

Questions for the Record Submitted to  
Deputy Assistant Secretary Edward Ramotowski by  
Senator John Cornyn (#1 to #3)  
Senate Committee on the Judiciary,  
Subcommittee on Border Security and Immigration  
June 6, 2018

**Question 1:**

Deputy Assistant Secretary Ramotowski, you mentioned in your testimony how the Department of State is usually the first government agency to come in contact with foreign nationals seeking to come to the United States. You also mentioned that you work with other federal agencies through the interagency visa screening process to identify those who may seek to acquire sensitive proprietary information:

Are there any additional legal authorities that would help State Department better identify such individuals before they can enter the United States?

**Answer 1:**

When adjudicating visa applications, consular officers assess the eligibility of all visa applicants under U.S. law, including section 212(a)(3)(A)(i)(II) of the Immigration and Nationality Act, which provides that a consular officer can deny a visa if there is reasonable ground to believe that the applicant seeks to enter the United States to engage solely, principally, or incidentally in any activity to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information. It is our understanding from our interagency colleagues that protecting against theft from the United States of intellectual or sensitive business proprietary knowledge is not the purpose of export controls.

**Question 2:**

Deputy Assistant Secretary Ramotowski, currently there are laws that prohibit certain nationals from coming to the United States to study in certain fields like the energy sector, nuclear science, and nuclear engineering:

Do we need to expand those laws to help deter foreign actors seeking to access sensitive technology and research, especially where the technology may be dual-use and have military applications?

**Answer 2:**

U.S. law enforcement and intelligence agencies are best suited to identify whether existing laws are sufficient to protect access to sensitive U.S. technology and research, and the Department of State defers to those partners as to whether existing laws must be expanded to meet today's needs. The Department of State stands ready to implement and enforce any changes to visa-related authorities, including any potential expansion of those authorities to deter foreign actors from accessing sensitive technology and research.

**Question 3a:**

Deputy Assistant Secretary Ramotowski, you also mentioned in your testimony that under the Immigration and Nationality Act, consular officers cannot deny a visa application on national security grounds if a visa applicant is coming to work or study in a sensitive area of technology that is not export controlled like robotics or artificial intelligence.

Do we need a new admissibility ground to address this current loophole?

**Answer 3a:**

U.S. law enforcement and intelligence agencies are best suited to identify whether existing laws are sufficient to protect access to sensitive U.S. technology and research that is not export-controlled, and the Department of State defers to those partners as to whether inadmissibility grounds must be expanded to meet today's needs.

**Question 3b:**

Do you need any other tools under the immigration laws, like new admissibility grounds and waivers, to better deter those who may pose a threat to national security or U.S. interests, while still allowing bona fide students, researchers, and visiting scholars to come to the United States?

**Answer 3b:**

The Department of State defers to U.S. law enforcement and intelligence agencies to identify any additional sensitive technologies and research that require enhanced protection, which would then guide the debate about whether additional authorities under immigration or export control laws are necessary. The Department stands ready to implement and enforce any such changes. The Department is also committed to ensuring that bona fide foreign students, researchers, and visiting scholars who do not represent any threat have continued access to higher education opportunities in the United States.

Approved: Carl C. Risch (CCR)

Drafted: CA/VO/L/R: Taylor Beaumont, ext. 5-7419

Cleared:

CA: KChristensen	(ok)
CA: PMarigliano	(ok)
CA/VO: ERamotowski	(ok)
CA/VO: MParker	(ok)
CA/VO/F: JWebster	(ok)
CA/VO/L/R: MHerndon	(ok)
L/CA: SKerr	(ok)
EB: BKaalund	(info by request)
P: LSnyder	(ok)
S/P: CPeterson	(ok)
M: KKirkland	(ok)
PM: MCenzer	(info by request)
T: MBrechwald	(ok)
H: GMartineau	(ok)
ISN: EKang	(ok)
D: KNanavatty	(no response)
EAP: ARichey-Allen	(no response)

Questions for the Record Submitted to  
Edward J. Ramatowski by  
Senator Mazie K. Hirono (#1 to #2)  
Senate Committee on the Judiciary,  
Subcommittee on Border Security and Immigration  
June 6, 2018

**Question 1:**

I believe restricting Chinese student visas is short-sighted. I know the impact in Hawaii would be negative. The University of Hawaii believes that the current policy of only issuing 1-year visas, and requiring secondary administrative checks on top of the already rigorous vetting, discourages Chinese students from studying in the U.S., especially when they can study in Canada, Australia and the U.K.

They worry that further restrictions would create the perception that the visa process is too daunting for foreign students, and fewer foreign students mean fewer tuition dollars, loss of global diversity on campus, loss of talent for research institutions, and loss of collaborative partnerships between U.S. schools and their Chinese partner institutions.

In addition, once they finish school, many of these students stay in the U.S. and join high-tech firms after finishing school, bringing innovation to our industries and contributing positively to the economy:

If the Chinese students can't come to America, there will be negative consequences for our universities, and they won't stay in America and contribute their skills and talents to our economy. How does that help the U.S.?

**Answer 1:**

We recognize that the United States is a global leader in international education, and exchange opportunities enrich our academic community, drives innovation at home, contributes to jobs and economic growth in all 50 states, and strengthens our connections and channels of international cooperation. We strive to facilitate legitimate travel to our country when it is in our national interest, while protecting against those who would do us harm. To this end, the Department of State issued 393,558 F-1 visas in FY 2017 to international students for participation in academic programs and an additional 9,586 M-1 visas for participation in non-academic/vocational programs. The Department of State issued 112,817 F-1 visas to Chinese citizens in FY 2017, 29 percent of the worldwide F-1 issuances. Department of Homeland Security reporting indicates there were 1.2 million international students in the United States as of March 2018. Of those, 377,070 are Chinese students.

We also recognize that overreaching restrictions on foreign students at our world-class universities would challenge U.S. leadership in scientific discovery and innovation and erode U.S. dominance in attracting the brightest talent and preparing the most advanced technical workforce in the world. We will continue to work with partner agencies to ensure a coordinated and effective approach to visa security, based on an increasing knowledge of threats, and our

ability to identify and interdict those threats.

**Question 2:**

Excluding a class of citizens by nationality, or religion is an ugly theme of the Trump Administration. It also echoes some of the most terrible, unAmerican things that have happened in this country, including the Chinese Exclusion Act of 1992, and the internment of Japanese Americans during World War II:

How is restricting Chinese student visas consistent with American values?

**Answer 2:**

As part of the National Security Strategy to protect sensitive and proprietary information, we will implement screening measures on June 11 that will limit the validity of newly issued nonimmigrant visas for some Chinese applicants studying or working in certain sensitive fields. These measures do not affect the ability of Chinese applicants to apply for or receive visas to study in the United States. As always, we adjudicate visas on a case-by case basis in accordance with U.S. laws and regulations. The visa application process has not changed, and we continue to welcome Chinese students – in fact China is the largest source country for international students in the United States. The Department of State also conducts outreach efforts in foreign countries, including China, to provide information about educational opportunities in the United States and we provide priority access to visa appointments for student visa applicants to help ensure they are able to begin their academic programs on time.