

Proposal for a University Policy on Visa Delays

**Drafted By
GSEU-UAW Local 2110
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Over the past two years, changes in national policy with regard to student visas have had dramatic impact on Columbia University's graduate and undergraduate international students. Columbia—along with colleges and universities across the country—is now adjusting to new reporting requirements, and international students are being subjected to closer scrutiny as they apply for visa certification when beginning their degree programs, or when re-entering the United States to continue and complete their degrees.

In the majority of cases, the heightened scrutiny has added a few days or even a few weeks to the time needed to process and approve visa applications. Even short delays, however, can create major administrative and academic challenges for departments and students. In a few cases, students have been subjected to the more extensive “administrative review” by the State Department, resulting in delays of two months or more. Some students have been delayed for as long as six to nine months. For students, these visa delays can create serious academic and personal problems. The absence of a clear and formal university policy regarding visa delays only worsens the precarious position of these international students.

The attached document is a proposal drafted by the Graduate Student Employees United-Local 2110, United Auto Workers (GSEU-UAW). Currently, Columbia lacks consistent policies about how to handle visa delays, which leads to each case being treated in an ad hoc manner. Students, therefore, receive varied treatment depending on their departments and advisers. As a result, international students have already suffered hardships that could be alleviated by simple changes in Columbia policy. Columbia needs to have in place a systematic, comprehensive and fair policy regarding visa delays. It needs to have a set of guidelines outlining and clarifying the University's response to the needs of international students who face visa delays. The University has a responsibility to all of its graduate students to create a fair and equitable system for dealing with visa delays in order to make it clear to all that international students are vital and equal members of the university community.

CAUSES OF VISA DELAYS

Visa delays happen for three main reasons:

1. If the student was born in or retains citizenship in one of the (currently) twenty countries whose nationals are subject to “Special Registration,” the student can be severely delayed if s/he misses any registration requirement.

2. An increasing number of international students who engage in research and studies in “critical” technology-related fields now face routine security checks as a result of policy changes made in 2002. Visa officers are now obliged to wait for clearance from the US State Department and Department of Homeland Security after extensive security reviews. Many fields have been added to the list of those under scrutiny.
3. Border agents may delay issuance of a visa if they deem anything to be unusual, “suspicious” or otherwise warranting further scrutiny.

While Columbia University clearly cannot directly impact federal visa policy, University policy can have a serious and direct impact on how visa delays affect students. The administration needs to have in place a clear set of guidelines to guarantee a fair process and equitable treatment for all international graduate students, and to clarify the responsibilities of departments and faculty. This policy will safeguard the rights of international students, lessen the considerable personal and financial costs of a serious visa delay, and send a strong message to the larger community that the University is fundamentally committed to creating and maintaining a truly international community of researchers, scholars and academics.

ADMINISTRATIVE ISSUES RAISED BY VISA DELAYS

Creation of a position to assist students faced with visa delays and to help deal with problems that may result.

The University will provide assistance to any student (or F-2 visa holder—see final item in policy) subjected to a visa delay, and will commit to assisting the student in obtaining a visa. The administration will investigate the causes of the delay and reach out to the State Department in an effort to help resolve it. A centralized office or a position in the ISSO will be created whose responsibility is to help all affected students with visa delays, and to handle all difficulties that may occur as a result. This office will track all visa delays, and all visa delays should be reported to this centralized office. In this way, the University will assure international students that they will not be abandoned in the event of a visa delay.

Prevention of unnecessary visa delays.

The language of the Technology Alert List is sufficiently ambiguous that some international students are checked even if their fields of study are not sensitive. To prevent these kinds of delays, students should be able to present the visa officer with an official study field description signed by the department chair. To this end, all departments will prepare such letters for incoming and re-entering international students.

Registration Status and Fees.

Students delayed for sixty or fewer days will be registered retroactively for the term and without late fees, via the standard petition process. The Office of the University Registrar will need to coordinate closely with the Office of International Programs to minimize SEVIS reporting problems attendant to the retroactive action. All library fines will be waived.

Anti-Discrimination Policy.

In general, the University will not tolerate discrimination against an international student as a result of a visa delay.

FUNDING, RESEARCH AND TEACHING APPOINTMENTS

Teaching Appointments.

