Grey Areas in International Student Advising:

Policy and Practice

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**Presenters:**

Louis Gecnok  
Assistant Director (Retired)  
International Student & Scholar Services  
San Jose State University  
lgecenock@gmail.com

Shelly Helgeson  
Assistant Director  
International Student & Scholar Services  
University of San Francisco  
sahelgeson@usfca.edu
Rolando Villalobos
Assistant Director
Bechtel International Center
Stanford University
visa@stanford.edu

Jay Ward
Associate Director
Office of International Programs
San Francisco State University
jward@sfsu.edu
Wanda Wong

Associate Director
International Student Counselor
West Valley College
wanda.wong@westvalley.edu

Parinaz Zartoshty

Director, ISSS
Division of Global Engagement
University of California, Santa Cruz
pzartosh@ucsc.edu
Workshop Agenda

- Setting Institutional Policy
- Your Submitted Grey Areas of Concern
- Question & Answer Session
- Some Further Thoughts on Interpreting the Regulations
- Resources & Wrap-Up
Setting Institutional Policy: Locating Resources

✓ Start with the NAFSA Adviser’s Manual
  ● Comprehensive discussion of regulations with helpful practice notes and recommendations

✓ Next, follow the links in the Adviser’s Manual to the CFR
  ● Advisors should read through all pertinent sections of the code at some point in your deliberation

✓ Research other written resources: USCIS memos, SEVP Guidance, DOS FAM and cables, operating instructions
  ● Collect as much relevant info as possible
Setting Institutional Policy: Analysis

✓ Be proactive.

✓ In your analysis, don't just consider the letter of the law, think about what is set and what is left undefined.

✓ DSOs should be the ones to establish the policies for your school, based on your analysis of the regulations.

✓ Don't do it alone, involve the rest of your office & other stakeholders.

✓ Get advice from ISAs whose knowledge you respect, or from the NAFSA Reg. Ombudsmen and KCISS representative.
Setting Institutional Policy: Considerations

✓ Get institutional buy in: it is crucial that you know what your institution’s general attitude is about immigration regulations

✓ Whatever you decide, be sure that you can defend your decision
  ● If your policy is strict, students/professors may complain
  ● If it's too loose, there may be risks from USCIS

✓ Put your policy in writing. Post it where students and faculty can see it

✓ Be willing to reconsider your policies as conditions change
Grey Advising Issues

Grey Areas of Employment:

- Curricular Practical Training (CPT)
- Optional Practical Training (OPT)
- STEM OPT
- On-Campus Employment
- Self Employment
More Grey Advising Issues

Grey Areas in Maintaining Status/Full-Time Enrollment:

- Online & Distance Education
- Reduced Course Loads & Leaves of Absence
- Academic Disqualification
- Concurrent Enrollment
- Transfer In/Out Issues
We have noticed a lot of students applying for TPS (Temporary Protected Status). Through TPS, students are given the ability (once approved) to work off-campus. Except in the case of Special Student Relief (like Nepal), these students are still required to hold 12 units to remain in status. My question is as follows:

- If a student applies for TPS, do we treat it like a change of status application (terminating the previous F-1 status under approved COS) or do we leave them active in SEVIS as long as they abide by the rules and regulations as set forth by DHS & USCIS. One particular concern is off-campus employment.
When do you terminate a student for unauthorized employment?

Over the course of the past several months, three of our F-1 students received notices from USCIS informing them that their requests for OPT had been denied. In all three cases, the reason cited was that their OPT applications were received more than 30 days after the date in which the I-20 form was endorsed by the DSO. We recall that USCIS used to issue an RFE in these situations instead of denying them outright. We were therefore curious to know if other schools may have noticed a similar trend? If so, what steps have you taken to proactively deal with this situation?

