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Students/Exchange Visitors

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Overview of SEVIS II

The Student and Exchange Visitor Program (SEVP), a division of the ICE Office of Investigations, owns SEVIS II. SEVIS II supports the application and admission of foreign nationals who seek to come to the U.S. as students and exchange visitors under F, M, or J classes of admission. SEVIS II maintains personal information about these foreign nationals and any dependents that come with them to the U.S. In addition, SEVIS II maintains personal information about officials of approved schools and designated exchange visitor sponsors who host nonimmigrant students and exchange visitors.

SEVIS II will deploy in two phases; the first phase will occur in October 2009, and the final phase will occur in March 2010. With the full deployment of SEVIS II, ICE will retire the original SEVIS. All necessary data from the original system will be migrated to SEVIS II prior to the deployment of the first phase.

Background

The U.S. has a history of welcoming foreign nationals into our country as students or exchange visitors. While they stay for an extended period, the U.S. considers them nonimmigrant, temporary visitors.

When nonimmigrants apply for admission to the U.S., they must declare their primary purpose for visiting. Based upon that purpose, U.S. immigration law recognizes a number of classes of admission, such as those for tourists and business travelers. For foreign students and exchange visitors, the U.S. immigration law recognizes the following three classes of admission:

- **F-1 Admission:** For foreign students pursuing a full course of study in a college, university, seminary, conservatory, academic high school, private elementary school, or other academic institution or language training program in the U.S. that SEVP has certified to enroll foreign students.

- **M-1 Admission:** For foreign students pursuing a full course of study in a U.S. vocational or other recognized nonacademic institution (e.g., technical school) that SEVP has certified to enroll foreign students.

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- **J-1 Admission:** Foreign nationals who are selected by an exchange visitor sponsor that the Department of State (DoS) has designated to participate in an exchange visitor program in the U.S.

F-1, M-1, and J-1 nonimmigrants may bring their spouse and dependent children (i.e., dependents) with them for the duration of their stay. Dependents of F-1, M-1, or J-1 nonimmigrants are admitted to the U.S. under a corresponding class of admission: F-2, M-2, or J-2. Their purpose for visiting is to live with the F-1, M-1, or J-1 nonimmigrant (the primary nonimmigrant for the family). Dependents may stay only as long as the primary nonimmigrant maintains legal status.

A foreign national who wishes to come to the U.S. as a foreign student or exchange visitor on an F-1, M-1, or J-1 class of admission must do all of the following:

- Apply to and be accepted by an SEVP-certified school or a DoS-approved sponsor.
- Obtain a student or exchange visitor visa from an embassy or consulate abroad or, if from a visa exempt country (e.g., Canada or Bermuda), apply for admittance at a U.S. port of entry (POE), or if already in the United States in another nonimmigrant class of admission, obtain a change of status to F, M, or J from U.S. Citizenship and Immigration Services.

In addition, F and M nonimmigrants must be able to pay the cost of schooling and living expenses while in the U.S. and furnish proof of sufficient funding to the school.

F/M/J nonimmigrants must comply with Federal regulations that are specific to their class of admission. These regulations dictate eligibility requirements, required activities, and prohibited activities. F/M/J nonimmigrants who do not continue to comply with these requirements are “out of status,” and they and their dependents cannot remain in the U.S.

The Student and Exchange Visitor Information System

Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) in 1996 that authorized the former Immigration and Naturalization Service (INS) to create an electronic system to collect information on F/M/J nonimmigrants to address the problem of F/M/J nonimmigrants who are out of status and remaining in the U.S. illegally. The system was to support INS efforts to determine how many F/M/J nonimmigrants are in the country, where they are, and what they are studying. After September 11, 2001, Congress updated the legislation to mandate the use of an electronic system to collect information on all F/M/J nonimmigrants.

Note: SEVIS II does not track all cultural exchange visitors and all foreign students; it tracks only nonimmigrants admitted under F/M/J classes of admission. In some cases, nonimmigrants who are students or exchange visitors are in the U.S. on other classes of admission. So in this explanation, we use “F/M/J nonimmigrant” rather than the terms foreign students and exchange visitor to avoid confusion.

To meet this mandate, the Department of Homeland Security (DHS) and the DoS developed SEVIS, which deployed in January 2003. DHS published a PIA for SEVIS on February 5, 2005. SEVIS is a web-based information system that tracks and monitors F/M/J nonimmigrants and dependents throughout the duration of approved participation within the U.S. education system or designated exchange visitor program. SEVIS maintains records on these nonimmigrants and receives updated information from schools and sponsors, such as change of domestic address and changes in program study. SEVIS also maintains information on the

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schools, exchange visitor program sponsors, and their representatives.

Creation of SEVIS II

SEVIS II is a modernization effort to address limitations in the original SEVIS application. SEVIS II improves on the existing SEVIS system in several areas. First, SEVIS II will create an entirely paperless process for all activities related to the admission and tracking of F/M/J nonimmigrants. Under SEVIS II, F/M/J nonimmigrants and school and sponsor officials will use digital signatures to sign electronic forms related to the student and exchange visitor process. Government officials will also use SEVIS II—or a system that links to SEVIS II—to document electronically decisions about visa issuance, changes of status, entry into the U.S., and other requests for nonimmigrant benefits (e.g., employment authorization).

Second, SEVIS II will permit F/M/J nonimmigrants to create user accounts and directly access their own information in the system. This feature of SEVIS II permits F/M/J nonimmigrants to view information about their status, immigration benefits, and payment of SEVP fees. F/M/J nonimmigrants will also be able to view their own information in the system in real time and request that SEVP or OPSE make a change if it is inaccurate.

Third, SEVIS II will create a new, person-centric recordkeeping system that will unify information about the same F/M/J nonimmigrants that the original SEVIS maintained in multiple records. SEVIS II seeks to unify records about the same individuals by using immigration identification numbers (IINs) assigned to F/M/J nonimmigrants through the activation of SEVIS II accounts. SEVIS II will also links to biometric information for F/M/J nonimmigrants collected by US VISIT. SEVIS II will use this biometric to maintain the one-person, one-record system; however, SEVIS II does not collect, store, or process actual fingerprints or other biometric information.

Fourth, SEVIS II will generate and displays an admissibility indicator for each F/M/J nonimmigrant that reflects whether they are currently eligible for admission into the U.S. under the terms of their F/M/J class of admission. F/M/J nonimmigrants may view their admissibility indicator in SEVIS II before traveling to the U.S. to confirm that they are eligible to enter the U.S. at that time. To generate the admissibility indicator, SEVIS II uses the information already in the system and a set of business rules to determine if the individual is currently eligible to enter the U.S. as an F/M/J nonimmigrant. SEVIS II will exports the admissibility indicator to the U.S. Customs and Border Protection (CBP) Treasury Enforcement Communications System (TECS) to allow CBP officers to view the admissibility indicator when the F/M/J nonimmigrant arrives at the border and requests admission. The CBP officer uses the admissibility indicator to determine if the individual may enter as an F/M/J.

Finally, SEVIS II will indicate whether a nonimmigrant is eligible for employment in the U.S. under the terms of his or her F/M/J class of admission. The U.S. Citizenship and Immigration Services (USCIS) E-Verify system queries SEVIS II in response to a request for an employment authorization. SEVIS II uses information already in the system and a set of business rules to determine if the nonimmigrant is eligible for employment, the maximum allowable length of employment, and (if applicable) the allowable location for employment under the terms of his or her F/M/J admission. This information is sent to E-Verify.

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