House Committee on the Judiciary
Subcommittee on Immigration Policy and Enforcement

"STEM the Tide: Should America Try to Prevent an Exodus of Foreign Graduates of U.S. Universities with Advanced Science Degrees?"

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Mr. Chairman and Members of the Subcommittee,

My name is Barmak Nassirian and I am Associate Executive Director with the American Association of Collegiate Registrars and Admissions Officers. AACRAO is a non-profit association of more than 2,600 institutions of higher education and some 11,000 campus enrollment services officials. Our members play a central role in protecting and maintaining the academic integrity of their institutions as admissions gatekeepers and as enforcers of the institutional academic policies on the basis of which academic credits and credentials are earned. As key stakeholders on behalf of their own institutions, they also have a systemic interest in the academic integrity of other institutions.

I appreciate the opportunity to participate in today's hearing on possible changes to the nation's immigration policy toward foreign graduates of American universities with advanced degrees in science, technology, engineering and mathematics (STEM). I should emphasize at the outset that AACRAO has no position on the substantive question of whether certain categories of foreign students should be given an opportunity or various incentives to remain in the U.S. after graduation. There may well be national security, scientific, or economic reasons for Congress to consider such policies. The proper configuration of credentials-driven immigration policy changes, however, would be a major concern for our members because of the likely manner in which such policy changes could affect the quality and integrity of educational credentials.

With regard to preferential immigration treatment of advanced STEM graduates, several important issues merit the Subcommittee's careful consideration. These certainly include the unintended ways in which individuals may seek to manipulate the new policy to their advantage, the threat posed by unscrupulous providers of credentials, and the manner in which even legitimate institutions may be induced to take advantage of the new immigration incentives. As the Subcommittee works to create improvements to credentials-based immigration policy for advanced STEM graduates, it may wish to pay particular attention to the following brief observations.

First, it is important to clarify which academic fields are included under the generic heading of STEM. There is no consensus on the definition of STEM fields within academia or, for that matter, federal agencies. While the label “STEM” is intuitively understandable in context, tying significant immigration benefits to it would require precision and specificity. Arriving at a workable definition will, however, prove challenging. Clearly, the broader the term is defined, the more likely that no intended discipline would be left out. A broad definition, however, would also be more susceptible to gaming because it would include a larger number of disciplines that might not have been intended to qualify for immigration benefits. It is important to point out that even the narrowest definition would include widely heterogeneous disciplines with widely varied employment/unemployment rates and other characteristics. Clarifying the policy motivations for any immigration benefits, and assigning the task of enumerating eligible fields to an agency or inter-agency work-group, would be one way of addressing this problem.

Second, institutional eligibility should be carefully defined to prevent diploma mills and unscrupulous schools from cashing in on the new benefits. Legal U.S. residency is an exceptionally valuable benefit, and awarding it on the basis of credentials would predictably attract questionable schools. There is already ample evidence of this in the student visa arena, where unaccredited institutions are authorized to cater to international students seeking only temporary residence in the U.S. The likelihood of sub-par institutions attempting to gain recognition for their credentials under a STEM permanent residency policy is extremely high and very troubling. To safeguard against abuse, a number of important restrictions could be spelled out in legislation.

- **Eligibility should be restricted to established non-profit institutions that participate in Title IV federal student assistance programs.** Participation in Title IV programs would significantly reduce the risk of outright diploma mills gaining recognition, but would not entirely eliminate the possibility of abuse. Indeed, there is growing concern that a large number of for-profit providers have gained access to the federal educational financing system over the past decade and that there is significant waste, fraud and abuse associated with their participation in Title IV. Given the power of the profit motive and the high market value of the immigration benefits in question, it would be wise to limit any benefits to well established non-profit institutions that participate in Title IV.

- **Eligible institutions should have significant federal research funding.** This would further ensure the legitimacy and integrity of the credentials on the basis of which immigration benefits would be awarded.

- **Eligible institutions should be barred from hiring commissioned agents for recruitment of foreign students.** A predictable outcome of basing immigration benefits on particular credentials would be the heavy marketing of programs solely for their immigration value. While legitimate programs that carry immigration benefits should certainly not be barred from clearly identifying their eligibility, safeguards are needed against abuse. Accordingly, eligible institutions should be barred from hiring commissioned-based agents for recruitment of foreign students. To avoid overseas profiteering from U.S. immigration benefits, eligible institutions should also be barred from partnering with for-profit entities providing recruitment or enrollment services to foreign students on their campuses.

- **Eligible institutions should be barred from charging a significantly higher rate to their foreign students than the highest rate for their U.S. counterparts.** This would protect the integrity of the program and prevent pay-to-play schemes through which schools may seek to monetize the new immigration benefits to their own advantage.

Finally, it would be important to pay some attention to the educational consequences of any new immigration policy that provides preferences for foreign nationals on the basis of earned credentials. The high market value of U.S. residency may indeed attract some of the world's best and brightest to U.S. institutions, and thus improve the academic quality of American institutions and the nation's scientific and technological capital. But there is also a distinct possibility that the rich immigration incentive may result in a displacement of qualified American students and/or over-production of advanced degrees. To ensure that the presence and participation of foreign nationals in graduate STEM programs does not come at the expense of American students, the Subcommittee may consider imposing (fairly high) limits on the percentage of non-resident STEM students in eligible graduate programs. To safeguard against overproduction and over-enrollment, the Subcommittee could require at least minimal institutional support for non-resident aliens enrolled in eligible graduate programs.

Mr. Chairman, I thank you for this opportunity to share some of our concerns with you and the members of the Subcommittee. AACRAO stands ready to assist the Subcommittee in its work on this important issue.