September 29, 2025

Office of Regulatory Affairs and Policy
U.S. Immigration and Customs Enforcement
Department of Homeland Security (DHS)
500 12th Street SW
Washington, DC 20536

Re: DHS Docket No. ICEB-2025-0001

To whom it may concern:

On behalf of the American Council on Education (ACE), and the undersigned higher education associations, we write with serious concerns and in strong opposition to the 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-2025-0001). We previously submitted comments in October 2020, on a similar proposed rule. While this proposed rule makes some changes, we remain concerned that establishing a fixed period of admission for student and exchange visa holders and creating unreasonable time limits for international students will have a devastating impact on institutions, international students, and the entire U.S. economy.[1]

International students have long made significant contributions to U.S. higher education, research, and the broader U.S. economy. The United States, as well as our world-class institutions, have welcomed international students who have chosen to make this great nation their home and contribute in small and large ways to America's greatness, including National Institutes of Health (NIH) Director Jay Bhattacharya and Deputy Assistant to the President Sebastian Gorka. In the 2023-2024 academic year, more than 1 million international students chose to study in the United States,[2] resulting in a nationwide economic impact of nearly $44 billion.[3] A recent survey by NAFSA: Association of International Educators found that given the uncertainty in U.S. visa policy, new international enrollment may fall by as much as 40 percent, with an overall $7 billion loss to the U.S. economy.[4] Beyond the economic impact, these students contribute to the academic and research capabilities of our nation's institutions.

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[1] October 26, 2020 ACE and community comments to DHS Docket No. ICEB-2019-006 "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" https://www.acenet.edu/Documents/Comments-DHS-Duration-of-Status-102620.pdf
[2] 2024 Open Doors report: https://opendoorsdata.org/data/international-students/
[3] NAFSA International Student Economic Value Tool: https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2
[4] NAFSA Fall 2025 International Student Enrollment Outlook and Economic Impact: https://www.nafsa.org/fall-2025-international-student-enrollment-outlook-and-economic-impact

Our institutions of higher education have demonstrated the ability to innovate, adjust, and offer flexibility for students completing postsecondary education, for example through flexible degree programs where students study for three years as an undergraduate and one year as a graduate student to receive a bachelor's degree and a master's degree, or the flexibilities and innovations created by our institutions during the COVID-19 crisis. However, the ultimate result of this proposed rule will be an additional barrier to that creativity and to the ability of prospective international students and exchange visitors to access American higher education. While the short time frame of 30 days to provide comments has limited our ability to analyze and provide the full impact of the proposed changes, the rule, if implemented, will restrict the opportunities of international students and exchange visitors and discourage prospective undergraduate and graduate students, scholars, and exchange visitors from choosing the United States to complete their programs and degrees.

The four-year limit/ fixed status is unworkable for most international students and will limit their ability to take advantage of programs offered to domestic students.

This proposed change from being admitted for the "duration of status" to a fixed time period of up to four years would be unworkable for the majority of students, at all educational levels, as well as for U.S. institutions of higher education.[5] According to the National Center for Education Statistics (NCES), the average time to complete a B.A. for international students is 56.3 months (or 4.69 years).[6] The proposed rule is especially problematic for the majority of PhD-seeking students, who take an average of 5.8 years to complete their program. In addition, the median time it takes to complete a research doctorate is 7.3 years, which includes the time it takes to complete a master's level degree. For F-1 graduate students pursuing a doctoral degree in the health sciences the median time for completion of the degree is 8.8 years, and for non-science and engineering degrees it is 10 years.[7] A large population of international undergraduate students would not complete their degrees within the maximum four-year prescribed time frame for various legitimate reasons. Just one example: the NCAA grants student-athletes the opportunity to sit out one year of competition due to injury or for other reasons, effectively providing five years to complete their four years of athletic eligibility.

In addition, the proposed rule imposes an undue burden on institutions that offer innovative programs, such as joint B.A. and Master's degree programs that can be completed in a five-year period, saving students time and money. Under this proposed rule, students would be required to apply for at least one extension. This is also true for students planning to transition from a two-year degree to a four-year degree. When starting at a two-year college (public or private, not for-profit) the average time to B.A. is over 5.6 years (or 68.1 months) for international students. This proposed rule may discourage those students from pursuing a

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[5] proposed 8 CFR 214.2 (f)(5)(i)

[6] https://nces.ed.gov/fastfacts/display.asp?id=569, this includes the time to degree as well as Optional Practical Training (OPT)

[7] 2024 National Science Foundation Survey of Earned Doctorates: https://ncses.nsf.gov/surveys/earned-doctorates/2024

four-year degree or from starting their studies at a two-year institution in the first place. Other examples of joint degree programs pursued by top students are MD/PhD, JD/MBA, etc., and the popular 2+2 programs where students enroll in a community college and are guaranteed admission into a four-year college to complete their degree.

