

FACT SHEET

07/02/02

Preliminary Enrollment in the Student and Exchange Visitor Information System

On July 1, 2002, the Immigration and Naturalization Service (INS) published an interim rule in the *Federal Register* to implement the first phase of the certification process for access to the Student and Exchange Visitor Information System (SEVIS).

Understanding the Challenge:

INS Seeks to Improve its System for Determining Whether a School Should Continue to be Approved to Accept Foreign Students and Exchange Visitors

- **Tracking Students.** The Department of Justice and INS are required to track the nearly one million nonimmigrant foreign students and exchange visitors during their stay in the United States.
- **Certifying Schools.** While INS has an existing process for certifying and decertifying schools, INS will dedicate more resources to determine whether a school has continued to meet applicable eligibility requirements after initial certification. As indicated in INS' proposed rule, beginning January 30, 2003, SEVIS will become mandatory for all schools wishing to enroll foreign students under sections 101(a)(15)(F) and (M) of the Immigration and Nationality Act. In accordance with section 502 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Pub. L. 107-173) INS will review all currently approved schools by May 14, 2004. To accomplish this review and allow schools to enroll in SEVIS, INS will implement a two-tier process by which schools may obtain access to SEVIS. The first tier is a preliminary enrollment period for certain schools that meet the criteria established in the July 1, 2002 interim rule. The second tier is a full certification review for schools either that were ineligible for preliminary enrollment or that did not apply during the preliminary enrollment period. INS will conduct an on-site visit of all schools not eligible for preliminary enrollment before such schools are permitted access to SEVIS. Schools that preliminarily enroll will be granted immediate access to SEVIS, though INS will conduct an on-site review of those schools as part of a subsequent full certification review.

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Implementing a Solution:

This Interim Rule Allows INS to Preliminarily Enroll Certain Schools in SEVIS. A School Must Meet Strict Standards in Order to be Eligible for Preliminary Enrollment. A School Will be Granted Access to SEVIS Only After INS Conducts a Review to Establish the Bona Fides of the School.

- On May 16, 2002, INS published a proposed rule in the *Federal Register* to implement the new SEVIS requirements and to establish a process for the electronic reporting of information concerning enrollment of foreign students. That proposed rule indicated that SEVIS would begin operation on July 1, 2002, and proposed a mandatory compliance date of January 30, 2003.
- On or after January 30, 2003, all schools must utilize SEVIS in order to issue a Certificate of Eligibility for Nonimmigrant Student (Form I-20).
- Consistent with its statutory authority to regulate foreign students under the Immigration and Nationality Act, INS will conduct a review of all Service-approved schools as a prerequisite for enrollment in SEVIS. A school will be granted access to SEVIS only after INS conducts a review to establish the bona fides of the school. Because of the short time between now and January 30, 2003, INS is establishing a preliminary enrollment period for certain schools that can provide proof that they are bona fide institutions. On July 1, 2002, INS published a rule in the *Federal Register* to begin the preliminary enrollment process (See 67 FR 44344).
- This preliminary enrollment period will be limited to the following schools: private elementary and private secondary schools that are accredited by an organization holding membership in the Council for American Private Education (CAPE) or the American Association of Christian Schools (AACCS); postsecondary, language, and vocational schools that are accredited by an accrediting agency recognized by the United States Department of Education; and public high schools with certification from the appropriate public official that the school meets the state or local public educational system's requirements. In addition, the school must have been approved, during each of the last three years, by INS to enroll academic (F visa) or vocational (M visa) nonimmigrant students.
- This preliminary enrollment period will be open until at least August 16, 2002, at which time INS plans to issue an interim rule governing the certification process for all schools seeking to participate in SEVIS. As soon as that certification rule is published, this preliminary enrollment period will close, and all schools will be required to comply with the new enrollment procedures.
- There is no fee for preliminary enrollment, though any school that applies after the close of the preliminary enrollment period must pay the certification fee that will be set in the upcoming certification rule. This fee will be the same for all schools.

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- Preliminary enrollment will not be available to flight schools, even if they have been accredited by an agency recognized by the Department of Education and have been participating as a Service-approved school for the past three years. Schools that do not meet the criteria for preliminary enrollment will not be eligible to apply for access to SEVIS until they apply for certification under the upcoming certification rule and undergo full-scale review by INS.

Preliminary Enrollment Process:

- Eligible schools must access the SEVIS Internet site at www.ins.usdoj.gov/sevis.
- Once at the SEVIS site, the school will be prompted electronically to submit certain identifying information.
- After submitting the requested identifying information each school will receive a temporary user ID and password via e-mail.
- With the user ID and password, the school can re-access the SEVIS website where it will complete and electronically submit a Petition for Approval of School for Attendance by Nonimmigrant Student (Form I-17).
- INS will review the Form I-17 and preliminarily enroll the school if it meets eligibility criteria.
- Schools that are preliminarily enrolled will be given a permanent user ID and password.
- Schools that are denied preliminary enrollment will be required to enroll pursuant to the upcoming certification rule.
- Schools that are eligible for preliminary enrollment but fail to enroll prior to the close of the preliminary enrollment period also will be required to enroll pursuant to the upcoming certification rule. At the discretion of INS, however, such INS-approved schools may be permitted to utilize SEVIS until such time that INS can schedule the required on-site visit.
- All schools enrolled in SEVIS during the preliminary enrollment period must apply for re-certification prior to May 14, 2004. The recertification process includes an on-site visit.
- All schools qualified for preliminary enrollment, which failed to enroll preliminarily but who INS permitted to utilize SEVIS prior to on-site review, will be required to have an on-site visit prior to May 14, 2004.