

Automatic Special Student Relief Announcement to Accompany Temporary Protected Status Country Designation

March 1, 2022

The announcement of Special Student Relief (SSR) by the Secretary of the U.S. Department of Homeland Security (DHS) gives international students more flexibility related to their duration of status, course load, and employment eligibility in recognition of emergency circumstances occurring in their native countries.¹

It is in the best interest of U.S. educational institutions to help international students to mitigate pressing circumstances that could negatively impact their ability to succeed while studying in the United States, regardless of their immigration status. It is the existing policy for our domestic students, who can make similar changes whenever they deem it necessary or preferable. Allowing students to work on and off-campus also allows them to explore different professions, supplement their budgets, and meet and interact with more students and Americans. This option should be available at the same time for those in F-1 status as those who apply under a TPS designation.

SSR is an option when emergent circumstances occur in a given country—“world events that affect F-1 Students from a particular region and create significant financial hardships, such as but not limited to: natural disasters, wars, and military conflicts.”² Similarly, the DHS Secretary may designate a country for TPS due to “ongoing armed conflict (such as civil war); environmental disaster (such as earthquake or hurricane), or an epidemic.”³

SSR and TPS are nearly identical designations. Yet, despite being designed for the same kinds of events in foreign countries, they are implemented separately, meaning there is no guarantee that an “emergent event” described in similar language will lead simultaneously to both TPS designations and SSR announcements. Since they are for identical circumstances, it is arbitrarily restrictive for one to be implemented for a country but not the other. **A process needs to be put into place so that whenever TPS is designated, SSR announcements are automatically triggered.**

Each country for which SSR was announced in 2021 also has a TPS designation, but in many cases the SSR announcement was delayed, causing additional hardship for students who must await permission to alter their courseloads or seek additional employment in order to cope with the events happening in their country of origin. In the cases of Burma/Myanmar, Haiti, Somalia, Syria, Venezuela, and Yemen, DHS has recognized country conditions to warrant the announcement of SSR in addition to a TPS designation.⁴ It is important to note, however, that many other countries that have seen similar turmoil have not been given the same treatment, as many students from countries with TPS do not yet have access to SSR, including El Salvador,

¹ Duration of status at 8 CFR 214.2(f)(5)(v), full course of study at 8 CFR 214.2(f)(6)(i)(F), and employment eligibility at 8 CFR 214.2(f)(9)(i) and (ii).

² 8 CFR 214.2.

³ 8 CFR 244.

⁴ “Special Student Relief For F-1 Students: Essential Concepts,” NAFSA: Association of International Educators, November 24, 2021,

<https://www.nafsa.org/professional-resources/browse-by-interest/special-student-relief-f-1-students-essential-concepts>.

Honduras, Nepal, Nicaragua, and Sudan.⁵

Linking automatic SSR announcements to TPS designations is an efficient and effective use of the DHS secretary's authority that better prepares students to adapt to financial uncertainty, providing them the flexibility they need to succeed academically in the long-term without risking violation of their status.

About SSR: Under standard guidelines, students in F-1 status must maintain a course load considered 'full-time'—usually a minimum of twelve credit hours—until completing the given academic program.⁶ Additionally, students cannot work off-campus during their first academic year and are limited to twenty hours of work per week while school is in session. Taken together, these regulations maximize the educational cost per semester while limiting the earning potential of students in F-1 status during their time in the United States, meaning that these individuals must rely heavily upon prior savings or the income of family abroad to support themselves.

An announcement of SSR means that instead of requiring twelve credit hours per semester, DHS allows students pursuing a traditional four-year undergraduate degree to remain in compliance while taking six credits, with graduate degree programs requiring a minimum of three. In addition, the regulations prohibiting off-campus employment during a student's first year are suspended, and the limitations placed upon the number of hours available to work during the semester are removed. Finally, any F-1 student who receives an on- or off-campus work authorization is eligible for three credit hours of online education to apply to their minimum course load, better accommodating expanded work opportunities.⁷

The ability to apply for SSR can mean the difference between continuing their education in the United States or being forced to put their lives on hold with no guarantee they will ever be able to fulfill their educational aspirations. Simply by reducing required credit hours per semester and expanding work authorizations through SSR, the U.S. government can have a marked impact on the lives of thousands of international students.

Why is SSR Needed? SSR is necessary because not all F-1 international students can or should apply for TPS status. For students from countries with expectations of shorter TPS designations, it may make more sense to keep the F-1 designation to ensure no interruption in their education while reapplying for a student visa should their country's TPS designation end. In those instances where a country's announced SSR period expires before a TPS designation, an automatic extension of SSR to the date of the TPS period would avoid gaps in relief periods and help students plan to maintain their legal immigration status.

To ensure that all aspiring students who demonstrate required credentials are given a fair opportunity to succeed, the United States must expand its use of the SSR to reasonably accommodate severe hardship wherever it may occur. To ease the process for announcing SSR, there should be a link between the issuing of TPS status and the designation of SSR which, by its nature, will address a smaller population than the full TPS status.

⁵ "Temporary Protected Status," U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, last updated December 21, 2021, <https://www.uscis.gov/humanitarian/temporary-protected-status>.

⁶ "Maintaining Status," Study in the States, U.S. Department of Homeland Security, accessed March 1, 2022, <https://studyinthestates.dhs.gov/students/maintaining-status>.

⁷ "Employment Authorization for Burmese F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Crisis in Burma (Myanmar)," Federal Register, RIN 1653-ZA18, May 25, 2021, <https://public-inspection.federalregister.gov/2021-10997.pdf>.

Additional Note: Another triggering mechanism should also be put into place so that whenever SSR is announced for F-1s, J exchange visitors also receive similar flexibilities under the Department of State's Exchange Visitor Program.