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**IMPACT OF CHANGING IMMIGRATION POLICIES ON HIGHER
EDUCATION INSTITUTIONS AND THEIR INTERNATIONAL STUDENTS
AND SCHOLARS**

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Introduction: Positive Steps Being Taken

At the January 5, 2006 government-hosted Summit of U.S. University Presidents on International Education, President Bush announced new measures to internationalize American higher education including streamlining immigration regulations and policies for international students and scholars. This announcement and the January 17, 2006 Rice-Chertoff Joint Vision press release summarizing future steps (Attachment C) indicate a significant shift in focus that is also reflected in a number of recent steps taken by both the Department of State and the Department of Homeland Security. Both agencies have recently cut some of the bureaucratic red tape since 9/11 that has discouraged prospective international students and scholars, caused hardships for internationals already in the U.S., and headaches for the colleges and universities across the country that admit and hire them.

The last few years have seen dramatic challenges and burdens for higher education institutions impacted by confusing, restrictive and often overly punitive federal immigration regulations and policies. While institutions are seeing some recent relief from policies put in place since the first World Trade Center bombing after 1993 and the events of 9/11, the results of these measures will continue to have an effect. The U.S. government now requires strict monitoring of students and scholars by the schools that

admit them. Institutions must report continuously on their students to the Department of Homeland Security (DHS) through the Student Exchange Visitor Information System (SEVIS), an internet-based tracking program. Many institutions have had to review their internal business practices and in many cases revise the international education policies on their campuses as they have grappled with added expenses, including at many campuses major investments in software, increased staffing and training needs and a variety of liability issues. At the same time that they must report on these students to Immigration and Custom Enforcement (ICE), the enforcement arm of the Department of Homeland Security (DHS), they have also had to reach out to international students to let them know they are still wanted and welcome.

Although the number of international students in the U.S. has decreased only slightly since 9/11, many factors have contributed to making study in the U.S. seem less desirable. These include real and perceived difficulties in getting a visa to study in U.S., the tightening up of security procedures at U.S. consulates and U.S. ports of entry, concern about having their personal data tracked in a centralized U.S. government database, rising tuition costs, anti-foreign sentiments by those who are concerned about losing U.S. jobs to foreigners, the reduced number of H-1B work visas available for those desiring work experience in the U.S. after their studies, overly restrictive policies after students arrive in the U.S. as they attempt to apply for driver's licenses and U.S. Social Security Numbers (required for on campus employment), and less flexibility in their academic options on campus. At the same time, other countries with more open and welcoming immigration policies are competing for these same talented students and scholars. Aggressive marketing by Canada has doubled their international student enrollment in the last decade. (Birchard) China is rapidly developing graduate programs and wants to transform its universities into the world's best including wooing top scholars to head the country's new research laboratories. (French) European Union (EU) countries granted 40% more Ph.D.'s in science and engineering than the United States in 2001 and according to Harvard economist, Richard Freeman, are projected to double the number issued by the United States by the year 2010. (Anderson) *"The EU has created explicit regional policies to improve the climate for international scientists and*

engineers, and individual nations – including the United Kingdom and Canada - actively recruit international graduate students to their universities.” (National Academies 2)

“On May 18, 2005, the heads of 41 national higher education associations - including the National Academy of Sciences, the American Council on Education, the Association of American Universities, NAFSA and the Association of International Education Administrators – called once again on the White House and Congress to reduce the visa headaches and hassles for bona fide international students and scholars. Unless “the misperception that our country does not welcome these international visitors” is dispelled, the leaders warned, “we risk irreparable damage to our competitive advantage in attracting international students, scholars, scientists and engineers, and ultimately to our nation’s global leadership.” (Connell 37)

Many have justifiably questioned whether the U.S. is any safer with all these added requirements, increased restrictions and less flexibility for students as well as the additional financial burdens for monitoring placed on our institutions. Bona fide international students go through an extensive admissions process, take English and admissions exams, complete thorough and personally revealing visa application forms, pay a visa fee and an additional \$100 SEVIS fee, have a personal interview by a consular official, receive security screenings, are screened again at the port of entry to the U.S. and then are reported on to the Department of Homeland Security in SEVIS by their schools upon arrival at campus and continuously monitored during their academic program. Meanwhile, there are millions of visitors to the U.S. as well as untold numbers of illegal aliens who enter the U.S. each year that have little or no scrutiny. Ironically, institutions are not even required to report on the illegal aliens on our campuses, only the legal ones.

Many of the new processes in place are beneficial and long overdue in standardizing procedures nationally and between schools as well as giving access to information to facilitate processing at consulates and ports of entry. However, many are justifiably questioning if those gains are worth the cost. Policy makers should carefully and regularly review the tradeoff to determine what is actually safeguarding our country

and what is placing undue financial burdens on our higher education institutions, our government and international good will.

