FOREIGN STUDENTS IN THE
UNITED STATES:
THE ORPHANS OF INTERNATIONAL EDUCATION

IHELG
Monograph 91-1

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University of Houston Law Center/Institute for Higher Education Law and Governance (IHELG)

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INTRODUCTION

The Immigration Reform and Control Act of 1986 and the Immigration Act of 1990 have had minimal effect upon foreign students. Where there was any effect, the beneficiaries or victims were affected by the legislation because they were parts of other groups for which the Congress wished to legislate. In the main, foreign students were unmentioned in either law. An exception is the 1990 provision for a pilot off-campus work program for F-1 students which is not going to provide enough jobs for the students to have a measurable impact upon their lives.

Thus, there might seem to be little to say about the effect of this legislation on foreign students. There remains, however, an essential question: Why? Because foreign students have no voice of their own and because the schools and other constituencies to which foreign students matter have either failed to grasp the issues or have failed to find their voices and speak.

I am a foreign student adviser. It is a title I have borne since December 1977, and one which I bear with great pride. I am a member of a little noted profession. But, in every respect, it is a profession. Its proficient performance requires a wide body of knowledge in applications of immigration law and procedure, counseling knowledge and experience, an understanding of American and foreign educational systems, knowledge of many cultures and the
ability to help students adjust to a new culture. It has its own code of ethics and its own national professional organization--NAFSA, the Association of International Educators--which was founded by foreign student advisers 43 years ago.

The assessments that follow are based upon fourteen years of frustration with pointless governmental interference and college and university indifference to foreign students.

Lest it be assumed that my criticism of higher education administration is aimed primarily at my own college or university, let me assure the reader that it is not. I have spent hundreds of hours over the years in consultation and long conversations with colleagues from public and private colleges throughout the United States. I have conducted studies of procedures and administrative responses relevant to foreign students at schools in New York, New Jersey, Pennsylvania, Puerto Rico, and West Virginia--with responses from 56-percent of all of the institutions in those states. I am appalled at what I have seen.

It is important to establish the definition of "foreign student" applied in this paper: a foreign student is a nonimmigrant alien who has been accepted for a course of study. Included is all of the alphabet soup of nonimmigrant statuses from A-1 to R-2, as well as Temporary Protected Status, undocumented, and out-of-status. Not included are aliens with permanent residence, amnesty, amnesty
pending, refugee, or asylee status. The emphasis in this paper is upon students in F-1 or F-2 status, who constitute 64-percent of the foreign students at my college and 80.6-percent of foreign students nationally.¹

Congress created F-1 status in 1952 to promote international educational exchange. Explicitly or implicitly, the law permits school attendance by all lawful nonimmigrants.² Both the law and the regulations are silent on the issue of attendance by undocumented aliens. There is case law on the rights of the latter while attending school but none denying them access to higher education.

While Congress clearly meant to facilitate foreign student education, it failed to designate any agency to promote or guide it. All regulations governing F-1 students, diplomats who are also students, and persons eligible to change to student status, are the exclusive province of the U. S. Immigration and Naturalization Service (INS), a law enforcement agency.

Despite the chilling effect of much of the INS work in this area, it is unlikely that the Congress expected a law enforcement agency to play an advocacy role. In regard to the 12.7-percent³ of foreign students in the U. S. in J-1 or J-2 status, the Agency for International Development has been given a promoting and facilitating role; one that it has woefully failed to discharge.

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It is likely that the Congress expected American colleges and universities to take upon themselves the role of promotion and facilitation of this half of international educational exchange (the other half being the sending of domestic students to overseas study programs).

Institutions of higher learning have not, in my fourteen years of experience, taken on this role. It is indicative of their failure that the principal study of university policy toward foreign students is titled *Absence of Decision.* While the study found that faculty and administrators at the California, Florida, and Ohio colleges and universities studied held the positive notion that "social and intellectual interaction between the foreign and the U. S. students is an enriching experience," their beliefs seemed to be entirely anecdotal, and they seemed worried about their universities' abilities to absorb larger numbers of foreign students. In the matter of educational costs, it was found that "educators have a very imperfect notion of the marginal costs to their institutions of foreign students." ⁴

It is time to accept that nearly forty years of university inattention has roots too deep to reverse from within. If understaffed foreign student offices are to be given a boost, if the actual costs of educating foreign students are to be ascertained and taken into account in institutional planning, and
if the real and painful neglect of aliens in our colleges is to be alleviated, the impetus must come from a new and untapped source.

That source, if its leaders' attention can be gained, should be state and local governments. The fact is that the education of foreign students in the United States is a major industry. Whether in times of economic distress, such as the present, or in better times, loss or shrinkage of important industries is of crucial importance to local governments. How major? Exclusive of tuition, foreign students in the United States spend $3,080,919,240 each year on food, rent, clothing, transportation, and other personal necessities.\(^5\)

Success is a problem for international educational exchange in the United States, at least for the intake side. Despite inattention and lack of policy, foreign students keep coming. Their numbers increase year by year. In recent years, however, growth has slowed and competition has been mounting. What the United States takes for granted is an inviting avenue to profit and international influence for Australia, Canada, Japan, Taiwan, and Western Europe, which have doubled and redoubled efforts to increase their share of the world's 1,127,387 foreign students.\(^6\)
I. FOREIGN STUDENTS IN THE UNITED STATES: NUMBERS, PROFILES, TRENDS, ECONOMIC IMPACT.

Of the 432,962 foreign students enumerated in Open Doors in the 1990-91 academic year, 29.9-percent were studying in California, New York, and Texas, the top three receiving states. Fifteen states account for 69.9-percent of the foreign student population. In its 1991 report entitled F-1 Labor Study, commissioned by INS, Price Waterhouse estimated that there were 750,000 students at that time in F-1 status alone. However, Open Doors figures are derived from actual reports from schools, whereas Price Waterhouse deduced a total from information in the INS Student/School data base.

Open Doors statistics on foreign student expenditures on personal maintenance and exclusive of tuition and school fees in the fifteen states with the largest student populations:

<table>
<thead>
<tr>
<th>STATE</th>
<th>NO. OF STUDENTS</th>
<th>ANNUAL EXPENDITURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>55,168</td>
<td>$417,070,080</td>
</tr>
<tr>
<td>New York</td>
<td>40,558</td>
<td>$306,618,480</td>
</tr>
<tr>
<td>Texas</td>
<td>26,205</td>
<td>$198,109,800</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>22,320</td>
<td>$168,739,200</td>
</tr>
<tr>
<td>Florida</td>
<td>20,700</td>
<td>$156,492,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>17,771</td>
<td>$134,348,760</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>17,571</td>
<td>$132,836,760</td>
</tr>
<tr>
<td>State</td>
<td>Figures</td>
<td>Figures</td>
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<tr>
<td>-----------------</td>
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</tr>
<tr>
<td>Ohio</td>
<td>14,798</td>
<td>$111,872,880</td>
</tr>
<tr>
<td>Michigan</td>
<td>14,366</td>
<td>$108,606,960</td>
</tr>
<tr>
<td>New Jersey</td>
<td>9,889</td>
<td>$74,760,840</td>
</tr>
<tr>
<td>District of Col.</td>
<td>9,709</td>
<td>$73,400,040</td>
</tr>
<tr>
<td>Indiana</td>
<td>8,061</td>
<td>$60,941,160</td>
</tr>
<tr>
<td>Maryland</td>
<td>7,865</td>
<td>$59,459,400</td>
</tr>
<tr>
<td>Washington</td>
<td>7,625</td>
<td>$57,645,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>7,487</td>
<td>$56,601,720</td>
</tr>
</tbody>
</table>

Nationally, the meaning of these totals translates to a national industry generating more annual dollars than the earnings and payroll of the New Hampshire service industry, Oklahoma retail trade, Texas income from the Federal military, the mining industries of all Rocky Mountain states combined, Arizona insurance and real estate industries, Florida farms, Louisiana transportation and public utilities industries, Indiana wholesale trade or, for the District of Columbia, wholesale trade, retail trade, finance, insurance, real estate, and manufacturing combined.8

Of available estimates of numbers, those above from Open Doors are by far the more conservative. If the Price Waterhouse estimates of the foreign student population are applied, then F-1 students alone, exclusive of foreign students in other statuses, spent $5,670,000,000 in the U. S. in 1991, applying the IIE estimate of $840 per month and the same doubtful assumption that it is spent only during a nine month academic year. That figure is equal to
California's 1988 farm income. Though there is no reason to give credence to INS estimates of the numbers of F-1 students, it is interesting to note that the government figures would lead to a conclusion that F-1 students are spending $8,414,280,000 a year! Though the IIE assumption of expenditures during only nine months is employed throughout this paper, along with the carefully established IIE estimate of monthly expenditures, my guess is that foreign students actually spend support money during about 10.3 months in every year and that the true impact upon the national economy, therefore, is about 3.74 billion dollars annually.

