

Fact Sheet: Presidential Proclamation Suspending Certain Categories of J-1 Exchange Visitor Program

Updated January 7, 2021

On June 22, 2020, the White House issued a proclamation suspending Intern, Trainee, Teacher, Camp Counselor, Au Pair, and Summer Work Travel (among other visa programs) through December 31, 2020, with the possibility of continuation. The Administration subsequently provided for J-1 visa programs a number of narrowly drawn national interest exceptions. In early October, the U.S. District Court for Northern District of California issued a preliminary injunction that barred the Administration from implementing the proclamation with regard to the Plaintiffs and the members of the Plaintiff associations.

Despite the exceptions and Court injunction, the proclamation continues to hurt the U.S. economy and diminish our foreign policy objective of increasing mutual understanding between peoples. The Trump Administration, unfortunately, extended the proclamation through March 31, 2021. The best course of action for the Biden Administration would be to rescind the proclamation soon after taking office rather than letting it expire. By allowing entry for exchange visitors before April, the new Administration would support American jobs and advance our national security early in its term.

Cultural exchange programs positively contribute to the United States economy. BridgeUSA (formerly Exchange Visitor Program) participants support American jobs in local communities. Participants also help support and create American jobs by enabling businesses to operate at full capacity and year-round. Without BridgeUSA participants, many American host employers will have to cut back services to customers, reducing already diminished revenue, which could lead to lay-offs of American employees. These programs are important to American businesses as many host employers have unique needs, such as being located in rural, low population areas. Cultural exchange programs such as Au Pair, Camp Counselor, Intern and Trainee, and Summer Work Travel combined contribute nearly \$1.5 billion to the U.S. economy each year.*

The Presidential proclamation will cost, not save, American jobs. The impact from the pandemic alone is projected to result in losses to our economy of more than \$1.23 billion and more than 6,500 American jobs.* The proclamation will very likely lead to an increase in layoffs among program sponsors in the United States, which will have a negative ripple effect throughout our economy.

The Presidential proclamation is based on misinterpretations of fact and law. In the Court's injunction ruling, Judge Jeffrey White stated that Plaintiffs in the case ". . . demonstrated serious questions going to the merits of their claim that the issuance of the Proclamation is invalid based on the finding that it unlawfully eviscerates portions of the [Immigration and Nationality Act]." Most importantly, Judge White also found that the

Administration failed to demonstrate that exchange programs have a negative impact on American employment: “Rather, although its stated purpose is to aid the domestic economy by providing job opportunities for United States citizens, the Proclamation completely disregards both economic reality and the preexisting statutory framework.” The proclamation violates Federal law and is based on arguments that do not take into account the very positive impact international exchange programs have on the United States.

BridgeUSA addresses unique needs in the United States. Au Pairs fill a unique need in the United States for families that are seeking live-in child care and cultural enrichment simultaneously. Intern and Trainee participants experience an individualized training and cultural exposure, while increasing their career readiness. Teacher exchanges are one small part of broader efforts to address well-documented teacher shortages in some districts, but are not intended — and do not in practice — shape the U.S. teaching market. Camp Counselor and Summer Work Travel positions are typically in locations that have challenges finding enough employees for entry-level positions. By law, these positions do not displace American workers and must work side-by-side with Americans.

BridgeUSA is a cultural exchange program. On average, 88 percent of BridgeUSA participants cite the cultural exchange component, not the work component, as the primary factor in taking part in the program.* Exchange visitors develop a more positive view of the United States, maintain friendships here for years to come, and often come back for visits. As states and localities begin reopening their economies, reestablishing people-to-people diplomacy should be part of that effort for communities and host organizations.

BridgeUSA supports the United States’ national security interests. As stated in a letter to the White House from 44 former U.S. Ambassadors, cultural exchange participants’ understanding and affinity for the United States supports our diplomatic efforts worldwide. In fact, 75 percent of cultural exchange participants, on average, developed a more positive opinion of the U.S. after their program experience.* That kind of change in viewpoints takes time to achieve and is especially important during a worldwide pandemic.

We urge the Biden Administration to support American jobs, as well as our foreign policy objectives, by rescinding Presidential proclamation 10052 quickly after taking office.

**Please see <https://www.alliance-exchange.org/info-and-issues/> for EurekaFacts reports and fact sheets on Camp Counselor, Intern/Trainee, and Summer Work Travel programs, as well as on the economic impact of the pandemic.*