

MIE Minutes

St. Cloud State University, Mankato

27 November 2007

Agenda

1. Welcome from St. Cloud State
2. Proposal for MIE involvement in EducationUSA dinner and mini-college fair
3. Budget updates
4. NAFSA's Helpful Steps for Successful Advocacy and current advocacy work
5. MIE interest in meeting with Dr. Carter's tax preparation training
6. Update: From the Region IV NAFSA conference
7. Update: Tom Gjersvig on Q and A session with Nebraska Service Center
8. Immigration updates
9. Open Forum: Questions concerning optional practical training/curricular practical training and December graduates
10. Open Forum: How to handle Social Security and Driver's license denials
11. Wrap up and Announcements

Welcome from St. Cloud State

- ✓ Welcome from St. Cloud State: Kim Koffi, SEVIS Coordinator and Margaret Vos, Associate Vice President of Academic Affairs, International Studies.
- ✓ Margaret Vos introduced Nicco Just, Director of International Studies at Nelson Mandela Metropolitan University in South Africa. NMMU is a new university, created during the reconfiguration of the educational system in South Africa. It is located in Port Elizabeth on the east coast of South Africa. It is a comprehensive university and one of most internationalized in South Africa with 11% international students. Most of the international students are from other parts of Africa.

Proposal for MIE involvement in EducationUSA dinner and mini-college fair

- ✓ MIE received a proposal from EducationUSA regarding co-sponsoring a dinner and mini-college fair at the University of Minnesota. The proposal would require a time commitment from MIE but no financial obligations.
- ✓ MIE voted to accept the proposal and take part in the opportunity.
- ✓ Alexis Akagawa will email the EducationUSA representative to tell them that MIE is interested.
- ✓ MIE will discuss specifically which schools will participate at the January meeting.

Budget updates

- ✓ David DiMaria reported that MIE needs new software to continue to update the website. Microsoft software that would enable updates is available for about \$100.
- ✓ MIE voted to approve the purchase of new web software.
- ✓ Alexis reminded the group that dues are \$25 for an individual or \$125 for groups of five or more. If you have not paid dues for 2007-2008, talk to MIE treasurer Addy Spitzer.

NAFSA's Helpful Steps for Successful Advocacy and current advocacy work

- ✓ Senator Joe Lieberman's letter regarding extension of OPT from one year to 29 months is still in the works. Marlene Johnson, NAFSA Executive Director, sent letter in support of the measure and 17 senators have signed it. Alexis received a thank you for her letter supporting it but has not heard anything more about it since. Bruce Gawtry spoke with SEVIS headquarters about the issue and found that SEVIS policy officials seriously considering the change.
- ✓ Alexis has a thank you letter addressed to Amy Klobechar in response to her support of international education. MIE members are invited to sign it during the meeting today.

- ✓ MIE members interested in helping with advocacy issues should sign up for the NAFSA Advocacy Centered Team (ACT) at the website www.nafsa.org/public_policy. Individuals can simply enter their zip code and the website will find issues in their area and provide them with sample letters which then can be personalized. This is something anyone can do as a private citizen if their employer does not allow them to advocate on company time. Anyone can join. This is not limited to NAFSA members.

MIE interest in meeting with Dr. Carter's tax preparation training

- ✓ About half of the members present were interested in Dr. Carter's training. Alexis will contact him to schedule a break-out tax session at the next MIE meeting for anyone interested.

Update: From the Region IV NAFSA conference

- ✓ Tom Gjersvig announced that presentation handouts from the Region IV conference are available at the NAFSA Region IV website, www.region4.nafsa.org, under News and Announcements.
- ✓ Craig Peterson and Tom Gjersvig arranged the government sessions at the NAFSA Region IV conference including sessions with officials from the Department of State, SEVP, the Nebraska Service Center, and Craig Peterson and Kathy Steiner-Lang provided the J visa update. The Power Point from the Consular Affairs session is especially useful. The SEVP guests were not high level decision makers. They managed to scare people more than help with tentative information about the use of finger printing in SEVIS II beginning in spring 2009.

