

MIE Minutes
St Cloud State University
November 17, 2009

AGENDA

8:30-9:00	Registration
9:00-9:10	Welcome by Dr. Devinder Malhotra, Provost and Vice President of Academic Affairs, St. Cloud State
9:10-9:30	Introduction of new MIE members and Updates
9:30-9:50	Intercultural Activity
9:50-10:20	Update: SEVIS HQ/DHS Issues Bruce Gawtry, Immigration Specialist The University of Minnesota and Macalester College
10:20-10:30	Break
10:30-11:00	Immigration Update George Maxwell, Borene Law Firm
11:00-11:10	Introduction by Bruce Gawtry: Working vs. Volunteering
11:10-11:45	Break-out Session: Working vs. Volunteering
11:45-12:00	Announcements

INTRODUCTION

Dr Devinder Malhotra, new Provost and Vice President of Academic Affairs
He is a former international student who came to the US in 1975 and appreciates what we do. Glad to host us. He's new and still has a lot of energy. SCSU is a very energetic place. We are in a transformative stage and the world around us is changing. IE will become even more important. He's an economist and believes that within Higher Education the IE segment is a growth industry. International boundaries have become porous. IE is turning in to global education instead.

ANNOUNCEMENTS

Luyen Phan, MIE Chair

- It's International Education Week: iew.state.gov
- There is a wealth of knowledge within MIE that we would like to share more at MIE meetings.
- How can we rotate our meetings so more people can come? How do we share with those of us who can't make it? Can we record the meeting?
- Introduction of new members amongst each other plus in group.
- Lou Farrell (head of SEVP) sent a letter to presidents of colleges and universities to get input from schools. Luyen can send a copy of letter to membership ([link to letter](#)).
- Survey results

With which visa categories do you directly work?

What topic are you most interested in?

43 total respondents

42 work with F's (1 works only w/J's) & others

19 work with J's (as well)

6 work with H's

2 also work with Permanent Residents

1 person each said they work with M, B1/B2, or L

Top responses for interest:

34 Sevis II

28 Government Regulations

19 Recruitment/Admissions

14 Programming

7 Academic Advising

6 Batch

1 each for Networking, I-17, Advocating for Change, Intercultural

THREE CHAIRS COMMUNICATION ACTIVITY (adapted by Darla Deardorff, 1995)

Presented by MIE board members Kim Koffi and Cassie Bean

Purpose: to illustrate some different cultural communication styles and begin a discussion of how communication styles affect us in our communication with others, especially those of different cultural backgrounds.

Three chairs are set up, the outer two turned toward the inner one. The chair on the left holds the position of the 'expert' (cites statistics and gives factual information); the middle chair, the 'listener'; the right chair is the 'real story' (the story is personal, warm). The expert and the real story person talk to the listener simultaneously about life at their institution. The goal is for the listener to see which talker holds their attention more.

Debriefing comments:

Listener: difficult to concentrate, can't show emotion, can't respond; more interested in warm and fuzzy, but facts stick better; biased to story that more related to her; zoned out for at least a moment; have to focus to hear the expert; felt rude towards storyteller; dilemma who to pay attention to.

Expert: easier role

Storyteller: harder role. Listener is not looking at you.

There are different communication styles, both for listening and speaking. Two people talking at once could be an example of a polychronic culture. Factual vs. personal information is indicative of another style of communicating.

Makes you think about listening and zoning out. Students have to listen to hours of information sometimes right after they get off the plane.

You can adapt this activity to anything you do on campus. Different techniques/styles can be used to help communicate from different perspectives/cultural backgrounds.

BRUCE GAWTRY:

- Talked to Tim Haynes at HQ. It's an interim period for SEVIS II and regulations. Recertification is still pending. Latest dates are no longer February 2010. There is no date at this point. Advises to join the Sevis II Yahoo group.
- New regs: OPT, 8 CFR 214.1,2,3,4. They are modernizing the regs. Present day online course work and F regs don't match up (you can only have 1 online course now). They're working on that at SEVIS HQ.
- The new OPT reg will be published before the 8CFR 214.1,2,3,4 reg changes.
- Liason positions have been put off.
- J1 regs: open for comment until 11/23. Go to regulations.gov to make comments.

- Chinese fraud case at UofM: teacher at one of English Language schools in China offered (non-existent as it turned out) a full scholarship for \$7500 fee. 9 students at UofM were affected. Put out warning if you work w/ Chinese students. SEVIS HQ took it to ICE HQ. Tim Haynes said it's an ongoing investigation.
- USCIS is talking about raising fees again, but it hasn't been confirmed yet. They're also talking about laying off staff at adjudication centers. USCIS was down 164 million dollars last year. DHS secretary announced immigration reform in 2010. An additional 12 million people will use USCIS facilities. USCIS is trying to set up a bilingual website.
- 11/12 policy guidance: medical field/language: qualified people can join military and become a citizen immediately. 0901-01 SEVIS policy guidance has details.
- Federal government website, flu.gov, has interesting info on international enrollment numbers with regards to H1N1. They're not considering quarantine for visitors with flu. CBP isn't dealing with H1N1 at ports of entry.
- SS office changing their office setup: SS Center in Minneapolis. Effective 11/16. Bruce tried setting up a meeting with contact person Terry. She may come to January MIE meeting. She's interested in doing outreach.
- If you have immigration data system problems you can talk to Larry Minner. He's authorized to make changes (or his backup Ken Duray).
- There will be webinars plus extensive training on SEVIS II.

