

## Cozen O'Connor Immigration Catch Up: September 2023

### Executive overview

September 2023 saw major changes and updates in the United States and around the world. The Cozen O'Connor Immigration Catch-Up this month highlights these changes and provides the details you need to determine how or if these changes impact you and your business.

In the United States, the U.S. Citizenship and Immigration Services (USCIS) announced that will no longer require the \$85 biometrics fee as part of the application process for filing Form I-539 in connection with dependent filings. In addition, the USCIS announced that effective immediately, Employment Authorization Documents (EADs) will be increasing the maximum validity period to five years. Finally, in the final hours of September, the U.S. government passed a bipartisan bill to keep the government funded through November 17.

In international immigration news, Israel was formally admitted into the Visa Waiver Program (VWP), the government of Brazil has revoked visa exemptions for nationals of Australia, Canada, Japan, and the United States (as of October 1), and the U.S. Department of Homeland Security is previewing a Federal Register notice for an 18-month extension of Venezuela's 2021 Temporary Protected Status (TPS).

### United States immigration updates

#### USCIS Exempts Biometric Services Fee

- Beginning October 1, 2023, the USCIS is exempting the \$85 biometrics fee in connection with the I-539 filing for dependent applicants.
- The USCIS reserves the right to request that biometrics be required. In this scenario, the applicant will receive notification with information on completing the process.
- The USCIS will return the fee to the applicant if accidentally included on or after October 1.

**What this means to you:** In addition to saving the \$85, without the biometrics appointment, overall processing times should dramatically improve.

#### USCIS Increases EAD Validity Period

- Effective immediately, the USCIS has increased the validity period to five years for initial and renewal EAD for certain noncitizens who are employment authorized incident to status or circumstance, including those admitted as refugees, paroled as refugees, and granted asylum, as well as recipients of withholding of removal.
- The following categories are specifically impacted:

Category	Description
A3	Refugee
A4	Paroled refugee
A5	Asylee



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#### Related Practice Areas

- Immigration Policy & Strategy
- Labor & Employment

A10	Withholding of deportation or removal granted
C8	<ul style="list-style-type: none"> <li>• Asylum application pending filed on/after Jan. 4, 1995</li> <li>• Asylum application pending filed before Jan. 4, 1995, and applicant is not in exclusion/deportation proceedings</li> <li>• Asylum application pending filed before Jan. 4, 1995, and applicant is in exclusion/deportation proceedings</li> </ul>
C9	Pending adjustment of status under Section 245 of the Act
C10	Suspension of deportation applicants (filed before April 1, 1997) Cancellation of Removal applicants Cancellation applicants under NACARA

**What this means to you:** With the increase from two years to five years, this will decrease the situations where individuals have to file for an extension and be subject to USCIS delays in processing.

#### U.S. Averts Government Shutdown

- A last-minute agreement passed in the U.S. House and Senate has funded the U.S. government through November 17, 2023.
- At least for now, there is no impact on immigration procedures, but Cozen O'Connor will continue to monitor and will provide updates accordingly.

## Global Immigration updates

#### Israel Visa Waiver Program (VWP)

- As of November 30, 2023, Israeli citizens will be able to apply online for the Electronic System for Travel Authorization (ESTA) visa to the United States through the ESTA mobile app or through <https://esta.cbp.dhs.gov/>.
- The United States has formally admitted Israel into the Visa Waiver Program (VWP) known as the ESTA.
- For the first time, citizens of Israel can apply for an ESTA visa to the United States, enabling them to secure a two-year visitor visa to the United States that can be renewed indefinitely.
- This is NOT a work authorization visa, nor does it entitle the ESTA holder to work authorization.

#### Brazil Electronic Visa Requirement

- Brazil has announced that it is revoking visa exemptions for nationals of Australia, Canada, Japan, and the United States as of October 1, 2023.
- Citizens of these countries will now need to secure an e-visa prior to entering Brazil for business or personal reasons or even when transitioning through Brazil.
- This e-visa process is similar to the ESTA process in the United States.

## Venezuela's 2021 TPS 18-Month Extension

- On September 29, 2023, the Department of Homeland Security (DHS) announced that it is previewing a Federal Register notice for an 18-month extension of Venezuela's 2021 Temporary Protected Status (TPS) designation.
  - The extension was implemented due to extraordinary and temporary conditions in Venezuela that prevent Venezuelan citizens from returning safely.
  - Individuals may be eligible if they have continuously resided in the United States on or before July 31, 2023, and have been continuously physically present in the United States on or before October 3, 2023. The redesignation of Venezuela for TPS (Venezuela 2023) will allow an estimated 472,000 additional Venezuelan nationals (or individuals having no nationality who last habitually resided in Venezuela) to file an initial TPS application.
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