

Vermont Service Center

VSC Helpful Filing Tips

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I-129 General Instructions

Signature on Petition

- The petition should be signed by the petitioner in Part 6 on page 4 of the I-129.
 - Sign the petition in blue ink. This helps avoid the appearance that the signature is not original.
 - An attorney can sign in lieu of the petitioner if a valid G-28 is filed.
 - An agent cannot sign in lieu of the petitioner.
-

Form I-94

A legible copy of the front and back of each Form I-94 is required for beneficiaries of Forms I-129 and their dependents filing Form I-539. The original Form I-94 is no longer required; therefore, the I-94 will not be annotated to show an extension of stay or change of status in these cases.

The approval notice (Form I-797C) contains a tear-off I-94 that should be stapled by the alien to the originally issued I-94. Evidence of valid status can be required in specific instances.

When to File

- Generally, Form I-129 petitions for new employment, extension of stay or change of status may be filed up to six months before the services are needed or the extension of stay expires.
- H2B petitions may be filed up to 120 days prior to the employment start date.
- The O and P petitions may be filed up to a year in advance.
- Extensions of stay for continuation of previously approved employment without change will be granted from the date of expiration if the petition is timely filed per 8 CFR 214.1. There may be a gap in time if the extension is filed for a new employer or new employment conditions.

All I-129 petitions should be filled out completely, including the appropriate supplemental section. This includes petitions for extension. Leaving a line blank may cause an RFE or denial to be issued.

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I-129 General Instructions, Continued

Filing Order for I-129 Petitions

- Current Fee
- Properly executed form G-28
- I-129 form, including appropriate supplement
- **I-907 (only if Premium Processing)**
- Attorney/Petitioner Letter
- Status Documents (I-94, passport/with stamps, I-20, DS2019 etc...)
- Supporting documentation
- 2nd set of the I-129 and all accompanying documents

NOTE: Depending upon the classification sought, I-129 packets will not necessarily include all of the items listed above.

Supporting Documentation

The supporting documentation may include, but is not limited to:

- certified Department of Labor form ETA 9035E, Labor Condition Application, or Form ETA 9142, Temporary Labor Certification;
 - evidence pertaining to the beneficiary's education;
 - evidence pertaining to the petitioning entity and proffered position;
 - evidence pertaining to the beneficiary and beneficiary's current nonimmigrant status.
-

Resource

The www.USCIS.gov website gives the following information:

- Processing Times for I-129s and I-539s
- Current fees
- Current versions of forms

There are links on the homepage to [Processing Times](#) and [Immigration Forms](#).

The site also allows one to sign up for updates.

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I-129 General Instructions, Continued

Form I-129 Notations

Part 3 – Beneficiary Information

Part 3 - Beneficiary information

It is particularly crucial that the beneficiary's information is represented correctly from the start of the process. The information that is initially provided on the petition is the information that is keyed into the system. The beneficiary's information is reviewed throughout the adjudicative process and any discrepancies will cause a variety of delays and RFEs or incorrect notices to be generated.

- **Review the correct spelling of the name of the beneficiary.** Many of the calls and correspondence that we receive are for simple misspelled names and date of birth.
 - The full name on the petition should be entered as it appears on the beneficiary's passport or subsequently issued documentation that serves as proof of a legal name change.
 - **Review the date of birth of the beneficiary.**
 - It should be in the format mm/dd/yyyy.
 - It should match the passport or subsequently issued documentation that serves as proof of a legal name change for the beneficiary.
 - **Review the I-94 # for accuracy.**
 - **Review the Country of Birth/Country of Citizenship of the beneficiary**
If requesting a Change of Status or an extension of stay, this information is crucial as it appears on the Form I-94.
-

Form I-129 Notations

Part 3 – Beneficiary Information

Part 4 - Processing Information

- Always include the name of the consulate/POE/PFI to be notified. If a change of status or extension of stay is denied and there is no name listed, an RFE may result.
 - Review the Department of State resources and website to make sure that the consulate you desire to be notified can actually process nonimmigrant visas.
-

I-129 H-1B Filing Tips

Suggested Filing Tips

We recognize that any processing delays can often greatly impact a business, and we offer these H-1B filing suggestions with the hope to educate filers as to the most efficient manner to submit the Form I-129 to USCIS.

Not all of the tips are specific requirements in statute or regulation; rather, they are a compilation of the most common errors and the suggested ways for avoiding processing delays or rejections of filings.

Copy of I-129

Make sure to include a copy of I-129 petition whether requesting consular notification, change of status, or extension of stay.

