

## Legal and Economic Implications of Travel Restrictions in the China-US Trade Dispute

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### ABSTRACT

The trade dispute between China and the US has brought new problems for international trade law, mainly regarding travel restrictions as a potential tool for the economy. Although trade disputes have usually focused on tariffs and barriers to market access, travel restrictions, such as restrictions on visa access or travel advisories, have emerged as an important form of economic diplomacy. This article discusses how travel restrictions create challenges for the current international laws, particularly the General Agreement on Trade in Services (GATS), which covers areas like tourism, education, and business travel. The main objective of this research is to explore the application of national security exceptions under the General Agreement on Trade in Services (GATS) to travel restrictions. The study introduces the Proportional Security-Trade Integration Model (PSTIM) as a framework for balancing national security concerns with trade. Using case studies, the PSTIM assesses the legal and economic implications of US visa restrictions on Chinese students and China's travel advisory restrictions. The results reveal the economic impacts, such as the US education sector is estimated to experience a \$15 billion to \$20 billion loss of revenue each year due to decreasing enrolment of Chinese students, and the tourism between the US and China has an estimated loss between \$25 billion to \$28 billion due to travel restrictions. The results further confirm the evidence of how travel restrictions fundamentally contradict the key principles of GATS, especially market access and non-discrimination. The research advocates for a restructuring of the WTO security exceptions to limit their misuse, which is currently becoming more prevalent, resulting in expanding the meaning of the original purpose of the exceptions. The research emphasizes the need for a balance between national security and trade. The research presents policy reforms such as a Security-Trade Advisory Committee established by the WTO specifically to be used for ensuring national security measures are balanced, transparent, and assessed based on evidence. This study contributes to academic scholarship and provides practical proposals for policymakers concerned about preserving a fair and rules-based international trading system.

**Keywords:** WTO Law, Security Exceptions, Travel Restrictions, China-US Trade Dispute, International Economic Law.

### INTRODUCTION

*“Trade is not just about goods and services. It’s about relationships, trust, and collaboration”.*

The growing connection of national security and international trade has initiated much discussion, especially over the ongoing trade conflict between the United States and China. For decades, trade disputes were primarily focused on tariff rates and market access, which were the fundamental components of international trade agreements. (Johnston, 2019) However, the use of travel restrictions as an economic diplomatic strategy marks a significant development in trade policy that integrates the dimensions of both economics and national security. Nations are implementing travel restrictions, such as visa restrictions, travel advisories, as leverage points in the economic governance framework. These restrictions add a layer of both legal and economic complexity under the

existing framework of international economic law (Liu, 2024).

The World Trade Organization (WTO) created the General Agreement on Trade in Services (GATS) to provide guidelines for the trade in services such as tourism, education, and business travel (Eglin & Eva, 2003). Specifically, GATS targets to ensure fair and non-discriminatory measures in judging a consistent approach to trade in the global services market. In its original conception, GATS was framed when the trade in goods was most significant in the global economy. However, GATS continues to provide abstract guidance on the growing role of services and, more importantly, on the recent practice of using national security exceptions in trade policy. These national security justifications, and primarily the applications of travel restrictions, rather one of the most common methods of asserting national security concerns. National security exclusions demonstrate a direct challenge to GATS and create challenges for free trade and national security exclusions (Bacchus, 2022).

A prominent example of restricting travel across borders as an economic tool took place in 2018, when the United States claimed national security reasoning regarding intellectual property theft and reduced the duration of student visas for Chinese graduate students in STEM (Science, Technology, Engineering, and Mathematics) fields, from five years to only one year (Britzky, 2018). As a result, the enrollment of new Chinese students in American colleges was affected, resulting in a 14.8% decrease in the number of new students at U.S. colleges, which amounted to an estimated loss of \$15 billion in tuition and related spending (Burke, n.d.). Also, China issued travel immigration advisories for its citizens traveling to the U.S. to further highlight the significant effects of the travel ban in the context of the broad economic and diplomatic confrontation (Shen, 2021). The World Travel & Tourism Council (2020) estimated that the decreased tourism resulted in a loss of \$28.6 billion in tourism revenue between the two countries. (Matt Turner 2021) Thus, restrictions on travel have serious cross-border economic implications. These travel restrictions are not only contrary to GATS principles, especially regarding market access and non-discrimination, but they are also putting economic pressures on sectors like education and tourism (The GATS and Fair Trade in Tourism, 2000). Historically, students from China have made an important contribution to the U.S. education system, numbering over 360,000 Chinese students studying in U.S. institutions of higher education in 2019 alone (National Security Disputes Continue at World Trade Organization, 2023). The travel restrictions impact education, and economic pressures are highlighted by the fact that international students contribute approximately \$45 billion to the U.S. economy (IIE Releases Open Doors 2017 Data | IIE, n.d.).

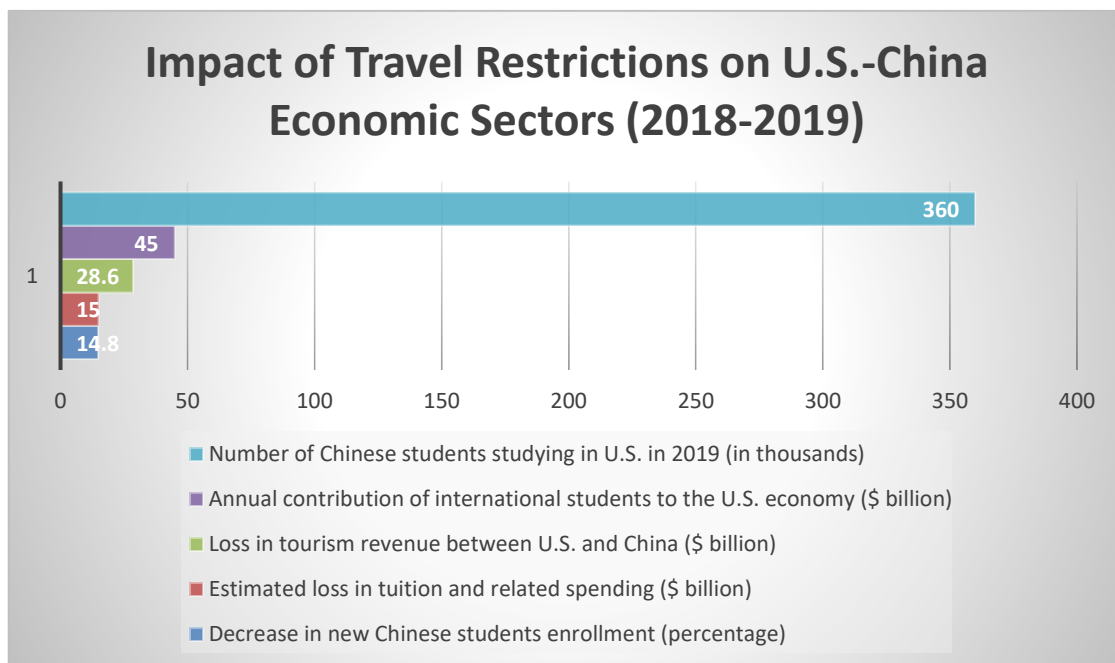


Figure 1 shows the economic impact of travel restrictions between the United States and China, focusing on the decline in Chinese student enrolment, loss in tourism revenue, and the contribution of international students to the U.S. economy. The data highlights significant financial consequences for the education and tourism sectors due to these restrictions.

