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TRACKING INTERNATIONAL STUDENTS IN HIGHER EDUCATION: A PROGRESS REPORT

HEARING

BEFORE THE

SUBCOMMITTEE ON 21st CENTURY COMPETITIVENESS

AND THE

SUBCOMMITTEE ON SELECT EDUCATION

OF THE

COMMITTEE ON EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES

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TRACKING INTERNATIONAL STUDENTS IN HIGHER EDUCATION: A PROGRESS REPORT

Thursday, March 17, 2005
U.S. House of Representatives
Subcommittee on 21st Century Competitiveness
Subcommittee on Select Education
Committee on Education and the Workforce
Washington, DC

The Subcommittees met, pursuant to notice, at 10:06 a.m., in room 2175, Rayburn House Office Building, Hon. Howard P. "Buck" McKeon [Chairman of the Subcommittee on 21st Century Competitiveness] presiding.

Present: Representatives McKeon, Petri, Tiberi, Price, Drake, Kuhl, Kildee, Kind, Wu, Holt, McCollum, Van Hollen, and Hinojosa.

Staff present: Jennifer Daniels, Communications Staff Assistant; Kevin Frank, Professional Staff Member; Sally Lovejoy, Director of Education and Human Resources Policy; Catharine Meyer, Legislative Assistant; Krisann Pearce, Deputy Director of Education and Human Resources Policy; Amy Raaf, Professional Staff Member; Deborah L. Samantar, Committee Clerk/Intern Coordinator; Jo-Marie St. Martin, General Counsel; Brad Thomas, Legislative Assistant; Ricardo Martinez, Minority Legislative Associate/Education; Alex Nock, Minority Legislative Associate/Education; and Joe Novotny, Minority Legislative Staff/Education.

Chairman MCKEON. A quorum being present, the joint hearing of the Subcommittee on 21st Century Competitiveness and the Subcommittee on Select Education will come to order. I think, given the gravity of what's going on down the hall, it's fortunate that we all made it through the crowds to get here. I don't know what's most important, but I'm glad we're here to talk about something substantive.

I'd like to thank my colleague from Ohio, the chairman of the Subcommittee on Select Education, Mr. Tiberi, for agreeing to hold this joint hearing on "Tracking International Students in Higher Education: A Progress Report."

So we can get to our witnesses, we've agreed to limit the opening statements to the chairmen and the Ranking Minority Members of each Subcommittee. With that, I ask unanimous consent that the record remain open 14 days to allow members to insert extraneous

material into the official hearing record. Without objection, so ordered.

I'll now read my opening statement.

STATEMENT OF HON. HOWARD P. "BUCK" McKEON, CHAIRMAN, SUBCOMMITTEE ON 21st CENTURY COMPETITIVENESS, COMMITTEE ON EDUCATION AND THE WORKFORCE

I want to welcome our witnesses here today and thank them for taking the time to appear before the Subcommittees. This hearing represents an important opportunity for us to learn about the progress in implementation of systems that exist to help monitor international students attending post-secondary institutions in the United States, as well as to understand the challenges that remain.

Following the September 11, 2001 attacks on the United States, concerns were raised about the conditions under which individuals enter the country using a student visa. The Subcommittees on Select Education and on 21st Century Competitiveness held two joint Subcommittee hearings to gain insight into the rules and requirements of tracking foreign students and to learn about the implementation of the Student and Exchange Visitor Information System, called SEVIS. As an Internet-based system, SEVIS sought to address some of the shortcomings of the old paper-based system and increase information sharing between agencies and schools involved in the monitoring of foreign students.

Our previous hearings were very informative, and we learned a great deal about the process that an international student wanting to study in the United States goes through to obtain a student visa. We also learned about the shortcomings of the old student visa system and began to learn about the SEVIS system which was being implemented at that time.

Those hearings made clear to me the importance of continuing the exchange of ideas and cultures through international education while balancing our need for an accurate and timely screening process for protecting the safety and security of our citizens.

Today, the purpose of our hearing is to learn more about the SEVIS program, what its capabilities are, and what still needs to be done to ensure a smooth transition for foreign students studying in the United States.

With the creation of the Department of Homeland Security, the responsibility of establishing visa policy and reviewing its implementation was moved from the State Department to DHS. Within the DHS, the Immigration and Naturalization Service (INS) was also restructured, and responsibility for SEVIS was moved to the new Bureau of Immigration and Customs Enforcement (ICE), which works with the State Department to implement student visa policy.

I have heard accounts of a decline in the number of foreign students applying for admission into our universities. We have the best higher education system in the world, due in part to bringing the best and brightest of other countries here to exchange ideas with our students. We want to preserve this flow of information and culture while maintaining adequate safeguards to report and monitor these students.

I'm glad that we have witnesses from both the DHS and the State Department to learn more about how the process has been thus far, and learn what problems may still exist. We also have the Government Accountability Office, the GAO here to talk about some of the reports they have done to look into the processing of international student visa applications.

I look forward to hearing our witnesses here today, and I thank you all for joining us to discuss this important topic.

I now recognize my good friend, the Ranking Minority Member of the Subcommittee on 21st Century Competitiveness, Mr. Kildee, for his opening statement.

[The prepared statement of Chairman McKeon follows:]

Statement of Hon. Howard P. "Buck" McKeon, Chairman, Subcommittee on 21st Century Competitiveness, Committee on Education and the Workforce

I want to welcome our witnesses here today and thank them for taking the time to appear before the subcommittees. This hearing represents an important opportunity for us to learn about the progress in implementation of systems that exist to help monitor international students attending postsecondary institutions in the United States, as well as to understand challenges that remain.

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I look forward to hearing our witness testimony here today, and I thank you all for joining us to discuss this important topic.

STATEMENT OF HON. DALE E. KILDEE, RANKING MEMBER, SUBCOMMITTEE ON 21st CENTURY COMPETITIVENESS, COMMITTEE ON EDUCATION AND THE WORKFORCE

Mr. KILDEE. I thank you very much, Mr. Chairman, and thank you for this hearing today. I'm pleased to join you, Chairman Tiberi, Mr. Hinojosa, and other colleagues to these hearings on the SEVIS system and how it is impacting international studies. This is an important topic and deserves the attention of this Committee.

International students attending schools in the United States make significant contributions to diversity and learning on our campuses. I had the occasion of talking with the president of the University of Michigan yesterday from Ann Arbor, where I did my graduate studies, and she was greatly pleased by the students from overseas, because they really enhance the educational environment there in Ann Arbor. So it's a very important thing.

These same students also help our economy and develop businesses in our cities and towns. Those who return home after their studies become leaders in their own countries. In addition, they also bring a respect for democracy back to their countries, helping foster governmental stability and free and fair elections.

Since 9/11, there's been a growing misperception overseas that the U.S. is not a welcoming place for academic international visitors. Proof of this misperception was made evident by the recent study of the Council of Graduate Schools. This study showed that once again there was a decline in the enrollment of international students in U.S. graduate schools. This trend is troubling and needs to be addressed.

Fortunately, over the past year we have seen big improvements at the State Department and Department of Homeland Security in this area. These agencies have made great strides in streamlining the visa processing.

We're going to hear about some of these improvements today, in addition to the work that still needs to be done. Our unfinished work in this area is critically important. We have to do more to counteract the misconceptions of the U.S. abroad. Those who are seeking to study in the fields of science and engineering are still facing major delays in receiving their visas because of security clearances.

While these security clearances are critical for maintaining our safety, we have to redouble our efforts to process individuals more quickly. If we don't address these issues, increasing numbers of international students at the highest levels will look for academic opportunities outside the United States.

Other countries are investing massive amounts of resources to develop and improve their systems of higher education. As these systems develop, international students will have increased post-secondary opportunities at home also.

The potential impact on our institutions and our economy is huge if international students choose to attend institutions in their own country and not come here.

I think the balance is very important. I had the great opportunity in 1958 and '59 of doing graduate work in Islamic history at the University of Peshawar in Pakistan under a Rotary Foundation fellowship. And that was a great help to me—a great help,

first of all, living in a different culture, a great culture, understanding real Islam. It's been helpful to me to this very, very day. And I think all of us benefit by having had some of that duality in our education both at home and then studying in another country, and we want to continue to encourage that. And I look forward to the hearing today.

I yield back the balance of my time.

Chairman MCKEON. Thank you, Mr. Kildee. And we have served together now on this Committee for 12 years. You have been here a lot longer, but together we've served for 12 years and 10 years on this Subcommittee, and I didn't know that you had studied abroad.

[Laughter.]

Chairman MCKEON. We continually learn.

Mr. KILDEE. That's right.

Chairman MCKEON. And I'm impressed. I was at a meeting earlier this morning, and Mr. Davis, another member of our Committee, and I both spoke. We attended an earlier meeting where they were honoring some students that had done outstanding achievement, and I learned some things about Mr. Davis that I hadn't known. And I think it's—I continually am more impressed by my colleagues here when I learn more about them, and that's a good thing to know.

We will have two panels today, and we decided earlier I will chair the first panel and Chairman Tiberi will chair the second panel. And he and Ranking Member Hinojosa will give their opening statements at that time.

I'll introduce the first panel now at this time. First we have Mr. Victor Cerda. Mr. Cerda currently serves as Counsel to the Assistant Secretary for the U.S. Immigration and Customs Enforcement at the U.S. Department of Homeland Security.

The Office of Immigration and Customs is responsible for identifying and shutting down vulnerabilities in the nation's border, economic, transportation and infrastructure security, and is also the largest investigative arm of the DHS.

Next we'll have Mr. Stephen Edson. Mr. Edson currently serves as Managing Director of the Visa Services Directorate for the Bureau of Consular Affairs at the U.S. Department of State. Prior to his current position, Mr. Edson served as Senior Adviser for Strategic Planning to the Visa Services Directorate, as Consul General at the U.S. Embassy in Jakarta, Indonesia, and as Deputy Director of the Consular Systems Division in Washington.

And then we'll hear from Mr. Randolph Hite. Mr. Hite has served for 25 years with the Government Accountability Office, or GAO, located here in Washington, D.C. In his current role, Mr. Hite serves as the Director of Information Technology Architecture and Systems Issues. In this capacity, Mr. Hite is responsible for the GAO's work on IT issues and maintenance, as well as the GAO's IT work at the Departments of Defense, Homeland Security, Treasury, State, and Justice.

I should mention to the audience that accompanying Mr. Hite today is another staff member from the Government Accountability Office, Mr. Jess Ford, who serves as Director of International Affairs and Trade. While Mr. Ford will not be offering official testi-

mony today, he will be contributing to this hearing by acting in a supportive capacity to Mr. Hite and the rest of the GAO team.

We will follow our normal procedure of the 5-minute rule today. And the way these—I'm sure you've done this before, but when you start, the green light comes on, and when you have a minute left, the yellow light comes on, and at the drop dead time, the red light comes on. So don't worry too much about that.

First, let's hear from Mr. Cerda.

STATEMENT OF VICTOR X. CERDA, COUNSEL TO THE ASSISTANT SECRETARY, IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, WASHINGTON, DC

Mr. CERDA. Good morning, Chairman McKeon and Chairman Tiberi and Members of the Committee. Thank you for the opportunity to provide you with an update on the Department of Homeland Security's progress on implementing the SEVIS program.

The Student and Exchange Visitor Information System, know as SEVIS, was successfully deployed on time on January 1st, 2003. Since then, SEVIS has been a central tool used by law enforcement entities, including ICE, to ensure compliance with immigration laws by foreign students, exchange visitors, schools, and exchange visitor sponsors. This achievement could not have been possible without the commitment and cooperation from the Department of State, the academic and the exchange community, and we are very grateful for that.

Since representatives of the former Immigration and Naturalization Service last testified before you on September 24th, 2002, DHS has fundamentally changed the process for monitoring foreign students and exchange visitors attending DHS certified schools and Department of State designated exchange visitor program sponsors in the United States.

Prior to SEVIS, there was a decentralized manual, paper-driven process that monitored foreign students attending more than 70,000 schools. There was in essence no tool capable of detecting the culprits of the first World Trade Center attack in 1993, for which a foreign student who had never attended school was convicted, and the terrorist attacks of September 11th, 2001, where four of the 19 hijackers were foreign students.

Despite the tremendous challenge, DHS, in cooperation with the Department of State, the academic community, and the exchange program sponsors, developed and successfully implemented SEVIS on January 1st, 2003, thus creating an electronic system that permitted the United States to monitor foreign students and exchange visitors and their dependents throughout their stay in the United States. Needless to say, this new capability enhanced our national security and ability to maintain integrity in our immigration system.

In 2003, ICE took responsibility for SEVIS from U.S. Citizenship and Immigration Services and established the Student Exchange Visitor Program, SEVP. This program was created to manage SEVIS, to centralize the certification process for schools wishing to accept foreign students, to conduct outreach to the academic community, and to perform other related program functions.

In addition, ICE established a Compliance Enforcement Unit in its Office of Investigations, which uses SEVIS data to identify and investigate potential student, exchange visitor, school and exchange visitor program sponsor violators. All of this work was completed by June 1st, 2003. By August 2003, all foreign students and exchange visitors were enrolled in SEVIS by their respective school or sponsor.

More robust school screening requirements have essentially cleaned the list of schools that could issue the necessary I-20 that initiates the process for an individual to enter the United States as a student. Gone are the days of the questionable dog grooming school that, despite no investigation, had the authority to sponsor individuals to enter the country. Of the 70,000 previously certified schools that existed pre-SEVIS, we have approximately 8,000 schools now that participate, and we believe this is due to the enhanced and centralized SEVP certification process, which requires a site visit and consistent reporting to SEVIS of changes in the student's status and performance at the institution. As a result, SEVIS data is more reliable and therefore more useful as an enforcement tool.

The SEVIS system also creates an electronic, real-time, centralized repository of these records. Today, SEVIS is the only electronic system used to track the status of F, M and J non-immigrants from the moment they are accepted at the U.S. institution, through the completion of their program. As of February 25, 2005, 609,000 students, 142,000 exchange visitors and 120,000 of their dependents are registered in SEVIS. These individuals report to and are monitored by approximately 8,000 certified schools and 1,400 exchange visitor program sponsors.

Over a period of 2 years, we have effectively eliminated a vulnerable and archaic paper-based system of records and transitioned ton an electronic, interactive and an up-to-date system.

In order to better understand the progress of SEVIS and its importance, I would like to share with the Committee some of the program's accomplishments:

The implementation of the SEVIS Fee. On September 1st, 2004, ICE implemented the SEVIS fee for students and exchange visitors successfully and on time. ICE established several fee payment mechanisms for the international education and exchange community. These payment options include credit card or debit card on line, check or money order mailed to a lockbox in the U.S., payment by a third party on the student or exchange visitor's behalf, and bulk filing for certain exchange visitor program sponsors. To date, we have collected over 170,000 fee payments and are not aware of a situation where a student wasn't able to ultimately pay the fee.

Centralized and Enhanced School Certification. U.S. schools interested in accepting foreign students must be first certified by ICE. ICE has centralized that process and conducted onsite visits for the first time for these universities' exchange programs.

Implementation of the SEVIS Response Team. In anticipation of the August 1st, 2003 deadline, we implemented the SRT to handle situations where students were appearing at the ports of entry but may not have had the opportunity to have the information clearly

entered into SEVIS. We believe this was a success in facilitating on our side as well as the school's.

IT Enhancements. The vast majority of these improvements were the result of feedback and requests from the schools and sponsors hosting foreign students. By the end of fiscal year 2005, SEVIS implemented a total of 11 major releases to improve performance and functionality. This represents several hundred individual improvements. These improvements were recognized in May 2004 by the E-Gov Institute Government Solutions Center which selected SEVIS as a best practice system.

Information Sharing. Clearly very important. We share all across DHS, Customs and Border Protection, the Department of State, the Federal Bureau of Investigation, U.S. Citizenship and Immigration Services. This information is critical for integrity not only in law enforcement but also to facilitate the visa process.

Outreach to Academic Community. Without effective outreach to the academic community, we would not have been able to accomplish what we have today. We have been working to make several inroads with the universities through training, outreach, weekly meetings. We think this is an important part of the success.

The ICE Compliance Enforcement Unit. The Enhanced Boarder Security and Visa Entry Reform Act of 2002 requires schools to report foreign students who fail to enroll within 30 days of the registration deadline. Schools are required to maintain accurate records and make this report to ICE. Additionally, SEVIS performs automatic data runs to identify students who have fallen out of status. These actions will cause a student's record in SEVIS to become terminated.

The ICE Office of Investigations extracts data from SEVIS on the terminated records. Lookouts are entered on these terminated records to alert officers and inspectors within DOS, Customs and Border Protection, and USCIS of potential violations of the student's non-immigrant status. The CEU in investigations conducts a thorough review of each individually terminated record to identify those who have actually violated their status. After this review, actionable leads are identified and recorded and tracked electronically to ensure accountability.

These reviews include record checks against several immigration and terrorist data bases. To date—

Chairman MCKEON. Mr. Cerda, how much more do you have there?

Mr. CERDA. You mean—one minute, sir, just to comply.

Chairman MCKEON. OK.

Mr. CERDA. To date, we've identified 81,000 potential violators, have entered 130,000 lookouts, and have assigned 3,700 leads to the field, resulting in 641 arrests. To note some of these arrests, for example, a Saudi Arabian national who was investigated for failing to maintain his student status. After his arrival, he was identified as a potential extremist having possible links to a terrorist organization. He attempted to smuggle a 500,000 volt stun gun on board a commercial aircraft. This individual was identified through SEVIS and was deported.

We continue to have many challenges ahead. We continue to look forward to develop this program and to create the proper balance

that allows us to welcome students into the United States while at the same time maintaining the system that we believe ensures national security.

Thank you, Chairman.

[The prepared statement of Mr. Cerda follows:]

Statement of Victor X. Cerda, Counsel to the Assistant Secretary, Immigration and Customs Enforcement, U.S. Department of Homeland Security, Washington, DC

INTRODUCTION

Chairmen McKeon and Tiberi, and Members of the Committee, thank you for the opportunity to provide you with an update on the progress the Department of Homeland Security (DHS) has made in implementing an effective system to monitor foreign students and exchange visitors in the United States and the schools and exchange visitor program sponsors that host them.

The Student and Exchange Visitor Information System (SEVIS) was successfully deployed on time on January 1, 2003, as required by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act). Since then, SEVIS has been a central tool used by law enforcement entities officers to ensure compliance with immigration laws by foreign students, exchange visitors, schools and exchange visitor sponsors. This achievement could not have been possible without the commitment and cooperation from the academic and exchange community, for which we are very grateful. But there is much more to accomplish with SEVIS and we look forward to updating you on the recent successes and upcoming challenges that present us with further opportunities for growth and improvement.

BACKGROUND

Since representatives of the former Immigration and Naturalization Service (INS) last testified before you on September 24, 2002, DHS has fundamentally changed the process for monitoring foreign students and exchange visitors on F, M and J visas attending DHS certified schools and Department of State (DOS) designated exchange visitor program sponsors in the United States.

Prior to SEVIS, there was a decentralized, manual, paper-driven process that monitored foreign students attending more than 70,000 schools. These schools were certified to accept foreign students through a decentralized process by district offices throughout the United States. There was, in essence, no tool that was capable of detecting the culprits of the first World Trade Center bombing in 1993, for which a foreign student who had never attended school was convicted, and the terrorist attacks of September 11, 2001, where four of the 19 hijackers were foreign students.

Congressional response to these events resulted in legislation that mandated progress be made in the Federal government's ability to monitor the foreign student and exchange visitor population in the United States. These legislative mandates include: the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, which required the development of an electronic system for collecting information on foreign students and exchange visitors (F, M and J non-immigrants); the USA PATRIOT Act of 2001, which established the January 1, 2003 date by which SEVIS must be operational; the Homeland Security Act of 2002, which delegated responsibility of SEVIS to the U.S. Immigration and Customs Enforcement (ICE) and required that SEVIS information be used to carry out enforcement functions; and the Enhanced Border Security and Visa Entry Reform Act of 2002.

Despite the tremendous challenge, DHS, in cooperation with DOS, developed and successfully implemented SEVIS on January 1, 2003, thus creating an electronic system that permitted the United States to monitor foreign students and exchange visitors and their dependents throughout their stay in the United States. Needless to say, this new capability enhanced our national security and ability to maintain integrity in our immigration system. As many of you know, SEVIS is a web-based system that provides real-time, up-to-date information on F, M and J visa holders that can be accessed electronically, making it an effective tool used by law enforcement to ensure that foreign students and exchange visitors in the United States are complying with the terms of their immigration status and are not a threat to national security.

In 2003, ICE took responsibility for SEVIS from U.S. Citizenship and Immigration Services (USCIS) and established the Student and Exchange Visitor Program (SEVP). SEVP was created to manage SEVIS, to centralize the certification process for schools wishing to accept foreign students; to conduct outreach to the academic

community; and to perform other related program functions. In addition, ICE established the Compliance Enforcement Unit (CEU) within its Office of Investigations, which uses SEVIS data to identify and investigate potential student, exchange visitor, school and exchange visitor program sponsor violators. All of this work was completed by June 1, 2003. By August 2003, all F, M and J foreign students and exchange visitors were enrolled in SEVIS by their respective school or sponsor.

More robust school screening requirements have essentially "cleaned" the list of schools that could issue the necessary I–20 that initiates the process for an individual to enter the United States as a student. Gone are the days of the questionable dog grooming school that, despite no investigation, had the authority to sponsor individuals to enter the country. Of the 70,000 previously certified schools, approximately 8,000 schools now remain in SEVIS due to the enhanced and centralized SEVP certification process, which requires a site visit, and consistent reporting in SEVIS of changes in the student's status and performance at the institution. As a result SEVIS data is more reliable and, therefore, more useful as an enforcement tool.

The SEVIS system also creates an electronic, real-time, centralized repository of these records. Today, SEVIS is the only electronic system used to track the status of F, M and J non-immigrants from the moment they are accepted at a U.S. institution, through the completion of their program. As of February 25, 2005, 609,517 students, 142,901 exchange visitors, and 120,870 of their dependents are registered in SEVIS. These individuals report to—and are monitored by—7,960 certified schools and 1,453 exchange visitor program sponsors. Over a period of two years, we have effectively eliminated a vulnerable and archaic paper-based system of records and transitioned to an electronic, interactive and up-to-date system. We believe we have accomplished this, in partnership with DOS, the academic and exchange community, in a manner that has addressed concerns from this community while at the same time establishing a tool that enhances our immigration and law enforcement capabilities as well as our national security.

HOW SEVIS WORKS

SEVIS is a fully integrated system that incorporates information directly from schools, exchange program sponsors, and other Federal electronic systems. The process begins with prospective foreign students applying for admission to one or more schools in the United States. If accepted, the school/s issues the students a Form I–20 from SEVIS after inputting specific data on the individuals into the system. At this point, the students must decide which school they wish to attend. The students then pay the $100 SEVIS fee using the information from the I–20 issued by the school they will attend. The students then take the I–20 issued from that institution to the U.S. consulate or embassy to apply for a student visa. During the visa application and screening process, the Department of State (DOS) consular officers uses SEVIS to confirm that the individual before them has, in fact, been accepted by the school referenced on the application, and that the institution is certified by DHS. The consular officer verifies the information on the I–20 with the information in SEVIS, and if the application is approved, issues the student a non-immigrant visa. Once approved, this visa data is electronically uploaded into SEVIS from the DOS Non–Immigrant Visa (NIV) system.

