

## **Comment on 2025 DHS Proposed Rule Change**

### **“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”**

#### **Introduction**

The American International Recruitment Council, dba [AIRC: The Association of International Enrollment Management](#) (AIRC) firmly opposes the proposed rule and recommends that DHS abandon the entire proposal. The proposed rule is unnecessary, intrusive, and harmful to the interests of students, institutions, and the United States. It would encroach on institutions' academic freedom, hinder students' ability to optimize their US experience, and burden both institutions and students with massive new bureaucratic hurdles and costs.

#### **Analysis**

The proposed rule represents a dramatic departure from long-established regulatory policy which works well in balancing needs related to national security, institutional autonomy, and student mobility, while providing no appreciable net benefit for U.S. interests.

#### ***Fixed End Dates for Student Status***

The proposed fixed end dates for student status are arbitrary and unnecessary. Although programs of study are generally designed for completion within a certain timeframe, these are more correctly viewed as guidelines or recommendations than hard limits. A large proportion of students - both domestic and international - require longer than the standard time to complete a program. There are a wide variety of factors that contribute to this reality, many of which are outside an individual student's control. Furthermore, the proposed maximum time limit of four years does not conform with the established expectations for some programs of study, such as five-year bachelor's degree co-op programs, 4+1s and other combined degrees, and many doctoral programs.

The current system encourages international students to complete their programs in a timely manner by requiring full-time enrollment and satisfactory progress toward program completion, while also providing needed flexibility for exceptional circumstances. It appropriately relies upon institutions' academic expertise to determine what both “full-time enrollment” and “satisfactory progress” mean. In contrast, the proposal would undermine institutions' academic autonomy by imposing artificial external constraints on students' ability to progress toward degree completion.

### ***Restrictions on Transfers, Program Changes, and Levels of Study***

These proposed changes would inappropriately infringe upon institutions' academic authority and unhelpfully limit students' academic mobility. US higher education's strong global reputation is built on its unique strengths, including 1) the shared governance model wherein the faculty retain control over curricular decision making, and 2) an unusual degree of flexibility for students in seeking the right program for them. By imposing a requirement to file for extensions of stay and approval of program changes, DHS' proposal would undermine these strengths and make it more difficult for institutions to teach and for students to learn.

### ***SEVIS Already Meets DHS' Needs***

The proposed rule asserts that changes are needed to address visa fraud and abuse, including unreasonable visa overstay. However, DHS' justification cites a vanishingly small number of cases - just over 2,000 students among millions who have studied in the US over the last few decades. The proposal's broad approach and blunt impacts, affecting a much larger percentage of international students than the alleged overstays cited, are neither proportionate to the purported problem nor narrowly tailored to address it.

Additionally, international students are already the most closely tracked nonimmigrant aliens in the United States thanks to the Student and Exchange Visitor Information System (SEVIS) and its extensive institutional reporting requirements. SEVIS provides DHS with detailed and thorough information about every international student, constituting an early and ongoing opportunity to prevent and identify fraud and abuse of student visa status. SEVIS already contains most of the information DHS would collect via the proposed new extension-of-stay approval process, while outsourcing much of the work to highly trained and vetted institutional staff. The proposed change would either require a massive expansion of DHS staffing capacity to manage the extension and change requests, or would result in an even larger backlog of DHS cases.

### ***International Students are Vital to American Success***

International students' contributions to US education, and to American society, go far beyond their tuition and fees. Among others:

- Their presence in US classrooms provides global perspectives that enrich the educational experience and help American students develop high-demand job skills such as intercultural communication and global market awareness;
- Their spending on rent, food, and daily needs supports local businesses in big cities and small towns in all 50 states;
- Their positive experiences in the US can turn them into lifelong ambassadors for Brand USA, improving our public diplomacy position and encouraging future investment in US businesses and communities;
- Their ideas and research help the US maintain its top position as a producer of life-changing new technologies and innovations.

An economic impact analysis from NAFSA: Association of International Educators estimates that international students contribute nearly \$44 billion to the US economy each year,

incorporating both direct payments to institutions and indirect spending on other services. This economic activity supports over 378,000 American jobs - almost one job for every three international students enrolled. International education regularly ranks among the United States' top 10 service exports, measured by economic value.

It is in the United States' interest to encourage international students to choose the US, to welcome them to our institutions, and to facilitate their successful enrollment in and completion of US programs of study. The proposed rule change would undermine these goals by placing arbitrary and burdensome limits on both institutions and students. It would make US education less attractive in a competitive global marketplace, turning students away from our shores and hampering US leadership in critical fields.

**About AIRC**

AIRC is a 501(c)(3) nonprofit membership association of institutions, certified student recruitment agencies, and service providers who work together to establish quality standards for international student placement within the United States. AIRC is registered as a Standards Development Organization with the U.S. Department of Justice and the Federal Trade Commission. AIRC champions the interests of international students, educational institutions, and educational agencies through the development of professional standards and partnerships that advance effective and strategic practices in international enrollment management.