



IMMIGRATION UPDATE - DECEMBER 17, 2024

Posted on December 17, 2024 by Cyrus Mehta

Details:

[Foreign Students Warned to Arrive on Campus Before Trump Administration Begins](#)

– Colleges and universities are warning foreign students to return to campus before President-elect Trump's inauguration on January 20, 2025.

[DHS Announces Permanent Increase of Automatic Extension Period for Certain Work Authorization Renewal Applicants](#)

– Effective January 13, 2025, the Department of Homeland Security will permanently increase the automatic extension period of work authorization to up to 540 days for eligible noncitizens who file a timely request to renew their work authorization.

[USCIS Reduces EAD Processing Times and Streamlines Adjudications](#)

– U.S. Citizenship and Immigration Services announced a number of steps it has taken to reduce Employment Authorization Document processing times overall and streamline adjudications.

[USCIS Revises Application to Register Permanent Residence or Adjust Status](#)

– U.S. Citizenship and Immigration Services (USCIS) announced publication of a new edition of Form I-485, Application to Register Permanent Resident or Adjust Status, that includes updates to questions and instructions. Starting February 10, 2025, USCIS will accept only the 10/24/24 edition of Form I-485 and will reject any older editions.

[Visa Bulletin for January Provides Updates on Religious Workers, EB-5 Set-Asides, Effects of NDAA on U.S. Government Employee Special Immigrants](#)

– The Department of State's Visa Bulletin for January 2025 includes updates on several fronts.

[USCIS Updates Guidance on Evidence for International Entrepreneur](#)

[Applicants](#) – U.S. Citizenship and Immigration Services has updated policy guidance on the types of evidence that may support an application under the International Entrepreneur Rule. The guidance "covers evidence of the applicant's central and active role in a startup entity and of the applicant's position to substantially help the entity grow and succeed."

[ETA Previews Upcoming AEWs for Range and Non-Range H-2A](#)

[Applications](#) – The Department of Labor's Employment and Training Administration will soon update the Adverse Effect Wage Rates for range and non-range H-2A applications.

[Medical Exam/Vaccination Record That Is Properly Completed and Signed May Be Used Indefinitely As Evidence](#)

– U.S. Citizenship and Immigration Services reminded stakeholders that a Form I-693, Report of Immigration Medical Examination and Vaccination Record, that is properly completed and signed by a civil surgeon on or after November 1, 2023, does not expire and may be used indefinitely as evidence.

[DHS Terminates Arrival Restrictions for Flights Carrying Travelers From Rwanda](#)

– The Department of Homeland Security has terminated arrival restrictions on flights to the United States carrying persons who have recently traveled from, or were otherwise present within, Rwanda.

Details:

Foreign Students Warned to Arrive on Campus Before Trump Administration Begins

According to [reports](#), various colleges and universities are warning foreign students to return to campus before President-elect Trump's inauguration on January 20, 2025, due to concerns about travel bans imposed during his previous administration and his more recent comments on restricting entry into the United States when he returns to the White House. The schools include Cornell University, the University of Southern California (USC), Harvard University, the University of Massachusetts Amherst, Massachusetts Institute of Technology, and Wesleyan University. For example:

- USC's Office of International Services sent out a [letter](#) that states, "A new presidential administration will take office on January 20, 2025, and—as is common—may issue one or more executive orders impacting travel to

the U.S. and visa processing. While there's no certainty such orders will be issued, the safest way to avoid any challenges is to be physically present in the U.S. before the spring semester begins on January 13, 2025."

- Cornell's Office of Global Learning [warned](#) that a travel ban "is likely to go into effect soon after inauguration" and advised students to return to the United States before the start of spring-semester classes on January 21, 2025. "The ban is likely to include citizens of the countries targeted in the first Trump administration: Kyrgyzstan, Nigeria, Myanmar, Sudan, Tanzania, Iran, Libya, North Korea, Syria, Venezuela, Yemen, and Somalia. New countries could be added to this list, particularly China and India," the statement noted.
- Niels Frenzen, a law professor at USC and director of its immigration clinic, [said](#), "We have been doing know-your-rights sessions and lots of students have come in for individual sessions just to check in even if their paperwork is all in order."

