

United States Senate

WASHINGTON, DC 20510

July 3, 2024

The Honorable Antony Blinken
Secretary
Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Mr. Secretary:

We have entered one of the most critical times of year for international students seeking enrollment at American institutions of higher education. Over the coming weeks, State Department officials will conduct interviews across the globe to determine whether student visa applicants will be permitted to pursue their studies in America. We believe all qualified applicants, regardless of where they come from, should have an equal opportunity to continue their academic journey in the United States. However, we are concerned that students from developing countries may be at a disadvantage when interviewing with State consular officers.

On college campuses across the nation, international students offer a diversity of experiences and perspectives that fuel academic discovery and scientific innovation. In this way, they help advance America's interests. To keep pace with our global competitors, we must continue to welcome and cultivate the leaders of tomorrow.

In the Immigration and Nationality Act, Congress established a broad framework to safeguard America's interests and guide the adjudication of nonimmigrant visa applications, including those for F-1 and F-2 visas. At the same time, Congress granted the State Department considerable discretion to adjudicate applications on a case-by-case basis and in accordance with the law. As you know, the State Department publishes and routinely updates the Foreign Affairs Manual (FAM) to ensure Department officials exercise that discretion fairly and consistently.

As currently written, we fear the FAM may not adequately achieve that purpose. Between 2015 and 2023, for example, data obtained from a Freedom of Information Act request shows that State denied students from African countries at a significantly higher rate than those from other regions of the world.¹

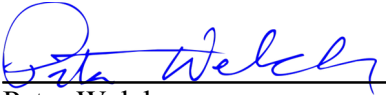
To ensure that all qualified candidates can access U.S. institutions of higher education, we urge the State Department to issue consular officer guidance clarifying that while student visa applicants must demonstrate that they have a foreign residence which they do not intend to abandon, such students may still demonstrate their intention to depart the United States after a temporary period of stay despite:

¹ Shorelight and Presidents' Alliance on Higher Education and Immigration, *The Interview of a Lifetime: An Analysis of Visa Denials and International Student Flows to the U.S.* (May 2024) (online at <https://www.higheredimmigrationportal.org/research/the-interview-of-a-lifetime-an-analysis-of-visa-denials-and-international-student-flows-to-the-u-s/>).

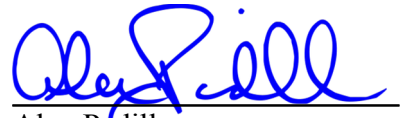
- (1) Political or economic instability of the student's country of origin that make it temporarily impracticable for the student to return;
- (2) Being the beneficiary of a pending Priority 4 category application for the U.S. Refugee Admissions Program (USRAP);
- (3) Being the beneficiary of an approved or pending permanent labor certification application or immigrant visa petition; *or*
- (4) Having family members in the United States.

We appreciate your attention to this matter and request a staff briefing outlining the State Department's plans to address our concerns.


Sincerely,



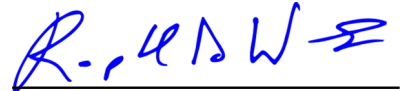
Peter Welch
United States Senator



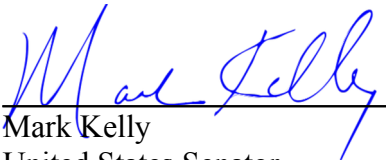
Alex Padilla
United States Senator



Cory A. Booker
United States Senator



Raphael Warnock
United States Senator



Mark Kelly
United States Senator



Chris Van Hollen
United States Senator



Elizabeth Warren
United States Senator



Kyrsten Sinema
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