Chairmen McKeon and Tiberi and Subcommittee Members:

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

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

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

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

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

Alarming Decrease in International Students at U.S. Universities

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

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

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

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

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

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

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

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

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

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

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

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

**Improvements to Visa Processing**

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

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

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

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

The visa application process is still disruptive to people in continuing programs. We and other universities have many students in graduate programs who are reluctant to return home because they might not be able to return by the following semester. A couple at Maryland in agricultural economics was caught in Bogotá, Columbia when they went home for a vacation. The husband was Columbian, and the wife was Danish. Both were in the middle of their courses of study and had been required to obtain security clearances, which they did. They left in December and could not get back into the country until a month into the Spring semester.

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

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

**Recommendations**

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

This change would significantly reduce the number of times that visiting international students and researchers must renew their visas and would permit the government to focus its limited security resources to clear persons seeking to enter this country for the first time and not on repeat visitors who have been already screened.
2. We must fight what appears to be a growing perception that we no longer welcome international students, scientists, and scholars. Our nation must make it clear that the U.S. treasures international scholars and scientists. The problem is broad based and attention must be paid to all groups of scholars and scientists who were so welcome in our universities in previous times.

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

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

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

Conclusion

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

If the trend in international student applications is not reversed, the implication for the future of our science and technology enterprise is dire. Consider the extent to which our research universities have depended on our past open-armed welcome of the best talent from other countries. In our top twenty school of engineering we have 193 tenured tenure-track faculty; 101 of them are foreign born. The vast majority did their graduate work in the United States. Currently, 52% of our graduate students in engineering are foreign born. The Deans of the Colleges of Life Sciences, Computer, Mathematical, and Physical Sciences and the A. James Clark School of Engineering are foreign born and U.S. educated, and 45% of science graduate students are foreign born.

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

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

I thank you again for this opportunity to appear before your today. I would be glad to answer your questions.
Statement and Recommendations on Visa Problems Harming America's Scientific, Economic, and Security Interests

May 12, 2004

We, the undersigned American organizations of higher education, science, and engineering are strongly committed to dedicating our combined energies and expertise to enhancing homeland and national security. Our nation's colleges and universities and scientific and technical organizations are the engines of new knowledge, discoveries, technologies, and training that power the country's research enterprise and contribute greatly to economic and national security. Moreover, they are important hubs of international scientific and technical exchanges, and they play a vital role in facilitating educational and cultural exchanges that help to spread our nation's democratic values.

We strongly support the federal government’s efforts to establish new visa policies and procedures to bolster security; however, we believe that some of the new procedures and policies, along with a lack of sufficient resources, have made the visa issuance process inefficient, lengthy, and opaque. We are deeply concerned that this has led to a number of unintended consequences detrimental to science, higher education, and the nation.

In particular, there is increasing evidence that visa-related problems are discouraging and preventing the best and brightest international students, scholars, and scientists from studying and working in the United States, as well as attending academic and scientific conferences here and abroad. If action is not taken soon to improve the visa system, the misperception that the United States does not welcome international students, scholars, and scientists will grow, and they may not make our nation their destination of choice now and in the future. The damage to our nation's higher education and scientific enterprises, economy, and national security would be irreparable. The United States cannot hope to maintain its present scientific and economic leadership position if it becomes isolated from the rest of the world.

We are resolute in our support of a secure visa system and believe that a more efficient system is a more secure one. We also are confident that it is possible to have a visa system that is timely and transparent, that provides for thorough reviews of visa applicants, and that still welcomes the brightest minds in the world. It is not a question of balancing science and security, as some have suggested. These priorities are not mutually exclusive; to the contrary, they complement each other, and each is vital to the other. Indeed, in the near term, some international scientists and engineers are directly contributing towards helping to win the war on terrorism. In the long run, a robust network of global interactions is essential to winning this war. Our nation needs a visa system that does not hinder such international exchange and cooperation.

The Departments of State and Homeland Security have responded to some of our concerns by taking steps to make the visa process less cumbersome and more transparent. However, serious problems remain, and it is in the hope of resolving these issues collaboratively that we offer the following recommendations:

- **Problem:** Repetitive security checks that cause lengthy visa issuance delays.
- **Recommendation:** Extend the validity of Visas Mantis security clearances for
international students, scholars, and scientists from the current one-year time period to the duration of their course of study or academic appointment. When those who have received a favorable Security Advisory Opinion from Visas Mantis apply to renew their visas, consular officers could confirm that the applicants have not changed their program of study or research since issuance of their original clearances. This would eliminate a redundant procedure that sometimes causes unnecessary delays and hardships.

