

SEVP Spotlight

April 2013
Volume 3, Issue 2

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SEVP Provides Opportunity for Stakeholder Input in SEVP Policies

DIRECTOR'S CORNER



*A message from
Louis M. Farrell,
Director of ICE's
Student and Exchange
Visitor Program*

As designated school officials, you are a key part of the success of the Student and Exchange Visitor Program (SEVP). We strive, at SEVP, to ensure our stakeholders understand the rules and regulations by which SEVP abides. Recently, SEVP has undertaken unprecedented steps to engage the academic community and become more transparent in how we interpret those rules and regulations.

One way SEVP has begun to open the lines of communication is by making draft policy documents available on *Study in the States* for our stakeholders to review and provide their feedback. This open communication is important because it creates a dialogue and fosters engagement in a way that SEVP has not been able to do before.

The draft policy documents are available for feedback for two weeks. Once that period has ended, SEVP reviews the feedback and makes changes as appropriate before releasing the final version. Again, SEVP publishes the policy guidance documents online to help stakeholders understand SEVP's policies and procedures.

Recently, SEVP posted The Accreditation of English Language Training Programs Act (Accreditation Act) and asked for stakeholder feedback on this issue. The Accreditation Act requires all English language training programs of study (ESL) to be accredited or to have applied for accreditation before December 14, 2011, and to be accredited by December 14, 2013. The Accreditation Act is complex and neither SEVP nor the ESL community anticipated all the nuisances it would cause. As a result, SEVP worked with the academic community to address questions surrounding the enforcement of the Accreditation Act, including making draft FAQs available for feedback in June 2012. Based on the feedback received, SEVP made the following changes to the FAQs:

- Clarified that any notices sent to schools will be transmitted by email or a Student and Exchange Visitor Information System broadcast message to all principal designated school officials and designated school officials in the system; and,
- Added FAQs addressing "grace periods" to schools that failed to apply for accreditation on time and implications of the Accreditation Act for private kindergarten through 12th-grade schools.

In the future, SEVP will be posting draft policy guidance on the issue of conditional admission.

SEVP is not changing its regulations regarding conditional admission and bridge programs, nor are we prohibiting schools from providing offers of admission based on the completion of certain prerequisites. SEVP is seeking to reiterate the regulations related to the Form I-20, "Certificate of Eligibility for Nonimmigrant Status," issuance to ensure compliance. SEVP expects to release this draft guidance this spring. You can sign up to receive notice when SEVP posts this guidance, as well as other feedback opportunities, by registering online.

Overall, due to the positive response SEVP has received thus far on our efforts to seek stakeholder feedback via this method, SEVP will provide additional policy guidance documents in the near future. These draft policy documents include, but are not limited to, school governance and contractual relationships in the context of governance and ownership.

On behalf of SEVP, I am pleased we have begun this dialogue. Thank you for your candid feedback and continued patience as we work together to carry out the international education mission.

Take Care,
Lou



**U.S. Immigration
and Customs
Enforcement**

Changes to SEVP's Conference Season



The effects of the sequestration include across-the-board funding reductions to almost every federal program, project and activity – including the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE).

Even though the Student and Exchange Visitor Program (SEVP) is fee-funded it still must eliminate all non-essential travel to meet sequestration budget reductions. Only national security or public safety operational travel is allowed. As a result, SEVP will be unable to meet previously planned travel commitments for this season's conferences.

In lieu of sending subject matter experts to conferences, SEVP has provided a recorded webinar of the entire spring and summer conference presentation on *Study in the States*. SEVP encourages conference attendees to view the webinar before their conference. SEVP is seeking to videoconference or teleconference into each session to answer questions.

SEVP will host live question and answer sessions via *Study in the States* throughout the conference season. For more information on upcoming sessions, be sure to follow *Study in the States* on Twitter (@StudyinStates) and Facebook.

In order to continue to provide stakeholders with the best and most useful information, SEVP encourages you to provide feedback on outreach events by completing the stakeholder survey form. This form is available on the *Study in the States* conference materials page.

While these changes are not ideal for this conference season, SEVP understands that face-to-face interaction is a priceless opportunity for SEVP to hear stakeholder concerns, build rapport and work together to tackle the important issues. SEVP thanks you for your patience and support as we navigate these temporary changes together.

FOIA UPDATE

ICE FOIA Online Library

The Freedom of Information Act (FOIA) is a law that gives American citizens the right to access information from the federal government. FOIA ensures that agencies disclose certain information, including frequently requested records.

The Student and Exchange Visitor Program (SEVP) has recently developed a FOIA Reading Room library to promote transparency and to proactively disclose appropriate and relevant information to the public.

