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MEMORANDUM

To: International Education Program Administrators

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1) TVU Developments

The Tri-Valley University trauma continues to play out. ICE has issued a "Notice to Withdraw" the TVU school authorization. The "Notice to Withdraw," together with the TVU Director's response was made public, although public availability of these documents would appear to be contrary to the Privacy Act, as well as usual ICE protocols. A review of these documents sends a strong lesson that the response to serious allegations such as these requires legal assistance, not the pro se response made by the TVU Director.

On February 7, 2011 SEVIS issued a Memorandum to all SEVIS users entitled "Consideration of Former F-1 Students from Tri-Valley University for Enrollment, number: 1101-02." ICE noted that on January 18, 2011 SEVP cancelled or terminated all initial active and transfer in student records associated with TVU and that, therefore, students enrolled at TVU and those who have already entered but not yet enrolled are unable to maintain F-1 status. SEVP set forth the "Responsibilities of School Officials" and stated that after usual admissions procedures are completed and the student has been admitted, a DSO should contact the SEVP help desk at 800-892-4829 or SEVIShelpdesk@hp.com to manage the student record. It is specifically stated: "Do not initiate a new SEVIS record for the student." It was also noted that employment authorization for F-1 TVU students terminated on January 19, 2011.

Indiatimes in Economic Times section, posted a story on February 2, 2011 that the Indian government had launched a strong protest with US Department of State against ICE and other US agencies "against the manner in which hundreds of Indian students of the Tri-Valley University were being treated by ICE, including forcing scores of them to wear radio tags and their suspension by the Student and Exchange Visitor Information System (SEVIS) that prevented them from taking admission in other colleges." Indian officials pointed out the radio tags were unnecessary as all had valid visas. The Indian Embassy argued that the students should be treated in a humane manner and as victims of the scam, not as victims of the investigation. Of course, US officials including the ICE Director, although acknowledging that there were a lot of innocent victims, "... did not rule out that there might be some students who were involved in this scam." ICE Director John Morton assured the Indian authorities that "instead of seeing this entire case as purely a law enforcement measure, he would be using good judgment and common sense" in resolving the issues related to the students. In effect, individual students will be handled on a case by case basis.

2) CBP Contact Information

On February 23, 2011 AILA posted on its website a document entitled "Local CBP Office Contact Information," of which the following links may be helpful:

1. Ports-of-entry - <http://www.cbp.gov/xp/cgov/toolbox/contacts/ports/>.
2. Deferred Inspection Locations -
http://cbp.gov/xp/cgov/toolbox/contacts/deferred_inspection/.
3. Pre-clearance Locations -
http://www.cbp.gov/xp/cgov/toolbox/contacts/preclear_locations.xml.
4. Frequently Asked Questions - <https://help.cbp.gov/app/answers/list>.

3) DOS Begins On-Site Visits at Academic Exchange Visitor Programs

The latest NAFSA.news which was circulated by email on March 1, 2011 included a report noting that those of you the 21 largest academic exchange visitor programs may receive a friendly knock on your door. Pursuant to a "Final rule, which was published on February 28, 2011 "the Department of State Exchange Visitor Program (DOS EVP) will be using a portion of the program designation and redesignation fee increase to fund 'on-site reviews' of the largest academic and private sector exchange visitor programs." The article goes on to note that "several members have reported that selected schools have received a notice of the visit to their institution, along with a checklist of items that DOS EVP asks the program to submit before the site visit." According to DOS EVP, the visits are expected to last approximately two days. They note that "similar visits were conducted last year at Secondary School program sponsors" stating that the feedback "received from those visits 'has been overwhelmingly positive and emphasizes the value of face-to-face interaction and collaboration between Department staff and program sponsors.'"

The link to the full article which includes a downloadable "Example Of DOS EVP Site Inspection Notice And Checklist" PDF can be found [here](#).

4) I-129 Export Control Requirement In Effect

The recently released version of form I-129 includes a section in which the petitioning employer must certify that it has reviewed the Export Administration Regulations, as well as the International Traffic in Arms Regulations, and has determined that either (1) a license is not required to release the technology to the beneficiary, or (2) a license is required and the petitioner will prevent the beneficiary's access to the technology until the petitioner has secured a license or other authorization.

This assertion must be made in all petitions for H-1B, H-1B1, L-1 or O-1A classification postmarked on or after February 20, 2011.