This proposed rule will also be harmful for international students seeking to complete cooperative education (co-op) opportunities. It is estimated that over 900 U.S. institutions of higher education offer co-op programs, including to international students.[8] Co-op programs integrate full-time work experience with academic studies, allowing students to alternate between semesters of coursework and full-time employment in a field related to their major, while also providing valuable hands-on skills, professional networks, and potential job offers after graduation, as well as smoothing the transition from college to career. Research highlights that international students weigh co-op opportunities heavily, including an IDP study that shows that career development and job outcomes are the top drivers when deciding where to study.[9] At one large private institution, over 88 percent of the international undergraduates participate in co-op, which may lengthen the duration of a student's program over the traditional 4-year period. By working full-time in their field, students build valuable skills and contacts that often accelerate their job search after graduation. Many see the additional time beyond a traditional 4-year program as an investment with a long-term payoff.

Also of concern is that the proposed rule includes a 24-month lifetime aggregate limit for English Language Learners (ELL), which includes academic breaks and vacations.[10] This is highly restrictive and incredibly limiting for ELLs, who often transition from language programs into a full-time program of study while maintaining F status under the current D/S policy. In addition, there are many valid reasons why a student would take over two years to complete English language study, including personal or medical reasons. English language programs are not all tied to "academic years," nor is English language training like a degree program with recognized completion standards; language learning is developmental, individualized, and often non-linear. Under the proposed rule, these students would not be eligible to apply for an extension of their status if they need more than 24 months of language study, even if they have valid reasons for not completing the program in 24 months. The additional steps and uncertainty about the Extension of Status process will diminish the appeal of the United States as an English language training destination, particularly for students who want to improve their English in the United States before starting a degree.

The proposed Extension of Status (EOS) process appears to be unworkable, will likely not collect any new information, and could result in students or exchange visitors having to leave the United States before the end of their studies or programs.

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[8] Study in the USA "Cooperative Education": https://www.studyusa.com/en/a/57/cooperative-education-professional-work-experience-degree-finding-an-internship-in-the-usa
[9] March 2024 IDP Study "Survey on a National Strategy for International Education in the U.S." https://resources.idp-connect.com/hubfs/SurveyOnANationalStrategyReport-1.pdf
[10] Proposed 8 CFR 214.2 (f)(5)(i)(A)

As part of the proposed rule, DHS would establish a new "Extension of Status" (EOS) process through which international students could seek an extension to the four-year period of status initially granted through the student visa.[11] We have concerns about the ability of DHS to quickly and efficiently process requests for EOS, especially if the requests overwhelm the U.S. Citizenship and Immigration Services (USCIS). For example, following the COVID-19 emergency, our institutions and international students saw historic delays in the processing of I-765 work authorization for Optional Practical Training (OPT). As a result, many international students were forced to return home and leave behind OPT opportunities due to delays in USCIS processing.[12]

Beyond possibly restricting regular academic studies towards a degree, students seeking experiential learning with post-completion OPT, including 12-month OPT and the STEM OPT extension, would have to apply for an EOS as well as employment authorization. According to the proposed rule, these would be separate processes and a student may not engage in post-completion OPT until both the work authorization and EOS are granted. Students will need to trust USCIS to process both applications in a timely manner to ensure they can begin their OPT by their start date. Perhaps as important, potential employers will be dissuaded from making offers to international students because of this uncertainty.

We are concerned that the proposed rule does not provide any estimated time frame for EOS requests to be processed. In addition, the few examples provided of when EOS will be granted (medical emergencies, natural disasters) do not take into account academic reasons, such as the international undergraduate student participating in a study-abroad program or co-op program, which are freely offered to domestic students. For graduate students, academic reasons could include required practicums, internships, clinical study, or extended dissertation research that cannot be reasonably completed within a limited time period.

In addition, the State Department Student Exchange Visitor Information System (SEVIS) system already collects most of the information requested in the EOS process; therefore, this appears to be burdensome as well as duplicative for the federal government. The EOS process is likely to overwhelm USCIS, and we are concerned about delays that may restrict the ability of students to leave and return to the United States, as well as delays in starting OPT or full-time work.

