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## Universities as Vehicles for Immigrant Integration

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## UNIVERSITIES AS VEHICLES FOR IMMIGRANT INTEGRATION

*Kit Johnson\**

### ABSTRACT

*This Essay discusses how universities could play a productive role in helping potential future U.S. citizens feel a sense of belonging to the United States. This discussion is prompted by, and is offered as a reaction to, Chapter Four of Professor Ming Hsu Chen's forthcoming book, Constructing Citizenship for Noncitizens. In that chapter, Professor Chen focuses on the "blocked pathways to citizenship" experienced by international students, temporary workers, and DACA recipients in the United States. Professor Chen notes that these three groups of noncitizens share a common thread of status insecurity, and she explores how this challenges their integration into the United States. She concludes that the legal, social, economic, and political connections of these migrants can be strengthened if the federal government improves legal pathways to citizenship and focuses on immigrant integration.*

*This Essay begins with a summary of Professor Chen's argument. This Essay then suggests that, for the international-student segment of noncitizens Professor Chen discusses, American universities have the potential to serve as a "force multiplier" for the goals of immigrant integration that she identifies. In other words, U.S. universities can lay a foundation for integration that will abet Professor Chen's proposed policy realignments in helping migrants see themselves as future U.S. citizens.*

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\* Associate Professor at the University of Oklahoma College of Law. I am thankful to the *Fordham Urban Law Journal* for including me in the 2018 Cooper-Walsh Colloquium on Remodeling Sanctuary: Urban Immigration in a New Era. This Essay comes out of participating in that program. I also thank Professor Eric E. Johnson for his thoughtful feedback and insights on this work.

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## INTRODUCTION

I am very grateful to have been asked by the organizers of the *Fordham Urban Law Journal*'s 2018 Cooper-Walsh Colloquium to discuss a portion of Professor Ming Hsu Chen's forthcoming book, *Constructing Citizenship for Noncitizens*. This important book sets forth a lofty goal: creating and improving pathways to U.S. citizenship for noncitizens residing in the United States.<sup>1</sup> Notably, Professor Chen frames citizenship not just as a matter of law, but also as a matter of belonging, emphasizing the legal, social, economic, and political integration of noncitizens.<sup>2</sup> Her book draws on several years of on-the-ground field research and individual interviews.<sup>3</sup>

My comments in this Essay focus on Chapter Four, "Blocked Pathways to Citizenship." In this chapter, Professor Chen discusses the hurdles facing three distinct groups of noncitizens living in the United States: temporary workers in skilled positions working for American companies, recipients of Deferred Action for Childhood Arrivals (DACA) living in the United States for their entire adult lives and much of their childhood, and international students studying

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1. MING HSU CHEN, *CONSTRUCTING CITIZENSHIP FOR NONCITIZENS* (forthcoming 2019) (manuscript at Preface-1) (on file with author) ("[W]e should focus on an alternative vision for immigration policy that is premised on pathways to full citizenship, or how we can make it easier for noncitizens to adjust their status at each stage of the journey from newcomer to resident to citizen."); *id.* (manuscript at Introduction-6) ("This book builds a case for broadening and strengthening immigrants' pathways to citizenship, or the avenues to both formal citizenship status and substantive belonging as integrated members of society.").

2. *Id.* (manuscript at Introduction-7); *see also id.* (manuscript at Introduction-15) ("This book argues that American society needs to reconsider citizenship in a way that embeds integration in the federal government's mission toward immigrants."); *see also id.* (manuscript at Introduction-23) ("Ultimately, the book calls for a recalibration of the vision for citizenship laws in the U.S. that takes integration as its north star[.]").

3. *Id.* (manuscript at Introduction-17) (discussing the years of research put into understanding the experiences of citizenship).

at American universities. Professor Chen finds that these three groups all share a “quandary of citizenship insecurity.”<sup>4</sup> Each group has some level of authorization for their presence in the United States: there are skilled employees holding H-1B visas to work for U.S. businesses; there are DACA recipients that have been granted limited periods of deferred deportation coupled with work authorization; and there are international students holding F visas to pursue full-time degree studies. Yet the continued availability of these statuses can change as immigration law and policies shift,<sup>5</sup> rendering the “lived experience” of these workers, DACA recipients, and students “profoundly challenging.”<sup>6</sup>

Perhaps the most startling finding in Professor Chen’s research concerns the attitude of many international students and professional workers toward the prospect of eventual U.S. citizenship: deeply ambivalent. This presents a striking contrast to the perception of crisis on the southern border — that building a life in the United States is so powerfully attractive that a wall may be needed to keep people out.<sup>7</sup> Professor Chen notes that many international students and professional workers who have worked hard to secure the legal right to be present in the United States wind up feeling unsure about remaining.<sup>8</sup> Adding to the puzzle is the fact that the United States has historically and continually prioritized the immigration of skilled workers.<sup>9</sup>

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4. *Id.* (manuscript at 4-1).

5. *Id.* (manuscript at 4-6) (addressing “the travel ban, the Buy American Hire American executive order, H-1B caps, and caps on Chinese scientists” that might affect international students and technology workers); *id.* (manuscript at 1-20) (noting the 2017 recession of DACA).

6. *Id.* (manuscript at 4-10).

7. *Cf.* Margaret Taylor & Kit Johnson, “*Vast Hordes . . . Crowding in Upon Us*”: *The Executive Branch’s Response to Mass Migration and the Legacy of Chae Chan Ping*, 68 OKLA. L. REV. 185, 190 (2015) (discussing current fears of mass migration, including the surge of unaccompanied migrant children from Central America in 2014).

8. CHEN, *supra* note 1 (manuscript at 4-16) (finding that noncitizens see the decision of whether to remain in the United States as an issue of “administrative hassle, shifting policy, social status, and relative economic opportunities”); *id.* (manuscript at 4-20) (“Most prevalent in these temporary visa holders’ planning for the future are economic considerations that show no territorial loyalty”). Professor Chen acknowledges that this “transactional” mindset can change if noncitizens develop family ties in the United States. *Id.* (manuscript at 4-22).

9. *See, e.g.*, Kit Johnson, *A Citizenship Market*, 2018 U. ILL. L. REV. 969, 983 (2018) (noting U.S. immigration reform efforts have centered on attracting skilled workers); Kit Johnson, *Importing the Flawless Girl*, 12 NEV. L.J. 831, 841–42 (2012) (discussing the history of the H-1B visa for skilled workers); Kit Johnson, *Conflicting Messages on Legal Migration*, IMMIGRATIONPROF BLOG (Mar. 15, 2019),

This Essay focuses on international students' puzzling ambivalence about making a life in the United States. It begins by looking at the stressors that might lead international students, already present in the United States, to be lukewarm about the prospect of staying. It then considers how U.S. universities might take on a larger role to promote the integration of noncitizen students and thereby encourage those students to think about building a life stateside should the opportunity arise.

### I. INTERNATIONAL STUDENTS IN THE UNITED STATES: ANXIETIES AND POTENTIAL

Professor Chen notes that one factor causing international students not to unreservedly embrace staying in the United States is the immigration process itself. International students must secure a visa to study in the United States.<sup>10</sup> And to the extent they hope to secure a post-graduation work visa, they must find a U.S. employer willing to sponsor them.<sup>11</sup> These things take time. And noncitizens can get bogged down by the waiting periods involved in going from one visa category (an F visa for students) to another (an H-1B visa for skilled workers).<sup>12</sup>

Professor Chen notes another deterrent is the threat that political change poses to temporary visa status.<sup>13</sup> When President Donald Trump's travel ban was unveiled in 2017, many international students

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<https://lawprofessors.typepad.com/immigration/2019/03/conflicting-messages-on-legal-immigration.html> [<https://perma.cc/87P3-KFBN>] (discussing the Trump administration's desire for merit-based migration).

