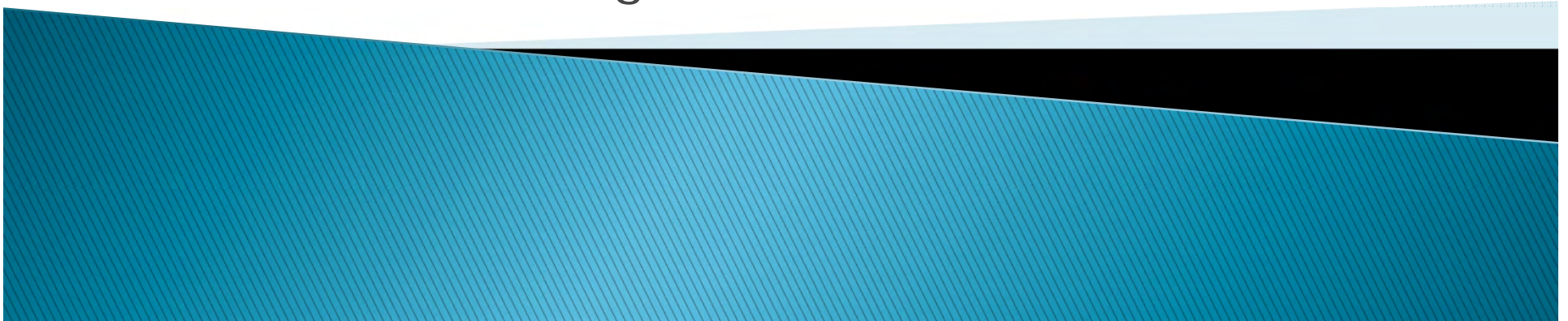


# ***School Officials and the Higher Education Context***

**USCIS California Service Center  
Academic Stakeholder Meeting**

August 12, 2013



# Agenda

- ▶ Who we are and how we can help
  - Role of NAFSA
  - Role of Regulatory Ombuds “RegBuds”
- ▶ Student I-765s behind the scenes
- ▶ Academia – A “Business Community” served by CSC

# Presenters

- ▶ **Machelle Allman**, Assistant Director, ISS, University of Washington, Seattle, WA
- ▶ **Lucy Cheung**, Associate Attorney, Law Offices of Eugene Goldstein & Associates, New York, NY
- ▶ **David Muusz**, Associate Director, ISS, Virginia Tech, Blacksburg, VA

# What is NAFSA?

- ▶ Association of International Educators ([www.nafsa.org](http://www.nafsa.org))
  - National Association of Foreign Student Advisers, 1948
  - Focus areas include Ed. Abroad, Student/Scholar Advising, ESL, Admissions, Marketing/Recruiting, Intercultural Communication, Research/Scholarship
- ▶ World's largest nonprofit professional association dedicated to international education
- ▶ 10,000+ members affiliated with 3500+ institutions
- ▶ Hundreds of volunteers and approx. 70 staff members advocate, provide training and resources, engage with government
  - Annual conference (generally beginning Memorial Day weekend)
  - Regional conferences in the fall (11 regions)



# NAFSA Regions



# Training and Resources—Examples

- ▶ **NAFSA Adviser's Manual** – authoritative resource for student/scholar advisors, with citations to laws and regulations, discussions of complexities, “how to,” and “best practices”
- ▶ **Conference sessions** (for example, “USCIS Hot Topics”)
- ▶ **Liaison reports** (from teleconferences with agencies or stakeholder meetings)
- ▶ **Workshops** (for example, day-long “F-1 Regulations for Beginners”)
- ▶ **Webinars** (for example, “Navigating... Prevailing Wage Determinations”)
- ▶ **E-learning** (on-demand, for example, “Beyond the Basics of F-1 Student Advising” )
- ▶ **“Knowledge networks”** and discussion forums—where members post resources (like advisories) and share knowledge and “best practices”

# NAFSA Leader Groups

- ▶ **International Student & Scholar Regulatory Practice Committee (ISS-RP)**
  - A key leader group in “regulatory practice” area
- ▶ Helps NAFSA prioritize issues and determine appropriate actions
- ▶ Monitors IssueNet, a system to receive advisors’ regulatory practice issues
- ▶ Identifies regulatory practice issues that need action by NAFSA staff
- ▶ Identifies items for education and practice resources
- ▶ Assists the Vice President for Public Policy and Practice in communicating to members on regulatory practice issues and identifying public policy issues

# NAFSA Leader Groups, ctd.

- ▶ **ISS-RP Regulatory Ombud Subcommittee** (“RegBuds”)  
**Subcommittee Chair:** Adam Harold, University of North Texas, [adam@unt.edu](mailto:adam@unt.edu)

*They are your conference contacts*

- ▶ Listed at <http://www.nafsa.org/regbuds>
- ▶ **Region I (AK, ID, OR, WA)**  
Carol Holz, University of Alaska-Fairbanks, [cmholz@alaska.edu](mailto:cmholz@alaska.edu)  
Machelle Allman, University of Washington, [allmama@u.washington.edu](mailto:allmama@u.washington.edu)
- ▶ **Region II (AZ, CO, KS, MT, NE, NM, UT, WY)**  
Amber M. Tetreau-Segura, University of Arizona, [amt@EMAIL.ARIZONA.EDU](mailto:amt@EMAIL.ARIZONA.EDU)  
Cynthia Scarpa, Colorado State University, [Cynthia.Scarpa@colostate.edu](mailto:Cynthia.Scarpa@colostate.edu)
- ▶ **Region III (AR, LA, OK, TX)**  
Regina Henry, Oklahoma State University, [regina.henry@okstate.edu](mailto:regina.henry@okstate.edu)  
Kathleen Gasparian, Ware | Gasparian [kgasparian@david-ware.com](mailto:kgasparian@david-ware.com)



