U.S. Immigration and Customs Enforcement

EnglishUSA Member Questions and Answers

Conditional Admission and the Form I-20 English Proficiency Field

Note: The following questions have been edited for grammar and style. The content has not been changed.

Record keeping

Q1: How should designated school officials (DSOs) handle F-1 students in the following scenarios?

- **Scenario one: A student was conditionally admitted prior to the release of the July 2016 final guidance on conditional admission, but has not yet received a Form I-20, "Certificate of Eligibility for Nonimmigrant Student Status."**

- **Scenario two: A student admitted prior to the release of the July 2016 final guidance and has already obtained a visa based on a previously created Form I-20 for conditional admission.**

A. Student and Exchange Visitor Program (SEVP) Policy Guidance S13.2: "The Form I-20 and the English Proficiency Field" focuses on an existing federal regulation, 8 CFR 214.3(k), Issuance of Certificate of Eligibly. The guidance emphasizes that if a school requires English proficiency as a standard for admission, DSOs can only issue a Form I-20 for this program of study after the student meets all standards for admission, including English proficiency.

This regulation was in effect prior to publication of the SEVP final policy guidance. A school that requires English proficiency as a standard for admission to a certain program should not issue a Form I-20 for that program to a student who does not have the required language proficiency. If a school issued a Form I-20 incorrectly, before or after the guidance publication, it should correct this situation as soon as practicable.

To address the two scenarios in the above question:

- In scenario one, a student who was conditionally admitted but does not yet have a Form I-20: SEVP does not prohibit schools from conditionally admitting students. However, as noted above, a student must meet all standards for admission prior to issuance of the Form I-20. DSOs should only issue the Form I-20 for a program in which the student has met all standards for admission

and will enroll in upon arrival at the school. For example, if the conditional admission requires that the student first take a full-time Intensive English Program (IEP), DSOs should issue the Form I-20 for the IEP after the student meets the IEP's standards for admission.

- In scenario two, a student who has already obtained a visa based on a Form I-20 issued for conditional admission: DSOs should update student information in the Student and Exchange Visitor Information System (SEVIS) to reflect the program in which the student has met all standards for admission and will be enrolled.

Q2: How should DSOs complete the registration process for Initial students a school admitted on a conditional admission Form I-20?

A. DSOs should determine the program of study in which the Initial student will enroll and attend classes on a full-time basis, such as a school's English as a Second Language (ESL) program. If the student's Form I-20 does not reflect that program, the DSO must then issue a new Form I-20 with a change of level to the program of study the student will be enrolled in on a full-time basis, such as the ESL program.

Q3: How should DSOs handle the status and/or registration of students who take part-time IEP classes and part-time academic classes?

A. As stated, the question encompasses a number of possible scenarios. Please note that an F-1 student must enroll in a full course of study. DSOs should not issue a Form I-20 for a part-time IEP and a part-time academic program (effectively two part-time courses of study).

- Scenario one: An F-1 student originally admitted for a full course of study in an academic program who experiences academic difficulties due to language limitations may be granted a reduced course load of at least six credit hours in the academic program for the initial session. The reduced course load would enable the student to enroll in an IEP incident to status, with no impact on the student's SEVIS record.

- Scenario two: An F-1 student originally admitted for a full course of study in an academic program who experiences academic difficulties due to language limitations may be processed for a change of education level and be issued a new Form I-20 for full-time enrollment in an IEP. If capable, this student may enroll in part-time academic study incident to status.

- Scenario three: An F-1 student originally admitted for a full course of study in an academic program who experiences academic difficulties due to minimal language limitations may remain in the academic program full time and enroll in an IEP part time, incident to status.

- Scenario four: An F-1 student admitted for a full course of study in an academic program who experiences academic difficulties due to language limitations may be processed for a change of education level and be issued a new Form I-20 for full-time enrollment in an SEVP-certified pathway program, which may combine language learning and academic coursework.