The rise in using travel restrictions as part of the economic toolkit has demonstrated a clear gap within the existing international economic law regime. Security exceptions in the GATS, especially in Article XIV bis, were

generally limited to the situations of armed conflict or where there has been a clear and imminent threat to national security. Given that the security exceptions expanded in the context of the US-China trade dispute, it may be time to reassess the existing scope of interpretation. The World Trade Organization (WTO) is playing a vital role in reviewing and adjudicating such measures. In *Russia, Traffic in Transit*, the WTO panel found that national security exclusions could be adjudicated but should be assessed based on necessity and proportionality (Lapa, 2020a). In *Saudi Arabia IPRs* the WTO provided a supportive interpretation regarding the relevance of GATS Article XIV bis in situations with measures that would affect the procurement of services, hence reducing the general breadth of national security claims (World Trade Organization, 2009). The objective of this article is to fill the gap by providing a comprehensive examination of how national security exceptions in trade agreements, especially the travel exceptions, undermine the GATS instrument. The article will provide the following objectives.

To study how travel restrictions challenge the GATS framework and the broader international trade system.

To study the economic impact of these travel restrictions, specifically in the context of education and tourism, and their implications for the application of GATS commitments.

To study how the WTO can better address the growing use of national security exceptions without eroding the core principles of trade liberalization.

To propose policy reforms within the WTO, including the clarification of national security exceptions and improved dispute settlement procedures, to better balance national security concerns with the objectives of trade liberalization.

## **METHODOLOGY**

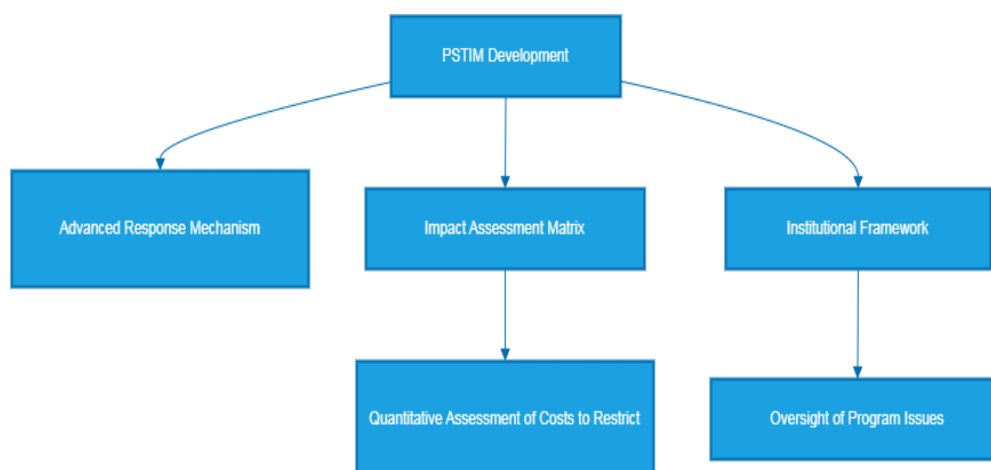
This study utilizes a mixed-methods approach to examine travel restrictions in the context of the China-US trade dispute, specifically addressing three research questions:

- (1) How do WTO security exceptions apply to travel restrictions?
- (2) What are the economic implications for bilateral trade relations, and
- (3) How can a framework be developed to balance security and trade interests?

The legal analysis is done by the methodology adopted in Pauwelyn's (2019) framework in considering WTO security exceptions through the lens of relevant WTO jurisprudence, especially GATS Article XIV bis (Pauwelyn, n.d.). This aspect of the study examines WTO panel reports and Appellate Body decisions, with a focus on recent cases with security-based trade measures. The economic analysis is conducted using a quantitative methodology from Bown and Crowley (2016) to assess the direct costs, impacts on innovation, and long-term implications for bilateral trade relations (Bagwell et al., 2016). The case studies selected for analysis are examined based on significance criteria outlined by Davis and Bermeo (2009) and consider three key restrictions:

- The 2020 Presidential Proclamation restricting certain student visas,
- Expansion of the Entity List in 2021,
- Modifications to the Student and Exchange Visitor Program in 2022.

Case studies were chosen based on contributions to the legal significance, economic impact, and policy decisions that inform and justify the cases chosen. The development of the Proportional Security-Trade Integration Model (PSTIM) will include three important elements:



Operationalizing the model will involve developing mechanisms to test the PSTIM against past cases of travel restrictions, as outcomes of the proposed model will include balancing security and trade interests well. The methodology does take into consideration data availability limits, document accessibility, measurement of indirect effects, and the ability to quantify potential security threats to the information. To overcome these limitations, we'll use different data sources, and the analysis will be clearly explained and updated regularly to reflect the changing dynamics of the trade dispute. This methodology serves as a sound foundation to analyse travel restrictions and maintain academic rigor and practical application in the process.

### CRITICAL ANALYSIS

The legal analysis of the restriction of travel applies mainly to two modes of service supply under GATS: Mode 2 (consumption abroad) and Mode 4 (presence of natural persons). The dispute between the U.S. and China involved many landmark cases exploring the limits of GATS commitments. The U.S. 2018-2020 visa restrictions on Chinese STEM students presented a typical example of how security measures could come into conflict with Mode 4 obligations. The US limited the duration of visa types and also limited researchers who were connected with Chinese Institutions by claiming technological threats. The measures were subsequently estimated to cause a 14.8% decline in Chinese enrolment (Mithas & Lucas, 2010). Therefore, the U.S. measures carried a significant economic cost resulting from the loss of trade in travel and education.

China's response took a different form of restrictions on service trade, rather than using an explicit ban based on safety and security risks. China used indirect bans through travel advisories and also suggested that tour operators should not refer to the U.S. as a travel destination (Daniels, 2018). China found this as an effective way of deterring tourism in the U.S. The situation is similar to the 2017 tourism ban that China placed against South Korea. However, that was less straightforward. Back then, China placed clear bans on the grounds of public safety and security, and the number of Chinese tourists to South Korea dropped 48 percent, with \$6.5 billion in revenue lost. In both cases, the endless innovation of travel restrictions became apparent as a trade policy. These two cases are important because they involve countries that are using measures that allow them to deny responsibility.

The legal basis for these travel restrictions relies fundamentally on GATS Article XIV bis, with importance being established by several recent WTO decisions. In the case of Russia Traffic in Transit, the panel found that security exceptions required objective verification and not just a self-judging claim of necessity (Lapa, 2020b). This inconsistently undermines the U.S. claim that visa restrictions on Chinese students are required to protect technology and national security. This ruling indicates that broad, categorical restrictions must show a connection to specific security threats in evidence and not just based on assertions. The case of Saudi Arabia's IPRs added further analytical depth by determining that security claims must establish a rational relationship to the threat of protected security interests (Open-Doors-Fast-Facts-2010-2019.Pdf, n.d.). If this standard is applied to current travel restrictions, there will be questions of proportionality. For example, the U.S.'s extensive and indefinite visa restriction on Chinese STEM students appears to be disproportionately wide when compared to the security risks claimed. Similarly, China's informal restrictions on tourism, though not a formal complete restriction, cannot demonstrate a rational connection to legitimate security interests (Paradise, 2022).

