

# **CUNY Guidelines, Procedures, and Best Practices**



**on**

## **F-1 and J-1 International Students**

Prepared by: CUNY Office of Student Affairs  
International Student & Scholar Services

# I. General

## Introduction

### 1. Foreword:

At the present time international students represent approximately **2.5%** of the overall CUNY student enrollment. As these numbers continue to grow, so does the need for increased awareness and understanding of some of the challenges they face in adapting to their new country and educational environment. For many, setting obtainable academic and career objectives, while safeguarding their temporary legal status in the United States, is a daunting task. The U.S. Department of Homeland Security requires international students to familiarize themselves well with very complex immigration regulations that can impact their academic success. Schools that are certified to enroll non-immigrant students must also comply with very important record keeping and reporting requirements. While there are offices in CUNY that have been specifically assigned to assist international students with immigration and cross-cultural adjustment issues, we cannot lose sight of the fact that these students also interact with many other members of their college campus. At any given moment a question that expressly deals with an immigration-related issue may come up. Finding answers to such questions in a timely manner is extremely important, as the academic success of our CUNY international students is largely dependent on their ability to maintain their immigration status in the U.S.

### 2. Purpose:

The CUNY Task Force report provides recommended policies, standards and procedures to be applied in order to better serve CUNY international students in F-1 (student visa) and J-1 (exchange visitor in the student category) status. These two widely requested non-immigrant visa categories independently consist of students, research or short-term scholars and their dependents. The report, however, will specifically address F-1 and J-1 student-related issues. It is a comprehensive guide that can be used as a key resource for Designated School Officials (DSOs), Responsible Officers (ROs), staff, faculty and administrators and other members of the CUNY community. Included is information on best practices in immigration advisement, CUNY admission policies and international student advocacy. When accessing information to help international students, users of this guide are reminded that, as per the U.S. federal government regulations, ***only*** a CUNY Designated School Official or Responsible Officer is authorized to provide immigration advisement. As stated throughout the guide potential institutional and personal liabilities can best be voided by referring international students in need of immigration advisement to the International Student Advisor's office on their campus. Further, an abbreviated list of commonly used immigration terms and acronyms, as well as a glossary, has been provided for the reader's convenience. Users of this guide are strongly recommended to carefully read the section on the importance of institutional responsibility and compliance with U.S. immigration regulations on page 17. Additionally, this guide should not be construed as a comprehensive "how to" manual for CUNY Designated School Officials and/ or Responsible Officers. The DSOs and ROs should utilize this guide as a handbook for CUNY's F and J status policies, standards, procedures, and best practices. However, the DSOs and ROs, as their primary legal sources, should always consult the applicable statutes and regulations as needed. Finally, as a living document, the guide will be continually updated, as needed, to ensure that the resources and information remain accurate and relevant.

### 3. Responsibility for Compliance:

The CUNY Central Office of Student Affairs, International Student and Scholar Services works in tandem with campus administrators to ensure the University's compliance with all international student immigration regulations as mandated by the federal government, including SEVIS - Student Exchange Visitor Information System requirements. It is important that the University provide appropriate immigration professional development opportunities for CUNY International Student Advisors and Designated School Officials and make regulatory compliance with the Department of Homeland Security (DHS) and Department of State (DOS) Federal regulations as easy as possible. All Designated School Officials (DSOs) and Responsible Officers (ROs) on each campus must be in compliance with the both the SEVIS reporting requirements (<http://www.ice.gov/sevis/factsheet/061605dsoreporting.htm>) and the record keeping regulations as stated in **8 CFR § 214.3(g)** for F-1 students and **22 CFR 62.70** for students in the J-1 category. More information on reporting and record keeping can be found at <http://www.ice.gov/sevis/>

## II. DEFINITION OF TERMINOLOGIES AND ACRONYMS

The educational objectives and accomplishments of international students have a direct impact on their immigration status in the United States. When working with this student population, we may come across a number of very unfamiliar terminologies and acronyms. 'Visa' and 'status' are examples of two immigration terms that are commonly used and sometimes mistakenly thought to be interchangeable. It is important to acquire a general understanding of these frequently used terms, as it can determine the quality of services we provide to our international students. **International Student**, for the purpose of the report, is an individual who has been admitted to the United States in non-immigrant F-1 (student) or J-1 (exchange visitor in the student category) status for the purpose of enrolling in a full course of study at a U.S. accredited higher education institution.

- i. **Admit:** A student who has been offered admission to a college
- ii. **Applicant:** A student who has submitted an application for enrollment which is pending at the college.
- iii. **AT (Academic Training):** An employment option available to J-1 students authorizing them to work in a field related to their studies.
- iv. **CBP (Custom and Border Protection):** A security branch of the Department of Homeland Security that protects U.S. borders and ports of entry.
- v. **CPT (Curricular Practical Training):** A type of employment that allows F-1 students to work in their field of study as part of their course requirement.
- vi. **DHS (Department of Homeland Security):** The U.S. federal government agency that deals with the country's national security.
- vii. **Department of State (DOS):** The foreign affairs agency of the U.S. federal government that oversees the issuance of U.S. visas at the American Embassies and Consulates in foreign countries. This agency also governs the J-1 Exchange Visitor Program.
- viii. **DSO (Designated School Official):** Designated School Official is a college/university official who is answerable to the Department of Homeland Security (DHS) for the administration of the designated F-1 student program. Principal Designated School Officials (PDSO) and DSOs are also designated to undertake certain functions of the DHS such as status extensions, certain employment authorizations, etc. They are also responsible for SEVIS reporting to the Department of Homeland Security.
- ix. **Duration of Status (D/S):** A notation on the I-94 stamp indicating that the F-1/J-1 students are authorized to stay in the U.S. for a period it takes to complete their studies. However, students must maintain their immigration status by enrolling in a full-time course of study for each academic term while they remain in the U.S. This includes students on Optional Practical Training and Academic Training.
- x. **EAD (Employment Authorization Document):** Is the I-766 immigration form that authorizes bearer to work legally in the United States.
- xi. **Electronic I-94 (Arrival/Departure Record):** An admission stamp placed in the passport of a non-immigrant visitor by a Custom and Border Protection officer upon entry into the U.S. The stamp indicates a visitor's status, purpose, and length of stay permitted to remain in the U.S. International students, scholars and their dependents in the F and J non-immigrant categories are admitted for the period of time it takes to complete their studies; referred to as duration of status (D/S).
- xii. **Enrolled:** A student who is (a) registered in a degree program and (b) registered in a course.
- xiii. **F1:** A status for an international student pursuing a full-course of study in a degree, English as a Second Language (ESL), or certificate program of study at a CUNY College through the issuance of a SEVIS Certificate of Eligibility (Form I-20).
- xiv. **F2 Dependent:** spouse or child (under the age of 21 years old) of an F-1 student.
- xv. **ICE (Immigration and Custom Enforcement):** The agency under the Department of Homeland Security that enforces U.S. immigration regulations and oversees the Student and Exchange Visitor Information System (SEVIS)

