



DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[Docket No. ICEB-2022-0009]

RIN 1653-ZA29

Employment Authorization for Syrian F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Civil War in Syria Since March 2011

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice announces that the Secretary of Homeland Security (Secretary) is suspending certain regulatory requirements for F-1 nonimmigrant students whose country of citizenship is Syria, regardless of country of birth (or individuals having no nationality who last habitually resided in Syria), and who are experiencing severe economic hardship as a direct result of the civil war in Syria. The Secretary is taking action to provide relief to these Syrian students who are lawful F-1 nonimmigrant students so the students may request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain their F-1 nonimmigrant student status. The U.S. Department of Homeland Security (DHS) will deem an F-1 nonimmigrant student who receives employment authorization by means of this notice to be engaged in a “full course of study” for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement described in this notice.

DATES: This F-1 visa action is effective from October 1, 2022, until April 1, 2024.

FOR FURTHER INFORMATION CONTACT: Sharon Snyder, Unit Chief, Policy and Response Unit, Student and Exchange Visitor Program, MS 5600, U.S. Immigration and Customs Enforcement, 500 12th Street, SW, Washington, DC 20536-5600; e-mail: sevp@ice.dhs.gov, telephone: (703) 603-3400. This is not a toll-free number. Program information can be found at <https://www.ice.gov/sevis/>.

SUPPLEMENTARY INFORMATION:

What action is DHS taking under this notice?

The Secretary is exercising the authority under 8 CFR 214.2(f)(9) to temporarily suspend the applicability of certain requirements governing on-campus and off-campus employment for F-1 nonimmigrant students whose country of citizenship is Syria regardless of country of birth (or individuals having no nationality who last habitually resided in Syria), who are lawfully present in the United States in F-1 nonimmigrant student status on the date of publication of this notice and who are experiencing severe economic hardship as a direct result of the civil war in Syria since March 2011. The original notice, which applied to F-1 nonimmigrant students who met certain criteria, including having been lawfully present in the United States in F-1 nonimmigrant status on April 3, 2012, was effective from April 3, 2012, until October 3, 2013. *See* 77 FR 20038 (Apr. 3, 2012). A subsequent notice provided for an 18-month extension from October 3, 2013, through March 31, 2015. *See* 78 FR 36211 (June 17, 2013). A third notice provided another 18-month extension from March 31, 2015, through September 30, 2016. *See* 80 FR 232 (Jan. 5, 2015). A fourth notice provided another 18-month extension from September 30, 2016, through March 31, 2018, and expanded the applicability of such suspension to Syrian F-1 nonimmigrant students who were in lawful F-1 nonimmigrant student status between April 3, 2012, and September 9, 2016. *See* 81 FR 62520 (Sept. 9, 2016). A fifth notice provided another 18-month extension from March 31, 2018, until September 30, 2019. *See* 83 FR 11553 (Mar. 15, 2018). A sixth

notice once again provided an 18-month extension to Syrian students from April 22, 2021, to September 30, 2022. *See* 86 FR 21333 (Apr. 22, 2021). Effective with this publication, suspension of the employment limitations is available to April 1, 2024, for those who are in lawful F-1 nonimmigrant status as of [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]. DHS will deem an F-1 nonimmigrant student granted employment authorization through this notice to be engaged in a “full course of study” for the duration of the employment authorization, if the student satisfies the minimum course load set forth in this notice.¹ *See* 8 CFR 214.2(f)(6)(i)(F).

Who is covered by this notice?

This notice applies exclusively to F-1 nonimmigrant students who meet all of the following conditions:

(1) Are a citizen of Syria regardless of country of birth (or an individual having no nationality who last habitually resided in Syria);

(2) Were lawfully present in the United States in F-1 nonimmigrant status under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(F)(i), on the date of publication of this notice;

(3) Are enrolled in an academic institution that is Student and Exchange Visitor Program (SEVP)-certified for enrollment for F-1 nonimmigrant students;

(4) Are currently maintaining F-1 nonimmigrant status; and

(5) Are experiencing severe economic hardship as a direct result of the civil war in Syria.

¹ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F-1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” *see* 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of April 1, 2024, provided the student satisfies the minimum course load requirements in this notice. DHS also considers students who engage in online coursework pursuant to U.S. Immigration and Customs Enforcement (ICE) coronavirus disease 2019 (COVID-19) guidance for nonimmigrant students to be in compliance with regulations while such guidance remains in effect. *See* ICE Guidance and Frequently Asked Questions on COVID-19, Nonimmigrant Students & SEVP-Certified Schools: Frequently Asked Questions, <https://www.ice.gov/coronavirus> (last visited June 3, 2022).

This notice applies to F-1 nonimmigrant students in an approved private school in kindergarten through grade 12, public school grades 9 through 12, and undergraduate and graduate education. An F-1 nonimmigrant student covered by this notice who transfers to another SEVP-certified academic institution remains eligible for the relief provided by means of this notice.

Why is DHS taking this action?

