



# International Office

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International Office

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# International Students at MiraCosta

## Who We Are

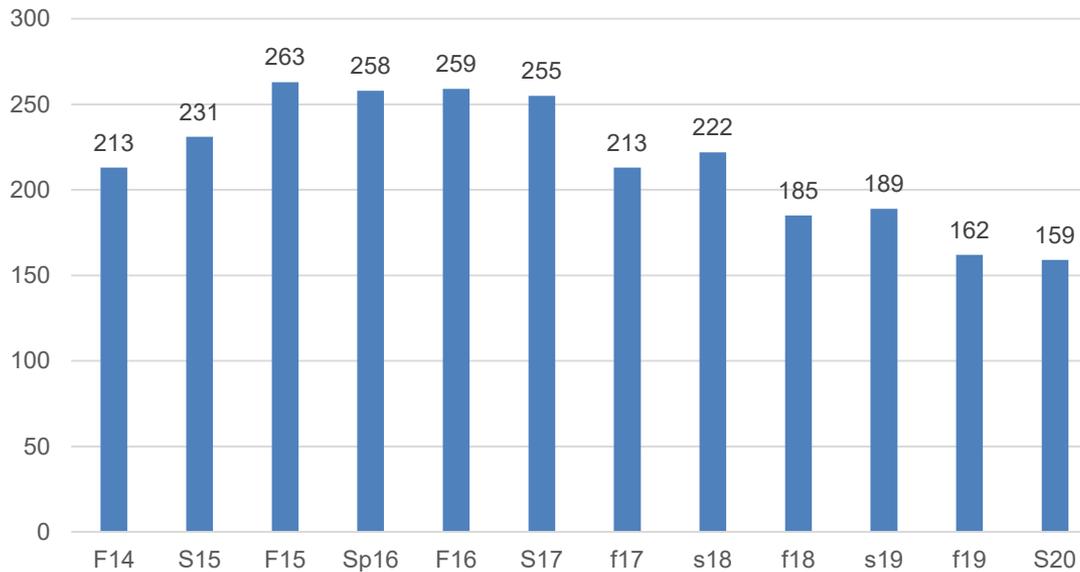


Fall 2019	Number of Students
Country	
Argentina	1
Australia	1
Austria	1
Azerbaijan	1
Belgium	1
Brazil	10
Cambodia	1
Canada	1
China	53
Colombia	2
Congo	1
Ecuador	3
England	2
Ethiopia	1
France	2
Hong Kong	3
Hungary	1
Iran	1

Fall 2019	Number of Students
Country	
Japan	21
Korea	21
Mexico	3
Norway	1
Peru	1
Philippines	1
Poland	1
Portugal	1
Russia	3
Singapore	1
Spain	1
Taiwan	4
Thailand	1
Turkey	1
Ukraine	2
Venezuela	2
Vietnam	10
Zimbabwe	1
<b>TOTAL</b>	<b>162</b>

# International Students at MiraCosta

## What is the Trend



# Summary of 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

**Eliminates D/S.** Instead of being admitted for "duration of status" (D/S) as they currently are F students and, F-2 dependents would be admitted **only until the program end date noted in their Form I-20 , not to exceed 4 years, unless they are subject to a more limited 2-year admission**, plus a period of 30 days following their program end date.

**Decides which student groups will be given 2-year admission limits**

**Reducing the F-1 "grace period" from 60 days to 30 days**

**Transition provision.** For students admitted to the United States in "duration of status"

# Let's Talk

What goals do you have for attending today?

What are your top questions about the proposed rule?

