**Code of Federal Regulations**

**Title 8 – Aliens and Nationality**

**PART I – Definitions:** [**https://www.ecfr.gov/current/title-8/chapter-I/subchapter-A/part-1**](https://www.ecfr.gov/current/title-8/chapter-I/subchapter-A/part-1)

## § 1.1 Applicability.

This part further defines some of the terms already described in section 101 and other sections of the Immigration and Nationality Act (66 Stat. 163), as amended, and such other enactments as pertain to immigration and nationality. These terms are used consistently by components within the Department of Homeland Security including U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and U.S. Citizenship and Immigration Services.

## § 1.2 Definitions.

As used in this chapter I, the term:

Act or INA means the Immigration and Nationality Act, as amended.

Application means benefit request.

Arriving alien means an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport. An arriving alien remains an arriving alien even if paroled pursuant to section 212(d)(5) of the Act, and even after any such parole is terminated or revoked. However, an arriving alien who was paroled into the United States before April 1, 1997, or who was paroled into the United States on or after April 1, 1997, pursuant to a grant of advance parole which the alien applied for and obtained in the United States prior to the alien's departure from and return to the United States, will not be treated, solely by reason of that grant of parole, as an arriving alien under section 235(b)(1)(A)(i) of the Act.

Attorney means any person who is eligible to practice law in, and is a member in good standing of the bar of, the highest court of any State, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbarring, or otherwise restricting him or her in the practice of law.

Benefit request means any application, petition, motion, appeal, or other request relating to an immigration or naturalization benefit, whether such request is filed on a paper form or submitted in an electronic format, provided such request is submitted in a manner prescribed by DHS for such purpose.

Board means the Board of Immigration Appeals within the Executive Office for Immigration Review, Department of Justice, as defined in [8 CFR 1001.1(e)](https://www.ecfr.gov/current/title-8/section-1001.1#p-1001.1(e)).

Case, unless the context otherwise requires, means any proceeding arising under any immigration or naturalization law, Executive Order, or Presidential proclamation, or preparation for or incident to such proceeding, including preliminary steps by any private person or corporation preliminary to the filing of the application or petition by which any proceeding under the jurisdiction of the Service or the Board is initiated.

CBP means U.S. Customs and Border Protection.

Commissioner means the Commissioner of the Immigration and Naturalization Service prior to March 1, 2003. Unless otherwise specified, references after that date mean the Director of U.S. Citizenship and Immigration Services, the Commissioner of U.S. Customs and Border Protection, and the Director of U.S. Immigration and Customs Enforcement, as appropriate in the context in which the term appears.

Day, when computing the period of time for taking any action provided in this chapter I including the taking of an appeal, shall include Saturdays, Sundays, and legal holidays, except that when the last day of the period computed falls on a Saturday, Sunday, or a legal holiday, the period shall run until the end of the next day which is not a Saturday, Sunday, or a legal holiday.

Department or DHS, unless otherwise noted, means the Department of Homeland Security.

Director or district director prior to March 1, 2003, means the district director or regional service center director, unless otherwise specified. On or after March 1, 2003, pursuant to delegation from the Secretary of Homeland Security or any successive re-delegation, the terms mean, to the extent that authority has been delegated to such official: asylum office director; director, field operations; district director for interior enforcement; district director for services; field office director; service center director; or special agent in charge. The terms also mean such other official, including an official in an acting capacity, within U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, or other component of the Department of Homeland Security who is delegated the function or authority above for a particular geographic district, region, or area.

EOIR means the Executive Office for Immigration Review within the Department of Justice.

Executed or execute means fully completed.

Form when used in connection with a benefit or other request to be filed with DHS to request an immigration benefit, means a device for the collection of information in a standard format that may be submitted in paper format or in an electronic format as prescribed by USCIS on its official Internet Web site. The term Form followed by an immigration form number includes an approved electronic equivalent of such form as may be prescribed by the appropriate component on its official Internet Web site.

Form instructions means instructions on how to complete and where to file a benefit request, supporting evidence or fees, or any other required or preferred document or instrument with a DHS immigration component. Form instructions prescribed by USCIS or other DHS immigration components on their official Internet Web sites will be considered the currently applicable version, notwithstanding paper or other versions that may be in circulation, and may be issued through non-form guidance such as appendices, exhibits, guidebooks, or manuals.

ICE means U.S. Immigration and Customs Enforcement.

Immigration judge means an immigration judge as defined in [8 CFR 1001.1(l)](https://www.ecfr.gov/current/title-8/section-1001.1#p-1001.1(l)).

Immigration officer means the following employees of the Department of Homeland Security, including senior or supervisory officers of such employees, designated as immigration officers authorized to exercise the powers and duties of such officer as specified by the Act and this chapter I: aircraft pilot, airplane pilot, asylum officer, refugee corps officer, Border Patrol agent, contact representative, deportation officer, detention enforcement officer, detention officer, fingerprint specialist, forensic document analyst, general attorney (except with respect to CBP, only to the extent that the attorney is performing any immigration function), helicopter pilot, immigration agent (investigations), immigration enforcement agent, immigration information officer, immigration inspector, immigration officer, immigration services officer, investigator, intelligence agent, intelligence officer, investigative assistant, special agent, other officer or employee of the Department of Homeland Security or of the United States as designated by the Secretary of Homeland Security as provided in [8 CFR 2.1](https://www.ecfr.gov/current/title-8/section-2.1).

Lawfully admitted for permanent residence means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed. Such status terminates upon entry of a final administrative order of exclusion, deportation, or removal.

Petition. See Benefit request.

Practice means the act or acts of any person appearing in any case, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client before or with DHS.

Preparation, constituting practice, means the study of the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers, but does not include the lawful functions of a notary public or service consisting solely of assistance in the completion of blank spaces on printed DHS forms, by one whose remuneration, if any, is nominal and who does not hold himself or herself out as qualified in legal matters or in immigration and naturalization procedure.

Representation before DHS includes practice and preparation as defined in this section.

Representative refers to a person who is entitled to represent others as provided in [8 CFR 292.1(a)(2)](https://www.ecfr.gov/current/title-8/section-292.1#p-292.1(a)(2)) through [(6)](https://www.ecfr.gov/current/title-8/section-292.1#p-292.1(a)(6)) and [8 CFR 292.1(b)](https://www.ecfr.gov/current/title-8/section-292.1#p-292.1(b)).

Respondent means an alien named in a Notice to Appear issued in accordance with section 239(a) of the Act, or in an Order to Show Cause issued in accordance with [8 CFR 242.1](https://www.ecfr.gov/current/title-8/section-242.1) (1997) as it existed prior to April 1, 1997.

Secretary, unless otherwise noted, means the Secretary of Homeland Security.

Service means U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, and/or U.S. Immigration and Customs Enforcement, as appropriate in the context in which the term appears.

Service counsel means any immigration officer assigned to represent the Service in any proceeding before an immigration judge or the Board of Immigration Appeals.

Transition program effective date as used with respect to extending the immigration laws to the Commonwealth of the Northern Mariana Islands means November 28, 2009.

USCIS means U.S. Citizenship and Immigration Services.

## § 1.3 Lawfully present aliens for purposes of applying for Social Security benefits.

(a) **Definition of the term an “alien who is lawfully present in the United States.”** For the purposes of [8 U.S.C. 1611(b)(2)](https://www.govinfo.gov/link/uscode/8/1611) only, an “alien who is lawfully present in the United States” means:

(1) A qualified alien as defined in [8 U.S.C. 1641(b)](https://www.govinfo.gov/link/uscode/8/1641);

(2) An alien who has been inspected and admitted to the United States and who has not violated the terms of the status under which he or she was admitted or to which he or she has changed after admission;

(3) An alien who has been paroled into the United States pursuant to section 212(d)(5) of the Act for less than 1 year, except:

(i) Aliens paroled for deferred inspection or pending removal proceedings under section 240 of the Act; and

(ii) Aliens paroled into the United States for prosecution pursuant to [8 CFR 212.5(b)(3)](https://www.ecfr.gov/current/title-8/section-212.5#p-212.5(b)(3));

(4) An alien who belongs to one of the following classes of aliens permitted to remain in the United States because DHS has decided for humanitarian or other public policy reasons not to initiate removal proceedings or enforce departure:

(i) Aliens currently in temporary resident status pursuant to section 210 or 245A of the Act;

(ii) Aliens currently under Temporary Protected Status (TPS) pursuant to section 244 of the Act;

(iii) Cuban-Haitian entrants, as defined in section 202(b) of Pub. L. 99-603, as amended;

(iv) Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649, as amended;

(v) Aliens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;

(vi) Aliens currently in deferred action status;

(vii) Aliens who are the spouse or child of a United States citizen whose visa petition has been approved and who have a pending application for adjustment of status;

(5) Applicants for asylum under section 208(a) of the Act and applicants for withholding of removal under section 241(b)(3) of the Act or under the Convention Against Torture who have been granted employment authorization, and such applicants under the age of 14 who have had an application pending for at least 180 days.

(b) **Non-issuance of a Notice to Appear and non-enforcement of deportation, exclusion, or removal orders.** An alien may not be deemed to be lawfully present solely on the basis of DHS's decision not to, or failure to:

(1) Issue a Notice to Appear; or

(2) Enforce an outstanding order of deportation, exclusion or removal.

## § 1.4 Definition of Form I-94

The term Form I-94, as used in this chapter I, includes the collection of arrival/departure and admission or parole information by DHS, whether in paper or electronic format, which is made available to the person about whom the information has been collected, as may be prescribed by DHS. The following terms, when used in the context of the Form I-94, are clarified as to their meaning to accommodate the collection of such information in an electronic format.

(a) The terms “annotate,” “note,” “indicate on,” “stamp,” and “endorse,” unless used in [part 231 of this chapter](https://www.ecfr.gov/current/title-8/part-231), include, but are not limited, to DHS amending, including or completing information in its electronic record of admission, or arrival/departure. For purposes of part 231, the term “endorse” includes but is not limited to the submission of electronic departure data to CBP.

(b) The terms “completed,” “completely executed” and “completed and signed” include, but are not limited to, DHS completing its collection of information into its electronic record of admission, or arrival/departure.

(c) The terms “issuance” and “given” include, but are not limited to, the creation of an electronic record of admission, or arrival/departure by DHS following an inspection performed by an immigration officer.

(d) The term “original I-94” includes, but is not limited to, any printout or electronic transmission of information from DHS systems containing the electronic record of admission or arrival/departure.

(e) The terms “present,” “presentation,” or “submission” of a Form I-94, unless they are used in [§ 231.1](https://www.ecfr.gov/current/title-8/section-231.1) or [§ 231.2 of this chapter](https://www.ecfr.gov/current/title-8/section-231.2), include, but are not limited to, providing a printout of information from DHS systems containing an electronic record of admission or arrival/departure. For purposes of [§ 231.1 of this chapter](https://www.ecfr.gov/current/title-8/section-231.1), the terms “present” or “submission” of the Form I-94 includes ensuring that each passenger presents him/herself to a CBP Officer for inspection at a U.S. port-of-entry. For the purposes of [§ 231.2 of this chapter](https://www.ecfr.gov/current/title-8/section-231.2), the terms “present,” “submit,” or “submission” of the Form I-94 includes ensuring that each passenger is available for inspection by a CBP Officer upon request.

(f) The term “possession” with respect to a Form I-94 includes, but is not limited to, obtaining a copy or printout of the record of an electronic evidence of admission or arrival/departure from the appropriate CBP systems.

(g) The terms “surrendering,” “turning in a Form I-94,” and “departure I-94” includes, but is not limited to, complying with any departure controls under [8 CFR part 215](https://www.ecfr.gov/current/title-8/part-215) that may be prescribed by CBP in addition to the submission of electronic departure data to CBP by a carrier.

