

Administration Rescinds Newly Released Modifications to International Student Policy

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Yesterday, the federal government agreed to rescind in full its July 6, 2020 Student and Exchange Visitor Program (SEVP) modification, and revert to the original emergency COVID-19–related international student guidance it had previously issued in March. The March guidance (which now remains in effect) allows international students to legally remain in the United States even if their college or university opts for online-only instruction due to the pandemic.

As indicated in our recent [blog post](#), last week the SEVP abruptly announced modifications to the pandemic-related temporary exemptions that had been granted to nonimmigrant students studying in the United States. The modification stated, in part, that F-1 and M-1 students would not be legally allowed to remain in the United States in student status while pursuing a course of study entirely online.

Harvard, MIT, and Northeastern University filed a lawsuit challenging the July 6 modifications, and a federal district court judge in Massachusetts announced the government’s rescission of their new policy yesterday, at the outset of what was expected to be a preliminary injunction hearing. Mintz was honored to play a role in this litigation and to share the perspectives of impacted foreign students with the court. The sudden position reversal by the federal government comes not only following the lawsuit by Harvard, MIT, and Northeastern but also after similar suits were filed by several other universities and seventeen states.

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