

To: All SEVIS Users
Date: September 14, 2011
Re: Libyan F-1 ESL Students and Special Student Relief
Number: 1107-01

Comments

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General Information

A Libyan F-1 student enrolled in an English as a Second Language (ESL) program is eligible for special student relief as outlined in the Federal Register notice *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). This relief includes the benefits of authorization for full-time employment and a reduced course load (RCL).

Credit Hour Programs

For an ESL program that measures course loads in credit hours, an eligible Libyan F-1 student may take an RCL. This amount must always be , at minimum, six semester or quarter hours of instruction per academic term at the undergraduate level or more than three semester or quarter hours of instruction per academic term at the graduate level¹. Additionally, an eligible Libyan F-1 student must continue to make progress toward completing the course of study (8 CFR 214.2(f)(5)(v) and (6)(i)(B)).

Clock Hour Programs

Many ESL programs differ from these traditional course structures, and many measure course loads in clock hours. Because of these variations, Student and Exchange Visitor Information System stakeholders have raised questions regarding how an eligible Libyan F-1 student may receive the benefits of special student relief, particularly those relating to RCL.

An eligible Libyan F-1 student may take an RCL corresponding to the RCL amount of those in undergraduate credit hour programs. This amount must always be at least half of what constitutes a normal full course of study for the student. The student must also continue to make progress toward completing the course of study. An eligible Libyan F-1 student for whom taking an RCL would result in taking no courses at all may not take an RCL, as this student would not be making progress toward completing the course of study.

¹ An eligible student in an undergraduate credit hour program must usually maintain a course load of at least 12 credit hours. A student who is the recipient of special student relief may reduce the course load to no less than half of that amount – six credit hours.

Further, eligible students that take an RCL may not artificially divide their courses in order to take a RCL. Instead, an eligible student must accomplish the RCL by reducing courses in their entirety and not simply reducing parts of a course.

For example, an ESL program measuring a course load in clock hours may only offer one class per academic term for a total of 20 clock hours. An eligible Libyan student taking only one class per term for 20 hours a week is unable to take an RCL, as the student would not be taking any classes. This student would not be making progress toward completing the course of study.

Another ESL program may offer two or more classes per term for a total of 20 hours. An eligible student taking two or more classes per term for 20 hours a week may take an RCL as long as the student continues to attend class and the resultant total clock hour amount is at least half of what would constitute a normal full course of study for the student. In this case, if a normal full course load for the student is 20 hours a week, an eligible student may reduce the course load to no less than 10 hours a week.

If an ESL program offers two courses per term, one for 15 hours and one for five hours. A full course of study for this program is 20 hours. An eligible student may take an RCL of at least 10 hours. In this case, the student may only drop the five-hour class. The student may not seek to artificially remove hours from the 15-hour course to get as close as possible to the 10-hour lower limit. An eligible student may only reduce courses in their entirety.

In all instances, an eligible student receives full-time employment authorization.

The goal of this student relief is to provide full-time employment authorization to eligible students experiencing severe economic hardship due to the civil unrest in Libya cited in *76 FR 33970*, June 10, 2011. Taking an RCL may be a means to better enable such students to receive relief while maintaining their F-1 status.