E-signatures

What is your office/institution policy on electronic signatures done with DocuSign or Adobe E-signature? What about stamp signatures? Do they know of resources that explicitly indicate the government's take on electronic signatures?
Full-time enrollment requirement for maintenance of F-1 status

How do colleagues interpret this? Do students need to enroll for AND complete a full course of study (attend the classes, complete the requirements, and/or earn the units)? Or do they consider that enrolling for a full course of study is sufficient to meet the requirement? This is a question related to the issues we've seen with students getting a WU grade, which could mean the student stopped attending classes/did not complete class requirements like exams and assignments but is still earning units for that class.

What is your school's policy on allowing students to enroll for classes that start much later in the semester (March/October)? Would they count these classes towards the full time enrollment requirement even though the duration is not an entire semester?
Violation of status due to unauthorized employment

It would be great to learn what internal policies and best practices our colleagues have implemented to avoid situations in which students disclose information about unauthorized employment that we would be required to report in SEVIS. Do they remind students of a DSO's reporting responsibilities at the start of each advising session? Do they have signs in their offices reminding students that DSOs are required to report violations of status in SEVIS? Do they have students sign an attestation at the time of check-in? Do they just explain DSOs reporting responsibilities clearly during orientation and never mention that again?
Your Submitted Grey Areas of Concern.....

✓ Reduced Course Load

I would like to know how each institution determines RCL for Initial Difficulty with English Language, Initial Difficulty with Reading Requirements, Unfamiliarity with American Teaching Methods, and/or Improper Course Level Placement

✓ Concurrent Enrollment

In the regulation, it states:

“An F-1 student may be enrolled in two different Service-approved schools at one time as long as the combined enrollment amounts to a full time course of study.” (8 CFR 214.2(f)(6)(iv))
Let’s say a student wants to take a class from one quarter based school, and then another
class from a different quarter-based school during the same semester, would that be ok
because they are not overwrapping? Or would it be violation since there will be three
schools during the same semester? How would you interpret “at one time”?

✓ Traveling Outside the US

Under the current political environment, I would like to know what advice other schools
are giving to their students regarding travel outside the U.S.
Your Grey Area Advising Issues

Question & Answer Period

Please ask us your grey area concerns.....
Gray Areas: Employment
Curricular Practical Training (CPT)

Now, a quick look at the CPT regulation for the many gray areas left undetermined, where you can make policy decisions that fit your school’s particular circumstances. The regulations state that Curricular Practical Training must be "an integral part of an established curriculum."

CPT is defined as "alternate work/study, internship, cooperative education, or any other type of required internship or practicum which is offered by sponsoring employers through cooperative agreements with the school."

8 C.F.R. § 214.2(f)(10)(i)
CPT: Grey Area Issues

- What is “an integral part of an established curriculum?”
- Do you require course credit/registration?
- How many CPT authorizations to give?
- How much time per authorization?
- Would you make changes after authorization?
- Full- or part-time?
- Multiple employers during a summer break on approved CPT?
- At the same time as on-campus employment?
- While on Probation?
- How soon to authorize after a change of status?
CPT: Grey Area Issues con’t

- If a student is undeclared and wants to do CPT based on their proposed major, do you allow it?
- Distance limit for CPT? What if you are in silicon valley and student wants to do CPT in Boston during academic year?
  - Would policy be different for PhD students working on dissertation?
  - And policy different for summer vs. academic year?
- Strictness of CPT dates?
CPT: Grey Area Issues con’t

- When unpaid, but required for the degree?
- For elective credits that won’t count toward the degree?
- After all graduation credits have been met?
- With the same employer and job for multiple terms?
- School district employer with assignments in more than one site?
Optional Practical Training (OPT)

**References:** [8 C.F.R. § 214.2(f)(10)(ii)]

✓ Optional practical training (OPT) is defined in the regulations as "temporary employment for practical training directly related to the student's major area of study."

