

LATEST UPDATES: RESIDENCE HALLS & U.S. IMMIGRATION & CUSTOMS ENFORCEMENT

MAIN LINK: <https://www.ice.gov/sites/default/files/documents/Document/2020/COVID-19FAQ.pdf>

ICE UPDATES - APRIL 13, 2020

STUDENT RECORDS

- A. With classes being conducted remotely, students will be allowed to return home and finish their courses, in doing so, DSO's will be allowed to keep students records in Active status during this time.
- B. SEVP will allow F and M students to temporarily count online classes toward a full course of study in excess of the limits stated in 8 CFR 214.2(f)(6)(i)(G) and 8 CFR 214.2(m)(9)(v), even if they have left the United States and are taking the online classes elsewhere.
 - a. Online courses will be considered as pursuing a full course of study even if the student leaves the country.
 - b. This temporary provision is only in effect due to COVID-19 and only for schools that comply with the requirement to notify SEVP of any procedural changes within 10 business days.
- C. The 5 Month temporary absence rule will not apply for students in Active status.

INITIAL STATUS STUDENTS

- A. Initial students currently in the United States that have reported to their school should be made Active in SEVIS and follow the guidelines the school provides to all its F and M students related to COVID-19. If initial students have not arrived in the United States, they should remain in their home country.
- B. SEVP is not encouraging any specific action regarding new students. If a school has accepted F and/or M students but will not maintain standard operations because of COVID-19, deferment is an alternative.

STUDENT TRANSFERS

- A. Schools will be allowed to defer the attendance of students looking to transfer and keep their records in "Transfer" status after the record has been transferred to them
- B. Schools should document current travel restrictions for the United States and the student's country at the time of request in the student's SEVIS record. Schools should also keep on file any formal instructions from medical personnel or formal diagnoses the student submits, if applicable.

I-901 SEVIS FEE

- A. As long as students maintain the same SEVIS record, there is no need to transfer their I-901 SEVIS Fee payment. Students who are unable to enroll in the next session may defer their enrollment to the next available session.
- B. Fee transfers are available for F and M students who have already paid the I-901 SEVIS Fee and who:
 - a. Reapply for a visa within 12 months of the date of their initial I-901 SEVIS Fee payment or
 - b. Are from a Visa Waiver Program country and reapply for status as a student at the port of entry within 12 months of the date of their initial I-901 SEVIS Fee payment.
- C. Refer to the [I-901 SEVIS Fee Frequently Asked Questions](#) on [ICE.gov/SEVP](#) for additional information about reapplying fees.

FULL COURSE OF STUDY REQUIREMENTS & ONLINE LEARNING

- A. Should certain courses be unable to be conducted due to the necessary in person instruction needed, (i.e. lab or studio work) the full-time requirements are waived due to the COVID-19 pandemic.
- B. This information should be reported in a school's procedural change documents submitted to SEVP,

ELECTRONIC FORM I-20'S

- A. Due to COVID-19, DSOs may electronically send Forms I-20 to student email addresses listed in SEVIS. In the case of a minor student, the email address may belong to their parent or legal guardian. Schools do not need to request permission from SEVP or report their plans to electronically send Forms I-20 as part of their COVID-19 procedural changes.
- B. SEVP has identified the following methods to sign and send the Form I-20:
 - a. Email a scanned version of the physically signed Form I-20;
 - b. Email a digitally signed Form I-20 using electronic signature software; or
 - c. Email a digitally signed Form I-20 that contains a digitally reproduced copy of a physical signature.
- C. Only approved principal designated school officials (PDSOs) and DSOs may physically sign or input their own digital signature to the Form I-20. Individuals who are not approved on the school's Form I-17, "Petition for Approval of School for Attendance by Nonimmigrant Student," may not input a DSO's signature—either digital or physical—to the Form I-20.
- D. Improper issuance of the Form I-20 in this manner may constitute grounds for withdrawal of SEVP certification. By signing the Form I-20 or inputting their digital signature, PDSOs and DSOs attest that they are the approved individual issuing the Form I-20.

PENDING APPLICATIONS

- A. Requests for Evidence
 - a. If you currently have an application in process and have received an RFE between March 1 and May 1, USCIS is allowing for an extension on your given deadline to submit an additional 60 days.
 - b. While this doesn't mean that you should take advantage of all the days but that late submissions will still be considered for up to 60 days after.

EMPLOYMENT - ON CAMPUS - APRIL 6, 2020

- A. If the current on-campus employment opportunity has transitioned to remote work or the employment can be done through remote means, students may continue to engage in on-campus employment remotely.
- B. Schools should be able to explain how the students are providing services associated with the employment while not at the location of the employer.

