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DECEMBER 2023 - T&R Newsletter

Welcome to our last and final newsletter of 2023! We hope that you have had a happy, healthy, and successful year and we wish you the same for the New Year!

In this month's newsletter we provide guidance on holiday travel, review the January 2024 Visa Bulletin, and the pilot H-1B visa renewal program.

TRAVELING OVER THE HOLIDAYS?

Are you traveling over the holidays? If so, below are some suggested tips to ensure safe reentry back to the United States. We also recommend that you let your attorney know if/when you are traveling and when you will be returning to avoid any potential issues.

Please be sure all documents are valid through the date you wish to return. Please review the following:

- **Visa stamp in passport:** If you need a new visa, you should already have a visa appointment and be prepared for potential delays due to holidays, shortage of staff during the holidays, and possible "administrative processing".
- **Passport:** In general, your passport should be valid for six months past the validity date of your approval notice, or the validity of your I-94 record upon return could be shortened.
- **I-797 approval notice:** You should carry your original approval notice from the USCIS if you have one.
- **L-1 blanket I-129S:** People with an approved L-1 blanket need to present their endorsed Form I-129S stamped by an immigration officer.
- **Endorsed Form I-20 for F-1 students:** F-1 students need to get their Form I-20 endorsed for travel from their DSO at school before traveling.

- **Adjustment of status pending:** If you have Form I-485 pending at USCIS, you can only travel if you hold H-1B or L-1 status (or the derivative status H-4 or L-2), or if you have an Advance Parole document. If you have an application for advance parole pending, you could abandon it by traveling and should check with your attorney prior to travel.
- **Recent Paystub or employment verification letter:** If you hold an employment status (e.g. H-1B, L-1, O-1) you should carry proof of your current employment.

Upon return to the United States, you should check your I-94 record [here](#) to ensure that you have been admitted in the proper status and until the proper expiration date. If you have not, please contact your attorney. You might be able to have it corrected at the CBP office at the airport.

JANUARY VISA BULLETIN RELEASED

Unlike the December 2023 visa bulletin, there is some forward movement in the January 2024 visa bulletin recently released by the U.S. Department of State. Most notably, we see movement in the employment preference first (EB-1) for India and China, and EB-3 for China.

The USCIS has indicated that it will use Dates of Filing for January 2024. If you have a priority date prior to the date indicated in the Dates of Filing chart, you can file an application to adjust status to permanent resident (Form I-485) in January. Please contact your attorney if this applies to you.

The January visa bulletin can be found [here](#)

PILOT PROGRAM FOR IN COUNTRY VISA RENEWAL CLEARED WHITE HOUSE REVIEW

The U.S. Department of State's proposal to process a limited number of visa renewals in country has cleared the White House Office of Information and Regulatory affairs. This is good news that we will likely see this pilot program start in January 2024 as this was the final regulatory hurdle that it had to clear.

What does this mean? It means that an initial 20,000 foreign nationals in the United States will be able to renew their visas in their passports without departing the United States under this pilot program starting in January. The program is limited to the H-1B visas for countries that do not have reciprocity fees, which does include India – one of the largest users of the H-1B category. It will not apply to their H-4 dependents.

We will provide more information as this program becomes available.

USCIS REACHES H-1B CAP FOR 2024 FISCAL YEAR

The 2024 H-1B cap has been reached, as announced by USCIS on December 13, 2023. This means, that the USCIS has received sufficient H-1B petitions for both the 65,000 H-1B regular cap and the additional 20,000 for the U.S. master's degree cap.

The USCIS will change the status of H-1B cap registrations that were not selected from "Submitted" to "Not Selected". It doesn't seem that this part of the process has yet been completed.

Please note Trow & Rahal will be closed from Friday, December 22, 2023 through Monday, December 25, 2023 and on Monday, January 1, 2024. Happy Holidays!



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