



June 24, 2019

Honorable Members of the Michigan Congressional Delegation:

As presidents and chancellors of colleges and universities throughout Michigan, we are writing to express our concern about obstacles we are facing in our efforts to attract and retain international students, faculty, scholars, and scientists. Our institutions vary in mission, size and the makeup of our student bodies, but we all depend on our ability to attract motivated students and scholars from throughout society and around the world.

We believe our success in these endeavors plays an important role in building the state's innovation economy. According to NAFSA: Association of International Educators, the 34,049 international students studying at Michigan colleges and universities during the 2017-2018 academic year contributed \$1.2 billion and supported 14,385 jobs to the state's economy. The economic contributions of international students are in addition to the immeasurable academic and cultural value these students bring to our campuses and local communities.

Not only do international students and scholars create jobs, drive innovation, and enrich our classrooms, they also strengthen national security and become our greatest foreign policy assets. Whatever the political differences between our government and others throughout history, educational ties have always formed the foundation necessary to build mutual understanding and long-term shared solutions that resolve conflict. At times when our nation is competing with other nations on the world stage, education must continue to be viewed as a necessary element of how we build long-term solutions for the future, and students must never be used as a bargaining chip in political negotiations.

Over the past several years, we have observed a disturbing increase in the number—and length—of impediments put in the path of our international students, faculty, and staff. Some of our institutions have experienced decreases in foreign student enrollment and all of our schools have encountered an increasingly log-jammed immigration system that is impacting our ability to recruit, retain, and bring to our campuses foreign talent.

Simply put, as it becomes more difficult for foreign students and academics to study and work in the United States, many of them are turning to other options, weakening not just our individual institutions, but American higher education as a whole, and, by extension, our country's global competitiveness.

Provided below are five actions that Congress can take to reinvigorate and streamline the foreign talent pipeline to Michigan's colleges and universities.

- **Preserve duration of status for foreign students and exchange visitors (F and J status):** For decades, students and scholars have been granted immigration status that lasts for the period of time they are engaging in their studies or research, known as duration of status or D/S. Alarming, the Department of Homeland Security (DHS) included the elimination of D/S in its Unified Agenda of Regulatory and Deregulatory Actions published this spring. Maintaining D/S is necessary because the time for study or research can fluctuate given the changing goals and actions of the student or scholar. U.S. Citizenship and Immigration Services (USCIS) already struggles with long backlogs and delays, and it will be unable to timely adjudicate the filings that this change would generate. USCIS average processing times have increased by 46% over the past two fiscal years and 91% since fiscal year 2014. Ending D/S for students and scholars would exacerbate an existing problem by adding an enormous number of new application filings to extend status.

- **Protect experiential learning opportunities for foreign students:** Optional Practical Training (OPT) permits foreign students studying in the U.S. to apply for “practical training” with a U.S. employer in a job directly related to their course of study. According to a 2019 report from the Niskanen Center, experiential learning opportunities like OPT for international students lead to increased innovation and higher average earnings, while not costing U.S. workers their jobs. That same report shows that Michigan is one of the top states in the nation that has benefitted from the growth in levels of OPT participants.

The program allows students to supplement their education with valuable experiential learning and on-the-job-training as they start their careers. DHS included elimination of OPT in its Spring and Fall Unified Agenda of Regulatory and Deregulatory Actions last year. Experiential learning like OPT for international students is a key component of U.S. higher education. Access to this opportunity attracts international students; many competitor countries like Australia and Canada use their similar programs to attract students away from the United States.

- **Reduce administrative processing delays for entry visas:** In a number of recent cases, graduate students and faculty members have been forced to miss or defer entire semesters because their entry visa applications were mired in “administrative processing” at the State Department. Administrative processing is the time period outside of “normal” processing times in which cases that appear to meet the basic eligibility requirements are referred for additional background checks. Applicants are generally not provided with any explanations, nor are they told how long the additional processing may last. This situation creates untenable uncertainty for the applicant, the university, and other affected parties, especially as anecdotal reports indicate an increase in the amount of time that cases are remaining in this category. This can be especially problematic for foreign students and academics, whose commitments in the U.S. align with an established academic calendar.
- **Mitigate processing delays for OPT:** Unfortunately, processing times for OPT applications have increased from a previous maximum of 90 days in 2016 up to 5½ months today. Processing times of this length create an enormous burden for students. The consequence of these delays is that students are unable to begin their job or program on time and, in many instances, they may lose out on the position altogether. This harms not only the students, but also the employers seeking to hire qualified, U.S.-trained workers for a practical training opportunity.