The removal of D/S will complicate students' and scholars' academic and research pursuits while also increasing the workload for institutions, students, and scholars, as additional time will be spent filing for extensions and waiting for the approval. There is already a backlog with most USCIS applications and long processing times have resulted in students not being able to begin their degree programs or international hires not being able to begin work.

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[11] Proposed 8 CFR 214.2 (f)(7)(i)

[12] March 2021 *Inside Higher Ed* "Dropping the Ball" https://www.insidehighered.com/views/2021/03/04/federal-government-should-rectify-how-it-handles-international-students

Additionally, the proposed rule would not allow for any appeal of an EOS denial, which would further cause concern for students seeking to begin a degree program in the United States.

The four-year time frame should not apply to graduate students or J-1 programs, including scholars who currently have a five-year period and medical doctors who have a seven-year time frame. It's unfair to apply an arbitrary time frame to J-1s, which currently have time limits for certain programs, some of which are longer than the four-year period proposed.

The proposed rule is unworkable for J-1 research scholars who are currently permitted up to five years by the Department of State to complete their research.[13] Those J-1 scholars would have to apply for at least one EOS during that five-year period. The proposed rule would also have a disproportionately negative impact on international students seeking medical training, as well as foreign national physicians participating in U.S. medical residencies and fellowships as J-1 exchange visitors, whose programs can last from one to seven years depending on the medical specialty or subspecialty being pursued. The proposed rule also would have an impact on international scholars seeking postdoctoral research experiences. In some fields, such as the biomedical sciences, most postdoctoral researchers are international.

The proposed rule is also unworkable for F-1 graduate students, especially for those pursuing a doctorate degree in STEM disciplines. It would be extremely difficult for them to complete their degree programs in four-years and would require multiple visa extensions. According to the National Science Foundation's Survey of Earned Doctorates[14], the median time it takes to complete a research doctorate is 7.3 years, after the completion of a Bachelor's degree. For F-1 graduate students pursuing a doctoral degree in the health sciences the median time for completion of the degree is 8.8 years, and for non-science and engineering degrees it is 10 years after completing a Bachelor's. The proposed rule would also impact the ability of recent PhD graduates on F-1 visas from pursuing postdoctoral research experiences. It is important to note that international graduate students and postdocs are critical to the fundamental scientific research that takes place at America's colleges and universities. These researchers not only contribute toward groundbreaking research but also toward developing the next generation of experts in their fields. Limiting the supply of highly skilled researchers risks our status as the global leader in innovation.

In 2023, roughly 10 percent of resident physicians training in the U.S. were sponsored under J visas. In future years, we would expect 203,000 applications for EOS from international physicians on J visas. Given the size of this population, it is likely that resident and fellow physicians with J visas will experience significant delays in EOS processing time. A one-size-fits-all, fixed time frame for J visa authorization does not meet the complex needs of training programs. Beyond information reported through the SEVIS system, resident physicians on J visas are also subject to rigorous screening and formal certification by Intealth, prior to entering United States. While in training, the Accreditation Council for Graduate Medical

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[13] Proposed 8 CFR 214.2 (j)(i)(ii)(A)-(C)

[14] National Science Foundation, U.S. National Center for Science and Engineering Statistics (NCES), Survey of Earned Doctorates: https://ncses.nsf.gov/surveys/earned-doctorates/2024

Education requires programs to undergo biannual performance evaluations to meet all U.S. medical licensing standards.

As previously stated, participating in programs that require more than four years to complete will require considerable trust in the ability of USCIS to adjudicate EOS quickly and fairly. However, the proposed rule does not provide assurances that USCIS has considered all options available to obviate the need to file an EOS or, if an EOS is required, that process will be streamlined to meet the inevitable increased workload.

DHS should not restrict a transfer or change of major. This will unfairly restrict and remove flexibility for international students in comparison to domestic students studying at the same institutions.

While not specific to international students, over 1.2 million students transferred to a new institution, or about 13 percent of non-first-year undergraduates, in Fall 2024. A significant portion of these students transferred from two-year to four-year institutions.[15] The new proposed rule would restrict the ability of international students to transfer or change their major in their first year of study.[16] This would greatly hinder international students seeking the same flexibility and ability in their academic programs as their domestic counterparts. For example, many states have sought to encourage transfer policies and articulation agreements to provide seamless transitions between two-year and four-year programs.[17] The policies have attracted domestic as well as international students in choosing to begin their baccalaureate education at a less expensive community college, then transferring to and achieving the same bachelor's degree as if they had only attended the four-year institution.[18]

In addition, the proposed rule would prohibit lateral (same education level) and reverse (lower education level) matriculation by international students under F status. We are concerned that this proposed rule is suggesting a "lifetime limit" on the ability of international students to seek more than one degree at the same level, such as two bachelor's degrees or perhaps take advantage of a reverse transfer where they might complete an associate's degree with credits gained at a four-year institution. In addition, the proposed rule seeks to create a new definition of "education level" which is vague and problematic. For example, it is unclear if a Juris Doctorate is the equivalent of a PhD or MD and therefore would prohibit an international student from seeking both degrees, or a PhD student from seeking an MBA. These limitations will likely further discourage international students from coming to the United States to take advantage of these innovative programs.