Q4: If a student arrives on campus on a Form I-20 issued for a language program but then tests out or exits out of the language program by meeting the English proficiency requirement, how does the DSO change the Form I-20? How does this differ from a change of education level?

A. The situation described in the question would require a change of education level process in SEVIS. If the student has a Form I-20 issued for an ESL or pathway program, but then tests out and meets all admission requirements, the DSO must update the student's information in the following SEVIS fields:

- Education level;
- Primary and secondary major codes (these should be update to the full-time academic program the student will enroll in);
- Normal length of study, if different from original information;
- Program start and end dates, if different from original information; and
- Financial information.

DSOs should refer to the Form I-20 User Manual for detailed information about how to complete a change of education level.

Q5: If a school does not accept a student for degree study based on not meeting the English proficiency requirement for admission, does the student have to submit a full application and be accepted into the IEP in order to obtain the Form I-20 from the IEP? Or is the student's degree program application sufficient?

A. The individual school's policy and process determines whether or not the student needs to submit a new application for the IEP. Federal regulation at 8 CFR 214.3(k)(3) states that a student must meet all standards for admission to be accepted to an SEVP-certified school. This includes a written application to the school as well as

evaluation of the student's application and pertinent records, including proof of financial responsibility. School officials must review, evaluate and accept the student's documentation for enrollment in a full course of study at the school's location in the United States.

Q6: What will SEVP look for in the record keeping and reporting for students during a review? What evidence will SEVP request to demonstrate that the student has met all standards for admission?

A. As a general standard, the school should be familiar with federal record keeping and reporting requirements located at 8 CFR 214.3(g). A school must maintain all student records, including SEVIS-related records, admissions documents, transcripts, etc., for a minimum of three years after program completion. SEVP may request to review these records at any time. Additionally, SEVP may review a school's stated admissions policies and proof of student application and admission.

There are no unique additional procedures for students lacking necessary English language proficiency. The school should keep an account of how it determined the need for language instruction and how it determined the most suitable means for providing that instruction.

Q7: Previous draft SEVP policy guidance included information about "on-site English proficiency testing," but the final guidance does not discuss this item. Can programs note that English proficiency is not required, with comments that the student will be tested for proficiency on-site?

A. Programs that do not require English proficiency prior to full admission should select that they do not require English proficiency on the Form I-17, "Petition for Approval of School for Attendance by Nonimmigrant Student." If the school conducts on-site testing and the student must be tested on-site, the Form I-20 should show that the student does not meet the language proficiency requirements. DSOs may make note of the fact that students will be tested for language proficiency upon arrival. In terms of English proficiency, the Form I-20 should always reflect the school's current admission policies and should reflect the program in which the student has been fully accepted and will be enrolled.

Q8: If students have been deemed academically eligible for a university and want to show a consular officer that they are going to the United States both to study English and to seek a

degree after completing the IEP, what can DSOs at IEPs do to help the students? Should we provide the student with just a conditional acceptance letter or leave a remark on the I-20?

A. School officials should contact the U.S. Department of State's Bureau of Consular Affairs for information about the visa interview process, including their policy for supplemental documentation. DSOs are welcome to leave a remark on the student's Form I-20 or provide the student with a letter verifying conditional acceptance.

Additionally, per federal regulation at 8 CFR 214.3(k)(3), students must meet all requirements for admission. If a student has been accepted into an academic program and will enroll in a full course of study in that academic program, DSOs should issue the Form I-20 for the academic program of study. However, if the student has been accepted into an IEP and will enroll in the IEP upon arrival in the United States, DSOs should issue the Form I-20 for the IEP program of study.

Q9: Programs are anxious to see the additional guidance on pathway programs. When does SEVP expect to release guidance on pathway programs?

A. SEVP expects to release guidance on pathway programs during the 2016 calendar year. Stakeholders can sign up to receive alerts when SEVP posts new draft, interim final and final policy guidance on the Study in the States SEVP Guidance for Comment page.