The student must then present the Form I–20 along with the visa at the post of entry prior to admission by a U.S. Customs and Border Protection (CBP) officer. As the student is inspected and admitted, pursuant to either the United States Visitor and Immigrant Status Indicator Technology (US–VISIT) Program and/or National Security Entry Exit

Registration System (NSEERS) registration process, the information is uploaded into SEVIS from the CBP Arrival and Departure Information System (ADIS). This information is made available to schools in order to notify them that their foreign student has arrived in the U.S. and should be reporting to the school within 30 days. Once the student has physically reported to the school and enrolled, the school updates the student's SEVIS record, thus confirming arrival. If a student enters the country and fails to enroll at the school, the student's record will be terminated in SEVIS, which, in turn, will trigger further investigation from the ICE Compliance Enforcement Unit.

Schools will continue to update the record throughout the student's stay in the United States with information such as change of address, change of course study, employment, or transfer to another institution. Once the foreign students graduate or complete their program, they should depart the United States, or change to another immigration status in accordance with immigration law.

The process described above is very similar for an exchange visitor who is participating in an exchange activity authorized by DOS. As shown, SEVIS is able to pro-

vide up-to-date information on the status of foreign students and exchange visitors throughout their stay in the United States.

REVIEW OF ACCOMPLISHMENTS

In order to better understand the progress of SEVIS and its importance as a law enforcement and immigration tool, I would like to share with the Committee some of the program's accomplishments.

- Implementation of the SEVIS Fee—Congress mandated that SEVP be an entirely fee-funded program through the collection of school certification fees and the SEVIS fee paid by students and exchange visitors. On September 1, 2004, SEVP implemented the SEVIS fee for students and exchange visitors successfully and on time. This accomplishment assisted the program in meeting its goal of transitioning from appropriated funding to fee-based funding in Fiscal Year (FY) 2005. In addition, SEVP established several fee payment mechanisms to enable the international education and exchange community. These payment options include credit card or debit card on-line; check or money order mailed to a lockbox in the United States; payment by a third party on the student or exchange visitor's behalf; and bulk-filing for certain exchange visitor program sponsors. SEVP has continued to make enhancements to the fee payment system, including a new fee payment method established on November 1, 2004, which allows payment in local currency through the Western Union Quick Pay Service, available in over 130 countries. Our goal was to ensure that all foreign students and exchange visitors could successfully pay the SEVIS fee, and we reached that goal. To date, we have collected over 170,000 fee payments and we are not aware of any applicant not being able to pay the fee. In order to prevent -or immediately resolve- fee payment problems, SEVP established a Case Resolution Unit working directly with the individuals experiencing fee payment problems. This unit became operational on August 10, 2004, and has been engaged since September 1, 2004, in resolving over 3,000 fee application and payment issues. This unit's efforts prevent the outright rejection of many fee applications, thereby expediting the fee payment process, as well as better serving our customers in their efforts to pay the fee. Moreover, SEVP has established a real-time check between the student and exchange visitor's fee information and SEVIS data to ensure 100 percent accuracy. Finally, on April 18, 2005, SEVP is scheduled to begin implementation of a customer service website that will enable students and exchange visitors to check online the status of their fee payment.
- Centralized and Enhanced School Certification—As mandated by Congress, U.S. schools interested in accepting foreign students must first be certified by SEVP. Today, SEVIS has nearly 8,000 schools certified to accept foreign students. The school certification process is an excellent example of a re-engineered process. SEVP has centralized the adjudication of school petitions from district offices located throughout the United States to ICE Headquarters. This move enables us to ensure we are applying the same criteria and standards to all petitions and see trends to better identify potential fraud in schools. Each school certification requires both the review and adjudication of the I–17 petition, and an on-site visit. This on-site visit confirms the bona fides of the school, and, more importantly, ensures that the school understands its responsibilities to keep adequate records and to update SEVIS with any changes to the students' status. In addition, SEVIS provides alerts and reports to the schools and exchange visitor program sponsors to help them monitor and keep track of their students and exchange visitors.
- Implementation of SEVIS Response Team—In preparation for the August 1, 2003, statutory deadline to have all non-immigrant students and exchange visitors registered in SEVIS, SEVP organized and implemented a highly successful SEVIS Response Team (SRT) to assist with issues associated with students and exchange visitors not yet registered in SEVIS but who appeared at the ports-of-entry. Operating 24–7, the SRT worked with inspectors at ports of entry, adjudicators, investigators, schools and program sponsors to expeditiously resolve issues related to the admission into the United States of students and exchange visitors. The creation of the SRT demonstrates the Department's and ICE's commitment to making SEVIS a process that not only enhances national security but also facilitates the entry of legitimate students and exchange visitors into the United States. During the first six weeks in operation, the SRT received over 8,000 calls and assisted over 5,400 students and exchange visitors entering the United States. Three subsequent SRTs were established during high volume entry periods to ensure the success of the program and solidify a cooperative relationship with our government and non-government stakeholders. Today, we

are proud to say that even during high volume entry periods, the SRT is no longer necessary since CBP officers at ports of entry have access to SEVIS violator information at primary inspection and to all SEVIS data at secondary inspection. In addition, CBP inspectors have increased their knowledge of SEVIS and are now proficient in accessing SEVIS information. The success and recent decline in the need for SRT assistance is attributable to our partnership with the academic and exchange visitor community. As a result, students and exchange visitors are more aware of the requirements to participate in SEVIS and are now arriving at the ports of entry with the required documentation ready, resulting in fewer delays.

- Information Technology (IT) Enhancements—Since the deployment of SEVIS, SEVP has made multiple improvements to its core technology. The vast majority of these improvements were the result of feedback and requests from the non-government users of the system (i.e. the schools and sponsors hosting foreign students and exchange visitors). By the end of fiscal year 2005, SEVIS will have undergone a total of 11 major releases to improve performance and functionality, which, in turn, represents several hundred individual improvements. For example, in the summer of 2003, data "bleeding" between records in SEVIS surfaced as a critical issue. With an expedited IT update release, the hiring of an additional IT contractor, and the applying of additional resources, data "bleeding" was eliminated and has no longer been an issue. Just as important as data collection is the need to make SEVIS capable of interfacing with the IT systems of key Federal partners. This has been accomplished. Interfaces have been built between SEVIS and the Computer–Linked Application Information Management System (CLAIMS), the USCIS database that maintains information on immigration benefit petitions and applications; SEVIS and ADIS, the CBP system that collects port of entry information on non-immigrants; SEVIS and NIV, the DOS system that collects information on visas issued to non-immigrants; SEVIS and the Consolidated Consular Database (CCD), the DOS database overseas that facilitates the issuance of visas; SEVIS and US VISIT, the system that collects biometrics on non-immigrants arriving and departing from the United States. These interfaces are key to ensuring that SEVIS data represents the total picture of the status of foreign students and exchange visitors in the U.S.
- SEVIS Recognition—In May 2004, the E–Gov Institute Government Solutions Center selected SEVIS as a best practice system that delivers improved service with innovative applications and streamlined processes. SEVIS was selected among nominations received from all levels of government, including Federal, State, local and international organizations. Also, representatives from the ICE Chief Information Office and SEVP were recognized at the 2004 Annual Government Solutions Forum Exhibition awards banquet in Washington, D.C. While SEVIS is still a relatively new system responsible for collecting significant amounts of student and exchange visitor data, a June 2004 Government Accountability Office (GAO) report on SEVIS noted that many of the initial problems with the system, including system performance have been corrected and that the system is improving. The system is currently performing the function that it was designed to do in an effective and efficient manner.
- Information Sharing—ICE recognized that the national security impact of the SEVIS data would be minimized if it were not capable of being shared with key Federal partners. ICE has addressed this concern. SEVIS data is being shared with other Federal partners and has enhanced their capabilities of detecting immigration benefit fraud and criminal and terrorist activities. In addition, SEVIS data is currently being used across DHS, as well as by DOS and the Federal Bureau of Investigations (FBI) to support homeland security and national security functions. USCIS uses SEVIS data to support immigration benefit eligibility determinations. CBP uses SEVIS data to assist in the determination of non-immigrant eligibility for admission into the United States. Agencies outside DHS, such as the FBI, use SEVIS data to support ongoing investigations. DOS uses SEVIS to administer and monitor the exchange visitor program and uses data in SEVIS verify visa eligibility and to facilitate the visa issuance process. Additionally, USCIS is using SEVIS to assist the Social Security Administration (SSA) in determining the eligibility of foreign students and exchange visitors to obtain social security numbers. This expedited process of determining eligibility is critical for students interested in pursuing optional practical training -or work related to their academic studies. SEVIS is used to conduct searches to respond to SSA inquiries regarding students and exchange visitors status. This process is a joint venture between DOS, DHS, and SSA. Using SEVIS as a mechanism to verify status replaces a manual search process that often took

weeks to accomplish. The result is that eligible students and exchange visitors receive social security numbers in a timely manner. Since January 2004, SEVIS data has been used for verification in over 47,000 cases. At the same time, SEVIS provides the SSA a more efficient and accurate tool to ensure that only eligible students are issued Social Security cards.

- Outreach to the Academic Community—SEVP has implemented a comprehensive outreach strategy to reach the schools and sponsors system users, as well as the students and exchange visitors that they host. We have implemented an enhanced website for the centralized dissemination of information on the program and its requirements, and have posted frequently asked questions to provide standardized and consistent information on various subjects of interest-such as fee payment and travel into the U.S. The website address itself was simplified and it currently has the second highest number of hits of any website in ICE. We also hold bi-weekly conference calls with various stakeholders on policy and information technology issues. SEVP sends representatives to stakeholder conferences across the country in order to get our message out and to get feedback from the community on various elements of the program. Additionally, SEVP publishes a quarterly newsletter that is also posted on the website. All of these efforts promote a cooperative partnership that is critical to the success of the program.
- Privacy Safeguards—SEVP has undertaken safeguards to ensure that robust privacy protection is accorded to all individuals whose information is maintained in SEVIS. As this data continues to serve the law enforcement needs of ICE and of our Federal partners, it is important that all users understand and respect the privacy of the information in the system. For this reason, SEVP, in coordination with the DHS Privacy Office, has prepared a Privacy Impact Assessment and a System of Records Notice.
- Compliance Enforcement Unit (CEU) Liaison—Addressing the concerns of schools, program sponsors, foreign students and exchange visitors, SEVP established a Compliance Enforcement Unit Liaison position to examine and verify investigative leads on potential status violators. Specifically, the CEU Liaison researches and analyzes leads on potential violators, working with the schools and program sponsors to verify the accuracy of SEVIS information. The objective is to ensure that ICE investigative resources are used as efficiently as possible by verifying that all leads sent to the field are indeed valid and warrant the expenditure of those resources. This review process has helped prevent the unnecessary detention and removal of legitimate students and exchange visitors. Alternately, this process has also expedited the forwarding of valid leads for further investigation.

COMPLIANCE ENFORCEMENT UNIT

The Enhanced Border Security and Visa Entry Reform Act of 2002 requires schools to report foreign students who fail to enroll within 30 days of the schools' registration deadline. Schools appoint foreign student advisors who are required to maintain foreign student information and assist the students and the school in adhering to the laws and regulations of the Immigration and Nationality Act. These advisors, known as designated school officials, are responsible for reporting students who fail to maintain their status for specific reasons, such as failing to show up for their program, failing to carry the required course load, and other adverse reasons. Additionally, SEVIS performs automatic data runs to identify students who have fallen out of status by failing to enroll or for other reasons. These actions will cause a student's record in SEVIS to become "terminated."

After a student's SEVIS record has been terminated, CEU, which is part of the ICE Office of Investigations, extracts data from SEVIS on the terminated records. Lookouts are entered on these terminated records to alert officers and inspectors within DOS, CBP, and USCIS of a potential violation of the student's non-immigrant status and to scrutinize subsequent attempts to obtain a visa or another immigration benefit, or to enter the United States. Moreover, the ICE Law Enforcement Service Center (LESC) in Burlington, Vermont, has access to SEVIS, as well as the CEU-generated violators lookouts in IBIS, and can advise Federal, State, and local law enforcement officers who make inquiries to the LESC of the immigration status of a foreign student or exchange visitor. If a student is later determined not to be in violation of his/her status, or overcomes a past violation by virtue of a new visa, the lookout is removed. The process described above also applies to exchange visitors and their program sponsors.

CEU conducts a thorough review of each individual terminated record to identify those who have actually violated their status. This review includes record checks against several immigration and terrorist databases. After this review, actionable

leads are identified, and recorded, and tracked electronically to ensure accountability. These validated leads are then prioritized according to their national security risk, or impact on public safety, such as the case with criminal aliens. ICE field offices for investigation are assigned actionable leads for further investigation and enforcement action. ICE field offices have arrested 641 status violators as a result of this effort. ICE is committed to enforcing our immigration laws against violators identified through SEVIS. This is founded in our belief that effective compliance enforcement of student violators is a critical component of SEVIS , and of our legal immigration system.

CEU identifies approximately 1,000 potential student and exchange visitor status violators a week through SEVIS. However, this number more than doubles when student enrollment peaks after the start of the school term. To date, over 81,000 potential violator leads have been resolved through CEU analysis. CEU has placed more than 130,000 lookouts on students and exchange visitors who have been terminated in SEVIS, and who have potentially violated their nonimmigrant status. The lookouts are subsequently reviewed to determine whether they are, in fact, malafide students or exchange visitors. CEU has assigned over 3,700 SEVIS violator leads to ICE Special Agent in Charge (SAC) field offices for investigation, resulting in 641 arrests.

COMPLIANCE SEVIS ENFORCEMENT EXAMPLES

CEU continuously monitors SEVIS data in order to increase the effectiveness of SEVIS as an enforcement tool. Using the work of CEU, ICE will continue to adapt SEVIS enforcement priorities to recent trends, current intelligence and known threats as they relate to national security and public safety. The following are some examples of successful apprehensions of status violators resulting from CEU initiated SEVIS leads. These violators were identified as national security threats only after they had entered the country and had been properly screened:

- A Pakistani national was arrested for failure to enroll. This student violator was the subject of a terrorist database record entered after his arrival to the U.S., and was investigated by the Joint Terrorism Task Force. This subject is currently in removal proceedings. If ordered removed, he will be barred from re-entry for a period of 10 years.
- A Saudi Arabian national was investigated for failing to maintain his student status. After his arrival, this violator was identified as a potential extremist having possible links to a terrorist organization. He attempted to smuggle a 500,000-volt stun gun onboard a commercial aircraft. This subject was deported from the United States and is barred from re-entry for 10 years.
- A Jordanian national was arrested for failing to maintain his student status. Subsequent to his entry into the United States, this student violator was entered in the National Crime Information Center database (NCIC) as a potential terrorist, having possible links to a terrorist organization, and was the subject of an FBI investigation. This subject is currently in removal proceedngs.

These apprehensions are significant in that ICE was able to use SEVIS to rapidly identify nonimmigrant violations on each potential terrorist subject, and place them into removal proceedings. These examples demonstrate how SEVIS capabilities augment the overall effectiveness of terrorist databases and counter terrorism investigations.

LOOKING FORWARD

As you have heard, many initial obstacles encountered during the implementation phase of SEVIS and SEVP have been overcome. Major accomplishments have been achieved as a result of the cooperation and coordination with the academic community and other Federal partners. But there is still room for growth and greater efficiency in SEVP.

One such area is the overall integrity of the information in SEVIS. The system is a cornerstone in the fight against terrorism, used by law enforcement partners to identify potential violators in the United States who seek to do us harm. Consequently, the information in the system must be reliable. We are working toward an overall data integrity strategy that will address data correction issues, including enhanced training for SEVIS users, more frequent and targeted discussion to receive feedback from the education community, and increased authority for school and program sponsors to correct data entry errors. In order to facilitate data integrity and system performance discussion with SEVIS users, SEVP is considering the establishment of a Federal Advisory Committee (FAC) specifically focused on performance. Such a FAC would bring together members of the SEVIS community to meet on a regular basis to discuss user requirements and system enhancements. Such a FAC would be composed of a diverse group of individuals to ensure that SEVIS com-

munity at large is represented. We look forward to working with the education community and our Federal partners in crafting a solution to these issues that will be beneficial to us all.

Another area that we recognize presents a challenge to us and to the community is the coordination of student and exchange visitor policy across multiple agencies in the Federal government. This situation is not unique to student and exchange visitor issues, but is a complex one that affects the lives of individuals in a very personal way. We recognize this challenge and are eager to work with the community and our agency partners to develop a process that will allow for enhanced and expedited decision making between various organizations on issues that impact the academic and exchange visitor community.

We welcome the thoughts of the academic and exchange community regarding ways the Federal government can provide better service to foreign students and exchange visitors and the schools and program sponsors that are hosting them.

Another opportunity for further collaboration with the community and Federal partners in the very near future is the recertification of schools currently participating in SEVIS. The Enhanced Border Security Act of 2002 required that all schools accepting non-immigrant students be recertified every two years. An implementing rule on recertification is currently being prepared, and will be published in the Federal Register. Schools will be given ample time to prepare for recertification and will maintain their authority to accept non-immigrant students while they are undergoing the recertification process. A dialogue with the community about the recertification process will ensure that the process is not burdensome to the schools and will allow us to ascertain whether the school is still fulfilling its SEVIS requirements, such as maintaining current records on the students throughout their participation in the academic program.

We look forward to continuing to grow as a program and to more effectively work with the community on our common goal of keeping the doors open to foreign students and exchange visitors interested in participating in outstanding academic institutions and exchange visitor programs in the US, while effectively monitoring their compliance with our nation's laws for the security of us all.

Thank you, Chairmen McKeon and Tiberi, and Members of the Committee, for the opportunity to testify before you. I look forward to answering any questions that you may have.

Chairman MCKEON. Thank you.

Mr. Edson.

STATEMENT OF STEPHEN A. EDSON, MANAGING DIRECTOR OF THE VISA SERVICES DIRECTORATE, BUREAU OF CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. EDSON. Mr. Chairman, Members of the Committee, thank you for the invitation to testify today on the role of the State Department in the processing of student visas.

Consular officers who serve at our 211 visa adjudicating posts around the world form this nation's first line of defense against international terrorists and others who would do this country harm.

Consular officers also serve as the public face of the United States government overseas and appreciate that America is a nation of immigrants and has always welcomed legitimate visitors. This is the foundation of the Department's policy of secure borders and open doors, an apt description of the balance we strive for between border security and openness.

It's in our national interest to encourage people to study at our educational institutions, rightly famous the world over for offering the very best in education. International students attending U.S. colleges and universities account for $13 billion in revenues each year. Beyond the economic benefits, we as a nation gain immeasurably from the foreign students who study at our colleges and universities.

In the aftermath of the September 11 attacks, the State Department and other agencies made many far-reaching changes to strengthen border security. Some of the changes resulted in visa processing delays. The delays were exacerbated when we expanded the requirement for personal interviews to include almost all visa applicants in order to enhance security and to prepare to implement the congressional requirement that we collect biometric data from visa applicants.

We and our interagency partners have undertaken a transformation of the visa process over the past 3 years. For example, we've instructed all consular officers at our overseas posts to give priority to students and exchange visitors. Visa applicants now have more information to plan their travel since we began requiring that all posts publicize current visa appointment wait times and processing times on our Internet site.

We've added to the resources dedicated to processing visas. We've created more than 350 new consular positions since September 2001, and the President's budget request for 2006 includes funding for an additional 121 consular officer positions.

We invested $1 million in automating outdated systems for transmitting and receiving interagency security clearances. This cuts days off the processing time.

We have also enhanced consular training so the consular officers are better prepared. This updated training now includes a formal presentation on the importance of international education and exchange.

The result of these investments is a demonstrably better visa process. Now almost all the visa applications we receive, some 97 percent, are processed in one or 2 days. A small proportion of cases require interagency clearances due to the applicant's involvement in a sensitive scientific field. We refer to these applications as Visas MANTIS cases, and for a time they were subject to prolonged delays. To address the problem, we assigned a special team to handle the cases and reached agreement on improvements with other agencies involved in that process.

The improvement in processing time has been striking. In November 2003, the average processing time for a MANTIS clearance was about 72 days. Today the average processing time is less than 2 weeks.

With our interagency partners, we also extended the validity of those clearances so that most students are able to obtain a clearance one time for the duration of their academics program.

The post-9/11 decline in applications contributed to a perception among the business, travel and scientific communities that visa processing impedes legitimate travel to the United States.

This perception was exacerbated by the results of studies and negative anecdotes reported in the media. News accounts report that the United States is somehow less welcoming to foreign students, and often point to U.S. visa processing as a barrier to study in the U.S. Although there have been changes in the way visas are processed, the criteria have basically not changed. The overall visa refusal rate has remained virtually constant sine prior to September 11th. In fact, the percentage of student visa applicants who received their visas is increasing.

We've been battling these and other misperceptions with an aggressive public outreach campaign. We've also consulted closely with the academic community over the past 3 years to take their concerns into account and solicit suggestions on how we can improve the visa process without compromising national security.

Visa outreach efforts will continue. We recognize that we must work with the academic community to counter lingering misperceptions about the visa process and have encouraged academic organizations to acknowledge the progress we've made as a way of attracting students to the U.S.

In the meantime, we will continue to support what we hope will be a resurgence of student visa applications by making sure that legitimate students receive visas in a timely manner.

Thank you.

[The prepared statement of Mr. Edson follows:]

Statement of Stephen A. Edson, Managing Director, Visa Services Directorate, Bureau of Consular Affairs, U.S. Department of State, Washington, DC

Mr. Chairman, Members of the Committee:

I appreciate your invitation to testify before you regarding the role that the Department of State plays in the processing of student visas. The Bureau of Consular Affairs is responsible for protecting the lives and interests of U.S. citizens overseas, and for making lawful and conscientious judgments about applications for passports for U.S. citizens, as well as visa applications for immigrants and visitors, including students and exchange visitors. Consular officers serve at our 211 posts that adjudicate visa applications all over the world. They quite literally form this nation's first line of defense against international terrorists, transnational criminals and others who would do this country harm.

Consular officers also serve as the public face of the United States Government overseas, and appreciate that America is a nation of immigrants, and has always welcomed legitimate visitors from all over the globe. This is the foundation of the Department's policy of Secure Borders and Open Doors; an apt description of the balance we strive for between border security and openness.

Secure Borders and Open Doors

It is in our own national interest to encourage people who want to visit our beautiful nation, conduct business, and study at our educational institutions, rightly famous the world over for offering the very best in education. We have particular regard for international students, recognizing that the U.S. is preeminent in the field of higher education worldwide, and gained that standing with the contributions of students and academics from all over the world.

