



MASSACHUSETTS INSTITUTE OF TECHNOLOGY
GRADUATE STUDENT COUNCIL

16 November 2015

The Honorable Jeh Johnson
Secretary of Homeland Security
Washington, D.C. 20528

Dear Mr. Johnson:

We write to you regarding the Notice of Proposed Rulemaking (NPRM) on “Improving and Expanding Training Opportunities for F-1 Nonimmigrant Students With STEM Degrees and Cap-Gap Relief for All Eligible F-1 Students” (which we will refer to as “STEM OPT Extension” below). The MIT Graduate Student Council (GSC) represents the 6,800 graduate students of the Massachusetts Institute of Technology (MIT). 42% of MIT graduate students are international students and a vast majority of those are in the United States on F-1 visas, so we represent a population that will be strongly affected by the Proposed Rule.

GSC supports all measures that make it easier for qualified international students to obtain visas to study in the US, enter and leave the country freely during their studies, and obtain visas to work in the US if they wish to do so. Therefore, **we strongly support the concept of Optional Practical Training (OPT) and we support the provision of an extended OPT period for STEM majors.** We also applaud the implementation of Cap-Gap Relief for smoothing the transition between F-1 and H-1B visa status.

We support the proposed allowance for students with previous STEM degrees from accredited US universities to be eligible for the STEM OPT extension and increasing the number of extensions up to two. This provision is extremely relevant for students pursuing additional higher degrees such as M.B.A., M.D., or J.D., making them even more invaluable to the United States for their interdisciplinary skills, advanced technical training, and knowledge in broader topics such as business administration and public policy.

We strongly recommend an annual or biannual review system for maintaining transparency and updating the eligible STEM degree list, given the fast changing science and technology landscape. Just within the last year, MIT has created a new organization, the Institute for Data, Systems, and Society, which will offer a new interdisciplinary PhD program in Social and Engineering Systems. Graduate studies are now interdisciplinary in ways we could not possibly have predicted 5 years ago, and our rules and regulations need to keep pace.

We are highly concerned with the possibility that the ability of students to make use of the STEM OPT Extension might be disrupted by recent court actions, upcoming court actions, and delays in this rulemaking process. We commend DHS and the Office of Management and Budget (OMB) for responding quickly to recent developments to begin this rulemaking process, and **we urge you to continue working quickly** to ensure that suitable transition procedures are in place to make it possible for students on STEM OPT Extensions to keep working as we approach and pass the court’s February 12, 2016 deadline. In particular, **for students whose 17-month STEM OPT extension will expire in the interim of the decision making process, we advocate for a 2 month or longer grace period for which to apply for the additional 7 months.**

We are excited to see the duration of the STEM OPT Extension increased in this proposed rule from 17 months to 24 months. This brings the total duration of OPT for STEM majors to 3 years, which is sufficient for F-1 students to secure a great deal of very valuable experience and practical training and make



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very meaningful contributions to US research, technology development, and product development before returning to their home countries.

However, we are concerned with the extra administrative burdens placed on employers through the Mentorship Training Plan that may potentially deter employment of F-1 STEM students. While a formal mentoring plan is welcome, the strict attestation requirement from employers may have serious negative effects on hiring STEM students, especially by small companies that lack legal and administrative resources.

We appreciate the opportunity to comment on this proposed rule and thank you for all of your hard work in keeping America safe and providing educational and training opportunities to F-1 students.

Best regards,

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