✓ Significant changes were made in a Final Rule effective April 23, 2010, and one effective May 10, 2016, governing STEM OPT.
OPT: Grey Area Issues

- How soon to grant after a Change of Status?
- Study while on Post-completion OPT?
  - a prerequisite class?
  - a certificate program?
- Pre or Post during project/thesis:
  In its OPT Guidance [6.7], SEVP clarifies that “student who only has the thesis or equivalent remaining may either apply for Pre-completion OPT or Post-completion OPT while completing the thesis/dissertation.” So, Pre or Post? CPT? One or the other, or both.
- Post-completion OPT approved, but failed to graduate
- Can a student volunteer while on OPT and not accrue unemployment days?
- If the program the student is participating in is only 1 year long, can they bypass the 1 year enrollment requirement and qualify for OPT?
OPT continued

- Granted for up to a total of 12 months per academic level; may be used before and/or after graduation
- Work/training must be related to major
- Requires EAD card – file with USCIS with fee and endorsed I-20
- Must file within 30 days of DSO endorsement
- 90-day maximum unemployment
OPT, Cap-Gap and STEM con’t

- OPT can be paid/unpaid

- Cap-gap. If F-1 student’s employer files for an H-1B and it gets selected while student has valid post-completion OPT (or STEM), status and work authorization are automatically extended to October 1, 20(FY) if change of status filed
New STEM Rules for OPT Extensions

- New rules effective May 10, 2016
- STEM students now get an extra 24 months of OPT for a total of 36 months (Old rule allowed for 17 months)
- Students can get two lifetime STEM extensions if based on completing a higher degree
- Training plan required (form I-983) with employer and student (employee) obligations
New STEM Rules for OPT Extensions con’t

- DSO obligations (review form I-983, store for 3 years)
- Wages / Site Visits
- No self employment (but may work for start-up)
- Unemployment limits (adds 60 more unemployment days during the 24 month period)
- Student must have an E-verify employer to participate
New STEM Rules: Grey Area Issues

Issues regarding Form I-983 “Training Plan” for STEM OPT students?

- Who at your institution signs-off on the Form?
- DSO obligations when reviewing Form I-983?

- What types of employment are permissible during the STEM OPT period (consulting & staffing jobs, volunteer positions, self-employment, etc.)?
- Overseas travel issues/concerns while on STEM OPT?
- Changing employers while a STEM OPT extension request is pending?
- Myriad of other issues and concerns
On-Campus Employment

References: 8 C.F.R. § 214.2(9)(i)

✓ Must either be performed on the school’s premises, (including on-location commercial firms which provide services for students on campus, such as the school bookstore or cafeteria), or at an off-campus location which is educationally affiliated with the school.

✓ Employment with on-site commercial firms, such as a construction company building a school building, which do not provide “direct student services” is not deemed on-campus employment.

✓ Employment authorized under this paragraph must not exceed 20 hours a week while school is in session

✓ An F-1 student may engage in any on-campus employment authorized that does not displace United States residents
  ○ Generally is interpreted to mean that an on-campus employer may not remove a U.S. worker to hire an F-1 student

✓ Employment is "incidental to status," and does not require DSO or DHS approval
On-Campus Employment: Grey Area Issues

- How do we track hours for positions such as TAs, RAs, etc.? Or do we?
  - What is the role of ISSS in monitoring on-campus employment hours?

- CPT or On-campus employment?
  - Who do we consider educationally-affiliated for On-campus employment purposes? Or direct service to students?
  - Students applying for staff/non-student assistant positions on campus

- On-campus employment located off-campus.
  - When is Off-campus employment considered On-campus employment?

- Engaged in employment paid by the university but, can be done from home?

- Working with the Student Employment office? When are employees no longer students?

- What if a domestic student is fired and a international student is the replacement?
Self-Employment for F-1 Students

References:

8 C.F.R. §274a.1(h), §274a.1(f), §274a.1(j)

The NAFSA Manual

✓ Section 11.21 “Employment in Non-Immigrant Status”
✓ Section 3.31 “Employment Overview”
✓ Section 15.1.4.1.1 “Casual Domestic Employment”

The Fair Labor Standards Act

✓ Concept of protection of the domestic labor market.
✓ Essential question: by performing the activity in question, is the foreign national displacing a US worker who would normally be paid?
Self-Employment: Defining Employment

✓ “Employment” is not defined in the Immigration & Nationality Act, or in the regulations

✓ Case law and legacy INS statements on the question of what is and what is not employment are not consistent

So, What is employment? When is working considered “employment”?
Self-Employment: Grey Area Issues

- For F-1 students, any service rendered for remuneration in the US can potentially be considered employment, which must be authorized, or it would be a violation of status.

