

NONIMMIGRANT STUDENT TRACKING: IMPLEMENTATION AND PROPOSED MODIFICATIONS

HEARING
BEFORE THE
SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTH CONGRESS
FIRST SESSION

APRIL 2, 2003

Serial No. 8

Printed for the use of the Committee on the Judiciary



Available via the World Wide Web: <http://www.house.gov/judiciary>

U.S. GOVERNMENT PRINTING OFFICE

86-265 PDF

WASHINGTON : 2003

For sale by the Superintendent of Documents, U.S. Government Printing Office
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NONIMMIGRANT STUDENT TRACKING: IMPLEMENTATION AND PROPOSED MODIFICATIONS

WEDNESDAY, APRIL 2, 2003

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:04 p.m., in Room 2141, Rayburn House Office Building, Hon. John N. Hostettler [Chairman of the Subcommittee] presiding.

Mr. HOSTETTLER. The Committee will come to order.

Our educational system is one of the strongest attractions that our country has to offer foreign citizens. In the last academic year alone, 582,996 aliens were attending colleges and universities in the United States. The education of foreign nationals in the United States has provided many benefits, both tangible and intangible, to our country. Many foreign leaders have obtained at least part of their education here and presumably have taken some of our democratic values back home with them. In addition, foreign students have contributed to the American economy.

Unfortunately, not all aliens who come to study in the United States come with benevolent intentions. In June 2000, the National Commission on Terrorism found that, "a small minority of foreign students may exploit their student status to support terrorist activity. The United States lacks the nationwide ability to monitor the immigration status of these students."

The student visa conveys a particularly valuable status to an alien terrorist because in the absence of an effective tracking system, an alien student can remain in the United States almost indefinitely. The truth of the Commission's findings was underscored in the wake of the September 11 terrorist attacks. Of the 19 identified hijackers, three were present in the United States on student visas. At least two of those terrorists gained skills to carry out those attacks at an American flight school.

Those attacks demonstrate how easily alien students who may pose a terrorist threat can enter the country. The September 11 attacks also demonstrate how critical it is to our national security for the Government to implement an effective system for tracking and monitoring foreign students in the United States.

The Government's efforts to establish a student tracking system date to the mid-1990's. In 1996, Congress directed the INS to set

up an automated system to track foreign students in the United States as a result of action by a Member on this panel, Mr. Smith.

Following the September 11 attacks and the USA PATRIOT Act, Congress authorized more than \$36 million to fully implement and expand the foreign student tracking system by January 1, 2003. In response to that mandate, the INS completed its development of the Student and Exchange Visitors System, or SEVIS. The agency required all schools that sought to admit foreign students to enroll in that system no later than January 30, 2003. As part of SEVIS enrollment, schools had to be recertified to accept non-immigrant students.

Because of technical problems with SEVIS, the INS extended the deadline for enrollment in SEVIS to February 15, 2003. SEVIS is now operational and schools are now required to use the system in admitting new foreign students. By August 1, 2003, the INS has decreed information on all non-immigrant students currently attending school in the United States will be entered into the system.

Some observers remain critical, however, both of the performance of the system and of the sufficiency of the INS's recertification of schools approved to accept foreign students. Some schools and academic organizations complain that the SEVIS system is slow and riddled with glitches and technical problems. Because of these problems, they question whether they will be able to meet the August 1, 2003, deadline for full SEVIS compliance. Critics have also complained that the Government has failed to provide sufficient training to school personnel and to its own employees to make the system work properly.

The Justice Department's Inspector General has voiced his own concerns about the INS's implementation of SEVIS. Specifically, in a March 2003 report, the Inspector General questioned the way in which the INS used contract employees to review schools during the recertification process, as well as other aspects of the INS's implementation of SEVIS. In fact, the Inspector General concluded that notwithstanding the Congressional mandate and the USA PATRIOT Act for full implementation of SEVIS by January 2003, that system is still not fully implemented.

Finally, some outside observers have asked whether SEVIS goes far enough in protecting the United States from foreign criminals and terrorists. They question whether SEVIS is doing everything possible to keep the American people safe from individuals who have come to this country to do us harm and to ensure that the student visa program promotes, rather than endangers, our national security.

We hope to explore all these issues at today's hearing. On a historical note, after it was revealed that a participant in the first World Trade Center bombing was an alien student who was out of status, a 1995 INS report concluded, "Americans have a fundamental basic expectation that their Government is effectively monitoring and controlling foreign students." That conclusion is as true today as it was 7 years ago, if not more so.

This Subcommittee will continue to monitor the Bureau of Immigration and Custom Enforcement's implementation of the student tracking system to ensure that it meets this expectation.

I am heartened by the priority that Assistant Secretary-designee Michael Garcia has given to this important project. Having prosecuted some of the plotters of the first World Trade Center bombing, he knows how high the stakes can be. I cannot imagine an individual better equipped to handle this task.

One final point, however. I note that this is the first hearing at which the Department of Homeland Security has sent a witness to testify before our Subcommittee. Unfortunately, the Department failed to submit its written testimony to this Subcommittee 48 hours in advance of this hearing, as requested by the Chairman of the Judiciary Committee, or even 24 hours in advance of the hearing. This appears to be a continuation of an unfortunate trend by the former INS.

Mr. Williams, I do not blame you for this and realize that this testimony was not presented in a timely manner because of the byzantine clearance process within the executive branch itself. The Department, however, is on notice that such a delay will not be tolerated in the future.

At this point, I would like to recognize the gentleman from Texas, if he has an opening statement.

Mr. SMITH. Thank you, Mr. Chairman. I do have an opening statement. The first thing I would like to do is to thank you again for taking the initiative to address such an important subject. This has been a subject that has been of previous interest to you, given another hearing on the general concept, but I appreciate your having the hearing today.

I also want to say that, unfortunately, the Science Committee on which I also sit is having a markup at the exact same time that we meet as Members of the Immigration Subcommittee, so I am going to have to shuttle between two Committees.

But the last thing to mention, Mr. Chairman, is that in 1996, Congress overwhelmingly approved an Immigration Reform Act that I happened to introduce, and it was signed into law by President Clinton, and among the provisions of that particular piece of legislation is one that said we needed a foreign student tracking system and it needed to be implemented immediately by five or more countries—in five or more countries, particularly those who sponsor terrorism and we would track the students coming from those countries, and then the program was supposed to have been expanded to other countries, as well.

I don't want to speculate whether the course of history would have been changed had the Clinton administration enforced that law instead of ignoring it, but it's certainly possible, and I have not made that statement in public before simply because I don't want to speculate. But at the same time, I think the entire country would have been better served had the previous Administration implemented the Immigration Reform Act as Congress has intended. I think there is a good chance that had the law been enforced, who knows. We might have apprehended one or more of the three terrorists who came in on student visas. We might have been unravel the conspiracy. You never know.

But no matter what, we would have been better served had we had a foreign student tracking system in existence several years ago rather than waiting until after a crisis occurred before we did

the right thing, and I'm glad we're getting to that point. I know some of the testimony we are going to hear today is going to indicate that we still have a system that doesn't work as well as it should, and I'm hoping that that can be corrected.

I guess what I'm saying is, better late than never, but it certainly would have been better had we implemented a foreign student tracking system when Congress intended to do so, and that was back in 1996. Thank you, Mr. Chairman.

Mr. HOSTETTLER. Thank you for your insightful and timely comments.

