

Witness Testimony on Immigration & Higher Education
Senate Judiciary Subcommittee on Immigration, Citizenship, and Border Safety
“Strengthening our Workforce and Economy Through Higher Education and Immigration”
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Chairman Padilla, Ranking Member Cornyn, and members of the Senate Judiciary Subcommittee on Immigration, Citizenship, and Border Safety:

I am deeply honored to be with you today and to have the opportunity to describe the immense contributions of international and undocumented students to the United States and its public universities.

As Vice President for International, Community, and Economic Engagement at the Association of Public and Land-grant Universities, and as a first-generation college graduate, I understand well the benefits a higher education confers, both financially and in reaching one’s full potential. My maternal grandparents were migrant day laborers in the San Joaquin Valley. My parents never graduated college, but through hard work, grit, and determination, started a small grocery store in Los Angeles – which provided for our family and allowed me to attend and graduate from college. My ability to serve this country as a Peace Corps volunteer, a civil servant at the State Department, and in numerous civil society organizations in international public health and education, is only possible thanks to the skills I developed in college and the doors that my college education opened. While my story is not unique, it is still unattainable for too many Americans. We have work to do to unlock the doors of opportunity for all our citizens to reach their full potential through a college education. At the same time, the United States stands to benefit enormously from educating foreign-born students who can greatly contribute to our university classrooms, our economy, and larger society. Therefore, on behalf of the Association of Public and Land-grant Universities (APLU), a membership association of over 230 public research and land-grant universities, I am here to describe the benefits to the U.S. of facilitating greater access to higher education for international and undocumented students.

Annually, APLU’s U.S. member institutions collectively enroll 4.2 million undergraduates and 1.2 million graduate students, award 1.2 million degrees, employ 1.1 million faculty and staff, and conduct \$48.7 billion in university-based research. APLU member institutions enroll nearly half of all international students in the United States.

Strengthen U.S. Competitiveness for International Students

The United States has a long history of understanding the benefits immigrants and foreign-born students provide to our economy and society. During the Cold War, the U.S. wisely and successfully implemented a soft power strategy to bring the world’s best and brightest to our universities. Many returned to their home country better understanding the United States and its democratic values to become business leaders, scientists, and heads of state. Others remained and contributed to the U.S through the arts and sciences, in business, and in research and development. Today, 44 percent of the Fortune 500 companies in the U.S. were founded by

immigrants or children of immigrants.¹ Since 1901, over a third of all U.S. Nobel Prize winners in the sciences have been awarded to immigrants, including three of the four American winners last year.² Imagine where we would be without these contributions. Now, imagine where we could be if we made attracting and retaining global talent a centerpiece of U.S. economic and foreign policy strategy. There is a global race for this talent, and we are simply choosing to not fully compete.

The economic importance of international students to the U.S. is not widely understood. Last year, international students contributed nearly \$30 billion to the U.S. economy through tuition, rent, and from paying for living expenses.³ Higher education is the United States' fifth largest export – ahead of the telecommunications and agriculture industries and trailing only major exporters such as pharmaceuticals and the automotive industry. We should treat higher education as a national priority commensurate with its economic output

International students' contributions go beyond just the economic activity they generate – they help our society thrive, innovate, and generate new technologies, improving the lives of all Americans. This starts when international students are still enrolled, enriching the classroom discussion by providing global perspectives and giving a major boost to local economies. An unquantifiable but critical component of a college education is the socialization among peers and exposure to diversity in its many forms – such as race, nationality, viewpoints, and more. International students enrich the college experience for domestic students while they also benefit from interacting and forming ties with American students that last well beyond their years at a university. After graduation, international students continue to contribute to the U.S. through the development of innovation and by founding nearly a quarter of all billion-dollar startups, including Moderna Pharmaceuticals, one of the makers of the Covid-19 vaccine.⁴

Unfortunately, we are experiencing a steady decline in both domestic and international student enrollment at U.S. universities. Today, we have nearly 1.3 million fewer students enrolled in college than just three years ago. In May, the National Student Clearinghouse reported the fifth consecutive semester of enrollment declines at U.S. colleges and universities. In the past year alone, there was a 4.1 percent decline in enrolled students. These recent declines are even more troubling given current projections that the number of traditional college-age individuals in the U.S. will peak in 2025 and then begin to fall. To combat this demographic cliff, the United States will need to improve high school graduation rates and increase opportunities for domestic students to access a college education. Additionally, the U.S. will need to substantially increase

¹ <https://www.immigrationresearch.org/system/files/New%20American%20Fortune%20500%20in%202021.pdf>

² <https://www.forbes.com/sites/stuartanderson/2021/10/07/immigrants-keep-winning-nobel-prizes/?sh=7110b2e2121a>

³ <https://www.nafsa.org/about/about-nafsa/new-nafsa-data-show-largest-ever-drop-international-student-economic>

⁴ [International Students Are Founding America's Great Startups \(forbes.com\)](#)

the number of international students, particularly at the graduate level, to maintain enrollments in the advanced STEM fields due to low enrollment by domestic students.

