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SB37-20/21:Resolution Opposing the Department of Homeland Security Rule to Eliminate the Duration of Status for Students and Dependents Using F and J Visas

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1 **The Associated Students of the University of Montana**
2 **Resolution Opposing the Department of Homeland Security Rule to Eliminate the Duration**
3 **of Status for Students and Dependents Using F and J Visas**

4 **October 15, 2020**

5 **SB 37 – 20/21**

6 **Authored by: Taylor Gregory, ASUM President;**
7

8 Whereas, The Associated Students of the University of Montana (ASUM) advocates for and
9 represents all students at the University of Montana (UM);
10

11 Whereas, UM’s International Enrollment Management Office has a strategic goal of increasing the
12 number of degree-seeking and full-fee paying international students;

13
14 Whereas, UM’s international student enrollment has gradually declined since 2013, despite a 98%
15 retention rate of international students in AY 2019-2020;

16
17 Whereas, Most international students attend a United States (U.S.) university using F and J visas;

18
19 Whereas, F Visas are the most common visa status used by students coming to the U.S. because
20 they permit students to complete a full-time program of study at any grade level as long as they
21 are enrolled full-time and follow the F-1 student status rules to maintain their visa;

22
23 Whereas, J Visas are generally used by students studying in specific education exchange programs,
24 such as the Fulbright or German Academic Exchange Service (DAAD), where J-1 visa holders
25 usually have a cultural component in addition to their academic work;

26
27 Whereas, ASUM advocates in favor or against initiatives that impact students at the university,
28 local, state, and national level;

29
30 Whereas, On September 25, 2020, the Department of Homeland Security (DHS) proposed a rule
31 to eliminate the duration of status for international students and their dependents coming to study
32 in the U.S. through F and J visas;

33
34 Whereas, There will be a thirty-day commenting period on the proposed rule, after which, the DHS
35 will consider all comments and then publish the final rule;

36
37 Whereas, The proposed rule allows for F and J visa holders to stay in the U.S. for four years, with
38 the possibility of an extension;

39
40 Whereas, An extension will only be granted if additional time is needed due to a compelling
41 academic reason, documented medical illness or medical condition, or a circumstance that was
42 beyond the student’s control;

43
44 Whereas, Several groups would only be limited to two years of study including students who were
45 born in or are citizens of countries on the State Sponsor of Terrorism List, those coming from a

46 country with a high visa “overstay” rate, and those affected by loosely defined “U.S. National
47 Interests;”
48

49 Whereas, International students in a language training program would be restricted to only twenty-
50 four months of language study in their lifetime;
51

52 Whereas, If this proposed rule becomes law, it would have significant effects on students and
53 dependents who hold F and J visas, notably through the inability of international students to stay
54 for the full duration of their studies;
55

56 Whereas, The list of countries impacted by this rule include predominately African and Muslim
57 majority nations as well as several economically developing states;
58

59 Whereas, The students impacted the most by this decision include graduate and postdoctoral
60 students by limiting the amount of time they have to complete their studies beyond undergraduate
61 study;
62

63 Whereas, The limiting of international student enrollment on college campus will have drastic
64 effects for successful campus internationalization as well as the ability to create a cross-cultural
65 learning environment for students;
66

67 Whereas, The proposed rule creates additional stress and uncertainty for international students,
68 families, and scholars with hopes of pursuing education both now and in the future;
69

70 Whereas, The term “discriminatory” is defined as:
71 *making or showing an unfair or prejudicial distinction between different categories of*
72 *people or things, especially on the grounds of race, age, or sex.;¹*
73

74 Whereas, The proposed rule disproportionately impacts students from countries chosen by DHS,
75 which elevates one student’s educational experience over another;
76

77 Whereas, Discriminatory policies against international students at the federal level have reduced
78 the number of international students coming to the U.S. as either exchange or degree-seeking
79 students;
80

81 Whereas, In July 2020, The Federal Government released a regulation that required international
82 students attending a fully online university to leave, where the regulation was repealed the
83 following week;
84

85 Whereas, Following this regulation, the Federal Government announced another regulation that
86 required first-year international students to have at least one in-person class to maintain their visa
87 status, which further discriminates against students who cannot attend class due to COVID-19 or
88 other health concerns;
89

¹ Oxford Dictionary

90 Whereas, Continuing to propose and enact these types of regulations weakens the status of the
91 United States as a destination for international students to receive their education;

92
93 Whereas, ASUM believes that the DHS should focus on ways to make education more accessible
94 and equitable to international students such as the relaxation of stringent visa policies for
95 international students attending a U.S. university instead of restricting access to education;

96
97 Whereas, ASUM supports the lobbying efforts of UM, the National Association of Foreign Student
98 Advisers (NAFSA), and other universities around the country in advocating against this rule;

99
100 Therefore, Let It Be Resolved, That ASUM formally rejects the DHS proposed rule eliminating
101 the duration of status for F and J visa students and dependents;

102
103 Therefore, Let It Be Further Resolved, That ASUM encourages students, staff, faculty, and
104 administrators at UM to submit comment to the DHS in opposition to this rule prior to the October
105 26, 2020 deadline;

106
107 Therefore, Let It Be Further Resolved, That this resolution be submitted as public comment to the
108 DHS;

109
110 Therefore, Let It Be Further Resolved that this resolution be sent to: Seth Bodnar, President of
111 UM; Donna Anderson, Senior International Office and Executive Director of the UM Global
112 Engagement Office; Reed Humphrey, Interim Provost and Executive Vice President; Nathan
113 Lindsay, Vice Provost for Academic Affairs; Sarah Swager, Vice Provost for Student Success;
114 Scott Whittenburg, Vice President for Research and Creative Scholarship and Dean of the
115 Graduate School; Lucy France, UM Legal Counsel; Mary Kreta, Associate Vice President for
116 Enrollment Management; Chris Palmer, Chair of the Faculty Senate; Charity Atteberry, Chair of
117 the Staff Senate; Paula Short, Director of Communications at UM; Clayton Christian, Montana
118 Commissioner of Higher Education; Brock Tessman, Deputy Commissioner of Academic
119 Research and Student Affairs; Steve Bullock, Montana Governor; Jon Tester, U.S. Senator; Steve
120 Daines, U.S. Senator; Greg Gianforte, U.S. House of Representative.

121

122

123 Passed by Committee: _____, 2020

124

125 Passed by ASUM Senate: October 21, 2020

126

127

128 _____
129 Noah Durnell,
Chair of the Relations and Affairs Committee

Patrick James Flanagan,
Chair of the Senate