

F Visa: They Can Check Out, But They Never Leave

Federal Agency Oversight: [DOS](#), [DHS](#)

Dependents:

The Basics:

- The F Visa is defined by statute at 8 U.S.C. 1101(a)(15)(F): “(i) an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by him and approved by the Attorney General after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, and (ii) the alien spouse and minor children of any such alien if accompanying him or following to join him....”
- The Department of Homeland Security (DHS) [delegated](#) oversight of F visa holders to Immigration and Customs Enforcement (ICE), which maintains the Student and Exchange Visitor Program (SEVP).
- In the aftermath of 9/11, when America learned that some of the hijackers had entered the United States as students, ICE created the Student and Exchange Visitor Information System (SEVIS) as the online database for certified schools and students to upload records. This system is used to ensure that schools report to ICE if a foreign student doesn't show up or abandons their studies. Both students and certified schools provide information to SEVP through the SEVIS system.
- Traditionally, F visa holders were authorized to stay in the United States for the duration of the time it took to complete their studies, with no fixed time period for exit. This allowed foreign students to drag out their studies indefinitely until they could obtain a different visa status or find an employer to sponsor them for a longer stay. The Trump Administration has proposed regulations to provide a fixed time period for exit, so foreign students would be required to leave after four years.

The Problem:

- While the law cited above requires students to come solely for study, many are authorized for employment by DHS under the Optional Practical Training program ([OPT](#)), which was never approved by Congress.



- Foreign students routinely have the highest overstay rates among all visa categories. In FY24, the student [overstay](#) rate was 2.45 percent of 1,412,627 aliens, or nearly 35,000 foreign students.
- ICE has largely delegated oversight of the SEVP to the colleges and universities themselves through SEVIS. This has allowed many [fraudulent schemes](#) to prey on students and the public.
- ICE was delegated authority over students, in particular, as a way to create more law enforcement oversight, but SEVP is not a law enforcement component of the Department, and the delegation to ICE has not created robust oversight.
- In 2024, SEVP [announced](#) the deployment of new field representatives that increased the total to 60 across the country to oversee thousands of schools and millions of students.

LEGISLATIVE RECOMMENDATION: Congress should codify the proposed regulation to set a four-year fixed period of stay for foreign students. It should clarify that aliens here on student visas are prohibited from obtaining employment authorization or any change of status without departing from the United States first. Congress also should place additional reporting and compliance requirements on both foreign students and the schools that accept them in order to ensure that foreign students are not displacing Americans in schools, that they are attending classes, and that they depart the United States when their visas expire.

ADMINISTRATIVE RECOMMENDATION: The administration should eliminate the OPT program and prohibit employment authorization for any alien here on a student visa in order to comply with the letter of the law. The Secretary of Homeland Security should rescind the delegation of authority to ICE over the student and exchange program and instead shift responsibility to USCIS. The Fraud Detection and National Security Directorate (FDNS) should be charged with oversight of SEVIS and play a crucial role in the audits and certification process for schools seeking to accept foreign students.