



UNIVERSIDAD DEL AZUAY

Facultad de CIENCIAS JURÍDICAS

Escuela de ESTUDIOS INTERNACIONALES

**Estudiar en los Estados Unidos: Instituciones, sistema educativo,
requisitos y oportunidades para Estudiantes Internacionales**

**Trabajo de graduación previo a la obtención del título
de**

**LICENCIADA EN ESTUDIOS INTERNACIONALES CON MENCIÓN BILINGÜE
EN COMERCIO EXTERIOR**

Autor: RUTH VIVIANA RODRÍGUEZ RIVERA

Directora: MASTER TAMARA TROWNSELL

Cuenca, Ecuador

2008

Dedicatoria:

A mi Consejero, Dios fuerte, Padre eterno, Príncipe de paz.

To my wonderful Counselor, Mighty God, Everlasting Father, Prince of peace.

Agradecimientos:

Gracias a Dios porque por El y para El es mi vida. Separada de El nada puedo hacer.

A mis padres, Luis y Ruth, porque he visto la paciencia, gracia y amor de Dios reflejado en ellos a lo largo de toda mi existencia. Porque han sido un instrumento de El para formarme, guiarme y enseñarme las cosas esenciales e importantes de la vida. ¡Son todo para mí!

A mis papis gringos, Bill y Sharon, porque llegaron en el momento preciso. Porque fueron ellos quienes me mostraron el único Camino, Verdad y Vida.

A mis hermanos y mejores amigos Juan, Cristian, Rachael y Stephanie por su apoyo, sus consejos y su amor.

A mi querida amiga Gabi, porque fue un pilar fundamente en mis años universitarios y sigue siéndolo en mi vida. ¡Que hubiese sido de la U sin usted!

A mis hermanos en Cristo quienes han estado ahí en momentos de alegría y tristeza, de pruebas y aciertos! ¡Gracias amigos! (Ber, Carla, Geo, Israel, Joseph, Juanito, Kari J, Kari Q, Marce, Pao, Pol y Rob)

A mi nana, Olguita!

A mí querida directora Tammy, por su tiempo, dedicación y exigencia para que este proyecto sea de lo mejor.

A todos mis amigos americanos que me acogieron en sus hogares, y me dieron su apoyo y afecto durante mis meses de investigación: Cheryl, Zeke, Elaine, Joel y Anna.

Y en general a todas las personas que de una u otra manera colaboraron para que este trabajo pueda realizarse. A los estudiantes internacionales, a los miembros de universidades y agentes del gobierno.

INDICE DE CONTENIDOS

Dedicatoria	ii
Agradecimientos	iii
Índice de contenidos	iv
Índice de cuadros	v
Índice de anexos	vi
Resumen	vii
Abstract	viii
Introducción	1

CAPITULO I

1. TENDENCIAS DE LA MIGRACIÓN POR LA EDUCACIÓN EN LOS ÚLTIMOS 5 AÑOS.....	4
1.1 Visión general de la migración educativa en el mundo	4
1.2 Historia del proceso de inmigración de Estudiantes Internacionales.....	6
1.3 Influencia de los Estudiantes Internacionales en los colegios y universidades estadounidenses	13

CAPITULO II

2. PROPIEDADES DEL SISTEMA EDUCATIVO DE LOS ESTADOS UNIDOS PARA ESTUDIANTES EXTRANJEROS	
2.1 Programas de Intercambio Cultural y Estudiantil para nivel secundario.....	20
2.2 Programas para los Estudiantes Internacionales en Instituciones estadounidenses de educación superior.....	23
2.2.1 Clases de instituciones educativas	25
2.2.2 Títulos y notas obtenidas	27
2.2.3 Admisiones	30
2.2.4 Costos	31

CAPITULO III

3. REQUISITOS LEGALES PARA UN ESTUDIANTE EXTRANJERO EN LOS ESTADOS UNIDOS

3.1 Visas Estudiantiles.....	34
3.1.1 Tipos de visas	35
3.1.1 Limitaciones y restricciones para los portadores.....	37
3.2 Sistema de Información para estudiantes y extranjeros visitantes (SEVIS)	39
3.2.1 Descripción del programa	39
3.2.2 Ventajas y desventajas	40
CONCLUSIONES	43
BIBLIOGRAFÍA	45
ANEXOS	49

ANEXOS

ANEXO 1	47
ANEXO 2	49
ANEXO 3	50
ANEXO 4	51
ANEXO 5	55
ANEXO 6	66
ANEXO 7	72

INDICE DE CUADROS

Cuadro 1.1 Estudiantes Internacionales en los Estados Unidos 1950-1970

Cuadro 1.2 Total de Estudiantes Internacionales en los Estados Unidos 1970-1990

Cuadro 1.3 Total de Estudiantes Internacionales en los Estados Unidos 1988-1999

Cuadro 1.4 Origen de estudiantes matriculados en universidades estadounidenses

Cuadro 1.5 Disminución del enrolamiento de estudiantes en las universidades americanas por países.

Cuadro 1.6 Estudiantes Internacionales en los Estados Unidos 2001-2006

Cuadro 1.7 Costo promedio Estimado de una Universidad en los Estados Unidos

INDICE DE ANEXOS

Anexo 1: Las 40 Instituciones Educativas con mas de 1,000 estudiantes Internacionales

Anexo 2: Entrevista a estudiantes internacionales

Anexo 3: Entrevista a personal encargado de Estudiantes Internacionales

Anexo 4: Formulario I-20 o SEVIS

Anexo 5: Formularios de aplicación de diferentes universidades.

Anexo 6: Entrevista a Carol E. Winiki, Manager, Constituent Services, en la oficina de Donald A. Manzullo representante de Rockford en el Congreso de Estados Unidos

Anexo 7: Leyes de visas estudiantiles

RESUMEN

En el mundo globalizado de hoy en día, en donde los países se han enlazado para concienciar a los individuos de las ventajas que existen de viajar para mejorar el nivel educacional y cultural, los estudiantes extranjeros se han convertido en una de las masas más grandes de migración en todo el mundo. Por este motivo las instituciones educativas en diferentes países están adaptándose a este acontecimiento y están creando programas para abrir puertas y presentar oportunidades tanto a los estudiantes locales como a los internacionales. Por esto es significativo que los individuos con miras a estudiar en el extranjero tengan el conocimiento necesario de los provechos, atributos y requisitos de estas instituciones y de los gobiernos locales de cada país, para así poder aventajarse de estas oportunidades. Es por esto que esta monografía trata de los estudiantes extranjeros en los Estados Unidos y cuáles son las puertas que este país abre en sus instituciones educativas, al igual que provee información sobre los requerimientos que se deben llenar tanto en los colegios y universidad, como ante el gobierno.

ABSTRACT

In today's globalized world, where all countries have linked together to make individuals aware of the advantages there are to travel abroad and improve one's cultural and educational level, international students have become one of the biggest groups for immigration. For this reason, schools in different parts of the world are adjusting to this phenomenon and are creating programs in order to open doors and give opportunities both the local and the foreign students.

This is why it is important for individuals pursuing international education, to have the necessary knowledge of the features, attributes and requirements that these institutions and governments have, in order to take advantage of the opportunities available. This monographic work deals with international students in the United States and gives information about the doors that this country is opening foreign students to enter its schools. Furthermore is gives information about the requirements that need to be fulfilled in these educational institutions and before the government.

INTRODUCCIÓN

El objetivo de este trabajo monográfico es informar a los estudiantes en la ciudad de Cuenca sobre las tendencias de estudios en el extranjero, específicamente en los Estados Unidos, y los programas ofrecidos por colegios y universidades en este país, enfatizando la importancia que tiene para un individuo el proyectarse a buscar el mejoramiento de su educación en un plano internacional. Una parte esencial de este ensayo es proveer a estudiantes de la carrera de Estudios Internacionales y en general de cualquier facultad de la Universidad del Azuay, con información consistente y asesoría adecuada para el momento en que ellos decidan salir del país, en cuanto a requisitos y exigencias que tanto las instituciones educativas como el gobierno en los Estados Unidos demanda a sus futuros estudiantes.

Para esto, el presente ensayo se ha dividido en tres capítulos principales, los cuales a su vez tienen varias subdivisiones. La primera parte se ha creado para describir de manera general las tendencias de educación internacional y la movilidad de estudiantes alrededor del mundo, para dar lugar, en la segunda parte de este capítulo, al proceso de llegada de estudiantes internacionales en los Estados Unidos, con el objetivo de demostrar la importancia de este país en la educación internacional. Para esto, se provee estadísticas de la llegada de estudiantes internacionales desde la década de los 50, lo cual nos introduce al tema central de este trabajo monográfico. Aquí se detalla las tendencias y variaciones en el número y procedencia de los estudiantes que llegaron a este país y como esto ha influenciado en su sistema educativo, el cual también es analizado en este capítulo describiendo sus aspectos positivos y negativos, de esta manera exponiendo al personal de la universidad y a los estudiantes de la importancia que tiene para un individuo estudiar en el extranjero. Con esto se busca concienciarlos de su responsabilidad de proveer a los alumnos, especialmente de nuestra carrera, oportunidades logradas por medio de convenios para salir del país, para así mejorar sus experiencias y llevar su educación a un grado máximo de excelencia.

En el segundo capítulo se pormenorizan los programas que se han creado y están disponibles para los estudiantes tanto de segundo, tercer y cuarto nivel de educación. Se comenzará por los programas de intercambio que son los más populares y generalmente ofrecidos a los estudiantes de secundaria, y luego se dará paso a los

programas creados en las universidades americanas que han acogido a miles de estudiantes internacionales. En este capítulo se detalla las clases de instituciones educativas de tercer nivel que existen, el número de años de estudio que se tiene que cumplir en cada institución, los títulos obtenidos, las exigencias académicas y por último los requisitos que estos establecimientos demandan a los estudiantes para ser aceptados.

En el tercer capítulo se describen los diferentes tipos de visas estudiantiles, sus ventajas y desventajas y las limitaciones y beneficios que éstas ofrecen para los portadores. Esta última porción de este capítulo presenta a breves rasgos los cambios en las visas estudiantiles que se realizó después del ataque terrorista del 11 de septiembre, describiendo de manera más específica el cambio más notorio que se dio en las leyes para los estudiantes internacionales: la creación e implementación del Sistema de Información para Estudiantes y Extranjeros (SEVIS)¹ y refiere a las ventajas y desventajas del mismo.

Es importante conocer la forma en la que toda la información aquí descrita fue recolectada y los diversos métodos que se utilizaron para cumplir con los objetivos planteados:

Para describir a breves rasgos la migración estudiantil en los Estados Unidos, específicamente en los últimos 5 años he leído incontables artículos en revistas, libros y en la Internet con temas de educación internacional. A más de esto tuve la oportunidad de realizar una entrevista a Carol E. Winiki, Manager, Constituent Services, en la oficina de Donald A. Manzullo representante de Rockford en el Congreso de Estados Unidos, la cual me facilitó el Manual de Inmigración del 2006. De este documento pude obtener los requisitos, ventajas y restricciones de los diferentes tipos de visas, conociendo de manera especial la creación del Sistema de Información para estudiantes y extranjeros visitantes (SEVIS). Por su vasta experiencia con estudiantes internacionales y temas migratorios pude conocer a fondo diversas experiencias de instituciones educativas y estudiantes internacionales en el área, que me permitió

¹ Las siglas provienen de su significado en inglés: Student and Exchange Visitor Information System.

comprender mejor el punto de vista de instituciones y el gobierno para con estudiantes extranjeros.

Para poder describir las oportunidades y programas que Estados Unidos ofrece a los estudiantes internacionales efectué una investigación en 4 Universidades estadounidenses, a las cuales pude asistir y confirmar que los datos entregados fueran los correctos. Durante mi estadía en este país, de julio a noviembre del 2006, visité tres universidades en Illinois y una Universidad en Tennessee: Rock Valley College, Moody Bible Institute, Northern Illinois University y Lee University, en donde pude empaparme del sistema educativo estadounidense y conocer los programas y ventajas que éste ofrece. En estos lugares pude realizar entrevistas a varios estudiantes internacionales al igual que a varios miembros del personal de Estudiantes Internacionales, mediante los cuales pude conocer más a fondo experiencias que éstos han tenido. A más de esto en Rock Valley College pude asistir a la Semana del Estudiante Internacional (la tercera semana de Noviembre) en donde se llevó a cabo un simulacro que me otorgó la capacidad de conocer con cierto nivel de realidad lo que significa ser un estudiante internacional y de todo el proceso que éste tiene que seguir para asistir a una universidad americana.

Como ayuda extra para los futuros estudiantes internacionales, después de los tres capítulos de información existen varios anexos de información clave. Las entrevistas a autoridades y estudiantes, las leyes exactas de visado y formularios necesarios para el proceso de aplicación a las universidades. Por último, como refuerzo a toda esta información he acudido también a fuentes secundarias que han permitido sumergirme de manera total en el tema de esta monografía para entregar un trabajo preciso y actualizado, que se proyecta ser un referente informativo para todos los involucrados con la educación internacional en los Estados Unidos.

Capítulo I.

Tendencias de la migración por la educación en los últimos 5 años.

Vivimos en un tiempo de movilidad imparable. Los individuos no solo buscan oportunidades en lugares cercanos o conocidos, sino cada vez más se ve las distancias acortadas y lugares remotos siendo visitados. Este capítulo describe las tendencias de la migración por la educación. En una primera parte se describe en forma general el movimiento educacional en el mundo para luego describir la llegada de estudiantes internacionales en los colegios y universidades estadounidenses desde la década de los 50. Posterior a esto se refiere a los aspectos positivos y negativos de la influencia que los Estudiantes Internacionales han tenido en los colegios y universidades americanas.

1.1 Visión general de la migración educativa en el mundo

La educación fue la respuesta natural en las primeras civilizaciones a las luchas diarias de sobrevivencia. Los adultos capacitaban de manera oral y por medio de imitación las habilidades necesarias para transferir responsabilidades a las futuras generaciones.² La educación era parte de sembrar la propia cultura e incentivar al respeto, honra y práctica de la misma. Los individuos estaban limitados a aprender costumbres y doctrinas típicas de la tribu, grupo o nación y no estaban interesados en conocer otras enseñanzas.

La era de la educación internacional despierta después de las terribles guerras mundiales, en donde la intolerancia e incomprensión desataron espeluznantes actos de violencia. Diferentes grupos unían sus esfuerzos en diferentes países para crear bases sólidas para promover y desarrollar la educación internacional, a la cual se atribuía poder proveer medios para un mundo más pacífico. En 1942, gobiernos Europeos se reunieron en el Reino Unido para la Conferencia de Ministros de Educación aliados (CAME), buscando soluciones y maneras para reconstruir sus sistemas de educación

² Traducido de: The learned men of ancient times, by default became the teachers. Priests and prophets taught children of the wealthy and noble, the skills to take up their roles as leaders and businessmen. The priests' position was elevated above many strata of society, and they were treated accordingly for their knowledge, and wisdom. JOHN'S HISTORY OF EDUCATION (2003). *Teaching through the ages*. Descargado [mayo 1, 2008]. <http://historyeducationinfo.com/edu1.htm>

una vez que se dé fin al conflicto bélico³. De esta conferencia, años más tarde se formó una de las instituciones más reconocidas a nivel mundial: la UNESCO, con sus siglas en inglés que significan Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura. Esta llegó a ser parte de las Naciones Unidas, organización formada en 1945, y que por lo tanto comparte los mismos ideales de paz, seguridad, justicia y derechos humanos, la promoción del progreso social y económico y un mejor estándar de vida⁴. Sin embargo la cooperación entre naciones no fue suficiente para detener el estallido de la Segunda Guerra Mundial; por esto los años 50's estuvieron caracterizados por un cambio global; tanto organizaciones regionales como mundiales se unían para crear una mayor cooperación que traspase las fronteras. Uno de los objetivos más específicos era enseñar diferentes idiomas para luego entrar en detalle en la historia, sociedad, cultura y sistema políticos de los países en donde se hablan estas lenguas⁵. Esto dio lugar a que más organizaciones gubernamentales y no gubernamentales se formen y empiecen a crear una aldea totalmente apartada de la educación tradicional. Una aldea que buscaba enviar y recibir estudiantes por todo el mundo con el objetivo de eliminar fronteras y crear una comprensión mundial.

A estos esfuerzos se unían más y más países debido a que se podía palpar las ventajas que la educación internacional traían a los que participaban en ella. Los Estados Unidos, como la gran potencia empezó a abrir sus puertas y crear programas para que más estudiantes de todo el mundo pudieran ser parte de su sistema. A continuación detallaré la llegada de los estudiantes internacionales en este país, con el

³ Traducido de: As early as 1942, in wartime, the governments of the European countries, which were confronting Nazi Germany and its allies, met in the United Kingdom for the Conference of Allied Ministers of Education (CAME). UNITED NATIONS EDUCATIONAL SCIENTIFIC AND CULTURAL ORGANIZATION (1995-2008). *The Organization's History*. Descargado [abril 2, 2008]. http://portal.unesco.org/en/ev.php-URL_ID=6207&URL_DO=DO_TOPIC&URL_SECTION=201.html

⁴ Traducido de: At the end of the conference, thirty-seven countries founded the United Nations Educational, Scientific and Cultural Organization. The Constitution of UNESCO, signed on 16 November 1945... UNITED NATIONS EDUCATIONAL SCIENTIFIC AND CULTURAL ORGANIZATION (1995-2008). *The Organization's History*. Descargado [abril 2, 2008]. http://portal.unesco.org/en/ev.php-URL_ID=6207&URL_DO=DO_TOPIC&URL_SECTION=201.html

⁵ Traducido de: According to David Wiley, director of the African Studies Center at Michigan State University, "NDEA heralded a major U.S. commitment to devoting new attention to the world beyond its borders – first to teach more of the uncommonly taught foreign languages, and then to learn in depth about the histories, societies, cultures and political systems of the key foreign powers as well as the rapidly multiplying "Third World" nations." OFFICE OF POSTSECONDARY EDUCATION (2005). *Internacional Education Program Service: The History of Title VI and Fulbright-Hays An Impressive Internacional Timeline*. Descargado [abril 3, 2008]. <http://www.ed.gov/about/offices/list/ope/iegps/history.html>

objetivo de demostrar a los futuros estudiantes internacionales la cantidad de individuos que se están aventajando de estas oportunidades.

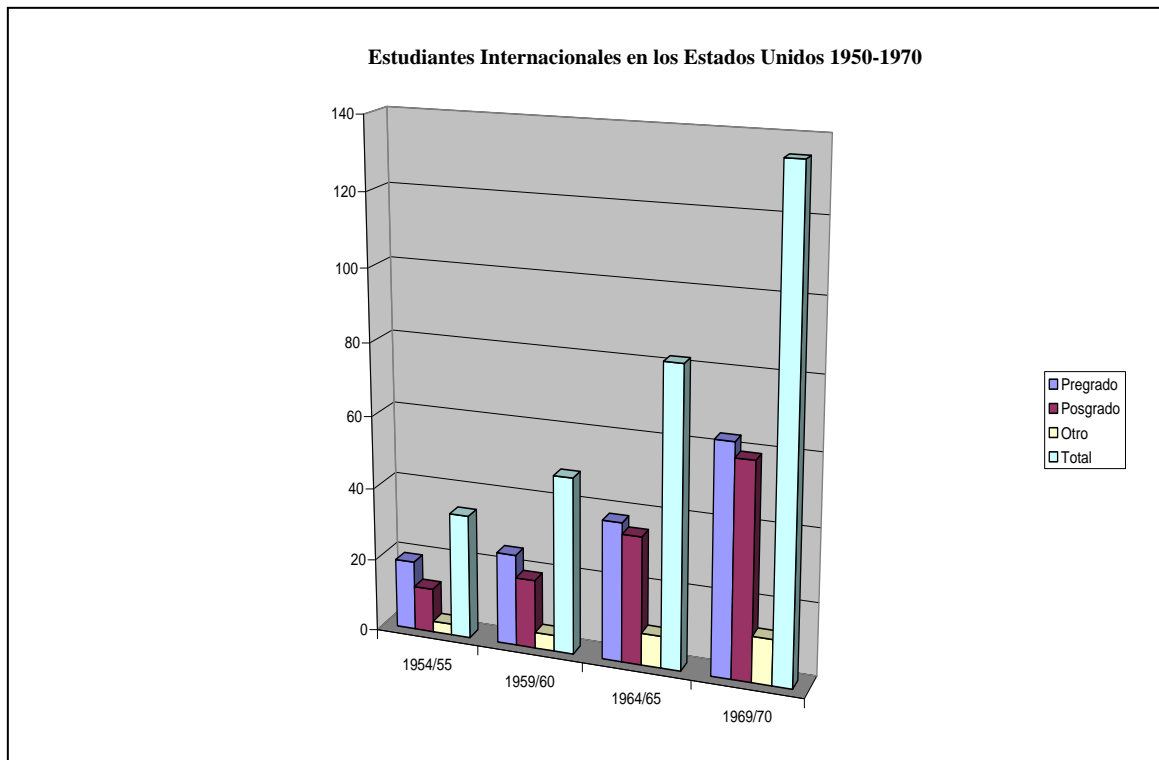
1.2 Historia del proceso de inmigración de Estudiantes Internacionales

Estados Unidos siempre se había caracterizado por un constante flujo de inmigrantes. En los primeros años individuos especialmente de Europa llegaron a este territorio huyendo la persecución política y religiosa. Subsiguiente a esto, aprovechando de las oportunidades que ofrecía esta nueva tierra, muchos llegaron en busca de mejoras en su economía y estándar de vida. En años posteriores sin embargo, se añadió un grupo diferente a la migración: los estudiantes internacionales. El objetivo de estos inmigrantes se desvió de lo laboral o político a lo educativo y cultural.

Como se mencionó anteriormente, después de la II Guerra Mundial había una necesidad mundial de cambio e integración; por esto varias instituciones de intercambio estudiantil y cultural fueron creadas en los Estados Unidos para promover y desarrollar la paz basada en un entendimiento global.⁶ De acuerdo al reporte completo elaborado por Open Doors (2004), en 1954 había ya 34,231 estudiantes involucrados en instituciones educativas alrededor de todo el país. Para la década siguiente existían 48,466 estudiantes. Entre 1961 y 1965 se dio un incremento del 50% de estudiantes extranjeros. A partir de ese año hasta 1999 fueron incrementando los estudiantes en un promedio aproximado de un 40% hasta 1990 y 10% hasta 1999. A continuación veremos varios gráficos que muestran el ascenso de estudiantes matriculados en las instituciones educativas desde 1950 hasta 1999, en los niveles de pregrado (undergraduate), posgrado (graduate) y otros.

⁶ Traducido de: AFS is an international, voluntary, non-governmental, non-profit organization that provides intercultural learning opportunities to help people develop the knowledge, skills and understanding needed to create a more just and peaceful world. AMERICAN FIELD SERVICE Intercultural Programs. (2003) *What we do* Descargado [Enero 24, 2008] http://afs.org/afs_or/view/what_we_do

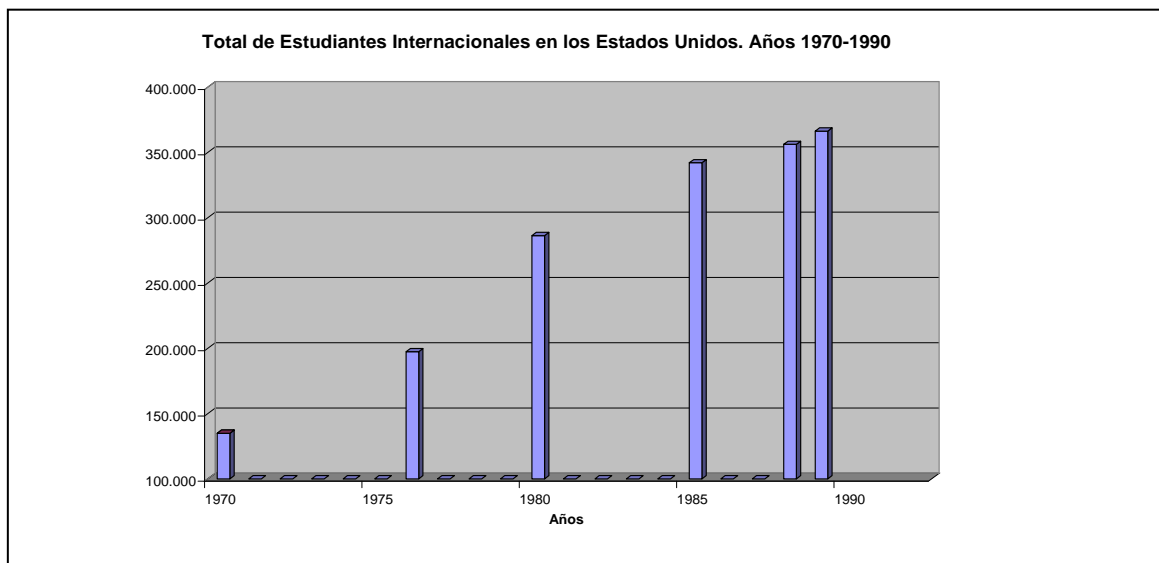
Cuadro 1.1



Fuente: IIE NETWORK, OPEN DOORS ONLINE. *Reportoin International Education Exchange*. Descargado [Marzo, 2007] <http://opendoors.iienetwork.org/page/28649/>

Elaborado por: Viviana Rodriguez Rivera

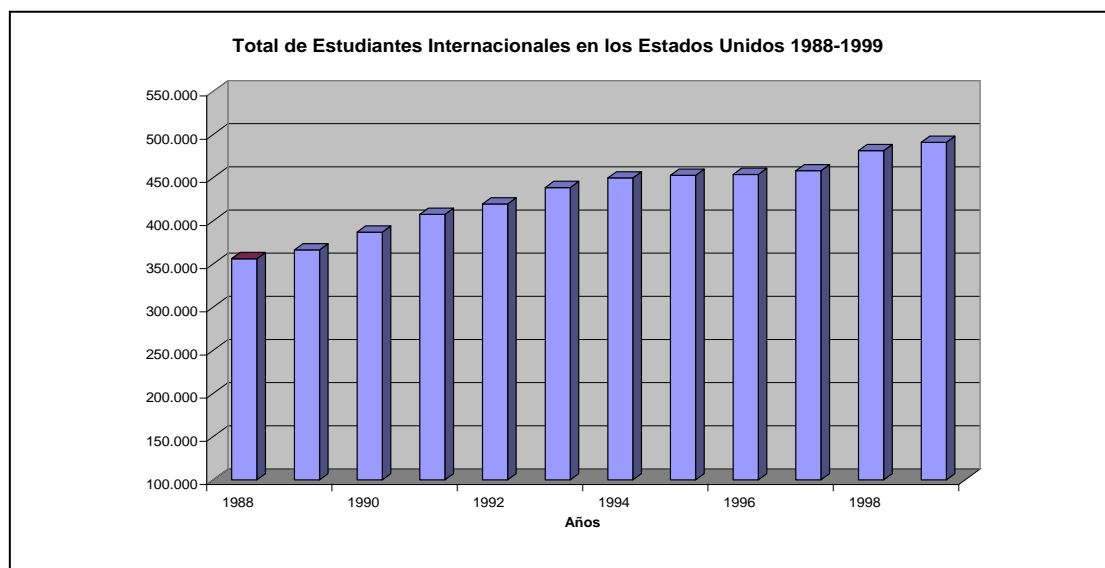
Cuadro 1.2



Fuente: IIE NETWORK, OPEN DOORS ONLINE. *Reportoin International Education Exchange*. Descargado [Marzo, 2007] <http://opendoors.iienetwork.org/page/28649/>

Elaborado por: Viviana Rodriguez Rivera

Cuadro 1.3



Fuente: IIE NETWORK, OPEN DOORS ONLINE. *Reportoin International Education Exchange*. Descargado [Marzo, 2007] <http://opendoors.iienetwork.org/page/28649/>
Elaborado por: Viviana Rodriguez Rivera

En 1999 existían 490,934 estudiantes internacionales en los Estados Unidos⁷. Entre 1999 y 2000, la matriculación de estudiantes internacionales creció casi un 7%.⁸ En el año lectivo 2000/2001 hubo un incremento del 6.4%. Un record de 547,867 estudiantes internacionales matriculados en campus norteamericanos, tanto a un nivel pre-grado como postrado.⁹ En el año lectivo 2002/2003, un año después de los atentados terroristas del 11 de Septiembre, de acuerdo a una encuesta realizada por el Instituto de Educación Internacional reveló que en ese año lectivo las aplicaciones de estudiantes internacionales se habían mantenido constantes en algunos casos, y una pequeña disminución en otros, después de haber tenido 5 años de constante crecimiento. Para el año lectivo 2003/2004 hubo una disminución de los estudiantes matriculados en un

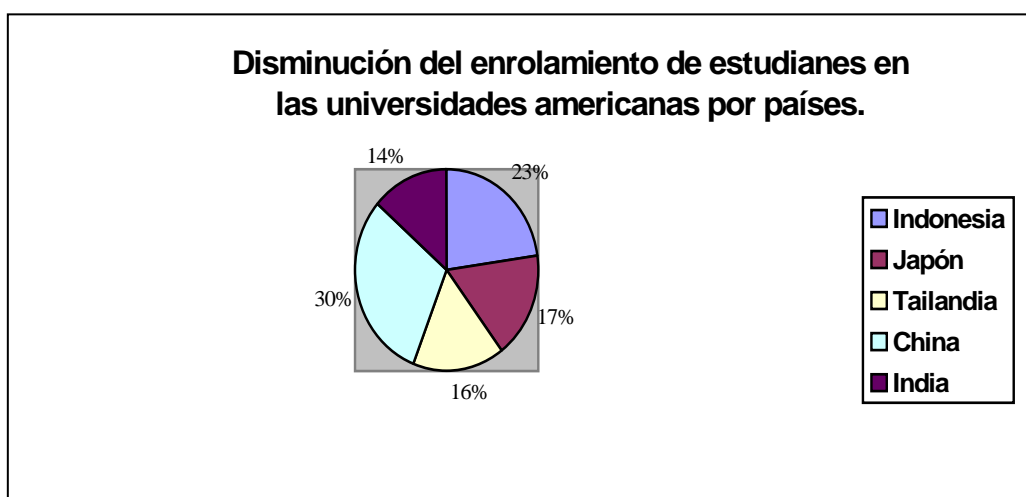
⁷ Traducido de: COMMON DREAMS.ORG. (2004) *Foreign Students Enrollment Decline for First Time in Generation*. Descargado [Enero 5, 2008] <http://www.commondreams.org/headlines04/1116-21.htm>

⁸ Traducido de: AMERICAN COUNCIL OF EDUCATION (2006) *Students of the Move: The Future of International Students in the United States*. Descargado [Diciembre 13, 2007]. <http://www.acenet.edu/AM/Template.cfm?Section=InfoCenter&CONTENTID=18573&TEMPLATE=/CM/ContentDisplay.cfm>

⁹ Traducido de: INSTITUTE OF INTERNATIONAL EDUCATION (2004) *Open Doors?*. Descargado [Enero 2, 2007] <http://opendoors.iienetwork.org/?p=29444>

2.5%. Muchos creyeron que esto fue debido al ambiente creado por la “guerra contra el terrorismo”, que causaba un ambiente de incertidumbre y frustración con la presencia de estudiantes internacionales en las universidades estadounidenses. Casi un 50% de los estudiantes internacionales en ese año eran de principalmente 5 países, cuatro de los cuales estaban en Asia, y los demás de países de todos los continentes. Esto se dio debido a que muchos jóvenes del medio oriente declararon que extensos chequeos de historial personal habían causado un retraso en el proceso de obtención de visas. El gráfico a continuación muestra el número de estudiantes por países matriculados en universidades americanas.

