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Trow & Rahal Immigration Newsletter

October 2023

Welcome to our October newsletter! In this month's newsletter we review the halt of visa processing in Israel, a new USCIS online tool to change addresses, the November visa bulletin, the DV "green card" lottery, and new EB-5 guidance.

US EMBASSY IN ISRAEL

The U.S embassy in Jerusalem and the Embassy Branch office in Tel Aviv are no longer processing nonimmigrant or immigrant visas due to the ongoing security situation. They have posted the following:

If you have an emergency need to travel to the United States and do not currently have a nonimmigrant visa, please apply at a U.S. embassy or consulate other than Jerusalem or Tel Aviv. Consular sections at U.S. embassies and consulates worldwide can assist with expedited appointments for emergency travel. Please make an appointment and request an expedited appointment in that country.

The website also indicates that the processing of all E visas has been suspended and that if you had an appointment, you can assume that it has been cancelled.

No one post has been designated as of now to accept visa applications for Israelis. We will keep you updated if this changes.

USCIS LAUNCHES ONLINE CHANGE OF ADDRESS TOOL

The USCIS has launched a new Enterprise Change of Address (E-COA) self service online tool to use for customers to notify USCIS when their address has changed. Anyone who is not a U.S. citizen – meaning anyone who is a lawful permanent resident (green card holder) or nonimmigrant visa holder - is required to update their address with the USCIS within 10 days of moving (except those in A or G visa status or visa

waiver (ESTA)).

You do not need your attorney to do the change of address. Instead, you can use the new tool found [here](#). Changing your address using the new online E-COA requires having a USCIS online account and eliminates the need to file paper Form AR11 and call the USCIS to update your address. You can access your USCIS account and reset your online access code [here](#).

NOVEMBER VISA BULLETIN RELEASED

There is not a lot of news for the November 2023 visa bulletin released last week by the U.S. Department of State. There is very little movement in any of the employment-based or family-based preference categories and dates on the Final Action chart and the Dates of Filing chart stay the same as in October. The good news is that anyone who is eligible to file applications to adjust status in October now has at least another month to get the applications filed.

The USCIS announced that they will use **Dates of Filing** chart for November. You can find the complete November visa bulletin [here](#).

The USCIS now has its own page on its website for “Adjustment of Status Filing Charts from the Visa Bulletin” which you can find [here](#).

DV LOTTERY 2023 IS NOW OPEN

The Diversity Visa Program (2025), also known as the green card lottery, opened on October 4, 2023, and is accepting entry forms until 12:00PM EST on November 7, 2023. Anyone who wishes to submit an entry may do so through the U.S. Department of State website [here](#). You do not need an attorney to do this but can submit on your own by following the directions carefully.

Requirements to submit an entry include:

1. Must be born in one of the eligible countries with historically low rates of immigration to the United States. People born in the following countries and areas are not eligible to apply because more than 50,000 of these countries immigration to the United States in the past 5 years: Bangladesh, Brazil, Canada, The People’s Republic of China (including mainland and Hong Kong born), Colombia, Dominican Republic, El Salvador, Haiti, Honduras, India, Jamaica, Mexico, Nigeria, Pakistan, Philippines, South Korea, Venezuela, and Vietnam.

If you are born in one of these countries, you still might be able to apply if your spouse was born in a country that is eligible to apply. You can claim your spouse’s country of birth and submit an entry.

2. Must have at least a High School Diploma or equivalent OR two years of work experience within the past five years in an occupation that requires at least two years of training or experience.

Entrants will be able to check if selected starting on May 4, 2024, by entering their confirmation information at the link provided on the page above. Entrants are encouraged to keep their confirmation number until at least September 30, 2025.

USCIS ISSUES EB-5 GUIDANCE

On October 11, 2023, USCIS provided guidance on the EB-5 Reform and Integrity Act of 2022 (RIA) for investors that file an EB-5 petition after the date of the RIA (January 2022). The RIA indicates that the investment must remain invested for a period of two (years). In the USCIS clarification, it indicates that investors are now eligible for repayment of their invested capital after the money has been invested for two years. They will count the two years from the date the full amount is invested into the job creating entity (JCE) as the start of the two years. Repayment is possible only if the job creation requirements have been met.

EB-5 investors who made their investment before the RIA must continue to maintain their investment through the period of conditional permanent resident status and the filing of the Form I-829.

NEW FORM I-9

This is a reminder that the new edition of Form I-9, dated August 1, 2023, becomes mandatory for all employers on November 1, 2023. Employers can continue to use the prior form only until October 31, 2023. The new form does not have a lot of changes but does have spaces that allow E-Verify employers to use the alternative process to review I-9 documents remotely in some circumstances.

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