

**MIE Minutes**  
**University of Minnesota, Twin Cities**  
**January 20, 2010**

**AGENDA**

8:30-9:00	Registration
9:00-9:10	Welcome by Dr. Kay Thomas, Director of International Student & Scholar Services, University of Minnesota
9:10-9:30	Introduction of new MIE members and Updates
9:30-10:20	"Intercultural Competence for us and our Students" Dr. Barbara Kappler, Assistant Director International Student & Scholar Services, University of Minnesota
10:20-10:30	Break
10:30-11:00	Immigration Update Scott Borene, Senior Attorney & President of Borene Law Firm
11:00-11:30	Update: SEVIS HQ/DHS Issues Bruce Gawtry, Immigration Specialist The University of Minnesota and Macalester College
11:30 – 11:50	Terry Thornton, Social Security Card Center Manager
11:50-12:00	Announcements

**INTRODUCTION**

Dr Kay Thomas, Director of International Student & Scholar Services, University of Minnesota. She is a former NAFSA president. It's an interesting time at the U of M for international education. The university wants to be 1 of the top 3 research institutions in the world. Everyone had an opportunity to have input and this caused a shift from 'we can't do that', to 'maybe we can'. There is renewed enthusiasm. There is interest in internationalization from the top down now also, not just from the bottom up.

Dr Thomas introduces us to 8 Russian scholars (international educators) in audience.

**ANNOUNCEMENTS**

Luyen Phan, MIE Chair

- The special MIE Tax session that was scheduled for today has been canceled.
- New MIE webmaster: Erik Schmitz, St Cloud State University
- Stacey Buachart passes on a message from Deanne Silvera about the Fulbright International Education Administrators Program in Germany: <http://www.cies.org/IEA>. Deadline is February 1<sup>st</sup>.
- Luyen talks about the earthquake in Haiti. It reminds him of our interconnectedness and he hopes we do what we can and we continue the good fight.
- Lori Friedman had a baby boy in December. She's on maternity leave and will be back in March.
- Scott Johnson mentions the MNSCU Student Affairs Conference on February 4 and 5 [http://www.academicaffairs.mnscu.edu/studentaffairs/SA\\_Conference.html](http://www.academicaffairs.mnscu.edu/studentaffairs/SA_Conference.html)  
There will be a session by him and Bruce Gawtry on web accessible resources involving immigration regulations. Thursday 2/4, 10-11 am.
- Mark Schneider is going to the NAFSA Advocacy Day, March 16 and 17. Sign up online at the NAFSA website: [http://www.nafsa.org/public\\_policy.sec/grassroots\\_advocacy/advocacy\\_day/](http://www.nafsa.org/public_policy.sec/grassroots_advocacy/advocacy_day/)

## **INTERCULTURAL COMPETENCE FOR US AND OUR STUDENTS**

Dr. Barbara Kappler

It is not as easy as just bringing people together. Intercultural competence: you need motivation and curiosity.

The u-curve model is false. Too simple for something complicated and messy. It gives a way to talk about it.

Developmental model stages:

- Defense: we are this way, they are that way
- Reversal: my culture is better. Or has been somewhere and that culture is best.
- Minimization: Awareness of differences (appearance). Deeper structural differences are not understood. Comfortable place to be.
- Acceptance: curious, motivated.
- Adaptation

We have to apply model to ourselves.

Students are in different stages:

- Denial stage: Exposure to differences (music, food).
- Defense: They need to experience commonality. Don't focus on differences.
- Minimization: New to differences. Classic activities. Orientation. Value explorations. Simulations that focus on self-awareness.
- Acceptance: Exposure to the deeper differences. Friendships, roommates.
- Adaptation: More opportunities.

Stages are not static.

This model is used widely in the multi-cultural offices (K-12) as a diversity initiative.

Take IDI.

Organize a buddy-program (with Americans, int'l students, study abroad students)

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Please call if you can!

