



THE UNIVERSITY OF
TOLEDO



Immigration Updates for 2020

Office of International Student and Scholar Services

Tracey Hidalgo

10/20/2020



Proposed changes to D/S



What is D/S?

- If you have D/S on your admission stamp or paper Form I-94, you may remain in the United States as long as you continue your course of studies, remain in your exchange program, or qualifying employment.
- **The D/S notation, shown on your admission stamp or paper Form I-94 is the official record of your authorized length of stay in the United States.**
- **Visa expiration date does not determine your permitted length of stay in the United States.**



I-94



U.S. Customs and Border Protection
Securing America's Borders

Most Recent I-94

Admission (I-94) Record Number : 51415565885

Most Recent Date of Entry: 2017 July 25

Class of Admission **F1**

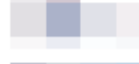
Admit Until Date **D/S**

Details provided on the I-94 Information form:

Last/Surname :



First (Given) Name :



Birth Date :



Passport Number :

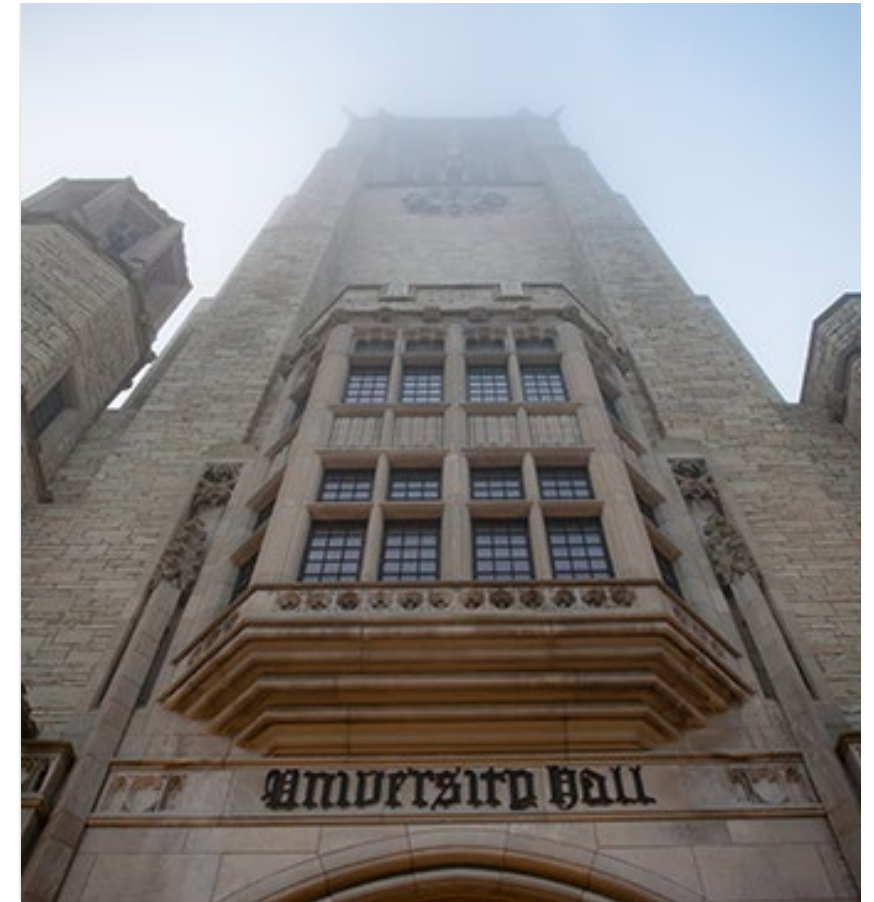


Country of Issuance : **China**

https://iss.emory.edu/students/immigration_documents/i94.html

Federal Register

- The Federal Register is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.
- **Rules and Regulations Section-** This section of the Federal Register contains final rules and regulations: regulatory documents having general applicability and legal effect. Most rules are keyed to and codified in the Code of Federal Regulations (CFR).



Proposed rule to eliminate D/S



- On Friday September 25, Department of Homeland Security (DHS) proposed a rule to eliminate (D/S) for F students and their dependents, J exchange visitors and their dependents, and I media representatives and their dependents in the Federal Register.
- Currently, F-1's and J-1's are noted D/S (Duration of Status) on their I-94 which means that they are able to stay in the United States as long as their immigration paperwork (I-20's/DS-2019's) is kept up to date, and they continue to abide by the rules established for their respective statuses.

Why eliminate D/S?

It was stated that this rule is being published to increase oversight, combat fraud, and decrease visa overstays.

However.....

There is already oversight for the J-1 and F-1 status through the Student and Exchange Visitor Information System (SEVIS).



Is this proposed rule final?

