



U.S. Immigration and Customs Enforcement

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

SEVP Policy Guidance 1308-07: F-1 Emergent Circumstances

Issue Date: Click here to enter a date.

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Supersedes: Policy Guidance 1004-06 – Emergent Circumstances Q&A

Status: Draft

Purpose/Background: This document gives the Student and Exchange Visitor Program’s (SEVP) interpretation of the emergent circumstances regulation for F-1 students¹ (*8 CFR 214.2(f)(5)(v)*, *8 CFR 214.2(f)(6)(i)(F)* and *8 CFR 214.2(f)(9)(i)–(ii)*) to guide SEVP adjudicators.

An F-1 student with special student relief must comply with *8 CFR 214.2(f)(5)(v)*, *8 CFR 214.2(f)(6)(i)(F)* and *8 CFR 214.2(f)(9)(i)–(ii)* and should comply with their interpretation in this guidance to maintain nonimmigrant status. Where more restrictive, the student should comply with school policies.

Attachments: [SEVP Fact Sheet 1308-07A: F-1 Emergent Circumstances Processes](#)

Definitions:

- Emergent circumstances:** World events that affect a specific group of F-1 students and create significant financial hardship, including but not limited to any of the following:
 - Natural disasters
 - Unexpected changes in the financial condition of those who are sources of the group’s support, such as substantial fluctuations in the value of currency or exchange rate
 - Extreme increases in tuition and/or living costs

The emergent circumstances regulations give the Secretary of Homeland Security (the

¹ This guidance pertains only to F-1 students. All use of the term “student(s)” refers to F-1 students. F-2 dependents are prohibited from employment (*8 CFR 214.2(f)(15)(i)*); emergent circumstances do not alter this prohibition.

Secretary) flexibility to help F-1 students by suspending certain regulatory requirements when emergent circumstances occur that undermine the students' financial ability to support continued studies.

2. Special student relief: The suspension of certain regulatory requirements for an F-1 student subsequent to an emergent circumstances determination, affecting the following:

- On-campus employment
- Off-campus employment
- Duration of status
- Full course of study

Policy:

1. The emergent circumstances designation process.

1. A significant world event occurs outside the United States, creating severe economic hardship for a segment of the F-1 student population.
2. The leadership of an affected country may request general assistance from the United States, or the U.S. government may choose to offer assistance to that country or region.
3. The Secretary may then determine that the event constitutes emergent circumstances that warrant special student relief.
4. In such cases, an emergent circumstances declaration by the Secretary may invoke the cited authorities to do the following:
 - Suspend certain regulatory requirements pertaining to:
 - On-campus employment²
 - Off-campus employment³
 - Allow a reduced course load (RCL)⁴
5. The U.S. Department of Homeland Security (DHS) will publish a notice in the *Federal Register* to officially announce the determination of emergent circumstances. The notice will identify who this action covers and will detail the following:

² 8 CFR 214.2(f)(9)(i)

³ 8 CFR 214.2(f)(9)(ii)

⁴ 8 CFR 214.2(f)(6)(i)(F)

- Any and all benefits affiliated with the designation
 - Which regulatory requirements the Secretary has suspended and in what respect
 - Applicable effective dates
 - Eligibility requirements
 - Authorization processes for designated school officials (DSOs) and F-1 students
 - Differences in benefits granted between subgroups of the covered population
 - Other pertinent information
6. In such cases, SEVP will generally release a supplementary broadcast message specific to the situation to help DSOs and affected students. This message would provide additional information, such as DSO instructions for recording necessary entries in the Student and Exchange Visitor Information System (SEVIS) student record to reflect the emergent circumstances authorization.
7. Emergent circumstances may result in temporary loss of physical or electronic property, data, or governmental services in the affected country. This loss could make it difficult for a student to obtain necessary documentation to pursue certain nonimmigrant benefits (such as passports, birth records, etc.). If this happens, DHS and other federal entities will help make the process easier and ensure that individuals receive the appropriate benefits.

