

### **USCIS Returns to Prior Practice; Form I-797 Notices of Approval to Be Sent to Attorneys of Record**

**October 24, 2011**

United States Citizenship and Immigration Services (USCIS) has announced the discontinuation of its recently implemented practice of sending original Form I-797 Notices of Approval directly to petitioning employers and individual applicants, with courtesy copies of these notices sent to attorneys or authorized representatives. **USCIS will return to its prior practice of sending Form I-797 Notices of Approval to attorneys of record or authorized representatives, with courtesy copies sent to petitioners and individual applicants.** This change in process has apparently been prompted by the feedback that USCIS stakeholders provided, explaining the inconvenience and other inefficiencies that had resulted from the new practice. The prior practice will resume in approximately six weeks, after USCIS has made necessary software changes in its system.

#### **Background**

In September 2011, USCIS changed the way in which foreign nationals, employers, and attorney representatives were notified of petition and application approvals. Prior to this change, attorneys of record received Form I-797, the official Notice of Approval issued by USCIS, with a courtesy copy sent to the employer and/or individual applicant. Without notice, USCIS adopted a practice of sending original approval notices to employers or individual applicants, with attorneys receiving courtesy copies. The new system caused much confusion and required petitioning employers to take extra precautions to ensure that original Forms I-797 sent by the USCIS were delivered to them.

#### **What This Means for Employers**

Although the USCIS's reversion to its prior practice appears to have already been implemented, with some attorneys receiving original I-797 Notices of Approval, petitioners and individual applicants may continue to receive such notices until the appropriate changes have been made to the USCIS's software system. As noted above, it may take up to six weeks for the necessary changes to be made. Until then, all employers filing petitions and applications with the USCIS are advised to make sure that they have appropriate systems in place for the receipt and handling of notices received directly from this agency.

For more information, or if you have any questions regarding the issues discussed in this Immigration Alert, please contact any of the following attorneys:

#### **Washington, D.C.**

Eleanor Pelta	202.739.5050	<a href="mailto:epelta@morganlewis.com">epelta@morganlewis.com</a>
Eric S. Bord	202.739.6040	<a href="mailto:ebord@morganlewis.com">ebord@morganlewis.com</a>

#### **San Francisco**

A. James Vázquez-Azpiri	415.442.1343	<a href="mailto:ajvazquez@morganlewis.com">ajvazquez@morganlewis.com</a>
Lance Nagel	415.442.1345	<a href="mailto:lnagel@morganlewis.com">lnagel@morganlewis.com</a>

#### **Boston**

Lisa Stephanian Burton	617.341.7725	<a href="mailto:lburton@morganlewis.com">lburton@morganlewis.com</a>
------------------------	--------------	--

**Now Available: AILA's Focus on Immigration Practice Under AC21**

Written by Eleanor Pelta and A. James Vázquez-Azpiri, *AILA's Focus on Immigration Practice Under AC21* provides invaluable insight on the effect AC21 has had on the H-1B visa category. For more information, please visit [www.ailapubs.org/ac21.html](http://www.ailapubs.org/ac21.html) or call 1.800.982.2939 to order a copy.

**About Morgan, Lewis & Bockius LLP**

With 22 offices in the United States, Europe, and Asia, Morgan Lewis provides comprehensive transactional, litigation, labor and employment, regulatory, and intellectual property legal services to clients of all sizes—from global Fortune 100 companies to just-conceived startups—across all major industries. Our international team of attorneys, patent agents, employee benefits advisors, regulatory scientists, and other specialists—nearly 3,000 professionals total—serves clients from locations in Beijing, Boston, Brussels, Chicago, Dallas, Frankfurt, Harrisburg, Houston, Irvine, London, Los Angeles, Miami, New York, Palo Alto, Paris, Philadelphia, Pittsburgh, Princeton, San Francisco, Tokyo, Washington, D.C., and Wilmington. For more information about Morgan Lewis or its practices, please visit us online at [www.morganlewis.com](http://www.morganlewis.com).

This Alert is provided as a general informational service to clients and friends of Morgan, Lewis & Bockius LLP. It should not be construed as, and does not constitute, legal advice on any specific matter, nor does this message create an attorney-client relationship. These materials may be considered **Attorney Advertising** in some states. Please note that the prior results discussed in the material do not guarantee similar outcomes.

**© 2011 Morgan, Lewis & Bockius LLP. All Rights Reserved.**