

January 29, 2015

**NAFSA: Association of
International Educators**

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Ms. Laura Dawkins
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
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VIA EMAIL: USCISFRComment@uscis.dhs.gov

*President and
Chair of the Board of Directors*
Fanta Aw, PhD
American University

RE: DHS Docket No. USCIS-2014-0014; “Visa Modernization”

Dear Ms. Dawkins:

*Vice President for Education
and Professional Development*
Deborah L. Pierce, PhD
Northern Illinois University

I write today on behalf of NAFSA: Association of International Educators with respect to the notice published at 79 *Federal Register* 78458 (December 30, 2014), requesting public comment on recommendations to streamline and improve the nation’s legal immigration system. NAFSA is the world’s largest professional association dedicated to international education and exchange, with nearly 10,000 members at approximately 3,500 colleges and universities throughout the United States and around the world. We applaud the administration for its commitment to achieving a modern and streamlined visa and immigration system for the 21st century, and appreciate this opportunity to provide our recommendations.

*Vice President for
Member Relations*
Sandy Soohoo-Refaei
Linfield College

Immigration, at its core, is about people and their hopes for better lives for themselves and their families. This is as true for individuals who come to the United States to work in the fields harvesting crops as it is for those who earn degrees, conduct research, or teach at our most prestigious universities.

*Vice President for
Public Policy and Practice*
Stephen Ferst, EdD
CUNY- College of Staten Island

Treasurer
Jolene Koester, PhD
California State University, Northridge

It is essential that we have visa and immigration policies and processes that welcome talented foreign students and scholars into our country. Today, more students than ever around the world are choosing to study outside their home countries; the numbers have expanded exponentially over the past decade. Yet over this timeframe, the United States has lost 10% of its share of foreign students to other countries with friendlier, more modern immigration policies. Scholars are also increasingly mobile, regularly traveling to and from the United States to collaborate on cutting-edge scientific research, and U.S. colleges and universities actively seek to attract the best and brightest faculty from around the world to teach the next generation of Americans. This is all to say that the United States is in a global competition for talent, and if we want to compete in this global marketplace and maintain our world-renowned higher education system, we need a modern, streamlined visa and immigration system.

Secretary
Mary H. Reeves, PhD
Commission on English Language
Program Accreditation

Executive Director and CEO
Marlene M. Johnson

Below are our key overriding recommendations that would result in a more welcoming visa and immigration system for foreign students and scholars:

Express a consistent, positive message across and within federal agencies that foreign students and scholars are valued.

A consistent, positive narrative about foreign students and scholars and their valuable contributions to the United States must be expressed across and through all relevant federal agencies. Unfortunately, there are still too many instances among and within agencies where policies and/or public statements seemingly counter positive sentiments regarding foreign students and scholars—for example, the Department of Homeland Security’s (DHS) expressed commitment to support innovative programming at U.S. colleges and universities that would attract and retain foreign student talent is burdened by DHS policy that requires schools go through a lengthy adjudication process to add a new program or course offering, which can take months. The important value of foreign students and scholars to the United States should be supported by all federal agencies at all levels, both in words and deeds, from the Secretary-level down to the front-line personnel and adjudicators.

Employ smart enforcement; use available resources wisely and effectively.

As you well know, we are in an environment where financial resources are limited, and it is incumbent upon federal agencies to be good stewards of these resources. In this spirit, more can and should be done to apply limited resources in a wise, more effective fashion. Implementing risk assessment policies in allocating limited resources is the smartest, most efficient approach, as it allows agencies to focus their limited resources on serious problems that require immediate attention.

A potential area for implementing risk assessment is in the process for adjudicating immigration benefits. Currently, known, established entities undergo the same level of scrutiny when applying for an immigration benefit as brand new, unknown entities. In practice, this means U.S. colleges and universities that have been through the rigorous certification process to admit foreign students by Department of Homeland Security’s (DHS) Immigration and Customs Enforcement (ICE) undergo an additional review process when filing for a benefit with DHS’ U.S. Citizenship and Immigration Services (USCIS), as if they are completely unknown. Beyond not recognizing a review conducted by ICE, USCIS conducts the same level of review with each and every filing, acting as if DHS has never previously encountered the school.

