

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



U.S. Citizenship
and Immigration
Services

October 20, 2011

Dear USCIS Stakeholders,

Throughout the past year, USCIS has placed significant focus on advancing one of our immigration system's foundational goals: promoting America's economic prosperity. On numerous occasions, we gathered feedback on how to best maximize the potential of current immigration law to create jobs for U.S. workers, and this feedback greatly informed our actions. As a result, we have made significant progress in a number of areas of interest to stakeholders related to employment-based and high-skilled immigration. For example:

Adjudication of Petitions filed by Businesses Requesting L Intracompany Transferees

- On October 12, 2011, USCIS conducted a specialized training session for adjudicators on the L-1B classification to reinforce the principles set forth in existing L-1B policy guidance. We will continue this training.
- USCIS is revising Request for Evidence (RFE) templates for nonimmigrant employment-based categories, including the L intracompany transferee classification. Our RFE practices continue to be an area of intense review and reform.
- On August 18, 2011, the USCIS Administrative Appeals Office (AAO) launched a new initiative to seek stakeholder input through the submission of amicus curiae briefs. The first request sought amicus briefs relating to the denial of an I-140 petition (*Kazarian vs. USCIS*). The AAO plans to request amicus briefs on a case related to the L-1B visa classification next.
- USCIS will in the next week make available a new bundled filing option for businesses filing for multiple L intracompany transferees.

EB-5 Immigrant Investor Program

- In May 2011, USCIS issued a proposal to streamline and enhance the EB-5 program, and we have since implemented the first of the proposed enhancements: direct access for EB-5 Regional Center applicants to reach adjudicators quickly. We have also retained business analysts to support our adjudicators and are in the process of selecting full-time economists to bolster our expertise. In addition, we

have retained an outside consultant to reengineer our business process from beginning to end.

Industry-Specific Enhancements

- In August 2011, USCIS announced a series of policy, operational, and outreach efforts to spur economic growth and job creation. Among other things, we clarified our policies to reflect the availability of the H-1B visa and the EB-2 national interest waiver to foreign-born entrepreneurs, and we are providing the needed training complement.
- To build on these efforts, we announced last week a new Entrepreneurs in Residence initiative, which will help us harness the expertise of industry leaders to inform our policy development and our training, so that we better understand and more ably address the realities and needs of the business community we serve.

We learn from and value your feedback. Earlier this year, USCIS proposed a rule that would establish an advance registration process for U.S. employers seeking to file H-1B petitions for foreign workers in specialty occupations. Although we intended the process to be more efficient and cost-effective for businesses, the thoughtful public comments we received indicated that this system would in fact create many challenges for businesses. We have therefore decided to postpone issuing a final rule and instead assess how the proposed rule's objectives can be achieved within the framework of our ongoing Transformation initiative.

A year ago, USCIS initiated an internal system change that altered where we send receipt notices (I-797). Last month, when the change went into effect, we heard from stakeholders that this change had an unintended negative external impact. We scheduled a stakeholder meeting, gained an understanding of the impact, and have decided to return to our previous practice of sending the original notice to the attorney or accredited representative's address listed on the Form G-28. A copy will be sent to the address provided by the applicant or petitioner in the applicable form. This change will take effect in approximately six weeks due to the need to re-program our system. We appreciate the feedback you provided.

I look forward to continued collaboration with you on matters of importance to our nation's economic prosperity and those whom we serve.

Alejandro N. Mayorkas
Director
U.S. Citizenship and Immigration Services
Department of Homeland Security