



## **F and M Nonimmigrants and MAVNI: A Guide for Designated School Officials**

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**Purpose/Background:** This guide introduces MAVNI and provides information explaining how it relates to F and M nonimmigrants.

MAVNI is a program that allows certain non-citizens legally present in the United States to join the U.S. armed forces in exchange for immediate eligibility for U.S. citizenship. The program is only available to aliens with critical skills in certain health care professions and experts in specified languages.

An individual who joins the armed forces through this program is able to move from nonimmigrant, asylee, refugee, or TPS directly to U.S. citizenship. In most cases, the participant in the program will become a naturalized U.S. citizen by the time of graduation from basic training or accepting a commission as an officer.

### **Acronyms:**

1. **DSO.** Designated school official
2. **INA.** Immigration and Nationality Act
3. **MAVNI.** Military Accessions Vital to the National Interest
4. **OPT.** Optional practical training
5. **SEVIS.** Student and Exchange Visitor Information System
6. **SEVP.** Student and Exchange Visitor Program
7. **TPS.** Temporary protected status
8. **U.S.C.** United States Code
9. **USCIS.** U. S. Citizenship and Immigration Services

### **FAQ:**

1. **How does enlisting in the Army through the MAVNI program affect F and M nonimmigrants?** F and M nonimmigrants who meet the requirements may apply for

MAVNI.<sup>1</sup> DSOs should be aware of the MAVNI program to help participating nonimmigrants make the transition from F or M nonimmigrant to MAVNI enlistee.

2. **Who can apply for the Army through the MAVNI program?** See [Military Accessions Vital to the National Interest \(MAVNI\) Recruitment Pilot Program](#).

3. **How does MAVNI lead to U.S. citizenship?**

3.1. **Eligibility.** A person who has enlisted under MAVNI is eligible to apply for naturalization under the wartime enlistment of *8 U.S.C. 1440, INA 329* and *Executive Order 13269* of July 3, 2002; without any minimum period of active-duty military service.

3.2. **Requirement.** The U.S. armed forces require a MAVNI enlistee to submit the [Form N-400, "Application for Naturalization."](#) To complete the MAVNI program successfully, a MAVNI enlistee must apply for naturalization through USCIS and must meet all requirements for naturalization.

3.3. **U.S. citizenship standard.** The standards for U.S. citizenship differ from requirements for MAVNI and are more extensive. An F or M nonimmigrant considering application for the MAVNI program should know that neither enlistment in MAVNI nor the filing of the Form N-400 provides an immigration status. An F or M nonimmigrant who was maintaining F or M status at the time of MAVNI enlistment may remain in the United States while the citizenship application is pending.

3.4 **Timeliness of application.** The MAVNI enlistee should use the Form N-400 to apply for naturalization as soon as possible upon entering active duty (i.e., after reporting for basic training). Submitting this application provides the enlistee continued lawful presence in the United States while the application is pending.

**Note:** Naturalization eligibility under MAVNI does not extend to dependents. Once a MAVNI enlistee naturalizes, however, the enlistee can file Form I-130, Petition for Alien Relative. If the dependent is in the United States, the dependent should file Form I-485, Application to Register Permanent Residence or Adjust Status.

4. **How does enlistment of an F-1 or M-1 student in the Army through the MAVNI program affect the student's SEVIS record and status?** An F-1 or M-1 student will not be able to maintain student status after beginning basic training with the U.S. armed forces. The DSO will terminate the SEVIS record of an F-1 or M-1 student when the student can no longer maintain student status; the student will no longer be in F-1 or M-1 status.

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<sup>1</sup> In this guide, "F and M nonimmigrants" refers to F-1, M-1, F-2 and M-2 nonimmigrant candidates for the MAVNI program. "F-2 and M-2 dependents" refers to the impact of the principal F-1 or M-1 enlistment in MAVNI on the nonimmigrant status of the dependent.

**Note:** An F-1 or M-1 student may remain *Active* in SEVIS after enlistment in MAVNI while continuing to meet F-1 or M-1 status requirements. This enables the student to attend Reserve duty, uncompensated, prior to reporting for basic training. (Normally, reporting for basic training marks the beginning of employment. If the student has not yet attended basic training, but accepts compensation during Reserve duty, this marks the beginning of employment and the DSO must terminate the student SEVIS record.)

Additionally, an F-1 or M-1 student who joins the active Army will not ship to basic training for, at a minimum, 180 days. The student should be permitted to maintain *Active* F-1 or M-1 status (if otherwise meeting all requirements), until shipping to basic training.