10. See *Student Process Steps: How to Navigate the U.S. Immigration System*, U.S. IMMIGR. & CUSTOMS ENFORCEMENT (Dec. 7, 2018), <https://www.ice.gov/sevis/students> [<https://perma.cc/MZ3N-ZDHN>] (advising international students about visas); 8 U.S.C. §§ 1101(a)(15)(F)(i), (J), (M)(i) (2018) (outlining the requirements for different types of international student visas).

11. CHEN, *supra* note 1 (manuscript at 4-12).

12. See, e.g., Stef W. Kight, *Thousands of Recent Grads Awaiting H-1B Visas Are Losing Their Jobs*, AXIOS (Oct. 1, 2018), <https://www.axios.com/international-students-immigrants-lose-jobs-h-1b-visas-d5cdbb6-1cf3-4374-8f19-c69506380e15.html> [<https://perma.cc/8LWE-HJAD>] ("Recent grads are allowed to remain in the U.S. if they've applied for H-B employment visas. But they are no longer allowed to work while their applications are pending, likely making it difficult to afford to stay."); see also Huo Jingnan, *U.S. Degree? Check. U.S. Work Visa? Still a Challenge*, NAT'L PUB. RADIO (July 10, 2018), <https://www.npr.org/sections/ed/2018/07/10/599219792/u-s-degree-check-u-s-work-visa-still-a-challenge> [<https://perma.cc/LG7A-2AXL>] (noting graduates who win one of the few H-1B visas granted by lottery cannot work for six months until the visa is actually in hand).

13. See *supra* note 5.

were stranded outside the United States and unable to come back to continue their studies.<sup>14</sup> In another example, Chinese graduate students studying aviation, robotics, and advanced manufacturing previously were eligible for five-year student visas in the United States but have recently been restricted to one-year visas.<sup>15</sup> Given this history, international students tend to worry that changes like these might affect their ability to finish their education.<sup>16</sup>

The mercurial nature of immigration policy is not the only concern weighing on international students. These students must focus on maintaining their current visa status.<sup>17</sup> For those with F visas, this means continuing their status as full-time students, taking a certain number of credits, and achieving a sufficient grade point average to be allowed to continue their university studies.<sup>18</sup> These concerns, as well, may be relevant to deep-seated ambivalence about remaining in the United States.

In addition, unexpected obstacles can threaten the legal status of international students. For example, students with unpaid or underpaid tuition might find themselves unable to enroll, thereby

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14. See, e.g., Elizabeth Redden, *Stranded and Stuck*, INSIDE HIGHER EDUC. (Jan. 30, 2017), <https://www.insidehighered.com/news/2017/01/30/students-and-scholars-are-stranded-after-trump-bars-travel-nationals-7-countries> [https://perma.cc/F76J-TDMK] (interviewing several international students from banned nations stranded outside the United States); see also Gillian Mohny, *Medical and Science Communities Could Take a Blow From Trump's Immigration Order*, ABC NEWS (Jan. 30, 2017), <https://abcnews.go.com/Health/trumps-executive-order-severely-impact-grad-students-scientists/story?id=45149636> [https://perma.cc/AQ6K-8MW9] (same).

15. See generally Jeffrey Mervis, *More Restrictive U.S. Policy on Chinese Graduate Student Visas Raises Alarm*, SCI. MAG. (June 11, 2018), <https://www.sciencemag.org/news/2018/06/more-restrictive-us-policy-chinese-graduate-student-visas-raises-alarm> [https://perma.cc/PF9S-PBZT].

16. Kit Johnson, *Opportunities & Anxieties: A Study of International Students in the Trump Era*, 22 LEWIS & CLARK L. REV. 413, 421–24, 434–35 (2018) [hereinafter Johnson, *Students*] (discussing the worldwide decrease in students interested in pursuing studies in the United States as well as the worries of international students already present in the United States about the ability to finish their education).

17. See, e.g., *Maintaining Visa Status*, U. S. CAL. OFFICE OF INT'L SERVS., <https://ois.usc.edu/students/maintainingstudentstatus/> [https://perma.cc/VN3Z-JUCW].

18. See *id.* (advising students about maintaining visa status). Universities are required to keep data on international students, which they do using a federal database called SEVIS (the Student and Exchange Visitor Information System). See 8 U.S.C. § 1372 (2018); U.S. IMMIGR. & CUSTOMS ENFORCEMENT, STUDENT EXCHANGE AND VISITOR PROGRAM (2018), <https://www.ice.gov/sevis> [https://perma.cc/9U8V-RULH]. SEVIS is the “definitive record of student or exchange visitor status and visa eligibility.” U.S. DEP'T OF STATE, FOREIGN AFFAIRS MANUAL, 9 FAM 402.5-4(B) (2019).

forfeiting their student status and rendering them noncompliant with their visa obligations.<sup>19</sup> What is more, owing to a recent policy change,<sup>20</sup> international students now accrue unlawful presence in the United States as soon as they are no longer pursuing their studies or as soon as they are engaging in an activity that is not authorized by their particular visa status.<sup>21</sup> This unlawful status, if discovered, can lead to bans from the United States lasting up to ten years.<sup>22</sup>

International students can also be swept up in immigration enforcement efforts — notwithstanding their having authorization to be present in the United States. For example, valid-visa-holding international students have been arrested and detained because they were unable to produce their passport and visa documentation when asked to do so by Border Patrol agents.<sup>23</sup>

Each of these stressors is compounded by anxieties about how international students are perceived by American students, American

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19. See, e.g., Jana Allen, *Multiple International Students Face Deportation Due to Enrollment Holds*, OU DAILY (Feb. 6, 2019), [http://www.oudaily.com/news/multiple-international-students-face-deportation-due-to-enrollment-holds/article\\_a0ca6004-2a52-11e9-9f0d-5733576274f6.html](http://www.oudaily.com/news/multiple-international-students-face-deportation-due-to-enrollment-holds/article_a0ca6004-2a52-11e9-9f0d-5733576274f6.html) [<https://perma.cc/7E6Y-FWKG>] (discussing such a situation at the University of Oklahoma).

20. POLICY MEMORANDUM FROM THE U.S. CITIZENSHIP & IMMIGR. SERVS. ON ACCRUAL OF UNLAWFUL PRESENCE AND F, J, & M NONIMMIGRANTS (Aug. 9, 2018), <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2018/2018-08-09-PM-602-1060.1-Accrual-of-Unlawful-Presence-and-F-J-and-M-Nonimmigrants.pdf> [<https://perma.cc/T6G5-PL2K>].

21. See *id.* An example of student no longer pursuing a course of study would be a student removed from a degree-seeking program for nonpayment of tuition. An example of a student engaging in activity authorized by their visa status would be an F-visa student engaging in full-time off-campus employment. The August 2018 change to unlawful presence is a dramatic departure from prior policy, where international students accrued unlawful presence only if they overstayed a specific departure date or were found by an immigration judge in a formal ruling that they violated their immigration status. See, e.g., Elizabeth Redden, *Violate Your Student Visa? You're Not Welcome Here.*, INSIDE HIGHER EDUC. (May 15, 2018), <https://www.insidehighered.com/news/2018/05/15/proposed-policy-presents-new-risks-international-students-accused-violating-terms> [<https://perma.cc/U9GZ-HJVE>].

22. Unlawful presence for more than 180 days and under a year may result in a three-year ban, while unlawful presence for over one year may result in a ten-year ban. See 8 U.S.C. § 1182(a)(9)(B)(i) (2018).

