

 **May 20, 2021**

Topics:

[International Enrollment Management](#), [International Students and Scholars](#),
[Regulatory Information](#)

On May 6, 2021, NAFSA Executive Director and CEO Dr. Esther Brimmer [sent a letter to SEVP Director Rachel Canty](#), to thank SEVP for its [April 26, 2021 COVID-19 guidance for the 2021-2022 academic year](#), and suggesting "additional clarifications to further help schools and students operate responsibly and responsibly during this year of transition," the "overarching recommendation is to provide schools greater flexibility to operate as international, national, state, and local safety considerations allow."

[Read NAFSA's Letter to SEVP on 2021-2022 Academic Year COVID-19 Guidance](#)

In its letter, NAFSA asked SEVP to:

Clarify the procedures and implications for a school that returns to "normal operations"

Eliminate the 12-month limit to the validity of paid SEVIS fees

Consider the longer-term realities of the pandemic by eliminating the March 9, 2020 date in the guidance and considering the scope of SEVP flexibilities and processes, such as: accommodating transfer and change of level students who are outside the United States, streamlining data fix processes to facilitate students' timely return to the United States, and cooperating with USCIS to develop a policy that allows a student to apply for OPT from outside the United States

On May 14, 2021, SEVP Director Rachel Canty responded to Dr. Brimmer with the following message:

"May 14, 2021

Dr. Esther Brimmer
NAFSA: Association of International Educators
1307 New York Ave NW
Washington, DC 20005

Dear Dr. Brimmer:

Thank you for your letter regarding U.S. Immigration and Customs Enforcement's (ICE) updated Coronavirus Disease (COVID-19) guidance related to nonimmigrant student study in the United States. On April 26, 2021, ICE announced its decision to extend current COVID-19 flexibilities through the 2021-22 academic year. ICE made this decision in

recognition of the continuing challenges schools face due to COVID-19. This update extends current flexibilities and makes no changes to existing guidance.

In your letter, you offer specific proposals for updating these flexibilities. ICE appreciates your engagement on these issues and responds to each issue as follows:

1. Procedures relating to "normal operations"

As noted in ICE's COVID-19 [FAQs](#), (answer to question 2, page 16) ICE "anticipates providing additional guidance after the COVID-19 emergency ends regarding a school's return to normal operations." In this context, "normal operations" refers to the time period after the COVID-19 emergency is over. SEVP recognizes that many schools will return to what the school may consider "normal operations" for the 2021-22 academic year. However, for the purposes of this guidance, SEVP considers "normal operations" as the time period after the special COVID-19 guidance is rescinded. Eligible F and M students who meet the criteria in the COVID-19 guidance may remain in Active status in the Student and Exchange Visitor Information System (SEVIS). ICE will reassess the situation closer to the 2022-23 academic year and provide any updated guidance.

2. 12-month validity of paid I-901 SEVIS fees

As noted in ICE's I-901 SEVIS Fee [FAQ](#), "Do I need to pay the I-901 SEVIS fee?", new applicants for student status do not need to pay the fee again if a student is applying for a visa within 12 months of the date of the student's I-901 SEVIS fee payment. For the duration of the COVID-19 emergency, including the 2021-22 academic year, this validity period has remained unchanged.

3. Eliminating the March 9, 2020 date and increasing the scope of COVID-19 flexibilities

ICE's updated guidance extends current COVID-19 flexibilities through the 2021-22 academic year. This includes keeping March 9, 2020 as the starting date. ICE made no changes to current flexibilities believing these are sufficient to address current needs, as well as achieve ICE's mission to ensure the integrity of the U.S. immigration system, while also being responsive to litigation on these issues.

ICE again appreciates your engagement on these topics. During this challenging season, we thank you for your continued support of ensuring the safe and lawful study of foreign students and the schools that enroll them.

Sincerely,

Rachel E. Canty
Director, Student and Exchange Visitor Program
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security"

Related Content

SEVP COVID-19 Guidance Sources



Coronavirus Critical Resources



Regulatory Resources

Law Links



Adviser's Manual 360



NAFSA Regulatory Engagement



NAFSA: Association of International Educators

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