

ENHANCING U.S. LEADERSHIP, SECURITY, AND COMPETITIVENESS THROUGH INTERNATIONAL EDUCATION

A Bipartisan Legislative Agenda for the 110th Congress

Before the 110th Congress concludes at the end of this year, Congress should seize the opportunity to address a pressing national need to enhance U.S. international leadership, competitiveness, and security by strengthening international education and exchange programs. Foreign policy leaders in both the administration and Congress concur on the importance of these programs, and they have strong bipartisan support. Much of the necessary legislation has been introduced in previous Congresses. Yet, despite some positive steps, comprehensive approaches have fallen victim to the failure of previous Congresses generally to pursue an aggressive legislative agenda. Now is the time for Congress to assert leadership and enact bold international education legislation.

The international education agenda should include the following initiatives.

Comprehensive Legislation to Restore U.S. Competitiveness for International Students and Scholars

The United States is engaged in a global competition for international students and scholars. The international student market has been transformed in this century, with many new competitors acting much more purposively and strategically than ever before. The best and brightest from around the globe are now a sought-after

commodity, and are able to choose from many centers of excellence where they can ply their creative skills. Other countries are working hard to access the benefits to be gained from educating the next generation of world leaders and from attracting the world's scientific, technological, and intellectual elite. Yet the United States seems curiously disengaged from this competition.

The 110th Congress should enact comprehensive legislation to restore U.S. competitiveness for international students and scholars. Such legislation should include provisions for interagency coordination of U.S. government efforts, visa reform, and the removal of unnecessary restrictions that reduce our competitiveness.

1. Interagency Coordination

- Require the President to submit to Congress a strategic plan for increasing U.S. competitiveness for international students and scholars. This plan should specify the responsibilities of the respective agencies and require that they work together to attract international students and scholars.
- Establish an International Education Council to coordinate U.S. government efforts. This council should be chaired by the White House with membership from all of the agencies that impact the attractiveness and accessibility of the United States for international students and scholars and the quality of their sojourn in our country.

2. Visa Reform

- Eliminate the requirement that applicants for student visas demonstrate intent not to immigrate to the United States. This requirement is anachronistic at a time when we, in fact, seek talented international students for scarce-skill jobs in our economy. A bona fide student who has been accepted at an accredited U.S. higher education institution should be eligible for a student visa, provided that he or she meets the other requirements of the law.

- Direct the Secretary of State to require consular posts abroad, with particular emphasis on posts in high-sending countries, to submit plans for countering visa fraud that respond to the particular fraud-related problems in their countries, and require the Secretary to report to Congress on the anti-fraud measures undertaken under this initiative. Legitimate international students and exchange visitors are tarnished by the perception and reality of visa fraud; they share with the U.S. government an interest in addressing this problem.

- Return to U.S. consulates the discretion to grant waivers of personal appearance (interviews) based on risk analysis, subject to Department of State guidance and approval. This will speed visa processing and will free up consulates from unnecessary, routine interviews, thus permitting them to focus more attention on applicants that require it.

- Reduce repetitive, redundant visa reviews by (1) providing for fast-track visa approval, under a “trusted traveler” program, for researchers and scholars who are frequent visitors to the United States with a history of visa approval, and for students and scholars who have left the United States temporarily and seek to return to the same program, assuming no status violations; and (2) extending the validity of security clearances under the “Visas Mantis” program to duration of status or program.

- Provide for enhanced staffing of high-demand consulates with long backlogs, and for better training of consular officers with respect to international student and scholar issues.

- Consider creating a special “best and brightest” visa category for those who we want to attract to our universities, research centers, cutting-edge industries, and creative centers, including but not limited to those in the STEM fields.

3. Removing Unnecessary Restrictions

- Permit entry on tourist visas for short-term programs (less than 90 days), as our competitor countries do.

- Repeal the Real ID Act, which would make it virtually impossible for international students to procure driver’s licenses or, at a minimum, amend the act to provide reasonable standards for procuring driver’s licenses.