23. See, e.g., Colin Woodard, *Far From Border, U.S. Detains Foreign Students*, CHRON. HIGHER EDUC. (Jan. 9, 2011), <https://www.chronicle.com/article/Far-From-Canada-Aggressive/125880> [<https://perma.cc/PUD2-Z7HL>] (discussing several instances of such arrests, including the three-week detention of a Chinese national who then dropped out of school and left the country).

employers, and their American communities.<sup>24</sup> Moreover, many international students have worries about the United States that have nothing to do with their immigration status, such as fears about the prevalence of gun violence in this country.<sup>25</sup>

Despite these myriad concerns, international students are uniquely positioned to someday achieve U.S. citizenship.<sup>26</sup> That is because international students holding F visas may be able to obtain post-graduation work in the United States, most commonly under the H-1B visa program for skilled workers.<sup>27</sup> Achievement of this status is dependent on an international student connecting with an American

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24. Johnson, *Students*, *supra* note 16, at 434–38 (finding, in interviews with international students, concerns about “what my classmates think,” “[w]hat if I cannot get a job here,” and people who “tell me to get out of this country”).

25. Johnson, *Students*, *supra* note 16, at 438 (documenting the results of interviews with international students where gun ownership and gun violence were of frequent concern). *See generally Parkland Anniversary: Students Around the World on US School Shootings and Their Own Fears*, BBC (Feb. 12, 2019), <https://www.bbc.com/news/av/world-us-canada-47203686/parkland-anniversary-students-around-the-world-on-us-school-shootings-and-their-own-fears>. [<https://perma.cc/PAH9-8P7K>].

26. *See* CHEN, *supra* note 1 (manuscript at 4-4, 4-24, fig. 2-1 at 2-15) (diagramming this path). Beyond the someday possibility of citizenship, international students’ anxieties about studying in the United States are counterbalanced against the tremendous opportunities these students see in pursuing their studies stateside. *See* Johnson, *Students*, *supra* note 16, at 427–30 (summarizing interviews with international students who emphasized a wide range of opportunities opened up by their studies in the U.S. including, among others, quality education, increased opportunities for advancement in their home nations, seeing America first hand, and professional development); Johnson, *Students*, *supra* note 16, at 439 (“Perhaps the most salient takeaway from my interviews is the level of optimism international students have about studying in the United States.”).

27. *See* CHEN, *supra* note 1 (manuscript at 4-5). Without question, this is only one of the post-graduation visas that an international student might pursue. Canadian students, for example, might prefer to seek out a TN visa for “business activities at a professional level.” 8 C.F.R. § 214.6 (2019) (discussing the visa’s requirements); *see also* Johnson, *Students*, *supra* note 16, at 436. TN visas have significant procedural advantages over an H-1B visa. *See, e.g.*, AUSTIN T. FRAGOMEN ET AL., IMMIGRATION PROCEDURES HANDBOOK § 6.5 (Dec. 2018) (discussing an expedited admission procedure, unlimited duration of stay, and lack of numerical ceiling). However, TN visa holders are not entitled to have “dual intent” which is the intent to both remain in their current visa status but also to obtain lawful permanent resident status in the future, should the opportunity arise. *See* 8 C.F.R. § 214.6(b) (2008) (“The alien must satisfy the inspecting immigration officer that the proposed stay is temporary.”). H-1B visa holders are entitled to have dual intent. *See* 8 C.F.R. § 214.2(h)(16)(i) (2008) (noting that an H-1B nonimmigrant may “legitimately come to the United States for a temporary period” and “at the same time, lawfully seek to become a permanent resident of the United States”).



employer willing to file an H-1B petition on their behalf,<sup>28</sup> and the employer must be lucky enough to succeed in obtaining one of the 65,000 H-1B visas allotted each year through a lottery process.<sup>29</sup> Here, international students can have a leg up. An additional 20,000 visas slots are available every year for those who have earned masters or doctoral degrees from U.S. institutions.<sup>30</sup> Notably, the Trump administration has proposed a rule change that would allocate the general 65,000 H-1B visas first, and the 20,000 visas for U.S. students thereafter, which would increase the odds that individuals with U.S. degrees will be able to secure an H-1B visa.<sup>31</sup> For those international students who secure an H-1B visa, they will hopefully find themselves working for an employer willing to file the paperwork necessary to convert their status from a nonimmigrant visa holder into a lawful permanent resident (LPR).<sup>32</sup> Colloquially known as a “green card,”

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28. Dan E. White, *Future Story: Have Talent, Will Travel: Protecting Companies that Sponsor Work Visas*, 53 TENN. B.J. 32, 33 (Jan. 2017) (noting the filing fees alone for an H-1B visa run thousands of dollars); Jingnan, *supra* note 12 (“To even enter the H-1B lottery, students have to first find a company that is willing to take a chance on them and sponsor their visa. Most companies won’t take that chance.”); *id.* (after noting that graduates cannot work while waiting for their visa to issue, “employers aren’t willing to wait”); Hilde Holland, *Overcoming New Challenges in Obtaining Visas*, in EMPLOYING INT’L WORKERS (2011), 2011 WL 2117587, at \*4 (“It can be difficult for firms to anticipate their hiring needs and pursue the proper visa for foreign workers, largely because you have to start the process several months before the anticipated US hiring dates, and sometimes that is not a reasonable timeframe.”); *Hiring of International Students Continues Decline*, NACE (Jan. 22, 2018), <https://www.nacweb.org/job-market/trends-and-predictions/hiring-of-international-students-continues-decline/> [<https://perma.cc/7WF3-AAPZ>] (noting that “the percentage of employers that will hire international students has hit a new low”).

29. Luis Ferre Sadurni, *How the U.S. Work Visa Policy Can Kick International Students out of the Country*, DAILY PENNSYLVANIAN (Mar. 21, 2016), <https://www.thedp.com/article/2016/03/work-visa-international-students-graduate> [<https://perma.cc/XXU2-E5VB>] (discussing the imminent departure of F-visa graduates whose U.S. employers were unable to secure H-1B visas on their behalf).

30. 8 U.S.C. § 1184(g)(5)(C) (2018).

31. Associated Press, *Trump Eyes H-1B Visa Rule Change Favoring Advanced Degree Holders*, N.Y. POST (Dec. 7, 2018), <https://nypost.com/2018/12/07/trump-eyes-h-1b-visa-rule-change-favoring-advanced-degree-holders/> [<https://perma.cc/9P6Z-YVJR>]; Lubna Kalby, *A US Master’s Degree Will Increase Your Chances of an H-1B Visa*, TIMES OF INDIA (Dec. 2, 2018), <https://timesofindia.indiatimes.com/world/us/a-us-masters-degree-will-increase-your-chances-of-an-h1-b-visa/articleshow/66902664.cms> [<https://perma.cc/HS9N-T9FD>].

32. An employer willing to sponsor an H-1B worker for a green card will spend thousands of dollars on “government filing fees, advertising costs, and other hard costs, before legal fees,” which can run thousands more. White, *supra* note 28, at 33. If the employee has a spouse or children to include on the green card application, it will cost even more. *Id.* This process can take years. *Id.*; see also U.S. DEP’T OF ST., BUREAU OF CONSULAR AFF., X VISA BULLETIN: IMMIGRANT NUMBERS FOR APRIL 2019 (Apr. 2019), <https://travel.state.gov/content/travel/en/legal/visa-law0/visa->

LPR status is the most coveted noncitizen status in the United States.<sup>33</sup> Those who have employment-based LPR status are then eligible, after five years, to apply for naturalization, transforming them from noncitizens to U.S. citizens.<sup>34</sup>

Professor Chen emphasizes that immigrants who achieve LPR status through this route — from F-visa student to H-1B worker to employment-based LPR — frequently do not take the last step to become U.S. citizens through naturalization.<sup>35</sup> Despite their eligibility, these individuals naturalize at rates lower than individuals who become eligible for naturalization through other routes, such as family connections.<sup>36</sup> Professor Chen argues that this is a sign of “disconnection and nonintegration.”<sup>37</sup>

Why might the United States want skilled workers to naturalize? For one, when an individual naturalizes, it is far less likely that he or she will be lured away to work in another country.<sup>38</sup> And economists note that increasing the average skill level of the working-age population leads to the growth of labor productivity.<sup>39</sup> That, in turn, is a key component of a nation’s economic growth. In addition, having a significant population of long-standing residents who lack the desire to naturalize can lead to a lack of cohesiveness in society.<sup>40</sup>

So, understanding that it would be good to encourage LPRs who were once F-visa students to naturalize, how should we go about

bulletin/2019/visa-bulletin-for-april-2019.html [https://perma.cc/PWZ6-FPZU] (indicating that employees from India may wait ten years before becoming green-card eligible). Moreover, it is not uncommon for employees to leave after securing a green card, leaving the sponsoring employer with “an empty job position and a large expenditure.” White, *supra* note 28, at 33 (discussing repayment agreements as a means to recoup such expenses).