Cuadro 1.4



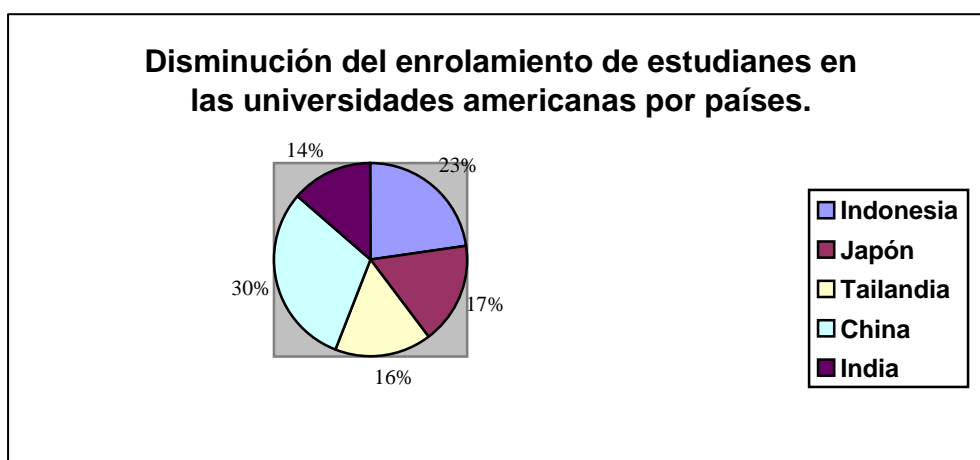
Fuente: COMMON DREAMS.ORG. (2004) *Foreign Students Enrollment Decline for First Time in Generation*. Descargado [Enero 5, 2008] <http://www.commondreams.org/headlines04/1116-21.htm>
Elaborado por: Viviana Rodríguez Rivera

Un ejemplo claro de que este ambiente de tensión fue una de las razones principales por la que estudiantes desertaban a los Estados Unidos como país de destino para sus estudios fue el que se dio en la Universidad de Pensilvania. Un poco antes de que las clases comenzaran, 13 estudiantes del Medio Oriente, que ya habían sido admitidos para el primer año, decidieron asistir a una universidad en Gran Bretaña. De acuerdo con el director de la Oficina de Estudiantes Internacionales: “los estudiantes estaban siendo patrocinados por una compañía que contrataban jóvenes prometedores, les otorgaban becas y luego les contrataban después de haberse graduado”. Su patrocinador dijo que

la decisión no tuvo nada que ver con el programa de la Universidad – “fue solo que los estudiantes se sentían más cómodos yendo a otro país”¹⁰.

Los países que habían tenido el mayor número de estudiantes en Estados Unidos fueron los que demostraron a su vez el mayor porcentaje de disminución¹¹. Esto lo podemos observar claramente en el gráfico presentado a continuación:

Cuadro 1.5



Fuente: IIE NETWORK (2004). *New Survey Suggests Growth in New Enrollments of International Students at U.S. Colleges and Universitie*. Descargado [november, 2007] <http://opendoors.iienetwork.org/page/94922/>

Elaborado por: Viviana Rodríguez Rivera

A pesar de esta disminución, existieron universidades en donde se dio un fenómeno contrario. En la Universidad de Carolina del Sur, hubo un incremento del 6% en su alumnado internacional, en la Universidad de Columbia un 4% y en la Universidad de

¹⁰ Traducido de: "The students were being sponsored by a company that recruited promising young men, gave them scholarships and then hired them after they graduated," said James Lynch Jr., director of the international students and scholars office. "The sponsor said the decisions had nothing to do with our program - just that the students felt more comfortable going to another country." FISKE, EDWARD B., *Are foreing students turning away from U.S.?*, International Herald Tribune. INTERNATIONAL INSTITUTE OF EDUCATION (2004), descargado [Noviembre 28, 2007]. <http://opendoors.iienetwork.org/?p=36659>.

¹¹ Traducido de: The biggest percentage declines in enrollment by country included Indonesia (15 percent), Japan (11 percent), and Thailand (10.5 percent), according to the report. Declines in the enrollments of undergraduates were particularly steep -- 20 percent in the case of China, 14 percent for Japan, and nine percent for India. COMMON DREAMS.ORG. (2004) *Foreign Students Enrollment Decline for First Time in Generation*. Descargado [Enero 5, 2008] <http://www.commondreams.org/headlines04/1116-21.htm>.

Purdue un 2%, lo cual demuestra que la situación es relativamente diferente en cada estado o universidad¹².

En el 2005 hubo diferentes percepciones de acuerdo a diferentes instituciones educativas. Las instituciones que reportaron disminuciones, manifestaron que éstas se dieron especialmente en el nivel de pre-grado. Diecisiete de las cuarenta instituciones (Anexo 1) que poseen el mayor número de estudiantes internacionales respondieron a una entrevista realizada por el Instituto de Educación Internacional que fue llevada a cabo para medir el nivel de participación de estudiantes internacionales en los Estados Unidos. En cuanto al número de nuevos estudiantes en sus campus, diez de estas instituciones reportaron un incremento, seis reportaron una disminución y solo en una no existió cambio alguno. Por otro lado, en cuanto al número de estudiantes en general (no solamente nuevos) ocho de las instituciones declararon una rebaja, cinco declararon un incremento y en cuatro no existió diferencia de los años anteriores.¹³

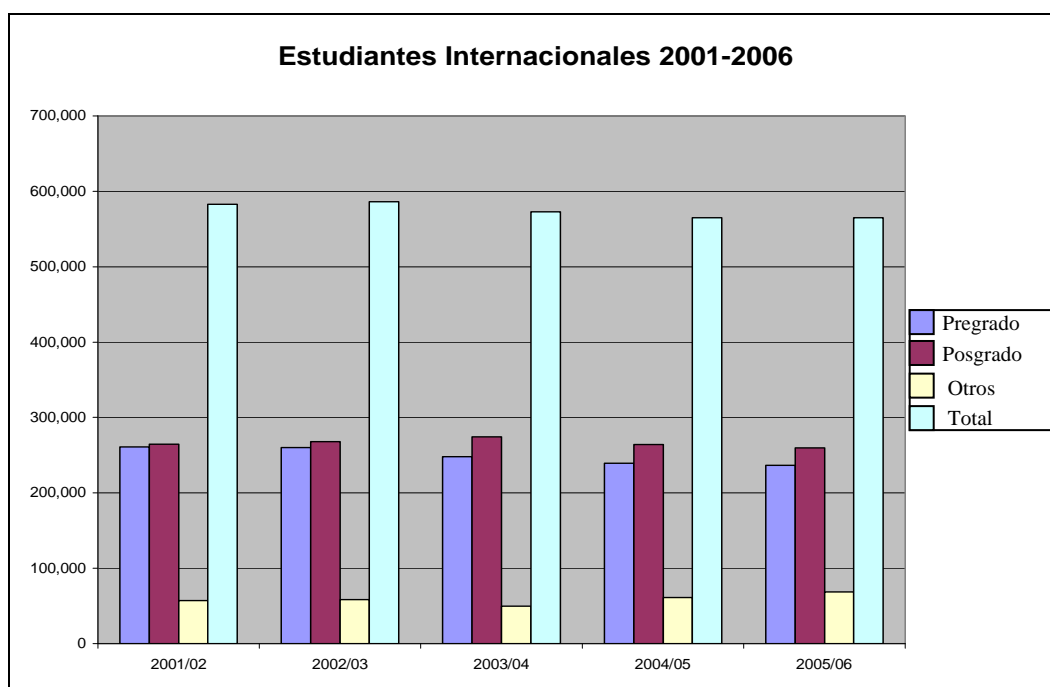
Por último en el 2006, hubo una ligera disminución en el número total de estudiantes internacionales. 236.324, 259.717 y 68.707 estudiantes se involucraron en los niveles de pre-grado, post-grado y otros respectivamente¹⁴. (Véase Cuadro 1.6)

¹² Traducido de: Columbia University (up 4%) moved up two places to #2, followed by Purdue University (up 2%), New York University (down 7%), and University of Texas at Austin (down 2%). While thirteen of the 25 leading U.S. host campuses in 2003/04 had an increase in the number of international students enrolled, the top 25 host campuses experienced a total net decline of 1% compared to the same universities in the prior year. INSTITUTE OF INTERNATIONAL EDUCATION (2004) *International Student Enrollment Declined by 2.4% in 2003/2004*. Descargado [Diciembre 12, 2007] <http://opendoors.iienetwork.org/?p=50137>

¹³ Traducido de: Responses from 17 of the 20 institutions that host the highest numbers of international students echo the survey's overall findings. Ten of these institutions report increases in the number of newly enrolled international students on their campuses this year, while six institutions report declines, and one campus noted level enrollments. INSTITUTE OF INTERNATIONAL EDUCATION (2004) *New Survey Suggest Growth in New Enrollments of International Students at U.S. Colleges and Universities*. Descargado [Noviembre 30, 2007] http://www.opendoors.iienetwork.org/page/69734/?cm_c=178603

¹⁴ Traducido de: INSTITUTE OF INTERNATIONAL EDUCATION (2004) *Open Doors: Report on International Education Exchange*. Descargado [Diciembre 2, 2008] <http://opendoors.iienetwork.org/page/94922/>

Cuadro 1.6



Fuente: IIE NETWORK (2004). *New Survey Suggests Growth in New Enrollments of International Students at U.S. Colleges and Universities*. Descargado [november, 2007] <http://opendoors.iienetwork.org/page/94922/>

Elaborado por: Viviana Rodríguez Rivera

La cantidad de estudiantes disminuyó en un 0.9% lo cual según explica Allan Goodman, presidente y gerente ejecutivo del Instituto de Educación Internacional, se debe a:

- La ampliación del rango de oportunidades educativas en los diversos países del mundo.
- La dura competencia de otros países anfitriones.
- El alza en los costos de pensión y matrícula y
- La complejidad en el proceso de adaptación a las nuevas demandas para la aplicación de una visa¹⁵.

Sin embargo, Janice Jacobs, asistente de Secretaría de Servicios de Visado del Departamento de Estado, comentó: “nosotros todavía estamos abiertos para el negocio.

¹⁵ Traducido de: Allan Goodman, President and CEO of IIE said, "The decrease in number of international students this year is explained by a variety of factors affecting students differently in different sending countries, and includes a wider range of educational opportunities at home, stiff competition from other host countries, rising U.S. tuition costs, and the complex process of adjustment to tighter screening of visa applicants. INSTITUTE OF INTERNATIONAL EDUCATION (2004) *International Student Enrollment Declined by 2.4% in 2003/2004*. Descargado [Diciembre 12, 2007] <http://opendoors.iienetwork.org/?p=50137>

Realmente valoramos y damos la bienvenida a los estudiantes internacionales y estudiantes de intercambio. A pesar de que la seguridad debe ser nuestra prioridad, trabajamos cada día para ver que el acceso a nuestro país no sea impedido para aquellos a quienes valoramos”¹⁶

Esta aseveración pudo ser confirmada en una entrevista realizada (Anexo 2) a 15 estudiantes internacionales que han asistido a diferentes universidades americanas en el 2006, 99% de los cuales estuvo satisfecho con el proceso de aplicación y aceptación. Si bien es cierto, ellos consideran que para la obtención de una visa estudiantil se requieren más pruebas y evidencias, manifestaron que fue relativamente fácil conseguirlas. El rango de tiempo que tomó a estos estudiantes adquirir y recibir su visa fue de 2 horas a 2 semanas, lo cual demuestra una verdadera eficacia por parte del consulado americano en su país de origen.

En una segunda entrevista realizada a 5 personas que trabajan con estudiantes internacionales en universidades americanas o en programas de intercambio cultural manifestaron (Anexo 3) que solamente en el año 2003 se pudo palpar con intensidad el impacto del 11 de Septiembre. Ellos manifestaron, al igual que los estudiantes, que es un poco más difícil, especialmente para ciertos países musulmanes, ir a una institución educativa en los Estados Unidos, y que a pesar de la gran cantidad de regulaciones que se han implementado desde el 9/11, los colegios y universidades siguen abriendo sus puertas a todos los estudiantes.

1.3 Influencia de los Estudiantes Internacionales en los colegios y universidades americanas.

Es así que tanto en colegios y universidades se ha visto el continuo incremento de estudiantes internacionales, quienes han llegado a ser una parte importante del sistema educativo y también económico del país. Por ejemplo según el Departamento de Comercio, durante el año 2006 los estudiantes internacionales aportaron con más de \$13'000.000 a la economía estadounidense. Este dinero estaba distribuido en gastos de

¹⁶ Traducido de: We are still open for business. We really value and welcome international students and international exchange," U.S. DEPARTMENT OF STATE: INTERNATIONAL INFORMATION PROGRAMS (2005) *U.S. Continues Strong Support for International Education Exchange*. Descargado [Diciembre 19, 2007] <http://usinfo.state.gov/gi/Archive/2005/Jun/03-48745.html>

matrícula y pensión, gastos de vivienda y gastos personales. Al mismo tiempo la educación superior se ha posicionado entre los 10 principales ingresos de exportación para este país¹⁷.

La ventaja social que los estudiantes extranjeros traen a este país también es digno de ser acentuado. Según manifestó Janice Jacobs, en la 57ma Conferencia Anual de NAFSA (National Association for Foreign Student Affairs)¹⁸, las autoridades de esta asociación entienden que cuando gente joven visita otros países y se acopla a su cultura y estilo de vida, esto forma una base para un mejor entendimiento internacional. Por esto, se han unido esfuerzos para que el porcentaje de apoyo y de aceptación que existe tanto en el gobierno estadounidense, como en las autoridades universitarias, aumente cada vez más.

Estados Unidos ha tenido un compromiso duradero de apoyar a los estudiantes internacionales. Si bien es cierto el proceso de visado es hoy en día más estricto y el seguimiento a los estudiantes, una vez llegados a éste país, es más metódico, el Gobierno está haciendo grandes esfuerzos para promover la educación internacional. Esto se demuestra con la cantidad y variedad de programas ofrecidos en las diferentes instituciones educativas en todo el país.

Aspectos positivos de la educación Internacional

En un mundo como en el que vivimos hoy en día en donde la globalización, los grandes flujos migratorios y la supresión de las fronteras son innegables, y basada en mi experiencia como estudiante internacional, es indispensable que un individuo, no solamente involucrado en carreras internacionales, sino en cualquier otra rama, acepte el reto de ser parte de la educación internacional. Estudiantes que regresan del extranjero

¹⁷ Traducido de: Nevertheless, Department of Commerce data ranks U.S. higher education as the among the top 10 largest service sector exports. INSTITUTE OF INTERNATIONAL EDUCATION (2004) *International Student Enrollment Declined by 2.4% in 2003/2004*. Descargado [Diciembre 12, 2007] <http://opendoors.iienetwork.org/?p=50137>

¹⁸ Traducido de: Although security must always be our first priority, we work every day to see that access to our country is not impeded for those whose presence we encourage and value," Jacobs said. U.S. DEPARTMENT OF STATE: INTERNATIONAL INFORMATION PROGRAMS (2005) *U.S. Continues Strong Support for International Education Exchange*. Descargado [Diciembre 19, 2007] <http://usinfo.state.gov/gi/Archive/2005/Jun/03-48745.html>

muy a menudo ven esta experiencia como algo que ha permitido su madurez tanto personal como intelectual.

La necesidad actual de las empresas e instituciones emprendedoras radica en encontrar un auténtico perfil internacional de éxito, es decir una persona que ha tenido la oportunidad de viajar y mejorar su nivel académico e intelectual, además de poseer un valor agregado del dominio del inglés, que es hoy en día pieza clave para insertarse mejor en el mundo laboral. Estas personas están generalmente caracterizadas por tener una mentalidad abierta que sean capaces de integrar equipos formados por personas de diversas culturas, creencias y antecedentes. Personas que son aptas para asumir riesgos confiando en su capacidad de comunicación que cruza fronteras con adaptación a diferentes situaciones, ambientes y personas.

Los beneficios o ventajas para un estudiante que ha tenido la oportunidad de estudiar en el extranjero son innumerables. Sin embargo, a continuación enlistaré las 10 razones más importantes por las que un individuo debería estudiar en el exterior:

- Ensanchar horizontes, esperando no solo trabajar en nuestro propio país, sino en cualquier parte del mundo.
- Encontrar un mejor empleo e ingreso económico, como consecuencia del punto anterior.
- Conocer a gente de diferentes culturas y razas, estando en la capacidad de desarrollar una personalidad lista para enfrentar a diferentes personas en diversas circunstancias.
- Tener un mejor entendimiento del sistema internacional, aumentando la comprensión del mundo y de nuestra sociedad.
- Aprender y mejorar otros idiomas, lo cual nos capacita para desenvolvemos en cualquier actividad internacional.
- Adquirir experiencia y crecimiento personal.
- Adquirir habilidades y nuevos conocimientos relacionados a nuestro campo de estudios.
- Descubrir nuevas vocaciones e intereses.

- Aprender a valorar nuestra cultura y respetar las demás. .¹⁹

Todas estas ventajas son altamente requeridas en las compañías emprendedoras de hoy. La concienciación de la importancia de la educación a través de las fronteras se está dando cada vez más alrededor del mundo, y son las naciones desarrolladas las que están acogiendo al mayor número de estudiantes internacionales. Hoy en día existen dos millones de estudiantes extranjeros en las universidades en todo el planeta. Esta cantidad ha triplicado la cantidad registrada por la UNESCO en la década de 1980, y se calculan que existirán 4,5 millones para el 2020²⁰.

¹⁹ Traducido de: 1. Expand employment opportunities. According to the Spring 1998 edition of the Black Collegian, www.black-collegian.com, which highlights job opportunities for the class of 1998, the job outlook reflects the growing importance of internationalization. The top 10 employers are seeking graduates who can think critically and also have a global perspective.

2. Increase your understanding of the world and our society. We can no longer afford to rely on CNN to tell us what we should know about the world. Changing demographics in the U.S. dictate that we must not only acquire a global competence but we must develop an understanding and an appreciation of diversity in our own country. While study abroad can be a vital link to global competence, it is also an integral part of multicultural competence.

(In Understanding Diversity Channing Betes writes: "For centuries, American education, business and government have reflected the culture of the vast majority: white people of European descent. By the year 2000, however, we will see big changes: Out of every 100 children in American classrooms, 33 will be children of color.")

3. Broaden your experience. Travel outside the U.S. is an education in itself.

4. Meet people from different backgrounds and cultures. A period of study outside the U.S. enables you to meet students not only from the host country but other nations as well. It is an opportunity to forge international friendships, understand cultural differences, and get rid of old stereotypes.

5. Increase your income potential. Study abroad on your resume definitely gives you a competitive edge. Black Enterprise recently highlighted the importance of the African American presence in the global marketplace and the numerous career and business options for African Americans who set their sights on the big emerging markets (BEMs).

6. Explore new interests. One student went to Mexico to learn the language and have fun. In addition to a Spanish course, she enrolled in modern dance and ballet. At the end of the day, the professor suggested she remain in Mexico and join his dance troupe. After graduating, she opted to continue to see the world and signed up for Bunac's Work in Britain program.

7. Learn specific skills that are career related. Learn a second language or do an international internship.

8. Gain new insights and outlooks while enjoying new relationships. By living in the country, you get an insider's perspective on the social and political structure of your host country.

9. Take control of your future. While the debate still continues on the preservation of affirmative action, you will be in a position to compete and fully participate in a global, ethnically diverse workforce.

10. Find out what you want to do in life. While taking a semester off from your regular studies may seem a luxury, it is indeed a wonderful opportunity to redefine your career aspirations in the context of your new self-awareness and newly acquired skills. Many students report that study abroad can be a life-changing experience that can also open many new career choices

TRANSITIONS ABROAD.COM (1995). *Study Abroad Matters: Top 10 reasons for African American Students to Go Abroad*. Descargado [Enero, 4 2008]

<http://www.transitionsabroad.com/listings/study/articles/studyjul1.shtml>

²⁰ Traducido de: In 2004, there were 2.5 million international students worldwide, a 56 percent increase from 1999 (when there were 1.68 million international students) (UNESCO Institute of Statistics online). It is projected that there will be 7.2 million international students by 2025 AMERICAN COUNCIL OF EDUCATION (2006) *Students of the Move: The Future of International Students in the United States*. Descargado [Diciembre 13, 2007].

<http://www.acenet.edu/AM/Template.cfm?Section=Home&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=18582>

Aspectos positivos de la educación en los Estados Unidos

Esto ha hecho que universidades estadounidenses desarrollen un apropiado ambiente multicultural, lo suficientemente atractivo para asegurar a sus estudiantes internacionales una extraordinaria experiencia y una notable superación intelectual. Asimismo la mayoría de universidades poseen un nivel académico elevado y utilizan diversos métodos de enseñanza que permiten al estudiante desarrollar un alto conocimiento tanto en la teoría como en la práctica. El personal docente también posee un gran nivel profesional. Muchos de ellos poseen maestrías y doctorados en la especialidad que enseñan y muchos poseen cargos y empleos en grandes compañías e instituciones. No obstante, la mayoría se dedican a sus actividades catedráticas a tiempo completo, por lo que su desempeño es excelente; brindan mucho tiempo al estudiante, lo cual permite una relación académica muy apropiada.

Otra característica significativa de la educación estadounidense es la importancia que esta le da a las actividades extra-curriculares. De esta manera los estudiantes son alentados para desarrollar diferentes habilidades artísticas y deportivas a la par con sus habilidades intelectuales; para esto los campus universitarios y colegios cuentan con instalaciones apropiadas como: canchas, coliseos, estadios, piscinas, teatros, cuartos musicales, bibliotecas, centros de cómputo, laboratorios, etc.

Estados Unidos además destina mucho dinero a las ciencias y da numerosas posibilidades a los extranjeros, antes, durante y después de sus estudios. Muchos jóvenes, después de haber terminado sus estudios, permanecen en este país debido a las múltiples ofertas de trabajo que se les presenta, por la gran demanda de personal calificado; y aquellos que regresan a su país de origen tienen la facilidad de conseguir trabajos de un mejor nivel económico por poseer requisitos, que como se mencionó anteriormente, solo alguien que ha estudiado en el exterior puede poseer.

Todos estos y otros son los motivadores esenciales para la gran demanda que la educación estadounidense ha tenido a lo largo de los años y que ha permitido que muchos individuos de todas partes del mundo se beneficien de las ventajas de esta. No obstante, como en todo sistema de educación existen también algunos aspectos que han puesto una característica negativa al sistema educativo estadounidense.

Aspectos negativos de la educación en los Estados Unidos

Uno de los aspectos negativos es el costo elevado de pensión y matrícula, especialmente en las instituciones de educación superior, que hace imposible para ciertos estudiantes de otros países ser parte de ellas. Incluso para los mismos estadounidenses requiere de gran sacrificio y estos ahorran prácticamente toda su vida y ponen mucho esfuerzo en áreas académicas, deportivas y artísticas para obtener una de las miles de becas que están disponibles, especialmente para ciudadanos americanos.

Otro aspecto negativo es el rechazo que existe a los estudiantes extranjeros, por parte de algunos individuos tanto dentro de los Estados Unidos, como en los países de origen de los estudiantes. Manifestaciones como: “los estudiantes internacionales se roban espacios en las universidades que podrían ser utilizados por ciudadanos americanos”, “su insuficiencia lingüística hace que muchas veces los catedráticos tengan que bajar el nivel académico para poder retener a los estudiantes internacionales”, y “a pesar de su limitación en el idioma reciben su diploma o título universitario”, son algunos de los argumentos que existen en contra de los estudiantes extranjeros. Esto ha creado un concepto erróneo de la falta de acogida que los Estados Unidos tiene hacia los estudiantes internacionales.

Por último se ha dado también acontecimientos que han puesto en una escala inferior a las instituciones académicas norteamericanas. Los tiroteos y masacres llevadas a cabo dentro de estos centros educativos han creado terror y total inseguridad tanto para el personal administrativo, docente y alumnos locales e internacionales. Si bien es cierto, esto solo no ha ocurrido con demasiada frecuencia, ha tenido un gran impacto en la mente y corazones de los estudiantes en este país.

A pesar de estos factores, jóvenes en todo el mundo buscan todavía ser parte de la aldea global de estudiantes internacionales. La experiencia de ser un estudiante extranjero es incomparable; mientras más pronto podamos vivirla, más fácil será ampliar nuestro mundo, definir y establecer nuestras metas y prepararnos para un futuro y carrera prometedoros. Por esta razón, en el siguiente capítulo, se podrá familiarizar con el sistema educativo de los Estados Unidos, conocer la forma en la que éste funciona, las oportunidades que existen en las universidades y colegios americanos, la

participación que los estudiantes internacionales han tenido en estas instituciones, y los requisitos, regulaciones y exigencias a nivel institucional que los estudiantes extranjeros deben cumplir para ser parte de ellas.

Capítulo II

Propiedades del sistema educativo de los Estados Unidos para estudiantes extranjeros

En este capítulo se presenta y explica la forma en la que el sistema educativo funciona en los Estados Unidos, detallando los programas que son ofrecidos para los estudiantes internacionales de colegios y universidades. En la primera parte se encuentra una sección en donde se detallan los programas existentes para estudiantes de secundaria, y se proporcionan datos de organizaciones que promueven el intercambio cultural. La segunda parte presenta diferentes razones por las que Estados Unidos es uno de los principales destinos para estudiantes extranjeros, explicando el sistema educativo y las oportunidades y programas que ofrecen las universidades a los estudiantes con miras a aprender en este país.

2.1 Programas para los Estudiantes Internacionales en los colegios americanos.

En primera instancia es importante precisar lo que queremos decir con el término “colegio” debido a la confusión que muchas veces existe por la similitud con la palabra inglesa “college”. En los Estados Unidos, un colegio o “high school” es el término referente a cuatro años de educación que anteceden a los estudios universitarios. Esta es equivalente a la secundaria, como conocemos en nuestro medio, o la preparatoria en otros países. Es generalmente en este nivel de educación que los estudiantes tienen sus primeras experiencias internacionales. Para esto varios grupos de personas se han unido y creado varias instituciones que se han concienciado con la importancia de la educación a través de las fronteras, las cuales permiten a jóvenes y adolescentes a ser parte de la secundaria en una institución americana. Estos son conocidos como “Programas de Intercambio Cultural o Estudiantil”, los cuales son muy reconocidos a nivel mundial. Estos programas pueden durar unas pocas semanas o hasta un semestre o año académico. La mayoría de los estudiantes asisten al último año de la secundaria, conocido como “Senior year”. Dependiendo de las autoridades de la institución y del desempeño del estudiante, existe la posibilidad que al terminar el año, reciba un diploma certificando su graduación, lo cual puede ser una gran herramienta en el futuro.

Debido a que todas las clases son en inglés, se requiere que el estudiante tenga un nivel básico en el idioma para desempeñarse tanto en el campo académico como fuera de él, para así establecer más rápidamente círculos de relación.

Muchos de estos programas incluyen la permanencia con una familia que abre las puertas de su hogar al estudiante, brindándole los beneficios y asignando responsabilidades, como a cualquier otro hijo de la familia. Muchas de estas familias son voluntarias, es decir, no reciben un ingreso económico por esto. A estas se las conoce como familia “anfitriona”, y son parte clave de la experiencia del estudiante. Los estudiantes, o sus padres, son generalmente quienes financian su período de intercambio ya que son muy pocas las veces y pocas las instituciones que ofrecen becas o ayuda financiera. Habitualmente todas estas organizaciones trabajan con miles de voluntarios alrededor del mundo, quienes son una pieza clave para el funcionamiento de estas organizaciones.

A continuación describiré brevemente las organizaciones más importantes, comenzando con la organización que permitió que yo fuera una estudiante de intercambio en el año 2001-2002 en los Estados Unidos: American Field Service o AFS²¹. Fue creado después de la I Guerra Mundial en 1919. Su propósito inicial era proveer voluntarios y ambulancias que transportaran a los soldados franceses. Pocos años más tarde, a fin de mantener su ayuda internacional, empezaron un programa de becas entre los países “enemigos” (Japón y Alemania). Así nace la idea de enviar y recibir estudiantes para que exista un mejor entendimiento global con más países del planeta. De esta manera sus bases para la realización de cualquier actividad ha sido siempre la dignidad, respeto a las diferencias, armonía, sensibilidad y tolerancia. Así que AFS es una organización internacional, voluntaria, no-gubernamental y sin fines de lucro que provee oportunidades de aprendizaje intercultural que ayuda a la gente a desarrollar un conocimiento, habilidades y comprensión necesitada para crear un mundo más pacífico. AFS trata con más de 11,000 estudiantes cada año en más de 50 países del mundo, con alrededor de 30,000 voluntarios activos en estos países²¹.

