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MEMORANDUM

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To: International Education Program Administrators

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1) One To World: Hot Topics With CBP Notes from December 17, 2013

On December 17, 2013 One To World hosted a meeting: Hot Topics with CBP. We were very fortunate to have senior level Officers Paul Erdheim, Deputy Chief Officer at Newark Liberty International Airport, and Raymond Sanicola, CBP Manager, Officer of Field Operations, New York Field Office join us. A transcript of the questions and answers during that meeting can be found on the NAFSA Region X listserv. A copy can also be found on our [website](#).

2) New Foreign Affairs Manual Section on F/J Interview Waivers

The internal operating instructions of the Visa Office of the Department of State are known as the “Foreign Affairs Manual” (FAM). As many of you may recall, after 9/11, DOS required all visa applicants to be interviewed at a U.S. Consulate. Several years ago DOS implemented a pilot program to waive interviews in limited instances. The two year interview waiver pilot program has now been made permanent at 9FAM21.102 Notes. This item was recently published at 9FAM41.102N4. This section discusses eligibility for interview waivers for student and exchange visitor visa applicants:

- a) Students (F and M applicants) are eligible for interview waiver under the Interview Waiver for Renewals (Within One Year) or the Interview Waiver for Renewals (12-48 Months after Expiry), provided the applicant is renewing his or her visa to either: (a) continue participation in the same program even if at a different institution; or (b) attend the same institution even if in a different program. Exchange visitor visas (i.e., J visas) may only be renewed under the Interview Waiver for Renewals (Within One Year) or the Interview Waiver for Renewals (12-48 Months after Expiry) if the Student and Exchange Visitor Information System (SEVIS) number has not changed at the time of issuance from the previously issued visa.

- b) Consular officers must verify that the applicant is in status according to SEVIS, and should request a personal appearance should the officer identify any discrepancies between the current and previous visa applications, or wish to interview the applicant for any other reason.

3) Status of Filipino Typhoon Relief

Despite an outstanding request by the Philippine government for the U.S. government to enable Temporary Protected Status for Filipinos in the U.S. who are impacted by Typhoon Haiyan – nothing has been announced beyond repetitions of existing relief measures, including expedited processing of applications. We all await DHS developments. A copy of the latest USCIS posting regarding existing relief measures may be found [here](#).

4) SEVP Issues General Summary Quarterly Review

SEVP has recently posted the “Student and Exchange Visitor Information System General Summary Quarterly Review.” The “Review” is an 18 page large print statistical analysis of:

Students: particularly places of origin, by continent and by country, citizenship, and gender-by region and by country, and location, by U.S. state.

Schools: The top five by size of population (NYU and Columbia are 4 and 5 for F-1s), certified schools by state, level of education and top ten majors.

The “Review” may be found [here](#).

5) A New Quandry: How Does a DACA Recipient Complete a College Application?

Recently, the question of what immigration status a DACA recipient should enter on a college admission application has arisen – especially in states permitting their out of status immigrant citizens to obtain in-state tuition- either as high school graduates in their state, or otherwise.

The DACA recipient is not a U.S. citizen, nor a lawful permanent resident. She or he is not a tourist, an F-1 or J-1 or a parolee or asylee or refugee. Hopefully there will be a box for “other”, with a field for an explanation. Otherwise, the form will need to be modified. In the interim, hopefully, a personal note and a copy of the DACA approval (and work permit) will do the trick.

6) CBP Guidance

The minutes of a liaison meeting held between AILA/NY and CBP on October 30, 2013 discussed several issues, among which were:

7. Please clarify in what situations paper I-94s are still being issued.

Paper I-94s are still issued at land border POEs, some General Aviation sites, to military flights, refugees, certain asylees and parolees who lack travel documents, students requiring an I-515A, and aliens subject to an adverse action. Additionally, passengers and supernumeraries aboard vessels may be issued paper I-94s in the event of mid-stream or other on-ship processing [i.e. Your F-1 student takes a Caribbean cruise]. Should primary or secondary processing systems experience an outage, paper I-94s will be issued for the duration of the outage as appropriate.

What happens upon a new entry if an individual has been previously arrested in the U.S. – but the charge was dismissed, or is subject to the petty offence exception:

At the time of arrest, a subject's fingerprints are taken, booked, and assigned an FBI number that automatically hits on primary [inspection] with a 10-print scan. After an initial referral and subsequent demotion from the Watchlist, future travel will only require a 2-print scan on primary, which will not hit. However, every

year the program recycles, requiring a new 10-print scan, referral to secondary, etc. There is no way to avoid this, irrespective of the class of admission.

In short, the entrant should carry a “Disposition Certificate” issued by the court. This certificate will explain how the criminal matter was resolved. If the resolution wasn’t favorable to the applicant, it might be advisable for her or him to consult a knowledgeable lawyer prior to departure.

7) Mexico Travel Warnings

The U.S. Department of State publishes “Travel Warnings” which it hopes people will review and understand before undertaking travel which might involve unnecessary risk. (The Canadian government also posts travel warnings.)

Recently, DOS posted a comprehensive set of travel warnings for Mexico. The “Warnings” addressed conditions in all Mexican states on a per state basis. The “Mexico Travel Warning” may be found [here](#).

The text refers to threats to safety and security posed by “Transnational Criminal Organizations” – referred to as “TCOs.” It is understood why USCIS chose not to refer to these as “Transactional Aggressive Criminal Organizations.” It would not have been politically correct.

Many thanks for your comments, your suggestions and your confidence in for referring your students, scholars and faculty members.

Please let me know if you have any questions, or if you would like copies of any of the materials covered.

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