

9-14-2017

How Temporary Protected Status Can Help Refugee University Students Rebuild Their Home Countries

Casey Dowdy

Seattle University School of Law, dowdyc@seattleu.edu

Follow this and additional works at: <http://digitalcommons.law.seattleu.edu/sjsj>

 Part of the [Law Commons](#)

Recommended Citation

Dowdy, Casey (2017) "How Temporary Protected Status Can Help Refugee University Students Rebuild Their Home Countries," *Seattle Journal for Social Justice*: Vol. 15 : Iss. 3 , Article 16.

Available at: <http://digitalcommons.law.seattleu.edu/sjsj/vol15/iss3/16>

This Article is brought to you for free and open access by the Student Publications and Programs at Seattle University School of Law Digital Commons. It has been accepted for inclusion in Seattle Journal for Social Justice by an authorized editor of Seattle University School of Law Digital Commons.

9-14-2017

How Temporary Protected Status Can Help Refugee University Students Rebuild Their Home Countries

Casey Dowdy

Seattle University, dowdy@seattleu.edu

Follow this and additional works at: <http://digitalcommons.law.seattleu.edu/sjsj>

 Part of the [Law Commons](#)

Recommended Citation

Dowdy, Casey (2017) "How Temporary Protected Status Can Help Refugee University Students Rebuild Their Home Countries," *Seattle Journal for Social Justice*: Vol. 15 : Iss. 3 , Article 1.

Available at: <http://digitalcommons.law.seattleu.edu/sjsj/vol15/iss3/1>

This Article is brought to you for free and open access by the Student Publications and Programs at Seattle University School of Law Digital Commons. It has been accepted for inclusion in Seattle Journal for Social Justice by an authorized editor of Seattle University School of Law Digital Commons.

How Temporary Protected Status Can Help Refugee University Students Rebuild Their Home Countries

Casey Dowdy*

I. INTRODUCTION

What hope can a destroyed country have for rebuilding when its professionals and students are suddenly and forcibly displaced, no longer employed, and no longer in school? One decade ago there were 37.5 million people forcibly displaced worldwide.¹ By 2014, this number had risen to a staggering 59.5 million.² Notably, between 2013 and 2014 there was an increase of 8.3 million, the largest increase in a single year.³ As of 2014, one in every 122 people around the globe was categorized as either a refugee, internally displaced, or seeking asylum.⁴ If these forcibly displaced persons were the population of a country, that country would be the 24th largest country in the world.⁵ These individuals' dreams and goals have been halted and their lives redirected into a state of limbo. For university students, displacement is especially devastating because it may take years

* I would like to thank my incredible friends and family for all their love and support during these last few years of law school. I would also like to thank my primary editor, Joanna Adu, and all the SJSJ staff who contributed to this article. Finally, I would like to thank Adele for her album 25 and George Ford, director of the video series Fireplace for Your Home. Without these two masterpieces, this article might have never been completed

¹ *Worldwide Displacement Hits All-Time High as War and Persecution Increase*, UNHCR (June 18, 2015), <http://www.unhcr.org/558193896.html>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

before they are able to enroll back in school, thereby redirecting their lives for an indeterminate period of time.⁶

In an interview with *The Atlantic Magazine*, Helena Barroco, a Portuguese diplomat, asked, “Who will rebuild a destroyed country? Who will be the next generation of leaders if you do not avoid creating a lost generation of university graduates?”⁷ Indeed, most countries recognize that the education of refugees is one important goal of international human rights law.⁸ In fact, multiple treaties, such as the Universal Declaration of Human Rights and the Convention Related to the Status of Refugees, refer to the importance of education.⁹ The United Nations High Commissioner for Refugees (UNHCR) stated that “access to education is the basic right of any person, even, perhaps especially, in times of acute emergencies.”¹⁰ Providing an education to refugees helps them to “rebuild their lives, to improve overall living standards and to promote long-term peace and economic development.”¹¹ Although international laws and treaties recognize education as a right of refugees, it can be very difficult to implement education due to barriers such as language, access to programs, and a lack of funding.¹²

Historically, the United States has been a world leader in both humanitarian funding and providing a safe harbor for refugees in crisis.¹³ In

⁶ See Heather Horn, *Saving Syria's 'Lost Generation'*, ATLANTIC (Oct. 23, 2015), <http://www.theatlantic.com/international/archive/2015/10/syria-university-students-education/412174/>

⁷ *Id.*

⁸ Joseph O'Rourke, *Education for Syrian Refugees: The Failure of Second-Generation Human Rights During Extraordinary Crises*, 78 ALB. L. REV. 711, 725 (2015).

⁹ *Id.* at 726.

¹⁰ *Educating Refugees Around the World*, UNHCR 1, <http://www.unhcr.org/partners/partners/3fcb52bf1/education-refugees-around-world.html?query=education> 9 (last visited Apr. 26, 2017).

¹¹ *Id.*

¹² See *The Challenge of Education*, UNHCR, <http://unhcr.org/FutureOfSyria/the-challenge-of-education.html> (last visited Mar. 27, 2016).

¹³ Kathleen Newland, *Why U.S. Should Do More for Refugees* (Sept. 9, 2015, 10:28 AM ET), <http://www.cnn.com/2015/09/09/opinions/newland-europe-refugee-crisis/>.

fact, from 2003 to 2012, the United States was the world's largest government provider of humanitarian assistance, giving 38.9 billion dollars globally.¹⁴ The United States has given substantial resources to refugees¹⁵ and will likely continue to provide funding even if the amount decreases. What if some of that humanitarian funding could be directed to provide higher education for refugees *and* create an opportunity for devastated nations to rebuild and become self-sustainable? With multiple ongoing humanitarian crises in the world,¹⁶ and the potential for creating a "lost generation"¹⁷ of student refugees, it is time for the United States to restructure its humanitarian funding into sustainable investments. These investments will allow for a realistic long-term solution to aid those in crisis. Legal reform is one way of providing this type of restructuring.

Through legal reform and finances already designated for humanitarian aid, the United States can help to prevent the making of a lost generation while simultaneously investing in the rebuilding of devastated nations. To accomplish this goal, my proposal suggests that legislators modify the US immigration law of Temporary Protected Status (TPS) to create: (1) a temporary pathway into the United States for refugees who are university students, and (2) a pathway to citizenship for TPS holders.

Part II details the current Syrian student refugee problem. Part III describes how the United States has been involved with refugee issues. Part IV explains the history of US immigration and global humanitarianism. Part V examines current US immigration laws for those in crisis, specifically those regarding TPS and student visa laws. Part VI provides information on

¹⁴ *Global Humanitarian Assistance Report 2013*, GLOBAL HUMANITARIAN ASSISTANCE 21 (2013), <http://www.globalhumanitarianassistance.org/wp-content/uploads/2013/07/GHA-Report-2013.pdf>.

¹⁵ O'Rourke, *supra* note 8, at 725.

¹⁶ Chris Huber & Kathryn Reid, *Top Humanitarian Crises of 2015*, WORLD VISION (Dec. 21, 2015), <http://www.worldvision.org/news-stories-videos/top-humanitarian-crises-2015>.

¹⁷ *Worldwide Displacement Hits All-Time High as War and Persecution Increase*, *supra* note 1.

what is currently being done globally to support student refugees. Part VII proposes a type of legal reform known as Student Temporary Protected Status to assist student refugees, and explains how this reform could be implemented. Part VIII explains how Student TPS will help refugees rebuild their devastated countries. Part IX addresses concerns about Student TPS and amending US immigration laws. Finally, Part X discusses the broad implications of Student TPS.

II. THE CURRENT SYRIAN STUDENT REFUGEE PROBLEM

Of the four million Syrian refugees in the world, research shows that Syrians ages 18-24 are at the highest risk of losing access to education.¹⁸ Between 2011 and 2014, an estimated 100,000 Syrian university students were forced to vacate their studies as a result of the Syrian conflict.¹⁹ From 2001-2002, before the conflict in Syria, four major Syrian universities hosted 245,000 students.²⁰ Syrian college students living in refugee camps are eager and willing to travel abroad to renew their studies; however, they feel like their dreams of completing their degrees are fading due to a lack of opportunity, a lack of funding, and an inability to obtain the necessary paperwork of transcripts and test results.²¹

¹⁸ Avital Andrews, *Education, Interrupted*, PAC. STANDARD MAG. (Aug. 27, 2014), <http://www.psmag.com/politics-and-law/lost-generation-syrian-refugees-education-interrupted-89563>.

¹⁹ Daisy Carrington, *Rebel Academics Set Up University to Save Syria's 'Lost Generation'*, CNN (Mar. 19, 2014, 10:24 PM), <http://www.cnn.com/2014/03/19/world/meast/can-syrias-lost-generation-be-saved/>.

²⁰ See SYRIAN HIGHER EDUC. SYSTEM – MINISTRY OF HIGHER EDUC., HIGHER EDUCATION SYSTEM IN SYRIA – AN OVERVIEW 3-4 (2004), http://eacea.ec.europa.eu/tempus/participating_countries/higher/syria.pdf.

²¹ J. Dana Stuster, *Work of Rebuilding Syria Will Fall to a 'Lost Generation'*, FOREIGN POL'Y MAG. (June 7, 2013, 8:40 PM), <http://foreignpolicy.com/2013/06/07/work-of-rebuilding-syria-will-fall-to-a-lost-generation/>; Keith David Watenpugh, *Syria's Lost Generation*, THE CHRONICLE HIGHER EDUCATION (June 3, 2013), <http://www.chronicle.com/article/Syrias-Lost-Generation/139517/>.

