

NAFSA – Agency Engagement Update

Regulatory Practice

Second Quarter 2011

Highlights of NAFSA staff and leader engagement* with a federal agencies for the period April – June, 2011:

NAFSA Participates in USCIS Quarterly Stakeholder Teleconference

NAFSA staff and members of the International Student and Scholar Regulatory Practice Committee (ISS-RP) and the ISS-RP Regulatory Ombud Subcommittee participated in a June 29, 2011 U. S. Citizenship and Immigration Services (USCIS) stakeholder teleconference intended “to raise issues regarding agency operations and to aid the agency in identifying systemic issues.” USCIS has posted a [summary](#) on its website.

NAFSA Asks SEVP to Reconsider and Delay Implementing SEVIS 6.8

On June 14, 2011, NAFSA sent a [letter to the Student and Exchange Visitor Program](#) (SEVP) asking SEVP to reconsider several problematic aspects of [SEVIS 6.8](#) and delay its implementation until these issues could be addressed.

NAFSA Participates in USCIS Teleconference on Transformation

NAFSA staff and members of the International Student and Scholar Regulatory Practice Committee (ISS-RP) and the ISS-RP Regulatory Ombud Subcommittee participated in a May 26, 2011 U. S. Citizenship and Immigration Services (USCIS) stakeholder teleconference to provide USCIS “feedback regarding the interpretation of the term ‘related or affiliated nonprofit entity’” as related to exemption from the annual H-1B quota. USCIS has posted a [summary](#) on its website.

NAFSA Comments on USCIS Transformation Plan for Form I-539

On May 24, 2011, NAFSA provided [comments to U. S. Citizenship and Immigration Services](#) (USCIS) on [USCIS's plan to make Form I-539 an entirely online application](#) as part of its “transformation” initiative.

* 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.*”

NAFSA Participates in USCIS Teleconference on TPS for Haiti

NAFSA staff and members of the International Student and Scholar Regulatory Practice Committee (ISS-RP) and the ISS-RP Regulatory Ombud Subcommittee participated in a May 20, 2011 U. S. Citizenship and Immigration Services (USCIS) stakeholder teleconference to discuss processes related to Temporary Protected Status for Haiti. USCIS has posted a [summary](#) on its website.

NAFSA Joins in Requesting Assistance for Libyan Students

On May 10, 2011, NAFSA joined six other higher education associations in requesting that the Secretary of Homeland Security, Secretary of State, and Secretary of the Treasury urge the Department of Homeland Security to designate Libya for Temporary Protected Status (TPS) and, in the interim, to provide administrative remedies for those who would otherwise be required to leave the U. S. and return to Libya. [The letter](#) also urges the use of frozen assets to assist Libyan students in the United States. See NAFSA's [Libya: Resources](#) web page.

NAFSA Requests Humanitarian Aid for Libyan Students

On May 6, 2011 NAFSA sent [letter to the Secretary of State](#) requesting financial assistance for Libyan students and exchange visitors in the U. S. if Libyan frozen assets are made available for humanitarian purposes. See NAFSA's [Libya: Resources](#) web page.

NAFSA Requests TPS for Libya

On May 2, 2011 NAFSA sent the Secretary of Homeland Security (DHS) a [letter requesting Temporary Protected Status \(TPS\) for Libya](#). NAFSA expressed concern for the approximately 2,000 Libyan exchange visitors and students in the U. S. and recommended that DHS provide automatic extensions of current immigration status or other deferred action remedies in the interim. See NAFSA's [Libya: Resources](#) web page.

NAFSA Participates in USCIS Teleconference on O-1 Evidentiary Standards

NAFSA staff and members of the International Student and Scholar Regulatory Practice Committee (ISS-RP) and the ISS-RP Regulatory Ombud Subcommittee participated in an April 28, 2011 U. S. Citizenship and Immigration Services (USCIS) stakeholder teleconference concerning evidentiary standards for O-1 nonimmigrant "extraordinary ability" petitions. USCIS has posted a [summary](#) on its website.

NAFSA Staff Meet with USCIS Office of Public Engagement

On April 27, 2011 NAFSA staff met with staff of the U. S. Citizenship and Immigration Services (USCIS) Director's Office and Office of Public Engagement to discuss ways in which the agency might improve its regulations, policies, and processes to decrease barriers to attracting highly qualified students and scholars to the U.S. and retaining shortage-skill graduates in the workforce.

NAFSA Participates in USCIS Teleconference on Motions and Appeals

NAFSA staff and members of the International Student and Scholar Regulatory Practice Committee (ISS-RP) and the ISS-RP Regulatory Ombud Subcommittee participated in an April 26, 2011 U. S. Citizenship and Immigration Services (USCIS) stakeholder teleconference concerning motions and appeals. USCIS has posted the [presentation](#) on its website.

