

**U.S. DEPARTMENT OF HOMELAND SECURITY  
BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)**

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**SEVIS BACKGROUNDER**

The Student and Exchange Visitor Information System (SEVIS) is an automated process to collect, maintain and manage information about international foreign students and exchange visitors during their stay in the United States.

**HIGHLIGHTS ON SEVIS PROGRAM**

- **Updating Records on Foreign Students and Exchange Visitors Within Our Borders.** Congress requires the Bureau of Immigration and Customs Enforcement (ICE) to maintain updated information on approximately one million non-immigrant foreign students and exchange visitors during the course of their stay in the United States each year.
- **Providing Enhanced Capabilities.** Implementation of the “Student and Exchange Visitor Information System” (SEVIS) revises and enhances the process by which foreign students and exchange visitors gain admission to the United States. SEVIS increases the ability of the ICE to maintain up-to-date information on foreign students and exchange visitors in order to ensure that they arrive in the United States, show up and register at the school or exchange program, and properly maintain their status during their stay. *SEVIS provides a proper balance between openness to international students and exchange visitors, and our nation’s security interest in knowing who has come into our country, and they are complying with the terms of their entry.*
- **The Law.** SEVIS implements section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. IIRIRA requires ICE to collect current information on an ongoing basis from schools and exchange programs relating to non-immigrant foreign students and exchange visitors during the course of their stay in the United States. In addition, the USA PATRIOT Act of 2001, amended section 641 to require full implementation of SEVIS prior to January 1, 2003. The Enhanced Border Security and Visa Entry Reform Act of 2002 adds to and clarifies the requirement to collect information, as well as requires an educational institution to report any failure of an alien to enroll no later than 30 days after registration deadline.

**IMPROVED MEASURES TO MAINTAIN UPDATED INFORMATION**

- **Schools Will Be Required to Report a Student’s Failure to Enroll.** Under the old system problems arose when a foreign student arrived in the United States and failed to report to his or her school. Individuals who never intended to attend school in the United States could obtain a student visa, enter the country, and then disappear without ever being reported as a “no-show.” Before SEVIS, schools did not have an obligation to

report individuals' failure to actually enroll in the school. Schools often assumed that a student who failed to appear might have chosen to attend a different school and often have not reported a student's failure to register for classes.

- **SEVIS Resolves This Problem.** Schools will now be notified when a student has entered using his I-20 form (Certificate of Eligibility for F & M students), thus putting the school on notice that the individual is supposed to be destined for that campus. The school is then required by these regulations - through SEVIS - to advise ICE within 30 days of the school's registration date whether or not the student has registered for classes. SEVIS sends a notification to the designated school officer if he or she forgets to register.
- **SEVIS Progresses to an Internet-Based System.** SEVIS enables schools to electronically transmit current data to ICE and the Department of State throughout the student's stay. When a student falls out of status (i.e. failing to carry a full course load, working illegally, dropping out of the program etc.), ICE is informed and able to take appropriate action.
- **Other Improvements:**
  - **Timely Information on Students' Presence.** Schools are required to update SEVIS on a regular basis, ensuring that ICE will receive timely information as to whether students are fulfilling school requirements in their course of study. ICE will know when students enter the country but fail to enroll at the school they are supposed to attend, or if students drop out of their programs. This process will help ICE identify those foreign students and exchange visitors who do not comply with the requirements under the law.
  - **Timely Information of Key Changes.** SEVIS will be constantly updated with other important changes, including a student's change of address or name, or any change in the student's field of study.
  - **Improves the Student Process.** SEVIS automates the process of notifying ICE of the occurrence of certain events, and some filings can be eliminated (Form I-538 for instance which is the form used to certify aliens seeking off-campus employment). It will no longer be necessary to file forms and applications when an F-1 student changes or extends a program. Instead, ICE will be automatically notified through SEVIS of these events.
  - **Better Control over Schools' Participation in the Foreign Student Program.** Because schools must individually enroll in SEVIS, as well as be reviewed and re-certified every two years for participation in the foreign student program, ICE will be able to better monitor compliance with an educational institution's obligations under the program.
  - **A Better Database.** SEVIS will maintain comprehensive data that will enable ICE to better identify trends and patterns to assist in planning and analyzing risks.

