

Time Off Program Information for F-1 International Graduate/Law/MBA Students

International students who are interested in the Time Off Program (TOP) should be aware of certain restrictions (requirements) in the immigration laws. A non-immigrant student cannot remain in the United States in F-1 immigration status if s/he is not enrolled in school. An F-1 international student participating in TOP must either leave the United States, or apply for a change of status to another immigration classification, or transfer their SEVIS record to another school. F-2 dependents must also leave or apply for a change of status to another immigration classification if the F-1 is on TOP. **Please note: Graduate students in status D are not eligible for TOP according to the University of Colorado Graduate School rules. Undergraduate students at CU who take an academic leave of absence do not have to apply for TOP, but Graduate, Law, and MBA students must apply in order to hold their place at CU.**

For more details on the TOP, see
For more details on withdrawal, see

<http://registrar.colorado.edu/students/timeoffprogram.html>
<http://registrar.colorado.edu/students/withdraw.html>

Before you leave CU, please check with ISSS to:

- give us your best estimate of the dates when you plan to return to CU;
- leave us your e-mail and contact address (see attached form);
- calculate your 15 day grace period. Your grace period begins at the time the TOP and withdrawal forms are signed by ISSS. *At the end of the 15 days, you must be outside of the U.S. or have applied for a change of status, or have transferred your SEVIS record to another school.*

Before you return to CU:

- contact ISSS at least two months before you plan to return or before you plan to apply for your F-1 visa (if necessary).
See <http://www.colorado.edu/oie/iss/contact.html>
- determine if you will have to pay the SEVIS fee
See www.colorado.edu/oie/iss/sevisfee.html

If you are gone for more than 5 months:

- ISSS will terminate your current SEVIS record (and your F-1 dependents' records if applicable). This record will not be reactivated. You must request a new I-20 which will result in a new SEVIS record with a new SEVIS number when you are ready to return.
- You will need to contact ISSS at least 2 months before you plan to return or before you plan to apply for your F-1 visa (if necessary). ISSS will issue a new initial attendance I-20 for a new SEVIS record. *You will need to supply new financial documentation.* We recommend that you get a new visa (see attached Department of State cable); you must pay a new SEVIS fee. See www.colorado.edu/oie/iss/sevisfee.html
- You will not be eligible for CPT or OPT until after you have been in-status and fully enrolled for one full academic year after your return to the U.S.

If you are gone for fall semester and less than 5 months:

- ISSS will terminate your current F-1 SEVIS record for the duration of your absence. You must contact ISSS within 30 days of your expected date of return or visa interview, whichever is earlier, to request ISSS have your SEVIS record reactivated.
- You may re-enter the U.S. after the term for which you went on Time Off is over. For example, if you went on Time Off for the Fall 2012 semester, you may re-enter the U.S. after the Fall 2012 end date of 12/21/2012. Please keep in mind you need to return within 5 months of your previous departure if you want to maintain your F-1 status and have your F-1 record reactivated.
- If you are gone for less than 5 months, you may use your old I-20 to re-enter the U.S., but make sure the travel signature is valid (less than 6 months old). Do not re-enter the U.S. until you have received confirmation from ISSS that your F-1 record has been reactivated.
- You are eligible for OPT/CPT if you have been fully enrolled for at least an academic year prior to going on TOP.

If you are gone for spring semester and less than 5 months:

- No registration for classes is required for summer
- ISSS will terminate your current F-1 SEVIS record for the duration of your absence. You must contact ISSS within 30 days of your expected date of return or visa interview, whichever is earlier, to request ISSS have your SEVIS record reactivated.
- If you are gone for less than 5 months, you may use your old I-20 to re-enter the U.S., but make sure the travel signature is valid (less than 6 months old) and that your F-1 record has been reactivated
- You are eligible for OPT/CPT if you have been enrolled for at least one academic year.