**Part 2 – Authority of the Secretary of Homeland Security:** [**https://www.ecfr.gov/current/title-8/chapter-I/subchapter-A/part-2**](https://www.ecfr.gov/current/title-8/chapter-I/subchapter-A/part-2)

**PART 100 – Statement of Organization:** <https://www.ecfr.gov/current/title-8/part-100>

**Part 214**

**Part 214.1.** [**https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-214/subpart-A/section-214.1**](https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-214/subpart-A/section-214.1)

## § 214.1 Requirements for admission, extension, and maintenance of status.

(a) **General** —

(1) **Nonimmigrant classes.** For the purpose of administering the nonimmigrant provisions of the Act, the following administrative subclassifications of nonimmigrant classifications as defined in section 101(a)(15) of the Act are established:

(2) **Classification designations.** For the purpose of this chapter the following nonimmigrant designations are established. The designation in the second column may be used to refer to the appropriate nonimmigrant classification.

| **Section** | **Designation** |
| --- | --- |
| 101(a)(15)(F)(i) | F-1. |
| 101(a)(15)(F)(ii) | F-2. |

(3) General requirements. (i) Every nonimmigrant alien who applies for admission to, or an extension of stay in, the United States, must establish that he or she is admissible to the United States, or that any ground of inadmissibility has been waived under section 212(d)(3) of the Act. Upon application for admission, the alien must present a valid passport and valid visa unless either or both documents have been waived. A nonimmigrant alien's admission to the United States is conditioned on compliance with any inspection requirement in [§ 235.1(d)](https://www.ecfr.gov/current/title-8/section-235.1#p-235.1(d)) or of this chapter, as well as compliance with part 215, subpart B, of this chapter, if applicable. The passport of an alien applying for admission must be valid for a minimum of six months from the expiration date of the contemplated period of stay, unless otherwise provided in this chapter, and the alien must agree to abide by the terms and conditions of his or her admission. An alien applying for extension of stay must present a passport only if requested to do so by the Department of Homeland Security. The passport of an alien applying for extension of stay must be valid at the time of application for extension, unless otherwise provided in this chapter, and the alien must agree to maintain the validity of his or her passport and to abide by all the terms and conditions of his extension.

(ii) At the time of admission or extension of stay, every nonimmigrant alien must also agree to depart the United States at the expiration of his or her authorized period of admission or extension of stay, or upon abandonment of his or her authorized nonimmigrant status, and to comply with the departure procedures at [section 215.8 of this chapter](https://www.ecfr.gov/current/title-8/section-215.8) if such procedures apply to the particular alien. The nonimmigrant alien's failure to comply with those departure requirements, including any requirement that the alien provide biometric identifiers, may constitute a failure of the alien to maintain the terms of his or her nonimmigrant status.

(iii) At the time a nonimmigrant alien applies for admission or extension of stay, he or she must post a bond on Form I-352 in the sum of not less than $500, to ensure the maintenance of his or her nonimmigrant status and departure from the United States, if required to do so by the Commissioner of CBP, the Director of U.S. Citizenship and Immigration Services, an immigration judge, or the Board of Immigration Appeals.

(b) Readmission of nonimmigrants under section 101(a)(15) (F), (J), (M), or (Q)(ii) to complete unexpired periods of previous admission or extension of stay —(1) Section 101(a)(15)(F). The inspecting immigration officer shall readmit for duration of status as defined in [§ 214.2(f)(5)(i)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(5)(i)), any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to [22 CFR 41.112(d)](https://www.ecfr.gov/current/title-22/section-41.112#p-41.112(d)) and who is applying for readmission under section 101(a)(15)(F) of the Act, if the alien:

(i) Is admissible;

(ii) Is applying for readmission after an absence from the United States not exceeding thirty days solely in contiguous territory or adjacent islands;

(iii) Is in possession of a valid passport unless exempt from the requirement for presentation of a passport; and

(iv) Presents, or is the accompanying spouse or child of an alien who presents, an Arrival-Departure Record, Form I-94 (see [§ 1.4 of this chapter](https://www.ecfr.gov/current/title-8/section-1.4)), issued to the alien in connection with the previous admission or stay, and either:

(A) A properly endorsed Form I-20 or successor form if there has been no substantive change in the information on the student's most recent Form I-20 or successor form since the form was initially issued; or

(B) A new Form I-20 or successor form if there has been any substantive change in the information on the student's most recent Form I-20 or successor form since the form was initially issued.

(2) **Section 101(a)(15)(J).** The inspecting immigration officer shall readmit for the unexpired period of stay authorized prior to the alien's departure, any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to [22 CFR 41.112(d)](https://www.ecfr.gov/current/title-22/section-41.112#p-41.112(d)) and who is applying for readmission under section 101(a)(15)(J) of the Act, if the alien:

(i) Is admissible;

(ii) Is applying for readmission after an absence from the United States not exceeding thirty days solely in contiguous territory or adjacent islands;

(iii) Is in possession of a valid passport unless exempt from the requirement for the presentation of a passport; and

(iv) Presents, or is the accompanying spouse or child of an alien who presents, Form I-94 issued to the alien in connection with the previous admission or stay or the last Form DS-2019 issued to the alien. Form I-94 or Form DS-2019 must show the unexpired period of the alien's stay properly endorsed.

(3) **Section 101(a)(15)(M).** The inspecting immigration officer shall readmit for the unexpired period of stay authorized prior to the alien's departure, any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to [22 CFR 41.112(d)](https://www.ecfr.gov/current/title-22/section-41.112#p-41.112(d)) and who is applying for readmission under section 101(a)(15)(M) of the Act, if the alien:

(i) Is admissible;

(ii) Is applying for readmission after an absence not exceeding thirty days solely in contiguous territory;

(iii) Is in possession of a valid passport unless exempt from the requirement for presentation of a passport; and

(iv) Presents, or is the accompanying spouse or child of an alien who presents, Form I-94 issued to the alien in connection with the previous admission or stay, and the alien's properly endorsed Form I-20 or successor form.

(4) **Section 101(a)(15)(Q)(ii).** The inspecting immigration officer shall readmit for the unexpired period of stay authorized prior to the alien's departure, if the alien:

(i) Is admissible;

(ii) Is applying for readmission after an absence from the United States not exceeding 30 days solely in contiguous territory or adjacent islands;

(iii) Is in possession of a valid passport;

(iv) Presents, or is the accompanying spouse or child of an alien who presents, an Arrival-Departure Record, Form I-94, issued to the alien in connection with the previous admission or stay. The principal alien must also present a Certification Letter issued by the Department of State's Program Administrator.

(c) **Extensions of stay** —

(1) **Extension or amendment of stay for certain employment-based nonimmigrant workers.** An applicant or petitioner seeking the services of an E-1, E-2, E-3, H-1B, H-1B1, H-2A, H-2B, H-3, L-1, O-1, O-2, P-1, P-2, P-3, P-1S, P-2S, P-3S, Q-1, R-1, or TN nonimmigrant beyond the period previously granted, or seeking to amend the terms and conditions of the nonimmigrant's stay without a request for additional time, must file for an extension of stay or amendment of stay, on Form I-129, with the fee prescribed in [8 CFR 106.2](https://www.ecfr.gov/current/title-8/section-106.2), with the initial evidence specified in [§ 214.2](https://www.ecfr.gov/current/title-8/section-214.2), and in accordance with the form instructions. Dependents holding derivative status may be included in the petition if it is for only one worker and the form version specifically provides for their inclusion. In all other cases, dependents of the worker should file extensions of stay using Form I-539.

(2) **Filing on Form I-539.** Any other nonimmigrant alien, except an alien in F or J status who has been granted duration of status, who seeks to extend his or her stay beyond the currently authorized period of admission, must apply for an extension of stay on Form I-539 with the fee required in [8 CFR 106.2](https://www.ecfr.gov/current/title-8/section-106.2) together with any initial evidence specified in the applicable provisions of [§ 214.2](https://www.ecfr.gov/current/title-8/section-214.2), and on the application form. More than one person may be included in an application where the co-applicants are all members of a single family group and either all hold the same nonimmigrant status or one holds a nonimmigrant status and the other co-applicants are his or her spouse and/or children who hold derivative nonimmigrant status based on his or her status. Extensions granted to members of a family group must be for the same period of time. The shortest period granted to any member of the family shall be granted to all members of the family. In order to be eligible for an extension of stay, nonimmigrant aliens in K-3/K-4 status must do so in accordance with [§ 214.2(k)(10)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(k)(10)).

(3) **Ineligible for extension of stay.** A nonimmigrant in any of the following classes is ineligible for an extension of stay:

(i) B-1 or B-2 where admission was pursuant to the Visa Waiver Pilot Program;

(ii) C-1, C-2, C-3;

(iii) D-1, D-2;

(iv) K-1, K-2;

(v) Any nonimmigrant admitted for duration of status, other than as provided in [§ 214.2(f)(7)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(7));

(vi) Any nonimmigrant who is classified pursuant to section 101(a)(15)(S) of the Act beyond a total of 3 years; or

(vii) Any nonimmigrant who is classified according to section 101(a)(15)(Q)(ii) of the Act beyond a total of 3 years.

(viii) Any nonimmigrant admitted pursuant to the Guam-CNMI Visa Waiver Program, or its sub-program, the CNMI Economic Vitality & Security Travel Authorization Program (EVS-TAP), as provided in section 212(l) of the Act.

(4) **Timely filing and maintenance of status.**

(i) An extension or amendment of stay may not be approved for an applicant or beneficiary who failed to maintain the previously accorded status or where such status expired before the application or petition was filed, except that USCIS may excuse the late filing in its discretion where it is demonstrated at the time of filing that:

(A) The delay was due to extraordinary circumstances beyond the control of the applicant or petitioner, and USCIS finds the delay commensurate with the circumstances;

(B) The applicant or beneficiary has not otherwise violated their nonimmigrant status;

(C) The applicant or beneficiary remains a bona fide nonimmigrant; and

(D) The applicant or beneficiary is not the subject of deportation proceedings under section 242 of the Act (prior to April 1, 1997) or removal proceedings under section 240 of the Act.

(ii) If USCIS excuses the late filing of an extension of stay or amendment of stay request, it will do so without requiring the filing of a separate application or petition and will grant the extension of stay from the date the previously authorized stay expired, or the amendment of stay from the date the petition was filed.

(5) **Deference to prior USCIS determinations of eligibility.** When adjudicating a request filed on Form I-129 involving the same parties and the same underlying facts, USCIS gives deference to its prior determination of the petitioner's, applicant's, or beneficiary's eligibility. However, USCIS need not give deference to a prior approval if: there was a material error involved with a prior approval; there has been a material change in circumstances or eligibility requirements; or there is new, material information that adversely impacts the petitioner's, applicant's, or beneficiary's eligibility.

(6) **Evidence of maintenance of status.** When requesting an extension or amendment of stay on Form I-129, an applicant or petitioner must submit supporting evidence to establish that the applicant or beneficiary maintained the previously accorded nonimmigrant status before the extension or amendment request was filed. Evidence of such maintenance of status may include, but is not limited to: copies of paystubs, W-2 forms, quarterly wage reports, tax returns, contracts, and work orders.

(7) **Decision on extension or amendment of stay request.** Where an applicant or petitioner demonstrates eligibility for a requested extension or amendment of stay, USCIS may grant the extension or amendment in its discretion. The denial of an extension or amendment of stay request may not be appealed.

(d) **Termination of status.** Within the period of initial admission or extension of stay, the nonimmigrant status of an alien shall be terminated by the revocation of a waiver authorized on his or her behalf under section 212(d) (3) or (4) of the Act; by the introduction of a private bill to confer permanent resident status on such alien; or, pursuant to notification in the Federal Register, on the basis of national security, diplomatic, or public safety reasons.

(e) **Employment.** A nonimmigrant in the United States in a class defined in section 101(a)(15)(B) of the Act as a temporary visitor for pleasure, or section 101(a)(15)(C) of the Act as an alien in transit through this country, may not engage in any employment. Any other nonimmigrant in the United States may not engage in any employment unless he has been accorded a nonimmigrant classification which authorizes employment or he has been granted permission to engage in employment in accordance with the provisions of this chapter. A nonimmigrant who is permitted to engage in employment may engage only in such employment as has been authorized. Any unauthorized employment by a nonimmigrant constitutes a failure to maintain status within the meaning of section 241(a)(1)(C)(i) of the Act.

(f) **False information.** A condition of a nonimmigrant's admission and continued stay in the United States is the full and truthful disclosure of all information requested by DHS. A nonimmigrant's willful failure to provide full and truthful information requested by DHS (regardless of whether or not the information requested was material) constitutes a failure to maintain nonimmigrant status under section 237(a)(1)(C)(i) of the Act.

