



# USCIS: Current Issues Session NAFSA Regional Conferences 2023 Question and Answer Document October 5, 2023

On October 5, 2023, USCIS addressed questions submitted by NAFSA: Association of International Educators' members in advance of their regional conferences taking place throughout the Fall. The session was recorded so NAFSA could provide a link to the recording to its members.

**1. [General Updates] First, would you please share recent developments and those on the horizon at USCIS that might affect our community?**

**Response:**

Thank you, Hanna and Adam for the kind introduction.

I want to take this opportunity to thank Steve Springer and NAFSA, for inviting us to prepare this pre-recording for your regional conferences.

Hello everyone, as you know I am Bertha Anderson, the Deputy Chief of the USCIS Office of Citizenship, Partnership, and Engagement. I am here today with representatives from various USCIS offices and directorates ready to address some of your pre-submitted questions. We look forward to responding to these questions and sharing some recent developments.

While we certainly hoped we could have joined your regional sessions in real time, these recorded sessions are a viable substitute, as it provides USCIS an opportunity to connect with our stakeholders. Strengthening public engagement and improving customer service, are top priorities for USCIS Director Jaddou, and sessions like these assist us in fulfilling our mission.

Our session today is a great opportunity for us to reconnect with members of NAFSA from across the region and provides us with the opportunity to share important updates, respond to your questions and demonstrate our steadfast commitment to keeping these lines of communication open with NAFSA.

Also, I'd like to remind everyone that the information we are sharing is intended solely for the purpose of providing public outreach to our stakeholders. We are not providing legal advice.

USCIS has an extraordinarily important mission: To uphold America's promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve. At USCIS, we believe that a thriving community depends on vibrant businesses and a key component to this is a strong workforce to include positions at all levels. Some individuals begin this journey as international students.

The United States has long been a destination for top talent from all over the world. Our ability to attract highly-skilled workers and entrepreneurs has spurred path-breaking innovation, leading to the creation of jobs, new industries, and new opportunities.

We understand the critical role international students play and the impact they have on our local communities. We want to continue to encourage them to come to the United States as part of their educational and career pursuits and are continuously exploring ways to facilitate that.

We published a comprehensive menu of options for science, technology, engineering, and math (STEM) professionals seeking to work in the United States. We also published a similar guide for entrepreneurs seeking to come to the United States, including investors, executives, and highly skilled workers.

We expanded premium processing to F-1 students seeking Optional Practical Training (OPT, pronounced O-P-T) and F-1 students seeking STEM OPT extensions. USCIS has also announced the availability of premium processing for applicants requesting a change of status to F-1, F-2, M-1, M-2, J-1, or J-2 status.

In the months ahead, USCIS plans to issue guidance on student issues in our Policy Manual. We plan to build on our progress by exploring additional policy and operational measures to continue to improve processing times, our operational work, accessibility, and transparency as an agency.

As part of our effort to increase transparency, we intend to resume publication of our inventory of employment-based adjustment of status applications.

USCIS remains committed to serving the public, consistent with our values and our security mandate. We take our mission of delivering on America's promise to be a nation of welcome and possibilities, very seriously.

Thank you for the opportunity to share some of our updates.

**2. [Fee Increases] In the Spring 2023 regulatory agenda, USCIS indicates a target effective date of 03/00/2024 for its final fee rule titled *U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements*. Are there any**

**updates that USCIS can provide on the final fee rule, such as an expected timeline for implementation and what other “Changes to Certain Other Immigration Benefit Request Requirements” we can expect to see?**

**Response:** We appreciate your interest in this important issue. As you know, the Notice of Proposed Rulemaking published in the *Federal Register* on January 4, 2023, allowed for comments to be submitted from the public through March 13, 2023. USCIS is thoroughly reviewing all the comments received and considering all feedback in developing any future final rule. Because the comment period has closed, and we are in the deliberative stage of the rulemaking process as governed by the Administrative Procedure Act, we cannot provide any details about the various provisions currently under deliberation. Any updates on the rule will come through official communications from DHS or USCIS. Please stay tuned to the Unified Agenda for any updates with respect to the rule and potential timing.

