

Student and Exchange Visitor Program

Training for Designated School Officials

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SEVP Training for Designated School Officials Course Introduction

Welcome to the online training program for school officials. SEVP has designed this course for those school officials whose schools have nominated them for this position, or for those newly confirmed in this position. Even accomplished veteran DSOs may find this information helpful as information is updated and nuances are carefully explained.

The goal of this training is to provide essential information to both the novice and the professional whose responsibilities include applying immigration policy in an educational environment to the use of the Student and Exchange Visitor Information System (SEVIS).

The course is designed to be self-paced so that a lesson or the course may be completed within the learner's time constraints. The course may also be audited as a personal refresher. Auditors may select their own order of lessons, choose not to take a quiz, or challenge the course by only taking the final exam.

The course is delivered in separate, but related lessons in which quizzes are designed to help the learner monitor their own progress and weaknesses. The material is supplemented by job aids, charts, and diagrams which can be downloaded. A text only version is also available to view and print.

Key terms are defined and given a context for understanding; critical legislation and regulations and other practitioner resources are provided to be added to the designated school officials' toolkit of resources.

For those using assistive technologies we recommend using JAWS screen reader. To access a text-only version, select the link at the bottom of each module menu.

To use this application effectively, either disable your pop-up blockers completely, or add *.ice.gov to a list of exceptions or allowed sites.

Important Note: For those school officials who are directed to complete training as either a pre-qualification for school certification or as part of a corrective action plan, it is recommended that you view all the available lessons and complete each of the exercises and quizzes. You must complete the course exam with a satisfactory grade of 80%. You will be able to print out a certificate as proof of completion which you must retain.

Module 1: An Introduction to SEVP, Nonimmigrant Students, and the Role of the DSO

Introduction

This module introduces the Student and Exchange Visitor Program (SEVP) and the Student and Exchange Visitor Information System (SEVIS). The four lessons included in this module are designed to give you a better understanding of:

- The purpose of SEVP and SEVIS
- The role of federal agencies, school officials, and nonimmigrant students in SEVP
- Basic immigration concepts pertaining to nonimmigrants, particularly students
- How a foreign national can become a nonimmigrant student in the United States

20 and send the form directly to the student.

Lesson 1: The Student and Exchange Visitor Program and Student and Exchange Visitor Information System

Introduction

SEVP manages SEVIS, certifies all schools for nonimmigrant student admission and also monitors certified schools to ensure school compliance with SEVIS reporting and recordkeeping regulations. The U.S. Department of State, Office of Exchange Coordination and Designation, designates school sponsors. Access to SEVIS is granted once a school is certified or a program is approved and is required of all schools and exchange visitor programs to allow them to issue proper immigration documents to prospective students and exchange visitors, the Forms I-20 and the DS-2019, respectively.

SEVIS was developed out of a need to automate specific documentation required by the INS which had been manually collected. This information, mandated by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) included the alien's name, address, date of birth, visa classification, student status, course of study, academic disciplinary actions taken, and termination dates and reasons.

SEVIS also contains documentation required by all United States schools and exchange visitor programs wishing to admit nonimmigrant students and exchange visitors.

This lesson explains SEVP's role and functions and describes its use of SEVIS. After completing this module, the participants will be able to:

- Demonstrate a general familiarity with the purpose and role of SEVP.
- Demonstrate an understanding of the purpose of SEVIS.

Topic 1: The Student and Exchange Visitor Program

History

The United States has monitored the presence of international students and exchange visitors since World War II when the monitoring system was decentralized and paper driven. However, following the first terrorist attack on the World Trade Center in 1993, which involved participation by foreign students, Congress and the Administration sought to develop an electronic tracking system that would provide better and timelier information regarding foreign students in the United States.

When it was discovered that one of the terrorists involved in the February 1993 bombing of the World Trade Center was in the United States on an expired student visa, the director of the Department of Justice's Office of Investigative Agency Policies sent a memorandum to the Deputy Attorney General citing concerns regarding possible terrorism and alien criminal activity.

This September 24, 1994, memorandum specifically mentioned the need to subject foreign students to thorough and continuing scrutiny before and during their stay in the United States. On April 17, 1995, the Deputy Attorney General asked the Immigration and Naturalization Service (INS) Commissioner to address this issue. This led to the formation of an INS task force in June 1995 to conduct a comprehensive review of the F, M, and J visa processes. Besides the INS, the task force included members from the State Department and the United States Information Agency, and experts in the administration of international student programs.

The resulting task force report, issued on December 22, 1995, identified the following deficiencies: the tracking and monitoring of foreign students; weak and ineffective data systems; the ineffective district office practice of assigning student/schools responsibilities as a collateral duty; the lack of a system to monitor or audit schools; and the lack of clarity in school approval requirements. The task force recommended, among other things, that the INS collect and monitor information electronically about foreign students through the issuance of student registration cards that would contain biometric identification information through fingerprints and that students be required to notify the INS whenever they changed their student program, such as transfers, change of major, or other event.

On September 30, 1996, Public Law 104-208, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) was enacted. It directed the Attorney General, in consultation with the Secretary of State, to develop and conduct a program to collect certain information on nonimmigrant foreign students and exchange visitors from approved institutions of higher education and designated exchange visitor programs. The information included the alien's name, address, date of birth, visa classification, student status, course of study, academic disciplinary actions taken, and termination dates and reasons.

Since 1993, schools had been required by the INS to manually collect this data. IIRIRA mandated that the information was to be collected electronically where practicable. IIRIRA also mandated that the INS implement the system by January 1, 1998, use a phased-in approach (starting with students and exchange visitors from at least five countries, with full expansion within four years), and establish a fee of less than \$100, which would be paid by the foreign students and collected by the schools, so that the program would be self-funded.

In June 1997, the INS developed a computer program as a pilot project, the Coordinated Interagency Partnership Regulating International Students (CIPRIS), to test the concept of an electronic reporting system. CIPRIS was tested at the Atlanta Hartsfield Airport, the INS Atlanta District Office, the Texas Service Center, and 21 educational institutions in Georgia, Alabama, North Carolina, and South Carolina.

The most significant difference between the old process and CIPRIS was that schools provided information about themselves and their students directly into INS computer systems instead of the INS relying on information from forms being data entered after the fact by contractors. In addition, the new process, which was later changed, was intended to involve the issuance of student registration cards that would contain additional identifying information about the student such as fingerprints and photographs that were collected by the schools.

The CIPRIS pilot program officially ended in October 1999. However, the program continued after that date as a prototype pending the development of a nationwide system. Concurrent with the end of the CIPRIS program, the INS decided to abandon the idea of student registration cards and the collection of fingerprints and photographs. The INS decided to drop the biometric card requirement and instead use a "bar code" to be placed on the Form I-20 issued to the student.

In July 2001, the name of the program was changed to SEVIS to distinguish between the two systems, which, although they functioned similarly, were substantially different in design. Schools participating in the CIPRIS programs were provided with separate computers to operate CIPRIS; SEVIS participants would access the system through the Internet with user passwords.

In December 1999, the INS published a proposed regulation setting the foreign student processing fee at \$95. The INS received over 4,000 comments to the regulation. Public Law 106-396, enacted on October 30, 2000, required that foreign students and exchange visitors pay the fee directly to the INS (through the Attorney General) prior to applying for a visa, rather than requiring schools to collect the fee and transmit it to the INS.

The September 11, 2001, terrorist attacks drew renewed attention to foreign students. On October 26, 2001, Public Law 107-56, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (the USA PATRIOT Act) was enacted. Section 416 of this law mandated that SEVIS be fully implemented before January 1, 2003.

The USA PATRIOT Act also required SEVIS to include information on the foreign student's port of entry and date of entry, and required that flight schools, language training schools, and vocational schools be certified before accepting international students. The law provided \$36.8 million in funding for SEVIS implementation. Because of this funding, the Office of Management and Budget required the INS to delay implementation of any student fees until the appropriation had been expended.

On May 14, 2002, The Enhanced Border Security and Visa Entry Reform Act of 2002 was enacted. This Act clarified procedures for collecting and managing information on nonimmigrant students and exchange visitors. Additionally, the Act required educational institutions and exchange visitor programs to report within 30 days after the nonimmigrant's program start date any nonimmigrant students or exchange visitors who entered the United States but failed to enroll in their specified program. In March 2003, the Department of Homeland Security (DHS) was officially created (via the Homeland Security Act of 2002). At this time, INS was absorbed by the new department, and DHS split the former INS' duties into three separate agencies, the United States Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP). SEVP became a component of ICE.

Purpose of SEVP

SEVP certifies schools, administers SEVIS, collects fees from students, exchange visitors and schools, oversees reporting requirements and policies related to nonimmigrant students and provides guidance to schools regarding SEVIS. SEVP also has a mutual commitment or shared responsibility with the educational community to maintain support and cooperation.

Topic 2: SEVIS

SEVIS

SEVP uses SEVIS, a web-based system to provide real-time, up-to-date information on F, M and J nonimmigrants. SEVIS information can be accessed electronically by authorized users using assigned passwords. SEVIS makes it easier for participating schools and exchange visitor programs to collect and manage information on and report on international students, exchange visitors, and their dependents.

The reporting and monitoring of these nonimmigrants while in the United States is:

- Mandated by U.S. law
- A part of the DHS mission
- A way for U.S. authorities to differentiate between individuals who are in the United States for legitimate academic pursuits and those who may be abusing or not maintaining their student or exchange visitor status.

SEVIS Software

SEVIS is used to create and update records on:

- Schools: SEVP certifies schools which authorizes them to accept and enroll nonimmigrant students by issuing Forms I-20
- Programs: DoS designates programs which authorizes them to accept and enroll exchange visitors by issuing Forms DS-2019
- Nonimmigrant students, exchange visitors, and their dependents

The Form I-17 is used by a petitioning school to apply for approval to enroll F and M nonimmigrant students. A school official uses a temporary ID to log into SEVIS and populate the form. SEVIS then generates an on-line version of the Form I-17 using the information the school official has supplied. SEVP and the petitioning school use the SEVIS School Record to maintain current information about the institution and its approved programs of study.

Once SEVP-certified, the school can then begin to accept and enroll nonimmigrant students. The school must create a SEVIS record for each nonimmigrant student it has admitted by populating an on-line version of the Form I-20, with pertinent information about the prospective student. This record stores data about the nonimmigrant student throughout the student's stay in the United States and includes: session registration information, the student's U.S. address, program of study, applicable employment data, information about the student's educational program type, current enrollment and expected completion date.

A Form I-20 is created and issued for each dependent that accompanies each nonimmigrant student.

Later modules will cover more detailed information about how to use SEVIS to accomplish the tasks required of the DSO when creating student SEVIS records. In lesson 3 we will discuss nonimmigrant types in greater detail.

Lesson 2: Roles and Responsibilities of Government Agencies, Schools and Designated School Officials, and Nonimmigrant Students

Introduction

Various participants use SEVIS:

- The schools that enroll nonimmigrant students
- The programs that enroll exchange visitors
- Customs and Border Protection (CBP) officers - Oversee foreign student and exchange visitor admission into the U.S. based upon a review of travel documents, information in SEVIS, and other relevant information.
- United States Citizenship and Immigration Services (USCIS) officers - Process and adjudicate all foreign student benefit applications such as change of status, reinstatements, and work authorization for students.
- Department of State (DoS) Consular officers - Issue visas to prospective nonimmigrant students and exchange visitors.
- DoS, Bureau of Educational and Cultural Affairs - Manages the Exchange Visitor Program.
- Compliance Enforcement Unit (CEU) investigators in Immigration and Customs Enforcement (ICE) - Responsible for foreign student enforcement efforts by investigating those foreign students and exchange visitors who violate their immigration status.
- Federal Bureau of Investigations (FBI) investigators in the Department of Justice (DoJ) - Responsible for criminal investigation which includes terrorism.

After completing this lesson, participants will:

- Demonstrate an understanding of the roles the various SEVIS stakeholders have when dealing with matters concerning nonimmigrant students and exchange visitors
- Demonstrate a basic understanding of how a school becomes SEVP-certified
- Demonstrate familiarity with the qualifications required for a school employee to become a Designated School Official (DSO) or Principal Designated School Official (PDSO)
- Demonstrate a general familiarity with the DSO role, and
- Demonstrate a detailed awareness of the reporting responsibilities for SEVP-certified schools

Topic 1: DHS

DHS has three agencies that currently interact with nonimmigrant students and exchange visitors on a daily basis. The three agencies and their specific interactions are:

Immigration and Customs Enforcement

ICE has two components that are involved in oversight of nonimmigrant students and schools. They are SEVP, discussed in Lesson 1, and the Compliance Enforcement Unit (CEU), part of the ICE Office of Investigations.

The CEU completes investigations on vetted leads generated by SEVIS and other sources to investigate reports of nonimmigrant students and exchange visitors who may have violated the terms of their status or may be involved in illegal activities. SEVP works closely with the CEU to ensure the integrity of the information derived from SEVIS. Officials from both SEVP and the CEU may contact DSOs to verify the accuracy of SEVIS information.

The CEU also investigates schools and school officials where warranted.

United States Citizenship and Immigration Services

USCIS oversees the granting of benefits to immigrants and nonimmigrants while in the United States. USCIS adjudicates nonimmigrant student applications for changes of status, M-1 program extensions, M-1 transfers, reinstatements, and employment authorizations.

USCIS also adjudicates change of status requests from other classes of nonimmigrants, currently in the United States, who wish to become an F-1 or M-1 student.

Customs and Border Protection

CBP is charged with guarding the United States border. CBP is responsible for the inspection of people seeking to enter the United States. By interviewing individuals and examining the validity of their required documentation, CBP Officers determine whether or not an individual may be admitted to the United States.

Once the CBP Officer determines that a foreign national is eligible to enter the United States, the CBP Officer will stamp the Form I-94, Arrival-Departure Record, issued to that individual. This stamp will show the date of the individual's arrival in the United States, the class of admission of the individual, and the date when the authorized period of stay expires. A subsequent module will discuss the Form I-94 in more detail.

Topic 2: Department of State

Two bureaus of the DoS are involved with SEVP and SEVIS: The Bureau of Consular Affairs and The Bureau of Educational and Cultural Affairs.

The Bureau of Consular Affairs

Consular officers working in United States embassies and consulates abroad, under the guidance of the Bureau's Office of Visa Services, are responsible for issuing all nonimmigrant and immigrant visas to foreign nationals.

A foreign national who seeks to enter the United States as a nonimmigrant student must first obtain an F-1 or M-1 visa from a U.S. embassy or consulate. The spouse or dependent child of an F-1 or M-1 nonimmigrant student must obtain an F-2 or M-2 visa in order to follow the student to the United States.

The only exceptions to the visa requirement are for those individuals from visa exempt countries.

The Bureau of Educational and Cultural Affairs

This Bureau administers the Exchange Visitor Program through its Office of Private Sector Exchange. The purpose of the Program is to increase mutual understanding between the people of the United States and the people of other countries through educational and cultural exchanges. The Exchange Visitor Program approves the designation of public and private entities as sponsors of particular exchange visitor programs and the foreign nationals who participate in said programs. There are 15 different categories of exchange visitor programs, ranging from research scholar to au pair. Exchange visitors are admitted in the J-1 class of admission.

The Office of Private Sector Exchange has its own compliance unit that investigates sponsors for violations of DoS regulations governing such sponsors.

Topic 3: SEVP-certified Schools and Designated School Officials

School Certification

A school, for the purpose of this course, is any institution that can become SEVP-certified to enroll students in F or M nonimmigrant status. 8 CFR 214.3 (the regulation governing SEVP certification) defines the differences between F and M schools.

Schools must apply to SEVP for certification. The application is made online using SEVIS to create a Form I-17, Petition for Approval of School for Attendance by Nonimmigrant Students.

Schools can be certified to enroll F or M (or both) depending on the type of programs offered.

F-1 institutions include:

- Colleges and universities
- Seminaries
- Conservatories
- Academic high schools
- Private elementary schools
- Language training programs

M-1 schools include:

- Community colleges that offer vocational or technical training
- Vocational high schools
- Schools that provide vocational or nonacademic training other than language training

In order to be certified by SEVP, a school must submit evidence to show that it:

- Is a bona fide educational institution
- Possesses the necessary facilities, personnel, and finances to conduct instruction in recognized courses
- Is in fact, engaged in instruction in those courses

SEVP certification is valid only for the type of program and student specified in the approval notice. The approval may be withdrawn if the school violates reporting and record keeping requirements or no longer meets the criteria for certification. School certification is subject to review every 2 years.

Principal Designated School Officials (PDSO) & Designated School Officials (DSO)

To carry out its obligations, each SEVP-certified school must appoint employees to be DSOs and one to be the principal designated school official (PDSO).

There are some reporting functions that can only be completed by a PDSO. Only a PDSO may:

- Update SEVIS to reflect the addition or deletion of all designated officials on his or her associated campus
- Register a school to use batch interface
- Correct some types of data entry errors in SEVIS
- Initiate, save, complete and submit a school recertification petition
- Serve as the point of contact for SEVP on any issues that relate to the school's compliance with the regulations as well as any system alerts generated by SEVIS.

In all other respects the PDSO and DSO share the same responsibilities. In this training we will use DSO to mean both PDSO and DSO when the information applies to either.

Best Management Practice

Review school and DSO roster concurrent with registration cycles. Report any changes.

Becoming a Designated School Official (DSO)

The president, owner, or head of a school or school system names the PDSO and DSOs. The PDSO and DSO may not delegate this designation to any other person.

To become a DSO, a person must be:

- Nominated by the owner or head of the school or school system
- A regularly employed member of the school administration whose office is located at the school and whose compensation does not come from commissions for recruitment of foreign students
- Either a citizen or lawful permanent resident of the United States

Petitions for school certification must include the names, titles, and signatures of those employees who will be DSOs. Each SEVP-certified school may have up to 10 DSOs at any one time, including the PDSO. In a multi-campus school, each campus may have up to 10 DSOs at any one time including a required PDSO. In a private elementary or public or private secondary school system, however, the entire school system is limited to 10 DSOs at any one time including the PDSO.

SEVP recommends that schools have a minimum of a PDSO plus a DSO. Students should be able to contact a DSO during normal business hours. In addition, SEVP recommends that the PDSO be the person with the best knowledge of SEVIS and be readily available if needed to make corrections to SEVIS and respond to communications from SEVP.

Each DSO must sign a statement certifying that the he or she is familiar with the regulations relating to the requirements for admission and maintenance of status of nonimmigrant students, change of nonimmigrant status under 8 CFR 248, and school approval under paragraphs 214.3 and 214.4. Each DSO must affirm his or her intent to comply with these regulations.