DHS is taking action to provide relief to Syrian F-1 nonimmigrant students experiencing severe economic hardship due to civil war in Syria. Based on its review of country conditions in Syria and input received from the U.S. Department of State, DHS is taking action to allow eligible F-1 nonimmigrant students from Syria to request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain F-1 nonimmigrant student status.

Previously DHS took action to provide temporary relief to F-1 nonimmigrant students whose country of citizenship is Syria regardless of country of birth (or individuals having no nationality who last habitually resided in Syria) and who experienced severe economic hardship because of the civil war in Syria. *See* 77 FR 20038 (Apr. 3, 2012); 78 FR 36211 (June 17, 2013); 80 FR 232 (Jan. 5, 2015); 81 FR 62520 (Sept. 9, 2016); 83 FR 11553 (Mar. 15, 2018); 86 FR 21333 (Apr. 22, 2021). It enabled these F-1 nonimmigrant students to obtain employment authorization, work an increased number of hours while school was in session, and reduce their course load, while continuing to maintain their F-1 nonimmigrant student status.

DHS reviewed conditions in Syria and determined that suspending certain employment authorization requirements for eligible nonimmigrant students is again warranted due to the civil war which has resulted in large-scale destruction of infrastructure, mass displacement of civilians, high levels of food insecurity, limited

access to water and medical care, and widespread civilian casualties. These impacts have been compounded by the COVID-19 pandemic which has contributed to the further breakdown of the economy and strained an already overburdened healthcare system.

The United Nations has verified that at least 350,209 identified civilians and combatants were killed between March 2011 and March 2021, including 26,727 women and 27,126 children, but it has warned that this figure “indicates a minimum verifiable number” and this is an “undercount of the actual number”.² The Syrian Observatory for Human Rights, a United Kingdom-based monitoring group with a network of sources on the ground, had documented the deaths of 494,438 people as of June 2021. It said that at least 159,774 civilians had been killed.³ The group estimated that the actual toll from the war was more than 606,000, saying 47,000 civilians were believed to have died of torture in government-run prisons.⁴ Another monitoring group, the Violations Documentation Center, which relies on information from activists across the country, had documented 239,251 battle-related deaths, including 145,240 civilians, as of June 2022.⁵ Additionally, the ongoing military operations have injured more than 2.1 million Syrian civilians with varying injuries, wounds, and permanent disabilities.⁶

Eleven years of war have inflicted immense suffering on the Syrian people. More than half of Syria’s pre-war population of 22 million have fled their homes.⁷ Syria has the

² This count includes “only those people identifiable by full name, with an established date of death, and who died in an identified governorate” and was sourced from OHCHR’s own data, records maintained by civil society organizations, and information from the Syrian government. UNOHCHR, “Oral update on the extent of conflict-related deaths in the Syrian Arab Republic | OHCHR” (September 24, 2021), <https://www.ohchr.org/en/statements/2021/09/oral-update-extent-conflict-related-deaths-syrian-arab-republic?LangID=E&NewsID=27531>

³ BBC, “Why has the Syrian war lasted 11 years” (Mar 15, 2022), <https://www.bbc.com/news/world-middle-east-35806229>.

⁴ *Id.*

⁵ Violation Documentation Center, “Monthly statistical on casualties in Syria, June 2022” (June 2022), <https://scm.bz/en/violations-watch/monthly-statistical-on-casualties-in-syria-june-2022>.

⁶ SOHR, “Total death toll | Over 606,000 people killed across Syria since the beginning of the “Syrian Revolution”, including 495,000 documented by SOHR (June 1, 2021), <https://www.syriaahr.com/en/217360/>.

⁷ BBC, *Supra*.

highest number of internally displaced persons (“IDPs”) in the world.⁸ The number of Syrian IDPs to date is approximately 7 million.⁹

Harm to civilians has been widespread, though the magnitude of violence has varied greatly by location. According to the Syrian Network for Human Rights, 1,271 civilians, including 299 children and 134 women, were killed by the parties to the Syrian conflict in 2021.¹⁰ Both government and opposition forces reportedly engage in indiscriminate attacks through the use of airstrikes, explosives, snipers, and rocket and mortar attacks.¹¹ Since 2021, cities as far north as Idlib, and as far south as Daraa have seen heavy civilian casualties.¹²

Multiple actors in the conflict have been accused of targeting civilians and civilian facilities. In January 2022, Russia conducted airstrikes on the Al Arshani Water Pump Station located west of Idlib city, injuring at least one station worker, causing substantial damage to the station’s buildings and equipment, and forcing the station’s main water pumping pipe temporarily out of service.¹³ In February 2022, there were at least six incidents of attacks impacting vital civilian facilities, among them, a school, two markets, a park, and a livestock farm.¹⁴

⁸ U.N. High Commissioner for Refugees, *Eleven Years on, Mounting Challenges Push Many Displaced Syrians to the Brink* (Mar 15, 2022), <https://www.unhcr.org/en-us/news/briefing/2022/3/623055174/eleven-years-mounting-challenges-push-displaced-syrians-brink.html> (last visited June 3, 2022).

