

Spring 2018

The Implementation of the Extreme Visa Vetting Policy and its Effects on International Students and Scholars

Amelia Burke
SIT Graduate Institute

Follow this and additional works at: <https://digitalcollections.sit.edu/capstones>



Part of the [International and Comparative Education Commons](#)

Recommended Citation

Burke, Amelia, "The Implementation of the Extreme Visa Vetting Policy and its Effects on International Students and Scholars" (2018). *Capstone Collection*. 3076.
<https://digitalcollections.sit.edu/capstones/3076>

This Thesis (Open Access) is brought to you for free and open access by the SIT Graduate Institute at SIT Digital Collections. It has been accepted for inclusion in Capstone Collection by an authorized administrator of SIT Digital Collections. For more information, please contact digitalcollections@sit.edu.

The Implementation of the Extreme Visa Vetting Policy and its
Effects on International Students and Scholars

Amelia Burke

A capstone paper submitted in partial fulfillment of the requirements for a
Master of Arts in International Education at
SIT Graduate Institute in Brattleboro, Vermont, USA.

Seminar start date: May 7, 2018

Advisor's name: Linda Gobbo

EFFECTS OF EXTREME VISA VETTING POLICY

Consent to Use of Capstone

I hereby grant permission for World Learning to publish my Capstone on its websites and in any of its digital/electronic collections, and to reproduce and transmit my Capstone electronically. I understand that World Learning's website and digital collections are publicly available via the Internet. I agree that World Learning is not responsible for any unauthorized use of my Capstone by any third party who might access it on the Internet or otherwise.

Student Name: Amelia Burke

Date: April 11, 2018

EFFECTS OF EXTREME VISA VETTING POLICY

Table of Contents

Abstract	1
U.S. Immigration Process	8
Background of Visa Types	8
History of U.S. Immigration Process and Policy	10
Immigration and U.S. Politics	11
Description of Policy	14
Background of Extreme Vetting Policy	14
Predicted Effects of Extreme Vetting Policy	18
Stakeholders	22
Policy Analysis	24
Design/methods	24
Results	25
Discussion	35
References	37
Appendix A	47
Timeline of Early Stages of Extreme Vetting Policy	47
Appendix B	48
Letter from 55 Academic and Scientific Organizations in Response to Form DS-5535	48
Appendix C	53
Letter from Coalition of Human Rights and Civil Liberties Organizations and Trade Associations in Response to Secretary John Kelly	53
Appendix D	57
Letter from Six Education Organizations in Response to Form DS-5535	57
Appendix E	60
Interview Guide	60

Abstract

The extreme visa vetting policy, or initiative, was first introduced during the 2016 presidential race by then candidate Donald Trump. During his campaign, he promised he would implement a process to more rigorously scrutinize visa applications for foreign nationals who wanted to temporarily come to the United States. After being elected president and taking office in January 2017, Trump fulfilled this promise by requiring Departments of Homeland Security and State to implement an extreme vetting process for visa applications, which is done by the creation of the extreme vetting policy. This paper presents an analysis of the extreme vetting policy through first giving a background on the U.S. immigration process and how it is discussed politically. It then describes and provides background of the extreme vetting policy and includes predictions of how the policy will affect international students and scholars. Lastly, this paper discusses how the policy analysis was conducted, which included interviews with professionals at a large healthcare provider, a large ivy-league university, and a small private university and review of online official reports and publications. This analysis of data allowed for a determination of effects of the policy on international students and scholars. This results clearly shows that this policy has had detrimental and lasting effects on the number of international students and scholars coming to the U.S., the visa processing wait times, the functionality of consulates abroad, and on the United States' place in globalization.

Definitions

1. Alternate Responsible Officers (AROs) – AROs are designated officials who are authorized by Department of State (DOS) to assist Responsible Officers (ROs) to advise J-1 exchange visitors on immigration regulations (Boston University Global Programs, 2018). They are also the only ones who can access their organization’s SEVIS portal and create and endorse J-1 visa documents.
2. Catch-and-release – Catch-and-release is when a foreign national without proper documentation is released after being detained while their case goes through the court system.
3. Deferred Action for Childhood Arrivals (DACA) – DACA is an Obama administration policy/program that was created as a relief from deportation for immigrant youth who were unlawfully brought to the U.S. This program also provides recipients with work authorization (University of California at Berkley, 2018).
4. Designated School Officials (DSOs) – DSOs are designated officials who and are required to maintain and update SEVIS records of F-1 and M-1 non-immigrant students (U.S. Immigration and Customs Enforcement, 2018). Typically, these officials work at a university. DSOs are the only ones who can access their university’s SEVIS portal and produce and endorse visa documents for F-1 and M-1 students.
5. Immigrant – A foreign national that comes to the U.S. with the intentions to remain in the country permanently.
6. Non-immigrant – A foreign national that comes to the U.S. for temporary purposes, such as education or employment.

7. Sanctuary city – A sanctuary city is “a city (or a county, or a state) that limits its cooperation with federal immigration enforcement agents in order to protect low-priority immigrants from deportation, while still turning over those who have committed serious crimes” (America’s Voice, 2018, para. 2).
8. Secure Communities – Secure Communities is a Department of Homeland Security program that is designed to identify immigrants who are in U.S. jails and can be deported under immigration law. Participating jails and local authorities submit the arrestee’s fingerprints to criminal and immigration databases in order for Immigration and Customs Enforcement to access the information (American Immigration Council, 2011).
9. Temporary Protected Status (TPS) – TPS is a temporary immigration status granted to foreign nationals who are citizens of eligible countries and are already in the U.S. The countries are designated by the Department of Homeland Security if the country’s conditions are unsafe for the foreign national to return (Legal Information Institute, 2017). This temporary status also provides the recipient with work authorization.
10. U.S. Federal Register – A publication service for the federal government that publishes proposed rules, implemented rules, and other notices.
11. Visa – In technical terms, a visa refers to the stamp/endorsement that is put in a foreign national’s passport that allows them to request entry into the U.S. at Customs. In colloquial terms, it also refers to a foreign national’s immigration status. For the purpose of this paper, when referring to the passport stamp “visa stamp” is used. When referring to a foreign national’s immigration status “visa” is used.

The Implementation of the Extreme Visa Vetting Policy and
its Effects on International Students and Scholars

Throughout the 2016 election, there was a great deal of anti-immigrant and anti-Muslim rhetoric from the Trump campaign. This did not change after Donald Trump took office in January 2017. After being in office just one week, President Trump announced one of his first pieces of policies, “Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States,” or the “travel ban.” This executive order temporarily suspended entry into the U.S. for citizens of Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen (The New York Times, 2017). It also called for a temporary ban and reduction in the number of refugees the U.S. takes in each year and called for the Department of Homeland Security to review the current visa¹¹ processing procedures. But does the United States’ immigration process actually need additional extreme security measures? Is its national security really at risk? According to multiple interviewees from a large ivy-league university, a small private university, and a large healthcare system, the process to obtain a visa to enter the U.S. is already extremely difficult and one of the most difficult in the world (Participant A & Participant B, personal communication, March 9 & 23, 2018).

The current process to obtain a temporary visa is already multi-layered and comprehensive (Shabad, 2017). For example, if a citizen of Iraq wants to come to the U.S. temporarily for a job or education they first need to fill out an online application. Then, before the in-person interview, the person’s information is checked against multiple U.S. terrorism databases and watch lists. Anything that appears in this search is flagged and reviewed by senior Department of State or Department of Homeland Security officials. At the next step, the in-person interview, the consular officers try to determine if there are any ties to terrorism or other

concerning factors through a series of questions. Additionally, the applicants are asked for either proof of their return ticket home or proof of ties to their home country to ensure that they do not plan on staying permanently in the U.S. If the consular officer decides to approve the visa application, which can take several weeks due to months of additional background checks, the visa applicant is then fingerprinted and their photo is taken. They are also given a visa stamp in their passport that allows them to request entry into the U.S. Next, before they depart their home country for the U.S., the foreign national is subject to an additional background check by officials at the National Targeting Center in Virginia. Once the foreign national arrives at the border, they are then fingerprinted again and questioned by customs officers who have access to their immigration information in multiple databases. If the customs officers feel that additional questioning and review is needed prior to authorizing entry, they will bring the foreign national aside for what is called deferred inspections to complete an additional assessment. This can take anywhere from several minutes to several hours. If the customs officer does not feel that they meet the requirements then they are denied entry and they must return to their home country. If the customs officers decide the visa holder is allowed to enter the U.S., the foreign national can then proceed to their sponsoring organization (university, employer, etc.) where they check in with them. Then, during the foreign national's stay in the U.S., there are also additional levels of review and checks for international offices to ensure that the foreign national is remaining compliant with the many immigration regulations applied to their specific visa type. The process for refugees is even more extreme and tough.

In terms of national security, it is a widespread misconception that recent terrorist attacks in the U.S. are completed by foreign nationals. There is no ignoring the most infamous terrorist attack in U.S. history on September 11, 2001 where 19 hijackers were responsible for the death

of 2,977 people (CNN, 2017). However, since 2001, there have been enormous steps taken towards heightened national security and the prevention of an event like that happening again. For example, the USA PATRIOT Act was passed in October 2001 and included funding for implementation of the Student and Exchange Visit Information System (SEVIS) (Reeves, 2005). SEVIS originated from a program known as the Coordinated Interagency Partnership Regulating International Students (CIRPRIS) which was a complicated and manual procedure for tracking international students and scholars (ICE, 2011). The SEVIS system allowed for a centralized, web-based, and automated process that allowed for data collection and reporting that has since improved student, exchange visitor, and institutional compliance with immigration regulations. A large motivator for the Bush administration to put the SEVIS system into place was a popular but false claim that some or all of the 9/11 hijackers came to the U.S. on student visas (Farley, 2013). In actuality, one out of the 19 hijackers entered the U.S. on a student visa. Even with the claim being false, the SEVIS system was a much-needed internet based system that is still used by student and exchange visitor sponsors today. Additionally, post-9/11, the Department of Homeland Security was formed in January 2003, which encompasses immigration regulating bureaus, such as Immigration and Customs Enforcement (ICE) and United States Citizenship and Immigration Services (USCIS) (Laque, 2010). The purpose of these steps was to regulate immigration and to limit the chances of a breach of national security by a foreign national. This purpose has clearly been successful; between 2001 and 2015, more Americans were killed by homegrown extremist with no ties to religion or Islam than by Islamic terrorists (Williams, 2017). In the first eight months of Trump's presidency, more Americans were killed by other Americans than by foreign nationals or people with terrorist ties. While there is no question that terrorist groups pose a real threat to the U.S. and that those with ties to terrorist groups or

terrorism inspirations have committed attacks on the U.S., France, England, Canada, etc., the bigger threat in the U.S. has been homegrown extremists with no ties to foreign countries.

