



SEVP Policy Guidance S1.2: Evidentiary Requirements for Schools Not Meeting Eligibility Criteria in 8 CFR 214.3(b) and (c)

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Applicable to: 8 CFR 214.3(b) and (c)

Purpose/Background: This guidance interprets the evidentiary requirements for the Student and Exchange Visitor Program (SEVP) certification of schools that do not meet one of the three requirements in 8 *CFR* 214.3(b) and (c) to guide SEVP adjudicators.

Per 8 *CFR* 214.3(b) and (c), a school is eligible for SEVP certification if it meets one of the following requirements:

- Owned and operated as a public school or school system by the United States, a state, or a political subdivision thereof, and confers upon its graduates recognized bachelor, master, doctorate, professional, or divinity degrees
- Accredited by a nationally recognized accrediting body and confers upon its graduates recognized bachelor, master, doctorate, professional, or divinity degrees
- A secondary school operated by or as part of a postsecondary school that is a public educational institution or is accredited

If a school does not meet one of the requirements listed above, the school must submit evidence that its credits have been and are accepted unconditionally by a postsecondary school that confers recognized bachelor, master, doctorate, professional, or divinity degrees in order to become eligible.

Many schools seeking SEVP certification may not meet the requirements of 8 *CFR* 214.3(b) and (c), but meet all other eligibility requirements. Different types of schools and education levels tend to have distinct educational or career objectives and the evidence available to each school may not be identical to one requirement, as clarified in the policy for each type of school below. Because of the difficulties adjudicators encountered with certain cases, this guidance clarifies acceptable additional evidence requirements for school compliance with the requirements of 8 *CFR* 214.3(b) and (c).

Definitions:

- 1. Articulation agreement.** A formal agreement between two or more postsecondary schools documenting the transfer policies for a specific academic program, credits, or degree. Any requirements the receiving school stipulates must be included in this agreement, such as

course grade requirements. By signing the agreement, the receiving school establishes that it will unconditionally accept any coursework that meets all the requirements.

- 2. U.S. Department of Education (ED).** The federal agency that promotes student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.¹

Note: Under the Higher Education Act, ED also “recognizes” (approves) accreditors that the Secretary of Education determines to be reliable authorities as to the quality of education or training provided by institutions of higher education.²

- 3. Nationally-recognized accrediting agency.** An ED-recognized³ (for postsecondary education) or SEVP-identified accrediting agency⁴ (for private elementary and/or secondary K-12 education).
- 4. Postsecondary education.** Provision of a formal instructional program whose curriculum is designed primarily for students beyond the compulsory age for high school. This includes programs whose purpose is academic, vocational, and continuing professional education, and excludes avocational and adult basic education programs.⁵

Acronyms:

- 1. ED.** U.S. Department of Education
- 2. SEVP.** Student and Exchange Visitor Program

Procedures/Requirements:

- 1. Evidence options for all postsecondary schools.** This section provides evidence options for all postsecondary schools that do not meet the requirements in *8 CFR 214.3(b)* and *(c)* and are petitioning for certification to enroll F-1 students. Evidence from either section 1.1 or 1.2, or a combination from both will fulfill the regulatory requirement criteria and establish eligibility for SEVP certification.⁶ The school must include evidence for each program listed on the Form I-17, “Petition for Approval of School for Attendance by Nonimmigrant Student,” and must support each program listed with at least one piece of evidence. Historically through the definitions of evidence⁷ documents, SEVP required schools to submit a minimum total of three pieces of evidence. Evidence may be from one or a combination of both of the categories below to establish eligibility. Adjudicators must request one piece of evidence for each program, and must request a minimum of three pieces

¹ ED’s [Overview and Mission Statement](#).

² *20 U.S.C. 1099(b)*

³ [ED-recognized accrediting agencies](#).

⁴ [SEVP-identified accrediting agencies](#).

⁵ See ED’s [definition](#) of “Postsecondary education” as part of its Integrated Postsecondary Education Data System.

⁶ *8 CFR 214.3(c)*

⁷ Click on the “Certification” tab, and then click on “Expand All” to access all related documents.

of evidence as part of the Form I-17 submission.

1.1. Articulation agreements. A postsecondary school may submit articulation (i.e., credit transfer) agreements it has with a school accredited by an ED-recognized accrediting agency.⁸ An articulation agreement will be accepted as evidence that another school unconditionally accepts credits from the petitioning school if the agreement contains the following information:

- A statement that the receiving school accepts and continues to accept credits from the petitioning school.
- Any requirements that the receiving school stipulates, such as course grade requirements.
- The full name, business addresses and phone numbers of both schools.
- Signatures by authorized officials⁹ from both schools, including each official's full name, address, direct phone number and email address.
- The date the agreement went into effect and the period of effectiveness. The school must cover each program listed on the school's Form I-17 in the articulation agreement and must show that the programs are recognized under the agreement.

1.2. State-issued professional licenses. Due to a lack of formal education opportunities at the next level with certain professional, graduate, or doctoral programs, SEVP has historically considered submission of state-issued professional licenses related to the school's program to comply with the requirements of *8 CFR 214.3(b)* and *(c)*. A postsecondary school may submit copies of state-issued professional licenses its graduates (not limited to nonimmigrant students) have received that directly relate to the program of study for which it is seeking approval.

- The graduate who received the license must have completed the program within the last two years.
- The school should submit one license for each program for which it is seeking certification on the Form I-17 or other evidence that its credits have been and are accepted unconditionally by a postsecondary school that confers such degrees.

