Office of the Citizenship and Immigration Services Ombudsman

August 25, 2022
The CIS Ombudsman’s Webinar Series:
Interagency Engagement on International Student Issues
This webinar material is intended solely as informational. It is not intended to, does not and may not be relied upon to create or confer any right(s) or benefit(s), substantive or procedural, enforceable at law, by any individual or other party in benefit applications before DHS, in removal proceedings, in litigation with the United States, or in any other form or manner. This webinar material does not have the force of law, or of a DHS directive.
Submit written questions to the subject matter experts through the “Q&A” box that appears to the right of the slide deck on your screen.

We will review every question submitted and determine if we can address concerns arising from the stakeholder community.

After the engagement, the CIS Ombudsman will work with the subject matter experts to formulate responses to the themes that emerge from the questions.

If you are a member of the media, please reach out to DHS Public Affairs with any inquiries.
Opening Remarks

• CIS Ombudsman’s mission
• Annual Report to Congress
• Recommendations related to international student issues
• Other issues affecting the international student community
Foster collaboration between USCIS and ICE through the development of a Department of Homeland Security (DHS) working group designed to:

1. Identify and share best practices;
2. Develop and issue coordinated guidance to mitigate communication gaps and create a unified data set; and
3. Resolve conflicts in program operations;

Enhance training for DSOs to improve understanding of advanced issues and fraud, including how to report student visa exploitation and national security vulnerabilities

Eliminate communication barriers and address privacy concerns by establishing a process whereby students may authorize DSOs to contact USCIS on their behalf
The United States remains the top global destination for international students - more than 914,000 students came to study in the U.S. between 2020-2021.

Ensuring students have access to visa appointments is a top priority.

**F-1 student adjudications for June & July were the highest since 2016.**

For the first time since 2016, we've adjudicated more than half a million F-1 student visas in the first 10 months of this fiscal year.
Prioritization of student visa appointments and Student Interview Waiver authorities are driving these numbers.

As of July, Embassy Tokyo adjudicated 63% more student and exchange visitors this fiscal year compared to last year.

From Jan-July 2022, 25% of Mission India’s total output was student and exchange visitor visas, up from 8% for the same time period in 2019.

As of July 28, we adjudicated 25% more F1 student visas this fiscal year compared to same time period in pre-pandemic fiscal year 2019.
Visa adjudications are consistent worldwide, but some processes, like appointment systems, can differ.

COVID rates may impact access to appointments – check travel.state.gov or embassy/consulate website for latest.

Complete DS-160 visa application, pay application fee, pay SEVIS fee, schedule interview appointment.

New interview waiver authorities may allow applicants to apply without an interview.

Expedite appointments may be available.
Required Documents

- Passport
- Photo
- DS-160 Confirmation Page
- I-20 (F/M visas) or DS-2019 (J visas)
- Receipts for the visa application and SEVIS fee

Additional documentation - refer to embassy/consulate website for suggested additional documents
### Possible Outcomes

<table>
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<tr>
<th>F1 visas issued:</th>
<th>J1 visas issued:</th>
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<tr>
<td>80% in FY 2021</td>
<td>92.5% in FY 2021</td>
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**Refused:**

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<th>Most common refusals:</th>
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<td>214(b)</td>
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<td>221(g)</td>
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In early 2022, Department of State updated FAM guidance to direct officers to focus on a student's immediate or present intent to depart the US after completing studies, and to consider a student’s unique profile.

- Residency requirements for students inherently differ from B visitors
- Adjudicate residency based on present intent - not on contingencies of what might happen in the future, after a lengthy period of study in US
- Do not possess ties of property, employment, and continuity of life
- More complex because students typically stay in the U.S. longer
- Not expected to, or do not necessarily have, a long-range plan

We also emphasized that attendance at a little-known university, college, or community college is not grounds for a visa denial.
Expanded Interview Waiver Authority

• Waives in person interview for F, M and academic J applicants for applicants:
  o who were previously issued a visa in any visa class
  o or who are citizens or nationals of a Visa Waiver Program Country and have previously traveled to the U.S. on ESTA
• Implementation will vary by post, be sure to check embassy or consulate website for more information
• Applicants must be a national or resident of the country where they are applying
• Policy is currently in effect until December 31, 2022
Acceptance of Electronic I-20s

- DHS has indicated that DSOs may electronically send Forms I-20 to student email addresses listed in SEVIS
- Schools do not need to request permission or report plans to electronically send Forms I-20
- Electronic signatures are valid for 12 months for F visas and 6 months for M visas
- Students must print their forms and bring them to their interview
- Hard copy “wet signed” DS-2019s are still required for J visa applications
Commitment to International Students

- F-1 student adjudications for June & July ‘22 were the highest since 2016
- Prioritization of student visa appointments
- Extension of student interview waiver program
- Commitment to continued outreach
• J-1 College and University Students
J-1 BridgeUSA - EVP Data Snapshots

