

MIE Minutes
Macalester College, St. Paul
18 March 2008

Agenda

1. Welcome from the Dean of Students
2. Announcements
3. Update: NAFSA national information, Aaron Colhapp, Macalester College and raffle for paid registration for the national NAFSA conference in Washington DC
4. Open Forum: Kenyan student issues
5. Update: EducationUSA Advisers, Matthew Beatty, University of Minnesota
6. Immigration Update: Bruce Gawtry, University of Minnesota and Macalester College and Larry Miner, Officer of the Day, Customs and Border Patrol
7. Immigration Update: Scott Borene, Senior Attorney, Borene Law Firm, P.A.
8. Minnesota Driver and Vehicle Services, Lisa Hager
9. Student and Exchange Visitor Program (SEVP), Ann Balough, Senior Program Analyst

Welcome from the Dean of Students

- ✓ Jim Hoppe, Dean of Students at Macalester College welcomed MIE. He thanked the group for their work, which is invaluable and enhances the student experience.

Announcements

- ✓ David DiMaria, St. Cloud State University, announced that SCSU has four open international education positions including the Director of International Education, Director of Study Abroad, Director of International Student Services, and the Dean of International Education.
- ✓ Tom Gjersvig, Minnesota State University-Mankato, is the ombudsperson for international student issues. This means he acts as a liaison between the school/student and the USCIS Service Centers. He mentioned the availability and importance of NAFSA's Issue Net as a way to get help and report issues that are then tracked by NAFSA and used to determine what to advocate for. Also, Craig Peterson's term as ombudsperson for employment and scholar issues has ended and Ann Lance from the Mayo Clinic will be stepping into this role.
- ✓ The movie *Dark Matter* will preview on April 10 in New York. It is a movie based on the true story of a school shooting by a Chinese student in Iowa in 1991. Some international education professionals are worried that this movie and the memory of the shooting at Virginia Tech by a Korean student may create a backlash towards Asian students. We should be prepared for this. Alexis Akagawa has an article that outlines "10 myths about school shootings". She will add a link to this article on the MIE website (www.mn-mie.com).

Update: NAFSA national information, Aaron Colhapp, Macalester College and raffle for paid registration for the national NAFSA conference in Washington DC

- ✓ Dan Robertson, Southwest State University, won the raffle for the paid NAFSA conference registration.
- ✓ Aaron Colhapp mentioned that it is the 40th Anniversary of the NAFSA conference this year. Vicente Fox will speak and representatives from USCIS, CPB, SEVP, and other government agencies will be in attendance.
- ✓ Aaron also mentioned that anyone attending the conference should make their hotel reservation very soon because the hotels fill up very quickly.

Open Forum: Kenyan student issues

- ✓ Don Robertson, Southwest State University, asked what other schools are doing for Kenyan students who are having financial troubles due to the political unrest in that country.

- ✓ Annie Gemmell, North Hennepin Community College, explained that at her school she was able to help one student get an Economic Hardship Deferral for his tuition and fees and that the school waived the student's unpaid tuition and fees from the fall semester. The student had to complete an Economic Hardship contract with the Accounting and Fees office and must check in with the school. Annie helped the student submit an I-765 application for employment authorization based on economic hardship.
- ✓ Don Robertson asked if anything was being done beyond the individual schools such as making Employment Authorization based on Economic Hardship an available option for these students.
- ✓ Ann Balough of SEVP said that any schools that are seeing these kinds of issues should send a message explaining the issues to her attention at sevis.source@dhs.gov. She indicated that as many people as possible should email her with these experiences and she will see if SEVP can do something to help, such as a Federal Register Notice regarding increased availability of on- and off-campus work based on exigent circumstances. She explained that schools should send her as much information about the students' situations as possible so that she can work with the Service Centers to make the employment authorization process (I-765) easier for Kenyan students.
- ✓ Ann also explained that fee waivers for Employment Authorization applications are possible, but the requests need to include specific information about the student's expenses and why they cannot get money into the country.
- ✓ Tom Carey, University of St. Thomas, reminded the group that Employment Authorization applications (I-765), based on economic hardship, are the most denied adjudication. In order to be approved, an applicant must submit a lot of specific supporting evidence.