- This will help avoid delays with visa issuance when the alien applies for a visa.
 - It is necessary to submit a copy of the petition so that it can be sent to Department of State Kentucky Consular Center (KCC).
-

Department of Labor Form 9035/9035E

Ensure the following:

- Submit the **certified** Form 9035/9035E from the DOL when the petition is filed.
- Sign the Form 9035/9035E. If possible, please sign in blue ink.
- Verify that the Form 9035/9035E pertains to the correct position and location of the position. On occasion, petitioners have inadvertently submitted an incorrect Form 9035/9035E.

NOTE: Check the DOL website at www.foreignlaborcert.doleta.gov for further information regarding Form 9035/9035E.

I-129 H-1B Filing Tips, Continued

Fees

Checks

- Checks must be signed.
- Checks must be made out to Department of Homeland Security or U.S. Citizenship and Immigration Services.

Filing Fees

Form or Type of Fee	Filing Fee	Additional Information
I-129	\$320.00	Filing fee can be submitted by the petitioner, attorney, or beneficiary.
Fraud Fee	\$500.00	<ul style="list-style-type: none">• The only time that this fee does not have to be paid is when there is a request for amendment or extension of stay with the same employer.• Fraud fee can be submitted by the petitioner, attorney, or beneficiary.
Additional Fee	\$750.00 or \$1500	<ul style="list-style-type: none">• \$750 if there are 25 or fewer employees/ \$1,500 if there are 26 or more employees.• Beneficiary can't pay the additional fee• Additional fee always required for new employment.• Additional fee is not required for second extension of stay with the same employer. In other words, every employer must pay the fee twice.

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Fees (continued)

Form or Type of Fee	Filing Fee	Additional Information
Chile/ Singapore (HSC)	\$750.00 or \$1500	Unless exempt under Part B of the H-1B Data Collection and Filing Fee Exemption Supplement of this form, the additional filing fee of either \$750 or \$1,500 is also required of U.S. employers seeking to employ an H-1B1 Free Trade Nonimmigrant from Chile or Singapore in the following situations: <ul style="list-style-type: none">• Employers seeking to employ a current H-1B1 Free Trade Nonimmigrant from Chile or Singapore presently employed by another H-1B1 employer;• Employers requesting an initial extension of H-1B1 status for an H-1B1 Free Trade Nonimmigrant from Chile or Singapore that they presently employ; and• Employers seeking to change an alien's status and employ the alien as an H-1B1 Free Trade Nonimmigrant from Chile or Singapore in new employment.

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I-129 H-1B Filing Tips, Continued

Form I-129 H-1B Data Collection and Filing Fee Exemption Supplement

Part A

- Item 1, d (Rev. 03/11/09) - Provide information regarding whether the petitioner received TARP funding. Failure to answer this question may result in processing delays and issuance of an RFE.
- Item 5 – Only answer “yes” when the beneficiary has a U.S. Master’s degree or higher from a U.S. institution and ensure that Part C, Item 7 is also answered as “yes.”

Part B

- Item 1 & 7 - definitions:
 - Primary education = K-8 grade
 - Secondary education = 9-12 grade
 - **Institution of higher education** = must be college-level educational institution in order to be exempt from the additional fee.
- Item 4 - In order to be exempt from the additional fee, the second or subsequent request:
 - Must be with same employer.
 - Must be 3rd filing by same employer.
- Item 5 – Amended petitions.
 - Must be filed by the same employer or successor-in-interest employer when there is a material change in the terms and conditions of employment or the beneficiary’s eligibility.
 - The amended petition procedure was not devised merely as an avenue to advise USCIS of minor changes in the conditions of employment or the beneficiary’s eligibility.

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I-129 H-1B Filing Tips, Continued

H-1B Data Collection and Filing Fee Exemption Supplement (continued)

Part C

- Item 4 – Box should be checked “yes” only when the beneficiary is a physician who received a Conrad waiver and should include a copy of the USCIS I-797 approval notice, with all attachments, granting the Conrad waiver.
- Item 5 - Box should be checked “yes” if:
 - Within the last six years the beneficiary received an H-1B approval from USCIS **and**
 - The alien has not reached the 6-year limitation (regardless of any time spent outside the United States), unless seeking an extension beyond 6 years under AC21.
 - **Do not check the Item 5 “yes” if:**
 - The beneficiary has received an H-1B approval from USCIS with the last six year **and**,
 - The alien has spent more than one continuous year outside of the United States **and**,
 - The petitioner wishes the alien to be eligible for a new six-year H-1B period of stay.
- Item 6
 - If Part C Item 6 is not applicable to the circumstances of your petition, answer “no.”

