Statement for the Record of

Miriam Feldblum
Executive Director, Presidents’ Alliance on Higher Education and Immigration

Laura Wagner
Director of Refugee Student Initiatives, Presidents’ Alliance on Higher Education and Immigration

Jill Welch
Senior Policy Advisor, Presidents’ Alliance on Higher Education and Immigration

Senate Judiciary Subcommittee on Immigration, Citizenship & Border Safety
hearing on

“Living Up to America’s Promise: The Need to Bolster the U.S. Refugee Admissions Program.”

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2:30 p.m ET

Dirksen Senate Office Building Room 226
I. ABOUT THE PRESIDENTS’ ALLIANCE
The nonpartisan, nonprofit Presidents’ Alliance on Higher Education and Immigration brings college and university presidents and chancellors together on the immigration issues that impact higher education, our students, campuses, communities, and the 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.

II. HIGHER EDUCATION AND REFUGEES
As the United States works to rebuild its refugee resettlement program, there is an urgent need to expand access to higher education to refugee students.

We urge Congress to support a refugee resettlement program that can lead in a world of historic and rising displacement and hold the Biden administration accountable to fully restore and strengthen the U.S. resettlement program. Congress must use this moment to conduct needed oversight to ensure as many refugees as possible are resettled this year. The FY 2023 refugee admissions goal was set at 125,000 but with fewer than 13,000 refugees resettled in the first five months of the fiscal year, it is imperative that Congress push for the needed reforms that expand the number of refugees we help find lasting protection. This includes supporting robust federal funding for refugees and other forcibly displaced persons. Congress must provide robust funding for the Bureau of Population, Refugees, and Migration (State/PRM), the Office of Refugee Resettlement (HHS/ORR), U.S. Citizenship and Immigration Services (USCIS Humanitarian Programs), and related accounts to fully rebuild capacity for refugee resettlement and help refugees to integration and thrive. Higher education institutions are expanding their capacity and stand ready to leverage their expertise to support the resettlement and integration of refugees.

Enact pro-refugee legislation that has a positive impact on people’s lives and our local communities. We urge Members of Congress to reintroduce, support, and cosponsor bills that would restore and expand permanent protections for refugees, improve overseas assistance and refugee processing, and allow refugees to thrive in communities, such as the Afghan Adjustment Act and the To Offer Refugees College Help (TORCH) Act.

There also is a pressing need to lower the barriers for forcibly displaced and refugee students to access in-state tuition and financial assistance. Currently, only a limited number of states have passed legislation and policies to expand access to in-state tuition to individuals with refugee and other humanitarian statuses.1 Congress and the administration should advance policies that are inclusive, equitable, and durable. Although these financial issues are decided at the state-level, Congress and the administration can help to raise awareness of the need for more states to follow good practices adopted by other states.

Current U.S. immigration policy actively excludes refugees from accessing higher education. Globally, only about six percent of college-aged refugees in the world are able to access higher education.2 In the United States, F-1 visa requirements make these visas


inaccessible to most refugees and displaced students. Refugee students generally cannot demonstrate an intent not to abandon their foreign residence, which is a requirement for non-immigrant visas under outdated provisions of the Immigration and Nationality Act. By definition, refugees have fled their country of origin and cannot return due to fear of persecution.

Helpfully, the U.S. Department of State has issued guidance for F-1 and M-1 students to help clarify the intent to depart and residence abroad requirements for the visas. The guidance states that student visa applicants must possess a present intent to depart the United States at the conclusion of their approved activities. The guidance also states that such intentions may change, and this is not a sufficient reason to deny a visa. Further, the present intent to depart does not imply a need to return to the country from which they hold a passport; it only means that they must intend to leave the United States upon completion of studies.

But even with this guidance, refugee students still face a significant hurdle in proving their intent to depart the United States. Additionally, these students may face difficulties proving that they have sufficient funds to support themselves and find the work policies for F-1 visa holders to be too restrictive. This has a negative impact on campuses’ ability to recruit and retain top talent. A legislative change is needed to modernize immigration law to accommodate not only the possibility but indeed the intention for international students, including those who are forcibly displaced, to remain permanently in the United States after graduation.

We are heartened with the administrations’ movement on Welcome Corps, and the forthcoming launch of college and university sponsorship of refugee students, by using the new P-4 category in refugee admissions, and encourage Congressional support of these initiatives. Expanding access to higher education for refugee students (1) creates an education pathway, increasing the number of refugee students who can pursue a degree overall, (2) leverages the skills and talents of refugees both in the United States and abroad, and (3) enriches the diversity of campuses, expanding the perspectives of all students. Since the creation of the federal refugee resettlement program in 1980, there has not been a systematic mechanism for universities to sponsor refugees. Currently, small numbers of refugee students make their way to the United States to study. College and university sponsorship of refugee students will allow U.S. higher education institutions to access a part of the global talent pool that is currently challenging to reach due to a lack of viable immigration pathways. The crisis in Afghanistan and Ukraine illuminated the vast will of higher education institutions to

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4 INA 101(a)(42).

5 9 FAM 402.5-5(E)(1), available at https://fam.state.gov/fam/09FAM/09FAM040205.html.

6 Presidents’ Alliance on Higher Education and Immigration, “University Sponsorship”; International Refugee Assistance Project, “Expanding Complementary Pathways.”.


welcome and enroll students facing displacement, but also the policy barriers that disincentivize both institutions and refugee students from enrollment.

III. CLOSING

Refugees are key to the vitality of higher education in the United States, our national economy, and future innovation. It is imperative that Congress open educational and career pathways for all students. Currently, legislative barriers prevent many refugee students from pursuing their education and career goals. By eliminating these barriers and expanding opportunities, Congress can ensure the future academic and career success of these student populations, the future vibrancy and sustainability of the colleges and universities that educate them, and the future prosperity and vitality of the communities across our nation that benefit from their contributions and dedication.