Otra organización muy reconocida a nivel mundial, creada en 1964, es el American Institute for Foreign Study o (AIFS) el cual posee oficinas globales en 5 países y

²¹ Más información de esta organización puede ser encontrada en: www.afs.org

organiza programas de intercambio para 50,000 estudiantes cada año. Sus programas no solo incluyen programas para secundaria, sino también en universidades, campamentos, escuelas especializadas y au pair. Este último es un programa especialmente creado para que chicas adolescentes viajen a un país extranjero, y mientras trabajan como niñeras, aprendan la cultura e idioma. Sus países de destino incluyen China, Inglaterra, Francia, Italia, Rusia, y España²².

Education First, o EF²³, es otra organización que ha conectado estudiantes de secundaria con familias anfitriones, permitiendo crear lazos de amistad y confianza desde 1979. Con un equipo de dedicados voluntarios, coordinadores locales y miembros en general ha ayudado a más de 90,000 estudiantes de más de 40 países a participar en estos programas. EF tiene vínculos con el Departamento de Estados de los Estados Unidos, Consejo de Normas de Viajes Educativos Internacionales, la Alianza para el intercambio cultural y la educación internacional, y NAFSA (Asociación de Educadores Internacionales).

Existen muchas otras opciones y programas con los que se puede trabajar y mediante los cuales un estudiante puede acceder a estudiar en una institución educativa americana. La experiencia que se obtiene mediante un intercambio cultural es incomparable y duradera. Para muchos la experiencia es fácil y placentera, para muchos otros es difícil y lamentable. Sin embargo, en ambos casos se produce un crecimiento emocional e intelectual en el estudiante que no se puede obtener ni en muchos años de educación en su propio país. Sobre todo abre las puertas para que muchos de los estudiantes puedan seguir sus estudios universitarios en este país.

Precisamente, este tema es el que será cubierto en la siguiente sección, la cual permitirá familiarizarnos con el sistema universitario estadounidense, las clases de instituciones, títulos obtenidos, requisitos para admisión, sistema de calificación y el ambiente y oportunidades que se han creado para los estudiantes internacionales.

²² Referir a: www.aifs.org

²³ Referir a: www.ef.org

2.2 Programas para los estudiantes internacionales en instituciones estadounidenses de educación superior

Como hemos visto anteriormente el número de estudiantes extranjeros en las universidades americanas ha ido incrementando con el pasar de los años, y se hace indispensable para las universidades y los alumnos americanos tener estudiantes internacionales en sus aulas. Por eso miles de universidades alrededor del país están creando planes que permitan a estudiantes extranjeros involucrarse en su programa de estudios.

Para esto también se han formado varias instituciones que sirven de nexo entre instituciones educativas de todo el mundo. En 1919 por ejemplo, se creó en los Estados Unidos uno de los Institutos más grandes y reconocidos actualmente en el mundo: Instituto de Educación Internacional (*Institute of International Education o IIE*). Después de la I Guerra Mundial y basado en la necesidad mundial de tomar decisiones urgentes para evitar la violencia a nivel mundial, este instituto empezó a organizar programas con diferentes gobiernos Europeos de intercambio tanto para profesores como para estudiantes que querían establecer lazos con los Estados Unidos. Por casi 90 años este Instituto ha estado formando ciudadanos, educando miles y miles de estudiantes que se han convertido en líderes globales²⁴. Su misión es: “promover relaciones educacionales más cercanas entre la gente de los Estados Unidos y de otros países, fortalecer y unir a instituciones de educación superior globalmente, rescatar las libertades escolares y académicas que están siendo amenazadas, y construir habilidades de liderazgo, mejorando la capacidad de los individuos y organizaciones para enfrentar retos globales y locales”.²⁵ Esta organización ha estado desarrollando proyectos,

²⁴ Traducido de: For almost 90 years, IIE has developed leaders, educated global citizens and advanced social justice. INSTITUTE OF INTERNATIONAL EDUCATION (2004) *A Brief History of IIE*. Descargado [Enero 6, 2008]

http://www.iie.org/Content/NavigationMenu/About_IIE1/Mission_and_Profile/History/History.htm

²⁵ Traducido de: Promoting closer educational relations between the people of the United States and those of other countries. Strengthening and linking institutions of higher learning globally. Rescuing threatened scholars and advancing academic freedom. Building leadership skills and enhancing the capacity of individuals and organizations to address local and global challenges. INSTITUTE OF INTERNATIONAL EDUCATION (2004) *Institute of International Education: Our Mission*. Descargado [Enero 6, 2008]

http://www.iie.org/Template.cfm?Section=Mission_and_Profile&Template=/ContentManagement/HTMLDisplay.cfm&ContentID=23228

abriendo nuevas oficinas y creando varias instituciones en los Estados Unidos y a nivel mundial que cooperen con el cumplimiento de su misión.

Estas organizaciones y sus funciones serán descritas brevemente a continuación:

IIE NETWORK: Es un sitio web para los afiliados del Instituto en donde contiene análisis y tabla de datos, artículos y reportes sobre educación internacional, eventos próximos relacionados con la educación internacional y muchos recursos más para la educación internacional. Todos estos datos y reportes provienen de “Open Doors” que es un análisis estadístico de la población estudiantil internacional²⁶.

FULBRIGHT: El programa fue establecido en 1946, y su objetivo principal es incrementar el entendimiento entre las personas de los Estados Unidos y otros países, por medio del intercambio de personas, conocimiento y habilidades. Fulbright trae a individuos de otros países para obtener títulos de Maestrías y Doctorados y los prepara para tomar posiciones de liderazgo en su país de origen²⁷.

GLOBAL CAREER SERVICE: Busca líderes jóvenes que han participado en los programas administrados por el IIE, como Fulbright por ejemplo y los coloca en corporaciones que buscan talento global²⁸.

INTENSIVE ENGLISH USA: Es un directorio para estudiantes internacionales que están buscando oportunidades para estudiar el inglés. A más de esto, brinda oportunidades para que instituciones puedan publicitar sus programas de enseñanza.²⁹

²⁶ Traducido de: The Open Doors section of the website contains the most recent data on US students studying abroad and on international students in the United States. IIE NETWORK.ORG (2007) *Welcome to IIE Network*. Descargado [enero 7, 2008] <http://www.iienetwork.org/>

²⁷ Traducido de: A mainstay of America’s public-diplomacy efforts, the **Fulbright Foreign Student Program** brings citizens of other countries to the United States for Master’s degree or Ph.D. study at U.S. universities or other appropriate institutions. The program has brought some of the world’s finest minds to U.S. campuses and offers program participants insight into U.S. society and values. FULBRIGHT (1996-2005) *Fulbright Program for Foreign Students*. Descargado [Enero 8, 2008] <http://foreign.fulbrightonline.org/>

²⁸ Traducido de: GCS matches the talented, rigorously screened young leaders who participate in the most prestigious IIE-administered exchange and training programs, such as Fulbright, with corporations searching for global talent. GLOBAL CAREER SERVICE (1996-2006) *Program Description*. Descargado [Enero 9, 2008] http://www.iie.org/Content/NavigationMenu/Programs7/Global_Careers_Service1/Global_Careers_Service.htm

²⁹ Traducido de: It is the leading source of information for international students who are researching study abroad opportunities in the United States. The directory is distributed globally through the U.S. Department of State’s Educational Advising Centers. INTENSIVE ENGLISH USA *Welcome to Intensive*

EMPLOYMENT OPPORTUNITIES: Este organismo intenta proveer igual oportunidades de trabajo para todos los candidatos sin importar raza, color, credo, religión, origen, ciudadanía, ascendencia, sexo, género, edad, estado civil, orientación sexual, discapacidad, etc., basándose en la aplicabilidad de leyes locales y federales.³⁰

Estos son los principales organismos creados por el IIE, los cuales son herramientas extraordinarias para un futuro estudiante internacional, ya que provee información necesaria y de vínculos entre instituciones, organizaciones, y personas con la misma meta y visión. De esta manera los estudiantes pueden aventajarse del sinnúmero de puertas abiertas que existen para la superación personal, y como consecuencia la prosperidad económica, cultural e intelectual de las naciones, que no pueden venir apartados del resto del mundo.

Después de haber detallado estas organizaciones, procederé a describir los tipos de instituciones educativas de tercer nivel, los títulos que se pueden obtener en estos centros educativos, su sistema de calificación y requerimientos que se debe cumplir para ingresar en estas universidades. Ningún libro o escrito se igualará a la experiencia que se adquiere cuando uno mismo ha tenido la oportunidad de ser un estudiante extranjero, no obstante esta sección dará a los estudiantes prospectos una pauta de cómo funciona el sistema educativo en este país, para tener bases sólidas al momento de decidir sus estudios e iniciar el proceso de solicitud.

2.2.1. Clases de instituciones educativas.

Existe confusión en ciertos hispanohablantes, cuando quieren referirse a una universidad en los Estados Unidos debido a que en inglés existen 2 términos: “university” y “college”. A pesar de que en español se utiliza una sola palabra, en inglés difieren levemente en significado. Por ende, únicamente en este capítulo me referiré a ‘universities’ como universidades y a “colleges” como colegios.

English USA Online, a leading global resource guide to intensive English programs in the US.
Descargado [Enero 9,2008] <http://intensiveenglishusa.org/>

³⁰ Traducido de: It is IIE's policy to provide equal employment opportunity to all applicants for employment and to all employees consistent with applicable federal, state, and local laws. INSTITUTE OF INTERNATIONAL EDUCATION (1996-2006) *Employment Opportunities at IIE*. Descargado [Enero 10, 2008]
http://www.iie.org/Content/NavigationMenu/About_IIE1/Employment1/Current_Opportunities/CurrentOpportunities.htm

En primer lugar es importante explicar la diferencia que existe entre estas dos demarcaciones. Generalmente “universities” son más grandes y poseen más variedad de carreras. Como una regla general los colegios tienden a ser un poco más pequeños y ofrecen solamente títulos de pre-grado, mientras que en las universidades también ofrece títulos de post-grado. Sin embargo existen grandes universidades que refieren su nombre como College, por ejemplo el Boston College, pero eso es porque empezaron al nivel de un college. Además es importante recalcar que también existen los “Community Colleges”, que son únicamente referidos de esa manera y que otorgan títulos incompletos que permiten al estudiante avanzar al siguiente nivel de educación y obtener su título de tercer nivel.

Una vez aclarado este aspecto, es importante diferenciar los distintos tipos de universidades que existen. Comenzaré por las estatales, también conocidas como públicas, que son financiadas y subsidiadas por el equivalente de gobiernos provinciales con el objetivo de proveer a los residentes del estado con una educación más asequible. Si bien es cierto, cualquier persona del país puede asistir a estas universidades; para los residentes del estado en la que se encuentra la universidad, la matrícula y pensión son mucho más baratas, al igual que el proceso de aplicación y aceptación es más fácil. Algunas de las universidades provinciales poseen las palabras “universidad del estado” (State University) en su título, al igual que un elemento regional como “del norte” o “del este”. Estas universidades tienden a ser muy grandes con decenas de miles de estudiantes y son consideradas como grandes centros de investigación, que aportan al desarrollo económico, tecnológico y cultural de la región en la que se encuentra la universidad³¹.

Por otro lado tenemos las universidades privadas, en donde el número de alumnos es usualmente menor a 15,000. Los fondos de estas universidades provienen de pólizas universitarias, dinero de pensión y matrícula, becas de investigación, y donaciones por parte de instituciones, la comunidad, y ex-alumnos. El costo de estudio en estas universidades generalmente es más elevado que en las estatales y no importa si

³¹ Traducido de: Typically, universities of this type enroll tens of thousands of students. They produce the majority of graduate and professional degrees in the country, as well as a significant number of undergraduate degrees. Public universities play a critical role in regional economic, cultural, and civic development, and many, such as the University of Minnesota, are deeply involved in advancing knowledge and technology through research. E-JOURNAL USA (2005). *Public Universities in the United State* Descargado [Febrero 1, 2008] <http://usinfo.state.gov/journals/itsv/1105/ijse/bruininks.htm>

un individuo es residente o no del estado en la que se encuentra. Alrededor de 600 universidades son parte de este sector. Las universidades con afiliación religiosa y con estudiantes del mismo sexo son privadas³².

Los colegios comunitarios, o “community colleges”, son instituciones educativas que ofrecen un título después de dos años de estudio, lo cual se supone será más tarde complementado con estudios en una Universidad de 4 años, y lo que permitirá obtener el título de Licenciatura. Como su nombre sugiere éstas son basadas en la comunidad con vínculos cercanos con escuelas secundarias, grupos comunitarios, y empresarios. Muchos de sus estudiantes viven cerca del campus de la universidad con sus familias. Es importante señalar que muchos estudiantes internacionales están involucrándose cada vez más con estas universidades debido a dos ventajas esenciales: la primera, el costo de los colegios comunitarios son mucho más bajos que las universidades estatales o privadas, y segundo muchos tienen acuerdos para que los estudiantes transfieran sus créditos a una universidad, permitiéndoles estudiar ya desde el 3er año. Además ofrecen oportunidades para mejorar las habilidades de inglés y conocer en un ambiente más pequeño la cultura estadounidense.³³

Por último tenemos las universidades técnicas o vocacionales que se especializan en preparar, tanto en teoría y como en práctica en áreas específicas, a quienes estén buscando un nuevo empleo o promoción dentro del campo laboral. Estas ofrecen programas que generalmente duran 2 años, y pueden ser tanto públicas o privadas.³⁴

2.2.2 Títulos y notas obtenidas

Una vez que se ha conocido los diferentes tipos de universidades, se detallará los títulos que se puede obtener en las mismas y el sistema de calificación, de manera que los estudiantes se familiaricen con el método educativo de este país. En primer lugar

³² Traducido de: An educational institution controlled by a private individual(s) or by a nongovernmental agency, usually supported primarily by other than public funds, and operated by other than publicly elected or appointed officials. E-JOURNAL USA (2005). *What is a Large, Private Research University* Descargado [Febrero 2, 2008]. <http://usinfo.state.gov/journals/itsv/1105/ijse/wagner.htm>

³³ Traducido de: In most cases, the associate degree programs offered by the US community colleges and US junior colleges here lead to an associate degree. USA STUDY GUIDE (2007) *Top US Community Colleges and US Junior Colleges*. Descargado: [Febrero 11, 2008] <http://www.usastudyguide.com/uscommunitycolleges.htm>

³⁴ Traducido de: USA STUDY GUIDE (2007) *USA Education System: Overview of the American Education System*. Descargado: [Febrero 12, 2008] <http://www.usastudyguide.com/overview.htm>

tenemos al grado obtenido en las universidades mencionadas en el párrafo anterior, que son títulos técnicos que no son considerados como una carrera completa, y por esto es título menor en la jerarquía académica de pregrado. Por otro lado tenemos el título “asociado” (*Associates Degree*), el cual generalmente toma dos años en terminarlo. Esta etapa de estudio no es común en países latinoamericanos, especialmente en nuestro país. Es un título equivalente a los dos primeros años de los cuatro años universitarios obligatorios, concluidos en un colegio comunitaria o *community college* y que permite que el estudiante pueda transferir sus créditos a una universidad de 4 años en donde obtendrá el título conocido como “*Bachelors*” o Licenciatura, después de haber completado todos los créditos generales para una carrera específica que nos permite continuar a un cuarto nivel de educación o posgrado. A diferencia de nuestro sistema educativo, no existe una diferencia entre egresado y graduado, ya que todos aquellos que terminan satisfactoriamente su período de estudio de 4 años, automáticamente obtendrán el título.

Una de las principales características del sistema educativo en este país es la flexibilidad que existe en cuanto a la especialidad o “*major*” que un individuo quiera seguir. El estudiante puede escoger de una amplia variedad de materias para crear su propio programa de estudio; la única condición que existe es que se debe completar un cierto número de créditos, que en las universidades americanas son usualmente entre 130 a 180 créditos.

Los diferentes materias (*courses*) que conforman una carrera completa se divide en cuatro secciones:

- Materias esenciales: Estos proveen de las bases para el programa y son obligatorios para todos los estudiantes. Los estudiantes pueden tomar varios cursos en diferentes ramas: inglés, matemáticas, humanísticas, ciencias físicas y ciencias sociales. Algunas universidades requieren más de estos créditos que otras³⁵.

³⁵Traducido de: Other schools designate core courses as classes that every student in a particular major is required to take in order to obtain a degree in that field. These courses serve as the basis for the rest of the work you will do in your chosen field of study.

- Materias mayores: Un “*major*” es la especialización en la que el estudiante escoge concentrarse. La mayoría de los estudiantes escogen una sola rama, sin embargo, algunas universidades ofrecen la opción de seguir una doble especialidad con campos relacionados.³⁶
- Materias de mención: Una “*minor*” es una especialización en la cual el estudiante puede escoger la segunda concentración de su carrera. El número de materias requeridas para una mención tiende a ser la mitad del número de materias mayores³⁷.
- Materias electivas: Estas materias pueden ser escogidas de cualquier facultad. Ofrecen oportunidades para explorar otros temas o materias en las cuales un estudiante pueda estar interesado y pueden ser sumados para el número total requerido de créditos³⁸.

Como podemos observar, a diferencia de lo que ocurre en nuestro país, esta flexibilidad permite que el estudiante pueda cambiar su *major* varias veces, o que estudie a medio tiempo por razones académicas, personales o financieras. Sin embargo, los estudiantes internacionales no pueden tener un estatus de medio tiempo, debido a que su visa no les permite. Los estudiantes, no obstante, están en la capacidad de completar este título en menos años, ya que pueden organizar sus clases a su conveniencia, tener más créditos en cada semestre o tomar clases de verano; las cuales son períodos de seis a ocho semanas entre los meses de Junio-Agosto.

COLLEGE VIEW (1996-2008). *Core Courses: Fulfilling your degree requirements* Descargado: [Febrero 2, 2008] http://www.collegeview.com/articles/CV/campuslife/core_courses.html

³⁶ Traducido de: A specific course of study that is the focus of the undergraduate degree, emphasizing one specific discipline. UNIVERSITY OF VIRGINIA CONTINUING & PROFESSIONAL STUDIES (2000) *The College Transfer Process: Definition of Terms* Descargado: [Enero 19, 2008] <http://www.hrs.virginia.edu/media/educben/ug2defterms.pdf>

³⁷ Traducido de: A minor is an integrated and organized sequence of undergraduate courses that complements or enhances a student’s major field of study.

FLORIDA GULF COAST UNIVERSITY (2007) *Definition of Minor. Approved by UUCT November 16, 2000.* Descargado [Febrero 1, 2008] http://www.fgcu.edu/OCI/Files/OCI_DefinitionOfMinor.pdf

³⁸ Traducido de: Electives are courses designed to allow dental students the opportunity to vary their curriculum according to individual interests. Electives are intended to supplement, not to replace any part of, the core curriculum.

COLLEGE OF DENTISTRY UNIVERSITY OF FLORIDA (2007). *Section C, The Elective Dental Currículo* Descargado [Febrero 5, 2008] <http://www.dental.ufl.edu:1180/offices/education/References/handbook/c.html>

La mayoría de universidades trabajan con semestres, que son períodos de 18 semanas. El año académico generalmente va desde finales de Agosto o principios de Septiembre a finales de Mayo con por lo menos dos feriados importantes durante el año académico. Un receso de dos a cuatro semanas en Diciembre-enero, conocido como Winter Break o receso de invierno, y una semana en Marzo o Abril, conocido como “spring break” o receso de primavera.

Durante el año lectivo el estudiante recibe varias responsabilidades de tareas, pruebas, exámenes y evaluaciones que tendrá un efecto total en la nota final. El sistema de calificación estadounidense se lo hace con letras que representan un porcentaje sobre cien. Siendo A = 100-90%, B = 89-80%, C = 79-75%, D= 74-66%, F= Menor a 65%, en la mayoría de las universidades³⁹. Al final de la carrera o *bachelors* se obtiene una nota promedio conocido como GPA (*Grade Point Average*) que generalmente usa una escala de 4.0 (A = 4.0, B=3.0, C = 2.0, D = 1.0) como el puntaje mayor.³⁹

Si bien es cierto el nivel académico es muy importante, es necesario tener en cuenta que, como mencionamos anteriormente, los colegios y universidades americanos están muy interesados en actividades extracurriculares y han implementado una excelente estructura y facilidades para que se puedan desarrollar estas actividades. Esto es uno de los atractivos más importantes para los estudiantes futuros.

2.2.3 Admisiones

Como en todas las universidades del mundo, para ingresar en una universidad americana se necesita cumplir con ciertos requerimientos básicos, como un diploma de una escuela secundaria o colegio, cierto nivel de calificación, pruebas de admisión, ensayos, actividades extracurriculares de servicio a la comunidad, etc.

Los estudiantes internacionales deben primeramente enviar el formulario de solicitud completo y firmado. Este formulario incluye información personal, historial educativa, antecedentes médicos, ensayos escritos por el estudiante, etc. (Anexo 5) En muchas escuelas se pide también cartas de recomendación y certificados de trabajos previos. Además se debe enviar un certificado o diploma que demuestre la conclusión de la escuela secundaria o colegio. Todos estos documentos deben estar traducidos al

³⁹ En otras universidades el sistema de calificación es: A (90-100), B (80-89) y C (70-79). Debajo de 70 ya es F.

inglés con certificación de su autenticidad. Por otro lado existe un examen que es uno de los más importantes para los estudiantes internacionales: el TOEFL (Test of English as a Foreign Language), el cual demuestra el nivel de inglés del candidato. Los resultados de este examen deben ser enviados directamente a la universidad a la que se está aplicando. Por último, para poder recibir el certificado de Elegibilidad de Visa o Formulario I-20, explicado anteriormente, se debe demostrar las fuentes de las que ha obtenido el dinero necesario para garantizar sus años de estudios y comprobar su capacidad financiera. (Anexo 4)

En diferentes universidades existen pequeñas variaciones en los requisitos para la aplicación y admisión, y esto dependerá de la rama a la que uno se quiera enfocar para su profesión o especialización. Por ejemplo en una escuela o facultad de música se pedirá que el estudiante incluya una grabación de su instrumento; si es una escuela religiosa se requerirá que el estudiante firme una declaración de fe; en una escuela aérea se requerirá que el estudiante tenga ciertas condiciones físicas, etc. El personal encargado de estudiantes internacionales se encargará de referir a cada estudiante con los requerimientos específicos para el momento de la aplicación.

2.2.4 Costos

Uno de los mayores impedimentos que los estudiantes internacionales encuentran en la educación estadounidense es el costo de matrícula y pensión. Como se mencionó anteriormente, incluso estudiantes locales dedican mucho tiempo y dedicación para lograr poseer los recursos financieros necesarios para su formación superior. Los costos aproximados serán presentados a continuación en el siguiente cuadro:

Cuadro 1.7

COSTO PROMEDIO ESTIMADO			
Septiembre – Mayo 2007-2008			
Universidades en los E.E.U.U			
	Universidad	Universidad Estatal	
	Privada		
	Alto	Bajo	Medio
Pensión y Matrícula	\$ 13,000	\$ 13,000	\$ 13,000
Comida y Hospedaje	\$ 4,500	\$ 5,500	\$ 4,000
Libros y Materiales	\$ 1,200	\$ 1,500	\$ 1,000
Gastos Personales	\$ 4,500	\$ 5,500	\$ 3,500

Fuente: SUDY IN THE USA (1995). *Invest in Yourself! Financing your U.S. Education*. Descargado [Julio, 2008]
<http://www.studyusa.com/English/articles/costs.asp>

Sin embargo, esto no debería interponerse como un obstáculo a la educación internacional, en primer lugar por la inversión que representa para el futuro estudiar en el exterior, y en segundo lugar por las múltiples oportunidades de financiamiento que están disponibles para los estudiantes. Entre estas opciones existen: préstamos, becas, empleo y ahorros.

Los préstamos son dinero prestado que se tiene que devolver con interés, aunque las tasas de interés para los préstamos a estudiantes son más bajas que las de algunos otros tipos de préstamos. Estos se pueden conseguir en varias instituciones locales o extranjeras. En nuestro país la institución mas conocida, encargada de otorgar créditos universitarios es el Instituto Ecuatoriano de Crédito Educativo y Becas IECE. “Estos conceden préstamos a los ecuatorianos de capacidad intelectual suficiente y de limitados recursos económicos, a fin de que dispongan de medios para la financiación parcial o total de su educación en áreas profesionales, disciplinas científicas, tecnológicas y en cursos de capacitación en el país o en el exterior.”⁴⁰

Las becas por otro lado se pueden obtener de diferentes fuentes como las instituciones educativas a las que uno piensa asistir o está asistiendo, institutos encargados de la otorgación de becas, como el IECE en nuestro país, o el programa de becas Fulbright, organismo que fue descrito en páginas anteriores. Este programa de becas se basa en un concurso nacional abierto y en la excelencia académica y profesional. Se toma en cuenta a todos los candidatos sin consideración de etnia, religión, origen o género. Los postulantes deben ser ciudadanos ecuatorianos representativos y responsables, que tengan potencial de liderazgo y quienes puedan dar una visión justa y completa del país, y por lo tanto contribuir con la misión Fulbright del entendimiento mutuo al compartir ideas y experiencias con ciudadanos de los Estados Unidos y de otros países. La Comisión busca diversidad y alienta postulantes de las provincias.⁴¹ Al final de esta sección adjuntaré varios links extremadamente útiles para conseguir becas y préstamos de estudio para los Estados Unidos. Existen además varios sitios web a los cuales un estudiante puede suscribirse para recibir becas y ofertas

⁴⁰ INSTITUTO ECUATORIANO DE CREDITO EDUCATIVOS Y BECAS (20008). *Crédito Educativo*. Descargado [Julio, 2008] <http://www.iece.fin.ec/Creditos.aspx>

⁴¹ FULBRIGHT ECUADOR (2000). *Ciudadanos Ecuatorianos*. Descargado [Julio, 2008] <http://www.fulbright.org.ec/ciudadanosecuatorianos.htm>

basadas en el perfil que complete al momento de la inscripción. Estos y otros vínculos serán expuestos a continuación:

USEFUL LINKS:

Main scholarship programs:

Programa Fulbright Ecuador.

<http://www.fulbright.org.ec/ciudadanosecuatorianos.htm>

Instituto Ecuatoriano de Crédito Educativo y Becas.

<http://www.iece.fin.ec/Becas.aspx>

Rotary International: Ambassadorial Scholarships.

<http://www.rotary.org/en/StudentsAndYouth/EducationalPrograms/AmbassadorialScholarships/Pages/ridefault.aspx>

American Councils

<http://www.americancouncils.org/>

Scholarship finders:

FastWeb: <http://www.fastweb.com>

Scholarship Experts.com: <http://www.scholarshipexperts.com/>

En realidad, para cada estudiante la experiencia de aplicación y estudio es diferente, al igual que las oportunidades de financiamiento. Esto depende de varios factores como la carrera y universidad elegida, la acogida que tenga entre sus compañeros y docentes de acuerdo a su personalidad y habilidades y sobre todo la disposición que tenga para hacer de esta vivencia una de las más enriquecedoras de su vida. Sin embargo, existen varias leyes y requisitos a nivel gubernamental que son unánimes para todos los estudiantes. El siguiente capítulo tiene el objetivo de proveer información en una forma clara los trámites, visas y exigencias que el Gobierno de los Estados Unidos pide a sus estudiantes internacionales.

Capítulo III

Requisitos Legales Para Un Estudiante Extranjero En Los Estados Unidos

Este capítulo nos introduce a las leyes migratorias y requerimientos gubernamentales que rigen a los estudiantes internacionales en los Estados Unidos. La primera parte describe los diferentes tipos de visas estudiantiles y los requisitos, ventajas, limitaciones y restricciones que cada una posee. La segunda parte refiere a una descripción e impacto que ha tenido en las instituciones educativas y los estudiantes internacionales el programa SEVIS que es una de las medidas más importantes creadas después de los Ataques Terroristas del 11 de Septiembre, que es también descrito brevemente por su relevancia en el sistema migratorio estadounidense.

3.1 Visas estudiantiles

Antes de la era de la rápida comunicación y transportación, los Estados Unidos acogía abiertamente a cualquier inmigrante para poder llenar sus tierras vacías. Años más tarde la regulación inmigratoria llegó a ser una responsabilidad federal tras la declaración de la Corte Suprema en 1875: “La ley federal de Inmigración determina si una persona es o no extranjero, y asocia derechos, tareas y obligaciones legales de un extranjero en los Estados Unidos. Así también provee los medios por los cuales ciertos extranjeros pueden convertirse en ciudadanos con todos sus derechos”⁴². A partir de esta declaración se inicia la implementación de nuevas leyes que regulan el status del inmigrante dentro del país, lo cual originó una disminución migratoria debido a los múltiples requisitos exigidos cumpliéndose de este modo el propósito trazado.

El inicio de la Primera Guerra Mundial se considera también como uno de los causantes de la disminución del nivel de inmigración en Europa. Sin embargo, al final de la misma hubo una llegada masiva de europeos. A esto, en 1924 el Congreso respondió con una nueva Política Migratoria: el sistema nacional de cuota, que consistía

⁴² Traducido de: Federal immigration law determines whether a person is an alien, and associated legal rights, duties, and obligations of aliens in the United States. CORNELL UNIVERSITY LAW SCHOOL (2006) *Immigration: Immigration Law: an overview* Descargado [Octubre 30, 2007] <http://www.law.cornell.edu/wex/index.php/Immigration>

en limitar el número de inmigrantes, asignando a cada país un cierto número de entradas. En 1970, el Congreso estableció un proceso permitiendo a las personas nacidas en el extranjero ser ciudadanos estadounidenses, en donde se crearon dos diferentes tipos de visas generales: las visas inmigrantes y las de no inmigrantes. Con las primeras, cualquier ciudadano podía mudarse permanentemente a los Estados Unidos, y las segundas eran para ciudadanos extranjeros que viajaban a los Estados Unidos por un período limitado, por ejemplo los turistas, ejecutivos de negocio y estudiantes de intercambio.