Even with this information on the laborious immigration process and the demographics of fatal attack perpetrators, President Trump still announced in March 2017 the extreme vetting initiative for more rigorous visas adjudicated at consular offices as a response to his first two travel bans. This initiative, enforced by U.S. Immigration and Customs Enforcement (ICE), is soon to be renamed Visa Lifecycle Vetting (Joseph, 2017). Even though the U.S. visas process is already one of the more rigorous processes in the world, this new initiative allows consular and customs officers to greatly broaden the scope of their review of visa applications and requests for entry into the U.S. (Shear, 2017). Consular officers are now able to request up to 15 years of travel history on form DS-5535, three times what was requested prior, and access to applicants' social media and email accounts. The officers also have the discretion to choose who they feel should fill out this additional form, leaving much room for discrimination. The stated purpose of this initiative is to improve national security by determining if applicants have ties to any dangerous or terroristic entities. A year after the announcement of the extreme visa vetting, this paper will examine the implications and effects this policy has had on attracting and retaining international students and scholars in the U.S.

My professional experience has led me to choose this topic to examine because I have been working with international students and scholars since 2014. As a visa coordinator at a large healthcare provider and biomedical research institute, I have had to constantly remain updated on the ever-changing policies of immigration to ensure that I am advising foreign nationals properly and giving them updated information. Since President Trump was elected into office, this has been even more difficult because he has attempted to drastically change how the

visa process works and make it more challenging than it already is for foreign nationals to arrive in the country. Since the extreme vetting initiative was launched in Spring 2017, I have seen citizens of targeted and Muslim countries experience increased difficulty obtaining a visa at the consulate. For example, one citizen from Pakistan waited almost four months for his visa to be approved when visa processing typically takes anywhere from a few days to one month. Longer visa processing times is just one effect that has come out of the extreme vetting policy. This paper examines how this initiative and the attitudes it perpetuates is affecting international students and scholars throughout the U.S.

U.S. Immigration Process

Background of Visa Types

For the purpose of this paper, it will be important to clarify the difference between immigrant⁵ visas and non-immigrant⁶ visas as the paper will be focusing on non-immigrant visas. An immigrant visa is issued to a foreign national who has the intention of living and working in the U.S. permanently (U.S. Customs and Border Patrol, 2018). These visas are typically sponsored by relatives currently residing in the U.S. or an employer. A non-immigrant visa is issued to a foreign national who intends to temporarily be in the U.S. for the purposes of tourism, business, education, or temporary work. This paper will focus on international students and scholars that are issued the most common forms of these visas, J-1, H-1B, and F-1, which are explained below.

The Exchange Visitor Program (EVP), or the J-1 visa, was created by the Mutual Educational and Cultural Exchange Act of 1961 (The Fulbright–Hays Act) in order to allow foreign nationals to temporarily participate in multiple educational and training programs (American Immigration Council, 2016). The purpose of these programs is grounded in U.S.

diplomacy to promote cultural exchange and mutual understanding between the U.S. and other countries. There are currently 14 different J-1 categories, including J-1 Research Scholar, J-1 Short-term Scholar, J-1 Student, J-1 Au pair, and more. There is no annual cap to the number of J-1 visas and the program is administered and monitored by the Department of State in conjunction with designated program sponsors, such as universities, research institutes, hospitals etc. These program sponsors are able to conduct their respective programs as long as they comply with the requirements and regulations set forth by the EVP. The sponsors are monitored by the Department of State. The maximum duration of J-1 visas varies across the different categories; it can be anywhere from four months to seven years.

The H-1B visa was created as part of the Immigration Act of 1990 to allow highly skilled professionals to obtain temporary specialty occupation jobs (Leiden & Neal, 1990). Specialty occupation jobs are defined as jobs that require specialized knowledge and a minimum education requirement of a Bachelor's degree (American Immigration Council, 2016). Currently there is a limit of 65,000 new H-1B visas available and another 20,000 for applicants who graduated with Master's or Doctorate degrees from U.S. universities. Given the high demand for H-1B visas in recent years, this cap is typically reached quickly (within the first five business days after the submission deadline of April 1st of each year). This cap does not apply to cap-exempt institutions which include higher education institutions, non-profit institutions affiliated with a higher education institution, or nonprofit research or governmental research organizations (U.S. Citizenship and Immigration Services, 2017). The typical maximum duration a foreign national can remain on an H-1B visa is six years.

The F-1 student visa has the longest history between the three common non-immigrant visa types mentioned above (Reeves, 2005). The Passenger Act of 1855 allowed for a temporary

immigrant category for visitors, which included students. By 1913, 4,222 international students had been enrolled in U.S. universities. Given the popular demand for student entry into the U.S., the F-1 student visa first became designated as a non-immigrant visa in 1921 when the Institute of International Education (IIE) formed. This was done in order to separate students from immigrants to prevent them from being detained at Ellis Island due to the quota system implemented in 1920 that is explained below. Since then, the number of F-1 student visas has greatly increased. In fiscal year 2017, 393,573 F-1 visas were issued (Department of State, 2017). The maximum duration of an F-1 visa varies across degree programs and circumstances surrounding each international student.

History of U.S. Immigration Process and Policy

In terms of history of the general immigration process, immigrants began arriving in the U.S. in the 18th and early 19th century when immigration was relatively free and open (U.S. Citizenship and Immigration Services, 2015). After the Civil War, some states decided to pass immigration regulations. The Supreme Court declared in 1875 that immigration would be under federal regulations to keep it consistent throughout the states. In 1882, Congress passed the Chinese Exclusion Act which put a 10-year ban on Chinese labor immigration (ourdocuments.gov, n.d.). For the first time, the U.S. prohibited the entry of an entire ethnic working group under the claim that Chinese immigrant were endangering the balanced order in communities. This act was renewed permanently in 1892 under the name the Geary Act which included even more restrictions for Chinese immigrants that went beyond just laborers, especially in terms of limiting naturalization. This act was quietly repealed by Congress in 1943. Additionally, between the 1920s to 1965, immigrant admissions were based on a quota system where immigrant visas were limited based on nationality and race, favoring immigrants from

northern and western Europe (Fragaszy Troyano, 2015). In 1965, during the civil rights era, the Hart-Celler Immigration and Nationality Act was signed into legislation by President Lyndon B. Johnson. The Hart-Celler Act abolished the nationality quota system and allowed for immigrants from across the globe to come to the U.S. It continues to largely serves as a basis for our current immigration laws.

In general, the non-immigrant visa process for international students and scholars is the same for each relevant visa type. The sponsoring organization or institution (i.e. university, employer, etc.) creates the necessary visa document in-house or they submit an application on behalf of the foreign national to United States Citizenship and Immigration Services (USCIS) who then processes the application and if approved, creates the visa document. The foreign national then goes to a U.S. consulate abroad and applies for the visa stamp that goes in their passport. They go to their appointment at the consulate where the consular officer decides if the applicant meets all of the requirements for the visa stamp. The consular officer has the discretion to issue or deny the visa based on the information that is provided to them from the applicant. If they deny the visa, the decision is not appealable or reviewable, however, they can submit additional information or reapply later (Dobkin, 2009). In most cases, if the visa is denied, the applicant receives a letter that outlines why it was denied and cites which article they failed to meet (U.S. Department of State, 2018). If their application is approved, they request entry into the U.S. to begin their studies, employment, etc.

Immigration and U.S. Politics

Immigration is consistently a prominent political topic in each presidential campaign and throughout the chosen candidate's presidency. However, the current political climate surrounding immigration has shifted with the new administration. Throughout the 2016

presidential election, people across the globe listened to and read the Trump campaign's constant anti-immigrant and anti-Muslim rhetoric. This rhetoric laid a foundation for support of his future policies by instilling fear in Americans that their national security was in danger. Some of his statements include saying that "Islam hates us," that Muslims cheered when the Twin Towers were hit on 9/11, and that if Muslims know about terrorist activity they do not report it (Waldman, 2017). He also called for a ban on Muslims entering the country or having them register in a special database when they do enter. This fearmongering and discriminatory approach to campaign messages is vastly different from his other Republican counterparts, such as George W. Bush, George H. W. Bush, Gerald Ford, and Dwight D. Eisenhower, who acknowledged the contribution of Muslims, condemned anti-Muslim discrimination, and welcomed the freedom of religion.

After the attacks on the Twin Towers in New York City on September 11th, 2001, President George W. Bush addressed Congress in a joint session regarding the attacks. In his speech, he made sure to clearly separate the extremist terrorist attackers from people of Islamic faith (CNN, 2001). He took time in his speech to directly address Muslims and say that Americans respect their faith and that it is also practiced freely by Americans. He said that the teachings of Islam are good and peaceful and those who commit terrorist acts in the name of Allah are committing blasphemy against Allah. Additionally, six days after the attack, President Bush visited the mosque, the Islamic Center of Washington, and spoke about how many people, including Muslims, were appalled by what happened on 9/11. It was there that he famously said "Islam is peace" (Begley, 2016). These statements and sentiments from republican President George Bush are a stark contrast to the unprecedented and intolerant anti-Muslim rhetoric heard from the Trump campaign and administration.

This messaging from President Trump continued after he was appointed into office when he hired top officials, such as Steve Bannon, Michael Flynn, and Sebastian Gorka, who have all publicly made inflammatory comments about Muslims (Patel & Levinson-Waldman, 2017). Additionally, during Trump's presidential campaign, he called his (at the time) proposed travel ban a "Muslim ban" on numerous occasions. He later claimed it was not a Muslim ban after putting it into place. There has been attempts to include much of this anti-Muslim and anti-immigrant rhetoric into policies, including the numerous travel bans, extreme vetting policy, and attacks on certain visa statuses. Immigration policy is expected to continue to be a central topic and target for the Trump administration.

The Trump administration's approach to immigration has not only been considerably different than previous Republican presidents' approaches, but also compared to the previous presidential administration. The Obama administration focused on creating opportunities for immigrants by creating policies, such as, pathways to citizenship and Deferred Action for Childhood Arrivals³ (DACA) which protects people who were illegally brought to the U.S. as children (Berman, 2014). Additionally, President Obama tried to eliminate obstacles and unfair treatment of immigrants by acts such as ending the controversial program, Secure Communities⁸, which allows local law enforcement to essentially act as Immigration and Customs Enforcement (ICE) Officers and detain immigrants who they believe to be illegal. He also attempted to create more opportunities for non-immigrants by allowing H-1B visa holders to more easily change jobs, which is typically difficult to do, and also allow some H-1B dependents, H-4s, to apply for work authorization. President Trumps' approach to immigration is a drastic shift from what the U.S. has seen and been accustomed to since 2008.

During Trump's campaign, he clearly laid out what he would like to accomplish in terms of immigration if he were to become president. These initiatives included building a border wall between the U.S. and Mexico, ending catch-and-release², increasing the detainment of unauthorized immigrants who have committed crimes, cracking down on sanctuary cities⁷, ending Obama administration policies like DACA, ending Temporary Protected Status⁹ (TPS) designations for certain countries, introducing the travel bans and extreme visa vetting policy, limiting the number of refugees the U.S. accepts, and the list continues (Pierce, Bolter, & Selee, 2018). It is evident that all of these initiatives have a heavy anti-immigrant rhetoric and focus more on keeping immigrants out and removing them from the U.S. rather than creating pathways to citizenship. Additionally, many of his initiatives mirror President Trump's anti-Muslim rhetoric throughout his campaign. President Trump spoke about reviving ideological screening tests to screen out terrorist sympathizers and those who do not believe in the Constitution (Redden, 2016). His first attempts at the travel ban, also known as the Muslim ban, were blocked by the courts because they found it to target one specific religion, which violates the U.S. Constitution (Pierce, Bolter, & Selee, 2018). Given all of these campaign promises that outlined steps to limit immigrants from the U.S., it is not a surprise that the extreme vetting policy was put into place shortly after President Trump took office.

