

F-1 Special Programs

Christina Rosado-Maher, DSO and ARO at the Office of International Programs and Studies (OIPS) at the University of New Mexico

Elizabeth Van Orton, Special Office of Latin American Initiatives at the University of New Mexico

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Overview of Session

- Regulatory Authority and SEVP Procedures
- Process at UNM for Special Programs
- Special Programs at UNM
- Information to Assist University Administrators
- UNM's SOLAI Program
- How does your institution deal with short term visitors?

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Special Programs at UNM

- "Special Programs" are defined by the Office of International Programs and Studies (OIPS) as UNM programs offered by individual departments and divisions of the University that bring international students to engage in a short-term language, culture, research, or academic endeavor with a specific educational objective.

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Special Programs at UNM

- Participants in these programs are typically students in their home country.
- These programs are reviewed by OIPS to determine if they meet regulatory requirements necessary for issuance of Form I-20.

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Regulatory Authority and SEVP Procedures

• Issuance of the I-20 for Special Programs must be consistent with a school's Form I-17

• Full Course of Study Issues

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Form I -17

- UNM's Form I-17 lists the following degrees available:
 - Undergraduate = AA, AS, BA, BS, BFA, BBA, BSE
 - Graduate = Master's, PhD
 - Professional = MD, JD
 - Specialist and Certificate Programs

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Form I -17

- One of the programs available for the I-17 includes the following definition from SEVP guidance:
- Colleges or community colleges which offer **non-degree programs** (certificate programs, associate-level and below)
- Under this section, we have indicated that we issue Certificate Programs. These are essentially non-degree programs.

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Non-Degree Programs

- The F-1 student category is available to non-degree students, provided that:
- Completion of the non-degree program leads "to attainment of a specific educational or professional objective." 8 C.F.R. § 214.2(f)(6)(i)

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Non-Degree Programs

- The regulation at 8 C.F.R. § 214.2(f)(6)(i) defines full course of study to include:
 - (A) Postgraduate study or postdoctoral study
 - (B) Undergraduate study
 - (C) Study in a postsecondary language, liberal arts, fine arts, or other non-vocational program
 - (D) Study in any other language, liberal arts, fine arts, or other non vocational training program
- At UNM, our Special Programs fall under subsection D

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Non-Degree Programs

- In non-credit certificate programs, a **student must attain a specific "educational or professional" objective.**
- Therefore, the first step is to determine how the completion of the non-degree program leads "to attainment of a specific educational or professional objective."

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Non-Degree Programs

- It is very important to get departments involved in making the determination of the program objective.
- For UNM's special programs, we require the academic department or program to specify in writing the educational or professional objective and the courses to be taken.
- In addition, each program at UNM awards a certificate of completion, and thus the attainment of the certificate serves as the educational objective.

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Non-Degree Programs

- In non-credit certificate programs, the program must also qualify as a "full course of study" in order to serve as the basis for I-20 issuance.
- It must be shown how such a program fits the definition of "full course of study" under one of the paragraphs of 8 C.F.R. § 214.2(f)(6)(i)

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Evaluating the Program

- If the study cannot be considered "graduate" or "undergraduate," the only other bases for evaluating such programs are paragraphs 8 C.F.R. § 214.2(f)(6)(i)(C) or (D), both of which require minimum clock-hours of instruction.

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Evaluating the Program

- UNM relies on Subsection D which requires:
- at least eighteen clock hours of attendance a week if the dominant part of the course of study consists of classroom instruction, or
- to consist of at least twenty-two clock hours a week if the dominant part of the course of study consists of laboratory work

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Non-Degree Programs

- DSOs may want to solicit written input from the academic staff involved in the program of study, to provide documentation of why academically the intensity of a program justifies calling it a "full course of study."
- Short term "Special Programs," at UNM are coordinated by OIPS. We work with departments on campus to ensure that the department defines the academic objective for the full course of study.
- At UNM, there is a clock-hour requirement, and OIPS has the sponsoring program certify its students will meet that clock-hour requirement.