- xvi. I-20/ DS-2019 (SEVIS Certificate of Eligibility):** A federal immigration document issued by accredited educational institutions in the United States that describes the primary purpose of the non-immigrant's temporary visit to the U.S. (e.g. F-1, J-1).
- xvii. International Student Advisor (ISA):** A university/college official in charge of providing information and guidance to international students on government regulations, visas, academic policies, language, housing, travel plans, insurance, legal, and personal matters. ISA's provide immigration workshops, orientation, and other initiatives that inform students about immigration issues and services. In most but not all colleges/universities, the ISA is also as the Designated School Official (DSO).
- xviii. J-1:** A status for an exchange visitor in a student category participating in an academic course of study at a CUNY College through the issuance of a Certificate of Eligibility (Form DS-2019).
- xix. J-2: Dependent:** spouse or child of a J-1 student or Exchange Visitor.
- xx. Off-Campus:** Locations outside of all the CUNY colleges and the Central Office.
- xxi. On-Campus:** Locations within a school's primary location, including all CUNY colleges and the Central Office
- xxii. OPT (Optional Practical Training):** A work program that allows F-1 students, who have been in status for at least one year to work either before or after graduation in a field related to their studies.
- xxiii. PDSO (Principal Designated School Official):** As stated in the Code of Federal Regulations (CFR), §214.1(b), 214.2(b), 214.2(f), 214.2(m), and 214.4, a P/DSO is a college and/or university point person who is answerable to the Department of Homeland Security (DHS) for the administration of the F-1 program and the maintenance of the schools' electronic I-17 certification, which authorizes school to admit and enroll international students in F-1 status.
- xxiv. RO/ARO (Responsible Officer/Alternate Responsible Officer):** College/university's primary official who is answerable to the U.S. Department of State (DOS) for administration of the designated J-1 Exchange Visitor Program at the individual college. The RO/AROs are also designated to undertake certain functions of the Department of Homeland Security (DHS) such as status extensions, certain employment authorizations etc. They are also responsible for the SEVIS reporting to the DHS
- xxv. SEVIS (Student Exchange Visitor Information System):** An internet based federal government information system designed to track and monitor compliance of international students and exchange visitors studying in the U.S.
- xxvi. SEVP (Student Exchange Visitor Program):** Program under the U.S. Immigration Custom Enforcement (ICE), Department of Homeland Security that administers and monitors the Student Exchange Visitor Information System (SEVIS).
- xxvii. Status:** A United States immigration term that defines the category, the purpose of stay, and the authorized period of stay of a non-immigrant visitor in the United States.
- xxviii. STEM (Science, Technology, Engineering, and Mathematics):** Degree programs designated by the Department of Homeland Security that allows F-1 students on post-complete optional practical training to request extensions of work in their fields.
- xxix. USCIS (United States Citizenship and Immigration Services):** The government bureau under the Department of Homeland Security that deals with citizenship and immigration issues.
- xxx. Visa:** A stamp placed in a student's passport. The visa indicates the immigration status that the student requested at a U.S. Consular Visa Office overseas. The visa allows the student to seek entry, or re-entry to the United States at a U.S. Port of Entry, no later than the expiration date on the visa. Upon completion of entry, the visa becomes irrelevant for all aspects of the student's continuing status inside the U.S.

### III. Applying to CUNY

The admissions process for all undergraduate students wishing to attend CUNY begins at the University Application Processing Center (UAPC). For the purpose of this report, an *'applicant'* is an individual that has formally filed an application for admission to CUNY. *'Admitted'* refers to a student who has been offered admission to CUNY and the term *'Enrolled'* will be used for a student that is registered in a course or program at CUNY.

Undergraduate international students are required to complete an online centralized application process. Admissions to graduate programs, English language programs (or English as a Second Language), or other advanced and certificate programs are processed at the discretion of the admissions offices at each individual college and program. For admissions purposes, the processing of J-1 international student application does not differ from that of F-1 international students, with the exception of the J-1 non-degree exchange students and student interns. For these categories, the admission criteria is different and depends on the individual bilateral or unilateral exchange programs individual schools have with foreign institutions or organizations.

### IV. Post Acceptance/Pre-Arrival

Once accepted to CUNY, all F-1 international students are required to obtain and submit specific documents to the Designated School Official at the college they have been accepted to in order to obtain the SEVIS Certificate of Eligibility (I-20). Upon review of the said documents, the Designated School Official must determine if the student is eligible to receive the I-20 Certificate of Eligibility. The student will need the SEVIS generated Certificate of Eligibility (I-20) form to request an F-1 student visa at the American Consulate/Embassy overseas. The visa is required to request entry into the U.S. for the purpose of enrolling in a full course of study.

Similarly, once a J-1 student or student intern is admitted to a CUNY school, the Responsible Officer of that school generates a form DS-2019, which is the "SEVIS Certificate of Eligibility" for J-1 exchange visitors. The student uses the DS-2019 to apply for a J-1 Exchange Visitor's visa at the American Consulate/Embassy overseas.

#### 1. Documentation for the Certificates of Eligibility (I-20/DS-2019)

- a. Academic
  - i. Admission Letter from the individual college indicating acceptance.
- b. Financial Certification
  - i. Before a SEVIS Certificate of Eligibility can be issued, all international students must present financial documents that show the amount of guaranteed funds for the first year and projected support for subsequent years, depending on the program of study. The source of financial support can be demonstrated with university or other organizational support, a sponsor's support from income, or with bank statements that are sufficient to cover the entire period of study. The school must be satisfied with the student's financial ability to study at CUNY before issuing a form I-20 or DS-2019. A culture of admitting F-1 or J-1 students without adequate financial sponsorship documentation potentially jeopardizes a school's standing with the U.S. Department of Homeland Security, and risks its continued eligibility to admit international students under the SEVIS program.

***The following documentation must be collected in order to determine a student's economic viability and substantiate their ability to pay college costs; including tuition, fees, and living expenses:***

- Affidavit of Support
  - Declaration & Certification of Finances
  - Sponsor Supporting Evidence
- c. Issuance of Certificate of Eligibility Forms

Certificates of Eligibility forms should only be issued to students that have been admitted to a CUNY school. The form I-20 must be issued in accordance with **8 CFR 214.3(k)**. Similarly, form DS-2019 should be issued and maintained as set forth in **22 CFR 62.12**

- i. A prospective F-1 or J-1 student is required to complete and submit an I-20 or DS- 2019 application form so that the actual Certificate of Eligibility can be issued.
  - ii. The prospective F-1 or J-1 student must present the Certificate of Eligibility, school acceptance letter and financial support documents at the American Consulate/Embassy overseas in order to request the F-1 or J-1 Visa.
  - iii. The F-1 or J-1 student that has been granted entry into the U.S. must maintain a valid form I-20 or DS- 2019 in order to maintain legal status in the country.
- d. **Governmental Documentation**
- i. **Immunization Form:** All students must submit proof of immunization in order for the college to determine if the student has the mandatory immunizations needed before enrollment and course registration at a CUNY college.
- e. **Health Insurance (mandatory for J-1 students)**
- i. All J-1 students must show proof of valid mandatory health insurance for themselves, as well as for their spouses and/or dependents.
  - ii. Students in F-1 status should be encouraged to purchase and maintain health insurance coverage for their duration of their status, renewable on a yearly basis.
- f. **Academic Commitment Fee:** As stated on the CUNY Admission home page, all admitted students **are required to pay a non-refundable \$100 Commitment Tuition Deposit**. The Commitment Tuition Deposit enables each student to confirm enrollment at the college to which she/he has been offered admission and will be applied to the first semester tuition charges.

