



Minutes PIER Meeting

Wednesday, 09/27/2006

10:30AM – 12:30PM
880 Federal Bldg., Sixth Floor, Room 6273

I. Welcome

- ❖ Chair Olga Piro welcomed everyone to the first PIER meeting of 2006-2007

II. Introduction of 2006-2007 PIER Executive Board

- ❖ Mike Dietz, Secretary
- ❖ Hao Nguyen, Membership Coordinator
- ❖ Eric Abutin, Treasurer
- ❖ Karla Macias, Webmaster
- ❖ Melissa Diaz, Chair-Elect
- ❖ Olga Piro, Chair

III. Acknowledgement of Outgoing PIER Board Members

- ❖ Former PIER Board Chair Kim Jackson and Membership Coordinator Kasey McCarthy were given plaques of appreciation in recognition of their service.

IV. Introduction of DHS/DOS Panel Representatives

- ❖ Chuck Kotkin: Citizenship & Immigration Services (CIS) Student Officer
- ❖ Sandra Raynes: US Consulate Non-Immigrant VISA Chief, Tijuana
- ❖ Vincenzo Zoni: Special Agent, ICE Investigations
- ❖ Salvador Ochoa: Special Agent-in-Charge, ICE Investigations
- ❖ Jesse Olivia: Customs and Border Protection (CBP)

V. Traditional Introduction of PIER Members

- ❖ In keeping with tradition, all the members in attendance introduced themselves by name and institution.

VI. PIER Business

- ❖ Membership: There are currently 48 paid PIER members. PIER application: <http://www.piergroup.org/services.htm>
- ❖ Treasurer: We had \$1432.41 in checking and \$36.25 in savings. Parking vouchers were available to anyone that needed them.
- ❖ Chair-Elect: We still need volunteers for our mentor program. We have more mentee's than we have mentors. Mentor Program: <http://www.piergroup.org/mentorlist.htm>
- ❖ Chair: The "Basic Immigration Workshop" is now the "New Professionals Workshop." We hope to include a tax information session to the workshop. Monday, October 2, is the deadline to apply for travel grant to the 2006 NAFSA Region VII Conference. PIER travel grants: <http://www.piergroup.org/grants.htm>

VII. DHS/DOS Updates/Q&A

CIS

1) It sometimes takes weeks to get an appointment through INFO PASS for students to pay the \$200 fee for reinstatement. Since reinstatement is often a matter of some urgency, is there any way that students can pay this fee more quickly?

- ❖ **Answer:** This is a question for InfoPass Officers. Appointments are only given out in 2-week batches. If an emergency arises notify Olga and she will contact Chuck Kotkin for assistance.

2) Could you please review step by step the new reinstatement process for students?

- ❖ **Answer:** The process has not changed except that a student must first pay via Infopass (<http://infopass.uscis.gov/>). Information on the reinstatement process can be found on the Pier Website under the USCIS San Diego District Office section in the Advisor's Corner. Eventually reinstatements will no longer require an in-person interview, since they will be processed by mail through the California Service Center. When that happens, it will be more important than ever for advisors to guide students through the process carefully, especially in writing their letter of explanation/request for reinstatement. Until then, however, Chuck reminded the group that students going to see him for reinstatement must go early, since he leaves at 2:30.

3) Does CIS prefer that students submit their I-539 and I-765 applications by e-filing rather than by regular mail?

- ❖ **Answer:** There is no preference. Both are adjudicated within the same time frame. Online applicants can receive a printable receipt instantly.

4) Could you please review the documents that are required when submitting I-539 and I-765 applications?

- ❖ **Answer:** The required documents are still the same.

5) Where can we find clarification of the F-3 regulations?

- ❖ **Answer:** The regulations have not been published yet. F-3 visas are currently not being issued.

