

AILA-SCOPS Q & A April 9, 2007 (Questions submitted 4/5/07)

Q1. Members are reporting that they have received emailed premium processing receipts for cap-subject H-1Bs. Please confirm that issuance of the emailed receipt does not mean that a petition has received a cap number. Please also confirm that that premium processing cases do not have any advantage in the random lottery.

Answer: Correct - the issuance of a receipt (emailed or paper) does not mean that a petition has received a cap number.

Also, premium processing cases do not receive any benefit or advantage in the random lottery

Q2. The USCIS press release of April 3, 2007, states that it may be several weeks before it is determined which petitions are randomly selected for the lottery. Many of the petitions filed and received on 4-2-07 and 4-3-07 included a request for premium processing. There appears to be a conflict in the regulations for the lottery and the regulations regarding premium processing. Could USCIS please clarify how they will handle the I-907 requests and when the 15 day PP clock will begin to run?

(Please note that the emailed PP receipts going out already are adding confusion since they say that the PP request is received and that the 15 day clock has already started)

Answer: A USCIS Fact Sheet has been prepared to answer this question and other related questions. It is expected to be posted to the USCIS website shortly.

Q3. The USCIS now has the press release of April 3, 2007, posted to its website. However, when you click on the link for the cap update, the information is still referencing last year's cap. When does USCIS anticipate that this page will be updated?

Answer: USCIS is working on the updates and they should be posted shortly.

Q4. In the USCIS press release of April 3, 2007, it stated that approx. 150,000

petitions had been received on Monday. Does USCIS have an updated count on the number of cap-subject petitions it received by close of business on Tuesday, April 3?

Answer: There was a second press release dated April 5, 2007 with updated numbers of packages received. USCIS expects to have updated numbers tomorrow (4-10-07)

Q5. Is there any update on the Masters cap numbers?

Answer: USCIS expects to have updated numbers tomorrow (4-10-07)

Q6. During initial data entry, is USCIS able to cross reference its records for duplicate filings (same company, same beneficiary, same job?)

Answer: USCIS does not routinely screen for duplicates in this way. However, USCIS has also heard the rumors of mass duplicate filings. Based on a random audit thus far, these rumors appear to be untrue.

Q7. The USCIS press release mentions the possibility of transferring files to other Service Centers to assist with data entry.

- a. Would this be done before or after a decision is made on the random lottery?
- b. Would files remain there for adjudication or be returned to CSC or VSC?
- c. How will this transfer of files affect the 15 day premium processing clock?
- d. How will it impact the processing of cases at those other Service Centers?
- e. What staffing or training will be done with those other Service Centers to handle the incoming petitions?

Answer: USCIS reserves the right to transfer petitions to other Service Centers if required. However, as of today, this should not be necessary and there are no plans to transfer cap-subject H-1Bs.

Q8. We understand that USCIS was not taking cap-subject H-1B petitions after 4-3-07. However, members are reporting delivery confirmations on 4-3-07 after 11:00 pm. Please confirm that all petitions for which delivery was attempted on or before 11:59 pm on 4-3-07 will be considered timely filed.

Answer: If the packages were accepted at the Service Centers in this instance, they should have been receipted in. However, the general rule is that the packages must be received by Close of Business, which is 5:00pm.