**After the request for the SEVIS Certificate of Eligibility has been reviewed and approved, the International Student Advisor will send a cover letter accompanying the above identified documents to all admitted students and exchange visitors with complete information on the F-1/J-1 visa issuance process.**

## 2. Pre-Enrollment Procedures and Requirements

- a. **Arrival:** All new students may arrive in the U.S. no earlier than 30 days before the school program start date regardless of whether they arrive either:
- i. From Overseas
  - ii. Through SEVIS Transfer
  - iii. By Change of Status (*e.g. from either B, G, H or any other nonimmigrant visa category to F-1 or J-1*)
- b. **Reporting:** All new students must report to the International Student Advisor at the respective college as soon as they arrive in the U.S. and before classes begin. Each student must provide copies of the following documents to the Designated School Official or the Responsible Officer:
- i. Passport
  - ii. Visa stamp in the passport
  - iii. I-20 Form or the DS-2019
  - iv. Stamp in the passport that has a date and indicates the F-1 or J-1 status with the notation of "D/S"
  - v. I-94 arrival/departure record.

**\*Note:** *In the spring of 2013, the DHS stopped issuing physical I-94 Forms. The process is now electronic. The electronic arrival/departure record (I-94 card) can be obtained at <http://www.cbp.gov/I94>. To avoid possible status violations and other breaches of the US immigration regulations, CUNY students, scholars and dependents must print out their arrival/ departure record once they arrive in the US, and must provide a copy to their DSO/ RO within fifteen (15) days of entry into the United States.*

- c. **Testing:** International Student Advisors should remind all new students about the university requirement of the CUNY Skills Assessment Tests and other campus specific tests. Testing dates vary from one campus to another, and students should be advised to factor these dates into their 30-day arrival period in the U.S.

- d. **Orientation.** Each semester, International Student Advisors must conduct orientations for new students to assist them in adjusting to the new educational environment and in understanding the academic requirements of the university. Orientations should include valuable information to students about understanding the applicable immigration regulations, available support services on campus and cultural enrichment programs relevant to their interests.

## V. Enrollment Requirements, Procedures and Options for Students

*Students must enroll full-time at the college that issued the Certificate of Eligibility (Form I-20 or DS-2019) which the student used to (a) enter the United States, (b) Transfer status to, or (c) complete Change of Status.*

### 1. Enrollment Requirements

#### a. Maintaining Valid International Student Immigration Status

- i. **Full-time Course of Study Requirements:** International students are required to enroll in a full-time course of study for each academic term while they remain in the United States based on the following:
- ii. **Full-Time Enrollment.**
  - English Language Institutes and other Certificate Programs: at least 18 hours per week each term.
  - Paralegal Certificate Program at Queens College ELI: at least 450 hours per term.
  - Undergraduates (Bachelor or Associate Degrees): at least 12 semester or quarter hours of instruction (“course hours” or “credit hours”).
  - Graduate Master’s: At the graduate level, “full-time” is prescribed by schools, and there are no regulatory minimums. Most CUNY Colleges require at least 9 credit hours per week. Other College administrative offices may require at least 12 registered credit hours for full-time certification. Master’s in Journalism suggests 15 hours per semester in order for a student to complete the program in the required 17-month cycle.
  - Graduate Doctoral: at least 7 registered credit hours per semester. NOTE: some Doctoral Programs may require registration for a higher number of credit hours each semester in order to meet specific Program academic requirements.
- iii. **On-line Courses:** As per 8 C.F.R. § 214.2(f)(6)(i)(G) F-1 students may only take one 3-credit on-line course that counts towards a full course of study during the semester. However, prior approval from the Designated School Official must be obtained.

### 2. F-1 Status

- a. An F-1 student who is currently pursuing a full course of study (**12-credit classroom hours**) may add as many online courses as he/she wishes to his/her schedule.
- b. An F-1 who is currently enrolled in a hybrid full course of study (**9 credit classroom hours and 3 credits on-line**) cannot register for additional online courses.
- c. F-1 students enrolled in English Language Programs at English Language Institutes are not permitted to take on-line courses.
- d. The full course of study requirement and the on-line course restriction apply to all international students at CUNY, including those participating in the following:
  - i. CUNY BA Program.
  - ii. CUNY School of Professional Studies.
  - iii. Students taking courses on E-Permit.

### 3. J-1 Status

As per the federal regulations under the Department of State, students in J-1 status, other than student interns, are required to be enrolled in traditional classroom courses. The Exchange Visitor Program is designed to engage physical connections more than virtual ones. See regulations below.

- a. **2 CFR 62.23(e)** Full course of study requirement stipulates that a student, other than a student intern as described in paragraph **62.23(h)(3)(i)**, must pursue a full course of study at a post-secondary accredited academic institution in the United States, as defined in 62.2.
- b. According to **22 CFR 62.2**, full course of study means enrollment in an academic program of classroom participation and study, and/or doctoral thesis research at an accredited educational institution.
- c. J-1 students are subject to the same limitations on online courses as the F-1 students, as discussed above. J-1 students may only take one 3-credit on-line course that counts towards a full course of study during the semester. However, prior approval from the Responsible Officer must be obtained.

## VI. Concurrent Enrollment:

As per regulation **8 C.F.R. 214.2(f)(6)(iv)**, international students in F-1 status are permitted to enroll in 2 SEVIS-approved schools concurrently (at the same time), provided their enrollment amounts to a full course of study, as explained in the previous paragraphs. In such cases, the school from which the student plans to earn a degree or certificate is responsible for issuing the I-20 Form and handling all the SEVIS-related reporting requirements. Students can enroll at the same time in 2 different colleges, in a college and an English language program or in 2 English language schools. As part of the SEVIS reporting requirements, the DSO at the school that issued the SEVIS Certificate of Eligibility must document and maintain copies of the following in the student's file:

- The F-1 student's official acceptance letter from school #2
- Verification of enrollment at school #2
- Verification that student's enrollment at both schools amounts to a full-course of study

### a. Exceptions to Full-Time Enrollment for F-1 Status **8 CFR 214.2(f)(6)(iii)**

- i. Annual Vacation **8 CFR 214.2(f)(5)(iii)**  
According to the regulations, an international student in F-1 status is considered to be maintaining status during the annual break even though that student is not registered for classes. Since CUNY follows a traditional calendar, the annual vacation refers to the summer. However, the student should plan to enroll full time for the fall semester.
- ii. **Reduced Course Load (RCL) 8 CFR 214.2(f)(6)(iii)(E)**: If an international student needs to drop below a full- course of study, the student can do so under only four (4) limited regulatory exceptions. If the student falls under one of these exceptions, the student **must** obtain approval from the Designated School Official (DSO) before dropping courses below the required full course load. The RCL regulations do not give any discretion to the DSOs to create new exceptions. There are no exceptions other than those listed below. The following are the **only** exceptions to a full-course load, see CUNY Advisory on RCL in Appendix I:
  - Academic difficulties **8 CFR 214.2(f)(6)(iii)(E)**  
Initial difficulty with the English Language or reading requirements  
Unfamiliarity with U.S. teaching methods • Improper course level placement
  - Medical Condition **8 CFR 214.2(f)(6)(iii)(B)**  
Document medical necessity – documentation from a licensed medical doctor, doctor of osteopathy, or licensed clinical psychologist is required. This type of RCL is limited to twelve (12) months at each academic level of study.
  - Completion Course of Study **8 CFR 214.2(f)(6)(iii)(C)**  
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. Also graduate students registered for thesis/dissertation hours, or matriculation hours, are considered to be full-time students.

