

Policy Analysis on Regulations and Restrictions on Non-immigrant Students
in the United States

By

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A Thesis Submitted to the Department of Public Policy and Administration
California State University Bakersfield
In Partial Fulfillment for the Degree of
Masters of Public Administration

Spring 2011

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2011

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Executive Summary

Optional Practical Training (OPT) is temporarily working in the United States on authorizations issued to international students. OPT allows students to remain in the country after completion of their education to obtain experiences in the professional workforce. Despite its advantages, several problems have restricted students from accomplishing the core goals of the OPT system. These problems lead more international students to stay in the country without a valid legal status. The purpose of this report is to propose a policy alternative to maximize the benefit of OPT system. Each option will be evaluated with its ability and acceptability as well as its efficiency. The final proposal is to create small agencies dedicated to support the current OPT practices.

CHAPTER 1

Background of the problem:

In the past decade, national security has become a major focus of the United States. In order to protect the country from terrorist attacks such as the catastrophic disaster in 2001 and several other hazardous incidents, the government of the United States implemented strategies to monitor and control the flow of non-immigrants that enter the country. The U.S. government has created and established the Department of Homeland Security (DHS), the Students and Exchange Visitor Information Systems (SEVIS), and the International Students and Scholar Advisors (ISSAs), to implement these strategies.

Among non-immigrant populations, international students are most affected by these changes and regulations. These students have experienced some hardships according to the Institute of International Education (2010). Students from all over the world have been entering the country using student visas. Non-immigrant students visas were established as the response to the Immigration and Nationality Act of 1952 (INA) according to the Code of Federal Regulations Title 8 Part 214 (8CFR 214). Because the United States is one of the leading countries accepting students from all over the world, the government has greatly strengthened enforcement of international students in the wake of 9/11 (Haddal, 2008).

The student visas are categorized into several divisions based on status, length of stay, and the field of studies (DHS, 2010). The most common visa is called F-1 visa, issued to the students who wish to come to the country to obtain higher education and gain qualified experience that cannot be earned in their countries of origin, based on data from United States Immigration and Customs Enforcement (ICE). Besides language barriers, academic anxiety,

financial problems, and homesickness, frequently revised restrictions with visa applications have been bringing confusion to many students (Jacob, 2001). In the 2009-2010 academic years, 353,798 new student visas were issued (The Bureau of Consular Affairs, U.S. Department of State, 2009), yet the actual number of students who were newly enrolled in educational institution was 202,970 (IIE, 2010).

Furthermore, the biggest difficulty that students on F-1 visa status face is following the policy of Optional Practical Training (OPT). According to DHS, OPT is an employment authorization document issued to students on F-1 visa status by the United States Citizenship and Immigration Services (USCIS) after the completion of studies. Students that are qualified to apply for an OPT after college graduation or higher level education to participate in the professional workforce for a total of 12 months. During this 12 months period, each student is responsible for obtaining experience that would maximize the opportunity and utilize the degrees they have earned and to practice their professions for the better future (DHS, 2010).

Statement of the problem:

The current policy has several drawbacks that affect stakeholders in different ways. The OPT regulations produce consequences that affect international students, ISSAs, the government, and the citizens of the United States. The major drawbacks of OPT are 1) repeatedly revised regulations that lead to confusion for the students, 2) inadequate interpretation for students when regulations are revised because of the lack of knowledge of the advisors at the colleges (Mathiesen & Lager, 2007), 3) more tasks for the government to supervise, and 4) fewer opportunities for the citizens if more international students are encourage to work. International students often are confused about their legal status and often lose it because they are reluctant to ascertain requirements and regulations to maintain their status (Jacob, 2001). There are always

exceptions to the restrictions where students are able to remain in the country without valid visa status because they have received acceptance to enroll in an educational institution under some conditions (Jacob, 2001). Yet, by the federal laws international students are responsible to renew their student visas if they wish to extend their stay (ICE, 2010).

Student advisors at educational institutions are responsible for maintaining student status although these advisors are sometimes not aware when regulations are updated or changed. It can take a long period of time until they receive a response from the government officials for some complicated situations even in an emergency (Rosser, Hermsen, Mamiseishvili, & Wood, 2006). Those advisors often have conflicts with the differences between institutional and federal rules on student requirements (Jacob, 2001). DHS and other departments under DHS supervision provide good customer service, but it is evident that the government of the United States already has a tremendous amount of responsibility to handle. Confusion and the lack of support between the students and advisors puts more pressure on the officials creating more disorder. Moreover, allowing international students to work in a professional field with OPT permission has effects on the general public of the United States. If more numbers of students are introduced to professions just to obtain experience, domestic students will have fewer opportunities to experience the same challenges (Starobin, 2006).

The government's current system on OPT has not produced the best outcomes for either the country or international students. The system creates substantial obstacles and may undermine the U.S. status as the world's leading country. The government of the United States needs to look closer at the issues and make necessary adjustments on these restrictions in order to resolve the problems argued above.

