

# CompeteAmerica

The Alliance for a Competitive Workforce

September 29, 2025

Office of Regulatory Affairs and Policy  
U.S. Immigration and Customs Enforcement  
Department of Homeland Security  
500 12th Street SW, Washington, DC 20536

Re: **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**  
**Notice of Proposed Rulemaking**  
**Department of Homeland Security Docket No. ICEB-2025-0001**

To Whom It May Concern:

The Compete America coalition advocates for ensuring that the United States has the capacity to educate domestic sources of professional talent and to obtain and retain the foreign talent necessary for U.S. employers to continue innovating and creating jobs in America. Our coalition members include higher education associations, industry associations, the nation's largest business and trade associations, and individual employers — all working together to advance access to high-skilled talent, specifically those in science, technology, engineering, and mathematics (STEM) fields, by growing critical workforce development opportunities for US workers stateside and improving the U.S. high-skilled immigration system. For more than 20 years, Compete America has worked with successive administrations and Congress on issues critical to the professional global mobility of talent, as well as the functionality and integrity of the U.S. employment-based immigration system.

Members of our coalition are among the nation's foremost creators of jobs for U.S. workers. Our members contribute to the nation's economic strength and global competitiveness. In addition to the U.S. workers who comprise the vast proportion of their workforces, our members also leverage the talents of well-educated and highly skilled professionals from abroad, including professionals working in STEM fields. Many of these highly sought-after professionals have been drawn to this country not only by the vast opportunities for innovation and growth offered by U.S. employers, but also by America's unmatched higher education system and world-class research and development enterprise.

Compete America therefore has a strong interest in helping to ensure that the U.S. immigration process effectively promotes — with appropriate integrity and security safeguards — the international attractiveness of our higher education system and the ability of top students from abroad to study in this country, to gain a period of experiential education after completing their studies, and to enter the U.S. workforce for the longer term.

We welcome the opportunity to respond to the Notice of Proposed Rulemaking (NPRM) that the U.S. Department of Homeland Security (DHS) published on August 28, 2025, “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.” However, as noted in a [letter](#) we submitted with more than 100 other organizations, 30 days is insufficient to provide meaningful comment and analysis for a rule that will have a significant economic impact on the members of our coalition.

## **THE NPRM IS COUNTERPRODUCTIVE TO U.S. ECONOMIC AND NATIONAL INTERESTS AND IS OPERATIONALLY INEFFICIENT**

The United States still enjoys a strong competitive advantage over the rest of the world, in large part through the desirability of our higher education system and by attracting the best minds from around the world to study and develop skills in our country. Our nation’s competitive advantage in educational choices generates major benefits to U.S. educational institutions, to students, and to our economy.<sup>1</sup> It is an important reason why the United States has achieved and maintained the leading competitive edge globally in technology and innovation.

This NPRM is counterproductive to those national interests, impeding the process for accepting top foreign student talent into our higher education system and integrating them productively into our economy, without generating articulable benefits to the integrity of the immigration system. We share the agency’s goals of ensuring the integrity of these programs; however, DHS has not demonstrated in this NPRM that the agency has considered reasonable alternatives that balance system integrity with operational efficiencies. Instead, the proposed rule would increase inefficiencies while also undermining the well-documented U.S. economic and security benefits that accrue from attracting international talent to U.S. institutions of higher education.

It is important to highlight that DHS is proposing these changes even though it clearly recognizes that “[t]he global market for nonimmigrant students is competitive and many U.S. schools hold an advantage over foreign institutions due to the quality of the programs they offer.” Despite this acknowledgment, DHS claims the proposed rule will only have a “marginal impact” on student enrollment at U.S. schools and fails to provide credible evidence to support this assertion. As discussed in more detail below, the NPRM would undoubtedly have a deterrent effect because the proposed admission periods do not align with realistic timelines for completing an academic program, and the NPRM would make it more difficult for students to pursue Optional Practical Training (OPT). International students currently make up nearly half of all candidates in STEM advanced degree programs in the United States.<sup>2</sup> Considering the

---

<sup>1</sup> See Times Higher Education World University Rankings 2024, <https://www.timeshighereducation.com/world-university-rankings/2024/world-ranking>; Isaac Ehrlich, The Mystery of Human Capital as Engine of Growth, or Why the US Became the Economic Superpower in the 20th Century, National Bureau of Economic Research (January 2007), <https://www.nber.org/papers/w12868>.

