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June 7, 2006

Chancellor Larry Vanderhoef
Deans Nicole Biggart, Kenneth Burtis, Winston Ko, Enrique Lavernia, Bennie Osburn,
Rex Perschbacher, Claire Pomeroy, Steven Sheffrin, Patricia Turner, Neal Van Alfen
Vice-Provost William Lacy

RE: Visas for Foreign Scholars

Dear Colleagues:

I enclose a resolution adopted by the Representative Assembly at its June, 1, 2006, regarding the issue of visas to foreign scholars to allow entry into the United States. In adopting this resolution the Assembly understood that the University is undertaking efforts through its Washington offices to work with appropriate authorities and legislators to improve the situation regarding admission of foreign scholars into the United States. The intent of this resolution is to ask each of you to do what you can to further these efforts.

Sincerely,

Daniel L. Simmons
Professor of Law
Chair of the Division

Elec. Copy: Members of the Assembly

16 May 2006

To: UCD Chancellor Larry Vanderhoef, Deans of Letters and Science, Winston Ko, Steven Sheffrin, Patricia Turner; Dean A&ES, Neal Van Alfen; Dean, Division of Biological Sciences, Kenneth Burtis; Dean, College of Engineering, Enrique Lavernia; Dean, Graduate School of Management, Nicole Biggart; Dean, School of Law, Rex Perschbacher; Dean, School of Medicine, Claire Pomeroy; Dean, School of Veterinary Medicine, Bennie Osburn; Vice-Provost William Lacy, University Outreach and International Programs.

RESOLUTION:

The Representative Assembly of the Davis Division of the Faculty Senate of the University of California calls for immediate remedial action regarding the processes by which foreign scholars are (and are not) granted visas to the United States. In particular, we ask that qualified individuals who are invited to teach, to participate in conferences, or to engage in other types of academic activities in the U.S. and who pose no demonstrable threat to U.S. security be given convenient and timely access to visas.

Face-to-face encounters between U.S. and foreign scholars are essential for a number of reasons:

1. The quality of research and education in this country depends on access to research conducted elsewhere, undertaken on the basis of different resources and approached from different perspectives. Without this, U.S. scholars and students will have an incomplete and underdeveloped command of our subjects.
2. The dissemination of U.S. research is enhanced to the extent that scholars from other countries come here and enter into dialogue with us.
3. Personal encounters between U.S. and foreign professionals promote international understanding and collaboration, with productive results within and beyond the sphere of academic research. Policies and practices that impede these encounters undermine our aspirations to be--and to be seen by others to be--a free and open society.

According to the Department of State, improvements have been made in the processing of visas. Nevertheless, recent cases and conditions demonstrate the need for changes in policies and practices in order to fulfill the Department's assurance that "The U.S. is a free and open society" and more specifically to assure the free flow of knowledge and research across U.S. borders.

Problems that must be remedied include:

1. The exclusion of individuals on the basis of the subjects or substance of their research or because of their religious or political views. The case of Tariq Ramadan, denied a visa in 2004 after having received an invitation to teach at Notre Dame,¹ is an example of this type of unacceptable restraint on the exchange of ideas.

2. The exclusion of classes of scholars for political or diplomatic reasons not associated with eligibility of particular individuals. The denial of visas to all Cuban scholars invited to participate in the 2004 and 2006 conferences of the Latin American Studies Association² is an example of this type of unacceptable restraint on the exchange of ideas.

3. The de facto exclusion of individuals for whom such requirements as a personal interview at a consular office present an unreasonable burden. As the cellist Yo-yo Ma testified to the House Committee on Government Reform on April 4, 2006,³ the necessity to travel long distances and the high costs associated with obtaining a visa can make visits to the U.S. from scholars from many parts of the world virtually impossible, and thus constitute an unacceptable restraint on the exchange of ideas.

4. The de facto exclusion of individuals for whom long reviews, including demands for additional information and re-reviews, make the timely acceptance of an invitation or attendance at a conference impossible. An illustrative case is that of Waskar Ari, an expert on religious beliefs and political activism among indigenous Bolivians who has held academic positions in the U.S. His appointment of the faculty of the University of Nebraska at Lincoln for the fall of 2005 has been delayed by extended background investigations.⁴ These procedures render the arrangement of visits impractical both for the foreign scholar and for the host institution, and thus constitute an unacceptable restraint on the exchange of ideas.

5. Such impediments to visits by scholars of other countries create a hostile atmosphere, in which scholars from other countries may cease to wish to come to the U.S. The governments of other countries may, in turn, make it more difficult for U.S. researchers and teachers to work elsewhere in the world.

1.Chronicle of Higher Education (1/10/04 and 2/10/06); New York Times (4/14/06).

2.New York Times (10/1/04), Chronicle for Higher Education (10/15/04, 3/17/06).

3.New York Times (4/5/06).

4.Perspectives: News Magazine of the American Historical Association (March, 2006).