Por lo tanto es en este grupo que las visas estudiantiles fueron creadas para aquellos individuos que deseen realizar estudios en instituciones públicas o privadas por más de 18 horas a la semana⁴³. Estas permiten la entrada legal de un estudiante extranjero y su permanencia como miembro de un colegio o universidad por un período específico de tiempo. Debido a que la mayoría de los involucrados en los ataques terroristas del 11 de septiembre poseían visas estudiantiles (vigentes o expiradas), las medidas fueron implementadas en una manera más estricta, y los cambios se volvieron más notorios a partir de esta fecha.

3.1.1 Tipos de Visas

Como se mencionó anteriormente, los recientes cambios en las leyes sobre visas han hecho más complicado obtenerlas; sin embargo estas han permitido que se pueda dar un mejor control de las personas que ingresan a este país.

Para esto se han creado tres diferentes tipos de visas estudiantiles:

- **Visa F1:** Es la visa de estudios académicos para aquellas personas que van a estudiar o investigar en un centro de enseñanza superior. Estos pueden ser Universidades establecidas, Seminarios, Conservatorios, e Instituciones de Idiomas. Esta visa no podrá ser expedida antes de 120 días del inicio del programa. Por ejemplo si el instituto indica que las clases comenzarán el 1 de septiembre, la visa no podrá ser otorgada antes del 1 de mayo.
- **Visa J1 (Q1):** Es la visa de estudios académicos como visitante de intercambio para aquellas personas que van a participar en un programa de visitante de

⁴³ Traducido de: United States of America, "Immigration Law Handbook". Lexis Nexis Gould Publications, 2005 Edition, p. 341-471

intercambio en los EEUU. La visa J es para los programas de intercambio cultural y educativo, mientras que la visa Q es para otros programas de intercambio cultural cuyo propósito es entregar entrenamiento práctico, empleo, y compartir las diferentes historias, culturas y tradiciones entre los participantes extranjeros y los ciudadanos americanos que se encuentren involucrados en el programa. Es mas o menos como un embajador del país de origen, que representa a su país en un ambiente educativo.

- **Visa M1:** Es la visa de estudio no académico o vocacional para aquellos que deseen estudiar o recibir capacitación en una institución no académica. Estas incluyen: “community colleges” que provee capacitación vocacional o técnica con un título reconocido, colegios no académicos o vocacionales, instituciones post-secundarias vocacionales o de negocios, instituciones educativas que provean capacitación técnica o vocacional con excepción de programas de idiomas, y por último instituciones educativas que ofrecen tanto cursos vocacionales como académicos siempre y cuando el estudiante tenga la intención de principalmente seguir clases vocacionales.
- **Visa F2, M2, y J2:** Son las visas que son otorgadas a los cónyuges e hijos menores de edad de un estudiante con un estatus F1, M1 y J1. Estos no podrán realizar ninguna actividad ni estudiantil ni laboral dentro de los Estados Unidos⁴⁴.

Cada una de estas visas posee ciertos requisitos para poder obtenerlas, los cuales son esenciales e irremplazables. (Anexo 7)

El poseer una visa estudiantil permite a un individuo estar involucrado en un colegio o universidad en cualquier lugar de los Estados Unidos y dentro de cualquier campo de estudio. Sin embargo, ésta no permite en ningún momento durante el primer año de estudio que el estudiante esté involucrado con actividades laborales fuera del campus, excepto cuando este haya probado tener una urgencia económica por motivos de fuerza mayor y no puede continuar auto-solventando sus estudios. En este caso deberá obtener un permiso del Servicio Americano Ciudadano y de Inmigración antes de iniciar su trabajo. Esto solo aplica para los poseedores de una visa F1. Los

⁴⁴ Traducido de: United States of America, *"Immigration Law Handbook"*. Lexis Nexis Gould Publications, 2005 Edition, p. 341-471

estudiantes que tengan visas M1 y J1 no pueden aceptar ninguna clase de trabajo excepto como parte de un programa de prácticas.

No obstante existen varias oportunidades de trabajo dentro del campus de la universidad en donde los estudiantes internacionales están primeros en la lista al momento de escoger el personal. El estudiante puede trabajar máximo 20 horas a la semana durante el año escolar, y tiempo completo durante las vacaciones, para una firma comercial que posea contratos con la institución a la que está asistiendo, en prestación de servicios tales como librería o cafetería, etc. Otra ventaja que posee la visa estudiantil F1 es que al ingresar en los Estados Unidos con una visa válida, un individuo puede quedarse tanto tiempo como desea, así su visa haya expirado, siempre y cuando sea un estudiante a tiempo completo. Sin embargo, si sale del país, para regresar tendrá que obtener una nueva visa.

3.1.2 Limitaciones y restricciones para los portadores

Es importante tener en cuenta que el hecho de poseer una visa estudiantil, o de cualquier otra clase, no garantiza la entrada en puerto a los Estados Unidos. El estudiante no podrá entrar al país 30 días antes del inicio de sus cursos. Por ejemplo si las clases inician el 1 de septiembre, no podrá entrar antes del 1 de agosto. Al momento de ingresar en el país, se deberá entrevistar nuevamente con un agente de migración el cual requerirá los siguientes documentos:

- su pasaporte,
- Formulario SEVIS I-20 o DS-2019,
- formulario I-94 completo y
- formulario completo de declaración de aduanas CF-6059⁴⁵.

Una vez revisados todos estos documentos y aprobada su entrada, el oficial pondrá un sello en su formulario SEVIS con la duración de su permanencia y también un sello en el formulario I-94. A partir de este momento el estudiante tiene un período máximo de 30 días antes de reportarse a la institución académica en donde llevará a cabo sus actividades estudiantiles por el período señalado en su visa.

⁴⁵ INMIGRACIÓN Y VISAS.COM (2000-2008). *Lo que puede Esperar un Estudiante o un Visitante de Intercambio al Llegar a un Puerto de Ingreso a Estados Unidos*. Descargado [Marzo 3, 2008] http://www.inmigracionyvisas.com/a077_est_not_02-04.html

Estas son las leyes generales que las visas estudiantiles poseen y las ventajas y restricciones que estas implican. En realidad, según la entrevista realizada a Carol E. Winiki, Manager, Constituent Services, en la oficina de Donald A. Manzullo representante de Rockford en el Congreso de Estados Unidos (Anexo 6) no han existido grandes cambios después del 11 de Septiembre, pero comparado con tiempos anteriores, todo es mucho más estricto. Las cosas ya no se asumen. A pesar de que muchas de las leyes no han cambiado, estas están siendo pasadas e implementadas en una forma mucho más fuerte que no se daba antes. Esto podemos ver reflejada en la enorme inversión que los Estados Unidos hizo para actualizar el Sistema de Información para Estudiantes y Extranjeros Visitantes (SEVIS), creado como respuesta a los asuntos de preocupación sobre seguridad e inteligencia relacionados con los estudiantes extranjeros. SEVIS, la clave en el sistema legal migratorio para los estudiantes, será tratado y detallado en la siguiente sección de este capítulo, con una previa descripción del Ataque Terrorista del 11 de Septiembre que fue el punto de partida para todas estas medidas.

Descripción del Ataque Terrorista

Los ataques terroristas del 11 de Septiembre, denominados “Nine-Eleven” en los Estados Unidos y 11-S en el mundo hispano, fueron una serie de atentados suicidas llevados a cabo por miembros de la red terrorista Al-Qaeda. Este atentado se caracterizó por el empleo de aviones como armamento; cuatro aviones comerciales fueron secuestrados desde 4 diferentes aeropuertos del país. Dos aviones se estrellaron contra las Torres Gemelas del Centro Mundial del Comercio, uno contra cada torre, haciendo que ambas se derrumbaran durante las dos horas siguientes. El tercer avión secuestrado impactó contra el Pentágono y cuarto avión no alcanzó ningún objetivo ya que, mientras los pasajeros y tripulantes intentaban recuperar el control, se estrelló en campo abierto en Pensilvania⁴⁶.

⁴⁶ Traducido de: American Flight 11 from Boston crashes into the North Tower at the World Trade Center. United Flight 175 from Boston crashes into the South Tower at the World Trade Center. American Flight 77 crashes into The Pentagon United Flight 93 crashes in a wooded area in Pennsylvania, after passengers confront hijackers. SEPTEMBER 11 NEWS.COM (2001). *Timeline & Images on the Morning of September 11, 2001*. Descargado [Agosto, 2008] <http://www.september11news.com/AttackImages.htm>

Según la entrevista realizada a Carol Winiki, después de saber que algunos de los responsables de este hecho eran estudiantes, tanto con visas válidas como caducadas, las visas estudiantiles fueron una de las más afectadas y las que más cambios ha tenido. El Gobierno y ciudadanos americanos han estado atrapados en un gran dilema: ¿cómo puede la política de inmigración ser fortalecida para proteger los intereses de la seguridad nacional y al mismo tiempo proteger el ideal Americano de dar la bienvenida y abrir sus puertas a aquellos que quieren ingresar legalmente? Los esfuerzos por incrementar la seguridad nacional han tenido impactos significativos en estudiantes extranjeros.

La medida más importante fue la creación de uno de los programas o sistemas de control conocido como SEVIS (*Student Exchange Visitor Information System*), tema que será tratado con mayor profundidad a continuación.

3.2 Sistema de Información para estudiantes y extranjeros visitantes (SEVIS)

SEVIS, el Sistema de Información para estudiantes y extranjeros (*Student and Exchange Visitors Information System*), fue creado en 1993 después de los bombardeos en el Centro Mundial del Comercio, pero no fue implementado sino hasta después del Ataque Terrorista del 11-S, en donde al igual que en el atentado de 1993, individuos involucrados poseían visas estudiantiles. Para enero de 2003, era un requisito obligatorio para todos los colegios, universidades e instituciones técnicas o vocacionales ser parte de este programa. Y desde ese año ningún estudiante es aceptado dentro los Estados Unidos si no cuenta con un Formulario SEVIS, o formulario I-20AB, I-20MN o DS-2019 para la visa F1/2, M1/2 y J1/2 respectivamente⁴⁷.

3.2.1 Descripción del programa

SEVIS es un banco de datos que mantiene información sobre los estudiantes y visitantes de intercambio en Estados Unidos y lleva record de fechas de ingreso y egreso, colegio o universidad a la que está asistiendo, y todas sus actividades académicas. Cualquier modificación o alteración en el estatus de un estudiante, tales como clases que el estudiante ha dejado de tomar basado en un número determinado de

⁴⁷ U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (2007) *International Students: Hoja Informativa Cuota I-901 del SEVIS para Estudiantes y Visitantes de Intercambio No Inmigrantes con Visa F, M y J*. Descargado [Febrero 7, 2008] http://www.ice.gov/doclib/sevis/pdf/spanish_i901.pdf

créditos o abandono total de las clases, nombres y direcciones que han sido cambiadas, fecha de transferencia a otras instituciones, extensión de un programa, graduación antes de la fecha de terminación establecida en el formulario SEVIS, autorizaciones de empleo o toma de acciones disciplinarias o académicas, debe ser entregado a las autoridades respectivas,⁴⁸ que sería el departamento de estudiantes internacionales en las instituciones educativas y estos a su vez reportarán a las autoridades gubernamentales.

Este programa trabaja bajo el auspicio del Departamento de Seguridad Nacional, el cual a su vez consta de tres ramificaciones: BCIS (siglas en inglés para Oficina de Servicios de Ciudadanía e Inmigración), BICE (Oficina de Inmigración y Control de Aduanas) y BCBP (Oficina de Aduanas y Policía Fronteriza). Trabaja interactivamente con consulados americanos en otros países, agentes de control fronterizo y oficiales de migración aeroportuaria, universidades, colegios e instituciones educativas.

Después de que estas últimas admiten a un estudiante internacional, se notifica a SEVIS, y el Departamento de Seguridad Nacional aprueba la petición de la institución para expedir un formulario. La Oficina de Estudiantes Internacionales (ISO) imprime y expide el formulario con un código de barras para su autenticación. Posteriormente el estudiante visita un consulado, en donde el cónsul verificará si el formulario I-20 es un documento válido. Si todo está listo, obtendrá la visa estudiantil (F, M o J). Cuando el estudiante ingresa en los Estados Unidos, un oficial de migración reporta a SEVIS su ingreso en el país. Cuando el estudiante arriba en el campus de la universidad, este tiene la responsabilidad de comunicar a la Oficina de Estudiantes Internacionales (ISO) y esta confirma por medio de SEVIS la matriculación del estudiante. Durante el año académico la institución académica sigue informando si se da cualquier situación de cambio (arriba mencionadas) y por último al final de año SEVIS ingresa la salida del estudiante del país.

3.2.2 Ventajas y desventajas

⁴⁸ Traducido de: SEVP collects, maintains and provides the information so that only legitimate foreign students or exchange visitors gain entry to the United States. The result is an easily accessible information system that provides timely information to the Department of State. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (2007). *Student and Exchange Visitor Program*. Descargado [Marzo 4, 2008] <http://www.ice.gov/sevis/>

La implementación de este programa ha traído muchas ventajas y algunas desventajas tanto para los estudiantes, como para los colegios y universidades. Si bien es cierto, todo este proceso dificulta en cierta medida la aplicación y aceptación de un estudiante internacional, los beneficios de tener un sistema tan organizado son insuperables, tanto para los estudiantes como para las instituciones, ya que provee un balance adecuado entre la apertura a los estudiantes internacionales y visitantes extranjeros y los intereses de seguridad de esta nación, sabiendo quien está dentro de sus fronteras y si están cumpliendo con los términos estipulados para su entrada.

Según la entrevista realizada a Carol Winniki, al inicio de la ejecución de este programa hubo mucha oposición y descontento. Por diferentes motivos, principalmente desconocimiento y falta de experiencia, existieron varios incidentes como: documentos extraviados, demoras en el otorgamiento de visas, etc. Uno de los nuevos requerimientos implementados consistía en entrevistas personales en el consulado, sin acepción de personas. Habiendo tenido antes la facilidad de enviar documentos al consulado, a través de programas de intercambio, universidades o diferentes instituciones, este nuevo requerimiento retrasaba o impedía a los estudiantes el inicio de clases. Esto ocasionó un ambiente de desconfianza y desánimo en los estudiantes internacionales lo cual formó conceptos erróneos como la falta de aceptación de estudiantes en el país, y acertados como el gran número de restricciones de seguridad al momento de ingresar al país y al momento de llegar a la universidad. Sin embargo, con el pasar del tiempo, este sistema ha llegado a ser cada vez más eficiente tanto por parte del gobierno y escuelas americanas como por los estudiantes internacionales, y se ha llegado a aceptar este paso como parte clave del proceso de aplicación en una institución académica estadounidense.

En este capítulo se ha podido conocer y familiarizar con los requerimientos legales que un estudiante internacional tiene para ingresar a los Estados Unidos y ser miembro en una universidad americana. Además se ha tratado los tipos de visas y los requerimientos y limitaciones de cada una de ellas. Ha existido además un especial enfoque en el programa SEVIS (*Student and Exchange Visitor Information System*) que es la medida más importante y notoria surgida después del Ataque Terrorista del 11 de Septiembre que marcó una nueva etapa en el sistema educativo de los Estados Unidos y

que fue también descrito brevemente en este capítulo, para dar por terminado a este trabajo monográfico.

CONCLUSIONES

A más de lo que las noticias y titulares dicen, la globalización es una realidad innegable, por ello cada día el enlace internacional cobra mayor importancia en la superación individual. Viajar enriquece, culturiza y permite el crecimiento personal; la educación internacional equipa a un individuo para convertirse en un ciudadano del mundo, es decir: una persona que conoce, acepta y respeta otras culturas e idiomas y por lo tanto se convierte en un miembro activo de la cooperación e integración de la comunidad global. Por esto es vital estar al tanto de la movilidad de estudiantes internacionales y de las tendencias en la educación internacional para tener una idea clara del creciente e imparable fenómeno de la globalización. La educación es un factor clave para el desarrollo de las naciones, por ello los gobiernos e instituciones educativas del mundo entero deberían continuamente crear programas y abrir sus puertas para facilitar a estudiantes extranjeros estudiar en sus países.

Estados Unidos como potencia mundial, posee alrededor de un millón de estudiantes internacionales en sus campus e instituciones. Tomando en cuenta este hecho podemos destacar varios aspectos positivos de la educación de este país como: las actividades extracurriculares, la calidad y variedad de sus programas y de su personal docente, la excelente infraestructura e instalaciones que proveen sus institutos, y el contraste multicultural de sus campus. Por los factores incomparables, este país se ha convertido en uno de los destinos más importantes de la educación internacional. Adicional a ello, existen varias organizaciones no gubernamentales que han unido esfuerzos para convertirse en un vínculo entre los estudiantes y las instituciones educativas.

Basada tanto en mi experiencia personal, como en la información que he recopilado a lo largo de la preparación de este trabajo monográfico puedo afirmar; que existe una idea equivocada al pensar que estudiar en el extranjero es sumamente complicado. Las exigencias gubernamentales son claras y objetivas para los estudiantes internacionales, y el proceso de aplicación en las universidades estadounidenses se hace cada vez más sencillo por la especificación de la información que las instituciones proveen. Los colegios y universidades en nuestro país, deberían tener conocimiento de las múltiples opciones que están abiertas para incentivar y apoyar a los alumnos de nuestro medio a proyectarse a estudiar en el extranjero.

En este trabajo monográfico se presentaron varias instituciones y sus programas de intercambio estudiantil y cultural, las cuales acogen a docentes e instituciones a formar parte de ellas, convirtiéndose así en sus miembros activos. Debido a la gran cantidad de información que existe sobre la educación internacional, después de haber realizado esta monografía concluyo que es vital para una institución educativa poseer un grupo capacitado de individuos que entiendan y valoren las ventajas de estudiar en el exterior, y que basados en esa apreciación, realicen profundas investigaciones para poder establecer lazos con esta clase de organismos. A más de ello, debe existir en instituciones de calidad, con el personal apto para asesorar a sus estudiantes una vez que hayan decidido estudiar en los Estados Unidos.

Después de haber investigado, analizado y experimentado la educación internacional puedo concluir que esta es una de las piezas claves para el desarrollo individual y que estar en el exterior es una experiencia que ningún estudiante puede perderse. Los educadores tienen una función crucial en el estudiante: incentivarlos a alcanzar una mentalidad de superación. Así también los centros de educación superior deben comprometerse a llevar a cabo una política internacional más activa en beneficio de la sociedad y de los individuos en general.

BIBLIOGRAFÍA

1. 2008 EDUCATION GUIDE (2007). Descargado [Enero, 2008]. <http://www.myfreeeducationguide.com/index.htm>
2. ABOUT.COM: IMMIGRATION ISSUES (2005). *Immigration Before & After: Putting it in Perspective*. Descargado [Mayo, 2007]. <http://immigration.about.com/library/weekly/aa042602a.htm>
3. ADVANCING SCIENCE. SERVING SOCIETY (2007). *Science and Security in the Post-9/11 Environment*. Descargado [Junio, 2007] <http://www.aaas.org/spp/post911/>
4. AMERICA.GOV (2007). *International Enrollment in U.S. Graduate Schools Rising*. Descargado [Mayo, 2007]. <http://www.america.gov/st/washfile-english/2006/November/200611021514031CJsamohT0.5247309.html>
5. AMERICAN IMMIGRATION LAW FOUNDATION (2000). *Monitoring Foreign Students in the U.S.* Descargado [Mayo, 2007] <http://www.immigrationlinks.com/news/news1116.htm>
6. ARTE HISTORIA. *Estados Unidos nación de inmigrantes*. Descargado [Enero, 2007] <http://www.artehistoria.com/frames.htm?http://www.artehistoria.com/historia/contextos/3634.htm>
7. BECAS.COM (1999). *Estudiar en USA*. Descargado [Julio, 2008] http://www.becas.com/monografico_eeuu.php?sec=estudiar
8. BNET (2007). *Know the flor- economics of immigration*. Descargado [Marzo, 2007] http://findarticles.com/p/articles/mi_m1282/is_n7_v47/ai_16823452
9. BUZZLE.COM INTELLIGENT LIFE ON TH WEB. (2000). *2,000 Miles Along the US-mexican Border*. Descargado [Abril, 2007] <http://www.buzzle.com/articles/113158.html>
10. COMMON DREAMS.ORG. (2004) *Foreign Students Enrollment Decline for First Time in Generation*. Descargado [Enero 5, 2008] <http://www.commondreams.org/headlines04/1116-21.htm>
11. CORNELL UNIVERSITY LAW SCHOOL. *Immigration*. Descargado [Enero 2007] <http://www.law.cornell.edu/wex/index.php/Immigration>
12. COUNCIL OF GRADUATE SCHOOLS (2006). *Graduate Enrollment and Degrees: 1996-2006*. Descargado [Diciembre, 2007] http://www.cgsnet.org/portals/0/pdf/R_ED2006.pdf
13. E-JOURNAL (2005). *El Costo del colegio universitario en Estados Unidos*. Descargado [Julio, 2008] <http://usinfo.state.gov/journals/itsv/1105/ijss/costs.htm>
14. E-JOURNAL USA (2005). *Public Universities in the United State* Descargado [Febrero 1, 2008] <http://usinfo.state.gov/journals/itsv/1105/ijse/bruininks.htm>
15. E-JOURNAL USA (2005). *What is a Large, Private Research University* Descargado [Febrero 2, 2008]
16. EDUCATION USA (2008). *College Cost*. Descargado [Julio, 2008]. (http://www.useducation.com.pk/stpages/orientations_costs.html)
17. EDUCAWEB.COM (1998). *Estudiar en el extranjero: una aventura necesaria*. Descargado [Julio, 2007]. <http://www.educaweb.com/EducaNews/interface/asp/web/NoticiesMostrar.asp?NoticiaID=379&SeccioID=607>
18. FAST WEB (2002). Descargado [Julio, 2008] <http://www.fastweb.com/>

19. FOREIGN POLICY IN FOCUS (2001). *Post-9/11 Economic Windfalls for Arms Manufacturers*. Descargado [Enero, 2007] <http://www.fpif.org/briefs/vol7/v7n10arms.html>
20. FULBRIGHT ECUADOR (2000). *Ciudadanos Ecuatorianos*. Descargado [Julio, 2008] <http://www.fulbright.org.ec/ciudadanosecuadorianos.htm>
21. FULBRIGHT (1996-2005) *Fulbright Program for Foreign Students*. Descargado [Enero 8, 2008] <http://foreign.fulbrightonline.org/>
22. GLOBAL CAREER SERVICE (1996-2006) *Program Description*. Descargado [Enero 9, 2008] http://www.iie.org/Content/NavigationMenu/Programs7/Global_Careers_Service1/Global_Careers_Service.htm
23. HOMELAND SECURITY (2007). *2006 Yearbook of Immigration Statistics*. Descargado [Marzo, 2007]. http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2006/OIS_2006_Yearbook.pdf
24. IIE NETWORK.ORG (2007) *Welcome to IIE Network*. Descargado [enero 7, 2008] <http://www.iienetwork.org/>
25. ILW.COM (1995). *Immigration Forms*. Descargado [Febrero, 2007]. <http://www.ilw.com/forms/>
26. ILW.COM (1995). *Immigration Implications of September 11th Tragedy, Part 1*. Descargado [Febrero, 2007] http://www.ilw.com/seminars/2001,1109-Citations1_9-11.shtm
27. IMMIGRATION LINKS. (2000). *September 11 Home Page*. Descargado [Mayo, 2007] <http://www.immigrationlinks.com/news/news1186.htm>
28. INTENSIVE ENGLISH USA *Welcome to Intensive English USA Online, a leading global resource guide to intensive English programs in the US*. Descargado [Enero 9, 2008] <http://intensiveenglishusa.org/>
29. INSTITUTE OF INTERNATIONAL EDUCATION (2004) *A Brief History of IIE*. Descargado [Enero 6, 2008] http://www.iie.org/Content/NavigationMenu/About_IIE1/Mission_and_Profile/History/History.htm
30. INSTITUTE OF INTERNATIONAL EDUCATION (1996). *About IIE: Time Line and Institute Highlights*. Descargado [Junio, 2007]. http://www.iie.org/Content/NavigationMenu/About_IIE1/Mission_and_Profile/Timeline_and_Institute_Highlights/TimelineandInstituteHighlights.htm
31. INSTITUTE OF INTERNATIONAL EDUCATION (1996-2006) *Employment Opportunities at IIE*. Descargado [Enero 10, 2008] http://www.iie.org/Content/NavigationMenu/About_IIE1/Employment1/Current_Opportunities/CurrentOpportunities.htm
32. INSTITUTE OF INTERNATIONAL EDUCATION (2004) *Institute of International Education: Our Mission*. Descargado [Enero 6, 2008] http://www.iie.org/Template.cfm?Section=Mission_and_Profile&Template=/ContentManagement/HTMLDisplay.cfm&ContentID=23228
33. INSTITUTE OF INTERNATIONAL EDUCATION (1996). *Secondary School Student Exchanges*. Descargado [Junio, 2007]. http://iienetwork.org/file_depot/0-10000000/0-10000/1710/folder/46685/ECA%20Report%20on%20Secondary%20School%20Exchanges.pdf

34. INSTITUTE OF INTERNATIONAL EDUCATION (2004). *Student Visa Policy Forum: Information Resources on International Students and Student visas*. Descargado [Enero, 2008]. <http://opendoors.iienetwork.org/?p=28664>
35. INSTITUTE OF INTERNATIONAL EDUCATION (1996). *Study Abroad: A Guide for Woman*. Descargado [Julio, 2008] (http://www.iie.org/Content/NavigationMenu/Research_and_Evaluation/Research_Publications/Field_Papers1/Resources2/StudyAbroadAGuideForWomen/Terms.htm)
36. MASSACHUSETTS INSTITUTE OF TECHNOLOGY (1999). *International Students at MIT Post 9/11*. Descargado [Febrero, 2007] http://web.mit.edu/fnl/volume/184/guichard_ashbrook.html MIGRATION
37. NAFSA: ASSOCIATION OF INTERNATIONAL EDUCATORS (1998). *Knowledge Communities: Professional Networks*. Descargado [Octubre, 2008]. http://www.nafsa.org/knowledge_community_network.sec
38. POLICY INSTITUTE. (2007). *Country and Comparative Data*. Descargado [Febrero 2007]. <http://www.migrationinformation.org/datahub/countrydata/data.cfm>
39. PEW HISPANIC CENTER. (2006) *Modes of Entry for the Unauthorized Migrant Population*. Descargado [Enero 2007] <http://pewhispanic.org/files/factsheets/19.pdf>
40. PUBLIC AGENDA. (2007). *Immigration: Red Flags*. Descargado [Febrero 2007] http://www.publicagenda.org/issues/red_flags.cfm?issue_type=immigration
41. RAPID IMMIGRATION.COM (1998). *Hechos de Inmigración en los EEUU*. Descargado [Febrero, 2007] http://www.rapidimmigration.com/spanish/3_esp_immigration_facts.html
42. RAPID IMMIGRATION.COM (1998). *Historia de Inmigración de EEUU*. Descargado [Marzo, 2007] http://www.rapidimmigration.com/spanish/3_esp_immigration_history.html
43. RAPID IMMIGRATION.COM (1998). *United States Citizenship and Immigration Services*. Descargado [Febrero, 2007] http://www.rapidimmigration.com/usa/1_eng_news_latest.html
44. SEPTEMBER 11 NEWS.COM (2001). *Timeline & Images on the Morning of September 11, 2001*. Descargado [Febrero 2007] <http://www.september11news.com/AttackImages.htm>
45. STUDY ABROAD.COM (1995). *Part I: Reasons to Study Abroad*. Descargado [Junio, 2007]. <http://www.studyabroad.com/guides/handbook/>
46. STUDY IN THE USA (1995). *Invest in Yourself! Financing your U.S. Education*. Descargado [Julio, 2008] <http://www.studyusa.com/English/articles/costs.asp>
47. THE 9/11 COMMISSION REPORT (2004) *Final Report of the Nacional comisión on Terrorist Attacks Upon the United States* Descargado [Agosto 13, 2008] <http://www.september11victims.com/september11victims/fullreport.pdf>
48. THE INTERNATIONAL EDUCATION SITE (2006). *Studying in the US*. Descargado [Agosto, 2007]. <http://www.intstudy.com/visausa.htm>
49. UNITED NATIONS POPULATION FUND: Estado de la población mundial 2006 (2006). *Hacia la esperanza, Las mujeres y la migración internacional*. Descargado [Febrero, 2007] http://www.unfpa.org/swp/2006/spanish/notes/notes_for_indicators1.html

50. United States of America, *"Immigration Law Handbook"*. Lexis Nexis Gould Publications, 2005 Edition, p. 341-471
51. UNITED STATES IMMIGRATION SUPPORT (2007). *Visa de Estudiante F-1*. Descargado [Abril, 2007]. http://www.usimmigrationsupport.org/espanol/visa_f1.html
52. UNITED STATES IMMIGRATION SUPPORT (2007). J-1 Exchange Visitor Visa. Descargado [Abril, 2007]. http://www.usimmigrationsupport.org/visa_j1.html.
53. UNIVISION.COM (2007). *11 de Septiembre*. Descargado [Febrero, 2007] <http://www.univision.com/content/channel.jhtml?secid=2161>
54. USA STUDY GUIDE (2007) *Top US Community Colleges and US Junior Colleges*. Descargado: [Febrero 11, 2008] <http://www.usastudyguide.com/uscommunitycolleges.htm>
55. US DEPARTMENT OF STATE (2007). *The International Student Visa Process in the Post-9/11 World*. Descargado [Enero, 2008] <http://fpc.state.gov/fpc/40386.htm>
56. US DEPARTMENT OF STATE. DESTINATION USA: SECURE BORDERS. OPEN DOORS. *Studying in the U.S.* Descargado [Julio, 2007] <http://www.unitedstatesvisas.gov/studying.html>
57. US. DEPARTMENT OF STATE, E-JOURNAL USA (2006). *Cinco años después del 11 de Septiembre*. Descargado [Marzo, 2007]. <http://usinfo.state.gov/journals/itps/0806/ijps/ijps0806.pdf>
58. US DEPARTMENT OF STATE. EDUCATION USA. (2007). *Your Guide to U.S. Higher Education*. Descargado [Febrero, 2007]. <http://www.educationusa.state.gov/>
59. U.S. DEPARTMENT OF STATE. TRAVEL.STATE.GOV. (2007). *Foreign Entry Requirements*. Descargado [Marzo, 2007]. http://travel.state.gov/travel/tips/brochures/brochures_1229.html
60. USA STUDY GUIDE (2007). *International Student Scholarships: Grants, loans and scholarships for international students*. Descargado [Julio, 2008] <http://www.usastudyguide.com/financing.htm>
61. USA VISA COUNSEL.COM (2002). *More Observations on the Effects of September 11*. Descargado [Abril, 2007] http://www.usavisacounsel.com/art_39.htm
62. WASHINGTONPOST.COM (2005). *Nominee Criticized Over Post- 9/11 Policies*. Descargado [Junio2007] <http://www.washingtonpost.com/wp-dyn/articles/A2102-2005Jan11.html>
63. YAHOO NEWS (2007). *Cobertura especial: La reforma imigratoria en Estados Unidos*. Descargado [Enero, 2007] http://espano1.news.yahoo.com/indepth/id_inmigracion.html

