TESTIMONY OF

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BEFORE THE

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U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON
IMMIGRATION, BORDER SECURITY, AND CLAIMS

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IN REGARD TO:

“THE INS’S IMPLEMENTATION OF THE FOREIGN STUDENT TRACKING PROGRAM”
Mr. Chairman, my name is Terry W. Hartle and I am a senior vice president of the American Council on Education. My organization represents 2,000 public and private colleges and universities. I am testifying today on behalf of those institutions as well as the 22 education and exchange visitor organizations listed below.

We believe that international students and exchange visitor programs are enormously beneficial to this country. They dramatically increase the knowledge and skills of our workforce. They boost worldwide appreciation for democracy and market-based economics and give future world leaders first-hand exposure to America and Americans. At the same time, international education generates billions of dollars in economic activity every year.

The most important benefits of international students and exchange visitors cannot be easily quantified. But we know what they are. Start with international understanding. In the current economic climate, we need more and better efforts to enhance international understanding. One of the best ways to do this is through the everyday classroom discussions that one finds on college and university campuses. Candid discussion enhances familiarity—and familiarity leads to understanding. When foreign students and exchange visitors return home, they take with them a first-hand understanding of this country and its values. Indeed, some of America’s strongest supporters abroad are those who have spent time in this country.

International students and visitors also bring knowledge and skills to U.S. classrooms, laboratories and businesses. The sum total of their intellectual contributions is enormous. For example, the rapid developments in information technology that helped fuel the economic growth of the 1990s benefited immeasurably from foreign students and scholars from Southeast Asia who visited this country in the late 1980s. In the same vein, a central feature of the advances in biomedical research that will pave the way for gains in the quality and length of life in the future are collaborative efforts between native and foreign-born researchers now taking place in thousands of American laboratories.

International students add diversity to college classrooms. For many native-born students, foreign students offer the first chance for a sustained friendship with someone born in another country. As the world grows ever smaller, meaningful exposure to international students will better prepare American students to live and compete in the global economy.
This does not mean that the economic benefits are trivial. According to the Institute for International Education, the nearly 550,000 foreign students who visit this country purchase some $11 billion a year in goods and services. They do this when they pay tuition, rent an apartment, buy a pair of jeans, get a pizza, or go to a movie. Of course, like everyone else, international students and exchange visitors pay taxes on the goods and services they purchase. If they are allowed to work when they are here, they also pay federal and state income tax.

According to the U.S. Commerce Department, higher education is the nation’s fifth largest service-sector export. In an era when many policy makers and economists worry about our huge trade deficit, international students helps reduce it.

These economic calculations do not include the 275,000 exchange visitors who come to our shores every year. Adding them would dramatically increase the economic impact that local communities realize from international visitors.

In short, the benefits of international students are unambiguous and overwhelming. So it is not surprising that President Bush has said: “The United States benefits greatly from international students who study in our country.” Or that he has committed his Administration to “continue to foster and support international students.”

Secretary of State Colin Powell—no stranger to what is in America’s international interests—says that international education “encourages and sustains democratic practices, creates a cohort of future leaders who understand each other’s countries from the inside, and promotes long-term linkages between institutions here and abroad.” The list of foreign heads of state that have studied at an American college is long and distinguished. The State Department has concluded that fully one-half of the world leaders who agreed to support our war on terrorism first came to this country as a foreign student or exchange visitor.

This does not mean that we can or should be comfortable with current procedures that govern international students and exchange visitors. The events of September 11th changed much in this country. Many of the policies and practices that had evolved over the last two decades have been the subject of careful examination and sustained discussion—the process by which international students and exchange visitors enter the country and are monitored once they have arrived is no exception.
For as long as colleges and universities and exchange visitors programs have been sponsoring international students and exchange visitors, we have collected and maintained information about those individuals. As required by law, this information has been transmitted to the Immigration and Naturalization Service (INS) and the Department of State. It has always been a paper-intensive effort to maintain this data. For example, a copy of each new visa eligibility document (an I-20 or I-66) goes to these agencies upon admission of a student or exchange visitor, and all applications that would result in a change of status or reinstatement of a student-visitor are approved by the appropriate agency.

