October 24, 2020

The Honorable Chad F. Wolf  
Acting Secretary of Homeland Security  
U.S. Department of Homeland Security  
3801 Nebraska Ave. NW  
Washington, DC 20528

Ms. 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 St. SW  
Washington, DC 20536

Submitted online via www.regulations.gov

Dear Acting Secretary Wolf and Acting Regulatory Chief Hageman,

On behalf of International Student & Scholar Services at the University of Maryland College Park, I submit this comment to the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) in response to the notice of proposed rulemaking (NPRM) published in the Federal Register on September 25, 2020, 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 (DHS Docket No. ICEB-2019-0006). I request that you retract the proposed rule. The rule is unnecessarily burdensome for international students, scholars and the U.S. educational institutions that benefit from their presence on American campuses.

The University of Maryland College Park is the state’s flagship university and one of the nation’s preeminent public research universities. A global leader in research, entrepreneurship and innovation, the university is home to more than 41,000 students, 14,000 faculty and staff, and 388,000 alumni. Together, this community is dedicated to the pursuit of knowledge, open discussion of opinions in research and classrooms, and the value of academic and cultural exchange.
It is crucial to express how highly the University of Maryland values its international students and scholars as integral members of the community. Every day, they significantly contribute to the University of Maryland’s missions of academic excellence, innovative research, and transformative impact both locally and globally for the common good. As active players in UMD classrooms, labs and the local community, they enrich the university culture and help their American peers to develop a more nuanced understanding of the world. UMD’s research enterprise benefits from the problem-solving skills brought to the laboratories and research studies by international graduate students and postdoctoral associates. The College Park community not only benefits from the economic investments made by UMD’s international community, but also from the vibrancy that a culturally diverse city enjoys.

**Contributions to the state and U.S. economies**

The latest analysis by NAFSA: Association of International Educators finds that international students studying at U.S. colleges and universities supported 458,290 jobs and contributed $41 billion to the U.S. economy during the 2018-2019 academic year. In the state of Maryland alone, international students contributed $796.1 million to the state economy in 2018. For context, in 2018 the entire University of Maryland College Park’s contribution to the state total was $222.2 million and the campus supported 2,924 jobs statewide. NAFSA’s research credits three U.S. jobs for every seven international students in the U.S. Among the sectors that benefit from international student spending are higher education, accommodations and lodging, dining, retail, transportation, telecommunications and health insurance. At this time, the COVID-19 pandemic has depleted state budgets nationally, and Maryland is no exception; it is reckless to impose regulations that will result in lower enrollments, limiting the state’s ability to recover from the economic impacts of the current health crisis. Our priorities need to be founded in economic recovery and NPRM is doing just the opposite.

**Contributions to campus**

The 3,552 international students enrolled at the University of Maryland (as of fall 2019, the latest date available) are an integral factor in the university’s pyramidal mission of teaching, research and service. The university’s education and research missions stand to be harmed by declines in enrollment of the best and brightest international students from around the world. International graduate students further provide benefits to domestic students by teaching undergraduate classes and through contributions of their perspectives to classroom and research discussions. They bring ideas that support the university in the pursuit of new knowledge and the creation of innovative solutions to societal problems. International students are a vital part of UMD’s research. A 2008 research study by Chellaraj et al on international students’ contribution to U.S. innovation revealed that for each 10% increase in international graduate student enrollment, a 4.5% increase occurred in U.S. patent applications. If the U.S. wishes to remain a world leader in research and technology, then the NPRM should be rescinded.
Current D/S Policy is a beneficial, flexible policy supportive of educational goals

The work that is required for a Ph.D is complex and at times all-consuming, particularly at the points of defending and rewriting the thesis. This challenging part of the process takes place at the end of a program, when a student might need an extension of status. Designated School Officials often have to provide extra support and care to international students at these times. The students require a supportive and safe environment to operate within so that they may complete these big academic challenges. The NPRM will add confusion to the understanding of immigration status and anxiety to those studying for degree programs that require an academic thesis. The masters and doctoral students that study in the U.S. become the developers and innovators, faculty and teachers crucial to U.S. companies and top research institutions in the U.S. and globally. This rule fails to provide the security and flexibility to appropriately assist students with achieving their academic goals. Put simply, the rule creates restrictions for international students, making their path to an advanced degree more difficult and puts at risk the ability of U.S. higher education institutions to attract bright, engaged and talented students, eliminating opportunity for them to become key members and drivers of the U.S. economy.

