

NAFSA Region II Conference - 2012
Quirks with the Code of Federal Regulations and Non-Semester Systems
Naomi M. Greelis-Mattos, Metropolitan Community College, Omaha NE

FULL COURSE OF STUDY

Advisor's Manual 2.0

3.20.3 Undergraduate study

The undergraduate "full course of study" regulation at 8 C.F.R. § [214.2\(f\)\(6\)\(i\)\(B\)](#) is linked to the idea that "full-time = full course of study," and generally requires an undergraduate student to register for a minimum of 12 credit hours per semester, unless fewer credits are needed to complete the program in the final term of study. For those schools not on the traditional semester system, a DSO can usually determine if students are "charged full-time tuition or are considered full-time for other administrative purposes" in order to ensure compliance with the undergraduate study "full course of study" rule. For bachelor's degree candidates, the particular degree serves as the required academic objective.

Code of Federal Regulations

8 CFR § 214.2(6)(i)(B)

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

Questions

- 1) How does your institution determine a full course of study?

- 2) Does your institution make any exceptions of what constitutes a full course of study for special programs, courses or student populations?

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TRANSFER/ADMISSION

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3.27.4.2 Start-date requirements at the transfer-in school

SEVP guidance states that a transfer student must start attending classes within five months of the last day he or she attended classes (or ended OPT), or the next available session, whichever comes sooner.

The guidance in the SEVP FAQ seems to view the 5-month limit as an outer limit, perhaps to accommodate the fact that session start dates at different schools can vary, and to bridge possible gaps between the end of the transfer-out school's term and the beginning of the next available term at the transfer-in school. Under this policy, a student does not generally have the option to "sit out" the next available session at the transfer-in school, even if a subsequent session start date does occur within 5 months.

According to [SEVP Transfer FAQ, item 4.2](#), the only exception to the next available session policy is when the next available session is an annual (or summer) vacation for which the student is eligible. To be eligible for the summer vacation exception, SEVP says that the student must meet *all* of the following qualifications:

- The student has already completed a full academic year; and
- The session following the vacation begins within five months from the date of:
 - Finishing classes at the transfer-out school, or
 - The end of a period of authorized OPT

Code of Federal Regulations

8 CFR § 214.2(8)(i)

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

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Questions

- 1) What does “next available session” mean? Does that mean strictly the first day of classes for a session? Or, does it mean the application deadline for a session?

- 2) If your institution has two or more sessions that start within a 5 month time period, what options do applicants have if they want to transfer to your institution?

Example: An OPT student from a university wanted to transfer to a local community college. The OPT expired on 7/16/2012, and the 60 day grace period will end on 9/14/2012. On 8/15/2012 the OPT student looked up the community college’s website to find out when the next term started and the application deadline. The website shows the following:

Quarter	Application Deadline
Fall 2012 begins Sep. 4, 2012	Jul. 27, 2012
Winter 2012 begins Nov. 28, 2012	Oct. 19, 2012
Spring 2012-13 begins Mar. 8, 2013	Jan. 25, 2013

The student realized that she missed the deadline for the Fall 2012 application. She calls the community college, and they cannot accept any late applications. She asked if she is permitted to apply for the Winter Quarter. Can the community college allow her to apply because Winter Quarter would be less than five months since her OPT ended? Or, may she not apply because Fall was the next available term when her OPT ended?

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VACATION AND LENGTH OF AN ACADEMIC YEAR

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3.22.1.1 Vacations or breaks in short-term and other non-semester-based programs

The annual vacation provision references both the classic "summer break" situation for schools that are on a traditional semester-based academic year, as well as the situation of programs that do not follow the traditional semester system. DSOs of short-term programs (e.g., 4- or 6-week ESL courses) and those that do not follow the traditional semester system (e.g., trimester or quarter-based programs) must pay particular attention to the second sentence of 8 C.F.R. § 214.2(f)(5)(iii), which requires students in such programs to have spent the equivalent of an "academic" year before being eligible to take a break from studies that would be covered under this regulation. DSOs working with such programs should develop clear and justifiable policies to define the equivalent of an "academic year" for F-1 vacation purposes.

