

October 20, 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 2

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 Duke University, I am writing to submit this comment letter in response to the U.S. Department of Homeland Security's (Department) 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), published September 25, 2020.

At Duke, like at other American colleges and universities, international students and scholars are critically important to our academic missions and community. Our colleagues and students from around the world enrich our intellectual capacity and push us think and act as global citizens. The value of their participation is as key reason why the U.S. higher education enterprise is the world's best. *Given that this proposed rule has the potential to deter and harm that engagement and U.S. leadership, we urge that it be withdrawn in its entirety, and that the current system of admission for the duration of status remain in full effect.*

Duke University endorses the positions put forth from numerous higher education associations, including the Association of American Universities (AAU), American Council on Education (ACE), NAFSA: Association of International Educators and Association of American Medical Colleges (AAMC).

We fully understand and support the interest of the U.S. government to ensure all due diligence is taken to protect our national security interests when admitting foreign students to study at American universities. However, we believe that the current system provides those security assurances without harming a robust higher education environment. Furthermore, it is impossible to make changes this large in scope as in the Department's proposed rule without experiencing both intended and unintended consequences that will undoubtedly make things more complicated.

Duke's opposition to this proposed rule is grounded in three main areas:

The proposed rule is a significant, unwarranted, unnecessary and harmful intrusion into academic decision-making.

Academic institutions like Duke closely monitor a student's academic progress towards degree completion. *It is the institution's, not the federal government's, decision to assess whether a student needs additional time to complete a degree.* It is inappropriate and overreaching to give a USCIS officer the ability to evaluate whether a student is making good academic progress, rather than the school.

At Duke our Designated School Official (DSO) recommends any extension by reviewing rigorous information submitted by a student's academic advisor and the student themselves. If the student has violated his or her status, we must already report it to DHS. If we know there is a status violation, we would never recommend the extension and advise the student to leave the United States.

Furthermore, any uncertainty and delays from such a review process would impact an institution's ability to schedule teaching and research assignments. That uncertainty will impact all students and faculty at the university and also impede on the success and superiority of our teaching and research enterprise.

The current system of Duration of Status has served the United States and our universities well.

Nowhere does this proposed rule demonstrate that Duration of Status (D/S) is broken or needs replacing. We can certainly always look to strengthen existing systems, but to eliminate this out now makes no sense. As the Department already knows, the information this rule proposes to gather is already monitored and reported by schools. *F and J visa recipients are already the most monitored and watched visa holders through the Student and Exchange Visitor Program (SEVIS).*

The proposed rule harms U.S. competitiveness, weakens our economy, and makes the U.S. less attractive to foreign students.

The proposed rule itself admits that these changes, were they to take effect, would likely hurt enrollment for students and decrease our competitive advantage position compared to schools in the United Kingdom, Canada and Australia, particularly at a time when those countries are expanding their incentives for students to study and work. *The United States will then lose access to a deep resource of advanced STEM knowledge and talent, potentially to competitor nations.*

Roughly 1 million foreign students currently study in the United States annually and contribute an estimated \$41 billion and more than 450,000 jobs.¹ These numbers include over 20,000 students contributing more than \$722 million and 9,000 jobs in our home state of North Carolina.²

¹ <https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2>

² <https://www.nafsa.org/sites/default/files/media/document/isev-2019.pdf>

At Duke we currently enroll 3,285 F-1 visa holders, 662 J-1 visa holders (students and scholars) and have 1,293 F-1 recipients of Optional Practical Training (OPT).

The proposed rule changes by the Department would be detrimental to our economic success and global leadership. It would discourage international students and scholars from coming to the US where they are valued contributors to our country's success and valued members of our communities. We strongly urge you to reject the proposals.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Schoenfeld". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Schoenfeld".

Michael Schoenfeld
Vice President for Public Affairs and Government Relations