

Minutes PIER Meeting

Wednesday, September 15, 2004

10:00AM – 12:00PM

880 Federal Bldg., Sixth Floor, Room 6273

A. Welcome: Chair Maria Malloy welcomed everyone to the first PIER meeting of 2004-2005.

B. Introduction of 2004-05 PIER Executive Board

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| 1. Maria Malloy: | Chair |
| 2. Kim Jackson: | Chair-Elect |
| 3. Rita Favro: | Membership |
| 4. Kiere Eichelberger: | Treasurer |
| 5. Vince Burns: | Secretary |
| 6. Dulce Dorado: | Webmaster |

C. Introduction of PIER Members: In keeping with tradition, all the members in attendance introduced themselves by name and institution.

D. PIER Business

- 1. Membership:** Rita reported that before today's meeting, 26 members had signed up. She told everyone that there were applications on the table by the entrance or that they could be downloaded from our website. She reminded everyone that the deadline was October 1 and that the membership application needed to be filled out every year.
- 2. Treasurer:** Kiere informed the membership that we had \$1631.44 in checking and \$35.48 in savings. She also told everyone that she had parking vouchers for anyone who needed them.
- 3. Chair Elect:** Kim spoke about our Mentor program. She encouraged new members with a lot of experience or old ones who have gained a lot of experience to sign up to be mentors. She also told us that the consulate in Tijuana had graciously agreed to host a visit by PIER members in April. Kim asked that any members that have date conflicts in April because of spring break please email her those dates so she can try to set a date best for everyone.
- 4. Chair:** Maria announced the dates and locations of this year's meetings and workshops:
 - a.** November 10 at San Diego State, American Language Institute
 - b.** January 19 at Palomar College

- c. February TBA, Tax Workshops
- d. February 25 Immigration Workshop at National University
- e. March 16 at Grossmont College
- f. April TBA at American Consulate in Tijuana
- g. June 15 at National University

Maria also announced that Hilda Trevino would be taking care of Reinstatements and Interim EADs until Chuck returns from vacation on September 27. Hilda strongly recommended that the students get there as early as possible on Monday mornings, like at 7:00 or 7:30 to make sure they can see her and not have to wait for a long time. Maria then said that Chuck now only works on Reinstatements and EADs and that all other SEVIS related matters will be handled by Ed Mafong from ICE.

5. **PIER Board Presentation:** Maria saluted the outgoing PIER board members. She first recognized two-year treasurer Wendy Woodward and joined everyone in giving her a warm round of applause even though she wasn't present. She then presented a plaque to last year's Chair Yasue O'Neill. Maria said not only had she done an outstanding job as Chair, but also had served PIER as Secretary and Chair-Elect. Yasue, too, was serenaded by warm applause by all.
6. **PIER Business:** Before turning the program over to Ed Mafong, Maria asked members to periodically check out the Advisor's Corner, found on the right hand corner of our website homepage, for current immigration updates. She told everyone that Dulce, our Webmaster, is constantly updating it. Maria also asked members to please fill out the new part of the membership application where we ask for how long you've been a member. She said the board is interested in collecting that data and would probably like to recognize members when they have significant membership anniversaries. She then introduced Ed Mafong of ICE.

E. Introduction of Immigration Panel Representatives: Ed Mafong, the ICE Supervisor, welcomed everyone, and thanked all of the PIER members and the immigration panelists for coming. He said that he was very new to ICE, but had worked with customs for 25 years. He said that he was surrounded by good people so his newness wouldn't be a problem. He asked that PIER members with questions for him should send them to Maria first and then she would forward them on to him. He told everyone that he found SEVIS to be very interesting. He said that government couldn't accomplish anything by itself in dealing with narcotics, illegal aliens or terrorists. He said government needs help from us to do their job and SEVIS allows us to do that. He thought SEVIS was a terrific tool because it allows international students to come here, exposes them to a part of America, enhances our own students cultural diversity, and at the same time the government can monitor them for the safety benefit of everyone. Ed then introduced his guests and panelists:

1. **Jennifer Siliman:** Assistant Special Agent in Charge of ICE. She said she was here representing Miguel Unzueta, Acting Special Agent In Charge ICE.
2. **Vernon Duncan:** Deputy Assistant Director for Citizenship Services. He said he was here representing Debra Rogers, Interim District Director Citizenship Services. He said he was happy to be here again, he still remembered being here with PIER in 1988/1989. He said that although CIS was transferring out of SEVIS, Chuck and Hilda still would be dealing with I-539s and Employment Authorizations. He said that he has known Ed Mafong for more than 20 years and was sure he would do a great job. He said that CIS would continue to support us in PIER and would be backing up ICE.
3. **Sandra H. Raynes:** American Consulate Visa Section Chief, Tijuana, Mexico. Sandra said she had been the visa chief since 1998 and had kept on implementing things during the many changes. She said things have been very busy; the summer rush was still on. There was a five-week backlog for Mexican nationals and a three to four week backlog for third-country nationals. She said that their IDENT procedure was up and running, they started fingerprinting on August 20 and things have been going well, no delays, things still being processed on the same day. She closed by saying she was glad to be here.
4. **Hilda Trevino:** Supervisory Adjudications Officer. Hilda said that it was good to be back at PIER once in awhile. She said, however, that she had been kept well informed as Chuck copied her on everything. She reiterated that Chuck would be back on September 27 and that during his vacation she would help with reinstatements and EADs. She reminded everyone again that the students should try to get there as early as possible as she is often gone by 8:00 or 9:00. She said that she felt SEVIS was working wonderfully. Finally, she said that it was sad that the Service Center reps were not here, but she would try to answer some of the questions directed to them.
5. **David Abbot:** ICE Special Agent. He thanked everyone for their prompt responses to all of his inquiries.
6. **Caleb Livermore:** ICE Special Agent. He told us that their policy was one of cooperation, not antagonism. He said they were not the bad guys. He said they actually have helped some students. He said they would continue to call us with questions.

7. **Paul Cannon:** Assistant Port Director SYS. Paul joked that he was a bad guy! He said he spent all his waking hours dealing with SEVIS. He told us with a sarcastic smile that he loved SEVIS!
8. **Lauren Mack:** Public Affairs Officer for DHS. She said that she attended her first PIER meeting in 1989 and was happy that PIER and the meetings had continued. She was happy to be a part of the tradition along with Vernon, Hilda, Chuck and now Ed. She told us that the Assistant Secretary for ICE in Washington D.C., Michael Garcia, would be proud to be here. He is very much wants in favor of this type of coordination and cooperation. She closed by thanking Ed for doing a great job organizing the meeting.
9. **John Ramirez:** Community Liaison Officer, CIS. John said that his role was to reach out and dialog with the community. He was hoping to do more outreach and to have more workshops for the community. He told us that if any of our schools were interested in having a speaker on campus like Verne or Debbie to send him an email. He said he had been involved with a group called “Forum” in Houston that was very similar to PIER in terms of cooperation and camaraderie, so he felt very much at home here.

F. Panel Answers to Questions Sent In Before the Meeting

Question 1: M-1 question. Upon entry, many M-1 students have various entry stamps on their I-20 and I-94's. (one year dates for a 6 month program, F-1 rather than M-1 stamped, D/S with an M-1 stamp. It is my understanding that the I-20/I-94 should be stamped with a D/C of +30 days from the end date on the I-20 unless the student has a one year I-20MN, then the date will be one year from the entry date. What can an International Student Advisor do to prevent these errors at the U.S. POE? When sending students to deferred inspection for I-94/I-20 entry stamp corrections, what documentation would the Deferred Inspections CBP officer like to have from the International Student Advisor?

Answer: Paul Cannon apologized for this. He said he reviews all the SEVIS stuff and he gets mad at all the mistakes. He said please send the students back to Otay and they will fix it. His shift is from 4 – midnight. Please contact him before they come and he'll take care of them. He didn't think deferred inspections would help in this kind of case. Send it to him to fix.

Question 2: Will students who have an approved M-1 Extension of Status be readmitted to the U.S. if they travel outside the US? What if they travel to Mexico by foot or car?

Answer: Yes, as long as they have a valid passport.

Question 3: How long can a person on a border crossing card stay in the U.S.? Can this person study on a part-time basis in the U.S.? If a person holding a border crossing card wants to travel more than 25 miles from the U.S. border, what should he do? Should advisors send students to the San Ysidro port-of-entry to receive an I-94 card?

