

9 FAM 402.5-5(C) Qualifying for a Student Visa (F-1/M-1)

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N1 CT:VISA-2346; 09-25-2015)

a. An applicant applying for a student visa under INA 101(a)(15)(F) or INA 101(a)(15)(M) must meet the following requirements in order to qualify for a student visa:

- (1) Acceptance at a school as evidenced by a Form I-20 (see [9 FAM 402.5-4\(B\)](#) above and 402.5-5(D) below);
- (2) Present intent to leave the United States at conclusion of approved activities (see [9 FAM 402.5-5\(E\)](#) below);
- (3) Possession of sufficient funds to meet the individual's financial needs (see [9 FAM 402.5-5\(G\)](#) below); and
- (4) Preparation for course of study (see [9 FAM 402.5-5\(H\)](#) below).

b. If an applicant fails to meet one or more of the above criteria, he or she must be refused a visa under INA 214(b).

9 FAM 402.5-5(D) Form I-20 Certificate of Eligibility for Nonimmigrant (F-1) Student Status - For Academic and Language Students

9 FAM 402.5-5(D)(1) Form I-20 Required

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N3.1 CT:VISA-2346; 09-25-2015)

- a. A prospective nonimmigrant student must have a Form I-20, Certificate of Eligibility for Nonimmigrant Student Status, issued by an SEVP-certified school in order to be issued an F-1 or M-1 student visa. Only an SEVP-certified school can issue a Form I-20 to students who have been accepted for enrollment. The Form I-20 constitutes proof of acceptance at an SEVP-certified school and allows the holder to apply for a visa or change of status and admission into the United States. The Form I-20 has the student's unique SEVIS identification (ID) number on the upper left hand side with the visa class printed on the top right hand side. New forms do not have a bar code. SEVIS ID numbers are an N followed by 9 digits. There are currently two versions of the Form I-20. Old Forms I-20 with a bar code ceased to be issued as of June 26, 2015 and will become invalid for visa issuance on July 1, 2016.
- b. An F-1 or M-1 visa may be issued only to an applicant who presents a properly completed and valid Form I-20 from the institution the student will attend. These forms are issued only in the United States by approved institutions to students who will pursue a full course of study.
- c. F/M/J visa applicants must present signed Forms I-20 or Forms DS-2019 prior to visa issuance. 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 biographic data, you must verify that the information is correct in SEVIS. The SEVIS record is the definitive record of student status and visa eligibility. In most cases, the electronic record can be corrected by the institution without requiring

issuance of a new hard copy Form I-20 or Form DS 2019. You must verify that the SEVIS status is either "initial" or "active". Make a case note that the electronic record contains corrections and that the traveler will present the original Form I-20 at the port of entry. CBP accesses the electronic record using the SEVIS number.

(Previous Location: 9 FAM 41.61 N3.2 CT:VISA-2346; 09-25-2015)

d. A Form I-20 must bear the signature of the designated school official (DSO) certifying that:

- (1) The student's application for admission has been fully reviewed and is approved;
- (2) **The student is financially able to pursue the proposed course of study;**
- (3) Page 1 of the Form I-20 was completed and verified to be accurate prior to signature; and
- (4) If the student will be attending a public high school on an F-1 visa, the school indicates that the student has paid the unsubsidized cost of the education (see INA 214(m)) and the amount submitted by the student for that purpose.

(Previous Location: 9 FAM 41.61 N3.5 CT:VISA-1207; 04-23-2009)

e. A Form I-20 issued by a school system must indicate the specific school within the system that the student will attend.

(Previous Location: 9 FAM 41.61 N3.3 CT:VISA-2346; 09-25-2015)

f. If the applicant submits a Form I-20 that does not contain all the required information, you must refuse the visa under section 221(g) and require that the missing information be submitted.

