

1969, today's maritime pilots have better communications and awareness of the locations of other vessels navigating in the vicinity of Smith Point. These pilots have safely coordinated large vessel traffic despite not being able to use the TSS as designed.

Due to the increase in size and draft of typical cargo vessels since the Smith Point TSS was first identified on the charts in 1969, depths in the north-bound and south-bound vessel traffic lanes are inadequate for modern deep draft vessels transiting through this area and today's larger vessels can no longer use the routing measure as designed. The natural bottom contours of the Bay provide the greatest depths in the center of the southbound lane of the TSS. See Figures 2 & 3 in the Figures document in the docket. And while the Inland Navigational Rules (eCFR, 2023) provide that a vessel shall, so far as practicable, avoid crossing traffic lanes, larger inbound vessels must use the opposing outbound lane of the Smith Point TSS to avoid the risk of grounding. This scenario leads to a traffic pattern contrary to the charted routing measure and not in accordance with Rule 10 of the Inland Rules, which may actually increase the risk of collisions. As the Smith Point TSS appears to be counterproductive today, we are seeking public comments regarding its continued need.

If after consideration of the comments received we determine that the Smith Point TSS should be removed from nautical charts and publications, we will then reestablish the current Smith Point Fairway Lighted Buoy SP (LLNR 7490), which marks the turning point of the TSS separation zone, as the Smith Point Lighted Buoy SP, a white and red striped Safe Water Buoy. The light will change from yellow to white with Morse Code "A" flash characteristic. We also seek public comment from waterway users on the Coast Guard's plan to change the signal and meaning of this buoy.

III. Information Requested

If you believe there is some reason the Smith Point TSS should be retained, please let us know that and provide us with your reasoning for wanting to keep it in place. Please include comments regarding the potential impacts of this possible change and any other concerns that you may have regarding the Smith Point TSS.

IV. Public Participation and Request for Comments

We encourage you to submit comments in response to this

notification of inquiry through the Federal Decision Making portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG-2023-0330 in the search box and click "Search." Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. In your submission, please include the docket number for this notification of inquiry and provide a reason for each suggestion or recommendation. If your material cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

To view documents mentioned in this notification of inquiry as being available in the docket, find the docket as described in the previous paragraph, and then select "Supporting & Related Material" in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. We review all comments received, but we may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

We do not plan to hold a public meeting to receive oral comments on this notification of inquiry; however, should the need arise, we will announce the date, time, and location in a separate document published in the **Federal Register**. If you have signed up for docket email alerts mentioned in the paragraph above, you will receive an email notice when the public meeting notice is published and placed in the docket.

This document is issued under authority of 5 U.S.C. 552(a).

Dated: August 15, 2023.

Mary Ellen J. Durley,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

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DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[Docket No. ICEB-2023-0003]

RIN 1653-ZA40

Employment Authorization for Ukrainian F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Armed Conflict in Ukraine

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 Ukraine, regardless of country of birth (or individuals having no nationality who last habitually resided in Ukraine), and who are experiencing severe economic hardship as a direct result of the current armed conflict in Ukraine. The Secretary is taking action to provide relief to these Ukrainian students who are in lawful F-1 nonimmigrant student status, so the students may request employment authorization, work an increased number of hours while school 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 granted 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 action is effective October 20, 2023, through April 19, 2025.

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 Ukraine regardless of country of birth (or individuals having no nationality who last habitually resided in Ukraine), 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 current armed conflict in Ukraine. The original notice, which applied to F–1 nonimmigrant students who met certain criteria, including having been lawfully present in the United States in F–1 nonimmigrant status on April 19, 2022, was effective from April 19, 2022, through October 19, 2023. See 87 FR 23189 (Apr. 19, 2022). Effective with this publication, suspension of the employment limitations is available through April 19, 2025, for those who are in lawful F–1 nonimmigrant status on the date of publication of this notice. 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 a citizen of Ukraine regardless of country of birth (or an individual having no nationality who last habitually resided in Ukraine);
- (2) Were lawfully present in the United States on the date of publication of this notice 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);
- (3) Are enrolled in an academic institution that is Student and Exchange Visitor Program (SEVP)-certified for

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 April 19, 2025, provided the student satisfies the minimum course load requirements in this notice.

enrollment for F–1 nonimmigrant students;

- (4) Are currently maintaining F–1 nonimmigrant status; and
- (5) Are experiencing severe economic hardship as a direct result of the current armed conflict in Ukraine.