Description of Policy

Background of Extreme Vetting Policy

Shortly after President Trump took office, he acted on his campaign promises and started to roll out his extreme vetting policy. He stated that he only wanted to admit people "who share our values and respect our people" (Patel & Levinson-Waldman, 2017, p. 5). The extreme vetting policy, or as it was recently renamed, the Visa Lifecycle Vetting initiative, originally

stems from President Trump's first two versions of his travel bans (Finnegan, 2017). In these second version of the executive order, President Trump calls for implementation of uniform vetting procedures for all immigration programs (Exec. Order No. 13780, 2017).

After the announcement of the first travel ban on January 27, 2017 numerous universities responded by publicly condemning the executive order and stating that this is not what they or America stands for. They also discussed how this will affect their international students. Provost Richard M. Locke of Brown University released a statement that said the executive order will have a "detrimental impact" on their international students, community, and university mission (Brown University, 2017). He also stated that one of Brown's greatest strengths is its global and diverse community of over 2,000 international students who are essential to the university and bring unique ideas and perspectives. He says they are committed to bringing the best talent to the university and allowing the free exchange of ideas amongst people of all races, religions, cultures and backgrounds. He also emphasized that students from the original targeted countries should avoid international travel. Georgetown University also released a statement in response to the executive order. This statement by university president, John J. DeGioia, also exclaimed that the travel ban will have concerning implications on their students since they strive to create interreligious dialogue, value their international students, and support a diverse Muslim community on campus (Georgetown University, 2017). He also advised against all international travel for the students from the affected countries. Harvard University's president, Drew Faust, released a statement titled "We Are All Harvard" (Harvard University, 2017). The statement acknowledges the extreme anxiety and uncertainty after the announcement of the executive order and outlines resources for international students. He explains that their robust internationalism is not unintentional, but integral to what they do as a university. It allows for innovation,

furtherance of academics, scientific discoveries, and more. He also states that the university does not only have a large number of international students, but nearly half of their deans are immigrants. Furthermore, he states that the immediate effects of the executive order have been anxiety and confusion, as well as, international students and scholars being prohibited from both entering the country and leaving the country for important travel. Lastly, he explains that the U.S. is a nation that is founded on religious freedom and Harvard University is committed to religious freedom and inclusion. In recognition of the concerns and vulnerabilities of those of Islamic faith, President Faust launched an immediate search for Harvard's first Muslim chaplain in order to further support their Muslim community. These are just a few universities that immediately responded and spoke out against President Trump's travel ban. The main themes throughout all of the statements are that it was very clear that their international student and scholars were going to be greatly affected by the executive order, but it was unclear what the full implications will be other than the obvious limitations on travel. They also stated that the executive order did not align with the universities' beliefs of a global campus where all religious, races, and cultures are accepted and welcomed.

As follow through from his extreme vetting request in the first two Travels Bans, President Trump released a presidential memo on March 6, 2018 titled "Implementing Immediate Heightened Screening and Vetting of Applications for Visas and Other Immigration Benefits, Ensuring Enforcement of All Laws for Entry Into the United States, and Increasing Transparency Among Departments and Agencies of the Federal Government and for the American People" which described how he plans to implement these extreme vetting processes and so arrives the extreme vetting policy (Implementing Immediate Heightened Screening and Vetting, 2017). The extreme vetting policy was then further realized in the third version of the

travel ban on September 24, 2017, which removed the temporary ban on travel for the listed countries and add permanent restrictions for entry of individuals from these countries, while continuing the extra security measures and requirements for visa applications (Shear, 2017). A visual timeline of the early stages of the extreme vetting policy can be found in Appendix A.

The stated goal of this policy is to protect U.S. citizens from terrorist attacks by denying entry into the U.S. of foreign nationals who may have terroristic ties. The policy requires the Secretaries of Department of State and Department of Homeland Security to rigorously enforce all existing grounds of inadmissibility and to implement new rules and regulations to enforce compliance and laws of inadmissibility (Implementing Immediate Heightened Screening and Vetting, 2017). Additionally, the policy asks that the Secretaries ensure that extensive data collection is taking place in order to capture and evaluate all grounds of inadmissibility (NAFSA, 2017). In order to do this, Department of State (DOS) created a new form called the DS-5535, Supplemental Questions for Visa Applicants, in May 2017 which standardizes data collection from visa applicants who DOS determines to warrant additional security at the consulates.

Some of the information that is collected on the DS-5535 form includes:

- Travel history during the last fifteen years, including source of funding for travel;
- Address history during the last fifteen years;
- Employment history during the last fifteen years;
- All passport numbers and country of issuance held by the applicant;
- Names and dates of birth for all siblings;
- Name and dates of birth for all children;
- Names and dates of birth for all current and former spouses, or civil or domestic partners;
- Social media platforms and identifiers, also known as handles, used during the last five years; and
- Phone numbers and email addresses used during the last five years (para. 3).

This is an unprecedented amount of information to be collected for a visa application at U.S. consulates. Previously, applicants did not have to include their social media information and they

were only required to provide five years of travel, address, and employment history (Finnegan, 2017). When this new form was announced, Department of State said that 65,000 immigrants and non-immigrants would be affected (Smith, 2017).

The extreme vetting initiative also extends beyond the extensive questions on this form and extra scrutiny at the consulate, and at the border upon entry. Foreign nationals who are seeking entry into the country can be forced to hand over and unlock their mobile devices for examination (Meckler, 2017). As previously explained, obtaining a visa stamp abroad at a U.S. consulate only allows a foreign national to request entry into the U.S., it does not guarantee entry. This means that even if someone passes the extra scrutiny at the consulate and receives a visa stamp, they still can be required to release their cellphones to a customs or border officer for further inspection. At a Homeland Security hearing on February 7, 2017, Secretary John Kelly stated that if a foreign national refuses to hand over their cell phone to the officer, then they will be denied entry into the U.S. The reach of extreme vetting policy has caused a lot of concern amongst professionals, organizations, and institutions in the international education field.

Predicted Effects of Extreme Vetting Policy

On May 4, 2017, the U.S. Federal Register¹⁰ posted notice of this new policy and Department of State asked the Office of Management and Budget (OMB) for a 180-day emergency approval of form DS-5535 (NAFSA, 2017). The public was able to submit their comments on this new regulation until May 18, 2017. Comments were made available again on August 3, 2017 and were allowed to be submitted until October 2, 2017. NAFSA and 54 other academic and scientific organizations jointly published a letter in response to OMB's call for comments that detailed what the effects will be from this extreme vetting initiative (NAFSA, 2017). In the letter, it states that they understand the need for national security, however, there

also needs to be an openness for academics and scientists to come to the U.S. for innovations that improve the lives of U.S. citizens. They also describe the possible effects as “chilling” on all international visitors, not just the ones that are required to complete the form. They express concerns of this leading to long processing delays for all visas because of the extensive nature of the questions. There are concerns of the vagueness and insufficient information to determine who needs to complete the forms and that the wide discretion could lead to discrimination and that it does not include information on privacy protection given the request for social media information and long-term use of the form (which has not been disclosed to date). Lastly, there is a major concern with the overall message that this sends to the rest of the world. They are concerned that adding extra measures to an already confusing and extensive immigration system, and sending an unwelcoming message to foreign nationals could further deter bright and intellectual students and scholars from coming to the U.S. This will greatly affect the scientific and academic communities and will have lasting consequences on the U.S. economy and society. The full letter can be found in Appendix B.

Another public letter was written in response to Secretary John Kelly’s committee hearing that discussed the extreme vetting initiative. It was written by a coalition of 50 civil liberties groups and other organizations which include the American Civil Liberties Union (ACLU), Free Speech Coalition, Human Rights First, and many more (Center for Democracy and Technology, 2017). As stated previously, the request for device and social media information and passwords is unprecedented. The power to request this information has not only been given to consulate officers for visa applicants, but also to customs and border officers. This letter, addressed to Secretary Kelly, urges him to pull back the proposal to require visa applicants to provide login information for their social media and other online accounts. They state that this

will be a “direct assault on fundamental rights” and will actually “weaken, rather than promote, national security.” The authors support this claim by explaining that requiring online credentials will actually put U.S. citizens at risk because some of the people customs or consulate officers will request this information from handle sensitive government and corporate information. This may also include client and patient information. Additionally, some people use their social media accounts to log into other online accounts, such as their Google accounts. Furthermore, by essentially compiling a database of login information, they are creating a large data breach risk since it will be an obvious target for hackers. The key point from this letter is that extreme vetting initiative is an extreme violation of privacy, freedom of expression, and religion that could put U.S. citizens and others at risk. The full letter can be found in Appendix C.

In a third public letter that outlines the possible effects of the extreme vetting policy, six educational organizations, 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), state that the rigorous vetting criteria will have lasting effects on many sectors of the U.S. (American Council on Education, 2017). They explain that this new form and policy creates onerous barriers for international students that is likely to deter them from wanting to come to the U.S. to study, causing great harm to the U.S. higher education system. Other countries with less taxing visa requirements have already begun using this as a marketing tactic for recruiting students. This will greatly weaken our global presence and increase our innovation shortage. Furthermore, they state that the State Department and U.S. consulates around the world lack the necessary resources and staff to handle the three times the information collection. This will

certainly increase visa wait times and create processing backlogs. They explain that U.S. universities have had a long-time relationship with Department of State and the Department of Homeland Security where they have worked together to ensure national security. They state that at the core, most of this data is already collected and increasing the amount is unnecessary and burdensome and will create avoidable severe detrimental effects. The full letter can be found in Appendix D.

In addition to these published letters, universities also individually responded to the extreme vetting initiative. Columbia University responded with a lawsuit against U.S. Department of Homeland Security, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, U.S. Department of Justice, and U.S. Department of State (Knight First Amendment Institute, 2017). The Knight First Amendment Institute at Columbia University filed the suit in August 2017 based on the Freedom of Information Act “seeking the release of documents concerning the government’s claimed authority to exclude or remove non-citizens from the United States based on their speech, beliefs, and associations” (para. 1). They state that border officials nor consular officers should be conducting extreme screening tests and that the collection of routine social media information raises first amendment concerns. The claim that the new extreme vetting policies threatens the freedom of expression, beliefs, and association. So far, the government has only released one document in response to their request.

Numerous organizations, institutes, universities, etc. have responded to the extreme vetting announcement and predicted how it will affect not only foreign nationals, but also U.S. citizens. The respondents have expressed that while they all agree with the importance of national security, this policy does not preserve national security, it only creates burdensome

work and unnecessary risks that will have long lasting detrimental effects that may not be reversible. In essence, the negatives of this policy far outweigh the positives. It will affect innovation, research, cures for diseases, education and an unmeasurable number of stakeholders see the effects of this policy. These effects have already begun to take place and have reached further than anticipated.

