

STATEMENT

OF

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IMMIGRATION SERVICES DIVISION
U.S. IMMIGRATION AND NATURALIZATION SERVICE**

REGARDING

**IMPLEMENTATION OF THE
STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM**

**U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS**

**10:00A.M.
WEDNESDAY, SEPTEMBER 18, 2002
2237 RAYBURN HOUSE OFFICE BUILDING**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE,

I am Janis Sposato, Assistant Deputy Executive Associate Commissioner for Immigration Services Division (ISD).

Thank you for the opportunity to update the Committee on the considerable progress the Immigration and Naturalization Service (INS) has made in implementing a new system that will greatly enhance our ability to track and monitor foreign students and exchange program visitors, progress that leaves us confident that we will meet the congressionally mandated deadline for full implementation.

This Internet-based system, known as the Student and Exchange Visitor Information System (SEVIS), will maintain critical, up-to-date information about foreign students and exchange visitors, and their dependents, and will allow for electronic access to this information. As such, it will enable the INS to track students in the United States more accurately and more expeditiously.

Introduction and Background

The INS is exerting greater control over the institutions authorized to admit foreign students in F and M visa status. The INS believes that for this brand new SEVIS system, review of all schools is the best method to ensure the integrity of the SEVIS system. To facilitate the review of all INS-approved schools and to ensure the enrollment of all eligible schools in SEVIS in a timely manner, the INS has implemented a two-phased process for school review and SEVIS enrollment. Phase 1 was a preliminary enrollment period in which schools that have been INS-approved for at least the last three years to admit foreign students and are recognized as accredited or Title IV by the Department of Education were reviewed and granted access to SEVIS. Phase 2 will involve the certification of a school after a full review, including an on-site visit in many cases. For some schools, the on-site visit will verify their bona fides, but more importantly, the on-site visit will help ensure record-keeping and reporting compliance, as well as confirm that the schools are aware of their responsibilities. An interim rule that will explain the school certification process will be published in the near future.

The INS began accepting and reviewing school petitions for eligibility (Form I-17) in SEVIS as of July 1. As of September 11, 2002, there are 1,921 schools currently in various stages in the system. On July 15, 2002, the INS began enrolling and granting full SEVIS access to schools that submitted an electronic petition and that meet the preliminary enrollment criteria. That means that to date, 736 schools are currently issuing and updating student records electronically in SEVIS. Also to date, 595 schools have completed and submitted an electronic petition and are awaiting for school approval to use SEVIS. Another 590 schools have created and saved drafts of such petitions but have not yet submitted a completed petition for adjudication. The INS is processing the enrolled of other eligible schools. Upon approval, these schools will be able to access SEVIS to create and update student records.

SEVIS is part of an overall tightening of foreign student procedures and rules that INS is undertaking. Back in April, the INS published an interim rule that prohibits B nonimmigrant visitor visa holders from attending school prior to obtaining approval of a change to student status. Another proposed rule published in the Federal Register would, for example, prohibit aliens from changing from visitor status to student status unless they declared that intention at the time of visa issuance or admission to the United States. We are currently in the process of drafting that final rule.

Although the INS has improved many aspects of the overall foreign student program in the last months, the major focus of our efforts has been towards implementation of SEVIS. SEVIS enables schools and exchange visitor program sponsors to transmit electronic information and event notifications, via the Internet, to the INS and the Department of State (DOS) throughout a student's or exchange visitor's stay in the United States. Schools and exchange programs will update certain new information in SEVIS including, but not limited to, changes of address, program extensions, employment notifications,

and changes in program of study. SEVIS will also provide system alerts and reports to the schools and exchange visitor program sponsors, as well as to INS and DOS offices.

How SEVIS Works

SEVIS, as a fully implemented system, will be an integrated system that incorporates information directly from schools, exchange programs, several INS systems, and the DOS. Before moving onto specifics about the progress made thus far, and the further development efforts already underway, I would like to give you an overview of the student process as it will work once SEVIS implementation is complete on January 30, 2003.

