

# PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

## Toolkit for Colleges and Universities for Expanded Travel Ban<sup>1</sup> February 1, 2020

This resource and advocacy toolkit is geared for college and university campuses including campus immigration task forces, students, staff, faculty, and their families to share information and resources regarding the administration's [latest expansion of the travel ban](#), which goes into effect February 21, 2020 at 12:01 am EST. The expanded travel ban consists of a Presidential Proclamation enacts enacting restrictions for certain types of nationals from **Eritrea, Kyrgyzstan, Myanmar, Nigeria, Sudan, and Tanzania**. The existing proclamation, sometimes known as [Travel Ban 3.0](#), already bans some or all immigrants from **Iran, Libya, North Korea, Somalia, Syria, Yemen**; and **certain visitors from these countries and Venezuela**. For more resources and information on the travel bans, please visit [NAFSA's resources page](#), [Penn State Law's resource page](#), and the [National Immigration Law Center](#). You can read the language of the proclamation [here](#).

### Toolkit Contents

- [Background](#)
- [Resources and Materials](#)
- [Template Campus Message](#)
- [Template Press Release](#)
- [Sample Social Media](#)
- [NO BAN Act](#)

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<sup>1</sup> For questions about this toolkit, please contact [jose@presidentsalliance.org](mailto:jose@presidentsalliance.org).

## A. Background

The travel bans (also known as “Muslim Bans” among some advocates and media) encompass executive orders, proclamations, and implementing memoranda that prohibit some or all nationals from select countries from lawfully entering the United States through our existing visa and immigration system. The latest expansion of the existing travel ban [announced by the administration](#) on January 31, 2020 adds the following countries to the ban list: **Eritrea, Kyrgyzstan, Myanmar, Nigeria, Sudan, and Tanzania** as of February 22, 2020. This list is in addition to the countries affected by the existing proclamation (Travel Ban 3.0): **Libya, North Korea, Somalia, Syria, Yemen, Venezuela**. Importantly, the newly added countries send healthy numbers of international students to Historically Black Colleges and Universities (HBCUs).

The expanded travel ban suspends immigrant visas (e.g., visas that lead to a green card or lawful permanent resident status) for nationals from the following countries:

- Kyrgyzstan,
- Myanmar,
- Eritrea, and
- Nigeria.

The expanded travel ban prohibits diversity visas for nationals from the following countries:

- Sudan and
- Tanzania.

Importantly, dual citizens and green card holders traveling on a passport from a non-designated country are exempt from the travel ban. While student, tourist, and business non-immigrant visas are not affected by the bans, exempt individuals (including F and J visa holders), however, may still be stopped at points of entry and face “[extreme vetting](#)” on a case-by-case basis, delaying their entry into the United States.

Among other immigrant categories, the travel bans prevent international students from North Korea and Syria, e.g., those on F-1 nonimmigrant visas, from entering the country.<sup>2</sup> The U.S. Department of State will generally not issue F-1 visas to nationals

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2

<https://www.nafsa.org/professional-resources/browse-by-interest/indefinite-entry-bar-under-executive-order>

from North Korea and Syria. International students from other banned countries may still enter the United States but will likely be subject to “extreme vetting” and extreme scrutiny. International students from these North Korea and Syria who are already in the United States are allowed to remain in the United States but generally will not be allowed to re-enter the country if they depart, even if they possess a valid visa.<sup>3</sup>

Professor Shoba Sivaprasad Wadhia recently published a Medium piece reflecting on the three-year anniversary of the travel ban, which you can read [here](#). The travel ban is inherently confusing, so institutions should carefully review the materials provided in the next section under *Understanding the Travel Ban*, including materials by [NAFSA](#) and [Penn State University](#). Finally, over [125 companies](#) have come out against the administration’s travel ban, including Airbnb, Pinterest, Spotify, Slack, Lyft, Uber, Twitter, and Eventbrite.