- Improperly advising about work authorization could result in the termination of a student’s status and the school being sanctioned by SEVP for misconduct by a DSO.

- Conservative advice is prudent to help protect both the student and the advisor/institution.

- It is always best to advise students to abide by the limitations of their nonimmigrant status.
Self-Employment: Grey Area Issues con’t

- Can an F-1 student start a business working from his/her dorm room?
- Can an F-1 student invest in a business, but not actually work in the business?
- What if the student wanted to sell his/her own products, such as jewelry, on eBay, Craigslist or at the local flea/farmer’s market?
- What if the F-1 student sells not his/her products, but his/her time instead?
- What if the F-1 student wants to work off-campus to get experience but not be paid?
- What is passive income?
Gray Areas:

Maintaining Status/ Full-time Attendance
Full Course of Study

References: 8 C.F.R. § 214.2(f)(6)

✓ Establishes the general framework that successful completion of the program must lead to the attainment of a "specific educational or professional objective".

✓ Most programs qualify under one of the five paragraphs listed at 8 C.F.R. § 214.2(f)(6)(i)(A)-(E).

✓ Graduate programs that deviate from the standard number of credits for full course of study: Who decides what is OK?

✓ The clarity and detail DSO's require in doctors' medical statements, in order to approve reduced course loads for medical conditions.
What is “Making Normal Progress”?

**References:** 8 C.F.R. § 214.2(f)(5)(i)

✓ “…The student is considered to be maintaining status if he or she is making normal progress toward completing a course of studies...”

**References:** 8 C.F.R. § 214.2(f)(5)(iv)

✓ If a student fails to maintain status, or withdraws from school, or otherwise terminates or interrupts his or her course of studies without first obtaining DSO approval in SEVIS, the student is not eligible for any grace period.
Full-time Enrollment: Grey Area Issues

- UC system campus interchanges for students: Taking half units at other UC and half at home campus. Considered maintaining status?
- Withdrawals and incompletes: Still FT? What if it is near end of the term?
- What if student drops a class at end of term and DSO does not find out until the start of the next term. Do you terminate?
- Does auditing a class count toward FT enrollment?
Making Normal Progress: Grey Area Issues

- What should happen if a lecture class is converted to an online class after the term begins, causing the student to be enrolled in too many online units, and it is too late in the term to add a lecture class?

- What if a class is unexpectedly canceled mid-term? Will student be terminated? Allowed to enroll in online class? Or just allowed to continue as is, with information added to his file about the unexpected cancellation?
On-Line & Distance Learning Classes

References: 8 C.F.R. § 214.2(f)(6)(i)(G)

✓ Module 3 of SEVP's Online Training For School Officials
✓ March 2008 SEVIS Liaison Call

The NAFSA Adviser’s Manual

✓ 3.20 F-1 Full Course of Study Requirements
✓ 3.20.8 Distance Education Limits
(G) For F-1 students enrolled in classes for credit or classroom hours, no more than the equivalent of one class or three credits per session, term, semester, trimester, or quarter may be counted toward the full course of study requirement if the class is taken on-line or through distance education and does not require the student's physical attendance for classes, examination or other purposes integral to completion of the class.

If the F-1 student's course of study is in a language study program, no on-line or distance education classes may be considered to count toward a student's full course of study requirement.
The distance education provision does not limit the number of distance education credits that can be taken.

Module 3 of SEVP's Online Training For School Officials states that, “These restrictions apply only to the number of credit hours required to meet a student’s full course of study requirements. As long as students meet these requirements, they may enroll in additional online or distance-learning courses, as desired.”
On-Line & Distance Learning: Grey Area Issues

- What if the "one class" is more than 3 credits? Can a student count a single 4-credit distance education class towards the full-course of study requirement, since it is only "one class"? Or does the 3-credit limit control? What if a student would like to take two one-credit on-line courses…is that OK even though it is more than one class?

