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MEMORANDUM OF AGREEMENT

BETWEEN

THE DEPARTMENT OF HOMELAND SECURITY

AND

THE NATIONAL COUNTERTERRORISM CENTER

REGARDING

THE STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM

1. INTRODUCTION AND PURPOSE.

The U.S. Department of Homeland Security (DHS), Homeland Security Investigations, Initiative Programs, National Security Investigations (DHS/HSI/IP/NSI), through U.S. Immigration and Customs Enforcement (ICE) Student and Exchange Visitor Program (SEVP) and the National Counterterrorism Center (NCTC), hereinafter collectively referred to as the "Parties," have entered into this Memorandum of Agreement ("MOA" or "Agreement") to govern the information sharing, use and safeguarding of certain data within the Student and Exchange Visitor Information System (SEVIS) and any successor system for the purpose of identifying information within SEVIS as terrorism information.

2. BACKGROUND.

A. NCTC

Pursuant to the National Security Act of 1947, as amended, NCTC "serve[s] as the central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as their goals, strategies, capabilities, and networks of contacts and support." 50 U.S.C. § 404o. In order to enhance information sharing, the President issued Executive Order 13388, *Further Strengthening the Sharing of Terrorism Information to Protect Americans* (October 27, 2005), which provides that the head of each agency that possesses or acquires terrorism information shall promptly give access to that information to the head of each other agency that has counterterrorism functions.

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The Directorate of Operations Support is responsible for providing the counterterrorism community with 24/7 counterterrorism intelligence monitoring, assessment and notification support. The Directorate of Operations Support provides situational awareness, terrorism threat reporting and management, and incident information tracking. The Directorate of Operations Support conducts immediate analysis of active threat streams 24/7. The Directorate of Operations Support will also use SEVIS Data to facilitate a recurrent requirement to vet names based on new threat information provided to NCTC overnight, which enhance the counterterrorism community's awareness of emergent terrorist threats. SEVIS Data that constitutes terrorism information will be used for two products: 1) the NCTC Daily Special Topics, which is an internal NCTC product and will not be coordinated prior to internal dissemination; and 2) the NCTC Situation Report (SITREP), which NCTC will coordinate with the DIIS NOC prior to dissemination to the extent such product includes SEVIS Data.

The Directorate of Intelligence (DI) at NCTC is the designated lead within the Intelligence Community (IC) for all-source counterterrorism analysis and data integration. If a correlation is found between SEVIS Data and information regarding an emerging terrorist threat, the SEVIS Data, compiled with other analysis, could be used by the DI in finished intelligence disseminated to IC partners as part of an ongoing effort to determine the extent and severity of the threat. The DI will use the SEVIS Data in coordination with various types of derogatory travel data from multiple government sources to discover leads to terrorism and travel to countries of concern. The DI is focused on supporting operators in the Intelligence Community with tactical intelligence, to include operational leads of possible terrorists and/or violent extremists traveling to the Homeland, and will use SEVIS Data to identify possible future travel of terrorists and/or violent extremists, glean additional details on known or suspected terrorists and/or violent extremists, enhance watch list records, and include the information in leads passed to DHS and other partners via cable.

The Directorate of Terrorist Identities (DTI) maintains the Terrorist Identities Datamart Environment (TIDE). TIDE serves as the central knowledge bank for all-source information on international terrorist identities for use by the Intelligence Community (IC), law enforcement community, and others. DTI works to enhance TIDE records with biographic information to support identity analysis and watchlisting activities, including "upgrading" known terrorists to the no-fly list, with additional data such as full dates of birth and names. DTI receives information from across the IC. Any indication that a TIDE-listed person has applied for student status is closely reviewed; DTI needs access to the full SEVIS record to ensure that sourcing is correct, all appropriate information is utilized and to identify and handle correctly U.S. Person information.

DTI also does select searches through external databases, if applicable. These searches are done only on terrorism information to either further vet someone for the watch list or no-fly list or to take someone off the list.

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B. SEVP AND THE SEVIS DATABASE

SEVP operates the SEVIS database under the authority of 8 U.S.C. § 1372 in coordination with the Department of State (DOS), which oversees the operation of the Exchange Visitor (EV) program. Section 1372 requires DHS to develop and conduct a program to electronically collect certain information about Aliens who have applied or are applying, for F, M, or J status from approved educational institutions and designated EV programs in the United States. Section 1372 also requires that particular information be collected, such as identifying information about the Alien; field of study, status and compliance information from educational institutions and exchange visitor programs; and the Alien's date and port of entry.

Student, exchange visitor and dependent information is maintained in the Student and Exchange Visitor Information System (SEVIS). SEVIS is an internet based system that maintains real time information on nonimmigrant students (F and M visa), exchange visitors (J visa) and their dependents (F/M/J-2). Designated school officials of SEVP-certified schools and responsible officers of Department of State approved programs use SEVIS to transmit mandatory information and event notification via the internet to DHS and DOS throughout the lifecycle of a student or exchange visitor, from entry, to stay and to exit from the United States.

SEVIS is described in a published Privacy Act System of Records Notice (SORN) 75 FR 412 (January 5, 2010). Disclosure of SEVIS information pursuant to this MOA is authorized by law and as contemplated under the routine uses set forth in that SORN; specifically, SEVIS Data is being provided to NCTC to facilitate NCTC's counterterrorism efforts. This information sharing also aligns with DHS's mission to prevent and deter terrorist attacks.

The Parties are members of the Information Sharing Environment (ISE). Each Party will conduct its activities under this MOA in accordance with its own ISE Privacy and Civil Liberties Protection Policy.

3. DEFINITIONS.

As used in this Agreement, the following terms will have the following meanings:

- A. SEVIS Data: The specific biographic, school, sponsor, and related data elements in the SEVIS database identified in Appendix A. This data relates to Aliens who have applied for or received F-1, F-2, M-1, M-2, J-1, or J-2 status in the United States.
- B. Alien: Any person not a citizen or national of the United States (8 U.S.C. § 1101(a)(3)).
- C. F-1: 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.
- D. F-2 Dependent: The spouse and/or minor, dependent children of any Alien seeking to enter the United States as an F-1 Alien.
- E. M-1: An Alien having a residence in a foreign country which he has no intention of abandoning who seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution (other than in a language training program) in the United States.
- F. M-2 Dependent: The spouse and/or minor, dependent children of any Alien seeking to enter the United States as an M-1 Alien.
- G. J-1: An Alien having a residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in an exchange visitor program.
- H. J-2 Dependents: The spouse and/or minor, dependent children of any Alien seeking to enter the United States as a J-1 Alien.

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- I. Terrorism Information: As defined in section 1016(a)(5) of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA).¹
- J. U.S. Person: As defined in section 3.5(k) of Executive Order 12,333.²
- K. Personally Identifiable Information (PII): Any information that permits the identity of an individual to be directly or indirectly inferred, including any other information which is linked or linkable to that individual. This definition applies regardless of whether the individual is a U.S. citizen, lawful permanent resident, or visitor to the U.S.

4. **AUTHORITY.**

The information sharing and enhanced cooperation among the Parties to this MOA is authorized under and complies with the provisions of:

- A. Homeland Security Act of 2002, as amended;
- B. 50 U.S.C. §§ 404o, 404o note, and 501 note;
- C. Privacy Act of 1974, as amended (5 U.S.C. § 552a);
- D. 8 U.S.C. §§ 1103-1104, 1202, 1365a, 1365a note, 1365b, 1372, and 1379;
- E. The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001;

¹ Section 1016 of the IRTPA currently defines the term "terrorism information" as follows:

- (A) . . . [A]ll information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—
 - (i) the existence, organization, capabilities, plan, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;
 - (ii) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;
 - (iii) communications of or by such groups or individuals; or
 - (iv) groups or individuals reasonably believed to be assisting or associated with such groups or individuals; and
- (B) includes weapons of mass destruction information.

² Executive Order 12,333 currently defines the term "United States person" as follows:

[A] United States citizen, an Alien known by the intelligence element concerned to be a permanent resident Alien, an unincorporated association substantially composed of United States citizens or permanent resident Aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.

