

Statement for the Record of

**Miriam Feldblum**, Executive Director  
and  
**Jill Welch**, Senior Advisor

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

**For House Judiciary Committee Subcommittee on Immigration and Citizenship**

**Hearing on How Outdated U.S. Immigration Policies Push Top Talent to Other  
Countries**

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## I. INTRODUCTION

The nonpartisan, nonprofit [Presidents' Alliance on Higher Education and Immigration](#) (Presidents' Alliance) 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, common-sense and forward-looking 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.

Due to our work at the intersection of higher education and immigration, our members witness first-hand the harmful impact of our outdated immigration policies as they seek to attract and retain talented international students from around the globe. Below we lay out the issues and our recommendations for how we can remain the leading destination for international students.

## II. INTERNATIONAL STUDENTS CONTRIBUTE TO OUR CAMPUSES, COMMUNITIES, AND COUNTRY<sup>1</sup>

The exchange of people and ideas is necessary to ensure we have the expertise needed to fight the next global threat or pandemic, and international students are vital contributors to our knowledge and innovation agenda. Our graduate science programs, in particular, are dependent on the presence of international students and scholars. Both of the vaccines first approved for use in the United States were developed with internationally collaborative science and with the help of foreign students and immigrants. And we can thank foreign students for our ability to remain connected, even as COVID-19 has required us to stay physically distanced. The video conferencing technology that has allowed us to connect virtually was made possible through the [scientific breakthrough led by a former foreign student](#) who studied in the United States decades ago.

Demographic shifts and future labor market needs will require the U.S. to not only adequately educate and train its youth, but to also attract critical talent from overseas and encourage greater access to higher education for immigrant students already in the U.S. Like many Western countries, [the U.S. faces a declining population in the future](#). At the same time, [countries in South Asia and Africa will soon be home to the world's largest youth population](#) which will undoubtedly be looking for educational opportunities overseas. Expanding efforts to attract international students will serve multiple purposes — meeting global demand for high quality education, addressing the need for increased education pathways for refugee students, and filling critical human resource and labor market needs in the U.S.

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<sup>1</sup> Presidents' Alliance. How International Students Contribute to Our Campus Communities and Country. Washington, D.C. Accessed June 23, 2021. <https://www.presidentsalliance.org/how-international-students-contribute-to-our-campus-communities-and-country/>

International students also help us build relationships with other countries. U.S. national security and foreign policy leaders have often referred to them as our greatest foreign policy asset. Our ability to attract top international students in the past has meant that the U.S. educates more world leaders than any other country; in 2020, [62 leaders from 58 countries studied in the U.S.](#) earlier in their careers.

### **III. WE ARE LOSING INTERNATIONAL STUDENTS TO OTHER COUNTRIES WITH MORE WELCOMING POLICIES**

The problem is that we can no longer assume that students will always come here. We're at a pivotal moment in the global competition for international students that may very well determine what happens for decades to come.

According to a report released in January by the Migration Policy Institute, although the United States has long been the top receiving country for international students, who historically have been drawn by the high quality of U.S. higher education, its value on the international labor market, and access to job opportunities in the United States after graduation, we have now marked a decrease of almost 20,000 international students from the year before.

To ensure we have the science needed to fight the next global threat, strengthen our economy, and repair our relationships with other countries, we must out-compete other nations to welcome and retain the best and brightest from all around the world.

### **IV. CONGRESS CAN HELP US ATTRACT, WELCOME AND RETAIN STUDENTS**

Congress should articulate the value of international students and send a message that they are welcome to succeed here by enacting proactive policies and exercising oversight to help us attract, welcome and retain students.

#### *Welcome the Best and Brightest to the United States*

1. Establish a coordinated U.S. strategy to recruit, support and retain international students and scholars. Universities and colleges have been working hard to stem the decline in international student enrollments, but without a national recruitment strategy we are at a disadvantage with other competitor countries. A coordinated, national recruitment strategy should rely on active collaboration between government, higher education institutions, and international exchange organizations and result in a strategic plan for enhancing global competitiveness with respect to attracting international students, scientists, and scholars from a wide variety of cultures, backgrounds, and perspectives to the United States. With a combination of concurrent resolutions, appropriations and oversight, Congress should articulate policy that the United States should establish an international education policy to enhance national security, significantly further U.S. foreign policy and economic competitiveness, and promote mutual understanding and cooperation among nations. Policy objectives should include: (1) producing citizens with a high level of international experience and expertise by promoting greater diversity of locations, languages, and subjects involved in

teaching, research, internships and study abroad (2) supporting visa, immigration and employment policies that promote increased numbers and a greater diversity of international students; and (3) promoting partnerships among government, business, and educational institutions and organizations to provide adequate resources for implementing this policy.

