October 24, 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


Dear Acting Regulatory Unit Chief Hageman:

We write to urge the Department of Homeland Security to withdraw the proposed rule in its entirety, and that admission for the duration of status remain in effect.

I. Introduction

We write as Faculty members and administrators at the University of Pittsburgh1. We submit this comment to urge the Department of Homeland Security (DHS) to withdraw these proposed rules

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1 Dr. Ariel Armony and Professor Sheila Velez Martinez are extremely grateful to Katy R. Pietragallo and Leanne Winkels, student attorneys at the Immigration Law Clinic at the University of Pittsburgh School of Law for their excellent work on the preparation of this comment. This comment is submitted by Dr. Ariel Armony and Professor Sheila Velez Martinez and does not represent the institutional position of the University of Pittsburgh.
in their entirety. We fundamentally oppose the NPRM because the current regulatory system created by SEVIS already adequately serve the purpose of the rule. If this regulation is adopted, it will be harmful to many programs at the University of Pittsburgh and would significantly affect access to higher education in the United States for thousands of students from developing countries. Institutions like the University of Pittsburgh have relied on the current regulatory structure to develop and expand world class programs that have positively impacted the life of citizens across hundreds of nations and have enriched the learning experience at the University.

A. **Ariel Armony** leads the University of Pittsburgh’s global engagement as the Vice Provost for Global Affairs and Director of the University Center for International Studies, home to the University’s top-ranked thematic and area studies centers. He also holds faculty appointments in the Graduate School of Public and International Affairs and Department of Political Science in the Dietrich School of Arts and Sciences. In his role as Vice Provost for Global Affairs, Armony works to advance the University’s global plan “Embracing the World,” which places global learning, research, partnerships, and community engagement at the center of the University’s mission. Armony is a frequent commentator for U.S. and international media, most recently on the topics of innovation in international education, the globalization of cities, and the changing role of China in Latin America. His academic work has been influential in shaping major debates such as the relationship between democracy and civil society, the transnationalization of state-sponsored repression, and the field of China-Latin America relations. His current work, which is drawing worldwide attention, addresses the emergence of new global cities such as Miami, Dubai, and Singapore. He is a member of the Pennsylvania Advisory Board of the U.S. Global Leadership Coalition and the Board of Directors of the World Affairs Council of Pittsburgh. Before arriving at Pitt, Armony led the University of Miami’s Institute for Advanced Study of the Americas. He has been a Fulbright scholar, Rockefeller Foundation scholar, and residential fellow at the Woodrow Wilson International Center for Scholars.

B. **Sheila Vélez Martínez** is the *Jack and Lovell Olender Professor of Asylum Refugee and Immigration Law* at the University of Pittsburgh School of Law, the Director of Clinical Programs and the Director of the Immigration Law Clinic the University of Pittsburgh School of Law. Her work at the Clinic focuses on teaching students a critical approach to immigration law and policy while representing immigrants seeking asylum and other legal protections. She writes on issues
related to immigration, Latino and Latina Critical Legal Theory and legal education. She is a member of the Board of the Latino and Latina Critical Legal Studies Inc. (LatCrit), Justice at Work of PA, the incoming law chair at Center for Race and Social Problems and an affiliated member and advisor of the Center for Latin American Studies of the University of Pittsburgh. Professor Vélez Martínez has been an immigration attorney for 20 years and has successfully represented hundreds of clients seeking protection from persecution in the United States. An important cohort of those cases have been international students in the United States.

II. International students are vital to the university community and to the university’s educational and research missions

The University of Pittsburgh – of the Commonwealth System of Higher Education (the “University” or “Pitt”), founded in 1787, is one of the oldest and most distinguished institutions of higher education in the United States. The main campus of the University is located in Pittsburgh, Pennsylvania, with four regional campuses in Bradford, Greensburg, Johnstown, and Titusville. With over 200 years' development, the University is composed of 17 undergraduate and graduate schools and colleges. The University currently serves approximately 30,000 students in total, including close to 3,500 international students. The University is consistently ranked among the top recipients of federal research grants in the nation and it is the only “Research I” state-related institution in Western Pennsylvania.

The University has a long-standing tradition of international engagement that spans more than fifty years and is rooted in Western Pennsylvania’s immigrant past. In 1968, Pitt moved to coalesce its faculty and research assets with the establishment of the University Center for International Studies. This move allowed faculty, staff, and students from all undergraduate colleges, graduate and professional schools, and regional campuses to work together and share international expertise across academic fields. The University's interest in international engagement is additionally highlighted by

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2 About, Univ. of Pittsburgh, https://www.pitt.edu/about.
3 Id.
5 University Center for International Studies, University of Pittsburgh, https://www.ucis.pitt.edu/main/.
6 Id.
its wide-ranging study abroad offerings coordinated by the Study Abroad Office.\textsuperscript{7} The University provides support for its international students through the Office of International Services.\textsuperscript{8} Additionally, in the center of its Pittsburgh campus, the University’s celebration of international diversity is exhibited in physical form in the University’s thirty “Nationality Rooms,” which collectively highlight the legacy of Pittsburgh’s ethnic diversity while raising money used to support students’ cross-cultural experiences with scholarships to travel to the countries represented by each of heritage rooms.\textsuperscript{9}