(g) **Criminal activity.** A condition of a nonimmigrant's admission and continued stay in the United States is obedience to all laws of United States jurisdictions which prohibit the commission of crimes of violence and for which a sentence of more than one year imprisonment may be imposed. A nonimmigrant's conviction in a jurisdiction in the United States for a crime of violence for which a sentence of more than one year imprisonment may be imposed (regardless of whether such sentence is in fact imposed) constitutes a failure to maintain status under section 241(a)(1)(C)(i) of the Act.

(h) **Education privacy and F, J, and M nonimmigrants.** As authorized by section 641(c)(2) of Division C of [Pub. L. 104-208](https://www.govinfo.gov/link/plaw/104/public/208), [8 U.S.C. 1372](https://www.govinfo.gov/link/uscode/8/1372), and [§ 2.1 of this chapter](https://www.ecfr.gov/current/title-8/section-2.1), DHS has determined that, with respect to F and M nonimmigrant students and J nonimmigrant exchange visitors, waiving the provisions of the Family Educational Rights and Privacy Act (FERPA), [20 U.S.C. 1232g](https://www.govinfo.gov/link/uscode/20/1232g), is necessary for the proper implementation of [8 U.S.C. 1372](https://www.govinfo.gov/link/uscode/8/1372). An educational agency or institution may not refuse to report information concerning an F or M nonimmigrant student or a J nonimmigrant exchange visitor that the educational agency or institution is required to report under [8 U.S.C. 1372](https://www.govinfo.gov/link/uscode/8/1372) and [§ 214.3(g)](https://www.ecfr.gov/current/title-8/section-214.3#p-214.3(g)) (or any corresponding Department of State regulation concerning J nonimmigrants) on the basis of FERPA and any regulation implementing FERPA. The waiver of FERPA under this paragraph authorizes and requires an educational agency or institution to report information concerning an F, J or M nonimmigrant that would ordinarily be protected by FERPA, but only to the extent that [8 U.S.C. 1372](https://www.govinfo.gov/link/uscode/8/1372) and [§ 214.3(g)](https://www.ecfr.gov/current/title-8/section-214.3#p-214.3(g)) (or any corresponding Department of State regulation concerning J nonimmigrants) requires the educational agency or institution to report information.

(i) **Employment in a health care occupation.**

(1) Except as provided in [8 CFR 212.15(n)](https://www.ecfr.gov/current/title-8/section-212.15#p-212.15(n)), any alien described in [8 CFR 212.15(a)](https://www.ecfr.gov/current/title-8/section-212.15#p-212.15(a)) who is coming to the United States to perform labor in a health care occupation described in [8 CFR 212.15(c)](https://www.ecfr.gov/current/title-8/section-212.15#p-212.15(c)) must obtain a certificate from a credentialing organization described in [8 CFR 212.15(e)](https://www.ecfr.gov/current/title-8/section-212.15#p-212.15(e)). The certificate or certified statement must be presented to the Department of Homeland Security in accordance with [8 CFR 212.15(d)](https://www.ecfr.gov/current/title-8/section-212.15#p-212.15(d)). In the alternative, an eligible alien seeking admission as a nurse may obtain a certified statement as provided in [8 CFR 212.15(h)](https://www.ecfr.gov/current/title-8/section-212.15#p-212.15(h)).

(2) A TN nonimmigrant may establish that he or she is eligible for a waiver described at [8 CFR 212.15(n)](https://www.ecfr.gov/current/title-8/section-212.15#p-212.15(n)) by providing evidence that his or her initial admission as a TN (or TC) nonimmigrant health care worker occurred before September 23, 2003, and he or she was licensed and employed in the United States as a health care worker before September 23, 2003. Evidence may include, but is not limited to, copies of TN or TC approval notices, copies of Form I-94 Arrival/Departure Records, employment verification letters and/or pay-stubs or other employment records, and state health care worker licenses.

(j) **Extension of stay or change of status for health care worker.** In the case of any alien admitted temporarily as a nonimmigrant under section 212(d)(3) of the Act and [8 CFR 212.15(n)](https://www.ecfr.gov/current/title-8/section-212.15#p-212.15(n)) for the primary purpose of the providing labor in a health care occupation described in [8 CFR 212.15(c)](https://www.ecfr.gov/current/title-8/section-212.15#p-212.15(c)), the petitioning employer may file an application or petition to extend the approval period for the alien's classification for the nonimmigrant status. If the alien is in the United States and is eligible for an extension of stay or change of status, the application or petition also serves as an application to extend the period of the alien's authorized stay or to change the alien's status. Although the application or petition may be approved, as it relates to the employer's request to classify the alien, the application for an extension of stay or change of status shall be denied if:

(1) The petitioner or applicant fails to submit the certification required by [8 CFR 212.15(a)](https://www.ecfr.gov/current/title-8/section-212.15#p-212.15(a)) with the petition or application to extend the alien's stay or change the alien's status; or

(2) The petition or application to extend the alien's stay or change the alien's status does include the certification required by [8 CFR 212.15(a)](https://www.ecfr.gov/current/title-8/section-212.15#p-212.15(a)), but the alien obtained the certification more than 1 year after the date of the alien's admission under section 212(d)(3) of the Act and [8 CFR 212.15(n)](https://www.ecfr.gov/current/title-8/section-212.15#p-212.15(n)). While DHS may admit, extend the period of authorized stay, or change the status of a nonimmigrant health care worker for a period of 1 year if the alien does not have certification on or before July 26, 2004 (or on or before July 26, 2005, in the case of a citizen of Canada or Mexico, who, before September 23, 2003, was employed as a TN or TC nonimmigrant health care worker and held a valid license from a U.S. jurisdiction), the alien will not be eligible for a subsequent admission, change of status, or extension of stay as a health care worker if the alien has not obtained the requisite certification 1 year after the initial date of admission, change of status, or extension of stay as a health care worker.

(k) **Denial of petitions under section 214(c) of the Act based on a finding by the Department of Labor.** Upon debarment by the Department of Labor pursuant to [20 CFR part 655](https://www.ecfr.gov/current/title-20/part-655), USCIS may deny any petition filed by that petitioner for nonimmigrant status under section 101(a)(15)(H) (except for status under sections 101(a)(15)(H)(i)(b1)), (L), (O), and (P)(i) of the Act) for a period of at least 1 year but not more than 5 years. The length of the period shall be based on the severity of the violation or violations. The decision to deny petitions, the time period for the bar to petitions, and the reasons for the time period will be explained in a written notice to the petitioner.

(l) **Period of stay.**

(1) An alien admissible in E-1, E-2, E-3, H-1B, L-1, or TN classification and his or her dependents may be admitted to the United States or otherwise provided such status for the validity period of the petition, or for a validity period otherwise authorized for the E-1, E-2, E-3, and TN classifications, plus an additional period of up to 10 days before the validity period begins and 10 days after the validity period ends. Unless authorized under [8 CFR 274a.12](https://www.ecfr.gov/current/title-8/section-274a.12), the alien may not work except during the validity period.

(2) An alien admitted or otherwise provided status in E-1, E-2, E-3, H-1B, H-1B1, L-1, O-1 or TN classification and his or her dependents shall not be considered to have failed to maintain nonimmigrant status solely on the basis of a cessation of the employment on which the alien's classification was based, for up to 60 consecutive days or until the end of the authorized validity period, whichever is shorter, once during each authorized validity period. DHS may eliminate or shorten this 60-day period as a matter of discretion. Unless otherwise authorized under [8 CFR 274a.12](https://www.ecfr.gov/current/title-8/section-274a.12), the alien may not work during such a period.

(3) An alien in any authorized period described in [paragraph (l)](https://www.ecfr.gov/current/title-8/section-214.1#p-214.1(l)) of this section may apply for and be granted an extension of stay under [paragraph (c)(4)](https://www.ecfr.gov/current/title-8/section-214.1#p-214.1(c)(4)) of this section or change of status under [8 CFR 248.1](https://www.ecfr.gov/current/title-8/section-248.1), if otherwise eligible.

214.2 Special requirements for admission, extension, and maintenance of status. F1

(f) **Students in colleges, universities, seminaries, conservatories, academic high schools, elementary schools, other academic institutions, and in language training programs.**

| Table 2 to Paragraph (f)—Paragraph Contents |
| --- |
| (1) Admission of student |
| (2) Form I-20 or successor form |
| (3) Admission of the spouse and minor children of an F-1 student |
| (4) Temporary absence |
| (5) Duration of status |
| (6) Full course of study |
| (7) Extension of stay |
| (8) School transfer |
| (9) Employment |
| (10) Practical training |
| (11) OPT application and approval process |
| (12) Reporting while on optional practical training |
| (13) Temporary absence from the United States of F-1 student granted employment authorization |
| (14) Effect of strike or other labor dispute |
| (15) Spouse and children of F-1 student |
| (16) Reinstatement to student status |
| (17) Current name and address |
| (18) Special rules for certain border commuter students |
| (19) Remittance of the fee |

(1) **Admission of student** —

(i) **Eligibility for admission.** A nonimmigrant student may be admitted into the United States in nonimmigrant status under section 101(a)(15)(F) of the Act, if:

(A) The student presents a Form I-20 or successor form issued in the student's name by a school certified by the Student and Exchange Visitor Program (SEVP) for attendance by F-1 foreign students;

(B) The student has documentary evidence of financial support in the amount indicated on the Form I-20 or successor form;

(C) For students seeking initial admission only, the student intends to attend the school specified in the student's visa (or, where the student is exempt from the requirement for a visa, the school indicated on the Form I-20 or successor form); and

(D) In the case of a student who intends to study at a public secondary school, the student has demonstrated that he or she has reimbursed the local educational agency that administers the school for the full, unsubsidized per capita cost of providing education at the school for the period of the student's attendance.

(ii) **Form I-20 or successor form requirements at the port-of-entry.** When an F-1 student applies for admission with a complete Form I-20 or successor form, the inspecting officer will:

(A) Transcribe the student's admission number from Form I-94 onto the student's Form I-20 or successor form (for students seeking initial admission only);

(B) Endorse the Form I-20 or successor form; and

(C) Return the Form I-20 or successor form to the student.

(iii) **Use of the Student and Exchange Visitor Information System (SEVIS).** Schools must issue a Form I-20 or successor form in SEVIS to any current student requiring a reportable action (e.g., extension of stay, practical training, and requests for employment authorization), or to any alien who must obtain a new nonimmigrant student visa.

(2) **Student maintenance of Form I-20 or successor form.** An F-1 student is expected to retain for safekeeping the initial Form I-20 or successor form bearing the admission number and any subsequent Form I-20 issued to them. Should the student lose their current Form I-20 or successor form, a replacement copy bearing the same information as the lost copy, including any endorsement for employment and notations, should be issued by the designated school official (DSO) as defined in [§ 214.3(l)(1)](https://www.ecfr.gov/current/title-8/section-214.3#p-214.3(l)(1)).

(3) **Admission of the spouse and minor children of an F-1 student.** The spouse and minor children accompanying an F-1 student are eligible for admission in F-2 status if the student is admitted in F-1 status. The spouse and minor children following-to-join an F-1 student are eligible for admission to the United States in F-2 status if they are able to demonstrate that the F-1 student has been admitted and is, or will be within 30 days, enrolled in a full course of study, or engaged in approved practical training following completion of studies. In either case, at the time they seek admission, the eligible spouse and minor children of an F-1 student must individually present a Form I-20 or successor form in the name of each F-2 dependent issued by a school certified by SEVP for attendance by F-1 students. A new Form I-20 or successor form is required for a dependent where there has been any substantive change in the F-1 student's current information.

(4) **Temporary absence.** An F-1 student returning to the United States from a temporary absence of five months or less may be readmitted for attendance at an SEVP-certified educational institution, if the student presents:

(i) A current Form I-20 or successor form properly endorsed by the DSO for reentry if there has been no substantive change to the most recent Form I-20 or successor form information; or

(ii) An updated Form I-20 or successor form if there has been a substantive change in the information on the student's most recent Form I-20 or successor form, such as in the case of a student who has changed the major area of study, who intends to transfer to another SEVP-certified institution, or who has advanced to a higher level of study.

