



Questions and Answers

USCIS Service Center Operations – American Immigration Lawyers Association (AILA) Teleconference

September 19, 2012

Overview

September 19, 2012, the USCIS Service Center Operations Directorate hosted an engagement with AILA representatives. USCIS addressed questions related to best practices, Form I-129, Form I-94, and Form G-325. The information below provides a review of the questions solicited by AILA and the responses provided by USCIS.

Questions and Answers

Question 1: The perennial question regarding tabs versus colored dividers has resurfaced. We would appreciate your thoughts on best practice in terms of both the lockbox, and direct filings at the Service Center. The [USCIS website](#) indicates that tabs should be placed on the bottom of the packet; however, during a recent stakeholder meeting, USCIS indicated that such tabs would be removed and that [USCIS preferred colored paper](#) instead (AILA Doc. No. 12031666).¹

Question 1a: Please clarify whether USCIS prefers tabs or colored paper.

Response 1a: For direct filings with the Service Center, we prefer that applicants submit documentary evidence using bottom tabs. For filings with the lockbox, it is preferred that colored paper dividers be used. The lockbox process involves scanning each page in the package, which means disassembling packages (except I-140 tabbed supporting documents, which will not be disassembled or scanned. For premium filed I-140 documents filed directly with the Service Center, tabs may be used.)

¹ *General Tips on Assembling Applications for Mailing*,

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=ff053d146a7ee010VgnVCM1000000ecd190aRCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD>; *USCIS Presentation from 5/9/12 Business Representatives Conference*, pg 17, AILA Doc. 12031666,

<http://www.aila.org/content/default.aspx?docid=38941>;

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=ae6a4e4c43d06310VgnVCM100000082ca60aRCRD&vgnnextchannel=994f81c52aa38210VgnVCM100000082ca60aRCRD>

Question 1b: If tabs are preferred, please advise whether they should be bottom tabs or side tabs.

Response 1b: From a Service Center perspective, bottom tabs are preferred.

Question 1c: If colored paper is preferred, which colors are best for this purpose and which colors should not be used?

Response 1c: From a lockbox perspective, no color preference/limitations if colored paper dividers are used.

Question 2: Another question that has resurfaced involves which documents in support of an I-129 petition must be submitted in duplicate in order to be forwarded to PIMS. [According to the Department of State \(DOS\)](#), not every document is scanned and given that a duplicate of the entire petition may be voluminous, could USCIS share any practice tips on what to include in the duplicate (AILA Doc. No. 12053145)?²

Response 2: USCIS suggests that petitioners follow the guidance found in the “General Filing Instructions” section of the Form I-129 Instructions at #5, “Submit a duplicate copy of the petition and all supporting documentation.” Further guidance can be found on the I-129, Petition for a Nonimmigrant Worker web page at www.uscis.gov/i-129 under the heading “Duplicate Copies” which reminds petitioners to provide a duplicate copy of the I-129 and all supporting documentation at the time of filing and to provide duplicate copies of all documents sent to USCIS in response to a Request for Evidence (RFE) or a Notice of Intent to Deny (NOID). The web page further reminds petitioners that USCIS will not make duplicate copies if they are not provided. USCIS will only forward what is provided in duplicate by the petitioner for entry into PIMS. Regarding what the Department of State (DOS) scans into PIMS, USCIS defers to DOS for that information.

Question 3: On April 4, 2012, [AILA sent a memo to USCIS](#) raising concerns regarding USCIS’s interpretation of “specialty occupation” and “body of highly specialized knowledge” in H-1B decisions (AILA Doc. No. 12040451).³ Additionally, AILA and USCIS discussed this issue during the AILA/ [USCIS Policy & Benefits liaison meeting](#) on March 29, 2012, during which AILA provided examples (AILA Doc. No. 12033045).⁴ Unfortunately, members report consistently receiving RFEs and denials on this issue. Please clarify the basis for these RFEs.

Response 3: USCIS is currently reviewing the issues mentioned in AILA’s April 2012 memorandum. We will include the examples above during this review.

Question 4: AILA is very concerned about the how the transition from paper to electronic I-94s will impact adjudications. At present, the I-94 is the principal document used to verify lawful admission and lawful status. What training is being conducted to alert adjudications officers about the transformation

² [AILA DOS Liaison Q&As \(3/28/2012\)](#), Q15, AILA Doc. No. 12053145, <http://www.aila.org/content/default.aspx?docid=39857>

³ [AILA Memorandum to USCIS Interprets H-1B “Specialty Occupation,”](#) AILA Doc. No. 12040451, <http://www.aila.org/content/default.aspx?docid=39153>

⁴ [USCIS Q&As from AILA Meeting \(3/29/12\)](#), Q1(c)(iii), AILA Doc. No. 12033045, <http://www.aila.org/content/default.aspx?docid=39104>

http://www.uscis.gov/USCIS/Outreach/Notes%20from%20Previous%20Engagements/2012/March%202012/AILA_Liaison_Committee_agenda_3-29-12_FINAL.pdf

from a paper to electronic I-94? What outreach is being conducted by USCIS with other agencies on the elimination of the paper I-94?

Response 4: The Interim Final Rule is currently in development by Customs and Border Protection. Until the final rule is published, USCIS will conduct business as usual, so no training is scheduled at this time.

USCIS has held several stakeholder engagements; two that were open to all stakeholders and two held by the Verification Division for its stakeholder community. They are as follows:

- February 2012
 - Announced I-94 automation to SAVE customer agencies
 - Held training webinars for customer agencies.
- March 2012
 - Held conference call with DMVs, CBP, OSIIS, AAMVA.
 - Drafted and distributed I-94 Frequently Asked Questions (FAQ) document to customer agencies.
- April 2012
 - Held 1-on-1 separate conference calls with CBP for the following customer agencies:
 - North Carolina and South Carolina DMVs
 - California DMV
 - New York DMV
 - Georgia DMV
 - Florida DMV
 - California Department of Health Services
 - Department of Health and Human Services (Federal)
 - Department of Education
 - Participated in USCIS IGA Quarterly Conference Call with Stakeholders
- July 2012
 - Participated with CBP in the Student Exchange Visitor Program's (SEVP) Local Town Hall Meeting, discussing the I-94 automation with local university officials.
- August 2012
 - Distributed an announcement reminding agencies to use the Unexpired Foreign Passport in lieu of the I-94 when appropriate, reminding agencies that I-94 automation by CBP will still occur at a future date.

Question 5: Please confirm that only one copy of the G-325 must be included in adjustment of status filings.

Response 5: USCIS requires only one copy of the G-325.

Question 6: AILA appreciates the exchange of information during these engagements, and believes the information is valuable for all stakeholders. Please provide the URL where the minutes of past meetings is posted.

Response 6: The Public Engagement outreach page can be found at: www.uscis.gov/outreach. The notes from the previous engagements can be accessed on the left-hand side of the page under "Notes from Previous Engagements" or the direct link found [here](#).

Question 7: AILA appreciates the efforts of the service center, OPE, and SCOPS expends to conduct the stakeholder engagements at the different service centers. We would appreciate any updates regarding where and when the next one will be.

Response 7: The next Stakeholder engagement is on Tuesday, October 16, 2012 and will be on the EB-5, Immigrant Investor Program. We have attached a copy of the Stakeholder Invitation for your reference.