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July 2, 2014

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**MEMORANDUM**

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To: International Education Program Administrators

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1) USCIS “Form I-765/I-539 Optional Practical Training Filing Tips”

USCIS recently posted a presentation from the June 11th California Service Center Open House which includes filing tips for forms I-765 and I-539 when used in conjunction for obtaining Optional Practical Training. These useful guides will walk the applicant through the form filling and preparation process.

They may be found [here](#).

2) USCIS Gets a New Director

President Obama nominated Leon Rodriguez on December 19, 2013 to be the new Director of U.S. Citizenship and Immigration Services in the Department of Homeland Security to replace Alejandro Mayorkas, who was appointed Deputy Secretary of Homeland Security. Rodriguez’s nomination was confirmed by the Senate and a Press Release was posted on June 24, 2014.

Director Rodriguez has an interesting background. He was born in 1962 in Brooklyn, N.Y. to Cuban immigrants. He attended Brown University, where he earned a Bachelor of Arts in History in 1984. He graduated from Boston College with his J.D. in 1988. He has previously worked as an Assistant District Attorney in the New York Kings County District Attorney’s office, a Trial Attorney in the Department of Justice’s Civil Rights Division in Washington D.C., an Assistant U.S. Attorney in Pittsburgh, a partner in the firm of Ober, Kaler, Grimes and Shriver in the private sector in Washington, D.C., the County Attorney for Montgomery County, Maryland, near Washington, and the Chief of Staff and Deputy Assistant Attorney General in the Department of Justice’s Civil Rights Division. He has also worked for President Obama’s Justice Department transition team in 2008 and 2009.

In his tenure in the various government agencies, his objectives have primarily been on projects such as civil rights, health care fraud, and discrimination involving national origin and immigration status. Let’s hope this change in leadership will have a positive effect on the agency as a whole from top to the bottom.

3) USCIS VSC Announcements

Vermont Service Center sent out an announcement through email on Friday, June 27, with two updates for its stakeholders. The first update is that in an attempt to reduce waste, save costs, and promote sustainability, VSC is piloting an initiative to print a variety of notices using both sides of the paper! You may begin to see notices such as Requests for Evidence, Notices of Intent to Deny, Denials, and responses to SRMTs (Service

Request Management Tools) printed on both sides of the page. SMRT anyone? (We couldn't help ourselves on this Simpsons reference...)

VSC notes that stakeholders should make sure to check both sides of the paper when receiving correspondence from the VSC. When you are looking at that yellow, adversary correspondence from VSC, make sure to check the back!

Apparently this change at Vermont Service Center is rather "one-sided" since applications submitted to VSC will still need to be one-sided (probably because of their new efficiency scanners).

The second update from VSC is the tentative date for this year's open house and stakeholder event at the Vermont Service Center. The tentative date has been set for October 24, 2014. This is one week before the Region X/XI Bi-Regional Conference, maybe your office can devise a divide and conquer strategy.

4) SEVP'S "DSO Update Process Fact Sheet"

SEVP has recently released its long awaited "DSO Update Process Fact Sheet." SVP had recently revamped the process which must be used by schools in order to update their Primary Designated School Officials (PDSOs) and Designated School Officials (DSOs). As SEVP Director Lou Farrell stated: "We wanted to ensure that the process was as painless as possible for U.S. schools without compromising the integrity of our review." As ever, Lou's comments speak for themselves.

The new process requires the PDSO who makes DSO submissions to SEVP to submit the applicable evidence and certification at the same time. It is stated that "This change should reduce the need for Requests for Evidence and increase process efficiency."

In discussing policy the "Fact Sheet" notes that DHS "may at its discretion, reject the submission of any individual as a DSO or withdraw a previous submission by a school of an individual." The statement contains no guidance or standards which would underlie the use of SEVP's discretion and should be of serious concern. Should this discretion be abused in the wrong context, SEVP's actions could certainly be subject to judicial review.

