

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 16, 2022.

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[FR Doc. 2022-10830 Filed 5-19-22; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[Docket No. ICEB-2022-0007]

RIN 1653-ZA27

Employment Authorization for Afghan F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Situation in Afghanistan

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice announces that the Secretary of Homeland Security (Secretary) is suspending certain regulatory requirements for F-1 nonimmigrant students whose country of citizenship is Afghanistan, regardless of country of birth (or individuals having no nationality who last habitually resided in Afghanistan), and who are experiencing severe economic hardship as a direct result of the current situation in Afghanistan. The Secretary is taking action to provide relief to these lawful F-1 nonimmigrant students so the students may request employment authorization, work an increased number of hours while their academic institution is in session, and reduce their course load while continuing to maintain their F-1 nonimmigrant student status. The U.S. Department of Homeland Security (DHS) will deem an F-1 nonimmigrant student who receives employment authorization by means of this notice to be engaged in a “full course of study” for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement described in this notice.

DATES: This F-1 notice is effective May 20, 2022, through November 20, 2023.

FOR FURTHER INFORMATION CONTACT: Sharon Snyder, Unit Chief, Policy and Response Unit, Student and Exchange Visitor Program, MS 5600, U.S.

Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536-5600; email: sevp@ice.dhs.gov, telephone: (703) 603-3400. This is not a toll-free number. Program information can be found at <https://www.ice.gov/sevis/>.

SUPPLEMENTARY INFORMATION:

What action is DHS taking under this notice?

The Secretary is exercising authority under 8 CFR 214.2(f)(9) to temporarily suspend the applicability of certain requirements governing on-campus and off-campus employment for F-1 nonimmigrant students whose country of citizenship is Afghanistan, regardless of country of birth (or individuals having no nationality who last habitually resided in Afghanistan), who are present in the United States in lawful F-1 nonimmigrant student status on the date of publication of this notice, and who are experiencing severe economic hardship as a direct result of the current situation in Afghanistan. Effective with this publication, suspension of the employment limitations is available through November 20, 2023, for those who are in lawful F-1 nonimmigrant status. DHS will deem an F-1 nonimmigrant student granted employment authorization through this notice to be engaged in a “full course of study” for the duration of the employment authorization, if the student satisfies the minimum course load set forth in this notice.¹ See 8 CFR 214.2(f)(6)(i)(F).

Who is covered by this notice?

This notice applies exclusively to F-1 nonimmigrant students who meet all of the following conditions:

(1) Are citizens of Afghanistan regardless of country of birth (or individuals having no nationality who last habitually resided in Afghanistan);

¹ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F-1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” see 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of November 20, 2023, provided the student satisfies the minimum course load requirements in this notice. DHS also considers students who engage in online coursework pursuant to U.S. Immigration and Customs Enforcement (ICE) coronavirus disease 2019 (COVID-19) guidance for nonimmigrant students to be in compliance with regulations while such guidance remains in effect. See ICE Guidance and Frequently Asked Questions on COVID-19, Nonimmigrant Students & SEVP-Certified Schools: Frequently Asked Questions, <https://www.ice.gov/coronavirus> (last visited May 2, 2022).

(2) Were lawfully present in the United States in F-1 nonimmigrant status under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(F)(i) on the date of publication of this notice;

(3) Are enrolled in an academic institution that is Student and Exchange Visitor Program (SEVP)-certified for enrollment for F-1 nonimmigrant students;

(4) Are maintaining F-1 nonimmigrant status; and

(5) Are experiencing severe economic hardship as a direct result of the current situation in Afghanistan.

This notice applies to F-1 nonimmigrant students in an approved private school in kindergarten through grade 12, public school in grades 9 through 12, and undergraduate and graduate education. An F-1 nonimmigrant student covered by this notice who transfers to another SEVP-certified academic institution remains eligible for the relief provided by means of this notice.

Why is DHS taking this action?

DHS is taking action to provide relief to Afghan F-1 nonimmigrant students experiencing severe economic hardship due to the current situation in Afghanistan. DHS has reviewed country conditions in Afghanistan and based on that review and input from the U.S. Department of State (DOS), DHS is taking action to allow eligible F-1 nonimmigrant students from Afghanistan to request employment authorization, work an increased number of hours while school is in session, and reduce their course load while continuing to maintain F-1 nonimmigrant student status.

