Delivered electronically

February 1, 2021

The Honorable Antony Blinken
U.S. Department of State
Office of the Secretary
Room 7226
Harry S. Truman Building
2201 C Street, NW
Washington, D.C. 20520

Dear Secretary Blinken:

On behalf of the Presidents’ Alliance on Higher Education and Immigration, we write to congratulate you on your confirmation as Secretary of State. We are delighted that you will be leading the implementation of our nation’s foreign policy agenda and are eager to work with you and your team to restore one of our greatest foreign policy assets: welcoming international students and scholars seeking higher education opportunities. We applaud the Executive Actions taken by President Biden so far to rescind the travel bans, protect and fortify DACA, and commit to diversity and equity.

We wish to bring to your attention urgent matters of concern to our alliance of over 500 college and university leaders throughout the United States. The below issues are most urgent and time-sensitive in impacting our ability to support our international students and scholars in our communities. Additional details on these issues are provided in Appendices A and B which follow:

• Given your personal appreciation for the role that people-to-people exchanges play in helping to secure America’s future, we urge you to build on the early executive actions to demonstrate a more welcoming environment in the United States for potential friends and allies around the world. In particular, we recommend articulating at the highest levels of government the value of international students to send a message that they are welcome to succeed here.

• Improve and expedite consular processing for student and exchange visitor visas.

• Reissue FAM guidance and issue guidance similar to the Rice cable to clarify that consular officers should determine nonimmigrant status based on the prospective student’s bona fides, not potential future plans.

• Support immigration legislation that provides a more welcoming environment for international students and scholars.

• As has been done in the past during emergent circumstances, we urge the U.S. Department of Homeland Security (DHS) and the U.S. Department of State to issue a Federal Register Notice immediately granting Special Student Relief, particularly in light of COVID-19; we will gladly provide technical assistance in support of this request. We provide sample Special Student Relief templates in Appendix B: Special Student Relief (SSR) Notice Follow Up. The SSR package would address the reality that international students and exchange visitors are facing severe economic hardship; that work authorization processing has been severely delayed; that some schools and exchange programs may have to cancel...
classes or move to fully online learning, necessitating a solution for initial international students seeking admission to the United States; and that students may need to temporarily drop below a full course of study or engage in employment beyond the normal 20-hour limit on both on- and off-campus employment.

The nonpartisan, nonprofit Presidents’ Alliance on Higher Education and Immigration brings college and university presidents and chancellors together on the immigration issues that impact 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 43 states, D.C., and Puerto Rico.

We thank the new administration for its recent actions to affirm the importance of immigrant and international populations in the United States and for your continued partnership with the various universities and colleges in the United States. We hope we can find the right balance of flexibility in this space to ensure all students pursuing a higher education during this pandemic can continue to meet the goals of rebuilding a strong economy, re-engaging with our allies around the world, contributing to economic innovation, and obtaining a cutting-edge education.

If you have any questions regarding these priorities and requests, please contact Jose Magaña-Salgado at jose@presidentsalliance.org or (480) 678-0040. We stand ready and eager to support you and your team with further details on all of these priorities above.

Sincerely,

Miriam Feldblum
Executive Director

presidentsalliance.org | @PresImmAlliance | Washington, D.C.
Appendix A: 30-Day and 100-Day Priorities

First 30-Day Priorities:

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. The 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 that our pipeline of talent is at risk. This matters not only 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 U.S. 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. However, 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 depend upon 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.
- 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 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.
- 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.
- We need both welcoming messaging and important policy changes.
- The Biden-Harris administration should designate a lead at the White House to coordinate agencies in order to leverage the foreign policy, economic, and educational potential of international education. President Clinton’s April 2000 Executive Memorandum provides a useful model.
II. Top Priority — Improve and expedite consular processing for F-1 and J-1 visas.

Recommendations:

1. Ensure adequate funding for timely and transparent consular processing.
   - **Restore a Three-Week Goal for Visa Interview Appointments.**
     Executive Order 13802 [82 FR 28747 (June 26, 2017)], signed by President Trump on June 21, 2017, deleted section 2(b)(ii) of President Obama’s Executive Order 13597 of January 19, 2012, which had directed DOS and DHS to “ensure that 80 percent of nonimmigrant visa applicants are interviewed within 3 weeks of receipt of application.” The 3-week goal should be restored.

