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American Immigration Lawyers Association New England Chapter denounces a new ICE rule requiring international students enrolled in schools offering on-line instruction only during the pandemic to leave the United States or face risk of deportation.

Boston, Massachusetts

The American Immigration Lawyers Association New England Chapter denounces a new rule announced by ICE that in a sudden change prohibits international students from returning to or remaining in the United States if they are enrolled in schools that conduct online instruction only due to the pandemic. Under this new rule, students must take in-person classes to maintain lawful status in the U.S. A growing number of schools in Massachusetts and around the U.S. have announced that they will conduct classes online to protect public health. International students with no control over such decisions face a cruel choice: protect public health or risk deportation. Many will have to abandon their studies in the United States. This rule also forces schools offering online-only instructions due to COVID-19 to suddenly change their plans and offer in-person classes or a hybrid model to protect their international students.

Schools and international students already face a great deal of upheaval and anxiety going into the Fall 2020 semester. Due to COVID-19, ICE had previously issued a temporary exemption to allow international students to take online courses without jeopardizing their legal status. However, even though the pandemic is surging, the exemption allowing much-needed flexibility is disappearing. Coming only a few weeks after the Trump Administration issued a proclamation restricting the entry of certain temporary workers into the U.S., this rule is yet another attempt to exploit the pandemic to further restrict legal immigration.

The United States attracts many international students to our world renowned colleges and universities. The five top countries sending these students in 2018/19 were China, India, South Korea, Saudi Arabia and Canada. More than 50% pursued STEM fields, especially math, computer science and engineering. However, the number of international students enrolling for the first time in U.S. schools declined by 0.9% in 2018/19, following sharper declines the year before.

These restrictions on international students will harm academic institutions and the economy of Massachusetts, which is home to some of the country's top schools and draws many international students. According to SEVP, there are nearly 77,000 international students in Massachusetts. Harvard University alone has 8,800 students on F-1 student visas, and has announced its plan to conduct online instruction only this fall.

International students help fuel the local economy. These students pay full tuition and fees, allowing Massachusetts schools to offer more generous financial aid to American students. After graduation, some international students remain here to become research scientists who seek cures for diseases, entrepreneurs who drive innovation, and physicians, nurses and other health care workers who treat patients afflicted by devastating illnesses, including COVID-19.

Other countries such as Canada with excellent universities will benefit from these restrictions. Many international students who have made the decision to invest in a world class U.S. education have become frustrated by the Trump Administration's increasing restrictions on legal immigration. They will surely seek an alternative. The current effort to force international students out of the U.S. during the pandemic will not only endanger public health, but will ultimately harm American schools and our economy by stifling innovation and entrepreneurship that is most needed to rebuild our economy and health care system battered by COVID-19.