AAU COVID-19 Federal Guidance FAQs  
Last updated 3/24/2020

**Immigration & International Travel**

Resource: [NAFSA’s COVID-19 Critical Resources Page](#)

**Travel Restrictions**

Q: Where can I find guidance on international travel restrictions and the screening process for U.S. citizens & Lawful Permanent Residents returning from abroad?

A: [State Department International Travel Advisory](#) (3/19/20); Department of Homeland Security: [Canadian Travel Restrictions](#) (3/20/20); [Mexico Travel Restrictions](#) (3/20/20); [DHS Notice of Arrival Restrictions on China, Iran, and Certain Countries of Europe](#) (3/17/20)

**Visa Status and Processing**

Q: What guidance is available on visa status flexibility?


Q: What guidance is available on flexibility in visa and immigration benefits processing?

A: Department of Homeland Security: [ICE Announces Flexibility in Requirements Related to Form I-9 Compliance](#) (3/20/20); [USCIS Announces Flexibility in Submitting Required Signatures](#) (3/20/20); [USCIS Announces Temporary Suspension of Premium Processing for all I-129 and I-140 Petitions](#) (3/20/20)

Q: What are the potential implications on F-1 students – will they fall out of status?
A: See COVID-19 Guidance for SEVP Stakeholders (3/13/20) and FAQ for SEVP Stakeholders about COVID-19 (3/23/20); ACE submitted a community letter on this issue on 3/16/20; NAFSA also submitted an inquiry on this issue on 3/15/20.

Q: For F-1 students studying abroad whose programs have been cut short, will there be flexibility on “full course of study” requirements?


Q: Will embassies and consulates in China and elsewhere be able to meet an influx in demand for student and exchange visitor visas in time for the fall 2020 semester?


Q. Are STEM-OPT extensions and OPT applications being processed?

A: USCIS has temporarily closed several offices (3/20/20). The service centers are still operational and processing applications and extensions. You can review USCIS processing times here. Due to some state shelter in place requirements, some service centers may have limited operations. In the FAQ for SEVP Stakeholders about COVID-19 (3/23/20), DHS says it is evaluating OPT issues and may issue additional guidance.

DACA/Dreamers
Q: What is being done about DACA renewals given the closing of USCIS offices to the public?

A: Department of Homeland Security/U.S. Citizenship and Immigration Services: AAU, fwd.US, ACE, and AAMC are coordinating a letter to USCIS to receive clarity on USCIS obtaining biometric data for DACA renewals. U.S. Citizenship and Immigration Services announced it has suspended all biometrics appointments (3/18/20). Discussions are in progress regarding DACA processing with congressional Judiciary staff (as of 3/18/20). USCIS temporarily closed several offices (3/20/20). The service centers are still operational and processing applications that do not require biometric screening. Due to some state shelter in place requirements, some service centers may have limited operations.

Employment Issues
Q: For H-1B workers: how should we comply with Department of Labor requirements surrounding notice of employment sites (working from home); if work-from-home extends beyond 60 days, will it trigger the requirement for refiling the H-1B application?


Higher Education Issues

Resource: NASFAA’s Coronavirus Web Center

Q: What are the criteria, and what is the review process, for ending the academic year early? Could an emergency declaration apply to a specific program vs. the entire institution? Will the Department of Education issue guidance to regional and programmatic accreditors?

A: The Education Department issued Information for Accrediting Agencies Regarding Temporary Flexibilities Provided to Coronavirus Impacted Institutions or Accrediting Agencies (03/17/20), which suspends some federal regulations due to COVID-19 disruption to campuses and travel and is intended to provide both institutions and accreditors with flexibility regarding accrediting visits and for distance education.

There is a normal process for shortening the length of the Academic Year to <30 weeks that requires schools to submit a request to their School Participation Division. However, ED has requested that schools now follow these steps instead:

1. The institution should determine if the reduction in the number of weeks of instructional time in the term brings the academic year to less than 30 weeks. If not, no further action is necessary.
2. Assuming the reduction in the length of instruction in the term results in an academic year consisting of fewer than 30 weeks, the institution should submit a request for reduction in the length of an academic year to COVID-19@ed.gov, including the number of weeks that will now comprise the academic year (e.g., 28 weeks)
3. The institution’s request will be routed to the appropriate School Participation Division which will inform the institution of its decision.

Current information from the Council on Higher Education Accreditation (CHEA)

Q: Will the Defense Department requirements for ROTC programs be modified?
A: We assume they will be modified. It is not clear whether each service will need to waive requirements or whether DoD can do it centrally. One AAU school reported that it was informed by Navy ROTC that their program has moved online (including PT training requirements) and that other services are expected to do the same.

Q: Will there be any flexibilities under the ADA for schools transitioning to fully online instruction?

A: The Department of Education Office of Civil Rights released a short webinar (03/17/20) on online education and website accessibility. Email questions to OCRWebAccessTA@ed.gov.

Q: Is there guidance on how my institution should deal with the Census now that students are indefinitely off campus?

