

FREQUENTLY ASKED QUESTIONS

FOR CURRENT CLIENTS

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Communicating with Your Attorneys

Q1: What is the best way to contact the attorneys?

A: Leaving a message in the case management system is the best way to reach our attorneys, and the fastest way for us to answer your questions. You can expect to get a response within 24 hours during business hours. If you have a more complicated visa question, however, it might take up to 48 hours for us to get back to you.

Q2: May I speak with an attorney over the phone?

A: Yes. You may call our toll free number (888.666.0969) or leave a message in our case management system to request an appointment to speak with your attorney.

Please note our attorneys require a 24-hours notice before scheduling a phone appointment. If you call our toll free number, our receptionists will assist you by taking down your questions and your preferred times for the appointment.

Q3: Can I just call and request to speak with an attorney right away?

A: Due to the number of the calls we receive, we prefer to speak to clients by appointment. Our attorneys are available with a 24-hour notice.

Alternately, you can leave a message in the case management system. Our team monitors the messages constantly and responds to questions very quickly.

Q4: Will I work with a specific attorney?

A: Yes, after we start to work together, a specific attorney will be assigned to your case to work on your petition. The attorney will have comprehensive information on your case.

To achieve the maximum level of efficiency, other attorneys/staff will help with responding to your inquiries, drafting reference letters, petition letter, organizing exhibits, filing the case to the USCIS and/or responding to RFE/NOID if applicable. If you have any questions about your case, we encourage you to leave



a message in your account and we generally respond to client inquiries within 24 business hours. If you wish to talk to our attorneys on the phone, you can always make an appointment with us.

Our firm has consistent case preparation strategies so the case preparation process is similar no matter which attorney is assigned to your case. For example, we have 2 meetings every week to discuss our approvals/RFE/denials in the week and adjust our strategies accordingly. If you have issues with the attorney assigned to your case, we will be happy to assign another attorney to your case. If you have specific preferences about the attorney working on your case, we are also happy to accommodate the requests.

Preparing for the I-140

Q5: What is the first step to prepare for my case?

A: Please review the "<u>Steps for Case Preparation</u>" document in the client packet in **READ FIRST**. This document contains the answers to many of the most common questions, so we request that you read this document before contacting us with questions. You should start by providing a Summary of Contributions and list of potential recommenders for our review.

Summary of Contributions

Q6: How long should my Summary of Contributions be?

A: We don't set a specific number of pages required for the Summary of Contributions, but a good Summary of Contributions should be about 10-25 single-spaced pages. Most importantly, the Summary of Contributions should include descriptions of your research/work in BOTH plain language and technical language. It should also include information about the "originality," "significance" and actual implementation of your work/research. Please follow the template that we provide and fill out all the sections so that we have all the information we need to draft the letters of recommendation and petition letter.

Q7: What is the "plain language" description of my work/research?

A: This section should describe your research as you would to a layperson who is not a scientist/researcher and has no technical background. This is a very important part of the Summary of Contributions because it is what we will use to



understand your research and explain your research most effectively in the reference letters and petition letter.

Q8: What is "technical language" description of my work/research?

A: This section should explain your work/research as you would to your peers and colleagues who are also experts in the field.

Q9: I read the sample Summaries of Contributions in the client packet, but do you have samples that are specifically for my field of expertise?

A: You do not need to have samples for your specific field/expertise. Every person's research is unique and you should be focused on *your own* work and achievements. The samples just give you an idea as to the level of detail we are looking for. It is best if you follow the template that we have provided and fill out all the sections.

Choosing Recommenders

Q10: When should I start to contact recommenders?

A: We prefer to discuss the list of recommenders with you first before you invite people to be your recommenders. You should provide us with a list of potential candidates using the template in the client packet and we will pick a good combination of references for you to contact.

Q11: What is an "independent recommender"?

A: An independent recommender is someone who has never worked with you or collaborated with you; has not studied in the same institution as you; has not supervised/advised your work; and is not personally or professionally affiliated with you. It is okay if you have briefly met the person at a professional event such as a conference.



Q12: Is the recommender independent if we have gone to school or worked at the same institution, but we have not met or worked together?

A: Usually no. Such a person might not be considered independent by the immigration officer because the immigration officer can look at both of your CVs and find the overlapping time at the same institution. It is better for you to try to locate recommenders from outside your immediate circle of colleagues. But if it is difficult for you to find other independent recommenders, we can try to phrase such a person as an independent recommender.

Q13: Do I have to have all recommenders from the United States?

A: No. A recommender can be from outside the U.S. as long as he/she is an expert in your field. For EB1A/EB1B, it is in fact beneficial to have a diversified list of recommenders from all over the world so that we can establish your international acclaim.

Q14: Is it okay if all the recommenders are from my home country?

A: It is not recommended that you have all the references from your home country since we will need to establish that your influence is widespread and expands beyond one geographical location.

Drafting Reference Letters

Q15: When will you start to draft my recommendation letters?

