



IMMIGRATION UPDATE - DECEMBER 04, 2024

Posted on December 4, 2024 by Cyrus Mehta

Headlines:

[DHS Publishes Temporary Final Rule to Supplement H-2B Cap With Nearly 65,000 Additional Visas for FY 2025](#) – The rule provides effective dates for the various allocations and details on what employers must do to qualify for the FY 2025 supplemental caps.

[DHS Publishes Notice Designating Lebanon for TPS and Providing Special Student Relief](#) – On November 27, 2024, the Department of Homeland Security published a notice designating Lebanon for Temporary Protected Status for 18 months. Accompanying the announcement is a Special Student Relief notice for F-1 nonimmigrant students from Lebanon.

[DOJ Reaches Agreement With Restaurant Group to Resolve Immigration-Related Discrimination Claims](#) – DOJ found that the restaurant group's treatment of a worker was part of a larger practice of requesting documents from lawful permanent residents that were not required to prove their citizenship status.

[OFLC Confirms Permanent Online System Is No Longer Available](#) – The Foreign Labor Application Gateway System has been implemented to replace the legacy Permanent Online System.

[Courts in Kentucky and Mississippi Issue Orders on Implementation of Farmworker Protection Final Rule](#) – The Department of Labor's Office of Foreign Labor Certification announced court orders issued by the Eastern District of Kentucky and Southern District of Mississippi associated with implementation of the 2024 Farmworker Protection Final Rule.

[DHS Removed or Returned More Individuals in FY 2024 Than Any Year Since FY 2010](#) – The Department of Homeland Security is seeking to expand

removal flights.

[USCIS Announces New Classes of Admission for LPR Status and Work Authorization for Surviving Spouses and Children of Certain U.S.](#)

[Government Employees Abroad](#) – U.S. Citizenship and Immigration Services announced multiple new classes of admission (COAs) for the surviving spouses and children of certain deceased employees of the U.S. government abroad. Individuals with these COAs are lawful permanent residents and are authorized to work incident to status.

Details:

DHS Publishes Temporary Final Rule to Supplement H-2B Cap With Nearly 65,000 Additional Visas for FY 2025

The Department of Homeland Security (DHS), in consultation with the Department of Labor (DOL), will [publish](#) a temporary final rule on December 2, 2024, [making available](#) an additional 64,716 H-2B temporary nonagricultural worker visas for fiscal year 2025. This followed an [announcement](#) on November 15, 2024.

The temporary rule provides effective dates for the various allocations. The rule allocates 20,000 visas for workers from Guatemala, El Salvador, Honduras, Haiti, Colombia, Ecuador, and Costa Rica, and 44,716 supplemental visas for returning workers who received an H-2B visa, or were otherwise granted H-2B status, during one of the last three fiscal years. "The regulation would allocate the supplemental visas for returning workers between the first half and second half of the fiscal year to account for the need for additional seasonal and other temporary workers over the course of the year, with a portion of the second half allocation reserved to meet the demand for workers during the peak summer season," DOL said.

The rule notes that these visas "will be available only to businesses that are suffering or will suffer impending irreparable harm, as attested by the employer. In addition, DHS is again providing temporary portability flexibility." The rule provides details on what employers must do to qualify for the FY 2025 supplemental caps.

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DHS Publishes Notice Designating Lebanon for TPS and Providing Special Student Relief

On November 27, 2024, the Department of Homeland Security published a [Federal Register notice](#) designating Lebanon for Temporary Protected Status (TPS) for 18 months. DHS initially [announced](#) the designation on October 17, 2024. The new notice provides information about how to register for TPS under this designation.

The designation allows an estimated 11,000 Lebanese nationals (and individuals having no nationality who last habitually resided in Lebanon) who have been continuously residing in the United States since October 16, 2024, and have been continuously physically present in the United States since November 27, 2024, to apply for TPS if they are otherwise eligible.

