SEVP Policy Guidance S13.2: The Form I-20 and the English Proficiency Field

Issue Date: July 13, 2016
Effective Date: July 13, 2016
Supersedes: N/A
Status: Final

Applicable to: 8 CFR 214.3(k)

Purpose/Background: SEVP regulations and the Form I-20, “Certificate of Eligibility for Nonimmigrant Student Status,” require a DSO to provide information on a school’s English proficiency requirements and whether a prospective F-1 or M-1 student has met those requirements. Consistent use of the English proficiency field by DSOs is important because it directly relates to who is eligible for F-1 or M-1 student status.

Attachments: None.

Definitions: None.

Acronyms:
1. DSO. Designated school official
2. SEVIS. Student and Exchange Visitor Information System
3. SEVP. Student and Exchange Visitor Program

Policy:

1. English proficiency requirements and standards for admission. SEVP regulation requires a DSO to issue a Form I-20 to a prospective F-1 or M-1 student who has met all standards for admission for a program of study, including any English proficiency requirement. Regulation prohibits issuance of the Form I-20 based on conditional admission.3

2. Proper Form I-20 English proficiency field scenarios. The following scenarios explain how the DSO can properly complete the English proficiency field on the Form I-20:

   2.1. Scenario 1 – Student meets required English proficiency standard. The following sample answers denote that the school requires English proficiency as a standard for admission to the program of study for which the DSO is issuing the Form I-20 and that the student has met the standard. By using this response, the DSO confirms that the student meets the required standard.

---

1 All use of the term “student(s)” refers to F-1 or M-1 student(s).
2 8 CFR 214.3(k)
3 See 8 CFR 214.3(k), 8 CFR 214.4(a)(2)(x) and (xviii) and SEVP Policy Guidance S13.1: Conditional Admission.
2.2. **Scenario 2 – School does not require English proficiency.** The following sample answer denotes that the school does not require English proficiency as a standard for admission to the program of study for which the DSO is issuing the Form I-20. The DSO must explain why the school does not require English proficiency.

3. **Improper Form I-20 English proficiency field scenario.** The following sample answers denote that the school requires English proficiency as a standard for admission to the program of study for which the DSO is issuing the Form I-20 and that the student has not met the standard. By using this response, the DSO confirms that the student does not meet the required standard; therefore, the DSO must not issue the Form I-20.

4. **Form I-20 review.** SEVP has discretion to verify that a DSO properly issues and certifies a Form I-20 to an F-1 or M-1 student.

5. **Evidence.** SEVP can request evidence of a school’s standards for admission and school use of the English proficiency field, including but not limited to, school catalogues and student records.⁴

6. **Adverse action.** SEVP can deny a school’s recertification or withdraw a school’s SEVP certification for failure to comply with applicable statutes, regulations, or admissions policies stated on the school’s Form I-17, “Petition for Approval of School for Attendance by Nonimmigrant Student.”⁵

**References:**

⁴ 8 CFR 214.3(g)
⁵ 8 CFR 214.4(a)(2)(x) and (xviii)
1. 8 CFR 214.3(g)

2. 8 CFR 214.3(k)

3. 8 CFR 214.4(a)(2) (x) and (xviii)

**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