



OFFICE OF INTERNATIONAL
STUDENTS & SCHOLARS

**RECENT ISSUES AFFECTING THE HIRING OF RICE INTERNATIONALS:
RESEARCHERS, STUDENTS, FACULTY & OTHER FOREIGN VISITORS**
September 2, 2003

Prepared for: **Rice Faculty**

Prepared by: **Dr. Adria Baker**, Director, Office of International Students & Scholars (OISS)

Rice University has consistently proven its commitment to the invited international students and scholars. Given the many new challenges facing U.S. universities and colleges (since the attacks of September 11, 2001) when inviting foreign researchers, faculty, students, one-time lecturers/consultants, and other foreign visitors, there are issues of which Rice administration and faculty need to be made aware. However, despite multiple obstacles, Fall 2003 numbers of new international students surprisingly rose from last year (second highest to the record year).

Unprecedented international challenges have emerged due to: 1) the creation of the Department of Homeland Security (DHS), 2) restructuring of the former Immigration & Naturalization Service (INS) into three agencies under the DHS, 3) recent foreign diplomatic problems, 4) multiple and unpredictable national security checks, and 5) the implementation of the foreign student/scholar tracking system called SEVIS (Student & Exchange Visitor Information System). The new reality includes constant changes in laws, implementing and re-evaluating new business practices on a continuous basis, aggressive documentation, excellent communication and cooperation among Rice offices, planning well in advance for foreign visitor offers, and tremendous flexibility by Rice employees and faculty. Update highlights and reminders are listed below:

- **The Office of International Students & Scholars (OISS)** is the office to provide services for all non-immigrants, and processes the visa immigration documents for F (student) and J (Exchange visitor students and scholars). Telephone number: 713-348-6095. Location: A102 Abercrombie Lab. Appointments highly encouraged.
- **Guidelines for hiring and inviting foreign nationals** are on the button “Forms & Procedures” on the OISS website (www.ruf.rice.edu/~ois). Provide required information on the checklists in order to expedite processing of paperwork, i.e. requesting the passport ID page for visitor and all dependents.
- **Plan well in advance** when making offers. Not only does the paperwork have to go through the academic department, the dean’s office, and other offices before arriving to the OISS for processing and clearance, the foreign national has to make an **appointment for an interview at the US Embassy or Consulate** abroad to apply for an entry visa.
- **Delays in visa processing are unpredictable.** National security dictates security clearances and checks for many majors and specific countries. It is virtually impossible to follow-up and know how long the delay will take if the file has a “hit” and is sent to Washington D.C. for a review. There are **two approaches faculty can take** if your field may be considered a security risk, or if your foreign national is coming from a country that is considered a security risk:
 - **If your student is being reviewed already, i.e., in delay** – You can write a letter, in laymen’s terms, describing 1) the kind of research being done, 2) the lab, 3) any other

details to help describe the work that your visitor will be doing, in hopes the information proves it is not of national security concerns. Send the letter to:

1) Senator Edward M. Kennedy of MA is in charge of Security Checks:
Senator Edward M. Kennedy (D-MA)
DC Phone: 202-224-4543
DC Fax: 202-2242417
<http://kennedy.senate.gov/contact.html> for email

2) Major/related departments of DOS
Ms. Maura Harty
Assistant Secretary of State for Consular Affairs
United States Department of State
Washington, D.C. 20520
HartyMA@state.gov
Fax Number of Department of State: 202-663-3899

Office of the Executive Director of Consular Affairs
Fax: 202-663-2499

3) Major/related departments of Homeland security office
Offices of Homeland Security
<http://www.whitehouse.gov/homeland/index.html>
Homeland Security - Visa Issue: 1-800-375-5283

