

To: All SEVIS users
Date: July 14, 2011
Re: Form I-515A Processing
Number: 1010-01A

Comments

SEVP cautions that it has changed the Form I-515A process identified in broadcast message 1010. Specifically, readers should pay special attention to the fact that SEVP will only be accepting mailed in, original documents – not electronic copies – for this process.

To comment on this Broadcast Message, please e-mail SEVP@dhs.gov with “Broadcast Message 1010-01A – Comment” entered in the subject line.

Purpose

Any F or M nonimmigrant who receives temporary admission into the United States with a Form I-515A, “Notice to Student or Exchange Visitor,” must comply with the 30-day submission deadline.

Starting July 15, 2011, the Student and Exchange Visitor Program (SEVP) will terminate the Student and Exchange Visitor Information System (SEVIS) record status of any F or M nonimmigrant who does not comply with the Form I-515A directive within the 30-day response period. Within five business days of the nonimmigrant receiving temporary admission into the United States, SEVP will notify the relevant designated school officials (DSOs) of the issuance of the Form I-515A and the future termination date. At the end of the 30-day response period, the nonimmigrant has two choices if the nonimmigrant has not complied with the Form I-515A:

- Depart the United States immediately
- File immediately for reinstatement with U.S. Citizenship and Immigration Services (USCIS)

Background

SEVP conducted an internal, baseline validation study of the Form I-515A process in 2010 and found that significant numbers of F and M nonimmigrants remain in the United States beyond the 30-day response period without submitting the required admission documents.

Customs and Border Protection (CBP) determines an F or M nonimmigrant’s admission eligibility based upon the issuance of the individual’s Form I-20, “Certificate of Eligibility for Nonimmigrant Student Status,” and the passport. A CBP officer who is unable to verify admission eligibility will issue a Form I-515A for the F or M nonimmigrant’s temporary entry into the United States. The Form I-94, “Arrival/Departure Record” which CBP issues in

conjunction with the Form I-515A has a limited validity period of 30 days from the date of issuance.¹

The Form I-515A has no relationship with how long a nonimmigrant may legally remain in the United States; the Form I-94 issued to the individual at the time of entry is the determinant. An F or M nonimmigrant who does not comply with the terms of the Form I-515A is not legally present in the country once the date on the Form I-94 expires. The nonimmigrant must receive a revised or new Form I-94 from SEVP to remain in the United States.

New Process

SEVP now receives F and M nonimmigrant information daily from Enforcement Operational Records/Automated Biometric Identification System, the Form I-515A tracking system. When CBP issues a Form I-515A to an F or M nonimmigrant, SEVP will notify the DSO of the F or M student's school of the issuance by e-mail.² SEVP will send an e-mail within 24 hours of the nonimmigrant's temporary admission into the United States and will include the expiration date on the nonimmigrant's Form I-94.

SEVP strongly encourages the DSO to use this information to remind the nonimmigrant to submit the necessary documents within the 30-day response period for SEVP to make an appropriate admissibility determination.

As indicated on the Form I-515A instructions, SEVP must receive original documents to make the adjudication. The nonimmigrant must mail the documents, including the Form I-94, to SEVP at the address listed on the Form I-515 to meet the Form I-94 expiration deadline. This will allow the nonimmigrant to avoid termination of the SEVIS record and the need to file with USCIS for reinstatement.

After Form I-515A adjudication, SEVP sends a notice to the DSO. If SEVP approves the nonimmigrant's continued admission, SEVP returns the Form I-20 and a cover letter to the DSO. Additionally, SEVP amends the submitted Form I-94 or issues a new one for the normal duration of status.

If SEVP does not receive the required documentation by the Form I-94 expiration date, the nonimmigrant's SEVIS record status will terminate on the next day. The DSO will receive an e-mail from the Form I-515A processing team advising of any terminated record on the termination date.

SEVP recommends that DSOs review these policies with their F and/or M nonimmigrants to ensure that they know the following:

- The importance of having the appropriate documents upon entry to the United States

¹ The Form I-94, "Arrival/Departure Record," identifies how long a nonimmigrant may legally remain in the United States. Normally, an F nonimmigrant's Form I-94 is valid for the "duration of status." For an M nonimmigrant, the Form I-94 is normally valid for program duration. Issuing the Form I-94 with a Form I-515A is not a standard practice; the Form I-94 is limited to a validity period of 30 days from the date of issuance.

² If the recipient of the Form I-515A is a dependent, SEVP will send the e-mail notice to the F or M student's DSO.

- The consequences of not completing the necessary Form I-515A paperwork on maintaining immigration status in the United States

An F or M nonimmigrant whose record SEVP terminates must either depart the United States or file for reinstatement with USCIS. If USCIS positively adjudicates the reinstatement, USCIS will issue a new Form I-94 to the nonimmigrant.

SEVP will post this instruction at <http://www.ice.gov/sevis> in the “What’s New” section and at a permanent location on the operating instructions page.

Instructions regarding exchange visitors are currently in development, and SEVP will transmit them via a separate broadcast message.