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## **We Threaten National Security by Discouraging the Best and Brightest Students From Abroad**

By SYLVIA H. KLESS

How do you keep it all straight?" one of our deans asked me recently, referring to the plethora of federal regulations, policy changes, presidential directives, Department of State cables and memos, and proposed, interim, and final rules that seem to occur almost daily in response to national-security concerns. She has attended several informational sessions that I, an international-student adviser at the University of Rochester, have organized since September 11, 2001, as part of my continuing efforts to keep administrators informed about the extensive regulatory changes that are affecting international students and scholars.

"Not easily," I responded, thinking back over the past several years. Those of us who work in campus international offices across the United States have been stretched and stressed to the limit. Selected by our institutions as "Designated School Officials" and "Responsible Officers" for international students and scholars on various visa programs, we are facing a brave new world. New regulations have prohibited visitors on tourist visas from attending college (which has significantly affected English-as-a-second-language programs and part-time students), created additional concerns about undocumented foreign students, and required policy changes for international students who apply for Social Security numbers and driver's licenses.

We have also had to adjust to working with three new bureaus of the Department of Homeland Security that now handle the various responsibilities of the former Immigration and Naturalization Service. We have had to assist many of our male students from Arab and Muslim countries in complying with mandatory reporting to an immigration office so they could be photographed, fingerprinted, and interviewed under oath. We have had to respond to requests for information from the Federal Bureau of Investigation and other government agencies that have increasingly raised complicated privacy issues. On top of all that, we have had to cope with endless travel matters for students, including a variety of security clearances, new procedures at ports of entry to the United States, changes in consular processing of visas, and new visa forms and fees.

Perhaps most difficult, international-student advisers have been forced into the uncomfortable new role of continuous reporting on our foreign students to the Department of Homeland Security through the new Student and Exchange Visitor Information System, known as Sevis, an Internet-based government-tracking program. While we provide information about those students to the government, we must also serve as their counselors, advisers, and advocates. Balancing those potentially competing roles is far from easy, especially in an enforcement-driven environment.

Sevis has also posed problems because it was rushed into use before being thoroughly tested. Although there have been many improvements, we still struggle daily with inadequate instructions on how to enter required information and apply a one-size-fits-all reporting system to individual students and programs that are anything but alike. When Nafsa: Association of International Educators compiled a summary of its recent discussions with the State Department and the various bureaus of the Department of Homeland Security to help institutions that are struggling with a wide range of Sevis-related problems, the document's table of contents alone ran nine pages.

At Rochester, one of our biggest challenges was meeting last year's deadline for providing information to Sevis on each of our 1,200 international students, who come from 90 countries. Our staff accomplished that by adding temporary employees, working many nights and weekends, purchasing a new software program, and hiring a systems administrator to coordinate the flow of data from the university's many departments and information systems.

Complying with the new Sevis reporting requirements -- which includes verification of the dates of every international student's academic term and continuous reporting of their addresses, majors, and changes in status -- is challenging even for small colleges with only a few international students. At large, decentralized universities, with hundreds or thousands of foreign students who are spread over several campuses and studying for various degrees over different terms, the task becomes much more complex.

Our office still spends a lot of time double-checking data to avoid errors that could thwart our students' future educational opportunities. With tighter regulations from many agencies and increased monitoring by the Internal Revenue Service, the Department of Homeland Security, and the FBI, international students who fall out of status can experience harsh and sometimes irreversible consequences. Those include being detained at ports of entry, denial of a new visa or re-entry into this country, and even arrest and deportation.

Visa delays and denials are frustrating for both students and international-office administrators, especially in offices like ours, which issue and coordinate all visa documents for our 2,000 students and scholars. We must keep up with changing policies within our country and at various consulates abroad. Admission to an American college can be costly. In most cases prospective students pay for admissions exams, the translation of transcripts, a \$100 visa fee, and now an additional \$100 Sevis fee (to cover the cost of being monitored) -- all with no assurance that, even if accepted, they will be able to obtain a coveted student visa.

Meanwhile, colleges must spend time and money admitting international students with no assurance that they will obtain visas or, if they do, that they will receive them before their classes begin. It is also difficult for students to comply with the longstanding government policy that requires them to prove "nonimmigrant intent" -- that they will return home after completing their studies. I have had many frustrated students report that in a two- to three-minute consular interview they were told that their visa had been denied for such lack of proof. (That occurs after waiting sometimes days in line, paying all the required fees, and compiling the necessary documents to prove that they have been admitted to our university, have adequate financial support for their studies, and can speak English.)