IMPORTANT: The petitioner must sign the H-1B Data Collection and Filing Fee Exemption Supplement below Part C. It must be an original signature. Photocopied signatures are not acceptable.

Form I-129H Supplement

Item 3 - Make sure that you describe in detail the beneficiary’s period of stay in the United States to include the classification and period of stay.

The petitioner should sign the H Supplement in Section 1.

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I-129 H-1B Filing Tips, Continued

Form I-129 Notations

Part 1 – Petitioner Information

Part 1 - Petitioner information

Please include the phone number and email address of the petitioner. On occasion we make a phone call to the petitioner to clarify an issue. Including this information may save the need for an RFE.

Form I-129 Notations

Part 2 – Information about Petition

Part 2 - Information about petition

- Item 2 - Basis for classification-
 - If requesting H-1B, enter **H-1B** in the box.
 - If requesting benefits Under Chile Singapore provisions, enter **H-1B1-Chile Singapore** in the box.
 - Item 5 (d)-Amended petitions-
 - Should only be selected when the case qualifies as an amended petition. In general, requests for extensions of stay should be marked in box 5(c) Not 5(d).
-

Response to RFE

Refer to the chart below for the correct address to send the response to the RFE:

If the case is a...	Send the Response to This Address:
Non-Premium Processing case,	75 Lower Welden St. St. Albans, VT. 05479-0001
Premium Processing case,	30 Houghton St. St. Albans, VT. 05478-2399
	NOTE: The 15-day clock re-starts when the response is recognized at this address.

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I-129 H-1B Filing Tips, Continued

Form I-907 Request for Premium Processing

- The petitioner, attorney, or beneficiary can pay \$1,000 Premium Processing fee.
 - Be sure to use the correct version of the Form I-907.
 - The current version is dated July 30, 2007.
 - Check the USCIS website (www.uscis.gov) for information on the latest version.
 - Complete all of the blocks in Part 2.
 - When the I-907 is filed concurrently with Form I-129, Part 2 Question 2 will be left blank.
 - If there is a valid G-28 with the file and the attorney is signing the Form I-907, then the representative should sign in both Part 3 and 4 of the I-907.
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I-129 H-2B Filing Tips

Prior to Filing

Before filing, the petitioner should confirm the following:

- The job is temporary.
 - Department of Labor has certified that no U.S. workers can be found and the beneficiary working in the United States will not harm U.S. workers.
 - All of the requirements on the ETA-750 or ETA-9142 have been met.
-

Filing Date

Do not file the H-2B petition **more than 120 days** prior to the date of actual need.

Fees and Filing Issues

Refer to the chart below for the appropriate fee information:

Form	Filing Fee	Additional Information
I-129 H-2B	\$320.00	<ul style="list-style-type: none">• Multiple beneficiaries are allowed on petitions and there is no extra fee for each beneficiary.• Submit check or money order, not cash• Made out to U.S. Citizenship & Immigration Services or Department of Homeland Security.• Checks/Money orders must be recent and signed.• The beneficiary cannot pay the I-129 fee.
Fraud Fee	\$150.00	<ul style="list-style-type: none">• Fraud Fee required for each Petition.• Fraud Fee can't be waived.• The beneficiary cannot pay the fraud fee.
Premium Processing Fee	\$1000.00	<ul style="list-style-type: none">• Must be filed with Form I-907 (can be found on Website).• The beneficiary cannot pay the premium processing fee.• Premium Processing provides you a direct line access (e-mail and phone).• 15-day expedited processing• Submitted to different address: PREMIUM PROCESSING 30 Houghton St St. Albans, VT. 05479-2399

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I-129 H-2B Filing Tips, Continued

Form I-129 Supplement H

Complete and sign the Form I-129 Supplement H with a revision date of 1/22/09 or later. Failure to do so will result in an RFE.

H-2B Eligible Countries

The Secretary of Homeland Security, with concurrence of the Secretary of State, has designated nationals from the following countries as eligible to participate in the H-2B visa program: Argentina; Australia; Belize; Brazil; Bulgaria; Canada; Chile; Costa Rica; Dominican Republic; El Salvador; Guatemala; Honduras; Indonesia; Israel; Jamaica; Japan; Mexico; Moldova; New Zealand; Peru; Philippines; Poland; Romania; South Africa; South Korea; Turkey; Ukraine; and United Kingdom. [See 73 FR 77729].