Methods and procedures of the study:

The intention of this paper is to provide alternative solutions by analyzing policies in the situation. Alternatives are provided in later sections with different objectives that need to be achieved. Each alternative will be evaluated with criteria measuring; 1) effectiveness, 2) political acceptance, 3) administrative ability, and 4) equity. Those components are most productive when analyzing the policy (Bardach, 2009). Effectiveness is a significantly important element to evaluate the impact of new procedure. Effectiveness determines the impact of the policy and whether it should be continued. In the course of evaluating, it is important to note how the policy or regulation benefits or harms the stakeholders. Political feasibility will show viability if a proposed alternative will be valuable to relevant involvement as well as ability of the nation to face the challenge. As far as administrative operability, data from DHS will be used to measure the ability of implementing new strategy. Comparisons with similar systems in different countries will be illustrated to emphasize the circumstances and problems. Equity simply dictates meanings of changes and how the change will impact the stakeholders. Criteria will be used to ask several questions for each alternative, including how an alternative will affect international students, advisors, the government, and general public. The problems are demonstrated by the numbers of students in crisis, and data will be measured with those criteria. The data is obtained from the previous studies and statistical information that specific organizations gathered.

Importance of the study:

The stakeholders in this situation are international students, educational institutions, the government of United States, and the general public. Each stakeholder is affected by the problems several different ways. The United States government has put its focus on regulations regarding international students, because accepting international students into the country has

always been beneficial for the U.S. as well as allowing international students to obtain the best education (Haddal, 2008). Contributions to international education help promote U.S. citizens the ability to develop global understanding, competitiveness, and a stronger national security (Mathiesen & Lager, 2007). International education also brought the economic impact in the past few years, approximately \$20 billion (IIE, 2010). The colleges gain monetary increases through non-residential tuition, application fee for status authorizations, and sales taxes.

However, the exceptions to the regulations create a mess in the systems. The fundamental purpose of OPT is to provide experience, not to entitle international students to remain in the country longer. Restricting the regulations would increase a risk of accelerated immigration controversies into the country that it already has. Misunderstanding and inaccurate translation of regulations has increased the number of students who violate the law, overstaying without valid visa status (Urias & Yeakey, 2005). This issue is distinctive to the United States when compared with other leading countries such as the United Kingdom and Canada. For instance, the United Kingdom does not have a system similar to OPT. If international students decide to work after the completion of academic programs, they are qualified to apply for a working visa straight from the student visa as long as they find a job with visa status sponsors (Directgov, 2010). In Canada, students are responsible for earning points to apply for a working visa if they wish. Those points are earned through academic success, experience in professional environment, and some other factors related to skills and requirements according to the Canadian government officials (2010).

There is also a need for the public to be aware of the problem. Because international students in the United States are only a minor component of the population compared to legal and illegal immigrants (Starobin, 2006), the public interest towards the issue is low. By

increasing knowledge levels among the general public, the government of United States will have no choice but to put more focus on regulations on international students in order to bring out the best outcomes. If the government officials are able to select alternatives successfully, it will strengthen national security, bring more benefits to the country, and provide a better framework for international students.

CHAPTER 2

Major problems among international students on legal status:

After the terrorist attacks on September 11, 2001, the government of the United States has put more focus on national security (Haddal, 2008). International students are one of the targets that have been struggling to remain in the country. Although their intention is to experience the best education, the government has implemented precise regulations to protect the country from any harmful foreigners. International students have been experiencing four problems: 1) the frequent revision of government education restrictions for international students has created confusion for students and their university advisors, 2) the interpretation of these changes is not clear or concise, 3) international students cannot take full advantage of the Optional Practical Training (OPT) system, and, 4) the added tasks increase supervision costs for federal agencies. Many international students avoid confrontation on these issues, and, as a result, are not able to maintain their legal status (Jacob, 2001). Research done in the past decade show that the similar situations have been improved by revisions of the regulations (Starobin, 2006). The United States is the country where foreign students are able to obtain a high quality education, yet it has extremely strict regulations to follow (Jacob, 2001).

Currently, the United States has the largest mixture of cultures and races, and is considered as the melting pot (Lindsay, 2010). Its biased perspectives on almost every value create conflicts and controversy between divergent ethics. For instance, strengthening national security in this country generates considerable controversy. Welcoming more foreigners into the country might be beneficial for citizens in the matter of importing best possible resources. At the same time, bringing foreigners might cause more controversial issues (e.g., probability of increasing the number of illegal immigrants in near future). Until the establishment of the

Department of Homeland Security (DHS), importance of a national security was not recognized (Lindsay, 2010). It appears simply that more pressure was put on the international students' circumstances even more so on illegal immigrants. It is the government itself that brought constraints on regulations, causing more confusion. National security concerns have changed the government perspective on immigration and increased negative attitudes toward immigrants.

Today, the federal agencies are facing conflicts adjusting regulations to an ever-changing society. There are not enough studies done to identify immediate needs for the revisions on international students' affairs. The impact to the society is low because a large part of the public does not realize what is going on. If the public does not demand the modification to the problem, the government does not take any action (Kingdon, 2003). Additionally, changes in educational regulations for international students do not rise to agenda because, again, the number of international students is low compared to the number of illegal immigrants who are getting benefits through tax payers' finances. Nevertheless, the international students are not the only ones who are affected by these particular issues. Different populations are affected in different ways. The major stakeholders are discussed in the section below.