2. Expand dual intent to include foreign student (F) visa applicants. The United States should modernize immigration law by expanding dual intent to include international students applying for F-1 visas attending U.S. colleges and universities, a concept that is currently available in other nonimmigrant categories such as specialty workers (H-1B) and intracompany transferees (L-1). Such a change would permit individuals who are being screened for a visa or when entering the United States to communicate an interest in transferring to another legal status after the completion of their degree, which current law prohibits by assuming all foreign students will be “non-immigrants.” This change would significantly aid in revitalizing international student mobility and in efforts to support refugee students seeking safety and stability in their pursuit of higher education.
3. Exercise oversight to ensure the State Department and relevant agencies improve visa application processing for students and scholars. The unpredictable timeframe for security clearances and administrative processing runs counter to the critical needs of time-sensitive experiments and research. The lack of transparency when applications take longer than 60 days further frustrates the ability of scientists and researchers to do their work. The COVID pandemic has led to yet greater uncertainties, as institutions and prospective students seek assurances that our consulates will be able to process visa applications in time for the 2021-22 academic year. Higher education institutions, businesses, and policymakers are concerned about whether our consulates will be able to efficiently process F-1 and M-1 student and J-1 exchange visitor visas in time for the Fall 2021 academic term. COVID-19 has challenged our consulates abroad in unprecedented ways. Thanks to the professionalism and dedication of our foreign affairs offices and other State Department staff, some student and exchange visitor visas have been processed even during the height of the pandemic. But more must be done immediately if we are to ensure our ability to welcome back international students and scholars to our campuses and communities on time this fall.
4. Exercise oversight to ensure the Department of Homeland Security improves USCIS processing times. USCIS should prioritize predictable processing times and implement technological improvements. There are dire consequences for students and scholars falling out of or violating immigration status. Reasonable and reliable processing times are critical to ensuring maintenance of status. However, as the American Immigration Lawyers Association describes in a January 2019 report, USCIS processing delays have reached “crisis levels.” For example, as of January 16, 2019, the processing time for extension of foreign student status was 11.5 to 15 months at the USCIS Vermont Service Center, and has since come to a standstill. The delays in processing work authorizations for

Optional Practical Training (OPT) are particularly concerning and will jeopardize our ability to recruit and retain talented international students if not resolved immediately.

### *Support and Retain Talent in the United States*

1. Adjust immigration law to permit a smoother entry to work for skilled graduates of U.S. higher education institutions. Our nation would do well to allow those educated by our institutions to stay and contribute their knowledge and skills to our economy. There is broad, bipartisan support for “stapling a green card” to the diploma of international students graduating from U.S. colleges and universities. Congress should create a direct path to green cards for foreign student alumni, eliminate the green card backlogs, and prevent future backlogs. Priority should be given to those with PhDs, master’s, bachelors and associates degrees from U.S. higher education institutions, and should represent the wide range of fields of study needed in our economy.
2. Enact family-friendly policies for students and scholars by providing limited work authorization for spouses of individuals with F status. Earning a U.S. degree, especially master’s degree or Ph.D., often requires many years of study. Providing the option of work authorization for spouses will help to attract and retain these talented international students who contribute to U.S. innovation and competitiveness.
3. Direct DHS and DOL to permit limited opportunities for individuals to earn money while studying in the United States. This option would be an important step toward providing students with access to resources that could support their enrollment. The current restrictions on work, makes it harder for non-wealthy international students to consider studying here. Such a change in policy would help us to compete with other nations for these talented students, and would contribute to more diversity in sending countries and income levels of students, thus advancing our foreign policy interests.
4. Direct DHS to provide flexibility for higher education institutions to admit foreign students for innovative and evolving educational programs. Immigration policy should be modernized to keep pace with current education models, including low residency programs, online courses and programs requiring multiple study abroad experiences.
5. Direct the Department of Homeland Security to streamline the now long- delayed adjudication of requests from SEVIS-certified higher education institutions to offer new programs. The Immigration and Customs Enforcement (ICE) conducts extensive reviews and vetting before certifying schools to admit foreign students. After certification however, a separate adjudication is required to admit foreign students to newly created programs or majors. This process now takes months, if not years, during which time the school may not offer the programs or major to any foreign students. This unnecessary re-review process wastes ICE resources

and limits access to new study options.

6. Direct the Department of Homeland Security to preserve experiential learning opportunities for foreign students and authorize employment for their families. The prior administration created great uncertainty by proposing to scale back or eliminate OPT as a priority. While a U.S. District Court rejected a Washington Alliance of Technology Workers union (WashTech) lawsuit challenging the one-year and two-year STEM OPT extension, the plaintiffs have filed an appeal. Experiential learning, OPT for international students, is a key component of U.S. higher education. Access to this opportunity attracts international students, and our competitor countries use their similar programs to attract students away from the United States. As noted above, there are significant delays in processing employment authorization documentation for students to participate in the Optional Practical Training Program, and Congress should exercise oversight to ensure the program is functioning efficiently.
7. Ensure that any changes to the H-1B Specialty Occupation Visa program facilitate the ability of international student alumni of and scholars at U.S. higher education institutions to access these temporary work visas. Wage prioritization, for example, should take into account that new graduates of our institutions often start off in H-1B status before advancing in their careers to eventually transition to lawful permanent residence status. Early career professionals must have access to these visas or we will risk cutting off the talent pipeline that we need to grow our economy.

### III. CONCLUSION

International students, like immigrant students, enrich American academic life as well as the American economy. Yet our nation is at risk of continuing to lose these students to other nations with more welcoming policies. The Presidents' Alliance respectfully urges Congress to articulate the value of international students and send a message that they are welcome to succeed here by enacting proactive policies and exercising oversight.

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