

International Students



and U.S. Policy Choices

Although obstacles remain, improvements in U.S. policy could help ensure American leadership in international education.

By Stuart Anderson

THE UNITED STATES HAS LOST ITS EDGE in attracting and enrolling international students in U.S. universities. This is particularly troubling in science and engineering at the graduate school level and carries implications for the U.S. economy, its technological leadership, and its role in the world.

Although the trend line is relatively short and, therefore, could change, data on international students indicate that genuine problems have emerged. Between fiscal years 2001 and 2004, the number of F-1 visas issued for international students declined by 25 percent, according to the U.S. Department of State. The number of student visas issued does not correspond directly with the enrollment of international students since even students who receive visas may ultimately choose not to attend a school. But unless a student receives a visa to enter the United States, he or she cannot enroll at a U.S. university.

Enrollment by international graduate students in U.S. engineering programs declined by 8 percent between 2003 and 2004, according to the Council of Graduate Schools. Life sciences experienced a 10 percent decline in international graduate student enrollments between 2003 and 2004.¹ (The enrollment of international students overall declined by 2.4 percent between the 2002/2003 and the 2003/2004 academic years, according to the Institute of International Education [IIE]).²

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One can point out a troubling trend without claiming the sky has collapsed. U.S. universities' market share of international students fell from 36.7 percent in 1970 to 30.2 percent in 1995.³ In other words, this trend started before September 11, 2001, but the evidence is that recent policies have made it more difficult to reverse. After declining in 2002 and 2003, IIE reports that the number of F-1 student visas issued by the State Department increased 1 percent between 2003 and 2004, and total enrollment of international students in the United States is higher today than prior to September 11, 2001. However, a consensus has emerged that this nation is confronting genuine problems in attracting international students to enroll at U.S. universities, particularly in graduate level science and engineering.

The numbers tell only part of the story and international students are not the only issue. "We've seen foreign scientists try to get here to do research and can't get in who not only go elsewhere but are so upset they say they will not come to the U.S. now under any circumstances," said Robert Gelfond, CEO of MagiQ Technologies in New York, selected by *Scientific American* as one of the country's most innovative companies. "Clearly we are losing our ability to attract talented people, since the word has spread about the difficulties of getting into the United States. Individuals have to plan their lives and can't afford to spend months and months putting everything on hold only to discover they won't be able to come to America after all."

The National Academy of Sciences and sister organizations sounded similar concerns in a May 2005 report, *Policy Implications of International Graduate Students and Postdoctoral Scholars in The United States*. The report concluded that not only do international students contribute to the United States both academically and economically, but "also by fostering the global and cultural knowledge and understanding necessary for effective U.S. leadership, competitiveness, and security." Furthermore, the report expressed concern about maintaining the U.S. lead in science and engineering and recommended that "visa and immigration policies should provide clear procedures that do not unnecessarily hinder the flow of international graduate students and postdoctoral scholars."

Harvard University economist Richard Freeman's research shows that the European Union (EU) granted 40 percent more Ph.D.s in science and engineering than the United States in 2001 and that the EU is projected to produce twice as many science and engineering doctorates as the United States by 2010. Freeman points out there are concerns that as other nations outstrip the capacity of the United States to produce highly skilled scientists and engineers, more high-value work will flow out of this country and be performed elsewhere.⁴

Today, more than 50 percent of the engineers with Ph.D.s working in the United States are foreign-born, according to the National Science Foundation. In addition, 45 percent of math and computer scientists with Ph.D.s, as well as life scientists and physicists, are foreign-born.

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Among master's degree recipients working today, 29.4 percent of engineers, 37 percent of math and computer scientists, and 25 percent of physicists are foreign-born.⁵ Many of these individuals first came to the United States as international students.

Some benefits of international students and immigrants are overlooked. More than one-third of U.S. university engineering faculty with Ph.D.s is foreign-born.⁶ In addition, a National Foundation for American Policy study found that more than 60 percent of the finalists in the 2004 Intel Science Talent Search—the top high school science students in this country—were the children of immigrants. And 20 percent of those parents came to the United States as international students.⁷

Understanding the Obstacles to Increasing International Student Enrollment

The first to voice alarm about the impact of post-September 11, 2001 policies on the enrollment of international students was NAFSA: Association of International Educators. NAFSA's January 2003 task force report, *In America's Interest: Welcoming International Students*, made this challenge: "Rather than retreating from our support for international student exchange—and forgoing its contribution to our national strength and well being—we must redouble our efforts to provide foreign student access to U.S. higher education while maintaining security."