The University also is home to four international academic associations with worldwide memberships: the Association for Slavic, East European and Eurasian Studies; the Comparative and International Education Society; the Latin American Studies Association; and the European Union Studies Association.\textsuperscript{10} These regional and thematic study centers offer grants to bolster Pitt faculty research on international topics, including support for overseas research travel and conference participation. Overall, Pitt attracts more than 6,000 international students, faculty, staff and visiting scholars from over 100 countries annually, and international students are critical to the Pitt community and to the University’s missions and strategic goals.\textsuperscript{11} If this regulation is adopted, it will be harmful to many programs at the University of Pittsburgh and would significantly affect access to higher education in the United States for thousands of students from developing countries. Institutions like the University of Pittsburgh have relied on the current regulatory structure to develop and expand world class programs that have positively impacted the life of citizens across hundreds of nations and have enriched the learning experience at the University.

At Pitt we prepare leaders to shape the world by embracing and impacting humanity. To do that we must connect globally, encourage engagement, foster collaboration, and promote diversity and inclusion. These goals not only benefit from, but require the skills, contributions, perspective and meaningful interaction of international students. International students bring a variety of crucial

\begin{itemize}
\item \textsuperscript{7} Pitt Study Abroad, University of Pittsburgh. \url{https://www.abroad.pitt.edu/}.
\item \textsuperscript{8} Office of International Services, University of Pittsburgh. \url{https://www.ois.pitt.edu/}.
\item \textsuperscript{9} Nationality Rooms, University of Pittsburgh. \url{https://www.nationalityrooms.pitt.edu/}.
\item \textsuperscript{10} Association for Slavic, East European and Eurasian Studies, University of Pittsburgh. \url{https://www.aseees.org/about/contact}; Comparative and International Education Society, University of Pittsburgh. \url{https://www.cies.us/page/OED}; Center for Latin American Studies, University of Pittsburgh. \url{https://www.ucis.pitt.edu/clas}; European Studies Association, University of Pittsburgh. \url{https://www.ucis.pitt.edu/esc/content/resource-links}.
\item \textsuperscript{11} Office of International Services, University of Pittsburgh. \url{https://www.ois.pitt.edu/office-international-services}.
\end{itemize}
contrivances to the University of Pittsburgh, which is why the University’s five-year strategic plan specifically contemplates the goals of promoting diversity and inclusion and embracing the world.\textsuperscript{12}

The current worldwide pandemic serves as a timely reminder of the critical importance of Pitt’s international community. For example, multiple international post-doctorate fellows in the University’s Center for Vaccine Research are presently hard at work researching and developing a vaccine for COVID-19.\textsuperscript{13} In addition to vaccine research, international students and faculty play integral roles on various research teams in both the Schools of Medicine and Pharmacy as well as the Graduate School of Public Health.\textsuperscript{14} These teams are working on multiple research projects that directly and indirectly address the challenges posed by the pandemic, such as data analysis of the growing cohort of COVID-19 patients in the University of Pittsburgh Medical Center’s ICU.\textsuperscript{15} At this time, when we face a global threat that has killed hundreds of thousands of people, the University of Pittsburgh views international students, to include those working on vital pandemic-related research, as a critical asset, while the NPRM makes clear that DHS views these same individuals as a liability. Attempts by DHS to make it more difficult for international students at universities nationwide to continue to work on these and other critical projects does a disservice not only to the students themselves, but also potentially to humanity.

Beyond research initiatives like those highlighted above, international students also bring important diversity into classrooms, University athletics, and the Pittsburgh community at large. Two-thirds of Pitt’s international student population are graduate students attracted to Pitt’s high-ranking programs in fields such as nursing, law, engineering, and computer and information sciences. In Political Science, well over half (currently 60\%) of Pitt’s PhD students are international students. The Masters of Information Science program is Pitt’s largest graduate program overall and is historically 75-85\% international. And according to the Associate Dean for Graduate Studies at Pitt’s School of

\textsuperscript{12} \textit{The Plan for Pitt, Making a Difference Together}, University of Pittsburgh, Nov. 3, 2016, \url{https://www.pitt.edu/sites/default/files/Strategic-Plan-Presentation_0.pdf}.  
\textsuperscript{14} \textit{School of Medicine, Research}, University of Pittsburgh. \url{https://www.medschool.pitt.edu/research}; \textit{Graduate School of Public Health, Research Centers and Institutes}, University of Pittsburgh. \url{https://publichealth.pitt.edu/home/research-practice/centers}.  

Medicine, an estimated 25% of the 310 PhD students registered in the School of Medicine hold F-1 student visas. These programs are enriched by the diverse perspectives and experiences of these international students.

The University also has approximately 60 international student athletes on various teams within the University’s Athletics Department. These athletes strengthen their teams and contribute to the school spirit that is fostered through university athletics. Pitt symbiotically offers international student athletes the opportunity to thrive in their respective goals and life paths by providing a healthy, safe place to pursue academic endeavors.

