

## MDM&C Update

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July 15, 2020

### ***ICE Withdraws it's Latest Policy and What that Means for International Students***

In March 2020, the Immigration and Customs Enforcement Agency (“ICE”) announced that it was relaxing its rules on online learning for international students. Students attending U.S universities on an F-1 visa were allowed to attend classes remotely until the end of the pandemic. On July 6, 2020, however, ICE announced that it would be rescinding that policy for the fall 2020 semester. On July 14, during a hearing for an injunction on the new policy, government attorneys stated that they were withdrawing from the new policy and returning to the initial COVID-19 policy issued in March.

What this means for international students, is that they may remain in the United States while attending a U.S school even if the school is only holding classes online. Further, students who are engaging in curricular practical training (“CPT”) will be able to continue to work and remain in the country. The March policy also allows students that were enrolled in a school that will not offer any classes to remain in the United States and remain in status as long as the student intends to resume studying once classes resume.

There has not been any guidance on whether the government will allow students that are not currently in the United States to return. Today’s announcement means that the government will likely allow students to return if they have a valid visa as the President’s temporary ban has not been extended to students. ICE’s decision to withdraw its policy does not mean that it cannot and will not implement other policies in the future. The government likely maintains that it has the power to implement these policies and may choose to do so in a different way in the near future. For that reason, international students are recommended not to leave the country if they can help it and to return to United States when possible.

For any questions or concerns about specific situations, please feel free to contact **Adam Kanji** at [akanji@mdmc-law.com](mailto:akanji@mdmc-law.com).

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