



October 26, 2020

The Honorable 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, DC 20536

Submitted via www.regulations.gov

Dear Acting Secretary Wolf and Acting Chief Hageman:

On behalf of over 16,000 international students and scholars at Northeastern University, we write in response to the U.S. Department of Homeland Security's Notice of Proposed Rulemaking on "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 in the Federal Register on September 25, 2020.

Our nation has a long and proud tradition of opening its doors to the best and the brightest from around the world so that they may access higher education and contribute meaningfully to our economy. In order to live up to these ideals and to ensure that the United States remains competitive in the global economy, it is essential that we continue to provide the flexibility and consistency necessary to allow students to pursue their learning journey free from unnecessary and arbitrary restrictions and administrative burdens and without fear of visa revocation or status violation. We strongly urge that the proposed rule be withdrawn in its entirety and that admission for the duration of status ("D/S") remain in effect.

I. Background on Northeastern University and F/J international students and scholars

Founded in 1898, Northeastern University (“Northeastern”) is a global R1 research university, a designation by the Carnegie Classification system for U.S. universities with the highest level of research activity, and a recognized leader in experience-driven lifelong learning and multi-disciplinary education. Our world-renowned experiential approach empowers our students, faculty, alumni, and partners to create impact far beyond the confines of discipline, degree, and campus. Our locations—in Boston; Charlotte, North Carolina; Seattle; Silicon Valley; San Francisco; Toronto; Vancouver; London; Portland, Maine and the Massachusetts communities of Burlington and Nahant—are nodes in our growing global university system. Through this network, we expand opportunities for flexible, student-centered learning and collaborative, solutions-focused research. Northeastern’s comprehensive array of undergraduate and graduate programs lead to degrees through the doctorate in nine colleges and schools. Among these, we offer more than 195 multi-discipline majors and degrees designed to prepare students for purposeful lives and careers. Northeastern’s broad community of support includes more than 257,000 alumni in nearly 180 countries around the world.

Experiential learning, anchored by our renowned cooperative education program (“co-op”), lies at the heart of academic life at Northeastern. Through experiential learning and our signature co-op program, our students bring their academics to life, and their life experiences back to their classroom. We prepare our students to engage with the world—not just learn about it. The integration of study with professional work, research, and service in more than 80 countries around the world gives students real-world opportunities and responsibilities. Students explore their path, acquire a deeper grasp of their studies, and develop an understanding essential to lifelong achievement.

As an R1 research institution, Northeastern has a robust and comprehensive research structure, engaging with critical issues affecting modern society. Northeastern’s research enterprise is strategically focused on building interdisciplinary teams to solve global challenges in health, security, and sustainability. Institutes in mission-critical fields fuel research partnerships with industry, government, and academia. As of 2019, Northeastern maintained \$178.3M in external research awards in areas of global focus, including through our nine Research Institutes.

Northeastern University is proud to have one of the most globally diverse university populations in the country. In fall 2020, more than 39,000 students were enrolled throughout the university’s U.S. and global campus locations and through its online programs. The student body represents all 50 U.S. states and 142 countries. As one of the largest international student populations in the country, international students comprise over 30 percent of the university’s overall enrollment, of which over 25 percent are full-time degree-seeking undergraduates.

Northeastern University supports academic excellence through its more than 3,000 full-time and part-time faculty members. The university’s administrative and support staff totals nearly 3,000 full-time employees and more than 200 research professionals.¹

Finally, Northeastern University currently has over 10,000 enrolled F-1 international students – 2,803 undergraduate, 7,032 graduate and 805 Ph.D. students from over 142 different nations across the world. We have over 5,000 F-1 Optional Practical Training (OPT) or STEM OPT recent graduates who are engaged in post-completion training or work experience. Northeastern University also hosts over 200 J-1 international students and scholars. Our international student and exchange visitor programs are overseen and supported by the university’s Office of Global Services led by a Principal Designated School Official (PDSO) and 30 dedicated Designated School Officials (DSOs), the Division of Student Affairs, and our nine academic colleges and schools. In addition, the university has established oversight committees with representation from the Office of the Provost, Office of the Chancellor and Office of the General Counsel. This dedicated, university-wide infrastructure and our faculty and staff’s commitment strongly support our international student and scholar community maintain compliance through their immigration, academic, and employment experiences.

