

**INS Regulations Update
December 2002
Advisory on Full-time Enrollment and Exceptions**

Introduction: New Final Rules published by the US Immigration & Naturalization Service (INS) on December 11 pertain to “Retention and Reporting of Information for F, J, and M Nonimmigrants; and Student and Exchange Visitor Information System (SEVIS).” These rules, effective January 1, 2003, modify parts of the CFR (Code of Federal Regulations) 8, Parts 103, 214, 248 and 274a in several important ways. Certain F-1 regulations have been updated and re-interpreted, and reporting requirements pre- and post- SEVIS implementation have been detailed.

In addition to regulatory changes effective January 1, 2003, these rules confirm that January 30, 2003 is the national mandatory compliance deadline for SEVIS enrollment for F-1 schools. After January 30, 2003 all schools must be certified in SEVIS and must use SEVIS to generate I-20 or DS-2019 documents for any SEVIS-reportable event. The rule also states that August 1, 2003 is the deadline to enter all current or continuing student records into SEVIS. The ISS will therefore be replacing the non-SEVIS I-20s with SEVIS-generated forms for all enrolled students prior to August 1 (if possible by mid-May, 2003).

This is the first of a series of Advisories to help KCC’s international students understand the new regulations and how they will be applied by KCC. Note that the rules are lengthy and complex. This Advisory attempts to draw together all the regulatory information relating to full-time status and exceptions to full-time status contained in that advisory.

Moreover, prior to January 1, 2003, we will provide you with additional advisory notices to alert you to other aspects of the new rules. Those who would like to view the new rules in their entirety, this link will take you to the December 11 rule: <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2002/02-31184.htm>.

Reduction in Student Courseload: The new rules add new structure to obtaining authorization for a reduced courseload. The rules stress the importance of receiving permission in advance from the ISS to enroll in a reduced courseload, or drop from a full to a reduced courseload. As of January 1, the reasons that designated school officials (DSOs) may authorize reduced courseload are stricter, and there are time limits to the period allowed for reduced courseload.

Authorizations for reduced enrollment fall into three categories: an illness or medical condition, enrollment in the final semester of study, and academic difficulties. The information below further explains these categories.

1. For **illness or medical justifications**, authorizations for reduced courseload are **limited to 12 months** in the course of one program of study. A student who is unable to resume full-time study within the time limits specified will either have to leave the US and return when he or she is able to resume a full course of study, or change to a more appropriate visa category to receive medical treatment. To obtain reduced courseload from the ISS students should present documentation submitted and signed by a licensed medical doctor, osteopath, or licensed clinical psychologist indicating the student is unable to carry a full courseload. The DSO may authorize a reduced courseload that carries out the intent of the medical provider's recommendation. Time towards the 12-month total begins accruing on the day the student drops below full-time.
2. **Students in the final semester:** There is only ONE final semester. Please be sure if you are requesting this reason that **you are receiving a degree or certificate** within the semester. Students who are authorized for reduced courseload for this reason and who fail to graduate will lose their status. Additionally, such students can also expect to lose practical training employment benefits.
3. **Academic difficulties: This includes initial difficulties with reading or English, difficulty with American teaching methods, and improper course placement.** Authorizations for reduced courseload for any or all of these reasons is limited to **one semester**. Furthermore, it appears that the intent of the new rules is to prescribe that the reduced courseload authorized should be no less than six semester hours for undergraduates students.

Eligibility for reduced courseload is tied to level of study. Students who were authorized for a reduced courseload during one program level are eligible for reduced courseload again during each subsequent level of study. Therefore, a student continue to pursuing a bachelors, masters and PhD degree after KCC sequentially have this maximum possible reduced courseload: 3 more semesters for academic difficulty, 3 more emesters for "final semester" and 36 months for medical condition. However, the allocation for one level of study cannot be added to the allocation for another level of study.

Students may obtain full-time enrollment by concurrently registering in more than one school: The DSO at the school in which you are obtaining a degree may authorize credits taken at another school as part of a full courseload. Students are responsible for bringing proof of concurrent enrollment to the ISS prior to the end of the KCC registration period for any semester you wish to enroll concurrently in another school. It is expected that the majority of courses you need to obtain your degree objective will be offered by KCC and therefore the

major rationale for concurrent enrollment will involve course availability or time conflicts among KCC courses.

Distance education coursework is limited. Distance education courses are courses offered principally through the use of television, audio, or computer transmission and do not require the physical presence of a student on campus. **No more than one distance education course, or 3 credits per semester may be counted toward an F-1 or J-1 student's full-time courseload.** (However, a student who wishes to take additional distance education courses that are not counted toward their full course of study may do so.)

<p>The information above was prepared by the ISS for international students studying at the Kapiolani Community College. It does not constitute legal advice for an individual student. Nor does it apply to students at other schools, which may have differing full-time courseload definitions and/or other interpretations of the new rules or school policies relating to them.</p>

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