



August 20, 2021

The Honorable Antony J. Blinken
United States Secretary of State
Washington, DC 20520

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

Dear Secretary Blinken and Secretary Mayorkas,

I write today on behalf of NAFSA: Association of International Educators to urge immediate action to protect the lives of, and provide stability to, Afghan students, scholars, researchers, and those involved in advocating for, promoting, or engaging in higher education.

NAFSA is the world's largest nonprofit professional association dedicated to international education with nearly 10,000 members at more than 3,500 colleges and universities. U.S. institutions of higher education have welcomed and educated millions of students from all over the world, with many going on to become world leaders and some of our closest partners. NAFSA members are horrified at the prospects facing the Afghan people and those who may be targeted for their engagement in, or support of, higher education, especially women.

NAFSA urges the following actions and policies.

1. Announce special student relief (SSR) for Afghan students in F and J status. Regulations allow the Departments of Homeland Security (DHS) and State (DOS) to suspend or alter rules regarding duration of status, full course of study, and employment eligibility, for specific groups of F-1 and J-1 students from parts of the world that are experiencing emergent circumstances. International students from Afghanistan would greatly benefit from SSR, which allows DHS to suspend the 20 hour per week limits on incident-to-status on-campus and USCIS-authorized off-campus employment, and for students to be considered engaged in a "full course of study" for the duration of their employment authorization if they satisfy specific minimum course load requirements.

2. Allow for waiver of or flexibility from eligibility requirements for the issuance of the Student and Exchange Visitor Information System (SEVIS) Form I-20 "Certificate of Eligibility for Nonimmigrant (F-1) Student Status." To obtain a foreign student visa (F), a prospective U.S. higher education student must present a Form I-20 issued by an institution certified by the Immigration and Customs Enforcement Student and Exchange Visitor Program. Eligibility for the Form I-20 requires the prospective student to provide transcripts or other records of courses taken, proof of financial responsibility for the student, and other supporting documents (8 CFR 214.3(k)(2)). A U.S. higher education institution should be allowed to issue the Form I-20 in the absence of some or all of these requirements if the higher education

institution determines that alternative requirements meet the standard for admission to the institution. The exigent circumstances require the utmost flexibility for Afghans seeking to begin or continue their higher education.

3. Allow humanitarian parole for Afghan students, scholars, researchers and create a new category for Afghan women. Application for humanitarian parole is available for people who have a compelling emergency and there is an urgent humanitarian reason or significant public benefit to allowing an individual to temporarily enter the United States. Afghan students, scholars, and researchers, especially women, now meet this standard. The filing, review, and approval process should be streamlined. Work authorization and other benefits should be available to those granted humanitarian parole.

NAFSA supports the creation of a new “humanitarian parole category for certain at-risk Afghan women leaders, activists, human rights defenders” and others as recommended in an August 26, 2021, bipartisan letter signed by 46 senators to the Biden-Harris administration.

The senator’s letter states that they and their staff are “receiving regular reports regarding the targeting, threatening, kidnapping, torturing, and assassinations of women for their work defending and promoting democracy, equality, higher education, and human rights.” “Defending and promoting” higher education should be expanded to include women engaging in and pursuing higher education.

Throughout the 20-year period in Afghanistan, the U.S. government encouraged and supported Afghan women in their efforts to engage in public life and obtain higher education. The U.S. government should continue that support now by protecting their lives through the creation of a new humanitarian parole category for Afghan women.

4. Waive the presumption of immigrant intent and unabandoned residence abroad conditions for F students and J exchange visitors and their families. The requirement that F-1 and J-1 students, scholars, and researchers and their families prove that they intend to return to an unabandoned residence abroad following their stay in the United States should be waived. If a waiver is not possible, the requirement should be satisfied by an intent to return when conditions in Afghanistan are normalized.

5. Waive the INA 212(e) two-year home residence requirement for J-1 exchange visitors and their dependents. The Departments of State and Homeland Security should cooperate to waive the INA section 212(e) requirement that J-1 exchange visitors return to Afghanistan for two years following completion of an exchange visitor program that is funded by U.S. or Afghan government funding, because the J-1 participant’s field of expertise is on the Department of State’s Skills List for Afghanistan, or because the exchange visitor participated in a program of gradual medical education.

6. Announce temporary protected status (TPS) for Afghans in the United States. It is unclear when or if Afghan nationals will be able to return to Afghanistan. TPS should be made available as quickly as possible, with a rolling date of physical presence in the United States that

allows Afghan nationals to apply for initial grants of TPS throughout the validity of the TPS notice.

7. Advise all U.S. embassies and consulates to receive and process visa applications for Afghan nationals. Concerted ongoing efforts should be made to facilitate the expeditious processing of visa applications for Afghan nationals at third-country posts worldwide .

8. Continue evacuation flights for as long as possible so as to include students, scholars, and researchers. Procuring necessary documents and gaining safe passage is monumentally difficult. In the initial crush to leave the country, many Afghans deserving support will be made to wait. I urge evacuation flights for as long as possible so that those seeking to begin or continue their engagement in higher education may have the opportunities to do so.

9. Act in all ways available to aid the departure of Afghan nationals. The U.S. government should take any and all appropriate actions, consistent with applicable law, to preserve and fortify educational and research opportunities by Afghan students, scholars, and researchers and their safe departure from Afghanistan.

Please do not hesitate to contact me with any questions or if NAFSA: Association of International Educators may be of assistance.

Sincerely,

[Signature redacted]

Esther Brimmer, D.Phil
Executive Director and CEO