A large percentage of this money comes from outside the U. S., outside the state, or outside the county and represents a net inflow of funds to local economies, providing the kind of economic stimulus normally enjoyed from tourism or export businesses.

Open Doors figures on the amounts or percentages of student expenditures which come from overseas sources are, unfortunately, without meaning. The survey questionnaires through which institutions supply information to the Institute of International Education ask for the numbers of students from each institution whose primary source of funds is personal and family, U. S. college or university, home government or university, U. S. government, private (U.S.) sponsor, private (foreign) sponsor, international organization, current employment, or other. Unfortunately, "personal and family," can be of foreign or domestic origin and

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respondents are given no guidance on the intended differences in meaning between "personal and family," "private (U.S.) sponsor," and "private (foreign) sponsor." In its report, the Institute assumes that all funds reported as "personal and family" are of foreign origin. They are not. In an immigrant city such as New York, a large percentage of students have relatives who provide partial or complete support from local sources.

Extrapolating from Open Doors figures, one would assume that $2,230,585,474 flowed into the United States from abroad to support foreign students. Because of the lack of clarity in the questionnaire, however, this figure is far too high. Not asked in the questionnaire is how much support comes from out-of-state and how much from in-state or from inside a city or country versus outside.

The best I can offer solidly is an analysis of the sources of the funds supporting students at just one college: LaGuardia Community College, in New York City. LaGuardia had 923 foreign students from 82 countries in the fall quarter of 1991. These students spend an average of 10.8 months in the United States, during which the estimated expenditure, exclusive of tuition, is $10,399.50. The equivalent (many students are partially supported from local sources and partially from non-local sources) of 406 of the students are supported from outside the United States and 33 from U. S. sources outside New York State.

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Thus, of $9,598,739 spent in New York annually by LaGuardia students, approximately $4,222,197 comes from outside the U.S. and an additional $343,184 from outside New York State.

The reader is cautioned, however, not to extend these figures. LaGuardia has a larger percentage of European students than most colleges, and Europeans are more likely than most students to be supported from abroad. The principal sending country for the College is Japan, from which also a high percentage of support comes from the home country. United Nations headquarters is visible from the campus, resulting in a much higher percentage of third world students with support from home than would be the case at a school with fewer students in diplomatic statuses.

A recent study by the writer for a paper to be presented in late January, 1992 shows that schools in northern New York State have very large numbers of students from Canada (LaGuardia has just one Canadian). Canadians, though usually supported from their own country, also spend a far larger part of the year out of the U. S. and some commute to school in the U. S. daily from Canada. Because of these and other variables, the LaGuardia estimates are offered as a very general idea of sources of expenditures.

Of the top ten receiving states, only Texas has experienced a decline in the numbers of foreign students since 1984-85, though increases were experienced in the 1989-90 and 1990-91 academic
years over the previous years. None of the top fifteen states experienced a decline in 1990-91 over the previous year.

As much as student expenditures should be of interest to the states, local governments, too, should take notice, as revealed by the numbers of students and their annual expenditures in five selected Metropolitan Areas.

<table>
<thead>
<tr>
<th>AREA</th>
<th>NUMBER OF STUDENTS</th>
<th>ANNUAL EXPENDITURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago</td>
<td>9,169</td>
<td>$ 72,618,480</td>
</tr>
<tr>
<td>Houston</td>
<td>6,844</td>
<td>$ 47,736,900</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>28,048</td>
<td>$241,072,560</td>
</tr>
<tr>
<td>New York</td>
<td>35,869</td>
<td>$311,522,265</td>
</tr>
<tr>
<td>Washington</td>
<td>17,312</td>
<td>$151,133,760</td>
</tr>
</tbody>
</table>

Nationally, 65.7-percent of foreign students are enrolled in public institutions, though the percentage in Maryland, Michigan, Texas, and Virginia is much higher than the national average. The percentage of foreign students in private institutions is extremely high in the District of Columbia, Massachusetts, and Pennsylvania. All regions of the U. S. experienced growth in absolute numbers over the previous year. The Mountain States saw the most dramatic increase (8.3-percent) and the Southwest the most modest (3.0-percent).
Since 1954, all regions except the Pacific States have held approximately the same share of the national pie. The Pacific States' share has been dwindling each year since 1979.

Different parts of the U. S. attract students from varying parts of the world. The first choice of North and Sub-Saharan Africans in 1990-91 was the South; for East, South, and Central Asians, the Northeast; for Southeast Asians, the Midwest and the Pacific States; for Europeans, the Northeast; for Caribbean and Latin American peoples, the South; for Middle Easterners and North Americans, the Midwest, and for Oceanians, the Pacific States. Two-year institutions attract 14.2-percent of the total and four-year institutions 85.8-percent.

Any discussion of income generated or imported into our states by foreign students must be balanced by some analysis of the costs of educating them and funds given to them.

The amount of money supplied by the United States Government is minimal, constituting the primary source of funds for only 1.9-percent of all foreign students, according to Open Doors. It is not possible to ascertain the contribution of local governments from Open Doors data because the true total is concealed in "U. S. College or University" which includes both private and public institutions (the primary source of funds for 18.8-percent of the students). However, it is known that university or college
support usually comes from research universities for students at the graduate level. These universities may be either public or private. It is also known that the support normally comes in the form of wages for teaching and laboratory assistantships, and not in the form of grants.

The major study on the economic impact of foreign students is *The Economics of Foreign Students* by Stephen P. Dresch of Michigan Technological University. Though it is treacherous to attempt to summarize Dresch's work, it is fair to say the he demonstrates that the costs of educating foreign students in 1987 were minimal and that there are many cost benefits for institutions attracting foreign students.

Dresch also points to the possibility of quantum change:

U.S. higher education, in general, is highly subsidized... Superficially, it might appear that, if the system as a whole is highly subsidized, then all students in the system must be highly subsidized. However, the issue is, in fact, more complicated. To address the question of subsidies to a particular class of students, e.g., foreign nationals, it is necessary to determine the manner in which the sector would be affected were that class of students not to exist. In economic parlance, this "with or without" issue is one
of "differential incidence analysis." In these differential incidence terms, it is not at all clear that foreign students are highly subsidized.  

Dresch's study was conducted at a time of contracting domestic demand for university seats and inelastic faculty oversupply. A change in either of these sets of givens should be the occasion for a new study. Nevertheless, Dresch has gone far to establish that the cost of educating foreign students is not, at present, important. He also shows many cost benefits, especially in the foreign student dominance of graduate assistantship positions in several graduate fields, such as engineering. To a considerable degree, these foreign teachers are keeping departments open and functioning while high salaries siphon off to private industry the supply of domestic scholars.

Dresch demolishes the argument that foreign student education costs more because non-domestic students tend to choose fields of study, such as graduate engineering, which are more expensive for schools to teach. Citing tenure rules and the extraordinarily high percentage of university costs devoted to teaching and support staff, Dresch maintains "that the effective economic cost of an additional student, the marginal cost, is extremely low."
Oddly, Dresch, does not broach the subject of developmental English. At least in New York State, developmental English courses are not reimbursed by state and local government to public institutions at the same rate as regular college courses. The differences are substantial. At my institution (at one time) and at others presently, foreign students are perceived as filling the developmental English classes and, thus, costing more money than domestic students. A study of all LaGuardia students enrolled in these classes in the winter 1990 term, however, revealed that foreign students were over-represented in terms of their percentage of total enrollment only at the highest of four levels of developmental English. At the lowest level, not one student was foreign. In other words, foreign students were scoring higher than average on English placement examinations and enrolling in developmental English courses for fewer terms than average.

In their study *The Foreign Student Factor*, Lewis C. Solmon and Betty J. Young of UCLA do make reference to developmental English by speculating that "the somewhat greater need for remediation and counseling by foreign students implies that the admission of foreigners may entail correspondingly greater costs to institutions than would the admission of domestic students."\(^{11}\)

As is customary, the assumption here concerning English language abilities is made without investigation. Investigation by the authors of their second assumption, about the greater need by
foreign students for counseling might have borne them out, but they also would have found that the need goes largely unmet. It takes concerted administrative effort to encourage foreign students to take advantage of most student services, including counseling, student activities, library services, career and transfer assistance, etc. Foreign students tend to get their counseling from understaffed foreign student offices which are also usually the only sector of the college attempting to route them to counseling, when appropriate. The costs associated with foreign students must be assessed on the basis of what is provided to them and not on the basis of what they need.