- 5. How does enlistment of an F-1 or M-1 student in the Army through the MAVNI program affect the status of the student's F-2 or M-2 dependents?** Once the DSO terminates the F-1 or M-1 student SEVIS record, SEVIS will automatically terminate the F-2 or M-2 dependent SEVIS record. The dependent of a MAVNI enlistee does not gain any status from the MAVNI program but must do one of the following:

- Obtain a new status
- Depart the United States

- 6. How does enlistment of an F-2 or M-2 dependent in MAVNI affect the dependent's status?** An F-2 or M-2 dependent will not be able to maintain dependent status after beginning basic training with the U.S. armed forces. The DSO will terminate the SEVIS record of an F-2 or M-2 dependent when the dependent begins basic training; the dependent will no longer be in F-2 or M-2 status.

**Note:** An F-2 or M-2 dependent may remain *Active* in SEVIS after enlistment in MAVNI and attend Reserve duty, uncompensated, prior to reporting for basic training. (Normally, reporting for basic training marks the beginning of employment. If the dependent has not yet attended basic training, but accepts compensation during Reserve duty, this marks the beginning of employment and the DSO must terminate the dependent SEVIS record.)

Additionally an F-2 or M-2 dependent who joins the active Army will not ship to basic training for, at a minimum, 180 days. The dependent should be permitted to maintain F-2 or M-2 status (if otherwise meeting all requirements), until shipping to basic training.

- 7. What happens if a MAVNI applicant does not pass basic training or receive approval for citizenship?** The applicant must do one of the following:

- Obtain a new status
- Depart the United States
- Receive reinstatement to the nonimmigrant status held prior to MAVNI enlistment

- 8. Who can apply for reinstatement?** An individual seeking reinstatement to F or M nonimmigrant status must file a [Form I-539, "Application To Extend/Change](#)

[Nonimmigrant Status.](#)<sup>2</sup> USCIS will evaluate each applicant’s situation individually.<sup>2</sup> The applicant must provide evidence that failure to complete the MAVNI program resulted from the following circumstances beyond the individual’s control:

- USCIS may grant reinstatement to an applicant who was unable to meet training standards or is discharged for medical reasons
- USCIS will not grant reinstatement to an applicant who left the armed forces voluntarily
- Individuals who had planned to enter a Reserve component may be able to apply for reinstatement and return to their previous status with the approval of military officials at that unit
  - Since basic training duration can range between seven and 12 weeks, a student may fall within the five-month window for SEVIS Help Desk reactivation under the allowance for temporary absence.

**9. Are there temporary alternatives granted if a MAVNI applicant does not pass basic training or receive approval for citizenship?**

- A person who receives a discharge for medical reasons may apply for and receive temporary B-2 visitor status to allow time to get personal affairs in order
- USCIS will not grant temporary status to a recruit who leaves the armed forces voluntarily
- USCIS is willing to excuse a late filing for reinstatement in some circumstances. If the previous visa status is not an option, USCIS may consider discretionary options to give the individual some time to get personal affairs in order

**10. What actions should a DSO perform on the SEVIS student record of an F-1 or M-1 student who enlists in the Army through the MAVNI program and has been maintaining student status up to the time when reporting for basic training?** The DSO should perform the following actions:

- Select “Terminate Student”
- List “Authorized Early Withdrawal” as the reason for termination
- State in the Remarks section that the student has maintained status up to the present time and that the record termination is due to reporting for duty to in the Army under the Military Vital to the National Interest (MAVNI) accessions program. Include the date on which the student must report, if known.

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<sup>2</sup> See [Chapter 4 – Results of the Naturalization Examination](#) of the Policy Manual.

**Note:** The DSO should terminate the student’s SEVIS record when the school relinquishes responsibility for the student on the basic training report date. After the report date, the individual is no longer in F or M status; authorized withdrawal is no longer an alternative.

**11. What actions should a DSO perform on the SEVIS student record of an F-1 or M-1 student who enlists in the Army through the MAVNI program, has not been maintaining student status up to the time when reporting for basic training and did not receive DSO authorization for withdrawal from the program of study?** The DSO should perform the following:

- Select ”Terminate Student”
- List “Failing to Maintain Status” as the reason for termination
- State in the Remarks Section that the student has not maintained status prior to reporting to basic training

**12. What action should a DSO perform on the SEVIS record of an F-2 or M-2 dependent when the principal F-1 or M-1 student enlists in the Army through the MAVNI program?** The DSO takes no separate action to terminate an F-2 or M-2 dependent SEVIS record. SEVIS will automatically terminate the dependent record once the DSO terminates the F-1 or M-1 student status.

