



## **Visa Challenges Facing International Exchange: Report and Recommendations February 23, 2021**

International exchange programs have long been heralded for strengthening the United States' national security and economy. Due to their dependence on travel and people-to-people interactions, these programs and their sponsors are being severely impacted by the COVID-19 pandemic. The challenges sponsors are facing are greatly exacerbated by current travel and visa bans. Quick action by the Department of State is necessary to help prevent the current crisis in the international exchange community from worsening dramatically in 2021.

### **Challenges for the International Exchange Community**

The international exchange community has been devastated by the pandemic. The losses to the U.S. economy in 2020 resulting from restrictions of exchange programs were projected at **\$1.23 billion** and more than 6,500 American jobs. The negative impacts in 2021 will continue and are being made worse by Presidential Proclamations 10143 and 10052.

P. 10143 reinstates and expands COVID-19 travel bans from Brazil, South Africa, the Schengen Area, the UK, and Ireland. P. 10052 attempts to suspend travel by participants in six privately-funded exchange programs but was enjoined by a federal court. The challenge is that both the injunction and the travel ban are not being implemented properly or uniformly by U.S. embassies abroad. For example, applications can be processed, and visas can still be issued despite the ban on actual travel. Alliance members report, however, nearly 4000 applicants have had problems securing either appointments or visas due to the misapplication of the proclamations. This number is much greater when extrapolated to all program sponsors. Embassies have cited the proclamations as reasons to refuse or to cancel interviews. Many embassies have also refused to apply the court injunction on P. 10052 and will only interview candidates who may qualify for exceptions.

### **Recommendations**

The Alliance and its members strongly support efforts to protect the health and safety of everyone involved in making exchange programs possible, including consular affairs officers. We believe that the U.S. Department of State can take the below steps to protect people while also supporting our economy and strengthening our national security.

**Make exchange subject to travel exceptions.** P. 10143 provides exceptions to the travel ban for international visitors "related to national security," that "assist with the [U.S.] economic recovery," and that "bolster key components of our transatlantic relationship." These exceptions capture the very essence of and the policy justification for educational and cultural exchange programs. Moreover, J-1 visitors are needed to support the American economy by helping working families meet their childcare needs, summer camps find counselors, businesses in tourist areas fill labor shortages, schools recruit international teachers, and businesses provide training and internship experiences. The Department correctly excepted F-1 students automatically. The Department should except J-1 applicants automatically as well under its existing exceptions.

**Apply court injunction on P. 10052 universally.** Program sponsors are virtually all members of a plaintiff in the *NAM* lawsuit. Requiring embassies to confirm such membership is unnecessary, needlessly time-consuming, and has led to inconsistent implementation by consular affairs officers. The Department should apply the Court injunction against P. 10052 universally and automatically to all J-1 applicants.

**Enable application review without in-person interviews.** We understand that many embassies are still functioning at limited capacity due to COVID-19. The Department is right to pursue creative measures. Embassies should be instructed to waive interviews, as per the Department's December 29, 2020 [notice](#), for all applicants who have held a J-1 visa that has expired over the past 24 months. They should also make it easy for these applicants to submit their applications via mail or at a drop box. The Department should extend its notice to the end of the year as the challenges from the pandemic are likely to continue until at least then.

**Instruct embassies that visas are allowed even with travel ban.** If J-1 visas are not excepted under P. 10143, the ban on travel should not impact whether an applicant receives a visa for possible future travel. Those are two separate and distinct things. For programs that are seasonal, such as Camp Counselor and Summer Work Travel, the best way for embassies to help prepare for the summer season is for them to review applications and approve visas throughout the spring.

**Reinstate stop-overs in third countries.** The travel bans are meant to decrease the possibility of people coming to the United States infected with COVID-19. Embassies have previously allowed visa holders from banned countries to travel to a third country to quarantine for a time before coming to the United States. If J-1 visas are not excepted under P. 10143, that practice should be reinstated and made universal. The current requirement that international travelers provide proof of a negative test result three days before travel makes this practice even safer.