SEVP-certified schools must update SEVIS within 21 days if there is a change in a PDSO or DSO. New DSOs must submit the certification mentioned above.

SEVP has the discretion to reject the submission of any individual as a DSO or to withdraw a previously submitted DSO.

Duties

The DSO serves as a link between nonimmigrant students and SEVP and plays a central role in ensuring the nonimmigrant students at their school maintain status while in the United States.

Each DSO is assigned a user name and password in SEVIS. This password gives the DSO secure access to records for their school and all of the F/M students admitted to or enrolled by that school. Each DSO is responsible for the transactions conducted using his or her password, which allows SEVIS to maintain an audit trail of transactions.

Best Management Practice

Passwords should be protected and not shared with others to ensure that data will not be available to unauthorized persons.

DSO Responsibilities

- Maintaining up-to-date information about the school in SEVIS
- Setting up SEVIS records for F and M nonimmigrant students admitted to one of the school's programs of study
- Activating SEVIS records for nonimmigrant students who register for a program of study at the school
- Maintaining SEVIS records for the duration of a student's enrollment at the school, any optional practical training, and the grace period before the student departs
- Approving or requesting approval for student benefits, such as:
 - Employment
 - Reduced course load
 - Reinstatement of F or M nonimmigrant status
 - Extension of stay in the United States
- Releasing SEVIS records to a new school when a student transfers
- Completing student SEVIS records when students finish their program of study and leave the country
- Terminating student SEVIS records when students fail to maintain nonimmigrant status
- Understanding and applying applicable regulations in the administration of their programs
- Establishing institutional procedures to ensure institutional compliance with record keeping, retention, and reporting requirements
- Providing students with information needed to make informed decisions regarding maintaining nonimmigrant student status

DSOs are responsible for recording and reporting on these activities. By carefully attending to the details of the information and the student's record, a DSO may be able to alert the student to issues that might jeopardize their nonimmigrant status or make it difficult for them to re-enter the United States to continue their studies.

These issues will be discussed in more detail in later modules.

Best Management Practice

Encourage your students to contact you concurrent with registration cycles.

Nonimmigrant Students

As discussed in Lesson 1, F and M nonimmigrant students who have been allowed to enter the United States agree to maintain their nonimmigrant status. They do so by:

- Understanding and following the terms and conditions of their F-1 or M-1 nonimmigrant status
- Providing their DSO with timely information needed to maintain their SEVIS record

Students need to:

- Enroll in a full course of study at the beginning of every session (excluding authorized break periods)
- Consult with their DSO before dropping below a full course of study for any reason
- Report address changes to their DSO within 10 days of the change
- Report any change in sources of financial support to their DSO
- Seek the approval of the DSO/USCIS before engaging in employment or practical training
- Report any changes in program of study to their DSO
- Report any change in academic status to their DSO

- Notify their DSO prior to traveling outside the United States
- Notify their DSO upon applying for change of nonimmigrant status
- Notify their DSO upon approval of an adjustment of status to an immigrant
- Consult with their DSO to extend their program
- Notify their DSO if they intend to transfer
- Notify their DSO about changes in dependent status

Best Management Practice:

Develop a handout on maintaining student status for both incoming and continuing students

There are a number of responsibilities for nonimmigrant students to keep in mind. When one also considers that many of these students are in an unfamiliar culture, and perhaps struggling to become more fluent in English, the role of the DSO becomes more critical in assisting the student to maintain his/her nonimmigrant status.

Your understanding of SEVP and nonimmigrant student status will assist you in counseling nonimmigrant students in ways that remind them of their responsibilities and allow them to maintain their nonimmigrant status.

Lesson 3: Immigration Concepts and the Nonimmigrant Student

Introduction

As a DSO you are responsible for being familiar with the immigration regulations relating to the requirements for admission and maintenance of status of nonimmigrant students and change of nonimmigrant status. This section provides information on basic immigration concepts.

Objectives of this lesson are to:

- Identify the section of the 8 CFR that governs nonimmigrants and F and M students specifically
- Identify differences between immigrant and nonimmigrant intent
- Demonstrate an understanding of the basis for different types of nonimmigrants and what it means to maintain status for each nonimmigrant classification
- Identify the different student nonimmigrant classes and the characteristics for each
- Identify the purpose of a visa
- Understand the terms visa waiver, visa exempt, and duration of status
- Demonstrate an understanding of the difference between consular processing for a visa and change of status

Additional modules will cover specific information on the admission of nonimmigrant students and maintaining status.

Topic 1: Regulation Governing Immigration and Nationality

United States laws are codified in the U.S. Code. Each section of the code addresses a particular substantive area. Subsequent laws can update, add, or delete sections of that code. 8 USC is the code with the laws pertaining to immigration and nationality. You can find the [U.S. Code on the Internet](#).

Laws provide a department or agency with the authority to make rules to administer the law. The Code of Federal Regulations (CFR) is an annual codification of the general and permanent rules published in the Federal Register by the Federal Government.

The CFR that pertains to immigration and nationality is 8 CFR, Aliens and Nationality. You can access 8 CFR on the USCIS Web site in the Laws Regulations & Guides section or on the National Archives Web site.

The following material will refer to specific parts of the 8 CFR that pertain to nonimmigrants and nonimmigrant students in particular.

Topic 2: Immigrant vs. Nonimmigrant Intent

There are two classes of foreign nationals admitted to the United States:

- Immigrants, who intend to make the United States their permanent home
- Nonimmigrants, who intend to visit the United States temporarily

The laws governing the ability of foreign nationals to immigrate to the United States can also be found in the Immigration and Nationality Act (INA). You can visit the USCIS Web site for information on intending immigrants.

Any foreign national who seeks to enter the United States temporarily must seek admission in a specific class of admission. 8 CFR 214.1 defines these classes of admission. A basic requirement for all nonimmigrants is that they demonstrate nonimmigrant intent - they plan to leave the United States in accordance with the rules of their nonimmigrant status.

Topic 3: Nonimmigrant Classifications

General

There are many types of nonimmigrants. 8 CFR 214.1 and 2 describe the different nonimmigrant classifications and the rules for each type. Each class of nonimmigrants is designated by its primary reason - referred to as intent in immigration regulations - the reason the person has for visiting the United States.

Each class of nonimmigrants is given a code and number such as B-2, F-1, J-2, or H-1B. These codes correspond to the subparagraph of the 8 CFR 214.2 that gives the rules for that class. For example, 8 CFR 214.2(b) gives the rules governing the stay of visitors for business and pleasure (B-1/B-2) and 8 CFR 214.2(r) governs the stay of religious workers (R-1/R-2).

Maintaining status

Nonimmigrants who follow the rules governing their stay are maintaining status. Status ends at the end of the authorized period of stay, abandonment of the nonimmigrant's authorized status, or when the nonimmigrant violates a rule governing status. Later modules will discuss the rules nonimmigrant students must follow in order to maintain status.

Duration of status

In certain nonimmigrant categories such as diplomats, academic students (F-1) and exchange visitors, the person may be admitted into the United States for as long as he or she is still doing the activity for which he or she was admitted, rather than being admitted until a specific departure date. This is called admission for duration of status. The duration of status notation can be found on the I-94.

Topic 4: Classes of Nonimmigrant Students

Classes of nonimmigrant students

Within the F/M nonimmigrant classifications, there are six classes of admission:

- F-1. A nonimmigrant temporarily in the United States to study full-time at an academic or language institute
- M-1. A nonimmigrant temporarily in the United States to study full-time at a vocational or technical institute
- F-2/M-2. The spouse or child of a nonimmigrant student
- F-3/M-3. Students who live in Canada or Mexico and commute between their home and a school within the United States. This class of admission has been mandated by law but the regulations governing the classification have not been written. Until this has been done, nonimmigrants cannot enter in this class of admission. Commuter students are allowed by the current regulation as a special class of F-1 student. Additional training modules on this subject will be added once this visa classification has been added to the INA.

SEVP-certified schools maintain records and report on F-1, M-1, F-2, and M-2 nonimmigrants.

There are three nonimmigrant classifications that permit a foreign national to enter the United States to pursue a course of study. They are:

- F-1 - Nonimmigrants who will enroll in an academic school or language program governed by 8 CFR 214.2(f)
- M-1 - Nonimmigrants who will enroll in a vocational or other nonacademic school governed by 8 CFR 214.2(m)
- J-1 - Nonimmigrants who visit the United States temporarily to teach, lecture, study, observe, conduct research, consult, train, or demonstrate special skills in conjunction with a Department of State approved Exchange Visitor Program governed by 8 CFR 214.2(j) and Part 62 of 22 CFR, the regulation for Department of State

While some J exchange visitors may attend school, training specific to the J exchange visitors is not covered in this training. Throughout the training program, the term nonimmigrant student will apply to an F or M nonimmigrant.

Nonimmigrants in some other classes may be allowed to attend school in the United States, but studying is incidental to their status. This chart, [Nonimmigrants: Who Can Study](#) lists the various nonimmigrant classes and whether or not a person with that class of admission can attend school in the United States.

It is important to understand that while some nonimmigrants (other than F, M, or J's) can study in the United States, these nonimmigrants must first obey the rules for their class of admission. In such nonimmigrant classes, education is secondary. These nonimmigrant classes cannot extend their stay based on education needs, and are not entitled to the benefits given to F, M, or J nonimmigrants. SEVIS is not used to record information on these nonimmigrants.

F Students

F-1 students must be enrolled full-time at an SEVP-certified college, university, seminary, conservatory, academic high school, elementary school, other academic institution, or in a language training program.

F-1 students are admitted to the United States for the duration of status. For F-1 students, duration of status is the time during which a nonimmigrant student is in a full course of study plus practical training, and following that, authorized time to depart the country. F-1 students may also elect to continue to a higher level of education (such as from a Bachelor's degree program to a Master's degree program). As long as an F-1 student is enrolled full-time in an SEVP-certified school, making academic progress, and is not violating any terms of his or her status, the student can legally remain in the United States.

The only exception to the full-time study requirement is for F-1 commuter students. Only Canadian or Mexican nationals that maintain their residence outside of the United States and commute to a U.S. school within 75 miles of the U.S. border qualify for commuter status.

M Students

M-1 students must be enrolled full-time in a vocational or other nonacademic school that is SEVP-certified. M-1 students are admitted for the length of their program plus any approved practical training plus 30 days to depart the United States but not to exceed a total of one year. M-1 students who need additional time to complete their program or practical training must apply for an extension.

M-1 students are admitted for a specific educational objective and cannot change that objective while in the United States. Additionally, M-1 students cannot change status to F-1. Following modules will discuss the specific rules for M-1 students in more detail.

The only exception to the full-time study requirement is for M-1 commuter students. Only Canadian or Mexican nationals that maintain their residence outside of the United States and commute to a U.S. school within 75 miles of the U.S. border qualify for commuter status.

F-2/M-2 Dependents

Minor F-2/M-2 nonimmigrants are allowed to attend kindergarten through high school. Older spouses and children are not allowed to engage in post-secondary study unless it is avocational or recreational. The regulation does not currently define avocational or recreational, but in practice this has been interpreted as courses taken only for pleasure that do not lead to a degree or certification.

Spouses and children who want to earn a degree or certificate must apply for a change of status to F-1 or M-1 and cannot start school until the change of status is granted.

Topic 5: General Visa Information

DoS issues visas at consulates and embassies throughout the world. The visa is placed in an individual's passport and allows the person to travel to a U.S. port-of-entry and request permission from the U.S. Customs and Border Protection (CBP) Officer to enter the United States. Obtaining a visa in this manner is also referred to as consular processing and is one way to obtain permission to enter the United States in a specific nonimmigrant status.

Having a visa does not guarantee entry into the United States. The determination of whether or not a person will be admitted is up to the discretion of the CBP Officer at the port-of-entry.

The time period from the visa issuance date to visa expiration date as shown on the visa, is called visa validity. The visa expiration date has nothing to do with the authorized length of stay in the United States.

The dates on the visa do not indicate how long the nonimmigrant student may remain in the United States. Nonimmigrant students do not need to renew their visa in order to remain in the United States; a current visa is not needed to remain in the United States. However, a student who travels abroad and wishes to reenter the United States as a nonimmigrant student needs a valid visa. (There are some exceptions, which will be discussed in a following module).

Visa-waiver

The United States has agreements with a number of countries to waive the need for a visa for business and pleasure travel. Nonimmigrant students cannot enter using the visa waiver program. A nonimmigrant who enters the United States using this program is not allowed to stay for more than 90 days and cannot change to another nonimmigrant status including that of a student.

Visa exempt

Citizens of Canada or Bermuda or residents of certain other islands described in 8 CFR 212.1a, do not need a visa to visit the United States. These nonimmigrants apply for their desired class of admission at the port-of-entry. The inspecting CBP Officer determines if the person meets the requirements for that classification. Therefore, Canadian nationals who wish to become nonimmigrant students do not have to apply for a student visa.

Topic 6: Change of Status

Some nonimmigrants already in the United States in a status other than F-1 or M-1 may be allowed to apply for a change of status to F-1 or M-1. A nonimmigrant must be maintaining a valid nonimmigrant status in order to apply for a change of status.

Applications for a change of status are made to United States Citizenship and Immigration Services (USCIS) on a Form I-539, Application to Extend/Change Nonimmigrant Status. Applications to change to F-1 or M-1 must be accompanied by a Form I-20 from an SEVP-certified school. Later modules will discuss this process in more detail.

Module Summary

This module introduced the Student and Exchange Visitor Program (SEVP) and the Student and Exchange Visitor Information System (SEVIS) to the student. It outlined the process and players that are involved when a prospective student applies to become a nonimmigrant student and introduced the student to key immigration concepts that are necessary for the DSO to understand to advise a nonimmigrant student and to input correct data into SEVIS.

Module 2: Becoming a Nonimmigrant Student

Introduction

School officials must possess the knowledge and expertise to provide instruction to prospective students on how they can become nonimmigrant students in the United States. This module outlines the process — from a prospective student's submission of an application to an SEVP-certified school in the United States to enrollment in a program of study.

There are two lessons:

- Lesson 1: Applying to Become a Nonimmigrant Student
- Lesson 2: Nonimmigrant Student Arrival and Change of Status

Lesson 1: Applying to Become a Nonimmigrant Student

This Lesson looks at the responsibilities of the prospective nonimmigrant student and the school during the admission process.

Several events must take place before a prospective nonimmigrant student may attend school in the United States. The process involves the following:

- The prospective student applies to one or more SEVP-certified schools
- Each school determines if the prospective student fully meets its admission requirements and has the financial ability to pay for the education and living expenses
- If admission and financial requirements are met, each school that admits the student creates an Initial SEVIS record and issues a Form I-20 for the student
- Each school sends a copy of its Form I-20, signed by a DSO, to the prospective student
- The prospective student chooses a school and pays the SEVIS I-901 fee. (See the SEVP Web site at www.ice.gov/sevis for a full list of questions and answers regarding the SEVIS I-901 fee.)
- The prospective student then applies to one of the following:
 - The local U.S. consulate or embassy for a visa (see the DOS Web site at http://travel.state.gov/visa/temp/types/types_1268.html for more information on student visas and applications);
 - The U.S. POE directly, if the student is a citizen of a visa exempt country; or
 - USCIS for a change of status to F-1 or M-1, if the prospective student is in the United States in another nonimmigrant status(see the USCIS Web site at www.uscis.gov).

Topic 1: Student Responsibilities

A prospective student begins the process by applying to one or more SEVP-certified schools. Once accepted, the student is responsible for paying the SEVIS I-901 fee and then applying for a visa (unless visa exempt) or a change of status if already in the United States. Topic 1 examines these steps in greater depth.

After completing this Topic, you will be able to:

- Locate the list of SEVP-certified schools
- Coach a prospective student on how to pay the I-901 fee
- Advise a prospective student of the visa requirements

- Advise a prospective student on how and when to file for a change of status

Applying to SEVP-Certified Schools

Like U.S. citizens, prospective nonimmigrant students must apply to each SEVP-certified school they wish to attend by submitting an application for admission. A prospective nonimmigrant student starts by identifying schools that are certified by SEVP for attendance by F-1 and/or M-1 nonimmigrant students. A list of SEVP-certified schools is available on the SEVP Web site at www.ice.gov/sevis.

Prospective nonimmigrant students outside the United States may visit DOS-sponsored overseas counseling centers. These Education USA centers are set up to counsel international students on higher education and study opportunities in the United States. For more information, see the educationUSA Web site at <http://www.educationusa.state.gov/centers.htm>.

When your school receives an application for admission from a prospective nonimmigrant student, you must determine if the student meets your criteria for admission and has adequate funds to meet tuition and living expenses.

Keep complete records on the students your school accepts. Each accepted student's record must contain the student's written application, transcripts or other records of courses taken, proof of financial responsibility and other supporting documents.

Record an accepted student's specific biographical and financial information in SEVIS. This information, plus information about your school and the prospective student's program of study, is necessary in order to issue the student a Form I-20.

A prospective student may apply to multiple schools and receive a Form I-20 from each school at which the student is accepted. However, the student must use only the Form I-20 from the school that he or she intends to attend when paying the SEVIS I-901 fee and when applying for a student visa.

Paying the SEVIS I-901 Fee

Prospective nonimmigrant students must pay the SEVIS I-901 fee prior to applying for a student visa, applying for student status at a POE or applying for a change of status within the United States. For detailed information on payment of the SEVIS I-901 fee, please see <http://www.fmjfee.com>. Students can obtain proof of the SEVIS I-901 fee payment several ways:

- The receipt that can be printed after paying online at <http://www.fmjfee.com> with a credit card
- The receipt issued by Western Union when using the Western Union quickpay option to remit payment
- The Form I-797 receipt
- Through [fmjfee.com](http://www.fmjfee.com) (allow three business days for the interface with the DOS database to record the payment)

In most instances, a nonimmigrant student is required to pay the SEVIS I-901 fee only once.

Applying for a Student Visa

Prospective nonimmigrant students outside of the United States, who are not visa exempt, must apply to their local U.S. consulate or embassy for an F-1 or M-1 visa.

Each U.S. embassy and consulate has a Web site linked to <http://usembassy.state.gov/>. This Web site will have information on how to apply for a student visa and how to make an interview appointment.

A student must bring several items to the interview:

- A signed Form I-20 issued by the school the student plans to attend
- A completed application Form DS-156, together with a Form DS-158. Both forms must be completed and signed. Some applicants will also be required to complete and sign Form DS-157. Children need a separate form, even if they are included in a parent's passport.
- A passport valid for at least six months after the proposed date of entry into the United States
- One (1) 2"x2" photograph
- A fee receipt to show payment of the visa application fee, a visa issuance fee if applicable (please consult the Visa Reciprocity Table located at http://travel.state.gov/visa/frvi/ reciprocity/ reciprocity_3272.html) and a separate SEVIS I-901 fee receipt.

