Immigration US and Abroad: Perspectives for Study Abroad

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“We live in a time of unprecedented international movement, despite the inherent tensions…. Emigrants no longer look only to neighboring states for better opportunities or greater freedom;…tourism to even the most remote areas of the world has become almost commonplace;… refugees and displaced persons outside their own countries are numbered in the millions.” (Hannum, 1987)

“Tertiary students from sub-Saharan Africa are the most mobile in the world… China sends the greatest number of students abroad… At the other end of the scale only one out of every 250 North American students (0.4 percent) studies overseas, making this group the least mobile.” (UNESCO Media Services, 2006)

“New ACA study on perception of European Higher Education”…”aim was to establish if and how it would be possible to market European higher education.” (DAAD NEWS, 2006)

“In late 2005, the U.S. Senate, by unanimous vote, declared 2006 as the “Year of Study Abroad.” “This resolution (...) boosts the visibility of study abroad in the United States and sets the stage for further action on the national level to expand study abroad opportunities. Let us all heed the call to open wide the doors of global understanding through promoting and expanding international educational exchange opportunities.” (Commission on the Abraham Lincoln Study Abroad Fellowship Program (The Lincoln Commission), 2006)

As the nations and economies of the world become more interwoven so do the people of the world become more aware of the possibilities for products, cultures and travel. Mobility of students and scholars has perhaps never been more of an option now than in the history of the modern world. Yet this mobility is often based on some very basic principles that have not only guided but also affected, restricted or even “controlled” such mobility. For all the interest in moving between nations, regions of the world and academic programs outside the traditional internal borders is now facing the realities of how nations monitor entry and exit from their “political” boundaries. Although the offices responsible for such “controls” are often buried in the language of departments of state, immigration, homeland security, federal police agencies, etc. they all commonly deal with the issues of immigration and border security under the broad rubric of “immigration”. Equally the rubric of study abroad which from a US centric viewpoint has often been defined as study outside the United States can now clearly involve a more global definition of study outside of ones home country as academic programs become global in not only content but also delivery. It is in the very narrow delivery mechanism of sending students, faculty and staff where we then cross the very specific lines of immigration processes and procedures and enter the world of passports, visas, residency permits, registration, etc.. Although more often than not these issues for many in the study abroad scene from a US perspective are increasingly new areas of developing expertise
whereas from the international student and scholar marketplace these are areas of a long and challenging history where specialized knowledge and expertise have continued to evolve.

Although in more recent times we appear to be faced today with the unique juxtaposition of two compelling processes on a global scale – increasing student and scholar mobility and strengthening the national security interests of nations – these are not so recent nor unique when viewed in a historical perspective. Salter (2003) points out that there has been an ongoing conflict between “two opposing motivations” for nations when dealing with the mobility of people. The motivations being: “to facilitate trade and international intercourse by opening borders and allowing travel; and to protect especially after September 11, 2001, (from) terrorist attacks – the state, society, and economy by closing borders and restricting travel.” The opportunity to teach students and to learn more about national, regional and economic issues in study abroad have never been more timely.

For instance just taking the definition of immigration arising from as early as 1623 according to Websters Ninth New Collegiate Dictionary the word “immigrate” comes from the Latin word “immigrates”, “pp. of immigrare to remove or go in, fr. in + migrare to migrate”. Migrate meaning to “move from one country, place or locality to another”. Immigration is commonly defined as migration into a place (especially migration to a country of which you are not a native in order to settle there) The American Heritage® Dictionary of the English Language, Fourth Edition. It is within this context of these definitions that scholar and student mobility takes place. Clearly not everyone has immigrant intent therefore in many immigration services the concept of non immigrant intent has evolved within their processing mechanisms. Intent also is framed by the geopolitical, economic, professional and personal reasons for each separate “migratory” event whether it be for one individual or groups of individuals. It is within this complex context of differing purposes or intent that similarly complex procedures for crossing from one nation to another have evolved.

