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## Clarifying Questions for Fall 2020 Based On March 9 Spring Guidance Broadcast

Last Updated: July 24, 2020

This document provides answers clarifying questions for the fall 2020 term based on the Student and Exchange Visitor Program's (SEVP) [March 9, 2020, Spring Guidance Broadcast](#). Stakeholders should refer to [ICE.gov/Coronavirus](#), under the Nonimmigrant Students and SEVP-certified Schools header, for SEVP's March 2020 guidance.

### **1. Can F or M students outside the United States obtain a visa to study in the United States if their program of study will be fully online for the fall 2020 session?**

- A. Whether an individual is eligible to receive an F or M visa is a decision that must be made by the U.S. Department of State and is not made by SEVP. Consistent with the SEVP Broadcast Message dated March 9, 2020, DSOs should not issue a Form I-20, "Certificate of Eligibility for Nonimmigrant Student Status," for a student in new or Initial status who is outside of the United States and plans to take classes at an SEVP-certified educational institution fully online.

As a result, new or initial nonimmigrant students who intend to pursue a full course of study that will be conducted completely online will likely not be able to obtain an F-1 or M-1 visa to study in the United States. If a nonimmigrant student was enrolled in a course of study in the United States on March 9, 2020, but subsequently left the country, that student likely remains eligible for a visa since the March 2020 guidance permitted a full online course of study from inside the United States or from abroad.

The March 2020 guidance applies to nonimmigrant students who were actively enrolled at a U.S. school on March 9, 2020, and otherwise complying with the terms of their nonimmigrant status.

### **2. Can students apply for a visa to enter the United States for a hybrid program of study with online components beyond the limitations at 8 CFR 214.2(f)(6)(i)(G)?**

- A. Whether an individual is eligible to apply for an F or M visa is a decision that must be made by the U.S. Department of State and is not made by SEVP. However, per the March 2020 guidance, nonimmigrant students seeking to enroll in a program of study that includes in-person and online components beyond the limitations at 8



*CFR 214.2(f)(6)(i)(G)*, are able to maintain F-1 or M-1 nonimmigrant status if pursuing such programs during the fall 2020 school term. Nonimmigrant students in New or Initial status after March 9 will not be able to enter the United States to enroll in a U.S. school as a nonimmigrant student for the fall term to pursue a full course of study that is 100 percent online.

**3. Can students continue to remain in the United States if they are engaged in a fully online program of study?**

- A. Per the March 2020 guidance, yes, nonimmigrant students may remain in the United States to engage in full course of study online if they have not otherwise violated the terms of their nonimmigrant status since March 9, 2020. This includes students who have remained in the U.S. in active status and are starting a new program of study that is 100 percent online. These individuals do not need a new visa to continue their programs of study. Students engaged in 100 percent online coursework will be able to maintain their nonimmigrant status and not be subject to initiation of removal proceedings based on their online studies. If a student violates other U.S. laws or regulations, they could potentially be subject to removal.

**4. Can students remain in the United States if their school switches from traditional in-person or hybrid instruction to fully online instruction?**

- A. Nonimmigrant students pursuing studies in the United States for the fall 2020 school term may remain in the United States even if their educational institution switches to a hybrid program or to fully online instruction. The students will maintain their nonimmigrant status in this scenario and would not be subject to initiation of removal proceedings based on their online studies. If a student violates U.S. laws or regulations, they could potentially be subject to removal.

**5. Can students remain in the United States in a hybrid program of study with online components beyond the limitations at *8 CFR 214.2(f)(6)(i)(G)*?**

- A. Nonimmigrant students may remain in the United States in a hybrid program of study, which consists of both in-person and online components beyond the limitations at *8 CFR 214.2(f)(6)(i)(G)*. Students will not face enforcement action or loss of their nonimmigrant status based on engaging in hybrid programs. If a student violates U.S. laws or regulations, they could potentially be subject to removal.



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**6. Our school will be enrolling F or M students in the fall 2020 session. What should our school report to SEVP about our fall 2020 plans?**

- A. If an SEVP-certified school has previously submitted a procedural change plan detailing its alternative procedures, it does not need to resubmit the plan for the fall 2020 session, unless the school is making substantive changes. Consistent with the provisions of the March 2020 guidance, substantive changes should be submitted with 10 days of the decision to implement the change.

SEVP-certified schools that have not yet filed procedural change plans and have active nonimmigrant students enrolled in programs of study this fall should submit a procedural change plan, detailing any changes to existing procedures necessitated by COVID-19.

**7. What should a certified school report on F or M students' Forms I-20 for the fall 2020 session?**

- A. Schools should review [SEVP's COVID-19 FAQs](#) for information how to issue Forms I-20. As noted in the FAQs, students who will be continuing their studies outside the United States should have the following comment in the remarks field: "Outside the United States due to COVID-19."

Schools who have already issued Forms I-20 for F or M students in accordance with the July 6 guidance or July 7 FAQs (rescinded on July 14) do not need to reissue those Forms I-20, unless there are other substantive changes that would trigger a Form I-20 update. Similarly, schools that did not issue Forms I-20 in accordance with the July 6 guidance or July 7 FAQs (rescinded on July 14) do not need to reissue Forms I-20, unless there are substantive changes that would trigger a Form I-20 update.

Schools issuing initial Forms I-20 should abide by all regular requirements regarding Form I-20 issuance.

**8. Can a certified school issue Forms I-20 electronically?**

- A. Yes, DSOs may electronically send Forms I-20 to student email addresses listed in SEVIS. In the case of a minor students, the email address may belong to their parent or legal guardian. Schools do not need to request permission from SEVP or report



their plans to electronically send Forms I-20 as part of their COVID-19 procedural changes.