

VISA RESTRICTIONS AND SCIENTIFIC PROGRESS

ACS POSITION

The American Chemical Society (ACS) supports visa policies that facilitate scientific education and exchange and welcome foreign scholars, students, scientists and engineers. This includes timely and reasonable screening processes for visits, greater transparency of the application process, and the issuance and management of visas that are more congruent with the purpose of academic study and scientific exchange.

International scientists and engineers have been essential to the research enterprise and prosperity of the United States. Half of all physical sciences and engineering graduate students come from other nations, and the technological achievements of these visitors contribute immensely to our nation's economy, national security, public health, higher education, and scientific enterprises.

Despite significant recent improvements to the U.S. visa system, barriers and inefficiencies continue to add an unwelcoming air to the process for both applicants and those entering the country. ACS recommends several improvements:

1. IMPROVE THE FLEXIBILITY OF VISA ISSUANCE

- **Extend the duration of the Visas Mantis security clearances for international scholars and scientists to match the length of their academic appointment.** Further extension of the security clearance would be comparable to that already provided for international students and would prevent redundant security checks that can waste resources and cause unnecessary delays and hardships.
- **Improve the predictability and time required for processing visa applications for scientists traveling to participate in technical meetings and related events.** These meetings are a crucial component of scientific exchange, and despite recent improvements to the visa process, scientists have had to cancel travel plans and turn down invitations to the extent that some international conferences have moved out of the United States.
- **Allow re-entry for foreign students following approved travel to either home or to a third country, or, alternatively, allow visitors with active student status to initiate visa renewal from within the United States.** While the F-1 student visa allows individuals to remain in the United States past the duration of their visa as long as they maintain student status, they must reapply for a visa if they leave the United States, even for academic work or a family emergency. The chance of denial and time needed for processing often keep students in the United States out of fear or significantly disrupt their studies as they wait to reenter.
- **Amend inflexible requirements that lead to frequent student visa denials.** The Immigration and Nationality Act of 1952 currently places too much emphasis on residence and employment in the home country as evidence of student applicants' intent and ability to

return home after completing their studies. For young people, these requirements are typically hard to meet, and up to 40 percent of student visa applicants from key countries are rejected because they are unable to demonstrate their intent to return home. The application process should place greater emphasis on the academic intent of the student visa applicant and financial means to complete a course of study in the United States. The application process should consider using a signed statement, the non-filing of labor certification, or immigration petitions as an adequate proof of intent to return home.

- **Expand the duration and flexibility of Optional Practical Training (OPT).** OPT should be better tailored to student opportunities for work, including allowances for summer employment and part-time work during the academic year that do not significantly deplete the amount of OPT allowed. The process for approving OPT should be faster and easier, so foreign students feel encouraged to make the best use of their time in the United States.

2. IMPROVE THE TRANSPARENCY OF THE VISA PROCESS

The visa process should be as accessible, predictable, and respectful as possible.

- The Department of State should develop a system that allows visa applicants to track the status of the visa in real time.
- Applicants whose visas have been denied should get a better explanation of the reason for the denial and be granted either an opportunity to correct the problem or a reasonable avenue to appeal.
- The Visa Mantis security clearance process should be made more transparent. The Technology Alert List that triggers the Visa Mantis process is not necessarily the most current or technically informed list, which can lead to the unnecessary flagging of some applications for Visa Mantis. While the list is not available for public comment, it should be reviewed regularly for technologies that are not classified and can be easily obtained through other channels.
- Department of Homeland Security officers should be trained to assure the best possible understanding of the purposes of international scientific travel and study.

3. DEVELOP A NATIONAL STRATEGY

A national strategy should be developed to promote academic and scientific exchange and encourage international students, scholars, scientists, and engineers to pursue higher education and research opportunities in the United States.

In addition to visa reforms, this strategy should include a plan to counter prevailing negative perceptions of studying and conducting research in the United States and promote study abroad by American students. The U.S. has no policy on international education, and, until we do, international education will not be a U.S. priority with clear goals.

The visa system should maintain our nation's security and national interest by preventing the entry of those who pose a threat to the United States and encouraging the entry of the brightest and most qualified international students, scholars, scientists, and engineers to participate fully in the U.S. higher education and research enterprises. Such a system would foster American scientific and economic competitiveness.

We commend the federal government for the improvements made to the visa system to date, and we look forward to continuing to work together for these further needed changes.