6) In a USCIS Interoffice Memorandum to regional directors, service center directors, national benefits center director, and district directors regarding the elimination of Form I-688B (Employment Authorization Card) dated August 18, 2006, there is a goal to eliminate all I-688B issuance at local field offices by October 1, 2006. Does this impact interim EADs for OPT purposes issued at Chula Vista or does this impact only non-interim EADs? If it impacts interim EADs for OPT purposes, how will our students apply for interim EADs after October 1, 2006?

- ❖ **Answer:** As far as Chuck Kotkin knows interim EADs will still be issued at Chula Vista. Chula Vista will contact the National Benefits Center for information regarding the student's OPT application.

CIS (CSC)

1) Some of our students, who applied for post-completion OPT, have received RFEs for employment verification. From our understanding, secured employment is not required to apply for post-completion OPT. How should the student respond to these RFEs?

- ❖ **Answer:** Students should always submit whatever the CSC requests in the RFE. However, when something appears to be in error, as in this case, the advisor can help the student by including a letter to the CSC with the RFE (advice from Olga).

2) Some of our students, who applied for post-completion OPT, have received RFEs for all I-20s ever issued to the student. In their original application packets, these students submitted copies

of all I-20s ever issued to them. When students receive this RFE, does it mean CSC “misplaced” the documents or are they requesting additional copies? Should the student resubmit all documents again?

- ❖ **Answer:** Students should resubmit any documents requested, regardless of the reason they are being requested.

ICE

1) The SEVIS Help Desk has recently been giving erroneous information regarding regulations for updating students' SEVIS records and creating SEVIS I-20's. What is being done to train the SEVIS Help Desk staff regarding regulations? If the Help Desk has given incorrect information, what is the ramification for the school? What record should be kept in the student's file?

- ❖ **Answer:** The SEVIS Help Desk is trained. If you have an issue with the SEVIS Help Desk send the specifics in an email to Chuck Kotkin and he will contact ICE on your behalf regarding the issue.

2) How soon are students who are out of status contacted by ICE?

- ❖ **Answer:** There is no set time frame. Leads can take a month or more to investigate. A Special Agent will receive a lead from headquarters and then proceed to track the student via various databases.

3) Do F-3 part time border commuters have to pay the SEVIS fee each semester? In a recent call to the SEVIS help desk, the answer was “yes.” Wouldn't this put quite a hardship on the border crosser?

- ❖ **Answer:** Refer to CIS Question #5. The Federal Registry indicates a student will have to pay the SEVIS Fee each semester. However, this issue is still unresolved.

CBP

1) Is automatic revalidation of visas still in effect and observed by CBP officers at the port of entry? Are there any new issues we should be aware of concerning automatic revalidation?

- ❖ **Answer:** Yes, it is still in effect and no, there are no new issues regarding automatic revalidation.

2) How does CBP track U.S. entries of non-immigrants in possession of a single or two-entry visa? **Example:** A Chinese national obtains a two-entry visa in Tijuana but re-enters the U.S. at San Ysidro showing the expired visa. Is that entry still counted against the new 2 entry visa the alien just obtained at the consulate in Tijuana?

- ❖ **Answer:** One of the ways CBP tracks is by looking at the admission's stamp(s) in the passport. 2 stamps = 2 entries. Also, CBP should cross out the “two” in the number of entries on the visa and write “one” to note that one has been used. A student that applies for a visa renewal in Tijuana is not eligible for automatic revalidation.

3) In the last few months, we have seen students who were allowed entry 2-3 months before the start of their program. We are still advising students that they cannot enter more than 30 days before the start of their program. Is CBP now officially allowing entry earlier than 30 days?

- ❖ **Answer:** The regulation is not official. Still advise students they can enter the U.S. no more than 30 days prior to their program start date.

4) A student is in the U.S. in M-1 status. He has finished his M-1 program and has now been accepted in an F-1 program and issued an "initial" I-20. He has a valid F-1 visa from previous F-1

studies, and wishes to use that visa to reenter the U.S. from Mexico to start his F-1 program, which will start in less than 30 days. Is this allowed? What is the process/what documents are required for reentry in the new status?