The exemptions for national security reasons, states have tried to legitimize travel bans with other legal justifications. The reciprocal travel sanctions of 2019-20 between the U.S. and China against governmental officials

and reporters exemplify the potential overlap of travel bans, human rights, and diplomacy. These actions can be viewed as "targeted" and might be justifiable under domestic law or international law related to human rights, but they raise difficult questions about the application of WTO law if trade disputes propel governments to rely on sanctions and travel bans. The EU's model for managing security threats or concerns with a targeted investment screening mechanism, together with travel restrictions that are proportionate, fair, and time-limited, is also an example of a way in which states can address genuine security concerns while complying with WTO regulations (which are also a form of legitimate international law) and provides an interesting contrast to the examples of blanket bans on travel.

The study of these cases points to some important implications for the WTO legal regime. First, the increasing complexity of travel restrictions as instruments of trade policy challenges traditional understandings of security exceptions. Second, the economic impacts of these measures, illustrated by considerable losses in education and tourism revenue, confirm the requirement for more clarity on proportionality and necessity tests. The WTO is confronted with the challenge of reshaping its legal regime to address these new forms of trade restrictions while retaining members' ability to safeguard legitimate security interests, which may require:

Developing more precise criteria for evaluating security-based travel restrictions.

Establishing clear standards for distinguishing between genuine security measures and ambiguous protectionism.

Creating mechanisms for assessing the proportionality of travel restrictions regarding claimed security threats

## **REGIONAL AND STRUCTURAL DIFFERENCES IN U.S. ECONOMIC SECTORS: IMPACT OF TOURISM AND STUDYING ABROAD**

Tourism and international students also don't impact the U.S. economy equally in every state. Wide economic variations between states and disparities of dependence with specific sectors like education and tourism cause significant regional disparities. Some states feel the pressure more than others from visa restrictions for international students, while for some, the losses are greater from tourism restrictions. The subsequent discussion investigates regional variation in these economic consequences, revealing important information about the relationship between these industries and the overall economy (National-Travel-Tourism-Strategy.Pdf, n.d.).

### **Impact on International Students**

The states of California, New York, Massachusetts, Texas, and Illinois are among the states with the largest economic contributions from international students because these are places where many international students attend colleges and universities. For example, California hosts the highest number of international students, especially in the San Francisco Bay Area and Los Angeles, where the tech industry and higher education are concentrated. The University of California system, which includes institutions like U.C. Berkeley and U.C.L.A., enrolls thousands of international students each year (OD24\_Fast-Facts\_2024-1.Pdf, n.d.). For these states, especially, losing international students can be catastrophic locally, and in a place like Silicon Valley, where international talent is essential to the tech industry. A 14.8 percent decline in Chinese student enrolment, as noted, results in an estimated \$15 billion to \$20 billion annual hit to the economy in tuition payments and associated costs (Zeineddine et al., n.d.).

Massachusetts, which is home to elite schools like Harvard and MIT, is also projected to lose hundreds of millions because of a loss of international student enrollment. The state's economy relies heavily on education, where students, as well as professors and researchers from across the globe, are drawn to the state's colleges and universities (Batalova, 2021). The impact is felt in local service industries like housing, retail, food services, and transportation that depend heavily on student populations. New York, another state rich in higher education, grapples with similar obstacles, with cities like New York City and Ithaca that are home to elite universities, Columbia and Cornell. These states lose the most dollars overall from visa restrictions and decreased student enrollment ('Can Studying in the US Survive Geopolitics?', n.d.).

### **Impact on Tourism**

On the tourism front, states such as Florida, California, Hawaii, and Nevada rely heavily on international tourists, especially the Chinese. Florida, one of the biggest tourist draws in the country, collects more than \$127 billion in tourism-related revenues each year, much of it generated by international visitors. The state's economy is heavily based on tourism, a foundation that extends to hospitality, retail trade, transportation, and entertainment. And cities with a major tourism presence, such as Miami and Orlando, sustained big hits due to the decrease in the arrival of Chinese tourists. The state had also seen drops in its luxury retail market and tourism-related employment,

particularly in areas with significant Chinese tourist traffic (Student\_Contribution 2024., n.d.).

The tourism industry in California in cities such as Los Angeles and San Francisco faces similar challenges. International tourists and their spending on accommodation, food, entertainment, and cultural activities are a key driver of the local economy. The \$28.6 billion in lost tourism revenue estimated by the World Travel & Tourism Council between the U.S. and China hit California especially hard, as the state relies heavily on tourism for much of its economic activity (Park et al., n.d.). Tourism from abroad, particularly spending from Chinese tourists, also fell hard in Hawaii. With its dependence on tourism, the economic downturn was widespread among tourism-related industries such as hotels, restaurants, and retail.

### Tourism vs. Education: State-Level Interactions

States that depend heavily on education, like California and Massachusetts, are among the most exposed to visa restrictions for international students. The fall in foreign student numbers has implications beyond the education sector. Local economies that rely on international students for housing, retail, and food services revenues take a hit, too (Kent, 2007). This annual \$15 billion to \$20 billion loss in the education sector in the U.S., associated with international students, bears a direct proportion to the number of international students coming to the U.S., and that revenue is divided unequally among the states (Vickers & Bekhradnia, 2007) .

By contrast, states such as Florida, Hawaii, and Nevada, which have a larger share of their economies based on tourism, are more affected by the decrease in foreign travel, largely the result of political and economic uncertainty around visa restrictions and travel warnings. The contrast of an \$11 billion loss in tourism revenue from 2019 to 2020 underscores the blow to these states. The ripple effects are particularly intense in cities and regions that depend heavily on foreign visitors, including luxury services.

### Case Studies: Regional Disparities

International student enrolments have plummeted in California and New York, causing major economic damage to the local industries serving the education market. And those states will also lose money from tourism, as cities like Los Angeles, San Francisco, and New York City generally draw high numbers of international visitors ('Jurnal Sosial & Abdimas', 2022).

States including Florida and Hawaii, whose economies are driven in large part by tourism, have seen steep drops in revenues from Chinese visitors. These states depend on foreign visitors for a significant part of their economic activity, particularly in hotels and shops ('Lessons from U.S.-China Trade Relations', 2022).

Texas, where educational and research institutions have proliferated, would also stand to lose a lot of revenue from international students. With the state increasingly central to the tech and research sectors, a talent drain, particularly from fields such as engineering and technology, has long-term economic implications ('Public Universities', 2019).

