



Office of International Programs and Services

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November 17, 2015

Docket Staff
Department of Homeland Security
Washington D.C.

Re Docket No. ICEB-2015-0002,

On behalf of George Mason University, Office of Regulatory Compliance, International Programs & Services, I am submitting comments in reference to Docket No. ICEB-2015-0002, the Department of Homeland Security (DHS) Notice of Proposed Rulemaking to amend its F-1 nonimmigrant student visa regulations on optional practical training (OPT) for students with STEM degrees. Mason appreciates the opportunity to share its perspectives on the merits of the NPRM and how it could affect operations in the Office of International Programs and Services.

Since its founding in 1972, George Mason University has grown into a major educational force and earned a reputation as an innovative, entrepreneurial institution. It is the largest public university in the Commonwealth of Virginia, with 34,112 students, including 9,902 graduate students. Mason employs 6,500 faculty and staff to serve our growing student body, with 1,431 full time instructional faculty, 691 of whom are tenure track. Mason offers 200 degree programs, including 85 masters and 38 doctoral.

The university has gained national distinction in a range of academic fields, including public policy, STEM, information technology, economics, law, performing arts, and bioscience. With its strategic location just minutes from Washington D.C., Mason has built strong alliances with government agencies, businesses and the community. It is recognized as the premier research university for the Northern Virginia Region. Mason has campuses in Fairfax, Arlington, and Prince William counties. Mason also operates a site in Loudoun County and has partnered with the Smithsonian Institute to offer a Global Conservation Studies Program in Front Royal, Virginia. Each location has a distinctive academic focus that plays a critical role in the economy of its region.

In summary, the proposed rule would amend its F-1 nonimmigrant student visa regulations on optional practical training (OPT) for certain students with degrees in science, technology, engineering, or mathematics (STEM) from U.S. institutions of higher education. Specifically, the proposal would allow such F-1 STEM students who have elected to pursue 12 months of OPT in the United States to extend the OPT period by 24 months (STEM OPT extension). The rule also seeks to improve and increase oversight over STEM OPT extensions by requiring the implementation of formal mentoring and training plans by employers, adding wage and other protections for STEM OPT students and U.S. workers, and allowing extensions only to students with degrees from accredited schools.

Views on the 24 Month Extension

Initial OPT is given for 12 months at each level, STEM OPT is given once for 17 months provided that the student is working in the field of study for an E-Verify Employer. STEM OPT should be lengthened to 24 months, thus giving the F-1 visa holder the same timeframe that a J-1 Post-Doctoral student would be awarded for Academic Training (36 months total). Granting OPT for 12 months or 24 months also helps with OPT reporting through the International Student and Scholar Management System, reporting by Mason Institutional Reporting and Research for the Open Doors Annual Survey, and gives the applicants and their employers more than one chance to obtain an H-1B for continued employment in the U.S.

Views on STEM Definition

We believe that the proposed definition of STEM is sufficiently broad. SEVP adds majors each year to the STEM list. Problems that could arise when defining STEM fields or attempting to expand the use of the STEM OPT to include prior majors in a STEM degree are: 1) The State Council of Higher Education for Virginia (SCHEV) assigns Classification of Instructional Program (CIP) codes to majors at each Commonwealth of Virginia school and the major name does not always match up with the CIP code. Example: MS Bioinformatics and Computational Biology at GMU, CIP 26.1101, is defined by SEVP as Biometry/Biometrics. This is very confusing for students and will continue to confuse adjudicators at USCIS who must approve or deny STEM OPT applications. 2) Use of a prior STEM degree to apply for STEM OPT would be problematic for DSOs who must recommend OPT in SEVIS. Designated School Officials at George Mason University cannot easily confirm that the prior degree qualifies the student and then recommend STEM OPT in SEVIS if the prior STEM degree was from another school.

Views on Mentoring and Training Plan Proposal and Implementation

The Mentoring and Training (MTP) plan proposed is similar to the Training and Internship Placement Plan (TIPP) for J Student Interns, with a longer time period and more reporting requirements. While DSOs do have depth of knowledge in advising and legal issues, they are not Subject Matter Experts. The implementation and approval of the Mentoring and Training plan would have to involve stakeholders such as Career Services Industry Advisors and faculty or professional advisors in the colleges. At this time, Mason's Curricular Practical Training model includes these two groups, so it would not be difficult to come up with an implementation and approval plan with other university partners.

The toughest challenges for DSOs at George Mason University would be the time, funding, and opportunity costs involved with implementation of the Mentoring and Training Plan. Mason's partnership with INTO Global Education Partners has increased the number of international students on the campus. In order that INTO Mason students and international students in degree programs continue to be provided with the level of advising and services for normal progress through their degree programs, the Office of International Programs and Services would need a minimum of two new full time Administrative Faculty positions to approve and process Mentoring and Training Plans and continued STEM OPT reporting. This does not include the two additional advisors needed to meet the needs of the ever-growing INTO Mason population.