Gentlemen, panel, I apologize. We are 10 minutes away from closure of a vote. I will recess the Subcommittee but bring it back to order very shortly after this vote. I believe it's just one vote that we will have, and so it should be over very shortly. I apologize for the delay and thank you for your indulgence. The Subcommittee is recessed.

[Recess.]

Mr. HOSTETTLER. The Subcommittee will reconvene.

At this point, I would recognize the Ranking Member of the Subcommittee, Ms. Jackson Lee, for any opening remarks she may make.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. I am delighted that this is a microphone that is somewhat camouflaging my very weak voice. I ask the Committee for its indulgence. I thank the Chairman very much for his kindness. When the meeting was gavelled, I was on the floor in debate, and as you well know, we began the voting very shortly thereafter.

Let me say to the witnesses that I also offer my apologies. We are supposed to be multi-dexterous, multi-faceted, but I think they want us to be triplets and quadruplets. I have a markup upstairs dealing with the Science Committee, and so I look to be in and out, but I look to be able to—hopefully will be able to engage these very fine witnesses, Mr. Chairman.

Let me briefly—first of all, I'd like to ask unanimous consent that my opening statement in its entirety be included in the record.

Mr. HOSTETTLER. Without objection.

Ms. JACKSON LEE. I would ask that the record remain open for the submission of my colleagues, for their statements, as well.

Mr. HOSTETTLER. Without objection.

Ms. JACKSON LEE. In addition, I have a letter from Mr. Conyers to Mr. Johnny Williams, who is the Interim Director of the Bureau of Immigration and Customs Enforcement and we would like to put this in the record and also submit this to Mr. Williams.

Mr. HOSTETTLER. Without objection.

Ms. JACKSON LEE. Thank you very much.

[The letter from Mr. Conyers follows.]

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Mr. Johnny N. Williams, Interim Director
 Bureau of Immigration and Customs Enforcement
 Department of Homeland Security
 425 I Street, N.W., Suite 7114
 Washington, DC 20536

Dear Mr. Williams:

Thank you for testifying at today's hearing regarding the implementation of the Student and Exchange Visitor Information System (SEVIS). In addition to the questions you answered at the hearing, I would appreciate you providing written answers to the following questions:

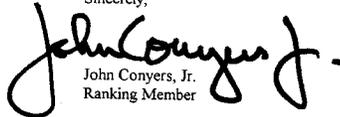
Colleges have reported that they have been contacted since September 11, 2001, by either the FBI or INS (or its successor) under this new program. The government has sought to collect information about students from Middle Eastern countries, such as what subjects the students were studying, their academic record, and housing arrangements.

- A. Please identify the specific authority relied on to create this program.
- B. How many colleges and universities were contacted by the government to obtain information on students?
- C. What guidance was provided to U.S. Attorney's Offices and/or FBI offices with respect to questions that should be asked of such nationals?
- D. What has been done with the information obtained from these schools and students?
- E. Have there been any prosecutions or deportations as a result of these investigations? If so, how many and for what reason? What was the national origin, race, and ethnicity of the persons prosecuted or deported?

Mr. Johnnie N. Williams
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Please provide the Committee with a written answer to the above questions no later than April 9. If you have any questions, please feel free to contact Ms. Stacey Dansky of the Judiciary Committee at 225-2022. Thank you for your cooperation in this matter.

Sincerely,



John Conyers, Jr.
Ranking Member

cc: Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary

Ms. JACKSON LEE. Mr. Chairman, we need to keep track of foreign students while they are in this country, there is no doubt. But I want to emphasize that the primary reason for doing this is to enforce immigration laws and not necessarily to search for terrorists.

As I say that, let me also be very clear, having lived through 9/11 along with this nation and the world, I am quite well aware of the heightened emphasis on students and student visas. Certainly, I would be remiss not to acknowledge my own outrage that we were not able to track them effectively at that time or that visas were given to facilities that I thought may have been less than scholarly. I particularly was outraged that some of the students seem to have crafted their own curriculum, one that no one could understand. Let's take off, but let's not learn how to land. And none of that, of course, was triggered, or triggered anyone to call any of the authorities.

I guess my other concern was is that they were able to take these classes, Mr. Chairman, by giving a cash payment of \$25,000. Hopefully, that is an issue that I may want to have us discuss in terms of foreign students and the way that the students' tuitions are paid.

I would simply say, Mr. Chairman, that we do have a problem. Despite news reports to the contrary, only one of the 9/11—this is referring to the issue that I discussed, however—into the country on a student visa, 18 entered on what we call B-visas, either as tourists or as business persons. So I think we should clarify some of the concerns that we may have with respect to student visas. It is still important to track them.

I'd like to emphasize that the SEVIS program, that is a program that needs to be implemented successfully. Enforcement's ability to track and monitor foreign students and exchange visitors in order to ensure that they arrive in the United States, show up, and register at the school or exchange, visit a program they are scheduled to attend, and properly maintain their status during a stay in our country is all dependent upon the successful utilization of SEVIS. SEVIS can be made easier for us to identify those who may come to America for the wrong reason, while extending our welcome to those seeking the knowledge that the schools of this country have to offer.

As I indicated, I would like the entire statement to be put into the record, but I would like to suggest, Mr. Chairman, that we recently had a hearing in the Science Committee noting that there is some difficulty in providing opportunity for—this is a parallel issue—for some of our finest researchers to come to this country. Certainly, we want to ensure that our nation is safe. But I have always said that this is a nation of immigrants and laws and it is a nation that does not equate immigration to terrorism.

As an aside, Mr. Chairman, as I conclude, let me note that many of our world leaders, such as Kofi Anan, Jordan's King Abdullah II, and Mexican President Vincente Fox were students on student visas. So let us be both effective and efficient, but let us be sensitive to how we can best utilize this process and help our universities.

Might I also say, Mr. Chairman, that we have made a commitment to sit down and establish a very full agenda for this particular Committee, and I'd like to publicly say, as you well know, we met just a week or so ago on my request in the plight of the Kesbeh family. I believe they should be a center point for some weak points in our immigration laws. Unfortunately, a God-fearing, if you will, or a country-loving family that happened to be without documentation was tragically deported last week and they had a 9-year-old citizen.

What fails in our immigration policies is that we fail in efficiency and effectiveness to be able to secure ourselves against the terrorists, and then we give this nation a very bad name by not being able to show its compassion and humanitarianism for those who truly simply want to be here because they love this country and they want to be part of the democracy which we represent. Yes, maybe without documentation, but because our laws are so antiquated, complex, it makes it very difficult.

I believe it is important that we put a face that is generous, that is efficient, effective, and provides security for this nation, and Mr. Chairman, I believe it is extremely important that we craft a response that has a humanitarian response, because I can assure you that we are a much better nation than those who happen to be immigrants can say to the countries around the world that this is, in fact, a place that really believes in its ideals of democracy, equality, and fairness and due process, and I think that is a better approach that we should take.

I thank the Chairman for his indulgence. I ask that my entire statement be submitted into the record.

Mr. HOSTETTLER. Once again, without objection. I thank the gentlelady for her comments.

Mr. HOSTETTLER. And now, I turn to our panel, introducing Johnny Williams, who has been the Interim Director of Immigration Interior Enforcement at the Bureau of Immigration and Customs Enforcement since March 1, 2003. In this position, he is responsible for managing and directing the immigration investigations, detention removals, and intelligence programs of ICE.