<sup>2</sup> See Julie Heng, Yutong Deng, *Innovation Lightbulb: Not Just Attracting But Retaining International STEM Students*, Center for Strategic and International Studies (CSIS) (April 11, 2025), available at <https://www.csis.org/analysis/innovation-lightbulb-not-just-attracting-retaining-international-stem-students>; *International Students and Graduates in the United States: 5 Things to Know*, FWD.us (May 23, 2025), available at <https://www.fwd.us/news/international-students/>.

vital contribution these students make to the STEM talent pipeline and the U.S. research enterprise – which is a cornerstone of America’s leadership in STEM-related industries – the lack of explanation to support the claim of “marginal impact” is particularly troubling.

Additionally, as discussed in more detail below, DHS acknowledges in the NPRM that the proposed changes would impose significant implementation and operational costs on the U.S. government but fails to provide a thorough analysis of these costs, leaving both the short-term and long-term financial burdens largely unaddressed. This lack of transparency suggests that the full impact of the rule may be substantially underestimated, raising concerns about the adequacy of the agency’s consideration of the true economic implications for federal agencies and taxpayers.

### **Structural Concerns**

#### **The Proposed Admission Periods Do Not Reflect Typical Degree Timelines**

The NPRM’s proposed change from the current “duration of status” framework for the admission of international students and exchange visitors, in favor of a fixed period of admission of four years maximum – with extensions available only at the case-by-case discretion of DHS – does not account for typical degree timelines. According to the National Center for Education Statistics (NCES), the average time for international students to complete a Bachelor of Arts degree is 52 months, or 4.3 years.<sup>3</sup>

The mismatch between the NPRM’s rigid timelines and the realities of the academic schedule extends into advanced degree levels as well. Those who extend their undergraduate studies to the master’s level will, by definition, cross the four-year maximum. And the 2024 Survey of Earned Doctorates reports the median time to degree for doctoral students across all fields is 5.6 years.<sup>4</sup> Additionally, students are eligible for up to 12 months of post-completion OPT, and those with qualifying STEM degrees may apply for a 24-month STEM OPT extension.

This means that for essentially all international doctoral students and for most international undergraduate students, relying on an approved extension of stay (EOS) will be essential to the completion of their degree and in order to get hands-on job experience in their field of study with an employer through OPT. A FWD.us research study found that “more than three-quarters of prospective international students want to stay and work in the U.S. after graduation, including 77% of students pursuing STEM and business degrees.”<sup>5</sup>

This new uncertainty surrounding the ability to complete a degree program within the initial term of admission will contribute to the possibility forecasted by DHS in the NPRM: that the

<sup>3</sup> National Center for Education Statistics, <https://nces.ed.gov/fastfacts/display.asp?id=569>.

<sup>4</sup> National Science Foundation, National Center for Science and Engineering Statistics, *Survey of Earned Doctorates*, available at <https://nces.nsf.gov/surveys/earned-doctorates/2024> (August 2025).

<sup>5</sup> *What is OPT? Optional Practical Training Policy Brief*, FWD.us (Oct. 30, 2024), available at <https://www.fwd.us/news/what-is-opt/>.

proposal will impact nonimmigrant student enrollment. Compete America strongly believes that this proposal, when considered alongside other proposed and planned regulations announced by the administration, will significantly and negatively affect international student enrollment in the United States. Fewer international students will choose to pursue their studies here, which would lead to a decrease in the number of qualified STEM professionals available in the United States – and in turn, an increase in U.S.-trained STEM graduates seeking employment opportunities in other countries that compete with the United States, ultimately weakening America’s position in the global STEM talent market. As such, Compete America urges DHS to maintain the “duration of status” admission period for these nonimmigrants.

If DHS does ultimately transition to a fixed admission period, Compete America urges the government to grant students admission periods that align with realistic timelines needed to complete their undergraduate or doctoral degree program, which include the 12-month post-completion OPT period with 2 additional years for STEM OPT, without having to apply for an EOS. Additionally, we urge DHS not to change the rules midstream for individuals who have already been admitted for “duration of status.” DHS should allow them to proceed under the current requirements around admission periods and pursuing OPT.

### **The NPRM Would Increase Costs to the Federal Government**

DHS states that it “expects this proposed rule to have qualitative benefits for national security by providing DHS additional opportunities to evaluate whether F, J, and I nonimmigrants are complying with their status requirements, or if they present a national security concern. It would deter fraud and abuse of the F, J, and I visa classifications, as requiring extension of stay requests at frequent intervals allow DHS to review the standing of the nonimmigrant. DHS would be able to enforce the unlawful presence provisions of the INA for those who are not complying with the terms of their visa status.”