A: Once your Summary of Contributions and List of Recommenders are confirmed as <u>finalized</u> by us, we will start to draft your employment letter / statement of employment plan and upload it for you to sign once completed. After receiving your signed employment letter / statement of employment plan, we will then start to draft your recommendation letters.

Q16: Can you draft reference letters one at a time?



A: We prefer to draft all the letters together as a set since we need to make sure all of your achievements are comprehensively discussed and our tones are differentiated enough throughout the letters.

Q17: Can you start to draft letters before I get permission from the recommenders?

A: We highly prefer not to do so. That is because our reference letters are not copy-and-paste letters but instead are customized for clients and specific recommenders. If the recommender refuses to sign after we finish drafting the letters, we will need to re-draft the letter and might need to change other letters as well. This will increase the complexity and compromise the efficiency of case preparation.

Q18: How long will it take for you to draft my reference letters? How long does it take for you to revise the letters?

A: It takes us up to 10 business days to finish the first drafts of your letters and 1-3 business days to revise them after your comments.

Drafting the Petition Letter

Q19: When will you start to prepare my petition letter?

A: After you have uploaded <u>all</u> the signed recommendation letters <u>and</u> the signed employment letter / statement of employment plan, and after we have reviewed them to ensure that no potentially detrimental alterations were made to the letters, we will start to draft your petition letter. We do not draft the petition letter before all of the letters are signed because we sometimes would quote the letters in the petition letter, and we need to make sure all the quotes are 100% accurate.

Q20: How long does it take to finish my petition letter draft and how long does it take for you to revise it?

A: It takes us up to 10 business days to finish your first draft of the petition letter and 1-3 business days to revise it after your comments.



Q21: Will you show me my petition letter?

A: Yes. In fact, not only will we show you the petition letter, but we expect you to review it carefully and we will revise the letter to both of our satisfaction.

Preparing the Package

Q22: How do you organize my package?

A: We will assemble your petition package entirely online. You will not need to physically print and mail any documents to us.

We strictly follow the USCIS instructions during the package assembly stage, so you can rest assured that it will be easy and clear for the immigration officer to examine your evidence.

Q23: Will you help to submit the petition package to USCIS?

A: Yes, we will print out all the documents for your case and mail the petition package to USCIS.

In order for us to print your supporting materials, we will require you to upload all the supporting materials that are listed in the exhibit index of your petition letter. Your supporting materials should be uploaded in a .zip file, with the documents for each exhibit clearly labeled by exhibit number. As for the evidence exhibits that deal with AAO decisions, USCIS policy memos, international citations, journal rankings, and citation rates, our firm will prepare those.

Please note that we will be able to print your documents only AFTER you have paid the USCIS filing fee and the remaining attorney fee if any fees are due.

Q24: When should I upload my supporting materials?

A: After you have approved the final version of your petition letter AND there are no further changes to be made, we will provide you with further instructions on how to upload your supporting materials in a .zip file.



Case Filing

Q25: When can I expect my case to be filed after I upload all the necessary documents?

A: For your information, we conduct multiple reviews that involve multiple staff in the review process to avoid even the slightest discrepancies going unnoticed. During the package assembly process, we pay careful attention to every detail and ensure that each piece of evidence is closely examined. We will file your case once all the necessary changes to your evidence materials and the petition letter have been made. Please note the timeline largely depends on the quality of the evidence we receive from you, so we cannot predict ahead of time as to exactly how long this process may take. Nonetheless, we will definitely expedite our processes without compromising on quality or attentiveness.

Q26: Which service center will process my case?

A: The I-140 cases are basically routed to the service center based on your proposed employment.

Your case will be routed to NSC (Nebraska Service Center) if you will work in:

Alaska, Arizona, California, Colorado, CNMI, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New York, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Utah, Washington, Wisconsin, or Wyoming.

Your case will be routed to TSC (Texas Service Center) if you will work in:

Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Texas, Vermont, Virginia, U.S. Virgin Islands, or West Virginia.

Q27: If I publish a new paper after we file, can we update USCIS on that



new evidence?

A: No, we must send all supporting evidence to USCIS at one time and cannot add additional evidence later. USCIS will make a decision based on your credentials at the time of filing.

Initial case decision (Approval/RFE/NOID)

Q28: What happens after my I-140 is approved?

A: Both the petitioner and the legal representative should receive a copy of the approval notice within 30 days of the approval decision. The copy that the petitioner (petitioner's copy) will receive is the original copy (green color) and the copy our firm (our copy) will receive is the courtesy copy. Both the original and the courtesy copy can be used for any future occasions when the I-140 approval notice is required. Note hard copies are not needed and a scanned copy should be sufficient. Our copy of the notice will be kept at our secured storage facility only.

If the petitioner has marked Page 3, Part 4, Item 1a. of the G-28 form, our firm should receive the petitioner's copy of any notices on their behalf. When the petitioner's approval notice is received by our firm, we will keep an electronic copy of the notice and upload the scan in the client's account. The physical copy of the notice will be subsequently moved to our secured storage facility. If you would like us to mail you the physical copy of the approval notice instead, you will have to notify us through the message portal of the client account within 3 months from the date we first message about the receipt of the approval notice. If there is no request made by the client within that timeframe, hard copies are transferred to our secured storage facility immediately and future retrieval of the notices will not be possible.