Because each prospective student's personal and academic situation differs, consular officials may ask applicants, applying for the same type of visa, for different documents. For that reason, the guidelines that follow are general and may differ based on the applicant.

All applicants should be prepared to provide:

- Transcripts and diplomas from previous institutions attended;
- Scores from standardized tests required by the educational institution such as the TOEFL, SAT, GRE, GMAT, etc.; and
- Financial evidence showing that the prospective student or sponsor has sufficient funds to cover tuition and living expenses during the period of intended study. For example:
 - If the student or sponsor is a salaried employee, the applicant should bring income tax documents and original bank records and/or statements.
 - If the student or sponsor owns a business, the applicant should bring business registration, licenses, etc., and tax documents, as well as original bank records and/or statements.

Applicants with dependents must also provide proof of relationship to their spouse and/or children (e.g., marriage and birth certificates).

DOS prefers that families apply for F-1 and F-2 visas at the same time, but if the spouse and children must apply separately, they should bring a copy of the student's passport and visa, along with all other required documents.

Module 2: Becoming a Nonimmigrant Student

Lesson 1: Overview of How a Foreign Visitor Becomes an F or M nonimmigrant Student

Topic 1: Student Responsibilities

Applying for Entry Into the United States for Visa Exempt Students

Prospective nonimmigrant students from visa exempt countries do not need to visit a U.S. consulate or embassy to apply for a visa. These students, after being issued a Form I-20 and paying the SEVIS I-901 fee, may apply for entry at a U.S. POE. A CBP officer at the U.S. POE will determine their eligibility for entry into the United States.

Visa exempt nonimmigrant students should be prepared to present all supporting financial and academic documentation upon arrival at the U.S. POE in order to be admitted into the United States as an F-1 or M-1 nonimmigrant student.

Applying for a Change of Status

Individuals can enter the United States in one nonimmigrant status and then change their purpose for being here. Their activities are limited to those activities allowed by the corresponding nonimmigrant status.

For example, a person may enter the United States as a B-1 visitor and later decide to stay to study. Since the person is changing his or her purpose from tourism to education, a change of status is needed.

A prospective nonimmigrant student currently in the United States in another nonimmigrant status may apply to SEVP-certified schools. If your school accepts the student, issue an Initial Form I-20 for reason of Change of Status. The prospective student must pay the SEVIS I-901 fee and then file a Form I-539, application to Extend/Change Nonimmigrant Status with USCIS. The student can find the Form I-539 and instructions on the USCIS Web site at www.uscis.gov.

Most classes of nonimmigrants can begin studying while their applications for change of status are pending with USCIS. However, those that are currently in B-1, B-2, F-2, or M-2 status cannot begin their studies prior to approval of their change of status. Also, B-1 or B-2 visitors should file for an extension of status if their B-1 or B-2 status will expire while their change of status applications are pending with USCIS or before the study program start date. You can help the applicants check the USCIS Web site to find the current processing times for change of status applications.

Nonimmigrant students that initially entered as M-1 nonimmigrants are not permitted to change status to F-1 while in the United States. An M-1 student who wants to become an F-1 student must depart the United States and apply for an F-1 visa (unless visa exempt).

Topic 2: School Responsibilities: Creating a SEVIS Record for a Nonimmigrant Student

For an SEVP-certified school to create a Form I-20 for a prospective nonimmigrant student, it must, by law, collect certain information on that student and enter that information into SEVIS.

After completing this Topic, you will be able to:

- Define the terms, Initial and Active record
- Populate and create an Initial Form I-20
- Understand how the system accounts for multiple Forms I-20
- Apply appropriate process for canceling and terminating SEVIS records

Creating the SEVIS Record

Once your school approves a prospective nonimmigrant student's application for admission, you are required to use the biographical and financial information provided by the student to create an Initial SEVIS record for the student.

SEVIS assigns each student record your school creates a unique SEVIS identification number (SEVIS ID number). SEVIS uses all this information to generate the student's Form I-20, which includes the SEVIS ID number.

It is critical that you populate the student's record completely and accurately. Pay particular attention to the name and date of birth fields. SEVP has provided a Data Integrity FAQ (see http://www.ice.gov/sevis/faqs/data_integrity.htm) to assist with this process. Accurate data input ensures data integrity and better data matching with other government databases.

You can enter dependent information only after you create the Initial student's record. Each dependent, regardless of age, needs a separate SEVIS record. The class of admission for dependents of F-1 students is F-2; the class of admission for dependents of M-1 students is M-2.

When adding dependents to a prospective student's SEVIS record, ensure the financial section reflects the cost for their support in the funding information area as well as the source of funding. You must print and mail a unique Form I-20 for each accompanying dependent. Dependents need the Form I-20 to obtain a visa, if required, or for a change of status application. They will also need the Form I-20 to enter the United States, if applicable. The prospective student signs his or her Form I-20, as well as those for the minor dependents. The prospective student's spouse signs his or her own Form I-20.

Once the student's SEVIS record has been completed in draft status, you must click Submit in order for the record to convert to Initial status and be assigned a SEVIS ID in the system.

If you need to save a draft of a student's SEVIS record to return to it later, the draft record can be found in the List of Saved Students. Access this list on the Listing of Schools screen, selecting Student Lists, and then selecting Saved Students. (SEVIS automatically deletes a draft record 45 days after its original creation.)

You may choose the student name from the list and then continue to edit the record. An asterisk will precede fields that must be completed. Other fields, such as Admission Number can be updated later.

Once the student's SEVIS record has been completed in draft status, you must click Submit in order for the record to convert to Initial status in the system.

The same screens are used to update and edit information for Active nonimmigrant students.

Printing and Sending the Initial Form I-20 to the Prospective Student

Once you have produced an Initial SEVIS record for a student, print a copy of the Form I-20 for the student and one for each dependent, if applicable.

You or another DSO must sign all the prospective student's applicable Forms I-20 generated and send them directly to the student. The signature serves as legal verification that the student has met all the criteria for admission to your school and has proven capability to cover all financial requirements.

In addition to sending the Form I-20, you may also want to provide a prospective student with information about the SEVIS I-901 fee payment, information on the visa application process, and information on what to expect upon arrival at the U.S. POE. You should include contact information for all DSOs.

Best Management Practice:

Prepare the student for the POE process. Help avoid a secondary screening by reminding the student to copy and hand carry a set of the travel documents.

A consular official updates a DOS database upon issuance of an F-1 or M-1 visa to a prospective student. DOS sends the visa information to SEVIS via an interface. The interface will automatically update the student's SEVIS record, if there is an exact match on the name and date of birth. Consistency in the spelling of a student's name and a correctly entered date of birth ensures that all current and future immigration documents will match.

The name of the school the student will attend and the student's SEVIS ID number is recorded on the visa. A student in possession of an Initial Form I-20 is required to enter the United States with the intention of attending the school that is listed on the visa.

After visa issuance, the system will, ideally, run a check for any Initial records issued by other schools to that student and automatically cancel them. However, you cannot rely on the system to cancel those records or to capture visa information on a student coming to your school, as these updates depend on matching biographical data.

The law requires you to determine if a student has enrolled in your school within 30 days of the program start date. If a student has enrolled, activate the student's SEVIS record.

If a student does not report to you and/or enroll in classes at your school within the allotted time, you need to cancel or terminate the student's SEVIS record, as appropriate.

- Cancel: Use cancel when the student has chosen another school to attend or when you are aware that the student was unable to enter the United States.
- Terminate: Use terminate when you know the student entered the United States to attend the school but the student failed to report to the school and enroll.

How to Populate the SEVIS Record

After entering all of the data, you have the opportunity to print and review a draft of the Form I-20. This is an excellent opportunity to proofread the entered information before submitting it as a final product. While the data still exists in draft form, you can edit any field.

Once you submit the entered data to the system, you will no longer be able to change the visa type or the education level on M-1 SEVIS records.

If you need to change the program start date for a student at a later date, use the Defer Attendance function (you can also change the program end date). Do not use the Defer Attendance function once a student has entered the country.

Once the student's information is submitted in SEVIS, print and sign the student's Form I-20 and send the form directly to the student.

Lesson 2: Nonimmigrant Student Arrival and Change of Status

Introduction

Lesson 1 outlined the steps needed when a prospective nonimmigrant student applies to your school either from overseas or from within the United States, and is admitted to a program of study at your institution. Lesson 2 looks at the events that take place when the student arrives in the United States to begin a program of study or is approved for a change of status to F-1 or M-1 student status. The general sequence of these events is as follows:

- A prospective student who is not already in the United States arrives at the U.S. POE must:
 - Present documentation required for entry into the United States
 - Receive documentation to be used as additional proof of legal nonimmigrant status
- Student arrives at school and reports to you
- You activate the student's record in SEVIS

Topic 1: Student Arrives at POE

Deferred Start Date or Students Who Do Not Arrive

Prospective students may enter the United States 30 days prior to the program start date listed on their Form I-20.

Students who cannot arrive by the program start date listed on the Form I-20 must contact you, defer their program start date, and get a reprinted Form I-20 for the deferred start date. You should not defer the program start date of a student who does not report to school by the program start date but has POE data on his or her SEVIS record indicating entrance into the United States.

This action allows the student to begin later than initially expected or can allow the student to arrive for a future semester. The student will need to receive a new Form I-20.

If the program start date has passed, the student has not contacted the school, and there is no evidence in SEVIS that the student has passed through the POE, cancel the student's SEVIS record. If the student subsequently contacts the school and still plans to attend the school, create a new SEVIS record and send the student a new Form I-20 with the updated information.

While it is possible that the POE will allow the student to enter after the program start date, if the record has been cancelled, you will not be able to activate it if the student reports to your school. You will have to request a data fix.

If SEVP verifies that the student has entered through a POE and is able to attend school that semester, SEVP will perform a data fix to return the record to Active status. In this situation, if SEVP determines the student can attend a session that starts within 30 days, the data fix will defer attendance. However, if SEVP determines that the student cannot start within 30 days, SEVP will terminate the SEVIS record and the student must leave within 15 days. The school can issue the student a new SEVIS record for attendance for the next available term.

Documentation Required for Entry Into the United States

Upon arrival at the U.S. POE, the prospective student must present the following:

- A Form I-20, signed by a DSO, from the school the student will attend
- A valid visa containing the SEVIS ID and the name of the school the student will attend (unless the student is visa exempt)
- Financial documentation as evidence of ability to pay tuition and living expenses
- A valid passport
- Proof of payment of the SEVIS I-901 fee

The prospective student must furnish the above documentation during POE inspection. CBP officers at the POE sometimes take nonimmigrants aside for further inspection. This is referred to as secondary inspection.

Visa exempt nonimmigrants, including citizens of Canada or Bermuda or residents of certain other islands described in 8 CFR 212.1(a), do not need a visa in order to enter the United States in nonimmigrant status. These prospective students do the following:

- Apply directly at the POE for a determination of their eligibility to enter the United States
- Present all the documents listed on the previous page except for the visa
- Provide proof that they paid the SEVIS I-901 fee prior to arrival in the United States

Upon full implementation of the Western Hemisphere Travel Initiative (WHTI), all Canadian citizens will have to present a valid passport to enter the United States. Please see the DOS Web site at http://travel.state.gov/travel/cbpmc/cbpmc_2223.html for additional information on WHTI.

After review of the documentation, the CBP officer will stamp the prospective student's Form I-94 after determining the student is eligible to enter. The I-94 is used as proof that the student entered the United States legally and determines the length of stay in the United States (barring status violations on the student's part). A student should keep the Form I-94, as well as all other required documentation, throughout his or her stay in the United States.

The Form I-94 expiration date depends on whether it is issued to an F-1 or M-1 student.

F-1 Student: Form I-94 issued to an F-1 student is issued for "duration of status." Duration of status "D/S" is notated on the student's Form I-94 and Form I-20. For an F-1 student, duration of status is the time during which the student is enrolled in a full course of study plus any authorized practical training, and following that, authorized time to depart the country. An F-1 student may also elect to extend status by transferring or changing level to another program of study.

M-1 Student: Form I-94 issued to an M-1 student is issued for one year or the duration of the program plus 30 days, whichever date is earlier. By the date indicated, the student must leave the country or apply to USCIS for an extension of status. USCIS may grant extensions for the time needed to complete the program up to a maximum of one year at a time. The module covering program length extensions and reductions has more information.

POE Data Entry

CBP officers enter the following information into a DHS database upon admitting a nonimmigrant student into the United States:

- Date of entry
- Form I-94 admission number

Operational interfaces update student SEVIS records with POE data. As with the visa information, this interface depends on matching a student's biographical data. When POE information successfully posts, you will receive an alert in SEVIS under the title, "Students in Initial Status With POE Records." This alert lets you know that a student has entered the country and to expect the student to report to the school by the program start date on the Form I-20.

Because the interface is dependent upon accurate matching, it is important that you ask all nonimmigrant students to report to your office immediately upon arrival in the United States. This allows you to accurately report when a student's SEVIS record is not updated with current POE information.

Form I-515 Entry Process

Occasionally, students forget to bring all of the required documentation to present at the POE. For example, a student may not have proof that they paid the SEVIS I-901 fee prior to arrival or the student's Form I-20 may lack the signature of a DSO. Using discretion, the inspecting CBP officer at the POE has the option to deny the nonimmigrant student entry into the United States. However, the inspecting officer can also decide to allow the student to enter by issuing the student a Form I-515.

The Form I-515 allows for a deferred inspection of a prospective nonimmigrant student's entry into the United States. The student is allowed temporary entry pending the outcome of the deferred inspection. The Form I-94 a student receives upon the issuance of a Form I-515 allows the student to remain in the U.S. for a period of 30 days. Within this time, the student must submit evidence to SEVP to show that the deficiencies listed on the Form I-515 were corrected.

SEVP will determine if the deficiencies have been corrected. If they have, the student's Form I-94 will be updated to show the normal term of status. If SEVP determines the student did not provide sufficient proof of admissibility, the student must depart the United States before the expiration of the 30 day period. If SEVP has not made its determination within the 30 day period, the student can remain in the United States until the determination is made.

The Form I-515:

- Is entered into a central database for tracking, and
- Expires in 30 days if the student does not provide the required paperwork and evidence to SEVP.

You and the student should read the instructions on the Form I-515 carefully and mail it to the address listed on the form. If the student does not provide the required documentation within 30 days, he or she must leave the country.

Topic 2: Nonimmigrants With a Pending Change of Status

Introduction

With the exception of B-1, B-2, F-2, and M-2 nonimmigrants, intending students who have properly filed a Form I-539 with USCIS to change their status to F-1 or M-1 may begin classes prior to the adjudication of the change of status application.

After completing this Topic, you will be able to:

- Know which nonimmigrants cannot enroll in school while a change of status is pending with USCIS
- Know what form is used by students filing for a change of status

Deferring the Program Start Date during USCIS Adjudication

In order for a prospective student to file a change of status, you must create a SEVIS record and print a Form I-20 for submission with the Form I-539. This puts the student's SEVIS record in Initial status. You should not activate these Initial SEVIS records until USCIS has favorably adjudicated the change of status application.

Defer the program start date when a student is within five working days of their program start date and USCIS has not adjudicated the change of status. If the student is nearing the end of their current status, advise them to file for an extension of status to the next program start date.

Deferring the program start date keeps the record from canceling while the Form I-539 is pending with USCIS. So long as the change of status application is pending with the USCIS, the student's name will display on the associated lists of students.

Topic 3: Reporting in SEVIS on Nonimmigrant Students Who Fail to Report by the Program Start Date

Introduction

You should make sure that new nonimmigrant students know to report to your office upon arriving in the United States. By regulation, nonimmigrant students are required to report to school by the program start date listed on the Form I-20.

After completing this Topic, you will be able to:

- Know when to make a SEVIS record Active
- Know when to terminate a SEVIS record for No Show
- Know when to cancel an Initial SEVIS record
- Know when and how to defer attendance
- Know when a petitioning nonimmigrant for a change to F-1 status may begin classes
- Know what action to take in SEVIS when reporting on a student with an Initial SEVIS record.
- Report the nonimmigrant student as enrolled in a program of study at the school by setting the SEVIS record to Active status;

SEVIS automatically cancels or terminates a SEVIS record if it is still in Initial status 60 days after the program start date. If the prospective student is still planning to enter the United States or is in the midst of a change of status, this could result in CBP denying the student entry or USCIS denying a change of status.

New (Initial) students can be found in the list of Initial Status Students.

Use the Registration function shown on the student record screen to update SEVIS to show that a student has arrived and registered. The word session as used throughout this topic is synonymous with term, semester, quarter, etc.

Step 1:

Data Field: Current Session End Date

Instructions: Using MM/DD/YYYY format, enter the end date for the current academic session. If the student is in the last session of his or her program, check the associated box and do not enter a next session start date here.

Step 2:

Data Field: Next Session Start Date

Instructions: Using MM/DD/YYYY format, enter the start date for the student's next academic session. If the student will be on vacation for the summer session, use the beginning date of the fall/winter session.

Step 3:

Data Field: U.S. Address

Instructions: Enter the student's physical U.S. address. If the student is a commuter student whose country of

citizenship is Mexico or Canada, check the Commuter Student box. The U.S. residence is not a required field for these students. However, if the commuter student maintains a U.S. Post Office box, enter it in this field.

You may use a Post Office box as a U.S. address for students who are unable to receive mail at their residential address. However, you are still required in these cases to maintain a record of the student's and dependents' physical residential location.

Step 4:

Data Field: Foreign Address

Instructions: Update the student's foreign address. All nonimmigrant students must maintain a foreign address, even if they currently reside in the United States.

Step 5-7:

Data Field: Passport Number, Passport Issuing Country, Passport Expiration Date

Instructions: Passport information is optional. However, it is useful and initial registration is a good time to collect this information.

Step 8-10:

Data Field: Visa Number, Post/Country of Visa Issuance, Visa Expiration Date

Instructions: If a student was issued a visa, an interface with the DOS should provide this information. However, because the interface depends upon exact matching information, it may not update SEVIS. You will be unable to modify any fields populated by interface in this section. You will only be permitted to populate unpopulated fields with this information.

If the information did not post automatically, it is a good practice to enter the information manually.

Step 11-13:

Data Field: Admission Number, Port of Entry, Date of Entry

Instructions: This information can be found on the student's Form I-94. When the interface did not add this information to the student's SEVIS record, it is a good practice to enter this information manually.

You will be unable to modify any fields populated by interface in this section. You can add information if the field is blank.

