

To: All SEVIS Users
Date: September 1, 2010
Re: Students and Visa Issuance Delays
Number: 1008-02

Comments:

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Purpose:

The Department of State has advised the Student and Exchange Visitor Program (SEVP) of security advisory delays that are causing visa issuance problems for foreign students. This interruption may affect timely arrival to ports of entry (POE) and reporting to schools.

General Information:

To facilitate entry when a student has received a visa but cannot arrive for the program start date, the designated school official (DSO) should advise students to do the following:

1. Contact the DSO, preferably by e-mail, notifying the DSO of the situation.
2. Request that the DSO acknowledge that the delay will not cause the student to lose placement in the school.
3. Carry a printed copy of this exchange to present to Customs and Border Protection (CBP) officers at the POE to avoid the possibility they may deny admission.

Generally, affected applicants will have a “clearance received on [date]” annotation on recently issued visas, which should allow CBP officers at the POE to recognize these cases.

Attendance choices for new students entering on Initial records:

In the event that a student encounters a delay because of visa issuance, the DSO may consider possible courses of action. Each choice is dependent on a new Initial student’s travel plans:

1. Students who cannot arrive by the program start date listed on the Form I-20A-B, “Certificate of Eligibility for Nonimmigrant (F-1) Student Status-For Academic and Language Students” or Form I-20M-N, “Certificate of Eligibility for Nonimmigrant (M-1) Student Status for Vocational Students,” must make the DSO aware of the need to defer the program start date and get a reprinted Form I-20 for the deferred start date prior to arriving at a U.S. POE. By doing this, the student may begin later than initially expected or arrive on time for a future semester. Whether a student can begin for the current term is an academic decision officials at each school must make relying on individual academic policies and procedures.

Typically, a prospective student may enter the United States up to 30 days prior to the program start date listed on the Form I-20. A DSO should only defer a program start dates to reflect dates when, according to a school's academic calendar and policies, a student can actually enroll in a full course of study within 30 days of arriving in the United States.

2. If the program start date has passed and the student's record in the Student and Exchange Visitor Information System (SEVIS) is now in Canceled status, the student who is still planning to attend may contact the school but will not be able to enroll until the following term. If that is the case, the DSO can request a correction to student status back to Initial status and then defer attendance.

A less desirable second option is for the DSO to create a new SEVIS record. Send the student a new Form I-20 with the updated information. If the program start date passes and the DSO does not register a student because that student has not been able to enter the United States and enroll for classes, SEVIS automatically changes the record to Canceled status after 60 days.

A DSO should not encourage new students in Initial status to travel to the United States if the student cannot enroll in classes for the current term. While it is possible that CBP officers at the POE will allow the student to enter after the program start date, if the record is in Canceled status, the DSO cannot then activate it if the student reports to the school. The DSO must request a correction to the student's status.

If SEVP can verify that the student can attend school that semester, SEVP may perform the correction to student status to return the record to Initial status. In this situation, if SEVP determines the student can attend a session that starts within 30 days, the correction request will allow the DSO to defer attendance.

Actions when a returning student experiences a delay:

A returning student in Active status may experience a delay because of visa issuance and cannot enroll for the current term or semester. For the student to maintain status, the DSO may authorize the student, if eligible, for a vacation period or a leave of absence. During a leave of absence, the student must remain outside the United States, and the DSO must temporarily place the record in Terminated status for Authorized Early Withdrawal, usually until shortly before the student intends to return and re-enroll. Please contact SEVP with questions about visa issuance and leave of absence at sevis.source@dhs.gov.

If the DSO allows the next session start date to pass without registering a student who is unable to re-enter the United States and enroll for classes, SEVIS will automatically place the record in Terminated status after 90 days. In each term or session, and no later than 30 days after the deadline for registering for classes, a DSO must report whether a student has enrolled at the school, dropped below a full course of study without prior authorization by the DSO or failed to enroll.

DSOs should not encourage returning students to travel to the United States if the student cannot enroll in classes for the current term. While it is possible that CBP officers at the POE will allow

the student to enter after the program start date, if SEVIS has placed the record in Terminated status, the DSO cannot activate the record if the student reports to the school. The DSO must then request a correction to student status.

If SEVP can verify that the returning student can attend school that semester, SEVP will perform a correction to return the record to Active status.