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**HIGHER EDUCATION ON ICE:  
Special Issues in Immigration Law**

Feb. 22, 2009

30th Annual National Conference  
on Law and Higher Education

Stetson University College of Law

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**Why "ICE" in program title:**

- Immigration and Customs Enforcement (ICE) manages SEVIS program.
- Every U.S. institution of higher education that accepts international F, M & J students must participate in SEVIS.

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**SEVIS – Student and Exchange Visitor  
Information System**

- Managed by Bureau of Immigration and Customs Enforcement (ICE), Department of Homeland Security.
- Launched 2003.
- Web-based database system.
- Collects real-time info.
- Monitors status and activities of nonimmigrant students and exchange visitors in the United States, approved schools and program sponsors.

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**As of Oct. 14, 2008, SEVIS is tracking:**

- 753,889 international students (F-1 & M-1)
- 176,839 exchange visitors (J)
- 126,829 dependents (of F, M, & J visa holders)
- 9,555 participating institutions of higher education
- 1,435 international exchange programs

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**SEVIS Requirement for Certification**

**Before applying, school must be:**

- A bona fide school;
- An established institution of learning or other recognized place of study;
- In possession of the necessary facilities, personnel, and finances to conduct instruction in recognized courses; and
- Engaged in instruction of those courses.

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**SEVIS Requirement for Certification (cont'd)**

**Before applying, school must:**

- Have already begun instructing students in the courses/programs for which it is seeking approval.
- Have the necessary facilities and qualified personnel for teaching, and adequate finances to operate.
- Meet all state requirements to operate as an institution of learning or be exempt from those requirements.
- Provide instruction to students to fulfill a professional, educational, or vocational objective, or pursuing a degree.
- Have graduated students before applying or be accredited by a nationally recognized accrediting agency (recognized by the U.S. Department of Education).

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### SEVIS Changes for 2008-2009 Academic Year

- Fees Increased Oct. 27, 2008 for international students, exchange visitors, and schools
- SEVIS-certified Schools Must Be Recertified:
  - Jan. 2, 2009 - ICE issued 180-day notice to first group of SEVP-certified schools of eligibility for recertification.
  - Recertification notices go out to some 400 schools every month for next 2 years
  - July 2009 - First recertification due
  - Currently participating schools will not be required to pay additional certification fee.

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### Most Popular U.S. Destinations:

- **Top 5 F-1 approved schools:**
  1. City University of New York – 12,237 students
  2. U. of Southern California – 6,695 students
  3. Columbia U. – 5,944 students
  4. Purdue U. – 5,866 students
  5. U. of Illinois – 5,574 students
- **Top 5 F-1 & M-1 approved schools:**
  1. Cornell U. – 3,788
  2. Houston Community College System – 3,245
  3. Santa Monica College – 3,193
  4. San Francisco State U. – 2,182
  5. Northern Virginia Community College – 2,018

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### Most Popular U.S. Destinations:

51% of all active international students in U.S. located in six states:

- California – 127,921
- New York – 95,005
- Texas - 56,368
- Massachusetts – 40,244
- Illinois – 32,924
- Florida – 34,094

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### Challenges for Schools

**Multiple agency involvement:**

- Department of State's Consular Affairs
- DHS's Customs and Border Protection
- DHS's ICE
- DHS's USCIS
- Social Security Administration
- Department of Labor
- Internal Revenue Service

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### Challenges for Schools

- **Confusing array of processes and regulations**
- **Legal challenges re: policies on undocumented immigrant students:**
  - California - Challenge to 2001 state law providing in-state tuition to undocumented immigrant students who attended at least three years of CA high school.
  - Alabama - Ban, effective spring 2009, on undocumented immigrant students in the state's 2-year community colleges.
  - North Carolina - Ban on undocumented immigrants enrolling in state's community college system.

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### Challenges for Schools

- **Approximately 2.9 million students worldwide study abroad**
- **U.S. institutions face competition from foreign schools for "Market Share" of international student enrollment**
  1. United States 20%
  2. United Kingdom 13%
  3. France 8%
  4. Germany 8%
  5. Australia 7%
  6. China 7%
  7. Canada 5%
  8. Japan 4%

(Source: Institute of International Education)

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### International Students in U.S.

- **Total Continues to Grow:**
  - In previous (2007-2008) academic year, total increased to 623,805.
  - This was a 7% increase from 2006-2007 academic year.
- **Countries of Origin:**
  - More than 50% from Asian nations
- **Leading academic major:**
  - Business (the major of 150,211 international students)

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### Top 10 Countries of Origin:

- India – 94,563
- China – 81,127
- South Korea – 69,124
- Japan – 33,974
- Canada – 29,051
- Taiwan, 29,001
- Mexico – 14,837
- Turkey – 12,030
- Saudi Arabia – 9,873
- Thailand – 9,004

(Source: Institute of International Education)

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### Importance of International Students in U.S.

- International students injected an estimated \$15.5 billion (tuition and living expenses) into the U.S. economy in the 2007-2008 academic year.
- \$413 million paid in dependents' living expenses

(Source: Institute of International Education)

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### Common Challenges/Issues for Students

**Complicated Process – Documents and Deadlines:**

- Application to and acceptance from SEVIS-certified school.
- Issuance of Form I-20 for initial attendance. Needed for:
  - Paying Sevis I-901 fee.
  - Applying for visa or change of status.
  - Obtaining entry to U.S.
- Payment of SEVIS I-901 fee using [www.fmjfee.com](http://www.fmjfee.com) Web site.
- Application for student visa up to 120 days before start of studies.
- Application for entry to U.S. 30 or fewer days before start of studies.

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### Common Challenges/Issues for Students

- Missing documents at Port of Entry
- CBP inability to confirm destination school
- Secondary inspection and issuance of I-515A (temporary admittance)
- National Security Entry-Exit Registration System (NSEERS) requirement Employment issues
- Maintaining status
- Traveling

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### Recommended Best Practices

- Encourage international students to participate in campus life and events.
- Match international students with American campus buddies.
- Offer an orientation specifically for new international students.
- Provide housing options for new international students.
- Provides English instruction for non-native speakers if needed.
- Provide emergency housing options for international students during vacation periods.
- Visit EducationUSA (<http://educationusa.state.gov>) for more tips and advice.

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**Useful Web Sites**

**EducationUSA**  
Educationusa.state.gov

**SEVIS Home Page**  
<http://www.ice.gov/sevis/>

**Association of International Educators**  
[www.nafsa.org](http://www.nafsa.org)

**Institute of International Education Network**  
[www.iienetwork.org/](http://www.iienetwork.org/)

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**QUESTIONS?**

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