



IMMIGRATION UPDATE - AUGUST 21, 2024

Posted on August 21, 2024 by Cyrus Mehta

Headlines:

[DHS Announces Expedited Asylum Processing at Northern Border to Deter Unauthorized Migrants](#) – The Department of Homeland Security has implemented measures at the U.S. border with Canada to reduce unauthorized migration.

[Annual Limits Reached in EB-3, EW, and EB-5 Unreserved Visa Categories](#) – The annual limits will reset with the start of the new fiscal year on October 1, 2024.

[USCIS Releases Filing Guide Ahead of New Spousal Parole Program](#) – U.S. Citizenship and Immigration Services has created a filing guide for the new "Keeping Families Together" spousal parole process that begins August 19, 2024.

[OFLC Releases Public Disclosure Data, Selected Program Statistics, H-2B Foreign Labor Recruiter List for Q3 of FY 2024](#) – The Department of Labor's Office of Foreign Labor Certification has released several batches of data and information.

[EOIR Relocates Houston Immigration Court](#) – The Executive Office for Immigration Review announced that the Houston-Smith Street Immigration Court is relocating and will be renamed the Houston-Jefferson Street Immigration Court.

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DHS Announces Expedited Asylum Processing at Northern Border to Deter Unauthorized Migrants

The Department of Homeland Security (DHS) has announced measures to reduce unauthorized migration across the U.S. border with Canada:

- Starting August 14, 2024, asylum officers conducting threshold screening interviews (TSI) for noncitizens who are processed pursuant to the U.S.-Canada Safe Third Country Agreement (STCA) are considering credible testimony, documents, and other reliable evidence available at the time of the TSI. Additional documentary evidence may not be submitted after the interview concludes, DHS announced, noting that "lack of documentary evidence alone does not preclude noncitizens from establishing that they qualify for an exception to the STCA."
- Additionally, DHS has reduced the time period for noncitizens to consult with attorneys or representatives before their TSIs from 24 hours to "a minimum of four hours beginning at the time the noncitizen is provided an opportunity to consult with a person of the noncitizen's choosing and continuing only during the hours of 7 a.m. and 7 p.m. local time."

"DHS carefully reviewed its implementation of the Safe Third Country Agreement with Canada and concluded that it could streamline that process at the border without impacting noncitizens' ability to have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection," the agency said. Migrants crossing the northern border without authorization and taken into U.S. custody increased from 2,200 in 2022 to a record 16,500 so far in fiscal year 2024.

Details:

- [USCIS notice](#) (Aug. 13, 2024).
- [S. to Speed Up Asylum Processing at Northern Border to Deter Migrant Crossings](#), CBS News (Aug. 14, 2024).

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Annual Limits Reached in EB-3, EW, and EB-5 Unreserved Visa Categories

The Department of State (DOS) announced on August 16, 2024, that annual

limits have been reached in the [EB-3, EW](#), and [EB-5 unreserved](#) categories for this fiscal year. DOS noted that:

- The annual limit for EB-3 visas is 28.6 percent of the worldwide employment limit, of which not more than 10,000 may be made available in the EW category.
- The annual limit for EB-5 visas is 7.1 percent of the worldwide employment limit, of which 68 percent is available for unreserved visa categories (C5, T5, I5, R5, RU, NU). Additionally, unused EB-5 reserved visas from FY 2022 may be made available in the EB-5 unreserved categories for FY 2024.

Since all available EB-3, EW, and EB-5 unreserved visas for FY 2024 have been used, DOS noted that "embassies and consulates may not issue visas in these categories for the remainder of the fiscal year. The annual limits will reset with the start of the new fiscal year (FY 2025) on October 1, 2024. At that point, embassies and consulates may resume issuing immigrant visas in these categories to qualified applicants."

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USCIS Releases Filing Guide Ahead of New Spousal Parole Program

U.S. Citizenship and Immigration Services (USCIS) has created a [filing guide](#) for the new "Keeping Families Together" spousal parole process that begins August 19, 2024. USCIS will [reject any related filings](#) received before that date.

Under the new process [announced](#) in June 2024, USCIS will consider, on a case-by-case basis, requests for certain noncitizen spouses of U.S. citizens who have been continuously physically present without admission or parole in the United States for 10 years or more, have no disqualifying criminal convictions, do not pose a threat to national security and public safety and pass vetting, are otherwise eligible to apply for adjustment of status, and merit a favorable exercise of discretion.

If paroled, USCIS said, these noncitizens "will generally be able to apply for lawful permanent residence without having to leave the United States and be processed by a U.S. consulate overseas." The Department of Homeland Security estimates that "500,000 noncitizen spouses of U.S. citizens could be eligible to access this process; on average, these noncitizens have resided in the

United States for 23 years. Approximately 50,000 noncitizen children of these spouses are estimated to be eligible to seek parole under this process."

USCIS said that additional information on the application process, required fee, and other key information will be detailed in a forthcoming Federal Register notice.

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OFLC Releases Public Disclosure Data, Selected Program Statistics, H-2B Foreign Labor Recruiter List for Q3 of FY 2024

The Department of Labor's Office of Foreign Labor Certification (OFLC) has released several batches of data and information, including:

- A comprehensive set of [public disclosure data](#) through the third quarter (Q3) of fiscal year (FY) 2024 drawn from employer applications requesting prevailing wage determinations and labor certifications for the PERM, LCA (H-1B, H-1B1, E-3), H-2A, H-2B, CW-1, and Prevailing Wage programs. The public disclosure files include all final determinations that OFLC issued for these programs during the October 1, 2023, through June 30, 2024, reporting period of fiscal year 2024.
- [Selected program statistics](#) for Q3 of FY 2024 for the PERM, LCA (H-1B, H-1B1, E-3), H-2A, H-2B, CW-1, and Prevailing Wage programs.
- An updated list of the names of foreign labor recruiters for the H-2B program. The [H-2B Foreign Labor Recruiter List](#) contains the names and locations of persons or entities identified on Appendix C of Form ETA-9142B that were hired by, or working for, the recruiters that employers have indicated they engaged, or planned to engage, in the recruitment of prospective H-2B workers to perform the work described on their H-2B applications. The list includes only those names and locations associated with H-2B applications that were processed or issued a final decision from October 1, 2023, through June 30, 2024. OFLC also released related [frequently asked questions](#).

Details:

- [OFLC notice](#) (two notices) (scroll to Aug. 15, 2024).

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EOIR Relocates Houston Immigration Court

The Executive Office for Immigration Review (EOIR) announced on August 15, 2024, that the Houston-Smith Street Immigration Court is relocating and will be renamed the Houston-Jefferson Street Immigration Court. The court will suspend normal operations at the close of business on August 22, 2024, to prepare for relocation. The court will reopen at its new location on August 27, 2024.

On August 23 and August 26, hearings will proceed at 1919 Smith Street, which EOIR said will be established as the court's annex effective August 27. Staff will remain on site and available to accept filings, answer phone calls, and oversee court operations. EOIR said it will provide official advance notice to all parties whose cases are reassigned.

The new location is:

Houston-Jefferson Street Immigration Court
500 Jefferson Street, Suite 300
Houston, TX 77002

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