ANEXOS

Anexo 1

Open Doors 2006
 Report on International Educational Exchange
 Community College Data Resource

Top 40 Institutions with 1,000 or More International Students: Ranked by International Student Total, 2005/06

Rank	Institution	City	State	Total Int'l Students	Total Enrollment
1	University of Southern California	Los Angeles	CA	6,881	32,836
2	Columbia University	New York	NY	5,575	24,343
3	Purdue University, Main Campus	West Lafayette	IN	5,540	38,712
4	New York University	New York	NY	5,502	53,215
5	University of Texas at Austin	Austin	TX	5,395	49,696
6	University of Illinois at Urbana-Champaign	Champaign	IL	4,904	41,323
7	University of Michigan - Ann Arbor	Ann Arbor	MI	4,649	39,533
8	Boston University	Boston	MA	4,542	30,957
9	The Ohio State University, Main Campus	Columbus	OH	4,476	50,504
10	SUNY - University at Buffalo	Buffalo	NY	4,072	27,220
11	University of California - Los Angeles	Los Angeles	CA	3,979	37,221
12	University of Florida	Gainesville	FL	3,749	49,650
13	Cornell University	Ithaca	NY	3,697	19,447
14	University of Pennsylvania	Philadelphia	PA	3,689	23,305
15	Harvard University	Cambridge	MA	3,669	19,779
16	Texas A&M University	College Station	TX	3,589	44,578
17	Indiana University at Bloomington	Bloomington	IN	3,540	37,958
18	University of Maryland College Park	College Park	MD	3,476	35,369
19	University of Houston	Houston	TX	3,413	35,096
20	University of Minnesota - Twin Cities	Minneapolis	MN	3,384	51,175
21	University of Wisconsin - Madison	Madison	WI	3,381	41,480
22	Michigan State University	East Lansing	MI	3,293	45,166
23	Houston Community College	Houston	TX	3,227	55,000
24	Stanford University	Stanford	CA	3,200	15,567
25	Penn State University - University Park	University Park	PA	3,199	41,289
26	University of Arizona	Tucson	AZ	3,023	37,036
27	Wayne State University	Detroit	MI	2,964	33,137
28	Arizona State University - Tempe Campus	Tempe	AZ	2,869	51,612
29	Florida International University	Miami	FL	2,769	37,754
30	Massachusetts Institute of Technology	Cambridge	MA	2,736	10,499
31	University of California - Berkeley	Berkeley	CA	2,684	33,483
32	Santa Monica College	Santa Monica	CA	2,658	29,312
33	University of Washington	Seattle	WA	2,620	40,000
34	Carnegie Mellon University	Pittsburgh	PA	2,602	10,017
35	Georgia Institute of Technology	Atlanta	GA	2,595	17,135
36	University of Texas at Arlington	Arlington	TX	2,486	25,352
37	Rutgers, The State U. of NJ - New Brunswick Campus	New Brunswick	NJ	2,471	34,696
38	Brigham Young University	Provo	UT	2,396	31,201
39	Illinois Institute of Technology	Chicago	IL	2,379	6,472
40	Johns Hopkins University	Baltimore	MD	2,334	19,505

Anexo 2

INTERNATIONAL STUDENTS INTERVIEW

Name _____

High school/College/University _____

1. Which country are you from?
2. Do you permanently live in the United States, or did you come as a student?
3. When did you arrive in the United States?
4. Was it hard for you to get accepted in the American college/university you go to in the United States?
5. What were the 3 most important requirements to get accepted in this school?
6. How long did it take you to get accepted in this school? (from the moment you sent your documents, till the time you received your acceptance letter)
7. Was it hard for you to get a student visa?
8. What was the hardest part in getting a student visa?
9. How long did it take you to obtain your visa?
10. Now that you've been enrolled in this school, would you recommend other international students to start applying to American schools? Yes, NO, Why?
11. What would you consider to be the biggest advantage of studying abroad?
12. What would you consider to be the biggest disadvantage of studying abroad?
13. Would you consider the United States to be a country that aids foreign students in participating in its educational institutes?
14. Based on your experience, from a scale of 1 to 10, being 10 the highest and 1 the lowest; rank the United States educational system.
15. In your own opinion, do you think it is harder to be an international student after what happen on September 11th/2001? Yes, No, Why?

Anexo 3

INTERVIEW FOR INTERNATIONAL STUDENT'S STAFF

Name _____

High school/College/University _____

1. For how long have you been working with International Students?
2. Have you ever been an international student? (If you haven't been one, please skip question 3 and 4)
3. Which country did you go to as an international student?
4. Based on your experience, from a scale of 1 to 10, being 10 the highest and 1 the lowest; rank your experience as a foreign student and briefly explain why.
5. What are you specifically in charge of with the international students?
6. Do you think that the number of international students applying to a university, high school or Exchange program has increased or decreased in the last 5 years?
7. What do you think has been the main cause for this growth/reduction?
8. Would you consider the United States to be a country that aids foreign students in participating in its educational institutes?
9. What do you think is the advantage that the University/high school gets from having international students as part of their alumni?
10. What do you think is the disadvantage that the University/high school gets from having international students as part of their alumni?
11. In your own opinion, do you think it is harder to be an international student after what happened on September 11th/2001? Yes, No, Why?
12. Because of your role with international students and based on your own personal experience, why would you recommend a student to leave their country and get involved with foreign educational institutes?

Anexo 4

[I-20 form](#)

Anexo 5

[Formulario de admisión 1](#)

[Formulario de admission 2](#)

Anexo 6

This is an interview done to Carol E. Winiki, Manager Constituent Service for Donald A. Manzulo's office, Member of Congress 16th District, Illinois.

Me: How has the Immigration Law of the United States of America changed after the September 11th event?

Carol: There is not just one Immigration Law, Immigration has many many laws and regulations. The only thing I can tell that is really true since 9/11, compared to before is, it is much tighter. Things are not taken for granted anymore. Although a lot of the laws have not changed they are being handed and implemented where they might not have been implemented as strongly as before. Visitors visa for foreign countries are very difficult to get. The ... for approve have always been on the applicant, that would be the individual on the foreign country. But as time goes by, more and more and it has become harder and harder for anyone to prove economic and financial (3m53s) so ti's hard for them to get the visas. Some times the reason for the denials is that maybe that person has never traveled, but how can you travel if you don't get a visa, so... but, the tightness I see has been what has changed. Make laws that are already there much tighter. What you can see in the United States is much more enforcement job with the Departamente of HomeLand security with our own security so we can control our borders and we can control those who come in and those who go out. I know one of the laws that passed now has to have a passport for US Citizens to travel to and from Canda and Mexico. This is all I am sure.. I mean I don't know if this is due to 9/11 but I am not too sure if that would have happened without 9/11.

Me: It is very interesting what you say about what the reasons are for not getting a visa. In our country the reasons don't make sense. You go to the embassy and you have everything perfect: a very stable economic situation, you own businesses, houses, etc, and I just guess it depends on the officer's mood. You don't get the visa. My maid's sister in law wanted to come here and she didn't have anything. She didn't have a car, or a house or a business, but she gave it a try, she went there and she got the visa. (the lady: wooooooow!!!!). So there is not continuity and you think sometimes you are going to get it but you don't and viceversa. I also had my brother asking for a visa to be an student. After having already been accepted in the school with an scholarship and everything, he didn't get it because they said he didn't have enough reasons to comeback home. He didn't have a wife, or a business or a house so...

Carol: They do that many times with students and I always if I am ever asked to support that applicant to come here, I normally do in the name of the congress man, everything is in the name of the congress man. I just write the letters. No student has anything to show that they can comeback, they're 18, 19, 20 years old. They shouldn't have a spouse, they haven't lived enough to have any property. They don't have any assets there are so many things to ask from them. Most young people want to come here to better their education because we have better education of course, and then you have to go back. But when you here you can meet someone you can fall in love get married I mean that's just natural but it's legal.

Me: What do these changes in the Immigration Laws hope to accomplish?

Carol: To secure our borders and to make our country safer. When 9/11, all of the

terrorists involved in the event came here legally, with student visas. So therefore as a result of that here is a new program that applies to students. A program that tracks students, its name is SEVIS. It is a program that here in the United States, once you are granted the student visa or even issued the paperwork to apply for a student visa that is put into the SEVIS system. And when the person arrives that is put into the SEVIS system that the person has got here, and when the person doesn't arrive to the University is reported to the State department that they never arrived, so there is a tracking system that did not exist before.

Me: That is very good, and that also helps keep track of the student in case he/she wants to work here, because an individual can't work with a student visa, right?

Carol: With a student visa one can not work except on campus to reduce their tuition from aboard.

Me: I have a friend who came 5 years ago and I don't know how but he got a social security number.

Carol: Well, I thought it was earlier that 5 years, but in the 90's you could get a social security number even with the visitor visa and that changed in the 90's not because of 9/11. Because the only reason you need a social security number is to work so why should you be applying for a social security number. That was halted and you can't get one now. The only way you can get it is with a work visa, you have to prove that you have the eligibility to work. When a student comes here they have already proved the embassy that they do not need to work, that they have enough money for tuition, etc. If after they're here a year or two years and something happens at home and their financial status changes due to some dramatic event. They can apply for a work authorization and that would be the only way.

Me: I know that a lot of people say -we go and work there illegally because we take the jobs that Americans don't want anymore. That's one of the arguments that people have to continue doing what they have been doing. But there are other implications in illegal immigration that affect your country. How do you feel about that?

Carol: The way that a lot of U.S. citizens look at it, those that have not had contact with migrants, is that this is a country of laws and it has always been one. And in order for someone to come in here improperly, without documentation, sneaking in and breaking the law most people's attitude is that type of person no matter what country they're from doesn't deserve a benefit if they break the law to get that. Because we are so strong with our regulations, and that's why our country runs the way it does, you don't see like what you see in the middle east, people going to the streets and screaming and yelling and throwing rocks and all that stuff. We don't have that; we have a society that is much more stable and humanized. That has been built over many years, and that's because of structure and that's because of rules and regulations. And if you don't follow them, even if you are a citizen and you don't follow them, they get in trouble.

Me: You just said that laws haven't changed much, but they are just tighter. How beneficial or detrimental are these changes or tightness for the legal migrants?

Carol: For the legal immigrants it hasn't really changed at all. Their benefits haven't changed, any! They are still the same as they were before 9/11 as they were after. Some things have been string lined, so that they can be tracked better. Renewing the green card it's much easier today and quicker than it was before. But that I can't attribute to 9/11, I can only attribute that to... probably part of 9/11 and the fact that there is so

much to do that everything seems to be computerized. The faster you do the better product you have at the end.

Me: Do you feel that the tightness of the laws has accomplished what they were supposed to?

Carol: That's a personal feeling. I personally feel safer today than what I did on 9/10. I don't feel safe, but I feel safer. People are very interested in other people's opinion, and there have been polls and some people don't feel safe at all. But I sure do. 9/11 brought

Me: How do you deal with the illegal immigrants that come to your office?

Carol: I treat everybody that comes to the door the same way, no matter what their status is. As a matter of fact I don't even ask them what their status is. They are here for a reason. I listen to what they have to say. They want to know, for example, I got married ten years ago, but my visitor's visa expired 9 years ago, is there anything I can do. That's a common question. So I just tell the truth, what the law is in relation to what their problem is. And I don't use nice words, I just tell them how it is, but I don't turn anyone down. I just say that's the way it is, you have an option or you don't have an option. There are people who enter here illegally, who by law were able to file to get their status adjusted and become legally residents. For example, I had this man this morning, he entered the States in 1998 and a 6 month visitor visa and he is still here. He can't go back, but he got married in 2005 to a U.S. citizen. Now the law says if you enter legally and you prove of that entry, which means your passport is stamped with the date of arrival, and you marry a US citizen, you can file your current status and become a legal permanent and get a green card, because you didn't violate the law by entering with a visa, even though you overstayed. You just need to file up all your papers, which is volumes of papers. Now the penalty is, if you want to travel -this man wanted to travel because his father was ill- since you overstayed 5 years, anybody can leave the United States any time they want, unless you were in jail, but if he left we would not be allowed here, so that's your penalty, if you wanna call it a penalty, even though they're still getting a benefit anyway, you're getting a green card. So, I told this man just go and see your dad, he's sick and he's your only father, however you won't re-enter the country again. But he didn't want to risk that and he said it's not fair; you're making me make that choice. And I said, number one: I am not making you do anything I am just telling you the law. Number two: You made the choice; I didn't, when you overstayed 5 years ago. So you can't blame what is happening now, when you're married to a beautiful woman and happy. In fact, 5 years ago you didn't go back with your visitor visa because you didn't want to go home, so eventually it usually goes back to what someone did way back whenever they entered. It is not so cruel, the only huge penalty with immigration is that if you violate the laws to do something that is not right, then we won't give you a benefit because of that. And that's just the way our country has always run for everything, just because you are running down the street drunk, you are going to be picked up and put to jail, even if you say: I am sorry I didn't mean to do that. I think it bars back to the way our laws are structured and they work and it has always worked for us, and that's why our country works the way it does. That's why Immigration is such a hard thing to deal with, because everybody wants to come here, from everywhere across the world, minus probably the Western European countries. They don't even need a visa to come here. They have this program called the **Waiver Visa Program** and there are 20 countries involved in that. It is a reciprocal program they can come here they can go there no questions asked. There is a rule that goes along with it they can come here, we can go there and stay 90 days max, not 91, ninety. You

can not ask for an extension, you can't get married; you can't change your visa. So, that is what makes it work, everybody abides by it because people from these countries don't want to do anything but come stay and leave. It works well and there is always countries that want to get added to that program, because it makes it so much easier if you are a citizen of that country, you don't have to go to the U.S. embassy to get a visa, you just need to get on the plane and fill out a form, but in return for the easy getting in you promise to go back. And it works

Me: And there are a lot of people that want to do that. Like my brother, or when I come. I have come 5 years in a row, for a month, a month and a half, three months and I can't imagine myself without a visa. There are so many people that I know here, and I love the country and I just think when I go and get a new visa because it expires next year and if they say no.. the only reason I am here is **Carol:** because I want to visit and I want to go back.

That's one of the things you have to accentuate is the fact that you've come with a multiple enter visa. You have used only to what was intended for. Short stays back

Me: Yeah! that is definitely an advantage. But the idea that the people have outside the country when they just hear what the media has to say and most of the media is against the United States because of all the things they are involved with, so the idea that you have on how they government manages everything you think you're such a selfish country. But when you get to study and I have read a lot about Immigration, it totally changes they way you think.

Carol: And you have been here, so that totally changes they way you see our country. When you are here and you see how we operate, the freedoms that we have we pay for these freedoms, but the way we run our country it doesn't really seem to bother anybody. If you look at us from the outside and say those rich people that have everything and we do, we are a wealthy country. This is a huge country and every country has its problems, and sometimes I think there's jealousy of the people from the outside, but above all I just think it is lack of knowledge.

Me: What types of visas have been the most affected by policies coming out of 9-11?

Carol: Visitor and student visas, those two have been the most affected. H1 Visas, which are professional visas, offered to those with a minimum of undergraduate degree, are limited and we are always running out of number. Congress assigns those and they always run out of number before the year is over.

Me: Why some visas have been more affected than others.

Carol: Because some visas, like a visa for a professional athlete it has not made any difference. They're being issued anyway. And as I told you before the terrorist involved in 9/11 had student visas. That is why the SEVIS program was created, to track the students.

Me: Do you have any tracking for visitor visas?

Carol: There are now in the airports strategies to track them. They are not as detailed anywhere near SEVIS program, but visitor there are so many people coming that it would be impossible to track them all, specially with the Visa Waiver Program in top of that. So, it is tracked better than it was by computers, the I-94 is put in the system, and so it can be better managed.

Me: I was reading some ideas/ programs or proposals that could be added and changed in the Migration System.

Carol: There has been many proposals, and I could give you a copy of those proposals.

Me: Another question I have is: How much have you spent in all those implementations and is it worth it?

Carol: Well, the department of Homeland Security didn't exist before 9/11. So they created an entire department, whatever its budget is all used for all those implementations.

Me: This is of course a personal question, but how do you perceive the Immigration Situation is going to be in 5 years?

Carol: Immigration has changed and it is going to have to change. My personal opinion is that those who are illegally don't deserve a legal residency because there are so many other people that didn't break the law to enter the country, so it is not fair that they did it the right way and someone else did it the wrong way and both end up in the same field. But the ones that I personally feel sorry for are the kids who are brought here at the age of 3 or 4 and therefore they are illegal because their mom and dad brought them illegally. They grow up and they are 16 and they want their driver's license and they can't get it, because they can't get a social security number because they are illegal. So at the age of 15/16 they start running into laws and it's not their fault but their mom and dad's.

There is going to be change, there is going to be structural order enforcement than what it is now. But I don't know what they're going to do about.... we have so many illegal migrants. There are many possible scenarios that are out there to fix the problem. And since they have not been applied yet it is hard to predict the effects these laws will have in the system.

§ 214.2 8 CFR Ch. I (1–1–03 Edition)

to that of treaty trader or treaty investor alien shall file concurrent applications for change of status to derivative treaty classification on the appropriate Service form. Applications for derivative treaty status shall:

- (A) Be approved only if the principal treaty alien is granted treaty alien status and continues to maintain that status;
- (B) Be approved for the period of admission authorized in paragraph (e)(20) of this section.

(22) Denial of treaty trader or treaty investor status to citizens of Canada or Mexico in the case of certain labor disputes.

(i) A citizen of Canada or Mexico may be denied E treaty trader or treaty investor status as described in section 101(a)(15)(E) of the Act and section B of Annex 1603 of the NAFTA if:

(A) The Secretary of Labor certifies to or otherwise informs the Commissioner that a strike or other labor dispute involving a work stoppage of workers in the alien's occupational classification is in progress at the place where the alien is or intends to be employed; and

(B) Temporary entry of that alien may affect adversely either:

- (1) The settlement of any labor dispute that is in progress at the place or intended place of employment, or
- (2) The employment of any person who is involved in such dispute.

(ii) If the alien has already commenced employment in the United States and is participating in a strike or other labor dispute involving a work stoppage of workers, whether or not such strike or other labor dispute has been certified by the Secretary of Labor, or whether the Service has been otherwise informed that such a strike or labor dispute is in progress, the alien shall not be deemed to be failing to maintain his or her status solely on account of past, present, or future participation in a strike or other labor dispute involving a work stoppage of workers, but is subject to the following terms and conditions:

(A) The alien shall remain subject to all applicable provisions of the Immigration and Nationality Act, and regulations promulgated in the same manner as all other E nonimmigrants; and

(B) The status and authorized period of stay of such an alien is not modified or extended in any way by virtue of his or her participation in a strike or other labor dispute involving a work stoppage of workers.

(iii) Although participation by an E nonimmigrant alien in a strike or other labor dispute involving a work stoppage of workers will not constitute a ground for deportation, any alien who violates his or her status or who remains in the United States after his or her authorized period of stay has expired will be subject to deportation.

(iv) If there is a strike or other labor dispute involving a work stoppage of workers in progress, but such strike or other labor dispute is not certified under paragraph (e)(22)(i) of this section, or the Service has not otherwise been informed by the Secretary that such a strike or labor dispute is in progress, the Commissioner shall not deny entry to an applicant for E status.

(f) Students in colleges, universities, seminaries, conservatories, academic high schools, elementary schools, other academic

institutions, and in language training programs—(1) Admission of student—

(i) Eligibility for admission. A nonimmigrant student may be admitted into the United States in nonimmigrant status under section 101(a)(15)(F) of the Act, if:

(A) The student presents a SEVIS Form I–20 issued in his or her own name by a school approved by the Service for attendance by F–1 foreign students.

(In the alternative, for a student seeking admission prior to August 1, 2003, the student may present a currently-valid Form I–20A–B/I–20ID, if that form was issued by the school prior to January 30, 2003);

(B) The student has documentary evidence

of financial support in the amount indicated on the SEVIS Form I-20 (or the Form I-20A-B/I-20ID); (C) For students seeking initial admission only, the student intends to attend the school specified in the student's visa (or, where the student is exempt from the requirement for a visa, the school indicated on the SEVIS Form I-20 (or the Form I-20A-B/I-20ID)); and (D) In the case of a student who intends to study at a public secondary

289

Immigration and Naturalization Service, Justice § 214.2

school, the student has demonstrated that he or she has reimbursed the local educational agency that administers the school for the full, unsubsidized per capita cost of providing education at the school for the period of the student's attendance.

(ii) *Disposition of Form I-20 A-B/I-20 ID.* Form I-20 A-B/I-20 ID contains two copies, the I-20 School Copy and the I-20 ID (Student) Copy. For purposes of clarity, the entire Form I-20 A-B/I-20 ID shall be referred to as Form I-20 A-B and the I-20 ID (Student) Copy shall be referred to as the I-20 ID. When an F-1 student applies for admission with a complete Form I-20 A-B, the inspecting officer shall:

- (A) Transcribe the student's admission number from Form I-94 onto his or her Form I-20 A-B (for students seeking initial admission only);
- (B) Endorse all copies of the Form I-20 A-B;
- (C) Return the I-20 ID to the student; and
- (D) Forward the I-20 School Copy to the Service's processing center for data entry. (The school copy of Form I-20 A-B will be sent back to the school as a notice of the student's admission after data entry.)

(iii) *Use of SEVIS.* On January 30, 2003, the use of the Student and Exchange Visitor Information System (SEVIS) will become mandatory for the

issuance of any new Form I-20. A student or dependent who presents a non-SEVIS Form I-20 issued on or after January 30, 2003, will not be accepted for admission to the United States. Non-SEVIS Forms I-20 issued prior to January 30, 2003, will continue to be acceptable until August 1, 2003. However, schools must issue a SEVIS Form I-20 to any current student requiring a reportable action (*e.g.*, extension of status, practical training, and requests for employment authorization) or a new Form I-20, or for any aliens who must obtain a new nonimmigrant student visa. As of August 1, 2003, the records of all current or continuing students must be entered in SEVIS.

(2) *I-20 ID.* An F-1 student is expected to safekeep the initial I-20 ID bearing the admission number and any subsequent copies which have been issued to him or her. Should the student lose his or her current I-20 ID, a replacement copy bearing the same information as the lost copy, including any endorsement for employment and notations, may be issued by the designated school official (DSO) as defined in 8 CFR 214.3(l)(1)(i).

(3) *Admission of the spouse and minor children of an F-1 student.* The spouse and minor children accompanying an F-1 student are eligible for admission in F-2 status if the student is admitted in F-1 status. The spouse and minor children following-to-join an F-1 student are eligible for admission to the United States in F-2 status if they are able to demonstrate that the F-1 student has been admitted and is, or will be within 30 days, enrolled in a full course of study, or engaged in approved practical training following completion of studies. In either case, at the time they seek admission, the eligible spouse and minor children of an F-1 student with a SEVIS Form I-20 must individually present an original SEVIS Form I-20 issued in the name of each F-2 dependent issued by a school authorized by the Service for attendance by F-1 foreign students. Prior to August

1, 2003, if exigent circumstances are demonstrated, the Service will allow the dependent of an F-1 student in possession of a SEVIS Form I-20 to enter the United States using a copy of the F-1 student's SEVIS Form I-20. (In the alternative, for dependents seeking admission to the United States prior to August 1, 2003, a copy of the F-1 student's current Form I-20ID issued prior to January 30, 2003, with proper endorsement by the DSO will satisfy this requirement.) A new SEVIS Form I-20 (or Form I-20A-B) is required for a dependent where there has been any substantive change in the F-1 student's current information.

(4) *Temporary absence.* An F-1 student returning to the United States from a temporary absence of five months or less may be readmitted for attendance at a Service-approved educational institution, if the student presents:

(i) A current SEVIS Form I-20 (or, for readmission prior to August 1, 2003, a current Form I-20ID which was issued prior to January 30, 2003), properly endorsed by the DSO for reentry if there

290

§ 214.2 8 CFR Ch. I (1-1-03 Edition)

has been no substantive change to the most recent Form I-20 information; or (ii) A new SEVIS Form I-20 (or, for readmission prior to August 1, 2003, a new Form I-20ID which was issued prior to January 30, 2003), if there has been a substantive change in the information on the student's most recent Form I-20 information, such as in the case of a student who has changed the major area of study, who intends to transfer to another Service approved institution or who has advanced to a higher level of study.

(5) *Duration of status*—(i) *General.* Except for border commuter students covered by the provisions of paragraph (f)(18) of this section, an F-1 student is admitted for duration of status. Duration of status is defined as the time during which an F-1 student is pursuing a full course of study at an educational

institution approved by the Service for attendance by foreign students, or engaging in authorized practical training following completion of studies, except that an F-1 student who is admitted to attend a public high school is restricted to an aggregate of 12 months of study at any public high school(s). An F-1 student may be admitted for a period up to 30 days before the indicated report date or program start date listed on Form I-20. The student is considered to be maintaining status if he or she is making normal progress toward completing a course of study.

(ii) *Change in educational levels.* An F-1 student who continues from one educational level to another is considered to be maintaining status, provided that the transition to the new educational level is accomplished according to transfer procedures outlined in paragraph (f)(8) of this section.

(iii) *Annual vacation.* An F-1 student at an academic institution is considered to be in status during the annual (or summer) vacation if the student is eligible and intends to register for the next term. A student attending a school on a quarter or trimester calendar who takes only one vacation a year during any one of the quarters or trimesters instead of during the summer is considered to be in status during that vacation, if the student has completed the equivalent of an academic year prior to taking the vacation.

(iv) *Preparation for departure.* An F-1 student who has completed a course of study and any authorized practical training following completion of studies will be allowed an additional 60-day period to prepare for departure from the United States or to transfer in accordance with paragraph (f)(8) of this section. An F-1 student authorized by the DSO to withdraw from classes will be allowed a 15-day period for departure from the United States. However, an F-1 student who fails to maintain a full course of study without the approval of the DSO or otherwise fails to

maintain status is not eligible for an additional period for departure.

(v) *Emergent circumstances as determined by the Commissioner.* Where the Commissioner has suspended the applicability of any or all of the requirements for on-campus or off-campus employment authorization for specified students pursuant to paragraphs (f)(9)(i) or (f)(9)(ii) of this section by notice in the FEDERAL REGISTER, an affected student who needs to reduce his or her full course of study as a result of accepting employment authorized by such notice in the FEDERAL REGISTER will be considered to be in status during the authorized employment, subject to any other conditions specified in the notice, provided that, for the duration of the authorized employment, the student is registered for the number of semester or quarter hours of instruction per academic term specified in the notice, which in no event shall be less than 6 semester or quarter hours of instruction per academic term if the student is at the undergraduate level or less than 3 semester or quarter hours of instruction per academic term if the student is at the graduate level, and is continuing to make progress toward completing the course of study.

(vi) *Extension of duration of status.* The Commissioner may, by notice in the FEDERAL REGISTER, at any time she determines that the H-1B numerical limitation as described in section 214(g)(1)(A) of the Act will likely be reached prior to the end of a current fiscal year, extend for such a period of time as the Commissioner deems necessary to complete the adjudication of

291

**Immigration and Naturalization Service,
Justice § 214.2**

the H-1B application, the duration of status of any F-1 student on behalf of whom an employer has timely filed an application for change of status to H-1B. The alien, according to 8 CFR part 248, must not have violated the terms of his or her nonimmigrant stay in

order to obtain this extension of stay. An F-1 student whose duration of status has been so extended shall be considered to be maintaining lawful nonimmigrant status for all purposes under the Act, provided that the alien does not violate the terms and conditions of his or her F nonimmigrant stay. An extension made under this paragraph applies to the F-2 dependent aliens.

(6) *Full course of study—(i) General.* Successful completion of the full course of study must lead to the attainment of a specific educational or professional objective. A course of study at an institution not approved for attendance by foreign students as provided in § 214.3(a)(3) does not satisfy this requirement. A “full course of study” as required by section 101(a)(15)(F)(i) of the Act means:

(A) Postgraduate study or postdoctoral study at a college or university,

or undergraduate or postgraduate study at a conservatory or religious seminary, certified by a DSO as a full course of study;

(B) Undergraduate study at a college or university, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter hour systems, where all undergraduate students who are enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or are considered full-time for other administrative purposes, or its equivalent (as determined by the district director in the school approval process), except when the student needs a lesser course load to complete the course of study during the current term;

(C) Study in a postsecondary language, liberal arts, fine arts, or other non-vocational program at a school which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at

least three institutions of higher learning which are either: (1) A school (or school system) owned and operated as a public educational institution by the United States or a State or political subdivision thereof; or (2) a school accredited by a nationally recognized accrediting body; and which has been certified by a designated school official to consist of at least twelve clock hours of instruction a week, or its equivalent as determined by the district director in the school approval process;

(D) Study in any other language, liberal arts, fine arts, or other nonvocational training program, certified by a designated school official to consist of at least eighteen clock hours of attendance a week if the dominant part of the course of study consists of classroom instruction, or to consist of at least twenty-two clock hours a week if the dominant part of the course of study consists of laboratory work; or

(E) Study in a curriculum at an approved private elementary or middle school or public or private academic high school which is certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress toward graduation.