Students who are not able to fulfill the obligations of their teaching appointments due to visa delays will be guaranteed funding by the department and the Columbia Administration. They will either be given research assistantships or fellowships. Students should not lose their jobs at the university due to visa delays. Funding will continue while the student is abroad (in the form of a fellowship) as a delayed student can be assumed to have normal living expenses.

If the student misses teacher training or English language training needed to teach, the department will make such training available to the student upon his or her return.

Research Appointments.

Funding is guaranteed to researchers upon return and will continue during the absence of the student. In some cases, it will be possible for the student to continue to participate in research while abroad. Faculty is encouraged to facilitate this participation when the specifics of the research project permit.

For shorter delays, the position of the researcher within the laboratory is guaranteed upon return. Should a lengthy delay mean that a student is no longer able to hold the same position in a lab, the department's Graduate Chair will assist the student in finding another research project and supervisor.

In some cases, the visa delay may affect publication deadlines, conference papers and other time-sensitive concerns. Authorship of graduate students must be maintained and safeguarded for people who participated in research projects prior to the visa delay, in order to make sure that they do not fail to receive credit and full acknowledgement for the work that they did.

Fellowship Funding.

Students on academic fellowships will not lose their funding as a result of a visa delay. For students on academic fellowship, funding will be guaranteed to them while abroad and continuing upon return.

OTHER ISSUES RAISED BY VISA DELAYS

No rescinding of acceptance due to visa delay.

Neither any department in the University nor the central Columbia administration will revoke academic acceptance of international graduate students in the event of a visa delay.

Academic Coursework.

Students have a right to make up their course work and to not be subjected to examinations on the same schedule as students who have been able to attend classes through the semester. Faculty will work with students to come to a fair agreement on the late completion of course work or project assignments, adjustment of examination schedules and if necessary a more lenient use of the incomplete grade. In no case will the student be academically penalized for the visa delay. If it is possible, the student should make arrangements to do elements of coursework while abroad.

If a visa delay occurs at the start of a term, students will work with the departmental graduate officer and the relevant faculty members to determine whether it is possible to start the academic course work late. If it is not possible for the student to catch up in the course, the student will be given flexibility to take the course(s) later in the degree program. This consideration is especially important for those courses that are necessary to complete the degree program or to advance within it.

In the event of a lengthy delay that makes it difficult for the student to become part of the department, have access to necessary coursework, find a supervisor or a research project, the department will make it possible for the student to delay matriculation until the subsequent semester or academic year.

Doctoral Qualifying Exams

In the event of a visa delay the clock will be stopped for doctoral thesis examinations, therefore permitting the student adequate time to prepare for the examinations once the visa has been obtained. When necessary, faculty should grant a postponement for at least

as long as the extended visa review period, if necessary rescheduling the exam until the following term.

Thesis Defense

Fees for students who are returning in order to defend a thesis or dissertation will be waived to start with the student's admittance to the country. If a student is delayed late in the thesis project, the faculty supervisor and/or department will consider arrangements for supervision of the project while the student is abroad.

Access to Letters of Recommendation and Dossier.

Students will have full access to letters of recommendation and dossier while they are subject to visa delays. Any fees or outstanding fines that are the result of the visa delay or that could have been paid through the student's return to the country will either be waived or arrangements to make payments while the student is abroad will be made.

HOUSING

Students should not lose their housing in the event of a visa delay. Housing should be guaranteed to all incoming international students. For incoming students in Columbia housing units, rent will be waived for the duration of the visa delay. An emergency housing fund will be created to pay the rent of continuing students and students who live off-campus.

HEALTH CARE

Graduate students' right to have health coverage for themselves and their families should not be limited as a result of a visa delay. The administration and the Student Health Service will work to make sure that fees incurred due to a visa delay are waived and that the student is able to enroll in health insurance upon returning to Columbia.

F-2 VISA HOLDERS (SPOUSES AND DEPENDENTS)

If a student's spouse or dependent is detained as a result of a visa delay, the University will do all that it can to investigate the causes of the delay and to remain in contact with the State Department. The ability of F-2 visa holders to obtain health care, housing and access to any other benefits generally available to the spouse or child of a graduate

student will not be affected by a visa delay, and the University will act accordingly to make sure that these benefits are protected.