

This broadcast message is an initial notification to Student and Exchange Visitor Information System (SEVIS) users to:

- Summarize the immediate impact of the Student and Exchange Visitor Program (SEVP) fee/recertification rule
- Acquaint you with the process, timetable, and resources that are or will soon be available to assist schools preparing for recertification.

Policy Guidance on recertification will be posted to the SEVP website as soon as it has been approved. SEVIS users will be notified of the posting via a SEVIS Broadcast message. SEVP asks that SEVIS users wait for this guidance until forwarding any questions to SEVIS.Source@dhs.gov.

U.S. Immigration and Customs Enforcement (ICE) transmitted a final rule establishing a new fee structure for schools certified by SEVP to enroll F and/or M nonimmigrant students, as well as F and M international students and J exchange visitors that will be published on September 26, 2008. This final rule adjusts the SEVP school certification petition fees and the SEVIS I-901 fees for foreign citizens seeking to become F or M academic or vocational students, or J exchange visitors.

The rule, “Adjusting Program Fees and Establishing Procedures for Out-of-Cycle Review and Recertification of Schools Certified by the Student and Exchange Visitor Program to Enroll F and/or M Nonimmigrant Students,” will be implemented on October 27, 2008 (30 days after rule publication).

This broadcast message is the first step in the recertification process, expected to begin on January 2, 2009 when the first 400 notices of eligibility will be sent. This broadcast message will acquaint schools with the process, timetable, and resources that are or will be available to assist schools as they begin to prepare for recertification.

This broadcast also provides schools with an opportunity to correct their school and student records prior to recertification and prior to the implementation of increased fees for new applications (for a change of ownership) and site visits for a change of location or the addition of a campus. If a school group elects to submit separate school petitions for each instructional site those petitions should be done before the implementation of the fee rule to avoid any petition fees.

New fee schedule.

- Foreign citizens applying to become F or M students or J exchange visitors will begin to pay the following I-901 SEVIS fee amounts on October 27, 2008:

F-1/M-1 visa applicants (full payment)	\$200
J-1 visa applicants (full payment)	\$180
Special J-visa categories (subsidized payment)	\$35
Government visitor (no payment)	\$0

- For schools petitioning for initial SEVP certification, on October 27, 2008:
 - Petition fees will increase from \$230 to \$1,700.
 - Site visit fees will increase from \$350 to \$655 per campus.
- For schools that are already SEVP-certified, on October 27, 2008:
 - Petition fees for change of ownership will increase from \$230 to \$1,700.
 - Site visit fees for addition of a campus will increase from \$350 to \$655.
 - Changes of ownership at a school must be reported in the Student and Exchange Visitor Information System (SEVIS) within 60 days of occurrence [8 CFR 214.3(h)(1), 8 CFR 214.4(a)(3)(iii)]. The initiating date for this period will be the date the Internal Revenue Service (IRS) issues the new owner an employer identification number (EIN). EINs may not be transferred.
 - Failure to comply with this reporting requirement is grounds for automatic withdrawal of SEVP certification. As of October 27, 2008 and no later than school recertification, SEVP will enforce this requirement against any schools that have not made the correction.
 - All instructional sites within a school group that meet the Department of Education definition of a “branch campus” or at which an international student can either complete their degree requirements for a program of study or complete more than 51% of their requirements for a program of study must be listed on the petitioning school’s Form I-17.

Proposed event schedule summary.

