

MIE Minutes
University of St. Thomas, St. Paul
15 January 2008

Agenda

1. Welcome from Karen Lange, Dean of Students
2. Eric Stommes, AccountAbility Minnesota
3. MIE Treasurer's report
4. Handouts: I-515 SEVIS Toolkit and OPT/CPT annotations
5. Announcement: Advocacy Day and drawing for \$100 incentive
6. Immigration Update: Bruce Gawtry, University of Minnesota/Macalester College, SEVIS Headquarters and Department of Homeland Security
7. Immigration Update: Scott Borene, Senior Attorney, Borene Law Firm, P.A.
8. Open Forum: MNSCU battles about drinking and FERPA
9. Social Security Administration
10. MN Driver's Licenses
11. Taxes
12. Announcements and Wrap-up

Welcome from Karen Lange, Dean of Students

- ✓ Karen Lange, Dean of Students at St. Thomas welcomed MIE. She spoke about the importance of international educators and how much she has learned about immigration and international issues through St. Thomas' international education staff. She also has had the opportunity to visit the UST Rome Campus and she attended the NAFSA national conference in Minneapolis last May. Through this she understands that international educators' have multiple roles working with students and educating administrators.

Eric Stommes, AccountAbility Minnesota

- ✓ AccountAbility Minnesota is a tax preparation and accounting service for low income individuals. They work with individuals who make \$30,000 or less and families who earn \$40,000 or less. However, the average income of people who take advantage of the service is \$13,000. The program serves many immigrants. In addition to tax preparation, they help open checking accounts, get car loans, obtain credit reports, and provide financial counseling. They work with volunteers to provide the services. AccountAbility operates 16 sites in the metro area and 24 in outer-Minnesota. AccountAbility is supported through partnerships with the IRS, 3M, and the United Way.
- ✓ Eric Stommes is the volunteer resources manger. He works to recruit, hire, and train the volunteer staff. They hire volunteers to be tax site assistants, credit report assistants, interpreters, and individual tax preparers. They are always looking for interpreters and every language is needed but mostly Spanish and Somali. They never turn interpreters away. Many volunteer interpreters are international students.
- ✓ AccountAbility volunteers gain VITA certification and complete the quality review form for volunteer certification. Volunteer clinics are offered in Minneapolis and St. Cloud. The training commitment for tax preparers is nine hours, split between three days. Site assistant and interpreter training is three hours.
- ✓ MIE members inquired about partnering with the program, where the school would help recruit volunteers and the AccountAbility site would offer help with the 1040NR. Eric mentioned that they are working with colleges and service learning groups already, including the business students at St. Thomas.
- ✓ Eric Stommes' contact information is: estommes@accountability.org or 651.287.0187 x116.

MIE Treasurer's report

- ✓ MIE has \$2,000 in its budget and 35 people have signed up for membership this year.
- ✓ All MIE bills are paid and the group is in good financial standing.

Handouts: I-515 SEVIS Toolkit and OPT/CPT annotations

- ✓ The I-515 is the Customs and Border Protection's alternative to sending a person back to their home country if they do not have all of their paperwork upon arrival in the US. There is no filing fee for the I-515. There was a 30% increase in I-515s last year. Issuing I-515s increases the CPB workload and jeopardizes the student's status so we want to avoid the situation if possible.
- ✓ Individuals with questions concerning the I-515 should contact Tom Gjersvig or call the Officer of the Day at the Minneapolis/St. Paul airport.
- ✓ Annotations for OPT/CPT should be used on the I-20 when requesting work authorization. Adjudicators can see these notes if they are entered in the SEVIS remarks section.

Advocacy Day Announcement and Drawing for \$100 incentive

- ✓ Advocacy Day is March 11 and 12 in Washington DC. This is a great opportunity for frontline staff in international education to help present the issues they and students face to government officials. NAFSA offers training for Advocacy Day participants.
- ✓ MIE held a drawing for \$100 towards registration for Advocacy Day. Mark Schneider, University of Minnesota, received the \$100 incentive.