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**SEVIS FACT SHEET**

**DETAILS OF FINAL RULE ESTABLISHING SEVIS**

- **Proposed Rule:** On May 16, 2002, the former INS published a proposed rule in the Federal Register at 64 FR 34862, seeking comments on regulations intended to implement the electronic collection and reporting process mandated under section 641 of the IIRIRA. Specifically, the regulation sought to improve the collection of information on non-immigrant students by establishing real-time updates of student information. The rule also proposed additional reporting requirements imposed by the USA PATRIOT Act and the Enhanced Border Security Act.
  
- **Final Rule:** Although the final regulations remained largely unchanged from the proposed rule, the final rule implementing SEVIS addresses and/or clarifies the following issues:
  - **Compliance Date**
  
  - The mandatory compliance date for all authorized schools to utilize SEVIS was January 30, 2003. (Date extended to February 15, 2003 for all schools and exchange programs in accordance with a special DHS “grace period.”)
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  - After February 15, 2003, schools were responsible for issuing SEVIS Form I-20 to all new students. In addition, schools must issue SEVIS Form I-20 to current students who need a new Form I-20 because of a reportable event.
  
  - Non-SEVIS Form I-20 issued prior to February 15, 2003, will continue to be valid documents until August 1, 2003.
  
  - *Schools were afforded a transition period in order to enter their current students into SEVIS. Schools were given until August 1, 2003 to enter records for all their current F-1 or M-1 non-immigrants students in SEVIS, and to report their enrollment.*

**SEVIS Reporting Requirements**

- No later than 30 days following the deadline for registering for classes, the school is required to report if a student failed to register. Furthermore, during each term or session, and no later

than 30 days after the deadline for registering for classes, schools are required to report the following registration information:

- Whether the student has enrolled at the school, dropped below a full course of study without prior authorization by the Designated School Official (DSO), or failed to enroll;
  - The current address of each enrolled student; and,
  - The start date of the student's next session, term, semester, trimester, or quarter.
- Within 21 days of a change of any information, schools will be required to report the following information; or "reportable events":
    - Any student who has failed to maintain status or complete his or her program;
    - A change of the student's or dependent's legal name or U.S. address;
    - Any student who has graduated early or prior to the program end date;
    - Any disciplinary action taken by the school against the student as a result of the student being convicted of a crime; and,
    - Any other notification request made by SEVIS with respect to the current status of the student.

### **Dependent (F-2 and M-2) SEVIS Form I-20**

- The process by which dependents of F-1 or M-1 students are to be issued SEVIS Form I-20 is now codified in the final rule.
- Prior to August 1, 2003, if exigent circumstances could be demonstrated, ICE allowed dependents to enter the United States with a copy of the principal F-1 or M-1 SEVIS Form I-20.
- On the August 1<sup>st</sup>, 2003 deadline for schools to file with SEVIS, only original forms will be accepted.

### **School Officials**

- Each school or campus will be allotted one position for the Principal Designated School Official (PDSO), and up to nine positions for Designated School Officials (DSO).

- The support position, the Administrative School Official (ASO), addressed in the initial proposed rule has been eliminated.
- As stated in the proposed rule and retained in the final rule, all PDSO and DSOs must be either United States Citizens or Legal Permanent Residents (LPR).

## **Reduced Course Load for a Student**

- In the case of an illness or medical condition, an F-1 student may be authorized to reduce course load for a period not to exceed 12 months in aggregate.
- Although a student may be authorized for up to 12 total months of a reduced course load in the case of an illness or medical condition, a DSO must re-authorize the reduction each term or session, and must update this authorization in SEVIS.
- The 12-month limit on the authorization to reduce course load for illness or medical condition is applied per each particular program level. If the student completes one program, and advances to a different program level, the DSO may authorize another reduction in course load.
- ICE will allow DSOs to accept medical documentation provided by licensed medical doctors, doctors of osteopathy, or licensed clinical psychologists to substantiate a student's reason for dropping below a full course of study for illness or medical condition.

## **Transfers**

- The final rule clarifies that a foreign student may not remain in the United States between programs if the student will not resume classes within 5 months of transferring out of the current school, or within 5 months of the program completion date as indicated on the Form I-20 issued by the current school, whichever date is earlier.
- This final rule does not place any limit on the number of schools to which a transferring F-1 or M-1 student may apply. The transferring student may apply to and be accepted by any number of ICE-authorized schools. The rule restricts the number of SEVIS Forms I-20 that may be issued to a transferring student. The student must first select one school to which he or she is transferring.

## **On-line and distance education courses**

- ICE clarifies that it will allow elementary and secondary students to count distance education and on-line courses in their determination of a full course of study.

