

## **International Students and Immigration: The Introduction of SEVIS**

Lisa Ingarfield

*This paper discusses the changes in the immigration law pertaining to international students in the United States. With the tighter focus on national security since September 11, 2001, international students find themselves in a precarious situation. The mechanisms implemented by the new laws to track international students coming to the United States are cumbersome and complicated. International Offices are struggling to maintain this new system without sufficient guidelines from the government. Current and future issues are tied to the introduction of the tracking system – the Student Exchange Visitor Information System (SEVIS). The new laws, SEVIS, and the implications and problems with this new system are addressed.*

The status of international students in the United States has changed over the past few years. The issue of tracking international students has been present in student affairs since the 1990s, and has gained renewed impetus since September 11, 2001 (Meissner, 2003). International educators are caught between a government trying to make the U.S. secure and legitimate international students wanting to study in the U.S. Since the introduction of the Student and Exchange Visitor Information System (SEVIS) developed by the U.S. Government, the position of international students within the U.S. education system and society is more precarious than it has been.

In November 2002, at the onset of the annual International Education Week, President George W. Bush issued a statement about the benefits of international educational exchange, and the understanding of cultures through education. Bush stated:

International Education Week promotes greater understanding among students from different nations. When students study abroad or host foreign students, they gain greater respect for the principles and aspirations of others around the world, as well as for the differences among countries and cultures. They also realize many values are common and shared around the world. (Bush, 2002, ¶ 3)

Ironically, at the same time, the guidelines for student visa issuance were further restricted by SEVIS and new visa application procedures. The new SEVIS requirements have “created headaches for institutions with large numbers of international students. ‘SEVIS has been a great equalizer,’ said Dania Brandford-Calvo, Director of International Education at the University of Rhode Island. ‘It has brought trouble to everyone’” (Borg, 2003, ¶10). These new restrictions, the history of the new regulations, and the ramifications on international education and international students will be addressed.

### **History**

Since the first attack on the New York City World Trade Center in 1993, there has been a public outcry to enhance the governmental systems that track international students within the U.S. Until recently, colleges and universities retained paper records of international students and then informed the Immigration and Naturalization Service (INS – now the Bureau of Customs and Immigration Services) if a change of status occurred (Hartle & Burns, 2002; Rodgers, 2002). The suicide bomber that detonated a bomb in the World Trade Center parking garage in 1993 was in the country on a student visa (Rodgers). With the bomber’s student visa status still resonating, and growing concerns over an inefficient paper trail for tracking international students, a far more comprehensive system was written into the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Section 641 of this Act declared that a system to record information about international students on three visa categories – F, J, and M – should be enacted no later than January 1, 1998. The F visa category is for students attending an academic institution, the J

visa is for exchange visitors, and the M visa is given to students applying to a vocational or non-academic institution (IIRIRA, 1996).

The specifications in IIRIRA led to a pilot program known as the Coordinated Interagency Partnership Regulating International Students (CIPRIS). This was implemented in 1997 and upheld until October 1999. CIPRIS, “[W]as star-crossed from the outset. Congress neglected to provide adequate funding and initial efforts by the INS to create a funding stream-by requiring institutions to collect a fee from students and remit it to the agency-were exceptionally controversial” (Hartle & Burns, 2002, p. 88). The responsibility for the collection of fees that would ultimately fund CIPRIS was eventually passed to the U.S. Attorney General (Rodgers, 2002). CIPRIS was re-engineered as SEVP, the National Student and Exchange Visitor Program in the summer and fall of 2000 and was tested in and around Boston (Rodgers).

### **September 11, 2001**

After the attacks on the World Trade Center in New York, it was discovered that one of the terrorists involved had been admitted to the U.S. on an F1 student visa. Calls for the system that had been mandated in 1996 to track international students but had never fully been implemented were renewed (Rodgers, 2002). The U.S. government was under extreme pressure from both policy-makers and the public to make CIPRIS and SEVP a reality even though they were years behind the deadline mandated in IIRIRA and severely over budget (Hartle & Burns, 2002). The USA Patriot Act, or the Uniting and Strengthening of America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, reinstated an abandoned January 1, 2003 deadline imposed in 1997 by IIRIRA. Despite the lack of mechanisms available to meet the deadline, the INS “moved aggressively and unilaterally...to implement the system as quickly as possible” (Hartle & Burns, p. 89). The Enhanced Border Security and Visa Reform Act (EBSVER) was passed into law in May 2002 and further amended section 641 of IIRIRA by requiring additional features to be incorporated into SEVIS.