⁹ U.S. Agency for International Development, *Syria – Complex Emergency Fact Sheet #4, Fiscal Year 2022* (Mar. 4, 2022), <https://reliefweb.int/report/syrian-arab-republic/syria-complex-emergency-fact-sheet-4-fiscal-year-fy-2022> (last visited June 3, 2022).

¹⁰ Syrian Network for Human Rights (SNHR), *Eleventh Annual Report: The Most Notable Human Rights Violations in Syria in 2021* (Jan. 21, 2022), https://snhr.org/wp-content/pdf/english/Eleventh_Annual_Report_The_Most_Notable_Human_Rights_Violations_in_Syria_in_2021_en.pdf (Last visited June 3, 2022).

¹¹ Human Rights Watch, *Syria: Events of 2021* (Jan. 2022), <https://www.hrw.org/world-report/2022/country-chapters/syria> (last visited June 3, 2022).

¹² *Id.*

¹³ Daily Sabah, *Russia Continues to Attack Syrians, Infrastructure for 6th Day in Row* (Jan. 4, 2022), <https://www.dailysabah.com/world/syrian-crisis/russia-continues-to-attack-syrians-infrastructure-for-6th-day-in-row> (last visited June 3, 2022).

¹⁴ SNHR, *The Most Notable Human Rights Violations in Syria in February 2022* (Mar. 4, 2022), <https://snhr.org/wp-content/uploads/2022/03/M220303E.pdf> (last visited June 3, 2022).

Mandatory military service has been the law in Syria since 2007.¹⁵ Men between the ages of 18 to 42 are required to serve, and women may enlist voluntarily.¹⁶ Conscripts are required to serve for 18 to 21 months, depending on their level of education.¹⁷ Syria has intermittently declared amnesties for military service evaders to encourage returns; however, those who return find themselves back on the conscription lists in as little as seven days, thereby making the amnesty provisions meaningless.¹⁸ In February 2021, the Syrian regime announced an amendment to the military conscription laws. Under the amended law, those who did not do military service before the age of 43 must pay \$8,000 or lose their property without notice or any right to appeal.¹⁹

The Syrian Democratic Forces and other entities in Syria have been accused of forced conscription as well. The Syrian Network for Human Rights recorded Syrian Democratic Forces kidnapping two children in January 2022 with the aim of taking them to its training and recruitment camps and forcibly conscripting them.²⁰

Syrian children have suffered disproportionately since the start of the conflict. At least 29,661 children have been killed in Syria since March 2011, including 181 due to torture, in addition to 5,036 arrested and/or forcibly disappeared children.²¹ One report, covering the time period from March 2011 to November 20, 2021, estimates that there are 1,374 child soldiers in the Syrian regime forces' ranks.²²

¹⁵ The Tahrir Institute for Middle East Policy, *TIMEP Brief: Conscription Law* (Aug 22, 2019), <https://timep.org/reports-briefings/timep-brief-conscription-law/> (last visited June 3, 2022).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Human Rights Watch, *Our Lives are Like Death* (Oct. 2021), https://www.hrw.org/sites/default/files/media_2021/10/syria1021_web.pdf (last visited June 3, 2022).

¹⁹ The Guardian, *Displaced Syrians Face Losing Homes to New Government Fines* (Mar. 5, 2021) <https://www.theguardian.com/world/2021/mar/05/displaced-syrians-face-losing-homes-to-new-government-fines> (last visited June 3, 2022).

²⁰ SNHR, *143 Arbitrary Arrests / Detentions Documented in Syria in January 2022, including 2 children*, (Feb. 2, 2022), https://snhr.org/wp-content/pdf/english/143_Arbitrary_Arrests_Detentions_Documented_in_Syria_in_January_2022_Including_Two_Children_en.pdf (last visited June 3, 2022).

²¹ SNHR, *On World Children's Day; Tenth Annual Report on Violations against Children in Syria* (Nov. 20, 2021), <https://reliefweb.int/report/syrian-arab-republic/world-children-s-day-tenth-annual-report-violations-against-children> (last visited June 3, 2022).

²² *Id.*

Human rights abuses continue to be rampant in Syria. One report cites 2,218 cases of arbitrary arrest and/or detention, including 85 children and 77 women, in 2021.²³ The same report notes that at least 104 individuals were documented as being killed as a result of torture in 2021 at the hands of Syrian regime forces, Syrian Democratic Forces, Hay'at Tahrir al Sham, as well as other parties to the conflict.²⁴ Human Rights Watch has documented 21 cases of arrest and arbitrary detention including 13 cases of torture, 3 kidnappings, 5 extrajudicial killings, and 17 enforced disappearances between 2017 and 2021 among refugees who had returned to Syria from Jordan and Lebanon.²⁵

After 11 years of civil war, Syria's healthcare system has suffered gravely. As of March 2021, Physicians for Human Rights has documented 599 attacks hitting hospitals and other healthcare facilities since the start of the civil war.²⁶ A January 2022 report states that more than 50 percent of healthcare workers are estimated to have left the country in the last decade.²⁷ Another report from the same month states that frequent bombing and shelling have put nearly 50 percent of health facilities out of service, at a time when the Syrian people need them the most amidst the COVID-19 pandemic.²⁸ Seven medical personnel were killed in Syria in 2021 at the hands of parties to the conflict and controlling forces in Syria.²⁹

²³ SNHR, *Eleventh Annual Report: The Most Notable Human Rights Violations in Syria in 2021* (Jan. 21, 2022), https://snhr.org/wpcontent/pdf/english/Eleventh_Annual_Report_The_Most_Notable_Human_Rights_Violations_in_Syria_in_2021_en.pdf (last visited June 3, 2022).