The business community expressed concern publicly about the impact of visa and international student policies on the long-term competitiveness of U.S. firms. Microsoft Chairman Bill Gates has called the policy "a disaster." Meanwhile, Jeff Immelt, chairman and CEO of General Electric, said in an interview with the *Financial Times* earlier this year, "This is a case where our policy to close down on access boomerangs. It moves jobs out of the United States and creates less incentive for people to study in the U.S."

Specifically, the policies referred to tightened admission into the United States, lengthened processing times, and made it less likely



for an international student to receive a U.S. visa than prior to the September 11, 2001 attacks. But one should not view this as a case of unintended consequences. A widespread public perception took hold after the attacks on New York and Washington, D.C. that it is too easy to enter the United States from abroad. Members of Congress, in particular, excoriated consular officers, while criticism of Mary Ryan, assistant secretary of state for consular affairs, forced her retirement from the State Department after she lost support from her superiors. Three of the September 11, 2001 hijackers had some connection to international study, though none were full-time international students enrolled in four-year or graduate degree programs. Two had changed their status from visitor to student to enroll in flight schools and another had enrolled in a language program.⁸

In response to measures passed by Congress, the State Department required nearly all visa applicants to be interviewed in person, significantly increasing the workload in consulates around the world. Additional or more intensive security clearances became required for individuals from certain countries and studying in certain fields. New regulations and tighter enforcement made it more difficult to enter on a visitor visa and change to student status inside the country or to travel back and forth from one's home country to the United States. Perhaps most importantly, visas that may have been approved in the past turned into denials, as signals from Washington, D.C. influenced the decisions of consular officers. Between 2001 and 2003, the number of visa applications refused for F-1 students increased from 27.3 percent to 35.2 percent.⁹

A Typical Case

To better understand the impediments to increasing international student enrollment at U.S. universities, particularly in science and engineering at the graduate level, let's look at the process and the issues facing a typical (hypothetical) international student.

Susan Lin is completing an undergraduate degree in Beijing and would like to study abroad to obtain a Ph.D. in electrical engineering

to conduct research in nanotechnology, but she has heard so many stories about visa problems that she is uncertain whether to apply to U.S. universities.

One reason Susan might want to apply to a U.S. university is to work at the cutting edge in her field. She is uncertain whether China will provide that type of opportunity. However, she also knows that it has become more difficult for high-skilled foreign nationals to obtain work visas in the United States.

Susan was advised by a friend that starting in 1997 and continuing to the present, foreign nationals have seen their ability to be hired by U.S. companies limited by the exhaustion of the annual H-1B visa quota for professionals, primarily in high technology fields.¹⁰ She also knows that it can take years to obtain a green card (permanent residence) in the United States due to processing delays.

Susan has heard from friends that countries besides the United States seem more interested these days in attracting students like her. The statistics bear out this perception. While U.S. enrollment of Chinese students has been mostly flat in recent years, the United Kingdom experienced a 25 percent increase from 2003 to 2004, according to the British Council director of examinations in China. Australian universities have seen similar growth in Chinese student enrollment (*International Educator*, summer 2004).

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To increase international student enrollment and maintain a steady flow of talented individuals into fields important to the United States, while also balancing security concerns, it is necessary to change certain policies and promote new approaches to international education.

Money Matters

Susan is also concerned about costs. One reason she decided against attending a U.S. university as an undergraduate is it would have been too much of a financial strain on her family, since few scholarships are available for international students at that level.¹¹ She understands there is more money available from U.S. universities for international students at the graduate school level. According to IIE more than 40 percent of international graduate students list a U.S. university as their primary source of funds, compared with only 10 percent of (foreign) undergraduate students.¹²

After weeks of indecision, Susan applies and eventually is accepted to three U.S. graduate schools and one British university. She decides to attend the University of Texas at Austin because she is impressed with the engineering program and she was offered a financial aid package that will make the school more affordable for her family.

