

MIE Minutes
Winona State University
15 September 2008

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Welcome from Kenneth Gorman, Dean of International Studies/Associate Vice President for Academic Affairs, Winona State University

- ✓ Kenneth Gorman welcomed the group to the Winona campus. He announced that Winona State is celebrating its 150th birthday this year and has enrolled the highest number of students in its history, over 8,000. He said he was delighted with collaborative effort of MIE and he noted the importance of the NAFSA letter from Marlene Johnson to the presidential candidates regarding international education.

Welcome from new MIE Chair, Jim Trelstad-Porter, Augsburg College

- ✓ Jim Trelstad-Porter shared some information from the summer board meeting where they focused on defining MIE's main functions. They concluded that the main purpose of MIE is to conduct five good meetings and to facilitate networking among the members. The board also discussed their intention not to recreate what NAFSA does. Finally, the board plans on cleaning up the MIE website (www.mn-mie.com) and in the future using the site more intentionally by only including information that is specifically relevant to MIE and Minnesota.

CIP codes

- ✓ Deborah Knaust or Sarah Ligday from the University of St. Thomas were supposed to present on this topic but neither could be at the meeting and so Jim made a couple of comments regarding Classification of Instructional Programs (CIP) Codes.
- ✓ Jim reminded everyone that every major at every institution has a CIP code. A list of all CIP codes is available at the website <http://NCES.ed.gov/pubs2002/cip2000>. DSOs became much more conscious of CIP codes when the new rules regarding STEM extensions were released because the extension is dependent on the CIP code with which the student's major is associated.
- ✓ Bruce Gawtry, University of Minnesota, pointed out that general CIP codes (those numbered xx.99) are not acceptable for the STEM extension. The codes must be more specific. Students may use a second major to qualify for the STEM. Schools should make sure that the second major for students who have a double major is listed in their SEVIS record as soon as possible.
- ✓ Scott Johnson, North Hennepin Community College, pointed out that MnSCU schools can find the CIP codes for their school on the MnSCU website (www.mnscu.edu).
- ✓ Schools that batch should make sure that they are updating students' majors if they change it after they arrive. Many times a student's SEVIS record lists the major the student was admitted under and does not change when the student changes her/his major.

Ice Breaker and International Education Week Ideas, David DiMaria, St. Cloud State University

- ✓ David DiMaria led the ice breaker which involved a discussion on International Education Week. International Education Week is a collaboration between the Department of Education and the Department of State and this year will be held November 17 – 21.
- ✓ Schools listed the following sources of funding for the week: Student organizations, the international education office, community groups, student activity fees, student senate, and other departments such as global studies, languages, college of business, and student life.
- ✓ Possible partners for the week include local businesses, the global studies department, the diversity or multicultural department, foreign language departments, the study abroad office, the school food service, international students, the local public library.
- ✓ Many agreed that the target audience for the week's events include the whole community.
- ✓ Possible events for the week include a panel discussion with local businesses, host a global market, facilitate a discussion on international jobs with the career center, and highlight different countries or regions in the food services.
- ✓ Advocacy during International Education Week could include articles in the school and local newspapers, an invitation to local governmental representative such as a congress person, senator, mayor, or council person, and an official statement from the university about the importance of the week.
- ✓ Publicity for the week could include an advertisement on the homepage of the school's website, an advertisement in the campus newspaper, an event listing in Facebook, and collaboration with other nearby schools.

Finalize nominations and vote for 2008-2009 MIE Chair-Elect and Treasurer

- ✓ Luyen Phan from St. Olaf College and Stacey Buchart from the University of Minnesota were nominated for the position of Chair-Elect. Luyen Phan was elected by the members as the 2008 MIE Chair-Elect.
- ✓ Jim announced that Addy Spitzer will be transitioning out of her duties as Treasurer and asked if anyone was interested in the position. MIE has position descriptions for the MIE board position that we can send to anyone interested. After the meeting Jim approached Stacey Buchart about this position and Stacey accepted the position of 2008 MIE Treasurer.

Raffle for a NAFSA Manual Subscription

- ✓ This was tabled until a future meeting.

