Haitian F-1 Students Experiencing Severe Economic Hardship from the January 12, 2010 Earthquake in Haiti Eligible for Employment Authorization

U.S. Immigration and Customs Enforcement has announced special relief for certain F-1 Haitian students who have suffered severe economic hardship as result of the January 12, 2010 earthquake in Haiti. This relief applies only to students who were lawfully present in the United States in F-1 status on January 12, 2010, and enrolled in an institution that is certified by U. S. Immigration and Customs Enforcement’s (ICE) Student and Exchange Visitor Program.

The suspension of certain regulatory requirements, by notice in the Federal register, allows eligible Haitian F-1 students to obtain employment authorization, work an increased number of hours during the school term, and, if necessary, reduce their course load while continuing to maintain their F-1 student status. F-1 students granted employment authorization by means of this notice will be deemed to be engaged in a full course of study if they meet the minimum course load requirements specified in the notice.

1. Who is covered by this notice?
   This notice applies exclusively to eligible F-1 students whose country of citizenship is Haiti and who were lawfully present in the United States in F-1 nonimmigrant status on January 12, 2010 under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(F)(i). To be eligible for the benefits covered by this notice, F-1 students must be: (1) enrolled in an institution that is Student and Exchange Visitor Program (SEVP) certified for enrollment of F-1 students; (2) currently maintaining F-1 status; and (3) experiencing severe economic hardship as a direct result of the January 12, 2010 earthquake in Haiti.
   F-1 students covered by this notice who transfer to other academic institutions that are SEVP-certified for enrollment of F-1 students remain eligible for the relief provided by means of this notice.

2. What is the minimum course load requirement set forth in this notice?
   Undergraduate level F-1 students who are granted on-campus or off-campus employment authorization under this notice must remain registered for a minimum of six semester/quarter hours of instruction per academic term. Graduate level F-1 students who are granted on-campus or off-campus employment authorization under this notice must remain registered for a minimum of three semester/quarter hours of instruction per academic term. See 8 CFR 214.2(f)(5)(v). In addition, F-1 students granted employment authorization by means of this notice will be deemed to be engaged in a full course of study if they meet the minimum course load requirements specified in the notice.
students (both undergraduate and 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. See 8 CFR 214.2(f)(6)(i)(G).

3. **May Haitian F-1 students who already have on-campus or off-campus employment authorization benefit from the suspension of regulatory requirements under this notice?**
Yes. Haitian F-1 students who already have on-campus or off-campus employment may benefit from this notice without having to apply for a new Form I-766, Employment Authorization Document, (EAD). They must, however, request that their designated school official appropriately annotate their SEVIS student record before reducing their course load or working more than 20 hours while school is in session.

4. **Will Haitian F-1 students need to apply for reinstatement after expiration of this special employment authorization if the student reduces his or her full course of study?**
No. F-1 students who are granted employment authorization under this notice will be deemed to be engaged in a “full course of study” for the duration of their employment authorization, provided that qualifying undergraduate level F-1 students remain registered for a minimum of six semester/quarter hours of instruction per academic term, and qualifying graduate level F-1 students remain registered for a minimum of three semester/quarter hours of instruction per academic term. See 8 CFR 214.2(f)(5)(v) and (f)(6)(i)(F). Such students will not be required to apply for reinstatement under 8 CFR 214.2(f)(16) provided they are otherwise maintaining F-1 status.

5. **Will F-2 dependents (spouse or minor children) of F-1 students covered by this notice be eligible to apply for employment authorization?**
No. An F-2 spouse or minor child of an F-1 student is not authorized to work in the United States and, therefore, may not accept employment under that status. See 8 CFR 214.2(f)(15)(i).

6. **Will the suspension of the applicability of the standard student employment requirements apply to aliens who are granted an F-1 visa after this notice is published in the Federal Register?**
No. The suspension of the applicability of the standard regulatory requirements applies to those F-1 students whose country of citizenship is Haiti and who were lawfully present in the United States in F-1 nonimmigrant status on January 12, 2010 under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(F)(i). In addition, to be eligible for the benefits covered by this notice, the student must be: (1) enrolled in an institution that is Student and Exchange Visitor Program (SEVP) certified for enrollment of F-1 students; (2) currently maintaining F-1 status; and (3) experiencing severe economic hardship as a direct result of the January 12, 2010 earthquake in Haiti. F-1 students who do not meet these requirements do not qualify for the suspension of the applicability of the standard regulatory requirements.

7. **Does this notice apply to an F-1 student who departs the United States after this notice is published in the Federal Register and who needs to obtain a new F-1 visa before he or she may return to the United States to continue his or her educational programs?**
Yes, provided that the DSO has properly notated the student’s SEVIS record, which will then appear on the student’s Form I-20. Subject to the specific terms of this notice, the normal rules for visa issuance (for example, grounds of inadmissibility, including those related to public charge and nonimmigrant intent) remain applicable to nonimmigrants that need to apply for a new F-1 visa in order to continue their educational programs in the United States.

8. **How long will this notice remain in effect?**
This notice grants temporary relief to a specific group of F-1 students whose country of citizenship is
Haiti until July 22, 2011.

9. **Is additional information available?**

Yes. SEVP has published comprehensive guidance on this topic on its website at [www.ice.gov/sevis](http://www.ice.gov/sevis).