DHS has determined that the current situation in Afghanistan s the need for Special Student Relief. On April 18, 2022, DOS issued a Level 4: Do Not Travel advisory about travel to Afghanistan because of civil unrest, armed conflict, crime, terrorism, and kidnapping.² General instability in the country, including instability caused by deep economic challenges, increases the difficulty of establishing security and thwarting the rise of further violent extremism.³ Internal displacement is rising. As of January 15, 2022, the United Nations High Commissioner for

² See *Afghanistan Travel Advisory*, U.S. Dep’t of State (Apr. 18, 2022), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/afghanistan-advisory.html>.

³ *Afghanistan’s Collapsing Economy Heightens Risk Of Extremism*, UN Envoy Warns, Radio Free Europe (Nov. 18, 2021), <https://gandhara.rferl.org/a/afghanistan-un-lyons-assets-humanitarian-crisis-hunger/31567075.html>.

Refugees reported that there were approximately 3.4 million conflict-induced, internally displaced persons in Afghanistan.⁴ Afghanistan also faces significant challenges due to the intentional destruction of vital infrastructure. Numerous countries, including the United States, have condemned the continuation of assassinations, kidnappings, and destruction of vital infrastructure which harm the Afghan people and contribute to an insecure environment in which terrorist and criminal groups are free to operate.⁵ Economic ramifications of the August 2021 Taliban takeover include “millions of dollars in lost income, spiking prices, a liquidity crisis, and shortages of cash.”⁶ Since the Taliban takeover of Afghanistan, rising prices, increasing unemployment, and a drop in the value of the local currency have exacerbated food insecurity trends⁷ resulting in a deepening and increasingly deadly humanitarian crisis with 95 percent of households experiencing insufficient food consumption and food insecurity.”⁸ A survey of 1,400 households across seven provinces of Afghanistan found that since August 2021, more than 80 percent of Afghans have lost income, with about a third having lost all their household income and about 25 percent reporting that they have lost more than half.⁹ On August 31, 2021, the United States suspended operations at the U.S. Embassy in Kabul, Afghanistan.¹⁰

United Nations Secretary-General António Guterres has expressed that he is deeply disturbed by early indications

that the Taliban are imposing severe restrictions on the exercise of human rights, particularly targeting women and journalists.¹¹ Since August 2021, the status of women and girls has become “increasingly precarious,”¹² and new research shows the devastating impact that Taliban rule has had on Afghan women and girls.¹³ For instance, on March 21, 2022, the Taliban promised to reopen all schools in Afghanistan, ending their seven-month de-facto ban on girls attending secondary school, but, two days later, the Taliban reversed this decision, announcing that girls’ secondary schools were to remain closed indefinitely until the Taliban put in place policies they said were compliant with “principles of Islamic law and Afghan culture,” including further restrictions on girls’ attire.¹⁴ Human Rights Watch reports that the Taliban have instituted a ban on girls’ secondary education,¹⁵ and the education system is at risk of collapse due to the economic crisis in the country.¹⁶

As of March 16, 2022, approximately 368 F–1 nonimmigrant students from Afghanistan (or individuals having no nationality who last habitually resided in Afghanistan) are enrolled at SEVP-certified U.S. academic institutions. Given the extent of the current situation in Afghanistan, affected students whose primary means of financial support comes from Afghanistan may need to be exempt from the normal student employment requirements to continue their studies in the United States. The current situation has made it unfeasible

for many students to safely return to Afghanistan for the foreseeable future. Without employment authorization, these students may lack the means to meet basic living expenses.¹⁷

What is the minimum course load requirement to maintain valid F–1 nonimmigrant status under this notice?

Undergraduate F–1 nonimmigrant students who receive on-campus or off-campus employment authorization under this notice must remain registered for a minimum of six semester or quarter hours of instruction per academic term. Undergraduate F–1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a “full course of study.” See 8 CFR 214.2(f)(6)(i)(B) and (F). A graduate-level F–1 nonimmigrant student who receives on-campus or off-campus employment authorization under this notice must remain registered for a minimum of three semester or quarter hours of instruction per academic term. See 8 CFR 214.2(f)(5)(v). Nothing in this notice affects the applicability of other minimum course load requirements set by the academic institution.