Individuals who want to request TPS under Lebanon's designation must submit [Form I-821, Application for Temporary Protected Status](#), during the initial registration period that runs from November 27, 2024, through May 27, 2026. Applicants may also apply for TPS-related Employment Authorization Documents (EADs) and travel authorization. DHS noted that an applicant can request an EAD by submitting [Form I-765, Application for Employment Authorization](#), with Form I-821 or separately.

The Federal Register notice explains the eligibility criteria, timelines, and procedures necessary to apply for TPS and for an EAD. On October 17, 2024, U.S. Citizenship and Immigration Services also posted a Federal Register notice establishing procedures for Lebanese nationals covered by President Biden's July 26, 2024, grant of Deferred Enforced Departure (DED) to apply for EADs that will be valid through January 25, 2026.

Accompanying the announcement is a [Special Student Relief notice](#) for F-1 nonimmigrant students whose country of citizenship is Lebanon, which enables eligible students to request employment authorization, work an increased number of hours while school is in session, and reduce their course loads while continuing to maintain F-1 status through the TPS designation period. The notice covers eligible Lebanese F-1 nonimmigrant students beginning on November 27, 2024, and ending on May 27, 2026.

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DOJ Reaches Agreements to Resolve Immigration-Related Discrimination Claims

The Department of Justice (DOJ) secured agreements in late November with a restaurant group and a trailer manufacturer to resolve immigration-related discrimination claims.

Restaurant Group

On November 26, 2024, DOJ [announced](#) that it secured an [agreement](#) with Anna Maria Oyster Bar Inc., a restaurant group based in Bradenton, Florida. The agreement resolves DOJ's determination that the restaurant group "routinely discriminated against lawful permanent residents when checking their permission to work in the United States."

DOJ explained that after conducting an investigation based on a worker's complaint, the Civil Rights Division's Immigrant and Employee Rights Section (IER) concluded that Anna Maria Oyster Bar had required a specific document—a Permanent Resident Card (green card)—from a worker to prove her citizenship status, even though she had already presented sufficient proof of her permission to work. IER also found that "the restaurant group's treatment of this worker was part of a larger practice of requesting documents issued by the Department of Homeland Security, typically Permanent Resident Cards, from lawful permanent residents to prove their citizenship status."

Under the terms of the settlement, Anna Maria Oyster Bar will pay a civil penalty of \$12,684 to the United States, train its employees on the Immigration and Nationality Act's (INA) requirements, revise its employment policies and be subject to DOJ monitoring.

Trailer Manufacturer

On November 25, 2024, DOJ [announced](#) that it secured a [settlement agreement](#) with Great Dane LLC (Great Dane) resolving DOJ's determination that Great Dane's plant in Wayne, Nebraska, violated the INA. For example, DOJ determined that even though the worker who filed the initial complaint provided sufficient information and documents to prove his permission to work (his state ID and unrestricted Social Security card), the company nevertheless wanted him to provide additional information from a Permanent Resident Card.

Under the terms of the settlement, DOJ said, the company will pay \$218,000 in

civil penalties to the United States and establish a backpay fund of \$218,000 "to compensate victims of the company's discriminatory practices, including those whom it failed to hire or who lost work because they could not comply with the company's discriminatory document demands." The agreement also requires Great Dane to train its personnel on the INA's anti-discrimination requirements, revise its employment policies, and be subject to DOJ monitoring and reporting requirements.

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OFLC Confirms Permanent Online System Is No Longer Available

On December 1, 2024, the Department of Labor's Office of Foreign Labor Certification (OFLC) [confirmed](#) that the legacy Permanent Online System, which provided public access to permanent labor certification applications and final determinations, is fully decommissioned and no longer available.

OFLC explained that the Foreign Labor Application Gateway (FLAG) System has been implemented to replace the legacy Permanent Online System, improve service, and modernize the administration of foreign labor certification programs. Pending applications will continue to be processed, but new users will be redirected to the FLAG System.

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Courts in Kentucky and Mississippi Issue Orders on Implementation of Farmworker Protection Final Rule

On November 27, 2024, the Department of Labor's (DOL) Office of Foreign Labor Certification (OFLC) [announced](#) court orders issued on November 25, 2024, by the Eastern District of Kentucky and Southern District of Mississippi associated with implementation of the 2024 Farmworker Protection Final Rule.