International students attending U.S. colleges and universities account for $13 billion in revenues each year. Beyond the economic benefits, we as a nation gain immeasurably from international students and scholars who study at our colleges and universities and conduct research at our leading medical and scientific facilities.

State Department-sponsored international exchange programs, including Fulbright scholarships and International Visitor grants, offer a particularly compelling illustration of the impact of academic exchanges. Since the Fulbright Program's inception, over 255,000 people have participated in Fulbright exchanges. More than 110,000 people have participated in the Department of State's International Visitor Program, which brings current and future leaders of other nations to the U.S. for targeted education opportunities. Worldwide, more than 200 alumni of U.S. exchange programs have become heads of state or government, including Anwar Sadat, Hamid Karzai, Tony Blair, Kim Dae–Jung of South Korea, Oscar Arias Sanchez of Costa Rica, Ricardo Lagos of Chile, and Mikhail Saakashvili of Georgia, to name only a few.

Secretary of State Condoleezza Rice has been a vocal advocate of the abiding U.S. tradition of welcoming students and other visitors to the United States. On March 9, she stated to the House Committee on Appropriations,

> "We will continue to work closely with the Department of Homeland Security to identify and prevent terrorists and other adversaries from doing harm, even as we maintain the fundamental openness that gives our democracy its dynamism and makes our country a beacon for international

tourists, students, immigrants, and businesspeople. We will keep America's doors open and our borders secure."

The Department of State adjudicates student visa applications in three general categories: F–1 visas for those engaged in academic studies at an accredited institution, J–1 visas for those participating in exchange programs, and M–1 visas for those engaged in non-academic or vocational study or training at a U.S. institution. In addition, derivative visa categories allow the immediate family members of students and exchange visitors to accompany qualified students during their period of study in the United States.

Processing Delays

In the aftermath of the September 11 attacks, the State Department and other agencies made many far-reaching changes to strengthen border security that had an impact on visa processing. Some of the changes resulted in visa processing delays. For example, the State Department implemented a more robust visa screening system, or security advisory opinion (SAO) system, with our interagency partners that resulted in many more applicants requiring additional screening. The interagency SAO process, strained by the larger workload, led to particularly lengthy delays in 2002–2003. Processing delays were exacerbated when we expanded the requirement for personal interviews to include almost all visa applicants in order to enhance security, and in preparation for the implementation of a Congressional mandate that we collect biometric data from visa applicants.

Improvements

The Bureau of Consular Affairs, in cooperation with its partners in the U.S. Government, has undertaken a transformation of visa procedures over the last three years. We have aggressively refined our processes and procedures to enhance the transparency, efficiency and predictability of the visa application process. Allow me to enumerate the Bureau's initiatives.

For the last two years, we have instructed all of our overseas posts to give priority to students and exchange visitors. Our Embassies and Consulates have implemented this requirement in a number of ways and have been very successful in getting student applicants appointments in a timely way.

Visa applicants now have more information to plan their travel since we began requiring that all visa processing posts publicize current visa appointment wait times and processing times on our Internet website at: www.travel.state.gov. In fact, we overhauled the entire website to make it more user-friendly and to provide additional resource material. Having more information about the process helps visa applicants be better prepared when they attend an interview.

We have added to the resources dedicated to processing visas, in spite of the significant drop over the last two years in the number of visa applications we have received. We have created more than 350 new consular positions since September 2001 and the President's fiscal year 2006 Budget request includes funding for an additional 121 consular officer positions.

We have greatly increased the level of data sharing among the Department and other federal agencies to enhance border security. For example, we have made visa information available to DHS Customs and Border Protection Officers at ports of entry. This actually facilitates entry, since it resolves immediately any questions an inspector might have about fraud.

We have made a concerted effort to undertake the most sweeping changes in a way that mitigates their impact. For example, we implemented changes to our interview requirements well in advance of the Congressional deadline to collect biometrics from all visa applicants by October 26, 2004. We made the changes in August 2003 so that our visa processing posts overseas could adopt procedures to manage the new workflow and so that the transition would be a smooth one.

We invested $1 million in automating outdated systems for transmitting and receiving interagency security clearances. New software is in place at every post to automate what was previously a paper-based system. Requests and responses are now transmitted electronically to some agencies, cutting days off of the processing time and enhancing tracking and accountability.

We have lengthened and enhanced consular training so that the consular officers we send into the field are better prepared to handle their adjudicatory responsibilities, and more familiar with the full context for their work. The basic consular training curriculum has been expanded from 26 to 31 days and incorporates advanced interviewing techniques that give consular officers more confidence in their decisions. The training also includes presentations on security threats and on the importance of international education and exchange.

Results

The result of these investments is a demonstrably better visa application process across the board. Now, almost all of the visa applications we receive—some 97 percent—are processed in one or two days. For the two-and-a-half percent of visa applicants who, for national security reasons, are subject to additional interagency screening, we have streamlined the process so that even this small percentage of the overall number of applicants can expect an answer promptly.

A portion of the cases that require interagency clearance are assigned special clearances due the applicant's involvement in a sensitive scientific field where the United States Government has concerns about the transfer of sensitive technology for hostile use. We refer to these applications as VISAS MANTIS cases and for a time they were subject to prolonged delays. To address the problem we assigned a special team of employees within the Bureau to handle MANTIS cases and reached agreement on improvements with other agencies involved in this process.

The improvement in processing time is striking. In November 2003, the average processing time for a MANTIS case was about 72 days. Today, the average processing time for a MANTIS is less than 14 days.

Through the interagency process, we also extended the validity of MANTIS clearances for students from one year, in most cases, to the entire length of the academic program. This means that, if a student receives a clearance, it remains valid as long as he or she remains in the program, up to a maximum of four years.

Where it makes sense to do so, we pursue expanded visa reciprocity agreements with other nations. For example, China is the largest source country for international students in the United States. About a year ago we undertook active negotiations with China to secure a more liberal reciprocal visa regime to facilitate legitimate travel. Our efforts have resulted in an agreement between the United States and China, that took effect on January 15, to lengthen the maximum validity of business and tourist visas from six months (multiple entry) to 12 months. We seek the same treatment for students but understand that it will require a change in China's domestic law. Nevertheless, we will continue to press the Chinese government for this liberalization on behalf of students.

SEVIS

I understand that you are particularly interested in information about the Student and Exchange Visitor Information System (SEVIS). The Department of Homeland Security's Bureau of Immigration and Customs Enforcement administers SEVIS, and I defer to my colleagues in DHS to discuss it. I would however, like to discuss some of the real benefits to the Department of State and foreign students that SEVIS provides by verifying that a student is enrolled at an approved institution. The system provides a level of security and confidence in the documentation of enrollment from an educational institution, called the I–20, that was previously unavailable. Consular officers reviewing student visa applications now have confirmation of the authenticity of an I–20 and no longer have to question it. Although it is difficult to collect empirical data on this subject, we believe that the elimination of improperly completed or possibly fraudulent I–20 documents actually speeds the processing of a student visa application.

Addressing Misperceptions

Visa applications worldwide declined immediately after September 11, 2001, and eventually dropped by approximately 30 percent. While the number of applications decreased, the overall visa refusal rate remained almost constant. However, the decline in applications, coupled with processing delays and more visible security measures, such as the expanded use of personal interviews, contributed to a perception among the business, travel and academic communities that visa processing impedes, rather than facilitates legitimate travel to the United States.

This perception was exacerbated by studies on travel to the United States and negative anecdotes reported in the media. For example, several surveys on international students showed decreasing numbers of applications and enrollment in U.S. universities. News accounts report that the United States is somehow less welcoming to foreign students and often point to U.S. visa processing as a barrier to study in the U.S. As recently as March 9, the Council of Graduate Schools issued a press release regarding a decline in international graduate school applications from 2004 to 2005.

Although there have been changes to the way in which visas are processed, the overall visa refusal rate has remained virtually constant since prior to September 11, 2001. In fact, our own statistics comparing visa applications in October 2003 through January 2004 with October 2004 through January 2005 show that the percentage of student visa applicants received visas is increasing. For example, we

issued 64,912 student (F–1) visas from October 1, 2004 to February 28, 2005, and 63,900 during the same period the previous year. During that time, the refusal rate for this category of applicants dropped from 27 percent to 25 percent. Issuances to exchange visitors (J–1) are also on the rise, from 62,909 issued from October 1, 2003 to February 28, 2004, to 69,802 visas issued from October 1, 2004 to February 28, 2005.

Student visa applicants continue to be subject to Section 214(b) of the Immigration and Nationality Act (INA), which requires that the applicant possess a residence in a foreign country that he has no intention of abandoning. State Department regulations require that a consular officer be satisfied that, at the time of a visa application, the student has a residence abroad, has no immediate intention of abandoning that residence, and intends to depart the United States upon the termination of his student status. We recognize that the context of the residence abroad requirement for student applicants differs significantly from that of applicants for other kinds of temporary visas, since students may not have the same property, employment, and family obligations of other temporary visa applicants. Accordingly, we have updated our regulatory guidance clarifying that it is natural for students not to possess the same ties to a residence abroad that might be present in other cases. Consular officers are instructed that they must be satisfied at the time of the application that a student possesses the present intent to depart the U.S. at the conclusion of his or her studies. That this intention is subject to change or even likely to change is not a sufficient reason to refuse a visa.

We have been battling these and other misperceptions with an aggressive public outreach campaign. We have also consulted closely with the academic community over the past three years to take their concerns into account and solicit suggestions on how we can improve the visa process without compromising national security.

Assistant Secretary of State for Consular Affairs Maura Harty has spoken to a number of academic audiences over the past two years, and takes every opportunity to reach out to international student audiences during her official travel overseas. Most recently, she addressed a group of two hundred students at Beijing University and encouraged them to study in the United States. Deputy Assistant Secretary of State for Visa Services Janice Jacobs has spoken to academic associations and student groups dozens of times on this important issue. In fact, on February 23, she addressed over 350 students at the University of Maryland on one stop of our extensive domestic outreach program. Ambassadors and other officials lead our outreach efforts overseas, speaking to student groups and placing op-ed articles in local newspapers to encourage students to apply to U.S. academic institutions.

Our efforts will continue. We recognize that we must work with the academic community to counter lingering misperceptions about the visa process, and have encouraged academic organizations to acknowledge the progress that we have made as a way of attracting students to the United States. In the meantime, we will continue to support what we hope will be a resurgence of student visa applicants by making sure that legitimate students receive visas in a timely manner.

I have brought with me a summary of the improvements we have made to the visa process that benefit legitimate international students, as well as our most recent statistics showing the improvement in the processing time for cases that involve technology transfer concerns which I will leave with you and your staff. Now I am happy to answer your questions.

Chairman MCKEON. Thank you.

Mr. Hite.

STATEMENT OF RANDOLPH C. HITE, DIRECTOR, INFORMATION TECHNOLOGY ARCHITECTURE AND SYSTEMS ISSUES, U.S. GOVERNMENT ACCOUNTABILITY OFFICE, WASHINGTON, DC, ACCOMPANIED BY JESS T. FORD, DIRECTOR, INTERNATIONAL AFFAIRS AND TRADE

Mr. HITE. Good morning to all of you, and thank you for the opportunity to participate in today's hearing on the progress in tracking international students in higher education.

Before summarizing my written statement, let me first commend the Subcommittees for their continued attention to this important

area, as evidenced by the hearings you held the month following the 9/11 attacks and then a year later.

Given that several of the 9/11 hijackers attended flight training schools in the United States, it's abundantly clear that having a system that tracks foreign students and exchange visitors pre-entry, entry, and stay in the United States is critical.

At the same time, since providing higher education to foreign students is a major U.S. service industry, doing so in a way that facilitates students' application and enrollment is also important.

DHS has recognized this in stating its two main objectives for SEVIS: namely, to support oversight and enforcement of relevant laws and regulations and to streamline and modernize the entry of students and exchange visitors and their dependents.

One key to achieving both objectives is for DHS to engage with SEVIS stakeholders—for example, the education community and the State Department—to clearly define outcome-oriented goals and objectives along with supporting system and people measures and to systematically measure and disclose the extent to which each is being met.

In this regard, we reported in June 2004 that SEVIS performance had improved based on available system measures and other indicators of performance, including reports showing that certain key system performance requirements were being met, new requests for system corrections, which were showing a downward trend, and a general consensus among officials representing 10 educational organizations that performance had improved.

However, we also reported at that time that several key system performance requirements were not being measured, and that educational organizations continued to experience certain problems, particularly with regard to timely and accurate help desk support. For example, we found that SEVIS is not a very forgiving system when it comes to correcting data base errors because of the time and effort required to effect those changes. Accordingly, we made recommendations at that time aimed at improving system performance management and resolving education community concerns.

Since June 2004, DHS reports that it has taken a number of steps to begin addressing our recommendations. In particular, we were told that help desk staffing has increased and the scripts used to guide help desk responses to queries have been revised. And at the same time, education associations generally agree that SEVIS performance has continued to improve, although they continue to cite residual help desk problems, particularly long delays in correcting data base errors which can create hardships for students and exchange visitors.

Generally, however, these organizations do not believe that SEVIS should be singled out as the reason for the U.S. declining numbers of international students and exchange visitors.

Now when I speak of these declines, I'm referring to that same report that the chair—or that the Ranking Member cited from the Council on Graduate Schools. And some of the numbers that were in that report between 2003 and 2004, graduate schools saw a 28 percent decline in applications, an 18 percent decline in admissions, and a 6 percent decline in enrollments. And then between

2004 and 2005, with respect to applications, they saw another 5 percent drop.

Their report attributes the declines to increased global competition and changed visa policies, as did most education organizations that we spoke to.

Now with respect to the second reason, the visa processing, I'd like to mention that we recently reported that a combination of Federal agency efforts has significantly improved the time it takes to process visa applications for certain science students and visiting scholars.

So with that, I'd like to introduce my colleague; Mr. Jess Ford, as the chair recognized, is the director for GAO's International Affairs and Trade team, and he specializes in visa processing matters. Mr. Ford and I would be happy to answer any questions you have at this time.

[The prepared statement of Mr. Hite follows:]

Statement of Randolph C. Hite, Director, Information Technology Architecture and Systems Issues, U.S. Government Accountability Office, Washington, DC

Messrs. Chairmen and Members of the Subcommittees:

We appreciate the opportunity to participate in the Subcommittees' hearing on the federal government's progress in tracking international students in higher education. As you know, a central component of this tracking is the Student and Exchange Visitor Information System (SEVIS), an Internet-based system run by the Department of Homeland Security (DHS) to collect and record information on foreign students, exchange visitors, and their dependents—before they enter the United States, when they enter, and during their stay. The system, which is the focus of our testimony, began operating in July 2002, and DHS required its use for all new and continuing foreign students and exchange visitors beginning in August 2003.

SEVIS automates the manual, paper-intensive processes that schools and exchange programs had been using to manage and report information about foreign students and exchange visitors. With SEVIS, schools and program sponsors can transmit information electronically to DHS and the Department of State. The system's two main objectives are

- to support the oversight and enforcement of laws and regulations concerning foreign students, exchange visitors, and schools, as well as sponsors of exchange visitor programs who are authorized by the government to issue eligibility documents, and
- to improve DHS's processing of foreign students and exchange visitors at ports of entry, through streamlined procedures and modernized data capture.

Our testimony today is based on a report that we issued in June 2004 [1] on SEVIS performance, augmented by our recent work to determine DHS efforts to strengthen system performance since that report, reports that we issued in February 2004 and 2005 on student and visiting scholar visa processing, [2] and related recent research by others.

All work related to our testimony was conducted in accordance with generally accepted government auditing standards. Our SEVIS work was performed at DHS and State headquarters in Washington, D.C., and at 10 educational organizations, [3] from

[1] GAO, Homeland Security: Performance of Information System to Monitor Foreign Students and Exchange Visitors Has Improved, but Issues Remain, GAO–04–690 (Washington, D.C.: June 18, 2004).

[2] GAO, Border Security: Improvements Needed to Reduce Time Taken to Adjudicate Visas for Science Students and Scholars, GAO–04–371, (Washington, D.C.: Feb. 25, 2004) and GAO, Border Security: Streamlined Visas Mantis Program Has Lowered Burden on Foreign Science Students and Scholars, but Further Refinements Needed, GAO–05–198 (Washington, D.C.: Feb. 18, 2005).

[3] The 10 organizations were the Accrediting Council for Continuing Education and Training, Alliance for International Educational and Cultural Exchange, American Association of Collegiate Registrars, American Association of Community Colleges, American Council of Education, Association of American Universities, Association of International Educators, Council for Stand-

December 2003 through March 2004; we also conducted follow-up work at DHS Headquarters and 6 of the 10 educational organizations in March 2005.[4] Our work on student and visiting scholar visa processing was performed from May 2003 through January 2004, and July 2004 through February 2005 at several locations: DHS, State, and Federal Bureau of Investigation (FBI) headquarters in Washington, D.C.; and U.S. embassies and consulates in China, India, Russia, and Ukraine.

Results in Brief

After a number of problems during the first year that its use was required, SEVIS performance improved. As we reported last year, a number of indicators of how well SEVIS was performing were positive. In particular, DHS reports relating to certain system performance requirements[5] showed that some key requirements were being met. Also, our analysis of new system change requests[6] during the first year of required use, the majority of which related to fixing system problems, showed that the number of new requests was steadily declining. Further, the consensus among officials representing 10 educational organizations that we spoke to was that system performance had improved. At that time, DHS attributed this performance improvement to a number of actions, such as installation of a series of new software releases and increased Help Desk staffing and training.

However, we also reported that several key system performance requirements were not being formally measured, and that by not measuring them, DHS was not adequately positioned to know sooner rather than later of system problems that could jeopardize accomplishment of SEVIS objectives. Further, we reported that, despite DHS actions, educational organizations were still experiencing problems, particularly with regard to Help Desk support,[7] and we reported that although collection of a SEVIS fee had been required since 1996, it was still not being collected, and educational organizations were concerned about proposed fee collection options. Accordingly, we made recommendations aimed at improving system performance measurement and resolving educational organizations' performance issues and fee concerns.

Over the last year, DHS reports that it has taken steps to address our recommendations, particularly with regard to strengthening Help Desk support. Moreover, educational organizations generally agree that SEVIS performance has continued to improve, and that their past fee collection concerns have been alleviated. However, despite DHS actions, these educational organizations still cite residual Help Desk problems, which they believe create hardships for students and exchange visitors. Most of these organizations, however, do not believe that SEVIS is the reason for the declining number of international students and exchange visitors coming to the United States.

A recent report by the Council of Graduate Schools cites declines in U.S. international graduate school applications, admissions, and enrollments between 2003 and 2004, and further declines in these applications between 2004 and 2005.[8] The report attributes the decline to increased global competition and changed visa policies. We recently reported on the State Department's efforts to address our prior recommendations for improving the Visas Mantis program, an interagency security check that often affects foreign science students and scholars applying for visas to come to the United States. In particular, we reported that a combination of federal agency steps had resulted in a significant decline in Visas Mantis processing times and in the number of Mantis cases pending more than 60 days. The Council of Graduate Schools' report also recognizes the recent Visas Mantis program changes as positive steps.

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ards for International Educational Travel, Council of International Educational Exchange, and the National Association of State Universities and Land–Grant Colleges.

[4] The six organizations were the Accrediting Council for Continuing Education and Training, American Association of Community Colleges, Association of American Universities, Association of International Educators, Council of International Educational Exchange, and the National Association of State Universities and Land–Grant Colleges.

[5] Examples of performance requirements are (1) the system is to be available 99.5 percent of the time to all users 24 hours a day, 7 days a week, excluding scheduled downtime and (2) the time to respond to user queries, as measured as the response time between the application server and database, is to be less than 10 seconds.

[6] Change requests are used to track all system changes, including corrections to erroneous system programming, as well as planned system enhancements.

[7] The SEVIS Help Desk was established, among other things, to assist system users by providing troubleshooting and resolution of technical problems.

[8] Council of Graduate Schools, Findings from the 2005 CGS International Graduate Admissions Survey I. We did not independently verify the information in this report.

Background

Within DHS's Immigration and Customs Enforcement (ICE) organization, the Student and Exchange Visitor Program (SEVP) is responsible for certifying schools to accept foreign students in academic and vocational programs and for managing SEVIS. Schools and exchange programs were required to start using SEVIS for new students and exchange visitors beginning February 15, 2003, and for all continuing students and exchange visitors beginning August 1, 2003. [9]

The following tables show the number of active students, exchange visitors, and institutions registered in SEVIS as of February 28, 2005.

Table 1: Number of Active Students and Exchange Visitors in SEVIS

Category[a]	Number	Percent
F visa holders	605,664	80
M visa holders	3,853	1
J visa holders	142,901	19
Total active students and exchange visitors registered in SEVIS[b]	**752,418**	**100**

Source: DHS.

[a] F visas are for academic study at 2- and 4-year colleges and universities and other academic institutions; M visas are for nonacademic study at institutions, such as vocational and technical schools; and J visas for participation in exchange programs. SEVIS manages information for foreign students and exchange visitors having any of these types of visas (8 U.S.C. § 1101 (a) (15)).

[b] State commented that some persons enrolled in SEVIS are not issued visas, and other persons may have more than one SEVIS record.

Table 2: Number of Institutions in SEVIS

Category	Number	Percent
Technical schools, colleges, and universities	7,984	85
Exchange visitor programs	1,453	15
Institutions in SEVIS	**9437**	**100**

Source: DHS.

SEVP is also responsible for providing program policies and plans; performing program analysis; and conducting communications, outreach, and training. Regarding SEVIS, SEVP is responsible for identifying and prioritizing system requirements, performing system release management, monitoring system performance, and correcting data errors.

The Office of Information Resource Management, also part of ICE, manages the information technology infrastructure (that is, hardware and system software) on which the SEVIS application software is hosted. It also manages the SEVIS Help Desk and the systems life cycle process for the system, including system operations and maintenance.

The software for the SEVIS application runs on a system infrastructure that supports multiple DHS Internet-based applications. The infrastructure includes common services, such as application servers, Web servers, database servers, and network connections. SEVIS shares five application servers and two Web servers with two other applications.

To assist system users, the SEVIS Help Desk was established, which provides three levels of support, known as tiers:

- Tier 1 provides initial end-user troubleshooting and resolution of technical problems.
- Tier 2 provides escalation and resolution support for Tier 1, and makes necessary changes to the database (data fixes).

[9] According to program officials, SEVIS was available to certify schools on July 1, 2002, and to register students on July 15, 2002. According to State, SEVIS was available to exchange visitor programs in October 2002.

- Tier 3 addresses the resolution of policy and procedural issues, and also makes data fixes. [10]

SEVP uses a contractor to operate Tiers 1 and 2. Both the contractor and the program office operate Tier 3. According to an SEVP official, contractor staff for Tiers 1 through 3 include the following: Tier 1 has 21 staff, Tier 2 has 6 staff, and Tier 3 has 13 staff.

Data are entered into SEVIS through one of two methods:

- Real-time interface (i.e., an individual manually enters a single student/exchange visitor record) or
- Batch processing (i.e., several student/exchange visitor records are uploaded to SEVIS at one time using vendor-provided software or software created by the school/exchange visitor program).

