



## IMMIGRATION UPDATE - OCTOBER 14, 2024

*Posted on October 14, 2024 by Cyrus Mehta*

### Headlines:

[OFLC Releases FAQs on Employer Needs and Communications During Recent Major Disasters](#) – The Department of Labor's Office of Foreign Labor Certification released frequently asked questions on issues related to employer needs and communications in Hurricane Helene-affected areas and Vermont.

[USCIS Updates Guidance on Expedite Requests](#) – The update clarifies how the agency considers expedite requests related to government interests and requests related to emergencies or urgent humanitarian situations, including travel-related requests. The update also clarifies how to make an expedite request and explains how USCIS processes them.

[New Application Released for Travel, Parole, Arrival/Departure Documents; No Grace Period](#) – On October 11, 2024, U.S. Citizenship and Immigration Services (USCIS) announced publication of a new Form I-131 (06/17/24 edition) named "Application for Travel Documents, Parole Documents, and Arrival/Departure Records." USCIS is not offering any grace period to transition to the new form.

[USCIS Launches PDF Filing Option for Certain Work Permit Applicants](#) – On October 8, 2024, U.S. Citizenship and Immigration Services announced a PDF filing option for certain applicants seeking a work permit.

[November Visa Bulletin Announces Extension of Religious Workers Category and the Effects of NDAA on Certain Employees of the U.S. Government Abroad](#) – The Department of State's Visa Bulletin for November 2024 includes information on the extension of the SR religious workers category and effects of the National Defense Authorization Act on certain employees of the U.S. government abroad who are applying for Special Immigrant Visas (SIVs) or adjustment of status. This does not affect certain Iraqis and Afghans applying

for SQ and SI SIVs.

## Details

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### **OFLC Releases FAQs on Employer Needs and Communications During Recent Major Disasters**

The Department of Labor's Office of Foreign Labor Certification (OFLC) released frequently asked questions (FAQs) on issues related to employer needs and communications in areas affected by hurricanes, severe storms, flooding, landslides, and mudslides, specifically for [Hurricane Helene-affected areas](#) and [Vermont](#). Highlights include:

- OFLC said it will continue to contact employers and their authorized attorneys or agents primarily using email and will use U.S. mail where email addresses are not available. Employers are reminded to check their email routinely for information related to their OFLC applications. If an employer is affected by internet and power outages, the employer may contact OFLC using the phone numbers listed in the notices.
- OFLC noted that if a geographic area has no or partial U.S. mail delivery and no planned restoration date, it will contact employers and their authorized attorneys or agents via email, if that information is disclosed on the application, to arrange for the delivery of correspondence using alternate services or to a mailing address not affected by mail delivery disruptions. In these circumstances, employers and/or their authorized attorneys or agents should contact the applicable OFLC National Processing Center using the information provided in the notice.
- "For each of OFLC's programs, the most effective means of communicating with OFLC is through the established Foreign Labor Application Gateway (FLAG) or the PERM Case Management System ('PERM system') and should be used whenever possible," OFLC said. "In the event an employer or its authorized attorney or agent is unable to communicate with OFLC through FLAG or the PERM system, alternative methods of contacting OFLC regarding each of OFLC's programs" appears in the FAQs.

Extensions of time and deadlines may be granted depending on the circumstances, OFLC said. The notice includes additional details about closing

offices, moving workers or worksites, changing start dates for employment, and other disaster-related issues.

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### **USCIS Updates Guidance on Expedite Requests**

On October 11, 2024, U.S. Citizenship and Immigration Services (USCIS) [announced](#) an update to its guidance on expedite requests, effective immediately. The update in the [USCIS Policy Manual](#) clarifies how the agency considers expedite requests related to government interests and requests related to emergencies or urgent humanitarian situations, including travel-related requests. The update also clarifies how to make an expedite request and explains how USCIS processes them.

Among other things, the update clarifies that USCIS will consider expediting [Form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records](#), when a benefit requestor in the United States has "a pressing or critical need to leave the United States, whether the need to travel relates to an unplanned or planned event, such as a professional, academic, or personal commitment."

For more information, see the [Policy Alert](#), the newly updated [Expedite Requests](#) page, and the new [Interested Government Agency](#) page.