²⁴ *Id.*

²⁵ Human Rights Watch, *Syria: Events of 2021* (Jan. 2022), <https://www.hrw.org/world-report/2022/country-chapters/syria> (last visited June 3, 2022).

²⁶ Physicians for Human Rights, *A Decade of Death, Destruction, and Denial: Ten Years into Syria's Conflict, Impunity for Atrocities Prevails*, <https://phr.org/our-work/resources/syria-ten-years/> (last visited June 3, 2022).

²⁷ The United Nations Office for the Coordination of Humanitarian Affairs, *Situation Report #35: Recent Developments in Northwest Syria and RAATA* (Jan. 2022), <https://www.humanitarianresponse.info/en/operations/stima/document/situation-report-35-recent-developments-northwest-syria-and-raata-january> (last visited June 3, 2022).

²⁸ Daily Sabah, *Russia Continues to Attack Syrians, Infrastructure for 6th Day in Row* (Jan. 4, 2022), <https://www.dailysabah.com/world/syrian-crisis/russia-continues-to-attack-syrians-infrastructure-for-6th-day-in-row> (last visited June 3, 2022).

²⁹ SNHR, *Eleventh Annual Report: The Most Notable Human Rights Violations in Syria in 2021* (Jan. 21, 2022), <https://snhr.org/wp->

According to the World Food Program, at least 12.4 million Syrians, out of an estimated population of 16 million, are food insecure.³⁰ This 2021 estimate reflects an increase of 3.1 million food insecure people in one year.³¹

In October 2021, the World Bank estimated that the Syrian economy had shrunk by more than 60 percent since 2010.³² Between October 2019 and October 2021, the Syrian pound lost 82 percent of its value against the dollar.³³ The United Nations Office for the Coordination of Humanitarian Affairs estimated that in 2021, 90 percent of the population lived below the poverty line.³⁴

As of June 1, 2022, approximately 255 F-1 nonimmigrant students from Syria are enrolled at SEVP-certified academic institutions in the United States. Given the extent of the civil war in Syria, affected students whose primary means of financial support comes from Syria may need to be exempt from the normal student employment requirements to continue their studies in the United States. The civil war has made it unfeasible for many students to safely return to Syria for the foreseeable future. Without employment authorization, these students may lack the means to meet basic living expenses.

What is the minimum course load requirement to maintain valid F-1 nonimmigrant status under this notice?

Undergraduate F-1 nonimmigrant students who receive on-campus or off-campus employment authorization under this notice must remain registered for a minimum of six semester or quarter hours of instruction per academic term. Undergraduate F-1

content/pdf/english/Eleventh_Annual_Report_The_Most_Notable_Human_Rights_Violations_in_Syria_in_2021_en.pdf (last visited June 3, 2022).

³⁰ Human Rights Watch, *Syria: Events of 2021* (Jan. 2022), <https://www.hrw.org/world-report/2022/country-chapters/syria> (last visited June 3, 2022).

³¹ *Id.*

³² Human Rights Watch, *Our Lives Are Like Death* (Oct. 2021), https://www.hrw.org/sites/default/files/media_2021/10/syria1021_web.pdf (last visited June 3, 2022).

³³ International Rescue Committee, *Crisis in Syria: Economic Crisis Compounds Over a Decade of War* (Mar. 15, 2022), <https://www.rescue.org/article/crisis-syria-economic-crisis-compounds-over-decade-war> (last visited June 3, 2022).

³⁴ Human Rights Watch, *Syria: Events of 2021* (Jan. 2022), <https://www.hrw.org/world-report/2022/country-chapters/syria> (last visited June 3, 2022).

nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a “full course of study.” *See* 8 CFR 214.2(f)(6)(i)(B) and (F). A graduate-level F-1 nonimmigrant student who receives on-campus or off-campus employment authorization under this notice must remain registered for a minimum of three semester or quarter hours of instruction per academic term. *See* 8 CFR 214.2(f)(5)(v). Nothing in this notice affects the applicability of other minimum course load requirements set by the academic institution.

In addition, an F-1 nonimmigrant student (either undergraduate or graduate) granted on-campus or off-campus employment authorization under this notice may count up to the equivalent of one class or three credits per session, term, semester, trimester, or quarter of online or distance education toward satisfying this minimum course load requirement, unless their course of study is in an English language study program.³⁵ *See* 8 CFR 214.2(f)(6)(i)(G). An F-1 nonimmigrant student attending an approved private school in kindergarten through grade 12 or public school in grades 9 through 12 must maintain “class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress toward graduation,” as required under 8 CFR 214.2(f)(6)(i)(E). Nothing in this notice affects the applicability of Federal and State labor laws limiting the employment of minors.