Although this assertion will not be relevant to most petitions, those working in/or with scientific institutions will need to develop systems whereby knowledgeable individuals will be able to make these determinations which can then be delegated to the signatory authority within the institution.

5) Internet and Social Media Consistency

An AILA's lawyer meeting in February covered trends in Consular Processing. Of interest was a common observation that the government is using the internet – mainly social network sites such as Facebook, LinkedIn, etc. – as a tool to combat perceived fraud. A few months ago, this Memo noted a similar phenomenon coming from a specific fraud detection division branch of ICE located in Tacoma, Washington. The take home point seems to be that students – and really all applicants – should be aware of what information about them exists on the internet. Out of date and/or inaccurate (or even accurate) online information may cause unnecessary application delays.

6) USCIS/USPS Protocols

On February 24, 2011 USCIS issued a Q&A resulting from a "Quarterly National Stakeholder Engagement." Two items set forth mailing protocols which have recently come into effect. They follow:

Question: Mailing Instructions

We've noticed that OPT applications sent to the new Lock Box address with Texas Service Center are being sent back to truncated return addresses. Apparently the Lock Box staff will not include any "care of" information and will just omit it. Also, apparently they are omitting the additional four digits after the zip code (even though there seem to be fields for those.) Can USCIS verify this information and/or explain the process.

Response: There is no C/O field on the I-765 form. We are aware of the issue concerning the fact that c/o addresses, when provided in the address field on Forms I-765, are not being captured as part of the address. If USCIS were to ask the lockbox to put the c/o in the address field then we would run the risk of truncating the return address as the address data field is limited to a certain number of characters.

Please provide examples of truncated return addresses.

Form I-765 is being revised to include a c/o data field so that this information can be captured in the future.

Lockbox does not capture the additional four digits after the zip code.

Question: Secure Mail Initiative (SMI)

Under USCIS's SMI what can I do if my card has not been received after being notified of my application's approval?

Response: Under SMI, USCIS mails all proof of benefit cards (PRC's & EAD's) with Delivery Confirmation tracking through the US Postal Service (USPS). Each card receives a USPS tracking number. Customers who have not received their card in what they consider a timely manner can call the USCIS Customer Service line (at **1-800-375-5283**) to ask the delivery status of their card. The USCIS Customer Service Representative will provide the customer with a USPS tracking number for their card AND tell them the current USPS delivery status, including the date of delivery, time, and location, if delivery was already completed. If delivery has not yet been completed, customers are informed that they can go to USPS website at <http://www.usps.com> to track the delivery status themselves by entering their delivery confirmation number into the Track & Confirm field, or may call USPS Customer Service tracking line at 1-800-222-1811 to obtain the latest USPS delivery status information. NOTE: SMI tracks card delivery by a customer's receipt number, the customer's address on file, mailing date and time, USPS Delivery Confirmation number, which shows USPS delivery status (route and date of any delivery). **Confirmation is for delivery at that address.** No signature is required for completion of the delivery. If a customer has not received his/her card although USPS tracking says it was delivered, s/he may call the USPS Customer Service line and request a delivery inquiry.

7) J-1 Fee Changes

On February 25, 2011 the "Federal Register" published a "Final rule" which modifies certain Exchange Visitor Program Fees. The rule is effective "thirty days from February 25, 2011," (which for the uninitiated is March 27, 2011). The fee for filing an application for program designation and/or re-designation (form DS-3036) has been increased to \$2,700. The fee for filing an application for status changes such as an extension beyond the maximum duration, change of category, reinstatement, reinstatement-update SEVIS status, etc. has been reduced to \$233.00.

The "Proposed rule" was published on October 1, 2010. There were three comments, but no changes were made. Of interest is the agency's response to

one comment from an academic institution which characterized the 54% increase in fees as a financial burden on the institution. The agency stated "As no other academic institutions presented this view, we find that this comment does not represent the view of the higher academic community or its ability to pay this bi-annual re-designation fee." Perhaps, if the college and university industry had made a strong showing, this fee increase might not have happened. The same, of course, has been said about SEVIS.

8) USCIS Publishes New Filing Location for Change of Address Form

On March 1, 2011 AILA published new instructions on the filing of Change of Address on forms AR-11 and AR-11 SR. Instructions follow:

Beginning March 15, 2011 all Change of Address, (Form AR-11) and Alien's Change of Address, (Form AR-11 SR) will change filing locations. Now, you must file all change of address forms at the following address:

DHS/USCIS
Harrisonburg File Storage Facility
Attn: AR-11
1344 Pleasants Drive
Harrisonburg, VA 22801

Change of address forms mailed to the old location will be forwarded to the new filing location for 45 days beginning March 15, 2011 until April 28, 2011.