### **SEVIS**

The idea of the new electronic tracking system is national security. The prevention of another September 11 is paramount in the minds of U.S. legislators. However, SEVIS and the more stringent visa application requirements at U.S. Embassies send a message “that foreign students aren’t welcome in the United States” (Borg, 2003, ¶ 29). NAFSA: The Association of International Educators warns against sending this message “openness to international students continues to serve the fundamental interests of U.S. foreign policy, our economy, and our educational system” (NAFSA, 2003, January-a, p. 5).

SEVIS electronically records the details of all F, J, and M visa applicants and holders. It also prints out the students’ visa documentation that allows them to apply for a U.S. visa in their home country. The INS published a proposed rule on May 16, 2002 in Federal Register 64 (FR 34862) to implement SEVIS in line with the regulations laid out by IIRIRA, the USA Patriot Act of 2001, and EBSVER 2002 (Fed. Reg. 67, No. 238, 2002). This rule set a date of January 30, 2003 for colleges and universities to use SEVIS to generate documents (Hermes, 2002). What this meant for colleges and universities in the U.S. is that in just over seven months, from May 2002 to January 2003, they would have to use SEVIS to issue all visa documentation. International office administrators at colleges and universities had to learn the process and train their staff with little time for error.

Colleges, universities, and organizations such as NAFSA were vocal in their opposition to the proposed changes and the speed at which the INS expected them to come to implement the new system. Despite understanding the “government’s heightened concern” over tracking international students, college administrators “have little praise for the new process” (Ritzel, 2003, p. B-1). The main argument was that the technological changes required were too vast and administrators did not have “sufficient time to assess the system changes necessary to implement SEVIS at their school” by the compliance date of January 30, 2003 (Fed. Reg. 67, No. 238, 2002, p. 76257).

The EBSVER (2002) stated that a permanent electronic system to verify student exchange visitors was now required. Since SEVIS was not complete, this act allowed for an interim system called ISEAS (U.S. Department of State Interim Student and Exchange Authentication System). ISEAS had to be implemented

by September 11, 2002. ISEAS and SEVIS required that international students cannot be issued a visa until the U.S. Department of State receives electronic confirmation of their acceptance into a program. In addition to the January 30, 2003 deadline, all colleges and universities in the U.S. accepting students with F, J, or M visas had to enter data for continuing and transfer students that needed new documentation into either ISEAS or SEVIS by August 1, 2003.

The August deadline affected international students already in the U.S. if they wished to travel outside of the country during the summer period. If their travel would bring them back to the U.S. after August 1, 2003, then their documentation from the university would require updating to the SEVIS system. In some cases, international students were stranded in the U.S. during the summer because of the restraints of this system. Over 582,996 international students studied in the U.S. (NAFSA, n.d.). The data entry requirements that emerged were burdensome.

### ***Implications and Problems***

Full effects of SEVIS will not be known for a few years since the process is still new. From January to August 2003, there were many implications for international students and universities. Maintaining a database continues to be difficult in its initial stages. Colleges and universities staff members have complained that “student files...vanished, and, in a few cases student information has been discovered in the databank of another [institution]” (Borg, 2003, ¶ 11). International office staff members over the past year have had to contact and review the files of international students at their institution. They must ensure that student information is correctly into the system. Every international student needs to be informed that they must come to their international office, update their records, and acquire the new forms to enable them to travel. Universities and colleges have met the challenge of SEVIS well, “but not before they had wrestled with numerous technical glitches with the system, which, they say, was rushed into production by the federal government” (Borg, ¶ 6).

Another negative result from the policy change is a longer delay in visa issuance at U.S. Embassies around the world. This is due to the new requirement of personal interviews for applicants of F, J, and M visas. This is a change from previous years when only students from certain countries were required to interview. In June 2003, the author’s experience of working with the U.S. Embassy and the Fulbright Commission in London, revealed that the turn around time for a student visa at the U.S. Embassy was approximately one month. This was an increase from previous years. Borg (2003) in her article on SEVIS stated:

The new visa requirement...could be far more disruptive than the reporting system [SEVIS].... Getting a visa used to take a few weeks; now it takes anywhere from 30 to 90 days. Moreover, some foreign students report that they have had to repeatedly visit the U.S. embassy, creating a logistical nightmare for those who live in rural areas. (¶ 18)

The U.S. Department of State did not allocate funds or personnel to aid in the interviewing of prospective students (Arnone, 2002). The increased workload from in-person interviews has been overwhelming for embassy and consular staff (Ritzel, 2003).

The policy changes have also affected how early international students can enter the U.S. before the start of their program. Students can no longer enter the U.S. more than 30 days prior to the start of their program (Fed. Reg. 67, No. 238, 2002); previously it was 90 days. This change created challenges for those with work-study jobs or assistantships that begin prior to 30 days before the start of semester.

