

David Muusz

From: David Muusz <muusz@umich.edu> on behalf of David Muusz
Sent: Friday, August 14, 2020 1:24 PM
To: ICINSZoomUsers@umich.edu
Subject: FSIS updates

Dear colleagues-

As we are all preparing for the new semester, I'm reaching out with several updates from FSIS:

IC open for drop-off and pick-up of document

Starting on Monday 8/17/2020, the International Center will re-open to the public for limited walk-in services, especially to drop off and/or pick up documents. The office will be open from 10:00am-noon and from 1:00pm – 3:00pm. We also have a drop box for contactless document drop offs any time the Student Activities Building is open (Monday through Friday, 9:00 am to 5:00pm). Note that most staff will continue to work remotely and are best reached by phone or email. Most appointments and meetings will continue to take place remotely.

Presidential Proclamations

On 6/22/2020, the Trump Administration signed a Presidential Proclamation effectively suspending the entry of certain immigrants and non-immigrants, including new H-1B applicants, into the US. The proclamation includes certain exceptions, including an exception for individuals whose travel would be in the national interest. The US Department of State, which controls the issuance of visas at US consulates and embassies, has created specific evaluation criteria for who may qualify for a national interest waiver. On 8/12/2020, DOS [expanded its national interest waiver criteria](#) to include applicants seeking to resume ongoing employment and technical specialists, senior level managers and other workers whose travel is necessary to facilitate the immediate and continued economic recovery of the United States. There are specific eligibility criteria to qualify for the latter exception category but some of our (new) employees may qualify under this category. Please reach out to the FSIS adviser handling your particular application to discuss whether this new DOS guidance may affect your employee abroad.

Filing Fees and Premium Processing

On August 3, 2020, USCIS published a new fee structure for certain immigration benefits, which is set to take effect on October 2, 2020. We will soon update the [fee schedule](#) on our website as well as the check memo email that is sent through INSZoom to reflect this new structure. Note that the FSIS case processing fees remain the same. Please see the table below for the most pertinent fee changes. The new fee regulation makes several other changes as well:

- Currently, when filing an Adjustment of Status application, i.e. the final step in the green card application process, the beneficiary may also request an Employment Authorization Document (EAD) and Advance Parole (AP) document without requiring additional fees. Effective October 2, 2020, the total required governmental fee for a green card application will decrease by \$240. However, USCIS will start to require separate filing fees for both the EAD and AP documents. Note that while there may be a benefit to applying for the EAD and AP documents, both applications are optional. Individual units may choose to pay for these applications, but are not required to do so. In general, FSIS recommends that international employees maintain their non-immigrant status while they are in the green card process, even if they are eligible for an EAD, as maintaining non-immigrant status provides additional protections should the green card application not be successful. Should you have any questions or concerns about this, please reach out to FSIS to discuss this in greater detail.
- The processing time for petitions filed under Premium Processing time will be amended from 15 calendar days to 15 business days.

LCA – reporting of employment location

In April of this year, FSIS changed its approach to how it provides the required notice of filing of H-1B/ H-1B1/ E-3 Labor Condition Applications (LCA) to current employees, workers and, if applicable, bargaining representatives. Previously, we complied with this requirement by posting hard copy notices in at least two conspicuous locations at each place of employment that is covered by the LCA. Since then, we have changed to an online posting model. With the exception of filing notices for positions covered by a collective bargaining agreement -- for those positions, we continue to provide direct notice to the appropriate bargaining representative -- all required LCA notices of filing can be found in electronic format through the disclosure section of the University of Michigan's main job portal at <https://careers.umich.edu>. This new approach has resulted in a streamlined process for both departments and our office as well as increased accessibility of our notices of filing.

When filing an LCA and subsequent H-1B/ H-1B1/ E-3 petition, we must indicate a location of employment. Any hard copy notices of filing must be done at the listed work location. Therefore, but also to give proper notice to affected employees and workers as well as for other logistical reasons, FSIS always provided the exact work location on the notice, the LCA and the petition, and required that the notice be posted at that address. However, the US Department of Labor (DOL), which regulates the LCA process, recognizes that faculty and staff may change work locations on campus and has indicated that it is acceptable for universities to reflect a single campus address on the LCA to cover the entire campus. Since we are no longer relying on hard copy postings to give notice to employees, there are far fewer logistical constraints in the process and we can now switch to utilizing a single campus address model for our LCAs and immigration petitions. Therefore, effective Monday 8/17/2020, we will use our office address for all Ann Arbor campus employment locations and, similarly, a single address for both the Flint and Dearborn campuses. We will continue to separately list any off-campus addresses where employees are permitted or required to work. Please do be sure to continue to report the actual employment location(s) on the case questionnaire you receive from our office as we will need the information for our records.

This new approach to listing the work address should provide more flexibility for departments and employees and require less administrative work when an employee's work location changes. Note that this does not alter our employment change process. If and when there is an anticipated change in the employment of an international employee in an affected status, including a change in employment location, please do continue to send the [Employment Change Notification](#) form to our office so a determination can be made whether or not an amended petition must be filed and/or whether there are any other administrative steps that must be completed.

Reminder re. New Faculty and Staff: Green Card requests

Now is the time to submit all requests for permanent residency for new faculty and staff with teaching duties. As you know, the Department of Labor specifies that a special handling labor certificate be submitted in the PERM system no later than 18 months from the date of selection (offer letter date), not their start date in order to be able to rely on the original recruitment for the position. This remains true even if the new faculty or staff member has deferred and will not start their employment until a future date. Given this short window of opportunity, please submit a "[PR Process Authorization Form](#)" to our office for all teaching positions requiring sponsorship who were recruited this past year.

New Termination and Transfer Form

Occasionally, FSIS changes its various intake and process forms. We have recently updated the [H-1B/O-1 Termination and Transfer Form](#) to include more specific information on the return airfare obligation. Going forward, please use this form.

Should you have any questions or concerns, please do reach out.

Best,
David

Amended USCIS Fees – effective 10/2/2020

		USCIS Filing Fees		
		Current	New	Difference
		Nonimmigrant Statuses		
	H-1B (new/transfer)	960	1055	95
	H-1B (extension/amendment)	460	555	95
	TN (in country)	460	695	235
	TN (travel letter)	0	0	0
	E-3 (in country)	460	695	235
	E-3 (travel documents)	0	0	0
	H-1B1 (in country)	460	555	95
	H-1B1 (travel documents)	0	0	0
	O-1 (all types)	460	705	245
		Green Card		
	Immigrant Petition (Form I-140)	700	555	-145
	Adjustment of Status (Form I-485)	1140	1130	-10
	Biometrics	85	0	-85
optional	Employment Authorization Document	included	550	550
	Advance Parole	included	590	590
optional	Premium Processing	1440	1440	0

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