

The Georgia Tech logo, featuring the words "Georgia" and "Tech" stacked vertically in a bold, sans-serif font. To the right of the text is a stylized icon of the Georgia Institute of Technology's clock tower.

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CREATING THE NEXT

# DHS Proposal to Remove Duration of Status Overview

# DHS Regulatory Process

On September 25, 2020 the U.S. Immigration and Customs Enforcement Bureau (ICE) announced the “Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media” proposed rule.

This proposed rule is currently at Step 4 in the federal rulemaking process and is open for public comment through October 26, 2020.

## **U.S. Federal Rulemaking Process**

Step 1: Agency envisions rule.

Step 2: Rule is added to Federal Regulatory Agenda.

Step 3: Proposed rule is reviewed by Office of Management and Budget.

Step 4: Proposed rule is opened for public comment for a specified period.

Step 5: DHS review comments and amends rule.

Final Step: DHS issues a final rule and implementation date.

# Public Comment

- Public Comment period is open through October 26, 2020.
- Anyone can offer personal comments on the proposed rule.
- Comments must include docket number (ICEB-2019-006), indicate the specific sections of the document to which the comment applies, and provide a reason for each suggestion or recommendation.
- Comments must be submitted online at <http://www.regulations.gov>.

# Georgia Tech's Advocacy

- Georgia Tech is currently in discussions with Georgia congressional representatives regarding the proposed rule and the direct impact of this rule on Georgia Tech.
- **We are also working with higher education associations and advocating as a collective to the White House and Congress**
- Georgia Tech is also preparing a public comment for USCIS which outlines concerns.
- Georgia Tech affirms that it will share information with policy makers about the importance of international students and scholars to our global institution and advocate for all students to pursue academic programs and OPT benefits without interruption.

# Proposed Changes: Admission Dates

<b>Current State</b>	<b>Proposed Future State</b>
Admission period is based on estimated length of academic program listed on the I-20 or DS-2019. An OIE adviser can extend the program end date in SEVIS.	Admission is limited to 2 or 4 years depending on the home country of the student. Student must request an extension through United States Citizenship and Immigration Services (USCIS).
Student receives an I-94 record with admission period of D/S which extends as the student's SEVIS record extends.	Student receives an I-94 record with a fixed end date of admission and must extend by requesting an extension through USCIS.
F student visa holders have a 60-day grace period.	The grace period for F student visa holders is reduced to 30 days.

# Proposed Changes: Extension Process

Current State	Proposed Future State
Student is not required to perform biometrics to request an extension of stay through SEVIS.	Student will be required to complete biometrics in order to request extension of stay.
There is no filing fee to extend the program end date in SEVIS.	Student will be required to pay filing fees to request an extension of stay with USCIS.
Student submits proof of financial documents to OIE to demonstrate financial solvency for period of extension.	Student submits proof of financial documents to USCIS to demonstrate financial solvency for period of extension.
Student extension request is processed within 7-10 business days by OIE.	Student's extension of stay application will be processed based on USCIS processing times, currently listed as 5-8 months. F-1 students will be ineligible to engage in curricular practical training benefits while awaiting approval of the extension of stay. Student remains eligible to work on-campus for 180 days beyond program end date while awaiting extension of stay approval.

# Proposed Changes: Academic Limits

Current State	Proposed Future State
F-1 and J-1 student visa holders are able to enroll in multiple lower level degrees after graduating from a higher level degree.	F-1 and J-1 student visa holders will be eligible to enroll in only one degree program at a lower level after completing a higher level degree.
F-1 and J-1 visa holders are eligible to continuously enroll in English language training programs as the primary purpose for the visa.	F-1 and J-1 student visa holders are limited to 24 months of English language training as the primary purpose of the visa.
F-1 and J-1 student visa holders are eligible to enroll in multiple degree programs at the same level.	F-1 and J-1 student visa holders will be limited to three degree programs at the same level.



# Proposed Changes: OPT

Current State	Proposed Future State
<p>F-1 students on Optional Practical Training whose petitions are accepted for H1-B filing are eligible to receive a cap-gap extension allowing them to continue working on OPT while awaiting approval of the H1-B through October 1 of the year they file.</p>	<p>Cap-gap extension benefit will be available through April 1 of the next year allowing additional time for USCIS adjudication of the H1-B petition.</p>
<p>F-1 students are eligible to request OPT 90 days in advance of the program end date of their degree program.</p>	<p>F-1 students will be eligible to request OPT 120 days in advance of the program end date of their degree program.</p>
<p>USCIS requires students to file the I-765 for OPT within 30 days of a DSO recommendation for OPT or the petition is denied.</p>	<p>The USCIS no longer requires F-1 student visa holders to file within 30 days of a DSO OPT recommendation.</p>



# Other Resources

- Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media [proposed rule](#)
- Study in the States “[What is My Duration of Status?](#)”
- DHS [announcement](#)
- NAFSA’s [Connecting Our World Campaign](#)