



Welcome to our Immigration Newsletter!

October 2022

In this month's newsletter, we discuss the 2024 diversity lottery opening, the USCIS's extension of medical exam validity, Form I-90 receipt notice extension to 24 months, final rule on "Public Charge", and U.S. Department of Labor processing times (as of 8/31/2022). We also invite you to visit our new website and discuss changes to our webinar schedule.

2024 DIVERSITY LOTTERY OPENS

The 2024 diversity (DV) lottery (aka "green card lottery") opened for applications on October 5, 2022, and foreign nationals who are eligible have until Tuesday, November 8, 2022 at noon EST to file applications online. The DV lottery 2024 program takes up to 55,000 available green card numbers and results of the lottery will be announced in May 2023.

Who is eligible: Eligibility depends upon country of birth (not nationality or citizenship).

Individuals born in most countries are eligible to apply except those born in countries with high rates of immigration to the United States. Countries not included in the DV lottery are: Bangladesh, Brazil, Canada, China (including Hong Kong SAR), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Nigeria, Pakistan, Philippines, South Korea, the United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam. Individuals born in Macau SAR and Taiwan can participate.

Other considerations:

- If a person is not eligible based upon country of birth, they could be eligible if their spouse is born in one of the eligible countries.
- Applicants must have at least a high school education or the equivalent – or – 2 years of qualifying work experience within the past five years.

Applicants must meet [all of these requirements](#).

How to apply: To enter the lottery, applicants must follow the instructions on the U.S. Department of State's website complete a simple online form which can be found [here](#), along with instructions. Applicants can check their "entrant status" at the link at the bottom of the DV page starting May 6, 2023.

USCIS EXTENDS (AGAIN) MEDICAL EXAM VALIDITY

The United States Citizenship and Immigration Services (USCIS) extends through March 31, 2023, the waiver of the requirement that the USCIS approved physicians must sign the medical examination (Form I-693) within 60 days of filing for an immigration benefit (e.g. Form I-485 - application to adjust status to permanent resident).

The initial waiver of the "60 day rule" for medical examination forms (Form I-693) became effective on December 9, 2021 as part of the Covid-19 flexibilities implemented by the USCIS and was due to expire on September 30, 2022. On September 29th the USCIS extended this flexibility for medical exams through March 31, 2023.

FORM I-90 RECEIPT NOTICE EXTENSION TO 24 MONTHS

Due to the long delays in adjudicating Form I-90, the USCIS is automatically extending the validity of permanent resident cards (“green cards”) to 24 months on receipt notices for those who file Form I-90. Previously the USCIS issued an I-90 receipt notice that extended the validity of a person’s green card for 12 months. As of September 26th the USCIS will issue I-90 receipt notices that extends the green card for 24 months for newly filed applications.

Amended receipt notices for pending I-90s: The USCIS indicated that it has started to send amended receipt notices to individuals who have a pending Form I-90 indicating this new 24 months period.

This USCIS announcement also indicated that if your green card has expired and you are awaiting the new receipt notice, you may request an appointment at a USCIS Field Office for a stamp in your passport evidencing your permanent resident status. However, these appointments can be difficult to obtain and are sometimes limited to life and death emergencies.

When to file Form I-90? Green card holders should file Form I-90 as soon as they are able to do so, which is 6 months before the expiration date of the green card.

How to file Form I-90? You can now file [Form I-90](#) online. Adjudication tends to be quicker if filed online. You can do this on your own and do not need an attorney.

FINAL RULE ON “PUBLIC CHARGE”

On September 15, 2022, the Department of Homeland Security (DHS) published a final rule ensuring that foreign nationals who receive public health benefits will not be deemed a “public charge” for immigration purposes. This reverses the policy established during the prior presidential administration that expanded the types of public assistance that would cause the denial of immigration benefits. The final rule takes effect on December 23, 2022, and codifies what has been longstanding policy on the public charge ground of inadmissibility.

Final public charge rule: Under the DHS final rule, a foreign national would be considered a “public charge” and ineligible to become a permanent resident if they are determined *likely to become primarily dependent* on government assistance by either (1) receiving public cash assistance for income; or (2) long-term institutionalization at the expense of the government. “Primarily dependent” would mean significant or substantial reliance on the government for support and would not be considered transient or supplementary.

New Form I-485: With this final rule, applicants for adjustment of status will need to complete a new Form I-485 – application to adjust status to permanent resident – requiring more detailed information on the applicant’s financials including assets and liabilities along with other information relating to the public charge analysis.

U.S. DEPARTMENT OF LABOR PROCESSING TIMES (as of 8/31/2022)

The US Department of Labor posted its current processing times for prevailing wages and PERM cases as of August 31, 2022, which shows about 8 months for both prevailing wage determinations and for PERM applications. This is an average and it can take longer or shorter in some cases.

They are processing initial PERM prevailing wage requests and PERM applications (Form

9089) for cases filed on or before January 2022. For PERM audits, they are processing cases with priority dates on or before 11/2022.

Start PERM cases early! With the increased delays in obtaining prevailing wage determinations and adjudication of PERM applications, we encourage employers to start PERM cases earlier than they normally would do so. Please consult with your T&R attorney if you have any questions.

VISIT OUR NEW WEBSITE!

As announced in the T&R alert in September, we now have a new and improved website that can be found at www.trowrahal.com. Please visit the website as clients can access new resources including:

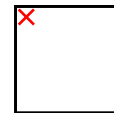
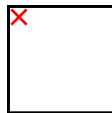
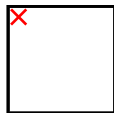
- a client portal where clients can login to check the status of their cases and HR contacts can initiate new cases; and
- a payment portal where clients can easily pay their invoices;
- a “live chat” that can help put you in contact with one of the attorneys; and
- a consultation request page where you can schedule a consultation.

We hope that the new resources and information on the website will help clients and others with their immigration process.

T&R WEBINARS

As of October 2022, Trow & Rahal is suspending its monthly webinars that it has held on the 3rd Friday of each month throughout the year. Instead, T&R will hold webinars periodically to help clients understand new policies, regulations or during periods of “mass filings” due to changes in the visa bulletin. We will announce these via T&R Alerts, newsletters and on social media.

Follow T&R on social media to be notified of any upcoming webinars or events by clicking on the links below.



Follow us on Social Media!