STUDENT AND EXCHANGE VISITOR UPDATE

Florida Association of International Educators Conference - Orlando

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Change of Status Update

• B to F: “Bridge” extensions of B status no longer required as of 7/20/21.
  Bit.ly/bridgepetition

• Other changes of status: “Bridge” to B status no longer required.

• “30 day rule” still applies: must be less than 30 day gap between end of status and I-20 start date.

• “Preconceived intent” still an issue.

• Late-filed changes of status theoretically possible but not viewed generously.

• Current processing time: up to a year, but online filing can yield faster results.
“One Academic Year” for F Benefits

• Must be in full time status for at least one academic year.
  • Note: Students beginning a program abroad in online courses does not count.
  • Online study abroad does count if the student was in the US with an Active SEVIS record first.
  • Online study in the US does count as long as the student has an Active SEVIS record

• Academic year definition from the NAFSA Adviser's Manual 360:

**Duration**

An "academic year" of F-1 study must include a minimum duration of 30 weeks of instructional time for a program offered in credit hours

**Intensity**

• An undergraduate student is expected to complete 24 semester or trimester credit hours or 36 quarter credit hours for a program measured in credit hours

• Graduate student needs "full-time" enrollment for 30 weeks
“One Academic Year” for F Benefits

• Students who have changed their visa status to F-1 and who have been continuously enrolled in a full-time degree program for at least 1 academic year at a SEVIS-approved school may qualify for OPT prior to 1 year in F-1 status. Example: H 4.

• Must be in valid F-1 status at time of application.
Online Filing of OPT Applications, Processing Times

• March 2021- Online filing of I-765 for OPT was “soft launched”

• April 12, 2021- USCIS press release announces online filing for:
  • (c)(3)(A) – Pre-Completion OPT;
  • (c)(3)(B) – Post-Completion OPT; and
  • (c)(3)(C) – STEM Extension of OPT

• Most common issue: student submitting I-765 without I-20 with OPT recommendation

• Processing times have generally ranged to a few weeks to less than 2 months!

• Credible rumor circulating that online filing for all OPT application will be required in the very near future

• If error is made, can't easily withdraw the application. Can provide supplemental information but not required initial evidence (i.e. properly endorsed I-20)
New STEM CIP Codes

- Make U.S. more attractive to international talent.
- Expands eligibility of F-1 students to participate in work program for up to three years.
- 22 new fields of study eligible for the STEM optional practical training program primarily new multidisciplinary or emerging fields:
  - economics and computer science, mathematical economics, data science, and data, business and financial analytics.
  - Mid-stream changes of CIP code during and after program and during OPT complicated
- STEM students in the J-1 exchange visitor program will be eligible for up to 36 months of AT, increased from 18 months.
- USCIS is updating guidance to clarify how certain STEM graduates and entrepreneurs can use the national interest waiver for employment-based immigrant visa classification as an advanced degree professional noncitizen or noncitizen of exceptional ability.
Issuance of Forms DS-2019 & I-20: Format

Form I-20

- SEVP Policy Guidance on 11/1/2021 permits designated school officials (DSOs) to electronically sign and transmit the Form I-20 to initial and continuing students and their dependents.
- DSOs may electronically sign all signature fields on the Form I-20 using software programs or applications, or by using electronically reproduced copies of a personal signature.
- School officials may scan and email or electronically transmit the Form I-20 via secure platform, such as a school portal or other secure site, to F and M students and their dependents.
- Students must print a copy and sign it to present at any required visa interview and upon arrival at a U.S. port of entry.
- Electronic signatures by students are still not acceptable on Form I-20. The student must provide a physical signature in ink. If a student receives an "electronic" Form I-20

Form DS-2019

- DS-2019s can be sent electronically as a courtesy for use in the US per guidance from the Department of State
- Original, physical DS-2019, not a scanned copy, is required for visa applications, visa renewals, and entry to the U.S.
Student/EV Visa Processing Abroad

• US Dept of State requires all posts to prioritize student, EV visas.

• Some posts still have very limited appointment availability.

• DOS has given posts wide discretion to waive appointments through 12/31/22; “drop box” for renewals where old visa expired less than 48 months prior extended indefinitely. [bit.ly/expandedwaivers](bit.ly/expandedwaivers)

• Issuance in some countries hindered by in-country quarantine requirements (e.g. China).

• No uptick in denials.

• Lots of SAO’s (security checks) for some countries (e.g. China).
  • “Trigger happy” consuls and CBP over links to CCP or PLA.
Special Student Relief

• Announced for:
  • Venezuela: Effective April 22, 2021 until September 9, 2022
  • Haiti: Effective August 3, 2021 through February 3, 2023
  • Myanmar: Effective May 25, 2021 until November 25, 2022
  • Hong Kong: Effective November 26, 2021 through February 5, 2023
  • Somalia: Effective September 18, 2021 through March 17, 2023
  • Syria: Effective April 22, 2021 until September 30, 2022
  • Yemen: Effective September 4, 2021 until March 3, 2023

• Benefits:
  • Permits on-campus employment greater than 20 hours per week
  • Waives several requirements for Severe Economic Hardship Employment Applications and permits employment greater than 20 hours per week
  • Reduces required course load if working greater than 20 hours per week

• Detailed information and links to Federal Register Notices: bit.ly/NAFSASSR
Name, Image, Likeness (NIL) for Students

• Several states, including Florida, initiated changes to NIL laws for student athletes
• NCAA prompted to initiate changes to NIL regulations- still evolving!
• Student Athletes now permitted to profit off their NIL, **but not internationals, in most cases.** Think:
  • Brand sponsorships
  • Social Media Influencers
  • NFTs
  • Many other new and creative ideas...

• **International student athletes cannot profit if they have to do ANYTHING to create the NIL, eg, sit for a photograph, unless they have appropriate work authorization.**
• June 2021- SEVP issued statement that they are “actively monitoring” NIL legislation
DACA, TPS, U, Asylum

• DACA: pursuant to court order, USCIS is adjudicating renewals and AP requests. They are “accepting” but not approving new applications. [https://www.uscis.gov/i-821d](https://www.uscis.gov/i-821d)

• TPS: CIS currently “considering” TPS for Afghan arrivals (over 70K). TPS currently in effect for: Somalia, Yemen, Haiti, Venezuela, Syria, Myanmar. USCIS prohibited from terminating Sudan, El Salvador, Haiti, Nicaragua. [Temporary Protected Status | USCIS](https://www.uscis.gov/tpspolicy)  
  • Not inconsistent with maintaining student status or utilizing student benefits

• U Victims of Serious Crimes: 5.5 year backlog for U status, but new Bona Fide Determination policy may offer four year work cards once backlog is worked.

• Asylum: asylum based on domestic violence is back under Biden. Ditto asylum based on “family status” where motives for killing/harming family members unclear.
QUESTIONS?

¿Preguntas?
Domande?
Câu hỏi?
Fragen?
Preguntas?
Savāla?
Pytannya?
Sorular?
Yǒu wèntí ma?
Maswali?
Dotazy?
Ερωτήσεις;
الاسئله
Session Evaluation

- Please take a moment to share your feedback