



**U.S. Immigration
and Customs
Enforcement**

U.S. Immigration and Customs Enforcement

Student and Exchange Visitor Program

SEVP Policy Guidance for Adjudicators 1003-03: Reporting Instructional Sites

Issue Date: March 22, 2013

Effective Date: March 22, 2013

Supersedes: not applicable

1. Purpose/Background.

To ensure that an F or M student maintains nonimmigrant status, the Student and Exchange Visitor Program (SEVP) must know any physical location at which an F or M student can receive instruction.¹ In 2008, SEVP introduced the term “instructional site” to have more explicit identification of locations where schools offer instruction. However, the lack of official guidance about instructional sites has caused confusion. In general, SEVP has required schools to report all instructional sites. This guidance has a three-fold purpose:

- Define what constitutes an instructional site and a separate record location,
- Clarify SEVP’s reporting requirements, and
- Narrow the scope of which instructional sites school officials must report at public schools and/or schools accredited by a nationally recognized accrediting agency.

2. Definitions.

2.1 Instructional Site. An instructional site is any physical location where schools provide instruction or training under the school’s governance.² In addition to properties owned by schools, this includes all locations where schools rent, lease, or utilize space and provide the instruction or training under school governance.

¹ 8 CFR 214.3(a)(1).

² The term “instructional site” also incorporates all terms commonly used for describing a physical location of instruction or training (e.g., campus, satellite, auxiliary, coordinate, extension, off-campus, regional, K-12 school, etc.).

- 2.2 Main Instructional Site.** The main instructional site is the instructional site located at the site listed in field 4, “Location of the School: (if different from mailing address)” in the Student and Exchange Visitor Information System (SEVIS), which contains the electronic version of the Form I-17, “Petition for Approval of School for Attendance by Nonimmigrant Student.”³
- 2.3 Nationally Recognized Accrediting Agency.** A nationally recognized accrediting agency is any accrediting agency recognized by the U.S. Department of Education (ED) per 34 CFR 602.⁴
- 2.4 School.** A school is one or more instructional sites where an F or M student can complete a program of study and that has one or more teachers, administrators, buildings, enrolled students, defined curricula, and clear processes for measuring student progress in learning.
- 2.5 School System.** A school system means public schools (grades 9-12) or private schools (grades K-12).⁵
- 2.6 Separate Record Location.** A separate record location is any location a school uses to store physical student records required by 8 CFR 214.3(g)(1) and not located at an instructional site reported under sections 4.3, 4.4 and 4.5.⁶ A separate record location does not include an electronic record storage location, unless the electronic records can only be accessed at the electronic record storage location.
- 3. Policy.** School officials of a public school and/or a school accredited by a nationally recognized accrediting agency must report on the Form I-17 the main instructional site, all instructional sites where an F or M student can receive 50% or more of a program of study, and any separate record locations.

School officials of all other schools must report all instructional sites and separate record locations on the Form I-17.

4. Procedures/Requirements.

- 4.1 Primary Intent.** SEVP must know where an F or M student is studying⁷ and the physical location of F and/or M student records.⁸
- 4.2 “Campuses” vs. “Instructional Sites.”** The Illegal Immigration Reform and Immigrant

³ This is field 9 on the printed Form I-17.

⁴ A list of ED-recognized accrediting agencies is available [here](#). Note that ED does not recognize any accreditation of elementary or secondary schools.

⁵ See 8 CFR 214.3(a)(1)(i) and section 4.5.

⁶ School officials must advise SEVP of these locations to ensure compliance with 8 CFR 214.3(g). Note that school officials must list on the Form I-17 only those separate record locations housing student records within the three-year time period specified in 8 CFR 214.3(g)(1).

⁷ 8 CFR 214.3(a)(1).

⁸ 8 CFR 214.3 (g)(1) and (h)(3)(iii)-(iv).