Status: On February 14, 2008, Senator Norm Coleman (R-Minn.) and Senator Jeff Bingaman (D-N.M.), introduced legislation (S. 2653) that would address these issues. The America Competes Through International Openness Now (ACTION) Act of 2008, restores and enhances U.S. competitiveness for international students, scholars, scientists, and business travelers. For more information go to www.nafsa.org/actionact2008.

Advancing Study Abroad Opportunities for U.S. Students

In the global age, all U.S. college graduates should have acquired basic international knowledge and skills and should be able to communicate in a foreign language. If we are to achieve this objective, study abroad must become the routine, not the exception, on U.S. college campuses.

International and foreign language competence on the part of our citizenry will further fundamental U.S. interests by increasing the capacity of the United States to:

- Exercise effective international leadership;
- Achieve U.S. foreign policy and national security objectives;

- Conduct effective public diplomacy and promote greater mutual understanding and respect between the United States and the rest of the world; and
- Compete effectively in the global economy and produce trained manpower for the global workforce.

Congress should enact legislation to implement the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program. The bipartisan, federal commission, inspired by the vision of the late Senator Paul Simon, was established by Act of Congress to recommend a program to significantly increase study abroad by American college students, especially in the developing countries. Such legislation should provide that, within 10 years of enactment:

- Not less than one million U.S. undergraduate students will study abroad annually, in high quality programs, for credit;
- The demographics of study abroad participation will reflect the demographics of the U.S. undergraduate population; and
- An increasing portion of study abroad will take place in nontraditional study abroad destinations and especially in the developing countries.

To achieve these objectives, the legislation must ensure that study abroad is accessible to students at all types of higher education institutions—including two-year colleges, minority-serving institutions, and institutions that serve nontraditional students—and is accessible to all students regardless of their financial means.

Status: A bill accomplishing these objectives passed the House of Representatives in June 2007. The bill,

H.R. 1469, which was originally introduced by the late, distinguished Representative Tom Lantos and Representative Ileana Ros-Lehtinen, was counted among the top accomplishments of the House Foreign Affairs Committee in 2007. The bill’s Senate sponsors, Senator Dick Durbin (D-Ill.) and Senator Norm Coleman (R-Minn.), recently moved the bill through the Senate Foreign Relations Committee and are working toward passage by the full Senate.

Comprehensive Immigration Reform

Ultimately, the United States cannot be competitive for international students and scholars so long as we retain a dysfunctional immigration system. Congress has thus far failed to enact comprehensive reform legislation.

The United States must be competitive for the best and brightest international students because, increasingly, today’s international students are tomorrow’s innovators in the U.S. economy. It is a reality of our time that, at the high-skill level, the temporary immigration system has become a conveyor belt of talent into the permanent immigration system. We need to make it easier for the world’s best and brightest to come here to study, and easier for them to stay here and contribute to American economic and scientific leadership after they graduate from our universities by working in jobs for which no equally qualified U.S. worker is available.

This requires that we reform our immigration laws to create and support a climate that encourages the contributions of foreign talent. The Senate-passed comprehensive immigration reform legislation in the

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109th Congress addressed this issue in important ways:

- First, by providing that visa applicants in the STEM fields are not subject to the anachronistic requirement that they demonstrate intent not to immigrate to the United States. The 110th Congress should consider broadening this exemption to include all degree-seeking international students.
- Second, by providing relief from artificial caps on the number of H-1B visas for skilled foreign workers and the number of green cards available for high-skilled workers who seek to change from nonimmigrant to immigrant status, along with streamlined adjudication by permitting precertification of established employers seeking to hire employees on H-1B visas.

More generally, Congress should require U.S. Citizenship and Immigration Services to use capabilities it already has to institute electronic processing of filings and petitions to reduce unnecessary burdens on itself as well as on filers and petitioners.

Status: Comprehensive immigration reform failed in the first session of the 110th Congress. As Congress considers how to proceed, including whether to instead pursue a piecemeal approach to individual problems within the immigration system, the fact remains that our immigration system is broken. Any consideration of immigration-related legislation should not only ensure that the system works to attract the best and brightest talent to our nation, but also must bear in mind that temporary fixes alone will not solve the problem. Real reform is necessary.

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