



# LATIN AMERICAN IMMIGRATION ASSOCIATION

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UNIENDO FAMILIA

## 2023 US IMMIGRATION OUTLOOK

RENEE WAITE

# AGENDA

Processes for Cubans, Haitians,  
Nicaraguans, and Venezuelans

TPS Update - Registration

New Public Charge & Bond Rules

Green Card Validity Extensions

Trial Period - N-400 Tests

Processing Time / Backlogs

Processes for  
**Cubans, Haitians,  
Nicaraguans, and Venezuelans**



**Cubans, Haitians,  
Nicaraguans, and Venezuelans**



# IMMIGRATION IN 2023

Welcome to our 2023 Immigration Outlook Webinar!

We will be discussing changes to immigration processes, new policies, and what we expect in the coming months and throughout the year.

There has been several exciting changes in the past 60 days  
- lots to cover -

LET'S GET STARTED!

# WHAT CAN WE EXPECT?

- Faster processing times
- More opportunities to help immigrant families
- Opportunities for US Persons and Entities to sponsor persons from struggling countries
- Continued evolution of processes and policies to strengthen border security, while simultaneously providing new legal opportunities - and humane procedures
- Streamlined Naturalization process

# EFFORTS TO CLEAR BACKLOGS



# USCIS EFFORTS

- Increasing staffing
- Use of 3<sup>rd</sup> party processors
- Scanning all filings
- Wider authority to approve applications without interviews
- Reusing previously captured biometrics
- Electronic upload for RFEs for forms held in USCIS account
- Other efforts to eliminate barriers being developed

# HUMANITARIAN PROCESSES

Processes for  
**Cubans, Haitians,  
Nicaraguans, and Venezuelans**



# HUMANITARIAN PROCESSES

- DHS has announced processes through which nationals of Cuba, Haiti, Nicaragua, and Venezuela, and their immediate family members, may request to come to the United States in a safe and orderly way.
- 30,000 total per month maximum, up to 360,000 per year.
- Cannot approach a U.S. Border for admission, must complete the process abroad and obtain travel authorization in advance of travel.

# BASIC ELIGIBILITY

- Be a citizen of Cuba, Haiti, Nicaragua, or Venezuela
- Have a supporter in the United States;
- Undergo and clear robust security vetting;
- Meet other eligibility criteria; and
- Warrant a favorable exercise of discretion.

# WHO CAN BE A SUPPORTER?

An individual who holds lawful status in the United States or is a parolee or beneficiary of deferred action or Deferred Enforced Departure (DED) who has:

- passed security and background vetting
- demonstrated sufficient financial resources to:
  - receive, maintain, and support the individual(s) whom they commit to supporting for the duration of their stay in the United States.

# EXAMPLES OF SUPPORTERS

- U.S. citizens and nationals;
- Lawful permanent residents, lawful temporary residents, and conditional permanent residents;
- Nonimmigrants in lawful status (who maintain their nonimmigrant status and have not violated any of the terms or conditions of their nonimmigrant status);
- Asylees, refugees, and parolees;
- Individuals granted Temporary Protected Status (TPS); and
- Beneficiaries of deferred action (including deferred action for childhood arrivals) or DED.

# BENEFICIARIES

A national of Cuba, Haiti, Nicaragua, or Venezuela (or their immediate family member of any nationality) who is outside the United States and who may be considered for parole under these processes.

- Immediate family members of any nationality in these processes include:
- A spouse or common-law partner; and
- Unmarried child(ren) under the age of 21. NOTE: If a child is under 18, they must be traveling with a parent or legal guardian in order to use this process.

