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MEMORANDUM

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Happy New Year!

As the spring semester is upon us—and many of your students are looking forward to life after F-1. As many of you know, our firm provides presentations at schools for international students without charge.

Please let us know, as soon as possible, if you would like us to come to your campus.

To: International Education Program Administrators

- 1) Oh Where, Oh Where Has My I-94 Gone?
- 2) Students and Schools NSC Teleconference on January 17
- 3) SEVP Launches Blog Series for DSO Concerns
- 4) USCIS Announces E-Verify Search Tool
- 5) US Consulates in India Expand Interview Waiver Program
- 6) Latest DACA Numbers
- 7) IRS Launches New ITIN Procedures
- 8) CRS Issues STEM Report
- 9) Haiti TPS Re-registration Period Extended

- 1) Oh Where, Oh Where Has My I-94 Gone?

Although I do not usually report on pending proposals, there has been some confusion about CBP's efforts to automate the I-94. As confirmed by our erudite and ever ready

Region X Regbud, Lucy G. Cheung through the Deputy Chief Officer at Newark Airport, the I-94 is still very much with us. Although CBP is fully prepared for the automation of the I-94 (and may wish to do away with it altogether), it must go through certain specific procedures, such as submission to the Office of Management and Budget, and the posting of certain notices in the "Federal Register." CBP has stated that the initial notice will appear before the end of the 2012 calendar year.

The minutes of an October 25, 2012 liaison meeting between CBP and AILA contained the following information from CBP which adds some context to this concern:

A key feature of streamlining is the elimination of the physical Form I-94, Arrival/Departure Record. The I-94 process costs CBP over \$1 million a month, and due to various redundancies, CBP has no real need for this form. As an interim measure and via a formal process (either Notice of Proposed Rulemaking or Interim Final Rule – to be determined), CBP will establish a new process. CBP will electronically create an admissions record number at entry. The captured data will be automatically entered into the CBP database. CBP officers will stamp the aliens' passports and write the class and term of admission, similar to the procedure currently followed with visitors without a visa. In lieu of Form I-94, alien travelers will get a slip of paper with a website URL on it: www.CBP.gov/I94. The handout explains in several languages that, if desired, aliens or their designate may log onto the website, access the record of admission, and print it out. Since the admission stamp placed in the passport by the CBP officer will function as proof of inspection and admission, there will be no requirement to print out the admission record. (CBP passed around ... a mock-up of the handout containing the web address and website log in information). CBP advised that the data to be accessed will be exactly the same as what is currently being typed in via the CBP data entry center in London, Kentucky.

To access the information on the website and to print out a hard copy, if desired, the individual may enter the last name, first name, date of birth, passport number, country of issuance, port of arrival, and class of admission of the traveler. For privacy reasons, the latter two items were added, as it requires reviewing the information in the passport itself. The last few items will be written in the passport with a stamp upon arrival. The system is actually ready to go once the proper Federal Register notices are published. It will then be phased in port-by-port, generally in two week cycles. The new process should save about 25 seconds of primary inspection time. A helpdesk is also set up to deal with data or login issues, and CBP is considering whether Deferred Inspections can also be involved in correcting errors in admissions documents. CBP also advised that certain aliens, such as asylees and refugees, will still receive paper I-94s.

Apparently, CBP did not notify the various agencies which are dependent on the I-94. These include local state departments of motor vehicles, and the Social Security Administration. CBP, apparently, will advise that other agencies should verify status through the individual's passport number. However, CBP did not realize that changes of this nature would require a serious modification to other agencies' software systems. Further, no discussion has been had regarding use of the I-94 for I-9 employment verification issues. Sounds like CBP had their party all ready to go-but never sent out the invitations.

2) Students and Schools NSC Teleconference on January 17

On December 24, USCIS announced a students/schools teleconference to be held at the Nebraska Service Center on January 17, 2013 at 10:00am (Central Time). The announcement sets forth the following concerns to be discussed:

- I-765 student classifications and classifications other than (c)(9), (a)(5), and (c)(8)
- N-400
- I-821
- I-821D
- Legalization/I-817
- I-102
- I-824 (general)
- I-131 Reentry Permits/Refugee Travel Documents
- N-565
- I-601
- I-824 as appropriate
- Waivers as appropriate

All questions must be received by January 8, 2013 at ceo.nsc@dhs.gov.

Call-in information is to be provided at a later date. An RSVP is not required.

