

President-elect Joe Biden's Platform and Statements on Higher Education and Immigration

November 30, 2020

A Biden-Harris administration promises a new direction for many of the immigration issues prioritized by higher education, and higher education associations and institutions largely [welcome](#) the incoming administration. President-Elect Joe Biden has promised that his administration will restore DACA; roll back the immigration priorities and policies of the Trump administration; propose an immigration bill within the first 100 days; and generally approach international students in higher education in a more open fashion, both as they continue their studies and seek to transition into the U.S. workforce. This document provides a brief overview of the incoming administration's policy priorities at the intersection of higher education and immigration, drawing in large part on the immigration platform released during his campaign as well as other sources.

I. DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) & TEMPORARY PROTECTED STATUS (TPS)

President-elect Biden was serving as former President Barack Obama's vice president when the Obama administration [issued](#) the [memorandum](#) implementing Deferred Action for Childhood Arrivals (DACA). Accordingly, Biden has made several promises regarding current DACA recipients and DACA-eligible individuals:

- Biden has [pledged](#) to reinstate DACA, possibly on [day one](#).
- Biden has [pledged](#) to ensure that Dreamers are eligible for federal student aid.
- Biden wants to [offer](#) up to two years of community college for free to Dreamers.
- Biden plans to [invest](#) the equivalent of two year's worth of tuition to Dreamers who attend HBCUs, TCUs, or other under-resourced MSIs.

Additionally, Biden [supports](#) legislative immigration reform that would create a pathway to citizenship for Dreamers and their parents.

With regard to Temporary Protected Status (TPS), Biden has [pledged](#) that his administration will immediately review TPS for nationals of countries currently undergoing upheaval. Biden has promised to [protect](#) current TPS and Deferred Enforced Departure (DED) holders from removal to unsafe countries, and he [supports](#) legislation that would offer a path to citizenship for long-time TPS/DED holders.

II. INTERNATIONAL STUDENTS

President-elect Biden has not spoken extensively about his platform regarding international students. Nevertheless, he has projected a more welcoming stance toward international

students, and several of his proposed policies and stances will directly or indirectly [affect](#) international students in higher education:

- Biden has [promised](#) to repeal the Travel Ban 3.0, which targets individuals from Muslim-majority countries.
- Biden has also [promised](#) to increase the refugee cap.
- Biden has [promised](#) to protect individuals with Temporary Protected Status (TPS) or Deferred Enforced Departure (DED).
- Biden's platform [preserves](#) the Diversity Visa lottery.
- Biden's platform would [exempt](#) PhD graduates in STEM fields from employment-based visa caps.
- Biden wants to [offer](#) doctoral graduates a green card with their degree. Even back during the primary debates, Biden [stated](#), “[A]nybody that crosses the stage . . . with a PhD . . . should get a green card for seven years. We should keep them here.”
- Biden has stressed the importance of [investing](#) in “science and technology” and public research universities.¹

Additionally, Biden [opposed](#) the Trump administration's ICE/SEVP inflexibility for international students in higher education whose institutions were transitioning to online-only courses during COVID-19. Furthermore, Biden seems to support reiterating or reinforcing the [ICE sensitive locations memo](#).

Prof. Stephen Yale-Loehr [stated](#) that a Biden administration could repeal the Department of Education's guidance barring international students from relief under the CARES Act, but he [noted](#) that the sheer volume of the Trump administration's immigration-related regulations will challenge the incoming Biden administration.

III. H-1B VISAS

[Apparently](#) long-satisfied with the H-1B program,² President-elect Biden [tweeted](#) opposition to the current administration's attempts to suspend H-1B, L-1, J, and other temporary work visas during COVID-19, decrying it as a distraction tactic. Prof. Yale-Loehr [stated](#) that Biden could reverse the Trump administration's proposed regulations that would effectively dismantle the H-1B visa program.

Most importantly, Biden's platform [emphasizes](#) how critical international students and high-skilled workers are to the American workforce.³ Biden's platform [includes](#) expanding the number of visas available for high-skilled workers and eliminating the per-country cap.

¹ Pod Save America, *We Got Joe!*, Crooked (Oct. 24, 2020), <https://crooked.com/podcast/joe-biden-pod-save-america-interview/> (“We’re going to invest in science and technology . . . We’re going to continue to invest in . . . research and development.”)

² *Transcript: NPR Democratic Candidates’ Debate*, NPR (Dec. 4, 2007 6:27 PM), <https://www.npr.org/templates/story/story.php?storyId=16898435> (“Look, I have been working with [the H-1B program] for a long time, as former chairman of the Judiciary Committee. That’s where it comes out of. We have it about right now, except that the employers aren’t doing their part.”).

³ *The Biden Plan for Securing Our Values as a Nation of Immigrants*, Joe Biden, <https://joebiden.com/immigration/> (last visited Nov. 20, 2020) (“An immigration system that crowds out high-skilled workers in favor of only entry level wages and skills threatens American innovation and competitiveness.”).

Additionally, Biden wants to work with Congress to [establish](#) a wage-based allocation process and accompanying enforcement mechanism to protect domestic labor markets. We will have to work closely to address concerns from the Biden administration and labor allies that policies to support international students staying and working in the United States (e.g., CPT and OPT) are not opposed due to labor concerns. Thus, it will be critical to see how quickly Biden moves on higher education priorities that may cause friction with labor allies.

IV. OTHER IMMIGRANT STUDENT POPULATIONS

With regard to other immigrant student populations, President-elect Biden is committed to:

- [Reversing](#) the public charge rule,⁴
- [Revitalizing](#) the Task Force on New Americans to support integration,⁵
- [Streamlining](#) the naturalization process,⁶
- [Increasing](#) the refugee admissions cap to 125,000, “[S]et[ting] the annual global refugee admissions cap to 125,000,⁷ and
- [Adjusting](#) the refugee admissions cap in accordance with need.⁸

While Biden’s platform mentions “[rejecting](#) . . . unreasonable fees” for naturalization, his campaign has not made any formal statements regarding the USCIS fee schedule.

⁴ *Id.* (“Allowing immigration officials to make an individual’s ability to receive a visa or gain permanent residency contingent on their use of government services such as SNAP benefits or Medicaid, their household income, and other discriminatory criteria undermines America’s character as land of opportunity that is open and welcoming to all, not just the wealthy.”).

⁵ *Id.* (“Under President Biden, the Task Force on New Americans will once more coordinate federal agencies and resources to provide community support across a range of issues, including language learning, entrepreneurship and financial management, workforce training, and guidance on the naturalization process.”)

⁶ *Id.* (“Biden will restore faith in the citizenship process by removing roadblocks to naturalization and obtaining the right to vote, addressing the application backlog by prioritizing the adjudication workstream and ensuring applications are processed quickly, and rejecting the imposition of unreasonable fees.”)

⁷ *Id.* (“[Biden] will set the annual global refugee admissions cap to 125,000, and seek to raise it over time commensurate with our responsibility, our values, and the unprecedented global need.”)

⁸ *Id.*