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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

Dear Ms. Hageman:

Stony Brook University strongly opposes the Department of Homeland Security's efforts to disenfranchise international students. At public and private institutions across the U.S., international students are invaluable members of our communities enhancing our academic mission, cultural understanding, research enterprise, and widespread economic growth. The Department's proposed rule will have an adverse impact on the academic and career standing of 1,827 Stony Brook international undergraduates in addition to 1,703 international graduate students.

The Department has failed to provide compelling evidence explaining how the current system is flawed or how these proposed changes will remedy specific problems. Campuses across the United States already follow rigorous laws and protocols to safeguard national security. This rule would establish fixed terms of either two or four years for international students in F status and exchange visitor status who are in the U.S to complete their degrees and research. This directly conflicts with the length of time required to complete degree programs as outlined below. Furthermore, the rule would restrict universities that do not fully comply with E-Verify to two year student visas. E-Verify is an employment verification tool that should not impact international students' visa duration, given that they are coming for the primary purpose of study, not work.

Since 2017 there has been a series of actions that have caused a chilling effect on the United States' ability to attract and educate students from abroad. Since Fall 2017, the State University of New York (SUNY) system has seen international student applications and enrollment decline

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by more than 1,200 students. Threats to visa status and other issues have resulted in these students electing to study in countries like Canada and Great Britain. In fact, since 2017, Canada has increased study permits by approximately 250,000. This impacts U.S. innovation and research excellence as we deprive our classrooms and labs of a diversity of thought and acumen.

International students studying at SUNY institutions are contributing over **\$747,150,000 million** in economic activity and supporting more than **7,680** jobs in the U.S. economy. The Department's proposed imposition of timelines that would prevent students from completing their studies, impose unfair restrictions on students from designated countries of origin, and add restrictions on students' ability to seek gainful employment will further jeopardize our economic standing. SUNY projects the annual loss of tuition and associated revenue with this new rule to exceed **\$34 million alone** – a tremendous financial blow when higher education is already struggling as a result of the COVID-19 pandemic impacts.

Duplicative and Redundant Bureaucratic Requirements

The proposed rule is an unnecessary and harmful intrusion into longstanding practices, which have successfully managed and facilitated the completion of academic programs for international students and exchange visitors. For instance, while every individual must meet already rigorous federal standards for entry into the United States, discretion lies with institutions themselves to determine what timelines students need in order to meet all requirements associated with the completion of their program in accordance with standards established by the states. The proposed rule strips that state and institutional academic authority and places it within a federal bureaucracy to be determined by someone who is not likely to have knowledge about the campus program or the individual student's field of expertise.

SUNY campuses like Stony Brook already have processes in place to maintain compliance when the approval of additional semesters is necessary. And, SEVIS already accomplishes DHS' stated goals pertaining to the submission and collection of data for oversight purposes.

SEVIS has undergone significant changes since its July 1, 2002, start date, resulting in an endeavor that yields detailed data related to student and exchange visitors for DHS. Nonetheless, this rule creates redundancies and raises concerns about the Department's understanding of its own program and to what it already has access. For example, in the course of an Extension of Stay application, students would now have to submit the same information from their schools or programs that said schools or programs are already required to provide directly through SEVIS or are required to retain by regulation.

DHS can very effectively enforce the current immigration laws by using its existing resources to engage in data-driven initiatives that focus on risk factors. These practices will not be furthered or improved by needlessly subjecting entire nonimmigrant categories to expensive, cumbersome, and time-consuming processes that duplicate existing obligations.

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Impacts of 4- and 2-Year Limitations

The Department's proposal states they are targeting students who hail from countries with a historic overstay rate of 10+ percent, those countries designated as state sponsors of terrorism (currently North Korea, Iran, Sudan, and Syria), and those with broadly defined national security concerns. However, the approach the Department takes arbitrarily limits students' time of stay in an impractical manner and fosters uncertainty that will drive students to countries with more rational, stable, and consistent rules.

SUNY enrollment of undergraduate students with VISA Types F, J, and I from countries on the two-year limit lists account for about 7.7 percent of international undergraduates. This would have resulted in approximately 1,570 students potentially affected on average each of the last three (3) academic years.

The rule does not provide for an admission period beyond 2- or 4-years, which is extremely problematic for students pursuing multiple degrees (Associates to Bachelor, Bachelor to Masters, Masters to Doctorate) or pursuing a doctoral degree. It also affects PhDs, surgery residents, neuroscience postdocs, joint degree program participants, and those pursuing BS/MS programs, among others. Simply put, the Department fails to recognize the time needed for degree completion in many academic programs. This also adversely affects our exchange visitor research scholars and professors, who frequently come for up to five years due to the needs of their programs.

While four (4) years is insufficient in its own right, a broad array of students will be subjected to a two-year period of admission through this proposed rule. By subjecting students to an arbitrary two-year limit that forces them to apply for what could be multiple Extension of Stay (EOS) applications, the instability and exorbitant additional financial burden will remove the United States as an optional place of study for many.

For example, an undergraduate student arriving with a two-year admission window who requires English language instruction would need a minimum of two Extension of Stay (EOS) applications to ensure enough time to see his/her program through to completion. This excludes participation in post completion Optional Practical Training (OPT), which likely requires two EOS applications depending on the student's eligibility and desire to pursue STEM OPT, resulting in three EOS applications and upwards of five or more based on academic progression simply to complete his/her program.

Each EOS application at present costs \$455; that totals \$1,365 to \$2,275 or more in additional cost, not considering the time involved in completing forms, mailing them, and attending biometrics appointments. Additionally, biometrics appointments are another hurdle as many students do not have reliable transportation, and for some, the nearest USCIS Application Service Center (ASC) conducting biometrics can be hundreds of miles away. Nonetheless, many will have to undergo this process multiple times to complete their degree.

Further, students subjected to a two-year admission would be burdened by additional complexities with respect to driver's licenses. In most circumstances, local DMV offices only

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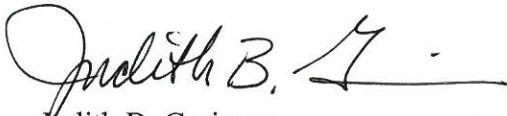
issue licenses for the period of stay specified on a nonimmigrant's I-94, meaning students will be forced to undergo the license application process with every EOS filing. Troublingly, every student at any institution that does not utilize E-Verify will automatically be subject to the two-year process. Most SUNY campuses—and many institutions nationwide—do not participate in E-Verify, as historically there has not been a practical need to do so. Reporting platforms and regulatory obligations through the SEVP/DOS certification and designation process are already in place, providing DHS access to any needed information. Yet, the Department has arbitrarily subjected every student at any institution not currently utilizing E-Verify to the two-year admission window.

In Summary

The Department's proposed rule fundamentally alters the agreement between students and their campuses in unpredictable, harmful, and unnecessary ways. If this proposal is enacted, the academic and future careers for every single one of SUNY's 20,476 international students will be destabilized. The institutions furthering the education of these students will suffer financially. The infusion of financial resources these students bring to their local communities will be lost. And, the diversity of experience that inspires innovation will be diminished at U.S. universities.

Stony Brook University urges the Department to reconsider this rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Judith B. Greiman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Judith B. Greiman
Chief Deputy to the President

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