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MEMORANDUM

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To: International Education Program Administrators

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1) ELIS Launched May 22, 2012

Electronic Information System (ELIS) was launched on May 22, 2012 with no prior notice.

ELIS is part of the Transformation process. The release came as a surprise as it had been postponed several months ago for, what appeared to be, major operational issues. However, USCIS now feels that these issues have been overcome.

The initial release covers form I-539 and can be used for extensions of status for tourists in B-1 and B-2 status, F-1 students and M-1 and M-2 vocational students; change of status to B-1/B-2 tourists, F-1, F-2 students, J-1, J-2 exchange visitors and M-1, M-2 vocational students. It can also be used for reinstatement of status into F-1 or M-1. A chart may be found [here](#).

The Service asserts that ELIS will provide “improved customer service, shorter processing times, and enhanced adjudication tools to combat fraud and safeguard national security.” Future releases will expand to cover other immigration benefits. The Service release dated May 22, 2012 noted that “Following the first release, USCIS anticipates making adjustments and improvements in response to user feedback. This process will enable USCIS to continually enhance the user experience for both customers and USCIS employees. It will also allow the agency to smooth the transition to electronic filing over time, mindful of those individuals without computer access and the agency’s commitment to serve its diverse customer base. The release invites users to visit www.uscis.gov/uscis-elis for a tour of the new system and to learn about eligibility and find answers to frequently asked questions.

Together with the release comes a User’s Guide of twenty nine pages, as well as a three part Privacy Impact Assessment which comes to approximately one hundred pages. The instructions contain the chart which was mentioned above, as well as the ELIS version of directions found on the paper form I-539 including how to set up an account for each individual. Unfortunately, representative accounts for group filing are not yet in place, and will require a work around. Of note is the fact that although the system is electronic, the actual benefits will arrive on paper by snail mail.

♦ December 7, 2011 USCIS Q&A

USCIS has released a Q&A from a 12/7/11 Quarterly National Stakeholders Engagement. Among other goodies, USCIS discussed several ELIS issues.

Asked if universities will be able to establish an organizational account, the Service advised that at this time, these accounts are only available to legal representative and that: “DSO’s do not have the legal authority to access student information.”

It was also asked and answered:

b) DSO’s need at least view access at least for any applicant changing of status or reinstatement to F1. In order for the DSO to register the SEVIS record upon approval, or defer the I-20 date into the future while pending past the program start date on a change of status. Without this process, the SEVIS record will automatically cancel or terminate causing the student or applicant problems. Please consider giving the DSO access in this regard earlier than what is currently scheduled.

Answer: Thank you for your input. At this time, we cannot add this functionality earlier than currently scheduled.

The Service also confirmed that the first release will have access with SEVIS.

The Service was asked how many I-539’s are submitted by students, and posted the following chart:

	Extend Status		Change Status			Reinstate Status	
	F-1	M-1	F-1	M-1	J-1	F-1	M-1
2011	102	1,835	16,460	456	716	3,212	85
2010	102	1,708	18,050	474	762	3,972	63

USCIS also laid out some practical suggestions:

c) Does USCIS ELIS allow for “D/S” (Duration of Status) in the current Part 1 “Expires on (mm/dd/yyyy)” and Part 3 question 1?

Answer: In A1, no - they will just leave the expiration date blank. In future release, USCIS will be adding a D/S checkbox.

c) For F-1 reinstatements and change of status, USCIS requires the original Forms I-20 and I-94. Will that change?

Answer: USCIS will continue to require these documents.

However, in USCIS ELIS, users will be required to scan the original forms and upload the electronic documents into the system.

d) DOS regulations state that the DS-2019 cannot be scanned. Is USCIS planning to ask DOS to change their regulations or to make an exception for USCIS ELIS?

Answer: DOS regulations do not bar applicants for immigration benefits from submitting scanned copies of their completed DS-2019s to USCIS. Thus, no change is required. In addition, USCIS has amended the regulations at 8 CFR 103.2(b)(4) to allow for submission of originals or copies of documents, like the DS-2019, in accordance with USCIS form instructions. For purposes of benefit requests submitted electronically in USCIS ELIS, applicants are permitted to submit a scan and upload to USCIS ELIS as supporting evidence, a completed and endorsed DS-2019 issued by the designated school official for the schools the applicants currently attend or will transfer to upon approval of a request for transfer (extension).

2) USCIS Updates

◆ H-1B Cap Count

As of May 30, 2012 approximately 48,400 H-1B cap-subject petitions were receipted against the 65,000 total cap.

Further, USCIS advised that the 20,000 cap for beneficiaries with advanced U.S. degrees had received 17,500 petitions.

Please note that H-1B numbers are being used at a much higher rate than they have been for the last two years, and it is very possible that numbers could be exhausted as early as the end of June.

◆ I-129 Receipts Delayed

On May 23, 2012 USCIS announced that it was delayed in producing receipts for I-129 petitions. That form is used for the filing of H-1B petitions. USCIS attributes the delay to the high number of petitions filed and notes that, although a receipt usually takes about thirty days to arrive, receipts may take an additional 2-4 weeks.

3) Department of Homeland Security Developments

◆ DHS Expands STEM Degree Programs

On May 11, 2012 DHS announced an expanded STEM-Designated Degree Program List. The list may be found [here](#).

There are several new fields and include numerous “.99” CIP codes. These codes include: pharmaceutical sciences, econometrics, and quantitative economics. These additions will permit scholars in additional technical fields to obtain a seventeen month OPT extension, provided that the employer is registered with E-verify. The list may also be found on the SEVIS website under Broadcast Number 1204-07 where comments may be entered.