Immigration Updates

Bruce Gawtry

- ✓ Bruce has been working to recruit Larry Minner, the Officer of the Day at the Minneapolis airport to represent CPB at MIE meetings. Larry received approval from DHS regional headquarters to attend meetings once per quarter, as long as it is in the metro area. This means Larry can attend four MIE meeting per year if he attends the September meeting. Larry will attend the May meeting.
- ✓ Larry can help with I-94 errors, I-20/DS-2019 Port of Entry stamping errors, etc. He can be reached at 612.725.3480.
- ✓ CBP officers are now certified as law enforcement, this means better retirement, which hopefully leads to less turnover and thus less mistakes, etc.
- ✓ CPB is stopping many people for bringing food into the country. If a person is stopped more than once they could be charged with fraud and sent home or incur large fines.
- ✓ SEVIS headquarters is working on school certification and using increased fees to support liaison officers who work directly with schools. These officers will be controlled through headquarters and they will have guidelines for consistency. Also, they are working on standardized SEVIS guidelines. School certification will be done through SEVIS headquarters this time, rather than sending contractors out into the field. They are hiring people to help with this now.
- ✓ SEVIS is working toward the release of SEVIS II. The new release will include integrating multiple computer systems and revamping the procedural regulations (214.3). They will be working on the 214.2 regulations next year. Also, they are working on the 29-month OPT rule and it is likely to go into operation.
- ✓ USCIS is working on increasing the number of H-1 visas and updating the I-94 this update may be announced.
- ✓ DOS is working with a new information management service called PIMS for H, L, and Q visas. If an individual is not in PIMS their application may be delayed, even if the person has their approval notice.
- ✓ Premium processing is not available for R-1 applications.
- ✓ The visa application fee has increased to \$131 effective January 2008. The SEVIS fee may be increasing as well.

- ✓ Secure drivers licenses will be coming as early as this summer this includes verification of documents including birth certificates.

Scott Borene

- ✓ Scott will begin publishing their immigration updates again in February.
- ✓ The federal guidelines for the minimum standards for driver's licenses and ID cards will change.
- ✓ A complete version of the current employer handbook for I-9's is available. This is the first time they have changed these rules in 20 years. The new I-9 went into effect December 26; it is published in the federal register and employers must give employees the directions with the form. List A which includes primary documentation is much shorter. Employers should read the new handbook carefully. It may be helpful to send the handbook to the Human Resources office in your school because employers who fail to follow the new rules are subject to penalties.
- ✓ Minnesota Governor, Tim Pawlenty, has mandated the use of E-Verify by all state employers. MnSCU schools should find out if this affects them. If it does, it could impact international students who are work-study employees. E-Verify is still unreliable and is used by a small percentage of employers right now.
- ✓ Tim Pawlenty also issued an executive order stating that Minnesota law enforcement must work with ICE agents to enforce immigration laws. The Minnesota Legislature will most likely not pass any of the order into law and so it will likely not go any further. Many states are passing immigration laws because the federal government has failed to do anything.
- ✓ New rules have been published for J exchange programs. The rules include more options for the government to suspend and sanction programs.
- ✓ Scott's take on the presidential race: All of the three potential candidates on the democratic side would support comprehensive immigration reform. There are subtle differences between them, but they are basically the same. They would support the Dream Act, more H-1 visas, etc. On republican side there are four viable candidates, out of them Thompson holds the toughest position on immigration reform, which will probably win in the cranky states. The republicans are "one-uping" each other right now with their tough stances on immigration. Ron Paul is saying that he will build a wall and deport them all, but he is out. McCain hasn't changed his position, but recognizes that he has to get the border under control first, then he will work on reform. Guliani protected the sanctuary status of New York City when he was mayor, but has changed his stance now. Scott is optimistic that if a democratic president is elected there will be an improvement to immigration, but if Romney were elected then he would be nervous. Huckabee supported the Dream Act and has been tolerant on immigration; however his take on foreign policy is scary. He asserted erroneously that the US has 660 thousand Pakistani illegal immigrants and he apologized for the assassination of Benazir Bhutto. He also connected the assassination to building a wall between the US and Mexico.