Immigration Update, Bruce Gawtry, University of Minnesota and Macalester College

- ✓ Bruce introduced himself for the new people in the group. He worked for the Customs and Border protection and now works part time at the University of Minnesota and Macalester College. He started his government service in 1975.
- ✓ MIE members should feel free to contact Bruce if they have immigration questions that they cannot get answered through the normal channels (including NAFSA ombudsman Tom Gjersvig, other colleagues, NAFSA, etc.). Bruce can be reached on his cell phone at 612.414.0962.
- ✓ Bruce has been in touch with SEVP headquarters and the policy branch. They are working on the position description for the SEVIS Liaison Officer. This should be announced within a couple of months. The officers will be hired by fall 2009 when SEVIS II is released. There will be 64-66 officers stationed around the U.S. and they will be hired from outside the government. Many MIE members could qualify for the positions. The liaisons will be a GS-13 level position, which has a salary range of about \$50,000 to \$85,000 per year. Liaisons will be responsible for outreach and coordination throughout her/his region and hopefully these positions will with the lack of communication, confusion, and intimidation that many DSOs feel when working with SEVP and DHS. Bruce sent a three-page comment paper with suggestions for the liaison position to the working group and they have read it. MIE has a copy of the paper from Bruce. If members are interested in reading it, they should contact a board member.

- ✓ SEVP is planning on releasing SEVIS II October 2009. In this release SEVIS will be a completely revamped. The student will get one number that they will have through all immigration systems, not just SEVIS. The system will be paperless, which means I-20s will be electronic. I-94s will also be electronic and will be tied directly to the student's SEVIS account. Bruce thinks that the October 2009 deadline for this may be possible.
- ✓ The new SEVP fee rule, which raises the F-1 SEVIS Fee from \$100 to \$200 and the J-1 fee from \$100 to \$180, will be effective as of October 1, 2008 if approved. There are currently attorneys at headquarters reviewing the rule. This increases the SEVP budget for fiscal year 2010 which starts October 2009 and will pay for SEVIS II and liaison officers among other things.
- ✓ A new guidance and policy resource for employers, including OPT employers, will be released soon. It is being vetted through many different people and so it may be one or two months before it is released.
- ✓ SEVP is working on regulations for the Cap Gap rule. They will not be finished by October for this year's group of H-1 applicants, but they will be finished this year. This information may also be addressed in the abovementioned employer resource.
- ✓ Bruce clarified with the SEVIS Policy branch that a student who is approved for post-completion OPT but then does not graduate, may work up to 20 hours per week while finishing her/his coursework. When the student completes the coursework, s/he may begin working full-time even if the actual graduation does not occur right away.
- ✓ SEVP is working on adding CIP codes to the list that are eligible for the STEM extension. Many people are advocating for allowing non-STEM majors to extend their OPT as well. One reason for this is that many times managers in STEM fields have completed non-STEM majors.
- ✓ Students who do volunteer work while they are searching for a job must do 20 hours per week and should have documentation of this from the volunteer agency on agency letterhead. Bruce explained to SEVP that putting students out-of-status after 90 days of unemployment seems draconian – especially right now because of the trouble in the U.S. economy – and he asked for a grace period after the 90 days. Usually students have 15 days to leave the country after going out-of-status. This is not an official policy, but it is generally understood by the authorities. SEVP said they would not be addressing this until the SEVIS II regulations and so for now the only option for students is to apply for reinstatement.
- ✓ SEVIS allows schools to transfer students out who were transferred to the school in error. See the SEVP Transfer FAQs, number 5.7 at www.ice.gov/sevis/f_1_transfers.htm for information. DSO's may still call the SEVIS helpdesk to do a data fix, but this could be faster and easier.
- ✓ SEVP published suggestions for continuity of operations and a fact sheet for SEVIS approved schools dealing with crises such as hurricanes. This is not mandated, but SEVP is 'urging' schools to plan for the unexpected by establishing good communication with students, etc. See www.ice.gov/doclib/sevis/pdf/coop_planning_fact_sheet.pdf for details.
- ✓ International travelers, including students, will begin to encounter new biometric arrival and departure requirements including 10 fingerprints to match the 10 fingerprints taken at the consulates. The departure guidelines are still being determined, but DHS plans on implementing them by January 2009. This will likely include taking fingerprints at the departure gates. They are still considering retina scans, but Bruce does not think this will happen. Biometric data collection is not paperless but it might go paperless in the next year.
- ✓ DHS will be requiring electronic registration for visitors from the 27 visa-waiver countries. Eight countries are pending addition to the visa-waiver list. It is recommended that visitors register in the Electronic System for Travel Authorization (ESTA) 72 hours prior to their departure. Travelers can register at the airport, but they run the risk of being delayed. This will be required as of January 12, 2009. It was mandated as part of the 9-11 Terrorist Control Act and is a compromise between requiring visas for these countries and doing nothing at all.
- ✓ There is a new Global Online Enrollment System (GOES) for frequent travelers. The system allows travelers to register and complete a background check, which will allow her/him to bypass security lines. See the Customs and Border Protection (CBP) website at www.cbp.gov/xp/cgov/travel/trusted_traveler/global_entry/ for more information.
- ✓ Passports will be required at land borders starting in June 2009.

