

Date: June 10, 2020

From: Diana Chigas, Senior International Officer & Associate Provost
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Re: Fall 2020 Immigration and Visa Considerations - International Students

The International Center is issuing this memorandum regarding the immigration sponsorship of new, transfer, and continuing international students for the Fall 2020 semester and beyond. This information is intended to assist schools in understanding the impact of the current travel and visa environment as well as Fall 2020 curricular decisions on the immigration options for international students.

Please note that the information provided here is subject to change, **especially since the US Department of Homeland Security has not yet issued final regulatory guidance for the Fall 2020 semester**. This guidance is expected in late June 2020; however, we are issuing this information now, given that schools will likely need best-available information to make decisions in the near future. The sections below describe further the expected visa and regulatory context for Fall 2020 as well as areas of uncertainty for which contingency planning may be needed.

In addition to this memorandum, the International Center will continue to offer ongoing updates to school and department by e-mail and other channels. On Monday, June 15, the Center will launch a revamped COVID-19 information site (at <https://icenter.tufts.edu/covid-19>), with guidance and updates for both international students as well as academic units regarding changes to immigration regulations affecting plans and options for AY21.

Current Updates

A) International Travel and Arrival Outlook for Fall 2020

The outlook for international travel and arrival for Fall 2020 remains subject to a number of ongoing challenges. These include, as of early June 2020,

- continued worldwide suspension of US consular and visa operations
- continued suspensions or limitations of entry to the US due to COVID-19 for persons arriving directly from China, Western Europe (including the UK and Ireland), Iran, Brazil, Canada, and Mexico
- anticipated tightened visa application scrutiny for students from certain countries; most notably China
- uncertainty over international flight availability and cost
- other exit/entry restrictions and quarantine requirements placed worldwide, including by US and state authorities, due to fluctuating COVID-19 conditions and responses

These challenges will likely persist to a significant degree throughout the summer, with the consequence that a significant (although still to be determined) percentage of admitted international students may

face minor to significant delays in their ability to arrive in a timely fashion for the Fall semester. Many students are already deciding individually to seek deferrals of admission to later terms, in anticipation of this likelihood.

While we do not have a confirmed timetable, US consular services are reportedly preparing, at least in certain major locations, to resume operations by mid-July; this may make it possible for at least certain new students to obtain visas with sufficient time for arrival. Travel restrictions relating to COVID-19 will, however, either be lifted or imposed depending on the uncertain conditions of the pandemic and the US federal government's response.

Undoubtedly, the current Fall 2020 arrival outlook will be as challenging as any in recent memory. Students who are able to secure visas may arrive later than expected, leading to shortened windows for housing searches and other adjustments. In addition, schools and departments may be asked by students to accommodate delays in arrival; schools (or where appropriate, individual departments) should confirm their 'last-day' arrival deadlines and enrollment timelines in the event that they intend to have students attending on-campus classes this Fall. This information will need to be communicated to the student and to the International Center so that we may assist students with procedures for late arrivals.

Even with these challenges, however, it is important to keep in mind that many students – including continuing students and transfer students – are already in the US and/or have valid US student visas and may face fewer or no obstacles to coming back to campus.

B) Immigration Consequences of On-line or Hybrid Instructional Modalities

As schools prepare instructional plans for the Fall 2020 semester and the 2020-2021 academic year, it is important to keep in mind that there are a variety of immigration consequences that ensue from decisions to offer instruction in a partial or fully on-line format. In particular, programs should be aware of the following:

Under standard student visa regulations, international students are required to pursue a full-time program of study, and only one on-line or distance education class can be counted toward this requirement. During Spring 2020, the Department of Homeland Security relaxed these restrictions due to the COVID-19 pandemic, allowing programs to move all or part of course instruction on-line in order to accommodate the emergency. It is expected, **although not yet confirmed**, that the Department will continue to offer the same accommodations for the Fall 2020 semester, at least for continuing and transfer students. **Attachment A contains a FAQ sheet that provides additional detail regarding student visa restrictions and on-line and hybrid courses.**

However, since schools and departments are considering a variety of options – ranging from resuming in-person instruction to mixed modalities to deferring instructional altogether to later terms – we are also offering a more comprehensive overview of various immigration consequences for different scenarios. These scenarios will vary depending on the physical location of the student, the proposed mode of instruction and course offerings for the upcoming year, and whether the student is new or already holds valid student status. **Attachment B at the end of this memo provides a Fall 2020 Matrix identifying the expected immigration consequences of different instructional modalities for each category of student.**

With these considerations in mind, and pending final Fall 2020 guidance from Homeland Security, the following points can be communicated by schools and departments as **established**:

- Any international student who is outside the US may take on-line classes on a full or part-time basis (or no classes) as allowed by their programs; no visa requirements apply
- New students admitted to fully on-line programs, or programs that have deferred instruction to a later time/year, may not enter the US even if they have successfully obtained their student visas
- New students outside the US who elect to take a gap year and continuing students who elect to take a leave of absence must remain outside the US for that period of time they are not actively participating in instruction

