

F-1 Visa for Students

F-1 nonimmigrant classification is for individuals who wish to come to the United States temporarily to attend an academic or language training institution certified by the Student and Visitor Exchange Program (SEVP) for U.S. Immigration and Customs Enforcement (ICE).

F-1 students may remain in the United States for the duration of their educational programs if they otherwise maintain status. Once an F-1 student has completed his or her course of study, and any authorized practical training following completion of studies, the student must either transfer to another SEVP-certified school to continue studies, change to a different nonimmigrant status, otherwise legally extend their period of authorized stay in the United States, or leave the United States.

F-1 students are allowed 60 days after the completion of such studies and practical training to prepare for departure from the United States.

F-1 Academic Student

Department of Homeland Security (DHS) regulations (8 CFR 214.2(f)(6)(i)) specify that “successful completion of the full course of study must lead to the attainment of a specific educational or professional objective”. A “full course of study” as required means:

- (1) Postgraduate study or postdoctoral study at a college or university, or undergraduate or postgraduate study at a conservatory or religious seminary, certified by a designated school official (DSO) as a full course of study;
- (2) Undergraduate study at a college or university, certified by a school official to consist of at least 12 semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter hour systems, where all undergraduate students who are enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or are considered full-time for other administrative purposes, or its equivalent (as determined by the district director in the school approval process), except when the student needs a lesser course load to complete the course of study during the current term;
- (3) Study in a postsecondary language, liberal arts, fine arts, or other non-vocational program at a school which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning which are either:

- (a) A school (or school system) owned and operated as a public educational institution by the United States or a State or political subdivision thereof; or
 - (b) A school accredited by a nationally recognized accrediting body and which has been certified by a designated school official to consist of at least twelve clock hours of instruction a week, or its equivalent as determined by the district director in the school approval process;
- (4) Study in any other language, liberal arts, fine arts, or other non-vocational training program, certified by a designated school official to consist of at least eighteen clock hours of attendance a week if the dominant part of the course of study consists of classroom instruction, or to consist of at least twenty-two clock hours a week if the dominant part of the course of study consists of laboratory work; or
- (5) Study in a primary school or academic high school curriculum certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

The Student and Exchange Visitor Information System (SEVIS) Fee

All students and exchange visitors, except those that are Government sponsored, must pay the Form I-901 fee and must use Form I-901, Fee Remittance for Certain F, J and M Nonimmigrants, to pay the SEVIS fee.

The SEVIS fee for an F or M student is generally a one-time fee as long as the nonimmigrant maintains the status in which he or she was initially admitted. This covered period generally extends from the time the student is granted F or M status to the time he or she completes a program, which can include Optional Practical Training (OPT), or falls out of status, changes status, or departs the United States for an extended period of time.

An F or M student will not be required to pay a new fee upon transfer to a new school; extension of stay; change in education level when obtaining a new visa for re-entry or program continuation; upon a temporary absence of less than five months; or upon a period of approved absence in which the student is engaged in overseas study as part of his or her U.S. educational program requirements.

OPT

F-1 students generally are not authorized to work in the United States during the term of their educational program, with limited exceptions. Currently,

students in F-1 nonimmigrant status who have been enrolled on a full-time basis for at least one full academic year in a college, university, conservatory, or seminary certified by SEVP, and have otherwise maintained status, are eligible to apply for up to 12 months of optional practical training (OPT) to work for a U.S. employer in a job directly related to the student's major area of study.

F-1 students may obtain OPT either during their educational program ("pre-completion OPT") or after the student graduates ("post-completion OPT"). The student remains in F-1 status throughout the OPT period.

An F-1 student in post-completion OPT, therefore, does not have to leave the United States within 60 days after graduation, but is authorized to remain in the United States for the entire post-completion OPT period. If the student has not used any pre-completion OPT, then the student's post-completion OPT period could be up to 12 months. Once the post-completion OPT period has concluded, the student must depart the United States within 60 days, unless he or she changes status or otherwise legally extends his or her stay in the United States (e.g., starts a graduate program).

F-1 Change of Status to H-1B

During his or her authorized period of stay, a qualified F-1 student may receive a change of nonimmigrant status to H-1B nonimmigrant status if an employer has timely filed, and USCIS grants, a petition on behalf of that student. A specialty occupation is one that requires the theoretical and practical application of a body of specialized knowledge and a bachelor's or higher degree in the specific specialty as a minimum qualification.

Congress, however, has prohibited USCIS from granting H-1B status to more than 65,000 nonimmigrant aliens during any fiscal year (referred to as the "cap"). When USCIS determines that the cap will be reached for that fiscal year, based on the number of H-1B petitions received, it announces to the public the final day on which USCIS will accept such petitions for adjudication in that fiscal year.