- ✓ The TN visa for Canadians and Mexicans will be extended from a one-year to a three-year visa. This change has been approved and it will be published in federal register soon. It will probably be effective upon publish date. This will make it easier for individuals on TN and TD visas to study and find jobs because they will not have to renew their visa every year.
- ✓ The deadline for employers to complete the Labor Condition Application, Form ETA 9035E is October 1, 2008. This is required for employers who would like to employ individuals on H-1 visas. See the Department of Labor website at www.foreignlaborcert.doleta.gov/h-1b.cfm for more information.
- ✓ Bruce attended a session at the National NAFSA conference where he received a helpful resource with information about visa applications, reference websites, and visa denials. MIE has a copy of this guide. If members are interested in obtaining a copy they should contact an MIE board member.
- ✓ Carol Chang asked if individuals on R-1 visas can take classes. Bruce answered that R-1 visa holders may take classes.

Responding to visa denials, Marissa Mercado, Augsburg College

- ✓ Marissa Mercado asked the group for advice concerning when we should get involved in a visa denial, how we can best advocate for the student, and what we should tell students to prepare them for the interview.
- ✓ Barb Pilling, University of Minnesota, said that she worked with a group of Chinese students who were in the middle of their academic program and ended up delayed for months in China due to a security check. In this case it was helpful to get strong letters of support from the academic department, which explained the importance of the student's research. The University of Minnesota has also worked with Senator Norm Coleman and Minnesota Representative Bruce Vento to help F-2 visa applicants who are denied. The University of Minnesota has asked the academic department to contact their congressional office if they are working with an individual student who they are very interested in having in their program. Advocating for students who are denied a visa is not the sole responsibility of the International Student Office.
- ✓ Some members have heard that it is not as easy as it used to be to use congressional ties to help initial students with visa denials.
- ✓ Aimee Thostenson, College of St. Catherine, advises students to meet with the EducationUSA advisor in their country or region. EducationUSA advisors are helpful because they have local contacts. She says that she gives this advice primarily to students who were denied due to a perceived non-intent to return to their home country. In her experience this seems to be more negotiable than other denials. Aimee also defers the student to the next term.
- ✓ Tom Gjersvig recommends getting as much information from the student about the reason for the denial as possible. Often there may be information that the student does not share right away, such as additional connections in the U.S., concerns about whether or not the student truthfully completed the visa application, whether or not the student has been denied before or has had other visas, or information about the student's previous visits to the U.S.
- ✓ Members who have other tips for responding to visa denials should send them to the MIE list serve or the MIE board for distribution.

June SEVP meeting and Nebraska Service Center Visit, Tom Gjersvig, Minnesota State University, Mankato

- ✓ Tom Gjersvig was unable to attend the SEVP meeting in Las Vegas concerning the new SEVP liaison positions. Forty institutional representatives including NAFSA ombudsmen and individuals from some of the big schools here invited to the meeting which took place in June. The new SEVIS Fee rule was published in the Federal Register on August 26 for comment. This will raise the SEVP budget from \$59 million to \$119 million dollars. This includes funding for the liaisons.