Solomon and Young also posit that foreign students cost more to educate because their heavy course loads and over-representation at the graduate level generate more full-time equivalents (FTE's). In fact, by failing to establish that foreign students are thereby filling additional seats, rather than vacant ones, the authors fail to make their point. Solomon and Young show that, in 1982, foreign students occupied 2.2-percent of public university seats and 4-percent of private university seats, but accounted for 3.9-percent of FTE's in public schools and 5.9-percent in private schools. Given the realities of public school financing and public and private school staffing, it is questionable whether this phenomena can be said to cost money or to earn money and sustain faculty employment.12
The impact of foreign students on university employment should be of great interest both to institutions and to the local governments in which the employment takes place. The most recent study, by James Scoville of the University of Minnesota, showed that foreign students in 1980-81 created jobs for 73,000 professors and support staff in education.\textsuperscript{13} There is a more than 20-percent larger foreign student population the U. S. now than there was then.

II. ACCEPTANCE AND DISCHARGE OF RESPONSIBILITIES FOR FOREIGN STUDENTS.

THE CONGRESS

Congress created the F-1 visa in 1952,\textsuperscript{14} but neither then nor subsequently assigned to any Federal agency functional responsibility for the furtherance of the F-1 program. The only Congressional effort in this direction came with the Fulbright-Hays Act in 1961, which assigned responsibility for administering the J-1 Exchange Visitor Program to the Bureau of Educational and Cultural Affairs of the Department of State. This responsibility was later assigned to the U. S. International Communication Agency, the name of which was changed to the United States Information Agency (USIA) in 1983.\textsuperscript{15}
The J-1 program, in 1990-91, accounted for only 11-percent of foreign students in the United States. Whatever the Congress may have expected of USIA in this regard, the record has been one of confusion, inefficiency, and inattention. This has been my experience and that of my colleagues over the years. USIA regulations have been so vague as to be meaningless and guidance from the agency has been oral whenever it was available at all. Student programs have been consistently undermined by lack of USIA personnel, despite the heroic efforts of a handful of government employees in Washington who are known to cart J-1 work home with them on nights and weekends. Finally, in 1990, the General Accounting Office issued a study criticizing USIA administration of the J-1 program.

THE IMMIGRATION AND NATURALIZATION SERVICE

Since no agency was assigned to promote international educational exchange through the F-1 program, the principal agency affecting the program is INS, a law enforcement agency. There is nothing in the law suggesting that INS should play supportive or promoting roles and it should not be surprising that the Service is not perceived by students or foreign student advisers as supportive.

INS has made an official declaration, specifically in regard to F-1 students, that "[t]he United States Government is firmly committed to the value of international student exchange activities."
and that "the Service is concerned that [its] officers convey a positive impression of the freedom and openness of American society."\textsuperscript{18}

The failure of Congress to give a promotional or supportive role to any Federal agency has helped to orphan the F-1 program, as the failure of USIA to fulfill any such function has helped to orphan the J-1 student.

The basic INS regulations pertaining to the F-1 program occupy more than sixteen columns of small type in the Code of Federal Regulations. Only the regulations for the H statuses are more extensive. The difference between the H and F regulations, however, is that almost all of the H regulations concern themselves with application and eligibility standards. The F regulations are devoted to "thou-shalt-nots" and paperwork burdens imposed upon the schools.

The length and complexity of the F-1 regulations are merely symptomatic of the problems stemming from INS's lone Federal responsibility for the program. The most counterproductive feature of the arrangement is that INS officials are not educators, do not acquaint themselves with the practical aspects of education, give only partial credence to the educational community, and conduct no studies to measure either the need for the regulations or their effectiveness.
Because of its lack of understanding of the F-1 student and the process of education, INS has failed to achieve its own goals and has sown confusion and superfluous paperwork. The Service writes regulations from Washington based upon anecdotal information and has done little or nothing to obtain hard data. Sometimes, when hard data are available, the Service resolutely ignores the facts.

For example, the Service published regulations on October 29, 1991 severely contracting F-1 student employment opportunities. The Service explained its actions in the Supplementary Information preceding the new regulations as representing "a careful balance between the Service's desire to allow foreign students every opportunity to further their educational objectives in this country and the need to avoid adversely affecting the domestic labor market."19

However, pursuant to Congressional mandate in the Immigration Reform and Control Act of 1986, IRS had commissioned the firm of Price Waterhouse to study the effect of F-1 student employment on this same domestic labor market. The results of the survey were published on July 17, more than early enough to permit the Service to take the results into account in formulating a rule published in October.

Price Waterhouse concluded that F-1 students working off-campus, with or without authorization "have no significant impact on the
United States labor market." This was determined to be true on four levels: national, state, industry, and occupation. The study projected that there would be no significant impact on any of these four levels "even if F-1 students were allowed blanket off-campus work authorization."\(^{20}\)

Though anecdotal evidence of INS deficiencies abounds in every campus foreign student office in the land, none is as damning as INS's own data base, its means of data collection, and the history of the I-721.

During the Iranian hostage crisis of the 1970's, the Executive Branch ordered INS to report on Iranian F-1 students. Were they studying, or were they in violation of status? Facing an almost total absence of facts in hand, INS sought to collect the information from the schools. In the main, the schools refused to comply. By the time the matter was litigated to Federal government advantage, the data-collection effort had passed.\(^{21}\)

Subsequently, INS developed the Form I-721 system. The method was to send each school authorized to accept F-1 students a list generated by the INS Student/Schools data base in London, Kentucky. Each school's list included all of the students enrolled at that institution according to the most recent data entry in Kentucky. The schools were required to correct the lists, deleting students no longer in attendance and adding those whose names were missing.
All of us in the profession talked a great deal about the lists we received (or did not receive). LaGuardia's first list was about 10-percent accurate. At great expense and with great effort, most schools in the U. S. completed the report. We did this despite information from schools which had made reports under an earlier "test" of the system that the follow-up lists received from INS failed to show any of the corrections they had submitted.

One day in 1988, I received a telephone call from a colleague at a large private university in Boston.

"Guess what Pearl Chang (senior examiner of INS) just told us at a meeting?" said my colleague: "They (INS) lost all of the 721's."

The loss was never verified in writing. My best guess is that the reports, if they came from even 75-percent of the schools required to make them, would have filled a few railroad boxcars. What we did receive in writing was notification that the I-721 program was being abandoned and that a new reporting system would be designed and implemented. It is several years later and we are still waiting. Schools have made no systematic reports to INS on F-1 attendance for more than three years, and those reports went unrecorded.

The result is that the data base listed 1,113,961 F-1 students at the end of 1990. This is 2.57 times as many as reported to Open
Doors by the schools and nearly equals the number of foreign students reported by UNESCO for the entire world!

Though there are major deficiencies in INS administration of the program, it is the multitude of minor deficiencies that irk the day-to-day practitioner of the art of foreign student advising. Nearly 40-percent of the applications to INS executed by my office on behalf of students disappear entirely. The I-102 application for replacement of a lost INS document is the worst case. After paying the Federal government $50 for this application, students at LaGuardia get replacement documents at a rate of less than 5-percent. Several foreign student advisers have reported to me that the response rate to I-102 applications from their schools over several years has been flat zero.

We must try to cope with other-worldly regulations. My favorite in this regard is the requirement that I verify a student's "attendance in class" before notifying INS of a transfer from one authorized school to another. I may do this any time between the fifteenth and the forty-fifth day of classes. This rule went into effect in 1986 and was not modified until October 29, 1991. It is, of course, virtually impossible at any college to verify students' attendance in class on the fifteenth day and impossible at most on the forty-fifth day. Informed of this, ranking INS officials in Washington told us that verifying registration for classes would suffice. Similarly, the 1986 regulations prohibited transfer
notifications for students who had not attended full-time in the previous term at the previous school. Orally, however, the senior examiner says we can transfer these students, provided there is no objection from our counterpart at the previous school in the first term after the student's F-1 entry into the U. S. Though reminded of the discrepancy between oral instructions and the regulations, the Service saw fit to retain the regulation intact in 1991. This is the Emily Litella school of government regulation. Regulations have the force of law, but INS officials feel that it is appropriate to suspend them by saying "never mind," to assembled foreign student advisers at public meetings.\footnote{23} Immigration judges, unfortunately, stick to the written regulations when there is a question of student violation of status.

Even from the law enforcement perspective one would properly expect from INS, the F-1 student regulations are impossible to defend. INS does not know who or where the students are and many of its rules are not made with knowledge of or sensitivity to the realities of education. The number of Service adjudications required under the regulations exceeds the capacity of the Service to effect. The paperwork burden on foreign student offices is overwhelming and pointless.

