

MIE Minutes

University of St. Thomas, St. Paul

10 June 2008

Agenda

1. Welcome and handouts
2. Update: Chicago SEVP Meeting
3. Suggestions for MIE
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5. Announcements

Welcome and handouts

- ✓ Alexis Akagawa, MCAD, Jim Trelstad-Porter, Augsburg College, and Sarah Ligday, University of St. Thomas, welcomed the group and thanked them for coming to this extra meeting.
- ✓ Aimee Thostenson, College of St. Catherine, provided handouts from the EducationUSA advisors that visited Minnesota in May.
- ✓ Tom Gjersvig, Minnesota State University, Mankato, sent an ombudsman summary sheet from NAFSA for the group.

Update: Chicago SEVP Meeting

- ✓ Sarah Ligday, Deborah Knaust, University of St. Thomas, Alison Champeaux, College of St. Scholastica, Julie Rabaey, Minnesota State University-Mankato, and Annie Gemmell, North Hennepin Community College, attended the three hour SEVP meeting in Chicago on Tuesday, May 13. The meeting took place during the public comment period for the new fee regulations and so it was recorded in full.
- ✓ Julie Meyers, Assistant Secretary ICE, gave a brief introduction. Lou Ferrell, Director of SEVP, presented for the majority of the meeting. He spent 35 years in Coast Guard before working at SEVP where he has been director for two years. Sharon Snyder from the SEVP Policy Branch, and Ann Balough, SEVP policy analyst, were also available to answer questions.
- ✓ Lou Ferrell began the presentation by sharing an internal debate at SEVP having to do with SEVP's primary customer – ICE versus schools – and the department's primary mission – national security versus supporting academia. The SEVP's official position is that its main mission is to protect the American citizen. He followed this up with three points about what this mission involves:
 1. Identifying and addressing school and student violators.
 2. Enabling the economic viability of the country. International students are a multi-billion dollar industry in the US.
 3. Enhancing cultural exchange which can help bring about long-term stable peace. This encourages dialog between countries rather than the use of law enforcement and a strong military.
- ✓ SEVP has a fee based budget. Last year the department had a budget of \$56.8 million for everything and next year this budget will go up to \$119 million.
- ✓ The fee changes include:
 1. The SEVIS Fee for F and M students will be raised from \$100 to \$200.
 2. The SEVIS Fee for J scholars will be raised from \$100 to \$180. The \$20 difference between this fee and the F and M fee is due to the difference of the cost of school recertification which is paid through a different fee for the J program.
 3. The SEVIS Fee for some J visas such as au pairs, etc. will not change from the current \$35.
 4. There is no SEVIS Fee for some J visas such as government sponsored. This will not change.
 5. There is no SEVIS Fee for dependents of F, M, and J visa holders (F-2, M-2, and J-2) and this will not change.

6. Initial school certification will be raised from \$230 to \$1,700. Lou explained that this is what it costs to process a certification. He offered to share the costing model with anyone who is interested.
 7. School site visits will be raised from \$350 to \$655.
 8. There will continue to be no fee for school recertification.
- ✓ Lou Ferrell explained some of the motivations for the increased fees. These include:
 1. A meeting with the Saudi embassy where he heard a story about Saudi students who had a very poor experience at the Port of Entry. The fees will help enhance the Port of Entry's ability to get answers so that students have a positive experience when entering the country.
 2. SEVP receives an average of 41 calls per day from many different constituents with a variety of questions. The department is doing a reasonable job at answering the questions but could do better. The fees will help to provide better service.
 3. SEVP recently found an "ESL school" in SEVIS that was not actually holding classes. It was a front for visa fraud. SEVP would like to put more energy into combating fraud. The fees will provide funds for more investigation and enforcement.
 - ✓ The fee increases will also be used to pay for the implementation of SEVIS II, recertification, school liaisons, and additional compliance personnel. There are currently 79 compliance personnel assigned to SEVP, the additional funds will go to adding 155 additional ICE FTE around the country.
 - ✓ Tom Carey, University of St. Thomas, does not agree that SEVP should make students pay for the majority of the new fees. This burden should be on the schools. Lou explained at the meeting that the reason this decision was made had to do with the number of small institutions that said they would not be able to pay the fee. Also, he stated that every \$10 the student pays in extra fees equals \$2,400 that an institution would have had to pay.
 - ✓ Lou talked about the changes that will take place with the implementation of SEVIS II. These changes include:
 1. The system will be "student centric" rather than "document centric," which means that a student will have one number like an A number that will follow them even if they leave the US and return on a new I-20 or change their status.
 2. I-20's will be paperless and will be immediately accessible to the consulate, Port of Entry, etc. There will still be a form to present to agencies such as the DVS, etc. Aimee Thostenson asked if the I-20 will be printed out at the Embassy. We believe it will not be printed at all, rather everything will be exchanged electronically.
 3. SEVIS will show a complete history for the student including what they did as non-F-1/J-1 students.
 4. Students will have access to parts of their SEVIS record so that they can update their own address and work information. CK Kwai, Winona State University, asked about how the information will be shared with the school. Currently, it is not possible for SEVIS data to be batched into a school system. Bruce Gawtry thought that this might be possible in the future. This question was not addressed at the SEVP meeting.
 5. The system will be more user friendly with drop down menus, etc.
 - ✓ Recertification will begin April 1, 2009. Schools will be notified six months prior to the recertification and the actual process will be done online. Schools should make sure their I-17 is updated regularly as this is something that SEVP will look at during recertification. Also, SEVP will look at whether a school is bona fide, accredited, and reporting issues in SEVIS as required. SEVP will offer optional site visits from a liaison to help schools prepare for recertification. Recertification will be done by highly trained SEVP officers and not people on contract from an outside firm. Issues that may be cause for a site visit include an out-of-date I-17 or specific student red flags. Alison thinks that it would be helpful to make sure the CPT and OPT processes are in place. Alison Champeaux recently updated her I-17 and she sent in all of the paperwork even though it is not required to be thorough.