9 FAM 402.5-5(D)(2) Student Must Present Form I-20 at Port of Entry (POE)

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N3.6 CT:VISA-2346; 09-25-2015)

- a. At the time of admission to the United States, a student must present the entire Form I-20, properly and completely filled out and signed by the designated school official (DSO) and the student. Thus, after an F-1 or M-1 visa has been issued, you must return the completed Form I-20, together with all supporting financial evidence, to the individual for presentation to the U.S. immigration officer at the port of entry (POE). Upon the student's arrival, the immigration officer will examine the documentation and return the financial evidence to the individual.
- b. The student must retain the form at all times. If the student loses it, he or she must obtain a replacement copy from the designated school official (DSO).

9 FAM 402.5-5(D)(3) Suspension of Cases Involving Unrealizable Reporting Dates

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N3.4 CT:VISA-2346; 09-25-2015)

- a. Action on the application must be suspended if the program start date specified in the applicant's Form I-20 or DS-2019 is already past or you believe that the applicant will be unable to meet that date. The officer must review the SEVIS record in the Consolidated Consular Database (CCD) to determine whether the designated school official (F,M visas) or responsible officer (J visas) has amended the SEVIS record to change the program start date. If this has not already been

done, the applicant must request the official enter a new program begin date in SEVIS that the applicant can meet. You may then issue the visa based on the electronic record.

- b. You may issue an F or M visa to an individual at any time who is or has previously been admitted in F or M status and is seeking a renew the visa to continue participation in a student program, as long as the status of the individual's SEVIS record is "active."
- c. Do not renew F or M visas for individuals whose SEVIS status is in any other status, regardless of presentation of a hard copy Form I-20 that may appear to be valid on its face.

9 FAM 402.5-5(D)(4) Fraud Related to Form I-20

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N8.1 CT:VISA-2346; 09-25-2015)

Fraud, as it relates to F and M cases, often involves the submission of false records to institutions to secure a Form I-20. Posts may also observe unusual patterns of Form I-20 issuance from a particular institution. If any type of fraud is suspected, you should refuse the visa under section 221g and refer the case to post's Fraud Prevention Manager through ECAS and to CA/FPP. In addition, notify the F/M/J portfolio manager in CA/VO/F/ET. If a fraud investigation confirms fraud or misrepresentation of a material fact on the part of the applicant, you must consider the applicability of ineligibility under INA 212(a)(6)(C). Questions concerning an applicant's ineligibility under INA 212(a)(6)(C) must be addressed to the Advisory Opinions Division of the Visa Office (CA/VO/L/A).

9 FAM 402.5-5(D)(5) F-1 Form I-20 Sample

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 Exhibit I; CT:VISA-2304; 07-14-2015)

Department of Homeland Security
U.S. Immigration and Customs Enforcement

I-20, Certificate of Eligibility for Nonimmigrant Student Status
OMB NO. 1653-0038

SEVIS ID: N0004705512

SURNAME/PRIMARY NAME Doe Smith	GIVEN NAME John	CLASS F-1 ACADEMIC AND LANGUAGE
PREFERRED NAME John Doe-Smith	PASSPORT NAME	
COUNTRY OF BIRTH UNITED KINGDOM	COUNTRY OF CITIZENSHIP UNITED KINGDOM	
DATE OF BIRTH 01 JANUARY 1980	ADMISSION NUMBER	
FORM ISSUE REASON INITIAL ATTENDANCE	LEGACY NAME John Doe-Smith	

SCHOOL INFORMATION

SCHOOL NAME SDVY School for Advanced SEVIS Studies SDVY School for Advanced SEVIS Studies	SCHOOL ADDRESS 9002 Nancy Lane, Ft. Washington, MD 20746
SCHOOL OFFICIAL TO CONTACT UPON ARRIVAL Helene Robertson 7050	SCHOOL CODE AND APPROVAL DATE 3AL214F11111000 03 APRIL 2015