Stakeholders

There are several stakeholders that are affected by this policy. The main stakeholders are universities, non-profit organizations, healthcare and research organizations, exchange program sponsors, private corporations, and the international students and scholars themselves. These major institutions and organizations employ or educate thousands of foreign nationals. In an interview with an immigration advisor at a large healthcare organization, he stated that they host around 5,000 international students and scholars at any given time (Participant A, personal communication, March 9, 2018). These international students and scholars are essential to the furtherance of excellent patient care and groundbreaking biomedical research. The mission statement of the Division of International Services at the National Institutes of Health (NIH) states that their goal is to “facilitate the recruitment and retention of highly-skilled visiting foreign national scientists” (National Institutes of Health, 2018). As a country, the U.S. should strive to bring the best and the brightest talent in order to find cures to incurable diseases and provide the best patient care that could in turn help millions of U.S. citizens.

As for universities, according to the 2017 Open Doors report, the U.S. hosted 1,078,822 total international students in 2016/2017 (Institute of International Education, 2017). According to an interview conducted with an assistant director of international students at a small, private university, the interviewee stated that international students have a significant financial impact to

universities, especially to smaller universities where the resources are more limited than larger private or state universities (Participant C, personal communication, April 10, 2018). This is because international students typically pay full tuition, which increases universities' revenue (Barta, Chen, Jou, McEnaney, & Fuller, 2018). Furthermore, international students are also essential to the U.S. economy. By training and educating these students in the U.S., they can be better prepared to enter the U.S. workforce and continue the betterment of the economy. According to NAFSA, the 1,078,822 students that studied in the U.S. in 2016/2017 contributed \$36.9 billion to the U.S. economy while also supporting or creating 450,331 jobs (NAFSA, 2017). This is a significant contribution to the U.S. and a larger driving force for these stakeholders. Given that one of the goals of the extreme vetting policy is to make it more difficult for foreign nationals to obtain a visa, the number of international students and scholars making these important contributions will decrease, which not only affects the stakeholders, but the U.S. as a whole.

Another major stakeholder group that is and will continue to be affected are the international students and scholars themselves. Under the Obama administration, the U.S. was a leader in internationalization and a country that welcomed people from other countries. This is evident by some of Obama's initiatives described above. He tried to improve the immigration system for foreign nationals rather than making it more difficult. Now, under the Trump administration, a policy has been enacted that requires unprecedented amounts of information, more reasons for visa denials, and perpetuates a general xenophobic and ethnocentric attitude. Up until Feb 2018, the United States Citizenship and Immigration Services' mission statement read "USCIS secures America's promise as a nation of immigrants by providing accurate and useful information to our customers, granting immigration and citizenship benefits, promoting an

awareness and understanding of citizenship, and ensuring the integrity of our immigration system” (Acosta & Tatum, para. 7, 2018). Currently, the mission statement reads “U.S. Citizenship and Immigration Services administers the nation’s lawful immigration system, safeguarding its integrity and promise by efficiently and fairly adjudicating requests for immigration benefits while protecting Americans, securing the homeland, and honoring our values” (para. 5). The tone of the mission statement has now changed from viewing the U.S. as a “nation of immigrants” to “protecting American workers” and “safeguarding the homeland” (para. 4). These actions and several others, such as the travel ban, that the Trump administration has put forth has and will continue to lead to a decrease of international students and scholars being able and wanting to come to the U.S. This will affect their education, futures, and livelihoods and surely more unexpected affects to come.

Policy Analysis

Design/methods

Analysis design and methods includes review of public reports, such as, the Open Doors report to quantify numbers of international students and scholars and Department of State reports that show number of visas that were approved. Additionally, there is a review of published statements from universities and other organizations that discuss the effects on this policy. Three interviews were conducted with professionals at various institutions that are part of the NAFSA Knowledge Communities and serve as Alternate Responsible Officers¹ (AROs) and Designated School Officials³ (DSOs). The interviewees include an immigration advisor at a large healthcare and biomedical research provider (Participant A), a director of immigration services at a large ivy-league university (Participant B), and an assistant director of international students and a small private university (Participant C). These professionals also interact with international

students and scholars regarding immigration issues daily. These interviews collected information on trends of their student and scholar enrollment since April 2017 (when the policy was enacted), changes they have observed since the extreme vetting initiative, their professional thoughts on the extreme vetting policy, and any specific issues that have arisen as a result of the extreme vetting initiative. These interviews were voluntary and conducted over the phone. Additionally, the interviewees signed informed consent forms and will remain anonymous. Transcriptions of the interview were made and will be provided to the interviewees upon request and information was taken from the transcription in order to support the research in this paper. The questions that were asked in these interviews can be found in Appendix E. International students and scholars were not interviewed for the purpose of this paper because the point of view was examined from a professional lens.

Results

After data collection and analysis, it is evident that the extreme vetting policy has both intended and unintended effects. Most of the intended effects, to date, have been a decrease in visa issuances and creating limitations on entry and travel for foreign nationals. One of the first indicators of the intended effects of extreme visa vetting is the numbers of non-immigrant visas that were issued last year compared to others. Non-immigrant visas, such as J-1, F-1, and H-1B, have been largely affected by the extreme vetting policy as these are granted at U.S. consulates abroad where the brunt of the policy is implemented. According to Department of State's 2017 Report of the Visa Office, the U.S. issued 10,381,491 non-immigrant visas in fiscal year (FY) 2016 (2017). Fiscal year is defined by the government as October 1st – September 30th. Visa issuance declined in FY 2017 to 9,681,913. This is the lowest number of non-immigrant visas issued since FY 2014. Additionally, the number of visas issued has steadily climbed since FY

2008 until FY 2016 when it started to decline. It is no coincidence that the visa issuance started to decline as soon as the anti-immigrant campaign rhetoric began and then continued to drop even further when the extreme vetting policy was enacted.

The main targets in terms of countries for the extreme vetting policy include the countries that were named in all three versions of the travel bans. These countries include Syria, North Korea, Iran, Chad, Libya, Yemen, Somalia, Venezuela, Iraq, and Sudan. In looking at the number of non-immigrant visas issued for applicants of these nationalities in fiscal year 2017 compared to fiscal year 2016, there is an apparent drastic difference (Department of State, 2017). This is shown in the following table:

Table 1: Visas Issued in FY 16 and FY 17

Country	Visas issued in FY 16	Visas issued in FY 17	Total difference	Percentage decrease
Syria	9,096	5,411	3,685	40.5%
North Korea	100	55	45	45%
Iran	29,404	19,801	9,603	32.7%
Chad	1,355	1,382	-27	2% (increase)
Libya	2,307	1,552	755	3.7%
Yemen	5,203	2,919	2,284	43.9%
Somalia	451	276	175	38.8%
Venezuela	156,361	56,720	99,641	63.7%
Iraq	15,416	11,038	4,378	28.4%
Sudan	6,979	4,239	2,743	39.3%

*Numbers obtain from Department of State's 2017 Report of the Visa Office

The only country that was not significantly affected was Chad which had a slight 2% increase in visas issued in fiscal year 2017. However, the rest of the countries saw a significant decrease in the number of issued non-immigrant visas, especially Venezuela which had almost a 64% decrease. This trend also appears in other Muslim majority countries, such as Afghanistan, Pakistan, Egypt, Morocco, and more. It is evident that the extreme vetting initiative combined with the current administration's anti-immigrant and anti-Muslim rhetoric is having a major effect on travel ban and other Islamic countries.

Since the idea of the extreme vetting policy was introduced, the U.S. has already seen some effects on international students. For example, the rate of *all* international student enrollment has decreased by 3.7% from 2016 to 2017. According to the Institute of International Education's Open Doors Report, in 2016, the rate of increase over the previous year's international student enrollment was 7.1% (2017). Then, in 2017, the rate of increase was only 3.4% for international student enrollment over the previous year. Additionally, there was a decrease in *new* student enrollment in the Fall 2016 semester for the first time ever: 3.3% over the previous year. Furthermore, according to a director in a large ivy-league university's international office, they have seen heightened anxiety in students from all countries, not just the ones listed in the travel bans (Participant B, personal communication, March 23, 2018). There were concerns on if they will be allowed to enter the U.S. and if they will have to produce their social media information and give up their cellphones which contain personal information. Furthermore, students' families that are from the travel ban countries are having a harder time entering the U.S. to visit the students (Participant C, personal communication, April 10, 2018). Sometimes they are not allowed to enter at all depending on their citizenship. This all results in added anxiety about traveling abroad for students, especially when it means they are not able to

see their family members. This anxiety and stress has also manifested in the international scholar population.

While the number of visas issued to international scholars has remained about the same, international scholars and researchers have been deterred from entering the U.S. Respected scholars and researchers in their fields have been turned away by consular officers and customs agents. For example, in July 2017, a few months after the introduction of the extreme vetting initiative, an Iranian cancer researcher who was coming to the U.S. to work at Boston Children's Hospital was turned away at Logan airport because of alleged ties to an Iranian militia group (Ropek, 2017). The actual confirmed reason he was denied was not shared with the public and the notion of his ties to the militia having to do with his entry denial has been condemned, but the reality is that he and his family had to return to Iran even though he had already been granted a visa stamp by a U.S. consulate abroad. Even American scholars are being affected by the extreme vetting initiative. In February 2017, Sidd Bikkannavar, a U.S. citizen and employee at NASA's Jet Propulsion Laboratory (JPL), flew back to the U.S. after being abroad in South America (Grush, 2017). He had left while the Obama administration was still in the White House and then returned after President Trump had taken office. When he arrived at the George Bush Intercontinental Airport in Texas, he was detained by U.S. Customs and Border Patrol (CBP) and was pressured by CBP agents to give them his phone. The phone had been issued by NASA and could have contained sensitive material related to his employment. They presented him with a document that was titled "Inspection of Electronic Devices" that explained that CBP had the authority to search his phone and listed the consequences of not handing over the unlocked phone. He told them that he was not allowed to give them the phone since it was property of NASA and even showed them the government barcode on the phone to prove it. Even so, they

insisted they had the authority to search his phone and would not allow him to leave until he gave them access to it. He finally gave them the phone and his PIN code to unlock and they returned with the phone after about 30 minutes. They did not say what they searched on the phone and would not tell him why they have detained him in the first place. The sentiment of researchers fearing a breach of data and information was also echoed in an interview with the director at an ivy-league's international office (Participant B, personal communication, March 23, 2018). International researchers and scholars are afraid to travel and run the risk of having the security of their sensitive information stored in their phones, email, and other internet accounts compromised.

