



U.S. Immigration and Customs Enforcement

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Student and Exchange Visitor Program

SEVP Draft Policy Guidance for Adjudicators 1210-03: Pathway Programs

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1. **Purpose/Background.** The Student and Exchange Visitor Program (SEVP) has encountered increasing interest on the topic of pathway programs. These programs and practices raise questions regarding the adjudication of pathway programs and appropriate issuance of the Form I-20, “Certificate of Eligibility for Nonimmigrant Student Status.” The guidance contained in this document clarifies the proper adjudication of these programs for SEVP adjudicators. SEVP may only certify these programs for F-1 students.
2. **Definitions.**
 - 2.1. **Pathway program.**¹ A postsecondary program of study combining nonremedial and remedial coursework to prepare a student who is unable to meet the requirements for admission into a degree program. A pathway program may be a separate nondegree program (bridge program) or a special track of a degree program (bridged degree program).
 - **Bridge program.** A postsecondary, nondegree program of study that combines nonremedial and remedial coursework which upon completion enables a student to fully meet prerequisites for full admission to a subsequent degree program of study.
 - **Bridged degree program.** A postsecondary, degree program of study that combines nonremedial and remedial coursework as part of the structure or a special track of the degree program.
 - 2.2. **Remedial course.** A course that addresses one or more deficiencies in general competencies necessary for a regular postsecondary curriculum and educational setting.²
 - 2.3. **Nonremedial course.** A course that counts toward the graduation requirements of a

¹ The field of international education has interchangeably used these terms and others (e.g., foundation year programs, bridge programs, bridged degree programs, etc.). For purposes of SEVP adjudications, SEVP has chosen to use the term “pathway programs.”

² See the U.S. Department of Education’s [definition](#) of “Remedial Courses” as part of its Integrated Postsecondary Education Data System.

degree program of study. This includes meeting core, general education, major, minor or any other coursework which can be credited toward completion of the curricular requirements of a degree program of study.

- 2.4. **Third party.** An entity cooperating with or assisting a school in the conduct of a school's program of study under an established agreement.³
- 2.5. **English language training (ESL) course.** A course designed to help students achieve proficiency in reading, writing or speaking the English language.
- 2.6. **Instructional site.** Any physical location where schools provide instruction or training under the school's governance.⁴ In addition to properties owned by schools, this includes all locations where schools rent, lease, or utilize space and provide the instruction or training under school governance.
- 2.7. **Main instructional site.** The instructional site located at the site listed in field 4, "Location of the School: (if different from mailing address)" in the Student and Exchange Visitor Information System (SEVIS), which contains the electronic version of the Form I-17, "Petition for Approval of School for Attendance by Nonimmigrant Student."⁵
- 2.8. **Bona fide school.** One or more instructional sites where a student can complete an educational program and that has one or more teachers, administrators, buildings, enrolled students, defined curricula and clear processes for measuring student programs in learning, where students are enrolled in a full course of study, make normal academic progress towards completion of the educational objective, and provides at least one educational program under school governance on the basis of its own facilities, personnel, and finances.
3. **Policy.** An adjudicator may certify a pathway program as a distinct program of study for enrollment of F-1 students. An adjudicator may not certify a pathway program for enrollment of M-1 students.
4. **Procedures/Requirements.**
 - 4.1. **F-1 students.** SEVP may certify a school's pathway program only for postsecondary F-1 student enrollment.⁶
 - 4.2. **General requirements.** An adjudicator may certify a pathway program in accordance with the following minimum requirements:

³ See definition of "third party" at 22 *CFR* 62.2.

⁴ The term "instructional site" also incorporates all terms commonly used for describing a physical location of instruction or training (e.g., campus, satellite, auxiliary, coordinate, extension, off-campus, regional, K-12 school, etc.).

⁵ This is field 9 on the printed Form I-17.

⁶ Unless otherwise indicated, all subsequent mention of students refers to F-1 students.

