

To: All Designated School Officials
Date: January 20, 2010
Re: Haitian Disaster Response Broadcast Message
Number: 1001-06

A review of all Student and Exchange Visitor Information System (SEVIS) records as of this date indicates that there are 1127 Initial and Active Records for Haitian citizens, equally distributed between secondary and post secondary levels. Thirty-one certified schools have been identified with 5 or more Initial and Active Records for Haitian citizens.

In support of U.S. relief efforts as a result of the devastating earthquake and aftershocks in Haiti, and the individuals these numbers represent, the Student and Exchange Visitor Program (SEVP) is providing this broadcast message, which will be concurrently posted on its Web site, to:

- a. Provide contact information for specific government initiatives;
- b. Provide contact information for search efforts;
- c. Review the range of decisions a designated school official (DSO) may initiate to assist Haitian students; and,
- d. Identify unresolved issues that SEVP is considering.

This information is meant to be timely, and may not continue to be comprehensive as events evolve. If you have questions or concerns not addressed in this document, please e-mail them to SEVIS.Source@dhs.gov with the subject line, ATTN: POLICY/HAITI.

For All Affected by the Earthquake

Assistance for Those With Family Members or Friends in Haiti

If you have family members or friends in Haiti whom you have not been able to locate, the federal government can assist. The White House has established a Haitian disaster response Web page, which features numerous links to government resources dedicated to the Haitian response. You may visit this Web page to learn how to obtain information about family or friends in Haiti. <http://www.whitehouse.gov/haitiearthquake>

A second option exists. Google has a Crisis Response Person Finder program that allows anyone to locate or contribute information on people in Haiti. This tool also makes the data accessible to governments and private organizations in English, French and Creole. A link to the Google Crisis Response Person Finder program may be found at the bottom of this Department of State Web page <http://www.state.gov/p/wha/ci/ha/earthquake/index.htm> or directly at <http://www.google.com/relief/haitiearthquake>.

Inquiries About U.S. Citizens

Send inquiries about U.S. citizens in Haiti by e-mail to Haiti-Earthquake@state.gov. The Department of State has set up the following numbers for inquiries: 1-888-407-4747 for calls originating from the United States; 1-202-501-4444 for calls originating overseas. Note, the Task Force responding to inquiries is not equipped to handle calls or messages about non-U.S. citizens.

Temporary Protected Status

The Department of Homeland Security (DHS) Secretary, Janet Napolitano, has determined that an 18-month designation of Temporary Protected Status (TPS) for Haiti is warranted because of the devastating earthquake and aftershocks which occurred on January 12, 2010. TPS beneficiaries are allowed to remain in the United States, and can legally work for a set time period. U.S. Citizenship and Immigration Services (USCIS) will efficiently and timely process immigration applications for TPS filed by nationals of Haiti.

See link below for details:

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=e54e60f64f336210VgnVCM100000082ca60aRCRD&vgnnextchannel=e54e60f64f336210VgnVCM100000082ca60aRCRD>.

Further USCIS Initiatives

U.S. Citizenship and Immigration Services (USCIS) has announced a series of initiatives to assist Haitians affected by the earthquake. For details, please go to: <http://www.uscis.gov/USCIS/Laws/Memoranda/2010/haiti-field-guidance.pdf>.

Actions That DSOs May Consider for Affected Nonimmigrant Students

Post-Hurricane Katrina, the Student and Exchange Visitor Program (SEVP) developed and posted a [Continuity of Operations Fact Sheet](#) (COOP) to provide all SEVP-certified schools with basic information concerning the process for emergency planning. Two significant building blocks included in the COOP plan are:

√**Communication Is Critical.** Can you easily contact your international student population? Do you have emergency contact information/e-mail addresses for all students, an individual to be notified in case of an emergency or the student's next of kin? Do students have emergency points of contact at the school? Do they know how to contact SEVP?

Best Management Practice: We urge you to convey the information in this broadcast to affected students as soon as possible and to open lines of communication with students concerning contacting family members, RCLs, ability to file for TPS, etc.

√ **Nonimmigrant Documentation Must Be Preserved.** Have students been instructed to hand carry their travel documents, including the passport, visa, Form I-20, Form I-94 card, immunization record, proof of personal finances and student ID?

Best Management Practice: Students should be encouraged to make copies of all travel documents so that they can be more readily replaced when lost or destroyed. International Student Offices should consider retaining copies of these documents to assist students in emergency situations.

For New Initial Students Who Have Not Arrived

Designated school officials (DSOs) may:

1. Defer the program start date

(See Module 2, Lesson 2, Topic 1 of the DSO Online Training for further detail.)

2. Or if the student has been reported as deceased, the record should be cancelled.

(See Module 2, Lesson 1, Topic 2 of the DSO Online Training for further detail.)