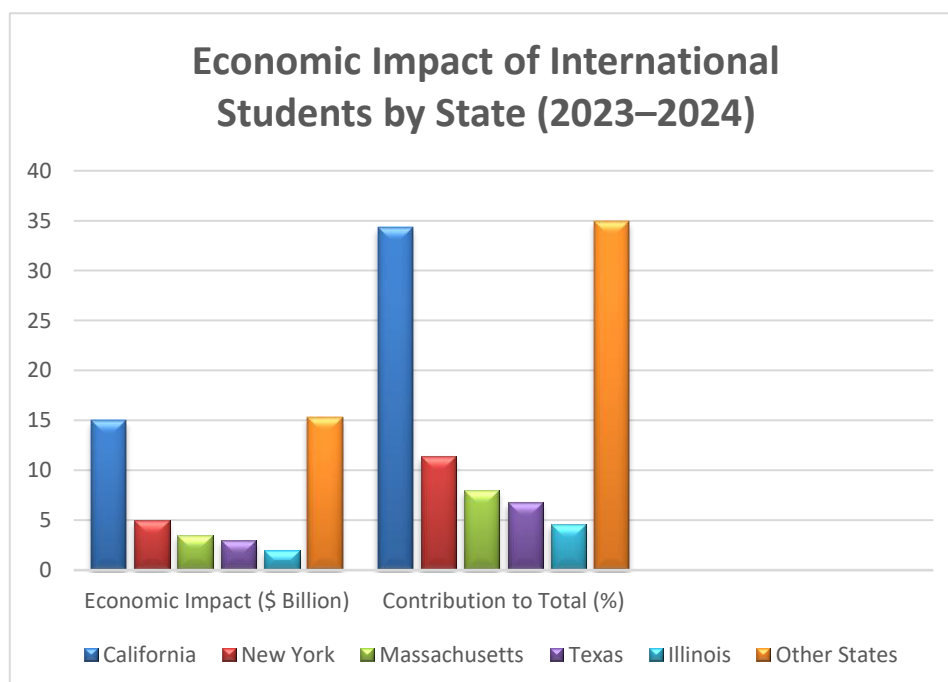


Figure 2 shows the economic contributions of international students to the U.S. economy, highlighting the top five states—California, New York, Massachusetts, Texas, and Illinois—along with other states contributing over \$1 billion.

Source: NAFSA: Association of International Educators, 2024 Report on International Student Economic Contributions.

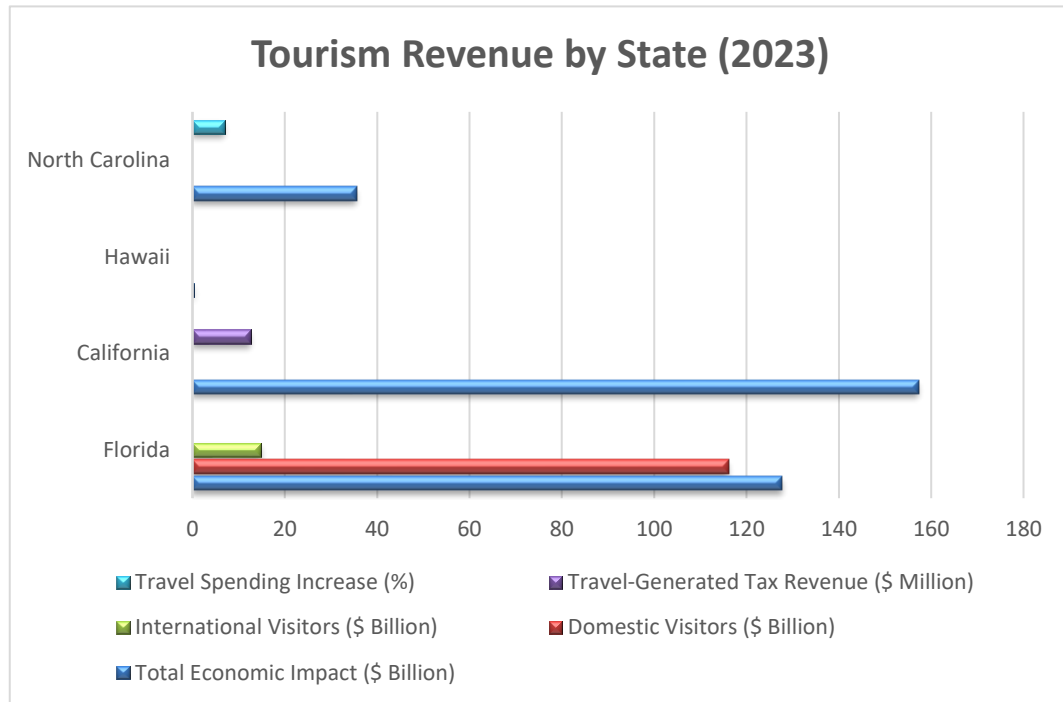


Figure 3 illustrates the total economic impact of tourism across four U.S. states: Florida, California, Hawaii, and North Carolina. It shows the economic contributions from both domestic and international visitors, as well as other tourism-related revenues such as travel-generated tax revenue and spending increases.

Source: Data sourced from state tourism reports, including NAFSA and relevant economic analysis for 2023.

### The Economic Impacts

The costs associated with the travel restrictions arising from the U.S.-China trade conflict have been significant and have gone beyond immediate sectoral losses. These costs have important implications for WTO commitments concerning international trade in services because travel restrictions can impede the broader rationales for trade liberalization and market access (Right Here, Right Now? New Evidence on the Economic Effects of Services Trade Reform (2023) | 1 Citations, n.d.).

The tourism industry provides the most immediate and major loss in economic pursuits associated with travel restrictions. The \$11 billion loss of tourism revenue during 2019-2020 represents a decline in service sector income and the indirect "multiplier" effect for local economies, particularly in New York, Los Angeles, and San Francisco, which depend heavily on Chinese consumer spending (Reporter et al., 2019). The restrictions impacted the luxury retail markets significantly, with several major municipal areas indicating double-digit percentage declines in sales to Chinese nationals. Furthermore, data provided by competing tourism destinations and countries, especially within Europe and Southeast Asia, documented an increase of Chinese tourists traveling to those destinations instead of the U.S (Guo et al., 2007). This indicates the decline experienced by the U.S. was simply a re-direction to new destinations by Chinese nationals and not an absolute decline in international travel overall.

The educational system experienced disruptions. However, the COVID-19 pandemic had consequences that went far beyond immediate lost revenues. The decline in Chinese student enrollment (which had generated \$15-20 billion each year) had major effects throughout many industries, especially local economies that depended on student accommodations, retail, and food services. The data from Australia, Canada, and the UK indicate a significant increase in Chinese student enrollment in that same period, suggesting that student mobility was only partially disrupted and that alternate destination markets managed to capitalize on these shifts. The redistribution

of international students implies a larger realignment in trade in international education services, with many possible consequences on academic collaboration and knowledge exchange.

On the U.S. West Coast, losses in luxury retail and real estate transactions were substantial in places like California. The Midwest and the South, however, experienced a markedly less direct impact. But even these regions experienced challenges, and many universities and related industries felt the impacts of fewer international student enrollment (Feeney & Hinds, 2021). The degree of local impact was strongly related to the regional economic bases. The locations that had experienced significant international exposure (global talent pool) or tourism were hit harder than more diversified economic locales. Although these locations still experienced hospitality or service loss due to their reliance on tourism.

The decline in academic exchanges, scientific collaboration, and technology transfer caused by travel restrictions may lead to a division of global innovation ecosystems. As the U.S. and China commoditize knowledge-intensive sectors, we may see the development of dual innovation systems, each tending to develop technology-specific capabilities (Brown & Singh, 2018). This could lead to redundancies, inefficiencies, and missed potential for collaborative innovation, ultimately reducing the speed of global evolution and declining aggregate economic productivity. The impact has been felt intensely in areas such as artificial intelligence, biotechnology, and advanced manufacturing, in which international collaboration has historically been at the heart of innovation. Those operating businesses have faced increased transaction costs and operational dilemmas. With the inability to meet face-to-face, engage in site visits, and conduct due diligence, investments have been protected and/or canceled, particularly in sectors with physical inspection and/or negotiation. The failure to collaborate or even engage in bilateral business relationships has not only affected direct investment flows but has also impacted the overall efficiency of global supply chains as well as quality control measures. Economic data has suggested that there has been a measurable decline in initiated bilateral business ventures and joint research and development projects. Some estimates put overall declines of new U.S.-China business partnerships ranging between 30% and 40% in the number of new business partnerships during the specified period.

