

PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

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April 28, 2021

United States Senate
Washington, D.C. 20510

United States House of Representatives
Washington, D.C. 20515

RE: PRESIDENTS' ALLIANCE STEERING COMMITTEE VOTE RECOMMENDATION IN SUPPORT OF THE U.S. CITIZENSHIP ACT OF 2021

Dear Member of Congress:

On behalf of the Presidents' Alliance on Higher Education and Immigration, we write to express our full support of the U.S. Citizenship Act of 2021, introduced by Senator Robert Menendez (D-NJ) in the Senate and Representative Linda Sánchez (D-CA) in the House, and urge you to cosponsor and vote in support of this vital legislation. With its comprehensive and long-awaited reforms, this act is a welcome and much needed step toward modernizing our nation's immigration laws.

As leaders in higher education, we witness daily the tremendous contributions of immigrant, refugee, and international students and scholars to our campuses and communities. We are in strong support of the provisions that provide a path to citizenship for the long-term undocumented, protect Dreamers, allow states to invest in the education and workforce development of *all* their residents, and initiate sensible reforms to our nation's visa and immigration laws. The U.S. Citizenship Act introduces a strong foundation for the humane, just, and fair immigration system our nation deserves. We highlight below some of the key provisions that impact higher education and comment on two provisions with suggestions we believe are worthy of further consideration. But our principal message today is to urge you to support this important legislation.

As a nonpartisan, nonprofit organization, the Presidents' Alliance on Higher Education and Immigration brings the voice and perspectives of college and university presidents to the discussion of immigration issues that impact higher education, our students, campuses, communities, and the nation. We work to inform and advance 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 access, equity and the opportunity for all learners to rise as high as their talents will take them. 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.

I. KEY PROVISIONS BENEFITING THE HIGHER EDUCATION COMMUNITY

- A. A long awaited eight-year path to citizenship for undocumented immigrants and an expedited three-year path for DACA recipients, Dreamers, TPS holders, and others.** The certainty of a pathway to citizenship will have a direct impact on the success of our Dreamer and undocumented students and alumni and is in the best long-term interests of our nation. In 2018, about 427,000 undocumented students were enrolled in postsecondary education, 181,000 of which were DACA recipients or DACA-eligible.¹ Approximately 98,000 undocumented students graduate from U.S. high schools every year.² Despite the uncertainty of their status and many obstacles to their success they persevere, working to make the most of their talents. Removing the barriers they face to lawful status and eventual citizenship will only make our nation stronger and more prosperous. Many more students, faculty, and staff who already have citizenship or legal status have family members who would be included in this provision, and family stability has a marked impact on student and employee well-being and success. Finally, the bill would provide a roadmap to citizenship for H4 dependents, the sons and daughters of H-1B visa holders, who can age out of their parent-based immigration status if their families are mired in the backlog for green cards. Regardless of their backgrounds or status, these talented U.S. educated immigrant students deserve the chance to continue their education beyond high school and this bill will permit them to do that. To see the number of students affected in your state by these reforms and the magnitude of their economic contributions and impact to your state and local communities we invite you to review the state-by-state data provided by our Higher Ed Immigration Portal at <https://www.higheredimmigrationportal.org/>.
- B. Return of state autonomy to invest in higher education for all residents.** Repealing laws that deny states the freedom to extend benefits such as in-state tuition to undocumented immigrants, refugees, and asylees will permit states that deem it in their best interests to extend benefits to these groups, allowing more residents to afford a college education and helping those states meet their workforce needs.³ Individuals who complete college and graduate and professional degrees have higher lifetime earnings, contribute more in taxes, and represent the educated and technically trained workforce that attracts employers seeking to expand their operations.
- C. Dual intent for international students.** Prospective international students are rejected from studying in the U.S. if they cannot demonstrate that they have no interest or intent in legally immigrating to the U.S. The dual intent bar causes

¹ PRESIDENTS' ALL. ON HIGHER EDUC. & IMMIGR. & NEW AM. ECON., UNDOCUMENTED STUDENTS IN HIGHER EDUCATION: HOW MANY STUDENTS ARE IN U.S. COLLEGES AND UNIVERSITIES, AND WHO ARE THEY? (2021), available at <https://www.higheredimmigrationportal.org/research/undocumented-students-in-higher-education-updated-march-2021/>.