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<sup>3</sup> *Id.*

## B. Resources and Materials

*Understanding the Travel Bans.* There are a variety of resources that campuses can consult and review in understanding the travel bans, including the following resources:

- [American-Arab Anti-Discrimination Committee and the Penn State Law Center for Immigrants' Rights Clinic - Fact Sheet](#)
- [NAFSA — Indefinite Entry Bar Under Executive Order](#)
- [Penn State Law — Travel Ban 3.0](#)
- [National Immigration Law Center — Understanding Trump's Travel Bans](#)

*Enrollment Numbers.* While the expanded ban does not prohibit international students from Eritrea, Kyrgyzstan, Myanmar, Nigeria, Sudan, and Tanzania from coming to the United States, it nevertheless sends a message that migrants from these countries are not welcome. Moreover, students from these countries will no doubt be subject to “extreme vetting,” as discussed above. This potential chilling effect could lead to a reduction of international students from these countries. Campuses can consult the Institute of International Education’s [online tool](#) that maps the number of international students from specific countries. According to the [Open Doors 2019 Report](#), these countries represent over 16,000 international students in the United States.<sup>4</sup> Below is a chart containing information regarding the number of international students sent to the United states by these countries:

<i>Country of Origin</i> <sup>5</sup>	<i>Students Affected</i> <sup>6</sup>
Nigeria	13,423
Sudan	319
Tanzania	834
Eritrea	117
Myanmar	1,773
Kyrgyzstan	290
<b>Total</b>	<b>16,756</b>

<sup>4</sup> *International Student Totals by Place of Origin, 2012/13 – 2018/19*, Inst. of Int'l Educ., <https://www.iie.org/Research-and-Insights/Open-Doors/Data/International-Students/Places-of-Origin> (last visited Jan. 23, 2020).

<sup>5</sup> *Id.*

<sup>6</sup> During the 2018–19 school year.

Beyond international students, numerous faculty, postdoctoral scholars, staff, and their families from these countries may also be chilled from coming. For example, to provide additional context for Nigerians in the United States, Nigerians made up 18.6 percent (375,000) of all Sub-Saharan Africans in the United States in 2018, and 61 percent of Nigerian immigrants in the U.S. hold a bachelor's degree or higher ([Migration Policy Institute 2019](#)).

*Economic Contributions.* Campuses can also utilize NAFSA's [online tool](#) to calculate the economic benefits of international students by state and congressional district, including the overall financial contribution of students, jobs supported, and international students enrolled. According to the NAFSA economic tool, the economic contributions of international students from the countries targeted by this latest travel ban total approximately \$619,955,639.01 as well as 7,019 jobs.

*Legal Assistance.* Individuals may require legal assistance for a variety of grounds related to the travel ban, including applying for a waiver, fighting detention at a point of entry, or demonstrating their exempt status under the ban. The following are helpful legal resources for these individuals:

- [Penn State University - List of On-Call Attorneys for Traveling Students and Scholars](#)<sup>7</sup>
- [Immigration Advocates - Directory of Accredited Free Legal Services](#)
- [American Immigration Lawyers Association - Practice Guide on Applying for Waivers](#)

Finally, we share a [fact sheet](#) by the New England Chapter of the American Immigration Lawyers Association that provides a useful overview of “Know Your Rights” information for F-1 and J-1 visa holders who may be detained at ports of entry<sup>8</sup>:

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<sup>7</sup> Click the *On-Call Attorney List for Students/Scholars Traveling to the United States* link.

<sup>8</sup> See the following page for the fact sheet in its entirety.



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION

New England Chapter



## Know Your Rights: What to Do if You are Detained at a Port of Entry (F & J visa holders)

All people arriving at the U.S. border or a port of entry have basic rights, **but non-immigrant visa holders, such as F1 and J1, have very little legal recourse.** Like all international travelers, F1 /J1's are subject to inspection by U.S. Customs and Border Protection (CBP) when arriving at a port of entry such as an airport or land border. CBP will screen you to determine whether you are **"admissible."** They will want to match all information you previously provided with the answers you give upon inspection.

