

**Questions for
NAFSA/CSC Liaison Meeting
March 20, 2002**

Division I

1. What procedure should we take to expedite an I-485 for a child aging out within 6 months? and if the case is 6 months but less than 1 year?

A fax should be sent to Div. I (949)389-3055 and clearly marked "Age Out" in very large letters with an explanation of the circumstances.

2. It appears that adjudication of alien relative petitions (I-130) stopped for some reason. Is this true?

This is not true. There is a backlog, of course, but that can be seen in our JIT report.

3. How long are I-485s for professors taking?

If by professors you mean physicians with national interest waivers the last JIT report shows 06/08/01. If these are regular college professors with I-140 approvals they are treated as any other I-485s and the date in the JIT report is 08/29/01.

Division II

1. We would like clarification on the procedure on how to handle students who transfer to a new school while waiting for their change of status applications to be adjudicated. At different times we have been told to go ahead and process the transfer but keep the I-20 in the student's file, but this does not seem consistent with the regulations. At this point is there any way for an I-20 from the new school to be matched with the file? Please clarify.

At the present, the turnaround time has been cut down to about 30-45 days, so there does not seem to be a need for the new I-20. However, there will be some changes to the way we handle I-20s and I-539s for students and exchange visitors, more information will be forthcoming as soon as new procedures are in place.

2. The new I-539 form that went into use as of 1/1/02 states that the applicant should send the original I-94 with the application. It says to fill out the mailing label on page 5, which will then be returned with the original I-94 when the application is adjudicated. Is this now the correct procedure? Do you want the original I-94 form included with the application?

Yes, that is correct. The I-94 will be returned to the applicant.

3. What is the current processing timeframe for an I-94 replacement application (Form I-102)? Would CSC recommend that the student travel outside the U.S. and re-enter in order to obtain a new I-94? Additionally, what is the procedure for a correction of an I-94 (Form I-797A) that was issued without the I-94#; the Form I-797A only has the WAC#.

It should be about 45 to 90 days depending on the backlog. Leaving the country and returning solely to obtain an I-94 is a decision that must be made by the student, needless to say they would have to have an F-1 visa in their passport. If an I-797A is received without the I-94 number we should be notified by either fax or email and a corrected form will be mailed out.

[Jane's note: The current JIT report gives 2/28/02 as the current processing time]

4. Recently we had several COS to J cases where the IAP-66 form has been incorrectly marked as subject to the 2 year home residency rule. When incorrect info such as this is given on the IAP-66, the scholar must apply for an advisory opinion to have the situation corrected, which takes several months. The two most recent cases were citizens of Hong Kong and Switzerland with university funding. Is there a way to minimize these types of errors?

If INS is processing the IAP-66 and an error has occurred, let us know and we will bring it to the attention of the adjudicating officer. However, those issued by the Dept. of State overseas INS has no control over its classification or designation, the advisory opinion from the State is the only way to get a correction on the IAP-66.

Division IV

1. A student received an RFE for the signature card because she had signed it using Japanese characters instead of writing in English. Is it stated in the regulations that this is not allowed, or was it at the discretion of the contractor?

We would say, the applicant can sign the application in their own alphabet.

2. Recently, several students have received EAD's marked for optional practical training when they have applied for economic hardship. What is the current procedure for correcting a mistake made on an EAD?

Make a copy of the EAD, circle the error, write down the correction that needs to be done. Mail this, along with the actual card, to the street address of the CSC, to the attention of Officer P. Rafael, Work Station 14027. She will request the file to verify the information. If it turns out to be a Service error, a new card will be issued free of charge, otherwise the fee must be paid.

3. For a J-2 application for work authorization, does the applicant need to submit the marriage certificate as proof of familial relationship as part of the initial evidence? Is there any other evidence that could be initially submitted to assist in processing?

Yes, marriage certificate or birth certificate is required, or any other document to establish the relationship with the principle (eg passport). An IAP-66 and all the other documents generally associated with Js are also required.

4. When a student receives an I-797C Notice of Action, it lists the received date and notice date. In past meetings at CSC we were informed to count the days of processing from the received date. When a call is made to the automated system to check the status on a file, a third date (is usually somewhere in between the other two) is given. Students who try to apply for interim cards are being rejected based on the additional date.
 - a. From where does this date come?
 - b. Why should it not count from the printed I-797C form's Received Date?
There is no written verification of the additional date.

INS goes by what is known as "Receipt date" this is neither the date we received it nor the date it is postmarked, it is a date we use that is in between.

[Jane's note: It is the date that the check is cashed, and the application is keyed into the system. At this point in time, there is very little discrepancy between these dates, however it can still present a problem if student is applying for an interim EAD.

5. We have been told previously to be sure that the I-765 form is completed correctly and legibly because the initial data entry comes from this form. If the person doing the data entry is not sure of a name, do they verify it by the passport, I-20, etc?

No, data entry does not verify any of the information. They simply transfer what's on the application to the data base. Verification and changes are the duties of the officers who adjudicate them.

6. In light of previous lengthy processing at the service center, we were told by CSC to assure that students gain as much time as possible on the OPT, we should mark the beginning and ending date the I-538 and I-20 to include the phrase "or later, not to exceed 14 months."
 - a. Is this a practice we should continue?
 - b. The phrase is not always followed. Most often we see the card give the dates the application was adjudicated and end with the date entered on the form. In other words, the student receives work authorization for the adjudication date and it ends on his graduation date plus one year.
 - c. Is there anything else we could do to the applications to maximize the time allowed for OPT?

In some cases it is better to indicate this phrase. Because if possible we want everything in writing. However, as of now we are trying to separate these 30 days cases. One of the classifications mentioned is C3. So that we can give them enough time for the OPT. Also, page 4 of the I-20 is a very important part of the application. This page allows us to verify the endorsements and other relevant information.

[Jane's note: Some advisor's are forgetting to endorse page 4 of the I-20. This then requires the officer to send a "request for evidence" which slows down the application considerably.]

7. Passports should be valid at least 6 months into the future. Should students anticipate the date of adjudication or the date they mailed the application? For example, if a student will graduate on May 4, 2002 and he submits an application for OPT on February 4, 2002 (90 days prior to graduation) and his passport will expire on August 4, 2002. His passport is valid when he applies, but will be less than 6 months before expiration when the application will most likely be processed. Will this be a problem?

It does not seem to pose a problem since the status would be stamped or written on the I-94.

8. Has a decision been made on interpreting the 9-month eligibility rule for OPT for students who began their studies in a status other than F-1? For example, an individual in legal H1B status had also been pursuing full-time studies for one year. Before his H1B status ended, he submitted a change of status to F1 student. The change of status to F1 was approved 10 months later. He now has only two months to complete his degree. (He will have only been pursuing full-time studies in approved F1 status for two months.) Is he eligible for OPT upon the completion of his degree?

No, the student has to have been in F-1 status for nine months to be eligible for OPT.

[Jane's note: They also said that "if the delay is the fault of the INS" it will be considered as time spent in F-1 status for OPT purposes]

General Questions

1. How can the CSC resolve students' request for driver's license and SS cards when these 2 departments are not accepting the following documents submitted by students: I-94, I-20, passport, visa page. Some students are issued a temporary license or I.D. (renewable every 60 days) and are referred to DMV's Legal Presence Unit who claims to be waiting for "official" word from the INS regarding verification of student's status. Can the CSC give some definitive suggestions on how schools can assist students who are applying for Driver's License and Social Security Numbers?

We are trying to contact these agencies to get a clarification on their procedure, more information will be forthcoming.