

**Email from the Presidents' Alliance to DHS ART Team**

*December 28, 2021*

Dear Ur, Angie, David, and Andrea,

We hope that you enjoyed a moment during the holidays to reflect on and celebrate your many contributions to the hope and possibility that so many are feeling as we anticipate the Biden-Harris administration taking office in January. Although we are certain that your inbox is overflowing, we are writing to thank you again for your valuable time discussing international student and scholar issues with us on December 21 and to provide the **more detailed follow-up as promised, including examples of some sample language for Special Student Relief** that could be published in the Federal Register (see attached).

**Below and attached is a brief written summary of the key requests and recommendations** we discussed during our Monday, 12/21 meeting with you, in the hope that it is helpful for your transition planning. We will also be meeting with Michael Guest with DOS ART on Monday, January 4th. Thank you for suggesting that we reach out to him. If you would like a copy of our DOS recommendations, just let us know and we'll send those along as well.

Please don't hesitate to contact us if we can answer any questions or provide any additional information you may need or find helpful. We very much look forward to working with you and the administration in the new year.

Warm regards,  
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**Overarching 30-day priority for all agencies:**

- I. High Level Messaging on the Importance of Welcoming International Students - Send a welcoming message through immediate policy actions and high-level articulation of the value of international students.**

**Background:**

- Data released in November show that we're continuing to lose our edge in the global competition for talent. Latest State Department/IIE Open Doors report shows that we've just seen new international student enrollment decline for the fourth straight year, which

means our pipeline of talent is at risk. This matters not just because international students make our classrooms more global and diverse but also because they represent an important component of our research agenda, economic well being, and foreign policy agenda.

- International students create jobs and can help us build back better. For every 8 international students we welcome, 3 US jobs are created or supported. According to NAFSA's latest data, they contributed \$38.7 billion & nearly 416,000 jobs to the U.S. economy. But at last count, we had lost more than 42,000 jobs and \$1.8 billion as students chose to study in other countries in the last academic year. NAFSA breaks the data down by [each state and congressional district](#), emphasizing their value to the Hill as well. For example, foreign students brought \$2 billion and more than 25,000 jobs to Pennsylvania.
- They're key to our science and innovation agenda. Our graduate science programs in particular are dependent on the presence of international students and scholars. We need the exchange of people and ideas to ensure we have the science needed to fight the next pandemic or global threat.
- And they help us build relationships with other countries. U.S. national security and foreign policy leaders have often called them our best foreign policy asset.
- Samantha Power recently wrote in [Foreign Affairs](#) that welcoming foreign students back to our universities is one of 3 practical ways Biden's foreign policy strategy can restore U.S. credibility in the world.
- But the problem is that we can no longer assume that students will always come here. We're at an absolutely pivotal moment in the global competition for international students that may very well determine what happens for decades to come.
- Welcoming international students ties to several areas of the Biden administration's agenda- building back our economy, ensuring we have the science needed to fight the next global threat, and repairing our relationships with other countries.

**Recommendation: Articulate the value of international students at the highest levels and send a message that they are welcome to succeed here.**

- President Biden, Vice President Harris, and Secretaries of State, Education, and Homeland Security should regularly and consistently articulate the importance of international students and scholars in the United States and indicate that we want to welcome them here to learn, to create jobs, to drive innovation and research, to enrich our classrooms, to share ideas and culture, and to benefit our local communities.
- Early messaging opportunities include the repeal of the Muslim ban, the Inauguration and State of the Union speeches, other major addresses, and Senate confirmation hearings. We are also happy to arrange opportunities for the administration to speak directly to higher ed. If we can be of any assistance in suggesting talking points for the administration, we would of course be delighted to assist. We will work with the Hill to request questions that focus on the importance of international students.
- We need both welcoming messaging and important policy changes.

## **II. DHS - First 30 day Priorities:**

### **A. Top 4 Priorities**

- These priorities fall into actions needed to reaffirm long standing policies that have been threatened by the Trump administration, reverse harmful policy decisions, and restore necessary systems and processes so that students know we will once again be welcoming them,
- Below are 4 priorities that need to happen immediately, within the first 30 days, to send a positive signal to international students abroad who are considering studying in the U.S. next fall. It's application season and soon will be decision time.

### 1. Reaffirm Duration of Status

It is vital that we increase the number and diversity of international students and make it as welcoming an opportunity as possible.

**Recommendation: Rescind Fixed Period of Status Regulation to Restore Duration of Status.** Direct DHS not to finalize the proposed rule: *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*. Or, if finalized before the inauguration, work with the higher education and international education communities as DHS engages in subsequent rulemaking to fully rescind the rule. If it's finalized, the higher education community would pursue litigation.

