

or (f)(9)(ii) of this section and published in the **Federal Register** shall be deemed to be engaged in a "full course of study" if he or she remains registered for no less than the number of semester or quarter hours of instruction per academic term specified by the Commissioner in the notice for the validity period of such employment authorization.

\* \* \* \* \*

(9) \* \* \*

(i) *On-campus employment.* \* \* \* Employment authorized under this paragraph must not exceed 20 hours a week while school is in session, unless the Commissioner suspends the applicability of this limitation due to emergent circumstances, as determined by the Commissioner, by means of notice in the **Federal Register**, the student demonstrates to the DSO that the employment is necessary to avoid severe economic hardship resulting from the emergent circumstances, and the DSO notates the Form I-20 in accordance with the **Federal Register** document. \* \* \*

(ii) \* \* \*

(A) *General.* \* \* \* In emergent circumstances as determined by the Commissioner, the Commissioner may suspend the applicability of any or all of the requirements of paragraph (f)(9)(ii) of this section by notice in the **Federal Register**.

\* \* \* \* \*

Dated: May 1, 1998.

**Doris Meissner,**  
*Commissioner, Immigration and Naturalization Service.*

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**DEPARTMENT OF JUSTICE**

**Immigration and Naturalization Service**

**8 CFR Part 214**

[INS No. 1911-98]

**Employment Authorization for Certain F-1 Nonimmigrant Students Whose Means of Financial Support Comes From Indonesia, South Korea, Malaysia, Thailand, or the Philippines**

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice of suspension of applicability of certain requirements.

**SUMMARY:** The Commissioner of the Immigration and Naturalization Service (Service) is temporarily suspending the applicability of certain requirements in 8 CFR 214.2(f)(9) governing on-campus and off-campus employment for

nonimmigrant aliens who are admitted to the United States in F-1 classification for duration of status under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (Act), and whose means of financial support as reflected in the students' Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status, is from Indonesia, South Korea, Malaysia, Thailand, or the Philippines. This action is necessary because students whose means of financial support comes from these countries are experiencing severe economic hardship due to the rapid devaluation of their currencies against the United States dollar and the consequent reduction in financial support. These affected students may need to be exempted from the normal student employment requirements in order to continue their studies in the United States.

**DATES:** This document is effective June 10, 1998 and will remain in effect until the Attorney General rescinds this document.

**FOR FURTHER INFORMATION CONTACT:** Maurice R. Berez, Adjudications Officer, Office of Adjudications, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, telephone (202) 514-5014.

**SUPPLEMENTARY INFORMATION:**

**Why Is The Service Taking This Action?**

The currencies of Indonesia, South Korea, Malaysia, Thailand, and the Philippines have experienced a sudden and severe drop in value over recent months relative to the United States dollar. The United States Department of the Treasury advises that this economic crisis will likely continue for the next several months. The President and the Secretary of State have requested the Government, as a matter of foreign policy and wherever feasible, to assist students whose means of financial support comes from these countries to mitigate the adverse impact of this crisis. The economic crisis has had a severe economic impact on many F-1 nonimmigrant students who are presently in the United States and whose means of financial support comes from any of these five countries. The total population of such students attending colleges and universities in the United States is approximately 80,000. Given the magnitude of this student population in the United States, the economic crisis in these students' countries is also having an indirect but serious adverse impact on campuses across the country.

While some affected students will have brought enough money with them to the United States for the entire academic year, many other students who depend on a regular flow of funds from one of the five enumerated countries may be experiencing severe economic hardship as a result of the economic crisis. These students may be unable to continue to cover the full cost of their studies and reasonable living expenses, and may therefore need to seek immediate employment to meet this unexpected change in their financial support.

Based on the above-noted foreign policy grounds, and in order to aid such adversely affected students, the Commissioner is exercising her authority under 8 CFR 214.2(f)(9) and is temporarily suspending the applicability of certain regulatory requirements pertaining to employment authorization for certain F-1 students whose means of financial support, as reflected on their Form I-20, comes from Indonesia, South Korea, Malaysia, Thailand, or the Philippines, and who, due to the economic crisis, would suffer severe economic hardship without such employment authorization. Under this temporary suspension, eligible F-1 students will be permitted to exceed the normal 20-hour limit on both on-campus and off-campus employment, and to reduce their full course of study without violating their F-1 status. This action is taken pursuant to amendments made to the regulations at 8 CFR 214.2(f)(5), 214.2(f)(6), and 214.2(f)(9) in an interim rule issued by the Service and published in this issue of the **Federal Register**.

