

**INS Regulations Update
December 2002
Advisory on Advance Admission and Grace Periods**

This advisory provides information and interpretation on selected aspects of the December 11, 2002 INS Final Rule, "Retention and Reporting of Information for F,J and M Nonimmigrants; Student and Exchange Visitor Information System (SEVIS). This advisory is the second of a series relating to these complex new rules.

Thirty-day Advance Admission: The INS rule changes the advance admission period allowed for an F-1 student from 90 days to 30 days prior to commencement of study. It appears that this new restriction on arriving in the US early would also apply to students who withdrew from a program of study, returned to their home country and are returning to KCC after re-admission. We also believe it applies to students who are away on Leave of Absence and are returning to the US to re-commence full-time study in the next semester. The 30-day advance rule is informally sometimes referred to as the "advance grace period." (Typically the term grace period is used to refer to time allowed after completion of study that a student may remain in the US in order to prepare for departure from the US.)

Note: The 30-day advance admission rule will greatly restrict F-1 student travel to the US prior to first enrollment or later readmissions. We anticipate it will impose practical difficulties for students wishing to attend summer session prior to fall semester, and who had intended to enter the US with their F-1 school documents approximately 90 days early. It will also impose institutional difficulties for the KCC, which has always encouraged both new and continuing students to attend KCC's summer session. New (or returning) students wishing to attend summer session prior to their official academic program start date or return date will now have two options:

1. Enroll full-time in the Summer Session (6 credits per term) and request an I-20 with a summer starting date; or
2. Enroll part-time in the Summer Session and enter the US on a B-2 Visitors visa. At the US Embassy or at the Port of Entry, B-2 visa holders who plan to remain in the US after summer session to attend a full-time academic program in fall semester must request a "Prospective Student" notation on their B-2 visa and/or B-2 I-94 entry card. Only with such a notation will an individual be allowed to change from B-2 to F-1 student in the US. The INS will theoretically be able to change the status of a prospective B-2 student who files a timely application to change to F-1 within a 30-day processing timeframe; however, INS has a growing backlog of applications of all kinds and INS adjudicators are not always

able to meet their own processing timeframes. ISS anticipates that Honolulu INS will be overwhelmed with these kinds of Change of Status applications during summer 2003. ISS will keep students informed of any updates concerning this particular issue over the next few months.

Grace Periods: The 60 day grace period following completion of study or Optional Practical Training for F-1 students is not changed or affected by the new rules. During the grace period, students may prepare for departure from the US, travel within the US, perform volunteer work. F-1 students may also file an application with the INS for a change of visa status during the grace period. Students may NOT be employed during a grace period.

The new rules (effective January 1, 2003) provide for a 15-day grace period for the student who does NOT complete their program of study, but who has received permission from the DSO to withdraw from school. For example, a student facing a death in the family, or experiencing unforeseen financial hardship, or a student who has determined that the particular academic program they have enrolled in is not appropriate, will have the 15-day grace period assuming she or he visits the DSO in advance of withdrawing. However, if a student has never registered, or withdraws without Designated School Official (DSO) authorization from the ISS, the student will not be afforded the benefit of the 15 day, or any grace period, whatsoever.

The information above was prepared by the ISS for international students studying at the Kapi'olani Community College. It does not constitute legal advice for an individual student.

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