E.O. 12958: N/A
TAGS: CVIS, CMGT
SUBJECT: SEVIS FEE REQUIRED AFTER SEPTEMBER 1

1. THIS CABLE HAS BEEN CLEARED BY SEP.

2. SUMMARY: Persons applying for F, J and M visas with I-20 or DS-2019 forms with an issue date of September 1, 2004 or later must pay the SEVIS fee before applying for their visas. Persons with I-20/DS-2019 forms issued before that date are not subject to the SEVIS fee regardless of when they apply for their visa. Persons sponsored by the Federal Government are exempt from payment of the fee. Consular sections will be responsible for verifying that the SEVIS fee has been paid but will not be responsible for collecting it. END SUMMARY.

3. On July 1, the Department of Homeland Security (DHS) published the final rule implementing the SEVIS fee. In most cases, the SEVIS fee is a one-time fee for persons applying for F, J or M visas and covers the costs of administering the Student and Exchange Visitor Information System (SEVIS) and related enforcement efforts. Persons who subsequently participate in a different program will have to pay another SEVIS fee pertaining to the new program, as applicable.

4. The SEVIS fee has been set at $100. Certain short-term exchange visitors (au pairs, summer work/travel and camp counselors) will pay a reduced fee, $35. Individuals participating in a program sponsored by the Federal Government whose program number prefix begins with "G-1," "G-2" or "G-3" are statutorily exempt from the fee.

5. Applicants whose I-20 or DS-2019 was issued before September 1, 2004 to begin a new program or issued for a continuation of an on-going program, are not subject to the fee. Aliens in the United States who are studying while in another nonimmigrant classification are not subject to the SEVIS fee.
When must the SEVIS fee be paid?

6. The SEVIS fee is generally a one-time fee for each nonimmigrant "program" in which the student or exchange visitor participates. For the purposes of the SEVIS fee, a "single program" for an F or M student generally extends from the time the student is granted F or M status to the time the student 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 educational level, when obtaining a new visa for re-entry for program continuation, upon a temporary absence of less than 5 months, or upon a period of approved absence in which the student is engaged in overseas study as part of his/her U.S. educational program requirements.

7. For a J exchange visitor, a single program is defined by the category and/or sponsor at the time of initial program participation, and extends until a change of category (e.g., within the J-visa program, a change from research scholar to student), and/or within F, J or M categories (e.g., a J-1 au pair who applies for a change of status to an F-1 student), a transfer from a fee-exempt sponsor (program number prefix begins with "G-1," "G-2," or "G-3") to a non-fee-exempt sponsor, or until such time as the nonimmigrant falls out of status or changes status. Exchange visitors who apply for reinstatement after a substantive violation of status, or who have been out of program status for longer than 120 days but less than 270 days during their program, must pay a new fee.

8. The SEVIS fee is non-refundable. Refunds will only be made for payments made in error. No refunds will be made because of a visa refusal for any reason. Only principal aliens (F-1, F-3, J-1, M-1 and M-3) will have to pay the SEVIS fee. Although F-2, M-2 and J-2 derivative applicants have a unique SEVIS ID number, they do not have to pay a SEVIS fee.

9. Authorizing legislation provided that the SEVIS fee be paid prior to visa issuance. The SEVIS fee rule providing for fee collection by DHS requires that proof of payment be presented to consular officials during the visa application process or prior to submitting a change of status request. Any F, J or M application presented without the required SEVIS fee should be refused under 221(g). However, applicants may schedule interview appointments before paying the fee.
Payment options

10. The rule currently provides for three options for payment:

(1) DHS has set up a lock box to accept fee payment by mail. Applicants will be able to submit a Form I-901, Fee Remittance for Certain F, M and J Nonimmigrants, together with a check or money order drawn on a U.S. bank and payable in U.S. currency.

(2) DHS has also set up a website on the Internet to accept electronic submission of Form I-901 and payment of the SEVIS fee using a credit card. See www.fmjfee.com.