Step 14:

Data Field: Remarks

Instructions: Enter any applicable remarks regarding the student. Any time a school official adds remarks the existing remarks will be overridden. Remarks print in Field 9 of the Form I-20.

Best Management Practice

It is good practice to make copies of the student's Form I-20, visa, passport, Form I-94 and any other required documentation at this time, and include these copies in the student's file.

Reporting in SEVIS on Nonimmigrant Students Who Fail to Report by the Program of Study

There are three general scenarios you will encounter for Initial nonimmigrant students who fail to report by the program start date. The Initial student:

- Entered the United States through a POE, but did not report to the school by their program start date
- Did not enter the United States
- Applied for and received a change of status but did not report for the current program start date as expected

When there is evidence that a student entered the United States but failed to report to the school by the program start date, the student is, in most cases, out of status. The student has violated the terms of their visa and nonimmigrant student status. In this situation, you must terminate the student's SEVIS record. Use the termination reason No Show - Manual Termination. Terminating a SEVIS record for the reason of No Show automatically alerts ICE that an individual is in the United States and failed to report.

When a student with an approved change of status and a record in Initial status fails to report to your campus as expected by the program start date, terminate the student's SEVIS record for the reason of No Show - Manual Termination.

When a student is unable to enter the United States, but fails to contact the school to request a deferral of the program start date, and misses the program start date, cancel the SEVIS record.

The student will not be able to use the Canceled SEVIS record to get a visa or enter the country. The prospective nonimmigrant student must obtain a new Form I-20 if he or she still wishes to become a nonimmigrant student.

An Initial student must report by the program start date listed on the Form I-20. However, if an Initial student arrives at your school and decides to transfer, work with the student to facilitate the transfer of his or her SEVIS record. Transfers are covered in greater detail later in this course. You can also find information on the transfer of Initial students in the F-1 Transfer FAQ, which is found on the SEVP Web site.

Module Summary

Module 2 built upon the procedural information presented in the previous module by providing detailed information about each of the steps. Additionally Module 2 provided you with the step by step directions necessary to complete specific documents such as the Form I-20 as well as instructions for data entry for specific situations you may encounter throughout the admission process.

Module 3: Maintaining Active Student Records

Introduction

The previous module outlined how a prospective student applies for admission at a school and eventually arrives on campus to enroll in a program of study. Once in the United States, nonimmigrant students must comply with certain requirements in order to maintain F-1 or M-1 status. Module 3 addresses these terms and conditions.

- **Maintaining Status:** Complying with the F-1 and M-1 regulatory requirements in 8 CFR 214.2 is referred to as maintaining status.
- **Out of Status:** Students who fail to meet any of the regulatory requirements are potentially out of status.

For example, if a student does not enroll in a full course of study, the student has failed to meet a regulatory requirement and is potentially out of status. This is just one of many situations that can impact a student's status.

You must closely monitor the nonimmigrant students enrolled at your school to ensure they comply with regulatory requirements. When a student's information changes, update the student's SEVIS record accordingly.

In some cases, a student may be permitted exceptions to normal maintenance of status requirements. For example, under certain circumstances, a student may receive authorization for a reduced course load (RCL). Or, a student who has fallen out of status may apply for reinstatement. Module 3 discusses such exceptions.

There are four lessons:

- Lesson 1: Standard Maintenance
- Lesson 2: Program Length Extensions and Reductions
- Lesson 3: Leaving and Reentering the United States
- Lesson 4: Loss of Status and Reinstatements

Lesson 1: Standard Maintenance

Introduction

This lesson covers routine SEVIS reporting requirements for continuing students. It defines full course of study and how to handle situations where a student needs to enroll in less than a full course of study.

Topic 1: Full-time Enrollment

Typically, nonimmigrant students must enroll in a full course of study each session in order to maintain status. However, there are certain exceptions that allow students to drop below a full course of study: academic difficulties, medical conditions and completion of a course of study. This topic provides information on full course of study requirements and the exceptions to those requirements.

After completing this Topic, you will be able to:

- Advise F-1 and M-1 students on full course of study requirements
- Advise students on authorizations for a reduced course load
- Authorize a reduced course load

Definition of Full Course of Study

The regulations define a full course of study as follows:

F-1 Students:

- Undergraduate studies — 12 credit hours per session
- English language programs — 18 clock hours per week if the dominant part of the course of study consists of classroom instruction, or at least 22 clock hours a week if the dominant part of the course of study consists of laboratory work
- Post graduate studies and seminars — as certified by the DSO as a full course of study
- Elementary and secondary schools — as certified by the DSO to consist of class attendance for not less than the minimum number of hours a week prescribed for normal progress toward graduation
- Courses can be taken at other SEVP-certified schools and count toward the full course of study requirements if the SEVP-certified school that enrolled the student accepts the transfer credits as contributing to the student's program of study

M-1 Students:

- 18 to 22 clock hours per week

The regulations limit the number of online and distance-learning courses that nonimmigrant students can count toward their full course of study requirements. The rules are as follows:

F-1 Students:

- Students may count no more than the equivalent of one class, or three credits, of online or distance-learning courses per session toward the full course of study.
- Students enrolled in English language programs may not count any online or distance-learning courses toward their full course of study requirement.
- If students only need one course to complete their program of study, the course cannot be completed through online or distance education.

M-1 Students:

- Students may not count any online or distance-learning courses toward their full course of study requirement.

These restrictions apply only to the number of credit hours required to meet a student's full course of study requirements. As long as students meet these requirements, they may enroll in additional online or distance-learning courses, as desired.

Authorizations for a Reduced Course Load

There are three circumstances where you can authorize an F-1 student to take less than a full course of study:

- Academic difficulties
- Medical conditions
- Completion of a course of study

M-1 students can only drop below a full course of study due to a medical condition.

In order for a student to obtain authorization to drop below a full course of study, he or she must first receive permission. You must follow regulatory requirements to grant the authorization and record the authorization in SEVIS.

Guidelines to Drop Below a Full Course of Study for Academic Reasons

You may authorize a RCL for F-1 students for academic reasons in the following situations:

- Initial difficulty with the English language or reading requirements
- Unfamiliarity with U.S. teaching methods
- Improper course level placement

Authorization for a reduced course load due to academic difficulties is limited to one term at each program level.

A RCL must consist of at least six credit hours or half of the minimum requirement for a full course of study for the program for which the student is enrolled. To maintain status, students must resume a full course of study in the next regular session.

An authorization to drop below a full course load for academic reasons does not impact a student's eligibility to take a reduced course load for medical reasons.

Guidelines to Drop Below a Full Course of Study for Medical Conditions

F-1 students with documented medical conditions can take a reduced course load or no course load at all. A student must provide you with medical documentation, which you should maintain in the student's file. The documentation must be from a licensed medical doctor, doctor of osteopathy or licensed clinical psychologist in order for you to authorize a reduced course load.

As the DSO, you do not have to concur with the medical reason. You must document the reason and then ensure that the student does not exceed the authorized amount of time at less than a full course load. The authorization period cannot exceed an aggregate of 12 months per program level. This means a student who dropped to half time for one semester in freshman year can drop to half time again for one semester in junior year, if needed.

However, if the student has already had 12 months at less than full-course load, the student is not allowed any additional part-time study based on a medical condition until advancing to the next program level.

Authorization for one term or reduced course load session does not automatically carry over to the next. You must re-authorize the exception in SEVIS every term or session, if warranted.

M-1 students with a documented medical condition can drop below a full course load or interrupt their studies with the same type of documentation as required for F-1 students. However, M-1 students are limited to an aggregate of five months of reduced course load.

Guidelines to Drop Below a Full Course of Study for Completion of a Course of Study

In some cases, F-1 students in their final term do not need a full course load in order to have enough credits to graduate. In these cases, students can take just the courses needed to complete their program.

Students authorized by the school for a partial course load in their final session are automatically considered full-time students. SEVIS authorization is optional (there is functionality in SEVIS but recording a partial course load in the final semester is not required).

If a student fails a course during the last term consisting of a reduced course load, the student may again have a final session with less than a full course load. A second consecutive authorization for a reduced course load in a student's final semester should be reported in SEVIS in order to ensure that the student is continuing to make progress toward program completion. Carefully document the circumstances so you can show that the student continued to make normal progress toward program completion.

If a student does not finish the program of study after a second final term or session with a reduced course load, the student is not eligible for a third reduced course load.

Updating SEVIS with Reduced Course Load Information

Use the Authorize to Drop Below Full Course Load function on the Student Information page to report authorized reductions in course load.

- Select the reason for authorizing the reduced course load from the drop down list
- Enter the start date and end date of the authorization
- Review your entries to be certain they are correct and press the authorize button

If a student reduces or drops below a full course of study without authorization, you must report the violation within 21 days after the violation occurs. Violations include:

- Failure to enroll in a full course load at the beginning of a session
- Dropping below a full course load during a session without your permission

In either of these cases, terminate the student's SEVIS record; indicate the reason as Unauthorized Drop Below Full Course of Study. Let the student know that he or she is potentially out of status (the student may choose to reinstate status). Students who decide not to reinstate status must depart the United States immediately. There is no grace period.

To update SEVIS in the next session in which the student returns to a full course of study, you should register the student's record in SEVIS within 30 days of the next session start date, and verify full-time enrollment within 30 days of the close of the class registration period. This will meet the regulatory requirements for showing that a student has resumed a full course of study.

Topic 2: Continuing Enrollment

Introduction

Either F-1 or M-1 status allows a prospective nonimmigrant student to enter the United States to study. Once admitted, a nonimmigrant student must take certain steps to maintain his or her nonimmigrant status including enrolling in a full course of study for each required session. Required sessions do not include breaks such as holidays, semester breaks, or summer recess.

After completing this Topic, you will be able to:

- Understand requirements for registering continuing students
- Register continuing students in SEVIS

The next session start date is an important data element in SEVIS. You entered this date when initially registering a student. SEVIS uses this date to generate alerts. These alerts, Active Students Requiring Registration, notify you that the student is expected to re-enroll for the coming session. Within 30 days of the next session start date, you need to confirm that the student is enrolled in classes at your institution and register that student in SEVIS with new session dates.

Do not register students for one session that begins with the program start date and ends with the program end date within that session unless the program is less than one academic year and the student is expected to be in classes when the rest of the school is on break.

The registration screen for a new session asks for the same information you provided when you first registered

the student and activated the SEVIS record. The information requested includes:

- Current session end date
- Next session start date
- Address information
- Passport information

Best Management Practice:

It is a good practice to ask a student for change of address information and to check/verify the passport information. If the student's passport is within six months of expiration, suggest that he or she renew it. This will prevent problems if the student needs to travel unexpectedly.

The primary challenge in registering students in SEVIS each term is determining if a student has actually enrolled in a full course of study. The process for doing this varies with each school. If your school does not have an automated process for verifying enrollment, SEVP strongly recommends that you require students to visit your office before you update their SEVIS record.

Repeat this process at the beginning of each session, until the student completes the program. If the student is in the last session of his/her program, check the box on the registration page indicating this and leave the next session start date blank.

If the student does not enroll in the next session, you must terminate the student's SEVIS record for Failure to Enroll within 30 days of the next session start date.

Lesson 2: Length Extensions and Reductions

Introduction

Nonimmigrant students must maintain status and continually progress toward the completion of their program of study. The previous lesson established that in order to maintain status, nonimmigrant students must report to their DSO at the beginning of every regular term (other than holiday and summer terms). This lesson covers information on program end dates and how to reduce or lengthen a program of study.

Topic 1: Program End Dates

Introduction

When you create an Initial record in SEVIS, one of the required pieces of information is the program end date. The program end date requirements differ for F-1 and M-1 students.

After completing this Topic, you will be able to:

- Understand how to determine the proper program end date
- Understand the differences between F-1 and M-1 program lengths

The program end date for F-1 students is based on the average time it takes all students to complete a particular program of study. For example, the normal length of study for a Bachelor of Arts degree is four years. The program end date is the date on which students are expected to accomplish their educational objective — most often this means graduating and receiving a degree.

An individual student may take more or less time than the average student to complete a program. Consequently, you are able to change an F-1 student's program end date at any time, making the duration of the

program either shorter or longer.

M-1 students, by law, are only authorized to participate in programs of study lasting three years, even though they are permitted to enter the United States for a duration of one year. When creating the initial M-1 student Form I-20, the student's program end date must be entered as a date that is exactly one year after the program start date, unless the program of study is less than one year. For programs that last less than one year, enter the actual program end date.. (We will discuss later extensions to the M-1 program of study to accommodate those programs lasting more than one year.)

F-1 students are permitted to remain in the United States to prepare for departure for 60 days after their program end date, or 60 days after any approved period of post-completion OPT. M-1 students are permitted to remain in the United States for 30 days after their program end date and any additionally granted period of post-completion OPT. F-1 students may choose to change their level of study during this time and remain in the United States for duration of status. M-1 students must depart after the period of time and must obtain a new Form I-20 to start any new program of study.

The process for extending or reducing the program length varies depending on the student's nonimmigrant status. The next two topics explain program length changes for F-1 and M-1 students.

Topic 2: F-1 Program Length Changes

You are able to grant a program extension for an F-1 student who is unable to meet the program end date listed on the Form I-20. However, only the PDSO can extend the program if the program end date has passed. If the program end date has passed, a PDSO can change the program end date within 15 days of the current program end date. Likewise, the program length can also be reduced if an F-1 student finishes ahead of schedule. Neither action requires DHS adjudication.

After completing this Topic, you will be able to:

- Advise F-1 students on program extensions and reductions
- Extend or reduce the program of an F-1 student

F-1 Program Length Extensions

You can only extend an F-1 student's program end date if the student has continually maintained status and the delay is caused by compelling academic or medical reasons such as:

- Change of major or research topic
- Unexpected research problems
- Documented illness

Delays caused by academic probation or suspension are not acceptable reasons for a program extension. You

grant an F-1 student an extension in a SEVIS record by choosing the Extend Program option. This will allow you to change the Program End Date to a later date. You must also explain the medical or academic reason for the change. Nonimmigrant students should be held to the school's published academic requirements for grades and should be making normal progress toward a degree.

You can extend a student's program length at any time before the current program end date. However, you cannot change it if the program end date has passed. If there is any possibility that the student will not complete on time, extend the program end date. You can always shorten the program length later if the student does not need the extra time.

When students register for their last term, please warn them to let you know prior to the current program end date if there is any chance they might fail a course or receive an incomplete. If a student notifies you of a problem, extend the program end date immediately. This gives the student time to resolve grade issues and register for another term if needed. SEVIS will automatically complete the student's record 60 days after the program end date. If the student does not complete their coursework on time and you have not extended the program end date, the student will need to reinstate.

Best Management Practice:

It is a good practice to verify the program end date with the student each new term.

F-1 Program Length Reductions

You can reduce the length of a student's program of study when a student completes a program earlier than expected. Choose the Shorten Program option. Enter the new program end date. You have the option of adding remarks to note the reason behind the program length reduction.

Topic 3: M-1 Program Length Changes

There are two primary differences between program extensions for M-1 students and those for F-1 students:

- M-1 students are limited to a one year duration of status
- M-1 program extensions require USCIS adjudication, while F-1 program extensions do not

After completing this Topic, you will be able to:

- Extend the program end date of an M-1 student in SEVIS
- Advise M-1 students on the program extension process

M-1 Program Length Extensions

While an M-1 student can only be admitted for a period of up to one year, the M-1 program of study can be extended for up to three years — for a second year before the end of the first year; then for a third year (before the end of the second year). If an M-1 student needs to enroll for more than one year, you must recommend the program extension at the appropriate time. You can do this only up to 60 days, and no later than 15 days, prior to the student's current program end date. In fact, the link in SEVIS that allows you to recommend extension of an M-1 program appears in the student's record only during this time frame.

When available, choose the Extend Program link. The program extension is limited to one year and must reflect the actual end of the one-year duration. Choosing the link allows you to recommend a program extension, however only USCIS can approve the program extension. For example, if a student is enrolled in a three-year program, you will have to recommend two program extensions for that student's course of study.

Adjudication Requirements

M-1 extensions require adjudication by USCIS. When you change the program end date on an M-1 student SEVIS record, you must also:

- Print and sign an updated Form I-20
- Give the new Form I-20 to the student
- Instruct the student to:

Sign the Form I-20

- File a Form I-539, Application to Extend/Change Nonimmigrant Status with USCIS at least 15 days but not more than 60 days before the program end date on the student's Form I-20.

Once the application for program extension has been properly filed with USCIS, students remain in status while

it is pending, even if the original program end date has passed. Students must continue to attend school and maintain full-time enrollment while the application is pending.

Best Management Practice:

You should strongly encourage students to send these documents by registered mail with receipt requested or by a courier service that allows package tracking. Students also have the option of filing Form I-539 electronically using the USCIS e-filing option. For filing information, see the Forms section of the USCIS Web site at <http://www.uscis.gov>.

Adjudication Process

After the student sends the request for extension to USCIS, the USCIS adjudicator will either approve or deny the application.

If the USCIS adjudicator approves the application, the following occurs:

- The student's SEVIS record is electronically updated to:
Indicate the request for extension was approved
Reflect the new program end date
- There will be a Service Center Adjudication Results alert in SEVIS.
- The student receives a:
Form I-20 with the Service Center's approval stamp
- Notice of Approval with a new I-94 from USCIS[CN]

If the USCIS adjudicator denies the application, the following occurs:

- The student's SEVIS record is electronically updated to show that the request for extension was denied
- The student's SEVIS record automatically terminates for the reason of Extension Denied
- A Service Center Adjudication Results alert appears in SEVIS
- The student receives a Notice of Denial from USCIS

If the program extension is denied, the student must depart the United States immediately.

M-1 Program Length Reductions

To reduce an M-1 student's program of study, choose the Shorten Program option and enter the new program end date. Reducing the program length too much may require extending the program later through the same requirements as above, including the student filing a Form I-539 application with the appropriate fee.

Lesson 3: and Reentering the United States

Introduction

Many nonimmigrant students study in the United States for several years, so periodic trips abroad are common. In addition, students may travel outside of the United States for vacations, work or study abroad.

The first topic in this Lesson describes the procedures for a continuing student with a SEVIS record in Active status to travel outside of the United States. The second topic discusses travel under special circumstances, such as when a student's request for extension is pending or when there is a pending request for OPT.

Topic 1: International Travel For Continuing Students

This topic covers restrictions on international travel for continuing F-1 and M-1 nonimmigrant students.

