

October 23, 2020

Chad Wolf
Acting Director
Department of Homeland Security
500 12th Street SW
Washington DC 20536

Re: Docket Number ICEB-2019-0006; 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

Dear Acting Secretary Wolf:

On behalf of the American Society for Microbiology (ASM), I write to express our opposition to the proposed changes by the Department of Homeland Security (DHS) in the notice of proposed rulemaking (NPRM), ***Docket Number ICEB-2019-0006***, which establishes a fixed time period of admission and an extension of stay procedure for nonimmigrant academic students (F visas), exchange visitors (J visas) and representatives of foreign information media (I visas). ASM has and will continue to support advancing policies that strike the appropriate balance between national security and an open, collaborative scientific environment.

The 30,000 members of the American Society for Microbiology recognize that global collaboration is an essential component of microbiology today, as it is with many scientific disciplines. ASM members around the world are working to improve lives through research on human and animal health, agriculture, energy, the environment and biothreats; and addressing pressing global public health challenges such as COVID-19, Ebola, HIV, and TB. Arguably, global collaboration is more important in the microbial sciences than in other scientific disciplines.

DHS' proposed changes to the duration of status (DOS) requirements for both F and J visa applications will likely have the unintended effect of harming the scientific enterprise. The proposed solutions are not proportionate to the stated problem, and the proposed rule does not account for the harm that will be done to the research enterprise if this rule is finalized.

A 2018 National Science Foundation [survey](#) of graduate students and postdoctoral appointees in science, engineering, and health found that 39.6 percent of doctoral students and 54.3 percent of postdoctoral scholars are temporary visa holders, totaling more than 140,000 people. The proposed rule change would impose additional burdens on international scholars and threaten our nation's competitiveness by discouraging future scientists from pursuing educational programs in the U.S. and performing the cutting-edge research vital for biomedical progress.

Many scientists who are foreign nationals and who properly follow codes of conduct, regulations, policies and immigration laws stand to be inappropriately harmed in response to the misconduct and illegal actions of a small number of applicants who fail to follow the rules. Despite specific examples of abuse cited in the NPRM, there is no data to support the asserted frequency of abuse nor data to justify the costs that will be incurred if the rules are changed to allow only a fixed time period of two- or four-years. Given that the average time to a PhD for 2018 graduates was [5.8 years](#), the proposed maximum four-year limit would mean nearly all international PhD students must apply for an extension, with no guarantee for approval. This is not only impractical, it may well result in students doing the majority of their training in the U.S., only to be forced home to finish their degrees.

Global collaboration in the field of microbiology is particularly critical, as microbes know no borders. We need look no further than the current COVID-19 pandemic and the serious infectious disease health threats we have faced over the past decade. Detecting and addressing emerging infectious diseases, and protecting the American public from viruses like SARS, SARS CoV-2, H1N1 influenza, Ebola and Zika all require global collaboration both in science and public health.

ASM is the global forum for microbial sciences as professional society, and 40 percent of our members work outside of the U.S. We are fortunate to have a robust global public health program, focused primarily on training the global workforce in microbial sciences to provide accurate diagnostics and care for those afflicted by infectious diseases. Through ASM and its global ambassadors, we lead programs in two of the countries on the restricted list included in the proposed rule, Yemen and Iraq. The scientists and researchers in these programs are hard-working individuals who are dedicated to preventing and finding cures for infectious diseases around the world. Their country of origin or place of residence should not hinder their ability to participate in research exchange programs in the United States or add regulatory barriers that do not exist for other scientists.

ASM is deeply concerned about the message that this proposed rule sends to the global scientific community, and we urge you to not finalize the proposed changes. If you have any questions, please contact Allen Segal, ASM Director of Public Policy and Advocacy, at asegal@asmusa.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stefano Bertuzzi'.

Stefano Bertuzzi, PhD
Chief Executive Officer