Questions/Comments

Q: F1 student applied for OPT. Went home but travelled back and forth on B1. What are the effects on his OPT application?

A: If you change status it automatically cancels OPT application and can cause a lot of problems down the road regarding future employment in the US. Complete him in the system. Don't travel while your OPT is pending!

Q: When applying for OPT do many of you have luck with student applying for a fee waiver?

A: Yes, fee-waiver for OPT is possible: www.uscis.gov/feewaiver

Q: The Japanese government equivalent of CBP is taking temperature of incoming travelers to check for H1N1. Is quarantine possible for U.S. students studying abroad or our students returning to their home countries?

A: There have been delays at Tokyo airport. Yes, they also check visitors from U.S. and travelers might be quarantined. Don't get on a plane if you're sick, you might get stuck.

Q: What about the removal of HIV as grounds for inadmissibility?

A: Removal of HIV as a ground of inadmissibility starts 1/4/10.

Q: Program requires a one-semester 15-credit externship (full-time work at a company). Can I authorize full-time CPT for fall or spring semester? Student is paying ½ tuition for the 15 credits externship. Is student considered in status or does student need to complete the 15 credits in summer?

A: It's considered fulltime in status, and summer is included if the student is registered for either semester. It should be authorized as CPT.

GEORGE MAXWELL:

Education

- Proposed J regs came out in September. Comments before 11/23. Not final. There will be some time after comments period ends. They are tightening up the J-program in high risk areas. Reduce benefit fraud and address perceived weaknesses in programs. Maybe annual

management audit. Reports on sponsor; site visit for a fee. If your institution sponsors H1 you might have gotten a visit. Criminal background checks. Increase in health insurance coverage.

- Revisions for I 140's for professors and researchers. Offer of employment in a letter to teacher??
- Get a case # for all types of requests at helpline for USCIS
- New TB test: blood test plus new I-693 medical exam form. Can't use old form after Jan 1.
- ESTA program: CBP classified all 221g cases (even if approved later) as visa denials. Disclose it on the ESTA-form.
- Roxy Bacon was named Chief Councilor Immigration Lawyer.
- Travel docs: apply before Christmas for advanced parole.
- Immigration bill later this month. Commitment to families. Firm but fair way to deal with illegal immigration.

Employment

- H1B 11/6 54,799 used up. 65,000 available of which 6800 are set aside for Singapore and Chile. Rate of 100/1000 per week so will be out by end of this month.
- Labor certification: permanent application. It's now taking long time to process. At least a year to get them approved. Number of audits is going up.
- Department of Labor is making sure US citizen and resident workers rights are protected. see FLSA – Fair Labor Standards Act
- US Dept of Homeland Security is having a presentation for government employers on 11/19 in DC.

WORKING <> VOLUNTEERING

<http://www.dol.gov/elaws/esa/flsa/scope/ee16.asp>

http://international.cua.edu/ImmigrationBasics/Employee_vs_Volunteer.pdf

Guidance questions for group discussion:

How do you advise students? Do you have documentation? How do you keep track/follow-up? Best practices? If you have docs, are you willing to share?

Comments by Bruce Gawtry:

- Department of Labor definition – see attached. Very restrictive. There is a long list of exceptions and it gets really complicated. We're concerned with it regarding OPT. Community service is pretty clear cut. Not so in engineering or business environment. Set it up as unpaid internship. There are requirements to meet unpaid internships. Write up the internship by company. It has to be in field of study.
- Can be setup as an independent contractor, too. Listed in SEVIS policy guides.
- Volunteer can't be paid; can't *displace* (which would be considered as being employed). ICE and Dept of Labor are checking!
- Reason international students want to work in US is that finding a job in US opens a lot of doors both here and once they are back in their home country.

Comments by George Maxwell:

- Get letter from org. explain work and expected term, plus documentation of hours. Less than 20 hours one week make up for that another week. Should be documented by employer.
- 90 day of unemployment rule might change.

- Never have them take a volunteer position if there is a part-time paid position available. Order: fulltime paid, part-time paid, independent contractor, volunteer
- Always document!
- If working fulltime on OPT, volunteering on the side doesn't have to be in field. But get it documented in letter.
- What about liberal arts students: make a reasonable argument that it fits, it should be okay.
- 90 days is accumulative during total OPT! Switching jobs within less than 10 days doesn't count. STEM is 120 days.
- Volunteer job has to be 20 hours or more. Part-time can be less than 20.

Meeting Adjourned

Next MIE meeting: Wednesday January 20, 2010 at the University of MN, Twin Cities

Minutes submitted by Nienke Wijnia