

## Pathways to US Residency: Latest updates on the EB-2 NIW program for Aviation Professionals and STEM Experts

We are proud to share that we continue to receive approvals for pilots applying for **National Interest Waivers (NIWs)** under the EB-2 program. This success enables pilots and their dependents to obtain green cards, granting them the right to live in the US and providing a clear pathway to citizenship. We want to continue sharing some recent updates and observations on the EB-2 NIW for those looking to apply and those who have already successfully received an approval of their petition.

With the summer travel rush getting underway, the US Congress has just allocated USD 240 million in an aviation bill to address, among other things, aviation workforce (including pilot) shortages, a challenge some lawmakers in Washington consider a “long-term issue”. Congress will distribute USD 80 million over the next four years to assist with aviation workforce development, with the FAA responsible for allocating the funding as grants to flight schools and other organizations. Given Congress’s recognition of the pilot shortage and the ongoing demand for skilled pilots, the EB-2 NIW program remains an attractive option for experienced airline and helicopter pilots looking to immigrate to the United States.

While much attention is given to the demand for pilots, the aviation industry is also experiencing a critical and growing need for Aircraft Maintenance Engineers (AMEs) and Aircraft Maintenance Technicians. These professionals are essential for ensuring the safety and efficiency of air travel, making them viable applicants for the EB-2 NIW program. The demand for AMEs and Technicians, exacerbated by COVID-19-related job cuts and retirements, poses a significant risk to aircraft safety and operations, potentially leading to flight cancellations and delays. Given the crucial role AMEs and Technicians play in maintaining the reliability of the aviation sector, their work is believed to be beneficial to the US.

In addition to aviation professionals, Science, Technology, Engineering, and Math (STEM) experts have a unique advantage in demonstrating national importance, as their work aligns

closely with the US's focus on innovation and economic development. One of the standout benefits of the EB-2 NIW program is its flexibility for entrepreneurial pursuits. It allows individuals to undertake high-impact projects, launch startups, or contribute to academia and research institutions, making it an unparalleled opportunity to bring your expertise to the forefront of US innovation. Those who specialize in STEM fields and have distinguished contributions in research, business, or innovation may find themselves ideal candidates for the EB2-NIW.

As a recent update, it is important to note that EB2-NIW petitioners are now required to pay a new "Asylum Program Fee" of USD 300 for the I-140 petition. According to USCIS, this fee was introduced to support the funding of asylum programs, covering some of the costs associated with asylum processing. Although lawsuits are ongoing to challenge the new fee rule, the requirement to pay this fee on filing is currently in effect.

If you have had your petition approved, the July 2024 Visa Bulletin was recently released. Despite it being noted in the June 2024 Visa Bulletin that there was high demand for the EB-2 category and that it would most likely necessitate retrogression of the worldwide final action date (including Mexico and the Philippines) in the July 2024 Visa Bulletin, the Final Action Date in the July 2024 Visa Bulletin for this category has actually moved forward for all countries, which is a promising development. However, we must stress that it is still very possible that there will be retrogression in the coming months.

Finally, with the summer holidays around the corner, some of you who have received approved I-140 petitions and are completing green card DS-260 applications may be looking ahead on when and how to settle in the US. A frequent occurrence for approved pilots can be that their dependents wish to enter the US after the main applicant – a common example being that dependent children wish to complete their schooling in their current country of residence before entry into the US. In this instance, the "follow-to-join" option is worth considering. Given that the DS-260 applications for all dependents were submitted before the dependent children turned 21 years old and they remain unmarried, this "follow-to-join" option would be available to the dependent children if they wish to delay their initial entry into the US. Should any relevant clients be interested in this option, we invite you to speak to your designated HLG legal contact for

further information.

Best Regards,

**Laure Cochet, Holden Slutsky & Lily Wang**

Lawyers

## Press Review

1. Ryan Ewing, '[Congress Shells Out Millions To Aid Pilot Shortage](#)', 3 June 2024
  - The government will more than triple funding towards pilot recruitment and development efforts. These funds—including as part of the recent FAA Reauthorization Act—represent a substantial increase from the \$25 million allocated in 2018.
  - This additional funding is part of the FAA's Aviation Workforce Development Grants program, which provides support to aviation-related education programs. The \$80 million in pilot development grants is part of a broader \$240 million pool intended to also recruit aircraft mechanics and aviation manufacturing workers.
2. Ben Werschkul, '[Washington Sets Aside \\$240 Million For Pilot Shortages As Busy Summer Travel Season Starts](#)', Yahoo! finance, 26 May 2024
  - Congress is setting aside \$240 million to fix pilot shortages, a problem that has dogged the airline industry in recent years and caused delays for travelers trying to get to their destinations.
  - The new money was tucked inside the recent reauthorization of the Federal Aviation Administration. It will flow to schools and other groups focused on aviation-related education to allow them lower costs for students and provide more services.
  - The government expects there to be about 16,800 open pilot positions annually in the years ahead.
3. Robert Silk, '[Pilot Shortage Still A Concern For Regional Airlines](#)', Travel Weekly, 8 April 2024