Human rights consultant Adrianna Fricke, who visited the Za'atari refugee camp in Jordan, stated "Students represent the best hope for Syria in a post conflict setting to rebuild because every country needs engineers, people who can teach, people who can provide the necessary structure for society in order to avoid a failed state."²² Fricke interviewed student refugees who, prior to leaving Syria, were studying chemical engineering and are now washing cars in Jordan.²³ Several female students Fricke spoke with expressed frustration because they had almost completed their studies before the conflict, but now they have no way of finishing their degrees.²⁴

Currently, 70,000 college-age Syrian refugees are in Lebanon, 60,000 are in Jordan, and 70,000 are in Turkey.²⁵ In Lebanon, it is estimated that only 6,500-10,000 Syrian refugees have been able to enroll in a form of higher education.²⁶ The remaining unenrolled college students in Lebanon and world-wide make up a group of thousands of Syrian youth being deemed the "lost generation."²⁷

Furthermore, these statistics do not include college-aged refugees from countries other than Syria who add to the 59.5 million displaced people in the world.²⁸ If not remedied, the problem of this lost generation's inability

²² Marco Werman, *Why It's Important to Help Syrian Student Refugees Finish Their Degrees (Interview of Adrienne Fricke)*, PUB. RADIO INT'L (May 27, 2013, 12:50 PM), <http://www.pri.org/stories/2013-05-27/why-its-important-help-syrian-student-refugees-finish-their-degrees>.

²³ *Id.*

²⁴ *Id.*

²⁵ Jeffery Day, *Syrian War Producing 'Lost Generation' of College-age Students*, UNIV. CAL. DAVIS (July 17, 2014), <http://universityofcalifornia.edu/news/syrian-war-producing-%E2%80%98lost-generation%E2%80%99-college-age-students>.

²⁶ *Id.*

²⁷ Bethany Ellis, *How the Syrian Conflict is Robbing Children of Their Education*, A WORLD AT SCHOOL (July 31, 2015), <http://www.aworldatschool.org/news/entry/How-Syrian-conflict-is-robbing-children-of-their-education-2177>.

²⁸ See *Worldwide Displacement Hits All-Time High as War and Persecution Increase*, UNHCR (June 18, 2015), <http://www.unhcr.org/558193896.html>.

to receive an education will have a substantial effect on the future of not only their nations, but the entire world.²⁹

III. UNITED STATES INVOLVEMENT WITH REFUGEE ISSUES

“The United States has been the single largest donor of humanitarian aid to Syrians who have been displaced within their war-torn country or who have become refugees.”³⁰ As of 2015, the United States had spent 4.5 billion dollars in humanitarian aid to assist Syrian refugees.³¹ This amount only includes what the United States has spent on Syrian refugees. It does not include other humanitarian funding or refugee groups. Furthermore, the United States has been the world’s largest government provider of humanitarian assistance, giving 38.9 billion dollars globally from 2003-2012.³² This sum does not include US dollars spent on working with refugees who have been resettled in the United States.³³ This type of financial participation is a reminder that the United States is very much engrossed in and affected by refugee issues. Therefore, the idea that the current refugee problem is Europe’s dilemma is wrong.³⁴

The United States has been a leader in providing international humanitarian assistance for years.³⁵ The first US aid program began after the Second World War when Secretary of State George Marshall initiated

²⁹ See Ellis, *supra* note 27.

³⁰ Carol Morello, *U.S. Gives \$419 Million More to Aid Syrian Refugees*, WASH. POST (Sept. 21, 2015), https://www.washingtonpost.com/world/national-security/us-gives-419-million-more-to-aid-syrian-refugees/2015/09/21/7f0157c6-607e-11e5-8e9e-dce8a2a2a679_story.html.

³¹ *Id.*

³² *Global Humanitarian Assistance Report 2013*, *supra* note 14, at 21.

³³ See *id.* at 39.

³⁴ See Adam Taylor, *Europe’s Refugee Crisis is America’s Problem, Too*, WASH. POST (Sept. 4, 2015), <https://www.washingtonpost.com/news/worldviews/wp/2015/09/04/europes-refugee-crisis-is-americas-problem-too/>.

³⁵ See Newland, *supra* note 13.

noteworthy aid to Europe to assist the continent in rebuilding.³⁶ The US government continues to offer similar support—working through 20 different government agencies—providing assistance to more than 100 countries.³⁷ These investments look to expand free markets, combat extremism, ensure stable democracies, address the causes of poverty, and establish worldwide goodwill.³⁸

IV. HISTORY OF US IMMIGRATION AND GLOBAL HUMANITARIANISM

Historically, America has been a nation comprised of immigrants.³⁹ Immigrants came to America to escape persecution and seek opportunity, which inevitably led to people from all around the world coming together in the United States to create a diverse nation of people and cultures.⁴⁰ Emma Lazarus’s quote on the Statue of Liberty reads, “Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore”⁴¹ George Washington is quoted as saying, “The bosom of America is open to receive not only the Opulent and respected Stranger, but the oppressed and persecuted of all Nations and Religions; whom we shall welcome to a participation of all our rights and privileges”⁴² and “I had always hoped that this land might become a safe and agreeable asylum to the virtuous and persecuted part of mankind, to whatever nation they might belong.”⁴³ These quotes are not just ideas of days gone by, but part of the foundation on which America was constructed.

³⁶ *What Is U.S. Government Foreign Assistance?*, FOREIGNASSITANCE.GOV, <http://beta.foreignassistance.gov/> (last visited Nov. 22, 2015).

³⁷ *Id.*

³⁸ *Id.*

³⁹ See *Immigration Timeline*, LIBERTY ELLIS FOUND., <http://www.libertyellisfoundation.org/immigration-timeline#1790> (last visited Apr. 27, 2017).

⁴⁰ *Id.*

⁴¹ *Quotes Great Americans*, CITIZEN PATH, <https://citizenpath.com/immigration-quotes-great-americans/> (last visited Nov. 11, 2015).

⁴² *Id.*

⁴³ *Id.*

Additionally, as the United States has grown, Americans have continued to pride themselves on engaging in humanitarian aid, especially for those in crisis situations.⁴⁴ The United States' humanitarian support efforts largely began after the Second World War⁴⁵ and have continued across the decades through both funding and immigration legislation.⁴⁶ Since that time, the United States has set an example not only as a state actor, but as a nation of compassionate citizens.⁴⁷ Moreover, the United States has offered relief to those affected by man-made and natural disasters through both military response, and the work of private citizens.⁴⁸

V. CURRENT US IMMIGRATION LAWS FOR THOSE IN CRISIS

Today, the United States offers various programs to help immigrants in crisis situations and emergencies.⁴⁹ Foreigners in crisis can apply for multiple humanitarian programs and protections through the United States

⁴⁴ See John Bolton, *The US Gives Until It Hurts*, N.Y. POST (Jan. 31, 2010), <http://nypost.com/2010/01/31/the-us-gives-until-it-hurts/>.

⁴⁵ *Displaced Persons Act of 1948*, IMMIGRATION TO THE UNITED STATES, <http://immigrationtounitedstates.org/464-displaced-persons-act-of-1948.html> (last visited Nov. 11, 2015).

⁴⁶ See Kathryn M. Bockley, *A Historical Overview of Refugee Legislation: The Deception of Foreign Policy in the Land of Promise*, 21 N.C.J. INT'L L. & COM. REG. 253, 96-212, 281 (1995); see PL §§ 96–212 (S 643); PL §§ 96–212, 94 Stat. 102 (1980); see *Displaced Persons Act of 1948*, *supra* note 45; see *The Wall Behind Which Refugees Can Shelter*, Refugees, Vol. 2 Number 123 2001, <http://www.unhcr.org/3b5e90ea0.html> (last visited Nov. 11, 2015); see *The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol*, UNHCR, <http://www.unhcr.org/4ec262df9.html> (last visited Nov. 11, 2015); see Claire Bergeron, *Temporary Protected Status After 25 Years: Addressing the Challenge of Long-Term “Temporary” Residents and Strengthening a Centerpiece of U.S. Humanitarian Protection*, 2 JMHS 22, 26 (2014); see Beth Rowen, *Immigration Legislation*, INFOPLEASE, <http://www.infoplease.com/us/immigration/legislation-timeline.html> (last visited Nov. 11, 2015); see PL §§ 96–212 (S 643); PL §§ 96–212, 94 Stat. 102 (1980); INA § 101(a)(42); 8 U.S.C. § 1101(a)(42) (2014), revised under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. §§ 104–208, 110 Stat. 3009 (1996).

⁴⁷ Bolton, *supra* note 44.

⁴⁸ *Id.*; *Global Humanitarian Assistance Report 2013*, *supra* note 14, at 21.

⁴⁹ *Humanitarian*, USCIS, <http://www.uscis.gov/humanitarian> (last visited Nov. 11, 2015).

Citizenship and Immigration Services (USCIS).⁵⁰ According to USCIS, these programs are designed to provide relief for those “in need of shelter or aid from disasters, oppression, emergency medical issues, and other urgent circumstances.”⁵¹ Relief categories include refugee, asylum seeker, battered spouses, children and parents, victims of human trafficking, TPS, humanitarian parole, special situations, deferred enforced departure, consideration of deferred action for childhood arrivals process, special immigrant juveniles status, and female genital mutilation or cutting.⁵² Many of these categories can lead to lawful permanent resident status and eventually citizenship for the visa holder; however, TPS is not one of them.⁵³ Unfortunately, none of these programs create a pathway for refugees to receive student visas.⁵⁴

Currently, many of the US humanitarian immigration programs are only capable of meeting limited needs for those in crisis situations.⁵⁵ Most of these programs and protections are complicated and restricted, thus creating even more stress and burden for those who are already living in crisis.⁵⁶ Moreover, most of these programs are directed at dealing with the aftermath of a crisis, instead of looking at how to offer sustainable solutions for countries to rebuild.⁵⁷

A. Refugee and Asylum

Of the available international humanitarian programs in the United States, two stand out as the most notable: the refugee program and the

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*; *Temporary Protected Status*, USCIS, <https://www.uscis.gov/humanitarian/temporary-protected-status> (last visited Mar. 5, 2016).

⁵⁴ *See Humanitarian*, *supra* note 49.

⁵⁵ *See id.*

⁵⁶ *See id.*

⁵⁷ *See id.*

asylum program.⁵⁸ Remarkably, in the United States, both resettled refugees and those granted asylum are allowed to apply for citizenship.⁵⁹ The main difference between a refugee and an asylum seeker is the location they are applying from.⁶⁰ A refugee must apply for citizenship from outside the United States,⁶¹ whereas an asylum seeker must seek admission into the United States at a port of entry or from within the United States.⁶² Additionally, both refugee and asylum seekers alike must meet the US definition of a refugee.⁶³ The US definition of a refugee can be broken up into four elements.⁶⁴ These elements are defined by the Immigration and Naturalization Act (INA) § 101(a)(42), 8 U.S.C. § 1101(a)(42):

(1) he or she is outside of his or her country of nationality or last habitual residence and (2) unable or unwilling to return (3) because of past or a well-founded fear of persecution (4) on account of a protected ground, that is, race, religion, nationality, membership in a particular social group, or political opinion.⁶⁵

Furthermore, a refugee must show that he or she is not firmly resettled in another country and that he or she is legally admissible to the United States.⁶⁶ Both the asylum and refugee program offer much-needed

⁵⁸ See Jeanne Batalova Jie Zong, *Refugees and Asylees in the United States*, MIGRATION POL'Y INST. (Oct. 28, 2015), <http://www.migrationpolicy.org/article/refugees-and-asylees-united-states>.

