

Immigration Roundup February 20 2023

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FY 2024 H-1B CAP REGISTRATION PERIOD SET

United States Citizenship and Immigration Services (USCIS) announced that the Fiscal Year 2024 H-1B Cap Registration period will open at Noon ET on March 1st and close at Noon ET on March 17th. Any employer interested in filing an H-1B petition on behalf of an employee or potential employee must do so during that period. Employers that are new to the H-1B Registration process will need to create a USCIS registration account. However, employers will not be able to create that account until Noon ET on February 21st. The registration fee is currently \$10 for each employee registered.

EXTENSION OF COVID FLEXIBILITIES IN RESPONDING TO AGENCY REQUESTS

USCIS recently announced it is once again extending certain COVID-19-related flexibilities through March 23, 2023. Under these flexibilities, USCIS considers a response received within 60 calendar days after the due date set forth in certain requests or notices to be timely received, if the request or notice was issued between March 1, 2020, and March 23, 2023, inclusive. This flexibility does apply to Requests For Evidence (RFEs) which is one of the most common requests issued by USCIS.

USCIS TO RETURN TO BUNDLING PETITIONS FOR FAMILY MEMBERS WITH PRIMARY H-1B AND L-1 PETITIONS

A lawsuit filed on behalf of spouses of H-1B and L-1 Visa Holders against USCIS led to a settlement. Under the settlement agreement, USCIS agreed to return to bundling the adjudication of the Form I-539, Application to Extend/Change Nonimmigrant Status, and the Form I-765, Application for Employment Authorization, for H-4 and L-2 derivative family members along with the underlying Form I-129, Petition for a Nonimmigrant Worker, when those forms are properly filed together, regardless of whether they are filed under standard or premium processing. Applications that were once all adjudicated together were split up during the Trump Administration and the action led to delays and backlogs for the derivative family members. This settlement should help speed up the adjudication of the extension petitions for the family members.

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