at least five qualified jobs; or
    - Reached annual revenue in the United States of at least **$622,142** (currently $528,293) and averaged at least 20% in annual revenue growth.
- The definition of a "qualified investor" requires the investor to have a history of substantial investment in successful startup entities. USCIS generally considers such an individual or organization a qualified investor if, during the preceding five years, the following apply:
    - The individual or organization made investments in startup entities of at least **$746,571** (currently $633,952) in total, in exchange for equity, convertible debt, or other security convertible into equity commonly used in financing transactions within the startup entities' respective industries; and
    - After such investment by such individual or organization, at least two such startup entities each created at least five qualified jobs or generated at least **$622,142** (currently $528,293) in revenue with average annualized revenue growth of at least 20%.

Details:

- USCIS final rule, 89 Fed. Reg. 60298 (July 25, 2024).

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Cyrus Mehta was a speaker in a program entitled Defending Immigration Removal Proceedings 2024 under the aegis of the Practising Law Institute on July 25, 2024 in New York where he spoke on Ethical Issues and Immigration Law

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