# NAFSA Leader Groups, ctd.

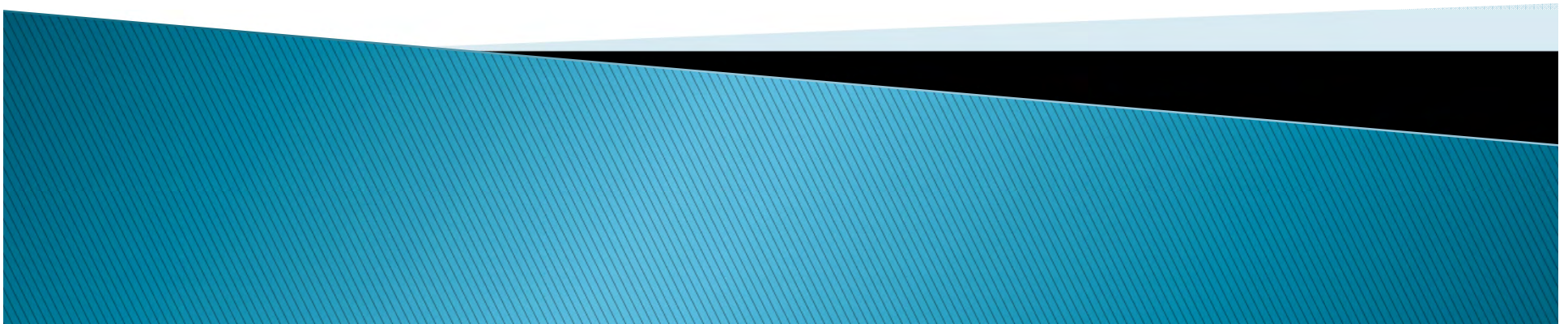
- ▶ **ISS-RP Regulatory Ombud Subcommittee** (“RegBuds”), ctd.
- ▶ **Region IV (IA, MN, MO, ND, SD)**  
Annette Burris, Washington University – St. Louis, [annette.burris@wustl.edu](mailto:annette.burris@wustl.edu)  
Deborah Maertens, North Dakota State University, [Deborah.Maertens@ndsu.edu](mailto:Deborah.Maertens@ndsu.edu)
- ▶ **Region V (IL, MI, WI)**  
Brooke Thomas, University of Wisconsin Milwaukee, [bathomas@uwm.edu](mailto:bathomas@uwm.edu)  
Liz Matthews, Ferris State University, [matthee@ferris.edu](mailto:matthee@ferris.edu)
- ▶ **Region VI (IN, KY, OH)**  
Molly L. Heidemann, Miami University-Oxford, [mheidemann@muohio.edu](mailto:mheidemann@muohio.edu)  
Joanna Snyder, Indiana University-Bloomington [snyder1@indiana.edu](mailto:snyder1@indiana.edu)
- ▶ **Region VII (AL, FL, GA, MS, NC, PR, SC, TN, U.S. Virgin Islands)**  
Gwen Fernandes, Georgia Institute of Technology, [gwen.fernandes@oie.gatech.edu](mailto:gwen.fernandes@oie.gatech.edu)  
Robin V. Catmur, University of Georgia, [rcatmur@uga.edu](mailto:rcatmur@uga.edu)

# NAFSA Leader Groups, ctd.

- ▶ **ISS-RP Regulatory Ombud Subcommittee** (“RegBuds”), ctd.
- ▶ **Region VIII (DE, DC, MD, PA, VA, WV)**  
David Muusz, Virginia Polytechnic Institute & State University, [muusz@vt.edu](mailto:muusz@vt.edu)  
Betta Risa, University of Pittsburgh, [evr3@pitt.edu](mailto:evr3@pitt.edu)
- ▶ **\*Region X (NJ, NY)**  
Gwyneth Smith, Columbia University, [gs2258@columbia.edu](mailto:gs2258@columbia.edu)  
Lucy Cheung, Eugene Goldstein & Assoc., [lucyc\\_nafsaregionxregbudscholar@YAHOO.COM](mailto:lucyc_nafsaregionxregbudscholar@YAHOO.COM)
- ▶ **Region XI (CT, ME, MA, NH, RI, VT)**  
Amy C. Daly Gardner, Clark University, [adaly@clarku.edu](mailto:adaly@clarku.edu)  
Elizabeth Goss, Tocci, Goss & Lee, [egoss@LAWTGL.COM](mailto:egoss@LAWTGL.COM)
- ▶ **Region XII (CA, HI, NV)**  
Kathy Shek, Stanford University, [kshek@stanford.edu](mailto:kshek@stanford.edu)  
Brian Groves, University of California—San Francisco, [brian.groves@ucsf.edu](mailto:brian.groves@ucsf.edu)
- ▶ \*There’s no Region IX—it’s a long story . . .