The gathering of 120 university presidents with high level government officials from a variety of governmental agencies to discuss international education at the January 5 “Summit of U.S. University Presidents on International Education” in Washington, D.C. spurs hopes that a partnership between educational institutions and the government will foster dialogue and positive changes. Topics discussed included increasing American’s knowledge of other countries, cultures and languages through the “Vital National Security Language Initiative”, increased scholarships for international students to come to the U.S. and for Americans to go abroad, joint trips by government and college officials to recruit foreign students, and a re-examination of policies affecting international educational exchange such as visa policies and the looming changes in deemed export rules. There has been a groundswell of support from universities and higher education associations, research centers and business leaders to lessen the difficulties international students and scholars have been facing in coming to the U.S. There are signs of hope that this message is being heard in the recent changes initiated by the State Department and the Department of Homeland Security to improve processing and to clarify policy. (Hughs)

Current Trends and Demographics

Numbers of Students and Scholars

There is better news about student numbers than previously predicted though concerns remain about long-term trends. The number of international students enrolled in U.S. institutions for the 2004/05 academic year was 565,039, down only about 1% from the previous year and not as much as the decline of 2.4% seen in 2003/04. Of note, for the last 6 years there have been over 500,000 international students studying in the U.S. Adding scholars (postdocs, visiting faculty and researchers), the count of foreign nationals or non-immigrant visa holders studying and working at U.S. institutions is still

over 1,000,000. Students alone contribute approximately 13.3 billion dollars to our economy through tuition and living expenses and almost 72% of their funds come from outside the U.S. according to the Department of Commerce. (Open Doors 2005)

Leading Countries

Asia continues to be the largest sending region. Open Doors 2005 reports that the five leading countries sending international students to the U.S. all saw increases in 2004/05. India sent 80,466 students, a 1% increase over the previous year. China sent 62,523 students, a 1% increase following a 5% decrease the previous year. The Republic of Korea increased their international students in the U.S. by 3% to 53,358. This is a positive sign since their numbers had decreased for the previous 3 years. Canada's numbers were up to 28,140, an increase of 4% from last year.

Middle Eastern student numbers overall continued to decline with concerns about high rates of visa denials in certain countries. For example, Saudi Arabia's student numbers declined 14% in 2004/05 and 16% in 2003/04. However, Turkey's numbers were up last year by 9% and Iraq by 18% (although accounting for a total of only 142 students). (Open Doors 2005)

Leading Schools

Fifty percent of the 500,000 international students in the U.S. are found to be attending just 125 U.S. colleges and universities. 145 institutions hosted over 1000 students and 28 hosted over 3000. (Hughs) In 2004/05, the University of Southern California (6,846), University of Illinois at Urbana-Champaign (5,650) and University of Texas at Austin (5,333) hosted the most international students. California (75,032), New York (61,944), Texas (47,367), Massachusetts (27,985), and Florida (26,264) were the leading states. Business and management (18 % of total), engineering (16.5%), mathematics and computer science (9%) were the most popular fields of study. (Open Doors 2005)

Long-term Trends

There are still concerns over long-term trends. The Council of Graduate Schools reported in September 2004, a 28% decline in international graduate applications in a 450-school survey. They also report a sharp plunge in the number of students taking the Graduate Record Exam, which indicates future numbers of possible applicants. Applicants for the exam dropped by one-half in India and China. This may have a dramatic effect on graduate programs in the future since many graduate schools rely heavily on international students from these countries. Although Open Doors 2004 reported that the total number of graduate students increased slightly by 2.5% in 2003/04, this was offset by the news from the Council of Graduate Schools that first time international graduate students during this period shows a reduction of 6%. (Council of Graduate Schools) In fact, in 2004/05 doctoral degree granting and research universities were the only type of institutions that showed a decline (6%) in numbers of international students. While these declines were noted, some institutions that grant Master's, Baccalaureate and Associate degrees saw some increases as well as some non-degree and ESL programs. Of particular note is the reported increase (up 8%) of foreign scholars (teachers or researchers on temporary visas) at large universities in 2004/05. However, the leadership in many graduate schools who value the contributions of international students to their programs has a general concern about future enrollment numbers. (Jacobs)

Severe New Regulations after Terrorist Attacks

While international students comprise less than 2% of all foreign nationals coming to the U.S. each year, an inordinate amount of attention has been focused on tightening up F-1 and J-1 visa programs since 9/11. There was some justification for this focus since students were unfortunately involved in both World Trade Center attacks in 1993 and 2001. It is reported that two terrorists actually entered the U.S. on student visas. One attended a university and belonged to a cell that committed the first attack and one of the 19 hijackers entered the U.S. on a student visa, but never attended school, and

participated in the second attack. The 9/11 Commission Report also concludes that some of the terrorists had previously been to the U.S. to attend English as a Second Language Schools. Two additional terrorists involved in the 9/11 attack entered on B tourist visas and applied for a change to F-1 student status in the U.S. so they could attend flight school. They were allowed to attend school while their change to student status was pending. Their change of status was approved six months after 9/11, creating an uproar, and which directly contributed to the demise/restructuring of the Immigration and Naturalization Service (INS).