In the former INS, Mr. Williams was the Executive Associate Commissioner for Field Operations of the Immigration and Naturalization Service, a position that he held until that agency was transferred to the Department of Homeland Security. Prior to becoming the Executive Associate Commissioner at the INS, Mr. Williams was the INS's Western Regional Director, a position that he held since November 1997.

Before that, Mr. Williams served as Chief Patrol Agent for the San Diego Border Patrol, the largest Border Patrol sector in the nation. Mr. Williams began his career with the U.S. Border Patrol in 1971 as a trainee in Laredo, Texas. He attended Southwest Junior College, Laredo Junior College, and Texas A&I in Laredo, and Western New Mexico State University in Silver City, New Mexico.

The Honorable Glenn A. Fine is the Inspector General for the United States Department of Justice. He was confirmed as Inspector General for the Justice Department in December 2000. General Fine served as Acting Inspector General from August 2000 to De-

ember 2000. He has worked for the Inspector General's Office since January 1995.

General Fine was in private practice from 1989 to 1995. Prior to that, he served as an Assistant U.S. Attorney for the District of Columbia from 1986 to 1989. He is a graduate of Harvard College and Law School and he was a Rhodes Scholar.

Thomas Fischer is an immigration consultant in Atlanta, Georgia. From 1988 to 1999, Mr. Fischer was the District Director of the INS's Atlanta District Office. Most importantly for this hearing, Mr. Fischer was District Director in Atlanta at the time it was the pilot district for CIPRIS student tracking system. CIPRIS was the predecessor to the current SEVIS system that we are talking about today.

From 1979 to 1988, Mr. Fischer served as Director of Training for the INS as well as Director of the Officer Development and Training Facility at the Federal Law Enforcement Training Center. Prior to that, he was an Assistant Regional Commissioner in the INS's Southern Region in Dallas, Texas. He is a graduate of the State University College of New York-Fedonia and the University of Hawaii, from which he received a master's in educational psychology.

Mr. David Ward is the President of the American Council on Education. Dr. Ward is Chancellor Emeritus of the University of Wisconsin-Madison, where he received his doctorate in 1963. Prior to becoming Chancellor at the University of Wisconsin-Madison, Dr. Ward served as the Associate Dean of the graduate school at the university from 1980 to 1987, and as Vice Chancellor for Academic Affairs and Provost from 1989 to 1993. Dr. Ward also held the Andrew Hill Clark Professorship of Geography at the university and served as chair of the Geography Department there from 1970 to 1977.

Gentlemen, with unanimous consent and without objection, your statements may be entered into the record, and feel free to give your testimony. We are going to try to stay as close to the 5-minute rule as possible. I appreciate your sticking to that as much as you can. Mr. Williams, if you will begin.

STATEMENT OF JOHNNY N. WILLIAMS, INTERIM DIRECTOR,
IMMIGRATION INTERIOR ENFORCEMENT, BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, UNITED STATES
DEPARTMENT OF HOMELAND SECURITY

Mr. WILLIAMS. Good afternoon, Mr. Chairman, Members of the Committee. Thank you for the opportunity to bring you up to date on our Student Exchange Visitor Information System, SEVIS. This new computer system greatly enhances our capability to fulfill our obligations to register, to track, and to monitor foreign students applying to come to the United States to study.

SEVIS is designed to facilitate the structured entry of valid students into the United States. The system better positions us to combat fraud by making critical information available to Consular Officers when they are making visa issuance decisions. The same SEVIS information is available to our Officers at the Ports-of-Entry and to the adjudicators who review benefit applications at our Service Center. SEVIS serves as the collection point of entry infor-

mation that will be used to monitor the students' compliance with terms of their student visa.

On March 1 of this year, the Immigration and Naturalization Service transitioned to the Department of Homeland Security. The responsibility of SEVIS under the Homeland Security Act was given to the Bureau of Immigration and Customs Enforcement, where it is now managed. Let me assure you, though, that although we have transitioned, we are working hand-in-hand with our sister bureau, Citizenship and Immigration Services, to assure a smooth transition and a partnership in meeting our joint obligation.

The Student Exchange and Visitor Program encompasses both SEVIS software and other critical functions, to include a certification process for schools, internal and external training, and the enforcement piece, as well. The software program is an Internet-based system that collects accurate and current information on foreign students. This information includes data about the individual's school admission, their visa issuance, and their entry into the United States.

Following the prospective student's entry into the U.S., the system then awaits and receives more required information on the actual registration for classes, program of study, program extensions, any change of address, and employment authorization, if permitted. We have worked hard to make SEVIS a program that embraces the needs of the student, the needs of the school, and the needs of the Government.

All approved schools are required to utilize SEVIS for new students as of February 15, 2003. Additional schools continue to apply for certification and they are adjudicated on a continuing basis. As of March 19, approximately 4,300 schools and 1,400 exchange programs have been certified and have been enrolled to utilize SEVIS.

We have established a help desk call center with a toll-free number dedicated to SEVIS numbers. This call center assists schools with their questions, provides a venue to report problems, as well as to obtain their suggestions for future enhancements to the system. We constantly monitor the call center to evaluate ways to increase its efficiency and to ensure the highest level of customer service.

SEVIS is [REDACTED] and paper receipts and thus dramatically undermines the promise that SEVIS would be an entirely electronic system.

We have proposed ways to simplify the collection of this fee but federal agencies have been unwilling to consider them. We believe that adding a poorly designed paper based fee collection process to a poorly functioning SEVIS system at the same time that the volume increases sharply is a prescription for disaster.

I emphasize that the federal government must decide who receives a visa to study in the United States. International students and scholars who are of concern to the government should not receive a visa. Speaking as a former university president and a devout supporter of international education and scientific research, I do not want any individuals on a college campus if the government has any reasonable concerns about them. I do not want them in our nation's classrooms, dormitories, laboratories, or libraries. I do not want them to have access to scientific equipment or even to extracurricular activities.

But the U.S. economy is fueled by innovations in science, engineering and technology. Given the innovation-driven nature of our economy, it is important that the U.S. continue to remain the destination of choice for the world's best students and scholars.

Obviously in the new world in which we live, the government must put new security procedures and policies in place. We support these efforts and we have and will continue to work with the government to meet security needs. We understand that it will take some time before new policies and procedures begin to operate smoothly. At the same time, unfortunately, some of the steps we have taken are counterproductive, unworkable and uncoordinated. The costs associated with these new policies are higher than desirable and necessary. We fear that some of the new poli-

opment and implementation of SEVIS and the impact on U.S. campuses. I wish to assure you and the members of this Committee our strong commitment to the implementation of SEVIS. But, to do this, we ask that our campuses be given the tools and the regulatory guidance to achieve this goal while ensuring that international student and scholars are not discouraged from study and research in the U.S. Thank you for the opportunity to testify this morning.

On behalf of:

Alliance for International Educational and Cultural Exchange
 American Association of Community Colleges
 American Association of Higher Education
 American Association of University Professors
 American Council on Education
 American Dental Education Association
 APPA: The Association of Higher Education Facilities Officers
 Association of American Medical Colleges
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Mr. HOSTETTLER. We will now enter a round of questions, and I will tell the Subcommittee that we will probably be able to do a second round of questions and we are going to try to hold as close to the 5-minute mark as possible.

