

Talking Points for Higher Ed Institutions on ICE SEVP Guidance¹

July 10, 2020

I. ISSUE OVERVIEW

On July 6, 2020, in spite of a rebounding COVID-19 pandemic, U.S. Immigration and Customs Enforcement (ICE) [issued guidance](#) indicating that it would issue a regulation in the coming weeks that would expel international students who are only enrolled in online courses for fall 2020. Under the guidance, international students enrolled in all online classes for the fall would have to switch their classes to ensure a mix of in-person and online classes or—if attending a college that plans to “operate entirely online”—would have to switch to another institution using a hybrid model or fully in-person courses, or be subject to deportation. International students seeking to enter the U.S. to attend a college or university that is only operating online for fall 2020 due to COVID-19 would be barred from entering the country.

II. TALKING POINTS

1. General

- ICE must withdraw the July 6, 2020, ICE SEVP guidance, commit to not issuing a Temporary Final Rule, and allow international students enrolled only in online courses, as a result of the institution’s plans during the COVID-19 pandemic, to continue to maintain their status.

2. Impact on students

- All students are put in harm’s way when institutions are forced to make decisions not in line with the health and safety of their members or the latest public health guidance.
 - [The CDC recommends](#) virtual-learning only and no residential housing for the lowest risk and most protection for students, faculty, and staff at universities.
- The guidance forces international students to choose between their health and their studies—between staying safe and being deported.
 - International students risk virus exposure both if they enroll in more in-person courses **and** if they are forced to travel during a pandemic.
- The proposed policy would [potentially interrupt](#) the education of over 261k undergraduates and nearly 315k graduate students, all of whom have begun their studies in the United States.
- There are at least [47,000 undergraduate and graduate students](#) enrolled in programs that would aid our nation's fight against COVID-19, including medical and health sciences, whose education is at risk of interruption.

¹ For questions regarding this template or general strategy, please contact info@presidentsalliance.org.

- The guidance puts international students in precarious positions if they are unable to identify and timely enroll in a qualifying institution.
- International students who are forced to return to their home country:
 - Will not be eligible to apply for Optional Practical Training (OPT);
 - May be returning to spotty internet connections, limited access to online learning materials, and class times in the middle of the night due to time differences; and
 - May be returning to countries where the pandemic is surging and healthcare resources are not readily available.
- International students' studies, educational experiences in the U.S., research, and lives could be severely interrupted, leading to losses in their education and finances, including previously paid tuition, housing deposits, and more.

3. *Impact on institutions*

- Under this guidance, institutions are forced to choose which students to throw under the bus:
 - Stay online and force international students to risk deportation, sickness, loss of funds, and abandoning their degree programs, **or**
 - Risk the health of students, faculty, and staff by loosening safety measures against public health guidance.
- After President Trump declared a national emergency regarding COVID-19 in March, ICE [offered flexibility](#) to international students regarding online courses “in effect for the duration of the emergency.”
 - Cases of the virus are [increasing](#) in nearly every U.S. region and the national emergency is still in effect. Why is ICE going against its own guidance?
- Many universities rely on international student enrollment for a large portion of their tuition revenue, as international students often pay full tuition and additional fees.
 - **77.6 percent** of international students [paid for school](#) out of pocket, through family, or their own employment in 2019.
 - International students [pay](#) nearly **twice as much** in tuition as students from the United States.
- The guidance will create a substantial chilling effect on prospective international student enrollment.

4. *Economic impact*

- The United States is [host](#) to over **1 million** international students, or **5.5 percent** of all students in higher ed.
- Contrary to rhetoric, international students do not threaten the U.S. economy. International students studying at U.S. colleges and universities [contributed \\$41 billion](#) and created or supported **458,290 jobs** in the U.S. economy during the 2018-2019 academic year.

- That's **three jobs created for every seven international students** who chose to study here.
- International education is the **fifth-largest** U.S. service sector export.

5. *Impact on the U.S. reputation abroad*

- Shows disregard for international students and continues the negative messaging that the United States does not value the international students or the diversity, innovation, ingenuity, and economic investments they bring to our campuses and communities.
- International students bolster the reputation of the United States abroad and increase both affinity for and understanding of culture and products from the United States.
- Many who study in the U.S. go on to assume influential positions in their home governments or in the private sector, which means that the U.S. has important overseas relationships with former students who understand U.S. foreign policy positions.
- International enrollment is **already decreasing** year to year, and the United States has been surpassed as the top destination for the world's brightest minds.
- International students and scholars report **feeling less safe and less welcome** in the United States than before.