

Insights, News & Events

COLLEGES AND UNIVERSITIES CAUTION INTERNATIONAL STUDENTS ABOUT WINTER BREAK TRAVELS: WHAT YOUR SCHOOL NEEDS TO KNOW

Insights
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Some U.S. colleges and universities are advising international students to adjust their winter break travel plans to ensure they return to campus before President-elect Trump takes office on January 20. We'll explain everything and give you action steps for your school to consider.

What's Happening?

According to widespread media reports, higher education institutions across the country are urging their student visa holders who are traveling abroad over semester break to shorten their trips home or cancel them altogether. Axios just [reported](#): "At least 10 universities, mostly on the East Coast, have told international students to be back stateside before the Jan. 20 inauguration. They include the University of Southern California, Brown University, University of Pennsylvania, MIT and others."

For example, the University of Massachusetts Amherst posted this [Holiday Break Travel Advisory](#), which cautions that the incoming Trump administration could enact new travel bans, just like the first one did in 2017, while emphasizing that the advisory is "not a requirement or mandate from UMass" and is not based on any current U.S. policy or recommendation. Harvard University shared [more general reminders for winter travel](#), including advising those traveling outside of the U.S. to double-check their visa validity and to expect potential delays for F-1 or J-1 visa renewals.

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Snapshot on Student Visas and Post-Degree Options

The U.S. [Students and Exchange Visitors Program](#) has two nonimmigrant student categories, as well as a third category for student exchange visitors. Below is a snapshot of the visa category applicable to postsecondary academic students, as well as training opportunities once they complete their program of study.

- **F-1 Student Visas.** Foreign academic students pursuing a post-secondary education in the U.S. generally utilize the F-1 student visa category and must comply with certain rules to [maintain that status](#). For an F-1 postsecondary guide from the Department of Homeland Security, click [here](#).
- **Optional Practical Training.** Upon completion of a recognized degree program, an F-1 student may qualify for a 12-month period of Optional Practical Training (OPT). The student must apply with USCIS for permission to engage in OPT, which must be in a field related to the student's degree program. Click [here](#) for more information about training opportunities in the United States.
- **STEM OPT.** OPT may be extended for an additional 24 months for F-1 students with a degree in science, technology, engineering, or mathematics (STEM OPT) who are employed by an employer that is enrolled in the E-Verify program. Click here for the government's [STEM OPT Hub](#).
- **F-1 Students Switching to H-1B Status.** Generally, F-1 students have 60 days after completing their program of study or post-completion OPT to either maintain legal status or depart the United States. However, an automatic "cap-gap" extension may allow a student seeking to switch to H-1B temporary employment status to extend their F-1 status or authorized period of post-completion OPT, so long as they transition to H-1B status before the extension expires. The Biden administration just [issued a new final rule](#) that will, among other things, change the automatic extension end date from October 1 to April 1 of the relevant fiscal year. However, this is not yet in effect.

How Could the New Administration Impact Your F-1 Students and International Communities?



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Postsecondary schools and their student bodies may be especially anxious with respect to the incoming Trump administration's hardline immigration positions. Policy changes related to student visas would have the potential to impact a very large population, as evidenced by a recent NAFSA [report](#) that noted "1.1 million international students at U.S. colleges and universities contributed \$43.8 billion to the U.S. economy during the 2023-2024 academic year and supported more than 378,000 jobs."

Meanwhile, the President-elect has pledged the largest deportation operation in U.S. history, as well as the end of Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS) for several countries. During his campaign trail, Trump also promised to bring back travel bans, and those restrictions could impact your students and their families. You may remember the many twists and turns that transpired over the travel bans Trump issued during his first term:

- **First Travel Ban.** Just seven days after his inauguration in 2017, President Trump [issued a travel ban](#) that created an immediate freeze on all entry for individuals from Syria, Iran, Libya, Somalia, Yemen, Iraq, and Sudan. That ban was [quickly blocked](#) by a federal judge in Seattle.
- **Second Travel Ban.** In March of that same year, President Trump [issued a second travel ban](#) that created a 90-day freeze for six of the same countries as the original order, but excluded Iraq. The second ban was blocked by federal judges in both Hawaii and Maryland, and those decisions were upheld by appeals courts in the [9th](#) and [4th](#) Circuits.
- **Third Travel Ban.** In September 2017, Trump issued [Travel Ban 3.0](#) (this time as a presidential proclamation rather than an executive order) indefinitely covering individuals from Iran, Libya, Syria, Yemen, Somalia, North Korea, and Venezuela (as well as Chad, but that country was later removed by the White House), with travel and immigration restrictions specific to each country. This executive action was ultimately [upheld by a deeply divided Supreme Court](#).

We don't know yet if Trump's policies will target F-1 visas, OPT, or the H-1B program, but issues in these areas were plentiful during his first term. And the new administration could challenge the new H-1B visa rules discussed above, which will take effect just days before Inauguration Day.

What Should Your School Do?

How your institution approaches the impending issues impacting international students is ultimately up to you. Your leaders will need to decide the best course of action – which may depend on a variety of factors, including how big your international community is – and you can work with counsel in reaching that decision.

It is also important to remember that the above summary focuses on students who are in need of sponsorship by their school in the U.S. In all other cases, and in general, U.S. schools (public or private) do not have any obligation to proactively inquire about a current or prospective student's immigration status or need for immigration sponsorship. In fact, making such an inquiry might create otherwise avoidable legal exposure for a school. With this in mind, and if you would like to take some sort of action, here are a few steps you can consider taking:

- **Communicate About Travel Precautions.** You may want to post travel advisories or send something directly to your international students. Even general reminders about the requirements for entry into the U.S. after traveling outside the country could be helpful. This might include, for example, pointing out the different requirements for F-1 visa *validity* (such as the stamp on the individual's passport) versus maintaining F-1 visa *status*.
- **Accommodate Students Impacted by Travel Restrictions.** You may find that the best way to support members of your community dealing with travel restrictions is to accommodate absences and, when requested, provide resources for handling the situation, possibly including referral to an experienced immigration attorney.
- **Stay Tuned for Developments.** While schools won't feel quite as blindsided by any swift action taken by the incoming administration impacting international students, it will still be critical for you to closely follow any developments on this front, especially with regard to any changes to the requirements for F-1 visas, OPT, STEM OPT, or the H-1B program. You should subscribe to our [Insight System](#) for the latest updates.

Conclusion

We will continue to monitor developments and provide updates as necessary. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have any questions, please contact your Fisher Phillips attorney, the authors of this Insight, any attorney in our [Immigration Practice Group](#), or any attorney on our [Education Team](#).