In addition, Northeastern University has over 3,000 newly admitted students for enrollment in Spring 2021 who will require F-1 status, over 2,000 potential deferrals from Fall 2020 term who may also require F-1 status and are likely to be impacted by this proposed rule if D/S is rescinded and replaced by date-specific admission broadly regardless of the established length of academic programs of study.

According to NAFSA: Association of International Educators’ latest analysis, international students studying at U.S. colleges and universities contributed nearly \$41 billion to the nation’s economy and supported 458,290 U.S. jobs during the 2018-2019 academic year.¹ For every seven international students, three U.S. jobs are created and supported by spending occurring in the higher education, accommodation, dining, retail, transportation, telecommunications and health insurance sectors. These economic contributions of international students are in addition to the immeasurable academic and cultural value these students bring to our campuses and local communities.²

II. DHS goals can be accomplished using the SEVIS electronic real-time database and reporting system

On behalf of DHS, the Student and Exchange Visitor Program (SEVP) manages schools, nonimmigrant students in the F and M visa classifications, and their dependents. The Department of State (DoS) manages Exchange Visitor Programs, nonimmigrant exchange visitors in the J visa classification, and their dependents. Both SEVP and DoS use the Student and Exchange Visitor Information System (SEVIS) to track and monitor schools; exchange visitor programs; and F, M and J nonimmigrants while they visit the United States and participate in the U.S. education system.³

¹ <https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2>

² <https://www.nafsa.org/sites/default/files/media/document/isev-2019.pdf>

³ <https://www.ice.gov/sevis>

SEVIS gives DHS immediate access to detailed information related to almost every student and exchange visitor event that could impact a student or exchange visitor's compliance with the regulations. For information not directly in SEVIS, DHS also has the authority to request "on any individual student or class of students upon notice," all information and documents that schools are obligated under 8 CFR 214.3 to retain throughout the student's enrollment and for a period of three years beyond that. The proposed rule requires a duplicative and time-consuming extension of stay application process with U.S. Citizenship and Immigration Services (USCIS), an agency within DHS, by F and J international students and scholars. This application would provide largely the same information that DHS already has access to through the real time SEVIS database. Although F and J nonimmigrants are admitted for D/S, no other nonimmigrant visa category is connected to an enormous electronic reporting system like SEVIS. D/S policy was put in place after the implementation of SEVIS in 2002.⁴ Prior to SEVIS, the former Immigration and Naturalization Service (INS) struggled to constantly monitor international students while being overwhelmed by the workload of requests for extensions created by an exact expiration date for student and exchange visitor status.

Moving to a fixed period of admission with an exact expiration date would significantly increase backlogs at USCIS even as current backlogs already exist. Ending D/S would exacerbate an existing problem by adding an enormous number of new extensions of status filings to the existing backlog.

Over the last six years, Northeastern University's DSOs have processed more than 4,000 change of degree levels and over 600 change of program and change of status requests on behalf of F-1 international students sponsored by the university. These requests require working closely with program advisors in the academic colleges and schools as well as the university's Office of the Registrar, Student Financial Services and/or admissions offices to confirm eligibility prior to processing.

The new proposed rule creates a heavy administrative burden on educational institutions to administer duplicative additional requirements. For example, a PhD student subject to the two-year limitation will require Northeastern University staff to process multiple extension requests.

III. The proposed rule significantly harms, is an unwarranted intrusion into academic decision-making, and runs afoul of established university accreditation and governance processes

There are many elements to the proposed rule, but at its essence DHS is proposing that F and J visa holders, upon entry to the United States, be granted an arbitrary period of stay of no more than 2 years or 4 years. Currently, F and J visa holders are granted D/S, which allows a period of stay for as long as their Form I-20 or DS-2019 are valid and they remain engaged in the academic program for which they were admitted to the U.S. Under this proposal some

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<https://www.nafsa.org/sites/default/files/media/document/051920%20Duration%20of%20Status%20Information%20FINAL.pdf>

international students and scholars would only be granted a 2-year stay, others a 4-year stay, and then they would have to apply to USCIS and pay a fee to request an extension without leaving the U.S.

