

## Questions/Cases Submitted in Prep for State NAFSA Conference June 21, 2010

### From Richmond:

What steps do you recommend if the student has all of the necessary documents but the branch refuses to send in the (Driver's License or State ID) application for processing?

We had problems with our branch not accepting applications from students if their visas were expired, if they came in with a passport that wasn't in English-even with a translation, if they were on OPT, etc.

*>First the applicant should ask for Branch Management to provide detail on reason(s) for inability to run the transaction. If unsure, the manager should contact the BMV solution center for support.*

### From South Bend and Mishawaka:

- Incorrect information is frequently given to students regarding the SAVE verification process, especially information on the length of time that the average case will take to be processed.

*>SAVE/VLS Verification Process*

#### **Initial Verification**

*System Response: System returns the applicant's current immigration status or a message prompting the agency to "Institute Additional Verification." If the status is confirmed, the verification process is complete.*

*If the status is not confirmed, the process continues on to Additional Verification. Escalation does not necessarily imply that the applicant is not authorized to be in the United States or is ineligible to receive a credential, it simply means that additional processing is needed to verify lawful status. This may be caused by a mistype or the need to gather more information from the benefit applicant. **Response Time: 3-5 seconds.***

**Second Step** – *When prompted to "Institute Additional Verification," the agency submits additional applicant information. If the status is not confirmed, the process continues to third step verification. **Response Time: 3-5 Federal working days.***

**Third Step** - *If an agency is prompted to "Resubmit with Doc (2 sided)," the agency resubmits the query and prints the pre-populated Form G-845. The agency must mail the Form G-845 and photocopies of the applicant's immigration document(s) to the designated USCIS Field Office. **Response Time: 10 to 20 Federal working days from the date of receipt of Form G-845 and related immigration document(s). Understand that although these are the times provided by USCIS, the BMV has seen a Level 3 decision take as long as three months!***

- BMV branches refuse to accept an I-20 if there is no admission stamp on it, even though the I-94 card presented DOES have the appropriate admission stamp. *Branches have been informed that transferring students will not have a stamp on their I-20, but any student active in SEVIS should be verifiable through SAVE or by contacting SEVIS. This can be an education issue, so always ask for a manager.*
- There is no written information regarding the policy of permitting students with a notarized copy of their translated home country driver's license to waive the 60 day waiting period between obtaining a driving permit and the driver's license.

*That was an oversight on our part and will be rectified in the latest Drive Manual and Web site revisions.*

- If a student does not have a “SEVIS –Active” record, the BMV is unable to verify their lawful presence in SAVE. We’ve seen this adversely affect students in two types of situations. *An F–1 student may be admitted for a period up to 30 days before the indicated report date or program start date listed on Form I–20. A student will not verify in SAVE without a school registering the Form I-20 in SEVIS.*
  1. Students who are transferring between institutions. These students have completed one degree program and are transferring to another institution to begin a new program of study within five months. Even though they are lawfully present in the US, SAVE is returning information that indicates otherwise, thus students are unable to renew or apply for a driver’s license. *Currently the BMV is unable to verify lawful status through SAVE even with escalation. We are working with our attorneys and USCIS to agree on an acceptable method of verification or their acceptance of us simply citing CFR214.2 in the customer’s record.*
  2. Students who are changing levels. These students have completed one degree program and will begin another degree program at our institution within five months. This has resulted in a new SEVIS profile, with the same SEVIS number that is in “Initial” status. Students are unable to obtain or renew a driver’s license until we have changed them to “SEVIS-Active.” We do not make this change until they begin their new program of study, typically in the fall. For students who graduate in the spring and begin this new program in the fall, they are unable to obtain or renew a driver’s license in the summer, even though they are lawfully present in the U.S. *Same as number 1 response above.*
- SAVE miss-matches for student names  
We’ve had several instances where the BMV has told the student they are not in SAVE. These miss-matches seemed to result from illegible handwriting on I-94 cards or the use of a hyphen. *In accordance with Federal and State laws the BMV uses the applicant’s name as it appears on their identity document (usually the Passport or US Visa in the case of students) to assign to their BMV record. When submitting the applicant’s name through SAVE for lawful status verification, the name comes from the I-94 if one is presented. Branches should understand that these names may differ since more often than not applicants fail to enter their legal name when completing the I-94.*

#### Scholar and Employee Issues:

- Scholars and Employees who’s H1B extension request is pending with USCIS.