Three years after the first bombing of the World Trade Center in 1993, and in part in reaction to it, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). In addition to many sweeping, and in several instances draconian, measures which still significantly impact U.S. immigration today, IIRIRA mandated that the government maintain up-to-date information on international students and exchange visitors in the U.S. The USA PATRIOT Act of 2001 amended section 641 of IIRIRA to require full implementation of SEVIS by 1/1/2003. The Enhanced Border Security and Visa Entry Reform Act of 2002 added the requirement that educational institutions report any failure of an international student to enroll no later than 30 days after the registration deadline to ensure that individuals entering the U.S. on student visas actually report to their intended schools (Fact Sheet 2). For a more comprehensive list of many of the other numerous post 9/11 legislative and regulatory measures, see “Recent Legislative and Regulatory Changes Affecting Foreign Students and Scholars”. (Kless, Attachment A)

Obstacles to Study in the U.S. Are Lessening

Some of the most significant obstacles that these post 9/11 measures have created for international students and scholars included increased interviews, background checks, security clearances, additional fees, forms, new databases and other technological tools (such as SEVIS) that the Department of State and the Department of Homeland Security

have implemented, often before they were completely ready. A more detailed explanation and update of some obstacles follows including significant recent improvements which institutions should be aware of and communicate to prospective students and scholars.

Visa Interviews Now Required of All Non-immigrants

As of August 1, 2003, virtually all foreigners are required to have personal face-to-face visa interviews, which during the last two years greatly increased the waiting period for an interview appointment, in some cases six to eight weeks or more. (Economist.com) Student visa applicants have almost always required in-person interviews, but with tourist and other business visitors now needing appointments as well, the lines increased exponentially. Consulates process 7.5 million non-immigrant visas each year, plus 500,000 immigrant visas and 7.8 million passports for American citizens. (Meissner. 4) Good news came recently from the State Department, which announced that an additional 500 new positions including consular officers have been hired since 2002 to address the increased workload. (Powell) There are still concerns about the training of consular visa officers and the State Department also admits that their data systems remain inadequate. Individual consular officers sometimes interview 100-200 applicants per day. Department of State representatives have estimated that the average visa interview is about 2-3 minutes in length. Many prospective students who have been denied visas complain that they did not have enough time to fairly explain their case and individual circumstances. This is often after waiting in long lines and in some cases traveling long distances to reach a U.S. consulate.

University admissions offices and international offices are now spending a lot of time preparing individuals for their visa interviews. Assistance to prospective students might include suggesting documentation to bring to the visa interview or reviewing how to overcome the regulatory presumption that all non-immigrant visitors to the U.S. intend to settle here permanently. This presumption of immigrant intent is often referred to by its regulation subsection, “214B”. Overcoming 214B presumption, also referred to as “proving non-immigrant intent,” means presenting a plausible plan (with supporting

documentation) that the individual plans to return home after completing his or her program (degree or temporary employment). Some consider such coaching as skirting legal or ethical boundaries, while others see it as part of an advisor's responsibility to assure that the admitted student or scholar is able to get a visa and gain entrance into the U.S. to begin their program.

Encouraging State Department Cables

Non-immigrant Intent

Two recent State Department cables are encouraging to institutions struggling with visa denials of their admitted students. A March 4, 2004 State Department cable, presumably issued in response to complaints by institutions on the high rate of visa denials, addresses this issue by admitting that it may be difficult for young adults to prove such ties. The cable to consular officers states: *"It is important to keep in mind that students are generally younger and by definition are just starting out in their adult lives and careers. Many do not have concrete plans on what they will do after graduation from a U.S. school. One of the reasons they are seeking education in the United States is to broaden the opportunities they have later in life. A student cannot be expected to detail his or her post-graduate plans entirely when applying for a student visa."* (NAFSA, UNCLAS State 070079)