33. See CHEN, *supra* note 1 (manuscript at 4-2); see also 8 U.S.C. § 1153(b) (2018) (outlining the yearly allocation of employment-based immigrant visas).

34. 8 U.S.C. § 1427 (2018) (outlining the requirements for naturalization including residence, physical presence, and moral character).

35. CHEN, *supra* note 1 (manuscript at 4-5).

36. See *id.*

37. *Id.* (manuscript at 4-6).

38. See *id.* (manuscript at 4-21, 4-22).

39. See, e.g., ROBERT J. GORDON, *THE RISE AND FALL OF AMERICAN GROWTH* 650 (Joel Mokyr ed., 2016).

40. See Cristina M. Rodriguez, *Guest Workers and Integration: Toward a Theory of What Immigrants and Americans Owe One Another*, 2007 U. CHI. LEGAL F. 219, 229–30 (2007) (discussing how integration of immigrants avoids social cleavages and promotes “social peace”). Professor Rodriguez argues that additional reasons for valuing integration of noncitizen workers include the “associative obligations” the United States has towards its workers and the inevitable “cultural evolution” of society. *Id.* at 230–31.

doing that? Professor Chen argues that an “easier legal pathway and a more welcoming climate” could help the United States to retain these highly educated and highly skilled workers.<sup>41</sup> As to the first half of her solution, Professor Chen rightly calls on the federal government to enact legal changes to our citizenship processes in order to facilitate and encourage individuals to become citizens of the United States.<sup>42</sup> I see room in the second half of Professor Chen’s prescription for American universities to create “a more welcoming climate” that will induce LPRs who were once F-visa students to eventually naturalize.

Professor Chen identifies some of the ways in which universities already work to create a welcoming environment.<sup>43</sup> She notes the “You Are Welcome Here” campaigns launched by universities to reach out to international students following the election of Donald Trump.<sup>44</sup> She also notes that some universities have been leaders in the litigation against President Trump’s anti-immigrant policies, such as the recession of DACA.<sup>45</sup>

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41. CHEN, *supra* note 1, at 4-16; *see also* Kit Johnson, *Theories of Immigration Law*, 46 ARIZ. ST. L.J. 1211, 1224, 1227 (2014) (discussing the retention of highly-skilled foreign graduates in the context of domestic-interest based immigration rhetoric).

42. *See, e.g.*, CHEN, *supra* note 1 (manuscript at Introduction-12) (“Pathways to citizenship are needed to integrate both the documented and undocumented population of immigrants. Constructing these pathways requires involvement from the federal government.”); *id.* (manuscript at 5-12) (“[N]oncitizens should be provided civics and language training, educational opportunities beyond K-12, economic support and job training, opportunities for political engagement and meaningful access to citizenship.”); *id.* (“[G]reen card holders . . . should not be threatened with denaturalization or expatriation other than in extreme cases.”); CHEN, *supra* note 1, at 5-15 (“Naturalization should be discussed at each stage of the immigrant experience[.]”); *id.* (manuscript at 5-19) (“[R]educing the wait time and backlog for immigration benefits[.]”); *id.* (manuscript at 5-21) (“Technical fixes include easing the administrative burdens at key junctures where status can be adjusted in order to reduce the uncertainty felt about whether a visa will be renewed or extended in the short-term . . . . Temporary visa holders with a desire and ability to transition to U.S. life require nimble avenues for expressing that intention.”); *id.* (manuscript at 5-22) (“[T]he federal government needs to soften immigration enforcement efforts that swallow up the entirety of federal immigration policy.”).

43. *See id.* (manuscript at 5-9).

44. *Id.*; *see also* Johnson, *Students*, *supra* note 16, at 415–17 (discussing university responses to the January 2017 travel ban).

45. CHEN, *supra* note 1 (manuscript at 5-9); *see also* Regents of the Univ. of Cal. v. U.S. Dep’t of Homeland Sec., 908 F.3d 476, 520 (9th Cir. 2018) (affirming a decision to grant a preliminary injunction that enjoined the rescission of DACA). Forty-eight university and college presidents also wrote to President Donald Trump and Homeland Security Secretary John F. Kelly after the January 2017 travel ban, explaining how the new policy would negatively affect universities. Johnson, *Students*, *supra* note 16, at 416 (citing Letter from University Presidents to President

Universities, however, can do much more.<sup>46</sup> As explained in Part II, they can actively promote pathways to citizenship and integration among international students while simultaneously valuing the diversity of international students themselves.

## II. UNIVERSITY PROGRAMMING AS IMMIGRANT INTEGRATION: A PROPOSAL

Imagine a university that provided international students — and perhaps even international professors or other international employees — with a multi-pronged, continuing educational program designed to orient these noncitizens not to university life, but to American life.<sup>47</sup> What might such a program look like?

It might begin with information. Imagine starting off the academic year with a panel of current and former students: a student who has worked for a U.S. employer pursuant to Optional Practical Training (authorized temporary employment related to a course of study),<sup>48</sup> a student pursuing a graduate degree after completing an undergraduate program, a former student who has secured an H-1B visa, a former student who achieved LPR status following an H-1B

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Trump (Feb. 2, 2017), <http://www.princeton.edu/president/eisgruber/docs/Presidents-Letter-Immigration.pdf> [<https://perma.cc/4ABM-ANZP>].

46. Professor Chen agrees. See CHEN, *supra* note 1 (manuscript at 5-10) (“These networks can be expanded to provide support for more immigrants.”).

47. Universities already promote integration into campus life through orientation programs for incoming freshman, transfer students, and graduate students. See, e.g., *Student Orientation Weekend*, U. OF OKLA. (Mar. 26, 2019), [http://www.ou.edu/studentlife/new\\_to\\_ou/sow](http://www.ou.edu/studentlife/new_to_ou/sow) [<https://perma.cc/PR4G-N47Z>]. Universities also provide campus orientations for international students. See, e.g., *College of International Studies International Student Services, New International Student Orientation*, U. OF OKLA. (Mar. 26, 2019), <http://www.ou.edu/cis/iss/exchange/before-arrival/coming-to-ou> [<https://perma.cc/QA4N-AAY9>] (outlining a four-part orientation program). Some universities think beyond their international students and offer programs designed to integrate their international researchers into traditional American research practices. See, e.g., Center for Teaching Excellence, *DITA Seminar: Teaching and Working with Faculty in U.S. Academic Settings*, EVENTBRITE (Mar. 26, 2019), <https://www.eventbrite.com/e/dita-seminar-teaching-and-working-with-faculty-in-us-academic-settings-registration-55218150976> [<https://perma.cc/T7UX-6T4F>] (describing the University of Oklahoma’s recent seminar on “Teaching and Working with Faculty in U.S. Academic Settings” designed to “equip participants with the cultural framework and tools to build bonds of camaraderie and collegiality with faculty members in professional settings”); see also CHEN, *supra* note 1 (manuscript at 5-9) (discussing the Visiting Scholars and Postdocs Association at the University of California Berkeley’s “cultural orientation workshops and counseling on success strategies in classrooms and workplaces”).