### 2. Reaffirm Optional Practical Training (OPT)

- International students' interest in studying in the U.S. are also related to the practical training they might be able to get at a company in addition to what they learn at their higher education institutions.
- The messaging during the Trump administration has made people question whether OPT would continue to exist, which sends a chilling message abroad.

**Recommendation: Affirm importance and legality of OPT and STEM OPT - it is critical to our appeal to potential international students.** To affirm the importance of international students overall, top leaders in DHS and/or the White House should send a clear message that we welcome and value international students here to be part of our campuses and communities, to conduct research, and to work here. Affirm that we will ensure they can gain practical hands-on work experience to complement what they learn in the classroom.

### 3. If Trump administration rule is finalized, ensure H-1B opportunities at higher education institutions

- Higher education institutions are also employers.
- There's a court ruling that gives some relief but that could be undone in the last days of the Trump administration if they issue a final rule.

**Recommendation: Rescind H-1B Regulations.** Direct DHS and USCIS to rescind (or to not publish if not finalized) the following rules: (a) Strengthening the H-1B Nonimmigrant Visa Classification Program (October 8, 2020); and (b) Modification of Registration Requirement for Petitioners Seeking To File Cap-Subject H-1B Petitions (November 2, 2020). If finalized, direct agencies to settle litigation and engage in subsequent rulemaking to fully rescind the rule.

### 4. Ensure adjudication/processing through adequate funding for USCIS/restoration of staffing

- Over the past four years, we saw increases to the fees for students applying for OPT but also a slowdown in the processing.
- Students can't apply for OPT until they are 3 months from their start date, resulting in delayed start times, lost opportunities, or undesired returns to their home countries.

**Recommendation: Ensure adequate funding and staff aid for USCIS so we can return to adequate processing times for international students.**

### III. DHS - First 100 day priorities:

#### 1. Restoration of Homeland Security Academic Advisory Council, with adequate representation from the diversity of higher education stakeholders and relevant agencies to ensure better coordination

- Established in 2012 to give DHS and higher education a forum to discuss areas of mutual concern. It waned, and then was reconstituted in 2018 for more K-12 issues and less on the international aspects as it was used at its founding

**Recommendation:** Reconstitute HSAAC as an important forum to discuss issues like cyber security, foreign influence, attracting talent, etc. The Council has also been an important place in the past to include Historically Black Colleges and Universities (HBCUs), Minority-Serving Institutions (MSIs) and Tribal Colleges and Universities (TCUs).

#### 2. Protect vulnerable populations through Special student relief (SSR)

- Students need certainty and flexibility - flexibility related to full course load, online course load, how much they can work, when they can work, etc.

**Recommendation:** The Secretary should publish a Special Student Relief notice in the Federal Register. This would alleviate hardships and build back trust, showing a change in attitude from what we've had for the past four years. **See attached summary with details on this request for SSR. If there is interest, we are happy to assist in providing specific suggested language for the Federal Register.**

#### 3. ICE SEVP - Expand Online Enrollment Flexibility

- One of the ways COVID has impacted campuses has been the longstanding strict limitations on international students being only allowed to take one course online per semester.
- After a concerted advocacy effort by the higher education community, DHS has said that international students should "continue to abide" by emergency pandemic guidance that allows them to take all or some of their courses online.
- Why this matters: without guidance allowing this, a large number of international students still in the U.S. during the pandemic would have to take classes in person or leave - neither tenable as cases rise.
- But what DHS hasn't done is allow new in'tl students - those who weren't already enrolled when the virus began in March, but have since enrolled in the fall. If their courses are online, they aren't allowed to enter. This is a problem for programs with students living in different time zones and those with unstable

internet; it particularly disadvantages those students from underrepresented parts of the world.

**Recommendations: Direct Immigration and Customs Enforcement (ICE) to update its guidance.** Include Frequently Asked Questions for SEVP Stakeholders about COVID-19 (August 7, 2020) guidance (and any related or supplementary interagency guidance) to explicitly allow initial international students to enter the United States when enrolled in online-only courses in response to COVID-19 (as opposed to currently only allowing students enrolled in hybrid courses to enter); and to make it clear that online learning should be valued the same as in-person learning, and **Direct U.S. Customs and Border Patrol (CBP) to successfully and correctly implement existing and new guidance.**

## **Organizational Recommendations for the Incoming Administration**

AAU [Recommendations](#) to President-elect Biden

ACE, Higher Education Community Transition [Letter](#)

APLU [Policy Considerations](#) for President-Elect Joseph R. Biden

NAFSA [Recommendations](#) for the Biden-Harris Administration

Presidents' Alliance, Executive and Administrative Immigration and Higher Education [Actions](#)

WES, [Pathways](#) for an Equitable and Inclusive Recovery for Immigrants, Refugees, and International Students

[Special Student Relief](#) - Recommendations for DHS and DOS to issue a Federal Register notice granting relief to international students and exchange visitors during the pandemic.