PROGRAM OF STUDY

EDUCATION LEVEL DOCTORATE	MAJOR 1 Economics, General 45.0401	MAJOR 2 None 00.0000
NORMAL PROGRAM LENGTH 72 Months	PROGRAM ENGLISH PROFICIENCY Required	ENGLISH PROFICIENCY NOTES Student is proficient
PROGRAM START DATE 01 SEPTEMBER 2015	PROGRAM END DATE 31 MAY 2021	

FINANCIALS

ESTIMATED AVERAGE COSTS FOR: 9 MONTHS		STUDENT'S FUNDING FOR: 9 MONTHS	
Tuition and Fees	\$ 23,000	Personal Funds	\$ 3,000
Living Expenses	\$ 6,000	Scholarship and Teaching Assistantship	\$ 29,000
Expenses of Dependents (1)	\$ 3,000	Funds From Another Source	\$
Other	\$	On-Campus Employment	\$
TOTAL	\$ 32,000	TOTAL	\$ 32,000

REMARKS

Orientation begins 8/25/2015. Please report to ISSS upon arrival.

SCHOOL ATTESTATION

I certify under penalty of perjury that all information provided above was entered before I signed this form and is true and correct. I executed this form in the United States after review and evaluation in the United States by me or other officials of the school of the student's application, transcripts, or other records of courses taken and proof of financial responsibility, which were received at the school prior to the execution of this form. The school has determined that the above named student's qualifications meet all standards for admission to the school and the student will be required to pursue a full program of study as defined by 8 CFR 214.2(f)(6). I am a designated school official of the above named school and am authorized to issue this form.

<input checked="" type="checkbox"/>	DATE ISSUED	PLACE ISSUED
SIGNATURE OF: Helene Robertson, 7050	21 April 2015	Ft. Washington, MD

STUDENT ATTESTATION

I have read and agreed to comply with the terms and conditions of my admission and those of any extension of stay. I certify that all information provided on this form refers specifically to me and is true and correct to the best of my knowledge. I certify that I seek to enter or remain in the United States temporarily, and solely for the purpose of pursuing a full program of study at the school named above. I also authorize the named school to release any information from my records needed by DHS pursuant to 8 CFR 214.3(g) to determine my nonimmigrant status. **Parent or guardian, and student, must sign if student is under 18.**

<input checked="" type="checkbox"/>	DATE
SIGNATURE OF: John Doe Smith	
<input checked="" type="checkbox"/>	DATE
NAME OF PARENT OR GUARDIAN	DATE
SIGNATURE	ADDRESS (city/state or province/country)
SIGNATURE	DATE

Department of Homeland Security
U.S. Immigration and Customs Enforcement

I-20, Certificate of Eligibility for Nonimmigrant Student Status
OMB NO. 1653-0038

SEVIS ID: N0004705512 (F-1)

NAME: John Doe Smith

EMPLOYMENT AUTHORIZATION

EMPLOYMENT STATUS	TYPE
EMPLOYMENT START DATE	EMPLOYMENT END DATE
EMPLOYER NAME	EMPLOYER LOCATION
COMMENTS	

CHANGE OF STATUS/CAP-GAP EXTENSION

REQUESTED VISA TYPE	REQUEST/PETITION STATUS	RECEIPT NUMBER	BENEFIT START DATE/REQUEST DATE
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EVENT HISTORY

EVENT NAME	EVENT DATE
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OTHER AUTHORIZATIONS

AUTHORIZATION	START DATE	END DATE
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TRAVEL ENDORSEMENT

This page when properly endorsed, may be used for reentry of the student to attend the same school after a temporary absence from the United States. Each certification signature is valid for one year.

SCHOOL OFFICIAL	TITLE	SIGNATURE	DATE ISSUED	PLACE ISSUED
		X		
		X		
		X		
		X		

9 FAM 402.5-5(E) Residence Abroad

9 FAM 402.5-5(E)(1) Residence Abroad Required

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N4.1 CT:VISA-2346; 09-25-2015)

- a. The INA requires that the applicant possess a residence in a foreign country he or she has no intention of abandoning. The regulations require that you are satisfied that the visa applicant intends to depart upon completion of the approved activity.