Finally, international students are vital to the entire Pittsburgh community. They enrich the community through a wide array of varying cultures and ways of being. Additionally, international students undoubtedly play a huge role in the local economy, contributing in excess of $283,300,000 annually to Pittsburgh alone. The undeniable value of the diversity fostered by international students is precisely why Pitt has committed in its strategic plan to promote diversity and inclusion and to embrace the world. Accordingly, to remain silent in the face of this Notice of Proposed Rule Making would undermine the University’s core values of diversity, equity, and inclusion.

III. The current regulatory system created by SEVIS already adequately serves the purpose of the rule

The Student and Exchange Visitor Information System (SEVIS) was fully implemented on January 31, 2003, creating an internet-based system to “provide users with access to accurate and current information on nonimmigrant foreign students, exchange aliens, and their dependents. SEVIS enables schools and exchange programs to transmit electronic information and event notifications, via the Internet, to the (Immigration and Naturalization) Service and the Department of State throughout a student’s or exchange alien’s stay in the United States.” Between 7/1/2002 and 9/30/2021, a projected $181.7 million dollars will have been spent in technology investment for SEVIS alone. The

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17 Federal Register, Vol. 67, No. 95, Thursday, May 16, 2002.
expansive nature of SEVIS has enabled DHS to collect and have access to data that would have been unthinkable in prior decades.

Through SEVIS, DHS gains immediate access to all pertinent events that impact a student or exchange visitor’s compliance with visa regulations, including detailed information on the start and end dates of their academic program and verification that they are abiding by the terms of their visas throughout their program. For F-1 students, this includes certification each semester that the student is enrolled in full-time classes (or has provided authorized documentation for an underload) and includes the student’s current address, major, pertinent employment data, etc. If DHS requires specific information that is not directly submitted to SEVIS, it has the authority to request all information and documents that universities are obligated under 8 CFR 214.3 to retain throughout students’ enrollment and for 3 years after their enrollment ends, and institutions are required to provide that information in a timely fashion, typically within three days of the request.\(^\text{18}\)

The proposed rule aims to add cumbersome and unnecessarily duplicative steps to F and J nonimmigrants’ visa processes, to gather information that the government already has access to in SEVIS. Although a student or exchange visitor’s I-94 is currently marked with Duration of Status, the underlying I-20 or DS-2019 contains a program end date, which is recorded in SEVIS. ICE routinely investigates students whose records are terminated in SEVIS for failure to maintain status and/or when a student’s I-20 has reached its end date but there is no record of the student’s departure. As stated in an August 28, 2020 News Release, “ICE reviews SEVIS records for potential violations and refers cases with possible national security or public safety concerns to its field offices for further investigation. Additionally, SEVP’s Analysis and Operations Center analyzes student and school records for administrative compliance with federal regulations related to studying in the United States.”\(^\text{19}\)

The false security of putting a date certain on the I-94 is unnecessary and unwarranted. If this rule is approved, students would be required to file an extension of stay application to remain in the United States past the two or four year mark. This application would require students to fill out forms with

\(^{18}\) 8 C.F.R. § 214.3 (2106).

information that already exists in SEVIS, in order to have a document issued to them which would contain an end date for their stay, information that is already contained on their I-20 or DS-2019. The application would come at great expense and potential delays to the student, including dealing with long application processing times, expensive filing fees, and the need for a biometrics appointment, which could interrupt their educational plans in harmful ways.

Instead of this proposed rule, we suggest that DHS effectively enforce immigration laws and policies by accessing already available data in SEVIS and utilizing the existing system to target the very few students and exchange visitors who violate their visa status, rather than subject the entire international student and exchange visitor population with this time-consuming, expensive, and redundant extension of status process. Should the government feel it is necessary to make periodic assessments to ensure that students and exchange visitors are complying with the terms and conditions of their status and/or to assess whether they present national security concerns, there is already an established system in place to make that assessment. “A DHS officer may request any or all of the data in paragraphs (g)(1)(i) through (x) of this section on any individual student or class of students upon notice. This notice will be in writing if requested by the school. The school will have three work days to respond to any request for information concerning an individual student, and ten work days to respond to any request for information concerning a class of students. The school will respond orally on the same day the request for information is made if DHS requests information on a student who is being held in custody….”\(^20\) This system is a “mechanism to make …evaluation(s) (of student and exchange visitor records) at reasonably frequent intervals.”\(^21\) Thus, current regulations offer DHS full authority already to do what they indicate they are attempting to “fix” with the proposed regulation.

IV. This proposed rule is specifically harmful to STEM related research and services.

As the COVID-19 pandemic continues, colleges and universities like the University of Pittsburgh are at the forefront of medical research to combat the virus. In September, scientists and researchers at Pitt discovered an antibody component that is highly effective in preventing and treating COVID-
This discovery could potentially work as a therapy for COVID-19, as well as a prevention method to keep people from contracting the virus.