We share the government’s goals of ensuring the country’s national security and the integrity of these nonimmigrant programs. We submit that the agency has not adequately considered alternative ways to enhance national security that do not impose undue burdens on the federal government, students and exchange visitors, educational institutions, and employers.

Throughout the NPRM, DHS acknowledges the significant new costs for multiple federal government agencies that would result from the proposal. For U.S. Citizenship and Immigration Services (USCIS) in particular, DHS is setting up a burden that the agency will be challenged to manage. DHS estimates in the NPRM that an average of 205,000 EOS requests will be filed by F nonimmigrants annually. USCIS already faces serious resource and processing time challenges.<sup>6</sup> This year, USCIS has lost a significant number of experienced staff through government downsizing. Adding this additional workload to USCIS without the proper resources will drain the agency and lead to increased processing times.

---

<sup>6</sup> See Cecilia Esterline, *Legal immigration in numbers: August 2025 status update*, Niskanen Center (Aug. 25, 2025), <https://www.niskanencenter.org/immigrationdata/>.

According to recent processing time reports from USCIS, the agency already requires an estimated 8 months to adjudicate EOS requests at some Service Centers.<sup>7</sup> Adding hundreds of thousands of new such applications will amplify the difficulties and uncertainties described above and increase pressure on USCIS's already strained adjudicatory capacity. In the NPRM, DHS does not provide any details regarding plans or available funding to increase capacity within USCIS to accommodate this significant new workload in a way that does not adversely impact other types of benefit requests.

DHS also lists multiple implementation and operational costs the NPRM would create for other federal government agencies, including those associated with processing foreign nationals at Ports of Entry (POEs) for purposes of authorizing a fixed admission period. DHS states, "CBP officers would need training on new systems and procedures for conducting inspections at POEs. DHS continues to explore the necessary upgrades to systems and procedures that would allow CBP officers to perform their duties in accordance with this proposed rule." In addition, DHS notes that "[t]here may be additional costs to DHS associated with potential requests for additional information, in-person interviews, or biometric appointments."

Notably, DHS makes no mention of any additional costs and burdens on the U.S. Department of State (DOS), even though, because of the proposed changes under the NPRM, consulates abroad would likely need to adjudicate visa applications more frequently. DOS also plays a role in interagency vetting processes. Consulates are already managing increased workloads – particularly for processing student and exchange visitor applications – as DOS has adopted extensive new screening and vetting procedures for F and J nonimmigrants and now requires in-person interviews for nearly all nonimmigrant visa renewal applicants. A recent analysis found that consular appointment wait times have already increased by an average of 256 percent for students between January 7, 2025, and August 18, 2025.<sup>8</sup> In determining its next steps on this issue, it is critical that DHS consider the impact the NPRM would have on consular operations worldwide.

DHS suggests that current monitoring through the Student and Exchange Visitor Information System (SEVIS) is insufficient, but does not provide specific reasons for this in the NPRM. Indeed, in recent months, the agency has conducted extensive monitoring in SEVIS and taken adverse action toward thousands of F-1 students because of checks performed using SEVIS, and the government has indicated it has the capability to perform "continuous vetting" of all visa holders worldwide. As noted above, the government has also instituted significant new screening and vetting requirements for F and J visa applicants. In the NPRM, DHS does not take into account the impact of any of these factors in assessing the effectiveness of the current framework in light of the additional burdens imposed by this proposed rule.

The agency references several U.S. Government Accountability Office (GAO) reports that recommended steps U.S. Immigration and Customs Enforcement (ICE) should take to improve

---

<sup>7</sup> See Check USCIS Processing Times, <https://egov.uscis.gov/processing-times/>.

<sup>8</sup> Cecilia Esterline, *Legal immigration in numbers: August 2025 status update*, Niskanen Center (Aug. 25, 2025), <https://www.niskanencenter.org/immigrationdata/>.

SEVIS, but does not explain why these steps have not been taken. DHS does not demonstrate in the NPRM that it has considered any improvements to the existing system, or any other means by which DHS could vet students at more regular intervals to determine whether they have been maintaining status, as an alternative to pivoting to an entirely new admission framework. For example, DHS mentions throughout the rule that an EOS adjudication will enable the agency to collect biometrics, but it does not explain why the agency could not obtain biometrics at the OPT and STEM OPT application stages as part of the Form I-765 adjudication that is already required.