- **Problem:** Inefficient visa renewal process that causes lengthy delays.
  **Recommendation:** Establish a timely process by which exchange visitors holding F and J visas can revalidate their visas, or at least begin the visa renewal process, before they leave the United States to attend academic and scientific conferences, visit family, or attend to personal business. A visa renewal process that allows individuals to at least initiate the process before leaving the country would greatly diminish, and in many cases eliminate, lengthy visa delays, and it would allow them to continue their studies and work uninterrupted.

- **Problem:** Lack of transparency and priority processing in the visa system.
  **Recommendation:** Create a mechanism by which visa applicants and their sponsors may inquire about the status of pending visa applications, and establish a process by which applications pending for more than 30 days are given priority processing. Implementing these measures would greatly add to the transparency of the visa process and would help to ensure that applications do not get buried at the bottom of the pile or lost.

- **Problem:** Inconsistent treatment of visa applications.
  **Recommendation:** Provide updated training of consular staff, establish clear protocols for initiating a Visas Mantis review, and ensure that screening tools are being used in the most appropriate manner. We recognize that the government is pursuing efforts to enhance training, and we encourage this. Consular staff need the best available tools and training to perform their vital responsibilities. Additional training and guidance for consular staff could greatly enhance security while simultaneously reducing the number of applications submitted for Visas Mantis reviews, thereby alleviating potential delays.

- **Problem:** Repetitive processing of visa applications for those with a proven track record.
  **Recommendation:** Revise visa reciprocity agreements between the United States and key sending countries, such as China and Russia, to extend the duration of visas each country grants citizens of the other, thereby reducing the number of times that visiting international students, scholars, and scientists must renew their visas. We recognize that renegotiating bilateral agreements is a time-consuming process, and we believe it should be pursued as a long-term measure that allows the government to focus its visa screening resources by reducing the number of visa renewals that must be processed.

- **Problem:** Potential new impediment to international students, scholars, and scientists entering the U.S. created by proposed SEVIS fee collection mechanism.
  **Recommendation:** Implement a fee collection system for the Student and Exchange Visitor Information System (SEVIS) that allows for a variety of simple fee payment methods that are quick, safe, and secure, including payment after the individual arrives in the United States.
Additional funding and staffing resources across the agencies involved in visa adjudications are essential to the above recommendations and to an effective visa system. Congress and the Administration should ensure that adequate resources are provided.

We are committed to working with the federal government to construct a visa system that protects the nation from terrorists while enhancing our nation’s security not only by barring inappropriate visitors but also by enabling the brightest and most qualified international students, scholars, and scientists to participate fully in the U.S. higher education and research enterprises. We believe that implementing the recommendations above will help to make this goal a reality.

Nils Hasselmo
President
Association of American Universities

Bruce Alberts
President
National Academy of Sciences

C. Peter Magrath
President
National Association of State Universities and Land-Grant Colleges

Harvey Fineberg
President
Institute of Medicine

Charles P. Casey
President
American Chemical Society

Alan Leshner
Chief Executive Officer
American Association for the Advancement of Science

David Ward
President
American Council on Education

Wm. A. Wulf
President
National Academy of Engineering

Marlene M. Johnson
Executive Director and CEO
NAFSA: Association of International Educators

Helen R. Quinn
President
American Physical Society
George R. Boggs  
*President and CEO*  
American Association of Community Colleges

Felice Levine  
*Executive Director*  
American Educational Research Association

Debra Stewart  
*President*  
Council of Graduate Schools

David Eastmond, Ph.D.  
*President*  
Environmental Mutagen Society

John W. Steadman, Ph.D., P.E.  
2004 *President*  
IEEE-USA

Joan L. Bybee  
*President*  
Linguistic Society of America

James H. Nelson  
*President*  
American Association of Physics Teachers

Tom Shenk  
*President*  
American Society for Microbiology

Katarina Phillips  
*President*  
Council on Governmental Relations

Robert D. Wells, Ph.D.  
*President*  
The Federation of American Societies for Experimental Biology (FASEB)

Dr. Eugene Arthurs  
*Executive Director*  
SPIE -- The International Society for Optical Engineering

David L. Warren  
*President*  
The National Association of Independent Colleges and Universities
Alyson Reed
Executive Director
National Postdoctoral Association

Lynne Sebastian, Ph.D., RPA
President
Society for American Archaeology

Additional Endorsing Organizations:

American Academy of Arts and Sciences
American Association of State Colleges and Universities
American Philosophical Society
Association of International Education Administrators
Institute of International Education
National Academic Consortium for Homeland Security
American Astronomical Society
American Psychological Association
Infectious Diseases Society of America
Optical Society of America
American Sociological Association