

The Massachusetts Office of Student Financial Assistance



ACTION LETTER

Action Letter #2
October 2001

2001-2002 PROGRAMS GUIDELINES UPDATES

Dear Colleague:

This Action Letter updates/clarifies information contained in the 2001-2002 Massachusetts Office of Student Financial Assistance's Policies and Procedures Manual. The following changes, updates and/or clarifications shall become effective with the start of the academic year 2001-2002 or any other date associated with the changes in policy.

I. BOARD OF HIGHER EDUCATION IMMIGRATION AND NATURALIZATION NOTIFICATION

MOVED: It is the policy of the Board of Higher Education that public institutions of higher education in the Commonwealth of Massachusetts notify the Immigration and Naturalization Service (INS) immediately of the name and last known address of any international student requiring a student visa whenever such student does not enroll, enrolls for less than full-time, withdraws or graduates from the institution. The public institutions of higher education shall forward copies of any such INS notifications to the Board of Higher Education.

In accordance with this policy, it is requested that the public institutions of higher education commence the INS notification process effective October 2, 2001.

Background:

Recent media reports have identified problems in the oversight of the international student visa programs in light of the September 11 attack on the World Trade Center. On Sunday, September 23, 2001, the CBS news program, "60 Minutes", ran a story about one of the individuals who committed a terrorist attack on the World Trade Center in 1993. The story said that this person had been allowed into the United States on a student visa to attend one of the public universities in Kansas but was no longer enrolled when the attack occurred. The

Globe (9/30/01, p. A30) reported that the Immigration and Naturalization Service gave “only token attention to a monitoring program” of the status and activities of the more than 284,000 international students currently in the United States with student visas for academic or language programs.

As of 1999, the latest year for which data are available, there were approximately 4,500 international students requiring visas enrolled in Massachusetts public higher education institutions.

When a student who lives abroad applies to and is accepted for enrollment into Massachusetts’ public institutions, (s)he must apply to the U.S. State Department for a student visa application Form I-20. Students who already live in our country under a different visa must complete and submit Form I-539 to change to student status. The embassy of the student’s country of origin and the State Department must both approve the visa application.

If a student does not enroll or enrolls for less than full-time status, (s)he is considered out of compliance with the terms of the student visa. Under current policy and procedure, when a student fails to comply, the institution may notify the student and the INS of his/her lack of compliance. The federal law does not mandate that institutions automatically notify INS; it stipulates only that the institution provide such information whenever asked by the INS. Anecdotal evidence suggests such requests do not occur regularly; for example, Salem State College has not been asked for such information since the late 1980s. Some campuses consider it “good practice” to notify INS whenever a student is no longer in compliance. If a student who was out of compliance wishes to re-enroll, (s)he must begin with a new I-20 or I-539 application before re-admittance.

The Immigration and Naturalization Service (the Service) regulations (in 8 CFR 214.3(g)(2)) state that: *at intervals specified by the Service but not more frequently than once a term or session, the Service’s processing center shall send each school (to the address given on Form I-17 as that to which the list should be sent) a list of all F-1 and M-1 students who, according to Service records, are attending school. A designated school official at the school must note on the list whether or not each student on the list is pursuing a full course of study and give, in addition to the above information, the names and current address of all F-1 or M1 students, or both, not listed, attending the school and other information specified by the Service as necessary to identify the students and to determine their immigration status. The designated school official must comply with the request, sign the list, state his or her title, and return the list to the Service’s processing center within sixty days of the date of the request.*

The lack of reliable information about non-citizens living in the United States on a temporary basis has impeded the investigation into the attacks. The proposed new BHE policy to enhance the reporting requirements supports both existing law and good practice. By establishing this policy, it is our intent to be proactive

in responding to this threat.