**For What Requirements in 8 CFR 214.2(f)(9) Is The Applicability Temporarily Suspended?**

*1. On-Campus Employment*

For F-1 students whose means of financial support, as reflected in their Form I-20, comes from Indonesia, South Korea, Malaysia, Thailand or the Philippines, and who seek to engage in on-campus employment because of severe economic hardship resulting from the current economic crisis, the Commissioner is suspending the applicability of the requirement in 8 CFR 214.2(f)(9)(i) that limits an F-1 student's on-campus employment to 20 hours per week while school is in session. The applicability of this requirement will be suspended until this document is rescinded. Students whose means of financial support comes from one of the five enumerated countries, and who are experiencing severe economic hardship due to the

economic crisis in these countries, are authorized to work more than 20 hours per week while school is in session if their Designated School Official (DSO) notates page 4 of both the school and student copies of the Form I-20 in the student employment box with the statement:

Approved for more than 20 hour per week of on-campus employment under the Special Student Relief authorization from (DSO shall insert the beginning date of employment) until (DSO shall insert the earlier of the last day of the student's program or one year from the beginning date of employment)

and signs and dates the notation. To obtain this on-campus employment authorization, students must demonstrate to their DSO that the employment is necessary to avoid severe economic hardship caused by the economic crisis taking place in one of the five specified countries from which their means of financial support is derived. These students are permitted to reduce their normal course of study in order to accept such employment. To be considered to be maintaining F-1 status and engaging in a full course of study under 8 CFR 214.2(f)(5)(v) and 214.2(f)(6)(i)(F), however, undergraduate students must remain registered for a minimum of 6 semester or quarter hours of instruction per academic term and graduate students must remain registered for a minimum of 3 semester or quarter hours of instruction per academic term for the period of authorized employment. The standard rules at 8 CFR 214.2(f)(9)(i) permitting full-time work on-campus when school is not in session or during school vacations will continue to apply during the effective period of this document.

## 2. Off-Campus Employment

For purposes of off-campus employment authorization under 8 CFR 214.2(f)(9)(ii), the Commissioner has determined that the currency devaluation affecting Indonesia, South Korea, Malaysia, Thailand, and the Philippines constitutes unforeseen circumstances beyond the student's control. Moreover, for students whose means of financial support, as reflected on their Form I-20, is from one of these five countries and who establish severe economic hardship, the Commissioner is suspending the applicability of the following regulatory requirements in 8 CFR 214.2(f)(9)(ii):

1. The requirement that the student has been in F-1 status for one full academic year;
2. The requirement that acceptance of employment will not interfere with the

student's carrying a full course of study; and

3. The requirement that the student's work authorization be limited to no more than 20 hours per week when school is in session.

F-1 students who must reduce their normal course of study as a result of accepting employment authorized by this notice will be considered to be maintaining F-1 status and engaging in a full course of study under 8 CFR 214.2(f)(5)(v) and 214.2(f)(6)(i)(F), provided that, for the duration of their authorized employment, undergraduate students are registered for a minimum of 6 semester or quarter hours of instruction per academic term and graduate students are registered for a minimum of 3 semester or quarter hours of instruction per academic term. The standard rules at 8 CFR 214.2(f)(9)(ii) permitting full-time work off-campus when school is in session or during school vacations will continue to apply during the effective period of this document.

### How Can F-1 Students, Whose Means of Financial Support Is From One of the Five Enumerated Countries, Apply for Special Off-Campus Employment Authorization Pursuant to This Document?

To apply for this special off-campus employment authorization, F-1 students must file a complete employment authorization application with the Service Center having jurisdiction over the student's place of residence. An application is complete if it contains:

1. A properly completed Form I-765, Application for Employment Authorization, with the required fee of \$70 or, in the absence of the fee, a written affidavit requesting waiver of the fee which explains why he or she is entitled to or deserving of the fee waiver and the reasons for his or her inability to pay as provided under 8 CFR 103.7(c);