48. See Johnson, *Students*, *supra* note 16, at 418 (describing Optional Practical Training).

visa, and a naturalized U.S. citizen who traveled the F-visa to H-1B-visa route.<sup>49</sup> Such a panel might talk plainly about the difficulties of continued status in the United States while also extolling the benefits of such a journey.<sup>50</sup> Alternatively, these same students could be guests of honor at an informal mixer — briefly introduced to the attendees at the start of the evening and then free to answer questions and discuss their experiences over the course of the event.

A university might offer a year-long program called “American Life.” This could be a for-credit program with concomitant requirements of attendance and testing, or it could be an informal program where participants join as frequently or scarcely as their interest dictates. American Life might involve classroom hours, labs, field trips, guest speakers, community outreach, and socials.<sup>51</sup>

Classroom hours could be devoted to basic U.S. civics — similar to what is done in some European countries for aspiring citizens.<sup>52</sup>

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49. Another panelist to consider is a nonimmigrant who won the diversity lottery and obtained LPR status in that manner. I have met several international students who have beat the long odds and achieved LPR status this way. Universities could also be upfront with students about the possibility of obtaining LPR status through marriage to a U.S. citizen, which is another common way in which international students create a future in the United States. Naturally, emphasizing the latter path might lead to concerns that universities would be promoting marriage fraud. For my part, I think such fears would be overblown; it is far better for a university to be upfront with students about their possible paths forward. Without clear information from a reputable source, international students are left to learn about pathways to citizenship from their peers, much like middle schoolers without proper sexual health education.

50. Interestingly, the University of Oklahoma brings in an immigration attorney to talk about post-graduation visa options. While helpful, I think bringing in former students to talk about their personal journeys would be more engaging.

51. Without question, implementation of the following recommendations will depend on both the number of international students at a given university and the demand among these students for the programming. The University of Oklahoma, for example, has over 1800 international students currently enrolled. U. OF OKLA., NORMAN CAMPUS ENROLLMENT ANALYSIS REPORT (Sept. 2018), [http://www.ou.edu/content/dam/irr/docs/Enrollment%20Statistics/Enrollment%20Analysis/Fall/Fall\\_2018\\_Enrollment\\_Analysis\\_revised.pdf](http://www.ou.edu/content/dam/irr/docs/Enrollment%20Statistics/Enrollment%20Analysis/Fall/Fall_2018_Enrollment_Analysis_revised.pdf) [https://perma.cc/VM8N-K3XZ]. While it would be possible to accommodate such numbers for classes and panels, field trips would be far more complex.

52. Since 2004, Germany has required most of its aspiring citizens to undertake 30 hours of instruction on German “culture, history and civics.” Stella Burch Elias, *Testing Citizenship*, 96 B.U. L. REV. 2093, 2136 (2017) (noting that these hours are in addition to the required 600 hours of German language instruction). France requires would-be citizens to participate in a civics program that includes watching a movie designed to “encapsulate ‘the French idea of nationhood as based on *liberté, égalité, fraternité*’ (liberty equality, fraternity).” *Id.* at 2144. The Netherlands requires future citizens to take civics courses at the Dutch Embassy in their country of origin before entering the Netherlands on a permanent immigrant visa. *Id.* at 2164–65.

Coursework could include learning about the U.S. Constitution as well as the structure of the U.S. government and its historic development. Such a course would help international students understand the communities in which they are living. And it would have the added benefit of introducing noncitizens to material they will need to know if they take the civics exam that is a required part of naturalization.<sup>53</sup>

Classes might also focus on soft U.S. norms that can be a source of confusion for international students. Knowledge of these soft norms is not necessary to pass the citizenship test administered in the United States, but other countries make understanding these cultural subtleties a priority in their naturalization processes.<sup>54</sup> Regardless, knowledge of these norms will undoubtedly facilitate integration into the United States.<sup>55</sup> Interpersonal behavior might be discussed, including the American propensity for open-mouthed laughter, positivity, friendliness, and small talk without the promise or commitment of long-term or deep friendship.<sup>56</sup> Eye contact,

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53. See U.S. CITIZENSHIP & IMMIGR. SERVS., *100 Civics Questions and Answers with MP3 Audio Guide (English version)*, <https://www.uscis.gov/citizenship/educators/educational-products/100-civics-questions-and-answers-mp3-audio-english-version> [<https://perma.cc/JGJ5-TC3G>].

54. Compare *id.*, with Burch Elias, *supra* note 52, at 2124–27 (discussing various iterations of the “Life in the U.K.” test necessary to achieve citizenship in the United Kingdom which has, at various times, tested on issues of everyday life in Britain as well as British values and principles).

55. See, e.g., Marisa S. Cianciarulo, *Unauthorized Americans and European Outcasts*, 27 GEO. IMMIGR. L.J. 519, 526 (2013) (“Social integration is perhaps the most controversial and fluid factor in determining the level of an immigrant group’s integration.”).

56. See Therese Oneill, *17 Russian Travel Tips for Visiting America*, MENTAL FLOSS (Dec. 17, 2016), <http://mentalfloss.com/article/63896/17-russian-travel-tips-visiting-america> [<https://perma.cc/624F-3VH7>] (“U.S. etiquette requires that you smile in each and every situation.”); Therese Oneill, *10 Japanese Travel Tips for Visiting America*, MENTAL FLOSS (Feb. 8, 2016), <http://mentalfloss.com/article/55140/10-japanese-travel-tips-visiting-america> [<https://perma.cc/8F5P-LXJT>] (“In America, when men or women laugh, they do not turn away. They face front, open the mouth, and laugh in a loud voice.”); Therese Oneill, *8 Italian Travel Tips for Visiting America*, MENTAL FLOSS (Jan. 4, 2015), <http://mentalfloss.com/article/62515/8-italian-travel-tips-visiting-america> [<https://perma.cc/BX8P-PE64>] (“Americans ask me how I am (‘How are you today’ or ‘How do you do’): It is actually an expression of greeting, nothing more: he does not care how you are really, and even expects that you will lie about your problems.”); Therese Oneill, *8 German Travel Tips for Visiting America*, MENTAL FLOSS (Mar. 18, 2015), <http://mentalfloss.com/article/62180/8-german-travel-tips-visiting-america> [<https://perma.cc/6XTP-NGXA>] (“In a country with extreme mobility, it is very important to be open and friendly to strangers. This has nothing to do with genuine friendship in our sense, and there are long-lasting friendships in the United States, but if someone says, ‘I’m your friend,’ it often means nothing more

addressing individuals by their first name, hand gestures, personal space, directness, and candor are other characteristics of U.S. interpersonal interactions.<sup>57</sup> Other American social norms to cover could include the lack of social gift-giving,<sup>58</sup> greetings (e.g., handshakes, not kissing),<sup>59</sup> punctuality (e.g., better to be late than early to a party), eating and drinking on the go, and restaurant norms such as customizing orders, one-dish meals, and the mandatory nature of tipping.<sup>60</sup>

Labs have tremendous potential as a powerful means of hands-on learning.<sup>61</sup> Students could practice driving in the United States,<sup>62</sup>

than ‘I am sympathetic and want you to feel here is your home, too’. It is not the beginning of a long friendship.”). These concepts were confusing for the international students who I interviewed at the University of North Dakota. Johnson, *Students*, *supra* note 16, at 426. Interestingly, the University of Oklahoma offers a class on dating in the United States, tackling some soft U.S. norms.