The main thrust of the regulations is to keep F-1 students enrolled full-time. A constant concern of foreign student advisers is to convince administrators to set a limit on the number of credits -24-
students are permitted to take, or to enforce such limits when they exist. Solmon and Young found credit overloads to be the national norm for foreign students.\textsuperscript{24} The stringency of INS rules in this regard constitutes overkill.

It must be admitted, however, that the complexity of the regulations and the volume of specialized paperwork is intimidating to university administrators, who must appoint a foreign student adviser as part of the terms of gaining authorization to accept F-1 students. Professionals in the field, while criticizing INS for imposing these onerous burdens might at the same time give credit to INS for their very jobs. Were it not for the paralegal aspects of the profession, it is certain that most schools would fail to appoint anyone at all to respond to foreign student needs.

**THE SCHOOLS**

It is reasonable to speculate that the Congress expected the schools to play the supportive and promotional role which it did not assign to any Federal agency.

They have not done so. If they had, there is little doubt that students would not have been orphaned by the immigration reform acts of recent years. Colleges and universities can be potent lobbying agents when they have a common agenda to take to Congress.
There is no common agenda. For most universities there is no foreign student policy on campus.


Another, 1982, report concentrated more on proposals for action, but the American Council on Education committee making the report stated that "policies in U. S. universities and colleges concerning the admission, education, and social accommodation of foreign students vary from the comprehensive to the nonexistent, and programs, from the carefully designed and well administered to the ad hoc and expedient."²⁵

Goodwin and Nacht, in effect, issued an indictment of higher education administration. With exceptions which will be as rare in 1992 as they were in 1983, foreign student advisers summarized university policies on foreign students to Goodwin and Nacht as "like inviting guests to your home when you have no guestroom."²⁶

To me, nearly a decade later when practically every university in the U. S. is humming with talk of internationalizing the
curriculum, equipping students with a world view, and sending more American students abroad, foreign student policy is more akin to having Albert Einstein visit the physics department, where no one speaks to him.

Possibly the most shocking discovery of the study is that college administrators do not know who their foreign students are or how many of them are enrolled. My colleagues throughout the country struggle with this basic problem. In attempting to advocate on behalf of their students, foreign student advisers are constantly reduced to first trying to explain about whom they are speaking or writing. Neither faculty nor administration have paused to consider the differences between immigrants and non-immigrants in their classrooms. In making higher education policy, however, the differences are vast. To an absolute degree for public universities and to a relative degree for private universities, immigrants are domestic students under the law. They cannot be discriminated against in admissions, financial aid, or support services. They have been given permission to reside permanently in the U. S. or any of its states by the Federal government and states, state institutions, and individual citizens are preempted from devising their own policies based upon immigration considerations. To varying degrees, refugees, asylees, parolees, amnestees, and even some undocumented aliens, must be given the same rights and privileges as citizens and permanent residents.
Foreign students are here without permission to remain permanently, or without permission to remain at all. Most of them intend to return to their home countries upon completion of their educations. They are making a temporary adjustment to life in the U. S. and they will be applying the educations they receive in different countries, with different cultures, and different economies, for which what they are being taught may or may not be appropriate. For universities to design curricula without regard to their suitability for foreign students, who often represent 5-, 10-, 20-, or even 40-percent of the student body is standard operating procedure.\textsuperscript{29} Were the faculty to decide to rectify this oversight, their institutions often would be unable to tell them how many of the students were foreign or to provide any demographic information.

The Center for International Education at California State University, Long Beach, found it necessary to tell the faculty and staff of its own institution that foreign students are not immigrants and that the latter vastly outnumber the former. The title of their publication is "Myths and Facts About International Students."\textsuperscript{30} Repeatedly over fourteen years, I have had to do the same. At least my colleagues at one California institution and I have been permitted to reach out to faculty and staff. It is more common for the foreign student adviser to be barred from engaging in such communication.
Not only can it be difficult for the foreign student adviser to tell others about foreign students, many cannot find out the names of their own students: those they are charged with advising. This is not a rare problem. Foreign student advisers are frequently so isolated from the rest of the college, including the registrar and the admissions office, as to be entirely prevented in this way from professionally discharging their duties.

In legal parlance, a foreign student adviser is a "designated school official" and can be designated as such only by the president of the college. In making these designations to INS, the presidents are making the foreign student adviser the school's official designee to interpret, understand, and obey on behalf of the school the entire body of student and school regulations. The penalty for violations is suspension of the school's authority to accept F-1 students. There is no study to reveal how many presidents fully understand the function of the foreign student adviser or are aware of the duties they have conferred. My best guess: fewer than two percent.

Absence of Decision found that university officials were largely convinced that having foreign students on campus was good. Vague explanations and hackneyed slogans about multicultural education and international commitment were given as the reasons, "but just what exactly the foreign student's role might be was seldom spelled out in any detail."
It was found that college presidents in general "were inclined to think of foreign students as an issue upon which a central administration should neither make rules nor formulate a considered position. One president suggested that the search for students was a 'dean's property right' with which he dared not tamper. We were not certain whether this conclusion grew out of a sensitivity to the vicissitudes of academic politics or from a desire to delegate one more set of minor problems, but our inclination was that the latter motivation was more prevalent than the former."\textsuperscript{33}

Yet of the deans directly responsible for the foreign student offices, to whom the presidents defer in these matters, Goodwin and Nacht found that "relatively few of these had exercised this responsibility carefully or consciously."\textsuperscript{34} Further, it was found typical of registrars, bursars, and admissions directors "to regard foreign students as a time-consuming and demanding procedural and statistical irritant.\textsuperscript{35}

The impractical and often unworkable structures in which foreign student advisers are compelled to function are another aspect of institutional neglect. Goodwin and Nacht found that responsibility for foreign students and international education issues were rarely assigned as part of a plan and were "either widely distributed in the administrative hierarchy or not allocated anywhere at all. This had some advantages in generating shared
concerns, but, on balance, more disadvantages by creating administrative and policy paralysis. 36

Goodwin and Nacht surveyed the issue from the standpoint of overall policy. In interviewing foreign student advisers, however, they failed to unearth a pervasive problem arising from a lateral split in responsibilities between the foreign student office and the admission office. Nearly one third of the schools surveyed in my 1988 survey reported that the initial immigration form, the I-20, was issued by admissions, and not by the Foreign Student Office, which inherited the students after the form was issued. This practice seems to be even more common in New York City than in the other regions surveyed. It is a practice likely to lead to both conflict and policy paralysis. In issuing these forms schools must adhere to a long series of regulations, many of them ambiguous and open to interpretation. Even highly-proficient and trained personnel, working in different offices and in different reporting structures, will arrive at variant interpretations of the same rules, and the institution will speak with two voices to the same students on the same issues. In practice, admissions personnel, except in the 8.6-percent of schools at which the Foreign Student Office reports to admissions, tend to be perpetually untrained in any aspect of laws, regulations, or cross-cultural issues. Admissions personnel are one of several separate groupings within NAFSA--the Association of International Educators. At the many regional and national conferences I have attended over the years,
Admissions Section sessions and workshops are devoid of immigration content, though cross-cultural issues are sometimes emphasized. At conferences of the principal professional organization for admissions officers—the Association of College Registrars and Admission Officers—immigration matters are given only token consideration in my experience, and the speakers are as likely to be local immigration officers as professionals in the field.

The answer to this problem is to get admissions officers out of the immigration business and to place all responsibility for foreign students in a single office. Though creating this kind of structure is the trend, at least in the New York Metropolitan Area, it is a glacially slow trend.

Goodwin and Nacht recommend centralizing all aspects of international education in a single office whenever an institution has programs of different kinds, such as foreign students, study abroad, faculty exchange, etc.\textsuperscript{37} They hesitate to specify where in the college structure such responsibility should lie. The authors of \textit{Absence of Decision} conducted a landmark study, but did so in a necessarily brief time.

After years of observation, I am not hesitant. My study showed that at most colleges, the foreign student adviser reports to student services. The second most common assignment is to the chief academic dean or provost. There are also assignments to
university sectors as diverse as president, registrar, admissions, chaplain, and even veterans' affairs or career services. My study showed also, however, that most of these approaches disappear as foreign student enrollment begins to exceed 250. At these population levels, the assignment is to student services (60-percent) or chief academic dean (35-percent).\textsuperscript{38} There is a very strong trend today toward eliminating student services assignments and moving foreign student advisement to the academic area. A 1984 study of 120 colleges by Edward Rice-Maximin and Joyce Sauter of Texas State University showed the overwhelming majority of foreign student offices reporting to student services and very few reporting to academic affairs. An update of the Rice-Maximin/Sauter results in 1991 by Evelyn A. Jez, a doctoral student at Virginia Commonwealth University showed an overwhelming swing to academic affairs.\textsuperscript{39}

It is only the latter arrangement, in my view, that is likely to work well. Deans of students are the school officers most likely to engage in the ZAP! You're a Foreign Student Adviser syndrome described below, the most likely to assume that foreign student advisement is "just counseling," and the most likely to consider immigration matters as "just clerical work." The result, often, is assignment of a foreign student "counselor" in student services with responsibility for immigration "paperwork" assigned to a clerical worker in the admissions or registrar's office. In this arrangement, the foreign students will assiduously avoid the
counselor and seek all advisement from the lowly clerical worker who can, at least, comprehend the immigration status which defines the parameters of foreign student existence.

