



Robert Horwitz  
Telephone: (510) 987-0887  
Email: robert.horwitz@ucop.edu

Chair of the Assembly of the Academic Senate  
Faculty Representative to the Regents  
University of California  
1111 Franklin Street, 12th Floor  
Oakland, California 94607-5200

December 21, 2021

**MICHAEL DRAKE, PRESIDENT  
UNIVERSITY OF CALIFORNIA**

**Re: Statement of Concern Regarding Presidential Proclamation 10043**

Dear President Drake:

At its December 2021 meeting, the Academic Council endorsed the attached letter from the University Committee on International Education (UCIE) asking the University to voice concerns about Presidential Proclamation 10043 (*Suspension of Entry as Nonimmigrants of Certain Students and Researchers from the People's Republic of China (PRC)*).

Presidential Proclamation 10043 allows the US Department of State to deny new F or J visa applications or revoke existing visas from Chinese graduate students and researchers who previously studied or conducted research at Chinese universities that support PRC military initiatives or its military-civil fusion strategy. The State Department policy is described as seeking to protect against intellectual espionage and the military application in China of US technologies.

Council understands that national security concerns about the PRC and intellectual espionage activities may be legitimate. A number of UC faculty are wary of the PRC government's national military-civil fusion strategy, its repressive changes in Hong Kong, and stepped-up military activities along the Taiwan Strait. At the same time, the Senate believes that the policy is far too blunt of an instrument. It is having a chilling effect on some faculty and graduate students and, more broadly, on the culture of openness at UC. Council thus joins UCIE in opposing Presidential Proclamation 10043 as misguided, discriminatory, and harmful to the University of California.

We are especially concerned that the implementation of the policy is targeting students and researchers who have nothing to do with military defense technologies, and enabling the US government to base visa decisions on national origin, rather than any specific, targeted evidence of malfeasance or intent to do harm. Council is concerned that the policy is stifling the free exchange of ideas, inhibiting science and technology research, and creating a "brain drain" by encouraging the best Chinese scholars to choose other countries over the US for their training experiences. We worry that the policy may also spread fear among UC faculty and graduate students of Chinese (and other national) origin that they will be targeted based on their national origin alone. Finally, the policy may impair productive US-China relations and have reciprocal consequences for US students and researchers seeking academic and research connections in China.

We urge the University to use its influence and connections in the federal government to voice concerns and push back on this policy in its current form in the strongest terms. Please do not hesitate to contact me if you have additional questions.

Sincerely,

A handwritten signature in black ink that reads "Robert Horwitz". The signature is written in a cursive style with a large, stylized 'R' and 'H'.

Robert Horwitz, Chair  
Academic Council

Cc: Academic Council  
Provost Brown  
Chief of Staff Kao  
Chief Policy Advisor McAuliffe  
Senate Directors

Encl.



UNIVERSITY COMMITTEE ON INTERNATIONAL EDUCATION (UCIE)  
Julian Schroeder, Chair  
[jischroeder@ucsd.edu](mailto:jischroeder@ucsd.edu)

The Assembly of the  
Academic Senate  
1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, CA 94607-5200  
Phone: (510) 987-9467

December 3, 2021

**ACADEMIC COUNCIL CHAIR ROBERT HORWITZ**

Dear Chair Horwitz,

At its October 15 meeting, the University Committee on International Education (UCIE) discussed Presidential Proclamation 10043, "Suspension of Entry as Nonimmigrants of Certain Students and Researchers from the People's Republic of China." The UCIE committee asks that the Council review the attached statement and – it is hoped – forward its concerns to President Drake. In the following is some background describing concerns of UCIE with more details provided in the attached statement from UCIE.

The Proclamation was issued in June 2020, and applies to existing and new visas. Because of the COVID-19 pandemic, new visas were largely not being processed at that time. Now that consulates have reopened in China, and international students are beginning to see visa processing resume, there have been concerning reports of this Proclamation being applied very broadly.

Many members of UCIE are concerned that this Proclamation is leading to the profiling of scholars of Chinese and Chinese-American descent. A majority of the committee feels that students and researchers from the People's Republic of China help fuel the critically important industrial and scientific engines of discovery and innovation at US institutions. It asks that the Council lend its voice to the effects of PP 10043 on the University's education mission and its history of strong international collaboration.

