

**University of Portland International Students and Remote Learning in Fall 2020  
FAQs for International Students about COVID-19**

3 August 2020

**IMMIGRATION RELATED QUESTIONS**

This document represents a reading of the ICE guidance and regulations from March 9th, July 15<sup>th</sup>, and July 24<sup>th</sup>. This information is not a substitute for expert legal advice and is provided for education purposes only.

On July 15, 2020, ICE's Student and Exchange Visitor Program (SEVP) issued an [FAQ document](#) for universities to follow with respect to international students in Fall 2020. This FAQ replaces the now rescinded July 6 directive blocking online only students in the United States. On July 24, 2020, ICE issued clarifying questions to supplement this guidance.

On July 30<sup>th</sup>, the University of Portland decided that nearly all classes will be online for fall semester 2020.

**Does the current policy apply to continuing F-1 international students with an active SEVIS record at University of Portland? What are my options for fall 2020?**

Continuing international students can take classes fully remote/online for fall semester 2020 within the United States. Some of you may have one or two in-person courses depending on your major field of study. It is our understanding that there will be no effect on your SEVIS record as long as you remain enrolled full-time and have no other violations of status such as unauthorized employment or an unauthorized drop below full-time enrollment.

**What are the options for new international students scheduled to start at UP in fall 2020? Will they be able to start as planned?**

Yes, with the following specifications:

- New international students outside of the United States may take classes 100% online while they remain outside of the United States.
- International students with an INITIAL SEVIS I-20 may not enter the United States to take fully online classes.
- International students with an INITIAL SEVIS I-20 may enter the United States if their schedule is not 100% online. The reading I have is that international students with I-20s marked "initial attendance" taking at least one in-person class (this could be 100% in person or courses that are a mixed delivery with a meaningful component in person) may still be able to study in the United States.

**Can an international student with an Active SEVIS record take a fully online course load in fall 2020 at UP from inside the United States?**

- Continuing international students may take a fully online course load from the United States, because of the temporary exemptions in place under the July 15 ICE FAQ.
- International students with INITIAL SEVIS 1-20s who are seeking to enter the United States may not take fully online classes in fall 2020 in the United States.

**Can a new international student take a fully online course load from outside the United States?**

Yes. An I-20 and active SEVIS record are not required to enroll in online courses from outside the United States. New international students will not be activated in SEVIS in fall 2020, they will be activated after arrival in the United States and enrollment in in-person classes.

New students who remain outside the U.S. should request a new I-20 from the office of [International Student Services](#) by November 15<sup>th</sup>.

**Can a continuing international student take a fully online course load in fall 2020 at UP from outside the United States? What happens to my SEVIS record?**

Yes. If you began in summer 2020 or earlier and have an active SEVIS record, you can take a fully online course load in fall 2020 from outside the United States. Your SEVIS record will remain active as long as you *maintain full-time enrollment*.

**I am a continuing F-1 international student with an active SEVIS record who is out of the United States for more than 5 months. Am I subject to the five-month temporary absence rule?**

No, under current conditions, if an Active international student left the United States to complete the spring term online, their SEVIS record remained in Active status as long as they were enrolled full-time, or had authorization for a reduced course load. While the temporary measures related to COVID-19 are in place, students who are maintaining status and making normal progress in their course of study are not subject to the five-month temporary absence rule as long as they are enrolled full-time. When UP returns to normal operations, students must return to campus to maintain active SEVIS status.

**How does the 5-month rule apply to F-1 international students who are transferring from another SEVIS-approved school?**

According to the July 15 FAQ, the five-month rule related to transfer students will not apply to students affected by COVID-19. SEVIS transfer students who exceed the 5-month period should contact [International Student Services](#). Depending on the circumstances, the international student adviser may have to request a data fix from SEVP.

**If a student transfers their SEVIS record to UP for fall 2020 will they be considered a continuing or new student for enrollment purposes?**

- If the transfer student is already in the United States or enters the United States and checks-in with their international student advisor, the student would be considered a continuing student for enrollment purposes.
- For a student outside the United States who is currently in Initial status in SEVIS with an “I-20 Issue Reason” of transfer, and does not plan to enter for fall semester 2020, their SEVIS record will remain in Initial status. Request a data fix through [International Student Services](#) when you are ready to re-enter the United States to begin study.

