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TRANSCENDING BORDERSSM



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The Holiday Season is upon us again! Grossman Young & Hammond is ever grateful to our clients, friends and readers of Transcending BordersSM. In this issue, we cover important immigration updates since September and a heartwarming client success story.

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COVID-Related Travel Ban on 8 African Countries

On Monday, November 29th, the White House issued a [briefing](#) suspending and limiting the entry of certain immigrants and nonimmigrants who were physically present in countries where the Omicron variant of COVID-19 was detected within 14 days preceding their arrival to the U.S. The travel restrictions do not ban flights or apply to U.S. citizens and



lawful U.S. permanent residents.

The countries included in the ban are:

- Republic of Botswana;
- Kingdom of Eswatini;
- Kingdom of Lesotho;
- Republic of Malawi;
- Republic of Mozambique;
- Republic of Namibia;
- Republic of South Africa;
- Republic of Zimbabwe.



Employment Authorization for Certain H-4, E, and L Nonimmigrant Dependent Spouses

The United States Citizenship and Immigration Service (USCIS) [updated its Policy Manual](#) on November 12, 2021 to allow for the automatic extension, in certain circumstances, of employment authorization for H-4, E, and L nonimmigrant spouses.

- Nonimmigrant H-4, E, and L spouses now qualify for an automatic extension of their employment authorization documents (EADs), when they file to renew the EAD so long as:
 - (1) the I-765 application to renew the EAD is filed prior to the expiration date of the original EAD; and
 - (2) The spouse has an unexpired I-94 showing valid nonimmigrant status.
- For I-9 employment verification, the nonimmigrant spouse may present as valid evidence of work authorization:
 - An unexpired I-94 showing valid H-4, E, or L nonimmigrant status;
 - A facially expired EAD; and
 - A form I-797C showing a timely filed EAD renewal application (I-765).
- The automatic extension of the EAD is valid until:
 - (1) the expiration of the underlying I-94;
 - (2) 180 days from the prior EAD expiration; OR
 - (3) adjudication of the EAD extension application (I-765), whichever comes first.
- The Department of Homeland Security (DHS) said it would “immediately take steps to modify” the Form I-94 to demonstrate evidence of work authorization.

USCIS will also consider L and E dependent spouses to be employment authorized “incidental to their status,” meaning that they are automatically work-authorized upon admission and issuance of a valid I-94 document showing L-2 or E spousal status, obviating the need for these individuals to apply for an EAD going forward. This change applies to E and L spouses only.



DHS Announces Fee Exemptions, Streamlined Processing for Afghan Nationals

On November 8, DHS announced that it will exempt filing fees and streamline application processing for Afghan nationals who

were paroled into the United States for humanitarian reasons on or after July 30, 2021. DHS is the lead federal agency coordinating Operation Allies Welcome, the ongoing all-of-government effort to resettle vulnerable Afghans.

Approximately 70,000 Afghans have arrived in the U.S. as part of Operation Allies Welcome. Following the biggest airlift in U.S. history, DHS exercised its discretion to parole many Afghan nationals, on a case-by-case basis, into the U.S. for urgent humanitarian reasons. Parolees may apply for work authorization and will also be able to apply for immigration benefits such as Afghan special immigrant status, lawful permanent residence, and asylum.

Additional information for Afghans can be found on [USCIS's website](#).

Our list of resources for Afghan refugees is [here](#).

H-1B News: “Market Research Analyst” Now a Confirmed Specialty Occupation



An [October settlement](#) in a California district court marked a major victory for H-1B employers when it prompted USCIS to agree to qualify “market research analyst” as a specialty occupation for the purposes of determining H-1B visa eligibility.

Prior interpretation of the Occupational Outlook Handbook, a Department of Labor's Bureau of Labor Statistics publication profiling hundreds of occupations in the US job market, did not qualify “market research analyst” as a “specialty occupation.” The settlement allows companies to request that the USCIS reopen and re-adjudicate their denied H-1B petitions for “market research analysts”.