After completing this Topic, you will be able to:

- Understand what documentation continuing students need to travel outside of the United States
- Understand when a continuing student can travel outside of the United States

Regulations allow continuing nonimmigrant students in valid status to travel outside of the United States and reenter without jeopardizing their nonimmigrant status. The only restrictions on such travel are as follows:

- The student needs a Form I-20 with current information that is signed by a DSO on pages one and three allowing travel outside of the United States
- The student's visa (if applicable) and passport must still be valid at the time the student reenters the United States (unless the student has taken a trip of less than 30 days to Canada, Mexico or contiguous islands)
- A student cannot reenter the country during the grace period granted after completing a program of study

Topic 2: International Travel Under Special Circumstances

There are certain special circumstances that can impact a nonimmigrant student's ability to travel outside of the United States. This topic examines travel abroad under special circumstances and the impact travel abroad can have on an application that is pending with USCIS.

After completing this Topic, you will be able to:

- Advise students on travel with OPT pending
- Advise students on the impact of travel on an application pending with USCIS
- Understand how special circumstances can affect nonimmigrant student travel

Optional Practical Training Pending

The guidelines for F-1 and M-1 students differ:

- F-1 students may leave and reenter the United States while an approval for OPT is pending. An F-1 student with an expired visa should wait for OPT approval to travel if a valid visa is required for reentry. The Department of State will not issue a visa to an applicant with a pending OPT application.
- M-1 students may not leave the United States while an OPT application is pending without jeopardizing their status. M-1 students are required to wait for OPT approval.

If any student travels abroad after receiving approval for OPT, he or she must carry a valid F-1 or M-1 visa stamp (other than citizens of visa exempt countries), Form I-20 signed within the past six months, valid passport, EAD and letter from his or her employer.

Petition Abandonment

In certain situations, students are considered to have abandoned any petitions filed with USCIS if they leave the country while they are pending. These situations include pending I-539 applications for:

- Changes of status to F-1 or M-1, or from F-1 or M-1 status to any other nonimmigrant status
- Requests for program extensions by M-1 students
- Requests for transfers by M-1 students

Travel is not recommended in these situations. If a student must travel while an application is pending, he or she may ask for a new Initial Form I-20 and apply for an F-1 or M-1 visa at the United States embassy or consulate, if necessary, and apply for reentry (not recommended for those awaiting approval of OPT applications). See the Travel and Reentry FAQ on the SEVP Web site for more information.

An F-1 student who leaves the country while a request for transfer is pending can travel using:

- The active Form I-20 from the transfer-out school if the return date is before the transfer release date
- An initial Form I-20 from the transfer-in school if the return date is after the transfer release date

Lesson 4: Loss of Status and Reinstatements

Introduction

Nonimmigrant students fall out of status if they do not comply with the conditions of their respective visa statuses. Students can lose status for a variety of violations such as failing to enroll for a required session or working without authorization.

This lesson looks at the process for reinstatement of status. A student may apply for reinstatement of status in cases where the violation was outside of the student's control and the student continues to attend, or plans to attend, a program of study at an SEVP-certified school.

Topic 1: DSO Responsibilities

This topic outlines the ways in which a nonimmigrant student can lose status, how a student's SEVIS record can be terminated, and describes the DSO's recommendation process when a student requests reinstatement.

After completing this Topic, you will be able to:

- Understand how a SEVIS record can be terminated
- Understand when you should terminate a student's SEVIS record
- Understand your role in the reinstatement of status process

Introduction

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Termination Reasons in SEVIS

There are a number of termination reasons in SEVIS. The table below includes all termination reasons and provides examples of when each termination reason should be used.

When a nonimmigrant has a pending change of status, keep the SEVIS record in Initial status until the change of status is adjudicated. If necessary, defer the Program Start Date until the change of status is adjudicated. If a

record is activated in error, use the corrections menu to make it Initial or ask for a data fix. Otherwise the person may have a terminated SEVIS record instead of a cancelled record. If a record is in initial status, and the nonimmigrant withdraws his or her change of status, cancel the record.

Adjustment of Status

When a nonimmigrant student files an Adjustment of Status (Form I-485) but maintains F-1 or M-1 status, the student's SEVIS record should remain active until the adjustment is approved. The DSO should then manually terminate the record for Change of Status Approved. Note the circumstances in the remarks area and provide the student's A-Number or Receipt Number.

Duplicate Records

When a student has two Active SEVIS records, the DSO would be required to submit a correction request to have the duplicate record set to canceled status. If you are unsure which record should be cancelled, you should consult with SEVP for guidance.

Approving Requests for Reinstatement

You are the first line of evaluation in considering a student's request for reinstatement. There are no specific guidelines as to when you should or should not recommend reinstatement. However, keep in mind that the loss of status should be beyond the student's control. Use your discretion when recommending reinstatement.

Take the following steps to recommend reinstatement:

- Enter the recommendation on the Student Reinstatement Screen in the student's SEVIS record
- Advise the student to send a complete request package to USCIS, including
Fee
Form I-20 with recommendation signed by DSO
Completed Form I-539
- All evidence required to support the request (for example, if a serious illness caused the violation by preventing enrollment, the packet must include a medical report)

You should advise students to:

- Keep a copy of the entire application for reinstatement packet
- Send the packet via registered/receipt requested mail or by courier
- Keep a copy of the canceled check submitted for the fee or use e-filing
- Comply with the requirements for maintaining student status

Topic 2: Student Activities While Pending Reinstatement

A nonimmigrant student is limited in the activities that he or she can pursue while an application is pending with USCIS. This topic outlines a student's responsibilities and limitations while an application for reinstatement of status is pending.

After completing this topic, you will be able to:

- Understand what a student can and cannot do while an application for reinstatement of status is pending
- Advise students on their responsibilities and limitations while an application for reinstatement of status is pending

While a request for reinstatement is pending with USCIS, the student:

- Can and should continue a full-time program of study at the school where they are enrolled
- Must comply with all the requirements for maintaining student status
- Should not travel outside the United States, as doing so will be considered an abandonment of the pending reinstatement application. If the student decides to do so, he or she will have to reenter on a new, initial attendance Form I-20 as well as pay the SEVIS fee
- Cannot work on or off campus

Out-of-status students are not eligible to apply for any student-related benefits while the reinstatement is pending.

Topic 3: Approval/Denial

Upon adjudication by USCIS, a student will either be reinstated to his or her lost status or the application will be denied and the student must immediately depart the United States. This topic covers each scenario.

After completing this Topic, you will be able to:

- Understand what action should be taken upon approval or denial of an application for reinstatement of status
- Understand how you are notified of the USCIS decision
- Advise students on what they are entitled to upon approval of the application for reinstatement of status
- Advise students on what they must do if an application for reinstatement of status is denied

If a student's request for reinstatement is approved:

- The student can receive a notice and Form I-20 with an approved stamp from USCIS or may merely receive the Form I-20 and the Form I-94, if it is required.
- You are notified by email, rather than the standard SEVIS alert method.
- You must check the session and program end dates that are currently active in the student's SEVIS record and make any required updates.
- The student is entitled to apply for student-related benefits.

If a student's request for reinstatement is denied:

- USCIS sends the student a notice of denial.
- The student must depart the United States immediately.
- You are notified by email, rather than by the standard SEVIS alert method.

There is no appeal process for the decision. However, the student can file a motion to reopen the case, if sufficient grounds exist. If a motion to reopen is filed, the student's SEVIS record continues to indicate that the student has been terminated, and that the request for reinstatement has been denied.

Module Summary

Module 3 introduced requirements placed upon F-1 and M-1 students to maintain nonimmigrant status and covered DSO reporting requirements based on student actions. The module presented information on special circumstances related to maintenance of status and provided instructions for program extensions and reductions. Finally, the module covered loss of student status and the reinstatement process.

Module 4: Employment and Practical Training

Introduction

Nonimmigrant students are admitted into the United States to study. For these students to work in the United States, specific authorization must be obtained. Not following the regulatory guidelines for employment authorization is a violation of status and could jeopardize a student's ability to remain in the United States or return for future visits.

This module outlines the types of employment available to F-1 and M-1 nonimmigrant students and the authorization process for each type of employment. There are five lessons:

- Lesson 1: On-Campus Employment
- Lesson 2: Off-Campus Employment
- Lesson 3: Internship With an International Organization
- Lesson 4: Curricular Practical Training
- Lesson 5: Optional Practical Training

Lesson 1: On-Campus Employment

Introduction

On-campus employment for F-1 students is work that takes place either at your school or at an off-campus location that is educationally affiliated with the school. The work can be for an on-campus commercial business (such as a bookstore or cafeteria) as long as the work directly provides services for students.

Employment cannot exceed 20 hours per week while school is in session, except in the rare case where the Secretary of DHS suspends this requirement due to emergent circumstances.

F-1 students may work full-time during breaks and vacations as long as they are planning to enroll full-time the next semester. The Internal Revenue Service (IRS) defines full-time on-campus employment as 40 hours per week.

Topic 1: Basic Guidelines for On-Campus Employment

This Topic answers the question: what qualifies as on-campus employment?

After completing this topic, you will be able to:

- Advise nonimmigrant students on what qualifies as on-campus employment
- Advise nonimmigrant students on the approval process
- Advise nonimmigrant students on the number of work hours allowed

You must consider two factors in an on-campus employment decision:

- Type and location of the employment
- Employment cannot displace a U.S. citizen or lawful permanent resident

On-campus employment is work that takes place either at your school or at an off-campus location that is educationally affiliated with your school.

Commercial work located on-campus that does not directly involve services to students (such as construction work) or is not contractually affiliated with the school does not qualify as on-campus employment. For example, F-1 students cannot work for a company that:

- Contracts with your school for something other than student services
- Does not contract with the school, even if the company is physically located on school property

Educational affiliation means the location is associated with your school's established curriculum. At the post-graduate level, the location must be related to research projects conducted by your school. If a company has multiple locations, F-1 students can work only at those locations educationally affiliated with your school.

Initial F-1 students do not have to wait for their program start date to begin work. Students can begin work up to 30 days before their program start date. If a student does not have a Social Security number, he or she must apply for a number. The student will need a certification letter from their DSO, and from the employer, to present to the Social Security Administration. For additional information on applying for a Social Security number, please see the Social Security and Tax Issues FAQ on our Web site www.ice.gov/sevis

Topic 2: DSO Guidelines for On-Campus Employment

You should encourage F-1 students to work with you to ensure that a position qualifies as on-campus employment. This Topic presents DSO guidelines for authorizing on-campus employment.

After completing this Topic, you will be able to:

- Provide a student with documentation to take to the Social Security Administration
- Understand what records the school must keep on file regarding a student's on-campus employment

As a DSO, you need to do the following:

- Counsel a student concerning:
 - The number of work hours allowed
 - The type of employment allowed
 - The need to maintain F-1 status
 - Tax and Social Security implications
 - Reporting changes in employment or hours worked
- Obtain a letter from the prospective employer concerning the nature of the job and the number of work hours
- Provide the student with a letter certifying that the job qualifies as on-campus employment and that the student is in F-1 status for Social Security purposes
- Keep records of the student's employment in the student's file
- Report any unauthorized work, or excess work hours, by terminating the student's SEVIS record for the reason of Unauthorized Employment

Lesson 2: Off-Campus Employment

Introduction

Except as noted in the regulations, F-1 and M-1 students are prohibited from holding off-campus jobs. Only F-1 students may apply for special authorization to work off campus if they can substantiate severe economic hardship.

Topic 1: Requirements for Severe Economic Hardship

Off-campus employment is allowed only in cases of severe economic hardship or in emergent circumstances as defined by DHS. This Topic outlines the regulations and requirements governing off-campus employment for F-1 students.

After completing this Topic, you will be able to:

- Advise students on the basic requirements for off-campus employment
- Advise students on what circumstances qualify as severe economic hardship

One of the provisions of F-1 status is that prospective students must prove that they have the ability to pay for education costs and support while in the United States. This proof must be presented before an SEVP-certified school issues a Form I-20, as outlined in 8 CFR 214.3(k)(2).

Off-campus employment is granted, on a case-by-case basis, only to an F-1 student who can prove that new, unexpected circumstances have created severe economic hardship. These circumstances may include the following:

- Loss of financial aid due to no fault of the student
- Loss of on-campus employment if it is not the student's fault and no other on-campus job is available
- Large increase in tuition or living costs
- Substantial decrease in the relative value of the currency that the student depends upon to pay expenses
- Unexpected changes in the financial condition of the student's sources of financial support
- Unexpectedly large medical bills
- Other substantial, unexpected expenses

In addition to economic hardship, the following rules apply to off-campus employment:

- An F-1 student must be enrolled for at least one academic year before he or she is eligible to apply for off-campus work authorization.
- The student must be unable to obtain on-campus employment or the pay available from on-campus employment is insufficient to meet the student's financial needs.
- You must recommend approval of each request and provide the F-1 student with a signed Form I-20. You are only required to sign Page one of the Form I-20 as the signature on Page three is only required for travel.

Topic 2: Employment Authorization for Off-Campus Employment

Unlike on-campus employment, off-campus employment requires DSO authorization in SEVIS and an application for employment authorization submitted by the F-1 student to USCIS. This Topic discusses your role and the student's application process.

After completing this Topic, you will be able to:

- Understand the process for authorizing off-campus employment in SEVIS
- Advise students on the process for applying for employment authorization
- Understand what happens when an application for employment authorization is approved or denied

Applying for off-campus employment consists of the following steps:

- The student explains his or her economic hardship situation to you
- Upon determining that the situation meets the requirements for economic hardship, you will do the following:
 - From the Student Information screen, click the Off-Campus Employment
 - Enter the start date in the Employment Start Date field in MM/DD/YYYY format.
 - Enter the end date in the Employment End Date field in MM/DD/YYYY format.
 - Select an option from the Off-Campus Employment Type list.
 - Enter the applicable comments in the Recommendation field
 - Click Add Employment
 - Print the student's Form I-20

- Sign Page one of Form I-20
- Give the Form I-20 to the student
- The student will need to file a Form I-765, Application for Employment Authorization, with USCIS. (See the USCIS Web site for form and filing instructions.) There is a fee for the application. Make sure the student reads the form carefully and follows the instructions.

Approval

If a student's application for employment authorization is approved:

- USCIS enters the approval into CLAIMS, which updates the student's SEVIS record by:
 - Changing the status of the application from pending to approved
 - Entering the dates that the student is authorized to work off-campus
- USCIS sends the student a Form I-766, Employment Authorization Document, (EAD) with the dates the student is approved to work off-campus.
- SEVIS sends you an automatic alert that the application has been approved.

A student cannot begin work while his or her Form I-765 is pending with USCIS. Upon receipt of the EAD, a student is authorized to work up to 20 hours per week when school is in session and up to 40 hours per week during holidays or school vacation. It is important that the student understands and adheres to the amount of work hours allowed. Working more hours than authorized or beyond the dates authorized is a violation of status. In such cases, the DSO must terminate the student's SEVIS record for Unauthorized Employment.

Authorization for off-campus employment authorization is granted in one-year increments. If an F-1 student needs to continue off-campus employment beyond one year, the student will need to re-apply to USCIS for employment authorization, with your recommendation. The application should be submitted at least 90 days - and not more than 6 months - before the current authorization expires. A student whose EAD card expires cannot continue to work even if awaiting a work authorization renewal.

Denial

If a student's application for employment authorization is denied, the following occurs:

- USCIS enters the denial into CLAIMS, which updates the student's SEVIS record by changing the status of the application from Pending to Denied.
- USCIS responds to the student's Form I-765 with a notice of denial.
- SEVIS automatically sends you an alert stating that the application was denied.

Lesson 3: Internship with an International Organization

Introduction

F-1 students may work as interns with an international organization. The internship must be with a recognized international organization within the meaning of the 59 Stat. 669, International Organization Immunities Act. The opportunity offered must also be within the scope of the organization's sponsorship.

Topic 1: Basic Guidelines for Internship With an International Organization

You must be aware of certain specific guidelines governing internships with international organizations. This Topic outlines those guidelines.

After completing this Topic, you will be able to:

- Understand an F-1 student's eligibility requirements for completing an internship at an international organization
- Understand what must be considered before certifying a student's eligibility for an internship at an international organization

Once authorized to work as an intern with an international organization, an F-1 student can work up to 20 hours per week while school is in session. A student can work full-time during holidays or school vacation.

Employment authorization is granted in one-year increments. If the internship continues beyond one year, the student must apply for continued employment authorization.

The application should be submitted at least 90 days - and not more than 6 months - before the current authorization expires. A student whose EAD card expires cannot continue to work even if awaiting a work authorization renewal.

Before you certify a student's eligibility for an internship at an international organization, you must ensure that the student meets the following requirements:

- Is in F-1 status
- Is not a border commuter student
- Enrolled in a full course of study
- Has a written offer of employment from a qualifying international organization

You do not need to consider:

- Need or hardship
- Relationship between the internship and the student's field of study

Topic 2: Application Process

Prior to commencing employment with an international organization, an F-1 student must receive employment authorization from USCIS. This Topic outlines the employment authorization application process.

After completing this Topic, you will be able to:

- Understand the process for recommending employment with an international organization in SEVIS
- Advise students on the process for applying for employment authorization
- Understand what happens when an application for employment authorization is approved or denied

An F-1 student must have a written offer of internship from an international organization. After you determine that the student is eligible and that the offer is from a recognized international organization, you will need to update the student's SEVIS record. You must endorse an application for internship using the Off-Campus Employment function. On the off-campus employment screen, do the following:

- Check the block recommending authorization for employment
- Select International Organization from the drop-down list
- Add your recommendation in the notes
- Print the Form I-20 and sign Page one.

The F-1 student will need to submit a certification from the international organization that the proposed employment is within the scope of the organization's sponsorship, and a Form I-20, signed within the last 30 days, to USCIS, along with the Form I-765, the appropriate fee and supporting documentation. (See the USCIS Web site for the form and filing information.)

Lesson 4: Curricular Practical Training

Introduction

Curricular practical training (CPT) is defined to be alternative work/study, internship, cooperative education, or any other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with a school.

Topic 1: Basic Guidelines for CPT

CPT is only available to F-1 students when it is an integral part of an established curriculum. In practical terms, “integral part of an established curriculum” means an opportunity must be required by the curriculum or, if not required, the student must receive credit for the training.

This Topic outlines the basic guidelines of CPT.

After completing this Topic, you will be able to:

- Understand what types of opportunities can be classified as CPT
- Understand the basic guidelines for CPT

F-1 students must be enrolled for one academic year before they are eligible for CPT. There is an exception to this requirement — graduate students whose programs require immediate participation in CPT.

In calculating the required one full academic year needed to be eligible for CPT, students can include time spent in other programs of study, if there was no break between the programs.

There is no restriction on the number of hours a student can work per week while in CPT. Part-time CPT (20 hours or less per week) does not impact eligibility for OPT.