A tiered approach, using specific risk-based criteria would help streamline the process for known entities and allowing agencies the resources necessary to scrutinize more questionable applicants, is more effective. Smart enforcement, using limited resources wisely, would go a long way toward making the current visa and immigration system more efficient and streamlined.

Reduce application adjudication delays.

Reducing lengthy adjudication processing times along with eliminating duplicative filing procedures also would go a long way to improve inefficiencies within the current system. International students and

scholars often find themselves filing seemingly endless paperwork that wastes the time and resources of both the applicant and the adjudicator with little to no benefit to either. Procedures that duplicate those of other federal agencies (such as redundant background checks) should also be eliminated.

The reality is that processing delays create even more work for agencies because as immigrants and employers wait for agency decisions to be made, interim work-around policies and procedures are required for immigrants and their employers to continue to comply with immigration law. Creating and implementing interim policies requires more filings, more paperwork, and more review by adjudicators, taking up time that would be better spent on more important work.

Reducing delays and eliminating duplicative steps would improve efficiencies considerably, and allow stakeholders to establish more effective business processes. In fact, several of the specific recommendations detailed later in this comment stem largely from lengthy processing times.

Sustain and expand stakeholder engagement.

This administration has prioritized outreach and engagement with key stakeholders, for which we are greatly appreciative, and as these reforms move forward, we hope that this level of outreach and engagement continues. However, we observe that not all federal agencies are equal in this practice. For example, in March 2012, DHS established the Homeland Security Academic Advisory Council, on which I serve as a member. The Council meets regularly and provides advice and recommendations to the Secretary and senior leadership on matters relating to the academic community. In comparison, the Department of Labor is less engaged with the academic community as employers of foreign faculty and researchers. To ensure successful implementation going forward, consistent and robust stakeholder engagement should continue and be uniformly adopted both within and across all federal agencies.

To further these overriding goals, in the following pages are detailed responses to many of the questions enumerated in the Federal Register notice that impact foreign students and scholars, along with other important recommendations.

Thank you again for the opportunity to offer our recommendations for achieving a modern and streamlined visa and immigration system for the 21st century. These recommendations will help ensure the United States continues to attract talented international students, professors, researchers, scientists, and future leaders to advance academic scholarship, increase mutual understanding between the United States and other countries, and enhance our economic and scientific competitiveness. We look forward to the opportunity to provide further input as the implementation process continues.

Sincerely,

Marlene M. Johnson
Executive Director & CEO

I. Streamlining the Legal Immigration System

Note: We have only responded to those questions that directly relate to or impact international education and foreign student and scholar access and mobility.

2. What are the most important policy and operational changes that would streamline and improve the processing of nonimmigrant visas at U.S. Embassies and Consulates, including visitor, student, temporary worker and other nonimmigrant visas?

Establish a frequent traveler program for visa issuance. Nearly three years ago, the Department of State's Bureau of Consular Affairs launched a pilot program to allow for interview waivers for certain visa applicants (F, M, and J included) seeking a renewal; the successful pilot has since been adopted as standard practice. To build on this success, we urge the Bureau to go further and establish a "Frequent Traveler Program" modeled after existing DHS trusted traveler programs such as the "Global Entry" program, which allows expedited processing of certain pre-approved low-risk travelers at U.S. ports of entry. A similar program at U.S. consulates expediting applications for pre-approved, low-risk academic and business travelers who require an entry visa to travel to the United States would help the Bureau relieve stretched resources by further reducing the number of brief, pro-forma interviews with low-risk visitors, which ultimately do little to enhance our security. **9 FAM 41.102 N3 and N4**

Use authority to reduce demands on U.S. Embassies and Consulates and recurring backlogs by revalidating visas in the United States. Prior to July 17, 2004, the Department of State issued revalidated H, E, L, O, P, and C visas in the United States. In order to increase predictability in travel and delays abroad, the Department of State should revive this practice and expand the range of visas revalidated in the United States to include F, J, and M visas. **22 CFR 41.111(b)**

3. What are the most important policy and operational changes that would streamline and improve U.S. Citizenship and Immigration Services (USCIS) processing of the following types of immigrant and nonimmigrant visa petitions?

b. Employment-based immigrant visa petitions and c. Nonimmigrant petitions

Establish a trusted or frequent filer program. Establish a "trusted or frequent filer" program where applicants who file frequently and are well-known to agencies are provided with expedited processing. We cite this earlier in our comment under the heading "use available resources wisely and effectively."

