

September 29, 2025

Submitted via Regulations.gov

The Honorable Kristi Noem
Secretary of Homeland Security
US Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

Re: **Proposed Rule Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students and Exchange Visitors**

DHS Docket No. ICEB- 2025–0001

RIN 1653-AA95

Alternatives to the cumbersome, burdensome, costly DHS proposal
Joint comment of 39 science, education, policy organizations

Dear Madam Secretary,

The undersigned science, education, and policy organizations appreciate the opportunity to comment on the proposed rule eliminating so-called “Duration of Status” admissions for all F-1 and J-1 students and exchange visitors. We are concerned that, as written, the proposed rule is unnecessarily cumbersome, burdensome and costly. We offer the following perspectives and examples of revisions for your consideration before publishing a final rule. We believe, specifically, that a different approach is needed to avoid significant costs to us and to the country, and that the Department must ensure that all qualified students and exchange visitors do not face gaps in their status and work authorization and that PhDs, medical residents, postdoctoral fellows, joint professional degree students, and others are initially admitted with enough status to complete their programs.

Despite differences in priorities and sector, each signatory has found that international students, scholars, researchers, physicians, and teachers that come to the United States as F-1 and J-1 visa holders are a key component of the ongoing ability of the United States to continue to innovate and create jobs.

The undersigned recognize the importance of the Department exercising agency oversight that allow DHS to vigorously enforce US immigration law, protect the integrity of the F-1 and J-1 visa categories, and promptly detect national security concerns. We also appreciate that the Department has a multifaceted balancing act it must undertake to both meet these critical goals *and* systematically allow the flexibility needed for a large population of mostly young adults studying, researching, and teaching in every corner of the nation.

We ask the Department withdraw the rule as proposed because it: (1) does not account for the national-level economic impact, (2) imposes an extension of stay process that is too uncertain, and (3) does not provide periods of admission that are tied to the timelines for well-established, valuable programs.

The Department must consider the national economic costs of eliminating Duration of Status

First, we want to state unequivocally what is at stake. Eliminating Duration of Status (hereafter often referred to as D/S) would impose large national costs that are not considered in the Department’s analysis and we believe these costs must be considered to understand the impact of the proposed rule. The economist Michael Clemens estimates that eliminating D/S would conservatively reduce the inflow of international STEM F-1 students by about 10%, imposing annual costs to the United

States of approximately \$72–\$145 billion within a decade.¹ By contrast, DHS projects a cumulative ten-year cost of roughly \$3.3 billion and its estimate is limited to direct burdens on individual F and J nonimmigrants (and a small number of I-visa journalists), along with their schools and program sponsors.² Clemens, by comparison, measures economy-wide impacts, and accounts for the largest costs to the nation: a smaller STEM workforce with less innovative potential. DHS must account for national-level costs because they reflect the true economic impact of this rule. Without including national-level costs, the Department’s regulatory analysis is incomplete and misaligned with the nation’s economic priorities.

Clemens’ analysis is reinforced by recent survey data showing the proposed D/S elimination rule would significantly deter international enrollment in the United States. August–September 2025 surveys by NAFSA: Association of International Educators of current graduate students and postdoctoral researchers in the United States found that nearly half (49%) would not have enrolled if D/S had been replaced with a fixed admission period when they were deciding where to study and research.³ Among surveyed prospective international students abroad (primarily at the bachelor’s and master’s levels), 16% reported they would choose not to study here if the ability to remain in the US for the duration of their period of study were eliminated.⁴ These findings directly contradict the Department’s assumption of minimal disruption to international student and scholar enrollment.⁵ Yet, the survey results are understandable because even highly motivated students may hesitate to enroll in an educational program when there is uncertainty about whether they will be able to complete the program they intend to pursue. Clemens’ analysis explains this in terms of what he calls the “front door” talent pipeline for international students and the connection between decreases in the STEM talent workforce and less innovation by Americans, American firms, and the American economy.⁶ Together, Clemens’ economic modeling and NAFSA’s survey evidence underscore that eliminating D/S would sharply reduce the flow of global talent into the United States and carry consequences far beyond what DHS’s current analysis acknowledges.

Further affecting F and J program participation, the proposed Extension of Stay (EOS) process will place substantial strain on DHS’s administrative capacity. The Department estimates about 220,122 additional EOS requests from F-1 students and 240,583 from J-1 exchange visitors each year. This increase makes it unlikely that DHS can consistently complete adjudications within the 240-day window it has established in the proposed rule, especially given the Department’s well-documented backlogs and processing delays.⁷ If EOS decisions are not made within 240 days, many F and J nonimmigrants will lack reliable confirmation of status and, in many cases, the employment authorization that depends on that status. The resulting uncertainty will deter participation in otherwise valid and desirable programs across the United States.