- Can a student take a distance education/online class as the only course in the final semester of study?

- What about "blended" or "hybrid" classes which require occasional physical attendance for classes, examination or other purposes integral to completion of the class?"

- Can international students make special arrangements with instructors to turn an online class into a “blended” or “hybrid” class?
Reduced Course Loads

References: 8 C.F.R. 214.2 (f) (6) (iii)

The exceptions to the "full course of study" requirement are limited, but very important. In the situations described below, F-1 students are considered to be maintaining status even if they are not registered for a full course of study, and they continue to be eligible for F-1 benefits if they are otherwise eligible.
RCL Exceptions to the Full Course of Study Requirement

SEVIS limits the reasons for which an RCL can be granted to 7 choices. The DSO must select one of these choices to process the RCL approval:

1. Illness or Medical Condition (up to 12 months)
2. Initial Difficulty with English Language (once per degree level)
3. Initial Difficulty with Reading Requirements (once per degree level)
RCL Exceptions to the Full Course of Study Requirement

SEVIS limits the reasons for which an RCL can be granted to 7 choices. The DSO must select one of these choices to process the RCL approval:

4. Unfamiliarity with American Teaching Methods (once per degree level)

5. Improper Course Level Placement (once per degree level)

6. To Complete Course of Study in Current Term (once per degree level?)

7. Part-time border commuter student-time border commuter student
A DSO may authorize a reduced course load for a student experiencing academic difficulties, but only on the basis of one of the 7 reasons specified in the regulations.

A reduced course load based on the academic difficulty reason "must consist of at least six semester or quarter hours, or half the clock hours required for a full course of study."

Reduced Course Loads: Limits
Reduced Course Loads: Gray Area Issues

- Do you authorize an academic RCL *only* during the first term?
- What documentation to require when authorizing an academic RCL?
- What is “improper course level placement”?
- When followed by a term of Project, can the last semester of coursework qualify for an RCL?
- What do you look for in the medical letter?
Reduced Course Loads: Gray Area Issues

• Do you work with a student who has dropped the class before receiving RCL authorization?

• Does an RCL term count as full-time enrolled toward the two terms required for employment off-campus? Do you authorize CPT while a student is on an authorized RCL?

• How do you deal with students with ongoing disabilities?

• If a student drops a class close to the end of the term, after SEVIS reporting, and drops below a full course load, should the student be terminated?

• Should you give approval for unconventional illnesses, or if when family members are ill and need student’s care?
Leaves of Absence

References: 8 CFR214.2(f)(5)(iv)

✓ If a student must take a temporary leave of absence from studies due to unforeseen circumstances, SEVP has instructed DSOs to set the student's SEVIS record to Terminated for Authorized Early Withdrawal. A student whose record is terminated for authorized early withdrawal must depart the United States within 15 days of the record termination.

✓ If the student will be able to resume his or her studies in less than 5 months, which is considered a "temporary absence" under 8 CFR 214.2(f)(4), SEVP policy allows DSOs to submit a Correction to Student Status request through SEVIS to reactivate the student's record, so that the student can return to the United States (provided his or her F-1 visa is still valid) on a new I-20 issued from the same SEVIS record and SEVIS ID. This request can be made up to 60 days before the student’s next session start date in SEVIS.
Leaves of Absence: Grey Area Issues

- Returning from LOA w/in 5 months; now, first wants to attend Summer Session at a nearby community college, not our institution. What do we do?
- Do you allow a LOA mid-term, or does it have to be requested before, or at the start of the term?
- Do you require document check-in upon return from LOA?
- What if student is outside of the country during the annual vacation period (i.e. summer) and then does a LOA for the Fall term, and will be out of the country for more than 5 months?
Concurrent Enrollment

✓ An F-1 student may be enrolled in two different Service-approved schools at one time as long as the combined enrollment amounts to a full time course of study. In cases where a student is concurrently enrolled, the school from which the student will earn his or her degree or certification should issue the Form I-20, and conduct subsequent certifications and updates to the Form I-20. The DSO from this school is also responsible for all of the reporting requirements to the Service. In instances where a student is enrolled in programs with different full course of study requirements (e.g., clock hours vs. credit hours). The DSO is permitted to determine what constitutes a full time course of study.