◆ CRS Report: Immigration of Foreign Nationals with Science Technology, Engineering and Mathematics (STEM) Degrees

The Congressional Research Service (CRS) released a report on May 22, 2012 providing an in depth statistical analysis of STEM usage broken down by subject, country, degree, level, and change of status to H-1B including cap issues, and ultimate adjustment of status to lawful permanent residence.

4) Department of State Developments

◆ EVP Guidance Directive on Confucius Institutes

On May 17, 2012 the Exchange Visitor Program distributed “Guidance Directive 2012-06” setting forth the agency parameters for Chinese government sponsored Confucius Institutes which promote Chinese language, literature, and culture throughout the world. These institutes often partner with

colleges and universities. The guidance finds that college's accreditation is sufficient to comply with Department regulations. EVP will permit teaching in primary or secondary schools and will permit the EV to remain in the U.S. during summer breaks. However, the coursework is required to be part of the U.S. institution's curriculum and must be taught on campus in the institution's foreign studies department.

◆ EVP Issues Regulations on "Summer Work Travel" Program

As a result of newspaper exposés regarding abuse of the summer work travel program for unskilled labor, the Exchange Visitor Program issued an "Interim final rule with a request for comments" in the "Federal Register" of May 11, 2010. The rule is effective on May 11, 2012 (with certain exceptions) and written comments will be accepted "up to sixty days from May 11, 2012." Although EVP did not mention the serious allegations made in the "New York Times" and other papers, it did recognize that there had been "harmful or abusive exchange experience, or ...[inappropriate placements] without due regard for the core cultural requirements and intended benefits of the Program." The "Federal Register" notice covers approximately twenty pages and may be found [here](#).

◆ AILA-Rome Chapter/DSO Liason Minutes

The Minutes of an AILA Liason meeting between the Rome District Chapter and the Department of State held on February 23, 2012 contained several interesting items regarding consular processing of F-1/J-1 visas.

When asked if the consulate would like to see any specific documentation to help in establishing whether a field of study or research will require additional clearance considerations, the department suggested that: "Direct information regarding type of research from the department chair or academic supervisor is helpful to explain the nature of research activities. A letter provided at the time of the interview is sufficient."

It was also asked that if "administrative processing" is required on a case, how long are responses generally taking. State replied that "Generally, administrative clearances are completed within 30-60 days and that the individual post is not permitted to provide specific details as to why the case requires administrative processing." As we have all become aware, the phrase "administrative processing" is the "bureaucratese" for security checks performed by the myriad security agencies' headquarters.

It was also noted that SEVIS is accessed by DOS through CCD.

◆ EB-1 and EB-2 Immigrant Availability

On May 9, 2012 DOS advised that applicants for permanent residence in the EB-2 and EB-1 categories from mainland China, and India, visa numbers will be unavailable with a cutoff date of August 15, 2007. The unavailability until the beginning of the new fiscal year on October 1st, was blamed on applications which had previously been filed with USCIS for adjustment of status in the EB-3 category that had been upgraded to EB-2 status because, assumedly, the beneficiary had obtained an advanced degree. DOS noted that it will make every effort to return the China and India EB-2 cutoff date to May 1, 2010, the date which had been reached before the quota became unavailable.

◆ DV-2013 Lottery Results

The State Department has released the statistics for the annual DV-13 lottery. The participating countries receiving at least four digit winning totals are:

Africa

Algeria- 2,161
Democratic Republic of the Congo- 3,924
Egypt- 5,015
Ethiopia- 4,910
Ghana- 5,105
Guinea- 1,350
Kenya- 4,410
Liberia- 1,916
Morocco- 2,068
Nigeria- 6,218
Sierra Leone- 2,516
Togo- 1,065

Asia

Iran- 6,029
Nepal- 4,370

Europe

Albania- 1,520
Armenia- 1,174
Bulgaria- 1,299
Germany- 1,253
Poland- 2,038
Russia- 2,846
Turkey- 1,807
Ukraine- 6,424
Uzbekistan- 5,101

Oceania

Australia- 1,035

In any event maintaining its unspoiled record for another year, the Vatican had no winners.

5) MAVNI Program Reinstated

On August 17, 2010 the Defense Department issued guidance extending the "Military Accessions Vital to National Interest (MAVNI) pilot program. Resumption

of recruiting for this pilot program was delayed in order to finalize security protocols and monitoring. This review has been completed and the pilot program has been reinstated for a two year period from May 16, 2012. The program permits military enlistment on an individual basis for non security clearance required fields in health care, and language, or culture programs with 1,000 places in the Army, 250 in the Navy, 125 for a language culture program in the Marine Corps and 125 in the Air Force. Individuals qualifying for the program must be either asylees, refugees, in TPS, status or in non-immigrant categories: E, F, H, I, J, K, L, M, O, P, Q, R, S, T, TC, TD, TN, U, or V and must have been in one of these categories for at least two years prior to the enlistment date. Of course, there are other technical restrictions.

6) NYC USCIS Upgrades INFOPASS

The New York City District USCIS office noted on May 10, 2012 that it had ungraded its INFOPASS system with a “Z” ticket in the Customer Service Unit. “Z” tickets are for those who have previously inquired about a particular matter, either through INFOPASS or by calling the 800 number, or through a Congressional inquiry or other method and who need to make an additional inquiry. A “Z” ticket will be issued by the Customer Service Unit after the INFOPASS appointment has been made. “Z” tickets will permit escalation to a higher level for resolution.

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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