SEVIS Data and Users

SEVIS collects a variety of data that are used by schools, exchange visitor programs, and DHS and State Department organizations to oversee foreign students, exchange visitors, and the schools and exchange visitor programs themselves. Data collected include information on students, exchange visitors, schools, and exchange visitor programs. For example,

- biographical information (e.g., student or exchange visitor's name, place and date of birth, and dependents' information),
- academic information (e.g., student or exchange visitor's status, date of study commencement, degree program, field of study, and institution disciplinary action),
- school information (e.g., campus address, type of education or degrees offered, and session dates);
- exchange visitor program information (e.g., status and type of program, responsible program officials, and program duration).

SEVIS data are also used by a variety of users. Table 3 provides examples of users and how each uses the data.

Table 3: Examples of How Data Are Used by Different Types of Users

Users	How data are used
DHS users	
ICE and CIS[a] personnel	Certify schools' applications to use SEVIS and reinstate students.
Port of entry inspectors	Admit foreign students and exchange visitors into the United States at the ports of entry.
Intelligence officers	Conduct analyses and research regarding student and exchange visitors who may be out of status, and schools and exchange programs that may be in violation of program rules.
	Determine if agents should take corrective actions against individuals, schools, or exchange visitor programs.
	Identify patterns of criminal activity, including terrorism, narcotics, alien smuggling, trade fraud, weapons proliferation, and money laundering, as well as immigration fraud.
Investigators	Conduct analyses and research regarding student and exchange visitors who may be out of status, and schools and exchange visitor programs that may be in violation of program rules.
	Identify possible status violators and contact them to determine if they are in fact in violation; pass on valid leads to agents for enforcement activities. According to Office of Investigations officials, they have received about 31,000 leads from SEVIS since the summer of 2003.
Department of State users	
State consular officers	Compare information on the hard copy I-20[b] or DS-2019,[c] such as the applicant's name, date and place of birth, and SEVIS identification number, against information that has been automatically extracted from SEVIS to State's Consolidated Consular Database to issue visas.
Exchange visitor program designation personnel	Administer exchange program rules and regulations in order to approve designation applications, including inputting certain actions for exchange visitors such as reinstatement, change of category, and extension beyond the maximum duration of the stay. Enter information on the receipt of applications, fees, and requested information.
Schools and exchange visitor program users	
Principal designated official	Submits and updates the school's certification application and adds, removes, or replaces other users for the school. Creates and updates student eligibility records.
Responsible officer	Submits and updates the exchange program's certification application and adds, removes, or replaces other users for the program. Creates and updates exchange visitor eligibility records.

Source: DHS.

[a] Citizenship and Immigration Services.

[b] Form I-20A-B: Certificate of Eligibility for Nonimmigrant (F-1) Student Status—for Academic and Language Students or Form I-20M-N: Certificate of Eligibility for Nonimmigrant (M-1) Student Status—for Vocational Students.

[c] Form DS-2019: Certificate of Eligibility for Exchange Visitor (J-1) Status.

[10] According to State, fixes to records of J visas are made at Tier 3 after it reviews and approves the changes.

Following Significant Early Challenges, SEVIS Performance Improved, but Problems Remained

In 2002 and 2003, when SEVIS first began operating and was first required to be used, significant problems were reported. For example, colleges, universities, and exchange programs could not gain access to the system, and when access was obtained, these users' sessions would "time out" before they could complete their tasks. In June 2004, we reported that several performance indicators showed that SEVIS performance was improving. These indicators included system performance reports, requests for system changes to address problems, and feedback from educational organizations representing school and exchange programs. Each indicator is discussed below.

Some Key System Requirements Were Being Met, but Not All Were Being Measured

Whether defined system requirements are being met is one indicator of system performance. In June 2004, we reported that performance reports showed that some, but not all, key system requirements were being measured, and that these measured requirements were being met. Table 4 shows examples of key system performance requirements.

Table 4: Examples of Performance Requirements

Type	Requirement
System availability[a]	Be available 99.5 percent of the time to all users 24 hours a day, 7 days a week, excluding scheduled downtime.
Response time	Return a record in less than 10 seconds in response to a query using the identification number. (Time is measured from application server to database and back to application server.)
Capacity	Create at least 5,000,000 new records per year, store at least 12,500,000 eligibility records, and handle at least 7,500,000 record updates per year.
Resource usage	Identify when usage exceeds 50 percent of allocated resources for (1) central processing unit, (2) disk space, (3) random access memory, and (4) network usage.

Source: DHS.

[a] System availability is defined as the time the system is operating satisfactorily, expressed as a percentage of time that the system is required to be operational.

However, we also reported that not all key performance requirements were being adequately measured. For example, reports used to measure system availability measured the time that the system infrastructure[11] was successfully connected to the network. While these reports can be used to identify problems that could affect the system availability, they do not fully measure SEVIS availability. Instead, they measure the availability of the communications software on the application servers. This means that the SEVIS application could still be unavailable even though the communications software is available.

Similarly, program officials stated that they used a central processing unit activity report to measure resource usage. However, this report focuses on the shared infrastructure environment, which supports SEVIS and two other applications, and does not specifically measure SEVIS-related central processing performance. Program officials did not provide any reports that measured performance against other resource usage requirements, such as random access memory and network usage.

Program officials acknowledged that some key performance requirements were not formally measured and stated that they augmented these formal performance measurement reports with other, less formal measures, such as browsing the daily Help Desk logs to determine if there were serious performance problems requiring system changes or modifications, as well as using the system themselves on a continuous basis. According to these officials, a combination of formal performance reports and less formal performance monitoring efforts gave them a sufficient picture of how well SEVIS was performing. Further, program officials stated that they were exploring additional tools to monitor system performance. For example, they stated that they were in the process of implementing a new tool to capture the availability of

[11] This infrastructure supports multiple DHS Internet-based applications.

the SEVIS application, and that they planned to begin using it by the end of April 2004.

However, unless DHS formally monitored and documented all key system performance requirements, we concluded that the department could not adequately assure itself that potential system problems were identified and addressed early, before they had a chance to become larger problems that could affect the DHS mission objectives that SEVIS supports.

Trends in Reported System Problems Indicated Improved Performance

Another indicator of how well a system is performing is the number and significance of reported problems or requests for system enhancements. For SEVIS, a system change request (SCR) is created when a change is required to the system. Each of the change requests is assigned a priority of critical, high, medium, or low, as defined in table 5.

Table 5: Definitions of Priority Levels

Priority	Description
Critical	System capability is significantly prevented, seriously degraded, or compromised.[a]
High	System capability is significantly degraded, or the potential exists for significant or serious impact on the system, but the problem does not necessarily impede the system from functioning.
Medium	System capability is affected, but it is not a serious degradation in performance or usability.
Low	Problem causes only an inconvenience, annoyance, or lack of user-friendliness, or the request is a recommended change for future releases.

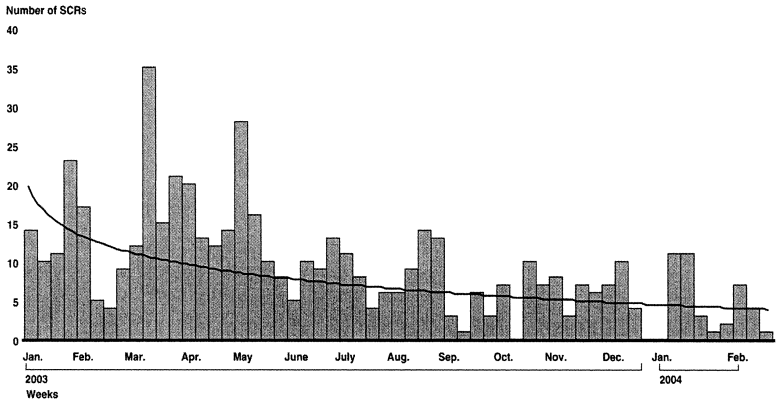
Source: DHS.

[a] According to program officials, SCRs may be upgraded to critical or high priority, without regard to system capability, for practical and policy considerations, because the priority assigned affects the inclusion of an SCR in a system change.

Each change request is also categorized by the type, such as changes to correct system errors, enhance or modify the system, or improve system performance.

In June 2004, we reported that the number of critical or high priority change requests that were created between January 2003 and February 2004 was decreasing. Similarly, we reported that the trends in the number of new change requests that were to correct system errors had decreased for that same period. Over this period, the number of corrective fixes requested each month between January 2003 and February 2004 decreased, with the most dramatic decrease in the first 7 months. Figure 1 shows the decreasing trend in SEVIS new corrective change requests between January 2003 and February 2004.

Figure 1: Decreasing Trend in New Corrective SCRs between January 2003 and February 2004



Source: GAO analysis of DHS data.

Educational Organizations Reported that System Performance Improved, but Identified Residual Problems Despite DHS Efforts to Address Them

A third indicator of performance is user feedback. According to representatives of educational organizations, overall SEVIS performance at the time of our report had improved since the system began operating and its use was required, and the program's outreach and responsiveness were good. In addition, these representatives told us that they were no longer experiencing earlier reported problems, which involved user access to the system, the system's timing out before users could complete their tasks, and merging data from one school or exchange visitor program with data from another.

However, seven new problem types were identified by at least 3 of the 10 organizations, and three of the seven problems were related to Help Desk performance. Table 6 shows the problems and the number of organizations that identified them.

Table 6: SEVIS Problems Identified by Organizations

Problem	Organizations citing problem	Example
1. Inability to download data so that users could manipulate it themselves and create useful reports	7	A user needed a report showing the number of students who are registered for training outside the school in which they are enrolled. However, SEVIS allows a user to view only 20 such records at a time, and because her school had over 800 foreign students, she had to run the SEVIS report repeatedly to get the full list.
2. Slow Tier 2 and 3 Help Desk responses	7	A correction to a student's status took 6 weeks to fix.
3. Incomplete record updates in the nightly transmission from SEVIS to the Consolidated Consular Database	6	A foreign visitor was denied a visa at the consulate because the birth date on the hard copy form did not match the birth date in the automated record.
4. Inconsistent Help Desk answers to technical questions	5	A user received varying Help Desk responses for how to record multiple training records for a student.
5. Incorrect Help Desk answers to policy questions	3	A user was told that she did not need to sign a student's I-20* for travel purposes, but the signature was required at the port of entry.
6. Insufficient identification of schools in SEVIS pull-down menus for transfer purposes	3	A user attempting to transfer a student to a college in Arizona erroneously selected a college in California with a similar name.
7. Unexplained data differences in SEVIS	3	A user entered data and printed a form showing the correct information. Subsequently the data were found to be different in SEVIS.

Source: GAO analysis of organization data.

At the time of our report, DHS had taken a number of steps to identify and solve system problems, including problems identified by educational organizations. In particular, DHS steps to identify problems included

- holding biweekly internal performance meetings and weekly technical meetings,
- holding biweekly [12] conference calls with representatives from educational organizations,
- establishing special e-mail accounts to report user problems, and
- having user groups test new releases.

Further, DHS cited actions intended to address six of the seven types of problems identified by the educational organizations. These included releases of new versions of SEVIS and increases in Help Desk training and staffing. These officials also stated that they were evaluating potential solutions to the remaining problem.

Table 7 shows the problem types, the number of organizations that identified them, and DHS's actions taken to address each.

[12] The conference calls were being held weekly until January 2004.

Table 7: DHS Actions to Address User Problems

Problem	Organizations citing problem	DHS actions
1. Inability to download data so that users could manipulate it themselves and create useful reports	7	Software options to extract user requested data, provide summary reports, and perform statistical analyses were being evaluated.
2. Slow Tier 2 and 3 Help Desk responses	7	In March 2003, Tier 2 staffing increased from 8 to 9 people, and Tier 3 staffing increased from 5 to 8 people.
3. Incomplete record updates in the nightly transmission sent from SEVIS to the Consolidated Consular Database	6	On January 2, 2004, a software change was implemented in Release 4.8.
4. Inconsistent Help Desk answers to technical questions	5	Since June 2002, training is provided to Help Desk staff every time a new release is implemented or a major workaround is devised.
5. Incorrect Help Desk answers to policy questions	3	Since June 2002, training is provided to Help Desk staff every time a new release is implemented or a major workaround is devised.
6. Insufficient identification of schools in SEVIS pull-down menus for transfer purposes	3	Since July 2003, the list of school codes needed in SEVIS has been available on the DHS Web site, with the schools identified by city and state.
7. Unexplained data differences in SEVIS	3	On May 11, 2003, a software change was implemented in Release 4.6.2.

Source: GAO and DHS.

Despite DHS actions, educational organizations told us that some problems persisted. For example:

- Although the program office increased Help Desk staffing in March 2003, representatives from seven organizations stated that slow Tier 2 and 3 Help Desk responses were still a problem. In response, program officials stated that the majority of calls handled by Tiers 2 and 3 involve data fixes that are a direct result of end-user error, and that fixing them is sometimes delayed until end-users submit documentation reflecting the nature of the data fix needed and the basis for the change.
- Although the program office began in June 2002 providing training to Help Desk staff each time a new SEVIS release was implemented, representatives from 5 of the 10 organizations stated that the quality of the Help Desk's response to technical and policy questions remained a problem. According to program officials, Help Desk response is complicated by variations in user platforms and end-user knowledge of computers. The officials added that the program office is working to educate SEVIS users on the distinction between platform problems and problems resulting from SEVIS. Further, they said that Help Desk responses may be complicated by the caller's failure to provide complete information regarding the problem. Program officials also stated that supervisors frequently review Help Desk tickets to ensure the accuracy of responses, and these reviews had not surfaced any continuing problems in the quality of the responses.

SEVIS Fee Was Not Being Collected, and Educational Organizations Were Concerned about Fee Payment Options

Various legislation[13] requires that a fee be collected from each foreign student and exchange visitor to cover the costs of administering and maintaining SEVIS, as well as SEVP operations. In 2004, we reported that 7 years had passed since collection of the fee was required, and thus millions of dollars in revenue had been and would continue to be lost until the fee was actually collected. We also reported that representatives of the educational organizations were concerned with the fee payment options being considered because the options were either not available to all students in developing countries, or they would result in significant delays to an already lengthy visa application and review process, and increase the risk that paper receipts would be lost or stolen.

As we then reported, DHS's submission of its fee collection rule went to the Office of Management and Budget in February 2004, and it received final clearance in May 2004. The final rule,[14] which was effective on September 1, 2004, (1) set the fee at $100 for nonimmigrant students and exchange visitors and no more than $35 for those J–1 visa-holders who are au pairs, camp counselors, or participants in a sum-

[13] The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) first required that schools and exchange programs collect the fee (Pub. L. 104–208, Div. C, Sept. 30, 1996). The Visa Waiver Permanent Program Act (2000) amended IIRIRA to require that the government collect the SEVIS fee (Pub. L. 106–396, Oct. 30, 2000).

[14] 69 Fed. Reg. 39814 (2004).

mer work/travel program, and (2) identified options for students and exchange visitors to pay the fee, including

- by mail using a check or money order drawn on a U.S. bank and payable in U.S. dollars or
- electronically through the Internet using a credit card.

According to DHS officials, another option for paying the SEVIS fee permits exchange visitor programs to make bulk payments to DHS on behalf of J visa-holders.

DHS Continues to Take Steps to Address Our Recommendations

To help strengthen SEVIS performance and address educational organizations' concerns, our report recommended that DHS:

- assess the extent to which defined SEVIS performance requirements are still relevant and are being formally managed;
- provide for the measurement of key performance requirements that are not being formally measured;
- assess educational organization Help Desk concerns and take appropriate action to address these concerns; and
- provide for the expeditious implementation of the results of the SEVIS fee rulemaking process.

According to program officials, a number of steps have been taken relative to our recommendations, and other steps are under way. For example, program officials stated that they have established a working group to assess the relevance of the requirements in the SEVIS requirements document. The working group is expected to provide its recommendations for changing this document by the end of March 2005. The changed requirements will then form the basis for measuring system performance.

Program officials also stated that they are in the process of selecting tools for monitoring system performance and have established a working group to define ways to measure SEVIS's satisfaction of its two main objectives, relating to oversight and enforcement of relevant laws and regulations and to improvement in port of entry processing of students and visitors. In this regard, they said that they have begun to monitor the number of false positives between SEVIS and the Arrival Departure Information System [15] to target improvements for future system releases.

Program officials also reported that they are taking steps to address Help Desk concerns. For example, they said that they continue to hold bi-weekly meetings with educational organizations and directly monitor select Help Desk calls. They also said that Tier 1 Help Desk staffing recently increased by five staff, and the knowledge-based tool used by the Help Desk representatives to respond to caller inquiries had been updated, including ensuring that the tool's response scripts are consistent with SEVP policy. Additionally, these officials stated that they are reaching out to the Department of State to more quickly resolve certain system data errors (commonly referred to as data fixes), [16] and said that a process has been established to ensure that high-priority change requests are examined to ensure correct priority designation and timely resolution. As of January 1, 2005, SEVP also established new performance level agreements with its Help Desk contractor, and it has been receiving weekly Help Desk reports to monitor performance against these agreements.

DHS also began collecting the SEVIS fee in September 2004. Additionally, it introduced another payment option, effective November 1, 2004, whereby students can pay the fee using Western Union. This method allows foreign students to pay in local currency, rather than U.S. dollars. Program officials also stated that DHS has developed a direct interface between the payment systems and SEVIS and the State Department's Consolidated Consular Database (CCD).[17] According to these officials, this allows the consular officer to verify without delay that the visa applicant has, in fact, paid the SEVIS fee before completing the visa issuance process.

SEVIS Educational Organizations Report That Performance Continues to Improve, but Some Problems Still Persist

According to representatives of educational organizations, overall SEVIS performance continues to improve. We contacted 6 of the 10 organizations that were part of our 2004 report on SEVIS performance, and representatives for all six organiza-

[15] The Arrival Departure Information System is a component of the U.S. Visitor and Immigrant Status Indicator Technology system that stores traveler arrival and departure data and provides query and reporting information.

[16] According to State, fixes to records for J visas are made at Tier 3 after it reviews and approves the changes.

[17] CCD is used by consular officers to verify that the student or exchange visitor has been accepted by a particular school or exchange visitor program.

tions told us that SEVIS performance has generally continued to improve. In addition, five of the organizations stated that there were no new system performance problems. All of the organizations stated that they did not have any concerns with the SEVIS fee implementation.

However, most representatives stated that some previously reported problems still exist. For example, representatives from five of the six organizations stated that slow Tier 2 and 3 Help Desk responses in correcting errors in student and exchange visitor records were still a problem. Three representatives stated that these corrections can take months, and in some cases even years, to fix. Two of the three stated that this has a major impact on the individuals involved. One organization reported that some exchange visitors' records have been erroneously terminated, and as a result, the visitors' families are unable to join them in the United States until a data fix occurs. According to the representative, this creates a very difficult situation for the individuals and makes it difficult to retain them in their academic programs. A representative for another organization reported that two participants' records erroneously indicate that they have violated their status as exchange visitors. Were these individuals to leave the country to visit their families before a data fix is made, they would be denied re-entry.

In addition, representatives from three organizations stated that they were still experiencing problems with downloading and manipulating data from SEVIS. For example, one representative reported an inability to pull reports on the exact number of exchange visitors in its program and their status. This person expressed concern because DHS holds schools and programs accountable for tracking exchange visitors, but then does not give them the tools necessary to do so. Further, representatives from two organizations stated that they were still experiencing problems with incorrect Help Desk responses. For example, one representative reported that he was erroneously told by a Help Desk employee that there was no need to correct an individual's record of training, yet another Help Desk employee correctly stated that a fix was needed and gave detailed instructions on how to make the correction.

Last, representatives from all six organizations stated that there have been declines in international students and exchange visitors coming to the United States. However, representatives from four of the six stated that SEVIS was not a factor, while representatives from the remaining two stated that SEVIS was just one of many factors. Other factors cited as contributing to this decline, which are discussed in the following section, were a lengthy visa application process and increased competition by other countries for students and exchange visitors.

Recent Report Cites U.S. Decline in International Graduate Students, While Recognizing Recent Efforts to Improve Visa Processing for Science Students and Scholars

A recent Council of Graduate Schools report[18] indicates that foreign graduate student applications, admissions, and enrollments are declining. According to the report, international graduate applications to U.S. colleges and universities declined 28 percent from 2003 to 2004, resulting in an 18 percent fall in admissions and a 6 percent drop in enrollments for the same period. In addition, while 2005 data on admissions and enrollments were not yet available, the report cited a 5 percent decline in applications between 2004 and 2005. According to the report, the declines in 2004 and in 2005 were most prominent for students from China and India. It also noted that between 2004 and 2005 applications were unchanged from Korea and up 6 percent from the Middle East.

The report attributes this decline to two factors: increasing capacity abroad and visa restrictions at home. According to the report, countries in Europe and Asia are expanding their capacity at the graduate level through government policy changes and recruitment of international students. At the same time, the report says that the U.S. government has tightened the visa process since September 11, 2001, inadvertently discouraging international graduate students through new security procedures and visa delays.

The Council of Graduate Schools also recognized recent federal actions to improve the student visa process. These actions are directly related to our work on the State Department's Visas Mantis program—an interagency security check aimed at identifying those visa applicants who may pose a threat to our national security by illegally transferring sensitive technology. The program often affects foreign science students and visiting scholars whose background or proposed activity in the United States could involve exposure to technologies that, if used against the United States,

[18] Council of Graduate Schools, Findings from the 2005 CGS International Graduate Admissions Survey 1. We did not independently verify the data in this report.

could potentially be harmful. In February 2004, we reported and testified[19] that there were delays in the Visas Mantis program and interoperability problems between the State Department and the FBI that contributed to these delays and allowed Mantis cases to get lost. We determined that it took an average of 67 days for Mantis checks to be processed and for State to notify consular posts that the visa could be issued,[20] and that many Visas Mantis cases had been pending 60 days or more. We also determined that consular staff at posts we visited were unsure whether they were contributing to waits because they lacked clear program guidance. Accordingly, we recommended that the State Department, in coordination with DHS and the FBI, develop and implement a plan to improve the Visas Mantis process.

In February 2005, we reported that Visas Mantis processing times had declined significantly. For example, in November 2004, the average time was about 15 days, far lower than the average of 67 days that we reported previously. We also found that the number of Mantis cases pending more than 60 days has dropped significantly. Our report recognized a number of actions that contributed to these improvements and addressed other issues that science students and scholars face in traveling to the United States. These actions included adding staff to process Mantis cases; defining a procedure to expedite certain cases; providing additional guidance and feedback to consular posts; developing an electronic tracking system for Mantis cases; clarifying the roles and responsibilities of agencies involved in the Mantis process; reiterating State's policy of giving students and scholars priority scheduling for interview appointments; and extending the validity of Mantis clearances.

