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Re: DHS Docket No. ICEB-2019-0006-0001, Comments in Response to Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media

On behalf of the International GE Caucus under the Graduate Teaching Fellows Federations (local 3544), I submit this comment letter in response to the U.S. Department of Homeland Security's (Department) proposed rule, Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media (DHS Docket No, ICEB-2019-0006-0001), published September 25, 2020.

Our Caucus strongly opposes the Department's new proposed ruling. We advocate for the current rule, admission for the duration of status, to remain in effect. The proposed ruling constitutes an attack on an already vulnerable and disadvantaged demographic in US academia; a demographic that, nevertheless, contributes valuable resources, knowledge, labor and diversity to the academic communities in this nation. As we are writing as representatives of international graduate students and employees at our university, the contributions and scenarios outlined below highlight the status of graduate students only, and not of undergraduate or exchange students, whose struggles are different from ours, despite some overlaps.

The reasons stated by the Department for proposing the new ruling are to protect the United States of America from visa-fraud. It is offensive to us, international academic professionals, that policymakers in this country by default assume that we are criminals, whose only aim is to deceitfully get illegal access to this country. We would like to point out here that international graduate students in the US have to go through extensive, competitive, time-consuming, and costly testing- and application procedures to be accepted into and continue their study programs. If the objective was to simply gain access to the United States, there would be easier ways (and easier to obtain visa types) to do this. Instead of lagging in our studies or overstaying our permitted admission, we have to maintain our full-time student status and our teaching/research obligations throughout the years, with no exceptions. We are constantly under surveillance and checks, and put under higher scrutiny and disciplining throughout our time here. The additional visa restrictions would not only burden us with more anxiety and time pressure to have to renew our visas if possible, but in turn might also restrict which programs we apply for and get accepted into. On the one hand, a program or school might not admit international students with the uncertain guaranteed years for their presence and performance here, posing the possibility of having to leave halfway through their program of studies. On the other hand, international students will be put through additional loops of enforced surveillance and deadlines to prove their legitimate intent to complete their studies during their time here.

International grad students add diversity and equity to our academic communities. We help our institutions understand and work through bias and discriminatory practices by providing free emotional labor. We participate in DEI Committees and organize and participate in events to raise cultural, social and political awareness. Through our role as teachers and first contacts for undergraduate students, we contribute to higher enrollment numbers of international undergraduates, creating both prestige and profit for our home institutions. Our presence in this country helps to strengthen the global reputation of the United States of America as a top-tier college nation.

Above all, we contribute insights, knowledge and resources to the US-American research communities; intellectual property that we offer and share with our American colleagues for free. The new ruling proposed by the Department would mean a potential abuse of this intellectual property, and a possible infringement of intellectual property rights. Graduate students receive their degree in exchange for cheap labor: teaching, research, or administrative duties. Many graduate students do not get paid for their research at all. Yet, their research and scholarship remain the intellectual property of their home institution. According to the NSF, the median time over all fields to complete a doctoral program was 7.3 years in 2018.¹ Forcing graduate students to prematurely leave the US after four years would mean that they could not complete their degree, while still having created new scholarship at and for their home institutions. We see a great risk here for future institutional exploitation of foreign labor and for large-scale, institutionalized abuse of intellectual property rights.

We, international graduate students in the US, do not deny that F1-visa fraud can happen. David North from the Center for Immigration Studies (www.cis.org) in 2016 issued a public comment which outlined four different scenarios in which F1-fraud would be possible. In none of those four cases was the duration of the granted visa of any importance; and in two of them, it concerned organized illegal practices by US-based companies or institutions on a bigger scale. The new policy would deprive us, international graduate students, of the opportunity to finish our degree studies, while it would do nothing to target Visa Mills, fake-Universities and other dubious bodies in the US. We are not ready to play scapegoats in the public eye to cover up for the illegal practices of US-based frauds, nor will we be part of satisfying the present xenophobic currents in this country by blaming "the foreigners."

¹ <https://nces.nsf.gov/pubs/nsf20301/assets/data-tables/tables/nsf20301-tab031.pdf>