

MIE Minutes
12 March 2009
Luther Seminary, St. Paul

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6. Immigration Update: Scott Borene, Senior Attorney & President of Borene Law Firm
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Welcome from Rev. Patricia Lull, Dean of Students

- ✓ Patricia Lull welcomed the group and expressed her appreciation for the work Marie does on the Luther campus with 50 international students. Luther has long history of commitment to global education and understands the benefits gained from international student enrollment.

Networking Session

How is your institution being affected by the economic crisis? Your office? Your students and scholars?

- ✓ Some schools charge for orientation. St. Cloud State charges a one-time \$100 orientation and programming fee. St. John's Preparatory school, St. Mary's University, and Bethel also charge for orientation.

Nominations for open MIE Board positions for 2009-2010

- ✓ The current board suggested making the positions of treasurer, secretary, and webmaster for two-year terms.
- ✓ The Chair-Elect sits on the board and prepares to be chair the following year. Kim Koffi was nominated for this position.
- ✓ The Treasurer is responsible for the bank account, collecting dues, reimbursing host institutions for food costs, paying bills, and member check-in at the meeting. Stacey Bucharth was nominated to a second year and Scott Johnson was nominated for this position.
- ✓ The Secretary takes minutes, sends out emails including the agenda, and maintains the email list. No one has been nominated for this position.
- ✓ The Webmaster maintains the website. An individual does not need to have a technical background to do this. Zhanna Saparova was nominated for this position.
- ✓ At large members sit on the board and participate in the other work of the board. Scott Johnson, Cassie Bean, Chenar Howard, and Katie Gumpertz were nominated.

SEVIS Headquarters/DHS Update

Bruce Gawtry

- ✓ Bruce mentioned that the January newsletter from Borene Law Firm included an update from the Nebraska Service Center which gave information about OPT extensions and why they are being rejected and a checklist for STEM OPT applications.
- ✓ SEVP will publish a new stop gap policy paper for students who fall into the cap gap situation. This paper is in the final stages of approval and so cap gap procedures will be out soon. This will include advice on travel. If an H-1 lottery winner travels out of the country they will be considered to have abandoned their application.

- ✓ The number of form I-515s issued for 30-day admission is up from last year. The main reasons for this seem to be forgotten I-20s and missing travel signatures. Currently there is a backlog for processing I-515s. The processing time is around three months.
- ✓ SEVIS II will definitely not be out until after October 1, but SEVP claims that they are on schedule. The new system will eliminate paper I-20s, but will allow an option to print an I-20 for employers and departments such as Driver and Vehicle Services.
- ✓ The liaison officer program has been delayed. SEVP released a memo stating that the program will be implemented in steps starting in June with five locations including Washington DC, Florida, and Oregon. Twelve more positions will be added in July or August. The Minnesota liaison will come after these 12 and will be based in Bloomington where ICE is located. Minnesota will get an officer that only works in Minnesota so the travel for this position will be less than previously expected. The positions are posted at www.usajobs.gov. If Bruce hears about a Minnesota position he will let the MIE Board know so that they can send out an announcement to MIE.
- ✓ Recertification has been postponed, but will begin soon. This happened because the project was merged with SEVIS II implementation and at the same time SEVP began revising regulations including removing old pre-SEVIS references and cleaning up 214.2.
- ✓ The new SEVIS response desk phone number is 703.603.3400 this is different than the SEVIS helpdesk and should be used for non-technical questions. The helpdesk should still be used for technical questions. Bruce called with a question and they did a good job responding. They seem to have knowledgeable staff and they appropriately referred questions to other staff if necessary. Advisors can also call 703.603.0409 with specific questions about the I-515.
- ✓ Bruce is a member of the NAFSA Regulatory Practice Committee and is making recommendations for the CBP Inspector's Field Manual and part of entry policies. MIE members who have specific suggestions for problem areas should send them to Bruce at bruce@gawtry.net, bgawtry@macalester.edu, or gawtr004@umn.edu. He checks all of these emails daily and will bring suggestions to the committee.
- ✓ Tom Gjersvig asked whether or not there has been any relaxation of the requirement for a letter from an employer when traveling out of the country, considering the current job market. Bruce explained that the CBP is still tight on this requirement and so students should still get the letter if they want to travel. Students on OPT who leave the US should have a job offer, an employment letter, and evidence that they have applied for opt (such as a receipt) in order to return to the US. However, it seems that because of the 90-day rule for unemployment, the CBP should allow students to travel without a job. Bruce will call and talk to the CBP and SEVP policy staff about whether or not relaxing this requirement is possible. Furthermore, we are seeing that the job market for these students is global and so students are looking for work beyond the US.