May an eligible F-1 nonimmigrant student who already has on-campus or off-campus employment authorization benefit from the suspension of regulatory requirements under this notice?

Yes. An F-1 nonimmigrant student who is a Syrian citizen, regardless of country of birth (or an individual having no nationality who last habitually resided in Syria), who

³⁵ DHS considers students who are compliant with ICE Coronavirus Disease 2019 (COVID-19) guidance for nonimmigrant students to be in compliance with regulations while such COVID-19 guidance remains in effect. *See* ICE Guidance and Frequently Asked Questions on COVID-19, <https://www.ice.gov/coronavirus> (last visited June 3, 2022).

already has on-campus or off-campus employment authorization and is otherwise eligible may benefit under this notice, which suspends certain regulatory requirements relating to the minimum course load requirement under 8 CFR 214.2(f)(6)(i) and certain employment eligibility requirements under 8 CFR 214.2(f)(9). Such an eligible F-1 nonimmigrant student may benefit without having to apply for a new Form I-766, Employment Authorization Document (EAD). To benefit from this notice, the F-1 nonimmigrant student must request that their designated school official (DSO) enter the following statement in the remarks field of the student's Student and Exchange Visitor Information System (SEVIS) record, which the student's Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status, will reflect:

Approved for more than 20 hours per week of [DSO must insert "on-campus" or "off-campus," depending upon the type of employment authorization the student already has] employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of the notice or the beginning date of the student's employment, whichever date is later] until [DSO must insert either the student's program end date, the current EAD expiration date (if the student is currently authorized for off-campus employment), or the end date of this notice, whichever date comes first].³⁶

Must the F-1 nonimmigrant student apply for reinstatement after expiration of this special employment authorization if the student reduces his or her "full course of study"?

No. DHS will deem an F-1 nonimmigrant student who receives and comports with the employment authorization permitted under this notice to be engaged in a "full

³⁶ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F-1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a "full course of study," see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of April 1, 2024, provided the student satisfies the minimum course load requirements in this notice.

course of study”³⁷ for the duration of the student’s employment authorization, provided that a qualifying undergraduate level F-1 nonimmigrant student remains registered for a minimum of six semester or quarter hours of instruction per academic term, and a qualifying graduate level F-1 nonimmigrant student remains registered for a minimum of three semester or quarter hours of instruction per academic term. *See* 8 CFR 214.2(f)(5)(v) and (f)(6)(i)(F). Undergraduate F-1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a “full course of study.” *See* 8 CFR 214.2(f)(6)(i)(B) and (F). DHS will not require such students to apply for reinstatement under 8 CFR 214.2(f)(16) if they are otherwise maintaining F-1 nonimmigrant status.

Will an F-2 dependent (spouse or minor child) of an F-1 nonimmigrant student covered by this notice be eligible for employment authorization?

No. An F-2 spouse or minor child of an F-1 nonimmigrant student is not authorized to work in the United States and, therefore, may not accept employment under the F-2 nonimmigrant status, consistent with 8 CFR 214.2(f)(15)(i).

Will the suspension of the applicability of the standard student employment requirements apply to an individual who receives an initial F-1 visa and makes an initial entry into the United States after the effective date of this notice in the Federal Register?

No. The suspension of the applicability of the standard regulatory requirements only applies to certain F-1 nonimmigrant students who meet the following conditions:

(1) Are a citizen of Syria regardless of country of birth (or an individual having no nationality who last habitually resided in Syria);

³⁷ *See* 8 CFR 214.2(f)(6).

(2) Were lawfully present in the United States in F-1 nonimmigrant status, under section 101(a)(15)(F)(i) of the INA, 8 U.S.C. 1101(a)(15)(F)(i) on the date of publication of this notice;

(3) Are enrolled in an academic institution that is SEVP-certified for enrollment of F-1 nonimmigrant students;

(4) Are maintaining F-1 nonimmigrant status; and

(5) Are experiencing severe economic hardship as a direct result of civil war in Syria.

An F-1 nonimmigrant student who does not meet all these requirements is ineligible for the suspension of the applicability of the standard regulatory requirements (even if experiencing severe economic hardship as a direct result of the civil war in Syria).

Does this notice apply to a continuing F-1 nonimmigrant student who departs the United States after the effective date of this notice in the Federal Register and who needs to obtain a new F-1 visa before returning to the United States to continue an educational program?

Yes. This notice applies to such an F-1 nonimmigrant student, but only if the DSO has properly notated the student's SEVIS record, which will then appear on the student's Form I-20. The normal rules for visa issuance remain applicable to a nonimmigrant who needs to apply for a new F-1 visa to continue an educational program in the United States.

Does this notice apply to elementary school, middle school, and high school students in F-1 status?