As a practical matter, also, in the absence of institutional policy, the dean of students is left to apportion a finite departmental budget among all students, and can find it difficult to justify devoting more staff and resources per capita to foreign students than to the general student body.

The foreign student adviser who engages in all the activities described by the NAFSA Code of Ethics\textsuperscript{40} cannot be departmentalized. He or she is going to pop up regularly in the offices of admissions, registrar, bursar, dean of students, placement, dean of faculty, all the academic departments, and the president. Except for the president, no administrator other than the chief academic dean is equally ubiquitous. Once the campus engages in study abroad programs, faculty exchanges, etc., the academic sector becomes an ever likelier candidate. Most importantly, if the educational resource represented by the presence of a third of a million foreign students on our campuses is ever to be exploited, it will happen under the auspices of academic deans.

Confused lines of authority also contribute to widespread denial by admissions officers of access to higher education for students who are undocumented or out-of-status, or even to many who are in the
United States lawfully. In my survey of schools in New Jersey, New York, Pennsylvania, Puerto Rico, and West Virginia, an astounding 59.6-percent of the responding schools reported excluding undocumented students from attendance. In a most peculiar twist, 47.4-percent of the schools would not accept a student who had once been in F-1 status but was out-of-status at the time the admissions decision was made, but 53.9-percent would exclude out-of-status students who had been in some status other than F-1! Applicants in M-2 status would be rejected by fully 59.6-percent of the schools, though their attendance would in no way violate INS rules pertaining to that status. Similarly, substantial numbers of schools would refuse to accept, entirely randomly, almost every category of lawful temporary nonimmigrant alien, including diplomats and the dependents of F-1 students. Shockingly, 22.4-percent reported that their schools would not enroll refugees and asylees, eleven years after the U. S. Supreme Court ruled that they had to be treated as residents.  

I hope to repeat my survey of the same schools on its fifth anniversary in 1993. There will have been vast progress on this front, some of which can be presumed to have stemmed from the Immigration Reform and Control Act of 1986, which showed that Congress was more inclined to be lenient than many admissions officers. It is unlikely that the effect of immigration reform will lend itself to measurement, however. The distribution of my survey itself, it is reported, resulted in reconsideration on some
campuses. Further, there have been vigorous efforts to combat exclusionary practices by some of my colleagues in the region—particularly by Ellen Badger and Sandra Casey of the State University of New York, Norman Collick of Bergen Community College, and Thomas Conn of Passaic County Community College. The labeling of such exclusions as unethical by NAFSA will continue to have considerable effect.\textsuperscript{42}

Unfair exclusions persist however, throughout the country. A particularly ferocious policy of exclusion is reported in a 1989 University of Houston monograph.\textsuperscript{43} Cases of exclusion of various categories of students have come to my attention in the past eighteen months in Alaska, California, Florida, New York, Oklahoma, and Texas. It is also common, in assisting LaGuardia Community College students in the process of transferring to senior colleges, to find that the Foreign Student Office will intervene to get students around admissions office barriers.

As for faculty, Goodwin's and Nacht's study found that professors often regarded foreign students as a source of anguish, but that the overall faculty response was apathy. At my college, however, I have been given unusual latitude by my administration in communicating with faculty and administrators. Through a Foreign Student Office publication, \textit{Microcosm}, we have discussed foreign student issues for all to read, from the president and the deans to the secretaries and the maintenance workers. The response,
especially from faculty, has left me far more optimistic than Goodwin and Nacht about faculty abilities and interest. There is a genuine interest in foreign students and the challenges they represent in every corner of the College. Microcosm readers tell us that they are surprised that they knew so little about foreign students, and amazed that no one provided the information before.

Discussion about the appropriateness of the curriculum for foreign students will never take place without intervention by administrators, but a simple newsletter has created the possibility of more informed debate should that intervention ever take place. Much of the faculty apathy encountered by Goodwin and Nacht is symptomatic, my experience tells me, of general institutional inattention. An entire college can be galvanized into coherent policy making only from the top, but the facts and the excitement can be generated from the bottom -- the usual position of a foreign student adviser in the institutional structure. Many of my colleagues would be well advised to engage in this kind of activity. Unfortunately, many are simply prohibited from speaking out to the entire campus community. There are many also, I am convinced, for whom such prohibitions are imagined and not real.

As has been my experience in the years before and since publication of Absence of Decision, the authors found that the "foreign student adviser was often the least influential figure in the entire organizational structure. ...often powerless to make their views
know to higher-level policymakers or to have a voice in the planning process, if such a process was indeed underway."

The authors found foreign student adviser isolation to be typical:

In the course of our discussions, we were told often that 'those who care the most [about the foreign student] influence policy the least.' The foreign student adviser is seen as providing a 'service' and, we are told, in academe today there is minimal interaction between those in service and those in academic roles. The foreign student adviser has special insight into the relative importance of psychological, cultural, and academic pressures on the student. Yet the foreign student adviser and associated personnel feel themselves outside the power structure of the institution, with little or no influence on policy issues that they claim to know and care a great deal about, and powerless to correct the problems they observe clearly."

There are exceptions. Were all university administrators as attentive and aware as John E. Worthen, president of Ball State University, there would be less despair in my field. This is part of what he had to say at a plenary session of the 43rd annual conference of NAFSA--the Association of International Educators:

We need to integrate the teaching responsibility of our institutions with the student development responsibility; further, we need to

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integrate international student programs with the entire student affairs/student development effort. We need planned, structural programs designed to bring our foreign students together with our American students so that they can learn from each other as part of an integrated academic experience. And most important, we need to institutionalize the integration. ...foreign student offices must be willing to go beyond the mother hen role, concerned only for the visa, transportation and housing needs of their students and leaving the teaching and learning duties to the academic departments.\textsuperscript{46}

President Worthen tells us to "bring the world into the classroom." As he knows, we already have the world in our classroom, but we are looking the other way. Ball State had only 341 foreign students in 1990-91.

THE FOREIGN STUDENT ADVISERS

If Absence of Decision promotes any heros, it is the foreign student advisers. Though for scores and scores of my colleagues, I would add "amen," Goodwin and Nacht were too kind.

It is the general practice at U. S. colleges and universities to select foreign student advisers through a process I have come to call the "ZAP! You're a Foreign Student Adviser syndrome." When the incumbent foreign student adviser resigns, retires, or dies, it
is common for the dean of students to pop out of his or her office and ZAP! as foreign student adviser the first member of the counseling staff who happens to cross the dean's path. This is not an exaggeration. It is the way it is done.

It takes two years of hands-on experience in a first rank foreign student office to qualify as a professional to act as an assistant foreign student adviser under supervision. It takes eight to ten years to become fully capable of running a busy foreign student office with the appropriate knowledge of immigration issues, regulations, and procedures; cultural characteristics; foreign government needs for foreign exchange clearance and student draft deferments; State Department visa issuance procedures; nation-to-nation differences in educational systems; advocacy techniques; crisis counseling, and basic student informational needs.

Those of us in the field of education only occasionally see announcements of national or local searches for proficient foreign student advisers in the pages of the Chronicle of Higher Education, New York Times, or other major metropolitan newspapers. Yet Open Doors reports foreign student enrollment at 2,881 accredited institutions of higher education in the United States. Those at non-accredited institutions are not reported and those at English language schools are reported separately. More than two hundred colleges and universities nationwide reported foreign student populations of 500 or more.

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For my 1988 survey of all schools in New Jersey, New York, Pennsylvania, Puerto Rico, and West Virginia, responses were tabulated from 56-percent of the 402 surveyed schools and from 87-percent of the schools reported by NAFSA as enrolling 200 or more foreign students. The survey revealed that "approximately 35,000 foreign students in the [survey area], if the present adviser retires or leaves, will get cross-cultural and immigration advisement from someone with no relevant experience in the field (at 64.9-percent of all schools, 75.3-percent of schools with 0 to 49 foreign students, 73.7-percent of those with 50 to 99, 58.2-percent of those with 100 to 249, 40-percent of those with 250 to 999, and 20-percent of those with more than 1,000)." In other words, there had been no search for an experienced professional when the incumbent was hired and none was contemplated should the incumbent leave.