Another Hurdle: Getting a Visa

Unlike a U.S. student, when a foreign national is accepted to an American college that is only half the battle. To enter the United States and enroll at the University of Texas at Austin, Susan must apply for a visa at the U.S. embassy or at one of the consulates in China. The State Department gives priority for international student interviews, so she receives her appointment time within a few days. Fortunately, she lives in Beijing and can easily access the embassy. But if she lived far away, she might have to fly and stay in a hotel to attend the interview.

Contrary to popular impression, the vast majority of denials for student and other visas have little to do with national security. This makes sense, since relatively few of the more than 5 million people annually who receive a temporary visa to the United States represent any threat of criminal or terrorist activity.

The primary cause of most international student visa denials by U.S. consular officers is the requirement that international

students and other temporary visa applicants prove they do not intend to stay permanently in the United States. For many decades, section 214(b) of the Immigration and Nationality Act has stated that “every alien...shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa...that he is entitled to nonimmigrant status...”

A U.S. embassy official in China has said that he tells “every congressman and senator I meet that 214(b) really is a problem for students and U.S. institutions,” (*International Educator*, summer 2004). In other words, U.S. consular officers deny visas to individuals who they believe may stay in the United States after completing their education even though it may be beneficial for this nation if such individuals, in fact, remained to work or teach here.

The Interview

It is the reality of this policy that Susan Lin must face when she enters the U.S. embassy for her interview. When the interview starts, Susan tugs at her hair and grows nervous, knowing a wrong answer (or even her demeanor) could cost her an opportunity to study in the United States.¹³ In short, this interview can change her life. The consular

officer reviews the financial records because an international student must demonstrate he or she is capable of funding the education through personal or other means. It appears that between her family’s assets from the bank records and the financial package offered by the University of Texas at Austin there is enough money to fund Susan’s studies.

“What do you plan to do after you receive your degree in electrical engineering?” asks the consular officer.

Susan knows working in the United States is an uncertain proposition. Moreover, she has learned that three years is a long time and it would appear boastful to tell anyone that after graduating she plans to get a job at a top U.S. company. More importantly, she has heard that consular officers frown upon those who they believe plan to stay in the United States after completing their studies.

“I plan to come back to China after studying in the United States,” says Susan.

“Don’t you want a job in the U.S.?” he asks.

“I don’t know if I would be good enough for that. My father is an engineer and I think he can help me get a job in Beijing once I come back with an American degree,” says Susan.

After a few more questions, the consular



officer thanks Susan. The interview lasted less than five minutes. If the officer believed Susan intended to stay in the United States, he would have denied her on the spot under 214(b) as an “intended” immigrant. Instead, he tells her she will receive notification in about a month. This is because, since Susan is a Chinese national and planning to study at the graduate level in a technology field, her visa application will undergo an additional level of screening called Visas Mantis, which was developed administratively by the State Department and requires interagency clearance for “visa applications for persons to study or work in certain sensitive scientific and technical fields” to “screen against the illegal transfer of technology.”¹⁴

Visas Mantis is a good example of the ebb and flow of policymaking often missed by the public. When the impact of post September 11, 2001 policies became clear, the education community and the media reacted, particularly when confronted with incidents of year-long waits for approvals and discouraged or denied students. As recently as October 2003, more than 40 percent of the Visas Mantis cases took more than 45 days to clear, due in part to the increased workload of other security advisory opinions. Today, fewer than 15 percent of Visas Mantis screenings take longer than 30 days.¹⁵

The Waiting Game

Weeks go by and Susan worries. She wonders if there is still time to tell the school in England she wants to go there instead. She is unsure of what to do. Finally, four weeks after her interview, Susan receives word that her visa application has been approved. She is coming to the United States.

Susan overcame a number of hurdles to be able to enroll at a major U.S. university. Not everyone succeeds. The many obstacles in their paths can thwart even the most determined international students. For that reason these impediments will need to be addressed if the United States is to expand the enrollment of international students, particularly in science and engineering.

A Prescription for Change

To increase international student enrollment and maintain a steady flow of talented individuals into fields important to the United States, while also balancing security concerns, it is necessary to change certain policies and promote new approaches to international education. These changes would involve government, business, and universities.

