

# NAFSA – Agency Engagement Update

## *Regulatory Practice*

First Quarter 2011

In support of “NAFSA Strategic Plan Goal 1.9 -- *Maintain NAFSA as an indispensable source of guidance to U.S. government agencies in forming regulations and practice policies affecting student and scholar mobility*” NAFSA staff and leaders engage with a variety of federal agencies. Below are highlights of these engagements for the period January – March, 2011.

### **NAFSA Comments on Department of State Regulations**

In response to Department of State’s (DOS) “request for information and comment” concerning its review of existing regulations, NAFSA submitted [comments](#) on March 31, 2011.

### **NAFSA Participates in USCIS Teleconferences about H-1B Export Control Attestations**

NAFSA staff and members of the ISS-RP Regulatory Ombud Subcommittee participated in a March 24, 2011 teleconference--"Export Controls Requirements on Form I-129: A Conversation with the Department of Commerce"--hosted by the USCIS Ombudsman's Office. They also participated in a March 29, 2011 teleconference on this topic hosted by USCIS by California Service Center. Check the USCIS [web site](#) and the USCIS Ombudsman’s Office [web site](#) for forthcoming summaries.

### **NAFSA and USCIS Texas Service Center Engage in “Scholarly Dialog”**

NAFSA staff and members of the International Student and Scholar Regulatory Practice Committee (ISS-RP) and the ISS-RP Regulatory Ombud Subcommittee, among other NAFSA members, participated in a meeting at the U. S. Citizenship and Immigration Services (USCIS) Texas Service Center on March 28, 2011. Billed a “Scholarly Dialog,” the meeting consisted primarily of a discussion of immigrant petition (I-140) processing, particularly in light of the recent "[Kazarian guidance](#)". It was an invaluable opportunity for NAFSAs to engage in an informal conversation with adjudicators and to provide information concerning many higher education-specific issues.

### **NAFSA Participates in USCIS Teleconference about O-1 Nonimmigrant Petitions**

NAFSA staff and members of the ISS-RP Regulatory Ombud Subcommittee participated in a March 10, 2011 USCIS stakeholder teleconference concerning O-1 nonimmigrant “extraordinary ability” petitions. A [summary](#) provided by the Regulatory Ombud Subcommittee has been posted on the NAFSA web site, and USCIS has posted an [executive summary](#) on its web site.

### **NAFSA Conducts Liaison with Customs and Border Protection**

NAFSA staff and members of the ISS-RP Travel Subcommittee conducted a liaison call with U. S. Customs and Border Protection (CBP) on March 22, 2011. Topics addressed included: possible variance in CBP and Department of State records concerning applicant; NSEERS updates; correction of SEVP address on Form I-515A; and interagency consistency regarding names. A [summary](#) has been posted on the NAFSA web site.

## **NAFSA Participates in USCIS Teleconference about “E-Verify Self Check”**

NAFSA staff and members of the ISS-RP Regulatory Ombud Subcommittee participated in a March 10, 2011 USCIS stakeholder teleconference concerning “E-Verify self check” processes. USCIS has posted the [presentation](#) on its web site.

## **NAFSA Conducts Liaison with Department of State**

On March 3, 2011, NAFSA staff and members of the ISS-RP Travel Subcommittee conducted a liaison call with the Department of State (DOS) Visa Office. Topics addressed included: increase for J visa applicants in questions related to export control issues; additional documentary requirements for H and L visa applicants at Hyderabad; naming conventions; PIMS Delays; visa applicants told to apply to another school; and expedited interviews in Nigeria. A [summary](#) has been posted on the NAFSA web site.

## **NAFSA Urges Consistent Adjudication of H-1B Petitions Involving Affiliations**

NAFSA staff and members of the ISS-RP Committee met with representatives of the USCIS Office of Public Engagement and Service Center Operations and discussed, among other topics, inconsistent adjudications of H-1B petitions filed by medical centers and hospitals affiliated with universities. On March 16, 2011 [USCIS announced](#) that "in response to recent stakeholder feedback, it is reviewing its policy on H-1B cap exemptions for non-profit entities that are related to or affiliated with an institution of higher education."

