



IMMIGRATION UPDATE - SEPTEMBER 23, 2024

Posted on September 23, 2024 by Cyrus Mehta

Headlines:

[USCIS Reaches H-2B Cap for First Half of FY 2025](#) – U.S. Citizenship and Immigration Services has received enough petitions to reach the congressionally mandated cap on H-2B visas for temporary nonagricultural workers for the first half of fiscal year 2025.

[USCIS Extends Green Card Validity to 36 Months for Renewals](#) – U.S. Citizenship and Immigration Services is automatically extending the validity of permanent resident cards (green cards) to 36 months for lawful permanent residents who file Form I-90, Application to Replace Permanent Resident Card.

[EB-5 Integrity Fund Fee Due October 1](#) – The annual fee is \$20,000 for each designated regional center, except for those with 20 or fewer total investors in the preceding fiscal year in their new commercial enterprises, in which case the annual fee is \$10,000.

[OMB Grants DOL's Emergency Request to Reinstate H-2A Forms](#) – The Office of Management and Budget approved through February 2025 the Department of Labor's emergency request to reinstate prior approved Forms ETA 790, 790A, 790B, and 9142A.

Details:

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USCIS Reaches H-2B Cap for First Half of FY 2025

U.S. Citizenship and Immigration Services (USCIS) announced on September 19, 2024, that it has received enough petitions to reach the congressionally mandated cap on H-2B visas for temporary nonagricultural workers for the first half of fiscal year 2025. USCIS said that September 18 was the final receipt date

for new cap-subject H-2B worker petitions requesting an employment start date before April 1, 2025. "We will reject new cap-subject H-2B petitions we receive after Sept. 18 that request an employment start date before April 1, 2025," the agency said.

USCIS said it is still accepting H-2B petitions that are exempt from the congressionally mandated cap, including:

- Current H-2B workers in the United States who extend their stay, change employers, or change the terms and conditions of their employment;
- Fish roe processors, fish roe technicians, and/or supervisors of fish roe processing; and
- Workers performing labor or services in the Commonwealth of the Northern Mariana Islands and/or Guam from November 28, 2009, until December 31, 2029.

USCIS noted that Congress has set the H-2B cap at 66,000 per fiscal year, with 33,000 for workers who begin employment in the first half of the fiscal year (October 1-March 31) and 33,000 (plus any unused numbers from the first half of the fiscal year) for workers who begin employment in the second half of the fiscal year (April 1-September 30).

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USCIS Extends Green Card Validity to 36 Months for Renewals

As of September 10, 2024, U.S. Citizenship and Immigration Services (USCIS) is automatically extending the validity of permanent resident cards (green cards) to 36 months for lawful permanent residents (LPRs) who file Form I-90, Application to Replace Permanent Resident Card. Form I-90 receipt notices had previously provided a 24-month extension.

USCIS has updated the language on Form I-90 receipt notices to extend the validity. The agency said that these receipt notices can be presented with an expired green card "as evidence of continued status and employment authorization."

Those who no longer have their green cards and need evidence of their LPR status while waiting to receive their replacement green card may request an appointment at a USCIS Field Office via the [USCIS Contact Center](#). In such cases, USCIS may issue an Alien Documentation, Identification, and

Telecommunications (ADIT) stamp after the applicant files the Form I-90.

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EB-5 Integrity Fund Fee Due October 1

The [EB-5 Integrity Fund](#) fee for fiscal year 2025 is due October 1, 2024. The annual fee is \$20,000 for each designated regional center, except for those with 20 or fewer total investors in the preceding fiscal year in their new commercial enterprises, in which case the annual fee is \$10,000.

The fees are used primarily to administer the EB-5 Regional Center Program as required by the EB-5 Reform and Integrity Act of 2022.

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OMB Grants DOL's Emergency Request to Reinstate H-2A Forms

The Office of Management and Budget (OMB) [approved](#) through February 2025 the Department of Labor's (DOL) [emergency request](#), through a general notice, to reinstate prior approved Forms ETA 790, 790A, 790B, and 9142A, which the notice said was necessary to ensure continuity in administering the H-2A program and the Agricultural Recruitment System nationwide.

OMB said, "Within 60 days of this approval, the agency shall initiate revisions."

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