- **If you are in the offering stage** – Write a letter (as mentioned above) and include it in the offer package, so it can be submitted with the visa application.
- **If a foreign national is already in the U.S.**, then the visa status they presently have may entail some restrictions and responsibilities we will need to take into consideration.
- **“Rush” processing of immigration documents** for new international students and scholars cannot be “walked through” and given a day (or hour’s) turnaround. Given the DHS tracking system, “rush processing” is a minimum of three days. In reality, given the workload placed upon the OISS now, “rush” processing is usually impossible.
- **Social Security numbers (SSN)** are required for payment. However, there is a delay of a minimum of 5 weeks before the foreign national can get the SSN. Payroll will pay them while they are awaiting the SSN, but must withhold about 30% of the salary. This will be returned to the visitor once the SSN is received.
- **One-Time Lecturers and Consultants being paid an honorarium must be reviewed well in advance** by Adria Baker (abaker@rice.edu) or Lily Lam (llam@rice.edu). Short-term visitors seldom can be paid after they have arrived. Refer to the OISS website and ensure that the visitor is reviewed before arriving.
- **Addresses:** All foreign nationals (non-U.S. citizens, including permanent residents) must report to Immigration within 10 days of moving their new address. Form AR-11 can be download from <http://www.uscis.gov/>. In addition, all foreign faculty, scholars, staff, and dependents must have updated addresses registered with Human Resources; students must have addresses updated with Registrar’s Office. SEVIS will be tracking all foreign addresses of our F and J foreign nationals.
- **SEVIS (Student & Exchange Visitor Information System):** Is a database system to interface with the Immigration & Naturalization (INS) database to track and report all foreign nationals on F and J visa categories. This has a dramatic affect on most processes for international students, scholars, dependents, and employees, and is part of the look-out systems of the DHS, CIA, FBI, Department of Treasury and the Department of State.

- **Travel From Outside of USA for Foreign Nationals** is subject to delays for returning or first-time entries, if a new entry visa is required. Security checks in the U.S. Embassies & Consulates can cause weeks of delays for some foreign nationals. Foreign nationals must notify the OISS when traveling to apply for a new entry (or re-entry) visa stamp. We recommend them to make an appointment to see an advisor before traveling to apply for a visa.
- **The processing of H-1Bs** (specialty work visa) is outsourced to a local law firm, but administered through the OISS. Rice legal fees pays for Postdoctoral Researchers (not for “premium processing”). The approval of such funds is made by the Adria Baker or Lily Lam, which includes exhausting all reasonable non-immigrant options, i.e., J-1, F-1, TN, etc. All other H-1Bs must be funded either by the academic department, the dean’s office, the foreign visitor, or through shared funding. Only departmental chairs or deans may sign labor conditions or certifications.
- **Laws and government procedures subject to change** without notice.

Continued Challenges / Rice’s Responses:

- **Rice has made proactive efforts** to inform proper authorities of effects of visa delays and denials, as well as advocating for a balanced approach for achieving national security.
 - Dr. Eugene Levy, Provost, working through the AAU to inform proper authorities of effects of visa delays and denials.
 - Dr. Jordan Konisky, Vice Provost for Research & Graduate Studies, forwarded information to all faculty on visa delays, due to security checks, and instructed them on avenues for achieving the best possible outcome for their invited internationals.
 - Dr. Adria Baker, Director, OISS, works with NAFSA on various international education advocacy efforts, including attending Congressional Education Day in Washington D.C.
- **Faculty are encouraged to work with their own professional organizations’ government relations representatives** to advocate a reasonable balance between national security and efforts to obtain it. University international students and scholars, and academic departments inviting them, tend to get caught in between.
- **The upcoming implementation of the SEVIS fee, not to exceed \$100**, will have a negative affect on academic departments at Rice, as well as individuals wanting to apply for visas to come to the USA. Regulations and date of the law is not known, however it is expected that all F and J visa holders going to the US Embassies and Consulates to apply for entry visas will need to have already paid the fee.
- **On 6/6/2003, the U.S. Department of State sent a cable to all consular posts relaxing some cases** of foreign students and scholars who travel for a short visit outside the USA. This is a response to the AAU’s request to reduce impediments to scientific exchange. This is the first of a couple of encouraging steps on visa issuance since September 11, 2001.

*Office of International Students & Scholars
Rice University; 6100 Main St. MS-365
Location: A102 Abercrombie Lab
Houston, TX. 77005-1892
tel: 713/348-6095; fax: 713/348-6058
<http://www.ruf.rice.edu/~ois/>*

*OISS Staff: Dr. Adria L. Baker, Director
Lily Lam, Associate Director
Sandra Bloem, SEVIS & Departmental Administrator
Somarine Diep, International Student Advisor
Marta Kapusta, Staff Assistant*