Responsibility Act of 1996 (IIRIRA) authorized the formation of an electronic database to collect information from schools on F and M students to better ensure that F and M students maintain their nonimmigrant status.⁹ IIRIRA gives the Department of Homeland Security (DHS) the authority – and DHS delegated responsibility to SEVP – to know where an F or M student is studying. SEVP regulations amplify this responsibility by requiring that schools “identify by name and address each location of the school that is included in the petition for certification or recertification, specifically including any physical location in which a nonimmigrant can attend classes through the school (i.e., campus, extension campuses, satellite campuses, etc.).”¹⁰

With the amendment of 8 CFR 214.3(a)(1) in 2008, SEVP recognized that the limited term “campus” was insufficient in scope or common definition to enable acceptable oversight.¹¹ Consequently, SEVP introduced the term “instructional site.” Adjudicators should note that SEVP has not yet modified the verbiage on the Form I-17 or in SEVIS to reflect the updated language of instructional sites.

4.3 Basic Reporting Requirements. Adjudicators must use the following standards regarding the reporting requirements of instructional sites.

4.3.1 Public or Accredited Schools vs. Unaccredited Schools. SEVP’s regulations distinguish public schools and/or schools accredited by a nationally recognized accrediting agency from all other schools (i.e., schools that are both private and unaccredited).¹² These regulations provide a less stringent standard of reporting and evidentiary requirements for public and/or accredited schools in comparison to unaccredited schools. The reason for the distinction is that public and/or accredited schools already have gone through a quality assurance validation process administered by a state or local government entity and/or an accrediting agency recognized by ED. These schools must maintain that standard.

SEVP recognizes that there are many legitimate unaccredited schools providing comparable levels of educational excellence, but they have not been subject to the same level of initial and ongoing oversight. SEVP seeks to ensure that all SEVP-certified schools are of consistent quality. SEVP therefore differentiates the reporting requirements for instructional sites at public and/or accredited schools from instructional sites at unaccredited schools by requiring unaccredited schools to provide additional information. For this reason, SEVP is narrowing the scope of instructional sites that public and/or accredited schools must report.

4.3.2 Public or Accredited Schools. School officials must submit and maintain SEVIS information for the main instructional site, all instructional sites where an F or M student can receive 50% or more of a program of study,¹³ and all separate record locations.

⁹ 8 USC 1372.

¹⁰ 8 CFR 214.3(a)(1).

¹¹ 73 Federal Register (FR) 55694.

¹² 8 CFR 214.3(b) and (c).

¹³ SEVP is adapting a programmatic threshold used by ED. See 34 CFR 602.22(a)(2)(viii)(A).

- 4.3.3 All Other Schools.** School officials must submit and maintain SEVIS information for all instructional sites and any separate record locations.
- 4.3.4 SEVP Discretion.** Adjudicators have discretion to direct school officials of *any* SEVP-certified school to submit or update SEVIS information regarding instructional sites and separate record locations. This includes directing school officials to submit information on *all* instructional sites, as well as separate record locations. A school official who receives this request must respond within ten business days.¹⁴
- 4.4 Reporting Requirements for Instructional Sites in Close Proximity.** Some schools – particularly those in urban areas – have instructional sites or separate record locations short distances from the main site or within blocks of each other.¹⁵ Adjudicators must use the following standards when reviewing information on these sites.
- 4.4.1 Accredited or Public Schools.** Officials of public and/or accredited schools do not need to report all instructional sites that are recognized as coterminous with each other or part of the main school site. School officials should defer to their accrediting agency and state or local licensing agency requirements regarding notice, approval or reporting of instructional sites and report any of these sites where an F or M student can receive 50% or more of a program of study. School officials must report the main instructional site and separate record locations, irrespective of accrediting agency or state or local licensing agency requirements.
- 4.4.2 All Other Schools.** School officials of all other schools must report all instructional sites. They should distinguish instructional sites in this context by physical address. School officials should list each instructional site with a different physical address, even if the instructional site is a short distance away. All schools must report the main instructional site and any separate record locations.
- 4.5 School Systems.** Officials in school systems (as defined in 8 CFR 214.3(a)(1)(i) and section 2.5) may apply for SEVP certification on a single petition if each individual school in the system shares governance.¹⁶ In such a case, the main instructional site must be the central administrative office of the school system. However, officials in school systems must identify all individual schools where an F or M student receives instruction and any separate record locations as instructional sites in SEVIS.

