

**STUDENT AND EXCHANGE
VISITOR PROGRAM (SEVP) –
VISA REGULATIONS AND THE
IMPACT ON UC**

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SESSION DESCRIPTION

In the aftermath of 9/11, it was determined that many of the perpetrators were in the U.S. on non-immigrant (student) visas. The Department of Homeland Security was formed and developed the Student and Exchange Visitor Program (SEVP). Now 11+ years later, Homeland Security is revising the program and, once again, tightening security.

SEVP & SEVIS

The Student and Exchange Visitor Program (SEVP) is designed to help the Department of Homeland Security (DHS) and Department of State (DOS) better monitor school and exchange programs and F, M and J category visitors.

Student and Exchange Visitor Information System (SEVIS) (4/30/2003):

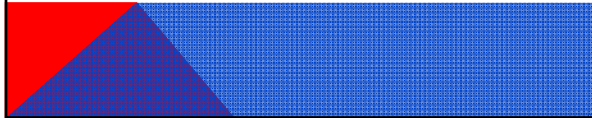
- a federal database system that maintains and tracks information on non-immigrant students (F-1 and M-1 visa), exchange visitors (J-1 visa), and their dependents (F-2, M-2, and J-2).
- enables schools and program sponsors to **transmit** mandatory information and event notifications **via the Internet**, to the DHS and DOS throughout a student or exchange visitor's stay in the United States.

INCOMING STUDENTS – F-1

ADMINISTERED BY DEPARTMENT OF HOMELAND SECURITY

"An alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the US temporarily and solely for the purpose of pursuing such a course of study ...consistent with section 214 (m)² at an established ... university, ... in the US, particularly designated by him and approved by the Attorney General after consultation with the Secretary of Education, which institution ... shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn."

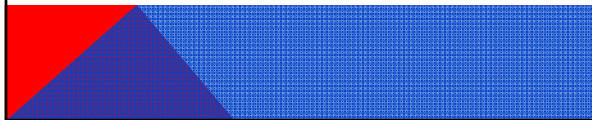
¹8CFR (Part 214)



F-1 VISA – KEY TERMS

full course of study = registered as a full-time student or in a defined certificated program culminating in a degree or official certificate

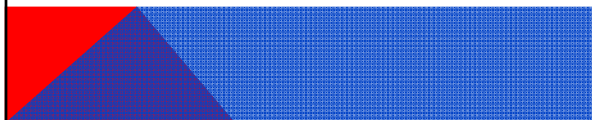
university = an institution of higher learning which awards recognized bachelor's, master's, doctor's, or professional degrees



F-1 VISA PROCESS

The student must:

- Apply to UC
- Receive acceptance to UC
- Submit "Statement of Intent to Register" (SIR)
- Submit a request for an I-20 "Certificate of Eligibility"
- Complete a Confidential Financial Statement including bank verification documents, and copy of their passport.
- If already in the U.S. attending school, request their current school to release their SEVIS record to the UC campus.

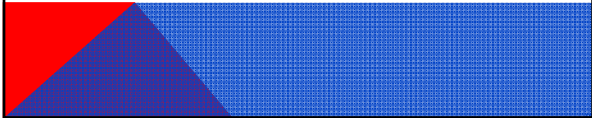


F-1 VISA PROCESS

To obtain an F-1 Visa stamp in their passport, the student must present the following to the officer at the U.S. Consulate in their home country:

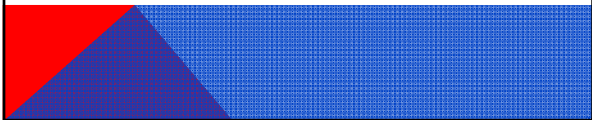
- UC campus Form I-20 (Certificate of Eligibility for Nonimmigrant (F-1) Student Status)
- letter of admission
- valid passport
- transcripts and I-20s from any U.S. schools previously attended
- financial documents (the ones uploaded when requesting the UC I-20).

Students coming directly from another country on a student visa (F-1) are limited to entering the United States no earlier than 30 days before their I-20 start date. Students already in school in the U.S. are not subject to this requirement.



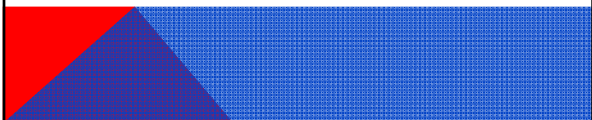
OTHER CONSIDERATIONS

- A person on a student (F-1) visa cannot accept off-campus employment at any time during the first year in the U.S.
- Spouses of F-1 visa holders (F-2) are not allowed to work under any circumstances.
- After completing the academic program, students are eligible for a period of Academic Training (full-time work) on or off campus:
 - Ph.D. students – 36 months (maximum) or duration of program, whichever is less.
 - Master and Bachelor degree students – 18 months (maximum).