Yes. However, this notice does not by itself reduce the required course load for F-1 nonimmigrant students from Syria enrolled in kindergarten through grade 12 at a private school, or grades 9 through 12 at a public high school. Such students must

maintain the minimum number of hours of class attendance per week prescribed by the academic institution for normal progress toward graduation, as required under 8 CFR 214.2(f)(6)(i)(E). The suspension of certain regulatory requirements related to employment through this notice is applicable to all eligible F-1 nonimmigrant students regardless of educational level. Eligible F-1 nonimmigrant students from Syria enrolled in an elementary school, middle school, or high school may benefit from the suspension of the requirement in 8 CFR 214.2(f)(9)(i) that limits on-campus employment to 20 hours per week while school is in session. Nothing in this notice affects the applicability of Federal and State labor laws limiting the employment of minors.

On-Campus Employment Authorization

Will an F-1 nonimmigrant student who receives on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

Yes. For an F-1 nonimmigrant student covered in this notice, the Secretary is suspending the applicability of the requirement in 8 CFR 214.2(f)(9)(i) that limits an F-1 nonimmigrant student's on-campus employment to 20 hours per week while school is in session. An eligible F-1 nonimmigrant student has authorization to work more than 20 hours per week while school is in session if the DSO has entered the following statement in the remarks field of the student's SEVIS record, which will be reflected on the student's Form I-20:

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 this notice or the beginning date of the student's

employment, whichever date is later] until [DSO must insert the student's program end date or the end date of this notice, whichever date comes first].³⁸

To obtain on-campus employment authorization, the F-1 nonimmigrant student must demonstrate to the DSO that the employment is necessary to avoid severe economic hardship directly resulting from civil war in Syria. An F-1 nonimmigrant student authorized by the DSO to engage in on-campus employment by means of this notice does not need to file any applications with U.S. Citizenship and Immigration Services (USCIS). The standard rules permitting full-time employment on-campus when school is not in session or during school vacations apply, as described in 8 CFR 214.2(f)(9)(i).

Will an F-1 nonimmigrant student who receives on-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain his or her F-1 nonimmigrant student status?

Yes. DHS will deem an F-1 nonimmigrant student who receives on-campus employment authorization under this notice to be engaged in a “full course of study”³⁹ for the purpose of maintaining their F-1 nonimmigrant student status for the duration of the on-campus employment, if the student satisfies the minimum course load requirement described in this notice, consistent with 8 CFR 214.2(f)(6)(i)(F). However, the authorization to reduce the normal course load is solely for DHS purposes of determining valid F-1 nonimmigrant student status. Nothing in this notice mandates that school officials allow an F-1 nonimmigrant student to take a reduced course load if the reduction

³⁸ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F-1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” *see* 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of April, 1, 2024, provided the student satisfies the minimum course load requirements in this notice.

³⁹ *See* 8 CFR 214.2(f)(6).

would not meet the academic institution's minimum course load requirement for continued enrollment.⁴⁰

Off-Campus Employment Authorization

What regulatory requirements does this notice temporarily suspend relating to off-campus employment?

For an F-1 nonimmigrant student covered by this notice, as provided under 8 CFR 214.2(f)(9)(ii)(A), the Secretary is suspending the following regulatory requirements relating to off-campus employment:

(a) The requirement that a student must have been in F-1 nonimmigrant student status for one full academic year to be eligible for off-campus employment;

(b) The requirement that an F-1 nonimmigrant student must demonstrate that acceptance of employment will not interfere with the student's carrying a full course of study;

(c) The requirement that limits an F-1 nonimmigrant student's employment authorization to no more than 20 hours per week of off-campus employment while the school is in session; and

(d) The requirement that the student demonstrate that employment under 8 CFR 214.2(f)(9)(i) is unavailable or otherwise insufficient to meet the needs that have arisen as a result of the unforeseen circumstances.

Will an F-1 nonimmigrant student who receives off-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain F-1 nonimmigrant status?

Yes. DHS will deem an F-1 nonimmigrant student who receives off-campus employment authorization by means of this notice to be engaged in a "full course of

⁴⁰ Minimum course load requirement for enrollment in a school must be established 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.

study”⁴¹ for the purpose of maintaining F-1 nonimmigrant student status for the duration of the student’s employment authorization if the student satisfies the minimum course load requirement described in this notice, consistent with 8 CFR 214.2(f)(6)(i)(F).

However, the authorization for a reduced course load is solely for DHS purposes of determining valid F-1 nonimmigrant student status. Nothing in this notice mandates that school officials allow an F-1 nonimmigrant student to take a reduced course load if such reduced course load would not meet the school’s minimum course load requirement.⁴²

How may an eligible F-1 nonimmigrant student obtain employment authorization for off-campus employment with a reduced course load under this notice?

An F-1 nonimmigrant student must file a Form I-765, Application for Employment Authorization, with USCIS to apply for off-campus employment authorization based on severe economic hardship directly resulting from the civil war in Syria. Filing instructions are located at <https://www.uscis.gov/i-765>.