- ✓ SEVP will ask for school input on what we would like to see from SEVP liaisons. There is a meeting scheduled in Las Vegas at the end of June to do this. Fifty SEVIS institutions, out of 9,200, were invited to the meeting including the University of Minnesota. Tom Gjersvig was also invited but we are not sure if he will attend and Kay Thomas from University of Minnesota will attend.
- ✓ Lou Ferrell is promoting the liaison jobs to school DSOs. The jobs will be posted on www.usajobs.com. There will likely be four liaisons working at headquarters and 60 others will be spread throughout the country. Bruce Gawtry is involved in writing a training manual for these jobs.
- ✓ Lou mentioned that the F-1 regulations may be revised next year. This revision could include 12 months pre- and 12 months post-completion OPT.
- ✓ The new 90-day unemployment rule was also discussed. Institutions are responsible for reporting unemployment (starting April 8) but we are not responsible for changing the student's status. This will be caught when the student requests a benefit. (At NAFSA some were told that the student could be terminated for this.) Schools are responsible for advising the students of their consequences. SEVP will create a SEVIS alert for students nearing the 90 day limit.
- ✓ Bruce Gawtry brought up the idea of setting up an MIE volunteer job list that students might access if they cannot find a job.
- ✓ Alison Champeaux is asking for the student's OPT job title when they apply for OPT. If the job does not obviously match the student's major then the student and/or school should keep information on how the job matches their program of study. This is ultimately the responsibility of the student. There is information about this listed on the NAFSA OPT FAQs at http://www.nafsa.org/regulatory_information.sec/29_month_opt_rule_updates.
- ✓ Bruce Gawtry mentioned that Ann Balough at SEVP is working on short-term programs regulations which may include a new F-3 visa type. This is in response to distance learning programs where students study in the US for short periods at regular intervals that are longer than the five-month limit.
- ✓ Sarah Ligday told the group that one of the more memorable portions of the meeting was Lou Ferrell's stories about what drives him. He spoke about an international student who he befriended in college, which had to do with his goal to win the "hearts and minds of international students." He also told about his experience working at the Pentagon during 9/11 and how this drives his commitment to "keeping us safe."
- ✓ At the meeting Julie Rabae commented on how helpful Bruce Gawtry is and explained that he is who they should look to when working on creating the liaison positions.

Suggestions for MIE

- ✓ Alexis Akagawa suggested that an MIE Board, Member at Large may be able to take the lead on creating an MIE job/resources list for students who need to find jobs or volunteer work to stay in status. Also, the MIE Board may want to continue to work on outreach to high schools and non-MIE schools. Tom Carey reminded the group that MIE used to have separate meetings for high schools, community colleges, etc. This may be something that the new SEVP liaison could do.
- ✓ Jim Trelstad-Porter responded to Alexis by suggesting that MIE is a loose professional affiliation that works to keep up-to-date on regulatory changes that affect our work and act as a resource for member schools. He does not think that the group should feel obligated to act on every idea that is raised.
- ✓ Some MIE members thought that the group is obliged to serve the membership which includes gathering resources.
- ✓ Marie Hayse mentioned that the NAFSA Minnesota State Representative should be doing some of things that MIE is doing and should be working closely with MIE. Also, MIE should be in contact with the Minnesota study abroad group.

