

PRESIDENTS' | **ON HIGHER EDUCATION
ALLIANCE AND IMMIGRATION**

Statement for the Record of

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For a Markup of the House Committee on the Judiciary

**H.R. 1333, National Origin-Based Antidiscrimination for Nonimmigrants
(NO BAN) Act**

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I. INTRODUCTION

The Presidents' Alliance on Higher Education and Immigration (Presidents' Alliance) strongly opposed the previous administration's expansion of the travel ban and previous travel bans. Under the expanded travel ban, certain visa holders from Eritrea, Kyrgyzstan, Myanmar, Nigeria, Sudan, and Tanzania were prohibited from entering the United States—in addition to the previous proclamation banning some or all immigrants from Iran, Libya, North Korea, Somalia, Syria, Yemen, and Venezuela. Both the travel ban and its expansion represented an affront to our nation's principles and the core values of our nation's higher education institutions, and we strongly supported President Joseph R. Biden's executive order reversing these discriminatory travel bans.

The non-partisan Presidents' Alliance brings together college and university leaders committed to increasing public understanding of how immigration policies and practices impact our students, campuses, and communities; supporting policies that create a welcoming environment for immigrant, undocumented, and international students on our campuses; and identifying and sharing best practices.¹ The Presidents' Alliance is composed of over 500 presidents and chancellors of public and private colleges and universities, enrolling over five million students in 43 states, the District of Columbia, and Puerto Rico.

Under these travel bans, the banning of certain nonimmigrants and immigrants from affected countries sent a harsh, unwelcoming message; discouraged and chilled international students and scholars from coming to our country; and undermined our nation's ability to fully attract and retain international talent. While the travel bans did not explicitly bar international students (with the exception of suspending all nonimmigrants from Syria and North Korea), anecdotal reports during the previous administration indicated that international students from the banned countries experienced “enhanced screening and vetting requirements” and turnaways at the border at greater rates, implicating higher education. Moreover, these bans affected the families of many students, faculty, and staff on our campuses, preventing them from joining loved ones in the United States. Our campuses, academic programs, and co-curricular engagement are intellectually and culturally richer because of international visitors, students, staff, faculty, and their families.

Previously introduced in 2019,² the National Origin-Based Antidiscrimination for Nonimmigrants (NO BAN) Act (H.R. 1333) would expand section 202(a)(1)(A) of the Immigration and Nationality Act (INA), also known as the nondiscrimination provision, to include nonimmigrant visas and to prohibit discrimination on the basis of religion.³ The bill would also impose limitations on the President's power to restrict the entry of certain classes of noncitizens into the United States and implement certain reporting

¹ *Founding Statement*, Presidents' All. on Higher Educ. & Immigr., <https://www.presidentsalliance.org/statement/> (last accessed Apr. 12, 2021).

² H.R. 2214, 116th Cong. (2019).

³ For the full text of the House bill, see <https://www.congress.gov/bill/117th-congress/house-bill/1333/text>.

requirements. The Presidents’ Alliance expressed our qualified support for the 2019 version of the bill, and we expect to do so for the current version of the bill as well.⁴

II. IMPACT OF BANS ON INTERNATIONAL STUDENTS AND SCHOLARS

The NO BAN Act is a carefully crafted compromise that preserves the President’s ability to protect the nation in time of emergency and for legitimate foreign policy objectives, while restricting any President from acting in a discriminatory and excessive manner that undermines national security, economic prosperity, educational opportunity, and long-standing immigration laws developed by Congress.

This is especially important given the significant number of international students whose countries of origin have been targeted by past travel bans. Over 37,000 international students from the thirteen previously banned countries were studying in the United States during the 2019–20 academic year.⁵ These tens of thousands of students are directly or indirectly impacted by the travel bans—not counting the faculty and staff members in the United States who hail from these affected countries, or who have family members from these affected countries. The NO BAN Act would offer them and their families reprieve.

<i>Country of Origin⁶</i>	<i>Students Affected⁷</i>
Nigeria	13,762
Sudan	318
Tanzania	859
Eritrea	81
Myanmar	1,828
Kyrgyzstan	357
Venezuela	6,855
Iran	11,451
Libya	720
North Korea	1
Somalia	68
Syria	463
Yemen	320
Total	37,083

⁴ Letter from Steering Committee, Presidents’ All. on Higher Educ. & Immigr., to U.S. Cong. (Mar. 4, 2020), available at

<https://www.presidentsalliance.org/steering-committee-letter-to-congress-supporting-no-ban-act/>.

⁵ *All Places of Origin*, Open Doors,

<https://opendoorsdata.org/data/international-students/all-places-of-origin/> (last visited Apr. 12, 2021).

⁶ *Id.*

⁷ During the 2019–20 school year.

These tens of thousands of international students add tremendous value to our economy. NAFSA developed an online tool to calculate the economic benefits of international students by state and congressional district, including the overall financial contribution of students, jobs supported, and international students enrolled.⁸ According to the NAFSA economic tool, the economic contributions of international students from the countries targeted by the expanded travel ban total approximately \$1.3 billion as well as 14,360 jobs.⁹

The previous administration's travel bans needlessly undermined the academic and economic contributions of those affected and deprived our campuses of important diverse perspectives. Any such ban implemented by a future administration would cause significant disruption to immigrants; separate these individuals from their families and loved ones; and do nothing to improve the safety of our nation or wellbeing of our populace. Immigrants, visiting scholars, and international students' presence enhances, and does not hurt, the academic, cultural, and economic character of our nation. Broad, discriminatory bans affect current and prospective students, staff, faculty, academic visitors, and their families and enact barriers for individuals from affected countries who depart the United States and seek to return.

III. CONCLUSION

The United States' academic life's richness derives largely from the diversity of backgrounds, ideas, and experiences in colleges and universities. International students add value both to our campuses and to our economy. The harmful impacts of the previous travel bans have lasting effects on students, scholars, staff, and their families on campuses across the country. The recent rescission of the previous administration's travel bans has mitigated the damages already wrought by previous bans, and the NO BAN Act will prevent future injuries from occurring, enabling our colleges and universities to thrive as they are better able to draw in and retain talent from around the world.

⁸ *Economic Value Statistics*, Nat'l Ass'n for Foreign Student Affairs, <https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2> (last visited Apr. 12, 2021).

⁹ *See id.*