



U.S. Immigration  
and Customs  
Enforcement

**U.S. Immigration and Customs Enforcement  
Student and Exchange Visitor Program**

**SEVP Policy Guidance for Adjudicators 1207-04: Flight Training Providers**

**Issue Date:** December 11, 2012

**Effective Date:** December 11, 2012

**Supersedes:** not applicable

**1. Purpose/Background.**

This policy clarifies requirements for flight training providers requesting Student and Exchange Visitor Program (SEVP) certification to enroll F and/or M nonimmigrant students. Precedent for this policy guidance exists in previous Immigration and Naturalization Service (INS) policy. SEVP is implementing this guidance to improve oversight of flight training providers that enroll F or M students.

The Federal Aviation Administration (FAA) monitors and controls flight training under 14 CFR Parts 61, 141 and 142. The FAA recognizes flight training in either Part 61, 141 or 142 as bona fide. However, the recordkeeping requirements by schools are more stringent in the Part 141 and 142 standards, facilitating oversight of students by schools and the U.S. Department of Homeland Security. For this reason, in order to obtain or maintain SEVP certification, flight training providers must be FAA Part 141- or 142-certified.

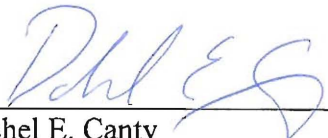
**2. Definitions.**

**2.1 Flight Training Provider.** For purposes of this policy guidance, a flight training provider is any pilot school or flight training center certified by the FAA under *14 CFR 141* or *142*. It does not include schools that provide instruction to students who want to be trained as any of the following:

- Flight crewmembers other than pilots (e.g., flight engineers and flight navigators), FAA Part 63
- Airmen other than flight crewmembers (e.g., air-traffic control-tower operators, aircraft dispatchers, mechanics, repairmen, parachute riggers), FAA Part 65
- Aviation maintenance technicians, FAA Part 147
- Flight attendants, FAA Parts 121 and 135

3. **Policy.** All SEVP-certified flight training providers must have FAA Part 141 or 142 certification. In addition, SEVP-certified flight training providers must report any change in the school's application for FAA Part 141 or 142 certification or in the school's current FAA Part 141 or 142 certification status within 21 days by updating their Form I-17, "Petition for Approval of School for Attendance by Nonimmigrant Student." Failure to report these changes in status will result in withdrawal of SEVP certification.
4. **Procedures/Requirements.**
  - 4.1 **FAA Certification.** All SEVP-certified flight training providers must have FAA Part 141 or 142 certification. All SEVP-certified flight training providers not currently FAA Part 141- or 142-certified must apply for and become certified, as described in section 5.2.
  - 4.2 **Reporting Change of Status.** All SEVP-certified flight training providers must report any change in application status for FAA Part 141 or 142 certification including (but not limited to) withdrawal or denial of the application within 21 days of the event. Flight training providers must also report any change in FAA Part 141 or 142 certification status including (but not limited to) withdrawal, denial or revocation of FAA Part 141 or 142 certification within 21 days of these events. All updates must be submitted in the Student and Exchange Visitor Information System (SEVIS) by updating the school's Form I-17. This includes any downgrade of FAA Part 141 certification to provisional status. See 8 CFR 214.3(g)(2).
  - 4.3 **Out-of-Cycle Reviews.** Flight training providers are subject to ongoing out-of-cycle reviews to ensure compliance with this guidance. See 8 CFR 214.3(h)(3)(iii).
  - 4.4 **Form I-17 Requirements.** In order to ensure that SEVP can properly identify the programs of study being taught by flight training providers, officials at affected schools must populate the Form I-17 as described in the SEVP Fact Sheet on this topic.
5. **Adjudicator Responsibilities.**
  - 5.1 **Effective Date.** Notwithstanding the exceptions in section 5.2, this policy guidance is effective on December 10, 2012, and includes all new or pending initial petitions for SEVP certification that offer training related to flight, as well as current SEVP-certified schools with flight training programs.
  - 5.2 **Temporary Exception for Certain SEVP-certified Flight Training Providers.**
    - 5.2.1 **Providers without FAA Part 141 or 142 Certification.** SEVP-certified flight training providers without FAA Part 141 or 142 certification have two months after the effective date of this guidance (on or before February 11, 2012) to apply for FAA Part 141 or 142 certification. Once flight training providers have obtained provisional FAA Part 141 or 142 certification, they will have until the end of their provisional status to obtain Full Part 141 or 142 certification. These providers must comply with all FAA requirements and successfully obtain full FAA Part 141 or 142 certification in order to remain SEVP-certified.

- 5.2.2 Providers with Provisional FAA Part 141 Certification.** SEVP-certified flight training providers with provisional FAA Part 141 certification have until the end of their provisional status to obtain full FAA Part 141 certification. SEVP will withdraw certification of any flight training providers who do not meet FAA requirements by the end of their provisional status period by receiving full FAA Part 141 certification.
- 5.3 Providers with FAA Part 141 or 142 Certification.** SEVP-certified flight training providers with FAA Part 141 or 142 certification must maintain FAA Part 141 or 142 certification. Any withdrawal, denial, or revocation of a flight training provider's FAA Part 141 or 142 certification will result in withdrawal of SEVP-certification. Any downgrade of FAA Part 141 certification to provisional status will also result in withdrawal of SEVP-certification.
- 5.4 Form I-17 Updates.** Officials at all SEVP-certified schools who currently indicate on the school's Form I-17 that they provide a flight training program of study must update the Form I-17 in accordance with section 4.4 prior to submission of their recertification petition.
- 6. Authorities/References.**
- 6.1** *8 U.S.C. 1101(a)(15)(F)(i) and (M)(i).*
- 6.2** *8 CFR 214.3(f)(1), (g)(2) and (h)(3).*
- 6.3** Revised School Approval Policy and Procedures, INS Office of Operations, James A. Puleo, January 14, 1994.
- 7. Attachments.** Form I-17 Fact Sheet.
- 8. Scope and Use.** This SEVP Policy Guidance for Adjudicators applies to and is binding on all SEVP employees unless specifically exempt. Its intention is solely for the guidance of SEVP personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in litigation with the United States or in any other form or manner.



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