Important, life-saving research and discoveries happen here at Pitt, and it would not be possible without the help and expertise of international students within the School of Medicine. The University of Pittsburgh’s School of Medicine places a strong emphasis on diversity and believes that international students contribute to the school through past experiences and different cultural backgrounds. As a medical school with an international scope, Pitt believes that international students are an integral part of its mission to train outstanding physicians for the international community, through collaborative clinical, research, and educational work.

Universities across the country, including the University of Pittsburgh, provide important public health services to the larger community in which the students reside. The University of Pittsburgh School of Medicine’s Program for Health Care to Underserved Populations (PHCUP) houses two public-serving clinics, the Birmingham Free Clinic and the Women’s Center and Shelter Clinic. Volunteer clinicians and health professional students make up the clinic teams, and these volunteers “help to maintain the uniqueness of the Program as a leader in service learning and training for emerging students, interns, and residents in medicine, pharmacy, nursing, and public health.” The PHCUP clinics provide uninsured and disenfranchised Pittsburghers approximately 3,500 primary and specialty care visits each year, along with 4,500 free prescriptions.

Innovation and discovery are two important pillars of research institutions like the University of Pittsburgh and limiting international students’ access to this education will not only harm the students, but the University and broader community as a whole. Innovators at Pitt have created CPR, cured polio, and fostered the

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23 Id.
24 University of Pittsburgh School of Medicine International Medical Student Application Process, University of Pittsburgh School of Medicine, Oct. 17, 2019, https://www.medadmissions.pitt.edu/sites/default/files/internationalstudentpolicy%20final%20updated%2010-14-2019_0.pdf.
25 Id.
27 Id.
28 Id.
organ transplant field, among other accomplishments. The Innovation Institute at Pitt contributes to the regional and national economy by connecting Pitt students to the funding, programming, and services they need to launch their ideas into market. The Innovation institute also provides a space for existing companies and other institutions to collaborate and create new innovation that spurs economic growth and makes a difference in the lives of countless people. Research is an integral part of the University of Pittsburgh, and international students make important contributions to this wide-ranging and wide-reaching work in both undergraduate and graduate programs. International undergraduate students at Pitt are able to take part in research and other creative projects with their professors who are often leaders in their field. The University of Pittsburgh is also home to multiple research laboratories, from the Human Engineering Research Laboratories which work to improve the mobility and function of people with disabilities, to the Center for Vaccine Research which supports interdisciplinary research efforts focused on emerging infections and the development of therapeutics and vaccines.

Finally, limiting international students in obtaining a U.S. university degree will only hinder the creation and success of future international business relationships. International students’ presence in the U.S. fosters long-term business relationships with American colleagues, which in turn benefits the U.S. economy. International students bring their different viewpoints and lived experience to create a more holistic and expansive learning environment at American universities.

V. This proposed rule significantly affects access to higher education in the United States for thousands of students from developing countries and limits our ability to expand world class programs that have positively impacted the life of citizens across hundreds of nations, and have enriched the learning experience at the University.

When the number of international students at U.S. colleges and universities declines, commentators often focus on the economic impact the decline will have on individual universities and

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29 About, University of Pittsburgh, Innovation Institute, [https://www.innovation.pitt.edu/about/](https://www.innovation.pitt.edu/about/).
30 Id.
31 Id.
32 Research, University of Pittsburgh, [https://www.pitt.edu/research](https://www.pitt.edu/research).
33 Id.
As experts who specialize in global affairs and international education, we see a more serious threat: a diminished ability for the United States to shape and influence future leaders of the world. Studies have shown that personal contact with the U.S. shapes individuals’ dispositions toward the United States. Being part of a university community is a concrete and profound experience that exposes international students to the diversity of people, cultures and places in America. The 2007 IMF Working Paper on *Democracy and Foreign Education* concluded that, when students study outside their home countries they help bring about changes in levels of democracy in their home countries. The same study noted that in 2007, 46 heads of government were products of higher education in the United States.

Currently about 20 percent of all undergraduate and graduate students studying internationally attend universities in the United States. There is a longstanding history of these students graduating and going on to become renowned world leaders. Recent examples include Wangari Maathai, alumna of the University of Pittsburgh who was the first African woman to receive the Nobel Peace Prize. She was also the first female scholar from East and Central Africa to take a doctorate (in biology), and the first female professor ever in her home country of Kenya. Maathai played an active part in the struggle for democracy in Kenya. Under the NPRM Maathai would not have been able to pursue a full course of study in the United States. The same is true for U.N. Secretary Generals Kofi Annan. Annan, who was awarded the Nobel Peace Prize jointly with the United Nations in 2001, described his experience as a student at Macalester College in Minnesota as transformational.

