



June 12, 2020

G. Kevin Saba
Acting Deputy Assistant Secretary
Office of Private Sector Exchanges
Bureau of Educational and Cultural Affairs
U.S. Department of State
Washington, D.C. 20520

VIA EMAIL

Dear Acting Deputy Assistant Secretary Saba,

I write on behalf of NAFSA: Association of International Educators to express our appreciation to the Bureau of Educational and Cultural Affairs (ECA) for providing flexibilities and guidance during the first phase of the COVID-19 emergency, covering the spring and summer 2020 terms. However, as the emergency continues into its next phase, U.S. schools and other exchange visitor sponsors are grappling with how to safely and gradually reopen their programs to in-person activities and instruction. As you know, these decisions require a complicated balancing, and will certainly vary across the country.

Admissions decisions for the fall have been completed at most colleges and universities, and schools are in the process of issuing Forms DS-2019 for newly admitted students and scholars, and preparing to update the SEVIS records for their returning and continuing exchange program participants.

In order to plan for and conduct a successful fall 2020 semester, NAFSA urges ECA to continue and to appropriately adjust the flexibilities communicated through its prior

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NAFSA: ASSOCIATION OF INTERNATIONAL EDUCATORS

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messages and COVID-19 FAQs. Although the worldwide suspension of visa services and the five country-specific COVID-19 presidential proclamations remain in effect, exchange visitor programs need clear COVID-19 flexibility guidance from ECA as soon as possible.

For example, we note that on May 15, 2020, the Department of Education notified stakeholders that "To provide the necessary flexibility for institutions to make timely decisions, we are expanding the broad approval for the use of distance education as provided in the April 3, 2020, EA to include payment periods that overlap March 5, 2020, or that begin on or between March 5, 2020, and December 31, 2020." We ask that your agency and offices also extend its distance education and other flexibilities for the remainder of 2020.

We encourage ECA to continue the important flexibilities included in its first round of COVID-19 policy and guidance, in ways that address how the underlying variables have evolved and will continue to evolve this fall. These important variables include:

- The exchange visitor's or prospective exchange visitor's location (inside the United States or abroad, and in which country),
- The exchange visitor's SEVIS record status (e.g., Active, Initial, etc.),
- The program sponsor's course delivery modality or work modality (e.g., fully online, fully in-person, a mixture of online and in-person, telework etc.), and
- Fall term structure and dates (e.g., whether the program sponsor's plans to conduct its fall 2020 term or terms on time, early, late, or on condensed terms).

Additionally, to ensure the success of the fall term, and the continued viability of U.S. schools and exchange programs themselves, ECA should issue clear guidance that allows standard SEVIS actions for both new and continuing exchange visitors, such as program validation, transfers, matriculation, and recommendations for exchange visitor benefits like academic training, regardless of the student's or scholar's location or the modality of instruction or supervision the school is using.



Recognizing that the Departments of State and Homeland Security are partners in these matters, we also ask that the agencies continue to coordinate their guidance, and to instruct their respective bureaus and offices to honor their partner agency's guidance as it is issued.

Thank you for your consideration of this urgent request as ECA continues to update policies that accommodate and address the current difficult situations caused by the COVID-19 pandemic.

Sincerely,

[signature redacted]

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