⁵⁹ *Green Card Through Refugee or Asylee Status*, USCIS, <http://www.uscis.gov/green-card/green-card-through-refugee-or-asylee-status> (last updated Oct. 29, 2015).

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ Regina Germain, *Seeking Refuge: The U.S. Asylum Process*, 35 COLO. LAW. 71, 71-72 (2006).

⁶⁴ *Id.*

⁶⁵ *Id.*; INA § 101(a)(42), 8 U.S.C. § 1101(a)(42) (Jan. 17, 2014).

⁶⁶ *Refugees*, USCIS, <http://www.uscis.gov/humanitarian/refugees-asylum/refugees> (last updated Mar. 23, 2017).

protection; however they are geared towards long-term resettlement in the United States.⁶⁷

The US refugee resettlement process begins with a referral.⁶⁸ To be eligible for resettlement, a refugee must first get a referral and an interview appointment from the United States Refugee Admissions Program (USRAP).⁶⁹ In order to get a referral from USRAP, the refugee must meet three requirements: (1) official refugee status, (2) a need for resettlement, and (3) admissibility to the United States.⁷⁰ For a person to show official refugee status, they must show that he or she left their home country, cannot return home based on the definition of a refugee, and has filed for official refugee status with UNHCR.⁷¹ For a person to show a resettlement need, the individual must show that he or she does not expect to return home and is either in danger of great harm in their current country of refuge, or is in danger of being compelled to go somewhere where they will be persecuted or suffer traumatic violence.⁷² Finally, for a person to show admissibility to the United States, he or she must show that they have not persecuted others, are not a threat to US security or safety, and are not firmly resettled in another country.⁷³

Next, after receiving a referral, the applicant must be interviewed by USCIS officers who then assess the applicant's eligibility for resettlement.⁷⁴ Once an applicant is approved by USCIS for refugee status, he or she will

⁶⁷ See *id.*; see *Refugees & Asylum*, USCIS.GOV, <http://www.uscis.gov/humanitarian/refugees-asylum> (last updated Nov. 12, 2015).

⁶⁸ *Refugees*, *supra* note 66.

⁶⁹ *Id.*

⁷⁰ Amien Kacou, *How to Get a Referral to the U.S. Refugee Admissions Program*, NOLO, <http://www.nolo.com/legal-encyclopedia/how-get-referral-the-us-refugee-admissions-program.html> (last visited Nov. 20, 2015).

⁷¹ *Id.*

⁷² *Id.*

⁷³ Ilona Bray, *Bars to Receiving Asylum or Refugee Status*, NOLO, <http://www.nolo.com/legal-encyclopedia/barred-from-refugee-asylum-32300.html> (last visited Nov. 20, 2015).

⁷⁴ *Refugees*, *supra* note 66.

receive a medical exam, a cultural orientation, assistance with arranging travel plans, and a loan for travel to the United States.⁷⁵ Likewise, after the applicant arrives, he or she will be eligible for medical and cash assistance.⁷⁶ According to the US Department of State Bureau of Population, Refugee, and Migration, it takes an average of 18 to 24 months to process an application after the applicant receives a referral from USRAP.⁷⁷ However, in reality, the process is long and complicated, can take years, and has no guarantee of success.⁷⁸

B. Temporary Protected Status

Another program available to immigrants in crisis is Temporary Protected Status (TPS).⁷⁹ TPS is a temporary status that was originally created by the Immigration Act of 1990.⁸⁰ The Act stated that the Attorney General has the authority to designate TPS and delay deportation to nationals of a foreign state that are already present in the United States.⁸¹ Consequentially, TPS allows refugees, who were already located in the United States by a certain date, to live and work in the United States while their country is in a state of dangerous crisis, no matter how they initially entered the country.⁸² Moreover, TPS only allows designation of this status for countries that have experienced a natural disaster or an armed conflict.⁸³

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *U.S. Refugee Admissions Program FAQs*, U.S. DEP'T ST. POPULATION REFUGEES & MIGRATION (Jan. 20, 2017), <https://www.state.gov/j/prm/releases/factsheets/2017/266447.htm>.

⁷⁸ Amien Kacou, *supra* note 70.

⁷⁹ Immigration Act of 1990, PL §§ 101–649, Nov. 29, 1990, 104 Stat. 4978.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² Madeline Messick & Claire Bergeron, *Temporary Protected Status in the United States: A Grant of Humanitarian Relief that is Less than Permanent*, MIGRATION POL'Y INST. (July 2, 2014), <http://www.migrationpolicy.org/article/temporary-protected-status-united-states-grant-humanitarian-relief-less-permanent>.

⁸³ *Id.*

Today, TPS designation is still determined by the Attorney General, but since the terrorist attacks in New York on September 11, 2001, the Department of Homeland Security (DHS) determines the start date of designation.⁸⁴ DHS also decides if the grant will be extended or terminated.⁸⁵ Once a country is designated, immigrants from the designated country who are already present in the United States can apply for TPS.⁸⁶ A grant of TPS is not seen as an admission and cannot lead to citizenship on its own.⁸⁷

The two main reasons for countries to receive designation under TPS are ongoing-armed conflict and environmental disaster.⁸⁸ The DHS Secretary also has a discretionary margin to designate TPS for other extraordinary and temporary conditions.⁸⁹ One of the stipulations under the environmental disaster category is that if a country has endured a natural disaster, the country must officially request TPS from the United States.⁹⁰ Typically, the length of TPS is six to 18 months, but it can be extended by DHS.⁹¹ The DHS Secretary will either terminate or extend a state's designation under TPS, but this must be done within 60 days of the state's TPS expiration.⁹²

Since the creation of TPS, 19 countries have been given TPS designation.⁹³ Currently, 13 countries are listed under TPS: El Salvador, Guinea, Haiti, Honduras, Liberia, Nepal, Nicaragua, Sierra Leone, Somalia,

⁸⁴ *Id.*

⁸⁵ See *Temporary Protected Status*, *supra* note 46.

⁸⁶ *Who Qualifies for Temporary Protected Status (TPS) in the U.S.*, ALLLAW <http://www.alllaw.com/articles/nolo/us-immigration/who-qualifies-temporary-protected-status-tps.html> (last visited Nov. 11, 2015).

⁸⁷ See Messick & Bergeron, *supra* note 82.

⁸⁸ See *Temporary Protected Status*, *supra* note 46.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Who Qualifies for Temporary Protected Status (TPS) in the U.S.*, *supra* note 86.

⁹² Eva Segerblom, *Temporary Protected Status: An Immigration Statute that Redefines Traditional Notions of Status and Temporariness*, 7 NEV. L.J. 664, 669 (2007).

⁹³ Messick & Bergeron, *supra* note 82.

Sudan, South Sudan, Yemen, and Syria.⁹⁴ As of 2014, an estimated 340,000 current holders of TPS were in the United States, more than half of whom were El Salvadorians.⁹⁵

The 13 countries currently under TPS qualified either under the environmental disaster category, the armed conflict category, or both.⁹⁶ Designation times of these 13 countries, based on initial designation and extensions, range from one year and six months to 24 years.⁹⁷ Clearly countries can be designated under TPS for years.⁹⁸ Although TPS has created a protection for refugees where there was not one before, TPS is still extremely limited.⁹⁹

The three main benefits of TPS, as detailed by USCIS are (1) the immigrant cannot be removed from the United States when he or she is here under TPS no matter if he or she was here illegally or legally prior to TPS designation; (2) the immigrant can work while in the United States by obtaining employment authorization documents (EAD); and (3) the immigrant may be authorized to travel.¹⁰⁰ Furthermore, while an immigrant is a holder of TPS, DHS cannot detain him or her on the basis of his or her US immigration status.¹⁰¹ Additionally, when an immigrant applies for TPS in the United States, he or she must meet certain eligibility requirements.¹⁰²

⁹⁴ See *Temporary Protected Status*, *supra* note 46.

⁹⁵ Messick & Bergeron, *supra* note 82.

⁹⁶ See *Temporary Protected Status*, *supra* note 46.

⁹⁷ *Id.*

⁹⁸ See *id.*

⁹⁹ See *id.*

¹⁰⁰ See *id.*

¹⁰¹ *Id.*

¹⁰² Suzanne Seltzer, *Temporary Protected Status: A Good Foundation for Building*, 6 GEO. IMMIGR. L.J. 773, 789 (1992). (According to 8 U.S.C. § 1254c, aliens eligible for temporary protected status must show that they (1) are a national of a TPS designated country; (2) have been continuously physically present in the United States since the effective date of the most recent designation; (3) have continuously resided in the United States since such date as the Attorney General designated; (4) are admissible as an alien except for grounds not applicable or waivable including: (a) conviction of a felony or of two or more misdemeanors committed in the United States and (b) are not an alien as

These requirements do not allow anyone outside of the United States to apply for TPS.¹⁰³

TPS holders are ineligible to receive government benefits such as Medicaid, Food Stamps, or Temporary Assistance to Needy Families (TANF) due to statutory waiting periods.¹⁰⁴ Additionally, TPS holders are not eligible to adjust their status to legal permanent resident (LPR) based solely on their TPS designation.¹⁰⁵ The inability to adjust status is largely due to the fact that DHS does not consider TPS to be an avenue to “admission” for immigrants.¹⁰⁶ Therefore, anyone in the United States under TPS cannot be naturalized based on their TPS status alone.¹⁰⁷ The adjustment of their status would have to be based on another qualification such as marrying a US citizen, gaining sponsorship from a US employer, making a substantial financial investment, or another basis, none of which are easily attainable.¹⁰⁸

Another major issue with TPS is that termination is always looming. Many people who have been in the United States under TPS have had their

described in INA § 243(h)(2), relating to aliens involved in persecution of others or aliens who pose national security risk; and (5) timely registered for TPS.)