If questions arise and CBP is unable to admit you quickly, you may be taken to a separate area for "secondary inspection." A referral by itself is not adverse, but you can expect to be detained anywhere from a few minutes to several hours or longer. **During secondary inspection, CBP will ask you questions** and may collect biographic and biometric data, run records checks, search your bags and your electronic devices and otherwise attempt to determine whether you should be admitted to the United States as a F1/J1.

**If you are detained by CBP in secondary inspection, you have the following rights:**

- To ask CBP for permission to contact your lawyer. CBP will likely tell you that you do not have the right to speak to an attorney or to be represented by an attorney while applying for admission. Asking to speak to your attorney cannot be held against you.
- To review all written statements that are prepared for you, in a language that you can understand and to get a copy of the documents.
- Not to sign any papers if you do not agree with the contents or you do not understand them.
- You likely do **not** have a right of privacy to protect your electronic devices. CBP may search your device, access your email and screen your social media activity during the inspection process. Your devices may be held and returned to you later if you refuse to share passwords.
- Not to be questioned about your religious or political beliefs. Ask for a supervisor if this happens. You can file a complaint later so get the officers' names.
- Iranians should be aware that questions can be and will be asked regarding your and your family's bank accounts, assets, companies and property because Iran is subject to sanctions by the United States.

**If CBP determines that you are "inadmissible," you may be offered the opportunity to "withdraw your request for admission to the USA."** This is generally a preferred method of being removed because it does not carry a 5 year bar from entering the USA that attaches with an expedited removal order. If CBP does not offer you the opportunity to withdraw your request to enter, make the request. If not granted, you will be processed for expedited removal. This can happen for many different reasons, including:

- Having been determined to be an immigrant- someone that does not intend to return home;
- Having been found to have committed fraud, such as providing false information or using a fake passport or visa;
- Engaging in illegal activity, such as violating US sanctions laws;



**You do not have a right to a Hearing before an Immigration Judge** (unless you express a fear of returning to your home country) or to legal representation if you subjected to expedited removal.

**How to help yourself.** CBP may attempt to pressure you to admit to things that you did not do or they may urge you to sign Form I-867A or B without allowing you a chance to review the forms for accuracy. It is important to know:

- Be honest. Do not be belligerent. Do not say "I don't know" if you **do** know the answer. Better to say "no comment."
- Form I-867 & related forms must be signed voluntarily. **You may refuse to sign any form you do not understand and there are no negative consequences for doing so.**
- Get the officer's or officers' names who are interviewing you.
- Ask for an interpreter if you are not fully comfortable in English. Especially when you are nervous, it can be hard to speak and understand a second language.
- Demand to make a phone call, and if they refuse to allow the call, ask to speak to a supervisor.
- If you are allowed to make a phone call, be sure it is someone that can help contact an attorney.
- Request that the CBP officer tell airline staff that you can have your electronics as soon as the doors are closed.
- Once you are in the plane, write down the details of everything that occurred, including the questions asked, your answers, the officer's name, and all other details. Get in touch with an AILA attorney when you can so they can pursue any legal recourse you may have.

**Future Travel.** To avoid delays at the ports of entry or legal issues in the future, you should consult with an immigration attorney prior to traveling if you:

- Are of Middle Eastern background; or
- Have studied in a field considered to involve "sensitive technology;" or
- Have worked for a company that is directly or indirectly tied to a sanctioned company or industry.
- There is anything in your immigration history that was not disclosed during your immigration process or that might cause a government official to question you about the reason for your travel or about your immigration history.

Lastly, if possible, travel so that you arrive in the United States between Monday through Friday, 9-5pm.

*\*Thank you to AILA New England members Mahsa Khanbabai & Kerry Doyle for this update.*

The contents of this document do not constitute legal advice.

Page 2 of 2

### C. Template Campus Message

Institutions may wish to consider sending out a message to their entire campus communities. When the administration announced previous travel bans, many presidents and chancellors sent campus messages to reassure their students and other community members, provide resources and context regarding what the institution was doing to support students, faculty, and staff, and reaffirm their commitment to international and immigrant students. Below, we provide a sample campus message that you can use and modify for your campus. Items bracketed and highlighted in [YELLOW] should be replaced/customized.