2. Form I-20 with a written notation by the DSO on page 4 in the student employment box stating,

Special Student Relief recommended from (DSO shall insert the recommended beginning date of employment) until (DSO shall insert the earlier of the last day of the student's program or one year from the recommended beginning date of employment)

that is signed and dated by the DSO; and

3. A copy of Form I-538, Certification by Designated School Official, containing an original, notarized signature of the DSO and a certification by the DSO that the student has demonstrated the following:

a. That the student's means of financial support, as documented on Form I-20, is from Indonesia, South Korea, Malaysia, Thailand or the Philippines (the DSO must note this in the comments section of Form I-538);

b. That the student is in good standing as a student and is carrying a full course of study at the time of the request for employment authorization (the DSO must check the appropriate box in block 9 of Form I-538);

c. That, if the student cannot carry a full course of study as a result of the acceptance of employment, the student will be registered, for the duration of his or her authorized employment, for a minimum of 6 semester or quarter hours of instruction per academic term if the student is at the undergraduate level or for a minimum of 3 semester or quarter hours of instruction per academic term if the student is at the graduate level (the DSO must note this in the comments section of Form I-538); and

d. That the off-campus employment is necessary to avoid severe economic hardship to the individual caused by the economic crisis taking place in one of the five specified countries from which the student's means of financial support is derived (the DSO must note this in the comments section of Form I-538).

To help expedite adjudication of the student's application, the student should:

a. Ensure that the application package includes: (1) A completed Form I-765; (2) the required fee or affidavit requesting waiver of the fee; (3) a copy of Form I-538 with notarized original signature of the DSO; and (4) a copy of the student's I-20 with the appropriate DSO notation on page 4 as previously described in this notice;

b. Send the application in an envelope which is clearly marked on the front of the envelope, bottom right-hand side, with the phrase "SPECIAL STUDENT RELIEF."

If the Service approves the student's employment authorization application, the Service will send the student an Employment Authorization Document, Form I-766, to evidence his or her employment authorization. The Form I-766 will contain an expiration date that does not exceed the earlier of the last day of the student's program or one year from the date of issuance.

### Is There a Cut-Off Date for the Filing of Applications for Off-Campus Employment Authorization Under This Document?

The Service has not yet determined a cut-off date for the filing of applications for off-campus work authorization under this document. The Service will

issue a document in the **Federal Register** announcing a cut-off date for filing such applications when it makes this determination.

**Must the F-1 Student Apply for Reinstatement After Expiration of This Special Employment Authorization if the Student Reduces His or Her Full Course of Study?**

No. If an F-1 student reduces his or her normal course of study in order to engage in employment pursuant to this document, the F-1 student will be considered to be maintaining his or her status under 8 CFR 214.2(f)(5)(v). As previously discussed, a student will be considered to be maintaining status only if the student is registered for a minimum of 6 semester or quarter hours of instruction per academic term where the student is at the undergraduate level, or is registered for a minimum of 3 semester or quarter hours of instruction per academic term where the student is at the graduate level. Because a student who has reduced his or her full course of study in accordance with this document is considered to be maintaining status, he or she is not required to request reinstatement from the Service under 8 CFR 214.2(f)(16) before the student resumes a full course

of study at the conclusion of his or her employment authorization.

**Will the Suspension of the Applicability of the Standard Student Employment Requirements Apply to Aliens Who, as of the Effective Date of This Document, Have not yet Been Granted an F-1 Visa in Order to Pursue a Course of Studies in the United States?**

No, the suspension of the applicability of the standard regulatory requirements does not apply to such persons, even if their means of financial support comes from any of the five above-noted countries.

**Does This Document Apply to F-1 Students Who Leave the United States and Will Need to Obtain a New F-1 Visa During the Validity Period of This Document in Order to Continue Their Educational Program in the United States?**

Yes, provided that the DSO has properly notated the Form I-20 in accordance with this document. Subject to the specific terms of this document, however, the normal rules for visa issuance, including those related to public charge and nonimmigrant intent, remain applicable to aliens who need to apply for a new F-1 visa in order to

continue their educational program in the United States.

**How Long Will This Document Remain in Effect?**

The suspension of applicability of on-campus and off-campus employment authorization requirements by this document will remain in effect until this document is rescinded by the Attorney General. During this period, the Service will continue to consult with the President and the Departments of State and Treasury in order to determine whether economic circumstances in the five enumerated countries warrant rescission or modification of the special provisions for F-1 students whose means of support comes from one of these countries. Should these special provisions be modified or rescinded, the Service will issue a document in the **Federal Register** announcing any changes.

Dated: June 5, 1998.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

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