The 65,000 person cap does not, however, apply to certain limited classes of aliens, including individuals who are employed by, or have received offers of employment at: (1) An institution of higher education, or a related or affiliated nonprofit entity, or (2) a nonprofit research organization or a governmental research organization. Additionally, there is an exemption from the H-1B cap for up to 20,000 individuals who are advanced degree

graduates (master's degree or higher) from U.S. institutions of higher education.

F-1 change to H-1B ``cap-gap``:

Employers of students already working for the employer under OPT often file petitions to change the students' status to H-1B so that these nonimmigrant aliens may continue working in their current or a similar job. Many times, however, an F-1 student's OPT authorization will expire prior to the student being able to assume the employment specified in the approved H-1B petition. To obtain the automatic extension, a student must be the beneficiary of an H-1B petition filed for the next fiscal year (with an October 1 employment start date) and have requested a change of status. In the past USCIS has published final rules to ameliorate the so-called ``cap-gap`` problem by extending the authorized period of stay for all F-1 students who have a properly filed H-1B petition and change of status request (filed under the cap for the next fiscal year) pending with USCIS. If USCIS approves the H-1B petition, the students will have an extension that enables them to remain in the United States until the requested start date indicated in the H-1B petition takes effect. For F-1 student beneficiaries of petitions that USCIS subsequently rejects, denies, or revokes, or for those who violate their status, the automatic extension terminates at that time.

Consequently, F-1 students who are the beneficiaries of approved H-1B petitions, but whose period of authorized stay (including authorized periods of post-completion OPT and the subsequent 60-day departure preparation period) expires before the October 1 H-1B employment start date, would have a gap in authorized stay and employment. This situation is commonly referred to as the ``cap-gap``. An F-1 student in a cap-gap situation would have to leave the United States and return at the time his or her H-1B status becomes effective at the beginning of the next fiscal year. This gap creates a hardship to a number of students and provides a disincentive to remaining in the United States for employment. The cap-gap therefore creates a recruiting obstacle for U.S. employers interested in obtaining F-1 students for employment and submitting H-1B petitions on their behalf. Moreover, when the student is already working for a U.S. company on OPT and has to leave the United States, frequently for several months, during the cap-gap period, the employer suffers a major disruption.

USCIS has authorized in the past to extend the status of F-1 students caught in a cap-gap between graduation and the start date on his or her approved H-1B petition. However, before USCIS can offer students any relief from the cap-gap, it must first determine that the cap has been reached for the current fiscal year, or is likely to be reached prior to the end of the current

fiscal year, and then publish a notice in the Federal Register announcing that status is extended for students with pending H-1B petitions.

17-Month Extension of Optional Practical Training for F-1 Students Who Have Obtained a STEM Degree

In the past, USCIS has allowed F-1 students who have received a degree in a STEM field to obtain an extension of their existing post-completion OPT period for up to 17 months, for a maximum period of post-completion OPT of 29 months. The extension, however, is only available to students who are employed, or will be employed, by an employer enrolled (and determined by USCIS to be in good standing) in USCIS' E-Verify employment verification program at the time the student applies for the 17-month extension. A student seeking an extension must agree to report to a DSO at his or her school the following: Changes to the student's name, the student's residential and mailing address, the student's employer, and the address of the student's employer. The student must also report to a DSO every six months from the date the OPT extension starts to verify this information. In addition, the employer of a student under extended OPT must report to the student's school DSO within 48 hours after the student leaves employment with that employer.

The STEM Designated Degree Program List is based on the "Classification of Instructional Programs" (CIP) developed by the U.S. Department of Education's National Center for Education Statistics (NCES). To be eligible for the 17-month OPT extension, a student must have received a degree in the following:

- Actuarial Science
- Computer Science
- Entry/Microcomputer Applications
- Engineering
- Engineering Technologies
- Biological and Biomedical Sciences
- Mathematics and Statistics
- Military Technologies
- Physical Sciences
- Science Technologies
- Medical Scientist (MS, PhD)

Students who wish to extend OPT must request that their DSO recommend the 17-month OPT extension. DSOs recommending the extension must verify the student's eligibility, certify that the student's degree is on the STEM Designated Degree Program List, and ensure that the student is aware of his or her responsibilities for maintaining

status while on OPT. The DSO must make the recommendation to extend OPT for the student through SEVP's Student and Exchange Visitor Information System (SEVIS), a Web-enabled database for the collection of information related to F, M and J nonimmigrants, certified schools, and State Department approved exchange visitor programs. Once the DSO recommends a student for the extension, the student must submit a Form I-765 and appropriate fees.