- ✓ During the meeting questions concerning the liaisons included:
 1. Will the liaisons help with only F and M visa cases or will they be expected to know J visa regulations as well? This is an issue because F and M visas are managed by ICE and DHS while the J visas are managed through the Department of State.
 2. Will the liaisons be able to do substantial outreach with so many schools per liaison? (There will be an average of 150 schools per liaison.) Statewide meetings like MIE will help the liaisons to do outreach, but it may be difficult to reach the private, for-profit, and K-12 schools that work with international students much less frequently.
 3. Will the liaisons take over some of the duties of the NAFSA ombudsmen?
 4. How much pressure will be placed on the liaison to 'report' schools to ICE? Will schools be able to trust the liaison enough to ask questions without getting into trouble with the government agency?
 5. Will the liaisons do SEVP certification and training for DSOs?
 6. Will the liaisons work with USCIS, CBP, the Department of State, the Social Security Administration, Motor Vehicle Services, the IRS, etc.?
- ✓ The Nebraska Service Center open house was well attended with 50 people mostly from NAFSA Region IV and V. Tom thinks that these visits are still important, even if the NSC is only processing the I-140 and I-765 work authorization applications. These visits help facilitate a good working relationship with the Service Center which makes it easier to resolve problems. The Vermont and Texas Service Centers are becoming much less accessible by comparison. For example, questions for the Vermont Service Center must go through the national customer service line and then wait 30 days for a resolution before contacting the Service Center directly. This can cause problems when the information from the national customer service center is incorrect or misleading. Nebraska allows DSOs to contact the Center directly by email at nsc.schools@dhs.gov. This email address is NOT for students. The Center is working on shortening processing times to 60-90 days. They have hired new staff which may mean that we see more processing errors and RFEs until these new staff are fully trained. Barb Pilling pointed out that currently the USCIS website says that processing times are over 90 days, but students are still not allowed to apply more than 90 days before they are allowed to work. This is a double message for the students.
- ✓ The Nebraska Service Center Open House questions and answers are posted on the NAFSA Region IV website www.region4.nafsa.org. These answers were not approved through SCOPPS (Services Center Operations) and so they may be taken down at some point. The document is currently being vetted in Washington, DC. One of the answers on this document explains that the Nebraska Service Center considers students with only a thesis or paper left to complete their degree eligible for post-completion OPT. This is a beneficial interpretation for students because it means that they only need to pay the application fee once and they would be eligible for the STEM extension. In order to do the STEM extension for students in this situation, who have a completion date in the future, Mankato has done a data fix on the student record after proving that the student has completed their program. SEVP guidance states that students with a thesis remaining must apply for pre-completion OPT and then apply for post-completion OPT later when they have complete the theses. The benefit of pre-completion OPT is that the unemployment rule does not apply and the student can extend their OPT if they do not complete their thesis on time. Question three on the document explains this and states that the DSO should add an explanation to the application to help the adjudicator.
- ✓ Other helpful answers on this document include the following:
 1. Number two under the I-765 section: The Nebraska Service Center will automatically give the student a full 12-months of Post-Completion OPT even if the requested end date is different.
 2. Number six under the STEM section: A student can only get the STEM extension once s/he cannot get it at every degree level completed. Some schools have asked what happens if a student asks for a portion rather than the whole STEM extension. There has not been a firm answer to this question. Right now the dates auto-populate.

- ✓ Tom reminded everyone that he is the NAFSA ombudsman for Region IV and he can attempt to use his access to the USCIS Service Centers if case intervention is needed. He does not however have a lot of time to answer training questions. However, Julie Rabaey at Minnesota State University, Mankato is the Minnesota Immigration Representative and she can help with questions regarding immigration regulations.
- ✓ Tom is collecting questions for the Nebraska Service Center update at the NAFSA Regional IV Conference in October. They would like questions ahead of time if possible. Members with specific questions about the I-765 processing should send them to Tom at Thomas.gjersvig@mnsu.edu by October 1, 2008.
- ✓ Tom mentioned that the Region IV conference will be held October 25-28 in Fargo, North Dakota. It is on the Region IV website www.region4.nafsa.org. Workshops are available on Saturday and Sunday and will include a new credential evaluation workshop and a tax workshop. Also, individuals can apply for a half-price membership at the conference.

MIE membership initiative

- ✓ This discussion was postponed.
- ✓ Members with ideas about how we can connect with other SEVIS-approved schools or who are interested in helping with this initiative should contact the MIE board.

Topics for future meetings

- ✓ Jim asked the group to share topics that they are interested in discussing at future meetings. The group wrote down possible topics and gave them to Jim. He will gather the information and use it for planning with the MIE board.

Announcements

- ✓ A number of Region IV NAFSA positions will be opening up in December. Individuals interested in a position should see the NAFSA Region IV website at www.region4.nafsa.org.
- ✓ There is an open international admissions position at the University of St. Thomas.

Meeting Adjourned

Next Meeting: Tuesday, November 18th at College of St. Catherine, St. Paul

Minutes Submitted by:
Annie Gemmell, North Hennepin Community College