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MEMORANDUM

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To: International Education Program Administrators

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1) USCIS Invitations

◆ Northern Service Center Teleconference on Student/School Issues

On August 28, 2012 USCIS posted an invitation to a Northern Service Center (NSC) teleconference on student/school issues to be held on September 13th at 10:00 (CST). The teleconference is specifically for "Students and School, and Other Issues." Unfortunately, the deadline for submission of questions was Tuesday, September 4, 2012. No RSVP is required to participate. The invitation's text is below:

USCIS Invitation to NSC Teleconference on Student/School Issues
From NSC:

Good morning.

The Nebraska Service Center will be holding its next stakeholder teleconference on **Thursday, September 13, 2012 at 10:00 a.m. (CST)**. This teleconference will be reserved for issues relating to **Students and School, and Other Issues**. Students/School and Other includes the following topics:

- I-765 student classifications and classifications other than (c)(9), (a)(5), and (c)(8)
- N-400
- I-821
- Legalization/I-817
- I-102
- I-824 (general)
- I-131 Reentry Permits/Refugee Travel Documents
- N-565
- I-90
- I-601
- I-824 as appropriate
- Waivers as appropriate

The deadline for submission of students and school-related questions and questions on other issues is Tuesday, September 4. You can submit questions directly to me at ceo.nsc@dhs.gov.

Call-in information will be provided closer to the teleconference date.

Please note that an RSVP is not required to participate in these local teleconferences; call-in information is sent out to everyone on my distribution list. If you are not currently on my distribution list but would like to be, simply send an email to ceo.nsc@dhs.gov with your information. Thanks!

Kathryn Nicholas
Community Engagement Officer
Nebraska Service Center
U.S. Citizenship and Immigration Services
Department of Homeland Security
402-219-6405
ceo.nsc@dhs.gov

◆ Notice of Public Engagement, the Quarterly National Stakeholder Engagement

On August 31, 2012 USCIS posted a notice of a public engagement for the Quarterly National Stakeholder Engagement on October 10, 2012 from 1-3pm (EST). Agenda items are being sought and RSVP by email is required. All submissions must be received by September 10, 2012. Requests to participate must be received by October 8, 2012 whether in person or by phone. The notice may be found [here](#).

Perhaps, an agenda item could be just why NSC schedules school and student teleconferences on such short notice. The last student/school NSC teleconference was cancelled due to a shortage of agenda issues.

2) CBP Stops Stamping I-20s (and Forgets to Tell Anyone)

With the introduction of the ELIS system by USCIS, that agency stopped stamping I-20s. On August 10, 2012 CBP circulated a Memorandum to its local offices that it too would no longer stamp I-20s. Unfortunately, neither of these agencies appeared to have advised either the Social Security Administration nor local state Departments of Motor Vehicles. When arriving students and exchange visitors began to appear at Social Security and DMV offices without stamped I-20s they were turned away. The August 10, 2012 Memorandum was given to NAFSA on or about August 21, 2012. The next day CBP asked NAFSA not to circulate the Memorandum. However, it had already been supplied to AILA which posted it immediately. In any event, on August 24, 2012 a notice showed up on the CBP website. The notice may be found [here](#). This printout can be given to Social Security and DMV offices.

◆ SEVIS Distributes Broadcast Message number 1208-07

On August 22, 2012 SEVIS distributed Broadcast Message number 1208-07. The Broadcast Message reported that SEVP had received reports of data transmittal problems through the SAVE system and that these problems were causing inaccuracies in F, M, and J verifications. SEVP blamed the problem on the interface system that reads data from SEVIS and pushes it to SAVE. The Broadcast Message recommended that if there was an active F, M, or J record

with a denied driver's license or social security number with a SAVE message of "refer student/exchange visitor to their school/program sponsor" and the F or J was eligible for these benefits, the respective agencies should be contacted. The Broadcast Message lists specific information to be given to those agencies. The Broadcast Message may be found [here](#).

3) DV-14 Lottery Opens October 2, 2012 at 12 Noon (EDT)

The State Department has advised that the DV-2014 Lottery program will begin on Tuesday, October 2, 2012 at 12 noon, Eastern Daylight Time, it will conclude on Saturday, November 3, 2012 at 12 noon, Eastern Daylight Time. Instructions are not yet available.

4) US Court of Appeals for 2nd Circuit Allows Non Immigrant H-1B and TN Holders to Practice Pharmacy in NY State

The United States Court of Appeals for the Second Circuit decided on July 10, 2012 in the case of *Dandamudi v. Tisch* that non-immigrants in H-1B and TN status residing in New York, who are qualified to obtain pharmacist licenses to practice may not be prevented from doing so by State law. In other words H-1B and TN holders may obtain a license to practice pharmacy within the state of New York. The U.S. Court of Appeals is the appellate level between the U.S. District Court and the Supreme Court of the United States. The jurisdiction of the Second Circuit is the states of New York and New Jersey. The court felt that there was no rational reason to discriminate between H-1B and TN visa holders, and green card holders and citizens.