Additionally, the information submitted by the student to the embassy must match the information the embassy retrieves from SEVIS. When this does not happen, the student could be required to obtain new documentation from their institution. If a student receives his or her visa documentation from the university, and then his or her travel date changes, a new document will need to be issued. A university’s international office staff must understand this new system and gain expertise in its operation to avoid delaying an international student’s opportunity to study in the U.S.

A broader implication of the new immigration requirements is that they could be a deterrent to international students. By increasing the regulations around international students coming to the U.S., the government limits the interaction between U.S. citizens and the rest of the world. International students bring crucial educational benefits and diversity to a college or university. Their presence within the student body gives many Americans their first opportunity to have “close and extensive contact with foreigners” and is beneficial (Johnson, 2003, p. 2).

Despite these negative implications of SEVIS, one must consider how inefficient and outdated the system of monitoring international students was prior to its introduction. Since the 1950s, schools maintained paper-based information on their international students. Anything that affected a student's status was reported from the college or university to the federal government in paper form (Hartle & Burns, 2002). The INS would receive “literally tons of paper documenting all the required information” on international students (Hartle & Burns, p. 88). Despite the amount of information that existed on international students, the federal government knew very little about them. They were not if an international student enrolled in a college or university after their arrival in the U.S. The paper trail became so overwhelming that in 1988, the INS instructed colleges and universities to retain the information and send it to them when requested. Glenn A. Fine, Inspector General at the U.S. Department of Justice argued that the paper based system was “inefficient, inaccurate, and unreliable” and that “SEVIS has the potential to improve the INS's monitoring” of international students (Rodgers, 2002, p. 43).

As a computerized system, SEVIS is a technological advancement in the area of international student tracking. It centralized the monitoring process into one system that U.S. colleges and universities, U.S. consular offices around the world, and the Department of Homeland Security can access. SEVIS has removed much of the paperwork that was previously involved with monitoring international students. In theory, once the glitches in SEVIS have been rectified, it should increase the efficiency, reliability, and the accuracy of monitoring international student information.

### **The Future**

While the U.S. government applauds international student exchange programs as a way to shape the world and bring diversity to U.S. campuses, it closes the doors on international students (Johnson, 2003). Victor Johnson (2003), an Associate Director for Public Policy at NAFSA stated, “the federal government is beginning, however unintentionally, to dismantle an industry that we spent 50 years establishing in the conviction that the presence of international students and scholars serves the national interest” (p. 2). NAFSA urged Congress to make international education and study abroad a priority. Although there has been an increase in U.S. students studying abroad over the past five years (NAFSA, n.d) Americans remain “woefully ignorant of the rest of the world” (NAFSA, January 2003-b, ¶ 2).

Associations such as NAFSA and the Alliance for International Educational Exchange have implored the leaders of the Department of Homeland Security, to “exercise the necessary oversight to ensure that the monitoring of international students and exchange visitors is implemented in a way that bears in mind their significant contributions to U.S. interests” (NAFSA, January 2003-d, ¶ 1). The fear is that the new regulations will affect the U.S.'s ability to attract international students. Franklin and Marshall's Dean of International Programs, Nathaniel Smith “has already seen increased recruiting competition from universities in Australia, New Zealand and the United Kingdom” (Ritzel, 2003, p. B1).

NAFSA members recommend that the U.S. government should update immigration laws so they represent the realities of the twenty-first century and remove any regulations that do not “make any significant contributions to national security” (NAFSA, January 2003-c, ¶ 4). In January 2003, NAFSA released a report created by its Strategic Task Force on International Student Access. It stated:

To unduly restrict the access of future leaders – and, indeed, the youth of the world – to this country is to court a greater danger, which is to nurture the isolationism, fundamentalism, and bigoted caricatures that drive anti-Western terrorism. After September 11, it seems clear that the more people who can experience the country firsthand, breaking down the stereotypes they grow up with and opening their minds to a world beyond their borders, the better it is for U.S. security. (NAFSA, January 2003-a, p. 6)

Recommendations from the Task Force include creating immigration criterion that are workable and realistic, a visa screening process that is not lengthy, and a monitoring system that does not impose “overly harsh penalties for inadvertent errors” (NAFSA, January 2003-c, ¶ 5). The Task Force argues that the U.S. government’s lack of strategy to promote international student access to the U.S. has exasperated the situation for international students since September 11, 2001. The Task Force asserts that U.S. visa policies are shortsighted, and therefore denies “exchange opportunities to people from countries where isolation from the rest of the world is driving terrorism” (NAFSA, January 2003-a, p. 11), security risks will only increase. With each new policy and regulation created in the post September 11 era, the U.S. is developing an image of an unwelcome nation. Although the Task Force does not specifically refer to SEVIS, it states, “each new layer of regulation increases the resources - time, personnel, and money - that schools must spend to comply, robbing them of those resources for proactive efforts to recruit international students” (NAFSA, January 2003-a, p. 11).