In addition, an F–1 nonimmigrant student (either undergraduate or graduate) granted on-campus or off-campus employment authorization under this notice may count up to the equivalent of one class or three credits per session, term, semester, trimester, or quarter of online or distance education toward satisfying this minimum course load requirement, unless the course of study is in an English language study program.¹⁸ See 8 CFR 214.2(f)(6)(i)(G). An F–1 nonimmigrant student attending an approved private school in kindergarten through grade 12 or public school in grades 9 through 12 must maintain “class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress toward graduation,” as required under 8 CFR 214.2(f)(6)(i)(E). Nothing in this notice affects the applicability of Federal and state labor laws limiting the employment of minors.

¹⁸ DHS considers students who are compliant with ICE coronavirus disease 2019 (COVID–19) guidance for nonimmigrant students to be in compliance with regulations while such COVID–19 guidance remains in effect. See ICE Guidance and Frequently Asked Questions on COVID–19, <https://www.ice.gov/coronavirus> (last visited Apr. 25, 2022).

⁴ Flash External Update: Afghanistan Situation #13, U.N. High Commissioner for Refugees (Jan. 25, 2022), <https://reliefweb.int/report/afghanistan/unhcr-regional-bureau-asia-and-pacific-rbap-flash-external-update-afghanistan-4>.

⁵ Statement on Continuation of Assassinations, Kidnappings, and Destruction of Vital Infrastructure, U.S. Embassy in Afghanistan (Jan. 31, 2021), <https://af.usembassy.gov/statement-on-continuation-of-assassinations-kidnappings-and-destruction-of-vital-infrastructure/>.

⁶ Afghanistan Facing Famine, Human Rights Watch (Nov. 11, 2021), <https://www.hrw.org/news/2021/11/11/afghanistan-facing-famine#>.

⁷ In the grip of hunger: Only 5 percent of Afghan families have enough to eat, World Food Programme, Sept. 23, 2021, <https://www.wfp.org/stories/grip-hunger-only-5-percent-afghan-families-have-enough-eat> (last visited May 3, 2022).

⁸ Afghanistan: Economic Roots of the Humanitarian Crisis, Human Rights Watch (Mar. 1, 2022), <https://www.hrw.org/news/2022/03/01/afghanistan-economic-roots-humanitarian-crisis>.

⁹ Afghanistan: A Fifth of Starving Families sending Children to Work as Incomes Plummet in Past Six Months, Save the Children (Feb. 14, 2022), <https://www.savethechildren.net/news/afghanistan-fifth-starving-families-sending-children-work-incomes-plummet-past-six-months>.

¹⁰ U.S. Embassy in Afghanistan Security Message: Suspension of Operations, U.S. Dep’t of State (Aug. 31, 2021), <https://af.usembassy.gov/security-message-suspension-of-operations/>.

¹¹ Taliban imposing ‘horrific’ human rights curbs, UN chief warns, Al Jazeera (Aug. 13, 2021), <https://www.aljazeera.com/news/2021/8/13/afghanistan-taliban-horrifying-human-rights-curbs-un>.

¹² Afghan Women and Girls: Status and Congressional Action, Congressional Research Service, p. 1, updated Aug. 18, 2021, <https://crsreports.congress.gov/product/pdf/IF/IF11646> (last visited May 3, 2022).

¹³ Afghanistan: Taliban Deprive Women of Livelihoods, Identity, Human Rights Watch (Jan. 18, 2022), <https://www.hrw.org/news/2022/01/18/afghanistan-taliban-deprive-women-livelihoods-identity#>.

¹⁴ Heather Barr, Taliban Close Girls’ Secondary Schools in Afghanistan, Again, Human Rights Watch (Mar. 23, 2022), <https://www.hrw.org/news/2022/03/23/taliban-close-girls-secondary-schools-afghanistan-again>.

¹⁵ Sahar Fetar and Heather Barr, Dress Restrictions Tighten for Afghanistan Girls’ Schools, Human Rights Watch (Apr. 27, 2022), <https://www.hrw.org/news/2022/04/27/dress-restrictions-tighten-afghanistan-girls-schools#:.text=After%20taking%20over%20Afghanistan%20in,reopen%20all%20schools%20in%20March>.

¹⁶ Four Ways to Support Girls’ Access to Education in Afghanistan, Human Rights Watch (Mar. 20, 2022), <https://www.hrw.org/news/2022/03/20/four-ways-support-girls-access-education-afghanistan> (last visited May 4, 2022).

