



Catholic Legal Immigration Network, Inc.

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Submitted via Regulations.gov

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Samantha L. Deshommes, Chief, Regulatory Coordination Division
Office of Policy and Strategy
United States Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: DHS RIN 1653-AA95 or DHS Docket No. ICEB-2025-0001 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 Catholic Legal Immigration Network, Inc. (CLINIC),¹ submits these comments in opposition to Department of Homeland Security's (DHS) proposed rule establishing a fixed period of admission and an extension of stay procedure for nonimmigrant classes. CLINIC urges DHS to withdraw this proposal because it imposes harmful and unnecessary burdens on immigrants and the communities that depend on them. The rule may have particularly devastating consequences for religious workers admitted under the R-1 visa classification, who already face significant challenges in maintaining lawful status while serving the communities that rely on their ministry.

Embracing the Gospel value of welcoming the stranger and consistent with our faith-based mission, CLINIC has promoted the dignity and protected the rights of immigrants in partnership with a dedicated network of Catholic and community legal immigration programs since its founding in 1988. CLINIC's network, originally comprised of 17 programs, has now increased to over 400 diocesan and community-based programs in 49 states and the District of Columbia. CLINIC is the largest nationwide network of nonprofit immigration programs. Through direct representation, technical assistance, litigation support, and policy advocacy, CLINIC and its Affiliates promote the dignity and protect the rights of immigrants consistent with Catholic social teaching and the Gospel call to welcome the stranger. Our extensive experience working with religious workers, families, and low-income immigrants across the country provides us with firsthand knowledge of how the proposed changes will negatively impact immigrant communities and faith institutions.

¹Adriana Coppola, Supervising Attorney of Emerging Issues; Elnora Bassey, Policy Advocate Attorney; Miguel Naranjo, Director for RIS; and Graciela Mateo, Managing Attorney for RIS authored these comments. The authors would like to thank Val Christian for contributing to this comment.

The Religious Immigration Services (RIS) team at CLINIC represents over 180 religious organizations, assisting them in navigating the immigration processes for international religious workers to serve the Catholic Church and other denominations in the United States. Each year they assist in the filing of hundreds of petitions for R-1 religious worker visas, and F-1 student visas for religious individuals required to study in the United States.

I. Proposed Rule Overview and DHS's Rationale

In the Notice of Proposed Rule Making (NPRM), DHS proposes to replace the “duration of status” (D/S) framework for F, J, and I nonimmigrants with a fixed admission period tied to the program end date or assignment, generally not to exceed four years, followed by a 30- or 60-day departure or extension period. Once that period ends, individuals must file for an Extension of Stay (EOS) directly with USCIS in order to remain in the United States legally. DHS argues that this change is necessary to enhance oversight, ensure compliance with nonimmigrant status conditions, reduce fraud and abuse by nonimmigrants who overstay or change programs, and bring F, J, and I admissions into alignment with other nonimmigrant categories that already have fixed admission periods.²

DHS further asserts that adjudications of EOS applications will allow immigration officials to directly evaluate whether nonimmigrants continue to meet admissibility and status maintenance standards and could help prevent unlawful presence accruals under INA § 212(a)(9)(B) and (C). 90 FR 42070, 42074, 42081. DHS also proposes transition procedures for individuals who are currently in the United States under D/S, setting earlier expiration dates tied to program end dates or a four-year cap, plus a grace period.³ While DHS frames these changes as necessary to improve oversight and align with other visa categories, the NPRM does not evaluate how the fixed admission model would affect populations beyond the F, J, and I categories. In particular, it overlooks the real and substantial impact on individual R-1 religious workers who pursue academic study or ministerial training in the United States, and who often transition between student and religious worker status. The following section highlights how these proposed changes would disrupt religious formation, hinder ministry, and burden faith-based communities.

II. The Proposed Rule Harms Religious Individuals and Faith-Based Ministries

Although DHS presents this rule as primarily affecting F, J, and I nonimmigrants, its reach extends into the religious sphere in ways the agency has not considered. Religious workers and those in religious formation frequently move between academic study and ministry, shifting between F-1 and R-1 status over the course of their training and service. By imposing fixed admission periods, shorter grace periods, and stricter restrictions on program transfers, the proposed rule threatens both the preparation of future ministers and the stability of the communities that rely on them. DHS does not assess the implications of similar fixed admission or EOS procedures for religious workers who later change to F-1 status, but they potentially are at risk of being impacted by the new rule. The rule mentions that there are many examples of students staying for decades in their student status.⁴ More specifically, footnote 16 on page 42071 indicates that “DHS has identified

² See 90 FR 42070, 42073 (Aug. 28, 2025).

³ 90 FR 42082–84.

