

United States Senate

WASHINGTON, DC 20510

November 20, 2018

The Honorable L. Francis Cissna
Director
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
20 Massachusetts Avenue NW, 4th Floor
Washington, DC 20529

Director Cissna:

We are deeply concerned that recent U.S. Citizenship and Immigration Services (USCIS) policy changes could cause serious harm to international students in the United States, and to our colleges and universities. Specifically, on August 9, USCIS issued guidance providing that individuals on student visas would immediately begin accruing unlawful presence in the United States if they left school or worked without authorization, even if they were never notified of the violation by USCIS or an immigration judge. Under the new policy, international students will be subject to removal and barred from re-entry for up to 10 years before they even know that they have violated the terms of their visa. Given that the immigration system in the United States is complex and difficult to navigate, this change cannot be justified.

Colleges and universities in the United States compete with the world to attract the best and brightest international students. In turn, these students enrich our higher education institutions and benefit our economy and communities. International students and scholars conduct groundbreaking research, help build diplomatic ties, and are often our best ambassadors abroad.

Through their spending in our communities, international students directly contribute to the economy of the United States while attending school. According to NAFSA: Association of International Educators, more than one million international students studying at U.S. colleges and universities contributed \$36.9 billion to our economy and supported more than 450,000 jobs in the United States during the 2016-2017 academic year. That is an estimated three jobs created or supported for every seven international students present in the United States.

The change to the accrual of unlawful presence policy jeopardizes these economic benefits, and is a drastic departure from past practice. The policy change would unnecessarily punish minor or technical violations of immigration status by students, scholars, and exchange visitors who become confused by our complex immigration and academic systems. Furthermore, it is important to note that the unlawful presence bar applies not only to students, but also to their spouses and children who may be entirely unaware of the actions that will result in a multiple-year bar. This policy will also impact employers, who will lose the ability to hire talented foreign college graduates who inadvertently violated status.

The United States competes in a global economy—and this policy change is yet another choice made by the Trump Administration to make the United States less attractive to talented

individuals from abroad. This change will encourage students to look elsewhere to conduct groundbreaking research that helps fuel our economy.

Unnecessarily subjecting students and scholars to the unlawful presence bars is unfair and counterproductive to research and innovation that drives our economy. For that reason, we ask that you rescind these changes to the accrual of unlawful presence policy effective August 9, 2018, and return to the prior longstanding policy, which is a fair approach to enforcing our immigration laws.

Sincerely,



PATTY MURRAY

Ranking Member

U.S. Senate Committee on Health, Education,
Labor and Pensions



DIANNE FEINSTEIN

Ranking Member

U.S. Senate Committee on the Judiciary



BERNARD SANDERS

United States Senator



SHELDON WHITEHOUSE

United States Senator



MICHAEL F. BENNET

United States Senator



RICHARD BLUMENTHAL

United States Senator



TAMMY BALDWIN

United States Senator



MAZIE HIRONO

United States Senator



ELIZABETH WARREN

United States Senator



CORY A. BOOKER

United States Senator



MARGARET WOOD HASSAN
United States Senator



KAMALA D. HARRIS
United States Senator



JACK REED
United States Senator



RON WYDEN
United States Senator



BENJAMIN L. CARDIN
United States Senator



JEFFREY A. MERKLEY
United States Senator



CHRIS VAN HOLLEN
United States Senator



EDWARD J. MARKEY
United States Senator