



October 26, 2020

Ms. Sharon Hageman  
Acting Regulatory Unit Chief, Office of Policy and Planning  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security 500 12th Street SW  
Washington, DC 20536

**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**

Dear Ms. Hageman,

The Association of Christian Schools International (ACSI) offers the following public comment to the U.S. Department of Homeland Security's 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.

ACSI is a non-profit, non-denominational association providing support services to nearly 24,000 Christian schools in over 100 countries. ACSI member-schools educate approximately 5.5 million children worldwide; we are the world's largest association of Protestant schools. In the United States, ACSI serves 2500 Christian preschools, elementary and secondary schools, and 90 post-secondary institutions. ACSI accredits Protestant pre-K – 12 schools, provides professional development and teacher certification, and offers curricula, student testing and student activities. Member-schools advance the common good by providing quality education and spiritual formation to their students.

Currently, students in F-1 status are admitted for Duration of Status (D/S) and they are considered to be in status if they comply with all appropriate requirements. If a student requires additional time to complete their programs of study, any such extension of status is done in the Student and Exchange Visitor Information System (SEVIS) by extending the student's SEVIS record to the time necessary for the student to complete their program. When a student in F-1 status completes their programs of study and graduates from their private sector school, they are eligible to transfer their F-1 SEVIS record to another private sector school (if they are, for example, graduating from middle school and moving on to high school) or to a college or a university to pursue a post-secondary degree.

Under the proposed rule, the Department would eliminate Duration of Status and instead admit F-1 students for "the length of time indicated by the program end date noted in their Form I-20 or DS-2019, not to exceed 4 years, unless they are subject to a 2-year admission . . . plus a period of 30 days following their program end date, to prepare for departure or to otherwise seek to obtain lawful authorization to remain in the United States."

This change from D/S to four-year or two-year fixed terms will be highly disruptive for international students in K-12 private schools. A four-year term arguably may make sense at the post-secondary level,

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but in our view, it does not make sense for minors in a K-12 program. Students in K-12 come to study at U.S. schools at all age levels, including for primary and middle school, as well as for high school. Primary and middle school students in particular necessarily pursue a course of study longer than four years. Thus, an inflexible four-year standard creates special challenges for the youngest students who will face the necessity of an extension of stay process.

For example, a fifth-grade student would require a special extension of stay procedure after four years simply to continue in high school. A first grader would have to apply for an extension of stay every four years throughout the child's education. This seems an unreasonable burden to place upon a child and her parents. It is also worth noting that a high school graduate who arrived for her junior year and went on to college would face an uncertain and agonizing extension of stay process in the middle of her college career. Respectfully, those situations do not make a great deal of sense.

The Department's focus on post-secondary education in crafting the four-year rule may be understandable, but we suggest it is not entirely appropriate for the K-12 environment. The shorter two-year term for nations with significant overstays is simply that much more challenging for all involved in a minor child's elementary or secondary education. As we have demonstrated, it would be best to treat K-12 students differently either by leaving the current D/S system in place for minor K-12 students or by specifying a longer fixed term for K-12. *We respectfully point out that the least confusing approach would be to leave the current D/S system in place for K-12 students.*

An inflexible system that does not reflect the term of study and applies to the youngest would serve only to suppress international K-12 student engagement in the U.S. altogether: that is surely not the goal. We can understand the desire for greater oversight, but it is reasonable to worry that this approach threatens participation in the overall program which is in and of itself a valuable and worthwhile opportunity both for the international students who come to the U.S. to study and their American counterparts who have the opportunity to interact with their young colleagues from abroad.

An added concern is the proposal to reduce the grace period from 60 to 30 days. Currently, F-1 students have a 60-day grace period after the completion of a course of study to leave the country or apply for a change of status. This 60-day time period is important to allow students to make travel plans, solidify their college selection, or to consider a change to another non-immigrant status. It does not seem reasonable to reduce the grace period to this extent.

Thank you for your consideration.

Respectfully submitted,



P. George Tryfiates  
Director for Government Affairs