

International Students at Xavier University and Remote Learning in Fall 2020:

What You Need To Know

Updated July 28, 2020

Disclaimer: On July 15, 2020, the U.S. Immigration and Customs Enforcement (ICE) issued an FAQ. The July 15 FAQ comes on the heels of a resolution reached by ICE and Harvard/MIT in connection with a lawsuit filed challenging the July 6 directive that if implemented would have blocked the ability for many international students to remain in or enter the United States. Based on the court resolution, ICE agreed to cancel the July 6 directive and revert to a policy that existed in March. On July 24, 2020, ICE issued [Clarifying Questions for Fall 2020](#). This document represents our best reading of the ICE guidance and regulations.

Q1: What is the current policy?

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 This FAQ replaces the now rescinded July 6 directive blocking online only students in the United States.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.

Q2: Does the current policy apply to continuing F-1 international students with an active SEVIS record at Xavier University? What are my options for fall 2020?

Yes. Continuing international students can take classes in various modes: in-person, hybrid, or fully remote from the United States. Our understanding is 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 unauthorized drop below full-time enrollment.

Q3: I am a new international student scheduled to start my studies at Xavier University in fall 2020. Will I be able to start my studies as planned?

Yes, but take note of the following:

- 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. Our best reading 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.

Q4: What if I start the fall 2020 semester under an in-person or hybrid model but the class then moves to online during the semester?

According to the July 24, 2020 guidance, students pursuing studies in the United States for the fall 2020 school term will be able to continue studying from within the United States if a university moves online.

Q5: Can an F-1 international student with an Active SEVIS record take a fully online course load in fall 2020 at Xavier University 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.

Q6: Can a continuing F-1 international student take a fully online course load in fall 2020 at Xavier University from outside the United States? What happens to my SEVIS record?

Yes. If you began in spring 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.

Q7. What if 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?

Based on the outcome in the Harvard/MIT lawsuit and the July 15 FAQ, our reading is that international students with active SEVIS records may keep their active SEVIS status as long as they enroll full-time. When Xavier University returns to normal operations, students must return to campus to maintain active SEVIS status.

Q8: If a student transfers their SEVIS record to Xavier University 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 CIE at Xavier University, the student would be considered a continuing student for enrollment purposes.
- If the transfer student is outside of the United States and does not enter the United States for fall 2020, their SEVIS record will remain in initial status and the student must contact CIE at international@xavier.edu to discuss their options.

Q9: 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.

Q10: 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, our response is 'no' that you are not eligible for CPT or even OPT if you are in a one-year program. We are hoping that SEVP provides guidance soon because this is a frequent question.
- 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 graduate program of study requires an internship in the first year, then it is permissible for CIE to authorize CPT but not recommend OPT.