May an eligible F-1 nonimmigrant student who already has on-campus or off-campus employment authorization benefit from the suspension of regulatory requirements under this notice?

Yes. An F-1 nonimmigrant student who is a citizen of Afghanistan, regardless of country of birth (or an individual having no nationality who last habitually resided in Afghanistan), who already has on-campus or off-campus employment authorization and is otherwise eligible may benefit under this notice, which suspends certain regulatory requirements relating to the minimum course load requirement under 8 CFR 214.2(f)(6)(i) and certain employment eligibility requirements under 8 CFR 214.2(f)(9). Such an eligible F-1 nonimmigrant student may benefit without having to apply for a new Form I-766, Employment Authorization Document (EAD). To benefit from this notice, the F-1 nonimmigrant student must request that the designated school official (DSO) enter the following statement in the remarks field of the student's Student and Exchange Visitor Information System (SEVIS) record, which the student's Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status, will reflect:

Approved for more than 20 hours per week of [DSO must insert "on-campus" or "off-campus," depending upon the type of employment authorization the student already has] employment authorization and reduced course load under the Special Student Relief authorization from [DSO must insert the beginning date of the notice or the beginning date of the student's employment, whichever date is later] until [DSO must insert either the student's program end date, the current EAD expiration date (if the student is currently authorized for off-campus employment), or the end date of this notice, whichever date comes first].

Must the F-1 nonimmigrant student apply for reinstatement after expiration of this special employment authorization if the student reduces his or her "full course of study"?

No. DHS will deem an F-1 nonimmigrant student who receives and complies with the employment authorization permitted under this notice to be engaged in a "full course of study"¹⁹ for the duration of the student's employment authorization, provided that a qualifying undergraduate level F-1 nonimmigrant student remains registered for a minimum of six semester or quarter hours of instruction per academic term, and a qualifying graduate level F-1

nonimmigrant student remains registered for a minimum of three semester or quarter hours of instruction per academic term. See 8 CFR 214.2(f)(5)(v) and (f)(6)(i)(F).

Undergraduate F-1 nonimmigrant students enrolled in a term of different duration must register for at least one half of the credit hours normally required under a "full course of study." See 8 CFR 214.2(f)(6)(i)(B) and (F). DHS will not require such students to apply for reinstatement under 8 CFR 214.2(f)(16) if they are otherwise maintaining F-1 nonimmigrant status.

Will an F-2 dependent (spouse or minor child) of an F-1 nonimmigrant student covered by this notice be eligible for employment authorization?

No. An F-2 spouse or minor child of an F-1 nonimmigrant student is not authorized to work in the United States and, therefore, may not accept employment under the F-2 nonimmigrant status, consistent with 8 CFR 214.2(f)(15)(i).

Will the suspension of the applicability of the standard student employment requirements apply to an individual who receives an initial F-1 visa and makes an initial entry into the United States after the effective date of this notice in the Federal Register?

No. The suspension of the applicability of the standard regulatory requirements only applies to certain F-1 nonimmigrant students who meet the following conditions:

(1) Are citizens of Afghanistan regardless of country of birth (or individuals having no nationality who last habitually resided in Afghanistan);

(2) Were lawfully present in the United States in F-1 nonimmigrant status, under section 101(a)(15)(F)(i) of the INA, 8 U.S.C. 1101(a)(15)(F)(i), on the date of publication of this notice;

(3) Are enrolled in an academic institution that is SEVP-certified for enrollment of F-1 nonimmigrant students;

(4) Are maintaining F-1 nonimmigrant status; and

(5) Are experiencing severe economic hardship as a direct result of the current situation in Afghanistan.

An F-1 nonimmigrant student who does not meet all these requirements is ineligible for the suspension of the applicability of the standard regulatory requirements (even if experiencing severe economic hardship as a direct result of the current situation in Afghanistan).

Does this notice apply to a continuing F-1 nonimmigrant student who departs the United States after the effective date of this notice in the Federal Register and who needs to obtain a new F-1 visa before returning to the United States to continue an educational program?

Yes. This notice applies to such an F-1 nonimmigrant student, but only if the DSO has properly notated the student's SEVIS record, which will then appear on the student's Form I-20. The normal rules for visa issuance remain applicable to a nonimmigrant who needs to apply for a new F-1 visa to continue an educational program in the United States.

Does this notice apply to elementary school, middle school, and high school students in F-1 status?