(5) **Duration of status** —

(i) **General.** Duration of status is defined as the time during which an F-1 student is pursuing a full course of study at an educational institution certified by SEVP for attendance by foreign students, or engaging in authorized practical training following completion of studies, except that an F-1 student who is admitted to attend a public high school is restricted to an aggregate of 12 months of study at any public high school(s). An F-1 student may be admitted for a period up to 30 days before the indicated report date or program start date listed on the Form I-20 or successor form. The student is considered to be maintaining status if the student is making normal progress toward completing a course of study.

(ii) **Change in educational levels.** An F-1 student who continues from one educational level to another is considered to be maintaining status, provided that the transition to the new educational level is accomplished according to transfer procedures outlined in [paragraph (f)(8)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(8)) of this section.

(iii) **Annual vacation.** An F-1 student at an academic institution is considered to be in status during the annual (or summer) vacation if the student is eligible and intends to register for the next term. A student attending a school on a quarter or trimester calendar who takes only one vacation a year during any one of the quarters or trimesters instead of during the summer is considered to be in status during that vacation, if the student has completed the equivalent of an academic year prior to taking the vacation.

(iv) **Preparation for departure.** An F-1 student who has completed a course of study and any authorized practical training following completion of studies will be allowed an additional 60-day period to prepare for departure from the United States or to transfer in accordance with [paragraph (f)(8)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(8)) of this section. An F-1 student authorized by the DSO to withdraw from classes will be allowed a 15-day period for departure from the United States. However, an F-1 student who fails to maintain a full course of study without the approval of the DSO or otherwise fails to maintain status is not eligible for an additional period for departure.

(v) **Emergent circumstances as determined by the Secretary.** Where the Secretary has suspended the applicability of any or all of the requirements for on-campus or off-campus employment authorization for specified students pursuant to [paragraphs (f)(9)(i)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(9)(i)) or [(ii)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(9)(ii)) of this section by notice in the Federal Register, an affected student who needs to reduce their full course of study as a result of accepting employment authorized by such notice in the Federal Register will be considered to be in status during the authorized employment, subject to any other conditions specified in the notice, provided that, for the duration of the authorized employment, the student is registered for the number of semester or quarter hours of instruction per academic term specified in the notice, which in no event shall be less than six semester or quarter hours of instruction per academic term if the student is at the undergraduate level or less than three semester or quarter hours of instruction per academic term if the student is at the graduate level, and is continuing to make progress toward completing the course of study.

(vi) **Extension of duration of status and grant of employment authorization.**

(A) The duration of status, and any employment authorization granted under [8 CFR 274a.12(c)(3)(i)(B)](https://www.ecfr.gov/current/title-8/section-274a.12#p-274a.12(c)(3)(i)(B)) or [(C)](https://www.ecfr.gov/current/title-8/section-274a.12#p-274a.12(c)(3)(i)(C)), of an F-1 student who is the beneficiary of an H-1B petition subject to section 214(g)(1)(A) of the Act ([8 U.S.C. 1184(g)(1)(A)](https://www.govinfo.gov/link/uscode/8/1184)) requesting a change of status will be automatically extended until April 1 of the fiscal year for which such H-1B status is being requested or until the validity start date of the approved petition, whichever is earlier, where such petition:

(1) Has been timely filed;

(2) Requests an H-1B employment start date in the fiscal year for which such H-1B status is being requested consistent with [paragraph (h)(2)(i)(I)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(h)(2)(i)(I)) of this section; and

(3) Is nonfrivolous.

(B) The automatic extension of an F-1 student's duration of status and employment authorization under [paragraph (f)(5)(vi)(A)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(5)(vi)(A)) of this section shall automatically terminate upon the rejection, denial, revocation, or withdrawal of the H-1B petition filed on such F-1 student's behalf or upon the denial or withdrawal of the request for change of nonimmigrant status, even if the H-1B petition filed on the F-1 student's behalf is approved for consular processing.

(C) In order to obtain the automatic extension of stay and employment authorization under [paragraph (f)(5)(vi)(A)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(5)(vi)(A)) of this section, the F-1 student, consistent with [8 CFR part 248](https://www.ecfr.gov/current/title-8/part-248), must not have violated the terms or conditions of his or her nonimmigrant status.

(D) An automatic extension of an F-1 student's duration of status under [paragraph (f)(5)(vi)(A)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(5)(vi)(A)) of this section also applies to the duration of status of any F-2 dependent aliens.

(6) **Full course of study** —

(i) **General.** Successful completion of the full course of study must lead to the attainment of a specific educational or professional objective. A course of study at an institution not certified for attendance by foreign students as provided in [§ 214.3(a)(3)](https://www.ecfr.gov/current/title-8/section-214.3#p-214.3(a)(3)) does not satisfy the requirement of this [paragraph (f)(6)(i)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(6)(i)). A “full course of study” as required by section 101(a)(15)(F)(i) of the Act means:

(A) Postgraduate study or postdoctoral study at a college or university, or undergraduate or postgraduate study at a conservatory or religious seminary, certified by a DSO as a full course of study;

(B) Undergraduate study at a college or university, certified by a school official to consist of at least 12 semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter hour systems, where all undergraduate students who are enrolled for a minimum of 12 semester or quarter hours are charged full-time tuition or are considered full-time for other administrative purposes, or its equivalent (as determined by SEVP in the school certification process), except when the student needs a lesser course load to complete the course of study during the current term;

(C) Study in a postsecondary language, liberal arts, fine arts, or other non-vocational program at a school which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three other institutions of higher learning which are either:

(1) A school (or school system) owned and operated as a public educational institution by the United States or a State or political subdivision thereof; or

(2) A school accredited by a nationally recognized accrediting body; and which has been certified by a designated school official to consist of at least 12 clock hours of instruction a week, or its equivalent as determined by SEVP in the school certification process;

(D) Study in any other language, liberal arts, fine arts, or other nonvocational training program, certified by a designated school official to consist of at least eighteen clock hours of attendance a week if the dominant part of the course of study consists of classroom instruction, or to consist of at least twenty-two clock hours a week if the dominant part of the course of study consists of laboratory work; or

(E) Study in a curriculum at a certified private elementary or middle school or public or private academic high school which is certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress toward graduation.

(F) Notwithstanding [paragraphs (f)(6)(i)(A)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(6)(i)(A)) and [(B)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(6)(i)(B)) of this section, an alien who has been granted employment authorization pursuant to the terms of a document issued by the Secretary under [paragraphs (f)(9)(i)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(9)(i)) or [(ii)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(9)(ii)) of this section and published in the Federal Register shall be deemed to be engaged in a “full course of study” if he or she remains registered for no less than the number of semester or quarter hours of instruction per academic term specified by the Secretary in the notice for the validity period of such employment authorization.

(G) For F-1 students enrolled in classes for credit or classroom hours, no more than the equivalent of one class or three credits per session, term, semester, trimester, or quarter may be counted toward the full course of study requirement if the class is taken on-line or through distance education and does not require the student's physical attendance for classes, examination or other purposes integral to completion of the class. An on-line or distance education course is a course that is offered principally through the use of television, audio, or computer transmission including open broadcast, closed circuit, cable, microwave, or satellite, audio conferencing, or computer conferencing. If the F-1 student's course of study is in a language study program, no on-line or distance education classes may be considered to count toward a student's full course of study requirement.

(H) On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study.

(ii) **Institution of higher learning.** For purposes of this paragraph, a college or university is an institution of higher learning which awards recognized associate, bachelor's, master's, doctorate, or professional degrees. Schools which devote themselves exclusively or primarily to vocational, business, or language instruction are not included in the category of colleges or universities. Vocational or business schools which are classifiable as M-1 schools are provided for by regulations under [8 CFR 214.2(m)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(m)).

(iii) **Reduced course load.** The designated school official may allow an F-1 student to engage in less than a full course of study as provided in this [paragraph (f)(6)(iii)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(6)(iii)). Except as otherwise noted, a reduced course load must consist of at least six semester or quarter hours, or half the clock hours required for a full course of study. A student who drops below a full course of study without the prior approval of the DSO will be considered out of status. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study.

(A) **Academic difficulties.** The DSO may authorize a reduced course load on account of a student's initial difficulty with the English language or reading requirements, unfamiliarity with U.S. teaching methods, or improper course level placement. The student must resume a full course of study at the next available term, session, or semester, excluding a summer session, in order to maintain student status. A student previously authorized to drop below a full course of study due to academic difficulties is not eligible for a second authorization by the DSO due to academic difficulties while pursuing a course of study at that program level. A student authorized to drop below a full course of study for academic difficulties while pursuing a course of study at a particular program level may still be authorized for a reduced course load due to an illness medical condition as provided for in [paragraph (B)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(B)) of this section.

(B) **Medical conditions.** The DSO may authorize a reduced course load (or, if necessary, no course load) due to a student's temporary illness or medical condition for a period of time not to exceed an aggregate of 12 months while the student is pursuing a course of study at a particular program level. In order to authorize a reduced course load based upon a medical condition, the student must provide medical documentation from a licensed medical doctor, a licensed doctor of osteopathy, a licensed psychologist, or a licensed clinical psychologist to the DSO to substantiate the illness or medical condition. The student must provide current medical documentation and the DSO must reauthorize the drop below full course of study each new term, session, or semester. A student previously authorized to drop below a full course of study due to illness or medical condition for an aggregate of 12 months may not be authorized by a DSO to reduce their course load on subsequent occasions while pursuing a course of study at the same program level. A student may be authorized to reduce course load for a reason of illness or medical condition on more than one occasion while pursuing a course of study, so long as the aggregate period of that authorization does not exceed 12 months.

(C) **Completion of course of study.** The DSO may authorize a reduced course load in the student's final term, semester, or session if fewer courses are needed to complete the course of study. If the student is not required to take any additional courses to satisfy the requirements for completion, but continues to be enrolled for administrative purposes, the student is considered to have completed the course of study and must take action to maintain status. Such action may include application for change of status or departure from the U.S.

(D) [Reserved]

(E) **Reporting requirements.** In order for a student to be authorized to drop below a full course of study, the DSO must update SEVIS prior to the student reducing their course load. The DSO must update SEVIS with the date, reason for authorization, and the start date of the next term or session. The DSO must also notify SEVIS within 21 days of the student's commencement of a full course of study. If an extension of the program end date is required due to the student dropping below a full course of study, the DSO must update SEVIS by completing a new Form I-20 or successor form with the new program end date in accordance with [paragraph (f)(7)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(7)) of this section.

(iv) **Concurrent enrollment.** An F-1 student may be enrolled in two different SEVP-certified schools at one time as long as the combined enrollment amounts to a full course of study. In cases where a student is concurrently enrolled, the school from which the student will earn their degree or certification should issue the Form I-20 or successor form, and conduct subsequent certifications and updates to the Form I-20 or successor form. The DSO from this school is also responsible for all of the reporting requirements to SEVP. In instances where a student is enrolled in programs with different full course of study requirements (e.g., clock hours vs. credit hours), the DSO is permitted to determine what constitutes a full course of study.

(7) **Extension of stay** —

(i) **General.** An F-1 student who is admitted for duration of status is not required to apply for extension of stay as long as the student is maintaining status and making normal progress toward completion of their educational objective. An F-1 student who is currently maintaining status and making normal progress toward completing their educational objective, but who is unable to complete their course of study by the program end date on the Form I-20 or successor form, must apply prior to the program end date for a program extension pursuant to [paragraph (f)(7)(iii)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(7)(iii)) of this section.

(ii) **Report date and program completion date on Form I-20 or successor form.** When determining the report date on the Form I-20 or successor form, the DSO may choose a reasonable date to accommodate a student's need to be in attendance for required activities at the school prior to the actual start of classes. Such required activities may include, but are not limited to, research projects and orientation sessions. However, for purposes of employment, the DSO may not indicate a report date more than 30 days prior to the start of classes. When determining the program completion date on Form I-20 or successor form, the DSO should make a reasonable estimate based upon the time an average student would need to complete a similar program in the same discipline.