Why Must They Go Home?

First, change the requirement that to obtain a visa individuals pursuing master’s and Ph.D. degrees in the United States must demonstrate they will return to their home country. In the past, Congress has changed the law to allow other types of visas, such as H-1B and L visas, to become what is called “dual-intent,” meaning an individual should not be denied a visa because they may intend to stay (lawfully) in the United States after their temporary period of admission expires.

Amending 214(b) of the Immigration and Nationality Act to exclude international graduate students from the requirement they must intend to leave after completing their studies is a logical extension of the law Congress passed last year to expand the H-1B quota. Under the new law, up to 20,000

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foreign nationals a year who graduate with a master's degree or higher from a U.S. university are exempt from being counted against the annual limit on H-1B visas.¹⁶ This change in the law did not prove controversial and seemed a logical way for the United States to retain valuable human capital. It raises an obvious question though: Why would United States policy provide an exemption so international graduate students can stay here and work, while retaining a law elsewhere in the code that prevents such students from entering the United States if consular officers divine such students actually intend to stay here and work?

Amending 214(b) as it applies to graduate students, an action recommended by the National Academy of Sciences panel, would increase the ability of U.S. universities to attract outstanding students.¹⁷ It would also be more politically viable than attempting to eliminate it entirely for all international students.

Catheryn Cotten, director of the international office at Duke University, relates the story of a Chinese student earning a Ph.D. in a scientific field who went home to visit and could not receive another visa because

the consular officer accused her of wanting to stay in the United States to work after completing her Ph.D. This demonstrates the self-defeating nature of U.S. policy. U.S. officials should *hope* a scientist receiving a Ph.D. from Duke University wants to stay in America. After a number of months, the student from China was eventually allowed to reenter the United States but as Catheryn Cotten says, "Students are scared. They need to go home, they need to travel, but are now often afraid to do so." Students stranded out of the country for months can see their research efforts destroyed if they are part of projects that involve cooperation with other researchers.

Simplify Immigration

Second, the United States should streamline the immigration process for international graduate students in science and engineering. International students earned nearly 60 percent of U.S. doctorates awarded in engineering in 2002.¹⁸ It is in the interest of the United States to have as many of those individuals as feasible stay and work in the private sector, perform research in our labs, or teach at U.S. universities.



A key existing impediment under the current system is that a company must hire a highly skilled foreign national on a temporary visa, normally an H-1B visa. But as noted earlier, the supply of H-1B visas has been sporadic, creating uncertainty. "We have heard from faculty who travel abroad that the prospect that people won't be able to work in the United States after completing their studies is a major concern," says Cotten. An opportunity to work in the United States can be part of the attraction of studying here, often justifying the enormous financial investment international students must endure to attend a U.S. college. The uncertainty created by inadequate quotas and processing delays sends the signal to ambitious applicants that the United States may no longer be the place to fulfill your dreams. The annual quota on H-1B visas should be raised sufficiently to prevent the backlogs and delays caused each year under current law.

A related problem facing international graduate students is that to be sponsored as a permanent resident by a U.S. employer can take two years or longer, given the processing delays and backlogs at the Department of Labor and of Citizenship and Immigration Services. The country quotas in place for employment-based green cards will soon result in even more significant backlogs for Indian and Chinese professionals sponsored for permanent residence by U.S. companies and universities. Tracy Coon, director of corporate affairs for the Intel Corporation, proposes that the United

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States grant lawful permanent residence to foreign-born graduate students in science and engineering as a matter of course.¹⁹

There are various policy options that can be pursued to make it easier for international students with advanced degrees to transition to lawful permanent residence. For example, Congress could eliminate the Department of Labor's "labor certification" requirements for graduate students from U.S. universities sponsored by employers. Another approach would be to create an immigrant visa category separate from the current employment-based immigrant quotas for such individuals. This issue is one where if there is a will, there is a way.

Improve Accountability, Streamline Bureaucracy

Third, to deal with both policy and processing problems, the U.S. government needs to increase both accountability and improve coordination among the numerous departments with authority over international students.