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- F. Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004, as amended;
- G. National Security Act of 1947, as amended;
- H. Section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007; 8 U.S.C. § 1187(a)(11), (h)(3); 8 C.F.R. § 217.5;
- I. 8 U.S.C. §1255a(c)(4)-(5) and 8 C.F.R. §§ 210.2(e), 245a.2(t), 245a.3(n), and 245a.21 (Information related to Legalization/Seasonal Agricultural Worker claims);
- J. 8 U.S.C. §1254a(c)(6) and 8 C.F.R. § 244.16 (Information Relating to Temporary Protected Status claims);
- K. Executive Order 12333, as amended;
- L. Executive Order 13388, Further Strengthening the Sharing of Terrorism Information to Protect Americans, 70 Fed. Reg. 62023, Oct. 25, 2005;
- M. Directorate of Central Intelligence Directive 6/3, Intelligence Community Directive 503 and National Institute for Standards and Technology 800-53;
- N. Homeland Security Presidential Directives (HSPD) 2, 6, and 11, all of which direct the strengthening of information sharing, screening and analysis programs to detect, identify, and interdict individuals entering or already within the United States who pose a terrorist threat to national security;
- O. 8 C.F.R. § 208.6;
- P. Memorandum of Understanding between the Intelligence Community, Federal Law Enforcement Agencies, and DHS Concerning Information Sharing, March 4, 2003;
- Q. Memorandum of Understanding on the Integration and Use of Screening Information to Protect Against Terrorism, as amended by Addendum B, effective Jan. 2007;
- R. Memorandum from the Secretary of DHS, Disclosure of Asylum-Related Information to U.S. Intelligence and Counterterrorism Agencies, dated April 18, 2007, or any subsequently issued or superseding guidance issued by the Secretary of Deputy Secretary of Homeland Security;
- S. The DHS Federal Information Sharing Environment Privacy and Civil Liberties Protection Policy, Privacy and Civil Liberties Guidance Memorandum 2009-01;
- T. Office of the Director of National Intelligence Instruction No. 80.05, Implementation of Privacy Guidelines for Sharing Protected Information, September 2, 2009;

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- U. Office of the Director of National Intelligence Instruction 80.13 (2006-3). Protection of Privacy and Civil Liberties, 27 February 2006;
- V. Office of the Director of National Intelligence Instruction 80.02, Managing Breaches of Personally Identifiable Information, 20 February, 2008;
- W. Memorandum of Agreement Between the Attorney General and The Director of National Intelligence on Guidelines for Access, Retention, Use, and Dissemination by the National Counterterrorism Center of Terrorism Information Contained within Datasets Identified as Including Non-Terrorism Information and Information Pertaining Exclusively to Domestic Terrorism, November 4, 2008;
- X. Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, as amended;
- Y. DHS Privacy Policy Guidance Memorandum 2007-01, "Regarding Collection, Use, Retention and Dissemination of Information on Non-U.S. Persons," January 7, 2009;
- Z. Routine use "W" of the Student and Exchange Visitor Information System (SEVIS) System of Record Notice, 75 Federal Register 412, dated January 5, 2010.

5. RESPONSIBILITIES.

The following roles and responsibilities have been defined for each of the Parties to this MOA.

A. DATA SENSITIVITY.

DHS considers the SEVIS Data provided to NCTC as "Unclassified" and "For Official Use Only." Specific technical and security details are set forth in the SAFEGUARDS section below.

DHS will provide SEVIS Data to NCTC as described within this MOA in accordance with its policies and procedures concerning the handling of sensitive information including, as appropriate, applicable rules governing the safeguarding of sensitive unclassified information and classified national security information.

NCTC will provide data and other responsive information back to DHS under this MOA in accordance with its policies and procedures concerning the handling of sensitive information including, as appropriate, applicable rules governing the safeguarding of sensitive unclassified information and classified national security information. The fact of classification, alone, shall not be a prohibition upon sharing with appropriately cleared DHS personnel.

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B. DATA TO BE SHARED; METHOD OF DELIVERY.

DHS will deliver to NCTC all SEVIS Data identified in Appendix A from January 30, 2003 to present as soon as practicable after the signing of this MOA. The procedures and method of delivery, to include the periodicity of deliveries of new and modified data, will be detailed in the forthcoming Interface Control Agreement (ICA) between NCTC and DHS. DHS/ICE will work with NCTC to identify fields in Appendix A that may contain information about USPER individuals or entities and will document those fields in the ICA or through an addendum to Appendix A within 180 days of the signing of this Agreement. Until such time as the ICA is implemented, DIIS will provide weekly manual updates for any modified or new SEVIS Data only identified in Appendix A to NCTC.

Modification of Data Set: Under the terms of this MOA, at any time, NCTC may request additional data elements through the SEVP POCs listed in this MOA. Upon such request DHS will consider sharing additional data elements with NCTC, through appropriate internal DHS processes, to include ICE, the Office of the General Counsel, Privacy Office and Office for Civil Rights and Civil Liberties. If DHS consents to add additional data elements to the scope of this MOA, Appendix A will be amended accordingly.

Ad Hoc Requests for Additional Information: DHS, through SEVP, will provide NCTC additional SEVIS information regarding a particular individual or institution, beyond that captured in Appendix A, upon request, when that SEVIS information is identified as Terrorism Information.

Support: DHS, through SEVP, will regularly provide NCTC with successor data to SEVIS Data should the format of data collection be changed or modified, provided such transmission continues to be authorized by law and regulation.

Technical Updates: Simultaneous to the signing of this MOA, both Parties will initiate discussions to develop a capability to transmit the SEVIS Data from DHS to NCTC in an automated manner. Subsequently agreed to procedures for such automated transmission will be outlined in an ICA and Interconnection Security Agreement (ISA) if appropriate. All associated documentation (newly created and or existing) will be consistent with and refer back to this MOA.

Special Class Restrictions: SEVIS information and other SEVIS-related data pertaining to special protected class individuals covered by the protections of 8 U.S.C. § 1367 (VAWA, "I" and "U" visa) may be provided to NCTC under this agreement only when authorized and not otherwise prohibited by statute.

C. SEVIS DATA TRANSFER, PROCESSING AND HANDLING.

NCTC will securely maintain all SEVIS Data received from DHS.

Encryption and Safeguards: All information provided to NCTC must be protected by administrative, technical, information security, and physical safeguards appropriate to the sensitivity of the information, including the encryption (per FIPS 140-2 or a successor Federal standard) of all PII and all other For Official Use Only (FOUO) information held on portable media such as information tapes, compact discs (CDs), or laptop computers. Information provided to DHS must be protected in the same manner.

Records of Transfer: The Parties agree to maintain a log of all information received and sent, including names of recipients and senders, as well as the date and method of transfer.

Marking of SEVIS Data: NCTC shall appropriately mark the origin of SEVIS Data received under this MOA as derived from "ICE SEVP" when entered into intelligence reports, TIDE, or other authorized reports or databases.

Feedback to DHS: NCTC will provide the following information to DHS/ICE Counterterrorism and Criminal Exploitation Unit (CTCEU) and the DHS/I&A Watchlisting Cell immediately upon identification of SEVIS Data that constitutes Terrorism Information:

1. Specific SEVIS Data identified as constituting Terrorism Information;
2. A list of those agencies to which that SEVIS Data has been disseminated;
3. Any intelligence reports generated as a result of the use of that SEVIS Data; and
4. The NCTC POC for each notification.

The primary mechanism of transmission of this feedback to DHS/ICE and the DHS/I&A Watchlisting Cell shall be through a CIA Intelligence Report (CIR) cable. The report should be provided as originally written and NCTC will attempt to provide an unclassified tear line report to facilitate law enforcement action, if relevant and practicable. DHS/ICE and the DHS/I&A Watchlisting Cell may request additional reporting vehicles from NCTC at anytime. In addition, the CIR shall be sent to the attention of "ICE: Unit Chief CTCEU, Director JIOC, and Deputy Assistant Director National Security Division."

D. USE OF SEVIS DATA.

NCTC Directorate of Operations Support, Directorate of Intelligence, and Directorate of Terrorist Identities will analyze SEVIS Data in conjunction with other data it holds to determine if any of the SEVIS Data constitutes Terrorism Information, in which case NCTC will retain the SEVIS Data pursuant to its authorities.

The Directorate of Operations Support:

The Directorate of Operations Support is responsible for providing the counterterrorism community with 24/7 counterterrorism intelligence monitoring, assessment and notification support. All Directorate of Operations Support's watch officers require access to the data because they rotate shifts. The watch officers will search all NCTC data holdings (to include SEVIS) for information that can further enhance knowledge of terrorism threat and travel information in order to conduct immediate analysis of active threat streams 24/7. The Directorate of Operations Support will also use SEVIS Data to facilitate a recurrent requirement to vet names based on new threat information provided to NCTC overnight, which enhances the counterterrorism community's awareness of emergent terrorist threats. SEVIS Data that constitutes Terrorism Information will be used for two products: 1) the NCTC Daily Special Topics, which is an internal NCTC product and will not be coordinated prior to internal dissemination; and 2) the NCTC Situation Report (SITREP), which NCTC will coordinate with the DHS NOC prior to dissemination to the extent such products contain SEVIS Data.

The Directorate of Intelligence (DI):

The DI at NCTC is the designated lead within the Intelligence Community (IC) for all-source counterterrorism analysis and data integration. DI analysts on the Pursuit Team, those involved in the Information Integration Group (IIG), as well as those involved in targeting terrorists and supporting screening missions will search NCTC data holdings, to include SEVIS Data, for correlations to terrorism. IIG will perform machine correlation of SEVIS Data against all NCTC Terrorism Information holdings. In addition, the DI analysts will also use SEVIS Data to facilitate recurrent vetting of Terrorism Information based on new threat-based information in order to detect and prevent emergent terrorist threats. The DI will use derogatory SEVIS Data in coordination with various types of travel data from multiple government sources to discover leads to terrorism and travel to countries of concern.

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The DI is focused on supporting operators in the IC with tactical intelligence, to include operational leads of possible terrorists and/or violent extremists traveling to the Homeland, and will use SEVIS Data to identify possible future travel of terrorists or violent extremists, glean additional details on known or suspected terrorists or violent extremists, enhance watch list records, and include the information in leads passed to DHS and other partners via cable. If a correlation is found between SEVIS Data and information regarding an emerging terrorist threat, the SEVIS Data, compiled with other analysis, could be used by the DI in finished intelligence disseminated to IC partners as part of an ongoing effort to determine the extent and severity of the threat. NCTC will use the SEVIS Data to determine any corollary between students and SEVIS Data and travel to countries of concern, which could lead to the identification of Terrorism Information. Any dissemination of SEVIS Data will be as part of an analytic product provided to IC partners and ICE/CTCEU.