An untrained foreign student adviser can and will wreck young lives. Failure to understand visa regulations and requirements will result, and does result, in students being stranded during trips outside the United States and refused permission to return, their educational programs terminated and their career hopes dashed. Though chances for correcting advisement errors exist when the student is within the United States, equivalent damage is done, often. There is no reason to suspect that things are any better, or worse, in the states which were not included in the survey.
It is appalling that a college or university would assist students in entering the United States to engage in studies under an F-1 program the rules of which the president of the institution has guaranteed to INS are understood and will be followed and then respond in such a way to the students after they arrive.

Once appointed, it is both amazing and gratifying to watch new foreign student advisers scramble, study, consult, and read to master all of the fine points of the profession. It is difficult to fault the ethics of these individuals, who know that the dean will ZAP! another, equally unqualified, person should they fail to leap into the cauldron. Networks have been established throughout the U. S. through which neophytes are assisted every step of the way. NAFSA has a national network and local NAFSAans extend it, either through the local NAFSA structure or informally. Intensive training sessions are offered regularly at national and regional conferences and in "traveling road shows." Unfortunately, it is not enough and it never will be enough so long as the sheer volume of inexperienced appointees continues at the present high rate.

With many of my colleagues, I have long urged that we, as professionals and as a profession, cry out at this abuse; that we forthrightly label the deans' ZAPing behavior for what it is: shameful, incompetent, and unethical. What would professionals in the law, or medicine, or teaching do in a similar situation? Precisely what we have not done. Can we imagine a situation in
which realtors are appointed chiefs of surgery, bartenders to the
bench, or elementary school dropouts to teaching posts? We
certainly have managed for some time to imagine the equivalent when
foreigners are the victims, and to coexist with the reality.

With grace and devotion and long, long hours of work, hundreds of
foreign student advisers have learned. They have become
professionals through trial by fire and, because they have survived
the trial, they should be among the most admired of professionals.

THE STATE AND LOCAL LEGISLATORS

The state and local legislators are the great untested factor in
international education. In general, they know or understand
almost nothing about the presence of foreign students in their
public and private institutions, their effect upon the education
provided, or the costs of educating them.

Since one would normally expect such information to flow, if it
flowed at all, to the state capital from senior university
administrators, this is not too surprising. Administrators simply
have not mastered the facts themselves.

Goodwin and Nacht, however, discovered far deeper causes for lack
of university communication with the legislatures on this aspect of
international education. In the three large states in which their
study was conducted, they found an atmosphere of distrust of the legislature among university administrators.

Indeed, "[e]ven legislators with the best will, it was claimed, were conditioned not to understand the issues. For example, they were likely to think of higher education as a relatively simple and homogeneous service to be provided to their constituents, like health care or good roads. Provision of this service to foreigners seemed simply wrong and necessarily at the expense of domestic consumers."  

Faculty and administrators at public institutions told Goodwin and Nacht that "legislators could never be persuaded to master the complexities and subtleties of the subject of foreign students."  

How odd this is. Is it not safe to assume that these legislators are graduates of the same schools whose administrators regard them as ineducable? The authors, however, also went to the state capitals and spoke to the legislators and their senior staff members, where they were told precisely the opposite.

It must be kept in mind that Goodwin and Nacht labored mightily and mostly in vain to find faculty or administrators who had made even the first step toward mastering "the complexities and subtleties of foreign students" themselves. When they did locate "sophisticated old hands" on various campuses and asked them about the receptivity of the state and local legislators, the old hands "argued,
persuasively to us, that these groups could indeed understand costs and benefits perfectly well and were in fact anxious to do so. The greatest danger came in denying them a full explanation and in leaving the subject to arise suddenly, without warning, and without background for intelligent decision."\(^{50}\)

In governor's offices, where bills from the legislature must go for signature, Goodwin and Nacht found strong interest and strong support for the education of foreign students, but cited little knowledge of the issues.

All of us have seen, either in public opinion or in the legislatures, such sudden responses to emerging events. These can redound to the disadvantage of foreign students, such as the Iran hostage crisis or various terrorist activities, or to their advantage, as with the massacre in Tiananmen Square. The responses can be in much smaller scale. In fact, most foreign student adviser contact with Federal, state, or local legislators emanates from constituent services: Why didn't Mrs. Antonovic's Croatian nephew get a visa? Why can't Mr. Chen hire this undocumented student to work in his shop? Why is Juan having trouble getting admitted to your school?

Goodwin and Nacht did not investigate the impact of foreign students on local economies. There is no evidence that it is generally known in the New York legislature that a third of a
billion dollars is being pumped into the state's economy by foreign students. Or that students who return to their home countries and go into business are likely to look on familiar turf for American business contacts?

III. THE FORGOTTEN STUDENTS

For the foreign student adviser, laboring in an obscure corner of the university, it can be very difficult to follow President Worthen's advice to relinquish the mother hen role.

Without influence on policy, undertrained and understaffed, buried in absurd piles of immigration paperwork, the foreign student advisers come face-to-face with the students. Barred from contributing to the making of policy where there is none, playing mother hen is often the only role available to us.

We see the ravages of culture shock, lack of comprehension of the workings of an alien school system, and scant social opportunities. We see manifestations of hostility from college offices responsible for serving them and their domestic counterparts.

Worse, we see malnutrition. We see Haitian students whose skin has become translucent from lack of food. We see Chinese students faint because they exist largely on a diet of rice and then try to keep their stomachs filled with water all day to fend off hunger.
pangs. We see students who must try to earn passing grades when they cannot afford to buy books, or while living in apartments with four persons to a room, including small children (but with access to school premises denied for study on weekends or holidays). We have no budgets for grants or loans. Even during periods of budget cuts, though, we see vast arrays of food laid out for parties and receptions, purchased with either institutional or student activities money. Our colleagues are not callous to hunger among students. They are unaware of it.

According to laws and regulations, all F-1 students must run a triplet gauntlet to prove the ability to finance their studies. From the accounts of colleagues and students, no school is tougher in testing this ability than mine, after which students must also pass the scrutiny of American consuls abroad and INS inspectors at the ports of entry. This does nothing to insulate the students against death of the family wage earner, vicious inflation in Brazil, currency devaluation in Trinidad and Tobago, devastation by storms in Bangladesh and Montserrat, mail strikes, civil disorders, or any of the other vulnerabilities of economic lifelines stretched out over thousands of miles.

We see medical excuses to explain non-attendance due to depression, peptic ulcers, lower back pain, colitis, chronic gastritis, anxiety, and other stress-related ailments induced by taking too many credits and having too little recreation or social life.
We see real issues concerning the appropriateness of the educations we are providing to the foreign milieus in which those educations will be applied. While we grant that the justification for important adjustments to the curriculum for only a segment of the population is arguable, we also know that an overwhelming case at least can be made for some small adjustments, but we can get neither on the table for discussion.

In some schools we see foreign students denied at the most basic levels of providing a sound education. Some schools accept students with a minimum Test of English as a Second Language (TOEFL) score that would alert any competent ESL administrator to an imminent demand for developmental English, for which the school fails to provide sufficient seats, while at the same time making developmental English prerequisite to most college courses. One school replied to a questionnaire I sent recently that foreign students are barred from developmental English courses on the assumption that a TOEFL score of 500 "indicates that ESL is not needed." It is an assumption without an ounce of validity. Students in need of help with English who are accepted to colleges unable or unwilling to fill that need have been cheated.

Through it all, the students persevere. They are better students than their American peers and make greater demands upon themselves and set higher educational goals. Solomon and Young documented this\textsuperscript{51} and foreign student advisers see it every term. I have
noted with interest that undocumented students are as likely to achieve perfect grade point averages or make the dean's list as the so-called "legal" foreign students, and that all foreign students take a share of academic honors far greater than their percentage of the student body.

We see universities across the land appointing committees to internationalize the curriculum, create "global villages," and make students more aware of the world. But we do not see any recognition of the multitude of cultures in our own midst. It is assumed that foreign students teach Americans. They do not. They hang out in their own parts of the cafeteria, speaking Bengali, or Japanese, or Greek, and wondering why it is so difficult to make friends with Americans. As President Worthen points out, for that learning to take place, requires an effort on the part of student services and faculty working in tandem. It also takes knowledge of who the foreign students are and where they are, which simply does not exist on most campuses.