These additional costs would be no less than \$124,800 for the Office of International Programs and Services at this time and would grow as the review and reporting burden would also grow. Career Services and each college would be forced to add additional staff to approve the Mentoring and Training Plan content, as the MTPs will be reviewed five times over the STEM OPT time period by the Office of International Programs and Services, Career Services, and a faculty advisor in the Academic Department.

Views on Employer Attestations

Mason is very concerned that the DSOs at schools will absolutely be put in the position of approving or rejecting training plans and will be required to check on wages through the Department of Labor's FLC Datacenter to insure that the employee is being paid fairly. This will add additional time to approval of the Mentoring and Training plan and open up schools to legal action from employers and students who submitted training plans that were not accepted by the school. It will also require DSOs to function as de-facto USCIS adjudicators when approving or denying the training plan and as de-facto ICE Agents when trying to find a student or employer who has not reported in for the six month updates, despite phone calls, emails, and official correspondence. Such compliance responsibilities are far beyond the mission of a university and Mason does not have the capacity to undertake these accountability measures.

Possible solutions to these issues would be that the employer create an account with the Department of Labor and submit a Certified Labor Condition Attestation (used for the first step of an H-1B application) along with the Mentoring and Training Plan to the school. Students and employers who have not submitted the Six Month Evaluation/Feedback on Student Progress could be reported to the SEVP Field Representative, the U.S. Department of Labor, or to Immigration Customs and Enforcement Officials to follow up.

Importance of OPT STEM Extension for Mason

The Optional Practical Training STEM Extension for international students is necessary for a healthy budget at George Mason University. It also enhances the University Strategic Plan to create Career Ready graduates.

Many international students choose George Mason University for the robust and accredited academic programs, the location and ability to obtain internships before graduation, and to find employment in their field on OPT and STEM OPT after graduation. The Mason Volgenau School of Engineering and the College of Science receive inquiries from prospective international students about whether or not a specific degree offering is eligible for STEM OPT and the schools often forward those queries to the Office of International Programs and Services for answers. Many of these students make decisions to enroll at a school based upon the future ability to be employed in the U.S.

The 2014 Data Report for George Mason University details international students by school and level. There were approximately 1094 international students in STEM eligible degree programs from that census. The international student population pursuing degrees in the Volgenau School of Information Technology and Engineering alone consists of 13% of total enrollment. Based upon an average tuition and fee rate of \$28,000 per international student, the monetary value of this group to the Volgenau School is \$25,000,000 and to the University, \$30,600,000.

Roughly 40% or more of Mason international student graduates apply for STEM OPT after their initial OPT period is coming to an end. International student graduates applying for OPT has increased year over year. In the period from July 1, 2014 to June 30, 2015 Designated School Officials in OIPS advised and processed 369 Optional Practical Training Applications, 136 STEM Optional Practical Training Applications, and updated employment in SEVIS for 448 students who were currently working on OPT or STEM OPT. None of the students appear in the census of student daily headcount for the school. As of October 27, 2015 a total of 501 GMU graduates were working on OPT or STEM OPT. This represents the lowest number that the school would have at any given time during a fiscal year, as October 1 is the start date for those who received H-1B in the annual lottery. Those Mason graduates who received H-1B approval and ended their OPT on September 30 will not appear in this total; those graduates who had an H-1B filed by the employer and were given Cap Gap employment extensions, but did not get H-1B approval will have left the U.S., changed to another immigration status, or gone back to school in their F-1 status. As the international student populations grows, our OPT and STEM OPT applications for graduates will grow in tandem.

These numbers mean an increased advising, mentoring, and monitoring burden for Designated School Officials at George Mason University. The average current time spent with an international student applying for OPT is 75 minutes and for STEM OPT, 120 minutes. With the implementation of an extended STEM OPT time period and the Mentoring and Training Plan requirements, the time spent on STEM OPT for one case would expand to 6 hours per student. In order to meet the proposed extended STEM OPT time period and added compliance requirements that we have expressed concerns above, it will necessitate 90 minutes (original STEM OPT) plus one more additional six month update and advising and reviewing each Mentoring and Training Plan (30 + 30 + 30) for an additional 180 minutes per student. Please refer to the chart that estimates the required staff time under the proposal for FY 2016 and FY 2017.

In the final analysis, with government reconsideration of the wage and employer monitoring requirements by DSOs, the expansion of STEM OPT would attract more international students to George Mason University while mitigating some of the problems that could crop up with implementation of the Mentoring and Training Plan.

