



July/August Immigration Updates

Employers Need to Know

Texts, Emails, and Phone Calls from USCIS Regarding Requests for Evidence

The U.S. Citizenship and Immigration Services (USCIS) has started doing courtesy calls, texts, and emails to certain adjustment applicants according to the American Immigration Lawyers Association ([AILA](#)). The USCIS informed AILA that it is notifying certain Adjustment of Status applicants or their attorneys that a Request for Evidence (RFE) will be sent requesting a completed [Form I-693](#) Report of Medical Examination and Vaccination Record. These communications encourage applicants to quickly file the Form I-693 after receipt of the RFE in order to adjudicate as many Adjustment of Status applications as possible before the end of the fiscal year on September 30, 2021.

Updated Form 485 allows Applicant to request new or replacement SSN card

On August 9, 2021, USCIS announced a partnership with the Social Security Administration (SSA) so green card applicants can now apply for a social security number or a new replacement social security card when they submit form I-485. USCIS updated form I-485 to include a section for social security card questions so that applicants can request a new or replacement social security card.

This new form streamlines the process of obtaining a social security card for applicants filing for lawful permanent resident status. Previously, applicants applied for social security cards through the SSA and had to appear in person at their local SSA office. Now, USCIS will automatically send the information to the SSA in most cases once lawful permanent resident status is approved. The SSA will then issue social security cards and numbers as appropriate. USCIS did not indicate which cases would not be automatically transmitted to the SSA.

The new form becomes mandatory on October 13, 2021. USCIS did not make any changes to the form I-485 filing fee.

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Extension of Medical Exam Validity Period.

Applicants must submit a medical exam to confirm eligibility under public health grounds as part of the adjustment of status application, which is the final stage of the green card process. USCIS announced that due to COVID-19 and related processing delays, USCIS is temporarily extended the validity period of medical exams. The validity period of medical exams validity will be extended from two years to four years.

USCIS may consider a medical exam valid if:

- The civil surgeon's signature is dated no more than 60 days before the applicant filed the adjustment of status application;
- No more than four years have passed since the date of the civil surgeon's signature; and
- A decision on the applicant's Form I-485 is issued on or before September 30, 2021.

It is unclear whether the temporary extension of medical exam validity will extend beyond September 20, 2021, which is the end of the current government fiscal year. While USCIS does not require that the medical exam be filed concurrently with the Form I-485, USCIS is now recommending that applicants submit the medical exam at the same time as the adjustment of status application. However, without a further extension of the medical exam validity period, there may not be an advantage to submitting the medical exam at the time of filing the adjustment of status application.

USCIS Approves New Credentialing Organization for Nurses

The USCIS recently published [notice](#) of a new credentialing organization for individuals seeking to enter the U.S. to work as a nurse. Foreign nationals immigrating to the U.S. to work as a health care worker, including nurses, must present certification from a USCIS-approved credentialing organization verifying that they have met the requirements for education, training, licensure, experience, and English proficiency in their field.

The organization, [Josef Silny Associates, Inc.](#), joins the [Commission on Graduates of Foreign Nursing Schools](#) as only the second

organization that is authorized to issue health care worker certifications for nurses.

Second Random Selection from Previously Submitted FY 2022 H-1B Cap Registrations

USCIS uses historical data to determine the number of registrations needed to meet the H-1B cap for a given fiscal year. To meet that number, USCIS randomly selects registrants as eligible to file H-1B cap-subject petitions every fiscal year. Being randomly selected does not guarantee that the H-1B cap-subject petition will be approved, just that the selected registrant may file the petition.

USCIS initially conducted its first round of random selection on properly submitted electronic registrations for the fiscal year (FY) 2022 H-1B cap in March 2021. This included beneficiaries eligible for the advanced degree exemption. However, USCIS needed to select additional registrations to reach the FY 2022 H-1B cap and conducted another round of random selection of submitted registrations on July 28, 2021. The petition filing period for these selected registrations began on August 2, 2021 and will close on November 3, 2021.

The selected registrants have been notified through their myUSCIS accounts, which were updated with a selection notice that contains details of when and where to file the petition. Online filing is not available for H-1B petitions. Petitioners must follow the instructions on the selection notice to file an H-1B cap-subject petition at the correct service center and within the filing period indicated on the selection notice.

For more information, please contact [Alicia Visse-Kroger](#), [Irina Strelkova](#), [Peggy Shukairy](#), or any attorney with Frost Brown Todd's [Immigration](#) practice group.

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