International students provide tremendous value to college and university campuses in the United States. Their tuition supports student programs and services and their diverse perspectives enrich the classroom experience. But what should institutions of higher education do if international students arrive on campus and are unable to pay their tuition? This article explores the F-1 visa process, the sponsoring school's responsibilities, and what steps can and need to be taken when an international student cannot pay his or her tuition.

The F-1 student visa process is designed to prevent international students from being admitted to the United States without the ability to pay their tuition by requiring foreign students to demonstrate multiple times that they have the ability to financially support themselves for the duration of their program of study. They must present financial documentation to the sponsoring school as part of the SEVIS electronic reporting system requirements to receive Form I-20. After receiving the Form I-20, international students must also present financial documents to the U.S. consular post abroad when applying for their F-1 visas in order to be admitted to the United States.

Because financial status is reviewed twice before an international student is admitted into the United States in F-1 status, students arriving on campus typically will have the funds to support their program of study. However, students do on occasion arrive without the ability to pay their tuition, either because of fraud or changes in circumstances, leaving sponsoring institutions wondering what they can do. Practically, sponsoring schools can explore the following options:

**Identify on-campus sources of funding** - Generally, F-1 students are not authorized to work in the United States. However, they may engage in certain on-campus and work-study employment and off-campus work that is part of a fellowship, scholarship, assistantship grant, or post-doctoral research. This type of work is allowed without employment authorization.

**Identify off-campus employment opportunities** - In certain instances, students who experience unforeseen changes in their financial circumstances may be able to secure off-campus employment after applying for and securing employment authorization from United States Citizenship and Immigration Services. This is only available for students who have completed one full academic year in F-1 status.

**Transfer institutions** - F-1 students who are maintaining a full course of study are eligible to transfer to a new school. If the student is not maintaining a full course of study at the school, that student will need to apply for reinstatement or leave the United States and seek to return to the United States in F-1 status based on the new I-20 issued by the new sponsoring school.

**Terminate enrollment** - If the sponsoring school discovers that an F-1 student submitted fraudulent financial documents, it must report the status violation by terminating the student’s status in SEVIS. The school may also terminate the student’s enrollment if the student’s changing financial circumstances make him or her unable to pay tuition. Any time a sponsoring institution terminates enrollment, it must update SEVIS. The sponsoring institution is not required to pay for return transportation.

International students can enrich U.S. colleges and universities with their experiences, viewpoints, and tuition dollars. Educating these students requires sponsoring institutions to carefully follow F-1 visa and SEVIS reporting requirements. Schools may also face difficult decisions about what to do with students who arrive on campus with
different financial circumstances than they presented in the visa application process. Options for these students must be reviewed carefully against the requirements of the F-1 program, or sponsoring institutions risk losing their accreditation to accept international students.

If you have additional questions about student visas, please do not hesitate to contact Nora, or any member of Waller.

Waller is pleased to have partnered with TICUA to bring you this series of Legal Notes. If you have questions or suggestions for future topics, please contact Claude Pressnell (pressnell@ticua.org) or Waverly D. Crenshaw, Jr. (waverly.crenshaw@wallerlaw.com).

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