### b. Exceptions to Full-Time Enrollment for J-1 Status **22 CFR 62.23(e)**

International students in J-1 student category, with exception of the J-1 student interns, are required to pursue a full course of study as specified at the above cited regulation. However, there are some exceptions to this requirement based on the following situations:

- i. **Medical Illness:**  
This is applicable to students in F-1 or J-1 status who are faced with an illness or medical condition. Medical Documentation is required.
- ii. **Academic Reason**  
Written recommendation from the Academic Dean or Advisor is required under this exemption. c) Final Semester: This exemption covers the J-1 students who are in their last semester and need certain number of credits to complete the program academic requirements.

**c. Reinstatement 8 CFR 214.2(f)(16):**

- i. **Most common reasons for seeking reinstatement:**
  - Failure to maintain a full-course load – taking fewer than the required credit hours e.g. 6 - 9 credit hours for undergraduates instead of 12.
  - Failure to report to the school that issued the Certificate of Eligibility used to enter the country.
- ii. **Out-of-status:**  
An F-1 student who has fallen out of status may request a Certificate of Eligibility for reinstatement if the student:
  - Has not been out of status for more than five (5) months or demonstrates that the failure to file within the five month period was the result of exceptional circumstances.
  - The request for reinstatement was filed as promptly as possible under these exceptional circumstances.
  - Does not have a record of repeated or willful violations of the F-1 regulations, and is currently pursuing, or intending to pursue a full course of study in the immediate future at the school which issued the SEVIS Certificate of Eligibility.

The DSO decides whether or not the case is appropriate for issuing a SEVIS Certificate of Eligibility for reinstatement. Then, it is the responsibility of the student to apply for a reinstatement through the United States Citizenship and Immigration Services (USCIS).

## **VII. Employment Options and Eligibility**

### ***On-Campus Employment***

**a. F-1 Regulation 8 CFR 214.2(f)(9)(i)**

- i. All international students in F-1 and J-1 status may engage in employment on campus for up to 20 hours per week while school is in session and full-time during the summer and winter breaks.
- ii. As a CUNY policy, on campus employment for CUNY students refers to employment at any campus throughout the CUNY system including the Central Office. It may also include work at an off-campus location which is educationally affiliated with the school's established curriculum or related to contractually funded research projects at the post-graduate level, and the employment is an integral part of the student's educational program.
- iii. The Designated School Official, upon request, should verify a student's current immigration status and semester registration for the purpose of I-9 completion and on-campus employment eligibility. Although not mandatory, verification of students' status is recommended because of the CUNY students' ability to work **incident** to status at different CUNY campuses.
- iv. Upon initial entry into the country 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.

**b. J-1 Regulation 22 CFR 62.20 and 62.23(g)(1)(ii)**

- i. J-1 students who wish to work on campus must:
  - Engage in a full-course of study or an approved prescribed course of study.
  - Work no more than 20 hours a week while school is in session or; full-time during official vacation and break periods.
  - Obtain written employment authorization from the J-1 Responsible Officer or Alternate Responsible Officer prior to working.
  - Be advised that working without authorization is a violation of status [22 CFR 62.16(b)].

- ii. On campus student employment may also occur in form of a scholarship, fellowship, or assistantship.
- iii. The RO/ARO must verify a J-1 student's employment and authorize it before the student begins work. J-1 employment authorization is a reportable event.

**Off-Campus Employment:**

**a. F-1 Status**

- i. **Curricular Practical Training (CPT) 8 CFR 214.2(f)(10)(i) :**
- ii. The DSO must authorize Curricular Practical Training (CPT). A student must have completed one academic year of study and:
  - Has been lawfully enrolled on a full-time basis in an approved school program for one full academic year, regardless of the school or immigration status.
  - Maintains a full course of study as required by the international student immigration regulations.
  - Has a job offer, and the proposed employment and/or internship is an integral part of the student's degree program, as evidenced and supported by the student's academic advisor or department.
  - Is registered for a course that counts towards the fulfillment of his/her degree requirements, and is receiving a credit for it.
- iii. DSO must sign and date the student's Certificate of Eligibility prior to student's The commencement of employment as stated in **8 CFR 214.2(f)(10)(i)(B)**.
- iv. **NOTE:** An F-1 student that engages in full-time CPT for **12 months or more** will not be eligible for optional practical training upon graduation.
- v. **Exemption to the one full academic year requirement:** Graduate students enrolled in programs which require immediate participation in CPT as part of the curriculum.

**b. Severe Economic Hardship: [8 C.F.R. 214.2(f)(9)(ii)(C)-(D) and (F)]** In exceptional and unforeseen economic circumstances, students may be eligible for off-campus employment that is not directly related to their field of studies. However, the student must:

- Have been in F-1 status at the current institution for one full academic year or longer.
- Provide sufficient document supporting the severe hardship
- Consult the International Student advisor, who should appropriately provide instructions and recommendations, including applying for work authorization from USCIS.
- i. **International Organization:** This type of employment is for students who are offered internship by a recognized international organization such as the United Nations, the World Bank, International Monetary Fund, etc. A comprehensive list of recognized international organizations can be found at **19 CFR 148.87**. However, Employment Authorization Document (EAD) from the U.S. Citizenship and Immigration Service (USCIS) is required.
- ii. **Pre-Completion Optional Practical Training:** Pursuant to **8 CFR 214.2(f)(10)(ii)(A)(1)-(2)**; F-1 students may engage in Optional Practical Training (OPT) prior to graduation. They must meet the requirements that follow.
  - Students must be registered for a full-time course load of study.
  - Students can work 20 hours a week while classes are in session and full time during holidays and vacation periods.
  - Part-time practical training, 20 hours or less under pre-completion OPT is deducted from available practical training, at half time. *For instance, if a student uses 6 months for part-time OPT, then three months, at one half time, will be deducted from the student's maximum post completion OPT time. Therefore, the student in this example will have only 9 months left available for her post- completion OPT.*

iii. J-1 Status:

▪ **Economic Hardship Employment:**

J-1 students are permitted to work off-campus due to serious, urgent and unforeseen economic circumstances, e.g. due to political turmoil and/or national economic crisis in their home country. The standard for this type of employment is very similar to the “severe economic hardship” authorization above for F-1 students. However, authorization for this employment for J-1 students is approved and granted by the RO/ARO. Therefore, the RO/ARO must exercise discretion and be very careful when handling applications requesting authorization for economic hardship employment.

c. **Academic Training (AT)**

Academic Training is a category of employment that gives the student an opportunity to obtain work experience in his/her field of study. This type of employment:

- Is available to both degree and non-degree seeking students.
- Must be directly related to the student’s field of study.
- Is a career training opportunity.
- May be paid or unpaid.
- Can be taken at any time, during the student’s course of study or commencing no later than 30 days following his/her completion of studies.
- Can be taken for up to an 18 month period for undergraduate and graduate students. The 18 month count is cumulative and includes academic training periods previously taken at the current or some other institution.
- Academic Training after graduation is limited by the amount of previous AT authorized during studies, to a maximum of 18 months total.
  - Non-degree students may engage in Academic Training equivalent to the duration of the program, e.g. if the students’ academic program is 9 months then he/she is only eligible to obtain AT for nine months.
- All Academic Training is counted in full-month increments. There is no distinction between full-time and part-time AT authorization

To obtain work authorization for Academic Training [22 CFR 62.23], the student must:

- Obtain approval from both, the Responsible Officer and Dean or Academic Advisor **prior to working**.
- Have a job **offer before applying** for Academic Training.
- Submit the job offer letter to the Responsible Officer and the Dean/Academic Advisor. The letter must include a description of duties and responsibilities, beginning and ending dates of the employment, total number of hours per week, and salary that the student will be receiving, and the name and other contact information of his/her supervisor.
- Submit a recommendation letter from the Dean or Academic Advisor to the Responsible Officer. The letter must include:
  - The goals and objectives for the student’s specific academic training employment
- how the job relates to the student’s major field of study
  - Why the proposed employment is an essential part of the student’s academic program

In order to ensure the quality of the AT program it is also recommended that:

- The Dean's/Academic Advisor's letter include the name of the student's course(s) applicable to the training, the number of credits earned for each course, the name of the instructor(s) teaching and/or supervising the Academic Training
- The AT evaluation plan be completed by the instructor/academic supervisor and on-site supervisor prior to completion of the AT program.
- Health insurance coverage be maintained throughout the Academic Training period [22 CFR 62.14] The Responsible Officer must:
- Review the job offer and Dean's/Academic Advisor's letters
- Evaluate the student's eligibility for Academic Training based on the student's job description and suitability to his/her academic program, and specified goals and objectives.
- Confirm that the student does not exceed the period allotted for Academic Training
- Provide the student with written authorization to engage in Academic Training.

As a best practice, the RO may also request an evaluation report from the student's instructor or academic training supervisor to monitor and determine if the student is on target in meeting his/her AT goals.

## **VIII. Travel Abroad and Reentry to the United States**

### **a. General Procedures for Reentry to the United States:**

- i. It is strongly recommended that students who travel outside the United States secure the signature of the DSO or RO on the Certificate of Eligibility at least 3 to 4 weeks before they exit the country. This will give students sufficient time to prepare for additional requirements for reentry, such as documenting financial support for reentry visa application processes.
- ii. International Student Advisors should note that some re-entries after a certain period of time need specific preparations and/or arrangements. Students must be encouraged to contact the International Students Office if any of the scenarios below is applicable to them.
  - Re-entry after a temporary absence
  - Re-entry after an absence of more than 5 months
  - Study Abroad

### **b. Visa Application Procedures**

- i. To prepare the student for travel and re-entry to the United States, the Designated School Official must:
  - Review the students' travel documents, including all passports to ensure they are valid and that the visa stamp has not expired.
  - Review the student's financial support documents and proof of insurance (for J-1) to ensure they meet consulate/embassy requirements.
  - Instruct the student on how to renew the visa or extend the documents if necessary.
  - Provide the student with the procedures for re-entering the U.S.
  - Sign/endorse the Certificate of Eligibility.
  - Extend the dates of completion in SEVIS for those students who are near the date of completion as indicated on their SEVIS Certificate of Eligibility.

### **c. Application for Dependents to Enter the United States**

Dependents spouses of F1 students must provide the admitting school with proof of marriage. Dependent children must provide a copy of the birth certificate indicating relationship. The applicant or the Principal F1 holder must also provide financial documentation demonstrating that the necessary funds are available for their (student, spouse, and children) stay in the United States. If documentation is satisfactory, the form I-20 is issued and the dependent spouse or child/children may then apply to the United States for a U.S. visa.

**Note:** Individuals in F-1 or J-1 status may not offer financial support to another international student, in F-1 or J-1 status, for the purpose of issuing a Certificate of Eligibility.

A J-2 dependent is not allowed, by J status regulations, to provide financial support from US authorized income for the spouse, the Principal J-1, or another international student, for the purpose of issuing a Certificate of Eligibility.

## **IX. Record Keeping, Reporting Requirements, and Documentation during Studies**

### **1. Federal Requirements**

#### **a. Initial SEVIS Periodic Registration (8CFR 214.3(g)(3)(iii):**

Designated School Officials and Responsible and Alternate Responsible Officers **must** activate all F-1 and J-1 student and exchange visitors' records in SEVIS within 30 days of the program start date.

#### **i. Non Activated SEVIS Records**

- Failure to activate enrolled students' records in SEVIS each semester is a violation of the federal government reporting requirement regulations. If F or J students are not enrolled in classes for a particular semester, after doing his/ her due diligence, a DSO/RO should terminate the students' records manually in SEVIS.
  - DSOs and RO/AROs are responsible for all the SEVIS records that are automatically terminated by the system after the registration period. The implication here is that, by not manually terminating or activating the students' record, the DSO/RO is not in compliance with the mandated reporting requirements. To that end, *DSO/RO should take corrective measures and make sure that students do not lose their immigration status as a result of the DSOs/ROs' oversight*
  - DSO/ RO Due Diligence Requirements - All F and J students must enroll for minimum credit hours each semester throughout their studies in CUNY. The "minimum hours" differ based on the student's educational level, and, occasionally, their program of study. There are also several exceptions to the minimum enrollment requirements, and if eligible, it is the student's responsibility to claim and document an exception in a timely manner. Any F-1 or J-1 student who is not enrolled for classes in a given semester, or who is under-registered, should be considered a non-compliant student. For such students to assure compliance with immigration regulations, and to maintain their F or J statuses, must either fully register or claim and document an exception applicable to each student's individual situation. In order to assure full compliance with SEVIS regulations, DSO/ROs must:
- ii. Within ten (10) days of the program start date of each semester, make a list of all non-compliant F and J students and contact them via their official CUNY e-mail addresses, and, if available, via any other email addresses they may have on file, putting the student on notice that (a) the student is not in compliance with US immigration laws and regulations, (b) what the student needs to do to maintain his F/ J status, and (c) that the DSO/ RO will terminate the student's SEVIS record if the student does not establish F/ J status, or document an exception to the full-course of study requirements, within thirty (30) days from the program start date. The DSO/ RO must clearly state the student's "deadline" in the email; and ii. Twenty-one (21) days from the program start date, the DSO/ RO must email a second notice to the non-compliant students who have not established their F/ J statuses or who have not responded to the DSO/ RO's first notice, as explained above; and
  - iii. As soon as the 30 days after program start date deadline passes, the DSO/ RO must manually terminate the students who have not established their F/ J statuses or who have not responded to the DSO/ RO's notices; and
  - iv. Notify the terminated F/J students of the termination and its consequences via the students' official CUNY e-mail addresses, and, if available, via any other email addresses they may have on file.

