

October 22, 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

RE: DHS Docket No. ICEB–2019–0006: 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 (September 25, 2020)

Dear Acting Regulatory Unit Chief Hageman:

George Mason University is currently undertaking a review of the Notice of Proposed Rulemaking titled “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,” published in the Federal Register on Friday, September 25, 2020. The intent of the review is to be able to provide a thorough analysis to the Department on the financial and academic effects on our campus.

Given the substantive changes in the proposed rule, it is problematic to undertake the required assessment and respond in the given time period, particularly during the current global pandemic. **We respectfully request, therefore, that an extension of 30 days be added to the comment period.**

In the event that an extension period to comment is not granted, we urge that the proposed rule be withdrawn in its entirety, and that admission for the duration of status remain in effect.

The proposed rule includes several provisions that cause unnecessary burden on international students and scholars, schools, and government agencies by establishing procedures that will be impossible to implement and maintain without extended delays. Although we are not able to provide a detailed data driven analysis without additional time to comment, we would like to provide the following information, which outlines the harmful effects of the proposed rule for George Mason University and its international students and scholars.

- **International Students and Scholars are not a threat to national security, as evidenced by DHS data as well as decades of international student and scholar enrollment at George Mason University.** Links provided in the proposed rule regarding overstays demonstrates that an overwhelming majority of F, M, J students adhere to immigration laws

and depart the U.S. in a timely manner. School officials at George Mason University's Office of International Programs and Services have diligently maintained SEVIS records since its implementation in 2003 and kept meticulous documentation via hard copy I-20s prior to that time. The university's students and scholars have, by an overwhelming majority, applied for program extensions in a timely manner. DSOs and AROs undertake a careful review of academic justification and financial resources before approving the program extension strictly for the time needed to complete the program. As one of many examples, at George Mason, AROs have been very careful to issue DS2019s to students in the China 121 program that fit the time period needed to finish degree requirements, not for an arbitrary maximum allowed period. The small percentage of students who do not complete extensions or otherwise fail to maintain status are terminated by in the SEVIS system. The proposal to eliminate this process fails to recognize that students, scholars, and school officials have been consistently conscientious regarding F1 regulations and government guidance. *Furthermore, DHS already has a system in place to track overstays. Through the combination of SEVIS reporting by school officials and the data available in the ADIS system, DHS has the means of tracking and acting on the negligible amount of overstays in the F, M, J, population.*

- **The restriction of a 2- and 4-year limitation on admission unfairly punishes George Mason students, whose educational objective cannot typically be completed in this timeframe.** George Mason University offers over 127 degree programs at the master's, doctoral, and professional levels, over 140 undergraduate degrees and concentrations, and has an academically rigorous language training and pathways program. A George Mason student in good academic standing, who is making *normal progress*, typically requires a longer than 2 or 4 years to complete their educational objective. Imposing a 2- or 4-year limit on their stay with a requirement to submit an Extension of Stay (EOS) application, will, at a minimum, cause disruptions in their studies in the event of delays in adjudication of the EOS, and at worse, prevent the completion of their program in the event of a rejection, despite the fact that a program extension has already been approved by a school official after careful vetting.
- **Students applying for employment authorization are unfairly punished by the requirement to wait until their Extension of Stay (EOS) application is adjudicated by USCIS before they can continue work and cannot take advantage of the numerous internships and employment opportunities offered in the Washington DC area, where George Mason is situated.** George Mason University international students who apply for CPT to take part in a required internship to graduate will be faced with the likely prospect that their EOS approval will be delayed, which will subsequently prevent their program completion since the internship is tied to their academic requirements. Students applying for OPT, who are similarly required to wait until their EOS application is approved, will find it very challenging to meet OPT application and unemployment deadlines. Both CPT and OPT applicants will lose the opportunity to participate in the region's high number of training and employment positions, and the universities and organization will suffer economic and innovative losses.
- **The two-year restriction on language training students is particularly punitive on students and does not align with George Mason's enrollment model or sound**

