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**MEMORANDUM**

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To: International Education Program Administrators

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1) MAVNI Reintroduced

On October 28, the “New York Times” reported that the Pentagon had reopened a program to recruit lawful nonimmigrants with special medical and language skills. The program was active in 2009, but was suspended in January, 2010 because of a terrorism incident at Fort Hood in Texas (The program now has an additional level of security screening). The program will enlist a total of 1,500 recruits each year over a two year period, mainly for the Army.

The program permits successful applicants to apply for US Citizenship immediately, without first obtaining a green card. The skills sought are: “physicians, nurses, and experts in certain languages with associated cultural

backgrounds.” There are 44 languages listed from all parts of the world including Chinese, French (limited to individuals with an African citizenship), Korean, Persian, Tagalog, Turkish, Urdu, and Arabic, among others.

It was determined that the original MAVNI applicants had scored higher on Army entrance tests than the general population of recruits. Further, one third of the first class of recruits held Masters degrees, and one third of the first MAVNI class joined the Special Forces - the folks who go into combat.

A successful applicant must have been living in the US legally for two years, must be a high school graduate, and must pass the military entrance test. Healthcare professionals will enlist as officers and be required to serve either three years of active duty or six years in the reserves. Enlistees based on language skills must serve a minimum of four years on active duty. Participants who fail to serve their term can lose their citizenship (although loss of citizenship for reasons other than a fraud may be questionable).

F and M students will not be able to maintain their student status after beginning a tour with the military. A DSO should terminate the SEVIS record of the F or M who cannot maintain student status. The DSO should record “Authorized Early Withdrawal” as the reason for termination and note in the remarks section that the record termination is due to MAVNI enlistment with the report date, if known.

The enlistee will remain legally in the U.S. while the N-400 application is pending, but not in F or M status. If the enlistee does not pass basic training they may receive temporary B status, or USCIS may excuse a late filing for reinstatement in some circumstances. If the individual leaves the military voluntarily, reinstatement will not be permitted.

Dependents must obtain a new status or depart the U.S.

ICE instructions on MAVNI may be found [here](#).

2) USCIS Announces Expanded E-Request System

On November 19, 2012 USCIS announced the launch of an expanded E-Request System. The E-Request permits those inquiring about applications and petitions submitted to USCIS to learn about status. The system will now:

- *Create a service request for all forms to either inquire about the status of your application or petition if it is outside of the normal processing time OR notify USCIS about an administrative error in a notice or document we sent you.*
- *For Forms I-90 [replacement green card] and N-400 [naturalization] only, inquire about an Application Support Center appointment notice or other notice you were expecting to receive.*
- *Accessibility to individuals with disabilities (section 508 compliant).*

Access to the system may be found at the USCIS homepage at E-Request. The applicant should have their receipt number available.

3) Department of Homeland Security Publishes: Instructions on How to file a Complaint

On October 3, 2012, the Department of Homeland Security Office for Civil Rights and Civil Liberties issued a guide entitled “How to File a Complaint with the Department of Homeland Security”. The guide may be found [here](#).

The guide lists appropriate places for filing complaints including for civil rights and civil liberties, criminal and non-criminal misconduct, travel-related complaints including TSA issues, and “Concerns with longstanding or complex U.S. Citizenship and Immigration Services (USCIS) immigration filings or applications”, as well as with ICE enforcement and removal operations, and CBP issues.

It would seem that this type of complaint may be used in addition to a complaint to the USCIS Ombudsman, and the use of a Z ticket (for a matter within the NYC District Office).

4) ICE Releases “Employee Code of Conduct”

ICE has also posted its “Employee Code of Conduct” which may be found in PDF form [here](#).

