

Dear Acting Assistant Secretary Donahue:

The undersigned higher education associations write to express our concerns regarding the Notice of Information Collection under OMB Emergency Review: Supplemental Questions for Visa Applications (DS-5535), published at 82 Federal Register 20956 on May 4, 2017. If implemented, these new “rigorous evaluation” criteria, as currently described in this OMB emergency review, would have far-reaching impacts on many sectors. As higher education associations, we are best positioned to describe the ramifications these additional visa criteria would have on the U.S. higher education system and research enterprise.

While we understand the need and wholeheartedly support efforts to ensure the safety of the American people, we must also remain a welcoming country to the students, scholars, scientists, and researchers who contribute so much to our nation. The roughly one million international students that attend U.S. colleges and universities add to this country’s intellectual and cultural vibrancy, and they also yield an estimated economic impact of \$32.8 billion and support 400,000 U.S. jobs, according to recent estimates. The goals of protecting our security while ensuring that the United States remains the destination of choice for the world’s best and brightest students, faculty and scholars are not mutually exclusive.

The U.S. higher education and research communities have long enjoyed constructive partnerships with the State Department and Department of Homeland Security in support of national security. This includes thorough protocols in the SEVP program and SEVIS database system. It is unclear how the proposed additional reporting criteria and data collection would add value to the existing security review processes, or what problem or inadequacies this additional information collection would solve.

The notice’s proposed collection of additive information from a “subset of visa applicants worldwide” is vague and ill-defined, and it may result in significant unintended consequences that will hamper the United States’ ability to attract international talent. These new criteria are duplicative of the State Department’s existing protocols. As the notice asserts, “most of this information is already collected on visa applications” and “consular posts worldwide regularly engage with law enforcement and intelligence community partners to identify sets of post applicant populations warranting increased scrutiny.”

The notice proposes further requirements that are burdensome, difficult to meet, and likely to deter international students, scholars, scientists, and researchers from contributing their talents to the United States. This would cause disproportionate harm to the United States’ higher education system and research enterprise, suppressing our nation’s ability to innovate and be both globally collaborative and competitive. As currently described, the notice’s new proposed visa requirements are exhaustive, and as such, may result in an applicant inadvertently omitting information.

These new barriers to entry risk the United States’ global preeminence as the international leader in scientific collaboration and research, further widening our nation’s innovation deficit, and sending a message to the rest of the world that international academic talent is not welcome here. Other countries with more welcoming visa policies are already leveraging such perceptions to their advantage in an effort to recruit more international students, boost their scientific collaborations, and increase their own foreign exchanges.

Furthermore, the State Department and its consulates worldwide lack the necessary resources and requisite staffing to adjudicate visa applications in a timely manner. Without sufficient increases in staffing, visa processing times would lag, creating additional backlogs. Absent the guarantee of timely visa processing, scholars attending U.S.-based conferences or professional society meetings will be delayed, classrooms will be vacant until their visiting professors can arrive, scientists may miss grant application

deadlines, and transnational research collaborations will lack their international partners and may be forced to stall their research.

The notice also acknowledges that the collection of social media identifiers (handles) and username information for associated platforms is new for the State Department. Without proper safeguards, the required disclosure of such information can raise significant privacy concerns and thus cause a serious chilling effect on future visa applicants' desire to visit the United States. In light of the challenges providing sufficient privacy protections to safeguard the information of visa applicants, international students and scholars may choose to offer their talents to institutions in other countries.

While we recognize this Notice of Information Collection twice indicates that "visas will not be denied on the basis of race, religion, ethnicity, national origin, political views, gender or sexual orientation," it is unclear what protections and policy measures will be used to ensure that such discrimination will not take place.

The notice also does not specify which categories of visa applicants would be subject to the new requirement for increased information collection. Absent specific guidelines, clear visa classifications, or specific criteria outlined, the notice is vague and sends a message to the global community that all international visitors may be viewed with suspicion. This new "rigorous evaluation" policy does not clearly define who would need to comply with this increased vetting, and if it would impact current visa holders, visa renewals, or future visa applicants. The timeline is also not clearly specified.

Finally, by utilizing an emergency review process rather than the regular rulemaking process, the State Department risks its ability to implement these new requirements in a way that thoughtfully considers all unintended negative consequences and repercussions. Without clearly defining the new reporting requirements, outlining specific privacy protections, and guaranteeing timely processing, the United States will damage its ability to attract talent and thus inadvertently choke our nation's pipeline of international students and scholars.

International students and scholars have served America well throughout our history. These individuals enrich our campuses and the country with their talents and skills. The overwhelming majority return home as ambassadors for American values, democracy and the free market. We request a more thorough and timely rulemaking process for these new reporting requirements to ensure that an undue burden is not placed on the students, scholars, scientists, and researchers that enrich our campuses throughout the United States.

Our associations are eager to work with you to address any concerns and ensure the protection of our national security while upholding our nation's values and interests. Please contact Hanan Saab at hsaab@aplu.org and Lizbet Boroughs at lizbet.boroughs@aau.edu with any questions.

Sincerely,

American Association of Community Colleges (AACC)
American Association of State Colleges and Universities (AASCU)
American Council on Education (ACE)
Association of American Universities (AAU)
Association of Public and Land-grant Universities (APLU)
National Association of Independent Colleges and Universities (NAICU)