# BEENFICIARIES - WHAT IS REQUIRED TO OBTAIN TRAVEL AUTHORIZATION

- Be outside the United States;
- Be a national of Cuba, Haiti, Nicaragua, or Venezuela; or be an immediate family member (spouse, common-law partner, and/or unmarried child under the age of 21) who is traveling with an eligible Cuban, Haitian, Nicaraguan, or Venezuelan;
- Have a U.S.-based supporter who filed a Form I-134A on their behalf that USCIS has vetted and confirmed;
- **Possess an unexpired passport valid for international travel;**
- Provide for their own commercial travel to an air U.S. POE and final U.S. destination;
- Undergo and pass required national security and public safety vetting;
- Comply with all additional requirements, including vaccination requirements (Covid-19 included) and other public health guidelines; and
- Demonstrate that a grant of parole is warranted based on significant public benefit or urgent humanitarian reasons, and that a favorable exercise of discretion is otherwise merited.

# EXPIRED VENEZUELAN PASSPORTS

- Consistent with the National Assembly decree of May 21, 2019, certain expired Venezuelan passports remain valid. A Venezuelan passport:
- Issued before June 7, 2019 (even if expired before this date), without a passport extension ("prórroga"), is considered valid and unexpired for five years beyond the expiration date printed in the passport.
- Issued before June 7, 2019 (even if expired before this date), with a "*prórroga*" issued before June 7, 2019, is considered valid and unexpired for five years beyond the expiration date of the "prórroga."
- Issued before June 7, 2019 (even if expired before this date), with a "*prórroga*" issued on or after June 7, 2019, is considered valid and unexpired through the expiration date of the "prórroga" or for five years beyond the expiration date printed in the passport, whichever is later.
- Issued on or after June 7, 2019, without a "prórroga" is **not considered** valid beyond the expiration date printed in the passport.
- Issued on or after June 7, 2019, with a "prórroga" issued on or after June 7, 2019, is **considered valid and unexpired through the expiration date of the "prórroga."**

# INELIGIBILITY FOR TRAVEL AUTHORIZATION / PAROLE

- An individual is ineligible to be considered for parole under these processes if
  - that person is a:
    - dual national or permanent resident of another country
    - holds refugee status in, another country,
    - unless the other country has a similar parole process for the country's nationals.

# OTHER INELIGIBILITY

- Fails to pass national security and public safety vetting or is otherwise *deemed not to merit a favorable exercise of discretion*;
- Has been ordered removed from the United States **within the prior five years** or is subject to a ***bar to inadmissibility based on a prior removal order***;
- Has crossed irregularly into the United States, between the POEs, after the date the process was announced (for **Venezuelans, after Oct. 19, 2022**; for **Cubans, Haitians, and Nicaraguans, after Jan. 9, 2023**)
  - except individuals permitted a single instance of voluntary departure pursuant to INA § 240B, 8 U.S.C. § 1229c or withdrawal of their application for admission pursuant to INA § 235(a)(4), 8 U.S.C. § 1225(a)(4) will remain eligible;
- Has irregularly crossed the **Mexican or Panamanian border** after the date the process was announced (for *Venezuelans, after Oct. 19, 2022; for Cubans, Haitians, and Nicaraguans, after Jan. 9, 2023*); or
- Is under 18 and **not traveling through this process accompanied by a parent or legal guardian**, and as such is a child whom the inspecting officer would determine to be an ***unaccompanied child***.

# Processes for Cubans, Haitians, Nicaraguans, and Venezuelans



**SPONSORS AND FORM I-134A**

# FORM I-134A & SPONSORS

- U.S.-based supporters will initiate an online request on behalf of a named beneficiary, by submitting a Form I-134A to USCIS for each beneficiary, including minor children.
- Supporters can be individuals filing independently, filing with other individuals, or filing on behalf of organizations, businesses, or other entities.

# SPONSOR REQUIREMENT

To serve as a supporter, an individual or individual representing an entity must:

- Be a U.S. citizen, national, or lawful permanent resident; hold a lawful status in the United States such as Temporary Protected Status or asylum; or be a parolee or recipient of deferred action or Deferred Enforced Departure;
- Pass security and background vetting, including for public safety, national security, human trafficking, and exploitation concerns; and
- Demonstrate sufficient financial resources to receive, maintain, and support the individual(s) they are agreeing to support for the duration of their parole period.