Nationals from Other Countries

Nationals from countries other than the above should be filed for on a separate petition with the following evidence:

- Documentation showing a worker with the required skills is not available from a country currently on the list published in the Federal Register;
 - Evidence that the beneficiary has been admitted to the United States previously in H-2B status;
 - What, if any, is the potential for abuse, fraud, or other harm to the integrity of the H-2B visa program through the potential admission of a beneficiary from a country not currently on the list; and
 - Any other factors you feel should be considered as serving the U.S. interest.
-

Consulate Names

When asking for a consulate to be notified, be sure to include the name of the consulate.

Please understand that if both POE/PFI and consulate(s) are to be notified, the approval language will pertain to the consulate.

RECENT CHANGE: For multiple consulates, you no longer need to indicate who is going where. Only one consulate will be notified of the approval since consulates must verify all USCIS approvals through the USDOS Petition Information Management Service (PIMS).

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I-129 H-2B Filing Tips, Continued

Labor Certification

- ETA-750 or ETA-9142 must be certified by the DOL and submitted with petition.
 - Please submit all pages including final determination letter from DOL.
 - Original ETA-750 or ETA-9142 should be submitted.
 - Can submit photocopy of ETA-750 or ETA-9142, but should include a description of where the original is located and provide receipt numbers of the other petitions in which it was used.
-

Employment Start Date

Beginning with petitions filed for workers for fiscal year 2010 (requested employment start dates from 10/1/09 to 3/31/10), the requested employment start date on the petition must match the date of need stated on the approved ETA-750 or ETA-9142, unless filing an amended petition seeking substitution [*See* substitutions below].

Substitutions

Substitutions are only available when the petition requested workers applying at a consulate and not all workers applied for a visa.

- Petitioners seeking substitution of beneficiaries **outside** the United States must notify **consulate** by letter.
 - Petitioners seeking substitution of beneficiaries **inside** the United States must file an **amended** petition (check Part 2, Item F) with fee.
-

Time Limit

If the beneficiary has been in the United States for several seasons, please indicate how long they have been in United States.

If the beneficiary has been in the United States for...	Then need to remain outside the United States for...
Three years,	Three months.
More than 18 months, but less than three years,	60 days.
Less than 18 months,	45 days.

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I-129 H-2B Filing Tips, Continued

Beneficiary Names

- Alphabetize the names of workers.
 - If beneficiary names are listed on the petition, DOB, COC and COB should be included.
 - Double-check the spelling of the names on the petition.
 - If you receive a receipt notice and the name is misspelled, alert USCIS immediately.
 - Names should be listed as they appear on passport.
-

I-129 P/O-2 Multiple Beneficiary Filing Tips

Consulate Names

When asking for a consulate/POE/PFI to be notified, be sure to include the name of the consulate/POE/PFI in Part 4 on page 2 of the current version of the Form I-129.

Please understand that if both POE/PFI and consulate(s) are to be notified, the approval language will pertain to the consulate.

RECENT CHANGE: For multiple consulates, you no longer need to indicate who is going where. Only one consulate will be notified of the approval since consulates must verify all USCIS approvals through the USDOS Petition Information Management Service (PIMS).

Beneficiary Names

- Alphabetize the names of the workers.
 - If possible, please type the names on the Supplemental pages.
 - If names are listed on the petition, DOB, COC and COB should be included.
 - Double-check the spelling of the names on the petition.
 - If you receive a receipt notice and the name is misspelled, alert USCIS immediately.
 - Names should be stated as they appear on the beneficiaries' passports.
-

Consultation(s)

All I-129 petitions in the O and P classifications must be submitted with the appropriate consultation(s).

- Individuals (O-1) who will be employed in the motion picture and television industry must include a consultation from a management organization and a labor organization or peer group.
 - All other O and P nonimmigrant(s) need a consultation from an appropriate labor organization or peer group.
 - All support personnel for the P-1 should be included on one separate petition with the appropriate consultation letters.
-

I-130 Filing Tips

Petition and Supporting Documentation

Ensure the following when filing Form I-130:

- Fill out all sections of the petition.
 - Be sure to include the petitioner's A-number, if he or she has ever had one, even if he or she has naturalized.
 - Submit all required information as stated in the instructions.
 - Provide BOTH the English translation and the foreign document.
-

Name Changes

If the petitioner and/or beneficiary have had any name changes, submit documentation to establish the changes in their names and be sure to write those names in the applicable alias section of the petition.