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37 Id. at 22.
40 Id.
41 Id.
The University of Pittsburgh, for example, has contributed to the education of many of the international leaders, and has partnered with educational institutions around the world to recruit and train student leaders. For example:

- In Africa, the University has established formal agreements and relationships with schools and professional programs in Cote D’Ivoire, Kenya, Malawi, Nigeria, and Ghana. These programs and partnerships include graduate and PHD student exchange programs such as with the University of Ghana, the Nigerian Institute of Management and its Strategic and Ethical Leadership Center. Similar agreements exist between then International University of Grand-Bassam in Cote D’Ivoire, and the Moi University School of Law in Kenya where students are recruited to complete their studies at the University of Pittsburgh. Additional international programs with African nations include the Fullbright Hays grant which involves programming in Kenya and Uganda, and Kamuzu Central Hospital in Malawi where students are able to participate in physical therapy internships at the hospital under supervision by the local staff.

- In Asia, the University has established agreements with educational and professional institutions in Uzbekistan, Philippines, Vietnam, and Nepal. Such agreements include a co-op program with the Nepal Fertility Care Center and Tribhuvan University which consists of research and short-term training programs between these Nepalese schools and the University of Pittsburgh. In the Philippines, Pitt has established agreements with the University of Philippines Manila National Institute of Health, the University of the Philippines Manila, and Ateneo de Manila University which aim to facilitate academic, scientific and cultural exchanges with these schools and Pitt. The University similarly has agreements with the University of World Economy and Diversity, and Tashkent Medical University, both in Uzbekistan, which contemplate the implementation of programs such as: joint research projects with Pitt; exchange of experiences, and organizing joint symposia, workshops and conferences, lectures and educational programs with Pitt; and opportunities for exchange and internship programs for students and faculty of both parties.

- Not only has the University of Pittsburgh invested into developing these international programs and agreements with these schools, the University has, as a result of these programs, had the distinct privilege of producing many notable international alumni. Luis Calingo of the Philippines, received his Ph.D. in Business Administration from Pitt in 1984. Since graduating, Mr. Calingo is now the President of Holy Angel University, and the Chairman of the Holy
Angel Research Foundation, where he has pursued developing academic quality, organizational excellence, and financial sustainability which has resulted in additional international accreditations for the hospitality and tourism management programs, as well as institutional recognitions. His work in raising money for research and development has led to the Blue Ocean academic innovations such as the Green MBA Program, and the creation of a Technology and Innovation Support Center and a Technology Business Incubator at Holy Angel. Other notable alumni include Dang Chi Lieu and Tuyet Trees from Vietnam, and Tshering Tobgay from Bhutan. Lieu graduated from Magna Cum Laude from the University of Pittsburgh School of Law in 2008 and currently works as a partner at DNA Vietnam specializing in environmental law. He works diligently to promote green energy in Vietnam by providing access to small businesses attempting to enter that field. Trees received her MBA from Pitt in 2001, she worked as a Program Manager at Oxfam for four years, and currently works as a Major Project Coordinator for US Commercial Service, the Department of Commerce’s International Trade Administration. Tshering Tobgay received his BA from Pitt’s Swanson School of Engineering in 1990. He is now a Bhutanese politician, environmentalist and cultural advocate. Tobgay served as the Prime Minister of Bhutan from 2013 to 2018 and is the leader of the People’s Democratic Party.

Each of these programs, agreements, and alumni, demonstrate the added value international engagement and community bring to educational institutions. Programs where information, ideas, resources and student leaders are shared, enrich all parties involved. The impact of the proposed rule will adversely affect the continued development and engagement in these programs, which will directly impact both the University of Pittsburgh, as well as foreign institutions and countries with whom these programs have been set up. The impact will be even more harmful to the programs and alumni from countries that DHS has discriminated against in the proposed rule by imposing a 2-year admission period on students due to the overstay calculations cited by DHS.43 The determination that these programs and students are somehow less valuable to academic institutions and programs by virtue of their country of origin is discriminatory. It will also undermine the mission of the University of Pittsburgh’s, and many academic institutions nationwide, to embrace the world through higher

education by helping improve the lives of people across the globe. Below are just a few examples of programs established by the University that will be severely affected by the proposed rule:

- The University of Pittsburgh School of Medicine operates on a global stage, with active collaborations connecting Pittsburgh with China, Colombia, France, Ghana, Honduras, India, Italy, Kazakhstan, Malawi, the Philippines and many other nations.\textsuperscript{44} Students and young investigators who train in this milieu encounter a wide variety of influences and discover many opportunities to broaden their horizons.\textsuperscript{45} Through Pitt Med programs, international students study and thrive on the Pittsburgh campus while experiencing American culture. Pitt Med has also maintained a robust relationship with Malawi.\textsuperscript{46} Pitt residents recently completed rotations at Kamuzu Central Hospital, a government referral and teaching hospital in Lilongwe, Malawi.\textsuperscript{47} These residents, along with other Pitt Med personnel, have been critical to inpatient hospital care and to teaching and training initiatives for Malawian medical students and trainees.\textsuperscript{48}