The history of the passport which today is central to most travel around the world is equally rich. According to the Canadian Passport Agency (2006) “One of the earliest references to passports was made in about 450 B.C. Nehemiah, an official serving King Artaxerxes of ancient Persia, asked permission to travel to Judah. The King agreed and gave Nehemiah a letter "to the governors of the province beyond the river" requesting safe passage for him as he travelled through their lands.” Groebner (2001) reports that by the end of the sixteenth century a “form of passport or official laissez-passer” had evolved as a the commonly accepted “safe conduct” document for diplomats, couriers and merchants of the time. However apparently in Europe by 1914 virtually all passport requirements had been eliminated (Canadian Passport Agency, 2006). Yet at the outset of World War I these passport controls begin to reappear. In 1915 via executive order the US required “all persons leaving the United States for a foreign country to have a passport visaed by American officials before departure” as most “destination countries had begun to require such documents by then (Torpey, 2001). In the US the laws and development of immigration controls have similarly rich history according to the Smith (1998) from the US Citizenship and Immigration Service: “Americans encouraged relatively free and open immigration during the eighteenth and early nineteenth centuries, and did not question that policy until the late 1800s. After certain states passed immigration laws following the Civil War, the Supreme Court in 1875 declared that regulation of immigration is a Federal responsibility.” By 1918 a Presidential Proclamation requiring greater documentation resulted in Border Crossing Cards”. “Mass immigration resumed after the war, and Congress responded with a new immigration policy, the national origins quota system. Established by
Immigration Acts of 1921 and 1924, the system limited immigration by assigning each nationality a quota based on its representation in past United States census figures.”

Today’s immigration rules have their foundation in the US “Immigration and Nationality Act, or INA”, which came into being 1952. Again according to the US immigration service “The McCarran-Walter bill of 1952, Public Law No. 82-414, collected and codified many existing provisions and reorganized the structure of immigration law in the US. These have since been amended and continue to be modified in response to the many political and economic pressures that have historically affect immigration.

Controlling, modifying and adapting immigration procedures are not a unique process to any given nation. According to Salter (2003) there are five passport unions in existences: the Nordic Council (Sweden, Denmark, Norway, Iceland), the Gulf Cooperation Council (Saudi Arabia, Bahrain, United Arab Emirates, Kuwait, Oman, Qatar), the Economic Community of West African States (Benin, Burkina Faso, Cape Verde, Cote d’Ivoire, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Gambia and Togo), The East African Community (Kenya, Tanzania, Uganda) and the Schengen Agreement encompassing the European Union. The latter having its roots going as far back as 1951 with the Treaty of Paris, which set up the European Coal and Steel Community (ECSC) in 1951; the Treaties of Rome, which set up the European Economic Community (EEC) and the European Atomic Energy Community (Euratom) in 1957; the Single European Act (1986); the Treaty on European Union (Maastricht, 1992); the Treaty of Amsterdam (1997); and the Treaty of Nice (2001). As in the US the founding treaties that affected immigration have been amended over the years in particular when member states have been added: 1952 (founding nations: Belgium, France, West Germany, Italy, Luxembourg, The Netherlands), 1973 (Denmark, Ireland, United Kingdom), 1981 (Greece), 1986 (Spain, Portugal), 1995 (Austria, Finland, Sweden) and 2004 (the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. (EUROPA, no date)


Of particular importance are features of the various information systems now being implemented to both collect and share information on those entering and exiting the nations of the world. The Schengen Information System (SIS) is in use by 17 European countries (including Ireland and the UK) and collects demographic data on individuals (EUROPA, no date, 2). As with the Schengen information, in the 1990’s Australia developed an electronic visa processing system, similarly since 1995 the US has been moving towards what are now the US VISIT and SEVIS systems and other nations are expected to continue/begin to collect and coordinate information sharing on those individuals entering and exiting their nations. Information in all of the systems may include name, date of birth, citizenship, the class of visa held, date the visa was issued, date they entered the nation, visa expiry date, class of visa held, visa issuance information, etc. Entry into any nation most often begins with the passport followed by visas issued by
consulates or at the ports of entry accompanied by varying levels of security checks and identify verification. Departure from any given nation however is no longer the end of the information process as the data may lay dormant or be otherwise active in systems until the next point of contact between the individual and the systems involved. Issues such as export control, technology transfer and the WTO concerns over education as an economic activity are all expected to become part of the much broader debate that will also affect the process of visa issuance and study around the world.

More specifically there will be a greater likelihood that nations will be able to enforce rules and regulations that have been dormant such as the little known Schengen tourist visa rule that travelers must leave Schengen territory again after 90 days and stay away for at least 90 days (Embassy of Denmark, no date). If one does a basic web search on virtually any nations embassy/consular affairs web site one will find simple to complex explanations and procedures for who may or may not enter and the process used to monitor such movements.

