

# Trump wants tighter control on foreign students' stay

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A proposal contained in the fall agenda of the US government, provides that authorisation for international students to stay in the US should be for a specified time period, rather than for the entire duration of their holding a student status. This may result in students having to file for visa extensions from time to time. The change is proposed to curb overstays in the US by international students.

Currently, certain visa categories, such as for international students, enable visa holders to stay in the US as long as they are engaged in the activity for which the visa was issued rather than being admitted until a specific departure date. In technical terms, this is referred to as admission for 'duration of status'. There are currently 1.86 lakh Indian students in the US, according to a 2017 report.

For international students who study in the US on an F-1 visa, the time during which the student is engaged in the full study course, plus any authorised practical training period and the time period of 60 days given to depart the country post the study and training period is the 'duration of status'.

To curb overstay in the US by international students, the 'duration of status' mechanism will be replaced with specified dates for their authorised period of stay. "While specifying a certain date may provide more clarity for students regarding when they must leave the US, it will also be more cumbersome for students to navigate. While we don't have the full picture of what the US Immigration and Customs Enforcement (ICE) is proposing, I can anticipate students being forced to file extension applications any time they change their course of study. Filing for extension applications may be needed in instances such as — when transferring schools, applying for optional practical training, or going in for higher studies," explains Emily Neumann, partner at Reddy & Neumann, an immigration law firm.

"What is also unclear is whether ICE intends to create a limit on total time allowed in F-1 status similar to the H-1B six-year limit. The fall agenda merely states that ICE intends to replace "duration of status" with a "maximum period of authorised stay." Should ICE seek to place time limits on F-1 students, they could potentially be prohibited from continuing education at a higher degree level or completing coursework in a second field of study. While maintaining security and limiting overstays is important, making international study so burdensome will ultimately turn away the best and the brightest and push them to seek higher education in other countries," Neumann told TOI.

Rajiv S. Khanna, managing attorney at Immigration.com, added: "In particular, this creates an unnecessary delay, financial burden and uncertainty for students who wish to continue their studies after finishing a particular programme. An extension of status request can take well over six months to process. Thus, these types of restrictive regulations will increase the uncertainty a student would face."

There are currently around 1.86 lakh Indian students in the US, according to the Open Doors Report (2017). An 'Overstay Report' which was released by the US Department of Homeland Security in August, states that of the total number of 16.62 lakh students (excluding those from Mexico and Canada) scheduled to complete their studies during the twelve-month period ended September 30, 2017, 4.15% overstayed. As regards India, of the 1.27 lakh students expected to leave by this date, 3.45 per cent overstayed.