Update: NAFSA National Conference

- ✓ Alison Champeaux has done three STEM extensions using the online 1-765. She found that she was unable to enter all of the employer information on the form. Also, she is entering the CIP code and name of the major. Of the three extensions she has had no response regarding one that she submitted a month ago, but she has had notice regarding one that she submitted one week ago. She thought it was difficult to gather all the information on the checklist including a letter from an employer (with job title, CIP code, relation of job to major, and employer's eVerify name and number) the supervisor's name, email, and phone number as well as the student's email and job title. She noted that it is helpful to ask the student for a non-school email address when applying for OPT as they are no longer a student but still must have an email to receive SEVP information. Bruce Gawtry pointed out that some of the abovementioned fields are optional in SEVIS.
- ✓ Institutions should make sure that the CIP codes in SEVIS match the CIP codes that their registrar uses. The FAQs on the NAFSA website are a good source of information to help with this.
- ✓ Some schools are using the school address to make sure that the documents do not get lost in the mail if the student moves.
- ✓ The extension paperwork should be sent to the service center associated with the school no matter where the student lives or where the employer is located.
- ✓ A minor cannot be used instead of a major when showing the relationship between the program of study and the student's OPT employment. A student may use a second major to show that they are in a STEM degree and for OPT purposes. It should be noted on the application and in SEVIS that the student has a double major and an official transcript should be included with the application.
- ✓ The comment period for the OPT extension rule ended yesterday. NAFSA commented on the rule asking for SEVP to extend the list of majors allowed, eliminate eVerify, and require the student and not the school to report on the student's employment.
- ✓ EVerify employers constitute only 1% of the 57,000 employers nationally, which makes the extension difficult for many. Nationally, eVerify is treated different in many places. In Illinois the state is telling employers not to sign up for eVerify, while other states, including Minnesota, are encouraging it and even requiring eVerify for state agencies. There is no list of eVerify employers available.
- ✓ Many people think that the reporting burden should be placed on the employer and not on the school. Ann Balough of SEVP says that it is the schools' responsibility because it is an F-1 benefit, but Alison Champeaux argues that the benefit is really an H-1 benefit that is tagged onto the F visa.
- ✓ The H-1B Cap Gap provision must be processed through the SEVIS help desk. Schools must contact the SEVIS help desk with the student's H-1 approval information and request that the I-20 be extended until the H-1 begins. When the data fix is complete, the school prints the I-20 and this allows the student to continue to work. This will hopefully be fixed during the summer so that schools can make the change without requesting a data fix. Currently it is taking one week or less to process the data fix.
- ✓ The 90-calendar day cumulative limit on unemployment is a requirement for all students on OPT, not just those with a STEM extension. Schools are given 10 days to report unemployment information. Students are granted an additional 30 days of unemployment if they receive the STEM extension. Pre-completion OPT has not changed. In practice this rule does not affect pre-completion OPT because a student would not apply for the benefit if he/she did not have a job. Furthermore, the status of the student is dependent on their attendance in school and not on their employment.
- ✓ Students can now apply for post-completion OPT up to 90 days prior or 60 days after their program end date.

- ✓ Students who would like to maintain status, but who are unable to find a job after receiving OPT approval have the option to go back to school rather than volunteer. In order to do so, the student would need to have a new I-20 no later than the 90th day of unemployment. After they receive the I-20 they would have five months to begin classes.
- ✓ Students who do not have the H-1 approval, may want to register to take courses at a school in order to maintain their F-1 status. If their H-1 is approved then they can drop the courses, if they are denied the H-1 than they would have to continue in classes as an F-1.
- ✓ The old I-765 will be accepted through July 8. The new form was available on April 8. The eligibility code has been changed from (c)(3)(i) to (c)(3)(A), (c)(3)(B), or (c)(3)(C).
- ✓ The SEVP FAQs on the NAFSA website give additional information about the new OPT rules. http://www.nafsa.org/ /Document/ /uscis_faq_2_on_opt_interim.pdf
- ✓ Tom Gjersvig mentioned that we should be watching for the following DHS updates: Real ID developments, further limitations on access to the service centers, and funneling all questions through a national customer service number.

Announcements

- ✓ The 2008 Ombudsman report is available on the NAFSA website at http://www.nafsa.org/regulatory_information.sec.
- ✓ Bruce Gawtry announced that the Port of Entry will start using a paperless I-94 and an electronic travel authorization system (ESTA) by January 12, 2009. This will be tied into the biometric departure program. Some airports are piloting the biometric system now and it will expand nationwide in 2009. The biometrics may be administered at the departure gates. Students may run into problems with their status if they do not follow the departure guidelines. These problems could include a change of status denial, future inadmissibility into the country, canceled visas, etc.
- ✓ Luyen Phan, St. Olaf College, has volunteered to be the Chair-Elect on the MIE Board for 2008-2009. If anyone else is interested they should contact Jim Trelstad-Porter. We will conduct the election for this position at the first meeting in September. Also, if any members have ideas for topics that MIE should cover during the 2008-2009 year or ideas for meeting format, etc. contact Jim at porter@augsborg.edu.
- ✓ Jim and David DiMaria will work on updating the board member list on the MIE website soon.
- ✓ NAFSA Region 4 is accepting proposals for the regional conference. The early bird deadline is June 30 and the final deadline August 1.
- ✓ The Nebraska Service Center open house is on June 26.

Next Meeting

- ✓ Monday, September 15, 2008 at Winona State University.

Meeting Adjourned 10:58

Minutes Submitted by:
Annie Gemmell, North Hennepin Community College