Under the proposed rule international students will also be limited in their ability to change programs or majors. D/S is a well-established and practically operational policy that allows for the necessary flexibility for pursuing a highly valued U.S. education. With D/S, students and researchers can make academically approved changes to their education plan without having to depart the U.S. or undertake a long and complicated government process to extend their status. For example, the time it takes to earn an academic degree does not always fit into a predetermined time period. It is also common for students to pursue additional degrees (such as moving on from a bachelor's to a master's program), to transfer to a new school, or to shorten a period of study. International students must remain enrolled full-time (or engage in optional practical training) and exchange visitors must be actively progressing in their program, all while ensuring compliance with the extensive requirements of their status. Furthermore, SEVIS already continuously tracks students, exchange visitors, and their academic progress.

DHS has not specified how it will rely on USCIS to obtain the specialized knowledge required to adjudicate academic progress in the complex context of higher education. Unlike joint oversight with Department of Labor on employment-based immigration petitions and applications, the proposed rule does not propose partnering with the Department of Education or SEVP to administer these significant regulatory changes.

a. Accreditation and governance processes

Northeastern is accredited regionally by the New England Commission of Higher Education (NECHE), which has a set of nine primary standards by which the quality of programs is measured. In addition, many university degree programs are accredited by professional accreditation organizations, including the Accreditation Council for Business Schools and Programs (AACSB) and the Accreditation Board for Engineering and Technology (ABET). These organization have mandated assessment and evaluation requirements.

The proposed rule has the potential to require changes to the curriculum planning of academic programs of study in order to allow international students to enroll or continue their studies and successfully complete the program.

i. Bachelor's degrees

Bachelor's degree requirements are established by a highly structured governance process that is initiated by the offering academic unit and requires approval through the unit's home school/college, university undergraduate curriculum committee (a Faculty Senate-appointed committee), Provost, Faculty Senate, and ultimately, the university's Board of Trustees and President.

Course credit requirements, including lecture/seminar class meeting durations, laboratory and studio time, and outside preparation time, follow the so-called Carnegie Unit, the standard used by the federal government for such measures. Northeastern University follows a four course per semester baseline registration plan, with primary courses consisting of four semester hours (exclusive of labs, seminar and orientation courses, other specialized courses). Plans of study are generally eight semesters or four years, resulting in a baseline credit requirement of 128 semester hours for all Bachelor's degrees offered in the residential colleges. Each school and college have dedicated, professional advising staff who are guided by a robust set of university and school/college-specific policies and procedures to regularly and systematically review each student's academic progress. Those students who fail to make sufficient progress are placed in probationary status, and if necessary, are suspended or dismissed from their respective degree programs and the university. There are also processes in place to report academic progress and standing information to the Office of Global Services for required F or J immigration status reporting and action.

In addition, all degrees have either established, robust assessment and continuous quality improvement plans, or are currently implementing such plans under the auspices of the Director of Institutional Assessment and Evaluation. The university holds a license for the AEFIS assessment platform, licensed in 2020, that is integrally linked to our learning management system and allows instructional faculty to directly relate student assignment performance to the attainment of student learning outcomes at the class level. These collective class level results are mapped to degree- or program-level learning outcomes that are reviewed as part of the continuous quality improvement of that degree or program.

Finally, academic majors are reviewed by the Academic Affairs and Student Experience committee of the university's Board of Trustees every three years to confirm that each program has sustainable enrollment patterns, appropriate resources, and is meeting the needs of the student and post-graduation job or graduate school markets. The requirement for Bachelor's degree candidates to reapply at the two- or four- year point will adversely affect those candidates with combined majors, study abroad programs, or other learning opportunities for international students, including critical experiential learning.

ii. PhD degrees

Doctor of Philosophy degrees offered by Northeastern University are established by a highly structured governance process that is initiated by the offering academic unit and requires approval through the unit's home school/college, Graduate Council (a Faculty Senate-appointed committee), Provost, Faculty Senate, and ultimately, the university's Board of Trustees and President.

The Graduate Bylaws of the University detail the requirements and policies related to all PhD programs, from Graduate Council composition to guidelines for administering degree programs. The Bylaws also specify time limits for course credit applicability, dissertation requirements, and time limits for achieving candidacy and degree completion.

