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Practices: Immigration

DHS AMENDS STEM DESIGNATED DEGREE PROGRAM LIST

On July 22, 2024, the U.S. Department of Homeland Security (DHS) announced the addition of one Classification of Instructional Programs (CIP) code to the DHS STEM Designated Degree Program list. DHS maintains a complete list of fields that fall within the regulatory definition of "STEM field" that qualifies certain degrees to fulfill the extension requirement. The CIP taxonomy system serves as the basis for the STEM OPT extension.

In a previous Masuda Funai Client Advisory dated January 20, 2022, we provided information about a major expansion by DHS of the STEM list adding 22 qualifying fields of study. Eight additional qualifying fields of study were added in July 2023.

The STEM OPT Designated Degree Program list is used to determine whether a degree obtained by certain F-1 students qualifies as a science, technology, engineering or mathematics (STEM) degree for the F-1 student to be eligible to apply for a 24-month extension of their post-completion OPT employment authorization. OPT is one type of work authorization available to certain F-1 nonimmigrant students, allowing them to apply for employment authorization for up to 12 months so they can obtain real-world work experience directly related to their studies. The STEM OPT is a 24-month extension of OPT and is available to students who have completed 12 months of OPT, have received a degree in an approved STEM field and who are employed by an E-Verify company.

The new field of study added to the STEM Designated Degree Program list is Environmental/Natural Resource Economics, (03.0204), defined as "*A program that focuses on the application of economic concepts and methods to the analysis of issues such as air and water pollution, land use planning, waste disposal, invasive species and pest control, conservation policies, and related environmental problems. Includes instruction in cost-benefit analysis, environmental impact assessment, evaluation and assessment of alternative resource management strategies, policy evaluation and monitoring, and descriptive and analytic tools for studying how environmental developments affect the economic system. This field of study, as described in the NCES definition, is comprised of STEM disciplines such as research, innovation, or development of new technologies using natural sciences and mathematics*."

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The current list of approved STEM fields was established in connection with a Final Rule issued in 2016 and was last updated in 2023. Pursuant to the 2016 rule, DHS continues to accept for consideration suggested additions or deletions from the list.

FY2025 H-1B UPDATE

On August 5, 2024, U.S. Citizenship and Immigration Services (USCIS) announced that after completing a second round of H-1B quota selections, it projects having enough FY2025 H-1B Quota Registrations selections to meet the quota for FY2025 (October 1, 2024 to September 30, 2025).

USCIS received 479,953 total registrations for the FY2025 quota. Using a new "beneficiary-centric selection process" USCIS selected 114,017 beneficiaries for the FY2025 H-1B Master's and Regular Caps during the first selection round. During the recently completed second round, USCIS selected 13,607 additional beneficiaries, who regardless of their education level, would be allocated to the FY2025 Regular Cap. Employers having a beneficiary selected in the second round, have until November 7, 2024 to file the FY2025 H-1B quota petition.

USCIS will be updating its online system to indicate those registrations not selected as officially "Not Selected."

The registration period for the FY2026 H-1B quota lottery is anticipated to occur in early March 2025. Employers are encouraged to contact Masuda Funai in early February 2025 for additional information about the FY2026 H-1B quota lottery and registration process.

SEPTMBER 2024 VISA BULLETIN UPDATE

For the last month of FY2024 (October 1, 2023 to September 30, 2024), U.S. Department of State ("DOS") recently issued the September 2024 Visa Bulletin.

For *employment-based immigration only* the following foreign nationals may either apply for permanent resident status through adjustment of status ("AOS") or have their AOS application approved if all qualifying and documentation requirements are met in September 2024. Also, the following foreign nationals who will complete the Immigrant Visa processing at a U.S. Consular Post and who have submitted all the required documentation become eligible to have their interview scheduled in September 2024.

First Preference

- Persons eligible for the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researchers/Professors or workers recognized for their Extraordinary Ability) who were born in any country other than India or China – Available.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researcher/Professors or workers recognized for their Extraordinary Ability) whose priority date is before **November 1, 2022** – no change since July 2024.
- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researchers/Professors or Workers

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recognized for their Extraordinary Ability) whose priority date is before **February 1, 2022** – no change since July 2024.

Second Preference

- Persons born in any country other than India or China having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **March 15, 2023** - no change since July 2024.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **March 1, 2020** – no change since July 2024.
- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before June 15, 2012 – no change since July 2024.

Third Preference

- Persons born in any country other than India or China having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before December 1, 2020 – a retrogression of one year from July 2024.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before September 1, 2020 – no change since July 2024.
- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before October 22, 2012 – no change since August 2024.

The DOS indicated that during FY2024 additional employment-based immigrant visas were available to increase the statutory limitation of 140,000 to 160,791.

October 1, 2024 is the start of FY2025 when 140,000 or more employment-based immigrant visas become available and priority dates are expected to advance again.

U.S. IMMIGRATION REQUIREMENTS FOR CANINE TRAVELERS

Similar to immigration for humans, animals traveling to the United States must also meet certain requirements. While an animal does not need an official passport to enter the United States, effective August 1, 2024, any dog traveler, including those who are hand-carried or transported via cargo, must meet the following requirements to be admitted to the United States:

- Be at least 6 months old;
- Be microchipped with an ISO-compatible (International Standards Organization) microchip,; and
- Have a completed Center for Disease Control (CDC) Dog Import Form.

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A dog arriving from, or who within the preceding 6 months has been in, a high-risk country will also need a health certificate or certificate showing receipt of the rabies vaccine that has been signed by a licensed veterinarian. When completing the CDC Dog Import Form for a canine travelling from or that has been in a high-risk country, a photo of the dog showing its face and body must be uploaded and information must be provided about the dog's Rabies Vaccination and Microchip Certification.

These requirements apply to all dogs travelling to the United States, including service animals, emotional support animals, and dogs brought to the United States for adoption, sale, education, exhibition or research. Once the CDC Dog Import Form has been approved by the CDC, it will issue a receipt which must be presented in paper format or visible on an electronic device to the airline prior to boarding and to U.S. Customs & Border Protection ("CBP"). This receipt may be used for multiple entries to the United States for up to 6 months, provided that the canine traveler has not been in a country having a high risk for rabies within the preceding 6 months. Each canine traveler must have a separately completed CDC Dog Import Form receipt and supporting documentation.

Foreign-vaccinated dogs that have been in a high risk country in the past 6 months are not allowed to enter the U.S. at a land border (Canada/Mexico) crossing. They must arrive at an airport with a CDC-registered animal care facility.

Masuda Funai is a full-service law firm with offices in Chicago, Detroit, Los Angeles, and Schaumburg.

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