

MIE Minutes
Carleton College, Northfield
6 May 2008

Agenda

1. Welcome from Éva Pósfay, Associate Dean of the College & Professor of French
2. Treasurer's Report, Adeline Spitzer
3. Recording or setting up conference calling for meetings, Annie Gemmell
4. Announcements
5. Immigration Update: Scott Borene, Senior Attorney, Borene Law Firm, P.A.
6. Immigration Update: Bruce Gawtry, University of Minnesota and Macalester College
7. Nominations and elections for 2008-2009 MIE board
8. Host institutions and dates for 2008-2009 MIE meetings
9. EducationUSA advisers update, Luyen Phan, St. Olaf College
10. OPT Validation Project and Extensions, Tom Gjersvig, Minnesota State University, Mankato

Welcome from Éva Pósfay, Associate Dean of the College & Professor of French

- ✓ Éva Pósfay welcomed the group and said that she is a strong believer in international education. She is closely involved in international programs and cross cultural studies at Carleton College. She is full of admiration for the work that MIE does pertaining to immigration, especially as things become more complicated.
- ✓ Éva also said that Carleton College believes that international students, study abroad, and international exchanges are important to the institution. These activities help propel students into broader vision. Also, international education fosters peace, security, and wellbeing.
- ✓ Petra Crosby provided the group with an information packet including Carleton's international transitions CD and international admissions brochure.

Treasurer's Report, Adeline Spitzer

- ✓ MIE has a balance of \$640.98. Most of the group's money went to food. Next year the group may want to discuss spending limits for the host institution.

Recording or setting up conference calling for meetings, Annie Gemmell

- ✓ Annie explained to the group that many people from out-state are interested in being at the meetings but have a hard time attending due to distance. Many of these individuals have asked if we can facilitate iTV, conference calling, or taping the meetings.
- ✓ Ruth Sylte suggested looking into internet meeting technology. Annie will talk to Ruth about this and bring the information to board for discussion during their summer meeting.

Announcements

- ✓ Deborah Knaust announced that Tom Carey won the Lifelong Learning Award at the University of St. Thomas this year. He has 50 years of experience in education and 42 years in higher education. Deborah shared a video the University made to highlight Tom's accomplishments.
- ✓ There are seven international education job openings at St. Cloud State University.
- ✓ There are two or three admissions positions available at St. Olaf College.
- ✓ There will be a study abroad advisor position available at the University of St. Thomas.
- ✓ There will be a 50-70% Assistant Director position available at Minnesota State University, Mankato.
- ✓ There is an Enrollment Management/Assistant Director of International Education position available at Winona State University.
- ✓ The Region IV NAFSA Conference will be held in Fargo, North Dakota at the end of October.
- ✓ Ruth Sylte attended a great conference in Chicago, Illinois on social media (i.e. Facebook and MySpace). She also has a blog about international education at <http://manitouheights.com/blog/>. If anyone is interested in finding her, she will be

blogging at the national NAFSA conference in May. She will be working out of the www.GoAbroad.com booth.

- ✓ MIE members attending the NAFSA conference will plan to get together for dinner after the Region IV meeting. This will not be paid for by MIE.
- ✓ The group thanked Alexis for a fabulous year!

Immigration Updates:

Scott Borene

- ✓ Scott distributed copies of his April 2008 Immigration Update. He mentioned the following items from the update:
 1. "USCIS update: USCIS runs random selection process for H-1B petitions" (#4). Colleges and universities are becoming the employer of choice when looking for jobs because they are exempt from this lottery. There were 163,000 petitions filed in the first 5 days and receipts will be issued after June 2 for these petitions. USCIS has instituted a waiting list this year, but H-1B applicants should start thinking about a "Plan B".
 2. "Know Your Workforce: The Key to Immigration Compliance, ICE Workforce Enforcement Advisory" and "How Do I Use E-Verify?" (#15 & 16). MIE members mentioned that there is still no list of which companies are using eVerify. Tom Carey contacted the Governor's Office to ask for a Minnesota list, but could not get one. Bruce Gawtry said that every employer will be required to be in eVerify in a couple of years, but for now there are very few employers using the system. Some states like Minnesota are requiring use of eVerify by all state agencies.
- ✓ USCIS is increasing fees to improve SEVIS, hire field liaisons, and hire more ICE agents. Recertification will be free.
- ✓ A new system for online visa applications (possibly EEVIS) will soon be in use for all visa applications. The online substitute for the DS-156 will be the DS-160 and the data submitted on this form will go directly to the consulate. It is a requirement that the actual applicant, and not someone preparing the application, must literally push the submit button. After the application is submitted the applicant must pay the application fee, print the application with a bar code on it, and provide biometrics information at an application support center. This must all be done prior to the visa interview.
- ✓ The new I-765 must be used after April 24. This new form has been available since July 30, 2007. This new form will help facilitate 17-month OPT applications.
- ✓ Steven Palnow of the Nebraska Service Center said that biometrics is now a requirement for the I-131 application for the re-entry permit. The biometrics associated with the form must be done inside the U.S.
- ✓ Scott predicted that premium processing of the I-140 will not be back soon.
- ✓ Scott read through the new regulations for the 17-month OPT rule and SEVP guidelines. The rule is only a partial solution to the OPT/H-1 gap. Only certain students can take advantage of the new regulations and there are new obligations for employer, the DSO, and the student. There are more forms, increased fees, and the employer must sign up for eVerify. If Scott were to advise an employer he would tell them not to sign up for eVerify if the student is the only reason to do it. Many employers are following such advice from their legal counsel; employers will not likely use eVerify until they are mandated. Scott's practical recommendations to deal with the new rule include:
 1. Watch for updates from NAFSA. Currently, NAFSA has the best information in the country on the rule.
 2. Submit the application for extension before the end of the student's OPT and not during their grace period. If the student's OPT will end after May then wait until after the NAFSA conference to do the extension, because the conference will probably help answer questions.
 3. Screen your F-1 graduates that have been authorized for post-completion OPT for 12 months and look at their EAD expiration dates. List the students in order of urgency.
 4. Make sure the student has a backup plan.

