

**NAFSA: Association of
International Educators**

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April 15, 2011

Mr. Louis Farrell
Director, Student and Exchange Visitor Program
Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20598-5600

Re: Special Student Relief for Libyan Students

Dear Director Farrell,

I write today on behalf of NAFSA: Association of International Educators to request that the Student and Exchange Visitor Program (SEVP) and the Department of Homeland Security (DHS) invoke the “special student relief” provisions for Libyan students in the United States, by publishing a notice in the Federal Register as soon as possible.

As you know, Libya is currently in a state of internal political and military turmoil, and may be so for months to come. This well-publicized, high-profile international story implicates not only the foreign policy of dozens of countries, including the United States and most of the European Union, but also affects thousands of Libyan university students who are currently studying in the United States – almost all of whom are fully funded by the Libyan government as sponsored students.

Where emergent circumstances exist, the regulations allow DHS to permit specified F-1 students to engage in on-campus employment for more than 20 hours per week and to suspend the applicability of the eligibility requirements for off-campus employment authorization. The provisions also allow F-1 students who find it necessary to reduce their normal course of study in order to engage in this specially authorized employment to be considered to be maintaining status and pursuing a full course of study. This collection of benefits is commonly known as “special student relief.” [63 Fed. Reg. 31872 (June 10, 1998), amending the Code of Federal Regulations governing F-1 duration of status at 8 C.F.R. § 214.2 (f)(5), full course of study at 8 C.F.R. § 214.2 (f)(6)(A) and (B) and employment eligibility at 8 C.F.R. § 214.2 (f) (9) (i) and (ii)]. DHS most recently invoked the “special student relief” provisions on September 15, 2010, for Haitian F-1 students, following the natural disaster in that country.

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Libya began sending significant numbers of students to the United States after 2006, most of whom are graduate students who are well into their graduate degree programs. Should the Libyan government eliminate funding entirely for these students, they may not be able to complete their degrees, and their ability to afford even a bare existence in the United States will be impossible, as most of their spouses and children cannot legally obtain authorization to work in the United States, making this request all the more urgent.

Libyan students' main concerns regarding the current situation in their home country revolves around their funding. Libyan offshore assets are frozen at present, so future payments and stipends will be delayed, if paid at all. Sponsoring programs must apply for a special license from the Office of Foreign Assets Control (OFAC) to access the funds. While funding for some students has been secured for the remainder of April and May, the future is uncertain.

It is for these reasons, we urge SEVP and DHS to invoke the "special student relief" provisions for Libyan students in the United States, by publishing a notice in the Federal Register as soon as possible. NAFSA is also making the same request of the Department of State to issue a "special student relief" notice for J-1 exchange visitor students.

Thank you for considering this request.

Sincerely,

Marlene M. Johnson
Executive Director and CEO