Answer: Currently a person on a border crossing card can only stay in the US for 3 days. Thanks to some people in Texas, that will soon change to 30 days. They are not allowed to study in regular academic classes.

Question 4: Can San Ysidro port-of-entry stamp an I-20 that was not stamped during the student's initial entry into the U.S.? If so, where should the student go and when? Can this also be handled by Deferred Inspections?

Answer: Yes, Otay Mesa can do. Paul Cannon said that LAX and San Francisco airports sometimes don't stamp. He said that it wasn't really necessary for F visas to be stamped, but they would do it for students. He said it was critical for J visa holders to have their documents stamped so those students should definitely come to Otay Mesa.

Question 5: Where should TN renewals go? What are the hours of operation?

Answer: At either Otay Mesa or San Ysidro, 24 hours a day, seven days a week. However, Paul cannon suggested that it is better to go to Otay Mesa because San Ysidro is very busy and it might take them a very long time to get to a TN renewal.

Question 6: When will the US-VISIT Exit Pilot program be implemented in San Diego or LAX?

Answer: It's already in operation at LAX and at the airport in San Diego. US-VISIT is coming to the land borders in December. However, Paul said the Exit program can't be done at the San Diego land borders.

Question 7: We need clarification regarding Automatic Visa Revalidation for students returning from a brief visit to Mexico. Students who have transferred schools within the US do not have a red stamp on their I-20. Are these students allowed to use the Automatic Visa Revalidation or must they have a valid visa to re-enter the US? If CBP requires the stamp, could they please explain where this is in the regulations. There was a reference at one point to an internal memo from February 2003, but we have heard nothing further about it or been able to find it in the regs. Please clarify and explain.

Answer: This is not a priority. It's totally discretionary. If the students meet criteria and have their passport visa and required proof, that student might get

automatic visa revalidation. Might, so don't count on it. Students from countries deemed to support terrorism will definitely not. He said the only sure way to get a visa was through the state department.

Question 8: Can students who are registered under the NSEERS program, go to Mexico for a brief visit such as an afternoon or evening? If so, do they need to register before leaving the US? Can registration be done at the San Ysidro POE as well as at the Otay Mesa POE?

Answer: They should not. If they do, it would be an extremely long process to get back into the US.

Question 9: Can a Japanese student doing OPT with a company based in San Diego work for this company in Tijuana every day and re-enter the USA with no problems? (he has a valid F1 visa, an I-20 signed on the back, etc.) Also, is he eligible to get a Century Pass for crossing the border?

Answer: Yes, they can. They can also apply for a Century pass, but they don't have to.

Question 10: At the first PIER meeting, BCP officials indicated that students with unstamped I-20s (no red stamp) will be issued a new I-94 and charged \$6. This may be problematic in the late evening or early morning hours. BCP officials warned that students may be required to wait until the office opens the following morning. Is this still the procedure for students with unstamped I-20s?
Note: In most cases, these are transfer students so they were issued a continued attendance I-20. These I-20s will not have entry stamps because the student remained in the U.S. during the break.

Answer: That's true. Otay is open for this for 24 hours. San Ysidro closes at 10.

Question 11: If I see my institution on the list of approved school, does it mean our institution is re-certified even though the approval date on the list is when we were initially approved for SEVIS? For our case, we were approved during the preliminary enrollment time on August 22nd 2002. We had the re-certification around April this year and has not heard anything. Recently, I noticed that the SEVIS website has a list of approved school posted at <http://www.ice.gov/graphics/sevis/schools/index.htm>. Does this list contain both initial approved and re-certified schools? Please clarify for us. If it lists initial approval only, how will we be notified about the re-certification visit result?

Answer: This question was sent back to Headquarters and they've not yet gotten an answer back.

Question 12: I keep having students enter the country on an F1 visa because they have been issued and F1 incorrectly by the US Consulate to attend our M1 school.

Any suggestions on how to prevent this from happening? Any suggestions on how to resolve this problem? Will the student need to pay extra fees to get the proper visa re-issued even though it is a US Consulate error?

Answer: There is no extra fee if it can be verified that it was the consulate's error. Please email Sandra if anyone has a question about it. One member suggested that the schools attach a bright colored paper to the I-20 with the "M-1" written in big letters to alert the border personnel that it is an M-1 student, not an F-1.