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Issuance of Certificate of Eligibility

- At UNM, OIPS works with sponsoring programs/departments to ensure the following conditions are met as indicated at 8 C.F.R. § 214.3(k):
- (1) The prospective student has made a written application to the school.
- (2) The written application, the student's transcripts or other records of courses taken, proof of financial responsibility for the student, and other supporting documents have been received, reviewed, and evaluated at the school's location in the United States.

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Issuance of Certificate of Eligibility

- (3) The appropriate school authority has determined that the prospective student's qualifications meet all standards for admission.
- (4) The official responsible for admission at the school has accepted the prospective student for enrollment in a full course of study.

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Summary

- To implement short term non-degree programs, certificate programs at your institution, you need to do the following:
- 1. Make sure any issuance of the I-20 for non-degree study is consistent with your school's Form I-17.
- 2. Determine the specific educational objective.
- 3. Solicit input from departments and academic staff regarding a full course of study.
- 4. Make sure a minimum number of clock hours of attendance are being met.

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Reminder

- The school must ensure that it is authorized to issue Forms I-20 for such a program, as listed on its current Form I-17.
- If not, the school would need to update its Form I-17 before issuing I-20s for that program.
- Adding a new program (e.g., adding a new area of study), or making a significant change to a current program (e.g., changing the number of credits that constitutes a full course of study) would in all likelihood be considered a "material change" to the school's curriculum.

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Process at UNM for Special Programs

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Departments Submit a Program Application to OIPS

- Program must be full-time (18 clock hours per week if lecture, 22 if lab)
- Students must make a written application to the program
- Students must demonstrate adequate language ability to engage in the program
- Students must demonstrate funding to participate in the program
- Program must have a specific educational objective (typically a certificate of completion)

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Program and Student Applications

- See handouts

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Process:

- After review and approval of the program, the department submits an application for each student along with the required documents for each participant to OIPS.
- OIPS provides a welcome letter and a form I-20 for each participant.
- The program then sends the documents to the participant who applies for the student visa at a US consulate abroad.
- Upon entry to the US, all programs must organize an orientation where OIPS meets with participants to obtain all required information and document copies and to explain immigration rules and regulations.

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Special Programs at UNM

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Special Programs in Business

- Program Name: "Innovation Management" Certificate Program.
- Past Academic Program Objective: Completion of Technology Innovation, International Management and Entrepreneurship Courses.
- Short Term Programs to Study US and International Business at UNM. Students are enrolled in the MBA program at Fundacao Centro de Analise, Pesquisa e Inovacao Tecnologica "FUCAPI" (Brazil). They receive credit at FUCAPI for the certificate program at UNM.
- Typically lasts three weeks
- Certificate is issued at the end of the courses.
- Department prefers F-1 due to POE problems for students
- Most of these students are professionals in their own countries and have B1/2 visas already.

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EYES Summer Internship Program

- Program Name: Expand Your Engineering Skills (EYES)
- Academic Program Objective: Spend 8 weeks of supervised instruction in the laboratory under the supervision of an academic advisor.
- Students come to UNM to work and study over summer.
- Recruitment program for Electrical and Computer Engineering Department at UNM.
- Receive Certificate of Completion of the course.
- Typically lasts two months.

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Information to Assist University Administrators

Appropriate Visa Types

When to Recommend B-1 to visit your campus

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Rules and Policies Regarding Appropriate Visa Types for Special Program Participants

- Special Programs will vary in purpose, curricula, length, and in the demographics of the participant population.
- Therefore, university organizers will have to consider all factors carefully before making a decision about the appropriate visa type to recommend.
- In general the recommended visa type for a full-time program is F student immigration status.

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Rules and Policies Regarding Visa Types

- Individuals who attempt to enter in an immigration status that is not appropriate for the proposed activity in the US or commensurate with their training and experience in the home country may be refused entry to the US.
- This is a big factor for certain programs or students from certain countries.
- Example, Special Programs between the UNM Anderson School of Management and FUCAPI and FAAP in Brazil.