For further reference please see 2014 Data Report for Mason Office of International Programs and Services: <http://oips.gmu.edu/wp-content/uploads/2015/09/2014-OIPS-Data-Report-9.8.2015.pdf>

Enrollment data can be seen at http://irr.gmu.edu/factbooks/1314/Factbook1314_Enrollment.pdf

Again, thank you very much for the opportunity to submit comments. Please feel free to contact me if you have any questions.

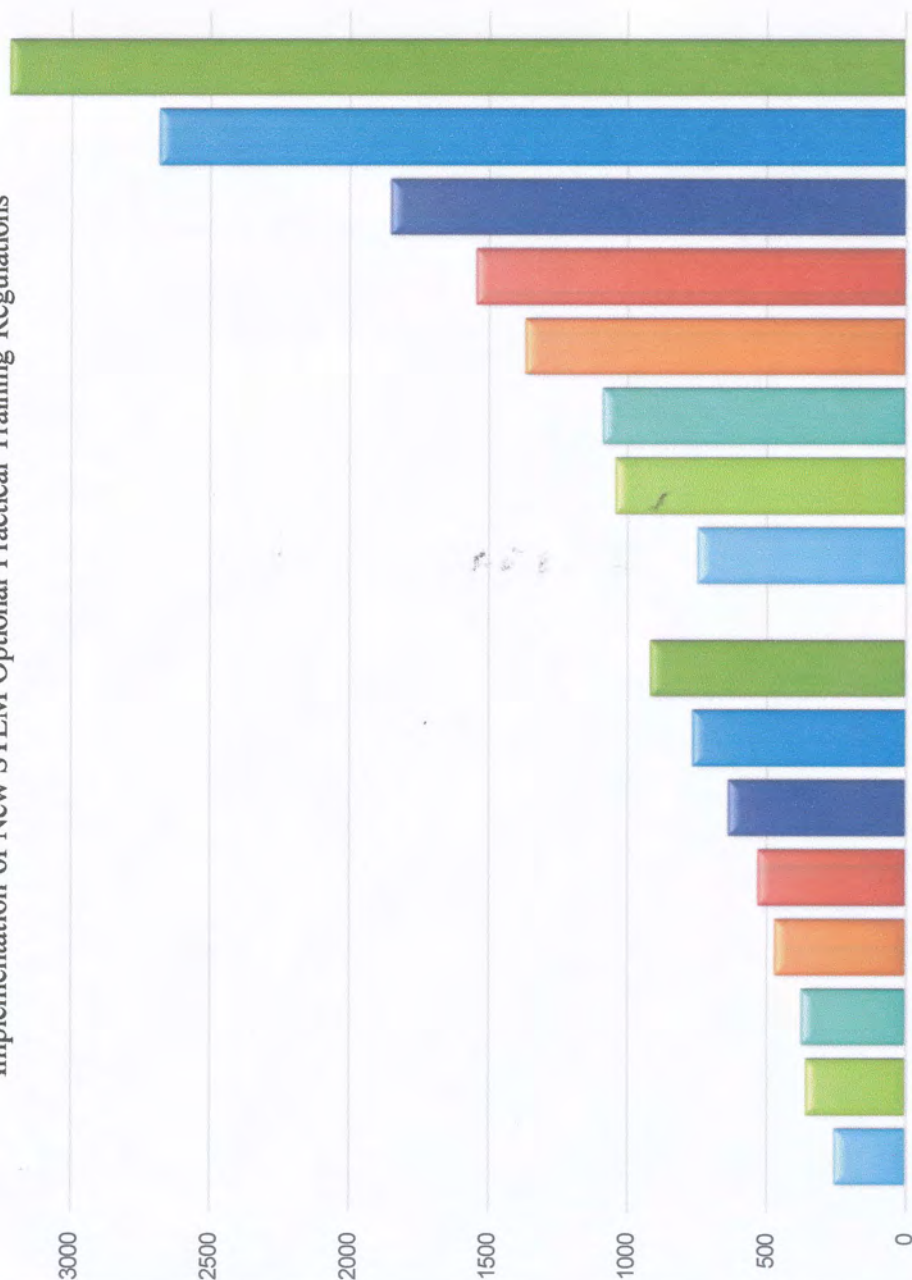
Sincerely,



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■ FY2009-2010 ■ FY2010-2011 ■ FY2011-2012 ■ FY2012-2013 ■ FY2013-2014 ■ FY2014-3/12/2015 ■ FY2015-2016 est ■ FY2016-2017 est

Growth In International Student Advisor Hours at George Mason University with Implementation of New STEM Optional Practical Training Regulations



Students on OPT and STEM OPT

Advising Hours