### **3. [myUSCIS and Customer Service]**

**3a. DSOs and students greatly appreciate the efficacy of the new online I-765 and other online filing options. We understand USCIS is rolling out a new change of address function through myUSCIS. Could you review the process for updating one’s mailing address in their myUSCIS account? Will the online change of address form at <https://egov.uscis.gov/coa/displayCOAForm.do> remain in use?**

**Response:** In the new Enterprise Change of Address self-service tool, customers can use their USCIS online account to update their mailing and physical address with USCIS for pending applications, petitions, or requests in a single place, eliminating the need to update the address in multiple places, fill out a paper Form AR-11, Alien’s Change of Address Card, call the Contact Center, or visit a USCIS Field Office. The new Change of Address tool is available in English only and can be accessed through your USCIS online account even if you filed a paper case. Customers who do not have any pending applications, petitions, or requests can also use the tool to meet the requirement of notifying USCIS of a change of address if they move. The current Form AR-11 posted on [egov.uscis.gov](https://egov.uscis.gov) will eventually be discontinued. This feature is not yet available to those individuals who have filed benefit requests that are subject to confidentiality provisions or prohibitions on disclosure of information such as VAWA and 8 U.S.C. 1367. USCIS is working to create an online process for these classes of individuals and will make announcements about the change of address tool in the future.

**3b. We understand that USCIS is also rolling out an online biometrics rescheduling function through myUSCIS. Can you please describe how it will work?**

**Response:** Yes. This new self-service tool allows benefit requestors, and their attorneys and accredited representatives, to reschedule most biometric services appointments before the date of the appointment. Previously, benefit requestors and accredited representatives could only request to reschedule a biometric services appointment by

calling the USCIS Contact Center. With this new tool, those individuals who create or already have a USCIS online account can reschedule most requests for biometric services appointments without having to call the Contact Center. The new tool, however, cannot be used to reschedule (1) an appointment that already has been rescheduled two or more times, (2) a request within 12 hours of the scheduled appointment time, or (3) a biometric services appointment date and time that has already passed.

**3c. Are there specific plans for the release of additional forms that can be filed online, such as I-129s, I-140s, and I-485s? When will I-539s be expanded to dependent benefits, such as H-4 applications?**

**Response:** We are working on adding the Form I-129, Petition for a Nonimmigrant Worker, to the list of available online forms, specifically the Form I-129 for H-1B cap petitions, and hope to make it available in time for next year's H-1B cap filing season. At this time, we have no immediate plans to announce online filing for Form I-140s or I-485s. The online I-539 currently supports applications for H-4 status (Spouse or Child of H-1, H-2, H-3 or H-2R).

**3d. We understand that USCIS is rolling out a text ahead feature for the USCIS Contact Center, as well as a new online appointment request function. Can you please describe these new tools?**

**Response:** USCIS implemented a text-ahead feature in June 2023, in English and Spanish. Text-ahead will help reduce the number of missed calls from USCIS to customers and their representatives and will improve customer satisfaction.

Text-ahead will personalize the caller's experience by giving the caller the ability to:

- Respond by text if they are available to receive a call from the USCIS Contact Center within a certain timeframe; and
- Communicate directly with a USCIS Contact Center representative.

The online appointment request form will allow individuals (or their legal representatives) to request an in-person appointment at a USCIS Field Office, for ADIT stamps, Emergency Advance Parole and Immigration Judge Grants. Individuals may request a specific date and time for an in-person appointment, but USCIS cannot guarantee that the requested appointment date will be scheduled. USCIS will review the requests and if an appointment is necessary, confirm and schedule the individual for an in-person appointment. We may contact the individual to confirm certain details of the request by phone or email. USCIS launched this appointment webform tool recently in August 2023.

**3e. A USCIS online tool to place expedite requests could cut down on the volume of calls placed with the USCIS Contact Center, as well as allow customers or their attorneys to fully describe the basis of the request and perhaps also submit supporting documentation (such as employer letters), which are often not requested by USCIS, despite being offered while placing the expedite request. Is USCIS considering such an online tool?**

**Response:** USCIS is exploring the use of technology solutions for submitting expedite requests and agrees that it may provide some efficiencies, allow for streamlining of such requests, and allow for tracking. It could also potentially simplify communications between different USCIS offices (for example, Contact Center and field offices or service centers). We appreciate your feedback and will update you at future engagements about potential solutions for submission of expedite requests.

**3f. The myProgress tracker functionality recently added to the Form I-765 Application for Employment Authorization a "Complete biometrics" step indicator that has caused confusion for F-1 students applying for OPT, who are concerned that there is a new requirement for a months-long biometrics collection and determination phase before their application is adjudicated. Can USCIS clarify that the process for adjudicating F-1 OPT applications remains unchanged, and that there is no new biometrics requirement?**

**Response:** There are no new biometrics requirements for F-1 students seeking employment authorization based on OPT. The process for adjudicating the F-1 OPT remains unchanged.

#### **4. [Optional Practical Training]**

**4a. Withdrawals: USCIS has shared with NAFSA previously that OPT withdrawal requests are processed at the time of case adjudication. In some cases, however, a student might realize a mistake rendering their OPT application deniable and wish to withdraw that OPT application and refile a corrected Form I-765 as soon as possible (before their window of eligibility closes). In this case, can a withdrawal be expedited and is there a particular process for this type of expedite request?**

**Response:** Withdrawals are prioritized when sent through the Designated School Official (DSO) mailbox. A student may also submit a withdrawal through their USCIS online account, but these will be processed at the time of adjudication.

