

**MIE Meeting
Minneapolis College of Art & Design
March 11, 2010**

AGENDA

- 8:30-9:00 Registration
- 9:00-9:10 Welcome by Jay Coogan, President of Minneapolis College of Art and Design
- 9:10-9:30 Introduction of new MIE members and Updates
- 9:30-9:50 Intercultural Activity
- 9:50-10:20 Jessica Cook, Driver and Vehicle Services
Joe Campbell, Senator Amy Klobuchar Office
Admissions Breakout Session
- 10:20-10:30 Break
- 10:30-11:30 Immigration Update
Scott Borene, Senior Attorney & President of Borene Law Firm
- SEVIS HQ Update/DHS Issues
Bruce Gawtry, Immigration Specialist
The University of Minnesota and Macalester College
- U.S. Customs and Border Protection Update
Larry Minner
- 11:30 – 11:50 Immigration Q&A
- 11:50-12:00 Announcements

INTRODUCTION

Jay Coogan welcomes everybody. He moved from Rhode Island to MN and feels like a foreigner himself sometimes. He mentions that during our meeting we will talk about worries and fears and negative things about traveling across borders. Traveling is especially good for young people. MCAD is trying to grow their international student programs. It is critical to get that exposure. They have a very small group of international students, but hope to get more and they hope to send more students abroad. Think about safety when getting programs together. Thank you for being here and welcome.

ANNOUNCEMENTS

Luyen Phan, MIE Chair

- New MIE members introduce themselves:
Leslie Rentz, St Cloud State University, Cheryl Field, Macalester College/St Thomas, Kathy Hawks, McNally Smith College of Music
- Lori Friedman (ISSS for Region IV) is interested in the questions from our membership so she can figure out what training is needed. Luyen referred her to the MIE minutes on the website.
- There will be MIE board elections during our upcoming May meeting. Please think about whom you would like to nominate. We also will be looking for host institutions for 2010/2011. Host responsibilities are now online. Macalester College will host the January meeting. The board consists of: Chair, Chair-Elect, Secretary, Treasurer, Members at Large and Webmaster. Current board members introduce themselves. Kim Koffi will be the new Chair and is looking for a Chair-Elect. It doesn't take too much work. MIE is a great first step to build up to regional level and maybe eventually national. Great exposure to colleagues in the field. Katie Gumpertz (Member at Large) encourages admissions people to nominate themselves. Scott Johnson (Member at

Large), Cassie Bean (Member at Large), Nienke Wijnia (Secretary), Erik Schmitz (Webmaster) and Stacey Buachart (Treasurer; by email as she had to leave the meeting early due to a family emergency) all volunteer to serve on the board for another year unless somebody else would like to take over. There will be a board transition meeting in May after MIE meeting.

- International students should be part of Census! Look at website. Encourage your student to participate. <http://2010.census.gov/2010census/index.php>

There is a special section for U.S. foreign born population:

<http://www.census.gov/population/www/socdemo/foreign/index.html>

- Scott Johnson mentions DSO training website with Exam, Glossary, Job Aids and Resources: www.ice.gov/exec/training/login.asp. SEVP might require training for recertification of schools at some point.

INTERCULTURAL SESSION

“What’s in a name?”

Get together in a group and discuss the following:

- What is your name?
- How do you write your name (what format, middle name)
- What does your name say about you?

Example:

Mohamed Mohamed Mohamed

Where do you think this person is from? Somalia, Middle East?

He is from Southern Spain with a Muslim background

1: first name

2: mother’s name

3: respective parent

JESSICA COOK – Driver and Vehicle Services

- Go to DVS to obtain a State ID or a Driver’s license
- They are trying to train their people better re foreign students.
- Some students take classes online and only go once a week to WI or the Dakotas, but live in MN. DVS is trying to be more lenient.
- You need 2 forms of identification. ID requirements: passport with unexpired I-94 , I-20 (from a MN school, or from a different state with OPT in MN) + 2nd form (birth certificate, driver license from another state). Translator form for birth certificate. They don’t accept college student ID’s. You can use transcript (with DOB or letter from registrar with DOB). See attachment for more information.
- Status Check letter. They need to update their status with a new I20. See attached document.
- 60 day grace period after studies end.
- International driver’s license: they have to switch within 60 days when they become a resident. DMV – MN doesn’t take international driver’s license for verification of possession of a driver’s license. Always have to bring their home country license.
- Variance procedure on website if they don’t have 2nd id. Have to have it approved by committee which takes place within 30 days at the cost of \$10. They get approved a lot.
- Documents have to be originals. If not, use a variance.
- When a student has a driver’s license and leaves the state, they get cancelled automatically.

