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To: CSU Presidents

From: Allison G. Jones 

Subject: **Certification and Compliance with New INS Regulations Governing International Students Studying in the U.S.**

Since September 11, 2001, major federal legislation and a number of proposed interim regulations proposed by Immigration and Naturalization Service (INS) require educational institutions enrolling international students to meet new requirements for compliance and certification and to be enrolled in the new INS reporting system, Student and Exchange Visitor Information System (SEVIS).

According to proposed regulations that should be made final shortly, the use of SEVIS to issue forms necessary for international students and exchange visitors to obtain visas will become mandatory on January 30, 2003 for all institutions approved to enroll international students and host exchange visitors. Institutions must apply for and be pre-certified to participate in SEVIS or forfeit the ability to issue I-20 Forms after January 30, 2003. A published "interim rule" is in effect since publication on September 25, 2002, and INS agreed to receive comments on the rule through November 25, 2002. Depending on comments received, INS may or may not modify the final rule. If no modifications occur, the rule as published on September 25, 2002 is in effect and must be followed by a campus in order to maintain any F-1, M-1, or J-1 Program designation.

Following are some of the key aspects governing the certification process required by the new rule:

- The INS is now required to review all schools approved for attendance by F, M, or J nonimmigrant visa holders within two years of the passage of the Border Security Act. This legislation was enacted on May 14, 2002.
- This rule only governs the initial process for certification of schools prior to enrollment in SEVIS. Therefore, every school that completes the certification process must be reviewed every two years thereafter.

- Schools must submit an electronic Form I-17 to the INS using SEVIS and pay the filing fees via the Internet before January 30, 2003 (a \$580 fee for the initial filing of the I-71, \$230 for the review of the form, and \$350 for the cost of the on-site review). This certification fee will also be charged for each subsequent two-year re-certification. Although public schools were historically exempt from the Form I-17 adjudication fee, CSU campuses will now be assessed the \$580 fee. Additionally, postsecondary institutions with more than one campus must pay a fee for each school or campus.
- INS will conduct on-site visits as a part of the certification. At the time of the on-site review, the school must be able to provide supporting documentation evidencing its eligibility for approval. These site visits will include collection of supporting documentation submitted by the school, a tour of the campus, an interview with school officials, and a review of selected school records relating to the school's compliance with applicable standards under 8 CFR 214.3.

Additionally, on November 6, 2002 and November 22, 2002, the Immigration and Naturalization Service (INS) issued orders that require the registration of certain non-immigrant aliens from designated countries. All males who are a national or citizen of Iran, Iraq, Libya, Sudan, or Syria, who were inspected by the INS and last admitted to the United States as a nonimmigrant on or before September 10, 2002, and who were born on or before November 15, 1986, must comply with this order before December 16, 2002, and all males from Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates, and Yemen are required to register between December 2, 2002 and January 10, 2003 or risk arrest, detention, fines, and/or removal from the United States. Campuses may want to notify students from these designated countries of the need to visit their designated INS office to be registered (photographed, fingerprinted, and interviewed under oath) on or before these designated dates.

We are asking each CSU campus to conduct a review and to prepare a report by January 30, 2003, on the extent to which it complies with these new INS regulations. Legal questions may be directed to Patty Bartscher, Office of Legal Counsel. Ms. Bartscher may be reached by telephone at (415) 338-2998, or by e-mail at pattyb@sfsu.edu. Questions about the new INS regulations and the campus compliance report may be directed to Mr. J. Leon Washington, Associate Director, Enrollment Management Services, Academic Affairs, Student Academic Support. Mr. Washington may be reached by telephone at (562) 951-4726, or by e-mail at lwashington@calstate.edu.

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cc: Provosts/Vice Presidents for Academic Affairs
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