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Rules and Policies Regarding Visa Types

- We tell departments, if the University is found to be advising individuals who should be entering in student status (F1) to come on tourist visas it could lead to revocation of our permission to bring students to UNM.
- It is very clear that students cannot come to the US to study full time using a tourist visa (B-2).

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Rules and Policies Regarding Visa Types

9 FAM 41.31 N14.8 Aliens Destined to Avocational or Recreational School (CT:VISA-752; 06-28-2005)

An alien enrolling in such a school may be classified B-2 if the purpose of attendance is recreational or avocational. When the nature of a school's program is difficult to determine, you should request from DHS the proper classification of the program and whether approval of Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status – for Academic and Language Students, will be more appropriate.

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Rules and Policies Regarding Visa Types

- For the program, the repercussions of the visa decision could mean the success or failure of the program, as well as the making or breaking of contractual agreements, so there is more to consider than just cheapest cost to the participant.
- If the university invests a large amount of time to create a short term program and the participants are not allowed to enter the US Port of Entry, it creates obvious problems and expenses.

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When to Recommend B-1

- A "Visitor for Business" visa (B-1) should only be recommended for individuals who are professionals in their home country who are coming to the US for an activity that can be considered professional development or training and that is less than 3 months in duration.
- People should not enter on this type of visa to participate in a degree program.

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Rules and Policies Regarding Visa Types

9 FAM 41.31 N10.4-2 Business or Other Professional or Vocational Activities (CT:VISA-701; 02-15-2005)

An alien who is coming to the United States merely and exclusively to observe the conduct of business or other professional or vocational activity may be classified B-1, provided the alien pays for his or her own expenses. However, aliens, often students, who seek to gain practical experience through on-the-job training or clerkships must qualify under INA101(a)(15)(H) or (L), or when an appropriate exchange visitors program exists (J).

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When to Recommend B-1

- Individuals who are primarily students in their home country (either high school or full-time university students) **should NOT** come to the US on B-1/B-2 visitor visas to engage in a UNM program.
- Since these individuals are not currently professionals in their home country, their visit to the US would not normally be considered to be a business trip unless the student were presenting a paper or attending an academic conference.
- B-1/2 visa is NOT appropriate for students who are attending a language, culture or content program in the US.

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When to Recommend B-1

- If it is determined that B-1 status is appropriate for the program and the participants, OIPS is NOT involved in the special program approval process and does not take any responsibility for the participants.
- However, OIPS strongly recommends that the program write a letter of explanation for each participant to use when applying for the visa or for entry to the US.
- The letter should explain that the person is a professional in his/her home country who is coming to the institution to participate in a professional development activity and not a full-time student program.

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UNM's SOLAI Program

Incorporates
Certificate Short Term Programs, "Special Programs" and
Professionals coming on B-1

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SOLAI

SPECIAL OFFICE FOR LATIN AMERICAN INITIATIVES
"BUILDING LATIN AMERICAN COMMUNITIES"

Elizabeth Van Orton



Vice President for Student Affairs
Special Office for Latin American Initiatives

OUTLINE

- ✓ Introduction
- ✓ Charting A New Mission
- ✓ Main Values
- ✓ Latin American Outreach Programs (LAO)
- ✓ Model of American States (MOAS)
- ✓ Other Valuable Initiative
- ✓ Lat-NET
- ✓ Scholarship Program
- ✓ SOLAI Near Future

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Vice President for Student Affairs
Special Office for Latin American Initiatives

INTRODUCTION

- ✓ The Special Office for Latin American Initiatives (SOLAI), builds bridges and enhances educational students, professors, researchers and administrators of Latin American Higher Education institutions and governments.
- ✓ SOLAI creates collaborative networks based on principles of professional and academic excellence to promote social justice and mutual responsibility for the development of Latin American students
- ✓ SOLAI develops non-profit and innovate strategies to connect universities and scientific communities from Latin America with prestigious academic and research programs at UNM, the only Hispanic Serving Institution recognized as a Very High Research University by the Carnegie Mellon foundation

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Vice President for Student Affairs
Special Office for Latin American Initiatives

CHARTING A NEW MISSION

- ✓ SOLAI is a special program committed to creating a culture of collaboration, co-responsibility, and support for Latin American students, faculty, and staff. This office provides professional services through the establishment of collaborative MOUs with higher education institutions of, national or state governments, and non-profit organizations in the United States and Latin America

MAIN VALUES

- ✓ Trust, and certainty are the guiding principles of SOLAI. Through these, we promote institutional values at UNM including academic freedom; diversity; initiative and creativity; excellence; integrity and professionalism; access and success for students.

