



# NAFSA Annual Conference 2024 “USCIS: Current Issues” Q&A

On May 29, 2024, USCIS representatives participated in NAFSA’s Annual Conference using the subsequent questions and answers.

## **Q1. First, would you please share recent developments and those on the horizon at USCIS that might affect our community?**

Response: On Dec. 20, 2023, we issued policy guidance in the [USCIS Policy Manual](#) to address the nonimmigrant student (F and M) classifications. Specifically, the policy guidance:

- Provides general information about the nonimmigrant student (F and M) classifications and explains USCIS’ role in adjudicating applications for employment authorization, change of status, extension of stay, and reinstatement of status for F and M students and their dependents in the United States.
- Explains that F and M students must have a foreign residence that they have no intention of abandoning, but that F and M students may be the beneficiary of a permanent labor certification application or immigrant visa petition and may still be able to demonstrate their intention to depart after a temporary period of stay.

We are also working to update and clarify our policy guidance regarding science, technology, engineering, and mathematics (STEM) optional practical training (OPT) and other areas of interest.

## **Q2. New USCIS Filing Fees**

Thank you for the [March 21, 2024 technical correction](#) to the final USCIS fee rule, which confirms that, in addition to nonprofit organizations organized under IRC 501(c)(3), not-for-profit primary or secondary educational institutions and institutions of higher education:

- do not have to pay the Asylum Program Fee when filing an H-1B Form I-129 or a Form I-140, and
- are eligible for the Form I-129 filing fee discounts.

Form I-129 instructions state that “Possible evidence to support eligibility for the reduced fees includes the organization’s Determination Letter from the IRS or copy of a currently valid IRS tax exemption certificate.”

**What other evidence may be used to support eligibility for the reduced fees if specific IRS tax exemption documentation is not available? For example, would the Form 990 tax filing be acceptable? Would evidence that the university is a public institution meeting the requirements of section 101(a) of the Higher Education Act of 1965 be acceptable?**

Response: In the absence of specific IRS tax exemption documentation, a not-for-profit primary or secondary educational institution or a not-for-profit institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a)) may still qualify. Petitioners may submit any relevant evidence that shows their eligibility for a reduced fee by a preponderance of the evidence. As suggested, a copy of the first page of your most recently filed IRS Form 990, Return of Organization Exempt from Income Tax, would generally be acceptable evidence. For additional information, see our [Frequently Asked Questions on the USCIS Fee Rule](#) webpage.

### **Q3. New USCIS Filing Fees**

**In certain cases, an employing entity may be considered a “disregarded entity” (i.e. an entity with a single owner that is not separate from the owner for federal income tax purposes, and taxes are paid as part of the owner’s income tax return.) Another variation we see is from additional entities authorized and created by a public university. These entities are organizations wholly owned by a State and are not recognized as separate entities for federal tax purposes if they are an integral part of the state. What government filing fees will such entities have to pay for Forms I-129 and I-140?**

Response: A petitioner who believes they qualify for the fee discounts should present the evidence they have available and their eligibility for a reduced fee will be considered on a case-by-case basis by a preponderance of the evidence. An organization must be tax exempt as a nonprofit or a small employer as defined at 8 CFR 106.1(f) to be eligible for the Asylum Program fee exemption and reduced I-129 or I-140 filing fees. If the petitioner or its parent organization is subject to Federal income taxes, they will not be eligible for the fee discount as a non-profit. As noted on our [Frequently Asked Questions on the USCIS Fee Rule](#) webpage, to qualify for a fee reduction as a nonprofit entity, the organization must be either:

- Organized as tax exempt under the Internal Revenue Code section 501(c)(3), 26 U.S.C. 501(c)(3);
- A governmental research organization (as defined under 8 CFR 214.2(h)(19)(iii)(C));
- A not-for-profit primary or secondary educational institution; or
- A not-for-profit institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a)).

