



U.S. Citizenship
and Immigration
Services

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News Release

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USCIS ANNOUNCES EXTENSION OF STAY FOR SOME FOREIGN STUDENTS ***Certain Academic Foreign Students Can Remain in U.S. Until H-1B Petitions Are Decided***

Washington, D.C.— U.S. Citizenship and Immigration Services (USCIS) announced today in the *Federal Register* that certain academic and exchange foreign students (F and J Visa holders) seeking to adjust to H-1B status may remain in the United States legally until their H-1B petitions are decided.

Typically, these foreign students receive either a 60-day or 30-day grace period to close out affairs and return home at the end of their educational programs. The transition period usually allows enough time for qualified students to receive H-1B status. Because the congressionally mandated H-1B cap for FY 2004 was reached in February, no new H-1B visas are available until October 1, 2004. Thus, the grace period will not allow enough time for a qualified foreign student to receive H-1B status. Without an extension of the applicable grace period, the student would have to leave the U.S. and return when an H-1B visa became available.

“The extension of the grace period allows affected foreign students to remain in country and avoid the inconvenience of returning home only to travel back to the United States in the near future,” said Eduardo Aguirre, the Director of U.S. Citizenship and Immigration Services.

Foreign students qualify for the extended grace period only if their prospective employer has timely filed an H-1B petition on the student’s behalf before July 30, 2004. The petition must include a requested employment start date of October 1, 2004. A student awaiting approval of an H-1B petition may not work during the extended grace period or engage in any activities not normally allowed during the grace period. This extended grace period also applies to the foreign student’s dependents.

During the extended grace period, DHS Student and Exchange Visitor Information System (SEVIS) will continue to maintain information about the student, but there will be no new requirements on schools or student sponsors during this timeframe. Foreign students are reminded that they have an obligation under DHS regulations to report each change of address and new address to DHS during their stay in the United States.

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On March 1, 2003, U.S. Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing the integrity of our nation's security.