**4b. EAD Errors: Students sometimes encounter errors found on OPT EADs. These errors often do not reflect any erroneous information from the Form I-765 itself; instead, they often appear to be typographical in nature. Could you walk us through the exact process that applicants should follow if their EAD contains a USCIS error?**

**4b.i. What are the steps of the correction process?**

**Response:** A student may report the error to their DSO or send back the EAD by filing a Form I-765, without fee, identifying the error and providing an explanation as to why the student believes it is a USCIS error. For more information, see the [Updating or Correcting Your Documents](#) webpage.

**4b.ii. After submitting an initial request for correction, how long are students expected to wait before following up?**

**Response:** These cases are processed on a first in, first out basis. USCIS tries to expedite requests for correction of errors in EADs as they receive them. Students should allow up to 30 days before following up.

**4b.iii. Are students expected to mail in their EAD in order to have it replaced with a corrected EAD?**

**Response:** Yes, students must mail in their EAD with proof of error to have the EAD corrected. Specifically, they must submit: the original card containing the error, a detailed explanation of the card error, and supporting documentation of the correct information. They should submit this information to the service center or National Benefit Center that approved their latest Form I-765.

**4b.iv. Is there any way for applicants to be able to monitor the progress of their EAD correction, or to have a sense of where they are in the process?**

**Response:** No, currently applicants are not able to monitor the progress of the EAD correction. However, USCIS is currently exploring options to allow applicants to track correction requests for cards that contain an error.

**4c. EAD Production Issues: Earlier this summer, at the time of this writing, many students approved for OPT found that their EAD cards were not being issued as quickly as expected. Some students reported hearing about an EAD production issue that may have been responsible for the production delays.**

**Response:** There are no delays in OPT card production as of now.

**4c.i. Can you share what the post-approval EAD production process looks like, and what types of production issues can impact issuance of EADs?**

**Response:** Once cards are approved, they are sent to the printing queue. It typically takes 2 to 3 weeks for the EAD to be printed, shipped and delivered.

**4c.ii. How are EAD production issues communicated to applicants and stakeholders?**

**Response:** There are currently no OPT EAD production issues. Any issues with production would be communicated through public communications such as web alerts on our website and stakeholder messages.

**4c.iii. Many students report that delays in receiving their EADs after approval have negatively impacted their employment. In the case of EAD**

**production delays, might USCIS consider offering I-9 flexibilities that would allow temporary completion of the I-9 with alternative documentation (USCIS approval notice, proof of production delay, etc.)?**

**Response:** There are currently no OPT EAD production issues. USCIS will consider options for acceptable documentation that students might show to complete Form I-9 as they await their EADs.

## **5. [Premium Processing]**

**5a. Expansion of Premium Processing to F-1 OPT and COS to F, M, and J: DSOs are thrilled that USCIS' premium processing program has been [expanded](#) to applicants seeking a change of status to F, M, and J status. At the time these questions were drafted, premium processing for change of status to F/M/J was only recently introduced.**

**5a i. Can you share any reflections on the implementation of this expansion?**

**Response:** The few minor systems issues in the implementation of premium processing service have been quickly addressed, and the process is working as intended. Since deploying premium processing and at the time of this Q&A, USCIS has had more than 1,000 requests for premium processing on change of status to F, M, or J nonimmigrant status.

**5a.ii. How has or how will the introduction of premium processing in these cases impact general I-539 processing times for change of status to F/M/J?**

**Response:** There will be no impact to general I-539 processing times.

**5b. Optional Practical Training: DSOs and students have been very happy to see the return to extremely reasonable processing times for OPT and STEM OPT. Following the introduction of premium processing for I-765 OPT filings this spring, DSOs noted a marked increase in OPT processing times. Can you share any insight into what may have caused this slowdown?**

**Response:** We are not aware of any lag in OPT processing times. However, USCIS has been working on ways to increase efficiencies overall in EAD production for various form types.

