DECEMBER 2015
MONTHLY VISA PRESENTATION

1. QUESTIONS
2. VISA UPDATES
3. OVERVIEW OF CONRAD 30, LPR, AND H-1B
QUESTIONS FROM ATTENDEES
### USCIS Processing Time Information for the California Service Center

**Instructions for Using the Chart**

The chart will show most of the types of forms processed at the field office or service center. You can select the form type that applies to your case from the drop-down menu. If the field office or service center is meeting its goal for processing a form, you will find the timeframe listed in months. For example, if the office is processing Form I-400 naturalization applications in five months or less, then the chart will say “5 months.” However, if the office is experiencing a processing delay, you will find the filing date of the last case that the office completed before updating the chart.

**Important Information About Form I-765, Application for Employment Authorization**

You can now submit inquiries about the status of your Form I-765 after your case has been pending more than 15 days.

- Please note that for Form I-765 cases (c), if the case is pending for 150 days, the processing timeframes listed only apply to an initial filing.
- Please note that the 90-day period for adjudicating Form I-130 category (f) (filing together with Form I-485, requesting deferred action for childhood arrivals) does not begin until we have made a decision on your request for deferred action.

### Field Office Processing Dates for California Service Center as of: September 30, 2015

<table>
<thead>
<tr>
<th>Form</th>
<th>Title</th>
<th>Classification or Basis of Filing</th>
<th>Processing Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>L102</td>
<td>Application for Replacement/Initial Nonimmigrant Arrival/Departure Record</td>
<td>Initial issuance or replacement of a Form I-94</td>
<td>2.5 Months</td>
</tr>
<tr>
<td>L129</td>
<td>Petition for Alien Worker - Speciality occupation - Visa to be Issued Abroad</td>
<td>2 Months</td>
<td></td>
</tr>
<tr>
<td>L139</td>
<td>Petition for Alien Worker - Speciality occupation - Change of Status in the U.S.</td>
<td>2 Months</td>
<td></td>
</tr>
<tr>
<td>L149</td>
<td>Petition for Alien Worker - Speciality occupation - Extension of stay in the U.S.</td>
<td>2 Months</td>
<td></td>
</tr>
<tr>
<td>L159</td>
<td>Petition for Alien Worker - Extraordinary Ability</td>
<td>2 Months</td>
<td></td>
</tr>
<tr>
<td>L169</td>
<td>Petition for Alien Worker - Athletes, Artists, and Entertainers</td>
<td>2 Weeks</td>
<td></td>
</tr>
<tr>
<td>L179</td>
<td>Petition for Alien Worker - Cultural Exchanges Visitors and Exchange Visitor Participants in the Irish Peace Process</td>
<td>2 Months</td>
<td></td>
</tr>
<tr>
<td>L189</td>
<td>Petition for Alien Worker - Religious Occupation</td>
<td>2 Months</td>
<td></td>
</tr>
<tr>
<td>L329</td>
<td>Petition for Alien Worker - TN - North American Free Trade Agreement (NAFTA) Professional</td>
<td>2 Months</td>
<td></td>
</tr>
<tr>
<td>L121F</td>
<td>Petition for Alien Fiance - K-1/M-2 - (not yet married - fiancé and/or dependent child)</td>
<td>5 Months</td>
<td></td>
</tr>
<tr>
<td>L124F</td>
<td>Petition for Alien Fiance - K-3/M-3 - (married - spouse and/or dependent child)</td>
<td>5 Months</td>
<td></td>
</tr>
</tbody>
</table>
Dear International Students and Sponsoring Departments,

As some of you may have already heard, there was a U.S. Federal District Court ruling made last week related to the regulation that allows for 17-month STEM OPT extensions. The Office of International Programs would like to emphasize that currently there is no adverse effect resulting from this decision. Nonetheless, please be aware of the following developments.

On August 12, 2015, the U.S. District Court for the District of Columbia issued a decision citing that the U.S. Department of Homeland Security did not follow the established protocols when implementing the regulation permitting 17-month STEM OPT extensions. The U.S. Court gave the Department of Homeland Security until February 12, 2016 to submit the rule again following the necessary procedures related to notice and public comment. If the Department of Homeland Security does not comply with this ruling by February 12, 2016, the regulation permitting 17-month STEM OPT extensions will be cancelled.