- Pilot hiring pauses by United and Southwest suggest that the pilot shortage that afflicted the U.S. airline industry in the aftermath of the pandemic has come to an end.
  - While mainline carriers have overcome their pilot shortages, and in some cases are now concerned about having too many pilots as Boeing delivery delays and Airbus aircraft maintenance issues stunt capacity growth, the regional carriers that do the flying for the American Eagle, United Express and Delta Connection remain constrained by a shortage of captains.
4. Elodie Mazein, '[Maintenance Staff Shortage In U.S. Could Clip Aviation Industry's Wings](#)', The Japan Times, 1 April 2024
- The United States is grappling with a shortage of maintenance workers in the aviation industry, with baby boomers retiring and others changing jobs during the pandemic.
  - This comes as the global fleet of commercial aircraft is set to balloon a third by 2034, involving more than 36,400 vessels.
5. Sandy Murdock, '[Aircraft Maintenance Shortage - What The FAA Is Doing?](#)', JDA Journal, 1 April 2024
- The debate rages on about whether there is a pilot shortage. All of the experts agree that the aircraft maintenance technician (AMT) supply is short-immediately, plus to/through 2034.
  - Congress acknowledged this problem and authorized the FAA's Aviation Maintenance Technical Workers Workforce Development program. As detailed below, the agency has made grants for "aviation maintenance technical workers support proposals that generate and increase interest and prepare students to pursue aviation maintenance careers" in its third round of such awards. Hopefully these funds will stimulate students to enter this profession and most importantly result in a wave of well qualified AMTs.
6. Mary K. Pratt, '[US Government Enters The Race For AI Talent](#)', CIO, 21 March 2024
- US government agencies have ramped up their efforts to hire AI talent, filling newly created chief AI officer positions and aggressively seeking out AI-related skills.

- Officials at federal departments, like their counterparts in the private sector, say the rapid evolution of artificial intelligence and, more specifically, generative AI has created a sense of urgency to hire — or be left behind.
7. [‘Schools Nationwide Receive \\$13.5 Million In FAA Grants To Develop The Next Generation Of Aviation Professionals’](#), Federal Aviation Administration, 5 March 2024
- Thirty-two schools will receive \$13.5 million in grants from the Federal Aviation Administration (FAA) to help attract and train students for careers as pilots and aviation maintenance technicians.
  - Twelve of the schools will receive \$4.5 million from the FAA’s Aircraft Pilots Aviation Workforce Development Grants program. The schools can use the funding to create and deliver curriculums designed to prepare high school students to become pilots, aerospace engineers or drone operators. Grants may also be used to support the professional development of teachers.
  - The other \$9 million will go to 20 schools as part of the FAA’s Aviation Maintenance Technical Workers Workforce Development program. These grants will help build back the pipeline of maintenance professionals; approximately 20,000 fewer people are working in the aircraft maintenance sector than before the pandemic.
8. Lindsay McKenzie, [‘STEM Visa Expansion Efforts Detailed by Biden Officials’](#), AIP, 25 January 2024
- The U.S. hopes to attract international workers by streamlining existing visa policies and procedures for skilled laborers.
  - In addition to highlighting efforts underway to grow the domestic semiconductor workforce, Dwyer said the U.S. hopes to attract international workers by streamlining existing visa policies and procedures for skilled laborers.
9. Sarah Brady, [‘US Government Issues Call For AI Talent’](#), Verdict, 31 January 2024
- Facing a shortage of domestic expertise, the Biden administration is embarking on a global search to bolster the US Federal Government AI workforce for the National AI Talent Surge.
  - In line with the Biden-Harris administration’s efforts in the US, agencies are now grappling with the challenge of expanding the federal talent pool with individuals well-versed in AI research, development, procurement, and deployment. This

deficit has prompted the administration to cast its net wide, actively seeking expertise from around the world to meet the ambitious goals laid out in the order.

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