

# PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

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May 6, 2020

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C St., NW  
Washington, DC 20520

Chad F. Wolf  
Acting Secretary  
U.S. Department of Homeland Security  
245 Murray Lane, SW  
Washington, DC 20528

## **RE: RECOMMENDATIONS ON VISA PROCESSING AND OPTIONAL PRACTICAL TRAINING (OPT) IN RESPONSE TO COVID-19 CRISIS AND PRESIDENTIAL PROCLAMATION**

Dear Secretary Pompeo and Acting Secretary Wolf:

I write on behalf of the Presidents' Alliance on Higher Education and Immigration (Presidents' Alliance) to provide recommendations regarding specific policy and regulatory recommendations that the U.S. Department of Homeland Security (DHS) and the U.S. Department of State (DOS) can adopt to support international student and scholar visa processing and the continued vibrancy of our nation's international student education, particularly in regards to Optional Practical Training (OPT). The COVID-19 crisis represents a growing and singular threat to American higher education, critical research, and the American economy during these turbulent times.

The non-partisan Presidents' Alliance comprises over 450 college and university presidents and chancellors of public and private institutions. Together, our members' institutions enroll over five million students across 41 states, D.C., and Puerto Rico. The Presidents' Alliance is committed to supporting policies that create a welcoming environment for international, immigrant, and undocumented students, and are deeply concerned about how changes in our nation's immigration policies and practices impact our students and campuses and the communities and states we serve.<sup>1</sup>

We laud DHS and DOS for the flexibility already demonstrated by agencies to support the administration of international student education by our campuses. However, there is a strong need for longer-term, more comprehensive approaches. We also are particularly concerned that under the administration's 30-day review of nonimmigrant programs, prospective international students and international students currently in the United States completing their educational experiences may be subject to an

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<sup>1</sup> For more information about the Presidents' Alliance, visit <http://www.presidentsalliance.org>.

expanded ban.<sup>2</sup> We urge you, based on widely available scholarship and research, to issue recommendations that these international student and scholar programs, including OPT, be excluded from future immigration bans.

Turning to the impacts of the COVID-19 crisis, we respectfully bring to your attention that the closure of U.S. consulates across the world can threaten life-saving research should access by international students and scholars be closed off much longer as well as the future finances of our colleges and universities. While some admitted international students scheduled visa-interview appointments, many still cannot, and others receive interview dates well beyond the start of their academic programs. The impact of these delays includes graduate students playing a key role in vital biomedical research at leading universities. At the same time, our current international students need continued support in their efforts to participate in OPT and STEM OPT, programs that also support American innovation and industry.

We are increasingly aware that DOS has not taken enough steps to institute alternative measures to issue student visas in a timely manner. There are common-sense actions DOS could take now to review and approve student visas in preparation for the end of the COVID-19 pandemic. Failure to do so could mean the loss of a quarter of a million new international students in the upcoming fall semester. The recent projections of a 25 percent decline in international student enrollments would mean the loss of \$10 billion or more—threatening institutions, American jobs, and crucial research, including research related to responding to and preventing health pandemics. A dramatic decline in international students—their GDP contributions and the jobs they support—will only further dampen our economic rebound. All told, during the 2018-19 academic year, one million international students and their families contributed approximately \$41 billion to our national economy, and the economic impact of our international student community more than tripled in the last ten years.<sup>3</sup>

We ask you to consider supporting the following policy changes to ensure the new and continuing enrollment of international students at our institutions who bolster American innovation, research, and industry, especially during this time of critical public health challenges and economic turbulence.

### **I. Temporary Measures to Support Student and Scholar Visa Processing**

First, we urge DOS and DHS to develop and publicly release full contingency plans for visa processing this year that will accommodate the timely requirements of the academic calendar and the surge in visa applications as a result of the consulate closures due to COVID-19, as well as clearly communicate the timetable for visa processing to potential students. Specific measures include:

- **Interview Waivers and Provisional Approval of Visas.** We recommend that DOS institute interview waivers and provisional approval of visas by waiving the in-person interview requirement for visa applicants to the fullest extent

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<sup>2</sup> Proclamation No. 10014, 85 Fed. Reg. 23,441 (April 22, 2020).

<sup>3</sup> NAFSA, THE UNITED STATES OF AMERICA BENEFITS FROM INTERNATIONAL STUDENTS (2019), *available at* <https://www.nafsa.org/sites/default/files/media/document/isev-2019.pdf>.

allowable by law while also ensuring security and by transitioning other visa processing steps online. We recommend that DOS explore or adopt videoconferencing for the in-person interview requirement and either record fingerprints remotely or provisionally approve visas on the condition of fingerprint collection when consulates reopen.

