Purpose/Background: This guidance interprets the Form I-20, “Certificate of Eligibility for Nonimmigrant Status,” issuance regulation for prospective F-1 and M-1 students\(^1\) (\(8\ CFR\ 214.3(k)\)) to guide SEVP adjudicators.

Attachments: None.

Definitions:

1. **Conditional admission.** An agreement between a school and a student to tentatively admit the student into a program of study for which the student does not meet all standards for admission. This agreement is contingent upon the student successfully meeting a school-specified set of supplemental conditions intended to fully qualify the student for the program.

2. **Standards for admission.** A set of established criteria that a prospective student must meet in order to gain admittance unconditionally to a program of study at a school.\(^2\)

Acronyms:

1. **CFR.** Code of Federal Regulations
2. **DSO.** Designated school official
3. **SEVIS.** Student and Exchange Visitor Information System
4. **SEVP.** Student and Exchange Visitor Program

Policy:

1. **Prohibition of Form I-20 issuance.** SEVP regulation prohibits the issuance of a Form I-20 based on conditional admission. DSOs can only issue a Form I-20 when students have met all

---

\(^1\) This guidance pertains only to F-1 and M-1 students, not F-2 or M-2 dependents. All use of the term “student(s)” in the guidance refers to F-1 and M-1 student(s).

\(^2\) School officials must report admission requirements on the school’s Form I-17, “Petition for Approval of School for Attendance by Nonimmigrant Student.”
standards for admission for the program of study listed on the Form I-20. These standards for admission include any English proficiency requirements.

2. **Form I-20 issuance.** DSOs must correctly issue a Form I-20, including completion of the English proficiency field, with the DSO’s signature under the “School Attestation” section (see footnote 3). By doing so, the DSO certifies the following (see footnote 3):

- All information is accurate
- The student has submitted a written application to the school
- The school has received, reviewed and evaluated the following student documents:
  - Written application
  - Transcripts or other records of course taken
  - Proof of financial responsibility
  - Other supporting documents
- All information reflects the program for which the student gained admittance. The student’s qualifications meet all standards for admission
- The official responsible for admissions has accepted the student for enrollment into the program of study

3. **Recordkeeping and reporting.** The student’s record must contain evidence that the student has met all standards for admission, including English proficiency requirements. SEVP may request these records at any time. A school must report its admissions policies and requirements, including any English language proficiency requirements on the Form I-17 and when submitting a program update.

4. **Adverse action.** SEVP may deny a school’s recertification or withdraw a school’s SEVP certification on notice for failure to comply with applicable statutes and regulations related to SEVP certification, or with the admissions policies stated on the school’s Form I-17.

**References:**

1. 8 CFR 214.3(g)(1)(x)
2. 8 CFR 214.3(h)(3)(ii)

---

3 8 CFR 214.3(k)
4 8 CFR 214.3(g)(1)(x)
5 See SEVIS field 16.
6 8 CFR 214.3(h)(3)(ii)
3. 8 CFR 214.3(k)

4. 8 CFR 214.3(k)(3)-(4)

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 July 13, 2016
Deputy Director, External Operations
Student and Exchange Visitor Program