Spousal Petitions

Some specific information regarding spousal petitions:

- Make sure to completely fill out the G-325A for BOTH the petitioner and the beneficiary.
 - Submit necessary photos as required by the instructions.
 - Submit all marriage and marriage termination documents for both petitioner and beneficiary. There must be marriage termination documents for ALL prior marriages.
-

Step or Adoptive Relationships

If you are filing for a step or adoptive relationship, make sure to notate such on the petition above the relationship type checked in Part A, Number 1.

I-360 Battered Spouse / Child Filing Tips

Petition and Supporting Documentation

Ensure the following when filing Form I-360 Battered Spouse petition:

- If the petitioner wants to include his/her child as a derivative, submit a copy of the child's birth certificate along with the filing.
- Complete Part 7, Section B ("Additional Information About You") on the I-360 as completely as possible to assist with the determination of your prior marital status, your alleged abuser's prior marital status and your residence claims with your alleged abuser.
- Provide English translations for all foreign language documents (including civil documents, affidavits and correspondence).
- Provide as much evidence as possible for each of the eligibility requirements.
- If providing evidence that a petition for a protection or restraining order was filed with a court, provide also the disposition of that petition and any follow-up documentation from the court.
- If you have a criminal history, provide the disposition of each charge.
- Provide a personal statement. Although not required, a personal statement can be very helpful in establishing the eligibility criteria and in making the initial prima facie determination.

Photos

When photos are submitted, they should be accompanied by a narrative to provide context for what the pictures are alleged to demonstrate.

I-539 Filing Tips

Purpose of Form I-539

The Application to Extend/Change Nonimmigrant Status (Form I-539) is filed by a nonimmigrant in order to change his or her current nonimmigrant status to another nonimmigrant status, or to extend his or her current nonimmigrant status. It is also used by F-1 and M-1 nonimmigrant students applying for Reinstatement of their student status.

Resource for Further Information

In addition to reviewing this document, applicants are encouraged to review the most recent form and filing instructions which can be found at www.uscis.gov. That site will provide the most recent acceptable version of the form and most up to date filing instructions to include, but not limited to, the proper fee and where to file.

Fees and Signature

All applications must be filed with the proper fee with the exception of A-1, A-2 and G-1, G-2, G-3 and G-4 nonimmigrants.

All applications must be properly signed by the applicant unless they are under age 14.

If the applicant is under the age of 14, a parent or legal guardian may sign in the applicant's behalf and must submit evidence to establish proof of parentage or legal guardianship.

Multiple Applicants on One Petition

More than one applicant may file on the same application if they are considered dependents. For example, a husband, wife and their children under the age of 21 may file together on one application. However, if the child will turn 21 during the validity period being requested, all applicants will be limited to the day before the child's 21st birthday.

Applicants filing on the same application must all be requesting a change of status, or they must all be requesting an extension of status. They cannot file for a combination of the two on the same application.

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I-539 Filing Tips, Continued

General Filing Tips for All Categories

For all types of I-539 filings, the applicant (and any co-applicants) should include:

- A fully completed Form I-539 with the proper fee, if applicable.
 - The original or copy of both sides of their Arrival-Departure Record (Form I-94).
 - A copy of the personal data page of the applicant(s) passport. (The applicant(s) must be in possession of a valid passport at the time of filing.)
 - A copy of the visa on which the applicant(s) last entered the United States.
 - A copy of the applicant(s) most recent admission stamp.
 - Evidence that the applicant(s) can financially maintain themselves during their stay in the United States.
 - Evidence that the applicant has a residence abroad that he or she has no intention of abandoning.
 - If any foreign language documents are submitted, the applicant should include an English translation.
 - If copies of any financial documentation submitted reflect a foreign currency, the applicant should include a copy of its conversion to U.S. funds and his or her source of the conversion.
 - If the I-539 is not filed prior to the applicant's status expiring, the applicant must submit a statement that thoroughly explains the circumstances surrounding the late filing.
-

Change of Status from A or G

Applicants must submit an I-566 endorsed by the proper entity and signed in the original.

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I-539 Filing Tips, Continued

B-2 Extension Request or Change of Status to B2

A detailed written statement from the applicant which includes:

- the reason for the request to extend their stay,
 - why the extended stay would be temporary,
 - what arrangements have been made to depart from the United States and
 - any effect the extended stay may have on the applicant's foreign employment or residency.
-

B-2 for Medical Reasons

If the applicant or anyone listed on the application is receiving medical treatment in the United States, the following should be submitted:

- A statement from the attending physician to include the date of the initial consultation, whether the condition is acute or chronic, the physician's opinion on the patient's ability to travel and the current condition, prognosis and plans for future treatment should be submitted.
 - The physician's opinion of the quality and availability of the treatment in the patient's home country, if known.
 - A statement from the patient outlining the circumstances of their situation to include when and where the illness/injury began and any other information that could add weight to the merits of their application.
 - Evidence of the method of payment for the medical treatment.
-

F-1/M-1/J-1

Applicant's must submit their SEVIS form I-20 or DS-2019 signed in the original by both the student/exchange visitor and the DSO/Program Sponsor.

