

Virtual Town Hall: Impact of COVID-19

ICE Guidance on Fall 2020 for F-1 Students

*Fall 2020 Academic Planning for International Students:
Enrollment Options & Immigration Recordkeeping during COVID-19*

July 10, 2020 ♦ 10:30 am EDT



Agenda

Opening Remarks:

Jane Gatewood

Vice Provost for Global Engagement &
Co-Chair, Coronavirus University Restart Team (CURT 2.0)

Presentation:

Ravi Shankar

Assistant Vice Provost & Director of International Services

Stephanie Krause

Associate Director, ISO Student Services

Hot Topics & Questions:

Pre-submitted online, and entered to Q&A tool via Zoom

Full-Time Enrollment for International Students

Under US regulations and normal circumstances, F-1 & J-1 international students must:

- **Enroll Full-Time each term** (typically 12 credits, or equivalent for graduate programs)
- **Limit distance education courses** (UR codes: 'completely online' or 'correspondence')
Only 1 may count toward FT load; additional distance courses may be taken above FT

Student and Exchange Visitor Program (SEVP) response to COVID-19 operational changes:

- *March 2020:* Temporary suspension of distance education limits for Active students
 - ISO reported UR's shift to online instruction, via on-campus/remote/abroad study
- *July 2020:* Modifications to temporary exemptions for online study, effective Fall term
 - Distinct impact based on schools offering hybrid/mixed instruction vs. fully online
 - Permissions hinge on physical location & ability to participate in-person
- Uncertainty and potential contradictions between new guidance & published FAQs

Legal action underway, which may result in delayed implementation and/or changes ...

ICE/SEVP Guidance: COVID-19 and Fall 2020 (7/6/20)

More narrow exemptions to online study permissions, compared to Spring/Summer 2020

- Students enrolling from within the US may not pursue their fall course load fully online
- Students enrolling from abroad may not be able to retain their Active F-1 record/status
- SEVIS reporting based on a) school's instructional delivery & b) student's academic plan
- Travel restrictions to be imposed by partner government agencies, as well:
 - US Department of State will not issue F/M visas for study that is fully online
 - US Customs and Border Protection will not permit US entry to study fully online
 - Remark on Form I-20 to confirm visa & travel eligibility via in-person/hybrid study
- Current SEVP Broadcast in advance of DHS Temporary Final Rule publication; Changes?

US Schools must report on general instructional delivery & update individual SEVIS records

- Submit Fall 2020 operational plan to indicate programs are in-person, online, or hybrid
- For students planning to attend school physically in the US, a notation is required on a new Form I-20 certifying their Fall course load is not entirely online & normal progress

Implications for Programs at University of Rochester

For Fall 2020, UR programs are expected to be a **hybrid of in-person & online/remote classes**

- Consistent with [Provost's 6/19 message](#) and recent discussions; ISO to notify ICE by 8/1

Given a hybrid format, **UR students may pursue online classes in excess of the standard limit**

- *If physically present in the US*, enrollment may not be entirely online, but course load may include more than 1 online class or 3 credits to satisfy F-1 full-time study
- *If enrolling remotely from abroad*, ICE guidance does not prohibit online study; Current students may remain Active in SEVIS, given ISO's interpretation of ambiguity from ICE **
- *If enrolling remotely with plans to arrive mid-semester*, in-person course participation will need to take place upon arrival, but ICE guidance is unclear on SEVIS reporting

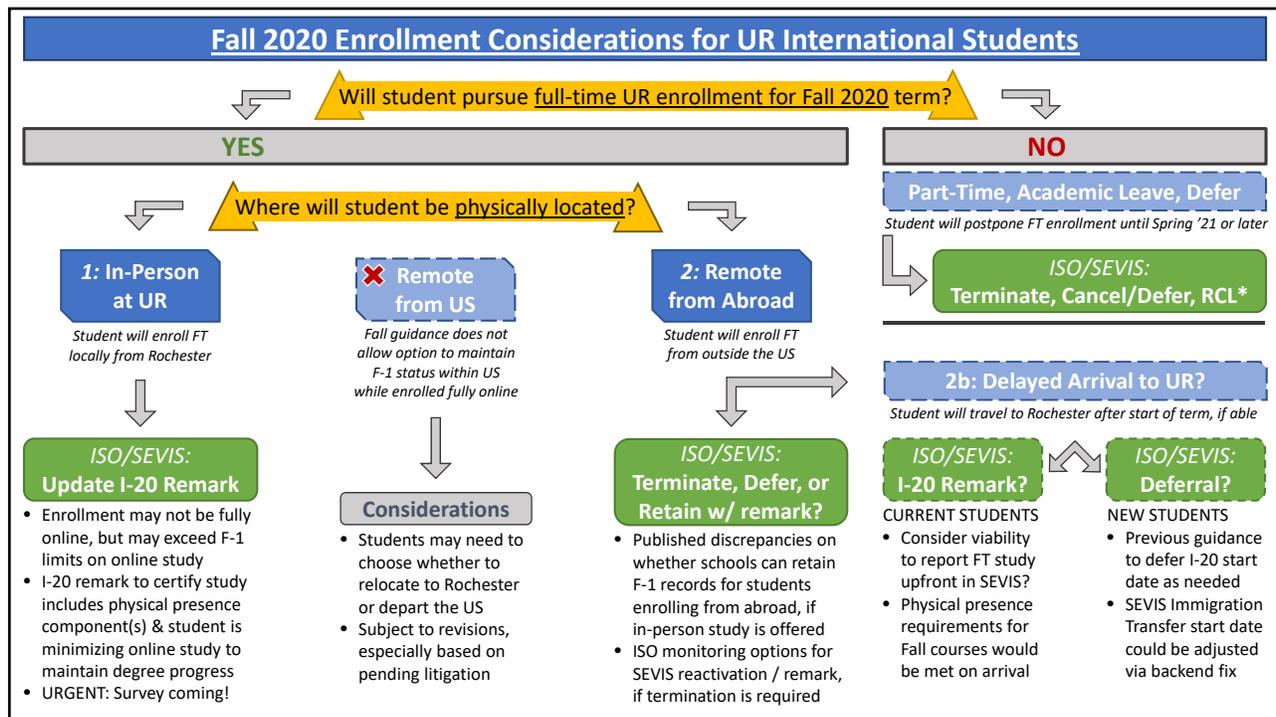
**** Disclaimer:** This advice represents the University's best interpretation of unclear guidance. We believe it is consistent with the stated goals of the new rules, but the University cannot control how the US government may choose to read and enforce them. The government's guidance is also subject to change, and we will endeavor to communicate with you as promptly as possible if it is revised.

