



Solidarity House

8000 EAST JEFFERSON AVE.
DETROIT, MICHIGAN 48214
PHONE (313) 926-5000

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA – UAW

RORY L. GAMBLE, *PRESIDENT*

RAY CURRY, *SECRETARY-TREASURER*

VICE-PRESIDENTS: TERRY DITTES • CINDY ESTRADA • GERALD KARIEM

October 26, 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-2019-0006-0001, 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 by Rory L. Gamble, UAW International President at:
<https://www.regulations.gov/document?D=ICEB-2019-0006-0001>

Acting Regulatory Unit Chief Hageman:

On behalf of more than seventy thousand members of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (“UAW”) and its affiliated Local Unions, employed at public and private universities around the United States, I write in response to the U.S. Department of Homeland Security’s (Department) 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 We urge that the proposed rule be withdrawn in its entirety, and that admission for the duration of status remain in effect.

The UAW represents student employees, postdoctoral scholars, and academic researchers at public and private universities around the United States, including the University of California system, the Lawrence Berkeley National Laboratory, the California State University system, Columbia University, the University of Connecticut, Harvard University, the University of Massachusetts, the New School for Social Research, New York University, and the University of Washington. Our members include graduate and undergraduate students who work as research and teaching assistants while pursuing degrees, as well as postdoctoral scholars who have already completed their degrees and conduct research in academia. Many of these academic

employees are also international students whose scholarship is central to the research and educational prestige of these universities, including the university's ability to do world-changing work, provide a top-tier education, and attract scholars from an international pool of applicants.

By shortening periods of permission to remain in the United States and forcing international students and scholars to renew their status more often, the rule would discourage international students from coming to the United States. This proposed rule would have far reaching impacts, as international students teach hundreds of thousands of students a year, 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.

This past summer, U.S. Immigration and Customs Enforcement (ICE) fortunately rescinded a directive that would have barred international college students from the U.S. if their universities opted to offer classes entirely online in the fall semester. Because of the COVID-19 pandemic, a number of institutions had announced plans to offer online-only classes. Although the directive did not take effect, it would have prohibited certain international students from entering and remaining in the country as many higher education institutions moved to fully online course loads. This new rule that DHS has proposed creates new uncertainty for hundreds of thousands of international students. If finalized, it will have damaging effects on our union members, their universities, and the economy.

If adopted, this proposed rule 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. In brief, the proposed rule would end the long-standing "duration of status" policy, which allows international students and scholars on F and J visas to remain in the United States for the duration of their academic program. In its place, the rule would impose fixed time limits for F and J visas, regardless of the length of their academic program. 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. The rule's proposed transition period would also directly impact international students currently in the United States on an F or J visa by limiting their admission period to four years from the effective date of the rule. And finally, 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 for which such an extension may be granted.

For the reasons detailed above, the Department 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 who make vital contributions to our nation's higher education institutions.

JN:so opeiu494/aflcio