# RESPONSIBILITIES OF SPONSORS

Supporters who file Form I-134A on behalf of a beneficiary under these processes must be willing and able to receive, maintain, and support the beneficiary listed in Form I-134A for the duration of their parole.

- Receiving the beneficiary upon arrival in the United States and transporting them to initial housing;
- Ensuring that the beneficiary has safe and appropriate housing for the duration of their parole and initial basic necessities;
- As appropriate, helping the beneficiary complete necessary paperwork such as for employment authorization, for a Social Security card, and for services for which they may be eligible;
- Ensuring that the beneficiary's health care and medical needs are met for the duration of the parole; and
- As appropriate, assisting the beneficiary with accessing education, learning English, securing employment, and enrolling children in school.

# Processes for **Cubans, Haitians, Nicaraguans, and Venezuelans**



**PROCESS TO APPLY**

# STEP 1

## *Financial Support*

- A U.S.-based supporter will submit a Form I-134A, [Online Request](#) to be a Supporter and Declaration of Financial Support, with USCIS through the online myUSCIS web portal to initiate the process.
- The Form I-134A identifies and collects information on both the supporter and the beneficiary.
- The supporter must submit a separate Form I-134A for each beneficiary they are seeking to support, including immediate family members and minor children.

# FORM I-134A FILED ONLINE

- Must create a separate account for each beneficiary
  - Set up a separate email address so you and sponsor have access – give sponsor email address and password
  - [firstlastname134@gmail.com](mailto:firstname.lastname@134.com)
- Will need Adobe Acrobat Pro to compress files for upload (tax returns are large files)
- USCIS has made available a paper form I-134A that you could use for an intake form or to create an intake form.

# STEP 2

## *Submit Biographic Information*

- If USCIS confirms a supporter, the listed **beneficiary** will receive an email from USCIS with instructions on how to create a USCIS online account and other next steps.
- The beneficiary must confirm their biographic information in myUSCIS and attest to meeting the eligibility requirements.
- As part of confirming eligibility in their online account, individuals who seek authorization to travel to the United States **must confirm that they meet public health requirements, including certain vaccination requirements.**

# STEP 3

## *Submit Request in CBP One Mobile Application*

- After confirming biographic information in their online account and completing required eligibility attestations, the beneficiary will receive instructions through myUSCIS on how to access the [CBP One mobile application \(PDF, 771.55 KB\)](#).
- The beneficiary must enter their biographic information into CBP One and provide a photo.

# STEP 4

## *Advance Travel Authorization to the United States*

- the beneficiary will receive a notice in their online account confirming whether or not CBP is granting them advance authorization to travel to the United States to seek a discretionary grant of parole on a case-by-case basis.
- If approved, this authorization is valid for 90 days.
- Beneficiaries are responsible for securing their own travel via air to the United States.
- Approval of advance authorization to travel does not guarantee entry or parole into the United States at a U.S. port of entry.

# STEP 5

## *Seeking Parole at the Port of Entry*

- When a beneficiary arrives a port of entry, CBP will inspect them and consider them for a grant of discretionary parole on a case-by-case basis.
- As part of the inspection, beneficiaries will undergo additional screening and vetting, to include additional fingerprint biometric vetting consistent with the CBP inspection process.
- THIS IS SECONDARY INSPECTION – If not admitted, they are subject to expedited removal proceedings – although they may be given the opportunity to withdraw their application for admission.

# STEP 6

## *Parole*

- Individuals granted parole under these processes generally will be paroled into the United States for a period of up to two years,
- Parole is contingent to applicable health and vetting requirements, and will be eligible to apply for employment authorization under existing regulations.
- Individuals granted parole may request work authorization from USCIS by filing a Form I-765, Application for Employment Authorization, either online or via mail.