The Directorate of Terrorist Identities (DTI):

The Directorate of Terrorist Identities (DTI) maintains the Terrorist Identities Datamart Environment (TIDE). Terrorist Identity Analysts and Analytic Methodologists will search on NCTC data holdings (to include SEVIS) for information that can further enhance knowledge of known or suspected terrorists. Analytic Methodologists will primarily search the NCTC data holdings to provide Identity Analysts subsets of SEVIS to look at if they are correlated with Terrorism Information. Terrorist Identity Analysts will access NCTC data holdings should they have a question concerning the Analytic Methodologist's findings. Both will work to enhance TIDE records with biographic data and verification of fragmentary nominations by using SEVIS Data correlated with Terrorism Information. This includes supporting watchlisting and "upgrading" known terrorists to the no fly list with full dates of birth and names. DTI will need access to the full SEVIS record if the DI Information Integration Group determines that a partial record constitutes Terrorism Information so DTI analysts can perform further analysis and input the data, if verified, into TIDE. DTI will provide the DHS Watchlisting Cell feedback on any DHS information correlated to a TIDE record.

NCTC may only utilize SEVIS Data that does not constitute Terrorism Information received under this MOA for the purposes authorized by this MOA. This MOA does not alter or impair the right of DHS to use any information subject to this MOA in support of its lawful missions in accordance with its statutory and executive authorities.

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E. RECORDS RETENTION.

Terrorism Information: NCTC may retain SEVIS Data containing Terrorism Information in accordance with NCTC authorities and policies, applicable law, and the terms of this MOA. NCTC will review, retain, and disseminate SEVIS Data it has determined to constitute Terrorism Information in accordance with procedures approved for NCTC by the Attorney General in accordance with Section 2.3 of Executive Order 12333 and any additional terms specified in Appendix C.

Non-Terrorism Information:

F/M/J Individuals Whose SEVIS Status is Initial or Active Are Presumed Non-US Persons

Any F-1, F-2, M-1, M-2, J-1, or J-2 individual whose status in SEVIS is listed as either "Initial" or Active" is presumed to be a non-U.S. Person for purposes of this MOA.³ For as long as these individuals remain in Initial or Active status, NCTC may retain data about them subject to NCTC's authorities and internal retention guidelines for non-U.S. Person data, but no longer than the time period that DHS is authorized to retain SEVIS Data under its records retention schedule (currently 75 years). Once an individual's SEVIS status changes to a status other than Initial or Active, they are presumed to be a U.S. Person and NCTC may only retain such data about them in accordance with the provisions of this MOA pertaining to U.S. Persons (below).

Individuals Who Are Identified as U.S. Persons

NCTC will promptly notify ICE if it determines from other information that an F-1, F-2, M-1, M-2, J-1, or J-2 individual (collectively, F/M/J individuals) who has an Initial or Active status is a U.S. Person. ICE will conduct research to confirm the individual's status and notify NCTC of the outcome. If U.S. Person status is confirmed, ICE will take the appropriate steps to terminate the individual from the SEVP program. Upon receiving notification that an individual has become a U.S. Person, NCTC will analyze the individual's SEVIS Data to determine if it is Terrorism Information within 180 days of notification. If NCTC determines it is Terrorism Information, or had previously determined the information met that definition, it will ensure that the individual's status as a U.S. Person is included or updated in TIDE and other NCTC databases. NCTC will also inform the U.S. Terrorist Screening Center of this change in status so it will be reflected in the TSDB. This process will be audited as required in Section N of this MOA.

³ The specific data fields in Appendix A that contain the status of these individuals are as follows: (1) for F-1 and M-1, "Student.StudentBioInfo.ServisStatus"; (2) for F-2 and M-2, "StudentDependent.ServisStatus"; (3) for J-1, "ExchangeVisitor.EVBioInfo.ServisStatus"; and (4) for J-2, "ExvDependents.DependentBioInfo.DepStatus".

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All Other Individual/Entity Data in SEVIS Is Presumed to be US Person Data

Except for the F/M/J individuals whose SEVIS status is Initial or Active, all other SEVIS Data about individuals or entities (including schools, exchange visitor programs, dependents and employers) is presumed to be U.S. Person data. NCTC will process all such SEVIS Data within 180 calendar days of receipt from DHS to determine whether a nexus to terrorism exists. NCTC will purge all SEVIS Records that do not constitute Terrorism Information within no more than 180 days from receipt of the data from DHS or from the date NCTC received notification of the status change that triggered the U.S. Person presumption, whichever is later. This process will be audited as required in Section N of this Agreement.

Future Identification of U.S. Person Data: The Parties will explore the feasibility of creating and implementing a process to identify SEVIS Data provided to NCTC about an individual who has changed in status from a non-U.S. Person to a U.S. Person (e.g., when an Alien adjusts status to become a Lawful Permanent Resident (LPR)), until such time as a system-to-system connection shall provide automatic notifications of changes in U.S. Person status.

VAWA, T-Visa, and U-Visa Information: In the event that DHS identifies SEVIS Data that was sent to NCTC pursuant to this MOA as information protected by 8 U.S.C. § 1367 (VAWA, T-Visa, or U-Visa information), DHS will notify NCTC that the data is protected information and NCTC will delete the data, unless DHS determines that disclosure of that information to NCTC is authorized and not otherwise prohibited by law.

F. DISSEMINATION.

NCTC may not disseminate to third parties information derived from SEVIS Data, unless that data was identified as containing Terrorism Information. NCTC shall maintain an electronic copy of the SEVIS Data that was disseminated, to whom, and the purpose for the dissemination.

If there is a question on SEVIS Data and its relationship to terrorism, NCTC may request in writing that DHS allow the provision of that information to other IC agencies for further judgment. Upon such a request, DHS will respond to NCTC within ten working days.

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G. THIRD PARTY REQUESTS FOR INFORMATION.

Until such time as NCTC determines SEVIS Data to be Terrorism Information, DHS/ICE will be deemed to have retained control of SEVIS Data provided to NCTC under this MOA for the purposes of the provisions of the Freedom of Information Act, Privacy Act and any other legal proceeding. Any requests or demands for information received by NCTC will be referred to DHS/ICE for processing by or otherwise in coordination with the appropriate DHS Component(s) or element(s) with whom the requested data originated.

H. SAFEGUARDS.

The Parties agree to maintain reasonable physical, electronic, and procedural safeguards to appropriately protect the information shared under this MOA against loss, theft, or misuse, as well as unauthorized access, disclosure, copying, use, modification or deletion. Neither Party will use data provided to it under this MOA in affidavits, subpoenas, or submissions in legal, judicial, or administrative proceedings unless authorized by the providing Party.

I. TRAINING.

The Parties shall be appropriately trained regarding the proper treatment of PII and proper care of the information systems to ensure the overall safeguarding of the information, in addition to applicable U.S. Person rules. Each Party will ensure that its employees, including contractors with access to any of the other Party's data, have completed privacy training on the handling of PII. SEVP will provide training to NCTC personnel on the proper interpretation of the data contained in SEVIS.

DHS/ICE will provide annual and periodic training to appropriate NCTC personnel on proper interpretation of the data contained in SEVIS and on proper treatment of data from certain categories which require special handling, such as asylum, refugee, U Visa, T Visa, VAWA and U.S. Person data.

J. PRIVACY AND CIVIL LIBERTIES.

The Parties are members of the Information Sharing Environment. Each Party will conduct its activities under this MOA in accordance with its own Information Sharing Exchange Privacy and Civil Liberties Protection Policy.

NCTC is the responsible agency for purposes of the Privacy Act concerning any violation of applicable Privacy Act provisions resulting from NCTC's treatment, handling, dissemination, and/or use of SEVIS Data provided under this MOA, and for which NCTC is solely responsible.

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The collection, use, disclosure, and retention of PII shall be limited to that which is necessary for purposes of the Parties as set forth in this MOA. PII shall be protected by administrative, technical and physical safeguards appropriate to the sensitivity of the information. PII will only be disclosed to authorized individuals with a need to know and only for uses that are consistent with the stated purposes under this MOA and for which the information was originally collected.

NCTC's Knowledge Repository Privacy Act System of Records Notice (SORN) (ODNI/NCTC-004), or any successor SORN, will apply to the maintenance, sharing, use, and disclosure of SEVIS Data retained by NCTC.

K. CORRECTION AND REDRESS.

PII shared and maintained under this MOA shall, to the extent feasible, be as accurate, complete, and up-to-date as necessary for the purposes identified in this Agreement. The Parties shall cooperate with each other in this regard. NCTC will, in a timely manner, take appropriate action with regard to any request made by DHS for additions, changes, deletions, or corrections of PII. In addition, NCTC will, in a timely manner, notify DHS of any data errors that it discovers.

NCTC shall maintain an ability to locate and update specific SEVIS Data identified by DHS as requiring correction. Additionally, NCTC shall correct any disseminated information based on SEVIS Data that is later deemed to be untimely or erroneous, including U.S. Person status. Location and correction of data stored in NCTC holdings shall be accomplished in not more than 14 calendar days and NCTC will provide confirmation to DHS of the corrections made. To this end, NCTC will further request that all recipients of disseminated SEVIS Data make the appropriate corrections as well within the same 14 calendar days.

