



U.S. Immigration
and Customs
Enforcement

SEVP

STUDENT AND EXCHANGE VISITOR PROGRAM

Minnesota International Educators
(MIE) Meeting 1/21/2015

*Adapted with permission from SEVP Field Representative Michael Sweeney for COISA Advisors
Meeting - December 4, 2014*

MIE Meeting ***Presentation Agendas***

- PDSO/DSO and RO/ARO Annual Verification
- Transferring F-1 students in Initial Status
- OPT Reporting Requirements
- Draft Policy Guidance, Pathway Programs

Depending on time, topics not addressed can be delivered at 3/20/2015 or 5/13/2015 MIE meetings

PDSO/DSO and RO/ARO Annual Verification

- Began 12/2/2014 – Complete by 3/2/2015
- *As a federal database, the Student and Exchange Visitor Information System (SEVIS) is subject to the Federal Information Security Management Act (FISMA). FISMA requires the annual review and verification that all users who access federal systems have both the business need and the authorization to access the system. To comply with FISMA, principal designated school officials (PDSOs) and responsible officers (ROs) must annually verify that every PDSO, designated school official (DSO), RO and alternate responsible officer (ARO) who has access to SEVIS:*
 - 1. Is still employed by the organization and continues to be the nominated PDSO, DSO, RO or ARO.*
 - 2. Requires continued access to SEVIS.*

Questions?

Resources:

- <http://studyinthestates.dhs.gov/2014/12/designated-school-official-annual-verification>

Reference guide:

- https://studyinthestates.dhs.gov/sites/default/files/RO_ARO%20user%20verification%20quick%20reference%20guide.pdf

Specific instructions to assist:

- <http://studyinthestates.dhs.gov/2014/12/known-issues-for-the-sevis-pdso-dso-aro-and-ro-verification-process>

Transferring F-1 Students in Initial Status *Regulations*

- 8CFR214.2(f)(8)(i)
 - (8) *School transfer.*(i) A student who is maintaining status may transfer to another Service approved school by following the notification procedure prescribed in paragraph (f)(8)(ii) of this section.....

Transferring F-1 Students in Initial Status *Regulations*

- 8CFR214.2(f)(1)(i)(C)
 - (C) For students seeking initial admission only, the student *intends* to attend the school specified in the student's visa (or, where the student is exempt from the requirement for a visa, the school indicated on the SEVIS Form I-20.

Transferring F-1 Students in Initial Status

FAQ Guidance

- 2.4. If a new initial F-1 student wants to transfer to another school, what must happen?
 - Report to your school
 - Provide Written Acceptance
 - Program start date fewer than 30 days before the student's initial admission to U.S.

Transferring F-1 Students in Initial Status

FAQ Guidance

- 2.4.1. How do I transfer an *Initial* SEVIS record?
 - SEVIS functionality requires that you make the student's record *Active* in SEVIS in order to release the record to the transfer-in school.
 - Current session end date= Today's date
 - Next session start date= Tomorrow's date.
 - Remarks= "Transfer of initial student not enrolled at this school"

Transferring F-1 Students in Initial Status

FAQ Guidance

- Does allowing the transfer of a new *Initial* student circumvent the approval process for a prospective F-1 student? **NO!**
 - Student has met issuance criteria outlined in 8CFR214.3(k).
 - The Department of State issued visa.
 - Student had intent of attending the school listed on the visa.
 - Student may decide to attend a different SEVP-certified school.

Questions on transfers?

Resources:

<https://www.ice.gov/sevis/f1-transfers>

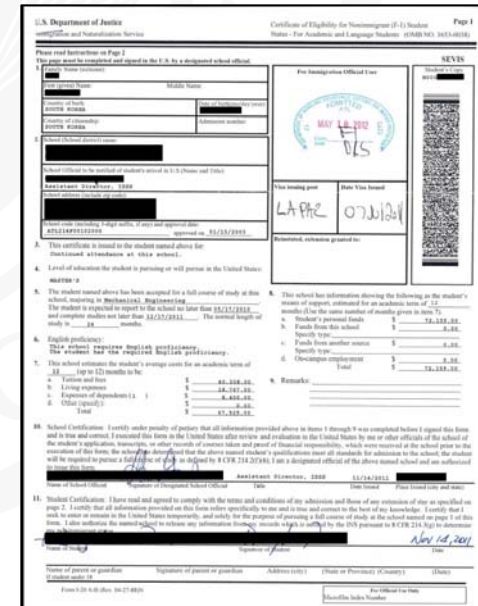
OPT Reporting Requirements

Regulations

- 8CFR214.2(f)(12)(i)
 - An F-1 student who is authorized to engage in optional practical training (OPT) employment is required to report:
 - Any change of name
 - Any change of address
 - Interruption of employment
 - A DSO who recommends a student for OPT is responsible for updating the student's record to reflect these reported changes for the duration of the time that training is authorized.