- **Priority Appointments.** We recommend that DOS maintain priority appointments for international student and exchange visitor visa applicants and prioritize the rescheduling of cancelled appointments.
- **Timely Visas for Time Sensitive Visitors.** We recommend that DOS accommodate the need for timely visa issuance and renewal for professors, researchers, scientists, and others who do not fall into the category of F and M students or J exchange visitors but are needed on U.S. campuses for the fall 2020 semester.
- **Efficient Entry and Points of Entry.** We recommend that U.S. Customs and Border Protection implement a less cumbersome process at ports of entry, relying on technological resources (e.g. SEVIS) and higher education stakeholders to provide up-to-date data and information, to ensure the smooth entry of returning, as well as newly-arriving, international students and scholars for the fall.
- **DHS Rulemaking.** Given the already significant impact of COVID-19 on U.S. universities, research and the U.S. economy, it is vital that more uncertainty not be inserted into the higher education sector at this juncture. Therefore, we urge DHS to postpone for the duration of the pandemic any rulemaking that changes the rights, obligations, periods of stay, or mechanics of obtaining or maintaining status for international students, exchange visitors, faculty, and staff.

## II. Temporary Measures to Support International Education and Optional Practical Training (OPT)

COVID-19 is driving a dramatic increase in compliance and regulatory questions for campuses and international students. Although the government has granted temporary leniency as it relates to online education limitations for international students, our students and institutions need that leniency to continue through fall 2020 and the uncertainty of the pandemic period. It is vital that DHS provide clarity and guidance to ensure current international students can maintain their immigration status, remain eligible to change their status, and be able to access post-completion practical training as permitted under current DHS regulations.

This support is particularly critical as reducing OPT would lead to a .15 percentage increase in unemployment by 2020, with a total job loss of 443k positions and 255k job reduction for native-born workers, according to a Business Roundtable report.<sup>4</sup>

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<sup>4</sup> *The Economic Impact of Curbing the Optional Practical Training Program*, Business Roundtable, <https://www.businessroundtable.org/policy-perspectives/immigration/economic-impact-curbing-optional-practical-training-program> (last visited May 4, 2020).

Moreover, a National Foundation for American Policy study found that OPT did not reduce job opportunities for U.S. workers; unemployment rates are lower in fields with large numbers of OPT participants.<sup>5</sup> Specific measures of support include:

- **OPT Periods for International Students with Employment Offers.** To ensure that students are able to complete their full education, including post-completion practical training, we recommend that DHS allow international students on OPT or a STEM OPT extension a period of up to 60 additional days to secure a qualifying on-the-job training experience related to the degree completed at U.S. university or college.
- **Remote Application for and Completion of OPT.** Because much of the nation and the world is practicing some form of social distancing, including the closure of non-essential office buildings where many people work, we recommend that U.S. Citizenship and Immigration Services (USCIS) allow F international students, who returned home due to COVID-19, to file their OPT applications from abroad and to reaffirm the ability of OPT participants to work remotely (as federal, state, and local governments are recommending).
- **“Cap Gap” Work Permits.** Even before COVID-19, U.S. universities, U.S. employers, and students experienced uncertainty as a result of potential gaps in legal status during transition from student to employee. This uncertainty is compounded during COVID-19 but could be addressed if USCIS extends the F-1 “Cap Gap” employment authorization until the date upon which the change from student to employee is adjudicated.

We thank you for your long-standing support for America’s colleges and universities, and we respectfully request that DHS and DOS safeguard the future of international education in America and its contributions to critical research and the U.S. economy.

Sincerely,




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

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<sup>5</sup> MADELINE ZAVODNY, NAT’L FOUND. FOR AM. POLICY, INTERNATIONAL STUDENTS, STEM OPT AND THE U.S. STEM WORKFORCE, NATIONAL FOUNDATION FOR AMERICAN POLICY (2019), *available at* <https://nfap.com/wp-content/uploads/2019/03/International-Students-STEM-OPT-And-The-US-STEM-Workforce.NFAP-Policy-Brief.March-2019.pdf>.

CC:

The Honorable Eugene Scalia, Secretary, U.S. Department of Labor

Kenneth T. Cuccinelli, Senior Official Performing the Duties of the Director, U.S. Citizenship and Immigration Services

Matthew T. Albence, Acting Director, U.S. Immigration and Customs Enforcement

Mark A. Morgan, Acting Commissioner, U.S. Customs and Border Protection

Michael A. Dougherty, USCIS Ombudsman, U.S. Citizenship and Immigration Services

Rachel Canty, Director, Student and Exchange Visitor Program, U.S. Immigration and Customs Enforcement

G. Kevin Saba, Deputy Assistant Secretary for Private Sector Exchange, Acting

Charles Wollenhaupt, Acting Deputy Assistant Secretary, Private Sector Office

Trent Frazier, Executive Director, Office of Academic Engagement & Campaigns