

INS QUICK NOTES: QUESTIONS & ANSWERS

Maintaining Status

1. What events will cause a student to lose their status?

Some examples of failure to maintain status include: dropping from full-time to part-time enrollment without prior approval from the DSO, attending a school other than the one a student is authorized to attend, failure to apply for a timely transfer or I-20 extension, or change in level of study, unauthorized employment, and failure to report a change of address.

2. What are the consequences if a student fails to maintain status?

The student's record will be updated with SEVIS every semester. Students who fail to maintain status lose the privileges of their student visa and become subject to deportation. Specific consequences may include denial of re-entry to the U.S., inability to move from undergraduate to graduate status, denial of request for Practical Training, denial of request to change visa status, and possible denial of all future visa applications.

3. Can a student who is "out of status" regain legal status?

The student may apply to SEVIS for reinstatement if the violation resulted from circumstances beyond his or her control. The circumstances must be circumstances such as serious illness or injury, closure of the school or natural disaster, Circumstances beyond the student's control would NOT include cases where oversight, or a willful failure in the part of the student resulted in the need for reinstatement. In plain terms, "I forgot" is not a recognized and allowable SEVIS excuse.

Reinstatement is intended to be a rare benefit for exceptional cases. The student may not apply for reinstatement under any circumstances if he or she is out of status longer than five months, no matter the reason. If SEVIS does not reinstate the student, he or she may not appeal the decision.

4. What are the requirements for reporting changes of address by F-1 students?

There is a requirement that each student must inform the DSO of any legal changes to his/her name or of any changes of address within 10 days of the change. The address provided by the student or dependent must be the actual physical location where the student or dependent resides. A student enrolled in SEVIS will satisfy this rule by providing the information to the DSO. The DSO will update the record.

5. What are the limits on advance admission into the U.S. prior to the beginning of school attendance?

Prior to 9/11/01 student and dependents could enter the U.S. up to 60 days prior to the beginning of their degree program. The new rules limit this time to 30 days.

6. What are the "grace periods" available to F-1 & J-1 students at the conclusion of their course of studies?

Upon completion of studies, the student has 60 days to depart the United States. Students who have been granted OPT can stay to complete OPT and have an additional 60 days after completion of OPT to depart the U.S.

This 60-day “grace period” does not apply to students who do not complete their program of study or who fail to maintain status.

7. How will information regarding dependents be included in SEVIS?

Each dependent of an F-1 student will receive his/her own SEVIS I-20, with a unique identification number that specifies that they are a dependent.

8. Are there new restrictions on the F-2 spouse or child?

The new rule prohibits full-time enrollment of study by F-2 spouses. However, children may attend full-time study in elementary or secondary schools. Dependents who have an F-2 Visa must change their status to F-1 before entering a college or university.