# What is in the Federal Registry Rule?

Summary of changes in current rule

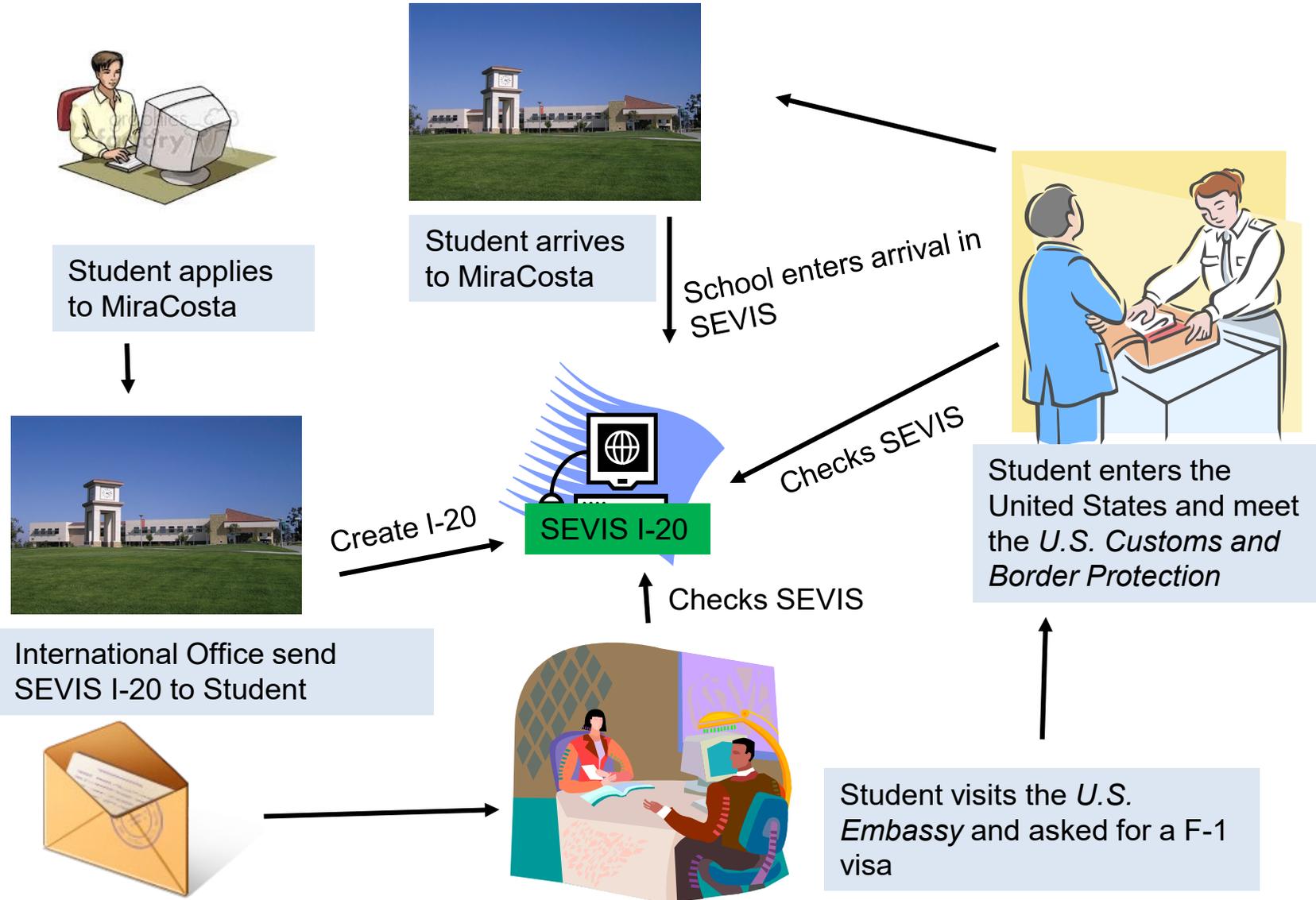
Explanation on how to make a public comment about the proposed rule **DEADLINE TO SUBMIT PUBLIC COMMENTS is OCTOBER 26 at 11:59pm**

History of the Duration of Status

Justification for the Rule Change

Financial Impact of Rule Change

# How does an international student get to United States to study?



# NOW: How long can a student stay?



## Most Recent I-94

Admission (I-94) Record Number : 205824457A2  
Most Recent Date of Entry: 2019 August 30  
Class of Admission : **F1**  
Admit Until Date : **D/S**  
Details provided on the I-94 Information form:

Last/Surname : **HANDSOME**  
First (Given) Name : **DAN**

## ADMIT UNTIL DATE

### Duration of Status

- Student can stay as long as student:
- Enrolls at approved school full-time; (has time limit per school)
  - works only with permission;
  - Reports U.S. home address
  - Can transfer from school to school



**FUN FACT:** *the length of stay in the United States has NOTHING to do with visa. The visa is an **entry** document only*

