

Virtual Town Hall: Impact of COVID-19

Updates on ICE Guidance for Fall 2020

*Rescission of 7/6 Statement & Resumption of earlier permissions:
Fall 2020 Academic Planning for International Students*

July 17, 2020 ♦ 11:00 am EDT



UNIVERSITY of
ROCHESTER



ISO INTERNATIONAL
SERVICES OFFICE
STUDENT SERVICES

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

Enrollment Requirements 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:** Only 1 distance education course may count toward FT load for immigration purposes; Additional online courses may be taken beyond FT

Immigration and Customs Enforcement (ICE) response to COVID-19 operational changes:

- *March 9, 2020:* Temporary suspension of distance education limits for Active students
 - Clarifications issued on March 13th regarding different school/student scenarios
 - ISO reported UR's shift to online instruction, via on-campus or remote study
- *July 6, 2020:* Broadcast on updates for Fall published 7/6, with procedural FAQs on 7/7
 - Detrimental impact to international students, US institutions, public health, etc.
 - Subject to immediate legal action; District Court filing in MA with deadline of 7/15
- *July 14, 2020:* DHS agrees to rescind new guidance, return to 3/9 policy & 3/13 scenarios
 - Some clarification still needed, but general framework is known ...

Immediate Implications of ICE Guidance/Rescission

Provisions & requirements of the July 6th ICE guidance will NOT take effect for Fall 2020

- ICE has already removed those documents from web; Official broadcast still anticipated
- Active F-1 students may pursue study fully online, regardless of location in US or abroad
- Initial F-1 students may enroll full-time, but need careful alignment of their SEVIS record
- Enrollment remarks are not required; NO NEW I-20s need to be issued for this reason
- Travel restrictions for visa applications or US entry should not be enforced ... !

ISO must maintain reporting on UR's general instructional delivery & operational changes

- For Fall 2020, UR programs are expected to offer a mix of in-person & online courses, consistent with [Provost's 6/19 message](#) and recent UR leadership discussions
- *June 30:* ISO notified ICE/SEVP of revised operations for Fall: mixed instructional modes
- Additional SEVIS reporting may be required for addresses, but system only (not I-20s)

Additional guidance is possible (even necessary!), but not guaranteed as to IF/WHEN

Individual Decision Factors for Fall 2020 Academic Planning

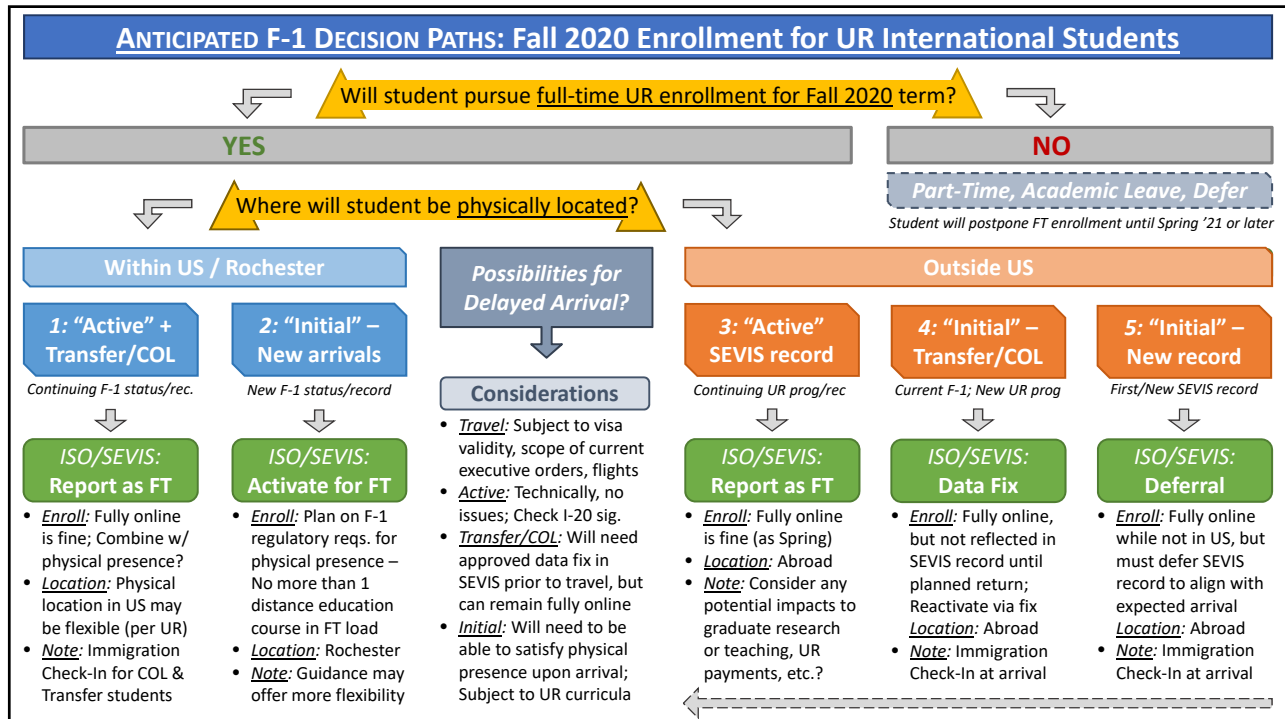
Individual student circumstances may lead to different planning & desired outcomes **

