



THE LONG TAIL OF COVID ON IMMIGRATION SYSTEM

David Zaritzky Brown
Managing Partner
Licensed in U.S. and Canada
dbrown@brownimmigrationlaw.com



AGENDA

- Recent updates/news
- Current state of affairs
- What is coming down the pipeline
- Brown Immigration Law hacks



HOT OFF THE PRESS

- Broad immigration reform dead
- Targeted laws may work – EB-5 law
 - Help for nurses/doctors?
 - Possibly DACA? – nothing else expected
- Rulemaking is name of game – only tool Administration has
 - for Public Charge
 - for DACA
 - for new PERM
 - for Premium Processing and new EADs



CURRENT STATE OF AFFAIRS

- Hopefully immigration system's worst days are behind it
- Three shocks – COVID, workforce policy, demand
- Anticipated COVID shocks would fade, and world “normalized” but did not account for shocks 2 and 3
- DOL fully staffed, USCIS (18%↓), DOS (significant shortages; especially most senior staff)
- Attempts to streamline in place – DOS – significant autonomy
 - USCIS – starting to accept recommendations
- Expect 2023 to be better, and 2024 to be closer to normal
- Lack of resources causing predictable problems



CHANGES ON HORIZON

- Premium Processing for I-539/EADs
- Premium Processing for I-140 MM/NIWs
- Likely return to matching dependent to primary case
- Visa revalidation in U.S. (*already done)
- Online filing for all form types – FY 2026



THE CHALLENGES/OUR SOLUTIONS

- Each of the below issues has been a problem for at least a year – at first, they appeared to be transitory in nature, but soon the issue came into focus and good firms have figured it out – most have not solved all of these (as problem solvers, we are always finding the next hack)
- Basic rules in physics applies – for every action, there is an equal and opposite reaction
- Consular unavailability (for appointments)
- DOL delays with prevailing wages and issues with wage results
- Work authorization interruption for employees' spouse
- Significant USCIS delays in issuing work authorization



Our continuing goal – pay attention to changes in the world, continually challenge common assumptions, and find a way forward – find a “hack”



QUESTIONS?

Email: info@brownimmigrationlaw.com

David Zaritzky Brown
Managing Partner
Licensed in U.S. and Canada
dbrown@brownimmigrationlaw.com