U.S. government, educational institutions, and the international students:

It is significantly important to identify stakeholders influencing the circumstances. The stakeholders have a different level of authority, interests, and responsibility on topics depending on how much they are involved at the time, because their positions may change over the time period (Kraft & Furlong, 2010). In this proposal, each stakeholder is identified to illustrate how they contribute and what kind of impacts they have on the problems. The major stakeholders on the issue of international students are the following:

- International Students
- International Students' Advisors and Associations
 - ISSAs (The International Students and Scholar Advisors)
 - IIE (Institute of International Education)
- Educational Institutions
- The Government of the United States
 - DHS (The Department of Homeland Security)
 - ICE (Immigration and Customs Enforcement)
 - USCIS (The United States Citizenship and Immigration Services)
- The General Public/ Taxpayers

International Students:

According to data from IIE, there are approximately 690,923 international students in the country during the 2009-2010 academic years (2010). Among these students, approximately 70,000 are on OPT seeking a new opportunity (IIE, 2010). The data show the decrease in the number of students who enter the country every year, and the increase of illegal international students due to the failure to follow the complicated regulations (Urias & Yeakey, 2005). The international students are components of the issue because their existence leads the government to revise the restrictions in order to control them. If the government could successfully implement new changes, the international students would be the stakeholders who are affected the most. More number of students might earn the opportunities getting jobs, whereas the others have to depart the country. Nevertheless, they also should deserve the right to experience a professional world in a better environment in order to maximize the opportunity to help their own countries in the future. Productive experience in this country would affect students' performance when they go back to their native countries.

Educational Institutions:

Currently, there are 3,000 universities and colleges across the nation have been allowing international students to obtain the best education in the world (IIE, 2010). It is institutions' responsibility to monitor the flow of students who are attending the school. Each institution is required to support international students as well as monitoring their legal status (Mathiesen & Lager, 2007). By accepting more students from abroad, educational institutions gain more tuition to serve domestic students and maintain facilities on campuses.

International students' Advisors and Associations:

At most educational institutions, there are advisors who are designated to assist international students (Mathiesen & Lager, 2007). These advisors are responsible for monitoring and supporting students' academic success, essentials in living, anxiety of living in the different country, and so on. The interest of the advisors toward the problems should be remarkably high because favorable outcomes from the advisors would diminish the amount of services that the government officials have to offer. Because the advisors are closer to the students than federal entities, it would also be beneficial for the international students to receive assistance not obligated to federal institutions (Henderson, 2002).

The Government of the United States:

DHS, ICE, USCIS have the most authority and responsibility in the situation, especially DHS. Both ICE and USCIS are divisions of DHS, in charge of divergent engagement. ICE controls the entrance of the students to the country by regulating the streams of these visitors (ICE, 2010) whereas USCIS is mainly responsible for issuing immigrant or non-immigrant visas (USCIS, 2010). All regulations and restrictions are decided within these federal agencies. In other words, the Department of Homeland Security, including ICE and USCIS, is the only

jurisdiction that has the ability to solve the circumstances on international students by reassessing supervision.

The General Public/ Taxpayers:

Problems are socially constructed and to identify that there are problems, the public's opinion is an essential tool to ascertain the issues (Kraft & Furlong, 2010). In the case of controversy on international students, it is exceptionally important to note the public as stakeholders. Although a large portion of the general public is not aware of the problems, these public populations are affected in several ways. If the government continues to allow more illegal international students to remain in the country, taxpayers might not get enough public assistance as they deserve (Mathiesen & Lager, 2007). Similar to illegal immigrants' concerns, the public loses benefits rather than gain them. Moreover, if the international students get hired for jobs in the professional environment, there would be less chance for domestic students who are seeking the jobs.

Goals and measurements:

Goals:

- Revise regulations and restrictions on non-immigrant visas in order to avoid confusion and confrontation among the international students and advisors
- Decrease the number of illegal/ out of status international students
- Encourage international students to experience professional environment more to make a full advantages of the opportunities
- Make the public aware of the issue to bring benefits to the country

Measures based on statistics:

In order to measure effectiveness of specific future outcomes, it is important to indicate assessments of the goals and objectives (Kraft & Furlong, 2010). Focuses on results, service quality, and satisfaction of the public on top of the other stakeholders would be the major indicators in this report. The results can be measured through calculating the number of illegal students after the revisions of regulations. If the number of unfavorable students decreases, it would be logical to conclude the revision was successful. Service quality also should be measured by the statistical data, which is the number of the international students who need further assistance from governmental agencies or educational institutions. Furthermore, the public's satisfaction should be determined by conducting interviews and surveys for the businesses.

First, the US government needs to review the number of active international students comparing to the number of visas issued over the years. Historical patterns of the flow would be a practical tool to determine efficiency of the current systems. Comparisons between particular numbers of the students would illustrate how severe the situation is. Also, comparing the ratio of active and illegal students to that of other countries, such as Canada and the United Kingdom, could give the idea of what tasks should be implemented.

Second, confusion among the international students would only be solved with the assistance from a governmental or educational institution. Students often demand support from the advisors when they are faced with a confrontation. To measure effectiveness of the changes, the number of international students and advisors who necessitate additional resource in order to answer the question should be monitored precisely. Fewer requests represent successful revision that is addressed reasonable and advantageous.

Third, in order to recognize the public's opinion, the target populations that are affected by the situation first need to be selected (Kingdon, 2003). Businesses that hire the international students would be the main target here in this case. By conducting interviews and surveys, the government of the United States would be able to dictate what benefits are gained and what disadvantages are caused.

Potential solution:

Objective 1: Do not allow exceptions to the law.

The government of the United States should make no exceptions to the rules under any circumstances by the adjustments of the differences between federal and institutional regulations. Because there are several exceptions to the regulations due to the differences between institutional levels, the students and advisors often get confused. Elimination of these deviations should be considered as one of the most effective changes in order to avoid confusion.

Objective 2: Educate international students' advisors.