Q: What about an exchange student who is only here for 1 semester?

A: That's where defining residency gets complicated. Some students drive on international licenses when on D/S. However, a lot of people get harassed by police officers because they don't like licenses from other countries. It is not a perfect system.

Contact information:

Minnesota Department of Public Safety
Jessica Cook
Assistant Regional Supervisor

Phone: 651.628.6794
Fax: 651.797.1190
Jessica.cook@state.mn.us

Feel free to contact her if there is a problem.

Attached documents:

ID Requirements (<http://www.dps.state.mn.us/dvs/ID%20Requirements/IDframeset.htm>)
Certificate of Translation and Translator Qualifications
Status Check Information

ADMISSIONS BREAKOUT SESSION

JOE CAMPBELL

U.S. Senate, Outreach Director for Senator Amy Klobuchar, Twin Cities office. He does outreach for education community and has been there for about 3 years. Senator is very much in favor of immigration reform. Casework: 3 fulltime immigration staff members. Work with USCIS, Department of State and everybody in between. They communicate with counselors abroad etc. His main message is: their door is open. They have the resources. They want to help.

Q: Is their office involved in immigration reform?

A: Klobuchar is very interested. A lot of issues fall under this umbrella. There's a backlog. Probably not going to happen within the next couple of months.

Q: Have you heard anything about the revamping of the SS card? Moving to national id? How will that affect our students?

A: Doesn't know. Will get back to us. They have a staff member who deals with SS. You can contact that person.

Q: Deportation for Liberians living in MN – extended by 12 months. End of this month. What is the solution?

A: Short answer: there is always a temporary solution (temporary protective status – TPS). There are bills to make that permanent. Senator met last week w Liberian community. Very important to her. Second largest Liberian community in the country is here in MN. They're working on it.

Q: Next week is advocacy day next. Will Klobuchar be there?

A: He can't imagine she wouldn't be part of it. It's always a priority to meet with constituents. She comes from a family of educators.

Q: What about the study abroad loan program funds-

A: Klobuchar has been meeting with financial communities to free up money for loans. Personally, Joe studied abroad. Klobuchar is aware that students are being squeezed. It's a priority to her. Suggestions, please let him know and he'll pass them on.

They have free parking and cheap coffee. They can help with Social Security card, IRS, visa issues, etc.

Contact information:

Joe Campbell
Outreach Director
United States Senate / Amy Klobuchar
1200 Washington Avenue, South
Suite 250
Minneapolis, MN 55415

Phone: 612.727.5228

Fax: 612.727.5223

Joe_Campbell@klobuchar.senate.gov

SCOTT BORENE

- New York Times: student visa fraud in Florida. Of 200 students only 5% attended class (Language School). Largest visa fraud in the agency's history. It makes the government extra suspicious about everybody.
<http://www.nytimes.com/2010/03/05/us/05fraud.html?scp=1&sq=visa%20fraud%20florida&st=cse>
- Secretary of Homeland Security Janet Napolitano announced March 9, 2010 Greece's designation as a member of the Visa Waiver Program.
- USCIS warns Haitians applying for temporary protected status to be aware of immigration scams. USCIS has a dedicated website providing guidance on its response to Haiti at www.uscis.gov/haitianearthquake. Do not sign documents that you don't understand or blank documents. Do not make payments without getting a receipt.
- Immigration law is civil law, not criminal law. If you get detained, they put you in a rented jail with the really bad people. They go to the lowest bidder. People die in custody. More than 100 people died in civil custody the past 6 years. There is a list now and they are addressing it.
- International students will no longer be allowed to join a union for research assistants at the University of Wisconsin-Madison. Out of 2500 research assistants 700 are international.
- Newark: H1B people from India in IT were taken to secondary, expedited removal by CBP officials.
- New mailing location for I-765. New coding (5 codes), new categories.
- USCIS: new proposed form I-129 for H1, 34 pages, 22 pages of instructions. Comment period until April 5th.
- Problems with lockboxes. If you don't get your receipt, follow up. Look at NAFSA website. There will be transition pains. Once they get them rolling, it tends to go more smoothly.
- H1 quotas: they will probably last well past April and May, but applicants still should stay ahead of the curve. H1 employer-employee memo: massive number of denials. There is currently a hostile attitude towards small companies. Your graduates need to know they're flying into bad weather. There's a storm brewing.