EMPLOYMENT - CURRICULAR PRACTICAL TRAINING

- A. Student can pursue Curricular Practical Training during their time abroad, provided that the following requirements are met:
 - a. Enrollment in a program of study in which the internship is integral to the course of study
 - b. The CPT is authorized prior to the start of the internship
 - c. Either the employer has an office outside the United States, or the employer can assess the student engagement and attainment of learning objectives electronically

EMPLOYMENT - OPTIONAL PRACTICAL TRAINING

- A. With regards, to Optional Practical Training, SEVP is requesting further guidance from USCIS
 - a. Further will be issued in the future as this is currently being evaluated by USCIS.
- B. Students currently on OPT should communicate with employers:
 - a. If you are participating in practical training, work with your employer to maintain practical training agreements.

- b. If changes have been made to your workplace environment, SEVP encourages you to consult with your employer to seek alternative ways to maintain training agreements, such as teleworking or other arrangements.
 - c. These arrangements must be reported to the OIE in order to properly update your accounts.
- C. Students currently working on OPT should continue to keep their employer site address on file but should contact their DSO as to whether their employer is authorizing remote work. There is also no need to update the address on the Form I-983 if they are working remotely

UNEMPLOYMENT BENEFITS

- A. Students who are unemployed due to COVID-19 should contact their local or state employment agency for more information.

TRAVEL

- A. Be cautious traveling: Refer to guidance from the [CDC](#), [U.S. Department of State](#), and the [U.S. Department of Homeland Security \(DHS\)](#) for specific port-of-entry screening processes, as well as any travel restrictions.
- B. Passport Renewal
 - a. Should your passport expire while you are in the U.S., students in this situation should contact their country's embassy or consulate to identify options for passport extension or renewal.
 - b. If students decide to depart the United States, you will not be eligible to apply for admission until you renew your passport.

STUDENT RETURN TO THE UNITED STATES

- A. Students who continue to make normal progress in their course of study remain eligible for admission into the United States.
 - a. However, because of the changing array of travel restrictions, students should refer to their local embassy's website through the U.S. Department of State for any updates about visa issuance.
 - b. Also, DHS and the Center for Disease Control and Prevention's (CDC) websites provide information about current travel restrictions to the United States.
- B. SEVP advises students currently outside of the United States and looking to enter the country to check on any travel restrictions their country might have regarding international travel, including restrictions applicable to countries they may travel through.
 - a. Students should also check with their DSOs to confirm the school's operational status, or procedures for out-of-country students as some schools may not currently allow new or returning students on campus for an extended period.

USCIS UPDATES - APRIL 13, 2020

EXTENSION OF STAY

- A. Generally, nonimmigrants must depart the United States before their authorized period of admission expires. However, USCIS recognizes that nonimmigrants may unexpectedly remain in the United States beyond their authorized period of stay due to COVID-19. Should this occur, the following options are available for nonimmigrants
 - a. Apply for an Extension
 - i. Most nonimmigrants can mitigate the immigration consequences of COVID-19 by timely filing an application for [extension of stay \(EOS\)](#) or [change in status \(COS\)](#). U.S. Citizenship and Immigration Services continues to accept and process applications and petitions, and many of our forms are available for online filing.
 - b. If You File in a Timely Manner
 - i. Nonimmigrants generally do not accrue unlawful presence while the timely-filed, non-frivolous EOS/COS application is pending.
 - ii. Where applicable, employment authorization with the same employer, subject to the same terms and conditions of the prior approval, is automatically extended for up to 240 days after I-94 expiration when an extension of stay request is filed on time.
 - c. Flexibility for Late Applications.
 - i. USCIS reminds petitioners and applicants that it can consider delays caused by the COVID-19 pandemic when deciding whether to excuse delays in filing documents based on extraordinary circumstances.
 - d. Flexibility for Visa Waiver Entrants
 - i. Visa Waiver Program (VWP) entrants are not eligible to extend their stay or change status. However, under current regulations, if an emergency (such as COVID-19) prevents the departure of a VWP entrant, USCIS in its discretion may grant a period of satisfactory departure for up to 30 days.
 - ii. For those VWP entrants already granted satisfactory departure and unable to depart within this 30-day period because of COVID-19 related issues, USCIS has the authority to temporarily provide an additional 30-day period of satisfactory departure. To request satisfactory departure from USCIS, a VWP entrant should call the [USCIS Contact Center](#).

