

United States Senate

WASHINGTON, DC 20510

March 23rd, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Mayorkas:

We write to urge you to move quickly to help international college athletes exercise the same rights to their Name, Image, and Likeness (NIL) as their non-international teammates and peers, without the fear of losing their lawful status as students studying at American colleges.

For nearly two years, college athletes have been able to engage in commercial activities such as signing endorsement deals and running camps that have helped athletes and college sports as a whole in numerous ways. These reforms came thanks to changes in state laws and subsequent policy by the National Collegiate Athletic Association (NCAA) removing restrictions in how athletes use their NIL. State-level action has helped create a consensus around the idea that all athletes should be able to benefit from their own NIL as they see fit, and college sports is better for it.

However, due to existing regulations pertaining to international student visas that restrict students' ability to enter into employment arrangements, international athletes remain unable to benefit from most of these recent changes. Current regulations governing student visas do not speak to the unique circumstances around the use of international athletes' NIL and what constitutes employment for these purposes, and therefore have precluded these athletes from engaging in these activities. We believe this status quo is fundamentally unfair and requires your department to provide guidance related to current regulations along with initiating a rulemaking process to update the regulations for this unique subset of students. Absent such actions, colleges have no choice but to advise their athletes to refrain from any NIL activities, fearing these activities could put their visa statuses in jeopardy.

As this year's men's and women's NCAA basketball tournaments are in full swing, it is a reminder of how much international athletes lose out by not having any certainty in what they can or cannot do related to their NIL. Many of the athletes leading their teams to and through the tournament are international athletes. At the University of Connecticut alone, both men's and women's basketball teams have international athletes making significant contributions. Their performance on a stage where millions are watching and which generates more than a billion dollars in revenues would typically provide them with life-changing economic opportunities. However, without any updates to the regulations surrounding the status of their visas, they must forgo these opportunities entirely or travel out of the United States, often to their countries of origin, to engage in any NIL activities. This arrangement is not good for the athletes, their

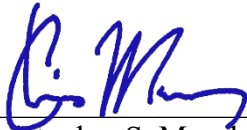
colleges, college sports as a whole, or our economy as they are unable to participate meaningfully in it.

While the NCAA men's and women's tournaments offer the clearest example of why we need updates to student visa guidance and regulations, continued inaction impacts thousands of athletes across all sports and colleges. According to the NCAA, over 20,000 international students currently compete in collegiate athletics. In many sports, a significant percentage of participants are international athletes. For example, in Division I men's sports overall, over a quarter of tennis, ice hockey, and soccer rosters are comprised of international students. In Division I women's sports, over a quarter of tennis, ice hockey, golf, and field hockey rosters are comprised of international athletes. As these athletes compete in their sports' national championships and other high-profile competitions, any one of them could gain notoriety overnight and have substantial NIL opportunities presented to them. Any one of these athletes could help build the brand of their colleges and their sport overall. The only thing standing in their way is our outdated regulations on the terms of their visas. This is unacceptable.

Your department has the authority and responsibility to provide guidance to colleges and their athletes about what current regulations allow international athletes to do as well as propose a rulemaking process that allows all the stakeholders involved to be a part of the solution. These steps cannot wait. We look forward to working with you to reach an outcome that helps all athletes exercise rights that they both deserve and have earned.

Thank you for your consideration and collaboration.

Sincerely,



Christopher S. Murphy
United States Senator



Richard Blumenthal
United States Senator