



IMMIGRATION UPDATE - OCTOBER 07, 2024

Posted on October 7, 2024 by Cyrus Mehta

Headlines:

[FY 2026 Diversity Visa Program Application Period Is Underway](#) – The online registration period for the Diversity Visa (DV)-2026 program began on October 2, 2024, and concludes on November 5, 2024.

[USCIS Issues New Guidance on EB-1 'Extraordinary Ability' Eligibility Criteria](#) – U.S. Citizenship and Immigration Services issued policy guidance, effective immediately, to further clarify the types of evidence that the agency may evaluate to determine eligibility for extraordinary ability (E11) EB-1 immigrant visa classifications.

[Exchange Program Connects African Universities With HBCUs](#) – The Department of State is strengthening educational partnerships between African universities and Historically Black Colleges and Universities in the United States through an International Visitor Leadership Program exchange.

[DOS Announces Reduced Passport Processing Times](#) – The Department of State's Bureau of Consular Affairs said it is reducing processing times for passports to 4 to 6 weeks, down from 6 to 8 weeks.

[Special Immigrant Religious Worker Program Extended](#) – President Biden signed a law extending the EB-4 non-minister special immigrant religious worker program through December 20, 2024.

[USCIS Seeks Comments on H-2 Petitioners' Employment- and Fee-Related Notifications](#) – U.S. Citizenship and Immigration Services seeks comments by December 2, 2024, on H-2 petitioners' employment- and fee-related notifications (Form I-129N).

Details:

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FY 2026 Diversity Visa Program Application Period Is Underway

The Department of State (DOS) [announced](#) that the online registration period for the Diversity Visa (DV)-2026 program began on October 2, 2024, at noon ET and will conclude on November 5, 2024, at noon ET.

Submission of more than one entry for a person during the registration period will disqualify all entries for that person, DOS said. The English version of the [DV-2026 Program Instructions](#) in PDF format is the only current official version available. Unofficial translations in additional languages will be added to the [DOS DV webpage](#) as they become available, DOS said.

DOS noted that, for the purposes of eligibility, some countries include components and dependent areas overseas. "If you are a native of a dependency or overseas territory, please select the appropriate country of eligibility. For example, natives of Macau S.A.R should select Portugal, and natives of Martinique should select France," DOS said.

For more information, see [89 Fed. Reg. 79997 \(Oct. 1, 2024\)](#).

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USCIS Issues New Guidance on EB-1 'Extraordinary Ability' Eligibility Criteria

On October 2, 2024, U.S. Citizenship and Immigration Services (USCIS) issued [policy guidance](#), effective immediately, to further clarify the types of evidence that the agency may evaluate to determine eligibility for extraordinary ability (E1) EB-1 immigrant visa classifications. The policy guidance:

- Confirms that USCIS considers a person's receipt of team awards under the criterion for lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor;
- Clarifies that USCIS considers past memberships under the membership criterion;
- Removes language suggesting published material must demonstrate the value of the person's work and contributions to satisfy the published material criterion; and
- Explains that while the dictionary defines an "exhibition" as a public showing not limited to art, the relevant regulation expressly modifies that

term with "artistic," such that USCIS will only consider non-artistic exhibitions as part of a properly supported claim of comparable evidence.

USCIS said the new guidance builds on a [previous EB-1 policy update](#) that provides "more clarity and transparency to assist petitioners in submitting appropriate evidence that may establish the beneficiary's eligibility."

The [policy update](#), which is included in the [USCIS Policy Manual](#), "is controlling and supersedes any related prior guidance on the topic," USCIS said.

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Exchange Program Connects African Universities With HBCUs

On October 4, 2024, the Department of State (DOS) [announced](#) that it is strengthening educational partnerships between African universities and Historically Black Colleges and Universities (HBCUs) in the United States through an International Visitor Leadership Program (IVLP) exchange.

Participants in this professional exchange program "include African higher education faculty, administrators, and government officials from 11 countries who are interested in internationalizing university campuses and strengthening and expanding higher education linkages with U.S. higher education institutions," DOS said.

The implementing partner for the IVLP is the Mississippi Consortium for International Development (MCID), a nonprofit organization that originated from a collaborative endeavor of four HBCUs in Mississippi.