Yes. However, this notice does not by itself reduce the required course load for F-1 nonimmigrant students from Afghanistan enrolled in kindergarten through grade 12 at a private school, or grades 9 through 12 at a public high school. Such students must maintain the minimum number of hours of class attendance per week prescribed by the academic institution for normal progress toward graduation, as required under 8 CFR 214.2(f)(6)(i)(E). The suspension of certain regulatory requirements related to employment through this notice is applicable to all eligible F-1 nonimmigrant students regardless of educational level. Eligible F-1 nonimmigrant students covered by this notice who are enrolled in an elementary school, middle school, or high school may benefit from the suspension of the requirement in 8 CFR 214.2(f)(9)(i) that limits on-campus employment to 20 hours per week while school is in session.

On-Campus Employment Authorization
Will an F-1 nonimmigrant student who receives on-campus employment authorization under this notice be authorized to work more than 20 hours per week while school is in session?

Yes. For an F-1 nonimmigrant student covered in this notice, the Secretary is suspending the applicability of the requirement in 8 CFR 214.2(f)(9)(i) that limits an F-1 nonimmigrant student's on-campus employment to 20 hours per week while school is in session. An eligible F-1 nonimmigrant student has authorization to work more than 20 hours per week while school is in session if the DSO has entered the following statement in the remarks field of the SEVIS student record, which will be reflected on the student's Form I-20:

¹⁹ See 8 CFR 214.2(f)(6).

Approved for more than 20 hours per week of on-campus employment and reduced course load, under the Special Student Relief authorization from [DSO must insert the beginning date of this notice or the beginning date of the student's employment, whichever date is later] until [DSO must insert the student's program end date or the end date of this notice, whichever date comes first].

To obtain on-campus employment authorization, the F-1 nonimmigrant student must demonstrate to the DSO that the employment is necessary to avoid severe economic hardship directly resulting from the current situation in Afghanistan. An F-1 nonimmigrant student authorized by the DSO to engage in on-campus employment by means of this notice does not need to file any applications with U.S. Citizenship and Immigration Services (USCIS). The standard rules permitting full-time employment on-campus when school is not in session or during school vacations apply, as described in 8 CFR 214.2(f)(9)(i).

Will an F-1 nonimmigrant student who receives on-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain his or her F-1 nonimmigrant student status?

Yes. DHS will deem an F-1 nonimmigrant student who receives on-campus employment authorization under this notice to be engaged in a "full course of study"²⁰ for the purpose of maintaining their F-1 nonimmigrant student status for the duration of the on-campus employment, if the student satisfies the minimum course load requirement described in this notice, consistent with 8 CFR 214.2(f)(6)(i)(F). However, the authorization to reduce the normal course load is solely for DHS purposes of determining valid F-1 nonimmigrant student status. Nothing in this notice mandates that school officials allow an F-1 nonimmigrant student to take a reduced course load if the reduction would not meet the academic institution's minimum course load requirement for continued enrollment.²¹

Off-Campus Employment Authorization
What regulatory requirements does this notice temporarily suspend relating to off-campus employment?

For an F-1 nonimmigrant student covered by this notice, as provided

under 8 CFR 214.2(f)(9)(ii)(A), the Secretary is suspending the following regulatory requirements relating to off-campus employment:

(a) The requirement that a student must have been in F-1 nonimmigrant student status for one full academic year to be eligible for off-campus employment;

(b) The requirement that an F-1 nonimmigrant student must demonstrate that acceptance of employment will not interfere with the student carrying a full course of study;

(c) The requirement that limits an F-1 nonimmigrant student's employment authorization to no more than 20 hours per week of off-campus employment while the school is in session; and

(d) The requirement that the student demonstrate that employment under 8 CFR 214.2(f)(9)(i) is unavailable or otherwise insufficient to meet the needs that have arisen as a result of the unforeseen circumstances.

Will an F-1 nonimmigrant student who receives off-campus employment authorization under this notice have authorization to reduce the normal course load and still maintain F-1 nonimmigrant status?

