

# California Service Center Engagement Notes

August 12, 2013

Agenda/RegBud Notes in Blue

**8:00 A.M. – 8:30 A.M. Registration, Meet and Greet**

**8:30 A.M. – 8:45 A.M. Welcome and Introductions**

*Kathy Baran, Director, USCIS CSC*

*Brian Groves, University of California San Francisco, Region 12, NAFSA*

## Notes from Introduction

- Kathy Baran
  - There are 7 million applications/petitions to USCIS each year and California handles 1 million of those.

**8:45 A.M. – 10:45 A.M. Hot Topics/Students Based + 15 Min Q & A with SEVP & Lockbox**

*Melanie Hansen, Senior Immigration Services Officer, USCIS CSC*

*Valerie Huynh, Immigration Services Officer, USCIS CSC*

*Azhena Abraham, Management and Program Analyst, USCIS Lockbox*

*Ezequiel Vasquez, SEVP Analysis and Operations Center, Student Issues*

*Zobaida Karim, Section Lead, Recertification, School Certification*

*Mike Hallanan, Management and Program Analyst, Policy*

*Ann Balough, Business Project Manager for SEVIS*

## Notes from Student Based Hot Topics Session

- OPT
  - I-765: It is important that the student give the correct category. This is holding up applications.
  - ‘The student DOES NOT NEED TO BE IN F-1 STATUS for a full year in order to apply for OPT, but they must have completed 1 academic year of study before filing’. – Melanie Hansen, USCIS
  - A student may file 90 days before the completion date. Employment must be related to the student’s major.
  - OPT can be FT or PT. Pre-Completion OPT can only be part time when the student is in classes.
  - Validity of OPT is the date of adjudication or the DSO request date, whichever is later.
  - The OPT Employment Request in SEVIS is the date the 30 day submission clock begins. Reprinting a new I-20, does not reset the 30 day clock. John Baldwin, SCOPS – ‘A DSO will need to do a new OPT recommendation if the original 30 days has passed and the OPT request has not been submitted/received’
  - STEM Extension OPT - If a student changes employers and the STEM Extension OPT Application is still pending, send the change of employer information to the SC email.
  - M-1 vocational students are not eligible for Pre-Completion OPT. OPT cannot be granted if it will not be completed within 3 years of the M-1 program start date.
- OPT Filing Tips
  - M-1 needs to apply for OPT before the program completion date. Program extensions may be filed concurrently.
  - USCIS recommends sending in a copy of the degree with OPT applications
  - Remember to submit the application within 30 days of making the recommendation in SEVIS.
  - Only need to include I-20s that show prior CPT, OPT or are a different SEVIS #
  - The G-28 form is important for attorneys/representatives to fill out completely

- Addresses are important! EADs will be returned as undeliverable if the student is not at the address.
- Photos will be rejected if they have shadows, are too dark, too light or if the coloring is off. There is a machine that auto detects the quality of the photo so the RFEs are automatic if the reader rejects it. Photos may be requested even after the OPT has been approved.
- Remember to have students sign in between the lines
- USCIS will accept a photo copy of a paper I-94 or a print out of the online I-94
- If a student needs biometrics, they will be informed on where to go by USCIS.
- If there is an error on the EAD which is the fault of the applicant, they need to reapply for OPT with the application fee. If it is a USCIS error – call USCIS customer service and state that you need ‘Technical Support for CSC’ and request the correction.
- Cap Gap & H-1B
  - Cap Gap: F-1 Student, H-1B timely filed, with and Oct. 1<sup>st</sup> request date. Timely is considered before a student’s current authorization expires and during the open H-1B filing period.
  - Student cannot travel during cap-gap and return in F-1 status.
  - Student can file for STEM while H-1B application is pending
  - Claims / SEVIS interface – some students are incorrectly terminated after applying for H1-B, when SEVIS should show the extension. In order to help prevent this issue – the SEVIS # should be included on the H-1B petition.
  - Question from David Ware: Q – If the petition is withdrawn, does the student get the Cap Gap period, or does work authorization stop immediately? A (from USCIS/SEVP) –Cap Gap would end if H-1B is denied and student would enter the 60 day grace period.
- Lockbox
  - The Lockbox is a secure facility which facilitates the collection and deposit of application fees. They do not process or adjudicate applications. A receipt is generally issued (80% of the time) within 48 hours of receipt.
  - The Lockbox also prepares and scans documents to the SCs and sends receipt notices as well as sends files to the appropriate SC.
  - Use black ink on applications and no white out. This aids in the scanning process.
  - Recommend separate checks when multiple applications are filed
  - The order of the application should be 1) check on top 2) G-1145 3) form and supporting materials.
  - Use clips. NO STAPLES!
  - Clip photo to the application form with the student’s name or I-94.
  - Everything is scanned at the Lockbox (up to the first 50 pages)
  - Any follow up /additional or forgotten materials should not be sent separately. Wait for the RFE or send directly to the appropriate USCIS SC with receipt number.
  - Address updates in SEVIS are not enough. Make sure the petitioner also updates their address with USCIS.
- SEVP
  - Backlogs – They are not moving faster. Can call and ask for expedite processing. There may be additional changes with Tier II in December.
  - Recertification/I-17 updates – Email the recertification unit if experiencing delays. Flight programs and ESL programs should expect delays.
  - The 30 day OPT rule was at the request of DSOs, who wanted more follow up on when the students were actually submitting their applications.

