

# Iranian Students in America: A Fraught Legacy of Goodwill

Article By:

Immigration Practice Mintz Levin

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In what is appears to be a former era, prior to the travel ban, the nuclear deal, and the hostage crisis, the United States encouraged travel from Iran to “promote further mutual understanding of peoples.”<sup>[1]</sup> Diplomats of the two governments signed an agreement in 1949 in Tehran, the capital of Iran, to establish the United States Commission for Cultural Exchange between Iran and the United States.<sup>[2]</sup> Its purpose was to promote a “wider exchange of knowledge and professional talents through educational contacts,”<sup>[3]</sup> and within 30 years, Iranians outnumbered the second-largest group of international students in the United States by almost three-to-one.<sup>[4]</sup>

That once close relationship has since decayed. The latest version of the Trump Administration’s travel ban now prevents nearly all travel from Iran.<sup>[5]</sup> In justifying its upholding of the ban, the administration’s third iteration, the Supreme Court noted, in part, that certain features of the policy indicate that the government sought to achieve a legitimate national security interest.<sup>[6]</sup> The court evidenced the determination by finding the ban is tailored and allows for significant exceptions, namely “permitting student and exchange visitors from Iran.”<sup>[7]</sup>

While the text of the travel ban ostensibly protects this remnant of the countries’ formerly close relationship, American policies in the aggregate impose extraordinary difficulty on Iranians seeking to study in the United States. It is comparatively difficult for Iranians to obtain a student visa. Even if such a visa is granted, Iranian students often must endure isolation from their families until after graduation. Nevertheless, the reputation of American universities in Iran remains high and so too does the number of students who wish to receive a U.S. education.<sup>[8]</sup>

To study in the United States, all individuals must travel to a U.S. embassy or consulate to apply for a student visa.<sup>[9]</sup> It is, however, difficult for Iranians in particular to complete the visa application process. Iran is one of three countries without diplomatic relations with the United States, and as a result, no American embassy or consulate exists within the country.<sup>[10]</sup> Therefore, Iranian students must travel abroad to apply for a visa, and the only locations with officials fluent in Persian (Farsi) are the U.S. embassy in Ankara, Turkey, the U.S. consulate in Dubai, United Arab Emirates, and the U.S. embassy in Yerevan, Armenia.<sup>[11]</sup> Reaching any of these locations from Iran is often a costly and time-consuming endeavor.<sup>[12]</sup>

Reviewing officers will scrutinize visa applications from Iranian students in accordance with heightened standards. Pursuant to 22 U.S.C. § 8771, an officer must deny the application if the applicant is from Iran and likely to participate in coursework “for a career in Iran’s petroleum sector,

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natural gas sector, or nuclear science or nuclear engineering field.”<sup>[13]</sup> Additionally barred are “individuals seeking to study other fields, such as business, management, or computer science, but who intend to use these skills in Iran’s oil, natural gas, or nuclear energy sectors.”<sup>[14]</sup>

Further restricting Iranians’ ability to study in the United States is the Trump Administration’s travel ban itself. While Iranians are permitted to enter the country on student (F and M) and exchange visitor (J) visas, their visa applications are “subject to enhanced screening and vetting requirements.”<sup>[15]</sup> These requirements act as additional barriers for Iranian students. The National Iranian American Council has noted visa applications often take months to process, forcing students to start classes late, defer semesters, lose scholarships, and even forfeit admission altogether.<sup>[16]</sup> At the University of Buffalo, for example, 29 Iranian graduate students intended to begin classes in the fall of 2018, but only 10 students secured their visas in time for the start of the semester.<sup>[17]</sup> Moreover, the rate of approval for visas has decreased. Data from the State Department indicates that between March and October of 2018, the government approved 23 percent fewer F-1 student visas for Iranians when compared to the same time in the year prior.<sup>[18]</sup> Over the same period, approval rates for F-1 visas for international students as a whole experienced only a five percent drop.<sup>[19]</sup> The increased uncertainty of Iranians’ student visa applications has made some university officials wary of even offering Iranians coveted graduate positions.<sup>[20]</sup>

Accepted students from Iran also must acknowledge they will likely face isolation from their family for the duration of the academic program. The travel ban prevents virtually all non-student Iranians from entering the United States, blocking family members from visiting the country. Furthermore, Iranian students are deterred from traveling to Iran because leaving the United States may place a student’s education in jeopardy; students from Iran are increasingly granted only single-entry visas, which requires reapplying for a new visa with each trip outside of the country.<sup>[21]</sup> With the heightened scrutiny of Iranian student visa applications, even reapplying for the same visa is a gamble: the National Iranian American Council has expressed particular concern for such students, documenting instances of individuals who have missed consecutive semesters and returned only to find they have been evicted during their extended period abroad.<sup>[22]</sup>

Automatic visa revalidation would offer reprieve to Iranian students with single-entry visas, allowing them to travel to Canada, Mexico, and certain Caribbean islands for up to 30 days in order to meet with family members without the need to apply for an additional visa.<sup>[23]</sup> Iranians, however, are one of three nationalities unable to utilize this process.<sup>[24]</sup> As a result, studying in America as an Iranian typically means acquiescing to years without seeing loved ones.