F-2/M-2/J-2

Applicants must submit documentary evidence (such as marriage or birth certificates) that would establish his or her relationship to the principal F-1/M-1/J-1 in addition to the SEVIS forms signed in the original.

Dependents of Employment Based Petitioners (i.e. H4, L2)

Applicants must submit documentary evidence (such as marriage or birth certificates) that would establish his or her relationship to the principal.

Evidence of the principal alien's status as well as evidence that the principal alien is currently maintaining that status (copies of 3 most recent pay statements).

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I-539 Filing Tips, Continued

Reinstatement to F1 or M1

- The applicant's most recent **original** Arrival-Departure Record (Form I-94).
- A SEVIS Certificate Form I-20 for Reinstatement signed in the original by both the student and the Designated School Official (DSO).
- Copies of all pages of all Forms I-20 issued to the applicant.
- An original letter, on official school letterhead, from the DSO detailing the events that led up to the student's failure to maintain status; the reason why the student is being recommended for reinstatement; the date the student fell out of status; the date the DSO became aware of student's failure to maintain status; the date the student first contacted the DSO to resolve the issue; whether the student is pursuing or intending to pursue a full course of study in the immediate future; whether the student has engaged in unauthorized employment to their knowledge; whether the violation was beyond the student's control, and if so, how?
- Documentary evidence showing the student has consistently attended, or attempted to attend school full-time and is registered to attend the next academic session.
- Original copies of transcripts issued by the office of the registrar.
- A detailed chronological history from the student outlining their activities since arriving in the United States including what schools they have attended; what date and why they fell out of status; whether the violation was beyond their control, and if so, how; on what date did they first contact their designated school official; have they been employed without authorization; how would a denial result in extreme hardship to them.
- If failure to maintain student status was due to medical reasons, they must submit documentary evidence from a physician that they were unable to attend classes due to medical reasons and the date they were able to return to classes.

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I-539 Filing Tips, Continued

I

If the applicant is requesting a change to I status, the following must be submitted:

- An explanation for why the applicant did not apply for a media visa at a U.S. Consulate abroad prior to his or her arrival in the United States.
- College transcripts showing journalism classes that would establish that the applicant is qualified for the media visa.
- A proof of employment letter that states the employer's name and the applicant's annual salary.
- An outline of the applicant's employment history for the last four years to include:
 - The title of all positions held during the time frame
 - The duration of employment for each position
 - The names and addresses of all employers

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I-539 Filing Tips, Continued

I – Position specific Requirements

See further position-specific requirements below:

- **Staff Journalist** – a letter from the employer should be submitted that states the following:
 - The employee’s name
 - The position the applicant holds within the company
 - The purpose and length of stay in the United States
- **Freelance Journalist Under Contract to a Media Organization** – a copy of the contract between the applicant and the organization should be submitted which shows:
 - The employee’s name
 - The position the applicant holds within the company
 - The purpose and length of stay in the United States, and
 - The duration of the contract
- **Media Film Crew** – a letter from the employer should be submitted which gives the following information:
 - The employee’s name
 - The position the applicant holds within the company
 - The title and a brief description of the program being filmed, and
 - The period of time required for filming in the United States
- **Independent Production Company Under Contract to Media Organization** – a letter from the organization commissioning the work should be submitted which gives the following information:
 - The employee’s name
 - The title and a brief description of the program being filmed, and
 - The duration of the contract

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I-539 Filing Tips, Continued

K-3 Extension

The following should be submitted:

- A copy of the applicant's marriage certificate
 - Evidence of a pending Form I-130 filed by the U.S. citizen spouse for the K-3
 - If the I-130 has been approved, evidence of a pending Form I-485
 - A copy of the applicant's K-3 visa
-

K-4 Extension

The following should be submitted:

- A copy of the K-3 principal's marriage certificate
 - Evidence of a pending Form I-130 filed by the K-3 principal's U.S. citizen spouse for the K-3
 - If the K-3 principal's I-130 has been approved, evidence that the K-3 has a pending I-485
 - A copy of the applicant's K-4 visa
-

I-765 Student, I-765 Others, I-765(c)(8) & I-765(c)(9) Filing Tips

Photo Requirements for all I-765 Categories

Ensure that photographs submitted comply with DOS guidelines for passport-style pictures.

