



VERMONT SERVICE CENTER STAKEHOLDERS NEWSLETTER

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View from the Director's Desk

This summer the Vermont Service Center brought on board eight students using the student hiring authority. The students hail from Norwich University, Champlain College and the University of Vermont. After an orientation week they have been deployed to the 11 Divisions in the Service Center, supporting the adjudications process by performing duties that free up the Immigration Services Officers to focus on making decisions. We also have them playing an integral part in several customer service projects, including an effort to address pending written correspondence and participating in organizing the NSCS Follow-up email account. These students have become an integral part of the VSC's ongoing journey towards excellence.

Form I-612 Waivers

Depending on the basis for which the waiver is being requested, there are two distinct processes when filing a form I-612, Application for Waiver of the Foreign Residence Requirement (under Section 212(e) of the Immigration and Nationality Act.

The first process is for an I-612 waiver based on a **"No Objection"**, **"IGA"** or **"Conrad 30"**. The request for waiver is submitted to the Department of State (DOS) and the waiver recommendation is processed at the Vermont Service Center.

The exchange visitor submits an application (Form DS-3035) to the DOS. The Waiver Review Division at DOS issues a recommendation letter to USCIS. The VSC obtains this information electronically from DOS on a weekly basis. A Form I-612 record is created in the USCIS case management system using information from the DOS recommendation letter. A receipt notice is issued for the I-612 and the application is adjudicated at the VSC based on the DOS recommendation.

The waiver is processed at the VSC, and the I-612 information is included in the USCIS national case processing system, and thus, is available to USCIS staff in other offices. Also, because of the reliance on the approval of these waivers during the adjudication of I-129 petitions, VSC has established communication avenues with the California Service Center (CSC) to assure that any questions related to **"No Objection"**, **"IGA"**, and/or **"Conrad 30"** waiver recommendations processed by the VSC are addressed timely.

The second process is for a Form I-612 based on a claim of exceptional hardship and/or persecution which is filed directly with USCIS and adjudicated solely at the California Service Center. The VSC does not adjudicate these types of waivers.



Lake Champlain Lighthouse
Burlington, Vermont

Helpful Hints

Filing a Motion to Reconsider: All Motions to Reconsider filed with USCIS must be on a Form I-290A or I-290B with fee. Only motions that pertain to a BIA decision are accepted in letter format.

* Important note: When filing a motion please refer to the instructions at the bottom of the denial for the correct address to which you must submit the motion. The motion will be adjudicated by the office that denied the case.

Resubmitting a Rejected petition or application: If you have submitted an application or petition to the **Vermont Service Center** and your filing was rejected, these cases should always be resubmitted to the filing address listed on the USCIS website. Supervisory review should only be requested when you feel that a case may have been rejected in error. Requesting CRU supervisory review actually slows down the receipt and data entry of the petition and could have implications for timely filing.

Reminder for Premium Processing filers: In order to expeditiously mail approval notices for cases filed under the premium processing service, we recommend customers submit prepaid, self-addressed mailers.



Inside the VSC - Division V

This Division is managed by Lisa Laroe, Assistant Center Director, and includes 7 Supervisory Immigration Services Officers, and approximately 55 Immigration Services Officers. They are responsible for reviewing and adjudicating the following forms:

- ◆Petition for a Nonimmigrant Worker (Form I-129) (L, O, P, Q)
 - *Division V would like O & P filers to be aware of the following:
[When sending an inquiry to the VSC NCSC Followup e-mail box regarding an I-129 'O' or 'P' filing,, please type "I129 O/P Inquiry" in the subject line of the e-mail. This will ensure a prompt attention to your request!](#)
- ◆Application to Extend/Change Nonimmigrant Status (Form I-539)
- ◆Application for Travel Document (Form I-131)
- ◆Application for Employment Authorization (Form I-765) (Student Filings)



Special Student Relief for F-1 Libyan Students

On June 9, 2011, U.S. Immigration and Customs Enforcement (ICE) announced special student relief (SSR) for certain F-1 Libyan students who have suffered severe economic hardship as a direct result of the civil unrest in Libya since February 2011. This relief applies only to students who were lawfully present in the United States in F-1 status on February 1, 2011, and enrolled in a school that has been certified by ICE.

The Vermont Service Center recognizes that stakeholders may have questions on how this change effects F-1 students who are requesting employment authorization. Below, you will find some points of clarification for individuals who may have pending files.

- ◆ Special Student Relief (SSR) does not create a separate classification or employment authorization validity period. SSR does allow students to work an increased number of hours during school term and if necessary, to reduce their course loads below the normal threshold during this period without violating the terms of their F1 status.
- ◆ Some Libyan students who have pending I-765s requesting pre-completion Optional Practical Training (OPT) (C3A) may want to have these requests converted to economic hardship applications (C3iii). VSC will accommodate such requests through the following process: students should communicate this preference to his or her DSO, who should immediately request this change of category to the VSC via the VSC schools e-mail account (Schools, VSC). The DSO should also immediately cancel the request for OPT in SEVIS and submit a SEVIS request for economic hardship. If the VSC does not receive a request to change the classification, the application will be adjudicated based on the classification originally requested. Once a card has been produced, the VSC will not entertain requests to change the classification from C3A to C3iii.
- ◆ For those Libyan students already granted C3iii benefit from the relaxed rules provided in the SSR, please note that the SSR does not change the validity dates on the card. If the card expires, the student no longer maintains economic hardship work authorization. Students who wish to continue economic hardship work authorization must file for an extension.
- ◆ In extreme circumstances the DSO can contact the VSC school email account on behalf of the student and request that the case be expedited (Schools, VSC).

Contact the Vermont Service Center:
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479