**5c. Reinstatement: In an earlier engagement with NAFSA, USCIS has confirmed that the Premium Processing expansion will only apply to those specific processes noted in the Emergency Stopgap USCIS Stabilization Act. Since Reinstatement to F-1 status was not included in the Act, Reinstatement I-539s are not expected to be eligible for Premium Processing. However, F-1 students pursuing Reinstatement to F-1 status are experiencing the same barriers based on USCIS processing delays that**

**students pursuing a change to F-1 status experience in terms of being stuck when they finish an academic program before USCIS adjudicates their I-539.**

**5c.i. Please consider premium Processing for Reinstatement I-539 filings. Lengthy processing times for reinstatement have created great challenges for both students and schools.**

**Response:** USCIS makes every effort to process Form I-539 on a first in, first out basis, but acknowledges that processing for many I-539 classifications became severely backlogged beginning in early 2022. The service centers have made significant progress in reducing those backlogs and continue to provide resources and offer overtime to staff to help in continued efforts, despite the necessity of prioritizing other form types.

**5c.ii. Is USCIS currently considering this as a form type eligible for Premium Processing? Any ideas on the possible timeline for this addition?**

**Response:** Student reinstatements were not included in the initial deployment of premium processing but may be considered for addition at a later date. USCIS is still weighing options to expand premium processing service to other Form I-539 classifications.

**5c.iii. USCIS has previously stated that it would consider including Reinstatement I-539s in the Premium Processing expansion, though no plans to do so have been communicated at this time. Can you discuss what steps you are taking to reduce the processing time specifically for Reinstatement I-539s or to mitigate the negative impacts?**

**Response:** Thank you for your question. We continue to explore expanding premium processing for I-539 reinstatement applications while leveraging resources to improve efficiencies in the overall I-539 workload. We understand the benefits of expanding premium processing to this subset of filers and intend to further explore this option in the new fiscal year.

**5d. Adjudication vs. EAD production: Can you confirm whether premium processing also expedites EAD production, or is processing tied solely to adjudication and does not impact EAD issuance?**

**Response:** An officer has 30 days to adjudicate a case and once adjudicated the EADs are produced as soon as operationally feasible.

**6. [Special Student Relief for Off-Campus Employment] SEVP's Special Student Relief (SSR) notices set forth procedures mostly managed internally by the school through a Designated School Official's (DSO) review of documents submitted by a student establishing the student's eligibility for benefits under the notice, a subsequent updating of the student's Student and Exchange Visitor Information System (SEVIS) record**



**with the DSO's recommendations or approvals, and the issuance of a Form I-20 reflecting those recommendations or approvals. The notices also assign USCIS a role in adjudicating Forms I-765 filed by eligible students who need to request an EAD for off-campus employment authorization pursuant to an SSR notice. At the time these questions were prepared, there were 13 active SSR notices, more than at any time in the past.**

**6 a. EAD Notations: We have received reports that some EADs issued under SSR notices contain the standard off-campus employment notation, "20 hours week F/T vaca," even though the 20 hour per week restriction while school is in session is expressly waived under the SSR notices. In previous engagement opportunities, USCIS has confirmed that these notations are printed in error. Has USCIS taken steps to remove that notation when adjudicating SSR EAD applications and producing SSR EADs moving forward?**

**Response:** Yes, USCIS has taken steps and implemented enhancements to add SSR annotation to the EAD and remove the Terms and Conditions of "20 hours week F/T vaca" language from those EADs.

**6b. SSR EAD Duration: USCIS previously issued off-campus SSR employment authorization for up to 1 year, consistent with the regulatory limitations to employment authorization due to severe economic hardship. NAFSA celebrates the [announcement](#) earlier this year that USCIS may now grant off-campus SSR employment authorization for the duration of the Federal Register notice validity period, not to exceed the F-1 nonimmigrant student's academic program end date.**

**6b.i. Previously, SEVIS has only permitted SSR recommendations up to a year in length, and continually eligible students would need to apply for SSR annually. Has USCIS worked with SEVP to update SEVIS and permit the SSR employment recommendation to be issued for longer than one year at a time? If not, how should DSOs make the intended SSR duration clear for USCIS on the student's SSR recommendation I-20?**

**Response:** USCIS has implemented enhancements to allow SSR employment recommendation to be issued for longer than a year. However, a DSO can still make the recommended duration clear for USCIS by annotation in SEVIS and on the I-20.

**6c. Online Filing: We are pleased to see more and more categories of I-765s available for online filing. Are there any plans to introduce an online I-765 option for SSR and/or Severe Economic Hardship applications?**

**Response:** Thanks for your question. We continue to explore expanding online filing for additional I-765 categories, while leveraging resources to improve efficiencies in the overall I-765 workload. We intend to further explore this option in the new fiscal year.

