

*Welcome to Oklahoma State
University*

NAFSA STATE MEETING

Training Session
April 1, 2009
Stillwater, Oklahoma

Today's Topics of Discussion

- Transfers
- Reinstatement
- Change of Status
- Optional Practical Training

- Evening in Stillwater - Dinner

Transferring Schools

Transfer Out School

- **Steps for the DSO**
 - Determine that the student is in status
 - Collect from the student: acceptance letter, SEVIS school code, transfer-in DSO contact information
 - Discuss transfer release date
 - Perform SEVIS transfer

Transferring Schools

Date of Release after discussion with student

Select transfer out school

Remarks: Optional

Transferring Schools

Transfer In School

- **Steps for the DSO**
 - When transfer release date has been reached, the school can access the student's record
 - Create I-20 by completing required documentation
 - Submit, print I-20 "initial attendance-transfer pending from School X".

Transferring Schools

- **Cont. Transfer In School**
 - Student must contact DSO within 15 days to complete the registration process in SEVIS.
 - DSO must complete this registration no later than 30 days following the program start date
 - "Continued attendance" Remarks: "Transfer from [name of transfer out school] completed on Month/Day/Year. Reprint I-20 to reflect the continued attendance I-20."

Transfer with Terminated Record

- Out of Status student with a terminated record has three options
 1. Reinstatement at the current school
 2. Transfer the record and file for reinstatement at the transfer in school
 3. Depart of the U.S. with an initial attendance I-20 from the new school and reenter to begin a new F-1 status
- Reinstatement denial: Student must leave the U.S. and will be subject to the INA 222(g) Overstay provision of accumulating unlawful presence INA 212 (a)(9) (B) . Be Cautious

Transfer Out Correction

- If a student has been transferred to a school in error and the transfer release date **has already passed** at the transfer-out school, the PDSO at the transfer-in school may perform a transfer correction to transfer the student record to the correct school.
- If the release date has not yet passed, the PDSO or DSO at the transfer-out school can cancel the transfer.

Transfer Out Correction

Create an I-20:

- Primary Major—General Studies
 - Normal Length of Study—1
 - Program Start Date—Today's date
 - Program End Date—Tomorrow's date
 - English Proficiency—Yes, Yes
 - Number of Months in Academic Term—1
 - Tuition and Fees—1
 - Living Expenses—1
 - Student's Personal Funds—2
- Click **Transfer Out** link in the **Corrections** menu.
 - Click the **I Agree** button.
 - Create/collect information to document the correction.

Transfer Out

Required fields are marked with an asterisk (*).

“Student was erroneously transferred to our school when the record should have been transferred to <name of correct school>.”
(print in both the remarks & reason for correction)

1. * Transfer Release Date: (MM/DD/YYYY)

2. * Transfer To School: Select
School / Campus name:
School code:

3. Remarks:

4. * Reason for Correction:

Transfer Back to Original School

- If the student decides to remain at his/her original school (after the transfer release date), contact the SEVIS Help Desk (800) 892-4829 and request that the transfer be canceled.
- Performing a transfer correction on a student wishing to remain at his/her original school will create a new student record and important information will be lost.

OPT Terminates in Transfer

- “OPT ends on the transfer release date because it marks the official release of a SEVIS record from the transfer-out school to the transfer- in school.” 8CFR 214.2 (f) (10(ii)(B).
- DSO's will need to take in consideration the end date of the OPT before releasing the SEVIS record to the new school.

Reinstatement to F-1 Status

- **Conditions for approval of reinstatement**
 - Student has not been out of status for more than 5 months
 - Student does not have a record of repeated violations
 - Student is or will be pursuing a full course of study
 - Student is not engaged in unauthorized employment
 - Student's violation resulted from either:
 - Circumstances beyond the student's control
 - If the violation would have been in the authority of the DSO such as a reduce course load
 - AND student would experience extreme hardship if not approved

Reinstatement to F-1 Status

- **Documents for submission of reinstatement**
 - Complete form I-539
 - Fee - \$300.00
 - Form I-20 for reinstatement
 - Letter from student, advisor, or DSO if applicable
 - Copy of new financial statement
 - Original of I-94
 - Copies of passport biographical pages, and visa
 - (Do Not Send Original Passport)
- USCIS Vermont Service Center**
75 Lower Welden Street
St. Albans, VT 05479-0001

Reinstatement to F-1 Status

- Letter of explanation addressed to CIS, stating the following:
 - Why he or she is out of status (specify the violation)
 - Reason for the status violation
 - The effect on the student of failure to receive reinstatement (hardship)
 - Statement that he or she is currently a full time student
 - Request that CIS reinstate him or her

Reinstatement to F-1 Status

Update Successful

The following Request ID was assigned to this request: 4526

Hail this documentation to the DHS Service Center having jurisdiction over the location address of your institution. A list of addresses for these offices can be obtained via the DHS website, at [Reinstatement Filing Instructions](#).

