

June 20, 2013

United States Senate
Washington, D.C. 20510

Dear Senator:

On behalf of the higher education community, we are writing regarding the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (S. 744). As both educators and employers, we applaud the hard work and dedication that have gone into harmonizing the broad range of concerns incorporated in the comprehensive immigration reform package now on the Senate floor. In its current form, S. 744 is a strong bill that offers welcome and much needed changes to the nation's immigration system. Indeed, this bill represents a historic opportunity to create with bipartisan support an immigration system that better serves the needs of our country.

As educators of the nation's next generation of workers and citizens, we are particularly appreciative of the inclusion of DREAM Act provisions in the bill. Approximately 65,000 undocumented students graduate from high school in the United States every year. These students are first-generation immigrants who were largely raised in this country and consider themselves Americans. The DREAM Act offers these hardworking students an expedited path to citizenship for accomplishing academic pursuits and/or serving in the U.S. military. In addition, the DREAM Act is important for our long-term economic growth, as it will provide a mechanism for these young people to come out of the shadows and ultimately to work legally in this country. Thus, we strongly support the version of the DREAM Act included in the bill.

America's higher education system is the envy of the world. It is a system which includes a diverse set of institutions, ranging from community colleges to four-year liberal arts colleges to large public and private research institutions. Because of the diversity of our higher education system, we attract international students from around the world. That is why we applaud the inclusion of legislative provisions that would allow some of the most talented international students to remain in the United States following the completion of their studies, especially those with science, technology, engineering, and mathematics (STEM) degrees. This legislation takes essential steps to streamline the green card process for those who graduate with an advanced STEM degree from a U.S. higher education institution. In particular, we approve of provisions in the bill that exempt international advanced STEM degree graduates from the employment-based green card limit, as well as other provisions that make up a viable package for green card backlog relief.

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In addition, we support reforms in the bill addressing non-immigrant visas, particularly the H-1B visa, which we believe will enhance recruitment and retention of high-skilled international students and employees. We also appreciate the inclusion of the in-country H-1B visa revalidation provision, as well as “dual intent” provisions which would eliminate the need for international students to prove their intention to leave the country upon completion of their studies.

We would like to thank the Senate’s Gang-of-Eight and staff for their responsiveness to our concerns regarding some H-1B visa provisions. We encourage the Senate to pass Amendment #1190 and Amendment #1193. Both amendments make an important and necessary correction to the Hatch-Schumer 2nd degree amendment that passed the Senate Judiciary Committee. Amendment #1193 appropriately exempts nonprofit education and research institutions from the H-1B dependent employer and H-1B skilled worker dependent employer definitions and Amendment #1190 exempts “public institutions of higher education” from the H-1B visa non-displacement provision. Higher education’s hiring cycle and hiring needs are different from most H-1B users. These amendments provide colleges and universities the flexibility to bring many of the best minds throughout the world to U.S. campuses to teach our students and perform critical research. Again, we strongly encourage passage of both amendments.

In addition, we would request further consideration be given to the use of the Department of Homeland Security’s STEM-Designated Degree Program list as the definition for STEM. The DHS list is a dynamic list of disciplines that encompass important fields of study that are crucial to our economy. The use of the DHS STEM list also would maintain the flexibility necessary to include fields unknown today but which may become critical in the future, and thereby avoid the need to continuously legislate changes down the road.

We would also request a fix to an amendment which passed the Senate Judiciary Committee. While the Grassley-Schumer 2nd degree amendment appropriately preserves the Secretary of Homeland Security’s authority to revoke the certification of sham universities, it creates an added layer of administrative burden and cost on reputable nonprofit institutions. The amendment requires Designated School Officers to submit to federal background checks at the expense of the college/university. Institutions and their employees already go through a rigorous vetting process. The bill should be amended to permit the Secretary of Homeland Security to waive this background check requirement if he/she determines that adequate checks are already conducted by the employing institution.

We deeply appreciate the hard work and dedication of the United States Senate to reforming the nation’s immigration system. S. 744 advances critical provisions to provide access to the American Dream for young, undocumented students and would finally end the self-defeating policy of training talented international students at U.S. universities only to then watch those students leave the U.S. to compete against us for no reason other than a lack of a visa. These are priorities the higher education community has supported for many years.

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As the legislative process moves forward, we stand ready to work with the Senate to help advance the critical goal of enacting sensible, comprehensive immigration reform that will better serve our nation.

Sincerely,

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