2. Return to DC-based visa renewal processing and other thoughtful efficiencies to help clear the backlog and ensure funding.
   - DOS should reinstate its prior practice of visa reissuance at its D.C. office in Washington, D.C., rather than requiring nonimmigrants to travel to consulates abroad to renew their visas.
   - Until 2004, DOS’s nonimmigrants admitted with C, E, H, I, L, O, and P visas could get their temporary visas reissued when they expired by mailing their passports to the DOS main office in Washington, D.C. DOS discontinued this policy in 2004 because Congress required U.S. visas to contain biometric identifiers, and DOS stated that it was “not feasible for the Department to collect the biometric identifiers in the United States” at that time. Nonetheless, DOS continued to provide visa reissuance for A, G, and NATO nonimmigrants.
   - This decision forced many nonimmigrants already approved to work in the United States to travel to U.S. consulates abroad to receive a visa enabling them to travel internationally and created a surge of demand for consular services across the border in Canada. Having to travel overseas to renew a visa involves significant costs related to work disruption, travel costs, and introducing more uncertainty in the outcome. Domestic visa reissuance would avoid those costs, reduce the uncertainties, and reduce the workload at U.S. consular posts overseas. Additionally, it would bring needed revenue to DOS at a time when many consulates are closed or have limited capacity to issue visas because of the coronavirus pandemic. Furthermore, making nonimmigrants leave the U.S. to get a visa overseas in countries that have virus outbreaks isn’t safe for them or for U.S. citizens upon their return. Domestic processing may also help protect the health of consular staff by limiting travel and visa interviews. DOS needs to do something now so that students can be on campus by the fall.
   - In 2008, a DHS advisory committee recommended restarting the visa reissuance policy for the E, H, I, L, O, and P nonimmigrant visa categories and expanding it to include F and J nonimmigrants, noting that “numerous options exist for taking fingerprints domestically” if necessary and arguing that a “convincing business and security case has not been made for the continued suspension.” Security is not a real concern for most visa reissuance cases since DOS vetted the applicants when they received their original visa.
   - DOS should resume visa reissuance in the United States for, at a minimum, the same categories it had previously allowed it for. This could be accomplished without amending its regulations, which already allow for reissuance in the United States for E, H, I, L, O, and P nonimmigrants.

3. Reinstate the visa renewal interview waiver program.
   - A January 19, 2012, Executive Order signed by President Obama created the interview waiver program for certain visa holders pursuant to 8 U.S.C. § 1202(h). In 2015,
President Obama issued a final rule in the Federal Register clarifying DOS’s authority to waive interviews for visa holders. However, in 2017 the Trump administration ended the interview waiver program via executive order. Although the Trump administration suspended the interview waiver program, consular officials still retained discretion to waive interviews based on emergent circumstances pursuant to 8 U.S.C. § 1202(h), and in August of 2020, the Department of State announced a temporary expansion of that discretion to waive visa interviews under 22 C.F.R. § 102(b)(3) in response to consular office closures due to the pandemic. On December 29, 2020, the administration extended temporary interview waivers for eligible visa holders until March 31, 2021.

- That provision allows consular officers to waive the in-person interview requirement for individuals applying to renew a visa in the same visa classification and category if not more than 12 months have passed since the prior visa expired. We urge the Biden-Harris administration to not only extend the temporary interview waivers beyond March, but also to permanently reinstate the Visa Interview Waiver program that existed between 2012 and 2017 (12-48 Months after Expiry), as had been set forth in 9 FAM 403.5-4(A)(3) prior to its being eliminated by Section 9(a) of Executive Order 13780 of March 6, 2017.

4. Protect vulnerable students and exchange visitors through Special Student Relief (SSR). The Bureau of Education and Cultural Affairs at DOS should work with DHS to issue a notice in the Federal Register suspending certain requirements relating to employment and course load for J-1 students.

- ECA has the authority to suspend or alter rules for J-1 students regarding duration of status, full course of study, and employment eligibility for specific groups of students from parts of the world that are experiencing emergent circumstances. To bring urgently needed relief to international students and exchange visitors, we urge DOS to issue a notice in the Federal Register suspending certain requirements relating to employment and course load requirements for J-1 students.

- DOS has the authority to publish such a notice as a result of the adverse impacts of the coronavirus pandemic and global economic downturn affecting J-1 students. We have raised our concerns for students facing economic hardship with DHS and have asked them to take similar action for F-1 visa holders by publishing a notice of special student relief in the Federal Register suspending certain regulations relating to course load and employment requirements. DOS has similar authority under 22 C.F.R. § 62.23 to allow for more flexibility in employment and course load requirements for J-1 students. There is precedent: DOS has taken these steps in the past, including in June 1998 in response to the Asian economic crisis (63 FR 34276) and in June 2011 for Libyan students due to the civil war (76 FR 33993). See Appendix B for more details.

First 100-day Priorities:

1. Welcoming Message — Focus on implementing international student strategy. See recommendation under messaging above.

2. Restore the Homeland Security Academic Advisory Council with adequate representation from the diversity of higher education stakeholders and relevant agencies, including the Department of State, to ensure better coordination.

The HSAAC was 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: Urge DHS to reconstitute Homeland Security Academic Advisory Council (HSAAC) as an important forum to discuss issues like cyber security, foreign influence, cyber security, foreign influence,
attracting talent, etc., and ensure U.S. State Department active participation in the Council. 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).

3. In support of the update to the Foreign Affairs Manual, issue a new cable similar to the Rice cable. The update would clarify that consular officers should determine nonimmigrant status based on the prospective student’s bona fides (as a student), and not potential future plans.
APPENDIX B: Special Student Relief (SSR) Notice Follow Up

The Ask: We ask DHS and DOS to publish a Special Student Relief (SSR) notice in the Federal Register.