One approach would be to require a single administration official to coordinate policy and act as an ombudsman for international student issues. This would lead to a logical setting of priorities to balance security and other interests and would inject accountability into policies affecting international education. In the weeks following September 11, 2001, such an individual would have been able to take charge and ensure that proposed policy changes would achieve their stated objectives; would fit into the nation's overarching goals on science, education, and foreign policy; and were properly resourced to avoid the types of significant processing delays witnessed in 2002 and 2003. Marlene Johnson, executive director and CEO of NAFSA: Association of International Educators, believes such an individual needs to be located in the White House, and that the message from that official should be connected to our overall message to the world about the United States.

Expand Marketing Abroad

Fourth, U.S. universities need to increase their marketing abroad to attract international students to the United States. While certainly there are U.S. schools that do market themselves abroad, the increased competition means more will need to be done by any school hoping to enroll more international students. The lingering negative impressions related to U.S. visa policies and increased competition means that old methods may be insufficient to convince students abroad that a particular U.S. institution is their best option. "Schools should absolutely increase their marketing," said NAFSA's Marlene Johnson. "While we need a marketing plan as a nation for international education, individual universities need to compete abroad to attract students."

Collaboration for Maximum Impact

Fifth, universities, businesses, and the U.S. government should work together on a strategic plan to convey the message that the United States is a great place to gain an education. The Opening Doors for Foreign Students Act of 2005, which was included as an amendment

to legislation that passed the U.S. House of Representatives in July 2005, requires "the development of a comprehensive strategy by the Secretary of State, in consultation with the Secretaries of Homeland Security, Education, and Commerce, to attract foreign students to study in the United States."²⁰ This legislation followed prior bills, which did not become law, authored by Senator Norm Coleman (R-MN) that would, among other things, require a U.S. strategy for international education.

The U.S. Department of Education and U.S. Department of State can formulate a broader campaign, in cooperation with universities, to advertise America as a place to gain an education. An effort launched in 2001 by the Indiana Department of Commerce and the Indiana Consortium of International Programs, made up of Indiana universities, is credited with increasing the state from thirteenth to tenth among the most popular American destinations for international students.

To help deal with the expense of a U.S. university education, Duke University and some other universities are setting aside resources obtained from private sources to

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provide financial assistance for international students, in part under the belief that providing exposure on campuses to students from different nations also benefits U.S. students. Duke's Fuqua School of Business provides low-interest loans for international students in its graduate program. A task force of educators convened by NAFSA, the Committee on Institutional Cooperation, and Indiana University recommended that universities consider developing endowments aimed at support for international students attending their schools, as well as possibility of longer repayment terms for loans. Marshall Kaplan, executive director of the Merage Foundations, recommends a business and foundation fund that can provide students with financial assistance.

Vouchers for International Students

Finally, to the extent the United States will continue to provide financial assistance to

other nations, we should consider providing part of that assistance in the form of need-based vouchers to qualified international students from those nations to study at U.S. universities. This would turn a portion of foreign aid into student aid spent in the United States for tuition and room and board and provide an opportunity to educate and expose individuals to America who do not possess the resources to self-fund a U.S. college education.

Assistance of any kind is most effective when it is tangible and directly affects the lives of individuals. While the U.S. government funds the Fulbright Program for approximately 1,300 international students a year, the proposal here is for a broader approach that becomes part of our foreign aid packages aimed at the developing world.

Some might argue that if an individual stays in this country, that is not really aiding that student's home country. That is not true.

If the individual stays in America and becomes successful, he or she will likely maintain ties to his or her home nation, perhaps returning to invest in a business as has been done by many successful Indian-Americans, such as Vinod Khosla and Raj Vattikuti. If the individual returns to that nation right after graduation to begin working in his native land, then we will have likely produced someone open and sympathetic to the United States who can serve as a window to our country for his or her fellow citizens.

Moving Forward

The United States remains a land of opportunity. It also remains a place where an individual can come, receive an education, and make a valuable contribution to our society. That individual may return to their native country and retain a positive impression of the United States as he or she rises in the ranks of business or government. That

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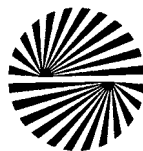
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contribution may also mean staying in this country after graduation and receiving a patent for a new technology, starting a business that creates jobs, or teaching U.S. college students at a major American university.