Once a student has completed 12 months of full-time CPT, he or she becomes ineligible for optional practical training, or OPT (which is covered in the next Topic) at that educational level. For example, if a student completes 12 months of full-time (40 hours or more per week) CPT as an undergraduate, the student is not eligible for OPT at the undergraduate level.

F-1 students are required to maintain status (status includes enrolling in a full course of study) while completing CPT. If a student seeks authorization for full-time CPT, you should ensure that the CPT opportunity is considered full-time enrollment by the school prior to authorizing it in SEVIS. It is common for schools to consider a full-time internship as full-time enrollment but you should confirm this is the case.

There is no restriction on compensation during CPT. Compensation is not a consideration when determining whether an opportunity qualifies as CPT.

Topic 2: Recommending CPT in SEVIS

As a DSO, you can authorize an F-1 student to participate in CPT. CPT must be recorded in a student's SEVIS record before the student can begin work. DHS adjudication is not required, and there is no need for an EAD.

After completing this topic you will be able to understand the process for recommending CPT in SEVIS.

To authorize CPT in SEVIS, select the CPT Employment Authorization option from the student's information page. On the CPT Employment page, select New CPT Employment. You will then get the Adding New CPT Employment screen. Enter the following information:

- Start date
- End date
- Whether the opportunity is full time or part time
- Employer's name
- Employer's address
- How the CPT applies to the student's curriculum
- Any additional remarks (optional)

After recording the CPT:

- Print the student's revised Form I-20
- Sign Page one
- Give the original Form I-20 to the student

Page three of the Form I-20 serves as proof of authorization to engage in CPT. It contains the following information:

- Employer's name
- Employer's location
- Dates that the student is authorized to work
- Employment status (full time or part time)

To update the CPT employment information, select the CPT Employment Authorization option from the student's information page. On the CPT Employment page, select edit from the Command List that appears next to the name of the employer. You will then be able to update any of the CPT information.

Lesson 5: Optional Practical Training

Introduction

Optional practical training (OPT) is another type of practical training available to nonimmigrant students. It differs from CPT in the following ways:

- OPT is not an integral part of a student's academic program
- OPT requires DHS adjudication

There are different OPT guidelines for F-1 and M-1 students. Technically, the training available to M-1 students is only "practical training." However, for the purposes of this lesson, it will be referred to as OPT.

Topic 1: Optional Practical Training for F-1 Students

OPT is available to F-1 students while completing their program of study or upon completion of their program of study. This Topic outlines the basic guidelines for F-1 OPT and provides information on the employment authorization process.

After completing this topic, you will be able to:

- Advise students on guidelines for F-1 OPT

- Understand the process for recommending OPT in SEVIS
- Advise students on the process for applying for employment authorization
- Understand what happens when an application for employment authorization is approved or denied

General F-1 Student OPT Guidelines

F-1 students can participate in OPT that is directly related to their major area of study while they are enrolled in school (pre-completion) and upon completion of their program of study (post completion). Certain students are also eligible for a 17-month extension of post-completion OPT. The extension is covered in greater detail in Topic 2.

As is the case with CPT, students must be enrolled full time for a full academic year before being eligible for OPT — there is no exception to this requirement. However, F-1 students can apply for pre-completion OPT as early as 90 days prior to completion of a full academic year.

Specific guidelines for OPT are as follows:

- A student can participate in a total of 12 months of OPT at each education level.
- Certain students are eligible for a 17-month extension of post-completion OPT.
- Part-time work counts toward the maximum 12 months at one-half the rate of full-time employment.
- OPT does not count as part of a nonimmigrant student's required full-time course load.
- A student may work up to 20 hours per week when classes are in session.
- A student may work more than 20 hours per week when classes are not in session.
- A student does not need to have a job offer to be authorized for OPT.
- A student is limited to an aggregate of 90 days of unemployment during post-completion OPT and 120 days of unemployment if granted the 17-month extension.
- You are responsible for reporting known changes in a student's name and address, employer name and address, and known instances of a student's deliberate failure to report to work.

Pre-completion OPT vs. Post-completion OPT

The OPT rule published on April 8, 2008, made certain changes to OPT including distinguishing periods of pre-completion OPT from post-completion OPT. This change mainly impacts students who have completed all coursework for their program of study, excluding thesis or equivalent. In the past, students in this situation would apply for pre-completion OPT and roll it into post-completion OPT. Students must now choose between pre-completion OPT and post-completion OPT.

If a student in this situation applies for pre-completion OPT, he or she can work full time, is not subject to the unemployment provisions, and may receive a program extension. However, the student cannot apply for the STEM extension from a period of pre-completion OPT and is not eligible for the cap-gap extension of OPT.

Alternatively, if a student in this situation applies for post-completion OPT, he or she can work full time, is eligible for the cap-gap extension, and can apply for the STEM extension, if eligible. However, a student is subject to the unemployment provisions and is unable to receive an extension of his or her program.

Application Process

As previously indicated, a student must be enrolled full time for one full academic year to be eligible for OPT but may apply for employment authorization as early as 90 days prior to completion of a full academic year. In calculating the required one full academic year needed to be eligible for OPT, students can include time spent in other programs of study, if there was no break between the programs.

A student applying for post-completion OPT must submit the application for employment authorization prior to the end of the 60-day grace period after his or her program end date. If a student files the application for employment

authorization beyond the grace period, USCIS will deny the application. SEVP recommends that you instruct students to submit the application for employment authorization as early as possible.

As DSO, you need to do the following:

- Enter the recommendation in the student's SEVIS record
 - Use the remarks area to explain how the work relates to the student's program of study (employer information is optional)
 - Print the student's Form I-20
 - Sign Page one of the Form I-20
 - Provide the original Form I-20 to the student
- Instruct the student file the required documentation with the appropriate USCIS Service Center. A complete application must include the following:
 - The signed Form I-20
 - A completed Form I-765
 - The USCIS adjudication fee
 - Any supporting documentation for the application

The student may mail the application to the USCIS Service Center or use E-Filing.

SEVIS uses the term Requested to indicate that a DSO has recommended OPT but the USCIS Service Center has not yet received the student's application. The request may be canceled by SEVIS after a period of 180 days in Requested status. SEVIS uses Pending to indicate a student's application has been accepted by USCIS but not adjudicated.

NOTE: While a student waits for USCIS approval or denial of the application for employment authorization, the student must still be prepared to leave the United States 60 days after his or her program end date in case the application for employment authorization is denied. It is possible that an application will remain in Pending status with USCIS beyond a student's 60 day grace period. Should this occur, the student must be prepared to depart the United States immediately if the application is denied.

Approval

If a student's application for employment authorization is approved, the USCIS database enters the approval into the student's SEVIS record by:

- Changing the status of the application from Pending to Approved
- Entering the inclusive dates that the student is authorized for OPT

The student's SEVIS record remains in Active status for the duration of the post-completion OPT, plus 60 days. USCIS also sends the student a Form I-766 (EAD) stating the dates the student is approved for OPT. An automatic SEVIS alert lets you know the application has been approved.

With the EAD, the student can work without jeopardizing status, as follows:

- Up to 20 hours per week when classes are in session
- More than 20 hours per week when classes are not in session
- More than 20 hours per week during post-completion OPT

Denial

If an F-1 student's application for employment authorization is denied, the USCIS database updates the student's SEVIS record by changing the application status from Pending to Denied. USCIS also sends the student a Notice of Denial.

An automatic SEVIS alert lets you know that the application was denied.

A student cannot work without an approved EAD.

Length of Stay for Students with Post-Completion OPT

An F-1 student is allowed to remain in the United States until the expiration date shown on the EAD plus 60 days to prepare for departure. All OPT must be completed within 14 months of the program end date. This provides a two-month buffer to allow for adjudication time. However, if it takes three months after the program end date for USCIS to adjudicate the application, the student will be able to work for only 11 months. In no case will a student be approved to work more than 12 months of OPT.

Students cannot begin work while their application for employment authorization is pending. If USCIS does not approve or deny the application within 90 days, the student should contact USCIS regarding the application.

The April 2008 OPT rule introduced periods of authorized unemployment for F-1 students on post-completion OPT. Students are limited to a period of 90 days of authorized unemployment during the initial 12-month period of post-completion OPT. If a student exceeds the period of authorized unemployment, it is considered a violation of status. It is not the responsibility of DSOs to determine whether a student has exceeded this limit. That is the responsibility of DHS. If a student does exceed the limit, it could impact his or her eligibility for future immigration benefits or ability to change status.

Topic 2: 17-Month STEM Extension for F-1 Students

On April 8, 2008, DHS, through SEVP, published an Interim Final Rule titled, Extending Period of Optional Practical Training by 17 Months for F-1 Nonimmigrant Students With STEM Degrees and Expanding Cap-Gap Relief for All F-1 Students With Pending H-1B Petitions.

This rule allows F-1 students on a period of post-completion OPT (after earning a bachelor's, master's, or doctoral degree in a science, technology, engineering, or math (STEM) field included in the list of designated STEM degrees) to apply for a 17-month extension of their post-completion OPT (known as the STEM extension). The list of STEM designated degree programs is found on the SEVP Web site (www.ice.gov/sevis).

In addition to completing a STEM designated degree program, in order to be eligible for the STEM extension, students must have a job or a job offer from an employer registered and in good standing with the DHS E-Verify (referred to as an E-Verify employer). You do not have to confirm that a student is working (or will work) for an E-Verify employer. That determination will be made by a USCIS adjudicator. The employer's E-Verify account information is required on the Form I-765, Application for Employment Authorization, for students applying for the STEM extension.

DSO Responsibilities in Recommending the STEM Extension

There are certain eligibility requirements for the STEM extension that do not exist for normal OPT including degree, field of study, and employer information. Before recommending a student for the STEM extension in SEVIS, you should confirm that:

- The student's education level shown in SEVIS is bachelor's, master's, or doctoral.
- The name of the student's major shown in SEVIS is on the STEM designated degree program list.
- SEVIS shows the student is on an approved period of post-completion OPT.
- The employer name and address entered into SEVIS are entered exactly as provided by the student.

Student Responsibilities During the STEM Extension

While completing the STEM extension, students must maintain status. This is done by working in a paid position for an E-Verify employer in a related field of study for at least 20 hours per week. Students completing the STEM extension are limited to an aggregate of 120 days of unemployment during the entire period of post-completion OPT (regular post-completion OPT and STEM extension OPT).

A student must report to you (within 10 days) any change in the following:

- Legal name
- Residential and mailing address
- E-mail address
- Employer name
- Employer address
- Job title or position
- Supervisor name and contact information
- Employment start-date
- Employment end-date

The student must also report to you every six months, confirming the information listed on the previous slide; even if there have been no changes. The requirement to report continues if the student's 17-month STEM extension is extended further by the automatic cap-gap extension, which is discussed later in this lesson.

Application Process

The application process for the 17-month STEM extension is similar to the application process for normal OPT. A student applying for the extension must submit the application for employment authorization prior to the end of his or her approved period of post-completion OPT. If a student files the application after the end of post-completion OPT, USCIS will deny the application. SEVP recommends that you instruct students to submit the application for employment authorization as early as possible. USCIS will accept the application up to 120 days prior to the requested employment start date.

As DSO, you need to do the following:

- Enter the recommendation for the extension in the student's SEVIS record
 - Use the remarks area to explain how the work relates to the student's program of study
 - Enter the employer information exactly as provided by the student
 - Print the student's Form I-20
 - Sign Page one of the Form I-20
 - Provide the original Form I-20 to the student
- Instruct the student to file the required documentation with the appropriate USCIS Service Center. A complete application must include the following:
 - The signed Form I-20
 - A completed Form I-765 - student must enter employer's name as listed in E-Verify and the employer's E-Verify company identification number or valid E-Verify client company identification number
 - The USCIS adjudication fee
 - Any supporting documentation for the application

The request will change to Pending in SEVIS when SEVIS receives notification from USCIS that the student application has been accepted and entered into CLAIMS by a USCIS Service Center.

Students must file the application for the extension prior to the end of their post-completion OPT. Students who file their STEM extension applications with USCIS in a timely manner may continue working while their applications are pending for 180 days or the date of the decision, whichever is earlier. This interim extension minimizes disruptions in employment.

Approval

If a student's application for employment authorization is approved, the USCIS database is updated and, through an interface with SEVIS, sends the approval information into the student's SEVIS record by:

- Changing the status of the application from Pending to Approved
- Entering the dates that the student is authorized for OPT

The student's SEVIS record remains in Active status for the duration of the OPT extension, plus 60 days. USCIS also sends the student an EAD. An automatic SEVIS alert lets you know the application has been approved.

With the EAD, the student can work without jeopardizing status.

Denial

If an F-1 student's application for employment authorization is denied, the USCIS database updates the student's SEVIS record by changing the application status from Requested to Denied. USCIS also sends the student a Notice of Denial.

An automatic SEVIS alert lets you know that the application was denied.

Topic 3: Automatic Cap-Gap Extension of OPT

Many employers file H-1B petitions on behalf of F-1 students after the student's post-completion OPT expires. Under USCIS regulations, an employer cannot file, and USCIS cannot approve, an H-1B petition submitted earlier than six months before the date of actual need for the beneficiary's services or training. As a result, the earliest date that an employer can file an H-1B petition for consideration under the next fiscal year cap is April 1, for an October 1 employment start date. If that H-1B petition and the accompanying change of status request are approved, the earliest date that a student may start approved H-1B employment is October 1.

Prior to the OPT rule published in April 2008, F-1 students who were the beneficiaries of approved H-1B petitions, but whose periods of authorized stay (including authorized periods of post-completion OPT and their grace period) expires before October 1, had to leave the United States. The students would then have to apply for an H-1B visa at a consular post abroad, and then seek readmission to the United States in H-1B status. The most common situation occurred when a student's OPT ended in the spring or early summer, and his or her F-1 status expired 60 days after that, leaving a gap of several months before the start of H-1B status on October 1. The new rule bridges this gap between F-1 status and the start of H-1B status.

The new OPT rule automatically extends the duration of status and any employment authorization for post-completion OPT for an F-1 student who is the beneficiary of a pending or approved H-1B petition and request for change of status to October 1.

The cap-gap extension is automatic. Students do not need to file an application for employment authorization for this period. Accordingly, students do not receive an EAD for the cap-gap extension of OPT. Students can receive an updated Form I-20 to show the extension of OPT through the cap gap. This may require you to work with the SEVIS Help Desk to update the student's SEVIS record to include the cap-gap extension.

For more details see the OPT guidance on the SEVP Web site at www.ice.gov/sevis.

Topic 4: Practical Training for M-1 Students

Employment for M-1 students is limited to post-completion practical training. The M-1 regulations are very specific on employment opportunities for M-1 students. This Topic outlines the basic guidelines for M-1 practical training and provides information on the employment authorization process.

After completing this Topic, you will be able to:

- Advise students on guidelines for M-1 OPT
- Understand the process for recommending OPT in SEVIS
- Advise students on the process for applying for employment authorization
- Understand what happens when an application for employment authorization is approved or denied

M-1 Student OPT Guidelines

OPT can take place only after a student has completed his or her course of study (post-completion). Recommendations for OPT authorization must be entered into SEVIS within 90 days of a student's program end date. Recommendations cannot be entered after the program end date.

A student is granted one month of OPT for every four months of study in M-1 status. The total time in OPT cannot exceed six months.

Application Process

As DSO, you need to do the following:

- Enter the request in the student's SEVIS record
- Print the student's Form I-20
- Sign Page one of the Form I-20
- Give the Form I-20 to the student

The student sends the required documentation to USCIS for adjudication before his or her program end date. This documentation should include the following:

- The signed Form I-20
- A completed Form I-765
- Fee (check the USCIS Web site for current fee information)
- Other supporting documentation

If a student's period of authorized stay in the United States as listed on the Form I-94 will end before the requested OPT end date, the student must also file a Form I-539, Application to Change/Extend Nonimmigrant Status, concurrently.

While a student waits for USCIS approval or denial of the application for employment authorization, the student must still be prepared to leave the United States 30 days after his or her program end date in case the application for employment authorization is denied. It is possible that an application will remain in Requested status with USCIS beyond a student's 30 day grace period. Should this occur, the student must be prepared to depart the United States immediately if the application is denied.

Approval

The USCIS database enters the approval into the student's SEVIS record by:

- Changing the status of the application from Requested to Approved
- Entering the inclusive dates that the student is authorized for OPT

USCIS sends the student a Form I-766 (EAD) stating the dates the student is approved for OPT as well as a new Form I-94 showing the extended period of stay. An automatic SEVIS alert lets you know the application has been approved.

Denial

If the student's application for employment authorization is denied, the USCIS database updates the student's SEVIS record by changing the application status from Pending to Denied. USCIS also sends the student a notice of denial.

An automatic SEVIS alert lets you know that the application was denied.

Module Summary

Module 4 introduced employment and training opportunities available to F-1 and M-1 students and eligibility requirements for each type. The module also provided instructions for DSOs to authorize or recommend each type and outlined the adjudication process and adjudication outcomes.

Module 5: Student Transfer

Introduction

All nonimmigrant students can transfer from one SEVP-certified school to another. However, the regulations impose different processes for F-1 students as opposed to M-1 students.

This module outlines the transfer process and regulations. There are two lessons:

- Lesson 1: F-1 Student Transfers
- Lesson 2: M-1 Student Transfers

One of the primary goals of the transfer process is to maintain a student's original SEVIS identification number for the duration of the student's stay in F-1 or M-1 status. There is no physical interchange of Forms I-20; the transfer process is totally electronic.

The transfer process involves only the transfer of a student's SEVIS record. It does not necessarily mean that your school will transfer academic records. That is a matter of school policy. However, your school cannot refuse to transfer a SEVIS record for any reason.

Lesson 1: F-1 Student Transfers

Introduction

F-1 students can maintain status through the transfer process if they follow the procedures outlined in this lesson. The SEVIS transfer process helps set the date when responsibility for a student's SEVIS record transfers and outlines how to update and activate a student's record. There are two schools involved in an F-1 student's transfer:

- Transfer-Out School - the school the student is leaving
- Transfer-In School - the school receiving the student

The transfer release date is the date on which responsibility for the student's SEVIS record shifts from the transfer-out school to the transfer-in school. On this date, the student's SEVIS record is made available to the transfer-in school. On or after the transfer release date, the following takes place:

- After the transfer release date, the transfer-out school cannot make any changes to the record.
- DSOs at the transfer-out school can see only a historical record for the student in deactivated status.
- The transfer-out school cannot see a copy of the record at the transfer-in school.
- The transfer-in school can access the student's SEVIS record in draft status and use it to create an Initial, transfer I-20.

