



July 10, 2020

Rachel E. Canty
Director, Student and Exchange Visitor Program
U.S. Immigration and Customs Enforcement
Department of Homeland Security
Washington, D.C. 20536

VIA EMAIL

Dear Director Canty,

I write on behalf of NAFSA: Association of International Educators to express our disappointment with the guidance “Broadcast Message 2007-01- -COVID-19 and Fall 2020” published by Immigration and Customs Enforcement (ICE) on July 6 and related FAQs published on July 7, which modified temporary exemptions put in place for F-1 and M-1 nonimmigrant students during the initial phase of the COVID-19 emergency covering the spring and summer 2020 sessions. The guidance, which addresses the fall 2020 semester, prohibits F-1 and M-1 students from attending schools operating entirely online from remaining in the United States while taking a full online course load.

The guidance modifications are harmful to international students and put their health and well-being and that of the entire higher education community at risk. The COVID-19 pandemic in the United States remains unpredictable and U.S. higher education institutions should be trusted and have full authority to make decisions that are right for their campuses based on their local circumstances.



Furthermore, issuing guidance mere weeks before the start of the fall academic term does not allow international students, or colleges and universities, the time necessary to comply with guidance that deviates so greatly from the requirements established for the spring and summer semesters.

As the first deadline is less than a week away, we urge you to take steps to revise the guidance immediately, and restore the COVID-19 guidance issued allowing international students at U.S. higher education institutions to enroll in a full online course of study and remain in legal status while in the United States, and to maintain the SEVIS record in active status for continuing students who are outside the United States.

The guidance issued on July 6, as published, along with the accompanying FAQ resource have generated many questions and concerns among our membership. We respectfully offer the following recommendations to improve the guidance and the anticipated rule:

- Allow all continuing F and M students inside the United States, including students in Active status who are continuing their current program of study as well as students transitioning through the transfer and change of level processes, to remain in Active status as long as they are pursuing a full course of study or are eligible for a reduced course load, regardless of whether the school is all online, hybrid, or in-person. As was done in the Spring and Summer guidance, this should apply to students enrolled in language training programs and pathway programs as well.

- Allow all SEVP-certified schools (not just online-only schools) to maintain SEVIS records in Active status for continuing F and M students outside the United States if they are taking online courses and are able to meet the normal full course of study requirements or the requirements for a reduced course of study.
- Do not require schools to update all SEVIS records, much less do so by August 4. Schools are already bound to offer programs only in accordance with the school's Fall 2020 operational plan submitted to SEVP. Although it is reasonable for schools to annotate the record of students taking a full course of study online outside the United States, it is not necessary to annotate the record of students remaining in the United States. Standard enrollment-reporting and SEVIS registration procedures are sufficient to identify students who are and are not pursuing a full course of study.
- Do not require DSOs to reissue hundreds of thousands of I-20s, much less to do so by August 4. SEVIS should remain the "system of record" for all agencies. Although a notation in the Form I-20 remarks field for students who are outside the United States or who will travel from and reenter the United States is appropriate, reissuing thousands of I-20s for all students is not. For continuing students in the United States, there is no interface with consular or CBP officials. If the student plans to travel and reenter, the Form I-20 could be updated at that time.
- Re-establish guidance on the topics addressed this summer, such as engaging in on-campus employment and practical training through teleworking, adjustments to the



transfer process related to COVID-19 accommodations, the inapplicability of “the five-month rule,” and others.

- The Fall 2020 guidance also tells DSOs to certify aspects of a student’s enrollment status by August 4. However, enrollment status at this point of time is fluid even under normal times. This is why both statute and regulations require schools to report on a student’s enrollment status “no later than 30 days after the deadline for registering for classes.” SEVP should not require specific enrollment reporting until school enrollment is stabilized.

Thank you for your consideration of this urgent request.

Sincerely,

[SIGNATURE REDACTED]

Esther D. Brimmer, DPhil
Executive Director & CEO
NAFSA: Association of International Educators