Update: Tom Gjersvig on Q and A session with Nebraska Service Center

- ✓ Tom recommends that schools use nsc.schools@dhs.gov to work with Nebraska rather than the national phone line.
- ✓ NSC officials indicated that they are receiving OPT applications not signed within 30 days. In these cases the NSC is sending them back with a request for evidence (RFE).
- ✓ NSC officials recommended that everyone double check the dates, spelling, and other details on EAD cards. If you find an error, return the card to the address listed on the I-765 application with a letter of explanation. The center will, most likely, not charge a fee for a new card if the error was an advisor's or the service center's mistake.
- ✓ Applications for employment authorization should include all past I-20s or a printout of the SEVIS page that lists employment authorizations and I-20s for past degrees. SEVIS enhancements allowing the service center to see historical information will be available in the future.
- ✓ The only thing that affects the availability of OPT is full-time CPT.
- ✓ Remarks in SEVIS are very helpful for adjudicators. Many people include the 14 month rule in the remarks to cover the student. Or they ask for 12 months from the day of adjudication. MIE has examples of SEVIS remarks on the website that it may be time to update them.
- ✓ Some reported that it seems as if fewer economic hardship applications are approved. The service center said that they are not doing anything differently. They review each case on its individual merits.
- ✓ The online case information based on a LIN is not working, so don't be alarmed if you don't get any information when you enter the number.
- ✓ There have been increased requests to waive fees since the increases earlier in the year. Before submitting a fee waiver, check www.uscis.gov for criteria for approval. Waivers are not slowing the process significantly, however if a request is denied, the application is sent back and this slows the process for the individual applicant.
- ✓ The I-539 application for change of status should be sent to California. You should email csc.schools@dhs.gov with questions regarding an I-539. Emails should include the WAC number. There have been significant delays on sending receipts. They will accept copies of the I-94 for change of status applications but must have the original for reinstatement applications.

- ✓ Bruce Gawtry added that the government agencies are working on integrating all systems including biometric, SSN, IRS, SEVIS, etc. At one point there were 22 different systems. So far, such a new system is unreliable.
- ✓ NAFSA Issue Net (www.nafsa.org/issuenet) is used to record and track frequent issues. You can use it to report an issue or get liaison help. You do not have to be a NAFSA member to use Issue Net.
- ✓ MIE will update the sample SEVIS remarks posted on the website. Members should send their OPT and CPT comments to Alexis and she will update the document and post it on the website.

Immigration Updates

Bruce Gawtry

- ✓ Bruce is still working on recruiting someone from the government to give these updates.
- ✓ Ten CBP locations are starting to use ten fingerprints, not including Minneapolis. Minneapolis is one of the top 30 largest ports of entry and so they will probably begin using this system soon.
- ✓ There are many new trainees nation wide at ports of entry. Minneapolis has 10 new people and so we will probably continue to see increased errors on I-94s, etc. There are also new, younger enforcement officers who are not experts on students. They tend to be more aggressive and thorough.
- ✓ Larry Minner, Minneapolis CBP Officer of the Day, can be reached at 612.725.3480. He is very helpful and experienced and so he is often sent to assist other ports of entry.
- ✓ SEVIS Headquarters is continuing discussions on number issues including border commuter issues, priority to 213.3 and fee rules, and 214.2 including short-term programs, special rules, ESL information, SEVIS II, and the 29 month OPT rule.
- ✓ SEVIS II will include designating field officers who work directly with schools. This person could be a representative to MIE. Tom Carey reminded everyone that this was one of the initial purposes of instituting the SEVIS fee and the idea has been in the works since the 1990's.
- ✓ Luyen Phan asked why the new OPT rule is written for 29 months rather than simply two years. Bruce explained that 29 months equals two years plus 5 months over the summer to cover the gap until October when these students may submit H-1B applications. This only works if the student graduates in the spring.
- ✓ Bruce received the Best of Region IV presentation at the conference and will be invited to present at the national NAFSA conference in May.