September 2008 Autumn	Broadcast message to schools Web available documents: Policy Guidance School Job Aid Training Slides Off-site Training
January 2, 2009	180-day notice of eligibility to first group Ongoing each month for 2 years
January - Ongoing	Limited validation studies
July 2009	First recertification due
July-Ongoing	Site reviews (compliance), as needed

Recertification notices.

date	notice	action
September 25, 2008	This broadcast message to schools	Policy guidance outlining the recertification process and job aids to assist in preparation will be available on the SEVP website, http://www.ice.gov/sevis
January 2, 2009 (projected)	Notice of eligibility for recertification for first group of schools These notices will be	1. A school that receives this notice must submit a complete recertification petition package by its certification expiration date (i.e., 180 days from this notice). 2. The school can submit its recertification package

	sent to a new group of schools at the beginning of each month.	any time after receiving this notice. 3. Recertification petitions should <u>not</u> be submitted prior to the school receiving this notice. [8 CFR 214.3(h)(2)(i)]
90 days after service of a notice of eligibility for recertification	Notice of 90 days remaining to submit complete recertification petition	<ol style="list-style-type: none"> 1. This notice will be sent only to eligible schools that have not filed a complete recertification petition package by the date of service of the notice. 2. Eligible schools which have filed a recertification petition package and do not receive this notice have had their packages recognized as “complete” by SEVP. 3. Eligible schools that receive this notice have limited time to submit a complete recertification package and should do so expeditiously.
150 days after service of a notice of eligibility for recertification	Notice of Intent to Withdraw (NOIW) / Notice of 30 days remaining to submit complete recertification petition	<ol style="list-style-type: none"> 1. This notice will be sent only to eligible schools that have not filed a complete recertification petition package by the date of service of the notice. 2. Eligible schools which have filed a recertification petition package and do not receive this notice have had their packages recognized as “complete” by SEVP. 3. Eligible schools are notified that a complete recertification package has not been received by SEVP and that failure to submit a complete recertification package before their certification expiration date will result in the school’s SEVP certification being automatically withdrawn on that date. 4. Eligible schools that receive this notice have very limited time to submit a complete recertification package and should do so expeditiously.
Any time during the period of 180 days following receipt of a notice of eligibility and until adjudication of the school’s petition	Request for Evidence (RFE)	<ol style="list-style-type: none"> 1. At SEVP discretion, an RFE will be sent to a school that has submitted a complete recertification package, but the information provided is unclear or ambiguous. 2. An RFE will only be sent to a school if correct understanding of the questioned information is critical to positive adjudication of the petition. 3. An RFE will <u>not</u> be sent for purposes of notifying a school that it has not filed a complete petition. 4. Failure of a school to respond to an RFE within

		the time period specified on the RFE will result in an automatic withdrawal of the school’s SEVP certification (denial of the petition for reason of abandonment) at the end of the response period.
April 2009	Effective date of adjudication for recertification petitions	To assure that recertification remains on the legally mandated 2-year interval. <ol style="list-style-type: none"> 1. The <u>certification expiration date</u> is the latest date a complete petition can be submitted to the SCB (180 days after notice of eligibility for recertification). 2. The next certification expiration date is 2 years from the current certification expiration date. 3. Adjudications completed prior to the certification expiration date will be effective as of the certification expiration date. 4. Adjudications, including appeals, after this date will be effective as of the current certification expiration date.
On-going	Validation studies	<ol style="list-style-type: none"> 1. SEVP conducts ongoing studies and analysis of SEVIS data to explain and resolve anomalies and to support maintenance of data integrity. 2. These studies are integral to the oversight responsibilities of SEVP and are intended to be of limited duration and scope. 3. Results of validation studies will contribute to an evolving record of school compliance. The aggregate of a school’s compliance results on validations studies will contribute to adjudication of recertification petitions.
On-going	Site reviews	A few schools will receive on-site reviews during SEVP recertification. The purpose of an on-site review is, generally, to address compliance. While a few random on-site reviews may be conducted to maintain a performance baseline for all schools or to explore potential performance benchmarks, the primary reason an on-site review is conducted is to resolve questions or concerns about school performance.

General guidance.

Resources.