(iii) **Program extension for students in lawful status.** An F-1 student who is unable to meet the program completion date on the Form I-20 or successor form may be granted an extension by the DSO if the DSO certifies that the student has continually maintained status and that the delays are caused by compelling academic or medical reasons, such as changes of major or research topics, unexpected research problems, or documented illnesses. Delays caused by academic probation or suspension are not acceptable reasons for program extensions. A DSO may not grant an extension if the student did not apply for an extension until after the program end date noted on the Form I-20 or successor form. An F-1 student who is unable to complete the educational program within the time listed on Form I-20 or successor form and who is ineligible for program extension pursuant to this [paragraph (f)(7)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(7)) is considered out of status. If eligible, the student may apply for reinstatement under the provisions of [paragraph (f)(16)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(16)) of this section.

(iv) **SEVIS update.** A DSO may grant a program extension only by updating SEVIS and issuing a new Form I-20 or successor form reflecting the current program end date. A DSO may grant an extension any time prior to the program end date listed on the student's Form I-20 or successor form.

(8) **School transfer** —

(i) **General.** A student who is maintaining status may transfer to another SEVP-certified school by following the notification procedure prescribed in [paragraph (f)(8)(ii)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(8)(ii)) of this section. However, an F-1 student is not permitted to remain in the United States when transferring between schools or programs unless the student will begin classes at the transfer school or program within five months of transferring out of the current school or within 5 months of the program completion date on their current Form I-20 or successor form, whichever is earlier. In the case of an F-1 student authorized to engage in post-completion optional practical training (OPT), the student must be able resume classes within 5 months of transferring out of the school that recommended OPT or the date the OPT authorization ends, whichever is earlier. An F-1 student who was not pursuing a full course of study at the school he or she was last authorized to attend is ineligible for school transfer and must apply for reinstatement under the provisions of [paragraph (f)(16)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(16)) of this section, or, in the alternative, may depart the country and return as an initial entry in a new F-1 nonimmigrant status.

(ii) **Transfer procedure.** To transfer schools, the student must first notify their current school (the “transfer-out” school) of the intent to transfer and indicate the school to which the student intends to transfer (the “transfer-in” school). Upon notification by the student, the transfer-out school must update SEVIS to show the student is transferring out, indicate the transfer-in school, and input the transfer release date. The release date will be the current semester or session completion date, or the date of expected transfer if earlier than the established academic cycle. The transfer-out school will retain control over the student's record in SEVIS until the student completes the current term or reaches the release date. At the request of the student, the DSO of the transfer-out school may cancel the transfer request at any time prior to the release date. As of the release date specified by the transfer-out DSO, the transfer-in school will be granted full access to the student's SEVIS record and then becomes responsible for that student. The transfer-out school conveys authority and responsibility over that student to the transfer-in school and relinquishes its SEVIS access to that student's record. As such, a transfer request may not be cancelled by the transfer-out DSO after the release date has been reached. After the release date, the transfer-in DSO must complete the transfer of the student's record in SEVIS and may issue a Form I-20 or successor form. The student is then required to contact the DSO at the transfer-in school within 15 days of the program start date listed on the Form I-20 or successor form. Upon notification that the student is enrolled in classes, the transfer-in DSO must update SEVIS to reflect the student's registration and current address, thereby acknowledging that the student has completed the transfer process. The transfer is completed when the transfer-in school notifies SEVIS that the student has enrolled in classes in accordance with the 30 days required by [§ 214.3(g)(2)(iii)](https://www.ecfr.gov/current/title-8/section-214.3#p-214.3(g)(2)(iii)).

(iii) [Reserved]

(9) **Employment** —

(i) **On-campus employment.** On-campus employment must either be performed on the school's premises, (including on-location commercial firms which provide services for students on campus, such as the school bookstore or cafeteria), or at an off-campus location that is educationally affiliated with the school. Employment with on-site commercial firms, such as a construction company building a school building, which do not provide direct student services is not deemed on-campus employment for the purposes of this [paragraph (f)(9)(i)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(9)(i)). In the case of off-campus locations, the educational affiliation must be associated with the school's established curriculum or related to contractually funded research projects at the post-graduate level. In any event, the employment must be an integral part of the student's educational program. Employment authorized under this [paragraph (f)(9)(i)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(9)(i)) must not exceed 20 hours a week while school is in session, unless the Secretary suspends the applicability of this limitation due to emergent circumstances, as determined by the Secretary, by means of notice in the Federal Register , the student demonstrates to the DSO that the employment is necessary to avoid severe economic hardship resulting from the emergent circumstances, and the DSO notates the Form I-20 or successor form in accordance with the Federal Register document. An F-1 student may, however, work on campus full-time when school is not in session or during the annual vacation. A student who has been issued a Form I-20 or successor form to begin a new program in accordance with the provision of [§ 214.3(k)](https://www.ecfr.gov/current/title-8/section-214.3#p-214.3(k)) and who intends to enroll for the next regular academic year, term, or session at the institution that issued the Form I-20 or successor form may continue on-campus employment incident to status. Otherwise, an F-1 student may not engage in on-campus employment after completing a course of study, except employment for practical training as authorized under [paragraph (f)(10)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)) of this section. An F-1 student may engage in any on-campus employment authorized under this [paragraph (f)(9)(i)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(9)(i)) which will not displace United States residents. In the case of a transfer in SEVIS, the student may only engage in on-campus employment at the school having jurisdiction over the student's SEVIS record. Upon initial entry to begin a new course of study, an F-1 student may not begin on-campus employment more than 30 days prior to the actual start of classes.

(ii) **Off-campus work authorization** —

(A) **General.** An F-1 student may be authorized to work off-campus on a part-time basis in accordance with [paragraph (f)(9)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(9)(ii)(C)) of this section after having been in F-1 status for one full academic year provided that the student is in good academic standing as determined by the DSO. Part-time off-campus employment authorized under this section is limited to no more than 20 hours a week when school is in session. A student who is granted off-campus employment authorization may work full-time during holidays or school vacation. The employment authorization is automatically terminated whenever the student fails to maintain status. In emergent circumstances as determined by the Secretary, the Secretary may suspend the applicability of any or all of the requirements of [paragraph (f)(9)(ii)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(9)(ii)) of this section by notice in the Federal Register.

(B) [Reserved]

(C) **Severe economic hardship.** If other employment opportunities are not available or are otherwise insufficient, an eligible F-1 student may request off-campus employment work authorization based upon severe economic hardship caused by unforeseen circumstances beyond the student's control. These circumstances may include loss of financial aid or on-campus employment without fault on the part of the student, substantial fluctuations in the value of currency or exchange rate, inordinate increases in tuition and/or living costs, unexpected changes in the financial condition of the student's source of support, medical bills, or other substantial and unexpected expenses.

(D) **Procedure for off-campus employment authorization due to severe economic hardship.** The student must request a recommendation from the DSO for off-campus employment. The DSO must complete such certification in SEVIS. The DSO may recommend the student for work off-campus for one-year intervals by certifying that:

(1) The student has been in F-1 status for one full academic year;

(2) The student is in good standing as a student and is carrying a full course of study as defined in [paragraph (f)(6)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(6)) of this section;

(3) The student has demonstrated that acceptance of employment will not interfere with the student's carrying a full course of study; and

(4) The student has demonstrated that the employment is necessary to avoid severe economic hardship due to unforeseen circumstances beyond the student's control pursuant to [paragraph (f)(9)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(9)(ii)(C)) of this section and has demonstrated that employment under [paragraph (f)(9)(i)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(9)(i)) of this section is unavailable or otherwise insufficient to meet the needs that have arisen as a result of the unforeseen circumstances.

(E) [Reserved]

(F) **Severe economic hardship application** —

(1) The applicant should submit the economic hardship application for employment authorization on Form I-765 or successor form, with the fee required by [8 CFR 106.2](https://www.ecfr.gov/current/title-8/section-106.2), and any other supporting materials such as affidavits which further detail the unforeseen circumstances that require the student to seek employment authorization and the unavailability or insufficiency of employment under [paragraph (f)(9)(i)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(9)(i)) of this section to USCIS. Students should submit the Form I-20 or successor form with the employment page demonstrating the DSO's comments and certification. USCIS will adjudicate the application for work authorization based upon severe economic hardship on the basis of Form I-20 and Form I-765 or successor forms, and any additional supporting materials. If employment is authorized, the adjudicating officer will issue an employment authorization document (EAD). USCIS will notify the student of the decision, and, if the application is denied, of the reason or reasons for the denial. No appeal will lie from a decision to deny a request for employment authorization under this section. The employment authorization may be granted in one-year intervals up to the expected date of completion of the student's current course of study. A student has permission to engage in off-campus employment only if the student receives the EAD endorsed to that effect. Off-campus employment authorization may be renewed by USCIS only if the student is maintaining status and good academic standing. The employment authorization is automatically terminated whenever the student fails to maintain status.

(2) [Reserved]

(iii) **Internship with an international organization.** A bona fide F-1 student who has been offered employment by a recognized international organization within the meaning of the International Organization Immunities Act (59 Stat. 669) must apply for employment authorization with USCIS. A student seeking employment authorization under this provision is required to present a written certification from the international organization that the proposed employment is within the scope of the organization's sponsorship, Form I-20 or successor form with employment page completed by DSO certifying eligibility for employment, and a completed Form I-765 or successor form, with the fee required by [8 CFR 106.2(a)(32)](https://www.ecfr.gov/current/title-8/section-106.2#p-106.2(a)(32)).

(10) **Practical training.** Practical training may be authorized to an F-1 student who has been lawfully enrolled on a full-time basis, in an approved SEVP-certified college, university, conservatory, or seminary for one full academic year. This [paragraph (f)(10)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)) also includes students who, during their course of study, were enrolled in a study abroad program, if the student had spent at least one full academic term enrolled in a full course of study in the United States prior to studying abroad. A student may be authorized 12 months of practical training, and becomes eligible for another 12 months of practical training when they change to a higher educational level. Students in English language training programs are ineligible for practical training. An eligible student may request employment authorization for practical training in a position that is directly related to their major area of study. There are two types of practical training available:

(i) **Curricular practical trainingC.** An F-1 student may be authorized by the DSO to participate in a curricular practical training program that is an integral part of an established curriculum. Curricular practical training is defined to be alternative work/study, internship, cooperative education or any other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with the school. Students who have received one year or more of full time curricular practical training are ineligible for post-completion academic training. Exceptions to the one academic year requirement are provided for students enrolled in graduate studies that require immediate participation in curricular practical training. A request for authorization for curricular practical training must be made to the DSO. A student may begin curricular practical training only after receiving their Form I-20 or successor form with the DSO endorsement. To grant authorization for a student to engage in curricular practical training, a DSO will update the student's record in SEVIS as being authorized for curricular practical training that is directly related to the student's major area of study. The DSO will indicate whether the training is full-time or part-time, the employer and location, and the employment start and end date. The DSO must sign, date, and return the Form I-20 or successor form to the student prior to the student's commencement of employment indicating that curricular practical training has been approved.

(ii) **Optional practical training** —

(A) **General.** Consistent with the application and approval process in [paragraph (f)(11)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(11)) of this section, a student may apply to USCIS for authorization for temporary employment for optional practical training directly related to the student's major area of study. The student may not begin optional practical training until the date indicated on his or her employment authorization document, Form I-766. A student may be granted authorization to engage in temporary employment for optional practical training:

(1) During the student's annual vacation and at other times when school is not in session, if the student is currently enrolled, and is eligible for registration and intends to register for the next term or session;

(2) While school is in session, provided that practical training does not exceed 20 hours a week while school is in session; or

(3) After completion of the course of study, or, for a student in a bachelor's, master's, or doctoral degree program, after completion of all course requirements for the degree (excluding thesis or equivalent). Continued enrollment, for the school's administrative purposes, after all requirements for the degree have been met does not preclude eligibility for optional practical training. A student must complete all practical training within a 14-month period following the completion of study, except that a 24-month extension pursuant to [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)) of this section does not need to be completed within such 14-month period.

(B) **Termination of practical training.** Authorization to engage in optional practical training employment is automatically terminated when the student transfers to another school or begins study at another educational level.

