

October 21, 2020

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, D.C. 20536

Sent via email to: www.regulations.gov

Dear Ms. Hageman,

Re: DHS Docket No. ICEB-2019-0006-0001, Comments in Response to 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

On behalf of the University of Connecticut (UConn), I submit this comment letter in response to the U.S. Department of Homeland Security's 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 Media (DHS Docket No. ICEB-2019-0006-0001), published September 25, 2020.

With this comment, I urge DHS to withdraw this rule in its entirety, and to allow duration of status admission to remain in effect.

International Students and Exchange Visitors at the University of Connecticut

The proposed rule would significantly impact the ability for the University of Connecticut and the United States to attract talented international students and visiting scholars. It places an unjustifiable burden on F and J visa holders to maintain legal status through excessive administrative procedure. Despite the excellent reputation of U.S. universities, the difficulties students and exchange visitors would face under these proposed regulatory changes would lead our students and scholars to look elsewhere for their education and research.

The University of Connecticut, including its regional campuses and Law School, actively enrolls 3,224 international students who have, or will soon have, an F-1 or J-1 visa (this includes 491 students who have started their programs abroad this term due to the pandemic). These students contribute approximately

\$86,000,000 annually in tuition to UConn. We currently sponsor 3,683 F-1 and F-2 visas for students and their dependent family members, including 719 alumni who have remained in the U.S. and are approved for post-completion OPT. We also host 212 J-1 exchange visitors and their dependents, who are conducting Professor, Research Scholar, Student Doctorate and Student Masters programs. We value the experiences and cultural perspectives that our international students and scholars share both in and outside the classroom that help make UConn a more critically aware, globally engaged institution.

Our graduate programs would be especially impacted by the proposed changes. UConn has 36 graduate programs across various disciplines in which at least 50% of the enrolled students are international. In 11 of these programs, at least 75% of the students are on F or J visas. Twenty-two of these programs are doctoral level and require more than four years to complete. International graduate students contribute to our research and teach our students. They create innovations and technology to better our society. Take, for example, some of our international students' contributions to medical research:

- Islam Mosa '19, who was a J-1 doctoral student from Egypt, developed an implantable microscale powersource for a heart pacemaker that is self-charged by the body.
- Amin Reza, an F-1 doctoral student from Iran, created and commercialized an at-home male fertility kit, to make male fertility testing faster and more accessible.
- Armin Tahmasbi Rad and Leila Daneshmandi, both F-1 doctoral students from Iran, created new technology to decrease cancer mortality rates by providing a mechanism to sample and grow a cancerous tumor outside the lab to be used to test the efficacy of different treatments outside the body.

These are just a few of the recent examples of UConn international graduate students whose scientific research has led to innovative technologies to address pressing issues. The proposed regulation changes endanger UConn's and the entire nation's ability to attract such talent in an increasingly globally competitive marketplace for elite graduate education.

I would also like to point out the following:

- This rule would institutionalize an effectively racist policy through federal regulation, imposing extra barriers to study for students and exchange visitors of color based on country of nationality or birth. While the proposed rule impacts prospective students from all world regions, it disproportionately targets students from countries with predominantly Black, Brown or Muslim populations, who would not come here for their education in the face of such administrative hurdles. If this is the administration's intended outcome, we condemn it. If it is not, we urge the administration to remedy this inequitable unintended outcome by reversing the rule change.
- While DHS believes replacing duration of status would not impose an undue burden on students and exchange visitors, this is simply not so. The nature of academic visits is different from the other nonimmigrant categories who are admitted for a fixed period of stay. Most students would need to apply for an extension of status or travel and reenter to extend their stay because most students will stay beyond their initial I-20 period, either because their programs are longer than two or four years in duration, for

OPT, to gain admission to a new program, or for multiple combinations of these reasons. The process to extend one's stay, whether through USCIS or travel, is expensive, unpredictable, and vulnerable to error. Considering the potential need for extension every two years, the rule would indeed impose an undue burden and would lead to more students falling out of status, which is contrary to the stated goal of preventing visa overstay.

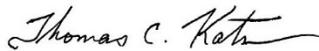
- According to USCIS.gov, case processing currently takes 5-7 months for Form I-539 Extensions of Stay for F visa students. Such extended case processing time would make it impossible for students to plan for their extension of stay application in most situations. A student or exchange visitor who is only admitted for the duration of time listed on their I-20 or DS-2019 may not even know if they will need an extension until close to their program end date. This will inevitably lead to students whose applications will not be adjudicated by their status expiration and will be unable to act on visa benefits such as practical training.
- Correctly filing a Form I-539 has become increasingly complex, especially after recent updates to incorporate the public benefits rule. We cannot assume that our students can properly file for an extension of status without assistance, especially considering that their continued enrollment at UConn is at stake. While this proposed rule assumes that Designated School Officials and Alternate Responsible Officers will provide students and exchange visitors with I-539 application support, many schools do not allow their officials to undertake this risk, as it could constitute unauthorized practice of law. This puts students and schools in an impossible position - Do we assume the risk and allow School Officials to advise on legal forms? Do we hire legal assistance to file the forms for thousands of students and exchange visitors? Or will our students have to choose between paying an attorney, on top of already steep filing fees, or risk preparing the application themselves without help?
- Furthermore, if the Department of Homeland Security entrusts School Officials to assist students and exchange visitors file the Form I-539 Extension of Stay Application, can't they also be trusted to carry out their duties as DSOs/AROs to assess whether students and exchange visitors are maintaining status with duration of status admission, as they have for years?
- The suggestion that schools who do not use E-Verify are not as dedicated to employment compliance is absurd, and this is yet another attempt to strongarm employers to adopt and use E-Verify (the first, tying E-Verify participation to the STEM OPT eligibility). There has been no showing that universities who do not currently use E-Verify have any history of unauthorized employment or have documented SEVP compliance issues that would necessitate a limited two-year period of admission for *all* their international students and exchange scholars. Furthermore, it would be impossible to implement E-Verify at a time when the COVID-19 pandemic has ravaged University budgets.
- International students and exchange visitors are already strictly monitored to ensure they are maintaining legal status. The Department of Homeland Security has established in School Officials the authority and the training to fully understand the F and J visa regulations for the assessment of status maintenance and extension eligibility. You have deployed a network of Field Representatives to assist School Officials with this work. Professional associations such as NAFSA help School Officials maintain their knowledge so they can continue to assess cases appropriately. International students and exchange visitors face extensive screenings as part of the visa issuance and renewal process. Agents have access to SEVIS and

all students' and exchange visitors' personal information to analyze and identify/investigate further concerns, as they already do.

- Education is one of the United State's biggest exports. International students contribute billions of dollars to the U.S. economy. To Connecticut alone, they contribute nearly \$589 million annually, and support 6,916 jobs. This enormous economic benefit to our country would be risked by the proposed regulatory changes.

These unnecessary and cruel proposed regulatory changes would undermine UConn's effort to educate and learn from a diverse group of international students and scholars. By reducing international academic mobility, the United States will further isolate ourselves from our global partners, and erode the quality of our education and our ability to innovate. Rather than imposing barriers to academic mobility, we should recognize how fortunate we are to have students and scholars from around the world seek out their education in this country, and treat them as guests who we are privileged to host. Again, on behalf of the University of Connecticut, I urge you to withdraw this rule and allow the current process for duration of status admission to remain in place.

Sincerely,



Thomas C. Katsouleas
President