

**PRESIDENTS' | ON HIGHER EDUCATION
ALLIANCE AND IMMIGRATION**

Statement for the Record of

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For a Markup of the House Committee on the Judiciary

**H.R. 2214, National Origin-Based Antidiscrimination for Nonimmigrants
(NO BAN) Act**

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I. INTRODUCTION

The Presidents' Alliance on Higher Education and Immigration (Presidents' Alliance) strongly opposes the administration's recently announced expansion of the travel ban and the previous travel bans. Under the expanded travel ban, certain visa holders from Eritrea, Kyrgyzstan, Myanmar, Nigeria, Sudan, and Tanzania are prohibited from entering the United States. This is in addition to the existing proclamation, which bans some or all immigrants from Iran, Libya, North Korea, Somalia, Syria, Yemen, and Venezuela. Both the existing travel ban and its expansion represent an affront to our nation's principles and the core values of our nation's higher education institutions.

The non-partisan Presidents' Alliance brings together college and university leaders committed to increasing public understanding of how immigration policies and practices impact our students, campuses, and communities, supporting policies that create a welcoming environment for immigrant, undocumented, and international students on our campuses; and identifying and sharing best practices.¹ The Presidents' Alliance is comprised of over 450 presidents and chancellors of public and private colleges and universities, enrolling over five million students in 41 states, the District of Columbia, and Puerto Rico.

Under these travel bans, the banning of certain nonimmigrants and immigrants from these countries sends a harsh, unwelcoming message; discourages and chills international students and scholars from coming to our country; and undermines our nation's ability to fully attract and retain international talent. While the travel bans do not explicitly bar international students (with the exception of suspending all nonimmigrants from Syria and North Korea), anecdotal reports indicate that international students from the banned countries experience "enhanced screening and vetting requirements" and turnaways at the border at greater rates, implicating higher education. Moreover, these bans affect the families of many students, faculty, and staff on our campuses, preventing them from joining loved ones in the United States. Our campuses, academic programs, and co-curricular engagement are intellectually and culturally richer because of international visitors, students, staff, faculty, and their families.

The National Origin-Based Antidiscrimination for Nonimmigrants (NO BAN) Act (H.R. 2214) would expand section 202(a)(1)(A) of the Immigration and Nationality Act (INA), also known as the nondiscrimination provision, to include nonimmigrant visas and to prohibit discrimination on the basis of religion.² The bill would also impose limitations on the president's power to restrict the entry of certain classes of noncitizens into the United States; terminate executive orders and presidential proclamations relating to the existing travel and asylum bans; and implement certain reporting requirements. While

¹ *Founding Statement*, Presidents' Alliance on Higher Education and Immigration (last accessed March 3, 2019), <https://www.presidentsimmigrationalliance.org/about/statement/>.

² For the full text of the House bill, see <https://www.congress.gov/bill/116th-congress/house-bill/2214/text>. For the full text of the identical Senate bill, see <https://www.congress.gov/bill/116th-congress/senate-bill/1123/text>.

the Presidents’ Alliance has not yet formally endorsed this legislation, we generally support policies that would revisit, narrow, or rescind the administration’s travel bans.

II. IMPACT OF BANS ON INTERNATIONAL STUDENTS AND SCHOLARS

The NO BAN Act is a carefully crafted compromise that preserves the President’s ability to protect the nation in time of emergency and for legitimate foreign policy objectives, while restricting the President’s authority to act in a discriminatory and excessive manner that undermines national security, economic prosperity, educational opportunity, and long-standing immigration laws developed by Congress.

This is especially important given the significant number of international students whose countries of origin have been targeted by the travel bans and the most recent expansion. Nearly 39,000 international students from the thirteen banned countries were studying in the United States during the 2018–19 academic year, including almost 17,000 from the newly banned countries.³ These tens of thousands of students are directly or indirectly impacted by the travel bans—not counting the faculty and staff members in the United States who hail from these affected countries, or who have family members from these affected countries. The NO BAN Act would offer them and their families reprieve.

<i>Country of Origin⁴</i>	<i>Students Affected⁵</i>
Nigeria	13,423
Sudan	319
Tanzania	834
Eritrea	117
Myanmar	1,773
Kyrgyzstan	290
Venezuela	7,760
Iran	12,142
Libya	884
North Korea	2
Somalia	76
Syria	566
Yemen	398
Total	38,584

These tens of thousands of international students add tremendous value to our economy. NAFSA developed an online tool to calculate the economic benefits of

³ *International Student Totals by Place of Origin, 2012/13 – 2018/19*, Inst. of Int’l Educ., <https://www.iie.org/Research-and-Insights/Open-Doors/Data/International-Students/Places-of-Origin> (last visited Feb. 10, 2020).

⁴ *Id.*

⁵ During the 2018–19 school year.

international students by state and congressional district, including the overall financial contribution of students, jobs supported, and international students enrolled.⁶ According to the NAFSA economic tool, the economic contributions of international students from the countries targeted by the expanded travel ban total approximately \$1,427,570,325.59 as well as 16,162 jobs.⁷

The existing and expanded travel bans needlessly undermine the academic and economic contributions of those affected and deprive our campuses of important diverse perspectives. The recently expanded ban will cause significant disruption to immigrants; separate these individuals from their families and loved ones; and do nothing to improve the safety of our nation or wellbeing of our populace. Immigrants, refugees, visiting scholars, and international students' presence enhances, and does not hurt, the academic, cultural, and economic character of our nation. The addition of these countries to the ban affects current and prospective students, staff, faculty, academic visitors, and their families from these countries and enacts barriers for individuals from these countries who depart the United States and seek to return.

III. CONCLUSION

The United States' academic life's richness derives largely from the diversity of backgrounds, ideas, and experiences in colleges and universities. International students add value both to our campuses and to our economy. The harmful impacts of the existing and the recently expanded travel ban are being experienced by students, scholars, staff, and their families on campuses across the country. Continued examination and potential repeal of the administration's travel bans will mitigate the damages already wrought and prevent future injuries from occurring, enabling our colleges and universities to thrive as they are better able to draw in and retain talent from around the world.

⁶ *Economic Value Statistics*, Nat'l Ass'n for Foreign Student Affairs, <https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2> (last visited Feb. 10, 2020).

⁷ *See id.*