This notice applies to F–1 nonimmigrant students in an approved private school in kindergarten through grade 12, public school 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 Ukrainian F–1 nonimmigrant students experiencing severe economic hardship due to the current armed conflict in Ukraine. Based on its review of country conditions in Ukraine and input received from the U.S. Department of State (DOS), DHS is taking action to allow eligible F–1 nonimmigrant students from Ukraine 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 status.

On February 24, 2022, the Government of the Russian Federation, launched an unprovoked full-scale invasion of Ukraine.² According to the United Nations Refugee Agency (UNHCR), the armed conflict in Ukraine has sparked the world’s largest human displacement crisis in Europe since World War II.³

More than a year later, over 17.7 million people are in need of assistance, and more than 6.2 million refugees, mostly women, children, and elderly people, left Ukraine and were recorded to be residing in cities across Europe and beyond.⁴ According to the Centre for Research & Analysis of Migration (CReAM), over five million Ukrainians have registered for Temporary Protection, or similar national

² Karl Ritter and Geir Moulson, US: Russia has committed crimes against humanity in Ukraine, The Associated Press (AP), Feb. 18, 2023, available at <https://apnews.com/article/us-russia-ukraine-crimes-against-humanity-harris-cee87f06cbf3fcd37e0bb398360c8ee> (last viewed Apr. 17, 2023).

³ International Rescue Committee Watchlist 2023: The top 10 crises the world can’t ignore in 2023, The International Rescue Committee (IRC), Dec. 14, 2022, available at <https://www.rescue.org/article/top-10-crises-world-cant-ignore-2023> (last visited Mar. 31, 2023).

⁴ Operational Data Portal: Ukraine Refugee Situation, UNHCR, available at <https://data2.unhcr.org/en/situations/ukraine> (last visited August 8, 2023).

protection schemes, in Europe in the last year.^{5,6}

Economy

The current armed conflict has significantly impacted Ukraine’s economic growth and has led to massive fiscal reallocations toward defense funding.⁷ Since the beginning of the full-scale invasion, 35 percent of Ukrainians have fled their homes. Data from the World Bank indicates that 8 million Ukrainians now live in poverty, reversing 15 years of development gains and resulting in a 15-year setback in poverty reduction goals.⁸ Economic disruptions, combined with heavy internal displacement and flows of refugees, have caused unprecedented economic losses, prompting President Zelenskyy to seek additional economic support and aid for Ukraine.⁹

According to the *World Bank Group Support to Ukraine Report*, Ukraine’s economy shrank by 30 percent in 2022. This is due to loss and destruction of infrastructure, damage to agricultural land, and a significant labor shortage.¹⁰ The inflation rate has increased more than threefold, from 2.73 percent in 2020 to 9.36 percent in 2021.¹¹

In a report titled *Analysis: 2022 Economic Results for Ukraine, Prospects for 2023*, by the Kyiv Post, the unemployment rate for Ukraine was

⁵ Current migration flows from Ukraine, Centre for Research & Analysis of Migration, last updated Feb. 14, 2023, available at <https://cream-migration.org/ukraine-detail.htm?article=3573> (last visited Apr. 11, 2023).

⁶ Ukraine Humanitarian Response—Key Achievements in 2022 Situation Report, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), last updated Feb. 10, 2023, available at <https://reports.unocha.org/en/country/ukraine/> (last visited Apr. 14, 2023).

⁷ Matt Bernardini and Darryl Coote, U.S. announces \$2.6 billion in new military aid to Ukraine, United Press International (UPI), Apr. 4, 2023, available at https://www.upi.com/Top_News/US/2023/04/04/Ukraine-Russia-military-aid/4281680633050/#:~:text=April%20%20UPI%29%20-%20The%20White%20House%20announced,of%20air-defense%20systems%2C%20mortar%20systems%2C%20and%20anti-armor%20systems (last visited Apr. 14, 2023).