### **Q4. New USCIS Filing Fees**

**Given the complexity of filing fee determinations with the new final rule, are such decisions made by contractors in the mailroom or by adjudicating officers? Is there a means to request supervisory review for erroneous decisions?**

Response: An upfront review of eligibility for reduced fees is completed at intake, based strictly upon the petitioners’ responses to the new questions on the 04/01/2024 editions of the Form I-129, Form I-129CW, and Form I-140. If an incorrect fee is provided based on the answers the petitioner provides on the form, the petition will be rejected. If the petition is rejected, it may be resubmitted. The required fee for Form I-129, Form I-129CW and Form I-140 depends on how you answer the forms’ questions about your status as a nonprofit or small employer. Please refer to the [Frequently Asked Questions on the USCIS Fee Rule](#) for additional information. Note that, after acceptance of the petition, the adjudicator reviews the petitioner’s eligibility for the reduced fee based on the petition and evidence provided. Depending on the circumstances, the adjudicator could deny the petition if the fee provided was inadequate or issue a request for evidence (RFE) for payment of the shortfall.

#### **Q5. STEM OPT CIP Code Challenges**

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 is USCIS looking for in cases where an RFE is sent because the degree/major name on university 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?

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

#### **Q6. OPT 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 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. Is there any particular expedite process available?

Response: 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 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.

#### **Q7. My USCIS OPT Filing/Application Questions**

**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 either add additional language warning students against filing without the OPT I-20 or using technology to prevent submission of the request without the OPT I-20?**

Response: We must maintain parity between the paper and electronic filing processes and cannot implement disparate rejection criteria for applications that have these two filing options. We include guidance on our website and on the Form I-765 instructions advising applicants to:

- apply after their DSO enters the recommendation for OPT into their SEVIS record, and
- ensure the Form I-765 is properly completed and all necessary evidence is included.

**Q8. 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?**

Response: If the Form I-765 for OPT is filed before the DSO enters their recommendation in SEVIS and there is no valid I-20 at the time of filing, the application will be denied. In this scenario, the student MUST still file their second Form I-765 on time. 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 DSOs 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).

#### **Q9. Receipt Notices/Approval Notices not showing up in MyUSCIS**

**A. We are seeing an increase in OPT applicants reporting that they did not receive an I-797 Receipt Notice. There appear to be significant delays both with digital Receipt Notices appearing in MyUSCIS accounts and the paper version being mailed to applicants. How long should applicants wait before reaching out to request a Receipt Notice?**

**B. Applicants are reporting that their online case status reads: 'Your application has not been submitted. Although we have received your payment, you or your representative needs to call USCIS at 1-800-375-5283 in order to finish submitting your application.' When applicants call they are told that a tier 2 representative will call them back within 30 days. Can USCIS provide any clarity on why this is happening? Given the strict application deadlines, waiting up to 30 days for a representative to call them back could put the student in danger of missing their filing window. Does USCIS consider the application filed on the date that student paid, or the date that the USCIS representative finalizes submission of the application? Is there anything the applicant can do to expedite this process?**

Response: Regarding part A of this question, there should not be a delay in receiving receipt notices. Please reach out to USCIS with examples of receipt numbers that did not receive a notice and/or had a significant delay, and we can investigate further.

For most form types that were receipted within the past six months, including Form I-765, the applicant can submit a request directly to the Lockbox Support mailbox ([LockboxSupport@uscis.dhs.gov](mailto:LockboxSupport@uscis.dhs.gov)) to request the reissuance of a receipt notice.

Regarding part B of this question, this status message indicates the case is stuck in the process of submitting. Our systems are alerted when this happens and are able to work on moving the case through to submission without the applicant needing to take any action. We will adjust the language on this message so that this process is clearer to the applicant.

**Q10. Delays in MyUSCIS system updates & delays in receiving EAD cards. Students are receiving the approval notice for their OPT request, and SEVIS is updated to reflect the approval, but students are waiting several weeks to receive their EAD. This delay is forcing students to delay their employment start dates and risk accumulating unemployment time as a result. Is USCIS aware of these delays? Could USCIS please clarify the average length of time it should take from the date of OPT approval to receipt of the EAD? Is there anything an applicant can do to check on the status or location of their EAD after a case is approved?**

Response: After any Form I-765 is approved, the EAD card should be produced within two weeks. U.S. Postal Service (USPS) delivery times after card production vary. It can take up to 30 days from approval before an EAD card is received. We encourage applicants to use [Case Status Online](#) to find their USPS tracking number for EAD card delivery. If they have not received their EAD card within this timeframe, applicants can use [e-Request](#) to submit an inquiry.