# Student I-765s Behind the Scenes:

Why I-765s might be tricky, not uniform,  
or just plain wrong



# DSOs and Their Institutions

Community College

Baccalaureate Institutions



Full Spectrum Advising Staff

One Person Office

Research Institutions

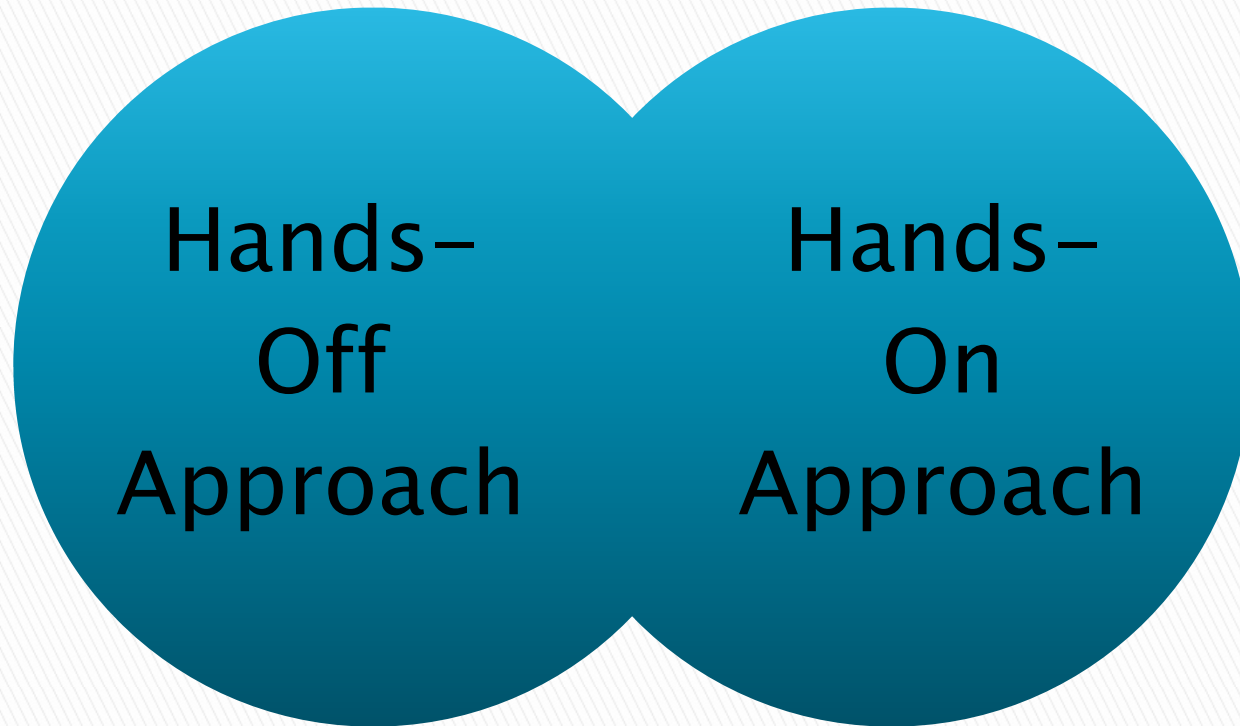
Registrar

# Wide Range of DSO and Institution Types

- Institution types can include:
  - Research and Doctorate Institutions
  - Master's Institutions
  - Baccalaureate Institutions
  - Community Colleges
  - Specialized Institutions (e.g. art/music schools, divinity/seminary programs, professional programs, certificate programs)
- DSO location at an institution
  - International Student Services
  - Registrar
  - Admissions
  - Multicultural Center
- Number of DSOs and their advising population
  - One person office working with the occasional international student
  - Advising staff of 10 to support large international student population

