

Student and Exchange Visitor Update

Reference Document: STATE 017314, Date 2/09

TO ALL DIPLOMATIC AND CONSULAR POSTS

1. SUMMARY: The F, M, and J FAM notes have been extensively updated to reflect current guidance. VO/P has established a Student and Exchange Visitor Visa Center to answer F, M, and J case inquiries. Please remember that while the SEVIS record is the definitive proof of F, M and J eligibility, applicants currently are required to present accurately completed I-20 or DS-2019 paper forms. The CCD reports for SEVIS lookups have been enhanced. While not required for F or M applicants, medical insurance could help establish an applicant's eligibility. Admission to a lesser-known college or English language program is not in itself a reason for refusal, although all applicants should be able to explain their school choice and educational plan. The J-1 Skills List has been updated and is nearing publication in the Federal Register. This cable also provides reminders on the Summer Work/Travel program, an overview of F/M/J validation studies, and an update on two J-1 pilot programs. End Summary.

UPDATED FAM NOTES

2. As part of the extensive 2008 9 FAM revisions, the 9 FAM notes for 41.61 and 41.62 have been updated to include all recent guidance on F, M, and J visas. Suggestions for further revisions or clarifications are always welcome and should be sent to VO/L/R and your VO/F/P post liaison officer.

NEW: THE STUDENT/EXCHANGE VISITOR VISA CENTER

3. VO's Public Inquiries Division has created a unit to respond to inquiries about individual student and exchange visitor visa cases. The Center can be reached via email at fmjvisas@state.gov and typically receives almost 900 inquiries a month.

FORMS

4. The SEVIS record is the definitive record to determine student or exchange visitor visa eligibility (see 9 FAM 41.61 N2.2 and 41.62 N 8.1). The new version of SEVIS, expected to be released by spring 2010, will remove the requirement for the paper forms, but until then F/M/J visa applicants must present signed I-20 or DS-2019 forms. If there are minor errors on the form (e.g., a program start date that is off one day) you can process the case using that form. However, if the form indicates an unrealizable program start date, or has a typographic error in the bio data, you must verify that the information is correct in SEVIS. You should then consider whether the error on the form would cause the traveler difficulty at the port of entry. If it would, you should request that the applicant travel with a corrected hard copy of the form. 9 FAM 41.61 N3.1 and 9 FAM 41.62 N3.1 will be updated to include this information.

STUDENTS AND LESSER-KNOWN PROGRAMS

5. Please remember that, as noted in 9 FAM 41.61 N 7.2, attendance at a lesser-known college, English language program, or a community college is not, in itself, a reason for refusing a student visa applicant. A student must establish that he/she has a plan for his/her education. A plan that includes initial attendance at a community college or English language program, and then a transfer to a four-year college, certainly is acceptable. Which school a student chooses is not nearly as important as why he/she chose it.

6. We encourage you to welcome community college or other university recruiters to brief your section on their schools and programs. You may wish to ensure your post website has links to USG sites such as www.exchanges.state.gov, www.educationusa.state.gov, www.ed.gov, and educational association sites such as www.communitycollegeusa.com, www.edupass.org, or www.iie.org.

MEDICAL AND TRAVEL INSURANCE

7. Per 22 CFR 62.14, J-1 and J-2 travelers are required to have adequate medical insurance in order to participate in an exchange program. While F and M students and their dependants are not required to have U.S. medical or travel insurance in order to qualify for a visa, most universities require students to have medical insurance. Assurance that a student would be able to afford any health care expenses in the United States could certainly help a student overcome public charge concerns. 9 FAM 41.61 N6.1-3 and 41.62 N 8.1 (c) will be added to reflect this reminder.

CCD SEVIS REPORT CHANGES

8. You may have already noticed enhanced ways to check an applicant's SEVIS status using the CCD. The CCD now has an expanded "NIV Applicant SEVIS Status" search function that allows you to search by additional fields. In addition, the existing "SEVIS Lookup" function allows you to search for a SEVIS number by school or program name as well as applicant name. SEVIS reports now should indicate whether an F or M visa applicant has been approved for Optional Practical Training (OPT) or Conditional Practical Training (CPT), as well as the status of a school (active or terminated). Please let us know if you would like additional functionality in these reports

[Paragraphs 9 and 10 redacted]

REPORTING SUSPICIOUS SCHOOLS

11. Consular officers who uncover patterns of abuse or suspicious activity from a particular school should send that information to VO/F/P and FPP. We can pass along information from the field that sometimes leads SEVP to reevaluate a school's SEVIS status.