At the graduate level, the U.S. simply does not produce enough domestic talent to meet the needs of our workforce. International students comprise over two-thirds of all enrolled graduate students in disciplines such as industrial and manufacturing engineering, petroleum engineering, electrical engineering, computer and informational sciences, statistics, and economics; and over half of all enrolled graduate students in civil engineering, mechanical engineering, chemical engineering, and mathematics and applied math.⁵ The U.S. maintains global leadership in many of these fields. It is critical that we continue to educate – and retain – the world’s brightest minds in these fields to maintain our competitive edge, while we also work on inspiring domestic students to pursue STEM fields.

Enrolling more international students is therefore critically important but has proved increasingly challenging. According to the Institute of International Education’s *Open Doors Report* data, international student enrollment in the U.S. has declined by 21 percent since its peak in academic year 2016-17. This past year, U.S. colleges and universities enrolled 710,210 international students compared to 903,127 international students in 2016-17.

While the pandemic accounts for some of this decline in international student enrollment, the negative trend began several years earlier. According to SEVIS data, the U.S. saw a 7 percent drop in international students over the three-year period preceding the pandemic. These declines have a real impact on the United States. Compared to the peak year 2016-17, economic activity generated by international students dropped from \$39 billion to just below \$30 billion this past year. This \$9 billion decline is substantial and roughly equivalent to the total value of U.S. corn exports in 2020.⁶

International student enrollment declines in the U.S. would be more understandable if other countries saw similar declines; however, this has not been the case. While the U.S. saw a seven percent decline in the number of international students enrolled at U.S. institutions during the three-year period preceding the pandemic, other countries experienced double-digit increases. Between 2017-2019, the United Kingdom increased international student enrollment at their universities by 23 percent,⁷ Australia by 45 percent,⁸ and Canada by 52 percent.⁹ Our losses are others’ gains. We must ask ourselves, what are we doing as a nation to compete back?

⁵ <https://nfap.com/wp-content/uploads/2021/09/International-Students-in-Science-and-Engineering.NFAP-Policy-Brief.August-2021.pdf>

⁶ [Corn | USDA Foreign Agricultural Service](#)

⁷ Data Source: HE Student Enrolments by Domicile, Figure 9, Higher Education Statistics Agency (2022)

⁸ Data Source: International Student Data 2021, Australian Government Department of Education, Skills, and Employment (2021) <https://internationaleducation.gov.au/research/international-student-data/Pages/InternationalStudentData2021.aspx#Explanatory>

⁹ Data Source: Postsecondary Enrolments, by Status of Student in Canada, Country of Citizenship, and Gender, Table 37-10-0086-01, Statistics Canada (Nov. 24, 2021), <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3710008601>.

Unlike the United States, our main competitors for international students (Australia, Canada, China, Germany, and the United Kingdom) have adopted national strategies to attract more international students to their countries. Even regional competitors such as Malaysia, the Netherlands, and Turkey have adopted strategies to increase international students from specific geographic markets. While elements of each national strategy may differ, they all include five key components:

1. Streamlined and expedited student visa processes
2. Pathways for work permits and residency
3. Increased number of international student scholarships to attract students in key disciplines and/or geographic areas
4. Promotion of their country as a study destination
5. Investments in domestic universities to improve research quality and compete as world-class institutions

We know that among the most significant factors international students consider when deciding where to study are the opportunities to live and work in a country following graduation. Here is where we are failing significantly. There simply are not close to enough employment-based green cards to meet the needs of students, U.S. workforce needs, and to retain our global competitiveness. Our ability to attract top talent to work and innovate in the U.S. post-graduation is directly a function of our post-graduation visa policies. While other countries provide work permits to international students to stay and contribute to their economies, the U.S. forces far too many highly skilled international students to leave and take their talents elsewhere. An advanced degree in STEM should be a ticket to a green card, giving certainty to students and employers and fostering a greater environment for innovation.

