

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

Statement for the Record of

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**For a Hearing from the Committee on the Judiciary
Subcommittee on Immigration and Citizenship**

**“Why Don't They Just Get in Line?”
Barriers to Legal Immigration**

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I. INTRODUCTION

The nonpartisan, nonprofit 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 composed of over 500 presidents and chancellors of public and private colleges and universities, enrolling over five million students in 43 states, the District of Columbia, and Puerto Rico.

II. UNDOCUMENTED STUDENTS AND SCHOLARS

An estimated 427,000 undergraduate students in U.S. higher education are undocumented, representing approximately 2% of all undergraduate students.² Of these students, only 181,000 either hold Deferred Action for Childhood Arrivals (DACA) or would be eligible for relief under DACA. As with other Dreamers, many of these students have really only known the United States as their home, having been raised and educated in the U.S. from a young age, including over 90% of DACA-eligible students enrolled in colleges and universities who arrived in the United States when they were twelve or younger.³ An unknown number of undocumented students enrolled in higher education hold or could be eligible for Temporary Protected Status (TPS).⁴ Additionally, approximately 98,000 undocumented students graduate from high school in the United States every year.⁵

Unfortunately, most undocumented students cannot obtain lawful status because they lack a pathway to do so—no such pathway exists. While a small number of undocumented individuals can adjust status via sponsorship, section 212(a)(9) of the Immigration and Nationality Act (INA) imposes 3-year, 10-year, and even permanent bars from entry on certain individuals who accrue specific amounts of unlawful presence and meet other requirements.⁶ Furthermore, INA § 245(a) requires that nonimmigrants be “inspected and admitted or paroled into the United States” in order to adjust status, which excludes many undocumented individuals from eligibility.⁷ By July 31, 2019, only 76,000 DACA recipients successfully adjusted status to lawful permanent residents

¹ *Founding Statement*, Presidents' Alliance on Higher Education & Immigration, <https://www.presidentsalliance.org/statement/> (last accessed Apr. 12, 2021).

² Presidents' Alliance & New American Economy, *How Many Undocumented Students are in U.S. Colleges and Universities, and Who Are They?* (2021), available at <https://www.higheredimmigrationportal.org/research/undocumented-students-in-higher-education-updated-march-2021/>.

³ *Id.*

⁴ *Id.*

⁵ Jie Zong & Jeanne Batalova, *How Many Unauthorized Immigrants Graduate from U.S. High Schools Annually?*, Migration Policy Institute (Apr. 2019) and commissioned by the Presidents' Alliance, <https://www.higheredimmigrationportal.org/research/migration-policy-institute-fact-sheet-on-number-of-dreamers-graduating-from-high-school/>

⁶ 8 U.S.C. § 1182(a)(9)(B)–(C) (2021).

⁷ *Id.* § 1255.

(LPRs).⁸ Likewise, by September 17, 2020, nearly 82,000 TPS holders adjusted status to LPRs, and nearly 9,500 former TPS holders successfully naturalized.⁹

To ensure equity for undocumented students in higher education, Congress must repeal the bars implemented by INA § 212(a)(9); repeal the inspection and parole requirements of INA § 245(a); and pass legislation to provide status to undocumented individuals, including but not limited to the Dream Act of 2021, the American Dream and Promise Act of 2021, and the SECURE Act.¹⁰ For more information, see the Presidents' Alliance's *Legislative Recommendations Regarding Immigrant Students, Higher Education Access, Federal Financial Aid, and Professional and Occupational Licensure*.¹¹

III. INTERNATIONAL STUDENTS & SCHOLARS

Additionally, our outdated immigration system does not include adequate pathways for legal immigration for international students and scholars. Even though the future of higher education in the United States as well as our economy depends in part upon our ability to attract and retain international students and scholars, there are very limited, and sometime no options, for these students to obtain lawful permanent residency or citizenship after they have completed their studies and wish to contribute to our communities.

U.S. colleges and universities are magnets for the world's talent. Our country has benefited enormously from their contributions:

- International students **create jobs and help us grow our economy**. For every eight international students we welcome, three U.S. jobs are created or supported, according to NAFSA's latest data.¹² These students and their

⁸ Andorra Bruno, Cong. Rsch. Serv., R46764, Deferred Action for Childhood Arrivals (DACA): By the Numbers 20 (2021).

⁹ Lora Adams, TPS Advoc. Working Grp., Pulling Back the Curtain: Analysis of New Government Data on Temporary Protected Status 36 (2021), available at <https://cliniclegal.org/resources/humanitarian-relief/temporary-protected-status-and-deferred-enforced-departure/pulling>.

¹⁰ American Dream and Promise Act of 2021, H.R. 6, 117th Cong. (2021); Dream Act of 2021, S. 264, 117th Cong. (2021); Safe Environment from Countries Under Repression and Emergency (SECURE) Act, S. 306, 117th Cong. (2021).

¹¹ *Legislative Recommendations Regarding Immigrant Students, Higher Education Access, Federal Financial Aid, and Professional and Occupational Licensure*, Presidents' Alliance on Higher Education and Immigration, Jan. 7, 2021, <https://www.presidentsalliance.org/legislative-recommendations-regarding-immigrant-students-higher-education-access-federal-financial-aid-and-professional-and-occupational-licensure/>.