It is unreasonable and inappropriate that USCIS is taking the ability away from a Designated School Official (DSO)/ academic institution to decide if an extension

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[15] National Student Clearinghouse Research Center "Transfer Enrollment and Pathways, Fall 2024 Report" https://nscresearchcenter.org/transfer-enrollment-and-pathways/

[16] Proposed 8 CFR 214.2 (f)(5)(ii)(A) and Proposed 8 CFR 214.2 (f)(8)(i)(D)

[17] Education Commission on the States "50-State Comparison: Transfer and Articulation Agreements" https://www.ecs.org/50-state-comparison-transfer-and-articulation/.

[18] Hagedorn, Linda Serra. 2020. *International Students in Community Colleges*" American Council on Education. https://www.acenet.edu/Documents/International-Students-in-Community-Colleges.pdf

to complete an academic program is needed.

We are also concerned that this new EOS process puts federal immigration officials in charge of evaluating whether a student is making good progress, rather than the institution of higher education. The proposed rule notes that DSOs will need to submit a recommendation, but ultimate authority to grant the EOS will fall with a USCIS official.[19] Colleges and universities have institutional policies that address academic probation for falling grade point averages, or ultimately dismissal from a program of study. Determining sufficient academic progress is an unreasonable and inappropriate role for USCIS.

Addressing fraud concerns is better done through the existing certification of institutions or the SEVIS system.

The issues DHS says it is trying to address (security concerns, fraud issues, abuse of the temporary nature of these visa categories) could reasonably be addressed through SEVIS. The proposed rule tries to fix problems that are minimal now, if they exist at all, and can be managed through the SEVIS database. SEVIS is managed by the Student Exchange Visitor Program (SEVP), which is part of Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) directorate and supports ICE's mission to protect national security and enforce immigration laws. Those in F and J visa status are already the most carefully monitored group of temporary visitors in the United States, and the only ones tracked by a database. SEVIS information is shared internally throughout ICE and HSI, as well as with law enforcement, Customs and Border Protection, USCIS, the Department of State, and the FBI. Institutions of higher education must be granted SEVP certification to accept F international students, and there are currently over 10,000 certified schools. In addition, institutions of higher education apply to the Department of State's Bureau of Educational and Cultural Affairs to receive designation as a J sponsor. In turn, SEVIS is used to track, monitor, and update records for J exchange visitors. DHS notes that once a school is SEVP-certified, schools are continuously monitored through SEVIS for compliance with federal regulations. Schools that do not comply can lose their certification. To ensure compliance, schools undergo a recertification process every two years. Under SEVIS, an institution currently reports student name, SEVIS ID, status, status change date, visa class, and program start and end date for all students in Initial and Active status at the school. Schools are also required to keep students' records up to date.

This level of vetting provides State and DHS considerable discretion over visa issuance and maintenance of status. In addition, the State Department this year created an expanded screening and vetting process for student visa applicants regarding social media,[20] as well as issuing a new travel ban that bans entry for immigrants and nonimmigrants from certain

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[19] Proposed 8 CFR 214.2 (f)(7)(i)

[20] June 18, 2025. State Department Media Note "Announcement of Expanded Screening and Vetting for Visa Applicants": https://www.state.gov/releases/office-of-the-spokesperson/2025/06/announcement-of-expanded-screening-and-vetting-for-visa-applicants

countries.[21] The higher education community has actively engaged and has long been a partner with the federal government in addressing malign foreign influence and other national security threats that target our research and education missions. We have worked in cooperation with law enforcement to ensure that institutions are diligent in preparing for and responding to threats while also continuing to protect the beneficial and safe exchange of students and researchers across the globe. Following 9/11, we engaged with the federal government on the creation of SEVP and have continued to do so in the years since to improve the system. And in 2020, we worked with the Trump administration regarding the application of Presidential Proclamation 10043 and its impacts on our students from China.[22]

The change from 60 days to 30 days for students and scholars to leave after the end of their academic program is unrealistic for students and researchers who may have obligations they will need to conclude.

