May 8, 2003

The Honorable John Graham  
Administrator, Office of Information and Regulatory Affairs  
Office of Management and Budget  
725 17th Street, NW  
Washington, DC  20503

Dear Mr. Graham:

On behalf of the member universities of the Association of American Universities (AAU), the American Council on Education (ACE), and the National Association of State Universities and Land-Grant Colleges (NASULGC), we write to bring to your attention a matter of significant concern related to the regulation currently under review at OMB concerning the yet-to-be proposed fee collection system associated with the Department of Homeland Security's Student and Exchange Visitor Information System (SEVIS), and to ask your assistance to help implement a solution that will avoid potential problems.

We believe that SEVIS is the most important step that the federal government can take to improve its ability to monitor international students and exchange visitors and we strongly support its implementation. With respect to implementation, while we collectively strive to make SEVIS work now, we are also concerned about a potential problem on the horizon with respect to the fee collection system. We believe that to the greatest extent possible the fee system should not rely on a mail and paper-based system and that the fee should be collected at the same time and in the same way other visa fees are currently collected.

Under current law, prospective international students must pay a fee before they can apply for a visa and they must pay a separate fee to be entered into the SEVIS database. We understand that the Bureau of Immigration and Customs Enforcement (ICE) at the Department of Homeland Security (DHS) seeks OMB clearance for interim final regulations that will govern the SEVIS fee, and that the fee collection process will require potential students to pay either by using a credit card and the Internet or by sending a check in American dollars to a bank in the United States. Regardless of which approach a student uses, the bank will then mail a paper receipt to the student that must be presented at a U.S. embassy or consulate when the student applies for a visa.

We fear that the reliance on mailed paper receipts via foreign and U.S mail systems will only invite significant problems for the electronically-based SEVIS and will only further impede its full implementation. Mailed paper receipts will significantly delay the visa process and, more importantly, they can be lost or stolen. Given the potential value of a SEVIS payment receipt to those who wish to enter this country, we fear that fraudulent use is a real possibility.
We believe that these problems can be avoided if the SEVIS fee is collected, like other visa fees, when the individual applies for a visa. Currently visa applicants are able to pay visa fees in their home country and are able to pay with their country's own currency. We propose that the SEVIS fee collection system be collected in a parallel system to that of visa application fees. In such a system, foreign student and scholar visa applicants would be able to pay all necessary visa-related fees at a single location at the same time and they would not have to rely upon mail. Rather, visa applicants would receive a receipt for the visa application fee and a receipt for the SEVIS fee that they could then bring to a consular office in order to initiate their applications and to be entered into the SEVIS database. This proposal is essentially a "piggy-back" on the current visa application fee system. Hence, this proposal would eliminate potential delays that would be caused by mailing receipts, reduce the possibility that paper receipts could be lost or stolen, and remove the need for the federal government to set up an entirely new system to collect the SEVIS fee.

We offer this proposal as a possible alternative to the fee collection system we understand that is now under consideration. Let us be clear - the issue is not whether there will be a SEVIS fee or not, or how much the fee will be. Of concern in this instance is only that we have a fee collection system that is workable, efficient, and minimizes the possibility of visa delay, fraud, and abuse. Without such a system, our nation's ability to attract the world's brightest students and researchers will suffer and this in turn will diminish the ability of universities to help achieve national priorities of strengthening the economy, protecting the homeland, and winning the war on terrorism through the creation and dissemination of knowledge.

We thank you for considering our proposal. We have appreciated your assistance with issues in the past, and we believe this is another matter that merits your attention. If you would like further information or if you have questions, please contact Terry Hartle at ACE.

Sincerely,

Nils Hasselmo       David Ward     C. Peter Magrath
President       President     President
AAU            ACE           NASULGC

cc: Dr. John Marburger, Director, Office of Science and Technology Policy