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**MEMORANDUM**

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To: International Education Program Administrators

**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.**

- 1) CBP Issues
  - I-94 History Now Available
  - FAQ Available for I-94
  - Notes from NAFSA Region X JFK Port of Entry Tour
- 2) ICE Issues
  - April 2014 SEVP Spotlight
  - 7/19 Deadline to Convert Accreditations and Recognitions Fields of I-17
- 3) Social Security Administration Addresses Application Process
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  - USCIS Awarded 2014 Annual Government Customer Satisfaction Award
- 6) Immigrant Fraud Bureau Created in Brooklyn

1) CBP Issues

- I-94 History Now Available

On April 30, 2014, USCBP announced the launch of a new web page on May 1, which permits nonimmigrant US entrants to review their I-94 arrival/departure records, as well as their arrival/departure histories for a five year period. The web page permits review of the current I-94 including the I-94 number, most recent date of entry, class of admission and admit-until date. The five year history will include name, date of birth and passport information, as well as the five year arrival and departure information, if it is on record. The CBP announcement maybe found [here](#).

- FAQ Available for I-94

CBP has also posted an FAQ regarding I-94 issuance. The FAQ notes that the historical inquiry should be made individually for each passport which has been used. A few useful hints are given including how to enter the data using the machine readable zone of the passport ID page which follows the ISO standard convention. Further, care should be used not to confuse a zero and the letter "O", as well as the number 1 and the letter "I".

- Notes from NAFSA Region X JFK Port of Entry Tour

On April 9, 2014 NAFSA members from Region X were given a tour of the JFK Port of Entry by CBP. The minutes of that tour contain much useful contact and procedural information and may be found [here](#)

2) ICE Issues

- April, 2014 "SEVP Spotlight"

At the end of April, Homeland Security Investigations posted its "SEVP Spotlight", Volume 4, Issue 2. The publication led off with a grand announcement that a federal jury in the US District Court in San Francisco had convicted Susan Su, the founder and president of Tri-Valley University (TVU) on 35 counts, ranging from conspiracy to commit visa fraud to money laundering to alien harboring.

Sentencing is expected to take place in June.

The "Spotlight" also contained announcements which had been made earlier in the month regarding the use of Western Union for I-901 SEVIS fee payments, and the deployment of the first group of Field Representatives. The first group of 15 Field Representatives are to be

deployed in an unnamed region. It was noted that there will be three regions with 20 field representatives in each region.

It was also noted that on April 18, SEVIS Release 6.16 was deployed. This Release permits search for a SEVIS ID number with or without a lowercase “n” or without leading zeros; the ability to return to the same point in any alert, student, or exchange visitor list; the date of birth and date of last event on a student record in student search results. It was also noted that the SEVIS form I-17 accreditation and recognition conversion project is a key part of the Release. “Spotlight” advises that the next quarterly numbers report will be issued in early May and will feature information about STEM students. Future “Guidance” will be released regarding absences for F-1 and M-1 students, as well as for annual vacations, and what constitutes “Timely Filing.” A copy of the “Spotlight” may be found [here](#).

- 7/19 Deadline to Convert Accreditations and Recognitions Fields of I-17

The NAFSA.news of April 22, 2014 noted the July 19th deadline to convert accreditations and recognitions fields on form I-17. This is a onetime conversion of the school accreditation/recognition information on fields 10 and 11 of their electronic form I-17. It was noted that the format for these fields was changed in the previously mentioned Release 6.16. All schools must convert their accreditation information to the new format by July 19, 2014 or their accreditations will be listed as “none” in the new fields. Useful tools to assist with the conversion are on the “Study in the States” website.

### 3) Social Security Administration Addresses Application Process

The minutes of a Liaison meeting between AILA and the Social Security Administration held in March, 2014 contain some specific information regarding social security number application procedures, including waiting periods and ultimate removal of restrictions. The text of the pertinent questions and answers follow:

- Q. What is the period of time a nonimmigrant must wait between entering the United States and applying for an SSN? While some offices have indicated the applicant must wait 10 days before applying, it is our understanding that the 10 day waiting period was a recommendation that was based on the time that it took for U.S. Customs and Border Protection (CBP) to enter the nonimmigrant’s information into the shared computer system. However, with the automation of most I-94 cards, it is our understanding that the information is entered into the system within 24-48 hours.

- A. There is no time restriction between when a nonimmigrant enters the U.S. and when the noncitizen can apply for the SSN. As a result of I-94 Automation in May 2013, we changed our 10-day hold policy...Our current 10-day hold policy can be found in our Program Operations Manual Systems (POMS).
- Q. Once an SSA application is submitted, how long should the applicant wait before following up if the applicant has not received the Social Security card?
- A. If we clear the application for an SSN card, the receipt states that the applicant will get the card within 2 weeks. When we are unable to clear the SSN card application and we are waiting on additional verification, SSA issues an acknowledgement letter that advises applicants that while they have applied for an SSN, we are unable to issue a card until we verify their documents. The acknowledgement letter advises the applicant that the verification process may take up to 4 weeks.
- Q. What is the process for a lawful permanent resident or U.S. citizen to apply for a new, unrestricted Social Security card? What documents should the applicant provide to facilitate the process?
- A. All first time applicants for an SSN card must submit two acceptable documents to prove age, identity, and lawful alien work-authorized immigration/U.S. citizenship status.

All replacement SSN card applicants may submit only one document to prove identity and work-authorized immigration/U.S. citizenship status.

For evidence of age, we generally require the applicant's foreign birth certificate if it can be obtained within 10 business days. If not, we may accept the foreign passport. A non- U.S. citizen's immigration document generally serves as both proof of identity and lawful alien work-authorized status/U.S. citizenship status.