The agency has other options that do not require a full EOS application and the operational burdens and costs that flow from it. We request that the agency withdraw this rulemaking to explore these options and improvements to the existing system, rather than proceeding directly to abandoning a framework that has been in place for decades.

### **The NPRM Would Harm U.S. National Interests**

The students who this NPRM may dissuade from attending a U.S. institution are people whose study, presence, and work here serve the national interest in critical ways.<sup>9</sup> As just one example, international students have proven to be an essential component of one of America's most critical technological developments, Artificial intelligence (AI). Georgetown University's Center for Security and Emerging Technology (CSET) reports that the United States faces a significant skills deficit in AI and "heavily relies on foreign-born talent. For example, more than 50 percent of computer scientists with graduate degrees employed in the country today were born abroad, as were nearly 70 percent of enrolled computer science graduate students." According to the report, "[t]he vast majority of foreign-born talent wants to stay in the United States. Among U.S.-trained PhD graduates in AI-related fields, around 80 percent have remained in the country."<sup>10</sup> And our country benefits greatly from those who choose to remain and contribute as opposed to using their education and skills outside the United States.

Here again, DHS recognizes but understates the losses the NPRM would cause in this respect. The proposed rule undermines national competitiveness goals by discouraging international students who can help to fill such skills deficits in AI and other so-called "industries of the future" from choosing to study here or to enter our workforce after completing their studies.

Moreover, when international students choose to study in the United States, they bring immense economic benefits, even beyond their own academic and workforce contributions. NAFSA: Association of International Educators estimated the economic impact of international students in the 2023-2024 academic year at \$43.8 billion, supporting over 378,174 jobs across U.S. economic sectors. NAFSA estimates that for every three international students,

<sup>9</sup> Madeline Zavodny, *The Importance of Immigrants and International Students to Higher Education in America*, National Foundation for American Policy (May 2025), <https://nfap.com/research/new-nfap-policy-brief-the-importance-of-immigrants-and-international-students-to-higher-education-in-america/>.

<sup>10</sup> "Strengthening the U.S. AI Workforce," *Georgetown University Center for Security and Emerging Technology*, September 2019, <https://cset.georgetown.edu/wp-content/uploads/CSET-Strengthening-the-U.S.-AI-Workforce.pdf>.

one U.S. job is created and supported by spending occurring in the higher education, accommodation, dining, retail, transportation, telecommunications, and health insurance sectors.<sup>11</sup>

### **The NPRM Would Hinder Students' Ability to Pursue OPT**

DHS explains in the NPRM that “[t]he proposed rule affects only those F-1 and J-1 nonimmigrants who need additional time to complete their program; however, DHS maintains that eligible students should have no difficulty with getting their EOS requests approved, which should alleviate concerns about the uncertainty of EOS approval.” As discussed above, all doctoral students and most undergraduate students would require an approved EOS just to complete their academic program.

To pursue OPT, students would need to apply to extend their status when requesting a 12-month, post-completion period of OPT and apply for a separate EOS for a 24-month STEM OPT extension, with processing delays and a separate fee each time. This would be in addition to existing requirements that already provide DHS with the ability to evaluate the substance of the proposed employment while adjudicating the Form I-765 and before issuing an Employment Authorization Document (EAD). While that EOS is pending before USCIS for many months, the applicant’s nonimmigrant status is not extended. The applicant is merely “considered to be in a period of authorized stay,” a far less stable immigration circumstance, particularly now when DHS is increasingly issuing Notices to Appear (NTAs) to individuals whose status has expired, even if they have timely filed a new application.

Compete America has serious concerns about the ambiguity left in the NPRM around processes and timelines associated with post-completion OPT. The NPRM does not provide any assurances that students would be able to pursue the allowed periods of OPT after graduating without delay or disruptions in their employment.

The ability of international students to gain experiential learning through OPT after completion of their studies is a critical element of the U.S. immigration framework to attract top talent in the national interest. This further learning option has been an indispensable draw to top foreign students into U.S. schools, a key pipeline of talent into the U.S. workforce, and a massive economic advantage to this country. An analysis by the Business Roundtable and the University of Maryland Interindustry Forecasting Project (Inforum) assessed the impact of curtailing the OPT program and predicted a loss of 443,000 jobs over a decade, including 225,000 jobs held by native-born workers.<sup>12</sup> A study of unemployment of STEM workers in over one hundred metropolitan areas found unemployment rates to be lower in areas with larger

---

<sup>11</sup> NAFSA International Student Economic Value Tool, *NAFSA: Association of International Educators*, <https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2>.

