October 26, 2020
(via www.regulations.gov)

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, DC 20536

RE: Comments regarding “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

ID: ICEB-2019-0006

Dear Acting Regulatory Unit Chief Hageman:

The Texas A&M University System is one of the largest systems of higher education in the nation. The System is a statewide network of 11 universities, a comprehensive health science center and eight state agencies. The Texas A&M System educates more than 151,000 students and makes more than 22 million additional educational contacts through service and outreach programs each year. System-wide, in Fall Semester 2020, more than 5,700 students attended our universities on an F-1 visa and we hosted over 400 J-1 visiting scholars. These numbers are artificially low due to the effects of the Coronavirus pandemic.

On behalf of The Texas A&M University System we offer the following comments to the Information Collection Request (ICR) published in the Federal Register by the Department of Homeland Security (DHS) on September 25, 2020, Docket ID:ICEB-2019-0006.

The Texas A&M University System recommends that the proposed rule be withdrawn in its entirety and that the duration of status (D/S) remain in effect.

We recognize the need for reforming the immigration processes and modernizing it is necessary for the United States to continue to be competitive in the world economy. We recognize that international students are an important component to modern higher education by the viewpoints they bring to the Universities, exchange of ideas, and sharing their American experience to the rest of the world.

Unfortunately, the approach of removing D/S and replacing it with a fixed date adds a level of complexity for international students and universities that is unnecessary and the government’s desired results could be achieved in other ways such as enhancing SEVIS.
This is the most significant change for the F-1 and J-1 statuses in over 30 years. The regulatory changes dramatically alter how students and exchange visitors will have to plan their academic programs. More time for commenting on the proposed regulations is requested so that schools could work to provide alternatives that would help the federal government achieve its goal of improving the security of the F and J programs while not adding clunky bureaucratic layers that put academic research in jeopardy by establishing arbitrary fixed time periods.

For example, the bureaucratic roadblocks of requiring almost all doctoral students to apply for an extension of stay will be disruptive to the students and to the research projects at some of the most critical points in the research. It is possible that this barrier will cause many researchers or doctoral students to choose not to start their research or participate in research inside the United States. Much of the research at American institutions provides real world solutions to many of the problems and challenges across the country and globe.

The expense of the I-539 and biometrics will add over a thousand dollars of cost for the students or scholars that are affected by the 2 year fixed admission. Also, there is not a local place for students and scholars to apply for biometrics. The cost of travel for the biometrics for students and scholars who may not have transportation may be cost prohibitive or add costs to the schools to transport the students.

The costs of applying, traveling for the biometrics, possible costs related to loss of research time or employment related to the research or the possibility of a complete disruption of the research do not equal results of the government’s desire to improve the security of the F-1 and J-1 programs.

The four year and two year admission fixed periods do not reflect the average time to degree at Texas A&M University and likely many other institutions. For example, the average bachelor’s degree time to degree in Engineering at Texas A&M University is 4.45 years and the doctoral degree average time to degree is 5.65 years. The average time to degree for all the bachelor’s degrees is 4.15 years. The average time to complete the doctoral degrees across all majors is 5.80 years. The average time to completion for doctoral degrees in the College of Science at Texas A&M University is 6.02 years and in the College of Geoscience, the average time to completion for doctoral programs is 6.15 years. [https://accountability.tamu.edu/All-Metrics/Mixed-Metrics/Time-to-Degree](https://accountability.tamu.edu/All-Metrics/Mixed-Metrics/Time-to-Degree)

While it is possible for undergraduate and master students to graduate within four years, it is more difficult for doctoral students to graduate within four years. STEM programs usually take longer than 4 years to complete. While we disagree changing the practice of D/S, it would be preferable for all students to be admitted for 5 years so that less students would have to apply for extensions. It would encourage more to complete in 4 years rather than 5 so that they would not have to apply for an extension while on OPT.

Adding bureaucratic barriers could have negative consequences to important research. If the extension of stay processing at USCIS takes longer than 240 days for the exchange visitor participating in a 5 year long research scholar program, then critical research could be disrupted at a very critical point and could jeopardize years of research.
Students would have to delay opportunities to enhance their training by not being able to do Curricular Practical Training or Optional Practical Training while the extension of stay is being processed. Some of these opportunities will evaporate if the student is unable to start the training at particular times of their educational programs. This will affect the students with only 2 year admissions at a greater rate.

Current USCIS processing times for I-539 (change of status to F) are estimated to be 6 to 8 months at the Texas Service Center and 8.5 months to 11 months at the California Service Center. While we recognize that the change of status will be a different process than the time for an extension of stay, it will cause significant issues in research or breaks in research if the extension takes longer than the 240 days of employment allowed for J-1s or 180 days allowed for F-1 on-campus employment while the extension of stay is pending with USCIS. An arbitrary break in the ability to work on the research can cause major setbacks for research programs and the ability of the students or scholars to complete their work/research in a timely manner. [https://egov.uscis.gov/processing-times/](https://egov.uscis.gov/processing-times/)

We recommend that if D/S is removed, that the fixed admission would more accurately reflect the academic programs time to degree, especially for doctoral students and research-scholars.

Again, the Texas A&M University System recommends that the proposed rule be withdrawn in its entirety and that the duration of status (D/S) remain in effect. We welcome working with DHS and DOS to find ways to improve the F-1 and J-1 programs without adding undue burden to the students and exchange visitors and to research programs.

Sincerely,

[Signature]

A. Scott Sudduth, Esq.
Associate Vice Chancellor for Federal Programs
The Texas A&M University System