

HIO MEETING QUESTIONS

I would like to clarify the definition of 'initial student'. If one has taken an LOA just for a semester - would they be issued new SEVIS record and be considered a new immigration student? Or is it just when you apply for a year?

An initial student is one who was new this fall, or, a student who was on leave during the spring 2020 semester, or fall 2020 semester, and any student who takes a leave in the future. If a student took leave of absence in Fall 2020, their SEVIS record will be terminated shortly. It does not matter if the leave was for one or two semesters. The only way to return as an F-1 is to obtain new I-20, under new SEVIS record, and to pay the SEVIS fee again and to return with F-1 status, with a restarted F-1 employment clock. A new visa may or may not be needed - it depends where government guidance will stand on that. (At this point, if the F visa is valid at the time of re-entry, students will not have to reapply.) You will be considered a "new student" for the immigration purposes.

We are keen to understand what would be the best ways to keep the OPT eligibility intact. And wondering if revoking the LOA of one year to one semester will open up some opportunities for us.

Students must be enrolled and studying for two successive semesters immediately prior to graduation to be eligible for OPT. For students who are not considered 'initial students,' this study can be done via remote learning at Harvard while living outside of the US. For those considered 'initial students,' this study would have to occur in the US, according to the current guidance for OPT eligibility.

I am a MDES-TECH student. Will the changes announced for the MDES program change the existing CIP code for my program, or my OPT and STEM OPT eligibility? Because I am currently on leave, would that be a factor?

No, you will graduate as an MDES-TECH student with the STEM CIP code that is attached to it, regardless of when you graduate.

You mentioned about the rule announced in March 2020. We were registered students then and present in the United States for most of the month. Does that imply that the old rules are applicable to us?

You would need to have maintained your enrollment this fall to have the old rules apply to you. If you did not, by taking a leave this fall, you are considered an initial student for immigration purposes.

I wanted to ask about an alternative for applying OPT without being in the US because bringing people in just to submit the application then fly back contradicts the attempt to curb the spreading of the virus. Is there any chance that Harvard can file a lawsuit just like what it has done?

The requirement for students to be in F-1 status and in the U.S. in order to apply for OPT is a long-standing one, preceding the Trump administration by several decades. SEVP is aware that schools requested that students be allowed to apply for OPT from overseas. SEVP has passed this request to USCIS (the agency that approves OPT). Thus far, USCIS has not responded to this request.

I understand the recent '4-years rule' would limit our duration of stay down to 4 years max. I know this has to do a lot with current administration. I would like to get clarification on this and how this would affect OPT for MArch I students, as a lot of MArch I are expecting to use 1 year OPT, and then 2 years of STEM OPT for obtaining architecture licensure.

Currently, the proposed changes to the duration of stay are just that, a proposal, and we don't know when or if it would become law. Until we do, we don't know how this will change the OPT application process, or that of applying for STEM OPT.

For students who will be completing their studies at the end of this fall semester, who have filed for OPT to USCIS and are currently waiting for our case outcome, is there any infrastructure or support from the HIO planned in the coming weeks which is post-election specific? How will our case processing times change as per the different potential election results? Will there be a meeting for us afterwards to discuss?

It is not known if the processing times will be extended, following the election. At this moment, processing times are 2.5-5.5 months long. While on OPT, GSD students remain in F-1 status and they can contact Ivana for all immigration-related questions. No other changes to OPT are expected at the moment, but if any change happens, students will be informed. Students on OPT must continue to monitor their emails for any updates from the HIO.

Some International students' financial aid packages include awards (like the Architecture Department Research Award) which were awarded upon admission based on financial need and can only be earned by working as RAs/TAs (you can only earn the full amount by putting in the required hours). What will happen to these awards in this case?

Research Awards that are not able to be earned due to the COVID situation may be used when the student is next enrolled and able to work. Specific questions should be directed to the Financial Aid Office at financial_aid@gsd.harvard.edu

Currently, international students residing outside the US cannot work as TA or RA (which is an essential part of academic life for most of us). Is the administration thinking of ways to address this specific situation concerning the Spring semester? . . . If international payment is the issue preventing this from happening, couldn't perhaps the payment be credited in our student e-bill until we get to the US?

Decisions around employment of internationally-based students are not GSD decisions; they are related to larger University issues of compliance with tax and labor laws. The University is looking into these questions more thoroughly and will pass along guidance once available.

I'm currently in China and I'm wondering if I come back to US next semester when my visa is still valid, can I stay here next year even if my visa expires?

If you were in the US in March 2020 in F-1 status and are currently not on leave of absence, you will be able to return to the U.S. Please contact Ivana to review all of the documentation needed for entry. If you are eligible to enter the U.S., your F-1 visa can expire while you are in the U.S. During your first international trip, you will need to obtain the F-1 visa in order to re-enter the U.S.

My visa appointment due in October was cancelled and pushed to December. Am I still eligible to go for the appointment on the basis of the old I-20? How does this change if I decide to take an LOA?

An F-1 visa cannot be issued more than 120 days prior to the start date of the program. As 'initial students' will not be able to start their program in the U.S. until August 2021 at the earliest, December will be too early for the visa application. Students should postpone their appointments until spring time – the end of April, at the earliest. The HIO will be providing new 'initial students' with another I-20 as soon as we are informed about the guidance regarding electronic signatures on I-20s and DS-2019s.

I am aware that we don't need to get a job offer by the time we apply for OPT, but do we just have to have a job by the start date we each specify?

OPT at this moment allows for 90 days of unemployment, which can be used at any time during the authorized OPT period.

I was asked by my professor if I can keep working as a research assistant in May and June (my program completion date is May 27, 2021). Does the work authorization for returning international students to be able to work on campus (remotely in this situation though) end on the day of our program end date?

If you will work for GSD after May 27, 2021, you will need to have an approved OPT for it.

Or can I somehow work for the professor after graduation if I stay in the US, waiting to get the OPT work authorization?

Unfortunately, that is not possible.

Do we need to be in US to file the taxes for 2020?

No. You will be able to generate tax forms while overseas and mail your taxes from overseas. Please contact Ivana to obtain the login information for Sprintax, tax filing software, beginning during the third week of February.

I am not an initial student, will be enrolled this spring, and graduating in 2022. Will I be able to apply for CPT for this upcoming summer if I am not in the US?

Yes. If you would be returning to the US to undertake the work, you would need to be sure your travel visa is valid and you have a current travel signature on your I-20/DS-2019. According to the current guidance from spring 2020, you could also perform work for an American company outside of the US, when approved for CPT.

Is it possible to apply for the H1B directly if the employer is happy to apply? What is the relation between eligibility for OPT and H1B?

OPT is not required for someone to obtain H-1B visa. At the moment, H-1B visas for new applicants who were not already counted against the cap are not available until October 1, 2021. For further information about H-1B process, you should contact your perspective employer.

When can we know about the financial grants that will be offered to international students?

As noted in the meeting, the Student Emergency Funding last summer came out of a one-time donor drive; all the funds from that drive were used so there are no funds currently available. We hope to make another round of student emergency funding possible, but we cannot name a date or predict an amount of funding that will be raised.