¹ [Comment](#) to DHS “Fixed Time of Admission and Extension of Stay” for Fs and Js, from Michael Clemens, Jeremy Neufeld, Amy Nice filed at Regulations.Gov and see [“Brain Freeze: How International Student Exclusion Will Shape the STEM Workforce and Economic Growth in the United States,”](#) Clemens, M, Neufeld, J, Nice, A (working paper enclosed with comment filed to DHS).

² RIA Table 17 at p. 63.

³ [Surveys of International Talent Pipelines](#), August-September 2025 survey summary and distribution, key results, and tabulated results (September 15, 2025).

⁴ *Id.*

⁵ See eg, NPRM at p. 42101 on only marginal impact expected to international student enrollments, RIA at p. 43 on how any perceived negatives of the new fixed periods of admission will be outweighed by the benefits of studying in the US.

⁶ *Supra* Note 1.

⁷ See eg, [“Antiquated U.S. Immigration System Ambles into the Digital World,”](#) Chishti, M and Gelatt, J, Migration Policy Institute (November 29, 2023).

Because these outcomes would significantly harm both the signatories and the nation, the proposal to impose fixed periods of stay with DHS-adjudicated extensions should be withdrawn. The Department should instead reassess the rule and incorporate stakeholder expertise to develop alternatives that meet its objectives without causing widespread negative effects.

The Department should adopt a more flexible approach to Extensions of Stay that avoids gaps in status or work authorization

In the NPRM, DHS states that it “maintains that eligible students should have no difficulty with getting their EOS requests approved, which should alleviate concerns about the uncertainty of EOS approval.”⁸ If DHS intends to provide this level of assurance, it must consider adopting a more flexible approach to maintaining status and employment authorization upon filing an EOS. For example, alternatives the Department should consider include the following:

- DHS should establish that upon filing an EOS, F-1 and J-1 nonimmigrants with a properly endorsed Certificate of Eligibility are by regulation continuing in valid nonimmigrant status until the agency decision on their EOS.
- F-1 students seeking extensions of status to pursue post-completion practical training should not be required to seek separate work authorization documents along with an EOS.
- F-1 students seeking post-completion practical training should be permitted to work while their EOS is pending, provided they have properly endorsed OPT and STEM OPT on their SEVIS I-20 Certificate of Eligibility.
- DHS should establish that there is no 240-day limit for status or employment authorization for Fs or Js who file EOS, which instead should continue until a decision issues. To eliminate DHS risk of providing indefinite status and work authorization until agency decision-making, the Department should also establish that it will use its access to the extensive data in SEVIS to identify which pending EOS requests for F-1s and J-1s should be subject to a Request For Evidence after EOS filing.⁹
- DHS should formally recognize in the final rule that J-1 exchange visitors that would typically need EOS are already subject to extensive oversight and special circumstances. For example, the State Department already requires the following:
 - J-1 Teachers are subject to direct State Department review of any request by a K-12 teacher, including those in dual-language schools, seeking a 2-year extension on a case-by-case basis before permitting the program sponsor to issue a program extension on Form DS-2019.
 - J-1 Physicians are already heavily scrutinized and reviewed at regular intervals under State Department rules and the State Department requires all to be sponsored and monitored by the Educational Commission for Foreign Medical Graduates.

⁸ NPRM at p. 4201.

⁹ DHS explains throughout the NPRM and RIA that it has access to extensive technical compliance and profile information through SEVIS. See eg, NPRM pp. 42072, 42075; RIA pp. 7, 20, 61-62, 84-85. The Department stated that it chose not to rely on SEVIS-inspired enforcement as an alternative to removing D/S because it didn’t want some Fs and Js on D/S and some not. Here we point out that even if everyone is on a fixed period of admission DHS can use its access to SEVIS data to develop new EOS protocols for Fs and Js where it asks some Fs and Js for more information upon filing an EOS to enable the overwhelming, compliant majority of Fs and Js flexibility, predictability, and certainty in their ability to maintain status.

- J-1 Research Scholars in postdoctoral fellowships¹⁰ cannot receive a Certificate of Eligibility for initially anticipated full length of program because funding is typically not sufficiently guaranteed in longer than 1- and 2-year increments.