¹² Press Release, NAFSA, New NAFSA Data Show First Ever Drop in International Student Economic Value to the U.S. (Nov. 16, 2020), available at <https://www.nafsa.org/about/about-nafsa/new-nafsa-data-show-first-ever-drop-international-student-economic-value-us>.

dependents contributed \$38.7 billion and nearly 416,000 jobs to the U.S. economy in the 2019-2020 academic year.¹³

- U.S. national security and foreign policy leaders have often referred to **international students as our greatest foreign policy asset**. Our ability to attract top international students in the past has meant that the U.S. educates more world leaders than any other country: in 2020, 62 leaders from 58 countries studied in the U.S. earlier in their careers.¹⁴
- International students **ensure that our college campuses remain global and diverse**. Their presence helps to prepare our own students to develop global perspectives and to prepare for a global workforce, especially given that only 10 percent of American students will themselves have the opportunity to study abroad.
- International students **help expand domestic student enrollments** and support academic programs.¹⁵ An increase in international students in STEM increases the number of domestic students obtaining STEM degrees.¹⁶
- International students who stay in the U.S. and become immigrants **contribute significantly to science, innovation, and entrepreneurship**. Twenty-five percent of founders of a \$1 billion U.S. startup first came to America as an international student. Companies founded by immigrants are worth an estimated \$168 billion and have generated thousands of U.S. jobs.¹⁷

Now **we are losing our edge in the global competition for talent**. The latest Open Doors report by IIE shows that new international student enrollment declined for the fourth straight year, following several years of annual increases.¹⁸ In the last academic year alone, the United States lost more than 42,000 jobs and \$1.8 billion because students were unable to come to the United States or chose to study in other countries.¹⁹ Additionally, one estimate suggests that any further restrictions in Optional

¹³ NAFSA *International Student Economic Value Tool*, NAFSA, <http://www.nafsa.org/econvalue> (last accessed Apr. 27, 2021).

¹⁴ Nick Hillman, Higher Educ. Pol’y Inst., Pol’y Note 26, HEPI Soft-Power Ranking 2020 (2020), available at <https://www.hepi.ac.uk/2020/08/27/hepi-soft-power-ranking-2020/>.

¹⁵ Rajika Bhandari, Presidents’ Alliance on Higher Education and Immigration, Did You Know? Five Facts about International Students in the United States, available at

<https://www.higheredimmigrationportal.org/policy/did-you-know-5-realities-international-students/>

¹⁶ Madeline Zavodny, Nat’l Found. for Am. Pol’y, The impact on U.S. Men and Women in STEM fields of Increases of International Students (2021), available at

<https://nfap.com/wp-content/uploads/2021/04/International-Students-and-STEM.NFAP-Policy-Brief.April-2021.pdf>.

¹⁷ Nat’l Found. for Am. Pol’y, NFAP Policy Toolkit 2019: Immigrant Entrepreneurs and U.S. Immigration Policy (2019), available at tinyurl.com/NFAP-2019-IEUSI-Policy.

¹⁸ *New International Student Enrollment*, Open Doors,

<https://opendoorsdata.org/data/international-students/new-international-students-enrollment/> (last accessed Apr. 27, 2021); Elizabeth Redden, *International Student Numbers Decline*, Inside Higher Ed (Nov. 16, 2020),

<https://www.insidehighered.com/news/2020/11/16/survey-new-international-enrollments-drop-43-percent-fall>.

¹⁹ Press Release, NAFSA, *supra* note 11.

Practical Training (OPT)—the post-study work program for international students—would have dire consequences for the U.S. economy, including a drop in GDP and a loss of 443,000 jobs over the next decade, including 255,000 jobs held by native-born workers.²⁰

Congress should clearly articulate the value of international students, sending a message that international students are welcome to succeed here by enacting proactive policies that enable institutions of higher education to attract, welcome, and retain international students. As an organization serving at the intersection of immigration and higher education, the Presidents' Alliance has compiled legislative recommendations for the 117th Congress.²¹ One of our key recommendations is that Congress expand dual intent to include F-1 visa applicants.²² This would permit individuals who are being screened for a visa or when entering the United States to communicate their interest in obtaining a different lawful status upon completion of their degree and would therefore enable them to remain in the United States after graduation.²³ Likewise, we encourage Congress to create a direct path to green cards for noncitizen alumni, to eliminate current green card backlogs, and to prevent future backlogs.²⁴ These alumni should represent the wide range of fields of study that our economy needs to thrive.²⁵ By allowing those educated by our institutions to stay in the United States, we allow them to contribute their knowledge and skills to our economy.²⁶

IV. CONCLUSION

Undocumented, other immigrant, and international students are key to the vitality of higher education in the United States, and it is imperative that Congress provide pathways to residence and citizenship for these students. Currently, legislative barriers prevent many undocumented and international students from pursuing lawful permanent residence and eventual naturalization. By eliminating these barriers, Congress can ensure the future academic and career success of these student populations, the future vibrancy and sustainability of the colleges and universities that educate them, and the future prosperity and vitality of the communities across our nation that benefit from their contributions and dedication.

²⁰ *The Economic Impact of Curbing the Optional Practical Training Program*, Bus. Roundtable, <https://www.businessroundtable.org/policy-perspectives/immigration/economic-impact-curbing-option-al-practical-training-program> (last accessed Apr. 27, 2021).

²¹ For a complete list of our legislative recommendations regarding international students, see Presidents' All. on Higher Educ. & Immigr., *Recommendations for the 117th Congress To Grow the Economy and Create Jobs, Prepare for the Next Global Crisis, and Strengthen National Security: Welcome International Students (2021)*, available at <https://www.presidentsalliance.org/legislative-recommendations-for-welcoming-international-students-policies-to-grow-the-u-s-economy-and-create-jobs-prepare-for-the-next-global-crisis-and-strengthen-national-security/>.

²² *Id.* at 2–3.

²³ *Id.*

²⁴ *Id.* at 3.

²⁵ *Id.*

²⁶ *Id.*