



U.S. Immigration and Customs Enforcement

U.S. Immigration and Customs Enforcement Student and Exchange Visitor Program

SEVP Policy Guidance for Adjudicators 1306-07: Temporary Absence

Issue Date: (date signed)
Effective Date: (date implemented)
Supersedes: N/A

1. **Purpose/Background.** The Student and Exchange Visitor Program (SEVP) regulation regarding temporary absence¹ has a general scope. More detail is necessary for day-to-day application. This document gives SEVP's interpretation of the temporary absence regulation to guide adjudicators and addresses the concept of authorized early withdrawal as it relates to temporary absence.
2. **Definitions.**
 - 2.1. **Authorized early withdrawal.** A termination reason in the Student and Exchange Visitor Information System (SEVIS) used by the designated school official (DSO) when a student needs to withdraw from school unexpectedly and leave the United States before program completion (used when the student informs the DSO of this need before withdrawing)
 - 2.2. **Temporary absence.** When a DSO authorizes a student to discontinue enrollment in classes (i.e., terminates the student's SEVIS record for authorized early withdrawal) and leave the United States but the student intends to return and resume the program of study five months or less after departing the United States
 - 2.3. **Unauthorized withdrawal.** A termination reason in the Student and Exchange Visitor Information System (SEVIS) used by the DSO when a student needs to withdraw from school unexpectedly and leave the United States before program completion (used when the student does not inform the DSO of this need before withdrawing)
3. **Policy.** Circumstances may arise where an F-1 student needs to discontinue participation in a program of study and take a temporary absence outside of the United States for five months or less.

¹ 8 CFR 214.2(f)(4) and 8 CFR 214.2(m)(4)

An F-1 student whose situation meets all of the following criteria may request the return of a *Terminated* record to *Active* status to resume the same program of study:

- In *Terminated* SEVIS status for reason of authorized early withdrawal
- Departed the United States within 15 days of the SEVIS termination
- Seeks readmission within five months of departure

U.S. Customs and Border Protection (CBP) admits an M-1 student into the United States for a fixed period. An M-1 student in *Terminated* SEVIS status for an authorized early withdrawal must return to the United States with an *Initial* Form I-20 reflecting the revised program end date.

4. Procedures/Requirements.

4.1. Leaving the United States. When an F-1 or M-1 student needs to withdraw from school unexpectedly and leave the United States before program completion and not during an authorized break or vacation, the DSO must update the student's SEVIS record to *Terminated* status.

If an F-1 or M-1 student informs the DSO of this need before withdrawing, the DSO should select the reason for the SEVIS termination as authorized early withdrawal. The student then has 15 days from the termination date to leave the United States.

If the F-1 student intends to return to the United States within five months, the DSO can request the return of the same SEVIS record to *Active* status. This process allows for what regulation refers to as temporary absence, but many have called it a leave of absence.

If the F-1 or M-1 student does not inform the DSO before withdrawing, the DSO should select the reason for the SEVIS termination as unauthorized withdrawal and the student must depart the United States immediately. A SEVIS record showing termination for *unauthorized withdrawal* may delay or prevent future entry into the United States.

4.2. Returning to the United States after temporary absence. CBP does not readmit an F-1 or M-1 student returning to the United States with a SEVIS record in *Terminated* status. The student's SEVIS record must be in *Active* or *Initial* status before returning. For an F-1 student, request the change of record status to *Active* as follows:

1. The F-1 student should contact the DSO to confirm intent to return and request record re-set.
2. The DSO must generate a correction request in SEVIS to the SEVIS Help Desk to set the SEVIS record to *Active* status.² The DSO may make this request up to 60 days before the session start date when the student will return and enroll in classes

² SEVP will release future guidance discussing SEVIS Help Desk data fix procedures.

3. The request to the SEVIS Help Desk should include a letter, submitted electronically on the school's letterhead and signed by the DSO, explaining the situation in detail and the requested corrective action. The letter should contain the following information:
 - Date the student last attended classes
 - Date the student requested the temporary absence
 - Date the student departed the United States
 - Date the student will return to the United States
 - Start date of next available session for the student
4. While not normally required, the Help Desk may request supporting documentation (e.g., Form I-20, "Certificate of Eligibility for Nonimmigrant Status," visa, passport, or transcripts) as required if there are difficulties obtaining related information from other data systems.
5. The SEVIS Help Desk prioritizes data adjustment requests. A DSO may contact the SEVIS Help Desk in the case of a visa interview to request to expedite the correction request, and the Help Desk will give a priority when possible.
6. Once the adjustment to student status is complete, the DSO should send the student an updated Form I-20 that shows *Active* status.
7. The student must present this Form I-20 when arriving at a U.S. port of entry.

4.3. Annual vacation and temporary absence. See SEVP Policy Guidance for F and M Students and Designated School Officials 1306-02: Annual Vacation.

5. Authorities/References.

8 CFR 214.2(f)(4)

8 CFR 214.2(f)(5)(iv)

8 CFR 214.2(m)(4)

6. Attachments. None.

7. **Limits of use – no private right of action.** This SEVP Draft Policy Guidance applies to and is binding on all SEVP employees unless specifically exempt. Its intention is solely for the guidance of SEVP personnel in the performance of their official duties. It is not intended to, does not and may not be relied upon to create or confer any right or benefit, substantive or procedural, enforceable at law or in equity by any person, individual or other party, public or private, in any administrative, civil or criminal matter. Until issued in final form, this SEVP Draft Policy Guidance for Adjudicators does not constitute SEVP policy in any way or for any purpose.

Rachel E. Canty
Deputy Director, External Operations
Student and Exchange Visitor Program
U.S. Immigration and Customs Enforcement

DRAFT