Despite this decision, there is no immediate impact on the STEM OPT extension process and it does not invalidate current STEM OPT employment authorizations. F-1 internationals currently on STEM OPT still have work authorization and are considered to be in lawful status. Furthermore, eligible F-1 internationals who are applying or in the process of obtaining STEM OPT can continue to do so.

As of August 17, the Department of Homeland Security issued a message through the SEVIS system stating that “DHS is currently reviewing the ruling and will issue additional guidance in the coming weeks on how this ruling impacts our stakeholders.” Legal analysts assert that the Department of Homeland Security has enough time to issue the regulation on the 17-month STEM OPT extension following the necessary protocols.

The Office of International Programs will continue to monitor any developments regarding this issue. For more information about this decision, please visit the following links:


If you have any questions related to this announcement, please do not hesitate to contact our office.

Thank you for your time,
Office of International Programs
VISA UPDATES

PROPOSED CHANGES TO THE VISA WAIVER PROGRAM

- Focus primarily on strengthening security and screening measures
- Encourage wider information sharing with VWP partner countries

MORE INFORMATION ABOUT VISA WAIVER PROGRAM IS AVAILABLE AT:
http://travel.state.gov/content/visas/en/visit/visa-waiver-program.html

PARTICIPANT COUNTRIES OF VISA WAIVER PROGRAM:
USCIS Launches Virtual Assistant - Emma Gives Customers Another Option for Finding Answers

Release Date: December 02, 2015

WASHINGTON—U.S. Citizenship and Immigration Services launched a virtual assistant named “Emma” today on uscis.gov, allowing customers to quickly find accurate information. She answers questions in plain English and navigates users to relevant USCIS web pages.

She is named after Emma Lazarus, whose famous words are inscribed at the base of the Statue of Liberty.

Emma was developed in response to a growing interest in self-help tools and to enhance our customer service. USCIS call centers currently receive many questions concerning general information requests that can be provided through the Web. Now Emma will help provide that information.

Although Emma can currently answer many questions our customers commonly ask, her knowledge base is still growing. As customers ask more questions, Emma gets smarter and can better assist future customers.

You can access Emma on a desktop or laptop. Soon, she’ll be expanding to mobile devices, and her Spanish language capabilities will be arriving early next year.

Check out Emma at USCIS.gov and click “Ask a Question” in the upper right-hand corner of the page.

For more information on USCIS and its programs, please visit uscis.gov or follow us on Twitter (@uscis), YouTube (uscis), Facebook (uscis), and the USCIS blog The Beacon.

- USCIS -
NEW FORMS POSTED ON OIP WEBSITE FOR THE FOLLOWING CATEGORIES:

- LPR/O-1 REQUESTS: http://www.kumc.edu/international-programs/inbound-programs/permanent-residency-requests.html
- CONRAD 30 REQUESTS: http://www.kumc.edu/international-programs/inbound-programs/conrad-30-requests.html
- H-1B QUESTIONNAIRES: http://www.kumc.edu/international-programs/inbound-programs/h-1b-employees/h-1b-visa-information-h-1b-request-process.html
- OIP SERVICE REQUEST: http://www.kumc.edu/international-programs/service-request-form.html
- TRAVEL REGISTRATION: http://www.kumc.edu/international-programs/register-international-travel.html
CONRAD 30 OVERVIEW

CONRAD 30 DEFINITION: ALLOWS FOREIGN MEDICAL GRADUATES SUBJECT TO TWO YEAR HOME STAY REQUIREMENT TO PRACTICE MEDICINE AFTER COMPLETING RESIDENCY TRAINING IN A MEDICALLY UNDERSERVED AREA

“Under the Conrad State 30 Program, a U.S. state’s department of public health or its equivalent may also recommend waivers of the two-year requirement for foreign medical graduates who have obtained graduate medical education or training, if the FMG agrees to practice "primary care or specialty medicine" for three years in an area designated by HHS as having a shortage of health care professionals.” - NAFSA ADVISER’S MANUAL

- EACH STATE IS ELIGIBLE FOR UP TO 30 WAIVERS PER YEAR (OCTOBER 1 TO SEPTEMBER 30 IS THE ELIGIBILITY PERIOD)
- UPON OBTAINING CONRAD 30 WAIVER, THE PHYSICIAN BECOMES ELIGIBLE TO APPLY FOR AN H-1B VISA TO CONTINUE EMPLOYMENT IN THE UNITED STATES
AS OF DECEMBER 8, KANSAS HAS 23 WAIVERS AVAILABLE.
CONRAD 30 OVERVIEW