International students who try to leave the country for scholarly reasons also struggle with visa issues. I recently met with a Chinese student who has been asked to present his research at a conference in London this month, but who won't be able to do so because of security-clearance delays. In addition, what used to be a simple decision by a foreign student to return home for holidays, a family gathering, or to visit an ill or dying relative is not so simple anymore. After leaving America for summer or winter breaks, some of our students have been delayed from re-entering for several months, waiting to renew visas because of security clearances. The Government Accountability Office reported this year that the average security check for visa applicants in certain scientific and technical fields related to national security was 67 days -- although the State Department has been working to cut that time to 30 days.

In our office we try to meet with each student individually to discuss the risks of leaving America during their program of studies. So far, all of our students who left for personal reasons have been able to obtain new visas and return to America, but not without hardship and anxiety on all sides. Many students have had rent payments, phone bills, and other personal obligations left unattended because they had planned to be gone only two or three weeks. Academic departments have had to make difficult decisions about how to handle interrupted research projects, whether to terminate fellowships for students who were not present to do their research, and how to fill teaching assistantships that could be vacant indefinitely.

Word of such difficulties and stricter rules in the United States is spreading abroad among prospective students, and they are starting to look elsewhere to study. Applications from international graduate students have declined at many American institutions, including ours. Meanwhile, many other countries, like Australia, Britain, and Canada, are marketing their colleges to foreign students and seeing an increase in applications. Germany has reportedly set up a security-clearance procedure for students in China before they even go to the consulates to apply, thus saving them the frustration of being denied a visa late in the process. Canada is attracting foreign students by letting their spouses obtain work permits while the students attend college.

Many international educators agree that tightening the process of issuing student visas and carrying out some type of monitoring system is prudent. But the maze of laws and regulations that have been put in place since September 11, 2001, has created a confusing, overly restrictive, and punitive environment, which has deterred some students who want to study in this country.

Fortunately, the State Department and other agencies are beginning to make changes to improve some of their policies and procedures. Recent reports that security clearances might be extended from one-year increments to the duration of study or appointment would be a welcome relief to students and scholars in the almost 200 scientific fields affected by security-clearance delays. An important additional step would be to include an advanced visa-clearance process, endorsed by Nafsa, in which students already studying in this country could be screened by various government agencies *before* they need to travel home or to international conferences. The new Sevis fee, effective as of last month, must be paid before applying for the visa. Streamlining the payment process by allowing students and scholars to pay the Sevis fee at the same time they pay their visa fee would simplify this requirement and cause much less confusion.

In fact, as they develop new policies to increase national security, our government agencies must continually be sensitive to the difficulties that those policies might create in international students' lives. For example, because the Social Security Administration will, as of October 13, require most international students to provide proof of employment before issuing them identification numbers, it should alert the businesses that deal with those students about the change. Otherwise, the new rule will cause excessive hardships for many arriving students who will not be employed but will still be asked for Social Security numbers before being allowed to open bank accounts, purchase cellphones, apply for driver's licenses, rent apartments, and the like.

For their part, institutions that choose to admit international students must invest in services to support them. This begins with adequately trained international-student advisers who work with professional organizations like Nafsa and receive continuing professional-development opportunities. While services and staff vary from campus to campus, it may be a good time for colleges to revisit the reporting structure and support for their international-student offices. Many of those offices have been tucked away in student-services or student-life divisions, with the institution not fully appreciating the complex job they do and the legal requirements they fulfill.

I and my colleagues in international education recognize that national security must be a primary concern, but we are convinced that our country's policies should be balanced and carefully considered to maintain good will around the world. If the deterrents to the presence of international students remain unchecked, our country will suffer a significant economic loss -- international students contribute almost \$12-billion annually to our nation's economy. More important, and ironically, we will diminish one of our most effective weapons against terror and fear in the world: international education. We in America must rise to the challenges ahead by promoting policies and regulations that protect national security without diminishing access to higher education for the best and the brightest from around the world.

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<http://chronicle.com>

Section: The Chronicle Review  
Volume 51, Issue 7, Page B9

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