

*AAU Association of American Universities*

*ACE American Council on Education*

*NASULGC National Association of State Universities and Land-Grant Colleges*

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July 23, 2003

The Honorable Tom Davis  
Chairman  
Committee on Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

On behalf of the undersigned organizations, we thank you for this opportunity to offer a statement for the record with respect to the impacts of new visa policies on the higher education sector. We represent over 2,000 public and private colleges and universities in the United States that host the majority of international academic personnel, including students, faculty, and researchers, in the country.

Due to the international nature of higher education and academic research, the American higher education community is keenly interested in and aware of visa issues, especially as they relate to delays in the visa system.

The nation's higher education community supports the Federal government's efforts to bolster homeland security, including strengthening the visa system. We are concerned, however, that changed visa policies and procedures have had unintended negative consequences on educational exchange and science. The most pressing of these are the unpredictable and lengthy delays that many foreign students, scholars, and scientists have experienced due to security checks involving the Visa Mantis and Visa Condor systems. In many such cases, these individuals face long delays despite the fact that they were granted visas in the past. For example, we have received many reports from campuses that international scientists and students have experienced visa delays ranging from 2 months to 1 year as they wait for a Visa Mantis or Visa Condor security advisory opinion to be issued.

The higher education community applauds the recent policy change by the State Department that will allow a limited number of international students and researchers who are sponsored by the U.S. government and who have received visas after going through the Visa Mantis system to be able to depart the U.S. and return without going through the Mantis clearance process again for a period of one year. We appreciate this step in the right direction, but hasten to urge that the one-year period be lengthened and that the policy be broadened in scope to allow non-government sponsored international students and scholars to exit and reenter the country in a more expeditious and timely fashion—since this limited improvement will otherwise not help most international students and scholars.

Prior to September 11, 2001, individuals whose applications were selected for a Visa Mantis system review were automatically approved within 30 days if their applications were not flagged or rejected by the State Department or other agencies. Today there is no such limit and sponsors and applicants are unable even to check on the status of visa applications in the Visa Mantis system. This is a source of great frustration. Therefore, the higher education community urges the federal government to create a mechanism for the Visa Mantis system that will enable applicants and sponsors to inquire about the status of applications undergoing security reviews.

The higher education community also views with particular concern the recent change to visa interview policies that will limit the circumstances in which consular officers may waive visa interviews and will in effect require nearly all foreign individuals seeking to visit the U.S. to be interviewed (State Department cable #136100, May 21, 2003). Specifically, we are concerned that this new policy is to be implemented by August 1, 2003, but without additional resources. The State Department cable to consular posts announcing this new policy clearly states "many posts will face processing backlogs for the indefinite future."

We share this pessimistic assessment, and believe that without a commensurate increase in resources to accommodate the substantial increase in workload that will result from this new requirement, there will be even more delays than there already have been for international students, scholars, and researchers who seek to study and work in the U.S. In most cases, students, scholars, and researchers who seek to study and work in the U.S. are already interviewed as part of the visa issuance process. Our concern is that they will not be able to be interviewed in a timely fashion due to the increased number of other individuals that will now need to be interviewed and the lack of additional resources to conduct these interviews. We have already received multiple reports from universities that some of their international students and scholars have been told by consular offices that the earliest visa interviews can be scheduled will be *after* the fall academic term begins.

Consequently, we strongly urge that implementation of the new visa interview requirement be delayed until such time as sufficient resources are available to meet the increased volume of visa interviews, and that it be phased in gradually according to security risk, as determined by the appropriate agencies, rather than all at once. We support additional appropriations for consular activities of the State Department for this purpose.

We fear that visa delays of any type will become routine, causing international students and scholars to miss the fall academic term, classes to be cancelled, and educational and research opportunities to be lost. Moreover, we are concerned that international scientists and scholars will be prevented from traveling to and from academic and scientific conferences in the U.S. and abroad. We fear a chilling academic and scientific environment has begun to emerge for foreign students, scholars, and scientists, and if current problems and delays in the U.S. visa system are not addressed swiftly and effectively, our nation may lose some of the world's best and brightest scientists to other countries. Such losses could prove devastating to our nation's higher education system, science and technology enterprise, and economic and national security.

If the U.S. is to remain the world's leader in higher education, science, and technology, we must have a visa system that is *secure, timely, efficient, transparent, and predictable*; that enhances homeland security; and, that will permit scientific exchange and collaboration.