- ✓ This rule helps very few of the F-1 students who graduated in the last 12 months and are on OPT that will end within the next 12 months. If the student's OPT has already expired there is nothing to do for the student under the new rule. Moreover, the students with non-STEM degrees and those with the wrong CIP code are not included. This equals less than 3% of the F-1 graduates or about 1,200 people this year.
- ✓ If an employer does not sign up for eVerify do not bother working with them. The student should ask early if the employer is signed up for eVerify and if not, are they willing to sign up for eVerify or will they consider working on an H-1 application for them.
- ✓ The NAFSA website has a side-by-side comparison of the old and new rules and a list of STEM degrees. SEVP also has Q and As.
- ✓ The regulation now uses the words "will approve" instead of the old rule's "shall approve." This is a big difference. In the law "shall do" means that there is no choice in the matter and "will do" is much like saying "may do".
- ✓ The effective date for the new rule was April 8, when it was published.

Bruce Gawtry

- ✓ Larry Minner, the new Port of Entry representative can not attend out of town meetings and so he is not present, but he plans on continuing to attend in the future.
- ✓ Students will be required to give all 10 fingerprints at the Port by this fall. Also, departure biometrics should be starting October 1, 2008.
- ✓ The TN rule for Canadians and Mexicans is going to be extended to three years rather than one year.
- ✓ If a student has only one name their name should be listed in the last name position in SEVIS.
- ✓ The SEVP policy Q and A states that a student who does not finish their coursework, but was already approved for OPT must work part-time until they are finished and only start full-time when their program is completed. However, if the student has not been approved and does not yet have an EAD they can change the dates for the employment authorization.
- ✓ The Chicago SEVP meeting will include information about the fee rule and recertification.
- ✓ To make a comment on the proposed rules go to www.Regulations.gov. SEVP encouraged Bruce to let people know that we should comment on the fact that the 17-month rule is only for STEM majors and that it should be for all students. SEVIS personnel thought that the rule should have been more comprehensive but politics played a part and that is why it is just STEM. Businesses simply wanted the rule to change from 12 months to 29 months but instead we got this. SEVP cannot guarantee that the comments will change anything but they are encouraging as many people as possible to comment. The comment period lasts until June 9.
- ✓ There has been confusion regarding OPT and self-employment. For years self-employment has not been allowed for OPT. Now, with the new rule, the student may be self employed if they are a legitimate sole proprietor. It still must be related to the individual's degree.
- ✓ Students who do not have full-time employment may work part-time or volunteer in order to meet the 20-hour per week requirement for the cap gap rule.
- ✓ The new rule states that if employment authorization for OPT begins and the student does not find employment within 90 days or has a cumulative of 90 days out of work then they will be considered out of status. The DSO is supposed to report unemployment information in SEVIS.

Nominations and elections for 2008-2009 MIE board

- ✓ Addy Spitzer was re-elected treasurer.
- ✓ Annie Gemmell was re-elected secretary.
- ✓ David DiMaria was re-elected webmaster.
- ✓ Barb Pilling, Cita Magnes, and Julie Quello were elected as members at large.
- ✓ No one was nominated for the Chair-Elect. The board will accept nominations through the summer and conduct an election for this position at the September meeting.

Host institutions and dates for 2008-2009 MIE meetings

- ✓ MIE members decided to have meetings on different days of the week rather than holding them all on Tuesdays to allow for more members to attend at least some of the meetings.
- ✓ There will be a special meeting to review information from the SEVP meeting in Chicago and NAFSA on June 10 at the University of St. Thomas from 9:00 – 11:00 am.
- ✓ The September 15 meeting will be held at Winona State University, Winona.
- ✓ The November 18 meeting will be held at the University of St. Catherine, St. Paul.
- ✓ The January 21 meeting will be held at Bethel University, St. Paul.
- ✓ The March 12 meeting will be held at Luther Seminary, St. Paul.
- ✓ The May 15 meeting will be held at St. Olaf College, Northfield.