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[To Members of \_\_\_\_ Community]:

On January 31, President Trump signed a presidential proclamation that adds six additional countries—Eritrea, Kyrgyzstan, Myanmar, Nigeria, Sudan, and Tanzania—to the existing travel ban, restricting certain immigrants from those countries from entering the United States.

The uncertainty and anxiety arising from this new order is already having an impact on our students and other members of our community. [Our first concern is to reach out/We have reached] out to all potentially impacted students, scholars, and staff from the six countries to provide them support. While the expanded ban does not bar international students, scholars, or temporary visitors from these countries, it nevertheless chills future student admissions and could subject students from these countries to “extreme vetting.”

I am deeply troubled by this expansion of the travel ban. While we recognize the importance of ensuring our national security, this order—like the existing travel ban—violates the values of openness, inclusiveness, and diversity that define us as an institution and country. [As a member of the [Presidents’ Alliance on Higher Education and Immigration](#), I join with other higher education leaders in opposition to the new expansion, urging the administration to reconsider its decision and rescind the order.]

[Our university/college] stands fully behind our international students, researchers, and faculty. Our campus—and our nation—is made stronger by the cultural and economic contributions of our international community members. We are committed to ensuring that the diversity of perspectives from immigrants, students, and scholars from all across the world continue to be an integral part of the fabric of our educational institution. No matter where you are from, we will support you now and in the future

and ensure that you can consider this campus and this nation a welcoming home. We stand with you and will continue to do so.

The addition of these countries affects current and prospective students, staff, faculty, academic visitors, and their families from these countries and enacts barriers for individuals from these countries who depart the United States and seek to return. We will be closely monitoring the situation.

Until more specific guidance is available, we are advising individuals from the restricted countries to exercise caution and to restrict travel outside the United States. The [International Students & Scholars Office] is available to assist for matters related to immigration or other concerns that international students and scholars may have.

[If you have specific questions, you can contact \_\_\_\_\_ list specific contact persons for international students, scholars, and staff.]

[If possible, list available legal services for impacted individuals on your campus, whether through an office, law school clinic, external provider. If possible, list additional resources for legal services for family members or if you do not have campus-sponsored legal services, you can list external resources [here](#).]

[List other campus support services, including counseling services, dean of students, academic support offices]

[NAME]

[TITLE]

[INSTITUTION]

## D. Template Press Release

Institutions can adapt and send out a version of the below press release to their media contacts to register their opposition to the expansion of the travel ban and also highlight the stories of affected students, staff, faculty, and families.

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### **[INSTITUTION NAME] OPPOSES ADMINISTRATION’S TRAVEL BAN EXPANSION**

*Ban will hurt international students, scholars, and faculty*

#### **FOR IMMEDIATE RELEASE**

February [##], 2020

Contact: [NAME] [EMAIL]

[CITY, STATE]—[INSTITUTION] strongly opposes the administration’s recently announced expansion of the travel ban. Under the expanded travel ban, certain visa holders from Eritrea, Kyrgyzstan, Myanmar, Nigeria, Sudan, and Tanzania are prohibited from entering the United States. This is in addition to the existing proclamation, which bans some or all immigrants from Iran, Libya, North Korea, Somalia, Syria, Yemen; and bans certain visitors from these countries and Venezuela. Both the existing travel ban and its expansion represent an affront to our nation’s values and the core values of [INSTITUTION]. While international students from these countries are not banned, the banning of other immigrant types will discourage international students from coming to our country and undermine our nation’s ability to fully attract and retain international talent. Our campus, academic programs, and co-curricular engagement are intellectually and culturally richer because of international students, staff, faculty, and their families.

The expansion of the travel ban will needlessly undermine the academic and economic contributions of those affected and deprive our campuses of important diverse perspectives. This ban will cause significant disruption to immigrants; separate these individuals from their families and loved ones; and do nothing to improve the safety of our nation or wellbeing of our populace. Immigrants and international students’ presence enhances, and does not hurt, the academic, cultural, and economic character of our nation.

