October 26, 2020

Sharon Hageman
Acting Regulatory Unit Chief
Office of Policy and Planning
U.S. Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street, SW
Washington, DC 20536


Dear Acting Chief Hageman:

I am writing on behalf of the National Association of Independent Colleges and Universities (NAICU) and the associations and institutions listed below, to comment on the recent Department of Homeland Security (DHS) proposal to establish a fixed time period for admission and extension of stay for international students. According to the Institute for International Education, in 2018-19, there were more than 400,000 foreign students enrolled at private, nonprofit colleges and universities in the U.S. NAICU institutions welcome international students to study at our campuses reflecting a strong commitment to a global network of scholars. Students and faculty from around the world share ideas and dialogue, and contribute to a diverse world-wide education system.

NAICU serves as the unified national voice of independent higher education that reflects the diversity of private, nonprofit higher education in the U.S. Our member institutions include major research universities, faith-based colleges, historically black colleges and universities, minority-serving institutions, art and design colleges, traditional liberal arts and science institutions, women’s colleges, two-year colleges, and schools of law, medicine, engineering, business, and other professions. With more than 5 million students attending 1,700 independent colleges and universities in all 50 states, and more than 1 million employees, the private sector of American higher education has a dramatic impact on our nation’s larger public interests.

The recent DHS proposal to establish a fixed time period for admission and extension of stay for international students would be exceedingly problematic for our students and institutions. While we understand and appreciate DHS’s efforts to curtail fraud and abuse of certain visa holders in the U.S., such efforts should be handled and addressed by the current SEVIS system, which was established for the very purpose of tracking student and exchange visitors to the U.S.

The proposal to limit periods of stay in the U.S. to two- and four-years will seriously impact many of our international students who would now be unlikely to enroll or return to our campuses if they believe the new limitations will keep them from reaching their ultimate educational goals. These students will also face the stress and uncertainty of not knowing if the
extension of stay process will allow them to finish their degrees. For example, while our institutions offer two- and four-year degree programs, most international students at two-year private colleges go on to get four-year or advanced degrees. Limiting those students to a two-year degree will undermine their educational plan.

In addition, many international students attending four-year institutions are pursuing advanced degrees, including Masters, PhD’s, MD’s, and others. Many four-year institutions also offer five-year undergraduate programs. All of these students would be affected and would face the uncertainty of whether their stay in the U.S. will be extended by DHS so they can complete their degrees.

NAICU strongly disagrees with both the proposal that DHS should be the sole determiner of whether a student’s status will be extended and the absence of an appeals process. Certainly the college or university should have a say in whether a student is making acceptable academic progress, and students who are denied an extension of status should have the right to an appeal. We strongly believe that the current system of allowing students to stay in the U.S. on active visas should be based on their educational plan, adherence to the terms of their visa, and include the possibility of Optional Practical Training which only enhances their educational experience.

Finally, placing additional costs, burdens, and uncertainties on students and U.S. colleges and universities during a pandemic-related recession will have a devastating economic impact in an already difficult educational environment. Continuing to educate researchers, scientists, medical professionals and students in other critical professions and allowing multicultural learning about differing ideas, faiths, and communities should remain top priorities for the U.S. We urge DHS to take this into consideration when drafting a final rule on these matters.

Thank you for considering our comments. I would be happy to provide any additional information that would be helpful.

Sincerely,

Barbara K. Mistick
President

On behalf of:

Albertus Magnus College
Albion College
Albright College
Allegheny College
Alma College
Amherst College
Andrew College
Anna Maria College
Antioch University
Art Academy of Cincinnati
Asociación de Colegios y Universidades Privadas de Puerto Rico (ACUP) / Association of Private Colleges and Universities of Puerto Rico (ACUP)
Association of Advanced Rabbinical and Talmudic Schools
Association of Chiropractic Colleges
Association of Independent California Colleges and Universities
Association of Independent Colleges and Universities in Massachusetts
Association of Independent Colleges and Universities in New Jersey
Association of Independent Colleges and Universities of Ohio
Association of Independent Colleges and Universities of Pennsylvania
Association of Independent Colleges and Universities of Rhode Island
Association of Independent Colleges of Art & Design
Association of Presbyterian Colleges and Universities
Association of Vermont Independent Colleges
Augsburg University
Austin College
Avila University
Azusa Pacific University
Bates College
Be'er Yaakov Talmudic Seminary
Belhaven University
Bellarmine University
Bennett College
Beulah Heights University
Boston College
Boston University
Brandeis University
Brewton-Parker College
Briar Cliff University
Bryn Mawr College
Buena Vista University
Butler University
Cabrini University
Cairn University
California College of the Arts
California Institute of the Arts
California Lutheran University
Calvin University
Campbellsville University
Friends University
Furman University
Geneva College
George Fox University
Georgia Independent College Association
Golden Gate University
Gonzaga University
Goucher College
Grand View University
Great Lakes Colleges Association
Gustavus Adolphus College
Hamilton College
Hamline University
Hampshire College
Harcum College
Hardin-Simmons University
Haverford College
Heidelberg University
Heritage University
Hesston College
Hiram College
Hobart and William Smith Colleges
Hollins University
Holy Family University
Hood College
Hope International University
Houghton College
Husson University
Independent Colleges & Universities of Florida
Independent Colleges and Universities of Texas
Independent Colleges of Indiana
Independent Colleges of Washington
Indiana Institute of Technology
Iowa Association of Independent Colleges and Universities
Iowa Wesleyan University
Ithaca College
Jacksonville College
Jarvis Christian College
Johnson & Wales University
Juniata College
Kalamazoo College
Kansas City Art Institute
Kansas Independent College Association
Knox College
La Sierra University
LaGrange College
Laguna College of Art and Design
Lakeland University
Lane College
Lasell University
Lenoir-Rhyne University
Lewis & Clark College
Lewis University
Lindsey Wilson College
Linfield University
Lipscomb University
Loras College
Lourdes University
Lubbock Christian University
Luther College
Malone University
Manchester University
Marietta College
Marquette University
Maryland Institute College of Art
Maryville University
McDaniel College
Medaille College
Meredith College
MGH Institute of Health Professions
Middlebury College
Millikin University
Mills College
Minnesota Private College Council
Montana Bible College
Montserrat College of Art
Morningside College
Mount Holyoke College
Mount Saint Mary’s University, Los Angeles
Muhlenberg College
Nebraska Methodist College
Nebraska Wesleyan University
Network of Colleges and Universities, Evangelical Lutheran Church in America
New York Institute of Technology
New York School of Interior Design
New York University
Newman University
North Carolina Independent Colleges and Universities
Notre Dame de Namur University
Notre Dame of Maryland University
NYS Commission on Independent Colleges and Universities
Oberlin College
Ohio Dominican University
Ohio Northern University
Ohio Wesleyan University
Olivet College
Oregon Alliance of Independent Colleges and Universities
Otis College of Art and Design
Our Lady of the Lake University
Pace University
Pacific Northwest College of Art
Palo Alto University
Peirce College
Pepperdine University
Point Loma Nazarene University
Pratt Institute
Rabbinical Seminary of America
Randolph College
Reed College
Rhode Island School of Design
Rider University
Roanoke College
Rochester Institute of Technology
Rockford University
Rollins College
Saint Elizabeth University
Saint Joseph's College of Maine
Saint Louis University
Saint Mary’s College (IN)
Saint Mary-of-the-Woods College
Salem Academy and College
Sarah Lawrence College
Seton Hall University
Seton Hill University
Shenandoah University
Siena College
Siena Heights University
Simmons University
Smith College
Soka University of America
South Carolina Independent Colleges & Universities
Southern Methodist University
Southwestern University
Spartanburg Methodist College
Springfield College
St. Ambrose University
St. Bonaventure University
St. Catherine University, St. Paul, MN
St. Edward's University
St. Francis College - Brooklyn
St. Lawrence University
St. Olaf College
Stonehill College
Susquehanna University
Swarthmore College
Tabor College
Teachers College, Columbia University
Telshe Yeshiva Chicago
Tennessee Independent Colleges and Universities Association
The Cleveland Institute of Art
The College of St. Scholastica
The George Washington University
The University of San Diego
Thomas More University
Tiffin University
Trine University
Trinity University
Trinity Washington University
University of Dayton
University of Findlay
University of Hartford
University of Lynchburg
University of Mount Union
University of Puget Sound
University of Rio Grande
University of Saint Mary
University of San Francisco
University of the Incarnate Word
University of the Southwest
Ursuline College
VanderCook College of Music
Vaughn College
Villanova University
Virginia Wesleyan University
Walsh University
Wartburg College
Washington & Jefferson College
Washington Adventist University
Wayland Baptist University
Webster University
Wellesley College
Wesleyan University
West Virginia Independent Colleges & Universities
Western New England University
Wheaton College (IL)
Wheaton College (MA)
Whitman College
Whitworth University
Wilson College
Wingate University
Wisconsin Association of Independent Colleges and Universities
Wittenberg University
Yes We Must Coalition