¹⁰³ 8 U.S.C. § 1254 (Dec. 28, 2015).

¹⁰⁴ John J. Ammann, *No Need for Comprehensive Immigration Reform: The Incomplete Compassion of U.S. Immigration Policy*, 79 UMKC L. REV. 853, 858-59 (2011).

¹⁰⁵ Emily Smith, *Stopgap Sanctuary: Temporary Protected Status and the Syrian Conflict*, HOUS. LAW. 26, 27 (2014).

¹⁰⁶ Geoffrey Heeren, *The Status of Nonstatus*, 64 AM. U.L. REV. 1115, 1141 (2015).

See Serrano v. U.S. Att’y Gen., 655 F.3d 1260, 1266 (11th Cir. 2011) (per curiam) (deferring to DHS’s position that those who entered the U.S. without inspection are still unable to adjust even once they hold TPS). “On June 4, 2013, the U.S. Court of Appeals for the Sixth Circuit rejected DHS’s position, so now some TPS holders have a pathway to a more permanent status.” *Flores v. U.S. Citizenship & Immigration Servs.*, 718 F.3d 548, 554 (6th Cir. 2013) (noting that the plain language of 8 U.S.C. § 1182, which lists classes of aliens ineligible for visas or admissions, does not list TPS beneficiaries being categorically barred from visa or admission entry and that Congress intended TPS beneficiaries to be a protected class due to extraordinary circumstances).

¹⁰⁷ Kristina Gasson, *Frequently Asked Questions About Temporary Protected Status (TPS)*, NOLO, <http://www.nolo.com/legal-encyclopedia/frequently-asked-questions-about-temporary-protected-status-tps.html> (last visited Nov. 11, 2015).

¹⁰⁸ *Id.*

status extended over and over again, keeping them in TPS for years, and sometimes decades.¹⁰⁹ This leaves TPS holders in a constant state of uncertainty living from each expiration date to the next without knowing when their time will be up and when they will be forced to leave.¹¹⁰ Whenever DHS decides to terminate a country's designation, the immigrants from that country not only lose their work permits, but will also return to their pre-TPS status within the United States.¹¹¹ In conclusion an immigrant's termination of TPS status leaves the TPS holder with the option of staying in the country illegally or returning back to a devastated country.¹¹²

Once a country's TPS is terminated, individuals are forced to return home with little to no way of contributing to the overall sustainability of their destroyed homeland. Even if a TPS holder were originally in the United States on a student or business visa, if her visa expired during her TPS designation, she would be required to return home once TPS for her country was terminated.¹¹³ The only students eligible for TPS are those who were already in the United States on student visas when his or her country was designated.¹¹⁴ This means that student refugees could not gain access to the United States based on TPS; instead, they would have to first resettle in the United States or find a way to apply for a student visa.

¹⁰⁹ Bergeron, *supra* note 46, at 29.

¹¹⁰ *Id.* at 30.

¹¹¹ See *Temporary Protected Status (TPS) and Deferred Enforced Departure (DED)*, USCIS 18, <https://www.uscis.gov/sites/default/files/USCIS/About%20Us/Electronic%20Reading%20Room/Custom%20Service%20Reference%20Guide/TempProtectedStatus.pdf> (last visited Apr. 27, 2017).

¹¹² See Gasson, *supra* note 107.

¹¹³ See *Temporary Protected Status*, *supra* note 46.

¹¹⁴ *Id.*

C. Student Visas

Currently, the only way for students to come into the United States is with either a J-1, F-1, or M-1 visa.¹¹⁵ The J-1 visa generally works best for students in an exchange program.¹¹⁶ The F-1 visa is for academic students who come to the United States to enroll as full time students at an accredited academic institution and whose programs will lead to a degree or certificate.¹¹⁷ The M-1 visa only applies to international students who are coming to the United States to study a vocation or enroll in a non-academic program other than language study.¹¹⁸

It would likely be extremely difficult and potentially impossible for a student refugee to meet the qualifications of these visas. As part of the J-1 visa, a person must either be enrolled in an exchange program or receive 51 percent of his or her funding from an institution or government sponsor and be able to prove that he or she has adequate financial support for the duration of their degree program.¹¹⁹ Furthermore, for an F-1 or M-1 visa there are six requirements for eligibility:

- (1) You must be enrolled in an “academic” educational program, a language-training program, or a vocational program;
- (2) Your school must be approved by the Student and Exchange Visitors Program, Immigration & Customs Enforcement;
- (3) You must be enrolled as a full-time student at the institution;
- (4) You must be proficient in English or be enrolled in courses leading to English proficiency;
- (5) You must have sufficient funds available for self-

¹¹⁵ *Students and Employment*, USCIS, <http://www.uscis.gov/working-united-states/students-and-exchange-visitors/students-and-employment> (last visited Nov. 11, 2015); see also *Students and Exchange Visitors*, USCIS, <https://www.uscis.gov/working-united-states/students-and-exchange-visitors> (last visited Mar. 12, 2017).

¹¹⁶ *Students and Exchange Visitors*, *supra* note 115; *F-1 vs. J-1: Which Status is Right for You?*, BERKELEY INT’L OFF., http://internationaloffice.berkeley.edu/students/new/fj_compared (last visited Mar. 12, 2017).

¹¹⁷ *Students and Employment*, *supra* note 115.

¹¹⁸ *Id.*

¹¹⁹ *F-1 vs. J-1: Which Status is Right for You?*, *supra* note 115.

support during the entire proposed course of study; and (6) You must maintain a residence abroad which you have no intention of giving up.¹²⁰

Refugees, and most immigrants in crisis, who are students or who hope to enroll in college have no way of showing many of these requirements, especially the requirement for the student to maintain a residence abroad that they plan to return to or, at minimum, not give up.¹²¹ Finally, there is no other way to obtain entry into the United States as a student except via a student visa granted by USCIS.¹²² Therefore, most refugees would not be eligible for student visas.

The only hope for most student refugees to complete their education would be to first go through the process of resettling, which can take years.¹²³ Once resettled, they are then faced with the choice of working or going to school; and if they choose school, they must figure out the process of continuing their studies in a foreign country, which can be daunting.¹²⁴

VI. HOW COUNTRIES CURRENTLY SUPPORT STUDENT REFUGEES

Currently, there is some limited private funding available to academic refugees through private donors and universities in multiple countries, but this is only for those who have resettled or can obtain a student visa.¹²⁵

¹²⁰ *Students and Employment*, *supra* note 115.

¹²¹ *See id.*

¹²² *See id.*

¹²³ See Haeyoun Park & Larry Buchanan, *Why It Takes Two Years for Syrian Refugees to Enter the U.S.*, N.Y. TIMES (Nov. 20, 2015), http://www.nytimes.com/interactive/2015/11/20/us/why-it-takes-two-years-for-syrian-refugees-to-apply-to-enter-the-united-states.html?_r=0.

¹²⁴ See Kristi L. Nelson, *What Was Lost – and Found – for Congolese Refugee*, KNOXVILLE NEWS SENTINEL (Aug. 17, 2015), <http://www.knoxnews.com/news/local/what-was-lost—and-found—for-congolese-refugee-ep-1232791793-362049561.html>.

¹²⁵ See Elizabeth Redden, *The Refugee Crisis and Higher Ed*, INSIDE HIGHER ED. (Sept. 25, 2015), <https://www.insidehighered.com/news/2015/09/25/syrian-refugee-crisis-and-higher-education>.

Some countries offer government-funded programs, but these are limited and can only admit a small group of college-aged refugees.¹²⁶

A. Germany, Canada, and the United Kingdom

In Germany, the German Academic Exchange Service (DAAD), a government agency, has excelled at responding to student refugees.¹²⁷ Previously, DAAD offered a program for students from the US Gulf Coast whose schools were devastated by Hurricane Katrina, which allowed students to continue their education in Germany.¹²⁸ Additionally, in 2014, DAAD received funding from the German government to bring in “elite” Syrian college students to receive a full University education and enroll in a German civil values immersion program.¹²⁹ Christian Hühlshörster, DAAD’s North Africa, Middle East, and Gulf Region division head, said,

These people are going to be trained in Germany not just as engineers or in the sciences, but with additional modules . . . civil governance, society, how democracy works . . . how you organize the relationship between religion and politics . . . hopefully when they have a chance to go back to Syria, they will take that back.¹³⁰

DAAD also sends professors to on-field locations in Amman, Istanbul, Erbil, Beirut, and Cairo to interview applicants.¹³¹ Of the 5,000 students that applied, DAAD was able to fund 200 scholarships with 16 million euros.¹³² The scholarships covered everything other than tuition waivers, primarily because universities in Germany are publicly funded.¹³³ Other German states have offered funding for Syrian students as well: 21 scholarships have

¹²⁶ *See id.*

¹²⁷ Horn, *supra* note 6.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

come from the state government of North Rhine-Westphalia and 50 from the state government of Baden-Württemberg.¹³⁴

Similarly, universities in Canada are offering private funding to help with Syrian student refugees.¹³⁵ Many Canadian universities are working with the World University Service of Canada (WUSC) to offer support.¹³⁶ WUSC was established in 1978 as a nonprofit agency that sponsors student refugees.¹³⁷ Since 1978, WUSC has sponsored over 1,500 refugees from 37 different nations and plans to support 200 students from Syria next year.¹³⁸ The WUSC program is based on helping those who have obtained refugee status and have immigrated to Canada with the intent to resettle.¹³⁹

Additionally, several universities in the United Kingdom are offering financial assistance through privately funded refugee scholarships.¹⁴⁰ Specifically, Warwick, York, Sussex, Edinburgh, the School of Oriental and African Studies, the University of East London, and the London School of Economics are all offering scholarships to refugees.¹⁴¹

B. United States

In the United States, universities have partnered with the Institute of International Education (IIE) to provide emergency assistance to scholars and students so they may continue their academic work.¹⁴² One type of emergency assistance program that the IIE is providing is scholarships to

¹³⁴ *Id.*

¹³⁵ Rosanna Tamburri, *Universities Step Up to Aid Syrian Refugees* (Oct. 28, 2015), <http://www.universityaffairs.ca/news/news-article/universities-step-up-to-aid-syrian-refugees/>.