Expand premium processing program. Expand USCIS' existing "premium processing" program, which provides expedited processing for certain employment-based petitioners and applications, to be available for the fullest variety of benefit applications, including, but not limited to, all applications for change of status and applications for an employment authorization document (EAD).

e. H-1B temporary worker visa petitions, specifically, ways to reduce burdens on employers and workers engaging in the H-1B petition process, consistent with protections for U.S. and temporary foreign workers.

Establish a trusted or frequent filer program. As cited previously, establish a “trusted or frequent filer” program where applicants who file frequently and are well-known to agencies are provided with expedited processing.

4. What are the most important policy and operational changes that would streamline and improve the process of changing from one nonimmigrant status to another nonimmigrant status?

Expand premium processing program. As cited previously, expand the “premium processing” program to be available for the fullest variety of benefit applications, including, but not limited to, changes of nonimmigrant status to F, M, or J status.

Allow visitors, F-2s, to begin study immediately following application for change of status. Allow visitors to the United States plus dependents of F-1 visa holders (F-2s) to begin study once they have applied for a change of status to F, M, or J student status. **8 CFR 248.1(c)(3) and 8 CFR 214.2(f)(15)(ii)**

Improve the change of status and extension of status processes so that they are more predictable for applicants and employers. As cited earlier, lengthy adjudication processing times are a serious problem. In particular, processing delays of applications for change of status and extensions of stay are so long that often the applicant’s current nonimmigrant status expires before a decision is made by USCIS on whether to grant changes or extensions. This is why it is necessary to revise the regulations pertaining to change of status and extension of stay to recognize explicitly that an individual who has timely-filed a non-frivolous application for change or extension of status maintains his/her nonimmigrant status if the application remains pending beyond the applicant’s period of admission. Additionally, eliminate the current practice of denying change of status applications filed by visitors who wish to study and whose program will begin more than 30 days after expiration of their visitor status, and expand the window of time to 90 days after expiration so that they may remain in the United States to begin their studies. Accomplish this either by revising the regulation or by issuing policy guidance to establish explicitly this expanded transition period. **8 CFR 248.1(a) and 8 CFR 214.1(c)**

5. What are the most important policy and operational changes that would streamline and improve the process of applying for adjustment of status to that of a lawful permanent resident while in the United States?

Allow provisional adjustment of status for employment-based immigrants stuck in backlogs. Revise the regulations to allow filing of a provisional adjustment of status application for employment-based applicants facing immigrant visa backlogs. **8 CFR 245.1(a) and (g)**

Improve Department of Labor application processing. The Department of Labor's processes are often the slowest and most burdensome within the employment-based lawful permanent residence process. NAFSA recommends revision of two regulations to reduce processing delays and burdens:

- **Limit the Department of Labor's period for auditing a labor certification application to reasonable period of time.** The Department's audit provisions should be revised to establish a 90-day period in which to process an audit once it has received the required information and documentation from the employer, and to approve the application if the Department has not completed its review within this reasonable period of time. The Department's current audit processing time is approximately 19 months, clearly indicating that the audit process is not only inefficient and ineffective, but punitive for employers. This unreasonably lengthy process greatly restricts academic institutions' access to qualified faculty and researchers. **20 CFR 656.17(b)**
- **Revise the Department of Labor's regulations requiring employers to receive by postal delivery the approved labor certification application before filing an immigrant petition with DHS.** Allow DHS to process petitions supported by a properly signed ETA Form 9089 printed from the Department of Labor's web site or a photocopy of an approved ETA Form 9089. Requiring employers to wait for postal delivery of the approved application before filing the petition with DHS, when the approved application may be printed from the Department of Labor's online web site, serves no practical purpose. The regulation also fails to recognize potential delivery problems. DHS already has in place processes to establish the authenticity of an approved application by receiving a duplicate directly from the Department of Labor. **20 CFR 656.17(a)(1)**

6. What are the most important policy and operational changes that would streamline and improve the inspection of arriving immigrants and nonimmigrants at U.S. ports of entry?

Ensure U.S. ports of entry are welcoming. We must treat people with civility and respect when transiting through our ports of entry, and doing so is not incompatible with security. No security gain is achieved when people who want to have a relationship with America go through the experience of entry into the United States and vow never to return as a result.