Although we also identified opportunities for further refinements to the Visas Mantis program, we believe that the actions outlined above should allow foreign science students and scholars to obtain visas more quickly and to travel more freely. We did not determine the effect of these actions on the overall volume of international students traveling to the United States. However, representatives from the academic and international scientific community have indicated that they also believe the actions will have a positive impact. For example, the Association of American Universities identified the extension of Mantis clearances as "a common-sense reform that removes an unnecessary burden that caused enormous inconvenience for thousands of international students and discouraged many more from coming here to study."

In closing, indications are that SEVIS performance has improved and continues to improve, as has visa processing for foreign science students and scholars. Moreover, recent SEVIS-related initiatives demonstrate program officials' commitment to future improvements. This commitment is important because educational organizations continue to report some persistent system problems, primarily with respect to Help Desk responsiveness in making certain "data fixes." These problems can create hardships for foreign students and exchange visitors that can potentially have unintended consequences relative to these foreign students and exchange visitors applying to and enrolling in U.S. learning institutions. Therefore, it is important for DHS to effectively manage SEVIS performance against mission objectives and outcomes, as well as against system requirements. To this end, we have made several recommendations to DHS concerning SEVIS performance management.

Messrs. Chairmen, this concludes our statement. We would be happy to answer any questions that you or members of the subcommittees may have at this time.

Chairman MCKEON. Thank you very much. I need some clarification. As I remember back at the time 9/11, that we had 500,000 foreign students here in the country. At least that's the number that stuck in my mind. And I remember the discussion was that the 19 terrorists that brought those planes down, and I think four of them had entered the country on student visas. And I don't know—were those numbers accurate? Did we have 500,000 foreign students, do you know? Do any of you know?

[No response.]

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[19] GAO, Border Security: Improvements Needed to Reduce Time Taken to Adjudicate Visas for Science Students and Scholars, GAO–04–443T (Washington, D.C.: Feb. 25, 2004).

[20] The average of 67 days was based on a random selection of Mantis cases submitted to the State Department between April and June 2003.

Chairman MCKEON. OK. We'll have to find that out. Because what I'm wondering is what you say today, I think Mr. Cerda said that we have now 609,000 students?

Mr. CERDA. Correct. The number is over 600,000. On the SEVIS system currently, we have over 600,000 F&M's, over 140,000 J exchange visitors, and then you have dependents, over 120,000 dependents of both categories.

Chairman MCKEON. But over 600,000 students?

Mr. CERDA. Correct.

Chairman MCKEON. So if the 500,000 number that we had in 9/11 is accurate, then we've actually had an increase in the number of students?

Mr. CERDA. I'm not familiar with the 500,000.

Chairman MCKEON. We'll have to check on that.

Mr. EDSON. Mr. Chairman, I can add to that, according to the Institute of International Education, the 2000-2001 timeframe, there were 547,000 students.

Chairman MCKEON. When was that again now?

Mr. EDSON. The 2000-2001 timeframe.

Chairman MCKEON. OK. So we had an increase in the number of students since 9/11 that are here on visas attending our schools?

Mr. CERDA. I would say it would appear so, but again, I'm not familiar with the 500,000 number there. But we could look at it and get back to you on that point.

Chairman MCKEON. OK. That, to me, is a reassuring number, because I think we've heard that we've had a decline, and I know I have some numbers here that show a decline, but I think we need to—probably need to nail down those numbers. But I'm glad that we haven't had a precipitous dropoff.

That's one of the concerns that we had from the previous hearings was that it was so cumbersome to get visas after 9/11 to enter the country that we had a lot of dropoffs, so I guess during the course of this hearing today we can try to nail that down a little bit.

It sounds like there's been a big improvement in SEVIS. And how did—you said that there were 70,000 schools approved, and now it's down to 8,000?

Mr. CERDA. That's correct. Prior to SEVIS, the records that the Immigration and Naturalization Service had had capped a total of 70,000 schools throughout the United States that at some point were given the authority to issue I-20's.

Chairman MCKEON. So this is probably elementary, high school, post-secondary?

Mr. CERDA. The whole population. You had the M schools, the trade schools, the high schools, the universities. And frankly, I think that is a pretty important figure there in the fact that we have added integrity by actually maintaining better records. These universities existed. Nobody was investigating them actively. Yet they were able to get I-20's and issue I-20's.

Now once we have started reviewing and set criteria out there clearly, the requirements for onsite investigations, we believe now that this is really the number that's accurate, and there's integrity in these universities, these programs that are currently registered in SEVIS.

Chairman MCKEON. So the 8,000 schools, you have pretty good confidence that they exist?

Mr. CERDA. Correct. And we have confidence too that we've had a visit at these locations, too, since implementation of SEVIS.

Chairman MCKEON. Visits to each of the 8,000?

Mr. CERDA. The onsite visits, correct.

Chairman MCKEON. Great. Is that a processing fee or a tracking fee? Does the student pay that fee? How much is that fee?

Mr. CERDA. The student fee is $100. It was issued in a notice in the Federal Register. And it covers staffing for the SEVIS office, technology, maintenance, and also supports the Compliance Enforcement Unit efforts, compliance enforcement officers, investigators to follow up on these universities, on the schools.

Chairman MCKEON. And is that covering the cost?

Mr. CERDA. Correct.

Chairman MCKEON. Thank you. My time is up. Mr. Kildee.

Mr. KILDEE. Thank you, Mr. Chairman. Going back to, again, my experience at the University of Peshawar in Pakistan in 1958-'59, even there, in those more gentle times and more gentle days, Pakistan had a very courteous, efficient, and friendly system of tracking students. There weren't as many students over there. I could recall when I would leave one political subdivision to go up to the Malakand agency to celebrate Eed, I would have to register where I was going, and it was done in a very courteous but very efficient way and a very friendly way. It sometimes took a while, because they insisted I take tea with them, too, as I went to apply for my application to travel.

And I think that in our system here, we want to have efficiency because we want to have, you know, the safety of our country, but also a courtesy and a friendliness, too, because these are people we want to welcome to our shores, and I think that balance, all of you would want to maintain that balance. And I commend you for all your efforts you are making to maintain that, the safety of our country and the courtesy we extend to those who come to our country for study.

Mr. Cerda, you mentioned the increase in number in SEVIS. Are these students who are actually in the country now or in the system to come into the country?

Mr. CERDA. The SEVIS system tracks the individuals that are in the country right now. And then subsequently, it goes through the duration of their program. Ultimately, if they move on to a different visa category or they depart the country, that closes out the record in SEVIS. So we are looking at active individuals here in the United States at this time.

Mr. KILDEE. Would you be any way enumerating those who are in SEVIS but are not yet in the country? Are there two different categories, some who are still in process?

Mr. CERDA. The process starts with the issuance of the I-20, which is recorded in SEVIS. And then that leads to the issuance of the visa overseas. At the point of entry into the United States, that information then is—it's considered an active record. We get the notifications. At that point, the universities start working with us in terms of ensuring that the individual has appeared at the

school, that they've maintained their records, and in situations of travel that there is permission for travel permitted in there.

So we consider those the active cases in our system right now.

Chairman MCKEON. Mr. Edson, could you give us a few examples of where you changed the visa process as a result of your consultation with the academic community over the last several years?

Mr. EDSON. Certainly. One of the primary changes that we made was to add additional resources to those special clearance processes, even though they affect only a relatively small number of visa applicants, less than 2.5 percent of the 7 million we process a year.

That special screening for sensitive technologies does hit disproportionately science, obviously science students, but Chinese students in the higher sciences. So I think the primary change there was to strive for transparency in that process, to strive to add enough resources and streamline the interagency dialog that's necessary to conduct those clearances, so that we got back to something that is one faster, but also more predictable for the applicant. I mean, an applicant can usually put up with a 2-week clearance process if they know in advance that it's going to be a 2-week clearance process.

That was something we worked closely with the academic community on. The changes to our website and our data bases to allow our posts overseas to continually update their own wait times for appointments, for obtaining appointments. I think that's been significant.

We have also—it's long been a policy, but beginning 2 years ago, we instructed our posts to make sure that they have separate appointment streams for students, so that a student can always get an appointment in time to show up for school. I mean, no student should miss school because they had to wait for a visa appointment overseas. That's the goal and that's the reality today. And that was largely as a result of the dialog with the academic community.

Mr. KILDEE. Very good. I think within the needs of the safety of our country, that as much that we can do to lessen that uncertainty is a very, very important and a welcome thing. So I would encourage you to keep pursuing that.

Thank you very much. Thank you, Mr. Chairman.

Chairman MCKEON. Thank you. Chairman Tiberi.

Mr. TIBERI. Thank you, Mr. Chairman. Mr. Edson, I want to just publicly thank you.

My office and my personal experience in dealing with consular officials from throughout the world, American consul officials, has been on a personal basis very, very good. They've been professional. They've been polite. They've been responsive when we personally get involved. I just talked to one last week, and they've been great to work with.

My question, or my first question both to you and to Homeland Security is there are students already enrolled in American institutions in central Ohio, where I represent, that have experienced difficulties in the past.

And they also have nervousness, anxiety to travel back home on a temporary basis, whether it be for an emergency, whether it be for a wedding. And so they're concerned about leaving and then re-

turning to resume their studies in America. Is there a way, or what are your thoughts about allowing students to meet with officials here to somehow alleviate that anxiety or concern about leaving and then reentering the country to come back to study at Ohio State? Is there anything that can be done to make that process better?

Mr. EDSON. Thank you for the question. We have reached out a lot to student groups and have a plan now over the coming year to do even more of that, as opposed to talking to academic groups, we're actually talking to the foreign student populations in a lot of these universities to address their questions and to address exactly these concerns.

Unfortunately, I think the changes in the security screening process that resulted in delays started in about the summer of 2002. The changes in the interviewing requirements started in the summer of 2003. So the current crop of students have all probably lived through or were immediately preceded by people who were affected by some of these processing delays. So there's a perception issue there to be overcome.

There also is a challenge for anyone who is trying to travel on a short break, like their winter break, and renew a visa, depending on where they're going, they may have difficulties in working out the logistics of that. So we encourage them to plan ahead and try to get an appointment before they ever leave the United States.

We've asked our posts overseas to make changes to their appointment systems. They're not all in place yet, but we want all of those appointment systems to be accessible from anywhere in the world so that a student in that situation could more easily make an appointment before leaving school and know with assurance that they had an appointment already during their winter break when they go back home.

By changes like that, we're hoping to address these kind of concerns, but I think it will take a little bit of time to get the message out.

Mr. TIBERI. Mr. Cerda?

Mr. CERDA. We at DHS also echo working with DOS the importance of communication and outreach, and it's not just only with the universities, the exchange sponsors, but also with the student associations.

We have in the past, and we're very aggressive with respect to making sure that the phone lines are available for the students, that the website is properly accurate. At the same time, we also—with certification, clearly part of work is with the universities and their designated school officials there who handle the foreign students. They're clearly an important part of that scheme, and we are constantly in touch with them.

Taking it a little further, even recognizing sometimes that a student may overlook one of these issues and to receive the proper, you know, approvals from their school official prior to departing, we also work with Customs and Border Protection and the inspectors at the ports of entry, at the airports.

We do have still a 24/7 capability that if they do encounter an individual who may not meet the technical requirements of SEVIS or the regulations, that they do exercise discretion after doing the

proper checks, after doing the proper contacts. And to the tune of I believe in the high periods of time, they look at and do special processing of the students at about a thousand students a month.

So we want to make sure, as I said, that we have the sufficient safeguards, but at the same time, it's not a hard and fast situation with these individuals. We understand we're dealing with students.

Mr. TIBERI. Well, I appreciate that. I hope you just keep that in mind. I just dealt with one last week where someone had to apply or is applying for a visa waiver because of an overextended stay, dealing with the fact they tried to contact your offices, and by the time that fell through the process, they ended up overstaying—well, yeah. If you could be sensitive in terms of trying to allow students to get through to the proper people before they leave, if they have to leave, particularly in an emergency situation, and reenter.

Mr. EDSON. Definitely.

Mr. TIBERI. I know my time is about to expire. I appreciate you all coming today and testifying and I hope to work with you in the future.

Chairman MCKEON. Thank you. Mr. Hinojosa.

Mr. HINOJOSA. Thank you, Mr. Chairman. I'd like to ask my first question to Stephen Edson.

Would you please give us one example of MANTIS cases where student applications would be denied by the special team of employees, and what would happen to that case? As I understand it, MANTIS is a sensitive technology area that we are concerned with here in our country.

Mr. EDSON. Thank you. In the MANTIS program, students or scholars, researchers or business travelers as well, who are traveling to the United States to undertake study, discussion, purchasing in certain areas of nonproliferation concern, sensitive dual use technology, are screened by an interagency panel to see if there are possibilities of modified use of that technology, either for purposes of proliferation or to undercut U.S. competitiveness or superiority in the weapons fields, any of the weapons fields. That interagency group makes recommendations. Each agency makes recommendations to the team that works for us in the visa office. And based on their instincts, their knowledge of how that technology is used, our research into the applicant's background, the sponsoring organization for official travel in their home country, on rare occasions the visa might be denied under the section of the Immigration and Nationality Act that prohibits activities resulting in proliferation concerns.

The rate of denial is actually fairly low. The rate of review is also quite low. Again, it gets a lot of attention because disproportionately I think this screening is done against Chinese students in the higher sciences. There are a lot of Chinese students in the higher sciences, and that brings them in.

Mr. HINOJOSA. So you say that there are very few that have been denied. What happens to the application to that case?

Mr. EDSON. When someone is denied under that section of the law, we would instruct our post overseas to—we would make the finding in Washington, instruct them to deny the visa under that section of the law, and the visa is denied. The information is already, by virtue of it having been vetted through the interagency

community, it's already available to those agencies in the United States that have an intelligence interest in that material.

Mr. HINOJOSA. I'd like to ask you, I'm sure that you do a lot of communication with the academic community, so give us an example of where you changed the visa process as a result of your consultation with our universities over the last couple of years.

Mr. EDSON. In addition to some of the other things I mentioned about transparency and predictability, we have revised our guidance to consular officers overseas.

As you all may be aware, one of the primary reasons that a nonimmigrant visa is denied is because the visa category has a requirement that the applicant prove that they have a residence abroad that they intend to return to. This applies to student visa applicants.

But we're very, very clear with our consular sections as a result of talking with the academic community that students face a slightly different challenge here. A student normally is going to be relatively young, almost certainly unemployed, or they wouldn't have time to be a student. They tend to be single. They tend not to own property. So we have revised all that guidance and shared it with our consular officers in the field to remind them that they're looking at students with a different filter than they would a business traveler or a tourist in the United States.

Mr. HINOJOSA. Thank you. My next question goes to Mr. Cerda. Do you believe we have struck the right balance between security and the academic needs of both students and the institutions that they serve? And if so, is this balance something that will continue to evolve as we refine whatever efforts we take to secure the U.S. from terrorist attack?

Mr. CERDA. Thank you for the question. We believe in DHS and in ICE that we have approached this in a manner to meet that balance, and I think we've—by no means is this a done deal. We are going to continue to work with the universities, with the Department of State. There is always room for improvement is our belief, and through communication, we'll get to that point.

But we have addressed many of the issues raised in approach of meeting the demands of the proper national security concerns as well as to facilitate the entry of lawful students, to continue to make the United States a destination for foreign students.

So I do believe we've met that balance to date. We're going to continue to improve it. And in terms of national security, I do think that together by working in this manner we have enhanced it.

Mr. HINOJOSA. Thank you. This is very interesting to me, because I am a real strong believer of these international students being in our schools and our universities.

I want to ask one last question, Mr. Chairman, if time permits.

Chairman MCKEON. Maybe we could—

Mr. HINOJOSA. Get it on the next round?

Chairman MCKEON. Please.

Mr. HINOJOSA. With that, I yield, then. Thank you.

Chairman MCKEON. Thank you. Mr. Kuhl.

Mr. KUHL. Thank you, Mr. Chairman.

Mr. Edson, I was interested in your testimony and one particular part where you were talking about the relationship with this coun-

try with China and what is I guess perceptibly a problem with students coming from China to this country for their academic career.

I have a college in my district that I represent that has a program where they actually teach in China and have an enrollment of about 2,000 students, which I think at this point, which is I think probably the largest provider of educational services being provided by an institution based in this country.

But the comment came up that they were having difficulty accommodating the needs and desires of Chinese students to actually come and enroll in a program here. And I'm just wondering if you are finding that experience, if that comment is real that I received, and if it is, what can be done to accommodate those students who want to come to this country from China?

Mr. EDSON. China is now and has been for a while the largest source of foreign students in the United States. Our posts in China all process a very large number of these cases. I'm not sure what the specific difficulty the school might have been mentioning was.

The volume of work in China is high, and there can be processing—I mean, there can be time involved in getting an appointment unless school is coming up. I mean, as I said before, is school is starting imminently, we'll make sure they get their appointment and get processed.

Other than that, I'm not sure. MANTIS screening, as I suggested, is not really an issue anymore. The issue with the nonimmigrant intent still exists, but bona fide students coming—really intend to study in this country and can afford to do it, should be able to obtain visas to do that.

Mr. KUHL. What would be the average time from an application to the granting of a visa for a student in China?

Mr. EDSON. Two days. Around the world it's 2 days for any type of visa, two to 3 days.

Mr. KUHL. And China is no different than any other country?

Mr. EDSON. No. The only difference I think is volume and the much higher percentage of Chinese students who are interested in advanced scientific studies that get them into the MANTIS process.

Mr. KUHL. OK. Thank you. I yield back my time.

Chairman MCKEON. Will the gentleman yield?

Mr. KUHL. Yes.

Chairman MCKEON. How many students do we have coming from China here for education?

Mr. EDSON. I was afraid you were going to ask that. I'll have to take the question and get back to you.

Chairman MCKEON. Could you do that later today?

Mr. EDSON. Sure.

Chairman MCKEON. OK. Thank you. And has that dropped? And do you know if that is dropping because it's difficult for them to come, or is it because their schools are getting better over there and they're saying home and getting an education? Some of us are going there tomorrow. This is why I want—

Mr. EDSON. OK.

Chairman MCKEON. This is what we want to follow up on.

Mr. EDSON. Sure.

Chairman MCKEON. Thank you very much. Mr. Wu.

[No response.]

Chairman MCKEON. Mr. Holt.

Mr. HOLT. Thank you, Mr. Chair. Well, I don't need to repeat, probably, how important this is to us. I don't mean to us here in Congress, but to us as a country. I'm looking at the figures that, despite the improvement, I think we still have some way to go.

The Council of Graduate Schools reported another 5 percent decline in international graduate student applications from 2004 to 2005, following a 28 percent decline the year before. Fortunately, it was not another 28 percent decline.

But I think that 5 percent decline indicates a continuing problem with student interest still low, for a variety of reasons, surely not all of which have to do with your procedures. But I would ask, Mr. Chairman, that the report of the Council on Graduate Schools called "Findings from the 2005 International Graduate Admissions" survey be included in the record.

Chairman MCKEON. Without objection, so ordered.

[The information referred to has been retained in the Committee's official files.]

Mr. HOLT. Thank you. One of the things that you spoke about, Mr. Edson, was some effort to communicate abroad that we have a more friendly and efficient method now. Can you say a little bit more? I mean, speaking to a couple hundred students in Beijing is one thing, but reaching out to millions of students in other countries I think is—it is more along the lines of what we'd like to see in an aggressive public relations program, so that students abroad know that the system has improved here.

Mr. EDSON. We have asked all of our posts overseas and drawn to the attention for our chiefs of mission, our Ambassadors, the importance of this issue and ask them to seek out opportunities to make these points to speak to not only student but business and tourist community groups as well.

In addition, we've been discussing with the academic community the idea of linking, when they do recruiting or informational visits overseas, making sure that they speak with our consular sections and if the forum is right, providing a consular officer to go out with them and discuss U.S. visa procedures at the same opportunity, sort of to tag team together so they can discuss the schools, we can discuss the way you get into one, or get the visa to get into one.

Mr. HOLT. Mr. Cerda, the upgrade to the SEVIS system is certainly welcome. What is the procedure for correcting the data in there? What role can the universities have to accelerate the correction so that we can get—so we can remove any errors in the system?

Mr. CERDA. Data integrity is very critical for the system to work on both sides, for DHS as well as the schools. We are constantly through the help desk, our response teams that we have, working with the universities, with their designated officials, to review cases where if there is a termination that may be overridden by other factors—a change of status, some other information that became available subsequently—we are capable of doing those changes directly through that interaction.

Further, we internally are also reviewing the cases. Prior to a lead being sent out to the field for action, we do our reviews of that information too to make sure that the information is correct. And

if the termination is no longer a termination, it's pretty straightforward entry into SEVIS to do that.

It depends, too, on the volume. If we get a university coming with significant numbers of proposed changes on status, we would essentially have to go through each one of those and go through it. But, again, absent anything that is out of the ordinary there, it's a pretty straightforward entry into the system on our behalf.

We are looking at in terms of policy facilitating this process to give the schools more flexibility in correcting some of these issues directly on their own. Things that don't raise issues of integrity, we're looking at to see whether that can also help facilitate the process and make the records, you know, as clean as possible.

Mr. HOLT. OK. Thank you. In the few seconds that remain, the NSEERS registration program seems very opaque to universities. And it appears that there might be some changes in the works. Do you have any recent report, or can you make a report today about whether there are changes either restrictive or liberalizing in that?

Mr. CERDA. On NSEERS, as Secretary Ridge announced in the past, we did scale back the approach that we use NSEERS for. It's still utilized at the POEs, but the call-ins that were out occurring in the communities, those ceased. And we're also looking at it more in terms of a targeted fashion in certain instances, using intelligence rather than, as we had in the past when we initiated NSEERS, do the massive call-ins for registration. We're now looking at more targeted approaches based on intelligence, lead-driven issues.

We recognize the sensitivities on it. I know CVP is aware of that too, and they've gone through training also in terms of just customer service in terms of processing and communicating the needs of NSEERS. That's where we stand right now though.

Mr. HOLT. Thank you. Thank you, Mr. Chairman.

Chairman MCKEON. OK. The gentleman's time has expired. We have been called to the floor for votes. We have three votes. It will probably take us about 20, 25 minutes. If you can bear with us, we'll take a recess, and we have other questioners that want to question when we get back. So we'll be back as quickly as we can.

Mr. HOLT. Mr. Chairman, you will accept questions for the record if we're unable to continue?

Chairman MCKEON. Of course.

Mr. HOLT. Thank you.

[Recess.]

Chairman MCKEON. The Committee will come to order. Mr. Price.

Mr. PRICE. Thank you, Mr. Chairman. I appreciate that. I haven't been here long, but I do know that 25 minutes is never 25 minutes, so I appreciate your patience in sticking around.

My understanding is this program began for foreign students coming here seeking that visa after 9/11, this increased security program. Do you have the data on numbers of students that have applied since then and numbers rejected?

Mr. EDSON. Yes. I would like to take the question and get it back to you so I can give you accurate data. But just to clarify, you were interested in student visa application trends over the period since 9/11?

Mr. PRICE. Yes.

Mr. EDSON. OK.

[The information referred to has been retained in the Committee's official files.]

Mr. PRICE. And then comparing that to before. In other words, are we—is this worthwhile, what we're doing?