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ Heather Lock & Zofia Niemtus, *We Want to be Part of the Solution*, THE ATLANTIC (Oct. 2, 2015, 11:00 EDT), <http://www.theguardian.com/higher-education-network/2015/oct/02/universities-scholarships-jobs-offer-refugees>.

¹⁴¹ *Id.*

¹⁴² *Universities: Join Consortium*, INST. INT'L EDUC., www.iie.org/Programs/Syria-Scholarships/Join-the-Consortium (last visited Nov. 11, 2015).

Syrian students through the IIE's Consortium for Higher Education Universities.¹⁴³

To obtain one of the IIE's scholarships, students are required to apply at each individual university directly.¹⁴⁴ Subsequently, each university has its own admissions process and requirements.¹⁴⁵ Although a few universities offer full funding scholarships, which can still require students to pay living expenses, most of the universities are only offering partial scholarships.¹⁴⁶ Each university determines if any credits taken at a previous university will transfer. All universities require various admission tests like the Scholastic Assessment Tests (SAT), along with an English proficiency test, before a student can be considered for admittance.¹⁴⁷

Once students have received an official acceptance letter from a university and an I-20 form, otherwise known as the Certificate of Eligibility for Nonimmigrant Student Status, they must still apply for a US student visa.¹⁴⁸ This is problematic for refugees due to the requirements mentioned above for a student visa.¹⁴⁹ As of October 2015, the IIE had partnered with 50 universities globally to provide 150 Syrian students with scholarships.¹⁵⁰ Another program the IIE offers for student refugees is the IIE Emergency Student Fund.¹⁵¹ This fund provides students already enrolled in US degree programs with the opportunity to apply for grants that will allow them to remain enrolled in school.¹⁵²

¹⁴³ *Syria Scholarships*, INST. INT'L EDUC., <http://www.iie.org/Programs/Syria-Scholarships> (last visited Nov. 11, 2015).

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Student Visa*, TRAVEL.STATE.GOV, <https://travel.state.gov/content/visas/en/study-exchange/student.html> (last visited Apr. 26, 2017).

¹⁴⁸ *Syria Scholarships*, *supra* note 143.

¹⁴⁹ *See Students and Employment*, *supra* note 115 (stating requirements for student visas).

¹⁵⁰ Horn, *supra* note 6.

¹⁵¹ *Syria Scholarships*, *supra* note 143.

¹⁵² *Id.*

The US State Department Bureau of Educational and Cultural Affairs offers various programs for international students to enroll in US universities.¹⁵³ One of these programs is the Fulbright Education Exchange Program, which offers funding to cover travel to and from the United States, a monthly living stipend, and full or partial tuition.¹⁵⁴ Muhammed Yunus, a native of Bangladesh, was enrolled in the Fulbright program as a US exchange student from 1965-1966, and again from 1969-1972.¹⁵⁵ During his time in the United States, Yunus obtained his PhD in economics from Vanderbilt University.¹⁵⁶ In 2006, he and his colleagues received the Nobel Peace Prize for developing the idea of microcredit and microfinance.¹⁵⁷ Students like Yunus are an example of why programs such as the Fulbright Education Program should continue to be funded.

Although programs both inside and outside of the United States provide amazing opportunities to international students, the problem remains the same.¹⁵⁸ Refugees must either find a way to receive a student visa or be admitted and resettled in a country before they can enroll as a student.¹⁵⁹ By the time most refugees resettle, they have lost years of their education and must find a job quickly in order to support themselves and their families.¹⁶⁰ Furthermore, once refugees resettle, they are more likely to adjust status and

¹⁵³ *The Fulbright Program*, BUREAU EDUCATIONAL & CULTURAL AFFAIRS, <http://eca.state.gov/fulbright> (last visited Nov. 22, 2015).

¹⁵⁴ *Grants for International Students*, COLLEGE SCHOLARSHIPS, <http://www.collegescholarships.org/grants/international.htm> (last visited Nov. 22, 2015).

¹⁵⁵ *International Exchange Alumni*, BUREAU EDUCATIONAL & CULTURAL AFFAIRS, <https://alumni.state.gov/alumni-story/muhammad-yunus-nobel-peace-prize-recipient> (last visited Nov. 22, 2015).

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ See *The Fulbright Program*, *supra* note 153.

¹⁵⁹ See Nelson, *supra* note 124.

¹⁶⁰ See *Asylum Seeker—Refugee Journey into Employment Relating to Their Prior Skills*, REFUGEEVOICES, 1, <http://www.refugeevoices.org.uk/assets/files/skilled/RAS%20Journey%20into%20employment%201.pdf> (last visited Mar. 27, 2016).

eventually become a citizen of their host country rather than go back and invest in the rebuilding of their home country.¹⁶¹

VII. STUDENT TEMPORARY PROTECTED STATUS

As the world leader in financial humanitarian support and aid, the United States needs to ensure that its humanitarian budget is spent on sustainable solutions that focus less on creating dependability and more on creating self-sufficiency. For instance, my proposal suggests that the United States can begin by spending its humanitarian budget on sustainable plans like investing in refugee students who can then return and help rebuild their home countries. In fact, most refugees would rather return home and help rebuild versus becoming wards of a state.¹⁶² In October 2014, Melissa Fleming, head of communications for UNHCR, gave a Ted Talk titled, “How to Help Refugees Rebuild their World.” In her talk she stated,

Not investing in refugees is a huge missed opportunity. Leave them abandoned, and they risk exploitation and abuse, and leave them unskilled and uneducated, and delay by years the return to peace and prosperity in their countries. I believe how we treat the uprooted will shape the future of the world. The victims of war can

¹⁶¹ See Jie Zong & Jeanne Batalova, *Frequently Requested Statistics on Immigrants and Immigration in the United States*, MIGRATION POL’Y INST. (Feb. 26, 2015), <http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>.

¹⁶² See Roger Cohen, *Battered Greece and its Refugee Lesson*, N.Y. TIMES (Sept. 21, 2015), http://www.nytimes.com/2015/09/22/opinion/roger-cohen-more-efficiency-less-humanity.html?_r=0; Joy Ming King, *We Want Work, We Want Dignity*, HARBOUR TIMES (Sept. 16, 2015), <http://harbourtimes.com/2015/09/16/we-want-work-we-want-dignity-hks-10000-refugees-clamour-for-system-change/>; *A Syrian Refugee Girl Pleads for Dignity*, UNICEF (Oct. 20, 2015), <https://www.facebook.com/unicef/videos/10153604358289002/>; see Hannah Bloch, *Imagine It’s the Year 2045. Will the Syrian Refugee Crisis be Resolved?*, NPR (Sept. 26, 2015, 6:52 PM), <http://www.npr.org/sections/parallels/2015/09/26/443204681/imagine-its-the-year-2045-will-the-syrian-refugee-crisis-be-resolved>.

hold the keys to lasting peace, and it's the refugees who can stop the cycle of violence.¹⁶³

The best way to allow student refugees to rebuild their country and stop the cycle of violence is to help them continue their education by creating a pathway into universities. In the United States, this pathway would be called Student TPS because it would be created through the TPS statute and focus specifically on refugee students. To create Student TPS, the US federal government and universities would each need to play a part. First, the federal government would have to approve a legal reform to TPS to create Student TPS. Along with this legal reform, there would need to be both an admission process and funding. Second, the State Department and universities would have to work together to set up an immersion course and mentorship program. Finally, the current TPS statute would need to be amended to include an option for adjustment of status.

A. Federal Legislation: Reform, Admission, and Funding

The primary goal of Student TPS would be to place refugee university students into US universities and prepare them to play key roles in rebuilding their countries. To create Student TPS, legislators must first amend TPS to create a section titled "Student TPS." Next, they would need to determine how to restructure current humanitarian aid to provide the necessary funding for Student TPS. Once TPS is amended to create Student TPS, foreign university students, both those in the United States who become TPS holders and those living abroad as refugees, could apply for Student TPS.

Currently, TPS alone does not permit entry into the United States.¹⁶⁴ To create an option for Student TPS, the TPS statute 8 U.S.C. § 1254(a) would

¹⁶³ Melissa Fleming, *How to Help Refugees Rebuild Their World*, TED (Oct. 2014), https://www.ted.com/talks/melissa_fleming_let_s_help_refugees_thrive_not_just_survive/transcript?language=en.

¹⁶⁴ See 8 U.S.C. § 1254a (2015).

need to be amended through a bill presented by Congress. Specifically, Congress would have to add a section addressing refugee students who could apply for Student TPS from outside of the country. Congress could do this under section (c) of the statute, Aliens Eligible for Temporary Protected Status.¹⁶⁵ The Student TPS section would still include all other TPS eligibility requirements except for section (C)(1)(a)(i) and (ii) which state, “(i) the alien has been continuously physically present in the United States since the effective date of the most recent designation of that state; (ii) the alien has continuously resided in the United States since such date as the attorney general may designate.”¹⁶⁶

Moreover, students applying for Student TPS would still need to go through the refugee designation process, but because of the long delays in the process, students applying for Student TPS could be fast tracked. This fast track would still require the same security clearance, but would prioritize them to receive acceptance within 12 months, which minimizes the time they spend out of school. Initially, this program would be designed to host up to 100 students from each TPS designated country and would not be retroactive. After the designation of a country under TPS, students from that country would be eligible to apply for Student TPS. Since Student TPS would not be retroactive, students from current countries under TPS would only become eligible once their country’s TPS status was renewed or extended. Students outside of the United States could apply for Student TPS at their local US embassy. Once the cap of 100 students is met, Student TPS would not be open for applications until the following year. Student TPS is not limited to students who were enrolled in university classes before the devastation in their home country occurred, but those students would have priority over first time enrollees, especially those in graduate programs.

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

Once a student enrolls in Student TPS, they would become eligible to receive federal funding as student refugees and would be guaranteed the opportunity to stay in the United States and finish their degree, even if their country's TPS designation is lifted. If the universities in their country of origin resume business and can accept them as transfer students, they will have the option of transferring and returning home.

