

Administrative Agenda for Attracting, Supporting, and Retaining International Students & Scholars¹

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Introduction

International students and scholars contribute greatly to their campuses and the United States, intellectually, culturally, and economically.² Recent analysis finds that international students studying at U.S. colleges and universities contributed \$33.8 billion and supported 335,423 jobs to the U.S. economy during the 2021-2022 academic year. For every three international students in the United States, one U.S. job is created.³ However, international student enrollment at U.S. universities has been falling in recent years. Even prior to the COVID-19 pandemic, enrollment declined 7.2 percent between the 2016 and 2020 academic years.⁴ Once the pandemic hit, U.S. international student enrollment dropped another 22.7 percent from 2019 to 2021.⁵ Even though enrollment is slowly recovering (up 4% from the previous year), we are still not up to pre-pandemic levels.⁶ We urge the administration to build on its *Joint Statement of Principles in Support of International Education* to develop and implement a policy agenda and corresponding communications strategy that publicly and clearly affirms the importance of welcoming international students and scholars to our campuses and communities.⁷ We need 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. Below, we provide our recommendations in support of international students and scholars, with an eye toward updating regulations, guidance, and

¹ For questions regarding undocumented students and scholars (including those with DACA), please contact Jose Magaña-Salgado at jose@presidentsalliance.org. For questions regarding international students and scholars, please contact Jill Welch at jill@presidentsalliance.org. For questions regarding refugee students and scholars, please contact Laura Wagner at laura@presidentsalliance.org.

² “How International Students Contribute to our Campuses, Communities, and Country,” Presidents’ Alliance on Higher Education and Immigration, January 18, 2022, <https://www.presidentsalliance.org/how-international-students-contribute-to-our-campus-communities-and-country/>.

³ “Economic Value Statistics,” NAFSA: Association of International Educators, accessed November 15, 2022, <https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2>.

⁴ “Analysis of U.S. and Canadian International Student Data,” National Foundation on American Policy, March 2022, <https://nfap.com/wp-content/uploads/2022/03/Analysis-of-International-Student-Data.NFAP-Policy-Brief.March-2022.pdf>.

⁵ Id.

⁶ “Enrollment Trends,” *Open Doors Report on International Educational Exchange*, Institute of International Education and U.S. Department of State, 2022, <https://opendoorsdata.org/data/international-students/enrollment-trends/>.

⁷ “Joint Statement of Principles in Support of International Education,” U.S. Department of Education, U.S. Department of State, and EducationUSA, July 27, 2021, https://educationusa.state.gov/sites/default/files/intl_ed_joint_statement.pdf.

policy to lay the foundation for a robust international student recruitment and retention strategy.

Recommendations

I. For the White House

We encourage the President and other executive officials to continue efforts to better coordinate welcoming policies for international students and scholars. We recommend the following specific actions:

A. Communicate the power of international students and scholars to build a stronger economy, solve global and local challenges, and strengthen our security.

President Biden, Vice President Harris, Cabinet Secretaries, and Administrators, as well as officials in the Domestic Policy Council, National Security Council, and the Office of Science, Technology, and Policy can help remind the American people, and the world, how much we gain when international students come here to learn, create jobs, drive innovation and research, enrich our classrooms, share ideas and culture, and benefit our local communities.

B. Appoint a White House-level office to coordinate efforts between agencies.

Coordination between agencies greatly impacts students' ability to both come to the United States and/or remain here after graduation.

C. Facilitate students' and scholars' ability to study and conduct research in the United States.

For example, we commend the White House's action to issue National Interest Exceptions for students whose country of origin was under COVID-19 related travel restrictions and other actions taken in January 2022 to attract STEM talent and strengthen our economic competitiveness.⁸ We encourage further actions that will facilitate access to higher education opportunities in the United States for refugee learners and other international students.

II. For the U.S. Department of State (DOS)

A. Continue to articulate the importance of international students and scholars.

We urge DOS to be a champion for policies and practices that help implement the *Joint Statement of Principles* issued by the U.S. Departments of Education and State earlier this year.⁹ In particular, ensure that all U.S. visa policy, processing, and communications signal to international students and scholars that they are welcome here, and that facilitating their admission and entry into the United States is a priority for our campuses, communities, and government.

⁸ "Fact Sheet: Biden-Harris Administration Actions to Attract STEM Talent and Strengthen our Economy and Competitiveness," White House, January 21, 2022. <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/21/fact-sheet-biden-harris-administration-actions-to-attract-stem-talent-and-strengthen-our-economy-and-competitiveness/>.

