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By ESEC at 9:03 am, Jul 06, 2020

July 2, 2020

The Honorable Mike Pompeo
U.S. Department of State
Office of the Secretary
2201 C Street NW
Washington, D.C. 20520

The Honorable Chad Wolf
U.S. Department of Homeland Security
Office of the Secretary
Washington, D.C. 20528

RE: Guidance for International Students for the 2020-21 Academic Year

Dear Secretary Pompeo and Acting Secretary Wolf,

On behalf of the American Council on Education (ACE) and undersigned higher education associations, we write to you today seeking guidance for international students and exchange visitors in connection with the reopening of colleges and universities for the upcoming academic year, particularly the fall 2020 semester. We ask that such guidance be issued as soon as possible to enable institutions and international students to plan for the coming semester in a way that is fully consistent with U.S. policies.

We remain grateful for the guidance issued by Department of Homeland Security (DHS) and the Department of State (State) in the early spring concerning international students, specifically F and M visa holders¹, and J-1 exchange visitors², related to the closure of on-campus educational activities of Student and Exchange Visitor Program (SEVP) certified colleges and universities in response to the COVID-19 crisis. As a reminder, the DHS guidance provided institutions with emergency SEVP procedures for how to handle international students under three scenarios: 1) suspension of all course activities; 2) temporary suspension of in-person instruction and a transition of courses to online or other learning platforms where an international student remains in the U.S.; and 3) temporary suspension of in-person instruction and a transition of courses to online or other learning platforms where an international student departs the U.S. This guidance allowed our institutions the flexibility to continue delivering education to our international students during the spring and summer semesters of 2020.

As institutions approach the upcoming academic year, particularly the fall semester, many U.S. colleges and universities are planning to open campuses and resume coursework using various models, including but not limited to, complete online instruction, hybrid on-campus courses using both in-person and online instruction, or in person instruction with adjusted timing for the start and end dates of semesters or quarters. While some international students have remained in the U.S., many of these students have departed the U.S. but for various legitimate reasons may be unable to return to the U.S. by the time fall semester commences and many others who intend to enroll at our institutions for the first time will remain outside the U.S. awaiting their visa approvals or for other legitimate reasons at the time fall semester

¹ <https://www.ice.gov/doclib/sevis/pdf/bcm2003-01.pdf>

² https://j1visa.state.gov/wp-content/uploads/2020/03/3.16.2020_SEVIS-guidance-during-COVID-19.pdf

commences. In addition, we also need to be prepared for how to handle international students in the event that circumstances, such as a spike in COVID-19 cases, necessitate emergency closure of a campus during the coming academic year. Accordingly, we respectfully request that DHS extend and/or expand prior guidance to continue providing regulatory flexibility for international students enrolled at our institutions of higher education in the upcoming 2020-21 academic year and participating in coursework through various alternatives either inside or outside the U.S. Specifically, we ask for guidance confirming the following:

- Where a campus is open, that continuing international students who are unable to enter the U.S. can complete their coursework online outside the U.S.;
- Where a campus is open, that continuing international students in the U.S. can complete their coursework online in the U.S.;
- Where a campus is open, that continuing international students in the U.S. can complete their coursework through a hybrid model-online and in person;
- Where a campus is open and an international student with an I-20 form, who is located outside the U.S., can start courses online outside the U.S. and then enter the U.S. after their visa is processed;
- Where a campus is open, that a student from Canada or Mexico with an I-20 form to study in the U.S. but because of the current border closures cannot travel to the U.S. institution, is allowed to complete their education online and continue to hold their I-20;
- Where a campus is open, international students with valid visas, who returned to their home country due to COVID-19, can return to the U.S. to resume study once the travel restrictions are lifted; and,
- Where a campus needs to close as a result of COVID-19, that international students can complete their coursework online either inside or outside the U.S.

We also have several questions regarding Optional Practical Training (OPT) that may be answered through additional guidance:

- Will there be flexibility for international students applying for OPT who are unable to meet the one academic year of study to qualify because of remote classes due to COVID-19;
- If an incoming student is unable to enter the U.S. as an F-1 student but fully enrolls in classes for one or two academic terms remotely, may those terms count towards the one academic year requirement for practical training eligibility; and,
- For students in their final terms but currently overseas, we would appreciate guidance on the employment authorization application process required in order to pursue OPT if they are unable to re-enter the U.S. by the degree completion date. USCIS has not provided guidance on this matter so far during this crisis.

In addition, in our April 8 letter to Secretary Pompeo,³ we asked that State consider a waiver of the in-person interview requirement for new student visa applications, for those applicants with no apparent or potential ineligibility, as the U.S. consulates remain closed and we move

³ <https://www.acenet.edu/Documents/Letter-State-international-students-040820.pdf>

towards the fall semester. We believe this is in the national interest and necessary due to COVID-19 and would ensure smooth enrollment for our international students in the fall 2020 semester.

