DHS Proposal to Shorten F and J Length of Stay

Updated October 8, 2020

On October 7th, OISS hosted a Town Hall to address questions and concerns about this proposed rulemaking and how Yale will be responding to the proposal (the session was not recorded). Please see below for additional resources and information and contact OISS if you have further questions.

For those interested in an initial analysis, you will find helpful information at the links below.

NAFSA: Association of International Educators [1]

Penn State Law Center for Immigrants’ Rights Clinic and the Presidents’ Alliance on Higher Education and Immigration [2]

The public comment period is open until October 26th. Comments may be submitted here [3].

September 25, 2020

The Department of Homeland Security (DHS) published a Notice of Proposed Rulemaking [4] on September 25th regarding the permitted length of legal stay in the U.S. for several immigration categories including F and J visas. These are proposed changes; they are not in effect. There will be a 30-day public comment period after which, DHS is required to read and consider all comments and only then publish a final rule. This is a protracted process and the current proposal could very well change, be held up in the courts or completely withdrawn. Notable immigration attorney and Cornell Law Professor Steve Yale-Loehr said “…students and people advising international students and scholars in higher education should not panic – these are not immediate changes”
There are many elements to the proposed rule, but at its essence DHS is proposing that F and J visa holders, upon entry to the U.S. be granted a stay of no more than 2 years or 4 years. At present F and J visa holders are granted “Duration of Status” [5] (D/S) which allows a stay for as long as their Form I-20 or DS-2019 are valid and they remained engaged in the academic program for which they were admitted to the U.S. For example, a PhD student might have a 6 year Form I-20. Under this proposal some students would only be granted a 2-year stay, others a 4-year stay. The F and J visa holders would then have to apply to USCIS (no travel required) and pay a fee to request an extension.

President Salovey, supported by many Yale leaders and community members, has stated on multiple occasions the university’s “steadfast commitment to our international students and scholars; they are vital to the university community.” This proposal is very concerning and OISS is working with Yale leadership, our peer schools, and the higher education associations, including NAFSA: Association of International Education [6] and the American Association of Universities, to develop a formal comment rejecting the DHS proposal. OISS will update our website with all new developments with the DHS proposal.


Links:
[1] https://www.nafsa.org/professional-resources/browse-by-interest/proposal-replace-duration-status
[6] https://www.nafsa.org/about/about-nafsa/dhs-issues-proposed-rule-eliminate-decades-long-duration-status-policy