E-filing

- Upon E-filing, applicants should immediately submit all required documentation to support their application to avoid processing delays.
 - Applicants should ensure that they appear at an ASC for the capture of their biographical data when their appointment is scheduled.
-

I-765 Student Categories

- Submit documentary evidence to establish nonimmigrant status.
 - Submit a copy of the SEVIS form I-20 containing a recommendation from the DSO as well as copies of all previously issued I-20's.
-

I-765 Other Categories

- Submit documentary evidence to establish nonimmigrant status.
 - If a dependent status (L2, E1, etc.), submit evidence of relationship to principal nonimmigrant.
 - Submit documentary evidence to establish your eligibility under the category in which you are seeking employment authorization, as outlined in the filing instructions.
-

I-765(c)(8)

- If the applicant's asylum case has been appealed to a circuit court, provide evidence of the Docket Number.
 - If the applicant has had a recent name change (due to marriage or divorce, for example), evidence of the name change should be submitted with the application to prevent an RFE from being issued.
-

I-765(c)(9)

Please note that as of September 30, 2007, due to bi-specialization, the VSC is no longer accepting I-765(c)(9)s other than those which are concurrently filed with a VAWA I-360 and I-485 (or based on a previously filed VAWA 360/I-485).

I-821 / I-765 TPS Filing Tips

Late Initial Filing Applications

- Ensure that the Initial I-821 and I-765 are complete, accurate and signed by the applicant.
- All TPS applications are filed through the Chicago Lockbox.

(First time filing for TPS)

- Appropriate fees must accompany each application.
 - Applicants must submit evidence to establish nationality and identity as well as continuous physical presence and physical residence as prescribed in 8 CFR 244.9.
-

Form I-821:

Part 1. Type of application.

Part 1. Type of application

There are times when applicants and/or authorized representatives have a misunderstanding of which block to check or just happen to check the wrong block. Ensure that the appropriate block is checked in “Part 1. Type of application.”

Part 1. “a”

If it is the applicant’s first time filing for TPS, Part 1 “a” should be checked. This is for anyone seeking TPS status that has not previously been granted TPS.

Part 1. “b”

If the applicant is filing due to an annual re-registration requirement, Part 1 “b” must be checked. Another status such as asylum does not make an individual eligible to apply as a re-registrant unless they already have an approved/pending initial TPS application.

Form I-821:

Part 4. Eligibility Standards.

Part 4. Eligibility Standards

All questions in “Part 4. Eligibility Standards” of the Form I-821 must be answered by checking “yes” or “no.” If the applicant answers “yes” to any question, an explanation on an attachment must be submitted.

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I-821 / I-765 TPS Filing Tips, Continued

Address Changes

Applicants must inform USCIS of any address changes immediately. They can do so by filing the Form AR-11.

Each year a good portion of TPS applications are denied due to an applicant failing to appear for their ASC appointment or failing to respond to a request for additional evidence. It is often determined later, through inquiries from the affected applicants, that the applicants never received notification from USCIS due to unreported address changes.

I-765 Applications

- Ensure that the application is complete, accurate and signed.
 - Ensure that the appropriate block is checked on the I-765.
 - Permission to accept employment – For applicants applying for an (a)(12) or (c)(19) for the first time.
 - Replacement – Lost employment authorization document.
 - Renewal - For applicants requesting a renewal for a previous EAD card with a classification of (a)(12) or (c)(19).
-

Open Re-Registration Periods

Applicants should be encouraged to file during the open re-registration period per the Federal Register. Applicants who file outside of the re-registration period may not receive their employment authorization document in a timely manner.

Filing Late (After the Open Re-Registration Period)

Include a cover letter explaining why the applicant failed to file during the open re-registration period.

Filing too Early

- Although some applicants and/or authorized representatives like to get their applications in early, please adhere to the dates in the Federal Register announcement and do not file until the open re-registration period begins.
 - Confusion is caused when applications are received too early.
 - Some applications may be denied as an EAD card may have already been issued from the past re-registration period.
 - This in turn leads to unnecessary inquiries, phone calls, and motions/appeals.
-

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I-821 / I-765 TPS Filing Tips, Continued

IJ Grants

Ensure that a copy of the IJ grant order accompanies the I-765 re-registration application. (This information is also covered in the Federal Register.)