⁴ See 90 FR 42071.

over 2,100 aliens who first entered as F-1 students between 2000 and 2010 and remain in active F-1 status as of Apr. 6, 2025.” There are scenarios where the world of R-1 visa holders and F-1 students sometimes collide, and a religious-worker-turned-student may find themselves in a similar situation where they are now in the United States for a prolonged period of time. For example, many religious workers and ministers change nonimmigrant status in connection with their studies. However, for some religious workers, the intent is not to remain in the United States permanently but rather to contribute to U.S. local communities as an essential worker in their various capacities and utilize the opportunity to receive an education that will offer them the religious training and skills they need to enhance their religious calling. Such a scenario could easily have the religious worker/student in the United States for a decade.

As mentioned above, the proposed rules will impede required academic training for a religious individual who will eventually become a religious worker. First, requiring an F-1 student to complete one whole year with a school before allowing that student to transfer to another school restricts religious training for religious individuals. Students in religious training are discerning lifetime commitments to a religious way of life. It is not uncommon during this time for students in religious training to contemplate different religious vocations and serving different religious orders. Limiting the opportunity for the student to transfer schools after one semester risks the loss of a potential religious worker for a religious community.

Next, limiting a student who completes one academic program to only beginning a second program at a higher level and prohibiting that student from a second program at the same level or lower restricts religious training for religious individuals. Under Canon Law (official law of the Catholic Church), a priest must possess academic training in philosophy and theology. It is common for a Catholic priest to possess a bachelor’s degree (4-year degree) in both philosophy and theology. Not allowing a religious individual (such as a Catholic seminarian) to obtain two degrees at the same level conflicts with church law and impedes religious freedom. Also, religious orders may require their members to obtain secular training after completion of religious academic training. The secular training may include associate degree programs (2-year degree) in education and/or healthcare that are part of the order’s religious mission and tradition. Prohibiting this religious individual from pursuing an associate’s degree after completion of a bachelor’s degree conflicts with church law and impedes religious freedom.

In sum, the proposed restrictions on admission periods, program transfers, and academic progression would not only undermine the training and service of religious individuals but also impair the ability of faith-based communities to prepare future ministers and sustain essential ministries. By failing to account for the unique educational and ministerial pathways required in religious life, the rule risks curtailing religious freedom and weakening institutions that provide critical support to immigrant and U.S. communities alike.

III. Procedural and Substantive Concerns

CLINIC has identified several specific concerns with the proposed rule, which may be categorized as short-sighted procedural changes with negative substantive and procedural impacts. These impacts will negatively impact R-1 entrants and faith-based ministries.

First, the proposed rule's shift to fixed admission periods will increase USCIS backlogs, delay adjudications, and risk unlawful presence when status expires before EOS decisions or travel disrupts pending filings. To the extent that it will require additional adjudications from an already stressed agency, the foreseeable impact of the proposed rule will be to overburden the limited government resources and push law-abiding individuals into periods of unlawful presence. This impact is counter to DHS's stated goals for the rule.

Second, the proposed rule shortens grace periods, reducing the F-1 post-completion grace period from 60 days to 30 days, and limiting the time individuals have to prepare departures, apply for status adjustments, or transfer to new academic or ministerial programs. A shortened grace period increases the risk that an individual will fall out of lawful status, inadvertently triggering grounds of inadmissibility or removal.

DHS's transition framework, which converts D/S admissions to a fixed end date capped at four years plus a short grace period, poses significant problems. Religious workers with extended academic or ministerial timelines may face premature status expiration, particularly when moving from F-1 to R-1 after studies.

Finally, CLINIC objects to DHS's decision to limit comments to a 30-day period and urges the Agency to extend it to a minimum of 60 days. Where a proposed rule represents a "significant regulatory action" and "economically significant," the Administrative Procedure Act (APA) and Executive Order 12866 indicate a comment period of at least 60 days. The 160-page NPRM is complex, with significant regulatory implications for millions of individuals⁵ and their associated institutions and employers, including religious institutions and congregations. The proposed rule clearly constitutes a significant regulatory action with significant economic impacts. Stakeholders require more time to fully assess the impact of the rule and formulate robust feedback to support effective rulemaking, as envisioned in the APA and Executive Order 12866.

IV. CONCLUSION

CLINIC strongly opposes the DHS NPRM establishing fixed admission periods and EOS procedures for nonimmigrant visa categories without adequately addressing the impact on religious workers under the R-1 visa classification and on faith-based ministries. While CLINIC supports the goal of ensuring compliance with nonimmigrant immigration law, the proposed rule as drafted fails to properly account for academic-to-ministerial transitions and the unique needs of religious workers who pursue theological study before serving a religious community in the United States.

⁵ The NPRM notes that over 2.2 million individuals were admitted in targeted nonimmigrant statuses in 2023.

Thank you for your consideration of these comments. Please do not hesitate to contact Karen Sullivan, Director of Advocacy, at ksullivan@cliniclegal.org, with any questions or concerns about our recommendations.

Sincerely,

A handwritten signature in blue ink that reads "Anna Gallagher". The signature is written in a cursive, flowing style.

Anna Gallagher
Executive Director