We are committed to our international students and scholars, welcome their engagement and tremendous contributions to our community, and deeply value the diversity they bring. [We recommend highlighting the stories of international students, scholars, or researchers impacted by the previous or new expanded travel ban, including contributions to your campus. It may also be helpful to outline how many students from each of the newly banned countries currently attend your institution.]

[You may also consider providing a quote from your institution’s president.]

We urge the administration to rescind this misguided policy and instead recommit to our nation's historic principles of inclusion and equity and, in the process, collaborating with institutions such as ours to improve the country's higher education system. [You may want to consider a reference or incorporation of your institution's policy on diversity and inclusion]

[INSERT BOILERPLATE DESCRIPTION ABOUT YOUR INSTITUTION]

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## E. Sample Social Media

Below, the Presidents' Alliance provides sample tweets for schools, students, and presidents. To find your member of Congress' Twitter handle, visit this [link](#). Feel free to modify and use the below templates when tweeting in support of the bill. And be sure to follow the Presidents' Alliance at @PresImmAlliance.

### *For Schools*

.**[INSTITUTION TWITTER HANDLE]** is proud to support the #NoBanAct. Congress must move swiftly and pass the bill! Immigrants, including int. students, make our country stronger and the #TravelBan is an affront to our nation's values.

The #TravelBan enacts unnecessary barriers to int. students, scholars, and faculty; promotes family separation; and reduces diversity on campuses. **[INSTITUTION TWITTER HANDLE]** stands firmly behind those affected and will continue to welcome you on our campuses.

The #TravelBan will undermine the economic contributions of int. students, scholars, and faculty. Local economies are richer (literally) when our nation welcomes int. students. Use NAFSA's economic tool to learn more - <http://bit.ly/2RMKKHB>

For int. students and scholars affected by the administration's #TravelBan, @PSLCt4ImmRights has helpful resources, including a list of on-call attorneys for those facing difficulties. Learn more: <http://bit.ly/2TSNPZI>

### *For Presidents*

As president of **[INSTITUTION TWITTER HANDLE]**, I call upon the administration to rollback its #TravelBan. Among others, the ban affects int. students, staff, faculty, and their families. A diversity of perspectives makes our campuses stronger and academia more robust.

As **[PRESIDENT/CHANCELLOR]**, I witnessed firsthand the tremendous contribution of int. students, staff, faculty, and their families. The #TravelBan serves to needlessly undermine these contributions. **[INSTITUTION TWITTER HANDLE]** firmly stands behind those affected.

I stand with @PressImmAlliance and 450+ other college and univ. presidents opposing the new #TravelBan. Campuses should welcome all students. Diversity is a strength, not a weakness, and int. students, staff, faculty, and their families are essential parts of higher ed.

## **F. NO BAN Act**

In response to the various travel bans, Congress is contemplating legislation that would undo the travel bans, namely the NO BAN Act (S.1123 / H.R.2214). The NO BAN Act would bar discrimination on the basis of religion, repeals the previous travel bans, institutes certain checks and balances regarding immigration restrictions, and requires future restrictions be supported by credible facts. The following are resources for the NO BAN Act:

- Brennan Center for Justice - [NO BAN Act Explainer](#)
- National Immigration Law Center - [NO BAN Act FAQ](#)
- GovTrack - [Current Status of NO BAN Act](#) (House)
- GovTrack - [Current Status of NO BAN Act](#) (Senate)
- Congress.gov - [Text of NO BAN Act](#)

NAFSA [endorsed](#) the passage of the NO BAN Act in the House of Representatives, with a vote in the House possible in the near future. While the Presidents' Alliance has not yet formally endorsed the NO BAN Act, we are currently analysing the text, and will update our members in the near future.

For members who want to contact congress in support of the bill, you can use the following web portal to identify and call your Member of Congress:

**[#RepealTheBan Website - Contact Congress](#)**