Update: EducationUSA Advisers, Matthew Beatty, University of Minnesota

- ✓ Matthew Beatty announced that 450 different EducationUSA offices from around the world will be doing a US-based training on May 19 in Minnesota at the College of St. Catherine, St. Olaf College, Minneapolis Community and Technical College, and the University of Minnesota. The College of St. Catherine and the University of Minnesota will be the host institutions.
- ✓ There will be a social networking reception and presentation on May 19. It will be open to any interested Minnesota school. Individuals interested in participating should send an email to Matthew at beatty053@umn.edu.

Immigration Updates

Bruce Gawtry and Larry Minner

- ✓ Bruce Gawtry is a retired Customs and Border Patrol official. He retired this past summer and is now working part-time at the University of Minnesota and Macalester College. In the past, international education professionals called him with technical questions. He let everyone know that we can still call if we have gone through the normal channels for help and are unable to get an answer. Bruce can be reached at 612.414.0962
- ✓ Bruce has worked all year to recruit a new Customs and Border Patrol official to update MIE. Recently, it was arranged with the Port Director to allow Larry Minner, CBP Officer of the Day at the Minneapolis/St. Paul airport to visit with MIE. Larry's office is located in the Humphrey terminal of the airport but he is not always there, he often works in secondary inspections at the Lindberg terminal. He can be reached at 612.725.3480 or larry.minner@dhs.gov. He has already worked with quite a few international educators in Minnesota. Students are welcome to call him as well if they have a legitimate problem.
- ✓ One small error on the I-94 or Port of Entry stamp on the I-20 can cause problems for Social Security Number applications and other things. He can help correct these errors, but everyone should know that corrections are not instantaneous. SEVIS does not interface directly with eVerify. However, both databases pull from the same source information. Students are told to allow 10 days between entering the country and applying for a Social Security Number.

- ✓ An MIE member asked if it was possible to conduct a second border interview rather than completing the I-515. Larry explained that this is not possible. The student must submit the I-515 (unless she/he leaves the US) because once an I-515 is issued, the adjudication is handled through an entirely different office.
- ✓ Applications for replacements for I-94s must go through USCIS (in London, Kentucky). The I-102 application for a new or replacement I-94 is \$320. Students should keep these forms in a safe spot so as to avoid having to apply for a replacement. Students should check the USCIS schedule to find out how long it takes to process this application. An MIE member indicated that many students do not realize the importance of the I-94 until it is too late and asked Larry if it was possible for CBP to tell people upon entering the country that the I-94 is very important. Larry explained that most of the time people are already overwhelmed by the signage in the port of entry and that a better approach may be to explain the importance of the I-94 to students before they travel to the US. The Department of Homeland Security is talking about making the I-94 more secure and working on an electronic system for the form. This will also help resolve the issue.
- ✓ The SAVE (Systematic Alien Verification for Entitlements) employment verification system is a database checked by benefit granting institutions to verify that an individual is eligible for a specific benefit. The eVerify system is the database where employers can submit information about employees. 53,000 employers have joined the eVerify program so far. Both of these systems pull information from the same database.
- ✓ Minnesota Governor Tim Pawlenty issued a mandate indicating that Minnesota employers including MnSCU will be required to use the eVerify system. Therefore, international student advisors should be ready to deal with the no-match letters that will be issued for international students who are participating in work-study on MnSCU campuses.
- ✓ The Minneapolis/St. Paul Airport has not started using the new 10-fingerprint system at the port of entry. It is used at other airports and will probably be at the MSP airport soon. Homeland Security is also working on an exit program in which Customs and Border Patrol will be using biometrics in the exit process as well.
- ✓ Mark Schneider, University of Minnesota, thanked Larry for taking the time to attend MIE and told him how important his visits are to the group. Another MIE member indicated that it is very helpful to put face to a name and that we realize that many states do not get this opportunity.

Scott Borene

- ✓ The visa application went up to \$131 as of January 1.
- ✓ Individuals from China or India should start working on permanent residence strategies within their first year of arrival if interested.
- ✓ It is predicted that the H-1 visa quota will run out on first day (April 1) again and so applicants should be prepared to file on that day, even if the applicant falls under one of the exception categories. If an application arrives before the April 1 deadline it will be tossed out. The USCIS website has helpful FAQ's for H-1 visa applicants.
- ✓ USCIS has stated that duplicate H-1 filings can be considered an abusive strategy and the service center may deny both applications, but keep the application fees. Two applications for the same person but different jobs should not be considered duplicate applications, but it is unknown how the service center will handle these.
- ✓ USCIS is changing the process for background checks. They will now adjudicate the I-485 permanent resident application based on the evidence submitted with the application rather than waiting for the name check to go through.
- ✓ The 29 month OPT rule may be approved soon, possibly around April 1.
- ✓ Governor Pawlenty issued Executive Order #08-01 which requires Minnesota employers to use eVerify. The governor has information about this on the website: www.governor.state.mn.us. MnSCU schools should check with their legal council to find out how they should respond to this.