Each program is required to have milestones to ensure that students meet degree progression requirements. Each academic unit has annual reviews of all PhD students to assess their program progress. As with the Bachelor's degree students, those PhD students who fail to make sufficient progress are placed in probationary status, and if necessary, are suspended or dismissed from their respective degree programs and the university. There are also processes in place to report academic progress and standing information to the Office of Global Services for required F-1 immigration status reporting and action. Students who exit a PhD program may receive a Master's degree provided they meet the graduation requirements.

Furthermore, all PhD degree programs are developing and implementing assessment criteria and processes to determine levels of student attainment of program learning outcomes. This data will serve as a basis for continuous quality improvement.

Finally, university oversight of PhD programs includes periodic reviews of enrollment and auditing to ensure alignment with university norms around structure and delivery of the PhD. As described in detail below, at IV.b., arbitrarily requiring PhD candidates to reapply every two- or four-years will adversely affect their ability to complete their PhD and will add additional uncertainty to the already arduous process.

IV. The proposed rule's arbitrary two-year and four-year date-specific admission do not conform to academic programs

The proposed rule provides for an admission period of either two or four years; however, in many instances, these admission periods are impractical and do not conform to academic program lengths.

International students will be subject to unnecessarily restrictive standards by which USCIS will adjudicate an F or J extension of stay application in order to be eligible to complete their program of study or activities. Specifically, under the proposed rule, the current "normal academic progress" standard will be replaced by a "compelling academic reason", "a documented illness or medical condition" or "exceptional circumstances beyond the control of the [student]". The rule will create uncertainty for F and J international students and scholars regarding their maintenance of immigration status, including their ability to travel and accept and/or continue employment while an application for extension of stay is pending with USCIS.

This proposed restriction is especially harmful for international students who, under the proposed rule, are eligible for only a two-year period of stay regardless of the degree level and length of the program of study. Specifically, individuals who were born in or are citizens of countries designated as state sponsors of terrorism or citizens of countries with a student and exchange visitor overstay rate exceeding 10 percent⁵ would be limited to a two-year period of stay and

⁵ The 59 countries include: Iran, North Korea, Sudan, and Syria (designated as state sponsors of terrorism) plus Afghanistan, Benin, Bhutan, Burkina Faso, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Congo-Brazzaville, Congo-Kinshasa, Côte d'Ivoire, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, the Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Iraq, Kenya, Kosovo, Kyrgyzstan, Liberia, Libya, Malawi, Mali, Mauritania, Moldova, Mongolia, Nepal, Niger,

have to file an extension of stay application with USCIS in order to continue their program of study.

Northeastern University currently has over 500 enrolled F-1 international students, over 150 F-1 OPT/STEM OPT recent graduates who are engaged in post-completion training or work experience, and over 240 newly admitted students for enrollment in Spring 2021 who will require F-1 status, over 50 potential deferrals from Fall 2020 term who may also require F-1 status and are likely to be impacted by this proposed rule's two-year limitation on period of admission. Under SEVIS, these international students are closely monitored to confirm they remain enrolled in their ongoing course of study. Requiring these students to apply for an extension of status in the midst of their normal course of study adds an unnecessary and costly administrative step.

a. Impact on experiential learning

Currently, international students are not eligible to engage in curricular practical training (CPT) unless they have completed one academic year of study (two semesters or three quarter terms) and have maintained valid immigration status. Under the proposed rule, an additional restriction would render an international student ineligible for CPT while waiting for a decision from USCIS on a timely filed and pending extension of stay application. This is especially harmful for students limited to a two-year period of stay under the proposed rule because Undergraduate students at Northeastern typically participate in co-op experiential learning in the spring/summer semester of their second year of study or in the summer/fall semester of their third year of study. By the time an international student with a two-year period of stay under the proposed rule would be eligible to participate in CPT, they would be required to file their extension of stay application, rendering CPT effectively unavailable for these students.

b. Impact on PhD students

For over 800 PhD students at Northeastern, the proposed rule not only negatively impacts the course of their education, but also puts these students at risk of not completing their degrees at all. The PhD degree is the terminal research degree requiring students to spend roughly 80% of their education immersed in research, which requires close contact with their faculty mentors and collaboration across their research groups. To pursue their research, PhD students require access to specialized experimental equipment, computational resources, research field sites and human subjects. A graduation requirement for PhD students is the creation of new knowledge, and for this reason, PhD student education is supported by the university's research portfolio. The fundamental training required for the pursuit of original research cannot be understated and for this reason a multi-year commitment is required to complete the PhD degree. Therefore, the new requirement that international students must reapply every two or four years in order to remain in the country represents a significant barrier for international PhD students.

