

Minutes PIER Meeting

Wednesday, January 11, 2006

1:30pm @ GIA

A. Welcome: Chair Kim Jackson welcomed everyone to the PIER meeting.

B. Introduction of Ms. Sue Elliot, Dean of Students at GIA.

Ms. Elliot welcomed PIER and apologized for not having PIER on campus sooner. She encouraged everyone to walk around as it is a wonderful place. GIA has 300 students on campus. It has been called the Harvard of the Jewelry Industry. They instruct students in gem identification, jewelry manufacturing, and jewelry design. They now have a Business school and Kasey will be taking care of preparing GIA to be authorized to issue the I-20AB for their BBA program. Ms. Elliot once again welcomed and thanked PIER for being on campus today.

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

D. PIER Business

1. Membership: Kasey McCarthy

a. Kasey informed everyone that as of 01/11/06 there were 120 members. One new member heard about PIER at the Region XII NAFSA conference.

2. Treasurer: Eric Abutin

a. Eric informed the membership that we had \$2147.51 in checking and \$36.05 in savings.

3. Chair Elect: Olga Piro

a. Olga informed everyone that the PIER Basic Immigration Workshop is coming up next month. Materials are presented by seasoned advisors, and it is designed for new members or people who wear many hats and need a refresher therefore the information provided is invaluable. It has always been a workshop for Basic information and new members. It includes a workbook and lunch. She would also be sending out an email with all of the details.

b. Some of the details mentioned:

When: February 24, 2006 – Friday

Where: National University Spectrum Academic Center

Time: 9:00 am – 3:00pm

Fees: \$20 member \$30 Non-Member if registered by deadline of February 10, 2006

After deadline fees increase by \$5 (\$25 Member & \$35 Non-Member).

Information to be covered:

- Role of the International Advisor
- Basic F1 procedures
- Basic M1 procedures
- Break out sessions for:
 - 1) English Language Programs
 - 2) Admissions & Evaluations
 - 3) Employment for F and M
 - 4) SEVIS–Student Status Issues

4. **Chair:** Kim Jackson

- a. Kim informed everyone that she is still awaiting confirmation on a date for LAX in April. She is looking at Tuesday April 18th as a possibility. This trip will be for us to experience what our students go through. It is meant to be a day trip. Leave in the morning tour and come back before traffic. Details have yet to be worked out.
- b. The logos for the PIER logo contest have been distributed. She has been receiving a lot of votes with comments. She encouraged everyone to keep voting and that all suggestions and comments will be distributed to the winner.
- c. Kim opened the floor for questions or comments.
- d. Kim mentioned that it was discussed as to what we (PIER) wanted this year, and it was decided to discuss issues that are relevant to us to be better advisors for our students and scholars. We wanted to present topics that are relevant to our everyday work life.
- e. She also mentioned that CBP (port people) and ICE (SEVIS) are going back to one agency. Did anyone know? Well Kim confirmed it with people from DHS and it is just a matter of time before they go back to being one agency again.
- f. Kim mentioned that it was determined that Employment issues have a lot of 'meat' to address therefore that is the topic of today's meeting, and introduced the presenters.

E. Presentation: When is it or isn't it employment?

Presenters:

Michael Hindi, Associate Director at UCSD

Sheila Cech – International Scholar Advisor at UCSD

Dulce Dorado – International Student Advisor at UCSD

1) Michael Hindi started off by saying that his particular office is very lucky to have each other to share information with, etc. He also mentioned that they very often will bounce ideas of one another and will also challenge each other with policies that they do not agree with. They will review the gray areas and also on how the policy was set, etc.

Michael mentioned that the definition of employment is not in the immigration laws.

2) Dulce asked the audience "What is employment?"

Responses from audience:

- ✓ Exchange for services, compensation, and monetary compensation.
- ✓ Salary or exchange of.

Dulce mentioned employment is never really defined in any regulations, etc. and we as advisors are left to battle with what is or what isn't employment.

3) Sheila mentioned that the unclarity in the regulations causes us as advisors to be in a discretionary dilemma. At times we are left to wonder if what our students are doing is or isn't appropriate, and everyone has their own interpretation.

Sheila also mentioned that we as advisors are left to figure out what law supersedes what? State law vs. federal law or Immigration law vs. Labor law, etc. There are two points she would like to make:

- 1) Sometimes we are pressured by our institutions to 'fudge' or to operate under liberal interpretations in order to help immediately, however it can hurt the student and the institution down the road.
- 2) We can't always rely on immigration results to modify our policies.

Three Handouts were passed out.

Handout 1: Foreign Student Affairs case studies / scenarios.