Refugees outside of the United States could go directly to a US embassy and apply for Student TPS. First, this would require them to go through an application process where they would have to show that there are no possible universities in their home country that they could attend, due to either the natural disaster or armed conflict that initiated the TPS designation. Second, the applicant would need to show that their degree plan aligns with rebuilding their country. They could meet this requirement by writing a short essay on how their specific degree path would help in facilitating the rehabilitation of their country's specific devastation. The necessary requirements for rebuilding will vary depending on whether their country was placed under TPS due to a natural disaster or armed conflict. This requirement helps the student to focus on rebuilding and not resettling. Finally, the student would have to show that he or she is admissible to the United States and has received security clearance. Security clearance would consist of the same vetting process as those resettling in the United States undergo.¹⁶⁷ Finally, all applications would be reviewed by USCIS and

¹⁶⁷ *Security Screening of Refugees Admitted to the United States: A Detailed Rigorous Process*, RCUSA 1-2, <http://refugees.org/wp-content/uploads/2015/12/Security-Check-Steps.pdf> (last visited Mar. 27, 2016) ("The State Department runs the names of all refugees referred to the United States for resettlement through a standard CLASS (Consular Lookout and Support System) name check. In addition, enhanced interagency security checks were phased in beginning in 2008 and applied to all refugee applicants by 2010. Certain refugees undergo an additional security review called a Security Advisory Opinion (SAO). These cases require a positive SAO clearance from a number of U.S. law enforcement and intelligence agencies in order to continue the resettlement process. Refugees who meet the minimum age requirement have their fingerprints and photograph taken by a trained U.S. government employee, usually on the same day as their DHS

applicants would still be required to go through the USCIS interview process.

Student TPS gives the US government an opportunity to make a sustainable investment in helping devastated countries rebuild, and become self-sustaining. Federal funding for Student TPS would be supplied by some of the billions of dollars that are already going towards humanitarian aid and foreign assistance.¹⁶⁸ Each year the United States gives foreign assistance to the international community in order to provide humanitarian relief and global peace and security.¹⁶⁹ Currently, nine categories of US foreign assistance exist including health, peace and security, democracy human rights and government, economic development, education and social services, program management, humanitarian assistance, environment, and multi-sector.¹⁷⁰ Student TPS could fall into almost all of the nine categories due to its effect on education, humanitarian needs, health, economic development, and governance. Additionally, of the 20 agencies involved in either the funding or executing of these funds, the US Agency for International Development and the US Department of State stand out as key players for the funding and executing of federal financial support for Student TPS because of their current involvement with similar programs.¹⁷¹

interview. The fingerprints are then checked against various U.S. government databases and information on any matches is reviewed by DHS. All refugee applicants are interviewed by an officer from DHS's U.S. Citizenship and Immigration Services (USCIS). A trained officer will travel to the country of asylum to conduct a detailed, face-to-face interview with each refugee applicant being considered for resettlement. Based on the information in the refugee's case file and on the interview, the DHS officer will determine if the individual qualifies as a refugee and is admissible under U.S. law.").

¹⁶⁸ See *Global Humanitarian Assistance Report 2013*, 21 (2013), <http://www.globalhumanitarianassistance.org/wp-content/uploads/2013/07/GHA-Report-2013.pdf>.

¹⁶⁹ *What Is U.S. Government Foreign Assistance?*, FOREIGNASSISTANCE.GOV, <http://beta.foreignassistance.gov/> (last visited Nov. 22, 2015).

¹⁷⁰ *Id.*

¹⁷¹ *See id.*

For Student TPS to work, universities would need to receive federal funding to pay for the students' education. This funding would come in the form of a scholarship to students and would vary depending on the university. Furthermore, as part of my proposal, the only way for universities to receive this federal funding would be if they committed to charge student refugees in-state tuition fees rather than out-of-state tuition fees. Some universities already offer out-of-state tuition waivers for US students whose specific geographic regions do not provide students with the academic program they may be seeking to enroll in.¹⁷² Currently, these out-of-state waivers can offer either in-state tuition rates, or at minimum, a reduced tuition rate.¹⁷³ Providing this same type of rate for refugees would help to keep costs low for federal funding.

Next, the Student TPS program would allow for private university funding, grants, and other private citizen funding. To help reduce federal funding, students would be eligible to receive dorm housing from their university or live in a host home with an American family. Moreover, under the current TPS statute the student would be eligible to apply for work authorization,¹⁷⁴ which could help reduce the need for additional federal funding.

B. The Role of the State Department and US Universities

The next step for the student refugee would be submitting applications to US universities. Universities in the United States require foreign students to prove both English proficiency and academic ability through testing.¹⁷⁵ The

¹⁷² *Qualifying for In-State Tuition*, ECAMPUSTOURS.COM (Sept. 15, 2015), <http://www.ecampustours.com/for-students/paying-for-college/financial-aid-the-FAFSA/qualifying-for-in-state-tuition#.VII9JRNviko>.

¹⁷³ *Id.*

¹⁷⁴ *Temporary Protected Status*, *supra* note 53.

¹⁷⁵ *TOEFL, GMAT, GRE, LSAT, MCAT, SAT, ACT . . . Which Tests Do You Need?*, INT'L STUDENT GUIDE TO THE UNITED STATES AM., http://www.internationalstudentguidetotheusa.com/articles/which_tests.htm (last visited Mar. 27, 2016).

State Department could offer academic testing for student refugees at US embassies. These tests could be conducted by visiting representatives from universities partnering with the Student TPS program. If the student was just beginning college or graduate school, he or she would be required to take university admissions tests such as the SAT, Medical College Admissions Test (MCAT), or the Law School Admissions Test (LSAT).¹⁷⁶ If he or she was previously enrolled in a university program, this student would still be required to take either the SAT, GRE, MCAT, or LSAT depending on what type of program the student was in. If the student can obtain their school transcript or other official university documents that shows the classes the student has completed, he or she may have the academic admissions test waived, although this would be up to the individual universities to decide.

Once accepted, the student would officially receive his or her Student TPS designation, and federal funding to travel to the United States, and resume their studies. While in the United States, the universities could offer dorm housing for students. Alternatively, the State Department could provide the opportunity for American citizens to host a student, like other US exchange student programs such as the Future Leaders Exchange Program.¹⁷⁷ Both housing options would help to reduce the cost of federal funds spent on living expenses for the student. Additionally, while enrolled in school in the United States, the student would be eligible for government health care and work authorization. If he or she was unable to gain work authorization, then the student could apply for government support such as food stamps.

A key distinction between refugees in the United States through the refugee resettlement program and refugees in the United States under

¹⁷⁶ *Id.*

¹⁷⁷ *Host Families*, BUREAU EDUCATIONAL & CULTURAL AFFAIRS, <http://eca.state.gov/programs-initiatives/host-high-school-student> (last visited Nov. 22, 2015).

Student TPS is that the Student TPS program will encourage students to essentially keep their citizenship and return to their country of origin to play a key role in rebuilding their countries.¹⁷⁸ As part of this focus on rebuilding their respective country, each student would be matched with a local immersion mentor who he or she would meet with regularly. This mentor could be a member of his or her university, a State Department employee, or another professional in his or her community. Mentor selection and requirements would be determined by the State Department. By attending university classes, participating in the immersion program, and meeting with a mentor, students will gain essential tools to help them play a vital role in rebuilding their country.

Finally, if the student completes his or her degree and his or her country of origin is still designated under TPS, he or she would be given the option of returning home or staying in the United States. If the student decided to stay in the United States, he or she would need to apply for work authorization and would be required to find employment within six months of graduating. As soon as her TPS designation is lifted, she would return home. Finally, the only other option for the Student TPS holder to stay in the United States would be for the holder to adjust his or her status.

C. An Option for Adjustment of Status

Ultimately, many of these devastated countries are unsafe to return to for many years.¹⁷⁹ As TPS designations are repeatedly extended, many people live in the United States for years without knowing if they will get to stay or be forced to leave.¹⁸⁰ After a certain point, it is unreasonable to prohibit

¹⁷⁸ *Frequently Asked Questions about Refugees and Resettlement*, INT'L RESCUE COMM., <http://www.rescue.org/frequently-asked-questions-about-refugees-and-resettlement> (last visited Mar. 27, 2016) (explaining that refugees desire to and often return home once their countries are peaceful and stable).

¹⁷⁹ See *World at War*, UNHCR 13 (2014) <http://unhcr.org/556725e69.pdf> (reporting that Afghan refugees say security is an obstacle to them being able to return home).

¹⁸⁰ See *TPS Questions and Answers*, MASS LEGAL HELP (May 2010), <http://www.masslegalhelp.org/immigration/haiti/tps-questions-and-answers> (suggesting

them from adjusting their status to LPR or apply for citizenship. If a natural disaster or armed conflict has made it impossible for someone to return home for five or more years, then the situation is no longer temporary and the TPS holder should be given the opportunity to adjust status.

If a country's TPS status continues to renew for five years, the Student TPS holder would become eligible to adjust status to an LPR and eventually apply to become a US citizen. Accordingly, anyone else in the United States under TPS for five or more years would also have the right to adjust status to LPR and eventually apply for US citizenship. Those under TPS in the United States for five or more years would have to abide by the same admissibility standards required of other immigrants looking to adjust status. These grounds are found in section 212 of the Immigration and Nationality Act (INA) and pertain to health standards, criminal records, security clearance, and public charge.¹⁸¹

Additionally, a TPS holder looking to adjust his or her status would have to show documentation of his or her school or work record and good moral character. Finally, adjustment would never bar a person from returning to their country to rebuild. Rather, it would give a person an opportunity to move on with their life when returning home is no longer an option.

In order to create an option for TPS holders to change their legal status based solely on their TPS status, there must be a supermajority vote in the Senate.¹⁸² On June 27, 2013, the Senate introduced Bill S.744, "Border Security, Economic Opportunity, and Immigration Modernization Act of 2013," which would allow those who have been in the United States under TPS for 10 years to adjust to legal permanent resident status immediately.¹⁸³

that TPS holders should not leave and that extensions may be granted but are not guaranteed).

¹⁸¹ See 8 U.S.C. § 1182 (2013).

¹⁸² See 8 U.S.C. § 1254a (2015).

¹⁸³ *Summary & Analysis Border Security, Economic Opportunity, and Immigration Modernization Act of 2013*, NAT'L IMMIGRATION L. CTR., <http://www.nilc.org/s744summary1.html> (last updated Nov. 15, 2015).