An F-1 student is permitted to remain in the United States when transferring between schools or programs as long as the student begins classes at the transfer-in school in the next available term or within five months of his or her last day of classes at the transfer-out school, whichever is sooner, or within five months of the program completion date on his or her current Form I-20 or EAD granted for post-completion OPT.

This lesson looks at the responsibilities of the student and the DSO at each school, as follows:

- Topic 1: Student Responsibilities at the Transfer-Out School
- Topic 2: DSO Responsibilities at the Transfer-Out School
- Topic 3: Student Responsibilities at the Transfer-In School

- Topic 4: DSO Responsibilities at the Transfer-In School
- Topic 5: Special Circumstances

Topic 1: Student Responsibilities at the Transfer-Out School

In order to maintain status while transferring between SEVP-certified schools, F-1 students must be aware of their responsibilities. Prior to transferring, F-1 students must do the following:

- Select an SEVP-certified school and apply for enrollment
- Obtain contact information for the DSO at the transfer-in school
- Inform the DSO at the transfer-out school of their desire to transfer
- Provide the DSO at the transfer-out school with proof of acceptance at an SEVP-certified school (the transfer-in school)

A student must maintain status by attending classes until the transfer release date. An F-1 student cannot decide to transfer in the middle of a term and immediately stop attending classes. Such an action would be a violation of status and the student's SEVIS record should be terminated.

In order to maintain status while transferring between SEVP-certified schools, F-1 students must be aware of their responsibilities. Prior to transferring, F-1 students must do the following:

- Select an SEVP-certified school and apply for enrollment
- Obtain contact information for the DSO at the transfer-in school
- Inform the DSO at the transfer-out school of their desire to transfer
- Provide the DSO at the transfer-out school with proof of acceptance at an SEVP-certified school (the transfer-in school)

A student must maintain status by attending classes until the transfer release date. An F-1 student cannot decide to transfer in the middle of a term and immediately stop attending classes. Such an action would be a violation of status and the student's SEVIS record should be terminated.

Best Management Practice:

It is important that you work with your students (particularly a student transferring mid-term) to establish an acceptable transfer release date. The transfer release date is covered in greater detail in Topic 2.

If a student does stop attending classes prior to the transfer release date, you should terminate the student's SEVIS record for Unauthorized Drop Below Full Course of Study. The student's SEVIS record would then be transferred in Terminated status and the student must file an application for reinstatement of status with the support of the transfer-in school, or depart the United States and return on a new SEVIS record with an Initial Form I-20.

Topic 2: DSO Responsibilities at the Transfer-Out School

When a student provides proof of acceptance from another SEVP-certified school, you will need to work with the DSO at the transfer-in school and the student to determine an acceptable transfer release date.

Best Management Practice:

We suggest that you ask the DSO at the transfer-in school to e-mail you the following:

- Verification of the student's acceptance
- The school's exact name in SEVIS

- The school's SEVIS code

Transfer Release Date

The transfer release date is the date that access to a student's SEVIS record shifts from the transfer-out school to the transfer-in school. Typically, the transfer-release date is the end of a student's current term. However, a student may transfer outside of the normal academic cycle. You should consider the following when setting the transfer release date:

- Does the student need time to complete the current term?
- Do you need to allow time for travel outside the United States?
- Do you need to allow for work during school vacation?

Topic 5, Special Circumstances, has more information on situations that may impact the choice of an appropriate transfer release date.

Prior to the transfer release date, the DSO from the transfer-out school can make changes in SEVIS to accommodate changes in a student's plans. You can cancel the transfer using the Cancel Transfer option located on the student information screen. You can cancel the transfer and reenter transfer data to:

- Change the transfer-in school
- Change the transfer release date

Beginning with the transfer release date, the DSO at the transfer-out school has read only access to the student's SEVIS record. The transfer-out DSO no longer has any reporting responsibilities for the student. The student's SEVIS record will be in Deactivated status. You cannot make any further changes or see changes made to the record at the transfer-in school. The transfer-in DSO assumes all reporting responsibilities on the transfer release date.

Initiating the Transfer Process in SEVIS

As the transfer-out school, you begin the transfer process by going to the Transfer-out screen in SEVIS. Enter the Transfer Release Date you chose in consultation with the student and the DSO at the transfer-in school. The Select button opens a second screen where you can type the name of the transfer-in school. If you use wildcards and type in a partial name, you will see a list of all schools with names that meet the search criteria. The list will show the transfer-in school's name in SEVIS and the school code. Double-check and ensure that the school code on the list matches that one you obtained from the transfer-in DSO.

Topic 3: Student Responsibilities at the Transfer-In School

The student should contact the transfer-in school shortly after the transfer release date and ensure that the DSO has the biographical and financial data needed to update the student's SEVIS record.

The student must also report to the school within 15 days of the program start date and enroll full time in the first required session/term at the school.

Topic 4: Responsibilities at the Transfer-In School

Prior to the transfer release date, the student's name will appear on the Students in Transfer Status list. The student's SEVIS record will be in Draft status with no actionable option other than Print. On the transfer release date, the Create I-20 option will be available. There are no alerts; you must monitor this list.

When you choose the Create I-20 option, SEVIS will fill in the following fields in the student's record with information from the transfer-out school:

- Family Name
- First Name
- Date of Birth
- Gender
- Country of Birth
- Country of Citizenship
- Driver's License Number and Issue State
- Social Security Number
- Individual Taxpayer ID
- Foreign Address
- Visa Number and Visa Issuance Post Code
- Passport Number

You must enter the following information in the student's SEVIS record:

- New program information (including new program start date and program end date)
- Current financial information

Change of Record Status

When you choose submit on the student's form in SEVIS, the student's record will be in Initial status and you can print a Form I-20. The transfer of student information in SEVIS is then complete.

The student must report to your school within 15 days of the program start date and you must register the record at this time by filling in the current session end date and the next session start date.

If the student does not report to your school, you must terminate the student's record for Transfer Student - No Show. If you do not enroll the student within 60 days of the program start date, SEVIS will automatically terminate the record.

Topic 5: Special Circumstances

There are certain circumstances that impact the transfer of an F-1 student including employment, practical training, travel and certain SEVIS record statuses. When transferring a student or accepting a transfer student from another SEVP-certified school, you should understand how the circumstances outlined in this lesson can impact the transfer.

Travel

If a nonimmigrant student plans to travel outside the United States, the timing of the transfer needs to take this into account. The student must return to the United States with a Form I-20 for the school that holds his or her Active or Initial SEVIS record. So travel must be either:

- Started and completed before the transfer release date with an Active Form I-20 from the transfer-out school
- Started and completed after the transfer release date with a Transfer Pending Form I-20 from the transfer-in school

Changing Schools After the Transfer Release Date

If a student wishes to transfer to a third school after the transfer release date, the student must work with the transfer-in school to transfer his or her SEVIS record to the third school. The transfer-out school can no longer

change the student's record.

Transfer Records With Pending Reinstatement

A student cannot transfer while an application for reinstatement of status is pending with USCIS. The student must wait until the reinstatement is adjudicated or leave the United States and attempt to return with a new Initial Form I-20.

Transfer of Terminated Records

A student with a Terminated SEVIS record can transfer. In the past, this practice was prohibited. However, upon review of the pertinent regulations and consultation with USCIS, ICE/SEVP has determined that a Terminated record can be transferred. Upon transfer of the SEVIS record, a student will need to file for reinstatement of status with USCIS (covered in Module 3).

Transfer of Completed Records

A student can transfer during the 60-day grace period after the program end date and any post-completion OPT, if the transfer release date is set by the transfer-out DSO before the end of the grace period. If a student requests that you transfer his or her record after it has gone into Completed status, you should deny this request and inform the student that he or she should depart the United States.

You should only manually complete a student's SEVIS record prior to the end of the 60-day grace period if the student leaves the United States and does not intend to transfer to another SEVP-certified school.

The One Full Academic Year Provision

A student can count the time spent studying in F-1 status at the transfer-out school toward any requirement that necessitates the student be in F-1 status for a full academic year (such as to qualifying for employment or practical training). However, if a student leaves the United States and returns on a new Initial Form I-20 instead of transferring, the student cannot count the time spent studying at a previous school.

Transfer of Students Engaged in Practical Training

Curricular Practical Training

Authorization for curricular practical training (CPT) is not transferable. A student authorized for CPT may continue working at an approved job at the transfer-out school until the transfer release date. If the student wants to work at the transfer-in school, he or she must receive CPT authorization from the new DSO.

Optional Practical Training

Authorization for optional practical training (OPT) is not transferable. It ends on the transfer release date. If a student wishes to complete OPT, you should set the transfer release date on a date after the OPT ends. A student can transfer during the 60-day grace period following OPT, as long as the transfer release date is set within the grace period.

Transfer of Students Employed on Campus

A student can work on campus only at the school that holds his or her Active SEVIS record. With DSO permission, a student can work on campus at the transfer-out school until the transfer release date. To work on campus at the transfer-in school, the student must get permission from the DSO at the transfer-in school. Work can begin after the

transfer release date.

Off-Campus Employment

The authority to work off campus at the transfer-out school ends when a student transfers. To continue off-campus employment, the student must request the recommendation of the DSO at the transfer-in school and file a new application with USCIS.

Transfers by New Initial Students

A new initial student may transfer if the student first reports to your school by the program start date listed on the Form I-20 and can begin classes at transfer-in school within 30 days of his or her date of entry into the United States.

A new initial student does not have to report in person. The school can transfer the record based upon phone, fax, mail, or e-mail notification from the student. If the notification is by phone, you will need to have the student fax or e-mail the acceptance to the new school and a copy of both sides of the Form I-94 so they can verify the date of entry.

There is no requirement that the student attend a full term before applying for a transfer.

You will need to register the student in SEVIS using the following:

- For the current session end date, use today's date.
- For the next session start date, use tomorrow's date.
- Select the Transfer Out function and use tomorrow's date as the Transfer Release Date.

Be sure to follow the directions above when coordinating with a DSO at the transfer-in school. All other transfer rules apply.

If a student has had a previous transfer and no record of attendance at either of the two schools, consult with SEVP before initiating a transfer.

Lesson 2: M-1 Student Transfers

Introduction

The transfer process for M-1 students differs from the transfer process for F-1 students. The most apparent difference is the requirement for DHS adjudication for M-1 transfers. Adjudication is discussed in detail in this lesson.

In addition to DHS adjudication, M-1 students are more limited than F-1 students in their ability to transfer between SEVP-certified schools and programs of study. M-1 students may not:

- Transfer between program levels or program types, even at the same school
- Transfer between schools that involve a new educational objective
- Transfer if the M-1 student has been enrolled in his or her original program of study for more than six months unless the M-1 student is unable to remain at the school to which he or she was initially admitted due to circumstances beyond his or her control

This lesson looks at the responsibilities of the student and the DSO at each school, as follows:

- Topic 1: Student Responsibilities at the Transfer-Out School
- Topic 2: DSO Responsibilities at the Transfer-Out School
- Topic 3: DSO Responsibilities at the Transfer-In School
- Topic 4: Adjudication

Topic 1: Student Responsibilities at the Transfer-Out School

If an M-1 student at your school wishes to transfer to another SEVP-certified school, he or she must do the following:

- Apply to other SEVP-certified M-1 schools
- Select a school at which to enroll
- Upon acceptance, inform you of his or her desire to transfer
- Obtain a copy of his or her Form I-20 from you with Transfer Pending indicated
- Complete a Form I-539, Application to Extend/Change Nonimmigrant Status
- Submit the Form I-539 to the appropriate USCIS Service Center, with the appropriate fee and supporting documentation including:
 - A signed Active Form I-20 from your school indicating Transfer Pending
 - A signed Initial Form I-20 from the transfer-in school

The Form I-539 and filing instructions are found on the USCIS Web site www.uscis.gov under Immigration forms.

Best Management Practice:

The student should carefully follow the filing instructions provided by USCIS to ensure that the application is properly filed at the appropriate USCIS Service Center.

Topic 2: DSO Responsibilities at the Transfer-Out School

When a student at your school requests a transfer to another SEVP-certified school, you must do the following:

- Enter the request to transfer into the student's SEVIS record
- Set a date to transfer the record that is no more than six months after the student's program start date
- Print a new Form I-20 that indicates Transfer Pending
- Provide a copy of the new Form I-20 to the student and explain that it, along with a completed Form I-539 and an initial Form I-20 from the transfer-in school, must be sent to the appropriate USCIS Service Center
- Mark the student's record with a transfer release date

Topic 3: DSO Responsibilities at the Transfer-In School

As soon as the DSO of the transfer-out school transfers a student's SEVIS record to your school, the student's name will appear on the list Students Transferring In SEVIS. The record will be in Draft status. You will need to immediately create an initial Form I-20 with your program information.

After clicking Submit, print a copy of the Form I-20 and give it to the student. The student will need to send the Form I-20 (along with the Form I-539 and other documents) to the USCIS Service Center. Creating the new record at your school does not cancel the student's SEVIS record at the transfer-out school. The record remains Active at the transfer-out school until the release date.

Topic 4: Adjudication

M-1 students must file a Form I-539 with USCIS when transferring between SEVP-certified schools. It is imperative that students file this application. If a student does not file a Form I-539 when transferring, he or she is considered out of status. In that situation, the student would need to file for reinstatement of status with USCIS (covered in

detail in Module 3) or depart the United States.

M-1 students are able to begin studying at the transfer-in school while the I-539 is pending with USCIS. There is no requirement that a student remain at the transfer-out school while the application is pending. In order to maintain status during the transfer process, the student must remain enrolled in a full course of study until the transfer release date set by the transfer-out school. At that point, responsibility for the student's SEVIS record is shifted to the transfer-in school. A transfer student must report to the transfer-in school by the program start date listed on his or her new Form I-20.

The transfer may take various paths. The following section provides possible scenarios created by USCIS adjudication decisions.

Adjudication Pending After the Transfer Release Date

If the student has filed a timely request but approval to transfer is still pending on or after the transfer release date, the following occurs:

- SEVIS automatically deactivates the student's record at the transfer-out school.
- The student must report to the transfer-in school to begin classes upon the program start date at the new school.
- The student's SEVIS record at the transfer-in school still shows transfer pending.
- The DSO at the transfer-in school must activate the record upon the student's enrollment.

Approval

If a student's request to transfer is approved by USCIS prior to the transfer release date, the following occurs:

- SEVIS automatically updates the student's record to show that the transfer request has been approved.
- SEVIS changes the record at the transfer-out school from Active to Deactivated on the transfer release date.
- The student enrolls at the transfer-in school by the program start date listed on his or her new Form I-20.
- The DSO at the transfer-in school needs to update the student's SEVIS record to Active.

Denial

If a student's request to transfer is denied PRIOR to the transfer release date, the following occurs:

- SEVIS automatically changes the student's record at the transfer-in school to Deactivated.
- The student's SEVIS record at the transfer-out school remains Active until the original program end date or until the student terminates for another reason.
- The student has the option to complete his or her original program of study at the transfer-out school.

If a student's request to transfer is denied AFTER the transfer release date, the following occurs:

- SEVIS automatically terminates the student's record at the transfer-in school for Denied Transfer.
- SEVIS automatically moves the record back to the transfer-out school. The record is in Terminated status for the reason Denied Transfer.
- USCIS notifies the student of the denial. If the student wishes to continue studies at the transfer-out school, he or she must apply for reinstatement through that school. Otherwise, the student must depart the country immediately - there is no grace period for departure in this situation.

Module Summary

Module 5 outlined the transfer process for F-1 and M-1 students and outlined student and DSO responsibilities during the process. Additionally, Lessons 1 and 2 of this module provided step by step instruction necessary to transfer the SEVIS records of nonimmigrant students.

Module 6: Closing Out Student Records

Introduction

This module discusses the three methods available to indicate that a student is no longer associated with an SEVP-certified school — closing out a student's SEVIS record.

You can close out a student SEVIS record by taking one of the following actions:

- Terminate
- Cancel
- Complete

Various situations are used to present the proper use of these actions. There are three lessons.

- Lesson 1: Overview of Student Record Terminations
- Lesson 2: Closing Initial Student Records
- Lesson 3: Closing Active Student Records

Lesson 1: Overview of Student Record Terminations

Introduction

SEVIS records are terminated when nonimmigrant students are:

- No longer participating in a program of study at an SEVP-certified school or approved post-completion OPT
- Potentially out of status
- No longer an F-1 or M-1 nonimmigrant student
- Out of the country for more than five months and not enrolled full time
- Denied an application for certain adjudicated benefits

You are required by 8 CFR 214.3(g)(3)(A) to terminate a student's SEVIS record when you are aware of a status violation. You should recommend reinstatement (discussed in Module 3) only when warranted.

Topic 1: Reasons for Termination

As outlined in Module 3, there are many reasons why a student's SEVIS record may be terminated. This Topic provides information on when and how records should be terminated.

After completing this Topic, you will be able to:

- Understand why SEVIS records can be terminated
- Understand the different termination reasons

Not all terminations are negative. For example, an F-1 or M-1 student might need to return home before completing his or her program. The student would no longer need a nonimmigrant status so his or her SEVIS record would be terminated for Authorized Early Withdrawal. If a student's SEVIS record is terminated for Authorized Early Withdrawal, he or she has 15 days to depart the United States. This is not a negative termination, as it indicates a student contacted you or another DSO to request an early withdrawal. Students who receive an authorized early withdrawal and depart within 15 days have not violated status.

Other termination reasons revolve around a student's failure to meet the requirements of his or her F-1 or M-1 status.

Examples include the following:

- Failure to enroll in a full course of study
- Working without proper authorization
- Expulsion from the school or program of study

Records in Initial status and in Active status can be terminated. For example, an initial student's record might be terminated for Failure to Enroll before the record is ever activated.

Reasons for terminating a student's record are listed in the drop-down menu on the Terminate screen in SEVIS. Module 3 included a chart with all termination reasons and examples of when each termination reason should be used. If you are unsure of what termination reason should be used in a situation, please contact the SEVP Policy Branch by e-mail at SEVIS.source@dhs.gov.

Topic 2: Your Responsibilities When Terminating a Record

SEVIS terminates some student records automatically based on dates (such as the program start date in a student's record) or based on an interface with the USCIS benefits adjudication system, CLAIMS. However, in many cases, you will need to manually terminate a record. This Topic outlines your responsibilities when terminating a record.

After completing this Topic, you will be able to:

- Understand when a student's SEVIS record should be terminated
- Understand the importance of reporting status violations in SEVIS
- Understand your reporting responsibilities after a student's SEVIS record is terminated

In certain cases you are required by regulation to terminate a student's record if continuous participation in an F-1 or M-1 program of study is interrupted or if the student has violated his or her status.