J-1 SKILLS LIST

12. The Exchange Visitor Skills List has been updated and is nearing publication in the Federal Register. Once it is published, we will notify posts and provide details about when it will take effect.

SUMMER WORK TRAVEL UPDATE

13. Thank you to all posts that have been working hard to remind sponsors of the requirement that Summer Work Travel (SWT) programs may only take place during a student's summer leave period, and may not exceed four months. Please note that, as explained in 9 FAM 41.62 N 8.6, the SWT program must end before the next school term begins. However, each J participant is allowed to remain in the U.S. for a 30-day grace period after the program ends. Any validation studies about J overstays must take into account this allowed grace period, which in some cases would extend into the next school year (9 FAM 41.62 N4.12-3).

14. SWT applicants are not required to have a job placement at the time of their visa application. However, it is reasonable, especially in this economic climate, that applicants without job placements may have a more difficult time establishing their ability to support themselves during their program, as well as their intent to return abroad after the program ends. One effective way to minimize potential SWT abuse is to verify job offers for SWT applicants who have them. Additional information about the types of employment permitted on SWT can be found on the ECA site at www.exchanges.state.gov/jexchanges/programs/swt.html.

15. As noted in Ref A, posts should establish uniform SWT program dates and send to [redacted] VO/F/P. We have received SWT program dates from approximately 50 posts. We will share this with the U.S. sponsors

and have provided it to ECA.

SUMMER AU PAIR PILOT PROGRAM TO END

16. The Summer Au Pair Pilot Program that began in the summer of 2005 and provided participants a four-month au pair program during the U.S. summer will be discontinued at the end of the 2009 summer placement period.

J-1 TEACHER PROGRAM: PILOT EXTENDED

17. ECA has authorized a two-year extension of the Pilot program being conducted by the Center for International Education (ref E). The pilot was originally authorized through February 15, 2009. The two-year extension authorizes it through February 15, 2011, and adds a second teacher exchange sponsor, Foreign Academic and Cultural Exchange Services (FACES). 9 FAM 41.62 N 4.13 will be updated to include paragraph c, as follows:

c. Pilot Program for Exchange Visitor Teachers

1. In February 2007 ECA announced a two-year Pilot Program for Exchange Visitor Teachers to provide an opportunity to evaluate the need for and acceptance of a reduced experience requirement. The Pilot period, scheduled to conclude February 15, 2009, has been extended for an additional two-year period to February 15, 2011. The Pilot is being conducted by the Center for International Education, Inc. and Foreign Academic and Cultural Exchange Services (FACES), Department-designated Exchange Visitor Program sponsors. The Pilot is limited to nine countries: Australia, Canada, Columbia, New Zealand, South Africa, Spain, United Kingdom, Ireland, and Venezuela. Only nationals from these countries who apply in their country of nationality may participate.
2. Participants in this pilot program are not required to have three years of prior teaching experience. Participants are required to be eligible for employment as a teacher in their home country as demonstrated by a provisional or full teaching certificate, license, or other credential that permits employment as a teacher in the respective home country. They must also present a signed letter of acceptance for a full time teaching position from a U.S. accredited school (K-12), on school letterhead and signed by the appropriate school official. All other eligibility requirements for this exchange category must be met (Teacher - 22 CFR 62.24).
3. Pilot program participants are not exempt from the usual MRV and reciprocity fees or the SEVIS I-901 Fee.

APPOINTMENT PRIORITY

18. As has been the case for the past several years, please ensure that student and exchange visitor visa applicants are given priority when scheduling appointments for interview. Information on the availability of expedited appointments should be available on post's website, recorded information and via call centers. Whenever possible, every applicant should be able to receive an appointment before his/her program starts. Priority should go to first-time applicants, while repeat applicants can be placed on a lower-priority tier.

19. Questions on F, M, or J visas may be directed to your VO/F/P post liaison officer; questions on J programs may be directed to ECA/EC.