We used to prepare annual reports as well. The annual report on international students was, as required by regulation, shared with INS. In 1988, however, the agency was drowning under mounds of reports that they could not use or process and INS instructed colleges to maintain the information on campus for the agency’s use when it needed or wanted information. We continue to do this, and an average university has dozens of file cabinets full of information on international students.

In the mid 1990s, INS began to develop an electronic system that would allow the information on these students to be shared instantly. For a variety of reasons, implementation of this system lagged behind schedule. However, in light of the September 11th attacks, Congress mandated that INS implement the system, now known as the Student and Exchange Visitor Information System (SEVIS) and appropriated $36 million to make this possible.

SEVIS is an extraordinarily large and complex information technology system. When fully operational, it will link all U.S. embassies and consulates, all INS ports of entry in this country, the State Department’s Office of Exchange Coordination and Designation and the Bureau of Educational and Cultural Affairs, every institution of higher education that sponsors international students, and every exchange visitor program.

Let me be clear about the higher education and exchange visitor community’s position: we support the prompt implementation of SEVIS. We believe this is the single most important step the federal government can take to improve the monitoring of international students and exchange visitors. In addition, SEVIS will perform other important functions. It will, for example, enable the Social Security Administration (SSA) to verify critical information on foreign visitors who apply for a Social Security number. The process currently used by SSA to issue numbers is slow and paper-intensive, and it will benefit
everyone—most of all international students and exchange visitors—to be able to do this more rapidly. SEVIS will make that possible.

In the last year, INS has made great progress in implementing SEVIS. The agency has assigned dedicated staff to the project and consulted regularly with us throughout the process. They solicited our advice and, in several areas, modified the system to incorporate concrete suggestions that we made. INS is an easy agency to criticize, but they deserve a great deal of credit for the progress they have made in developing and refining this enormously complex undertaking.

But there is much that remains to be done before SEVIS will be operational. And it is the completion of these unfinished tasks that will determine whether the ultimate implementation of SEVIS goes smoothly, as we hope, or is instead characterized by chaos and confusion—as we fear.

By January 30, 2003, INS currently expects all institutions who are allowed to issue I-20s (somewhere between 7,500 and 74,000, nobody knows for sure), and all exchange visitor programs who issue I-66s (roughly 1,500), to enter data into SEVIS for all new students and exchange visitors and for any visa holders who request a change of visa status.

Colleges, universities, and exchange visitor programs will make all possible efforts to implement SEVIS by this deadline. Additional staff has already been hired and existing staff is working overtime. A flotilla of software vendors is rushing to prepare information technology packages for schools and exchange visitor programs to purchase.

But despite the progress that INS has made and our own commitment and desire to see SEVIS functioning as soon as possible, we are deeply concerned that schools and exchange visitor programs will face enormous difficulties when compliance is required.

We are worried because, at this point, with roughly 125 days to go, schools and exchange visitor programs have very little information to enable us to implement this new system on campus. Government policies work best when those who must administer them know exactly what is required and have at least a modest amount of time to prepare. With respect to SEVIS, we do not yet know what will be required and the amount of time we have to get ready is evaporating.
For example:

The regulations governing SEVIS and international students ("F" and "M") visas have not been published in final form and are not expected until mid-October at the earliest.

The regulations governing SEVIS and exchange visitors ("J" visas) have not even been published in draft form. The draft regulations have been under review at the Office of Management and Budget (OMB) for more than 100 days. Given this delay, we are unlikely to have final "J" regulations until after we are expected to be in compliance.

The regulations detailing what schools must do to become "recertified" to issue I-20s have also not been published—reportedly because of concerns over whether site-visits are necessary. If schools have not been recertified, INS will have no certainty that the institutions issuing I-20s are legitimate educational institutions even after SEVIS begins operation.

“Batch processing,” a key element of SEVIS for schools or exchange programs with more than 200 students or visitors, will not be ready for operational testing until mid-October at the earliest.