Scott Borene

- ✓ Scott was sorry to miss the Regional IV Conference. He was in London at the World Immigration Conference where he had the opportunity to see behind the scenes at the US consulate in London and talk with the Consulate General, John Caulfield. The biggest problem the London Consulate faces is simply getting people in and out of the heavily secured building.
- ✓ The State Department released a memo on November 16 stating that they have issued record number of student visas. The numbers exceed pre-9/11 levels (651,000 visas).
- ✓ J visa fees are increasing as of December 3 to \$1,748 for the institution designation application and \$246 for extension, reinstatement, etc. Also, there will be new grounds upon which a J program can be terminated effective next week. The grounds will be on, "compromised security or foreign policy objectives." This is the ultimate discretionary tool.

- ✓ USCIS is still working to resolve the visa bulletin mess, known as VBM. They are working on processing over one million unexpected applications. There are I-140 applications that were filed in July that still have no receipt. The I-765 applications processed through Nebraska are better. They are issuing receipts for these within two weeks and are processed in under 90 days. We should count on the backlog of I-140s to continue and apply early! Expedites are not available for these applications. Also, in reaction to the avalanche of applications USCIS suspended premium processing for I-140s. Premium processing may come back, but not for many months.
- ✓ Steve Fishel, a former DOS official and lawyer indicated that the Green Card quota backlog will continue or get worse especially for India and china and processing delays will be bad but may gradually improve over year.
- ✓ H non-immigrants with pending applications can travel. They should present documentation on employer letterhead indicating that they are still eligible for their H or L visa. They do not need advance parole or a receipt.
- ✓ USCIS is reminding employers of their responsibility to verify employment by December 26th. Employers must transition to new I-9. If your school must handle I-9's then you should obtain the new I-9 employer handbook and someone should read it cover to cover. There is a great amount of liability with the I-9. Scott can send the handbook to anyone who is interested or you can download it from the DHS website.
- ✓ ICE began enforcing the SSN no match letters in August. Employers were supposed to fix the unmatched SSN or terminate the worker. The AFLCIO sued Chertoff stating that typos would potentially get workers fired and that the rule was much too broad and too harsh. The judge extended the enforcement to March 2009 and so now ICE is revising the rule and system. We shouldn't have to worry about this for now.
- ✓ Secretary Chertof held a press conference on the state of immigration in US in which he indicated that they would be adopting a "get tough" policy. He didn't want to "get tough" and had hoped for comprehensive immigration reform. But, since the reform did not pass, they will use existing rules but will become so hard on employers that people will want immigration reform. For example in fiscal year 2002 (2001) there were only 25 arrests for workforce enforcement. More recently there were over 4,000 arrests and they are sending the employers to jail.

Legislative Update

- ✓ Betty McCullum has taken up the issue of fake degrees and diploma mills. There is an article in the Star Tribune today about this issue. India and Pakistan are at the top of the list for fake diplomas.
- ✓ The New York Times lead editorial from this weekend had to do with the nation in an angry place on immigration. It talked about the fact that immigration is a toxic topic in the election this year.
- ✓ Nineteen bipartisan senators are working on a policy statement that would act as a patch to the immigration issue. This is a different approach to pushing legislation along without doing something that requires a signature from the president or the passage of a law by congress. This policy statement could happen quickly and there is a 50% chance it will to through at all. While other countries making it easier for students to come to their country, the US is putting up walls. The perception is that the US consistently has the rudest and worst immigration inspection officials.
- ✓ There have been continuous attempts to pass piecemeal immigration reform since comprehensive immigration reform has failed. Immigration has become the new third rail of national politics. It is political death in the same way that social security reform had been in the past. Regardless of who the next president is, nothing is going to happen with immigration reform for a long time. Probably not during the next president's first term because it would seriously impair a chance for second term. Then, we have to get through the following election year and then maybe they will try again, which means we are looking at Fall 2014 or Spring 2015, 8 years from now.

