Updated October 1, 2020

If you have questions or concerns about this proposed rulemaking please join OISS staff at a town hall at 12 noon on Wednesday, October 7, 2020. After a short overview of the proposed rule, OISS will be available to hear your concerns and answer your questions. Register for the Town Hall here in order to attend [1].

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

NAFSA: Association of International Educators [2]

Penn State Law Center for Immigrants’ Rights Clinic and the Presidents’ Alliance on Higher Education and Immigration [3]

The public comment period is open until October 26th. Comments may be submitted here [4].

September 25, 2020

The Department of Homeland Security (DHS) published a Notice of Proposed Rulemaking [5] 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 This is a protracted process and the current proposal could very well change, be held up in the courts or completely withdrawn.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” [6] (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 [7] 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:
[2] https://www.nafsa.org/professional-resources/browse-by-interest/proposal-replace-duration-status
[7] https://www.nafsa.org/about/about-nafsa/dhs-issues-proposed-rule-eliminate-decades-long-duration-status-policy