

# NAFSA – Agency Engagement Update

## *Regulatory Practice*

Third Quarter 2011

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

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

Throughout the quarter, NAFSA staff and members of the International Student and Scholar Regulatory Practice Committee (ISS-RP) engaged in extensive liaison, including several stakeholder teleconferences and meetings, with Department of Labor about prevailing wage determination delays and ACWIA SOC codes absent from the iCERT LCA application drop-down menus. NAFSA created a [DOL updates page](#) to keep members abreast of developments.

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

On September 21, 2011, NAFSA staff and members of the ISS-RP Travel Subcommittee conducted a liaison call with the Department of State Visa Office. Topics addressed included: visa denials in India, export controls and J-1 visas, additional documentary requirements for H visa applicants at Hyderabad, impacts of long-pending SAOs and potential for "pre-clearance," the DS-160, holding multiple nonimmigrant visas, and interagency consistency and collaboration on naming conventions. A [summary](#) has been posted on the NAFSA web site.

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

A member of the ISS-RP Regulatory Ombud Subcommittee participated in a September 21, 2011 U. S. Citizenship and Immigration Services (USCIS) [California Service Center stakeholder meeting](#), open house, and tour.

#### **NAFSA Staff Meets with GAO Officials**

On September 21, 2011, NAFSA staff met with officials from the [U. S. Government Accountability Office](#) (GAO) Homeland Security and Justice Team, at their request, concerning their review of Student and Exchange Visitor Program (SEVP) operations. NAFSA will post a link to the GAO report that should result from the review.

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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](#).

## **NAFSA Conducts Liaison with SEVP**

NAFSA staff and members of ISS-RP conducted a liaison teleconference with officials from the Student and Exchange Visitor Program (SEVP) on September 14, 2011 to discuss recurring problems in the recertification process, Form I-17 issues and SEVP's approach to "instructional sites," and adjudication processes that were implemented with SEVIS 6.8. NAFSA later posted a practice resource, "[Adding Non-Campus Instructional Sites to Form I-17](#)", and SEVP posted a webinar "[Recertification: A Dialogue from an Institutional Perspective](#)".

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

NAFSA staff participated in a September 8, 2011 U. S. Citizenship and Immigration Services (USCIS) [stakeholder teleconference](#) on "a potential proposed rule affecting the Employment Authorization of Temporary Protected Status (TPS) beneficiaries and applicants." USCIS has posted a [summary](#) on its website.

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

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in a September 7, 2011 U. S. Citizenship and Immigration Services (USCIS) [stakeholder teleconference](#) on the E-Verify Self-Check service. USCIS has posted [the presentation](#) on its web site.

## **NAFSA Participates in USCIS Teleconference on Form I-140**

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in an August 23, 2011 U. S. Citizenship and Immigration Services (USCIS) [stakeholder teleconference](#) on Form I-140 "Immigrant Petition for Alien Worker." USCIS has posted the [presentation](#) on its web site.

## **NAFSA Comments on USCIS Form I-765**

On August 18, 2011, NAFSA submitted [comments](#) to U.S. Citizenship and Immigration Services (USCIS) on how it might improve Form I-765 "Application for Employment Authorization" and its instructions. USCIS had published a notice in the July 20, 2011, *Federal Register* asking for such comments so that it might "enhance the quality utility, and clarity" of the form and "minimize the burden" on those who use it. NAFSA offered several suggestions for improving the form and its instructions.

## **NAFSA Participates in USCIS Nebraska Service Center Teleconference**

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in an August 11, 2011 stakeholder teleconference hosted by the U. S. Citizenship and Immigration Services (USCIS) Nebraska Service Center to discuss issues of interest to the academic community.

## **NAFSA Staff and Leaders Facilitate Agency Participation in Regional Conferences**

On August 11, 2011 NAFSA staff met with staff of the U. S. Citizenship and Immigration Services (USCIS) Office of Public Engagement to coordinate USCIS participation in NAFSA regional conferences. Following this meeting and throughout the quarter NAFSA staff and members of the ISS-RP Regulatory Ombud Subcommittee conducted meetings, conference calls, and extensive communications with officials from various agencies to facilitate their participation and ensure that they were aware of topics, issues, and information of interest to NAFSAs. Feedback concerning their participation will be provided to the agencies.