Change of status from B-1/B-2 to F-1 while in the United States

The regulations, at 8 CFR 214.2(b)(7), specifically prohibit study in the United States while in B-1 or B-2 status. Before enrolling in classes, individuals who are in B-1 or B-2 status must first acquire F-1 (academic student) or M-1 (vocational student) status. Enrolling in classes while in B-1/B-2 status will result in a status violation. Individuals in B-1 or B-2 status, who have violated their nonimmigrant status by enrolling in classes, are not eligible to extend their B status or change to F-1 or M-1 status.

Requirements for F-1 students when reentering the United States after traveling abroad on pleasure or personal business

- A SEVIS Form I-20, endorsed for travel and signed by your DSO
- You have been out of the United States for less than five months
- A current passport valid for at least six months after the date of your reentry or,
- A valid, current visa or you traveled to [contiguous country or adjacent island](#) for less than thirty days
- Financial information showing proof of necessary funds to cover tuition and living expenses

A student can stay in the United States on an expired F-1 visa as long as s/he maintains his/her student status. However, if the student is returning home or traveling to a country where [automatic revalidation](#) does not apply, the student must have a valid visa to return to the United States.

Ensure that you have all the documentation you need for your visa application and allow sufficient time for processing a new visa. The documentation you may need for a new visa includes, but is not limited to the following:

- A SEVIS Form I-20, endorsed for travel and signed by your DSO and your original Form I-20 (see your DSO before you travel)
- Original evidence showing proof of necessary funds to cover tuition and living expenses
- Evidence showing your intention to return to your home country upon program completion, including evidence of compelling social and economic ties to your home country

- If you have applied for or had optional practical training (OPT) approved, bring a copy of your Form I-20 endorsed for OPT and your Employment Authorization Document (EAD), if one has been issued

You can usually revalidate an expired visa automatically when returning from a visit of less than thirty days to Canada, Mexico, or one of the [islands adjacent](#) to the United States (other than Cuba) provided that you have a valid SEVIS Form I-20 and a valid unexpired Form I-94. This process is known as **automatic visa revalidation**.

However, if you meet any **one** of following criteria, **you will not be able to automatically revalidate your visa**.

- You applied for a new visa and it has not been issued
- You applied for a new visa and were denied
- You have a terminated SEVIS record indicating that you are out of status
- You have been out the United States for more than thirty days
- You are a citizen of one of the following countries:
 - Cuba
 - Iran
 - North Korea
 - Sudan
 - Syria

The adjacent islands are:

- Saint Pierre
- Miquelon
- The Dominican Republic
- Haiti
- Bermuda
- The Bahamas
- Barbados
- Jamaica
- The Windward and Leeward Islands
- Trinidad
- Martinique
- Other British, French, and Netherlands territory or possessions in or bordering on the Caribbean Sea

To travel to Puerto Rico or the U.S. Virgin Islands **you** will need a valid SEVIS Form I-20 and a valid unexpired Form I-94. Be sure that you do not have a terminated SEVIS record indicating that you are out of status.

[Public Primary School or a Publicly Funded Adult Education Program](#)

Congress imposed limitations on aliens' attendance in publicly funded institutions in the 1996 immigration legislation. As of November 30, 1996, F-1 visas cannot be issued to persons seeking to enter the United States in order to attend a public primary school or a publicly funded adult education program. This does not, however, bar a dependent of a nonimmigrant in any classification, including F-1, from attendance at either a public primary school, an adult education program, or another public educational institution, as appropriate.

As of November 30, 1996, two new additional criteria were imposed on intending F-1 students at public high schools:

- (1) They cannot attend such school for more than 12 months; and
- (2) They must repay the school system for the full, unsubsidized, per capita cost of providing the education to him or her.

Reimbursement

A public school system issuing a Form I-20 for attendance at a secondary school must indicate on the Form I-20 that such payment has been made and the amount of such payment. If the Form I-20 does not include the requisite information, the student must have a notarized statement stating the payment has been made and the amount from the designated school official (DSO) who signed the Form I-20.

F-1 and Adjustment of Status

You cannot travel outside the United States if you were in F-1 status when you apply for Adjustment of Status Application on form I-485, unless an advance parole or your permanent resident status has been approved by USCIS. If you depart the United States with a pending I-485 without obtaining an advance parole, you have abandoned your application. You may also be considered ineligible to return to the United States as an F-1 student, because your application to change status to that of a permanent resident is evidence of intent to immigrate which is inconsistent with nonimmigrant student status.