

9 FAM 41.61 N9 FULL COURSE OF STUDY

9 FAM 41.61 N9.1 F-1 Academic Student

9 FAM 41.61 N9.1-1 General

(CT:VISA-1881; 09-12-2012)

a. Department of Homeland Security (DHS) regulations (8 CFR 214.2(f)(6)(i)) specify that "successful completion of the full course of study must lead to the attainment of a specific educational or professional objective". A "full course of study" as required by section 101(a)(15)(F)(i) of the Act (8 U.S.C.

1101(a)(15)(F)(i)) means:

(1) Postgraduate study or postdoctoral study at a college or university, or undergraduate or postgraduate study at a conservatory or religious seminary, certified by a designated school official (DSO) as a full course of study;

(2) Undergraduate study at a college or university, certified by a school official to consist of at least 12 semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter hour systems, where all undergraduate students who are enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or are considered full-time for other administrative purposes, or its equivalent (as determined by the district director in the school approval process), except when the student needs a lesser course load to complete the course of study during the current term;

(3) Study in a postsecondary language, liberal arts, fine arts, or other non-vocational program at a school which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning which are either:

(a) A school (or school system) owned and operated as a public educational institution by the United States or a State or political subdivision thereof; or

(b) A school accredited by a nationally recognized accrediting body and which has been certified by a designated school official to consist of at least twelve clock hours of instruction a week, or its equivalent as determined by the district director in the school approval process;

(4) Study in any other language, liberal arts, fine arts, or other non-vocational training program, certified by a designated school official to consist of at least eighteen clock hours of attendance a week if the dominant part of the course of study consists of classroom instruction, or to consist of at least twenty-two clock hours a week if the dominant part of the course of study consists of laboratory work; or

(5) Study in a *curriculum at an approved private elementary or middle school or public or private academic high school which is* certified by a designated school

official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

b. Notwithstanding paragraphs (f)(6)(i)(A) and (f)(6)(i)(B) of this section, an alien who has been granted employment authorization pursuant to the terms of a document issued by USCIS under paragraphs (f)(9)(i) 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 FAM 41.61 N9.1-2 Institution of Higher Learning

(CT:VISA-1566; 10-01-2010)

Under DHS regulations (8 CFR 214.2(f)(6)(ii)), “a college or university is an institution of higher learning which awards recognized associate, bachelor's, master's, doctorate, or professional degrees.” The DHS holds that schools which devote themselves exclusively or primarily to vocational, business, or language instruction are not included in the category of colleges or universities but are categorized as M-1 schools.

9 FAM 41.61 N9.1-3 Reduced Course Load

(CT:VISA-1064; 10-09-2008)

The designated school official (DSO) may advise an F-1 student to engage in less than a full course of study due to initial difficulties with the English language or reading requirements, unfamiliarity with U.S. teaching methods, or improper course level placement. An F-1 student authorized to reduce course load by the DSO in accordance with the provisions of this paragraph is considered to be maintaining status. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study.

<http://www.state.gov/documents/organization/87373.pdf> (Accessed 10/16/2012)