

BAL Update: F-1 Student Guidance for Fall 2020 Semester

July 7, 2020

The Student and Exchange Visitor Program (SEVP) [announced](#) on July 6 that F-1 and M-1 students attending schools operating entirely online may not remain in the U.S. and take a full online course load. The guidance comes as schools announce their plans for the fall semester, with some stating they will only offer online classes. The university community is engaged on this issue, and we expect that many schools will account for this guidance in planning for the fall so that their students may remain in the U.S. The agency will publish a Temporary Final Rule but has not yet released the text. This summary is based on the SEVP [guidance](#) and [FAQ](#).

What change does the announcement make?

Immigration and Customs Enforcement (ICE) expanded students' ability to take online courses because of the COVID-19 pandemic. This guidance eliminates that flexibility for F-1 and M-1 students whose schools will operate entirely online for the fall 2020 semester. The State Department will not issue visas to students enrolled in fully online schools, and Customs and Border Protection will not permit them to enter the U.S. To be able to stay in the U.S., those students must transfer to a school with in-person instruction.

Can students whose schools will be online only in the fall continue their studies in their home country?

Yes. If their school is only offering online coursework, students can engage in remote learning from their home country. They may remain in "Active" status in SEVIS 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.

Does this affect students on Optional Practical Training (OPT) and Curricular Practical Training (CPT)?

Students are not affected by this guidance if they have already completed their course of study and are engaging in post-completion OPT or the STEM extension. Students on CPT who are enrolled in degree programs are subject to the guidance. ICE indicated in an [FAQ](#) that certain students may engage in CPT while they are abroad.

What is the impact on students whose schools are resuming normal in-person operations?

They may continue their studies in the U.S., and under existing rules may take a maximum of one class or three credit hours online per term or semester.

What is the impact on students whose schools will offer a combination of in-person and online classes?

Students enrolled at schools taking a "hybrid" approach may continue their studies in the U.S., and may take more than one class or three credit hours online. The school must certify to the SEVP using Form I-20 that the program is not entirely online, and that the student is not taking a full online course load and is taking the minimum number of online classes to make normal progress in their degree program.

What will happen next?

ICE plans to publish "procedures and responsibilities" as a Temporary Final Rule. Schools must complete operational change plans by July 15 if they will offer only online classes or programs or will not reopen in the fall, and by August 1 if they will not be online-only and will offer in-person classes, delayed or shortened sessions, or a hybrid plan. Schools must issue updated Forms I-20 to reflect changes by August 4. Schools that announced online-only plans prior to this guidance may revisit those plans. The policy may also be subject to litigation.