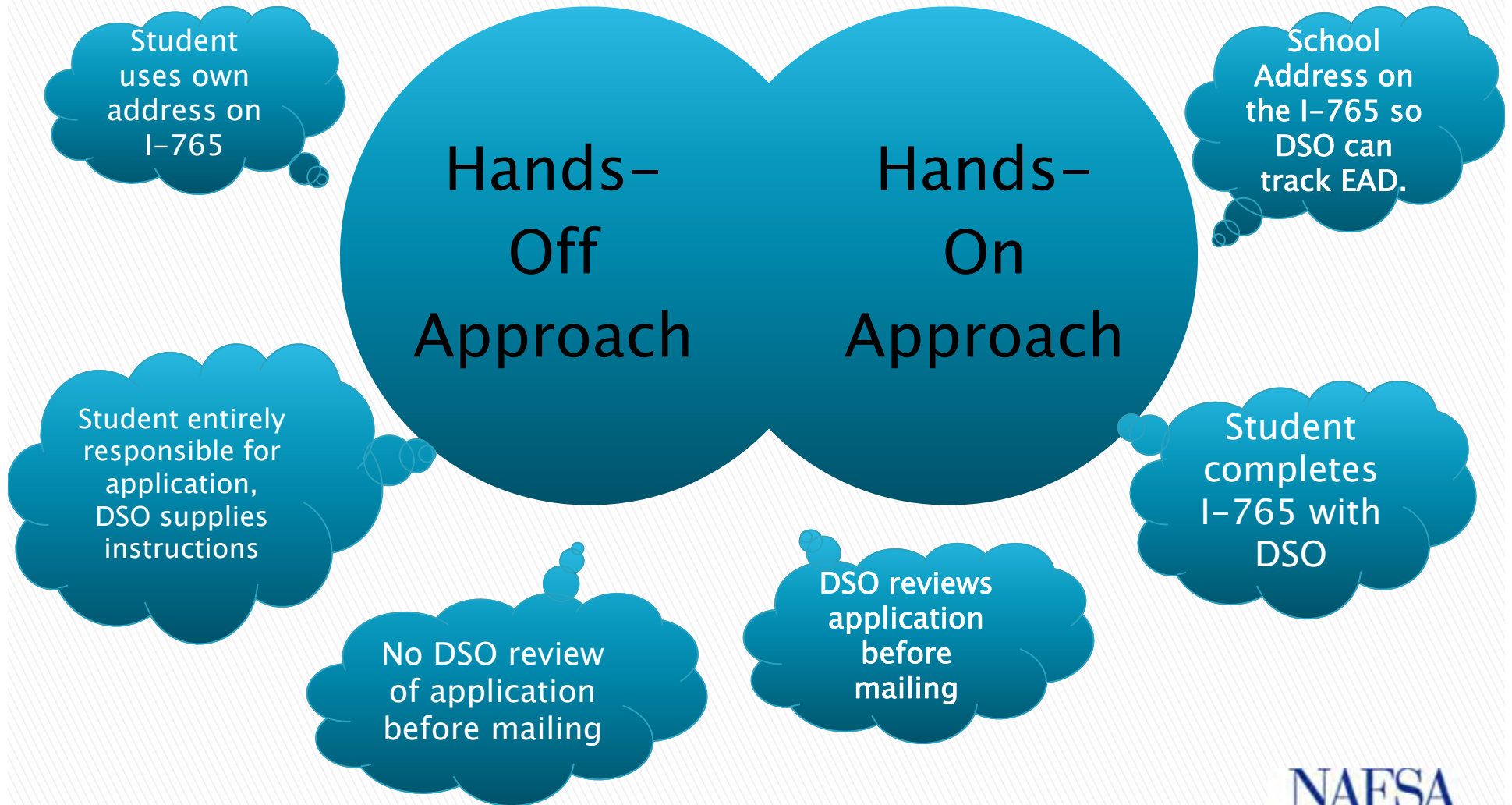
# I-765 Submissions

Wide range of student and DSO interaction



# I-765 Submissions

Wide range of student and DSO interaction



# Best Practices in I-765 Filing

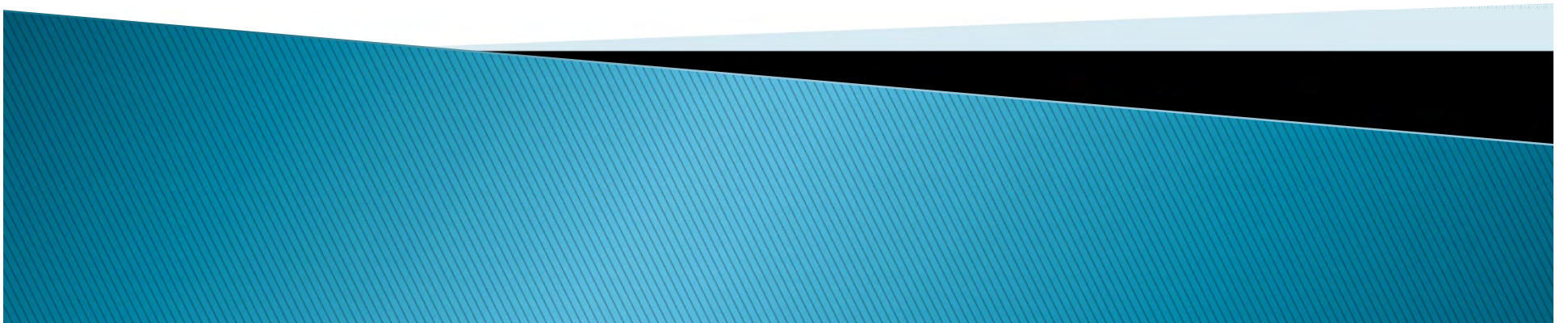
- Checklist on ISS website
- OPT tutorial with detailed step by step instructions on how to complete the I-765
- Automated email with OPT instructions when OPT I-20 is ready
- Handout/Info sheet attachments to OPT I-20
- DSO review system for I-765
  - OPT appointments to review applications with student
  - Drop off system for DSO to review and return to student