L. COOPERATION AND DECONFLICTION.

The Parties shall work together to the greatest extent possible to achieve the maximum preventative, preemptive, and disruptive effect on potential threats, including coordinating simultaneous and complementary activities when appropriate. The Parties further agree to coordinate operational activities to the greatest possible extent when based upon the information exchanged pursuant to this MOA. Specifically, each party shall take all reasonable steps to ensure coordination and de-confliction of homeland security-related law enforcement or intelligence, or other activities under its authority, with such activities of the other party.

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Where the Parties have a mutual interest based on information shared pursuant to this Agreement, the Parties will coordinate with each other to determine the appropriate course of action. In such matters, unless there are exigent circumstances requiring immediate action, NCTC will verify information and coordinate with CTCEU before taking action on leads or disseminating intelligence products developed as a result of information shared pursuant to this Agreement. In the event of exigent circumstances, NCTC will notify the Unit Chief of CTCEU or his delegate as soon as possible and no longer than 24 hours after taking the action. CTCEU will provide SEVP with an unclassified briefing of the information provided by NCTC in a timely fashion not to exceed two weeks after the initial contact.

M. REPORTING AND COMPLIANCE.

Each organization will report privacy or security incidents in accordance with their own privacy or security procedures. However, the Parties must notify each other by telephone and e-mail of any breach in security, especially those that result in unauthorized use or disclosure of any PII or other information shared under this MOA. NCTC shall make such notification in accordance with ODNI Instruction 80.2. NCTC must notify the DHS/Homeland Security Investigations Information System Security Manager (ISSM), the ICE Privacy Officer by telephone at (202) 732-3300 and via e-mail at ICEPrivacy@dhs.gov, DHSPrivacyIncident@DHS.GOV, and the SEVIS ISSO by telephone at (703) 603-3400. DHS will notify NCTC, Information Sharing Policy Office by telephone at ^{(b)(6);(b)(3); 50 U.S.C. § 3024 (m)(1)} or the NCTC Legal Office at ^{(b)(6);(b)(3); 50 U.S.C. § 3024 (m)(1)}

To further safeguard the privacy, security, confidentiality, integrity and availability of the connected systems and the information they store, process and transmit, the Parties agree to maintain records of information provided to each other under the terms of this Agreement consistent with applicable law, as well as established records retention policies and guidance of the respective Parties.

The Parties shall designate responsible officials to meet annually, or at the request of any Party, to discuss and review the implementation of this MOA. Any disagreement over the implementation of this MOA shall be resolved in accordance with Section 10 Issue Resolution, below.

NCTC must track and report results from the use of SEVIS Data to DHS on a quarterly basis. The content of these reports are detailed in this MOA's Appendix B.

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N. AUDITING.

NCTC must perform system audits and ensure that any PII is shared consistent with applicable laws, regulations, and guidelines.

In order to ensure that data is only used for the purposes described in this MOA, DIIS shall have the right to review NCTC's audit records as they pertain to DHS data in accordance with NCTC information security policy and procedures, and to view NCTC's audit records and inspect NCTC's use of SEVIS Data. Audited events shall include who has accessed the data, what reports have been generated based on the SEVIS Data and to whom the reports have been disseminated. NCTC systems storing and accessing SEVIS Data shall be Certified and Accredited in accordance with ICD 503 and shall contain security controls including auditable events appropriate to the data stored in the systems.

6. POINTS OF CONTACT.

The individuals responsible for overseeing implementation of this MOA and the identification and resolution of issues hereunder shall be:

DHS/ICE:

Branch Chief, Information Technology Management Branch
Student and Exchange Visitors Program
SEVP@DHS.GOV
(703) 603-3400

Unit Chief, Counterterrorism and Criminal Exploitation Unit (CTCEU)
CTCEU@DHS.GOV
(703) 235-3405 or (703) 235-3300

ICE Privacy Officer
ICEPrivacy@dhs.gov
(202) 732-3300

NCTC:

Chief, Information Sharing Program Office
National Counterterrorism Center
(b)(6);(b)(3): 50 U.S.C. § 3024 (m)(1)

7. SEVERABILITY.

Nothing in this Agreement is intended to conflict with current law or regulation or the directives of the DHS or NCTC. If a term of this Agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this Agreement shall remain in full force and effect.

8. NO PRIVATE RIGHT.

This MOA is an internal agreement between DHS and NCTC. It does not create or confer any right or benefit, substantive or procedural, enforceable by any third party against the Parties, the United States, or the officers, employees, agents, or associated personnel thereof. Nothing in this MOA is intended to restrict the authority of either party to act as provided by law, statute, or regulation, or to restrict any party from administering or enforcing any laws within its authority or jurisdiction.

9. FUNDING.

This MOA is not an obligation or commitment of funds, nor a basis for transfer of funds. Unless otherwise agreed to in writing, each Party shall bear its own costs in relation to this MOA. Expenditures by each Party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. The Parties expressly acknowledge that this in no way implies that Congress will appropriate funds for such expenditures.

10. ISSUE RESOLUTION.

Throughout the course of this MOA, issues such as scope of the agreement, interpretation of its provisions, unanticipated technical matters, including improvements, and other proposed modifications can be expected. Both Parties agree to appoint their respective points of contact to work in good faith towards resolution.

11. EFFECTIVE DATE.

The terms of this Agreement will become effective upon the signature of the second party to this MOA.

12. MODIFICATION.

This Agreement or any appendices thereto may be modified upon the mutual written consent of the Parties, which shall be recorded and incorporated into this MOA as a separate appendix.

13. TERMINATION.

The terms of this Agreement, as modified with the consent of both Parties, will remain in effect for three (3) years from the EFFECTIVE DATE. The Agreement may be extended by mutual written agreement of the Parties. Either Party upon thirty (30) days' written notice to the other Party may terminate this Agreement.


14. ENTIRE AGREEMENT.

This MOA, and any concurrently or subsequently approved appendices, constitutes the entire agreement between the Parties.

APPROVED BY:

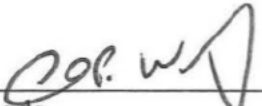
This MOA represents the understanding reached between DHS and NCTC. By signing below, the Parties have caused their duly authorized representatives to execute this MOA.

FOR THE U.S. DEPARTMENT OF HOMELAND SECURITY



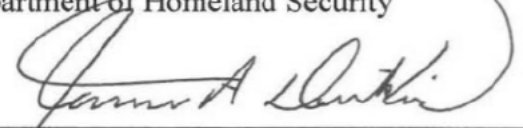
Caryn A. Wagner
Undersecretary for Intelligence and Analysis
Intelligence and Analysis
Department of Homeland Security

6/27/2011
[Date]



John P. Woods
Deputy Assistant Director
National Security Investigations
Homeland Security Investigations
U.S. Immigration and Customs Enforcement
Department of Homeland Security

6/23/2011
[Date]



James A. Dinkins
Executive Associate Director Investigations
Homeland Security Investigations
U.S. Immigration and Customs Enforcement
Department of Homeland Security

06/23/2011
[Date]

FOR THE NATIONAL COUNTERTERRORISM CENTER

(b)(6);(b)(3): 50 U.S.C. § 3024 (m)(1)

Principal Deputy Director
National Counterterrorism Center

6/28/11
[Date]

Appendix A

Exhibit 1: SEVIS F-1/M-1 Record Data Elements Table

XML Element (F-1/M-1)	Data Type	Data Length	Data Definition
Student.EducationalInfo.AdmissionNumber	String	11	The DHS-assigned number given to the student when he/she entered the United States and was admitted upon review by a DHS Inspector.
Student.EducationalInfo.LengthOfStudy	String	2	Number of months that a person would normally take to complete the program in which the student is enrolling.
Student.EducationalInfo.PrgStartDate	Date	10	The date on which the student is expected to begin his/her program.
Student.EducationalInfo.PrgEndDate	Date	10	The expected date of completion of the academic or vocational program.
Student.EducationalInfo.RegistrationIndicator	String	1	An indication of whether or not the student has been registered for school.
Student.EducationalInfo.CurrentSessionEndDate	Date	10	The current session end date for the student in DD/MM/YYYY format.
Student.EducationalInfo.NextSessionStartDate	Date	10	The next session start date for the student in DD/MM/YYYY format.
Student.StudentBioInfo.StatusChangeDate	Date	10	The date the record was changed to the associated SEVIS status in DD/MM/YYYY format.
Student.StudentFinancial.FinancialExpense.Tuition	Integer	10	The estimated average cost for tuition for the academic term.
Student.StudentFinancial.FinancialExpense.LivingExpense	Integer	10	The student's estimated total living expenses for one academic term.
Student.StudentFinancial.FinancialExpense.DependentExp	Integer	10	The student's expenses for his/her dependents, if any, during one academic term.
Student.StudentFinancial.FinancialExpense.OtherExp.Amount	Integer	10	An estimate of any other known student expenses, if any, during one academic term.
Student.StudentFinancial.Funding.PersonalFunds	Integer	10	The personal funds available to the student in one academic term to defray his/her educational expenses.
Student.StudentFinancial.Funding.SchoolFunds.Amount	Integer	10	The amount of funding, if any, that the school will provide to the student in one academic term to help defray educational expenses.
Student.StudentFinancial.Funding.OtherSourceFunds.Amount	Integer	10	The amount of funding, if any, that is available to the student during one academic term from sources not otherwise specified.
Student.StudentFinancial.Funding.EmploymentFunds	Integer	10	The amount of funding, if any, the F-1 student will receive from on-campus employment.