Code of Federal Regulations

8 CFR § 214.2(f)(5)(iii)

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

Questions

- 1) How does your institution determine what equates to an academic year?

- 2) May your students take vacation in the summer term only or may they take vacation during other terms? What is the rationale for your institution's decision?

- 3) If a new student starts in spring and, therefore, hasn't completed the equivalent of an academic year by summer term, may they take a vacation in summer? Why/Why not?

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SEVIS REGISTRATION

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3.22.1.2 Reflecting the annual vacation exception in SEVIS

...the summer vacation exemption is handled in SEVIS as a function of the "Registration" that must occur for each student each term or session. In a traditional semester system, for example, during the registration that occurs in the semester before the summer break (Spring semester), item 2 of the SEVIS RTI registration screen (Next Session Start Date) would reflect the start date of the next session, which in the traditional semester system would be Fall semester.

SEVIS RTI: example of completing the registration screen to reflect summer vacation

1. * Current Session End Date:	05/31/2012	(MM/DD/YYYY)
2. * Next Session Start Date:	09/01/2012	(MM/DD/YYYY)
<input type="checkbox"/> The student is in the last session of his/her program. If checked, do not enter next session start date.		

Since the SEVIS system is apprised of the next registration date, the system will recognize the student as in status until the required registration for the next term or session. The next required session start date (Fall semester in our example) would be used even in the case of students who elect to study during the summer even though they do not have to. Then, within 30 days of the next session start date, the student's SEVIS registration would be updated as usual with all other students.

Practice Note: Notes in the "remarks" section. Although not required, DSOs could also include a notation in the registration screen's Remarks box with a statement like: "Registration dates reflect annual vacation MM/DD/YYYY to MM/DD/YYYY." Comments entered in any Remarks field throughout the electronic I-20 will overwrite existing remarks and print in field 9 of the printed I-20.

Questions

1) How does your institution report vacations in SEVIS?

2) Does your institution enter notes in the "Remarks" section? Why or why not?

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CONCURRENT ENROLLMENT

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3.22.5 Concurrent enrollment in two different SEVIS-approved F-1 schools

An F-1 student can be enrolled in two different SEVIS-approved F-1 schools at the same time (concurrent enrollment), as long as the enrollment in both schools amounts to a full time course of study, and both schools are SEVIS-certified.

The concurrent enrollment provision requires the school from which the student will earn his or her degree or certificate to issue and maintain Form I-20, to handle all SEVIS and other reporting requirements, and to ensure that the student is pursuing a full course of study.

Practice Note: Institutional policies on concurrent enrollment: Since the school that issues the I-20 is still responsible for the student and his or her SEVIS record, schools should consider developing an institutional concurrent enrollment policy to standardize the procedures and communicate the responsibilities of concurrent enrollment. The responsible school should, for example, consider how it will:

- Track the course work being done at the other school, so that the student will be reported to SEVIS as pursuing a full course of study during the term of concurrent enrollment
- Make the determination of full-course of study equivalence
- Integrate the work done at the other institution with the course of study at the I-20-issuing school
- If the program is an established joint inter-institutional program, the agreement should specify which institution will issue the I-20, and how data required for SEVIS updates will be exchanged.

The [SEVP Online Training For School Officials](#) (Module 3) also states, "Courses can be taken at other SEVP-certified schools and count toward the full course of study requirements if the SEVP-certified school that enrolled the student accepts the transfer credits as contributing to the student's program of study."

Code of Federal Regulations

8 CFR § 214.2(6)(iv)

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

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1. University A's Spring Semester will start on 1/7/2013 and end on 4/27/2013. An F-1 student from that university plans to enroll in 9 semester credits for Spring Semester and wants to take 4.5 quarter credits during University B's Spring Quarter. University B is another SEVIS-approved institution. University B operates on quarter system and 4.5 quarter credits equals 3 semester credits. University B's Winter Quarter runs from 11/26/2012 to 3/2/2013, and the Spring Quarter operates from 3/11/2013 to 6/11/2013. Would there be any concern with the F-1 student enrolling in the Spring Quarter at University B to combine the number of credits to be full time during University A's Spring Semester?

2. If one of your institution's F-1 students is approved for concurrent enrollment, how does your institution track the coursework being done at the other institution?

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