- The African Studies Program (ASP) promotes the study and research of Africa, especially the continent’s cultures and societies.\textsuperscript{49} ASP promotes opportunities for collaboration with partner institutions mainly in Africa. These partnerships are very important for the purpose of scholarship, research and exchanges for the benefit of faculty and students flowing in both directions (Pitt to Africa and Africa to Pitt).\textsuperscript{50} We currently enjoy strong partnerships with institutions in Ghana, Kenya, Malawi, South Africa, Tanzania and Uganda.\textsuperscript{51} As part of our priority to build strong partnerships with institutions in Africa, we host young scholars from various countries in the continent.\textsuperscript{52} This is important because visiting scholars play an integral role through their research and teaching across the University. They enrich our community’s intellectual and research endeavors, international connections, and global perspectives. Most of our visiting scholars and researchers are junior or senior members of faculties in their

\textsuperscript{44} International Partnerships, University of Pittsburgh, School of Medicine, Oct. 20, 2020, https://www.medschool.pitt.edu/international-partnerships.
\textsuperscript{45} Id.
\textsuperscript{46} Id.
\textsuperscript{47} Id.
\textsuperscript{48} Id.
\textsuperscript{49} About, African Studies Program, University of Pittsburgh, https://www.ucis.pitt.edu/africa/welcome-african-studies-program-0.
\textsuperscript{50} Id.
\textsuperscript{51} Id.
\textsuperscript{52} Id.
respective countries; some may be involved in government service or seek to engage in doctoral studies. They too benefit from an accommodating place to pursue their work and from an ability to exchange ideas with our faculty, other visiting scholars and neighboring institutions, our students, and the diverse Pittsburgh community.

- The Center for International Legal Education (CILE) is home to the LLM and SJD programs at Pitt Law. Each year international students have the opportunity to craft a unique course of study based on their legal interests, while studying alongside their American JD counterparts. Over its 25-year history, CILE has partnered with many law schools and institutions throughout the world. For example, over the past few years, Pitt Law has educated a number of LLM students from the Republic of Kosovo who have returned to make an immediate impact on the future of their nation. The accomplishments of those LLM graduates from Kosovo are a clear indication of this impact on the legal system and legal education system of Kosovo. These graduates have affected the Office of the President and the Assembly of the Republic of Kosovo. Moreover, they have established new law firms, taught in several universities (both inside and outside of Kosovo), worked for human rights organizations and development projects, drafted proposed legislation, and studied legal system needs. Wade Channell, Senior International Trade Advisor at the U.S. Agency for International Development (USAID) has called U.S.-trained LLM graduates who return to their home countries "agents of understanding, agents of change, and agents of hope." These graduates provide a bridge that facilitates positive legal reform that both understands other legal systems and filters the process of change in their home countries through a native sensitivity to local cultural needs. As professor Ronald Brand has stated: “While many at the University of Pittsburgh School of Law have benefited from the presence of Kosovar lawyers in the LLM program, the greatest benefit from their time in Pittsburgh will be felt in Kosovo. Those lawyers have much to contribute and will affect legal reform in Kosovo in a positive way for

53 Id.
54 LLM Program, School of Law, University of Pittsburgh, https://www.law.pitt.edu/academics/programs-foreign-trained-lawyers/llm-program.
56 Id.
years to come.” The CILE has developed similar partnerships with Moi University in Kenya. At least four Pitt Law graduates are currently law professors at Moi University. The Moi School of Law, with its four Pitt LLM graduates, hopes that its partnership with Pitt will help improve the legal system and access to justice in Kenya.59

VI. This proposed rule is specifically harmful to the students.

Limiting international students to two or four year visas with limited options for extension places an unnecessary burden on students to focus solely on their education, rather than take part in the countless other opportunities universities offer that enrich the lives of both international and U.S. students. If international students are too preoccupied with finishing their degree within the timeline provided by DHS, they will not feel free to partake in extracurriculars such as sports, student groups and organizations, and internships, all of which provide for a holistic educational experience. Along with harming the international students, this also robs U.S. students of the opportunity to meet and create lasting relationships with international students. These relationships provide students the chance to broaden their worldview, deepen their understanding of international issues and foreign affairs, and take part in cross-cultural experiences.60

If international students are mostly limited to academic programs between two and four years, a number of categories of study and degrees will be unattainable, including PhDs and medical training programs. The two or four year limit will also introduce a significant amount of uncertainty in student’s coursework, as student’s do not have full control over class offerings or graduation requirements. This limitation will lessen the impact that international students will have in their country of origin because they will not have the advantage of a U.S. degree. The purpose of this rule is to put an end to potential fraud and abuse of student visa holders. By removing international students’ access to the traditional D/S in an effort to limit fraud, DHS explicitly implies that student visa holders are committing fraud on the U.S. in large enough numbers to necessitate an upheaval of immigration law and visa policy.

