



FALL 2020

# STUDENT IMMIGRATION

## updates

### PROPOSED REGULATIONS:

The Department of Homeland Security (DHS) proposes to amend five sections of Title 8 of the Code of Federal Regulations (8 CFR):

- 8 CFR 214.2(f) – F-1 Regulations
- 8 CFR 214.1 – General regulation on requirements for admission, extension, and maintenance of status
- 8 CFR 214.2(j) – DHS J-1 regulations; Only the DHS J-1 regulations are included in the proposed rule. The Department of State is not proposing changes to the J-1 regulations at 22 CFR
- 8 CFR 248 – General change of status regulations
- 8 CFR 274a.12 – Regulations on employment of verification and employment authorization

### PROPOSED CHANGES TO PROCESS:

#### Current Practice:

Student, Scholar or Department makes a request by submitting documentation to a Designated School Official (DSO) or a Responsible Officer (ARO) who in turns reads and follows the regulatory requirements and grants the extension of status in SEVIS and prints the new I-20/DS-2019.

### CHANGING TO A DATE-SPECIFIC ADMISSION:

Admission to the U.S. for a fixed period instead of duration of status (D/S). The Form I-94 expiration date will be:

- The program end date on the Form I-20 or DS-2019, plus 30 days
- But not to exceed a 4 or 2-year maximum (based on established criteria set forth by DHS)
- F-1 grace period reduced to 30 days (currently 60)
- The rule would not change the program period a school or program could put on I-20 or DS-2019... it would limit the period of admission that CBP or USCIS would give on the F or J's Form I-94

*\* Admission refers to entry into the U.S. (not admission to UK) and the duration of status (or period of stay) that is granted by Customs and Border Patrol (CBP)*

#### Proposed Rule:

Students and scholars would submit a Form I-539 to US Citizenship and Immigration Services if they need to stay longer. Individuals who need time beyond the period of admission on their I-94 would have to timely file a complete extension of stay application (Form I-539/I-539A) with USCIS before their I-94 expiration date.

- Must pay I-539 fee and biometric data fee
- Will likely face long I-539 adjudication times
- Benefit from legal representation (maybe). Who can assist with filing (the applicant or their attorney)

\*10/22/2020





## WHY ADVOCATE?

Advocacy is the most important focus right now. Learning the ins and outs of this new rule is really counterproductive since it may look very different even if it passes.

At this point this is a proposed rule which means that:

- DHS must read every comment submitted before any proposed rule can be implemented
- DHS had already received more than 32,000 comments as of last week. The more comments the better. It could help slow down the process.
- Slowing down allows lawsuits and advocacy to take shape
- An election could impact the outcome
- Advocacy does work (remember the July 6th MEMO)

## WHAT CAN I DO?

- Visit [ConnectingOurWorld.org](https://ConnectingOurWorld.org) to urge your member of Congress to speak out against the rule
- Anyone can make a comment. Comments are public so just be aware of this.
- Submit a comment as an individual or group
- Personalize comments by deadline of October 26

### *Comment Details:*

- Your comments on the 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](https://www.regulations.gov)
- The Federal Register notice states:  
"Comments submitted in a manner other than the one listed above, including emails or letters sent to DHS or U.S. Immigration and Customs Enforcement (ICE) officials, will not be considered comments on the proposed rule and may not receive a response from DHS."

### Questions, comments, & suggestions:

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