

**To:** All SEVIS users

**Date:** Jan. 29, 2015

**Re:** Post-secondary F-1 Student<sup>1</sup> Employment Reminders (supersedes Broadcast Message 1501-03)

**Number:** 1501-04

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## Comments

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## General Information

### F-1 Student Employment Reminders

Designated school officials (DSOs), please remind F-1 students at your institution about the regulations related to employment while studying in the United States; additional information is on [ICE.gov](http://ICE.gov). If an F-1 student does not follow the terms of their nonimmigrant status as stated in the regulations, the DSO must report the violation in the Student and Exchange Visitor Information System (SEVIS) by terminating the F-1 student’s SEVIS record. After termination of a student’s SEVIS record, the student must depart the country immediately.

There are limited employment opportunities available in the United States for an F-1 student. For this reason, before being admitted to the United States, a student must have documentary evidence that they have the financial ability (e.g., present bank statements) to pay for tuition and living expenses while studying in the United States (i.e., the amount the DSO enters on the student’s Form I-20, “Certificate of Eligibility for Nonimmigrant Student Status”).

The U.S. government takes illegal employment very seriously, so it is important to reiterate this message:

- Students should consult with their DSO before starting on-campus employment
- Students must obtain DSO authorization on the Form I-20 before starting curricular practical training (CPT)
- Students must obtain a DSO recommendation on their Form I-20 and U.S. Citizenship and Immigration Services (USCIS) authorization ([Form I-766, “Employment Authorization Document,” \(EAD\)](#)) before starting any other employment.

If a student with authorized employment does not have a Social Security Number (SSN), the DSO should provide the student with a letter verifying the approved employment, enabling them to obtain one. Every F-1 student who becomes employed in the United States needs an SSN.

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<sup>1</sup> This Broadcast Message pertains only to adult, postsecondary F-1 students. All use of the term “student(s)” refers to adult, postsecondary F-1 student(s).

If the DSO is aware of an F-1 student employed without authorization, the DSO must report it in SEVIS within 21 days<sup>2</sup> by terminating the student record.<sup>3</sup> As a reminder, these are the employment opportunities available to eligible F-1 students:

### **On-Campus Employment**

While it does not require authorization in SEVIS, DSOs should ensure an F-1 student is eligible for on-campus employment (i.e., confirm that the student is maintaining nonimmigrant status, is not a border commuter and that the employment meets the regulatory criteria for on-campus employment).<sup>4</sup> Keep in mind, unless eligible for an exemption under emergent circumstances as recognized by the Secretary of Homeland Security, an F-1 student may only be employed 20 hours per week with on-campus employment when school is in session.

### **Off-Campus Employment**

An F-1 student is eligible for off-campus employment only after they have been in F-1 status for one full academic year at a Student and Exchange Visitor Program (SEVP)-certified school. Off-campus employment is available only for a student experiencing severe economic hardship caused by unforeseen circumstances beyond the student's control.

A DSO must first recommend the student for off-campus employment on the Form I-20. The student must then file a [Form I-765, "Application for Employment Authorization,"](#) with USCIS. If approved by USCIS, the student will receive an [EAD](#) from USCIS. The student may not begin employment until they have received an EAD. Similar to on-campus employment, the student may only be employed 20 hours per week when school is in session, unless eligible for an exemption under emergent circumstances as recognized by the Secretary of Homeland Security.

### **Internship with an international organization**

An F-1 student who has been offered employment by a recognized international organization within the meaning of the International Organization Immunities Act<sup>5</sup> may apply for employment authorization to USCIS. The student is required to present a written certification from the international organization that the proposed employment is within the scope of the organization's sponsorship.

### **Practical Training**

An F-1 student may also be eligible for practical training directly related to their studies if they have been lawfully enrolled on a full-time basis in an SEVP-certified college, university, conservatory or seminary for one full academic year. A student may be authorized 12 months of

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<sup>2</sup> 8 CFR 214.3(g)(2)

<sup>3</sup> Time permitting; the DSO should first verify that the student does not have alternate work permission (e.g., temporary protected status or an adjustment of status EAD). In these cases, the SEVIS record should be terminated for a reason other than "work without authorization." See the [SEVIS User Manual](#): Form I-20 for details.

<sup>4</sup> Further, if the student requests authorization for another employment benefit, the DSO will want to know about any current employment.

<sup>5</sup> As defined in [22 U.S.C. § 288](#) 59 Stat. 669.

practical training and becomes eligible for another 12 months of practical training when changing to a higher educational level.

CPT must be integral to the student's program of study and with an employer formally authorized by the school through a cooperative agreement. Exceptions to the one academic year requirement are provided for students enrolled in graduate studies that require immediate participation in CPT.

DSOs can access additional information regarding employment benefits on [Study in the States](#).

SEVP thanks DSOs for reiterating these rules to their F-1 students and staying diligent in reporting unlawful activity. If a DSO has questions or concerns about SEVP employment regulations, contact SEVP via phone or email at 703-603-3400 or [sevp@ice.dhs.gov](mailto:sevp@ice.dhs.gov).

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