Mr. WILLIAMS, first of all, as I understand it, all aliens who apply for student visas abroad are interviewed in person by a consular official, but aliens who change from another non-immigrant status to that of an alien student in the United States do not. Why don't aliens who change status to non-immigrant student in the United States receive in-person interviews?

Mr. WILLIAMS. Well, first, let me say that the interview for the visa process is handled by the Consular Office abroad. As far as changing status from one non-immigrant status to another, it may involve a personal interview. It may not be required, but it also can be required. Depending on the information at hand, we could require and very often do require that interview.

Mr. HOSTETTLER. How is that determined? Excuse me. How do you determine whether an interview is to be taken?

Mr. WILLIAMS. That would be determined, of course, on the particular non-immigrant status that was being changed, the information at hand, if the person had been maintaining status, a number of key elements that our adjudicators would use to make that decision.

Mr. HOSTETTLER. Is that discretionary on the part of the adjudicators or is that a regulation? Is that a guideline within the Department?

Mr. WILLIAMS. That is discretionary.

Mr. HOSTETTLER. Okay. Thank you.

Mr. Fine, you state in your testimony, "In the past, alien smuggling rings were operated from within legitimate schools by individuals who were involved with the school's foreign student programs." Who are these "individuals involved with the students' foreign student programs" that you are talking about?

Mr. FINE. We have seen instances where designated schools' officers, the ones who are involved with the I-20's and the students, have used them to sell visas and have been prosecuted for that. In fact, there was one in Atlanta University. Mr. Fischer was probably—

Mr. FISCHER. Morris Brown.

Mr. FINE [continuing]. Morris Brown University—knows about this—was a legitimate school but an illegitimate person there using the program to sell I-20's and visas, and so we have seen instances of that, where legitimate schools use it for illegitimate purposes.

Mr. HOSTETTLER. Thank you. Mr. Fischer, you spoke eloquently about the CIPRIS system and you also stated that it was your experience that in October 1999, it was scaled back significantly to, I think you said, what, life support?

Mr. FISCHER. Minimal life support.

Mr. HOSTETTLER. Minimal life support. Let me ask you a question. Had the system been up and running a little bit better than minimal life support in 2000–2001, when the September 11 hijackers entered the U.S., would that system have possibly taken a part in preventing those attacks? Could it have?

Mr. FISCHER. I've asked myself that many times. Speculation, obviously. But the way the system was moving and the databases that we were ratcheting up and incorporating on a regular basis, it would have been much more difficult for any individual who had a desire to undermine our country's national security to perhaps receive an F-1 student visa, or a B-1, in many cases, but an F-1 specifically, because of the database that we were going to establish.

I'm pretty confident that there would have been some flags, and that was the whole key. Flags would have been basically raised, and I think then the consular officer or the inspector at the port of entry or a defense intelligence analyst or a CIA operative, depending on how we had this established, and FINCEN, because you're talking about a source of funds. You're talking about where is the money coming from? Who is supporting this student? He or she has to show a source of funds. They can't come over here on scholarship. So who really owns the bank account? And that's what we were leading to and that was going to be part of our program.

Mr. HOSTETTLER. And SEVIS today doesn't have any type of FINCEN type of—

Mr. FISCHER. Not to my knowledge, sir.

Mr. HOSTETTLER. Exactly. Very good.

And then, finally, Mr. Ward, in your statement, you indicate that your organization has proposed ways to simplify the fee that is supposed to be imposed on students to pay for the student tracking

system, but that Federal agencies have been, in your words, unwilling to consider them. What payment methods has your organization proposed to simplify that fee?

Mr. WARD. Well, all visas now require payment time and we just propose that it be added at the time and be collected at the consular office so that—and then they transmit that fee to the new INS. Right now, it'll be a separate paper trail, and for many folks who don't have the appropriate credit, it will be complicated. It will be, it seems to me, quite easy for the State Department to collect this fee and transmit it to INS.

Mr. HOSTETTLER. Thank you very much. Why, in your opinion, has the Government been unwilling to consider those proposals?

Mr. WARD. Well, I think part of this is the problem of two agencies. I think you have to ask the Department of State and INS about that. I think there's just some reluctance on the part of Department of State, maybe legitimate reluctance, if I might say so, about collecting money on behalf of another agency about which it may have had some insecurity.

Mr. HOSTETTLER. Very good. Thank you.

The gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, as I indicated, we are between a markup and voting and your Committee. Ms. Lofgren has an amendment in that Committee. May I ask her to—if you will allow her just to say a word with respect to her opening statement? She is about to offer her amendment in the Science Committee.

Mr. HOSTETTLER. Sure. Yes.

Ms. JACKSON LEE. I would ask the Chairman, without objection.

Mr. HOSTETTLER. There is no objection.

Ms. LOFGREN. I thank the gentlelady, and Chairman, just very quickly, I asked Stanford University, not a university we are in doubt of as to their legitimacy, to do a compilation yesterday of the problems that they are facing with SEVIS and they gave me an about seven-page missive that I would like to make a part of the record and give to Mr. Williams so that he might answer all of the questions they have.

But I will just say this. I actually was a fan of CIPRIS, but I don't think that SEVIS is a better system. Whether CIPRIS was scalable is a question I had. But this system doesn't work, and although I am for creating a database that works, that's accessible by consular officers, by—at the border and also by schools and this, this is not there yet, and I guess the question I have is how are we going to make this system work?

We have got, right now, the technology is actually defeating the law. People who have a right to take certain actions under the law can't do it because the fields will not allow the law to be implemented. The schools—I mean, if a school like Stanford University, that's full of computer scientists and has resources, can't make this work, I wonder about some of the smaller State colleges who have less resources and how they are possibly going to make this work.

So I am eager—both Ms. Jackson Lee and I are on the Homeland Security Committee, so we will see you there, as well. The Science Committee is looking at it. Everybody is looking at it. But by the time I see you next, I am hopeful that I can get answers to these questions, and I thank the gentlelady for yielding.

Ms. JACKSON LEE. I want to thank the gentlelady from California. She has a great interest in this area, and I thank the witnesses for their indulgence and recognizing the many talents that we think we have. Mr. Chairman, thank you for your indulgence, as well.

Let me direct my questions to the Inspector General, and thank you for your presence, along with the other witnesses. You have done a thorough analysis of where we are with respect to SEVIS, and I think the key bottom line is if we are to make a jump start, obviously, we need resources, and you are in the midst, and do you think the Bureau, and now the Homeland Security combination, meaning that, as you well know, the INS and most of its responsibilities, if not all, are in the Homeland Security Department, concern out of what you have analyzed is whether there are any resources to do this.

As you answer that question, let me prepare David Ward for if he can balance his position on the issue of moving as fast as we're moving, what would be your counter-suggestion? You've heard the testimony. You know that our intent is to secure the nation, to secure universities, but also to give that wonderful educational opportunity of exchange.

So, Inspector Fine, you have mentioned that we have inadequate training for the implementators. We have inadequate training for the universities, and I can account for that. I have the University of Houston in my district, Texas Southern University, and any number of others. How can we pointedly get right to the problem?

Mr. FINE. I think we do need more resources, as you've pointed out. The INS and now the Department of Homeland Security agrees with that. I think they need more resources and more training. They need more resources for oversight of the contractors. They need more resources to solve these technical problems that are emerging that we are all hearing about more and more. And they need more resources to use the information. It is one thing to have a system, but it is another thing to use that information appropriately, so when they find problems, when they find anomalies, when they find potential fraud, they need to refer it to the appropriate investigators to follow through with that. We haven't seen that, and I think a significant issue is the resources devoted to it.