## 7. [Reinstatement]

**7a. SEVIS Transfer and/or Change of Level: Current SEVIS functionality does not allow any changes to a SEVIS record while reinstatement is pending. Due to lengthy reinstatement processing times, students often finish their program or degree and wish to start a new degree prior to the adjudication of their reinstatement.**

**Can USCIS discuss how it is implementing the February 2023 changes to the [SEVP transfer FAQs](#), which describe revised procedures on transferring a SEVIS record while an application for F-1 reinstatement is pending with USCIS?**

**The revised FAQs instruct DSOs that if the student had been pursuing a full course of study at the school that had originally recommended the reinstatement that served as the basis for the I-539 reinstatement application that is pending with USCIS, the student can continue with that same I-539 reinstatement application if the DSO at the transfer-in school enters a reinstatement recommendation in SEVIS in the transfer-in record, and then provides USCIS with a copy of the updated reinstatement Form I-20. However, if the student was not pursuing a full course of study at the school they were last authorized to attend, “the student must stay at the school that supported the reinstatement or withdraw the reinstatement application.**

**Response:** If a student continues to be enrolled in a full course of study, and USCIS has evidence of the new Form I-20 from the transfer-in school, as well as a letter from the DSO indicating that they support the transfer to the new school, students may transfer to the new school while the reinstatement request is pending. USCIS will approve the reinstatement (if otherwise eligible). However, if the student is no longer enrolled in a full course of study at the transfer-out school, USCIS will only approve the reinstatement request (if otherwise eligible) for reinstatement to the original school. Only after the reinstatement request is adjudicated can the student make a request to transfer to a new school.

**7b. Eligibility for OPT: Due to lengthy reinstatement processing times and changes to adjudication standards, students who are finishing an academic program with a reinstatement application pending are unable to apply for OPT unless the reinstatement is approved within the student’s 60-day grace period. Previously, USCIS would expedite reinstatement applications as the student was nearing the end of their final semester when requested by the DSO, in order to allow the student to apply for OPT; however, this practice**

**was discontinued several years ago. Would USCIS consider reinstating this practice?**

**Response:** Thank you for your question/suggestion. USCIS strives to prioritize caseloads with sensitive timelines, such as reinstatements, as much as possible. However, in doing so, we must also maintain case processing in a “first in, first out” fashion. We certainly understand the concern and can take this back for further consideration.

**8. [Processing times]: Could you take us behind the scenes to help us better understand the variation in forms’ processing times?**

**8a. & 8b. What factors affect USCIS’ operational decisions that may result in a 3-month processing time for one form versus a 23-month processing time for another? How are processing time goals identified and prioritized?**

**Response:** Goals are set in coordination with the Office of the USCIS Director and take into account a number of factors including administration priorities, obligations arising from litigation, pending inventories, agency resources, and urgency relating to the type of request.

**9. [I-9]**

**9a. Flexibilities: While the COVID flexibility in complying with requirements related to Form I-9 have been greatly appreciated, we understand that this flexibility was extended only until July 31, 2023. In August 2022, DHS published a [notice of proposed rulemaking](#) to create a framework that would allow alternatives to current I-9 requirements. Can you provide a general update on that NPRM and possible timeline for implementation of a final rule?**

**Response:** The final rule “Optional Alternatives to the Physical Document Examination Associated With Employment Eligibility Verification (Form I-9)” published July 25, 2023, along with the notice of the alternative procedure titled “Optional Alternative 1 to the Physical Document Examination Associated With Employment Eligibility Verification (Form I-9).” The rule and associated notice went into effect August 1, 2023 for E-Verify employers to begin remotely examining Form I-9 documents under the DHS-authorized alternative procedure.

**10. a. [H-1B] Revocation Notices: For students on OPT who were selected in the H-1B lottery and have an H-1B petition approved before October 1, but then either leave or are dismissed from that position, revocations of the approved H-1B do not feed into SEVIS, which results in the SEVIS record being auto-completed on October 1. The SEVIS Help Desk will not return these records to Active without a copy of the USCIS revocation notice. However, revocation notices generally take 6 - 8 weeks to process and are sent via regular mail to the employer. The student (former employee) is not**

**always reliably able to get a copy of the revocation notice prior to October 1, perhaps as a result of an uncooperative former employer, a notice not received in the mail, or other circumstances beyond the student's control. The consequences of not receiving the revocation notice quickly can have a very large impact on the student: the current process has resulted in students having to forego the remainder of approved OPT/STEM OPT if the SEVIS Help Desk will not return the record to Active when the student is unable to obtain a copy of the revocation notice or if it was not received by the employer. In cases where the student is returning to a new degree program, it has resulted in their having to leave the US and reenter on a new I-20 to regain F-1 status. Would USCIS consider other options to deliver revocation notices on a reliable basis and/or consider making a copy available to the beneficiary (student)?**

**Response:** The student, as the beneficiary of the H-1B petition, does not have administrative standing on an I-129 petition. Because only the petitioner has administrative standing, USCIS notices pertaining to an H-1B petition are only sent to the petitioning entity and/or the petitioner's attorney of record. Under the existing regulations, USCIS may not send a copy of the H-1B revocation notice to the beneficiary of the petition.