57. *See, e.g.*, Beth Anne Macaluso et al., *37 Things Americans Do that Confuse the Rest of the World*, REDBOOK (June 25, 2018), <https://www.redbookmag.com/life/g4523/american-culture-customs-traditions/?slide=26> [<https://perma.cc/GZ4C-ACRY>] (“We love our personal space here in the U.S.”); Oneill, *17 Russian Travel Tips for Visiting America*, *supra* note 56 (noting that “Americans . . . prefer to go directly to the subject matter” and “to communicate with people by first name, regardless of their age and position”); Therese Oneill, *12 Chinese Travel Tips for Visiting America*, MENTAL FLOSS (Mar. 21, 2014), <http://mentalfloss.com/article/55717/12-chinese-travel-tips-visiting-america> [<https://perma.cc/2U5R-M6BF>] (“Regardless of age, everyone likes to be called by their first names.”); *see also* Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33, 42 (2005) (discussing how differences in body language and eye contact norms can lead to miscommunication between lawyers and clients in cross-cultural exchanges).

58. *See, e.g.*, Oneill, *17 Russian Travel Tips for Visiting America*, *supra* note 56 (“[A]n unexpected gift . . . [c]an put an American in an awkward position.”).

59. *See id.*; Oneill, *8 Italian Travel Tips for Visiting America*, *supra* note 56; Therese Oneill, *11 French Travel Tips for Visiting America*, MENTAL FLOSS (Feb. 10, 2016), <http://mentalfloss.com/article/55306/11-french-travel-tips-visiting-america> [<https://perma.cc/B4ZM-8BBU>].

60. *See* Macaluso, *supra* note 57 (identifying these behaviors as uniquely American); Oneill, *10 Japanese Travel Tips for Visiting America*, *supra* note 56 (discussing the American habit of the “dinner plate”).

61. *Cf.* Jann Ingmire, *Learning by Doing Helps Students Perform Better in Science*, UCHICAGO NEWS (Apr. 29, 2015), <https://news.uchicago.edu/story/learning-doing-helps-students-perform-better-science> [<https://perma.cc/9GKN-PNSK>] (discussing how brain scans of students indicate that different parts of the brain are activated by hands-on learning and improve test performance).

62. The University of Oklahoma offers a workshop on driving in the United States that is very popular with international students. The Global Friends Coalition in Grand Forks, N.D., is an organization devoted to the integration of New Americans (refugees) into the greater Grand Forks community. They offer driving lessons to New Americans, utilizing a golf cart for training. It has been a wildly successful program. *See* GLOBAL FRIENDS COALITION, <http://www.gfcoalition.org> [<https://perma.cc/RT84-HCGK>].

play baseball (a sport that is far easier to understand after playing), grill meat (and, afterwards, marshmallows for s'mores), learn line dancing, or bake an apple pie. The University of Oklahoma (OU), for instance, has a nondenominational winter cookie decorating party for international students. Another lab possibility would be to put together a birthday party — baking a cake, organizing party games, busting a piñata, wrapping presents, and learning to sing *Happy Birthday*.

The opportunities for American Life field trips are endless.<sup>63</sup> Students might visit the state capital to watch a legislative session or meet with elected officials to talk about their jobs. If the capital is far away, they could travel to city hall and meet with their city's mayor. Such field trips would nicely complement in-class study of U.S. civics. At OU, students might travel to the Chickasaw Cultural Center to experience the “nature, history, heritage and life ways” that are part of the “ongoing story of the Chickasaw people.”<sup>64</sup> They could learn about the problematic history of our country's relationship with its native peoples and the longstanding, and ongoing, contributions and achievements of Native Americans.

Field trips might be also purely social in nature. Not far away from the University of Oklahoma campus is the Chickasaw Bricktown Ballpark where international students could watch the Triple-A Oklahoma City Dodgers play “America's game” — baseball.<sup>65</sup> While OU international students do not typically catch the Oklahoma City Dodgers, they do have the opportunity to attend a basketball game at the Chesapeake Energy Arena to cheer on our local National Basketball Association team, the Oklahoma City Thunder, every semester.<sup>66</sup> In addition, OU offers a “Football 101” program that

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63. At the New York Institute of Technology, international students have the opportunity to undertake service learning during the semester and through alternative break events. These opportunities combine classroom, lab, and field trip concepts. Adriene McNally, *Enhancing Civic, Electoral, and Political Engagement Through International Student Inclusion*, 7 *EJOURNAL PUB. AFFAIRS* 25, 28, 29–30 (2018), <http://www.ejournalofpublicaffairs.org/enhancing-engagement-through-inclusion/> [<https://perma.cc/582W-H5VR>].

64. See THE CHICKASAW CULTURAL CENTER, <https://www.chickasawculturalcenter.com> [<https://perma.cc/K47Y-WZMJ>].

65. David Roth, *Baseball No Longer a Supergiant but It Is Still the Most American of Sports*, *GUARDIAN* (Oct. 23, 2017), <https://www.theguardian.com/sport/blog/2017/oct/23/baseball-no-longer-a-supergiant-but-it-is-still-the-most-american-of-sports> [<https://perma.cc/JH9W-W3TW>].

66. Interestingly, basketball was invented in the United States by a Canadian immigrant, James Naismith. *Who Invented Basketball?*, *HISTORY* (June 7, 2014),



explains the sport and offers a behind-the-scenes tour of the Gaylord Family Oklahoma Memorial Stadium to international students.<sup>67</sup> Similar programs are offered at universities around the United States.<sup>68</sup> Football 101 could be extended with international students attending a game and an international students' tailgate.

Guest speakers could draw from across a university to discuss American Life in unique ways. A music professor might offer a lecture about the development of jazz in the United States. A history professor could talk about the Civil Rights movement and the importance of Martin Luther King Jr. to our country. A government professor might talk about the electoral college system. An English professor might discuss the poetry of Emily Dickinson or Langston Hughes.

Imagine the community outreach that could be part of an American Life program. What if every international student was matched with an American host within a twenty-mile radius of the home institution? Host individuals or families could commit to welcoming international students in their homes for a Thanksgiving meal. Or perhaps they could commit to meeting with their noncitizen guests once a semester or once a month to experience American life in a different way — sharing a Shabbat meal, a game of miniature golf, or an outdoor festival. OU has two programs in this vein: “friendship families” and “OU cousins.” Friendship families at OU host international students throughout the semester, but the program is not widely advertised to the Norman community and largely relies on repeat families with university connections.<sup>69</sup> The “OU cousins”

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<https://www.history.com/news/who-invented-basketball> [https://perma.cc/XDF4-HC7K].

67. Mike Brestovansky, *Crash Course Introduces International Students to Football*, OU DAILY (Sept. 25, 2014), [http://www.oudaily.com/news/crash-course-introduces-international-students-to-football/article\\_a2c771e4-4442-11e4-8c34-0017a43b2370.html](http://www.oudaily.com/news/crash-course-introduces-international-students-to-football/article_a2c771e4-4442-11e4-8c34-0017a43b2370.html) [https://perma.cc/6QTN-CMZP].

68. See, e.g., Tony Phifer, *Football 101: 10 Years of Getting International Students into the Game*, COLO. ST. U. (Sept. 17, 2018), <https://source.colostate.edu/football-101-10-years-of-getting-international-students-into-the-game/> [https://perma.cc/UR83-6VN6] (featuring Colorado State's Football 101 program); Rick Neale, *Foreign Students Get 'Football 101' Lesson*, USA TODAY (Sept. 4, 2013) (covering Florida Tech's Football 101 program).