Enclosed you will find a copy of a recent communication from the higher education community to House Appropriations Committee members that outlines these concerns.

We appreciate this opportunity to share our concerns about new visa policies that are hampering educational and scientific exchange. In closing, we wish to underscore the higher education community's commitment to assist in the broader national effort to enhance homeland security. We stand ready to work with you and the Committee to strengthen our nation's visa system while preserving the international educational and scientific exchange that fuels new knowledge, technology, and commerce.

Thank you for your consideration of our views on this critically important issue.

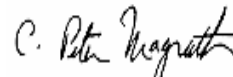
Sincerely,



Nils Hasselmo  
President, AAU



David Ward  
President, ACE



C. Peter Magrath  
President, NASULGC

On behalf of:

American Association of Community Colleges  
American Council on Education  
Association of American Universities  
College and University Professional Association for Human Resources  
Council of Graduate Schools  
NAFSA: Association of International Educators  
National Association of Independent Colleges and Universities  
National Association of State Universities and Land-Grant Colleges

Enclosure



# Association of American Universities

July 2, 2003

The Honorable Frank R. Wolf  
Chairman  
Subcommittee on Commerce, Justice,  
State, and Judiciary  
House Committee on Appropriations  
241 Cannon House Office Building  
Washington, DC 20515

Dear Chairman Wolf:

I write on behalf of the undersigned higher education associations to inform you of our significant concerns related to our nation's visa system and to request that additional funding be included in the FY2004 Commerce, Justice, State, and Judiciary Appropriations bill for the State Department to facilitate the implementation of new visa policies.

Current policies are hampering the ability of the world's best and brightest international students, scholars, and researchers to study and work in our country and to contribute to our nation's science and technology enterprise, economy, and security. We support the Federal government's efforts to strengthen homeland and national security through the visa issuance process. We also applaud the thrust of the Federal government's "Secure Borders. Open Doors." initiative. However, we have some serious concerns about visa policy and implementation. We have articulated these concerns in the attached letter sent to Secretary of State Colin Powell last month.

One of these concerns pertains to the recent change to visa interview policies that requires nearly all foreign individuals seeking to visit the U.S. to be interviewed (see attached for State Department cable #136100 dated May 21, 2003). Specifically, we are concerned that this new policy is to be implemented by August 1, 2003, but *without* additional resources. As the cable to consular posts announcing this new policy clearly states "many posts will face processing backlogs for the indefinite future." We share this pessimistic assessment, and believe that without a commensurate increase in resources to accommodate the substantial increase in workload that will result from this new requirement, there will be even more delays than there already have been for international students, scholars, and researchers who seek to study in the U.S.

*We strongly urge that sufficient appropriations be made to the State Department in FY2004 to implement the new visa interview requirement and that it be phased in gradually by country and security risk rather than all at once.*

Higher education and science are international activities. If the U.S. is to remain the world's leader in higher education, science, and technology, we must have a visa system that is secure, timely, efficient, transparent, and predictable; that will permit scientific exchange and collaboration; and that enhances homeland security. We stand ready to work with the Congress and the State Department to accomplish these goals. We thank you for your consideration of these matters.

Sincerely,



Nils Hasselmo  
President, AAU

On behalf of:

Association of American Universities  
American Council on Education  
Council of Graduate Schools  
National Association of Independent Colleges and Universities  
National Association of State Universities and Land-Grant Colleges  
NAFSA: Association of International Educators

Identical letters sent to:

The Honorable José E. Serrano, Ranking Member, House Appropriations  
Subcommittee on Commerce, Justice, State and Judiciary  
The Honorable C.W. Bill Young, Chairman, House Appropriations Committee  
The Honorable David R. Obey, Ranking Member, House Appropriations Committee  
The Honorable Ted Stevens, Chairman, Senate Appropriations Committee  
The Honorable Robert C. Byrd, Ranking Member, Senate Appropriations Committee  
The Honorable Judd Gregg, Chairman, Senate Appropriations Subcommittee on  
Commerce, Justice, State and Judiciary  
The Honorable Ernest F. Hollings, Ranking Member, Senate Appropriations  
Subcommittee on Commerce, Justice, State and Judiciary

