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**MEMORANDUM**

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To: International Education Program Administrators

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- 1) SEVP Issues "Interim Policy Guidance" Defining "Academic Year"

On October 10, 2014 SEVP issued Guidance 1408-01 as "Interim Guidance" defining the term "Academic Year" for various types of schools. The Policy follows:

**Policy:** F-1 student eligibility for annual vacation, off-campus employment, and practical training is dependent upon the student having completed at least one academic year enrolled in an SEVP-certified school. SEVP defines an academic year as follows:

- ☐ An F-1 program of study must include a minimum duration of:
  - o Thirty weeks of instructional time for a program offered in credit hours
  - o Twenty-six weeks of instructional time for a program offered in clock hours
  - o Thirty weeks of instructional time for a program offered in a combination of credit and clock hours
- ☐ For an F-1 undergraduate educational program, an amount of instructional time whereby a full-time student is expected to complete at least
  - o Twenty-four semester or trimester credit hours or 36 quarter credit hours for a program measured in credit hours; or
  - o Nine hundred clock hours for a program measured in clock hours. [footnotes omitted]:

The full "Interim Guidance" may be found [here](#), as well as other draft guidance and interim and final guidance. There is also a link on Nafsa.news of October 24 2014 for Study in the States with all other outstanding guidance for which comments are sought.

## 2) J-1 Issues

### a) Department of State to Issue New Version of DS-3035

According to the minutes of a meeting between AILA and the Department of State on October 9 it was announced that DOS is working on a new version of form DS-3035, which will permit users to save and edit the form prior to submission. Although there is no specific target date for roll-out, the Waiver Review Division will advise when the new form is operational.

### b) Department of State Issues Final Rule on Changes in J-1 Administration

On October 6, the "Federal Register" carried a "Final rule" by the Department of State. The original "Proposed rule" was published on September 22, 2009. The "Final rule" will be effective on January 5, 2015. It is extensively analyzed on the NAFSA Resource page. Generally, the "Final rule" modifies insurance requirements, requires an objective measurement for English language proficiency, tightens criminal background checks for ROs and AROs, modifies policies for ROs and AROs, expands information with which ROs and AROs must be familiar, makes miscellaneous SEVIS and program reporting adjustments, tightens sponsor qualifications, and modifies certain definitions.

These are serious and meaningful changes which must be reviewed. The "Final rule" may be found with the NAFSA analysis which is very helpful.

c) Department of State Proposes Changes to J-1 Annual Report

The NAFSA.news of October 28, 2014 mentions that the Department of State is requesting comments to proposed changes to Form DS-3037, the J-1 Exchange Visitor Annual Report. Comments may be made through December 21, 2014. The NAFSA.news notice may be accessed through the NFASA.news link, or through the “Federal Register” notice [here](#).

3) Meetings and Calls

a) Nebraska Service Center Stakeholder Call on Students, Schools

The USCIS Nebraska Service Center will hold a Stakeholder call on “Students and Schools and Other Issues” on Thursday, November 13, 2014 at 10:00am (Central). The deadline for questions was October 29, 2014. If you still have a late breaking question try submitting it to: CEO.NSC2@USCIS.DHS.GOV . Call in information will be provided the week of November 10.

b) Annual USCIS Ombudsman Conference

On November 6, 2014 the fourth annual CIS Ombudsman’s Conference will be held at the National Archives, 700 Pennsylvania Avenue, N.W. Washington, DC. As described:

This conference provides a forum to exchange ideas and suggestions on the current legal immigration challenges faced by individuals, families, and employers with leaders from across the government, non-governmental organizations and the private sector.

Registration information may be found [here](#).

4) California Service Center Annual Report

The California Service Center recently released its “Quarterly Stakeholders Newsletter”. Among various announcements and information are two “Best Practices for Designated School Officials (DSOs):

Students who cannot submit their **C3B** Optional Practical Training (OPT) designation on the Form I-765 within 30 days of the OPT recommendation date in SEVIS should contact their DSOs to cancel the OPT request in SEVIS and input a new one.

DSOs should write to our mailbox at [csc.studentead@uscis.dhs.gov](mailto:csc.studentead@uscis.dhs.gov) if they experience any difficulties in requesting the OPT in SEVIS. DSOs should provide SEVIS ID numbers (N numbers) and receipt numbers when contacting CSC’s mailbox to facilitate the process.

5) SEVIS to Release 6.18 for Annual Verification Requirement

The NAFSA.news of October 28, 2014 noted that SEVIS Release 6.18 was scheduled for October 31, 2014. The purpose of the Release is to add functionality to allow PDSOs and ROs to submit required annual verifications that all SEVIS users at the particular school F-1 or J-1 program remain employed and require SEVIS access.

The first 90 day verification period is scheduled to begin on December 2, 2014. NAFSA Resources are available through the NAFSA.news link [here](#).

6) USCIS Comments on SAVE and Benefit Issuance

The minutes of a meeting between USCIS and AILA as revised on October 8, 2014 discussed how State Departments of Motor Vehicles should treat applicants in various statuses. The sections regarding students follow:

**11. Systematic Alien Verification for Entitlements**

a. Many state DMVs will not issue a driver's license to a foreign national unless the SAVE system indicates that the foreign national is in lawful status in the United States. Please confirm whether the SAVE system would indicate that a foreign national is lawfully present in the United States in the following circumstances:

i. A nonimmigrant with a pending timely filed change of status application whose Form I-94 card has now expired, or a nonimmigrant who was admitted for D/S (i.e., F, M or J) and whose program and/or authorized grace period is still in place, or expired, at the time the driver's license is sought.

