



NAFSA Fall 2024 Regional Conferences

U.S. Citizenship and Immigration Services (USCIS) Current Issues Questions and Answers

Question 1: First, would you please share recent developments and those on the horizon at USCIS that might affect our community?

Answer 1: On August 27, 2024, USCIS updated its policy guidance in the [Policy Manual, Volume 2, Part F](#), regarding when students may be eligible for [optional practical training \(OPT\) extensions](#) for science, technology, engineering, and mathematics (STEM) fields. This update also clarifies guidance for [F/M nonimmigrant students](#) concerning online study, school transfers, the grace period, and study abroad.

Also, we'd like to let you know about the Gender-Based Violence (GBV) Student Toolkit.

The DHS-wide Council on Combating Gender-Based Violence (CCGBV) and the Department of Education have published a toolkit on gender-based violence for international students attending U.S. colleges and universities. The toolkit is an online hub for information and resources to help international students:

- Understand what GBV is;
- Know what to do if they see or experience GBV, including how to report it;
- Learn about on-campus and off-campus resources; and
- Become familiar with immigration options that may be available to them if they are a victim of GBV.

The toolkit provides information about specific types of GBV, including domestic or dating violence, sex-based harassment, stalking, online harassment and abuse, forced marriage, female genital mutilation/cutting, and human trafficking. It also includes information about how GBV may affect students' studies and immigration options for students who have experienced certain types of GBV, as well as ways to report GBV and where international students can seek help if they have witnessed or experienced GBV.

STEM OPT CIP Code Challenges

Question 2: We have seen a significant increase in the number of Requests for Evidence, Notices of Intent to Deny, and even denials for STEM OPT I-765 applications related to USCIS concerns about the STEM CIP code chosen for a particular program. In these cases, the CIP code on the Form I-20 appears on the DHS STEM Designated Degree Program List, but USCIS questions the student's eligibility because the academic program's title on the diploma or transcript does not exactly match the associated CIP code. For example, RFE language has stated "a review of the evidence you submitted indicates that you completed a Master's in X degree (degree as listed on diploma or transcript), which is not listed on the DHS STEM Designated



Degree Program List. The evidence you have submitted does not show how your degree relates to the CIP code listed on your Form I-20 and in SEVIS.”

In academia, it is not uncommon for the CIP code title and degree title to differ. According to the Department of Education, CIP codes provide “a taxonomic scheme that supports the accurate tracking and reporting of fields of study and program completion activity.” CIP codes were intended to reflect fields of study, not necessarily specific degrees or majors at U.S. universities. CIP codes will not necessarily match the degree or major, nor is this required. According to the [Institute of Education Sciences/Department of Education](#), schools have the authority and responsibility for choosing the correct CIP code to align with their program requirements. Our institutions have processes in place to ensure that the CIP code is vetted and appropriate for a given program. Such determinations are often made at the university (or even state university system) level, and progress through various levels of approval. Such degree program and CIP code alignment often involves comparison of the program of study to the [U.S. Department of Education \(National Center for Education Statistics\) CIP code descriptions](#). These RFEs and denials are causing significant burden to schools and applicants.

- a. What is causing USCIS to send RFEs about STEM OPT eligibility and CIP code alignment, especially if the CIP code and field of study listed on the I-20 is on the STEM-eligible list?
- b. Can USCIS give specific examples of what type of evidence USCIS is looking for in cases where an RFE is sent because the degree/major name on university degree documents does not match the CIP code field of study exactly?
- c. Is there anything that schools can do to proactively prevent these RFEs and NOIDs?

Answer 2: These are important questions, and we appreciate them. We are looking into these stakeholder concerns.

Question 3: USCIS has shared with NAFSAs 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 I-765 as soon as possible (before their window of eligibility closes). We have advocated with USCIS before to allow some form of expedited processing for these OPT withdrawals, and we had asked USCIS during the 2024 Annual Conference about the possibility of having a withdrawal function through myUSCIS. Is there any particular expedited process available or in development?

Answer 3: Withdrawals are prioritized when sent through the designated school official (DSO) mailbox. A case may be withdrawn at any time before a final decision is made, and the Potomac Service Center makes an effort to prioritize withdrawals given the eligibility window concerns.