2. Employment consequences of an emergent circumstances determination.

2.1. Employment regulatory requirements. The following regulatory requirements pertain to on- and off-campus employment without emergent circumstances:

- **On-campus employment hours:** A student's on-campus employment must not exceed 20 hours per week while school is in session.
- **Off-campus employment:** A student must meet the following requirements in order to engage in off-campus employment:
 - Has been in F-1 status for one full academic year.⁵
 - Is currently maintaining status and is in good standing as a student
 - Is enrolled in a full course of study or on authorized reduced course load⁶
 - Accepts that employment will not interfere with enrolling in and attending a full

⁵ For more information, see SEVP Policy Guidance 1408-01: Academic Year.

⁶ 8 CFR 214.2(f)(6)

course of study.

- Demonstrates that employment is necessary to avoid severe economic hardship due to unforeseen circumstances beyond the student's control, but only if other employment opportunities are either unavailable or are insufficient to overcome the student's unforeseen financial hardship.
- Off-campus employment must not exceed 20 hours per week while school is in session.

2.2. Suspension of employment regulatory requirements. If the Secretary determines emergent circumstances, the *Federal Register* notice announcing the designation may:

- Suspend any or all of the requirements cited in [section 2.1](#) for postsecondary F-1 students.
- Suspend any or all of the requirements cited in [section 2.1](#) for F-1 students in kindergarten through grade 12 within the constraints of applicable federal and state labor laws limiting the employment of minors.

3. Duration of status/full-course of study consequences of an emergent circumstances determination.

- A postsecondary F-1 student who is eligible for special student relief automatically receives authorization for an RCL, if employed at levels exceeding normal hour allowances.
- In SEVIS, DSOs report authorization for employment under special student relief but do not need to report RCL due to special student relief.
- An RCL for special student relief is distinct from an RCL associated with the student's program of study,⁷ which requires DSO authorization in SEVIS before beginning.

3.1. RCL for emergent circumstances and credit hour programs. A student who meets all of the following conditions may pursue an RCL to meet financial needs due to emergent circumstances:

- Postsecondary F-1 student
- Enrolled in a course of study measured in credit hours⁸
- Authorized to suspend any or all of the requirements cited in [section 2.1](#)

The student must otherwise maintain status and make progress toward completing the

⁷ 8 CFR 214.2(f)(6)(iii)

⁸ 8 CFR 214.2(f)(6)(i)(A)-(C)

program of study. The student will remain in status during the authorized employment if registered for a course load at or above the level specified in the applicable *Federal Register* notice. The minimum course load will never be less than the following:

- Undergraduate level – six or more credit hours per semester
- Graduate level – three or more credit hours per semester

3.2. RCL for emergent circumstances and clock hour programs. A student who meets all of the following conditions may pursue an RCL to meet financial needs due to emergent circumstances:

- Postsecondary student
- Enrolled in a course of study measured in clock hours⁹
- Authorized to suspend any or all of the requirements cited in [section 2.1](#)

The student otherwise must maintain status and make progress toward completing the program of study. The student will remain in status during the authorized employment if registered for a course load that meets the following conditions:

- Is at least half of what constitutes a normal full course of study for the student
- Reduce courses in their entirety and does not divide a course or reduce parts of a course, such as in one of the scenarios in the table below:

Scenarios	Class #1	Class #2	Eligibility
One course	20 clock hours weekly	None	Not eligible
Two courses	10 clock hours weekly	10 clock hours weekly	Eligible to drop either class
Two courses	15 clock hours weekly	Five clock hours weekly	Eligible to drop the five-hour class

3.3. RCL for emergent circumstances and K-12 students. F-1 students in kindergarten through grade 12¹⁰ are not eligible for an RCL due to emergent circumstances. These students must meet compulsory attendance requirements of the state or jurisdiction and maintain the minimum number of hours of class attendance per week prescribed by the school for normal progress toward graduation.

