

# Department Debrief: Withdrawal of July 6 ICE Guidance

July 17, 2020  
Tufts International Center



## 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- July 6 ICE Guidance Withdrawn on July 14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?

- **Andrew Shiotani, Director, International Center**  
([Andrew.Shiotani@tufts.edu](mailto:Andrew.Shiotani@tufts.edu))
- **Diana Chigas, Senior International Officer**  
([Diana.Chigas@tufts.edu](mailto:Diana.Chigas@tufts.edu))
- **Dana Fleming, Assistant General Counsel**  
([Dana.Fleming@tufts.edu](mailto:Dana.Fleming@tufts.edu))