International students are an important part of the U.S. economy, and contributed $45 billion

to the economy in 2018 alone, according to the U.S. Department of Commerce.\(^6^1\) According to NAFSA (National Association of Foreign Student Advisors), in the 2013-2014 school year international students and their families contributed $26.8 billion to the U.S. economy and supported 340,000 jobs.\(^6^2\) NAFSA also found that for every seven international students enrolled at a U.S. university, three U.S. jobs are created in transportation, accommodation, retail, dining, or health insurance.\(^6^3\) Increasing hostility towards international students will not only have negative effects on those students that are currently in the U.S., but it may very well cause future international students to look to other countries to continue their education, which will only hurt the U.S. in the long run.\(^6^4\)

This NPRM harms international student athletes in particular ways. International student-athletes participating on behalf of the University of Pittsburgh Athletics are an integral component of the overall University of Pittsburgh collegiate experience for all Pitt students and staff. While competing in the pool, on the court, the track or field, is a major component of why high profile internationals student-athletes are important to the University, the ability to help foster a diverse community within the University is even more impactful. The University symbiotically offers international student-athletes the opportunity to thrive in their respective goals and life paths by providing a healthy and safe place to pursue academic endeavors. Limiting the period of time an international student-athlete can attend college in the United States would have negative, unintended consequences as those individuals could lose out on opportunities to receive athletic scholarships. A collegiate student-athlete is generally afforded five years of eligibility during which he or she can compete four seasons in their respective sports. Restricting the duration of time a college student-athlete can remain enrolled in undergraduate and/or post-graduate coursework to two or four years deprives him or her of the chance to fully utilize the five years afforded to a student-athlete. Additionally, student-athletes in sports such as soccer, track and field, swimming and diving, volleyball, gymnastics, and basketball are disproportionally affected, as they comprise between 7%-35% of their respective teams at the NCAA


\(^{63}\) Id.

Division I level. Inhibiting an international student from realizing a full college experience is antithesis to the overall intent of academia.

VII. The proposed date-specific admission does not conform to academic programs, harms students’ reliance on duration of status

The proposed rule provides only two periods of admission for F and J visa holders, an admission period of either two or four years with limited exceptions, depending on a multiplicity of factors including: the educational institution, the visa holder’s country of origin, the program selected, and the education level being pursued. However, neither admission period accurately nor effectively reflects the reality of pursuing higher education. These admission limits are impractical, and they do not conform to the lengths of academic programs regardless of the education level. In 2015-2016 over 50% of first-time students in the U.S. took over four years to complete a bachelor’s degree—a program which is considered to ‘typically’ take four years.65 Similarly, graduate and Ph.D. programs among others, would be negatively impacted by this rule as it does not recognize the reality of the time needed to complete such programs, which often require flexibility and the opportunity to work. The median time to complete a doctorate is 5.8 years, for a doctorate in humanities or the arts, the median is even higher at 7.1 years, and such programs can include learning a new language—the proposed rule addresses language courses as seemingly unnecessary unless it is an ESL course to be completed in two years only.66

Not only does the date-specific admission not accurately reflect the actual amount of time that students invest into their education, the proposed rule also holds international students to different standards. A student on an F or J visa would only be able to request time off due to “compelling academic reasons,” such as a medical condition, natural disaster, or a major event. This distinction places an undue burden on international students requiring that they accomplish the incredible feat of moving to a new country, acclimatizing to a new culture—which includes requirements such as setting up a bank account, navigating the health care system and obtaining health insurance—and then

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requires that for the next two or four years, these international students’ only goal is to pass their courses. This burden and will have the negative effect of disallowing international students from engaging in the other aspects of value in pursuing an education. These include participating in sports either intramural or varsity, engaging in extracurriculars such as student groups and organizations, or potentially pursuing networking or internship opportunities.

At the University of Pittsburgh graduate level programs such as medical training and Ph.D. programs often require more than four years for students to complete. Furthermore, international students at Pitt are considered to be of value to their programs and to the culture of the university overall, currently just over 40% of all students enrolled in doctoral programs at Pitt are international students.67 The Pitt Department of Chemistry’s Graduate Student Timeline sets out 5 years for a “typical full-time graduate student in the Ph.D. chemistry program.”68 With up to 6 years for the full program including dissertation defense.69 Pitt’s Department of Biological Sciences’ timeline for students does not set out a ‘typical end date’ for the program but rather leaves it open with “year 3 and beyond,” and includes the suggestion that dissertation research be completed “ideally by year 5” with the actual writing and defending of a thesis to be completed after.70

For many Ph.D. degrees no specific timeline is set by the university, provided that certain requirements of terms of study (either full or part-time) are met, rather for many programs a combination of full and part-time study is offered, with considerations made that many students may for a variety of reasons want or need to work – these reasons could be purely financial, or may be related to the topic of study and research for the doctorate. The MD/PHD program at Pitt is set up to take at a minimum 7 years, and the DPT/PHD program is set up to take 6 years to complete.71

The proposed rule is also targeted and discriminatory towards international students applying to study in the US from countries identified with 10% or higher overstays. These students, the majority

68 Graduate Student Timeline, University of Pittsburgh. https://www.chem.pitt.edu/graduate/graduate-student-timeline.
69 Id.
70 MCDB Timeline, University of Pittsburgh. https://www.biology.pitt.edu/graduate/mcdb-program/timeline.
of whom would be coming from African countries, are limited to 2-year admission periods based on DHS’s flawed data and analysis. Targeting students from these countries will have many negative impacts, the first of which is to discourage driven, intelligent and well educated applicants from considering studying at a US institution, which will have the compounded effect of impacting the educational experience of all students at those institutions as they are losing the opportunity to gain new insights and to hear new and diverse perspectives. This aspect of the rule will negatively impact universities diversity goals and their social missions, is based in flawed reasoning, and is not a good-faith attempt to achieve the goal of monitoring students who according to DHS may pose a “national security risk.”