Shifting the academic decision for extension of stay from the academic institution to USCIS

The NPRM uses a list of set criteria for extension of status rather than the term “normal progress” toward completion of the academic program. This shifts the adjudication of the decision to permit a student to continue their studies from the academic institution to a Citizenship and Immigration Services (CIS) officer. Normal progress is currently determined at the University of Maryland by the academic advisor or academic program director, based on the student’s GPA and enrollment record. The university’s faculty and staff are the individuals most familiar with an individual academic program and its research requirements. A student’s academic data and electronic forms are used on campus to gather the necessary information for review and decision. This process is not completed on paper and would be difficult for a student to gather and assemble for submission to CIS for an extension of status. The NPRM is creating a burdensome and expensive procedure to replace a supportive and flexible process.

Burden on USCIS and expansion of current backlogs

The NPRM states that it is being proposed to “encourage program compliance, reduce fraud, and enhance national security.” This extra layer of regulations seems unnecessary as F-1 and J-1 students and scholars are vetted thoroughly during the visa process and then tracked by the Student and Exchange Visitor Information System (SEVIS) while in the U.S. If all F-1 and J-1 students and scholars must submit an application to CIS for adjudication, this only will serve to burden an already overloaded agency. If extensions of stay and OPT and STEM OPT applications will be added to the workload of CIS adjudicators, the already months-long processing times will be exacerbated and students and researchers will run the risk of losing their status while they wait for a decision. This has the potential to create delays for students with completion of academic
programs, U.S. employers using OPT or STEM OPT for employment eligibility, and for university grant-based research projects. This creates an unnecessary, expensive, duplicative, and time-consuming process for all parties.

**SEVIS provides information to DHS and ICE on F-1 and J-1 students and their dependents**

F-1 and J-1 students/scholars and their dependents are the most tracked population using a nonimmigrant visa status. DHS’s ICE agency has the aforementioned SEVIS, which records information on visa issuance, U.S. entry and exit, admission, enrollment in programs of study, employment/internship details, U.S. address, and graduation date/status. Colleges and universities are held to strict compliance standards for providing this information. DHS agencies have access to SEVIS and also share information on students and exchange visitors. SEVIS has the ability to alert ICE on visa overstays or other status violations. Ending D/S will not improve upon the available information ICE and DHS have on hand. The NPRM will only present the U.S. as unwelcoming at a time when visa restrictions, travel bans and a global pandemic already make international travel more difficult. DHS and ICE should instead use SEVIS to identify the few bad actors in nonimmigrant status and hold those entities accountable.

**Arbitrary two to four-year period does not coincide with needed time for research/degree completion**

The NPRM fails to take into account data from the National Center on Educational Statistics (NCES), which show that most students need over four years to complete a bachelor’s degree. The rule does not allow for students to change major, add a minor, or explore their educational options. Doctoral students at the University of Maryland on average take more than six years to complete a doctoral degree. Other students may wish to enroll in dual-degree programs or “four plus one” combined bachelor’s/master’s programs, all of which do not conform to the two-year or four-year admission periods for I-20 issuance.

**Fixed time periods for state sponsor of terrorism and countries identified as visa overstay risk**

The NPRM is seeking to limit the admission period for people “who were born in or are citizens of countries listed in the State Sponsor of Terrorism List.” This proposed rule has the ability to impact citizens of other countries who through happenstance are born in a country that the U.S. has on this list. This is an overly broad proposal as those persons may have no allegiance to that country as they hold citizenship to another country. The rule would limit their period of admission and require that they file and pay for additional extensions of nonimmigrant status.

According to NAFSA, the policy unfairly targets international students from the continent of Africa, which is home to 61% of the 59 countries currently on the list. At the University of Maryland, 5% of the F-1 and J-1 undergraduates and graduates come from these countries. This extra requirement is unfairly targeting countries that send a very small number of students to our university for higher education.
Conclusion

The NPRM is flawed and I sincerely request that it be withdrawn from consideration. The proposed rule does not accomplish additional security for our nation; it is only adding to confusion, burden and expense of choosing to study in the United States. The current policy of D/S is a policy that work well for students, schools and CIS.

Thank you for the opportunity to submit comments.

Sincerely,

Susan-Ellis Dougherty
Director International Student and Scholar Services
University of Maryland
College Park MD 20742