Comments by the American Society for Cell Biology
Response to Docket Number: ICEB-2019-0006:
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

The American Society for Cell Biology (ASCB), a professional society of basic biomedical researchers in all 50 states and more than 60 countries around the world, strongly opposes this proposed rule. Instead of doing anything to improve the scientific visa system, which is already broken, it adds to the problem and makes it worse. It could even end America’s dominance as the world’s biomedical research leader.

The U.S. biomedical research community is the preeminent research community. We are the home to almost all of the top research institutions. We are also home to the National Institutes of Health (NIH) and the National Science Foundation (NSF), two of the leading sources of public funding for science in the world, and to a wide range of private research funding organizations. This combination of research institutions and research funding agencies has led the United States to produce more than 400 Nobel Laureates in either Medicine or Physiology or Chemistry, the largest of any nation, since the first Nobel award in 1901. At the other end of the research pipeline, the United States is also home base to almost all of the globe’s major biopharmaceutical companies.

U.S. leadership draws students from around the world who come to the United States to learn and, in the process, to participate in the research done by the labs they join. In a recent poll of U.S. members of the ASCB, 90.77% of respondents indicated their research laboratories have, at some time, included trainees or other young scientists from other countries. As the Notice of Proposed Rulemaking itself says, the large number of international students who come to the United States to study “is a testament to the United States' exceptional academic institutions, cutting-edge technology, and environment that promotes the exchange of ideas, research, and mutual enrichment.”

When asked why they hire international trainees, survey respondents reported an interest in maintaining diversity in their labs and a difficulty finding interested or qualified Americans to fill the needed positions. One wrote: “My research depends on talents from other countries; there are not enough American citizens interested in research careers.” Another replied, “Research moves forward by outstanding scientists regardless of country of origin.”

Unfortunately, the current U.S. visa system serves as a significant obstacle to the U.S. biomedical research community and is impeding the United States from maintaining its leadership position. In that same survey, over half of survey participants indicated international members of their labs have experienced problems obtaining or renewing U.S. visas. Almost 40% of respondents indicated that
international members of their labs have decided not to attend a scientific meeting, which are critical to
the scientific process, in another country out of concerns they would not be able return to the United States.

This barrier is becoming increasingly more significant as the research in other nations improve, which
leads to greater competition for the United States. About one in five of the labs that responded to the
survey indicated they have had members of their lab leave to join labs in other countries because of the
difficulty in maintaining their U.S. visa status. When a student leaves U.S. lab to study the same science
in another country, they automatically become a competitor.

This proposed rule adds just one more obstacle for international scientists by eliminating a long-
standing “length of studies” term for visas and replacing it with arbitrary requirements that students
apply for visa extensions limits every two or four years. Requiring regular interaction with a bureaucratic
system that is already a burden to these young scientists may be more than they are willing to put up
with. It sends a very strong signal that, in reality, they are not wanted in the United States. The
unnecessary bureaucracy of these limits serves no solution to any problem not already being
adjudicated.

We can be sure that, if enacted, this regulation will be one more reason for international students to
look to other countries for their training. They will benefit the scientific communities in those countries,
improve the quality of that nation’s research community, and compete with federally funded
researchers in the United States.

The only real impact will be that the United States will lose its leadership position and American
biomedical research institutions and researchers will no longer attract the best scientists in the world.
Ultimately, of course it is the American public, who depend on the research done by the American
biomedical research community, will be the ones to feel the real impact of this rule.