- Department of State: mandatory electronic DS-160 is not ready for primetime. Not working too well. Not up to speed. Use old DS-156.
- Department of State: Indian consulates are issuing pink letters (requesting more information). Looking into H1's using internal checklists the consular officers have devised. Attempt to build a paper wall as a barrier to getting people back. Extra risk for travelers.
- Department of Labor: special handling cases (with issues or problems) are starting to move and are coming back somewhat sooner. From time you submit until government looks at it is about a year. Usually 2-3 years.
- Scott will go to DC in a few weeks to meet with government people. Encourage them to pass CIR this year. Comment by Obama today (3/11/10), but it has been said since he was elected. CIR is stuck in 3rd place, sometimes moves to 2nd, now back to 3rd (healthcare, economy, CIR). Washington Post article, 3/5/10: political math for democrats. Electorate will take it out on democrats (not Obama perse). Increased deportation compared to Bush. They deliver the tough stuff first, before CIR. Don't want to appear as wimps. There will be a determined effort. It was the deciding factor in presidential elections. Healthcare, little energy that is left goes to jobs. After MA election the probability of massive immigration reform dropped significantly. But it's slightly reviving. Brown has already split with rest of Republicans. Once they vote up or down on healthcare, there may be a 30 % chance of voting before summer.

LARRY MINNER

- Doesn't have a lot of new information.
- There are 36 countries in visa waiver program now. Greece just added.
- Dec 25th 2009 attempted terrorist attack. Napolitano press conference in January: fight against terrorism:
 - 1: protecting air travelers by fine tuning the watch-lists
 - 2: partner with DOE and Nat'l Lab to improve aviation security
 - 3: Accelerate advances in detection technology
 - 4: using local DHS law enforcement officers as air marshals
- Save Ports Act 2006. Another phase was stepped up. Officers check cargo. What's coming in to the country.
- There have been efforts to transfer information quicker. Example of how the system should work: American citizen had a concern about his wife who was not coming to live with him. He came to Larry. Information got passed along to state department who revoked the visa and she was unable to fly into US. Her brother was flying with her and was also in a flawed marriage and was refused entry.
- TSA 10 countries of interest: Afghanistan, Algeria, Iraq, Lebanon, Libya, Nigeria, Pakistan, Saudi Arabia, Somalia and Yemen. Additional scrutiny. Before they get on the plane they get additional screening. Students from those countries could be delayed.

Q: DSO had young woman from Japan in his office. She entered the US on the Visa Waiver program and had an I-94 card with the WT annotation. She says that she had been advised by int'l student service staff at two local institutions that she could file an I-539 to extend her stay in the US beyond 90 days. She had filed the I-539 and subsequently had the extension denied "because the application is statutorily ineligible for the benefit."

A: WT/WB can't change status or extend stay. For medical or other emergent reasons a satisfactory departure extension is built into the law. Can be granted up to 30 days extension. Contact CBP officer of

the day (currently Officer Miller). If you can't fly for serious medical reasons: can be granted DED (deferred enforced departure).

Q: Address on I-515 form hasn't been changed.

A: Old ones with incorrect addresses are still being printed out. There will be an updated web-based version shortly. The ice.gov SEVP page address is still O.K. Please check page 2 on the student's I-515 for the right address before mailing.

Q: What if you lose your I-94? (so you don't have a departure copy to turn in)

A: Let the airline know and have them create a duplicate so their departure is recorded. You have to prove many times when and if you left. Make a copy of your passport and I-94 as part of orientation. Save boarding passes. Not all countries stamp people in. You can go the US consulate in the other country as proof that they left the US. Always be prepared.

BRUCE GAWTRY

- SEVIS II schedule update due out shortly.
- I-515 address: NAFSA.org, immigration resources:
<http://www.ice.gov/doclib/sevis/pdf/bmsgi515s1.pdf>

NOTE: the address below will work (it has the correct street address per a check with the I-515 section last week) – There are zip-code issues currently being addressed by SEVP HQ.

The documentation is to be mailed to:

Student and Exchange Visitor Program
ATTN: I-515A PROCESSING TEAM
Potomac Center North
500 12th Street SW
Washington, DC 20024-6121

- Disability policy: they are addressing American Disability Act in forthcoming regulations.
- Haitian students: working on a relief policy for possible allowing students to work more.
- Chile: is also included in student priority list for economic hardship employment authorization along with Haiti. Will get priority and approval. Fee waivers will be considered also.
- Naming convention guide 9 FAM (foreign affairs manual) Appendix F, 500: has been removed from State Department website. 111 pages, guideline referred to in SEVIS II migration memo. Now classified information. Not available for I-20s. There are published versions available. Hopefully available again soon. The SEVIS II team leader has been notified.
- OPT applicants are getting jobs. Some are getting signing bonuses. Could technically be a legal problem. There is more and more effort to look for legal problems. There are circumstances to go around payroll. Usually it's part of contract. A true signing bonus is in exchange for signing the contract, not for providing service. You get to keep the money. If it's reported on W2, it becomes part of advanced salary payment. Conservative approach to advising is to wait to get the money. They can't work until OPT starts! That violation may come back to deny you once you apply for H1.
- I-765 form: there are new categories for hardship and int'l organizations.