**What immigration laws govern online and in-person learning?**

One important regulation is 8 CFR 214.2 (f)(G) which states in part: “For F-1 students enrolled in classes for credit or classroom hours, no more than the equivalent of one class or three credits per session, term, semester, trimester, or quarter may be counted toward the full course of study requirement if the class is taken on-line or through distance education and does not require the student’s physical attendance for classes, examination or other purposes integral to completion of the class. ...”

The July 24 Clarifying Questions by ICE exempts new and continuing international students from the regulation, meaning that they can take more than the usual one class/three credits of online or remote instruction in fall 2020. For continuing students, this may include a hybrid of online and in-person classes or a completely online course load. For new students, this may include a hybrid of online and in-person classes. However, as stated above, new international students may not enter the United States to take fully online courses in fall 2020.

## VISAS

**If I enroll full-time while in the U.S. and my visa expires, do I need to renew my visa?**

No. As long as you remain in the United States, you do not need to renew your visa because your valid stay is governed by your I-94 and your I-20 or DS-2019. You will not be able to exit the country and re-enter without renewing your visa.

**If I am a continuing student and remain outside the United States, do I need to get a new F-1 visa?**

No. If your F-1 visa is still valid, you do not need to apply for a new visa regardless of your SEVIS status.

### **Are student visas being issued by U.S. Embassies and Consulates?**

Yes. The Department of State announced a [phased resumption](#) of routine visa services on July 14, 2020. The resumption of visa services will occur on a post-by-post basis so long as it safe for Department of State personnel to return to work. Students should check with specific consulate sites to determine operations here: <https://www.usembassy.gov/>.

The proclamations from the White House restricting certain travelers from entering the United States due to COVID-19 remains intact, with some changes. Notably, the Department of State [announced](#) on July 16, 2020 that F-1 international students would be exempt from the proclamations banning certain travelers from the Schengen Area, UK, and Ireland.

### **For new students, does International Student Services need to re-issue the I-20 to indicate that the student will not have a schedule that is 100% online in order to obtain a visa and enter the United States?**

No. Under the July 24 Clarifying Questions by ICE, this is no longer necessary unless there are other substantive changes that would trigger a Form I-20 update.

### **The Clarifying Questions from ICE dated July 24 states that international students enrolled in a course of study in the United States on March 9, 2020, and who subsequently left the United States will likely remain eligible for a visa since the March 2020 guidance permitted a full online course of study from inside the United States or from abroad. Does this mean I will get a visa?**

Visa issuance is under the jurisdiction of the Department of State and not under SEVP which is under the Department of Homeland Security. While it is 'likely' a continuing student would get a visa, the Department of State has discretion to issue or deny their visa.

## **EMPLOYMENT**

### **How does the current situation affect my ability to apply curricular practical training or optional practical training?**

- We do not have a guidance on how CPT and OPT are affected for students enrolled in remote classes.
- If you take in-person classes in fall 2020, you should not be affected as long as you meet the requirement of full-time study for one academic year.

### **I am a new student starting in fall 2020, and I plan to enroll remotely while outside the United States my first semester. Will I be eligible for an internship (CPT) in summer 2021?**

- At this time, the response is ‘no,’ you are not eligible for CPT or even OPT as you will not have been enrolled full-time for two consecutive terms by summer 2021. We are hoping that SEVP provides guidance soon. Students need to be enrolled full-time for two consecutive semesters in F-1 status in the United States to be eligible for CPT and OPT.
- If a program of study requires an internship in the first year, then it is permissible for International Student Services to authorize CPT but not recommend OPT.

**If I am enrolled full-time overseas with an Active SEVIS record, am I eligible for F-1 Optional Practical Training (OPT)?**

If you meet all of the eligibility requirements, you are still eligible for OPT. However, the application for employment is on the form I-765 which requires you to submit the application while in the United States. OPT applications are processed by USCIS, and USCIS has been consulted by ICE but has not yet provided guidance. When you sign the I-765, you are certifying you are filing the form while you are in the United States.

## Contacts and Resources

### International Student Services

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- [Back to the Bluff](#)
- [NAFSA SEVP COVID-19 Guidance Sources](#)
- [Exchange Visitor Program Information on Coronavirus \(COVID-19\)](#)
- [ICE Guidance on COVID-19](#)