

September 9, 2019

The Honorable Members of the New York Congressional Delegation:

As presidents and chancellors of universities throughout New York, we are writing to raise serious and shared concerns about increased barriers we face in attracting and retaining international students, faculty, and scholars. While colleges and universities in our state vary in size, mission, and the makeup of our student profiles, we share common ground in our need to be able to attract the top students and faculty from within the United States and around the globe.

The academic research community is underpinned by the principle of openness, and, increasingly, this community is and must be global. Collaborative basic research and attracting the best and brightest to our universities—in New York and across the country—is essential to maintaining a strong economy and leading the world in science and technology innovation. Our shared concerns for security in the conduct of research is, in fact, not at odds with the openness and collaborative benefits derived from innovative research and scholarship. Working collaboratively with federal agencies to advance best practices will enhance institutional security measures while preserving the free flow of fundamental scientific information and scientific talent. Access to global talent is equally critical to our national security and economic competitiveness.

Historically, the U.S. has generously opened its higher education system to people of talent from around the world, and they have flocked here. Those who came and stayed have contributed to practically every sector of American society, bringing us discoveries, innovation, artistic creativity, and economic vibrancy. By way of example, in 2016, all three winners of the Nobel in Physics were faculty members at U.S. universities—and all three were born outside the US. New York institutions can tell similar stories—of the five New York mathematicians who have won the Abel Prize, four were born elsewhere but pursued their very successful scientific careers here.

Moreover, in addition to immeasurable intellectual contributions made by these students, according to NAFSA: Association of International Educators, international students throughout New York contribute \$5 billion to the state economy and support over 58,000 jobs—a very substantial economic contribution.

Notwithstanding these many benefits to our state, in recent years, there has been a dramatic increase in the number and length of immigration processing delays, placing significant obstacles in the path of our international students, scholars, and administrators. The increasing backlog in the U.S. immigration system has resulted in some of our schools experiencing considerable declines in foreign student enrollment, and of course, has raised concerns about the future for all of us.

The bottom line is that current policies have made it harder for foreign students to study and work in the U.S., resulting in many international students choosing to study in other countries, which not only weakens America's higher education system, but our overall global competitiveness.

Examples of barriers for international students and workers, drawn from our direct experience include:

- **Administrative Processing Delays:** In recent years, there has been a dramatic increase in visa “administrative processing” delays at the State Department, forcing students to miss or defer entire academic semesters. Administrative processing is the time period, after the visa interview, during which some visa applications that appear to meet basic eligibility requirements undergo additional security review outside of the normal processing times. The State Department are now advising visa applicants whose cases have been remanded to administrative processing to wait at least 180 days from their date of their interview before inquiring about their status when it previously was around 45 days. Applicants and educational institutions are not given any explanations for the delay, nor are they given an estimate of how long the additional review may last. This situation creates untenable uncertainty for the visa applicant, the employer, and the university, especially for students whose educational commitments in the U.S. align with an established academic calendar.
- **Processing Delays for Optional Practical Training (OPT):** OPT is a federal program that allows foreign students studying in the U.S. to apply to receive “practical training” with a U.S. employer in a job directly related to their course of study. This allows students and recent graduates to supplement their education with valuable experiential learning and on-the-job-training as they begin their careers. Delays in processing OPT applications have dramatically increased from a previous maximum of 90 days in 2016 to 3.5 – 5.5 months in 2019. These delays are causing numerous burdens to students, as they are either unable to start their job or program on time or lose their employment altogether. In addition to harming students and institutions, these delays are harming employers who are losing out on hiring highly qualified, U.S. trained workers.
- **Increased Requests for Evidence:** Employers seeking to hire foreign-born employees have seen a dramatic increase over the past year in “Requests for Evidence” (RFEs) from the United States Citizenship and Immigration Services (USCIS). We have seen specific increases in RFEs connected to H1-B visa applications, which allow U.S. employers to hire highly-skilled foreign workers in specialty high need occupations. Of course, USCIS has a responsibility to ensure that it has all the necessary information about eligibility and we understand that many of these requests have merit. However, RFEs for H-1B visa petitions have more than doubled between the third and fourth quarters of fiscal year 2017. These RFEs delay the issuance of visas for employers by months and increase legal costs for universities and businesses.

Combined with the more dramatic actions such as the administration’s 2017 travel ban and the elimination of the Deferred Action on Childhood Arrivals (DACA) program, these impacts are real and affect the quality of the students and scholars we host. These issues have not gone unnoticed, with the New York Times article in June titled, [“Visa Delays and Backlogged Immigration Service Strand International Students,”](#) documenting how these delays and backlogs

are negatively impacting students, businesses, and universities.

Recent reports by the American Immigration Lawyers Association (AILA), the Institute of International Education (IIE), and the Council of Graduate Schools (CGS) document how these delays are impacting student mobility. The [AILA analysis](#) of USCIS data found that the total time it takes the federal government to process foreign visas has increased by 46 percent over the past two fiscal years. In addition, [IIE's 2018 Open Doors report](#) found that new foreign student undergraduate enrollment has decreased by 8.9 percent since the 2015-16 academic year. Lastly, the [CGS 2018 Applications and Enrollment study](#) found that new enrollments of international students at U.S. graduate schools have fallen for two years in a row.

American universities have historically been the envy of the world, enabling them to recruit and retain the most talented students from around the globe. This, in turn, has been a leading driver of American innovation, economic strength, and robust job creation. For the U.S. to retain this position of preeminence, we must have the policies and practices in place that support its success.

As Congress continues to consider ways to maintain a growing economy, we respectfully ask that you closely monitor the policies and administrative actions that are disrupting the mobility of students and scholars that are essential to both to U.S. universities and to maintaining steady economic growth. We appreciate your past support related to international education and we look forward to working with you in the future.

Sincerely,

Andrew Hamilton  
President  
New York University

Sarah C. Mangelsdorf  
President  
University of Rochester

Martha E. Pollack  
President  
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