Fee considerations. Submission of a Form I-765 currently requires payment of a \$410 fee. An applicant who is unable to pay the fee may submit a completed Form I-912, Request for Fee Waiver, along with the Form I-765, Application for Employment Authorization. *See* www.uscis.gov/feewaiver. The submission must include an explanation about why USCIS should grant the fee waiver and the reason(s) for the inability to pay, and any evidence to support the reason(s). *See* 8 CFR 103.7(c). If you receive a denial of a fee waiver request, you must refile your Form I-765 along with the required fees.

⁴¹ *See* 8 CFR 214.2(f)(6).

⁴² Minimum course load requirement for enrollment in a school must be established 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.

Supporting documentation. An F-1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship must demonstrate the following to their DSO:

- (1) This employment is necessary to avoid severe economic hardship; and
- (2) The hardship is a direct result of the civil war in Syria.

If the DSO agrees that the F-1 nonimmigrant student is entitled to receive such employment authorization, the DSO must recommend application approval to USCIS by entering the following statement in the remarks field of the student's SEVIS record, which will then appear on that student's Form I-20:

Recommended for off-campus employment authorization in excess of 20 hours per week and reduced course load under the Special Student Relief authorization from the date of the USCIS authorization noted on Form I-766 until [DSO must insert the program end date or the end date of this notice, whichever date comes first].⁴³

The F-1 nonimmigrant student must then file the properly endorsed Form I-20 and Form I-765 according to the instructions for the Form I-765. The F-1 nonimmigrant student may begin working off campus only upon receipt of the EAD from USCIS.

DSO recommendation. In making a recommendation that an F-1 nonimmigrant student be approved for Special Student Relief, the DSO certifies that:

- (a) The F-1 nonimmigrant student is in good academic standing and is carrying a "full course of study"⁴⁴ at the time of the request for employment authorization;

⁴³ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F-1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a "full course of study," see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of April 1, 2024, provided the student satisfies the minimum course load requirements in this notice.

⁴⁴ See 8 CFR 214.2(f)(6).

(b) The F-1 nonimmigrant student is a citizen of Syria, regardless of country of birth (or an individual having no nationality who last habitually resided in Syria), and is experiencing severe economic hardship as a direct result of the civil war in Syria, as documented on the Form I-20;

(c) The F-1 nonimmigrant student has confirmed that the student will comply with the reduced course load requirements of this notice and register for the duration of the authorized employment for a minimum of six semester or quarter hours of instruction per academic term if at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term if the student is at the graduate level;⁴⁵ and

(d) The off-campus employment is necessary to alleviate severe economic hardship to the individual as a direct result of the civil war in Syria.

Processing. To facilitate prompt adjudication of the student's application for off-campus employment authorization under 8 CFR 214.2(f)(9)(ii)(C), the F-1 nonimmigrant student should do both of the following:

(a) Ensure that the application package includes all of the following documents:

(1) A completed Form I-765;

(2) The required fee or properly documented fee waiver request as defined in 8 CFR 103.7(c); and

(3) A signed and dated copy of the student's Form I-20 with the appropriate DSO recommendation, as previously described in this notice; and

(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."

Failure to include this notation may result in significant processing delays.

⁴⁵ 8 CFR 214.2(f)(5)(v).

If USCIS approves the student's Form I-765, USCIS will send the student a Form I-766 EAD as evidence of employment authorization. The EAD will contain an expiration date that does not exceed the end of the granted temporary relief.

Temporary Protected Status (TPS) Considerations

Can an F-1 nonimmigrant student re-register or apply for TPS and for benefits under this notice at the same time?

Yes. An F-1 nonimmigrant student who must re-register, or one that has not yet applied for TPS or for other relief that reduces the student's course load per term and permits an increased number of work hours per week, such as Special Student Relief,⁴⁶ under this notice has two options.

Under the first option, the nonimmigrant student may re-register or apply for TPS according to the instructions in the USCIS notice designating Syria for TPS elsewhere in this issue of the Federal Register. All TPS applicants must file a Form I-821, Application for Temporary Protected Status with the appropriate fee (or request a fee waiver). Although not required to do so, if F-1 nonimmigrant students want to obtain a new EAD based on their TPS application that is valid to April 1, 2024, and to be eligible for automatic EAD extensions that may be available to certain EADs with an A-12 or C-19 category code, they may need to file Form I-765 and pay the Form I-765 fee (or submit a Form I-912, Request for Fee Waiver). After receiving the TPS-related EAD, an F-1 nonimmigrant student may request that their DSO make the required entry in SEVIS, issue an updated Form I-20, as described in this notice, and notate that the nonimmigrant student has been authorized to carry a reduced course load and is working pursuant to a TPS-related EAD. So long as the nonimmigrant student maintains the minimum course load described in this notice, does not otherwise violate their nonimmigrant status,

⁴⁶ See DHS Study in the States, Special Student Relief, <https://studyinthestates.dhs.gov/students/special-student-relief> (last visited June 3, 2022).

including as provided under 8 CFR 214.1(g), and maintains TPS, then the student maintains F-1 status and TPS concurrently.

