

Minutes PIER Meeting

Wednesday, March 15, 2006

1:30pm @ San Diego State University

A. Welcome: Chair Kim Jackson welcomed everyone to the PIER meeting. She thanked Jane, Yvette, Noah and the entire SDSU staff for hosting PIER.

B. Introduction of Mr. Ron Moffat, Director of the International Student Center at SDSU:

Mr. Moffat welcomed PIER and was very delighted to see everyone. Over the next few weeks they are to start construction on an International Student Village on campus (3 new buildings) to accommodate the growth. He acknowledged that it had been a while since SDSU had hosted a PIER meeting. He recalled the first PIER meeting in 1986, where about 10 people met at Scripps to coordinate the PIER group, and was very happy with what PIER has become today. He mentioned that with the implementation of SEVIS and the changes that have evolved, it has made our jobs harder. He asked the audience what are you doing or going to do to keep up with these changes? He went over Critical Leadership Policies. The thanked everyone and promised to sing next time.

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 03/15/06 there were 135 members.
- b. Kasey also informed everyone that PIER now had a new logo and passed a copy of the new logo around.

2. Treasurer: Eric Abutin

- a. Eric informed the membership that we had \$1935.71 in checking and \$36.05 in savings.

3. Chair Elect: Olga Piro

- a. Olga informed everyone that the PIER Basic Immigration Workshop on February 25th had about 30 attendees.

4. Chair: Kim Jackson

- a. Kim asked for volunteers for the NAFSA Travel Grant selection committee. There are two grants. One for a new professional and one for a seasoned professional. The selection committee is to review the applications and select two candidates.
- b. Volunteers were selected; and Kim will be emailing the application and details soon.

E. Introduction of John Huizar, Chief Inspector, LAX Customs and Border Protection:

Mr. Huizar was happy to be there representing USCIBP, and it was somewhat of a homecoming for him as he grew up in Solana Beach. He attended Torrey Pines High School and then joined the Air Force. He is a graduate of University of Arizona. He was an adjudications officer at CSC for 9 ½ years before moving to inspections at the Hawaiian Islands and then back to Los Angeles. He thanked PIER for the invitation and he then addressed the questions submitted by PIER.

Questions submitted by PIER to LAX:

1. Is it correct that officers cannot see in their database system whether the SEVIS fee has been paid? **Answer:** Yes they do have access. If the Visa is issued they assume the fee was paid.

2. Is it still true that LAX officers are not requiring proof of employment from students who have been authorized for OPT and who have their EAD in hand?

Answer: An EAD is simply that. Proof of Employment is not required but they may be asked.

3. M-1 students are continuing to have their I-94 and I-20's stamped with a departure date one year from their arrival date when their I-20 has an end date that is not one year in length. It is my understanding that the I-20 and I-94 for M-1 students are to be stamped with D/S or a date 30 days from their arrival date. Could you please clarify what the regulations are for departure stamps for students with the M-1 visa? Thank you.

Answer: M1 is to be admitted for the length of study plus 30 days, but not longer than one year. The system automatically gives a date of one year. The officer should go into the system and modify it accordingly. Sometimes it is not modified. You may call Mr. Huizar to correct it.

4. If a student has a valid visa, but the school's name on the visa does not match the school name on the I-20, are you allowing these students to enter? What if the student is entering the US for the first time on this visa?

Answer: If it is a transfer student usually they will be ok. They might be sent to secondary to check if it was an error or possible fraud.

5. If a student is issued an "initial" I-20 for entry and their visa is still valid for reentry, is CBP requesting to see proof of the SEVIS Fee payment?

Answer: If it is a new program and a new I-20 they may ask for proof of payment.

6. If an M-1 student has an approved extension from CIS and travels outside the US, will CBP allow the student to reenter with their approved extension I-20 if they have a valid M-1 visa?

Answer: Yes as long as they have a valid M1 visa and a valid I-20.

7. Can an M-1 student extend their visa at the Port of Entry rather than applying through CIS? Meaning, can they travel and reenter with an I-20 extension request that has not be sent to CIS for adjudication?

Answer: A visa can not be extended. They can be reissued a visa outside the US only. If they leave the US while an extension is pending with CSC, they will be sent to secondary and will be inadmissible.

Note: Issues that require secondary can take hours but they do want to help the student, scholar, etc. You may call or email him if you have any questions.

Contact Information:

John A. Huizar

Chief Inspector

Los Angeles International Airport

Phone: (310) 568-7501

Email: John.a.huizar@dhs.gov

Questions from the Audience:

1. OPT is pending may the student re-enter with a receipt?

Answer: Yes, with a Notice of Action Receipt for those on an F1. M1 should not travel at all.

