October 22, 2020

Sharon Hageman  
Acting Regulations Unit Chief/Chief Economist  
U.S. Immigration and Customs Enforcement  
Department of Homeland Security  
500 12th Street SW, Mail Stop 5006  
Washington, DC 20536


Dear Ms. Hageman:

On behalf of the Middle States Commission on Higher Education (MSCHE), I submit these comments in response to the United States Department of Homeland Security 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, Docket ID: ICEB-2019-0006 published September 25, 2020. We urge that the proposed rule be reconsidered, and that instead admission for the current duration of status remain in effect.

MSCHE serves 524 postsecondary institutions in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, the Virgin Islands, and international institutions as a voluntary, non-governmental institutional accreditor recognized by the United States Secretary of Education since 1952. In addition, MSCHE is also recognized by the Council on Higher Education Accreditation (CHEA). The institutions within MSCHE hold diverse missions, serve over 4,160,000 students, and offer academic degrees ranging from two-year Associate’s through the Doctoral level.

- The proposed regulations would have a negative effect on the richness of the college experience at many MSCHE higher education institutions.

International students and exchange visitors contribute immensely to our campuses, communities, and country. Within colleges and universities, foreign students contribute to the academic, social, and intellectual environments, and domestic students benefit from their presence and participation. The student experience at MSCHE institutions that serves diverse student bodies will suffer as a result of this proposed rule.

- Implementing the rule would have negative economic effects on U.S. higher education institutions and their communities.

Negative economic impacts are likely to be felt by MSCHE institutions and communities from this proposed rule. Data from NAFSA: Association of International Educators reveal that international...
students represent 98,828 of the 458,290 jobs created or supported as a result of international student enrollment, and those students are responsible for $8.4 billion of the $41 billion that international students generate for local and U.S. economies. The proposed rule could prompt many international students to choose other countries for their academic pursuits, and MSCHE accredited institutions and their communities will be negatively impacted economically as well.

- The proposed rule ignores data and represents unnecessary burdens placed on students to annually complete Extension of Stay (EOS) requests and pay additional fees, all of which could have negative effects on student completion.

As additional support of this position, MSCHE relies upon widely available data published by the United States Department of Education (USDE), and that collected through the National Center for Education Statistics’ Integrated Postsecondary Education Data System, which demonstrates that more than half of all undergraduate students require more than four years to complete their programs. In addition, not all academic programs are expected to be completed in four years. Further, the average time for doctoral level work is 8.2 years.

- Academic decision-making should rest with institutions.

Academic institutions are in the best position to know and understand the requirements of an academic program, students’ needs, and the reasons why a student may require additional time to complete a degree. Institutions participating in the title IV student financial assistance programs are already required to determine whether a student is making satisfactory academic progress. This must remain the responsibility of academic institutions.

- A minimum of 60 days is required for meaningful public comment on the proposed rule.

The national emergency declared in response to the COVID-19 pandemic on March 13, 2020, and still in effect today, continues to present unprecedented challenges to the higher education community. This impacts the ability for stakeholders to adequately evaluate and respond to the proposed rule within 30 days. The reality of shifting quickly to alternative delivery methods for many higher education institutions, ensuring the health and safety of the campus community, and providing necessary support for students during the crisis has created challenges and require the attention of faculty, administrators, governing boards, businesses, researchers, and others supporting higher education in order to accommodate these new circumstances. The global COVID-19 pandemic and overwhelming realities faced by stakeholders require more time to adequately assess the proposed rule and respond.

If I may provide additional information, please contact me by email at hperfetti@msche.org or by phone at (267) 284-5026.

Sincerely,

Heather F. Perfetti, J.D., Ed.D.
President