- Schools should review the policy guidance outlining the recertification process and job aids available on the SEVP website, <http://www.ice.gov/sevis> to assist in preparation.
- A Recertification Hotline will be established and communicated before the commencement of recertification. After completing this review, if you continue to have questions, please call the Recertification Hotline during work hours of 7am-6pm (Eastern Time). You may also send an e-mail to SEVIS.Source@dhs.gov ATTN: Recertification. Misunderstanding of requirements is not grounds for appeal of a denial or withdrawal of a school's SEVP certification.

Focus for the first cycle of recertification.

This first cycle of recertification is primarily intended to elevate the overall standard of data integrity in SEVIS, in anticipation of the migration of that data to SEVIS II. The following key areas are identified for review. SEVP strongly urges schools to review these elements and correct them within 30 days of receipt of this notice.

- All designated school official (DSO) listings and contact information must be up-to-date and entered accurately; extra spaces or characters will prevent successful e-mail notification.
- Schools should ensure any e-mail firewalls will not prevent receipt of e-mails from sysadmin.sevis@dhs.gov.
- Ensure that the ownership field in SEVIS appropriately lists the owner name (i.e., sole proprietor name, corporation name, non-profit organization name).
 - Schools must report a change of ownership within 60 days of the change [8 CFR 214.4(a)(2)].
 - SEVIS accepts submission of an update to the ownership field in SEVIS. SEVP requires remittance of the petition processing fee of \$1,700.
 - Failure to timely report a change of ownership can result in an automatic withdrawal of SEVP certification.

IMPORTANT note: The current petition fee of \$230 will be accepted until October 27, 2008 (30 days after date of rule publication in the Federal Register).

- Ensure that all campuses (i.e., instructional locations where a student can receive 51% or more of an approved degree or certification) are listed on the Form I-17. Addition of a new campus requires a fee of \$655.

IMPORTANT note: The current site visit fee of \$350 will be accepted until October 27, 2008 (30 days after date of rule publication in the Federal Register).

The “location address” field of a school in SEVIS must list the actual physical location (i.e., location of instructional facilities, administrative offices and student records). If the school receives mail at a post office box, that address must be entered in the “mailing address” field, not the location address.

- The student “U.S. address” field entered in SEVIS must be the actual physical location where the student resides [8 CFR 214.3(g)(1)(IV)], not a post office box, unless the student cannot receive mail at the residence. SEVIS II will include both “location” and “mailing” address fields for students. (An exception to this guidance is that a student receiving credit for and studying abroad may have the international student office at the U.S. school for an address.)

Petition submission.

- Schools will not be able to begin the recertification process until they receive their notice of eligibility for recertification via SEVIS.
- Only principal designated school officials (PDSOs) are authorized to submit recertification petition packages.
- All notices from SEVP to schools related to certification, oversight, recertification, denial, appeals and withdrawal, as well as RFEs are generated and transmitted through SEVIS by e-mail.
- The date of service is the date of notice transmission.
- All SEVP-certified schools are responsible for maintaining the accuracy of DSO information in SEVIS. Notices are sent to all DSOs. Consequently, SEVP will not recognize non-receipt of notification as grounds for appeal of a denial or withdrawal of a school.
- Schools are required to ensure that their spam filters do not block reception of SEVP notices.
- The term, “in writing” is expanded to include the option for electronic signatures to support movement toward a paperless environment. [8 CFR 214.3(e)(1)] To fulfill submission requirements of the SCB, all Form I-17 petition information must be submitted electronically by selecting the “submit” button. The preferred method for fulfilling signature requirements is to submit a faxed copy of the signed Form I-17 to SEVP. This is recognized as an electronic signature.

Notification.