The structural implications of these travel restrictions will be longer-lasting than the immediate economic losses. While the increased integration of digital service delivery and virtual collaboration may facilitate future resilience, there are elements of in-person interaction and exchange that cannot be taken in a digital environment. In addition, the development of alternative ecosystems for innovation and the reallocation of highly skilled talent could result in lasting change in the global geography of economies. Further, universities and research institutions state that there are increasing challenges to maintaining international research collaborations, and these challenges could also lead to diminishing returns in future technological innovation and economic growth. While examples of economic impact illustrate the complex interplay between security frameworks and trade liberalization agendas, the costs associated with these restrictions involve more than submission to a loss in direct revenue. As economic management continues to form part of a broader set of policy approaches toward hegemonic competition, understanding these broader economic implications will be critical for developing more specifically targeted policy responses, which also address security while minimizing economic disruption. The established body of evidence presented here indicates that alternative instruments of policy, or tighter forms of a travel policy, may be beneficial to achieve both security and economic purposes.

## **IMPACT MECHANISMS OF TOURISM VS. STUDYING ABROAD**

The economic and social contributions of tourism and study abroad to the U.S. economy can also work through dissimilar mechanisms, including short- and long-run effects across sectors and innovation ecosystems. It is important for policymakers and economists to appreciate these differences to achieve a balance between short-term material prosperity and long-term growth fuelled by human capital formation and innovation.

### **Economic and Legal Impact of Tourism**

Tourism is the dominant economic activity that creates demand in the service sector. These include direct impacts on places of accommodation, transportation providers, food and beverage establishments, retail businesses, and entertainment sectors. The travel and tourism industry in the United States contributed about 8.5% to the nation's gross domestic product (GDP) in 2023 alone, generating over \$2.3 trillion in economic output, according to the Global Travel and Tourism Council (WTTC) (Travel & Tourism Economic Impact 2024, n.d.). A large proportion of this income was due to international visitors, in particular, Chinese visitors, who were previously around 12-15 percent of all international arrivals before COVID-19-driven disruptions and trade-related restrictions. Spending by these guests has been among the most important drivers of economic activity in many tourism-dependent areas, underscoring the importance of the sector to the overall economy. The employment in tourism is

large and multi-dimensional. It is a relatively labour-intensive sector with an estimated 15.3 million jobs in the United States in 2023, or about 9.8% of employment in the world's second-largest economy. These are jobs that span hotel and restaurant workers, to tour operators, to retail staff, to other service providers. Because the business is seasonal and dependent on travel patterns, many of these jobs are low to medium-skilled and seasonal or part-time. Still, these jobs are crucial to their local economy, particularly in areas where tourism is a major lifeblood (Special Report, 2022).

The money that international visitors spend on travel accounted for around \$180 billion in revenue each year before the pandemic. International tourists spent an average of about \$4,500 per trip, and CPS said international tourism was a money-making economic activity. But the decline in Chinese tourists in the trade dispute years led to at least an estimated \$25 billion to \$28 billion decline in tourism revenue. (Initial Impacts of the Pandemic on Consumer Behavior (2020) states that have well-known tourist destinations like Florida, California, and Hawaii took the biggest hit from the decline, with hotel occupancy and sales of high-end goods falling in some places by more than 10%. The consequences of this decline radiated out not just to those whose direct economic interests lay in tourism, but also to local businesses that profit from the dollars of visiting tourists. The impact of tourism on the economy spreads, in what economists call the “multiplier effect.” The first money out of the tourism box tends to spur growth in such related industries as construction, agriculture, and manufacturing. Recent research has shown that when a tourist spends a dollar at a destination, anywhere from \$1.20 to \$1.50 is generated in other sectors of the economy, so tourism is essential in generating economic activity across numerous industries (New, Lasting, Economic Models of Tourism, 2022).

### Economic and Legal Impact of Studying Abroad

The effects of studying in the U.S.A. are more far-reaching, less immediate, but much more profound in terms of long-term growth, creativity, and capacity-building. International students’ economic contributions are not limited to tuition and fees - they include living costs, local transportation, local consumption of goods and services, and employment generation in different sectors. For the 2023–2024 academic year, international students contributed an estimated \$43.8 billion to the United States economy and supported more than 378,000 jobs directly tied to their presence. These roles include not only professors and university administrators but also staff in housing and food services, as well as those in retail and other service sector jobs, showing the extensive economic impact of international students (‘Immigration and Economic Growth’, 2019).

The most critical distinction is with the lasting contributions of international students, especially those studying Science, Technology, Engineering, and Mathematics (STEM). Around 40% of foreign students in the US are studying STEM, and one in six stays in the country’s workforce after graduation under programs like Optional Practical Training (OPT) and H-1B visas (‘Understanding the Economic Impact of the H-1B Program on the U.S.’, 2017). This keeps technology development alive in areas such as biotech, software programming, and product engineering. Regions with larger shares of international graduates in STEM have been found to have up to 25% larger patent productivity, which further emphasizes the relationship between foreign talent and innovative output. Further, many international students create their own startups and entrepreneurial businesses, providing jobs and adding vitality to the economy (‘Scientific Education and Innovation’, 2020). For example, STEM graduates from abroad in California’s Silicon Valley are estimated to contribute more than \$100 billion annually to the local economy in income, spending, and innovation. International students contribute far more than just tuition fees, showing how essential they are to the success of high-tech industries. The economic contributions of international students also have indirect effects on job creation and economic growth through increasing the global competitiveness of U.S. firms. Universities with many international students receive large federal research grants. They also help create the connections that fuel innovation in cities like Boston, San Francisco, and Austin. These knowledge-rich economies are heavily dependent on the talent pipeline that the international students and scholars bring, and, therefore, they are essential for their economic growth in the future.

Table 1. Summary of Key Differences

Aspect	Tourism Impact	Studying Abroad Impact
Economic Focus	Short-term consumption & service growth	Long-term innovation & human capital
GDP Contribution	8.5% (~\$2.3 trillion)	\$43.8 billion from student spending
Employment Supported	15.3 million jobs (mainly low to medium-skilled)	378,000 jobs (academic & service sectors)
Innovation & Talent Impact	Limited	Significant (patents, startups, STEM)
Geographic Impact	Concentrated in tourist-heavy states	Concentrated in education hubs
Multiplier Effect	High	Indirect through innovation &

## US-China Trade and Export Restrictions on American Movies

The U.S.-China trade war has had wide-ranging effects not only on trade in tariffs, technology, and manufacturing but also on such sectors as cultural exchange and service exports, including entertainment. One high-profile fatality of these trade battles has been the decrease in exports of American movies to China, which has jolted the entertainment industry and the broader global stage for cultural exchange.