- When DSOs have negative experiences with the SEVIS Help Desk personnel please email Ann Balough at SEVIS.

#### Q & A for Student Based Hot Topics Session

- Q - Can a student apply for the 17 month STEM extension during their grace period?  
A - No
- Q - If the student's field of study does not qualify for STEM, is there anything they can do to extend?  
A - No
- Q - Why can't the SEVIS Help Desk help with I-94 issues  
A - This is a CBP function
- Q - How does CIS interface with SAVE?  
A - We share information on classification or program/benefit start and end dates
- Q - Does the mailing address on the I-765 need to match the address in SEVIS?  
A - No
- Q - If a student goes from F-1 to F-1 to F-1 - will they face any issues?  
A - No  
*David Ware Side Bar: David Ware says to maintain the current status until the date of filing. SCOPS believes this is correct and will follow up.*
- Q - M-1 filing times for I-539 and I-765  
A - I-539 is 60 days, I-765 is 90 days. Either file separately or both at 60 days

**10:45 A.M. – 11:00 A.M.**

**Break**

**11:00 A.M. – 12:15 P.M.**

**H-1B Employment Session, 15 Min Q & A**

*Angela Ortiz, Immigration Services Officer, USCIS CSC*

*Michael Violett, Immigration Services Officer, USCIS CSC*

*David Muusz, Virginia Polytechnic Institute & State University, Region 8*

*Lucy Cheung, Eugene Goldstein & Associates, Region 10*

*Elizabeth Goss, Tocci, Goss & Lee, Region 11*

#### Q & A for H1-B

- Q - Why is Authorized Withdrawal shown as a termination? It causes the student too many issues.  
A - SEVP is exploring ways to change this.
- Q - What is the life of an H1-B Petition?  
A - Receipted In; Delivered to Officer - Officers are trained to apply regulations to the applications, they are not split by job type (like Engineering petitions to BioChem positions), but instead handled in the order they are received. Officers are trained by classification, not by occupation.
- Q - Adjudication times are lengthy; can we send applications to other SC's?  
A - Only California and Vermont are trained in H-1B processing
- Q - Is it possible to change/amend a pending petition?  
A - File Amendment I-129. To remove a dependent call USCIS Customer Service. To add a dependent, file a new I-539.
- Q - CSC Policy on type of evidence to exempt an organization from the Cap?  
A - Follow policy from SCOPS, June 2006. Establish relationship between the cap exempt organizations, establish employment. Any case subject to the cap has to be a start date of Oct. 1<sup>st</sup> or after. If the org is cap exempt, can file any date that matches the LCA.
- Q - Are RFEs issued with a general template? Is there a vetting process for issuing an RFE or a supervisor review?

*A - There are general templates, but officers are told to tailor for each case. There is only supervisor review for new officers or specialty occupations. Since there are limited resources, not every RFE is reviewed before mailing. There is a 100% supervisor review on any Intent to Deny notifications.*

*A. CSC staff do meet before the start of the H-1B filing season to highlight areas of interest/scrutiny, leading to specific RFE trends*

- Q - What is the resource allocation for H-1B Cap Exempt cases?

*A - Varies from time to time. Depends on processing times.*

**12:15 P.M. – 1:15 P.M. Lunch**

**1:15 P.M. – 2:30 P.M. School Officials and the Higher Education Academic Context**

*Machelle Allman, University of Washington, Region 1*

*David Muusz, Virginia Polytechnic Institute & State University, Region 8*

*Lucy Cheung, Eugene Goldstein & Associates, Region 10*

*Elizabeth Goss, Tocci, Goss & Lee, Region 11*

#### Notes

- H-1B petitions filed under Premium Processing are sent to adjudicators directly; regular petitions are stored first.
- If a student comes in after the 30 day mark on the I-515A, email SEVP to notify them
- Attendance policies for ESL programs should be a stated written policy. Determining Normal Progress – what does a student need to do to be successful in the program/What will get them eliminated from the program.
- There is a lag in the posted processing times on the USCIS website by at least 30 days.
- M-1's with multiple SEVIS #'s are causing issues at CSC. If NAFSA could follow up, this seems to be an advisor training issue for NAFSAs
- CSC has concern with students who are dropping in program/degree level. Please add a letter for COS applications to explain these issues (like PhD to ESL)
- Also, for students who are studying another language in the USA, please justify why. For example a student who would like to study French in Minnesota, rather than going to France.
- Diplomas don't always show the full degree name, so transcripts can be helpful when sending in applications.

**2:30 P.M. – 3:00 P.M. Q & A Session (see above)**

**3:00 P.M. – 3:15 P.M. Closing Remarks**

*Ramlah Moussa, Acting Community Relations Officer, USCIS CSC*

**3:15 P.M. – 4:00 P.M. Tour of California Service Center Facility**