The following points are **awaiting final confirmation** from the Department of Homeland Security, expected by late June 2020:

- Students already in the US (transfer students, continuing students) in valid student status should be able to maintain status as long as they are able to continue full-time studies in the Fall 2020 term, through fully on-line instruction or a combination of in-person or on-line instruction
- Transfer students in programs that are deferred to Spring 2021 may be able to maintain status during the Fall 2020 semester without departing the US; however, such students should contact the International Center directly if this applies to them

It is important to keep in mind that transfer or continuing students who have left the US may encounter re-entry difficulties for the reasons indicated in Section (A), regardless of their eligibility to continue studies in the Fall 2020 semester or beyond.

Communications from Schools to and from the International Center Needed to Comply with Reporting Requirements

As Fall 2020 and AY21 planning proceeds, note that Tufts will be being required to file a Fall 2020 operational plan with the Department of Homeland Security in the event COVID-19 accommodations are extended into the new academic year. This plan will require us to detail, for every program currently eligible to sponsor international students, the mode(s) of instruction offered for any Fall 2020 course offerings, including whether the course will require an in-person component or be taught in an exclusively remote format. The International Center will coordinate this reporting process during the summer months. Since this is a sizeable undertaking, your assistance and cooperation later this summer is sincerely appreciated.

Conclusion

If you have any questions regarding the contents of this memo or about the immigration landscape for international students, please do not hesitate to contact Andrew directly at Andrew.Shiotani@tufts.edu or the International Center's main contact lines at internationalcenter@tufts.edu or (617) 627-3458. In addition, your school's International Center student advising contact, listed at <https://icenter.tufts.edu/contact/contact-advisor>, is also available to assist.

Attachment A

FAQs on International Student Enrollment Regulations and On-Line Courses

Updated June 9, 2020

What is an “on-line” course?

For US immigration purposes, an on-line course is a class offered principally through electronic means (remote transmission, televised conferencing, etc.) and which does not require the student’s physical attendance for lectures, examinations, or other purposes integral to the completion of the class. In general, ‘physical attendance’ implies that the student is required to appear on the premises of the campus in order to participate in the instructional activity.

What is a “hybrid” or “blended” course?

For US immigration purposes, a hybrid or immigration course is a course that is offered partially or even primarily on-line, but still requires physical attendance on the campus premises for purposes integral to course completion. These purposes can include lectures, examinations, required labs or discussion groups, etc. Inasmuch as the class still requires physical presence on campus, the course is not considered “on-line” for immigration purposes.

What are the standard visa regulations concerning international students and on-line classes?

Under student visa regulations, international students (on F-1 student visas) are required to maintain a full course of study, i.e., full-time enrollment. Furthermore, the regulations specify that no more than the equivalent of one on-line class (for a maximum of three credits) per session may be counted toward the full course of study requirement.

- Students in English-language programs are not permitted to count any on-line instruction toward the full course of study requirement.
- While students are permitted to take a part-time course load in the final term of study (if only a part-time load is needed to complete degree requirements), the final term course load cannot consist of solely on-line classes; the one on-line class, three-credit limitation still applies.
- Students may take on-line classes in excess of the full course of study minimums (for undergraduates, 12 SHUs of courses; for graduate students, 9 SHUs or 6 SHUs + TA/RA or enrollment in full-time thesis or dissertation continuation course)

Will these restrictions on on-line courses apply for Fall 2020?

In Spring 2020, in response to the COVID-19 pandemic, the Department of Homeland Security relaxed these limitations on on-line classes. Students were expected to maintain a full course of study, but schools were allowed to transition as many classes as needed to on-line formats to ensure campus safety. These allowances were extended to the Summer 2020 term. **However, as of June 8 2020, the Department of Homeland Security has not yet confirmed that it will extend these allowances to the Fall 2020 semester.** Our current best guidance indicates that these allowances will continue to be available to continuing and transfer students (students who are already in valid status in the US); however, programs should expect that **new students not yet in the US** will be required to remain outside the US until a standard enrollment conforming to the on-line limitation is available.

What if the class is taught on-line but has in-person components that require physical attendance?

If the class requires the student’s physical attendance on campus for a required instructional activity – including lecture time, discussion groups, laboratories, recitations, etc. – then the class will not be

considered on-line for immigration purposes. In most cases, non-integral activities would be personal study or homework / assignment time, extracurricular activities, instructor office hours, etc.

What if the class has no required in-person components?

The class would be considered on-line for immigration purposes. Under standard visa regulations, student may take only one such class and count it towards their full-time enrollment requirement.

Are research, thesis / dissertation, or internship / practicum classes considered on-line?