Question 13: Can someone enter the U.S. on a B1/B2 visa to take one or two courses that do not lead to a degree? Has the idea of a part-time student visa been discussed?

Answer: Yes they can as long as that study is incidental to the purpose of their trip. If the purpose of their trip is to study, then they need to get a student visa.

Question 14: Are there any new Special Registration issues we should be aware of? Please review the current process and requirements for students who are subject to Special Registration?

Answer: Nothing that new. The most recent change was in December 2003. At that time the requirement that NSEERS students come to the immigration office 30-40 days after their initial entry and on an annual basis thereafter was dropped. Now they only need to be interviewed upon arrival and departure. It is possible that they could be contacted by ICE for re-registration, but so far this hasn't happened in San Diego yet. The departure interview is very important. If they don't do it, they could be refused re-entry into the country. Departure interviews can be done at Otay Mesa, but not at San Ysidro.

Question 15: What type of access do ICE officers have to SEVIS? Do they have access to all screens?

Answer: They only have query ability. They query by school and contact school officials from that. Jane Kalionzes made a comment that many people feel that ICE officers ought to have more access. CIS has access, so ICE could always go through them.

Question 16: Please clarify your procedure if you see a student record in SEVIS that is either terminated, or irregular and causing concern. Will you always contact the school DSO before attempting to contact the student?

Answer: In most instances, agents will try to contact the school first. Generally speaking, they usually contact the schools to make sure there wasn't some kind of computer glitch, etc. They want to help the students in that kind of case. They said that they would always call the school after terminations to make sure the student

departed. Agent Livermore gave us his phone number if we need to reach him for help with one of these cases or if we have information for him.

Question 17: How will the collection of the SEVIS fee be applied to F-3's who must renew their I-20's each semester?

Answer: They will only have to pay one time.

Question 18: Can you share any new updates with the recent implementation of the SEVIS Fee requirement and Form I-901.

Answer: No.

Question 19: Korean students are being denied visas recently to come to the U.S. to study oriental medicine. The official reason from the U.S. Embassy in Seoul is supposedly that they aren't eligible to take the licensing exam in Korea with a U.S. degree. Other sources tell me that this is not true, at least not in all areas of Korea. How can I troubleshoot this situation, find out if what the embassy is saying is true and, if it is not true, intervene to inform them that it isn't true so they will issue visas to eligible students who are admitted to U.S. schools to study oriental medicine?

Answer: This is an individual case problem. Hilda said that Chuck was good corresponding with consulates abroad. She said she would ask him to contact the Korean consulate and get back to us with their response.

Question 20: If a student has an OPT I-765 application pending can the student leave the U.S. and reenter if their grace period on their I-20 has passed? If yes (this question will go to CBP), what is suggested to ease the reentry process?

Answer: No.

Question 21: Change of Status I-539 applications continue to be troublesome. Besides the standard required documents (I-20's, passport, bank statement, etc.) what other supporting documents should be submitted with the application? I have students who have submitted wire transfers, proof of their U.S. address, transcripts, certificates and still other information is requested.

Answer: Whatever the Service Center asks you to submit, do it. It all depends on who the adjudicating officer is. Always include a narrative letter. If the student is asked for an affidavit of support, please let Jane Kalionzes know, as they are not supposed to do that. If anyone has any questions in this area, please email Jane Kalionzes as she will be meeting with the Service Center soon.

Question 22: Do F-3 students need a new I-20 every semester?

Answer: Yes.

Question 23: Are F-3's permitted to study full time?

Answer: Yes, it's an option.

Question 24: If a current F-1 applies for permanent resident or U.S. citizen and decides not to continue their full-time education in the U.S., what should we do with the SEVIS record? Should we terminate the record? Or should we update the registration dates and leave the record alone?

Answer: There was a bit of discussion about this. Some said they should be terminated in SEVIS because they would no longer be non-immigrants. However, the final answer was that this was being discussed at the headquarter level and that they would follow up and let us know what they find out. It was suggested that something about pending status be put in SEVIS since the student are applying for the new status but haven't actually gotten it yet.

Question 25: Please clarify the visa renewal process for third country nationals. What should students do and bring to help facilitate the process?