(C) **24-month extension of post-completion OPT for a science, technology, engineering, or mathematics (STEM) degree.** Consistent with [paragraph (f)(11)(i)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(11)(i)(C)) of this section, a qualified student may apply for an extension of OPT while in a valid period of post-completion OPT authorized under [8 CFR 274a.12(c)(3)(i)(B)](https://www.ecfr.gov/current/title-8/section-274a.12#p-274a.12(c)(3)(i)(B)). An extension will be for 24 months for the first qualifying degree for which the student has completed all course requirements (excluding thesis or equivalent), including any qualifying degree as part of a dual degree program, subject to the requirement in [paragraph (f)(10)(ii)(C)(3)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(3)) of this section that previously obtained degrees must have been conferred. If a student completes all such course requirements for another qualifying degree at a higher degree level than the first, the student may apply for a second 24-month extension of OPT while in a valid period of post-completion OPT authorized under [8 CFR 274a.12(c)(3)(i)(B)](https://www.ecfr.gov/current/title-8/section-274a.12#p-274a.12(c)(3)(i)(B)). In no event may a student be authorized for more than two lifetime STEM OPT extensions. A student who was granted a 17-month OPT extension under the rule issued at [73 FR 18944](https://www.federalregister.gov/citation/73-FR-18944), whether or not such student requests an additional 7-month period of STEM OPT under [8 CFR 214.16](https://www.ecfr.gov/current/title-8/section-214.16), is considered to have been authorized for one STEM OPT extension, and may be eligible for only one more STEM OPT extension. Any subsequent application for an additional 24-month OPT extension under this [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)) must be based on a degree at a higher degree level than the degree that was the basis for the student's first OPT extension. In order to qualify for an extension of post-completion OPT based upon a STEM degree, all of the following requirements must be met.

(1) **Accreditation.** The degree that is the basis for the 24-month OPT extension is from a U.S. educational institution accredited by an accrediting agency recognized by the Department of Education at the time of application.

(2) **DHS-approved degree.** The degree that is the basis for the 24-month OPT extension is a bachelor's, master's, or doctoral degree in a field determined by the Secretary, or his or her designee, to qualify within a science, technology, engineering, or mathematics field.

(i) The term “science, technology, engineering or mathematics field” means a field included in the Department of Education's Classification of Instructional Programs taxonomy within the two-digit series or successor series containing engineering, biological sciences, mathematics, and physical sciences, or a related field. In general, related fields will include fields involving research, innovation, or development of new technologies using engineering, mathematics, computer science, or natural sciences (including physical, biological, and agricultural sciences).

(ii) The Secretary, or his or her designee, will maintain the STEM Designated Degree Program List, which will be a complete list of qualifying degree program categories, published on the Student and Exchange Visitor Program Web site at [*http://www.ice.gov/sevis*](http://www.ice.gov/sevis). Changes that are made to the Designated Degree Program List may also be published in a notice in the Federal Register. All program categories included on the list must be consistent with the definition set forth in [paragraph (f)(10)(ii)(C)(2)(i)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(2)(i)) of this section.

(iii) At the time the DSO recommends a 24-month OPT extension under this [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)) in SEVIS, the degree that is the basis for the application for the OPT extension must be contained within a category on the STEM Designated Degree Program List.

(3) **Previously obtained STEM degree(s).** The degree that is the basis for the 24-month OPT extension under this [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)) may be, but is not required to be, the degree that is the basis for the post-completion OPT period authorized under [8 CFR 274a.12(c)(3)(i)(B)](https://www.ecfr.gov/current/title-8/section-274a.12#p-274a.12(c)(3)(i)(B)). If an application for a 24-month OPT extension under this [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)) is based upon a degree obtained previous to the degree that provided the basis for the period of post-completion OPT authorized under [8 CFR 274a.12(c)(3)(i)(B)](https://www.ecfr.gov/current/title-8/section-274a.12#p-274a.12(c)(3)(i)(B)), that previously obtained degree must have been conferred from a U.S. educational institution that is accredited and SEVP-certified at the time the student's DSO recommends the student for the 24-month OPT extension and must be in a degree program category included on the current STEM Designated Degree Program List at the time of the DSO recommendation. That previously obtained degree must have been conferred within the 10 years preceding the date the DSO recommends the student for the 24-month OPT extension.

(4) **Eligible practical training opportunity.** The STEM practical training opportunity that is the basis for the 24-month OPT extension under this [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)) must be directly related to the degree that qualifies the student for such extension, which may be the previously obtained degree described in [paragraph (f)(10)(ii)(C)(3)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(3)) of this section.

(5) **Employer qualification.** The student's employer is enrolled in E-Verify, as evidenced by either a valid E-Verify Company Identification number or, if the employer is using an employer agent to create its E-Verify cases, a valid E-Verify Client Company Identification number, and the employer remains a participant in good standing with E-Verify, as determined by USCIS. An employer must also have an employer identification number (EIN) used for tax purposes.

(6) **Employer reporting.** A student may not be authorized for employment with an employer pursuant to [paragraph (f)(10)(ii)(C)(2)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(2)) of this section unless the employer agrees, by signing the Training Plan for STEM OPT Students, Form I-983 or successor form, to report the termination or departure of an OPT student to the DSO at the student's school, if the termination or departure is prior to the end of the authorized period of OPT. Such reporting must be made within five business days of the termination or departure. An employer shall consider a student to have departed when the employer knows the student has left the practical training opportunity, or if the student has not reported for his or her practical training for a period of five consecutive business days without the consent of the employer, whichever occurs earlier.

(7) **Training Plan for STEM OPT Students, Form I-983 or successor form.**

(i) A student must fully complete an individualized Form I-983 or successor form and obtain requisite signatures from an appropriate individual in the employer's organization on the form, consistent with form instructions, before the DSO may recommend a 24-month OPT extension under [paragraph (f)(10)(ii)(C)(2)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(2)) of this section in SEVIS. A student must submit the Form I-983 or successor form, which includes a certification of adherence to the training plan completed by an appropriate individual in the employer's organization who has signatory authority for the employer, to the student's DSO, prior to the new DSO recommendation. A student must present his or her signed and completed Form I-983 or successor form to a DSO at the educational institution of his or her most recent enrollment. A student, while in F-1 student status, may also be required to submit the Form I-983 or successor form to ICE and/or USCIS upon request or in accordance with form instructions.

(ii) The training plan described in the Form I-983 or successor form must identify goals for the STEM practical training opportunity, including specific knowledge, skills, or techniques that will be imparted to the student, and explain how those goals will be achieved through the work-based learning opportunity with the employer; describe a performance evaluation process; and describe methods of oversight and supervision. Employers may rely on their otherwise existing training programs or policies to satisfy the requirements relating to performance evaluation and oversight and supervision, as applicable.

(iii) The training plan described in the Form I-983 or successor form must explain how the training is directly related to the student's qualifying STEM degree.

(iv) If a student initiates a new practical training opportunity with a new employer during his or her 24-month OPT extension, the student must submit, within 10 days of beginning the new practical training opportunity, a new Form I-983 or successor form to the student's DSO, and subsequently obtain a new DSO recommendation.

(8) **Duties, hours, and compensation for training.** The terms and conditions of a STEM practical training opportunity during the period of the 24-month OPT extension, including duties, hours, and compensation, must be commensurate with terms and conditions applicable to the employer's similarly situated U.S. workers in the area of employment. A student may not engage in practical training for less than 20 hours per week, excluding time off taken consistent with leave-related policies applicable to the employer's similarly situated U.S. workers in the area of employment. If the employer does not employ and has not recently employed more than two similarly situated U.S. workers in the area of employment, the employer nevertheless remains obligated to attest that the terms and conditions of a STEM practical training opportunity are commensurate with the terms and conditions of employment for other similarly situated U.S. workers in the area of employment. “Similarly situated U.S. workers” includes U.S. workers performing similar duties subject to similar supervision and with similar educational backgrounds, industry expertise, employment experience, levels of responsibility, and skill sets as the student. The duties, hours, and compensation of such students are “commensurate” with those offered to U.S. workers employed by the employer in the same area of employment when the employer can show that the duties, hours, and compensation are consistent with the range of such terms and conditions the employer has offered or would offer to similarly situated U.S. employees. The student must disclose his or her compensation, including any adjustments, as agreed to with the employer, on the Form I-983 or successor form.

(9) **Evaluation requirements and Training Plan modifications.**

(i) A student may not be authorized for employment with an employer pursuant to [paragraph (f)(10)(ii)(C)(2)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(2)) of this section unless the student submits a self-evaluation of the student's progress toward the training goals described in the Form I-983 or successor form. All required evaluations must be completed prior to the conclusion of a STEM practical training opportunity, and the student and an appropriate individual in the employer's organization must sign each evaluation to attest to its accuracy. All STEM practical training opportunities require an initial evaluation within 12 months of the approved starting date on the employment authorization document granted pursuant to the student's 24-month OPT extension application, and a concluding evaluation. The student is responsible for ensuring the DSO receives his or her 12-month evaluation and final evaluation no later than 10 days following the conclusion of the reporting period or conclusion of his or her practical training opportunity, respectively.

(ii) If any material change to or deviation from the training plan described in the Form I-983 or successor form occurs, the student and employer must sign a modified Form I-983 or successor form reflecting the material change(s) or deviation(s). Material changes and deviations relating to training may include, but are not limited to, any change of Employer Identification Number resulting from a corporate restructuring, any reduction in compensation from the amount previously submitted on the Form I-983 or successor form that is not tied to a reduction in hours worked, any significant decrease in hours per week that a student engages in a STEM training opportunity, and any decrease in hours worked below the minimum hours for the 24-month extension as described in [paragraph (f)(10)(ii)(C)(8)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(8)) of this section. Material changes and deviations also include any change or deviation that renders an employer attestation inaccurate, or renders inaccurate the information in the Form I-983 or successor form on the nature, purpose, oversight, or assessment of the student's practical training opportunity. The student and employer must ensure that the modified Form I-983 or successor form is submitted to the student's DSO at the earliest available opportunity.

(iii) The educational institution whose DSO is responsible for duties associated with the student's latest OPT extension under [paragraph (f)(10)(ii)(C)(2)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(2)) of this section is responsible for ensuring the Student and Exchange Visitor Program has access to each individualized Form I-983 or successor form and associated student evaluations (electronic or hard copy), including through SEVIS if technologically available, beginning within 30 days after the document is submitted to the DSO and continuing for a period of three years following the completion of each STEM practical training opportunity.

(10) **Additional STEM opportunity obligations.** A student may only participate in a STEM practical training opportunity in which the employer attests, including by signing the Form I-983 or successor form, that:

(i) The employer has sufficient resources and personnel available and is prepared to provide appropriate training in connection with the specified opportunity at the location(s) specified in the Form I-983 or successor form;

(ii) The student on a STEM OPT extension will not replace a full- or part-time, temporary or permanent U.S. worker; and

(iii) The student's opportunity assists the student in reaching his or her training goals.

(11) **Site visits.** DHS, at its discretion, may conduct a site visit of any employer. The purpose of the site visit is for DHS to ensure that each employer possesses and maintains the ability and resources to provide structured and guided work-based learning experiences consistent with any Form I-983 or successor form completed and signed by the employer. DHS will provide notice to the employer 48 hours in advance of any site visit, except notice may not be provided if the visit is triggered by a complaint or other evidence of noncompliance with the regulations in this [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)).

(D) **Duration of status while on post-completion OPT.** For a student with approved post-completion OPT, the duration of status is defined as the period beginning on the date that the student's application for OPT was properly filed and pending approval, including the authorized period of post-completion OPT, and ending 60 days after the OPT employment authorization expires.

(E) **Periods of unemployment during post-completion OPT.** During post-completion OPT, F-1 status is dependent upon employment. Students may not accrue an aggregate of more than 90 days of unemployment during any post-completion OPT period described in [8 CFR 274a.12(c)(3)(i)(B)](https://www.ecfr.gov/current/title-8/section-274a.12#p-274a.12(c)(3)(i)(B)). Students granted a 24-month OPT extension under [paragraph (f)(10)(ii)(C)(2)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(2)) of this section may not accrue an aggregate of more than 150 days of unemployment during a total OPT period, including any post-completion OPT period described in [8 CFR 274a.12(c)(3)(i)(B)](https://www.ecfr.gov/current/title-8/section-274a.12#p-274a.12(c)(3)(i)(B)) and any subsequent 24-month extension period.