A: The U.S. Census Bureau issued a statement (03/15/20) detailing their procedures for ensuring an accurate count on university campuses despite the COVID-19 pandemic. Additionally, the Census Bureau released a video advising college students on how to be accurately counted in the 2020 Census.

**Student Aid**

Q: Will limitations on the transfer of funds between federal campus-based aid programs be lifted/suspended?

A: We believe there will be some sort of relief provided in whatever ends up being the final stimulus bill, and also likely some flexibility regarding Federal Supplemental Educational Opportunity Grant (SEOG) awarding (potentially allowing graduate students, waiving the Expected Family Contribution-related rules).

Q: Will student loan interest continue to accrue during the COVID-19 outbreak?

A: Student loan interest will not accrue for the next 60 days and borrowers will have the option to suspend payments for the next two months. Department of Education press release: Secretary DeVos Suspends Federal Student Loan Payments, Waives Interest During National Emergency (03/20/20)

Q: If schools make technical errors in the administration of Title IV aid, to the benefit of students, will schools still be considered fully compliant if the errors were the result of COVID-19 response and support?
A: Even in the case of a disruption from COVID-19, an institution must return any Title IV funds for which it is responsible in accordance with the provisions of 34 CFR § 668.22 when a student withdraws. Currently, the Department of Education does not have the authority to waive the statutory requirement for the return of unearned Title IV funds in the case where a student (who receives Title IV assistance) withdraws from an institution during a payment period or period of enrollment after having begun attendance. See: Guidance for interruptions of study related to COVID-19 (03/05/20)

**Federal Work Study**

Q: Can universities continue to pay students that are no longer working due to the COVID-19 pandemic?

A: Yes. For students enrolled and performing Federal Work Study at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. See: Guidance for interruptions of study related to COVID-19 (03/05/20)

Q: Will the Department of Education waive the requirement that institutions provide matching funds?

A: ED is currently not waiving the requirement for matching funds for Federal Work Study. However, this provision is included in the House and Senate COVID-19 stimulus bills. The Secretary currently does not have the authority to waive this requirement, so it must be passed in legislation.

**Research**

Resource: COGR COVID-19 FAQs

Q: Has the federal government issued any overarching guidance on administrative flexibilities for grant awards and proposals?

A: Yes. OMB issued two important memos to the federal agencies. The first memo, M-20-11, directed federal agencies to implement flexibilities initially for COVID-related activities. In the second memo, OMB issued a follow up directive, M-20-17,
directing agencies to provide additional flexibility to recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis.

COGR has an excellent set of FAQs and resources on COVID-19’s impact on federal awards. Much of the research-related information below has been drawn from the COGR FAQ document.

Q. How will agencies respond if local, state, and/or federal government employees are unavailable to perform their duties? (e.g. issue prior approvals or process awards)

A: COGR has told its members that they expect funding agencies will issue guidance in the event these circumstances become likely.

Q: What charges due to cancellations, school closures, travel restrictions, etc. can be put on research grants?

A: Varies by agency.

**NSF:** Proposer and Awardee Guidance

**NIH:** NIH Guide Notice NOT-OD-20-086 (03/12/20): Non-refundable costs associated with grant-related travel that has been cancelled during to COVID-19 may be charged to the NIH award if they would have otherwise been allowable.

**DOE:** Memo for Applicants and Awardees, Office of Science (3/13/20)

**DOD:** The DOD released FAQs for DOD Research Proposers and Awardees Impacted by COVID-19 on March 19, 2020. Additional guidance below:

- DARPA FAQ (Updated 3/19/20)
- United States Army Medical Research Acquisition Activity FAQ (Updated 3/18/2020)

Q. Will the government cover the costs for canceled conferences and travel for PIs, postdocs, graduate students? If an individual is unable to return home immediately because of travel restrictions due to COVID-19, can their salary continue to be charged to a grant while they are awaiting the lifting of travel restrictions or the availability of transportation?

A: Varies by agency.
Q: Is there guidance from research agencies on grant submissions, management, extensions and allowable uses of grant funds (e.g., graduate stipends for work that can’t be performed) during the COVID-19 pandemic?

A: Varies by agency.

OSTP: AAU in-person inquiry to OSTP on 3/9/20

* All NSF grants are eligible for a one-year grantee-approved no-cost extension and then further extensions as approved by NSF

NIH: COVID-19 Guidance (NOT-OD-20-086)
* NIH has a specific policy for extensions of grant submissions and management reports due to COVID-19. (3/12/20)

DOE: Memo for Applicants and Awardees, Office of Science (3/13/20)


DOD: The Department issued a “Defense Industrial Base Essential Critical Infrastructure Workforce (03/20/20)”

USDA: NIFA Deadline Extensions Due to COVID-19; REE Section of USDA press release

Q. How will agencies respond if federal research agency employees are unavailable to perform their duties (e.g., issue prior approvals or process awards)?