I also think a significant issue is the continuity of supervision. It has been an adjustment. It's moving from one part of the INS to another part, the Department of Homeland Security, and I believe there needs to be accountability. There needs to be one person, one program manager to ensure that all these issues are dealt with in a timely and effective way, and I am concerned about what is happening as we're transitioning into the Department of Homeland Security.

Ms. JACKSON LEE. So if there was something that this Committee—this is an authorizing Committee, but if there was something that this Committee would do, it would be to assess your report and listen to the other witnesses, but to provide the additional resources because we have some cracks in the armor, if you will, in terms of implementation. I'm very concerned about the oversight on contractors. I think you recall the glaring embarrassment after 9/11, egregious embarrassment of sending some documentation to

deceased terrorists, and obviously was a contractor which did an enormous mea culpa, it wasn't me, but it was certainly something that would not give us comfort. So the oversight over contractors is important to you?

Mr. FINE. Absolutely. We did that report on it and described the failure of the INS to adequately oversee the contractor, who then mailed off the change of status notifications to the schools 6 months after the September 11 attacks, and we did see a problem with the supervision of the contractors. We clearly see a problem in the supervision of the contractors here. We're doing the on-site reviews. We've found contractors whose checklists are incomplete, contractors who didn't go to the school or didn't complete their on-site review because the school was closed or because the classes weren't in session, and we found when we talked to some of the INS adjudicators that the contractors' reports were not very usable. So we do believe there needs to be more adequate oversight over the contractors' work.

Ms. JACKSON LEE. Well, just to, if I may—thank you very much, Inspector Fine—go to David Ward. Just in that one embarrassing situation, it means that the students were actually in school with no documentation because it came a long time after they had—obviously, talking about 9/11, there were these individuals being trained in the United States with no documentation because it had not come officially to the school.

Mr. FINE. Well, the adjudication had occurred. It was the notification of the school that occurred in a belated fashion. They—

Ms. JACKSON LEE. Correct, and the school is to be notified in a more timely fashion.

Mr. FINE. We said that the adjudication and the notification was untimely and significantly flawed.

Ms. JACKSON LEE. Very important. Thank you very much. Mr. Ward?

Mr. WARD. I think some of the answers I would give you would be related to the organizational culture of the entity, which is, in a sense, a security entity on the one hand and yet a service agency on the other hand, and the mixing of those two cultures is a real problem. And I do think the feedback or communication mechanism from the universities who are trying to enter data into SEVIS is just very weak. There is no systematic way to deal with that. I think there needs to be a much more systematic feedback mechanism.

Secondly, there has not been, I think, a scan which allows us to determine what is an exceptional mistake and what is a systemic problem. Some mistake could just be the odd thing that will not be repeated and can be fixed. If they're systemic and cause a backlog, they need to be fixed.

But right now, even though I think toward the end of the old INS era, higher education developed—good communication was beginning, I think, to feel it was being heard and, therefore, responsive to semantic problems. I think we have not fully reestablished with the new organization the kind of feedback mechanism that would help us solve these problems.

Mr. HOSTETTLER. The gentlelady's time has expired.

Ms. JACKSON LEE. I thank the Chairman.

Mr. HOSTETTLER. The chair now recognizes Mrs. Blackburn.

Mrs. BLACKBURN. Thank you, Mr. Chairman.

I am going to pick up where the gentlelady from Texas left off and, Mr. Fine, come right back to you. If the oversight for the INS contractors is inadequate and you all seem to sit here and say there is a problem, what is the next step for rectifying that and what type oversight plan do you have, what type training plan do you have?

Mr. FINE. Well, I think to one extent, that should be a question directed to Mr. Williams. I do believe that there is a problem with oversight. I believe that when we suggested this, when we recommended to the INS that they spot-check the contractors, they indicated that they didn't think that was necessary because it was a reputable contractor. Even so, I believe that you may trust them, but you need to verify it. You need to spot-check what they are doing and the INS did not do that.

With regard to training, I think it's very important. The training is critical, and they have taken some steps to train both their own officials and the schools, but I don't think it's sufficient. I think it needs to happen more. I think there might need to be an online training program for schools' officers. I think there might need to be a representation, a certification that the INS employees have received the training and understand what needs to be done. I think more effort needs to be done rather than what has been done up until now, but I think Mr. Williams perhaps could address that issue, as well.

Mr. WILLIAMS. Thank you. Let me first say we welcome all the input. My staff is down here writing copiously, so—we also work with everyone at this table on any issues they have that we haven't written down. So we seek your input.

Let me say we have taken the Inspector's report very seriously. We've also reviewed our processes laboriously and we've compared notes with the schools and the associations. We intend—we intend to make all corrections to customer service issues that we can.

As far as oversight to the contractors, we take that seriously, as well. Along with the approved fee, we will be implementing a quality assurance plan. We will be looking at all aspects of the software system, the people that are inputting the system, and oversight for those compliance officers.

We do say, and state again publicly, that the SEVIS system is important to us. It is important to America. We intend to make the system work. We do need a viable software system that tracks and collects the information. We also need a strong compliance and investigative enforcement piece to make the system work.

Mrs. BLACKBURN. Let me ask you something else there. On the SEVIS system, now, how much money have you spent in developing that software and developing that system?

Mr. WILLIAMS. Well, let me answer this way. I'll get you a much more accurate figure, but we are allocated the \$38 million and that is the budget we are spending on developing that software.

Mrs. BLACKBURN. Just on software development, not on the implementation and not on training?

Mr. WILLIAMS. On the entire process.

Mrs. BLACKBURN. The entire process?

Mr. WILLIAMS. Plus some resources also that aren't included in that \$38 million.

Mrs. BLACKBURN. Thirty-eight million. Now, Mr. Ward said that the fee collection system would be adequate for collecting the fees if that were followed up on. Are you using the fees you collect as any type of offset on the cost of the system?

Mr. WILLIAMS. I think the question about the fees, yes, we do need those fees in order to have the system whole. We need the revenue. Congress intended for this to be a fee-based system. Depending upon the fees, we planned it that way. So depending on the fee regulation as it comes out, we hope to make the system robust in customer service and just as robust in enforcement.

Mrs. BLACKBURN. Okay. One more thing for you, and I think this would be directed to you, maybe to you, Mr. Ward, but the students that were in the country before SEVIS came in, how are you going to ensure that they are included and are placed into this system?

Mr. WILLIAMS. All of our planning includes a phased-in system. All new students must begin to be enrolled as of February. All students, those recurring students and those currently enrolled, will be in the system by August 3 of this year.

Mrs. BLACKBURN. Okay, all of them. Okay, and thank you.

Mr. FISCHER, you said that CIPRIS was a promising system, that you had excellent feedback from the participants, from the public schools, private schools. But yet you said that the former INS Deputy Commissioner halted that pilot system, and I want to know why you think it was halted.

