



Aliens who may be Unlawfully Present in the United States and their Access to Public Post-Secondary Educational Institutions

Student and Exchange Visitor Program Overview

U.S. Immigration and Customs Enforcement's (ICE) Student and Exchange Visitor Program (SEVP) strives to balance the goal of securing our borders with the goal of welcoming international students and exchange visitors who seek to participate in educational and cultural programs in the United States. To accomplish this goal, SEVP uses the Student and Exchange Visitor Information System (SEVIS), a web-based information system that allows SEVP to track and monitor schools, programs, and certain nonimmigrants who are lawfully present in the United States.

Current Department of Homeland Security (DHS) Reporting Requirements

Using SEVIS, SEVP tracks and monitors nonimmigrants in F, M, and J visa status, which includes students, exchange visitors, and their dependents. Schools are required to update SEVIS throughout the duration of a student or exchange visitor's approved participation in U.S. educational or cultural programs. Pursuant to 8 C.F.R. § 214.3(g)(3)(ii)(A), schools are required to report to the government within 21 days when a student or exchange visitor in F, M, or J nonimmigrant status fails to maintain his or her status or complete his or her program. Other than these reporting requirements for nonimmigrant students and exchange visitors in F, M, or J status who have registered with SEVP and are in SEVIS, no other provisions exist that require schools to report students who are unlawfully present to the government. Unless a nonimmigrant has an F, M, or J visa, DHS/ICE does not have the authority to require any school to request or determine a student's immigration status (i.e., whether or not he or she is legally allowed to study).

State Rules on Unlawfully Present Students

Some states have their own law or policy that prohibits aliens who are unlawfully present in the country from enrolling in the state's public post-secondary institutions. DHS does not authorize or require any such rules; they are outside DHS' authorities.