**Q11. 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: In a final rule effective on August 1, 2023, DHS amended its I-9 regulations, creating a framework under which the Secretary of Homeland Security may authorize alternative document examination procedures for Form I-9 completion. This rulemaking did not change I-9 document requirements, which are set by statute and regulation. At this time, we are not considering amending or modifying I-9 regulations governing documents acceptable for Form I-

9.

#### **Q12. Correspondence with PSC**

**USCIS announced that the USCIS Potomac Service Center no longer accepts mailed correspondence beginning November 13, 2023. According to [USCIS's news alert](#), "applicants and their representatives should instead upload their responses to their USCIS online account (for receipt notices that start with IOE-) or mail them to the Texas Service Center." Although F-1 students file their I-765 applications with a USCIS lockbox, the Potomac Service Center generally handles the adjudication of F-1 applications such as OPT. Also, recent automated email responses from PSC to DSOs who have emailed documentation to that Service Center to update the STEM OPT employer for a pending STEM OPT application have received automated responses saying, "Thank you for contacting the Potomac Service Center (PSC) Student EAD Team. All documents must be uploaded into applicant's MYUSCIS account under the evidence tab. Please let us know if we may assist with any other concerns."**

**Can you review for us the procedures to do the following, both for applications that were paper-filed and those that were filed online? Update USCIS with a change in employment while a STEM OPT application is pending?**

Response: All applicants should report material changes of the STEM OPT student's employment by submitting a modified Form I-983 to the DSO at the earliest available opportunity to update SEVIS and the I-20. DSOs can also email the PSC-designated email address ([psc.studentead@uscis.dhs.gov](mailto:psc.studentead@uscis.dhs.gov)) with updated employer information for all applicants. Applicants who e-filed their Form I-765 can also provide updated information and evidence under "unsolicited evidence," but the SEVIS record must be updated also with the new information. If the application was filed with the lockbox (paper-filed), the documents are all scanned and uploaded in ELIS. If the application was filed through the DSO mailbox, the documents are forwarded to adjudications and uploaded to ELIS. Applicants may also upload documents on pending applications through myUSCIS, which allows them to monitor the status of their cases.

#### **Q13. EAD Start & End Date Issues**

**Start Date Issues: Under [8 CFR 214.2\(f\)\(11\)\(i\)\(D\)](#), "Employment authorization will begin on the date requested or the date the employment authorization is adjudicated, whichever is later." We have seen an increase in students receiving EADs with start dates before the student's requested start date. This is problematic because the student was in most cases not planning to begin work so soon, and this forces them to either accept the unemployment time caused by this mistake or attempt to get an EAD correction, which could take several weeks/months to process.**

**Could you clarify how adjudicators decide on the OPT start date? In what situations will adjudicators choose a start date that does not align with the requested start date on the I-20 and in SEVIS, or that otherwise does not align with [8 CFR 214.2\(f\)\(11\)\(i\)\(D\)](#)?**

Response: For STEM OPT, the validity start date will begin on the date after the prior post-completion OPT expires and the validity end date will be 24 months (minus one day) as indicated on the DSO recommendation. For post-completion OPT, the validity start date will begin on the date of adjudication or the DSO recommendation date, whichever is later. The validity end date will be the date recommended by the DSO, 12 months (minus one day) from the date of the adjudication or time remaining from previously granted OPT, whichever is earlier (not to exceed 14 months after program end date). Students who receive STEM OPT EAD

validity dates earlier than the requested start date, and the start date falls after the date of adjudication, should follow the process discussed in the next question.

**Q14.If a student receives an EAD with a start date that does not align with their requested start date and the requested start date will occur soon, is it possible to expedite the process to receive a corrected EAD?**

Response: If there is an error on the EAD's validity start date (because it does not align with the requested start date or the date of adjudication), the 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. Their DSO can then contact the PSC through the DSO-designated mailbox, and USCIS will prioritize correcting the error.

