



# 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](mailto:ceo.nsc@dhs.gov).

Here is a calendar of the stakeholder calls scheduled for the 2013 fiscal year. Please note that all dates are subject to change.

- January 17—Student/School and Other [i.e. not Refugee/Asylee or Business]
- February 14—Business
- March 14—Refugee/Asylee
- April 11—Student/School and Other
- May 9—Business
- June 13—Refugee/Asylee
- July 11—Student/School and Other
- August 8—Business
- September 12—Refugee/Asylee

## Extension of TPS Re-Registration Period

In October 2012, USCIS announced an 18-month extension of the Temporary Protected Status (TPS) designation of Haiti, covering the period of January 23, 2013 through July 22, 2014. This extension is for Haitian nationals who have already been granted TPS and who seek to maintain that status for an additional 18 months.

At the time of the initial announcement, applicants were

given a 60 day re-registration period, lasting through November 30, 2012. However, Hurricane Sandy affected areas where many Haitians currently reside, which may have hampered the ability to file timely. As such, USCIS has elected to extend the re-registration period through January 29, 2013.

Eligible individuals may continue to apply for TPS

re-registration until January 29, 2013. Any re-registration applications submitted after the initial November 30, 2012 deadline and the announcement of the extension will be accepted.

Additional information on TPS may be found in the Temporary Protected Status section of the USCIS website, [www.uscis.gov](http://www.uscis.gov).

## Relief Measures for Hurricane Sandy

When Hurricane Sandy hit in late October, it caused billions in damage, destroyed homes, and left many without electricity. With a natural disaster of this magnitude, USCIS understands that the ability to maintain lawful status or obtain immigration benefits may be affected. As such, we want to remind everyone that eligible individuals may request or apply for temporary relief measures relating to the storm. Such measures include:

- An extension or change of nonimmigrant status, even if the request is filed after the expiration of the period of admission;
- Extension or re-parole of those previously granted parole by USCIS;

- Expedited adjudication of employment authorization applications, including applications for off-campus employment authorization for F-1 students undergoing severe economic hardship; and
- Assistance to Legal Permanent Residents stranded overseas without immigration or travel documents, such as Form I-551 Permanent Resident Cards. If the permanent resident is stranded in a country without a local USCIS office, USCIS will coordinate with the Department of State.

In addition, USCIS may exercise discretion in allowing filing delays caused by Hurricane Sandy. Examples of this include:

- Assistance to those who have not appeared for an interview or submitted required forms of evidence. The applicant/petitioner should show how Hurricane Sandy affected the ability to appear or submit documents; and
- Assistance to those who were unable to timely respond to Requests for Evidence (RFE) or Notices of Intent to Deny (NOID). All RFEs and NOIDs with a deadline of October 26 through November 26 are automatically extended by 30 days. During this time, USCIS will not issue denials due to abandonment.

# Spotlight on Form I-140

Form I-140, Immigrant Petition for Alien Worker, allows for a U.S. employer to file on behalf of a foreign worker to immigrate permanently to the United States. There are a number of different classifications included in this petition, including two which allow for a foreign worker to file on behalf of him- or herself.

Here are some filing tips to assist in the processing of Form I-140.

## Form Changes

A new version of Form I-140 was released on October 1, 2012; this is the only version which will be accepted as of December 31, 2012.

As the format of the I-140 has changed significantly with this version, please be sure to carefully read and complete every section of the form. Pay particular attention to the category being selected in Part 2, to ensure that it is the correct classification.

Before filing Form I-140, always check the USCIS website to ensure that you are using the most recent version.

## G-28 Representation

Many I-140 petitions are filed with the assistance of an attorney or representative. In order for the representative to be recognized by USCIS, the petition must be accompanied by a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

The Form G-28 must be signed by the representative and by the petitioner. The beneficiary of a visa petition is not an affected party; as such, a Form G-28 signed by the beneficiary rather than the petitioner will not be accepted. However, if an alien is self-petitioning as an Alien of Extraordinary Ability or under the National Interest Waiver provisions, a G-28 signed by the self-petitioner is acceptable.

## Labor Certifications

For classifications which require a labor certification, be sure to submit the original ETA Form 9089 certification from the Department of Labor (DOL). If the petitioner does not have the original ETA Form 9089, please provide a letter explaining, in bold letters, where the certifi-

cation is located or requesting that USCIS obtain a duplicate copy from DOL.

## Ability to Pay

Any classification which requires a job offer also requires evidence of ability to pay the proffered wage. Ability to pay must be established from the priority date through the present. For classifications requiring a labor certification, the priority date is the date the ETA Form 9089 was filed with DOL; otherwise, the priority date is the date the petition is filed with USCIS.

Please submit evidence of ability to pay for the relevant time period. If there are unusual circumstances to consider in relation to ability to pay, please include a statement delineating the issues to be supported by any relevant documentation.

## Priority Date

Please note that the priority date as listed on the initial receipt notice may not be the actual priority date assigned at the time of adjudication. The Lockbox simply enters the date of filing as the priority date on the receipt notice. If there is a labor certification or a previously approved I-140, the earlier priority date will be noted on the approval notice.

## Document Organization

1. Several of the classifications which do not require labor certifications have a range of criteria which may be met, and often generate a plethora of supporting documentation. For these classifications, please refer to the following:

- Include a cover letter and/or index clearly identifying which criteria are being claimed, and identifying which documents relate to which criteria.
- Label exhibits to aide in locating and identifying documentation. As the petitions are filed and scanned at the Lockbox, tabbed pages may be removed or damaged; brightly colored paper is a better way to separate and label documentation.
- Do not submit multiple copies of the same piece of evidence; if the document supports multiple criteria, simply indicate that.
- If a petition is for a researcher, submit

the first page of any articles rather than the complete research paper.

2. If a large document is being submitted as evidence - such as a 10-K report, annual report, or similarly extensive document - please highlight or flag the relevant information.

3. If using tabs, please place the tab at the bottom rather than on the side. (NOTE: For files which are submitted to the Lockbox - i.e. non-premium cases - the Lockbox prefers colored paper rather than tabs, as tabs make scanning difficult. See note 1.)

4. In addition to marking the classification requested in Part 2 of the I-140 form, also clearly identify the classification in your cover letter, in case there is any confusion.

## RFE and NOID Responses

When responding to a Request for Evidence (RFE) or Notice of Intent to Deny (NOID), please do not resubmit evidence provided with the initial filing. That evidence already exists in the file, and does not need to be provided a second time.

Ensure that the RFE or NOID letter is placed on top of the response. If the RFE letter is not included in the response, or if it is placed in the middle of documentation, the response may be misidentified as correspondence to be addressed by our customer service unit, and may not be matched with the file in a timely manner. This may lead to erroneous denials.

## DOs and DON'Ts

- DON'T send original documents unless specifically requested by USCIS.
- DO provide complete, certified translations of any foreign language document submitted as evidence.
- DO ensure that work experience letters are provided on the letterhead of the company verifying the experience.
- DON'T send unaudited financial statements unless specifically requested by USCIS.