Answer: The students should definitely bring a "resume" type document describing their studies as well as their transcripts, financial documents and all other standard documents. Please call the consulate's 1-900 number or go to their website for an appointment. The processing time has been reduced. Responses are being received in three weeks. It had been as long as three to four months.

Question 26: It is my understanding that any Mexican citizen who lives within 75 miles of the border and intends to study part-time or full-time while commuting (crossing the border) everyday, must apply for an F-3 commuter visa. Please clarify the visa application process for F-3 commuter students. What should students do and bring to help facilitate the process?

Answer: The I-20 should specify F-3 in the remarks; otherwise everything is the same as applying for an F-1. F-3 students need to get a new I-20 every semester. Even though the stamp on the I-20 might still say D/S, they still need to get a new one every semester. If they are planning to study for two-three years the consulate usually will give them the full 48 months that Mexicans can be granted.

Question 27: Please discuss the process for incorporating the new SEVIS fee rule in the visa application process. In particular, how has it affected your processing time and what should students do to help facilitate the process?

Answer: No one has shown up with one yet. We'll verify it and verify payment. If they don't have proof and we can't find proof in the system, then we will not

issue a visa and they will be given an open appointment and asked to contact their school for help.

Question 28: Has it been decided if students who have current student visas, but are issued an “initial” I-20 will be required to pay the SEVIS Fee upon their return to the US?

Answer: It is a one-time fee as long as the student maintains status. Transfers and other actions are fine. Students are only required to pay again if they fall out of status.

G. Final Comments

- 1. Hilda:** You can contact Hilda while Chuck is away regarding reinstatements and EADs. They are open Monday – Friday. She asked that we inform students not to come to them for deferred inspection. They need to go to the basement, room B268.
- 2. Ed Mafong:** Ed shared his contact information.

H. Meeting Adjourned: Ed adjourned the meeting at 12:00 noon.

Respectfully submitted,

Vince Burns
PIER Secretary 2004-2005

PIER/USCIS MEETING
Wednesday, September 15th, 2004

Unanswered Questions

Customs and Border Protection

- 1) Please review the new plans for expanded border controls announced by Secretary Hutchinson on August 10. In particular, please review any issues that will affect our international students and scholars.

Answer: As always Students must, if requested, have proof of solvency and intent to return to a permanent residence abroad. That means that cannot move or intend to move permanently to the US. If they abandon their permanent residence abroad, they are no longer students, or non-immigrants. We are now checking this more intently than before, especially under automatic revalidation.

US-VISITS will be implemented at San Ysidro and Otay Mesa before the end of the year possibly early next year. A time table has been established. US-VISITS is operating at the Airport in San Diego. Exit controls are still up in the air for land Borders. The Air and Sea Port will be on line by the end of the year for exit control.

- 2) What type of access do CBP officers have to SEVIS? Do you have access to all screens?

Answer: It depends on the location, at Border checkpoints officers have the ability to access more than at Airports. However the level of access is confidential.

Land Border officers record the admission numbers directly into SEVIS.

- 3) In what instances can we send students to Deferred Inspections? For example, should we send all incorrect I-94 issues (i.e. no entry stamp)? What about missing I-94 cards? Can Deferred Inspections issue I-94 cards to students who did not receive one at the port-of-entry?

Answer: For Airport inspections, incorrect I-94's can be corrected at Deffered Inspections. For corrections from San Ysidro and Otay please contact Officer Paul Cannon and he will fix the problem at Otay Mesa.

- 4) Can Deferred Inspections issue replacement I-94s for those that were lost or damaged? Or should student file a form with CSC?

Answer: The I-102 is the correct form for replacement of a lost or stolen, damaged or mutilated I-94. To file it you need to contact CIS.

- 5) Several of my students have reported some unpleasant encounters with officers at the San Ysidro POE during the summer months. When I called the office there to discuss it, the officer was quite rude to me on the telephone. And he didn't seem to have a lot of knowledge about international students/scholars or about the role of DSO's. I am wondering if there is a contact person now for students/scholars and SEVIS issues at the San Ysidro POE, and if so, could the PIER Group please have the contact information. (It used to be Paul Cannon, but I have not been able to reach him for several months.) If there is not currently a contact person, I would like to request that someone be assigned.