The time required to train PhD students to perform research and to make new and original contributions is significant. Nationally, in 2018 F-1 international students took a median 5.3 years to complete the doctorate (after the master's coursework equivalent), which is slightly less than all doctoral students whose median time to degree is 5.8 years⁶. The time to degree for Northeastern students on average is similar, also with F-1 international students taking between five to six years.

Northeastern's research enterprise is supported by a cadre of faculty, staff and students, including more than 1,550 PhD students who pursue one of the university's 34 different PhD programs. These PhD students— 54 percent of whom are international—are integral to the university's research mission. The university also engages between 150 and 200 postdoctoral research associates each year. These individuals are considered to be trainees mentored by faculty who, in turn, rely on these trainees to support their research progress and in turn to help mentor PhD students. The highest quality research depends on individuals who come from diverse and global backgrounds, both in knowledge and perspectives. Narrowing the diversity of the individuals who perform the research limits the ultimate quality and impact of research results. Placing undue time constraints and uncertainty on periods of admission on over half of the research trainee population would severely limit research productivity and risk a large number of PhD students not completing their degree requirements.

A distinctive feature of Northeastern's PhD education is through Experiential PhD, which provides our research-based students with the opportunity to do their research at partner sites in meaningful activities integral to their PhD dissertation research. The result is a cadre of PhD students trained to perform what is described as use-inspired research, research that is performed to address society's greatest needs. Use-inspired research has been linked by the Brookings Institution⁷ to the technological innovation that the U.S. enjoys today. In addition to Experiential PhD research, Northeastern PhD students perform research at locations most conducive to achieving the best research results: in research labs on campus, in graduate student office space, in the field if required by the research or at one of our campus locations or partner sites. Such fieldwork may include research cruises at sea to collect data from the ocean, ethnographic research in communities, or use of highly specialized and expensive equipment in collaboration with established research partners. To perform this research, disseminate knowledge and learn from colleagues, it is important that our PhD students attend international meetings. Therefore, PhD students need to travel freely within and outside the U.S. without concern about the validity of their F-1 student visas.

Today PhD graduates have career options that extend beyond academia, including industry, government and not-for-profit sectors. They lead corporate research and development, bring their technologies to start-ups, and are key contributors to public policy that advances global sustainability, health, and security. Our differentiated strategy with Experiential PhD prepares our PhD graduates to maximize their impact across these diverse career pathways.

⁶ Table 32 in the 2018 Survey of Earned Doctorates: <https://nces.nsf.gov/pubs/nsf20301/data-tables>.

⁷ Stokes, Donald E. (1997). *Pasteur's Quadrant – Basic Science and Technological Innovation*. Brookings Institution Press. P. 196. ISBN 9780815781776.

V. Summary

The proposed rule will reverse decades of DHS's well-established and effective D/S policy and unnecessarily cause high anxiety and a great deal of uncertainty for international students and scholars holding F and J immigration status in the U.S. International students choose the U.S. as their desired study destination among a growing list of competing study destinations, including Canada, the United Kingdom and Australia, because of the educational experiences available to them during their academic program and because of the post-completion practical training opportunity. Drastic changes to longstanding policies regarding international students, such as those proposed by DHS, will discourage international students and scholars exploring the U.S as their study destination and have a devastating impact on the U.S. economy, and risk cutting off a talent pool that drives innovation, knowledge creation, and investments in the U.S.

DHS states that the purpose of the proposed rule is to reduce the number of overstays and provide additional protections and mechanisms to exercise the oversight necessary to vigorously enforce immigration laws. There is ample evidence that existing systems, process and oversight mechanisms are sufficient to accomplish these goals. Furthermore, the proposed changes would unfairly punish a significant number of international students and exchange visitors, which will lead to a decrease in international student enrollments at U.S. colleges and universities, and significant harm to the U.S. economy.

Northeastern University respectfully urges DHS to maintain the current D/S policy that has been in place for decades.

Sincerely,



David Madigan
Provost and Senior Vice President for Academic Affairs



Ken Henderson
Chancellor and Senior Vice President for Learning