Mr. FISCHER. The program never developed. It basically went on suspended animation, as we call it, and to my knowledge, SEVIS replaced CIPRIS. CIPRIS is—I retired in the first week in November 1999. I heard after I retired that CIPRIS was basically put on hold, or the progress of development was halted. It was allowed to continue without any development, enhancements, in the Atlanta District, and I believe at perhaps the Texas Service Center, which is in Dallas, Texas, but it was not allowed to mature as we hoped it would be and integrate the other databases and the relationships that we had established with the Department of Education, Department of State, USIA, Department of Treasury, and the like, let alone the schools that were partnered with us, and we had over 400 schools in the Atlanta District at that time. We had identified 21 schools—Clemson, Duke, Mercer, Shaw, vocational schools that had flight training, English as a second language. We went the whole gamut.

I've been out of the INS since November 1999, and why it was is speculation on my part, I think, Congressman. You'd have to probably ask the former Commissioner and Deputy Commissioner why they suspended it. But we thought it was an excellent program, excellent.

Mrs. BLACKBURN. Thank you, Mr. Chairman.

Mr. HOSTETTLER. I thank the gentlelady.

The chair now recognizes Ms. Sánchez.

Ms. SÁNCHEZ. Thank you, Mr. Chairman. I was not here for the majority of the testimony, so I hope you'll all indulge me with just a couple questions that I may have, even though it may be information that you've already discussed.

Mr. Williams, I understand that right now, there is a problem with the SEVIS system and “bleeding,” which is where information about a student, instead of going to School A, winds up at School B, and while that certainly is not—that is an issue that particularly concerns me because it raises privacy concern issues that I have. And I understand that a contractor has been hired to try to address that specific problem. Has any progress been made in that problem of bleeding?

Mr. WILLIAMS. Thank you. Let me say that we’re concerned about that issue, as well, data migration. “Bleeding,” of course, doesn’t quite capture it. It’s not profusely bleeding, but we have problems in that system and any problems there is not acceptable.

We have hired a very respected contractor. They are on-site now. They are going through that system now. They are very confident we are going to find the solution to that piece of—glitch in the system, and yes, we intend to have that issue fixed in pretty fast order.

Ms. SÁNCHEZ. Do you have a target date for when the majority of these problems—

Mr. WILLIAMS. I would, but I will say as soon as possible, you’ll have me back up here answering why it didn’t happen. I’m going to tell you this. We’re going to work on this project. We’re going to keep focusing on it until it’s fixed. It is an issue. It’s a very important issue. We intend to tackle it with whatever means necessary to get it fixed.

Ms. SÁNCHEZ. Okay. And one of sort of the recurring things that I’m hearing here is somewhat of a lack of resources and a lack of oversight and enforcement. Is there an oversight or an enforcement mechanism for the work that this contractor is doing on this specific problem?

Mr. WILLIAMS. We’re working alongside of them with our technicians. We have our very own agency technicians, as well, that are partnering with them to make sure that we’re aggressively working that problem, and I feel confident that we will overcome that issue.

Ms. SÁNCHEZ. Okay. Thank you very much.

Inspector Fine, I understand that INS adjudicators have not been properly trained for performing school adjudications, and I’m wondering if there are any plans to incorporate some suggestions in terms of how we can train these adjudicators to make adjudications.

Mr. FINE. We have made suggestions to the INS that adjudicators need more training. They need not only technical training on what the checklists are, but what to do with them and what to look for, how to look for fraud, what kind of indicators they should be seeking to determine whether a school is not bona fide or whether there are problems with the school. So I do believe there needs to be more training. There has been some training by the INS, but when we went back and talked to the adjudicators, some of them found it difficult to understand and not particularly useful, so I think there needs to be more emphasis placed on that.

Ms. SÁNCHEZ. Thank you. Mr. Fischer, I understand that you made a recommendation to Congress that we consider adding penalties for noncompliance with SEVIS. Given the problems that INS has had in overseeing the current system, do you think that it’s

particularly realistic that INS would be able to impose those penalties evenly and appropriately and in a timely manner?

Mr. FISCHER. I think so. I think they should be on the books, at least, because there really is no penalty in many cases for violators of the program.

I'd like to even go back if I may, please, to the contractor issue. I find it, with my 32 years of former Government experience, when I've dealt with contractors, whether they be on computer systems, whether they be with engineering issues, with establishment of offices or whatever, that it's difficult to pin them down, the accountability and responsibility. You can cancel a contract, but you can't really direct that person. Our service centers probably have 90 percent of their workforce as contractors. They open the mail. They handle the checks, sensitive documents, things like that.

Here, we have a very, very sensitive program that's going to be with us in a better fashion, hopefully, down the road. I don't know if I would want to trust investigating schools or establishing compliance guidelines and doing important things like that to somebody who's not even a Federal employee and perhaps never even had a records check done on them. I have difficulty with that—or could quit at a moment's notice and be replaced by somebody else.

And the adjudicator is the one who is gathering that information, supposed to be getting it in 30 days. Now, it is over 3 months. I have trouble with that. And the money issue, I mean, what price do you pay for quality?

But if I may go back to your original question, I still think, yes, Congress should consider having some sort of penalty assigned to the individuals who are overseeing programs, training, whatever the case may be, if there are violations. Now, the Inspector General mentioned the case at Morris Brown, where you had a DSO, a Designated School Official, who was selling I-20's and sold numerous I-20's for tens of thousands of dollars to individuals who were never enrolled in school. Now, I'm not saying that the school should be penalized. I think the individual should be. I think that person should be accountable. I suspect the U.S. Attorney, I know, is taking the case because the INS investigations did an excellent job in the Atlanta District of ferreting this out.

But this is the same type of thing that needs to be done with a system, and I—what Dr. Ward said, I agree 100 percent. It needs to be systematic, but it needs to be user friendly but still help that DSO, help that inspector, help that consular officer. And there's no reason in 2003 that we can't develop something, and \$37 million, Congresswoman, that is a lot of money.

Ms. SÁNCHEZ. I appreciate your comments. I share many of your comments, and I thank you for your thoughtful answer and I'd yield back the balance of my time.

Mr. HOSTETTLER. I thank the gentlelady.

I would like to now enter into a second round of questioning and kind of from the gentlelady's first question with regard to the issue of "bleeding," Mr. Williams, in your comments, you refer to the issue of "bleeding," and that is where the unintentional merging of data from one school to another which results in the printing of legitimate student information at the wrong institution. You refer to it as an issue of privacy and not accuracy.

Dr. Ward describes in his statement a bleeding incident in which confidential SEVIS forms printed by the Jet Propulsion Laboratory, a secure Government installation, were printed at a school in San Francisco. Would you not also say that, from time to time, this may be an issue of national security as well as privacy?

Mr. WILLIAMS. I think any system flaw in SEVIS is of concern and it should be repaired. We are concentrating on that. We are going to fix it. Any deviation from a planned process is a concern.

Mr. HOSTETTLER. Thank you. Mr. Fischer, if I can return to you, in your statement, you say that the visa that was issued under the CIPRIS system was a "credit card-sized combination visa/identity card." It included biometric features like a fingerprint and a photograph. What were the advantages of such a card from a law enforcement viewpoint?

Mr. FISCHER. Right now, Mr. Chairman, I-20's—when a student comes over—when a school—when a student is accepted academically, that school will generate an I-20. That I-20 is sent to the student. The student takes that I-20 into the embassy or to the post. The post will review it, hopefully run through the system. If everything's okay, post will issue in the passport a non-immigrant visa F-1. When that student comes here to the States, he or she will fill out a white I-94, arrival/departure card, and when they're admitted, on that card will normally be D/S, which is duration of status, no date to leave the country. They're here as long as they're fully matriculated in a school that's approved. They have a paper I-20 with them with a bar code.