## **Optional Practical Training (OPT)**

- Time spent studying abroad may count toward the one full academic year requirement, but the student must have spent at least one full academic term in a full course of study in the United States prior to going abroad to study.
- The school who recommends a foreign student for optional practical training remains responsible for maintaining the student's records in SEVIS during the time that training is authorized.

### **Reinstatement**

- ICE has added a provision to allow for a student's record to be administratively corrected in situations where the error in question resulted from potential technological errors or errors on the part of SEVIS.
- Circumstances beyond the control of the foreign student might include inadvertence, oversight, or neglect on the part of the DSO, but do not include instances where a pattern of repeated violations or where a willful failure on the part of the student resulted in the need for reinstatement.
- A rebuttable presumption that a student who has been out of status for more than 5 months is ineligible for reinstatement, unless the student can provide a substantial reason for the delay and an explanation of how the student filed the request for reinstatement.

### **Dependent Study**

- An F-2 or M-2 dependent enrolled in a full course of study prior to January 1, 2003 may continue their studies provided they applied for a change of status to F-1 or M-1 within 90 days of publication of the final rule.

### **Reporting Current Name and Address**

- In cases where the mailing and physical address of the foreign student are not the same, the school will be required to report both the current mailing and current physical address into SEVIS.

### **Family Educational Rights and Privacy Act**

- The final rule clarifies that certain requirements imposed by the Family Educational Rights and Privacy Act (FERPA) have been waived. Generally, FERPA restricts the ability of an educational agency or institution that accepts certain Federal funding to disclose personal information contained in a student's educational record. In accordance with section 641(c)(2) of IIRIRA, however, the Asst. Undersecretary for ICE is permitted to waive FERPA to the extent necessary to implement SEVIS.

## **Employment**

- ICE has added language to the final rule incorporating procedures for the endorsement in SEVIS of employment authorization, based on severe economic hardship and internships with an international organization.
- ICE also clarifies that an F-1 student is permitted to begin on-campus employment prior to the start of classes. However, the DSO is not permitted to indicate a program start date more than 30 days prior to the start of classes for the purpose of on-campus employment.

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**SEVIS QUESTIONS & ANSWERS**

**Q.) Why was SEVIS created?**

After the 1993 bombing at the World Trade Center, Congress delegated to the former Immigration and Naturalization Service that there should be a more manageable way to assess foreign students and their status in the United States. It was found that one of the bombers convicted in the World Trade Center bombing, Eyad Ismoil of Jordan, had entered the U.S. on a student visa to attend a university in Kansas. After three semesters, he dropped out of school and joined a group of Islamic terrorists. Congress reacted to this by passing a law in 1996 that required the U.S. government to create a computerized foreign student management system by January 1<sup>st</sup>, 2003. Congress quickened the pace on the system being put into place by the Immigration and Naturalization Service (INS) after it was determined that one of the 9-11 hijackers entered the country on a student visa.

**Q.) What is SEVIS?**

The Student and Exchange Visitor Information System (SEVIS) is a computerized process to collect, maintain and manage information about international foreign students and exchange visitors during their stay in the United States. SEVIS replaced an old manual, paper-driven procedure with an automated one in which real time, accurate information is updated and maintained through the use of a Web-based application. SEVIS enables schools and exchange programs to transmit electronic information and event notifications, via the Internet, to DHS and the Department of State throughout the student's or exchange visitor's stay in the United States.

**Q.) How will SEVIS enhance Homeland Security?**

SEVIS will enhance homeland security by allowing ICE to have real time access to information about all foreign students and exchange visitors in the United States. This information will significantly reduce the exploitation of Immigration laws, but ensure that all legitimate foreign students to enter the United States. SEVIS also provides advance information to assist the Department of State with visa screening. In the past, that information was available but only upon requesting it specifically from the appropriate educational institution. Additionally, SEVIS allows ICE to analyze information about all foreign students and exchange visitors to look for trends that might indicate a potential security or terrorist threat.

**Q: What specific examples can you provide of terrorists abusing the foreign student visa program? Did any of the 9/11 hijackers abuse this system?**

Some of the limitations of the old system were clearly highlighted in the cases of 9/11 terrorist hijackers Mohamed Atta and Marwan Alshehhi. Atta's application to change status to a student visa was approved on July 17, 2001. Alshehhi's application was approved on August 9, 2001. Yet the flight school they were to attend didn't receive notification of those approvals until March 2002. SEVIS eliminates that possibility because schools will now receive real time notification as soon as a student is approved for study.

