



IMMIGRATION UPDATE - OCTOBER 28, 2024

Posted on October 28, 2024 by Cyrus Mehta

Headlines:

[USCIS Approves New Credentialing Organization for Healthcare Workers](#) – U.S. Citizenship and Immigration Services has approved International Education Evaluations, LLC, as a new credentialing organization for healthcare workers for certain immigration purposes.

[USCIS Updates Guidance for T Visas](#) – U.S. Citizenship and Immigration Services has revised guidance in its Policy Manual related to the T visa for victims of severe forms of human trafficking to align with a final rule published in April 2024.

[DOJ Settles With State Farm for Retaliation Violation](#) – The Department of Justice has reached a settlement agreement with State Farm Mutual Automobile Insurance Company after determining that one of the company's corporate offices in Richardson, Texas, violated the law when it terminated a worker in retaliation for raising concerns about citizenship status discrimination.

[USCIS Seeks Comments on Revisions to Application for Employment Authorization](#) – In addition to specific changes to the form, U.S. Citizenship and Immigration Services said it is exploring additional technology and internal process improvements.

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USCIS Approves New Credentialing Organization for Healthcare Workers

U.S. Citizenship and Immigration Services (USCIS) has [approved](#) International Education Evaluations, LLC, as a new credentialing organization for healthcare workers for certain immigration purposes.

USCIS explained that "an individual who seeks admission to the United States as a nonimmigrant or immigrant, or who is the beneficiary of a change of status request, or who is applying for adjustment of status, in the United States for the purpose of performing labor in certain healthcare occupations is inadmissible unless he or she presents a certificate from an authorized credentialing organization." Department of Homeland Security (DHS) regulations authorize the Commission on Graduates of Foreign Nursing Schools, the National Board for Certification in Occupational Therapy, and the Foreign Credentialing Commission on Physical Therapy to issue such [certificates](#). DHS regulations also "establish detailed standards for the approval of additional credentialing organizations after consultation with the Secretary of Health and Human Services, and USCIS has created an adjudicatory framework for the filing and adjudication of those applications using Form I-905, Application for Authorization to Issue Certification for Health Care Workers," USCIS said.

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USCIS Updates Guidance for T Visas

U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it has revised guidance in its Policy Manual related to the T visa for victims of severe forms of human trafficking to align with a final rule published in April 2024.

USCIS noted, among other things, that when an individual whose application is deemed bona fide files [Form I-765, Application for Employment Authorization](#), under category (c)(40), the agency will consider whether to grant them deferred action and a work permit while it adjudicates their application for T nonimmigrant status. USCIS said it recommends that applicants submit Form I-765 with their [Form I-914, Application for T Nonimmigrant Status](#). Applicants for T nonimmigrant status do not need to pay a fee to file Form I-765, USCIS said.

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DOJ Settles With State Farm for Retaliation Violation

The Department of Justice (DOJ) [announced](#) on October 24, 2024, that it has reached a [settlement agreement](#) with State Farm Mutual Automobile Insurance Company after determining that one of the company's corporate offices in Richardson, Texas, violated the law when it terminated a worker in retaliation for raising concerns about citizenship status discrimination.

DOJ said that its Civil Rights Division's Immigrant and Employee Rights Section determined that State Farm unlawfully terminated a worker and placed her on a "do not hire" list because she opposed State Farm's rejection of her valid documentation showing that she was authorized to work. State Farm rejected her Permanent Resident Card with a notice from the Department of Homeland Security that extended the validity of the card past its expiration date.

Under the terms of the settlement, the company will pay civil penalties of \$4,610 and will pay more than \$30,000 in back pay to the affected worker. The agreement also requires that State Farm train its personnel on the anti-discrimination requirements of the Immigration and Nationality Act, revise its employment policies, and be subject to departmental monitoring and reporting requirements.

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USCIS Seeks Comments on Revisions to Application for Employment Authorization

U.S. Citizenship and Immigration Services (USCIS) [seeks comments](#) on proposed revisions to the Form I-765, Application for Employment Authorization, and accompanying instructions.

In addition to specific changes to the form, USCIS said it is exploring additional technology and internal process improvements "to further reduce the burden to those applying for initial employment authorization, seeking evidence of existing employment authorization, or employment authorization incident to status or an Employment Authorization Document (EAD)." USCIS specifically requests "comments on the submission of passport-style photos during the application process and expanding the options available to filers for submission of photos through the use of emerging technologies, such as a smartphone application that would allow for the capture and submission of passport-style

photos necessary to produce an EAD."

USCIS also requests "detailed reasons why USCIS should or should not consider use of the mobile app or alternate technology for photo capture." Specifically, the agency seeks "comments on providing alternative means to apply for employment authorization or evidence of existing employment authorization that could substitute for submitting" a separate Form I-765. Finally, USCIS avers that "omments may also address a proposal to provide applicants the option to consent to USCIS sharing certain information from their benefit requests with the Social Security Administration (SSA) for the purposes of having the SSA assign the applicant a Social Security Number and issue the applicant a new or replacement Social Security Card upon approval of the underlying benefit request."

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Firm in the News

Cyrus Mehta was an invited speaker at the 48th Annual Conference on Immigration and Nationality Law of the University of Texas in Austin, TX on October 25, 2024 where he presented on a panel entitled "When Spit Hits the N-400." The other speakers were Richard Fischer and Jacqueline Watson.

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