Mr. EDSON. From the consul perspective overseas, just processing the visa, I can tell you that the refusal rate for students has actually declined slightly since 2001, slightly enough that it's almost the same number. We actually haven't had significant changes.

The total percentage of students being issued visas, though, of the applicant pool is going up. We speculate, and it's just speculation, but we speculate that one of the reasons for that may be the fact that SEVIS, the DHS program, has eliminated improperly completed I-20's or fraudulent I-20's, the form that students submit to us from the school in order to get a visa because of the automated nature—the nature of the automated system, they can't fill it out incompletely anymore. But that's just speculation. We're not sure there's a causal link there.

Mr. PRICE. Do you think that this program has increased our security to any significant extent?

Mr. CERDA. I think this is a good example of where Homeland Security has definitively been improved and enhanced by implementing SEVIS. Before, the vulnerabilities that existed in the I-20 process, the inability to determine whether in fact you had a genuine I-20 or whether it was a forged, fraudulent I-20, that's been eliminated.

The 70,000 universities that had the authority to sponsor somebody to come into the country without investigation or yearly, twice a year inspections, that's been eliminated. And again, just a paper process that existed in the past has been eliminated and allows the tools to make it more efficient in visa processing, but also gives the ICE agents a better capability to hone in and identify who is in the country, who has violated their status, and using the terrorist data bases, prioritize and make some actions, targeted actions that take some very dangerous people, potentially dangerous people, off the streets and removed from the United States.

So yes, SEVIS is a good example of where national security has improved since 9/11.

Mr. PRICE. And I suspect that's the case, but that's only true—we can only say that's true if we in fact document that. And so I would appreciate the numbers on the rejections.

It's my understanding also that this is under DHS, but that the exchange students are under State. Would you comment on that as to whether or not that's a duplication or whether we're not doing what we ought to do as it relates to the exchange students and whether we ought to meld them together?

Mr. CERDA. Certainly. The SEVIS program, the management for the program, the software, the infrastructure that supports it, is purely with DHS. The design of that program is a DHS program.

The exchange visitor programs, the responsibility for managing the program sponsors, falls with an office in the Department of State. And so that office, ECA, Educational and Cultural Affairs,

that manages the logging, tracking of those exchange visitors and then the entry of the appropriate data into the SEVIS system.

And it's different than the schools. There isn't any overlap there necessarily since the program sponsors and schools are different things, even if they're the same institution, they're being approached through a different structure.

Mr. PRICE. Is there any duplication of work there, or would it be more efficient to have them both under DHS?

Mr. CERDA. Based on my understanding of the program, I don't believe so. But—yeah, I don't believe there is duplication. The system is there, and it's a uniform system. We will have it up regardless. And the entry from DOS and our entries, I don't see any duplication occurring there.

Mr. PRICE. Thank you, Mr. Chair. I yield back.

Chairman MCKEON. The gentleman yields back. One other thing. The 500,000 and the 600,000 numbers I talked about, I don't think we were comparing apples to apples, so I understand that we're working to get those numbers clarified, and we'll have that straightened out in the record. Thank you very much. Ms. McCollum?

Ms. MCCOLLUM. Thank you, Mr. Chair. We'll, I'm a little baffled, based on the last discussion. I have some other questions. But I serve on the International Relations Committee, and we had a hearing on the 9/11 Commission, including some staff and then talking to people from the State Department, and they pretty much contradict—and I'll submit it for the record, Mr. Chair—what we just heard about how Homeland Security through SEVIS has just kept America safe from attacks and all these terrorists have been weeded out.

I think it's important that we secure our borders. I think it's important we know who's coming in. But either they don't have any correct information under the Freedom of Information Act, or you have something that's been classified or whatever, but I agree with the gentleman. I think we need to see documentation.

The biggest concern that we were hearing in the International Relations Committee was just having the regular tourist visas and the passport and all the enhancements that we were trying to get in place in airport security as people enter and go back and forth between countries, there's a group of countries that we have a different standard for tourists alone in it.

So I would very, very much be interested in seeing your documentation, sir.

I have some questions that I'm going to submit from my colleagues into the record, as well as some statements that they have.

But I just want to take this in a big picture here now, both from State and Homeland Security.

You folks have all been asked, especially the Department of State, has been asked to do a lot out of hide. Your budget has not increased with all the different demands that Congress and the world changes since September 11th has put onto you. I know you have employees that are working extraordinarily hard. But to that point, you have in your testimony that we have more people in the consular offices, that the budget has been increased.

And I would very much be interested—and maybe you can't answer this off the top of your head now, so you can submit it later—as to all this increased staffing with the embassies—because I travel abroad quite a bit, with all the demands that State has been asked to put on, I mean, really, how many hours of those individuals' time in the countries that we had the most foreign student applications, how have we really beefed that up?

And what is in the President's budget that went directly on the bottom line to help you fulfill this mission? If you don't have that with you today, as you didn't have—we don't have the numbers of the exact visa—I would be very interested in seeing that.

[The information referred to has been retained in the Committee's official files.]

I have a question, and it has to do with going back to getting the clerical errors taken care of. And I would like DHS to really walk me through, if a college—College X finds that in reviewing something that they really checked very inadvertently something off in the wrong box, and it's brought to their attention—how quick is the turnaround before that is fixed?

Mr. CERDA. That can be done within days, if not that same period right there, that same day. What it's—the technical fixes are pretty straightforward on our side. What may take some time in the oddest cases is verification of whether that is in fact a genuine termination or not, if there are other issues pertaining to that. But if it was a clerical error on a student at a university, that should be handled pretty quickly in terms of days.

Ms. MCCOLLUM. When you talked about how students faced difficult challenges for saying where their residence is, I have college-age students, and I receive their mail, but my son is studying abroad right now. My daughter stays—is living with friends and things like that. So it's really challenging even for college students here.

How—one of the things that I have heard from embassy staff, and my heavens, I can certainly appreciate it—when things get to be a little gray, you don't want to be the person who signed off on saying, well, I accepted this for a residency and then have perhaps that person come under review for being a terrorist or something like that. How clear are those directions to staff?

And the reason why I bring it up is with the AIDS orphan population that is just exploding in Africa and us wanting to reach out more and more to Africa to keep that country stable and from becoming a haven for terrorists, how specifically addressed is that, or can you get me some information as to exactly what that question looks like and how you handle the issue of someone who might be an AIDS orphan?

Mr. TIBERI [presiding]. The gentlelady's time has expired, but go ahead and answer the question.

Mr. EDSON. Thank you. And it is complicated, because situations will vary with each applicant. They'll vary with every country. So our consular officers have the ability on the ground as they gain experience in the country and work with their colleagues who have been there longer to analyze the cases in a way that's fair based on the circumstances. What's normal in one country might be completely—we have countries in the world where being wealthy is ac-

tually the first sign that that person is likely to jump to the United States and stay illegally, and other countries where the opposite is true.

So we allow consular officers broad discretion to apply the law, taking into account local circumstances, so that it's fair as possible to the applicant. At the same time, the law, the Immigration and Nationality Act, does place the burden on the applicant to prove that they qualify for the visa. We're not doing that for them, so they'll have to come in and make their best case, and then we interpret it based on local circumstances.

It is a hard call in many places such as the countries of Africa where you mentioned. But visas are issued everywhere, even the poorest countries in the world, there are applicants who qualify every day.

Mr. HITE. Congresswoman, if I could add to your question about the time it takes to make some of these data base fixes, I'd point to what we have in our statement in talking to some of these educational organizations about those data fixes. And depending on visa type, it varies, but what we were told is that there are times when data fixes take months, even over a year to fix. So it's not a matter of days in all cases.

And so, I'm sure one's position on that is going to depend on where they sit. And I think from your next panel, you may hear about some of those.

Mr. TIBERI. Thank you. I'm going to recognize Mr. Kildee for a brief statement.

Mr. KILDEE. This will be a brief statement. I really think we have to get a better handle on numbers. I think there's been a real vagueness here. If I were one of the reporters over there, I wouldn't know how to write the story, because the numbers are rather vague, and they kind of shift around a bit.

Has the growth slowed since 9/11? I think to the degree you can get us some—I don't know why we aren't getting more significant numbers or meaningful numbers to us. I'm sure down the hallway at the baseball hearing they got better statistics down there than we have in here.

So I would like to really have you work on some numbers so both the press and ourselves can understand has the growth slowed down? Is there more students, less students, since 9/11? There's a certain vagueness yet I think that—I do think the system has improved since we started our hearings, though, I think there's no question about that.

Thank you.

Mr. TIBERI. Thank you, Mr. Kildee. And I just want to conclude by saying I concur with Mr. Kildee, and I hope that you all will do your very best to share with us some more accurate data.

[The information referred to has been retained in the Committee's official files.]

I thank you all for testifying and for your time and your valuable testimony. You may now step down, and I'd like to call the second panel forward to be seated. Thank you all.

STATEMENT OF HON. PATRICK J. TIBERI, CHAIRMAN, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFORCE

I'd like to thank the witnesses for being here today. Thank you for your patience. Appreciate you sharing your thoughts and experience with us. And as elected officials, we must preserve the safety and security of all our citizens, but we also want to ensure that students from around the world have access to the best education in the world right here in the United States of America.

And I believe that many of my colleagues would share the view that having international students attend our universities and colleges throughout America is one of the best ways to boost worldwide appreciation of not only our educational system but our form of government and our country.

These are students who are future leaders in their countries, and they're the best Ambassadors to the way that we live here in America.

I would like to just take this opportunity to put my formal remarks, opening statement, into the record, and thank you again for your willingness to testify here today, and I want to recognize the Ranking Minority Member of the Subcommittee on Select Education, Mr. Hinojosa, for a statement that he may have.

[The prepared statement of Mr. Tiberi follows:]

Statement of Hon. Patrick J. Tiberi, Chairman, Subcommittee on Select Education, Committee on Education and the Workforce

Good morning, and welcome. Thank you all for being here today, and to our witnesses for taking the time to appear before the subcommittees to share your insights and experiences regarding current systematic operations that monitor international students attending postsecondary institutions in the United States.

Each year thousands of international students and scholars apply for visas to enter and study in the United States. The Student Exchange and Visitor Information System, commonly referred to as SEVIS, was initiated in July 2001 to collect and process information on foreign students, exchange visitors, and their dependents prior to their entering the United States, upon their entry, and during their stay. It became operational in July of 2002, and was required by all schools and exchange programs, and for all students by August 2003. Throughout the implementation of the system, problems have existed and were noted in a similar hearing in September of 2002. Today, we will hear about the current operation of the system, notable improvements, and outstanding issues associated with SEVIS and students visas.

Reports have referred to the U.S. visa process as a burden on foreign students, and cite the complex process as one of several reasons in the annual decline in foreign student applications for enrollment in U.S. postsecondary institutions. Recent reports, namely the GAO report released last June and another last month, also give praise to the recent processing times and significant improvements in the system, especially the Visa Mantis program. We will hear more from Mr. Randolph Hite of the Government Accountability Office on the performance of the system, the purpose of the Mantis program, and the analysis and conclusions of the reports. I am very interested to hear about the systematic operation from the consular office abroad to the postsecondary institutions here in the United States.

Institutions of higher education have also carried an important role in the implementation of SEVIS and the required reporting on each foreign enrolled student. Schools and exchange visitor programs manage the stays of foreign students, visitors, and their dependents throughout their time in the United States. Information continually updated in the system includes school attendance each semester, employment or outside training, and changes in U.S. residential address. I look forward to the testimony of two higher education professionals on the management of SEVIS at the campus level, and their experiences with its requirements and operation.

As elected officials, we must preserve the safety and security of our citizens. We also want to ensure that students from around the world continue to have access to the best education the world has to offer, and partake in our freedoms and ideals. I believe, as I know my colleagues believe that international students are enormously beneficial to this country and to the classroom. There is no better way to boost worldwide appreciation for democracy and market-based economics than to invite future international leaders to see it and live it for themselves—to give direct exposure to America and Americans. When foreign students and visitors return to their home country, they take with them a first-hand understanding of this country and its values. Certainly, some of America's strongest supporters abroad are those who have spent time in this country. Having said that, we must also maintain a responsible system that ensures those who wish to enter this country to study are doing just that, and are accounted for during their time here.

Again, I want to thank our witnesses for their willingness to be here today to update Members of Congress on these issues, and offer any suggestions where Congress can assist the efficient and effective operation of the SEVIS system.

With that, I turn to the Ranking Democratic Member of the Subcommittee on Select Education, Mr. Hinojosa, for any comments he may have.

STATEMENT OF HON. RUBEN HINOJOSA, RANKING MEMBER, SUBCOMMITTEE SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFORCE

Mr. HINOJOSA. Thank you, Chairman Tiberi. I also wish to acknowledge and thank Chairman McKeon and Ranking Member Kildee for their leadership in calling this hearing.

I want to say that SEVIS is very important to me also as it is to our chairman because I have seen the benefits that are derived in our universities by having the students from abroad as part of our education system. My wife studied in Italy. My daughters studied in Mexico. And so I know that that type of education is priceless. I welcome the witnesses, and I'm looking forward to hearing your testimony.

Our system of higher education in America is world-renowned. It's been a magnet for the top academic talent from all corners of the globe. According to a recent Times of London survey, the U.S. is home to 11 of the top 20 universities in the world. International education is a $13 billion per year industry that has kept the U.S. on the cutting edge of research and innovation.

However, in the post-9/11 world, we have seen our competitive edge in higher education slip. In the immediate aftermath of the terrorist attacks of 9/11, we had to confront fear and had to strengthen our national security. Thus, we established the Student and Exchange Visitor Information System, which I'll refer to as SEVIS. The new system faced many challenges from a rush to implementation to a major overhaul of the agencies responsible for issuing visas and managing the system.

I am pleased to learn that Immigration and Customs Enforcement has made some progress in implementing SEVIS. But I also understand that there are still areas for improvement, and a lot of information and data that our Committee needs to have so that we can move forward. We need to regain our lost momentum.

The international student market is increasingly competitive. We must ensure that our processes, while safeguarding our national security, do not discourage international students from seeking to study in our United States. I'm interested in hearing our witnesses' views on how we can achieve this mission statement.

The benefits of the global exchange of ideas on our college campuses are in our national interest, our economic interest and our national security interest. The President just appointed one of his closest advisers, Mrs. Karen Hughes, to the post of Under Secretary for Public Diplomacy, to enhance our nation's image abroad. So obviously the administration knows of the importance of what we're discussing in our Committee.

One of the most potent tools and long-lasting strategies to achieve this goal is to ensure that our universities and all these institutions of higher learning remain open to the best and the brightest around the world.

Again, I would like to thank Chairman Tiberi for calling this hearing, and I would like to thank the witnesses for helping us advance this discussion.

With that, Mr. Chairman, I yield.

[The prepared statement of Mr. Hinojosa follows:]

Statement of Hon. Ruben Hinojosa, Ranking Member, Subcommittee on Select Education, Committee on Education and the Workforce

Good Morning. I would like to thank the subcommittee chairmen for calling this hearing. I welcome the witnesses and am looking forward to hearing your testimony.

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We need to regain our lost momentum. The international student market is increasingly competitive. We must ensure that our processes, while safeguarding our national security, do not discourage international students from seeking to study in the United States. I am interested in hearing our witnesses' views on how we can achieve this.

The benefits of the global exchange of ideas on our college campuses are in our national interest—our economic interest and our national security interest. The President just appointed one of his closest advisors—Karen Hughes to the post of undersecretary for public diplomacy to enhance our nation's image abroad. One of the most potent tools and long-lasting strategies to achieve this goal is to ensure that our institutions of higher learning remain open to the best and brightest from around the world.

Again, I would like to thank the chairman for calling this hearing, and I would like to thank the witnesses for helping us advance this discussion.

Mr. TIBERI. Thank you. I thank the gentleman from Texas. We have a distinguished panel today. It's my pleasure to introduce Mr. Lawrence Bell. Mr. Bell currently serves as Director of the Office of International Education at the University of Colorado in Boulder. In this capacity, he oversees services to international students on campus and also assists immigration advising and other types of non-academic advising for international students.

Mr. Bell also serves as Vice President for Public Policy and Practice with NAFSA, the Association of International Educators.

I also understand Mr. Van Hollen would like to introduce the next witness to our panel, so I'd recognize the gentleman from Maryland for the purpose of introducing our next witness.

Mr. VAN HOLLEN. Well, thank you, Chairman Tiberi. And I want to thank you and Mr. McKeon and Mr. Hinojosa and Mr. Kildee for their leadership on this issue. And before I introduce a friend and I think a great leader in the state of Maryland and around our country, let me just say a couple of words if I might, Mr. Chairman.

As you and others have said, I think this is a very important issue. The fact of the matter is, we do have a big crowd of people in the other Committee I serve on, Government Reform, looking into the question of steroids use in baseball, and that is obviously a very important issue as well. But we should have a fuller room here, because the consequences of decisions made on the issues we're talking about are going to have very long-term consequences for our country.

Obviously, we want to keep people out of this country who seek to do us harm. That's in our national security. It's also in our national security interest to make sure that we have a strong economy and to make sure that we have a presence around the world and a positive image around the world.

And I've been alarmed by the statistics that have shown the rapid drop-off in the number of foreign students here because of the consequences it has on high technology sector, the consequences it has on our economy, and the fact that it's not just that we're not being made stronger, but those students are going somewhere else. Those students are going to our competitors, our economic competitors around the world. So what we're losing, they're gaining. And I think that if we don't correct the problem quickly—and the problem with this of course is perceptions.

Once perceptions take root, it becomes much more difficult. Even as steps have been made to make the process better, and I want to congratulate Assistant Secretary for Consular Affairs Maura Hardy at the State Department. We've worked with her and others to try and improve the situation, and they have. But we need to be very careful because of the signals that have been sent. We're going to have to work double hard to reverse the signals that have been sent that people may be more unwelcome here.

With that, Mr. Chairman, let me introduce the President of a great institution, the President of the University of Maryland at College Park. We were very lucky in the state of Maryland many years ago to be able to recruit Dan Mote, Dr. Mote, to the state of Maryland. He has dived in from the very beginning, an energetic leader. And as we talk about Ambassadors and how the people who learn here in this country are great Ambassadors for us overseas, he's a great Ambassador for the presidents of colleges and universities around our country. And I really look forward to his testimony.

So thank you for being here.

Mr. TIBERI. I also want to tell the gentleman from Maryland that you also recruited back to Maryland a good friend of mine, Britt Kerwin, who was with the Ohio State University, and we miss him.

Mr. VAN HOLLEN. Well, thank you. We are very happy to have Britt back, and we have a great team. The only thing we're going to be working extra hard on next year is to get the Terps in the NCAA. But thank you, Mr. Chairman.

Mr. TIBERI. Thank you. And I want to remind members that we will impose a 5-minute limit on all questions and remind the panelists that you have a red light system in front of you. And once the red light goes off, if you could wrap up your remarks. And I'll also remind you that your full text will be submitted for the record.

And with that, Mr. Bell, we'd love to hear your remarks today. Thank you for being here.

STATEMENT OF LAWRENCE H. BELL, DIRECTOR, OFFICE OF INTERNATIONAL EDUCATION, UNIVERSITY OF COLORADO, BOULDER, CO

Mr. BELL. Thank you very much, Chairman Tiberi. I'm going to begin by saying thank you to all of you for considering this very important issue. It is an important issue in education today, and we appreciate the time you're spending on it.

My name, as you have said, is Larry Bell, and I'm here as Vice President for Public Policy of NAFSA, the Association of International Educators, on behalf of our over 9,000 members across the country and around the world.

I've worked in international education for 30 years and am currently the Director of International Education at the University of Colorado at Boulder. I particularly enjoyed the comments about study abroad. We are an office that does both study abroad and international students. And so as an import-export office, I'm glad to see the export side represented here as well.

I want to begin by thanking you for taking the time to consider all of these issues, which are extremely important to our country. They are important to our institutions, since international students and scholars provide diversity of thought in the classrooms, laboratories and other places on our campus. They bring the best and the brightest from around the world and bring them to our doorstep. But they also offer an opportunity for some of us in some of our programs to provide top up enrollment for some very important academic programs on campus.

In addition, these students and scholars are important for our country because they contribute directly to our national security. These exchanges assist the government in the important area of public diplomacy, as we've heard alluded to before. And they contribute heavily to our economy—$13 billion. We are the fifth largest export, service sector export industry in the country.

I also want to thank you for inviting me to provide the campus and user perspectives on these issues. Institutions are concerned at the moment, because international student and scholar visits to the U.S. are down for the first time in my 30 years in this industry. As we've heard about the Council of Graduate Schools report with 28 percent down in applications last year, an additional 5 percent this year. Our association is currently in the middle of a broader survey that would look at both graduate and undergraduate enrollments and admissions to examine those numbers more closely. So perhaps we can contribute to your fuller accounting.

You asked me to address two specific issues, SEVIS and visa delays. And I did so in great detail in my written statement, but let me highlight a few things for you here. In a 2003 whitepaper from our association, and I have a copy here. I think it was submitted for the record, but I would like to do so if it hasn't been. And that whitepaper called for a unified visa policy that encourages student and scholar exchanges as a means of promoting national security. We have made progress on these recommendations, as you have heard before.

I do want to say thank you as well to the Department of State for all that they have done in this area. Former Secretary Powell, Assistant Secretary Maura Hardy and the folks that work in Consular Affairs have been very helpful in moving us forward in some of these areas. Priority has been given to students and scholars for interviews at posts around the world, and the electronic system for processing security clearances has also helped remove some of those delays.

The Visas MANTIS clearances that we heard about before have a disproportionate impact on higher education because they do screen people in the area of science and technology. However, the GAO report that many of you may have read shows that progress has been made, but there is more to do. Indeed, some of this may now be more perception than reality. However, in a business like ours, perception becomes reality. Many students and scholars are afraid to travel for fear of lengthy delays when they return home. We personally had a student who wanted to return home for a funeral in the family and made a choice not to go home because of a visa delay—his concern over a visa delay.

There continue to be a number of lengthy delays, particularly in science fields, for academics. SEVIS, let me begin here by thanking the people in the Student and Exchange Visitor Program for the cooperative nature of our conversations over the last year plus. Our association has worked very closely with them in terms of moving that forward. There does still continue to be problems in this tracking system.

I'm sorry. I lost my place. We do see a need to improve the coordination between Homeland Security and the agencies within—sorry—the agencies within Homeland Security. We need to have the capability of users to correct the data that they have entered. The system allows us to create records, but it doesn't allow us to correct even the simplest of errors. We need to keep in mind as well that the population that we're talking about here is only 2 percent of the total U.S. population of visitors on visas.

Last year has seen some marked improvement on both of these issues, and while we have made good progress, we still have a distance to go. Data fixes plague our ability to make SEVIS a usable system. The less frequent but still extended visa delays make it difficult to bring students and scholars to the U.S. for academic programs that benefit all.