Publicize CBP data, policies, and procedures related to international students and scholars. To increase transparency and understanding of the operational procedures that guide Bureau of Customs and Border Protection (CBP) officers in the entry process,

publicize non-law enforcement sensitive policies and procedures related to international student and scholar entry. Also make public data related to international student and scholar entry at land, sea, and air ports of entry, to include rates of admission, denial, and deferred inspection.

In cooperation with Department of State, clarify entry visa validity period for admission of F-1 and J-1 visa holders into the United States. The Department of State's Bureau of Consular Affairs and CBP have issued varying guidance on the visa validity period for F-1 and J-1 nonimmigrants who have transferred to a new program or will return after a leave of absence, creating uncertainty for returning foreign students and scholars. Both agencies' regulations and guidance must clearly establish that an entry visa is presumed valid for the duration of period and number of entries for which it was issued, and can be used to apply for future admission to the United States in the same nonimmigrant category during the period of validity, given proper SEVIS status and documentation, even after a temporary or longer absence from the United States, a transfer to a new academic or exchange visitor program, or to start a new academic or exchange program. For example, continued validity of visas for future reentries is already policy for both B and H visa categories. **8 CFR 214.2(f)(4) and 9 FAM 41.62 N8.7**

Add F, M, and J visa modules to CBP training. Incorporate F, M, and J-specific modules into training for new and continuing inspecting officers and other officials who administer admission of nonimmigrants into the United States.

Publish regulations to implement the statutory F-3 and M-3 border commuter student categories (*The Border Commuter Act of 2002, Pub. L. 107-274*). Without clear regulations for these classifications, both officers conducting inspections and consular officers adjudicating visa applications face significant challenges in carrying out the law.

7. What are the most important policy and operational changes that would attract the world's most talented researchers to U.S. universities, national laboratories, and other research institutions?

Revise and modernize the Exchange Visitor Program category (J Visa). The J Exchange Visitor category, managed by the Department of State, was developed to implement the Mutual Educational and Cultural Exchange Act (Fulbright-Hayes Act) of 1961. The overall purpose of that Act, and the objective of the Exchange Visitor category, is "to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges." This broad goal is as relevant now as it was in 1961, but regulation of this program needs to be brought into line with the realities of today's world. The exchange visitor category regulations and the INA 212(e) regulations should be revisited to ensure that they reflect what the individuals who run exchange visitor programs have observed through managing these exchanges on a daily basis. For example, the 24-month bar on repeat participation by exchange visitor professors and researchers, while rooted in the

important goal of preventing abuse of the program, applies a “fix” that hampers legitimate academic exchanges that do not fall neatly into a simple “start-once, stop-once” model. In today’s world, it is the norm for collaborative scientific research to operate on a global scale. The way the current regulations are written, however, makes this kind of collaboration difficult to do, and puts the United States at a distinct disadvantage in its efforts to be a global hub for innovation and science. This requirement has been in place since 2006; it is time to revisit it so that programs can provide input about how it impacts certain kinds of exchange. **22 CFR Part 62, 22 CFR sec. 41.62-41.63, and 22 C.F.R. sec. 62.20(i)(2)**

Extend security clearance validity for scholars and researchers to match duration of program. Extend duration of security clearances for those on J and H-1B visas to match the duration of the program for which the clearance is sought. Since 2005, J, H, and L visa applicants are eligible to receive a Visas Mantis clearance valid for the duration of their approved activity to a maximum of two years. Scholars and faculty often participate in activities in the United States for longer than two years. Meanwhile, F visa applicants are eligible to receive a Visas Mantis clearance valid for the duration of their approved activity to a maximum of 4 years.

8. What are the most important policy and operational changes that would attract the world's most talented entrepreneurs who want to start and grow their business in the United States?

Extend dual intent to F-1 students. Under current immigration law, applicants for student (F) visas must demonstrate to the satisfaction of the reviewing U.S. consular officer that they intend to return home after their course of study—i.e., that they do not intend to immigrate to the United States. Yet, educated students are exactly the kinds of immigrants we should encourage to stay in the United States. We should not force them, before they even start their studies, to say that they have no intention of staying, working, and contributing to the economies and communities of the United States after they graduate. The concept of dual intent is not new as it has been applied by DHS to other nonimmigrant categories. For example, the concept was applied to H-1B workers long before that benefit was provided for them by statute.