Yes. DHS will deem an F-1 nonimmigrant student who receives off-campus employment authorization by means of this notice to be engaged in a "full course of study"²² for the purpose of maintaining F-1 nonimmigrant student status for the duration of the student's employment authorization if the student satisfies the minimum course load requirement described in this notice, consistent with 8 CFR 214.2(f)(6)(i)(F). However, the authorization to reduce the normal course load is solely for DHS purposes of determining valid F-1 nonimmigrant student status. Nothing in this notice mandates that school officials allow an F-1 nonimmigrant student to take a reduced course load if such a reduced course load would not meet the school's minimum course load requirement.²³

How may an eligible F-1 nonimmigrant student obtain employment authorization for off-campus employment with a reduced course load under this notice?

An F-1 nonimmigrant student must file a Form I-765, Application for Employment Authorization, with USCIS

to apply for off-campus employment authorization based on severe economic hardship directly resulting from the current situation in Afghanistan. Filing instructions are located at: <https://www.uscis.gov/i-765>.

Fee considerations. Submission of a Form I-765 currently requires payment of a \$410 fee. An applicant who is unable to pay the fee may submit a completed Form I-912, Request for Fee Waiver, along with the Form I-765, Application for Employment Authorization. See www.uscis.gov/feewaiver. The submission must include an explanation about why USCIS should grant the fee waiver and the reason(s) for the inability to pay, and any evidence to support the reason(s). See 8 CFR 103.7(c).

Supporting documentation. An F-1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship must demonstrate the following to the student's DSO:

(1) This employment is necessary to avoid severe economic hardship; and

(2) The hardship is a direct result of the current situation in Afghanistan.

If the DSO agrees that the F-1 nonimmigrant student is entitled to receive such employment authorization, the DSO must recommend application approval to USCIS by entering the following statement in the remarks field of the student's SEVIS record, which will then appear on that student's Form I-20:

Recommended for off-campus employment authorization in excess of 20 hours per week and reduced course load under the Special Student Relief authorization from the date of the USCIS authorization noted on Form I-766 until [DSO must insert the program end date or the end date of this notice, whichever date comes first].

The F-1 nonimmigrant student must then file the properly endorsed Form I-20 and Form I-765 according to the instructions for the Form I-765. The F-1 nonimmigrant student may begin working off campus only upon receipt of the EAD from USCIS.

DSO recommendation. In making a recommendation that an F-1 nonimmigrant student be approved for Special Student Relief, the DSO certifies that:

(a) The F-1 nonimmigrant student is in good academic standing and is carrying a "full course of study"²⁴ at the time of the request for employment authorization;

(b) The F-1 nonimmigrant student is a citizen of Afghanistan regardless of country of birth (or an individual having

²⁰ See 8 CFR 214.2(f)(6).

²¹ The minimum course load requirement for enrollment in a school must be established in a publicly available document (e.g., catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

²² See 8 CFR 214.2(f)(6).

²³ The minimum course load requirement for enrollment in a school must be established in a publicly available document (e.g., catalog, website, or operating procedure), and it must be a standard applicable to all students (U.S. citizens and foreign students) enrolled at the school.

²⁴ See 8 CFR 214.2(f)(6).

no nationality who last habitually resided in Afghanistan), and is experiencing severe economic hardship as a direct result of the current situation in Afghanistan, as documented on the Form I-20;

(c) The F-1 nonimmigrant student has confirmed that the student will comply with the reduced course load requirements of this notice and register for the duration of the authorized employment for a minimum of six semester or quarter hours of instruction per academic term if at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term if the student is at the graduate level;²⁵ and

(d) The off-campus employment is necessary to alleviate severe economic hardship to the individual as a direct result of the current situation in Afghanistan.

Processing. To facilitate prompt adjudication of the student's application for off-campus employment authorization under 8 CFR 214.2(f)(9)(ii)(C), the F-1 nonimmigrant student should do both of the following:

(a) Ensure that the application package includes all of the following documents:

- (1) A completed Form I-765;
 - (2) The required fee or properly documented fee waiver request, as defined in 8 CFR 103.7(c); and
 - (3) A signed and dated copy of the student's Form I-20 with the appropriate DSO recommendation, as previously described in this notice; and
- (b) Send the application in an envelope which is clearly marked on the front of the envelope, bottom right-hand side, with the phrase "SPECIAL STUDENT RELIEF." Failure to include this notation may result in significant processing delays.

If USCIS approves the student's Form I-765, USCIS will send the student a Form I-766 EAD as evidence of employment authorization. The EAD will contain an expiration date that does not exceed the end of the granted temporary relief.

Temporary Protected Status (TPS) Considerations

Can an F-1 nonimmigrant student apply for TPS and for benefits under this notice at the same time?