By posting non-exempted information from previous FOIA requests for all to view, SEVP is creating an organized space to house records that the public can easily access, while promoting transparency. Using the ICE FOIA Reading Room will also make the FOIA request process more efficient by reducing the need to submit repetitive FOIA requests.

The new Reading Room can be accessed at the U.S. Immigration and Customs Enforcement (ICE) FOIA online library.

DSO UPDATE

Designated School Official's Responsibilities for Academic and Language Transfer-Out Students

From time to time a designated school official (DSO) may make a mistake when transferring a student's record in the Student and Exchange Visitor Information System (SEVIS). For example, transferring a SEVIS record to another Student and Exchange Visitor Program (SEVP) certified school for a student who has failed to maintain a full course of study is wrong. In the above example, the student has fallen out of status and cannot transfer in *Active* status.

According to 8 CFR 214.2(f)(8)(i), an academic and language student who fails to appropriately maintain status at the transfer-out school is not eligible to transfer to another school in *Active* status. The DSO must terminate the SEVIS record. The DSO at the transfer-out school will have the option to transfer the student's SEVIS record in *Terminated* status.

The DSO at the transfer-in school is responsible for recommending reinstatement once the transfer-out school releases the record in SEVIS. A student with a *Terminated* record also has the option to depart the United States and return as an *Initial* entry in a new F-1 nonimmigrant status.

Remember, SEVP has the discretion to request information concerning any SEVP-certified school's transfer policies. Schools with a DSO found transferring non-compliant students in *Active* status are subject to compliance actions and may lose SEVP certification.

Importance of National Security



National security concerns everyone. The 1993 bombing of the World Trade Center and the terrorist attacks on 9/11 not only heightened awareness of terrorism inside the United States, but captured the world's attention.

Analysis of these incidents revealed that both attacks involved individuals admitted into the United States on student visas. This highlights a need to improve the processes that allows foreign nationals to study in the United States and underscores the benefits of interaction between school officials and law enforcement.

U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) is one of several federal agencies tasked with the enforcement of laws pertaining to the oversight of the F and M student visa system within the United States.

Congress enacted the Enhanced Border Security and Visa Entry Reform Act of 2002 to clarify procedures for collecting and managing information on nonimmigrant students and exchange visitors in the United States.

The Reform Act tells schools to elect designated school officials (DSOs) and principal designated school officials (PDSOs). The Reform Act also established the Student and Exchange Visitor Information System (SEVIS), an Internet based system used to provide real-time information on F, M and J nonimmigrants.

DSOs and PDSOs play a vital role in strengthening the student visa process. They can significantly contribute to protecting national security by identifying exploitations in the student visa system while welcoming legitimate students. By helping students maintain status while in the United States, DSOs fulfill their roles by performing all of the following actions:

- Maintaining current information in SEVIS about the school and F and M students;
- Approving student benefits, such as employment;
- Assessing course load requirements, processing reinstatement requests and extension of stay in the United States;
- Updating transfer records; and,
- Terminating SEVIS records when students fail to maintain status.

To help DSOs comply with SEVIS requirements, HSI developed Project Campus Sentinel – an outreach program designed to open the channels of communication between DSOs and local HSI special agents. By increasing interaction between school officials and HSI special agents, ICE is able to focus resources on those schools and individuals who exploit and manipulate the student visa process for personal gain.

Through Project Campus Sentinel, special agents from local HSI offices meet with and provide training to DSOs within their local operating area. HSI special agents can assist DSOs with how to identify patterns of criminal behavior, radicalism and fraudulent documents, which help DSOs avoid committing unintentional violations.

While local HSI special agents periodically conduct these outreach visits, DSOs can always contact the local HSI office to arrange individual visits on an as-needed basis. DSOs can invite the local HSI Project Campus Sentinel coordinator to local and regional conferences for presentations and question and answer sessions.

Together, HSI and SEVP are working to better serve the needs of stakeholders and protect United States national security.

STUDY IN THE STATES UPDATE

Study in the States Grows in 2013

Launched in 2011, the Department of Homeland Security's *Study in the States* website continues to grow as a trusted online resource for the F and M student community. Several updates have been made to the website throughout the past year, and the amount of visitors per day continues to increase. So far this year, more than 53,000 visitors have been to *Study in the States*, an increase of 34,400 visits for the same period in 2012.

While new visitors continue to access the website, there has also been an increase in return visitors. Since January of this year, 70% of visitors accessed the website for the first time, while more than 22,600 users returned to *Study in the States* on more than one occasion. For the same period in 2012, these numbers were 72% and 8,124, respectively. Also, similar to trends from 2012, the "School Search" and "Student Portal" pages continue to be popular.