It is critical for the advisors to gain more knowledge about the regulations and restrictions that international students need to follow. Educating advisors would help students to have a clear interpretation of the rules and ignore any confrontations. To do so, DHS should offer an educational seminar or workshop to give the opportunity for the advisors.

Objective 3: Regulate illegal immigrants and non-immigrants.

By any means, out of status or over stay students should not be allowed to remain in the country. To reduce the increasing number of illegal students, it is important to deport the ones who are already out of status. Inadequate examples often lead to the worse situation. Regulating

the existing misconception shows a warning of what would happen if the students do not take any action.

Objective 4: Create the opportunity for international students to experience a professional career.

In order to utilize OPT system, DHS or educational institutions should create positions for international students just to participate in a working environment temporarily. Each student should be assigned to the sites so that they can make the best use of OPT to obtain experience in the professional field. Today, students are responsible to find jobs within 90 days after the OPT is issued (DHS, 2010). However, in this economy, it is extremely hard to find one that would satisfy the students' intention. With OPT, international students are required to secure the job in their field of study, with companies that accept OPT, and with the agreement of 12 months' time period. There are a small amount of companies that will hire international students with these conditions (Mathiesen & Lager, 2007). Arranging tax credits for the businesses that allow international students to work would be realistic benefit for the companies.

Objective 5: Increase public awareness.

One of fundamental issues around international students is that the public is not aware of these issues. Compared to the illegal immigrant controversy, the number of illegal international students is particularly low to be a social phenomenon. The media should call the attention of the public in order for them to know about the consequences and to leave the government with no choice but to reconsider the regulations and restrictions. Formation of interest groups or lobbyists would help bring attention to the public.

Combining all the potential objectives to achieve, it seems that the government officials need to make a move. This proposal is aimed at decreasing the number of international students who remain in the country without legal status, as well as the maximum utilization of OPT system. When revisions of the regulations occur, cohesive communication between the governmental agencies, educational institutions, and the students is the most important key in order to refrain from confusion. Terminating the cause of the issue would lead to the situation and bring greater benefits. Moreover, utilizing the students' skills and ability by a larger number of businesses would help to encourage students and obtain better experiences by the right way of doing them.

CHAPTER 3

Description of alternatives:

In order to achieve the most benefits from the OPT practice, an immediate decision at the governmental level is required. With the current OPT system, there are only confrontations and confusion among students who are not able to grasp the true concept of the system, which is to allow students the opportunity to obtain experience in the professional world (DHS, 2010). As mentioned in previous chapters, there are a large number of international students manipulating the advantages of the system. For some students, OPT is just a justification to remain in the country longer after their academic completion (DHS, 2010). Because policies in the system are not particularly prescribed, it is vulnerable to manipulation. Considering the society with a higher national security, economic shortfall, and highly educated professionals, the government of the United States must address the solution. Possible alternatives are listed below.

Alternative 1: Elimination of the OPT system.

The first alternative is to terminate the OPT system and implement a different possibility for the students to work if they wish. The possible solution here is to adopt systems from Canada. In Canada, depending on how successful the students are in academic passage, they earn “points”. Based on these points, the students are considered if they are eligible for temporally working visas or not (Directgov, 2010). Only outstanding students are entitled to obtain more opportunities. By doing this, the international students do not get opportunity to experience the workforce beyond the status of a student visa, which has been accelerating the number of out of status students. This harsh dimension will lead more students to focus on academic success and will not allow them to stay in the country without studying or working productively. In other

words, this decision will force international students to realize that they will have to work hard to earn the opportunity.

In this option, precise involvement of educational institution will be demanded. The implementation of effective tracking system for each student is needed at the institutional level. Because the government has the responsibility for tremendous amount of obligations, it would be sufficient for the schools to step up and be responsible for monitoring the students. Educational institutions also receive an administrative budget, several grants, and other aids from the federal government, schools should be involved more in this matter. For instance, schools need to be in charge of counting “successful points” of each international student if the Canadian system is to be implemented as well as used to encourage the students to maximize their opportunity to study in the best country in the world.

Alternative 2: Discontinuance of frequent revision or exceptions and create an efficient monitoring system.

Frequent revisions and exceptions to the regulations are one of the main problems with the OPT practices (Jacob, 200). Although changes to the regulations only affect minor targets often times, it seems that these adjustments have created more confusion. Especially the differences in restrictions between federal and within the institutional level are the most remarkable issues here. International students are allowed to remain in the country without a valid student visa as long as they are enrolled in school with a full-time status. The government does not permit out of status non-immigrants to stay; yet, educational institutions do. If the federal regulation is not enforced, what would be the reason to follow any other regulations? The U.S. government needs to stop making revisions to avoid other consequences as well as

terminating exceptions under any circumstances. The restrictions and policies are created to regulate the situation, but not to provide circumvention to the situation (Kingdon, 2003).

Moreover, to utilize the best benefits of eliminating any exceptions, the government should implement a productive monitoring system. Similar to the one mentioned above to track the students' academic status; the system that would monitor their legal status, will be required at the school level. The school administrators should be able to have access to the federal system only to keep eyes on the international students' visa status. If a student is out of status, the educational institution should be responsible to report to federal agencies.

Alternative 3: Create agencies that are dedicated to the OPT system.