**13. What actions should a DSO perform on the SEVIS record of an F-2 or M-2 dependent who enlists in the Army through the MAVNI program and has been maintaining dependent status up to the time when reporting for basic training?** The DSO should perform the following actions:

- Select “Terminate” dependent
- List “Other” as the reason for termination
- State in the text box that the dependent has maintained status up to the present time and that the record termination is due to reporting for duty to MAVNI

**Note:** Urge the dependent to use the Form N-400 to apply for naturalization as soon as possible after reporting for basic training.

**14. What points of contact are available for a DSO?** The following points of contact are available for a DSO:

- Contact SEVP at [SEVP@ice.dhs.gov](mailto:SEVP@ice.dhs.gov) with the subject “ATTN: MAVNI”
- Contact USCIS at 1-800-375-5283 with questions regarding the following issues:
  - General questions about the Form N-400

- Application process
- Other useful USCIS resources include:
  - [Citizenship for Spouses and Children of Military Members](#)
  - [Naturalization through Military Service](#)

**15. What procedures should a DSO take when the following situations occur?** The DSO should take the following procedures:

<p><b>An F-1 or M-1 student enlists in the Army through the MAVNI program</b></p>	<ul style="list-style-type: none"> <li>• Talk to the F-1 or M-1 student while in <i>Active</i> status to determine the last day the student will be in F-1 or M-1 status, especially in any of the following conditions:                             <ul style="list-style-type: none"> <li>○ During authorized vacation or break</li> <li>○ While enrolled in a full course of study</li> <li>○ Practical training</li> </ul> </li> <li>• Complete the record if the F-1 or M-1 student has completed the program of study. Enter language in the comments section to reflect MAVNI enlistment.</li> <li>• Terminate the student’s record in SEVIS and enter remarks to reflect MAVNI enlistment within 21 days of the date the student will stop maintaining a full course of study as described by <i>8 CFR 214.2(f)(6)</i> or <i>(m)(9)</i>:                             <ul style="list-style-type: none"> <li>○ A student who begins employment with the U.S. armed forces may go through a Reserve component enlistment. The date of beginning employment is the date of enlistment or report date for basic training, whichever is last.</li> <li>○ Beginning active employment with the U.S. armed forces ends student status because it is not authorized student employment. However, commitment of employment with a deferred date to report for duty is not employment.</li> </ul> </li> </ul>
<p><b>An F-1 or M-1 student in OPT enlists in the Army through the MAVNI program</b></p>	<ul style="list-style-type: none"> <li>• Cannot count employment in the U.S. armed forces as OPT</li> <li>• Know that a student can continue to work on OPT or maintain studies until beginning employment with the U.S. armed forces – the report date for basic training</li> <li>• Terminate the SEVIS record within 21 days of the report date by performing the following:                             <ul style="list-style-type: none"> <li>○ Add the reason for “Authorized Early Withdrawal” if the student has reported the situation to the DSO</li> <li>○ State in the Remarks section on the Form I-20, “Certificate of Eligibility for Nonimmigrant Student Status,” in SEVIS that the student is enlisting through MAVNI and has maintained F or M status up to the present time, as applicable</li> </ul> </li> </ul>
<p><b>An F-2 or M-2 dependent</b></p>	<ul style="list-style-type: none"> <li>• Talk to the F-2 or M-2 dependent to determine the last day the dependent will be in status</li> </ul>

<b>enlists in the Army through the MAVNI program</b>	<ul style="list-style-type: none"><li>• Terminate the dependent record in SEVIS for reason “Other”</li><li>• State in the textbox in SEVIS that the dependent is enlisting through MAVNI and has maintained F-2 or M-2 status up to the present time, as applicable</li></ul>
<b>An F-1 or M-1 student with an F-2 or M-2 dependent enlists in the Army through the MAVNI program</b>	<ul style="list-style-type: none"><li>• F-2 or M-2 dependent of a MAVNI participant do not gain any status from the MAVNI program but must do one of the following:<ul style="list-style-type: none"><li>○ Obtain a new status</li><li>○ Depart the United States</li></ul></li><li>• F-2 or M-2 dependent record is automatically terminated when the F-1 or M-1 student record is terminated</li></ul>

**References:**

1. *8 CFR 214.2(f)(6) or (m)(9)*
2. *8 U.S.C. 1440*
3. *Executive Order 13269*
4. *INA 329*