It is with this abbreviated context and perspective in mind that all study abroad professionals must now work. Entry and departure to and from nations around the world for Americans or any foreign national is no longer an assured or passively monitored activity. Mobility is still possible but with conditions and restrictions, with passports, visas, security checks, registrations, economic conditions, etc. Resources for the global study abroad community related to immigration are readily available on many campuses in the form of the rich knowledge based within the international student and scholar services community. In the USA the NAFSA Education Abroad Knowledge Community as well as the many foreign consulates and their representatives in the US are continuing to review, add to and assist with the process. Resources available for the study abroad community on immigration, visa issues, and study abroad programs include:

- the NAFSA Practice Resources for the Knowledge Communities and Discussion Forums ([http://www.nafsa.org/knowledge_community_network.sec](http://www.nafsa.org/knowledge_community_network.sec)),
- NAFSA’s Education Abroad Forum on Foreign Visas for Ed Abroad,
- public listservs including SECUSS-L ([www.secussl.info](http://www.secussl.info)) and INTER-L ([http://groups.yahoo.com/group/inter-l/](http://groups.yahoo.com/group/inter-l/)), and

Other selected sampling of web resources for more information in immigration history and visas:

- US Citizenship and Immigration Services, Historical Articles. ([http://www.uscis.gov/graphics/aboutus/history/articles/arti.html](http://www.uscis.gov/graphics/aboutus/history/articles/arti.html))
- Embassies and consulates in the USA – ([www.embassy.org](http://www.embassy.org))
- Russian Visa Org: http://www.russianvisa.org/
- Chinese visa, passport, notarization and authentication: http://www.china-embassy.org/eng/hzqz/default.htm
- Destination USA. http://www.unitedstatesvisas.gov/
- Foreign Entry Requirements as published by the US Department of State: http://travel.state.gov/travel/tips/brochures/brochures_1229.html
- Association of American Colleges and University Programs in Italy (AACUPI) http://www.aacupi.org/
- Asociación de Programas Universitarios Norteamericanos en España (APUNE) http://www.apune.org/

References:


Commission on the Abraham Lincoln Study Abroad Fellowship Program (The Lincoln Commission) June 2006 http://www.yearofstudyabroad.org/


EUROPA (no date, 2) “Abolition of internal borders and creation of a single EU external frontier.”


http://www.uscis.gov/graphics/aboutus/history/articles/oview.htm


NAFSA Education Abroad Knowledge Community Practice Resource:

Visa Application Tips for Education Abroad Professionals Advising Program Participants

Advising students who will be participating in study abroad opportunities outside the United States about foreign immigration rules, regulations, and, in particular, visa application procedures has become more complicated over the last several years as nations around the world implement new and evolving procedures both through their consulates in the United States and post arrival in country. All these changes have and will result in programs needing to consider greater lead times and better understanding of these changing visa and immigration rules.

Historically U.S. institutions and programs have continued to work one on one with the foreign consulates serving their regions coming to mutually acceptable working procedures. Some institutions work on group program procedures and others work with individual students to facilitate their visa application process experience as much as possible. As national immigration rules and regulations become more uniform there is the potential for more uniformity in process and protocol. However, as systems evolve there may be challenges inherent in such changes for programs and their participants.

The practice information provided in these pages are designed to minimize the impact of meeting the challenges of ever changing rules and specific needs of particular consulates. None of the practice information is "fixed" or "specific" and should be considered "living" as each country specific consulate's student application requirements and processing procedures change. As new information and changes occur, we will adapt these guidelines as quickly as possible. Nevertheless, the best practice is to confirm all visa processing information with the appropriate consulate.

- Visa Application Tips: Rules of Thumb for Education Abroad Programs and Participants
- Visa Application Tips for Advising Individual Education Abroad Student Applicants
- Visa Application Tips for Education Abroad Advisers/Programs Preparing Student Applications

http://www.nafsa.org/knowledge_community_network.sec/education_abroad_1/education_abroad_2/practice_resources_12

Education Abroad Network Discussion Topic on Applying for Visas

Subscribers can join a new discussion topic about the student visa application process in the Connect with Your Colleagues discussion forum.

http://www.nafsa.org/knowledge_community_network.sec/education_abroad_1/education_abroad_2/new_discussion_topic

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