



Straight from the Source

Immigration News from USCIS

March/April 2012

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1. USCIS Proposes Process Change for Certain Waivers of Inadmissibility—We've posted a Notice of Proposed Rulemaking (NPRM) in the [Federal Register](#) that would reduce the time U.S. citizens are separated from their spouses, children, and parents (i.e. immediate relatives) while waiting for the immigrant visa to be issued abroad. This rule would allow certain immediate relatives of U.S. citizens to apply for a provisional waiver of the unlawful presence ground of inadmissibility while still in the United States if they can demonstrate that being separated from their U.S. citizen spouse/parent would cause that U.S. citizen relative extreme hardship. The proposed rule will not change how we determine eligibility for a waiver of inadmissibility or how someone establishes extreme hardship. We also propose creating a new form for immediate relatives of U.S. citizens to use to apply for a provisional unlawful presence waiver. The streamlined process would apply to immediate relatives whose only ground of inadmissibility is unlawful presence. **The proposed process is not in effect yet.** People can submit comments on the proposed rule through www.regulations.gov until June 1, 2012. For details, please visit www.uscis.gov/provisionalwaiver.



2. USCIS Still Accepting FY 2013 H-1B Petitions—We are still accepting H-1B nonimmigrant petitions that are subject to the fiscal year (FY) 2013 cap. We began accepting these petitions on April 2, 2012. We have received about 17,400 H-1B petitions counting toward the 65,000 cap, and about 8,200 petitions toward the 20,000 cap exemption for people with advanced degrees. Please visit our [website](#) for updates on processing of FY 2013 H-1B petitions. We will issue a news release when the FY 2013 H-1B cap has been met.



3. USCIS Designates Syria for Temporary Protected Status

—Due to the deteriorating situation in Syria, we announced that eligible Syrian nationals (and people without nationality who last habitually resided in Syria) in the United States may apply for Temporary Protected Status (TPS). The TPS designation for Syria is in effect through September 30, 2013. The designation means that eligible Syrian nationals will not be removed from the United States, and may ask for work authorization. The 180-day TPS registration period began on March 29, 2012, and ends September 25, 2012. The Federal Register notice incorrectly stated that TPS applications would be accepted until September 30, 2013. The correct filing deadline is September 25, 2012. To be eligible for TPS, Syrians must show they have been physically present in the United States since March 29, 2012 and undergo a thorough security check. Details about TPS for Syria are available at www.uscis.gov/tps.



4. Expedited Review for Certain Cases Affected by Specific Administrative Errors—We recently developed an expedited process to review and correct certain cases affected by specific administrative errors. This process applies to decisions where data entry and/or an administrative error resulted in a denial or rejection of their petition or application. A customer or his/her authorized representative can contact customer service at 1-800-375-5283 to request this expedited service if he/she believes an adverse adjudicative action fits within the criteria listed below:

Administrative Error Categories	
IF	AND
1. USCIS issued an adverse decision based solely on a customer’s failure to respond to a Request for Evidence (RFE), Notice of Intent to Deny (NOID), or Notice of Intent to Revoke (NOIR)	there is documentary evidence that the customer responded to the RFE, NOID, or NOIR, and USCIS received the response in a timely fashion.
2. USCIS issued an adverse decision based solely on a customer’s failure to respond to an RFE, NOID, or NOIR	USCIS determines there is evidence in a USCIS system that the RFE, NOID, or NOIR was not sent to the petitioner/applicant or, if there is a valid Form G-28 on file, to the attorney/representative of record.
3. USCIS issued an adverse decision based solely on a customer’s failure to appear at a biometrics appointment or failure to respond to an RFE, NOID, or NOIR	USCIS determines there is evidence the customer submitted a change of address before the RFE, NOID, NOIR, or biometric appointment notice was issued; but USCIS sent the RFE, NOID, NOIR, or biometric appointment notice to a previous/incorrect address.
4. USCIS issued an adverse decision based solely on a customer’s failure to appear at a biometrics appointment	there is documentary evidence that the customer went to the appointment or made a valid, timely request that it be rescheduled.

Once we receive a request for expedited review from an applicant or petitioner, we will make every effort to take action on the request within 5 business days. This process, and any customer submissions relating to this expedited case review process, does not replace, change, circumvent, or affect any rights of our customers or USCIS in the administrative appeals process. This process also does not impact time frames for appeals or motions, fix errors made by a petitioner or his/her authorized representative, create an independent right of action, or address errors not included in the specific administrative errors listed above.