b. **SEVIS Reportable Events:** All CUNY DSOs and RO/AROs are required by law to use the SEVIS program to report certain information about F-1 and J-1 students to the federal government, in addition to those listed on the I-20 and the DS-2019.

i. **F-1 8 CFR 214.3(g)(3)(iii)**

- Enrollment verification for each semester; within 30 days after program start date.
- Change of U.S. residential address
- Change in degree level
- Change in the major, field of study, or expected date of completion
- Replacement of lost or damaged Certificate of Legibility (Form I-20)
- Adding an F-2 (dependent) to the student's immigration record
- Program End Dates/Extensions
- Early Program Completion
- Changes to financial information • Off-Campus employment
- Authorized and unauthorized drops below the federal regulations mandated full course.
- Authorized Curricular Practical Training (CPT)
- Transfer to or out a college
- Resumption of full course of study
- Leaves absence, suspensions, or withdrawals from school
- Optional Practical Training (OPT)
- Terminations of or discontinuation of Optional Practical Training (OPT)
- Status terminations based on degree completion, change of status (e.g. F-1 to permanent resident), failure to maintain status etc.
- Reinstatement after any violations of student immigration status

ii. **Other F-1 reportable events:** Pursuant to **8 CFR 214.3(g)(3)**, Designated School Officials and Responsible Officers are also required to update SEVIS on an on-going basis within 21 days on the following:

- Change in the school information such as school name, address, or curriculum, which must be updated by the either PDSO on the I-17 electronic form or the Responsible Officer for the J-1 SEVIS.
- Student's violation of the immigration status such as unauthorized employment, or unauthorized reduced course load.
- Information on academic standing or disciplinary actions by the school
- Unauthorized withdraws from the school or failure to complete the program.
- Change in either the student's or dependent's legal name • Student's or dependent's change of address.

iii. **J-1 22 CFR 61.13:** The following reports and/or updates must always be made on the J-1 students' record in SEVIS because these updates constitute compliance with the regulations.

- Change of Status
- Change in school or program sponsor
- Change in funding • Program Extensions due to:
  - Changes in major
  - Loss of transfer credits
  - Delays in research
  - Other unforeseen circumstances (Note: Must be verified and documented by RO/ARO)

- Early Program Completion
- Replacement of Lost/Destroyed DS-2019 (**22 CFR 62.12(d)(3)**)
- Amendments and/or corrections
- Terminations of studies or participation in an exchange program
- Application for a new J-1 visa

**NOTE:** Whenever a reportable event is updated in SEVIS, the DSO or RO/ARO must give the student a new SEVIS Certificate of Eligibility reflecting the changes.

### c. FERPA

The Family Educational Rights and Privacy Act (FERPA), which provides for the confidentiality of personally identifiable information from student education records applies to international students. However, notwithstanding FERPA, CUNY is required to release some information to the Department of Homeland Security (DHS) officials in accordance with section **641(c)(2) of IIRIRA**, a statute that underlies the SEVIS system .

In particular, the SEVIS regulations clearly require that institutions provide to DHS officials only the data elements reported in SEVIS in pursuant to **8 CFR 214.3(g)** regarding student or a group of students. The regulations state that if the school so requests, DHS will provide notice in writing of the request, and the school will have three days to respond to requests for information concerning an individual student and ten days to respond to a request regarding a class of students.

As stated, the exception permits disclosure of the data to **DHS officials only**, not to law enforcement or other federal agencies. Any other requests for information regarding the education records of international students in F -1 and J-1 status should be handled in accordance with CUNY's FERPA Guidelines. In the event that a federal, state, or city agency seeks education records on F-1 or J-1 students, such disclosures should be made only with the **consent** of the **Legal Office** at the individual campus or the CUNY **Office of the General Counsel**.

**\*Educational Privacy for International Students:** When populating the data elements in SEVIS, DSOs and RO's should be considerate of the students' privacy. To that end, only the **required** information should be completed in the system and submitted to ICE, SEVP.

## 2. CUNY Requirements:

### a. Auto Terminated Records:

- Implications:** When a SEVIS record is automatically terminated by the system, the implication is that: The DSO or RO/ARO did not abide by the reporting requirement as stated in **8 CFR 214.3(g)**. Consequently, DSOs and RO/AROs must take the corrective measures listed below whenever a student's SEVIS record is auto terminated by the system. Students must not be penalized for the DSO or RO's oversights and/or mistakes in SEVIS.
- Notifications:** Whenever the SEVIS record is automatically terminated by the system, the DSO or RO/ARO must:
  - Inform the student(s) via email and official letter on a school letterhead.
  - The Chief of Student Affairs' office must be copied on the notification.
  - A copy of the notification must be placed in the student's file.

### b. Ethical Issues:

International Student Advisors (ISAs) operate in a very complex environment. They must interact and assist students from diverse cultures who may hold different values and beliefs. Through the course of the day, the international student adviser is often required to balance the mandated U.S. Immigration regulatory requirements, as well as institutional policies, with their own expectations and those of the students they advise. Ethical situations are inevitable and when they arise, seeking guidance from other professionals in their academic community is extremely important. International Student Advisors, when in question, should always refer to the **NAFSA Code of Ethics**, that can be accessed at the following link; [NAFSA's Statement of Ethical Principles](#).

### c. Retention of Records:

The retention period of students' records as stated in 8 CFR 214.3(g) is 3 years, while CUNY's retention policy is 6 years. International Student Advisors must follow the CUNY retention schedule, which is provided in Appendix J of this document.

### 3. School Transfers **8 CFR 214.2(f)(8)(ii)(C)**

Students in F-1 or J-1 status may be eligible to transfer from one SEVP-approved school to another provided they have maintained status at the school they were last authorized to attend. DSOs and ROs/AROs must remind students that transferring "academically" from one school to another does not meet the full transfer process, as stated at the federal immigration regulations. The DSO or RO/ARO must officially transfer out student's immigration status and record to the new school.