Although, as I have noted, there have been improvements in the past year, the number of students and scholars have continued to fall. And perhaps I can shed some light on that question later. This is so for a number of reasons, one of which is that the fixes continue to be problematic in the system, another of which is that we

have increased competition from traditional sources of competition, like Australia, Canada and the U.K. We also have new competition in the form of English language programs being offered by German universities and Japanese universities.

In this country, we need to have a comprehensive strategy so that we can return to being the destination of choice for the world's students. To be clear about this, this strategy does not mean government funding or government programs. What it means is that we would love to have some help in the area of establishing a stakeholders conference to develop strategy in order to remain competitive with the rest of the world.

Thank you for the opportunity to address the Subcommittees, and I would be pleased to respond to questions.

[The prepared statement of Mr. Bell follows:]

Statement of Lawrence Bell, Director, Office of International Education, University of Colorado at Boulder, Boulder, CO

Thank you very much for the opportunity to testify before the joint subcommittees on an issue of considerable importance for our country

- Important because of the contributions that international students and scholars make to education, teaching, and research;
- Important because of the contributions that international students make to the U.S. economy—some 13 billion dollars in the last academic year, our fifth-largest service-sector export—spending that trickles down to innumerable college and university communities across the country;
- But important most of all because of the contributions that international students and scholars make to U.S. national security and international leadership.

Most if not all secretaries of state who have served since World War II would tell you that educating successive generations of future world leaders in the United States has been integral to U.S. leadership. Secretary Powell spoke frequently and eloquently on the point, and Secretary Rice has been no less vocal.

Most of our leaders who have borne responsibility for protecting U.S. national security would tell you that scientific exchange is—and long has been crucial for the scientific leadership that underpins that security.

I testify today on behalf of NAFSA: Association of International Educators, the professional association of some 9,000 international educators at the post-secondary level, of which I am vice president for public policy. And I testify on the basis of my on-the-ground experience as director of the international education office at the University of Colorado at Boulder, a vantage point from which I have seen the impact of visa problems and SEVIS problems first-hand.

The Highly Competitive International Student Market

In the past few years, pre-dating 9/11, the international student market has become highly competitive in part because of the development of higher-education infrastructure in other countries; in part because other countries recognize very well the advantages that international students bring, and they want some of those advantages for themselves.

I am a believer in educational exchange. I've worked in the field most of my life. An experience studying in England or Germany or Australia or Japan is as valid as an experience in the United States, and I don't begrudge any student the opportunity.

But as a country, we need to recognize that many of our competitor countries are implementing explicit strategies for enhancing their attractiveness and accessibility for international students. The United States has never had such a strategy, and we do not have one now. We've always assumed that everyone wanted to come here, so we didn't need to do anything to attract them.

Whatever validity that assumption once had, it lost it well before 9/11. You can document a 20-year decline in the U.S. share of the international student market. But this loss of competitiveness was masked by the fact that the absolute number of international students studying in this country kept going up, even as our relative share declined.

The Effects of 9/11

Now, however, our loss of competitiveness has been brought home to everyone by the market's reaction to measures our government put in place after 9/11. In the last academic year, we experienced the first absolute decline in the number of international students studying in the United States in 30 years. Enrollment surveys conducted last fall by my association and others suggest that we will see a further decline this year. The Council of Graduate Schools reported last week that international-student applications to U.S. graduate schools for the coming fall are down for the second year in a row.

I want to be clear. My association, my university, and I personally do not criticize our country's post–9/11 security measures. In the immediate aftermath of 9/11, when we did not know if another terrorist attack was imminent, it is understandable that emergency measures were put in place quickly, and not in the orderly fashion that one might wish for in normal times. We might have been critical of the ways in which it was done, but we all understood the need for action.

To its credit, our government recognized almost immediately that these measures would have to be adjusted and fine-tuned on the basis of practice. I believe that both State and DHS have been conscientious, generally speaking, in working with us to ameliorate the worst effects of these controls.

Having said that, much more needs to be done. The process of gaining access to this country for education and exchange remains too difficult compared to other countries, and SEVIS still has serious operational problems that unduly complicate the lives not only of university administrators, but also of students.

We have all heard many times the shibboleth that security trumps exchange. I respectfully suggest that that is not the right way to think about it. Exchange is part of security. Any measure that unnecessarily complicates access to or life in the United States for international students, without adding commensurately to our safety, undermines our long-term security.

Let me now speak to the two issues that you asked me to address: the visa situation, and SEVIS.

The Visa Situation

By 2003, it had become clear that the visa regime that had been put into place after 9/11 was not effectively serving the national interest in robust educational and scientific exchange. In that year, NAFSA released what I believe was the first set of recommendations for fixing this problem, and we updated those recommendations about a year ago.

Our white paper, entitled, "Promoting Secure Borders and Open Doors: A National–Interest–Based Visa Policy for Students and Scholars," identified four problems that needed to be fixed.

The first was the absence of an operational visa policy. In the uncertain, post–9/11 environment, it was very difficult to articulate a balanced visa policy. Institutional factors have compounded the problem. The legislation creating the Department of Homeland Security took "visa policy" away from State and gave it to DHS, with State retaining the consular officer corps that makes the day-to-day visa decisions. But DHS has lacked the institutional capacity to implement visa policy. The bifurcation of visa responsibility has not served us well. It's very difficult for a consular officer to know how to adjudicate visa applications in the absence of effective guidance. In that situation, extreme caution rules the day.

There's nothing wrong with caution. But caution is not a policy. Caution without guidance simply paralyzes the process, and leads to results that are not in our interest. Among them is the second problem that we identified in our white paper: the absence of focus. After 9/11, consular officers lost much of their discretion on how to process visa applications. As a result, much of the officers' time was wasted on routine reviews of low-risk applications. Well known scholars, who presented no security threat and who had been routinely granted visas for years, suddenly couldn't get visas, or found that processing their visa applications took so long that the event for which they sought admission was over by the time they received the visa. The number of visa applications from scientists that were sent to Washington for security clearances—the so-called Visas Mantis clearances—skyrocketed from about 1,000 in the year 2000 to more than 20,000 in 2003, and the review process broke down under the burden. All of this had the effect of keeping legitimate people out, and it damaged America's reputation for openness.

The absence of policy produced a third problem that we identified in our white paper. This is the one on which most of our colleagues have focused. Because of the excess of caution without guidance, decision-forcing mechanisms were removed from the inter-agency security clearance process that most scientists and people from Arab and Muslim countries have to go through. Because the agencies were over-

whelmed by the twenty-fold increase in applications to process—with no effective guidance on what they were supposed to be looking for—visa applications from these groups sat around until someone got to them, sometimes for months, occasionally for more than a year. This wreaked havoc on universities, because we couldn't get our scientists and scholars in when we needed them for the start of the semester, for example, or to join a research team in a scheduled research project. For Arabs and Muslims, it meant that many of them just stopped applying, unwilling to undergo the inconvenience, uncertainly, and indignity of the prolonged wait.

The fourth and final problem that our white paper identified was the most obvious, and that was the absence of the resources necessary to make this incredibly burdensome process function. There were not enough consular officers to perform the vastly greater number of duties that were now imposed on them. The databases necessary for agencies to do the necessary name checks and to communicate with each other did not exist. So the visa process just dragged on, while our civil servants tried to work around these obstacles.

Our white paper made specific recommendations for fixing these problems with no cost to safety or security indeed, we would argue, with a net benefit to safety and security, given that access for legitimate students and scholars is itself essential for our security. I have appended the white paper to my testimony, so you can review these recommendations in detail. In summary, we called for State and DHS to jointly issue effective policy guidance; for a greater focus on those who require special screening, and a faster track for routine applications; for the introduction of necessary mechanisms to produce a timely, transparent, and predictable interagency review process; and for an appropriate balance between resources and responsibilities.

The white paper attached to my resume also includes annotations that state the implementation status of each recommendation, updated as of February 18. I am very pleased to say that the State Department has worked hard and has been quite conscientious in trying to implement most of our recommendations, and a good deal of progress has been made. In particular, State has acted to give students and scholars priority in the visa process, to improve the transparency of the process, to improve training of consular officers, to extend the duration of the validity of security clearances so as to avoid having to re-clear the same people, and to add 350 new consular positions. Most important, State has essentially eliminated unreasonable delays in the processing of Visas Mantis cases. We have the leadership of Secretary Powell, Assistant Secretary Maura Harty, and her deputy, Janice Jacobs, to thank for this. On behalf of my association, I'm very pleased to extend those thanks publicly at this hearing.

However, it is also important to understand that much more remains to be done, as is evident from the several annotations to our white paper that cite no progress. In particular, we still have no articulated visa policy, and the relationship between DHS and State in the visa area remains dysfunctional. Congress has—unwisely, in my view—written into law 2003 State Department guidance requiring virtually every visa applicant be interviewed, a requirement that creates unnecessary inconvenience for many applicants and that condemns consular officers to spend countless hours in routine, pro-forma interviews of people who present no threat. There are still way too many applications being sent to Washington for Visas Mantis clearances, again adding unnecessarily to workloads and delays. Other possible ways that we have recommended to take some of the burden of routine processing off the shoulders of consular officers have also not been pursued. It is very important not to rest; we need to keep working on this.

SEVIS

The emergency implementation of SEVIS in 2003 was a major challenge for colleges and universities. My association strongly opposed implementation of SEVIS on an arbitrary, unrealistic timetable, before the administering agency was ready, and before the technology on which SEVIS relied had been perfected. The challenge was compounded by the fact that, in this crucial year, the agency that had created SEVIS—the INS was abolished, and responsibility for SEVIS implementation was transferred to a new cast of characters in DHS's Bureau of Immigration and Customs Enforcement (ICE). You could not have written a worse prescription for disaster, and that was pretty much what occurred.

However, once it was clear that this was going to happen to us, I am very proud of the way in which my association and its members rose to the challenge of getting it done. 2003 was a year of late nights and weekends and cancelled vacations for hundreds of our members at colleges and universities across the country who bore the responsibility for inputting the required international student data into SEVIS notwithstanding the fact that the technology for accomplishing this did not work.

I am also proud of the close partnership that we developed with ICE during this crisis year a partnership that continues to this day. NAFSA worked virtually daily with ICE to address the problems that arose. Although we are very far from where we need to be, we have weathered the worst of the crisis. We can report that a system for monitoring every international student and exchange visitor in the United States—the only population so monitored is now in place, warts and all.

Let me address first some of the positive things that ICE has done to help us get where we are today. ICE's first accomplishment was its response to the deadline for entering all students and exchange visitors into SEVIS. There was much trepidation as the August 1, 2003, deadline approached because, though the schools had worked tirelessly to create all the necessary records, some users had missed the deadline. ICE anticipated this eventuality and instituted SEVIS Response Teams to assist students arriving in the United States that fall. ICE worked closely with other DHS bureaus, schools, exchange programs, and the students themselves to resolve problems that arose at ports of entry due to incomplete SEVIS records.

In those early days of SEVIS implementation, there was a glitch in the system that did not allow the transfer of all SEVIS data to the State Department. Students and exchange visitors who had SEVIS records were being turned away at the consulate because consular officers could not issue visas if they could not access the SEVIS record. While working towards correcting the underlying technological issue, ICE implemented a system to allow students and exchange visitors to email the SEVIS Help Desk to correct the problem.

As technological and system function problems have been identified by the agency or from collaboration with the SEVIS user community, ICE has made improvements through a series of new software releases. This process is ongoing, with two more releases already on the horizon.

Changes in the SEVIS process were required to prepare for the September 1, 2004, deadline to implement the SEVIS fee payment. The higher education community was quite concerned about the ability of international students to pay this fee by the two means allowed (check or credit card). ICE worked with the community to assess the possible challenges, while also creating a third alternative option for fee payment. To date we have not heard of significant problems with implementation of the fee although the existence of the fee itself does not help our competitiveness, considering that no other country imposes a comparable fee.

The SEVIS fee payment system is an excellent example of an area where ICE continues to excel—outreach. I'd like to acknowledge ICE for its efforts in working with the international student and exchange visitor communities. From day one, ICE has been very responsive to our concerns, and this partnership has been instrumental in the progress that has been made.

However, serious problems remain. The three main areas requiring resolution are coordination within DHS and with other agencies, correcting SEVIS data, and reinstatement of status.

Although SEVIS is housed in ICE, the data in the system are entered by different groups of people, uploaded from and to other databases and systems, and relied upon by a number of different agencies. This requires a high level of coordination within DHS and between federal agencies—a level that has not yet been met. Decisions that require the input of more than one agency often languish, which is especially true in areas requiring ICE and the State Department to collaborate. Decisions regarding the delegation of authority for SEVIS policy must be made to ensure the efficacy of the system.

Accuracy of the data in SEVIS is of paramount importance, but because the data are entered by people—millions of entries per year—data-entry errors are inevitable. The present process for correcting the data is unworkable. Backlogs and protracted delays in correcting the data mean that SEVIS maintains incorrect records for months at a time in some instances. Changes in plans (for example, a student who was to return home after graduation decides to stay and enter a Ph.D. program instead) or minor issues (for example, an incorrect notice to an international student advisor that that a student has dropped below a full course load) can precipitate a months-long process to correct a SEVIS record.

Complicating the system, there is no direct link between records of pending data fix requests and existing SEVIS records. This means that an international student, scholar, or exchange visitor who is in status but has a data fix pending may be in jeopardy of enforcement actions, denial of entry, or denial of a benefit. Without a connection between the two, agencies that have access to SEVIS data are not made aware of pending data fixes. International students and scholars who are in compliance with SEVIS requirements but have a pending data fix request are often afraid to leave the United States, even to return home for a short visit, for fear that the incorrect information will lead to problems returning to the country.

Data-fix requests for exchange visitors—those who are here on J visas—have an additional layer of complication. All data fix requests are made to ICE's SEVIS Help Desk. Those pertaining to exchange visitors are then transferred to the State Department for a decision on the requests. State then informs the ICE of its decision and the correction is made by ICE within SEVIS. This process has caused extended delays in corrections in SEVIS for J visa holders, due principally to the failure of the State Department to devote the necessary resources to the problem, with some now pending for over a year. And bear in mind that for that entire time, these people are technically out of status, even though they have done nothing wrong. I must tell the subcommittees in all candor that I think it is irresponsible for these two agencies to pass the buck for solving this problem back and forth while the exchange visitors remain in legal limbo.

Additionally, technical problems with SEVIS record maintenance have created a new category of immigration status violation for international students, scholars, and exchange visitors who have not in reality violated status. For example, if a student's SEVIS record is incorrectly terminated, that student must file for a reinstatement of status with the United States Citizenship and Immigration Services, with an additional fee to be paid by the student, even though the termination was in error.

The solutions to these problems are not difficult. The problems are the result of bureaucratic dysfunctionality, not the intractability of the problems themselves.

The beginning of the solution is to recognize the difference between SEVIS status and immigration status. Violation of immigration status is a serious matter requiring reinstatement of status. The petition for reinstatement is made to DHS's Bureau of Citizenship and Immigration Services (USCIS). Treating SEVIS record glitches as requiring reinstatement of status is inappropriate overkill. It requires USCIS to process multitudinous reinstatements that are not really reinstatements at all, but merely data fixes, and it requires additional work by the student or scholar as well as payment of another needless fee. Data fixes should be done by ICE or the SEVIS users.

The solution to maintaining correct data in SEVIS requires two significant changes: first, granting schools and exchange visitor programs the authority to correct SEVIS data errors, and second, creating a coordinated policy for SEVIS record correction without distinction between J, F, or M records.

Allowing authorized SEVIS users to correct errors in SEVIS will free ICE from the mundane job of fixing data and, therefore, accord the agency more time to focus its resources on enforcement efforts that target those who have truly violated immigration law. Hiring more people to man the SEVIS Help Desk, creating bureaucratic work-arounds, or passing the buck to another bureau, are not constructive approaches. The answer lies in relying on the authorized SEVIS users to fully maintain the records they create.

The ultimate goal is to have the most accurate data in SEVIS. Presently, the split in authority over data corrections stands in the way of this goal. Though the State Department has jurisdiction over exchange visitor programs (J visas), there must be a coordinated policy to ensure that all records have the most accurate data. Moving forward, State and DHS must work together to create policies that apply to all visa types represented in SEVIS to ensure the system is optimally effective.

NAFSA is encouraged by the improvements that ICE has made within SEVIS, by the current work to continue to improve it, and by the commitment to working with the SEVIS user community. But we are a very long way from where we need to be. I hope that the subcommittees will continue their oversight until the necessary improvements are made.

The Need for a Comprehensive Strategy on International Students

Let me conclude by stepping back and looking at the bigger picture. There is no question that America's reputation as an attractive place for international students to study took a big hit after 9/11'due partly to visa issues, partly to SEVIS issues, and partly to broader factors that affected our overall image in the world. The most affected fields were the scientific fields, because of increased concern post–9/11 about foreign access to advanced science and technology. The most affected countries and regions were China, because most Chinese students want to study science, and the Middle East, because of increased scrutiny of Arabs and Muslims. But the effects were not limited to these fields and these countries; they were across the board.

The question to which no one knows the answer is: Is this a temporary blip, or the beginning of a longer-term trend? And of course, we won't know for some years. But that doesn't mean we do nothing until definitive data are in. No business that

ignores signs that it's losing its market until it has definitively lost its market will be in business very long.

We do know that we face a long-term trend of increasing competition, both from other receiving countries and from the development of educational infrastructure in the sending countries. The international student market is going through a period of rapid change, which makes prediction difficult. Interestingly, as the market diversifies, our traditional competitors—the United Kingdom, Canada, and Australia are facing come of the same challenges we are. Following are some characteristics of this rapidly changing market.

Customers are becoming increasingly demanding and discriminating. A growing number of resources are readily available for students across the globe to compare the merits of different countries competing for international students. Students looking to study in a foreign country are more educated on their options and are more able to balance the benefits they are looking for, be it lower cost, a prestigious degree, better job opportunities in the home country or abroad, or immersion in a specific country's culture.

Trends in Chinese education are very important. Analyses of enrollments in Australia, Canada, and the United Kingdom all include reference to the impact of Chinese students in prior growth and concern about present dramatic drops in Chinese enrollment in Canadian and the British schools. Importantly, five years ago China reacted to the intense competition for spaces in the Chinese higher education system and instituted reforms that increased the number of slots available. Chinese law was also changed to require state-owned banks to provide interest-subsidized loans to students to help cover education costs. Both of these government actions have made the prospect of education at home more attractive to Chinese students. Additionally, a growing number of Chinese students who study abroad are finding it difficult to find employment when they return home after studies. Employers find large numbers of job seekers who have studied abroad and now place a bigger premium on finding applicants with experience working abroad. Study abroad is expensive, and without the promise of a good job upon returning home, more Chinese students are choosing to stay home and take advantage of new government programs.

Growth in non-traditional markets. A growing number of countries have begun to see the value of the international student market. There has also been an increase in non-traditional countries—Finland, France, Japan, Singapore, Germany, and Poland—offering English language programs, which increases their competitiveness in the international student market. (By contrast, the U.S. intensive English industry is in rapid decline because of visa problems, the SEVIS fee, and other factors.) Continued growth in international students is projected for the Asian markets, and many of those countries are encouraging students to stay home for their education while encouraging students from other Asian countries to study there. For example, Japan has grown to be the top destination for Chinese students. Singapore is actively marketing itself in countries like India and Indonesia. German universities have begun to offer degree programs in English and partially subsidize international student enrollment. The non-traditional markets offer an increasing quality of education at a far lower cost than countries like Australia, Canada, and the United Kingdom.

Despite the dynamism of the market and the challenges it presents for the traditional destinations, this is a competition in which we can do well but only if we compete. We have internationally recognized universities, and we have by far the greatest higher-education capacity in the world. But the days are long gone when we could just sit back and wait for the students to come. The stakes are too high. If we have a national interest in continuing to attract international students—and the consensus is that we do—then we require a national policy for doing so.

Two years ago, my association released the report of its task force on international student access, entitled, "In America's Interest: Welcoming International Students." This report is appended to my testimony. Our task force recommended a comprehensive national strategy for attracting international students.

Our use of the phrase "national strategy," as opposed to "government strategy," was deliberate. We do not believe that this is something government has to do for us. We believe higher education institutions, their associations, and the private sector must all come to the table and commit resources to such a strategy. But the leadership of the federal government is crucial. The whole concept of a national strategy is an oxymoron unless our national government brings us together to devise it and to agree on how to implement it. And there are some things that only government can do: Only the government can provide for coordination of the efforts of federal agencies, which is now entirely lacking; only the government can change the visa requirements.

We have called upon President Bush to convene a stakeholder conference for the purpose of launching such a national strategy. His message should be: All the stakeholders can come to the table, but every stakeholder has to bring something to the table. And then we need to go back home and get it done. We would value the support of the subcommittees, and Congress as a whole, for this proposal.

That concludes my statement. I will be pleased to respond to questions. Thank you.

Mr. TIBERI. Thank you, Mr. Bell.

Doctor?

STATEMENT OF DR. C.D. MOTE, JR., PRESIDENT, UNIVERSITY OF MARYLAND, COLLEGE PARK, MD

Dr. MOTE. Thank you very much, Mr. Chairman. I would just like to say at the outset that I concur completely with your opening remarks, Congressman Tiberi and also Congressman Kildee and Hinojosa also, as well.

My name is Dan Mote, as Congressman Van Hollen told you, I'm here representing not only the University of Maryland but also the American Association of Universities, the group of the largest research universities in the country, including Ohio State, by the way; the American Council on Education, of which Britt Kerwin is the president at the moment; and the National Association of State Universities and Land Grant Colleges.

I won't talk about security being our top priority or how we want to attract the best and the brightest. I think that's been repeated often enough at the moment because of the limited time. Let me just point to this alarming decline in graduate applications. Twenty-eight percent nationally last year, 5 percent nationally this year. By the way, 37 percent last year at the University of Maryland, and 5 percent this year at the University of Maryland.

Out of 3,500 universities and colleges in the country and about 200 major research universities in the country, this is a very serious problem. The Educational Testing Service in fact said "the bubble has burst on foreign student enrollments." It pointed out that expected registrations for the GRE exams required for most graduate programs would be down 50 percent in China, 43 percent in Taiwan, and 37 percent in India.

Of course, as was mentioned by my colleague to the right, Canada, Australia, and Europe are taking advantage of our unfriendly circumstance here to promote recruiting of graduate students very successfully. And while the worldwide population of graduate students has increased, our absolute numbers have decreased. And I would like to suggest that the problem isn't the number of graduate students. So as you check the numbers of graduate students, we could fill our country up with graduate students.

The problem is getting the best and the brightest of the graduate students out there to come here. So look for the best and the brightest. Don't look for absolute numbers. Because as a percentage, as our student population goes down, and as the world population of graduate students goes up, we can just count on the fact we're getting a lesser quality graduate student on average coming to our country, which should alarm us all.

I'd say the three reasons I have found for this decline in graduate populations, one of them is partly our fault, and two are not our fault except in our absence of adequate response.

The one that's probably partially our fault is the visa difficulties and the unfriendly atmosphere that we have created, and I'm not suggesting we shouldn't have done so. But nonetheless, it's been within our charge. We've talked about that.

