

TESTIMONY
of
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United States House of Representatives
Committee on Foreign Affairs –
Subcommittee on International Organizations, Human Rights and Oversight
And
Committee of Education and Labor--
Subcommittee on Higher Education, Lifelong Learning Competiveness

With regard to

“Restoring America’s Leadership through Scholarships for Undergraduates from
Developing Countries: The United Students in America (USA) Proposal



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Introduction

Thank you, Mr. Chairmen and distinguished sub-committee members for the opportunity to address these committees today. My name is Philip Clay, and I am privileged to serve as the Director of the Office of International Admissions and Services at the University of Texas-Pan American in Edinburg, Texas. The University of Texas-Pan American is the 10th largest university in the state of Texas and the fifth largest in the University of Texas System. We are a university with an enrollment of almost 17,500 students. We are second in the nation in the number of bachelor's degrees awarded to Hispanics, fourth in the number of master's degrees awarded to Hispanics, and seventy-seventh in the number of doctoral degrees awarded to Hispanics. We currently enroll 1000 international students from 47 different countries. Being a university only 17 miles from the Texas-Mexico border, seventy-five percent of our international student population is made up of Mexican Nationals.

I come before you today to express appreciation to the members of the committees for considering the USA Scholarship Program. This type of program will give our university and other institutions the opportunity to partner in this experience with government agencies. As we know, the United States has one of the world's largest and finest university systems with outstanding programs in virtually all fields. U.S. degrees are recognized throughout the world for their excellence.

The potential of this program is huge, particularly in its value of dispelling negative attitudes towards the United States that currently exist in some regions of the world. Through a cooperative effort, such as the USA Scholarship Program, we, as Americans, can reduce the negative opinions and harsh criticisms of American policies and leadership that have increased in foreign countries in recent years.

During my 20 years of working in international education, I have seen personally how international education changes the lives of those students who have had the opportunity to come to the U.S. to study. Not only do foreign students coming to America gain new language skills and knowledge about the American culture but also they obtain a better understanding and appreciation of our values. It is through their chance to study in America that they have the opportunity to come to know our strongest asset—the American people.

In building relationships with Americans, foreign students are exposed to the values, beliefs, and pride which characterizes and shapes our country. Looking at America through the lens of personal experience, these students return to their home countries, not as adversaries, but as advocates for America. It is through their testimony and their advocacy that the image of America changes, for they speak with an integrity that no American could possibly possess—the integrity of “one of their own.”

This morning, I would like to address several items which are relevant to the “Restoring America’s Leadership Through Scholarships for Undergraduates from developing Countries: The Uniting Students in America (USA) Proposal.”

The first item is that many American institutions of higher learning are ready and eager to participate in this joint effort with the government agencies indicated. Most universities already have well-established international offices which not only help in the immigration advisement part of the student's stay but who are also set up to assist the student in housing, transportation, medical insurance, cultural orientation, banking services, and other practicalities of everyday life. In our university, our international office is the first face of America with which the foreign student comes in contact. In this initial contact, an impression will be made that will influence to some extent all succeeding impressions of our country. Our staff is trained to help foreign students navigate through all the international admission processes to the point where they have successfully been admitted.

Once admitted, the school immigration documents (I-20 or DS-2019) are issued, which are part of the necessary requirements for students to apply for a visa at the U.S. consulate in their country and a pre-arrival packet of information explaining the visa application process. Upon arrival at our university, community volunteers are available to provide airport pickup services, if the student so desires. This is the second face of America that the student sees—the “typical American.”

Upon arrival at the university, our international office provides an International Student Orientation, which covers many aspects of the student's new stage of life in the U.S. This orientation covers immigration, cultural, and practical matters. The international office also has student activities planned throughout the course of the semester which permit the foreign student to interact not only with other international students but also with his/her American counterparts. In the past, our international office has also had a Host Family Program in which American families volunteer to spend time with an international student during weekends and on holidays.

Our university, as well as all institutions which enroll international students, are authorized by the Department of Homeland Security and the Department of State to enroll such students and are required to monitor them through SEVIS (the Student and Exchange Visitor Information System). As stated before, American institutions of higher learning already have in place programs and processes in place that will enable them to be an active participant in the USA Scholarship Program.

