



**PennState**

**Nicholas P. Jones**  
**Executive Vice President and Provost**

The Pennsylvania State University  
201 Old Main  
University Park, PA 16802-1589

814-865-2505  
Fax: 814-863-8583  
npj1@psu.edu

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Sharon Hageman, Acting Regulatory Unit Chief  
Office of Policy and Planning  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
500 12<sup>th</sup> Street SW  
Washington DC 20536

Re: DHS Docket No. ICEB-2019-006

Dear Acting Regulatory Unit Chief Hageman:

On behalf of the Pennsylvania State University (Penn State), I appreciate the opportunity to comment on the proposed rule “Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media.”

Penn State is the proud home of over 9,000 international students and has a long and profound history as a land-grant university serving local and global communities through our applied research and teaching. Working with the Student Exchange and Visitor Information System (SEVIS), Penn State houses an immigration unit that carefully monitors every international student on an F-1 visa. We invest substantial resources in the training of staff to ensure compliance with federal regulations and to conscientiously uphold federal requirements. We initiate the pre-arrival paperwork for international students, monitor their academic success to ensure progress, process any travel necessary during their studies at our university, and when needed assist them in seeking Optional Practice Training. Despite all these efforts, our international students inform us that the federal complexities associated with studying in the United States have become increasingly difficult to navigate, complex to comply with, and discouraging. This proposed rule change continues to communicate the message to international students and scholars that they are not welcome in this country.

I write to express Penn State’s serious concern and strong opposition to the proposed rule, and share comments on the following top issues of concern.

***The proposed time limitations are unrealistic and appear arbitrary.*** Today, there are many degrees that cannot be completed in four years, for example the baccalaureate in Architecture. At a minimum, this rule change would effectively discourage undergraduate students who wish to add a minor to their chosen degree, or who wish to double-major. Particularly vexing is the Ph.D.

The average doctoral program in the United States is over 5.5 years in length and prepares future research and industry leaders in vital areas of the economy. The profound influence of high skilled graduates within technology industries in the United States is well documented. However, if those very graduates had to accept the uncertainty of applying to extend their doctoral studies during their fourth year, and *hope* their application was approved, why would they not accept certainty in other nations, contributing to the future of economies in Canada, Europe and Asia? The decision to extend their visa status will now lie with a someone who is unlikely to understand the complexities of their degree, the context of their learning, and the applied meanings of their specialized research. At an absolute minimum, this ruling should allow for higher education administrators to assist adjudicators with decisions surrounding “compelling academic reasons,” and for proposed timelines in this rule to realistically reflect the time to degree.

***A challenged infrastructure in the USCIS application process.*** Currently, USCIS struggles to process international student applications in a timely manner. Today, we have numerous students who have filed a timely application but are awaiting adjudication beyond the 180 days allowed for them to continue their research and teaching assistantships on-campus. We are deeply concerned as to how the USCIS will now process potentially hundreds of thousands of additional requests for extension with “compelling academic reasons” given the current resources and infrastructure? This rule change would allow the DHS to charge students more. Students seeking OPT will now have to pay the extension fee (\$370) and the OPT fee (\$410) which adds additional process and financial burdens to international students. It is deeply concerning that this rule change does not account for the operational demands that are likely to expand the stresses placed on the federal adjudication process rapidly.

***The additional costs of this ruling.*** Beyond the increases in extension fees, students will have to accept other costs. Penn State is a multi-campus university, but 7,000 of our 9,000 international students attend the University Park campus in State College. The three DHS Application Service Centers in Pennsylvania are all a significant distance from State College. For example, Philadelphia is almost 200 miles away. Travel for biometric processing will cost the student a full day of missed classes *if* they have access to a car. Otherwise the bus timetable will require two days and an overnight stay, on top of the costs associated with processing.

***The potentially damaging nature of the overstay policy and the two-year visa limitation.*** The decision to limit students from countries with historic overstay rates in excess of 10% to a two-year visa is very hard to justify as written. By choosing a per capita calculation, rather than volume, the countries that will be harmed are predominantly in Africa, along with other countries where it is in the best interests of the United States to encourage education of the citizens, academic freedom and the structures of democracy. As a result, students from countries with just a few hundred overstays will be sanctioned while Canada, with over 80,000 overstays remains untouched. All of this when only 3% of international students overstay their visa. For these students who would only be allowed to study in two-year increments, this limitation is crippling. Why would any international student accept the risk associated with extending their visa less than half-way through their studies? They will simply apply to other countries.

***Loss of national competitiveness.*** Of significant concern to Penn State and the scientific interests of our nation, this rule will damage the capacity of higher education in the United States to attract the best and brightest students from around the world. Currently, international students contribute \$41 billion to the U.S. economy and represent the fifth largest U.S. service sector export, supporting almost a half-million jobs (NAFSA). International students are attracted to degree fields that directly assist the economic needs of the nation. The most sought-after workforce capabilities today can be found in cybersecurity (11%), artificial intelligence and machine learning (10%), and data analysis (21%) (CareerBuilder, 2018). The United States is facing a deficit of more than 6 million high-tech workers by 2030, resulting in a talent crunch so significant that the continued predominance of the U.S. in this sector will be in doubt, with the U.S. losing \$162 billion worth of revenues annually to global competitors (Korn Ferry, 2020). Specifically, in Pennsylvania, there are almost 30,000 cybersecurity professionals, but there are over 14,400 unfilled openings, while nationally over a half million vacancies remain unfilled (Cyberseek.org). As the U.S. seeks to enhance our global competitiveness after the COVID epidemic, the potential damage to the capacity of our economic system by limiting access to international students is significant, particularly as they will assuredly be attracted to study with our global competitors.

In conclusion, Penn State is most concerned that a change in this rule will make the U.S. a less desirable destination and have a chilling impact on higher education, and ultimately limit economic development and global competitiveness of the United States. Fewer international students will seek to achieve their academic goals in this country; any attempt to achieve such a goal is ultimately detrimental to our nation's economy and security. The perception that international students are not welcome, at a time when so many other countries are actively seeking these very students, will be damaging. The vast majority of international students adhere to their visa requirements while attending dependable institutions, like Penn State, that willingly accept their responsibility to monitor the academic progress of these very students.

Here at Penn State, we welcome the opportunity to collaborate with the federal government to strengthen our F-1 visa processes, understanding that we must protect the intellectual property and security of the nation, while simultaneously welcoming the best academic students from around the world as an integral part of our national strategies to maintain competitive global advantage. In our view, this rule change would be harmful to, and undermine, our national interests.

Penn State respectfully requests the proposed rule be withdrawn. Thank you for your careful considerations of these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas P. Jones". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nicholas P. Jones