Another important factor prospective international students consider is the ease and timeliness of obtaining a student visa. Once again, the U.S. is failing to compete with other countries that have implemented a streamlined and expedited process for student visas. For example, a prospective international student usually receives a letter of admission to a U.S. university in March for fall enrollment, and then must immediately secure an appointment for an in-person interview with a U.S. Consular Officer. Due to staffing challenges and backlogs, international students are reporting to our institutions that in some cases, the earliest available interview appointment is not until November 2023, over a year after they were supposed to begin their studies. In comparison, Australia and Canada can process student visas in 4-8 weeks and do not require an interview as part of the application process. It is not surprising that international students will choose a university in the country where they are able to enroll for the next semester, not the following year.

Similarly, the U.S. too often denies student visas to a prospective international student just for expressing intent to remain in the U.S. after graduation. While other countries provide international graduates with work permits and pathways to residency, the U.S. penalizes prospective students if they express any intent to remain in the U.S. after the completion of their studies. It is therefore critical that Congress extends “dual intent” to international students during the visa application process. As we strive to attract and retain greater talent in the U.S., it makes

no sense to make international students demonstrate that they do not have an interest or any aspirations to contribute to the U.S. following graduation.

Extending dual intent would be a step in the right direction in helping attract global talent to the United States, but there is much more the U.S. can do, and much of it requires Congress to act.

As Congress works to reconcile differences between the United States Innovation and Competition Act (S.1260) and the America COMPETES Act of 2022 (H.R. 4521), APLU urges Congress to retain and strengthen STEM immigration provisions in the House bill that increase U.S. competitiveness for international talent and would turbocharge innovation and competitiveness. To fully implement the research and innovation provisions of the legislation, the U.S. will require both domestic and international STEM talent. The U.S. has long benefitted from international STEM talent, with half of STEM advanced degree holders working in the U.S. being foreign-born. Yet, we continue to deny opportunities to work, innovate, and start businesses to many foreign-born, U.S.-educated STEM advanced degree holders. Each talented graduate of a U.S. university that leaves for a country with friendlier immigration policies represents a self-inflicted economic wound and a loss to our national interest.

As an example, defense-related industries disproportionately rely on advanced STEM degree workers to help bolster U.S. innovation and national security.¹⁰ Yet over 80 percent of defense-related industries report challenges in finding qualified STEM graduates, talent that we force to leave the U.S. after graduation. To fix the significant shortcomings in our national employment-based immigration policy, APLU supports provisions in H.R. 4521 that exempt doctoral STEM graduates from numerical green card limits, provides for dual intent to streamline the visa process, and allows for limited admission of essential scientists and experts to promote and protect the national security innovation base.

Although the biggest challenges still exist and require congressional action, we have seen Federal agencies take several positive actions. In July 2021, Secretary of State Antony Blinken¹¹ announced a Joint Statement of Principles in Support of International Education. The Joint Statement provides principles for federal agencies implementing international education to enhance both national security and the economy; benefit American students and their communities; strengthen the U.S. higher education sector, one of the country's most valuable exports; and support academic research and innovation, the U.S.'s competitive edge.

In January, the administration issued an executive order¹² to attract STEM talent and strengthen the economy and U.S. competitiveness. Under the order, 22 fields of study were added to the STEM Optional Practical Training (OPT) program through the Student and Exchange Visitor Program (SEVP). OPT permits F-1 visa holders earning degrees in eligible fields to remain in the U.S. for up to 36 months following completion of their degree to work in the United States. The action also originates this training opportunity for J-1 visa holders in STEM fields, providing

¹⁰ [STEM Immigration Is Critical to American National Security - Institute for Progress](#)

¹¹ <https://educationusa.state.gov/us-higher-education-professionals/us-government-resources-and-guidance/joint-statement>

¹² <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/21/fact-sheet-biden-harris-administration-actions-to-attract-stem-talent-and-strengthen-our-economy-and-competitiveness/>

thousands of international students the ability to receive training in the U.S. following completion of their degree.

Further actions in the executive order to attract STEM talent include updating guidance on determining whether an extraordinary ability (O-1A) petitioner, such as a STEM Ph.D. recipient, satisfies the evidentiary criteria and provides an opportunity for an individual to submit comparable evidence, if they do not initially meet the criteria. Additionally, the Department of Homeland Security updated how U.S. Citizenship and Immigration Services (USCIS) processes national interest waivers for immigrants with exceptional ability in their field to promote efficient and effective processing.