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DHS Announces Permanent Increase of Automatic Extension Period for Certain Work Authorization Renewal Applicants

On December 10, 2024, the Department of Homeland Security (DHS) [announced](#) a [final rule](#) that will permanently increase the automatic extension period of work authorization from up to 180 days to up to 540 days for eligible noncitizens who file a timely request to renew their work authorization. DHS said this announcement "responds to feedback from the business community to create more certainty for employers." The final rule, effective January 13, 2025, will apply to [eligible applicants](#) with timely filed renewal Employment Authorization Document (EAD) applications pending or filed on or after May 4, 2022.

DHS said that the final rule reduces the likelihood that lapses in employment authorization for eligible noncitizens will occur while U.S. Citizenship and Immigration Services adjudicates their EAD renewal requests and will better ensure continuity of operations for U.S. employers.

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USCIS Reduces EAD Processing Times and Streamlines Adjudications

On December 10, 2024, U.S. Citizenship and Immigration Services (USCIS) [announced](#) a number of steps it has taken to reduce Employment Authorization Document (EAD) processing times overall and streamline adjudication processing, including:

- Reducing by half the median EAD processing times for individuals with pending applications for adjustment of status from fiscal year 2021 to date;
- Engaging with communities to educate work-eligible individuals and providing on-the-ground intake support for applicants;
- Reducing EAD application processing times for asylum applicants and certain parolees to less than or equal to a 30-day median;
- Extending the EAD validity period for certain categories of applicants from two years to five years;
- Streamlining the processing of refugee EAD applications; and
- Expanding online filing of EAD applications to asylum applicants and parolees.

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USCIS Revises Application to Register Permanent Residence or Adjust Status

On December 10, 2024, U.S. Citizenship and Immigration Services (USCIS) [announced](#) publication of a new edition of [Form I-485](#), Application to Register Permanent Resident or Adjust Status. The new edition includes updates to questions and instructions. Starting February 10, 2025, USCIS will accept only the 10/24/24 edition of Form I-485 and will reject any older editions.

USCIS said the new edition of Form I-485:

- Requires applicants who need to submit a Form I-693, Report of Immigration Medical Examination and Vaccination Record, or a partial Form I-693 (such as a vaccination record), to submit the Form I-693 or partial Form I-693 with their Form I-485. If the applicant does not submit the Form I-693 with Form I-485 when it is required, the Form I-485 may be rejected;
- Enables applicants who are exempt from the Form I-864, Affidavit of Support Under Section 213A of the INA, requirement to request the

exemption on Form I-485 rather than submitting Form I-864W, Request for Exemption for Intending Immigrant's Affidavit of Support, which has been discontinued;

- Clarifies questions on the form about the public charge ground of inadmissibility. The questions now will require an applicant to identify their immigrant category so USCIS "can more easily determine whether or not they are exempt from this ground of inadmissibility and can adjudicate the application accordingly"; and
- Streamlines the collection of information and consolidates and clarifies instructions and requirements.

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Visa Bulletin for January Provides Updates on Religious Workers, EB-5 Set-Asides, Effects of NDAA on U.S. Government Employee Special Immigrants

The Department of State's (DOS) [Visa Bulletin for January 2025](#) includes the following updates:

Scheduled Expiration of Employment Fourth Preference Religious Workers Category

No SR visas in the Employment Fourth Preference Certain Religious Workers (SR) category may be issued overseas, or final action taken on adjustment of status cases, after midnight December 19, 2024. Visas issued before that date will be valid only until December 19, 2024, and all individuals seeking admission in the non-minister special immigrant category must be admitted into the United States by December 19, 2024.

The SR category is listed as "Unavailable" for all countries for January. If Congress extends the green card category, it is likely it will become available effective immediately. If extended, the category will be subject to the same final action dates as the other Employment Fourth Preference categories per applicable foreign state of chargeability.