- ✓ There are now three candidates left for the presidential election and none of them have extreme immigration policy and, in fact, they are all very similar. Scott believes that if the new president wins by a landslide and chooses to make immigration a priority, he/she may be able to make change. Currently, the Senate is where immigration legislation gets held up. If they lean toward a stance of “all enforcement, all the time” then one constituency could block the bill, but if they take a more progressive stance, then the other constituency will block the bill. The majority does not want to sacrifice its majority for immigration reform.

Minnesota Driver and Vehicle Services, Lisa Hager

- ✓ Lisa Hager from the Minnesota Department of Driver and Vehicle Services showed a PowerPoint presentation that is available on the MIE website: www.mn-mie.com.
- ✓ A foreign driver’s license can be used but it may not be as easily accepted. An international license is simply a translated foreign license. An individual who has one of these licenses must also carry the original foreign license in order for it to be valid.
- ✓ International Students must have the following documentation in order to apply for a driver’s license: passport, I-94, and I-20 or DS-2019 from a Minnesota school (or a border school) and an official transcript with birth date. The DVS does not require the Port of Entry stamp on the I-20/DS-2019. The passport, I-94, and I-20/DS-2019 are considered one primary document and the transcript with birth date is considered the secondary document. The DVS uses the expiration date on the I-94 to determine the expiration date on the license, but because students have duration of status rather than an expiration date on their I-94, DVS uses the I-20 or DS-2019 to determine this. They do include the 60-day grace period when determining the status check date on the license. One MIE member brought up the concern that the grace period is not being included in the status check dates for J-1 scholars. The status check date on the driver’s license can be extended or removed if the individual becomes a permanent resident. Also, Asylees and refugees should not have status checks on their licenses.
- ✓ International Students on OPT must show that they are legally in Minnesota. Proof of this could include an employment contract, a letter from the school on the I-20/DS-2019, a job offer, the EAD card, etc. There is no fee to get an updated license with an extended status check date as long as the status check date on the current license has not passed. If a status check expires a student’s license will be cancelled. This cancellation is not communicated to ICE or SEVP.
- ✓ The DVS can use a Notice of Action from USCIS, a new I-94, a new I-20 or DS-2019 or an EAD card to extend a status check date on a driver’s license.
- ✓ An MIE member asked how long the license would be extended if the student provides a Notice of Action with no expiration date. Lisa said that they will grant the outside date if they have a range of dates and if there is no indication at all they will add six months.
- ✓ An MIE member said that many schools do not put the birth date on the transcript. If this is the case, Lisa explained, the school should also provide a letter with the birth date or write the birth date on the transcript. As long as it is clear that it is an official transcript from the school.
- ✓ Tom Gjersvig asked if the I-20/DS-2019 would ever be considered a secondary document. Lisa said she would take the suggestion under advisement.
- ✓ Some MIE members indicated that there are DVS sites where the individuals processing these applications do not know what documents are accepted or how to handle international student documents. This seems to be an issue especially in out-state, small town offices. The information that Lisa has shared with MIE is posted on an internal DVS website. Lisa would like to work on training with staff before she considers issuing a memo that international students can bring with them when applying for a driver’s license. She believes that a memo will not be received well within the department. Therefore, if anyone has problems they should contact the chair of MIE who will then contact Lisa. Lisa explained that the regional supervisors are supposed to review training issues with employees on a monthly basis.

- ✓ DVS does have a variance process to work with special cases such as applicants who object to being photographed or who are missing required documentation. In this process the applicant completes a form stating why they cannot meet the requirements and why they are not a threat. The form takes up to 30 days to process and requires a \$10 fee.