Q&A

Q: With the changes on Feb 24 to the lockbox facility, the new I-765 instructions information seemed to indicate that F-1 students can now submit their I-765 applications by e-filed. Do you suggest we advise our students to e-file?

A: Lockbox mailings to Phoenix. It's supposed to go faster and be more efficient. Fill out G1145 to get a receipt. E-file: you can't expedite and you can't make changes. USCIS is dealing with issues re e-filing. E-filing will eventually be fast and great and the standard. For now: don't use it. It works well for E-fee filing. You still have to send papers. Only use it when you have 1 day to file, deadline is tomorrow.

Q: Who do we contact now instead of Leah (contact in Nebraska)?

A: We don't know yet. Bruce is on it. There's a subcommittee working on it, too. We will post it on MIE website. Bruce will visit SEVIS HQ in Arlington in April. Per a recent note from Leah the service center assigned will be shown in the receipt notice. She said she is still willing to help.

Q: Is it "legal" or accepted practice for a F/J program to charge its students or visitors to have their lost/stolen I-20/DS-2019 reprinted? Heard of J-1 training program that wanted to charge its student/visitor fee to have form reprinted.

A: J1 training program: they can charge whatever they feel like. Usually it's absorbed as a cost.

Q: Is there a good list that contains the names of immigration lawyers?

A: There are all kinds of lists. We have an MIE network we can use. In MN, there are a handful of immigration lawyers with F/J expertise. Ask them if they have experience with what you're looking for. Just be a good consumer.

Q: What are the parameters of on-campus employment? If another party, business or contractor, other than the college/university or other approved employer, comes "on-campus" and offers to pay student/scholar for research, completing a survey, etc, is that considered on-campus employment?

A: On-campus employment: for example, personal care assistance. On campus, and off campus – avoid off-campus. Only authorized for on-campus. But on-campus definition is vague. Employment authorization is enforced more harshly. Don't push the envelope, there's a 10% unemployment rate. Not a good time to be taking a chance. If they're on university payroll, they should be fine, though. The school should have administrative oversight with the contracted service.

Q: An HR person at the school thinks that regulations aimed at keeping foreigners from "taking" U.S. jobs apply fully to on-campus jobs. Is this true? Or are U.S. and int'l student equal?

A: There's no definition of non-displacement. It's not clear. The practice is if it's F1, on campus, most schools don't discriminate.

Q: US student going off campus: going to Japan, no employment, less than 90 days. Should they be careful of something?

A: US citizens who are going abroad- no changes. If you go to 1 of the 10 countries of interest, you can expect some extra questions. You can be put in secondary.

Q: Some schools are now offering "externships", which appear to be short-term experiences as short as 1 week where a student is connected with an alum of the school or other institutional connection. In some cases they appear to be observational experiences where a student follows the person around to learn about their job, and in other cases it appears the student actually works or will produce

some work product. Students may get "free" housing from the host/alum and may get local transportation or other benefits. Some schools will pay for the student's travel from the university to the externship site. If the experience is observational in nature, should the school advise student to apply for CPT? Especially if student is receiving other benefits? If the experience seems that it is not observational but leans towards work, should the school be looking at CPT even for "only" 1-week length externships?

A: CPT - has to be part of the program. C stands for curricular. Within CPT, if it's not paid, should it be required for credit. Should CPT be pursued for unpaid positions? If there's competition for the position, yes. Otherwise they're displacing somebody else. Quid pro quo. Something in exchange for something else. It doesn't have to be money, anything of value can be compensation. If it's a true volunteer position, not a problem.

Q: Volunteer vs Work - Our campus is more students who want to "volunteer" at hospital or other health facility. It is clear that the students are considering majors/studies in medicine and related fields. Although some of these positions may not pay, the students will receive food vouchers/coupons (and perhaps other benefits) for helping out the hospital take care of its patients, perform clerical functions, and "other assigned duties". Would you recommend that student only pursue the "volunteer" position under CPT (or OPT, especially given that volunteer work in related program of studies is now considered "employment" under OPT)?

