



UAW Local 4121

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October 26, 2020

The Honorable Chad F. Wolf
Acting Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Ave, NW
Washington, DC 20528

Ms. 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

Submitted online via www.regulations.gov.

Dear Acting Secretary Wolf and Acting Regulatory Unit Chief Hageman,

On behalf of the 5,500 members of UAW Local 4121 employed at the University of Washington, I write in opposition to the U.S. Department of Homeland Security's 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. We urge that the proposed rule be withdrawn in its entirety, and that admission for the duration of status remain in effect for international scholars.

UAW Local 4121 represents Academic Student Employees and Postdoctoral Scholars, and many of these academic employees are not U.S. citizens. Their scholarship is central to the research and educational prestige of the University of Washington, including the university's ability to do world-changing work, provide a top-tier education, and attract scholars from an international pool of applicants. The proposed rule sends a message to current and potential international students and scholars that their research, diversity of experience and perspectives,

economic contributions, and work are not welcome in the U.S. If adopted, this would be a drastic and sudden shift in policy that would make it extremely difficult, if not impossible, for many current and future international students and scholars to complete their academic programs by imposing fixed time limits for F and J visas, regardless of the length of their academic program.

International Scholars Make Meaningful Contributions at U.S. Universities

The proposed rule will discourage and disincentivize a community which contributes to the U.S., culturally and financially, as well as in their research. International scholars teach hundreds of thousands of students a year at U.S. universities, conduct critical research that is a vital driver of U.S. industry and technology, and bring billions of dollars in research funding into their universities and local economies. In fact, many UAW members in higher education are also on the front lines of research pursuing vaccines and therapies for COVID-19. At a time when we need to increase our recruiting efforts around the world, to incentivize people to participate in our shared global fight against COVID-19, continue our work to prevent climate change, innovate in medicine and public health, and in many other ways improve our quality of life and grow the economy, this rule is a step in the wrong direction.

International Scholars Are Not Inherently a Threat to National Security

The proposed rule argues that ending the “duration of status” policy will advance national security. However, it is difficult to understand how the damage done to the many interests served by admitting international students and exchange visitors to the United States will be balanced out by the “benefit” of requiring an exact status expiration date. Instead of treating international students and scholars as welcome contributors to our campuses and communities, the proposed rule would treat them with continuous suspicion, causing heightened stress and harming the competitiveness of U.S. universities.

A Scholar’s Country of Origin Should Not Determine Their Visa Length

The proposed rule makes a concerning and overbroad distinction in policy based on a scholar’s country of origin: namely, that international students and scholars who are citizens of certain countries (primarily those in Africa, Asia, and the Middle East) would be issued an admission period of only two years, while others would receive four years (both of which are notably shorter than many academic programs). The rule as proposed is therefore likely to have a disparate impact on workers based on their national origin and could also create challenges to research teams with members from affected countries.

A Two- or Four-Year Admission Period Does Not Match the Reality of Study or Research

The proposed rule limits the period of admission to two or four years for international students in F status and exchange visitors in J status. While U.S. higher education is often viewed through the lens of two- or four-year degree programs, these time periods do not match the reality of

study. According to the National Center for Education Statistics (NCES), just 56% of international students earn their bachelor's within 4 years, compared to only 44% of domestic students. This indicates that many international undergraduate students would not complete their degrees within the maximum four-year period.

In addition, the majority of doctorate-seeking international students take an average of 5.3 years from entering a program to completion, while those who complete the master's/doctorate sequence take an average of 7.5 years from entering graduate school to completion. Similarly, the rule does not account for J-1 research scholars who are permitted by DOS to remain in the United States for up to 5 years to complete their research program.

Increased Uncertainty Will Turn Scholars Away, Harming the U.S.'s Global Competitiveness

It is clear that the proposed rule will increase uncertainty for international students and exchange visitors. For those international students who would need to stay beyond the time limit to complete their academic program, the rule only allows a limited number of reasons, using vague language such as "compelling academic reasons" for which such an extension may be granted. Students and their families cannot make plans based on an unknowable future U.S. Citizenship and Immigration Services (USCIS) decision or USCIS backlogs. And enforcing the 2 year stay rule would introduce further visa processing delays, which would exacerbate one of the primary reasons international students/scholars are increasingly choosing not to come to the U.S. The benefits of studying in the U.S. are great; however, it becomes increasingly difficult to justify studying in the U.S. when the ability to retain legal student status throughout the period of study is uncertain.

For the reasons detailed above, DHS should immediately withdraw its current proposal and dedicate its efforts to advancing policies that ensure equal access to education for all students, especially international students. The research community is dependent upon international collaboration and cooperation. This rule will only serve to diminish output and reputation of US universities and higher education institutions.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Parsons".

David Parsons, President
UAW Local 4121