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U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security 500 12th Street, SW
Washington, D.C. 20536

Via Regulations.gov

Re: DHS Docket No. ICEB-2019-0006-0001

Dear Acting Chief Hageman:

On behalf of Boston University, I submit this comment letter in opposition to the 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 Information Media (DHS Docket No. ICEB-2019-0006-0001). Because the proposed rule would hurt international students and scholars, undercut the ability of American universities to attract and retain the best talent in the world, and harm the U.S. economy, I strongly urge that the proposed rule be withdrawn in its entirety and that admission under the current duration of status framework remain in effect.

International students and scholars contribute greatly to American innovation

Over one million international students attend U.S. universities each year, and around 500,000 exchange visitors are admitted to the United States. At BU, over 11,000 students are F-1 international students and almost 700 scholars are J-1 exchange visitors. These students and scholars are vital and welcomed members of the BU community, bringing a wonderful diversity of ideas, backgrounds, and energy that makes our University the vibrant and academically nurturing place that it is for everyone in our community. Beyond the campus, international students also provide talent to numerous industries in the United States, particularly in STEM fields, helping to make our country the leader it is in such industries.

The proposed rule would increase uncertainty for international students and scholars

Uncertainty caused by immigration officers making academic decisions

Admission for duration of status gives international students the ability to progress in their academic careers, through different levels of education as well as possible changes in field of study or institution, much as their American peers can. Admitting exchange visitors for duration of status gives our international scholars and the departments that host them confidence that the scholars will be able to see to completion the research projects and teaching assignments upon which the American innovation ecosystem relies. Designated School Officials

and Responsible Officers grant program extensions, as warranted, consistent with restrictive DHS and Department of State regulations. Under the proposed rule, however, an immigration officer, with no knowledge of the specialized fields in which our international students study or in which our international scholars teach and conduct research, would be relied upon to decide whether the circumstances of an international student or scholar warrant an extension of stay (EOS) based on far more restrictive eligibility requirements.

This would hold international students and scholars to a different (and poorly defined) standard than their American peers and lead to increased uncertainty among them. It would be greatest among F-1 Ph.D. students, J-1 professors and research scholars, and others whose programs are longer than the two- or four-year period of admission provided for in the proposed rule, as they would need to apply to USCIS for an EOS mid-program with no certainty that their applications would be granted. However, the proposed rule would also inject uncertainty into the academic careers of international undergraduate students who wish to engage in post-completion Optional Practical Training (OPT) or to pursue graduate study in the United States. American universities could no longer trust that the qualified international faculty and staff they host would be able to complete the specialized research and instruction for which they were hired, threatening the global leadership of American universities.

Uncertainty caused by USCIS delays in adjudicating EOS applications

While the proposed rule purports to improve the immigration process, the opposite will be true. The uncertainty inherent in the proposed rule would be exacerbated by what are certain to be delays in USCIS's adjudication of EOS applications. Current USCIS processing estimates for EOS applications are 5.5 - 7.5 months. However, members of the BU community have experienced processing wait times of up to 12-18 months in the past few years. This is before any influx of EOS applications from the more than one million international students and more than 300,000 exchange visitors present in the United States because of the proposed rule. Once that influx begins, USCIS would almost certainly experience greater backlogs, resulting in disruption to international students and scholars' plans. For instance, delays in the adjudication of EOS applications could interfere with international students' participation in Curricular Practical Training and OPT, and delays of more than 180 days would prevent international students from continuing other types of employment. Delays would also mean that some international students and scholars may not learn of the denial of their EOS applications until it is too late for them to make alternate educational or career plans, which would require them to depart the United States and potentially set back their academic or professional careers by a year or more, depriving the United States of their skills and research.

The proposed rule would impose an additional administrative and economic burden on international students and scholars

The proposed rule would impose an additional administrative and economic burden on international students and scholars. According to the proposed rule, the financial cost of filing an EOS application with USCIS would range from \$541 to \$1,047 for F-1 international students and from \$657 to \$1,195 for J-1 exchange visitors. These estimates do not accurately reflect the legal fees typically charged by immigration attorneys and would be in addition to the many fees international students and scholars already pay to the federal government to engage in

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their programs, including SEVIS fee, visa fees, and USCIS Employment Authorization Document application fee if an international student seeks to engage in OPT. The process of applying for an EOS, including travel with dependent family members to a USCIS Application Support Center to provide biometrics, would constitute another significant burden upon this group.

The proposed rule would make it harder for American universities to recruit international students and scholars, depriving the nation of their contributions.

The increased uncertainty, costs, and administrative burden imposed on international students and scholars by the proposed rule would discourage them from coming to American universities, jeopardizing our country's longstanding position as the premier destination for international students and scholars. This, in turn, would jeopardize America's leadership in higher education and research and the scientific and technological innovation that flows from it.

The loss of international students and scholars would harm the U.S. economy

Reduced international student enrollment also threatens the U.S. economy. International students spend billions of dollars a year on tuition and living expenses, support hundreds of thousands of jobs, and often play an active and important role in the United States' ability to sustain and enhance innovation that ensures the strength of the American economy. NAFSA: Association of International Educators reports that international students at BU alone support over 8,000 jobs and contribute over \$560 million a year to just the Massachusetts economy. In addition, companies large and small have benefited from the knowledge and expertise of individuals who came to the United States from other countries, many of whom first came as F-1 international students. By causing international students to consider alternate destinations to the United States, the proposed rule could have long-term economic consequences.

We must ensure that the United States continues to welcome the best and brightest international students and scholars, who are vital to our communities, our leadership in higher education and research, and our country's economy and global competitiveness. Accordingly, I again urge that the proposed rule be withdrawn in its entirety and that admission under the current duration of status framework remain in effect.

Sincerely,



Robert A. Brown
President