The second is the aggressive competition elsewhere in the world and the attractive sponsorship for graduate students applied to this population by other countries. The United States graduate schools have not been aggressive in the recruitment of international graduate students. They came here because we were the only game in town. They had no choice. No matter how badly we treated them, they came anyway.

That game has changed entirely, and our country hasn't quite understood that completely at this point. It's a very competitive environment now, and we need to be more effective in our competition against people who are using our security circumstances to essentially convince graduate students to go elsewhere, and they are. There are more Chinese graduate students in Europe than there are in the United States at the moment.

Third, countries around the world are working effectively to retain their own students instead of having to go abroad. They realize that there's no benefit to them to send their best students to the United States or to other countries around the world if they want to build their own economies. And since 3 billion people have joined the market economy in the last 15 years, and since everybody wants to build a great market economy these days and build great graduate schools, many countries around the world are seeing the necessity of keeping their own talent at home.

In Taiwan, for example, before a student can go overseas for graduate study, they must complete their military service first. However, if they go to graduate school in Taiwan, they are exempt from military service, a subtle difference shall we say. In fact, last fall I was invited by the president of National Central University in Taiwan to speak to their students about why it was important for them to have graduate education. You can think about the implications of that. In my lifetime, I never thought I would be asked that question.

The SEVIS system works reasonably well. The batch processing system ties into our data bases. It actually works very well. They are to be congratulated. There are a couple of things that need correction, however. As has been mentioned twice, the automation of the system works well until errors occurred. And I won't go into what the problem is. There needs to be a fix where a designated official at the university can make these changes, and they can report back to SEVIS what the changes are in due course, and that would work.

Second, SEVIS does not report back to universities when changes in immigration status of students occur. So whether they get a green card or whether they go home, the universities never find that out, and we end up tracking students when we shouldn't be.

Visa processing has improved greatly, as has been said, and we agree with that. However, the difficulty for returning students has

been talked about, it remained very great. My own graduate student, by the way, Chinese graduate student, went home in December to see his parents and could not return until the end of February because of visa processing.

We had another graduate student, a Colombian man—when his Danish wife went to Colombia in December and could not return until the middle of February for reasons of visa qualification.

Whether it's necessary or not, I don't really know. I can't imagine at the moment that they are in these cases, but there's a certain fear of not being able to return at all, and therefore, all the conversations about discouraging scholars from going overseas or coming here to begin with and the unfriendly atmosphere are all very true, and they are true today. And this may be part of the declining atmosphere for graduate students in the United States.

Scholars in general outside of students have difficulty getting visas. So the problems of scholars coming to do work with our universities remains difficult. That has not been solved.

A couple of recommendations to consider. I think we should pursue changes in the visa reciprocity agreements where we could have multiple entry and longer duration of visas with other countries.

Second, we definitely must work on a growing perception that the international students and scientists and scholars are really unwelcome in this country. That still persists.

Third, we must talk about extending improved visa processing to visiting scholars and technical research visitors to this country.

Fourthly, we might consider extending the Visas MANTIS clearance to 3 years instead of 2 years for a more welcoming and friendly environment. They're probably not less qualified for the extra year than they are for the first 2 years.

And as has been suggested, for many visitors on valid visas to take courses at universities, at least some courses, like English language courses, would be very helpful I think to our country and to our universities and to the friendly atmosphere we want to create.

I think this whole trend in graduate applications is really dire for our technical enterprise. Just as a point of observation, we have 193 members of the faculty in our College of Engineering. One hundred and one of them are foreign-born, U.S. educated; the dean, foreign-born, U.S. educated. Fifty-two percent of the graduate students are foreign-born. In our science colleges, 45 percent of the graduate students are foreign-born. Both deans, foreign-born, U.S.-educated.

I mean, this is fairly typical across the United States. If we start getting lower quality people and fewer of them, in this market economy that we're in, we're in tough shape in this country—our security is in tough shape, and certainly our economy and way of life is in tough shape.

Competitors are emerging daily: China, Korea, Japan, Australia, India, EU, Russia. You cannot name a place in the country that's not building a great—anyway, we have to realize, we're in a competitive fight here, and it's very, very tough, very tough. And so we need to get our own barriers—get out of our own way as much as we can and preserve our security.

And corporate America is not going to come to save us. Corporate America is now corporate world.

Mr. TIBERI. Doctor, can you wrap up?

Dr. MOTE. I've wrapped up.

[The prepared statement of Dr. Mote follows:]

Statement of Dr. C. D. Mote, Jr., President, University of Maryland, College Park, College Park, MD

Chairmen McKeon and Tiberi and Subcommittee Members:

My name is Dan Mote, and I am president of the University of Maryland at College Park. I appreciate the opportunity to testify at this joint hearing of the House Subcommittees on 21st Century Competitiveness and Select Education on an issue of concern to the entire higher education community, the impact of the Student and Exchange Visitor Information System (SEVIS) program and other foreign student visa-related issues on this nation's academic and research enterprise.

Because of the interest in this issue, I appear before you representing the Association of American Universities (AAU), the National Association of State Universities and Land–Grant Colleges (NASULGC), the American Council on Education (ACE) as well as the University of Maryland. The entire higher education community believes that SEVIS is only one part of a broader problem in the post–September 11 environment for international students and scholars in the United States.

Protecting our citizens is the top priority. Universities and colleges are committed without reservation to serving this interest. To that end, we fully support careful scrutiny of those entering the United States, including those who will study and conduct research. We also have an historical responsibility to deliver the highest quality education and research programs that keep the nation strong and competitive. This goal is under its greatest challenge in half a century.

Our nation and its colleges and universities pride themselves on attracting the world's brightest students. Their presence in science and engineering has helped make the United States the world leader in technology and innovation. We are deeply concerned that America is in danger of losing the edge in brainpower and other advantages we have enjoyed since World War II as a result of our diminished opportunity to attract these students and scholars.

At the same time, those who have studied in the United States serve as our nation's best ambassadors. The opportunity to learn about our democratic form of government, our history, culture, and values fosters an understanding and admiration of our country that is more crucial than ever. Undue restrictions that hinder our ability to recruit outstanding talent from other nations threaten our technical and economic strengths and also our diplomatic efforts as well.

Alarming Decrease in International Students at U.S. Universities

Over the past year, media reports have highlighted the alarming decreases in the applications and enrollment rates of international students at our colleges and universities. International applications at the University of Maryland were down 37% last year and another 5% this year. Nationally, these decreases are 28% and 5% respectively.

The Educational Testing Service (ETS) analysts declared recently that the "bubble has burst on foreign student enrollments." The number of international students registering in 2004 for the Graduate Record Exam (GRE), which is required for admittance to most graduate programs in the United States, was predicted to drop by 50% for Chinese students, 43% for Taiwanese, and 37% for Indians. Reforms in the administration of the test in China and elsewhere account for some of that decrease, but the drop in registration occurred in all countries—a clear indication that international students are turning away from American schools while universities in Canada, Australia, and Europe are increasing enrollments.

We believe the decrease in international student applications and enrollment is due to interrelated factors:

- First, increased difficulties obtaining visa approval from the United States following 9/11, along with implementation of the SEVIS program, have contributed to a perception that international students are no longer welcome here;
- Second, other nations have seized this opportunity to recruit the most talented students to their universities; and
- Third, countries that have sent many students here are working to keep their students at home with better opportunities for research and post-graduate jobs as well as policies intended to squelch what they perceive to be a brain drain to the United States.

Assessment of the Student and Exchange Visitor Information System (SEVIS) and Recommendation for Improvement

After a difficult initial implementation, the SEVIS system appears to be working reasonably well. At Maryland, the batch system within SEVIS ties into our University database, due in large part to the extraordinary effort of our Office of International Education Services and our technical people.

Problems with SEVIS are mainly related to technical matters and costs.

Correction of Errors: Automation of the system works well until a technical or human error occurs. Personnel at the University are not able to correct errors, even those that mistakenly put a student in violation of SEVIS status, but must request immigration personnel to correct them. The correction can take months, and often students graduate before the "fix" occurs. SEVIS does not have sufficient personnel to deal with these corrections.

Recommendation: SEVIS should qualify a Designated School Official at each institution to correct technical errors and report the changes on a specific schedule.

Colleges and universities have paid substantially to support SEVIS, both in personnel costs and in building sophisticated web delivery systems. At Maryland each international student requires verification of information including course enrollment each semester in order to meet the reporting requirements of SEVIS. The international student advisers spend all their time ensuring that the University and students are in compliance with SEVIS. They have almost no time for counseling or enhancing the experience of international students on the campus. The burden is very high.

The problem of payment of applicant fees has been addressed satisfactorily by the DHS Bureau of Immigration and Customs Enforcement (ICE), and we appreciate their cooperation in this area. The $100 fee, though necessary, is a burden. At the University of Maryland, we believe the fee makes the difference in a student's accepting an offer of admission. We consider it so serious that we commit $50,000 a year to ensure that this fee will not prevent top international students from enrolling at the University.

Finally, our Office of International Education gets no reports back from the SEVIS system. It would be extremely helpful if SEVIS would provide universities with regular statistical reports reflecting activity of students and notification of changes the students make to their immigration status outside the institution, for example, achieving permanent resident status, which would allow us to delete students we should no longer be tracking from the system.

Improvements to Visa Processing

I have briefly outlined the dangers to our nation if we fail to attract the best talent internationally to our universities. The media and the federal government have highlighted the difficulties international students have experienced with respect to visas, including the lengthy delays that visa applicants have endured.

Because the problems were so great and the implications so troubling, in May 2004 under the auspices of the Association of American Universities and the American Association for the Advancement of Science, the major national associations representing the academic and scientific communities in the United States submitted to government and congressional leaders a statement with recommendations for alleviating a number of the problems with the U.S. visa system without compromising national security. This statement is attached. Because of the cooperation between academia, the scientific community, and the Administration, as well as strong interest and pressure from many members of Congress, several recommendations offered last spring have been adopted and others are under review.

On behalf of the higher education community, I want to thank the Administration, especially the Departments of State and Homeland Security, for welcoming our suggestions and working with us to address many of our concerns.

As a result of the adoption of recommendations and other actions by the Departments of State and Homeland Security, the visa process has improved. Last month, the GAO noted that the average time to process a Visas Mantis clearance is approximately 14 days, down from the 67 days it took a year before. The State Department has increased resources to cut processing time, and it was recently announced that the length of Visas Mantis Clearances has been extended so that international students working in certain science and technology fields will not have to undergo repetitive security checks. The State Department's appointment system giving priority to students helped get students into the Consulates. At Maryland we had many fewer visa problems this year than last year.

The visa application process is still disruptive to people in continuing programs. We and other universities have many students in graduate programs who are reluctant to return home because they might not be able to return by the following se-

mester. A couple at Maryland in agricultural economics was caught in Bogotμ, Columbia when they went home for a vacation. The husband was Columbian, and the wife was Danish. Both were in the middle of their courses of study and had been required to obtain security clearances, which they did. They left in December and could not get back into the country until a month into the Spring semester.

Our Chinese students are reluctant to go home because they are required each time to obtain a new visa before they can return. At Maryland we have over 800 students from the People's Republic of China. Some of them need to go home for research, emergencies, or for family reasons. Their perception is they may not get a new visa. If they do get a new visa, they may be subject to arbitrary delaying procedures. My doctoral student in mechanical engineering made the apparent mistake of visiting his parents in China during the winter break. He left this country for China in the last week of December and was scheduled to return at the end of January for the beginning of the Spring Semester. Before renewing his visa, the U. S. Embassy requested extensive new descriptions of his research (he took with him a one-page description). Then another document was required verifying that he was still enrolled in the program. After lengthy delays and numerous interchanges, he returned to Maryland on February 21st, a four-week delay. Unfortunately, this is a success story.

Is there any merit to these delays for students who have already been cleared to study in the United States? Word spreads. Once the pipeline closes or is severely restricted, it may dry up completely. We already know that students and scholars who have experienced significant delays or hardships as a result of changes to the U.S. visa system tell others coming along not to bother applying here. The United States does not want you. The international students and scholars we keep out, or scare away, today will be the world's leading scientists, engineers, and doctors of tomorrow. In past years they chose to make the United States their destination, much to our benefit.

Recommendations

1. The government should pursue changes in visa reciprocity agreements between the United States and key sending countries, such as China and Russia. Current reciprocity agreements with some countries require students and scholars to renew their visas multiple times during their stays here, because U.S. citizens are subject to similar restrictions in those countries. We should seek to extend the duration of visas each country grants citizens of the other and to permit multiple entries on the same visa.

This change would significantly reduce the number of times that visiting international students and researchers must renew their visas and would permit the government to focus its limited security resources to clear persons seeking to enter this country for the first time and not on repeat visitors who have been already screened.

2. We must fight what appears to be a growing perception that we no longer welcome international students, scientists, and scholars. Our nation must make it clear that the U.S. treasures international scholars and scientists. The problem is broad based and attention must be paid to all groups of scholars and scientists who were so welcome in our universities in previous times.

3. The very helpful improvements made in the processing of student visas have not been extended fully to visiting scholars and scientists. I strongly urge that this be the next step.

4. In particular, visa mantis clearance should be extended to visiting scholars for up to three years instead of the current two.

5. We regret also that people in the United States on valid visitors visas are no longer allowed to take any courses at university or colleges, not even English language, and we urge reconsideration of this prohibition.

Conclusion

We need to remind ourselves that three billion people have joined the worldwide, free-market, knowledge-based economy in the past 15 years. The competition for human capital is absolutely fierce. Our economic future and security depend on our successful competition for human capital.

If the trend in international student applications is not reversed, the implication for the future of our science and technology enterprise is dire. Consider the extent to which our research universities have depended on our past open-armed welcome of the best talent from other countries. In our top twenty school of engineering we have 193 tenured tenure/track faculty; 101 of them are foreign born. The vast majority did their graduate work in the United States. Currently, 52% of our graduate students in engineering are foreign born. The Deans of the Colleges of Life Sciences, Computer, Mathematical, and Physical Sciences and the A. James Clark School of

Engineering are foreign born and U.S. educated, and 45% of science graduate students are foreign born.

These data are not an aberration. One only needs to extrapolate to the engineering and science schools throughout the country to get a sense of the enormous impact fewer international students would have on the nation's research and technology enterprise. Consider the lost opportunity by not attracting the right people, the most talented people to work in our industrial, commercial, educational, and research enterprises. Other nations are competing effectively for those scientists and will gain technological advantages, weakening our economic and technological position and our security.

New contenders in the fiercely competitive environment of higher education emerge daily. China has set a goal to greatly increase over the next decade the number of universities, and some will be of world-class stature. Taiwan and Japan also plan to build top universities. Though most of the world's top universities are currently in the U.S., many are determined to change this balance, and they probably will. To remain competitive in the coming decades, we must continue to embrace the most capable students and scholars of other countries. Our security and quality of life depend on it.

I thank you again for this opportunity to appear before your today. I would be glad to answer your questions.

Mr. TIBERI. Thank you for your very emotional testimony as well. We obviously can see that you're very concerned about it.

I'm going to go a little out of order and recognize the gentleman from Texas.

Mr. HINOJOSA. Thank you, Mr. Chairman. I appreciate that you allowed me to ask a couple of questions and excused me because there are Committees that are meeting now and I'm going to have to be excused after I have this dialog with Mr. Bell and Dr. Mote.

My first question is to Lawrence H. Bell. SEVIS technology has improved over the last 2 years, but why do you think that basic administrative and coordination functions persist?

Mr. BELL. It's my impression, and thank you for the question. We see the interactions between the various agencies at DHS, at least from our perspective. There are a great deal of data fixes waiting to be processed, and many of those data fixes end up throwing students out of status. When the student is out of status, he or she needs to apply for reinstatement to status. That creates more work for the citizenship and immigration service part of DHS. And there doesn't seem to be very good communication, again from our perspective, between those two parts of that agency.

It's also the case that a number of the data fixes that are waiting to be processed are—and data fixes, by the way, are waiting as I understand it, in the thousands. Certainly we have a number of them that have been waiting for months. So the data fixes that are waiting, some of them are also for exchange visitors, and exchange visitors must be processed by state.

And so there is not a good communication, again from where we sit, there's not good communication between State and Homeland Security on data fixes, and that creates a problem for us.

Mr. HINOJOSA. Would it help if some high-ranking person from the administration were to ask Homeland Security agencies, be they Customs or Border Patrol, whatever section needs to get involved, for them to give this a higher priority?

Mr. BELL. That would be a very big help for us, because it would encourage the cooperation between agencies that we thought was going to come as a result of SEVIS simply being implemented.

Mr. HINOJOSA. I thank you for your response. I'd like to ask Dr. Mote, Jr.—and before I ask my question, sir, I want to say it's refreshing to hear someone who knows and understands this problem we're discussing as well as you do, and that you not only give us your point of view, but you give us some things that we should be looking at as possible solutions.

So let me say that for many foreign students, the U.S. intensive English language programs have been crucial for their academic success. My area, University of Texas schools along the Texas border, be that at Edinburg or at Brownsville or El Paso, have expressed their concerns. And they're asking us why—find out why you think that this sector is in rapid decline and how this can be reversed.

Dr. MOTE. If I understand that question correctly, we certainly need to open up our opportunities for education for international students, and the programs—I was referring to programs for visitors who are here on valid visas who would want to participate in courses at universities. Right now, if I understand this correctly, they were not allowed to do that. We're not allowed to give English language courses and various courses to visitors who are not here on student visas.

And so I think it's very important for our country, not only the friendliness of our country, but also as a service to building a better understanding of democracy and our values to be able to serve the various populations that are here.

Mr. BELL. If I might contribute to the answer.

Mr. HINOJOSA. Yes. If you want to chime in, Mr. Bell, please do.

Mr. BELL. My first 15 years in the business were spent as an ESL teacher and program director. It's an area that I'm still very familiar with.

I think one of the issues is that it is possible for people to come to the United States for short periods of time on a tourist visa, for example, and those people can't enroll in an English program now because it's prohibited, as he said, for them to study while they're on a different visa type. And so English language programs are having difficulty filling classes because those short-term visitors are gone. It takes too long for them to get an F-1 visa through the process that that requires. By the time they've got the visa, their need to study English has been reduced, and in some cases has diminished completely.

Mr. HINOJOSA. OK. Well, I thank you. And Mr. Chairman, thank you for allowing me to ask my questions. And it's a pleasure to have all of the panelists that we had, first and second, and we welcome you back. Thank you.

Mr. TIBERI. Recognize the gentleman from Michigan.

Mr. KILDEE. Thank you, Mr. Chairman. Thank you very much. Mr. Bell, you have mentioned that we have no articulated visa policy and that there are severe dysfunctional areas between State and DHS. Are you more concerned about administrative and technology issues or policy issues?

Mr. BELL. I guess my concern is in both areas. The policy issue would have to do with the fact that there is no articulated policy, and we don't—it seems like one hand is saying stay away and the

other hand is saying come in. And so there are some policy issues that I think would clarify that.

But it is also, in my view again, a communication issue between State and DHS in this very important area.

Mr. KILDEE. The fact that there are two different departments, does that create a problem or does that help checks and balance?

Mr. BELL. Again, in my view, I think it creates a problem, because there is, again, from what I see, it seems like that the two are not getting along in this area. And so there's not a clear way to know what the direction is.

Mr. KILDEE. As a corollary to that question, we got a certain vagueness as to numbers from the previous panel. They're kind of baffling and mysterious almost as if they didn't want to give the numbers. Can you help us some on that? Has the rate of growth, for example, slowed since 9/11, and should that be taken into consideration? Has the objective numbers increased or decreased? Do you have anything to help clarify that for the Committee?

Mr. BELL. I think I can lend some clarity. The numbers that he was using, I believe he said they were for F, J, and M visas. That would include all J-1 visitors, which are not always included in student numbers. It would include M visas, which were not included in the report from the Institute for International Education that the State Department was using.

So there are different reports on different visa types that may have created the confusion over number. I and my association would be happy to provide an accurate list of what those numbers are. But they were for different visa types, I think is what the issue was.

But the absolute number, this is the first time that the absolute number in 30 years has gone down.

Mr. KILDEE. The absolute number has gone down?

Mr. BELL. Yes.

Mr. KILDEE. It's more than just a slowing down in the growth, then, right?

Mr. BELL. Correct.

Mr. KILDEE. The absolute number has—

Mr. BELL. Last year we saw a slowing down in the growth, and this year's numbers actually—the numbers were reduced.

Mr. KILDEE. Do you think that in general the system that they're working on, and apparently is still in process, is—has hope for success to really achieve what we really want as policy in this country?

Mr. BELL. I believe that it does. But again, what we must remember is that this is 2 percent of the total population. So in terms of understanding where people are within the United States, it helps for this 2 percent. We're doing a very good job of tracking a very small population. But in terms of will the system work and will it provide the information that's necessary? I think it has the chance for success.

But at the moment, it's operational, but I wouldn't call it working, particularly with data fixes, there's a huge number of data fixes, which means there is inaccurate data in the system because somebody's status may have changed, their course program may

have changed. And so there's a lot of erroneous data laying out in the system as a result.

So it has a chance for success, but at the moment, I would say it's not successful.

Mr. KILDEE. Dr. Mote, do you have any comments on any of my questions?

Dr. MOTE. No. I think it's fairly clear. I mean, 49 out of 50 foreign people in this country are not on the system or are not students. In terms of overall security, I don't know if you really would put your security hopes on a 2 percent fix of a potential problem.

I think the cost here for creating an unwelcoming and unfriendly environment is potentially very high, and there's a sort of cost/benefit issue that needs to be looked at here. The cost to our security, as a matter of fact, and the cost to our economy, our way of life.

I mean, one way to stop traffic deaths, by the way, is just to have nobody drive. It's a 100 percent sure fix. And I guess if we don't let in any foreign people, we won't have any foreign students that get involved in this issue. But there'll be another 49 people.

So I am very much concerned about the risk analysis on this. That is, how much we're expending to fix a problem and how important is that problem relative to the overall cost to our country in the long term.

Mr. KILDEE. Thank you very much. Thank you, Mr. Chairman.

Mr. TIBERI. Thank you, Mr. Kildee. And I too share his concern, and I think we both agree that we need to go down this road and try to work with you all to fix the system, make it better, make it more welcoming.

I want to assure you, and I think Mr. Kildee would agree, that the interest in this issue is far greater than the participation up here today. There's a lot of other things going on, as you've probably noticed walking into the building.

But we want to assure you that we're going to work with you and your associations and your institutions to try to make this a better system. Because I think it is for the benefit of our country.

Mr. Bell, thank you for coming. Thank you for your expert testimony today, and I look forward to working with you and Dr. Mote, thank you, and please give my best to Dr. Kerwin and thank him for his leadership. And again, if he wants to come back to Ohio, we'd love to have him.

[Laughter.]

Mr. TIBERI. With that, I'd like to thank all the witnesses today and the members who participated today, as well. And if there's no further business before the Committee, the Subcommittees stand in adjournment.

[Whereupon, at 12:47 p.m., the Subcommittees were adjourned.]

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