The second item for discussion deals with the area of visa qualifications for international students who will participate in the USA Scholarship Program. Under current regulations, visa applicants have a responsibility to prove they are going to return to their home country after their time of study in the U.S. Immigration law requires consular officers to view every visa applicant as an intending immigrant until the applicant proves otherwise. Section 214(b) of the Immigration and Nationality Act states: *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 admission, that he is entitled to a nonimmigrant status...*

The primary reason that most international students are denied a student visa is the inability to meet the requirement that “the prospective visitor or student possess a residence abroad he/she has no intention of abandoning.” The consular office looks for evidence of “strong ties” to their home country, which would compel them to leave the U.S. at the end of the temporary stay and return home. “Ties” are defined as family, possessions, and opportunities

which would compel one to return to his/her home country. Family, in and of itself, is not seen as a sufficiently “strong tie” that would compel students to return to their home country.

Seeing that the target recipients of the Uniting Students in America Proposal are “needy international students from developing countries,” there exists the problem of how these students would be able to demonstrate such ties and therefore qualify for a non-immigrant visa. The “strong ties” for such students might not exist.

One possible solution is the creation of a separate visa category that would mandate that the student leave the U.S. upon completion of study. This would enable the student to overcome the INA 214 (b) hurdle.

Another common issue that occurs, after having obtained obtain a student visa and enrolling in a U.S. university, is that a large percentage of international students do not return home after their completion of studies. Instead, many opt to file for an employment-based visa such as the H-1B or TN visa. The option of doing this would undermine the purpose of the USA Scholarship Program.

In order to circumvent this issue, if a new visa category was created that would prohibit the student from remaining in the U.S., it could also include a provision that would prohibit the student from applying for a change of status upon obtaining a degree. A second option would be to require a minimum home country requirement, similar to that of some of the Exchange Visitor visas, but without the option of requesting a waiver of this condition.

Both of these options would eliminate the possibility of the student remaining in the U.S. once they have completed their degree. In order to succeed in its purpose, the USA Scholarship Program must assure that it includes a provision to compel students to return to their country of origin.

The third area that I would like to discuss is that of our experience with a similar “needs-based” program that is currently offered by the State of Texas. The “Border County Program” was a program created with the purpose of encouraging students from Mexico with “limited financial resources” to enroll in certain Texas public institutions of higher education (*Texas Administrative Code Chapter 21. Subchapter BB*). A student is eligible, if he/she: (1) is a citizen of Mexico, (2) meets the admissions requirements and any restrictive enrollment criteria of the institution in which he/she enrolls, (3) enrolls on a full-time basis, unless fewer hours are needed for graduation, and (4) shows financial need after the financial resources of the foreign student and the student's family are considered in keeping with Board guidelines. If a student meets these requirements and qualifies, he or she is eligible to pay tuition rates as a resident of the State of Texas, instead of non-resident tuition rates, that an international student would be subject to paying.

Our university currently has 340 students participating in the Border County Program. In order to qualify, students submit an application along with documents giving a complete picture of their financial situation. Such documents include, but are not limited to, tax documents, pay stubs, bank statements, saving account statements, and copies of monthly bills. A review of all documentation is conducted by our office to determine if the family has indeed demonstrated “financial need.” If a family is unable to establish financial need, it does not

qualify and must pay tuition at a non-resident rate. If a family is able to establish that there is financial need, the family will qualify for the program.

The greatest difficulty for our office is determining the veracity and completeness of the financial documents submitted with the application. Since families are aware that the program is based on financial need, it has been discovered that some families do not document their complete income or do not disclose all of their bank accounts. This is an area of difficulty that the Uniting Students in America Program also may encounter.

In order to be successful, I feel that the Uniting Students in America Program must have in place a sound process that will enable the selection committee to determine “financial need” while at the same time eliminating fraud.

The fourth item that would need to be addressed is the amount of additional time that would need to be allocated for the granting of the USA scholarship to eligible students who have been admitted to partner institutions. This additional time could create a significant delay that may conflict with university deadlines for issuing immigration documents. It would also create an additional workload for admissions processes in partner institutions since a large number of candidates may apply and be accepted but then not receive the scholarship. It should be noted that candidates for the USA scholarship should be encouraged to begin the application process well in advance of the institution’s application deadlines.

Conclusion

In conclusion, I want to once again express that we see programs of this nature as an investment not only in changing the world’s perspective of America, but also an investment in the security of our country as American-educated students assume roles of leadership in their countries.

Mr. Chairman, I want to thank you and the other Members of this distinguished Subcommittee for the chance to appear before you today. I would be happy to answer any questions you have.