⁸ The World Bank in Ukraine, The World Bank, available at <https://www.worldbank.org/en/country/ukraine/overview> (last visited on Apr. 14, 2023).

⁹ The Latest: War in Ukraine, Zelenskyy Asks Top Finance Officials to Increase Economic Support for Ukraine, The New York Times, Apr. 12, 2023, available at <https://www.nytimes.com/live/2023/04/12/world/russia-ukraine-news> (last visited on Apr. 14, 2023).

¹⁰ World Bank Group Support to Ukraine report, The World Bank, available at <https://thedocs.worldbank.org/en/doc/50b29fa867fbd7af6fb96ed5c3dd2513-0080012023/original/World-Bank-Group-Support-to-Ukraine.pdf> (last visited on Apr. 14, 2023).

¹¹ The World Factbook, Central Intelligence Agency (CIA), Mar. 28, 2023, available at <https://www.cia.gov/the-world-factbook/countries/ukraine/#economy> (last visited Apr. 4, 2023).

24.5 percent at the end of December 2022, compared to an estimated 8.9 percent in 2021. The International Labour Organization (ILO) assessed 4.8 million jobs have been lost since the beginning of the full-scale invasion, which is equivalent to 30 percent of pre-2022 employment in Ukraine.¹² Russia's full-scale invasion of Ukraine has resulted in a significant negative impact on the Ukrainian economy and has further slowed its growth and development.

Impact of the Conflict on Critical Infrastructure

Critical infrastructure has been negatively impacted by Russia's full-scale invasion of Ukraine.¹³ Water systems have either been damaged or destroyed, aggravating hardship for the local population. At least 45 million square meters of housing, more than 1,200 educational institutions, and 656 hospitals have been destroyed and/or damaged. Nearly 25,000 kilometers of roads, 300 bridges, and 12 airports have also been destroyed or damaged due to Russian air strikes.¹⁴

According to research from the Kyiv School of Economics, Russia's full-scale invasion of Ukraine has caused \$108.3 billion in damage to the country's infrastructure, with the minimum recovery cost estimated to be well over \$180 billion.¹⁵ Additionally, Russia's full-scale invasion continues to disrupt the global supply of commodities and has sharply increased food and energy prices across the globe, further challenging global economic recovery tactics from the COVID-19 pandemic.¹⁶

¹² The impact of the Ukraine crisis on the world of work: Initial assessments, International Labour Organization (ILO), May 11, 2022, available at https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/documents/briefingnote/wcms_844295.pdf (last visited Apr. 11, 2023).

¹³ Ukraine: Russian Invasion Causing Widespread Suffering for Civilians, Accountability for Apparent War Crimes, Other Abuses Crucial, Human Rights Watch (HRW), available at <https://www.hrw.org/news/2023/01/12/ukraine-russian-invasion-causing-widespread-suffering-civilians> (last visited Mar. 24, 2023).

¹⁴ PM Shmyhal: Sum of infrastructure damages has reached \$104B, Ukrinform, June 18, 2022, available at <https://www.ukrinform.net/rubric-economy/3509806-pm-shmyhal-sum-of-infrastructure-damages-has-reached-104b.html> (last visited Apr. 10, 2023).

¹⁵ The total amount of documented damages has reached \$108.3 billion, minimum recovery needs for destroyed assets—\$185 billion, Kyiv School of Economics, Aug. 2, 2022, available at <https://kse.ua/about-the-school/news/the-total-amount-of-documented-damages-has-reached-108-3-billion-minimum-recovery-needs-for-destroyed-assets-185-billion/> (last visited Mar. 24, 2023).

¹⁶ Assessing the Impact of Russia's War against Ukraine on Eastern Partner Countries, Organisation for Economic Cooperation and Development (OECD), Jan. 21, 2023, available at <https://>

While Ukraine continues to confront this crisis, many persons in Ukraine continue to have limited access to safety, healthcare, food, water, and economic opportunity.