⁹ "Joint Statement of Principles in Support of International Education," 2021.

B. We commend the Department for restoring F-1 and J-1 language to the Foreign Affairs Manual (FAM) to help explain “residence abroad” and urge the Department to clarify how non-immigrant intent should be viewed for refugee students.

The following language should be added to the FAM:

For refugee students and students from conflict-affected countries, you must only focus on evaluating the student applicant’s immediate intent to enroll as a bona fide student and should be satisfied by an intent to return when conditions in the conflict-affected country of origin are normalized.

C. Continue to 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-19 pandemic has led to yet greater uncertainties, and we appreciate all efforts of our consulates to process visa applications in a timely manner. We further urge the Department to establish realistic timelines and implement a transparent mechanism, such as a dedicated liaison for higher education institutions, to be able to know where applications are in the process.

D. Continue issuing annual guidance to consulates to prioritize students (F and J) and other academic-related visas (H, J, and O) during high-volume seasons and share that outreach with the higher education community.

E. Continue to remind consular officers that attendance at a lesser-known college, English language program, or community college is not, in itself, a reason for refusing a student visa applicant.

DOS should leave questions of academic choice and qualifications to be decided between the student and the institution, instead focusing on evaluating whether the student meets the requirements of a bona fide student. Furthermore, denial of a visa should not occur based on English-language competency, as it is the purview of the institutions to evaluate language proficiency and to provide English-language training programs (either in-house or outsourced), if necessary, to help students succeed.

F. Ensure the consistent application of consular guidance and/or provide training on how to assess financial means and travel documents.

When assessing financial means, consular officials should not ask for proof of multiple years of funding. Just like U.S. students, many students and their families will pay for their education as they go. Proof of funding for the entire duration of the program is not reasonable and should not be required. The language of the Foreign Affairs Manual updated on May 27, 2021 gives the appropriate guidance about financial means, but inconsistencies still exist, with some consulates still requesting proof of cash for multiple years of funding.

G. Provide Special Student Relief (SSR) for J-visa holders to address challenges students and scholars are facing due to emergent circumstances.

We urge the State Department to provide SSR to J-visa holders whenever relief is provided by the Department of Homeland Security for F-1 visa holders. We also urge

State to coordinate with DHS to ensure a simultaneous announcement of SSR for countries designated for Temporary Protected Status (TPS).¹⁰

H. Provide transparent and clear information to students about visa denials.

When prospective students are denied visas, they are often left to guess what aspects of their application may have led to the denial. When a student visa is denied, the prospective student should be provided a clear written explanation for the denial.

I. Expedite processing of 212(e) waivers for Afghan Fulbrighters and other exchange visitors who have received J-1 visas but for whom it's impossible to fulfill the 2-year home residency requirement.

We support the blanket waiver recommended by Members of Congress.¹¹

J. Convey to EducationUSA all policy changes and updates to facilitate the ability of overseas advisors to guide students in navigating the visa process.

K. Communicate regularly with the U.S. higher education community.

Communicate both directly and through their relevant associations, about steps the U.S. government has taken and plans to take to ensure timely visa processing for students and other academic-related travelers. A series of roundtable discussions with key stakeholder communities would be useful, in addition to regular briefings.

III. For the U.S. Department of Education

A. Continue to articulate the importance of international students and scholars.

Be a champion for policies and practices that help to implement the Joint Statement of Principles issued by the U.S. Departments of Education and State.¹²

B. Continue to provide flexibility to institutions in administering pandemic relief to students, scholars, and others on their campuses.

IV. U.S. Department of Homeland Security (DHS)

A. Articulate the importance of international students and scholars.

Be a champion for policies and practices that help to implement the Joint Statement of Principles issued by the U.S. Departments of Education and State. Given the value of international students to our national interests, DHS should endorse the Joint Statement.¹³

¹⁰ “Policy Brief: Automatic Special Student Relief Announcement to Accompany Temporary Protected Status Country Designation,” Presidents’ Alliance on Higher Education and Immigration, March 22, 2022,

<https://www.presidentsalliance.org/policy-brief-automatic-special-student-relief-announcement-to-accompany-temporary-protected-status-country-designation/>.

¹¹ “What Congress Can Do to Help our Afghan Fulbrighters and Other Exchange Visitors,” Presidents’ Alliance on Higher Education and Immigration, February 28, 2022,

<https://www.presidentsalliance.org/what-congress-can-do-to-help-our-afghan-fulbrighters-and-other-exchange-visitors/>.