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DOS Announces Reduced Passport Processing Times

The Department of State's (DOS) Bureau of Consular Affairs announced on October 3, 2024, that it is reducing processing times for passports to 4 to 6 weeks, down from 6 to 8 weeks. "This announcement comes after months of issuing passports well under the 6-8 week commitment and showcases our progress to continuously improve the efficiency, equity, and accessibility of the U.S. passport application process," DOS said. The updated processing time applies to applications submitted on paper or online.

For those in need of expedited service for U.S. passports, DOS said its

processing remains 2 to 3 weeks. These processing times "begin when an application is received by the State Department and do not include mailing times," DOS noted.

Those who wish to renew their passports can use the [Online Passport Renewal](#) system. DOS [launched](#) the full online renewal system on September 18, 2024.

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Special Immigrant Religious Worker Program Extended

On September 26, 2024, President Biden signed a law extending the EB-4 non-minister special immigrant religious worker program through December 20, 2024. It was previously set to expire on September 30, 2024. U.S. Citizenship and Immigration Services (USCIS) [explained](#) that the law allows such workers to immigrate or adjust to permanent resident status by that "sunset date." Included are those in a religious vocation or occupation engaged in either a professional or non-professional capacity. The sunset date also applies to accompanying spouses and children.

Special immigrants entering the U.S. solely to carry on the vocation of a minister, and their accompanying spouses and children, are not affected by the sunset date, USCIS said. Nonprofit organizations whose use of special immigrant religious workers furthers the cultural or social interests of the United States may request expedited processing.

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USCIS Seeks Comments on H-2 Petitioners' Employment- and Fee-Related Notifications

U.S. Citizenship and Immigration Services seeks comments on H-2 petitioners' employment- and fee-related notifications (Form I-129N). The notice was published in [89 Fed. Reg. 80589 \(Oct. 3, 2024\)](#). Comments are due by December 2, 2024.

USCIS is inviting comments on the nature of the information collection, the categories of respondents, the estimated burden (time, effort, and resources used by the respondents), the estimated cost to the respondent, and the information collection instruments. USCIS said the changes to this information collection are related to the [Modernizing H-2 Program Requirements](#).

[Oversight, and Worker Protections proposed rule](#), and are contingent on its successful conclusion.

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Firm in the News

Cyrus D. Mehta & Partners PLLC [announced](#) its acquisition of Claudia Slovinsky and Associates, PLLC, significantly expanding and deepening its immigration law practice. Both law firms are renowned for providing exceptional legal representation in a wide range of immigration matters. They have developed mutual expertise in addressing the needs of both corporations and individuals. Both firms are deeply committed to delivering the highest quality legal services to immigrants, their families, and employers. As part of this transition, Cyrus D. Mehta & Partners is pleased to welcome Dominic Kong, a highly skilled and experienced immigration attorney with deep expertise in employment-based immigrant and nonimmigrant visa petitions. The firm also welcomes Reynaldo Pabon, who comes with law firm management experience and is joining as a management analyst to enhance workflow and technology. An article in Law360, NY Immigration Boutique Buys Retiring Pro's Firm, available by registering, reported on the acquisition and quoted Ms. Slovinsky, the retiring lawyer who sold the practice to Cyrus D. Mehta & Partners PLLC. Stephen Yale-Loehr co-authored a blog, Think Immigration: How the New D3 Waiver Guidance Is Unlocking Opportunities for Dreamers in the Workforce. Mr. Yale-Loehr was quoted by PolitiFact in Immigration Experts Say JD Vance is Wrong. Haitians Under Temporary Programs Are in the U.S. Legally. Mr. Yale-Loehr noted that if temporary protected status were revoked, deportation would not be immediate. "They would all have a right to a removal hearing before an immigration judge to determine whether they have some right to remain here, such as asylum," he said.

[Cyrus Mehta](#) was quoted by *Bloomberg Law* in [Judge's Past Red-State Advocacy Shadows Big Immigration Case](#). Mr. Mehta noted that U.S. District Judge Campbell Barker's order raised questions about whether someone could be paroled "into" the United States if they were already present in the country and whether the Department of Homeland Security incorrectly focused on public benefits stemming from the larger parole program, rather than individual grants. That logic would undermine the legal basis of a separate program granting parole for military spouses, which has been used since 2013, Mr.

Mehta said. "I don't think it's a foregone conclusion that this judge will rule in Texas' favor, but it's foreboding at this point in time," he said.

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