# PROPOSED: How long can a student stay?



## Most Recent I-94

Admission (I-94) Record Number : 205824457A2  
Most Recent Date of Entry: 2019 August 30  
Class of Admission : **F1**  
Admit Until Date :  2021 August 29  
Details provided on the I-94 Information form:

Last/Surname : HANDSOME  
First (Given) Name : DAN

## ADMIT UNTIL DATE

2 or 4 years from arrival date

Date specific departure requires

- Students to leave the United States no later than expiration

OR

- Ask the *U.S. Citizenship and Immigration Service* for extension to stay



**NOT FUN FACT:** *current applications for extension of stay take 8 months or longer to decide.*

# What does the Proposed Rule mean to International students at MiraCosta

## NOW

Student in MiraCosta AA degree program can study including travel **up to 3 years**.

Student can ask the school to extend program of study due to academic necessity (high unit major/change in program of study/medical condition).  
Program extension and extension of stay are the same.

Can transfer to another approved school and start a new program of study.

## PROPOSED

When student enters the U.S. the student will be limited to time on SEVIS form but **NO MORE** than 2- or 4-year

Student can ask the school to extend their program of study due to academic necessity; but must apply for extension of stay to DHS.

Can transfer to another school but may need to apply for extension of stay because new program requires more time to complete

Unless student can complete program within two years, nearly every student will need to extend their stay



SEVIS I-20

# Who would be granted only two years of stay?

Determined by DHS

## **State Sponsor of Terrorism List.**

Individuals who were born in or are citizens of countries on the State Sponsor of Terrorism List. Currently: North Korea, Iran, Sudan, and Syria.

**Countries with greater than 10 percent overstay rate.** For now, this appear to be: Afghanistan, Benin, Bhutan, Burkina Faso, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Congo-Brazzaville, Congo-Kinshasa, Côte d'Ivoire, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, the Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Iraq, Kenya, Kosovo, Kyrgyzstan, Liberia, Libya, Malawi, Mali, Mauritania, Moldova, Mongolia, Nepal, Niger, Nigeria, Papua New Guinea, the Philippines, Rwanda, Samoa, Senegal, Sierra Leone, Somalia, South Sudan, Sudan, Syria, Tajikistan, Tanzania, Togo, Tonga, Turkmenistan, Tuvalu, Uganda, Uzbekistan, Vietnam, Yemen and Zambia. DHS proposes to issue Federal Register Notices (FRNs) listing countries with overstay rates triggering the 2-year admission period. The first such FRN would also list countries that have been designated as State Sponsors of Terrorism.

**U.S. national interest.** "For example, the Secretary of Homeland Security could determine that it is appropriate to limit the length of admission of students who are enrolled in specific courses of study, such as nuclear science... If the DHS Secretary determines that U.S. national interests warrant limiting admission to a 2-year maximum period in certain circumstances, then it would publish an FRN to give the public advance notice of such circumstance."

**Unaccredited schools (F-1 only).**

**School not participating in E-Verify** hiring practice within Human Resources.

# Why is this happening

Unlike nonimmigrant visitors to U.S., F, J, and I nonimmigrants are admitted into the United States for an unspecified period of time. This unspecified period of time is referred to as “duration of status” (D/S).

Since D/S was first introduced, <sup>(8)</sup> the number of F, J, and I nonimmigrants admitted each year into the United States has significantly increased. In 2019 alone, there were over a million admissions in F status, a dramatic rise from the 263,938 admissions in F status when the legacy Immigration and Naturalization Service (INS) shifted to D/S admission in 1978.

DHS appreciates the academic benefits, cultural value, and economic contributions these foreign nationals make to academic institutions and local communities throughout the United States. <sup>(12)</sup> **However, the significant increase in the volume of F academic students, J exchange visitors, and I foreign information media representatives poses a challenge to the Department's ability to monitor and oversee these categories of nonimmigrants while they are in the United States.**

# Why is this happening

The use of the F classification to remain in the United States for decades raises doubts that the alien's intention was to stay in the United States temporarily, as required by the INA.<sup>[55]</sup> It also raises concerns as to whether those aliens are bona fide nonimmigrant students who are maintaining valid lawful status by complying with the terms of their admission, which include solely pursuing a full course of study and progressing to completing a course of study. Likewise, it raises concerns as to whether these aliens have the financial resources to cover tuition and living expenses without engaging in unauthorized employment.