A prospective foreign student or exchange visitor first applies for admission to a school or acceptance by an exchange program sponsor. If accepted, the school or exchange program sponsor accesses SEVIS to input the data and to issue a Form I-20 or Form DS-2019. Therefore, at the time any Form I-20 or DS-2019 is printed, the information is entered into the SEVIS database. It is important to point out that prospective student in M, F or J status may have applied to and been accepted by more than one U.S. institution and therefore may have more than one Form I-20 or DS-1019. After the foreign student or exchange visitor decides which school to attend, he or she will apply to a United States consulate or embassy to submit an application for a student or exchange visitor visa. During the visa screening process, the DOS officer will have access to SEVIS data to help verify the information and validate the Form I-20 or DS-1019. If the visa is approved, visa data is sent by the DOS to INS and Customs systems, and is updated in SEVIS. At the point of visa issuance, any Forms I-20 or DS-1019 that may have been issued to the foreign student by other schools become invalid and will be deactivated in SEVIS.

The foreign student or exchange visitor arrives at a United States Port-of-Entry. As the student or exchange visitor is inspected and admitted, the INS Port-of-Entry system will provide entry data to SEVIS, which will then be available to the school to notify them that a foreign student intending to attend their school is in the country and should be reporting for class. The student will then arrive at the school and register for class. Once the student has physically reported and enrolled, the school will report and update SEVIS, confirming arrival. If a foreign student fails to enroll, the student's SEVIS record will be terminated as out of status and notice will be provided to INS investigative and enforcement offices. If the student has properly enrolled, any changes in address, name, course of study, employment, transfers and other monitored events should be reported by the student to the school's responsible officer, who will update SEVIS. If the student decides to continue studies at a higher academic level, for instance, a progression from undergraduate to a master's program, tracking will continue in SEVIS. Once the foreign student graduates, completes his or her current program or any practical training, the foreign student should depart the United States and return to his or her home country or, in accordance with U.S. law, change to another immigration status. As you can see, we are moving with SEVIS toward a system that provides a more accurate and up-to-date picture of a foreign student's stay in the United States.

SEVIS Current Status

The INS issued a proposed rule on May 16, 2002 to implement SEVIS and to address foreign student processes and procedures. This rule was open for a thirty-day comment period, which closed on June 17, 2002. Under the proposed rule, SEVIS participation by all schools enrolling foreign students will become mandatory by January 30, 2003. The INS completed its review and analysis of the 152 comments, and a final rule has been drafted and is in the clearance process.

We have finalized what is generally referred to as "batch" technical specifications, which provides an optional method for the schools to report large volumes of data, system-to-system. In 2001 and 2002, INS sponsored SEVIS technical conferences for vendors, designated school officials, school representatives, and the public. These conferences were supplemented by another public technical conference on June 13, 2002 in Washington, DC. Since that conference, upon the request of the

American Council on Education (ACE), the INS delayed final posting of the batch technical details in order to meet with ACE and the Postsecondary Education Standards Council (PESC) for one last comment and review opportunity. In fact, we were able to incorporate some of their recommendations into the final version of the batch SEVIS Interface Control Document, which was posted for public availability on August 15, 2002. Batch functionality will be available for SEVIS schools to utilize this fall.

In addition to ACE, the INS interfaces regularly with NAFSA: Association of International Educators. In addition, the INS has met with other groups, including the American Association of Collegiate Registrars and Admissions Officers (AACRAO), the National Association of State Universities and Land-Grant Colleges (NASULGC), the National Association for Equal Opportunity in Higher Education (NAFEO), and the National Association of College and University Business Officers (NACUBO). For the last year INS had regularly scheduled SEVIS seminars across the country to provide the information necessary to schools and programs to begin implementation of SEVIS. With the publication of the proposed rule and the deployment of the system in July, INS transitioned from providing informational seminars to providing a SEVIS-dedicated, national call center with multiple tiers to answer technical and policy-related questions. Furthermore, SEVIS staff still frequently participate in conferences at national and regional level educational conferences. INS is also publishing its third issue of "SEVIS – Smart," a newsletter with updated information on the student and exchange visitor program. The newsletter, along with current policy memos, proposed regulations, frequently-asked-questions, and technical specifications are posted on the SEVIS public webpage (www.ins.gov/graphics/services/tempbenefits/sevp.htm), all in an effort to provide the community with the most up-to-date and accurate information. The most recent effort toward outreach involves the production of a SEVIS training video that was taped during a live broadcast involving 108 community colleges in the California educational system. The tape will be transferred to DVD and will be available to educational organizations to be used for their own training needs.