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### **New Application Released for Travel, Parole, Arrival/Departure Documents; No Grace Period**

On October 11, 2024, U.S. Citizenship and Immigration Services (USCIS) [announced](#) publication of a new Form I-131 (06/17/24 edition). The new form is named "[Application for Travel Documents, Parole Documents, and Arrival/Departure Records](#)." It is used to apply for reentry permits, refugee travel documents, Temporary Protected Status (TPS) travel authorization documents, advance parole documents, initial parole documents for noncitizens outside the United States, and Arrival/Departure Records for parole in place and re-parole for noncitizens inside the United States.

USCIS noted:

- The new 06/17/24 edition of Form I-131 replaces the 04/01/24 edition of the Form I-131 (Application for Travel Document). There is no grace period. Effective October 11, 2024, USCIS is rejecting applications on the 04/01/24 edition of Form I-131.
- The agency will not accept a mailed 04/01/24 paper edition of the form that is postmarked on or after 10/11/24 but will accept that edition if it is postmarked before 10/11/24.

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### **USCIS Launches PDF Filing Option for Certain Work Permit Applicants**

On October 8, 2024, U.S. Citizenship and Immigration Services (USCIS) [announced](#) a PDF filing option for certain applicants seeking an Employment Authorization Document (EAD).

Eligible applicants now may upload a completed [Form I-765, Application for Employment Authorization](#), along with required evidence, in PDF format using their [USCIS online account](#). Eligible applicants also may file a completed [Form I-912, Request for Fee Waiver](#), with their application using the PDF filing option. "This is the first time we are accepting fee waiver requests electronically filed via USCIS online accounts," USCIS said. The agency noted that planned future expansion of PDF filing "will allow attorneys and accredited representatives to file these applications on behalf of their clients, as well as additional form types."

The notice includes details on which categories are available initially for PDF filing. USCIS noted that individuals may still file paper application packages by mail.

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### **November Visa Bulletin Announces Extension of Religious Workers Category and Effects of NDAA on Certain Employees of the U.S. Government Abroad**

The Department of State's [Visa Bulletin for November 2024](#) includes the following information:

- The **Employment Fourth Preference Religious Workers (SR) category was extended** until December 20, 2024. No SR visas may be issued overseas, or final action taken on adjustment of status cases, after

midnight Eastern Time (ET), December 19, 2024. All individuals seeking admission in the non-minister special immigrant category must be admitted into the United States by midnight ET on December 19, 2024. The bulletin notes that the SR category is subject to the same final action dates as the other Employment Fourth Preference categories per applicable foreign state of chargeability.

- The **National Defense Authorization Act (NDAA)** for Fiscal Year 2024, signed into law on December 22, 2023, **may affect certain current and former employees of the U.S. government abroad** who are applying for Special Immigrant Visas (SIVs) or adjustment of status, the bulletin notes. This does not affect certain Iraqis and Afghans applying for SQ and SI SIVs. "Applicants should contact the consular section at which they filed their Form DS-1884 for further information on the impact of that law on their case," according to the bulletin.

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## Firm in the News

[Cyrus Mehta](#) was chair of the American Immigration Lawyers Association's (AILA) National Ethics Committee when AILA released its first ethics compendium in 2012. The book was updated and re-released in book format in 2024 when Mr. Mehta was again chair of the National Ethics Committee. [AILA Ethics Compendium: Modern Legal Ethics for Immigration Lawyers](#) is designed to assist both experienced and novice immigration lawyers in navigating the complex ethical issues that arise in their practice. It is the result of a decade-long project brought to fruition by the dedicated efforts of the committee. It provides an in-depth analysis of the ABA Model Rules of Professional Conduct from the perspective of immigration lawyers. The compendium includes real-world hypotheticals, annotations, and commentary on each rule. "The AILA Ethics Compendium is an essential tool for any attorney practicing immigration law, offering guidance on ethical dilemmas that are unique to the field," said Cyrus Mehta, past chair of the AILA National Ethics Committee. "We hope this resource will, help those practicing immigration, and supporting immigration lawyers navigate the complexities of legal ethics with confidence." The AILA Ethics Compendium has already been utilized as a reference at national conferences, by ethics counsel in guiding clients, and as an educational tool by disciplinary regulators. With its comprehensive and practical approach, the

compendium is set to become the premier ethics reference source for immigration practitioners.

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