



Agenda Items

USCIS National Quarterly October 10, 2012

H-2A Workers Absconding

When an H-2A worker absconds from the worksite, according to 8 CFR Part 214.2 they are considered out of status and are barred from the program for 5 years. By rule and under penalty of fine, an employer is required to notify USCIS when a worker absconds. Recently when an H-2A employer contacted USCIS to complain that a worker who had absconded was now working for another employer they were told that an H-2A worker could “work for anyone they want to”.

Question 1: When USCIS receives a letter of notification that a worker has absconded, what process is in place to notify the embassy that they are out of status and barred for 5 years and what process is in place to notify ICE that there is a worker who has absconded and is out of status?

Question 2: Finally, is USCIS staff trained to understand that H-2A workers who abscond are out of status?

Notice of Intent to Deny (NOID)

Question 3: Do NOIDs require supervisory review?

Question 4: When is an Examiner allowed to send a second NOID?

Question 5: In the case of second NOIDs is supervisory review required? **Question 6:** What should be done when there’s been a timely response to a second NOID, but then no further communication from USCIS for several months? .

I-94 Automation

Question 7: Can you please describe the impact that I-94 automation will have on USCIS procedures and benefit petitions, e.g. I-129 filings?

Fiancé Visa Applications

Question 8: Why are fiancé visa applicants being approved faster in one service center (California) than others (Vermont)?

Question 9: Why do some cases take longer than others?

Priority Dates

Question 10: If USA is number one in technology, why are the “priority dates” so delayed for the residency process? Is there something that USCIS can do to accelerate this process?

H-1B Employment

Question 11: Many H-1B visa holders and spouses with H-4 visas, who are not allowed to get a job are struggling economically in these days. How can USCIS help these families in order to get more income? Three suggestions: Allowing H-1B to have a second job, letting H-4 visa holders to have at least a part time job or expediting the residency process for both H-1B and H-4 visas holders. Are these suggestions possible?

Adjustment of Status

Question 12: Are there any legislative or USCIS internal actions planned to modify the criteria for adjustment of status for the applicants who are already in the US and have their immigrant visa numbers available, especially under the provisions of section 245(i) of the INA?

Artists in Residence

Question 13: The USCIS has announced an interest in creating an “Artist in Residence” program, similar to the recently-launched “entrepreneurs in residence program.” What might this look like? What is the goal? When might it be underway?