October 26, 2020

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 Street, SW
Washington, D.C. 20536

Re: DHS Docket ICEB-2019-0006; 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

Dear Acting Regulatory Unit Chief Hageman:

On behalf of Princeton University, I submit the following comments in opposition to the Notice of Proposed Rulemaking that would eliminate admission based on duration of status for international students and exchange visitors (DHS Docket ICEB-2019-0006-0001, published September 25, 2020). I also incorporate by reference the comments filed by the American Council on Education (ACE) and the Association of American Universities (AAU). If implemented, this proposed rule would not only weaken American higher education, it would inflict significant harm to our country’s global competitiveness.

Princeton’s position on immigration policy reflects our conviction that our country, our University, and, indeed, every single person on our campus benefit from the ability of people to enter the United States in search of educational opportunities or a better life. International collaboration and exchange have been a source of creativity and strength for this country throughout its history. They are indispensable to the mission and excellence of America’s universities, which enhance the country’s economy, security, and well-being through the students they educate and the jobs they generate. In an increasingly globalized economy, all our students—both U.S.-born and international—must be knowledgeable about, and comfortable interacting with, people from many different cultures and walks of life.

Many of our talented faculty members, researchers, and alumni first came to the U.S. as international students or scholars. Our international alumni have started companies, served in academia, and established nonprofits, including one dedicated to supporting restaurant and healthcare workers during the pandemic. My predecessor, Shirley Tilghman, began her career in the United States as a Ph.D. student at Temple University in Philadelphia. Recently, one of our chemistry professors—who was born in Iran, raised in Germany and Australia, and attended
college and graduate school in the U.S.—received a MacArthur Fellowship for his investigations into the biosynthesis of novel molecules with therapeutic properties, and for promoting the discovery of new antibiotics.

Unfortunately, America’s capacity to attract outstanding talent is at risk. Data from the 2019 IIE Open Doors survey found that new international student enrollment dropped by 10 percent between the 2015/2016 and 2018/2019 academic years. Meanwhile, Canada’s total international student population grew by 13 percent in 2019 and has increased 185 percent since 2010. The proposed rule will only exacerbate this trend. It will not only make it more onerous for our international students and scholars to remain in the country to complete their studies, but also deter the best and brightest minds from trying to come to this country at all. Below I highlight some of the problematic provisions of the proposed rule and the detrimental impact they would have on Princeton’s ability to recruit motivated students and scholars from other countries. The comments from the higher education associations, incorporated herein, address each of these areas—and others—in more detail.

**Grave Uncertainty for International Students**

I am deeply concerned that this proposed rule will inject an enormous amount of unnecessary stress and uncertainty into a process that works well for our international students and scholars, as well as for the university officials who oversee their time on campus. My related concern is that the proposed rule gives the Department of Homeland Security (DHS) the final authority to determine whether a student’s academic performance justifies his or her remaining in the country to continue their studies. This is a significant intrusion into the role of an academic institution, and it would place critical decisions about an international student’s academic future in the hands of individuals outside academia, without appropriate expertise to make such decisions.

Under the current system, an international student or exchange visitor wishing to study or work at an institution of higher education must list the time anticipated for completion of his or her program on their I-20 and DS-2019 forms. If a student or scholar needs more time for completion than estimated on the documents, the decision to extend that time rests with the university, with DHS providing oversight through the Student Exchange Visitor Program (SEVP) and the Student and Exchange Visitor Information System (SEVIS). SEVIS gives DHS immediate access to real-time, detailed information related to almost every event that could impact a student or exchange visitor’s compliance with the regulations, such as a change in academic program and status, early graduation or completion, and any disciplinary action taken by the school as a result of a conviction of a crime. DHS also has the authority to request additional information and documents not directly submitted to SEVIS.

This process makes sense. At Princeton, we have always emphasized the timely completion of both undergraduate and graduate programs, with firm limits on the amount of time a Ph.D. student can be enrolled. However, if a student requires more time to complete his or her program—while still subject to the strict requirements in place—or wishes to take advantage of an Optional Practical Training (OPT) opportunity after graduation, it is important that we have the flexibility and authority to permit that.
Under the proposed rule, F-1 students and J-1 exchange visitors would be provided with a fixed period of stay, for a maximum of four or—in many cases—two years. Should students or scholars need more time to complete their studies or program, they would be required to depart the U.S. and reapply for admission at a Port of Entry, or apply for an extension of stay, pay the related fee, and fulfill the related biometrics requirements associated with that process. While Princeton could recommend a program extension, DHS would have the ultimate authority to determine whether there is a “compelling academic reason” to approve or deny that extension.