EducationUSA advisers update, Luyen Phan, St. Olaf College

- ✓ There will be 5 EducationUSA advisors visiting Minnesota during the week of May 17 - 22. The advisors are from Japan, Italy, Burkina Faso, Bangladesh, and Columbia. The University of St. Catherine, the University of Minnesota, St. Olaf College, and Minneapolis Community and Technical College will act as hosts for the advisors.
- ✓ Bruce Gawtry will be giving the advisors a tour of the Port of Entry at the Minneapolis/St. Paul International Airport while they are in town.
- ✓ The University of St. Catherine will host a presentation by the advisors on Monday, May 19, from 3:00 – 5:00 pm. Aimee Thostenson will send a message to MIE with the exact location soon. The session will include a 15-minute presentation from each of the advisors regarding recruiting and admission trends in their country. There will be time for questions. After the session participants are invited to join the advisors and hosts at the Chatterbox in St. Paul for an informal networking reception. MIE members should email Luyen Phan at phan@stolaf.edu to RSVP.

OPT Validation Project and Extensions, Tom Gjersvig, Minnesota State University, Mankato

- ✓ SEVP reported that before the OPT validation project, only 2% of the OPT information was entered in SEVIS. It seems SEVP is holding the OPT extension out as a carrot to complete the validation project as the regulations do not state that schools must report this information. An interim rule requiring such reporting can be published very quickly.
- ✓ The NAFSA webpages regarding the OPT Validation project and the new 29-month OPT rules are being updated quickly so everyone should watch the site for information. The pages include FAQs with specific information about how to complete the fields in SEVIS. An individual does not have to be a member of NAFSA to access these webpages.
- ✓ The OPT validation deadline is June 15. DSOs must enter the OPT information directly into SEVIS RTI. They do not need to turn anything in to SEVP.
- ✓ DSOs do not need to do report the OPT information for students whose OPT expires before the June 15 deadline. However, this is an on-going requirement and so any new OPT approved students will be required to report this information.
- ✓ Major changes in the 29-month OPT rule include the following. These changes took affect on April 8 and so this is the day when we must begin counting unemployment days. Tom Gjersvig has a PowerPoint including this information and information regarding what students should report depending on whether or not they are in a STEM degree.
 1. A limit on the amount of time a student can be unemployed (90 days for OPT and 120 days for the extension).
 2. Full-time employment equals of at least 20 hours per week.
 3. A student can apply for post-completion OPT up to 90 days prior or 60 days after their program completion date
- ✓ The cap gap extension is automatic if the student meets the requirements for the extension.
- ✓ Due to the STEM requirement in the cap gap rule, CIP codes have become much more important as SEVP uses them to decide if the student meets the STEM requirement.

- ✓ The service center must receive the I-765 application for employment authorization within 30 days of OPT submission in SEVIS or the application will be denied. DSOs should inform students that they should send their I-765 right away.
- ✓ Grid 9.1.1 of the SEVP guidance includes information regarding the cap gap extension. In the table, "Is selected for receipting," means, "if a student receives a receipt." The receipt is received by the employer. A student however, may be selected without a receipt. (http://www.nafsa.org/regulatory_information.sec/get_sevis_information/29_month_opt_rule_updates/f_1_cap_gap_for_f_1_students) Everyone should be aware that while SEVP provides guidance regarding these rules, ICE actually owns the regulations and can decide to handle cases differently than how the SEVP guidance states.
- ✓ DSOs cannot currently update OPT information for the cap gap extension in SEVIS. They must request a data-fix to have the student's record updated. This is also the case for submitting an I-765 after the student's completion date.
- ✓ The student and not the institution, has ultimate responsibility for maintaining their status. There will eventually be an alert in SEVIS regarding these reporting requirements but for now, an institution should adopt a procedure to communicate with the student and log that communication so that it is clear what the school is doing for recertification.
- ✓ Currently there are no medical exceptions for unemployment. Bruce Gawtry will check on this issue. Also, there seems to be no information about how this law intersects with other federal laws such as the Family and Medical Leave Act.
- ✓ Scott Borene would like to see this new rule thrown out and another rule put into place that simply allows the 29 months for everyone. In some countries students get the equivalent of an H-1 upon graduation.
- ✓ An MIE member had a question about short-term students who take part in an intensive summer session for 1-2 weeks and then are gone for five months. Currently they have to go through the visa application and SEVIS fee process every time they return to the US for the program. SEVP is in the process of rewriting the short-term student regulations now, but currently there is no way around this.

Meeting Adjourned

12:00 Noon

Minutes Submitted by:
Annie Gemmell, North Hennepin Community College