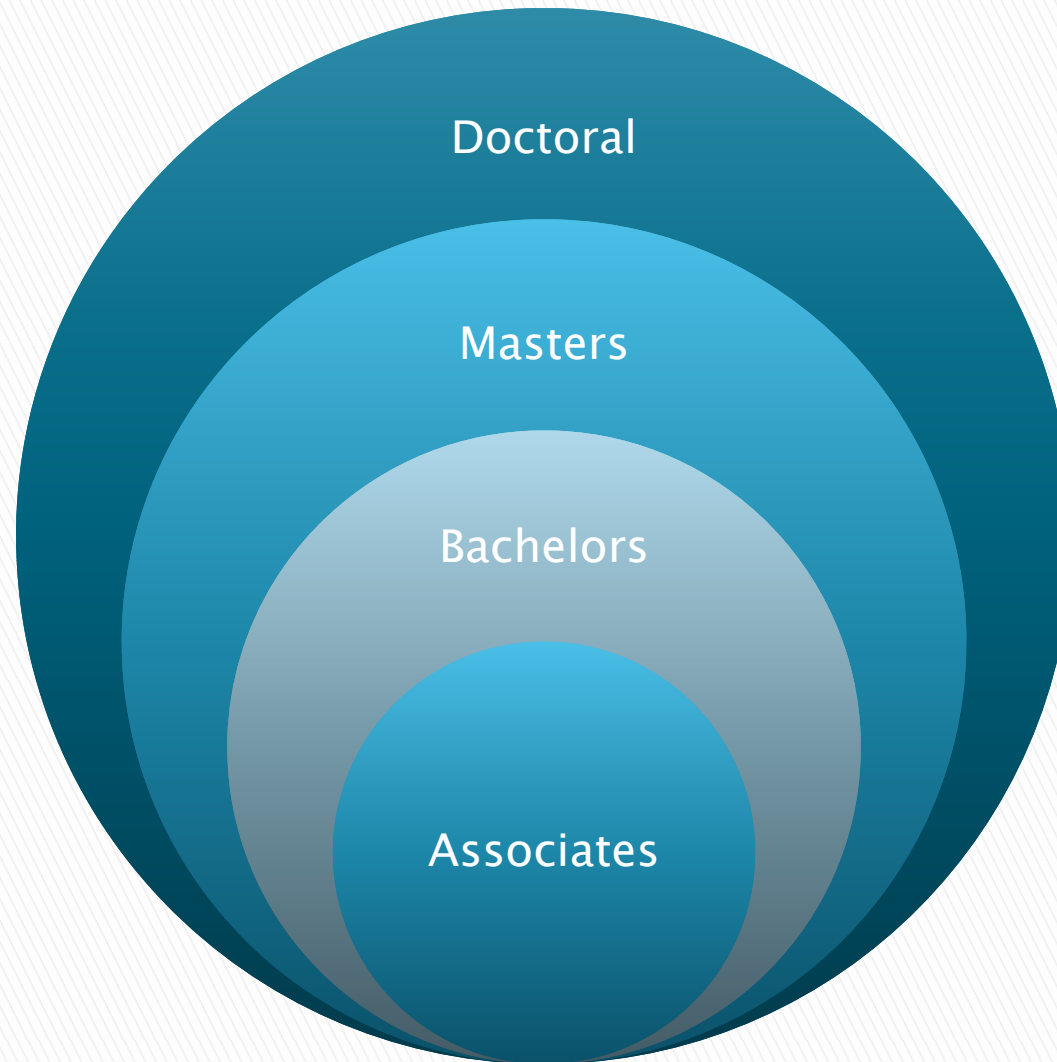


# NAFSA I-765 Resources

- NAFSA Practice Advisory: Managing the 30-Day Post-Completion OPT Filing Deadline
- SEVP OPT Policy Guidance
- DHS STEM Designated Degree Program List
- Practice Advisory: H-1B Cap-Gap for F-1 Students