In addition, the USCIS Contact Center assigns those cases to the Card Correction Team when they receive withdrawal requests via the Service Request Management Tool (SRMT). That said, USCIS does also strive to maintain a first-in and first-out workflow for all student applicants with customer service inquiries. At this time, developing a standalone expedite process for student withdrawals is not being considered for the immediate term.

My USCIS OPT Filing/Application Questions

Question 4: DSO Recommendation and I-765: DSOs and students greatly appreciate the efficacy of the online I-765. However, DSOs report that some students continue to submit OPT applications without uploading an I-20 reflecting the DSO's OPT recommendation (an "OPT I-20"). Specifically, students file the I-765 uploading a current I-20, neglecting to ask their DSO for an OPT recommended I-20 at the time of filing. These students eventually realize their mistake and call USCIS for assistance. We have many reports of students being instructed by USCIS to upload an OPT I-20 in the "unsolicited evidence" section. However, 8 CFR 214.2(f)(11)(i)(B)(2) clearly states that the OPT recommendation must be issued prior to filing. USCIS has approved some of these cases, but others are denied or even approved and then revoked.

Does USCIS have any plan to upgrade the system to at least add language warning students against filing without the OPT I-20?

Answer 4: USCIS is looking into developing a warning bar that will warn students against filing without the Form I-20 containing the DSO's recommendation for OPT. At this time, we do not have a timeline for development and delivery.

Question 5: What course of action should students take if they have already submitted their application and their OPT recommendation was either not yet issued or issued after submission of the I-765?

Answer 5: If the Form I-765 for OPT is filed before the DSO enters their recommendation in SEVIS and there is no valid Form I-20 at the time of filing, the application will be denied. In this scenario, the student may file another Form I-765 with the DSO-endorsed Form I-20, but they must still file their second Form I-765 by the regulatory deadline. The first Form I-765 will be denied due to the lack of the DSO recommendation. If the second Form I-765 is denied, the DSO can use the DSO mailbox to request a review. All regulatory deadlines still apply (for example, for post-completion OPT, the F-1 student must apply within 30 days after their DSO enters the recommendation for OPT into their SEVIS record and no later than 60 days from the program end date; students can file up to 90 days before the program end date.) For STEM OPT extensions, a student may file up to 90 days before their current EAD expires and no more than 60 days after the DSO enters the recommendation. USCIS is working on a technical update to



clarify that a student seeking a STEM OPT extension may file Form I-765 no earlier than 90 days before their current EAD expires and no later than 60 days after the DSO enters the recommendation.

Question 6: Our understanding is that OPT applicants do not receive an electronic receipt notice through MyUSCIS; rather, the receipt notice is mailed. Why is this the case, since many other processes filed through MyUSCIS do result in an immediate electronic receipt notice? Are there plans for an electronic receipt to be issued in the future?

Answer 6: OPT applicants receive an electronic receipt notice through their USCIS online account. We would need receipt numbers to investigate further. These can be sent to the public.engagement@uscis.dhs.gov mailbox.

Question 7: DSOs and students are reporting an increase in processing times for OPT requests filed without premium processing. Can you share any data to help us understand how/if OPT processing times have changed since premium processing was implemented? Has there been an increase in processing time for applicants who do not request premium processing?

Answer 7: While premium processing cases are prioritized, there are currently no delays in processing non-premium processing cases. Cases are adjudicated based on a first in first out order. The processing time displayed on the public website for Form I-765 OPT applications represents how long it took USCIS to complete 80% of adjudicated cases over the past six months. These processing times do not include premium processed applications. The median processing time in 2023 was 1.2 months; in FY 2024, the median processing time (through August 2024) is 2.1 months (these exclude premium processed cases). Although there has been a slight increase in processing time, there has been corresponding increase in receipts during this time period. In FY 2023, USCIS received approximately 238,400 applications; in FY 2024 (through August), USCIS has received 285,000 applications.

Information Systems Integrations

Question 8: CLAIMS (Change of Status and Consular Processing): Each year on October 1, DSOs find a striking number of their F-1 students' SEVIS records have erroneously been completed because the SEVIS system did not accurately capture that their H-1B was approved for consular processing, and not change of status. We have received reports of STEM OPT denials in late 2023 due to a "change of status" being noted in the SEVIS record.

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?

Answer 8: Our OIT C3 and ELIS teams are actively engaged with ICE SEVP to enhance our data integration between systems. The teams have set up recurring meetings to discuss and provide updates. These questions and issues have been at the forefront of the discussions.



