

provided in paragraph (d) of this section.

(4) A J-1 nonimmigrant who is applying for reinstatement after a substantive violation, or who has been out of program status for longer than 120 days during the course of his or her program, must pay the applicable fee to DHS prior to applying for reinstatement to valid J-1 status.

(5) An F or M student who is applying for reinstatement of student status because of a violation of status more than 5 months in duration, must pay a new fee to DHS in connection with the application for reinstatement in order to be granted a return to valid status.

(d) *Circumstances where no new fee is required.* (1) *Extension of stay or transfer.* An alien who has previously paid the fee prior to obtaining his or her current status, as a student or exchange visitor is not required to pay a new fee in connection with:

(i) An application for an extension of stay as provided in § 214.2(f)(7) or (m)(10);

(ii) An application for transfer as provided in § 214.2(f)(8) or (m)(11); or

(iii) An application for post-completion practical training as provided in § 214.2(f)(10)(ii) or (m)(14).

(2) *New program in the same classification.* An F-1, F-3, M-1, or M-3 nonimmigrant who has previously paid the fee is not required to pay a new fee for an extension of status in connection with enrollment in a new course of study in the same nonimmigrant status. For purposes of the preceding sentence, no fee is required for changes between the F-1 and F-3 classifications, and no fee is required for changes between the M-1 and M-3 classifications.

(3) *Re-application following denial of application by consular officer.* An alien who fully paid a SEVIS fee in conjunction with an initial application for an F-1, F-3, J-1, M-1, or M-3 visa from a consular officer and whose initial application was denied, who is reapplying for the same status within 9 months following the notice of denial.

(e) *Special rules for J-1 exchange visitors.* (1) A J-1 exchange visitor coming to the United States as an au

pair, camp counselor, or participant in a summer work/travel program is subject to a reduced fee of \$35.

(2) A J-1 exchange visitor applying for a change of category as provided in 22 CFR 62.41 is not required to pay the fee.

(3) A J-1 exchange visitor applying for transfer of program as provided in 22 CFR 62.42 is not required to pay the fee.

(4) A J-1 exchange visitor applying for an extension of program as provided in 22 CFR 62.43 is not required to pay the fee.

(f) Reserved.

(g) *Procedures for payment of the SEVIS fee.* (1) *Options for payment.* An alien subject to payment of a fee under this section may pay the fee by any procedure approved by DHS, including:

(i) Submission of Form I-901, to DHS by mail, along with the proper fee paid by check, money order, or foreign draft drawn on a financial institution in the United States and payable in United States currency, as provided by § 103.7(a)(1) of this chapter;

(ii) Electronic submission of Form I-901 to DHS using a credit card, or other electronic means of payment accepted by DHS; or

(iii) Any other designated payment service and receipt mechanism approved by DHS.

(2) *Receipts.* DHS will generate and mail a receipt for each fee payment under this section.

(i) If the payment was made by mail, DHS may provide for an expedited delivery of the receipt, upon request, for an additional fee.

(ii) If payment was made electronically or through a DHS-designated payment service and receipt mechanism, DHS will accept a properly completed receipt that is printed out electronically or provided by the payment service's mechanism in lieu of the receipt generated by DHS.

(3) *Recording electronic fee payment.* DHS will maintain an electronic record of payment for the alien to reflect the receipt of the required fee under this section. If the alien's record indicates that the fee has been paid, an alien who has lost or did not receive a receipt for a fee payment under this section will not be denied an immigration benefit

solely because of a failure to submit proof of payment of the fee.

(4) *Third-party payments.* DHS may accept payment of the required fee for an alien from an approved school or a designated exchange program, or from another appropriate source, in accordance with procedures approved by DHS.

(h) *Reinstatement.* (1) In certain instances, the alien must pay the initial required fee in order to be eligible to apply for reinstatement. An F or M student who has been out of status for more than 5 months at the time of seeking reinstatement of student status pursuant to § 214.2(f)(16) or (m)(16) must pay a new fee in connection with the application for reinstatement. A J-1 nonimmigrant who has a substantial violation or who has been out of program status for longer than 120 days but less than 270 days during the course of his or her program must pay a new fee to DHS, if applicable, before applying for reinstatement to valid J-1 status. Approval of reinstatement also reinstates the status of any dependents.

(2) The failure by an F or M student or a J-1 exchange alien to pay the required fee is a violation of status for the principal alien and his or her dependents. For purposes of reinstatement, the principal alien and his or her dependents will not be considered to have gone out of status "through no fault of his or her own" or "for minor or technical infractions." Payment of the fee does not, however, preserve the lawful status of any F, J, or M nonimmigrant who has violated his or her status in some other way.

## PART 299—IMMIGRATION FORMS

6. The authority citation for part 299 continues to read as follows:

**Authority:** 8 U.S.C. 1101, 1103; 8 CFR part 2.

7. Section 299.1 is amended in the table by adding, in proper alpha/numeric sequence, the entry for **X**Form I-901" to read as follows:

### § 299.1 Prescribed forms.

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Form No.	Edition date	Title
I-901 .....	* * * * *	Fee Remittance for Certain F, J, and M Nonimmigrants.
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