¹² “Joint Statement of Principles in Support of International Education,” 2021.

¹³ “How International Students Contribute to our Campuses, Communities, and Country,” Presidents’ Alliance on Higher Education and Immigration, January 18, 2022,

<https://www.presidentsalliance.org/how-international-students-contribute-to-our-campuses-communities-and-country/>.

B. Improve 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 ensure maintenance of status.

C. Through Special Student Relief, permit opportunities for individuals on F-visas to alter their course loads and to earn money while studying in the United States.

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 to international students and exchange visitors. The SSR package would address the hardship that these individuals face due to the pandemic. The current restrictions on work make it harder for non-wealthy international students to consider studying here. Providing relief would help us to compete with other nations for these talented students and increase international student diversity (by country and income), thus advancing our foreign policy interests.

D. Connect SSR to TPS and streamline processing.

We urge the simultaneous announcement of Special Student Relief whenever Temporary Protected Status is announced. We also urge the Department to move expeditiously to publish the necessary Federal Register announcements for these two forms of relief, to clarify how both can benefit international students and scholars, and to process applications expeditiously. For example, students applying for SSR whose country of origin has already been identified as an SSR-eligible country should not have to prove individual severe economic hardship.

E. Ensure H-1B regulations do not disadvantage early career professionals, particularly international students attending our colleges and universities.

We commend the administration's decision to withdraw the implementation of the H-1B rule issued by the Trump administration, *Modification of Registration Requirement for Petitioners Seeking To File Cap-Subject H-1B Petitions*.¹⁴ We urge DHS to promulgate a regulation to preclude such a rule in the future.

F. Strengthen and reaffirm experiential learning opportunities like Optional Practical Training (OPT) and Curricular Practical Training (CPT)

Optional Practical Training offers an experiential learning opportunity that serves as a key feature of the U.S. higher education experience. Any changes to the program should enhance, not deter, prospective international students from choosing the United States for their degrees. We commend the administration for adding twenty-two new fields of study to the STEM OPT program,¹⁵ and we encourage the administration to take the expansion a step further to include health-related fields. We also urge DHS to provide

¹⁴ "Modification of Registration Requirement for Petitioners Seeking To File Cap-Subject H-1B Petitions, Implementation of Vacatur," Federal Register, 86 FR 72516, Document Number: 2021-27714, U.S. Department of Homeland Security, December 22, 2021, <https://www.federalregister.gov/documents/2021/12/22/2021-27714/modification-of-registration-requirement-for-petitioners-seeking-to-file-cap-subject-h-1b-petitions>.

¹⁵ "Update to the Department of Homeland Security STEM Designated Degree Program List," Federal Register, 87 FR 3317, Document Number 2022-01188, U.S. Department of Homeland Security, January 21, 2022, <https://www.federalregister.gov/documents/2022/01/21/2022-01188/update-to-the-department-of-homeland-security-stem-designated-degree-program-list>.

guidance that better enables students and institutions to use Curricular Practical Training (CPT).

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

We applaud Secretary Mayorkas’s decision to reconstitute this Council, which in the past has provided significant value to DHS as a higher education venue to share best practices, recommendations, and other policy change suggestions at the intersection of higher education and immigration (especially in regards to international students). We look forward to supporting DHS as it resumes regular meetings of the HSAAC with an eye toward 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.

V. For the U.S. Agency for International Development (USAID)

A. Prioritize international student recruitment as part of our nation’s foreign policy and development strategy.

Implementing the vision articulated by USAID Administrator Samantha Power prior to her appointment.¹⁶

B. Re-invest in funding international students from strategic areas of the world.

Too often, students from nations of strategic interest to the United States cannot afford to study in the United States, while other competitor nations are recruiting them and offering them scholarships.

The Presidents’ Alliance on Higher Education and Immigration

The nonpartisan, nonprofit [Presidents’ Alliance on Higher Education and Immigration](https://www.presidentsalliance.org/) 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, forward-looking immigration policies and practices at the federal, state, and campus levels 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 550 presidents and chancellors of public and private colleges and universities, enrolling over five million students in 43 states, D.C., and Puerto Rico.

¹⁶ Samantha Power, “The Can-Do Power: America’s Advantage and Biden’s Chance,” *Foreign Affairs*, January/February 2021, <https://www.foreignaffairs.com/articles/united-states/2020-11-20/samantha-power-can-do-power>