### Decline in American Movie Exports to China

For decades, China has been one of the largest markets for American movies, and the nation's box office has emerged as one of Hollywood's great revenue sources. But amid rising tensions with the US, the trade wars led to certain levels of restrictions and taxes that had a direct impact on movies and entertainment (Amiti et al., 2020). Before the trade conflict, China represented about 20% of global box office revenue, according to Box Office Mojo, making it a vital market for American movies. The drop in American movie exports to China began in the years after the trade clash began. By 2018, the impacts of the trade war and increasing tariffs on entertainment products were already evident, as box office receipts from Chinese moviegoers plummeted sharply for many U.S. films. "Avengers: Infinity War," a blockbuster Hollywood release, earned about \$360 million in China in 2018, but later films, such as "Avengers: Endgame," resulted in diminishing returns as political tensions increased and theatrical releases were restricted (Redding et al., 2019). According to reports, in the Chinese market, the overall takings for American films from 2018 to 2020 have fallen by about 25%. That glide had real consequences for U.S. entertainment firms, many of whom draw heavily on foreign, and specifically Chinese, markets for their bottom line ('Anxiety or Pain?', 2020).

### Cultural Exchange and Broader Implications

Although tourism and education are usually the most affected sectors by cultural exchange, the decrease in movie exports indicates the wide reach of the trade war on service exports. Cultural exchange is a key resource for diplomacy and soft power, and U.S. movies have long dominated in terms of shaping how the world views U.S. culture. Hollywood's influence in world cinema has enabled the U.S. to exercise soft power and encourage cross-cultural relations ('Agent Orange', 2019). As China has become more restrictive in accepting American movies, Americans are not only losing out financially, but also an important channel of cultural diplomacy. When movie studios are forced to put the brakes on films, the effects are also felt far away. The entire entertainment value chain, from production and distribution to marketing and ancillary services such as streaming services, is affected. Many streaming platforms have had to adapt to new challenges. For example, Netflix and Disney+ have reduced their programming or faced difficulties entering the Chinese market (The Great Firewall of China, 2008).

### Trade War Restrictions and the U.S. Entertainment Industry

The wider impacts of the U.S.-China trade war on the entertainment sector are immense. In cultural terms, such controls would maintain the status quo of production and distribution within global content markets, picturing protectionist tendencies. The China Film Administration, the government's regulatory body for films, has been limiting the amount of foreign content that can be shown on Chinese screens ('Non-Tariff Barriers in the U.S.-China Trade War', 2022). A quota system imposed by China also restricts the number of U.S. films that can be released there annually, compounding the problem. American movies' intellectual property (IP) rights have also been scrutinized because the U.S. claims that China conducts IP theft and piracy. And now, the clash is just creating even more tension, with Chinese audiences getting hold of plagiarized copies of Hollywood movies, undermining legal sales even more (Fraley, 2015).

### Wider Economic Impact

The U.S. entertainment industry is an important part of the economy. In 2020, the United States' film and media industry as an independent sector contributed \$41 billion to its GDP, and the film industry alone supports 2.5 million jobs ('The Recovery from the Great Recession', 2021). Beyond the studios, restrictions on the U.S. film trade have broader implications, including related industries, such as marketing, distribution, and tourism. With fewer American movies being shown in China, the domestic box office isn't benefiting as much. This also affects the entire entertainment industry and other sectors that depend on foreign earnings. The effect of these trade restrictions on the entertainment industry is less immediately apparent than the losses for agriculture or manufacturing, but it nonetheless signals a structural shift in how the U.S. reaches the world ('The Effect of the U.S.-China Trade War on U.S. Investment', 2020). The collapse of this market could result in a decline in the U.S. film-related industries' global influence, changing the cultural balance of power that U.S. entertainment has dominated for decades.

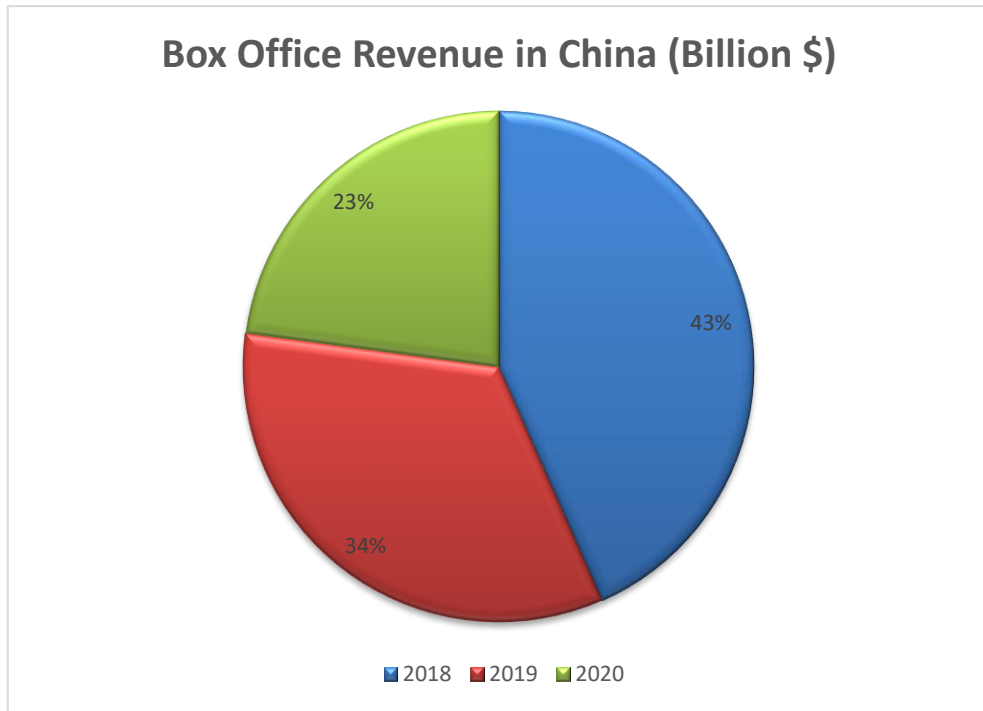


Figure 4 shows the decline in box office revenue from American movies in China between 2018 and 2020, reflecting the impact of trade war-related restrictions and tightening regulations on U.S. film imports.

Source: Box Office Mojo; U.S.-China Trade Reports, 2021.

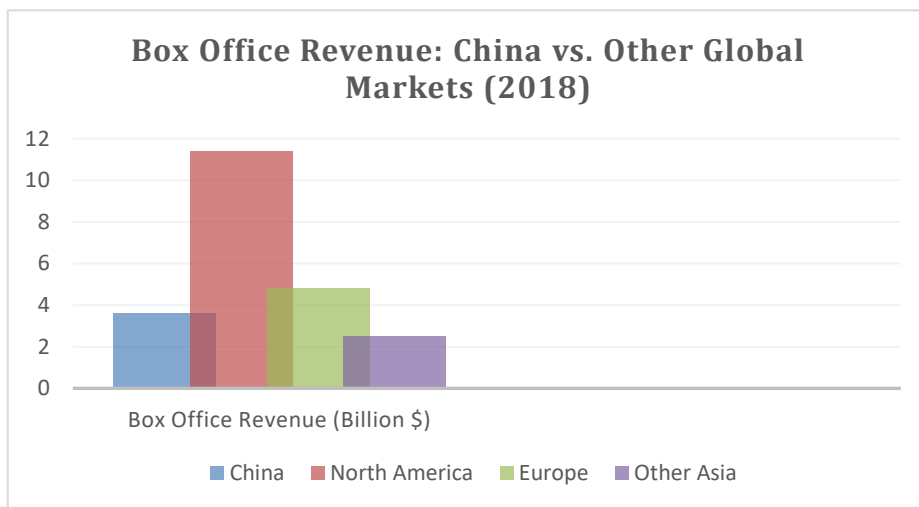


Figure 5 compares the box office revenue from China against other major international markets for American films in 2018, highlighting China's significant contribution to global earnings.

