

DOS

Can you please give us an update on the visa renewal process for a third country national at the U.S. Consulate in Tijuana?

A: The US Consulate in Tijuana is only receiving renewals of visa in the same category (Example: and F-1 student renewing F-1 visa). If the appointment is made incorrectly, the student would be allowed to reenter using automatic revalidation.

If a third country national has been granted a change of status from one status to another, can they apply for the new status at the U.S. Consulate? Or, do they need to return home?

A: See above. The student would have to return home for new visa.

Can a third national who had DUI in the U.S. and has served the sentence, renew their visa in Tijuana or can this be done only in their home country?

A: If the third national has an appointment in Tijuana, the consular officer may suspend the case and send the individual to Ciudad Juarez to determine eligibility for renewal. (Section 212A13). If the individual is considered "Class A", he/she would be refused the visa renewal. An individual would be subject if he/she has had one DUI arrest in the last 3 years.

We have several one week classes for which the I-20 is not issued. Can they apply for a B1/B2 visa?

A: The US Consulate in Tijuana can issue the B2 however the individual must state their intentions (study in short course, less than 18 hr/wk) at interview as it should be annotated on visa. Canadians – not issued a visa, recommend annotation on I-94.

What is the status on the "short term study" F-4 visa?

A; no news on the F4 however discussed F3. More F3's have been issued this year than in years past. Border commuter's living expenses on I-20 should state "\$0". If there is an amount greater than \$0, US Consulate in Tijuana may issue an F1 visa.

CBP

*Note: CBP Officer not in attendance so questions unanswered. Kasey to forward questions to CBP Officer

Would an M-1 student with an approved extension of status, but expired visa, travel to Mexico or Canada for less than 30-days who has traveled to Mexico or Canada for less than 30-days is allowed reentry?

Would a student with an approved change of visa status travel to Mexico or Canada for less than 30-days who has traveled to Mexico or Canada for less than 30-days be allowed reentry? I have told students it is not advised.

Do you view it as problematic if students or scholars want to exit the US and re-enter at the border as a tourist precisely because they have completed their program and want more time than the grace period allows for purely tourist activities?

What is the usual procedure for handling re-entry of F, M and J's at the border when they forget one of their documents? If they have evidence like an institution ID card, and a valid passport, will you I-515 them?

The issue is that students are issued new I-20's when they apply for CPT, OPT, Transfer, etc. Students are experiencing delays as they are being re-inspected and charged a \$6 fee. The I-20's being issued are not initial I-20s. They are a continuance of the previous I-20. Do you advise that they take their previous I-20's with them? Should we send them to deferred inspections for a stamp?

How can someone register their car with CBP if it was not registered when they entered the United States from Canada/Mexico?

ICE

If a student has been ~~arrested~~ (convicted) for a felony, and ICE determines that the student is ineligible to return to their program due to this felony, does SEVP terminate the I-20?

A: Yes, the I20 should be terminated. SEVP may ask the school to terminate the record.

If ICE does a raid on a business and it is determined that a student has been working illegally, is the school contacted? What actions do you want the school to take?

A: Vincenzo's unit will contact the school and request that the SEVIS record be terminated.

What is the process an ICE Agent must follow when contacting a school regarding information about a particular student or scholar?

A: The ICE agent will contact the PDSO/DSO, identify him/herself and ask for student info. Oftentimes ICE agents will contact schools because a student is in terminated status and needs follow-up (possibly datafix or reinstatement situation).

How do ICE and the FBI work together? We have been contacted by the FBI regarding a student, but not by ICE for the same student?

A: A task force with ICE and FBI representatives has been established. FBI can contact schools directly however schools are not required to give information to FBI (schools may choose to do so if they wish). Legally, only ICE can ask for this info, including

addresses. ICE tries to contact individuals at their place of residence rather than at the school or institution.

CBP/DOS Questions

What is the standing for CBP and DOS for the questions below?

If a student has been out of the country longer than 5 months, they are issued an “initial” I-20. According to the DOS, this student must apply for a new student visa regardless of the validity.

We advise students of this policy, but are discovering that CBP allows them to enter the U.S. with the valid visa.

DOS

Can you clarify if this is still correct – students must apply for a new visa if they have been out of the U.S. longer than 5 months?

A. Consular advice varies depending on consulate.

CBP

Can you clarify that only the validity of the visa is checked?

A. Gray area. Determination of visa validity made at POE.

UC San Diego hosts a fair number of short-term visitors who come for short-term consultations or independent research projects: up to three months, no compensation. According to regulations by DOS the B-1 (Visitor for Business) visa is appropriate. It is our understanding that the B-2 (Visitor for Pleasure) visa is not appropriate for that purpose.

Correct – Research, consultants should enter on B1. Mexican’s can get a B1/B2 combined visa, must declare if they are coming in on B1 or B2 at POE.

Visitors from visa waiver countries can use the visa waiver option WB (Visitor-Business). We have observed that many of our visitors are admitted as WT (Visitor-Tourist), even if the visitor clearly stated that he is coming to UCSD for research --not tourist-- purposes. Is the WT status appropriate for short-term visits for consultations or independent research projects?

No – visitor should enter on the WB. To correct WT to WB advise to go to deferred inspections.