



TROW & RAHAL, P.C.
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Immigration Newsletter

August 2024

In this month's newsletter, we provide updates on (1) applying for parole in place for family unity; (2) the second round of selections for the H-1B Cap Lottery; (3) PERM processing times; and (4) the September Visa Bulletin.

APPLICATIONS STARTED AUGUST 19 FOR PAROLE IN PLACE

As of August 19, 2024, eligible foreign nationals can apply for parole-in-place as announced in June 2024 under the Biden Administrations program for promoting family unity. Procedures for this application process were announced last week and include filing a new Form I-131F, Application for Parole in Place for Certain Noncitizen Spouses and Stepchildren of U.S. Citizens. These applications must be filed online and cannot be filed on paper. Information can be found [here](#). There is a filing fee of \$580 and there is no waiver possible of this fee.

Who Qualifies: The USCIS published procedures for filing for parole-in-place for certain foreign national spouses and stepchildren of U.S. citizens, which was announced by the Biden Administration in June 2024. To be eligible for this relief, the foreign national must:

- Be present in the United States without admission or parole (not inspected upon admission);
- Have been continuously present in the United States for at least 10 years as of June 17, 2024;
- Be legally married to a U.S. citizen as of June 17, 2024;

Not pose a threat to public safety or national security; and

- Otherwise admissible to the United States.

This program will also apply to certain children who are present in the United States without inspection upon admission as of June 17, 2024, who have a qualifying stepchild relationship to a U.S. citizen as of this date. In general, these children must be unmarried, under the age of 21, and must have been under the age of 18 when their biological parent married their U.S. citizen spouse.

If you believe you are eligible, please contact T&R for a consultation.

H-1B CAP SECOND SELECTION

On August 5th, USCIS completed its second round of H-1B registration which was announced on July 30, and all applicants have been notified. For this selection, USCIS did not select from the master's degree cap and only selected from the regular cap which includes applicants with both bachelor and master's degrees. These H-1B petitions must be submitted by November 7, 2024. At T&R, we had an additional five (5) applicants selected.

CURRENT PERM PROCESSING TIMES

The U.S. Department of Labor (DOL) indicates that its processing times for PERM cases as of August 1, 2024, are:

- Prevailing wage determinations (PWD): DOL issuing PWDs for PERM prevailing wage requests filed in January 2023 (if used OES survey wage) or September 2023 (if used other survey).
- PERM applications (Form 9089): DOL conducting analyst review for applications filed in July 2023 or earlier.
- PERM audits: If had an audit on a PERM application, DOL processing those cases initially filed December 2022 or earlier.

Based upon these processing times, the prevailing wage determinations are taking about 7 months, and the PERM applications (without audit) are taking approximately 13 months. This means that a PERM application start to finish takes about two (2) years including 2-3 months for recruitment.

Due to the long PERM processing times, employers are encouraged to start PERM applications for foreign national employees earlier than they used to.

Please contact T&R if you have questions or wish to start PERM cases.

SEPTEMBER 2024 VISA BULLETIN

The September Visa Bulletin was released last week and USCIS announced use of the Dates of Filing chart for employment-based cases. The most significant changes are:

EB-3 (Skilled workers, Professionals or Other Workers): EB-3 Skilled Workers and Professionals retrogresses for one year to December 1, 2020, for all chargeable countries, Mexico and Philippines. China will hold at September 1, 2020, and India will hold at October 22, 2012. **EB-3 Other workers** will retrogress by one month to December 1, 2020, for all countries except China, India and Philippines which will have no change in September.

EB-3 Becomes Unavailable: On August 16, 2024, the U.S. Department of State, in collaboration with USCIS, announced that they have reached the maximum number of immigrant visas issued for EB3 and Other worker categories for the government fiscal year 2024 which ends September 30, 2024. This means that U.S. embassies and consulates may not issue immigrant visas in these categories until after October 1, 2024, which is the start of the new fiscal year and release of new immigrant visa numbers.

Employment Final Action Dates Chart is as follows:

Employment-based	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	01NOV22	01FEB22	C	C
2nd	15MAR23	01MAR20	15JUL12	15MAR23	15MAR23
3rd	01DEC20	01SEP20	22OCT12	01DEC20	01DEC20
Other Workers	01DEC20	01JAN17	22OCT12	01DEC20	01MAY20
4th	01JAN21	01JAN21	01JAN21	01JAN21	01JAN21
Certain Religious Workers	01JAN21	01JAN21	01JAN21	01JAN21	01JAN21
5th Unreserved (including C5, T5, I5, R5)	C	15DEC15	01DEC20	C	C
5th Set Aside: Rural (20%)	C	C	C	C	C
5th Set Aside: High Unemployment (10%)	C	C	C	C	C
5th Set Aside: Infrastructure (2%)	C	C	C	C	C

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