**10b. Premium Processing of I-539s Accompanying I-129s: NAFSA and the international communities that we support greatly appreciate the early 2023 USCIS update that H-4 and L-2 applications for extensions or changes of status and work authorization will now be adjudicated with a principal's Form I-129 nonimmigrant petition when those forms are concurrently filed. Considering how impactful this policy change is, does USCIS have a written resource or announcement outlining this update that it can share, aside from the *Edakunni v. Mayorkas* settlement agreement itself? In certain instances, this concurrent processing has not occurred. When that happens, what is the best way to notify USCIS (e.g. contacting the Premium Processing Unit, etc.)**

**Response:** Premium processing is not available for Form I-539 applications filed for dependents of a Form I-129 beneficiary classification. However, applications for change of status or extension of stay properly filed together with a Form I-539 for derivative H-4 or L-2 status will be adjudicated at the same time as the principal's Form I-129. This means that an officer will review the H-4 or L-2 derivative's Form I-539 as soon as possible after reviewing the principal's Form I-129 and will take appropriate adjudicative action (that is, issue an RFE, NOID or refer for an investigation, or issue an approval or denial) after that adjudicative review when the derivative's Form I-539 is packaged together with and properly filed at the same time and in the same location as the principal's Form I-129. Individuals applying for other classifications may request expedited processing on a case-by-case basis. For more information, please see our [Options for Terminated Workers](#) page and [How to Make an Expedite Request](#) page on [uscis.gov](https://uscis.gov).

**10c.i. Registration System: Could you provide a general overview of how the new electronic registration system has been working for the 3 fiscal years that it has been in place for cap-subject H-1Bs? How is USCIS addressing the huge increase of eligible registrations for beneficiaries with multiple eligible registrations (i.e. an increase from 28,125 in FY 2021 to 408,891 in FY 2024), which USCIS has acknowledged “has raised serious concerns that some may have tried to gain an unfair advantage by working together to submit multiple registrations on behalf of the same beneficiary.”**

**Response:** The H-1B registration system was introduced in FY 2021 as a requirement for petitioners seeking to file H-1B cap-subject petitions. Rather than submitting full paper petitions to enter the H-1B cap selection process, petitioners now submit a registration through their USCIS online account. This has saved both petitioners and USCIS time and money, as petitioners no longer have to prepare full petitions in advance of the H-1B cap selection process and USCIS no longer has to intake hundreds of thousands of paper-based petitions that must be rejected and returned if not selected.

The user experience for the H-1B cap electronic registration process has continuously been well-received by users, who have provided a high satisfaction score with the system for each year (the FY 2024 cap had a user score of 4.84 out of 5).

During the registration period for the FY 2024 H-1B cap, USCIS saw a significant increase in the number of registrations submitted compared to prior years. Generally, USCIS saw an increase in the number of registrations submitted, the number of registrations submitted on behalf of beneficiaries with multiple registrations, and the number of registrations submitted on behalf of unique beneficiaries with only one registration. USCIS saw upward trends in the FY 2022 and FY 2023 H-1B registration periods, as well.

The large number of eligible registrations for beneficiaries with multiple eligible registrations – much larger than in previous years – has raised serious concerns that some registrants may have tried to gain an unfair advantage by working together to submit multiple registrations on behalf of the same beneficiary. This may have unfairly increased their chances of selection. USCIS remains committed to deterring and preventing abuse of the registration process, and to ensuring only those that follow the law are eligible to file an H-1B cap petition.

The H-1B program is an essential part of our nation’s immigration system and our economy, and USCIS is committed to implementing the law and helping meet the ever-changing needs of the U.S. labor market.

**10c.ii. What has USCIS learned over the past 2.5 cap seasons that would help international student/scholar advisors to better support students/scholars who may be pursuing an H with an employer (or wish to in the future)?**

**Response:** USCIS begins selecting registrations for the H-1B cap early in the calendar year, generally a 14-day period in March. This deadline is easily missed by international students who are focused on their studies and have not yet begun their search for employment. We would encourage advisors to find interested students/scholars early to assist with their job search in order to obtain a legitimate job offer from a prospective H-1B petitioner prior to the registration period. Additionally, the student/scholar would need to satisfy the degree requirements (including equivalencies) prior to the filing of their petition. The petition filing period for those with selected registration notices generally begins in April, after the registration period closes, and goes through the end of June.

