



NEW ENGLAND BOARD OF HIGHER EDUCATION

45 Temple Place, Boston, Massachusetts 02111-1305 ♦ Phone 617.357.9620 ♦ Fax 617.338.1577 ♦ www.nebhe.org

October 26, 2020

Chad Wolf
Acting Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington DC 20395

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-2019-0006-0001, 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

Dear Acting Secretary Wolf and Acting Regulatory Unit Chief Hageman:

On behalf of New England's 260 public and independent postsecondary institutions, we write to express our opposition to the Department of Homeland Security's (DHS) proposed regulation to establish fixed end dates on student and exchange visitor visas. We urge that the proposed rule be withdrawn in its entirety and that admission for the duration of status remain in effect.

We understand the need to “encourage program compliance, reduce fraud, and enhance national security,” as cited as a rationale for the suggested rule change. However, we also believe that the proposed regulation will do more harm than good—making the U.S. a less appealing higher education destination for students and scholars from abroad and directly threatening the missions, diversity, educational vitality and financial sustainability of New England institutions.

- **The proposed fixed-period admission does not conform to academic programs and harms students' reliance on duration of status.** The regulation would replace a simple, flexible, proven policy with one that is unnecessarily cumbersome and inflexible. Two- and four-year admission limits are impractical, do not conform to typical academic program lengths, introduce a significant uncertainty in students' coursework and make it difficult for them to maintain their legal status in the U.S.

- **The proposed rule is duplicative and unnecessary.** It will create significant compliance and administrative barriers for affected foreign nationals and their host institutions, exchange program sponsors and employers. The rule would also dramatically increase the number of applications to extend nonimmigrant status filed with USCIS, exacerbating already extensive processing delays. This will result in extended adjudication timelines and uncertainty, disruption and potential harm to students and institutions.
- **The proposed rule is an unwarranted intrusion into academic decision-making.** The rule encroaches on the well-established role of the academic institution—not the federal government—to decide if and when to grant students additional time to complete a degree program.
- **This rule damages U.S. higher education’s international competitiveness.** The uncertainty introduced by the proposed rule will discourage international students and scholars from applying to U.S. institutions and accepting admissions offers. International students and scholars include the “best and brightest” from around the world, which bolsters the achievement and reputation of the region’s colleges and universities. Educating and retaining international students boosts the region’s workforce and competitiveness in the global innovation economy. Simply put, other countries—particularly English-speaking Canada, the United Kingdom, Australia, and New Zealand—will capture these students and scholars and their talent and innovation.
- **The proposed rule will damage the financial sustainability of New England’s colleges and universities and surrounding communities.** In 2018, more than 96,000 international students enrolled in New England colleges and universities, representing 9.4% of the region’s total enrollment and contributing over \$4.2 billion to the regional economy. Given our region’s population and postsecondary enrollment declines, even a small decrease in international student enrollment in the region will result in substantial financial losses for our institutions and state economies.
- **The rule will harm New England’s neediest domestic students.** In academic year 2019-20, international students at New England’s public four-year institutions paid, on average, \$32,105 in tuition and required fees. This “non-resident premium” was 126% more than the amount paid by in-state students. International students’ tuition and fees subsidize financial aid for low-income domestic students who might otherwise not afford and attend college.
- **Deterring international students and scholars will decrease campus diversity, weaken the postsecondary learning environment and limit cross-cultural perspectives.** Interactions with international students, researchers and professors from different cultural backgrounds prepare New England’s students for life in the 21st century and careers in a global economy.
- **The proposed rule will stifle innovation.** Scientific innovation is central to America’s strength. New England higher education researchers are in the midst of important research, including treatments and a vaccine for the SARS-CoV-2 coronavirus. Scientific innovations of this kind require multidisciplinary collaborations of distinguished students and researchers from a range of specializations, all of which depend upon our ability to attract top scholars from a global pool.

From large public and private universities to small liberal arts and community colleges, New England's institutions of higher education offer educational opportunities that attract students, researchers and professors from around the globe. In return, they bring significant benefits to New England's institutions, communities and economies. For these reasons, we strongly urge you to withdraw the proposed rule and retain the current "duration of status" regulation.

We thank you for your consideration. Please feel free to contact me at mthomas@nebhe.org with any questions.

Respectfully,



Michael K. Thomas
President and CEO
New England Board of Higher Education

On behalf of:

Ronald A. Cavallaro | Acting Commissioner of Postsecondary Education, Rhode Island Office of the Postsecondary Commissioner

Daniel P. Egan | President, Association of Independent Colleges & Universities, Rhode Island

Maine Independent Colleges Association

Mark E. Ojakian | President, Connecticut State Colleges and Universities system

The New Hampshire College & University Council

Susan Stitely | President, Association of Vermont Independent Colleges

Jennifer Widness | President, Connecticut Conference of Independent Colleges

Sophie Zdatny | Chancellor, Vermont State Colleges System