- The pathway program must contain nonremedial coursework meeting the requirements of section 4.3;
- A pathway program where ESL is the proficiency reason or in which ESL composes any part of the program must meet the requirements of section 4.4;
- The school must have stated admission standards for the pathway program which the student must meet before a designated school official (DSO) issues the Form I-20, including any English proficiency requirement; and
- The school must have stated policies on program length and defining academic progress.

4.3. Nonremedial coursework. Subject to meeting all additional requirements, SEVP may certify a pathway program only if:

- It contains at least one nonremedial course per session, and
- All of the student's nonremedial courses:
 - Are transferrable towards meeting the graduation requirements of the certified degree program of study into which the student intends to enroll at the school, if the student is in a bridge program, or
 - Meet the graduation requirements of the degree program of study in which the student is currently enrolled, if the student is in a bridged degree program.

4.4. Pathway program with an ESL component. In addition to all other requirements, SEVP considers a pathway program for which ESL is the proficiency reason or composes any part of the program as a pathway program with an ESL component and subject to the following additional requirements.

4.4.1. ESL accreditation act. All schools involved in the ESL portion of the program must be in compliance with the Accreditation of English Language Training Programs Act (Accreditation Act).⁷

4.4.2. Defined sessions of English language study. An adjudicator must verify that the program contains no sessions of only ESL coursework. If a student is enrolled in a session of only ESL coursework, a DSO must issue the Form I-20 for an ESL program.

4.4.3. Nonremedial ESL Coursework. An ESL course in a pathway program may count as a nonremedial course only if *all* ESL course credits in the pathway program:

- Are transferrable towards meeting the graduation requirements of the certified degree

⁷ 8 USC 1101(a)(15)(F) and (52)

program of study into which the student intends to enroll at the school, if the student is in a bridge program, or

- Meet the graduation requirements of the degree program of study in which the student is currently enrolled, if the student is in a bridged degree program.

4.4.4. Other considerations. A pathway program with an ESL component is a language training program subject to the following considerations:

Topic	Considerations
Online/distance education	SEVP regulation states that a student in a “language study program” may not count any online or distance education classes toward the student’s full course of study. ⁸
Practical training	SEVP regulation states that students in “English language training programs are ineligible for practical training.” ⁹
Completion of a bridge program	A student in a bridge program with an ESL component is always in a language training program until completion of the bridge program.
Completion of a remedial portion of a program	A student in a bridged degree program with an ESL component is in a language training program until completion of the remedial portion of the program. Completion of the remedial portion of the program is when the student successfully completes all portions of remedial study and transitions to an entirely nonremedial degree program. Upon request, DSOs must be prepared to provide evidence showing when the remedial portion of a bridged degree program ended.

4.5. Pathway program certification and updates.

4.5.1. Necessity of SEVP certification. SEVP must certify any program prior to school issuance of the Form I-20 for the program. This includes pathway programs.

4.5.2. Pathway program updates.¹⁰ SEVP requires notification and adjudication of updates regarding changes to certain items in a certified pathway program, including but not limited to:

- Termination of the program
- Time necessary to complete the program
- Accreditation status
- Proficiency reason

⁸ 8 CFR 214.2(f)(6)(i)(G)

⁹ 8 CFR 214.2(f)(10)

¹⁰ 8 CFR 214.3(h)(3) and 8 CFR 214.4(a)(2)(xix)

- Full course of study policies
- Newly added or removed third parties

4.5.3. Third party actions. SEVP understands that schools may use third parties to support a pathway program. The Form I-20 issuing school is responsible for all reporting, recordkeeping, compliance, issuance of Forms I-20, maintenance of student SEVIS status and continued eligibility for the school and program of study. SEVP expects that the Form I-20 issuing school take all reasonable steps to ensure that third parties know and comply with all applicable statutes and regulations. Actions by a third party in the course of providing such assistance or cooperation in operating the pathway program will be imputed to the Form I-20 issuing school in evaluating the school's compliance with SEVP statutes and regulations. It also may affect future SEVP adjudications involving the school, including but not limited to, withdrawal of SEVP certification or denial of recertification.¹¹