3.4. RCL for emergent circumstances and school minimum course load requirements. An emergent circumstances RCL authorization defines the minimum of what is necessary for a student to maintain nonimmigrant status. School officials may establish course load

⁹ 8 CFR 214.2(f)(6)(i)(D)

¹⁰ 8 CFR 214.2(f)(6)(i)(E)

minimums above those of DHS. If so, the school's minimums may take precedence.¹¹

3.5. RCL for emergent circumstances and online/distance education. A postsecondary F-1 student may enroll in only one online course credited toward the full program of study, per academic term, if that course has no physical presence requirement.¹² An online course with a physical presence requirement (i.e., monitored) is equivalent to a course with traditional instruction when determining allowances for an RCL.

4. Establishing eligibility for F-1 special student relief in emergent circumstances.¹³ A student must meet specified requirements to qualify for special student relief under emergent circumstances. The *Federal Register* notice will list these requirements.

4.1. In general, a student must meet all of the following to establish eligibility:

- Have citizenship of a country identified under the emergent circumstances notice
- Establish lawful presence in the United States in F-1 status at the time of the emergent circumstances event (as specified in the *Federal Register* notice) by meeting all of the following requirements:
 - Is an F-1 student in *Active* status
 - Is enrolled in a full course of study at an [SEVP-certified school](#)
 - Is otherwise maintaining status

A student in any of the following situations also meets the requirements of lawful presence, and is eligible for special student relief:

- A continuing student temporarily absent from the United States during the event establishing the emergent circumstances.¹⁴
- A student the DSO determines to be eligible for special student relief (as annotated in the student's SEVIS record and Form I-20, "Certificate of Eligibility for Nonimmigrant Student Status") and who must temporarily depart the United States after the establishing event (including to get a new visa) – after readmission in F-1 status.¹⁵
- A student authorized employment and RCL under special student relief who

¹¹ School officials must establish a school's minimum course load requirement for enrollment in a publicly available document (e.g., catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

¹² 8 CFR 214.2(f)(6)(i)(G)

¹³ See the attached [SEVP Fact Sheet 1308-07A: F-1 Emergent Circumstances Processes](#) for information on related processes.

¹⁴ For more information, see SEVP Policy Guidance 1306-07: F-1 Student Absence.

¹⁵ The DSO must use the SEVIS record and identification number applicable at the time of withdrawal for readmission.

transfers to another SEVP-certified school in F-1 status.

- The student may continue on-campus employment while enrolled at the transfer-out school until the transfer release date in SEVIS. The student must receive DSO authorization before beginning on-campus employment at the transfer-in school.
- The student may continue to engage in off-campus employment while enrolled at the transfer-out school until the transfer release date in SEVIS. The student must request off-campus employment, receive a DSO recommendation for off-campus employment and authorization from U.S. Citizenship and Immigration Services (USCIS) before beginning off-campus employment at the transfer-in school.

A student who meets either of these conditions is not eligible for special student relief:

- A student from an affected country admitted¹⁶ into the United States in *Initial* F-1 status following the event establishing the emergent circumstances.
 - A nonimmigrant in the United States in other than F-1 status at the time of the event who subsequently is approved for a change of status to F-1.
 - Comply with all items in [section 2.1](#) not explicitly suspended in the *Federal Register* notice of the emergent circumstances determination ([section 2.2](#)).
 - Demonstrate severe economic hardship because of the emergent circumstances event to the satisfaction of the DSO. Changes in personal funding and/or funds from other sources will reflect severe economic hardship.
- 5. Internship with an international organization and emergent circumstances.** An internship with an international organization¹⁷ is not the same as on-campus and off-campus employment. It is not included in the special student relief provided in an emergent circumstances determination.
- 6. Practical training and emergent circumstances.** Practical training (curricular practical training (CPT) and optional practical training (OPT))¹⁸ is not the same as on-campus and off-campus employment. It is not included in the special student relief provided in an emergent circumstances determination.
- A DSO may vary a student's CPT hours only within the defined limits of the specific program. An emergent circumstances designation does not increase the hours of allowable CPT.