3) SEVP Launches Blog Series for DSO Concerns

On December 4, 2012, NAFSA.News announced that SEVP launched a new weekly blog series "[Questions from Designated School Officials](#)" on the "[Study in the States](#)" website. The blog's purpose is to answer commonly asked questions and make them more commonly accessible to the academic community. Questions may be submitted to SEVPCommunications@ice.dhs.gov with the subject line "Questions from DSOs". DSOs will not be identified, and the first set of questions will be taken from questions raised at the various NAFSA Fall regional conferences.

4) USCIS Announces E-Verify Search Tool

On December 19, 2012 USCIS launched a new tool to learn if an employer is enrolled in E-Verify. In order to verify enrollment go to [E-Verify Employers Search Tool](#).

The search tool covers employers, and federal contractors who were enrolled as of December 15, 2012. The search tool contains the business' name, and the city, state and zip code, as well as the workforce size. Additional information is contained for federal contractors.

5) US Consulates in India Expand Interview Waiver Program

On November 19, DOS announced the expansion of the Interview Waiver Program by US Consulates in India. The program permits certain nonimmigrant visa applicants to have their interviews waived. Waivers will be granted for those whose visas are still valid, or have expired within the past 48 months. These include visa categories: B1/B2, J-2, H-4 and L-2, children applying before their 7th birthday in any visa class, and applicants applying on or after their 80th birthday in any visa class.

Children applying before their 14th birthday and students returning to attend the same school and same program, as well as H-1B and L-1A, and L-1B visa holders may also be considered. However, if a prior visa was annotated "clearance received", the applicant will not be eligible for an interview waiver.

It was noted that in 2011 nearly 700,000 nonimmigrant visa applications were processed. Applicants waited fewer than 10 days for an interview, and less than one hour at the Consulate.

6) Latest DACA Numbers

The latest Deferred Action for Childhood Arrivals Process (DACA) numbers were posted by AILA on December 14. Of the more than one and one half million potential applicants 367,903 had applied with 355,889 being accepted and 12,014 being rejected. According to USCIS, by December 14, 2012 157,151 cases were under review, and a total of 102,965 DACA cases have been approved. The highest countries of origin were Mexico, with 258,708 and El Salvador 15,697, among other Central and South American countries. South Korea was listed at 5,167 and the Philippines at 2,862.

As to states, California generated 98,531, Texas 57,542, New York 21,635 and New Jersey 11,779, among others.

7) IRS Launches New ITIN Procedures

The Internal Revenue Service has been changing their procedures which must be used to obtain an Individual Taxpayer Identification Number (ITIN). An ITIN must be used to report income, if the taxpayer does not have a social security number. At one point in the process; IRS was requiring submission of original passports. NAFSA announced on Dec 13, 2012 that IRS has made an exception to their policy for F, M, and J visa holders receiving taxable scholarship, fellowship, or other grants reportable by the school on Form W-2 or Form 1042-F.

The relevant portion of the NAFSA memo follows:

Individuals admitted to the U.S. under an F, J or M visa who receive taxable scholarship, fellowship or other grants reportable by the school on Form W-2 or Form 1042-S can forward copies of their documents through the PDSO or DSO (for F and M nonimmigrants), or through the RO or ARO (for J nonimmigrants), following specific procedures outlined in IRS' [special instructions for SEVP institutions](#) (which include a [sample PDSO/DSO/RO/ARO certification letter](#)).

The entire NAFSA Memo may be found [here](#).

8) Congressional Research Service Issues: STEM Report

On November 26, 2012 Congressional Research Services issued a report on "Immigration of Foreign Nationals with Science, Technology, Engineering and Mathematics (STEM) Degrees". The study discusses the history of the growth of STEM academics, as well as the categories presently used by STEM graduates for obtaining green cards. The study also discusses STEM legislation, both past and pending, together with policy and business needs. The study may be found at: www.fas.org/sqp/crs/misc/R42530.pdf

9) Haiti TPS Re-registration Period Extended

On December 27, 2012 USCIS announced that the TPS re-registration period for Haitians was being extended beyond the original November 30, 2012 deadline through January 29, 2013.

USCIS had originally announced a two month re-registration period for an additional 18 month TPS period (1/23/2013-7/22/2014), but the re-registration period was interrupted by Hurricane Sandy. Approximately 60,000 Haitians are eligible for re-registration.

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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