Handout 2: Simple Steps for Common Sense Policymaking When the Regulations are not so clear:

Handout 3: Simple Steps for Common Sense Policymaking when the regs are not so clear grid.

Handout 2:

I. Look up the pertinent regulation(s)

- a. If Clear, then write policy within regulatory bounds
- b. If unclear

II. Check the NAFSA Advisors Manual

- a. If clear, then write the policy within manual bounds
- b. If unclear ...

III. Tap your professional network for opinions, policies, and practice

- a. Ask a number of institutions, preferable those similar in size and programs
- b. Ask any immigration attorneys you might know
- c. Go to conferences, PIER, etc. and ask representatives from DHS, State, etc.

Talk to each other and friends from other schools. It is important to hear what others are saying about it, and then come to two conclusions:

- 1) What is the letter of the law
- 2) What is the spirit of the law

Reach out to other offices; take input from other offices before making policies that will impact all. (i.e. registrars, student financials, etc)

IV. Listen carefully to the opinions of your front line staff

The front line people might understand a little more as they deal with the student's one on one and might be able to resolve what the student is going through.

V. Sit down and hammer out a policy

A few rules to keep in mind:

1. Always, always, always be consistent
2. Keep objective (forget case at hand; think institutionally)
3. Review policy periodically or as new info becomes available.

Members present were to break up into groups to discuss the case studies following the outline from handouts two and three.

F. Case Studies / Scenarios:

Scenario 1: Can an F-1 Student start her own business working from her dorm room?

- a. dorm room is on campus
- b. work is less than 20 hours

Audience Input:

- Depending on the hours per week, where exactly it was taking place and the nature of the job. Was it serving the institution, etc?
- Spirit of the law? The student should be having a collegiate experience
- Some would advise against it.
- What if the business was selling notes to classes? – Who is the employer and what is the school policy on private businesses on campus?
- There is a separate process for workers and contractors. What to do? Contractors need a license however not many follow that policy.
- A lot of people are contracted with out a license.

Scenario 2: What if the student wanted to sell her own products, such as jewelry? Or What if the F-1 student sells not her products, but her time?

- a. example: medical research
- b. example: modeling / meeting clients

Audience Input:

- Working out of dorm?
- Are they exporting / importing products?
- English Language Programs are a little different as they will have business men studying business English however they will still be working for their companies back home. Is it ok for companies to send their employees to study English however have them work (i.e. business meetings, etc) while they are here?
- Would reference input provided for scenario 1, as both are very similar. Student is still being compensated for a service.

Scenario 3: What if the F-1 wants to work off campus to get experience, but not be paid?

- a. Volunteer work
- b. When is it appropriate?

Audience Input:

- If it is an agency specifically for volunteers such as the blood bank, the Salvation Army, etc then it is probably ok.
- A company with a bona fide structured volunteer program maybe with a written collaboration agreement with the school?
- Although it is an agreement with the school make sure that it is not an ongoing thing that the company depends on the school to provide the volunteer that would take a paying job or displace a paid employee.
- CPT authorization for non paid work is essential to protect the student and the institution, especially if the student might apply for permanent residence later on.
- Employment of foreign nationals in the US is a very hot issue; however the main focus should be if the foreign national is maintaining their status.

G. Case Studies / Scenarios summary:

- ✓ Each institution should have a final policy in place, and it is recommended to reach out to each other, PIER or other institutions for guidance but most importantly to look it up in the Regulations first.
- ✓ It's ok to adjust the chart, and not have policies written in stone.
- ✓ Always be consistent
- ✓ Be objective
- ✓ Keep revisiting your policies
- ✓ Keep the student / scholars and the institutions best interest in mind.

Conclusion of meeting:

- ✓ Kim suggested that people google what you want to look up and you will find the regulation or related information.
- ✓ Next meeting will be in March @ SDSU. The topic will be ethical dilemmas. If you have any ethical dilemmas you would like addressed at the next meeting please send them to Kim via email kjackson@scripps.edu. They will be kept in confidence. They will try to cover how do we advise ethically and still keep up with the law, university polices and our own values.

Audience Questions: Does the yahoo groups work?

Kim: Yes, please do sign up. There is also a NAFSA list serve you can sign up to receive emails however the list serve will be tapped out and forums will be created in the near future.

- ✓ Kim thanked Kasey for hosting the meeting and the UCSD staff for their presentations and welcomed anyone to stay who would like to continue the case study discussions.

I. Meeting Adjourned: Kim adjourned the meeting at 3:00pm.

Respectfully submitted,

Melissa Diaz

PIER Secretary 2005-2006

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