¹⁶ I.e., under a new SEVIS record and identification number

¹⁷ 8 CFR 214.2(f)(9)(iii)

¹⁸ 8 CFR 214.2(f)(10)–(12)

- Emergent circumstances do not impact allowable hours of OPT.

7. Reinstatement following emergent circumstances. SEVP does not require an F-1 student who meets all of the following criteria to seek reinstatement at the conclusion of the emergent circumstances:

- Has authorized special student relief
- Is maintaining a course load within the limits of [section 3](#)
- Is otherwise maintaining status

8. Summary of Emergent Circumstances regulation and determinations since 1998.

Title	<i>Federal Register (FR) cite and publication date</i>	<i>Extensions (FR cite and pub. date)</i>	<i>Start date</i>	<i>End date</i>
Authorizing Suspension of Applicability of Employment Authorization Requirements in Emergent Circumstances for Certain F-1 Students	63 FR 31872 - June 10, 1998	N/A	June 10, 1998	N/A
Employment Authorization for Certain F-1 Nonimmigrant Students Whose Means of Financial Support Comes From Indonesia, South Korea, Malaysia, Thailand, or the Philippines	63 FR 31874 - June 10, 1998	N/A	June 10, 1998	Not estab.
Short-Term Employment Authorization and Reduced Course Load for Certain F-1 Nonimmigrant Students Adversely Affected by Hurricane Katrina	70 FR 70992 - Nov. 25, 2005	No	Nov. 25, 2005	Feb. 1, 2006
Employment Authorization for Haitian F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the January 12, 2010 Earthquake in Haiti	75 FR 56120 - Sept. 15, 2010	<ul style="list-style-type: none"> • 76 FR 28997 – May 19, 2011 • 77 FR 59942 – Oct. 1, 2012 • 79 FR 11805 – Mar. 03, 2014 	Sept. 15, 2010	Jan. 22, 2016
Employment Authorization for Libyan F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of Civil Unrest in Libya Since February 2011	76 FR 33970 - June 10, 2011	No	June 10, 2011	Dec. 31, 2011
Employment Authorization for Syrian F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of Civil Unrest in Syria Since March 2011	77 FR 20038 - April 3, 2012	<ul style="list-style-type: none"> • 78 FR 36211 – June 17, 2013 • 80 FR 232 – Jan 5, 2015 	April 3, 2012	Mar. 31, 2015

References:

8 *CFR* 214.2(f)(5)(v)

8 *CFR* 214.2(f)(6)(i)(A)–(G)

8 CFR 214.2(f)(6)(iii)

8 CFR 214.2(f)(9)

8 CFR 214.2(f)(10)–(12)

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

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U.S. Immigration and Customs Enforcement

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

SEVP Fact Sheet 1308-07A: F-1 Emergent Circumstances Processes

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Supersedes: Policy Guidance 1004-06 – Emergent Circumstances Q&A

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Purpose/Background: This fact sheet supplements the Student and Exchange Visitor Program’s (SEVP) Policy Guidance 1308-07: F-1 Emergent Circumstances and provides information explaining the processes related to emergent circumstances for F-1 students.¹⁹ A designated school official (DSO) authorizing employment and reduced course load (RCL) under emergent circumstances should review this fact sheet.

Definitions: See [SEVP Policy Guidance 1308-07: F-1 Emergent Circumstances](#)

Procedures/Requirements:

1. **On-campus employment, current or new authorization.** The following actions must occur for a student to receive authorization for special student relief with on-campus employment:

- Student requests on-campus employment for special student relief²⁰
- Student satisfactorily demonstrates eligibility
- A DSO at the student’s institution approves

After meeting these conditions, all of the following will occur:

1. The DSO will 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:

¹⁹ This fact sheet 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)*).