The code sets forth the responsibilities of different levels of authority and sets standards for “Conduct Unbecoming of an ICE Employee”, Loyalty, Truthfulness, Courtesy, Professionalism, Ethical Responsibilities, Prohibited Associations and Establishments, Use of Alcohol and Drugs, Gambling, Attempted Bribes, Financial Obligations, Proper Use of Government Property, Use of Badges, Credentials, and Official Identification, Safeguarding and Use of Information, Documents and Records, Standards of Attire, Reporting Violations of Laws and Employee Misconduct.

Misbehavior can be reported through the complaint process in the previous item.

5) Homeland Security Relaxes Enforcement Issues Caused by Hurricane Sandy

When Hurricane Sandy hit, the Department of Homeland Security issued several directives which may be found [here](#). These directives advised that a school’s temporary closure or reduction of operations would not cause an individual to be out of status. USCIS advised of possible benefits for those needing temporary relief including: change/extension of nonimmigrant status, expedited adjudication of off-campus employment authorization application for F-1 students experiencing severe economic hardship, and expedited adjudication of employment authorization applications, among others.

The inability to appear for interviews and respond to Requests for Evidence (RFEs), or Notices of Intention to Deny (NOIDs) was addressed by deadline extensions of 30 days for RFEs and NOIDs for those with a deadline of October 26 through November 26.

Visa Waiver entrants were instructed to visit a local USCIS office.

On October 26, 2012, The Department of Homeland Security specifically directed all law enforcement operations by ICE and CBP to give way to life-saving and life-sustaining activities, and the safe evacuation of those leaving impacted areas.

Considering ICE’s conservative approach and its unions recalcitrance, it was good to see that the agency could respond reasonably and professionally in a catastrophe.

6) F-1 Statistics

The Department of Homeland Security's Office of Immigration Statistics' Policy Directorate recently posted its' "Population Estimates" for September, 2012. The publication entitled "Estimates of the Size and Characteristics of the Resident Nonimmigrant Population in the United States: January 2011" makes for some fascinating reading.

Discussing "resident immigrants," the publication defines that term as being "legally admitted into the United States for specific, temporary purposes and whose classes of admission are associated with residency..." - 1,910,000 students being the primary example. There are various calculation issues such as temporary departures, and double counting and such, but "students and families" were found to be 38% of the "resident" nonimmigrants, and "exchange visitors and families" 13%.

In the student category, 50% were from Asia with over 22% Indian, 9% Chinese and 8% South Korean. 16% were North American with one half from Canada and 6% Mexican. Europeans made up 14% with 3% from the U.K. and 5% from South America.

States with the largest student numbers were California, New York, Texas, Florida, New Jersey, and Massachusetts.

Other breakdowns were by age and sex. Estimates by other agencies including SEVIS, Open Doors, and the Office of Immigration Statistics were provided. As these other compilations were based on different statistical assumptions, they, of course, were considerably different. The publication may be found [here](#).

7) An Immigration Act in the Future?

As may have been noticed, the United States recently went through its quadrennial exercise in national democracy. It is now over and we have our local television stations back. The chattering classes have said all that is necessary, proper, and able (or unable) regarding the possibility for passage of a new comprehensive immigration law in the near future. I have already received telephone calls from individuals asking about when they should come in to apply for benefits under the new law.

Please get the word out that nothing has happened and that democracy is a very slow and often messy process during

which many things can happen, or not happen. However, individuals will be out there who, in exchange for hard earned dollars, will promise to file whatever

application they can, or reserve a place in whatever new legislation exists. Please advise patience and care. Watchful waiting should be the word at this point.

8) Power of Youth

On Saturday December 1, 2012, the “New York Times” had a front page story detailing how the idea of Deferred Action for Childhood Arrivals (DACA) initiative evolved. It appears that many undocumented youth played a significant role – not only in shaping the issue, but also with regard to informing the White House on how such an initiative could be implemented. The article is worth a look as this talented population is eager to attend school in order further their career goals.

*Many thanks for your comments, your suggestions and for referring your students, scholars and faculty members.*

*Please let me know if you have any questions, or if you would like copies of any of the materials covered.*

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