



SISKIND SUSSER

IMMIGRATION LAWYERS



Siskind's Immigration Bulletin



Openers



Dear Readers:

The next few weeks will be potentially the most consequential from an immigration lawmaking standpoint in years. Congress has failed to pass immigration reform legislation since President George W. Bush introduced the concept in a 2004 Oval Office speech. In 2013, the Senate approved a sweeping immigration reform bill that was never taken up by the House.

This time, the House has passed immigration legislation as part of President Biden's Build Back Better social infrastructure bill. That bill, passed earlier in November, includes \$2 trillion in spending on a sweeping array of proposals including universal pre-kindergarten, massive spending to reduce climate change and paid family leave. With regard to immigration, the language would offer a "parole"



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status to millions of undocumented individuals and provide them work authorization, the ability to travel and protection from deportation. Originally, the bill would have provided a path to citizenship for this population, but the Senate Parliamentarian advised that this would not comply with Senate rules that limit the type of language that can go in a budget reconciliation bill. The bill also seeks to provide relief to hundreds of thousands of backlogged skilled workers, family immigrants and Diversity Visa applicants.

The prospects for the immigration changes will depend on the Parliamentarian as well as whether the Democrats can pass the broader bill. While it's far from certain either will happen, there is some reason for optimism as word in recent days is that the Parliamentarian may be persuadable on the new language. And while the Democrats have definitely locked up the 50 votes needed for the bill to pass, President Biden is close and, as I heard recently from a pundit friend, "Presidents tend to get what they want from their own parties." So we will be watching this closely and if the legislation passes, we will obviously be spending a lot of time on that subject for some time to come.

Another major immigration development in recent days was the Biden Administration's decision to reimpose travel bans on 8 countries in Africa after the discovery of the new Omicron Covid variant. This follows the ending of travel bans on 35 countries on November 8th and instead imposing a vaccine and testing regimen for all countries. The new policy again bars entry from people present in the ban countries in the prior 14 days.

One key difference, however, is a credit to the multiple lawsuits won by our ImmPact Litigation team on the issue of whether such bans, permissible under Section 212(f) of the Immigration and Nationality Act, also extend to barring the issuance of visas in the ban countries. We've successfully litigated that issue with multiple courts all agreeing that the answer is no. And, happily, the Biden Administration is now conceding that issue and has stated visa processing will continue. This means a person can still get a visa, travel to another country for 14 days or wait out the ban, and then enter on the visa.

Finally, as always, we invite you to schedule a consultation with one of our lawyers if we can assist with an immigration matter. Feel free to reach out at www.visalaw.com/consultation.

Sincerely,

Greg Siskind





Siskind Susser News



Major Development for H-4 and L-2 Spouses

By Adam Cohen (acohen@visalaw.com)

A settlement in the Shergill, et al. v. Mayorkas litigation has resulted in two major developments that will help many H-4 and L-2 spouses suffering from extremely long EAD processing times.

[Read more](#)

- [Reconciliation Bill Immigration Lawyers](#)
- [Demystifying Shopping for your AI No-Code App Platform](#)



News Bytes

OFLC Announces Webinar on December 7, 2021, to Update Stakeholders on the Process for Filing H-2B Applications with a Start Date of April 1, 2022, or Later

The Office of Foreign Labor Certification (OFLC) invites stakeholders to participate in a webinar that provides best practices and helpful tips for preparing H-2B Applications for Temporary Employment Certification (Form ETA-9142B and appendices).

[Read more](#)

- [House Budget Reconciliation Bill Retains High-Skilled Immigrant Provisions, Would Impose Fee Increases](#)
- [Justice Dept. Settles With Construction Company to Resolve Immigration-Related Discrimination Claims](#)
- [Immigrants Gain Limited Protection, Backlog Help in Budget Bill](#)



- [CDC Issues Order for Negative Pre-Departure COVID-19 Test or Documentation of Recovery from COVID-19 for All Arriving Air Passengers](#)
- [President Biden Replaces Country-by-Country Pandemic-Related Air Travel Restrictions With Vaccine Requirement Effective November 8, 2021](#)
- [Fact sheet on naturalization statistics](#)
- [Historic immigration reform included in house-passed spending bill](#)

In the News From ABIL

Major Settlement Changes USCIS' Work Authorization Policy for Certain H-4, E, and L Nonimmigrant Dependent Spouses

Following recent litigation, U.S. Citizenship and Immigration Services announced that certain H-4, E, or L dependent spouses will qualify for an automatic work permit extension if certain conditions are met.

[Read more](#)

More News:

- [DHS Announces Countries Eligible for H-2A and H-2B Visa Programs](#)
- [DHS Announces Fee Exemptions, Streamlined Processing for Afghan Nationals](#)

Resettling in the United States

- EOIR Directs Public to Website for Updates in Response to COVID-19 Pandemic
- New USCIS Lockbox Facility in Illinois, More Filing Location Changes Planned for 2022

On the Blog

Siskind Susser COVID-19 Blog

Greg Siskind's Blog

Weekly Immigration Law Calls

For a complete list of new blog posts [click here](#).

State Department Visa Bulletin

Visa Bulletin

To view the December 2021 Visa Bulletin from the State Department:[click here](#)

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