Attachment

*AAU Association of American Universities*

*ACE American Council on Education*

*NASULGC National Association of State Universities and Land-Grant Colleges*

*CGS Council of Graduate Schools*

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June 17, 2003

The Honorable Colin Powell  
Secretary  
United States Department of State  
2201 C Street, NW  
Washington, DC 20520

Dear Secretary Powell:

On behalf of the member universities of the Association of American Universities (AAU), the American Council on Education (ACE), the National Association of State Universities and Land-Grant Colleges (NASULGC), and Council of Graduate Schools (CGS) we write to inform you of our significant concerns related to our nation's visa system. Current policies are hampering the ability of the world's best and brightest international students, scholars, and researchers to study and work in our country and to contribute to our nation's science and technology enterprise, economy, and security.

We support the Federal government's efforts to strengthen homeland and national security through the visa issuance process. We also applaud the thrust of the Federal government's "Secure Borders. Open Doors." initiative. However, we do have three serious concerns about visa policy and implementation.

Our first concern is that many international students and scholars are now experiencing unusually long delays in receiving visa decisions. We have shared examples of such delays with Assistant Secretary Maura Harty of the Bureau of Consular Affairs and with your science advisor, Dr. Norman Neureiter. We appreciate the attention both have given to our concerns, and hope these delays can be reduced.

Secondly, we are aware of a recent policy improvement that will allow a limited number of international students and researchers who are sponsored by the U.S. government and who have received visas after going through the Mantis clearance process to be able to depart the U.S. and return without going through the Mantis clearance process again for a period of one year. We very much appreciate this step in the right direction, but we urge you to lengthen the time period and to broaden the scope of this policy to allow non-government sponsored international students and scholars to exit and reenter the country more easily – since this limited improvement will otherwise not help many of our students and scholars.

Finally, we are very concerned about the recent change to visa interview policies that requires nearly all foreign individuals seeking to visit the U.S. to be interviewed (State Department cable #136100, May 21, 2003). Specifically, we are concerned that this new policy is to be implemented by August 1, 2003, but without additional resources. As your cable to consular posts announcing this new policy clearly states "many posts will face processing backlogs for the indefinite future." We share this

pessimistic assessment, and believe that without a commensurate increase in resources to accommodate the substantial increase in workload that will result from this new requirement, there will be even more delays than there already have been for international students, scholars, and researchers who seek to study in the U.S.

As you know, in most cases international students and scholars who seek to study and work in the U.S. are already interviewed as part of the visa issuance process. Our concern is that they will not be able to be interviewed in a timely fashion due to the increased number of *other* individuals that will now need to be interviewed and the lack of additional resources to conduct these interviews. For example, we have already received a report from Purdue University that an admitted student from India has been informed in the past week that the *earliest* interview appointment he can obtain is August 21, 2003. Purdue's academic term begins on August 25, 2003. This means he will likely miss the beginning of the academic term, if not the entire term, depending on the student's application, the amount of resources consular staff have to process the application further, and whether or not a security advisory opinion will be sought. We fear that this kind of visa delay will become routine, causing international students and scholars to miss the fall academic term, classes to be cancelled, and educational and research opportunities to be lost.

*We strongly urge that implementation of the new visa interview requirement be delayed until such time as sufficient resources are available to meet the increased volume of visa interviews, and that it be phased in gradually by country and security risk rather than all at once.* The university community supports additional appropriations for consular activities of the State Department for this purpose.

Higher education and science are international activities. If the U.S. is to remain the world's leader in higher education, science, and technology, we must have a visa system that is secure, timely, efficient, transparent, and predictable; that will permit scientific exchange and collaboration; and enhances homeland security. We stand ready to work with the State Department to accomplish these goals, and thank you for your consideration of these matters.

Sincerely,



Nils Hasselmo  
President, AAU



David Ward  
President, ACE



C. Peter Magrath  
President, NASULGC



Debra Stewart  
President, CGS

cc: The Honorable Tom Ridge, Secretary, Department of Homeland Security  
The Honorable Richard L. Armitage, Deputy Secretary, Department of State  
The Honorable John Marburger, III, Director, Office of Science and Technology Policy  
Robert M. Gates, President, Texas A&M University  
Martin C. Jischke, President, Purdue University  
Hunter R. Rawlings, III, President, Cornell University and AAU Chairman  
Charles M. Vest, President, Massachusetts Institute of Technology