(11) **OPT application and approval process** —

(i) **Student responsibilities.** A student must initiate the OPT application process by requesting a recommendation for OPT from his or her DSO. Upon making the recommendation, the DSO will provide the student a signed Form I-20 indicating that recommendation.

(A) **Applications for employment authorization.** The student must properly file an Application for Employment Authorization, Form I-765 or successor form, with USCIS, accompanied by the required fee, and the supporting documents, as described in the form's instructions.

(B) **Applications and filing deadlines for pre-completion OPT and post-completion OPT** —

(1) **Pre-completion OPT.** For pre-completion OPT, the student may properly file his or her Form I-765 or successor form up to 90 days before being enrolled for one full academic year, provided that the period of employment will not start prior to the completion of the full academic year.

(2) **Post-completion OPT.** For post-completion OPT, not including a 24-month OPT extension under [paragraph (f)(10)(ii)(C)(2)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(2)) of this section, the student may properly file his or her Form I-765 or successor form up to 90 days prior to his or her program end date and no later than 60 days after his or her program end date. The student must also file his or her Form I-765 or successor form with USCIS within 30 days of the date the DSO enters the recommendation for OPT into his or her SEVIS record.

(C) **Applications and filing deadlines for 24-month OPT extension.** A student meeting the eligibility requirements for a 24-month OPT extension under [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)) of this section may request an extension of employment authorization by filing Form I-765 or successor form, with the required fee and supporting documents, up to 90 days prior to the expiration date of the student's current OPT employment authorization. The student seeking such 24-month OPT extension must properly file his or her Form I-765 or successor form with USCIS within 60 days of the date the DSO enters the recommendation for the OPT extension into his or her SEVIS record. If a student timely and properly files an application for such 24-month OPT extension and timely and properly requests a DSO recommendation, including by submitting the fully executed Form I-983 or successor form to his or her DSO, but the Employment Authorization Document, Form I-766 or successor form, currently in the student's possession expires prior to the decision on the student's application for the OPT extension, the student's Form I-766 or successor form is extended automatically pursuant to the terms and conditions specified in [8 CFR 274a.12(b)(6)(iv)](https://www.ecfr.gov/current/title-8/section-274a.12#p-274a.12(b)(6)(iv)).

(D) **Start of OPT employment.** A student may not begin OPT employment prior to the approved start date on his or her Employment Authorization Document, Form I-766 or successor form, except as described in [paragraph (f)(11)(i)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(11)(i)(C)) of this section. A student may not request a start date that is more than 60 days after the student's program end date. Employment authorization will begin on the date requested or the date the employment authorization is adjudicated, whichever is later.

(ii) **Additional DSO responsibilities.** A student must have a recommendation from his or her DSO in order to apply for OPT. When a DSO recommends a student for OPT, the school assumes the added responsibility for maintaining the SEVIS record of that student for the entire period of authorized OPT, consistent with [paragraph (f)(12)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(12)) of this section.

(A) Prior to making a recommendation, the DSO at the educational institution of the student's most recent enrollment must ensure that the student is eligible for the given type and period of OPT and that the student is aware of the student's responsibilities for maintaining status while on OPT. Prior to recommending a 24-month OPT extension under [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)) of this section, the DSO at the educational institution of the student's most recent enrollment must certify that the student's degree being used to qualify that student for the 24-month OPT extension, as shown in SEVIS or official transcripts, is a bachelor's, master's, or doctorate degree with a degree code that is contained within a category on the current STEM Designated Degree Program List at the time the recommendation is made. A DSO may recommend a student for a 24-month OPT extension under [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)) of this section only if the Form I-983 or successor form described in [paragraph (f)(10)(ii)(C)(7)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(7)) of this section has been properly completed and executed by the student and prospective employer. A DSO may not recommend a student for an OPT extension under [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)) of this section if the practical training would be conducted by an employer who has failed to meet the requirements under [paragraphs (f)(10)(ii)(C)(5)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(5)) through [(9)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(9)) of this section or has failed to provide the required assurances of [paragraph (f)(10)(ii)(C)(10)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(10)) of this section.

(B) The DSO must update the student's SEVIS record with the DSO's recommendation for OPT before the student can apply to USCIS for employment authorization. The DSO will indicate in SEVIS whether the OPT employment is to be full-time or part-time, or for a student seeking a recommendation for a 24-month OPT extension under [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)) of this section whether the OPT employment meets the minimum hours requirements described in [paragraph (f)(10)(ii)(C)(8)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)(8)) of this section, and note in SEVIS the OPT start and end dates.

(C) The DSO must provide the student with a signed, dated Form I-20 or successor form indicating that OPT has been recommended.

(iii) **Decision on application for OPT employment authorization.** USCIS will adjudicate a student's Form I-765 or successor form on the basis of the DSO's recommendation and other eligibility considerations.

(A) If granted, the employment authorization period for post-completion OPT begins on the requested date of commencement or the date the Form I-765 or successor form is approved, whichever is later, and ends at the conclusion of the remaining time period of post-completion OPT eligibility. The employment authorization period for a 24-month OPT extension under [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)) of this section begins on the day after the expiration of the initial post-completion OPT employment authorization and ends 24 months thereafter, regardless of the date the actual extension is approved.

(B) USCIS will notify the applicant of the decision on the Form I-765 or successor form in writing, and, if the application is denied, of the reason or reasons for the denial.

(C) The applicant may not appeal the decision.

(12) **Reporting while on optional practical training** —

(i) **General.** An F-1 student who is granted employment authorization by USCIS to engage in optional practical training is required to report any change of name or address, or interruption of such employment to the DSO for the duration of the optional practical training. A DSO who recommends a student for OPT is responsible for updating the student's record to reflect these reported changes for the duration of the time that training is authorized.

(ii) **Additional reporting obligations for students with an approved 24-month OPT extension.** Students with an approved 24-month OPT extension under [paragraph (f)(10)(ii)(C)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(C)) of this section have additional reporting obligations. Compliance with these reporting requirements is required to maintain F-1 status. The reporting obligations are:

(A) Within 10 days of the change, the student must report to the student's DSO a change of legal name, residential or mailing address, employer name, employer address, and/or loss of employment.

(B) The student must complete a validation report, confirming that the information required by [paragraph (f)(12)(ii)(A)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(12)(ii)(A)) of this section has not changed, every six months. The requirement for validation reporting starts on the date the 24-month OPT extension begins and ends when the student's F-1 status expires or the 24-month OPT extension concludes, whichever is first. The validation report is due to the student's DSO within 10 business days of each reporting date.

(13) **Temporary absence from the United States of F-1 student granted employment authorization.**

(i) A student returning from a temporary trip abroad with an unexpired off-campus employment authorization on their Form I-20 or successor form may resume employment only if the student is readmitted to attend the same school that granted the employment authorization.

(ii) An F-1 student who has an unexpired EAD issued for post-completion practical training and who is otherwise admissible may return to the United States to resume employment after a period of temporary absence. The EAD must be used in combination with a Form I-20 or successor form endorsed for reentry by the DSO within the last six months.

(14) **Effect of strike or other labor dispute.** Any employment authorization, whether or not part of an academic program, is automatically suspended upon certification by the Secretary of Labor or the Secretary's designee to the Secretary of Homeland Security or the Secretary's designee, that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation at the place of employment. As used in this paragraph, “place of employment” means the facility or facilities where a labor dispute exists. The employer is prohibited from transferring F-1 students working at other facilities to the facility where the work stoppage is occurring.

(15) **Spouse and children of F-1 student.** The F-2 spouse and minor children of an F-1 student will each be issued an individual Form I-20 or successor form in accordance with the provisions of [§ 214.3(k)](https://www.ecfr.gov/current/title-8/section-214.3#p-214.3(k)).

(i) **Employment.** The F-2 spouse and children of an F-1 student may not accept employment.

(ii) **Study** —

(A) **F-2 post-secondary/vocational study** —

(1) **Authorized study at SEVP-certified schools.** An F-2 spouse or F-2 child may enroll in less than a full course of study, as defined in paragraphs (f)(6)(i)(A) through (D) and (m)(9)(i) through (iv), in any course of study described in [paragraphs (f)(6)(i)(A)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(6)(i)(A)) through [(D)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(6)(i)(D)) or [(m)(9)(i)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(m)(9)(i)) through [(iv)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(m)(9)(iv)) of this section at an SEVP-certified school. Notwithstanding [paragraphs (f)(6)(i)(B)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(6)(i)(B)) and [(m)(9)(i)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(m)(9)(i)) of this section, study at an undergraduate college or university or at a community college or junior college is not a full course of study solely because the F-2 nonimmigrant is engaging in a lesser course load to complete a course of study during the current term. An F-2 spouse or F-2 child enrolled in less than a full course of study is not eligible to engage in employment pursuant to [paragraphs (f)(9)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(9)) and [(10)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)) of this section or pursuant to [paragraph (m)(14)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(m)(14)) of this section.

(2) **Full course of study.** Subject to [paragraphs (f)(15)(ii)(B)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(15)(ii)(B)) and [(f)(18)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(18)) of this section, an F-2 spouse and child may engage in a full course of study only by applying for and obtaining a change of status to F-1, M-1 or J-1 nonimmigrant status, as appropriate, before beginning a full course of study. An F-2 spouse and child may engage in study that is avocational or recreational in nature, up to and including on a full-time basis.

(B) **F-2 elementary or secondary study.** An F-2 child may engage in full-time study, including any full course of study, in any elementary or secondary school (kindergarten through twelfth grade).

(C) An F-2 spouse and child violates his or her nonimmigrant status by enrolling in any study except as provided in [paragraph (f)(15)(ii)(A)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(15)(ii)(A)) or [(B)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(15)(ii)(B)) of this section.

(16) **Reinstatement to student status** —

(i) **General.** USCIS may consider reinstating a student who makes a request for reinstatement on Form I-539, Application to Extend/Change Nonimmigrant Status, accompanied by a properly completed Form I-20 or successor form indicating the DSO's recommendation for reinstatement. USCIS may consider granting the request if the student:

(A) Has not been out of status for more than 5 months at the time of filing the request for reinstatement (or demonstrates that the failure to file within the 5 month period was the result of exceptional circumstances and that the student filed the request for reinstatement as promptly as possible under these exceptional circumstances);

(B) Does not have a record of repeated or willful violations of DHS regulations;

(C) Is currently pursuing, or intending to pursue, a full course of study in the immediate future at the school which issued the Form I-20 or successor form;

(D) Has not engaged in unauthorized employment;

(E) Is not deportable on any ground other than section 237(a)(1)(B) or (C)(i) of the Act; and

(F) Establishes to the satisfaction of USCIS, by a detailed showing, either that:

(1) The violation of status resulted from circumstances beyond the student's control. Such circumstances might include serious injury or illness, closure of the institution, a natural disaster, or inadvertence, oversight, or neglect on the part of the DSO, but do not include instances where a pattern of repeated violations or where a willful failure on the part of the student resulted in the need for reinstatement; or

(2) The violation relates to a reduction in the student's course load that would have been within a DSO's power to authorize, and that failure to approve reinstatement would result in extreme hardship to the student.

(ii) **Decision.** The adjudicating officer will update SEVIS to reflect USCIS' decision. If USCIS does not reinstate the student, the student may not appeal the decision.

(17) **Current name and address.** A student must inform DHS and the DSO of any legal changes to the student's name or of any change of address, within 10 days of the change, in a manner prescribed by the school. A student can satisfy the requirement in [8 CFR 265.1](https://www.ecfr.gov/current/title-8/section-265.1) of notifying DHS by providing a notice of a change of address within 10 days to the DSO, and the DSO in turn must enter the information in SEVIS within 21 days of notification by the student. Except in the case of a student who cannot receive mail where the student resides, the address provided by the student must be the actual physical location where the student resides rather than a mailing address. In cases where a student provides a mailing address, the school must maintain a record of, and must provide upon request from DHS, the actual physical location where the student resides.