Question 9: During the Annual Conference, USCIS noted that its teams are actively engaged with ICE SEVP to enhance data integration between systems. How often does such engagement occur and what progress has been made so far?

Answer 9: USCIS engages with ICE SEVP at monthly meetings if not more frequently. We are making progress but integration is affected by ICE SEVP's limited resources to enhance data integration between the systems.

Question 10: SAVE: What does the SAVE system show to DMV stakeholders when an individual is in a period of H-1B portability or has a 240-day extension of work authorization that is common with extensions of many types of nonimmigrant statuses? The issuance of driver's license renewals is inconsistent in such scenarios. Could training be provided to let participating agencies know that such individuals are both authorized to be in the U.S. and authorized to work, as per federal regulations?

Answer 10: An initial SAVE response for this scenario would be "Non-Immigrant – Temporary Employment Authorized" through the H-1B Form I-94, Arrival/Departure Record, validity date. If the initial verification does not produce a data match or does not produce the match expected by the requesting agency or the benefit applicant, the agency may request additional verification. As part of additional verification, the agency may submit updated or corrected data and is encouraged to submit a document issued by DHS demonstrating the benefit applicant's immigration status. If the additional verification does not result in a match, the agency may submit the case for further verification and must submit a document, such as, in the case of a H-1B with an extension, Form I-797C, Notice of Action, showing receipt of the Form I-129, Petition for a Nonimmigrant Worker, submitted by the employer.

If a Form I-129 is pending, an additional verification response could provide either: 1) the H-1B is porting and in an authorized period of stay with employment authorization until a decision is made on the Form I-129 or 2) the H-1B authorized period of stay and employment authorization is extended until the I-94 validity date + 240 days and a Form I-129 is pending.

Issuing a driver's license renewal is subject to the requirements of each state or territory's motor vehicle agency, including acceptable evidence and eligibility to renew a driver's license based on a pending USCIS petition. SAVE meets regularly with DMV administrators at regional and annual conferences to provide updates and guidance. SAVE additionally provides monthly webinars on a variety of topics that are available to all SAVE user agencies, including DMVs. For specific issues, please contact SAVE.help@uscis.dhs.gov with the SAVE verification number. For information on SAVE news, visit the [SAVE webpage](#) and to join free webinars visit the [SAVE webinar page](#).

Question 11: In response to Annual Conference questions, USCIS noted that for specific issues, the SAVERegistration@uscis.dhs.gov email address could be used with the SAVE verification



number. Who is able to use this email address, and what type of assistance can be provided through it?

Answer 11: Please use the email address SAVE.help@uscis.dhs.gov. For case assistance, please include the SAVE case verification number. Agencies may use this email address. We do not handle inquiries from benefit seekers. Verification Customer Support staff are trained to handle a wide range of SAVE inquiries.

SEVIS Transfers While Reinstatement is Pending

Question 12: 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. February 2023 [SEVP transfer FAQs](#) and May 2023 [USCIS FAQs](#) describe revised procedures on transferring a SEVIS record while an application for F-1 reinstatement is pending with USCIS. The guidance indicates the possibility of a student transferring while a reinstatement application is already pending with USCIS. This involves the DSO at the transfer-out school canceling the reinstatement request in SEVIS and transferring the terminated record. Then, the DSO at the transfer-in school would enter a reinstatement request in SEVIS. USCIS would need the updated Form I-20 as well as a letter from the DSO indicating support for the transfer to the new school. For this option, the student must have been pursuing a full course of study at the school he or she was last authorized to attend; otherwise, he or she would need to stay at the school that supported the reinstatement (and transfer after approval) or withdraw the reinstatement application.

Does USCIS have any information or best practices as to this transfer policy, given that it has been in effect for over a year?

Answer 12: Applicants should work with the DSOs at the respective schools to ensure that their SEVIS records are updated on time and submit any documents we request.

If they have filed online, applicants can upload documents to their USCIS online account or if they have filed via paper, mail them to the respective service center for USCIS to consider as part of their record at any time prior to final action on their application.

Question 13: How does USCIS wish to receive the new I-20 and letter of support from the transfer-in school? If the I-539 was filed via MyUSCIS, USCIS indicated in response to Annual Conference questions that this documentation can be uploaded to MyUSCIS. Should it be uploaded as unsolicited evidence? Would this automatically prompt USCIS to review such evidence?