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Student.EducationalInfo.EduLevel	String	2	The level of education pursued by the student. (Student Education Level Codes)
Student.StudentBioInfo.SevisStatus	String	20	The SEVIS status of the student.
Student.Events.Termination.TerminationReason	String	2	If in terminated status, the reason. (Student Termination Codes)
Student.EducationalInfo.PrimaryMajor	String	7	The student's primary field of study.
Student primary major CIP indicator	String	1	Indicator used to determine primary major (CIP) version
Student.EducationalInfo.SecondMajor	String	7	The student's secondary field of study, if any.
Student secondary major CIP indicator	String	1	Indicator used to determine secondary major (CIP) version
Student.EducationalInfo.Minor	String	7	The student's minor field of study, if applicable.
Student minor CIP indicator	String	1	Indicator used to determine minor (CIP) version
Student.Events.ReinstateReqDate	Date	10	If reinstatement has been requested, the date it was requested in SEVIS, in DD/MM/YYYY format.
Student.Events.I20Information.DateSubmitted	Date	10	The date the record was submitted in SEVIS, in DD/MM/YYYY format.
Student.Events.TransferInformation.TransferStatus	String	10	If transferring, the transfer status.
Student.RecordCreatedDate	Date	10	The date the record was created in SEVIS, in DD/MM/YYYY format.
Student.StudentBioInfo.FullName.Suffix	String	3	The suffix or title in the student's name.
Student.StudentBioInfo.FullName.FirstName	String	40	The first name of the student.
Student.StudentBioInfo.FullName.MiddleName	String	40	The middle name of the student.
Student.StudentBioInfo.FullName.LastName	String	40	The surname or last name of the student.
Student.sevisid	String	11	The ID number assigned to the student in SEVIS.
Student.StudentBioInfo.Gender	String	1	The student's gender.
Student.StudentBioInfo.VisaType	String	2	The visa type for which the form was issued. (Visa Classes)
Student.StudentBioInfo.BirthDate	Date	10	The student's date of birth in DD/MM/YYYY format.
Student.StudentBioInfo.BirthCountryCode	String	2	The code for the country where the student was born. (Country Codes)
Student.StudentBioInfo.CitizenshipCountryCode	String	2	The code for the country where the student maintains citizenship. (Country Codes)
Student.POEntryInfo.PortOfEntry	String	3	The port through which the student last entered the United States. (POE Codes)
Student.POEntryInfo.DateOfEntry	Date	10	The date on which the student last entered the United States, in DD/MM/YYYY format.
Student.StudentBioInfo.CountryofLegalResidence	String	2	Country of legal residence (this will be null for student records).

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Student.StudentBioInfo.DateCreated	Date	10	The date on which the student record was created, in DD/MM/YYYY format.
Student.StudentBioInfo.DateUpdated	Date	10	The date on which the student's biographical information was last updated, in DD/MM/YYYY format.
Student.SchoolInformation.SchoolName	String	1000	The name of the school that issued the I-20.
Student.SchoolInformation.CampusName	String	40	The name of the campus that issued the I-20.
Student.SchoolInformation.CampusAddress.USAddr1	String	60	The first line of the campus address.
Student.SchoolInformation.CampusAddress.USAddr2	String	60	The second line of the campus address.
Student.SchoolInformation.CampusAddress.USCity	String	60	The city name of the campus address.
Student.SchoolInformation.CampusAddress.USState	String	2	The state of the campus address.
Student.SchoolInformation.CampusAddress.USPostalCode	String	5	The postal code of the campus address.
Student.RecordLastUpdatedDate	Date	10	The date on which the student record was last updated, in DD/MM/YYYY format.
Student.Events.Termination.TerminationDate	Date	10	The date on which the student's status was updated to Terminated, in DD/MM/YYYY format.
Student.Events.TransferInformation.TransferType	String	3	An indication of whether the student is transferring in or out of the school/campus.
Student.Events.TransferInformation.TransferringSchool	String	300	If the student is transferring in, the school code of the school the student is transferring from.
Student.Events.I901.RecordTypeIndicator	String	5	The type of I-901 record last received for the student (payment or cancellation).
Student.Events.I901.ReceiptNumber	String	30	The receipt number of the I-901 record last received.
Student.Events.I901.TransactionAmount	String	10	The amount of the I-901 record last received.
Student.Events.I901.DateOfTransaction	Date	10	The date on which of the I-901 record was made, in DD/MM/YYYY format.
Student.USAddress.Address1	String	60	The first line of the student's U.S. address.
Student.USAddress.Address2	String	60	The second line of the student's U.S. address.
Student.USAddress.City	String	60	The unabbreviated name of the city in the student's U.S. address.
Student.USAddress.State	String	2	The state of the student's U.S. address.
Student.USAddress.PostalCode	String	5	The postal code of the student's U.S. address.
StudentUSAddressPostalRoutingCode	String	4	The postal routing code of the student's U.S. address.
Student.ForeignAddress.Address1	String	60	The first line of the student's foreign address.
Student.ForeignAddress.Address2	String	60	The second line of the student's foreign address.

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			address.
Student.ForeignAddress.City	String	60	The unabbreviated name of the city in the student's foreign address.
Student.ForeignAddress.Province	String	30	The province of the student's foreign address.
Student.ForeignAddress.CountryCode	String	2	The code for the country of the student's foreign address. (Country Codes)
Student.ForeignAddress.PostalCode	String	20	The postal code of the student's foreign address.
Student.POEntryInfo.PortOfDeparture	String	3	The code for the port through which the student departed the United States. (POE Codes)
Student.POEntryInfo.DateOfDeparture	Date	10	The date on which student last departed the United States, in DD/MM/YYYY format
Student.POEntryInfo.PassportNumber	String	25	The passport number of the student.
Student.POEntryInfo.PassportIssuingCntry	String	2	The code for the country that issued the student's passport. (Country Codes)
Student.POEntryInfo.VisaNumber	String	25	The visa number of the student.
Student.POEntryInfo.VisaIssueDate	Date	10	The date of when the student's visa was issued, in DD/MM/YYYY format.
Student.POEntryInfo.VisaIssuingCntry	String	3	The post code of the country that issued the visa. (Visa Post Codes)
Student.Events.Disciplinary.ActionDate	Date	10	The date a disciplinary action was taken against the student due to the student being convicted of a crime, in DD/MM/YYYY format.
Student.Events.TransferInformation.ReleaseDate	Date	10	The date on which a student transfer will take effect, in DD/MM/YYYY format.
Student.Events.StatusChangeRequest	String	1	An indicator of whether the student has requested a change of status.
Student.Events.Cancellation.Reason	String	2	If in Cancelled status, the cancellation reason. (Cancellation Reasons)
Student.StudentBioInfo.StatusChangeDateTime	Timestamp	29	The date and time the record was changed to the associated SEVIS status, in yyyy-mm-ddThh:mm:ss format.
Student.SchoolInformation.SchoolStatus	String	9	The status of the school that issued the student's I-20.
<i>Off-Campus Employment (OCE)</i>			
Student.OffCampusEmployment.StartDate	Date	10	The start date of OCE in DD/MM/YYYY format.
Student.OffCampusEmployment.EndDate	Date	10	The end date of OCE in DD/MM/YYYY format.
Student.OffCampusEmployment.EmploymentType	String	1000	The recommendation remarks associated with the OCE request.
Student.OffCampusEmployment.EmploymentType	String	2	The code for the type of OCE. (employment – off-campus)
Student.OffCampusEmployment.RequestStatus	String	1	The status of the OCE request. (Student Status request values)
<i>Optional Practical Training (OPT)</i>			

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Student.OPTEmployment.StartDate	Date	10	The start date of OPT employment in DD/MM/YYYY format.
Student.OPTEmployment.EndDate	Date	10	The end date of OPT employment in DD/MM/YYYY format.
Student.OPTEmployment.EmployerName	String	100	The name of the employer for the OPT employment request.
Student.OPTEmployment.EmployerAddress.Address1	String	60	The first line of the address of the OPT employer.
Student.OPTEmployment.EmployerAddress.Address2	String	60	The second line of the address of the OPT employer.
Student.OPTEmployment.EmployerAddress.City	String	60	The city of the address of the OPT employer.
Student.OPTEmployment.EmployerAddress.State	String	2	The state of the address of the OPT employer.
Student.OPTEmployment.EmployerAddress.PostalCode	String	5	The postal code line of the address of the OPT employer.
Student.OPTEmployment.FullPartTimeIndicator	String	2	An indication of whether the employment is full or part time.
Student.OPTEmployment.RequestStatus	String	1	The status of the OPT request. (Student Status request values)
<i>Curricular Practical Training (CPT)</i>			
Student.CPTEmployment.StartDate	Date	10	The start date of CPT employment in DD/MM/YYYY format.
Student.CPTEmployment.EndDate	Date	10	The end date of CPT employment in DD/MM/YYYY format.
Student.CPTEmployment.FullPartTimeIndicator	String	2	An indication of whether the employment is full or part time.
Student.CPTEmployment.EmployerName	String	100	The name of the employer for the CPT employment request.
Student.CPTEmployment.EmployerAddress.Address1	String	60	The first line of the address of the CPT employer.
Student.CPTEmployment.EmployerAddress.Address2	String	60	The second line of the address of the CPT employer.
Student.CPTEmployment.EmployerAddress.City	String	60	The city of the address of the CPT employer.
Student.CPTEmployment.EmployerAddress.State	String	2	The state of the address of the CPT employer.
Student.CPTEmployment.EmployerAddress.PostalCode	String	5	The postal code line of the address of the CPT employer.