<sup>12</sup> The Economic Impact of Curbing the Optional Practical Training Program (BRT-Inforum, December 2018), <https://www.businessroundtable.org/policy-perspectives/immigration/economic-impact-curbing-optional-practical-training-program>.

numbers of students working through OPT as a share of workers in STEM occupations.<sup>13</sup> And students on that path have a track record of thriving, to the nation's immense advantage: 25% of America's billion-dollar start-ups had at least one immigrant founder who first came to the U.S. as an international student.<sup>14</sup>

Yet the NPRM would place additional hurdles and levels of uncertainty in the way of pursuing OPT, and the agency does not articulate any commensurate benefit to the integrity of the system that could not be achieved in another manner. DHS does not offer any justification in the NPRM to support its statement that students "should have no difficulty" obtaining an EOS. If the NPRM is finalized as drafted, international students would be expected to choose to study in the United States without knowing if they would be allowed to finish their degrees or engage in OPT after graduation. Without OPT, there is no clear path from study to work here. Meanwhile, competitor countries that recognize the value of attracting these highly sought-after students are strengthening their analogous programs to gain the advantages that the U.S. would compromise through this proposed rule.<sup>15</sup>

While we welcome the agency's retention of the current 180-day automatic EAD extension for individuals with a pending STEM OPT application, we encourage the agency to consider lengthening this period to account for processing delays. For other EAD categories, USCIS has increased the automatic extension to up to 540 days. After issuing a Temporary Final Rule in 2022, USCIS made the change permanent in January 2025 based on its determination "that the up to 180-day automatic extension . . . does not provide USCIS enough time to address large spikes in EAD filings and other circumstances that may occur in the future and increase renewal EAD application processing times."<sup>16</sup>

DHS does not make clear how a recent graduate would be able to begin their employment on 12-month OPT in time to complete it in the required timeframe. The regulations require students to complete their 12-month period of post-completion OPT within 14 months of graduation. If a student must first work with their Designated School Official (DSO) to obtain an updated Form I-20 recommending OPT, and then file an EOS petition based on that recommendation, it is not clear in the NPRM when the student is eligible to even file the Form I-765 requesting an EAD. Under current processing times, it does not appear likely that a student would be able to obtain an EAD in time to receive the full 12 months of OPT authorized by law. DHS states in the NPRM that "USCIS's average EAD processing time is typically 60-210 days for foreign students and 90-120 days for most others."

<sup>13</sup> International Students, STEM OPT and the U.S. STEM Workforce, Madeline Zavodny (National Foundation for American Policy, March 2019), <https://nfap.com/wp-content/uploads/2019/03/International-Students-STEM-OPT-And-The-US-STEM-Workforce.NFAP-Policy-Brief.March-2019.pdf>.

<sup>14</sup> Immigrant Entrepreneurs and Billion-Dollar Companies, Stuart Anderson, National Foundation for American Policy (July 2022), <https://nfap.com/wp-content/uploads/2022/07/2022-BILLION-DOLLAR-STARTUPS.NFAP-Policy-Brief.2022.pdf>.

<sup>15</sup> See, e.g., *Between and Beyond – Shifting International Student Preferences in 2025*, Keystone Higher Education News, Keystone Education Group (July 28, 2025), <https://www.keg.com/news/student-search-is-shifting-between-and-beyond-the-usa-and-uk>; *Student sentiment shifts as the U.S.' policy uncertainty grows*, IDP (June 16, 2025), <https://partners.idp.com/usa/articles/education-sector-news/student-sentiment-shifts-as-the-u-s-policy-uncertainty-grows>.

<sup>16</sup> 89 FR 101208 at 101209 (Dec. 13, 2024).