In order to transfer from one SEVP-approved school to another, an F-1 student must do the following:

- receive an official acceptance or notification letter from the new school
- inform the DSO at the current school of his/her intent to transfer out
- submit a transfer recommendation form to the DSO in the current school to initiate release of the student's SEVIS record
- begin studies at the new school within 5 months of the transfer release date as stated in **8 CFR 214.2(f)(8)(i)**

*The DSO must:*

- Verify that the student is eligible to transfer.
- Use the transfer recommendation form to notify the new school of the student's SEVIS release date.
- Use the SEVIS program to release the student's immigration record to the new school. In order to transfer from one designated program to another, the J-1 student must do the following:
  - Ensure that the educational objective of the new sponsor program will be the same as the one to which he/she was initially admitted.
  - Receive an official acceptance or notification letter from the new sponsor program.
  - Inform the RO/ARO at the current school of his/her intent to transfer out.
  - Begin studies at the new school on the next available starting date. The RO/ARO must:
  - Verify that the J-1 student is eligible to transfer through school notification procedure.
  - Work with the RO/ARO at the new school to mutually agree on the exchange visitor's transfer release date.
  - Use the SEVIS program to release the student's immigration record to the new school.
  - **NOTE:** The transfer sponsor (RO/ARO at the new school) must initiate a transfer in, issue a Form DS-2019, and advise the student of the effective date of transfer.
  - The transfer sponsor must validate the student's participation in its program within 30 days.

## X. Completion of Studies

### 1. Extension of Status to Complete Program of Study:

#### a. F-1 Status:

- i. Students in F-1 status are permitted to request an extension of stay to complete a program of study before the expiration date of their Form I-20, under the following circumstances:
  - The student has continuously maintained status
  - academic reasons
  - medical reasons

- ii. Upon completing program of study, which includes Optional Practical Training (OPT), F-1 students are allowed by the federal government to remain in the country for a *60-Day Grace Period* **8 CFR 214.2(f)(5)(iv)**. The student may use this grace period to:
  - Apply for post-completion employment authorization.
  - Prepare to depart the United States.
  - Transfer to another SEVIS-approved school.
  - Apply for another immigration status to which he/she is eligible.

b. **J-1 Status:**

Students in J-1 status can also request an extension to stay and complete the program the same reasons stated above for F-1 students. Otherwise, they can only remain in the country for a *30 Day Grace Period* (**22 CFR 62.23(f)(2)(ii)**) period upon completion of studies. Provided the student is not subject to the 2-year home residency requirement, he/she may use this grace period to:

- Request an Extension of Stay
- Change Educational Levels or Transfer to another SEVP-approved sponsor program • Prepare to Depart the U.S.
- Apply for another immigration status for which he/she is eligible

**2. Post- Completion Employment:**

- a. **Optional Practical Training (OPT) (F-1 Status):** As stated in **8 CFR 214.2(f)(10)(ii)(A)(3)**, F-1 students are eligible to work total of 12 months before and/or after graduation.

- i. *Initial Authorization:*

- The DSO must use the SEVIS program to request Optional Practical Training on behalf of the student
- Student(s) must send via mail supporting documentation and the associated fee directly to USCIS.
- Student(s) must apply for OPT authorization 60 to 90 days before program completion or within 60 days after program completion date.
- Employment must begin within 90 days of OPT approval starting date.
- 12 months optional practical training is available for every degree program as long as the degree is at a post-secondary level (associate, bachelors, master's etc.).
- Note: Student(s) who do not apply for OPT, transfer to another school or change their immigration status within the 60-grace period must depart the U.S. as stipulated in **8 CFR 214.2(f)(5)(iv)**.

- ii. *STEM OPT 17 Month Extension:*

According to **8 CFR 214.2(f)(10)(ii)(C)**; students who have earned Bachelor's, Master's, or Doctoral degrees in Science, Technology, Engineering and Mathematics (STEM) are eligible to apply for an additional **17 months** of OPT. However:

- Student must have received the degree indicated on the I-20 Certificate of Eligibility and must provide a copy of the degree.
- Students must already be engaged in Post-Completion OPT based on an acceptable STEM field.
- Student must be working for or have a job offer from an employer enrolled in the E-Verify system.
- International Student Advisors must provide detailed information to the student on the STEM extension process.

**b. Academic Training (J-1 Status): as prescribed in 22 CFR 62.23(f)**

**i. General**

- J-1 students may engage in Academic Training after completion of their program of study for a maximum period of 18 months.
- J-1 students may request permission to engage in Academic Training at any time during their course of study but no later than the 30-day grace period after program completion
- Academic Training must begin within the 30-day grace period after completion of program of study.

**ii. Post-Doctoral Research - 22 CFR 62.23(f)(4)(iii)**

- The Post-Doctoral academic training authorized period can be up to 36 months, inclusive of any prior academic training in the United States as a J-1 student, at the same or at different institutions, or the period of the full course of study, whichever is less. Accordingly, if a J-1 student was authorized for academic training in the past (at the same school/ same program, or, at a different school or a different program); the academic training period authorized in the past will be deducted from the 36 months maximum. *Example:* A PhD student, who was authorized for 12 months of academic training after the completion of a master's degree at a different institution, can only be authorized of 24 months of post- doctoral academic training.
- Additionally, if the student's doctoral program was completed in less than 36 months, the student's academic training will be capped at the program duration, not 36 months. *Example:* If a student completes a doctorate program in 30 months, the student will only be eligible for 30 months of post- doctoral academic training, *not* 36 months. If the student is eligible for the full 36 months of Academic Training, then the RO or ARO must authorize it in two separate and consecutive authorizations of 18- months each. The regulations require that separate DS-2019s be issued for each 18-month period

**3. Program/Status Termination: 8 CFR 214.1(5)(d) and 22 CFR.62.78**

**a. F-1 Status**

Designated School Officials are required to terminate the student's record if the student has violated the terms of his/her immigration status or "when the student voluntarily terminates his/her program prior to completion for some other authorized circumstances." F-1 students who violate an immigration regulation, are considered out of status, and may apply to the U.S. Citizenship & Immigration Service; Dept. of Homeland Security to reinstate their status, by providing evidence there was just cause for the violation.

The student's F- 1 program or status may be terminated for the following reasons:

- i. The student entered the U.S. and failed to register for school within 30 days of the registration deadline.
- ii. The student requested and received an approved change of status.
- iii. The student failed to:
  - Maintain a full time course load
  - Make normal progress in completing course of study
  - Provide a change of U.S. address within 15 days
- iv. The student engaged in unauthorized work.

## **b. J-1 Status**

J-1 status termination has an adverse effect on the student's record. Students can receive no further program/status benefits and must immediately leave the U.S., along with their dependents. Reasons for termination include:

- i. Conviction of a crime.
- ii. Disciplinary action by the college.
- iii. Engaging in unauthorized employment.
- iv. Failure to:
  - pursue Exchange Visitor program activities
  - submit change of current address within 10 days
  - maintain a full-time course of study (22 CFR 62.45(d))
  - maintain health insurance
- v. Involuntary suspension (22 CFR 62.45(b)(3), Reinstatement to Valid Program Status).
- vi. Violation of Exchange Visitor Program regulations.
- vii. Violation of sponsor (CUNY) rules governing the program.

## **4. Transfer Out While on Optional Practical Training (OPT)**

**8 C.F.R. 214.2 (F) (10) (ii) (B)** - Authorization to engage in optional practical training is automatically terminated when the student completes a transfers to another school or begins study at another educational level. According to SEVP policy Guidance 1004-3 6.10, any OPT authorization ends on the transfer release date for a student who requests a transfer to another SEVP certified school or a change of educational level to continue at the same school. Authorization for OPT is not transferable.