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Exhibit 2: SEVIS F-2/M-2 Record Data Elements Table

XML Element (F-2/M-2)	Data Type	Data Length	Data Description
StudentDependent.Relationship	String	2	The relationship of the dependent nonimmigrant to the principal nonimmigrant. (spouse or child)
StudentDependent.SevisStatus	String	20	The SEVIS status of the dependent.
StudentDependent.StatusChangeDate	Date	10	The date the record was changed to the associated SEVIS status in DD/MM/YYYY format.
StudentDependent.Events.Termination.TerminationReason	String	2	The reason the dependent was terminated. (Dependent Termination Codes)
StudentDependent.Events.Termination.TerminationDate	Date	10	The date on which the dependent's status changed to terminated in DD/MM/YYYY format.
StudentDependent.DateTimeCreated	Date	10	The date and time on which the dependent record was created.
StudentDependent.DateTimeUpdated	Date	10	The date and time on which the dependent record was last updated.
StudentDependent.FullName.Suffix	String	3	The suffix or title in the dependent's name.
StudentDependent.FullName.FirstName	String	40	The first name of the dependent.
StudentDependent.FullName.MiddleName	String	40	The middle name of the dependent.
StudentDependent.FullName.LastName	String	40	The surname or last name of the dependent.
StudentDependent.dependentSevisId	String	11	The ID number assigned to the dependent in SEVIS.
StudentDependent.Gender	String	1	The dependent's gender.
StudentDependent.VisaType	String	2	The visa type for which the form was issued. (Visa Classes)
StudentDependent.BirthDate	Date	10	The dependent's date of birth in DD/MM/YYYY format.
StudentDependent.BirthCountryCode	String	2	The code for the country where the dependent was born. (Country Codes)
StudentDependent.CitizenshipCountryCode	String	2	The code for the country where the dependent maintains citizenship. (Country Codes)
StudentDependent.POEntryInfo.PortOfEntry	String	3	The port through which the dependent last entered the United States. (POE Codes)
StudentDependent.POEntryInfo.DateOfEntry	Date	10	The date on which the dependent last entered the United States in DD/MM/YYYY format.
StudentDependent.PrincipalSevisId	String	11	The ID number assigned to the dependent's principal in SEVIS.
StudentDependent.AdmissionNumber	String	11	The DHS-assigned number given to the dependent when he/she entered the United States and was admitted upon review by a DHS Inspector.
StudentDependent.Events.Cancellation.Rea	String	2	If in Cancelled status, the cancelation

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son			reason. (Student Cancellation Reasons)
StudentDependent.POEntryInfo.PortOfDeparture	String	3	The code for the port through which the dependent departed the United States. (POE Codes)
StudentDependent.POEntryInfo.DateOfDeparture	Date	10	The date on which dependent last departed the United States in DD/MM/YYYY format.
StudentDependent.StatusChangeDateTime	Timestamp	29	The date and time the record was changed to the associated SEVIS status, in yyyy-mm-ddThh:mm:ss format.

Exhibit 3: SEVIS J-1 Record Data Elements Table

XML Element (J-1)	Data Type	Data Length	Data Definition
ExchangeVisitor.ProgramInfo.CategoryCode	String	2	The code related to the category of the EV at the time the form was issued. (EV Category Codes)
ExchangeVisitor.EVBiInfo.SevisStatus	String	20	The SEVIS status of the record.
ExchangeVisitor.EVBiInfo.SEVISStatusDateChange	Date	10	The date the record was changed to the associated SEVIS status in DD/MM/YYYY format.
ExchangeVisitor.Events.Completion.CompletionDate	Date	10	The date the status of the EV changed to Inactive in DD/MM/YYYY format.
ExchangeVisitor.Events.Completion.CompletionCode	String	4	The code related to the reason the EV's status changed to Inactive. (EV Completion Codes)
ExchangeVisitor.Events.Termination.TerminationCode	String	6	The code related to the reason the EV's status changed to Terminated. (EV Termination Codes)
ExchangeVisitor.Events.Termination.TerminationDate	Date	10	The date the status of the EV changed to Terminated in DD/MM/YYYY format.
ExchangeVisitor.Events.Inactivity.InactiveReason	String	40	The reason the EV's status changed to Inactive. (EV Completion Codes)
ExchangeVisitor.ProgramInfo.PositionCode	String	3	The code related to the EV's position in their home country. (Program Position Codes)
ExchangeVisitor.ProgramInfo.SubjectField.SubjectFieldCode	String	7	The code for the subject field.
Exv CIP indicator	String	1	Indicator used to determine the subject/field (CIP) version
ExchangeVisitor.EVFinancial.ProgSponFunds	Integer	10	The amount of funding the EV received from the program that is sponsoring him/her.
ExchangeVisitor.EVFinancial.GovFunds.ReceivedUSGovFunds	String	1	An indicator if the EV has or has not received funding from the U.S. government.
ExchangeVisitor.EVFinancial.GovFunds.AgencyCode1	String	10	The code related to the first of two U.S. government agencies that provided funding for the EV.

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ExchangeVisitor.EVFinancial.GovFunds.Age ncyCode1Amt	Integer	10	The amount of funding the EV received from the first of two U.S. government agencies.
ExchangeVisitor.EVFinancial.GovFunds.Age ncyCode2	String	10	The code related to the second of two U.S. government agencies that provided funding for the EV.
ExchangeVisitor.EVFinancial.GovFunds.Age ncyCode2Amt	Integer	10	The amount of funding the EV received from the second of two U.S. government agencies.
ExchangeVisitor.EVFinancial.IntlFunds.IntlC ode1	String	10	The code related to the first of two international organizations that provided funding for the EV. (International Organizations)
ExchangeVisitor.EVFinancial.IntlFunds.IntlC ode1Amt	Integer	10	The amount of funding the EV received from the first of two international organizations.
ExchangeVisitor.EVFinancial.IntlFunds.IntlC ode2	String	10	The code related to the second of two international organizations that provided funding for the EV. (International Organizations)
ExchangeVisitor.EVFinancial.IntlFunds.IntlC ode2Amt	Integer	10	The amount of funding the EV received from the second of two international organizations.
ExchangeVisitor.EVFinancial.OtherFunds.EV GovFundingAmt	Integer	10	The amount of funding the EV received from his/her own government.
ExchangeVisitor.ProgramInfo.ProgramDates .PrgStartDate	Date	10	The date the program will/did start, in DD/MM/YYYY format.
ExchangeVisitor.ProgramInfo.ProgramDates .PrgEndDate	Date	10	The date the program will/did end, in DD/MM/YYYY format.
ExchangeVisitor.ProgramInfo.ProgramNum bers.ExistingFormNbr	String	100	IAP-66 form numbers provided to the EV if the EV started participating in their program before the beginning of the SEVIS system.
ExchangeVisitor.ProgramInfo.IssueReasonC ode	String	5	The code related to the reason a form was initially created for an EV.
ExchangeVisitor.ProgramInfo.Residence.Su bj2YrGovFin	String	1	Indicator if the EV is subject to Section 212(e) of Immigration and Nationality Act due to government funding.
ExchangeVisitor.ProgramInfo.Residence.Su bjPI94484Amended	String	1	Indicator if the EV is subject to Section 212(e) of Immigration and Nationality Act due to the EV acquiring a skill that is on the Exchange Visitor Skills List.
ExchangeVisitor.Events.SubmissionDate	Date	10	The date the record was submitted in DD/MM/YYY format.
ExchangeVisitor.Events.Inactivity.Inactivity Date	Date	10	The date the EV's status changed to Inactive, in DD/MM/YYYY format.
ExchangeVisitor.RecordCreatedDate	Date	10	The date the record was created, in DD/MM/YYYY format.
ExchangeVisitor.RecordLastUpdatedDate	Date	10	The date the record was last updated, in DD/MM/YYYY format.