The "Fact Sheet" emphasizes that:

to facilitate the process of submitting a DSO or updating existing DSO information, the PDSO should, at the time of submission of the name and/or any additional required information, limit the update to the school's form I-17 to just this information. The PDSO

should submit updates of other adjudicated data<sup>6</sup>  
(e.g. school information, etc.) separately.

The “Fact Sheet” also contains a chart showing just which individual must sign which type of SEVP notification.

The Fact Sheet may be found [here](#).

5) SEVP: SEVIS’ “I-901 Goes Mobile”

On June 20, 2014 SEVP welcomed readers to its I-901 fee processing website with an announcement that “The I-901 mobile fee site is currently available! Users now have:

on-the-go access to the FMJFee site with the option to conveniently check the status of their I-901 Fee payment. Utilizing the mobile-friendly site will allow users to read and learn more about Recent News and Updates relative to I-901 as well as obtain information regarding I-901 FAQs, all from their mobile devices.

Stay tuned for further updates as we continue to work on mobile-friendly improvements to Fee Payment as well!

The announcement may be found [here](#).

6) USCBP’s Automated Passport Control (APC)

U.S. and Canadian passport holders and international visitors from visa waiver countries with ESTA approval are being met at many U.S. airports with a surprise. Instead of waiting on long lines to see the “friendly face at the border,” the entrant will now be using Automated Passport Control (APC). This program not only expedites the entry process by providing an automated entry process through the CBP’s primary inspection area, but also gives us a new acronym. Self service kiosks are used in which passports are scanned, a photograph is taken and a series of questions is answered verifying biographic and flight information. Customs information is also submitted. A receipt is issued which is then taken to the “friendly face at the border” to finalize the inspection. JFK is one of the airports using this process. Newark is not yet on the list. Green card holders are not yet eligible, but CBP plans for a roll out for these entrants by the end of the year.

The announcement may be found [here](#).

7) Congressional Research Service: Treatment of Noncitizens Under the Affordable Care Act

The Congressional Research Service has released “Treatment of Noncitizens Under the Affordable Care Act” published on May 21, 2014. The report notes that non noncitizens must be “lawfully present in the United States in order to receive health insurance benefits under the Act.” “Lawfully present” is defined as greencard holders, asylees, refugees, and foreign nationals admitted under any non-immigrant visa who are in status, and certain other classifications under the INA. In order to purchase insurance through an exchange, a non-citizen must expect to be lawfully present for the entire period of coverage, although the minimal period of coverage has been established by regulation as 12 months. The exchange will decide on an enrollment period based on the length of time the alien is authorized to be in the country.

In order to determine whether an individual is “lawfully present” the system will first check with Social Security Administration records. If status as a citizen can be confirmed by SSA there is no further checking. If an individual is a noncitizen in social security records, the system will check against DHS records to confirm lawful presence. Both the Department of Health and Human Services and Homeland Security have stated that information collected as part of enrollment in an exchange plan will not be used for any civil immigration enforcement actions. The report may be found [here](#).

8) USCIS ELIS Immigrant Fee Payment Guide

USCIS has recently issued the USCIS ELIS Immigrant Fee Payment Guide. The Guide is a fourteen page tutorial, step by step guide to filing appropriate forms through the ELIS system. The guide may be found [here](#).

9) Federal Register Comment Notices

NAFSA has posted information on various government comment opportunities on the NAFSA website under [Government Public Comment Opportunities](#). You can find links to the Federal Register comment notice, a brief descriptive blurb about the notice, and if NAFSA has commented, a link to NAFSA’s comment letter. Some of these notices will affect schools and international students. They include the extension of validity of the Form DS-3035 for the INA 212(e) two-year home residency waiver, the possible revision of the *Standard Occupational Classification (SOC) Manual*, the extension of use of SEVIS as a data collection instrument, limited H-4 dependent work authorization, revision of Form DS-2019, and extension of use of Form ETA-9089. The comment due date for most of these notices are fast approaching. We would highly recommend you to

submit comments as these changes will likely affect operations in an international student advising office.

We hope you all are enjoying a reprieve from the busy graduation and OPT season. We wish you an early Happy Fourth of July, and we will be back in August!

*Many thanks for your comments, your suggestions and your confidence in 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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