



OFFICE OF INTERNATIONAL SERVICES

University Center for International Studies
University of Pittsburgh

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

On June 30, 2021 Pennsylvania joined a growing number of U.S. states by enacting a [law](#) which outlines the rules under which student athletes in Pennsylvania can earn NIL income. On the same day, the NCAA announced an [Interim Policy](#) which permits student athletes and their families to “engage in NIL activities that are consistent with the law of the state where the school is located...”

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.

ESPN published an [article](#) on June 9, 2021, in response to Florida’s NIL laws, which provides a good overview of the international student NIL issues. It may also be helpful to review opinions about what constitutes employment for immigration purposes. For example, “Selling items that one acquires routinely in life generally is not considered unauthorized employment. Consignment and pawn stores also provide options for turning unwanted possessions into cash. A line is crossed, however, when one starts to acquire such items for the purpose of reselling them.” ([Home-Based Businesses: Inadvertent Unauthorized Employment](#), Murthy Law Firm, October 6, 2020.)

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*

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 OIS [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, OIS has this [list](#) of immigration attorneys in the Pittsburgh 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.