## **NAFSA Urges Exercise of Discretion in Processing Applications Filed by Students from Countries in Crisis**

NAFSA asked USCIS Service Center Operations (SCOPS) to issue guidance to adjudicators in all Service Centers notifying them that they may begin receiving requests for economic hardship work authorization and fee waiver requests from students from Libya and other countries in crisis, and informing them that they should, in light of current circumstances, carefully avoid delaying or denying benefits to eligible applicants. SCOPS informed NAFSA that it would provide such guidance and encourage adjudicators to expedite these applications as well. See additional [information](#) on the NAFSA web site.

## **NAFSA Participates in USCIS Quarterly National Stakeholder Meeting**

NAFSA staff and members of the ISS-RP Regulatory Ombud Subcommittee participated in the February 24, 2011 USCIS Quarterly National Stakeholder Meeting and teleconference, hosted by the USCIS Office of Public Engagement. USCIS has posted a [summary Q&A](#) on its web site.

## **NAFSA Participates in DOL Stakeholder Teleconference**

NAFSA staff and members of the International Student and Scholar Regulatory Practice Committee (ISS-RP) participated in a Department of Labor (DOL) stakeholder teleconference on February 10, 2011. A [summary](#) has been posted on the NAFSA web site.

## **NAFSA Participates in Stakeholder Teleconference with USCIS Director Mayorkas**

NAFSA staff and members of the ISS-RP Regulatory Ombud Subcommittee participated in the February 2, 2011 USCIS Quarterly National Stakeholder Meeting and teleconference with USCIS Director Mayorkas, hosted by the USCIS Office of Public Engagement. Check the USCIS [web site](#) for a forthcoming executive summary.

## **NAFSA Participates in USCIS California Service Center Stakeholder Meeting**

NAFSA staff and members of the ISS-RP Regulatory Ombud Subcommittee, among other NAFSA members, participated in a stakeholder meeting at the USCIS California Service Center on January 26, 2011. Topics addressed included: general CSC processing; H-1B Petitions; O-1 Petitions; premium processing; M-1 OPT and the I-539 requirement; PIMS procedures; problems with the online case status system; and SAVE database issues. A [summary](#) has been posted on the NAFSA web site.

## **NAFSA Requests Guidance from SEVP Concerning Transfers after School Closure or Withdrawal of Certification**

On January 21, 2011 [NAFSA requested guidance](#) from the Student and Exchange Visitor Program (SEVP) to assist advisers responding to F-1 students seeking transfer to a new school after their prior school closed or otherwise lost SEVIS certification. NAFSA also asked SEVP to confirm whether a 2007 SEVP Fact Sheet entitled “Maintaining student status when an SEVP certified school closes or loses its certification . . .” remained valid and applicable. On February 7, 2011 SEVP posted on its web site [guidance and a process](#) specifically for students of Tri-Valley University and sent broadcast message with related [guidance](#) to all SEVIS users.

## **NAFSA Obtains and Posts Information about ICE-CTCEU and “Project Campus Sentinel”**

After meeting with officials from the Student and Exchange Visitor Program (SEVP) and the Counterterrorism and Criminal Exploitation Unit (CTCEU), NAFSA was provided by CTCEU a [presentation about "Project Campus Sentinel"](#) that had been delivered at several NAFSA regional conferences. NAFSA also posted [additional information](#) about CTCEU that was provided at the meeting.

## **NAFSA Obtains from SEVP and Posts Recertification Checklist**

NAFSA obtained and posted SEVP’s updated [Recertification Checklist \(rev. 03/31/2011\)](#) sent to schools undergoing recertification.

## **NAFSA Participates in Teleconference about IIRIRA**

NAFSA staff and members of the ISS-RP Regulatory Ombud Subcommittee participated in a January 19, 2011 Teleconference--“Understanding IIRAIRA (Illegal Immigration Reform And Immigration Responsibility Act) of 1996,” hosted by the USCIS Texas Service Center. Check the USCIS [web site](#), where summaries of many such engagements are posted.

## **NAFSA Participates in USCIS Transformation Sessions**

NAFSA staff and members of the ISS-RP Regulatory Ombud Subcommittee participated in two webinars/“listening sessions” on March 1, 2011 and March 4, 2011 concerning USCIS transformation. Check the USCIS [web site](#) for a forthcoming executive summary.