

THE NATIONAL ASSOCIATION OF GRADUATE-PROFESSIONAL STUDENTS

Legislative Letters

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Updates in Higher Education



Image Credit: Kaylynne Glover, "The Capitol"

Immigrations and Custom Enforcement announce that new federal guidelines do not allow international students to have visas if they take only online courses; this is causing major concerns because many schools have switched to an online system in response to the coronavirus. Massachusetts Institute of Technology and Harvard University are suing to stop this bill. The Department of Education recently released a statement applauding its new Accreditation and State Authorization regulations, the changes to the Gainful Employment and Borrower Defenses, and how Faith-Based Institutions and TEACH grants can now participate in Federal Student Aid programs and funding. In addition, new bipartisan legislation has been introduced that aims to protect the scientific and research process, particularly from foreign influence.

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THE EXECUTIVE BRANCH

DEPARTMENT OF EDUCATION

On July 1, Secretary DeVos praised the efforts of the [Department of Education](#) over the last three years. The Accreditation and State Authorization regulations are going to expand options for students, protect religious schools, lower accreditation cost for higher education institutions, the role of schools in students' residency and distance learning, and ensure education meets the workforce needs. Also, starting at the beginning of July, the Gainful Employment and Borrower Defenses have been replaced with new regulations that the Department of Education believes will protect individual borrowers from fraud, ensure accountability from higher education universities, require due process, and help protect taxpayers. Faith-Based Institutions and TEACH grants have also been guaranteed the right to participate in the Federal Student Aid programs and funding opportunities from the Department of Education.

IMMIGRATION AND INTERNATIONAL STUDENT CONCERNS

On July 6, Immigration and Custom Enforcement (ICE) announced a new federal [guideline](#) that does not allow for international students to stay in the United States if they are only taking online courses. Many universities shut down in the spring due to the coronavirus and have been attempting to determine the best way to start teaching again for the upcoming semester while keeping faculty, staff, and students safe. Many of these universities are preparing to start again in only 5 weeks after [this announcement](#) was made, and now must decide whether they will be fully opened, using a hybrid model, or full online by July 15. Lizbet Boroughs, the associate vice president of federal affairs at the Association of American Universities, finds this problematic, finds it unreasonable that the government had given no guidance since April, despite being asked to, and now are giving the universities 9 to respond. The director of government relations for the American Council on Education, Sarah Spreitzer, believes that a lot of schools had planned on online learning this fall in order to help protect their students, and is now curious if these new rules will cause them to change their plans. Meanwhile, ICE believes these new rules will help [protect everyone](#), because international students will not have to leave their home country. However this would mean that any international students at schools like [Harvard and Southern California Universities](#), who plan to only offer online courses, would be forced to leave the United States, even if they are already here. Currently, there are over one million international students who are beginning to be impacted by the new regulations.

In response to the new regulation, [Harvard University and Massachusetts Institute of Technology \(MIT\)](#) announced they would be filing a lawsuit to prevent the regulation from taking place. Through a federal court in Boston, the universities have filed a restraining order and permanent injunction against the rules. They allege that ICE is attempting to "force universities to reopen in-person classes" which would endanger lives. They claim they are being asked to choose between students who bring valuable benefits to their schools or put people's health on the line. In addition, the lawsuit alleges that there are several violations of the Administrative Procedure Act. [Many universities](#) were still

acting under the impression that ICE’s stance of allowing students to remain here during emergencies was still in effect. In addition, the University of California also plans on filing a suit against the rule for “violating the rights of the University and its students.”

THE LEGISLATIVE BRANCH

LEGISLATION

On [July 7](#), a bipartisan group of 16 senators released their new bill, [Safeguarding American Innovation Act](#). The bill is designed to “strengthening the security and integrity of the United States scientific and research enterprise.” It is partially based on the staff report the Senate Homeland Security and Government Affairs Committee released in November. The bill targets programs like the talent recruitment programs China has supported by requiring grantees to disclose any source of “outside compensation.” It would also mandate universities to report all foreign gifts of \$50,000 or more, which is one-fifth of the current value universities are expected to report. This bill would also give another potential reason for the State Department to deny someone a visa, if the person has any ties to a rival military, foreign security organizations, institutions involved in stealing US research or export control violations, or a government that is believed to work against the US scientific interest. However, there has been a mixed receiving of this bill. While many support what the bill is attempting to do, the Association of American Universities and others are concerned some of the steps this bill takes may actually cause harm to the scientific and research community.

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