- **Alleviate increased Requests for Evidence:** Over the past year, employers seeking to hire foreign-born employees have seen a dramatic increase in the number of “Requests for Evidence” (RFEs) from USCIS, particularly for H-1B visas, which allow U.S. employers to hire highly-skilled foreign workers in specialty occupations. We understand that USCIS has a responsibility to ensure that it has necessary information about eligibility. The scope of the increase, however, is staggering. RFEs for H-1B visa petitions more than doubled between the third and fourth quarters of FY 2017. These requests delay the issuance of visas for employers by months and increase legal costs. Meanwhile, our professors and other employees are putting their lives on hold as they wait for start dates.

The challenges and types of situations described above rarely make front-page news and the isolated impact of each example is certainly not as dramatic as the effect of higher-profile actions such as the rescission of the Deferred Action for Childhood Arrivals program or the travel ban. However, taken together, they create a frustrating and sometimes hostile environment for those wishing to live in and contribute to our communities. This cumulative effect is acutely felt at our colleges and universities, where we depend on the free flow of talent to help fulfill our teaching and research missions.

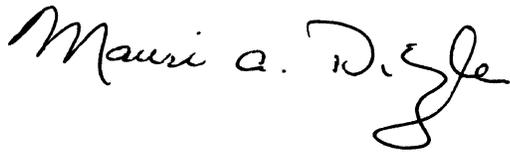
Our experiences over the past several years are reflected in the findings of two recent reports by the American Immigration Lawyers Association (AILA) and the Council of Graduate Schools (CGS). The AILA analysis of USCIS data found that the total time it takes the federal government to process applications has increased by 46 percent over the past two fiscal years. Meanwhile, the Council of Graduate Schools found that new enrollments of international students at U.S. graduate schools have fallen for the second year in a row. The CGS report comes on top of a 2018 survey by the Institute of International Education, which found that new foreign student enrollment for undergraduate programs in the U.S. has decreased by 8.9 percent since the 2015-16 school year.

Needless to say, we are very concerned about the findings in these reports. For decades, U.S. academia has been the envy of the world, in part because of our recruitment and acceptance of the finest applicants from around the globe. It has also been an engine of American innovation, bringing together talent from across the nation and around the world to work on the discoveries that fuel our most cutting-edge economic sectors. Our students, both foreign and U.S.-born, are able to learn from the world’s best professors and conduct research under the tutelage of the most creative minds in their field. These students, in turn, join the workforce, enter public service, and become educators or researchers themselves. Eventually, their children attend our colleges and universities, and become productive members of society.

As the 116th Congress moves forward, we ask that you closely monitor the policies and administrative actions that are threatening the free flow of students and scholars upon which our colleges and universities depend. We appreciate all your work on these issues and hope that you will continue to let foreign-born individuals on our campuses and throughout the state know that people of all backgrounds and nationalities will always be welcome in Michigan. We stand ready to support you in your efforts to ensure that our nation continues to be the leading destination for the world’s best and brightest.

Sincerely,

The Undersigned Presidents and Chancellors of Michigan Colleges and Universities:



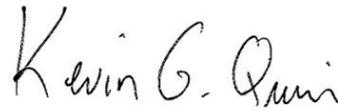
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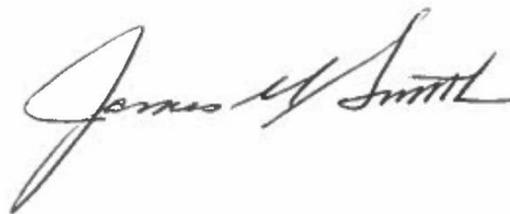
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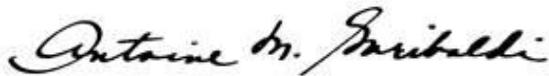
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