[Return to View Record](#) [Print I-20](#)

Write down the Request ID for future reference! A Request ID will be assigned to the Reinstatement request, and the PDSO/DSO should record the Request ID as it will not display on any other pages in SEVIS.

Reinstatement to F-1 Status

- If CIS approves the reinstatement application, the adjudicating officer updates the student's SEVIS record to indicate the approval, and both the PDSO and the DSO who submitted the reinstatement application will receive an e-mail notification of the approval.
- After the approval, a DSO at the school must check the session and program end dates that are currently active in the student's SEVIS record and make any required updates.
- Future start date the record will be placed in "initial status".
- Past start date the record will be in "active status", need to reset the registration dates.

Reinstatement to F-1 Status

- **Consequences of a reinstatement denial**
 - INA § 222(g) (overstay and visa cancellation) and § 212(a)(9)(B) (unlawful presence) are two penalty provisions that can be activated if a request for reinstatement is denied.
 - Denial of the reinstatement would be considered a "formal finding of a status violation".
 - VISA IS AUTOMATICALLY CANCELLED
 - MUST APPLY FOR NONIMMIGRANT VISAS IN HOME COUNTRY IN FUTURE
 - UNLAWFUL PRESENCE, OVER 180 DAYS BARRED FROM US FOR THREE YEARS, OR ONE YEAR BARRED FOR 10 YEARS.

Reinstatement to F-1 Status

- Employment while reinstatement is pending
 - Generally, a student who is not in F-1 status is not eligible for F-1 employment benefits; however, SEVP employment FAQ reads:

1.9. If otherwise eligible, can F 1 students continue to work on-campus with a pending application for reinstatement or change of status?
Yes.

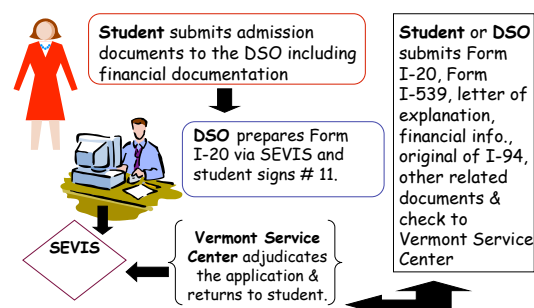
Alternative to Reinstatement

- **Alternatives to reinstatement: Travel & Re-entry**
 - Issue new I-20 with new SEVIS number (initial attendance)
 - Student needs to pay \$200 SEVIS fee
 - Caution student that there will be a terminated record that can create a concern from the consular officer or POE officer
 - Upon student's re-entry it is viewed as a new F-1 entry. Restrictions will be placed - e.g. OPT application and other employment benefits

Change of Status

- Timely Requests
 - Apply prior to the expiration of the current status
- Eligibility
 - A status that allows a change, maintain status, accepted to an academic program
- Procedures
 - Form I-539, letter of explanation, Form I-20, financial info., other related documents & check to CIS Service Center

Change of Status to F-1



Change of Status to F-1

- Application Highlights:**
- Original I-20 “initial attendance-change of status requested”.
 - Original Form I-94
 - Letter from the student of why he or she wants to change status. It is important to provide verification for temporary intent and the pre-conceived intention to study in the U.S.
 - Mail to Vermont Service Center

Change of Status

- Change of status from F-2 to F-1 or vice versa (Application must provide evidence of principle F-1 status)
- No school attendance while application is pending – B-2/B-1 to F-1, F-2 to F-1.
- COS J-1 to F-1 with a 212e is not possible in the U.S.
- Departure from the U.S. while application is pending is considered to have abandoned the COS.

Change of Status

- B-2 to F-1 applications
 - Not permitted to begin classes until CIS approves
 - Highly scrutinized
 - Prospective Student notation
 - Long COS adjudications can create problems due to specific departure date on I-94
 - Preconceived intention to study
 - Approved/ travel home at a later day can result in visa denial

Change of Status

- SEVIS System Impact
 - DSOs need to monitor COS applications to avoid SEVIS system actions that would impact the SEVIS record.
 - Two system actions:
 - SEVIS WILL CANCEL OR TERMINATE RECORD IF NOT REGISTERED IN 60 DAYS FROM PROGRAM START DATE. (TAKE ACTION)
 - MAINTENANCE JOB THAT MIGHT CANCEL THE COS REQUEST IF IN REQUESTED STATUS IN MORE THAN 180 DAYS.

Change of Status

- F-1 employment not possible until change of status is approved.
 - Need to begin employment in a Graduate Assistantship has three options:
 - HOPE THE COS IS APPROVED QUICKLY
 - EXIT THE U.S. APPLY FOR AN F-1 VISA / REENTER
 - ASK CIS TO EXPEDITE COS REQUEST (UNLIKELY TO SUCCEED)

OPTIONAL PRACTICAL
TRAINING
NEXT TOPIC