Support from experts in the field would be the most useful tool when it comes to federal restrictions. Creation of agencies that are designed to support international students' legal affairs is another option in this situation. Because a large part of the confusion among students comes from a misunderstanding of the regulations (Jacob, 2001), providing professional help would avoid this ignorance. The agencies should be responsible for counseling, job banking, and generating a bridge system between students and workforce environments. In other words, the government officials should establish interventions where students are guaranteed to obtain certain involvement in the workforce. Students are allowed to register in a system where it is connected to general companies that are hiring through their human resources. Based on data on the system, the agencies should be able to provide dispatching roles for the students so that primary purposes of the OPT regulation would be accomplished. If each student is introduced to a job, the student is able to experience the professional environment for a certain amount of time, without facing any conflicts.

There should also be a benefit for the public sector, for allowing international students to work. The government should mandate regulations on tax credits for those companies supporting the international students. With the limitation of how many students and how long students can work, general business should earn advantages for tax credits.

Alternative 4: Educate international students' advisors.

A lack of knowledge for international students' advisors is another serious issue. Currently, student advisors at educational institutions receive a booklet manual on how to handle issues with the students from DHS. This manual explains legal matters, but this is the only support advisors get other than trying to contact federal agencies directly. Evidently, the manual is not enough material for the advisors. The advisors need more information for a better understanding of the situation. The third alternative is that the government should provide detailed information on specific matters by offering seminars or workshops to help advisors for better representativeness. If the advisors can offer more involvement and support, the major predicament in the system would be cleared up along with confusion for the students.

Alternative 5: The status quo

The last option is to maintain the system as is today. The U.S. government keeps the current OPT in order to permit international students to work in a professional environment. It is considered that several exceptions to the regulations would bring benefits for some students. By keeping the system, international students are able to work or extend the length of stay for 12 to 17 months depending on their field of studies. Students are required to get a job within 90 days after the issue of an OPT, and report to the student advisor so that their status would be updated (DHS, 2010).

Projected consequences and externalities:*Alternative 1: Elimination of the OPT system.*

If elimination of the OPT system occurs, the number of international students who are out of status would decrease, avoiding confusion among them. Termination of the whole system would also help the federal agencies deal with fewer tasks and to confront with issues that are of a higher risk, such as the border security. At the same time, some international students are at risk of losing their opportunity to obtain work experience. Students might lose their motivation to take full advantage of learning in a different country by knowing they are not qualified to apply for working visas. If the educational institutions were to keep track of the “points” students earn during the academic courses, the number of students who will get the opportunity would be limited. On the other hand, domestic students would receive more opportunity to get a job, especially in the field of Science, Technology, Engineering, and Math that a large number of foreigners contribute to.

Alternative 2: Discontinuance of frequent revision or exceptions and to create an efficient monitoring system.

This option might cause an increase in the number of international students whose visas are expired, if not implemented precisely. If no exception is allowed, some students might just remain in the country illegally and not contribute any resources or effort to the country. This leads to the controversy over illegal immigrants the country has faced over several decades. Revisions are changes in regulations to adjust to the ever-changing society. However, in this particular matter of the OPT system, circumstances are not improved, yet it has been deteriorating. For instance, one of the major regulations of OPT requires students to find a job within 90 days after the OPT is issued. This new restriction was implemented in 2008 (DHS,

2010). It is efficient in a way to encourage students to take actions for them, but it is extremely hard for students who live in small regions. As a result, some students are forced to move to bigger cities looking for a job. In general, 90 days period is not long enough to settle down in a new place, distinctly in a different country (Jacob, 2001). In order to regulate the flow of international students without revisions and exceptions, it is significantly important for schools to take a part. If educational institutions were responsible to track the students' status, again, there are fewer tasks for the governmental officials to carry out.

Alternative 3: Create agencies that are dedicated to the OPT system.

Establishment of dedicated agencies would bring benefit for both international students and the government officials. Confusion and confrontation among the students would be reduced. Students would have professional support when necessary and with accurate information. They also have job security to experience the best opportunities available to them. By desisting from complications, simplified regulations will bring modifications to this chaos. The government will have fewer engagements to supervise. Providing professional support will enable the officials to divide the responsibility into smaller sectors. Division of work at federal level agencies is necessary to promote organizational development as a whole (Kotter & Schlesinger, 1979).

To proceed with this option, an immediate action and involvement of the stakeholders, especially general public, are required. Resources are needed to create agencies including system implementations, training, and enough human resources to carry out the tasks. Moreover, efficient and justified monitoring systems for entire agencies will be required to ensure success of the option. At the same time, incompatibility with domestic students in the same situation will arise with this alternative. If international students are dispatched to work, there will be less opportunity for domestic students who intend to get the same job position. It is predictable that

companies in general would try to hire international students to create more feasibility with tax credits.

Alternative 4: Educate international students' advisors.

If advisors have better knowledge about legal matters, the confusion among students could be eliminated. International students would be able to get help when needed immediately. Clarification and better understanding would reduce the number of international students who are at risk of violating federal regulations. It is necessary for advisors to communicate better with federal agencies and students. Efficient work of international students' advisors and offices would bring more numbers of new students on campuses. Many international students try to avoid engagement with certain tasks essential for studying abroad and give up for better opportunities (Jacob, 2001). Good reputation and better representativeness also would attract fellow students. Although the government has to implement procedures on top of the responsibilities it has now to provide the necessary information, there are advantages for majority of stakeholders with this option.

Alternative 5: The status quo.