Foreign student advisers see faculty and administration showing up in droves functions related to foreign study by American students. Clearly, this aspect of international education has a sex appeal lacking in the foreign flow into the U. S. This has been an aspect of foreign student adviser perception for all of my fourteen years in the field. Yet, by any analysis, more than a third of a million foreign students represents an international education success and
70,000\textsuperscript{52} Americans abroad represents a failure, particularly since foreign students come in large numbers from all parts of the globe and study here for several years, while Americans study almost exclusively in Western Europe for one semester or one summer only. This is a failure Congress has seen fit to address, massively, through the National Security Education Act of 1991, the biggest Federal program in higher education in a third of a century.\textsuperscript{53}

We see constricting budgets in the current recession as raising genuine arguments for restricting foreign admissions when there is a shortage of seats for local students in a public institution. In fact, Goodwin and Nacht found that only foreign student advisers among all professionals in the universities they studied were willing to entertain either this idea or the levying of surcharges to support enhanced foreign student services.\textsuperscript{54}

We fear that when contractions come they will be based upon the same reactive impulses and lack of facts from the administration that administrators ascribe to legislators. A recent telephone call to CUNY from a large public institution in California confirms this fear. Instead of restricting foreign student enrollment, the college simply closed the foreign student office. There was no institutional plan when there were sufficient funds and there was no plan when the funds were no longer there.
Congress has paid no attention. The Immigration Reform and Control Act of 1986 had a positive effect only upon those students who had no lawful status and could qualify for amnesty. From immigration reform also came Temporary Protected Status, which is not based upon educational needs and provides only minimal and short-term relief to a small number of students from a handful of countries.

INS has responded to the Congressional mandate for a new F-1 jobs program by drastically curtailing work opportunities for students in the face of an INS-commissioned study (also mandated by Congress) showing the restriction to be entirely unnecessary.

We hear the sounds of nativism being bruited about the land\textsuperscript{55}--at the level of a murmur today--while a serious recession persists. We fear a backlash against students who are not in lawful status, though the government demonstrably lacks the means or the will to make them go home, and against the students in lawful status who end up with permanent resident status instead of going home. Yet, the Congress has created the laws enabling U. S. industry to entice the students to stay. Neither Congress nor any other source has investigated fully the reasons for failure to return, nor moved to supply information about professional needs and job availability back home that might increase the rate of return.

Our city councils and state legislators have been omitted from the debate by our own colleges and universities.
Between them, the institutions involved in educating foreign students, creating the programs in which they study, monitoring their immigration status, or utilizing for domestic students the world view they offer, have threatened by inattention to turn success into failure. A shrinking economy which, ironically, makes their contributions particularly valuable, threatens to turn failure into a debacle.

IV. THE COMPETITION

They keep coming. In the face of Congressional indifference, INS interference, university inaction, local legislative ignorance, poor services, and often inappropriate education, the foreign student population in the United States keeps creeping upward. Do we not have every reason to believe that, despite our abdication of responsibility, foreign students will continue to grace our campuses and pump up our economies in ever increasing numbers?

We have, in fact, long been excessively optimistic on this account. In 1982, the American Council on Education projected 1,000,000 foreign students in the U. S. by 1990. In 1985, Sirowy and Inkeles predicted 698,000 by 1991. It seems impressive that the numbers of foreign students in the U. S. increased mightily from 34,232 in 1954-55 to 432,962 by most recent count. But the fact is that the rate of annual increase slowed after 1983 and has, since that time, increased by more than 3-percent only twice.
It started happening only a few years ago. Those of us who attend NAFSA conferences started seeing increasing numbers of representatives from foreign universities. Particularly at the national conferences, there have been more and more booths promoting colleges and universities in Australia, Canada, Japan, and Western Europe. Because of a perception that foreign students bring money to the economy, cement relationships that may someday lead to trade arrangements, and that foreign students return home with friendly attitudes toward their hosts, foreign universities and governments want foreign students. The Japanese government has set a goal of 100,000 foreign students by the year 2000.  

In many countries, educators are accustomed to higher percentages of foreign students in their public and private universities. Overall, 2.8-percent of students in U. S. institutions are foreign. In France, it is 9.3-percent; Germany, 5.3-percent, and the United Kingdom, 5.5-percent.  

Though the foreign educators we meet at our conferences are looking for American students, they are not unaware that Americans can be recruited only for a semester, or a summer, or a year, at best. Other markets send students for longer periods and are now sending them principally to the U. S.  

The European Common Market, as a by-product, is making things easier for foreign students. On the most elementary level, the
eradication of many immigration restrictions within Western Europe eases arrangements considerably. The United Kingdom, Germany, France, Greece, and Spain were all among the top thirty countries sending students to the U. S. in 1991.\textsuperscript{60} Cooperation in systems of equating educational credentials will ease the path further for European study by Europeans.

Outside the Common Market, we have the new or newly-democratic countries of Bulgaria, Czechoslovakia, Hungary, Poland, Romania, Russia, and Ukraine yearning for international friends and international business, to whom California's 400 billion dollars in income from foreign student living expenses is likely also to be attractive. These countries have universities of recognized excellence. Foreign students are not something new in Eastern Europe. In 1987, the U.S.S.R. was the third largest host country for foreign students, with 105,800, and Czechoslovakia was twenty-third, with 4,803.\textsuperscript{61}

In order to compete, of course, foreign countries must plan, as we in the United States never have. Organizations counterpart to NAFSA are being formed in many parts of the world. Information on foreign student services is scant, but it is interesting to note that the University of Leuven in Belgium has eight foreign student advisers,\textsuperscript{62} an unheard-of number at a U. S. university, regardless of foreign student enrollment.
As the competition intensifies, can the U. S., or the leading states of California, New York, Texas, and Massachusetts keep their share of the international pool of foreign students? Not if the foreign competition plans and formulates policies, as we have not.

V. PRESCRIPTIONS.

Goodwin and Nacht believe that "for U. S. institutions to perform better on issues concerning foreign students would require fundamental reform. The innate conservatism of higher education compounds the problem. The very concept of a coherent strategy towards foreign students flies in the face of the relative autonomy of departments and schools that has been institutionalized in recent years."

They cite one "cynical observer" of the national scene as saying it would take 30- to 40-percent foreign students in a department or 10- to 15-percent in an institution overall to elicit a responsible, organized approach. Though I reject the label of cynic for myself, I can attest that there are scores of institutions in just four Eastern states with 10- to 30-percent foreign student enrollment and no policies whatever.

If we want responsible policies, it is time now, after more than forty years, to give up on the idea that universities and colleges will foster reform in this direction. This is not to say that we
should give up on our presidents and deans. Through our institutional leaders we must continue the painfully long process of improving the situation one department or one institution at a time.

Neither do I think it appropriate to look entirely to NAFSA for this kind of massive reform, simply because NAFSA would need to be leading where the universities are unwilling to follow.

We need to look for support wherever it can be found and piece together an offensive against indifference.

The infantry must consist of FOREIGN STUDENT ADVISERS, who must set new priorities, the first and most pressing of which must be: to advocate for foreign students and rational foreign student educational policies on-campus. Advocacy is a commonly-accepted professional role, but it must be made the principal activity. We can help larger numbers of students more effectively working to add members to the support team than we could possibly help struggling alone in isolation throughout our careers. This can be done in a number of ways:

1. Participate more fully in NAFSA: Not just as consumers of the professional assistance we need, but in volunteering and kibitzing and leading.
2. Write to INS with complaints--particularly during the public comment periods preceding the publication of new regulations.

3. Tell the story to our own administrators and faculty. Use a newsletter, if possible.

4. If we have been denied freedom of expression and the right to bitch during our careers, let blast upon retirement for the benefit of those to come, particularly if there is a danger that we will be replaced by a neophyte after years of learning the ropes.

5. Concentrate more on assembling facts within our own offices. Be ready to say who our students are, to attest to the quality of their scholarship, and the quantity and severity of their disadvantages and their suffering.

6. Keep a well-organized file of the writings and studies of others in the field, especially pertinent articles from NAFSA publications, to use as ammunition when retrenchment threatens at the gates.

7. See if we can get the press interested in our students. As we know, they are a source of great copy. They are interesting people.
The leaders of the troops are the leaders of NAFSA. At the national level, NAFSA's efforts have been remarkable in recent years. The Code of Ethics was a major step toward giving foreign student advisers the underpinnings professionals require. The NAFSA Government Regulations Advisory Committee (CRAC) has done yeoman service in recent years by concentrating to the maximum extent on deregulation in its meetings with INS. There has also been greater effort to encourage foreign student advisers to write to INS when poisonous regulations loom.

The most important failing of NAFSA, I believe, is in not reaching out to other professionals in education—particularly not to the professional organizations with which deans and student activities personnel affiliate. It is this failure, more than any other, that allows the constant appointment of neophytes to positions of great responsibility to overwhelm all professional training programs for foreign student advisers.