## **Additional Resources**

[How Openness to International Students could Help Biden Send a Strong Signal](#), Karin Fischer

[The Can-Do Power: America's Advantage and Biden's Chance](#), Samantha Power

[U.S. Secretary of State Condoleezza Rice Cable](#) Allowing Consular Discretion

## **Participants in 12/21/2020 meeting:**

### **American Council on Education (ACE)**

Sarah Spreitzer, Director, Government Relations

### **Association of American Universities (AAU)**

Meredith Asbury, Policy Officer

Lizbet Boroughs, Associate Vice President for Federal Relations

### **Association of Public & Land-grant Universities (APLU)**

Craig Lindwarm, Vice President, Governmental Affairs

### **NAFSA: Association of International Educators**

Jill Allen Murray, Deputy Executive Director, Public Policy

Heather Stewart, Counsel and Director of Immigration Policy, Public Policy

### **Presidents' Alliance on Higher Education and Immigration**

Miriam Feldblum, Executive Director

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Jill Welch, Senior Advisor

## **Presidents' Alliance on Higher Education & Immigration Legal Advisory Committee (LAC)**

Kelli Duehning, Partner, Berry, Appleman, and Leiden, LLC

Dan Berger, Partner, Curran, Berger, & Kludt Immigration Law

## **World Education Services (WES)**

Jacki Esposito, Director of U.S. Policy and Advocacy

Fatima Sanz, Policy Strategist

## **American Council on Education (ACE)**

The American Council on Education (ACE) is the major coordinating body for American higher education. Its more than 1,700 members reflect the extraordinary breadth and contributions of four-year, two-year, public and private colleges and universities. ACE members educate two out of every three students in accredited, degree-granting U.S. institutions.

## **Association of American Universities (AAU)**

Founded in 1900, the Association of American Universities is composed of [America's leading research universities](#). AAU's 65 research universities transform lives through education, research, and innovation. Our member universities earn the majority of competitively awarded federal funding for research that improves public health, seeks to address national challenges, and contributes significantly to our economic strength, while educating and training tomorrow's visionary leaders and innovators. AAU member universities collectively help shape policy for higher education, science, and innovation; promote best practices in undergraduate and graduate education, and strengthen the contributions of leading research universities to American society.

## **Association of Public and Land-grant Universities (APLU)**

The Association of Public and Land-grant Universities (APLU) is a research, policy, and advocacy organization dedicated to strengthening and advancing the work of public universities. With a membership of 246 public research universities, land-grant institutions, state university systems, and affiliated organizations, APLU's agenda is built on the three pillars of increasing degree completion and academic success, advancing scientific research, and expanding engagement. Annually, its 202 U.S. member campuses enroll 4.2 million undergraduates and 1.2 million graduate students, award 1.2 million degrees, employ 1.1 million faculty and staff, and conduct \$46.8 billion in university-based research.

**NAFSA: Association of International Educators** is the world's largest nonprofit association dedicated to international education and exchange with 10,000 members located at more than 3,500 institutions worldwide, in over 150 countries. Members of NAFSA share a belief that international education advances peace, learning and scholarship, builds respect among different peoples, and encourages constructive leadership in a global community.

## **Presidents' Alliance on Higher Education and Immigration**

The non-partisan, nonprofit [Presidents' Alliance on Higher Education and Immigration](#) brings college and university presidents and chancellors together on the immigration issues that impact higher education, our students, campuses, communities and nation. We work to advance just immigration policies and practices at the federal, state, and campus level that are consistent with our heritage as a 'nation of immigrants' and the academic values of equity and openness. The Alliance is composed of over 500 presidents and chancellors of public and private colleges and universities, enrolling over five million students in 42 states, D.C., and Puerto Rico.

**World Education Services, Inc. (WES)**

Founded in 1974, [World Education Services](#) Inc. (WES) is a non-profit social enterprise dedicated to helping international students, immigrants, and refugees achieve their educational and workplace goals in the United States and Canada. Over more than 45 years, WES has provided credential evaluations to nearly three million individuals from around the globe. These evaluations are widely recognized by more than 2,500 educational, business, and governmental institutions throughout the U.S. and Canada.