USCIS UPDATES - APRIL 16, 2020

EMPLOYMENT - OPTIONAL PRACTICAL TRAINING

- A. Students currently working on OPT should continue to keep their employer site address on file but should contact their DSO as to whether their employer is authorizing remote work. There is also no need to update the address on the Form I-983 if they are working remotely

STUDENT RETURN TO THE UNITED STATES

A. Time Frame to Student Return

- a. Depending on their school's return to normal operations and any continuing travel restrictions, students should seek to return to the United States within 30 days of the next available session start date. SEVP also anticipates providing additional guidance after the COVID-19 emergency ends regarding a school's return to normal operations.

TRAVEL

A. Students with Ending Program Looking to Return Home

- a. SEVP recognizes that some students may find it difficult to return home during the COVID-19 emergency because of diminished travel options. Students in this situation are encouraged to communicate with their DSO for guidance and to assess options for alternative study arrangements such as online classes during this time.
- b. DSOs should document in the student's record any material information related to a student's inability to leave the country due to COVID-19.

SCHOOL POLICIES

A. Pass/Fail Grading Policy

- a. Schools may change their grading policies as a direct result of COVID-19.
- b. This change does not need to be reported as part of a school's operational change plans to SEVP.
- c. However, schools should document any changes to their grading policies and be able to provide them to SEVP upon request, and schools should be able to verify that a student is making normal academic progress.

USCIS UPDATES - APRIL 30, 2020

MAINTAINING STUDENT RECORDS

- A. What address should DSOs put in SEVIS for Active F and M students who have departed the United States? How should DSOs note these SEVIS records?**
 - a. DSOs should update these students' SEVIS records with the following comment in the remarks field: "*Departed the United States due to COVID-19.*"
 - b. All addresses may remain the same.
- B. How should DSOs note SEVIS records for Active F and M students living in the United States during the COVID-19 emergency?**
 - a. DSOs should not provide any specific notation on these students' SEVIS records during the COVID-19 emergency, but should update the student's current U.S. address, if there has been a change.
 - b. As a reminder, per current regulations, students must notify schools within 10 days of an address change.
 - c. DSOs must update student addresses in SEVIS within 21 days of the date a school is notified of an address change.
- C. Schools have extended their academic year by a certain number of days due to COVID-19. How should DSOs handle SEVIS records for these students and what should be done for students who already applied for optional practical training (OPT)?**
 - a. Student academic calendars and SEVIS records should be consistent. Schools should keep an official record of its academic calendar adjustment to provide to the U.S. Department of Homeland Security (DHS) if a request is made and as documentation for any appropriate changes in a student's SEVIS record.
 - b. Regarding OPT applications, DHS is evaluating related issues and may issue additional guidance. In the meantime, since U.S. Citizenship and Immigration Services (USCIS) adjudicates OPT employment authorization requests, SEVP recommends reaching out to USCIS for further guidance.
- D. If students cannot or will not return to school when in-person instruction resumes, should their records be terminated for authorized early withdrawal?**
 - a. Once a school returns to normal operations, if students cannot or choose not to return to the United States to study, DSOs should terminate the records.

ELECTRONIC FORM I-20 ISSUANCE

- A. Will schools need to provide students with their original Form I-20 (ink-signed copies) when schools reopen?**
 - a. Forms I-20 issued electronically or with electronic signatures—as permitted during the COVID-19 emergency—will remain valid until students have a need for an updated Form I-20.
- B. How long is an electronic or digital travel signature valid on the Form I-20? Is it valid for the same amount of time as an ink signature?**
 - a. An electronic or digital travel signature will be valid for the same duration as an ink signature (12 months for F students and six months for M students).

FULL COURSE OF STUDY REQUIREMENTS & ONLINE LEARNING

- A. If students wish to drop courses due to dissatisfaction with online courses not providing the same level of instruction, can a school submit a procedural change plan that allows this and keep the students' SEVIS records Active?**
 - a. No, students should maintain a full course of study to the extent possible. If a student is unwilling to take online courses or participate in other alternate forms of study as provided in the school's procedural adaptation plan to SEVP, they should request a temporary absence and be terminated for Authorized Early Withdrawal.

- b. If a school is not offering a full course of study because of COVID-related limitations, it is permissible to have students take whatever courses are being offered or request temporary leave.
- c. However, if a student is simply unwilling to take a full course of study because it is only offered online, they should request a temporary absence.

