



## U.S. Immigration and Customs Enforcement

### U.S. Immigration and Customs Enforcement Student and Exchange Visitor Program

#### SEVP Policy Guidance 1310-05: F-1 On-campus Employment

**Issue Date:** [Click here to enter a date.](#)

**Effective Date:** [Click here to enter a date.](#)

**Supersedes:** Current “On-Campus – Basic Guidelines for Designated School Officials (DSOs)” and “On Campus – Approval Process”

**Status:** Draft

**Purpose/Background:** This document gives the Student and Exchange Visitor Program’s (SEVP) interpretation of the on-campus employment regulation for F-1 students<sup>1</sup> (*8 CFR 214.2(f)(9)(i)*) to guide SEVP adjudicators.

An F-1 student participating in on-campus employment must comply with *8 CFR 214.2(f)(9)(i)* and should comply with its interpretation in this guidance to maintain nonimmigrant status. Where more restrictive, the student should comply with school policies.

**Attachments:** [SEVP Fact Sheet 1310-05A: F-1 On-Campus Employment Processes](#)

#### Definitions:

- 1. Direct student services:** An employer that provides services predominantly for students (e.g., a bookstore, cafeteria, or administrative services) and where students are the principal customers of the business enterprise.
- 2. Educationally affiliated:** An integral part of the student’s [educational program](#) in one or more of the following respects:
  - Is associated with the school’s established curriculum
  - Relates to contractually funded research projects at the post-graduate level
  - Is part of a financial aid package (i.e., employment-based financial assistance),

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<sup>1</sup> This guidance pertains only to adult, postsecondary F-1 students. All use of the term “student(s)” refers to adult, postsecondary F-1 student(s). F-2 dependents are prohibited from employment (*8 CFR 214.2(f)(15)(i)*). Future guidance will address employment for secondary and minor, postsecondary F-1 students.

scholarship, fellowship or assistantship (e.g., a research or teaching assistant)<sup>2</sup>

**3. Educational program:** A student's course of study and all related educational activities.

**4. On-campus employment:** Employment performed at either of the following:

- An on-campus location (i.e., on the school's premises) in a role which is either [educationally affiliated](#) or performs [direct student services](#).
- An off-campus location that is [educationally affiliated](#) with the school.

**5. Reasonable commuting distance:** Within 75 miles<sup>3</sup>

**Policy:**

**1. Employer.** On-campus employment must be with one of the following:

- The school
- An on-campus employer that provides [direct student services](#)
- An on-campus or off-campus employer that is [educationally affiliated](#) with the school

**2. Location.** On-campus employment must be either on the school's premises or at an [educationally affiliated](#) off-campus location within [reasonable commuting distance](#).

**2.1. On-campus employment at a different campus.** A student may perform on-campus employment at a different campus of the school than the one at which the student normally attends classes, if meeting all of the following criteria:

- The position otherwise qualifies as on-campus employment.
- The campus is within [reasonable commuting distance](#).
- Both campuses are on the same submission for SEVP-certification in the Student and Exchange Visitor Information System (SEVIS) and Form I-17, "Petition for Approval of School for Attendance by Nonimmigrant Student."
- Oversight of the student is performed by either a school employee or the student's employer at the campus where the student is employed, and who is accountable to report questions or concerns about the student's status to a designated school official

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<sup>2</sup> Employment as part of a scholarship, fellowship or assistantship may also occur under certain circumstances as part of curricular practical training (CPT).

<sup>3</sup> This distance is considered an acceptable limit for a student commuting between school and employment. Any distance greater than 75 miles would be considered a "red flag" for adjudicators and a DSO should be prepared to explain the rationale for approval.

(DSO) at the instructional site<sup>4</sup> that maintains the student's SEVIS record and has issued the Form I-20, "Certificate of Eligibility for Nonimmigrant Student Status."

**2.2. On-campus employment and concurrent enrollment.** A student maintaining a full course of study through concurrent enrollment may perform on-campus employment only at the school where a DSO has control of the student's SEVIS record and has issued the Form I-20.