CBP Update

Larry Minner

- ✓ Larry gave a quick overview of Customs and Border Protection in which he stated that it is the largest federal law enforcement agency in the US with 20,000 agents and 2,000 agricultural specialists. The agricultural specialist in Minnesota was just presented with an award. The specialist conducted more examinations and found more contraband than Chicago. The CBP confiscated 2.8 million pounds of narcotics in 2008.
- ✓ Scott Johnson from North Hennepin Community College is organizing a tour of the Minneapolis Port of Entry and CBP. Some MIE members are participating in the tour.
- ✓ US citizens who travel on or after June 1 must show a passport or other valid ID such as an enhanced driver's license, NEXUS card, or passport card in order to enter the US. International students still must show a valid passport and should think about this when considering when to renew it.

- ✓ Larry has worked with schools to correct student records when a name is entered incorrectly at the Port of Entry. However, the information is not getting into the SAVE system for the Social Security Administration and so Larry is working with Jon Norberg of SSA to solve this issue. Also, if SEVIS shows incorrect Port of Entry information the CBP can help correct this.
- ✓ Larry encouraged the group to contact Bruce with travel and regulatory issues because they could have an impact on policy.
- ✓ An MIE member asked whether or not there has been a change to the requirements for a stamp when a student crosses the border. Larry explained that there has not been a change and students should be getting the stamp. Soon, there will also be a fingerprint requirement for all students including permanent residents and Canadians.
- ✓ An MIE member asked which I-94 number they should use for an OPT student who has a different number in SEVIS than on their current I-94. Larry said that they should use the new number from the I-94.
- ✓ An MIE member asked if Larry has seen any changes or expects any changes with the new administration. Larry does not anticipate any major changes. He explained that Jayson Ahern, Acting Commissioner of CBP, is working on the issues surrounding the merger of the Customs and Border Protection and Homeland Security.
- ✓ An MIE member asked what consequences might arise due to the implementation of wider use of fingerprinting. Larry thought that the government agencies will likely discover issues about individuals that they may not have in the past. The CBP will be checking a person's identity every time they cross the border and there will probably be more individuals called into secondary inspection. The database is tied to the State Department database, but not Interpol which is an international database.

Immigration Update

Scott Borene

- ✓ Scott noted that the new Department of Homeland Security Secretary Janet Napolitano is said to be "tough but reasonable" and now that she is in place other department positions will be filled in the upcoming months. She was called up to testify before congress and the Homeland Security Committee on February 25. She spoke about the "path forward." She was questioned about an ICE raid on an engine plant in Washington state, but she did not know about it and was not happy because it is inconsistent with her and the president's positions. An article regarding this ran in the New York times on February 26. Since this story broke there have been no work-side actions. This and her testimony signal a sharp change in tone from the previous administration. She dropped the term terror from her swearing-in statement. Previous secretary Ridge used the term 11 times in his speech and Chertoff used it 7 times. She also dropped the use of military language.
- ✓ Secretary of State Clinton has not said anything or indicated her stance on immigration issues yet, but they should be compatible with international education. Scott does not see her taking the lead on these issues in her first months.
- ✓ The website www.whitehouse.gov/agenda/immigration sets out the administration's plan for comprehensive immigration reform. Scott explained that optimists believe that immigration reform will happen soon and they point to statements from the President on February 12 when he renewed support for comprehensive immigration reform and February 23 when he stated, on a Spanish language station, that he will work on immigration reform now and that he is committed to making it happen over the next several months. In the last few days the omnibus bill was passed which includes two immigration programs.
- ✓ One of the votes as part of appropriations bill was to extend E-verify for four more years. Senator Leahy made a motion to table (or kill, according to Scott) the amendment and the motion passed by a vote of 50 to 47. Scott views this as a test vote for immigration reform. Also, Scott thinks that John McCain may cross over and vote for comprehensive immigration reform.