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Vice President for Student Affairs
Special Office for Latin American Initiatives

LATIN AMERICAN OUTREACH PROGRAMS

- ✓ SOLAI promotes its Latin American Outreach Program (LAO) which is a short-term bridge program for Latin American students and professional participants. LAO has been conceived to give Latin American students academic opportunities, knowledge of English, leadership, and a broadening of the social and cultural spectrum. The three LAO programs include Intensive English and Cultural Program, Academic Development, and Professional:

1. Intensive English and Cultural Program
2. Academic Development Program
3. Professional Practice Program




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UNM Vice President for Student Affairs
Special Office for Latin American Initiatives

MODEL OF AMERICAN STATES (MOAS)

✓The MOAS is a credited academic course through which students develop international public policies on issues affecting the Americas and apply theory learned in the classroom.

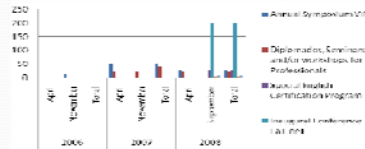


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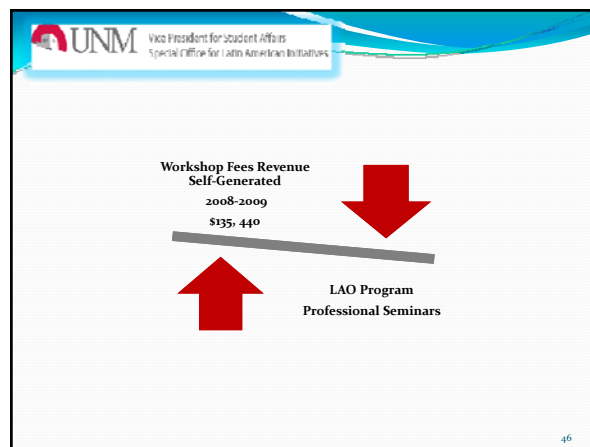
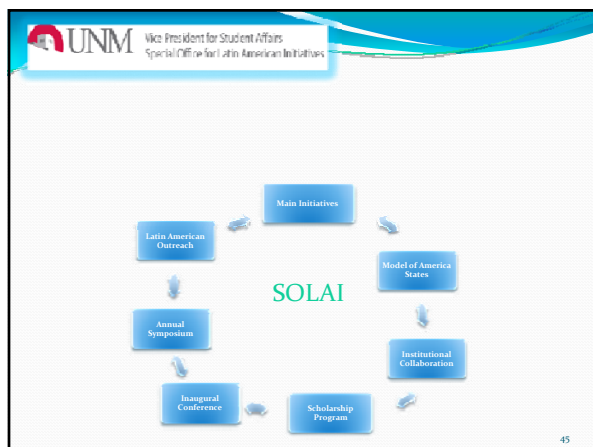
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OTHER VALUABLE INITIATIVES

- ✓Scholarship Program
- ✓Annual Meeting with Presidents and Administrators of Latin American Universities
- ✓Conferences, Seminars and Workshop for Professionals
- ✓Online Spanish Master's programs
- ✓Interdepartmental and Academic Collaboration



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Special Office for Latin American Initiatives

Accomplishments

- ✓ SOLAI received 60 students from Latin American Institution
- ✓ SOLAI received approximately thirty administrators from Latin American Universities
- ✓ SOLAI had the Fifth Annual Symposium
- ✓ SOLAI held the Second LAT-NET conference
- ✓ SOLAI promoted MOAS 2009

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How does your institution
bring short term visitors
to your campus?

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