- Schools will first be notified of their certification expiration date with their notice of eligibility for recertification and will be reminded with 90-day and 150-day e-mail notices if SEVP has not received a complete submission package.
- All notices will be served in accordance with the procedures at 8 CFR 103.2(b)(1), (4)-(16), (18) and (19), with the exception that all procedures will be conducted by SEVP, the SEVP Director, and the Assistant Secretary, ICE, as appropriate, and except as provided in this section.
- All such notices will be served (i.e., generated and transmitted) through SEVIS and/or by e-mail. The date of service is the date of transmission of the e-mail notice. DSOs must maintain current contact information, including current e-mail addresses, at all times.
- Failure of a school to receive SEVP notices due to inaccurate DSO e-mail addresses in SEVIS or blockages of the school’s e-mail system caused by spam filters is not grounds for appeal of a denial or withdrawal.

- Until implementation of SEVIS II, which will collect owner e-mail addresses, notices from SEVP will not be served to the school owners. It is incumbent on DSOs to inform owners of any notices served to the school.

Complete recertification petition package.

- All Form I-17 school information submitted through SEVIS
- All Form I-17 signature pages submitted “in writing,” as described in the **Petition submission** section, above.
- All required supporting documentation for the particular category of school of the petitioner is submitted to the SCB Schools are encouraged to review the Policy Guidance that describes the contents of a “complete package.” Schools that do not submit a complete package at the time of submission will not be sent an RFE for the omitted information. Schools that do not submit a complete package by their certification expiration date will be automatically withdrawn.

Certification expiration date.

Following a distribution of certification expiration dates by SEVP in the first cycle of recertification to level the workload, all subsequent petitions for recertification will be tied to exactly two years from the certification expiration date in the first recertification cycle. In general, certification expiration dates will be designated monthly in the first cycle of recertification, approximately in the order of initial SEVP certification.

Automatic withdrawal.

- SEVP certification of a school eligible for recertification will be automatically withdrawn for failure to:
 - Petition for SEVP recertification before the certification expiration date
 - Respond to an RFE or NOIW in the specified time period, or
 - Comply with a request for an on-site review and the requirement to complete the on-site review within 30 days of notification
- Automatic withdrawal may be a summary denial of a petition as abandoned, denial based on the record, or denial for both reasons. There is no right of appeal with automatic withdrawal. A school can re-petition at any time after automatic withdrawal, but the school must pay the initial certification fees (petition and site visit). The SEVP Director's permission to petition is not required. However, school prior performance can be considered in the new petition.

SEVIS access termination.

A school whose SEVP recertification has been denied or whose certification has been withdrawn will be served a Notice of SEVIS Access Termination Date. This notice gives the official date for the school’s denial or withdrawal to be final and SEVIS access to be terminated.

- In most situations, SEVP will not determine a SEVIS access termination date for that school until the appeals or motion to reopen processes, if any, have concluded and the initial denial or withdrawal has been upheld, in accordance with 8 CFR 214.4(i)(3).
- The school will no longer be able to access SEVIS and SEVP will automatically terminate any remaining Active SEVIS records for that school on that date.
- As of this date, all F and/or M students at a school which has been withdrawn from SEVP certification or denied recertification must complete transfer to another SEVP-certified school or depart the United States to remain in compliance with their status obligations.
- By the SEVIS access termination date, the denied or withdrawn school must have either released the SEVP records of their F and/or M students or completed them.

Voluntary withdrawal.

A school can voluntarily withdraw from SEVP certification at any time or in lieu of complying with an out-of-cycle review or an RFE.

- Voluntary withdrawal is considered an automatic withdrawal.
- A school must initiate voluntary withdrawal by sending a request for withdrawal on official school letterhead or from the e-mail address of the PDSO, owner, or director to SEVP.

Legal obligations and ramifications for a school and its DSOs when a school is having SEVP certification denied or withdrawn.

- Schools are obligated to their students to provide the programs of study to which they have committed themselves in the students' application for enrollment and acceptance process.
- Schools are obligated to the U.S. government to comply with the recordkeeping, retention, reporting and other requirements contained in 8 CFR 214.3.
- With any new petition for SEVP certification, SEVP will consider the extent to which a school has fulfilled these obligations to students and the U.S. government during any previous period of SEVP certification.