**Q.) Can foreign visitors come to the United States, apply to become a foreign student and then start classes before ICE has a chance to approve or deny that request?**

At the time that 9-11 terrorists Mohammed Atta and Marwan Alshehhi filed their applications to become foreign students, the policy allowed each to begin classes before their applications were approved. That policy was changed shortly after 9/11. Today, temporary visitors (tourists, temporary workers, etc.) can still file an application to become a foreign student. However, they cannot register and begin taking classes until ICE has approved the application.

**Q.) Many law-abiding foreign students, especially Muslim students, feel that SEVIS unfairly subjects them to unwarranted U.S. government scrutiny. They feel they are being singled out, tracked, and monitored by the U.S. government, as if they were terrorists.**

SEVIS does not require foreign students to provide any new information. On the contrary, SEVIS contains much of the same information students have always had to provide in order to study in the United States. What's changed is where that information is stored. Before SEVIS, each school was responsible for maintaining information about their foreign students. SEVIS has simply moved that information from the campus to a centralized computer database.

**Q.) How is ICE currently using the information about foreign students and exchange visitors found in SEVIS?**

The information that is provided to SEVIS is much of the same information that has always been provided by the colleges to the former INS. All of this information is the same information that has been provided to educational systems in the U.S. since the end of World War II. SEVIS allows ICE to identify those individuals who are registered at a college and take appropriate enforcement actions if the individual fails to comply with the requirements of their specific visa program.

**Q.) Does SEVIS require schools to collect new or additional information about their foreign students or exchange visitors?**

As a condition of their participation in the foreign student/exchange visitor program, schools have always collected and maintained this information. Again, this information is the same information that collegiate and educational systems have been collecting since the end of World War II. What changes with SEVIS is the location of the information. In the past, each school was responsible for maintaining the information on their campus. ICE would have access to it only through making a specific request. With SEVIS, all foreign student and exchange visitor information is maintained in a centralized database. That means ICE now has real time access to this information, and can better assess potential problems with a student's status.

**Q.) What type of information is collected on a student in SEVIS?**

The list of students approved to attend a particular school can include all foreign student information in the SEVIS database.

This includes a student's:

- ✓ Biographical data
- ✓ Address
- ✓ Area of study
- ✓ If included in the database, the foreign student's social security number.

**Q.) How long is the certification process for most schools?**

Most schools are being certified between 60-90 days from the time that they file for their certification.

**Q.) Do any other countries have programs similar to SEVIS?**

Yes, most European and Asian countries have had in place some sort of entry-exit system to track non-immigrant visitors to their countries for more than 40 years.

**Q.) What is the August 1, 2003 deadline?**

All participating schools were required to have information about their current foreign students input into SEVIS by August 1, 2003. If a school did not meet that mandatory deadline, their foreign students or exchange visitors would be out-of-status. ICE will continue to work with educational institutions and students legitimately entering the United States as a foreign student, on any issue's that may arise after the August 1<sup>st</sup>, deadline.

**Q.) How many student records are currently maintained by SEVIS? How many are anticipated by August 1, 2003?**

Currently, SEVIS includes over 1 million foreign student and exchange visitor records. The amount of students in the SEVIS database at this time is at the number that was expected by

ICE to be in the system. According to yearly statistics, around 1 million foreign students come to the U.S. every year.

**Q. Can a student attend a U.S. educational system if they are not registered in the SEVIS program?**

In most instances, students traveling to the United States will have the appropriate information and forms needed to gain admittance to the U.S.. If a foreign student encounters a problem at the port of entry, ICE specialized teams will work with Customs and Border Protection Officers, (CBP) and the Bureau of Citizenship and Immigration Services (BCIS) to determine the status of the student. If the student is determined to be a legitimate foreign student attending a SEVIS certified school, they will be admitted entry into the United States.

**Q.) What happens if a school inadvertently inputs erroneous information into SEVIS causing SEVIS to identify a foreign student or exchange visitor as out-of-status?**

Before taking any action, ICE agents will check with the participating institution to ensure that data entry is not the reason the student has fallen out-of-status. We will make every effort to facilitate the entry of all legitimate initial and continuing students. Additionally, beginning August 1<sup>st</sup>, 2003, ICE will have available a research and contact team 24 hours-a-day including weekends to allow us to respond to any particular case we may encounter at a port-of-entry.

**Q.) Can an institution sponsor a foreign student or exchange visit without participating in SEVIS?**

No. February 15, 2003 was the mandatory participation date for SEVIS usage. Only institutions certified to use the SEVIS-system are currently able to sponsor a new foreign student or exchange student.