Visa Availability in EB-5 Set-Aside Categories

DOS and U.S. Citizenship and Immigration Services (USCIS) note an increase in I-526E petition approvals. Both agencies see increasing numbers of individuals processing their applications to completion in the EB-5 set-aside categories. The bulletin states that "it may become necessary to establish Dates for Filing

and Final Action Dates during the fiscal year to ensure that issuances in these categories do not exceed annual limits. This situation will be continually monitored, and any necessary adjustments will be made accordingly."

Effects of NDAA on U.S. Government Employee Special Immigrants

The National Defense Authorization Act (NDAA) may affect certain current and former employees of the U.S. government abroad, as well as certain surviving spouses and children of deceased employees of the U.S. government abroad, applying for Special Immigrant Visas (SIVs) or adjustment of status. This does not affect certain Iraqis and Afghans applying for SQ and SI SIVs, the bulletin notes. "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."

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USCIS Updates Guidance on Evidence for International Entrepreneur Applicants

On December 12, 2024, U.S. Citizenship and Immigration Services (USCIS) announced that it has [updated](#) policy guidance on the types of evidence that may support an application under the [International Entrepreneur Rule](#). The guidance "covers evidence of the applicant's central and active role in a startup entity and of the applicant's position to substantially help the entity grow and succeed."

The guidance also "expands on the types of evidence that can show qualified investments and qualified government awards or grants, and the types of alternative evidence that an applicant may submit. It also clarifies the types of evidence that can support a finding of significant public benefit," USCIS said.

The guidance, contained in [Volume 3](#) of USCIS Policy Manual, is effective immediately and applies to requests pending or filed on or after December 12, 2024.

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ETA Previews Upcoming AEWs for Range and Non-Range H-2A Applications

On December 12, 2024, the Department of Labor's Employment and Training Administration (ETA) [announced](#) that it will soon publish two Federal Register notices updating the Adverse Effect Wage Rates (AEWRs) for range and non-range H-2A applications.

The **first notice** will update the AEWR under the H-2A temporary agricultural employment program that applies to all range H-2A job opportunities for which the AEWR is determined using the Bureau of Labor Statistics (BLS) September 2024 Employment Cost Index (ECI).

The **second notice** will update the AEWRs under the H-2A temporary agricultural employment program that apply to most non-range H-2A job opportunities for which the AEWRs are determined using the Department of Agriculture's (USDA) October 2024 Farm Labor Survey (FLS).

To ensure that employers are aware of the coming updates, ETA said it is providing a preview of upcoming wage changes based on the September 2024 ECI results, published on October 31, 2024, and the October 2024 FLS results, published on November 20, 2024. Employers should refer to the notices, once published, for the effective dates of the new AEWRs.

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Medical Exam/Vaccination Record That Is Properly Completed and Signed May Be Used Indefinitely As Evidence

On December 9, 2024, U.S. Citizenship and Immigration Services (USCIS) reminded stakeholders that a [Form I-693, Report of Immigration Medical Examination and Vaccination Record](#), that is properly completed and signed by a civil surgeon on or after November 1, 2023, does not expire and may be used indefinitely as evidence.

USCIS said this means that "if you receive a Request for Evidence for Form I-693 for your pending Form I-485, Application to Register Permanent Residence or Adjust Status, you must provide the Form I-693, even if the visa has retrogressed."

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DHS Terminates Arrival Restrictions for Flights Carrying Travelers From Rwanda

The Department of Homeland Security (DHS) has [terminated](#) arrival restrictions applicable to flights to the United States carrying persons who have recently traveled from, or were otherwise present within, Rwanda.

The previous restrictions directed such flights to arrive at one of the U.S. airports where the U.S. government had focused public health resources to

implement enhanced public health measures due to an outbreak of Marburg Virus Disease (MVD). DHS said there have been no new confirmed MVD cases reported in Rwanda for more than a month.

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