



USAID ALUMNI ASSOCIATION

1801 F St. NW 4th Floor, Washington, DC. 20006

Web: www.usaidalumni.org

Email: office@usaidalumni.org

Honorable Marco Rubio
Secretary of State and Acting USAID Administrator
Department of State
2201 C Street NW
Washington D.C, 20520

Dear Secretary Rubio:

This letter expresses the concern of the USAID Alumni Association (UAA) about several of the challenges facing the many Foreign Service Nationals (FSNs), known as Locally Employed Staff (LES) at State, currently employed by USAID around the world. Their employment will be terminated in the next few weeks as part of the worldwide closure of USAID Missions. This letter follows up on our letter to you about FSN concerns dated March 15, 2025.

We could not have done our work as foreign service officers nor could the USG have been well-represented overseas without the tireless dedication of the FSN staff. FSNs provide high-level technical expertise (often holding PhDs or master's degrees). They relate USAID's development program to local circumstances. They provide continuity as American Foreign Service Officers rotated among multiple countries.

We ask for the fair and respectful treatment of all USAID FSNs in this termination process, in recognition of their faithful, diligent and beyond-the-call-of-duty service to the United States Government (USG) over many years. Fair and respectful treatment is the least that we can provide to them in return.

1. **FSNs at risk because of their USG association.** We are aware that FSNs in some countries are at risk of harm – whether from the host government or from non-governmental actors – because of their employment by, or association with, USAID. For instance, recently terminated USAID FSNs were detained by local law enforcement authorities in one country – tantamount to incursion into the inviolability of the USG itself. Public pronouncements within the United States have undoubtedly exacerbated these risks.

We ask that you proactively take measures to protect at-risk USAID FSNs.

Possibilities might include using extraordinary authorities, such as section 636(b) of the Foreign Assistance Act of 1961, as amended, to approve SIVs for at-risk FSNs with less than 15 years of service; arranging employment with the U.S. embassy in a third country; or directing ambassadors to advocate for, and monitor, their safety, post-termination.

2. **Generous severance pay.** In most countries where USAID operates severance pay serves the function of unemployment insurance in the U.S. In some countries labor law protections and severance pay requirements are adequate. In other countries, though, they were designed to attract sweat shops to the country – a strata which is diametrically different from the sophisticated professionals employed by USAID. We also understand that some missions restructured their FSN agreements in the last several years to create minimal severance pay entitlement under local law.

Generous severance pay will go a long way toward mitigating bitter feelings toward the the United States in general and the USG specifically. It will also serve to lessen the number of lawsuits against the USG in foreign courts – which our experience has shown to be a huge drain on USG management time and financial resources in some countries. Many employment terminations are resolved with generous financial settlements, and concluding these at an early point is greatly in the USG interest. Continued participation in the Post's FSN health insurance plan would also be helpful.

Thus, we urge you to ensure – as an action in the interests of the USG - that terminated USAID FSNs receive a fair and generous severance payment, especially – but not limited to – FSNs in countries with a sweatshop-focused labor regime.

3. **Blanket cancellation of FSNs' Nonimmigrant (B1/B2) U.S. visas.** UAA understands that several Posts have cancelled the nonimmigrant (B1/B2) visas held by USAID FSNs, on a blanket basis, without providing the reason for cancellation, advance notice, or an opportunity to demonstrate why the visa should not be cancelled. In some cases the cancellations were unnecessarily cruel - for instance, occurring just weeks before the FSNs were due to travel to the U.S. for their children's college graduation.

These blanket cancellations appear to be contrary to the Department's own regulations. The Foreign Affairs Manual (FAM) states that revocation of a visa by a consular officer must be based on an **actual finding** (not just a suspicion) that **an individual** (not a group) is ineligible. The FAM states that the individual shall be **notified of the intent to revoke** and **reason for revocation**, to give him/her the **opportunity to show why it should not be revoked** (not simply notice that the visa has been revoked and all that remains is to cross it out in the passport). The FAM states that the “not practicable” exception to these

requirements means that the individual in question cannot be located or his/her travel is “imminent”,¹ not administrative ease.

Many professional USAID FSNs held nonimmigrant visas prior to their USAID employment. Others have spousal or family income and assets, or are eligible for SIV immigration to the U.S. based on 15 years of service. They are keenly aware of the current inhospitable climate in the U.S. for illegal immigrants. They were vetted many times by the Regional Security Officer during their employment with the USG. Reapplying for a new nonimmigrant visa can take months in many countries, involve a significant financial burden, and involve having to explain why a prior visa was revoked – yet more (and improper) burdens on USAID FSNs as they are being terminated.

Further, the **FAM recognizes that there may be negative long-term political, public relations, or public diplomacy repercussions from visa cancellations**, particularly in high-profile situations.² This would undoubtedly be the case under current circumstances – a needless irritant to your relationship with many foreign countries.

Thus, we encourage you to rescind the blanket cancellations of the nonimmigrant visas to the U.S. of USAID FSNs, and to ensure that similar inappropriate cancellations do not occur in the future.

4. **Priority hiring for embassy-managed foreign assistance activities.** USAID FSNs have expertise in oversight and management of USG foreign assistance activities that is unmatched anywhere else. They are deeply familiar with the intricacies of U.S. foreign assistance legislation, such as those applicable to health and family planning activities, about which the U.S. Congress cares deeply. They have deep knowledge of U.S. government procurement and assistance regulations, as applicable to complex agreements – knowledge that takes years to acquire. They know the variety of complex financial instruments that can be used to deliver various types of assistance. They can translate USG assistance activities into the local culture. Importantly, they are well-positioned to identify any instances of waste, fraud or abuse – another area that both the Congress and Executive Branch care deeply about.

Thus, we urge that embassies prioritize hiring former USAID FSNs into embassy positions managing foreign assistance activities. This is required by 5 U.S. Code 3503, which requires that, whenever functions are transferred from one federal agency to another, the applicable employees shall also be transferred, before the receiving agency may make an appointment from another source to that position. The policies behind that statute are also highly relevant – to ensure the highest degree of efficiency at the lowest cost to the USG. Such action would save the USG significant money in severance pay, the

¹ 9 FAM 403.11-3 & 403.11-4

² 9 FAM 403.11-4(C)

cost of dealing with multiple lawsuits, and enhanced performance. Priority hiring into embassy non-foreign assistance positions is also important.

5. **Special Immigrant Visas (SIVs).** We applaud your March 24, 2025 determination that the current separation from employment actions is an “exceptional circumstance” that creates SIV eligibility for FSNs after 15 years of service. This is consistent with U.S. statute. USAID FSNs, with their advanced degrees and long-term experience in American working environments, are exceptionally well-qualified to make substantial contributions to American society.

The potential for earning an SIV drew many FSNs to work for the U.S. Government, even though they could easily obtain more lucrative employment elsewhere. A number of FSNs have long planned to emigrate to the U.S. under an SIV and have completed 15 years of faithful service, but will be prevented from completing 20 years of service due to the worldwide closure of USAID Missions.

Unfortunately, we are all too aware that you have signed multiple approvals to continue provision of life-saving assistance, but others have failed to implement these approvals. FSNs seeking SIVs should not be subjected to this same implementation failure, after their many years of faithful service to us. This will likely take your active intervention.

Thus, we ask that you actively encourage Posts, and the Department in Washington, to robustly implement your determination and approve SIVs based on 15 years of service, including through follow-up messages from you.

Sincerely,
USAID Alumni Association
May 16, 2025

Cc: Senate Foreign Relations Committee
Senate Appropriations Committee
House Foreign Affairs Committee
House Appropriations Committee