



One Dupont Circle NW
Washington, DC 20036
(202) 939-9300
acenet.edu

June 13, 2022

The Honorable Alex Padilla
United States Senate
Committee on the Judiciary
Subcommittee on Immigration,
Citizenship, and Border Safety
224 Dirksen Senate Office Building
Washington DC 20510

The Honorable John Cornyn
United States Senate
Committee on the Judiciary
Subcommittee on Immigration,
Citizenship, and Border Safety
517 Hart Senate Office Building
Washington DC 20510

Dear Chairman Padilla and Ranking Member Cornyn:

On behalf of the American Council on Education (ACE) and the undersigned associations, I write in advance of tomorrow's U.S. Senate Judiciary Subcommittee on Immigration, Citizenship, and Border Safety hearing on "Strengthening our Workforce and Economy through Higher Education and Immigration." We appreciate the committee's attention to the immigration issues facing higher education and our students. Like the testimony offered by our colleague Bernard Burrola, vice president of the Office of International, Community, and Economic Engagement at the Association of Public and Land-grant Universities, we stress the importance of supporting Dreamers and our students who are eligible for the Deferred Action for Childhood Arrivals (DACA) program as well as international students and scholars, and the urgent need to address the many challenges facing these students and the U.S. institutions that serve them.

The establishment of DACA in 2012 was an important interim step in providing undocumented students who fit within the criteria with some protections. The DACA program has not removed all the barriers confronting Dreamers, but it has made it possible for thousands of these students to access postsecondary education and unlock the potential such an education affords. These Dreamers can now qualify for many work-study programs, take on high-quality jobs, and otherwise find the means to pay for their education. They can drive to work, school, and internships. When they graduate, they can qualify for occupational licenses and obtain work authorizations that allow them to work in skilled jobs across industries. However, these students remain ineligible for Title IV federal student aid, such as Pell Grants. And given the court cases and upheavals surrounding the DACA program, these students and others live under a cloud of uncertainty. They don't know, for instance, whether after earning a degree, they will be able to receive work authorization because the future of DACA is unclear.

Higher education continues to advocate, as a top priority, for legislation that will provide permanent protections for Dreamers as soon as possible. Dreamers often face a battery of severe impediments to attending and completing college or graduate school. Unable to receive federal loans, work legally, or qualify for most state tuition benefits, these outstanding individuals brought here as children were previously blocked from opportunities to finance their education. Providing Dreamers with permanent protections, such as the DREAM Act or

similar legislation, has wide bipartisan support on Capitol Hill, in the business community, and among the general public.

As you are aware, U.S. colleges and universities are among the finest in the world. They help preserve our democratic values; ensure the country's economic strength; and contribute to our nation's security, influence, and global standing. A central reason for the excellence of our postsecondary institutions is their ability to attract and enroll talented, motivated, and curious students, whether born in this country or abroad. Our institutions currently enroll over 914,000 students from across the globe in undergraduate, graduate, and professional degree programs. Many of these students and scholars have gone on to invent groundbreaking technologies, start thriving businesses, and create jobs. They add to the United States' intellectual and cultural vibrancy, while also yielding an [estimated annual economic impact](#) of \$28.4 billion and support for over 306,300 jobs in this country.

Given the benefits to this country of attracting international students and scholars, we need to have clear, unambiguous, and widely understood policies to facilitate the visa and immigration process. Rapid and frequent changes in visa and immigration policy as it affects students and higher education confuses the intended beneficiaries and limits our ability to attract these talented individuals. Stability and predictability in visa policy is extraordinarily important to attract foreign students and scholars and allow institutions to make plans. This is especially true as we continue to compete with other countries such as Canada and the U.K. that have recently introduced new immigration laws to make studying in those countries more desirable.

In the last few years, there has been a historic drop in new and continuing enrollments for international students at U.S. colleges and universities. Indeed, international student enrollments had started to fall, after a decade of historic growth, even before the COVID-19 pandemic limited global travel and required most of our campuses to move classes online. One of the core problems is the lack of predictability that surrounds the visa process for prospective and current international students and employers. Students need assurance that they will not be rejected for a visa due to outdated rules surrounding proof of non-immigrant intent. They also need to know that immigration rules will not suddenly change and require them to leave during their program of study. Similarly, employers need certainty so they can engage in appropriate workforce planning. Sudden changes to immigration regulations, and the inability of Congress to update or pass comprehensive immigration legislation, makes it more challenging for schools to compete globally for international students and advise them about training and employment opportunities.

We believe there are sensible steps the administration can take to communicate predictability and ensure that our nation can continue to compete successfully for top international talent. We have asked the Biden administration to commit to improving visa and work authorization processing times for students and scholars, especially as the administration faces a backlog of applications due to the pandemic. We have heard extensive anecdotal evidence from institutions and students that overall processing times have slowed. This has caused frustration among international students and scholars, discouraging some from studying or engaging in scholarship and research in the United States.

We respect the need to fully vet prospective students to protect legitimate U.S. security interests. But we ask only that the administration commit to doing this more expeditiously. It would be especially helpful if the administration would publicly commit to maintaining premium processing without the service interruptions that have characterized this essential option in the past. This option is especially important in connection with I-539 Applications to Extend/Change Nonimmigrant Status and I-129 Petitions for Nonimmigrant Worker for H-1Bs.

Higher education is also engaged in supporting displaced students and scholars from countries impacted by crisis, including Afghanistan and Ukraine. Beyond institutional support for these students and scholars, we continue to ask the State Department for flexibility for Afghan and Ukrainian students seeking student visas. In addition, we applaud the recent announcements from the Department of Homeland Security to grant Temporary Protected Status and Special Student Relief for those students in the United States that have seen their lives and financial status upended by these conflicts.

In addition, we are pleased that the Department of Homeland Security (DHS) announced the re-establishment of the Homeland Security Academic Advisory Council (HSAAC), which brings together higher education leadership, as well as representatives from DHS and the State Department, to discuss issues of common concern. We hope DHS will move quickly to announce the membership and resume regular meetings of HSAAC.

We are encouraged that Congress is looking closely at immigration issues impacting higher education, international students, and Dreamers and we look forward to working with you to continue to address these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Mitchell".

Ted Mitchell, President

On behalf of:

American Association of Community Colleges
American Association of State Colleges and Universities
American Council on Education
Association of Public and Land-grant Universities
NAFSA: Association of International Educators
National Association of Independent Colleges and Universities