Summary

• July 6 ICE Guidance Withdrawn on July 14
• March 2020 ICE Guidance Restored
• Remaining Issues and Questions
July 6 Guidance for Fall 2020

• Announced by ICE on July 6
• Would have required students to enroll in at least one in-person class as a condition of holding valid immigration status
  • “In-person” class must be taught primarily in-person or primarily on-line with some in-person elements (lectures, labs, studio, discussion groups, exams)
• Also created significant administrative burdens
Legal and Political Reaction

- Multiple legal challenges, including suits brought by Harvard / MIT, Johns Hopkins, states of Massachusetts, California, and many more
- Led to decision by Homeland Security to withdraw the July 6 guidance and return to the status quo ante established by the March 2020 guidance
- Enormous public outcry and reaction
But Problems Remain…

- Returning to March 2020 Guidance is problematic
- March 2020 guidance was created during early days of the pandemic and focused on emergency measures, including consequences of campus evacuations and shutdowns
- Difficult to apply March guidance to Fall 2020 without significant consequences
- **Conclusion:** new, updated guidance is still needed (and may be forthcoming in the near future)
March 2020 Guidance & FAQs

• Continuing students in US allowed to maintain status:
  • If required to transition to 100% on-line classes
  • If forced to drop to part-time enrollment due to temporary class disruptions
  • If forced to depart US temporarily and take classes from home country or other location

• New students told to remain outside US if not yet arrived
  • No allowances on on-line study articulated or permitted for new students
Outstanding Questions

• If March 2020 guidance is controlling:
  • **Continuing students** - any type of full-time enrollment is permitted as long as student makes progress toward degree objectives
  • **New students** - not permitted to enter if program is fully on-line or deferred; if student does enter, no allowance to engage in ‘flexible’ arrangements combining on-line and in-person study
    • Some schools are returning to traditional F-1 guidelines for new students, which requires students to take no more than one on-line course toward full-time study
What Will New Guidance State?

• Still not sure when new Fall 2020 guidance will be issued or what the “do-over” will look like

• What we would like to see:
  • Flexible arrangements for continuing students
  • Flexible in-person credit requirements for new students
  • Explicit allowances or accommodations for students studying overseas, flexibility on employment eligibility requirements, and more
Questions?

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