You also have the option of notifying USCIS of a change of address online. To change your address online or for more information about USCIS and our programs, visit us at www.uscis.gov.

9) USCIS Consolidates Travel Permit with EAD for Green Card Applications

On February 11, 2011 USCIS announced that both employment and travel authorization would be authorized on a single card for those filing an application for lawful permanent residence on form I-485, together with the form I-131 and I-765, as a part of the normal green card filing packet. The EAD will be inscribed "Serves as I-512 advance parole." This improvement creates a more secure travel document in this circumstance, as well as eliminating one additional document.

10) DV Lottery Scams

The DV lottery scammers are out there. 'I won! However, due to the courage of my great grandparents and grandparents, I don't need it'. As the DV lottery is now announced electronically when one is selected, scammers are already taking advantage. DOS has a "DV Fraud" warning on its website which can be reviewed by clicking [here](#). The fraudulent emails may have State Department seals and may look legitimate, but sending money to an address claiming to be the American Consulate in London is not an option. Nor are fiancés, brother, sisters, children, and cousins considered to be eligible accompanying family members. The only benefit to sending \$880.00 to an address listed as the American Consulate in London will be to assist the UK balance of payments. Be careful!

On a related note, on February 4, 2011 the Federal Trade Commission (FTC) announced that it had closed down "Immigration Centers and Immigration Forms and Publication Inc." which had set up a website which mimics official US government sites and then steers individuals to deceptive telemarketing operations for forms, and "process" payments of \$200-\$2,500.00.

11) Former ICE Intelligence Chief Under Investigation

In a classic example of oxymoronic self contradiction the *Washington Post* of February 23, 2011 announced that the ICE Intelligence Chief is the subject of an internal investigation having to do with travel receipts and a subordinate. A new Intelligence Director and a new Chief of Immigration Enforcement and Removal Operations have already been named. The agency's spokesman said that agency programs would be unaffected.

12) VSC Stakeholders Letter Instructs on "Quality Review"

The Vermont Service Center circulated a "Stakeholders Newsletter," Volume I, Issue I, dated February, 2011. There were two items of interest. The first is an item entitled "Expedite Request Guidance" which notes that an "expedite request will be decided within five business days, and that if there is no response, please allow an additional five days for a response to the inquiry." Apparently, things move at their own pace in St. Albans.

The second item discusses "Quality Review," and is set forth in full:

The VSC has set a goal of excellence in our processes, in our adjudication and in our commitment to our customers. In support of excellence the VSC

has embarked on a Quality Control initiative to review the effectiveness and value of the Requests for Evidence it sends to its customers. The review is to ensure that Requests for Evidence are written clearly and are easy for the recipient to understand. The review is not technical in nature.

From October 2010 to the present the VSC reviewed has more than 21,000 Requests for Evidence. Center-wide the VSC has used this as an opportunity to focus officer attention on providing clear and accurate correspondence with our customers.

Through the commitment of the VSC workforce there has been dramatic and noticeable improvement.

The VSC welcomes any suggestions or feedback you have regarding this initiative.

The item speaks for itself.

13) E-Verify Self Check

Are you legally in the United States? Are you legally permitted to work?

On March 1, 2011 the USCIS Verification Division and the Office of Public Engagement invited interested stakeholders to participate in a discussion of E-Verify Self Check on March 10th from 2-4pm. This procedure is a simple online service that permits an individual to check their own employment eligibility.

To Participate in the Session

Any interested parties may participate in this event in person or by telephone. All participants must respond to this invitation. Please contact the Office of Public Engagement at public.engagement@dhs.gov by March 9, 2011, and reference the following in the subject line of your email:

- If you plan to attend in person, please reference "Self Check – In Person"
- If you plan to attend by phone, please reference "Self Check – Phone"

Please also include your full name and the organization you represent in the body of the email.

Anyone who does not like their job (or may have been born in Kenya) should check it out. Upon a negative response, a black helicopter will be dispatched.

14) Revised Fee List

In a prior memo I attached the latest fee schedule effective November 23, 2010. Please correct the I-485 Pckt item to \$1,070.00, or download the new attachment [here](#) (I too, am not perfect).

Many thanks for your comments, your suggestions and 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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