pedagogical practices on language study, which lays a crucial groundwork for future degree studies. George Mason University offers a robust intensive English language program and language support/academic Pathways program. The Academic English program at George Mason, which was designed by administrators trained in the field of language acquisition, employs a highly structured curriculum that involves progression through levels of English proficiency throughout several semesters. Restricting a language student's practice in English fluency to two years will result in their inability to reach the level of English proficiency required to progress to degree studies. The Pathways program at George Mason is designed as a language support/academic program. The curriculum of this program is more academic than language training in nature. However, due to federal government policies, a Pathway program is designated as a language training program. A two-year restriction on language training would therefore unfairly eliminate George Mason's current process of enrolling individuals who have been successfully progressing from intensive English to Pathways, and then matriculating to a degree program.

- **The proposed rule does not address the issue that J-1 students need to show funding for their full program of study. This will considerably impact J scholars and J-1 students.** J-1 doctoral students will be limited to an initial four-year period to complete their program. Most GMU J-1 doctoral students will be facing complications related to J-1 visa funding requirements. In order to maintain compliance with 22 CFR, AROs have been careful to extend J-1 doctoral students only for the amount of funding available. Many students in J-1 programs use home country government funding. However, they also have to rely on personal finances, GMU assistantships, and other third-party resources. The above mentioned financial resources are typically available on a yearly basis. Therefore, J students request multiple Extensions of Stay over the course of their program. As outlined in the first bullet, this further illustrates the responsibility that AROs undertake to review financial support and expenses carefully before issuing Program Extensions.
- **Negative Implications on a J-1 Professor or Research Scholar are significant:** The J program fosters the exchange of ideas between Americans and foreign nationals and stimulates international collaborative teaching, lecturing and research efforts. The J program provides foreign professors and research scholars the opportunity to participate in academic life and, upon returning home, to share their experiences and increased knowledge of the U.S. Most J researchers and scholars obtain funding for their J programs from their home governments and/or home universities. The maximum program duration for a Professor or Research Scholar is 5 years. However, upon completion of the first year of the program, hosting departments typically wish either to extend the program or suggest occasional employment. In this case, the ARO or RO collects necessary documents, including Export Compliance Documents to make an internal mutual decision about extension. Thus, the Sponsor has full control and tracking of documentation, access, limitations, and restrictions. Extensions within the Sponsor parameters allow expedited processing of program extensions as well. Elimination of D/S will not facilitate smooth, quick and fully compliant extensions for J scholar and professors. This will negatively impact the well-being of scholars and shift the focus from research to dealing with external agencies and more paperwork.

- **Additional staffing resources would be required to comply with the proposed rule; however, budgetary restrictions imposed by the COVID-19 pandemic would prevent the hiring of staff in the next fiscal year.** This proposal will affect our workload significantly. Additional staff would be required to track student progress; monitor the end date of eligible stay; advise on program extensions with the school and Extension of stay applications with USCIS, which includes additional time spent reviewing documents, assisting with the completion of applications, and assembling of supporting documents; advise on the impact on work authorization for CPT, OPT/STEM OPT, provide additional support to language training and Pathway students who have lower English proficiency but stricter limitations on stay, coordinate with academic departments, and coordinate with units that sponsor exchange visitors, which already requires intensive collaboration. This would require one additional SEVIS Coordinator and two additional Immigration Specialists or Advisors. Unfortunately, this comes at a time when budget pressures related to COVID-19 are intensifying. The university is attempting to preserve existing positions and would not be able to allocate funds to hire additional staff in the near future.

If this proposal is finalized, we are gravely concerned that students and scholars will not choose the U.S. for their overseas study and exchange experience. In addition, university research will suffer if scholars choose other countries over the U.S, which, as a Research 1 institution, would be detrimental to George Mason University. American campuses will become less diverse and will no longer have the same internationally enriching academic landscapes. International governments may also choose not to fund their students to come to the US if they feel that needed extensions of stay may not occur in time and be a burden to their students and themselves. Thus, this regulatory change will impact foreign relations.

Due to the significantly negative impact that this rule would impose for reasons that we believe are unsound, we respectfully request that this proposed rule does not take effect.

Thank you for your consideration of this request.

Sincerely,

Mark Ginsberg
Provost
George Mason University