

From: CIS Ombudsman <CIS.ombudsman@messages.dhs.gov>
Sent: Thursday, December 10, 2020 5:06 PM
To:
Subject: Update: U.S. District Court Vacates the USCIS Strengthening the H-1B Program Interim Final Rule

December 10, 2020



Homeland Security

Update: U.S. District Court Vacates the USCIS Strengthening the H-1B Program Interim Final Rule

Dear Stakeholder,

[The Office of the Citizenship and Immigration Services Ombudsman](#) (CIS Ombudsman) is sending this message to let you know that U.S. Citizenship and Immigration Services (USCIS) announced that a December 1, 2020 order issued by a U.S. District Court vacated the [Strengthening the H-1B Nonimmigrant Visa Classification Program Interim Final Rule](#) (IFR). The order prevents the IFR from taking effect and USCIS from implementing the IFR. USCIS stated that it will fully comply with the court's decision.

The court's order also impacted the Department of Labor's related Interim Final Rule regarding H-1B wages. For additional information, please see the [announcement from the Office of Foreign Labor Certification](#).

Helpful Resources

[Ombudsman's Homepage](#)

[Case Assistance](#)

[Ombudsman's Annual Report to Congress](#)

[Contact the Ombudsman](#)

[Immigration Resources](#)

Background

The Department of Homeland Security published the “H-1B Strengthening IFR” in the Federal Register on October 8, 2020, with a 60-day effective date. The IFR was scheduled to go into effect on December 7, 2020. According to USCIS, “the IFR was intended to better protect U.S. workers, improve the integrity of the H-1B program, and better ensure that H-1B petitions are approved only for qualified beneficiaries and petitioners.”

The CIS Ombudsman will continue to work on requests for case assistance.

For more information on our office, view the [CIS Ombudsman’s Annual Report to Congress](#), issued in June 2020, or visit our [website](#).



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