By not taking any actions for this policy, the government will successfully keep the window open for international students. Many students have an opportunity to experience in a professional environment, which might lead them to a bigger opportunity. With the OPT system, it is highly possible for international students to fill out the position that requires most degrees. Only 27.5% of U.S. citizens have earned a bachelor's degree in today's society (U.S. Census Bureau, 2011). Even with an employment freeze that the U.S. has been facing, 27.5% is not enough from the population to develop the country for the better. The country should allow foreigners to contribute their skills and abilities.

On the other hand, confusion among international students would not be diminished, and might escalate the number of students without legal status. This frustration may cause an increase in the number of illegal status of the students. The problems discussed in earlier chapters would remain the same.

Constraints and political feasibility:

After the terrorist attacks in 2001, the country is aware of the importance of national security. This tragedy has put limitations to all possible additional resources from outside the country (Haddal, 2008). If foreigners are to apply for citizenship, green card, or other non-immigrant visas, they are required to submit detailed paper work, and wait long time periods to get processed. The government of the U.S. has no choice but to restrict the policies on foreign affairs in order to protect the country. Noted constraints on the federal agencies would be a tightened restriction and a longer time to complete the procedures. Only if huge demonstrations among the public, such as strikes, are initiated, would lobbyists make a move to pressure the federal administrators. Therefore, it would require a long period, to measure the outcomes as well as effectiveness. Nonetheless, the principles of Total Quality Management (TQM) should be concerned in this situation. TQM is an approach that has emphasis on customer satisfaction and to measure efficiency of products or services (1992, Swiss). The alternatives mentioned above necessitate several assumptions that TQM suggests. Detailed implications will be discussed in a following chapter.

Additionally, to carry out one of the alternatives above, educational institutions would face serious obstructions. First is the limitation of funds to create monitoring/tracking systems for the flow of international students. Because a major part of alternatives here demand involvement of the schools, they will have to consider some expenditure including some aid

from the government. Yet, a large amount of money will be needed to implement the changes. Not all of the institutions will be able to support these new practices. The second obstacle is the human resources needed to carry out the tasks. International students' advisors would be core resources for this duty, but it would demand more resources. For instance, additional human resources would be required to run the system, to train others on how to run the system, and how to measure the efficiency of the system. This is the minimum amount of additional resources that each school would need, if the change is to occur.

CHAPTER 4

Criteria for recommending alternatives:

Each alternative will be evaluated by several factors in this chapter. Criteria include effectiveness, political significance, administrative operability, and proportionate equity. It is essential to measure each option from different perspectives in order to determine the best solution to the problems (Bardach, 2009). Again, the issue here is that the Optional Practical Training (OPT) system for international students is particularly inconsistent and causes students to improperly complete the procedures. The Department of Homeland Security (DHS) needs to determine an effective strategy in order to avoid predicaments. The alternative must meet these standards in order to bring effective change. Following are the questions to be asked measuring each evaluation objectives. These questions are the most advantageous measurements, when every question is answered accurately (Kraft & Furlong, 2010).

Effectiveness:

- How much of a success for improvement in students' career success will an alternative create?
- How much of a benefit will this alternative bring to general public/ companies?
- How much decrease in out of status/ illegal international students will this alternative bring?
- Will this alternative improve the speed of the process?
- Will this alternative help international students avoid confusion?

Political significance:

- Is this an alternative acceptable to the public/ policy makers/ other stakeholders?
- Is this alternative authorized under the current laws?
- How much of an appropriate value will this alternative bring to the community?
- Will this alternative ease the situation for each stakeholder?

Administrative operability:

- Does DHS already have the authority to carry out the new process?
- Is the government capable of implementing this option? Does it have enough staff, budget, skills, or facility?
- How much DHS resources will be required to implement a new policy?
- Will this alternative require additional commitments from officials, the community, or students?

Equity:

- Who will pay to proceed with this option?
- Who will benefit/ what will be the benefit?
- Will diverse stakeholders obtain an equal amount of benefit?
- Will this create any personal dimensions for stakeholders?
- How soon can this alternative be evaluated?

Determination of preferred alternatives:

The most beneficial alternative among those outlined in the previous chapter is

Alternative 3: Create agencies that are dedicated to the OPT system. The government officials should implement this option. Although the other alternatives have certain advantages, creating

professional entities will best serve the stakeholders. *Alternative 3* answers each listed question with preferred results. Following is an evaluation based on the criteria listed above.

Alternative 1 would terminate the opportunity for international students to obtain professional experience just by eliminating the whole OPT system. This option does not solve the confusion among students and their advisors either. It might increase the number of out of status students trying to remain in the country after completing their education. Then, government officials would have to create a similar program to assist international students to contribute an international education. If a different system is to be carried out, it will need a longer time frame to be implemented. DHS also will be in the need of more personnel, skills, time, and budget. Furthermore, the elimination of the OPT system is not accepted politically. As the one of leading countries in the world, the United States should offer opportunities for foreigners to be educated for the better. Although this benevolence had created larger controversial issues on illegal immigrants, seclusion from the outside world would not be a benefit the country.

Alternative 2 is to abstain from frequent revisions and not to accept exceptions. This alternative has a few merits as well as demerits. With this option, DHS should be able to avoid the confusion among students because regulations would be stable with few revisions. Avoiding confrontation leads to a decrease in the numbers of students who are here illegally. The government can permit international students to experience professional workforces if they follow specific directions. At the same time, this option does not require any resources. DHS has full authority to perform this course of action. However, discontinuance of revisions does not benefit any of the stakeholders. In fact, adjustments are essential in the current society in order to

regulate the flow of possible problems. This option will not bring any changes other than strict restrictions on international students.