Another effect of the extreme vetting initiative is that it is affecting the way that international offices across the U.S. process visas and advise their international students and scholars. One of the services that most international offices provide for their students and scholars is travel advising. Most of these offices require students, and did even before the extreme vetting initiative, to inform them of any international travel. This is so they can tell them which documents to bring with them and what to expect when trying to re-enter the U.S. Typically, foreign nationals are given multiple-entry visa stamps so that they can travel freely in and out of the U.S. assuming their visa stamp has a valid expiration date. An exception to this is Iranian citizens who are given a one-entry visa stamp, meaning, once they enter the U.S., that visa stamp is no longer valid for them to use to travel. Presently, advisers at international offices are not entirely sure what to tell their international students and scholars, even those that have multiple-entry visas (Participant B, personal communication, March 23, 2018). It is hard to predict if someone will have an issue or not when trying to return to the U.S., especially since most times, they are unaware if someone has traveled to one of the travel ban countries in the

past 15 years, which could affect the decision if they are allowed entry. Furthermore, they are seeing visas being cancelled without the consulate alerting the applicants or telling them why it was cancelled. Another sentiment shared by an assistant director of international students was that they can no longer feel a degree of certainty about the advice they are giving to their students (Participant C, personal communication, April 10, 2018). Prior to the implementation of the extreme vetting policy, advisers could counsel their students on immigration regulations and procedures based on their professional experience. Now, it is how to predict the results of any type of visa application or request by international students and scholars. Additionally, in an interview with an advisor at a large healthcare provider, they describe that in response to the extreme vetting initiative, international offices at institutions have had to set certain expectations for travel ban countries (Participant A, personal communication, March 9, 2018). These expectations include amending the start dates of visas to push them into the future to accommodate the lengthy consular processing times. It also includes just letting the foreign nationals, as well as, the other stakeholders know that there is a chance their visa stamp may not be granted at the consulate. This initiative has caused international offices to have to adjust their processes and, unfortunately in some cases, become the bearer of bad news for the international student or scholar.

In addition to advising on international travel, international offices and other stakeholders have also had to deal with the increase in administrative processing for visa applications causing major delays for international students and scholars trying to enter the country. Administrative processing, or Security Advisory Opinion (SAO), is a process in which a foreign national's visa application undergoes additional security review and background checks outside of normal visa processing times and reviews (PennState Law, 2014). Administrative processing takes place after

the visa application interview and is initiated when a consular officer determines that the application requires further security checks. This determination is usually made when a review of various databases returns a “hit,” which can be based on criminal convictions, security risks, or visa overstays or denials. According to Department of State, most administrative processing is resolved in 60 days of the visa interview, but the timing will vary depending on each individual cases’ circumstances (2018). Unfortunately, there is nothing that a foreign national, their sponsoring organization, nor anyone can do to speed up this process. Prior to the extreme vetting policy, administrative processing primarily affected citizens from Middle Eastern or Muslim countries, as well as, citizens from China and India, which account for a large portion of granted U.S. visas. Additionally, this process was typically resolved within the 60 days that Department of State specifies. Following the initiative, this processing time has doubled and sometimes tripled causing major delays for international students and scholars. Also, the list of countries affected by administrative processing has expanded beyond the typical countries. At one ivy-league university, they have seen visa applications remain in administrative processing for as long as six to eight months (Participant B, personal communication, March 23, 2018). They have also seen citizens from the following countries affected by administrative processing: Mexico, Nigeria, Albania, India, China, Belgium, Uzbekistan, Azerbaijan, Greece, Turkey, the U.K., Israel, Pakistan, Italy, Nepal, and more. The university has even seen the number of visa applications that are put into administrative processing increase. In the two years before the Trump administration, the university recorded about a dozen people who were subjected to administrative processing each year. Since the Trump administration, this number has increased to almost 100 foreign nationals who have been delayed because their visa applications were put into administrative processing. This overall increase in all of the aspects related to administrative

processing has caused major delays to international students who are trying to begin school or their employment in a timely manner.

Unintended Effects and Consequences

There has also been unintended effects and consequences of the extreme vetting policy. These include major issues with the U.S. consulates abroad. As explained before, the U.S. consulates, that are run and monitored by Department of State, are in charge of reviewing visa applications and making a decision on whether to approve or deny them. Since the implementation of the extreme vetting policy, there have been several issues in relation to the U.S. consulates. First, with extreme vetting comes further reviews on visa applications which means each application is going to take more time (Participant A, personal communication, March 9, 2018). In order to maintain a somewhat efficient processing situation, Department of State will need to hire more employees and put in more resources. However, President Trump has all but decimated the State Department and created a large number of job vacancies. In the past year, 60% of its top management positions have quit and potential job candidate applications have decreased by half (Beauchamp, 2017). The American Foreign Service Association is almost at a collapsing state because former Secretary of State Rex Tillerson implemented hiring freezes, promotion caps, and budget cuts. The lack of Foreign Services Officers combined with the extreme vetting initiative is causing serious delays when it comes to visas.

Second, since so many State Department officials and Foreign Services Officers have left, and since they've needed to increase the manpower to enforce the extreme vetting policy, it means that all of the new officers that have taken their place need training to be up to speed on visa regulations (Participant A, personal communication, March 9, 2018). There is currently a

serious issue with consular and customs training since lifelong officers have left and new ones started. This has also caused delays with both consular processing and entering the U.S. For example, it's now taking some Canadians three times as long to get through the U.S. border than it did before. Also, Canadians are being denied for reasons that are not consistent with immigration law because of the lack of knowledge amongst the newer officers. It's also hard for the officers to know what to enforce since the extreme vetting policy was intentionally vague.

A third issue that has arisen at the consulate level is consular officers feeling emboldened and that anti-immigrant and anti-Muslim attitudes are validated by the current president and his administration (Participant A, personal communication, March 9, 2018). As stated previously, consular officers have been given complete discretion to decide whether or not a visa application is approved. While there are standard guidelines to follow, the final decision lies with them. Since the new administration, professionals in the immigration field have seen customs officers begin to question international scholars with legitimate job opportunities about why an American shouldn't be doing the job they're coming to perform. Additionally, researchers that are extremely well known in their field and have multiple impressive accomplishments have typically been able to receive O-1 visas successfully. However, now they are seeing consulates question people applying for O-1 visas, visas that are given to "aliens of extraordinary ability," about why they deserve this visa when they haven't won a Noble Prize or if they are not a part of a famous rock band. This new sense of increased power has instilled foreign nationals with unnecessary fear and left unfavorable impressions on foreign nationals that typically do not have issues entering the U.S.

Lastly, and maybe the most impactful, the extreme vetting policy is causing the U.S. to lose its standing in the world as a driving globalization force and as a welcoming country. This is

causing possibly irreparable damage. President Trump's travel bans and extreme vetting policy, which directly attack and discriminate against certain regions of the world and citizens of specific countries are causing us to reverse almost 50 years of both Republican and Democratic work on immigration (Participant A, personal communication, March 9, 2018). Our immigration system is slowly beginning to look like it did in the pre-civil rights era where there were quota systems and laws that excluded whole groups of people from specific countries. The extreme vetting policy and President Trump along with his administration's racist and anti-immigrant rhetoric is causing the U.S. to be seen as unwelcoming by other countries. Statements by the U.S.'s president, such as "Why are we having all these people from shithole countries come here?" clearly show that our current administration feels that immigrants are unwelcome (Bouie, 2018). Statements like this and actions like implementing the extreme vetting initiative are causing us to lose the best talent that could come and use our many resources to potentially help American and global citizens by finding cures to diseases or enhancing medical care. Not only the policy ruining the image of America globally, he is also causing possibly irreversible damage. During an interview with the director at the international office of an ivy-league university, she stated that she felt it was going to take years to undo the damage that he's doing. Also, they stated that much of what President Trump says about immigration is fabrication and shows that he clearly does not understand how the immigration process works. The interview ended with the interviewee saying "it's very scary" about the way things are going and the possible outcomes because of the current presidential administration (Participant B, personal communication, March 23, 2018). This sentiment was also echoed through the other interviews. Overall, it is clearly shown through data collection and interviews that this policy is affecting

international students and scholars the institutional, academic, professional, and personal level. It is also having far reaching effects on the U.S. including its citizens, economy, and globalization.

Discussion

One of the stated goals of the extreme vetting policy is to protect the U.S.'s national security by denying entry to foreign nationals that have or may have ties to terrorism. A second goal is to increase the difficulty of obtaining a visa for foreign nationals by making the immigration process more rigorous. Reasons for visa denials are not made public so it is hard to determine if the first goal of the policy is being met. However, it is evident that in the short one-year period of the extreme vetting policy that it is working in terms of the second goal. Because of this, there have been clear effects on the international student and scholar population. There has been significant anxiety due to the vagueness and uncertainty of the policy. It is also unclear if it is going to stay permanent or go back to the original temporary nature. International students and scholars from targeted countries have not been able to comfortably travel abroad or travel abroad at all because there is the fear or not being able to return. They have had to miss important international professional conferences and holidays with their families. Additionally, there has been significant delays in visa processing leading to sometimes a six to eight month wait for foreign nationals to receive their visa stamps to come to the U.S. Sometimes, even when foreign nationals are granted visa stamps, they are turned away by customs officers when arriving to the U.S. There has been a significant decrease in visas issued in the past year, causing the U.S. to lose contributions that international students make to the economy and to lose potential scholars who could contribute to bettering the lives of American citizens. Furthermore, the extreme vetting policy has had unintended consequences, such as perpetuating the anti-immigrant and anti-Muslim rhetoric that the world has seen from the current presidential

administration, causing the U.S. to seem unwelcoming to people from all countries. The best talent in the world is now choosing to go work and study in other countries instead of the U.S. The U.S. is losing our standing in the world as a leader in globalization.

It appears the current presidential administration has forgotten America's intrinsic values and that the U.S. is a nation of immigrants, as USCIS' mission statement used to say before February 2018 (Acosta and Tatum, 2018). Going forward, it will be important to remember that the U.S. can maintain its national security and patriotism without perpetuating intolerance and losing our place in globalization. Considering the future, it is clear that the landscape of immigration will continue to change, especially with the current administration, but it will also be important to remember that the attacks against immigrants and non-immigrants will need to be counteracted through continued advocacy and maintain welcoming and accepting attitudes. The president of Massachusetts Institute of Technology (MIT), L. Rafael Reif, released a statement in response to President Trump's initial travel ban that poignantly stated that "MIT is profoundly American" and "at the same time, and without the slightest sense of contradiction, MIT is profoundly global" (MIT News Office, paras. 4 and 5, 2017).

References

Acosta, J. & Tatum, S. (2018, February 22). US immigration agency updates statement to no longer say 'nation of immigrants'. *CNN*. Retrieved from:

<https://www.cnn.com/2018/02/22/politics/uscis-mission-statement/index.html>

American Council on Education. (2017). Comments on Supplemental Questions for Visa

Applications. *ACE*. Retrieved from: <http://www.acenet.edu/news-room/Pages/Comments-on-Supplemental-Questions-for-Visa-Applications-.aspx>

American Immigration Council. (2011). Secure Communities: A fact sheet. *American*

Immigration Council. Retrieved:

<https://www.americanimmigrationcouncil.org/research/secure-communities-fact-sheet>

American Immigration Council. (2016). The Exchange Visitor Program and J-1 visas. *American*

Immigration Council. Retrieved from:

<https://www.americanimmigrationcouncil.org/research/exchange-visitor-program-and-j-1-visas>

American Immigration Council. (2016). The H-1B visa program: A primer on the program and

its impact on jobs, wages, and the economy. *American Immigration Council*. Retrieved

from: <https://www.americanimmigrationcouncil.org/research/h1b-visa-program-fact-sheet>

America's Voice. (2018). Immigration 101: What is a sanctuary city?. *America's Voice*.

