

## Tips for Writing a Useful Government Comment Letter

The purpose of this resource is to provide the International Student and Scholar advising community with guidelines for responding to draft guidance. This resource was produced as part of the 2014 workplan for the [Knowledge Community of International Student and Scholar Services](#) (KCiSSS) and in partnership with the [International Student and Scholar Regulatory Practice](#) (ISSRP) committee.

The U.S. government agencies may at times solicit input from the public on proposed regulatory updates as well as policy guidance.<sup>1</sup> School officials often comment on those affecting international students and scholars and institutions. Opportunities for comment most commonly originate, from agencies such as U.S. Department of Homeland Security (DHS), including the Student and Exchange Visitor Program (SEVP), and the U.S. Department of State (DOS), including the Exchange Visitor Program (EVP).

### What types of comment opportunities are currently available?

Opportunities for feedback are commonly requested by the Student and Exchange Visitor Program (SEVP) through [www.StudyintheStates.gov](http://www.StudyintheStates.gov), or through the Federal e-Rulemaking Portal at <http://www.regulations.gov>. A current list of opportunities to comment on government policies and rules is available on the [NAFSA website](#) under the “Find Resources” tab.

### May I respond for my institution?

Before responding on behalf of your institution be certain that you have the authority to do so. Institutions often have specific offices or officers responsible for communicating with federal agencies on behalf of the institution. If you are not that person, it's likely that the individual who is responsible would appreciate your input. If you decide to comment as a member of the public rather than a representative of your institution, carefully consider the implications of that and how you will ensure that your comment cannot be construed as a comment on behalf of the institution.

### Why should I respond?

1. There is power in numbers!
  - The larger the numbers of individual responses, the more likely that the comments will be taken into account in publishing the final guidance.
  - When NAFSA members echo comments made by NAFSA staff, this strengthens our argument and ensures that we are better heard.
  - While NAFSA responds on behalf of the organization, comments from the practitioner community are powerful and provide NAFSA staff with examples and substance for their advocacy efforts.
2. Advocacy leads to better crafted regulations.
  - Responding to comments is a form of advocacy that can directly benefit practitioners, institutions, and the students and scholars we serve.
3. Your perspective and voice are unique.
  - While new rules affect many constituents, a certain provision may have a unique impact on your institution's current practice or you may notice a detail that other colleagues overlook.

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<sup>1</sup> For more on the federal rulemaking process, see *A Guide to the Rulemaking Process*, prepared by the Office of the Federal Register. [https://www.federalregister.gov/uploads/2011/01/the\\_rulemaking\\_process.pdf](https://www.federalregister.gov/uploads/2011/01/the_rulemaking_process.pdf)

### What should I include in my comment?

1. Give praise where it is due.
  - Rulemaking is a complex process and government agencies work hard to create a draft that balances compliance priorities with the interest of stakeholders. When part of a new rule achieves a thoughtful balance, make sure to acknowledge this!
2. Point out discrepancies between the guidance and existing regulations
3. Explain aspects of regulations that are challenging to implement for practical reasons
4. Request clarification of confusing concepts or confusing/misleading language
5. Illustrate the impact on the rule on your institution, your policy, your student/scholar clients

### How should I format my response?

1. Include the full name and address of the person or office to who comments are supposed to be directed
2. Include a correct reference for the rule or policy guidance, as specified in the *Federal Register* notice or in the notice concerning the guidance
3. Introduce yourself or your institution, briefly explaining how you are a stakeholder in the process
4. Summarize your feedback to the rule or memo, either generally or more specifically
5. Illustrate the issue by explaining how this will affect your policy, procedure and client population.
6. Use citation numbers and/or quote specific wording in the rule when giving targeted feedback
7. Make a clear recommendation or request
8. A word of thanks!
  - When government agencies give institutions the chance to comment this demonstrates a level of trust in our profession. A note of thanks to begin or end the letter shows appreciation for the opportunity to participate in the process.
9. **DON'T** use this opportunity to bash the government agency, or air general grievances
10. **DON'T** focus on a very specific or unusual example. **DO** include powerful examples, though. Think about how the rule will affect policy, trends and your population as a whole.

### How long should the comment letter be?

A comment letter can be as short or as long as you wish. If there is only one issue that you feel is relevant to your population, a short paragraph may suffice! If the rule in question has many implications on your institutions policy, you may wish to be more in depth.

### What is my “ask”?

A clear comment letter outlines a specific area of concern and recommends a specific action. Stating that a rule is unpleasant is not useful. If wording is unclear, how should it be reworded? If an implementation date is not feasible, what date would be more realistic?

- Use action words: Clarify, Expand, Simplify, Delay
- Clarify the benefit: “In order to facilitate...” “To ensure timely compliance...”
- Explain why your proposed working or timeline is better for you and why it makes sense for the agency

### **Where to send the response?**

1. Provide input for possible NAFSA comment letters through IssueNet's Report an Issue function <http://issuenet.nafsa.org>
2. Send your response directly to the body soliciting the response

### **What should you do on your campus before responding?**

1. Talk to your on-campus supervisor; collect information from other staff members; respond individually or as a group.
2. Institutional concerns – decide whether a larger topic or response needs to be vetted with anyone else beyond the ISSS unit head

### **What are some examples of recent comment letters submitted by NAFSA?**

On the NAFSA webpage, [Government Public Comment Opportunities On Immigration Rules And Policies](#), there is a list of recent opportunities for public comment to the Departments of Homeland Security, State, and Labor on government regulations and policies. NAFSA frequently develops and submits comment letters and then posts the letters on this webpage for the membership to read. NAFSA encourages stakeholders to use these opportunities to submit their own comments directly to the government, following their institutional policies for doing so.

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