Population Harmed

Since the start of Russia's full-scale invasion of Ukraine in 2022, the armed conflict has significantly impacted the civilian population.¹⁷ The Office of the UN High Commissioner for Human Rights (OHCHR) has recorded 22,734 civilian casualties in the country: 8,490 killed and 14,244 injured.¹⁸ OHCHR further stated that the majority of the recorded civilian casualties were caused by explosive weapons with wide area effects, including shelling from heavy artillery, multiple launch rocket systems, missiles, and air strikes.¹⁹ The U.S. Department of State's 2022 Country Report on Human Rights Practices in Ukraine detailed that Russia's forces continue to mine roads, streets, fields, urban structures such as hospitals and civic centers, as well as household objects.²⁰

The Organization for Security and Cooperation in Europe (OSCE) stated on February 24, 2023, that the magnitude of the destruction across Ukraine is massive. Thousands of Ukrainians have died, and millions have been forced to flee their homes.

The UNOCHA (OCHA) issued the Humanitarian Needs Overview 2023 report, which reviews the impact of Landmines/Explosive Remnants of War (ERW). The report concluded that an estimated 25 percent of Ukraine's land area has been exposed to armed conflict activity since February 2022. The report also estimated that over 250,000 explosive devices have been removed

www.oecd-ilibrary.org/sites/946a936c-en/index.html?itemId=/content/publication/946a936c-en (last visited Apr. 12, 2023).

¹⁷ Ukraine: Russian Invasion Causing Widespread Suffering for Civilians Accountability for Apparent War Crimes, Other Abuses Crucial, Human Rights Watch, Jan. 12, 2023, available at <https://www.hrw.org/news/2023/01/12/ukraine-russian-invasion-causing-widespread-suffering-civilians> (last visited on Apr. 17, 2023).

¹⁸ Ukraine: civilian casualty update, United Nations Human Rights Office of High Commissioner (OHCHR), Apr. 10, 2023, available at <https://www.ohchr.org/en/news/2023/04/ukraine-civilian-casualty-update-10-april-2023> (last visited Apr. 12, 2023).

¹⁹ Ukraine: civilian casualty update, OHCHR, Apr. 10, 2023, available at <https://www.ohchr.org/en/news/2023/04/ukraine-civilian-casualty-update-10-april-2023> (last visited Apr. 12, 2023).

²⁰ U.S. Dep't of State, 2022 Country Reports on Human Rights Practices: Ukraine, available at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/ukraine/> (last visited Apr. 12, 2023).

and destroyed since March 2022, with millions more yet to be removed.²¹

Russia's full-scale invasion of Ukraine continues to place civilians at substantial risk of physical harm, leaving many stranded or unable to flee Ukraine due to rising violence, the damage and destruction of bridges and roads, and lack of resources or information on where to find safety and shelter.²²

As of August 8, 2023, approximately 2,425 F-1 nonimmigrant students from Ukraine are enrolled at SEVP-certified academic institutions in the United States. Given the extent of the current armed conflict in Ukraine, affected students whose primary means of financial support comes from Ukraine may need to be exempt from the normal student employment requirements to continue their studies in the United States. The current armed conflict has made it unfeasible for many students to safely return to Ukraine for the foreseeable future. Without employment authorization, these students may lack the means to meet basic living expenses.

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

²¹ Report on the Human Rights Situation in Ukraine, OHCHR, Mar. 24, 2023, available at <https://reliefweb.int/report/ukraine/ukraine-humanitarian-needs-overview-2023-december-2022-enuk> (last visited August 3, 2023).

²² War in Ukraine One Year On, Nowhere Safe, The Armed Conflict Location & Event Data Project (ACLED), Mar. 1, 2023, available at <https://acleddata.com/2023/03/01/war-in-ukraine-one-year-on-nowhere-safe/> (last visited Apr. 13, 2023).

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 their course of study is in an English language study program. *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.

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 Ukrainian citizen, regardless of country of birth (or an individual having no nationality who last habitually resided in Ukraine), 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 their 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].²³

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 comports with the employment authorization permitted under this notice to be engaged in a “full course of study”²⁴ 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).

²³ 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 April 19, 2025, provided the student satisfies the minimum course load requirements in this notice.

²⁴ *See* 8 CFR 214.2(f)(6).

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 a citizen of Ukraine regardless of country of birth (or an individual having no nationality who last habitually resided in Ukraine);
- (2) Were lawfully present in the United States on the date of publication of this notice in F–1 nonimmigrant status, under section 101(a)(15)(F)(i) of the INA, 8 U.S.C. 1101(a)(15)(F)(i);
- (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 armed conflict in Ukraine.