Similarly, for individuals who are participating in a period of post-completion OPT or the STEM OPT extension and are beneficiaries of an H-1B petition, the NPRM provides no details on the impact of a fixed admission period on the “cap-gap” benefit. Though the NPRM does not make any express changes to cap-gap, if DHS does issue a final rule, we urge the agency to make it clear that it will remain in place unchanged. Effective January 2025, USCIS strengthened this critical provision by regulation by extending cap-gap through April 1, noting that “[i]n addition to avoiding employment disruptions, the lengthier extension of F-1 status and post-completion OPT or 24-month extension of post-completion OPT employment authorization for F-1 students with pending H-1B petitions until April 1 . . . accounts for USCIS’ competing operational considerations and would enable the agency to balance workloads more appropriately for different types of petitions.”<sup>17</sup>

If DHS does transition to a fixed admission period for students and requires an EOS application, we urge the government to provide clear guidance on application timelines, commit to processing applications in a manner that does not delay or disrupt students’ ability to timely pursue post-completion OPT or the STEM OPT extension (e.g., adjudicating the EOS and EAD applications together to expedite processing), and confirm that lawful status and employment authorization continue during the pendency of an EOS. To provide assurance that delays or disruptions will not occur, we ask that the agency put in place measures to allow individuals to begin their employment and to extend their work authorization (or be work authorized incident to status), as applicable. Finally, it is critical that DHS clarify in a final rule that students will still be able to maintain their status and work authorization to bridge the gap between F-1 and H-1B status if they are the beneficiary of an H-1B cap petition.

### **The NPRM Improperly Removes Deference to Prior Decisions**

As written, the NPRM would replace the current provision at 8 CFR 214.1(c)(5): “*Deference to prior USCIS determinations of eligibility*” with the following language: “*Decisions for extension of stay applications*. Where an applicant or petitioner demonstrates eligibility for a requested extension, it may be granted at USCIS’s discretion. The denial of an application for extension of stay may not be appealed.”

As explanation, the preamble to the NPRM states, “Like the technical updates to strike the specific form name from 8 CFR 214.1(c)(2), DHS is proposing to strike the references to Forms “I-129” and “I- 539” in 8 CFR 214.1(c)(5), replacing those specific form numbers with the aforementioned general language. See proposed 8 CFR 214.1(c)(5). The substance of that provision, including the language that does not allow an alien to appeal an EOS denial, would remain the same.”

A prior version of that regulatory provision did include references to form numbers and was located at 8 CFR 214.1(c)(5). But under current regulations, the provision on “*Decisions for extension of stay application*” – to which DHS purports to be making technical updates – sits

---

<sup>17</sup> 89 FR 103054 at 103114 (Dec. 18, 2024).

at 8 CFR 214.1(c)(7) and reads as follows: “*Decision on extension or amendment of stay request*. Where an applicant or petitioner demonstrates eligibility for a requested extension or amendment of stay, USCIS may grant the extension or amendment in its discretion. The denial of an extension or amendment of stay request may not be appealed.”

As drafted, the NPRM appears to include two versions of the “Decision on extension or amendment of stay request” provision, at both 8 CFR 214.1(c)(5) and (c)(7), in place of the “deference” provision at 8 CFR 214.1(c)(5). These incongruities, combined with the inaccurate explanation of the provision in the preamble, suggest this may have been a drafting error. This is one reason this provision should be stricken from the proposed rule.

Secondly, to the extent DHS is seeking to remove the deference provision, the agency has not provided sufficient notice regarding the policy change and has not offered any explanation or justification for making this change in the rule’s preamble. Finalizing this provision as drafted would violate the Administrative Procedure Act (APA).

In 2021, Compete America commended USCIS for reinstating the longstanding policy of deferring to prior approvals when no material change in fact has occurred and there was no error in the prior approval.<sup>18</sup> In 2024, we supported the agency’s proposal to codify this critical policy in the regulations.<sup>19</sup> Compete America asks DHS to strike this provision from the NPRM.

## CONCLUSION

Compete America appreciates the agency’s consideration of the above feedback and recommendations. We urge DHS to withdraw the rule and take into account all feedback it receives during this comment period in determining next steps on this issue, particularly from institutions of higher education, which DHS recognizes would incur substantial costs under the NPRM.

We look forward to continued engagement with the agency and will continue working with Congress and the administration to advocate for reforms to the U.S. immigration system.

Respectfully submitted,



Scott Corley  
Executive Director  
Compete America Coalition

---

<sup>18</sup> Comment ID No. USCIS-2021-0004-7264, available at <https://www.regulations.gov/comment/USCIS-2021-0004-7264>.

<sup>19</sup> Comment ID No. USCIS-2023-0005-0934, available at <https://www.regulations.gov/comment/USCIS-2023-0005-0934>.