Allow foreign students to form small or sole-owner business entities. Through regulation or policy guidance, expand the ability for entrepreneur-graduates from U.S. institutions of higher education to form small or sole-owner business entities and allow them to self-petition for H-1B status and permanent residence.

12. How should relevant occupational categories, descriptors, and/or data, such as the Department of Labor's O*NET system (<http://www.onetonline.org>) be refined and updated to better align the prevailing wage determination process for visas with the evolving job market?

Update the Standard Occupational Classification (SOC) system to reflect the modern labor market in the United States. The outdated SOC makes it difficult for many employers, especially research universities and medical research institutions, to secure the highly-skilled staff that they require. The following updates should be implemented as the Bureau of Labor Statistics works toward the planned 2018 general update:

- Amend the SOC to add new “detailed occupations” for Medical, Pharmacy, and Veterinary Residents and Fellows as follows:
 - Under 29-1060 (Physicians and Surgeons)
 - Add 29-1068 (Medical Residents, Fellows, and Interns)
 - Under 29-1050 (Pharmacists)
 - Add 29-1052 (Pharmacy Residents, Fellows, and Interns)
 - Under 29-1130 (Veterinarians)
 - Add 29-1131 (Veterinary Residents, Fellows, and Interns)

Add “Detailed Occupations” for postdoctoral fellows and research associates.

Amend the SOC to include the “detailed occupation” Postdoctoral Fellows and Research Associates under each of the Life, Physical, and Social Science Occupations.

Revise Category 11-9039 Education Administrators, Postsecondary. The SOC category “11-9039 Education Administrators, Postsecondary” is simply too broad to be accurate or useful. For example, the category would apparently include both a Provost and a Program Administrator. To remedy the problem, the occupation should be further divided or delineated based on the amount of management and supervision of others involved, such as Education Administrators, Postsecondary (managerial) and Education Administrators, Postsecondary (non-managerial).

Add new interdisciplinary occupations. The current SOC does not include many relatively new interdisciplinary occupations such as Bioinformatician, Biotechnologist, and Geobiologist, among many others. This often leads the Office of Foreign Labor Certification to consider these “combinations of occupations” and provide inaccurate prevailing wage determinations. The Bureau of Labor Statistics should research emerging interdisciplinary occupations and create categories for them. When this is not possible or practicable, the Bureau should update the Direct Match Title List (http://www.bls.gov/soc/soc_2010_direct_match_title_file_sort_dmt.pdf) extensively to associate new occupations with the correct category and encourage proper use of the SOC.

Provide a thorough explanation of the “All Other” category. The Bureau of Labor Statistics should better articulate the usefulness of the “All Other” category as an essential element of the SOC structure. It currently uses terminology such as “residual” to define these occupations, which might lead public and private users of the SOC to undervalue the occupations associated with the “All Other” coding. We recommend revising SOC classification principle no. 8 to remove the word “residual,” and add a new clause to the second-to-last sentence in the paragraph, such as “...when it is determined

that the detailed occupations comprising a broad occupation group do not account for all of the workers in the group, even though such workers perform a distinct and important role.”

14. What other policy and operational changes would most effectively combat waste, fraud, and abuse in the legal immigration system?

Allow use of available funds to improve the Student and Exchange Visitor Program. In addition to using smart enforcement strategies and reducing application adjudication delays, allow ICE’s Student and Exchange Visitor Program (SEVP) to use its ample available funding from user fees to hire staff necessary to process Form I-17 school certification updates and recertification applications in a timely manner, to enhance the Student and Exchange Visitor Information System database (SEVIS), and other initiatives as identified by SEVP as far back as 2008.

III. Modernizing IT Infrastructure

17. From the perspective of petitioners and applicants, which elements of the current legal immigration system (both immigrant and nonimmigrant systems) are most in need of modernized information technology (IT) solutions, and what changes would result in the most significant improvements to the user experience?

Enhance the Student and Exchange Visitor Information System Database (SEVIS)
As mentioned above, DHS’s Immigration and Customs Enforcement oversees SEVP and its database, SEVIS. Expedite plans to enhance SEVIS in a way that balances national needs and public burden, and ensure that SEVIS capability has been established and tested before implementing new regulatory or policy processes dependent on such capability.