II. COMMONWEALTH SEPTEMBER 11, 2001, TRAGEDY TUITION WAIVER

MOVED: The Board of Higher Education hereby amends the Tuition Waiver Program Guidelines originally adopted December 17, 1991 (EA-92-2) by adding Section T, Commonwealth September 11, 2001, Tragedy Tuition Waiver, attached as Appendix A. Further, the Board of Higher Education requests that public higher education institutions develop waiver programs for eligible students as defined in Appendix A that would provide a 100 percent tuition waiver for any non-state supported course or program offered by such public college or university.

Background:

The proposed motion is to establish a tuition waiver to provide financial assistance for the children and widowed spouses of Massachusetts residents who lost their lives due to the “acts of terrorism” on September 11, 2001. In an effort to support all these residents of the Commonwealth, the Board of Higher Education will consider a proposal contained in this motion (**BHE 02-03**) to further expand its support to victims of tragic events by establishing the Commonwealth September 11, 2001, Tragedy Tuition Waiver.

The passenger list from the airlines identifies 77 residents of the Commonwealth who were killed. The number of Massachusetts residents who died inside the World Trade Center is unknown at this time. Therefore, the Board of Higher Education is unable to determine the number of families victimized by recent events. However, these families will be confronted with the challenges of resuming their normal life activities. The children and spouses in these families will have numerous obstacles and must face this additional challenge of financing their education when they enroll as students in higher education institutions. To lessen the additional financial burden, the expansion of the Tuition Waiver Program to include these residents directly affected by the September 11 events is proposed.

This tuition waiver will provide a valuable resource for the dependents of victims of the national tragedy and will help reduce the educational loan debt. A tuition waiver established for this purpose is also consistent with other state financial aid programs providing assistance to students whose parents or spouses faced similar tragedies. Programs such as the Public Service Grant and the Veteran’s Tuition Waiver offer financial assistance based on the loss of life due to the performance of a civil service..

SECTION T: COMMONWEALTH SEPTEMBER 11, 2001, TRAGEDY TUITION WAIVER

DEFINITIONS

INSTITUTION:

An institution within the system of public higher education under Section 5 of Chapter 15A of the General Laws.

ELIGIBLE STUDENT:

To be eligible for a Commonwealth September 11, 2001, Tuition Waiver, a student must meet all of the following requirements:

- Be the spouse or child of a resident of Massachusetts who was the victim of the tragic events that occurred on September 11, 2001, and who died or is missing and officially presumed dead as a direct result of the acts of terrorism that occurred in the United States on September 11, 2001

The student must submit the following to the institution:

1. Copy of the student's legal birth certificate
2. Certificate of Death for the spouse, parent or legal guardian (or other official documentation of death).
3. Proof that the death is connected to the terrorism that occurred on September 11, 2001.

ELIGIBLE COURSE:

Any state-supported course offered by an institution at a public college or university, excluding all graduate courses and courses in the MD program at the University of Massachusetts Medical Center. Eligible courses include those toward an undergraduate degree program, certificate program, short-term certificate program, and non-credit courses. Institutions are encouraged to develop waiver programs for eligible students that would provide a 100 percent tuition waiver for any non-state supported course and/or certificate program.

AWARD VALUE:

Students eligible for the Commonwealth September 11, 2001, Tuition Waiver program will be entitled to a tuition waiver equal to 100 percent of the resident tuition rate for eligible state-supported courses offered at the participating public higher education institution.

AUDIT:

- (a) The Chancellor shall require each campus to furnish annually by August 31 a report detailing the number of Commonwealth September 11, 2001, Tuition Waiver recipients for the previous year and the corresponding amount of tuition waived.

- (b) All financial books, records and documents pertaining to this program shall at all times be open to inspection, review and audit by the Chancellor, the State Auditor or their authorized representatives who shall have access to the premises wherever such books, records and documents are located. The institution shall retain such financial books, records, and documents for seven years. An institution may retain such records for a period of five years if approval is received from the Records Conservation Board in accordance with General Laws, Chapter 30, Section 42.

If you have any questions about the information herein, please do not hesitate to contact the Massachusetts Office of Student Financial Assistance at 617-727-9420.