CONRAD 30 REQUEST PROCESS AT KUMC:

- CONTACT OIP
- CONSULT WITH BORDEAUX IMMIGRATION LAW ON POTENTIAL CONRAD 30 CASE
- SUBMIT REQUEST FORM + LETTER OF SUPPORT + CANDIDATE’S CV TO OIP
- DR. KLEIN REVIEWS AND MAKES A DECISION ON REQUEST
- IF APPROVED, CONTACT BORDEAUX IMMIGRATION LAW TO START CONRAD 30 PETITION + SUBSEQUENT H-1B

CONRAD 30 REQUEST CAN BE FOUND ON THE OIP WEBSITE AT THIS LINK: http://www.kumc.edu/international-programs/inbound-programs/h-1b-employees/conrad-30-requests.html
LPR/O-1 REQUEST OVERVIEW

- LPR IS EMPLOYMENT BASED LEGAL PERMANENT RESIDENCY
  - MOST COMMON EMPLOYMENT BASED LPR INCLUDES THE FOLLOWING CATEGORIES:
    - EB-1: Outstanding Professor and Researcher, Multinational Manager or Executive
    - EB-2 (must have Labor Certification): Advanced Degree, Exceptional Ability,
    - EB-3 (must have Labor Certification): Skilled Workers, Professionals, Unskilled Workers (Other Workers)
    - *Please note the following categories can be self-petitioned: EB-1: Extraordinary Ability, EB-2 National Interest Waiver (NIW)*
LPR/O-1 REQUEST OVERVIEW

- LPR REQUEST PROCESS:
  - PROCESS STARTS WITH OIP
  - CONSULTATION WITH BORDEAU IMMIGRATION LAW
  - SUBMIT LPR REQUEST FORM + LETTER OF SUPPORT + CANDIDATE'S CV TO OIP
  - DR. KLEIN REVIEWS REQUEST AND MAKES A DECISION
  - IF APPROVED, CONTACT BORDEAU IMMIGRATION LAW TO OPEN LPR CASE

- ANY PERMANENT RESIDENCY PETITIONS REQUIRING UNIVERSITY SIGNATURE CAN ONLY BE FILED BY A UNIVERSITY APPROVED ATTORNEY
  - UNIVERSITY APPROVED ATTORNEY:
    - BORDEAU IMMIGRATION LAW: JUDY BORDEAU, MANAGING ATTORNEY
LPR/O-1 REQUEST OVERVIEW

- **O-1 VISA: INDIVIDUALS WITH EXTRAORDINARY ABILITY OR ACHIEVEMENT**
  - PETITION IS SUBMITTED BY THE EMPLOYER ON THE BEHALF OF THE PROSPECTIVE EMPLOYEE
  - SUBSTANTIAL DOCUMENTATION MUST BE SUBMITTED TO PROVE THAT THE INDIVIDUAL “…SUSTAINED NATIONAL OR INTERNATIONAL ACCLAIM AND RECOGNITION FOR ACHIEVEMENT IN THE FIELD OF EXPERTISE…” – CFR 214.2(o)(3)(iii)

- REQUEST TO PETITION FOR O-1 VISA MUST BE APPROVED BY DR. ROBERT M. KLEIN, VICE CHANCELLOR FOR ACADEMIC AFFAIRS

- REQUEST PROCESS IS THE SAME AS LPR
H-1B REQUEST PROCESS

TO INITIATE AN H-1B PETITION REGARDLESS OF THE CASE TYPE, THE OFFICE OF INTERNATIONAL PROGRAMS MUST RECEIVE THE FOLLOWING ITEMS:

- COMPLETED EMPLOYEE QUESTIONNAIRE AND SUPPORTING DOCUMENTS
- COMPLETED DEPARTMENT QUESTIONNAIRE AND SUPPORTING DOCUMENTS
- COMPLETED DEEMED EXPORT QUESTIONNAIRE
- POSITION DESCRIPTION
- OFFER LETTER OR LETTER OF SUPPORT CONFIRMING THE CONTINUATION OF EMPLOYMENT
- FILING FEES FOR THE U.S. DEPARTMENT OF HOMELAND SECURITY
- PROCESSING FEES FOR THE OFFICE OF INTERNATIONAL PROGRAMS
H-1B REQUEST PROCESS

