



Nebraska Service Center Stakeholder Newsletter

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Upcoming Stakeholder Calls

Every month, NSC hosts an informal call which allows stakeholders to ask questions about our products and processes. This call addresses topics on a rotating basis.

The monthly stakeholder call generally occurs at 10:00 CST on the second Thursday of the month. Call-in information is disseminated to the distribution list maintained by the Community Engagement Officer mailbox, ceo.nsc@dhs.gov.

Here is a calendar of the stakeholder calls scheduled through the end of the 2012 fiscal year.

- August 9—Refugee/Asylee
- September 13—Student/School and Other [i.e. not Refugee/Asylee or Business]

If you are not currently on the CEO distribution list but would like to be, just send an email to Kathryn Nicholas as ceo.nsc@dhs.gov.

Information on Deferred Action

As many of you are undoubtedly aware, on June 15, Secretary Napolitano issued a memorandum which set forth criteria making certain individuals eligible for an exercise of prosecutorial discretion to prevent them from being placed into removal proceedings or removed from the United States.

To be considered on an individualized basis for deferred action under this process, an individual must:

- Have come to the United States under the age of sixteen;
- Have continuously resided in the United States for at least five years preceding June 15, 2012 and have been physically present in the United States on June 15, 2012;

- Currently be in school, have graduated from high school, have obtained a general education development certificate, or be an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
- Not have been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety;
- Not be above the age of thirty.

It is important to keep in mind that this memo allowed 60 days for USCIS to implement a process for requesting this deferred action and employment au-

thorization. USCIS is working diligently on developing this process, but it is not in effect at this time. Until this process is implemented, any applications for deferred action will be rejected.

Please be aware that some unauthorized practitioners may claim that they can file forms related to the process, and charge money to submit forms on your behalf. Visit www.uscis.gov/avoidscams for tips on filing forms, reporting scams and finding accredited legal services. Remember, The Wrong Help Can Hurt.

Also note that USCIS remains committed to upholding the integrity of the immigration system. Individuals requesting deferred action through this process will be subject to background checks.

Deferred Action Dos and Don'ts

DO:

- ⇒ Visit www.uscis.gov to learn more about the announcement, eligibility criteria, and to find the latest updates.
- ⇒ Contact USCIS for more information at 1-800-375-5283.
- ⇒ Contact ICE at 1-888-351-4024 if you are

currently in removal proceedings and meet the criteria.

- ⇒ Visit www.uscis.gov/avoidscams to learn more about how you can avoid becoming a victim.

DON'T:

- ⇒ Pay anyone who claims

they can request deferred action or apply for employment authorization on your behalf before USCIS announces an implementation date.

- ⇒ Send an application seeking work authorization related to this process.

Spotlight on Form I-765

One area of interest for many of the foreign nationals in the United States is the ability to work in the U.S. Those who are not citizens or lawful permanent residents of the United States must obtain authorization in order to work.

Work authorization is inherent in some non-immigrant classifications, including H-1B and L-1, among others. Other non-immigrant classifications do not allow for work authorization at all, including B-2 and H-4, among others. For those temporarily in the U.S. in specified classifications, as well as others who are authorized to work in the U.S. without restriction, an Employment Authorization Document (EAD) must be obtained in order to demonstrate eligibility to work in the U.S. An EAD may be requested by filing Form I-765.

Form I-765 is worked by all four service centers, including NSC. In Fiscal Year 2011, NSC alone adjudicated more than 251,100 I-765 applications. In order to help in the filing of this form, here are some helpful hints about Form I-765.

Fully Review the Instructions Before Filing

There are more than 40 categories of aliens who are eligible to apply for an EAD. The applicant must specify on the Form I-765 which category is being requested. As such, it is imperative that you fully review the instructions to determine the correct category, especially

since some categories may be exempt from the filing fee.

Very often, NSC receives I-765s which are misfiled under category **(a)(4) - Paroled as a Refugee**. Most refugees are admitted to the U.S., not paroled. Refugees holding I-94s showing that they were admitted to the U.S. would file under category **(a)(3)**. In addition, while there are many Cubans who have been paroled into the U.S., most are not refugees. A Cuban who was paroled into the U.S. should file under category **(c)(11)**. Category **(a)(4)** is reserved specifically for those with an I-94 demonstrating that they were paroled into the U.S. as a refugee.

Provide Supporting Documentation for the Requested Classification

The Form I-765 instructions outline both the general documentation required for all I-765 filings, as well as specific documentation required for particular categories. Please review the instructions completely and ensure that all required evidence is provided. Not provide all evidence may delay processing of your Form I-765.

A frequent cause of delay is in relation to defensive asylum applicants applying under category **(c)(8)**. In order to ensure smoother processing, the applicant should submit a copy of the Notice of Hearing for the individual hearing date

or evidence that the I-589 has been accepted by the court.

Correcting Errors on an EAD

Occasionally, a card may be issued with erroneous information, such as a misspelled name, an incorrect date of birth, or incorrect validity dates. If the error on the card is a result of service error, you must return the card to the office which issued it in order to have the error corrected. For cards issued at NSC, the address is **Nebraska Service Center, P.O. Box 82521, Lincoln, NE 68501-2521**.

If the incorrect information was not due to service error, then a new application - with correct fee and supporting documentation - must be submitted to obtain a new card.

Requesting an Expedite

If an applicant needs to request that adjudication of an I-765 be expedited, the applicant should contact the National Customer Service Center (NCSC) at 1-800-375-5283. The NCSC will make a service request and forward to the appropriate office.

Any expedite request must meet at least one of the applicable criteria listed at www.uscis.gov. (Select **Forms**, then select Expedite Criteria under **Forms Guidance** on the right of the page.)

Expedited Case Review on I-90 Biometric No-Shows

On March 23, 2012, USCIS instituted an expedited case review process for specified administrative errors, pursuant to a memorandum which can be found [here](#). A majority of the requests NSC has received under this process have been due to a failure to appear for a biometrics appointment relating to Form I-90. Of these requests, most who claimed that the biometrics appointment was never received have not demonstrated that there was an administrative error.

Under this guidance, failure to appear at a biometrics appointment may be considered an administrative error if:

- USCIS sent the biometrics notice to an incorrect or previous address, particularly after a timely address change request; or
- There is evidence that the applicant either appeared at the appointment or submitted a timely request to reschedule said appointment.

If the biometric appointment notice was sent to the same address as the receipt

notice and denial notice, there have been no address changes, and no documents have been returned as undeliverable, NSC will consider the notice to have been properly mailed to the correct address.

Before requesting expedited case review on an I-90 denied for failure to attend the biometric appointment, please consider whether or not you moved during the pendency of the application, and, if not, whether other notices were received at your address.