High successful outcomes will be expected with *Alternative 4*. If student advisors are more knowledgeable with the OPT, DHS will have less of a task to supervise the system. Confusion will be also avoided if an effective support system is provided. Educating professionals at the necessary institutions is legal and acceptable when the purpose is indisputable. Yet, in order to offer training and workshops, DHS will need a tremendous amount of resources as far as staff and budget. Those should be covered by federal and state grants if possible. Educational institutions should not be responsible for paying their advisors to learn this system, since this option should be implemented at federal or state levels. Moreover, if student advisors are required to do more duties that may in turn create more pressure on their shoulders. Failure to assist international students in the right way can cause bigger problems later on. Violation of federal law would change a student's life forever. Educating student advisors better apparently has advantages, but also requires new resources.

Alternative 5, the status quo, is legal and accepted by the community. This alternative is the easiest one to perform for DHS since they do not have to do anything. The current OPT system has brought some advantages to both the society and international students. The OPT allows students to work in the professional fields, and general companies can use the students' skills and knowledge. However, disadvantages have been consequential issues, and those must be fixed. The existing regulations will not correct the existing issues.

On the other hand, *Alternative 3*, establishment of newly dedicated agencies, will bring several advantages for the government, educational institutions, general public, and international

students. This option will help the government by reducing supervision tasks, which can also lead to improvement of process speed for issuing legal documentation for international students. Moreover, if international students are successfully introduced to preferred work sites to obtain experience, their future will have greater hope of helping their own country with the best professional background. It projects decreasing an out of status/ illegal international students, if confusions and confrontations are addressed productively by experts.

As for political acceptability, creation of committed organizations that has no substantial obstructions would help. Establishing private businesses is allowed by existing laws in the country, seeking success and solutions for specific problems (Bardach, 2009). In fact, there are currently thousands of enterprises operating business to reinforce governmental functioning (U.S. Census Bureau, 2007). Agencies collaborating with governmental officials are essential for the community to be well connected to the government. Decision makers and interest groups are required to pay attention to public needs and implement the best solutions (Kingdon, 2003). To be acknowledged with public demands, the government should adopt a total quality management (TQM) approach. TQM requires a satisfaction level of clients to measure the quality of service or products (Swiss, 1992). The officials should take into consideration that TQM is a useful element when balancing the public needs and justification to perform any legal action. Carrying out the alternative would be acceptable and appropriate for all stakeholders because the task is a highly important one.

DHS should have the full authority to implement this alternative in order to bring a solution toward the problem. As desperate as the government officials are for border security, there are severe demands for controlling non-immigrants in the country (Haddal, 2008). DHS already has enough skills and ability to enforce this alternative. Recently, DHS requested and has

approved \$4 billion for grants revenue in 2010-11 fiscal years to reinforce current services (2010). Yet, to put this option into practice, it is clear that DHS needs additional resources and personnel. Considering 179,905 employees working under DHS (U.S. Office of Personnel Management, 2009), it should be possible to assemble the human resources necessary to take responsibility for the establishment of this new program. With the engagement of federal agencies, creation of dedicated interventions will successfully address the problems. Compared to other alternatives discussed above, this option requires contribution only from the federal government. Bringing in a new productive strategy is more desirable when the whole system necessitates changes (Kraft & Furlong, 2010). The issues of OPT cannot be simplified by minor adjustments, fixing specific fragments of the system.

Revenue for this operation should be gathered through federal grants, application fees, and user fees from the students, those who register for the services. If students need to use the services, they should be partly responsible for the fees. Also, the government, especially state levels, should be able to support international students. International students pay high tuition fees, up to eight times as much as domestic students (Wood & Kia, 2000). U.S. Citizenship and Immigration Services (USCIS) recently used more than \$103 million to implement a new online data bank system for employers to seek preferable skills (2011). While understanding current economic shortfall, it will be impartial if international students can receive help from the officials. In this way, no other stakeholders are responsible for implementing the changes as far as monetary matters.

Personal dimensions among international students also should be taken into consideration in the matters of equity. Many international students' advisors face conflicts on students' personal dimensions when helping to mediate the stress levels of students (Hyun, Quinn, Madon,

& Lusting, 2007). Often, international students tend to get emotional and act irrationally for their demands (Mathiesen & Lager, 2007). They have issues with homesickness, language barrier, and several other personal circumstances. To handle these difficulties, students attempt to overcome this stress in the way of the possession of retreat; love (Hyun, Quinn, Madon, & Lusting, 2007). It is natural for people to look for emotional and physical attachments when going through hardships (Hyun, Quinn, Madon, & Lusting, 2007). Stress and ambivalence in personal dimensions could be one of the reasons that some international students have a tendency to stay in the country without a valid status. If implementation of new changes is carried out successfully, it will give students the opportunity to remain in the country longer as well as allowing them to obtain an opportunity to mature mentally. Working in a professional environment will help not only gain experience, but also increase coping skills necessary for human beings.

Implementation and monitoring strategy:

In order to perform this option, involvement of DHS is the most crucial stipulation. DHS first needs to accumulate all the resources to create new operations; these are funds, staff, skills, facility, and customers. The initial expenditure should be covered with federal grants since this is a governmental enterprise. At this point, DHS is obliged to set the standards for fees that will be charged to participants and tax credit for general companies. For instance, how much credit can a company earn by hiring per student? Human resources also should be incorporated within the department as well as skills and facility. On the subject of customers, international students are the designated clients. Secondly, monitoring systems must be created to keep track of each student. DHS must generate one solid data bank to maintain students' information. A monitoring system will ensure a decrease in illegal students and an increase in the number of students in

professional workforce. This should be preserved online, yet confidential, so that criteria and evaluation can be conducted equally nationwide. The data bank should include the students' personal information, field of studies, legal status, period of OPT standing, and so forth.