(F) Notwithstanding paragraphs (f)(6)(i)(A) and (f)(6)(i)(B) of this section, an alien who has been granted employment authorization pursuant to the terms of a document issued by the Commissioner under paragraphs (f)(9)(i) or (f)(9)(ii) of this section and published in the FEDERAL REGISTER shall be deemed to be engaged in a "full course of study" if he or she remains registered for no less than the number of semester or quarter hours of instruction per academic term specified by the Commissioner in the notice for the validity period of such employment authorization.

(G) For F-1 students enrolled in classes for credit or classroom hours, no more than the equivalent of one class or three credits per session, term, semester, trimester, or quarter may be counted toward the full course of study

requirement if the class is taken online or through distance education and does not require the student's physical attendance for classes, examination or

292

§ 214.2 8 CFR Ch. I (1-1-03 Edition)

other purposes integral to completion of the class. An on-line or distance education

course is a course that is offered principally through the use of television, audio, or computer transmission including open broadcast, closed circuit, cable, microwave, or satellite, audio conferencing, or computer conferencing. If the F-1 student's course of study is in a language study program, no on-line or distance education classes may be considered to count toward a student's full course of study requirement.

(H) On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study.

(ii) *Institution of higher learning.* For purposes of this paragraph, a college or university is an institution of higher learning which awards recognized associate, bachelor's, master's, doctorate, or professional degrees. Schools which devote themselves exclusively or primarily to vocational, business, or language instruction are not included in the category of colleges or universities. Vocational or business schools which are classifiable as M-1 schools are provided for by regulations under 8 CFR 214.2(m).

(iii) *Reduced course load.* The designated school official may allow an F-1 student to engage in less than a full course of study as provided in this paragraph (f)(6)(iii). Except as otherwise noted, a reduced course load must consist of at least six semester or quarter hours, or half the clock hours required for a full course of study. A student

who drops below a full course of study without the prior approval of the DSO will be considered out of status. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study.

(A) *Academic difficulties.* The DSO may authorize a reduced course load on account of a student's initial difficulty with the English language or reading requirements, unfamiliarity with U.S. teaching methods, or improper course level placement. The student must resume a full course of study at the next available term, session, or semester, excluding a summer session, in order to maintain student status. A student previously authorized to drop below a full course of study due to academic difficulties is not eligible for a second authorization by the DSO due to academic difficulties while pursuing a course of study at that program level. A student authorized to drop below a full course of study for academic difficulties while pursuing a course of study at a particular program level may still be authorized for a reduced course load due to an illness medical condition as provided for in paragraph (B) of this section.

(B) *Medical conditions.* The DSO may authorize a reduced course load (or, if necessary, no course load) due to a student's temporary illness or medical condition for a period of time not to exceed an aggregate of 12 months while the student is pursuing a course of study at a particular program level. In order to authorize a reduced course load based upon a medical condition, the student must provide medical documentation from a licensed medical doctor, doctor of osteopathy, or licensed clinical psychologist, to the DSO to substantiate the illness or medical condition. The student must provide current medical documentation and the DSO must reauthorize the drop below full course of study each new term, session, or semester. A student previously authorized to drop below a full course of study due to illness or medical condition

for an aggregate of 12 months may not be authorized by a DSO to reduce his or her course load on subsequent occasions while pursuing a course of study at the same program level. A student may be authorized to reduce course load for a reason of illness or medical condition on more than one occasion while pursuing a course of study, so long as the aggregate period of that authorization does not exceed 12 months.

(C) *Completion of course of study.* The DSO may authorize a reduced course load in the student's final term, semester, or session if fewer courses are needed to complete the course of study. If the student is not required to take any additional courses to satisfy the

293

Immigration and Naturalization Service, Justice § 214.2

requirements for completion, but continues to be enrolled for administrative purposes, the student is considered to have completed the course of study and must take action to maintain status. Such action may include application for change of status or departure from the U.S.

(D) *Reporting requirements for non-SEVIS schools.* A DSO must report to the Service any student who is authorized to reduce his or her course load.

Within 21 days of the authorization, the DSO must send a photocopy of the student's current Form I-20ID along with Form I-538 to Service's data processing center indicating the date and reason that the student was authorized to drop below full time status. Similarly, the DSO will report to the Service no more than 21 days after the student has resumed a full course of study by submitting a current copy of the students' Form I-20ID to the Service's data processing center indicating the date a full course of study was resumed and the new program end date with Form I-538, if applicable.

(E) *SEVIS reporting requirements.* In order for a student to be authorized to drop below a full course of study, the DSO must update SEVIS prior to the student reducing his or her course load. The DSO must update SEVIS with the date, reason for authorization, and the start date of the next term or session. The DSO must also notify SEVIS within 21 days of the student's commencement of a full course of study. If an extension of the program end date is required due to the drop below a full course of study, the DSO must update SEVIS by completing a new SEVIS Form I-20 with the new program end date in accordance with paragraph (f)(7) of this section.

(iv) *Concurrent enrollment.* An F-1 student may be enrolled in two different Service-approved schools at one time as long as the combined enrollment amounts to a full time course of study. In cases where a student is concurrently enrolled, the school from which the student will earn his or her degree or certification should issue the Form I-20, and conduct subsequent certifications and updates to the Form I-20. The DSO from this school is also responsible for all of the reporting requirements to the Service. In instances where a student is enrolled in programs with different full course of study requirements (e.g., clock hours vs. credit hours), the DSO is permitted to determine what constitutes a full time course of study.

(7) *Extension of stay*—(i) *General.* An F-1 student who is admitted for duration of status is not required to apply for extension of stay as long as the student is maintaining status and making normal progress toward completion of his or her educational objective. An F-1 student who is currently maintaining status and making normal progress toward completing his or her educational objective, but who is unable to complete his or her course of study by the program end date on the Form I-20, must apply prior to the program end date for a program extension pursuant to paragraph (f)(7)(iii) of this section.

(ii) *Report date and program completion*

date on Form I-20. When determining the report date on the Form I-20, the DSO may choose a reasonable date to accommodate a student's need to be in attendance for required activities at the school prior to the actual start of classes. Such required activities may include, but are not limited to, research projects and orientation sessions. However, for purposes of employment, the DSO may not indicate a report date more than 30 days prior to the start of classes. When determining the program completion date on Form I-20, the DSO should make a reasonable estimate based upon the time an average student would need to complete a similar program in the same discipline.

(iii) *Program extension for students in lawful status.* An F-1 student who is unable to meet the program completion date on the Form I-20 may be granted an extension by the DSO if the DSO certifies that the student has continually maintained status and that the delays are caused by compelling academic or medical reasons, such as changes of major or research topics, unexpected research problems, or documented illnesses. Delays caused by academic probation or suspension are not acceptable reasons for program extensions. A DSO may not grant an extension if the student did not apply for an extension until after the program end

294

§ 214.2 8 CFR Ch. I (1-1-03 Edition)

date noted on the Form I-20. An F-1 student who is unable to complete the educational program within the time listed on Form I-20 and who is ineligible for program extension pursuant to this paragraph (f)(7) is considered out of status. If eligible, the student may apply for reinstatement under the provisions of paragraph (f)(16) of this section.

(iv) *Notification.* Upon granting a program extension, a DSO at a non-SEVIS

school must immediately submit notification to the Service's data processing center using Form I-538 and the top page of Form I-20A-B showing the new program completion date. For a school enrolled in SEVIS, a DSO may grant a program extension only by updating SEVIS and issuing a new Form I-20 reflecting the current program end date. A DSO may grant an extension any time prior to the program end date listed on the student's original Form I-20.

(8) *School transfer*—(i) A student who is maintaining status may transfer to another Service approved school by following the notification procedure prescribed in paragraph (f)(8)(ii) of this section. However, an F-1 student is not permitted to remain in the United States when transferring between schools or programs unless the student will begin classes at the transfer school or program within 5 months of transferring out of the current school or within 5 months of the program completion date on his or her current Form I-20, whichever is earlier. In the case of an F-1 student authorized to engage in post-completion optional practical training (OPT), the student must be able resume classes within 5 months of transferring out of the school that recommended OPT or the date the OPT authorization ends, whichever is earlier. An F-1 student who was not pursuing a full course of study at the school he or she was last authorized to attend is ineligible for school transfer and must apply for reinstatement under the provisions of paragraph (f)(16) of this section, or, in the alternative, may depart the country and return as an initial entry in a new F-1 nonimmigrant status.

(ii) *Transfer procedure*. To transfer schools, an F-1 student must first notify the school he or she is attending of the intent to transfer, then obtain a Form I-20 A-B, issued in accordance with the provisions of 8 CFR 214.3(k), from the school to which he or she intends to transfer. The transfer will be effected only if the F-1 student completes the Student Certification portion

of the Form I-20 A-B and returns the form to a designated school official on campus within 15 days of beginning attendance at the new school.

(A) *Non-SEVIS School to Non-SEVIS school*. To transfer from one non-SEVIS school to a different non-SEVIS school, the student must first notify the school he or she is attending of the intent to transfer, then obtain a Form I-20 issued in accordance with the provisions of 8 CFR 214.3(k) from the school to which he or she intends to transfer. Prior to issuance of any Form I-20, the DSO at the transfer school is responsible for determining that the student has been maintaining status at his or her current school and is eligible for transfer to the new school. The transfer will be effected only if the student completes the Student Certification portion of the Form I-20 and returns the form to a DSO of the transfer school within 15 days of the program start date listed on Form I-20. Upon receipt of the student's Form I-20 the DSO must note "transfer completed on (date)" in the space provided for the DSO's remarks, thereby acknowledging the student's attendance at the transfer school; return the Form I-20 to the student; submit the School copy of the Form I-20 to Service's Data Processing Center within 30 days of receipt from the student; and forward a photocopy of the school copy to the school from which the student transferred.

(B) *Non-SEVIS school to SEVIS school*. To transfer from a non-SEVIS school to a SEVIS school, the student must first notify the school he or she is attending of the intent to transfer, then obtain a SEVIS Form I-20 issued in accordance with the provisions of 8 CFR 214.3(k) from the school to which he or she intends to transfer. Prior to issuance of any Form I-20, the DSO at the transfer school is responsible for determining that the student has been maintaining status at his or her current school and is eligible for transfer

Immigration and Naturalization Service, Justice § 214.2

to the new school. Once the transfer school has issued the SEVIS Form I-20 to the student indicating a transfer, the transfer school becomes responsible for updating and maintaining the student's record in SEVIS. The student is then required to notify the DSO at the transfer school within 15 days of the program start date listed on SEVIS Form I-20. Upon notification that the student is enrolled in classes, the DSO of the transfer school must update SEVIS to reflect the student's registration and current address, thereby acknowledging that the student has completed the transfer process. In the remarks section of the student's SEVIS Form I-20, the DSO must note that the transfer has been completed, including the date, and return the form to the student. The transfer is effected when the transfer school updates SEVIS indicating that the student has registered in classes within the 30 days required by § 214.3(g)(3)(iii).

(C) *SEVIS school to SEVIS school.* To transfer from a SEVIS school to a SEVIS school the student must first notify his or her current school of the intent to transfer and must indicate the school to which he or she intends to transfer. Upon notification by the student, the current school will update the student's record in SEVIS as a "transfer out" and indicate the school to which the student intends to transfer, and a release date. The release date will be the current semester or session completion date, or the date of expected transfer if earlier than the established academic cycle. The current school will retain control over the student's record in SEVIS until the student completes the current term or reaches the release date. At the request of the student, the DSO of the current school may cancel the transfer request at any time prior to the release date. As of the release date specified by the current DSO, the transfer school will

be granted full access to the student's SEVIS record and then becomes responsible for that student. The current school conveys authority and responsibility over that student to the transfer school, and will no longer have full SEVIS access to that student's record. As such, a transfer request may not be cancelled by the current DSO after the release date has been reached. After the release date, the transfer DSO must complete the transfer of the student's record in SEVIS and may issue a SEVIS Form I-20. The student is then required to contact the DSO at the transfer school within 15 days of the program start date listed on the SEVIS Form I-20. Upon notification that the student is enrolled in classes, the DSO of the transfer school must update SEVIS to reflect the student's registration and current address, thereby acknowledging that the student has completed the transfer process. In the remarks section of the student's SEVIS Form I-20, the DSO must note that the transfer has been completed, including the date, and return the form to the student. The transfer is effected when the transfer school notifies SEVIS that the student has enrolled in classes in accordance with the 30 days required by § 214.3(g)(3)(iii).

(D) *SEVIS school to non-SEVIS school.* To transfer from a SEVIS school to a non-SEVIS school, the student must first notify his or her current school of the intent to transfer and must indicate the school to which he or she intends to transfer. Upon notification by the student, the current school will update the student's status in SEVIS as "a transfer out", enter a "release" or expected transfer date, and update the transfer school as "non-SEVIS." The student must then notify the school to which he or she intends to transfer of his or her intent to enroll. After the student has completed his or her current term or session, or has reached the expected transfer date, the DSO at the current school will no longer have full access to the student's SEVIS record. At this point, if the student has

notified the transfer school of his or her intent to transfer, and the transfer school has determined that the student has been maintaining status at his or her current school, the transfer school may issue the student a Form I-20. The transfer will be effected only if the student completes the Student Certification portion of the Form I-20 and returns the form to a designated school official of the transfer school within 15 days of the program start date listed on Form I-20. Upon receipt of the student's Form I-20 the DSO must do as

296

§ 214.2 8 CFR Ch. I (1-1-03 Edition)

follows: note "transfer completed on (date)" in the space provided for the DSO's remarks, thereby acknowledging the student's attendance; return the Form I-20 to the student; submit the school copy of the Form I-20 to the Service's data processing center within 30 days of receipt from the student; and forward a photocopy of the school copy to the school from which the student transferred.

(iii) *Notification.* Upon receipt of the student's Form I-20 A-B, the DSO must:

(A) Note "transfer completed on (date)" on the student's I-20 ID in the space provided for the DSO's remarks, thereby acknowledging the student's attendance;

(B) Return the I-20 ID to the student;

(C) Submit the I-20 School copy to the Service's Data Processing Center within 30 days of receipt from the student; and

(D) Forward a photocopy of the Form I-20 A-B School Copy to the school from which the student transferred.

(9) *Employment—(i) On-campus employment.* On-campus employment must either be performed on the school's premises, (including on-location commercial firms which provide services for students on campus, such as the school bookstore or cafeteria), or at an off-campus location which is educationally affiliated with the school. Employment

with on-site commercial firms, such as a construction company building a school building, which do not provide direct student services is not deemed on-campus employment for the purposes of this paragraph. In the case of off-campus locations, the educational affiliation must be associated with the school's established curriculum or related to contractually funded research projects at the postgraduate level. In any event, the employment must be an integral part of the student's educational program. Employment authorized under this paragraph must not exceed 20 hours a week while school is in session, unless the Commissioner suspends the applicability of this limitation due to emergent circumstances, as determined by the Commissioner, by means of notice in the FEDERAL REGISTER, the student demonstrates to the DSO that the employment is necessary to avoid severe economic hardship resulting from the emergent circumstances, and the DSO notates the Form I-20 in accordance with the FEDERAL REGISTER document. An F-1 student may, however, work on campus full-time when school is not in session or during the annual vacation. A student who has been issued a Form I-20 A-B to begin a new program in accordance with the provision of 8 CFR 214.3(k) and who intends to enroll for the next regular academic year, term, or session at the institution which issued the Form I-20 A-B may continue on-campus employment incident to status. Otherwise, an F-1 student may not engage in on-campus employment after completing a course of study, except employment for practical training as authorized under paragraph (f)(10) of this section. An F-I student may engage in any on-campus employment authorized under this paragraph which will not displace United States residents. In the case of a transfer in SEVIS, the student may only engage in on-campus employment at the school

having jurisdiction over the student's SEVIS record. Upon initial entry to begin a new course of study, an F-1 student may not begin on-campus employment more than 30 days prior to the actual start of classes.

(ii) *Off-campus work authorization—*

(A) *General.* An F-1 student may be authorized to work off-campus on a parttime basis in accordance with paragraph (f)(9)(ii) (B) or (C) of this section after having been in F-1 status for one full academic year provided that the student is in good academic standing as determined by the DSO. Part-time off-campus employment authorized under this section is limited to no more than twenty hours a week when school is in session. A student who is granted off-campus employment authorization may work full-time during holidays or school vacation. The employment authorization is automatically terminated whenever the student fails to maintain status. In emergent circumstances as determined by the Commissioner, the Commissioner may suspend the applicability of any or all of the requirements of paragraph (f)(9)(ii) of this section by notice in the FEDERAL REGISTER.

297

**Immigration and Naturalization Service,
Justice § 214.2**

(B) [Reserved]

(C) *Severe economic hardship.* If other employment opportunities are not available or are otherwise insufficient, an eligible F-1 student may request offcampus employment work authorization based upon severe economic hardship caused by unforeseen circumstances beyond the student's control. These circumstances may include loss of financial aid or on-campus employment without fault on the part of the student, substantial fluctuations in the value of currency or exchange rate, inordinate increases in tuition and/or living costs, unexpected changes in the financial condition of the student's source of support, medical bills, or

other substantial and unexpected expenses. (D) *Procedure for off-campus employment authorization due to severe economic hardship.* The student must request a recommendation from the DSO for offcampus

employment. The DSO at a non-SEVIS school must make such a certification on Form I-538, Certification by Designated School Official.

The DSO of a SEVIS school must complete such certification in SEVIS. The DSO may recommend the student for work off-campus for one year intervals by certifying that:

(1) The student has been in F-1 status for one full academic year;

(2) The student is in good standing as a student and is carrying a full course of study as defined in paragraph (f)(6) of this section;

(3) The student has demonstrated that acceptance of employment will not interfere with the student's carrying a full course of study; and

(4) The student has demonstrated that the employment is necessary to avoid severe economic hardship due to unforeseen circumstances beyond the student's control pursuant to paragraph (f)(9)(ii)(C) of this section and has demonstrated that employment under paragraph (f)(9)(i) of this section is unavailable or otherwise insufficient to meet the needs that have arisen as a result of the unforeseen circumstances.

(E) [Reserved]

(F) *Severe economic hardship application.*

(1) The applicant should submit the economic hardship application for employment authorization on Form I-765, with the fee required by 8 CFR 103.7(b)(1), to the service center having jurisdiction over his or her place of residence.

Applicants at a non-SEVIS school should submit Form I-20, Form I-538, and any other supporting materials such as affidavits which further detail the unforeseen circumstances that require the student to seek employment authorization and the unavailability or insufficiency of employment under paragraph (f)(9)(i) of this

section. Students enrolled in a SEVIS school should submit the SEVIS Form I-20 with the employment page demonstrating the DSO's comments and certification.

(2) The Service shall adjudicate the application for work authorization based upon severe economic hardship on the basis of Form I-20 ID, Form I-538, and Form I-765, and any additional supporting materials. If employment is authorized, the adjudicating officer shall issue an EAD. The Service director shall notify the student of the decision, and, if the application is denied, of the reason or reasons for the denial. No appeal shall lie from a decision to deny a request for employment authorization under this section. The employment authorization may be granted in one year intervals up to the expected date of completion of the student's current course of study. A student has permission to engage in off-campus employment only if the student receives the EAD endorsed to that effect. Off-campus employment authorization may be renewed by the Service only if the student is maintaining status and good academic standing. The employment authorization is automatically terminated whenever the student fails to maintain status.

(iii) *Internship with an international organization.* A bona fide F-1 student who has been offered employment by a recognized international organization within the meaning of the International Organization Immunities Act (59 Stat. 669) must apply for employment authorization to the service center having jurisdiction over his or her place of residence. A student seeking employment authorization under this

employment page completed by DSO certifying eligibility for employment, and a completed Form I-765, with required fee as contained in § 103.7(b)(1) of this chapter.

(10) *Practical training.* Practical training may be authorized to an F-1 student who has been lawfully enrolled on a full time basis, in a Service-approved college, university, conservatory, or seminary for one full academic year. This provision also includes students who, during their course of study, were enrolled in a study abroad program, if the student had spent at least one full academic term enrolled in a full course of study in the United States prior to studying abroad. A student may be authorized

12 months of practical training, and becomes eligible for another 12 months of practical training when he or she changes to a higher educational level. Students in English language training programs are ineligible for practical training. An eligible student may request employment authorization for practical training in a position that is directly related to his or her major area of study. There are two types of practical training available: (i) *Curricular practical training.* An F-1 student may be authorized by the DSO to participate in a curricular practical training program that is an integral part of an established curriculum. Curricular practical training is defined to be alternative work/study, internship, cooperative education, or any other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with the school. Students who have received one year or more of full time curricular practical training are ineligible for post-completion academic training. Exceptions to the one academic year requirement are provided for students enrolled in graduate studies that require immediate participation in curricular practical training. A request for authorization for curricular practical training must be made to the DSO. A student may begin curricular practical training only after

298

§ 214.2 8 CFR Ch. I (1-1-03 Edition) provision is required to present a written certification from the international organization that the proposed employment is within the scope of the organization's sponsorship, Form I-20 ID or SEVIS Form I-20 with

receiving his or her Form I-20 with the DSO endorsement.

(A) *Non-SEVIS process.* A student must request authorization for curricular practical training using Form I-538. Upon approving the request for authorization, the DSO shall: certify Form I-538 and send the form to the Service's data processing center; endorse the student's Form I-20 ID with "full-time (or part-time) curricular practical training authorized for (employer) at (location) from (date) to (date)"; and sign and date the Form I-20ID before returning it to the student.

(B) *SEVIS process.* To grant authorization for a student to engage in curricular practical training, a DSO at a SEVIS school will update the student's record in SEVIS as being authorized for curricular practical training that is directly related to the student's major area of study. The DSO will indicate whether the training is full-time or part-time, the employer and location, and the employment start and end date. The DSO will then print a copy of the employment page of the SEVIS Form I-20 indicating that curricular practical training has been approved. The DSO must sign, date, and return the SEVIS Form I-20 to the student prior to the student's commencement of employment.

(ii) *Optional practical training—(A) General.* A student may apply to the Service for authorization for temporary employment for optional practical training directly related to the student's major area of study. The student may not begin optional practical training until the date indicated on his or her employment authorization document, Form I-766 or Form 688B. A student may submit an application for authorization to engage in optional practical training up to 90 days prior to being enrolled for one full academic year, provided that the period of employment will not begin until after the completion of the full academic year as indicated by the DSO. A student may be granted authorization to engage in temporary employment for optional practical training:

(1) During the student's annual vacation and at other times when school is

299

Immigration and Naturalization Service, Justice § 214.2

not in session, if the student is currently enrolled, and is eligible for registration and intends to register for the next term or session;

(2) While school is in session, provided that practical training does not exceed 20 hours a week while school is in session; or

(3) After completion of the course of study, or, for a student in a bachelor's, master's, or doctoral degree program, after completion of all course requirements for the degree (excluding thesis or equivalent). Continued enrollment, for the school's administrative purposes, after all requirements for the degree have been met does not preclude eligibility for optional practical training. However, optional practical training must be requested prior to the completion of all course requirements for the degree or prior to the completion of the course of study. A student must complete all practical training within a 14-month period following the completion of study.

(B) *Termination of practical training.* Authorization to engage in optional practical training employment is automatically terminated when the student transfers to another school or begins study at another educational level.

(C) *Request for authorization for practical training.* A request for authorization to accept practical training must be made to the designated school official (DSO) of the school the student is authorized to attend on Form I-538, accompanied by his or her current Form I-20 ID.

(D) *Action of the DSO-Non SEVIS schools.* In making a recommendation for practical training, a designated

school official must:

(1) Certify on Form I-538 that the proposed employment is directly related to the student's major area of study and commensurate with the student's educational level;

(2) Endorse and date the student's Form I-20 ID to show that practical training in the student's major field of study is recommended "full-time (or part-time) from (date) to (date)"; and

(3) Return to the student the Form I-20 ID and send to the Service data processing center the school certification on Form I-538.

(E) *SEVIS process.* In making a recommendation for optional practical training under SEVIS, the DSO will update the student's record in SEVIS as having been recommended for optional practical training. A DSO who recommends a student for optional practical training is responsible for maintaining the record of the student for the duration of the time that training is authorized. The DSO will indicate in SEVIS whether the employment is to be full-time or part-time, and note in SEVIS the start and end date of employment. The DSO will then print the employment page of the student's SEVIS Form I-20, and sign and date the form to indicate that optional practical training has been recommended. The student must file with the service center for an Employment Authorization Document, on Form I-765, with fee and the SEVIS Form I-20 employment page indicating that optional practical training has been recommended by the DSO.

(11) *Employment authorization.* The total periods of authorization for optional practical training under paragraph (f)(10) of this section shall not exceed a maximum of twelve months. Part-time practical training, 20 hours per week or less, shall be deducted from the available practical training at one-half the full-time rate. As required by the regulations at 8 CFR part 274a, an F-1 student seeking practical training (excluding curricular practical training) under paragraph (f)(10) of this section may not accept employment

until he or she has been issued an Employment

Authorization Document

(EAD) by the Service. An F-1 student must apply to the INS for the EAD by filing the Form I-765. The application for employment authorization must include the following documents:

(i) A completed Form I-765, with the fee required by § 103.7(b)(1); and

(ii) A DSO's recommendation for optional practical training on Form I-20ID, or, for a SEVIS school, on an updated SEVIS Form I-20.

(12) *Decision on application for employment*

authorization. The Service shall adjudicate the Form I-765 and issue an EAD on the basis of the DSO's recommendation unless the student is found otherwise ineligible. The Service

300

§ 214.2 8 CFR Ch. I (1-1-03 Edition)

shall notify the applicant of the decision and, if the application is denied, of the reason or reasons for the denial. The applicant may not appeal the decision. An F-1 student authorized by the Service to engage in practical training is required to report any change of name or address, or interruption of such employment to the DSO for the duration of the authorized training. A DSO who recommends a student for optional

practical training is responsible for updating the student's record to reflect these reported changes for the duration of the time that training is authorized.

(13) *Temporary absence from the United States of F-1 student granted employment*

authorization. (i) A student returning from a temporary trip abroad with an unexpired off-campus employment authorization on his or her I-20 ID may resume employment only if the student is readmitted to attend the same school which granted the employment

authorization.

(ii) An F-1 student who has an unexpired EAD issued for post-completion practical training and who is otherwise admissible may return to the United States to resume employment after a period of temporary absence. The EAD must be used in combination with an I-20 ID endorsed for reentry by the DSO within the last six months.

(14) *Effect of strike or other labor dispute.*

Any employment authorization, whether or not part of an academic program, is automatically suspended upon certification by the Secretary of Labor or the Secretary's designee to the Commissioner of the Immigration and Naturalization Service or the Commissioner's designee, that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation at the place of employment. As used in this paragraph, "place of employment" means the facility or facilities where a labor dispute exists. The employer is prohibited from transferring F-1 students working at other facilities to the facility where the work stoppage is occurring.

(15) *Spouse and children of F-1 student.*

The F-2 spouse and minor children of an F-1 student shall each be issued an individual SEVIS Form I-20 in accordance with the provisions of § 214.3(k).

(i) *Employment.* The F-2 spouse and children of an F-1 student may not accept employment.

(ii) *Study.* (A) The F-2 spouse of an F-1 student may not engage in full time study, and the F-2 child may only engage in full time study if the study is in an elementary or secondary school (kindergarten through twelfth grade). The F-2 spouse and child may engage in study that is avocational or recreational in nature.

(B) An F-2 spouse or F-2 child desiring to engage in full time study, other than that allowed for a child in paragraph (f)(15)(ii)(A) of this section, must apply for and obtain a change of nonimmigrant classification to F-1, J-1, or M-1 status. An F-2 spouse or child who was enrolled on a full time basis prior to January 1, 2003, will be allowed to

continue study but must file for a change of nonimmigrant classification to F-1, J-1, or M-1 status on or before March 11, 2003.

(C) An F-2 spouse or F-2 child violates his or her nonimmigrant status by engaging in full time study except as provided in paragraph (f)(15)(ii)(A) or (B) of this section.

(16) *Reinstatement to student status.—*

(i) *General.* The district director may consider reinstating a student who makes a request for reinstatement on Form I-539, Application to Extend/Change Nonimmigrant Status, accompanied by a properly completed SEVIS Form I-20 indicating the DSO's recommendation

for reinstatement (or a properly completed Form I-20A-B issued prior to January 30, 2003, from the school the student is attending or intends to attend prior to August 1, 2003). The district director may consider granting the request if the student:

(A) Has not been out of status for more than 5 months at the time of filing the request for reinstatement (or demonstrates that the failure to file within the 5 month period was the result of exceptional circumstances and that the student filed the request for reinstatement as promptly as possible under these exceptional circumstances);
(B) Does not have a record of repeated or willful violations of Service regulations;

301

Immigration and Naturalization Service, Justice § 214.2

(C) Is currently pursuing, or intending to pursue, a full course of study in the immediate future at the school which issued the Form I-20;

(D) Has not engaged in unauthorized employment;

(E) Is not deportable on any ground other than section 237(a)(1)(B) or (C)(i) of the Act; and

(F) Establishes to the satisfaction of the Service, by a detailed showing, either

that:

(1) The violation of status resulted from circumstances beyond the student's control. Such circumstances might include serious injury or illness, closure of the institution, a natural disaster, or inadvertence, oversight, or neglect on the part of the DSO, but do not include instances where a pattern of repeated violations or where a willful failure on the part of the student resulted in the need for reinstatement; or

(2) The violation relates to a reduction in the student's course load that would have been within a DSO's power to authorize, and that failure to approve reinstatement would result in extreme hardship to the student.

(ii) *Decision.* If the Service reinstates the student, the Service shall endorse the student's copy of Form I-20 to indicate the student has been reinstated and return the form to the student. If the Form I-20 is from a non-SEVIS school, the school copy will be forwarded to the school. If the Form I-20 is from a SEVIS school, the adjudicating officer will update SEVIS to reflect the Service's decision. In either case, if the Service does not reinstate the student, the student may not appeal that decision.