- What is the status of your F-1 SEVIS record? (*Active, Initial, Transfer, Change of Level*)
- Will you enroll full-time in your University of Rochester program of study? (*Yes, No*)
- Where might you be located while pursuing your UR courses? (*Rochester, US, Abroad*)
- How will your UR courses be delivered? (*see University's Distance Education definitions*)

Additional considerations & enrollment options likely to vary by UR academic program

- Diverse curricula may adapt more readily to online/remote learning, vs. others
- UR schools/departments are carefully determining how best to structure content!
- Please consult guidance & resources from your program, as they become available

*** Disclaimer: This analysis represents the University's best interpretation of unclear guidance. We believe it is consistent with the stated goals of the current 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.*



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 (with physical presence) | 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 |
| 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 | Up to 30% of course is delivered via distance education, if any; <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 |

Students with “Active” SEVIS record

Eligible to maintain F-1 status based on Full-Time enrollment, even fully online/remote

- #1** • Flexibility for individualized study & travel plans, in consultation with UR program
- #3** • Suspended distance education limits allow F-1 study in Rochester, in US, or outside US
 - Must maintain registration and updated address reporting with ISO (*stay tuned*)
 - Retain eligibility for CPT/OPT, by accrued time in F-1 status & continued enrollment

Students with “Initial” SEVIS record for Transfer or Change of Level

Eligible to enroll regardless of location, but may only activate F-1 record once present in US

- #1** • Flexibility for individualized study & travel plans, in consultation with UR program
 - Suspended distance education limits allow F-1 study in Rochester or in US (see next)
 - Immigration Check-In (via electronic means) required within *15 days* of I-20 start date
 - Retain eligibility for CPT/OPT, by accrued time in F-1 status & continued enrollment
- #4** • Study from outside US cannot be reported via SEVIS under current ICE guidance
 - ISO will retain “Initial” record, with same SEVIS ID and program details
 - In advance of return travel, ISO must facilitate data fix to defer start date & issue I-20
 - Upon entry, complete Immigration Check-In and continue current enrollment, as is

Students with “Initial” SEVIS record for Initial Attendance

Eligible for F-1 status with Full-Time enrollment in US, subject to distance education limits

- #2 • ICE guidance explicitly does NOT apply to Initial students ... but F-1 regulations still do!
 - UR’s Mixed Instruction: 1 distance education course may count toward FT threshold (10-12 credits); Remainder must include some physical presence (inc. ‘online’ & ‘hybrid’)
 - Arrive to Rochester & complete Immigration Check-In, in alignment with I-20 start date
 - Accrue eligibility for CPT/OPT upon arrival, toward 1 year threshold (unless degree req.)
- #5 • Defer F-1 record, until able to travel & maintain physical presence course components To Spring, or to mid-Fall *IF* in-person requirements can be delivered/completed then

Some General Considerations

Impact of academic policies & other US laws unrelated to immigration requirements

- ASE/ESM shift to online in Nov. may impact course definition, but not likely F-1 eligibility
- Continuation of Enrollment categories (999) do NOT count as distance education for F-1
- Enrolling abroad or outside NY may impact full participation in other academic activities: Research/teaching responsibilities; Graduate award payment; Scholarship/loan eligibility
- Registration options for *In Absentia* or *Abroad* may be appropriate, esp. to limit fees

Reminders & Unknowns

Common Questions & Concerns to ISO

- Intentional efforts to accommodate UR international students, both in US and abroad
- Break in FT Study: Part-time / Leave of Absence → SEVIS Termination (unless F-1 RCL)
- CPT/OPT/STEM employment may be performed remotely, with viable evaluation of work
- ISO and University leadership continue to monitor significant international travel hurdles
 - US Consular Post operations: www.travel.state.gov/content/travel/en/us-visas.html
 - Restrictions: www.cdc.gov/coronavirus/2019-ncov/travelers/from-other-countries.html

Monitoring areas of ICE guidance that remain silent

- Additional consideration or adjustments for Fall 2020 & Initial records for new students
- Eligibility to recommend & apply for OPT/STEM if unable to return to US before end date
- Plans to lift executive orders restricting US entry from certain countries, despite review

Evaluating Next Steps


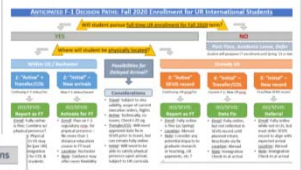
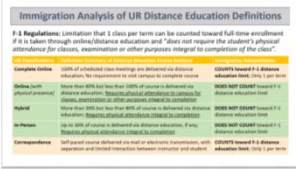
Students need to understand academic/immigration options & communicate their plans!


SEVIS STATUS:
Active, Initial, Transfer, COL (see I-20)

F-1 DECISION PATHS:
FT study, based on Location & SEVIS

UR COURSE DEFINITIONS:
Hybrid & Online vs. Complete Online

ACADEMIC PROGRAM:
Arrival, Course Schedule, Sequencing




Consult UR advising tools!

Be ALERT for notification requests!

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Additional Questions?

FAQ Answers will also be compiled and posted online soon.



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