

DHS-ICE July 6, 2020 Directive on International Students for Fall 2020 Talking Points

Legislative Ask:

Congress should urge the Department of Homeland Security (DHS) to withdraw the July 6 Immigration and Customs Enforcement (ICE) directive¹ regarding international students.

If DHS is unwilling to withdraw the directive, Congress should swiftly pass legislation that grants needed flexibility to institutions during the global pandemic to permit new and returning international students to take classes in various formats—online, in-person, or a hybrid of both—whether students are located inside or outside the United States during the upcoming 2020-21 academic year.

Consequences of Directive:

The new, unexpected, and last-minute directive from DHS is a disaster for campuses and international students as they make plans for the upcoming fall 2020 semester in the midst of a global health emergency.

Impact on Students:

- This directive imposes needless hardship on thousands of new and returning international students, causing them great uncertainty and confusion.
- The vast majority of our international students (90 percent according to a recent survey²) remained in the United States when campuses closed in the spring rather than travel to their home countries due to health concerns, cost of travel, border restrictions, and other factors. Those students that departed the U.S. may be unable to return to this country by the time fall semester commences.
- New international students, wishing to enroll at our institutions for the first time, may remain outside the U.S. awaiting their visa approvals at the time fall semester commences. Under the directive, they will be uncertain whether they can enter the U.S. to begin their education, once their visa is processed.
- The directive is also a potential catastrophe for international students who begin their semester at a campus conducting in-person instruction, but that is forced by changing public health circumstances to shift back to online as happened to virtually every institution in the spring. They would face costs and uncertainty if they are forced to leave the U.S. in the midst of this global crisis.
- Many graduate students are facing closed laboratories and research facilities, as well as questions about continuing dissertation work under the directive.

¹ <https://www.ice.gov/doclib/sevis/pdf/bcm2007-01.pdf>

² <https://www.insidehighered.com/news/2020/05/26/colleges-expect-few-new-international-students-will-make-it-their-campus-fall>

Impact on Institutions:

- The rigid policy deprives colleges and universities of the flexibility necessary to make responsible decisions about reopening safely in ways consistent with their academic missions, student bodies, and campus and local public health environments.
- It is an arbitrary and capricious departure from the flexibility accorded institutions and international students in the spring when the COVID-19 outbreak began. These harsh and inflexible mandates come just weeks before campuses are set to re-open in various forms and include extremely short deadlines to inform DHS of their operational status for the fall (as early as July 15), which interfere with operational planning, while creating confusion and complexity for institutions.
- Given the great uncertainty and multiple challenges facing institutions for the fall 2020 semester, colleges and universities have announced and continue to introduce multi-faceted, nuanced models for education this fall. Some are proceeding with online learning only, others intend to be primarily in-person, and many others have a range of plans for hybrid models.
- The directive also imposes burdensome and costly administrative requirements such as the issuance of new I-20 forms for all international students by Aug. 4—which at large universities can number in the thousands—at a time when institutions are struggling to maintain routine operations during the pandemic.
- Finally, the directive will needlessly interfere with and hamstring institutional decision-making about how to handle international students in the event that circumstances, such as a spike in COVID-19 cases, necessitate emergency closure of a campus during the coming academic year.

Impact on the United States:

- U.S. colleges and universities are part of a worldwide network of learning, research, and education. Our institutions enroll over 1 million students from all over the world in undergraduate, graduate, and professional degree programs. Many of these students and scholars have gone on to invent groundbreaking technology, start thriving businesses, and create jobs.
- The over 1 million international students that currently attend U.S. colleges and universities add to the United States' intellectual and cultural vibrancy, while also yielding an estimated economic impact of \$41 billion and support for over 450,000 U.S. jobs.
- This directive reinforces a troubling message that the United States no longer welcomes members of the international community to our campuses.