You are obligated to report what you believe to be true, to the best of your knowledge. SEVIS data is only an indicator of a possible nonimmigrant status violation. Investigators use additional information to evaluate situations independently of the information in SEVIS. For example, exit data is always checked.

When you terminate a student's SEVIS record, your school is no longer responsible for monitoring the individual unless you request a data fix on the record or you recommend reinstatement. In these two cases, you are still responsible for maintaining the record and reporting on the student. If you do not request a data fix or reinstatement for a student with a terminated SEVIS record, you should let the student know that he or she must depart the United States immediately. Students who do not leave may accrue unlawful presence and may be barred from reentering the United States.

Lesson 2: Closing Initial Status Records

Introduction

This lesson looks at a variety of situations in which Initial student records are closed either by termination or by cancellation.

Topic 1: DSO Initiated Terminations

When a new Initial student enters the United States with an Initial Form I-20, the student is required to report to your school. You must update SEVIS to indicate whether or not the student has reported to your school. This Topic outlines your reporting responsibilities for students with Initial SEVIS records.

After completing this Topic, you will be able to:

- Understand what happens within government systems when a student enters the United States
- Understand what you should do when a student reports and enrolls in a full course of study at your school
- Understand what you should do when a student has entered the United States but does not report to your school

When a student enters the United States with an Initial Form I-20, the arrival information is input into DHS systems. This information is matched against SEVIS and updates the relevant records with the POE information, including the date of arrival. A SEVIS Alert notifies your school that the student has entered the country.

Within 30 days of the program start date listed in the student's SEVIS record, you must do one of the following:

- If the student reports, register the student in SEVIS. This changes the record's status to Active.
- If the student does not report or enroll in a full course of study, and you are aware that the student entered the United States, terminate the student's record within 30 days of the program start date. The reason for termination is No Show - Manual Termination.

POE data does not always post correctly. You may have students who did enter, but you did not get a SEVIS Alert. For this reason, it is very important to instruct all new students to report their arrival and enrollment to you.

Topic 2: System Terminations

If you do not register an Initial student in SEVIS, the system will take action on the student's record. This Topic outlines system terminations.

After completing this topic, you will be able to understand what happens in SEVIS if you do not take action on a student's SEVIS record.

If you do not manually activate or terminate a new Initial student's record but POE data has been entered for that student, the system will automatically terminate the record within 60 days of the program start date for No Show - System Termination. If there is no POE data, the student's record will be automatically cancelled.

System terminations on Initial records are based solely on the program start date and POE information. An error in entering the program start date can cause a student's record to be terminated. It is imperative that you pay close attention to the accuracy of the dates you enter into all student records.

Topic 3: Canceling Records

Another method for closing out records is to cancel them. If you know that a prospective student has decided not to attend your school and has not entered the country, you have the option to cancel the record using the Cancel Student screen in SEVIS.

After completing this Topic, you will be able to:

- Understand when you should cancel a student's SEVIS record
- Understand when SEVIS will automatically cancel a student's SEVIS record

If there is no POE information for an Initial record and it has not been activated, the system will automatically

cancel the record 60 days after the program start date.

If you know a student will not be able to enter the United States by his or her program start date, you should defer attendance by changing the program start date. Do not defer attendance if there is POE data in the record.

Do not use the cancellation function in SEVIS as a way to correct data entry errors. If you make a data entry error, contact the SEVIS Help Desk for assistance.

Topic 4: Initial Status Records for Active Students

The first three topics in this lesson addressed initial records for new initial students. Continuing students may also have initial records. This topic addresses continuing students with initial records.

After completing this topic, you will be able to:

- Understand when SEVIS creates an initial record for students other than new initial students
- Understand what you should do if a student with an initial record does not report to your school

SEVIS creates an Initial record when a student plans to transfer to a new school or a new education level. For example, upon completion of an undergraduate program a student may apply and be admitted to a graduate program at a new school for the upcoming year. As the transfer-in DSO, you will create an Initial record that is marked transfer pending. The transfer process was discussed in detail in Module 5. You must also register the student in SEVIS in order to activate the record upon the student's arrival and registration for classes.

If the transfer student does not report to the school, manually terminate the record for reason of Transfer Student - No Show, within 30 days of the program start date. If you do not terminate the record within 60 days of the program start date, SEVIS will initiate an automatic system termination.

Topic 5: Initial Status for Change of Status Request Students

These are students who have entered the United States in another nonimmigrant status and want to apply for F-1 or M-1 status without leaving the United States. This Topic addresses these students and the actions you should take on their SEVIS records.

After completing this Topic, you will be able to:

- Understand when SEVIS creates an Initial record for students other than new Initial students
- Understand what nonimmigrant statuses prohibit studying while a change of status application is pending
- Understand what happens if a change of status application is denied

If an individual in another nonimmigrant status wishes to change status to F-1 or M-1 status in order to enroll at your school, you should create an Initial record for reason of change of status.

In most cases, the student may begin attending school but you should not register the student in SEVIS until his or her change of status has been approved.

B-1, B-2, F-2 and M-2 students cannot begin studying prior to the approval of their change of status. If they do, their application may be denied and SEVIS will terminate the record for Termination - Violation of Change of Status Requirements.

If the change of status request is denied, SEVIS will automatically terminate the Initial record for Change of Status Denied.

Lesson 3: Closing Active Status Records

Introduction

An Active SEVIS record is closed when the record is terminated or a student completes his or her course of study. Under certain circumstances, as DSO, you must manually terminate a student's SEVIS record. These circumstances are discussed in the following Topics:

- Topic 1: Failure to Enroll
- Topic 2: Failure to Maintain Status
- Topic 3: Termination Due to Adjudication
- Topic 4: Record Completion
- Topic 5: Other Types of Closed Records

Topic 1: Failure to Enroll

One of the ongoing monitoring responsibilities of a DSO is to verify that students enroll full time each session. This Topic discusses actions to be taken based on student enrollment.

After completing this Topic, you will be able to:

- Understand what action you should take in SEVIS when a student enrolls
- Understand what action you should take in SEVIS when a student fails to enroll

For Active student records, SEVIS sends an alert stating that a student's record requires updating (the alert is triggered when the next session start date in the student record has passed).

If a student enrolls full time in the next session, change the current session end date and next session start date to reflect the upcoming session.

If a student does not enroll full-time in the next session, and does not have an approved RCL (discussed in Module 3) you must manually terminate the student's SEVIS record. The cause for termination should be Unauthorized Drop Below Full Course.

If you neither update the current session end and next session start date, nor terminate the record within 30 days of the last next session start date, in 90 days the record will be terminated by SEVIS with the reason listed as Failure to Enroll.

It is important that schools be aware of the statutory requirement to report a student's failure to enroll. SEVIS automatically performs a system termination if the school fails to do so. However, it is not the intention of DHS to rely on the automated process when a DSO knows that a student is expected to enroll and fails to do so.

Topic 2: Failure to Maintain Status

You should terminate a student's record upon learning that a student is no longer maintaining his or her F-1 or M-1 status. SEVIS termination reasons were covered in detail in Module 3. This topic outlines your overall responsibilities when a student fails to maintain status.

After completing this topic, you will be able to understand your responsibilities when a student fails to maintain status.

Students may decide to forfeit their status (e.g., make an authorized withdrawal to return home), or students may fail

to maintain status (such as an unauthorized drop below a full-time course load). In either case, you must terminate the student's SEVIS record upon becoming aware that the student is potentially out of status. Student status can also be jeopardized due to institutional actions, such as expulsion.

If a student commits a potential status violation and wants to remain in the United States as a nonimmigrant student, you can assist the student by recommending reinstatement. You do not, however, have the legal authority to withhold reporting of the potential violation, and the student's SEVIS record must be terminated.

Topic 3: Termination Due to Adjudication

The following terminations (also covered in Module 3) are all generated automatically by the system.

- **Denied Transfer** - This system-generated termination indicates that an M-1 student applied to USCIS for transfer, began the transfer-in program while awaiting adjudication and the transfer request was ultimately denied. M-1 students who are terminated for this reason must leave the United States immediately or return to their previous school and immediately apply for reinstatement.
- **Transfer Withdrawn** - This system-generated termination indicates that an M-1 student withdrew a request to transfer to another program. The student must re-enroll in the original program and file for reinstatement or leave the United States immediately.
- **Change of Status Withdrawn** - This system-generated termination applies to a nonimmigrant who applied for a COS to F-1 or M-1 (including an F-1 who wishes to change to an M-1) and subsequently changed his or her mind. The SEVIS record automatically terminates for the above reason. If for some reason the system does not terminate the record, you can manually terminate the record after seeing proof of withdrawal of the COS application.
- **Change of Status Denied** This system-generated termination is used when the student applies for a change of status to F-1 or M-1 and is denied. SEVIS automatically terminates the student based upon an interface with a USCIS database. The student must do one of the following:
 - Apply for reinstatement, if applicable
 - Reopen the denied application
 - Depart the United States
- **School Withdrawn** This system-generated termination indicates that the student's school has withdrawn from participation in SEVIS certification and that the DSO failed to transfer or complete the student's record prior to the school's withdrawal. Students who have their records terminated for this reason need to leave the United States immediately. They may return on a new Form I-20 if they wish to continue their studies.

Topic 4: Record Completion

When a student finishes a program of study, his or her SEVIS record is completed. As DSO, your most important responsibility is to keep all student SEVIS records reflecting accurate program end dates.

After completing this Topic, you will be able to:

- Understand when SEVIS automatically completes a student's SEVIS record
- Identify situations in which you should manually complete a student's SEVIS record

Accuracy of program end dates is extremely important because SEVIS automatically completes a record:

- 30 days after the program or OPT end date for M-1 students
- 60 days after the program or OPT end date for F-1 students

These periods of time reflect how long F-1 students and M-1 students have before they must leave the country after completing their course of study or post-program OPT. If the end dates are set too early, students may have their

status cut short. If the end dates are set too late, individuals may be in the country longer than permitted.

SEVIS will allow you to complete a student record manually. Use this option only if you are completely sure that the student is finished with his or her program of study and OPT, and that the student will not want to advance to a higher program level.

Topic 5: Other Types of Closed Records

There are other types of closed records that were not covered in the preceding topics. This topic discusses those types of closed records.

After completing this Topic, you will be able to:

- Understand what it means when you see a record in Deactivated status
- Understand what it means when you see a record in Cancelled status

You will see a record status of Deactivated when a student transfers from your school to another school or completes a change of education level. The record at your school will be deactivated. The record is closed for your purposes and you can no longer make any updates.

Occasionally, you will see a record you created in Cancelled status. This occurs when a DHS official determines that there were multiple records for the same student. DHS officials prefer to keep the record with the most immigration history. The redundant records are cancelled.

Module Summary

Module 6 introduced methods available to DSOs to indicate that a student is no longer associated with an SEVP-certified school. The module presented situations and identified the proper action to take on student records. In addition, the module covered automatic actions taken by SEVIS on Initial and Active student records.

Module 7: Maintaining School Records - Petition Updates

Introduction

As a tracking and monitoring system, SEVIS cannot monitor and reflect an accurate picture of international students attending U.S. institutions without cooperation from DSOs. SEVIS data integrity relies upon timely reporting by designated school officials representing SEVP-certified schools.

SEVP requests that DSOs habitually review school and student records routinely and often. This module will review and address the school reporting requirements found in 8 CFR 214.3.

Because SEVP requires accurate data in SEVIS, DSOs should review and modify or “update” the original Form I-17 and student profiles concurrent to registration terms. An “update” or “petition update” is the act by which a DSO modifies the school’s initial Form I-17 and may occur at any point after SEVP certifies an educational institution for attendance by nonimmigrant students. The Department of Homeland Security requires all SEVP certified schools to report any modifications to the Form I-17 immediately; however, in the case of a change of ownership, schools must file an update with SEVP within 60 days or SEVP will withdraw the school’s certification. There are three lessons:

- Lesson 1: Introduction to the Petition Update Process
- Lesson 2: Supporting Evidence for Updates

Lesson 1: Introduction to the Petition Update Process

Introduction

The Department of Homeland Security, the Department of State and affiliate government agencies rely on reporting by designated school officials to ensure consistent and reliable data. Petition updates are vital to maintaining data integrity in SEVIS. They ensure information in SEVIS regarding a given SEVP-certified school is accurate and up-to-date.

Topic 1: When to Update a Form I-17

SEVP-certified schools are required by regulation to report any material changes to the Form I-17. A material change can be defined as a significant change in SEVIS school information, sufficient to alter the legal meaning of the Form I-17 (i.e., bona fides for SEVP-certification). A material change includes all of the following:

- From 8 CFR 214.3(h)(3)(i) *Out-of-cycle review and oversight of SEVP-certified schools*:
 - (A) Approval for attendance of students (F/M/both);
 - (B) Name of school system; name of main campus;
 - (C) Mailing address of the school;
 - (D) Location of the school;
 - (E) School type;
 - (F) Public/private school indicator;
 - (G) Private school owner name;
 - (H) The school is engaged in;
 - (I) The school operates under the following Federal, State, Local or other authorization;
 - (J) The school has been approved by the following national, regional, or state accrediting association or agency;
 - (K) Areas of study;
 - (L) Degrees available from the school;
 - (M) If the school is engaged in elementary or secondary education;
 - (N) If the school is engaged in higher education;
 - (O) If the school is engaged in vocational or technical education;

- (P) If the school is engaged in English language training;
- (Q) Adding or deleting campuses;
- (R) Campus name;
- (S) Campus mailing address; and
- (T) Campus location address.
- Any addition or deletion of a designated school official (DSO), including principal designated school official.
- Any change to an SEVP-certified school's average annual number of classes, students, teachers, or instructors and non-teaching employees.

SEVP strongly recommends that you review your school's Form I-17 on a regular basis to ensure updates are reported in an accurate and timely manner.

After completing this Topic, you will be able to understand when petition updates should be filed. The following fields in SEVIS must be reviewed and kept current using the process outlined in Lesson 1.

Category:

Seeking Approval For
Location Address
Type of Institution
Owner Name
This School Is Engaged In
School Operates Under the Following Authorization
School Is Approved Under the Following Association or Agency

Areas of Study
Degrees Available
Campus Listing (Campus Addition)
Name of School
Mailing Address
Owner Address
Campus Name

Though not included in the fields-that-require-review list, you must always update your school's Form I-17 as well as submit a newly signed Form I-17A when a DSO is added or removed. When adding a new DSO, only the new DSO and Owner/President/Head of School must sign the Form I-17A. Only the PDSO may edit this field. If your PDSO leaves the school and you need to update the field, you should contact the SEVIS Helpdesk at (800) 892-4829 to request a data fix.

Topic 2: How to Update a Form I-17

Completing an update is similar to submitting an initial Form I-17 for school certification; the Form I-17 is updated in SEVIS within the school profile. This Topic outlines the process for submitting an update and provides information on actions DSOs can take while an update is pending with SEVP.

After completing this Topic, you will be able to:

- Complete a SEVIS update
- Understand when a Form I-20 can be issued for a new program of study or campus

Completing a SEVIS Update

When completing an update to the school's Form I-17, follow these steps:

1. Log into SEVIS
2. Click the school's name to access the Form I-17
3. Click "Edit School" on the upper left side of the screen
4. Click "Next" at the bottom of each SEVIS page until you access and complete each appropriate page
5. At page five, click "Submit"

Once you click "Submit," SEVP receives the SEVIS data and begins processing the update. After submitting an update, you may not modify any fields in SEVIS until SEVP adjudicates the update.

Lesson 2: Supporting Evidence for Updates

Introduction

In order to understand the process and to comply with the regulations, a DSO must be aware of what fields on the Form I-17 require review. You must also be familiar with the process once an update is submitted and be prepared to respond to any requests for additional information sent by SEVP. This lesson highlights the fields that require review and provides a list of supporting documents to be submitted with each type of update.

Topic 1: Supporting Evidence

Supporting documentation should accompany each change (except for a change in the school's mailing address).

After completing this Topic, you will be able to understand what supporting documents should be submitted for each update.

The following chart lists all types of updates to a school's Form I-17 and the supporting documentation that must be supplied with each update, along with the Form I-17 with original signature.

Lesson 3: Update Adjudication Process

Introduction

Petition updates must be approved or denied in total. This means that a school may submit three items for update in one update request. If any one item is denied, the total update will have to be denied. Updates cannot be approved on an item by item basis. It is important that you carefully update SEVIS when submitting updates. This lesson provides information on completing the petition update process and adjudication by SEVP.

Topic 1: Completing the Update Process

The petition update process does not end when you click "Submit" in SEVIS. This Topic outlines the post-SEVIS process.

After completing this Topic, you will be able to:

- Understand what happens after submitting an update in SEVIS
- Know where to send supporting materials

After completing the petition update in SEVIS, you must send a cover letter to SEVP with the following information:

The school name
School code
A reference to the update made on Form I-17

Mail the cover letter to the following address:

SEVP/School Certification Branch
Potomac Center North
500 12th Street, SW
Washington, DC 20536

Topic 2: Adjudication Process

Once a school submits an update to its Form I-17, SEVP must adjudicate it. SEVP reviews updates within 14 calendar days of the initial submittal date. In this stage, a number of things can happen depending on the type of update and the supporting evidence supplied by the school. This lesson outlines all of the possible scenarios surrounding the adjudication of petition updates.

After completing this Topic, you will be able to:

- Understand what happens when an update is approved by SEVP
- Understand what happens when an update is denied by SEVP

Approvals

A petition update will be approved if all evidence submitted meets the regulatory criteria. Once an update is approved, all fields updated will reflect the new values.

If adding a new program through an update, your school can begin issuing Forms I-20 for that program upon approval of the update. Likewise, if a new campus is being added through an update, Forms I-20 can be issued by that location upon approval of the update.

Denials

A petition update can be denied for the following two reasons:

- Failure of school to provide evidence that update meets all regulatory criteria.
- No response to Request for Enrollment (RFE) issued by SEVP

If a school fails to provide information requested in an RFE, the update will be denied, except in the cases of an owner name change, physical location change, the removal of state authorization or the loss of accreditation. In these cases, a Notice of Intent to Withdraw (NOIW) will be issued, except when SEVP has evidence the school ceased operations. When issued a NOIW under these circumstances, a school will have 33 days from the date of the letter to respond to the notice and must provide evidence to substantiate the original update.

There is no appeal process if a petition update is denied by SEVP. Once an update is denied, a school may update the petition again without prejudice.

Module Summary

Module 7 provided information on the Form I-17 petition update process. Updating your school's Form I-17 is a good habit and one that SEVP recommends. By revising it often and correcting all outdated information, a school complies with the regulatory obligation to report school information in a timely manner and, in doing so, prepares for recertification.