



Straight from the Source

Immigration News from USCIS

May 2012

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1. Launch of USCIS-ELIS is a Significant Step Forward

Forward—We've launched the first phase of our electronic immigration system, known as USCIS ELIS, to modernize the process for filing and adjudicating immigration benefits. This first release allows certain nonimmigrants to create a [USCIS ELIS account](#) and apply online to extend or change their status. In the past, customers applied for most benefits by mail, and our employees reviewed paper files and shipped countless documents between offices before a decision could be made. The first release of ELIS is a significant step toward our ultimate goal of creating an online case management system for all immigration benefits. Please note that we continue to accept paper applications. The chart below describes which visa classifications can use ELIS now:



If you want to	And you	Then	Exceptions
Extend status	are a B-1, B-2, F-1, M-1 or M-2	you can use USCIS ELIS	<ul style="list-style-type: none"> • People in the F-1 classification who received a date-specific visa that requires completion of a given course of study within a specific time can extend status using USCIS ELIS. • Other F-1s are admitted for duration of status and should contact their designated school official to extend status.
Change status	want to become a B-1, B-2, F-1, F-2, J-1, J-2, M-1 or M-2		<ul style="list-style-type: none"> • An M-1 student may not change status to an F-1 student
Reinstate status	were an F-1 or M-1		<ul style="list-style-type: none"> • The spouse or child of an F-1 or M-1 student may be included in the principal's benefit request.



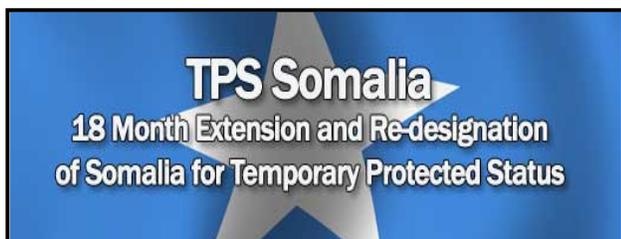
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If the scenarios above do not apply to you, visit www.uscis.gov/i-539 to download the Form I-539 paper application to extend or change your nonimmigrant status. See our [Students and Exchange Visitors](#) page for information on the specific visa categories. For more information about ELIS, visit www.uscis.gov/uscis-elis. Webinars for the public will be scheduled shortly.

2. Form I-601 Centralized Filing—Beginning June 4, 2012, people abroad who have been found ineligible for a visa by a U.S. Consular Officer can mail requests to waive certain grounds of inadmissibility directly to USCIS. This applies to people who've been found inadmissible for an immigrant visa or a nonimmigrant K or V visa by the Department of State. Under the current process, there are several filing locations, and processing times vary from one month to more than a year depending on the location. Centralizing the process at USCIS lockbox facilities will make processing more efficient and consistent. This move is not a change in policy or adjudication standards. The change affects filings for Form I-601, Form I-212, and Form I-290B. Applicants should read the new form instructions on the USCIS website to find the new filing addresses. (Please note—this is not the same issue as the provisional I-601 waiver proposed rule that we published in the Federal Register on Mar. 30, 2012.)

3. Temporary Delay in Issuance of I-129 Receipt Notices—Usually, customers receive a receipt notice from us within 30 days. However, due to an unexpectedly high volume of I-129 petitions, it may take two to four weeks longer for customers to get their receipt notice. Customers who do not get a receipt notice for their I-129 petition within 60 days may contact the appropriate Service Center via the e-mail addresses listed on our [Contact Us](#) Web page. We are working to correct this problem and apologize for any inconvenience this has caused.

4. AAO Issues Precedent Appeals Decision—On May 15, our Administrative Appeals Office (AAO) issued a binding precedent decision addressing the term “culturally unique” as it relates to petitions for performing artists and entertainers. In 2009, the Skirball Cultural Center filed a P-3 nonimmigrant petition on behalf of a musical group from Argentina. The petition was denied for failing to establish that the group’s performance was “culturally unique” as required. The decision was recommended for review and we ultimately approved the petition after evaluating the entire record. The regulatory definition of “culturally unique” requires USCIS to make a case-by-case factual determination. The decision clarifies that a “culturally unique” style of art or entertainment is not limited to traditional art forms, but may include artistic expression that is a hybrid or fusion of more than one culture or region.