Right now, some of the ports can't even read the bar code. It's a difficult program. It's a paper program. When you have paper, you run the risk of manipulation, you run the risk of problems, whatever the case may be.

We envisioned and we factored into the CIPRIS program a biometric—sort of like a credit card. It would have on the front your fingerprint, your photo. On the back would be data, sort of like the I-551, the "green card," where there is material in there, whether it be your mother's first name, your father's first name, your place of birth, your date of birth, that somebody can basically query that person to see if it's legitimate.

And through that card, basically all the information, whether it be the issuance of employment authorization documents, whether it be the ability to travel back home—we look at it as a feature for the student to use and for the schools to get out of this paper trail business that leads to a lot of problems.

For some reason that—and the card would be secure, obvious, which is the name of the game. It would be secure, with good data built into it that the school and the student and the DCIS and BICE and Homeland Security and the FBI and State could read, and that's the advantages that we saw. It never went beyond, I guess, October 1999, unfortunately.

Mr. HOSTETTLER. Mr. Williams, is there anything in law that precludes SEVIS from including biometric information?

Mr. WILLIAMS. Mr. Chairman, we are considering biometrics, all kinds of different things in the future. We know to put a system like that in place in a quick time frame would have been next to impossible.

I do add, though, that the SEVIS system is not taken as a single component of the law enforcement function. We have access to the State Department, the POE data, the non-immigrant information, the visa application, people that are enrolled in our new NSEERS program have a biometric and a digital photograph.

I also comment at the Service Center, that one component that was asked earlier, we have very professional intel research specialists backed up by now a dedicated crew of investigators to look over those applications.

So, as you mentioned, our new appointed Assistant Secretary, Michael Garcia, is focused on this as a law enforcement component, as well. We are continuing to focus on making those kind of improvements in the future, as well.

But as I mentioned in my opening testimony, this mosaic of homeland security does have connectivity. I know you're familiar with the data share capabilities, as well.

Mr. HOSTETTLER. And just in closing, I understand the point about the timeliness for the system to be put in place, but there are a lot of us that are very interested in the usage of biometrics with regard to immigrants and non-immigrants, the folks that are visiting this country, and so we would like to continue work with you on improving SEVIS to the point where some of the things that worked with CIPRIS can be moved over into SEVIS.

Mr. WILLIAMS. We look forward to that, as well.

Mr. HOSTETTLER. At this point, Ms. Sánchez, do you have any other questions?

Ms. SÁNCHEZ. No further questions, thank you.

Mr. HOSTETTLER. Ms. Blackburn, any—

Mrs. BLACKBURN. Yes, I do. I have just a couple. Thank you, Mr. Chairman.

Mr. Fischer, back to you and to the discussion that we were having about the former INS Deputy Commissioner halting the CIPRIS system, I guess it's a little perplexing to me that a system that seemed to carry information that would be deemed to be superior to the system that replaced it, why that decision was made.

So what I want to ask is, what did you do with—or what was done with that data and that information from the CIPRIS system? Was that used as a building block from the SEVIS system, or SEVIS or however this is properly pronounced? Is this integrated into the other systems that track those that have visas and are in our country? And the final question would be, how much money was spent on that CIPRIS system before it was pitched, thrown out?

Mr. FISCHER. I don't know the amount of money. It was—

Mrs. BLACKBURN. Could you find that for us, or could someone?

Mr. FISCHER. I don't know the amount, and I don't think it was substantial. It was more labor intensive because of the partnership that we generated with the schools and universities and the different departments.

When the program was suspended, I retired. I don't know specifically what was carried over. The program up to that time, Congresswoman, that was developed was allowed to continue in the Atlanta District until SEVIS went online. So certain aspects, obviously, I would think—and that's speculation on my part—were car-

ried over. But I really don't have the answer to that because I've been out of that Federal loop for three-and-a-half years. I apologize.

Mrs. BLACKBURN. A problem. Mr. Williams, did you have something to add?

Mr. WILLIAMS. Yes. I would just add that the data that was in CIPRIS is, in fact, in SEVIS.

Mrs. BLACKBURN. It is? Okay.

Mr. WILLIAMS. I will say, too, that, just for clarification purposes, I wasn't around then. I was working on the other coast. But it's my information that it was, indeed a pilot program. It was a wide-parametered piloted program to test the ability and scalability of a large amount of data and how could you take this large amount of data which was—and then apply it to 1.5 million students.

It did form the basis of our thinking when we began the SEVIS project now, and with consultation with the educational associations and the schools, decisions had to be made on what you could put out, what was available. So the CIPRIS system did, in fact, provide the basis for our thinking and what we are doing now with SEVIS.

Mrs. BLACKBURN. Excellent. And do you have an idea of what the cost was on that pilot program?

Mr. WILLIAMS. I believe the cost was minimal. I would venture a guess, but I think it better that I provide you with that, so if you wouldn't mind, after the—

Mrs. BLACKBURN. That would be wonderful. Thank you.

And then finishing that, the system, the SEVIS system that is in place, is that integrated with other systems or do you maintain it separate and secure or what is your data tracking and transfer?

Mr. WILLIAMS. It is available to different—it's one of the data share processes. The State Department has that, has accessibility to that system. Our Port-of-Entry Inspectors have accessibility to that system. And it's not necessarily a stand-alone system when it comes to law enforcement. It provides us with the best, the freshest locating information if it's necessary for us to go after a person that did violate their status. That's why it's so important that it remain current.

Mrs. BLACKBURN. Excellent. Thank you very much. I appreciate that.

Mr. HOSTETTLER. If the gentlelady will yield, I'd like to ask one additional question.

Mrs. BLACKBURN. I'll yield.

Mr. HOSTETTLER. Mr. Williams, when will the fee regulation come out with regard to this system?

Mr. WILLIAMS. I hope very soon.

Mr. HOSTETTLER. Very good. And are there plans to hire more investigators with that fee?

Mr. WILLIAMS. Depending on the outcome of the fee, we will make resource decisions. Again, I would just reemphasize that to make this system whole, there has to be a law enforcement component. The system has to have compliance and has to have consequences.

Mr. HOSTETTLER. I want to thank the panel for being here today. I will just say in closing, Mr. Williams, you've heard a lot about the issues with the SEVIS system. I want you to know that this Com-

mittee is dedicated, as Ms. Jackson Lee pointed out, to hearing about and understanding the resources necessary to make SEVIS work for everyone, from the foreign students to the user schools as well as our law enforcement personnel. We will hold, or this Committee will hold ICE responsible for the proper administration of this program and its effectiveness and efficiency, and so knowing that, we want you to understand that we want to know about the resources you need to make it effective and efficient. This is a significant issue. This country has been touched significantly on September 11 by issues related to tracking students, non-immigrant aliens who come in to study in this country, and this Committee will be following up on this.

I want to likewise thank all of you gentlemen for appearing today, for testifying before the Subcommittee.

I just want to tell the Subcommittee that the record will remain open for 7 days for any additional materials that you'd like to have added.

This Subcommittee's business is adjourned.

