



IMMIGRATION UPDATE - SEPTEMBER 19, 2024

Posted on September 19, 2024 by Cyrus Mehta

Headlines:

[Annual Limit Reached in EB-2 Visa Category](#) – The annual limit will reset with the start of FY 2025 on October 1, 2024.

[OFLC Announces Revised Transition Schedule for H-2A Job Orders and Technical Guidance Under Farmworker Protection Rule](#) – The Department of Labor's Office of Foreign Labor Certification announced a revised transition schedule for receiving and processing H-2A job orders and Applications for Temporary Employment Certification under the Farmworker Protection Rule, along with other technical guidance.

[DOJ Secures Antidiscrimination Settlement Agreement With Parking Management Company](#) – The agreement resolves the Department of Justice's determination that SP Plus discriminated against a worker based on her national origin by rejecting a valid document that showed her permission to work and requesting that she provide unnecessary documentation.

[October Visa Bulletin: EB-4 Religious Workers Category Set to Expire](#) – No employment-based fourth preference certain religious workers (SR) visas may be issued overseas, or final action taken on adjustment of status cases, after midnight September 29, 2024. If Congress extends the category, it is likely that it will become available effective immediately.

[California Service Center Relocates; Filing Addresses Updated](#) – The California Service Center has moved to a new facility.

Details:

[Back to Top](#)

Annual Limit Reached in EB-2 Visa Category

On September 9, 2024, the Department of State (DOS) [announced](#) the issuance of all available visas in the employment-based second preference (EB-2) visa category for fiscal year (FY) 2024. The annual limit for EB-2 visas is 28.6 percent of the worldwide employment limit.

DOS noted that because all available EB-2 visas for FY 2024 have been used, embassies and consulates cannot issue visas in this category for the remainder of the fiscal year. The annual limit will reset with the start of FY 2025 on October 1, 2024.

"Maximizing these visas facilitates legitimate travel for individuals with exceptional ability and professionals holding advanced degrees. These individuals bring contributions across many industries that greatly benefit the U.S. economy," DOS said.

[Back to Top](#)

OFLC Announces Revised Transition Schedule for H-2A Job Orders and Technical Guidance Under Farmworker Protection Rule

The Department of Labor's (DOL) Office of Foreign Labor Certification (OFLC) announced a [revised transition schedule](#) (scroll to September 10, 2024) for receiving and processing H-2A job orders and Applications for Temporary Employment Certification under the [Farmworker Protection Rule](#), along with other technical guidance.

The updates follow a preliminary injunction in *Kansas v. DOL* that prohibits DOL from enforcing the Farmworker Protection Rule in the states of Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, and against Miles Berry Farm and members of the Georgia Fruit and Vegetable Growers Association as of August 26, 2024.

[Back to Top](#)

DOJ Secures Antidiscrimination Settlement Agreement With Parking Management Company

The Department of Justice (DOJ) [announced](#) on September 12, 2024, that it secured a [settlement agreement](#) with SP Plus Corporation (SP Plus), a

transportation and parking management company based in Chicago. The agreement resolves the DOJ's determination that SP Plus discriminated against a worker based on her national origin by rejecting a valid document that showed her permission to work and requesting that she provide unnecessary documentation.

The DOJ Civil Rights Division's Immigrant and Employee Rights Section (IER) concluded that SP Plus discriminated against a Temporary Protected Status (TPS) beneficiary based on her national origin. DOJ noted:

TPS beneficiaries have [permission to work in the United States](#). They can get Employment Authorization Documents that show employers their permission to work. Sometimes, the federal government extends these Employment Authorization Documents past the expiration date on the card. [Instructions](#) on how an employer can determine if an has been extended by the federal government direct employers to look at the document's category code and date of expiration.

In this case, the IER found that SP Plus unlawfully rejected the worker's valid, extended EAD because she was born in the Bahamas rather than Haiti, the country through which she has TPS. Under the terms of the settlement, SP Plus will pay a civil penalty and offer reinstatement and back pay to the affected worker, DOJ said. The agreement also requires the company to train its personnel on the antidiscrimination requirements, revise its employment policies, and be subject to departmental monitoring.

[Back to Top](#)

October Visa Bulletin: EB-4 Religious Workers Category Set to Expire

The Department of State's [Visa Bulletin for October 2024](#) notes that no employment-based fourth preference certain religious workers (SR) visas may be issued overseas, or final action taken on adjustment of status cases, after midnight September 29, 2024. Visas issued before that date will be valid only until September 29, 2024, and all individuals seeking admission in the non-minister special immigrant category must be admitted into the United States by September 29, 2024.

The bulletin notes that the SR category is listed as "Unavailable" for all countries for October. If Congress extends the category, "it is likely it will become

available effective immediately. If extended, the category will be subject to the same final action dates as the other Employment Fourth Preference categories per applicable foreign state of chargeability," the bulletin states.

[Back to Top](#)

California Service Center Relocates; Filing Addresses Updated

The California Service Center (CSC) has moved to a new facility:

USCIS California Service Center
2642 Michelle Drive
Tustin, CA 92780

U.S. Citizenship and Immigration Services (USCIS) said that the CSC has three new post office boxes to intake U.S. Postal Service mail, while UPS, FedEx, DHL, and all other commercial carrier mail will go to CSC's new facility address. Additional information and links are available via the [USCIS alert](#).

[Back to Top](#)