2. Evidence options for all vocational schools. This section provides evidence options for all vocational schools that do not meet one of the three requirements in *8 CFR 214.3(b)* and are petitioning for certification to enroll M-1 students. Evidence from either section 2.1 or 2.2, or a combination from both will fulfill the regulatory requirement and establish eligibility for

⁸ See footnote 3.

⁹ An official at the school authorized to establish or approve such agreements on behalf of the school.

SEVP certification.¹⁰ The school must include each program listed on the Form I-17 in the evidence, and must support each program listed with at least one piece of evidence. SEVP has historically required schools to submit a minimum total of three pieces of evidence.¹¹ Evidence may be from one or a combination of both of the categories below to establish eligibility. Adjudicators must request one piece of evidence for each program, and must request a minimum of three pieces of evidence as part of the Form I-17 submission.

2.1. Proof of employment. Due to vocational programs traditionally preparing students for vocational careers or other technical occupations, rather than further education, SEVP considers proof of graduate employment related to the school's program to comply with the requirements of *8 CFR 214.3(b)* and *(c)*. The graduate's employment must be in the United States. A school may submit proof of employment obtained by any of its graduates, including but not limited to its nonimmigrant students.

2.1.1. SEVP will not accept letters written by the school's graduates indicating self-employment or letters submitted in the form of email text. SEVP will accept one employment letter from the petitioning school indicating the school as the employer. The proof of employment must meet all of the following requirements:

- The letter must be on employer letterhead, contain the business address and phone number of the employer and the direct contact information (phone number or email) of the letter author.
- The student must be in a field that directly relates to their program of study for which the school is seeking certification on the Form I-17.
- The student must have completed the program within the last two years.
- The letter must contain a signature by the letter author, including the author's title or position within the employer organization.

2.2. State-issued professional licenses. Due to the requirement of obtaining state-issued licensure for many vocational careers in certain states, SEVP has historically considered submission of state-issued professional licenses to comply with the requirements of *8 CFR 214.3(b)* and *(c)*. A vocational school may submit copies of state-issued professional licenses its graduates (not limited to nonimmigrant students) have received that directly relate to the program of study for which it is seeking approval.

- The graduate who received the license must have completed the program within the last two years.

¹⁰ See footnote [6](#).

¹¹ See footnote [7](#).

- The school should submit one license for each program for which it is seeking certification on the Form I-17.

3. Evidence options for private elementary and/or secondary kindergarten through grade 12 (K-12) schools. This section provides evidence options for private elementary and/or secondary (K-12) schools that do not meet one of the three requirements in *8 CFR 214.3(b)* and *(c)*, and petitioning for certification of grades K-12. Evidence from either section 3.1 or 3.2, or a combination from both, will fulfill the regulatory requirement and establish eligibility for SEVP certification.¹² The school must include each program listed on the Form I-17 in the evidence, and must support each program listed with at least one piece of evidence. SEVP has historically required schools to submit a minimum total of three pieces of evidence.¹³ Evidence may be from one or a combination of both of the categories below to establish eligibility. Please note that evidence in section 3.2 is applicable only to private schools petitioning for grade 12 certification (alone or together with any other grade levels). Adjudicators must request one piece of evidence for each program, and must request a minimum of three pieces of evidence as part of the Form I-17 submission.

3.1. Proof of student transfer to the next grade level. Private K-12 schools may submit proof of student (not limited to nonimmigrant students) transfer to the next grade level in a public school or in a school accredited by an SEVP-identified accrediting agency.¹⁴ The proof of transfer must meet all of the following requirements:

- Be on the receiving school's letterhead
- State its SEVP-identified accrediting agency or that it is a public school
- Include the complete name of the student and grade level of completion
- Date completed at the petitioning school must be within the last two years
- Include the grade level entered at the receiving school and date of entry
- Include the name of the petitioning school
- Have attestation of transfer with signature of the issuing official (a school employee or representative with legal authority to issue an official school record)

3.2. Proof of acceptance to a postsecondary school. Private schools that are petitioning for grade 12 certification (alone or together with any other grade levels) and issue secondary school diplomas may alternately and/or additionally submit proof of its graduates' (not limited to nonimmigrant students) acceptance by a postsecondary

¹² See footnote [6](#).

¹³ See footnote [7](#).

¹⁴ See footnote [4](#).

school, such as a college, university, or vocational school. The proof of acceptance must meet the following requirements:

- An ED-recognized accrediting agency must accredit the postsecondary school.
- The student must have graduated or completed the program within the last two years.

4. Effective date. Upon publication as interim final guidance:

- This guidance is effective immediately for all new programs. Schools applying for initial certification must meet the requirements of this guidance prior to SEVP approval of the program.
- This guidance is effective 60 days after guidance issuance for currently certified schools. Such schools should apply this guidance by the next certification expiration date.

References:

1. *8 CFR 214.3(b) and (c)*
2. *20 U.S.C. 1099(b)*

Limits of use – no private right of action: This SEVP Policy Guidance 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. Nothing in this guidance limits SEVP’s authority or discretion to interpret, administer or enforce any statute, regulation, policy or guidance related to SEVP certification. This guidance may be modified, superseded or withdrawn at any time. It is not intended to, does not, and may not be relied upon to create or confer any right or benefit, substantive or procedural, enforceable at law or in equity by any person, individual or other party, public or private, in any administrative, civil or criminal matter.

Signed by Rachel Canty on October 28, 2016
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