Source: Motion Picture Association, 2018 Annual Report.

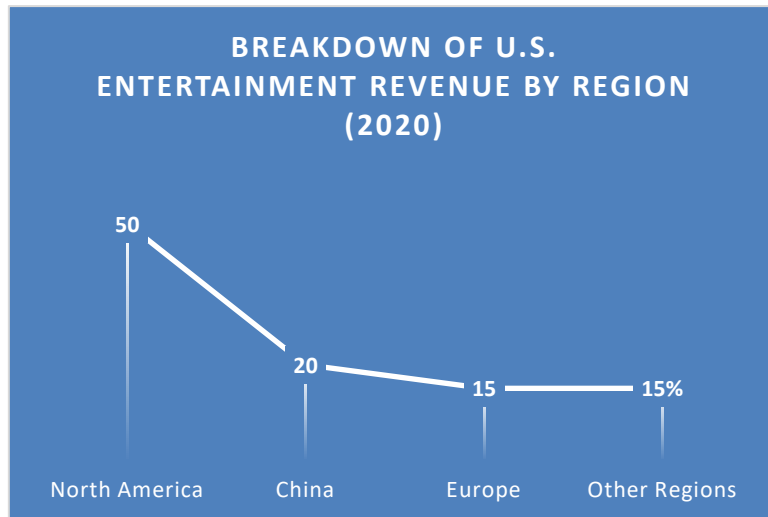


Figure 6 shows the percentage distribution of U.S. entertainment industry revenue across key global regions, emphasizing the importance of international markets such as China to the industry’s overall revenue.

Source: U.S. Bureau of Economic Analysis; Entertainment Industry Reports, 2020.

Notes on Regulatory Environment	Open market, growing platform presence	Increased competition	Regulatory tightening begins	Significant restrictions imposed	Limited platform availability
Number of U.S. Streaming Platforms in China	8	10	7	4	3
Year	2016	2017	2018	2019	2020

Figure 7 tracks the number of U.S. streaming platforms operating in China from 2016 to 2020, alongside notes on regulatory changes that have affected platform availability and market access.

Source: China Film Administration Reports; Industry Market Analysis, 2021.

**Legal Aspects of Visa Restrictions for Tourism and Studying Abroad**

Restrictions on tourists and students abroad are tightly tied with the contours of immigration policy at large, but they also rest on markedly different legal and policy logics. Such subtleties matter when we assess how they in turn affect economic diplomacy, national security, and foreign relations. It is the fear of illegal immigration, border crossing, and crime that generally leads to these restrictions on tourist Visas. These measures can be implemented as additional screening, travel advisories, or outright entry bans of foreign nationals pursuant to security findings. The legal foundation for these restrictions is usually found in immigration codes that grant wide freedom to the President and other executive officers to regulate entry and defend against intrusion (‘An Executive Order Worth \$100 Billion’, 2020). US agencies, such as the Department of Homeland Security (DHS) and Customs and Border Protection (CBP), exercise extensive powers to impose these restrictions. There could be political reasons for forbidding travel for tourism as well. But tourist visas, which in the U.S. are referred to as B-2s, typically operate differently. Technology and IP transfer are rarely an issue, and their legal cases focus more on the principles of

fairness and discrimination under international trade law (e.g., the General Agreement on Trade in Services, GATS) (United States Border Security and Reserve Component Forces, 2007).

In contrast, visa restrictions for international students are stronger and legally justified by national security concerns, especially for international students in Science, Technology, Engineering, and Mathematics (STEM). The U.S. government has, in recent years-imposed restrictions on student visas, especially those tied to sensitive research areas or foreign institutions of concern (The Long-Term Stay Rates of International STEM PhD Graduates, 2022). In 2018, changes were made to the visa policy that limited the number of visas for Chinese graduate students in STEM fields. This decision was mainly based on worries about stealing intellectual property and the transfer of technology. CSE limitations are part of national security exceptions included in international trade agreements, and they have been challenged due to their reach and implications for academic freedom and international collaboration. Proportionality and evidentiary foundations also loom large in legal challenges to these policies, questioning whether these restrictions respond to valid security interests in an appropriate manner or whether they function instead as shield laws (The PRC Medium and Long-Term National Science and Technology Development Plan, 2015).

Visitor visas and student visas have some similar rules, focusing on security and the open economy. However, they enforce these rules in different ways and to different degrees. Although travel visa restrictions are based on border control and compliance with immigration law, work visa restrictions are also uncomfortable with intellectual property law, research security procedures, and immigration law. This rift has massive consequences for international trade, for educational exchange, and indeed for relations between nations, especially in countries such as the US and China, where there are zones of confrontation at a bilateral level ('Immigration, International Collaboration, and Innovation', 2015). It challenges the conventional approach to the non-discrimination and market access disciplines of the GATS in respect of visa restrictions used in the context of trade disputes. While security and public safety exclusions are discretionary, they can erode confidence and disrupt major sectors such as education and tourism. The WTO has struggled with such cases as U.S. restrictions on Chinese STEM students, highlighting the need for more explicit rules and measures based on evidence to balance security against economic needs.

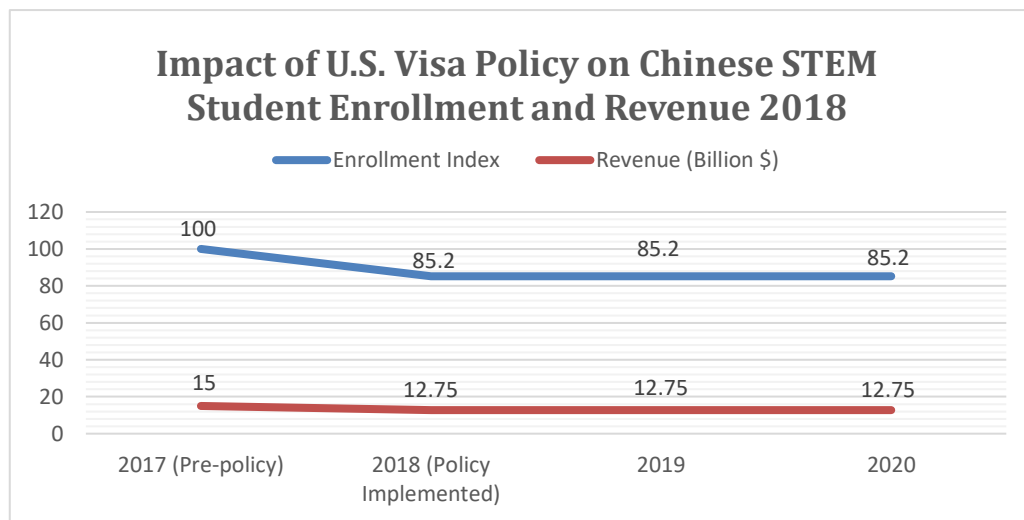


Figure 8 shows the effects of the 2018 U.S. visa policy changes, which limited STEM graduate student visas from five years to one year. The data shows a 14.8% decline in new Chinese student enrollment in 2018, resulting in an estimated \$15 billion annual revenue loss for the U.S. education sector. The graph tracks the enrollment and revenue figures over the years following the policy implementation.