Bill S.744 incorporates a number of other comprehensive immigration reforms and, if passed, would be the biggest transformation to US immigration law in 25 years.¹⁸⁴ Currently, Congress has yet to pass this 1,200-page bill.¹⁸⁵ The bill offers a pathway to citizenship for those in the United States under TPS, but the bill does not include creating a category for student refugees.¹⁸⁶

VIII. HOW STUDENT TPS HELPS REFUGEES REBUILD DEVASTATED COUNTRIES

Once a refugee has resettled in the United States, it will be much harder for him or her to return to his or her country of origin for many reasons. One reason may be the lack of job opportunities in his or her home country compared to the country he or she has resettled in. Additionally, his or her new citizenship status may offer various benefits that his or her home country cannot offer. Finally, he or she may no longer want to uproot his or her family and go through another massive transition. Refugees are already forced to leave their homeland and resettle in another country where they have to learn a new culture, language, and way of life.

In the refugee camps, the focus is on getting by day to day, but for each day, month, and year that these students live in camps and are not going to school, they are losing hope for completing their education.¹⁸⁷ For many college-age refugees, this can and will most likely severely alter their future. Additionally, this loss of education will likely have devastating

¹⁸⁴ *Id.*

¹⁸⁵ Stephen Dinan, *Senate Democrats Keep Own Immigration Bill from House, Urge Obama Executive Action*, THE WASHINGTON TIMES (Nov. 17, 2014), <http://www.washingtontimes.com/news/2014/nov/17/senate-democrats-keep-own-immigration-bill-from-ho/?page=all>.

¹⁸⁶ *Cf. Comprehensive Immigration Reform Through Senate Bill S. 744*, LUTHERAN IMM'N & REFUGEE SERV., http://lirs.org/compassionateimmigrationreform/s744_analysis/ (last visited Mar. 27, 2016) (Proving the non-existence of student TPS).

¹⁸⁷ *See Loss of Hope and Deepening Poverty Driving Syrians to Seek Refuge in Europe*, UNHCR (Sept. 25, 2015), <http://www.unhcr.org/560558b06.html>.

effects on their country of origin when it comes time to rebuild.¹⁸⁸ According to the Organization for Economic Co-operation and Development,

Education plays a key role in providing individuals with the knowledge, skills and competences needed to participate effectively in society and in the economy. In addition, education may improve people's lives in such areas as health, civic participation, political interest and happiness. Studies show that educated individuals live longer, participate more actively in politics and in the community where they live, commit fewer crimes and rely less on social assistance.¹⁸⁹

One of the main goals of Student TPS is to equip students with the tools they need to rebuild their country. Many of the tools needed to help students rebuild will be gained simply by continuing to receive education. An additional tool will be received through the attending of an American immersion program. The American immersion program would be similar to Germany's civil values immersion program and would teach the students American democracy, governance, and society.¹⁹⁰ The curriculum and requirements for this program could be developed by the US State Department. The program could either be an online program run by the US State Department or could be met through taking specific approved classes at each student's individual university.

When students come to the United States for the purpose of equipping themselves to return home and rebuild their country, they will likely be more focused on returning home than those who have moved and resettled in a new country. The many student exchange programs that occur both inside and outside of the United States have exhibited this.¹⁹¹ Students leave

¹⁸⁸ See *Education*, ORG. FOR ECON. CO-OPERATION * DEV., <http://www.oecdbetterlifeindex.org/topics/education/> (last visited Nov. 22, 2015).

¹⁸⁹ *Id.*

¹⁹⁰ Horn, *supra* note 6.

¹⁹¹ See Lauren Monsen, *International Students: Prepping to be Tomorrow's Leaders*, IIP DIGITAL (Nov. 16, 2011),

their home country, study in another country, and then return home and apply what they have learned.

IX. CONCERNS ABOUT STUDENT TEMPORARY PROTECTED STATUS AND AMENDING IMMIGRATION LAWS

Whenever an issue pertaining to immigration arises in the United States, many US citizens raise concerns and voice their opinions.¹⁹² Some of these opinions include concerns about terrorists entering the country, while others center on funding and taking away opportunities from Americans and giving them to foreigners.¹⁹³ These concerns are valid, but will not arise under Student TPS.

A. Terrorism

A chief concern for any type of immigration law reform is a fear of terrorism, especially when immigrants are coming from the Middle East.¹⁹⁴ After the Paris terrorist attacks on November 13, 2015, it was alleged that one of the terrorists might have possibly snuck into Europe posing as a Syrian refugee.¹⁹⁵ Although the attacker was in fact not a refugee, this rumor caused Americans to fear that terrorists could be hiding among

<http://iipdigital.usembassy.gov/st/english/article/2011/11/20111116104132nerual0.4314234.html#axzz449YjasQT>.

¹⁹² See Danielle Renwick & Brianna Lee, *The U.S. Immigration Debate*, COUNCIL FOREIGN REL. (Feb. 26, 2015), <http://www.cfr.org/immigration/us-immigration-debate/p11149>.

¹⁹³ Tim Kane & Kirk A. Johnson, *The Real Problem with Immigration...and the Real Solution*, HERITAGE (Mar. 1, 2006), <http://www.heritage.org/research/reports/2006/03/the-real-problem-with-immigration-and-the-real-solution>.

¹⁹⁴ See Warren Mass, *Americans Fear Muslim-Country Migrants Entering U.S. May Include Terrorists*, THE NEW AM. (Sept. 16, 2015), <http://www.thenewamerican.com/usnews/immigration/item/21594-americans-fear-muslim-country-migrants-entering-u-s-may-include-terrorists>.

¹⁹⁵ Ashley Fantz & Ben Brumfield, *More Than Half the Nation's Governors Say Syrian Refugees Not Welcome*, CNN (Nov. 19, 2015), <http://www.cnn.com/2015/11/16/world/paris-attacks-syrian-refugees-backlash/>.

Syrian refugees entering the United States through the refugee resettlement program.¹⁹⁶ Due to this unsubstantiated theory, 31 US governors threatened to close their state borders to Syrian refugees without legal authority.¹⁹⁷ On November 16, 2015, President Obama addressed these concerns saying,

We also have to remember that many of these refugees are the victims of terrorism themselves—that’s what they’re fleeing. Slamming the door in their faces would be a betrayal of our values. Our nations can welcome refugees who are desperately seeking safety and ensure our own security. We can and must do both.¹⁹⁸

Every country has a responsibility to keep its citizens safe from terrorism, but as President Obama expressed, many refugees are also fleeing terrorism.¹⁹⁹ Furthermore, the United States is not Europe. After suffering from terrorist attacks on 9/11, in which attackers entered the United States through mostly business and tourist visas as well as one student visa,²⁰⁰ the United States has reinforced, strengthened, and enhanced national security.²⁰¹ As part of this security overhaul, the United States has made border security and visa entry a top priority by creating government departments and agencies like the Department of Homeland Security.²⁰²

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*; see *Truax v. Raich*, 239 U.S. 33, 36 S. Ct. 7, 60 L. Ed. 131 (1915) (At issue was the constitutionality of an Arizona law designed to prevent unwelcome foreigners from settling in that state by denying them the ability to secure meaningful employment. SCOTUS determined that the Arizona law was unconstitutional because Congress possesses the constitutional power to regulate the admission of aliens to the United States and once an alien has been lawfully admitted under federal law, no state may “deny them entrance and abode.” That standard plainly covers the treatment of Syrian refugees that have been lawfully admitted to the United States.).

¹⁹⁸ Barack Obama, *Press Conference by President Obama – Antalya, Turkey*, THE WHITE HOUSE (Nov. 16, 2015), <https://www.whitehouse.gov/the-press-office/2015/11/16/press-conference-president-obama-antalya-turkey>.

¹⁹⁹ *Id.*

²⁰⁰ Robert Farley, *9/11 Hijackers and Student Visas*, FACTCHECK.ORG (May 10, 2013), <http://www.factcheck.org/2013/05/911-hijackers-and-student-visas/>.

²⁰¹ *Preventing Terrorism and Enhancing Security*, DEP’T HOMELAND SECURITY (Aug. 26, 2015), <http://www.dhs.gov/preventing-terrorism-and-enhancing-security>.

²⁰² *Id.*

Moreover, it is important to highlight that refugees are the most vetted group of immigrants that enter the United States.²⁰³ Although Student TPS creates another pathway for refugees to get into the country, it does not compromise the standards of US national security to do so. Currently, the refugees coming to the United States go through multiple security screenings, including interviews with the Department of Homeland Security, biographic checks through the Consular Lookout and Watch List, Security Advisor Opinions for cases that meet a certain criteria, interagency checks by the National Counterterrorism Center, biometric checks by DHS and the FBI, biometric screenings by the Department of Defense, and additional screening checks upon entry to the United States.²⁰⁴ Not to mention, Syrians are also subject to enhanced screening through DHS and USCIS.²⁰⁵ Finally, all the cases that fall into a specific criterion go through Fraud Detection and National Security Directorate for additional review.²⁰⁶ In my proposed solution, individuals in the Student TPS program would go through this same screening and would be closely monitored by the State Department through the mentor program and the American immersion course.

Additionally, terrorists come from all over the world, not just one particular country.²⁰⁷ Terrorist groups have recruited many different individuals from many walks of life.²⁰⁸ Refugees, just like anyone else, can be targeted for terrorist recruitment, but a terrorist getting into the United

²⁰³ *Refugee Resettlement – Security Screening Information*, HUMAN RTS. FIRST 1 (Nov. 2015),

<http://www.humanrightsfirst.org/sites/default/files/SyrianRefugeesVettingFacts.pdf>.

²⁰⁴ *Id.* at 1-2.

²⁰⁵ *Id.* at 1.

²⁰⁶ *Id.*

²⁰⁷ See Dean Obeidallah, *Are All Terrorist Muslims? It's Not Even Close*, THE DAILY BEAST (Jan. 14, 2015), <http://www.thedailybeast.com/articles/2015/01/14/are-all-terrorists-muslims-it-s-not-even-close.html>.

