



Professional International Educator Roundtable – PIER

Minutes PIER Meeting

Wednesday, March 11, 2009

2:00 pm

Point Loma Nazarene University

Nicholson Commons, Cunningham Dining Room

I. Welcome

- a. Dr. Mary Paul, Vice President – Spiritual Development

II. Traditional Introduction of PIER Members

III. PIER Business

- a. Membership (Karen)
 1. Total members: 112 (up from 108 last year)
 2. Any questions regarding membership: call or email Karen
- b. Treasurer (Lilia)
 1. Current Balance of Checking account: \$2168.75
- c. Chair (Karla)
 1. PIER Travel Grants
 - i. Information to be sent via email
 - ii. Use for NAFSA
 - iii. Reminders to be sent throughout next few weeks
 2. Tour of San Ysidro Port of Entry: in progress
 - i. Information to be sent via email
 - ii. 30 people max → 1 person per institution?
- d. Chair-Elect (Kasey)
 1. New Professionals Workshop
 - i. 27 people attended
 - ii. Continue to encourage PIER membership and participation
- e. Member Announcements
 1. Danielle McMartin, co-chair, NAFSA Region XII Conference 2009
 - i. Call for volunteers (contact Kasey/Danielle for more info)
 - ii. Meeting following general PIER meeting

IV. California Franchise Tax Board

Presenters: Charlotte Carroll: 619-688-2594, charlotte.carroll@ftb.ca.gov

Joyce Davis: 619-688-2592, joyce.davis@ftb.ca.gov

****Please DO NOT share this information with your students****

a. Residency

1. Residency affects the way a person is taxed
 - i. CA resident is taxed based on income from everywhere
 - ii. CA non-resident is taxed on income from within CA only
2. CA Residency Law
 - i. Resident: Every person who is a) in this state for other than temporary or transitory purpose and b) domiciled in CA and outside for temporary/transitory purpose
 - ii. Non-resident: Every one else
3. Definitions:
 - i. Temporary: passing through, place to rest, vacation, present for short period to complete particular transaction
 - ii. Domicile: location of permanent home, place you intend to return to whenever absent

b. Presumption of CA Residency

1. If you spend 9 months or more in CA
 - i. This may be overcome if you have proof of temporary/transitory stay (CA FTB considers time spent, location of family, location of principal resident, where driver's license was issued, where vehicles are registered, location of real property, investments, permanence of work assignments, location of social ties)
 - ii. **IMPORTANT NOTE: If student/scholar files a 1040NR with IRS, they should file a 540NR for CA**

c. Taxable income

1. Wages, salary payments: fellowships, TA/GSR wages; also amounts received from foreign employers for work done in CA
2. Fellowships, stipends, scholarship fund NOT used for tuition/fee or books, supplies, or other necessary student equipment

d. CA vs. Federal Taxes

1. CA does not have tax treaties with other countries (you're either a resident or non-resident)
2. No foreign tax credit
3. Source of income has different meaning
4. Worldwide income is required

e. Q & A

Q1: Is there a minimum income requirement for non-residents?

A: A chart can be found here:

http://www.ftb.ca.gov/forms/2008/08_540nrfile.pdf

Q2: Should students use the short form or long form?

A: If student/scholar only earn wages, use short form

****NOTE:** If students have questions regarding state taxes, they can call the CA Franchise Tax Board at 800.852.5711. Their website is <http://www.ftb.ca.gov/>. They can also visit the local San Diego office for additional assistance; hours and locations can be found at <http://www.ftb.ca.gov/aboutFTB/tscadd.shtml>.

V. California DMV

Presenter: Ernesto Soriano, Manager I, 619-688-3215, esoriano@dmv.ca.gov (email communication is preferred; include student's name and license/application number in all communications)

a. Q &A

Q1: If a student was temporarily denied a California Driver's License because his/her legal presence has not been established per USCIS (or the student does not generate a "hit" in the system that the DMV uses), is there any further action that the student can take in order to expedite the process of establishing legal presence?

A: The task of establishing legal presence is done through USCIS. At the DMV, the student should be asked to show their passport, US visa, I-94, and I-20 or DS-2019. The delay in establishing legal presence could be because of the following:

- 1) Training issue: the clerk assisting the student does not collect all of the proper documents*
- 2) Database not updated: Information from the I-94 is keyed in and double-checked against USCIS information database. If database is not updated before the student submits their application, this would cause a delay in the process.*

Because the student's case is sent to the Legal Presence Verification Unit in Sacramento, there is no way to expedite the process; however, a temporary (90 days) or interim (30 days) license should be issued to the student to fill the gap between processing and receiving their license. Processing time is generally 30-60 days, 45 days being average. If the student still has not received their license by the time their temporary/interim license has been processed, they should request an extension in person at the DMV office.

Q2: What is the current rule regarding international students driving with only a license from their home country?

(Example: While waiting for the CA driver license, can international students with valid driver license issued from their home country drive without violating the law? A student was pulled over and issued a citation because she was not able to show her CA license. At the time, the student was in the process of applying for a CA driver license and working on passing the written exam.)

A: Valid foreign licenses are only recognized for the first 10 days after arrival. You should also check with your local police department to see what their procedures are. Usually the first offense is considered a

“correctable violation” but steps should be taken to get a CDL as soon as possible. PLEASE NOTE: California does not recognize the International Driver’s License (<http://www.idl-international.com/>).

Q3: What is the current policy regarding the SSN requirement for the CA Driver License application?

(Example: A student went to DMV to apply for their CA Driver License and checked on the application form to indicate that s/he is not eligible for a SSN. After the student submitted the application and was informed that they need to go to Social Security Office to obtain a letter.)

A: Students can always apply for a license if they are not eligible for an SSN; however, students that are eligible for an SSN at the time of application must have an SSN before applying for their CDL. (F-1 students who are not employed at the time of application would still be considered ineligible for an SSN, even if they may qualify for an SSN based on future employment). If students are ineligible for an SSN, they should sign the certification portion on the CDL application stating they are not eligible for an SSN. No SSN letters should be accepted or required by the DMV (this may be a training issue). If asked for a letter, student should ask to speak with a supervisor. If a student applies for a CDL without an SSN and later acquires an SSN, they must present it upon a renewal of their CDL or CA ID card. DMV also recommends that students ALWAYS carry their immigration documents with them for any type of visit (such as renewal appointments), not just for their original application.

Q4. What happens when a student gets a letter asking for additional documentation but does not specify what documentation is needed?

A: The only documentation that the DMV should collect is the passport, US visa, I-94, and I-20/DS-2019. You can contact the Legal Presence Unit in Sacramento at 916-657-7445.

Q5: What should we do if a student is denied with no temporary or interim license issued?

A: If the expiration date on the student’s documents is within 60 days of their CDL application, the DMV will automatically reject their application. If the student is denied or rejected but it is not clear why, they should always ask to speak with a supervisor. And if that supervisor is not helpful, they should ask to speak with another supervisor until the situation is resolved.