Keep this page for your records and return the attached form to ISSS

Validity of Student Visas Subsequent to a Break in Studies

UNCLASSIFIED STATE 00232385
R 281944Z DEC 05
FM SECSTATE WASHDC
TO ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE

SUBJECT: VALIDITY OF STUDENT VISAS SUBSEQUENT TO A BREAK IN STUDIES

1. Summary: This message is to clarify the issue of whether a F-1 or M-1 visa remains valid after a student has a break in studies longer than five months. There are two circumstances where a student's visa is automatically invalidated after such a lengthy break. Students who are not studying but remain in the United States

2. An individual admitted in F-1 or M-1 status to study in the United States who is transferring between schools or programs is no longer regarded to be in student status if classes are not resumed within five months of the date of transferring out of the previous school or within five months of the date of program completion, whichever is applicable. No formal finding of loss of status needs to be made. In order for that student to restore lawful status, he or she must apply for reinstatement of student status with the Bureau of Citizenship and Immigration Services (USCIS). (A student may pursue studies while reinstatement is pending. See 8 CFR 214.2(f) (16)(i)(C) and 8 CFR 214.2(m)(16)(i)(C).)

3. USCIS has the option to approve or deny reinstatement of student status. If student status is restored, then the student's F-1 or M-1 visa remains valid (assuming that the visa has not expired). However, if the student is denied reinstatement, then the student is held to have lost F-1/M-1 status at that point. Any valid student visa that was in the student's possession would be invalidated per INA 222(g). Because the student is considered to be out-of-status from the time that reinstatement is denied, the student must immediately depart the United States.

4. There is no bar for a student who was denied reinstatement from applying for and receiving another student visa, but consular officers should review the circumstances surrounding why the student ceased full-time study and lost status in the first place, including any actual status violation, in determining whether the applicant is a bona fide student at the time of application.

Students who depart the United States while in valid student status

5. Students who are enrolled in schools in the United States will often take a break from studies and return home for a semester or more. When a student has been out of the country for more than five months, the student's F-1 or M-1 visa would be considered to be invalid under 22 CFR 41.122(h)(3).

6. Under DHS regulations (8 CFR 214.2(f) (4)), an F-1 student returning to the United States from a temporary absence of five months or less may be readmitted for study upon presentation of a valid I-20. After an absence of more than five months, an alien is no longer admissible as a continuing student. Under 22 CFR 41.122(h)(3), an immigration officer is authorized to physically cancel a nonimmigrant visa of an alien who appears to be inadmissible. Because a student who has been out longer than five months can be found inadmissible, that student's F-1 or M-1 visa is subject to cancellation and should not be used, even though it remains valid on its face.

A student who wishes to resume study in the United States must obtain a new visa. In order to apply, the student should either obtain a new I-20 from the school or verify that his/her previous I-20 remains valid and SEVIS record is in active status before applying for a new F-1 or M-1 visa.

7. Students who have the approval of their schools to take an extended break from study must have their SEVIS record terminated for Authorized Withdrawal. When the student is ready to resume study, the school will issue the student a new initial Form I-20 with a new SEVIS number. These students must pay the SEVIS I-901 fee.

8. Some students depart the United States for extended periods of time for activities related to their course of study, such as field research. Schools are expected to maintain those students in an active SEVIS status. Since these students continue to maintain their student status while overseas, their F-1 visas are not considered to be invalid after an absence of more than five months.

9. Travel.state.gov will be updated to reflect the above guidance. Posts may include a link to http://travel.state.gov/visa/temp/types/types_1268.html on their web sites for the latest guidance.

RICE

Return this page to an advisor in ISSS

Fax: (303) 492-5185

NAME _____

STUDENT ID _____

I intend to be on the Time Off Program for *(insert year)*:

____ Fall semester, 20 ____

____ Spring semester, 20 ____

____ Fall and spring semester, 20 ____ and 20 ____

Estimated date of return to CU _____
(month/year)

Contact information while on Time Off:

(email address)

(phone number)

(mailing address)

(city and country)

I understand and have read the "Time Off Program for F-1 International Graduate/Law/MBA Students." If I am on the Time Off Program for less than five months, I will contact ISSS thirty days before my planned date of return or visa interview, whichever is earlier, in order to request my F-1 record be reactivated. I will not re-enter the U.S. until I have received confirmation from ISSS that my F-1 record has been successfully reactivated.

If I am on the Time Off Program for more than 5 months, I understand my current F-1 (and F2 dependent records, if applicable) will be permanently terminated and that I will need to provide ISSS with new financial support documentation in a timely manner (2 months' notice) so that a new I-20 with a new SEVIS number can be sent to me. I understand that ISSS has recommended that I obtain a new F-1 visa. Furthermore, I understand that I will not be eligible for CPT or OPT until I have been in-status and fully enrolled for one full academic year after my return to CU if I have had an absence of more than 5 months and am entering on a new F-1 program.

I understand that when I leave, any F-2 dependents must leave with me.

Signature

Date