Current and prospective students can use tools, including the "Study Guide to the States," the "Student to Student: Studying in the States" video, and translation capabilities. These tools help F and M students select a school, prepare to enter the United States and maintain status for the duration of their studies. Additionally, news and insights about issues that affect students are available on "The Latest," including the "Here to Help" blog series, which explains the roles many U.S. government agencies play in the F and M student process.

Study in the States also offers tools for school officials to stay informed and provide information to their students. The "Schools Portal" includes information on Student and Exchange Visitor Program certification, re-certification and other helpful resources. A new, monthly blog series, "Questions from Designated School Officials," (DSOs) answers commonly asked questions from actual DSOs.

Study in the States content is amplified through the use of its social media accounts. In 2013, the *Study in the States* Facebook and Twitter (@StudyinStates) pages have referred close to eight percent of total website traffic, allowing DHS to reach additional stakeholders.

SEVIS UPDATE

SEVIS Release 6.12

The Student and Exchange Visitor Information System (SEVIS) Release 6.12 focuses on the interfaces between SEVIS, the system that the Student and Exchange Visitor Program (SEVP) uses to manage information on F, M and J nonimmigrants, and the Arrival Departure Information System (ADIS) in three steps:

- When available, ADIS sends an individual's Form I-94, "Arrival/Departure Record," admission number, passport expiration date and visa expiration date to SEVIS;
- SEVP removed the option for designated school officials and sponsor officials to enter Form I-94 admission number data from SEVIS. This change impacts both Real Time Interactive and Batch; and,
- SEVP enhanced the data share from SEVIS to ADIS to support United States Visitor and Immigrant Status Indicator Technology (US-VISIT) business needs.

Additionally, Release 6.12 modifies the logic that sets an *Active* status F-1 student to *Completed* status based on a denied or withdrawn change of status from F-1 to H-1B.

SEVIS Release 6.12 was implemented on April 5, 2013. SEVP distributed the release notice in March with further details on the enhancements listed above.

To support the above identified system changes, SEVIS Release 6.12 consists of six system change requests:

- Four to support US-VISIT overstay tracking needs,
- One to modify the completion job for F-1 students and,
- One that is a formality from Release 6.11.1.

GUIDANCE UPDATE

Guidance Update on Instructional Sites

The Student and Exchange Visitor Program (SEVP) is working on a series of policy guidance documents for its adjudicators. SEVP has posted the first of these documents, "Flight Training Providers," online to clarify the requirements for flight training providers requesting SEVP certification. The next series of policy guidance documents will focus on instructional sites.

In 2012, SEVP published a draft version of the "Instructional Sites" guidance on *Study in the States* to solicit and receive public comments. SEVP referred to these comments in preparing the final version of the guidance. Based on feedback, SEVP divided the "Instructional Sites" guidance into three separate guidance documents.

SEVP finalized and published the first guidance document on "Reporting Instructional Sites." It went into effect March 22, 2013. This document provides guidance for SEVP's adjudicators on three topics:

- Definition of an instructional site;
- SEVP's reporting requirements regarding which instructional sites school officials need to report on the Form I-17, "Petition for Approval of School for Attendance by Nonimmigrant Students"; and
- How to handle reporting instructional sites in an urban context, where instructional sites may be interspersed closely together.

SEVP will publish the finalized version of part two on "Site Visits and Site Visit Fees" on the SEVP website in coming weeks. SEVP will also post a draft version of part three on "DSO Staffing of Instructional Sites" on *Study in the States* for public comment and review.

Additional SEVP guidance documents in development will include, but will not be limited to, addressing school governance, contractual relationships, bridge programs and conditional admission, short-duration programs, mergers and consolidations, and annual vacation.

SEVP strongly values stakeholder input in the development of its policy guidance documents and encourages stakeholders to regularly check *Study in the States*, as well as the ICE website, for information on new guidance documents. On *Study in the States*, individuals can sign up to receive email updates when SEVP has posted new guidance.

Contact Us

SEVP Contacts

The Student and Exchange Visitor Program (SEVP) is dedicated to maintaining open communication with international students and academic officials in an effort to provide necessary support while studying in the United States. SEVP has multiple contact options:

Our offices are open Monday through Friday, 7:00 a.m. to 5:00 p.m. Eastern Time, except holidays

Phone: 703-603-3400

E-mail: SEVP@ice.dhs.gov

Find us on the Web:

www.ice.gov/sevis

<http://studyinthestates.dhs.gov>

Disclaimer: The information presented in the SEVP Spotlight is provided for informational purposes only and should not be considered legal advice.

ICE Contacts

To report national vulnerabilities or national security concerns:

Contact ICE's **Counterterrorism and Criminal Exploitation Unit** at CTCEU@dhs.gov

To report exploitation of student visa programs:

Contact your local **HSI Special Agent** or call 1-866-DHS-2ICE (1-866-347-2423) or visit www.ice.gov