Q/A

- ✓ Someone asked about whether or not the I-9 would be required from current employees. Scott answered that the I-9 is only for new employees and in fact it is against the law to ask for new I-9 from current employees. Also, there is nothing in the instructions regarding how to complete for students on CPT.
- ✓ Scott mentioned that the US will start issuing Passport cards very soon, this is essentially a national ID card. He recently renewed his passport and it took 15-20 days for expedited service, so it seems like passport issuing is back on track.
- ✓ Someone asked if the change to 29-month OPT will make renewing visas any easier. Scott responded that there is always a risk of delay when returning to the US.
- ✓ Students who receive an approval notice for work authorization but no card must wait for the card to begin working.

Open Forum: MNSCU battles about drinking and FERPA

- ✓ Staff should talk to their school's legal council if they have issues regarding drinking and FERPA. Alcohol related legal problems can cause visa denial. There is an exemption under FERPA regarding students under 21 or who are dependents, where schools may release alcohol offense information to parents. However, there is a discrepancy between Minnesota law and FERPA and this is why it is best to talk to general council. (See the citations below.) This also means there is a difference between public and private schools in how they handle the situation.

For private colleges and universities in Minnesota:

May a postsecondary institution disclose to a parent, without the student's consent, information regarding a student's violation of the use or possession of alcohol or a controlled substance?

Yes, if the student is under the age of 21 at the time of disclosure. FERPA was amended in 1998 to allow such disclosures. See 99.31 (a) 15 of the FERPA regulations. Also, if the student is a "dependent student" as defined in FERPA, the institution may disclose such information, regardless of the age of the student.

http://www.ed.gov/policy/gen/reg/ferpa/rights_pg19.html#17

ICE and FERPA

by Ellen Badger, Lisa Ernstthal-Harris, Angelo A. Paparelli, Jennifer Wissink, and Gloria Zarabozo

Question: Don't I need to worry about FERPA?

Answer: FERPA does not always apply to international students and scholars in F, M or J status because the Patriot Act as implemented by 8 USC 1372 overrides it, allowing the U.S. Department of Homeland Security (DHS) access to obtain from the school any information needed to carry out its student/exchange visitor information collection program. In addition, when students sign page 1 of the Form I-20, they authorize their schools "to release any and all information from my records which is needed by (DHS) pursuant to 8 CFR 214.3 (g) to determine non-immigrant status." Students and scholars in F, J and M status may continue to be covered by FERPA outside the context of SEVIS/immigration status and consultation with university counsel is highly recommended."

For public colleges and universities in Minnesota, please consult your general counsel for the Minnesota Office of the Reviser of Statutes 13.32 Educational Data, Minnesota Statutes 2007. This is available at:

http://ros.leg.mn/bin/getpub.php?pubtype=STAT_CHAP_SEC&year=current§ion=13.32&image.x=0&image.y=0&image=Get+Section

- ✓ Alexis Akagawa asks all international students for emergency contact information including the language the contact speaks and their phone number, along with other contact information. This helps to facilitate dealing with such problems later on. She also asks the students to complete a FERPA waiver form for emergency use only. Alexis will make this form available to MIE.
- ✓ This is very important because students who do not give a correct, truthful answer when dealing with immigration can be sent out of the country forever. If international students are arrested for any reason they should talk to a lawyer.
- ✓ MIE posted the January 6 Star Tribune article, "MnSCU battles to tell parents about drinking" on the website.

Social Security Administration

- ✓ Jon Norberg from the Social Security Administration is MIE's contact. His contact information is: 651.290.0304 x23005, jon.norberg@ssa.gov, Social Security Administration, 190 Fifth Street East, Suite 800, St. Paul, MN 55101-1483. Jon is happy to help with any unique cases.