RISK AREAS TO CONSIDER

- DHS must be notified of "reportable events" (e.g., change of name or address, early graduation) within 21 days of the event.
- DHS must be notified within 30 days, if a student fails to enroll by the term deadline, or drops below "a full course of study."
- Short term programs without central registration requirements and records cannot upload information to SEVIS.
- Programs not leading to the issuance of an official UC diploma or official certificate do not meet the requirements for the F-1 Visa.

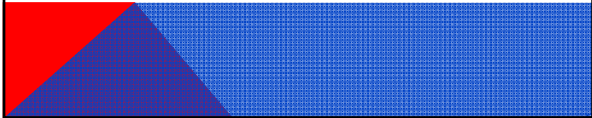


EXCHANGE VISITOR VISA J-1

ADMINISTERED BY THE DEPARTMENT OF STATE

"An alien having a residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by Dept. of State, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if he is coming to the United States to participate in a program under which he will receive graduate medical education or training, also meets the requirements of section 212(j), ..."

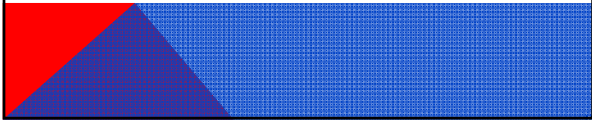
8 CFR



J-1 VISA CATEGORIES

Maximum Program Duration

- | | | |
|-----------------------|------------------|----------|
| 1. Researcher | 60 months max. | presence |
| 2. Professor | 60 months max. | presence |
| 3. Short-Term Scholar | 6 months max. | presence |
| 4. Specialist | 12 months max. | presence |
| 5. Non-Degree Student | 24 months max. | presence |
| 6. Degree Student | Until graduation | |

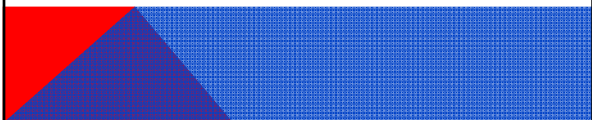


J-1 PROCESS – STUDENT CATEGORY

(DEGREE AND NON-DEGREE)

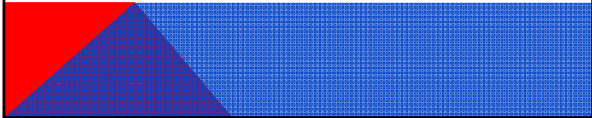
The DS-2019 form is issued to admitted students who apply, and are qualified for, a J-1 visa, after they submit a Statement of Intent to Register accepting admission at a UC campus.

J-1 status is appropriate for students whose programs of study are substantially funded by the U.S. government, their home government, an international or nonprofit organization, or UC campus.



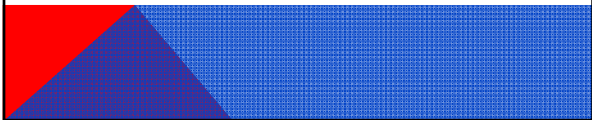
VISITING SCHOLARS (VS)

- Must be invited by an academic department or lab who will serve as the host.
- Are senior scholars and distinguished visitors who hold an appointment comparable to those of UC faculty, and are usually on temporary leave from their university or research center.
- Serve as senior researchers, collaborate on research projects and publications with faculty members, and pursue independent research. Duration ranges from less than one year up to 5 years.
- Are self-supported, or have adequate support funds from sources outside the University. By exception, minor support can be provided (e.g., living expenses, health insurance).
- International VS are required to either purchase Visiting Scholar and Student Injury and Sickness Plan coverage (available for UC through Garnett-Powers) or opt-out by showing proof of comparable coverage. **All J visa holders are required to have medical insurance that also covers repatriation and evacuation.**



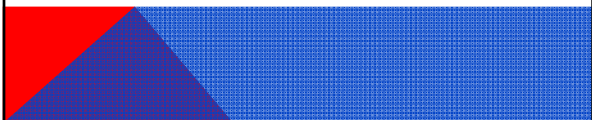
RESEARCHER/PROFESSOR CATEGORY BAR (LIMITS)

- Only applies to Researcher/Professor Category requests.
- A visitor in the Researcher/Professor Category must wait **2 years** after program ends before he/she is eligible to return as a Researcher/Professor.
- A visitor on any other category for more than 6 months must wait **1 year** after program ends before he/she is eligible to return as Researcher/Professor.