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ExchangeVisitor.EVBiInfo.FullName.Suffix	String	3	The suffix of the EV.
ExchangeVisitor.EVBiInfo.FullName.FirstName	String	40	The first name of the EV.
ExchangeVisitor.EVBiInfo.FullName.MiddleName	String	40	The middle name of the EV.
ExchangeVisitor.EVBiInfo.FullName.LastName	String	40	The last name of the EV.
ExchangeVisitor.sevisID	String	11	The ID number assigned to the EV in SEVIS.
ExchangeVisitor.EVBiInfo.Gender	String	1	The EV's gender.
ExchangeVisitor.EVBiInfo.OtherBiInfo.VisaType	String	2	The visa type for which the form was issued. (Visa Classes)
ExchangeVisitor.EVBiInfo.BirthDate	Date	10	The EV's date of birth in DD/MM/YYYY format.
ExchangeVisitor.EVBiInfo.BirthCity	String	50	The city where the EV was born.
ExchangeVisitor.EVBiInfo.BirthCountryCode	String	2	The code for the country where the EV was born. (Country Codes)
ExchangeVisitor.EVBiInfo.CitizenshipCountryCode	String	2	The code for the country where the EV maintains citizenship. (Country Codes)
ExchangeVisitor.POEInfo.POECODE	String	3	The port through which the EV last entered the United States. (POE Codes)
ExchangeVisitor.POEInfo.LastEntryDate	Date	10	The date on which the EV last entered the United States, in DD/MM/YYYY format.
ExchangeVisitor.EVBiInfo.PermanentResidenceCountryCode	String	2	The code for the EV's country of legal permanent residence. (Country Codes)
ExchangeVisitor.EVBiInfo.OtherBiInfo.BioCreationDate	Date	10	The date on which the EV's record was created, in DD/MM/YYYY format.
ExchangeVisitor.EVBiInfo.OtherBiInfo.BioLastUpdatedDate	Date	10	The date on which the EV's biographical information was last updated, in DD/MM/YYYY format.
ExchangeVisitor.Events.AdjudicationInd	String	1	Indicator if there is a pending request for the EV with DoS.
ExchangeVisitor.ProgramInfo.ProgramID	String	9	The number related to the program that issued the EV's form. (includes Program Serial Codes)
ExchangeVisitor.ProgramInfo.ProgramName	String	80	The name of the program that issued the EV's form.
ExchangeVisitor.SiteOfActivity.SiteOfActivityName	String	120	The name of the physical location where the EV is participating in the program.
ExchangeVisitor.SiteOfActivity.SiteOfActivityAddress.USAddr1	String	60	The first line of the EV's site of activity address.
ExchangeVisitor.SiteOfActivity.SiteOfActivityAddress.USAddr2	String	60	The second line of the EV's site of activity address.
ExchangeVisitor.SiteOfActivity.SiteOfActivityAddress.USCity	String	60	The city associated with the EV's site of activity.
ExchangeVisitor.SiteOfActivity.SiteOfActivityAddress.USState	String	2	The state associated with the EV's site of activity.
ExchangeVisitor.SiteOfActivity.SiteOfActivityAddress.USPostalCode	String	5	The zip code associated with the EV's site of activity.
ExchangeVisitor.Events.I901.RecordTypeInd	String	5	The type of I-901 record last received for

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icator			the EV (payment or cancelation).
ExchangeVisitor.Events.I901.ReceiptNumber	String	30	The receipt number of the I-901 record last received.
ExchangeVisitor.Events.I901.TransactionAmount	Integer	10	The amount of the I-901 record last received.
ExchangeVisitor.Events.I901.DateOfTransaction	Date	10	The date on which of the I-901 record was made, in DD/MM/YYYY format.
ExchangeVisitor.USAddress.Address1	String	60	The first line of the EV's U.S. address.
ExchangeVisitor.USAddress.Address2	String	60	The second line of the EV's U.S. address.
ExchangeVisitor.USAddress.City	String	60	The unabbreviated name of the city in the EV's U.S. address.
ExchangeVisitor.USAddress.State	String	2	The state of the EV's U.S. address.
ExchangeVisitor.USAddress.PostalCode	String	5	The postal code of the student's U.S. address. (Postal Codes)
ExchangeVisitor.USAddress.PostalRoutingCode	String	4	The postal routing code of the EV's U.S. address.
ExchangeVisitor.ForeignAddress.Address1	String	60	The first line of the EV's foreign address.
ExchangeVisitor.ForeignAddress.Address2	String	60	The second line of the EV's foreign address.
ExchangeVisitor.ForeignAddress.City	String	60	The name of the city in the EV's foreign address.
ExchangeVisitor.ForeignAddress.Province	String	30	The name of the province in the EV's foreign address.
ExchangeVisitor.ForeignAddress.CountryCode	String	2	The country code in the EV's foreign address. (Country Codes)
ExchangeVisitor.ForeignAddress.PostalCode	String	20	The postal code in the EV's foreign address.
ExchangeVisitor.POEInfo.PortOfDeparture	String	3	The code for the port through which the EV departed the United States. (POE Codes)
ExchangeVisitor.POEInfo.DateOfDeparture	Date	10	The date on which EV last departed the United States, in DD/MM/YYYY format.
ExchangeVisitor.POEInfo.PassportNumber	String	25	The EV's passport number.
ExchangeVisitor.POEInfo.PassportIssuingCountry	String	2	The code for the country that issued the passport. (Country Codes)
ExchangeVisitor.POEInfo.AdmissionNumber	String	11	The EV's admission number.
ExchangeVisitor.POEInfo.VisaNumber	String	25	The EV's visa number.
ExchangeVisitor.POEInfo.VisaIssueDate	Date	10	The date the visa was issued, in DD/MM/YYYY format.
ExchangeVisitor.POEInfo.VisaIssuingCntry	String	3	The code for the post that issued the visa. (Visa post codes)
ExchangeVisitor.Events.StatusChangeRequest	String	1	An indicator of whether the EV has a change of status request. (Student status request values)
ExchangeVisitor.EVBioInfo.StatusChangeDateTime	Timestamp	29	The date and time the record was changed to the associated SEVIS status, in yyyy-mm-ddThh:mm:ss format.
ExchangeVisitor.ProgramInfo.ProgramStatus	String	9	The status of the program that the EV is associated with.

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Exhibit 4: SEVIS J-2 Record Data Elements Table

XML Element (J-2)	Data Type	Data Length	Data Definition
ExvDependents.DependentBioInfo.OtherBioInfo.Relationship	String	2	The relationship of the dependent to the EV (i.e., spouse, child).
ExvDependents.DependentBioInfo.DepStatus	String	20	The SEVIS status of the record.
ExvDependents.DependentBioInfo.DepStatusDateChange	Date	10	The date the record was changed to the associated SEVIS status, in DD/MM/YYYY format.
ExvDependents.ProgramInfo.ProgramDates.PrgStartDate	Date	10	The date the program will/did start, in DD/MM/YYYY format.
ExvDependents.ProgramInfo.ProgramDates.PrgEndDate	Date	10	The date the program will/did end, in DD/MM/YYYY format.
ExvDependents.Events.Termination.ReasonCode	String	2	The code related to the reason the dependent's status changed to Terminated. (Dependent Termination Codes)
ExvDependents.Events.Termination.TerminationDate	Date	10	The date the status of the dependent changed to Terminated, in DD/MM/YYYY format.
ExvDependents.RecordCreatedDate	Date	10	The date the record was created, in DD/MM/YYYY format.
ExvDependents.RecordLastUpdatedDate	Date	10	The date the record was last updated, in DD/MM/YYYY format.
ExvDependents.DependentBioInfo.FullName.Suffix	String	3	The suffix of the dependent.
ExvDependents.DependentBioInfo.FullName.FirstName	String	40	The first name of the dependent.
ExvDependents.DependentBioInfo.FullName.LastName	String	40	The last name of the dependent.
ExvDependents.DependentBioInfo.FullName.MiddleName	String	40	The middle name of the dependent.
ExvDependents.dependentsevisId	String	11	The ID number assigned to the dependent in SEVIS.
ExvDependents.DependentBioInfo.Gender	String	1	The dependent's gender.
ExvDependents.DependentBioInfo.OtherBioInfo.VisaType	String	2	The visa type for which the form was issued. (Visa Classes)
ExvDependents.DependentBioInfo.BirthDate	Date	10	The dependent's date of birth in DD/MM/YYYY format.
ExvDependents.DependentBioInfo.OtherBioInfo.BirthCity	String	60	The city where the dependent was born.
ExvDependents.DependentBioInfo.BirthCountryCode	String	2	The code for the country where the dependent was born. (Country Codes)
ExvDependents.DependentBioInfo.CitizenshipCountryCode	String	2	The code for the country where the dependent maintains citizenship. (Country Codes)
ExvDependents.POEInfo.POECODE	String	3	The port through which the dependent last entered the United States. (POE Codes)

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ExvDependents.POIInfo.LastEntryDate	Date	10	The date on which the dependent last entered the United States, in DD/MM/YYYY format.
ExvDependents.DependentBioInfo.OtherBioInfo.BioCreationDate	Date	10	The date on which the dependent's record was created, in DD/MM/YYYY format.
ExvDependents.DependentBioInfo.OtherBioInfo.BioLastUpdatedDate	Date	10	The date on which the dependent's biographical information was last updated, in DD/MM/YYYY format.
ExvDependents.DependentBioInfo.PrincipalSevisId	String	11	The ID number assigned to the dependent's principal in SEVIS.
ExvDependents.Events.EndStatus.ReasonCode	String	2	The code related to the reason the dependent's status changed to Inactive. (EV Completion Codes)
ExvDependents.Events.EndStatus.EndDate	Date	10	The date the dependent's status changed to Inactive, in DD/MM/YYYY format.
ExvDependents.POIInfo.PortOfDeparture	String	3	The code for the port through which the dependent departed the United States. (POE Codes)
ExvDependents.POIInfo.DateOfDeparture	Date	10	The date on which the dependent last departed the United States, in DD/MM/YYYY format.
ExvDependents.DependentBioInfo.StatusChangeDateTime	Timestamp	29	The date and time the record was changed to the associated SEVIS status, in yyyy-mm-ddThh:mm:ss format.
ExvDependents.DependentBioInfo.PermanentResidenceCountryCode	String	2	The code for the dependent's country of legal permanent residence. (Country Codes)

