



IMMIGRATION UPDATE - DECEMBER 30, 2024

Posted on December 30, 2024 by Cyrus Mehta

Headlines:

[Recent Pro-H-1B Worker Comments by Trump Advisers Spark Public Backlash in Republican Party](#)

– Several top advisers to President-elect Trump have expressed support for high-skilled foreign workers coming to the United States on H-1B visas, but many Trump supporters strongly oppose immigration of any kind.

[New Form I-129 Petition for a Nonimmigrant Worker To Be Published January 17](#)

– The new edition of Form I-129 replaces the 04/01/24 edition. U.S. Citizenship and Immigration Services said there will be no grace period for the revised edition.

[DOL Reverts to Older Forms for H-2A Job Orders and Applications](#) – The Department of Labor (DOL) has concluded that use of the current forms associated with the Farmworker Protection Rule "is infeasible in the short term, including during the current peak H-2A filing season." As a result, DOL will use the forms applicable under the version of 20 CFR part 655, subpart B, effective June 27, 2024.

[USCIS Updates Guidance on Flexibilities in Emergencies](#) – U.S. Citizenship and Immigration Services is updating its Policy Manual to clarify flexibilities that may be available to benefit requestors during and after an emergency or unforeseen circumstance.

[Updated Naturalization Statistics Released](#) – U.S. Citizenship and Immigration Services has published an update of its naturalization statistics, including fiscal year 2024 numbers by country.

[Revised Form for Deferred Action Biographic Information To Be Released January 6](#)

– On January 6, 2025, U.S. Citizenship and Immigration Services will

publish a revised Form G-325A, Biographic Information (for Deferred Action), with edition date 10/24/24.

Details:

Recent Pro-H-1B Worker Comments by Trump Advisers Spark Public Backlash in Republican Party

Recent [social media comments](#) by Elon Musk and Vivek Ramaswamy, picked by President-elect Donald Trump to advise him and direct his new "Department of Government Efficiency," have [sparked a backlash](#) within the Republican Party. Mr. Musk and Mr. Ramaswamy have expressed support for high-skilled foreign workers coming to the United States on H-1B temporary work visas, but many Trump supporters are [strongly opposed](#) to immigration of any kind. Their differences were amplified when Trump chose a venture capitalist, [Sriram Krishnan](#), an Indian immigrant who has [advocated for skilled-worker green cards](#), as a top senior adviser on artificial intelligence.

Mr. Musk, originally from South Africa, previously immigrated to Canada before coming to the United States and becoming a naturalized U.S. citizen in 2002. He previously [said he was on an H-1B visa](#). More recently, he [said on his social media platform, X](#), that "the number of people who are super talented engineers AND super motivated in the USA is far too low." He urged people to think "of this like a pro sports team: if you want your TEAM to win the championship, you need to recruit top talent wherever they may be. That enables the whole TEAM to win." He also [said](#) that there is a "permanent shortage of excellent engineering talent. It is the fundamental limiting factor in Silicon Valley." On December 27, 2024, Mr. Musk said he was [ready to go to "war"](#) over the issue.

Mr. Ramaswamy, whose parents are Indian immigrants, recently said a reason for the need for foreign workers was an American culture that [venerates "mediocrity over excellence"](#) and that he hoped the Trump administration would start a culture of "hard work over laziness." However, Mr. Ramaswamy, who used the H-1B program dozens of times to hire foreign workers for his former company, previously said the H-1B program as currently structured is "bad for everyone involved" and that [he would "gut" it](#). He has also [expressed support](#) for Trump's mass deportation plans and advocated for sending the U.S. military to the United States' northern and southern border zones.

It is [unclear](#) what President-elect Trump will do in his second administration. In his first administration, he [worked to curb immigration](#)—including frequently requesting additional documentation for skilled-worker applications—but his new selections of pro-H-1B tech company heads as advisers, along with recent comments [supporting the idea](#) of green cards for educated foreign workers, seem at odds with the anti-immigrant sentiments and plans he expressed during his second presidential campaign. However, on December 28, 2024, Mr. Trump reportedly [said](#), "I have many H-1B visas on my properties. I've been a believer in H-1B. I have used it many times. It's a great program." Also referring to the H-1B program, he said, "I've always liked the visas, I have always been in favor of the visas. That's why we have them." According to reports, Mr. Trump employs workers under the H-2A (temporary agricultural workers) and H-2B (seasonal workers) programs.

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New Form I-129 Petition for a Nonimmigrant Worker To Be Published January 17

On January 17, 2025, U.S. Citizenship and Immigration Services (USCIS) will publish a revised edition of Form I-129, Petition for a Nonimmigrant Worker (edition date: 01/17/25). USCIS said it has revised the form to align with the recently announced [H-1B modernization final rule](#) and the [H-2 modernization final rule](#).