References: 8 C.F.R. § 214.2(f)(6)(iv)
Concurrent Enrollment

- The SEVP Online Training For School Officials (Module 3) also states, "Courses can be taken at other SEVP-certified schools and count toward the full course of study requirements if the SEVP-certified school that enrolled the student accepts the transfer credits as contributing to the student’s program of study." [ital. added] Most schools will have standardized Transfer of Credit policies that govern processes, procedures, timing, and the nature and number of courses that can be transferred.

- If the student is enrolled in a program with different full course of study requirement (for example, clock hours vs. credit hours), the DSO at the I-20-issuing school is permitted to determine what constitutes a full-course of study. Usually, this is done by converting the credit portion and the clock hour portion of study in to percentages of full-time study.

- See 3.22.5.1 Concurrent enrollment at English language programs for some examples of this.
Concurrent Enrollment: Grey Area Issues

- The concurrent enrollment is in a school’s extension program, which is not approved by DHS to issue I-20s
- The school is certified by DHS, but the class does not meet any of the program requirements of the I-20 school
- The school is on a quarter system and your school is on a semester system
Transfers

References: 8 C.F.R. § 214.2(f)(8) and 8 C.F.R. § 214.2(f)(5)(ii)

A student who is maintaining valid F-1 status may transfer from one DHS-approved school to another by following the transfer procedures set forth.
Transfers: Grey Area Issues

- Use of transfer form: transfer in, transfer out
- Transfer in: how late can we do it?
  - After 15 days from beginning attendance at the new school?
- Transfer out: without studying
- Transfer out: require a proof of admission?
Academic Disqualification: Terminations

**References:** 8 C.F.R. § 214.3(g)(1)(i)-(x) & 8 C.F.R. § 214.3(g)(2)(ii)(A)-(F)

- Schools must keep accurate record keeping for F and M students including:
  - (vi) Academic status. Include the effective date or period if suspended, dismissed, placed on probation, or withdrawn.

- F-1 regulations require a school to update the SEVIS record of any F or M student within 21 days of the occurrence of the following events:
  - “...Any student who has failed to maintain status or complete his or her program."
  - Failure to maintain status or complete program would include events like academic suspension, unauthorized drop below a full course of study, unauthorized employment, etc. They are reflected in SEVIS using the Terminate Student function.
DQ Termination: Grey Area Issues

✓ When to terminate a student's record due to academic suspension or disqualification?

✓ Hold in status, giving time to transfer the student out?

✓ 21 day report? Yes, but from when?
  ● End of the DQ term?
  ● Before start of next term?
  ● Before registration deadline for the next term?
  ● After deadline to appeal terminations?
“Employment” is not defined in the Immigration & Nationality Act, or in the regulations.

**References:** 8 C.F.R. § 214.1(e)

✓ A nonimmigrant who is permitted to engage in employment may engage only in such employment as has been authorized. Any unauthorized employment by a nonimmigrant constitutes a failure to maintain status...

✓ But, if an activity does not constitute “employment”, it would not be prohibited under this section of the regulations
Unpaid Employment: Defining “Employment”

References: 8 C.F.R. § 274a.1(h)

✓ The term employment means any service or labor performed by an employee for an employer within the U.S... However, employment does include casual employment by individuals who provide domestic service in a private home that is sporadic, irregular or intermittent.

[This definition is only to define when employer must execute a Form I-9, it does not mean that nonimmigrants can freely engage in this kind of compensation-generating activity with no restriction.]
Unpaid Employment: Defining “Employment”

References: NAFSA Manual

✓ The government has historically had a broader definition of "employment“ beyond just the “exchange of services for money,” stating that receipt of non-monetary compensation in exchange for services also constitutes employment.