# IF PAROLED-

- Travel directly to final destination
- Apply for work permit
- Ask for a social security number and card on form I-765
- File taxes on employment income
- Follow all conditions of parole
- Keep address updated with USCIS
- Depart the US when parole expires - over stays will be placed into removal proceedings



**TPS**

**CURRENT REGISTRATION**

# TPS - NEW APPLICATIONS

- Afghanistan 5.20.22 - 11.20.23 present in US since: 3.15.22
- Camaroon 6.07.22 - 12.07.23 present in US since: 4.14.22
- Ethiopia 12.12.22 - 6.12.24 present in US since: 10.22.22
- Haiti 8.03.21 - 2.03.23 present in the US since: 6.29.21
- Syria 8.01.22 - 3.31.24 present in the US since: 7.28.22
- Ukraine 4.19.22 - 10.19.23 present in the US since: 4.11.22
- Yemen 1.03.23 - 9.03.24 present in the US since: 12.29.22



# Public Charge?

**PUBLIC CHARGE**

NEW RULES



# NEW RULES TO FUTURE VET POTENTIAL TO BE A PUBLIC CHARGE

- Anyone who has been or is likely to become a public charge at ANY TIME in the future is inadmissible.
- Clarification has been made - any type of cash assistance can make someone inadmissible.
- Totality of Circumstances analysis of beneficiary's education, assets, bills, likelihood of being able to obtain gainful employment and maintain self sufficiency.
- For persons that are at risk to not be self sufficient, there will be more scrutiny of the AOS sponsor's ability to support their relative.

# NEW QUESTIONS ON I-485

Processes for: x | how many: x | New Biden: x | tps uscis - 5: x | Form

aloud | Add text | Draw | Highlight | Erase

people in combat?  Yes  No

**NOTE:** If you answered "Yes" to any part of **Item Numbers 52 - 60.**, explain what occurred, including the dates and location of the circumstances, in the space provided in **Part 14. Additional Information.**

**Public Charge**

**61.** Are you subject to the public charge ground of inadmissibility under INA section 212(a)(4)?  Yes  No

If you answered "Yes" to **Item Number 61.**, complete **Item Numbers 62 - 68.d.** below. If you answered "No" to **Item Number 61.**, go to **Item Number 69.a.** If you need extra space to complete this section, use the space provided in **Part 14. Additional Information.**

**62.** What is the size of your household?

**63.** Indicate your annual household income.

\$0-27,000  
 \$27,001-52,000  
 \$52,001-85,000  
 \$85,001-141,000  
 Over \$141,000

**64.** Identify the total value of your household assets.

\$0-18,400  
 \$18,401-136,000  
 \$136,001-321,400  
 \$321,401-707,100  
 Over \$707,100

A-Number ▶ A-

**Part 8. General Eligibility and Inadmissibility Grounds (continued)**

**65.** Identify the total value of your household liabilities (including both secured and unsecured liabilities).

\$0  \$1-10,100  \$10,101-57,700  \$57,701-186,800  Over \$186,800

**66.** What is the highest degree or level of school you have completed?

Grades 1 through 11  12<sup>th</sup> grade - no diploma  High school diploma, GED, or alternative credential  
 1 or more years of college credit, no degree  Associate's degree  Bachelor's degree  
 Master's degree  Professional degree (JD, MD, DMD, etc.)  Doctorate degree

**67.** List your certifications, licenses, skills obtained through work experience, and educational certificates.

**68.a.** Have you ever received Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), or State, Tribal, territorial, or local, cash benefit programs for income maintenance (often called "General Assistance" in the State context, but which also exist under other names)?  Yes  No

**68.b.** Have you ever received long-term institutionalization at government expense?  Yes  No

**68.c.** If your answer to **Item Number 68.a.** is "Yes," list the specific benefit(s) you received, the start and end dates of each period of receipt, and the dollar amount of benefits received.

Benefit Received	Start Date	End Date	Dollar Amount

have access to some features. [View permissions](#)

**68.a.** Have you ever received Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), or State, Tribal, territorial, or local, cash benefit programs for income maintenance (often called "General Assistance" in the State context, but which also exist under other names)?  Yes  No


**68.b.** Have you ever received long-term institutionalization at government expense?  Yes  No

**68.c.** If your answer to **Item Number 68.a.** is "Yes," list the specific benefit(s) you received, the start and end dates of each period of receipt, and the dollar amount of benefits received.

