



Straight from the Source

Immigration News from USCIS

March 2013

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1. H-1B Cap Season Begins April 1, 2013—

We began accepting H-1B petitions subject to the Fiscal Year (FY) 2014 cap on Monday, April 1, 2013. Cases are considered accepted on the day we receive a petition with correct fee, not the date the petition is postmarked.

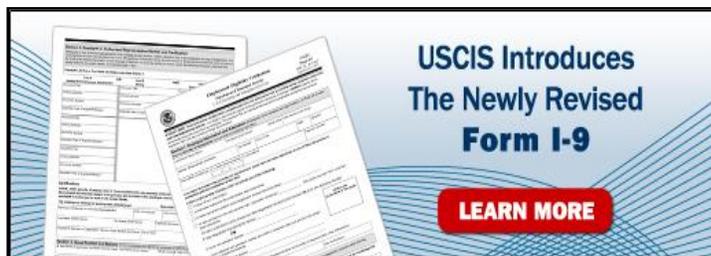
The cap (numerical limit) for FY 2014 is 65,000. Also, the first 20,000 H-1B petitions

filed on behalf of people with a U.S. master's degree or higher are exempt from the cap. We anticipate receiving more than 65,000 H-1B petitions between April 1 and April 5, 2013. We will notify the public when the H-1B cap has been met. If we receive more petitions than we can accept, we will use a lottery system to randomly select the number of petitions to reach the numerical limit. The lottery for the H-1B cap was last used in April 2008. H-1B cap cases can continue to request premium processing. Due to the historic premium processing receipt levels, combined with the possibility that the H-1B cap will be met in the first 5 business days of the filing season, we have temporarily modified our premium processing practice. To facilitate the prioritized data entry of cap-subject petitions requesting premium processing, we will begin premium processing for H-1B cap cases on April 15, 2013. For details on premium processing cap-subject petitions, please see the USCIS Alert.



2. We're Extending Deferred Enforced Departure for Liberians—On March 15, 2013, we announced an automatic extension of employment authorization documents (EADs) for Liberian nationals covered under Deferred Enforced Departure (DED) through Sept. 30, 2013. This follows President Obama's announcement to extend DED through Sept. 30, 2014, for qualified Liberians and people without nationality who last habitually resided in Liberia. Although DED for Liberian nationals was scheduled to end on March 31, 2013, President Obama determined that there are compelling foreign policy reasons to continue deferring enforced departure. For more details, please read our news release.





3. We've Issued a New Form I-9—On March 8, 2013, we issued a new Employment Eligibility Verification Form I-9. All employers are required to complete Form I-9 for each employee hired in the United States. Some of the changes to this revision include new data fields, reformatting to reduce errors, and clearer instructions. The Federal Register

notice announcing the new I-9 Form is available here. On March 8, 2013:

- Employers should use the new I-9 Form (Rev. 03/08/13)N for new hires and reverifications
- Employers can use prior versions (Rev.02/02/09)N and (Rev. 08/07/09)Y until May 7, 2013
- After May 7, 2013, employers must use ONLY the newest version

A Spanish version of Form I-9 (Rev. 03/08/13)N is available on the USCIS website for use in Puerto Rico only. Spanish-speaking employers and employees in the 50 states, Washington, D.C., and other U.S. territories may use the Spanish version for reference, but must complete the English version of the form. For more information, call 888-464-4218. Representatives are available Monday through Friday, from 8 a.m. to 5 p.m. ET. USCIS maintains a website, I-9 Central, to support Form I-9 users. USCIS has also scheduled free webinars to help employers learn about the new form.

4. New Immigrant Fee—On Feb. 1, 2013, we began collecting a New Immigrant Fee of \$165 from people seeking permanent residence in the United States. This new fee allows us to recover the costs of processing immigrant visas in the United States (about 36,000 each month) after immigrant visa holders receive their visa packages from the Department of State (DOS). This includes staff time to handle, file and maintain the immigrant visa package, and the cost of producing and delivering the green card. More details are available in this Federal Register notice. Applicants will pay this fee on the USCIS website after they receive their visa package from DOS, but before they depart for the United States. DOS will give applicants instructions how to pay this fee at their consular interview. Adoptive parents (under the Orphan or Hague processes) will not have to pay this fee. For more information, visit our USCIS Immigrant Fee webpage.



5. New Comprehensive USCIS Policy Manual—In January, we launched the first phase of a comprehensive, online immigration policy manual. This first volume of the USCIS Policy Manual is the Citizenship and Naturalization volume. This release follows an unprecedented, agency-wide

review of policies that incorporates feedback from thousands of agency employees, customers and stakeholders. The complete USCIS Policy Manual will comprise several volumes, each pertaining to the different areas of immigration benefits the agency administers, protection and parole, adjustment of status, admissibility, refugees and asylum, waivers, and travel and employment. The new Policy Manual will ultimately replace USCIS' current Adjudicators Field Manual, or AFM, and the current USCIS Immigration Policy Memoranda website.