If you were granted TPS by an Immigration Judge or the Board of Immigration Appeals, you must submit evidence of the grant of TPS (such as an order from the Immigration Judge) with your application. In addition, when you receive your receipt notice (Form I-797) you will need to send an e-mail to Tpsijgrant.vsc@dhs.gov that includes the following information:

- Your name;
- Your date of birth;
- The receipt number for your re-registration;
- Your A-number; and
- The date you were granted TPS.

NOTE: The email address provided above is solely for re-registration applicants who were granted TPS by an Immigration Judge or by the Board of Immigration Appeals to notify USCIS of their grants of TPS. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online available at the USCIS Web site, or applicants may call the USCIS National Customer Service Center.

I-824 Filing Tips

Jurisdiction	The applicant should make sure that they are filing the I-824 at the Service Center or District Office which approved the underlying petition.
Follow To Join	Provide complete names, DOBs and addresses abroad for all family members who are following to join in order to avoid any delay in processing the I-824.
Form and Instructions	<p>Ensure that the form is completely filled out (leaving out information will delay the adjudication of the I-824).</p> <p>Carefully read the instructions on the I-824 form to ensure that the applicant is asking for the correct action to be taken. Many applicants ask for “D” (requesting to send an approved visa to the NVC) when they really want “C” (requesting that we notify a consulate abroad that they have adjusted, in order to allow their spouse or children to follow to join).</p>

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I-824 Filing Tips, Continued

Checking off “C” on Form I- 824

The following is recent guidance which has been developed by SCOPS because of a common misunderstanding among applicants. This guidance will be included in the next revision of the I-824 form, but in the meantime, this serves to inform our stakeholders of this change.

It applies to applicants who check off Box C on the I-824.

C. USCIS to notify a U.S. Consulate through the U.S. Department of State’s National Visa Center that your status has been adjusted to permanent resident based on an approved I-485 application. **Check Box C.** This is to request USCIS to notify a U.S. Consulate through the NVC that your status has been adjusted to that of a lawful permanent resident based on an approved I-485 application so that your spouse and/or child(ren) may apply for an immigrant visa.

Note: This notification is **not** available if you have been issued an immigrant visa at a U.S. Embassy or consulate and have been admitted to the United States as a lawful permanent resident. You may contact the NVC for information on how to request following-to-join benefits for your dependent(s). You may direct your inquiry by sending an e-mail to NVCInquiry@state.gov or by writing to the National Visa Center, ATTN: WC, 32 Rochester Avenue, Portsmouth, NH 03801-2909. This notification is also not available if you have been admitted to the United States as a refugee or were granted status in the United States as an asylee. Please refer to the instructions on Form I-730, Refugee/Asylee Relative Petition, for specific information on following-to-join benefits for your spouse and/or unmarried child(ren) under 21 years of age.

I-918 and I-918, Supplement A Filing Tips

Signature

Form I-918

Requires the original signature of the petitioner in order to be considered properly filed.

Form I-918, Supplement A

Requires the original signature of the petitioner and the qualifying family member (if that family member is 14 years of age or older and presently in the United States) in order to be considered properly filed.

When filing a Petition for Qualifying Family Member of U-1 Recipient (Form I-918, Supplement A), the qualifying family member must sign the form if he/she:

- Is age 14 or older; and
 - Is presently in the United States.
-

Supporting Evidence

- Ensure that all sections of the I-918 and/or I-918A are completed.
- Submit as much evidence as possible for each of the eligibility requirements as referenced in the instructions for the form.
- Each I-918A submitted should include evidence of the qualifying relationship.
- Petitioners that were not previously granted Interim Relief need to submit a properly executed Form I-918B with an original signature from a certifying official.
- A Form I-192 waiver should be submitted to address any perceived inadmissibility grounds.
- When filing Form I-918 or Form I-918 Supplement A for someone who is outside the United States at the time of filing, three passport style photos of the individual are needed.

Passport or Border Crossing card

A copy of an unexpired passport or valid Border Crossing card is required as part of an approval. In lieu of such documents, the alien will need to submit the Application for Advance Permission to Enter as a Nonimmigrant Pursuant to Section 212(d)(3) of the Immigration and Nationality Act (Form I-192) to seek a waiver of the INA 212(a)(7)(B) grounds.

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I-918 and I-918, Supplement A Filing Tips, Continued

**I-918,
Supplement A**

If filing a Petition for Qualifying Family Member of U-1 Recipient (Form I-918, Supplement A) for a qualifying family member who is outside the United States at the time of filing, please indicate across the top of the filing (in red): “OVERSEAS” to assist with the processing of fingerprints.

**Applying From
Abroad**

If a petitioner or a qualifying family member is applying from abroad, indicate at what consulate/embassy the alien will seek processing for his/her visa.
