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MEMORANDUM

To: International Education Program Administrators

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1) The President's May 10, 2011 Speech

On May 10, 2011 President Obama delivered a major policy speech in El Paso, Texas regarding immigration. Among the various issues discussed were undocumented immigration and the role of immigrants in the United States.

As to international education the President stated:

... reform will also help make America more competitive in the global economy. Today, we provide students from around the world with visas to get engineering and computer science degrees at our top universities. But our laws discourage them from using those skills to start a business or power a new industry right here in the United States. So instead of training entrepreneurs to create jobs in America, we train them to create jobs for our competition. That makes no sense. In a global marketplace, we need all the talent we can get - not just to benefit those individuals, but because their contributions will benefit all Americans.

Look at Intel and Google and Yahoo and eBay - these are great American companies that have created countless jobs and helped us lead the world in high-tech industries. Every one was founded by an immigrant. We don't want the next Intel or Google to be created in China or India. We want those companies and jobs to take root in America. Bill Gates gets this. "The United States will find it far more difficult to maintain its competitive edge," he's said, "if it excludes those who are able and willing to help us compete."

He went on to state:

...stopping illegal immigration also depends on reforming our outdated system of legal immigration. We should make it easier for the best and the brightest to not only study here, but also to start businesses and create jobs here. In recent years, a full 25 percent of high-tech startups in the U.S. were founded by immigrants, leading to more than 200,000 jobs in America. I'm glad those jobs are here. And I want to see more of them created in this country.

2) DREAM Act Reintroduced

Although it appears that the White House is supporting comprehensive immigration reform, a small piece of that reform called the DREAM Act has been reintroduced in Congress. On May 11, 2011 Senators Richard Durbin, Harry Reid, and Robert Menendez re-introduced the DREAM Act in the Senate. The

DREAM Act has also been introduced in the House. Whether the Act will pass this year with a very conservative House of Representative dominated by Tea Party ideologues is an open question. It was hoped that compromise would get it through. However, compromise may not be in fashion in this House. Perhaps, after the next presidential election we'll see both the DREAM Act and comprehensive immigration reform.

3) ESL Programs Require Accreditation

On December 14, 2010 the President signed a bill requiring accreditation of ESL programs which seek to enroll F-1 non-immigrant students. Effective June 10, 2011 SEVP announced that it will no longer be able to approve an I-17 for initial SEVP certification from an ESL program which is not accredited by a regional or national accrediting agency recognized by the Secretary of Education. By December 14, 2011 non accredited SEVP-certified ESL programs must submit an application for accreditation to a regional or national accrediting agency recognized by the Secretary of Education and, as of December 14, 2013, non-immigrant visas will not be granted if the sponsoring ESL program has not been accredited. Further, SEVP will no longer be able to approve a petition update or recertification for a non accredited SEVP certified ESL program.

4) F-1 Issues

◆ SEVIS Release 6.8 Expected on 6/17

On May 24, 2011 NAFSA.news carried a notice regarding "SEVIS Release 6.8 Anticipated System Changes" The notice describes changes to SEVIS batch and RTI scheduled for implementation on June 17, 2011. The release dated May 20, 2011 may be found on the NAFSA website.

◆ ICE Issues FAQ on SEVP Certification

ICE has issued an extensive FAQ entitled "I-17 Frequently Asked Questions." The FAQ includes explanations regarding the background of SEVIS and SEVP as well as basics regarding SEVP certification, an overview of the SEVP certification process, an explanation regarding preparation of the petition for SEVP certification, and preparation for site visits for SEVP certification. Click [here](#) for the FAQ.

◆ SEVIS II Team Issues Valium for DSO's

On May 9, 2011 ICE issued information for DSOs from the SEVIS II Team under the subject “SEVIS II Anxieties, Concerns, and Misconceptions.” It is assumed that this release is intended as valium to assuage our concerns. Although the release does not explain or justify the need for SEVIS, it extensively discusses and self justifies SEVIS and by inference notes that the program will not be available for at least a year. Click [here](#) for the release.