✓ Compensation is not a consideration when determining whether an opportunity qualifies as CPT. Government officials have stated that if a training opportunity meets the definition of curricular practical training, CPT should be given regardless of whether the student will be paid.
Unpaid Employment: When does a student need authorization?

- For-profit vs. non-profit/public sector employees
- What if a student is receiving course credit for employment?
- What if they receive a stipend to cover costs or non-monetary benefit, i.e. muni pass, free lunches, gym membership?
- What if the position leads to paid employment, i.e. a trial basis before official offer?
- What if they engage in unpaid employment before consulting with a DSO?
- What about unpaid employment while on OPT?
U.S. Department of Labor Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act

✓ A nonimmigrant who engages in an unpaid activity that would constitute "employment" under labor laws would be seen as having been "employed."

✓ The more an internship program is structured to meet a class or academic experience requirement, as opposed to the employer’s operational need, the more likely the internship will be viewed as an extension of the individual’s educational experience.”
Some Further Thoughts on Interpreting the Regulations:

• Are you trying to prove a negative? Regulations rarely detail everything that is permitted. If not specifically prohibited by the regulation, it may be permissible.

• Do the regulations contradict a campus policy? Federal regulations may take precedence over campus policies, which in that case may need to be changed. In other cases, campus policy may take precedence, if it doesn’t violate federal regulations.

• Is there more than one regulation relevant to this issue? Often times, you need to look at more than one regulation to have a full understanding of a particular situation.
Some Further Thoughts on Interpreting the Regulations:

- If multiple regulations are involved, are there parts in each that compliment and/or contradict each other?

- Is one regulation on the subject more specific than the other(s)? The more specific regulation almost always takes precedence over the less specific.

- If you are still unclear of the possible solutions - get help! Know your limits and the scope of your authority.
Resources

**Websites:**


www.dhs.gov

studyinthestates.dhs.gov

U.S. Citizenship & Immigration Services (USCIS):

www.uscis.gov
Resources...

U.S. Immigration & Customs Enforcement (ICE):

http://www.ice.gov

Department of State (DoS):

http://www.state.gov

USCIS Fee Hikes (Effective 12/23/16):

http://www.nafsa.org/Professional_Resources/Browse_by_Interest/International_Students_and_Scholars/USCIS_Fee_Changes_2016/
Resources...


NAFSA (Association of International Educators):  www.nafsa.org

NAFSA Adviser’s Manual:

http://www.nafsa.org/Advisers_Manual_360/Welcome_to_the_NAFSA_Adviser_s_Manual_360/

SAVE Database (Issues with Obtaining SSN & Driver’s Licenses):

http://www.nafsa.org/findresources/Default.aspx?id=11154
STEM Resources

- DHS Study In the States STEM OPT Hub: https://studyinthestates.dhs.gov/stem-opt-hub
- Training Plan (Form I-983) Tutorial: https://studyinthestates.dhs.gov/form-i-983-overview
- STEM Eligible Degrees: https://studyinthestates.dhs.gov/eligible-cip-codes-for-the-stem-opt-extension
- SEVP Webinar on new regulations: https://studyinthestates.dhs.gov/stakeholder-webinars
STEM Resources...

- NAFSA: Association of International Educators: www.nafsa.org/stemoptrule
- DHS Study in the States - STEM OPT Extension Overview https://studyinthestates.dhs.gov/stem-opt-extension-overview
- The final 24-month STEM OPT rule was published in the Federal Register at: 81 Fed. Reg. 13039 (March 11, 2016)
Legal Rights of International Students

- Any individual, including International students and scholars who have entered the U.S. (and even those who entered without papers), have many of the same rights and obligations as U.S. citizens;
- They can sue, and be sued;
- They can be charged with a crime, be convicted and sentenced to fines or imprisonment;
- And, in a criminal case, have the right to a court appointed counsel if they cannot afford their own lawyer;
Legal Rights of International Students...