RESEARCHER/PROFESSOR CATEGORY BAR (LIMITS)

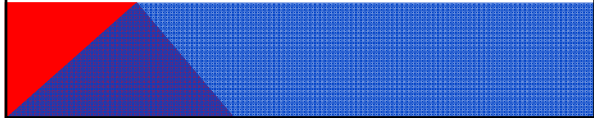
- UCLA recommends the **Short-term Scholar** category for visit durations of shorter than 6 months, with no prospect of extension, to avoid bars.



J-1 EXCHANGE VISITOR FINANCIAL SUPPORT

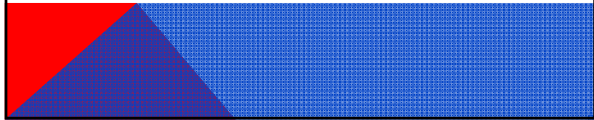
Since the University cannot assume financial responsibility for its students, U.S. government regulations require that UC be satisfied that entering exchange visitors have sufficient funds to meet all expenses while here. Visitors need to be warned that all fees and expenses are subject to change; *it is best to plan to have additional funding well beyond the minimum.*

Exchange Visitors must be forewarned that unless they have been officially notified in writing of an award from their department or the Graduate Division, they should not expect any financial support from UC. Teaching assistantships, graduate student research appointments, fellowships and stipends, as well as tuition fellowships, are not guaranteed for the full academic year, or for subsequent years of study, unless stated in writing.



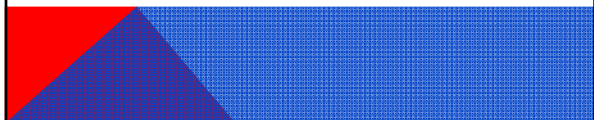
J-1 PROCESS FOR OTHER THAN STUDENTS

- DS-2019 Request Form with signatures from:
 - Faculty Supervisor (PI) – Cannot be an Adjunct Professor
 - Department Contact Person
 - Department Chairperson
- Photocopy of Passport picture page (including those for dependents, if accompanying)
- Financial Support Documentation
- Resume/Curriculum Vitae
- Memo from the faculty supervisor (If the visitor is in the 'Professor' category, the memo must indicate whether teaching is involved).
- Billing information for the Visa processing fee(s).



CHECK-IN AND ORIENTATION

- All Visa holders must check in with the university immediately upon arrival but no later than the program start date.
- Mandatory Orientation
 - Notified of change in status reporting requirements
 - Travel restrictions
 - Student full time enrollment requirements



FOREIGN MEDICAL STUDENTS

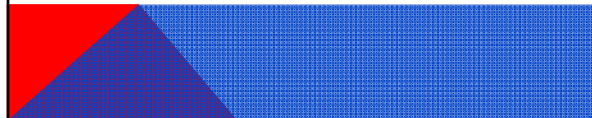
Medical Residency process is administered by the Educational Commission for Foreign Medical Graduates (ECFMG).

ECFMG has responsibility for:

- o Evaluating the qualifications of international medical graduates
- o Physician credentials related to medical education, training, and licensure
- o Assessing clinical skills

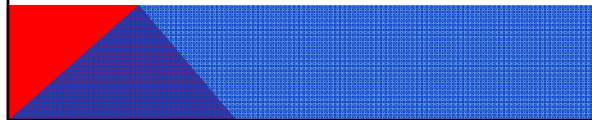
Foreign medical students are allowed to enter the U.S. under the J-1 Visa.

Note: This is the only situation where a J-1 Visa holder may engage in clinical contact.



ITEMS OF CONCERN FOR VISITORS

- Waiver of Liability (Office of Insurance and Risk Management)
- Laboratory Safety Training
- Other Mandatory Training relative to the engagement



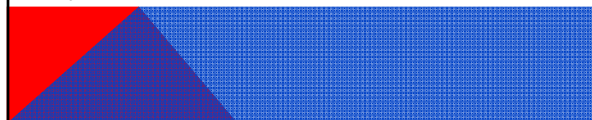
VISA WAIVER

Visa waiver

It is possible for citizens of certain countries to come to the U.S. without a visa if they have definite plans to leave within 90 days of arrival. Exchange Visitors should not enter the United States in this manner. They will not be permitted to extend their stay or change their status while in the U.S.