- This rule does not go into effect immediately and is currently in the 30 day comment window which ends on Oct 26, 2020.
- It is unclear when this will become a final rule and there is still the possibility that it could face legal challenges once implemented.



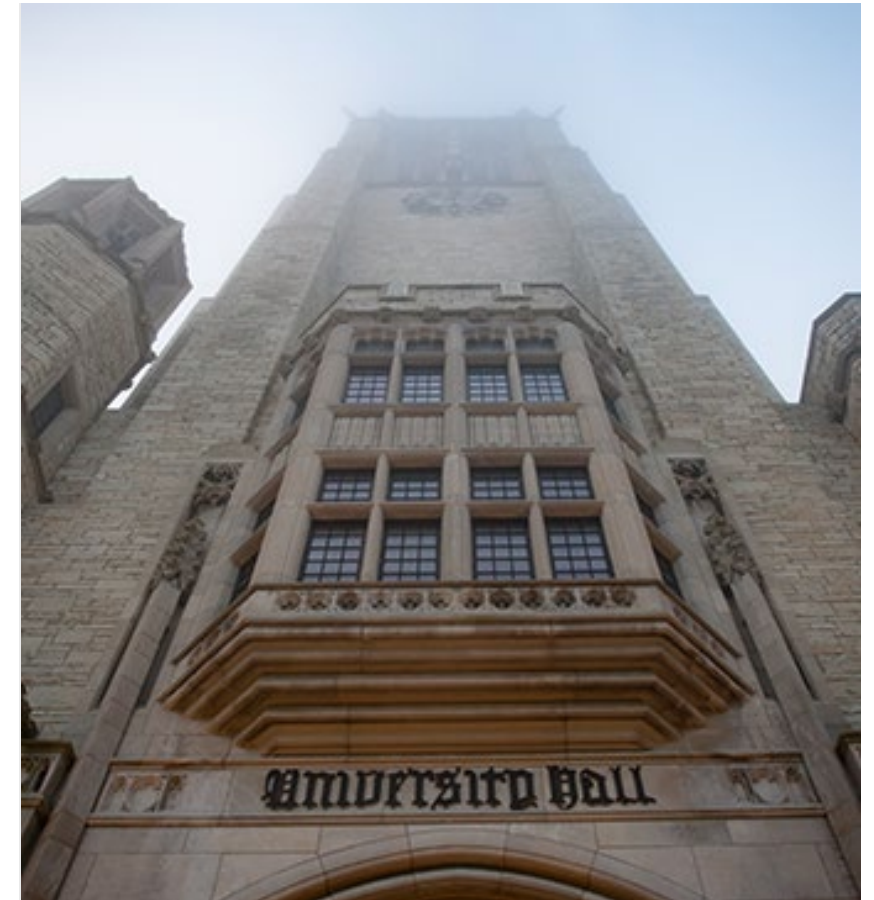


How the proposed rule affects UT's international population.

- D/S will be replaced with a fixed admission period
- F/J status holders and dependents will be admitted until program end date not to exceed 4 yrs
- Possibility of 2 year admission for students from countries designated as state sponsors of terrorism (Iran, North Korea, Sudan and Syria) and countries with F/J visa overstay rates exceeding 10% (can change)
- F/J status holders and dependents previously admitted in D/S will be given an admit until date that is consistent with their program end date, on the date the rule goes into effect not to exceed 4 yrs
- 30 day grace period instead of current 60 day grace period

How the proposed rule affects UT's international population (2).

- Filing extension of stay application with USCIS if program beyond 2 or 4 yrs
 - Lawfully present until adjudication however will have to stop working on campus if no adjudication in 180 days for F or 240 days for J. If filed during grace period, can study but cannot work until adjudicated.
- CPT cannot continue beyond date on I-94 and student will have to wait until EOS adjudication to begin working again
- Dependents must also file EOS concurrently or on their own
- Filing extension of stay applications to continue on OPT, if admit until date ends before or during OPT period



How the proposed rule affects UT's international population (3).



- Instead of “normal academic progress” USCIS will use
 - (1) Compelling academic reasons (failing classes/ suspension is not a compelling academic reason);
 - (2) a documented illness or medical condition; and
 - (3) exceptional circumstances beyond the control of the alien (natural disasters, health crisis or school closure) to determine if extension of stay is warranted.
- If entering with EAD, student will be given admit until date that is same as EAD expiration date
- English language training limited to a maximum of 24 mths in a lifetime including breaks and annual vacation
- Max 3 programs at same degree level in a lifetime and change to lower level of study once in a lifetime

Positive aspects of proposal

- If Employment Authorization Doc (EAD) expires before date on I-94, student will be in period of authorized stay
- An automatic extension of F-1 status and post-completion OPT, as applicable, until April 1 (as opposed to Oct 1 which is the current practice) of the fiscal year for which the H-1B petition is filed
- Increase EAD initial filing time from 90 to 120 days pre completion and decrease post completion filing from 60 to 30 days
- Striking regulatory requirement for students to file application within 30 (OPT) or 60 (SEM OPT) days of DSO recommendation for practical training



What is OISSS doing?