• Thank you for your annual reports!
• College and university student totals for 2019, 2020 and 2021
• Outlook for 2022-2023 academic year
• STEM initiatives
• Social media, EV stories and outreach
Exchange Visitor Counts 2019-2021

- COLLEGE/UNIVERSITY STUDENT
- RESEARCH SCHOLAR
- SHORT-TERM SCHOLAR
- SPECIALIST
- PROFESSOR

[Bar chart showing the number of exchange visitors by category from 2019 to 2021]
## J-1 BridgeUSA - EVP Data Snapshot: Active College and University Students

<table>
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<tr>
<th>August 2021</th>
<th>August 2022</th>
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<td>11,030</td>
<td>15,286</td>
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J-1 BridgeUSA - EVP Updates

• Temporary COVID modifications – extended to June 2023

• STEM initiatives
  • Academic training extension
  • Early Career STEM Research Initiative

• 5,762 students currently studying STEM

• Most popular STEM fields
  • Econometrics and quantitative economics, electrical and electronics engineering, mechanical engineering, civil engineering, and computer science

j1visa.state.gov/programs/stem-initiatives/
Engage with BridgeUSA

We want to hear from you!
• Share your BridgeUSA stories
• Exchange visitor accomplishments
• Early career STEM success stories
• Alumni stories

Like and follow us on social media!

j1visa.state.gov
ECAatState
ExchangeProgramsAtState
ExchangeOurWorld
Questions and Answers
U.S. Citizenship and Immigration Services (USCIS) Updates: SAVE

• Overview of Systematic Alien Verification for Entitlements (SAVE)
• SAVE Manual Reviews
• Helpful Tips
USCIS Updates: Student Exchange Visitor Information System (SEVIS) Interface

- USCIS case management systems process & send data to SEVIS for the following transaction types:
  - I-765 C(03) Optional Practical Training (OPT), Off-Campus Employment (OCE) through sponsorship, OCE citing severe economic hardship
  - I-765 C(05) Spouse or minor child of an exchange visitor (J2)
  - I-765 C(06) M-1 Student Seeking Post-Completion OPT After Completing Studies
  - I-539 M Extension, M Transfer, F/M/J Change of Status
  - I-129 Change of Status for F/M/J Class of Admission

- Case information is transmitted when status is updated to PENDING, APPROVED, DENIED or WITHDRAWN

- Transaction types are monitored and pushed to internal interface database every 5 minutes

- Interface service creates and transmits file to SEVIS daily at 7am ET

- Interface service retrieves and processes Error file from SEVIS daily at 6am ET. Errors are resolved by the system admin or user depending on the type of error.
Requests are sent real-time from C3/ELIS to the microservice if proper condition met.

Creates file to send to SEVIS daily at 7am ET. Retrieves Error file daily 6am ET and sends to ELIS/C3 for resolution.

Processes daily file and generates error file daily.
USCIS Updates: J-1 Waiver Delays

- Form I-612, Application for Waiver of the Foreign Residence Requirement (Under Section 212(e) of the INA, as Amended), is adjudicated at the California (CSC) and Vermont (VSC) Service Centers.
- Section 212(e) of the Immigration and Nationality Act (INA).
- When to directly file at the CSC.
- Two-prong process for cases at the CSC.
- Department of State’s role.
- Vermont Service Center’s role.
USCIS Updates: Form I-765 Filing Tips

- Read the instructions carefully
- Wait for designated school official (DSO) recommendations
- Passport photos
USCIS Updates: Change of Address – uscis.gov/addresschange

- Must report address change within 10 days of moving
- Fortunately, it’s easy!
- Satisfy legal requirement & update address for pending cases in a few minutes
- Don’t forget to update your address with USPS
### How to Change Your Address

We strongly encourage you to update your address with USCIS to ensure you receive all correspondence and benefits from us in a timely manner and avoid possible delays related to your case.

Changing your address with the U.S. Postal Service will not change your address with USCIS. Please update your information with both USCIS and USPS.

If you fall into any of the categories below, please read the information in the corresponding section. However, most individuals can change their address in two ways:

- Through your existing USCIS online account if you filled your form online, or
- Filing Form AR-11, Alien’s Change of Address Card, online using the Change of Address page (as long as you didn’t file one of the forms in the sections below). Filing Form AR-11 online will update your address on all pending applications, petitions, or requests that you include on the form. You do not need to mail Form AR-11 if you use the change of address webpage.

