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**MEMORANDUM**

To: International Education Program Administrators

- 1) H-1B Cap Count
- 2) SEVP Introduces Quarterly Newsletter – “SEVP Spotlight”
- 3) SEVP Webinar: “Recertification: A Dialogue from an Institutional Perspective”
- 4) USCIS “Postpones” Advance Registration Process for H-1Bs
- 5) USCIS Announces “Enhanced” EAD to Strengthen Security and Deter Fraud
- 6) CBP Releases Weekly Muster Defining Questions At Primary Inspection
- 7) ICE Announces Year End Removal Numbers
- 8) DHS Announces 18 Month Extension of TPS for Sudan and Designation for South Sudan

1) H-1B Count

On November 1, 2011 USCIS updated the H-1B cap count that, as of October 28, 2011, approximately 49,200 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 degrees has been filled.

This year's H-1B usage appears to be similar to that of last year. We may expect H-1Bs to run out sometime around Christmas.

2) SEVP Introduces Quarterly Newsletter – "SEVP Spotlight"

On October 13, 2011 SEVP launched its Homeland Security Investigations "SEVP Spotlight" for October, 2011. The new publication will be issued on a quarterly basis. Of interest among various items discussed is the statement that "SEVIS II is tentatively scheduled to deploy November, 2013." SEVP also noted that it plans to boost outreach efforts to other agencies within the Department of Homeland Security and to the academic community in support of its "Study in the States Initiative." The agency also looks forward to a "non-substantive rewrite of pertinent parts of its regulations in the Fall, 2011, and to a "Proposed rule" to support the deployment of SEVIS II to be published in Spring, 2012. SEVIS also announced that: "In August, it established its operating capability for the SEVP Analysis & Operations Center (SAOC)." (That more intense of a second generation acronym). The SAOC serves as SEVP's competency center for operations and analysis in support of the SEVP mission. The question can reasonably be asked if the new center was launched in August to serve SEVP competency, what did the agency do for competency prior to August?

The first copy of "Spotlight" may be found by clicking [here](#).

3) SEVP Webinar "Recertification: A Dialogue from an Institutional Perspective"

SEVP has also announced a webinar entitled "Recertification: A Dialogue from an Institutional Perspective." The webinar "...hosts a practical and helpful discussion about recertification with two principal designated school officials...who have completed the SEVP recertification process. In this webinar, the panel discusses how easy recertification can be, its common pitfalls, and helpful tips. At the end of this webinar, stay tuned for a special message from the SEVP robot!" Gosh, sound like fun.

A link to the webinar may be found [here](#).

4) USCIS “Postpones” Advance Registration Process for H-1Bs

Earlier this year USCIS issued a “Proposed rule” which would have established an advanced registration process for U.S. employers planning to file H-1B petitions. Because of the receipt of “thoughtful public comments” which indicated that the system would actually create problems, USCIS has decided to, “postpone issuance of a final rule and instead assess how the proposed rule’s objectives can be achieved within the framework of our ongoing Transformation Initiative.” It appears that we just heard the sound of rushing water.

5) USCIS Announces “Enhanced” EAD to Strengthen Security and Deter Fraud

On October 25, 2011 USCIS announced the launch of an “enhanced” employment authorization document with features to enhance security and deter fraud. These features include optically variable ink, a holographic image, a laser-engraved tamper resistant photograph, laser engraved fingerprint, unique background design, and a personalized return address. The card number is now listed on the front, as is a case number reflecting the receipt number. Fine-lined artwork and complex multi-layered card components that are difficult to reproduce are also included. (Propeller beanies are expected to be added in the future.)

6) CBP Releases “Weekly Muster” Defining Questions At Primary Inspection

Among a group of weekly musters, by which USCBP instructs its personnel, was one regarding “Basic elements of a thorough primary inspection” issued by the Office of Field Operations Fraudulent Document Analysis Unit. The “Muster” seeks to control the potential for individuals to enter the U.S. using fraudulent documents. The “Muster” then goes on to set forth guidelines for a thorough primary inspection as follows:

- Obtaining a verbal declaration of citizenship from each traveler;
- Taking physical custody of travel documents, **omitted** and requesting additional documentation if there are any discrepancies or questions;
- Looking directly at each traveler, **omitted** on the document and comparing with the traveler, and requesting additional documentation if necessary;
- Asking questions to verify each traveler's identity and purpose for coming to the United States; listening to answers and asking relevant follow-up

- questions; and obtaining binding declaration of all goods and currency entering the U.S.;
- Observing body language of all travelers, looking for indicators of deception;
- System queries, including confirmation of accurate reading/input into system;
- Obtaining a clear view of travelers, bags, and passenger compartments in vehicles; and
- Analyzing the totality of facts learned during inspection, referring the traveler to secondary if there are additional questions.

7) ICE Announces Year End Removal Numbers

On October 18, 2011 ICE announced its year-end removal numbers which, supposedly, focused on priority areas for enforcement including law breakers, threats to national security, recent border crossers, repeat violators of immigration law, and immigration law fugitives. In fiscal year 2011 ICE removed 396,906 individuals, the largest number to date. Fifty five percent, or 216,698, had been convicted of felonies or misdemeanors including 100,119 aliens convicted of homicide, 5,848 of sexual offenses, 44,653 of drug related crimes, and 35,927 of driving under the influence. According to the "News Release", ninety percent of removals were within priority categories. Unfortunately, the statistics may be questioned on the basis of the age and seriousness of the offense or misdemeanor, as well as convictions for minor offenses by individuals with spouses and children who are citizens.

8) DHS Announces 18 Month Extension of TPS for Sudan and Designation for South Sudan

TPS for Sudan has been extended for an additional eighteen months. The newly formed Republic of South Sudan has also been designated for TPS for an eighteen month period. The new designation is effective November 3, 2011 and will continue through May 2, 2013. EADs are being automatically extended for an additional six months through May 2, 2012. TPS applications for those seeking to obtain or maintain TPS status must be filed no later than April 10, 2012. There are approximately 340 individuals who will be eligible to re-register for TPS for Sudan, or obtain TPS under the South Sudan designation.

*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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