

Foreign Students Can Remain in the U.S. Even if All Classes Will Be Online

On July 14, 2020, the Trump administration agreed to rescind a July 6, 2020, directive that planned to bar foreign students from the United States if their colleges canceled in-person instruction during the COVID-19 pandemic. After numerous lawsuits filed by a number of universities and states, a Massachusetts federal judge scheduled a hearing to address this issue. The parties informed the judge prior to the hearing that they had reached a settlement. The settlement means that U.S. Immigration and Customs Enforcement (ICE) will revert back to guidance issued in March 2020 that allowed international students to remain in the United States even if their college or university opted for online-only instruction during the pandemic.

The abrupt course reversal by the federal government moots not only the suit brought by Harvard and MIT, but also similar suits filed by a group of universities in the western United States, Johns Hopkins University, and a coalition of 17 states, including New York state.

Although this settlement has set a precedent for future cases, there may be changes regarding student visa policies in the future 2021–2022 school year. For now, over one million international students can breathe a sigh of relief. These students will not have to depart the United States or transfer to a different university offering in-person instruction. However, students currently outside the United States may still have difficulty getting F-1 and M-1 visa stamps in time for the fall semester. With many of the consulates still only providing services for U.S. citizens in emergent situations, students outside the United States who were hoping to start school in the United States for the fall semester may not be able to enter the United States in time.



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Related Practice Areas

- Immigration Policy & Strategy

¹ *President and Fellows of Harvard College et al. v. U.S. Department of Homeland Security et al.*, case number 1:20-cv-11283, in the U.S. District Court for the District of Massachusetts.