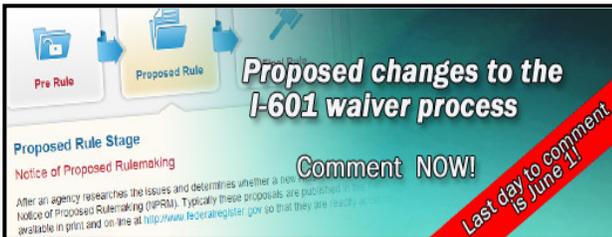


5. Re-designation and Extension of Temporary Protected Status (TPS) for Somalia—We have re-designated Somalia for Temporary Protected Status (TPS) and extended the existing TPS designation from Sept. 18, 2012 through March 17, 2014. This allows eligible nationals of Somalia to register or re-register for TPS (see the Federal Register notice for details).

Somali nationals with TPS who want to re-register must apply during the 60-day re-registration period from May 1, 2012, through July 2, 2012. Somalis (or people without nationality who last habitually resided in Somalia) in the United States who do not have TPS may apply between May 1, 2012 and Oct. 29, 2012. We encourage eligible people to apply as soon as possible.

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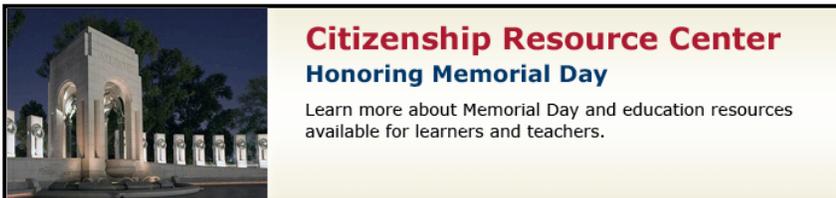
6. We're Now on Facebook—Check out our [Facebook page](#) for the latest news, events, informational videos, and learn more about our nation's immigration history on our timeline. Visit us today at www.facebook.com/USCIS.



7. June 1 is Deadline to Comment on I-601

Provisional Waiver Proposed Rule—We've posted a Proposed Rule in the *Federal Register* that 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. **The proposed process is not in effect yet.** Comments on the proposed rule can be submitted

through www.regulations.gov until June 1, 2012. For details, please visit www.uscis.gov/provisionalwaiver.



8. Learn About Memorial Day for the Naturalization Test

—Did you know that Memorial Day is part of the material tested in the naturalization exam? Naturalization applicants may be asked to "Name two national U.S.

holidays" during the civics test. It is also one of the holidays that applicants may be asked to read or write as part of the English test. Memorial Day gives Americans the opportunity to remember and honor the men and women who died in service to the United States. Check out www.uscis.gov/citizenship for details.

9. New Policy Memo Issued—USCIS issued and posted the following policy memos at: www.uscis.gov>laws>policy memoranda

- **May 11, 2012**—[Guidance on EB-5 Adjudications Involving the Tenant-Occupancy](#)
- **April 13, 2012**—[Adjudication of Immigration Benefits for Transgender Individuals](#)

10. 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:



- **June 13, 2012**—We will host a Spanish-language engagement called [A Conversation with USCIS](#) (Un Diálogo con USCIS) from 4:30 pm to 6:00 pm Pacific Standard Time (7:30 p.m. to 9:00 p.m. Eastern time). This free engagement does not have a specific topic like earlier sessions, but will allow participants to ask questions of subject

matter experts. Please note that we cannot address case-specific questions. For details on how to participate, please visit www.uscis.gov/enlace.



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- **The week of June 11—Our First Twitter Engagement!** We're expanding outreach efforts by introducing online engagements themed on immigration topics that are trending in the online community. Our first discussion will touch on how to avoid immigration scams and find authorized legal advice. This is also known as the unauthorized practice of immigration law (UPIIL). You can now tweet your questions using the hashtag #UPIIL. Not on Twitter? No worries. You can also e-mail UPIIL questions to public.engagement@uscis.dhs.gov. Our subject matter experts will answer your questions via video feed that will be uploaded to all of our social media outlets, including our YouTube channel, during the week of June 11th. To learn more about UPIIL, please visit www.uscis.gov/avoidscams.
- **June 19, 2012**—We invite you to participate in the next [Bi-monthly Stakeholder Teleconference](#) concerning Service Center operations from 2:00 pm to 3:30 pm (Eastern time).
- **June 26, 2012**—We will host our first [National Stakeholder Symposium](#) in Washington DC. The day-long event will bring together experts from government, advocacy, legal, business, faith-based, academic and humanitarian communities. Pre-registration will begin in late May. Check www.uscis.gov/outreach for forthcoming details on how to participate.
- **July 26, 2012**—Our next [EB-5 Stakeholder Engagement](#) will be held via teleconference from 1:00 pm to 4:00 pm (Eastern time). The topic of this engagement is regional centers.

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.