**11. [J-1 Waiver of the Exchange Visitor Two-Year Home-Country Physical Presence Requirement] A/ROs regularly report lengthy processing times for exchange visitors to receive no objection waiver recommendations from the Department of State for waivers of the 212(e) home residency requirement. In cases where a change of status from J-1 is needed, timing can be very challenging because of this. Once USCIS receives the Department of State no objection waiver recommendation, what are average adjudication times for the I-612?**

**Response:** Normally, approximately two weeks. Once we receive the “no objection” statement from the Department of State, USCIS is open to expediting the case. However, applicants must formally request expedited treatment. For more information, see the [How to Make an Expedite Request](#) webpage on [uscis.gov](#).

**11a. In cases where timing is very tight, will USCIS allow for a petition to be filed with only the no objection statement?**

**Response:** Yes, and applicants can also file a petition without the “no objection” statement but the change of status cannot be approved without a favorable recommendation from DOS so it would be a split decision.

**11b. Would USCIS consider expediting the I-612 approval in cases like this?**

**Response:** Yes, but there would need to be a change of status filing pending (such as the Form I-129).

**12. [Information Systems Integrations]**

**12a. CLAIMS (OPT Processing Data): DSOs rely heavily on the CLAIMS data that feeds into SEVIS reflecting the status of students’ filings with USCIS. At times, however, CLAIMS data has been unreliable and/or delayed. Can you share how this dataflow from USCIS to SEVIS works, and what would cause a delay in the dataflow? Is there a direct reporting mechanism that you would like DSOs to utilize when they notice a CLAIMS issue?**

**Response:** USCIS did experience a delay in the transmission of data from CLAIMS to SEVIS, which occurred in November 2022. The delay was due to a technical issue that has since been resolved. There have not been any more reported instances. Since this occurrence, additional monitoring and notifications have been instituted to ensure timely transmission of data to SEVIS. USCIS is open to exploring avenues for DSOs to directly report any issues they may be experiencing with USCIS data being displayed in SEVIS but we need to discuss the best approach to this with technical team leads across the enterprise.

**12b. CLAIMS (Change of Status Data & Cap-Gap): Traditionally, CLAIMS has pushed information to SEVIS in the case of F-1 students with pending or approved change of status to H-1B applications. This information then triggers the application of a Cap-Gap extension to the student's F-1 SEVIS record. When this CLAIMS procedure does not properly flow, the Cap-Gap extension is not automatically applied and DSOs pursue corrections with SEVP, which becomes quite a time-consuming task when multiplied by the number of students needing the data fix and the documentation SEVP requires to include with the tickets. Does USCIS have an update on efforts to sync this particular CLAIMS data with SEVIS?**

**Response:** USCIS is currently meeting with the SEVIS team monthly. As of a few weeks ago on September 19, the SEVIS team is still discussing the requirements internally and they will share these requirements with USCIS for further consideration once they are finalized.

**12c. CLAIMS (Change of Status and Consular Processing): Similarly, each year on October 1, DSOs find a striking number of their F-1 students' SEVIS records have erroneously been closed because the SEVIS system did not accurately capture that their H-1B was approved for consular processing, and not change of status. Can you speak to the CLAIMS data and why it does not always reliably convey whether an H-1B approval is for consular processing or change of status?**

**Response:** USCIS works with the SEVIS team on information-sharing between the two systems to continually improve the exchange of relevant data. We certainly understand the concern and can take this back for further consideration.

**12d. SAVE: Many schools report issues that students have with the Social Security Administration and state Registry/Department of Motor Vehicles based on incorrect data in SAVE. This primarily impacts those who have been approved for changes of status or those who were approved for OPT and then changed degree levels or completed a SEVIS transfer. SAVE pulls data from the previous status or the previous OPT segment, rather than the correct information from the current and active new SEVIS record.**

**12d.i. Is USCIS aware of these data issues with SAVE?**



**Response:** NAFSA raised this concern with USCIS in May 2023. Upon notification, the SAVE team researched and did not see these issues when analyzing case data in response to the inquiry. Upon receipt of this second inquiry on the topic, USCIS again reviewed system data as well as feedback from various stakeholders. We were unable to find examples of the issue described by NAFSA. As explained below, providing specific SAVE verification case numbers would be helpful as we are unable to find examples of this issue based solely on broad descriptions.

#### **12d.ii. How does USCIS data feed into SAVE?**

**Response:** SAVE is an online information service for authorized federal, state, territorial, tribal and local benefit-issuing agencies, that allows registered agencies to verify their benefit requestors' U.S. citizenship or immigration status. SAVE verifies immigration status/categories and naturalized/acquired U.S. citizenship. SAVE's verification results reflect "point in time" immigration status, not a full immigration history.