Students will need to understand & monitor how their course enrollment is interpreted!

Immigration Analysis of UR Distance Education Definitions

F-1 Regulations: Limitation that 1 class per term can be counted toward full-time enrollment if it is taken through online/distance education and *"does not require the student's physical attendance for classes, examination or other purposes integral to completion of the class"*.

UR Classifications	Definition Summary of Distance Education Course Sections	Immigration Interpretation
Complete Online	100% of scheduled class meetings are delivered via distance education; No requirement to visit campus to complete course	COUNTS toward F-1 distance education limit; Only 1 per term
Online	More than 80% but less than 100% of course is delivered via distance education; <u>Requires physical attendance to campus for classes, examination or other purposes integral to completion</u>	DOES NOT COUNT toward F-1 distance education limit * * <i>pending review of UR Counsel</i>
Hybrid	More than 30% but less than 80% of course is delivered via distance education; <u>Requires physical attendance integral to completion</u>	DOES NOT COUNT toward F-1 distance education limit
In-Person	More than 30% but less than 80% of course is delivered via distance education; <u>Requires physical attendance integral to completion</u>	DOES NOT COUNT toward F-1 distance education limit
Correspondence	Self-paced course delivered via mail or electronic transmission, with separation and limited interaction between instructor and student	COUNTS toward F-1 distance education limit; Only 1 per term



Key Takeaways for Individual Planning Purposes

#1: Full-Time In-Person Study at UR

For both current and incoming student populations:

- Contingent on presence in US, visa validity, travel restrictions, and/or flight availability
- Given hybrid plan, enrollment threshold for FT in-person study should be manageable
- More guidance is necessary regarding options for delayed arrival later in Fall semester

#2: Full-Time Remote Study from Abroad

For current student populations:

- Registration for Fall, if viable; SEVIS termination, to reactivate or reissue when ready to return
- Uncertainty about impact to accrued eligibility for CPT/OPT benefits (1yr/9mos in status)

For new student populations:

- Anticipate SEVIS deferral to Spring 2021, unless delayed Fall arrival is viable (see above)
- Need clarification on appropriate processing for Immigration Transfers & COL abroad

Hot Topics & Areas of Concern

General Academic Planning

- Concerted efforts to accommodate UR international students, both in US and abroad
 - Multiple course options that satisfy F-1 physical presence: in-person, hybrid, online; Flexibility to incorporate attendance that is “integral to completion of the class”
 - Ability to enroll fully online from abroad, even with or without an F-1 SEVIS record
 - In case of instructional adjustments mid-semester, in-person components already completed should satisfy F-1 immigration threshold, without additional reporting; ASE/ESM plan to shift to online study after Thanksgiving seems viable (ISO review)
- New guidance takes effect at start of Fall; Current framework through Spring/Summer

Continuation of Enrollment (999, 899, etc.)

- Not a course subject to online study limits; Grads remain eligible for FT thesis/research
- Potential to use *In Absentia* or *Abroad* designations; May reduce on-campus service fees

Hot Topics & Areas of Concern

Break in Full-Time Study: Part-time / Leave of Absence / Etc.

- Without full-time enrollment, ISO must terminate your F-1 SEVIS record (unless MLOA)
 - Delay reporting to Fall; Depart the US within 15-day grace period, as appropriate
- Possibility to reactivate for Spring 2021, but subject to SEVP discretion; Nov/Dec request
- Option to study elsewhere and transfer credits to UR is subject to academic policy

F-1 Employment Benefits

- Not explicitly addressed in the Fall 2020 guidance, to date, but FAQs are anticipated
- Processing for CPT/OPT is contingent on an Active SEVIS record (maintained/reactivated)
- CPT for remote work while abroad has been authorized under current guidance; ISO can continue this practice only if permitted to maintain SEVIS during fully online study
- OPT applications must be filed to USCIS while physically present in the US

Hot Topics & Areas of Concern

Travel Issues

- *Reminder:* Your F-1 visa can expire while you are in the US, provided Form I-20 is valid
- ISO and University leadership continue to monitor significant international travel hurdles
 - Most US Consular locations remain closed; Appointments canceled or postponed: www.travel.state.gov/content/travel/en/us-visas.html
 - Presidential proclamations restricting entry to US of certain travelers still in effect: www.cdc.gov/coronavirus/2019-ncov/travelers/from-other-countries.html
 - Passenger flights may be difficult to secure, depending on point of origin
- Per guidance, a new I-20 will be required to certify that Fall study is not fully online
 - ISO will need to assess enrollment plans; Please participate *promptly* in the survey!
 - If US entry is imminent, please note that when submitting ISO's Reprint Request via the URcompass Client Portal: www.iso.rochester.edu/urcompass/index.html

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Additional Questions?

FAQ Answers will also be compiled and posted online soon.