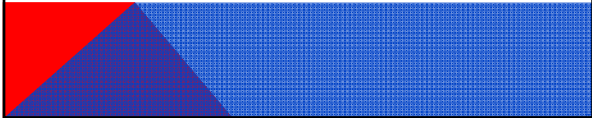
The Visa Waiver Program vs. J-1 Exchange Visitor Status

U.S. immigration inspectors have wide discretion in granting entry to the U.S. and often do not see Visa Waiver Program as appropriate for someone coming to a University to conduct any research, consultation, or even lectures. They sometimes determine that only the J-1 Exchange Visitor Program is appropriate for such purposes. In some cases, scholars coming to the University have been denied entry using the visa waiver program because the immigration officer determined that the appropriate status was J-1 exchange visitor. The scholars in these cases were required to return to their home country without being able to leave the airport. Therefore, it will be at the scholar's own risk to enter the U.S. as a visitor in lieu of a J-1.



EXTENDING A VISA

- Request must be made prior to expiration of the DS-2019 form.
- The earliest that Extensions can be processed is 3 months prior to expiration of the DS-2019.
- Extension requests must be with written approval of host and all other original approving University departments.
- UC only extends the DS-2019, not the visa stamp.
- Extension of the DS-2019 form allows an EV to remain in the U.S. even without a valid J-1 Visa stamp.

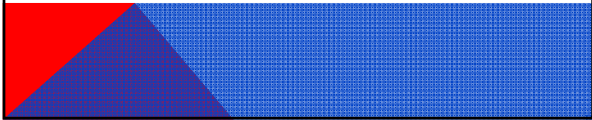


WHY IS VISA MANAGEMENT SUCH A CONCERN FOR UC?

If UC programs are not properly defined and handled to meet all SEVP requirements, we may lose our ability to sponsor International students and scholars in this country.

UC campuses enjoy an excellent reputation in the international education, research, and scholar communities, as well as with the Department of Homeland Security and the Department of State.

Many of the UC campuses have launched initiatives to recruit more out-of-state and international students who will need to pay Non-Resident Tuition. Loss of sponsorship ability will severely impact UC's objectives.



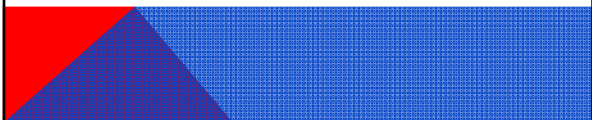
CHALLENGES

UCLA received an email from a representative of the Human Resources Development Commission (HRDC) of Indonesia

An Indonesian student had been admitted to the Engineering graduate program and was eligible to receive support from HRDC provided that:

- he could secure an agreement with the university to be allowed to pay the in-state tuition rate and
- the host university would be willing to disburse a monthly living allowance, which will also be provided by the HRDC.

OUTCOME: Admitting department informed the student that UCLA cannot provide reduced tuition and disbursement of living allowance.

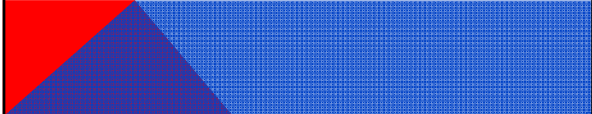


CHALLENGES

Faculty creating special "programs" to generate revenue where the "participants" are not "students" in the campus registrar's system.

- Faculty in an academic unit entered into an agreement with a foreign government to allow the government to send up to 10 "mid-level professional" (graduate) students to "audit" UCLA classes for a payment of \$10,000 per year. The visitors are sitting in classes with our regularly admitted graduate students who are paying more than \$35,000 a year.

What concerns are raised?



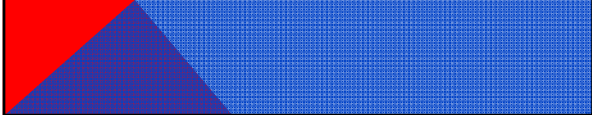
CHALLENGES

Executive MBA Program

The two year program had arranged for student internships during the summer between the two years.

Ten of the internships started before the end of the Spring quarter, one as early as May 1. The last day of classes for the Spring quarter was June 8.

How can this situation be legitimately handled?



RESOURCES

NAFSA - National Association of Foreign Student Advisors, founded in 1948. www.nafsa.org

Now formally named: "NAFSA - Association of International Educators."

U.S. Citizenship and Immigration Services - USCIS - First volume of new USCIS Policy Manual released on January 7, 2013. <http://www.uscis.gov/policymanual/HTML/PolicyManual.html>