NAFSA Comments on Proposed Supplemental Passport Questionnaire

On April 25, 2011, NAFSA submitted [comments](#) concerning a [notice](#) in which the Department of State proposed a burdensome new information collection instrument, [Form DS-5513](#), Biographical Questionnaire for U.S. Passport.

NAFSA Requests “Special Student Relief” for Libya

On April 18, 2011, NAFSA sent a [letter to the Department of Homeland Security](#) and a [letter to the Department of State](#) requesting that those agencies grant "special student relief" benefits to F-1 and J-1 students from Libya. On June 10, 2011, both agencies published notices in the *Federal Register* granting such benefits. See NAFSA's [Libya: Resources](#) web page.

NAFSA Participates in USCIS Nebraska Service Center Teleconference

NAFSA staff and members of the International Student and Scholar Regulatory Practice Committee (ISS-RP) and the ISS-RP Regulatory Ombud Subcommittee participated in an April 14, 2011 stakeholder teleconference. A [summary provided by the Regulatory Ombud Subcommittee](#) has been posted on the NAFSA web site.

NAFSA Participates in USCIS Teleconference on Unauthorized Practice of Law

NAFSA staff and members of the International Student and Scholar Regulatory Practice Committee (ISS-RP) and the ISS-RP Regulatory Ombud Subcommittee participated in an April 14, 2011 U. S. Citizenship and Immigration Services (USCIS) stakeholder teleconference on the unauthorized practice of immigration law. USCIS has posted a [summary](#) on its website.

NAFSA Comments on DHS Regulatory Review

On April 13, 2011, NAFSA submitted [comments to the Department of Homeland Security](#) (DHS) regarding [DHS' review of its existing regulations](#). DHS had given the public 30 days to submit comments, as part of its implementation of [Executive Order 13563](#), "Improving Regulation and Regulatory Review," issued by the President on January 18, 2011. The purpose of the review "is to make DHS' regulatory program more effective and less burdensome in achieving its regulatory objectives."

NAFSA Comments on Proposed Rule Regarding Student Health Insurance

On April 12, 2011, NAFSA submitted [comments to the Department of Health and Human Services](#) (HHS) concerning a [proposed rule](#) defining “student health insurance coverage” as that term applies to the Patient Protection and Affordable Care Act of 2010.

NAFSA Staff Meets with SEVP Officials

On April 11, 2011 NAFSA staff met with the Director and staff of the Student and Exchange Visitor Program (SEVP) to discuss, among other topics, SEVP’s participation in the NAFSA annual conference, challenges faced by Libyan students and possible relief, recertification issues, and recent enforcement actions.

NAFSA Comments on DOL Regulatory Review

On April 8, 2011, NAFSA submitted [comments to the Department of Labor](#) (DOL) regarding [DOL's review of its existing regulations](#). DOL had given the public two weeks to submit comments, as part of its implementation of [Executive Order 13563](#), "Improving Regulation and Regulatory Review," issued by the President on January 18, 2011. The purpose of the review "is to make DOL's regulatory program more effective and less burdensome in achieving its regulatory objectives."

NAFSA Participates in USCIS Teleconference on USCIS Transformation

NAFSA staff and members of the International Student and Scholar Regulatory Practice Committee (ISS-RP) and the ISS-RP Regulatory Ombud Subcommittee participated in an April 8, 2011 U. S. Citizenship and Immigration Services (USCIS) stakeholder teleconference to discuss the development of a proposed rule that would mandate electronic filing and other USCIS “transformation” activities. USCIS has posted a [summary](#) on its website.

NAFSA Participates in DOL Stakeholder Meeting

On April 7, 2011 NAFSA staff and leaders participated in a Department of Labor (DOL) stakeholders meeting and teleconference. A [summary prepared by NAFSA staff](#) has been posted on the NAFSA web site.

NAFSA asks USCIS to Issue Guidance for Libyan Nationals

On April 1, 2011 NAFSA asked U. S. Citizenship and Immigration Services (USCIS) to issue guidance for Libyan nationals explaining immigration benefits that may be available to them. NAFSA also asked USCIS to provide guidance to adjudicators that they may begin receiving requests for economic hardship work authorization, fee waiver requests, requests for expedited processing, and related requests from students from Libya and other countries in crisis, and that adjudicators should carefully avoid delaying or denying benefits to eligible applicants. USCIS responded on April 5, 2011 that it had provided such guidance to its adjudicators. See NAFSA’s [Libya: Resources](#) web page.

NAFSA Participates in USCIS Teleconference on O-1s

NAFSA staff and members of the International Student and Scholar Regulatory Practice Committee (ISS-RP) and the ISS-RP Regulatory Ombud Subcommittee participated in a March 10, 2011 U. S. Citizenship and Immigration Services (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 a [summary](#) on its web site.