(18) **Special rules for certain border commuter students** —

(i) **Applicability.** For purposes of the special rules in this [paragraph (f)(18)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(18)), the term “border commuter student” means a national of Canada or Mexico who is admitted to the United States as an F-1 nonimmigrant student to enroll in a full course of study, albeit on a part-time basis, in a certified school located within 75 miles of a United States land border. A border commuter student must maintain actual residence and place of abode in the student's country of nationality, and seek admission to the United States at a land border port-of-entry. These special rules do not apply to a national of Canada or Mexico who is:

(A) Residing in the United States while attending a certified school as an F-1 student, or

(B) Enrolled in a full course of study as defined in [paragraph (f)(6)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(6)) of this section.

(ii) **Full course of study.** The border commuter student must be enrolled in a full course of study at the school that leads to the attainment of a specific educational or professional objective, albeit on a part-time basis. A designated school official at the school may authorize an eligible border commuter student to enroll in a course load below that otherwise required for a full course of study under [paragraph (f)(6)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(6)) of this section, provided that the reduced course load is consistent with the border commuter student's certified course of study.

(iii) **Period of admission.** An F-1 nonimmigrant student who is admitted as a border commuter student under this [paragraph (f)(18)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(18)) will be admitted until a date certain. The DSO is required to specify a completion date on the Form I-20 that reflects the actual semester or term dates for the commuter student's current term of study. A new Form I-20 will be required for each new semester or term that the border commuter student attends at the school. The provisions of [paragraphs (f)(5)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(5)) and [(f)(7)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(7)) of this section, relating to duration of status and extension of stay, are not applicable to a border commuter student.

(iv) **Employment.** A border commuter student may not be authorized to accept any employment in connection with his or her F-1 student status, except for curricular practical training as provided in [paragraph (f)(10)(i)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(i)) of this section or post-completion optional practical training as provided in [paragraph (f)(10)(ii)(A)(3)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)(A)(3)) of this section.

(19) **Remittance of the fee.** An alien who applies for F-1 or F-3 nonimmigrant status in order to enroll in a program of study at an SEVP-certified educational institution is required to pay the Student and Exchange Visitor Information System (SEVIS) fee to DHS, pursuant to [8 CFR 214.13](https://www.ecfr.gov/current/title-8/section-214.13), except as otherwise provided in that section.

**–**

## § 214.13 SEVIS fee for certain F, J, and M nonimmigrants.

(a) **Applicability.** The aliens in [paragraphs (a)(1)](https://www.ecfr.gov/current/title-8/section-214.13#p-214.13(a)(1)) through [(3)](https://www.ecfr.gov/current/title-8/section-214.13#p-214.13(a)(3)) of this section are required to submit a payment in the amount indicated for their status to the Student and Exchange Visitor Program (SEVP) in advance of obtaining nonimmigrant status as an F or M student or J exchange visitor, in addition to any other applicable fees, except as otherwise provided for in this section:

(1) An alien who applies for F-1 or F-3 status in order to enroll in a program of study at an SEVP-certified institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965, as amended, or in a program of study at any other SEVP-certified academic or language training institution, including private elementary, middle, and secondary schools and public secondary schools, the amount of $350;

(2) An alien who applies for J-1 status in order to commence participation in an exchange visitor program designated by the Department of State, the amount of $220, with a reduced fee for certain exchange visitor categories as provided in [paragraphs (b)(1)](https://www.ecfr.gov/current/title-8/section-214.13#p-214.13(b)(1)) and [(c)](https://www.ecfr.gov/current/title-8/section-214.13#p-214.13(c)) of this section; and

(3) An alien who applies for M-1 or M-3 status in order to enroll in a program of study at an SEVP-certified vocational educational institution, including a flight school, in the amount of $350.

(b) **Aliens not subject to a fee.** No SEVIS fee is required with respect to:

(1) A J-1 exchange visitor who is coming to the United States as a participant in an exchange visitor program sponsored by the Federal government, identified by a program identifier designation prefix of G-1, G-2, G-3, or G-7;

(2) Dependents of F, M, or J nonimmigrants. The principal alien must pay the fee, when required under this section, in order for his/her qualifying dependents to obtain F-2, J-2, or M-2 status. However, an F-2, J-2, or M-2 dependent is not required to pay a separate fee under this section in order to obtain that status or during the time he/she remains in that status.

(c) **Special Fee for Certain J-1 Nonimmigrants.** A J-1 exchange visitor coming to the United States as an au pair, camp counselor, or participant in a summer work/travel program is subject to a fee of $35.

(d) **Time for payment of SEVIS fee.** An alien who is subject to payment of the SEVIS fee must remit the fee directly to DHS as follows:

(1) An alien seeking an F-1, F-3, J-1, M-1, or M-3 visa from a consular officer abroad for initial attendance at an SEVP-certified school or to commence participation in a Department of State-designated exchange visitor program, must pay the fee to DHS before issuance of the visa.

(2) An alien who is exempt from the visa requirement described in section 212(d)(4) of the Act must pay the fee to DHS before the alien applies for admission at a U.S. port-of-entry to begin initial attendance at an SEVP-certified school or initial participation in a Department of State-designated exchange visitor program.

(3) A nonimmigrant alien in the United States seeking a change of status to F-1, F-3, J-1, M-1, or M-3 must pay the fee to DHS before the alien is granted the change of nonimmigrant status, except as provided in [paragraph (e)(4)](https://www.ecfr.gov/current/title-8/section-214.13#p-214.13(e)(4)) of this section.

(4) A J-1 nonimmigrant who is applying for a change of program category within the United States, in accordance with [22 CFR 62.42](https://www.ecfr.gov/current/title-22/section-62.42), must pay the fee associated with that new category, if any, prior to being granted such a change.

(5) A J-1 nonimmigrant initially granted J-1 status to participate in a program sponsored by the Federal government, as defined in [paragraph (b)(1)](https://www.ecfr.gov/current/title-8/section-214.13#p-214.13(b)(1)) of this section, and transferring in accordance with [22 CFR 62.42](https://www.ecfr.gov/current/title-22/section-62.42) to a program that is not similarly sponsored, must pay the fee associated with the new program prior to completing the transfer.

(6) A J-1 nonimmigrant who is applying for reinstatement after a substantive violation of status, or who has been out of program status for longer than 120 days but less than 270 days during the course of his/her program must pay a new fee to DHS, if applicable, prior to being granted a reinstatement to valid J-1 status.

(7) An F or M student who is applying for reinstatement of student status because of a violation of status, and who has been out of status for a period of time that exceeds the presumptive ineligibility deadline set forth in [8 CFR 214.2(f)(16)(i)(A)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(16)(i)(A)) or [(m)(16)(i)(A)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(m)(16)(i)(A)), must pay a new fee to DHS prior to being granted a return to valid status.

(8) An F-1, F-3, M-1, or M-3 nonimmigrant who has been absent from the United States for a period that exceeds 5 months in duration, and wishes to reenter the United States to engage in further study in the same course of study, with the exception of students who have been working toward completion of a U.S. course of study in authorized overseas study, must pay a new fee to DHS prior to being granted student status.

(e) **Circumstances where no new fee is required.**

(1) Extension of stay, transfer, or optional practical training for students. An F-1, F-3, M-1, or M-3 nonimmigrant is not required to pay a new fee in connection with:

(i) An application for an extension of stay, as provided in [8 CFR 214.2(f)(7)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(7)) or [(m)(10)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(m)(10));

(ii) An application for transfer, as provided in [8 CFR 214.2(f)(8)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(8)) or [(m)(11)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(m)(11));

(iii) A change in educational level, as provided in [8 CFR 214.2(f)(5)(ii)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(5)(ii)); or

(iv) An application for post-completion practical training, as provided in [8 CFR 214.2(f)(10)(ii)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(10)(ii)) or [(m)(14)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(m)(14)).

(2) Extension of program or transfer for exchange visitors. A J-1 nonimmigrant is not required to pay a new fee in connection with:

(i) An application for an extension of program, as provided in [22 CFR 62.43](https://www.ecfr.gov/current/title-22/section-62.43); or

(ii) An application for transfer of program, as provided in [22 CFR 62.42](https://www.ecfr.gov/current/title-22/section-62.42).

(3) Visa issuance for a continuation of study. An F-1, F-3, J-1, M-1, or M-3 nonimmigrant who has previously paid the fee is not required to pay a new fee in order to be granted a visa to return to the United States as a continuing student or exchange visitor in a single course of study, so long as the nonimmigrant is not otherwise required to pay a new fee in accordance with the other provisions in this section.

(4) Certain changes in student classification.

(i) No fee is required for changes between the F-1 and F-3 classifications, and no fee is required for changes between the M-1 and M-3 classifications.

(ii) Institutional reclassification. DHS retains the discretionary authority to waive the additional fee requirement when a nonimmigrant changes classification between F and M, if the change of status is due solely to institutional reclassification by the Student and Exchange Visitor Program during that nonimmigrant's course of study.

(5) Re-application following denial of application by consular officer. An alien who fully paid a SEVIS fee in connection with an initial application for an F-1, F-3, M-1, or M-3 visa, or a J-1 visa in a particular program category, whose initial application was denied, and who is reapplying for the same status, or the same J-1 exchange visitor category, within 12 months following the initial notice of denial is not required to repay the SEVIS fee.

(6) Re-application following denial of an application for a change of status. A nonimmigrant who fully paid a SEVIS fee in connection with an initial application for a change of status within in the United States to F-1, F-3, M-1, or M-3 classification, or for a change of status to a particular J-1 exchange visitor category, whose initial application was denied, and who is granted a motion to reopen the denied case is not required to repay the SEVIS fee if the motion to reopen is granted within 12 months of receipt of initial notice of denial.

(f) [Reserved]

(g) **Procedures for payment of the SEVIS fee** —

(1) **Options for payment.** An alien subject to payment of a fee under this section may pay the fee by any procedure approved by DHS, including:

(i) Submission of Form I-901, to DHS by mail, along with the proper fee paid by check, money order, or foreign draft drawn on a financial institution in the United States and payable in United States currency, as provided by [8 CFR 103.7(d)(8)](https://www.ecfr.gov/current/title-8/section-103.7#p-103.7(d)(8));

(ii) Electronic submission of Form I-901 to DHS using a credit card or other electronic means of payment accepted by DHS; or,

(iii) A designated payment service and receipt mechanism approved and set forth in future guidance by DHS.

(2) **Receipts.** DHS will provide a receipt for each fee payment under [paragraph (g)(1)](https://www.ecfr.gov/current/title-8/section-214.13#p-214.13(g)(1)) of this section until such time as DHS issues a notice in the Federal Register that paper receipts will no longer be necessary. Further receipt provisions include:

(i) DHS will provide for an expedited delivery of the receipt, upon request and receipt of an additional fee;

(ii) If payment was made electronically, both DHS and the Department of State will accept a properly completed receipt that is printed-out electronically, in lieu of the receipt generated by DHS;

(iii) If payment was made through an approved payment service, DHS and the Department of State will accept a properly completed receipt issued by the payment service, in lieu of the receipt generated by DHS.

(3) **Electronic record of fee payment.** DHS will maintain an electronic record of payment for the alien as verification of receipt of the required fee under this section. If DHS records indicate that the fee has been paid, an alien who has lost or did not receive a receipt for a fee payment under this section will not be denied an immigration benefit, including visa issuance or admission to the United States, solely because of a failure to present a paper receipt of fee payment.

(4) **Third-party payments.** DHS will accept payment of the required fee for an alien from a certified school or a designated exchange visitor program sponsor, or from another source, in accordance with procedures approved by DHS.

(h) **Failure to pay the fee.** The failure to pay the required fee is grounds for denial of F, M, or J nonimmigrant status or status-related benefits. Payment of the fee does not preserve the lawful status of any F, J, or M nonimmigrant that has violated his or her status in some other manner.

(1) For purposes of reinstatement to F or M status, failure to pay the required fee will be considered a “willful violation” under [8 CFR 214.2(f)(16)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(f)(16)) or [(m)(16)](https://www.ecfr.gov/current/title-8/section-214.2#p-214.2(m)(16)), unless DHS determines that there are sufficient extenuating circumstances (as determined at the discretion of the Student and Exchange Visitor Program).

(2) For purposes of reinstatement to valid J program status, failure to pay the required fee will not be considered a “minor or technical infraction” under [22 CFR 62.45](https://www.ecfr.gov/current/title-22/section-62.45).