**3. Hours.** If a student violates regulatory limitations on the number of hours of weekly employment, a DSO must terminate<sup>5</sup> the student's SEVIS record. The limitation for an F-1 student enrolled in a full course of study who has on-campus employment authorization is as follows:

- Part-time: No more than 20 hours allowed a week while school is in session.
- Full-time: More than 20 hours per week allowed when school is not in session (i.e., school holidays, breaks or vacation).
- DHS may waive the 20 hour limitation on employment for a student enrolled in a full course of study during a required session due to emergent circumstances.<sup>6</sup>

**4. Duration:**

**4.1. Start.** A student may begin on-campus employment after meeting the following conditions:

- No more than 30 days before the start of classes (upon initial entry).
- Only after notifying the DSO and (as needed) receiving a letter from the DSO to obtain a Social Security number.<sup>7</sup>

**4.2. Continuation.** Eligibility for on-campus employment continues throughout the program of study until the program end date, as described in [section 4.3](#), as long as the student maintains status.

**4.3. End.** A student's on-campus employment eligibility ends as follows:

- When a student fails to maintain status<sup>8</sup>
- When a student transfers from one school to another ([section 4.5](#))
- At the student's program end date, as reflected in SEVIS. On-campus employment

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<sup>4</sup> I.e., campus.

<sup>5</sup> Using the SEVIS Termination reason of "Unauthorized Employment"

<sup>6</sup> For more information, see SEVP Policy Guidance 1308-07: F-1 Emergent Circumstances.

<sup>7</sup> For more information, see SEVP Policy Guidance 1311-02: F-1 and M-1 General Employment.

<sup>8</sup> A DSO must terminate the SEVIS record of a student who fails to maintain status.

does not extend into the 60-day grace period before the student departs the United States, except in specific circumstances ([section 4.4](#)).

- 4.4. On-campus employment and a new program of study at the same school.** As an exception to [section 4.3](#), a student may continue on-campus employment beyond the program end date, if all of the following conditions are satisfied:
- As indicated in SEVIS, the student intends to change educational levels or begin a new program of study.
  - The student’s new program of study will be at the same school as the student’s preceding program of study.
  - The student’s new program of study will begin at the next required session or within five months of the current program end date, whichever occurs first.<sup>9</sup>
- 4.5. On-campus employment and transferring to a new school.** As an exception to [section 4.3](#), while the transfer process is pending, a student may continue on-campus employment while enrolled at the transfer-out school until the transfer release date in SEVIS.
- 4.6. On-campus employment and a pending application for change of status.** As an exception to [section 4.3](#), a student may continue on-campus employment with a pending [Form I-539, “Application to Extend/Change Nonimmigrant Status”](#) from F-1 status to another nonimmigrant status until one of the following occurs:
- Adjudication of the Form I-539<sup>10</sup>
  - The student’s program end date
- 5. Obtaining and keeping on-campus employment authorization.**<sup>11</sup>
- 5.1. Eligibility.** A student<sup>12</sup> is eligible to engage in on-campus employment as follows:
- A student must receive DSO authorization before beginning on-campus employment. Before authorizing on-campus employment, the DSO must confirm the following:
    - The student is currently maintaining status and is in good academic standing.
    - The student is not a part-time border commuter student.<sup>13</sup>

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<sup>9</sup> 8 CFR 214.2(f)(8)(i) and 8 CFR 214.2(f)(9)(i).

<sup>10</sup> As indicated by a termination of student status in SEVIS due to approval or denial of the change of status request.

<sup>11</sup> See the attached [SEVP Fact Sheet 1310-05A: F-1 On-Campus Employment Processes](#) for information on related processes.

<sup>12</sup> Including a student enrolled in an English language training program of study.

<sup>13</sup> 8 CFR 214.2(f)(18)(iv)

- The student is enrolled in a full course of study or on authorized reduced course load.<sup>14</sup>
- The employment meets the proper criteria for on-campus employment, as described in *8 CFR 214.2(f)(9)(i)* and this guidance.
- Unlike off-campus employment, a student does not have to be in F-1 status for one full academic year<sup>15</sup> before starting on-campus employment.
- Unlike practical training, a student does not have to be enrolled full-time at a SEVP-certified school for one full academic year before starting on-campus employment.

**5.2. Determination of financial qualification for enrollment.** When assessing the financial resources a student is required to establish prior to admission qualifying that student for nonimmigrant student status, a DSO may consider a student's on-campus employment as part of the financial aid the student is receiving.