❖ **Answer:** The student would need a new F-1 student visa to reenter.

5) Some of our students, who completed their programs, departed the USA and attempted to reenter at San Ysidro under the Visa Waiver Program (VWP) because they are from eligible countries and intend to depart the USA in 90 days or less. Some of our students were successful in entering the USA through VWP, but some were denied because they were told they had to remain outside of the USA for at least 15 days. Please clarify eligibility for students, who completed their program of study, to enter on VWP.

❖ **Answer:** Students are not required to remain outside of the U.S. for any specified period of time in order to reenter on the VWP. Students from eligible countries should not have a problem using the VWP and are issued a WT or WB status for a maximum 90 days. If a student has a problem he/she should ask to speak with a supervisor.

6) When students with EAD approval for OPT reenter the USA through San Ysidro and Lindbergh Field, what are the required documents for reentry? We have advised students to have a valid passport, valid visa, valid I-20 with travel signature, EAD card, and employment verification. Is this still the practice at the port of entries?

❖ **Answer:** Yes. This is still the current practice. However, a student is not required to have an EAD or work verification. An I-797 receipt is sufficient.

7) When students who have completed their program, but have a pending EAD application, what are the required documents for reentry? We have advised students to have a valid passport, valid visa, valid I-20 with travel signature, and I-797 receipt notice. Is this still the practice at the San Ysidro and Lindbergh Field port of entries?

❖ **Answer:** Yes.

8) For students subject to NSEERS departure processing, where should they be directed at the Otay Mesa and Lindbergh Field port of entry?

❖ **Answer:** Otay is for pedestrian crossing only. NSEERS students are only subject to check-out if departing from the U.S. directly from Lindbergh Field (i.e.- Canada or Mexico--Mike, I'm not sure what this part means). The student should go to Terminal 2 and refer to instructions listed in the Walkaway Packet. If the student did not receive a Walkaway Packet there is a chance the student did not meet with an NSEERS Officer at the airport upon entry into the U.S. The student should make sure to locate the NSEERS Office at the airport.

DOS

1) Do you accept E-3 visa applications for nationals from Australia?

❖ **Answer:** Yes but we have never seen one.

2) What is the difference between "Tijuana" and "Tijuana Tpf" in the list of cities menu on the "Visa Wait Times" website?

❖ **Answer:** Disregard Tijuana Tpf. It was a facility that is currently closed that did not issue student visas.

3) How reliable/accurate are the wait times noted on the Visa Wait Times website? The wait time for a student visa appointment in Tijuana shows 5 days, but a prospective Mexican student was

given an appointment there more than 30 days later and had to postpone her studies because of it. Should we continue to refer students to this website for information?

- ❖ **Answer:** Sandra commented that the U.S. Consulate in Tijuana has 18 slots per day available for TCN. As of this meeting, the earliest F1 visa appointment is in January, 2007. For an expedited appointment you may send an explanation letter and I-20 copy via fax to 011-52-664-686-4750. More information can be found at Tijuana.usconsulate.gov

4) Does the consulate require an F-3 part-time border crosser to obtain a new visa each semester?

- ❖ **Answer:** (I don't recall anyone being able to clearly answer this question.....)

5) When applying for visa renewal in Tijuana, is it still advisable to inform students that they may not receive their passport with visa stamp on the same day?

- ❖ **Answer:** If no security clearance is required, visas are usually issued the same day at 3 p.m. or the next day at 11 a.m. Students should plan on staying overnight. The consulate is moving in the direction of next-day issuance.

6) From our understanding, students who have a pending visa renewal application at Tijuana and are subject to additional security clearances, are not eligible for automatic revalidation or eligible to reenter the USA until the additional checks have been processed. Is this still the case at the San Ysidro port of entry? **(CBP?)**

- ❖ **Answer:** If a TCN applies for a visa renewal in Tijuana the TCN is not eligible for automatic revalidation.