Schools have hundreds of technical operational questions and have had very uneven success in getting answers from the INS help desk. To give the Committee an idea of what these questions look like, I have appended them to this testimony and have sent a letter to the INS asking for help in getting them answered.

The amount of the fee that students must pay to be registered in the SEVIS system and the procedure for collecting the fee remain unsettled.

INS has no meaningful plans for training and has ignored our repeated requests that they hold regional briefing sessions for campus officials that we would organize and pay for. We believe that giving local officials—who come from both information technology and international education—a chance to ask questions directly to INS would help inform campus and exchange visitor programs and would smooth implementation.
Adding to the complexity, the State Department, as required by the Enhanced Border Security and Visa Entry Reform Act, has put a temporary system in place to monitor international students and exchange visitors on a preliminary basis. Known as the Interim Student and Exchange Authentication System (ISEAS), this is, in essence, a pre-SEVIS electronic tracking system with somewhat different requirements than we expect to face under SEVIS.

Again, I underscore that INS has done a commendable job of developing the SEVIS computer system and that we fully support efforts to implement SEVIS as soon as possible. Unfortunately, many questions remain unanswered and technical issues must be resolved. In some cases, we are waiting for INS to act and in other cases, the delay is attributable to other agencies. This is not an effort to criticize or assign blame because SEVIS is an exceptionally complicated and the government’s desire to “get it right” is commendable. But these delays dramatically reduce the amount of time that institutions and exchange visitor programs will have to implement SEVIS.

An analogy might best summarize our concern: we are afraid that this is a public policy version of musical chairs—and when the music stops and the compliance date arrives—colleges, universities and exchange visitor programs will all be left without a seat.

While a significant amount of information will be entered in SEVIS this February, the first dramatic influx of data is likely to occur in March and April when exchange sponsors begin processing the applications of roughly 100,000 individuals who come to the U.S. annually as camp counselors and summer workers in the travel and tourism industry. The sectors of the economy that rely on these individuals—resorts, amusement parks, national parks, and summer camps—depend on these workers. Unfortunately, the regulations to govern these individuals have not yet been published even in draft form.

As I noted above, colleges and universities will do all we can to implement SEVIS by the compliance date. However, we are deeply concerned that efforts to implement SEVIS without adequately preparing campus officials and exchange visitor programs will make it harder to admit international students and exchange visitors to enter the country, and that this will reduce the enormous benefits that the United States has historically enjoyed from welcoming visitors to our shores.
We strongly encourage the INS, the State Department, and the other government agencies to take the necessary steps to ensure that colleges and exchange visitor programs can implement SEVIS successfully. Rather than forcing the implementation of SEVIS into an unachievable schedule, we encourage INS to rely on the State Department’s ISEAS system. The multi-million dollar ISEAS system means that the federal government currently has a fully operational electronic student and exchange visitor monitoring system in place and we believe this system could be used for the small number of additional months it will take to complete the preparatory work on SEVIS.

Mr. Chairman, America’s colleges and exchange visitor programs are anxious to see SEVIS implemented but we cannot do our part well or effectively until we know exactly what is expected of us. Right now, we do not. We hope that INS and the other government agencies will fill in the blanks as soon as possible.

I appreciate the opportunity to be with you and would be happy to take questions. Thank you.

On behalf of:

American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of Presidents of Independent Colleges and Universities
American Council on Education
American Dental Education Association
Associated Colleges of the Midwest
Association of American Universities
Association of Chiropractic Colleges
Association of Independent Colleges of Art & Design
Association of Jesuit Colleges and Universities
Council for Christian Colleges & Universities
Council of Directors of Title VI National Resource Centers for Foreign Language and Area Studies
Council of Independent Colleges
EDUCAUSE
Evangelical Lutheran Church in America
Lutheran Educational Conference of North America
NAFSA: Association of International Educators
National Association for Equal Opportunity in Higher Education
National Association of College and University Business Officers
National Association of Independent Colleges and Universities
National Association of Schools and Colleges of The United Methodist Church
National Association of State Universities and Land-Grant Colleges
National Association of Student Financial Aid Administrators