Answer 13: Evidence submitted in response to a RFE or NOID should be submitted using the Respond with Evidence button within the required timeframe for response. Applicants who need



to submit additional information to USCIS while a case is pending may use the Unsolicited Evidence button. Officers are instructed to review evidence uploaded to a case as a timely response to a RFE and NOID. Officers also have the discretion to review any other evidence submitted by the applicant before making a final determination.

Question 14: What if the I-539 was filed via paper submission? USCIS indicated that the documentation can be mailed to the respective service center prior to final action, but what should we include in the submission to ensure it makes its way into the reinstatement application “file”?

Answer 14: Officers are required to review the file’s history before making a final decision. If the history indicates that correspondence has been received at the mailroom, but the correspondence has not yet made it to the file, officers must wait until that evidence reaches the file before making their decision. Applicants should include the receipt number of their pending application on the correspondence to ensure that it is matched to the file in a timely manner.

I-539 Change of Status Approval Dates

Question 15: The option to use premium processing for I-539 change of status applications has been a very helpful improvement to the process for students and scholars to request a change of status. Understandably, we are now seeing more Change of Status cases adjudicated (and approved) more than 30 days before the Form I-20 or Form DS-2019 start date. USCIS Policy Manual at 2 USCIS PM-F.8 says: "Officers grant the COS with an effective date of the applicant’s F-1 status as the day of final adjudication (approval), regardless of whether it falls within 30 days of the academic program start date."

Can USCIS provide guidance on how best to communicate with the agency in situations where the student would like their new status to begin on the program start date indicated on the I-20 (e.g. a situation where an H-1B worker plans to work until the end of their authorized period of H-1B status and then begin F-1 status afterwards)?

Answer 15: Applicants should indicate the day they want their new status to begin in Part 2, Question 2 on the Form I-539 application. The change of status should be approved as of date of adjudication or the requested start date, whichever is later.

Question 16: If a change of status is approved with an effective date that is neither the approval date nor the I-20/DS-2019 start date, are there any options available to the applicant to have the effective date shifted?

Answer 16: The change of status should be approved as of the date of adjudication or the requested start date, whichever is later. If USCIS has made an error on the validity start date, the student should reach out to the contact center by calling or through our virtual assistant, Emma.



Question 17: Per USCIS, myProgress provides applicants with access, in their online account, to personalized estimates of their wait time for major milestones and actions on their case, including their final case decision. USCIS notes that these estimates are based on case type and historical patterns, are not a guarantee of timing, and cannot take into consideration all possible unique application processing factors. The purpose is to increase transparency in the adjudication process. However, only student applicants can see this timeline, for example, with an I-765 application for post-completion OPT. Attorneys and DSOs have no such access. In early May, various reports indicated that MyProgress showed an 8-month estimated time until case decision for OPT applicants. However, on [Check Case Processing Times](#), 80% of case completions for the same application are within 3.5 months, a large difference. USCIS also notes that “Applicants will still need to visit the public Check Case Processing Times webpage to determine if they are eligible to file an Outside of Normal Processing Times service request.”

How are historical patterns used to estimate case processing timelines through MyProgress? What is the difference between how processing times are calculated via MyProgress versus Check Case Processing Times? Why are there two different systems for such calculations, and is there a plan to eventually discontinue one of these?

Answer 17: The processing times posted to the Check Case Processing Times webpage show the amount of time it has taken us to complete 80% of adjudicated cases over the past 6 months. While 100% accurate, this is a somewhat historical view and may not be indicative of how long a pending or soon-to-be-filed case may take. myProgress attempts to fill that gap and predict how long we think a case will take. It looks at historical trends but will also consider factors like pending inventory, case information, and how quickly cases are moving through an office. Because it is a prediction, it will not always be correct. However, as a case moves through the process – and, thus, we have more data points associated with the case – the myProgress estimates become more accurate. At this time, there are no plans to discontinue the Check Case Processing times or the myProgress estimates. Rather, we plan to better distinguish between and explain the purposes of the two calculations.

Question 18: Is there a timeline as to when attorneys may have access to MyProgress?

Answer 18: We are currently working on an updated myProgress experience. We want to complete that work – which will address several pain points with the current experience – before expanding myProgress to the representative account.