Retrieved from: <https://americasvoice.org/blog/what-is-a-sanctuary-city/>

Barta, P., Chen, T., Jou, D., McEnaney, C., & Fuller, A. (2018) How international students are changing U.S. colleges. *The Wall Street Journal*. Retrieved from:

<http://graphics.wsj.com/international-students/>

Beauchamp, Z. (2017, November 9). New data shows how the Trump administration is destroying the State Department. *Vox*. Retrieved from:

<https://www.vox.com/world/2017/11/8/16623278/trump-state-department-data-career>

Begley, S. (2016, February 3). Here's the first time a U.S. President visited an American mosque.

Time. Retrieved from: <http://time.com/4205979/obama-mosque-visit-history/>

Berman, R. (2014, November 21). What Obama's immigration action actually does. *The*

Atlantic. Retrieved from: <https://www.theatlantic.com/politics/archive/2014/11/what-obamas-immigration-action-actually-does/383037/>

Boston University Global Programs. (2018). Glossary. *Boston University*. Retrieved from:

<http://www.bu.edu/isso/news/sevis/background/glossary/>

Bouie, J. (2018, January 16). Donald Trump's enduring promise. *Slate*. Retrieved from:

<https://slate.com/news-and-politics/2018/01/the-lasting-damage-of-donald-trumps-bigotry.html>

Brown University. (2017). Letter from Provost Richard M. Locke regarding executive order on immigration and refugee policy. *Brown University*. Retrieved from:

<https://news.brown.edu/articles/2017/01/immigrationorder>

Center for Democracy and Technology. (2017). Coalition letter to Secretary Kelly opposing collection of passwords at the border. *cdt.org*. Retrieved from:

<https://cdt.org/insight/coalition-letter-to-secretary-kelly-opposing-pass-collection-of-passwords-at-the-border/>

CNN. (2017, August 24). September 11th terror attacks fast facts. *CNN*. Retrieved from:

<https://www.cnn.com/2013/07/27/us/september-11-anniversary-fast-facts/index.html>

CNN. (2001, September 21). Transcript of President Bush's address. *CNN*. Retrieved from:

<http://edition.cnn.com/2001/US/09/20/gen.bush.transcript/>

Dobkin, D.S. (2009). Challenging the doctrine of consular non-reviewability in immigration cases. *SelectedWorks*. Retrieved from:

https://law.yale.edu/system/files/area/conference/ilroundtable/ILR13_DIDonaldDobkinChallengingtheDoctrine.pdf

Exec. Order No. 13780, 82 FR 13209. 13209-13219 (2017). Retrieved from:

<https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states-2/>

Farley, R. (2013). 9/11 hijackers and student visas. *FactCheck.org*. Retrieved from:

<https://www.factcheck.org/2013/05/911-hijackers-and-student-visas/>

Finnegan, C. (2017, May 4). Trump admin. takes a step toward 'extreme vetting' with rule targeting social media accounts. *ABC News*. Retrieved from:

<http://abcnews.go.com/Politics/trump-administration-takes-step-extreme-vetting-rule-targeting/story?id=47208177>

Fragaszy Troyano, J. (2015). Immigration and the Hart-Celler Act, 50 years later. *Oh Say Can You See? Stories from the National Museum of American History*. Retrieved from:

<http://americanhistory.si.edu/blog/immigration-and-hart-celler-act-50-years-later>

Georgetown University. (2017). Regarding our international students, staff, and faculty.

Georgetown University. Retrieved from: <https://president.georgetown.edu/message-immigration-jan-2017>

Grush, L. (2017, February 12). A US-born NASA scientist was detained at the border until he unlocked his phone. *The Verge*. Retrieved from:

<https://www.theverge.com/2017/2/12/14583124/nasa-sidd-bikkannavar-detained-cbp-phone-search-trump-travel-ban>

Harvard University. (2017). We are all Harvard. *Harvard University*. Retrieved from:

<https://www.harvard.edu/president/news/2017/we-are-all-harvard>

ICE. (2011). Student and Exchange Visitor Program. *ice.gov*. Retrieved from:

<https://www.ice.gov/mobile/students/sevis.htm>

Implementing Immediate Heightened Screening and Vetting of Applications for Visas and Other

Immigration Benefits, Ensuring Enforcement of All Laws for Entry Into the United States, and Increasing Transparency Among Departments and Agencies of the Federal Government and for the American People, 82 Fed. Reg. 16279 (March 6, 2017).

Retrieved from: <https://www.whitehouse.gov/presidential-actions/memorandum-secretary-state-attorney-general-secretary-homeland-security/>

Institute of International Education. (2017). Open Doors 2017. *IIE*. Retrieved from:

<https://www.iie.org/en/Research-and-Insights/Open-Doors/Open-Doors-2017-Media-Information>

Joseph, G. (2017, November 22). Extreme digital vetting of visitors to the U.S. moves forward under a new name. *ProPublica*. Retrieved from:

<https://www.propublica.org/article/extreme-digital-vetting-of-visitors-to-the-u-s-moves-forward-under-a-new-name>

Knight First Amendment Institute. (2017). Knight Institute sues for documents on “extreme vetting” and social media monitoring of immigrants, visitors to the United States. *Knight First Amendment Institute at Columbia University*. Retrieved from:

<https://knightcolumbia.org/news/knight-institute-sues-documents-extreme-vetting-and-social-media-monitoring-immigrants>

Laque, E. C. (2010). Immigration law and policy: Before and after September 11, 2001. *Social Sciences Journal*, 10(1), 25-34. Retrieved from:

<https://repository.wcsu.edu/cgi/viewcontent.cgi?article=1071&context=ssj>

Legal Information Institute. (2017). Temporary Protected Status. *Cornell Law School*. Retrieved from: https://www.law.cornell.edu/wex/temporary_protected_status_tps

Leiden, W. & Neal, D. (1990). Highlights of the U.S. Immigration Act of 1990. *Fordham International Law Journal*, 14(1), 328-339. Retrieved from:

<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1270&context=ilj>

Meckler, L. (2017, April 4). Trump administration considers far-reaching steps for ‘extreme vetting’. *Wall Street Journal*. Retrieved from: <https://www.wsj.com/articles/trump-administration-considers-far-reaching-steps-for-extreme-vetting-1491303602>

MIT News Office. (2018). Letter to the community: Update regarding Executive Order, thoughts on moving forward. *Massachusetts Institute of Technology*. Retrieved from: <http://news.mit.edu/2017/letter-community-update-regarding-executive-order-0130>

NAFSA: Association of International Educators. (2017). Form DS-5535, supplemental questions for visa applicants. *NAFSA*. Retrieved from: http://www.nafsa.org/Professional_Resources/Browse_by_Interest/International_Students_and_Scholars/Form_DS-5535_Supplemental_Questions_for_Visa_Applicants/

NAFSA: Association of International Educators. (2017). NAFSA international student economic value tool. *NAFSA*. Retrieved from: http://www.nafsa.org/Policy_and_Advocacy/Policy_Resources/Policy_Trends_and_Data/NAFSA_International_Student_Economic_Value_Tool/

National Institutes of Health. (2018). Division of International Services: About us. *nih.gov*. Retrieved: <https://www.ors.od.nih.gov/pes/dis/AboutDIS/Pages/OurMissionStatement.aspx>

Patel, F. & Levinson-Waldman, R. (2017). The Islamophobic administration. *The Brennan Center for Justice at New York University School of Law*. Retrieved from: https://www.brennancenter.org/sites/default/files/publications/BCJ_Islamophobic_Administration.pdf

PennState Law. (2014). Administrative processing at Department of State. *The Pennsylvania State University*. Retrieved from:

<https://pennstatelaw.psu.edu/sites/default/files/documents/pdfs/Immigrants/Administrative-Processing-FAQ.pdf>

Pierce, S., Bolter, J., and Selee, A. (2018). Trump's first year on immigration policy: Rhetoric vs. reality. *Migration Policy Institute, January 2018*, 1-29. Retrieved from:

<https://www.migrationpolicy.org/research/trump-first-year-immigration-policy-rhetoric-vs-reality>

Reeves, M.H. (2005). A descriptive case study of the impact of 9/11 on international student visa policy in the 20 months following the attacks. *University of Oklahoma*. 1-219. Retrieved from: <https://shareok.org/bitstream/handle/11244/917/3187222.PDF?sequence=1>

Redden, E. (2016, August 16). Trump proposes ideological test for entry to U.S. *Inside Higher Ed*. Retrieved from: <https://www.insidehighered.com/news/2016/08/16/trump-proposes-extreme-vetting-and-ideological-test-visas>

Ropek, L. (2017, July 14). Cancer researcher refused entry to U.S. in Boston allegedly has ties to 'hardliner' Iranian militia group accused of 'human rights abuses'. *MassLive*. Retrieved from:

http://www.masslive.com/news/index.ssf/2017/07/iranian_researcher_denied_entr.html

Shabad, R. (2017, February 27). Inside the U.S. vetting system Trump wants to replace. *CBS News*. Retrieved from: <https://www.cbsnews.com/news/inside-u-s-vetting-for-visas-refugees-and-improvements-that-could-be-made/>

Shear, M. (2017, September 24). New order indefinitely bars almost all travel from seven countries. *The New York Times*. Retrieved from:

<https://www.nytimes.com/2017/09/24/us/politics/new-order-bars-almost-all-travel-from-seven-countries.html>

Shear, M. (2017, March 23). Trump administration orders tougher screening of visa applicants. *The New York Times*. Retrieved from:

<https://www.nytimes.com/2017/03/23/us/politics/visa-extreme-vetting-rex-tillerson.html>

Smith, B. (2017, May 24). ‘Extreme vetting’ could deter international students, US educators warn. *The Pie News*. Retrieved from: <https://thepienews.com/news/associations/extreme-vetting-plans-deter-international-students-usa-comments/>

The New York Times. (2017, January 27). Full Executive Order text: Trump’s action limiting refugees into the U.S. *The New York Times*. Retrieved from:

<https://www.nytimes.com/2017/01/27/us/politics/refugee-muslim-executive-order-trump.html>

University of California at Berkley. (2018). DACA information. *berkeley.edu*. Retrieved from:

<https://undocu.berkeley.edu/legal-support-overview/what-is-daca/>

U.S. Citizenship and Immigration Services. (2015). Early American immigration policies.

uscis.gov. Retrieved from: <https://www.uscis.gov/history-and-genealogy/our-history/agency-history/early-american-immigration-policies>

U.S. Citizenship and Immigration Services. (2017). USCIS to resume H-1B premium processing for certain cap-exempt petitions. *uscis.gov*. Retrieved from:

<https://www.uscis.gov/news/uscis-resume-h-1b-premium-processing-certain-cap-exempt-petitions>

U.S. Customs and Border Patrol. (2018). Requirements for immigrant and nonimmigrant visas. *cbp.gov*. Retrieved from: <https://www.cbp.gov/travel/international-visitors/visa-waiver-program/requirements-immigrant-and-nonimmigrant-visas>