5. Adjudicator responsibilities.

- 5.1. Review.** An adjudicator must review a pathway program on the basis of the petitioning school's bona fides. In review of a pathway program, an adjudicator must verify that the school has the bona fides¹² for the program, including but not limited to personnel, finances, faculty, facilities, licensure or exemption, standards for admission and any other pertinent regulations. In reviewing a student's maintenance of full course of study, an adjudicator should consider regulations addressing concurrent enrollment.¹³
- 5.2. Compliance.** An adjudicator must verify that schools issue Forms I-20 only for those pathway programs for which the school is approved and in the same manner as listed on field 19 on the Form I-17, and for which students have met all standards for admission.¹⁴ SEVP considers school failure to do so as a failure to comply with SEVP regulations.¹⁵ An adjudicator may take adverse action against any school acting contrary to applicable statutes, regulations, policy guidance, or the school's Form I-17 petition, including but not limited to, withdrawal of SEVP certification or denial of recertification.
- 5.3. Evidence.** An adjudicator may request evidence regarding any aspect of a pathway program, including but not limited to student records, school catalogues and evidence of third party support.¹⁶
- 5.4. Fact sheets for DSOs.** An adjudicator should refer to the attached DSO fact sheets providing the correct process guidelines for using the Form I-17 and Form I-20. In accordance with this guidance and any attached fact sheet:

¹¹ 22 CFR 62.2

¹² 8 CFR 214.3(a)(3)

¹³ 8 CFR 214.2(f)(6)(iv)

¹⁴ An adjudicator should also review *SEVP Policy Guidance for Adjudicators 1406-05: Conditional Admission*.

¹⁵ 8 CFR 214.3(k) and 8 CFR 214.4(a)(2)(vi), (x), (xviii) and (xix)

¹⁶ 8 CFR 214.3(g) and (h)(3)

- SEVP considers school failure to appropriately notate the school's Form I-17 to result in the program being ineligible for certification.
- SEVP considers DSO failure to appropriately notate the student's Form I-20 to be a failure to provide notification of the current status of the student.¹⁷

5.5. Effective date considerations. An adjudicator must note the following:

- An SEVP-certified school with an approved pathway program on its Form I-17¹⁸ may continue operating the pathway program only if a DSO updates the school's Form I-17 within one year of the effective date of this guidance, or sooner upon SEVP request.¹⁹ DSOs must update the Form I-17 consistent with this guidance. Upon the effective date of this guidance, DSOs at an SEVP-certified school must issue Forms I-20 in accordance with the attached fact sheets.
- A school without an approved pathway program on its Form I-17 must submit a Form I-17 update consistent with this guidance and receive approval prior to DSOs issuing Forms I-20 for the program and must immediately cease such participation in the program.²⁰

6. Authorities/References.

8 USC 1101(a)(15)(F)

8 USC 1101(52)

8 CFR 214.2(f)(6)(i)(G)

8 CFR 214.2(f)(6)(iv)

8 CFR 214.2(f)(10)

8 CFR 214.3(a)(3)

8 CFR 214.3(g)

8 CFR 214.3(h)

8 CFR 214.3(k)

8 CFR 214.4(a)(2)(ii), (vi), (x), (xviii), and (xix)

¹⁷ *8 CFR 214.3(g)(2)(ii)(E), (h) and (k); 8 CFR 214.4(a)(2)(ii) and (vi)*

¹⁸ The pathway program must be listed by name on the Form I-17 in fields 14 "Nature of subject matter taught," 15 "List the degrees available from the school," or 19 "Courses of study and time necessary to complete each." These are fields 12, 13, and 17, respectively, on the school's SEVIS record.

¹⁹ *8 CFR 214.3(h)(3)(ii)-(iii)*

²⁰ *8 CFR 214.3(k) and 8 CFR 214.4(a)(2)(xviii)*

22 CFR 62.2

SEVP Policy Guidance for Adjudicators 1406-05: Conditional Admission

7. Attachments.

7.1. Bridge Programs Fact Sheet

7.2. Bridged Degree Programs Fact Sheet

8. Limits of use – no private right of action. This SEVP Draft Policy Guidance for Adjudicators 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 for Adjudicators does not constitute SEVP policy in any way or for any purpose.

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