This decision will extend beyond pharmacists, as similar New York State laws apply to physicians, chiropractors, dentists, dental hygienists, veterinarians, veterinary technicians, midwives, engineers, land surveyors, landscape architects, certified short hand reporters, and massage therapists. The decision of the court specifically relates to pharmacists. However, the state licensing provisions regarding pharmacists as well as these other categories will take some time to straighten out.

These restrictive laws are mostly traced to the early 1950s when nativist sympathies and loyalty oaths were very much the fashion.

5) ICE Actions Against Schools

As noted in my August Memorandum, ICE and SEVP were severely criticized in GAO reports and in congressional hearings regarding compliance monitoring and

certification issues. It would appear that ICE is reacting. On August 3, 2012 ICE published a notice that "on August 2, pursuant to a review of Herguan University's certification an SEVP representative served Herguan University school officials with a notice of intent to withdrawal the school's SEVP Certification and Student and Exchange Visitor Information System (SEVIS) access."

On August 9, 2012 PC Tech Learning Center was issued a withdrawal notice by SEVP and is, therefore, no longer certified to enroll non-immigrant students. All students' records were terminated as was SEVIS access.

On August 1, 2012 it was announced that as of May 20th students currently in active status with TCS International who are actually attending ESRA, a film school, were advised that ESRA was not certified by SEVP to enroll F-1 or M-1 students. In all of these announcements students were provided with their options.

It will be interesting to learn whether SEVP will protect itself from further criticism by more strict enforcement.

6) Iran Sanctions Bill Prohibits F-1 Students in Energy, Nuclear Science, or Nuclear Engineering

On August 10, 2012 President Obama signed the Iran Nuclear Threat Reduction Bill. Section 501 requires the State Department to deny visas and the Department of Homeland Security to exclude from the U.S., any Iranian citizens pursuing higher education in the U.S. in order to prepare for a career in Iran's energy, nuclear science and nuclear engineering fields, as well as related fields. The provision applies to visa applications filed on or after the date of the enactment of the Act. All changes of status into those fields will be denied by DHS, and consulates will not issue visas. It is unknown how DOS and DHS will define "related field," nor is it known how current Iranian F-1 students applying to continue their studies in these fields will be treated. Also unknown is treatment for OPT and changes in majors to the prohibited fields. The bill may be found [here](#).

7) US Consulate in Libya Reopens

On August 17, 2012 the State Department announced that the U.S. Consulate in Tripoli, Libya will be reopened and will offer non immigrant visas. Applicants are required to use the online DS-160, choose an appointment date and time, and appear for an interview at the Embassy at the scheduled appointment time.

8) Musings on DACA

The Deferred Action for Childhood Arrivals (DACA) program has been operative since August 15, 2012. There has been massive hype and, sometimes some rational reporting in the media. Questions remain as to whether an individual should apply just yet. Upon approval, the program prevents removal for two years and provides for work authorization upon a showing of need. There is no promise or guarantee that the program will continue beyond two years, or even whether it may be terminated within the two year period. Mr. Romney has not committed himself to continuation, if he should win the election. Further, there is no assurance that USCIS will assign sufficient personnel to administer the program and will not display the same foot-dragging recalcitrance that forced the administration to remove the program from ICE – which had demonstrated massive recalcitrance in the Prosecutorial Discretion program.

Further, will DACA have the same or similar reaction as did Haitian TPS? USCIS had estimated that approximately 100,000 to 200,000 individuals would be eligible for Haitian TPS. In fact, the program actually received 48,000 applications. For those who have been living in fear of “la migra” for so many years, it will not be easy to change their viewpoints. Will the program be extended? Will it be terminated? If it is not extended, how will the applicants be treated by ICE and USCIS-and how will applicants react? Mr. Obama may be well meaning, but the story is told that in 1952 when departing president, Harry Truman was waiting for the swearing in of General Eisenhower, Mr. Truman said: “He’ll sit here, and he’ll say, ‘Do this! Do that!’ and nothing will happen. Poor Ike- it won’t be a bit like the Army. He’ll find it very frustrating.” Hopefully, by now Mr. Obama has learned to operate with frustration.

9) Politically Incorrect – Observations on Europe

I am not sure just exactly what the distinction is between stereotyping and cultural analysis. I will leave that to the anthropologists. However, in his book “Dishonourable Insults,” British Member of Parliament Greg Knight mentions that another Member of Parliament was recently explaining that when Europeans die they all go to heaven or hell: “The difference is that in Heaven the English are the police, the French the cooks, the Germans the mechanics, the Italians the lovers, and the Swiss organize everything. Whereas in hell, the Germans are the Police, the English the Cooks, the French the Mechanics, the Swiss the lovers, and the Italians organize everything.”

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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