² JIE ZONG & JEANNE BATALOVA, MIGR. POL'Y INST., HOW MANY UNAUTHORIZED IMMIGRANTS GRADUATE FROM U.S. HIGH SCHOOLS ANNUALLY? (2019), available at <https://www.higheredimmigrationportal.org/research/migration-policy-institute-fact-sheet-on-number-of-dreamers-graduating-from-high-school/>.

³ *Basic Facts About In-State Tuition for Undocumented Immigrant Students*, NAT'L IMMIGR. L. CTR., <https://www.nilc.org/issues/education/basic-facts-instate/> (last updated Mar. 15, 2021).

our nation to lose out on the opportunity to educate talented bona fide students from around the world. By permitting dual intent in the educational context as is permitted in other professional contexts, this bill will modernize our immigration system.

D. Retaining international STEM graduates. Under current law, there is no easy pathway from a student visa to an employment visa for highly in-demand international graduates with U.S. degrees. Increasing green cards for international STEM Ph.D. graduates will provide further incentives for the most highly recruited international students to choose to study and conduct research in the U.S., and our nation will be better able to retain the most talented and innovative of these students once they graduate. We are encouraged by the measure in the bill, but we urge Congress to consider a broader definition of STEM fields to include biological, agricultural and other science-based disciplines that are not currently included and that traditionally attract large numbers of international enrollments. Moreover, Congress should consider expanding the program to include students matriculating into degree programs below the Ph.D. level that also produce in demand STEM graduates, as well as consider broadening the eligible academic fields.

E. Removal of country cap for employment-based visas. The current country caps create a large backlog of visa applications year over year, resulting in extended wait times and unmet workforce needs. Faculty, staff, and alumni from countries with a high number of applicants for employment-based visas already present in the U.S. but are constrained in their ability to make long term plans and investments in careers, homes and businesses, will especially benefit from the elimination of country-based caps, as the waitlist for these countries is years long.⁴

II. PRIORITY RECOMMENDATIONS REGARDING THE U.S. CITIZENSHIP ACT

The proposed bill lays an important and solid foundation for immigration reform and we strongly urge its passage. We also urge consideration of the following issues which are of particular importance to colleges and universities for the possible inclusion as amendments to the bill.⁵ First, Congress should remove bars to postsecondary benefits and licensure for qualified noncitizens, particularly those that fall under the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA).⁶ Second, Congress should include nondiscrimination provisions for higher education access and licensing on the basis of immigration status (similar to the employment nondiscrimination provisions of the bill, which we laud). Specifically, the bill should

⁴ Julia Gelatt, *Explainer: How the U.S. Legal Immigration System Works*, MIGR. POL'Y INST. (2019), <https://www.migrationpolicy.org/content/explainer-how-us-legal-immigration-system-works>.

⁵ For a full list of our legislative priorities and suggested bill text, see PRESIDENTS' ALL. ON HIGHER EDUC. & IMMIGR., LEGISLATIVE RECOMMENDATIONS REGARDING IMMIGRANT STUDENTS, HIGHER EDUCATION ACCESS, FEDERAL FINANCIAL AID, AND PROFESSIONAL AND OCCUPATIONAL LICENSURE (2021), available at <https://www.presidentsalliance.org/legislative-recommendations-regarding-immigrant-students-higher-education-access-federal-financial-aid-and-professional-and-occupational-licensure/>.

⁶ Personal Responsibility and Work Opportunity Reconciliation Act, H.R. 3734, 104th Cong. §§ 401–23 (1996).

prevent immigration status as the basis for excluding graduates of U.S. high schools from admission, enrollment, grants, scholarships, or in-state tuition in pursuit of post-secondary education or from obtaining the state professional, commercial, and business licenses required to use that education.

III. CONCLUSION

Immigrant and international students, faculty, and staff are important and vital members of our educational and local communities, on and off campus. These students have the drive, talent and desire to serve our nation and make it stronger and more prosperous if we will only give them a chance. We urge you to support the U.S. Citizenship Act of 2021 and similar legislation that would give them that chance.

The time to act is now. We stand ready to work with you to achieve a modern, humane and just immigration system that meets the needs of students and families and advances our nation's interests by providing durable solutions to long-standing immigration problems. For any questions regarding the Alliance and its work, please contact Jose Magaña-Salgado, our Director of Policy and Communications, at jose@presidentsalliance.org.

Sincerely,



Louis Caldera
Senior Advisor and
Co-Chair, Steering Committee



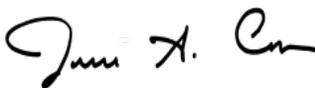
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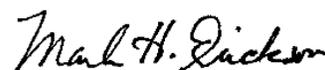
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