A: COGR has told its members they expect funding agencies will issue guidance in the event these circumstances become likely.
Q. If a research project is on a strict timeline and there is a slow-down or gap in activities (particularly where staff may need to work from home), will there be a possible failure to perform within the agreed upon statement of work?

A: COGR guidance - If the grant Statement/Scope of Work (SOW) timeline demands a precise schedule in order to make a scientific experiment viable, the investigator should document where she could not meet that schedule. If the SOW timeline requires a precise schedule to satisfy Good Business Practices (GBP) or to meet an agreed-upon schedule - but is not required for scientific viability – we anticipate agencies will recognize the unique circumstances and be flexible.

Q. Will agencies allow late proposals if a proposal is due and the institution is closed?

A: Varies by agency.

- **NSF**: NSF will consider accepting late proposals. Specific solicitation changes: [Impact on Existing Deadlines](updated daily)

- **NIH**: NIH will consider accepting late proposals. [Guidance issued](#), NOT-OD-20-083 on 3/10/20

- **DOD**: The Basic Research Office has encouraged direct outreach to their office on a case-by-case basis. Their FAQ document can be found [here](#).

Q. Are disruptions to federal payment systems anticipated?

A: COGR guidance - Federal Line of Credit (LoC) payment methods generally remain active unless there is a lapse in appropriations. However, actions such as invoice approval may be delayed if federal staff aren’t available. We expect further guidance is forthcoming.

Q. Where can I find new funding opportunities specific to Coronavirus?

- **NSF**: Dear Colleague letters soliciting existing and RAPID proposals and [data and infrastructure related activities](#) through the Office of Cyberinfrastructure.

- **NIH**: Three funding announcements have been posted to [Funding Opportunities Specific to COVID-19](#).

- **DOE**: The DOE Office of Science solicited research questions in [a memo issued from Chris Fall](#) on 3/12/20. Additional opportunities can be found [here](#).

**Student Worker Issues**
Q. What happens to tuition payments on a federal award if the semester is affected by a partial or complete shutdown?

A: COGR Guidance: Institutions should follow their institutional policies on salary, compensation, and benefit, and apply any charges consistently across all funds.

Q. Will graduate students continue to receive stipends if they are not allowed on campus or in labs?

NIH: Students receiving NRSA stipends may continue to be paid for up to 90 days under NIH’s disaster policy, see also NOT-OD-20-086.

Medical Center & Hospital Issues

Q. Will CMS enforce an established relationship requirement for reimbursement for telemedicine?

A: HHS is announcing a policy of enforcement discretion for Medicare telehealth services furnished pursuant to the waiver under section 1135(b)(8) of the Act. To the extent the waiver (section 1135(g)(3)) requires that the patient have a prior established relationship with a particular practitioner, HHS will not conduct audits to ensure that such a prior relationship existed for claims submitted during this public health emergency. See Medicare Telehealth FAQ (3/17/20)

Q: Can Medicare fee-for-service rules regarding physician State licensure be waived in an emergency?

A: In addition to the statutory limitations that apply to 1135-based licensure waivers, an 1135 waiver, when granted by CMS, does not have the effect of waiving State or local licensure requirements or any requirement specified by the State or a local government as a condition for waiving its licensure requirements. Those requirements would continue to apply unless waived by the State. Therefore, in order for the physician or non-physician practitioner to avail him- or herself of the 1135 waiver under the conditions described above, the State also would have to waive its licensure requirements, either individually or categorically, for the type of practice for which the physician or non-physician practitioner is licensed in his or her home State. See full CMS guidance.

Q: Given that CMS can’t waive state or local licensure rules that will allow our doctors and medical professionals to provide telehealth care to students now in different states, will state or local rules be suspended during the COVID-19 pandemic?

A: The Trump Administration has used its emergency powers to waive these rules for Medicare, Medicaid, and the Child Health Insurance Program. While the
President and Vice President have said in press conferences that they will address licensure issues nationwide, HHS does not have authority to do so. Hence the solution requires action by governors. A small group of FR reps from AAU schools is working to get state governors to allow reciprocity of health care licenses across state lines during the pandemic. A memo drafted by the group can be found here.

As of 3/23/20, Congressman Engel and Congressman Espaillat are seeking signatures on a letter to Secretary Azar urging him to call upon governors to adopt rules recognizing valid out-of-state licenses of doctors, nurses, and other providers. The deadline for signing on is 3/24/20. You can find a list of states waiving licensing requirements/renewals in response to COVID-19 here. In addition, the AAMC is preparing an assessment of whether current state policies meet universities’ needs.

**Privacy Issues**

Q: Is there authority under current privacy laws (HIPPA, FERPA, employee confidentiality laws/agreements) to publicly disclose certain necessary details about individuals diagnosed with COVID-19 e.g. where the person lives or worked on campus? The authority would need to come with immunity from sanctions for any non-compliance with privacy regulations for higher education institutions which release information in good faith to their students, employees, and the community about an individual or individuals diagnosed with COVID-19 in order to prevent further spread of the virus.

A: See Department of Education guidance here: FERPA & COVID-19 FAQ