



Submitted Electronically

November 4, 2019

Melissa Bruce, Executive Director
Business Management Office
U.S. Department of Homeland Security

**Re: Docket No. DHS-2019-0044 Agency Information Collection Activities:
Generic Clearance for the Collection of Social Media Information on
Immigration**

Dear Executive Director Bruce:

On behalf of the American Council on Education (ACE) and the undersigned higher education associations, I submit the following comments in response to the proposed new collection of information, Docket No. DHS-2019-0044, issued by the Department of Homeland Security (DHS), concerning a new collection of information to certain DHS and immigration and foreign travel forms.

As you are aware, U.S. colleges and universities are part of a worldwide network of learning, research, and education. Our institutions enroll over a million students from all over the world in undergraduate, graduate, and professional degree programs. Many of these students and scholars have gone on to invent groundbreaking technology, start thriving businesses, and create jobs. The over 1 million international students who currently attend U.S. colleges and universities add to the United States' intellectual and cultural vibrancy, while also yielding an estimated economic impact of \$39 billion and support for 455,000 U.S. jobs.

In the last two years, there has been a historic drop in new and continuing enrollments for international students at U.S. institutions of higher education. We believe a core problem is the lack of predictability that surrounds the visa process for prospective and current international students and employers. Students need assurance that the rules will not suddenly change so they can make plans. Employers also need certainty so they can engage in appropriate workforce planning. The current lack of clarity makes it more challenging for schools to globally compete for international students and advise them about training and employment opportunities.

We believe there are sensible steps the administration can take to communicate predictability and ensure that our nation can continue to compete successfully for top international talent. We have asked that the Administration commit to improving processing times for international students. We have heard extensive anecdotal evidence from colleges, universities, and students that processing times have slowed, which has caused frustration among international students and scholars, discouraging them from studying or engaging in scholarship and research in the United States. We do not seek to

undermine a full vetting of a prospective student to protect legitimate U.S. security interests. Rather we ask only that the administration commit to doing this more expeditiously.

We are therefore troubled by the Department of Homeland Security's proposed new information collection, so closely following the Department of State's new policy requirements¹ requiring the reporting of five years of identifiers for social media platforms for all nonimmigrant visa applicants, including student and exchange visitor visas (F-1 and J-1), employment-based visas (H-1B), and tourist (B-1/B-2) visas. Taken together, these new requirements send an unwelcoming message to prospective students who are considering options to study throughout the world. Additionally, this new collection would require those who have already been vetted and permitted to enter the country, to submit or resubmit their social media information if they apply for certain immigration benefits. This will undoubtedly hinder American higher education's mission of global engagement which would have a far-reaching, unintended adverse impact on the higher education community and our broader society.

As proposed, the new application requirements may result in significant unintended consequences that will hamper the United States' ability to attract the world's best students and scholars to our campuses. The proposed reporting requirements are burdensome, intrusive, potentially chilling of free speech, and are likely to deter international students, scholars, scientists, and researchers from contributing their talents to the United States. They will simply go elsewhere. This would cause disproportionate harm to the United States' higher education system and research enterprise, suppressing our nation's ability to innovate and be both globally collaborative and competitive.

The collection of additional data is also likely to further strain the resources of USCIS, resulting in even slower processing times. We have already seen severe delays this year with processing times for work authorization documents for international students on Optional and Practical Training (OPT) that has extended from an average of three months to over five months². This has caused many students to give up on OPT and return to their home countries. In addition, we have seen delays and disruption for scholars attending U.S.-based conferences or professional society meetings. Meetings have been delayed, classrooms are vacant, and scientists may miss grant application deadlines, and transnational research collaborations will lack their international partners and may be forced to stall their research. These are concerns also shared by the business community.³

Moreover, without proper safeguards, the required disclosure of social media identifiers and username information for associated platforms raise significant privacy concerns and will likely discourage future visa applicants' desire to visit the United States. In light of the challenges providing sufficient privacy protections to safeguard the information of visa

¹ https://travel.state.gov/content/travel/en/News/visas-news/20190604_collection-of-social-media-identifiers-from-U.-S.-visa-applicants.html

² <https://www.insidehighered.com/news/2019/06/25/international-students-applying-work-authorization-face-longer-wait-times>

³ <https://s3.amazonaws.com/brt.org/archive/letters/Immigration.Nielsen%20Letter%2008232018.pdf>

applicants, international students and scholars may choose to offer their talents to institutions in other countries.

The U.S. higher education and research communities have long enjoyed constructive partnerships with the Department of State and Department of Homeland Security in support of national security. This includes thorough protocols in the Student Exchange and Visitor Program (SEVP) and its SEVIS database system. It is unclear how the proposed additional reporting criteria and data collection would add value to the existing security review processes, or what problem or inadequacies this additional information collection would solve.

We understand the need and wholeheartedly support efforts to ensure the safety of the American people. This does not conflict with the need to remain a welcoming country to international students, scholars, scientists, and researchers who enrich our campuses and the country with their talents and skills. Steps intended to protect national security may inadvertently hamper these exchanges. This would only deprive our nation of one of its best tools for global, scientific, and economic preeminence and extending democratic values and cultural understanding throughout the world, making us more susceptible to the distortions and myths of extremist organizations and movements.

In addition, free speech is essential to our U.S. higher education system, and the vetting of social media potentially impedes our ability to attract international students whose innovative views and research are critical to our institutions' educational and scholarly enterprise. And we are concerned that this intrusive vetting protocol could compromise the ability of international students and scholars coming to the U.S. to experience and contribute to the free and open exchange of ideas that is a hallmark of the U.S. higher education system. The goals of protecting our security while ensuring that the United States remains the destination of choice for the world's best and brightest students, faculty, and scholars are not mutually exclusive.

We are eager to work with you to address any concerns and ensure the protection of our national security while upholding our nation's values and interests.

Sincerely,



Ted Mitchell
President

On behalf of:

American Association of Community Colleges
American Association of State Colleges and Universities
American Council on Education
Association of American Universities

Higher education community comments re: Docket No. DHS-2019-044

November 4, 2019

Page 4

Association of Governing Boards and Universities and Colleges

Association of Public and Land-grant Universities

College and University Professional Association for Human Resources

Council of Graduate Schools

EDUCAUSE

NASFA: Association of International Educators

NASPA- Student Affairs Administrators in Higher Education

National Association of Independent Colleges and Universities