- On-campus employment as stated in the terms of a scholarship, fellowship, or assistantship is part of the academic program of a student otherwise taking a full course of study;<sup>16</sup> and may be credited toward up to half of the full course of study requirement.
- In the circumstance where a student's on-campus employment is considered part of a financial aid package or as a term of receiving a scholarship, fellowship, or assistantship (i.e., the employment is not integral to the student's program of study), the employment would not be considered CPT.
- The aggregate-hours limitation while school is in session applies.

## **6. Related issues.**

**6.1. General employment issues.** See SEVP Policy Guidance 1311-02: F-1 and M-1 General Employment for more information on the following issues:

- Reinstatement
- Obtaining a Social Security number
- Combination with other forms of employment
- Study abroad, travel, student absences and vacation

**6.2. Recordkeeping and reporting issues.** See SEVP Policy Guidance 1403-07:

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<sup>14</sup> *8 CFR 214.2(f)(6)*

<sup>15</sup> For more information, see SEVP Policy Guidance 1408-01: Academic Year.

<sup>16</sup> *8 CFR 214.2(f)(6)(i)(H)*

Recordkeeping and Reporting of F-1 and M-1 Student Information for more information on the following issues:

- Student recordkeeping, employment information
- Student recordkeeping, employment tracking
- Student reporting, all employment
- SEVP enforcement of student recordkeeping and reporting related to employment
- School oversight of F-1 students during employment
- DSO recordkeeping and reporting, all employment
- Means and methods of student and employer reporting
- School processes and procedures while the student is employed
- Employer reporting

**References:**

*8 CFR 214.2(f)(6)(i)(H)*

*8 CFR 214.2(f)(8)(i)*

*8 CFR 214.2(f)(9)(i)*

*8 CFR 214.2(f)(15)(i)*

*8 CFR 214.2(f)(18)(i)*

**Limits of use – no private right of action:** This SEVP Draft Policy Guidance applies to and is binding on all SEVP employees unless specifically exempt. Its intention is solely for the guidance of SEVP personnel in the performance of their official duties. It is not intended to, does not and may not be relied upon to create or confer any right or benefit, substantive or procedural, enforceable at law or in equity by any person, individual or other party, public or private, in any administrative, civil or criminal matter. Until issued in final form, this SEVP Draft Policy Guidance does not constitute SEVP policy in any way or for any purpose.

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**Status:** Draft

**Purpose/Background:** This fact sheet supplements the Student and Exchange Visitor Program’s (SEVP) Policy Guidance 1310-05: F-1 On-campus Employment and provides information explaining the processes related to obtaining and keeping on-campus employment authorization for F-1 students.<sup>17</sup> A DSO authorizing on-campus employment should review this fact sheet.

**Definitions:** See [SEVP Policy Guidance 1310-05: F-1 On-campus Employment](#)

#### Procedures/Requirements:

**1. Prospective student requesting on-campus employment as a component of a financial assistance package.**

1. If supported by the school, the DSO should authorize employment on the student’s Form I-20, “Certificate of Eligibility for Nonimmigrant Student Status”, Page 2—*Financial Information* screen in the Student and Exchange Visitor Information System (SEVIS) as follows:

- Field 23, *Funding*, enter the projected income from the employment.
- Field 24, *Remarks*, provide a brief comment explaining the nature and conditions of the on-campus employment

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2. The DSO will issue the student an updated and signed<sup>18</sup> Form I-20, reflecting the authorization.

**2. On-campus employment processes related to special student relief for emergent circumstances.** See SEVP Policy Guidance 1308-07: F-1 Emergent Circumstances.

**References:**

*8 CFR 214.2(f)(9)(i)*

*8 CFR 214.2(f)(15)(i)*

*User Manual for School Users of the Student and Exchange Visitor Information System (SEVIS): Form I-20, Version: 6.21, Section 15.3 Financial Information (pg. 106)*

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<sup>18</sup> Page 1, School Attestation – DSO signature, Student Attestation – student signature. The only other signature block on the form relates to authorization for temporary absence. Page 1 presents the date of the document; page 2 presents the recommendation, but the signature on page 2 does not relate to the employment recommendation.