



# VCU

## 2021 Name, Image, and Likeness Rules and F-1 Status\*

### F-1 Visa Status Considerations

According to [8 CFR 214.1\(e\)](#), a nonimmigrant is not permitted to work in the United States unless it is expressly authorized under the applicable regulations. F-1 student visa holders are only permitted to be employed under very specific circumstances, none of which seem fit any of the NIL scenarios well.

The consequences of participating in unauthorized employment can be grave for the F-1 student. Not only can their F-1 status be terminated, but the government can also withhold benefits in the future (such as an H-1B or P visa) if it is determined that the student athlete violated terms of their status. The question, then, is whether the Department of Homeland Security (DHS) would consider NIL arrangements to be “employment” for these purposes. If so, it would clearly violate the terms of the F-1 visa.

The government is very aware that these questions are being raised, and that student-athletes need answers. In a June 21, 2021 [broadcast message](#), the Student and Exchange Visitor Program (SEVP) stated that they were “working with ...partners within the U.S. Department of Homeland Security to review how this legislation affects international student-athletes and will provide updated guidance” as it is available.

### Guidance for F-1 Visa Holders in the United States\*

***Note that the Global Education Office (GEO) is unable to provide you with legal advice.***

Following are some general rules that we suggest you follow during your stay in the United States:

1. For information about immigration rules related to their F-1 visa status, student-athletes should always contact their GEO Immigration Specialist.
2. Until there is additional guidance from the Immigration arm of the federal government, it would be safest for the student-athlete NOT to participate in any NIL activities while they are in the United States. *Note that rules against employment do not extend to times when the student-athlete is outside of the U.S. so it may be possible to participate in NIL activities and receive compensation for activities fully completed while outside the U.S.*
3. Prior to accepting any type of compensation for an NIL activity, the student-athlete is strongly urged to consult with an immigration attorney to determine whether or not the potential risk is worth the potential reward. Student-athletes should feel free to speak with an attorney of their choosing; if a suggestion is needed, GEO has this list of immigration attorneys in the Richmond area.

*\*Student-athletes in a nonimmigrant status other than F-1 should consult with an immigration attorney prior to accepting any compensation for an NIL activity, since employment rules vary with every type of nonimmigrant status.*

***This fact sheet should not be considered legal advice and student-athletes are urged to seek their own personal legal advice on these issues.***