

**U.S. Immigration and Customs Enforcement  
Student and Exchange Visitor Program**

**SEVP Draft Policy Guidance for Adjudicators 1206-01: Governance**

**Issue Date:** (date signed)  
**Effective Date:** (date implemented)  
**Superseded:** not applicable

**1. Purpose/Background.**

Schools have a variety of relationships with other schools and with their academic programs. These relationships raise questions for Student and Exchange Visitor Program (SEVP) adjudications regarding whether they should be certified by SEVP separately, with individual petitions, or collectively on a single petition. The answers to these questions are found by examining school governance.

**2. Definitions.**

**2.1 Governance.** Governance is ownership (legal possession) and executive management (substantive operation) of an organization. In this context, the organization is a school.

**2.2 Management.** Management includes:

- The people in an organization with authority over long-term planning and decision-making—executive management, and
- The people given day-to-day leadership of and responsibility for the operation of the organization—day-to-day management.

**2.3 Ownership.** Ownership is the person, persons, or group legally in possession—control, conveyance, benefit, responsibility, and liability—of an organization.

**3. Policy.** Submission and adjudication collectively on the same Form I-17, “Petition for Approval of School for Attendance by Nonimmigrant Student,” is only permissible for schools that share governance.

**4. Procedures/Requirements.**

**4.1 Governance: Ownership and Management.** Submission and adjudication collectively on the same Form I-17 is only permissible for schools that share governance (i.e., ownership and executive management).

**4.1.1 Ownership.** The owner of a school (e.g., a person, a board, the state, the government, etc.) is ultimately responsible for the school, directing the profits (if for-profit) and/or ultimately exercising control. While possibly not directly involved in the day-to-day management of the school, the owner has final control and accountability over all aspects of the school, including the issuance of the Form I-20, “Certificate of Eligibility for

Nonimmigrant Student Status,” to F and/or M students. The owner’s “head of school” certification on the Form I-17 acknowledges this responsibility.

**4.1.2 Management.** Management of a school includes entities such as the president, administration and faculty. It may also include a board of trustees or other administrative bodies. Schools and their academic programs often have the same executive management (i.e., the president and other senior members of the administration) but separate and distinct day-to-day operations management structures (i.e., differing head librarians for libraries located at different instructional sites). Schools and their academic programs may have differing day-to-day leadership and be on the same Form I-17, but only if executive management is the same.

**4.2 Blends of Ownership and Management.** Some schools require special consideration due to blended relationships. Depending on the nature of the relationships, collective submission and adjudication on the same Form I-17 may or may not be possible.

Schools that do not share owners do not share governance. They are distinct entities, and their officials must seek separate SEVP certification. Schools that share ownership but have different executive management are, also, distinct entities, and their officials must seek SEVP certification individually. Common blends that require special consideration include the following:

- 1) *For-Profit Schools.* For-profit schools (particularly those located across the United States) with the same owner may have local franchises separately managed from those owned and managed by the corporate office. Additionally, even for those schools managed by the corporate office, a school in a different state will have different state licensure and possibly different accreditation.

Because of these complexities, give special note to the local management structure vis-à-vis the corporate office and span of control of the principal designated school official (PDSO) before deciding whether officials can list two or more schools on the same Form I-17. If the legal entity, owner, executive management and/or PDSO are different between the corporate office and that of the local franchise, officials should list each school on a separate Form I-17. Similarly, if the relationship between executive management and day-to-day management is not substantive in nature, officials should list the two schools on a separate Form I-17.

- 2) *Contract Programs.* School officials may contract certain programs out to separately owned and/or managed programs. This is common with English language training (commonly known as ESL) programs. Make note of the governance relationship, or lack thereof, between the contracted program and the school. All schools that enroll F or M students, including separately governed contracted programs, must be SEVP-certified.<sup>1</sup>

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<sup>1</sup> For more information on contract relationships between schools, see SEVP’s contractual relationships policy guidance.

**4.3 Instructional Sites.** Physical ownership and/or management of a particular instructional site by the school are irrelevant when determining governance. School officials often rent classroom space that someone else owns and manages. SEVP's focus on governance is on whether a school employs teachers, manages classes, monitors students, and disseminates instruction all under its governance structure. SEVP's interest is in governance of the program of study, which is not necessarily the control of the property.

**4.4 Governance and Issuance of Forms I-20.** Officials at schools that do not share governance must file separate Forms I-17 for each. A school may only issue Forms I-20 for students that enroll in and attend classes at the particular school identified in the approved Form I-17. A contractual relationship between SEVP-certified schools is not evidence of shared governance. A school issuing Forms I-20 for another school with which it does not share governance constitutes a violation of *8 CFR 214.2(f)(1)(i)(A)* and *(m)(1)(i)(A)*, *8 CFR 214.3(k)*, and *8 CFR 214.4(a)(2)(xviii)*.

## **5. Responsibilities.**

### **5.1 Evidence/Documentation of Governance.**

Examples of evidence of governance include, but are not limited to, the following:

1) Ownership.

- a) Incorporation documents.
- b) Official state documents.
- c) Evidence of legal liability.

2) Management.

- a) Pay stubs.
- b) Map of organizational structure.
- c) Financial documents.
- d) Employment documents.
- e) Signed letter by owner on official letterhead explaining nature of management of the various schools.

## **6. Authorities/References.**

**6.1** *8 USC 1101(a)(15)(F)(i), (a)(15)(M)(i) and (a)(52).*

**6.2** *8 CFR 214.2 (f) and (m), 214.3 and 214.4.*

**7. Attachments.** None.

**8. Scope and Use.** This SEVP Draft Policy Guidance for Adjudicators applies to and is binding on all SEVP employees. It is intended solely for the guidance of SEVP personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in litigation with the United States, or in any other form

or manner. Until issued in final form, this draft Policy Guidance for Adjudicators does not constitute SEVP policy in any way or for any purpose.

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