# Other Influences on the I-765

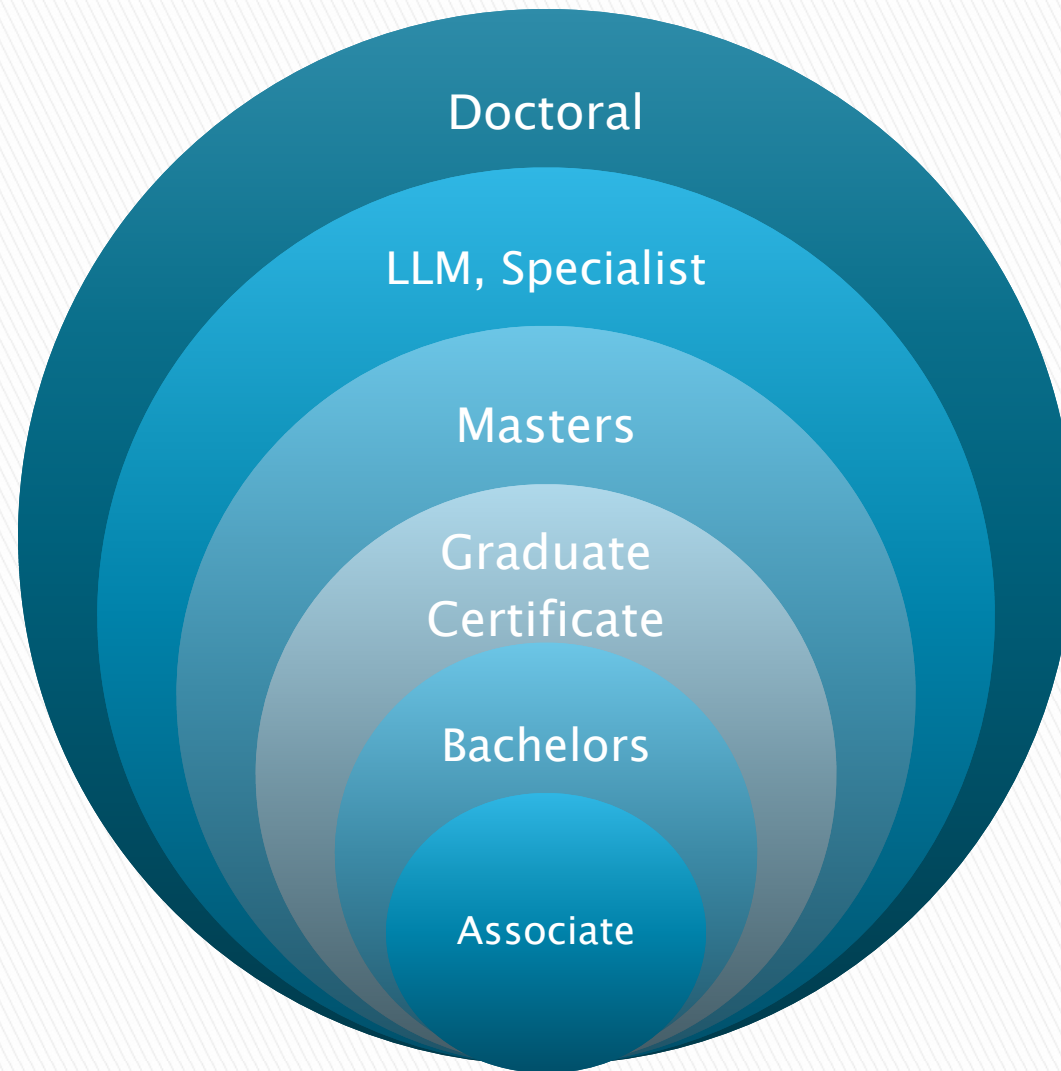




## Academic Level Progression

8 C.F.R. § 214.2(f)(1)(i)

A student may be authorized 1/2 months of practical training and becomes eligible for another 1/2 months of practical training when he or she changes to a higher educational level.



## Academic Level Progression

8 C.F.R. § 214.2(f)(10)

“...A student may be authorized 12 months of practical training, and becomes eligible for another 12 months of practical training when he or she **changes to a higher educational level.**”

# Admissions Policies

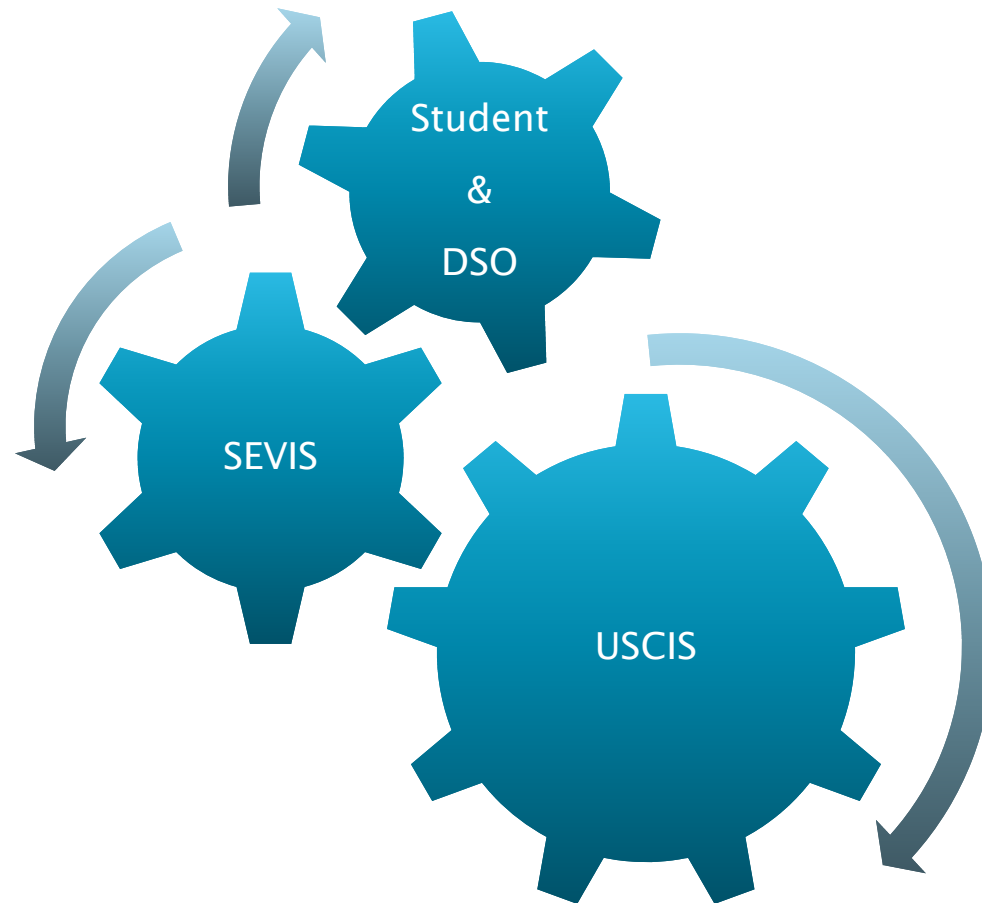
- Admissions policies allow students in various types of immigration status to be admitted and enroll in classes. These students may decide to change to F-1 status at a later point.
- Pre-SEVIS legacy → INS Operating instructions (214.2(f)(14)(ix) established that an F-1 student did not need to have been specifically in F-1 status for 9 months to be eligible for practical training, as long as he or she was lawfully enrolled as a full-time student at a service-approved school in another nonimmigrant status that allows full-time study.