- ✓ Scott thinks that the government will focus on the following priorities in this order: health care reform, a stimulus bill, and then comprehensive immigration reform. He believes the senate is ready to move forward with this issue and that the house is lukewarm on the issue. The congress would want to move on with this tough vote sooner rather than later and he thinks there is a chance that it will be up within next few weeks.
- ✓ The State Department will publish a new J-1 skills list soon. This has to do with the two-year home residency requirement.
- ✓ There will no longer be special handling for college and university H-1B applications. Faculty from India and China as well as those without PhDs will be waiting much longer for a labor certification and so anyone working with these individuals should start working on the application early.
- ✓ The Department of Labor has issued new forms that affect H-1 and Green Card applications. Scott has copies of the new forms in his handout. The forms will be phased in over 30 days starting on April 15. There is also a new PERM form 989 that will roll out in July with a 30-day phase in period.
- ✓ H-1 application "D-day" is coming. The service centers say they will accept an application within five days of April 1, but many lawyers do not trust this and plan on having applications in on April 1.
- ✓ Physicians with the appropriate Indian medical Diploma are not being recognized as such by USCIS in labor certification cases.
- ✓ The last day on a payroll is considered the last day in status for H-1 visa holders whose employment is terminated.
- ✓ The Wall Street Journal published a letter from the deans at Dartmouth on March 11 regarding the fact that the Employ American Workers Act that was part of the TARP money has made it much harder for employers to hire H-1 visa holders and this means they will be hiring from a much smaller talent pool. They pointed out that the US exported \$15.7 billion dollars in educational services and that 30-35 percent of the student body in the Dartmouth Business School is foreign born. All of this is good for the economy and it will go away if we continue in this direction. Thomas Friedman wrote an article about this as well. Britain does not have a limit on this type of visa and so it may be that students start to go there instead.
- ✓ The Nebraska Service Center had a conference with schools on January 22 in which they discussed processing delays, I-765 processing timelines and practice tips, and address changes for pending files. Details about everything discussed at the conference are included in Scott's immigration update handout.
- ✓ A student on OPT who does not find a job within 90 days they will be considered out of status. The student does not get a grace period and if s/he stays even one day over the 90 days without authorized unemployment s/he will be considered an overstay and could end up in deportation proceedings. If a student decides to go back to school or change her/his status then the I-20 or I-539 must be submitted before the 90th day of unemployment. An MIE member asked if a student does go over the 90 days of unemployment, should the school terminate the student's I-20 and then issue them a new I-20 for reinstatement. Schools are not supposed to do the termination for unemployment and it may be difficult to be approved a reinstatement at this point. The 90 days begins when OPT begins, so it is possible to have a grace period before applying for OPT and so some advisors are encouraging students to wait to apply for OPT.
- ✓ Implementation of the new I-9 form has been delayed until April 3 and individuals should not begin to use the new form until the government instructs them to do so.
- ✓ Implementation of E-verify has been postponed until May 21. In Scott's immigration update handout there is an article about E-verify which states that the system works better than it used to, but that it still not ready for "prime time." A pilot of 100,000 employers was conducted and significant problems were found and this is only 1% of the total number of employers in the US.

- ✓ Alexis asked Scott about whether or not he thinks we will have a second senator seated by the time this bill comes up for a vote and whether or not we should start contacting Al Franken's staff about this issue now. Scott said that we should not send anything to Franken's staff until the election is official over. He believes that, with developments of last two days, the election has become extremely difficult for Coleman and it will be over within a week or two. The three-judge panel has finished and the contest will probably go to the Minnesota Supreme Court, but the court will probably not prolong the contest. Also, Scott stated that during a personal conversation with Franken he found that Franken has a better in-depth understanding of immigration issues than any politician that Scott has ever heard. This is probably due to Franken's time as host of Air America and his work with his Harvard student staff.

