

Public Law 107-56, Section 416 of the USA Patriot Act allots \$36.8 million to support the nationwide deployment of SEVIS and requires that SEVIS be fully implemented by January 1, 2003.

On May 14, 2002, the President signed into law the "Enhanced Border Security and Visa Reform Act of 2002" (Border Security Act), Public Law 107-173. To address heightened national security concerns, Title V of the Border Security Act mandates the Department to establish a transitional foreign student monitoring system to be in place within 120 days of enactment and to remain in operation until such time as the system described in section 641 of IIRIRA (*i.e.* SEVIS) is fully implemented.

The Bureau of Consular Affairs introduced the transitional database known as ISEAS on September 11, 2002. On September 18, 2002, the Department published an interim rule in the **Federal Register** at 67 FR 181, which set forth the procedures for data sharing between schools and sponsors, the Department and the former INS. The Department's transitional database, ISEAS, has been phased-out now that SEVIS is fully implemented. The ISEAS internet site which was open to institutional users for the entry of ISEAS records, will no longer be available, and SEVIS has assumed the electronic student and exchange visitor status verification role for visa adjudication and visa issuances formerly served by ISEAS. ISEAS does, however, remain available to consular sections worldwide for the purpose of electronic student and exchange visitor status verification of visa applicants presenting Forms I-20 A-B, I-20 M-N or DS-2019 issued prior to the February 15, 2003 full implementation date of SEVIS.

On December 11, 2002, the Immigration and Naturalization Service (INS, since taken over by the Department of Homeland Security (DHS); all subsequent references are to DHS, even if done by INS) published in the **Federal Register** (67 FR 238) its final rule regulating SEVIS participation by F and M visa-issuing institutions. On December 12, 2002, the State Department's Bureau of Educational and Cultural Affairs (ECA) published a proposed rule in the **Federal Register** (67 FR 239) regulating SEVIS participation by Exchange Visitor Program Sponsors. Reference to these rules is recommended for additional background and other information about SEVIS.

What Procedures Are Required by SEVIS?

SEVIS is fully implemented and as of February 15, 2003, all new Forms I-20 issued by academic educational institutions, by vocational educational institutions, and all Forms DS-2019 issued by exchange visitor program sponsors, must be created within the SEVIS system. The SEVIS compliant versions of the I-20 are the SEVIS Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status—For Academic and Language Students, and the SEVIS Form I-20, Certificate of Eligibility for Nonimmigrant (M-1) Student Status—For Vocational Students. These are one-page documents featuring a two-dimensional bar code on the right-hand side with a SEVIS Identification number in the top-right corner. The Form DS-2019 that is issued from SEVIS is a one-page document that, like the SEVIS compliant form I-20, features a two-dimensional bar code and SEVIS Identification number on the right-hand side.

Both the DHS and ECA require all schools and program sponsors to use SEVIS to issue new forms I-20/DS-2019 as of February 15, 2003. Educational institutions and exchange visitor program sponsors are no longer able to enter records in ISEAS. However, the ISEAS database will remain available for consular employees to verify all forms I-20 A-B, I-20 M-N, and DS-2019 that were issued prior to February 15, 2003.

Educational institutions and exchange visitor program sponsors will be given additional time to enter information concerning continuing foreign students and exchange visitors into SEVIS. Information on all continuing students and exchange visitors must be entered into SEVIS by August 1, 2003. Both the DHS and ECA rules identify certain reportable actions (*e.g.* issuance of SEVIS Forms I-20, and DS-2019, visa issuance, extension of status, employment authorization) that necessitate the issuance of a SEVIS document prior to that date.

How Does Compliance With SEVIS Requirements Affect Other Visa Issuance Requirements?

Compliance with SEVIS requirements does not exempt a student or exchange visitor from complying with all other requirements for visa issuance. For example, all male nonimmigrant visa applicants between the ages of 16 and 45, regardless of nationality and regardless of where they apply, must fill out and submit to the post a form DS-

157 to be submitted at the same time as the nonimmigrant visa application, form DS-156. Applicants seeking to enter the United States in F, M, or J classifications must meet all other requirements that are separate from, and in addition to, those pertaining to their student or exchange visitor status.

Are Border Commuter Students Subject to SEVIS Requirements?

On November 2, 2002, the President signed into law the "Border Commuter Student Act of 2002" (Border Commuter Act) Public Law 107-274. This legislation amended the Immigration and Nationality Act to create new nonimmigrant visa classifications (F-3 and M-3) for citizens and residents of Mexico or Canada who seek to commute into the United States for the purpose of attending an approved F or M school. Border commuter students are permitted to study on either a full-time or part-time basis and are subject to the same reporting requirements and SEVIS processes as those required for F-1 and M-1 students. Border commuter students, however, may not obtain F-2 or M-2 status for their dependents. On August 27, 2002, the DHS published in the **Federal Register** (67 FR 166) an interim rule regulating the full or part-time study of certain Mexican and Canadian border commuter students. Reference to this regulation is recommended for additional background and other information relating to the border commuter student.

How Are F, M and J Dependents Processed Under SEVIS?

Under SEVIS, every F-2, M-2 and J-2 dependent receives his or her individual Form I-20 or DS-2019 with a unique identification number. The SEVIS-generated forms issued to dependents reflect the name of the F-1, M-1 or J-1 participant and will also indicate their dependent status.

What Role Does SEVIS Play in the Visa Adjudication and Visa Issuance Process?

SEVIS is an internet-based reporting and tracking system that is accessible by DHS, the Department, and certified educational institution and exchange visitor program sponsors. Data and information is collected and maintained on foreign students and exchange visitors throughout their stay in the United States.

Aliens who wish to study or participate in an exchange program in the United States must first apply to an educational institution that has been approved by the DHS, or to an exchange visitor program approved by the