

# Universities of the Commonwealth of Pennsylvania

October 26, 2020

Chad Wolf  
Acting Secretary  
U.S. Department of Homeland Security  
301 7th Street, SW  
Washington, DC 20528

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

Dear Acting Secretary Wolf and Acting Chief Hageman:

As representatives of institutions of higher education in the Commonwealth of Pennsylvania, we submit these comments in reference to ***Department of Homeland Security (DHS) Docket No. ICEB–2019–0006-0001: 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***, published in the Federal Register on Friday, September 25, 2020.

The proposed DHS rule, which eliminates the “duration of status” standard for international students and exchange visitors (F-1 students, F-2 dependents, J-1 exchange visitors, and J-2 dependents) and replaces it with a fixed time period not to exceed four years, would place a significant burden on students and scholars choosing to study and engage in research at U.S. universities. Pennsylvania colleges and universities attract 52,000 of the more than one million international students who come to the U.S. annually, ranking Pennsylvania 6th nationally in terms of enrollments. Many of these students are highly competitive, seeking advanced degrees in technical fields. Some of these students decide later to apply their advanced skills by seeking careers in the U.S. and become attractive employees for Pennsylvania industries, particularly in the manufacturing and health care sectors. Our institutions’ capacity to compete for some of the world’s most promising and qualified international students is a significant benefit to our academic programs and research operations, draws us closer to the needs of Pennsylvania employers, and is an important measure of our worldwide competitiveness as institutions of higher education.

The new DHS proposal threatens this competitive strength. The proposed 4-year limit on student and exchange visitor status, along with the more limited 2-year limitation for certain students and exchange visitors, does not conform with the typical length of doctoral degree programs of 5-6 years, five-year cooperative and dual bachelors and masters, or even bachelor's degree programs for those students and scholars subject to the 2-year status limit. Imposing a time limit insufficient for degree completion would introduce disruptive uncertainty into an international student's decision to commit to academic programs in the U.S. Similarly, this rule may deter research scholars from coming to the U.S., due to the uncertainties created by this new extension of stay application process. Scholars may not be willing to risk the potential disruption to the completion of their research projects that might be caused by this new extension of stay application process. This could very well accelerate the decline in international enrollments that began five years ago and deepened during the ongoing pandemic, and even jeopardize our universities' academic research enterprises in terms of research productivity and revenue, impacting quality measures such as international rankings.

International students make a significant economic impact on the Commonwealth - over \$2 billion a year, supporting nearly 28,000 jobs. International graduates of U.S. universities are also a critical source of talent for Pennsylvania businesses and elsewhere, contributing to our national economic competitiveness in cutting-edge fields. Students who study in Pennsylvania colleges and universities learn about local industries and communities through internships, experiential learning opportunities, technical training programs, and collaborative research efforts. This may often lead to a decision to seek employment in Pennsylvania industries where their advanced skills are needed. Under this DHS proposed rule, Pennsylvania employers could lose access to a critical pipeline of advanced STEM knowledge and talent to competitor nations.

As leaders among Pennsylvania's institutions of higher education, we would be remiss if we did not point out the significant imposition this proposed rule represents to academic decision-making. In proposing this rule change, the federal government is attempting to encroach on the role of academic institutions to make decisions concerning student progress in their degree program. DHS proposes to eliminate the "normal progress" standard for allowing an extension of stay in favor of a "compelling academic reasons" standard. Under this standard, the government may attempt to assert some undefined discretionary power over students while ignoring the input of the students' universities. This may create a scenario in which a student could apply for an extension of their studies, be approved by their own school, but not by the federal government. This would be an unwarranted, unnecessary and harmful intrusion into academic decision-making, and further adds to the high level of uncertainty for students beginning graduate studies in the U.S.

Pennsylvania universities value the vital contributions made by international students and scholars. These individuals enrich our learning environments and make important contributions to our research programs. We believe the DHS proposal to set an arbitrary time limit on academic programs for nonimmigrant international students is both unnecessary and harmful to students, universities, the Commonwealth of Pennsylvania and the nation at large. We ask that

DHS withdraw this rule, and instead pursue policies to make U.S. colleges and universities more attractive destinations for the best and the brightest from around the world, which is truly one important tactic for maintaining U.S. technological leadership and developing the innovations that will grow the nation's economy in years to come.

Sincerely,

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