As the COVID-19 pandemic evolves, the U.S. economy recovers, and global travel resumes, USCIS has been deluged with employment-based petitions. The large number of petitions, combined with a reduced workforce capacity, created a large “front-log” of petitions awaiting initial review and a “back-log” of petitions waiting further processing. USCIS has undertaken several steps to reduce processing time and minimize both the front- and back-logs of petitions, including establishing new internal processing time goals and expanding premium processing. USCIS has also announced intentions to better coordinate the designation of Temporary Protected Status and Special Student Relief status for students during emergencies. These actions will better support international students seeking to remain in the United States following completion of their program and international students who may not be able to return safely to their home countries.

APLU also greatly appreciates the Department of Homeland Security’s announced plans for restoring the Academic Advisory Council, which has been a critical means for DHS and the academic community to communicate and collaborate on areas of mutual interest. While these actions are welcomed and appreciated, they are very limited in scope. Much more must be done to create a competitive environment to attract and retain international talent. We are not coming close to the level of focus and policies of competitor countries.

Protect Dreamers

The economic imperative for attracting and retaining international students is clear. When it comes to undocumented students, we have both an economic and a moral imperative.

APLU members see firsthand the spirit of undocumented students, their drive and determination to build their futures and those of their families and contribute to their home communities and country. For many, they were brought to the United States at such an early age they can remember no other country as home. They are Americans in every way except citizenship.

The Deferred Action for Childhood Arrival (DACA) program provides critical relief to some students, but it is not enough. Created in 2012, the DACA program exists in an uncertain environment. Though President Biden signed a memorandum to preserve and fortify DACA on his first day in office, a federal court again found DACA to be unlawful in 2021, halting new applications from being processed while allowing current recipients to remain in the program. The tenuous nature of DACA underscores the need for a permanent legislative solution by

Congress that provides a path to citizenship, allows work authorization, and extends eligibility to federal student aid to facilitate access to higher education.

Of the 700,000 DACA recipients in the United States, 200,000 are essential workers, including 30,000 health care workers, one of whom is my fellow witness here today. If DACA were to end, the economy would lose 22,000 jobs per month¹³. Despite these important contributions, undocumented and DACA-mented individuals remain in an untenable situation.

Action is also needed at the state level. APLU supports states granting access to in-state tuition for undocumented students who would otherwise be eligible. We also support states removing barriers to occupational licensure. These are important steps to give students the ability to build better futures, financially support themselves, and make additional vital contributions to their communities.

For far too long the challenges involved with legislating on immigration policy has prevented action in support of Dreamers despite historical strong bipartisan congressional support and an overwhelming affirmative consensus among Americans, according to polls.

Serving Refugee Students and Families

The United States has a long history of accepting and supporting refugees fleeing repressive regimes, violence, and instability. Refugees arrive in the U.S. and must often navigate a new language, new culture, and new life. These are daunting challenges, but not ones they need to meet alone.

U.S. universities have a proud history of helping refugees integrate into their new communities and obtain the skills and knowledge to thrive. This work continues today consistent with American values enshrined on the Statute of Liberty. Working with resettlement agencies and local community groups, universities are helping Afghan and Ukrainian refugees resettle and start a new life. Universities have opened their dormitories to temporarily house Afghan refugees, arranged English language training, and organized legal clinics to help refugees understand American law and their new rights. Additionally, our universities enroll refugees into degree programs and hire others who previously worked in academia in their home countries.

Abroad, our universities have partnered with foreign universities to provide academic coursework to Afghan and Ukrainian refugees temporarily residing in third countries. U.S. universities that had been involved in development projects in Afghanistan, have worked closely with U.S. government and civil society efforts to evacuate vulnerable Afghans to ensure they are not targeted by the new government.

Like DACA and undocumented students, refugees seek a better life when they arrive in the United States. Our universities can help them realize their full potential and unleash their ability to contribute to the U.S. in the longer term. Albert Einstein, Henry Kissinger, Gloria Estefan, and

¹³ <https://www.fwd.us/daca-101/>

Madeleine Albright are just a few examples of refugees who contributed to the arts and sciences and to our national security. If given the opportunity, the same can be true for today's refugees, be they from Afghanistan, Ukraine or elsewhere.

I thank the Subcommittee for the opportunity to provide testimony. I look forward to your questions. Thank you.