- Closely monitoring changes
- Informing senior leadership of changes
- Communicating with campus community
- Hosting informational sessions to answer questions and explain changes
- Drafting comments

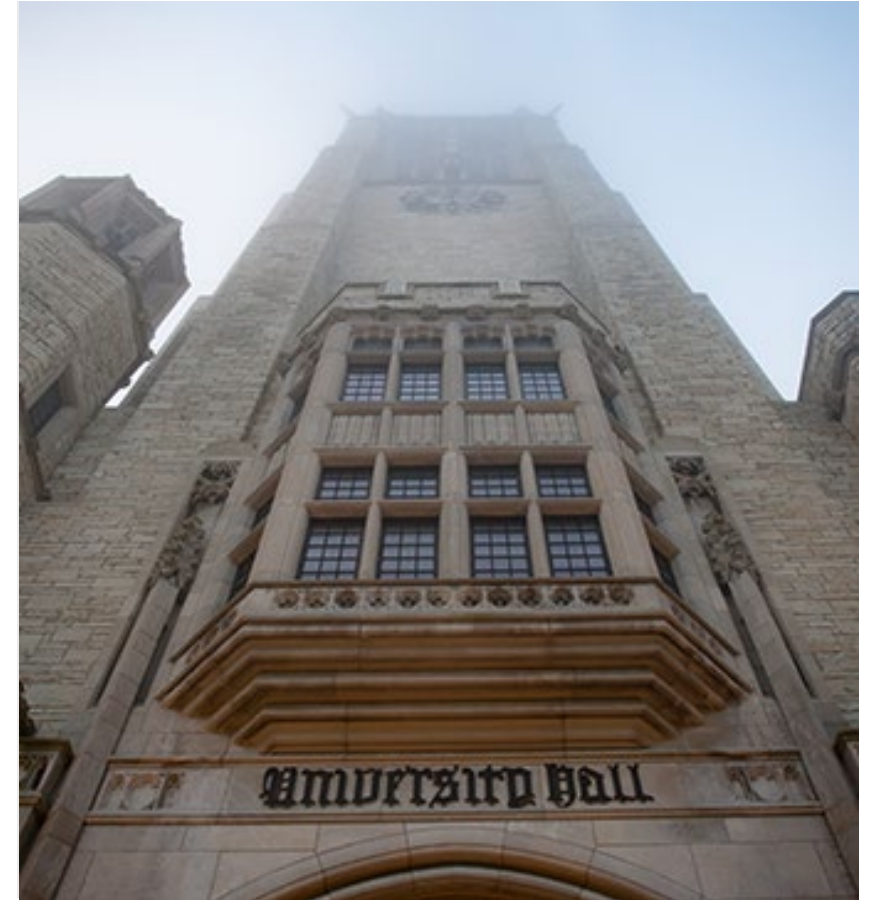


What you can do

- We encourage you to comment on this rule. Comments on this proposed rule must be identified by DHS Docket No. ICEB-2019-0006, and submitted through the Federal eRulemaking Portal. A Comment Now! button appears at the upper right corner of the proposed rule on Regulations.gov, at: https://www.regulations.gov/document?D=DHS_FRDOC_0001-1933 (nafsa.org). Comments must be submitted no later than October 26, 2020.



Remote learning and current restrictions



Current restrictions for international students

- Inability to travel to or from U.S. (depending on country of origin)
- Visa denials for students who are trying to return to the U.S.
- U.S. embassy closures around the world
- Cannot begin a new program that is completely online



Remote learning challenges/ opportunities

- Internet connectivity issues
- Home country restrictions
- Export control (countries that are state sponsors of terrorism)
- Access to course materials (books)
- Opportunity to begin program sooner



Challenges arriving in the spring semester

- Obtaining visas
- Ability to enroll in face to face or hybrid courses
- Finding flights
- Possibility of additional presidential proclamations
- Countries shut down due to COVID-19 (students not able to depart their home countries)
- Funding (loss of wages)



How to support, include, assist international graduate students

- Academic support (accommodations for unforeseen challenges)
 - Internet connectivity issues
 - Different time zones
 - Making one on one advising easily available
 - Remote tutoring
- Encourage Dialogue
- Speaking up on behalf of International students during decision making
- Working with CISP to meet the needs of our international population



Thank you

Questions?