18. Which existing government-collected data and metrics would be most valuable to make available to the public, consistent with privacy protections and national security, in order to improve oversight and understanding of the legal immigration system?

Share information publically regarding cases of fraud that have been addressed.
To build confidence in the public, generally, and with Congress, particularly, it is in the administration’s best interests to share publically as much as possible about cases of fraud or misuse that have been addressed and resolved, to show that federal agencies are proactively enforcing existing law.

Additional Recommendations to Improve and Modernize the Visa and Immigration System for Foreign Students and Scholars:

Department of Homeland Security

1. Revise regulations and policies that hinder foreign student mobility and prohibit U.S. colleges and universities from offering modern and innovative programs to foreign students.

a. Update regulations and guidance to recognize modern kinds of educational programs, such as programs with intermittent physical residency requirements, programs involving both an online component and a physical classroom component, and programs that incorporate experiential learning.

i. Revise the regulation defining “full course of study” to allow accredited institutions, through their Designated School Officials (DSO), to determine what constitutes a full course of study for each program. If necessary, issue guidelines for DSOs. **8 CFR 214.2(f)(6)(i)(A)-(E)**

ii. Eliminate the restriction allowing foreign students to enroll in only one online course per term and allow students to enroll in programs that combine online and physical presence components. **8 CFR 214.2(f)(6)(i)(G)**

iii. Develop guidance on “leaves of absence” from studies so that students are not penalized when they spend more than five months abroad; develop SEVIS functionality to allow DSOs to reactivate a SEVIS record after a leave of absence.

iv. Remove the restriction that makes international students ineligible for Curricular Practical Training (CPT) during their first academic year in the United States, and clarify the regulations and agency policy to facilitate more experiential learning through CPT. **8 CFR 214.2(f)(10)**

b. Revise the regulations so that enrolled F-1 students who engage in an educational activity abroad do not lose eligibility for practical training. Allow foreign students to study or conduct research abroad and be “temporarily absent,” without being barred from participating in experiential learning opportunities such as practical training in the United States, even if the activity lasted more than five months. **8 CFR 214.2(f)(4), and 8 CFR 214.2(f)(10), and SEVP guidance.**

c. Reduce barriers to education-related activities in the United States by:

i. Revising the term “enrolling in a course of study,” currently used in DHS policy guidance, to allow visitors to the United States to participate in certain short-term educational programs and to allow other activities such as completion of an examination, dissertation defense, and meeting with a graduate committee or advisor. **8 CFR 214.2(b)(7)**

ii. Standardizing the definition of “study” and “course of study” throughout the agency’s regulations and guidance so that a more precise definition is used and short-term education-related activities are not unduly prohibited or restricted.

2. Implement proposed rules to eliminate the per-institution cap on DSOs and expand study opportunities for F-2 spouses. **78 Fed Reg 69778 (November 21, 2013)**

3. Revise the requirement that students must file an application for Optional Practical Training (OPT) “within 30 days of the date the DSO enters the recommendation into . . . SEVIS,” so that students may file within 30 days of receiving the Form I-20 for OPT from the DSO or simply allow the DSO to update the authorization at any time in SEVIS. **8 CFR 214.2(f)(11)(i)(B)(2)**
4. Revise the regulations to accommodate students with disabilities and long-term medical conditions. **8 CFR 214.2(f)(6)(iii)** or **8 CFR 214.2(f)(6)**
5. Expand reinstatement of student status eligibility provisions so that foreign students who inadvertently fall out of status are not barred from applying for reinstatement on the basis of any consequent inadvertent unauthorized employment. **8 CFR 214.2(f)(16)(i)(D)**
6. Expand reinstatement of student status eligibility provision to include reinstatement to engage in OPT. **8 CFR 214.2(f)(16)(i)(C)**
7. Revise the regulations to allow employment for dependents of foreign students (F-2) so they can maintain their skills and credentials. **8 CFR 214.2(f)(15)(i)**
8. Update the M-1 regulations and forms and instructions for applying for M-1 extension of stay and school transfer. **8 CFR 214.2(m)**
9. Expedite implementation of the proposed rule to bring E-3s and H-1B1s into the group of nonimmigrants eligible for the “240-day rule” and expand that rule to also cover F-1 students applying for an extension of OPT. **8 CFR 274a.12(b)** and **79 Fed. Reg. 26870 (May 12, 2014)**