Admission for D/S, in general, does not afford immigration officers enough predetermined opportunities to directly verify that aliens granted such nonimmigrant statuses are engaging only in those activities their respective classifications authorize while they are in the United States. In turn, this has undermined DHS's ability to effectively enforce compliance with the statutory inadmissibility grounds related to unlawful presence and has created incentives for fraud and abuse.

Replacing admissions for D/S with admissions for a fixed period of authorized stay is consistent with most other nonimmigrant categories, <sup>(14)</sup> would provide additional protections and oversight of these nonimmigrant categories, and would allow DHS to better evaluate whether these nonimmigrants are maintaining status while temporarily in the United States.

If immigration officers discover a nonimmigrant in one of these categories has overstayed or otherwise violated his or her status, the proposed changes may result in the alien beginning to accrue unlawful presence for purposes of unlawful presence-related statutory grounds of inadmissibility under the Immigration and Nationality Act (INA)

# How to Make a Public Comment

## Steps to Submit Your Comment

**Comments can only be submitted online.** Visit <https://www.federalregister.gov/documents/2020/09/25/2020-20845/establishing-a-fixed-time-period-of-admission-and-an-extension-of-stay-procedure-for-nonimmigrant>

**You can either enter a comment into the text box (not to exceed 5,000 characters). Or create a Word document and upload it.**

# How to Make a Public Comment

## **DRAFT Your Comment**

- Start with the DHS Docket Number (DHS Docket No. ICEB-2019-0006-0001)
- if you oppose the proposed rule, be specific about what you oppose and what you recommend.

Here is sample opening statement:

*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. I urge that the proposed rule be withdrawn in its entirety, and that admission for the duration of status remain in effect.*

**DEADLINE TO SUBMIT PUBLIC COMMENTS is OCTOBER 26 at 11:59pm**

# How to Make a Public Comment

## More on how to make a comment

- Do NOT make statements on behalf of any group without permission. For example: Do Not use MiraCosta College as the organization names, as your comments are not on behalf of MiraCosta.
- Your comments will be made PUBLIC. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary public comment submission you make to DHS. Be aware, be internet wise -- anything you post electronically can be tracked.
- Be specific about you oppose or support

**DHS will consider all properly submitted comments and materials received during the comment period and may change this rule based on your comments.**

# Reasons to Oppose the Proposed Rule

Unnecessary burden on international students

Discourages international students from applying colleges and universities in the U.S. Specifically to community colleges

- Community colleges are a pathway to 4-year universities
- Community colleges provide academic support and affordable options for students seeking bachelor degrees

Biggest impact on students with limited ability to travel or pay for government applications.

Cost schools an estimated \$93 million for required training and implementation

Send a message of uncertainty and create more obstacles for international students and scholars



# Example comments

“The USCIS has always been complaining about lack of funding and is notoriously slow in processing. How is introducing more complicated processes going to impact the timeline. Is it necessary to introduce the extra hoops that international students need to go through? It is difficult enough as it is for students to focus on their study and research. This rule is going to make their life that much more difficult. Not to mention the time and money wasted. Not all students can afford paying the extra traveling and application expenses.”

**How can we make this better:**

<https://egov.uscis.gov/processing-times/>

**Estimated time range** 8.5 Months to 11 Months Change status to the F or M academic or vocational student categories

13 Months to 17 Months All other change-of-status applications

Cost of Extension of Stay applications today \$370

# New comment

“The USCIS has always been complaining about lack of funding and is notoriously slow in processing. How is introducing more complicated processes going to impact the timeline. Is it necessary to introduce the extra hoops that international students need to go through? It is difficult enough as it is for students to focus on their study and research. This rule is going to make their life that much more difficult. Not to mention the time and money wasted. Not all students can afford paying the extra traveling and application expenses.”

## How can we make this better:

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. The proposed rule adds extra stress, financial burden and cost to students who are focused on their education and studies. **Even now USCIS already has delays in processing requests for extension to stay, with a minimum of 9 months to review applications. And the current cost to apply for an extension of stay is \$370. The new rule will make it more difficult for “me” “my students” or “my fellow students” to choose to study at a community college.** I urge that the proposed rule be withdrawn in its entirety, and that admission for the duration of status remain in effect.

# Thank you for participating!

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Please share what you  
learned today

[SURVEY](#)

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