Obstacles remain that prevent the United States from significantly increasing the enrollment of international students at U.S. universities, particularly in graduate-level science and engineering programs. Policy improvements can be made in several areas that will ensure American leadership in international education and strengthen the standing of the United States in technology, research, and education.

The door has not shut closed on international students. We still possess a window of opportunity to improve our policies and enhance this nation's standing as the place where one can come to study and learn. It is in our national interest that we seize this opportunity. **IE**

STUART ANDERSON is executive director of the National Foundation for American Policy, a nonpartisan public policy research organization. He served as executive associate commissioner for policy and planning and counselor to the commissioner at the Immigration and Naturalization Service from August 2001 to January 2003.

Endnotes

¹ *Policy Implications of International Graduate Students and Postdoctoral Scholars in The United States*, Committee on Science, Engineering, and Public Policy, Board on Higher Education and Workforce, Policy and Global Affairs, The National Academies, (National Academy of Sciences), Washington D.C., (prepublication copy), pp. 26–27. Hereafter referred to as the National Academy of Sciences report, 2005.

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³ National Academy of Sciences report, 2005, p. 10.

⁴ Richard B. Freeman, "Does Globalization of the Scientific/Engineering Workforce Threaten U.S. Economic Leadership?" Paper delivered at Innovation Policy and the Economy Conference, April 19, 2005, Washington, D.C., pp. 5–6.

⁵ *Science and Engineering Indicators 2004*, The National Science Board, National Science Foundation, January 2004.

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⁷ Stuart Anderson, "The Multiplier Effect," in *International Educator*, summer 2004.

⁸ Stephen Yale-Loehr, Demetrios Papademetriou, and Betsy Cooper, *Secure Borders, Open Doors: Visa Procedures in the Post September 11 Era*, Migration Policy Institute, 2005, pp. 171–172.

⁹ "An Emerging and Critical Problem of the Science and Engineering Labor Force: A Companion to Science and Engineering Indicators 2004," The National Science Board, National Science Foundation, January 2004.

¹⁰ Prior to the start of FY 2006, the Department of Homeland Security announced that it had received enough applications to exhaust the supply of H-1B visas before the fiscal year even began.

¹¹ International students are not eligible to receive U.S. government grants (Pell Grants) or participate in the federal student loan program and must pay out-of-state tuition at public universities.

¹² *Open Doors 2004*, Institute of International Education, Table on Primary Source of Funding by Academic Level at <http://opendoors.iienetwork.org>.

¹³ Cornelius D. Scully, a former State Department official in the visa office, provided much helpful information on the consular interview process.

¹⁴ "Extension of Validity for Science Related Interagency Visa Clearances," Office of the Spokesman, U.S. Department of State, February 11, 2005.

¹⁵ National Academy of Sciences report, 2005, p. 72.

¹⁶ The law is the L-1 Visa and H-1B Visa Reform Act, passed on November 20, 2004.

¹⁷ The NAFSA strategic task force in its 2003 report did not specifically recommend a separate standard for international graduate students. Instead, it stated "Immigration laws affecting international students must be updated to reflect twenty-first century realities, particularly by replacing the unworkable 'intending immigrant' test set forth in section 214(b) of the Immigration and Nationality Act with a standard that focuses on whether or not the applicant is a legitimate student." <http://www.nafsa.org/content/PublicPolicy/stf/inameri-casinterest.htm>. See Executive Summary.

¹⁸ Richard B. Freeman, "Does Globalization of the Scientific/Engineering Workforce Threaten U.S. Economic Leadership?" p. 5.

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²⁰ Daniel Obst and Joanne Forster, "International Students in the Context of the U.S. Higher Education System," Institute of International Education, 2005, p. 6. The legislation is H.R. 2601, the Foreign Relations Authorization Act for FY 2006 and 2007.





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www.ulusofona.pt

Contact

External Relations and Career Opportunities Office
Campo Grande, 376, 1749-024 Lisboa - Portugal
E-mail: trdamasio@ulusofona.pt Tel: + 351 21 751 55 65 Fax: + 351 21 751 55 34