FILING FEES FOR THE U.S. DEPARTMENT OF HOMELAND SECURITY

- U.S. Department of Homeland Security Fees (paid by hiring department)

<table>
<thead>
<tr>
<th>H-1B CASE TYPE</th>
<th>FEES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial-COS, Initial-COE-Portability,</td>
<td>To U.S. Department of Homeland Security:</td>
</tr>
<tr>
<td>Initial-Consular</td>
<td>- $500 Anti-Fraud Fee***</td>
</tr>
<tr>
<td></td>
<td>- $325 Filing Fee***</td>
</tr>
<tr>
<td>Extension-Portability, Amendment</td>
<td>To U.S. Department of Homeland Security:</td>
</tr>
<tr>
<td></td>
<td>- $325 Filing Fee</td>
</tr>
</tbody>
</table>

1. USCIS Premium Processing Option
   - Cost: $1225 (paid to U.S. Department of Homeland Security)
   - Guarantees H-1B Petition will be reviewed within 15 business days of receipt.
     - The USCIS is not required to approve the case in 15 days, but they must review it or issue a Request for Evidence if they have questions about the petition.
   - Can be requested at any time.
     - Premium processing may be requested at the time of filing a case or may be "converted" to premium processing after filing.
   - Can be covered either by the employee or hiring department.
     - KUMC policy requires that if the employer wishes for the employee to start by a specific date, then the employer is responsible for covering the premium processing fee.
H-1B REQUEST PROCESS

- PROCESSING FEES FOR THE OFFICE OF INTERNATIONAL PROGRAMS

  - The OIP fees are in addition to the H-1B filing fees required by the U.S. Department of Homeland Security.

<table>
<thead>
<tr>
<th>OIP PROCESSING FEES</th>
<th>$800</th>
</tr>
</thead>
<tbody>
<tr>
<td>OIP Processing Fee</td>
<td></td>
</tr>
<tr>
<td>OIP Premium Processing Request Fee</td>
<td>$250</td>
</tr>
<tr>
<td>Applies to H-1B requests submitted to OIP 45 days or less from the prospective H-1B employee's start date. or</td>
<td></td>
</tr>
<tr>
<td>Guarantees H-1B petition processing by OIP and submission to USCIS within 30 days of request receipt.</td>
<td></td>
</tr>
</tbody>
</table>
### H-1B REQUEST PROCESS

#### H-1B CASE TYPE REFERENCE:

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>INITIAL-COS</td>
<td>An initial KUMC H-1B request for an international currently in the United States under a different visa category and thus requesting a Change of Status (COS).</td>
</tr>
<tr>
<td>INITIAL-COE-PORTABILITY</td>
<td>An initial KUMC H-1B request for an international currently in the United States under H-1B status with a different employer. An international is thus requesting a change of employer and will have portability or continued work authorization for up to 240 days as long as the KUMC sponsored H-1B is filed in a timely manner (a timely filing is at any point prior to the expiration of the current H-1B or last date of employment).</td>
</tr>
<tr>
<td>INITIAL-CONSULAR</td>
<td>An initial KUMC H-1B request for the prospective international employee currently outside the United States and thus requesting Consular processing upon USCIS's adjudication of the H-1B petition to enter the United States in H-1B status.</td>
</tr>
<tr>
<td>EXTENSION-PORTABILITY</td>
<td>A request of an extension of KUMC sponsored H-1B petition. Albeit treated as a regular H-1B filing, extension cases allow international employees to have portability or continued work authorization for up to 240 days as long as the KUMC extension is filed in a timely manner (a timely filing is at any point prior to the expiration of the current H-1B).</td>
</tr>
<tr>
<td>AMENDMENT</td>
<td>When a material change occurs in an international employee’s position (i.e. significant changes in duties, going from part-time to full-time, etc.), KUMC is required to file an amendment petition to report and document these changes with the USCIS prior to these changes taking effect.</td>
</tr>
</tbody>
</table>

#### WORK AUTHORIZATION STATUS DURING USCIS ADJUDICATION OF H-1B:

<table>
<thead>
<tr>
<th>Case Type</th>
<th>H-1B Petition Must Be Approved and Original Approval Notice Received Prior to Starting Work (Yes/No)</th>
<th>Portability Applies (Portability/continued work authorization) (Yes/No)</th>
<th>240-day Portability Letter Issued (Yes/No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial-COS</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Initial-COE-Portability</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Initial-Consular</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
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<td>NO</td>
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