**RESPONSE:** The Systemic Alien Verification for Entitlements (SAVE) program can verify that a nonimmigrant has a pending change of status application using information from a Form I-797C, Notice of Action. SAVE may require the customer agency to submit a Form G-845, Document Verification Request and a copy of the Form I-797C to complete the verification. The SAVE program uses information from the Form I-20 or Form DS-2019 to query the Student and Exchange Visitor Program and determine when an F, M, or J nonimmigrant's program ends. If the program end date has passed, SAVE's response will automatically incorporate the grace period for all F, M, and J nonimmigrants except for the following categories of individuals:

- ☐ F-2s whose sponsoring F-1 was on post-completion Optional Practical Training (OPT);
- ☐ M-1s who are in post-completion OPT; and
- ☐ M-2s who's sponsoring M-1 is in post-completion OPT.

If a customer agency needs to determine if an individual in one of these categories is within his or her grace period, the agency must submit a request for additional verification using Form G-845.

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x. An F-1 student during H-1B cap gap period.

**RESPONSE:** An eligible F-1 student with a timely filed H-1B petition seeking to change status to H-1B should have a valid cap gap Form I-20 issued by the DSO. That document can be used to conduct verification. The SAVE program would indicate that the individual is an F-1 and may also indicate that the individual is the beneficiary of an approved H-1B petition.

xi. An F-1 student whose regular OPT card has expired and who has timely applied for STEM OPT.

**RESPONSE:** An eligible F-1 student who timely filed for a 17-month STEM extension of his or her post-completion OPT work authorization whose EAD has expired can use the expired EAD for a period of up to 180 days while USCIS is making a decision on the STEM extension application. The student should also have a valid I-20 issued by the DSO. These documents can be used to conduct a verification. The expired EAD will not verify on initial electronic verification, so the student will have to advise the DMV to request additional verification with the SAVE Program. The SAVE Program would indicate that the individual is in F-1 status.

b. If the SAVE system does not confirm that a foreign national in any of these circumstances is lawfully present, can it be updated to reflect that information given the fact that all of these individuals are entitled to be present in the U.S.?

**RESPONSE:** The SAVE program does not correct records, it merely accesses records maintained by other programs and agencies. Once a record is corrected by the program or agency that maintains the records, SAVE should be able to verify the applicant's immigration status.

c. If not, what procedure should be followed by the DMV and/or foreign national to obtain confirmation of lawful presence so that the foreign national can obtain/renew his/her driver's license? The hope is that we can avoid delays and the administrative burden associated with the state DMV having to file a G-845 to receive confirmation that the foreign national is in fact lawfully present in the United States.

**RESPONSE:** The SAVE program has a three step verification process:

- 1) Electronic initial verification;
  - 2) Electronic second step verification; and
  - 3) Manual or electronic third step verification using the Form G-845.
- Customer agencies may need to use one, two, or all three steps to

make certain that all available records have been searched to verify the status of an applicant. SAVE has a scan and upload feature that can be used by the DMVs to speed up the electronic third step process and there is a Case Check service available that a DMV can use to allow the applicant to keep track of the progress of the SAVE verification. The DMVs are aware of these capabilities and can utilize them at their discretion. Unless all additional verification steps are followed as required by SAVE, the verification process may be incomplete and the integrity of the process compromised. In the event that SAVE is unable to verify the applicant's status after all three verification steps have been completed, the customer agency will advise the applicant on next actions. In order to increase the chances of an immediate verification, the applicant should be prepared to provide all relevant documentation demonstrating current immigration status as well as evidence of any pending immigration applications.

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7) USCIS to Release Revamped Call Status Online

The Notes from the recently posted August 28, 2014 call between AILA and the USCIS Customer Service and Public Engagement Directorate advised that:

At the end of September or early October, a revamped USCIS case status online will be released as the first phase of the new myUSCIS. This first release is still receipt driven. Customers can enter the receipt number and get basic case status, along with past history and a sneak peek at upcoming events. No private information about the case will be released but messaging will be a lot more clear and confusing messages (i.e., re: change of address, change of A number) will be eliminated. A platform for mobile devices will also be released. Customers will be able to re-set their user name and password.

USCIS is also working on additional enhancements for change of address online – addresses will be validated with USPS.

8) Department of Defense Extends MAVNI

The Department of Defense has recently notified Congress that its program entitled: Military Accessions Vital to National Interest (MAVNI), originally started in 2006, will be extended for an additional two years. The program accepts undocumented individuals into the military, where they can be put on a path to U.S. Citizenship. It is reported that the Army is the only service to accept a significant number of recruits, with the Air Force accepting a few, and the Navy and Marines not using the program in recent years. The number of applicants is capped at 1,500. It is also reported that individuals selected are

targeted for language skills critical to national security such as Arabic, Chinese, Pashto, and Persian.

9) TPS Extended for Honduras and Nicaragua

On October 16, 2014 the “Federal Register” carried Notices that USCIS has extended Temporary Protected Status for Honduras and for Nicaragua for 18 months from January 6, 2015 through July 5, 2016. The Re-registration period runs from October 16, 2013 through December 12, 2014. There are approximately 61,000 current Honduran TPS beneficiaries and 2,800 Nicaraguan beneficiaries eligible for extension. The “Federal Register” Notice for Honduras may be found [here](#), and for Nicaragua, [here](#)

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

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

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