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How Will New Student Visa Rules Impact Athletics?

NCAA policy allows athletes to compete for five seasons, but new federal rules limit international students to just four years in the U.S., cutting off collegiate play for some.

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Only about 4 percent of all NCAA athletes are international students.

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After the Department of Homeland Security finalized a rule limiting international students to a four-year stay in the U.S.—unless they apply for and receive an extension—some college sports fans noted on social media that the rule doesn't line up with the National Collegiate Athletic Association's eligibility requirements.

New NCAA eligibility rules allow student athletes to compete for five years, starting either from the beginning of their freshman year or the day they turn 19. The new

regulation would cut off that fifth year for international students unless they receive an extension. But language in the DHS duration-of-status regulation states that students will be granted extensions in the case of illness, circumstances outside their control and compelling academic reasons—which seems to rule out playing sports for an additional year.

“Given the current immigration environment, I do not believe it will be easy to get an extension of F-1 status, even for F-1 student-athletes,” Tom Arkell, an immigration attorney with Husch Blackwell who specializes in athletics, wrote in an email to *Inside Higher Ed*. “I also do not believe [U.S. Citizenship and Immigration Services] will take athletics into account in their decision. However, the athletics department and institution may provide more resources for high profile F-1 student-athlete cases when a revenue generating sport is involved.”

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According to the NCAA's Demographics Dashboard, 4 percent, or about 22,600, of all NCAA athletes are international students; that share is higher (7 percent) among Division I athletes. International athletes often want to play in the U.S., due both to the unique sports culture at U.S. colleges and universities and, more recently, to the policies that allow college athletes to earn money from the use of their name, image and likeness.

But the end of duration of status could mean international students are able to play for one year fewer than their domestic peers.

International student athletes have previously been the target of Republican legislators. This past legislative cycle, Republican state legislators in Idaho and Ohio proposed bills that would have limited the scholarships available to international student athletes, arguing that they take opportunities away from local athletes—though neither was successful.

The four-year cap isn't the only issue that could arise for international student athletes. The new regulation disallows undergraduates from transferring institutions during their first year, which would prevent first-year students in sports

with winter transfer portals, such as football, from changing institutions.

Ben Waxman, CEO of International Education Advantage, an international marketing and recruitment firm, said the new immigration regulations may also conflict with athletes' ability to come to the U.S. ahead of the term for training and practice.

"There are all these different anomalies, like athletes showing up 30 days earlier than others so they can get their training in before the [sports] season starts. I don't think anyone involved in the duration-of-status rule understood that anomaly," he said. "No one's trying to abuse a system by doing that. It only makes sense that [the rule] will have some caveats built into it that aren't there now but will be needed as these special situations show up."

International education experts said they believe the things that draw international athletes to play in the U.S. will remain attractive, sustaining the flow of international athletes coming here to study and compete.

"I believe it is unlikely to discourage F-1 student-athletes from coming to the U.S. because of the allure of a free degree, college life in the U.S., the unrivaled interest in U.S. college sports compared to other countries, and the ability to potentially earn NIL revenue," Arkell said. "It will, however, likely force F-1 student-athletes to make sure they either graduate in four years or have a definitive immigration or departure plan well before the end of their

fourth year, with only a 30-day grace period and the possibility an extension request could be denied.”

Many international Division I and II athletes receive athletic scholarships, so in many cases, the rule change won’t result in a significant loss of revenue for institutions. But for a particularly skilled or popular international athlete, the rule may mean their team and fans have to say goodbye a year earlier than they would for a domestic student athlete.

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