Student and Exchange Visitor Program (SEVP), Ann Balough, Senior Program Analyst

- ✓ Ann Balough shared a PowerPoint presentation regarding recertification. This can be found on the NAFSA website at www.nafsa.org/ /Document/ /sevp_ppt- preparing_for.pdf.
- ✓ Ann announced that there will be a second email regarding employment verification for students for on optional practical training (the OPT validation exercise), but that it has been postponed until after a meeting between SEVP and the NAFSA ombudsmen regarding questions and concerns that schools have expressed. The additional message will be sent to PDSOs. It will include information about contacting the students on OPT to ensure updated address and employer information. The email will include information about how SEVP would like schools to record the data, including how to input different types of jobs and unemployment. The PDSOs will also be sent a spreadsheet with the names and addresses of the students on OPT and sample letter. Schools will be able to use this information to create a mail merge.
- ✓ Ann explained that the reason SEVP is conducting this OPT validation exercise now is to gather statistics on students to use when considering the new OPT extension rule. OPT is under extra scrutiny right now and SEVIS has employment data for less than three percent of the 68,000 students working on OPT. SEVP recognizes that this issue was caused by the fact that until SEVIS 5.7 schools were not able to make updates to OPT. Furthermore, SEVP does not want to add more tracking to what DSOs and PDSOs already do, but they need to make sure that schools are doing what is required and that the system is working. Schools will have to update the data in SEVIS but they will not have to send any official report to SEVP. Also, SEVP will not hold the current lack of reporting against students or schools. They simply want to get as much information as possible entered in SEVIS by June 15. This will safeguard the students and the schools. Students will not be considered out of status if they are not working.
- ✓ Recertification is really coming! The rule has been written and it is currently in the office of management and budget, which is the last stop before it goes into the federal register. It has already been through DHS, ICE, and other agencies. There will be a comment period after it is published in the Federal Register. SEVP will let schools know when the comment period begins and schools should submit comments that are substantive and concrete suggestions for changes. After the comment period, SEVP will have time to reply to the comments and incorporate this into the rule before it is finally published. They are aiming to have this done by October 1. After October 1 there will be at least 180 days before recertification starts at the first schools. Thereafter, recertification will be scheduled for schools for the following two years.
- ✓ Recertification will be a "pass/fail" process whereby there will be room for interpretation. SEVP will identify college errors and work with the school so that these errors do not occur in the future. Site visits will be for compliance issues only, not every school will get a visit and it is considered bad if SEVP does visit your school.
- ✓ SEVP will mainly be looking for anomalies. Schools will want to show that they are bona fide by reporting on accreditation and updating school and student information on a regular basis. The I-17 is a living document that should be up-to-date. Schools usually can update the I-17 in SEVIS without mailing the form in. According to the regulations schools have 21 days to update the school name, address, and curriculum information, if there is a change. However, all fields should be updated with any changes because SEVP makes decisions based on this information. This includes student body and financial information. See the PowerPoint for more information on required fields and how to update these fields. Critical updates include new academic program information and a change in PDSO or DSO. I-20s cannot be issued for a new program until the program update is approved by SEVP. Also, schools should always have a transition plan if a

PDSO leaves the school. The PDSO does not need to be the highest ranking person in SEVIS, but rather the PDSO should be the person who knows the most about SEVIS.

- ✓ If SEVIS does not approve any portion of the I-17 the entire petition update must be denied. Therefore, it is helpful to use the job aids from the SEVIS website (www.ice.gov/sevis/schools/existing_schools/index.htm) to help when updating the I-17 as some of the updates have confusing titles. If a school is unsure about how to update specific information it should check the website for information. If a school cannot find the answer to their question on the website they should contact SEVIS at the School Certification email address, schoolcert.sevis@dhs.gov. After a school updates their information in SEVIS, SEVP will send them a request for evidence if a school catalog or signed I-17 is required to complete the update. Updates take 90 business days if an RFE is issued. Schools should have a plan to review the I-17 periodically and should not just complete one update prior to recertification.
- ✓ DSOs should not share passwords. An individual is responsible for anything done under her/his login. If SEVP finds a pattern of errors in SEVIS connected to one DSO they will find out if the DSO needs training and if the errors continue SEVP will take away the DSO's SEVIS access.