- ✓ Oklahoma has passed its own laws, more strict immigration laws and it is not the only state doing so. It is politically popular to bash immigrants right now. Immigrants can sue the state based on federal laws. Many such state laws are poorly written and would not stand up in court. On the other hand, there are cities that are considered to be sanctuaries.

The London Consulate

- ✓ The London Consulate was a lot like a small crowded airport or big bus station. Security screening is done by the private company SMS. Visa applicants leave their passports with SMS. Then there is a long walk through the building during which time the security system is watching them prior to the interview. They go to the waiting hall, which they can not leave until they go through a pre-screening interview. Then they wait for the actual visa interview.
- ✓ The Consulate uses ten-fingerprints and they have digital copies of any previous DS-156 applications and notes from Customs and Border Patrol.
- ✓ The advice they gave for applicants was to not guess at answers, arrive a half-hour prior to your scheduled time and plan to be there for 2-3 hours. Also, pick early appointments, don't bring electronic devices, and don't count on the photo machine. Each consular works with about 80-100 cases per day and interviews are usually 2-3 minutes.
- ✓ The average processing time for visas is 3-5 business days. Visas can be expedited for true emergencies.
- ✓ The London Consulate has the largest volume of visits in Europe with 1,000 people per day and it is the largest passport issuer outside of the US. They do accommodate specific travel dates and third country visas but they are skeptical if it seems that the individual is trying to avoid their home country.
- ✓ The London Consulate also issues 50% of the criminal denials of visas worldwide. If an individual is arrested they must tell them even if they were not ultimately charged. This will slow the processing to six weeks to four months.
- ✓ Appointments are made 25 days in advance and priority is given to F and J visa applicants in the summer.

Open Forum: Questions concerning optional practical training/curricular practical training and December graduates

- ✓ If an EAD card has been issued but the student has not used the card it is difficult to change the end date on the card. If the card has been used at all then it cannot be extended. If a student did not ask for 12 months initially, they may reapply for the additional time. They would be required to pay the application fee again. Students should always request 12 months, even if they are not sure they will use it all.
- ✓ The service center prefers to have the paper I-765 rather than e-file. It takes longer to process an e-filed I-765. This will change when electronic signature procedures are in place, because the application will not need to be sent back for the signature. If supporting documents need to be included with the e-filed I-765, they have to be sent separately which also slows the processing.

Open Forum: How to handle Social Security and Driver's license denials

- ✓ Some advisors are finding that the DSO letters are not working when students apply for a social security number. These letters should include the job title, duties, and supervisor information. A combined letter with the advisor and supervisor signatures is helpful. Also, it helps to include a pay stub. This would require that the student be currently working. It is legal for a student to work on-campus without an SSN.
- ✓ If a student loses their social security card they must re-apply. They will need to resubmit originals of all of the required supporting documentation.
- ✓ Some advisors thought it was better to avoid going to the Social Security office during the first 6 days of month nor do they recommend going on Mondays or Fridays (specifically in St. Paul and Minneapolis).

- ✓ Students should wait at least 10 days after arriving in the U.S. to apply for a driver's license or SSN.
- ✓ MIE will invite officials from the Social Security Administration and the DMV to attend the January meeting.
- ✓ Alexis will post a sample of a combined supervisor/advisor SSN letter on the MIE website.

Wrap Up and Announcements

- ✓ Alexis is still interested in hearing responses regarding the Minnesota promotional website.
- ✓ Aimee Thostenson announced that at the end of December some of the regional NAFSA leadership will change over. Anyone interested in applying for a leadership position should check the NAFSA Region IV website for open positions (www.region4.nafsa.org). In order to apply an individual must have been a member of NAFSA for three years and have attended at least two NAFSA conferences. The people in these positions usually help with conference planning, work with visiting overseas advisors, and answer questions from colleagues.

Meeting Adjourned 12:16 pm

Next Meeting

- ✓ Tuesday, January 15 at the University of St. Thomas

Minutes Submitted by:
Annie Gemmell, North Hennepin Community College