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Immigration

Foreign Student Measures Announced: Extension of SEVP Guidance, and Relief for Nonimmigrant Student Citizens of Sudan and Ukraine

Legal Update

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By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

Several measures related to foreign students were announced:

SEVP March 2020 guidance continued. The Student and Exchange Visitor Program (SEVP) announced via a broadcast message issued April 18, 2022, that it is extending the guidance originally issued in March 2020 for F and M students to the 2022-23 academic year. This guidance enables schools and students to engage in distance learning in excess of regulatory limits due to the continuing public health concerns related to the COVID-19 pandemic. The March 2020 guidance applies to nonimmigrant students who were actively enrolled at a U.S. school on March 9, 2020, and are otherwise complying with the terms of their nonimmigrant status, whether from inside the United States or abroad. Significantly, there are no changes to the original guidance, which will remain in effect during the 2022-23 academic year.

DHS notices of special student relief for Sudan, Ukraine. The Department of Homeland Security (DHS) announced that it is suspending certain regulatory requirements for F-1 nonimmigrant students whose country of citizenship is Sudan or Ukraine. Effective through October 19, 2023, affected students may request employment authorization, work an increased number of hours while the school is in session and reduce their course load while continuing to maintain their F-1 nonimmigrant student status. The Department of Homeland Security (DHS) will deem an F-1 nonimmigrant student who receives employment authorization by means of this notice to be engaged in a "full course of study" for the duration of the employment authorization, if the nonimmigrant student satisfies the minimum course load requirement described in this notice.