



International Student Athletes Guidance

The NCAA has recently adopted an interim policy permitting collegiate student athletes to earn compensation for use of their name, image, and likeness (NIL). Student Exchange Visitors Program (SEVP) is actively monitoring the situation regarding NIL legislation and discussing regulatory impact with the government partners within Department of Homeland Security (DHS). We have not received specific guidance regarding how NIL opportunities might impact international students at this point but will keep you informed of any updates we may receive in future.

Please be reminded that failure to comply with all immigration regulations may have serious consequence for student athletes such as losing an ability to remain in the United States or obtain visas or other immigration benefits in the future. For this reason, international student athletes considering entering into NIL transactions should use great caution as there is no guaranty that such a transaction will not jeopardize your immigration status. In addition, we strongly encourage any student considering such a transaction to seek advice from legal counsel well versed in immigration law and NIL legislation. We cannot give you legal advice on this matter.

Please find below information on international student employment,

1. While studying in the United States, it is important to maintain your F student status. Your status relates to the purpose, or reason for why you want to come to the United States. The U.S. Department of State issues you your visa based on your intended purpose.

If the Department of State issues you an F student visa, this means that you are coming to the United States to study. You should not take any action that detracts from that purpose.

Maintaining your status means:

- Fulfilling the purpose for why the Department of State issued you your visa.
- Following the regulations associated with that purpose.

An F student may only work when authorized by a DSO in some cases, and U.S. Citizenship and Immigration Services (USCIS) in others. If you choose to work without authorization, you will be forced to leave the United States immediately, and you may not be able to re-enter the United States at a later date.

Ref. <https://studyinthestates.dhs.gov/students/maintaining-status>

2. The common understanding of the term "employment" includes the idea that the provider of the services would receive some kind of compensation in exchange for his or her services. At a basic level, employment can be seen to be based on the idea that one party provides services that benefit another, and in exchange receives some type of benefit from the party to whom the services were provided. There are some clear instances of activity that should be considered



employment, especially where there is an exchange of services for money. The government has historically taken a broader view of activity that should be considered "employment," stating that receipt of non-monetary compensation in exchange for services also constitutes employment. A classic example is a student who provides childcare or domestic services in exchange for free room and board. No money is exchanged in this instance, yet Department of Homeland Security (DHS) would view this activity as employment.

Ref. NAFSA Manual 11.D.4.1.2

3. International students may only engage in authorized employment opportunities as listed below: Ref. <http://www.jsu.edu/international/services/student-employment.html>
 - On-campus employment- Need to be approved by the International House and Programs
 - Curricular Practical Training (CPT)- Need to be approved by the academic department and the International House and Programs
 - Optional Practical Training (OPT)- Need to be approved by the International House and Programs and United States Citizenship and Immigration Services (USCIS)
 - Severe Economic Hardships- Need to be approved by the International House and Programs and United States Citizenship and Immigration Services (USCIS)

- International students may engage in volunteer activities. However, students must have clear understanding of the definition and criteria of volunteering to not jeopardize their immigration status. According to the Department of Labor, a volunteer is: an "individual who performs hours of service for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered." Ref. 29 CFR § 553.101 www.ecfr.gov
To be considered a volunteer, the work performed by the individual must meet all the following criteria:
 - No expectation of compensation.
 - The volunteer cannot displace a genuine employee.
 - The services provided by the volunteer should not be the same services for which he or she was previously paid and/or expects to be hired and paid for in the future.
 - Services are performed for a non-profit organization for public service, religious or humanitarian objective.