Source: Data from U.S. immigration policy reports and education sector impact studies (2018).

## POLICY RECOMMENDATIONS AND THEORETICAL FRAMEWORK

The Proportional Security-Trade Integration Model (PSTIM) fundamentally improves the link between national security measures and international trade law. The framework fills a critical gap in existing WTO jurisprudence by offering an evidence-based framework for evaluating and regulating travel restrictions while

maintaining key security interests.

The PSTIM framework's primary innovation is its graduated response mechanism, which reframes an otherwise binary approach to security exceptions to one that is more nuanced and multi-tiered. Specifically, security measures are understood to have varying levels of severity and verifiability; thus, security responses may be graduated in response to security measures. For illustration, about U.S. visa restrictions on Chinese STEM students, the model would assess whether restrictions apply equally to high-risk institutions or areas of research, compared with other lower-risk academic pursuits. The PSTIM framework aims to replace broad restrictions with focused rules that increase scrutiny in specific areas of security risk. This approach allows for continued academic engagement in non-sensitive academic activities. The PSTIM framework's quantitative methodology is critical in shifting the discussion towards a point of view that quantitatively evaluates security-based trade measures. The PSTIM framework suggests quantifying security-based measures in three key ways.

Economic Costs as direct revenue losses and the broader economic implications of a security-based trade measure.

Innovation Impact Factors (IIF): a measure of effects on research collaboration and knowledge transfers.

Security Effectiveness Ratios (SER), assessing whether the security benefits were achieved; and

Trade Commitment Compliance Indices (TCCI), assessing whether compliance with WTO obligations was achieved.

Central to the proposed framework is the creation of a Security-Trade Advisory Committee (STAC) under the authority of the World Trade Organization (WTO). This would be supervised by experts in international trade law, national security, and economic analysis. It would serve as an independent advisory board authorized under the WTO's framework. The STAC would assess proposed travel restrictions against the Public Safety and Trade Impact Model (PSTIM) and provide advisory findings that might be used in WTO dispute settlement mechanisms. These findings were also a reference for Member States on the implementation of security measures. This innovation in institutional design will address the current gap in the specialized knowledge necessary to address trade measures based on security considerations while allowing the WTO to continue to serve its central role in overseeing international trade.

To integrate PSTIM into the WTO's governing legal structure, we propose an Interpretive Understanding of GATS Article XIV bis, also done via a formal Ministerial Decision. Drawing from the PSTIM methodology, this interpretation would condition the invocation of a security exception on specific premises, defining both the test of necessity (whether a policy decision corresponds to the necessary measures) and a test of proportionality. Therefore, if a Member State invokes national security, such as in section 1 (a) (x) in GATS Article XIV bis, that Member could be asked to show that there is a national security threat and that the action taken is justified. This should involve framing an appropriate policy response, measured in clear quantitative terms, and a plan with a set timetable. This is much clearer than the vague self-judging provision envisaged under GATS Article XIV bis. Implementation would proceed in three distinct stages. The first period is a voluntary opening of the framework supported by major trading powers for the first 12-18 months. For example, during this initial implementation period, the U.S., China, the European Union, or other countries would assess value gains per country for their existing travel restrictions. The second implementation phase depends on a global approach fully (politically) integrating the framework and supporting roles, including the formal addition of STAC and a monitoring mechanism to establish the framework within the WTO architecture as a legitimate process (observers of the STAC). The final implementation phase is the integration of the process across member economies, with regular monitoring and review.

The framework underscores the importance of stakeholder engagement through a structured multi-stakeholder dialogue mechanism. This would entail the opportunity to hold regular consultations with affected sectors, including universities, tourism agencies, and business associations, periodically. This will ensure the practical implementation of difficulties and response to changing security and economic conditions. This competing imperative is a critical step in increasing the overall strength of the framework, as well as in generating wider stakeholder support for framework adoption. In addition, being invaluable for travel restrictions currently, the PSTIM framework has potential wider implications in the field of international economic law. The PSTIM framework offers a structured approach to balancing security with trade interests that can inform the process for addressing other forms of security-based trade measures. The importance of generated data and clear procedures of the PSTIM framework represents a good step forward in rationalizing security exceptions to international trade law. The PSTIM framework also engages with post-dispute recovery mechanisms in a structured fashion to enable the rebuilding of bilateral travel and education exchanges. It suggests collaborative mechanisms for restoring trust and rebuilding contact among people, which is important for sustainable and ongoing economic and diplomatic relations. This includes mutual agreements to restore the capacity of visa processing in both jurisdictions, facilitate

transportation links, and restore confidence processes in educational and cultural exchange programs. This new model is of great benefit for policymakers by providing clear procedural guidelines while allowing the necessary flexibility associated with legitimate security concerns. By providing objective measures of assessment with institutionally robust mechanisms for assessing international trade restrictions. The PSTIM framework represents a practical policy solution, one of the most difficult areas of contemporary international economic law - balancing security concerns and addressing trade liberalization objectives in a complex international system.

## CONCLUSION

As the USA engages in tariff and trade disputes with China, we are seeing a much deeper change in the character of economic conflict, especially about human mobility and the measures taken to secure it. As visa restrictions and sanctions, and other forms of travel restrictions are increasingly used, the unilateralism of states also breaks down bilateral trade, while posing a big challenge to international trade law, especially the WTO system. Despite the applicability of trade law under GATS, this study highlighted that the security exception should be based only on real threats and on the doctrine of necessity and proportionality.

This paper adds to existing literature by providing a study on security-based measures and the economy, and how they impact each other regarding human mobility. The Proportional Security-Trade Integration Model (PSTIM), introduced in this study, represents a fresh approach. It suggests a framework to evaluate security measures tied to economic impact, aiming to strike a balance and prevent excessive trade restrictions due to security concerns. The Security-Trade Advisory Committee STAC proposal in the WTO system further reinforces the capacity and mechanism for compliance and oversight by creating a new body empowered to assess the legitimacy of security claims in a trade context. The findings of this paper explore that the security measures are a sovereign right, but their implementation must be based on well-defined evidence and evaluated measures to prevent unnecessary economic disruptions. The article summarizes that the United States and China lost \$200 billion each in terms of restrictions on education, tourism, and professional exchanges. These represent key elements of long-term economic and diplomatic ties. It emphasizes that mutual distrust harms people-to-people interactions, which have broader effects on innovation and understanding, both of which are crucial for maintaining strong economic relations.

This article advances the argument that the debate over the adaptation of international trade organizations like the WTO to new geopolitical realities also offers preventative remedies, ensuring that legitimate security imperatives do not devolve into protectionism or discrimination that undermines global economic stability. This paper contains comprehensive details for readers looking for insights on the contemporary trend of disputes in international trade, especially in the line of restrictions on human movement based on national security. It offers clear guidance for policymakers and international organizations on how to include security concerns in trade law without sacrificing economic liberalization.

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#### ETHICAL DECLARATION

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**Conflict of interest:** No declaration required. **Financing:** No reporting required. **Peer review:** Double anonymous peer review.