

# NAFSA – Agency Engagement Update

## *Regulatory Practice*

Fourth Quarter 2011

### **Highlights of NAFSA staff and leader engagement\* with a federal agencies for the period October – December, 2011:**

#### **NAFSA Engages DOL about Prevailing Wage Determination Problems and other Issues**

NAFSA continued engagement with Department of Labor (DOL) about prevailing wage determination delays and problems and posted news to the [DOL updates page](#) on the NAFSA web site. NAFSA had long encouraged DOL to reconsider its position that only advertisements in “paper” journals sufficed for the “special handling” labor certification process, and did so again following the Board of Alien Labor Certification’s decision in [Matter of University of Texas at Brownsville](#). In October DOL finally changed its policy and posted an [FAQ](#).

#### **NAFSA Engages SEVP about Various Issues**

NAFSA continued engagement with the Student and Exchange Visitor Program (SEVP) about various issues including the lack of clear guidance concerning [non-campus instructional sites](#), slow adjudications, common problems in the recertification process, and [SEVIS batch issues](#), and posted related information, including a link to [SEVP's recertification webinar](#), on the NAFSA web site.

#### **NAFSA Engages DOS about Visa Issues**

NAFSA continues regular liaison with Department of State (DOS) about various visa issues, including the need for expedient visa processing and prioritization of student visa processing. DOS recently issued a fact sheet, [State Department Supports Global Travel Growth](#), stating that "wait times for student visa interview appointments worldwide are less than 15 days" and that DOS continues to "prioritize student visa appointments because of the tremendous intellectual, social, and economic benefits foreign students provide to the U.S. economy."

#### **NAFSA Participates in USCIS Teleconference on TPS**

NAFSA staff and members of the International Student and Scholar Regulatory Practice Committee (ISS-RP) Regulatory Ombud Subcommittee participated in a December 16, 2011

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\* NAFSA staff and leaders engage with a variety of federal agencies 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.*” For information about the International Student and Scholar Regulatory Practice Committee (ISS-RP) and its subcommittees, see [the NAFSA website](#).

U. S. Citizenship and Immigration Services (USCIS) teleconference on the re-registration process following the extension of Temporary Protected Status (TPS) for certain nationals of Honduras and Nicaragua. USCIS intends to publish an executive summary on its [web site](#).

### **NAFSA Participates in USCIS Teleconference on E-Verify**

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in a December 7, 2011 U. S. Citizenship and Immigration Services (USCIS) stakeholder teleconference on a potential administrative review process for E-Verify. USCIS intends to publish an executive summary on its [web site](#).

### **NAFSA Participates in USCIS Teleconference on Transformation**

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in a December 7, 2011 U. S. Citizenship and Immigration Services (USCIS) [stakeholder teleconference on transformation](#) and Form I-539. NAFSA was provided other opportunities to discuss with USCIS the potential problems with the electronic I-539 process, and USCIS [announced its intention to delay implementation](#) until further testing is complete. NAFSA continued posting information about the new USCIS electronic environment, Electronic Immigration System (ELIS), and provided links in *NAFSA News* to items such as a [video](#) explaining the new system. USCIS intends to publish an executive summary on its [web site](#).

### **NAFSA Participates in USCIS Teleconference on Unauthorized Practice of Law**

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in a December 2, 2011 U. S. Citizenship and Immigration Services (USCIS) teleconference on unauthorized practice of immigration law. USCIS intends to publish an executive summary on its [web site](#).

### **NAFSA Participates in USCIS Teleconference on “Combo Card”**

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in a November 15, 2011 U. S. Citizenship and Immigration Services (USCIS) teleconference on the new combination advance parole employment authorization card (commonly known as the “combo card”), Optional Practical Training (OPT), and USCIS updates. USCIS intends to publish an executive summary on its [web site](#).

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

Members of the ISS-RP Regulatory Ombud Subcommittee participated in a November 8, 2011 stakeholder meeting at the U. S. Citizenship and Immigration Services (USCIS) California Service Center (CSC). CSC officials provided updates and “filing tips” and answered stakeholder questions. USCIS intends to publish an executive summary on its [web site](#).

## **NAFSA Participates in USCIS Teleconference on J Waivers**

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in a November 2, 2011 U. S. Citizenship and Immigration Services (USCIS) teleconference on the processing of applications for waiver of the home residency requirement filed by some Exchange Visitors (J-1s and J-2s). Stakeholders were provided the opportunity to ask questions and provide feedback on the process. USCIS has published an executive summary on its [web site](#).

## **NAFSA Comments on USCIS Regulatory Refresh Rule**

On October 27, 2011 NAFSA submitted [comments](#) on a final rule published by U. S. Citizenship and Immigration Services (USCIS) to make its regulations more compatible with the electronic filing processes planned under the USCIS Transformation Program. Focusing on new language in the rule specifying that an applicant or petitioner must "continue to be eligible through adjudication" of a benefit request, NAFSA's comment encouraged USCIS to ensure that its processing times do not result in penalties to petitioners and applicants.

## **NAFSA Participates in USCIS Teleconference on J Waivers**

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in an October 26, 2011 U. S. Citizenship and Immigration Services (USCIS) teleconference on proposed changes to the [process](#) for gaining designation as an American Institution of Research ([www.uscis.gov/AIR](http://www.uscis.gov/AIR)). USCIS has published an executive summary on its [web site](#).

## **NAFSA Participates in CIS Ombudsman's Conference**

NAFSA staff participated in an October 20, 2011 [Citizenship and Immigration Services Ombudsman](#) conference that included keynote remarks by Cecilia Munoz, White House Director of Intergovernmental Affairs; Alejandro Mayorkas, USCIS Director; and January Contreras, Citizenship and Immigration Services Ombudsman; and a variety of issue-focused roundtables. The Ombudsman has posted [highlights of the conference](#).

## **NAFSA Participates in 2011 Alliance Membership Meeting**

NAFSA staff participated in the October 5 - 6, 2011 annual membership meeting of the Alliance for International Educational and Cultural Exchange. Highlights included a [plenary address by Ann Stock, Assistant Secretary of State](#), a discussion with Ambassador Adam Ereli, Acting Assistant Secretary for Educational and Cultural Affairs (ECA), and the Deputy Assistant Secretaries, including Rick Ruth, Acting Deputy Assistant Secretary for Private Sector Exchange, and breakout sessions featuring discussions with ECA representatives.