Under the second option, the nonimmigrant student may apply for an EAD under Special Student Relief by filing Form I-765 with the location specified in the filing instructions. At the same time, the F-1 nonimmigrant student may file a separate TPS application but must submit the Form I-821 according to the instructions provided in the Federal Register notice designating Syria for TPS. If the F-1 nonimmigrant student has already applied for employment authorization under Special Student Relief they are not required to submit the Form I-765 as part of the TPS application. However, some nonimmigrant students may wish to obtain a TPS EAD in light of certain extensions that may be available to EADs with an A-12 or C-19 category code. The nonimmigrant student should check the appropriate box when filling out Form I-821 to indicate whether a TPS-related EAD is being requested. Again, so long as the nonimmigrant student maintains the minimum course load described in this notice and does not otherwise violate the student's nonimmigrant status, included as provided under 8 CFR 214.1(g), the nonimmigrant will be able to maintain compliance requirements for F-1 nonimmigrant student status while having TPS.

When a student applies simultaneously for TPS and benefits under this notice, what is the minimum course load requirement while an application for employment authorization is pending?

The F-1 nonimmigrant student must maintain normal course load requirements for a "full course of study"⁴⁷ unless or until the nonimmigrant student receives employment authorization under this notice. TPS-related employment authorization, by itself, does not authorize a nonimmigrant student to drop below twelve credit hours, or otherwise applicable minimum requirements (e.g., clock hours for non-traditional academic

⁴⁷ See 8 CFR 214.2(f)(6).

programs). Once approved for Special Student Relief employment authorization, the F-1 nonimmigrant student may drop below twelve credit hours, or otherwise applicable minimum requirements (with a minimum of six semester or quarter hours of instruction per academic term if at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term if at the graduate level). *See* 8 CFR 214.2(f)(5)(v), (f)(6), and (f)(9)(i) and (ii).

How does a student who has received a TPS-related EAD then apply for authorization to take a reduced course load under this notice?

There is no further application process with USCIS if a student has been approved for a TPS-related EAD. The F-1 nonimmigrant student must demonstrate and provide documentation to the DSO of the direct economic hardship resulting from the civil war in Syria. The DSO will then verify and update the student's record in SEVIS to enable the F-1 nonimmigrant student with TPS to reduce the course load without any further action or application. No other EAD needs to be issued for the F-1 nonimmigrant student to have employment authorization.

Can a noncitizen who has been granted TPS apply for reinstatement of F-1 nonimmigrant student status after the noncitizen's F-1 nonimmigrant student status has lapsed?

Yes. Regulations permit certain students who fall out of F-1 nonimmigrant student status to apply for reinstatement. *See* 8 CFR 214.2(f)(16). This provision might apply to students who worked on a TPS-related EAD or dropped their course load before publication of this notice, and therefore fell out of student status. These students must satisfy the criteria set forth in the F-1 nonimmigrant student status reinstatement regulations.

How long will this notice remain in effect?

This notice grants temporary relief until April 1, 2024,⁴⁸ to eligible F-1 nonimmigrant students. DHS will continue to monitor the situation in Syria. Should the special provisions authorized by this notice need modification or extension, DHS will announce such changes in the Federal Register.

Paperwork Reduction Act (PRA)

An F-1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship resulting from the civil war in Syria must demonstrate to the DSO that this employment is necessary to avoid severe economic hardship. A DSO who agrees that a nonimmigrant student should receive such employment authorization must recommend an application approval to USCIS by entering information in the remarks field of the student's SEVIS record. The authority to collect this information is in the SEVIS collection of information currently approved by the Office of Management and Budget (OMB) under OMB Control Number 1653-0038.

This notice also allows an eligible F-1 nonimmigrant student to request employment authorization, work an increased number of hours while the academic institution is in session, and reduce their course load while continuing to maintain F-1 nonimmigrant student status.

To apply for employment authorization, certain F-1 nonimmigrant students must complete and submit a currently approved Form I-765 according to the instructions on the form. OMB has previously approved the collection of information contained on the

⁴⁸ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F-1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a "full course of study," *see* 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of April 1, 2024, provided the student satisfies the minimum course load requirement in this notice. DHS also considers students who engage in online coursework pursuant to ICE coronavirus disease 2019 (COVID-19) guidance for nonimmigrant students to be in compliance with regulations while such guidance remains in effect. *See* ICE Guidance and Frequently Asked Questions on COVID-19, Nonimmigrant Students & SEVP-Certified Schools: Frequently Asked Questions, <https://www.ice.gov/coronavirus> (last visited June 3, 2022).

current Form I-765, consistent with the PRA (OMB Control No. 1615-0040). Although there will be a slight increase in the number of Form I-765 filings because of this notice, the number of filings currently contained in the OMB annual inventory for Form I-765 is sufficient to cover the additional filings. Accordingly, there is no further action required under the PRA.

Alejandro Mayorkas,

Secretary,

U.S. Department of Homeland Security.

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