Consequently, you must be satisfied that the applicant, at the time of visa application:

- (1) **Has a residence abroad;**
- (2) **Has no immediate intention of abandoning that residence; and**
- (3) **Intends to depart from the United States upon completion of approved activities.**

(Previous Location: 9 FAM 41.61 N4.2 CT:VISA-2346; 09-25-2015)

- b. The context of the residence abroad requirement for student visas inherently differs from the context for B visitor visas or other short-term visas. **The statute clearly presupposes that the natural circumstances and conditions of being a student do not disqualify that applicant from obtaining a student visa.** It is natural that the student does not possess ties of property, employment, family obligation, and continuity of life typical of B visa applicants. These ties are typically weakly held by student applicants, as the student is often single, unemployed, without property, and is at the stage in life of deciding and developing his or her future plans. Student visa adjudication is made more complex by the fact that students typically stay in the United States longer than do many other nonimmigrant visitors. (See [9 FAM 401.1-3\(F.\)](#))
- c. The residence abroad requirement for a student should therefore not be exclusively connected to "ties." **You must focus on the student applicant's immediate intent.** Another aspect to consider: students' typical youth often means they do not necessarily have a long-range plan, and hence are relatively less likely to have formed an intent to abandon their homes. Nonetheless, you must be satisfied **at the time of application for a visa that the visa applicant possesses the present intent to depart the United States at the conclusion of his or her approved activities. That this intention is subject to change or even likely to change is not a sufficient reason to deny a visa.**

9 FAM 402.5-5(E)(2) Relationship of Education or Training Sought to Existence of Ties Abroad

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N4.3 CT:VISA-2217; 10-29-2014)

- a. The fact that a student's proposed education or training would not appear to be useful in the homeland is not, in itself, a basis for refusing an F-1 or M-1 visa. This remains true even if the applicant's proposed course of study seems to be impractical. For example, if a person from a developing country wishes to study nuclear engineering simply because he enjoys it, he may no more be denied a visa because there is no market for a nuclear engineer's skills in his homeland than he may be denied a visa for the study of philosophy or Greek simply because they do not lead to a specific vocation.

(Previous Location: 9 FAM 41.61 N4.4 CT:VISA-1064; 10-09-2008)

- b. The fact that education or training similar to that which the applicant plans to undertake is apparently available in the home country is not in itself a basis for refusing a student visa. An applicant may legitimately seek to study in the United States for various reasons, including a higher standard of education or training. Furthermore, the desired education or training in the applicant's homeland may be only theoretically available; openings in local schools and institutions may be already filled or reserved for others.

9 FAM 402.5-5(E)(3) Returning Students

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N4.5 CT:VISA-2346; 09-25-2015)

Some students must apply for new visas if they go home or travel during their period of study. You should generally issue visas to returning students, unless circumstances have changed significantly from the time of previous issuance. **Students should be encouraged to travel home during their studies in order to maintain ties to their country of origin.** If students feel that they will encounter difficulties in seeking a new student visa or that they will not be issued a visa to continue their studies, they may be less inclined to leave the United States during their studies and hence may distance themselves from their family and homeland. **Posts should facilitate** the reissuance of student visas so that these students can travel freely back and forth **between their homeland and the United States and thereby maintain their ties.**

9 FAM 402.5-5(F) Knowledge of English

9 FAM 402.5-5(F)(1) Notation on Form I-20

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N5.1 CT:VISA-2346; 09-25-2015)

If the individual's Form I-20 indicates that proficiency in English is required for pursuing the selected course of study and that no arrangements have been made to overcome any English-language deficiency, you must determine whether the visa applicant has the necessary proficiency. To this end, the officer must conduct the visa interview in English and may require the applicant to read aloud from an English-language book, periodical, or newspaper, and to restate in English in the applicant's own words what was read. The applicant may also be asked to read aloud and explain several of the conditions set forth in the Form I-20. A student must demonstrate English language proficiency only if an admitting institution has made English language ability a requirement for the intended course of study.