(3) Exchange visitor program sponsors may elect to pay the fees for their participants and may do so by applying to DHS to participate in the "Bulk Filer" program. DHS must approve a sponsor to participate in this payment process.

SEVIS fee payment is not limited to payment by the individual applicant. DHS will accept fee payment from a third party individual or institution, either in the United States or abroad, using either option one or two above; the bulk payment option requires the prior approval of DHS.

11. The person paying the fee will receive a receipt, either by return mail, or electronically. Consular officers should note that in the absence of any other information, this receipt is sufficient proof of SEVIS fee payment.

12. In order to ensure that fee payment can be verified electronically, the fee payment must be processed at least three business days prior to the scheduled date of the visa interview. Persons who pay through the Internet may also print out their fee receipt at the time of filing and present it as proof of payment prior to this information appearing in the SEVIS database. Once again, Internet verification is not required if the applicant presents a paper receipt.

Consular officer's responsibility

13. Consular officers will not be responsible for collecting the SEVIS fee with the exception of the two countries, India and China (see para 18, below), participating in a pilot program to test the viability of collecting the fee. However, as mentioned above, consular officers must verify that the SEVIS fee has been paid before issuing an F, J or M visa. There are two ways to verify that the fee has been paid:
1. The SEVIS record available on the CCD will have information that the individual has paid the SEVIS fee directly to DHS. CCD will indicate either "Payment" or "Cancelled" to show that the SEVIS Fee has been paid.

2. In cases where payment information has not reached the CCD SEVIS record, consular officers may accept the I-901 receipt as proof of payment. This receipt should not be retained by the consular officer and should be returned to the applicant.

14. Non-immigrants who are exempt from the visa requirement under INS 212(d)(4) (predominantly Canadians) will have to provide SEVIS fee payment verification along with their I-20/DS-2019 Form to an immigration inspector at the port of entry when applying for entry into the United States as an F, J or M visitor.

15. Some applicants, especially first-time university students who have been accepted to more than one school, or participants in multiple exchange visitor programs, may have more than one SEVIS record. There may be instances where an applicant has paid the SEVIS fee against one record, but is applying for a visa based on another SEVIS record. The SEVIS fee is based on the individual applicant, not the individual SEVIS record. In cases where an applicant has multiple SEVIS records, SEVIS payment information indicated may be in a different SEVIS record than the one the applicant is using to apply for his/her visa. If SEVIS fee payment is not reflected under a particular SEVIS ID, consular officers should look up the applicant by name in either the F, J or M category, not the SEVIS number, in the CCD to verify fee payment. In the case of an applicant going to two or more different programs, separate SEVIS fees will be required, even if only one visa will be issued.

----------------------------
SEVIS fee valid twelve months
----------------------------

16. The SEVIS fee is valid for twelve months from the date of the initial application. If an applicant is initially unsuccessful in obtaining a visa, he/she may apply again for the same or different program within twelve months without having to pay the SEVIS fee again as long as the SEVIS fee payment made meets the fee required for the same or different program (e.g., au pair ($35 fee) to university student ($100), or unless sponsored by G-1, G-2 or G-3 program sponsor).
17. At the request of DHS, China and India have been selected to participate in a pilot program for overseas, off-site SEVIS fee collection. The Department has already contacted those posts about SEVIS fee collection. We envision no other posts participating in SEVIS fee collection in the near future.


19. Consular officers should coordinate with PAOs at post to ensure the widest possible distribution of information about the SEVIS fee to interested parties, including universities, student advisors, and exchange visitor program sponsors. The SEVIS site mentioned above includes a fact sheet on the SEVIS program that can be reproduced locally for distribution. It is also important to emphasize that the SEVIS fee is not a visa fee, but goes to pay the cost of operating and maintaining SEVIS.

20. Minimize considered.

POWELL

NNNN