[Whereupon, at 4:22 p.m., the Subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS

We need to keep track of foreign students while they are in this country, but I want to emphasize that the primary reason for doing this is to enforce our immigration laws, not to search for terrorists. Despite news reports to the contrary, only one of the 9/11 terrorists entered the country on a student visa. Eighteen entered on B visas, either as tourists or as businessmen. After arrival in the United States, two of the terrorists, Mohammed Atta and Marwan Al Shehhi, applied for a change to student status. They were planning to attend flight school and, despite not technically needing to be in M-1 vocational student status to do so, they ostensibly wanted to comply with any regulations that were arguably applicable to avoid attention.

Nevertheless, a successfully implemented SEVIS program is needed to increase the Bureau of Immigration and Customs Enforcement's ability to track and monitor foreign students and exchange visitors in order to ensure that they arrive in the United States, show up and register at the school or exchange visitor program they are scheduled to attend, and properly maintain their status during their stay in our country. SEVIS can make it easier for us to identify those who may come to America for the wrong reason, while extending our welcome to those seeking the knowledge that the schools of this country have to offer. But, it must be done in such a way as to maximize the effectiveness of our increasingly limited national resources.

International students and exchange visitor programs are enormously beneficial to the United States. 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. They bring greater international understanding to the world at a time of great turmoil.

Many world leaders have attended American universities, including United Nations Secretary General Kofi Annan, Jordan's King Abdullah II, and Mexican President Vicente Fox. Each year, thousands of international students return to their homelands as proponents of American values, democracy, and the free market. Without these unofficial ambassadors for the American way, our country's image is more susceptible to the spread of misinformation and propaganda by those who would do us harm. Curtailing international exchanges would only serve to deprive our nation of one of its best tools for extending American influence in the world.

The task of entering the data for the SEVIS system must be performed by the schools. The schools will feel the effect of any push to implement the SEVIS system at a more rapid pace. It is a gigantic task. Moreover, the delays and technical problems with the system have exacerbated this problem. I have heard of significant computer problems such as that SEVIS sometimes will inexplicably, and apparently randomly, reset or change data. For example, the status of full-time enrolled students have been changed from "active" to "terminated." The computer software must be bug free and reliable for the SEVIS system to work properly.

Mr. Chairman, I hope that we can continue to work cooperatively and in the true spirit of bipartisanship to ensure the successful implementation of the SEVIS system. I believe that we can create an effective system that will eliminate many of the risks our nation is concerned about, without discouraging the talented men and women from different countries from coming to the United States to study and to exchange creative thought and ideas.

Thank you, Mr. Chairman.

**SEVIS Problems Encountered by
Stanford University**
April 1, 2003

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- 1) SEVIS Help Desk Personnel Often Provide Contradictory and Wrong Information
 - a) When the Help Desk was asked how to create SEVIS I-20s for continuing students during breaks between quarters (when there is no current session end date), we were told that we should use the end date of the session that just ended. When we attempted to do this, SEVIS would not accept this information format. The problem was ultimately resolved only after we explained the new problem to Help Desk staff who told us to do something different - use any data prior to the start date of the next session.
 - b) When a student applies for post-completion practical training after we learn that he/she will be graduating at the end of the quarter (and therefore will not enroll the following quarter), we asked the Help Desk what date to use for the next session start date when that student begins practical training. The Help Desk advised us to do two different things: 1) Use the start date of the practical training; 2) Use any date because it does not matter as long as the practical training begins within 60 days after the program end date. We have yet to receive clarification on which date to use.
- 2) The SEVIS Help Desk And The Local Service Center Provide Information That Contradicts Each Other
 - a) Instead of issuing an I-20 for initial attendance, the Help Desk has advised us that a student must file for F-1 reinstatement if that student has been away for over five months. On the other hand, the Local Service Center sees no need to do a reinstatement in this situation since reinstatement is primarily used when a student violates his/her legal status.

- b) Traditionally, the Local Service Center has allowed Optional Practical Training (OPT) extensions when a student has applied for less than the maximum twelve months allowed by law. In addition, form I-765 allows OPT extensions of current OPT permits. However, the SEVIS Help Desk has told us that such extensions are impermissible. There appears to be no understanding by SEVIS personnel in Washington, D.C. on how schools and Local Service Centers have operated in the past relating to specific circumstances.
- 3) The Local Service Center Has No Guidance On SEVIS And Has Yet To Convert to SEVIS
- a) Not only do we have to comply with the computer-based SEVIS program, we are also still required to follow-up with paper copies to the Local Service Center. We are essentially doing two jobs now - the traditional paper-based system to the Local Service Center and the new computer-based SEVIS system.
- b) Our Local Service Center has no established SEVIS guidelines and has received no guidance from headquarters in Washington, D.C. There is no SEVIS official in the Local Service Center that can provide us guidance on the countless number of Optional Practical Training issues, issues that have been traditionally dealt with at the Local Service Center level.
- 4) Not Enough Properly Trained Staff At The SEVIS Help Desk Past 3:00 PM, Pacific Standard Time
- The help desk closes by 6:00 PM Pacific Standard Time. However, there never appears to be "Tier Two" representatives available after 3:00 PM Pacific Standard Time. Tier Two representatives appear to have stronger training to assist in more complicated SEVIS problems. If there were relatively few complicated problems, this would not be an issue. However, every Help Desk question I have submitted since the beginning of March has been elevated to, at least, a Tier Two representative. We seem to have arrived at the end Tier One usefulness and instead need to beef up Tier Two support with extended hours.
- 5) Corrections Received And Corrected By The Help Desk Take Too Long
- When we submit a problem to the Help Desk for correction, the Help Desk takes too long to correct the problem. For example, a student's program dates were missing after we submitted his record to SEVIS on March 11, 2002. A help ticket was entered that day and we have yet to see a correction to the problem three weeks later.
- It appears this problem is a symptom of the lack of immigration-trained SEVIS Help Desk staff. We are often told that our questions require further screening

with better trained staff.

6) The SEVIS Computer Program Appears To Be Dictating Immigration Law, NOT the Other Way Around

Just one example is the student who decides to cancel his Optional Practical Training (OPT) to pursue a new degree. Although this is permitted by law, we are forced to advise students not to apply to until they have finished their OPT because there is no way to withdraw OPT authorization in SEVIS. There may be a way to issue a new document, but the student will still have the OPT petition pending.

7) Honest Data Entry Errors Are Difficult To Correct

When we make honest entry errors in SEVIS, we have to call the Help Desk to correct the problem. In some cases we have to wait two-three weeks while the SEVIS Help Desk tries to fix the problem. For example, we have to contact the Help Desk if we enter an incorrect start date and realize the mistake after the data has been entered. There needs to be some ability for Designated School Officials to correct these honest clerical errors without too much difficulty.

8) Port Of Entry Officials Lack SEVIS Training

Immigration officials at ports of entry are not well trained on SEVIS. Consequently, students with valid documents have been reprimanded at ports of entry, turned away or asked to enter under tourist visas. Although we provide our students with the most up-to-date and valid SEVIS information available before they arrive at the port of entry, students encounter problems not anticipated by SEVIS or our staff. For example, current SEVIS regulations allow students to use non-SEVIS documents to enter the country before August 1, 2003. However, some port of entry officials require SEVIS documents now.

9) J-1 Visa Issues Have Not Been Addressed By SEVIS Personnel

There is absolutely no guidance on J-1 issues. If we call the State Department, they tell us to contact the SEVIS Help Desk. If we call the SEVIS Help Desk _____