I believe that the steely resistance shown by INS to NAFSA attempts at deregulation and the failure of the universities to lend clout to these attempts, which is going to continue, give rise to the need for a new approach: encourage Congress to relieve INS of responsibilities and transfer them to the Department of Education, which can be given a mandate to act.
as a promoter and fostering agency for international education. At the same time, USIA should be relieved of most of the J-1 paperwork with which it has overextended its staffing capacities. The J-1 program should be reserved for the USIA and its contractees. There should be no J-1 students for whom schools, rather than USIA or its contractees, have INS- or USIA-related paperwork responsibilities. In fact, most J-1 students are issued Form IAP-66 by universities because the two-year home stay requirement often attached to J-1 status can ease passport, foreign scholarship, and visa issuance. There is no reason why the two-year home stay requirement could not be permitted by regulation for certain F-1 students. Similarly, college-sponsored J-1 scholars can be assigned the proposed H-1(c) status championed by NAFSA.

NAFSA could also approach INS and/or Congress for a desperately-needed new program--a special form of Temporary Protected Status--which could be triggered by the Attorney General for the benefit of students only, in the face of situations as dire as those now encompassed by TPS, or for more transitory ones such as mail strikes, earthquakes, floods, sudden currency devaluations, etc. This program could provide short-term amnesty for necessary violations of F-1 regulations, such as studying part-time, missing a term, or working to eat until the flow of family money resumes.
It is REGIONAL NAFSA, more than national, that most of us in the profession call home. NAFSA is divided into eleven districts across the United States. It is at the regional level that we all know one another on a personal level and at which we can function best at a concerted and cooperative level. It is the Regional level of NAFSA, I believe, at which an entirely new initiative must be undertaken, with support and encouragement from NAFSA central in Washington. Since it is pretty well established that our schools will not reach out to our state, county, and municipal legislators, it is time for us to put together the facts and start speaking to these legislators in person and presenting them with written materials. They are more than capable of understanding the value of foreign students in our schools and will be particularly interested in the huge economic impact they have on our states and localities. Ignorance at the legislative level is a great danger to foreign students. We have seen symptoms of this in the past and continued recession or future international events may bring on a crisis. The groundwork for legislative support must begin now. We already have a prestigious professional organization through which to speak.

Funding from state, county, and city legislators for special foreign student programs should be sought. Metro-International, a New York organization dedicated to orientation services, community visits, and the city and
countryside as classroom, is an extraordinarily cost-effective means of providing exciting and needed services. It is also cash starved and ought to be able to look to local government, for which its services mean so much, for support.

Where the economic benefits to the community of foreign student expenditures can be brought home to the legislature, the legislature could become the agency which finally pushes the colleges to devise strategies and services to maintain an economic resource. Though the annual expenditures by students published in *Open Doors* should be of great interest to local legislators, we are not sufficiently armed with convincing information on the costs of educating foreign students. The information in the Dresch study is now dated, and however valid his "differential incidence analysis" may be in economic terms, it is likely to be seen as begging the question. Legislators are likely to want to see actual proportional costs, which could be assembled for a representative sample of institutions within each region. We should also seek help from economists and management specialists in our institutions to make our report on costs and economic benefits as accurate and thorough as we can manage.

The Institute of International Education could improve and make more useful its data collection for *Open Doors*. The data collection form should differentiate clearly between funds
from the U. S. and funds from abroad. An effort should be made to capture data on student expenditures on F-2 dependents. The odd assumption that students spend in local economies only nine months out of a year should be corrected by an actual periodic survey, similar to the solid work on determining monthly expenditures. Data should be incorporated, where possible, to show cause and effect. For example, what is the effect upon enrollments of sizeable tuition increases? Tuition payments are not measured at all in Open Doors, yet they must account for a huge dose of foreign funds imported into our communities.

The data collection form should make it clear that undocumented aliens are to be counted as foreign students and their numbers should be tabulated separately. Specific data has been sought only on F, J, and M statuses in years past. Yet 9.5-percent of foreign students are reported by schools as holding "other" statuses, compared to .1-percent for M-1. Who are these others? What statuses do they hold? It seems evident that they are far more significant a factor in foreign student education than the M-1 students.

It is past time for IIE to start using accurate terminology under the law and stop referring to those irrelevancies: visas. It is an embarrassment when professionals in the field use the confusing and misleading term "visa status."
It is time for foreign student advisers to be included as consultants and editors for scholarly works in the field, whether conducted by the American Council on Education, the Institute for International Education, the Institute for Higher Education Law and Governance, or any other sponsoring organization. The insights by Dresch or by Goodwin and Nacht that could have been enhanced by foreign student adviser oversight were very few, but they were there. Solmon's and Young's work would have been enriched considerably by some foreign student adviser suggestions.

Institutional studies must be encouraged and, whenever possible, carried out. I disagree with the recommendations of Goodwin and Nacht, other writers in the field, and many NAFSA's, that campus self-study is the best approach. The cold, hard fact is that the colleges and universities most in need of reform are those least likely to have anyone with the proper competence be named to a self-study committee. When an able professional is available, it is likely to be the foreign student adviser, whose conclusions would appear self-serving. Outside consultants are needed, working alone or, preferably, alongside a campus-based self-study committee. The NAFSA Field Service provides these consultants when asked. However, NAFSA should not be contacted for such assistance unless the order for a consultant comes from the president, or unless all of the most important divisions of the college are consulted.
in advance—president, dean of students, dean of faculty, admissions, registrar, financial aid, business office, and foreign student office. A dean of students at a large Eastern university lost his job because of his failure to establish networks in advance before inviting a NAFSA consultant to investigate institutional responses to foreign students.

... It is time for thorough study of the issue of return of students and scholars. It is not only important to know how many students return to their home countries, but why. It is important to know why others remain in the U.S. How many students are staying unlawfully? How many are staying with permanent residency gained through spouses or other relatives? How many remain because of sponsorship by a U.S. employer? In evaluating these push and pull factors, a cold-eyed look needs to be taken at the degree to which immigration law may encourage and invite students to stay here. Is it true today, as I remember reading in a very old study, that the lack of jobs in home countries is not as serious a deterrent to the return of students as lack of knowledge of the job market in the home country and doubts about landing whatever jobs exist? Does the U.S. Department of Commerce or State Department have information on the foreign job market which might be shared with college placement offices? Would it be cost-effective for the Federal government to create a project for feeding such information to the placement offices for the

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benefit of foreign and domestic students? If so, placement offices might become one less location on campus in which foreign students get the cold shoulder.

Finally, all professionals in the field: presidents, deans, faculty, members of the educational press, and attorneys in immigration practice must look in on their local foreign student advisers. To act or write in the area of foreign student affairs without reference to the profession charged with understanding the students and their needs is to act or write in a vacuum. Foreign student advisers ought to be understood, and consulted, and supported, and criticized.

2. Title 8, Code of Federal Regulations (1991) specifically discusses full-time attendance at post-secondary educational institutions by unmarried sons or daughters of diplomats in A-1 and A-2 statuses. 8 CFR 248.1(c) specifically countenances school attendance, for at least a limited period of time, by any alien in any status for which there is eligibility for a change to F-1.


5. These and most other figures on foreign student expenditures in the U. S. to follow, are taken from Open Doors, 1990/91. This annual publication of the Institute of International Education is the standard reference for population and enrollment statistics on foreign students in the U. S. There are serious deficiencies in some of the data, which are used here in the absence of better figures. Though the questionnaire on which Open Doors data are based is collected from virtually every institution of higher education, IIE bases its annual student expenditures estimate on the entirely erroneous assumption that they take place only during a nine-
month academic year. In fact, a very substantial number of foreign students remain year round. At the writer's college, more than half of the foreign students enroll for the summer term. Of those students who do return to their home countries in summer, a further substantial number maintain apartments and utility services during their absence.

6. UNESCO Statistical Yearbook, 1990. Figure quoted is for 1987.


10. Ibid, 16.


12. Ibid. 91.


23. The reference is to a character played by the late comedian Gilda Radner on the NBC program "Saturday Night Live." As a news commentator, it was Ms. Litella's habit to rail against such public matters as the effort to save "endangered feces" when reminded by Jane Curtin that she had a key word wrong, Ms. Litella invariably ended her commentary with a sweetly expressed "never mind."


33. Ibid. 7

34. Ibid. 8

35. Ibid. 8

36. Ibid. 30.

37. Ibid. 30.


45. Ibid. 19.


49. Ibid. 6-7.

50. Ibid. 27.


60. Ibid. 23.

61. Ibid. 8.