U.S. Department of State. (2018). Administrative processing information. *Travel.State.Gov*. Retrieved from: <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/administrative-processing-information.html>

U.S. Department of State. (2017). Notice of information collection under OMB emergency review: Supplemental questions for visa applicants. *Federal Register*. Retrieved from: <https://www.federalregister.gov/documents/2017/05/04/2017-08975/notice-of-information-collection-under-omb-emergency-review-supplemental-questions-for-visa>

U.S. Department of State. (2017). Report of the visa office 2017. *Travel.State.Gov*. Retrieved from: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/annual-reports/report-of-the-visa-office-2017.html>

U.S. Department of State. (2018). Visa denials. *Travel.State.Gov*. Retrieved from: <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/visa-denials.html>

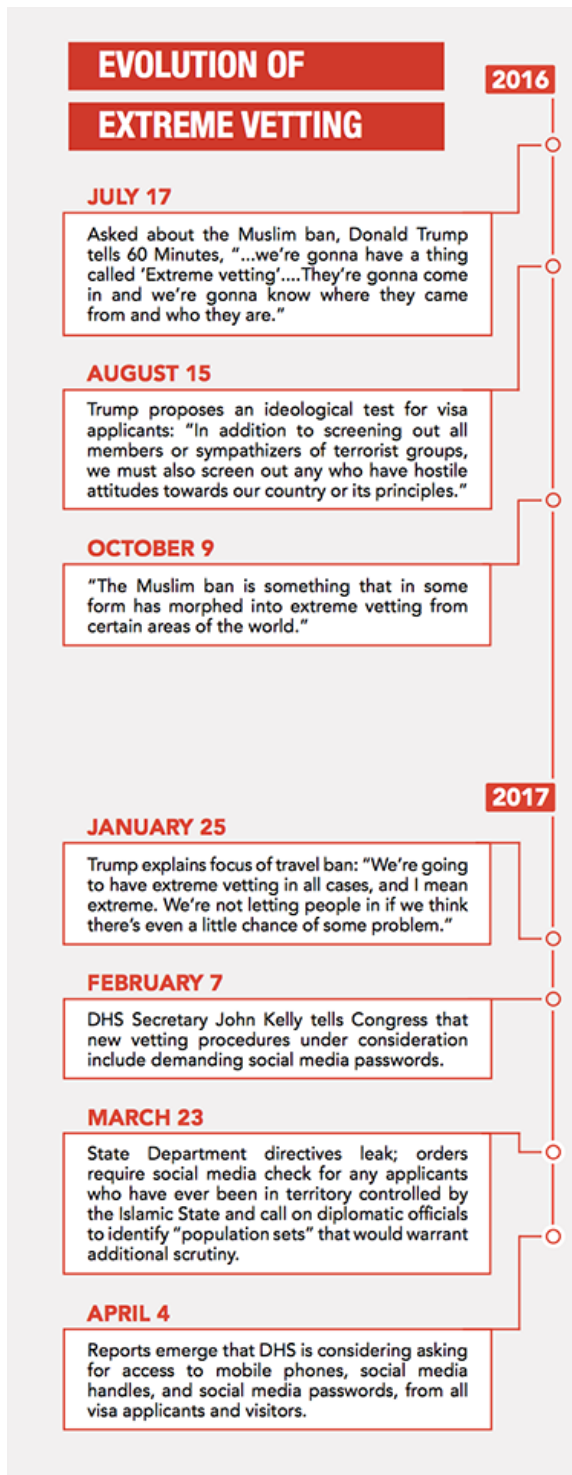
U.S. Immigration and Customs Enforcement. (2018). SEVIS reporting requirements for Designated School Officials. *ice.gov*. Retrieved: <https://www.ice.gov/sevis/dso-requirements>

Williams, J. (2017, October 2). White American men are a bigger domestic terrorist threat than

Muslim foreigners. *Vox*. Retrieved from:

<https://www.vox.com/world/2017/10/2/16396612/las-vegas-mass-shooting-terrorism-islam>

Appendix A Timeline of Early Stages of Extreme Vetting Policy



Appendix B

Letter from 55 Academic and Scientific Organizations in Response to Form DS-5535

May 18, 2017

ATTN: Desk Officer, Department of State
Office of Information and Regulatory Affairs
Office of Management and Budget
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, NW
Washington, DC 20503
VIA EMAIL: oira_submission@omb.eop.gov

Visa Office, Bureau of Consular Affairs
U.S. Department of State
Harry S. Truman Building
2201 C Street, NW
Washington, DC 20520
VIA EMAIL: PRA_BurdenComments@state.gov

To whom it may concern:

We, the undersigned organizations, write to express our concerns regarding the **Notice of Information Collection under OMB Emergency Review: Supplemental Questions for Visa Applicants (DS-5535)**, published at 82 *Federal Register* 20956 on May 4, 2017.

We appreciate and support the need to secure our nation and its citizens from individuals who seek to do us and our interests harm. But we caution that this security need should be balanced with the need to remain open to those pursuing academic study and scientific research. Academic and scientific exchange fuels the innovations essential to strengthening the U.S. economy and improving the lives of U.S. citizens.

The notice, as proposed, is likely to have a chilling effect not only on those required to submit additional information, but indirectly on all international travelers to the United States. The uncertainties and confusion regarding supplemental questions will have a negative impact, particularly on U.S. higher education and scientific collaborations. The notice also provides insufficient information regarding the criteria for identifying those required to complete the supplemental form, the impact of unintentional incomplete disclosure of information, such as social media presence, or remedies for correcting information initially provided. These additional questions could lead to unacceptably long delays in processing, which are particularly harmful to applicants with strict activity timeframes or enrollment deadlines. Additionally, there is no information regarding the longer-term use, retention, or privacy protections for the information provided. Therefore, we ask that an additional notice be published with this and other information.

Affected Applicants Vague and Ill-Defined

First, we are concerned that the class of visa applicants affected by the proposed Form DS-5535 is vague and ill-defined, as the notice does not provide criteria for identifying visa applicants who will be required to submit the new form. The notice states, “The Department proposes requesting the following information, if not already included in an application, from a subset of visa applicants worldwide, in order to more rigorously evaluate applicants for terrorism or other national security-related visa ineligibilities.” Although the notice implies that the subset affected would be small, because the subset is undefined, there is no appreciable way to determine from whom the form will be required. Therefore, these questions could potentially be required of an overly broad group of applicants. Furthermore, in the post-9/11 period, the Department of Homeland Security and the Department of State put into place strict security review policies, making it unclear what additional value the supplemental questions would provide.

Collection of Social Media Information

The proposed collection of social media information is of particular concern given the fluid nature of online engagement, the lack of specificity in this notice, and the potential impact on applicants for inadvertent failure to disclose information. Many people, including international students, are active on social media and have numerous accounts that frequently change over the years. The notice does not address the consequences should an applicant inadvertently omit an active account or forget a dormant one. What criteria would be used to distinguish between error and material misrepresentation? How will an individual be allowed to correct a supplemental filing? Do any decisions made with respect to social media have a lasting effect on subsequent visa applications? Absent significant precision in this area, the scope of the social media request is likely to unfairly penalize errors which may have significant consequences for the applicant.

Burden on Vulnerable Populations

We applaud that the notice reaffirms the importance of non-discrimination in the context of visa processing. [“In accordance with existing authorities, visas may not be denied on the basis of race, religion, ethnicity, national origin, political views, gender, or sexual orientation.”] This critical general legal principle is particularly important with regard to the collection of social media handles and identifiers. However, the ambiguity surrounding the proposal, and the seemingly high level of discretion given to individuals responsible for its implementation, raise concern that the proposal may lead to discrimination in practice. Further, disclosing personal information shared on social media and travel history would place an added burden on vulnerable individuals, such as those who have fled terrorism and human rights abuses; those who have traveled to areas of concern for the purpose of gathering evidence, reporting what they have witnessed, and/or providing assistance to the local population; and those who are subject to persecution or negative consequences from their government or communities based on their faith, gender, sexual orientation, or other factors.

Serious Impact on Future Academic, Scientific Exchange and Collaboration

We also have serious concerns about the impact these additional required questions will have on higher education and scientific collaborations. Foreign exchanges are extremely important to these sectors. For example, according to NAFSA: Association of International Educators, the more than one million international students attending U.S. colleges and universities during the 2015-2016 academic year supported 400,000 U.S. jobs and contributed \$32.8 billion to the U.S. economy. These international undergraduate and graduate students and scholars contribute to the

intellectual richness of our universities, and serve as goodwill ambassadors in their homecountries when they return. These students and scholars also help U.S. students prepare for future careers and better understand our global neighbors.

Scientific exchanges, whether through long- or short-term visits or at professional society meetings, are vitally important to the United States. Many project collaboration meetings take place at conferences held in the United States, and not having the top international talent in attendance would be a significant problem. For example, almost every NASA mission has international partners. Scientists must periodically meet in person, and if bureaucratic hurdles for entry into the United States are too high, they will hold their meetings elsewhere, hurting U.S. economic, technological, and scientific competitiveness. For example, the American Geophysical Union and the American Physical Society both have strong international counterparts that hold regular conferences and meetings, and the collaborators could well turn to those venues instead.

Moreover, many U.S. professional societies have significant numbers of international members, and it is important for those individuals to be able to attend the U.S. societies' meetings. In a 2012 report, PricewaterhouseCoopers reported that nearly 1.8 million meetings (not all scientific) were held in the United States. during 2009 involving "an estimated 205 million participants and generated more than \$263 billion in direct spending and \$907 billion in total industry output." The attendance of international scientists at U.S. meetings and conferences is important in terms of the intellectual content they contribute, for the benefit to the United States from the formation and sustainment of partnerships with U.S. counterparts, and in terms of benefits to the U.S. economy.

Uncertain Visa Requirements Risk Pushing Students, Scientists Away

In addition to these direct impacts, there will be negative indirect impacts in other areas. International students and researchers have choices and by adopting unclear and ill-defined visa requirements, the United States risks sending existing and potential partners and students elsewhere, thereby enriching those other countries with their intellectual and economic contributions, resulting in a double loss for the United States. U.S. professional societies are concerned that their international members and invitees will choose to stay home or go to countries with fewer mobility barriers. The amount of information that could be collected, the lack of knowledge about what will be done with this additional information, and concerns about their privacy may well lead many to look to other countries for scientific partnerships or higher education pursuits.

This is not an idle concern. Several international scientific organizations have already proposed boycotts or the temporary halt of scientific meetings in the United States, and in a recent survey, nearly 40 percent of U.S. colleges and universities "have reported declines in applications from international students, and international student recruitment professionals report 'a great deal of concern' from students and their families about visas and perceptions of a less welcoming climate in the U.S."¹ Combined with worldwide coverage of reports of poor treatment at U.S. ports of entry, increasing numbers of international students, researchers, and scientists are making the decision to stay away or go elsewhere. Such decisions will result in the loss of valuable intellectual content and collaboration that our nation needs, both academically and

economically. In addition, such actions by the United States often result in counter-actions by other countries that require visas. This will make U.S. citizen travel to such countries more difficult.