Both lawful permanent residents (LPR) and U.S. Citizens who submit the required evidence for an SSN card are issued unrestricted SSN cards...

4) Department of State to Begin J-1 Trainee and Intern Site Inspections

The minutes of a meeting between the Visa Office of the U.S. Department of State and AILA held on April 9, 2014 noted that the Bureau of Educational and Cultural Affairs (ECA) has:

...begun a comprehensive review of the regulations covering the J-1 intern and trainee programs

categories, following recent in-depth reviews of the teacher, au pair and high school exchange categories. Site visits and monitoring visits to designated U.S. sponsors administering intern and trainee programs are intrinsic to ECA's program review and regulatory activities. ECA will contact U.S. sponsors with guidance on planning and preparing for the visits. ECA is solely responsible for initial designation and bi-annual re-designation of U.S. sponsors administering exchange visitor programs. The Bureau of Consular Affairs (CA) has no role in the Department's on-site monitoring or compliance visits of individual J-1 internship and training programs. Please contact ECA for further information on the scheduling of visits, the nature and scope of the visits, and how the information gained during a visit is utilized. We refer you to Nicole Deaner, ECA/EC Managing Director; email DeanerN@state.gov, telephone 202-632-9292.

5) USCIS Issues

- H-1B Cap Filled in First Week

H-1B Cap season is over and the wait for results is ongoing. During the first week of H-1B cap season which began on April 1<sup>st</sup> USCIS received approximately 172,500 petitions against the 65,000 bachelor's cap and the 20,000 advanced degree cap. From anecdotal experience, receipts for those selected under the advanced degree cap have already been sent by USCIS. Those not selected under the advanced degree cap will also be considered under the bachelor's cap. Receipts under the bachelor's cap are presently trickling in. It is unknown how long it will take immigration to complete the receipt process. It is also unknown how long it will take USCIS to actually adjudicate the lucky lottery winners.

USCIS advises that it will soon begin returning unselected H-1B petitions.

- Using a P.O. Box Number on Applications

A meeting held between USCIS/Public Engagement Division and AILA on October 31, 2013 contained information regarding the use of a P.O. Box on applications:

**Question:** Is a P.O. Box an acceptable address for an applicant to use on immigration forms, specifically Form I-765, Application for Employment Authorization? Some applicants or attorneys live in rural areas where the U.S. Postal Service refuses to deliver mail to a

physical address, and any mail addressed to a physical residence is simply returned to the sender. If the applicant lists a P.O. Box in an application and provides an explanation that mail cannot be delivered to a physical residence, please confirm that the application can and will be processed without the issuance of an RFE requesting a physical address.

**Response:** On a case by case basis the NBC will review requests by the applicant to mail an EAD to the applicants P.O. Box. If there is an explanation as to why the card must be sent to a P.O. Box the NBC will send the card to the P.O. Box, but the physical address is always required. In cases where a physical address is not also provided with an explanation that mail may not be received at the physical address, the NBC will issue an RFE for the physical address.

- Enhanced Change of Address Tool

On April 15, 2014 USCIS posted a reminder to the affect that its change of address tool is now “easier than ever to use.” A set of questions guides one through the process and allows for quick and easy change of the address USCIS has on file. Additionally, the tool is now more compatible with more web browsers and will send confirmation of the address change by email. Further, there is now the ability to print a completed AR-11 Change of Address form after the online completion has been done.

- DACA Registrations and Renewals

On April 9, 2014 USCIS posted “Consideration of Deferred Action for Childhood Arrivals Process” updated to April 9. The posting mentions that a new dual use form I-821D will be published in late May, 2014. This new form will permit both initial and renewal requests for DACA registration. Renewal applicants must wait until publication of the new form in order to file a renewal request. An outline was provided on how to request DACA renewal. The posting may be found [here](#).

- New International District Names - and Acronyms

On April 10, 2014 USCIS announced that in order to more descriptively convey the jurisdictions that are covered in foreign USCIS districts, the district names are being changed. The Bangkok District will now be Asia/Pacific (APAC). The Rome District will be Europe, Middle East and Africa (EMEA). The Mexico City District will now be Latin America, Canada and the Caribbean (LACC). These local District Offices will remain in the same locations with the same functions.

- USCIS Awarded 2014 Annual Government Customer Satisfaction Award

On April 2, 2104 USCIS announced that:

USCIS was awarded the 2014 *Annual Government Customer Satisfaction Award* by the Federal Consulting Group (FCG) of the U.S. Department of Interior. This award recognizes the E-Verify section of the USCIS.gov website and USCIS.gov español for its responsiveness to customer satisfaction surveys and performance metrics to improve its services. In response to survey feedback, USCIS improved the navigation and content layout of USCIS.gov and increased the speed of adding translated content to USCIS.gov español.

We congratulate USCIS, and share their joy!  
(Hat tip to Erika Rohrbach.)

6) Immigrant Fraud Bureau Created in Brooklyn

With the election of a new District Attorney in Brooklyn comes the announcement of a new Immigrant Fraud Bureau to be headed by Assistant DA Maritza Mejia-Ming to prosecute cases where immigrant communities are targets of fraud, including imposter and unlicensed attorneys who claim to offer advice or correctly submit immigration paperwork. Other objectives will be on immigrant scams and other frauds.

*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.*

*Note (After all, we are lawyers!): The information provided in this Memorandum is not legal advice. Transmission of this information is not intended to create, and receipt by you does not constitute, an attorney-client relationship. Readers must not act upon any information without first seeking advice from a qualified attorney. Neither the publisher, nor any contributor is responsible for any damages resulting from any error, inaccuracy, or omission contained herein.*