Benefit Received	Start Date	End Date	Dollar Amount

**68.d.** If your answer to **Item Number 68.b.** is "Yes," list the name, city, and state for each institution, the start and end dates of each period of institutionalization, and the reason you were institutionalized.

Institution Name/City/State	Date From	Date To	Reason

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# SUPPORTING DOCUMENTS

- Submit supporting documents of:
- Education - Degree, transcripts, diploma, GED
- Assets - Proof of asset ownership and value
- Liabilities - Copies of bills
- Public Benefits - proof of the amount and period of time received -NEEDS AN ATTORNEY - the receipt of public benefits is SERIOUS and has other criminal and immigration consequences.

# INCREASED NEED FOR JOINT SPONSORS

- If petitioner is less than 200% of poverty guidelines AND
- Beneficiary is a risk
- Low education, elderly, sick, etc
- Consider preparing the application with a Joint Sponsor
- BEST CASE scenario is where a petitioner makes 250% of the poverty guidelines
- SKILLED beneficiaries will more easily demonstrate that they will likely be able to support themselves, and not become a public charge.

# PUBLIC CHARGE BONDS

- In the event that USCIS determines that someone may become a public charge, USCIS MAY give the opportunity to the beneficiary to post a bond.
- USCIS has to make the request/invitation to the beneficiary - DO NOT go and get beneficiary's bonded without USCIS instruction.
- Beneficiary obtains a surety bond in an amount determined by USCIS - Minimum \$8,100.
- Bond must remain in effect until the Affidavit of Support contract ends/would end.

UNITED STATES OF AMERICA

PERMANENT RESIDENT

TASEER AATISH A 27 NOV 1980



*Aatish A. Taseer*

Surname  
**TASEER**

Given Name  
**AATISH A**

USCIS#  
[REDACTED]

Category  
**CR6**

Country of Birth  
**United Kingdom**

Date of Birth  
**27 NOV 1980**

Sex  
**M**

Card Expires: **03/04/18**

Resident Since: **03/04/16**



**GREEN CARD 24 MONTH EXTENSIONS**

# 24 EXTENSION OF GC VALIDITY

- Upon the filing of form I-90 or N-400, the validity of a person's green card is automatically **extended for 24 months from the date of green card's expiration date** --- NOT the filing of the application
- To evidence the extension for travel or work:
- Green Card and Receipt extending the validity period of the card.
- Status does not expire, only the card itself expires
- GC holders can get their passports stamped for travel and work at USCIS if the 24 months has passed.

# TESTING OF NEW NATURALIZATION TEST

- President Biden's Executive Order 14012, Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans,
- directive to review the naturalization process.
- USCIS subject matter experts conducted reviews of the naturalization test and recommended redesigning the speaking and civics test to improve testing standards.
- The proposed revisions are consistent with the feedback that USCIS has received from multiple external stakeholder groups.

# STRATEGY TO PROMOTE NATURALIZATION

- Eliminate barriers in and improve the existing naturalization process,
  - comprehensive review of that process with particular emphasis on the N-400 application, fingerprinting, background and security checks, interviews, civics and English language tests, and the oath of allegiance;
- (ii) substantially reduce current naturalization processing times;
- (iii) make the naturalization process more accessible to all eligible individuals, including through a potential reduction of the naturalization fee and restoration of the fee waiver process;
- (iv) facilitate naturalization for eligible candidates born abroad and members of the military, in consultation with the Department of Defense; and
- (v) review policies and practices regarding denaturalization and passport revocation to ensure that these authorities are not used excessively or inappropriately.

# USCIS NEEDS 1500 PEOPLE TO TEST THE NEW TESTING SYSTEM

- The beta testing period has not been announced yet
- Check the USCIS Citizenship Resource Center regularly for updates, applicant sign up, and comment period that will be open to the public

WE HOPE  
TO SEE  
YOU IN A  
FUTURE  
CLASS