This new, burdensome process would serve as a huge deterrent for international students and scholars considering study and research in the United States. Under the current system, students have some certainty that they will be permitted to stay in the country long enough to complete their degree as long as university personnel, equipped with the tools needed to effectively evaluate a student’s academic and financial situation, determine that they are making normal progress and that there are compelling academic reasons to continue. Instead, under the proposed rule, their future would be determined by a U.S. Citizenship and Immigration Services officer who has little familiarity with them, their university, their field of scholarship, or their academic progress. Faced with these uncertainties, and with clear signals that our government is not embracing the value of international students, it is likely that many of these students and scholars will choose to take their talents elsewhere. That would be a tragedy damaging to American competitiveness and our country’s international leadership. If there are concerns related to national security or fraud within the F-1 and J-1 programs, I echo the recommendation from both ACE and AAU that these issues be addressed through the SEVIS database, not through changes that would damage our vital national interest in attracting talent to America.

Inadequate General Admission Period

Under the proposed rule, the general period of admission for F and J nonimmigrants would be a maximum of four years. That time period does not match the academic reality at Princeton or many other colleges and universities. While most of our undergraduate and master’s degree students complete their studies within four years (not counting the additional time needed for post-completion OPT), the average length of study for Princeton’s doctoral students is 5.24 years. None of our doctoral programs has a median time to degree that is four years or less, and only four (out of 41) are under five years. If this rule had been in effect over the last five years, approximately 91 percent of Princeton’s F-1 graduate students would have needed to apply for an extension, despite the fact that the median time to Ph.D. for our international students is actually lower than the median time for our domestic students.

The four-year general admission period also fails to take into account the fact that international students often participate in an OPT opportunity after graduation. Under the proposed rule, almost all Princeton students wishing to take advantage of post completion OPT—including those international students who earn their undergraduate degree within the allotted four years—would need to be approved for an extension of stay before they could file for OPT. This additional confusion and uncertainty would be exacerbated by—and exacerbate—the very lengthy delays in application processing that students are now facing.
Arbitrary Qualifications for Two Year Admission Periods

In numerous situations under the proposed rule, the maximum admission period for certain F-1 and J-1 visa holders would be two years. The comments by ACE and AAU address the arbitrary nature of each of these areas in detail; I will confine my comments to the portion of the rule that would permit DHS to limit admission periods when it is in the “national interest” to do so. Although little detail is provided defining national interest, the proposal specifically notes that limiting the length of admission for students enrolled in specific courses of study, such as “nuclear science,” would be considered appropriate.

This authority, which includes but is not limited to national security concerns or risks of fraud and abuse, appears to be so broad and undefined that the Secretary of Homeland Security could seek to limit the stay of international students or visitors in a wide range of fields of study. The reference to nuclear science, for example, seems aimed at restricting weapons-related research, but it could be misread to include parts of fusion energy research. Although notice will be given in the Federal Register of a restriction, there is no mention of an opportunity to comment nor any discussion of how the decisions to restrict the time period based on national interest will be made.

The proposed changes are both unnecessary and damaging. They are unnecessary because federal laws and regulations already include numerous protections and screening procedures relating to research involving national security matters. They are damaging because other, non-security related areas of scientific inquiry involve and depend heavily upon international collaboration and open publication of research. The nation would be greatly harmed if international students and scholars studying in certain fields were dissuaded from bringing their skills and knowledge to colleges and universities in this country.

As you complete the rulemaking process, I urge you to consider that American universities are the envy of the world in large part because they are open to, and gain value from, the contributions of extraordinary people from every corner of the globe. Princeton University would not be the institution it is today without the contributions of our international community members, nor would the United States be the same country without its long history of immigration.

Princeton’s ability to contribute to our nation’s global competitiveness depends on our ability to attract and retain the best talent, no matter where they come from. I respectfully urge that the proposed rule be withdrawn in its entirety, that the admission for the duration of status remain in effect, and that the Administration focus instead on policies and regulations that allow the United States to welcome people of all backgrounds and nationalities.

Respectfully,

Christopher L. Eisgruber