# Status during Full-time Enrollment

- 8 C.F.R. § 214.2(f)(10)
  - *“Practical training may be authorized to an F-1 student who has been lawfully enrolled on a full time basis, in a Service-approved college, university, conservatory, or seminary for one full academic year. This provision also includes students who, during their course of study, were enrolled in a study abroad program, if the student had spent at least one full academic term enrolled in a full course of study in the United States prior to studying abroad.”*

# I-765

One application → Multiple Players



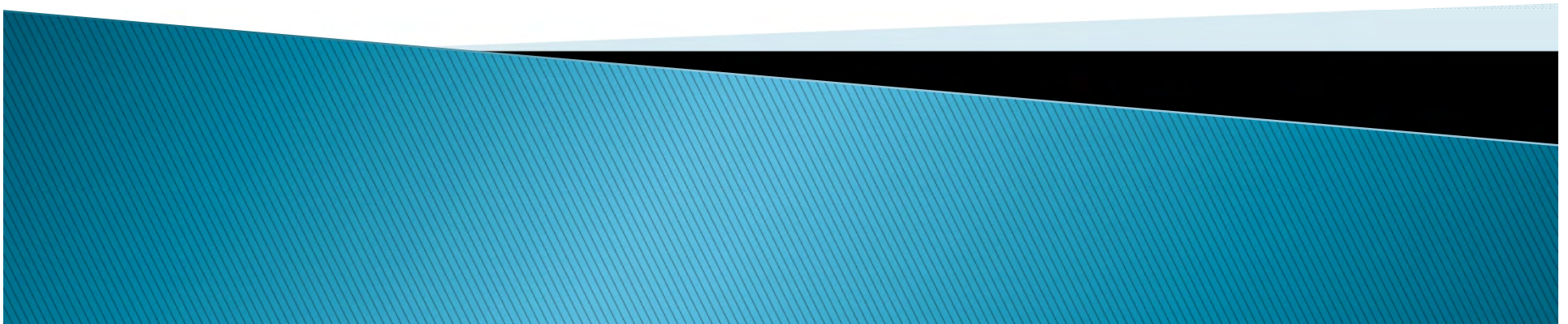
# Interaction with SEVP

- ▶ Intersection of SEVIS functionality and USCIS application processes
  - At times the two don't work in sync
  - SEVIS malfunction, or student issue requiring SEVIS Help Desk Intervention
  - Application window closing
  - SEVIS Help Desk ticket resolution timeline uncertain
  - Filing the I-765 without the I-20 pending resolution of SEVIS issue