Exhibit 5: Primary and Foreign Keys

XML Element	Data Type	Data Length	Data Definition
			NOTE: For Oracle Export and XML
exv_id	Integer	10	primary key for sev_dos_exv; foreign key for other tables
nonimg_id	Integer	10	primary key for sev_nonimg_bio; foreign key for other tables
student_id	Integer	10	primary key for sev_student; foreign key for other tables
			NOTE: For Oracle Export Only
addr_code	String	3	Type of address: US, Foreign, Site of Activity
doc_type	String	15	Type of document: VISA or PASSPORT
EMPMNT_CODE	String	2	Type of employment: OPT, OCE, OFF-CAMPUS
			NOTE: For Oracle Export and XML
emp_id	Integer	10	primary key for sev_student_empmnt
			NOTE: For Oracle Export Only

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departure_id	Integer	10	primary key for sev_departure
payment_id	Integer	10	primary key for sev_interface_i901_payment
addr_id	Integer	10	primary key for sev_addr
DISCIPL_ID	Integer	10	primary key for SEV_STUDENT_DISCIPLINE
travel_id	Integer	10	primary key for sev_travel_doc
dep_id	Integer	10	primary key for sev_dep
last_updated_date	Date	10	The date on which the record was last updated
			NOTE: For Oracle Export and XML
EMAIL	String	60	SEVIS currently captures exv and exv dependent email addresses. In the next release, SEVIS will capture student and student dependent email addresses. All e-mail addresses will be provided to NCTC under this MOA.

Look Up Tables

TABLE_NAME	TABLE DEFINITION	COLUMN_NAME	DATA DESCRIPTION
SEV_LK_ADDR	Address types	ADDR_CODE	A code identifying a type of address: Location, mailing, etc.
		ADDR_DESC	The name of a type of address
SEV_LK_AGENCY	Agency Types	AGENCY_CODE	A value representing the name of a U.S. or international government agency.
		AGENCY_DESC	The name of a U.S. or international government agency.
SEV_LK_CNTRY	Countries	CNTRY_CODE	A code identifying a foreign country
		CNTRY_DESC	The description (country name) corresponding to a country code
SEV_LK_DEP	Types of dependency	DEP_CODE	A value representing a type of dependency (child, spouse)
		DEP_DESC	The name of a type of dependency
SEV_LK_DEP_CANCEL	Type of Dependent Cancellations	DEP_CANCEL_CODE	A value representing a cancellation reason for dependents
		DEP_CANCEL_DESC	A reason for canceling a dependent
SEV_LK_DEP_TERMIN	Reasons for terminating a dependent	DEP_TERMINATION_CODE	A value representing a termination reason for dependents
		DEP_TERMINATION_DESC	A reason for terminating a dependent
SEV_LK_DOS_VISA_POST_CODES	A department of State table Visa Issuing POST codes , where VISA(s) were	VISA_POST_CODE	Visa post code

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	issued		
		VISA_POST_DESC	Visa post description
SEV_LK_EMPMNT	Types of student employment	EMPMNT_CODE	A value representing an employment type
		EMPMNT_DESC	The name of a type of student employment
SEV_LK_EMPMNT_TIME	Time basis of student employment	EMPMNT_TIME_CODE	A value representing the time basis of a student's employment (full time, part time)
		EMPMNT_TIME_DESC	The name of a time-type of student employment, i.e. full time or part time
SEV_LK_EXV_CAT	Exv categories	EXV_CAT_CODE	A code representing the exchange visitor categories
		EXV_CAT_DESC	A category of exchange visitor.
SEV_LK_EXV_COMPLETION	Reasons for completing exv	EXV_COMPLETION_CODE	Completion code for an EV. Why an EV is completed. CHG is a new status added per CLAIMS requirements
		EXV_COMPLETION_DESC	A reason for an exchange visitors completing his/her program.
SEV_LK_EXV_TERMINATION	Reasons for terminating Exv	EXV_TERMINATION_CODE	A code representing the exchange visitor terminating reason
		EXV_TERMINATION_DESC	A reason for changing an exchange visitor's status to Terminated.
SEV_LK_GENDER	Valid values of gender	GENDER_CODE	A value representing a person's gender
		GENDER_DESC	The name of a value of Gender
SEV_LK_INTERNATL_ORG	International organization	INTERNATL_ORG_CODE	The code representing the international organization
		INTERNATL_ORG_DESC	The name of an international organization.
SEV_LK_OFFCAMPUS	Valid reasons for off-campus employment	OFFCAMPUS_CODE	Off-campus employment type code
		OFFCAMPUS_DESC	Off-campus employment type
SEV_LK_POE	DHS ports of entry	POE_CODE	Port of Entry code
		POE_DESC	Port of Entry Description
SEV_LK_PROG_CLASS	List of program majors	PROG_CLASS_CODE	Program-of-study class code
		PROG_CLASS_DESC	Program class description
		CIP_VERSION	Value used to determine the CIP version (2000 or 2010)
SEV_LK_PROG_POS	Types of program positions	PROG_POS_CODE	A code representing the position
		PROG_POS_DESC	A description of a position held by an exchange visitor in his/her home country, or a category of positions.
SEV_LK_PROG_STATUSES	Program statuses	PROG_STATUS_CODE	A value representing the status of an EV program.
		PROG_STATUS_DESC	The status of an EV program.

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SEV_LK_SCHOOL_STAT US	School statuses	SCHOOL_STATUS _CODE	School status code
		SCHOOL_STATUS _DESC	School Status description
SEV_LK_STATE	List of U.S. States	STATE_CODE	The U.S Postal code that identifies a U.S. state
		STATE_DESC	The State name corresponding to a state code
SEV_LK_STATUS	Status for F/M and Js	STATUS_CODE	Nonimmigrant status
		STATUS_DESC	A valid SEVIS status for a nonimmigrant.
SEV_LK_STUDENT_CA NCEL	Reasons for canceling students	STUDENT_CANCE L_CODE	A value representing a cancellation reason for students
		STUDENT_CANCE L_DESC	A reason for canceling a student
SEV_LK_STUDENT_ED U_LEVEL	Educational levels for students	STUDENT_EDU_L EVEL_CODE	A value representing a student's education level
		STUDENT_EDU_L EVEL_DESC	The name of a student's education level
SEV_LK_STUDENT_RE Q_STATUS	Reasons for a Student Request	STUDENT_REQ_S TATUS_CODE	The code representing the status of a student request
		STUDENT_REQ_S TATUS_DESC	Student request status description
SEV_LK_STUDENT_TER MINTN	Reasons for terminating students	STUDENT_TERM INTN_CODE	Primary key
		STUDENT_TERM INTN_DESC	Termination description
SEV_LK_SUFFIX	Suffixes for peoples' names	SUFFIX_CODE	A code representing a valid suffix for a person's name
		SUFFIX_DESC	A suffix for a person's name, corresponding to a suffix code
SEV_LK_VISA	Valid admission classes for students and exchange visitors, and their dependents	VISA_CODE	A value representing the admission class of a nonimmigrant
		VISA_DESC	A valid SEVIS visa class, represented by a Visa Code

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APPENDIX B

NCTC Reporting Requirements

Pursuant to section 5.M of this MOA, NCTC will report to SEVP and CTCEU the following information on a quarterly basis:

1. Number of SEVIS records reviewed.
2. Number of records identified as possible terrorism information reviewed distinguishing U.S. Person and non-U.S. Person records.
3. Number of records confirmed as terrorism information distinguishing U.S. Person, and non-U.S. Person records.
4. Number of NCTC intelligence reports created and disseminated based on information from SEVIS.
5. Number of TIDE records enhanced with SEVIS Data.
6. Number of SEVIS records matched to terrorism information that are initially deemed valid that are later determined to be invalid.
7. Number of SEVIS records removed from or corrected in NCTC holdings.
8. Number of SEVIS records NCTC deleted after an individual becomes a U.S. Person and NCTC has determined to the record does not constitute terrorism information.

APPENDIX C

NCTC AG Guidelines Implementing Instructions

NCTC will follow all documented instructions as outlined within the memorandum of agreement (MOA) between the Attorney General (AG) and the Director of National Intelligence (DNI) on Guidelines for Access, Retention, Use and Dissemination by the NCTC - or any successor procedures subsequently approved by the DNI and AG concerning the access, retention, use, and dissemination - of terrorism information within datasets identified as including non-terrorism information and information pertaining exclusively to domestic terrorism and clauses identified within this MOA.

With respect to the Department of Homeland Security's provision of United States Person, refugee, or asylee information from SEVIS, NCTC will review and process all the provided information within 180 calendar days of receipt from DHS to determine whether the information, in whole or in part, constitutes terrorism information. Records determined to be terrorism information will be retained, used and disseminated according to the conditions set forth in the underlying agreement. All other records will be deleted upon a determination that they are not terrorism records, but not more than 180 days from the date of receipt of the records.