For New Initial Students or Active Continuing Students Who Were in the United States on January 12, 2010

1. Share with the student information about the options available to him or her including Temporary Protected Status (TPS). The criteria for TPS is as follows:
 - Be a national of Haiti, or a person without nationality who last habitually resided in Haiti
 - Has continuously resided in the United States since January 12, 2010
 - Has been continuously physically present in the United States since the date of the Federal Register Notice publication, and meets certain immigrant admissibility requirements and other TPS eligibility requirements (See INA § 244(c), 8 U.S.C. § 1254a and 8 C.F.R. §§ 144.2-244.4.)
 - Satisfactorily completes all TPS application procedures as described in the Federal Register notice announcing Haitian TPS,

the TPS application instructions (Form I-821), and regulations at 8 C.F.R. §§ 244.6 - 244.9.

If the student must find employment to offset their educational expenses, a TPS designation may be appropriate. This would allow the student to remain in the United States and work or study at the same time.

2. If the TPS application is approved and the student elects not to maintain student status, the student's SEVIS record should be terminated for Change of Status. The DSO should annotate the record with the following: TPS approved-Haiti.

For Continuing Students

The DSOs may:

1. Ensure the SEVIS record is correct.

- a. If you determine that a student is injured or cannot otherwise attend this semester, you may defer enrollment.

(See Module 2, Lesson 2, Topic 1 DSO Online Training for further detail.)

- b. If you determine that a student is reported deceased, the SEVIS record should be Terminated. Please provide comments.

(See Module 2, Lesson 1, Topic 2 of the DSO Online Training for further detail.)

2. Approve reduced course load (RCL) for medical reasons

- a. An F-1 student can be authorized for a reduced course load for medical reasons. The student must provide the DSO with documentation from a licensed medical doctor, doctor of osteopathy, or licensed clinical psychologist. The course load can be reduced all the way down to zero courses and the student can be in the United States or outside the United States and remain in Active status during this period. A student may have a reduced course load for medical reasons for up to an aggregate of 12 months, to be re-evaluated each term.
- b. Major, unexpected changes can be life stressors for a significant variety of medical conditions. When a student seeks medical assistance or counseling to assist with his or her ability to deal with a crisis, RCL would be an appropriate choice for consideration.

(See Module 3, Lesson 1, Topic 1 of the DSO Online Training for further detail.)

3. Approve early withdrawal

(See Module 3, Lesson 4, Topic 1 of the DSO Online Training for further detail.)

4. Confer with the student prior to the student's start of on campus employment

For Frequently Asked Questions (FAQs) about on campus employment for F-1 nonimmigrant students see: http://www.ice.gov/sevis/employment/faq_f_on1.htm. Briefly, on campus employment provides that F1 students may work at any qualifying on-campus job that does not displace a U.S. citizen or lawful permanent resident (LPR), up to 20 hours per week while school is in session and full-time during those periods when school is not in session or during the students' annual break.

(See Module 4, Lesson 1 of the DSO Online Training for further detail. See also Module 4, Lesson 2, and Topic 1 for more information on economic hardship.)

5. Assist students in applying for Off Campus Employment for Economic Hardship

For Frequently Asked Questions (FAQs) about off campus employment for F-1 nonimmigrant students see: http://www.ice.gov/sevis/employment/faq_f_off1.htm. Generally, it is employment for economic need and it is not required to be related to the students' academic course of study. Off-campus employment is authorized only in cases of severe economic hardship occurring subsequent to enrollment in an academic program or in emergent circumstances as defined by DHS.

(See Module 4, Lesson 2 of the DSO Online Training for further detail.)

Best Management Practice:

In its guidance to USCIS field operations, leadership has indicated the following: Nonimmigrant F-1 students from Haiti who may be unable to continue to cover the cost to engage in a full course of study may need off-campus employment authorization.

Implementation Guidance: If an F-1 student demonstrates that he or she is a national or resident of Haiti and he or she has been recommended for such employment by the Designate School Official (DSO) per the requirements of 8 CFR 214.2(f)(9)(ii)(C) and (D), the Service Center Director should approve the I-765.

Other Considerations

1. Waiver of I-901 fee: Can Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE) waive the student I-901 fee?

DHS and ICE do not have the legislative authority to waive the I-901 fee for any student.

2. Exigent Circumstances: Section 101(a)(15)(F)(i) of the Immigration and Nationality Act (Act), allows the Commissioner, by notice in the Federal Register, to permit specified F-1 students to engage in on-campus employment for more than 20 hours per week and to suspend the applicability of the eligibility requirements for off campus employment authorization, where emergent circumstances exist.

Is SEVP considering this option?

ICE is conferring with DHS to determine whether the Secretary will invoke this provision at a future date.

3. How will SEVP process Forms I-515A issued to Haitian students who have lost their travel documents?

Students who are not in receipt of their travel documents — Form I-20, visa, and/or passport — may be issued a Form I-515A with 30 days to produce the documents. With the devastation in Haiti, it may be difficult to obtain original documents. In such an instance and following precedence, SEVP has authorized the acceptance of secondary documents for validation. In this particular instance, the provision of photocopies from the respective DSO, captured as part of the original admission or registration cycle, may be accepted as secondary documentation if the DSO attests to its authenticity.