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<th>Victims of Domestic Violence, Trafficking, and Other Crimes</th>
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<tr>
<td>Form I-751 Abuse Waivers</td>
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<tr>
<td>U.S. Citizens</td>
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<tr>
<td>Civil Surgeons</td>
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<tr>
<td>Attorneys of Record/Registered Representatives</td>
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Now will provide a quick overview of how you
## Working in the United States

### International Entrepreneur Parole

### Temporary Workers

### Permanent Workers

### STEM Employment Pathways

#### Immigrant Pathways for STEM Employment in the United States

#### Nonimmigrant Pathways for STEM Employment in the United States

### Students and Exchange Visitors

### Temporary Visitors for Business

### Information for Employers and Employees

## Working in the United States

Many aliens want to come to the United States to work. This page provides a summary of employment-based nonimmigrant and immigrant visa classifications and other categories of aliens who are eligible for employment authorization. Each classification provides a link to more detailed information on its requirements.

A common way to work temporarily in the United States as a nonimmigrant is for a prospective employer to file a petition with USCIS on your behalf. The [Temporary Nonimmigrant Workers webpage](https://www.uscis.gov/workin-the-united-states/temporary-workers) describes the main nonimmigrant temporary worker classifications.

If you have the right combination of skills, education, and/or work experience, you may be able to live and work permanently in the United States by seeking an employment-based immigrant visa. The [Permanent Workers webpage](https://www.uscis.gov/workin-the-united-states/permanent-workers) describes the five employment-based immigrant visa preferences (also called categories).

If you live outside the United States and want to work here, you generally must apply for a visa from the U.S. Department of State (DOS), unless a visa is not required for people from your country of nationality. You may visit [DOS: Travel Without a Visa page](https://travel.state.gov/content/visas/en/visas.html) for more information.

In many cases, USCIS must approve your petition before you are eligible to apply to DOS for a visa or seek admission at a port of entry. Before entering the United States, you must present yourself to a U.S. Customs and Border Protection (CBP) officer and receive permission to enter the United States and engage in your proposed activity.

If you are in the United States in a lawful nonimmigrant status that does not provide employment authorization, you generally may apply for:

- A change of status to a nonimmigrant classification that provides employment authorization; or
- An adjustment of status to become a lawful permanent resident. This may be a concurrent filing with an immigrant visa petition or, depending on the circumstances, may require an applicant to obtain an approved immigrant visa before applying for an adjustment of status to become a lawful permanent resident.
As of November 8, 2021, the Presidential Proclamation Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic, requires all non-immigrant, non-citizens to be fully vaccinated against COVID-19 to travel by air to the United States.

- Only Centers for Disease Control and Prevention (CDC) or World Health Organization approved vaccines can be utilized to meet this requirement
- U.S. Customs and Border Protection has no role in implementation and enforcement of this proclamation
- Commercial airlines have the responsibility for implementation and enforcement prior to boarding and the CDC is responsible for ensuring compliance of the public health order
COVID-19 Vaccination

As of April 22, 2022, per the Department of Homeland Security (DHS) notice announcing the extension of current Title 19, *Notification of Temporary Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Canada / Mexico – 19 CFR Chapter 1*, CBP will continue to require non-U.S. individuals seeking admission to the United States via land ports of entry and ferry terminals at the U.S.-Mexico and U.S.-Canada borders to be fully vaccinated for COVID-19 and provide related proof of full vaccination upon request. These restrictions will remain in effect until the Secretary of DHS amends or rescinds them.
U.S. Customs and Border Protection (CBP) Updates

• Non-U.S. citizens traveling to the United States via land ports of entry or ferry terminals, whether for essential or non-essential reasons, must:
  o Verbally attest to their COVID-19 vaccination status
  o Provide proof of a CDC-approved COVID-19 vaccination
  o Present a valid Western Hemisphere Travel Initiative (WHTI)-compliant document, such as a valid passport, Trusted Traveler Program Card, or Enhanced Tribal Card
  o Be prepared to present any other relevant documents requested by a CBP officer during a border inspection
  o Meet all other existing requirements for entry not related to COVID-19
U.S. Customs and Border Protection (CBP) Updates

- CBP is temporarily accepting scanned or digitally signed Form I-20, in response to Immigration and Customs Enforcement-Student and Exchange Visitor Program temporary accommodation due to COVID-19
- The statute and regulations regarding the inspection of processing of F, M and J nonimmigrant visas remain unchanged
  - Except for certain students from the People's Republic of China (PRC), who are subject to Presidential Proclamation (PP) 10043
  - PP 10043 specifically suspends entry of certain Chinese students and researchers connected to the PRC "Military-Civil Fusion Strategy"
- **Know Before You Go** – Check [https://www.cbp.gov/travel/international-visitors](https://www.cbp.gov/travel/international-visitors) for any latest updates regarding inspection/processing at ports of entry
- In addition, the DHS Traveler Redress Inquiry Program (DHS TRIP) is a single point of contact for individuals who have inquiries or seek resolution regarding difficulties they experienced during their travel screening and can be found at [https://trip.dhs.gov/](https://trip.dhs.gov/)
Questions and Answers