B. SEVP has indicated full course of study requirements can be adjusted due to COVID-19. If class cancellations impact any student's ability to maintain a full course load, do DSOs have to authorize a reduced course load (RCL) in SEVIS?

- a. No, schools should not use the RCL functionality in SEVIS for students taking less than a full course of study due to limitations in providing classes or educational content as a result of COVID-19.
- b. Full course of study requirements can be waived as a direct result of the impact from COVID-19. If a student simply chooses not to participate in the alternative learning options available, they should seek a temporary absence.

EMPLOYMENT - OPT

- A. Due to COVID-19, what is SEVP's advice to students who want to apply for OPT? Is there any chance that students would be able to apply for post-completion OPT from outside the United States?**
 - a. DHS is evaluating these issues and may issue additional guidance.
 - b. In the meantime, since USCIS adjudicates OPT employment authorization requests, SEVP recommends reaching out to USCIS for further guidance.
- B. Must students cease engaging in OPT if they are now working fewer than 20 hours a week due to the economic impacts of COVID-19?**
 - a. For the duration of the COVID-19 emergency, SEVP considers students who are working in their OPT opportunities fewer than 20 hours a week as engaged in OPT.
- C. Should DSOs with students on OPT update the students' employer addresses in SEVIS with their remote work address? For students participating in the science, technology, engineering and mathematics extension (STEM) extension, do their Forms I-983, "Training Plan for STEM OPT Students," need to be updated with their remote work address?**
 - a. No. DSOs should not update the employer address information in SEVIS nor on the Form I-983 for students working remotely.

EMPLOYMENT - VOLUNTEERING

- A. Do F and M students need employment authorization to volunteer as part of COVID-19 relief efforts?**
 - a. No, F and M students who work without wages, taxable compensation or other remuneration are considered volunteers and are not required to obtain an employment authorization document.

TRAVEL

- B. Our school switched to fully online instruction for the remainder of the spring semester and some students will return to their home countries to complete their programs online. Can DSOs extend students' program end dates so seniors can return to the United States at the end of the school year (e.g., May or June) for graduation ceremonies on their current Forms I-20?**
 - a. DSOs should not extend students' programs to accommodate graduation ceremonies. Students wishing to return to the United States to attend graduation have the following options:
 - i. Students can return to the United States prior to the program end date on the Form I-20 and attend their graduation during the 60-day grace period.
 - ii. Students who intend to continue their study in the United States can return with a pending change of educational level or transfer Form I-20.
 - iii. Students can return to the United States on another visa classification (i.e., B-2 visitor visa).

SCHOOL POLICIES

- A. May schools amend their admissions practices if they can no longer receive hard copies of transcripts from temporarily closed schools?**
- a. Yes. If not in contradiction with directives of the school's state board of education, verifiable electronic submissions or copies of transcripts from schools are acceptable to SEVP.
 - i. Such a modification to the school's admissions process does not need to be reported on the school's procedural adaptation plan.
 - b. However, schools must be able to report these changes to SEVP upon request.
 - c. Schools must have relevant student transcripts prior to issuing a student an initial Form I-20.

USCIS UPDATES

- A. USCIS Extends Flexibility for Responding to Agency Requests**
- a. In response to the coronavirus (COVID-19) pandemic, U.S. Citizenship and Immigration Services is extending the flexibilities it announced on March 30 to assist applicants and petitioners who are responding to certain:
 - i. Requests for Evidence;
 - ii. Continuations to Request Evidence (N-14);
 - iii. Notices of Intent to Deny;
 - iv. Notices of Intent to Revoke;
 - v. Notices of Intent to Rescind and Notices of Intent to Terminate regional investment centers; and
 - vi. Filing date requirements for Form I-290B, Notice of Appeal or Motion.
 - b. *Notice/Request/Decision Issuance Date*
 - i. This flexibility applies to the above documents if the issuance date listed on the request, notice or decision is between March 1 and July 1, 2020, inclusive.
 - c. *Response Due Date*
 - i. USCIS will consider a response to the above requests and notices received within 60 calendar days after the response due date set in the request or notice before taking action. USCIS will consider a Form I-290B received up to 60 calendar days from the date of the decision before it takes any action.
- B. USCIS Offices Preparing to Reopen on June 4**
- a. On March 18, U.S. Citizenship and Immigration Services temporarily suspended in-person services at its field offices, asylum offices, and application support centers (ASCs) to help slow the spread of coronavirus (COVID-19).
 - b. USCIS is readying offices to reopen on or after June 4. Employees in these offices are continuing to perform mission-essential services that do not require face-to-face contact with the public while the offices are closed.