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 armed conflict in Ukraine).

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 Ukraine 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 from Ukraine 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 student's SEVIS record, which will be reflected on the student's Form I–20:

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].²⁵

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 armed conflict in Ukraine. An F–1 nonimmigrant student authorized by the

²⁵ 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 April 19, 2025, provided the student satisfies the minimum course load requirements in this notice.

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"²⁶ 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.²⁷

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's 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"²⁸ 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). The authorization for a reduced 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 reduced course load would not meet the school's minimum course load requirement.²⁹

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 armed conflict in Ukraine.³⁰ 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 <https://www.uscis.gov/forms/filing-fees/additional-information-on-filing-a-fee>

²⁸ See 8 CFR 214.2(f)(6).

²⁶ See 8 CFR 214.2(f)(6).

²⁷ 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.

²⁹ 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.

³⁰ See 8 CFR 274a.12(c)(3)(iii).

waiver. 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) (Oct. 1, 2020).

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

(1) This employment is necessary to avoid severe economic hardship; and
(2) The hardship is a direct result of the current armed conflict in Ukraine.

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].³¹

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”³² at the time of the request for employment authorization;

(b) The F–1 nonimmigrant student is a citizen of Ukraine, regardless of country of birth (or an individual having no nationality who last habitually resided in Ukraine), and is experiencing severe economic hardship as a direct result of the current armed conflict in

Ukraine, 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,³³ and

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

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 the following documents:

(1) A completed Form I–765 with all applicable supporting evidence;

(2) The required fee or properly documented fee waiver request as defined in 8 CFR 103.7(c) (Oct. 1, 2020); 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.”³⁴ 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,³⁵ under this notice has two options.

Under the first option, the F–1 nonimmigrant student may apply for TPS according to the instructions in the USCIS notice designating Ukraine for TPS 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 TPS-related EAD that is valid through April 19, 2025, and to be eligible for automatic EAD extensions that may be available to certain 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 and issue an updated Form I–20, which notes that the nonimmigrant student has been authorized to carry a reduced course load, as described in this notice. As long as the F–1 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 F–1 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 Ukraine for TPS. If the F–1 nonimmigrant student has already 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-related EAD in light of certain extensions that may be available to EADs with an A–12 or C–19 category code that are not available to the C–3 category under which Special Student Relief falls. The F–1 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 F–1 nonimmigrant student maintains the minimum course load described in

³¹ 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 April 19, 2025, provided the student satisfies the minimum course load requirements in this notice.

³² See 8 CFR 214.2(f)(6).

³³ 8 CFR 214.2(f)(5)(v).

³⁴ Guidance for direct filing addresses can be found here: <https://www.uscis.gov/i-765-addresses>.

³⁵ See DHS Study in the States, Special Student Relief, <https://studyinthestates.dhs.gov/students/special-student-relief> (last visited May 10, 2023).

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"³⁶ 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 non-traditional academic programs). Once approved for a TPS-related EAD and Special Student Relief employment authorization, as indicated by the DSO's required entry in SEVIS and issuance of an updated Form I-20, 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 armed conflict in Ukraine. 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.

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 may 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. These 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 April 19, 2025,³⁷ to eligible F-1 nonimmigrant students. DHS will continue to monitor the situation in Ukraine. 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 armed conflict in Ukraine 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.

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.

³⁷ 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 April 19, 2025, provided the student satisfies the minimum course load requirements in this notice.

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.

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DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[Docket No. ICEB-2023-0004]

RIN 1653-ZA39

Employment Authorization for Sudanese F-1 Nonimmigrant Students Experiencing Severe Economic Hardship as a Direct Result of the Current Crisis in Sudan

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 Sudan, regardless of country of birth (or individuals having no nationality who last habitually resided in Sudan), and who are experiencing severe economic hardship as a direct result of the current crisis in Sudan. The Secretary is taking action to provide relief to these Sudanese students who are in lawful F-1 nonimmigrant student status, so the students may request employment authorization, work an increased number of hours while school 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 granted employment authorization by means of this notice to

³⁶ See 8 CFR 214.2(f)(6).