**Q15. EAD Start & End Date Issues**

**End Date Issues: Under [8 CFR 214.2\(f\)\(10\)\(ii\)\(A\)\(3\)](#), a "student must complete all practical training within a 14-month period following the completion of study." How should students proceed with an EAD correction when they receive an EAD with an end date that is more than 14 months after their program end date?**

Response: As stated above, if there is an error on the validity dates, the student may report the error to their DSO, who would then contact the PSC through the DSO- designated mailbox, or the student may send a letter explaining the issue through the Service Request Management Tool (SRMT) on myUSCIS. As the validity end date cannot exceed the 14-month period after their program end date, we would shorten the validity end date, so it does not exceed the regulatory limit.

**Q16. Typographical correction process for EADs**

**Applicants sometimes receive EADs that include typographical errors (incorrect OPT dates, typos to name or date of birth, etc.). Many practitioners are directing applicants to the [Typographic Error correction e-request page](#) on the USCIS website and advising them to wait for an email response, which often takes several weeks. Some applicants have chosen not to submit the e-request and have returned their EAD to the address provided on the document included in the envelope with their EAD (which is also the address the USCIS provides in its reply) and have successfully received their corrected EAD.**

**We asked in a previous question to share the process for obtaining a correction of an EAD that has typos or errors made by USCIS. Is there any additional information which might be helpful for NAFSAns to be aware of as we advise students and scholars on how to have typographical EAD errors corrected? If possible, in addition to information about the correction process that you previously shared, could you walk us through the exact steps to expect when pursuing a typographical error correction on an EAD?**

Response: If your EAD contains incorrect information due to a USCIS error, we will make the appropriate correction at no additional cost to you. In these cases, you do not need to submit a new Form I-765 or a filing fee.

If your request does not require you to submit evidence (for example, the error is a clear typographical error), you may submit a [service request](#) via the USCIS website. Please explain the error and include the correct information. Please select the "EAD Replacement due to

USCIS Error” option when submitting your request. You must also return the card containing the error to the following address:

USCIS  
Lee’s Summit Production Facility  
Attn: I-765 Replacement Cards  
7 Product Way  
Lee’s Summit, MO 64002

It will take approximately 30 days from the date the card is received for USCIS to process the request and, if we determine there is a USCIS error, to issue a new card.

You do have the option to mail in your request for correction and supporting documentation if your request does not require you to submit evidence. However, please note that we encourage you to use existing [online tools](#), such as the Service Request Management Tool (SRMT), when appropriate. For more information about the SRMT process please visit [Chapter 4 – Service Request Management Tool](#) in the USCIS Policy Manual. Using the SRMT may minimize the need for additional correspondence to be sent via mail (aside from your original card) and may help streamline the way in which we process your request. Please ensure you retain any copies of supporting documentation you send to USCIS.

If your request requires you to submit evidence to demonstrate the error and necessary correction (for example, the error relates to the EAD’s validity period), you may submit a letter explaining the error and corresponding evidence, along with the card containing the error, to address provided above.

**Q17. Information Systems Integrations  
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 closed 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? Is USCIS doing anything on its end to address this data integration issue?**

Response: Our OIT C3ELIS 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. The questions and issues below have been at the forefront of these discussions.

**Q18. Information Systems Integrations**

**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?**

Response: 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 the U.S. government 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 the agency 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 stay with employment authorization until a decision is made on the Form I-129 or 2) the H-1B authorized stay and employment authorization is extended until the I-94 validity date + 240 days and a Form I-129 is pending.

The issuance of 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 [SAVERegistration@uscis.dhs.gov](mailto:SAVERegistration@uscis.dhs.gov) with the SAVE verification number.

#### **Q19. SEVIS Transfers While Reinstatement is Pending**

**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?**

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

**Q20. 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, can this documentation be uploaded to MyUSCIS? What if the I-539 was filed via paper submission, since many students use attorneys for F-1 reinstatements, and attorneys cannot enter their G-28 for I-539s filed through MyUSCIS?**

Response: If they have filed online, applicants can upload documents to their myUSCIS 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.

**Q21. As to the requirement that the student must have been pursuing a full course of study at the school he or she was last authorized to attend, what if the student had an RCL but it had not been authorized by the DSO? That can be a reason for reinstatement, but can a transfer occur during the pending reinstatement in this scenario?**

Response: At the time of the reinstatement request, the student should be enrolled in a full course of study, unless otherwise approved by the DSO, at the transfer out school while the reinstatement is pending. However, if the student had an RCL that was not authorized by the DSO, that may be a maintenance of status issue and cause for USCIS to issue an RFE. USCIS may 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.