5) H-1B Issues

◆ H-1B Count as of May 20, 2011

On May 31, 2011 USCIS updated the H-1B cap count to note that as of May 26, 2011, approximately 13,100 H-1B cap-subject petitions were receipted against the 65,000 total cap.

Further, USCIS has also receipted 9,000 H-1B petitions against the 20,000 cap for beneficiaries with advanced degrees.

◆ ICE Announces Expanded STEM List

On May 12, 2011 ICE announced an expanded list of science, technology, engineering, and math degree programs which qualify under the extended post graduate OPT program. The expanded list includes degrees in Neuroscience, Medical Informatics, Pharmaceuticals, and Drug Design, as well as Mathematics and Computer Science.

ICE is trumpeting the expansion of this program as a way to keep talented students from other countries in the U.S. to work in science and technology and fuel innovation, without having to go to Congress to do so.

◆ DHS “Telecon Recap” on Export Controls

As a result of the technology licensing questions on the new H-1B form released December, 2010 and effective February 20, 2011, the Ombudsman’s Office of USCIS hosted a public teleconference regarding the new data collection requirement. Two U.S. Department of Commerce Bureau of Industry and Security Officials were interviewed. It was noted that the majority of dual-use items exported do not require a license from the U.S. government, but that items going into a sanctioned country, and certain sensitive goods and technology destined for a range of countries may require a license for export. The recap contains a Q&A as to where further information may be obtained and the process for licensing when necessary. Click [here](#) for the “Telecon Recap.”

6) USCIS Launches “I-9 Central”

On May 13, 2011 USCIS announced that it had launched “I-9 Central” which it described as “...a new online resource center dedicated to the most frequently accessed form on USCIS.gov: Form I-9...” USCIS discusses I-9 Central as a one click access to resources, tips and guidance to properly complete form I-9 and better understand the form I-9 process. The release mentions other resources including E-verify Self Check and an updated “Handbook for Employers: Instructions for completing form I-9(M-274).”

7) DV or Not to DV

On May 11, 2011 the Department of State carried a Notice regarding the cancellation and voidance of the 2012 Diversity Lottery program selection results. DOS attributes the voidance to a computer programming problem which resulted in a selection which did not “represent a fair, random selection of entrants, as required by U.S. law.” DOS assured applicants that entries remain valid and will be subject to a new selection. Although a new date for the selection was not provided, results for the new process are supposed to be available at USCIS.gov on or about July 15th. Apparently the glitch resulted in selection from a pool existing only of the first two days receipts.

8) DOS Announces Visa Validity Changes for Iranian F,J, M’s

On May 20, 2011 DOS announced that qualified Iranian applicants for F,J, and M visas for non sensitive, non technical fields of study and research, as well as their dependants, will be eligible to receive two year, multiple entry visas. This is a change from current visa validity of three months and single entry.

The rationale is to permit a greater free flow of information and ideas by providing an opportunity to return home for family events, and participate in internships, as well as usual foreign travel, without the concern of having to apply for a new visa for each trip.

9) DOS Launches New J-1 Website

On June 1, 2011 the State Department Bureau of Educational and Cultural Affairs launched a new J-1 Exchange Visitor website. DOS claims that the new site “...will greatly improve the online application experience. Everything potential applicants need to know, from how to participate in a program to what the program is like can be found on the new site.” Click [here](#) for the new site.

10) DHS Extends TPS for Haitians

On May 17, 2011 DHS announced an eighteen month extension of TPS for Haitians effective July 23, 2011 through January 22, 2013. Those individuals who have continuously resided in the U.S. since January 12, 2010 are eligible. The “Press Release” noted that approximately 4800 Haitians with TPS reside in the United States.

The redesignation permits eligible individuals who arrived up to one year after the earthquake in Haiti to receive TPS protection.

The “Press Release” also noted that:

...DHS will soon publish a notice in the Federal Register announcing the continued suspension of regulatory requirements related to certain F-1 students who have suffered severe economic hardship as a result of the earthquake in Haiti. Originally announced in September 2010, the continued suspension of these requirements through Jan. 22, 2013, allows eligible F-1 students to obtain employment authorization, to work an increased number of hours during the school term, and if necessary, to reduce their course load while continuing to maintain their F-1 student status. F-1 students granted employment authorization will be deemed to be engaged in a full course of study if they meet the minimum course load requirements.