Essentially, our scholars and employees are having issues renewing their driver’s licenses when their existing status (H-1B) has expired but a request for extension of that status is pending with USCIS. They have a receipt notice evidencing the filing of the extension request and can work for up to 240 days with the receipt notice but they are unable to renew their driver’s license without a valid I-94 card (which they don’t have since the extension request is still pending). This is a real problem and is causing all of these people to have to either not have a license for an extended time (until the extension is approved and a new I-94 card is received from USCIS) or, in most cases, they are having to cough up the additional \$1,000 to premium process their H extension so that they have the new I-94 card and H extension by the time their existing I-94 card ends. If they can use the receipt notice for continued employment, it seems that they should be able to use it to renew their driver’s license.

*This should not be an issue as the BMV accepts pending changes in status or information (usually on an I-797) as long as the submission was timely to DHS (prior to expiration of status) and it is not denied when we check SAVE. In these situations, the BMV issues credentials which are valid for one year from the transaction date.*

### **From Bloomington:**

There is confusion about the requirement that a student have an SSN or a letter stating they can't get an SSN. The letter provided by SSN is not worded to the Branch's satisfaction. We've worked it out in Bloomington (with Steve's help!), but others may be experiencing that problem as well.

*This has been an ongoing matter for years. Depending on the version of the letter issued by the SSA office visited or experience level of the BMV branch service rep you work with. Our training is clear as is our agreement with SSA but this occurs from time to time. The BMV has an agreement with SSA to accept the system generated*

Pending documents – change of status, OPT requested, pending PR are not accepted. The BMV insists on clear indicators that the DHS has taken action, and cannot cope with pending statuses, even though the student/scholar is currently in status per the DSO/RO.

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Visa Names – we have had many students with name issues – no first or no last name, or documents not matching. Every document may have an element of the same name, same picture, and same date of birth – so we know they are the same person. The branch and the state are currently insisting that all names match the visa. The visa is only issued in a person's home country, so corrections to it are the MOST difficult to change. We rely on the passport when producing documents. Can the BMV please, please, please reconsider using the visa as the definitive document?

*This is an education issue with our branches. Everything will not always match but the name we use for identity is first the Visa and second the Passport.*

SAVE database inaccuracies. We get several (20?) students per semester who are referred back to our office because their status cannot be verified in the SAVE database, and we are instructed to contact DHS. The student records are fine in SEVIS, and according to our records. There is very little we can do, and I'm sure the Help Desk doesn't want all these calls. Can we discuss changing the wording of letter? We already ask students to wait 3 weeks before applying for a driver's license, to give SAVE a chance to catch up.

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Driver's License Translations: The process that a student has to follow to get a translation of his/her home country driver's license is cumbersome. If they want to use university resources, they must get a professional staff or faculty member to translate (or approve the translation) and then that person must obtain further certification from someone in the same department that they are qualified to provide the translation. The second step seems superfluous. We have also tried using the list of BMV-approved translators, but it doesn't cover enough languages, and is not current (numbers disconnected, etc.). We have explored many different ways to assist our students with this issue and are currently trying to convince IU grad students or professors to apply for BMV certification. Is the BMV open to simplifying the translation process?

*There should be no second step only a translation from a government agency or accredited university.*

**From Huntington:**

Our BMV License branch at 2982 W. Park Dr. in Huntington IN started requiring students to have 2 bills with local addresses on them. They won't accept a generic address for students such as our 2303 College Ave. but need a dorm room and street address of the dorm. I have created a special BILL that I can go in and manually put in that information for the student, but it is such a hassle as I then have to notify the business office to create a "bill" for each student with the "new" address, not the school address on it. Of course they change dorm/rooms sometimes even between semesters and when a student renews this has to be updated. I'd like to know what problems they had with accepting the universities address when it is what the students use for their mailing along with their mailbox number.

*We are required to have the legal address of the applicant so as with apartment numbers we need the room number for the card face. I believe this is not being consistently applied by our branches.*

**From West Lafayette:**

Why is the I-94 card a requirement for a driver's license application? The same entry information is noted/stamped on the p.1 of the I-20 and in the passport. The I-94 card is the only immigration document that is filled out by the student and many times doesn't match the passport, visa, and I-20 spellings.

*Required by Federal and Indiana law.*