Jeff Joseph, partner at Berry Appleman & Leiden LLP, said “[t]his settlement strikes the right balance between what the regulations actually say and how employers evaluate a candidate's professional qualifications in the real world. It is our sincere hope that USCIS will now interpret other specialty occupations from a perspective that is in line with what actually happens in the free market.”

Client Success Story – Child Citizenship Act

Not all US citizens are born in the United States: citizenship also can be “transmitted” to a person born abroad by their US-citizen parent or, sometimes, their US-citizen grandparent. One way this transmission of citizenship



occurs is under the Child Citizenship Act, which we recently used to obtain citizenship for several clients. To transmit citizenship under this Act, the US-citizen parent must have lived in the United States for 5 years, 2 of which were after reaching age 14. If the parent doesn't meet this requirement, citizenship can be transmitted by a US-citizen grandparent who meets the same requirements. The child obtaining U.S. citizenship must be under age 18 and be living in the custody

of their US-citizen parent.

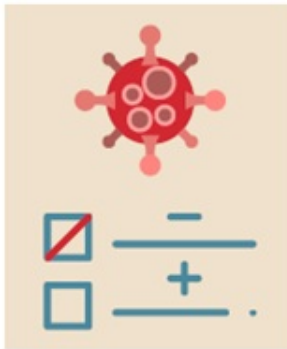
We recently represented several young children who were born overseas to a US-citizen mother who had never lived in the United States. However, her mother (our clients' grandmother) was born in the United States and lived here continuously into adulthood. Therefore, the grandmother was able to transmit her citizenship to her grandchildren, who recently traveled to the United States and were sworn in as US citizens at the conclusion of a US immigration interview.



#AILAStandsWithImmigrants



NEW COVID-19 TRAVEL REQUIREMENTS: WHAT YOU NEED TO KNOW



On October 25, 2021, President Biden issued a proclamation ending travel bans that restricted the entry of nonimmigrants present in China, Brazil, India, Iran, South Africa, Ireland, the United Kingdom, and the Schengen Area.¹ The proclamation also created a new rule, effective November 8, 2021, that requires all adult nonimmigrant travelers entering the United States via air travel to be fully vaccinated against COVID-19, with limited exceptions.

Similarly, non-essential travel for fully vaccinated individuals across land and ferry borders will be permitted as of November 8. Essential travel for unvaccinated individuals across land and ferry borders will be allowed until January 21, 2022, at which time the vaccine requirement will be imposed for all travelers.

What Does Fully Vaccinated Mean?

You must have received a vaccine approved or authorized by the Food and Drug Administration (FDA) or World Health Organization (WHO), which currently includes the following vaccines: Janssen/Johnson & Johnson (Single Dose), Pfizer-BioNTech, Moderna, AstraZeneca, Covishield, BIBP/Sinopharm, and Sinovac.²

You are considered fully vaccinated two weeks after receiving the last dose of a multi-dose, or the first dose of a single dose, approved vaccine. Receipt of doses from any two different approved vaccines is acceptable.

What Proof Is Required?

Before boarding a flight to the United States, adult nonimmigrant travelers must provide proof of vaccination to

- Verifiable digital or paper records: This includes, but is not limited to, vaccination certificates or digital passes accessible via QR code (such as the UK NHS COVID Pass and the European Union Digital COVID Certificate).
- Non-verifiable paper records: A paper vaccination record or a COVID-19 vaccination certificate issued by a national or subnational level agency or by an authorized vaccine provider (such as the Centers for Disease Control and Prevention (CDC) vaccination card).
- Non-verifiable digital records: Digital photos of vaccination card or record, or a downloaded record or vaccination certificate from an official source (e.g., public health agency, government agency, or other authorized vaccine provider), or a record shown on a mobile phone app without a QR code.

Airlines will verify that the form of proof includes a name and date of birth that matches other identification documents, is from an official source within the country the vaccine was issued, and shows full vaccination. You must confirm with the airline if translation is required for documents not in English.

For land border and ferry crossings, CBP will require similar proof of vaccination and that the traveler attest to their reason for travel.





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