

September 5, 2003

Legislation and Regulations Division  
Visa Services  
Department of State  
Washington, DC 20520

Dear Sir or Madam:

On behalf of the undersigned organizations and the approximately 2,000 colleges and universities around the country they represent, we submit these comments on the interim rule to restrict waivers of personal appearance for non-immigrant visa applicants (published July 7, 2003, in the *Federal Register*), effective August 1, 2003.

Our nation's higher education community strongly supports the Federal government's efforts to enhance homeland security. We believe that a visa system that is *secure, timely, efficient, transparent, and predictable* is an important component of that endeavor. To this effect we have a number of reservations about the manner in which the new restrictions on waivers of personal appearances is being implemented.

Most non-immigrant visa applicants for academic purposes were subject to visa interviews prior to August 1. Our concern is *not* that academic visa applicants are subject to interviews. Rather, our concern is that this new policy is being implemented without additional resources to accommodate the increase in interviews that will need to be conducted. Consulates will face a significant increase in *other* categories of visa applicants, such as tourist and business travelers, who seek visa interviews. We fear that the already protracted visa application and adjudication processes faced by international students and scholars will become even longer. The State Department itself has acknowledged this possibility in its May 21, 2003 cable to the consulates in which it states, "many posts will face processing backlogs for the indefinite future." Earlier this summer, we received some reports from universities that some of their international students and scholars have been told by consulates that the earliest visa interviews can be scheduled will be *after* the fall academic term begins.

We appreciate the efforts undertaken by both the State Department and other federal agencies, including the new Department of Homeland Security, to expedite the visa application and adjudication processes. We believe that progress continues to be made on this front, such as the new policy instituted earlier this summer that would give applicants for academic visas priority in the scheduling of interviews. While we are grateful for the Department's efforts, we believe that more can and should be done in that we continue to receive reports of applicants for academic visas who have to contend with long delays for interviews. Without additional steps taken by the Department of State with respect to the interviews, the application process could become even more problematic for many applicants.

We respectfully request that the State Department reconsider the implementation of the new restrictions until additional resources can be devoted to the consulates to handle the increase in visa interviews. We reiterate our support for the federal government's efforts to enhance national and homeland security and we believe that additional assistance to the consulates and consular officers responsible for the interviews will strengthen those efforts.

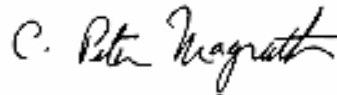
If, however, additional resources are not possible, we request that the restrictions on waivers be phased in according to security risk, as determined by the appropriate federal agencies. We believe that such a targeted approach may assist in maximizing limited resources and would create a more effective system.

The higher education community looks forward to continuing to work with the Department to create processes that will assist in enhancing national and homeland security. We appreciate this opportunity to share our views on this important matter.

Cordially,



Nils Hasselmo  
President  
AAU



C. Peter Magrath  
President  
NASULGC

On behalf of:

American Association of Community Colleges  
American Council on Education  
Association of American Universities  
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