



## SEVP Ask the Experts Webinar: Campus Emergency Planning and the International Student Community

### Follow-up Questions and Answers

*Feb. 28, 2017*

*Note: This document provides answers that interpret U.S. government regulation, but does not serve as a replacement for federal regulation or official Student and Exchange Visitor Program (SEVP) policy guidance. Questions have been edited for grammar and style.*

#### Continuity of Operations Plan

##### 1. Is there a sample Continuity of Operations Plan?

- A. All schools that accept Title IV funds are required to abide with reporting requirements outlined in the [Clery Act](#). In addition to reporting all crimes committed on a school's campus, the act mandates that a school must publish a campus emergency plan, and update and practice the plan's protocols annually, which can be accomplished by campus-wide drills, emergency messaging system testing and related activity. Typically, a business continuity plan is incorporated into a school's emergency operation approach. The U.S. Department of Education levies fines if a school does not report its crime statistics or if a school does not comply with the campus emergency plan requirements.

On June 28, 2013, the White House released [guides](#) to help schools develop high-quality campus emergency plans. The guides are customized for each type of campus community, incorporate lessons learned from recent incidents, and respond to the needs and concerns voiced by stakeholders following the shootings in Newtown, Connecticut, and Oak Creek, Wisconsin, and the tornados in Oklahoma.

These guides align and build upon years of emergency planning work by the federal government, and are the first joint product by the U.S. Department of Homeland Security, U.S. Department of Justice, U.S. Department of Education, U.S. Department of Health and Human Services, the Federal Bureau of Investigation and the Federal Emergency Management Agency on this topic. Schools can use the guides to create new plans, revise and update existing plans, and align their emergency planning practices with those at the national, state and local levels.



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For international students and the approximately 8,697 SEVP-certified schools that support them, these guides are important because they serve as the first and only federal documents to incorporate the unique needs of international students into the development of campus-wide emergency plans.

Principal designated school officials (PDSO) and designated school officials (DSO) who are interested in updating a campus emergency plan for their school should contact their campus emergency manager and access their campus emergency plan, typically located on the campus website. SEVP encourages PDSOs and DSOs to discuss the unique needs of international students and work with their emergency managers to incorporate international students into the development of campus-wide emergency plans.

### **2. If the internet is out during an emergency, and a DSO needs to report a material change in the Student and Exchange Visitor Information System (SEVIS), what steps do they need to follow?**

A. If the internet is out during an emergency and a DSO needs to report a change in school or student information through SEVIS, they should contact SEVP Response Center (SRC) by:

- Telephone: 703-603-3400

SRC is open Monday through Friday from 8:00 a.m. to 6:00p.m. ET, except on holidays. SRC closes for maintenance and testing every Wednesday from 12:50 to 1:20 p.m. ET.

If a school is experiencing a disruption, either man-made or natural, make sure that all parties are safe and secure before contacting SRC. SEVP urges school officials to call SRC as soon as possible.

### **Consular notification**

#### **3. What is consular notification and access?**

A. Consular notification is the act of informing a foreign government in the event of a foreign national's injury, death, detention, arrest, or necessary proceedings of guardianship or of custody of a minor. This notification ensures that foreign governments can extend appropriate consular services to their nationals who are traveling or living abroad.

Consular officers can only provide assistance to detained foreign nationals if they:



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- Know about the detention, and
- Are allowed access to the detainee by local officials.

To ensure that both these conditions are met, most countries have signed treaties that require each other to follow certain procedures if a foreign national is arrested or detained outside of their home country.

Not all foreign travelers know about consular notification and access, and it is up to school officials to inform their nonimmigrant students about this information. It is important to remember that treatment of foreign nationals in the United States can and does affect what happens to U.S. citizens in trouble abroad. Under these treaties, Americans detained abroad have the right to notify the U.S. embassy or consul of their arrest, but the detained may not be aware of this unless the arresting officer tells them. The same applies to foreigners who are arrested or suffer an injury in the United States.

#### 4. What situations are covered in consular notification?

A. There are several situations that create an obligation for consular notification and access, including when:

- Foreign nationals are arrested or detained;
- A foreign national dies or is seriously injured and they are unable to communicate for themselves (e.g., the individual is in a coma or intensive care); and
- A foreign national minor or incapacitated adult in custody requires a court-appointed guardian, including:
  - Minors being placed in foster care or with a trustee;
  - Adults with known mental health conditions.

Notification of a death or serious injury should be provided in the same manner as notification of an arrest or detention: by fax, phone or email.

#### 5. What is a competent authority?

A. As identified in the [Vienna Convention for Consular Relations](#), the responsibility for consular notification, whether in the case of an arrest and detention, death or the appointment of a guardian for a foreign national, lies with what is referred to as a “competent authority.”



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Competent authorities are officials, whether federal, state or local, who are responsible for legal action affecting the foreign national, and who are competent—or within their legal authorities—to give the required notification.

### **6. Under consular notification obligations, how do DSOs determine who serves as a competent authority? And does consular notification extend to F-2 dependents?**

- A. In the case of serious accidents or major disasters, the competent authority who must disperse notifications varies, but will generally involve either a coroner or a supervising, sworn law enforcement officer. DSOs are not cited as competent authorities.