We are confident that we will meet the January 1, 2003 date established by the USA PATRIOT Act for making SEVIS available. Our proposed rule, and our present plan, is to require schools to begin using SEVIS for all I-20s issued after January 30, 2003, and to require the enrollment of all continuing students by the start of the next academic term. In fact, we have deployed the initial operational version of SEVIS six months prior to the USA PATRIOT Act deadline. The INS will continue to enroll schools and is working aggressively to enhance SEVIS toward full implementation. The \$36.8 million appropriation provided by the Congress in the Counter-Terrorism Supplemental has facilitated the development and implementation of the system.

Continuing Efforts Toward Full Implementation of SEVIS

The INS is working toward enhancing our data share arrangement with the DOS Office of Consular Affairs in order to electronically provide SEVIS data for verification during the visa issuance process. INS and DOS currently have a Nonimmigrant Visa (NIV) Datashare arrangement, whereby DOS is sending all nonimmigrant visa issuance data to INS and Customs systems. SEVIS plans to extract data of all the F (academic), M (vocational), and J (exchange visitor) records from that existing arrangement.

The SEVIS program staff have been working closely with the INS Entry/Exit program staff in order to collect data, such as date and port of entry as mandated by the USA PATRIOT Act. SEVIS has been included in the functional requirements for phase 1 of a comprehensive entry/exit system. Phase 1 consists of the Visa Waiver Permanent Program Act (VWPPA) Support System, which leverages existing information technology systems, specifically the Advance Passenger Information System (APIS) and the Arrival Departure Information System (ADIS) to capture data electronically. This first phase of the entry/exit system will provide entry data on all F, M and J aliens to SEVIS at all air and sea Ports-of-Entry. For those Ports-of-Entry not yet included in the entry/exit system, we will have alternative processes to provide data to SEVIS and notice to the schools.

Significant Events Affecting SEVIS

The strides that we have made and the plans for further development of SEVIS have been, in part, shaped by a number of recent events. I would like to note some of these events, to provide greater context for our achievements.

On October 29, 2001, the President directed the Secretary of State and the Attorney General, in conjunction with other relevant departments and agencies to develop a program to strengthen international student processes. The President reaffirmed the importance of tracking international students and exchange visitors, and called for the INS to conduct periodic reviews of institutions certified to enroll foreign students and exchange visitors to ensure school compliance with record-keeping and reporting requirements. The INS is implementing the President's guidance through the implementation of SEVIS, and the review and certification of schools during the SEVIS enrollment process.

On May 14, 2002, the Enhanced Border Security and Visa Entry Reform Act (Border Security Act) of 2002 was signed into law. In addition to addressing information collection, updates, and reporting elements, the Border Security Act requires schools to report the failure of a foreign student to enroll within 30 days after their registration deadline. The INS has established a toll-free, 1-800, number for schools to report a foreign student's failure to enroll, and once all schools are enrolled they will be able to report directly in SEVIS. The INS is also required by this legislation to review all schools every two years to ensure compliance with record-keeping and reporting requirements.

On May 20, 2002 the Department of Justice's Office of the Inspector General (IG) issued a report entitled "The Immigration and Naturalization Service's Contacts With Two September 11 Terrorists: A Review of the INS's Admissions of Mohammed Atta and Marwan Alshehhi, its Processing of their Change of Status Applications, and its Efforts to Track Foreign Students in the United States." Sections of this report identified deficiencies in the foreign student process and made recommendations, many of which were already being planned or implemented by the INS. The report also questioned INS' ability to meet the SEVIS implementation deadlines. As I testify today, we believe we are on track to disprove the IG's finding. Further, through our timely implementation of SEVIS, the INS will have addressed many, if not all, of the concerns raised by the IG regarding student tracking.

Conclusion

Mr. Chairman, full implementation of SEVIS will revise and enhance the process by which foreign students and exchange visitors gain admission to the United States. The INS, through SEVIS, will increase its 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, and properly maintain their status during their stay as valued guests in this country. SEVIS better enables us to keep our eyes open for and track those who may come to America for the wrong reason, while extending a hand in friendship to those seeking the knowledge that this great country has to offer. Implementing SEVIS will allow our nation to strike the proper balance between openness to international students and exchange visitors and the security obtained by enforcing our nation's laws.