We hope that State and DHS will work expeditiously to address these issues regarding international students. We look forward to continuing to work with you as our campuses prepare for the fall 2020 semester.

Respectfully,



Ted Mitchell
President

cc: Caroline Casagrande, Deputy Assistant Secretary for Academic Programs
David Plack, Senior Policy Advisor for Deputy Assistant Secretary
Rachel Canty, Director, Student and Exchange Visitor Program
Charles Nimick, Chief, Business and Foreign Workers Division for Office of Policy and Strategy
Joseph Edlow, Deputy Director of Policy, Office of the Deputy Director

On behalf of:

Achieving the Dream

ACPA - College Student Educators International

American Association of Colleges of Nursing

American Association of Community Colleges

American Association of Collegiate Registrars and Admissions Officers

American Association of State Colleges and Universities

American College Health Association

American Council on Education

American Dental Education Association

APPA, "Leadership in Educational Facilities"

Association of American Colleges and Universities

Association of American Medical Colleges

Association of American Universities

Association of Catholic Colleges and Universities

Association of Community College Trustees

Association of Governing Boards of Universities and Colleges

Association of Jesuit Colleges and Universities

Association of Public and Land-grant Universities

Association of Research Libraries

College and University Professional Association for Human Resources

Common App

Council for Advancement and Support of Education

Council for Christian Colleges & Universities

Council for Higher Education Association
Council of Graduate Schools
Council of Independent Colleges
EDUCAUSE
Higher Education Loan Coalition
Hispanic Association of Colleges and Universities
NAFSA: Association of International Educators
NASPA - Student Affairs Administrators in Higher Education
National Association for College Admission Counseling
National Association for Equal Opportunity in Higher Education
National Association of Colleges and Employers
National Association of College and University Business Officers
National Association of Independent Colleges and Universities
State Higher Education Executive Officers Association
Thurgood Marshall College Fund
UPCEA



U.S. Citizenship
and Immigration
Services

July 22, 2020

Mr. Ted Mitchell
President
American Council on Education
One Dupont Circle NW
Washington, DC 20036

Dear Mr. Mitchell:

Thank you for your July 2, 2020 letter to the Department of Homeland Security (DHS). Acting Secretary Wolf asked that I respond on his behalf.

DHS has no greater responsibility than ensuring the safety and security of our country. Responding to the pandemic requires everyone to work within rapidly changing, complex circumstances that create a variety of situations and conditions unique to individuals and communities. Our primary goal is to ensure the safety of the public and our employees as the situation evolves.

We carefully analyze challenges and issues caused by COVID-19 and leverage our resources to effectively address these within our existing authorities. DHS continues to act to protect the American people and our communities and is considering a number of policies and procedures to improve the employment opportunities of U.S. workers during this pandemic.

Some of your recommendations relate to the visa process for foreign students, including a request to waive in-person interviews for certain international students' applications. With regard to visa issuance and consular processing for individuals outside of the United States, we defer to our colleagues at the Department of State. For aliens within the United States, it is important for us to emphasize that U.S. Citizenship and Immigration Services (USCIS) continues to process immigration benefit requests from the foreign student population such as extension and change of status applications, as well as applications for employment authorization.

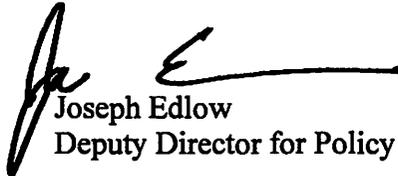
In the letter, you inquired about online courses and Optional Practical Training (OPT). USCIS and U.S. Immigration and Customs Enforcement (ICE) work closely to coordinate on issues affecting international students due to the pandemic, and we will consider the issues you raise as we continue to collaborate. As you know, ICE has developed a website with responses to frequently asked questions about the impact of COVID-19 on Student and Exchange Visitor Program (SEVP) certified schools and the various scenarios that F and M students may encounter, including issues related to OPT. ICE has recently issued guidance related to international student matters for Fall 2020 on its website and continues to develop responses to

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frequently asked questions. Both the USCIS and ICE websites and outreach efforts provide guidance, resources, and information to the public on the actions and policies we are implementing through these uncertain times.¹ As USCIS and ICE continue to develop policies, new information will be posted on these websites.

Thank you again for your letter and interest in this important matter.

Respectfully,



Joseph Edlow
Deputy Director for Policy

¹ For policy updates, operational changes, and COVID-19 information, please visit uscis.gov/coronavirus (USCIS) and ice.gov/coronavirus (ICE SEVP).