



U.S. Immigration
and Customs
Enforcement

U.S. Immigration and Customs Enforcement

Student and Exchange Visitor Program

SEVP Policy Guidance for Adjudicators 1308-02: Timely Filing

Issue Date: August 15, 2013

Effective Date: August 15, 2013

- 1. Purpose/Background.** Consistent with the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Public Law 104-208, Div. C, 110 Stat. 3009-546* (September 30, 1996), the Student and Exchange Visitor Program (SEVP) is committed to the use of electronic reporting technology to the fullest extent practicable.

Part of this commitment includes the transformation of traditionally paper-based administrative processes to paperless processes. Communications between SEVP and the academic community that previously depended upon the U.S. Postal Service and private-sector delivery companies are now conducted solely through electronic means. This results in greater efficiency of SEVP processing and cost savings.

This guidance adjusts the allowable time for school officials and those who represent the schools to respond to SEVP notices, reflecting our increased efficiencies.

- 2. Definitions.**
 - 2.1. Date of service of notice.** The date of transmission of a notice by e-mail and/or the Student and Exchange Visitor Information System from SEVP to school officials for notices of SEVP adjudicative action (*8 CFR 214.3(e)(1)*)
 - 2.2. Electronic signatures.** An original signature (see *8 CFR 214.3(a)(1)(ii)*) of a certifying party on a paper document transmitted electronically (i.e., a scanned or faxed, signed copy)
- 3. Policy.**
 - 3.1.** School officials will have the amount of time listed on the notice to respond.
 - 3.2.** Earlier processes granted an additional three days for schools to respond to SEVP notices when SEVP sent the official notice via postal mail (*8 CFR 103.8(b)*). This three-day window no longer applies because the date of transmission from SEVP is now the same as the date of service.

- 3.3.** The tolling period for responding to SEVP notices begins on the date of service of the notice, which is the date of transmission of the e-mail notice. The date of service is the date of transmission of the official adjudicative action.
- 3.4.** The principal designated school official is legally accountable for ensuring that the president, owner or head of a school or school system receives all communication from SEVP within the scope of this guidance.¹

4. Procedures/Requirements.

This guidance encompasses all of the following:

- SEVP certification
- Recertification
- Out-of-cycle review
- Petition denial
- Certification withdrawal
- Associated appeal processes

5. Adjudicator Responsibilities. none

6. Authorities and References.

- 6.1.** *8 CFR 214.3(e)-(g), (j)(k) and (l)*
- 6.2.** *8 CFR 214.4*
- 6.3.** *8 CFR 103.2(b)(1), (4)-(16), (18) and (19)*
- 6.4.** *8 CFR 103.3*
- 6.5.** *8 CFR 103.5*
- 6.6.** *8 CFR 103.8*

7. Attachments. none

Limits of Use – No Private Right of Action. This SEVP Policy Guidance for Adjudicators applies to and is binding on all SEVP employees unless specifically exempt. Its intention is

¹ 8 CFR 214.3(l)(1)(ii) - “SEVP will use the PDSO as the point of contact on any issues that relate to the school’s compliance with the regulations....”

solely for the guidance of SEVP personnel in the performance of their official duties. Nothing in this guidance limits SEVP's authority or discretion to interpret, administer or enforce any statute, regulation, policy or guidance related to SEVP certification. This guidance may be modified, superseded or withdrawn at any time. 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.

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