Yes. An F-1 nonimmigrant student who has not yet applied for TPS or for other relief that reduces the student's course load per term and permits an increased number of work hours per

week, such as Special Student Relief,²⁶ under this notice has two options:

Under the first option, the nonimmigrant student may apply for TPS according to the instructions in the USCIS notice announcing the designation of Afghanistan for TPS, published elsewhere in this issue of the **Federal Register**. All TPS applicants must file a Form I-821, Application for Temporary Protected Status, with the appropriate fee (or request a fee waiver). Although not required to do so, if F-1 nonimmigrant students want to obtain a new EAD based on their TPS application that is valid through November 20, 2023, and to be eligible for automatic EAD extensions that may be available to EADs with an A-12 or C-19 category code, they must file Form I-765 and pay the Form I-765 fee (or request a fee waiver). After receiving the TPS-related EAD, an F-1 nonimmigrant student may request that their DSO make the required entry in SEVIS, issue an updated Form I-20, as described in this notice, and note that the nonimmigrant student has been authorized to carry a reduced course load and is working pursuant to a TPS-related EAD. So long as the nonimmigrant student maintains the minimum course load described in this notice, does not otherwise violate their nonimmigrant status, including as provided under 8 CFR 214.1(g), and maintains TPS, then the student maintains F-1 status and TPS concurrently.

Under the second option, the nonimmigrant student may apply for an EAD under Special Student Relief by filing Form I-765 with the location specified in the filing instructions. At the same time, the F-1 nonimmigrant student may file a separate TPS application but must submit the Form I-821 according to the instructions provided in the **Federal Register** Notice designating Afghanistan for TPS. If the F-1 nonimmigrant student already has applied for employment authorization under Special Student Relief, they are not required to submit the Form I-765 as part of the TPS application. However, some nonimmigrant students may wish to obtain a TPS EAD in light of certain extensions that may be available to EADs with an A-12 or C-19 category code. The nonimmigrant student should check the appropriate box when filling out Form I-821 to indicate whether a TPS-related EAD is being requested. Again, so long as the nonimmigrant

student maintains the minimum course load described in this notice and does not otherwise violate the student's nonimmigrant status, included as provided under 8 CFR 214.1(g), the nonimmigrant will be able to maintain compliance requirements for F-1 nonimmigrant student status while having TPS.

When a student applies simultaneously for TPS and benefits under this notice, what is the minimum course load requirement while an application for employment authorization is pending?

The F-1 nonimmigrant student must maintain normal course load requirements for a "full course of study"²⁷ unless or until the nonimmigrant student receives employment authorization under this notice. TPS-related employment authorization, by itself, does not authorize a nonimmigrant student to drop below twelve credit hours, or otherwise applicable minimum requirements (e.g., clock hours for language students). Once approved for Special Student Relief employment authorization, the F-1 nonimmigrant student may drop below twelve credit hours, or otherwise applicable minimum requirements (with a minimum of six semester or quarter hours of instruction per academic term if at the undergraduate level, or for a minimum of three semester or quarter hours of instruction per academic term if at the graduate level). See 8 CFR 214.2(f)(5)(v), (f)(6), and (f)(9)(i) and (ii).

How does a student who has received a TPS-related EAD then apply for authorization to take a reduced course load under this notice?

There is no further application process with USCIS if a student has been approved for a TPS-related EAD. The F-1 nonimmigrant student must demonstrate and provide documentation to the DSO of the direct economic hardship resulting from the current situation in Afghanistan. The DSO will then verify and update the student's record in SEVIS to enable the F-1 nonimmigrant student with TPS to reduce the course load without any further action or application. No other EAD needs to be issued for the F-1 nonimmigrant student to have employment authorization.

²⁶ See DHS Study in the States, Special Student Relief, <https://studyinthestates.dhs.gov/students/special-student-relief> (last visited Apr. 25, 2022).

²⁷ See 8 CFR 214.2(f)(6).

²⁵ See 8 CFR 214.2(f)(5)(v).

Can a noncitizen who has been granted TPS apply for reinstatement of F–1 nonimmigrant student status after the noncitizen's F–1 nonimmigrant student status has lapsed?

