



NATIONAL INDIAN EDUCATION ASSOCIATION

NIEA Resolution 2023 - #E002

TITLE: SUPPORT AMENDING THE IMMIGRATION AND NATURALIZATION ACT TO AUTHORIZE TRIBALLY-SERVING SCHOOLS TO WAIVE THE FOREIGN RESIDENCE REQUIREMENT FOR J-1 VISA EDUCATORS

WHEREAS, the National Indian Education Association (NIEA) was established in 1970 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives, and Native Hawaiians; and

WHEREAS, NIEA as the largest national Native organization of American Indian, Alaska Native, and Native Hawaiian educators, administrators, parents, and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

WHEREAS, through its unique relationship with Native nations and tribes, the federal government has established programs and resources to meet the educational needs of American Indians, Alaska Natives, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

WHEREAS, the shortage of qualified educators and teachers, particularly affects rural and remote schools, especially those serving tribal communities including public schools, private schools, and the Department of Interior, Bureau of Indian Education (BIE) funded schools (tribally-serving schools) and

WHEREAS, the teacher shortage vulnerability in the BIE-funded school system stems from the lack of adequate funding appropriated from Congress to BIE for funded schools and the limited funding provided to BIE funded schools makes it hard to attract and retain qualified teachers in rural tribal areas; and

WHEREAS, the federal trust and treaty responsibility includes a unique obligation to properly serve Native communities, through which Tribal Nations retain the sovereign authority to determine the needs and solutions necessary to serving their communities and schools; and

WHEREAS, to cope with the continued underfunding and the exacerbated teacher shortage that required continued in-person teaching during the Covid-19 Pandemic, many tribally-serving schools found innovative solutions such as hosting educators under J-1 Exchange Visitor Visas, which are non-immigrant visas that allow teachers to participate in an exchange program in the United States for educational and cultural purposes for up to five (5) years; and

WHEREAS, while dozens of tribally-serving schools have chosen to host teachers on J-1 Visas to fulfill the vital need for student education, these teachers are required to return to their home country to complete the two-year foreign residency requirement under section 212(e) of the Immigration and Nationality Act (INA) before they can return for a thirty-six (36) month extension of their J-1 non-immigrant visa or before they can apply for an alternate type of immigrant or non-immigrant visa; and

WHEREAS, as an example, on the Oglala Lakota Sioux Pine Ridge Indian Reservation, the BIE funds seven (7) tribal schools funded by BIE currently thirty four (34) teachers on J-1 visas and tribal schools have no way of replacing these critically important teachers; and

WHEREAS, the INA, has several exemptions to the J-1 two-year foreign residency requirement, including due to the request of an interested US Federal Agency (8 U.S.C. 1182), for J-1 visa extensions; and

WHEREAS, the INA also has several exemptions to the two-year foreign residency waiver after the completion of the initial J-1 visa period and an extension for certain fields, one of which is the Conrad 30 Amendment, which exists to address the shortage of qualified doctors in medically underserved areas, however, there is not a comparable amendment for teacher shortages in underserved areas such as tribal lands.

THEREFORE BE IT RESOLVED, that the National Indian Education Association calls for an amendment similar to the Conrad 30 Amendment to the Immigration and Nationality Act (INA) that would allow J-1 visa employees that work in tribally-serving schools, including public, private, and BIE funded schools, to apply for alternate immigrant and non-immigrant visas from the United States without the foreign residency requirements provided these educators agree to work for at least three years in a tribally-serving school; and

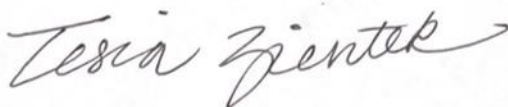
BE IT FURTHER RESOLVED, that the National Indian Education Association urges the Bureau of Indian Education (BIE) within the Department of the Interior (DOI) work with BIE schools and tribally-controlled schools to ensure J-1 visas extensions are regularly requested for J-1 visa educators at these schools; and

BE IT FURTHER RESOLVED, that the National Indian Education Association urges state Departments of Education work with tribally-serving public schools to ensure J-1 visas extensions are regularly requested for J-1 visa educators at these schools; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NIEA until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

I do hereby certify that the following resolution was duly considered and passed by the National Indian Education Association on October 21, 2023 at which a quorum of the membership was present.



Tesia Zientek

President