Positive Messages, Additional Resources, and Privacy Protections Needed

We are very concerned that if the proposed changes are implemented, international undergraduate and graduate students, scholars, and scientific collaborators may be discouraged from coming to the United States. If implemented, positive messages and statements will need to be made by the U.S. Government that legitimate visitors, especially students, scholars, and scientists, are still welcomed and encouraged.

Additionally, increases in staff and resources at key consulates overseas will be necessary to handle the added processing required from the additional questioning. Otherwise, delays and backlogs will discourage individuals from seeking visas to the United States. Furthermore, as the notice lacks information regarding the longer-term use, retention, or privacy protections for the information provided, we urge publication of an additional notice with this and other information.

Finally, if additional guidance is proposed, we request that it be done through the regular rulemaking procedures, and not emergency procedures. If you have any questions, please contact Rachel Banks at rachelb@nafsa.org or Joanne Carney at jcarney@aaas.org. Thank you for your consideration.

Sincerely,

American Anthropological Association
American Association for the Advancement of Science
American Association of Collegiate Registrars and Admissions Officers
American Astronomical Society
American Chemical Society
American Educational Research Association
American Geophysical Union
American Geosciences Institute
American Institute of Chemical Engineers
American Mathematical Society
American Meteorological Society
American Physical Society
American Physiological Society
American Psychological Association
American Society for Biochemistry and Molecular Biology
American Society of Agronomy
American Society of Civil Engineers
American Society of Tropical Medicine and Hygiene

American Sociological Association
American Statistical Association
Association for Psychological Science
Association for Research in Vision and Ophthalmology
Association for Women Geoscientists
Association for Women in Mathematics
Association of Population Centers
Cognitive Science Society
Conference Board of the Mathematical Sciences
Consortium of Social Science Associations
Crop Science Society of America
Ecological Society of America
Entomological Society of America
Federation of Associations in Behavioral and Brain Sciences
Geological Society of America
INFORMS – The Institute for Operations Research and the Management Sciences
Institute of Mathematical Statistics
Linguistic Society of America
Materials Research Society
Midwest Political Science Association
NAFSA: Association of International Educators
National Association of Mathematicians
National Association for College Admission Counseling
National Council of Teachers of Mathematics
OSA: The Optical Society
Population Association of America
Psychonomic Society
Society for Behavioral Neuroendocrinology
Society for Biomaterials
Society for Computers in Psychology
Society for Industrial and Applied Mathematics
Society for Neuroscience
Society for Personality and Social Psychology
Society for the Psychological Study of Social Issues
Society of Engineering Science
Soil Science Society of America
TODOS: Mathematics for ALL

Appendix C

Letter from Coalition of Human Rights and Civil Liberties Organizations and Trade Associations
in Response to Secretary John Kelly

10 March 2017

The Honorable John F. Kelly
Secretary of Homeland Security
Department of Homeland Security
301 7th Street SW
Washington, DC 20528

Dear Secretary Kelly,

We, the undersigned coalition of human rights and civil liberties organizations and trade associations write in response to your statement at the House Homeland Security Committee hearing on February 7, 2017, that the Department of Homeland Security would consider requiring visa applicants to provide log-in information (passwords or other credentials) for their social media accounts. We urge you to reject any proposal to require anyone to provide log-in information to their online accounts as a condition of entry into the United States. Demanding log-in information is a direct assault on fundamental rights and would weaken, rather than promote, national security.

Moreover, we are concerned about the numerous reports that Customs and Border Protection officials are demanding access to digital devices and social media information from refugees, visa holders,¹ lawful permanent residents (green card holders), and US citizens.² These reports indicate that CBP officials are interrogating travelers about their religious and political views and scrutinizing their reading and viewing habits, news sources, and private communications. This intensive examination of travelers' digital lives jeopardizes the security of the United States and its citizens and others abroad. It is deeply invasive, burdens fundamental freedoms, has a discriminatory impact, and is not likely to yield useful information.

Invasive review of online activity for travelers jeopardizes security.

CBP's actions may dramatically increase security risks to US citizens, who will likely face similar demands for access to their devices, online accounts, and passwords at foreign borders. Individuals who handle sensitive governmental or corporate information and travel to other countries, whether for business or pleasure, could be compelled to provide access to the accounts housing that information; indeed it is a small jump from requiring passwords to social media accounts to requiring passwords for email, financial, e-commerce, or other online accounts, which would unlock troves of personal information. A world where every traveler may have to hand the keys to their online identities over to a government actor is less safe for everyone.

Compromised credentials for social media accounts create enormous security risks for individuals. Many people use their social media accounts to log in to other services; a personal finance service, for example, may offer users the ability to log in with their Facebook or Google

account.³ Maintaining the fidelity of these accounts is a fundamental security concern for many who otherwise may not be comfortable using online services. The creation of a database containing millions of passwords and social media identifiers will also create a significant risk for data breach, as it would undoubtedly be a major target for identity thieves and other bad actors.⁴ To mitigate that threat, affected individuals would need to immediately change their passwords, mooted any alleged effectiveness of DHS's plan.

This review is likely to produce a massive amount of information with little utility.

Monitoring online activity in social media accounts is questionable as either an efficient or useful way of gathering specific, actionable evidence in support of CBP officials' authority to enforce the immigration and customs laws. Bad actors will find ways to conceal their activity, while most travelers and US citizens caught up in CBP's dragnet will have generated massive amounts of information completely irrelevant to border security, making it more difficult to identify those with malevolent intent.

Moreover, online communications are often extremely dependent on context, making them prone to misinterpretation, especially if officials lack relevant linguistic and cultural background. Scrutinizing travelers' online activity will consume significant amounts of time and personnel resources while yielding little insight.

Demands to access private information intrude upon confidential professional relationships.

Anyone with an obligation of confidentiality, whether they be an attorney, a journalist, a member of the clergy, a doctor, or a business executive, will be placed in the untenable position of deciding whether to breach the trust that their clients, patients, and associates have placed in them or stop traveling to the US.⁵ Indeed, these professionals may be unable to continue working with or representing US citizens if they cannot travel to the United States without having to reveal confidential information. Foreign scientists, researchers, and experts likewise may be chilled from traveling to the US and working with US colleagues, putting US citizens at a disadvantage and hampering their ability to work in the professions of their choice.

Extensive inquiry into individuals' online activity is profoundly invasive of their privacy and chills freedom of expression, religion, and association. Reports indicate that CBP officials are obtaining travelers' devices and then examining their public and private social media activity, their web browsing history, their contact lists, and the media they have viewed.⁶ Even without demanding a person's log-in information, accessing their accounts through an unlocked phone or other device exposes their private thoughts, communications, and relationships.⁷ This data may reveal sensitive information that should not be considered fair game for routine, suspicionless scrutiny by the government, including information about their health, sexual orientation, finances, political views, religious beliefs, and reading and purchase history.

Travelers will face a strong incentive to leave their devices at home or delete their accounts entirely, making a trip to the US like traveling back in time. Fears of compelled access by border officials will also discourage travelers to the US from participating on social media, freely reading the news or visiting websites, and communicating with loved ones. These could

encourage travelers to curate their online activity before arrival in the US while also impeding their ability to plan legitimate travel. Travelers who do not have smartphones or social media accounts may fear being viewed with suspicion and denied entry due to their inability to turn over any information.

Invasive inquiry into social media activity will likely have a disparate impact on Muslims, including US citizens. Since the Executive Order “Protecting the Nation from Foreign Terrorist Entry Into the United States,” people traveling from Muslim-majority countries are being targeted with the heaviest scrutiny under various “extreme vetting” procedures, including countries not referred to in the Executive Order.⁸ Muslim-Americans have even been detained at the border and interrogated about their religious beliefs and online activity.⁹ Investigation into a traveler’s contacts and connections will expose many other US citizens to scrutiny, as well. Visitors from overseas, including from the seven Muslim-majority countries that are the subject of the enjoined travel ban, often have family, friends, and colleagues in the United States. These US citizens will also be exposed to CBP’s “extreme vetting” of travelers’ social networks and online contacts. They will become wary of engaging in their own online activity, for fear that something they tweet, like, or share will lead to them being detained at the airport the next time they travel. And it may undermine US citizens’ willingness to make connections to other people, at home and abroad, given the risk of guilt by association with someone else’s social media feed.

For all of these reasons, we urge you, Secretary Kelly, to reject any proposal to require passwords as a condition of entry into the United States and to cease the invasive examination of people’s online activity at the border. We also seek the opportunity to meet with you and key agency personnel responsible for implementing these policies to discuss our concerns in further detail.

Sincerely,

Access Now
American Civil Liberties Union
American Library Association
American Society of Journalists and Authors
American Society of News Editors
American-Arab Anti-Discrimination Committee
Americans for Immigrant Justice
Association of Alternative Newsmedia
Association of Research Libraries
Bill of Rights Defense Committee/Defending Dissent Foundation
Brennan Center for Justice at NYU School of Law
Center for Democracy & Technology
Coalition for Humane Immigrant Rights of Los Angeles
Comic Book Legal Defense Fund
Committee to Protect Journalists
The Constitution Project
Consumer Action
Council on American-Islamic Relations

Diversity-Immigration Committee of ATLI (Action Together Long Island)
Electronic Frontier Foundation
Free Speech Coalition
Future of Privacy Forum
Global Network Initiative
Human Rights First
Human Rights Watch
Immigrant Legal Resource Center
Interactive Advertising Bureau
Internews
Legal Aid Justice Center (Virginia)
Media Freedom Foundation
National Coalition Against Censorship
National Hispanic Media Coalition
National Organization for Women (NOW) New York State
New America's Open Technology Institute
Online Trust Alliance
PEN America
Project Censored
Public Knowledge
Reporters Without Borders
Resilient Communities Program, New America
Restore the Fourth
United Church of Christ, OC Inc.
World Privacy Forum
Wickr Foundation

Appendix D
Letter from Six Education Organizations in Response to Form DS-5535

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)

Appendix E
Interview Guide

1. What is your current institution? Can you please identify and describe your current professional role? How does it relate to the immigration or international education field? How would you describe the nature and frequency of your interaction with international student and scholars?
2. What were your initial thoughts when you learned about the Trump administration's extreme vetting initiative?
3. Were you anticipating a policy like this to be put into place during the new administration?
4. Did/do you foresee any issues with this policy? If so, what were the issues?
5. Did you submit any public comments to the Federal Register about the policy? If so, do you mind sharing some of them?
6. Have any of the international scholars and students that you work with experienced any issues with this policy?
7. Have you experienced any decline in international student or scholar enrollment/recruitment? If so, can you please elaborate?
8. Have you noticed any other changes since the implementation of the policy? If so, can you please elaborate?
9. Are the scholars/students that are being affected by this policy from any particular country? If so, which countries? Why do you think these countries are being affected the most?
10. Have you made changes or plan to make changes on any of your processes or advising tactics to accommodate this policy? If so, what changes were made?
11. How do you foresee this policy affecting immigration in the future?
12. In your opinion, how do you think the new presidential administration has changed the world of immigration?