69. See *Friends to International Students Handbook for Host Students*, U. OF OKLA., [http://www.ou.edu/cis/sponsored\\_programs/fis/handbook](http://www.ou.edu/cis/sponsored_programs/fis/handbook) [https://perma.cc/3XA6-X8D7]; *International Students Meet Their Hosts*, OU DAILY (Jan. 22, 1996), [http://www.oudaily.com/news/international-students-meet-their-hosts/article\\_03fa18f7-659a-5151-a9ae-25c0cf1d6adc.html](http://www.oudaily.com/news/international-students-meet-their-hosts/article_03fa18f7-659a-5151-a9ae-25c0cf1d6adc.html) [https://perma.cc/V26P-SYEW].

program is somewhat different; it pairs international students with American students.<sup>70</sup>

The possibilities for campus socials are truly endless. Imagine a pumpkin-carving event with a screening of the cult-classic movie *Hocus Pocus* in advance of Halloween, a secret gift exchange party before winter break, a Valentine's exchange in February, making Mardi Gras masks in the spring, or drinking green-colored beverages on St. Patrick's Day. Groups of students could get together to plant trees on Arbor Day or watch fireworks on the Fourth of July.

The idea behind an American Life course would be to create numerous and varied opportunities for international students to be introduced to the culture and life of the United States.<sup>71</sup> The end goal would be to lay the foundation for the type of integration Professor Chen sees as critical to full citizenship.

It would be essential to pair American Life programming with opportunities for international students to share their own cultures and experiences with the larger university community.<sup>72</sup> Noncitizens will naturally be more excited about embracing U.S. culture if the local community, in turn, is interested in learning about their own.<sup>73</sup>

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70. See, e.g., Emily Sharp, *OU Cousins Brings International, American Students Together at Tuesday Event*, OU DAILY (Sept. 9, 2014), [http://www.oudaily.com/news/ou-cousins-brings-international-american-students-together-at-tuesday-event/article\\_bbf580ca-383a-11e4-beb1-0017a43b2370.html](http://www.oudaily.com/news/ou-cousins-brings-international-american-students-together-at-tuesday-event/article_bbf580ca-383a-11e4-beb1-0017a43b2370.html) [<https://perma.cc/Z5BL-LEKA>].

71. Without question, there are other ways that universities could promote welcomeness. See, e.g., Prerna Lal & Mindy Phillips, *Discover Our Model: The Critical Need for School-Based Immigration Legal Services*, 106 CALIF. L. REV. 577, 582–83 (2018) (discussing providing legal services to international students “who would otherwise lose lawful status without legal intervention”).

72. Cf. Lauren Gilbert, *National Identity and Immigration Policy in the U.S. and the European Union*, 14 COLUM. J. EUR. L. 99, 106 (2008) (“For integration of immigrants to be truly successful, however, it requires not only steps on the part of the new arrivals, but actions by the host society as well.”); Rodriguez, *supra* note 40, at 232 (discussing the “bidirectional nature” of assimilation “that changes immigrants and the host society alike”); *id.* at 248 (discussing “reciprocity as a mechanism of integration”).

73. One organization devoted to community development, the Asset-Based Community Development Institute, urges participants to think of community members as assets, each bringing unique gifts to the table. See Dan Baron, *ABCD Institute Makes DePaul Home*, ASSET-BASED COMMUNITY DEV. INST. (Apr. 8, 2018), <https://resources.depaul.edu/steans-center-community-based-service-learning/about/news/Pages/ABCD-Institute-at-DePaul.aspx> [<https://perma.cc/VW24-MVRW>]. Welcoming America is another organization devoted to creating inclusive communities that “leads a movement of inclusive communities becoming more prosperous by making everyone feel like they belong.” See WELCOMING AMERICA, <https://www.welcomingamerica.org> [<https://perma.cc/6C6H-USGH>].

The University of North Dakota (UND) currently has in place a robust program for international students to share their cultures. Over the course of the year, UND holds a series of free “culture nights” where “cultural and identity-based student organizations” share presentations, performances, and food tasting with the university and larger Grand Forks community.<sup>74</sup> Several of these evenings occur each semester and feature everything from dance performance to poetry readings, fashion shows to musical performances.<sup>75</sup> In addition, for the past fifty-seven years, UND and the UND International Organization have hosted a premier event called Feast of Nations.<sup>76</sup> This annual gala is held in the largest ballroom in the city of Grand Forks. Hundreds of people from the university and broader community attend in their finest clothes and take photos on a red carpet. A four-course meal featuring food from a variety of countries is served while students and international performers entertain with song, martial arts, and music.<sup>77</sup>

International students could also be encouraged to share their strengths outside the university community.<sup>78</sup> At the University of Oklahoma, international students travel around the state to speak with schools, community groups, and churches about their home

74. *Culture Nights*, U. OF N.D., <https://und.edu/student-life/student-involvement/cross-cultural/culture-nights.html> [https://perma.cc/A83A-KNBX]. The University of Oklahoma hosts similar evening events. *See The United World Cultural Night!*, U. OF OKLA., [https://calendar.ou.edu/wtd/view/event/event\\_id/65137](https://calendar.ou.edu/wtd/view/event/event_id/65137) [https://perma.cc/Z7M3-CG8U]; *We Are the World – International Culture Night*, U. OF OKLA., [https://calendar.ou.edu/wtd/view/event/event\\_id/71496](https://calendar.ou.edu/wtd/view/event/event_id/71496) [https://perma.cc/3YPG-3Y5E].

75. *See, e.g.*, Stephanie Hollman, *Philippine Culture Night*, DAKOTA STUDENT (Nov. 22, 2016), <https://dakotastudent.com/9506/arts-comm/philippine-culture-night/> [https://perma.cc/Q9TM-6ZJU].

76. *Feast of Nations*, U. OF N.D., <http://www1.und.edu/orgs/feast-of-nations/> [https://perma.cc/AUM8-6BHB]. Interestingly, the University of Oklahoma hosts a similar event called “Eve of Nations.” *See* Scott Kirker, *OU International Group to Hold Eve of Nations Event Celebrating Culture*, OU DAILY (Mar. 30, 2018), [http://www.oudaily.com/news/ou-international-group-to-hold-eve-of-nations-event-celebrating/article\\_c22004b8-3460-11e8-97d8-ebfe163ab421.html](http://www.oudaily.com/news/ou-international-group-to-hold-eve-of-nations-event-celebrating/article_c22004b8-3460-11e8-97d8-ebfe163ab421.html) [https://perma.cc/T4A3-VSA5].

77. *See* Molly Andrews, *Feast of Nations*, DAKOTA STUDENT (Feb. 26, 2019), <https://dakotastudent.com/12666/arts-comm/feast-of-nations-2/> [https://perma.cc/W5JP-65ZY]; Aimee Coons, *The Feast of Nations*, DAKOTA STUDENT (Feb. 26, 2018), <https://dakotastudent.com/11729/arts-comm/the-feast-of-nations/> [https://perma.cc/CVF5-E897].

78. *See* Gilbert, *supra* note 72, at 136 (“Successful integration of immigrants into the social fabric will ultimately turn on public acceptance.”); *see also* Hiroshi Motomura, *Immigration Outside the Law*, 108 COLUM. L. REV. 2037, 2070–83 (2008) (discussing the connection between community building and immigrant integration).

countries.<sup>79</sup> At the University of North Dakota, international students volunteer with young English language learners in the community. And in Grand Forks, international students from UND joined in the recent community-wide planning concerning the city's strategic plan for how to become a more welcoming community.<sup>80</sup> These sorts of projects create opportunities for international students to truly feel part of their new communities.

Let me address some potential criticisms of the type of university programming I am proposing.

One might argue that such programs would encourage unrealistic expectations of future citizenship. After all, over one million international students have enrolled in U.S. institutions each year since 2015.<sup>81</sup> And there are only 65,000 H-1B visas available for those working outside of institutions for higher education, nonprofit research organizations, or governmental research organizations,<sup>82</sup> plus another 20,000 H-1B visas set aside for international students with U.S.-earned masters or higher degrees.<sup>83</sup> That would leave most of the remaining 900,000 international students without a pathway to work lawfully in the United States.<sup>84</sup> If these individuals have been so thoroughly welcomed by university programming, might they simply be induced to overstay their visas and join the ranks of undocumented migrants already living in the United States?