- (1) If a school has admitted an applicant on the basis of the applicant's TOEFL or other English language test scores, **the officer must not reevaluate the school's decision**, even if the applicant seems to know less English than the TOEFL score indicates, unless the officer suspects the applicant obtained the results through fraud. Many students do well on the TOEFL, but seem to forget their English when confronted with a face-to-face interview with a consular officer.
- (2) If the school is aware of a student's lack of English proficiency and has made arrangements for the student to study English before enrolling in regular courses, then the lack of English skills is not relevant.

9 FAM 402.5-5(F)(2) Courses for Students Taught in a Language Other than English in which the Student Is Proficient

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N5.2 CT:VISA-2346; 09-25-2015)

Proficiency in English is not required of a student if the enrolling institution conducts the course in a language in which the visa applicant is proficient.

9 FAM 402.5-5(F)(3) English as a Second Language (ESL)

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N5.3 CT:VISA-2346; 09-25-2015)

The fact that an English as a Second Language (ESL) or other education program is available locally is not in itself grounds for refusing an applicant. Many students find language learning enhanced by living in the country where the language is spoken. Students who intend to study in ESL-only programs must present a valid Form I-20 and be found qualified for an F visa. Postsecondary institutions that require English proficiency in order for a student to matriculate use a variety of mechanisms, and such arrangements must be evident on the visa applicant's Form I-20. Contact the Visa Office F/M/J portfolio holder listed in the CAWeb "Who's Who" in VO for additional guidance, as required.

9 FAM 402.5-5(G) Adequate Financial Resources

9 FAM 402.5-5(G)(1) Determining Financial Status of F-1 and M-1 Students

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N6.1 CT:VISA-2217; 10-29-2014)

- a. **The sponsoring school is required to verify** the availability of financial support before issuing the Form I-20. Schools may not be as well-versed in local documentation or cultural practices as posts may be; therefore, you must still ensure that the student has sufficient funds to successfully study in the United States without being forced to resort to unauthorized employment.

(Previous Location: 9 FAM 41.61 N6.1-1 CT:VISA-2217; 10-29-2014)

- b. **F-1 Student:** The phrase "sufficient funds to cover expenses" referred to in 22 CFR 41.61(b)(1)(ii) means the applicant must have sufficient funds to successfully study in the United States without resorting to unauthorized U.S. employment for financial support. **An applicant must provide documentary evidence that sufficient funds are, or will be, available to defray all expenses during the entire period of anticipated study.** This **does not mean** that the applicant must have cash immediately available to cover the entire period of intended study, which may last several years. **You must, however, establish, usually through credible documentary evidence, that the applicant has enough readily available funds to meet all expenses for the first year of study.** You also must be satisfied that, barring unforeseen circumstances, adequate funds will be available for each subsequent year of study from the same source or from one or more other specifically identified and reliable financial sources.

(Previous Location: 9 FAM 41.61 N6.1-2 CT:VISA-1373; 11-09-2009)

- c. **M-1 Student:** All applicants for M-1 visas must establish that they have immediately available to them funds or assurances of support necessary to pay all tuition and living costs for the entire period of intended stay.

9 FAM 402.5-5(G)(2) Adequate Medical Insurance

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N6.1-3 CT:VISA-2217; 10-29-2014)

F and M students and their dependents are not required to have U.S. medical or travel insurance in order to qualify for a visa.

9 FAM 402.5-5(G)(3) Funds From Source(s) Outside the United

States

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N6.2 CT:VISA-2217; 10-18-2014)

When an applicant indicates financial support from a source outside the United States (for example, from parents living in the country of origin), you must determine whether there are restrictions on the transfer of funds from the country concerned. If so, you must require acceptable evidence that these restrictions will not prevent the funds from being made available during the period of the applicant's projected stay in the United States.