Officials involved in such incidences should make every effort to provide consular notification. Though serious injuries are not specifically covered in the Vienna Convention, the U.S. Department of State encourages U.S. officials to invoke consular notification in any situation in which contacting consular officials for the foreign national's home nation is in the foreign national's best interest; for example, when the foreign national is in critical condition, in a coma, intensive care, etc.

Notification of death or serious injury should be provided in the same manner as notification of an arrest or detention: by fax, phone or email.

Consular notification applies to all foreign nationals, including F-2 dependents. As defined by the Vienna Convention for Consular Relations, consular notification is the act of informing a foreign government in the event of a foreign national's injury, death, detention, arrest, or necessary proceedings of guardianship or of custody of a minor. This notification ensures that foreign governments can extend appropriate consular services to their nationals who are traveling or living abroad.

### **7. What are the consequences for not following the Vienna Convention for Consular Relations protocols, as applied to a campus during an emergency?**

- A. Signatories to the Vienna Convention for Consular Relations can file a complaint with the responsible country when protocol is not followed. The Department of State will investigate any such complaint of improper notification.

More importantly, it is critical that accurate and timely information be made available to the nonimmigrant's country of citizenship to assist the home country's efforts to provide guidance or notifications to next of kin. Competent authorities, trained in this



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protocol, can help develop and correctly transmit the required information and serve as an official point of contact for follow up.

### Reporting expectations

#### **8. If an SEVP-certified school is temporarily shut down, what is the school expected to report for things like reduced course loads and address changes?**

- A. When reporting a school closure, DSOs should inform SRC of the anticipated closure duration. If the closure is temporary and students can meet academic requirements during the current semester or term, reduced course loads or address changes may not be needed.

If the closure is for a longer period of time, for instance if the whole semester or term is canceled, the DSO should provide this information to SRC. Closures that affect the physical address of the school's academic locations, staff resources or physical addresses of its students can be discussed with SRC to determine the most appropriate method of providing student and school data.

#### **9. When are DSOs expected to notify their local Immigration and Customs Enforcement (ICE) or Homeland Security Investigations (HSI) special agents during an emergency? Is there an emergency protocol we can access?**

- A. The most important consideration during an emergency is the safety and security of all individuals involved. These situations and concerns are managed by the campus emergency manager in a pre-defined incident command structure that does not typically involve the local ICE or HSI office. Once you determine and ensure the safety and security for staff and nonimmigrant students and exchange visitors attending the institution, and believe the presence of ICE special agents is required, observe the chain of command and notify your emergency manager before contacting regional ICE or HSI offices, allowing the emergency manager to determine if it is safe to proceed.

### Knowledge sharing

#### **10. Is SEVP currently communicating about the crisis communication protocols for international students that NAFSA is developing?**

- A. SEVP plans to work with any community of interest that would be affected by or concerned with emergency protocols that specifically address the unique requirements of nonimmigrant students.



### Communicating during an emergency

#### **11. Does SEVP have any guidelines or suggestions for how DSOs can communicate during an emergency with international students who do not possess a United States phone number or who only use Wi-Fi?**

- A. School emergency communications plans (which should be included in a campus emergency plan) should account for alternative methods of communication to be comprehensive, including use of the campus website as a backstop for students, staff and faculty, and parents. DSOs are encouraged to become involved in the campus emergency planning process to make sure that these types of concerns are raised, considered and answered.

### Preparing for an emergency

#### **12. What can school officials do to be prepared?**

DSOs can seek out the campus law enforcement unit and/or the campus emergency manager to determine whether they have taken the Consular Notification Training. Next steps school officials can take include:

- Discuss how campus law enforcement handles emergency notifications.
- Consider creating communications protocols to provide critical and necessary information about a nonimmigrant student to the competent authority.
- Consider revising campus next of kin notifications to ensure that the student's country of citizenship embassy or consulate makes the notification and has the required personal information to do so.
- Ensure that the student's country of citizenship embassy or consulate is aware of any dependents residing in the United States with nonimmigrant students, including names and known contact information. DSOs should take the following actions, including:
  - Reaching out to dependents to make them aware of the process; and
  - Discussing who will follow up with local dependents once a notification is made.
- In the event that student status is affected in SEVIS by the emergency, include consideration for change of status in the school's campus emergency standard operating procedures.
- Consider including campus emergency preparedness information as part of new student orientation, or make it part of ongoing campus preparedness efforts.



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The U.S. Department of State Bureau of Consular Affairs has a number of resources available to the public.

### **For notification policy guidance or questions:**

- Phone: 202-485-7703
- After hours: 202-647-1512
- Fax: 202-485-6170
- Email: [consnot@state.gov](mailto:consnot@state.gov),
- Website: <http://travel.state.gov>
- [Consular Notification and Access Manuals](#)

### **Next of Kin Notification Training Guide:**

- Comprehensive training guide from the Federal Bureau of Investigation and Pennsylvania State University available at:
  - <http://www.deathnotification.psu.edu>