Amid the restrictive immigration policies, Iranian students have found some respite in the Haskell Free Library and Opera House. The building bridges a community across Northern Vermont and Southern Quebec where the United States-Canada border is marked only by a row of flower pots.<sup>[25]</sup> As the building is accessible from both countries, it serves as place of reunion for Iranian students and their families.<sup>[26]</sup>

The situation is fraught, however, as American border officials at the library have limited reunions to only a few minutes, prevented families from entering the library, and even detained certain individuals.<sup>[27]</sup> Officials from both the United States and Canada have also reportedly threatened library staff that the building would be shut down if visits do not end.<sup>[28]</sup>

Despite the tension, reunions continue.<sup>[29]</sup> “This is the only solution we have right now,” stated Sina Dadestan as he visited his sister. “And if they are going to stop us from this way, we [will] try to find another solution.”<sup>[30]</sup>

Dozens of families have gathered in the library as word-of-mouth has spread the workaround to Iranians desperate to see their family members.<sup>[31]</sup> “I was just hugging my parents,” recounted Shirin Estahbanati, seeing her mother and father for the first time in years, “I was thinking I just wish I could stop all clocks all over the world.”<sup>[32]</sup>

The library, itself, can only serve as a solution to this contemporary problem because it is a relic of a former era. The building, intentionally constructed across the border in 1901, remains from a period before the significant scrutiny and regulation of cross-border travel.<sup>[33]</sup> More relevant than at any point in its history, as immigration policies now divide even loved ones, is the library’s stated mission: “to sustain the legacy of goodwill between friends.”<sup>[34]</sup>

Law clerk Zack Navabi contributed to this post.

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[1] Iran, Financing of Educational Exchange Program; Agreement between the Government of the United States of America and the Imperial Government of Iran for the Use of Funds Received by the Government of America from the Sale of Surplus Property in Iran, Iran-U.S., Sept. 1, 1949, T.I.A.S. 1973.

[2] *Id.*

[3] *Id.*

[4] Marianthi Zikopoulos, Detailed Analyses of the Foreign Student Population, Profiles, 1989-1990, at 5, <https://selfscholar.files.wordpress.com/2013/03/16.pdf>.

[5] State Department rejects more than 37,000 visas due to travel ban, Reuters News Agency, (Feb. 27, 2019), <https://www.aljazeera.com/news/2019/02/state-department-rejects-37000-visas-due-travel-ban-190227210725292.html>.

[6] *Trump v Hawaii*, 138 S. Ct. 2392, 2422 (2018).

[7] *Id.*

[8] Bozorgmehr Sharafedin & Yeganeh Torbati, U.S. issues fewer student visas to Iranians despite exemption, *R??s N?s A????*, (Nov. 26, 2018), <https://www.reuters.com/article/us-iran-usa-students/u-s-issues-fewer-student-visas-to-iranians-despite-exemption-idUSKCN1NV0D2>.

[9] What is a U.S. Visa?, U.S. Department of State – Bureau of Consular Affairs, <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/frequently-asked-questions/what-is-us-visa.html> (last visited May 5, 2019).

[10] U.S. Visa: Reciprocity and Civil Documents by Country, U.S. Department of State – Bureau of Consular Affairs, <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html> (last visited May 5, 2019).

[11] *Id.*

[12] Adam Weinstein, Choosing Between Dreams and Family, *Inside Higher Ed*, (Nov. 13, 2018), <http://www.insidehighered.com/digital-learning/article/2018/11/13/choosing-between-dreams-and-family>.

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[13] 22 U.S.C. § 8771 (2018).

[14] SEVP Spotlight, Immigration and Customs Enforcement, July 2013, at 4, <https://www.ice.gov/doclib/sevis/pdf/sevp-external-newsletter-july2013.pdf>.

[15] Proclamation No. 9645, 82 Fed. Reg. 45,161 (Sept. 27, 2017).

[16] Jamal Abdi, NIAC Sends Letter on Long Administrative Processing for Student Visas, National Iranian American Council, (Sept. 17, 2017), <https://www.niacouncil.org/student-visa-letter/>.

[17] Max Kalnitz, Nineteen Iranian UB graduate students struggling to get visas, can't start classes, The Spectrum, (Sept. 6, 2018), <https://www.ubspectrum.com/article/2018/09/nineteen-iranian-ub-graduate-students-struggling-to-get-visas-cant-start-classes>.

[18] Sharafedin, *supra* note 5.

[19] *Id.*

[20] *Id.*

[21] Weinstein, *supra* note 12.

[22] Abdi, *supra* note 15.

[23] Automatic Revalidation, U.S. Department of State – Bureau of Consular Affairs, <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/visa-expiration-date/auto-revalidate.html> (last visited May 5, 2019).

[24] *Id.*

[25] 664: The Room of Requirement, This American Life, <https://www.thisamericanlife.org/664/transcript> (last visited May 5, 2019).

[26] *Id.*

[27] Yeganeh Torbati, Separated by travel ban, Iranian families reunite at border library, Reuters News Agency, (Nov. 28, 2018), <https://www.reuters.com/article/us-usa-immigration-ban-insight/separated-by-travel-ban-iranian-families-reunite-at-border-library-idUSKCN1NX1P2>.

[28] *Id.*

[29] *Id.*

[30] Lily Tyson, Families Separated By The Travel Ban Reunite In A Border Library, VPR, (Dec. 17, 2018), <https://www.vpr.org/post/families-separated-travel-ban-reunite-border-library#stream/0>.

[31] Torbati, *supra* note 25.

[32] Tyson, *supra* note 27.

[33] Home, Haskell Free Library & Opera House, <https://haskellopera.com/> (last visited May 5, 2019).

[34] Support Us, Haskell Free Library & Opera House, <https://haskellopera.com/support-the-library/> (last visited May 5, 2019).

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