The proposed rule seeks to change the current grace period an international student has at the end of their program completion date or end date of OPT from 60 days to 30 days.[23] Many international students use the 60- day period to travel, complete departure preparation, use that time to wait for OPT or employment authorization processing, or wrap up the business of life in the United States (such as ending a lease on an apartment). Restricting this time to 30 days will likely make study or exchange programs in the United States less attractive, as well as needlessly increasing costs and stress for international students or scholars concluding their studies in the United States.

The 30-day comment period is unreasonable and does not provide adequate time to understand the impact on our campuses.

Finally, we are disappointed, given the historic and negative impact this proposed rule will have on U.S. institutions of higher education, that the proposed rule only has a 30-day comment period. Given the wide and varied impact of the 160-page proposed rule, 30 days is an unreasonably brief time for our institutions to understand the possible impacts and for the public to have a meaningful opportunity to comment on the significant proposed regulatory changes, economic impact, and burden on those affected by the proposed changes.[24] Given the short turnaround time on the comments, we hope that implementation of any final rule will be done in a thoughtful manner and with stakeholder engagement.

Conclusion

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[21] June 4, 2025, Presidential Proclamation "Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and other National Security and Public Safety Threats" https://www.whitehouse.gov/presidential-actions/2025/06/restricting-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats/

[22] June 2021 higher education letter to State Department re: PP10043, https://www.acenet.edu/Documents/Letter-State-Dept-Proclamation-10043-061021.pdf

[23] Proposed 8 CFR 214.2 (f)(5)(i)

[24] September 16, 2025, letter seeing an extension of Comment Period: https://www.regulations.gov/comment/ICEB-2025-0001-8627

In conclusion, given these grave concerns we strongly oppose this proposed rule and ask that DHS withdraw it. We believe it is based on flawed data and attempts to address problems that don't exist among our international students and scholars or within the current system. We ask that DHS work with institutions of higher education to address the issues of fraud and abuse raised in the proposed rule, and look to address these issues, to the extent they are shown to exist, using the long-established SEVIS database system. If the proposed rule is not withdrawn, we ask that DHS work with stakeholders to address these issues, so the final rule is able to be implemented in a way that takes into account questions and concerns from our students and institutions.

We hope to continue to work with the federal government to attract international students, scholars, trainees, and researchers and to support and strengthen the U.S. education and research enterprise.

Sincerely,

Ted Mitchell
President

On behalf of:

ACPA-College Student Educators International
AICUP—Association of Independent Colleges and Universities of Pennsylvania
American Association of Colleges of Nursing
American Association of Colleges and Universities
American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of State Colleges and Universities
American Association of Veterinary Medical Colleges
American Council on Education
American Council of Learned Societies
American Psychological Association Services
Asociacion de Colegios y Universidades Privadas de PR
Associated Colleges of the Midwest
Association of American Medical Colleges
Association of American Universities
Association for Biblical Higher Education
Association of Catholic Colleges and Universities
Association of Community College Trustees
Association of Independent California Colleges and Universities
Association of Independent Colleges & Universities in Massachusetts
Association of Independent Colleges & Universities of Rhode Island
Association of Independent Colleges of Art & Design

Association of International Education Administrators
Association of Jesuit Colleges and Universities
Association of Presbyterian Colleges and Universities
Association of Public and Land-grant Universities
Association of Vermont Independent Colleges
College and University Professional Association for Human Resources
Connecticut Conference of Independent Colleges
Council for Advancement and Support of Education
Council of Graduate Schools
Council of Independent Nebraska Colleges
Council on Social Work Education
EDUCAUSE
Federation of Independent Illinois Colleges and Universities
Great Lakes Colleges Association
Independent Colleges of Washington
International Association of Baptist Colleges and Universities
Institute of International Education
Iowa Association of Independent Colleges and Universities
Kansas Independent College Association
Maine Independent Colleges Association
Maryland Independent College and University Association
NAFSA: Association of International Educators
NASPA-Student Affairs Administrators in Higher Education
National Association for College Admission Counseling
National Association of Colleges and Employers
National Association of Independent Colleges and Universities
NECU- Network of Evangelical Lutheran Church in America Colleges and Universities
North Carolina Independent Colleges and Universities
Oregon Alliance of Independent Colleges and Universities
Presidents' Alliance on Higher Education and Immigration
South Carolina Independent Colleges and Universities
State Higher Education Executive Officers Association
Tennessee Independent Colleges and Universities Association
The Commission on Independent Colleges and Universities in New York
Wisconsin Association of Independent Colleges and Universities