It is important to note – that out of 11 committee members – three were not in support of this statement. Here is a sample comment from one member:

"I am not convinced that the guidance provided about what constitutes "military-civil fusion" is vague.

"As an inverse from what the letter says, while I agree that there is a concern regarding discriminatory implementation, I am also concerned that without it the door is left open for potentially damaging compromise of sensitive information."

The two other dissenting votes were in agreement with these comments.

Several committee members supported the attached document, with statements including:

“Prestigious, comprehensive universities, such as Sichuan University and Sun Yat-sen University, are on the U.S. watch list, suggesting the very broad reach of PP 10043 in implementation.”

Please let me know if I can answer any questions for you on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julian Schroeder', with a long horizontal line extending to the right.

Julian Schroeder  
Chair, UCIE

cc: Susan Cochran, Academic Council Vice-Chair  
Hilary Baxter, Academic Senate Executive Director  
Michael LaBriola, Academic Senate Assistant Director  
UCIE Members

Enclosures (1)

## UCIE Concern Regarding Impact of Presidential Proclamation 10043 on UC Campuses

On behalf of the University Committee on International Education, we write to encourage the University of California to voice its concern about Presidential Proclamation 10043. Presidential Proclamation 10043 (hereafter PP 10043), otherwise known as the *Proclamation on the Suspension of Entry as Nonimmigrants of Certain Students and Researchers from the People's Republic of China* (PRC), was announced on May 29, 2020, and went into effect on June 1, 2020. It is still in effect under the current administration in Washington, D.C. Under PP 10043, the US Department of State may deny new visa applications from graduate students and researchers affiliated with an entity in the PRC that implements or supports the PRC's "military-civil fusion strategy." It also authorizes the revocation of J and F visas for continuing graduate students and researchers at U.S. research institutions, including the University of California campuses. Under PP10043, the term, "military-civil fusion strategy," means actions by or at the behest of the PRC to acquire and divert foreign technologies, specifically critical and emerging technologies, to incorporate into and advance the PRC's military capabilities.[1] A US Department of State Fact Sheet indicated that the technologies that may be targeted include quantum computing, big data, semiconductors, 5G, advanced nuclear technology, aerospace technology, and artificial intelligence.[2] While we agree that there is a legitimate concern regarding technological espionage, PP 10043 casts its net so broadly that it enables denials and revocations that harm US interests. Students and researchers are often critically important team members with rare expertise who help develop science and technology in the US. When there is no espionage risk, these students and researchers from the PRC help fuel the critically important industrial and scientific engines of discovery at US institutions. Moreover, these individuals can learn about US values during their time in the US and bring those ideas back to their home country, ultimately having a positive influence on US-PRC relations.

As explored in investigative reporting by [Karin Fischer](#) of the *Chronicle of Higher Education* (and [here](#)), PP 10043 seems an extension of the China Initiative begun in 2018 under then-Attorney General Jeffrey Sessions. UC Berkeley, along with a number of other research institutions including [Stanford](#) and Princeton, have already registered concern about the profiling of scholars of Chinese and Chinese-American descent. Denials and revocations based on weak and/or unsubstantiated concerns about espionage do not make the US safer or stronger. Instead, they weaken R&D efforts in the US, impair productive US-PRC relations, and have collateral negative effects on US citizens of PRC ancestry in the US.

Although very hard to quantify because of the vague language used to deny visas under the Immigration and Nationality Act (INA), Section 214(b), the UCLA International Student Office has gathered anecdotal evidence suggesting that PP 10043 is playing a role in student visa denials. (See also the letter dated June 10, 2021 from the [American Council on Education](#)).

We encourage the UC System as a whole to voice its concerns about the effects of PP 10043 and the China Initiative on legitimate education and international collaboration.

---

[1] *Federal Register* Vol. 85, No. 108 (Thursday, June 4, 2020) Presidential Documents. p. 1. <https://www.govinfo.gov/content/pkg/FR-2020-06-04/pdf/2020-12217.pdf>; accessed November 5, 2021.

[2] <https://www.state.gov/wp-content/uploads/2020/05/What-is-MCF-One-Pager.pdf>; accessed November 5, 2021.