## **SCOTT BORENE**

- Missed last MIE conference in November because of international conference in London
- New York Times article; China is luring scientists home:  
<http://www.nytimes.com/2010/01/07/world/asia/07scholar.html?scp=1&sq=chinese%20scientist%20return%20to%20china&st=cse>
- US visa scam in Brazil: Brazilians paid up to \$15,000 each for temporary American work visas for jobs that didn't exist: [http://www.nytimes.com/2009/12/08/world/americas/08briefs-Brazil.html?\\_r=1&scp=4&sq=visa%20brazil&st=cse](http://www.nytimes.com/2009/12/08/world/americas/08briefs-Brazil.html?_r=1&scp=4&sq=visa%20brazil&st=cse)

- India: temporary work visa changes. Visa requirements: workers can't be engaged in secretarial activities. All employers are required to not exceed 1% of workers to be foreign. Not more than 20 per company. Protectionism is putting its roots down.
- Janet Napolitano gave a speech and reaffirmed commitment to tougher laws and borders. But also to immigration reform. Political speech. She is a spokesperson for the Obama administration.
- Last proposal for Immigration Reform was in 2007  
2007: R.I.P.  
2006: R.I.P.  
Will there be CIR (comprehensive Immigration Reform) in 2010?
- Immigration issues show up when you get your driver's license. Real ID deadline was 12/31. New deadline is 5/10/11. Immigration issues show up when you get your driver's license. Real ID deadline was 12/31. New deadline is 5/10/11The Department of Homeland Security (DHS) announced that it would be extending the December 31 REAL ID material compliance deadline. DHS's goal in permitting the extension is to avoid travel disruption during the holidays.

The Department of Homeland Security (DHS) announced December 18, 2009, that "in order to ensure that the millions of Americans traveling this holiday season are not disrupted," it is extending its previously announced December 31 REAL ID compliance deadline. Without the extension, states and territories would have either had to be in compliance with REAL ID, or establish that they demonstrated certain milestones, by December 31, and some individuals traveling on commercial aircraft or entering federal buildings might have been delayed.

DHS reported on Friday that while progress toward driver's license security had been made, 46 of 56 jurisdictions would not have been able to meet REAL ID requirements through partial or interim compliance. The May 10, 2011, deadline for full compliance by jurisdictions remains in effect, according to DHS, and the Department will continue to work closely with jurisdictions to meet this deadline. The May 10, 2011 deadline is for states and territories and would not necessarily impact all individual license holders immediately. A requirement that all licenses be fully REAL ID-compliant is still several more years away.

Meanwhile, DHS continues to support the passage of the PASS ID Act (S. 1261), a bill that would repeal or change some aspects of the REAL ID Act. However, the PASS ID Act remains in committee in the Senate and there is no indication that it will progress through the legislative process before December 31.

- SEVIS II has been postponed.
- J: Proposed Rule for high school students - Secondary School level - has been temporarily pulled back. But it will come back with: more controls; 8 hour training; screening of potential host family; 3 hour refresher course. Everybody will have to be screened (even volunteers). If this is imposed, NAFSA will be contacting Franken and Klobuchar etc. Just a heads-up that this is the trend.
- H1 cap has just been reached. Shows us how bad the recession has been. They are gone until 10/1/2010. Exemptions for college and universities. 4/1/10 is filing date for next year. They will probably not last long as this year. Apply within 30-60 days when you're on OPT. Apply as soon as possible! If there is immigration change, fees will be higher etc.

- Prevailing Wage/Labor Certification: State Work Force Agencies no longer have influence on wages. See the NAFSA.org – Regulatory Information- Resource Library dated 01/14/10 for further guidance. Starting 1/1/1- they are all filed at Department of Labor. New form – ETA 9041.
- Department of State forecast for college faculty/staff: September 2010: 5-10 years backlog if you have a Phd. Tiny quota, but interest is high. Yields a greencard backlog problem.
- Braindrain's new term: "brain circulation". NAFSA policy recommendation are great ideas, but it's a wishlist. It depends on armwrestling and muscle in the world of politics.
- (Washington D.C.) On Tuesday, December 15, Congressman Luis V. Gutierrez (D-IL) introduced new legislation, the Comprehensive Immigration Reform for America's Security and Prosperity Act of 2009 (CIR ASAP), to the U.S. House of Representatives: the first comprehensive immigration legislation that has been introduced to congress since May 2007. It's just a first draft and doesn't have enough political support. Has a lot of horrible stuff (for example regarding H: huge filing fees etc). It's going to crash and burn in the Senate.
- MA senator elections last night: Scott Brown (R) will have to move to the middle to get reelected. Immigration change will have to be bipartisan. Is it going to be market-driven or commission method? They would need an independent commission. Would be highly political in the US.
- Comprehensive Immigration Reform for America's Security and Prosperity (CIR ASAP): is something going to be done or just a bunch of talk? We will see. 2/2/10: State of the Union. If Obama says nothing: immigration reform is dead until after election. If he says 1 sentence: not very positive. If there is a special focus with follow-up comments from both parties: hopeful sign. The timeline is shrinking. By 7/4 everything will be about reelection. Healthcare needs to be done, dead or alive, it's a political necessity for Obama to get a 2<sup>nd</sup> term.