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5. Consular Processing for Derivative T and U Nonimmigrant Family Members Overseas—Under U.S. immigration law, victims of domestic violence may be eligible for a [U nonimmigrant status](#) and victims of human trafficking may be eligible for [T nonimmigrant status](#). The victims who are granted T or U nonimmigrant status (who we call the “principal”) can apply for overseas family members to get “derivative T or U nonimmigrant status” so they can join them in the United States. We review the petition filed by the principal T or U nonimmigrant and decide if an overseas family member qualifies for derivative T or U nonimmigrant status. The Department of State (DOS) at a U.S. Embassy or Consulate abroad then determines if that family member is eligible for a visa to come to the United States. This is known as [consular processing](#). Click [here](#) for a detailed Q&A on this topic.

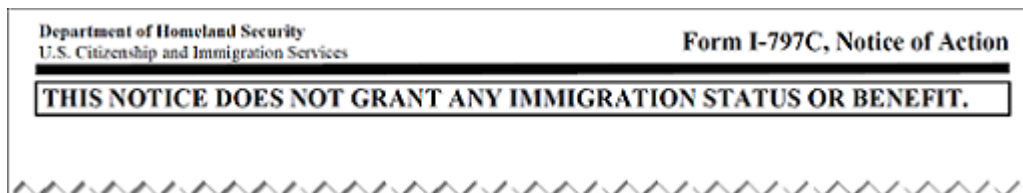
6. USCIS Wants Your Thoughts on Proposed Changes to the I-9 Form—We published a notice in the [Federal Register](#) inviting [public comment](#) on a revised [Form I-9](#), Employment Eligibility Verification. Employers are required to complete Form I-9 for all new hires to verify the worker’s identity and authorization to work. Public comment on the proposed changes will be accepted until May 29, 2012. Some of the proposed changes include:

- Expanded instructions and a new layout;
- New, optional data fields for the employee’s email address and telephone number; and
- New data fields to collect the foreign passport number and country of issuance. Only aliens authorized to work in the U.S. who have also recorded their I-94 admission number on Form I-9 will need to provide the foreign passport number and country of issuance.

For more information, please visit www.uscis.gov/I-9central.



7. USCIS Changes the Look and Feel of Form I-797C—On April 2, we began issuing Form I-797C, Notice of Action, with a [new look and feel](#). We will print the form on plain bond paper, which will save about \$1.1 million per year. Also, we have changed the heading language to help reduce public perception that Form I-797C is evidence of an immigration benefit or status. The top of the new Form I-797C looks like this:



Please note, we use Form I-797C, Notice of Action, ONLY for certain types of communication with customers, including notifications of:

- Receipt (notifies the customer that we received their payment and application/petition)
- Rejection (notifies the customer that we rejected their application/petition because of incorrect information or payment)
- Transfer (notifies the customer that we relocated their case to another USCIS office for processing)
- Re-Open (notifies the customer that we approved a motion to re-open their completed case and it is being processed)
- Appointment (notifies the customer that we have scheduled them for a fingerprint appointment or interview, or that their fingerprint appointment has been rescheduled)

Form I-797C Notices of Action issued before April 2, 2012, are still valid.

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8. USCIS Announces Citizenship Grant Opportunities

—USCIS has announced the availability of about \$5 million in grant funding to promote immigrant civic integration and prepare permanent residents for citizenship. Through this grant opportunity, USCIS seeks to expand the availability of high-quality citizenship preparation services. USCIS expects to give grants to about 31 recipients in September 2012. To apply, visit www.grants.gov. **Applications must be received by May 7, 2012.** Applicants should visit www.grants.gov well in advance of the deadline to get registration information needed to complete the application process. For more information, visit www.uscis.gov/grants or contact the USCIS Office of Citizenship by email at citizenshipgrantprogram@dhs.gov.



USCIS expects to give grants to about 31 recipients in September 2012. To apply, visit www.grants.gov. **Applications must be received by May 7, 2012.** Applicants should visit www.grants.gov well in advance of the deadline to get registration information needed to complete the application process. For more information, visit www.uscis.gov/grants or contact the USCIS Office of Citizenship by email at citizenshipgrantprogram@dhs.gov.

9. USCIS' Strategic Priorities and Initiatives For 2012—On March 19, Director Mayorkas held a press conference where he laid out his strategic priorities and initiatives for 2012:

- Goal 1: Strengthen national security safeguards and combat fraud
- Goal 2: Reinforce quality and consistency in administering immigration benefits
- Goal 3: Fostering organizational excellence
- Goal 4: Promoting citizenship and immigrant civic integration
- Goal 5: Enhancing customer service and public engagement

Please click [here](#) for a transcript of this press conference.

10. USCIS Hosts Entrepreneurial Information Summit—On February 22, USCIS Director Alejandro Mayorkas hosted an Information Summit to launch the Entrepreneurs in Residence (EIR) Initiative. The summit brought together more than 150 high-level entrepreneurs and representatives from academia and government to discuss how USCIS can ensure that immigration pathways for foreign entrepreneurs are clear and consistent. Through panel discussions and breakout sessions, the summit gave participants the opportunity to share their strategic thinking and business expertise with the agency.