2. Students trying to re-enter at the San Ysidro POE are being interrogated up to three hours and are being charged \$40 to re-enter

Answer: \$40? Please refer those cases to David Backe, San Ysidro POE. Any issues or complaints please send them to David to investigate.

Email: David.Backe@dhs.gov / Phone # 619-671-8244.

3. What if a student loses their visa while in the US?

Answer: As long as they remain in the US with a valid I-20 and I-94 card they are ok. Once they leave the US they must get a new visa.

4. A student transfer from community college to university, travel outside the US. The visa and I-20 do not match. Can they re-enter the US?

Answer: yes as long as they have been out of the US for less than 5 months.

5. Does having a DUI on your record and being on probation affect an adjustment of status application?

Answer: Can not advise. That is a question for the Chula Vista Office.

6. Student's record is terminated but they didn't leave the US. Is the school liable?

Answer: School's responsibility is to advise them to leave the US only.

7. H visa expired, and will travel to Canada. They have had parole documents for one year. They are originally from China. They applied for a Canadian visa, but should they re-enter the US as a parole or H1 or auto revalidation?

Answer: They should re-enter as a parole as the H1 is expired. Can only enter with a valid visa or they could try auto revalidation.

8. What is the time period that SEVIS is updated with the entry information?

Answer: Land border is right away. Airport takes a little longer as it is entered into a database and the database is linked to SEVIS.

Two Handouts were passed out.

Handout 1: Tax Information for Students and Scholars

Handout 2: U.S. Department of Homeland Security / U.S. Customs and Border Protection Los Angeles International Airport Passenger Operations Overview.

F. Presentation: John A. Huizar

Note: The presentation consisted of 27 slides but since we could not include a copy of the power point presentation (per CBP); we have highlighted the main focus of the presentation below.

Los Angeles International Airport:

- ✓ Over 100 flights a day
- ✓ International Arrivals in the winter = 17,000 – 20,000 people a day
- ✓ International Arrivals in the summer = 35,000 people a day

Passport Control Inspections Functions:

- ✓ **Immigration processing (including refugees)** – Plane lands they must complete flight in 60 minutes; therefore please make sure all student and scholars are prepared to avoid secondary inspection.
- ✓ **Processing of Crewmembers**
- ✓ **Courtesy Booth** – To assist with I-94 cards, etc.
- ✓ **Control Booth** – Overseas everything that is going on. That is where everyone is held for secondary inspection.

Passport Control Inspections:

- ✓ **Applicant for admission appears to be clearly, and without a doubt admissible, Primary CBP officer will admit** – They will scan the passport, check the visa and I-94 card. If everything is ok they will be admitted.
- ✓ **Applicant does not appear to be clearly and without a doubt admissible, the primary CBP officer will refer them to secondary inspection.**

Notes:

- ✓ Airline is required to give the POE a list of passengers before arrival so that the POE may prepare.
- ✓ An officer can be on 'look out' for particular people (i.e. SEVIS violators, etc.- they will be sent to secondary)

Inspection of Students:

- ✓ **Required Documents** – Passport, I-20, valid Visa (very important)
- ✓ **Other Concerns include:**
 - **Purpose of Visit**
 - **School of Attendance**
 - **Who is financing the education?**
 - **Course of study/length of course**
 - **Place of Residence (Foreign Address)** – to qualify as a non-immigrant they must establish a place of residence in a foreign country which they do not plan on abandoning. If no foreign address is available they would be considered an immigrant and must have an immigrant visa.
 - **Family Members in the US?** – Yes? Not a big issue but does raise a red flag, to be asked more questions. Who is the family member? Husband, Wife, Parent, Sibling? Are there any outstanding applications? Must clarify if the intent could be immigrant.

Inspection of Exchange Visitors (J1):

- ✓ **Required Documents – DS2019 / Passport**
- ✓ **Other Concerns include:**
 - Purpose of Visit
 - What is the Exchange Program?
 - Who is funding the program?
 - With whom is the research being conducted?
 - Financial Dependence
 - Place of Residence (Foreign Address) –
 - Family Members in the US?

Notes:

- ✓ The officers check the DS2019 to see when the visa is issued and to check for the 212E requirement.
- ✓ Sometimes embassy forgets to complete 212E two year residency requirement. They will be sent to secondary to figure out if they are subject to rule or not,

Requirements to inform students:

- ✓ Early entry is 30 days
- ✓ If traveling make sure they have a signature from the DSO

U.S. Visit Program:

- ✓ **US visitor and Immigrant Status Indicator Technology**
- ✓ **Started January 05, 2004**
- ✓ **Collect Biometrics Information**
- ✓ **Verifying the identify of visitors with visas**
- ✓ **Includes citizens of VWP (Visa Waiver Program) countries**

Notes:

- ✓ Intended to prevent Fraud
- ✓ To match the person the visa was issued to and the person in front of the officer
- ✓ If sent to secondary it could be for innocent mix ups. (I.e. fingerprints, etc. It could be fixed right away but had to be sent to secondary, and maybe will wait for hours. Officer will explain what the mix up was, etc but will not provide full details of the check)

National Security Entry Exit Registration System (NSEERS):

- ✓ **Effective 09/11/2002**
- ✓ **Provides the tracking of arrivals/departures of certain aliens** – By reason of Nationality / Citizenship, or if the state department at the time of the visa issuance is flagged to be tracked. Also at the POE they could decide to track someone even if not from one of the designated countries.
- ✓ **Violators are Subject to Removal from the U.S.**
- ✓ **Persons Exempt include:**
 - U.S. Citizens
 - Lawful Permanent Residents
 - Refugees / Asylees
 - Parolees
 - "A" and "G" nonimmigrant's
 - Aliens in Transit

Notes:

- ✓ Students could be given a walk a way packet with instructions on what to file, where to depart from, etc.
- ✓ They must register at the time of departure, as failure to do so could cause deportation or removal from the US.

Secondary 1 Inspection:

- ✓ All referrals from primary are pre-screened
- ✓ Some cases may be resolved in a short period of time
- ✓ Most applicants in Secondary 1 are admitted
- ✓ Applicants who still do not appear to be admissible are referred to Secondary 2

Notes:

- ✓ They do a database check
- ✓ Could be something very simple like a signature missing or a minor mismatch, and could be admitted right away

Secondary 2 Inspection:

- ✓ **Malafide Applicants** – Not genuine visitors
- ✓ **Immigration Judge Removal Cases**
- ✓ **Adjudication of Documentary Waivers**
- ✓ **Expedited Removal Cases**
- ✓ **Withdrawals**
- ✓ **Fraudulent Documents**
- ✓ **False Claims to US Citizenship** – these people are banded from the US forever
- ✓ **Prosecutions Cases**
- ✓ **Immigration Detainers** – Someone who is arrested for another violation (i.e. regular police department, etc) is issued a detainer for the person to be returned to immigration after serving time, etc or might be processed for removal proceedings right away.
- ✓ **Deferrals to LOS and other districts** – inspection is deferred for 30 days awaiting court documents, etc to determine admissibility (I-515)
- ✓ **Sworn Statements**
- ✓ **Abandonment of Residence** – green card holder that abandoned their US residency
- ✓ **Fine proceedings** – I-20 but no visa, airline is fined (\$3300) for not checking proper documentation before boarding.
- ✓ **NA-3 and XA-3 babies** – Babies born abroad (Mother is US Citizen / Green Card holder) 1st entry before turning 2 years old. Give the baby their status.
- ✓ **Other cases that cannot be resolved expeditiously**

Notes:

- ✓ They check for warrants, etc
- ✓ Could be there because they have an I-20 but no visa.

Common Secondary Cases for Student/Scholars:

- ✓ **Not in possession of Valid nonimmigrant Visa** – COS was approved but they didn't get the visa in the passport. NOA (notice of action) is not a visa.
 - **Subject to Expedited Removal**
 - **May apply for Waiver of Documentary Requirements** – I-193 waiver of visa requirements must be filled out and a fee of \$265 must be paid. A statement is taken under oath. If they do not have the money to pay the fee they could be deferred to the Los Angeles or San Diego district offices to pay the fee later.
- ✓ **Not in possession of valid SEVIS form** - I-20 is expired or no travel authorization. DS2019 must be signed in blue ink. If terminated status (not by students fault) and traveling give the student a letter to explain the situation.
 - Typically issued a I-515A
- ✓ **'Terminated' Status in SEVIS** – 'look out' is placed on student
- ✓ **Initial Student Applying for Early Admission** – 30 days new student, returning student no limit. If more than 30 days, could be 'deferred' admission. Paroled for 30 days then they decide whether to let them enter or not.

Notes:

- ✓ Out of the US for more than 5 months, visa is no longer valid
- ✓ Out of the US for more than 5 months, need new I-20 and new visa to reenter the US
- ✓ Transfer students must resume studies within 5 months

Questions from the audience:

1. Student was allowed to enter the US on a different schools expired I-20. Where does the responsibility lie?

Answer: Responsibility is on both parties. The student to present the proper paperwork and the officer to check it.

2. If someone is admitted after the I-20 start date are they considered to be in status?

Answer: If they are active in SEVIS and you allow them to enter the school then it is not considered a violation.

Conclusion of meeting:

- ✓ Next meeting will be in June @ National University.
- ✓ Kim thanked all of the DHS officers for joining us and the SDSU staff for hosting the meeting.

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

Respectfully submitted,

Melissa Diaz

PIER Secretary 2005-2006

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