#### **BRUCE GAWTRY:**

- New social security center has been very helpful. Good communication and not bureaucratic.
- Haitian earthquake is causing some immigration issues. USCIS has a crisis contingency for work authorization. Temporary Protective Status has also been authorized. Suspended deportation for Haitians already in the US. DHS also granted special humanitarian status to Haitian orphans so that their adoption process in the US can be expedited.
- New procedures for passenger screening per 1/4/10. Nigeria added to countries of interest. 14 countries are listed as "countries of interest": Afghanistan, Algeria, Cuba, Iran, Iraq, Lebanon, Libya, Nigeria, Pakistan, Saudi Arabia, Syria, Sudan, Somalia, Yemen. Students from these countries will have more difficulties getting visas plus more secondary screenings.
- Notation for B-1/B-2 visitors on visas: CCD (consolidated consular database)- the Embassies and Consulates will include CCD in the note area when they don't know exactly what the problem is but want further checking - will have to go to secondary at the POE to have additional inspection.
- USCIS service center has a new organizational structure and new managers in the interest of improved operational efficiency – see USCIS.gov for a chart .
- Bruce talked to Tim Haynes, SEVIS HQ: reminds us to join SEVIS II Yahoo-group.
- They are combining general regs with SEVIS I deletions for 1 big Fed. Register announcement.
- 1/5/10: [www.regulations.gov](http://www.regulations.gov): one added record area for SEVIS II isnational identity numbers. They'll start from scratch for SEVIS II, and won't migrate SEVIS I info.

- Bruce talked to Larry Minner, Officer of the Day: there have been a lot of problems with I-515 addresses.
- Find I-515 address updates on the public part of the NAFSA website (regulatory info page).
- The new DS-160, Nonimmigrant Visa Electronic Application, is a fully integrated online application form that will be used to collect the necessary application information from persons seeking a nonimmigrant visa. The DS-160 will be submitted electronically to the Department of State. Consular Officers will use the information entered on the DS-160 to process the visa application and, combined with a personal interview, will determine an applicant's eligibility for a nonimmigrant visa. 45 countries will start using them on 3/1/2010. All countries on 4/30/2010.
- Who is considered Public Charge? New USCIS Factsheet 10/20/09. Very liberal compared to what it was prior to a major update in 1999.

## QUESTIONS

**Q1:** An F-1 student withdraws from classes and leaves the US. Student intends to return to continue studies in US in four months. For this reason, the school maintaining the F-1 student's SEVIS record terminated the SEVIS record for reason "authorized early withdrawal." Question: Can the dependants of the F-1 student who have been maintaining F-2 status stay in the US while the F-1 is out of the US?

A: No. They would be out of status too long.

**Q2:** Do you know if a Liberian student in TPS who originally came as a B-1 visitor can Change Status to F-1? She tells me that she applied for TPS before the B-1 visa expired (i.e. She did not overstay her visa.). Any idea where I should send this student for help?

A: They were switched to DED - Deferred Enforced Departure – last year. They have until March 2010 to depart, but expect to get an extension of DED. You have to maintain status while in TPS (see INA and 8CFR 244) to switch from 1 category to next. People are not knowledgeable about maintaining their status.

**Q3:** An F-1 student has been offered a position after graduation that she will pursue through OPT (and the company says it will apply for H1-B later). The same company states the position includes a training program where student will receive a masters degree in business/finance area and therefore wants the student's SEVIS record transferred to this graduate program at end of May (however the student's BA program completion date is in mid-June) so student can start the on-line classes initially.