To request verification, registered SAVE users submit a benefit requestor's first name, last\_name, date of birth, and at least one unique numeric identifier, such as an A-number, I-94 number, SEVIS number, Naturalization/Citizenship Certificate Number, Card/I-797 Receipt Number, or Visa Number. For initial/automated verification, SAVE uses a USCIS information technology service that automatically compares the data provided by the SAVE user agency with data in DHS-accessed federal government immigration records systems.

SAVE's automated response includes one class of admission and employment authorization information, if any. For additional/manual verification, status verification personnel research immigration records using direct access to immigration records systems and other tools. SAVE manual responses include a "point in time" snapshot of all immigration status/categories, employment authorization if any, as well as pending immigration applications. SAVE users may find detailed information regarding immigration documents and where to locate the numeric identifiers on the SAVE Commonly Used Immigrant Documents page.

Common errors in data submission include not entering the benefit requestor's name and information exactly as it appears on their immigration document, and transposing names, dates, numbers, or letters.

SAVE is not an independent source system for immigration records. Instead, SAVE relies on government source data systems for information. We are aware of the potential for data mismatches between user submitted data and the source systems for immigration records. Because of this, SAVE's verification process can be a three-step process. If data is not automatically matched or the agency receives an unexpected result, they may request additional manual verification. This includes trained personnel researching and reviewing databases and, if necessary, hard file information. The requesting agency may also be instructed to upload a document demonstrating the benefit requestor's immigration status.



A registered SAVE agency may reach out to their assigned Agency Relationship Manager if they experience unexpected results. If a record is inaccurate in a source system, it must be corrected by the agency that administers the system.

Benefit seekers can find information about how to request records correction on the SAVE Fast Facts flyer.

### **12d.iii. What steps are being taken to remedy these issues?**

**Response:** We are constantly seeking to update and improve SAVE processes. We work continuously with our partner agencies to identify and address data anomalies when they are identified.

As noted, SAVE uses a three-step process to verify cases. If the initial verification (first step) does not produce a data match or does not produce the match expected by the requesting agency, or the benefit requestor, the agency may request additional verification (second step). As part of additional verification, the agency may submit updated or corrected data and is encouraged to submit a document issued by the U.S. government reflecting the benefit requestor's immigration status. If the additional verification does not result in a match, the agency may submit the case for further verification (third step). At third step, the agency must submit a document.

If NAFSA members have identified specific cases of concern, please coordinate with the state user agency to provide SAVE case numbers or applicant information (first and last name, date of birth, and immigration identifier such as A-number or Form I-94 number) that will enable SAVE to research cases where there appears to be an issue.

### **12d.iv. Currently students are often told that the issue is with the SEVIS record and directed back to the DSO, who is powerless to provide assistance if the SEVIS record is accurate. If nothing can be done to resolve the data issues, would USCIS consider additional training/resources to make SAVE users aware of these issues and how to resolve them?**

**Response:** SAVE has provided training regarding this topic and others to Departments of Motor Vehicles and is actively working to schedule a similar training with the Social Security Administration. A successful SAVE verification depends upon the documentation and data provided by the public benefit/license applicant. SAVE asks that NAFSA also pass along the following best practices for benefit/license applicants: Present their most recent immigration documentation, and ensure the name, date of birth, and immigration enumerator (USCIS/A-number, I-94 number, etc.) on the benefit/license application exactly matches the data listed on their immigration documentation. If the applicant has more than one acceptable document, the agency is encouraged to enter all available immigration identifiers into SAVE.

## **13. [H-1B and F-1] Modernizing H-1B Requirements and Oversight and Providing Flexibility in the F-1 Program: In the Spring 2023 Unified**

**Agenda, we see that “Modernizing H-1B Requirements and Oversight and Providing Flexibility in the F-1 Program” has been carried over. This item (RIN 1615-AC70) touches on regulations governing H-1B specialty occupation workers and F-1 students who are the beneficiaries of timely filed H-1B cap-subject petitions, and specifically mentions flexibility for start-up entrepreneurs, H-1B site visits, cap-gap issues, and more. Generally speaking, what is USCIS’s goal or intention with this item?**

**Response:** DHS is working on a proposed rule that would amend its regulations governing H-1B specialty occupation workers and F-1 students who are the beneficiaries of timely filed H-1B cap-subject petitions. Specifically, DHS plans to propose changes to the regulations governing the "employer-employee relationship" and provide flexibility for start-up entrepreneurs; implement new requirements and guidelines for site visits including in connection with petitions filed by H-1B dependent employers whose basic business information cannot be validated through commercially available data; provide flexibility on the employment start date listed on the petition (in limited circumstances); address cap-gap issues; bolster the H-1B registration process to reduce the possibility of misuse and fraud in the H-1B registration system; and clarify the requirement that an amended or new petition be filed where there are material changes, including by streamlining notification requirements relating to certain worksite changes, among other provisions.