Answer: Office Paul Cannon is still the contact. Generally he wants the person who had the problem to contact CBP. Third party complaints sometimes lose something in the

translation. However, CBP welcomes the involvement of the DSO's. Please refer those complaints to Officer Paul Cannon or the Passenger Services Representative Virginia Gengor. International Student problems can be quite complex, so not everyone is up to speed on them.

Immigration and Customs Enforcement

- 1) What are the consequences for a student that is issued an F-1 visa rather than an M-1 visa who was allowed entry into the U.S. and decides to not change their status? Their I-20MN is for an M-1 visa.

Answer: Pursuant to the rules governing reporting on nonimmigrant students, a designated school official (P/DSO) from your institution is required to update each Initial and Active SEVIS F-1 and/or M-1 student record to indicate that the student has initially enrolled, verify enrollment each subsequent term or session throughout the course of the student's program, and update any other information required by the system. The school is required to verify that the student has the correct visa to attend the school. In the instant case, the inspectors at the port of entry should have caught the mistake prior to allowing the student to enter the U.S. The student needs to correct his/her I-20 appropriately and have that information corrected within SEVIS. The State Department should waive any fee associated with the renewal of the VISA inasmuch as the error was not the fault of the applicant.

California Service Center

- 1) Please review the required documents to process a change of status (i.e. F-1 from J-1; M-1 from F-1; and F-1 from B-1/B-2). How long is the average processing time for these applications?

(As of 09/07/2004 CSC JIT Report I-539 F&M - June 29,2004)
(I-539 J - August 2, 2004)

Basic Documentary Requirements to file an I-539 EOS/COS (F, M, J) & COS from "B"

- File Form I-539, Application to Extend/Change Nonimmigrant Status, with the applicant's signature.
- Copy of I-94
- Copy of all pages of Passport
- Evidence to show that the alien has maintained current status
 - Varies depending on current status of the nonimmigrant
 1. F & M students: SEVIS I-20 with program start and end dates
 2. J students: Most recent DS-2019 with start and end dates
- Reasons for the request

Additional Documentary Requirements for COS from B-1/B-2 to (F, M, J):

- Provide documentary evidence that establishes the date when you initially applied for admission to the school listed on Form SEVIS I-20, as applicable.
- A statement regarding the reasons and justification for returning to school at this time, and an explanation regarding how such schooling would benefit you upon your return to your home country.
- Submit justification for remaining in the U.S. to learn English. Explain business plans upon return to your home country that necessitate learning English.
- Submit justification for remaining in the U.S. to study English instead of attending an institution in your home country.

Additional Documentary Requirements for EOS/COS J-1:

- Current (original) DS-2019
- All form DS-2019 or IAP-66's previously issued to the applicant.
- 1. If subject to section 212(e) of the INA, evidence that the applicant has received an approved I-612 waiver based upon No Objection, Hardship, Persecution, etc.
- Copy of "J" United States Nonimmigrant Visa
- Evidence of a credible source of funding while staying in the United States:
 - See detailed list located under Additional Doc. Req. for EOS/COS F-1 & M-1

Additional Documentary Requirements for EOS/COS F-1 & M-1:

- SEVIS I-20 (original) with original signatures (blue ink)
- Evidence of Financial Support that confirms the amount indicated on the SEVIS I-20 and/or Evidence of a credible source of funding
 1. Original Bank Statements (Returned upon request) Bank letters are unacceptable
 2. Form-I-134, Affidavit of Support
 3. Bank Statements
 4. Credit Reports
 5. W-2's
 6. Share's and Security's
 7. Property Deeds
 8. Financial Aid from a lending institution of University
 9. Wire Transfers

10. Etc.

- 2) What type of access do CSC officers have to SEVIS? Do they have access to all screens?

View Only

CSC Officer users may perform the following:

- View all adjudicated and unadjudicated school records, as well as all requests pending adjudication (not limited to a single district)
- View all student and dependent records (not limited to a single district)
- View all Active, Cancelled, or Withdrawn program records
- View all exchange visitor and dependent records
- Print detailed and summary reports about students, dependents, and schools and the Detailed DSO report and the EVPD No Show report

- 3) If a student changes their address while an application is pending, schools will update SEVIS. Should we also notify CSC directly? If so, what is the best way to inform you of the change?

Yes, notify the CSC. Address changes can be submitted to the Division XII email address corresponding to the related application/petition.