**Q22. USCIS has previously indicated that I-539 reinstatements are not eligible for premium processing but that this may change in the future. Does USCIS have any updates?**

Response: We do not have any updates to provide at this time.

**Q23. Does USCIS have any updates about when attorneys may be able to enter their G-28 for I-539s filed through MyUSCIS?**

Response: We do not have any updates to provide at this time.

**Q24. I-539 Change of Status Approval Dates**

**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)?**

Response: Applicants should clearly indicate on their Form I-539 the requested start date of their new status. For change of status to F-1 status, the validity period may be on the date of adjudication, or the date requested, whichever is later.

**Q25. 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?**

Response: 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](#).

#### **Q26. Premium Processing**

**Does Premium Processing or an upgrade to premium processing move a case to a different adjudicator? How is premium processing handled within USCIS workflows?**

Response: Premium processing cases are worked by adjudicators trained in the form type for which premium processing is being requested. If a case has been assigned to an officer prior to submission of the premium processing request, the receipt of that request will not necessarily require the case to be reassigned to another officer. These cases are worked on a first-in and first-out basis with officers assigned commensurate with the incoming filing volume to ensure they are processed within the given form's premium processing timeframe.

**Q27. Can USCIS share any data on how many applicants utilize premium processing for each form type?**

Response: In fiscal year 2024 (October – March) we received approximately 215,000 premium processing filings for Forms I-129, I-140 and I-765. Of these filings, approximately 134,000 were I-129 premium processing filings, representing 54% of all I-129 forms received. Approximately 61,000 I-140 premium processing filings were received, representing 52% of all I-140 forms received. A little over 20,000 I-765 premium processing filings were received, representing a little over 1% of all I-765 forms received.

**Q28. Per USCIS, the premium processing fee should be refunded if adjudicative action is not taken within the specific timeframes explained [here](#). How do applicants go about requesting and receiving their refund if they do not receive a decision within the time frames described by USCIS? What documentation is required and how long is the refund process expected to take?**

Response: Our systems alert us when premium processing times have exceeded the premium clock time, and we will initiate the refunds as required. If applicants or petitioners have questions, they can submit a customer service inquiry. Please note that, with respect to Employment Authorization Documents, premium processing refunds are not given if the application is approved within the applicable premium processing period, regardless of when the card is received. In addition, if we open an investigation for fraud or misrepresentation, or national security concerns pertaining to the benefit request, we may retain the premium processing fee even if we do not take any adjudicative action within the premium processing period.

#### **Q29. Online Filing of Additional Forms**

**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 system issues or enhancements from online filing of I-765 for F-1 students that have informed the filing process for other online forms?**

Response: Generally, with the release of a new online form, we seek to leverage any new features or enhancements for future online forms, as applicable. Organizational accounts for

purposes of filing Form I-129 differ from an individual myUSCIS account that is used for filing individual benefit forms such as Form I-539.

**Q30. 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?**

Response: Factors to consider when creating an organizational account will be unique to each organization, whether it is a company or a university. Advance planning is recommended as prospective petitioning organizations will need to decide who will be the administrator for the organization. If the organization wants to create multiple groups, they will need to choose an administrator for each group. Please refer to our extensive FAQs, instructional videos and other information on organizational accounts available on our website at [www.uscis.gov/organizational-accounts-FAQ](http://www.uscis.gov/organizational-accounts-FAQ).

**Q31. Can USCIS comment on any future forms or processes which may be available in an online format?**

Response: We are currently determining the next set of forms to prioritize for online filing. More information will be made available once finalized.

**Q32. Requests for Evidence (RFEs)**

**OPT applicants who have filed online are receiving RFEs directing them to *upload* the requested evidence, and these RFEs also mention *mailing* the evidence to the USCIS on the following page. This creates confusion among students who, based on the content of the RFE, are under the impression that they must both upload *and* mail the requested documents.**

**In cases like these, should the RFE response documentation be uploaded to the MyUSCIS account, or should the documentation be physically mailed to USCIS?**

Response: When an applicant submits a form online with USCIS and receives a Request for Evidence (RFE), they have the option of responding by mail or online. However, we strongly encourage the applicant to provide the requested evidence electronically through their USCIS online account because it is more efficient for them and for us. The applicant should not mail their response to us if they are responding online. In other words, they should not respond twice. They should only respond once by paper or once through the online account. We thank NAFSA for highlighting the confusion applicants have identified and we will review the language in our RFEs for consistency.

