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June 16, 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: RE-SHARING 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 follow up on our previous communication¹ regarding specific policy and regulatory recommendations for the U.S. Department of Homeland Security (DHS) and the U.S. Department of State (DOS) to support expedited international student and scholar visa processing, Optional Practical Training (OPT), and the continued flexibility and guidance for higher education institutions to enable them to enroll and educate international students for the fall 2020. This is particularly important considering the COVID-19 crisis, its significant impacts to American higher education and the American economy, and the need for critical scientific research 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.²

¹ Letter from Miriam Feldblum, Executive Director, Presidents' Alliance, to Mike Pompeo, Secretary of State, and Chad Wolf, Acting Secretary of the Department of Homeland Security (May 6, 2020), available at <https://www.presidentsimmigrationalliance.org/2020/05/06/letter-to-dhs-and-dos-with-recommendations-on-visa-processing-and-opt-in-light-of-covid-19-crisis-and-presidential-proclamation/>.

² For more information about the Presidents' Alliance, visit <http://www.presidentsalliance.org>.

While we are appreciative of the flexibility and guidance for spring and summer 2020 shown by the Student and Exchange Visitor Program (SEVP), we urge you to issue clear guidance that this flexibility will continue through fall 2020. As colleges and universities plan for this coming academic year, they do so with the recognition that plans may need to change quickly and that a combination of online and in-person approaches are being implemented, and so continued flexibility through 2020 is vital.³

We also remain deeply concerned that under the administration's review of nonimmigrant programs, current or prospective international students, scholars, researchers, and academic visitors may be subject to an expanded ban.⁴ The threat of an Executive Order suspending a number of high skill programs (including OPT and STEM OPT) through an interim final rule is particularly worrisome.⁵ We again urge DOS and DHS to issue recommendations that these international student and scholar programs, including OPT, be excluded from future immigration bans so that institutions and students can get back to planning for the fall semester free from at least that uncertainty.

Turning to the impacts of the COVID-19 crisis, we respectfully reiterate that suspension of visa services and the lack of alternatives to in-person interviews 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. Since our previous letter, the United States has reached nearly two million reported cases of COVID-19 leading to over 100,000 total deaths.⁶ Delays in visa processing and the threat to OPT and STEM OPT hamstring graduate students and scholars playing a key role in vital biomedical research and programs supporting American innovation and industry.

Unfortunately, DOS has still not taken enough steps to institute alternative measures to issue student visas in a timely manner. While some international students have been able to set up visa interview appointments, many cannot or the first available dates are far in the future. International students and the institutions seeking to enroll them are in urgent need of clear guidance and the knowledge that expedited visa processing will be a priority once routine visa processing resumes, or if that is not possible, that emergency visa appointments or other alternatives will be made widely available. Failure to do so could mean the loss of upwards of two hundred thousand new international students in the upcoming fall semester. The recent projections of a 20-25 percent decline in international student enrollments (new and continuing) 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

³ For detailed recommendations on the flexibilities needed by colleges and universities, see June 12, 2020 letter sent by NAFSA to Director Rachel Canty,

<https://www.nafsa.org/sites/default/files/media/document/NAFSAtoSEVP20200612web.pdf>.

⁴ Proclamation No. 10014, 85 Fed. Reg. 23,441 (April 22, 2020).

⁵ Stuart Anderson, *High-Skill Immigration Restrictions Expected Soon from Trump*, Forbes, (May 28, 2020), <https://www.forbes.com/sites/stuartanderson/2020/05/28/high-skill-immigration-restrictions-expected-soon-from-trump/>.

⁶ *Coronavirus Disease 2019 (COVID-19): Cases in the US*, Centers for Disease Control, available at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>, last updated June 9, 2020.

support—will only further dampen our economic rebound. The United States officially entered a recession in February, and unemployment continues to hover at Depression-era levels (21 million people, or 13.3 percent).⁷ We cannot afford to sabotage our economy by targeting international students and scholars.

We ask you, once again, 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 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.

⁷ *Economic News Release: Employment Situation Summary*, U.S. Bureau of Labor Statistics, (June 5, 2020), <https://www.bls.gov/news.release/empsit.nro.htm>.

- **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. As mentioned, even as the government has granted much needed flexibility for spring and summer 2020, our students and institutions need to know as soon as possible that the flexibility will continue through fall 2020 and cover new and continuing international students through the uncertainty of the pandemic period. It also is vital that DHS provide clarity and guidance to ensure international students can maintain their immigration status, remain eligible to change their status, and be able to access curricular practical training and pre- and post-completion optional 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.⁸ 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.⁹ Specific measures of support include:

- **OPT Periods for International Students with Employment Offers.** To ensure that students are able to complete their full educational experience in the U.S., 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 are continuing to practice 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).

⁸ *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 June 9, 2020).

⁹ 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>.

- **“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 issue a formal response to this letter that includes whether or how the agencies plan on implementing these changes.

Sincerely,



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

CC:

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