Can School A (undergraduate) transfer SEVIS record to School B (graduate program) before student has met School A's graduation requirements?

The company wants student to work on OPT, but wouldn't OPT be canceled once the student moves to higher level studies (and SEVIS record transferred), in this graduate program while they apply for student's H1-B?

Can any of this be done? That is, transfer student SEVIS record before degree/program completion date and also expect student can work under School A's OPT?

A: You can't transfer out as completed before you finish. They should stick around and graduate. They can start online courses when they're on OPT. They can take 1 course if they're enrolled, but as many as they want if the courses are not part of the program.

**Q4:** Student is dismissed for academics (two prior semesters on probation - mental health issues - no appeal possible at this point). Dismissal (is/was) at the end of fall semester. Student was advised to return home or immediately find somewhere to transfer.

How long can he stay in country (with a relative, while looking for somewhere to transfer)?

How long before DSO must report "termination"?

Is the student immediately out of status, or if he transfers before our next semester start date (assuming his SEVIS record hasn't been terminated), is he okay? I understand he could still be admitted in terminated status and apply for reinstatement through the new school.

**A:** Some schools don't report termination until student transferred to another school. If terminated during term: 15 days to leave out; you can't get a transfer.

**Q5:** While in OPT, student had her H1-B visa approved then decided not to "use" it or delay it so she asked her employer to withdraw or change her original petition, and she wants to use her approved OPT instead with different employer. Meanwhile, her SEVIS record was "automatically completed. Program or Employment has ended." PDSO submitted documentation to SEVIS help desk, as requested, but has not heard anything from SEVIS for +2 months to change her back to F-1 active status and award her remaining OPT (as suggested by SEVIS help desk). Any way to contact SEVIS for faster assistance or help?

Additional item: student was in U.S. waiting for this to happen but had to return home due to family emergency, how does this affect her request and does it mean she abandoned her request to be reinstated to F-1 and OPT?

**A: If the student stays in the U.S.,** it depends which I-129 H-1B petition box was checked (visa or COS). If an error by the employer, get employer to write a correction letter and the DSO requests the SEVIS help desk to make a correction to the record back to F1.

The student is responsible for their status. When the student (now H-1B) pending a data fix makes a decision to leave US their status is over.. When they come back, they reapply for initial entry (SEVIS is active for study abroad/research/during breaks).

If something is delayed at the service center or help desk too long (such as the above example) or lost 'in space': contact serv. ctr. liaison person or re-contact SEVIS help desk .

## **TERRY THORNTON**

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Manager of new Twin Cities Social Security Card Center. Meant to improve service. They want to be reasonable and flexible. Opened November 16, 2009. Seven metro counties are included – card applicants must go here. See list and location at:

<http://www.socialsecurity.gov/cardcenters/cardcenterinfo.html#twinCities>

Other offices no longer do social security cards.

They are attached to the current Minneapolis office.

There is less of a wait time than at other offices. Processed 10,000 applications in 2 months with the average wait-time less than 20 minutes. Best time is 9 am. Over lunch gets busy. The later in the

afternoon the longer the wait. The interview takes about 15 min if they have all the right forms. 2-4 weeks for the actual card. They have to be work-authorized and show that they are lawfully here.

There are 8 new social security card center offices in the country. If you have a certain larger amount of card applications, it jams up offices. This is all they do. They get better at spotting fraud. The metro area had a large volume.

Students have to be activated in SEVIS to be able to get a Social Security Number. The SS office can see the SEVIS record 48 hours after they've been activated. SEVIS II will be more interactive with SS.

Students can get a letter that shows they've been in to apply (they may need to ask for the letter).

August/September: what is best way for incoming students (groups of 10 or more)?

Call Terry to get students to come in between 8-9 am or after 4 pm. Call and arrange, they can handle 40 at a time. Less than 10, come during regular hours. Or they can send somebody to us. Students need to already have filled out application and forms and have copied everything beforehand.

### **Meeting Adjourned**

**Next MIE meeting: Thursday March 11, 2010 at the Minneapolis College of Art and Design**

Minutes submitted by Nienke Wijnia