Q/A

- ✓ An individual from a bible institute asked how to help admitted students get their visa approved. Ann indicated that if the student's financial information is good than 90% of the time the applicant is approved. Also, the EducationUSA Center in the student's country is a great resource for helping the student prepare for the visa interview.
- ✓ Can there be more than one PDSO? No, there can only be one PDSO per school.
- ✓ Will the number of DSOs allowed per school be increased? SEVP is working on this regulation (214.3) and will definitely consider this issue. If it happens it would be during the next year.
- ✓ When is it necessary to have a president's signature on the I-17? The president's signature should be on the I-17 whenever it is required to send the I-17 to SEVP. If the president changes a new I-17 should be signed by the new president.
- ✓ When is a separate location considered a campus? If a student can complete a full degree program at a location than it is considered a campus. If there are two campuses within a few miles of each other than the same DSO can serve on both campuses, but the DSO must provide regular office hours at each site. The DSO must be physically onsite during these office hours. One school indicated that they had 90 sites with various programs. Ann asked them to talk to her individually.
- ✓ A Kindergarten through 12th grade school is adding a middle school; does the school need to update the I-17 with this information? Ann asked that the school talk to her individually.
- ✓ A school has two campuses with different presidents. Does this mean the school should do two I-17s? Ann told them to contact SEVIS at schoolcert.sevis@dhs.gov.
- ✓ How much will recertification cost? Ann is forbidden to talk about this, but she did say that the fees would be announced in the next couple of weeks.
- ✓ Will the recertification fee be adjusted depending on the size of the school? Ann cannot speak to this but told the group not to worry. She said that April of 2009 would be earliest time a fee could be due and so there is still time to get this into the office budget. Furthermore, budget deadlines will be taken into consideration for the schools that have to pay the fee earliest.
- ✓ Will the number of data fixes a school has impact its recertification? Data fixes do not have a large negative impact on certification, as SEVP would prefer that a school fix any problems.
- ✓ An F-1 student submitted a complaint through DHS TRIP (which is backlogged). They have not heard anything yet, what should they do? DHS TRIP is working on catching up the backlog, but schools can also ask that a flag be removed from a student's SEVIS record by calling the SEVIS helpdesk or emailing toolbox.sevis@dhs.gov. This can help students who are called into secondary inspection every time they go through the port of entry due to termination in SEVIS. Students and schools should be aware though, that SEVIS flags are not the only reason students are called into secondary. It may be due to a name issue or something else.

- ✓ How will the OPT validation exercise increase security? The OPT validation exercise will help SEVP to know where students are. They are concerned with illegal technology transfer and they want to know where they can find a student if necessary. Furthermore, from an immigration standpoint the student should be working because that is the main reason for OPT. Students who are searching for a job, self-employed, or have multiple short-term jobs will be addressed in the next email regarding the validation exercise. The email to PDSOs will include instructions indicating, "if a student is doing..." then, "enter ... for a response."
- ✓ Could DSOs ever authorize OPT like they do for CPT? This probably will not happen because CPT, unlike OPT is considered an inherent part of student's courses on campus.
- ✓ Ann commented on SEVIS II. She indicated that it will keep a history of a person beyond their current school. Currently, SEVIS tracks students by their SEVIS ID which only looks at a period of status for a person and not the person's whole history. For example, if a person leaves the US and then comes back this is not tracked. There are issues with tying student records together from various visits, but in SEVIS II the system will be tied into US VISIT, biometrics, etc. ICE will move to this too by looking at all of an individual's dealings with DHS. Schools will be able to see that a student attended another school, how long they attended that school, etc. SEVP is currently meeting with people from the academic community to consider how SEVIS II will work. Schools will be able to get more information out of SEVIS such as mailing addresses, etc. Students will have some access to update their own data including information on their OPT employer and they will have some read-only access to the system so that they are able to view their record. SEVIS II will be paperless; there will be no I-20 and signatures will be electronic. There will still be a paper form that can be used to share information with other agencies like the Social Security Administration. The system will calculate the period of stay for the student and this will be a moving date as things change in students program. The interface will be flexible in that individual DSOs will be able to set it so that they only see what they want to see and control the alerts that they receive. Fees will be raised and there will be liaison officers in the field to work with schools.
- ✓ SEVP will tour the country to talk to schools about specifics regarding recertification. They will be in Chicago at some point. The schedule of tour dates will be released with the recertification information.
- ✓ Alexis and all of MIE thanked Ann for the rare privilege of having her visit Minnesota and talk to us personally.

Meeting Adjourned pm

12:25

Next Meeting

- ✓ Tuesday, May 6, 2008 at Carlton College

Minutes Submitted by:
Annie Gemmell, North Hennepin Community College