Educating and training employees is next step. Instructing the mission, goals, and service of created agencies are essential for organizations to succeed (Kotter & Schlesinger, 2008). To address businesses effectively, internal arrangements must provide a concrete core of practices in a company. Then, DHS can send notifications of new implementations to all educational institutions. If necessary, training or workshops should be held to inform student advisors and to encourage students to register in a system. Also, general companies should be acknowledged through seminars on how to maximize the benefits of the new strategies. Finally, agencies can open up the services for the customers to utilize.

Limitation and unanticipated consequences:

Limitation of this proposal is that there is no collateral relationship with this alternative and the success. There has not been enough research done in the past on specific OPT issues. It is not feasible to hypothesize every outcome in order to make the best advantage of the changes. Modifying regulations at federal levels is extremely complicated and high risk. Organizational culture, decision making process, job responsibility, and compatibility are fundamental dimensions that can cause failure in processes (Kotter & Schlesinger, 2008). If DHS does not address those components efficiently, new strategic changes cannot maintain core purposes. DHS already has its own internal culture, as one of the most significant departments of the United States government. By creating new subsidiary agencies, its philosophy might change. Then, DHS will be required to adjust to the decision process as well as divisions of job responsibility. In addition, setting the right level of competitiveness is consequential when

addressing new changes (Kraft & Furlong, 2010). Several comparisons with Canada and the United Kingdom were provided in previous chapters, yet, none of these leading countries have assigned companies to support international students. There is a need for comparable strategies in different countries in order to estimate accurate outcomes.

Another limitation is allocation of time and monetary funds. Establishing new agencies and monitoring their progress require considerably a long time period. A demographic movement of international students is hard to measure. The number of students entering into and departing out of the country can be monitored at immigration centers. However, those numbers do not correspond to the number of international students who successfully obtain experience in professional environment. Nor can benefit and advantages for the general public be measured by simply calculating the numbers of active companies. Moreover, there might be additional costs of implementing this option in a long run. Although costs for creating agencies and carrying out the performance can be estimated, expenses for further changes cannot be known so far in advance. The point here is that the actual cost-benefit result cannot be determined until long after its implementation. To determine the outcomes and results in detail, there is a need for further research.

CHAPTER 5

Summary:

The core of Optional Practical Training (OPT) system is to allow international students to obtain professional experiences in relevant fields. Despite the objectives, the current practices have major drawbacks. The regulations and restrictions are not explicit. The system has brought several issues that need to be addressed immediately. International students face conflicts because exceptions to regulations cause confusions. The student advisors do not have enough knowledge about how to resolve these conflicts and confusion, and those two confrontations have brought a negative impact to the general public. Because problems around international students are minor compared to the ones involving illegal immigrants in this country, public awareness is considerably low. Yet, this does not imply the government of the United States should desist from this situation. In order to make the best profit out of the system, few alternatives were presented in this research. The most favorable option is to establish new agencies that are dedicated to support international students to take full advantage of OPT opportunities. By implementing this alternative, the government officials would be able to attain the preferred outcomes.

Conclusions:

It is crucial that these problems need to be resolved. In order to keep the United States as the most proficient country in the world, contributing to international education is essential. Even though policies have been revised and adjusted over time, no fully productive solution has been implemented. Again, OPT restrictions are allowing international students to remain in the country with certain circumstances, but not to force them into leaving the country. It is evident that the current system has created more numbers of students who do not carry legal status or are

pressured to leave the country. It is nearly impossible to address all the issues with nonimmigrant students in the country. However, some problems can be solved by a simple commitment from the government officials. Accordingly, implementation of new strategy is required in these circumstances.

Recommendations:

There is a need for further research to determine specific measurements and alternatives. In order to help find the necessary assessments, the government should conduct survey research among international students. Survey questions should include satisfactory level of the stay, difficulties, demands from the government, and so on. This way, the officials will be able to identify what international students exactly need instead of drawing conclusions from outside statistics and phenomena. In addition, this survey will help international students' advisors provide better support for the students. As discussed above, advisors are usually not aware of the particular needs of the students. An actual voice of active participants would be the most practical appropriations when planning the decision making.

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Subject: Protocol 11-80: Not Human Subjects Research

Thank you for bringing your protocol, "Policy Analysis on Regulations and Restrictions on Non-Immigrant Students in the United States" to the attention of the IRB/HSR. On the form "Is My Project Human Subjects Research?" you indicated the following:

I want to interview, survey, systematically observe, or collect other data from human subjects, for example, students in the educational setting. **NO**

I want to access data about specific persons that have already been collected by others [such as test scores or demographic information]. Those data can be linked to specific persons [regardless of whether I will link data and persons in my research or reveal anyone's identities]. **NO**

Given this, your proposed project will not constitute human subjects research. Therefore, it does not fall within the purview of the CSUB IRB/HSR. Good luck with your project.

If you have any questions, or there are any changes that might bring these activities within the purview of the IRB/HSR, please notify me immediately at 654-2373. Thank you.

Steve Suter, University Research Ethics Review Coordinator