If the student wishes to complete OPT, the transfer-out release date must be set for a date after the OPT ends. Students may transfer during the 60-day grace period and the transfer release date must occur within the grace day period. When OPT is recommended by a DSO, that school has assumed the responsibility for reporting on the student during OPT. This responsibility cannot be transferred to another school. See SEVP F-1 FAQ section.

## **5. Travel and Re-Entry While on Optional Practical Training (OPT):** In order to re-enter the U.S. while on OPT, students must be advised that they will be required to present the following to the Custom and Border Protection (CBP) officers at the port of entry:

- i. Unexpired passport with a valid F-1 visa stamp.
- ii. SEVIS Certificate of Eligibility endorsed for travel with notation stating "OPT Authorization" on page 3.
- iii. Employment Authorization Form (EAD) from U.S. Citizenship and Immigration Services (USCIS).
- iii. Letter from the OPT employer as a confirmation of employment. For those students planning to renew their visas while abroad, the letter must also indicate the salary that the student is being paid.

# **XI. POTENTIAL RISKS**

## **1. Federal Regulatory Noncompliance**

It is imperative for the university to be compliant with the mandated regulations, and to provide associated professional developments for DSOs and ROs in order to avoid:

- a. Revocation of the F-1 certificate by the Department of Homeland Security, which would discontinue CUNY's ability to admit and enroll international students in F-1 status.
- b. Sanctions by the Department of State and annulment of the Exchange Visitor Program Designation in pursuant to

**22 CFR 62.50** and **22 CFR 62.60**. If this takes place then all the CUNY colleges under the university J-1 Consortium or the individual senior college in question will not be allowed to enroll any students or Exchange Visitors in J-1 immigration status.

- c. The Department of State can also impose sanctions if the Responsible Officers do not submit the required annual reports as defined in **22 CFR 62.15**.

When students submit financial documentation, the school must be satisfied with the student's financial ability to study at CUNY before issuing the SEVIS Certificates of Eligibility (I-20/DS-2019). *The culture of admitting international students without adequate financial sponsoring documentation potentially:*

- Jeopardizes CUNY's standing with the U.S. Department of Homeland Security and
- Risks the University's continued eligibility to admit international students under the SEVIS program.

**2. International Exchange Agreement & Memorandums of Understanding:** Communicating with exchange partners is extremely important. All agreements involving the exchange of students must be carefully reviewed to ensure that each unit/stakeholder is appropriately engaged and informed. The absence of clear and effective communication can result in:

- a. Loss of exchange agreements with institutions abroad
- b. Loss of visibility in the international education arena

International Student Services Offices at each campus should be included in the communications and serve as the clearinghouse on immigration issues and requirements. As Exchange Visitor Program participants, J-1 students are mandated to carry health insurance throughout their duration of status, and sponsoring institutions are required to ensure that students maintain coverage in accordance with Department of State conditions and specifications [22 CFR 62.14(a)]. Responsible Officers (RO's) are obligated to inform and advise J-1 students regarding health insurance requirements prior to and upon their U.S. arrival, and also to monitor regulation compliance, as prescribed in [22 CFR 62.10 (b)(c)(e) and 62.11(b)].

**3. Improper Advisement and/or Ineffective Communication:** International Student Advisors in consultation with the supervising attorney for the Council of International Student Advisors (COISA) must communicate and advise students on all immigration issues pertinent to students' status. Failure to do that can lead to:

- a. Loss of students' immigration status
- b. Student arrests or deportations
- c. Institution liability

**4. Lack of Health Insurance and adverse impact on students: a. Effect on F-1 Students**

Though CUNY does not mandate health insurance for students in F-1 status, it is important that students be encouraged to purchase health insurance plans that cover medical evacuation and repatriation to their home countries.

Campus Health Centers provide a variety of services including counseling, referrals, and general health assistance. However, these services do not constitute medical insurance in the event of illness or accident. International students should be encouraged to visit the following link where they can find a list of health insurance providers recognized by the NAFSA: Association for International Educators; [NAFSA/Health Insurance Companies](#)

***Lack of health insurance could be a liability issue for an institution in the event of the untimely demise of an uninsured student.*** Students can also be affected in many ways, such as:

- i. High attrition due to inaccessible complete health care or referrals to specialists and hospitals; hence postponement and/or abandonment of education.
- ii. Extreme difficulties in purchasing insurance after a student become sick due to an existing illness or injury that may not be covered by the insurance plan.
- iii. Barriers to quality health care, resulting in students being subjected to financial loss due to large medical bills.

a. **J-1 Students & Sponsoring Institutions - Violation of Federal Mandate:**

J-1 students who “willfully fail” to maintain J-1 health insurance are considered in violation of status, and consequently, the RO is required to terminate the student’s status in SEVIS as per [22 CFR 62.14(h)(i)] and 62.78]. Students who lose their status due to non-compliance with health insurance requirements cannot reinstate their J-1 status [62.45(f) (1)]. In addition, the sponsoring institution is subject to Department of State sanctions [22 CFR 62.50 (a) (1) (2) (3) and 62.79].

## **XII. Standard Expectations and Recommendations**

International Student Services Offices at each campus should contribute and enhance the retention rates of the international student at their respective colleges by creating a supportive campus environment through the following initiatives.

### **1. Welcoming and Supportive Environment**

- a. Mandatory International Student Orientation Programs.
- b. Peer Mentoring Programs.
- c. Cultural Adjustment, Awareness, and Sensitivity workshops for students.

### **2. Staff Professional Development**

- a. Professional training sessions to gain a better understanding of the international students’ acculturation experience.
- b. Support students’ co-curricular endeavors and experiential learning.
- c. Provide training on effective Customer Service.
- d. Provide training on Intercultural Competence and Communication.

### **3. Employment Opportunities and Internship Opportunities**

- a. Academic Training (AT).
- b. Curricular Practical Training (CPT).
- c. Optional Practical Training (OPT).
- d. Internships and part-time employment.
- e. Engagement in campus life and experiential learning co-curricular activities.

### **4. Support Services, Resources, and Programs**

- a. Academic Advisement.
- b. Mental Health Counseling.
- c. Health Insurance Advising.
- d. Housing Services.
- e. Intervention Programs/Initiatives.
- f. Tutoring and Writing Centers.

### **5. General Advisement:**

- a. Explain SEVIS and other immigration requirements including maintenance of status.
- b. Maintain ongoing communication with students and make referrals where appropriate.
- c. Disseminate all relevant information in a timely manner.
- d. Discuss the potential negative impact of employment in the first semester on the student’s academic progress.

**Importance of the above recommendations:** Navigating a new culture is a challenge for most international students. Navigating an institution of higher learning as a first-time college student is an added challenge. Facing these challenges head-on and turning them into opportunities for growth and development are essential elements for student success. Staff must be able to articulate the various services across areas that could assist the international student in overcoming potential challenges. Staff may often assume that international students know the system and may not take the time to explain or clarify. Staff may also misinterpret culturally-specific body language or signals. Cultural misunderstandings and perceived cultural insensitivity can have a negative impact on the international student experience.