A preliminary injunction in the Kentucky case, *Barton v. U.S. DOL*, enjoins and restrains DOL from implementing, enacting, enforcing, or taking any action in any manner to enforce certain provisions of the final rule. In the Mississippi case, a decision in *International Fresh Produce Association v. U.S. DOL* stays the effective date of certain regulations in the Farmworker Protection Rule nationwide until the conclusion of proceedings in the case, including any appellate proceedings.

DOL said it will issue "additional information and guidance on its ongoing compliance and implementation of these orders as soon as possible." Until that additional guidance is published, "as of November 27, 2024, employers (or an employer's authorized attorney or agent) will be directed on the Foreign Labor Application Gateway (FLAG) System to prepare and submit H-2A job orders and Applications for Temporary Employment Certification using the forms applicable under the version of [20 CFR part 655, subpart B](#) in effect on June 27, 2024," DOL [said](#) .

Previously, the United States District Court for the Southern District of Georgia issued a preliminary injunction in *Kansas U.S. DOL* prohibiting DOL from enforcing the rule in certain states and with respect to certain entities. The affected states include Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The entities include Miles Berry Farm and members of the Georgia Fruit and Vegetable Growers Association as of August 26, 2024. On August 28, 2024 and again on September 10, 2024, the Employment and Training Administration issued related [announcements](#) .

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DHS Removed or Returned More Individuals in FY 2024 Than Any Year Since FY 2010

On November 18, 2024, the Department of Homeland Security (DHS) [said](#) that it has removed or returned more individuals in FY 2024 than any year since FY 2010. From the implementation of President Biden's Proclamation on June 4, 2024 (which temporarily suspended the entry of certain noncitizens across the southern border), through the end of October 2024, DHS has operated more than 640 international repatriation flights to more than 155 countries, including the People's Republic of China (PRC), Colombia, Ecuador, Peru, Egypt, Mauritania, Senegal, Uzbekistan, and India. Efforts to expand removal flights continue, the agency said, noting that there has also been a more than 55 percent decrease in "Border Patrol encounters" since the proclamation was issued.

Meanwhile, DHS announced that on November 16, 2024, U.S. Immigration and Customs Enforcement conducted the third large-frame charter removal flight in less than six months to the PRC of Chinese nationals with no lawful basis to

remain in the United States.

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USCIS Announces New Classes of Admission for LPR Status and Work Authorization for Surviving Spouses and Children of Certain U.S. Government Employees Abroad

On November 25, 2024, U.S. Citizenship and Immigration Services (USCIS) [announced](#) multiple new classes of admission (COAs) for the surviving spouses and children of certain deceased employees of the U.S. government (USG) abroad. Individuals with these COAs are lawful permanent residents and are authorized to work incident to status.

The previous and current COAs include:

- SS1—Surviving spouse or child of deceased USG employee (Arrival)
- SS2—Spouse of SS1 surviving spouse (Arrival)
- SS3—Child of SS1 surviving spouse or child (Arrival)
- SS6—Surviving spouse or child of deceased USG employee (Adjustment)
- SS7—Spouse of SS6 (Adjustment)
- SS8—Child of SS6 unrelated to deceased USG employee (Adjustment)
- GS1—Certain surviving spouses or children of USG Significant Immigrant Visa employee under the Grateful Act (an individual with a GV1 COA) (Arrival)
- GS2—Current spouse of GS1 (if any) (Arrival)
- GS3—Unmarried child of GS1 (if any) (Arrival)
- GS6—Certain surviving spouses or children of GV1 eligible person (Adjustment)
- GS7—Current surviving spouse of GS1/GS6 (if any) (Adjustment)
- GS8—Unmarried child of GS1/GS6 (if any) (Adjustment)

Systematic Alien Verification for Entitlements (SAVE) will provide an initial verification response of "Lawful Permanent Resident—Employment Authorized" for these classes of admission, USCIS said.

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