Generally, no. It is assumed that these classes involve on-site or in-person research or practical training activity, even if certain segments of these classes may be done remotely in individual situations.

What if the class offers a fully remote and a fully in-person (or mixed remote / in-person) option?

While both options may be given to international students, international students may not be allowed to count the fully remote version of the class toward the full-time enrollment requirement. In such situations, international students should be encouraged to complete the required in-person components in order to maximize likelihood of immigration compliance.

Attachment A
FALL 2020 STUDENT VISA
OPTIONS BASED ON
INSTRUCTIONAL MODALITY
CHOICES updated 6/9/2020 and
subject to revision

INSTRUCTIONAL MODALITY OPTIONS			
<u>In-Person</u>	<u>Mixed</u>	<u>Remote</u>	<u>Defer</u>
Program resumes a standard in-person curriculum	Program offers a mixture of modalities, including a substantial (more than 3 SHUs) on-line component	Program offers instruction through on-line delivery only; no campus presence required	Program will defer all instruction to Spring 2021 (no instruction provided Fall 2020)

(A) Students Staying Outside US / Students Unable to Enter US					
STUDENT VISA OPTIONS AND RESTRICTIONS	<u>(1) New Students</u> No prior matriculation in Tufts program	(i) Enrollment in on-line courses permitted if available and allowed by school	(ii) Enrollment in on-line courses permitted if available and allowed by school	(iii) Enrollment in on-line courses permitted if available and allowed by school	(iv) N/A – no courses available.
	<u>(2) Transfer Students</u> No prior matriculation in Tufts program; recently enrolled in another US-based program (see Note 1, next page)	(i) Enrollment in on-line courses permitted if available and allowed by school	(ii) Enrollment in on-line courses permitted if available and allowed by school	(iii) Enrollment in on-line courses permitted if available and allowed by school	(iv) N/A – no courses available.
	<u>(3) Continuing Students</u> Students currently engaged in Tufts program (see Note 1, next page)	(i) Enrollment in on-line courses permitted if available and allowed by school	(ii) Enrollment in on-line courses permitted if available and allowed by school	(iii) Enrollment in on-line courses permitted if available and allowed by school	(iv) N/A – no courses available.
(B) Students Seeking to Enter US / Students Who Are in the US					
STUDENT VISA OPTIONS AND RESTRICTIONS	<u>(1) New Students</u> No prior matriculation in Tufts program	(i) Eligible to enter US; subject to standard full-time enrollment requirement*	(ii) Eligible to enter and remain in the US; subject to modified full-time enrollment requirement**	(iii) Not eligible to enter the US in student status; see Box A(1)(iii), above for allowed activity	(iv) N/A; not eligible to enter the US in student status
	<u>(2) Transfer Students</u> No prior matriculation in Tufts program; recently enrolled in another US-based program	(i) Eligible to enter or remain in US; subject to standard full-time enrollment requirement*	(ii) Eligible to enter and remain in the US; subject to modified full-time enrollment requirement**	(iii) Not eligible to enter the US if outside US – see Box A(2)(iii); students already in the US must meet the modified full-time enrollment requirement**	(iv) See Note 1, next page.
	<u>(3) Continuing Students</u> Students engaged in Tufts program	(i) Eligible to enter or remain in US; subject to standard full-time enrollment requirement*	(ii) Eligible to enter and remain in the US; subject to modified full-time enrollment requirement**	(iii) Eligible to enter and remain in the US; subject to modified full-time enrollment requirement**	(iv) See Note 1, next page.

Enrollment Requirements: Standard and Modified

*** Standard full-time enrollment requirement** is 12+ SHUs coursework at the undergraduate level, 9+ SHUs at the graduate / professional level (or 6+ SHUs plus TA/RA, or registration for a full-time thesis / dissertation continuation course). Only one course (3 SHU maximum) of on-line instruction may be counted toward the full-time enrollment requirement. On-line courses do not include hybrid courses, i.e., courses taught on-line but requiring an in-person, on-campus component (lectures, examinations, or other activities) considered integral to completion of the course.

****Modified full-time enrollment requirement** is the same as the standard enrollment requirement, except (1) the one course / 3-SHU maximum on on-line instruction may be exceeded if required due to accommodations relating to the University's COVID-19 response or (2) the number of SHUs a student enrolls in may be below full-time numerical limits, if COVID-19 conditions prevent the program from offering any of its students a full-time curriculum. **Please note: as of June 8 2020 we are awaiting Department of Homeland Security final confirmation allowing institutions to apply the modified full-time enrollment requirement to international students for Fall 2020.**

Notes

1. Transfer or continuing students who were attending Tufts or another US institution in Spring 2020 and who are unable to attend Fall 2020 classes inside the US due to a travel restriction, personal decision, or program deferral of all instruction to Spring 2021 (or later), should contact the International Center directly for advisement on continuation of visa and immigration status.