

Stephen M. Perlitsh, P.C.

Dilemma of Filing for Student Status

USCIS has been denying, and on some occasions issuing Requests for Evidence for additional information, on applications for student status. As part of the school's responsibility in issuing an I-20, the school also enters a start date in a system that is accessible to various government agencies, including USCIS. This system is known as SEVIS, which stands for Student and Exchange Visitor program. The schools are required to have a start date listed in the SEVIS system. If an individual cannot start when that date is reached, the school changes the start date in the system to a later date. USCIS, when reviewing an application for student status, consults the SEVIS system. If the school has changed the start date to a date that is more than 30 days beyond the end of your present nonimmigrant status, USCIS will either deny the application, or issue a Request for Evidence seeking proof that you have maintained your status up until the new start date.

Given that USCIS usually does not review these applications until 5-7 months from when it is submitted, a majority of applications will fall into this scenario, and hence are very likely not going to be approvable. Accordingly, you must be mindful of this development when considering submitting an application for student status.

Last update: October 2, 2017