Summary of the Special Student Relief (SSR) Notice
The Department of Homeland Security (DHS) and Department of State (DOS) should exercise discretion to allow flexibility for international students and exchange visitors who are impacted by the global pandemic (COVID-19) and current requirements relating to: maintaining status, employment, and course load. When adjudicating benefit requests and status determinations for our prospective and current international students, they should be held harmless for reasonable responses to this pandemic, which is affecting conditions in countries around the world. What higher education and international students and exchange visitors need is more of a whole-of-government approach that provides relief to international students, scholars, researchers and others holding nonimmigrant visas—a goal that could be accomplished through the SSR.

We would be happy to assist in drafting specific language for the Federal Register notice for the SSR. Here are the broad strokes of what it should include for international students and exchange visitors (F-1s and J-1s):

- Permission to take online courses without losing immigration status and that counts toward OPT/CPT eligibility.
- Permission to legally remain in the United States as long as students are making progress toward their program or degree and allowance for a temporary drop below a full course load.
- Permission to engage in on-campus and off-campus employment as needed.
- Flexibility in Optional Practical Training due to processing delays, including conditional approvals and extensions; improved communication; and avoiding penalties.
- Stopping the clock that requires students to secure employment within 90-days or lose their Optional Practical Training (OPT) benefit and be forced to leave the United States.

The SSR package would address the reality that international students and exchange visitors are facing severe economic hardship; that some schools and exchange programs may have to cancel classes or move to fully online learning; and that students may need to temporarily drop below a full course of study or engage in employment beyond the normal 20-hour limit on both on- and off-campus employment. Students living in different time zones or with unreliable internet should be allowed to travel to the United States—once travel is permitted—to pursue their programs online when needed without risking violation of their immigration status. To date, we appreciate recent DHS guidance regarding visa and immigration policy and processes for international students and exchange visitors, specifically the Student Exchange Visitor Program (SEVP) guidance regarding the transition to online courses and its impact on international students; however, we request that the flexibility to engage in online learning be extended to initial (new) students as well.

Background for Issuing the SSR.
Regulations allow DHS to suspend or alter rules regarding duration of status, full course of study, and employment eligibility for international students facing extreme hardship as a result of emergent circumstances in the U.S. or occurring in students’ countries of origin. Notably, in 2005, DHS issued a Federal Register notice temporarily suspending certain regulations relating to on-campus and off-campus employment and course load requirements for international students impacted by Hurricane Katrina, and there have been numerous other examples, including the Asian Financial Crisis of 1998 (cited below). DOS has also twice acted to publish SSR notices for exchange visitors. Higher education institutions have extensive emergency and
contingency plans for natural and other disasters, including the pandemic, and they are implementing measures to mitigate the spread of COVID-19 to protect the health and safety of their communities. Typical measures include temporary closures, telework and distance education policies, etc.

The impact of the current global pandemic on international students and exchange visitors has not yet received enough attention. In addition to navigating public health and safety restrictions, students and exchange visitors are facing economic hardship. They must make decisions that are best for the health and wellbeing for themselves and their families, but without SSR, they risk violating their status. Many of the regulations governing maintenance of immigration status, course load requirements, and employment eligibility for students and exchange visitors simply do not provide enough flexibility to accommodate for the emergent circumstances of the pandemic and global economic downturn affecting the U.S. and countries around the world.

**Additional resources:**
https://www.nafsa.org/professional-resources/browse-by-interest/special-student-relief-f-1-students-essential-concepts.

**Citations.** Regulations allow DHS to suspend or alter rules regarding duration of status, full course of study, and on-campus and off-campus employment, for specific groups of F-1 students affected by emergent circumstances. This collection of benefits is known as “special student relief.” See 63 Fed. Reg. 31,872 (June 10, 1998), amending the Code of Federal Regulations governing F-1 duration of status at 8 CFR § 214.2 (f)(5)(v), full course of study at 8 C.F.R. § 214.2(f)(6)(i)(F), and employment eligibility at 8 C.F.R. § 214.2(f)(9)(i), (ii).

The regulatory provisions are generic and are activated only when DHS makes a finding of emergent circumstances and publishes a notice in the Federal Register to define the specifics of what is to be suspended, for whom, and the procedures for how to apply for any benefits that result from the suspension. DHS has not yet provided Special Student Relief for students impacted by COVID-19.

**Examples of past SSR.** The NAFSA SSR webpage lists various instances of SSR including Asian Economic Crisis of 1998, Hurricane Katrina, Haiti (extended numerous times starting in 2010 and ending in 2017), Libya, Syria (extended numerous times starting in 2012 and ending in 2019), and the Republic of Nepal (starting in 2015 and ending in 2019 after extension).

**Terminology.** We suggest using the term “international students and exchange visitors” when publicly communicating about this group of individuals covered by the legal term “foreign student” (F-1s) and “exchange visitor” (J-1s).