- ✓ The SSA St. Paul office processed 4,100 applicants last month, to give an idea of their case load.
- ✓ The SSA uses various methods to verify applicant's status, including SAVE, an electronic form that they send to the INS (1-15 days turnaround), and a paper form as a last resort (6 weeks turnaround).
- ✓ Asylees can apply for a replacement social security card without restriction. Jon noted that this will need to be explained to the SSA upon application.
- ✓ An MIE member asked about a student who applied for an SSN in October, but never received the card. Jon said that the advisor should call him with the student's name, birth date, I-94 number, and a receipt reference number.
- ✓ F-1 students must have job to apply for a SSN and start working within 30 days of application. MIE reminded members that students do not need to have the SSN card to be lawfully employed, but a student must be employed in order to apply for the card. Students who are denied a SSN should receive a denial letter explaining why.
- ✓ An MIE member asked how to handle a name change for an international student. Jon said that the name should be changed with USCIS first. Note that the I-102 application to replace or change an I-94 is \$320. If the student does not have a current need for a SSN card then it is not guaranteed that she/he will receive one.
- ✓ MIE would like to create a form with the SSA that will help students with the SSN application process. Jon is currently working on a form letter for international student applicants. When finished, he will send it out to all SSA offices. The form is already available, but Jon still must approve it and send it out to the offices.

MN Driver's Licenses

- ✓ Lisa Haggert, Management Analysts for the Minnesota Driver and Vehicle Services is the contact for MIE. She would like to have a single contact person with MIE. As MIE Chair, Alexis will be the contact. If we have problems with driver's licenses we should contact Alexis at Minneapolis College of Art and Design (MCAD) who will then contact Lisa. Next year the contact will be Jim Trelstad-Porter, at Augsburg. He is the 2008-2009 MIE Chair.
- ✓ Lisa will attend the March MIE meeting to discuss issues. MIE will suggest including immigration status grace periods in the dates on the ID card.
- ✓ Lisa provided us the following information in an email to Alexis:
I'll ask my field partners if there are any issues they are seeing with foreign students and get back to you before the meeting. I can't think of anything that is consistently a source of concern at this time.

Our identification requirements call for current proof of residency in the US and Minnesota. For students on an F-1 visa this means a current passport, I-94 and I-20 indicating attendance at a Minnesota school. If the OPT is in Minnesota but the school previously attended was out-of state, we generally require something on letterhead of the school indicated on the I-20 stating that the student is participating in OPT in Minnesota.

Alternately, a work permit may be held by some OPT students; it can be used in place of the passport/I-94/I-20 combo, eliminating the need to get a letter from the school.

A secondary identification from most students is a certified college transcript or Social Security Card.

Taxes

- ✓ Dr. Carter at the University of Minnesota offers workshops to any F or J international student. The workshops are held in Carlson School of Management, room L-117 on Thursdays from 6:00 – 9:00pm starting the second week in February. Also, schools can send an advisor to tax preparation training. This training begins on January 31. Dr. Carter has a very useful website www.thetaxguy.com and individuals can contact him at gwc@thetaxguy.com, 952.224.2888, (f) 952.224.2889, or Gary Carter, CPA, PLLC, 4445 West 77th Street, Suite 202, Edina, MN 55435, if they are interested in using his private practice.

- ✓ Some schools use the tax preparation software Cintax (www.cintax.us) which works well. The cost is around \$500 for schools with under 100 users. Students cannot use this software to submit their taxes online but they can do them and then print them out and send them in. Dr. Carter recommends that students do this and bring the form with them if they attend his workshop. Students may pay to use Cintax on their own even if their school does not provide it.
- ✓ Students should be aware that there are tax treaties between the US and many other countries. Information about tax treaties can be found in Publication 901. Chinese students should use the form 8316 on tax treaties to exempt them from social security and federal income taxes (p. 43).
- ✓ Students can find out about social security issues in Publication 519.
- ✓ Students can find the NR1040 EZ, NR1040, form 8843, publication 901, publication 519 on the IRS website: www.irs.gov.
- ✓ David Petrie of the IRS can provide schools with forms and publications. The school should email him to request the forms. It takes 2-3 weeks to get the forms. David can also help to set up VITA sites.
- ✓ Volunteers at VITA sites are protected from any liability as long as they have participated in the certification process.
- ✓ Property tax rental refunds are based on household income which includes income from qualifying scholarships plus non-taxable scholarships.
- ✓ Students with questions about any of this should see a trained tax preparer.

Meeting Adjourned 12:12 pm

Next Meeting

- ✓ Tuesday, March 18 at Bethel University, St. Paul

Minutes Submitted by:
Annie Gemmell, North Hennepin Community College