²⁰ If the student already has on-campus employment, the student simply requests authorization for special student relief.

- Field 23, *Funding*, enter the projected income from the employment.
- Field 24, *Remarks*, enter the following remark authorizing the employment for special student relief, in accordance with the *Federal Register* notice:

Approved for more than 20 hours per week of on-campus employment and reduced course load under the special student relief authorization from [DSO must insert the beginning date of employment] until [DSO must insert the student's program end date or the end-effectiveness date given in the *Federal Register*, whichever comes first].

2. The DSO will issue the student an updated and signed²¹ Form I-20, reflecting the authorization.
 3. Upon receipt of the authorizing Form I-20, the student may adjust employment hours during the dates specified on the form.
 4. When starting employment and while employed, the student may have an RCL.
 5. On-campus employment with special student relief for emergent circumstances ends after the Secretary determines that the circumstances have terminated. The Secretary will make this determination public by publishing a notice in the *Federal Register*. However, the student may continue the on-campus employment, but not exceed 20 hours per week while school is in session.
2. **Off-campus employment, new authorization.** The following actions must occur for a student to receive special student relief with off-campus employment authorization:
- Student requests a recommendation for off-campus employment from a DSO for special student relief
 - Student satisfactorily demonstrates eligibility

If meeting these conditions, all of the following will occur:

1. The DSO will recommend the employment in the SEVIS student record by taking the following action on the *Add Off-Campus Employment*:
 - In fields 1–2, enter the requested employment start and end dates
 - In field 3, select *Special Student Relief* for the off-campus employment type
 - In field 4, *Recommendation*, enter the following remark recommending the employment for special student relief, in accordance with the notice in the

²¹ Page 1, School Attestation – DSO signature, Student Attestation – student. 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.

Federal Register

“Recommended for off-campus employment authorization of more than 20 hours per week and a reduced course load under the special student relief authorization from the date of the USCIS authorization noted on the Form I-766, “Employment Authorization Document” (EAD), until [DSO must insert the student’s program end date or the end-effectiveness date given in the *Federal Register* notice, whichever comes first].”

2. The DSO will issue the student an updated and signed²² Form I-20, reflecting the recommendation.
3. The student must submit the updated Form I-20, a completed Form I-765, “Application for Employment Authorization,” and other required documents as required by the instructions in the *Federal Register* notice and the Form I-765 instructions, to USCIS for adjudication.²³
 - USCIS must receive the application within 30 days of the date the DSO enters the recommendation in SEVIS or USCIS may deny the application.²⁴ A student who does not file on time should advise the DSO. If still within the filing period, the DSO can cancel the off-campus employment request, submit a new request and provide a new printed and signed Form I-20 to the student.
 - The mailing address in the student’s SEVIS record and on the Form I-20 should be identical to ensure correct delivery of the EAD.
 - A student can check the status of a pending application online at the [USCIS website](#) using the application receipt number.
4. USCIS adjudication:
 - Approval: A student who receives approval for off-campus employment will receive an EAD.²⁵
 - The EAD will contain an expiration date that does not exceed the last day of the student’s program of study, one year from the date of issuance, or the end-effectiveness date given in the *Federal Register* notice, whichever comes first.

²² 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.

²³ While a DSO will provide advice and may assist the student in applying for off-campus employment, responsibility for submitting the application belongs to the student. A student who cannot afford the application fee may apply to have the [fee waived](#) (8 CFR 103.7(c)).

²⁴ The “Off-campus Employment Requested” date as found in the “Event History” of the student’s SEVIS record, and the date found on the Form I-20, School Attestation section.

²⁵ If the EAD needs correction or replacement, see SEVP Policy Guidance 1311-02: F-1 and M-1 General Employment.