²⁰⁸ *See id.*

States while posing as a refugee is highly unlikely.²⁰⁹ Finally, getting refugees out of camps and giving them the ability to pursue their dreams of receiving an education would actually help to keep them from getting radicalized.²¹⁰

B. Legislative Intent

No conflict exists between the original legislative intent of TPS and Student TPS. Student TPS falls within the current legislative intent because it offers temporary protection to foreign nationals in crisis.²¹¹ TPS was passed with the idea of temporarily protecting those who were already in the United States from being sent back to a devastated nation, which is exactly what Student TPS will do for students.²¹² Moreover, Student TPS aims to spend humanitarian aid money on investing in students that will help rebuild their nation after natural disasters or armed conflict. The goal for Student TPS will not only be temporary protection, but also aim to get refugees back to their home country once the conflict or disaster has subsided.

C. Change in Student Status

Another argument that is noteworthy to consider is what would happen if a student under Student TPS dropped out of school. As part of my proposal, if Student TPS holders dropped out of school, they would still be allowed to stay in the United States under TPS but without federal funding. They would then be required to fund themselves by applying for work

²⁰⁹ Dylan Petrohilos & Beenish Ahmed, *This Chart Is the Perfect Rebuttal to Governors Who Won't Take in Syrian Refugees*, THINK PROGRESS (Nov. 17, 2015), <http://thinkprogress.org/world/2015/11/17/3722952/refugee-resettlement/>.

²¹⁰ Marco Werman, *Why It's Important to Help Syrian Student Refugees Finish Their Degrees*, Interview of Adrienne Fricke, PUB. RADIO INT'L (May 27, 2013), <http://www.pri.org/stories/2013-05-27/why-its-important-help-syrian-student-refugees-finish-their-degrees>.

²¹¹ See 8 U.S.C. § 1254a (2015).

²¹² See *id.*

authorization and finding employment. However, they would be required to continue meeting with their mentor and still be closely monitored while in the United States. Once the TPS for their country is terminated, they would immediately be required to return home, just like anyone else under TPS.²¹³ Furthermore, once students finish their degree plan, they will also finish receiving federal funding and support within six months of graduation. Subsequently, they will be required to apply for work authorization so that they may provide for themselves until their TPS is terminated. Finally, as part of my proposal, Student TPS holders will not be eligible to apply for asylum upon entry in to the United States. The only way they could become eligible for asylum would be if there were a change in their countries' conditions after they arrived in the United States.

D. Adding to Current US Immigration Problems

Some may argue that Student TPS will be an additional program that helps to create a growing immigration problem in the United States, but with the program being limited to 100 students, this would not be an issue. The aim of Student TPS is for students to return home and invest in the rebuilding of their country. Due to the nature of Student TPS and the requirement for students to meet with mentors and attend the immersion program, students will not only gain tools to rebuild their country, but they will also spend time preparing for and focusing on returning to their country. These students will be in the United States with legal authorization and will not be a public charge; therefore, they would not add to any current immigration problems.

E. Taking Opportunities Away from Americans

Authorities may argue that Student TPS holders will take away from the funding that US college students would be eligible to receive. However, the

²¹³ *See id.*

funding for Student TPS will come from federal funding that is already designated for humanitarian aid and the rebuilding of devastated countries. Thus, Student TPS holders will not take funding away from US college students. Additionally, universities allowing Student TPS holders to attend can expand their enrollment size to account for Student TPS holders. This way, the number of American students admitted would not change.

F. US Taxpayer Funding

Another concern with Student TPS may be why US taxpayers should pay for refugee students to get an education when the student's intent is to return to their own country. Just because the students are intending to return home and rebuild their countries does not mean that the United States would not benefit. This argument relies on the idea that the only available benefit is monetary, but benefits can come in many different forms. This author believes some critical benefits derived from the Student TPS program include adding to our nation's cultural diversity, furthering the United States' reputation as a global humanitarian leader, and investing in future world leaders and problem solvers. Furthermore, a successful Student TPS program would eventually allow devastated countries to rebuild, thus creating self-sustainability within the country. This would then result in these countries being less dependent on foreign funding.

X. BROAD IMPLICATIONS OF STUDENT TEMPORARY PROTECTED STATUS

Student TPS will not only benefit each student that is accepted, but will also be a benefit to the United States as well. This author believes that these benefits include eventually cutting back on international funding; giving the United States another opportunity to promote humanitarianism, education, and US values around the globe; adding to cultural diversity in the United States; and potentially adding educated and skilled workers to both the US economy and society.

First, Student TPS holders will allow the United States to eventually cut back on international funding. Initially, the United States will allocate some of its humanitarian aid funding for these students; however, once the students can return home to help rebuild their countries, the United States will be able to reduce international funding towards the devastated countries. These equipped students will help to rebuild their home countries infrastructure thus becoming less dependent on foreign aid. Student TPS allows the United States to be intentional with its giving and invest in a program that will promote the long-term sustainability of a devastated country and not just provide an endless stream of aid.

Second, Student TPS gives the United States another opportunity to promote American values such as humanitarianism and education around the globe. Moreover, if Student TPS is successful, then other countries may follow the United States' lead and potentially create their own similar programs to help educate refugees. These countries' programs could then help to expedite the process of rebuilding devastated countries.

Third, Student TPS holders will add to American cultural diversity and global understanding. The United States is a country founded on and comprised of many cultures.²¹⁴ Living in a global society means that we need to understand other cultures and mindsets so that we can work toward common goals and interests in order to live in a secure society.²¹⁵

Every time we engage with people from various countries and cultures we are not only embracing global society, but also expanding our worldview and understanding.²¹⁶ Engaging with people from around the

²¹⁴ See Daniel Griswold, *Immigrants Have Enriched American Culture and Enhanced Our Influence in the World*, CATO (Feb. 18, 2002), <http://www.cato.org/publications/commentary/immigrants-have-enriched-american-culture-enhanced-our-influence-world>.

²¹⁵ See Madeleine F. Green, *Global Citizenship – What Are We Talking About and Why Does It Matter?*, GLOBALHIGHERED (Mar. 11, 2012), <https://globalhighered.wordpress.com/2012/03/11/global-citizenship/>.

²¹⁶ *Id.*

globe allows us to see the ways in which we are similar and connected as human beings.²¹⁷ It helps us to not only understand different ways of life, but also increases our compassion for what others are going through.²¹⁸ According to Department of Homeland Security Secretary Janet Napolitano,

Attracting the best and brightest international talent to our colleges and universities and enabling them to contribute to their professional growth is an important part of our nation's economic, scientific and technological competitiveness . . . International students and exchange visitors bring invaluable contributions to our nation, and this helps empower the next generation of international entrepreneurs, right here in America.²¹⁹

Finally, if students under Student TPS end up living in the United States for five or more years and adjusting their status, their presence as educated skilled workers will be a valuable addition to society and the economy. According to a report by College Board, societies receive many benefits from individuals who complete higher education.²²⁰ Some of these societal benefits include an increase in productivity, higher tax payments to all levels of government resulting from educated workers' earnings, and quality of life improvements including reduced poverty that enhances the greater population's well-being.²²¹ Additionally, adults who receive a higher education are less likely to smoke or be incarcerated and more likely to vote and contribute to volunteer work and charities.²²² Finally, the children of adults who have received higher levels of education are read to more often,

²¹⁷ *Id.*

²¹⁸ *Id.*

²¹⁹ *U.S. Government Expands Program for International Students*, U.S. DEP'T ST. (May 14, 2012), <http://iipdigital.usembassy.gov/st/english/article/2012/05/201205135575.html#axzz3qIBvoOGZ>.

²²⁰ Sandy Baum & Kathleen Payea, *The Benefits of Higher Education for Individuals and Society*, COLLEGE BOARD 9 (2015), http://www.collegeboard.com/prod_downloads/press/cost04/EducationPays2004.pdf.

²²¹ *Id.*

²²² *Id.*

have greater cognitive skills, and have better concentration than other children.²²³

These Student TPS implications are huge advantages for any society and show how investing in higher education plays an important role in developing a nation. Student TPS is a small program with many positive implications for the United States, countries in crisis, and the entire world.

XI. CONCLUSION

The United States has done more than any other nation when it comes to offering humanitarian aid to those in crisis.²²⁴ Whether people are suffering from a natural disaster or from armed conflicts, the United States has stepped in to offer assistance.²²⁵ If the nations of the world want devastated countries to be able to rebuild and sustain themselves, then refugee students cannot be allowed to become a “lost generation.” The United States can and should approach the humanitarian crisis of refugee students with a long-term mindset. Moreover, the United States should provide solutions that will do more than sustain people, but rather will help them to thrive so that they can play an important and necessary role in the future of their nations.

One of the best ways to invest in an individual or a nation is to provide education.²²⁶ Expanding TPS to create a Student TPS program would be a step forward in the evolution of humanitarian aid. Student TPS aims to create sustainability and focuses on long-term solutions. The more people are equipped with education and global understanding, the more they will

²²³ *Id.*

²²⁴ Jon Greenberg, *Obama: U.S. Is Largest Donor for Displaced Persons, Refugee Relief*, POLITIFACT (Nov. 17, 2015), <http://www.politifact.com/truth-o-meter/statements/2015/nov/17/barack-obama/obama-us-largest-donor-displaced-personsrefugee-re/>.

²²⁵ Rhoda Margesson, *International Crises and Disasters: U.S. Humanitarian Assistance Response Mechanisms*, CONGRESSIONAL RES. SERV. 2 (OCT. 16, 2015), <https://www.fas.org/sgp/crs/row/RL33769.pdf>.

²²⁶ *See Education*, GLOBAL PARTNERSHIP FOR EDUC., <http://www.globalpartnership.org/education> (last visited Mar. 27, 2016).

sustain and enrich their own country.²²⁷ Furthermore, by allowing those under TPS for five or more years to adjust their status, the United States will only be enriching its own society.

While there is much more that can and should be done by the global community to create sustainable and long-term humanitarian aid for those in crisis, implementation of this proposal would be a substantial step in the right direction. Ultimately, refugees need to be able to return home; but so long as it is unsafe for them to return, it is our responsibility as a nation to provide assistance. With Student TPS, we can begin to treat those in crisis not as victims or terrorists, but as members of our international society who have important roles to play. If Student TPS is adopted, it will allow the United States to invest in sustainable global development and will equip refugees to play essential roles in the rebuilding of their nations.

²²⁷ *See id.*