**Q.) How many institutions are currently certified to use SEVIS and sponsor foreign students or exchange visitors? How many have applied for certification?**

As of October 16, 2003, 6,954 schools are SEVIS-certified. There are 611 institutions that have pending applications for certification.

**Q.) As part of the certification process, does each institution receive an on-site inspection?**

Yes. A contractor will visit each school that requests SEVIS certification. Each participating school is required to re-certify to use SEVIS every two years.

**Q.) U.S. universities argue that SEVIS is costing them huge sums of money, but has yet to produce any tangible results in terms of enhancing U.S. national security.**

SEVIS is a powerful tool for combating fraud. To date, more than 3,500 “no-show” students have been reported to ICE, allowing us to determine whether they have violated the law or pose a security risk.

**Q.) Are there enough enforcement resources to follow-up on the information that SEVIS will provide as a new management tool for foreign students?**

ICE is well aware that more resources are necessary for the enforcement of the foreign student program. At this time, ICE is working to fund the resources and hire personnel who will ultimately be responsible for the SEVIS program. Future appropriation requests may also include requests for additional resources.

**Q.) Was the SEVIS program fully implemented on January 1, 2003?**

Yes! ICE developed and fully deployed all facets of the SEVIS system by January 1, 2003, precisely as advertised.

The SEVIS system is part of the larger Student and Exchange Visitor Program (SEVP). In addition to the SEVIS system, SEVP encompasses the re-certification process, the fee payment system, budget and training.

The use of SEVIS by schools and the subsequent entry of student information has always been planned to actually follow the deployment of the technical system in January. The required use of the system by schools has been planned to occur in phases, beginning with new students and ending with continuing students. This phased in approach was set forth in the proposed regulation in May 2002, in the Congressional testimony during the fall of 2002, and in the final regulations published in December 2002.

**Q.) Were the schools that filed an application on or before November 15, 2002 certified to use the system on February 15, 2003 as promised?**

For the most part, the schools that filed on or before November 15 did receive a decision by February 15. Most of those schools were certified to use the system. The vast majority of those schools who were not certified represented cases that were improperly filed. In those cases, the schools were contacted and additional information (such as the proper filing fee) was requested. The adjudication of that school’s application could not continue until the school provided the missing information.

**Q.) Have institutions experienced any problems or glitches accessing/using SEVIS?**

As with any new system of this magnitude, occasional problems have surfaced. Because of that, SEVIS continues to evolve. SEVIS isn’t a static system. Working together with the SEVIS-certified schools, we are constantly enhancing and perfecting the SEVIS system. As problems are identified, we’re committed to resolving them as quickly as possible.

**Q.) What should a school do if they encounter a problem using or accessing SEVIS?**

A representative of the school should call the SEVIS help desk at 800-892-4829. The Help Desk is staffed from 8:00 a.m. until 8:00 p.m. EST Monday through Friday.

**Q.) How much did the development of SEVIS cost?**

ICE and before that the Immigration and Naturalization Service has worked on developing the SEVIS program since 1996. ICE is currently reviewing the program to determine the exact cost of SEVIS development.

**Q: How much does SEVIS cost foreign students? How much money does each foreign student have to pay?**

Congress intended the SEVIS Program to be funded through the collection of fees. ICE anticipates that the SEVIS fee regulation will be published in the Federal Register as a proposed rule in the next 2-3 weeks. The academic and exchange visitor community will then have 30 days to respond to the proposed rule with comments/questions. Students already approved for study in the United States before the final student fee is announced will not pay the fee.

**Q: How many millions of dollars does it cost U.S. universities to comply with all the different reporting requirements of SEVIS?**

It costs schools \$580 dollars to apply to use SEVIS. That breaks down to \$230 to file the appropriate application (Form I-17) and \$350 for the required site visit to each campus. Additionally, schools are required to re-certify with SEVIS every two years. At that time, they will again pay a \$350 fee for the required site visit.

**Q.) How much money was allocated for the implementation of SEVIS?**

The Patriot Act of 2001 earmarked \$36.8 million dollars for the implementation of SEVIS and the Student and Exchange Visitor Program.

**Q.) Is SEVIS a part of US-VISIT**

SEVIS is an integral component of the United States Visitor and Immigrant Status Indication Technology (U.S. VISIT) system. As such, SEVIS is responsible for managing information about foreign students and exchange visitors during their stay in the United States.