Current Topics in International Programs

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Next Month’s Presentation
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Facility Use Contracts
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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

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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.

• Tenessen 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.
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Questions and Answers

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