The new edition of Form I-129 replaces the 04/01/24 edition. USCIS said there will be no grace period for the revised edition "because this revised edition is necessary for USCIS to apply the final rules." USCIS has provided a preview version of the 01/17/25 edition of [Form I-129 \(PDF, 2.19 MB\)](#) and its [instructions](#). The agency has warned, "Do not file the 01/17/25 edition of Form I-129 before Jan. 17, 2025. We will only accept the 01/17/25 edition of this form if it is received on or after Jan. 17, 2025. "

USCIS also said that those filing Form I-129 on paper by mail should note that the agency:

- Will accept the 04/01/24 edition of Form I-129 if it is received before January 17, 2025;
- Will not accept the 04/01/24 edition of Form I-129 if it is received on or after January 17, 2025; and
- Will only accept the 01/17/25 edition of Form I-129 if it is received on or

after January 17, 2025.

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DOL Reverts to Older Forms for H-2A Job Orders and Applications

The Department of Labor (DOL) [announced](#) on December 20, 2024, that it has concluded that use of the current forms associated with the Farmworker Protection Rule "is infeasible in the short term, including during the current peak H-2A filing season." As a result, DOL will use the forms applicable under the version of 20 CFR part 655, subpart B, effective June 27, 2024. The decision comes after consideration and in light of recent court orders, DOL said.

The announcement includes details on implementation procedures and technical assistance.

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USCIS Updates Guidance on Flexibilities in Emergencies

U.S. Citizenship and Immigration Services (USCIS) [announced](#) that it is [updating its Policy Manual](#) to clarify flexibilities that may be available to benefit requestors during and after an emergency or unforeseen circumstance.

The update explains that if certain emergencies or unforeseen circumstances present unanticipated challenges to immigration benefit requestors, USCIS may use its discretion to implement certain flexibilities relating to requests for extension of stay and change of status, applications for employment authorization, requests for document replacement, abandonment or failure to respond to requests for evidence, fee waivers, expedited processing, and satisfactory departure.

USCIS said that emergencies and unforeseen circumstances may include:

- Natural disasters (for example, hurricanes, wildfires, or other severe weather);
- National emergencies (for example, public health emergencies);
- Conflicts abroad; or
- Other unforeseen circumstances (for example, terrorist attacks, mass shootings, or cyber-attacks).

USCIS will inform the public of the availability of flexibilities through its

[Immigration Relief in Emergencies or Unforeseen Circumstances webpage.](#)

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Updated Naturalization Statistics Released

U.S. Citizenship and Immigration Services (USCIS) has [published](#) an update of its naturalization statistics. Highlights include:

- USCIS welcomed 818,500 new citizens in fiscal year (FY) 2024. Although this was a 7% decrease from last year, the 3-year total was more than 2.6 million new citizens.
- Among the top five countries of birth for people naturalizing in FY 2024, Mexico was the lead country, with 13.1% of all naturalizations, followed by India (6.1%), the Philippines (5.0%), the Dominican Republic (4.9%), and Vietnam (4.1%). The top five countries of birth comprised 33% of the naturalized citizens in FY 2024.
- Of all citizens naturalized in FY 2024, 70% resided in 10 states (in descending order): California, Florida, New York, Texas, New Jersey, Illinois, Virginia, Georgia, Massachusetts, and Washington. More than 50% resided in the top four states.
- The top five cities (including boroughs) where people who naturalized resided were (in descending order): Miami, Brooklyn, the Bronx, Houston, and Los Angeles.
- The top five [Core Based Statistical Areas](#) where people who naturalized resided were (in descending order): New York-Newark-Jersey City (14.4%), Miami-Fort Lauderdale-Pompano Beach (6.9%), Los Angeles-Long Beach-Anaheim (6.5%), Washington-Arlington-Alexandria (3.9%), and Houston-The Woodlands-Sugar Land (3.2%).
- More than 37% of citizens naturalized in FY 2024 were 30 to 44 years old. The median age of those naturalizing in FY 2024 was 42 years. About 17% were younger than 30, and 23 new citizens were centenarians (100 and older).
- Women made up more than 55% of those naturalized in FY 2024, and they were the majority in every age group.
- Most people who naturalized came to the United States as immediate relatives of U.S. citizens or through family-sponsored preference categories, followed by employment-based preference categories, refugees and asylees, and the Diversity Immigrant Visa Program.

The table below shows approved naturalizations for FY 2024 for the top 10 countries:

Country of Birth	FY 2024 Naturalizations
Mexico	107,700
India	49,700
Philippines	41,200
Dominican Republic	39,900
Cuba	33,700
Vietnam	33,400
China	24,300
El Salvador	21,900
Jamaica	20,000
Colombia	17,900
All Others	428,800
Total	818,500

Source: USCIS, Electronic Immigration System.

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Revised Form for Deferred Action Biographic Information To Be Released January 6

On January 6, 2025, U.S. Citizenship and Immigration Services (USCIS) [will publish](#) a revised Form G-325A, Biographic Information (for Deferred Action), with edition date 10/24/24.

USCIS said individuals should use this form to request deferred action for certain families of military service members, or for non-military deferred action (other than deferred action based on Deferred Action for Childhood Arrivals (DACA), Violence Against Women Act, A-3, G-5 nonimmigrants, and T and U nonimmigrant visas).

USCIS will not accept Form G-325A with edition date 10/25/23 on or after February 5, 2025.

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Firm in The News

Cyrus D. Mehta & Partners PLLC [announced](#) the elevation of Kaitlyn Box to partner effective January 1, 2025. Jessica Paszko will be elevated to Senior Associate as of January 1, 2025.

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