Programming Focus: Orientation Programs

Deborah Knaust

- ✓ Deborah focused on similarities and differences between different schools' orientation programs and the challenges that St. Thomas faces. She offered to send orientation schedules, layout information, handouts, etc. for anyone who is interested.
- ✓ St. Thomas offers different orientation days for undergraduate and graduate students and placement testing is incorporated into orientation for undergraduate students who are required to take them.
- ✓ The international student services staff requires individual document checks with every student. Deborah finds that this time is "golden" as an opportunity to meet with the student individually and answer questions. At this time they show the student their SEVIS record so that it is not a mystery to them and they print a new I-20 for the student.
- ✓ St. Thomas no longer offers airport pick-up for any time. Rather they offer pick-ups during specifically scheduled days and times.
- ✓ St. Thomas offers the opportunity for students to take advantage of their "borrowing closet," which is a place where past international students can leave unwanted supplies including appliances, linens, etc.
- ✓ St. Thomas offers Friendship Families to any new student that is interested. This voluntary program takes a great deal of work up front, but helps to take the burden off of the office to help with issues of adjustment. This is not a host family program in that the students do not live with the family. The families do not go through a screening process and they are usually faculty and staff. The program is optional and usually 20 to 25 students take advantage of the opportunity, many of whom are undergraduate exchange students.
- ✓ The orientation includes a session on technology. Deborah is finding that the technology gap between students from various countries is becoming wider. This is also a good time to teach the students about identity fraud issues.
- ✓ Deborah recommends the NAFSA brochures as helpful, inexpensive resources to provide international students.
- ✓ St. Thomas hosts an orientation fair for all students where the various offices provide information about what services they provide. This is a good time for the international students to mix with the domestic students and meet the various staff.
- ✓ St. Thomas invites an immigration lawyer to talk about employment authorization and economic hardship at the orientation.
- ✓ St. Thomas has a mentor program. In order to apply to be a mentor, students must have lived abroad for at least one year and so they usually international and study abroad students. Mentors work on providing programming throughout the semester and they are an integral part of orientation. Mentors are paid and it is a one-semester commitment. St. Thomas usually hires six undergraduate and one or two graduate mentors and they ask one undergraduate and one graduate to stay on for the new spring semester students.
- ✓ The website www.stthomas.edu/oiss/orientation/default.html has information about the St. Thomas orientation and Deborah's power point presentation is posted with these minutes on the MIE website.

David Di Maria

- ✓ St. Cloud State charges a \$100 fee to all new international students. This pays for orientation programming and food costs.
- ✓ St. Cloud State also has a peer advisor program. The Peer Advisors are volunteers and they act as group leaders at the orientation. St. Cloud also hires four paid Orientation Coordinators. These coordinators provide airport pickup, plan social activities, do check-in for testing, and supervise the Peer Advisors. Peer Advisors are very important at St. Cloud because they have such a large number of students. They also get help from community members during break times.
- ✓ David mentioned that state parks are a great, cheap activity to do during orientation and Facebook has helped a lot with community building as well.
- ✓ St. Cloud State requires every new student to take a three-credit orientation class (one credit for the administrative piece and two credits for the cultural piece of the course). It meets for one hour, twice a week, for seven weeks and it is an extensive cultural and administrative orientation. The staff see it as a way to help students, "hear the stuff they need to know again," especially in terms of immigration advising. Many transfer students hate the requirement because they do not think they need it. (They are not required to do the culture piece of the class.) Also, the class is offered online by special permission. Usually this is for graduate students. The staff would like the class to be smaller; currently only one section is offered and so all of the 200 new international students are in one class. The credit counts as general education, but usually transfer students and graduate students do not need this type of credit and so they see the class as a waste of money.
- ✓ David thinks it is very important for the staff to know the purpose of orientation, including why they provide orientation and what their focus should be.

Announcements

- ✓ The board will send out announcements by email.

Meeting Adjourned

Next Meeting: Friday, May 15 at St. Olaf College in Northfield.

Minutes Submitted by:
Annie Gemmell, North Hennepin Community College