Straight from the Source

Immigration News from USCIS
April 2011

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1. Japanese Nationals Stranded by Earthquake and/or Tsunami May be Eligible for Certain U.S. Immigration Benefits—In light of the earthquakes and tsunami in Japan, USCIS reminds Japanese nationals that certain U.S. immigration benefits may be available to them upon request. USCIS understands that a natural disaster can affect someone's ability to establish or maintain lawful immigration status. There are several temporary relief measures available to eligible Japanese nationals. Please check out our Q&A on this topic for details.

2. USCIS Continues to Accept H-1B Petitions—As of April 8, 2011, USCIS continues to accept H-1B nonimmigrant visa petitions that are subject to the fiscal year 2012 cap. The agency began accepting H1B petitions on April 1, 2011. As of April 8, USCIS had received about 5,900 H-1B petitions counting toward the 65,000 cap, and about 4,500 petitions toward the 20,000 cap exemption for people with advanced degrees.

3. USCIS Issues Final Rule on Employment Eligibility Verification (Form I-9)—USCIS published a final rule on April 15 that adopts, without change, an interim rule to improve the integrity of the I-9 process. The main changes adopted by the final rule include: prohibiting employers from accepting expired documents; revising the list of acceptable documents by removing outdated documents; and adding documents applicable to citizens of the Federated States of Micronesia and the Republic of the Marshall Islands. The final rule takes effect on May 16, 2011. Please see the attached Q&A for details.

4. USCIS Issued the Following "Questions and Answers" in March and April:

- April 7—Questions about Same or Similar Occupational Classifications Under the American Competitiveness in the Twenty-first Century Act of 2000 (AC21)
- April 1—Extension of Post-Completion Optional Practical Training (OPT) and F-1 Status for Eligible Students under the H-1B Cap-Gap Regulations

5. USCIS and State Department Partner to Improve Overseas I-730 Processing—USCIS and the State Department (DOS) have launched a pilot program to test new procedures for Form I-730, Refugee/Asylee Relative Petition follow-to-join cases. USCIS and DOS developed these new procedures to improve customer service and help ensure greater consistency, efficiency and security. Someone who has been granted asylum or refugee status in the United States may file a Form I-730 to have their spouse and/or unmarried child(ren) follow-to-join them in the United States. Overseas, the beneficiaries of Forms I-730 filed by "asylees"are known as follow-to-join asylees. Beneficiaries of Forms I-730 filed by "refugees" are known as follow-to-join refugees. The new procedures are being piloted in: Addis Ababa, Guatemala City, New Delhi, Port-au-Prince, and Yaoundé. For more information, please see the Executive Summary on the USCIS website or the DOS Follow-to-Join Refugees and Asylees webpage.

6. E-Verify Gets High Marks from Employers—A recent customer satisfaction survey validates what USCIS has long asserted – that E-verify is a viable tool to ensure a legal workforce in the United States. A report about E-Verify issued by the Government Accountability Office (GAO) cites improvements in the reduction of mismatch rates, ensuring employer compliance, and securing employees' personal information. E-Verify received a very high customer satisfaction score – 82 out of 100. One E-Verify feature that respondents liked best was its customer support, which received a score of 89. Other survey findings revealed that most users would recommend E-Verify to other employers, were confident in E-Verify's accuracy, and were likely to continue using the program.

7. Several New Policy Memos Issued—USCIS issued and posted the following policy memos on our website at: www.uscis.gov>laws>policy memoranda

- April 15—Procedures for Recommending Revocation of a U.S. Passport to the Department of State; This memo is posted for public comment until May 5. Visit www.uscis.gov/outreach to comment.
- April 13—Nepal Initiative - Filing Form I-600, Petition to Classify Orphan as an Immediate Relative, to Adopt a Child in Nepal
- April 13—Delegation of Appellate Jurisdiction with Respect to Certain Forms I-360 Filed by Afghan or Iraqi Nationals
- April 5—Final Policy Memorandum: PM-602-0023 (Dec. 21, 2010) Issuance of Advance Parole Employment Authorization Document
- April 5—Implementation of The Special Immigrant Juvenile Perez-Olano Settlement Agreement
- April 4—Implementation of the Help HAITI Act of 2010
- March 24—Supplemental Guidance to USCIS Service Centers on Adam Walsh Act Adjudication - Centralization of Identified Adam Walsh Act Related Petitions at the Vermont Service Center for Adjudication and Review (AFM Update AD11-23)
- March 13—Fee Waiver Guidelines as Established by the Final Rule of the USCIS Fee Schedule

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

- April 21—USCIS will hold a teleconference on the Expiration of Supplemental Security Income (SSI) Benefits for Certain Noncitizens and Derivative Refugee and Asylee Issues at 2:00 PM (EDT).
- April 27—The California Service Center (CSC) will hold its quarterly stakeholder meeting from 1:00 pm - 3:00 pm (Pacific Time).
- April 28—USCIS will hold a teleconference on "O" Nonimmigrant Classification - Evidentiary Standards at 2 PM (EDT).
- April 30—USCIS will host a Spanish language "Enlace" engagement session for customers and stakeholders on Saturday, April 30 at 1:00PM (EDT). The topic for this engagement will be "How to Navigate U.S. Citizenship.

- May 2—The National Benefits Center (NBC) invites interested parties to participate in a national stakeholder meeting, which will feature an overview and Webinar. The engagement will take place at 2:30pm (Central Time).
- May 6—The Vermont Service Center (VSC) will hold its semi-annual stakeholder conference in New York City from 9:00 am to 4:30 pm. The event will be held at the New York City District Office at 26 Federal Plaza, on the 3rd floor in room 310. Registration begins at 8:15 am. This event is for in-person participation only.

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

U.S. Citizenship and Immigration Services

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