- The student must have the EAD before beginning employment and may use the EAD as proof of employment authorization.
 - The student must begin employment before beginning RCL.
 - Denial: If a student's employment authorization application is denied, USCIS will send the student a written notice giving the reason(s) for the denial.
 - The student may not appeal the decision, but may file a [Form I-290B, "Notice of Appeal or Motion,"](#) to initiate a motion to reopen or reconsider the decision.
 - The student may reapply.
5. Off-campus employment with special student relief for emergent circumstances ends after the Secretary determines that the circumstances have terminated and the authorization expires. The Secretary will make this determination public by publishing a notice in the *Federal Register*.
- The student may not continue off-campus employment, even if the current authorization, the end date as listed on the student's EAD, has not expired.
 - If the student wants to continue off-campus employment, the student must apply for off-campus employment for severe economic hardship.²⁶
- 3. Off-campus employment, current authorization.** Four specific actions must occur for a student to receive special student relief for current off-campus employment authorization:
- Has a current off-campus employment authorization and an associated EAD
 - Requests further authorization due to special student relief
 - Satisfactorily demonstrates eligibility
 - DSO approves

After meeting all of these conditions, the following will occur:

1. On the *Edit Off-Campus Employment* screen of the student's SEVIS record, the DSO will annotate the extended authorization:

“Approved for off-campus employment authorization of more than 20 hours per week and a reduced course load under the special student relief authorization from the date of the current USCIS authorization noted in SEVIS and on the Form I-766, Employment Authorization Document (EAD), until [DSO must insert the student's program end date or the end-effectiveness date given in the *Federal Register* notice,

²⁶ For more information, see SEVP Policy Guidance 1307-02: F-1 Off-campus Employment.

whichever comes first].”

2. The DSO will issue the student an updated and signed²⁷ Form I-20, reflecting the authorization.
 3. The student does not need to submit a new Form I-765 application for an updated authorization and associated EAD.
- 4. Off-campus employment, renewal authorization.** A student continuing to meet the eligibility for special student relief beyond the current authorization expiration date may apply for a renewed authorization before the expiration, using Form I-765 and with appropriate fee payment. If the DSO approves, the following will occur:
1. The DSO will recommend the employment in the SEVIS student record by taking the following action on the *Add Off-Campus Employment* screen:
 - In Fields 1–2, enter the requested employment start and end dates
 - In Field 3, select *Special Student Relief* for the off-campus employment type
 - In Field 4, *Recommendation*, enter the following remark recommending the employment for special student relief, in accordance with the notice in the *Federal Register*

“Recommended for off-campus employment authorization of more than 20 hours per week and a reduced course load under the special student relief authorization from the date of the current USCIS authorization noted on the Form I-766, Employment Authorization Document (EAD), until [DSO must insert the student’s program end date or the end-effectiveness date given in the *Federal Register*, whichever comes first].”
 2. The DSO will issue the student an updated and signed²⁸ Form I-20, reflecting the recommendation.
 3. The student must submit the Form I-20, a completed Form I-765, and other required documents as required by the instructions in the *Federal Register* notice and the Form I-765 instructions to USCIS for adjudication. See [section 3 step 3](#) for more information.
 4. If the student submits the application properly and in a timely manner, but the current authorization expires before a decision on the renewal, the student’s authorization

²⁷ 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.

²⁸ 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.

automatically extends until USCIS makes a decision.

5. USCIS adjudication. See [section 3 step 4](#) for more information.

5. School oversight of student financial qualification during emergent circumstances.

A DSO should document a student's [special student relief](#) based employment and oversee the impact of on-campus or off-campus employment upon the hardship.

- [Special student relief](#) will be reflected in changes in personal funding and/or funds from other sources.
- A DSO may document changes in the student's SEVIS record on the student's Form I-20, Page 2—*Financial Information*, field 23, *Funding, Other Source Type*.

References:

8 CFR 103.7(c)

8 CFR 214.2(f)(5)(v)

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

8 CFR 214.2(f)(9)(i),(ii)

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) and Section 17.3 Off-Campus Employment (pg. 148)