



This Immigration Update[®] from FosterQuan, LLP contains important information regarding the following:

1. USCIS ANNOUNCES INITIATIVE TO PROMOTE FOREIGN START-UPS AND SPUR JOB CREATION
2. U.S. SOCIAL SECURITY ADMINISTRATION IMPLEMENTS SOCIAL SECURITY NUMBER RANDOMIZATION AND PUTS EMPLOYERS ON NOTICE REGARDING INVALID OR IMPOSSIBLE SOCIAL SECURITY NUMBERS

1. USCIS ANNOUNCES INITIATIVE TO PROMOTE FOREIGN START-UPS AND SPUR JOB CREATION

U.S. Citizenship and Immigration Services (USCIS) has outlined a series of “policy, operational, and outreach efforts” designed to attract and retain foreign entrepreneurs of exceptional ability in order to stimulate the U.S. economy by creating jobs and investments in areas of high unemployment.

USCIS has provided clarification for the employment-based second preference (EB-2) classification, which typically requires a job offer and certification by the U.S. Department of Labor, but allows for exemption of the labor certification requirement through a National Interest Waiver (NIW). In its new guidance, the USCIS explains that entrepreneurs may qualify under the EB-2 classification and also may qualify for a NIW if they can demonstrate their business endeavors will be in the interest of the United States. USCIS has outlined a three-prong standard, which clarifies elements USCIS adjudicators are considering when adjudicating petitions seeking a National Interest Waiver for entrepreneurs.

Clarification has also been provided regarding the establishment of the necessary employer-employee relationship in cases of entrepreneurs with an ownership stake in their own companies seeking an H-1B visa. USCIS has indicated the required employer-employee relationship in such cases can be demonstrated so long as there is a right of control by the petitioner over the employment of the beneficiary.

USCIS will also be enhancing the EB-5 immigrant investor program. In May 2011, USCIS proposed extending the availability of premium processing (15-day adjudication) for certain EB-5 applications and petitions, implementing direct lines of communication between applicants and USCIS, and providing applicants with the opportunity for an interview before a USCIS panel of experts to resolve outstanding issues in an application. After reviewing stakeholder feedback on this proposal, USCIS is developing a “phased plan to roll out these enhancements” and has indicated that it will be implementing these plans soon.

Lastly, USCIS proposed expanding its premium processing services to I-140 petitions for multinational executives and managers. Premium processing allows employers to expedite processing of their petitions, absent evidentiary deficiencies, fraud or national security concerns. With a request for premium processing, and the payment of an additional government filing fee, the CIS guarantees action on the petition within fifteen days of filing.

As always, FosterQuan will continue to monitor changes in USCIS policies and procedures and will provide additional information via our firm's [website](#) and future Immigration Updates[®].

2. U.S. SOCIAL SECURITY ADMINISTRATION IMPLEMENTS SOCIAL SECURITY NUMBER RANDOMIZATION AND PUTS EMPLOYERS ON NOTICE REGARDING INVALID OR IMPOSSIBLE SOCIAL SECURITY NUMBERS

In June 2011, the Social Security Administration (SSA) implemented "Social Security Randomization", which changed the social security number assignment methodology in order to help protect the integrity of social security numbers. The Social Security Administration has begun issuing social security numbers beginning with the number "8," which has never been done before. Additionally, the Social Security Administration has begun issuing social security numbers beginning with the number "7," rather than reserving SSN's starting with "7" for certain states and specific groups. Moreover, the Administration has eliminated the geographical significance of the first three digits of the social security number, and will no longer allocate specific numbers to individuals in specific states.

Invalid or impossible social security numbers remain those with the first three digits of: 000, 666, and 900-999. Additionally, the Social Security Administration has never assigned a social security number with the second two digits of 00 or the last four digits of 0000. The publication of this information by the SSA enables employers to better recognize potentially fraudulent documentation and avoid more instances of social security "mismatches" in the workforce.

Employers who have questions regarding documentation presented in connection with the Form I-9 Employment Eligibility Verification process, or who receive mismatch letters from the SSA, should contact their FosterQuan immigration attorney. As always, FosterQuan will continue to monitor developments relating to employers' Form I-9 Employment Eligibility Verification obligations and will provide future updates via our firm's [website](#) and future Immigration Updates[®].