Yes. Regulations permit certain students who fall out of F–1 nonimmigrant student status to apply for reinstatement. *See* 8 CFR 214.2(f)(16). This provision might apply to students who worked on a TPS-related EAD or dropped their course load before publication of this notice, and, therefore, fell out of student status. The students must satisfy the criteria set forth in the F–1 nonimmigrant student status reinstatement regulations.

How long will this notice remain in effect?

This notice grants temporary relief until November 20, 2023,²⁸ to eligible F–1 nonimmigrant students. DHS will continue to monitor the current situation in Afghanistan. Should the special provisions authorized by this notice need modification or extension, DHS will announce such changes in the *Federal Register*.

Paperwork Reduction Act (PRA)

An F–1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship resulting from the current situation in Afghanistan must demonstrate to the DSO that this employment is necessary to avoid severe economic hardship. A DSO who agrees that a nonimmigrant student should receive such employment authorization must recommend an application approval to USCIS by entering information in the remarks field of the student's SEVIS record. The authority to collect this information is in the SEVIS collection of information currently approved by the Office of Management and Budget (OMB) under OMB Control Number 1653–0038.

²⁸ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” *see* 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of November 20, 2023, provided the student satisfies the minimum course load requirement in this notice. DHS also considers students who engage in online coursework pursuant to ICE coronavirus disease 2019 (COVID–19) guidance for nonimmigrant students to be in compliance with regulations while such guidance remains in effect. *See* ICE Guidance and Frequently Asked Questions on COVID–19, Nonimmigrant Students & SEVP-Certified Schools: Frequently Asked Questions, <https://www.ice.gov/coronavirus> (last visited May 2, 2022).

This notice also allows an eligible F–1 nonimmigrant student to request employment authorization, work an increased number of hours while the academic institution is in session, and reduce their course load while continuing to maintain F–1 nonimmigrant student status.

To apply for employment authorization, certain F–1 nonimmigrant students must complete and submit a currently approved Form I–765 according to the instructions on the form. OMB has previously approved the collection of information contained on the current Form I–765, consistent with the PRA (OMB Control No. 1615–0040). Although there will be a slight increase in the number of Form I–765 filings because of this notice, the number of filings currently contained in the OMB annual inventory for Form I–765 is sufficient to cover the additional filings. Accordingly, there is no further action required under the PRA.

Alejandro Mayorkas,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2022–10886 Filed 5–19–22; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2709–21; DHS Docket No. USCIS–2022–0004]

RIN 1615–ZB94

Designation of Afghanistan for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Notice of Temporary Protected Status (TPS) designation.

SUMMARY: Through this notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is designating Afghanistan for Temporary Protected Status (TPS) for 18 months, effective May 20, 2022, through November 20, 2023. This designation allows eligible Afghan nationals (and individuals having no nationality who last habitually resided in Afghanistan) who have continuously resided in the United States since March 15, 2022, and who have been continuously physically present in the United States since May 20, 2022 to apply for TPS.

DATES:

Designation of Afghanistan for TPS:

The 18-month designation of Afghanistan for TPS is effective on May 20, 2022 and will remain in effect for 18 months, through November 20, 2023.

Registration: The registration period for eligible individuals to submit TPS applications begins May 20, 2022 and will remain in effect through November 20, 2023.

ADDRESSES: For further information on TPS, including guidance on the registration process and additional information on eligibility, please visit the USCIS TPS web page at uscis.gov/tps. You can find specific information about Afghanistan's TPS designation by selecting “Afghanistan” from the menu on the left side of the TPS web page.

If you have additional questions about TPS, please visit uscis.gov/tools. Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at uscis.gov, or visit the USCIS Contact Center at uscis.gov/contactcenter.

Further information will also be available at local USCIS offices upon publication of this notice.

FOR FURTHER INFORMATION CONTACT: You may contact Rená Cutlip-Mason, Chief, Humanitarian Affairs Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by mail at 5900 Capital Gateway Drive, Camp Springs, MD 20746, or by phone at 800–375–5283.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA—Board of Immigration Appeals
CFR—Code of Federal Regulations
DHS—U.S. Department of Homeland Security
DOS—U.S. Department of State
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
Form I–765—Application for Employment Authorization
Form I–797—Notice of Action (Approval Notice)
Form I–821—Application for Temporary Protected Status
Form I–9—Employment Eligibility Verification
Form I–912—Request for Fee Waiver
Form I–94—Arrival/Departure Record
FR—Federal Register
Government—U.S. Government
IER—U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section