11) USCIS Issues Executive Summary on “Transformation”

For USCIS, “Transformation” is the word. On May 18, 2011 an Executive Summary was issued regarding the “transformation” process. The Summary notes that:

Transformation will deliver a simplified, Web-based system for benefit seekers to submit and track their applications. The new system is account-centric and will provide customers with improved service. It will also enhance USCIS’s ability to process cases with greater precision, security, and timeliness.

USCIS has been holding “listening sessions and webinars” with its constituency over the last several months, and will continue to do so. In fact, USCIS may send a Transformation Representative to the Downstate NAFSA conference to be held on June 27, 2011.

Of significant concern, as with SEVIS, is the issue of electronic requirements modifying and distorting Service regulations, and the concern that not all “Service customers” have computers, or are even computer savvy. Hopefully, USCIS will take some of the criticisms from their public sessions seriously.

12) SCOPS Customer Service Power Point

On May 31, 2011 USCIS Service Center Operations (SCOPS) held a National Stakeholder event regarding customer service and published a useful PowerPoint. Subjects covered included processing times, requests for information, filing location, and filing guidelines, among others. Following is the section on “Processing times:”

Processing times are reflective of the Agency’s commitment to manage cases within a specified timeframe. This is done by establishing processing goals.

- Processing times may or may not indicate the current pending dates that an office is working. If the office is processing a particular type of application in less time than our processing goal, you will see the processing times expressed in months (for example, if the office is processing naturalization applications in less than our 5 month goal, the processing time will state “Five Months”). However, if that office is taking longer than our processing goal to handle the form type in question, you will see the filing date (e.g., “April 10, 2003”) of the last case we processed on the date the website chart was last updated. The charts are updated on or about the 15th day of each month.
- Outside Normal Processing Time (ONPT) is when a case falls 30 days beyond the processing time as posted on USCIS.gov.
- A case outside normal processing time should be brought to our attention by contacting the National Customer Service Call Center and requesting an expedite.

13) USCIS “Secure Mail Initiative”

On May 2, 2011 USCIS announced that it had “fully implemented the Secure Mail Initiative (SMI).” The initiative uses U.S. Postal Service Priority Mail with delivery confirmation” to deliver certain documents safely and securely. These documents include permanent resident cards and documents pertaining to travel and

employment authorization. It was noted that with U.S. Postal Service tracking information, applicants can update the delivery status of their documents and USCIS can confirm delivery to the proper address. It was noted that applicants who receive approval notices can contact the USCIS Customer Service Center at 800-375-5283 to request tracking information. The Service representative will supply the tracking number and delivery status. The Service requested that customers wait at least two weeks after getting their approval notice before calling for information. It was also noted that when requesting tracking information, applicants must also provide information from the receipt notice they received when they submitted the application. It was advised that after receipt of the tracking number from the USCIS Customer Service Center, applicants could then track delivery status from the Postal Service website at www.usps.com after entering the USPS tracking number into the track and confirm field.

Now, wasn't that simple!

14) Tri Valley University President Indicted

On May 2, 2011 ICE announced the indictment of the President of Tri Valley University on thirty three criminal counts. Charges include visa fraud, money laundering and alien harboring. The charges relate to accusations of engaging in a two year scheme to defraud DHS by submission of phony documents for admission of students on F-1 visas. Susan Xiao-Ping Su was arrested by Homeland Security Investigations agents. The use of SEVIS was critical to the perpetration of her scheme. The indictment also alleges multiple money laundering transactions totaling more than \$3.2 million from proceeds. The thirty three counts carry maximum penalties ranging from twenty years imprisonment. The charges include: wire fraud, mail fraud, visa fraud, and conspiracy to commit visa fraud, use of a false documents, making false statements to a government agency, alien harboring, unauthorized access to a government computer, as well as money laundering.

Sounds like she was pretty busy.

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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