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6. New Avenue for Family Unity During Waiver Process

—On March 4, 2013, we began implementing a [new process](#) that allows certain people to apply for a provisional unlawful presence waiver before they leave the U.S. to go to immigrant visa interviews in their countries of origin. This new process reduces the time U.S. citizens are separated from their immediate relatives (spouse, children and parents) while they are working to obtain visas to become U.S. lawful permanent residents. Under current law, immediate relatives of U.S. citizens who are not eligible to adjust status in the U.S. to become lawful permanent residents must leave the U.S. and obtain an immigrant visa abroad. Anyone who has accrued more than 6 months of unlawful presence in the U.S. must get a waiver to overcome the unlawful presence inadmissibility bar before they can return to the U.S. (Under the prior process, which remains in effect for people who do not qualify for the new process, immediate relatives cannot file a waiver application until after they have appeared for an immigrant visa interview abroad and the Department of State has determined that they are inadmissible.) To obtain a provisional unlawful presence waiver, the applicant must be an immediate relative of a U.S. citizen, inadmissible only because of unlawful presence, and demonstrate that the denial of the waiver would result in extreme hardship to his/her U.S. citizen spouse or parent. Form I-601A, Application for a Provisional Unlawful Presence Waiver, is used to apply for a provisional unlawful presence waiver under the new process. To see the Federal Register final rule, click [here](#).



7. CBP to Automate Form I-94 Arrival/Departure Record—U.S. Customs and Border Protection (CBP) has published an [interim final rule](#) in the *Federal Register* to automate Form I-94, Arrival/Departure Record. Form I-94 provides nonimmigrants evidence that they have been lawfully admitted to the United States. Under the rule, which becomes effective on April 26, 2013, nonimmigrants arriving to the U.S. by air or sea will no longer need to fill out a paper Form I-94. However, anyone who goes through secondary inspection, such as asylees, refugees, and parolees, will still be given a paper copy of Form I-94. USCIS will continue to require applicants to submit a paper copy of Form I-94 when requesting certain benefits. Other government agencies, such as State Departments of Motor Vehicles (DMVs), also require a paper copy of Form I-94. Also, nonimmigrants who are authorized to work may present a paper copy of Form I-94 to their employers as proof of work authorization. For more information about I-94 automation, visit www.cbp.gov or review their [news release](#).

8. We've Launched I-9 Central in Spanish—We now have a Spanish-language version of I-9 Central, an online resource center for the [Form I-9, Employee Eligibility Verification](#). This free, easy-to-use website provides employers and employees simple one-click access to resources, tips and guidance to properly complete Form I-9 and better understand the I-9 process. This new site is the most recent in a series of resource guides designed to support our employment-related forms. These resources include [E-Verify Self Check](#), a service that allows workers and job seekers in the United States to check their own work eligibility status online, and an updated "[Handbook for Employers: Instructions for Completing Form I-9 \(M-274\)](#)". Both are also offered in Spanish. I-9 Central includes step-by-step instructions for completing the form, information on acceptable documents, and a discussion of common mistakes to avoid when completing the form. Visit the Spanish I-9 Central at www.uscis.gov/I-9Central/Espanol.

9. ICE Launches New Community Hotline—The ICE Public Advocate has launched a new Community Hotline to address a number of inquiries from the public including:

- Community outreach inquiries and requests;
- Prosecutorial discretion requests;
- Detention concerns;



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- Information about enforcement activities;
- Questions about immigration court cases; and
- Other concerns regularly raised by the public.

The hotline number is 1-888-351-4024 and it's open during regular business hours (8 am to 5 pm Eastern time Monday thru Friday). The public can still contact ICE through the Public Advocate mailbox at EROPublicAdvocate@ice.dhs.gov. For more information about the ICE Public Advocate click [here](#).

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

- **March 1, 2013**—[Standard Timeframe for Applicants to Respond to Requests for Evidence Issued in Relation to a Request for a Provisional Unlawful Presence Waiver, Form I-601A](#)
- **February 27, 2013**—[Taiwan Pre-Adoption Immigration Review Filing Form I-600, Petition to Classify Orphan as an Immediate Relative, on Behalf of a Child Being Adopted in Taiwan](#)
- **January 4, 2013**—[Revised Guidance Concerning Adjudication of Certain I-751 Petitions Extension of Validity of Medical Certifications on Form I-693](#)
- **December 20, 2012**—[Extension of Validity of Medical Certifications on Form I-693](#)
- **December 20, 2012**—[Operational Guidance for EB-5 Cases Involving Tenant Occupancy](#)
- **December 12, 2012**—[Age-Out Protection for Derivative U Nonimmigrant Status](#)
- **November 30, 2012**—[Exceptions for Permitting the Filing of Form I-601, Application for Waiver of Grounds of Inadmissibility, and any associated Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal](#)
- **November 6, 2012**—[Guidance for Determining if an Adoption is Valid for Immigration and Nationality Act \(INA\) Purposes](#)

11. 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:

- **April 3, 2013**—USCIS and the Securities and Exchange Commission (SEC) will host a [stakeholder teleconference](#) to discuss the EB-5 Immigrant Investor program at 3:00 pm (Eastern).
- **April 10, 2013**—USCIS will host a [Spanish-language Teleconference](#) from 3:00 pm to 4:00 pm (Eastern)
- **April 17, 2013**—USCIS will host a web-ex training session on [Immigration Relief for Victims of Human Trafficking, Domestic Violence and Other Serious Crimes](#) from 2:00-4:00 pm (Eastern).
- **May 9, 2013**—The Texas and Nebraska Service Centers will host a [Business Representatives Engagement](#) from 8:00 am to 4:00 pm (Central Daylight Time).
- **Every week!**—We host webinars every week on E-Verify, Form I-9, and Self Check. Visit our [Webinar Webpage](#) for a list of all our upcoming sessions.

Straight from the Source is produced 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.