9 FAM 402.5-5(G)(4) Affidavits of Support or Other Assurances by an Interested Party

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N6.3 CT:VISA-2346; 09-25-2015)

Various factors are important in evaluating assurances of financial support by interested parties:

- (1) Financial support to a student is not a mere formality to facilitate the applicant's entry into the United States, nor does it pertain only when the individual cannot otherwise provide adequate personal support. Rather, the sponsor must ensure that the applicant will not become a public charge or be compelled to take unauthorized employment while studying in the United States. This obligation commences when the visa holder enters the United States and continues until the visa holder's completion of their program of study and departure.
- (2) You must resolve any doubt that the financial status of the person giving the assurance is sufficient to substantiate the assertion that financial support is available to the applicant.
- (3) You must also carefully evaluate the factors that would motivate a sponsor to honor a commitment of financial support. **If the sponsor is a close relative of the applicant, there may be a greater probability that the commitment will be honored than if the sponsor is not a relative.** Regardless of the relationship, you must be satisfied that the reasons prompting the offer of financial support make it likely the commitment will be fulfilled.

9 FAM 402.5-5(G)(5) Funds from Fellowships and Scholarships for F-1 Student

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N6.4 CT:VISA-1064; 10-09-2008)

A college or university may arrange for a nonimmigrant student to engage in research projects, give lectures, or perform other academic functions as part of a fellowship, scholarship, or assistantship grant, provided the institution certifies that the student will also pursue a full course of study.

9 FAM 402.5-5(G)(6) Post-Doctoral Research Grants for F-1 Student

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N6.5 CT:VISA-2346; 09-25-2015)

A visa applicant may be issued an F-1 visa for post-doctoral research even if the

college or university provides compensation to the individual in the form of a grant.

9 FAM 402.5-5(H) Educational Qualifications for F-1 and M-1 Students

9 FAM 402.5-5(H)(1) Consular Role in Determining Educational Qualifications

(CT:VISA-1; 11-18-2015)

(Previous Location: 9 FAM 41.61 N7.1 CT:VISA-2346; 09-25-2015)

- a. **The Form I-20 and SEVIS record are evidence that a school has accepted the applicant as a student. You should normally not go behind the Form I-20 or SEVIS to adjudicate the applicant's qualifications as a student for that institution.** If you have reason to believe that the applicant engaged in fraud or misrepresentation to garner acceptance into the school, then that information is an important factor to consider in determining if the applicant has a bona fide intent to engage in study in the United States.
- b. **You are not expected to assume the role of guidance counselor to determine whether an applicant for an F-1 or M-1 visa is qualified to pursue the desired course of study.** You must, however, be alert to three specific factors in this regard:
 - (1) The applicant has successfully completed a course of study equivalent to that normally required of a U.S. student seeking enrollment at the same level;
 - (2) Cases in which an applicant has submitted forged or altered transcripts of previous or related study or training which the institution has accepted as valid; and
 - (3) Cases in which an institution has accepted an applicant's alleged previous course of study or training as the equivalent of its normal requirements when, in fact, such is not the case.
- c. SEVP evaluates the qualifications of a school to issue Form I-20. This process includes a determination as to whether the school is a bona fide, established institution of learning which possesses the necessary facilities, personnel, and finances to conduct instruction in recognized courses of study. Evaluation also involves an on-site visit. If you have reason to question the authenticity of a school or exchange program, please contact the (CA/VO/F/ET) F/M/J portfolio holder and the Office of Fraud Prevention Programs (CA/FPP) so inquiries to ECA or SEVP are appropriately coordinated through CA.
- d. Many U.S. colleges and universities do not require foreign students to submit SAT scores or other standardized admission test scores, and not all schools require specific grade point averages (GPAs) for admission. As a result, you may not require that applicants provide admission test scores, or that applicants have a certain grade point average. Note that SEVP does not have a role dictating admissions practices to the schools they approve to issue Form i-20.