Officials of an individual school that is part of a system may choose to apply independently for SEVP certification. If this happens, officials should not include that instructional site in the Form I-17 they submit.

¹⁴ 8 CFR 214.3(h)(3)(ii).

¹⁵ The variety of possible scenarios makes it impossible to capture all variations. Nevertheless, adjudicators must use these standards in adjudications. Adjudicators addressing situations that call for further guidance should speak to their supervisor for assistance. SEVP will publish updated versions of this policy guidance, as required.

¹⁶ For more information about governance, adjudicators should refer to SEVP's Policy Guidance (PG) on "Governance" (PG 1206-01).

- 4.6 Form I-17 Updates.** Adjudicators should remind school officials of their responsibility to report changes to the Form I-17.¹⁷

SEVP recognizes that in many instances public and/or accredited schools may already have instructional sites listed on their Form I-17 outside the narrowed scope of this guidance, due to SEVP's previous policies. In such cases, adjudicators should instruct officials of these schools to remove these additional sites from their Form I-17 only if the site no longer constitutes an instructional site for the school as described in section 2.1 or a separate record location as described in section 2.6.

5. Adjudicator Responsibilities.

- 5.1 Reporting Sites.** Adjudicators must use the standards provided in this guidance in all adjudications. However, the burden remains with and is on school officials to accurately report instructional sites and separate record locations on the Form I-17. Adjudicators are not responsible for populating a school's Form I-17. SEVP expects school officials to utilize the information provided to them to report these sites accurately.

- 5.2 Effective Dates.** Adjudicators must use this guidance immediately on March 22, 2013 for all adjudications for SEVP certification.

5.3 SEVP-Certified Schools.

- 5.3.1 Form I-17 Updates.** Adjudicators should remind officials of an SEVP-certified school of their responsibility under 8 CFR 214.3(g)(2)(i) to update their Form I-17 within 21 days of a change regarding instructional sites and separate record locations. School officials that fail to do so may subject the school to withdrawal of SEVP certification.¹⁸

- 5.3.2 Out-of-Cycle Reviews.** Adjudicators may conduct out-of-cycle reviews of an SEVP-certified school and request school officials to update their information in accordance with this guidance. School officials must comply with this request within ten business days.¹⁹

- 5.4 Site Visits and Site Visit Fees.** Adjudicators needing information on site visits or fees should review "Site Visits and Site Visit Fees" (PG 1211-05).

6. Authorities/References.

- 6.1** *8 USC 1101(a)(15)(F) and (M), 1184(m), and 1372.*
- 6.2** *8 CFR 214.3(a)(1), (b), (c), (e)(3), (g), (h)(2) and (3)(ii)-(iv).*
- 6.3** *8 CFR 214.4(a)(2)(ii).*

¹⁷ See 8 CFR 214.3(e)(3) and section 5.3.1

¹⁸ 8 CFR 214.4(a)(2)(ii).

¹⁹ 8 CFR 214.3(h)(3)(ii).

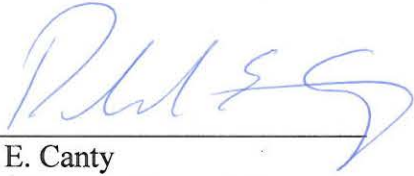
6.4 34 CFR 602.

6.5 "Governance" (PG 1206-01).

6.6 "Site Visits and Site Visit Fees" (PG 1211-05).

7. **Attachments.** None.

8. **Limits of Use – No Private Right of Action.** This SEVP Policy Guidance for Adjudicators applies to and is binding on all SEVP employees unless specifically exempt. Its intention is solely for the guidance of SEVP personnel in the performance of their official duties. Nothing in this guidance limits SEVP's authority or discretion to interpret, administer or enforce any statute, regulation, policy or guidance related to SEVP certification. This guidance may be modified, superseded or withdrawn at any time. It is not intended to, does not, and may not be relied upon to create or confer any right or benefit, substantive or procedural, enforceable at law or in equity by any person, individual or other party, public or private, in any administrative, civil or criminal matter.



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