**Q33. If the documentation should be uploaded in MyUSCIS, should applicants use the “unsolicited evidence” section or is there an upload section designated specifically for RFE responses?**

Response: If there is an RFE issued on the case, there will be a button in the online account to respond to the RFE for that case. You will need to click the button “Respond with evidence” to upload your documents in response to the RFE.

I-130 Petition for Alien Relative  
 Submitted on June 27, 2024 | Receipt # IOE9310346855  
[View PDF](#) | [Case Actions](#)

Case Status | myProgress | Case History | Documents | Representative

**July 19, 2024**  
 Request For Additional Evidence Was Sent

On July 19, 2024, we sent a request for additional evidence for your Form I-130, Petition for Alien Relative, Receipt Number IOE9310346855. The request for evidence explains what we need from you. We will not take action on your case until we receive the evidence or the deadline to submit it expires. Please follow the instructions in the request for evidence. If you do not receive your request for additional evidence by August 3, 2024, please go to [www.uscis.gov/e-request](http://www.uscis.gov/e-request) to request a copy. If you move, go to [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) to give us your new mailing address.

⚠ [Review the notice](#) we sent and respond with the requested evidence by **Monday, October 14, 2024 at 12:00 a.m. EDT**

[Respond with evidence](#)

Current as of today at 12:23 p.m.

After responding, the unsolicited evidence tool will be available under the Documents tab. If the applicant submits responsive evidence using the unsolicited evidence tool outside the timeframe for an RFE, we will not consider the evidence as part of the RFE response. However, if an RFE asks for more than five documents, it would be acceptable for the applicant to respond through the RFE portal with five documents and, at the same time, use the unsolicited evidence tool for any responsive documents that could not be submitted through the RFE portal. The unsolicited evidence tool can also be used to provide corrections and clarifications after a case is submitted.

Case Status | myProgress | Case History | Documents

USCIS Notices

File	Date Sent	Action
<a href="#">Receipt Notice.pdf</a>	February 15, 2024	N/A

Your uploads

You may upload additional evidence that you believe may assist USCIS in adjudicating your application, even if the evidence was not specifically requested. USCIS will consider the timeliness and relevance of unrequested evidence when making a decision about your case.

File	Document	Date added
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Unsolicited evidence

Unsolicited evidence is any additional information or evidence that we did not request from you. If you upload evidence that we did not request from you, USCIS will consider the timeliness and relevance of this information when making a decision about your case.

[Upload evidence](#)

**Q34. The cover sheet is also causing confusion. Is it necessary to upload a copy of the cover sheet if the application is responding to the RFE in MyUSCIS?**

Response: Please submit the original RFE with the response. You do not need to include the USCIS/OIDP coversheet.

**Q35. H-1B Form I-129 Lockbox Filing Addresses**

The labels for the new H-1B I-129 petition lockbox filing groups on the Form I-129 Direct Filing Addresses page are a bit ambiguous. Could you clarify when a non-premium H-1B petition filed by a cap-exempt employer such as a university should be filed at the addresses listed under:

**"H-1B Cap-Exempt Petitioners or Entities – Non-premium,"**

versus being filed at the addresses listed under:

**"All Other H-1B, H-1B1 (HSC), and H-1B3 Petitions (extension of stay, change of status, concurrent employment, POE/PFI/consular notification, and amended petitions) – Non-Premium"**

Response: All H-1B and H-1B3 non-premium petitions filed by cap-exempt petitioners or entities should be filed using the addresses listed under the "H-1B Cap-Exempt Petitioners or Entities – Non-premium" heading. The addresses listed under the "All Other H-1B, H-1B1 (HSC), and H-1B3 Petitions (extension of stay, change of status, concurrent employment, POE/PFI/consular notification, and amended petitions) – Non-Premium" heading should be used only for H-1B1 (HSC) non-premium petitions filed by cap-exempt petitioners or entities.