A: Food vouchers for volunteering: is it employment? If it's grey, some people take a risk. Students working in medical field before even getting in a nursing program: has to be true volunteering, or it has to be authorized. You want to be very careful. If there's money involved, get CPT or OPT. if required for next program, it's a problem. There's a displacement test. if you shovel your neighbors sidewalk, you don't expect compensation. It's not a problem.

Q: Will the 'dual intent' of H1B negatively affect a change of status application to F-1?

A: Basic rule if you want to change status within the US: you have to prove that you followed all the rules within the US, and have to prove they have temporary intentions (<> H). No dual intent. Expect extra questions for H going back to F.

Q: Student in last semester, part-time status, can you work?

A: Yes. They are in F1 status.

Q: We have Korean and other nationals who have to take 1-2 years off from their studies to complete required military service. One of them is coming back but it appears that instead of the 1 year it will take for him complete his final year, it will only take 2 terms (we are on modified trimester system) to complete things. Should he be advised that he may not be eligible for OPT unless he "stretches" out his courses over an academic year (possible problem is that our student are not permitted to go beyond 12 trimester)? If that student still holds a valid visa, can that student come back on the school's visa? Or would he need to apply for a new visa with an updated I-20? Could the school ask SEVIS to make his record active again?

A: Have them apply for new visa. They can be admitted on an old I20 under 1 yr. If older, they have to start over with an updated I-20. May not qualify for OPT if under 1 acad. yr. He could take some extra classes to have a full year.

Q: For those liberal arts colleges, do you enter the F-1 student's major in SEVIS using CIP code or do you keep the F-1 student's major as "liberal arts + sciences, general studies" for the entire 4 years? Why?

A:

- At the University of St. Thomas, we enter F-1 students' majors into SEVIS using the proper CIP code. In our student database, we have a table of "major codes" used by St. Thomas. This table was designed with a few extra blank spaces in each major code, one of which is a place for a "CIP code" to correspond to that major. We have a fantastic registrar's office that went through that table and wrote down what CIP code they believed best corresponded with each major in the table. This is great. We've always put the majors in, but we used to guess what CIP code to use. No more guessing now. We just look up what St. Thomas major code is on the student's record, go over to the "major table," look up the corresponding CIP code, and put that into SEVIS.
- At the U of MN, liberal art students choose a major in their 3rd year typically, their CIP code than changes in our system (we use PeopleSoft). Once the CIP code changes we will update the student's I-20/DS-2019.
- Colleges generally require a major focus area or concentration during the last 2 or 3 yrs prior to graduation. When the student makes a decision (which could change) the CIP code can be changed. This course concentration selection supports the OPT regs that need a major study area also.

Q: If your college/university requires health insurance from the college, do you allow international students who have health insurance from their home country to waive the college health insurance? What minimum coverage do you require?

A:

- We require all of our students & scholars to buy the U of MN health insurance. We let our student insurance office make the decision on whether to grant an exception. Typically, our insurance office will waive the requirement if someone has U.S. based health insurance already. For example, they are insured through the spouse's/parent's employer etc.
- Health insurance should be required of all international visitors and if your school allows the student/scholar to waive the schools coverage, it is suggested that you set up a system that meets your institution's expectations for insurance coverage and that works for you. Unlike J-1, F-1 regulations do not have any minimum medical insurance coverage.
- J-1 insurance requirements - http://www.nafsa.org/_file/_amresource/22cfr62.htm#6214
Currently J-1/J-2's are required to carry the following minimum coverage. Note that Dept of State has proposed regulations that would increase the amount of health insurance coverage and may require dental coverage for the exchange visitor and their dependents.
 1. Medical benefits - \$50,000/person/accident or illness - proposed changes to \$200,000
 2. Deductible does not exceed \$500
 3. Repatriation \$7,500 - proposed changes to \$25,000
 4. Medical evacuation \$10,000 - proposed changes to \$50,000
 5. Must meet a minimum rating as stated by DSO (see above J-1 insurance link)
 6. Continuous coverage while on exchange program
- Overseas insurance is not always reliable, and often comparison factors are not workable for direct coverage matchups. Also, who would do the verification for minimum coverage and accept the liability if the overseas insurance company is found not reliable or the student properly covered after a health problem occurs? No exceptions should be made for non-U.S. health insurance.

NAFSA raffle winner: Cassie Bean from St Thomas. If she can't go, somebody else in her office will get it.

Meeting Adjourned

Next meeting: Friday, May 14th at College of St. Benedict/St. John's University

Minutes submitted by Nienke Wijnia