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Submitted via [www.regulations.gov](http://www.regulations.gov)

October 23, 2020

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U.S. Immigration and Customs Enforcement  
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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

On behalf of Lehigh University, we submit this comment letter in response 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.

International students and scholars are a vital part of Lehigh's academic community, and their contributions extend far beyond our campus. This proposed rule places a significant burden on them and furthers the message that the United States is not a welcoming place. It will make it harder for us to continue to recruit the brightest minds from around the world and exacerbate the nationwide decrease in international enrollments that began in 2015-2016. Therefore, we urge that the proposed rule be withdrawn in its entirety, and that admission for the duration of status remain in effect.

Lehigh University is home to 1,006 international students and scholars from 83 countries. They make up 9 percent of undergraduates and 29 percent of graduate students. International students bring different perspectives and experiences to the classroom, leading to more interesting discussion and more effective problem-solving. Our 26 international scholars include visiting researchers and scientists, professors, and student interns in 14 disciplines, who share special expertise and experience with their colleagues and students. International graduate students work as teaching assistants, laboratory assistants, and graduate assistants, making the academic experience for all students more culturally diverse and adding much needed flexibility to academic programs. Of the last 15 Teaching Assistant of the Year awards (which only undergraduates can nominate), 10 were given to international students, demonstrating the contribution they are making to undergraduate education, usually in STEM fields and economics. Beyond campus, Lehigh University's international students and scholars contribute \$66 million to the local economy and support 992 jobs, according to NAFSA: The Association of International Educators.

The proposed DHS rule, which eliminates the “duration of status” standard for international students and exchange visitors (F-1 students, F-2 dependents, J-1 exchange visitors, and J-2 dependents) and replaces it with a fixed visa time period not to exceed four years, would place a significant burden on these students and scholars. The proposed four-year limit on student visas – and just two years for certain students – does not conform with the typical length of a doctoral degree program of five to six years, meaning that even a student making satisfactory progress towards a degree will not be able to complete his or her studies within the allotted duration of the visa. The proposed rule also does not accommodate requirements for students in many bachelor’s and specialized master’s programs. Time to degree in undergraduate programs hinges on a number of factors. Many talented students pursue multiple degrees or minor programs in their fields of study; this type of training benefits the world due to the interdisciplinary perspectives these students will bring to problems. In addition, some specialty programs at Lehigh, such as Integrated Business and Engineering, and Arts and Engineering, are designed as five-year programs. It is an unreasonable expectation that international students will invest the significant time and money that it takes to study in the U.S. if they are not sure that they will be permitted to stay and finish their program, even without extenuating circumstances. The uncertainty will discourage international students and postdocs from applying or accepting offers to higher education institutions in the U.S.

Furthermore, with this rule, the government would encroach on academic decision-making. DHS proposes to eliminate the “normal progress” standard for allowing an extension of stay in favor of a “compelling academic reasons” standard; but this is not clearly defined by the rule, meaning the government will have more discretionary power over students than their own university. It is inappropriate and overreaching for the rule to give a USCIS officer the ability to evaluate whether a student is making good academic progress, rather than the school. The reasons that students request an extension are many but not unusual: a health issue for self or a family member; the birth of a child; the loss of funding; or the loss of an advisor. Lehigh has administrative processes at both the undergraduate and graduate level to review requests for an extension of time to complete a degree that involve students’ academic advisors, program directors, college deans, and registrar. The staff with the Office of International Students and Scholars relies on this robust, existing administrative process when confirming that a student is making sufficient academic progress and approving an extension of time to complete a degree. The rule change would upset this process by allowing a USCIS officer oversight of a student’s academic program that would overreach that of the university itself

This rule change also directly impacts our current and planned growth in research. Lehigh is one of the nation’s most distinguished private research universities, and like many universities, our research enterprise is driven by graduate research assistants. In some fields, domestic applicants are limited. Without a diverse, talented – and global – pool of graduate applicants, many research programs could not continue at the current pace. US prominence in science comes in large part from welcoming foreign-born trainees and scientists: 42 percent of all Nobel Prizes awarded between 1901 and 2015 went to individuals working in the U.S., and 31 percent of all U.S. Nobel laureates were born outside the U.S. We should be making it easier, not harder, for the most talented thinkers to share their knowledge with the U.S. By placing additional burdens on international students and scholars, the proposed rule threatens to throttle this flow of ideas and expertise, making the U.S. slower to innovate and respond to new problems.

We are particularly mindful of the impact that these restrictions on graduate students will have on growth of current and new graduate programs. As part of our vision to build a stronger, more dynamic university and widen our impact on society, Lehigh has recently committed more than \$150 million toward interdisciplinary research and education with investments focused on faculty and student talent, new research and academic programs that collaborate across colleges, and

the expansion of campus facilities dedicated to interdisciplinary research and learning. Additionally, Lehigh launched a new College of Health in Fall 2020, with plans for the graduate programs to start in Academic Year 2020/21, pioneering the field of population health. We anticipate that the programs developed by faculty in the College of Health should be of particular interest to international students from around the world seeking training that prepares them to address major world health issues. Under this proposed rule, international students would not be able to complete the 4:1 undergraduate/graduate program in the allotted time frame. This 4:1 program allows students to complete MPH and MS degrees in one year, in addition to their four-year sequence, thus making it five years. Students will also be unable to complete the Ph.D. in population health, which requires substantial mentoring and experiential learning opportunities, within four years. In short, at the time that we are developing new academic programs, this rule change would hinder our ability to attract the best minds for study and research.

All of this harm is unnecessary. SEVIS is already sufficient to accomplish DHS's goals, giving 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. Furthermore, the existing SEVP (re)certification and Designated School Official (re)designation processes already provide the mechanisms necessary to track down overstays and mitigate fraud. DHS can effectively enforce the current immigration laws by wisely using its resources to engage in data-driven initiatives that focus on specific risk factors, rather than subject entire nonimmigrant categories to an expensive, cumbersome, and time-consuming extension of stay process that largely duplicates the efforts that schools and exchange visitor programs will continue to make to comply with heavy SEVIS reporting obligations.

The US has benefited immensely from the goodwill capital generated through its university system. This goodwill extends to people the world over who have benefited from being educated in the US as well as those in their professional networks. The role that US universities play in promoting the American brand—ingenuity, innovation and creativity—cannot be overstated and has a direct effect on how people view the US. This policy may indeed undermine US geopolitical standing by trading short-term political gain for long-term strategic positioning of a vital global sector, higher education.



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