Q29: What is RFE or NOID?

A: RFE is short for "Request for Further Evidence" and NOID is the abbreviation for "Notice of Intent to Deny". These are initial decisions provided by the USCIS officers when they cannot directly approve a case.

Q30: Would there still be risks of RFE/NOID after we submit a strong case?

A: The issuance of RFE/NOID from the USCIS is not uncommon. The risk of



RFE/NOID is especially higher with certain petition types or with some service centers (e.g., I-140 EB-1A at Nebraska Service Center or O1 visa application at Vermont Service Center). The issuance of the RFE/NOID does not necessarily indicate there are any deficiencies in your petition package. Rather, there are tougher USCIS officers who exercise their discretion arbitrarily and when your case is assigned to such an officer, the risk of RFE/NOID is higher.

Q31: I received an RFE/NOID. What should I expect now?

A: For RFEs, if the RFE notice is received by fax, you generally have up to 83 days to provide a response to the USCIS. If the notice is received by mail, the deadline is typically 87 days. However, we have noticed minor discrepancies with due dates so it is most reliable to review the due date specified in the RFE notice. For NOID, the deadline for response is significantly shorter, which is 30 days if the notice is received by fax and 33 days if the notice is received by mail. Additionally, USCIS announced that, in response to the ongoing COVID-19 pandemic, it is extending the flexibilities with the response deadline for RFE/NOID. This flexibility applies to all RFE/NOID if the issuance date listed on the notice is between March 1, 2020, and January 15, 2022, inclusive. Once a RFE/NOID is received, your case will be assigned to a RFE attorney specializing in RFE/NOID response and we will be sure to follow up with a strategy to elaborate further on how to proceed. Please keep in mind that many cases get approved after we successfully respond to the RFE/NOID. As such, we recommend working with us closely in addressing the challenges in the RFE/NOID and preparing a strong response to maximize the chance for approval.

Concurrently Filing the I-485

Q32: Can I concurrently file the I-140 and I-485?

A: You can file I-140 and I-485 concurrently (i.e., file your I-485 while your I-140 is still pending or at the same time as your I-140) if your priority date is current.



Q33: If I can do concurrent filing, what are the pros and cons?

A: Pros:

- a) Expediting the process: You can do your fingerprints and the background check earlier as USCIS you can only start them after filing I-485.
- b) You will stop accruing unlawful presence at the time the USCIS accepts your I-485 petition and your stay will be authorized while your I-485 remains pending. However, if your I-485 is denied and you do not have a valid nonimmigrant visa, you will start to accrue unlawful presence immediately. Accruing more than 180 days of unlawful presence (but less than 1 year) will result in a 3-year bar from entering the U.S. or applying for a green card.
- c) You and your dependents can file the I-765 and I-131 earlier to receive work authorization and travel documents. You cannot apply for EAD/AP combo card earlier than filing I-485.

Cons:

- a) If your I-140 is denied, your I-485 will automatically be denied and the filing fee will be lost.
- b) Based on our clients' recent experience, the I-140 petition processing time may be delayed for several months when the I-485 is filed prior to I-140 approval.
- c) If you filed an I-765 for an Employment Authorization Document (EAD) or an I-131 for Advance Parole (AP) with your I-485, the EAD and AP will no longer be valid once your I-485 is denied.

Q34: Should I maintain a valid visa status after I file I-485?

A: Yes. We suggest that you maintain a valid non-immigrant visa status after you file the I- 485 in order to avoid unnecessary complications regarding your stay and/or authorization to work in the US in case your I-140 is denied.

Q35: After I get my Employment Authorization Document (EAD) and Advance Parole (AP), can I use them to work in or enter the U.S.?

A: We do not suggest using your EAD to work in the US or your AP to enter the



US unless you do not have alternatives, since using your EAD or AP will void your current nonimmigrant visa status, and you would then have to rely solely on your pending I-485 and EAD for your stay and work in the US.

Early Termination

Q36: If I want to terminate my I-140 case early before we finish the process and get a decision from USCIS, can I get a refund?

- **A:** If you wish to terminate our attorney-client relationship prior to completion of the scope of representation, then you would need to pay a reasonable portion of the total attorney fee based on the services provided prior to termination. Please note that generally, we apply the following charging policy for early termination of case preparation:
 - 1. Before we provide the drafts for recommendation letters or the petition letter:
 - Flat fee includes \$500 for client packet and visa FAQ documents;
 - \$40 per month for case administration expense;
 - And time spent for legal responses; \$50 per message/phone appointment.
 - 2. After we provide the drafts of recommendation letters: \$2,500
 - 3. After we provide the draft of the recommendation letters and the petition letter: \$4,000
 - 4. After we file the case: full attorney fee since we finish our scope of representation.