## **NAFSA Staff Meets with DHS Officials to Discuss Secretary Napolitano's Academic Engagement Initiative**

On August 10, 2011 NAFSA staff met with Lauren Kielsmeier, Executive Director for Academic Engagement in Department of Homeland Security (DHS) Secretary Napolitano's office, and the Director and other officials of the Student and Exchange Visitor Program (SEVP) to discuss steps that DHS may take to help encourage students from abroad to study in the U.S. and for entrepreneurs and those with employment opportunities in shortage areas to remain in the U.S. after completing their studies. NAFSA provide a number of suggestions and reiterated those offered in its [comments concerning DHS regulatory review](#). Secretary Napolitano later [announced the launch of the Study in the States initiative](#) and [website](#).

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

Members of members of the ISS-RP Regulatory Ombud Subcommittee participated in an August 10, 2011 U. S. Citizenship and Immigration Services (USCIS) California Service Center [stakeholder meeting and teleconference](#) designed "to raise to raise relevant topics of interest as well as receive updates from California Service Center leadership."

## **NAFSA Participates in USCIS Stakeholder Teleconference on Entrepreneurs**

NAFSA staff participated in an August 10, 2011 U. S. Citizenship and Immigration Services (USCIS) [stakeholder teleconference](#) on "Opportunities for Business Entrepreneurs within the U.S. Immigration System." USCIS had previously issued an [FAQ on "Entrepreneurs and the Employment-Based Second Preference Immigrant Visa Category"](#) and later announced an ["Entrepreneurs in Residence" initiative](#).

## **NAFSA Participates in USCIS Teleconference on I-9 Central**

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in an August 9, 2011 U. S. Citizenship and Immigration Services (USCIS) [stakeholder teleconference](#) on "I-9 Central." USCIS has posted the presentation on the [I-9 Central Home](#) website.

### **NAFSA Participates in USCIS Teleconference on O-1s**

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in an August 2, 2011 U. S. Citizenship and Immigration Services (USCIS) [stakeholder teleconference](#) on the consultation requirements for the “O” and “P” nonimmigrant classifications. USCIS has posted the [presentation](#) on its web site.

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

NAFSA staff participated in a July 29, 2011 U. S. Citizenship and Immigration Services (USCIS) [stakeholder teleconference](#) on Temporary Protected Status for Haiti, including re-designation and the process for re-registering.

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

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in a July 27, 2011 U. S. Citizenship and Immigration Services (USCIS) Office of Transformation Coordination [stakeholder teleconference](#) on “USCIS Transformation: December 2011 Deployment of the New Electronic System,” which provided an overview of the transformation initiative, introduced the deployment strategy, and explained how stakeholder feedback has informed the new online system. USCIS has posted a [summary](#) and the [presentation](#) on its website.

### **NAFSA Participates in USCIS Teleconference on the Child Status Protection Act**

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in a July 26, 2011 U. S. Citizenship and Immigration Services (USCIS) Service Center Operations Directorate [stakeholder teleconference](#) on the Child Status Protection Act and its “grandfather clause.” USCIS has posted the [presentation](#) on its website.

### **NAFSA Participates in USCIS Teleconference on “AC21”**

NAFSA staff and members of ISS-RP and the ISS-RP Regulatory Ombud Subcommittee participated in a July 13, 2011 U. S. Citizenship and Immigration Services (USCIS) [stakeholder teleconference](#) on the American Competitiveness in the Twenty-First Century Act of 2000 (AC21). Topics addressed included: H-1B extensions beyond six years, calculating the H-1B admission period, H-1B and I-140 portability, and employer debarment, among others. USCIS has posted a [summary](#) on its website.

### **NAFSA Asks DOL to Revise Policy on “Special Handling” Print Advertisement Requirement**

When the Board of Alien Labor Certification Appeals (BALCA) issued its [Matter of University of Texas at Brownsville](#) decision on July 20, 2011, holding that DOL’s policy requiring advertisement in paper journals in the “special handling” context “imposes a substantive

requirement on employers that is not supported by the PERM regulations,” NAFSA asked Department of Labor (DOL) to revise its prior guidance on the print ad requirement. On September, DOL revised its [PERM FAQs](#) (“College and University Teachers - Recruitment, FAQ 6”), and NAFSA posted a [practice advisory](#).

### **NAFSA Urges SEVP to Clarify Special Student Relief Provisions for Libyan ESL Students**

After requesting “special student relief” for students and Exchange Visitors from Libya, and welcoming the agencies’ positive response (see [NAFSA's Libya resources page](#)), NAFSA requested clarification from the Student and Exchange Visitor Program (SEVP) concerning application of some provisions to ESL students. In a September 14, 2011 Broadcast Message, SEVP provided [guidance](#).