



October 2021

Office of General Counsel

Current Topics in International Programs

Daniel McCabe

Assistant General Counsel

Next Month's Presentation

November 18, 2021

Facility Use Contracts

Presented by Assistant General Counsel Mary Al Balber

For a complete listing of the Fall Second Thursday topics, please visit the Office of General Counsel's website at <https://minnstate.edu/system/ogc/webinars.html>

For more information email Amanda Bohnhoff at Amanda.Bohnhoff@minnstate.edu



Presentation Content

- Part One: Legislative and Administrative Update
- Part Two: Study Abroad Considerations
- Part Three: Immigration Services Update





Legislative and Administrative Update

No Duration of Status Changes

- In fall 2020, the Department of Homeland Security posted a rule for notice and comment that would have drastically changed the rules for duration of status.
- On July 6, 2021, the Department formally withdrew this rule, meaning that there will be no changes in the near future.

THRIVE Act and International Recruiters

- The THRIVE Act is a new Veteran's Benefits law passed earlier this year, including renewing GI-Bill benefits.
- Unlike the Higher Education Act, the THRIVE Act does not include an exception for hiring incentive-based international student recruiters in its ban of similar domestic student recruiters.
- As such, schools who hire recruiters to bring in international students may jeopardize GI-Bill eligibility.
- There is a fix making its way through Congress as we speak.



Interview Flexibility

- USCIS has opened more offices recently to allow for more flexible international student visa interviews.
- USCIS will take COVID-19 precautions at these sites, including masking and COVID screening.



Travel Restrictions

- Starting in November, the Biden Administration will lift some COVID-19 travel restrictions.
- Visitors must be fully vaccinated against COVID-19.
- This should allow our international students to move more freely between semesters.



COVID-19 Guidance

- March 2020 Guidance still in effect
- This allows us continued flexibility for in-person or online courses.
- However, keep in mind that this guidance will eventually change.



Chinese Personal Information Protection Law

- New, GDPR style law in China
- Applies to persons in China, doing business with persons in China, or “analyzing activities” of persons in China.
- Contains similar consent provisions.



Study Abroad Considerations

System-Wide Travel Restrictions

- Still in effect through Spring 2022
- The Chancellor's memo states that you may continue to plan for Summer 2022 and beyond.
- Be wary of entering into firm commitments.

Vaccine Requirements

- Keep in mind that some foreign jurisdictions may have strict COVID-19 restrictions for international travelers.
- Be aware of what restrictions apply to what jurisdictions, advise students accordingly.
- Unvaccinated students may not be able to participate in study abroad in many countries.

Reminder: RFPs and Sole Sourcing

- Contracts over \$50,000 need to go through the RFP process unless there is a “sole sourcing” justification.
- Sole Sourcing refers to there being only one vendor who can provide a service. It is not based on preference or history with a vendor.



Reminder: GDPR

- Students traveling to the EU, UK, or Switzerland need to fill out the most recent study abroad waiver, which addresses requirements of the GDPR and GDPR-like laws in the UK and SUI.
- Tennessen Warnings to these students should be revised based on our 2018 guidance for GDPR.



Immigration Services

Vendor Renewals

- The System Office recently renewed its contracts with three (3) firms who assist with HR related immigration issues.
- These firms are NOT providing legal advice.
- These firms assist us with employer-side immigration issues, such as H1-B sponsorship. They are not available to students.

Reminder: Immigration Services Work Order Process

- If your human resources department needs immigration services, each of the three firms has a work order process.
- The work orders do not need additional legal review.
- The prices are set by the master contracts with the firms.

Reminder: Non-SEVIS Student Immigration Status

- “International Students” for our purposes only mean F-1, J-1, or M-1 visa holders.
- Otherwise, we have no reason to know a student’s immigration status.
- There is no need to hold registration for students who drop out of SEVIS.
- Students who are not in SEVIS are not required to buy international student health insurance.

Minnesota State Contact Information

Dan McCabe

Assistant General Counsel

daniel.mccabe@minnstate.edu

651-201-1833

Office of General Counsel

<https://www.minnstate.edu/system/ogc/index.html>

Questions and Answers

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