11. Director Mayorkas Testifies Before Congress—On February 15, Director Mayorkas addressed the House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, about the integrity of the immigration benefits adjudication process. His written testimony is available [here](#).

12. New Policy Memos Issued—USCIS issued and posted the following policy memo at: [www.uscis.gov>laws>policy memoranda](http://www.uscis.gov>laws>policy%20memoranda)

- **April 4, 2012**—[Expedited Case Review Process for Specifically-Defined Administrative Errors](#)
- **March 9, 2012**—[Procedures for Calculating the Maximum Period of Stay for R-1 Nonimmigrants](#)



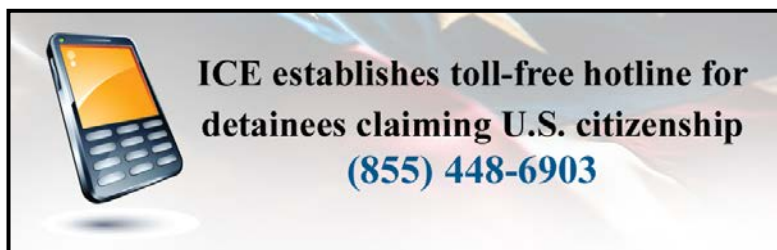
13. Upcoming National Engagements—USCIS manages a comprehensive calendar of public engagements to solicit feedback on USCIS procedures and policies. Please bookmark our engagement calendar for future reference: www.uscis.gov/publicengagement. Click on the links below for details:

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- **April 18, 2012**—We will hold our next [Intergovernmental Affairs Quarterly Teleconference](#) from 2:00 pm to 4:00 pm (Eastern time). We will provide updates on SAVE, E-Verify, Form I-9, and Temporary Protected Status for Syria. U.S. Customs and Border Protection (CBP) will provide an update on their planned automation of Form I-94, Arrival/Departure Record.
- **April 24, 2012**—The Asylum Division will hold its [quarterly stakeholder meeting](#) at 2:00 pm (Eastern time) in the White Oak Conference Room at 20 Massachusetts Ave. NW, Washington, DC. This engagement is for in-person attendance only.
- **May 1, 2012**—USCIS Service Center Operations will host an engagement on the [EB-5 Immigrant Investor](#) program from 10:00 am to 12:00 pm (Pacific time). People may participate in person or by live Web streaming. The focus of the engagement will be on general EB-5 issues with an open forum for questions. The address for in-person attendance is the California Service Center, 24000 Avila Road, Room 1500, Laguna Niguel, California.
- **May 9, 2012**—The Nebraska (NSC) and Texas Service Centers are partnering to host a day-long [Business Representatives Meeting](#) for immigration legal representatives. This event offers a unique opportunity for representatives to meet staff in person and share information through open discussion. The meeting, to be held at the NSC Highlands Facility in Lincoln, Nebraska, will include panel discussions on Form I-140 and Employment-Based Form I-485, as well as E-Verify and Transformation. There is no call-in option for this meeting. Please submit agenda items to ceo.nsc@dhs.gov by April 11, 2012. If you would like to attend this meeting, please provide your full name and the organization you represent to Kathryn Nicholas at ceo.nsc@dhs.gov by May 1.

14. Reporting Suspicious Activity to ICE—

One question that comes up is where can someone report illegal immigration activity such as smuggling, unlawful employment, a safe house, etc. That task falls to another agency in the Department of Homeland Security—U.S. Immigration and Customs Enforcement, or ICE.



- ICE has had a toll-free tip phone line for many years. Within the United States, Mexico and Canada the ICE tip line is 866-347-2423. In other countries the number to call is 802-872-6199. Remember, do NOT call in the same information more than once.
- In addition, ICE recently launched a new website where people can submit reports about suspicious activity electronically and anonymously—www.ice.gov/tips. Remember, do NOT file duplicate reports by calling the Tip Line and using the online form.
- Lastly, ICE just announced a new hotline that people in detention can call if they believe they may be U.S. citizens or victims of a crime. The hotline is staffed 24/7 and translation services are available from 7 a.m. to midnight (Eastern time). If someone in detention believes they may be a U.S. citizen or a victim of a crime, they can call 855-448-6903.

Straight from the Source is produced monthly by the USCIS Western Region Community Relations Program to provide a helpful “wrap-up” of key developments for USCIS stakeholders and customers. Please share this with colleagues and clients. To submit comments, or to be added to the distribution list, please e-mail janna.evans@dhs.gov.