In short, DHS should revise its regulatory text at Sections 214.1 and 214.2¹¹ to establish that upon filing an EOS, both F-1s and J-1s should be provided status and, if authorized by their most recent Certificate of Eligibility from their sponsor, employment authorization until a USCIS decision on their EOS, not limited by a 240-day cap. Moreover, in order to right-size risk and deterrence DHS could announce plans to use SEVIS to issue Requests for Evidence to prioritize EOS applications that should be more immediately reviewed if the Department has enforcement or compliance concerns about an individual supported by SEVIS.

The Department should revise its proposed periods of admission to more accurately reflect program timelines.

The rule as proposed has glaring problems with regard to periods of admission matching actual program timelines. Among other issues and among various impacted programs and categories of students and exchange visitors, it might be useful to flag the example of PhDs and medical residents. The time to completion for international students in PhD programs and international medical graduates in medical residencies in the US varies widely across different programs and disciplines. Imposing a maximum period of stay upon initial admission limited to 4 years for PhD students and medical residents, among others, when their expected program duration is by definition (much) longer means such individuals cannot reasonably enter the United States knowing they will be able to complete their program.

PhD students cannot complete doctorate degrees within 4 years in the normal course of study at an accredited American university. Yet, PhD students, both American and international, are key components of the research enterprise (90% of all PhDs in America are completed at research universities investing over \$25 million in research each year) and deterring them would disproportionately impact the United States's scientific potential. Likewise, physicians completing medical residencies also do not commonly complete all of their training within 4 years. Importantly, J-1 Physicians are already highly regulated, monitored continuously by federal sponsors designated by the State Department as well as by accredited residency programs, and that's only after being credentialed and vetted by the Educational Commission for Foreign Medical Graduates.

In short, DHS should revise its regulatory text at Sections 214.1 and 214.2¹² to establish that F-1s and J-1s are not limited to an initial 4-year maximum period of admission, including when they are doctoral students or engaged in graduate medical education.

¹⁰ Innovators are at their most productive and most likely to produce breakthrough research soon after they stop their education. See eg, "[Age and Great Invention](#)," Jones, B (The Review of Economic Statistics, February 2010). Thus, early career researchers who have completed their degrees, like postdoctoral fellows, are among the most important to the research ecosystem.

¹¹ This part of our comment on Extension of Stay relates to Section 214.2(f)(5)(viii), (f)(7)(i), and (f)(10)(ii)(D) regulatory text proposed on pp. 42110 and 42111 of the NPRM and Section 214.2(j)(1)(vii)(A) and (B) regulatory text proposed on p. 42114 of the NPRM.

¹² This part of our comment on Periods of Admission relates to Section 214.1(a)(4)(i) regulatory text proposed on p. 42106 of the NPRM, as well as Section 214.2(f)(5)(i) regulatory text proposed on p. 42109 of the NPRM and Section 214.2(j)(1)(ii)(A) and (C) regulatory text proposed on p. 42113 of the NPRM.

Conclusion

It is vital that the Department of Homeland Security *not* deter international STEM PhD students, international STEM postdocs, international physicians completing medical residencies, international teachers providing dual-language instruction, and all the categories of vital F-1 and J-1 program participants the nation has welcomed and benefited from. To that end, the Department should rethink its proposal.

Thank you for the opportunity to participate in the notice and comment rulemaking process.

Respectfully filed,

SCIENCE ORGANIZATIONS

ACA: The Structural Science Society
American Association for Dental, Oral, and
Craniofacial Research
American Association of Geographers
American Astronomical Society
American Institute of Biological Sciences
American Physical Society
American Society for Pharmacology and
Experimental Therapeutics (ASPET)
American Society of Plant Biologists
American Sociological Association
American Thoracic Society
Association for Psychological Science
Association for Women in Science
Biophysical Society
Consortium of Social Science Associations
Ecological Society of America
Gerontological Society of America
Seismological Society of America
Society for the Psychological Study of
Social Issues
Society of Vacuum Coaters (SVC)
SPIE, the international society for optics
and photonics

EDUCATION ORGANIZATIONS

Alliance for International Exchange
American Association of Physics Teachers
American Association of State Colleges and
Universities
Association of Public and Land-grant Universities
College for Creative Studies
Council on Social Work Education
Cultural Exchange Network (Cenet)
Massachusetts Council for International
Education
MIT Graduate Student Council
NAFSA: Association of International Educators
National Postdoctoral Association
Presidents' Alliance on Higher Education and
Immigration
Roosevelt University

POLICY ORGANIZATIONS

American Immigration Council
Economic Innovation Group
Center for Strategy and Applied Insights
FWD.us
Global Detroit
Institute for Progress