VIII. This rule makes US higher education less competitive internationally.

The uncertainty this proposed rule creates will discourage international students from applying to higher education institutions in the US and will make it less likely for international students to accept offers to study in the US. As the previous section discussed, the admissions period of four years is generally not enough time for a post-secondary student to complete their degree, even with the potential for extension of status (EOS) as proposed by DHS. There is no way for an international student to have a guarantee that DOS will provide a recommendation, or that USCIS will approve their application for EOS. Post-secondary education is an investment in one’s goals, career plan, and future, this is a decision that is not taken lightly, and is all the more significant when considering studying in another country. Many factors are weighed in making this decision, and for students to face uncertainty about their ability to complete the intended program of study – not because of their ability to complete the program, but because the US has set in place a system which would evict them from the country prior to completion.

For F and J visa holders who are already in the US prior to this proposed rule, the changes to their visa qualification will make it more uncertain for potential employers to hire them. Even under

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the current visa system OPT and CPT work authorization is a stressful and cumbersome process for international students, which directly affects the internship and work opportunities available to them, as they have to find an employer who is not only interested in their previous experience and what they can offer to the position, but is also willing to participate in the EAD process with the F or J student. The changes in the proposed rule exacerbate this issue adding further uncertainty, if an international student is considered for a position, but they cannot guarantee that they will legally be able to stay in the US past a certain date, an employer is less likely to accept that risk and undertake the process to assist in an EAD application. The proposed rule will have the direct effect of blocking international students from participating in the work force, robbing industries of diverse talent and perspectives, and the students of valuable experience.

The US historically has had the position as the top attractor of international talent, however international student enrollment is currently on a decline even prior to this proposed rule, which will further impact this trend and its correlation to international talent coming to the US.\(^4\) If US colleges and universities are unable to provide incoming or prospective international students with the confidence that they will be able to complete their entire academic program at the US institution, they may decide to study in another country altogether as a consequence. The US will lose a critical pipeline of advanced STEM knowledge and talent, potentially to competitor nations. Other countries recognize the value of international students and have policies to attract and retain them. It is a mistake to create yet another hurdle to study in the US, furthermore this is not a good-faith attempt to monitor students for the policy reasons DHS proposes, setting up a system where there is no guarantee of more than four years in the US for any program, is creating a risk too high for many prospective students to take.\(^5\)

The United States is still in an enviable position to attract the best students from around the world and expose them to American culture and values. Its colleges dominate global rankings. We believe that maintaining this position should be a top priority for American policymakers. The proposed rule sends the message that international students are not welcomed or valued in the US.


\(^5\) Id. (quoting Doug Rand, Senior Fellow at the Federation of American Scientists, and worked on immigration policy for the Obama Administration).
IX. Implementing the proposed rule would have significantly greater economic effects than estimated by DHS on US higher education institutions, including from the loss of the international student population resulting from the rule. There would also be significant economic costs to students and an economic impact on the economy.

Currently international students make up 5.5% of all students in higher education in the US, there are over 1 million F and J visa holders actively pursuing education here, and directly contributing to the economy with a 41 billion dollar impact. However, this number is already declining prior to the publication of the NPRM at issue here. DHS’s proposed rule will exacerbate this trend, and the subsequent loss of revenue from international students – in the form of tuition, housing, tourism etc. – will have an adverse multiplying effect on the local economy. The purported policy considerations that DHS uses to defend the proposed rule can be met through a different approach to these concerns, without causing these challenges to F and J visa holders, to educational institutions, to the communities those institutions are housed in, and to the US economy.

The proposed rule also creates more hurdles for educational institutions seeking to attract international students. The rule would cause institutions to divert much-needed resources in order to comply with a rule that adds no demonstrable benefits. Such negative effects of the proposed rule go beyond the loss of tuition revenue to include the apparent need to complete system alterations to comply with the rule, additional advising for prospective and current international students as they would need to navigate these new hurdles, and the added compliance requirement the DHS included in the proposed rule, such as E-Verify a system which has no logical or reasonable relation to the international student system. If the enrollment of international students decreases at U.S. universities, the impact is not just financial. The decline means fewer of the future leaders of the world will ever get the chance to experience the soul of America.

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76 Id.
77 Id.
X. Conclusion

The University of Pittsburgh urges the Department of Homeland Security to withdraw the proposed rule in its entirety, and that admission for the duration of status remain in effect. The current regulatory system created by SEVIS already adequately serves the purpose of the rule. If this regulation is adopted, it will be harmful to many programs at the University of Pittsburgh and would significantly affect access to higher education in the United States for thousands of students from developing countries. Institutions like the University of Pittsburgh have relied on the current regulatory structure to develop and expand world class programs that have positively impacted the life of citizens across hundreds of nations and have enriched the learning experience at the University.

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