# Academic Employment Based Petitions:

Common Policies and Procedures in Higher Education



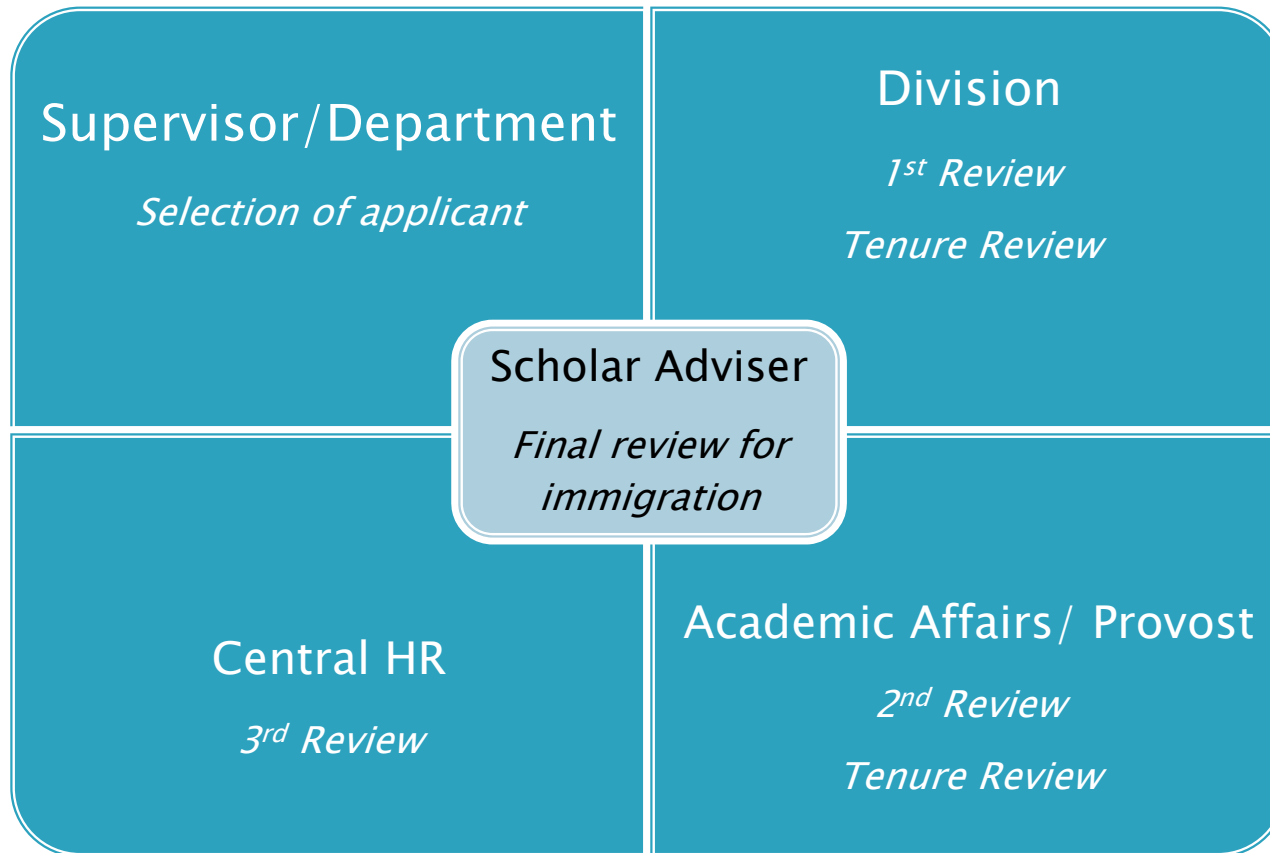
# Advisers & Their Institutions

- Different types of scholar offices
  - Integrated with international student office
    - Dedicated scholar advisers or student & scholar advisers
  - Separate office dedicated to staff/faculty issues
    - Split can be by immigration status or university status
  - University office of Legal Counsel
  - Rely of external counsel for some/all case work
- Academic calendar variations
  - Quarter, Trimester, Semester
  - Summer sessions
- Role of adviser
  - Advising on processes, preparing cases, other duties
  - Adviser vs. external counsel
  - Adviser vs. in-house legal counsel office

# Institutional Policies

- Sponsorship policies, e.g.:
  - No Adjunct Faculty or Staff, unless...
  - Only annual H-1Bs for Adjunct Faculty
  - Extensions based on availability of funding
  - PR policies
  - OPT vs. J-1 vs. H-1B
  - H-1B vs. E-3 vs. TN
- Focus on integrity of process
  - Available immigration options may be restricted by university policy
  - Risk management

# Appointment/Review Process



# Types of Positions

- Postdoc → Professor progression
  - Tenure vs. Non-Tenure
- Staff
  - Positions common to higher education:
    - Admissions Adviser
    - Academic Adviser
    - Athletics Director
    - Dean
  - Due to their complexity, many entry level positions in academia are specialty occupation positions
    - Standards for a Specialty Occupation Position (standard RFE language)
      - Baccalaureate or higher degree or its equivalent in a specific field of study, or
      - Degree requirement is common to the industry in parallel positions among similar organizations, or
      - Employer normally requires a degree in a specific field or its equivalent for the position, or
      - The nature of the specific duties are so specialized and complex that knowledge required to perform the duties is usually associated with the attainment of a baccalaureate degree or higher

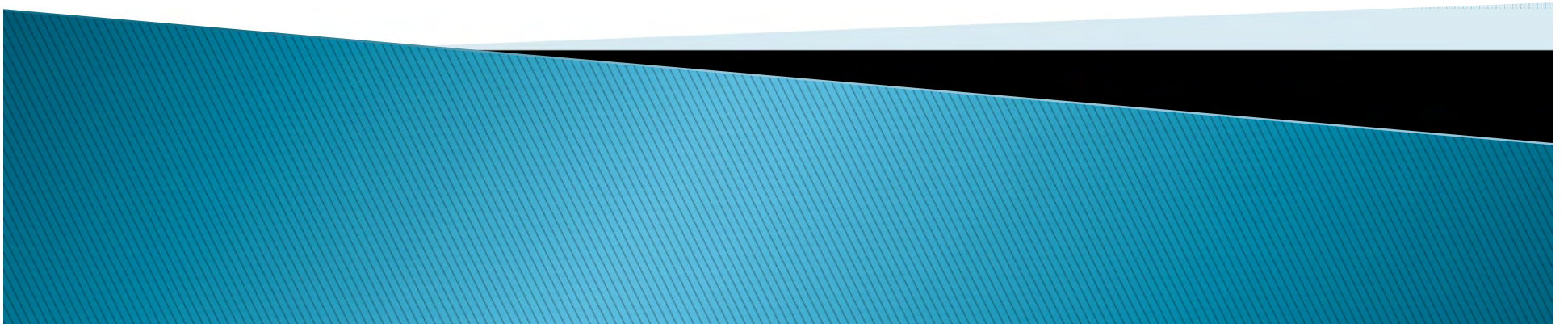
# EB Best Practices

- Timing of filings
- Develop checklists
- Website content
- Tracking system – what to do when an H-1B departs or adjusts
- Wage review
- Institutional sponsorship policies and procedures
- PIMS requirement
- End of semester work for AY appointments – ensure petition covers time period
- H-1B time recapture
- H-1B vs. EAD

# Questions

- RFE issue selection/trends?
- Is there an estimated time frame for the issuance of an I-797 Receipt Notice?
- DOMA: promulgation of regs re. dependent status eligibility for same sex partners, particularly Non-Immigrant statuses?
- More frequent updates to processing timelines on USCIS website?
- Are there common errors among academic petitions?
- Preferred document order for petitions?

# Filing I-539s





# I-539

- ▶ Similar issues to I-765
  - Interaction with SEVP (defer record for pending status)
  - Degree of connection with DSO (especially with reinstatement requests)

# I-539

## Difference

- ▶ RFEs can seem opaque
  - Home country employment information
  - Justification about the timing of the request