

**NAFSA: Association of
International Educators**

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April 15, 2011

Mr. Stanley Colvin
Deputy Assistant Secretary of State for Private Sector Exchange
U.S. Department of State
2200 C Street, NW
Washington, DC 20037

Re: Relief for Libyan exchange students

Dear Secretary Colvin,

I write today on behalf of NAFSA: Association of International Educators to request that the Department of State issue a "special student relief" notice in the Federal Register as soon as possible for Libyan students in the United States who are in J-1 status.

As you know, Libya is currently in a state of internal political and military turmoil, and may be so for months to come. This well-publicized, high-profile international story implicates not only the foreign policy of dozens of countries, including the United States and most of the European Union, but also affects thousands of Libyan university students who are currently studying in the United States – almost all of whom are fully funded by the Libyan government as sponsored students.

During the Asian economic crisis of 1998, the legacy United States Information Agency (USIA) acted to temporarily alter the rules governing full course of study at 22 C.F.R. § 62.23(e) and employment eligibility at 22 C.F.R. § 62.23(g), for J-1 students whose means of financial support was from Indonesia, South Korea, Malaysia, Thailand, or the Philippines [63 Fed. Reg. 34276 (June 24, 1998)]. That notice allowed specified J-1 students to engage in on-campus employment for more than 20 hours per week, and suspended the applicability of eligibility requirements for off-campus employment authorization. The notice also allowed J-1 students who found it necessary to reduce their normal course of study in order to engage in this employment to be considered to be maintaining status and pursuing a full course of study. This collection of benefits was commonly known as "special student relief."

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The Department of Homeland Security (DHS) has similar authority to grant “special student relief” benefits to F-1 students. Legacy Immigration and Naturalization Service (INS) acted as did USIA in 1998 to grant “special student relief” benefits to students impacted by the Asian economic crisis, and DHS invoked its “special student relief” provisions again on September 15, 2010, for Haitian F-1 students, following the natural disaster in that country.

Libya began sending significant numbers of students to the United States after 2006, most of whom are graduate students and are well into their graduate degree programs. Should the Libyan government eliminate funding entirely for these students, they may not be able to complete their degrees, and their ability to afford even a bare existence in the United States will be impossible, as most of their spouses and children cannot legally obtain authorization to work in the United States, making this request all the more urgent.

Libyan students’ main concerns regarding the current situation in their home country revolves around their funding. Libyan offshore assets are frozen at present, so future payments and stipends will be delayed, if paid at all. Sponsoring programs must apply for a special license from the Office of Foreign Assets Control (OFAC) to access the funds. While funding for some students has been secured for the remainder of April and May, the future is uncertain.

It is for these reasons, we urge the Department of State to issue a “special student relief” notice in the Federal Register for Libyan students in the United States in J-1 status as soon as possible, patterned after the 1998 USIA notice. NAFSA is also making the same request of the Department of Homeland Security to issue a “special student relief” notice for F-1 Libyan students.

Thank you for considering this request.

Sincerely,

Marlene M. Johnson
Executive Director and CEO