

Hot Topics for International Students & Scholars

Elise A. Fialkowski • Maria M. Mihaylova • Grace W. Waweru

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Current F-1 Landscape

- In the world of F-1:
 - Processing delays in I-539 Change of Status applications
 - Who can begin classes while F-1 COS is pending
 - Potentially, Premium Processing roll-out will alleviate problem
 - USCIS RFE trends and proper CPT documentation
 - Travelling on F-1 during special periods
 - NOTE on Chinese F-1 Students and Proclamation 10043 Chinese Military Fusion

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Current F-1 Trends – CPT

- USCIS review of CPT programs:
 - Triggered by requests for a Change of Status
 - In effect, adjudicates the validity of a CPT program
- Importance of properly structuring CPT programs:
 - Common CPT pitfalls USCIS focuses on
 - Considerations in establishing strong CPT program
 - Experiential learning programs
 - Integral part of an established curriculum
 - Cooperative agreements with participating employers

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Current F-1 Trends – OPT/STEM

- Initial F-1 OPT applications
 - Timely filings
 - Travel considerations while I-765 is pending
- STEM extensions
 - Importance of timely filings
 - I-983 Training Plan Tips and Best Practices
 - Travel Considerations
- Relating degree field for OPT/H-1B purposes
- The role of DSOs and compliance considerations

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J-1 Landscape

- Section 212(e) determination trends at USCIS
 - Deference to Department of State advisory opinions lacking
 - Consular visa annotation/recommendations weight
- J-1 visa appointment availability / prioritization at US consulates
- New Department of State policy: designated sponsors able to issue Forms DS-2019 on behalf of non-designated educational or research institutions

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Best Practices: Advising J-1 Scholars Subject to 212(e)

- How to identify if a program is subject to 212(e)?
 - Effects and potential benefits of an Advisory Opinion
 - Interpretation of DS-2019 and visa annotations
 - Best Practices Tip: tracking and maintaining documentation about program funding (e.g., letters confirming lack of government funding).

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Best Practices: J-1 Visa Consular Considerations

- J-1 visa appointments are still largely prioritized (vs. B-1 or other employment-based visas)
 - Best Practices Tip: Leveraging J-1 visas for situations where other visa categories might apply (e.g., conference visits, training, workshops etc.)
 - Best Practices Tip: Special note on Chinese visitors and Proclamation 10043 on Chinese Military Fusion (increased risk of visa denials or administrative processing).

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Best Practices: New Guidance Directive 2019-02

- Policy allowing designated sponsors to issue Forms DS-2019 on behalf of non-designated educational or research institutions
- Sponsors should carefully review existing structures based on the applicable relationship
 - For example, if two schools in a consortium share resources, their cooperation may already have mechanisms to monitor exchange visitors placed with the partner institution
- If there is a formal relationship for sponsored research, there may also be provisions in the agreement about the appropriate official from the university that is responsible for supervision at a third-party site

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Questions?



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