(17) *Current name and address.* A student must inform the DSO and the Service of any legal changes to his or her name or of any change of address, within 10 days of the change, in a manner prescribed by the school. A student enrolled at a SEVIS school can satisfy the requirement in 8 CFR 265.1 of notifying the Service by providing a notice of a change of address within 10 days to the DSO, who in turn shall enter the information in SEVIS within 21 days of notification by the student. A student enrolled at a non-SEVIS school must submit a notice of change of address to the Service, as provided in 8 CFR 265.1, within 10 days of the change. Except in the case of a student who cannot receive mail where he or she resides, the address provided by the student must be the actual physical location where the student resides rather than a mailing

address. In cases where a student provides a mailing address, the school must maintain a record of, and must provide upon request from the Service, the actual physical location where the student resides.

(18) *Special rules for certain border commuter*

students—(i) Applicability. For purposes of the special rules in this paragraph (f)(18), the term "border commuter student" means a national of Canada or Mexico who is admitted to the United States as an F-1 nonimmigrant student to enroll in a full course of study, albeit on a part-time basis, in an approved school located within 75 miles of a United States land border. A border commuter student must maintain actual residence and place of abode in the student's country of nationality, and seek admission to the United States at a land border port-of-entry. These special rules do not apply to a national of Canada or Mexico who is:

(A) Residing in the United States while attending an approved school as an F-1 student, or

(B) Enrolled in a full course of study as defined in paragraph (f)(6) of this section.

(ii) *Full course of study.* The border commuter student must be enrolled in a full course of study at the school that leads to the attainment of a specific educational or professional objective, albeit on a part-time basis. A designated school official at the school may authorize an eligible border commuter student to enroll in a course load below that otherwise required for a full course of study under paragraph (f)(6) of this section, provided that the reduced course load is consistent with the border commuter student's approved course of study.

(iii) *Period of admission.* An F-1 nonimmigrant student who is admitted as a border commuter student under this paragraph (f)(18) will be admitted until a date certain. The DSO is required to specify a completion date on the Form

§ 214.2 8 CFR Ch. I (1–1–03 Edition)

I–20 that reflects the actual semester or term dates for the commuter student's current term of study. A new Form I–20 will be required for each new semester or term that the border commuter student attends at the school.

The provisions of paragraphs (f)(5) and (f)(7) of this section, relating to duration of status and extension of stay, are not applicable to a border commuter student.

(iv) *Employment.* A border commuter student may not be authorized to accept any employment in connection with his or her F–1 student status, except for curricular practical training as provided in paragraph (f)(10)(i) of this section or post-completion optional practical training as provided in paragraph (f)(10)(ii)(A)(3) of this section.

(g) *Representatives to international organizations—(1) General.* The determination by a consular officer prior to admission and the recognition by the Secretary of State subsequent to admission is evidence of the proper classification of a nonimmigrant under section 101(a)(15)(G) of the Act. An alien who has a nonimmigrant status under section 101(a)(15)(G) (i), (ii), (iii) or (iv) of the Act is to be admitted for the duration of the period for which the alien continues to be recognized by the Secretary of State as being entitled to that status. An alien defined in section 101(a)(15)(G)(v) of the Act is to be admitted for an initial period of not more than three years, and may be granted extensions of temporary stay in increments of not more than two years. In addition, the application for extension of temporary stay must be accompanied by a statement signed by the employing official stating that he or she intends to continue to employ the applicant and describing the type of work the applicant will perform.

(2) *Definition of G–1, G–3, or G–4 dependent.* For purposes of employment in the United States, the term *dependent*

of a G–1, G–3, or G–4 principal alien, as used in § 214.2(g), means any of the following immediate members of the family habitually residing in the same household as the principal alien who is an officer or employee assigned to a mission, to an international organization, or is employed by an international organization in the United States:

- (i) Spouse;
 - (ii) Unmarried children under the age of 21;
 - (iii) Unmarried sons or daughters under the age of 23 who are in full-time attendance as students at post-secondary educational institutions;
 - (iv) Unmarried sons or daughters under the age of 25 who are in full-time attendance as students at post-secondary educational institutions if a formal bilateral employment agreement permitting their employment in the United States was signed prior to November 21, 1988, and such bilateral employment agreement does not specify 23 as the maximum age for employment of such sons and daughters. The Office of Protocol of the Department of State shall maintain a listing of foreign states which the United States has such bilateral employment agreements. The provisions of this paragraph apply only to G–1 and G–3 dependents under certain bilateral agreements and are not applicable to G–4 dependents; and
 - (v) Unmarried sons or daughters who are physically or mentally disabled to the extent that they cannot adequately care for themselves or cannot establish, maintain, or re-establish their own households. The Department of State or the Service may require certification(
 - s) as it deems sufficient to document such mental or physical disability.
- (3) Applicability of a formal bilateral agreement or an informal de facto arrangement for G–1 and G–3 dependents. The applicability of a formal bilateral agreement shall be based on the foreign state which employs the principal alien

and not on the nationality of the principal alien or dependent. The applicability of an informal de facto arrangement shall be based on the foreign state which employs the principal alien, but under a de facto arrangement the principal alien also must be a national of the foreign state which employs him or her in the United States.

(4) Income tax, Social Security liability; non-applicability of certain immunities. Dependents who are granted employment authorization under this section § 214.2 8 CFR Ch. I (1–1–03 Edition) States employer claiming an exemption from the \$500 filing fee on the basis that it is a non-profit research organization must submit evidence that it has tax exempt status under the Internal Revenue Code of 1986, section 501(c)(3), (c)(4) or (c)(6), 26 U.S.C. 501(c)(3), (c)(4) or (c)(6). All other employers claiming an exemption must submit a statement describing why the organization or entity is exempt.

(B) Exempt filing situations. Any non-exempt employer who claims that the \$500 filing fee does not apply with respect to a particular filing for one of the reasons described in § 214.2(h)(19)(v), must submit a statement describing why the filing fee is not required.

(i) Representatives of information media. The admission of an alien of the class defined in section 101(a)(15)(I) of the Act constitutes an agreement by the alien not to change the information medium or his or her employer until he or she obtains permission to do so from the district director having jurisdiction over his or her residence. An alien classified as an information media nonimmigrant (I) may be authorized admission for the duration of employment.

(j) Exchange aliens—(1) General—(i) Eligibility for admission. A nonimmigrant exchange visitor and his or her accompanying spouse and minor children may be admitted into the United States in J–1 and J–2 classifications under section 101(a)(15)(J) of the Act, if the exchange visitor and his or her accompanying spouse and children each presents a SEVIS Form DS–2019

issued in his or her own name by a program approved by the Department of State for participation by J–1 exchange visitors. Prior to August 1, 2003, if exigent circumstances are demonstrated, the Service will allow the dependent of an exchange visitor possessing a SEVIS Form DS–2019 to enter the United States using a copy of the exchange visitor’s SEVIS Form DS–2019. However, where the exchange visitor presents a properly completed Form DS–2019, Certificate of Eligibility for Exchange Visitor (J–1) Status, which was issued to the J–1 exchange visitor by a program approved by the Department of State for participation by exchange visitors and which remains valid for the admission of the exchange visitor, the accompanying spouse and children may be admitted on the basis of the J–1’s non-SEVIS Form DS–2019.

(ii) Admission period. An exchange alien, and J–2 spouse and children, may be admitted for a period up to 30 days before the report date or start of the approved program listed on Form DS–2019. The initial admission of an exchange visitor, spouse and children may not exceed the period specified on Form DS–2019, plus a period of 30 days for the purposes of travel or for the period designated by the Commissioner as provided in paragraph (j)(1)(vi) of this section. Regulations of the Department of State published at 22 CFR part 62 give general limitations on the stay of the various classes of exchange visitors. A spouse or child may not be admitted for longer than the principal exchange visitor.

(iii) Readmission. An exchange alien may be readmitted to the United States for the remainder of the time authorized on Form I–94, without presenting Form IAP–66, if the alien is returning from a visit solely to foreign contiguous territory or adjacent islands after an absence of less than 30 days and if the original Form I–94 is presented. All other exchange aliens must present a valid Form IAP–66. An original Form IAP–66 or copy three (the pink copy) of a previously issued

form presented by an exchange alien returning from a temporary absence shall be retained by the exchange alien for re-entries during the balance of the alien's stay.

(iv) Extensions of Stay. If an exchange alien requires an extension beyond the initial admission period, the alien shall apply by submitting a new Form DS-2019 which indicates the date to which the alien's program is extended. The extension may not exceed the period specified on Form DS-2019, plus a period of 30 days for the purpose of travel.

Extensions of stay for the alien's spouse and children require, as an attachment to Form DS-2019, Form I-94 for each dependent, and a list containing the names of the applicants, dates and places of birth, passport numbers, issuing countries, and expiration dates. An accompanying spouse or child may not be granted an extension

VerDate Jan<31>2003 11:55 Mar 17, 2003 Jkt 200025 PO 00000 Frm 00330 Fmt 8010 Sfmt 8010 Y:\SGML\200025T.XXX 200025T 331

Immigration and Naturalization Service, Justice § 214.2

of stay for longer than the principal exchange alien.

(v) Employment. (A) The accompanying spouse and minor children of a J-1 exchange visitor may accept employment only with authorization by the Immigration and Naturalization Service. A request for employment authorization must be made on Form I-765, Application for Employment Authorization, with fee, as required by the Service, to the district director having jurisdiction over the J-1 exchange visitor's temporary residence in the United States. Income from the spouse's or dependent's employment may be used to support the family's customary recreational and cultural activities and related travel, among other things. Employment will not be authorized if this income is needed to support the J-1 principal alien.

(B) J-2 employment may be authorized for the duration of the J-1 principal alien's authorized stay as indicated on Form I-94 or a period of four

years, whichever is shorter. The employment authorization is valid only if the J-1 is maintaining status. Where a J-2 spouse or dependent child has filed a timely application for extension of stay, only upon approval of the request for extension of stay may he or she apply for a renewal of the employment authorization on a Form I-765 with the required fee.

(vi) Extension of duration of status. The Commissioner may, by notice in the FEDERAL REGISTER, at any time she determines that the H-1B numerical limitation as described in section 214(g)(1)(A) of the Act will likely be reached prior to the end of a current fiscal year, extend for such a period of time as the Commissioner deems necessary to complete the adjudication of the H-1B application, the duration of status of any J-1 alien on behalf of whom an employer has timely filed an application for change of status to H-1B. The alien, in accordance with 8 CFR part 248, must not have violated the terms of his or her nonimmigrant stay and is not subject to the 2-year foreign residence requirement at 212(e) of the Act. Any J-1 student whose duration of status has been extended shall be considered to be maintaining lawful nonimmigrant status for all purposes under the Act, provided that the alien does not violate the terms and conditions of his or her J nonimmigrant stay. An extension made under this paragraph also applies to the J-2 dependent aliens.

(vii) Use of SEVIS. At a date to be established by the Department of State, the use of the Student and Exchange Visitor Information System (SEVIS) will become mandatory for designated program sponsors. After that date, which will be announced by publication in the FEDERAL REGISTER, all designated

program sponsors must begin issuance of the SEVIS Form DS-2019.

(viii) Current name and address. A J-1 exchange visitor must inform the Service and the responsible officer of the

exchange visitor program of any legal changes to his or her name or of any change of address, within 10 days of the change, in a manner prescribed by the program sponsor. A J-1 exchange visitor enrolled in a SEVIS program can satisfy the requirement in 8 CFR 265.1 of notifying the Service by providing a notice of a change of address within 10 days to the responsible officer, who in turn shall enter the information in SEVIS within 21 days of notification by the exchange visitor. A J-1 exchange visitor enrolled at a non-SEVIS program must submit a change of address to the Service, as provided in 8 CFR 265.1, within 10 days of the change. Except in the case of an exchange visitor who cannot receive mail where he or she resides, the address provided by the exchange visitor must be the actual physical location where the exchange visitor resides rather than a mailing address. In cases where an exchange visitor provides a mailing address, the exchange visitor program must maintain a record of, and must provide upon request from the Service, the actual physical location where the exchange visitor resides.

(2) Special reporting requirement. Each exchange alien participating in a program of graduate medical education or training shall file Form I-644 (Supplementary Statement for Graduate Medical Trainees) annually with the Service attesting to the conditions as specified on the form. The exchange alien

VerDate Jan<31>2003 11:55 Mar 17, 2003 Jkt 200025 PO 00000 Frm 00331 Fmt 8010 Sfmt 8010 Y:\SGML\200025T.XXX 200025T 332

§ 214.2 8 CFR Ch. I (1-1-03 Edition) shall also submit Form I-644 as an attachment to a completed Form DS-2019 when applying for an extension of stay.

(3) Alien in cancelled programs. When the approval of an exchange visitor program is withdrawn by the Director of the United States Information Agency, the district director shall send a notice of the withdrawal to each participant in the program and a copy of each such notice shall be sent to the program sponsor. If the exchange visitor

is currently engaged in activities authorized by the cancelled program, the participant is authorized to remain in the United States to engage in those activities until expiration of the period of stay previously authorized. The district director shall notify participants in cancelled programs that permission to remain in the United States as an exchange visitor, or extension of stay may be obtained if the participant is accepted in another approved program and a Form DS-2019, executed by the new program sponsor, is submitted. In this case, a release from the sponsor of the cancelled program will not be required.

(4) Eligibility requirements for section 101(a)(15)(J) classification for aliens desiring to participate in programs under which they will receive graduate medical education or training—(i) Requirements. Any alien coming to the United States as an exchange visitor to participate in a program under which the alien will receive graduate medical education or training, or any alien seeking to change nonimmigrant status to that of an exchange visitor on Form I-506 for that purpose, must have passed parts of I and II of the National Board of Medical Examiners Examination (or an equivalent examination as determined by the Secretary of Health and Human Services), and must be competent in oral and written English, and shall submit a completely executed and valid Form DS-2019.

(ii) Exemptions. From January 10, 1978 until December 31, 1983, any alien who has come to or seeks to come to the United States as an exchange visitor to participate in an accredited program of graduate medical education or training, or any alien who seeks to change nonimmigrant status for that purpose, may be admitted to participate in such program without regard to the requirements stated in subparagraphs (A) and (B)(ii)(I) of section 212(j)(1) of the Act if a substantial disruption in the health services provided by such program would result from not permitting the alien to participate in the program: Provided that the exemption will not

increase the total number of aliens then participating in such programs to a level greater than that participating on January 10, 1978.

(k) Spouses, Fiance´es, and Fiance´s of United States Citizens.—(1) Petition and supporting documents. To be classified as a fiance or fiancee as defined in section 101(a)(15)(K)(i) of the Act, an alien must be the beneficiary of an approved visa petition filed on Form I–129F. The petition with supporting documents shall be filed by the petitioner with the director having administrative jurisdiction over the place where the petitioner is residing in the United States.

A copy of a document submitted in support of a visa petition filed pursuant to section 214(d) of the Act and this paragraph may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney, typed or rubber-stamped, in the language set forth in § 204.2(j) of this chapter. However, the original document shall be submitted if requested by the Service.

(2) Requirement that petitioner and K–1 beneficiary have met. The petitioner shall establish to the satisfaction of the director that the petitioner and K–1 beneficiary have met in person within the two years immediately preceding the filing of the petition. As a matter of discretion, the director may exempt the petitioner from this requirement only if it is established that compliance would result in extreme hardship to the petitioner or that compliance would violate strict and long-established customs of the K–1 beneficiary’s foreign culture or social practice, as where marriages are traditionally arranged by the parents of the contracting parties and the prospective bride and groom are prohibited from meeting subsequent to the arrangement and prior to the wedding day. In addition to establishing that the required meeting would be a violation of custom or practice, the petitioner

(m) Students in established vocational or other recognized nonacademic institutions, other than in language training

programs—(1) Admission of student. (i) Eligibility for admission. A nonimmigrant student may be admitted into the United States in nonimmigrant status under section

101(a)(15)(M) of the Act, if:

(A) The student presents a SEVIS Form I–20 issued in his or her own name by a school approved by the Service for attendance by M–1 foreign students. (In the alternative, for a student

seeking admission prior to August 1, 2003, the student may present a currently-valid Form I–20M–N/I–20ID, if that form was issued by the school prior to January 30, 2003);

(B) The student has documentary evidence of financial support in the amount indicated on the SEVIS Form I–20 (or the Form I–20M–N/I–20ID); and (C) For students seeking initial admission only, the student intends to attend the school specified in the student’s visa (or, where the student is exempt from the requirement for a visa, the school indicated on the SEVIS Form I–20 (or the Form I–20M–N/I–20ID)).

(ii) Disposition of Form I–20M–N. When a student is admitted to the United States, the inspecting officer shall forward Form I–20M–N to the Service’s processing center. The processing center shall forward Form I–20N to the school which issued the form to notify the school of the student’s admission.

(iii) Use of SEVIS. On January 30, 2003, the use of the Student and Exchange Visitor Information System

(SEVIS) will become mandatory for the issuance of any new Form I–20. A student or dependent who presents a non-SEVIS Form I–20 issued on or after January 30, 2003, will not be accepted for admission to the United States.

Non-SEVIS Forms I–20 issued prior to January 30, 2003, will continue to be accepted

for admission to the United States until August 1, 2003. However, schools must issue a SEVIS Form I–20 to any current student requiring a reportable action (e.g., extension of status, practical training, and requests for employment authorization) or a new

Form I-20, or for any aliens who must obtain a new nonimmigrant student visa. As of August 1, 2003, the records of all current or continuing students must be entered in SEVIS.

(2) Form I-20 ID copy. The first time an M-1 student comes into contact with the Service for any reason, the student must present to the Service a Form I-20M-N properly and completely filled out by the student and by the designated official of the school the student is attending or intends to attend. The student will be issued a Form I-20 ID copy with his or her admission number. The student must have the Form I-20 ID copy with him or her at all times. If the student loses the Form I-20 ID copy, the student must request a new Form I-20 ID copy on Form I-102 from the Service office having jurisdiction over the school the student was last authorized to attend.

(3) Admission of the spouse and minor children of an M-1 student. The spouse and minor children accompanying an M-1 student are eligible for admission in M-2 status if the student is admitted in M-1 status. The spouse and minor children following-to-join an M-1 student are eligible for admission to the United States in M-2 status if they are able to demonstrate that the M-1 student has been admitted and is, or will be within 30 days, enrolled in a full course of study, or engaged in approved practical training following completion of studies. In either case, at the time they seek admission, the eligible spouse and minor children of an M-1 student with a SEVIS Form I-20 must individually present an original SEVIS Form I-20 issued in the name of each M-2 dependent issued by a school authorized by the Service for attendance by M-1 foreign students. Prior to August 1, 2003, if exigent circumstances are demonstrated, the Service will allow the dependent of an M-1 student in possession of a SEVIS Form I-20 to enter the United States using a copy of the M-1 student's SEVIS Form I-20. (In the alternative, for dependents seeking admission to the United States prior to August 1, 2003, a copy of the M-1 student's

current Form I-20ID issued prior to January 30, 2003, with proper endorsement by the DSO will satisfy this requirement.) A new SEVIS Form I-20 VerDate Jan<31>2003 11:55 Mar 17, 2003 Jkt 200025 PO 00000 Frm 00345 Fmt 8010 Sfmt 8010 Y:\SGML\200025T.XXX 200025T

346
§ 214.2 8 CFR Ch. I (1-1-03 Edition)
(or Form I-20M-N) is required for a dependent where there has been any substantive change in the M-1 student's current information.

(i) A properly endorsed page 4 of Form I-20M-N if there has been no substantive

change in the information on the student's most recent Form I-20M since the form was initially issued; or
(ii) A new Form I-20M-N if there has been any substantive change in the information

on the student's most recent Form I-20M since the form was initially issued.

(4) Temporary absence—(i) General. An M-1 student returning to the United States from a temporary absence to attend the school which the student was previously authorized to attend must present either—

(A) A properly endorsed page 4 of Form I-20M-N if there has been no substantive change in the information on the student's most recent Form I-20M since the form was initially issued; or
(B) A new Form I-20M-N if there has been any substantive change in the information on the student's most recent Form I-20M since the form was initially issued.

(ii) Student who transferred between schools. If an M-1 student has been authorized to transfer between schools and is returning to the United States from a temporary absence in order to attend the school to which transfer was authorized as indicated on the student's Form I-20 ID copy, the name of

the school to which the student is destined does not need to be specified in the student's visa.

(5) Period of stay. A student in M nonimmigrant status is admitted for a fixed time period, which is the period necessary to complete the course of study indicated on the Form I-20, plus practical training following completion of the course of study, plus an additional 30 days to depart the United States, but not to exceed a total period of one year. An M-1 student may be admitted for a period up to 30 days before the report date or start date of the course of study listed on the Form I-20. An M-1 student who fails to maintain a full course of study or otherwise fails to maintain status is not eligible for the additional 30-day period of stay.

(6)–(8) [Reserved]

(9) Full course of study. Successful completion of the course of study must lead to the attainment of a specific educational or vocational objective. A “full course of study” as required by section 101(a)(15)(M)(i) of the Act means—

(i) Study at a community college or junior college, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter-hour systems, where all students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full-time for other administrative purposes, or its equivalent (as determined by the district director) except when the student needs a lesser course load to complete the course of study during the current term;

(ii) Study at a postsecondary vocational or business school, other than in a language training program except as provided in § 214.3(a)(2)(iv), which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning which are either: (1) A school (or school system) owned and operated as a

public educational institution by the United States or a State or political subdivision thereof; or (2) a school accredited by a nationally recognized accrediting body; and which has been certified by a designated school official to consist of at least twelve hours of instruction a week, or its equivalent as determined by the district director;

(iii) Study in a vocational or other nonacademic curriculum, other than in a language training program except as provided in § 214.3(a)(2)(iv), certified by a designated school official to consist of at least eighteen clock hours of attendance a week if the dominant part of the course of study consists of classroom instruction, or at least twentytwo clock hours a week if the dominant part of the course of study consists of shop or laboratory work; or

(iv) Study in a vocational or other nonacademic high school curriculum, certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

(v) On-line courses/distance education programs. No on-line or distance education classes may be considered to count toward an M-1 student's full course of study requirement if such classes do not require the student's physical attendance for classes, examination or other purposes integral to completion of the class. An on-line or distance education course is a course that is offered principally through the use of television, audio, or computer transmission including open broadcast, closed circuit, cable, microwave, or satellite, audio conferencing, or computer conferencing.

(vi) Reduced course load. The designated school official may authorize an M-1 student to engage in less than a full course of study only where the student has been compelled by illness or a medical condition that has been documented by a licensed medical doctor, doctor of osteopathy, or licensed clinical psychologist, to interrupt or reduce his or her course of study. A DSO may not authorize a reduced course load for more than an aggregate of 5 months per course of study. An M-1 student previously authorized to drop below a full course of study due to illness or medical condition for an aggregate of 5 months, may not be authorized by the DSO to reduce his or her course load on subsequent occasions during his or her particular course of study.

(A) Non-SEVIS schools. A DSO must report any student who has been authorized by the DSO to carry a reduced course load. Within 21 days of the authorization, the DSO must send a photocopy of the student's Form I-20 to the Service's data processing center indicating the date that authorization was granted. The DSO must also report to the Service's data processing center when the student has resumed a full course of study, no more than 21 days from the date the student resumed a full course of study. In this case, the DSO must submit a photocopy of the student's Form I-20 indicating the date that a full course of study was resumed, with a new program end date.

(B) SEVIS reporting. In order for a student to be authorized to drop below a full course of study, the DSO must update SEVIS prior to the student reducing his or her course load. The DSO must update SEVIS with the date, reason for authorization, and the start date of the next term or session. The DSO must also notify SEVIS within 21 days of the student's commencement of a full course of study.

(10) Extension of stay. (i) Eligibility. The cumulative time of extensions that can be granted to an M-1 student is limited to a period of 3 years from the M-1 student's original start date, plus

30 days. No extension can be granted to an M-1 student if the M-1 student is unable to complete the course of study within 3 years of the original program start date. This limit includes extensions that have been granted due to a drop below full course of study, a transfer of schools, or reinstatement.

An M-1 student may be granted an extension

of stay if it is established that:

(A) He or she is a bona fide nonimmigrant currently maintaining student status;

(B) Compelling educational or medical reasons have resulted in a delay to his or her course of study. Delays caused by academic probation or suspension

are not acceptable reasons for program extension; and

(C) He or she is able to, and in good faith intends to, continue to maintain that status for the period for which the extension is granted.

(ii) Application. A student must apply to the Service for an extension on Form I-539, Application to Extend/Change Nonimmigrant Status. A student's M-2 spouse and children seeking an extension of stay must be included in the application. The student must submit the application to the service center having jurisdiction over the school the student is currently authorized to attend, at least 15 days but not more than 60 days before the program end date on the student's Form I-20. The application must also be accompanied by the student's Form I-20 and the Forms I-94 of the student's spouse and children, if applicable.

(iii) Period of stay. If an application for extension is granted, the student and the student's spouse and children, VerDate Jan<31>2003 11:55 Mar 17, 2003 Jkt 200025 PO 00000 Frm 00347 Fmt 8010 Sfmt 8010 Y:\SGML\200025T.XXX 200025T

348

§ 214.2 8 CFR Ch. I (1-1-03 Edition) if applicable, are to be given an extension of stay for the period of time necessary to complete the course of study, plus 30 days within which to depart

from the United States, or for a total period of one year, whichever is less. A student's M-2 spouse and children are not eligible for an extension unless the M-1 student is granted an extension of stay, or for a longer period than is granted to the M-1 student.

(iv) SEVIS update. A DSO must update SEVIS to recommend that a student be approved for an extension of stay. The SEVIS Form I-20 must be printed with the recommendation and new program end date for submission by mail to the service center, with Form I-539, and Forms I-94 if applicable.

(11) School transfer—(i) Eligibility. An M-1 student may not transfer to another school after six months from the date the student is first admitted as, or changes nonimmigrant classification to that of, an M-1 student unless the student is unable to remain at the school to which the student was initially admitted due to circumstances beyond the student's control. An M-1 student may be otherwise eligible to transfer to another school if the student—

- (A) Is a bona fide nonimmigrant;
- (B) Has been pursuing a full course of study at the school the student was last authorized to attend;
- (C) Intends to pursue a full course of study at the school to which the student intends to transfer; and
- (D) Is financially able to attend the school to which the student intends to transfer.

(ii) Procedure. A student must apply to the Service on Form I-539 for permission to transfer between schools. Upon application for school transfer, a student may effect the transfer subject to approval of the application. A student who transfers without complying with this requirement or whose application is denied after transfer pursuant to this regulation is considered to be out of status. If the application is approved, the approval of the transfer will be determined to be the program start date listed on the Form I-20, and the student will be granted an extension of stay for the period of time necessary to complete the new course of study plus 30 days, or for a total period

of one year, whichever is less.

(A) Non-SEVIS school. The application must be accompanied by the Form I-20ID copy and the Form I-94 of the student's spouse and children, if applicable. The Form I-539 must also be accompanied by Form I-20M-N properly and completely filled out by the student and by the designated official of the school which the student wishes to attend. The student must submit the application for school transfer to the service center having jurisdiction over the school the student is currently authorized to attend. Upon approval, the adjudicating officer will endorse the name of the school to which the transfer is authorized on the student's Form I-20ID copy and return it to the student. The officer will also endorse Form I-20M-N to indicate that a school transfer has been authorized and forward it to the Service's processing center for updating. The processing center will forward Form I-20M-N to the school to which the transfer has been authorized to notify the school of the action taken.

(B) SEVIS school. The student must first notify his or her current school of the intent to transfer and indicate the school to which the student intends to transfer. Upon notification by the student, the current school must update SEVIS to show the student as a "transfer out" and input the "release date" for transfer. Once updated as a "transfer out" the transfer school is permitted to generate a SEVIS Form I-20 for transfer but will not gain access to the student's SEVIS record until the release date is reached. Upon receipt of the SEVIS Form I-20 from the transfer school, the student must submit Form I-539 in accordance with § 214.2(m)(11) to the service center with jurisdiction over the current school. The student may enroll in the transfer school at the next available term or session and is required to notify the DSO of the transfer school immediately upon beginning attendance. The transfer

school must update the student's registration record in SEVIS in accordance with § 214.3(g)(3). Upon approval of the transfer application, the Service officer will endorse the name of the

VerDate Jan<31>2003 11:55 Mar 17, 2003 Jkt 200025 PO 00000 Frm 00348 Fmt 8010 Sfmt 8010 Y:\SGML\200025T.XXX 200025T 349
Immigration and Naturalization Service, Justice § 214.2

school to which the transfer is authorized on the student's SEVIS Form I-20 and return it to the student.

(C) Transition process. Once SEVIS is fully operational and interfaced with the service center benefit processing system, the Service officer will transmit the approval of the transfer to SEVIS and endorse the name of the school to which transfer is authorized on the student's SEVIS Form I-20 and return it to the student. As part of a transitional process until that time, the student is required to notify the DSO at the transfer school of the decision of the Service within 15 days of the receipt of the adjudication by the Service. Upon notification by the student of the approval of the Service, the DSO must immediately update SEVIS to show that approval of the transfer has been granted. The DSO must then print an updated SEVIS Form I-20 for the student indicating that the transfer has been completed. If the application for transfer is denied, the student is out of status and the DSO must terminate the student's record in SEVIS.

(iii) Student who has not been pursuing a full course of study. If an M-1 student who has not been pursuing a full course of study at the school the student was last authorized to attend desires to attend a different school, the student must apply for reinstatement to student status under paragraph (m)(16) of this section.

(12) Change in educational objective. An M-1 student may not change educational objective.

(13) Employment. Except as provided in paragraph (m)(14) of this section, a student may not accept employment.

(14) Practical training—(i) When practical

training may be authorized. Temporary employment for practical training may be authorized only after completion of the student's course of study.

(A) The proposed employment is recommended for the purpose of practical training;

(B) The proposed employment is related to the student's course of study; and

(C) Upon the designated school official's information and belief, employment comparable to the proposed employment is not available to the student in the country of the student's foreign residence.

(ii) Application. A M-1 student must apply for permission to accept employment for practical training on Form I-765, with fee as contained in 8 CFR 103.7(b)(1), accompanied by a Form I-20 that has been endorsed for practical training by the designated school official. The application must be submitted prior to the program end date listed on the student's Form I-20 but not more than 90 days before the program end date. The designated school official must certify on Form I-538 that—

(A) The proposed employment is recommended for the purpose of practical training;

(B) The proposed employment is related to the student's course of study; and

(C) Upon the designated school official's information and belief, employment comparable to the proposed employment is not available to the student in the country of the student's foreign residence.