- In general, nonimmigrants (F and J visa holders) once inside the U.S., enjoy the same constitutional protections of U.S. citizens;
- Including freedom of speech (freedom to protest), freedom of assembly, protection from unreasonable searches and seizures and other protections in the “Bill of Rights” … owning property, be protected against discrimination on the grounds of race, religion, color or national origin;
- There are federal, state and municipal rules protecting all persons from most forms of discrimination;
Participating in Protests & Demonstrations

- Immigration regulations do not prohibit those on student and scholar visas from participating in demonstrations and/or protests;
- However, it is important that any activity they participate in remains peaceful and respectful. It is strongly recommend that they leave the area at the first sign of disruption or violence in any form;
- If law enforcement officials are involved, please follow their instructions;
- In general, only when people become disrespectful, ignore law enforcement personnel instructions, or when violence is imminent is there a risk of being arrested or charged with a legal offense;
- Any arrest, criminal charges, criminal proceedings, and convictions can negatively impact your immigration status.
Legal Rights of International Students...

- Family Educational Rights & Privacy Act (FERPA):

- “Know Your Rights: What to do if You’re Stopped by Police, Immigration Agents or the FBI,” American Civil Liberties Union (ACLU):
Resources...

Legal Rights of International Students

● “Know Your Rights” website, American Civil Liberties Union (ACLU): https://www.aclu.org/know-your-rights
NAFSA Regulatory Ombudspersons

Regulatory Ombudspersons (Reg Ombuds) are appointed by each NAFSA region as volunteer leaders who answer questions and provide advice to regional members about immigration law as it impacts international education. They are selected for their expertise in international student & scholar regulations and they can offer advice and guidance as well as act as a liaison with DHS regional service centers.
F-1 Students Reg Ombud:
Erin Skelly
Lead Advisor for Graduate Student Services & Regulatory Practice
Berkeley International Office
University of California, Berkeley
2299 Piedmont Avenue
Berkeley, CA 94720
Tel: 510.642.7344
eskelly@berkeley.edu

J-1 Scholars Reg Ombud:
Roark Miller
Director
International Faculty & Scholar Office
University of California, San Diego
9500 Gilman Drive #0018
La Jolla, CA 92093
Tel: 858.534.3731
rtmiller@ucsd.edu
Resources...

✓ Subscribe to a NAFSA Knowledge Community (KC):
  - International Student Advising KC (ISTA)
  - International Scholar Advising KC (ISCA)

✓ Discover new ideas, resources, relevant training and events, as well as the latest news about your particular professional area. Seek advice or share your thoughts by participating in NAFSA's 11 professional networks and one special focus network sponsored by NAFSA's five knowledge communities.
The Student and Exchange Visitor Program (SEVP) Response Center and the Student and Exchange Visitor Information System (SEVIS) Help Desk merged several years ago to enhance customer service.

The SEVP Response Center answers general SEVP-related questions and serves as a resource for technical, SEVIS-related questions.
SEVP Field Reps:

✓ The Student and Exchange Visitor Program (SEVP) field representatives are a valuable resource and foster regulatory compliance and Student and Exchange Visitor Information System (SEVIS) data integrity. They are a key resource for SEVP-certified schools, serving as direct day-to-day liaisons between SEVP and certified schools, and those schools seeking initial SEVP certification.
Contact Us With Questions

Louis Gecenok, Assistant Director (retired)
International Student & Scholar Services
San Jose State University
NAFSA Region XII Historian
lgecenok@gmail.com | 650-690-0829

Shelly Helgeson, Assistant Director
International Student & Scholar Services
University of San Francisco
sahelgeson@usfca.edu | 415-422-2654

Wanda Wong, Intern’l Student Counselor Counseling
West Valley College
wanda.wong@westvalley.edu | 408-741-2528

Jay Ward, Associate Director
Office of International Programs
San Francisco State University
NAFSA Region XII KCISSS Rep.
jward@sfsu.edu | 415-338-1121

Parinaz Zartoshty, Director, ISSS
Division of Global Engagement
University of California, Santa Cruz
pzartosh@ucsc.edu | 831-459-4214

Rolando Villalobos, Assistant Director
Bechtel International Center
Stanford University
visa@stanford.edu | 650-723-1832
Q & A