OPT Reporting Requirements for Students Regulations

- 8CFR214.2(f)(12)(ii)
 - Reporting obligations for students with an approved 17-month OPT have 10 days to report:
 - Any change of name
 - Any change of address
 - Employer Name
 - Employer Address
 - Loss of Employment



The image shows a Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student, issued by the U.S. Department of Justice, Office of Education and International Services. The form is for a student named [REDACTED] at [REDACTED] University. It includes fields for personal information, financial data, and a section for the school's certification. A visa stamp is visible, dated MAY 14 2002, with the text 'LAPR 07/2002' and 'D/S'. The form also contains a QR code and a signature line for the school official.

OPT Reporting Requirements for Students *Regulations*

- 214.2(f)(12)(ii)(B)
- Reporting obligations for students with an approved 17-month OPT
 - Validation Report from student every 6 months.
 - The validation is a confirmation that the student's information in SEVIS is current and accurate.
 - This report is due to the student's DSO within 10 business days of each reporting date.

OPT Reporting Requirements for Students

OPT Policy Guidance

- How should a student report employment/unemployment information and changes to that information to his or her DSO?
 - The student should consult with his or her DSO about the preferred method of reporting changes. SEVP recommends using e-mail, as it provides both evidence of reporting and the date reported.

OPT Reporting Requirements for Students

OPT Policy Guidance

- How should a DSO advise a student who is close to reaching the limit on authorized unemployment?
 - Inform student of potential problems associated with violation of status.
 - Inform student of options to transfer, change education level, depart the United States, or otherwise maintain status in the United States.

OPT Reporting Requirements for Students

OPT Policy Guidance

- Is a DSO responsible for determining if a student has exceeded the limit of unemployment time while on OPT? No.
 - A DSO is not responsible for calculating unemployment time.
 - Don't take action in SEVIS based on unemployment.
 - If otherwise maintaining status, the DSO should consider the student in status and act accordingly.

OPT Reporting Requirements for Students

OPT Policy Guidance

- At this point in time DHS maintains responsibility for determining whether a student has violated his or her status by exceeding the permissible limit on authorized unemployment.
- The best way to assist DHS is by keeping the SEVIS record accurate and up-to-date.

Questions on OPT Reporting?

- *OPT Policy Guidance (2010):*
http://www.ice.gov/doclib/sevis/pdf/opt_policy_guidance_042010.pdf
- Note expected changes may be forthcoming due to a Government Accountability Office (GAO) Audit. SEVP's will continue efforts to address the GAO recommendations with policy guidance:
http://studyinthestates.dhs.gov/sites/default/files/SEVP_2014-Conference-Executive-Summary.pdf

SEVP Pathway Program Draft Policy Guidance

- Please keep in mind that this is DRAFT policy guidance.
- Draft guidance clarifies or revises SEVP's policies on various topics affecting the adjudication process. Draft guidance does not establish standards or requirements and is not official policy.

SEVP Pathway Program Draft Policy Guidance

- **Pathway Program**
 - A postsecondary program of study combining non-remedial and remedial coursework to prepare a student who is unable to meet the requirements for admission into a degree program.
- **Two Types of Pathway Programs**
 - Bridge and Bridged

SEVP Pathway Program Draft Policy Guidance

- **Bridge Pathway Program**
 - Students takes a combination of remedial and non-remedial coursework, which upon successful completion the student gains full-admission into the subsequent degree program.
 - After completion, a Change in Education Level to a degree seeking program should occur.

SEVP Pathway Program Draft Policy Guidance

- **Bridged Pathway Program**
 - Students take a combination of remedial and non-remedial coursework as part of the structure or special track of a degree program.
 - After completion a notation should be made to the student's record to indicate remedial coursework has been completed.

SEVP Pathway Program Draft Policy Guidance *Considerations*

- **Bridge and Bridged Pathway Programs**
 - Must be added to Form I-17.
- **Form I-20s**
 - I-20s issued for Bridge and Bridged pathway program should match the Policy Guidance Instructions.
- **Non-remedial coursework**
 - Must count to meet graduation requirements.

SEVP Pathway Program Draft Policy

Guidance *Considerations*

- **ESL Course**
 - An ESL course in a pathway program can be counted as non-remedial only if all ESL coursework counts toward degree requirements.
 - A bridge/bridged program with an ESL component is considered a “language training program” until the bridge/bridged program has been completed.

Questions?

- SEVP Draft Policy Guidance for Adjudicators: Pathway Programs:
http://studyinthestates.dhs.gov/sites/default/files/Pg_1210-03_Bridge-Conditional.draft_vf.pdf
- SEVP Draft Policy Guidance for Adjudicators: Bridge Programs and Conditional Admission:
http://studyinthestates.dhs.gov/sites/default/files/Pg_1210-03_Bridge-Conditional.draft_vf.pdf
- Draft Bridged Degree Programs Fact Sheet:
<http://studyinthestates.dhs.gov/sites/default/files/Bridged%20Degree%20Programs%20Fact%20Sheet.pdf>