Legal Pathways that Work
Collaboration between the Presidents’ Alliance and NAFSA

Last updated: May 2024

Need

Daily news reports feature stories of businesses that are struggling to fill critical vacancies in STEM, education, and healthcare, among other fields. Meanwhile, there is a ready workforce with the skills needed to create and advance a healthy economy. U.S. colleges and universities draw students from around the world, fostering their talent and investing in their education and training. Yet, many international, undocumented, and refugee students are left on their own to navigate existing legal pathways to work in the U.S. post-graduation.

The lack of immigration resources and services to support non-citizen students in temporary or precarious statuses has become a clear challenge in higher education, one that impacts our national economy and global competitiveness, as well as graduates’ future prospects. The absence of employment-based immigration resources and services is a stark gap in the higher education landscape that harms students, institutions, communities, and employers, especially in sectors with critical skill shortages.

The Presidents’ Alliance and NAFSA: Association of International Educators are collaborating to address this need with Legal Pathways that Work (LPTW). Through the LPTW initiative, we will develop and deliver immigration resources to institutions and students to support careers in the U.S. post-graduation.

The program will lead to more institutions supporting employment-based immigration options for their graduates, allowing more foreign-born graduates to launch their careers and contribute to the U.S. economy.

Approach

LPTW’s primary goal is to increase non-citizen students’ access to employment-based immigration pathways, with particular attention to professional fields experiencing shortages of skilled staff, including STEM. Our multi-pronged approach will meet the needs of colleges, universities, employers, and students. The initiative includes three key components.

1. Developing and delivering educational and capacity-building resources

The LPTW approach includes the development of a variety of new FAQs and webinars that explain employment-based immigration options for students in temporary and precarious statuses. These will be accompanied by resources focused on how colleges and universities can prepare students to pursue the options available to them and promote awareness of different employment-based postgraduate pathways.

NAFSA and the Presidents’ Alliance, together with other policy and legal experts, will curate a suite of FAQs, webinars, and resources that aim to provide comprehensive coverage on employment-based options. These materials will be made accessible to institutions, students, and employers through a new “employment-based immigration options resource hub” on the Higher Ed Immigration Portal, which currently receives over 30,000 page views monthly.
With NAFSA’s expertise and input, we hope to ensure more comprehensive coverage of topics pertaining to international, undocumented, and refugee student populations, leading to a robust suite of resources developed for populations that may have different options for legal employment. Once our hub is developed, NAFSA members could also refer students to this resource hub, and feedback from NAFSA, its members, or students could be used to further develop and hone resources. The Portal will also include a link back to NAFSA’s site.

2. Convening a legal services task force; planning and implementing pilot programs and legal services

To inform the work of LPTW, we will launch and coordinate a 6-month task force to generate recommendations for a pilot legal services program that could offer expert assistance, immigration screenings, and immigration consultations to institutions seeking to help students navigate legal immigration pathways. Consultations may also be available to students themselves seeking such advice.

We anticipate implementing the pilot screening and consultation services in the second year of the initiative, based on the recommendations generated by the task force in year 1 and contingent on future funding. While the scope of consultation services will depend on the recommendations of the task force, legal screenings should encompass the spectrum of immigration pathways for which students may be eligible, including but not limited to employment-based pathways and specific pathways open to STEM students, as well as humanitarian-based, family-based, and other options.

3. H-1B Visa Fellowship Program

In addition to the services described above, the proposed program includes a new Presidents’ Alliance H-1B visa fellowship program. In partnership with Open Avenues Foundation, the Presidents’ Alliance will develop and pilot a part-time fellowship model (part of the “Build Fellowship” program) for international alumni and other alumni of U.S. institutions who may be eligible for H-1B classification. The fellowship would support the filing of concurrent H-1B petitions that include a part-time fellowship in STEM, teaching, healthcare and other fields at a cap-exempt organization, along with the opportunity to partner with one of the Presidents’ Alliance’s member institutions. We intend to expand access to this opportunity for eligible non-citizens under a newly-developed cap-exempt H-1B fellowship program.

LPTW will include a pilot version of the concurrent H-1B visa fellowship program, with the longer-term goal of hosting upwards of fifty Presidents’ Alliance Fellows who are non-citizen alumni of U.S. colleges and universities working in STEM, AI, healthcare, and other fields. The fellowship will allow more alumni to access predictable employment-based pathways, generating a sustainable model that can be replicated by campuses and university systems throughout the United States.