### Conclusion

SEVIS’s structure is problematic since it is so particular about the information it requires and any deviation from this can cause major difficulties. With SEVIS being rushed into existence, universities and colleges are dealing with the problems as they develop. For a system of this magnitude, time and thought are vital to its production. The U.S. government needs to re-evaluate the system, aiming for a less restrictive and complicated process and ask itself if SEVIS, in its current, state is doing what it was intended to do to maintain a database of international students in the U.S. rather than limiting their access to a U.S. education.

International education is a fundamental part of the U.S. system of education and is vital to the growth of U.S. students. Educators, student affairs professionals, and groups such as NAFSA must continue to make their voices heard. International students must feel welcome in the U.S. for international exchange in order to continue and grow. The experience an international student has at a U.S. university will affect how studying in the U.S. is viewed by the world. The changes discussed earlier are not conducive to creating a reputation of openness to international visitors. International offices around the country are working to ensure that once a student arrives their experience is first class. Because of the current levels of fear around the *other* pervading U.S. society, this is a job that international office staffs have to work harder at than ever before.

### References

- Arnone, M. (2002, August 1). Colliding deadlines may create a ‘perfect storm’ for international student offices. *The Chronicle of Higher Education*, 21.
- Borg, L. (August 13, 2003). Reporting rules vex foreign students. Providence Journal-Bulletin. Providence, RI: Providence Publications.
- Bush, G. W. (2002, November 15). *White House statement*. Washington, D.C: The White House. Retrieved September 7, 2003, from <http://exchanges.state.gov/iew2002/statements/whitehouse.htm>
- The Enhanced Border Control and Visa Entry Reform Act, 8 U.S.C 1761. Title 5, § 501, PL 107-173 (2002).
- Hartle, T.W, & Burns, J. (2002). Interconnecting worlds. *Educause Review* 37(5), 88-89.
- Hermes, J. (December/January 2003). What is SEVIS? *Community College Journal*, 20-21.
- The Illegal Immigration Reform and Immigrant Responsibility Act, PL 104-208. Retrieved on September 7, 2003, from <http://www.nafsa.org/content/ProfessionalandEducationalResources/ImmigrationAdvisingResources/sevpiirira641.htm>

- Johnson, M., Hamilton, L., Meissner, D., & Kipper, J. (2003, January). National Press Club policy forum on the role of foreign students in U.S. national security and foreign policy. Transcribed speech. Retrieved on September 5, 2003, from <http://www.nafsa.org/content/PublicPolicy/FortheMedia/NPCforumtranscript.pdf>
- Johnson, V. (2003). Unintended consequences: Unilateral disarmament in the battle of ideas, values, and beliefs. *International Educator* 12(2), 2-5.
- NAFSA: The Association of International Educators. (2003, January-a). In *America's interest: Welcoming international students. Report of the strategic task force on international student access*. Retrieved on September 5, 2003, from <http://www.nafsa.org>
- NAFSA: The Association of International Educators (n.d.). *International education at a glance*. Retrieved September 5, 2003, from <http://www.nafsa.org/content/PublicPolicy/FortheMedia/ieatagance.htm>
- NAFSA: The Association of International Educators (2003, January-b). *Issue brief: Study abroad*. Retrieved September 5, 2003, from <http://www.nafsa.org/content/PublicPolicy/NAFSAontheIssues/Issues.htm>
- NAFSA: The Association of International Educators. (2003, January-c). *Issue brief: Welcoming international students*. Retrieved September 5, 2003, from <http://www.nafsa.org/content/PublicPolicy/NAFSAontheIssues/Issues.htm>
- NAFSA: The Association of International Educators (2003, January-d). *Monitoring international students and exchange visitors*. Retrieved September 5, 2003, from <http://www.nafsa.org/content/PublicPolicy/NAFSAontheIssues/Issues.htm>
- Retention and reporting of information for F, J, and M nonimmigrants; student and exchange visitor information system (SEVIS) 67 Fed. Reg. 238, (Dec. 11,2002) p. 76255-762801 (to be codified at 8 CFR Parts 103, 214, 248 and 274a) (FR Doc: 02-31184). Retrieved September 6, 2003, from <http://www.gpoaccess.gov/fr/index.htm>
- Ritzel, R. J. (2003). For foreign students, getting in is not so easy. *Intelligencer Journal*. Lancaster, PA: Lancaster Newspapers, Inc.
- Rodgers, S. (Summer, 2002). SEVIS: Chronology of a federal program. *College and University*, 78, 41-43.

---

*Lisa Ingarfield ('05) currently works as a the Coordinator for Cultrual Resources to Educate and To Empower (CREATE) within Apartment Life at Colorado State University and is currently a graduate student in the Student Affairs in Higher Education program.*