

PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

Transmitted electronically

February 9, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Nebraska Avenue Complex
3801 Nebraska Avenue, NW
Washington, D.C. 20395

RE: RECOMMENDATIONS ON DOMESTIC IMMIGRANT AND INTERNATIONAL STUDENTS

Dear Secretary Mayorkas:

On behalf of the Presidents' Alliance on Higher Education and Immigration, we write to [congratulate you](#) on your confirmation as Secretary of the U.S. Department of Homeland Security (DHS) and provide policy, regulatory, and guidance recommendations in the areas of domestic immigrant students and international students and scholars. We have immense confidence in your leadership to protect our nation from threats; manage our borders; oversee the just implementation of our immigration laws; and improve our readiness, response to, and recovery from disasters. We commend the administration's various [Executive Actions](#) on rescinding the travel bans, protecting and fortifying Deferred Action for Childhood Arrivals (DACA), committing to diversity and equity, and reviewing and reducing barriers to the legal immigration system. We also applaud the administration's decision to pause and review all pending rules, regulations, and guidance. We are particularly eager to work with you and your team to better ensure humane, timely, accurate, and fair implementation of our immigration laws for immigrant and international students; including employment authorization documents and protection from deportation for undocumented students; access to U.S. colleges and universities for refugee students; and a robust national strategy for recruitment and retention of international students and scholars.

Prior to your confirmation, we shared with the Agency Review Team [our recommendations for 30- and 100-day priorities](#) for the Biden administration to ensure that our nation both remains secure and benefits from the talent of immigrants. We wish to highlight some of the most important priorities impacting our ability to support our immigrant and international students and scholars; and look forward to working with you and your staff in the near future to implement the recommendations in this letter.

I. Recommendations for Domestic Immigrant Students

On December 21, 2020, we sent a letter outlining our comprehensive recommendations to expand DACA, including various guidance, standard operating procedure, FAQ, and other recommendations. Of note, these recommendations outlined how to functionally expand eligibility for DACA without altering the terms of

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the 2012 memorandum. These recommendations touched on issues related to adjudication, financial assistance, biometrics, renewals, expunged convictions, advance parole, parole-in-place, and more. We reiterate the recommendations in this letter and strongly urge you to direct DHS to implement these changes and to collaborate with other agencies on those recommendations not enshrined within DHS's purview.

II. Recommendations for International Students and Scholars

Below, we provide our recommendations in support of international students and scholars, with an eye towards updating regulations, guidance, and policy in such a way that DHS lays the foundation for an international student recruitment and retention strategy.

A. Public Commitment to International Students and Scholars

We urge DHS, through official statements, social media, engagements, and speeches, to publicly and clearly affirm the importance of welcoming international students and scholars to our campuses and communities. This communications strategy should also commit to developing and implement policies that enhance, rather than hinder, our ability to recruit, support and retain these talented individuals, particularly as we continue to face [increasing global competition](#) from other countries with coordinated strategies.

B. Withdrawal of Regulation That Would Eliminate Duration of Status

We strongly urge DHS to withdraw the Trump administration's proposed rule to limit authorized periods of admission and stay for international students and exchange visitors: [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](#) (DHS Docket No. ICEB-2019-0006). As the more than 30,000 comments opposing the proposed rule illustrated, this rule adds no demonstrable value to the security or integrity of the Student and Exchange Visitor Program (SEVP) and will cause significant damage to our ability to recruit talented students and scholars.

C. Withdrawal of H-1B Wage Rule

We urge DHS and Congress to be mindful of the potential unintended impact of H-1B regulations that would disadvantage early career professionals, particularly international students attending our colleges and universities. We commend the administration's decision to postpone the implementation of the H-1B lottery rule issued by the Trump administration, [Modification of Registration Requirement for Petitioners Seeking To File Cap-Subject H-1B Petitions](#), and encourage you to indefinitely postpone implementation of the rule or engage in rulemaking to rescind the proposed rule. We believe that the U.S. Department of Labor currently has the authority to investigate abuses of the H-1B program and should use its full authority to ensure that recruitment searches are fairly conducted in the United States, in lieu of setting up a wage prioritization scheme that would make it impossible for early career professionals to compete for limited numbers of visas.

D. Issue Special Student Relief Notice (SSR)

As has been done in the past during emergent circumstances, we urge DHS to issue a Federal Register Notice as soon as possible granting Special Student Relief. 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. We further urge the Department to update its guidance to schools to [allow](#)

[flexibility for initial international students to be admitted to the United States](#) to enroll in classes online during the pandemic. This recommendation, and others related to international students, was recently shared with U.S. Immigration and Customs Enforcement in a February 5, 2021 letter.

E. Strengthen and Reaffirm Optional Practical Training (OPT)

We ask that you review the recommendations that we transmitted to the previous administration on June 4, 2020 on OPT. These recommendations asked the administration to reaffirm the importance and value of OPT by not issuing regulations, guidance, or Executive Orders that would narrow or abridge the scope of OPT. Furthermore, in the June 4, 2020 letter, we outlined the key economic benefits of OPT students, especially those in the STEM field; and the consequences on our nation's economic prosperity of undermining or limiting OPT.

In addition, we ask that, due to the delays caused by COVID-19 in receipting and adjudicating OPT work authorization applications, we ask that you extend flexibility to OPT applicants, as outlined in the letter submitted by the American Council on Education on behalf of thirty-nine higher education associations on January 26, 2021. We also encourage DHS to explore the option of allowing students to apply for OPT if they are enrolled from abroad and update the I-765 instructions accordingly, as there is no statutory prohibition of this practice.

F. Reconstitute the Homeland Security Academic Advisory Council (HSAAC)

The HSAAC provided significant value to DHS as it provided higher education a venue to share best practices, recommendations, and other policy change suggestions at the intersection of higher education and immigration (especially in regard to international students). Unfortunately, the work of the council related to higher education has been put aside during the past four years. We recommend that DHS resume regular meetings of the HSAAC with an eye towards engaging the higher education community, particularly those representing diverse constituencies, to consider recommendations and best practices to support our recruitment and retention of international students and scholars.

We hope we can find the right mix 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, 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 on domestic immigrant student issues; and Jill Welch at jill@presidentsalliance.org on international student and scholar issues. We stand ready and eager to support you and your team with further details on all of these priorities above; and hope that you will call on us.

Sincerely,



Miriam Feldblum