

February 13, 2020

Dear Senator/Representative:

As presidents and chancellors of universities throughout Illinois, we write to express concern about changes in immigration policy and procedures that undermine the ability of our institutions – and the state of Illinois – to continue benefiting from the important skills and contributions of international students and scholars.

International students and scholars enrich the educational experience on our campuses and have a considerable economic and academic impact on our institutions, the state and the country. In Illinois, more than 53,000 international students attended colleges and universities during the 2018-2019 academic year, contributing \$1.9 billion to the state's economy and supporting more than 25,000 jobs.<sup>1</sup> These students also drive high-growth economic sectors, often breaking new scientific ground and forming new companies. Across the country, nearly a quarter of billion-dollar startup companies had a founder who first came to the U.S. as an international student.<sup>2</sup> Barriers that discourage international students and scholars from pursuing educational and research opportunities in the United States result in a loss for our whole society, both intellectually and economically.

Recently, we have observed a significant increase in obstacles facing international students and scholars. Systemic delays and increasing uncertainty regarding our immigration system harm efforts to recruit and retain international talent at our universities and across the country. We are particularly concerned about the following issues:

**Delays and denials for entry visas:** Many of us have seen an increase in visa rejections, particularly for applicants from certain regions. Often in such cases, applicants are told that they have not sufficiently demonstrated their intent to return to their home country upon graduation. Further, in a number of recent cases, students and faculty members have been forced to miss or defer classes – or entire semesters – because their entry visa applications were stuck in “administrative processing” at the U.S. Department of State. Administrative processing is a time period outside of “normal” processing, in which cases that appear to have met the basic eligibility requirements are referred for additional checks. Applicants are generally not provided with explanations, nor are they told how long additional processing may last. While we appreciate the need for vetting of international visitors, this situation creates tremendous uncertainty and difficulty for universities, such as lost teaching time, and for applicants, such as delays in academic progress.

**Revocation/cancellation of valid visas:** We are concerned about recent cases in which international students at U.S. universities have had their valid U.S.-issued visas revoked or cancelled during travel to this country with little, if any, explanation and no advance notice.

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<sup>1</sup> NASFA: Association of International Educators, *International Student Economic Value Tool, Economic Value Statistics*, Nov 20, 2019. <https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2>.

<sup>2</sup> Stuart Anderson, *Immigrants and Billion-Dollar Companies*, National Foundation for American Policy, Oct 2018. <https://nfap.com/wp-content/uploads/2019/01/2018-BILLION-DOLLAR-STARTUPS.NFAP-Policy-Brief.2018-1.pdf>.

While there may be valid reasons for visa-holding international students to be denied entry to the U.S., the lack of transparency in these cases effectively prevents the students from resolving any concerns. Incidents like these are extremely disruptive to academic progress and have a chilling effect on others who may be considering studying or pursuing research in the U.S.

**Processing delays for Optional Practical Training (OPT):** Under the OPT program, international students are eligible for temporary employment that is directly related to their area of study. Experiential learning opportunities like OPT lead to increased innovation, with no adverse effects on employment, average earnings or labor force participation.<sup>3</sup> Students can apply for OPT no more than 90 days before the end of their program, but U.S. Citizenship and Immigration Services (USCIS) is taking up to five months to process current applications, resulting in uncertainty for students and the employers who benefit from their knowledge and high-skilled expertise.

**Delays and denials for H-1B visas:** The H-1B visa program allows universities and other employers to hire foreign nationals on a temporary basis. Many of our institutions have been impacted by significant increases in processing delays, Requests for Evidence (RFEs), and denials for H-1B visas. Denial rates for H-1B petitions have quadrupled, rising from 6% in fiscal year 2015 to 24% through the third quarter of fiscal year 2019 for new H-1B petitions for initial employment,<sup>4</sup> while the rate of RFE issuance has almost doubled since fiscal year 2017.<sup>5</sup> This situation creates untenable uncertainty for visa applicants and their employing universities, particularly because the commitments of foreign students and faculty align with an established academic calendar.

In the short term, we urge you to use Congress's oversight authorities, including potentially holding hearings, to address the concerns outlined above. As part of that effort, we hope that you will explore expanding the concept of "dual intent" to F-1 visas so that international undergraduate and graduate students – like specialty workers (H-1B) and intracompany transferees (L-1) – might no longer be denied visas because they failed to adequately demonstrate an intent to return to their home country. In the longer term, we look forward to working with you to enact comprehensive immigration reform that addresses these and other priorities.

We appreciate your continued support, and thank you for working to ensure that Illinois continues to benefit from the economic and cultural contributions of the world's most talented students and scholars.

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<sup>3</sup> Jeremy Neufeld, *Optional Practical Training (OPT) and International Students After Graduation: Human Capital, Innovation, and the Labor Market*, Niskanen Center, March 2019. [https://www.niskanencenter.org/wp-content/uploads/old\\_uploads/2019/03/OPT.pdf](https://www.niskanencenter.org/wp-content/uploads/old_uploads/2019/03/OPT.pdf).

<sup>4</sup> National Foundation for American Policy, *H-1B Denial Rates: Analysis of H-1B Data for First Three Quarters of FY 2019*, October 2019. <https://nfap.com/wp-content/uploads/2019/10/H-1B-Denial-Rates-Analysis-of-FY-2019-Numbers.NFAP-Policy-Brief.October-2019.pdf>.

<sup>5</sup> See U.S. Citizenship and Immigration Services, *I-129 - Petition for a Nonimmigrant Worker*. [https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Employment-based/I129\\_Quarterly\\_Request\\_for\\_Evidence\\_FY2015\\_FY2019\\_Q4.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Employment-based/I129_Quarterly_Request_for_Evidence_FY2015_FY2019_Q4.pdf). Completions with RFE rose from 21.4% in FY 2017 to 40.2% in FY 2019.

Sincerely,



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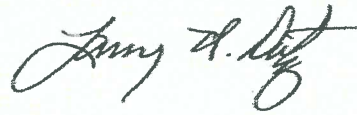


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