

SEVIS Presentation
By Pat Vokbus to the Faculty Senate
December 5, 2002

I've seen an awful lot of changes in immigration regulations in the over 27 years that I've worked as a foreign student advisor, and I can tell you that SEVIS is bigger than all of them combined. As Ellen Story commented on the budget, and as I look at the reality of SEVIS and what it's going to mean to my workload, my thoughts of early retirement are, 'Why didn't I take advantage of it?' Well, I'm still here, and I guess I can't abandon Frank as he takes the lead with International Programs. For those of you who've worked with International Programs, I think you have had good experiences with us, and you know that we have always prided ourselves on our advocacy for foreign students. The reporting requirements that are mandated under SEVIS are going to redefine our job and will represent a dramatic change in the way we work. Any discretion, any flexibility that we might have had in the past in interpreting regulations, in trying to process papers late for students, will be extremely limited, if it exists at all. It's essential that the whole University knows about SEVIS, tries to understand what it means, and that everyone understands this is a University requirement. We are mandated by law to comply with it. As it happens, the compliance will be housed in International Programs, but it requires the cooperation of the entire University community.

We've already been working with the Registrar's Office and OIT. There are mechanisms that are in place and that are being built to help the University in its mandatory compliance. Today is our first step in outreach to try to let people know what effects it will have. As we approach SEVIS and the mandatory January 30, 2003 compliance date, there are, in fact, no regulations. What we are operating on as we are making plans, enormous plans, are things that we believe are going to go into effect. There may be horrible, horrible new ideas that someone is thinking of now, saying, 'Let's add that one before we make it official.' Of the things that we are fairly confident will be part of the regulations, there are a number of things that the campus community--students, faculty, graduate program directors, graduate secretaries--needs to be aware of.

Starting with students, we have the issue of full-time student status. Immigration has always been very, very clear that undergraduates need 12 credits or more, and graduate students need 9 credits or more to be considered full time. Immigration understands that graduate students sometimes need some flexibility. Sometimes a student who is only registered for 3 credits but is madly trying to prepare for qualifying exams or doing proposals for dissertation topics, can be considered full-time even though he happens not to meet that standard definition. The only allowable excuses for being less than full-time under what we believe to be the new regulations, are a medical excuse, adjustment difficulties during the student's first semester or students in their final semester who only need to register for one or two courses, or however many courses are actually needed for them to complete their degrees. Students who are unable to register for 12 credits because several of their courses are oversubscribed are not excused from the rule. Students must get up to the 12 credits. A graduate student who is only taking 3 credits or who is only paying program fee must notify the Graduate School to make sure the Graduate School makes the notation that in fact that department considers the student to be full-time. That is essential. Many, many graduate students truly are full-time but truly will not look like full-time if you simply look at their records.

Every semester each University needs to do a SEVIS registration for each of the foreign students enrolled. I don't know how many of you are aware of our foreign student population, but we have somewhere around 1,800 foreign students enrolled. Because of the enormity of that, we're going to need help from departments who have a graduate student who's working for two months in Syria at the beginning of the semester. What we've realized is that with this kind of responsibility, there will probably need to be some kind of registration hold. We haven't talked about it at length; we haven't come up with a system. I'm only mentioning it because it's very difficult to imagine how we can even hope to comply with this kind of requirement without some manner of hold, some way to make sure that students comply.

Frank mentioned the business of TA and RA contracts. Immigration has promised that London, KY will get us the I-20 forms within two weeks. Last week I got in the mail an I-20 from London, KY for a student that arrived in August '01. They're going to get better they say. I'm not sure how much better they're capable of. Supposing that's the case, and they do get them to us in 2 weeks, foreign students, in order to apply for a social security number have to have that I-20 form. As any of you who dealt with students this year will recall, there were already difficulties due to the fact that we've switched to an every-other-week pay system. Combining the UMass system with social security numbers and when students will be able to apply, graduate departments need to be thinking about what they'll tell their students when there's no way that they can have a paycheck before the end of September. And I fear that September will not be possible for some people.

Many of you have worked with foreign students who have taken advantage of some kind of practical training which allows students to take part in some kind of employment as part of their degree program. Those kinds of opportunities are going to be severely restricted. Again, we can't say exactly how, but there will be very limited possibilities. Optional practical training, which for F1 students is the opportunity to work for a year after they've graduated, processing will probably be different. Up until now, students have been able to apply through the 60 days after they've graduated. It looks like, if the proposed regulations end up to be real, that the latest they will be able to apply is on their graduation.

There are timing issues that will be of concern. Frank mentioned statute of limitations extensions. They affect the expiration dates on people's I-20 forms on their DS20-19 forms. If someone's form expires, remember what I said: The flexibility of trying to work out something, dating something last week, won't be there. This is a web-based system. The web knows that today is December 5. The web isn't going to let me back date something. That means if a department hasn't processed a statute of limitations extension, and we haven't updated the student's form, that student's out of status. And remember, the recording requirement is mandated by law. Applying for visas is another timing issue. Now I'm really moving away from just students, but to all kinds of foreign nationals: students, visiting scholars, visiting faculty. At a conference about 2 weeks ago, we heard that it will take 2-3 weeks to get a visa. By the time the conference came several weeks ago, they were saying, tell them 4-5 times longer. We have a student who applied for his visa in Saudi Arabia, which is not yet on the potential terrorist country list. He applied at the beginning of July and managed, after much work from his department, to get his visa and arrive late in the middle of October. This is something that normally would have taken 3 weeks. If people are thinking of hiring foreign faculty or scholars, think and act and make decisions as early as possible. Everything, including H visas is taking much longer. Even premium processing, which costs an arm and a leg, is now taking at least 2 months.

Part of the mandated regulation is keeping track of everyone--not just the students, the visiting foreign faculty and scholars. We're going to need your help to know when people leave early. Or, if someone is extending their stay, we need to know before their visa documents expire so that we make sure they don't fall out of status. The other surprise we learned at our conference was that we have to track everyone's dependents each time they enter and leave and re-enter the United States. As I said, the regulations are not yet finalized. The Department of State hasn't even published proposed regulations. What we're hearing is that, rather than to publish proposed regulations, they will publish final regulations effective immediately, and will do so on January 30. What departments can do to help is to try to be educated--to think twice every time you're thinking about dealing with a foreign student or scholar: 'is there something extra I should be doing?' Urge students to be aware, to read the messages we send them. Urge them to keep their personal information up to date on SPIRE, because that's what we're using to be in contact with students. Everyone should refer to our website. As we get real information, apart from this guesswork, we will update it. And if you have questions dealing with a foreign student or scholar, ask us. It's much better to ask in advance rather than to wait until someone's in some horrible crisis that we can't solve. We are there to help you, to help our students and scholars. We want to be their advocates as much as we ever have. It's a bit of a personal crisis to be dealing with becoming what feels like more of a police agency rather than an office of advocacy for foreign nationals. It's interesting that in the reorganization of the immigration service, SEVIS does not fall under the area of benefits for foreign nationals. SEVIS has been placed in the police division, investigations, and that's kind of scary. It sounds like they're assuming problems.