



***International Education Services  
Virtual Town Hall***

***Proposed Rule to End D/S***

***October 14, 2020***

# International Student and Scholar Services Team

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Please use the chat box to ask a question or email it to [ies@umbc.edu](mailto:ies@umbc.edu)

# Today's Agenda

1. What is D/S and why is it important
2. Summary of proposed changes
3. Federal rulemaking process
4. Public comment period and next steps
5. Resources
6. Q&A

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# What is D/S? Why is it important?

- Duration of Status (D/S) - a term of art in U.S. immigration
  - Allowed to remain in U.S. so long as “in status”
  - Visa ≠ status
  - Flexibility to maintain legal status through academic and personal changes

## New rule would:

- End use of D/S and implement fixed status dates
- Initially limit citizens of some countries to a maximum duration of two years
- Remove ability of academic institutions to extend status
- Require nonimmigrants to petition (and pay) to extend status
- Shorten “grace period” from 60 to 30 days
- **More difficult and more expensive for international students and scholars**

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# Summary of Proposed Rule

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# Summary of Proposed Changes

## Admission End Date; Extension Application

- Students entering the US would only be granted a period of either 2 or 4 years to stay
- 2/4 years depends on country of birth/citizenship and degree program
  - “State Sponsor of Terrorism;” High overstay rates; Sensitive programs; E-Verified Schools
- Unclear how leaving the US and returning would impact this period of time
  - For example, would the 2/4 years reset? Or continue uninterrupted?
- Current students would have this applied to them as well, but with some differences
  - Existing 60 day grace period remains
  - All current students would receive 4 year status (even if they are in one of the 2 year categories)

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# Summary of Proposed Changes

## Proposed Process to Apply for an “Extension of Status” beyond the 2/4 Years

- Students will need to apply to USCIS for additional time in the US
  - I-539 form, fee (currently \$455), supporting documents, IES involvement, biometrics appointment
  - Processing time? Currently the average I-539 processing time is 9-12 months
- Only specific reasons warrant an extension
  - Academic (program requires more coursework; no availability of required courses, etc)
  - Medical (interruption to regular progress for health reasons)
  - Emergencies (natural disasters, other interference outside of the student’s control)

Note: Struggling academically (such as needing to repeat classes) is NOT a valid reason for an extension

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# Summary of Proposed Changes

## Impact on Different Work Permissions

- While an Extension application is pending:
  - CAN continue on-campus work
  - CANNOT use or continue CPT or OPT/STEM OPT Extension until extension of status is approved
- Adjusts the period when a student can apply for OPT
  - Can apply 120 days in advance of I-20 end date, as opposed to current 90 days
  - Deadline to apply is 30 days after I-20 end date
- Extends the H-1b Cap Gap from 6 months to 1 year

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# What's next?

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# Administrative Procedures Act (APA) and Rule Making Process

- All **regulatory** changes must go through established process required by APA
  - Regulatory change is a change to a law or federal statute
  - Regulatory changes are not executive actions or FAQs

## APA Requires:

- Public notification (Proposed Rule)
- Public participation (Comment Period)
- Uniform standards and process (Review and Respond to Comments)

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# Public Comments

- Anyone may officially comment on proposed rule
- Required to consider each public comment before implementing new rule
  - The greater the volume of substantive comments, the longer it will take to advance rule
  - Public comments are effective - STEM OPT example

## Best practices:

- Shy away from templates to avoid duplication
- Address specific parts of the proposed rules - show you have read it
- Explain how this would impact you on a personal level (if applicable)
- What would happen to you, the U.S., Maryland, etc. if implemented?
- Use personal email address and contact info if commenting as private citizen

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# To Comment

- Deadline to Comment is October 26, 2020
- Must be submitted via Federal eRulemaking Portal - “comment now”  
[https://www.regulations.gov/document?D=DHS\\_FRDOC\\_0001-1933](https://www.regulations.gov/document?D=DHS_FRDOC_0001-1933)
- Attach a document or share comments via text box (5,000 character limit)

## Possible outcomes:

1. Rule implemented as written
2. Rule implemented with alterations based on public comments
3. Rule dropped

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# Resources

Text of proposed rule:

[https://www.regulations.gov/document?D=DHS\\_FRDOC\\_0001-1933](https://www.regulations.gov/document?D=DHS_FRDOC_0001-1933)

Summary and analysis:

<https://ies.umbc.edu/executive-actions/>

<https://www.nafsa.org/professional-resources/browse-by-interest/proposal-replace-duration-status>

<https://thepienews.com/news/complicated-and-burdensome-student-visa-rule-changes-proposed-in-us/>

<https://www.insidehighered.com/news/2020/09/25/trump-administration-proposes-major-overhaul-student-visa-rules>

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# Questions?

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# Thank You!

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