(iii) Duration of practical training. When the student is authorized to engage in employment for practical training, he or she will be issued an employment authorization document. The M-1 student may not begin employment until he or she has been issued an employment authorization document by the Service. One month of

employment authorization will be granted for each four months of fulltime study that the M-1 student has completed. However, an M-1 student may not engage in more than six months of practical training in the aggregate. The student will not be granted employment authorization if he or she cannot complete the requested practical training within six months.

(iv) Temporary absence of M-1 student granted practical training. An M-1 student who has been granted permission to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period indicated on the student's Form I-20 ID copy. The student must be returning to the United States to perform the authorized practical training. A student may not be readmitted to begin practical training which was not authorized prior to the student's departure from the United States.

(v) Effect of strike or other labor dispute. Authorization for all employment for practical training is automatically suspended upon certification by the Secretary of Labor or the Secretary's designee to the Commissioner of Immigration and Naturalization or the Commissioner's designee that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation at the place of employment. As used in this paragraph, "place of employment" means wherever the employer or joint employer does business.

(vi) SEVIS process. The DSO must update the student's record in SEVIS to recommend that the Service approve the student for practical training, and print SEVIS Form I-20 with the recommendation,

for the student to submit to the Service with Form I-765 as provided in this paragraph (m)(14).

(15) Decision on application for extension,

permission to transfer to another school, or permission to accept employment for practical training. The Service shall notify the applicant of the decision and, if the application is denied, of the reason(s) for the denial. The applicant may not appeal the decision.

(16) Reinstatement to student status. (i) General. A district director may consider reinstating a student who makes a request for reinstatement on Form I-539, Application to Extend/Change Nonimmigrant Status, accompanied by a properly completed SEVIS Form I-20 indicating the DSO's recommendation for reinstatement (or a properly completed Form I-20M-N issued prior to January 30, 2003, from the school the student is attending or intends to attend prior to August 1, 2003). The district director may consider granting the request only if the student:

(A) Has not been out of status for more than 5 months at the time of filing the request for reinstatement (or demonstrates that the failure to file within the 5 month period was the result of exceptional circumstances and that the student filed the request for reinstatement as promptly as possible under these exceptional circumstances);

(B) Does not have a record of repeated or willful violations of the Service regulations;

(C) Is currently pursuing, or intends to pursue, a full course of study at the school which issued the Form I-20M-N or SEVIS Form I-20;

(D) Has not engaged in unlawful employment;

(E) Is not deportable on any ground other than section 237(a)(1)(B) or (C)(i) of the Act; and

(F) Establishes to the satisfaction of the Service, by a detailed showing, either that:

(1) The violation of status resulted from circumstances beyond the student's control. Such circumstances might include serious injury or illness, closure of the institution, a natural disaster, or inadvertence, oversight or neglect on the part of the DSO, but do not include instances where a pattern

of repeated violations or where a willful failure on the part of the student resulted in the need for reinstatement; or

(2) The violation relates to a reduction in the student's course load that would have been within a DSO's power to authorize, and that failure to approve reinstatement would result in extreme hardship to the student.

(ii) Decision. If the Service reinstates the student, the Service shall endorse the student's copy of Form I-20 to indicate that the student has been reinstated and return the form to the student.

If the Form I-20 is from a non-SEVIS school, the school copy will be forwarded to the school. If the Form I-20 is from a SEVIS school, the adjudicating officer will update SEVIS to reflect the Service's decision. In either case, if the Service does not reinstate the student, the student may not appeal the decision. The district director will send notification to the school of the decision.

(17) Spouse and children of M-1 student. The M-2 spouse and minor children of an M-1 student shall each be issued an individual SEVIS Form I-20 in accordance with the provisions of § 214.3(k).

(i) Employment. The M-2 spouse and children may not accept employment.
VerDate Jan<31>2003 11:55 Mar 17, 2003 Jkt
200025 PO 00000 Frm 00350 Fmt 8010 Sfmt
8010 Y:\SGML\200025T.XXX 200025T
351

Immigration and Naturalization Service, Justice §
214.2

(ii) Study. (A) The M-2 spouse may not engage in full time study, and the M-2 child may only engage in full time study if the study is in an elementary or secondary school (kindergarten through twelfth grade). The M-2 spouse and child may engage in study that is avocational or recreational in nature.

(B) An M-2 spouse or M-2 child desiring to engage in full time study, other than that allowed for a child in paragraph (m)(17)(ii) of this section, must apply for and obtain a change of nonimmigrant classification to F-1, J-1, or M-1 status. An M-2 spouse or child who

was enrolled on a full time basis prior to January 1, 2003, will be allowed to continue study but must file for a change of nonimmigrant classification to F-1, J-1, or M-1 status on or before March 11, 2003.

(C) An M-2 spouse or M-2 child violates his or her nonimmigrant status by engaging in full time study except as provided in paragraph (m)(17)(i) and (ii) of this section.

(18) Current name and address. A student must inform the Service and the DSO of any legal changes to his or her name or of any change of address, within 10 days of the change, in a manner prescribed by the school. A student enrolled at a SEVIS school can satisfy the requirement in 8 CFR 265.1 of notifying the Service by providing a notice of a change of address within 10 days to the DSO, and the DSO in turn shall enter the information in SEVIS within 21 days of notification by the student. A nonimmigrant student enrolled at a non-SEVIS institution must submit a notice of change of address to the Service, as provided in 8 CFR 265.1, within 10 days of the change. Except in the case of a student who cannot receive mail where he or she resides, the address provided by the student must be the actual physical location where the student resides rather than a mailing address. In cases where a student provides a mailing address, the school must maintain a record of, and must provide upon request from the Service, the actual physical location where the student resides.

(19) Special rules for certain border commuter students—(i) Applicability. For purposes of the special rules in this paragraph (m)(19), the term “border commuter student” means a national of Canada or Mexico who is admitted to the United States as an M-1 student to enroll in a full course of study, albeit on a part-time basis, in an approved school located within 75 miles of a United States land border. The border commuter student must maintain actual residence and place of abode in the

student's country of nationality, and seek admission to the United States at a land border port-of-entry. These special rules do not apply to a national of Canada or Mexico who is:

(A) Residing in the United States while attending an approved school as an M-1 student, or

(B) Enrolled in a full course of study as defined in paragraph (m)(9) of this section.

(ii) Full course of study. The border commuter student must be enrolled in a full course of study at the school that leads to the attainment of a specific educational or vocational objective, albeit on a part-time basis. A designated school official at the school may authorize an eligible border commuter student to enroll in a course load below that otherwise required for a full course of study under paragraph (m)(9) of this section, provided that the reduced course load is consistent with the border commuter student's approved course of study.

(iii) Period of stay. An M-1 border commuter student is not entitled to an additional 30-day period of stay otherwise available under paragraph (m)(5) of this section.

(iv) Employment. A border commuter student may not be authorized to accept any employment in connection with his or her M-1 student status, except for practical training as provided in paragraph (m)(14) of this section.

(n) Certain parents and children of section 101(a)(27)(I) special immigrants—(1)

Parent of special immigrant. Upon application, a parent of a child accorded special immigrant status under section 101(a)(27)(I)(i) of the Act may be granted status under section 101(a)(15)(N)(i) of the Act as long as the permanent resident child through whom eligibility is derived remains a child as defined in section 101(b)(1) of the Act.

(2) Child of section 101(a)(27)(I) special immigrants and section 101(a)(15)(N)(i)

(m) Students in established vocational or other recognized nonacademic institutions, other than in language training programs—(1) Admission of student. (i) Eligibility for admission. A nonimmigrant

student may be admitted into the United States in nonimmigrant status under section

101(a)(15)(M) of the Act, if:

(A) The student presents a SEVIS Form I-20 issued in his or her own name by a school approved by the Service for attendance by M-1 foreign students.

(In the alternative, for a student seeking admission prior to August 1, 2003, the student may present a currently-valid Form I-20M-N/I-20ID, if that form was issued by the school prior to January 30, 2003);

(B) The student has documentary evidence of financial support in the amount indicated on the SEVIS Form I-20 (or the Form I-20M-N/I-20ID); and
(C) For students seeking initial admission only, the student intends to attend the school specified in the student's visa (or, where the student is exempt from the requirement for a visa, the school indicated on the SEVIS Form I-20 (or the Form I-20M-N/I-20ID)).

(ii) Disposition of Form I-20M-N. When a student is admitted to the United States, the inspecting officer shall forward Form I-20M-N to the Service's processing center. The processing center shall forward Form I-20N to the school which issued the form to notify the school of the student's admission.

(iii) Use of SEVIS. On January 30, 2003, the use of the Student and Exchange Visitor Information System (SEVIS) will become mandatory for the issuance of any new Form I-20. A student or dependent who presents a non-SEVIS Form I-20 issued on or after January 30, 2003, will not be accepted for admission to the United States. Non-SEVIS Forms I-20 issued prior to January 30, 2003, will continue to be accepted

for admission to the United States until August 1, 2003. However, schools must issue a SEVIS Form I-20 to any current student requiring a reportable action (e.g., extension of status, practical training, and requests for employment authorization) or a new Form I-20, or for any aliens who must obtain a new nonimmigrant student

visa. As of August 1, 2003, the records of all current or continuing students must be entered in SEVIS.

(2) Form I-20 ID copy. The first time an M-1 student comes into contact with the Service for any reason, the student must present to the Service a Form I-20M-N properly and completely filled out by the student and by the designated official of the school the student is attending or intends to attend. The student will be issued a Form I-20 ID copy with his or her admission number. The student must have the Form I-20 ID copy with him or her at all times. If the student loses the Form I-20 ID copy, the student must request a new Form I-20 ID copy on Form I-102 from the Service office having jurisdiction over the school the student was last authorized to attend.

(3) Admission of the spouse and minor children of an M-1 student. The spouse and minor children accompanying an M-1 student are eligible for admission in M-2 status if the student is admitted in M-1 status. The spouse and minor children following-to-join an M-1 student are eligible for admission to the United States in M-2 status if they are able to demonstrate that the M-1 student has been admitted and is, or will be within 30 days, enrolled in a full course of study, or engaged in approved practical training following completion of studies. In either case, at the time they seek admission, the eligible spouse and minor children of an M-1 student with a SEVIS Form I-20 must individually present an original SEVIS Form I-20 issued in the name of each M-2 dependent issued by a school authorized by the Service for attendance by M-1 foreign students. Prior to August 1, 2003, if exigent circumstances are demonstrated, the Service will allow the dependent of an M-1 student in possession of a SEVIS Form I-20 to enter the United States using a copy of the M-1 student's SEVIS Form I-20. (In the alternative, for dependents seeking admission to the United States prior to August 1, 2003, a copy of the M-1 student's current Form I-20ID issued prior to January 30, 2003, with proper endorsement

by the DSO will satisfy this requirement.) A new SEVIS Form I-20 VerDate Jan<31>2003 11:55 Mar 17, 2003 Jkt 200025 PO 00000 Frm 00345 Fmt 8010 Sfmt 8010 Y:\SGML\200025T.XXX 200025T

346
§ 214.2 8 CFR Ch. I (1-1-03 Edition)
(or Form I-20M-N) is required for a dependent

where there has been any substantive change in the M-1 student's current information.

(i) A properly endorsed page 4 of Form I-20M-N if there has been no substantive change in the information on the student's most recent Form I-20M since the form was initially issued; or
(ii) A new Form I-20M-N if there has been any substantive change in the information on the student's most recent Form I-20M since the form was initially issued.

(4) Temporary absence—(i) General. An M-1 student returning to the United States from a temporary absence to attend the school which the student was previously authorized to attend must present either—

(A) A properly endorsed page 4 of Form I-20M-N if there has been no substantive change in the information on the student's most recent Form I-20M since the form was initially issued; or
(B) A new Form I-20M-N if there has been any substantive change in the information on the student's most recent Form I-20M since the form was initially issued.

(ii) Student who transferred between schools. If an M-1 student has been authorized to transfer between schools and is returning to the United States from a temporary absence in order to attend the school to which transfer was authorized as indicated on the student's Form I-20 ID copy, the name of the school to which the student is destined does not need to be specified in the student's visa.

(5) Period of stay. A student in M nonimmigrant status is admitted for a fixed time period, which is the period necessary to complete the course of study indicated on the Form I-20, plus practical training following completion of the course of study, plus an additional 30 days to depart the United States, but not to exceed a total period of one year. An M-1 student may be admitted for a period up to 30 days before the report date or start date of the course of study listed on the Form I-20. An M-1 student who fails to maintain a full course of study or otherwise fails to maintain status is not eligible for the additional 30-day period of stay.

(6)–(8) [Reserved]

(9) Full course of study. Successful completion of the course of study must lead to the attainment of a specific educational or vocational objective. A “full course of study” as required by section 101(a)(15)(M)(i) of the Act means—

(i) Study at a community college or junior college, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter-hour systems, where all students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full-time for other administrative purposes, or its equivalent (as determined by the district director) except when the student needs a lesser course load to complete the course of study during the current term;

(ii) Study at a postsecondary vocational or business school, other than in a language training program except as provided in § 214.3(a)(2)(iv), which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning which are either: (1) A school (or school system) owned and operated as a public educational institution by the United States or a State or political subdivision thereof; or (2) a school accredited

by a nationally recognized accrediting body; and which has been certified by a designated school official to consist of at least twelve hours of instruction

a week, or its equivalent as determined by the district director;

(iii) Study in a vocational or other nonacademic curriculum, other than in a language training program except as provided in § 214.3(a)(2)(iv), certified by a designated school official to consist of at least eighteen clock hours of attendance

a week if the dominant part of the course of study consists of classroom instruction, or at least twentytwo clock hours a week if the dominant part of the course of study consists of shop or laboratory work; or

(iv) Study in a vocational or other nonacademic high school curriculum, certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

VerDate Jan<31>2003 11:55 Mar 17, 2003
Jkt 200025 PO 00000 Frm 00346 Fmt 8010
Sfmt 8010 Y:\SGML\200025T.XXX
200025T
347

Immigration and Naturalization Service,
Justice § 214.2

less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

(v) On-line courses/distance education programs. No on-line or distance education classes may be considered to count toward an M-1 student’s full course of study requirement if such classes do not require the student’s physical attendance for classes, examination

or other purposes integral to completion of the class. An on-line or distance education course is a course that is offered principally through the use of television, audio, or computer transmission including open broadcast, closed circuit, cable, microwave, or satellite, audio conferencing, or computer conferencing.

(vi) Reduced course load. The designated school official may authorize an M-1 student to engage in less than a full course of study only where the student

has been compelled by illness or a medical condition that has been documented by a licensed medical doctor, doctor of osteopathy, or licensed clinical psychologist, to interrupt or reduce his or her course of study. A DSO may not authorize a reduced course load for more than an aggregate of 5 months per course of study. An M-1 student previously authorized to drop below a full course of study due to illness or medical condition for an aggregate of 5 months, may not be authorized by the DSO to reduce his or her course load on subsequent occasions during his or her particular course of study.

(A) Non-SEVIS schools. A DSO must report any student who has been authorized by the DSO to carry a reduced course load. Within 21 days of the authorization, the DSO must send a photocopy of the student's Form I-20 to the Service's data processing center indicating the date that authorization was granted. The DSO must also report to the Service's data processing center when the student has resumed a full course of study, no more than 21 days from the date the student resumed a full course of study. In this case, the DSO must submit a photocopy of the student's Form I-20 indicating the date that a full course of study was resumed, with a new program end date.

(B) SEVIS reporting. In order for a student to be authorized to drop below a full course of study, the DSO must update SEVIS prior to the student reducing his or her course load. The DSO must update SEVIS with the date, reason for authorization, and the start date of the next term or session. The DSO must also notify SEVIS within 21 days of the student's commencement of a full course of study.

(10) Extension of stay. (i) Eligibility. The cumulative time of extensions that can be granted to an M-1 student is limited to a period of 3 years from the M-1 student's original start date, plus 30 days. No extension can be granted to an M-1 student if the M-1 student is unable to complete the course of study within 3 years of the original program

start date. This limit includes extensions that have been granted due to a drop below full course of study, a transfer of schools, or reinstatement.

An M-1 student may be granted an extension

of stay if it is established that:

(A) He or she is a bona fide nonimmigrant currently maintaining student status;

(B) Compelling educational or medical reasons have resulted in a delay to his or her course of study. Delays caused by academic probation or suspension

are not acceptable reasons for program extension; and

(C) He or she is able to, and in good faith intends to, continue to maintain that status for the period for which the extension is granted.

(ii) Application. A student must apply to the Service for an extension on Form I-539, Application to Extend/Change Nonimmigrant Status. A student's M-2 spouse and children seeking an extension of stay must be included in the application. The student must submit the application to the service center having jurisdiction over the school the student is currently authorized to attend, at least 15 days but not more than 60 days before the program end date on the student's Form I-20. The application must also be accompanied by the student's Form I-20 and the Forms I-94 of the student's spouse and children, if applicable.

(iii) Period of stay. If an application for extension is granted, the student and the student's spouse and children, VerDate Jan<31>2003 11:55 Mar 17, 2003 Jkt 200025 PO 00000 Frm 00347 Fmt 8010 Sfmt 8010 Y:\SGML\200025T.XXX 200025T

348

§ 214.2 8 CFR Ch. I (1-1-03 Edition) if applicable, are to be given an extension of stay for the period of time necessary to complete the course of study, plus 30 days within which to depart from the United States, or for a total period of one year, whichever is less. A student's M-2 spouse and children are not eligible for an extension unless the

M-1 student is granted an extension of stay, or for a longer period than is granted to the M-1 student.

(iv) SEVIS update. A DSO must update SEVIS to recommend that a student be approved for an extension of stay. The SEVIS Form I-20 must be printed with the recommendation and new program end date for submission by mail to the service center, with Form I-539, and Forms I-94 if applicable.

(11) School transfer—(i) Eligibility. An M-1 student may not transfer to another school after six months from the date the student is first admitted as, or changes nonimmigrant classification to that of, an M-1 student unless the student is unable to remain at the school to which the student was initially admitted due to circumstances beyond the student's control. An M-1 student may be otherwise eligible to transfer to another school if the student—

- (A) Is a bona fide nonimmigrant;
- (B) Has been pursuing a full course of study at the school the student was last authorized to attend;
- (C) Intends to pursue a full course of study at the school to which the student intends to transfer; and
- (D) Is financially able to attend the school to which the student intends to transfer.

(ii) Procedure. A student must apply to the Service on Form I-539 for permission to transfer between schools.

Upon application for school transfer, a student may effect the transfer subject to approval of the application. A student who transfers without complying with this requirement or whose application is denied after transfer pursuant to this regulation is considered to be out of status. If the application is approved, the approval of the transfer will be determined to be the program start date listed on the Form I-20, and the student will be granted an extension of stay for the period of time necessary to complete the new course of study plus 30 days, or for a total period of one year, whichever is less.

(A) Non-SEVIS school. The application must be accompanied by the Form I-20ID copy and the Form I-94 of the student's

spouse and children, if applicable.

The Form I-539 must also be accompanied by Form I-20M-N properly and completely filled out by the student and by the designated official of the school which the student wishes to attend. The student must submit the application for school transfer to the service center having jurisdiction over the school the student is currently authorized

to attend. Upon approval, the adjudicating officer will endorse the name of the school to which the transfer is authorized on the student's Form I-20ID copy and return it to the student. The officer will also endorse Form I-20M-N to indicate that a school transfer has been authorized and forward it to the Service's processing center for updating. The processing center will forward Form I-20M-N to the school to which the transfer has been authorized to notify the school of the action taken.

(B) SEVIS school. The student must first notify his or her current school of the intent to transfer and indicate the school to which the student intends to transfer. Upon notification by the student, the current school must update SEVIS to show the student as a "transfer out" and input the "release date" for transfer. Once updated as a "transfer out" the transfer school is permitted to generate a SEVIS Form I-20 for transfer but will not gain access to the student's SEVIS record until the release date is reached. Upon receipt of the SEVIS Form I-20 from the transfer school, the student must submit Form I-539 in accordance with § 214.2(m)(11) to the service center with jurisdiction over the current school. The student may enroll in the transfer school at the next available term or session and is required to notify the DSO of the transfer school immediately upon beginning attendance. The transfer school must update the student's registration record in SEVIS in accordance with § 214.3(g)(3). Upon approval of the transfer application, the Service officer will endorse the name of the

Immigration and Naturalization Service, Justice §
214.2

school to which the transfer is authorized
on the student's SEVIS Form I-20
and return it to the student.

(C) Transition process. Once SEVIS is
fully operational and interfaced with
the service center benefit processing
system, the Service officer will transmit
the approval of the transfer to
SEVIS and endorse the name of the
school to which transfer is authorized
on the student's SEVIS Form I-20 and
return it to the student. As part of a
transitional process until that time,
the student is required to notify the
DSO at the transfer school of the decision
of the Service within 15 days of
the receipt of the adjudication by the
Service. Upon notification by the student
of the approval of the Service, the
DSO must immediately update SEVIS
to show that approval of the transfer
has been granted. The DSO must then
print an updated SEVIS Form I-20 for
the student indicating that the transfer
has been completed. If the application
for transfer is denied, the student
is out of status and the DSO must terminate
the student's record in SEVIS.

(iii) Student who has not been pursuing
a full course of study. If an M-1 student
who has not been pursuing a full course
of study at the school the student was
last authorized to attend desires to attend
a different school, the student
must apply for reinstatement to student
status under paragraph (m)(16) of
this section.

(12) Change in educational objective.
An M-1 student may not change educational
objective.

(13) Employment. Except as provided
in paragraph (m)(14) of this section, a
student may not accept employment.

(14) Practical training—(i) When practical
training may be authorized. Temporary
employment for practical training
may be authorized only after completion
of the student's course of
study.

(A) The proposed employment is
recommended
for the purpose of practical
training;

(B) The proposed employment is related
to the student's course of study;
and

(C) Upon the designated school official's
information and belief, employment
comparable to the proposed employment
is not available to the student
in the country of the student's
foreign residence.

(ii) Application. A M-1 student must
apply for permission to accept employment
for practical training on Form I-
765, with fee as contained in 8 CFR
103.7(b)(1), accompanied by a Form I-20
that has been endorsed for practical
training by the designated school official.
The application must be submitted
prior to the program end date
listed on the student's Form I-20 but
not more than 90 days before the program
end date. The designated school
official must certify on Form I-538
that—

(A) The proposed employment is
recommended
for the purpose of practical
training;

(B) The proposed employment is related
to the student's course of study;
and

(C) Upon the designated school official's
information and belief, employment
comparable to the proposed employment
is not available to the student
in the country of the student's
foreign residence.

(iii) Duration of practical training.
When the student is authorized to engage
in employment for practical
training, he or she will be issued an
employment authorization document.
The M-1 student may not begin
employment
until he or she has been
issued an employment authorization
document by the Service. One month of
employment authorization will be
granted for each four months of fulltime
study that the M-1 student has
completed. However, an M-1 student
may not engage in more than six

months of practical training in the aggregate. The student will not be granted employment authorization if he or she cannot complete the requested practical training within six months.

(iv) Temporary absence of M-1 student granted practical training. An M-1 student who has been granted permission to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period indicated on the student's Form I-20 ID copy. The student must be returning to the United States to perform the authorized practical training. VerDate Jan<31>2003 11:55 Mar 17, 2003 Jkt 200025 PO 0000 Frm 00349 Fmt 8010 Sfmt 8010 Y:\SGML\200025T.XXX 200025T 350

§ 214.2 8 CFR Ch. I (1-1-03 Edition) training. A student may not be readmitted to begin practical training which was not authorized prior to the student's departure from the United States.

(v) Effect of strike or other labor dispute. Authorization for all employment for practical training is automatically suspended upon certification by the Secretary of Labor or the Secretary's designee to the Commissioner of Immigration and Naturalization or the Commissioner's designee that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation at the place of employment. As used in this paragraph, "place of employment" means wherever the employer or joint employer does business.

(vi) SEVIS process. The DSO must update the student's record in SEVIS to recommend that the Service approve the student for practical training, and print SEVIS Form I-20 with the recommendation,

for the student to submit to the Service with Form I-765 as provided in this paragraph (m)(14).

(15) Decision on application for extension, permission to transfer to another school, or permission to accept employment for practical training. The Service shall notify the applicant of the decision and, if the application is denied, of

the reason(s) for the denial. The applicant may not appeal the decision.

(16) Reinstatement to student status. (i) General. A district director may consider reinstating a student who makes a request for reinstatement on Form I-539, Application to Extend/Change Nonimmigrant

Status, accompanied by a properly completed SEVIS Form I-20 indicating the DSO's recommendation for reinstatement (or a properly completed Form I-20M-N issued prior to January 30, 2003, from the school the student is attending or intends to attend prior to August 1, 2003). The district director may consider granting the request only if the student:

(A) Has not been out of status for more than 5 months at the time of filing the request for reinstatement (or demonstrates that the failure to file within the 5 month period was the result of exceptional circumstances and that the student filed the request for reinstatement as promptly as possible under these exceptional circumstances);

(B) Does not have a record of repeated or willful violations of the Service regulations;

(C) Is currently pursuing, or intends to pursue, a full course of study at the school which issued the Form I-20M-N or SEVIS Form I-20;

(D) Has not engaged in unlawful employment;

(E) Is not deportable on any ground other than section 237(a)(1)(B) or (C)(i) of the Act; and

(F) Establishes to the satisfaction of the Service, by a detailed showing, either that:

(1) The violation of status resulted from circumstances beyond the student's control. Such circumstances might include serious injury or illness, closure of the institution, a natural disaster, or inadvertence, oversight or neglect on the part of the DSO, but do not include instances where a pattern of repeated violations or where a willful failure on the part of the student resulted in the need for reinstatement; or

(2) The violation relates to a reduction

in the student's course load that would have been within a DSO's power to authorize, and that failure to approve reinstatement would result in extreme hardship to the student.

(ii) Decision. If the Service reinstates the student, the Service shall endorse the student's copy of Form I-20 to indicate that the student has been reinstated and return the form to the student.

If the Form I-20 is from a non-SEVIS school, the school copy will be forwarded to the school. If the Form I-20 is from a SEVIS school, the adjudicating officer will update SEVIS to reflect the Service's decision. In either case, if the Service does not reinstate the student, the student may not appeal the decision. The district director will send notification to the school of the decision.

(17) Spouse and children of M-1 student. The M-2 spouse and minor children of an M-1 student shall each be issued an individual SEVIS Form I-20 in accordance with the provisions of § 214.3(k).

(i) Employment. The M-2 spouse and children may not accept employment.

VerDate Jan<31>2003 11:55 Mar 17, 2003 Jkt 200025 PO 00000 Frm 00350 Fmt 8010 Sfmt 8010 Y:\SGML\200025T.XXX 200025T 351

Immigration and Naturalization Service, Justice § 214.2

(ii) Study. (A) The M-2 spouse may not engage in full time study, and the M-2 child may only engage in full time study if the study is in an elementary or secondary school (kindergarten through twelfth grade). The M-2 spouse and child may engage in study that is avocational or recreational in nature.

(B) An M-2 spouse or M-2 child desiring to engage in full time study, other than that allowed for a child in paragraph (m)(17)(ii) of this section, must apply for and obtain a change of nonimmigrant classification to F-1, J-1, or M-1 status. An M-2 spouse or child who was enrolled on a full time basis prior to January 1, 2003, will be allowed to continue study but must file for a change of nonimmigrant classification to F-1, J-1, or M-1 status on or before

March 11, 2003.

(C) An M-2 spouse or M-2 child violates his or her nonimmigrant status by engaging in full time study except as provided in paragraph (m)(17)(i) and (ii) of this section.

(18) Current name and address. A student must inform the Service and the DSO of any legal changes to his or her name or of any change of address, within 10 days of the change, in a manner prescribed by the school. A student enrolled at a SEVIS school can satisfy the requirement in 8 CFR 265.1 of notifying

the Service by providing a notice of a change of address within 10 days to the DSO, and the DSO in turn shall enter the information in SEVIS within 21 days of notification by the student. A nonimmigrant student enrolled at a non-SEVIS institution must submit a notice of change of address to the Service, as provided in 8 CFR 265.1, within 10 days of the change. Except in the case of a student who cannot receive mail where he or she resides, the address provided by the student must be the actual physical location where the student resides rather than a mailing address. In cases where a student provides a mailing address, the school must maintain a record of, and must provide upon request from the Service, the actual physical location where the student resides.

(19) Special rules for certain border commuter students—(i) Applicability. For purposes of the special rules in this paragraph (m)(19), the term "border commuter student" means a national of Canada or Mexico who is admitted to the United States as an M-1 student to enroll in a full course of study, albeit on a part-time basis, in an approved school located within 75 miles of a United States land border. The border commuter student must maintain actual residence and place of abode in the student's country of nationality, and seek admission to the United States at a land border port-of-entry. These special rules do not apply to a national of Canada or Mexico who is:

(A) Residing in the United States while attending an approved school as an M–1 student, or

(B) Enrolled in a full course of study as defined in paragraph (m)(9) of this section.

(ii) Full course of study. The border commuter student must be enrolled in a full course of study at the school that leads to the attainment of a specific educational or vocational objective, albeit on a part-time basis. A designated school official at the school may authorize an eligible border commuter student to enroll in a course load below that otherwise required for a full course of study under paragraph (m)(9) of this section, provided that the reduced course load is consistent with the border commuter student's approved course of study.

(iii) Period of stay. An M–1 border commuter student is not entitled to an additional 30-day period of stay otherwise available under paragraph (m)(5) of this section.

(iv) Employment. A border commuter student may not be authorized to accept any employment in connection with his or her M–1 student status, except for practical training as provided in paragraph (m)(14) of this section.

(n) Certain parents and children of section 101(a)(27)(I) special immigrants—(1) Parent of special immigrant. Upon application, a parent of a child accorded special immigrant status under section 101(a)(27)(I)(i) of the Act may be granted status under section 101(a)(15)(N)(i) of the Act as long as the permanent resident child through whom eligibility is derived remains a child as defined in section 101(b)(1) of the Act.

(2) Child of section 101(a)(27)(I) special immigrants and section 101(a)(15)(N)(i)