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79. *International Student Speakers Bureau*, U. OF OKLA., <http://www.ou.edu/cis/iss/international-community-and-programs/international-student-speakers-bureau-issb-> [https://perma.cc/5TRM-XM3F].

80. GRAND FORKS IMMIGRANTS INTEGRATION INITIATIVE, CITY OF GRAND FORKS, WELCOMING COMMUNITY ROADMAP (WCR) PROJECT: FOCUS GROUPS REPORT, (July 10, 2018), <http://www.grandforksgov.com/home/showdocument?id=25385> [https://perma.cc/ZU9V-72E8] (reporting on the work of focus groups that included international students at the University of North Dakota).

81. *Enrollment*, POWER OF INT'L EDUC., <https://www.iie.org/Research-and-Insights/Open-Doors/Data/International-Students/Enrollment> [https://perma.cc/T3SZ-A8FM].

82. 8 U.S.C. § 1184(g)(1)(A)(vii) (2012). The 65,000 cap does not apply to those working outside of institutions of higher education, nonprofit research organizations, or governmental research organizations. 8 U.S.C. § 1184(g)(5)(A)–(B).

83. 8 U.S.C. § 1184(g)(5)(C) (2012).

84. As discussed *supra* at note 27, some international students may be eligible for alternative work visas, such as the TN visa for Canadian professionals. And, of course, international students might pursue non-work opportunities allowing them to remain in the United States, such as further academic studies.

This is not a spurious concern. Visa overstays have consistently outpaced unlawful entrants in the United States for several years.<sup>85</sup> That said, highly educated individuals are unlikely to embrace a life in the United States where they are unable to tap into the benefits of their education. It is far more likely, given Professor Chen's research, that such individuals would make a home in another country where they could enjoy the fruits of their hard work.<sup>86</sup> Notably, sending individuals educated in the United States to the far-flung reaches of the globe, having had a positive experience with U.S. history and culture, is something U.S. lawmakers have sought to achieve for decades. When Congress passed the Fulbright-Hays Act of 1961, which is the foundation for the J visa applicable to exchange (as opposed to degree-seeking) students, the House Report noted: "A lecturer catches young minds. A student gains experiences that shape his mature years. Cultural exchanges . . . can reach thousands at a time. In the current struggle for the minds of men, no other instrument of foreign policy has such great potential."<sup>87</sup> Universities are uniquely situated to set a firm foundation that develops "friendly, sympathetic, and peace relations between the United States and other countries of the world."<sup>88</sup> That is a goal that remains as relevant today as it was in 1961.

A separate critique of the proposed American Life program might center on using non-governmental actors to welcome noncitizens.<sup>89</sup> If the goal is to achieve citizenship for noncitizens, as Professor Chen argues we should, one could argue that this can best be achieved through purely federal action. Clearly, there is room for federal action in this space. Professor Chen notes a number of ways in which the U.S. government could encourage temporary migrants to settle in the United States and ultimately naturalize, including tax credits, streamlined processing, and increased availability of naturalization

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85. Richard Gonzales, *For 7th Consecutive Year, Visa Overstays Exceeded Illegal Border Crossings*, NAT'L PUB. RADIO (Jan. 16, 2019), <https://www.npr.org/2019/01/16/686056668/for-seventh-consecutive-year-visa-overstays-exceeded-illegal-border-crossings> [<https://perma.cc/2KY4-8WCC>] ("This is not a blip, but a trend which has become the norm.").

86. CHEN, *supra* note 1 (manuscript at 4-20) ("Most prevalent in these temporary visa holders' planning for the future are economic considerations that show no territorial loyalty . . .").

87. Kit Johnson, *The Wonderful World of Disney Visas*, 63 FLA. L. REV. 915, 940-41 (2011) (quoting H.R. REP. NO. 87-1094, at 1 (1961)).

88. *Id.* at 940 (quoting 22 U.S.C. § 2451 (2006)).

89. CHEN, *supra* note 1 (manuscript at 5-8) ("By delegating the responsibility for immigrant integration, the federal government neglects its own responsibility and sends negative messages to immigrants about the value of integrating into society.").

services.<sup>90</sup> But she is also quick to point out that while the federal government “must assume responsibility for integrating immigrants,” this necessarily means “working together with existing local and private networks.”<sup>91</sup>

The United States already relies upon private and public-private efforts to welcome noncitizens. For example, refugees are resettled around the United States by nonprofit agencies who work with state and local governments to find appropriate communities for these “New Americans.”<sup>92</sup> Community organizations, unaffiliated with any public agency, have taken on the task of welcoming noncitizens in their communities;<sup>93</sup> though, increasingly around the United States, localities are also coming together to discuss how to become more welcoming to noncitizens of all stripes.<sup>94</sup>

For their part, universities should embrace their role as welcoming noncitizens. After all, international students who want to remain in the United States may well be the university researchers of tomorrow. And if those researchers become U.S. citizens, that benefits universities in terms of access to research funding and unrestricted research topics.

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90. *Id.* (manuscript at 4-32).

91. *Id.* (manuscript at 4-32 to 4-33).

92. *See, e.g.*, Stella Burch Elias, *The Perils and Possibilities of Refugee Federalism*, 66 AM. U. L. REV. 353, 370–74 (2016) (outlining the refugee resettlement process and the work of nonprofit agencies); *see also* CHEN, *supra* note 1 (manuscript at 5-8).

93. I served on the board of one such nonprofit: Global Friends Coalition in Grand Forks, N.D. GLOBAL FRIENDS COALITION, <http://www.gfcoalition.org/> [<https://perma.cc/5KBW-SBJ5>]; *see also* Kerio Bone Dormegnie, *Help Us Build a Stronger, More Inclusive America*, WELCOMING AMERICA, <https://www.welcomingamerica.org/news/help-us-build-stronger-more-inclusive-america> [<https://perma.cc/R8S9-5DBB>] (identifying nonprofits around the United States that “support locally-driven efforts to create more welcoming, immigrant-friendly environments”).

94. *See, e.g.*, Kit Johnson, *Grand Forks, ND: Welcoming New Americans*, IMMIGRATIONPROF BLOG (Apr. 10, 2018), <http://lawprofessors.typepad.com/immigration/2018/04/grand-forks-nd-welcoming-new-americans.html> [<https://perma.cc/2B6U-XWF4>]; *Local Action: New Strategies to Build United Communities*, IMMIGRANT LEARNING CTR. (Oct. 17, 2018), <https://www.ilctr.org/promoting-immigrants/ilc-workshops/research/> [<https://perma.cc/N2KZ-D7U7>] (discussing the welcoming efforts of Tulsa, Oklahoma., and Austin, Texas); *Our Network*, WELCOMING AMERICA, <https://www.welcomingamerica.org/programs/our-network#municipalities> [<https://perma.cc/Y4W9-P9NW>] (identifying local governments around the United States “creating immigrant-friendly, welcoming communities”).

### CONCLUSION

Professor Chen's work on international students and other noncitizens who experience blocked pathways to citizenship is compelling. While it is up to the federal government to remedy the foundational problem of "citizenship insecurity,"<sup>95</sup> U.S. universities have great potential to be a force-multiplier in the integration of the noncitizens already part of their university communities. They can develop the "substantive belonging" that Professor Chen identifies as critical to immigrant integration.<sup>96</sup> Universities should embrace this possibility and develop robust programs to welcome and integrate these noncitizens into their communities.

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95. CHEN, *supra* note 1 (manuscript at Introduction-12) ("Constructing these pathways requires involvement of the federal government.").

96. *Id.* (manuscript at Introduction-6, Introduction-7).