Question 19: As online filing for Form I-129, Petition for a Nonimmigrant Worker for H-1B petitions and Form I-907, Request for Premium Processing Service is now available using USCIS Online Accounts:

Can USCIS discuss any lessons learned or best practices in the H-1B online filing process?



- Answer 19:**
1. Read the instructions completely before doing anything else.
 2. Get evidence ready before you begin the form. This includes uploading or scanning documents, translations, and certifications, and giving the files short names with clear meanings.
 3. Remember that you can log-off and we will save the draft form. There is no need to complete the form all in one sitting.
 4. Take your time, check your work, and confirm all addresses/phone numbers/birthdates before submitting the form.

Question 20: Can USCIS discuss the factors that a college or university should consider in creating and structuring an organizational account so it can file Form I-129 online?

Answer 20: A college or university that would like to set up an organizational account should start by deciding who will be the administrator(s) for the group. One of those administrators should set up the group and then send an invitation to all other individuals at the college or university who would like to collaborate on I-129s. The invitation will allow the other individuals to create an account, join the same group, and access the same information.

Question 21: Is USCIS planning to allow for templates to be set up or data to be pre-populated for university and other employers, such as name, address, FEIN, etc.?

Answer 21: We are looking to improve the ability to pre-populate information from the H-1B registration to Form I-129 to help improve the experience of submitting Form I-129 online.

Question 22: Is USCIS planning to allow for concurrent I-539s for an H-4 and I-765s for H-4 EAD to be filed online, and is there a particular time frame?

Answer 22: USCIS is aware of the interest in making this form available for online filing. We do not have a projection for when the concurrent filing capability will be available.

Question 23: Can USCIS comment on any future forms or processes which may be available in an online format?

Answer 23: USCIS is not able to comment on future forms or processes at this time, but USCIS is continuing to work to expand the forms that are available for online filing.

Question 24: Are downloaded approval notices (which contain an updated I-94) available to petitioners in MyUSCIS valid for I-9 purposes?

Answer 24: A downloaded version of Form I-94 is valid evidence of immigration status and is acceptable for Form I-9, Employment Eligibility Verification, purposes if the employer ensures that it appears to be genuine and relates to the individual presenting it.



Question 25: Since the April 1, 2024, implementation of the USCIS fee rule and the change in the filing location for H-1B petitions, we have received some reports that USCIS has been placing a stamp over the payee section of each check before depositing it. Because this stamp is placed in the payee section, it has triggered a problem with different University banks, since the stamp appears to alter the payee of the amount listed in the check. This can create a significant additional administrative burden for university finance departments.

Is this practice still occurring, and if so, why is it occurring?

Answer 25: No, USCIS identified this issue in June and discontinued the practice of stamping over the payee line as of July 1, 2024.

Question 26: If USCIS would like petitioners to enter different information in the payee section of the checks for filing fees, can you please issue updated guidance to this effect?

Answer 26: There is no need to enter different information in the payee section as the practice of stamping over the payee line has been discontinued.

Question 27: How can we notify USCIS and request correction when we find an error in the USCIS Policy Manual? For example, in the STEM OPT guidance in Volume 2, Part F, Chapter 5, the Policy Manual states, “F-1 students may submit a properly filed Form I-765 up to 90 days before the expiration of the F-1 student’s current post-completion OPT EAD and no more than 30 days after their DSO enters the STEM OPT recommendation into SEVIS.” This is contrary to the federal regulation at 8 CFR 214.2(f)(11)(i)(C), which states that “The student seeking such 24-month OPT extension must properly file his or her Form I-765 or successor form with USCIS within 60 days of the date the DSO enters the recommendation for the OPT extension into his or her SEVIS record.”

Answer 27: Stakeholders can submit feedback on the USCIS Policy Manual at any time by emailing policyfeedback@uscis.dhs.gov. See the USCIS Policy Manual Feedback [webpage](#) for more information about providing feedback.

As for the feedback regarding the filing period for STEM OPT applications, please note that, on August 27, 2024, USCIS updated the USCIS Policy Manual regarding when students may be eligible for OPT extensions for STEM fields, but this update did not correct the issue NAFSA noted. NAFSA is correct that the timeframe should be 60 days, not 30 days. USCIS is working to correct this as soon as possible. The August 27 update guidance, found in Volume 2, Part F, of the Policy Manual, also provides clarifying guidance for F/M nonimmigrant students concerning online study, school transfers, the grace period, and study abroad. For more information, see the [Policy Alert](#).