A second State Department cable issued on September 28, 2005 went much further and should be carefully studied by international educators. It contains clear policy guidance on visa issuance and other issues that prospective and current international student and their institutions have struggled with. The cable advises consular officials to evaluate the requirement to maintain a residence abroad in the context of the student's present circumstances and to focus on the student's immediate and near-term intent, not what might happen in the future. Because students typically stay in the U.S. longer than many other visitors, the concept of "ties" to the home country is considered less useful. *"The typical student is young, without employment, without family dependents, and*

without substantial personal assets.” In addition, “they don’t necessarily have a long-range plan, and hence are relatively less likely to have formed an intent to abandon their homes”. Also discussed in the cable is the intended course of study. “The fact that an alien plans on studying a subject for which there is no or little employment opportunity in his country of residence is not a basis for denying the visa; because circumstances may change, this fact should not be deemed a negative factor in adjudicating a case. Nor, on the other hand is the fact that the country of residence can provide the equivalent courses in the same subject matter. The student has the right to choose where s/he will obtain an education if accepted by the school.” (NAFSA, UNCLAS State 180015)

Visa Renewals

Visa renewals during the course of studies have been of concern to students and their advisors alike. Students have in recent years missed visits home for family functions or to visit ill or dying relatives for fear of not being able to renew their visa or return to complete their research or degree program after investing so much time and money.

The September 28th cable states *“Returning student applications should generally be reissued in the normal course of business unless circumstances have changed significantly from the time of previous issuance. Students should be encouraged to travel home during their studies to maintain ties to their country of origin... Posts should facilitate the reissuance of student visas so that these students can travel freely back and forth between the homeland and the United States.”*

Community Colleges and ESL Programs

The cable accords the same weight under the law for all legitimate schools, including lesser-known schools stating, *“There is no legal difference between community colleges, English language schools and four-year institutions.”*

Academic Majors

Consular officers are instructed, *“The fact that a student’s proposed education or training would not appear to be useful in the homeland is not, in itself, a basis for*

refusing an F-1 or M-1 visa.” In addition, “The fact that education or training similar to that which the applicant plans to undertake is apparently available in the home country is not in itself a basis for refusing a student visa.” The Cable concludes: “Student visa applications must be adjudicated in the proper context, a long view.”

The March 4 cable adds this encouraging statement, which we hope that consular officials will take to heart and use in practice: *“Processing student visa applications is an increasingly important part of the mission of U.S. embassies and consulates overseas, and is growing in visibility at home. The foreign student plays an important role within the U.S. educational community, in the U.S. economy, and in understanding abroad of U.S. society and values. Adjudicating student visas is perhaps one of the most challenging aspects of consular work. Consular managers should place a high priority on ensuring that students have the opportunity to apply for their visas in a timely manner.” (NAFSA, UNCLAS State 070079)*

Faster Processing Promised

While faster processing of visas is now taking place, the world press documented many delays, denials and frustrations accompanying the changes during the years following 9/11. *“Faculty representatives in the Federal Demonstration Partnership – an organization of 11 federal research agencies and 90 universities – say that the post-September 11 visa denials and delays have proved costly for graduate student recruitment, retention and departmental research.” (Research Day) “The American Institute of Physics reported that nearly a quarter of foreign students who applied to study toward a Ph.D. in physics in the United States in 2002 were initially denied a visa.” (Brumfiel) Three-quarters of all delayed students were in physical sciences, biological sciences or engineering.*

There have been both institutional and personal hardships for students and scholars delayed abroad for months and unable to either begin or return to their programs in the U.S. Many institutions whose international students and scholars returned home for winter break in 2002 or summer break in 2003 were delayed from returning to the

U.S. for two to five months due to security clearance issues. Students delayed overseas still had rent payments and other obligations to meet in the U.S., and academic departments had the dilemma of unfilled teaching assistant positions and interrupted research studies. Chinese students have been especially affected. *“Scientists from China have borne the brunt of the new policy – even though its nationals have never been implicated in terrorism against U.S. targets. The Association of International Educators, for instance, found that more than one-third of all visiting students whose entry to the United States was delayed were from China.”* Indians and Russians have also experienced significant visa delays and denials along with students and scholars from Middle Eastern countries. (Brumfiel)

Reasons for Visa Delays

Security Clearances

The list of possible reasons for delays or visa denials includes a positive match in the Consular Lookout and Support System (CLASS), or a security clearance required by the Visa Mantis System. This Mantis System carries out interagency security checks due to citizenship, nationality or country of birth and field of study for some could trigger screening due to involvement in high-technology fields or the Technology Alert List (TAL). Historically the more common reasons for visa denials, which still exist today, include lack of ability to prove funding, lack of English ability or the inability to prove that they plan to return home upon completion of studies. These delays and denials cause hardships and uncertainty for institutions, especially those that have invested significant time and effort admitting that student, and have caused many programs, especially at the graduate level, to reevaluate their international student admissions programs.

Technology Alert List (TAL)

Institutions are now advising students pursuing degrees in fields listed on the Technology Alert List to travel with detailed letters from their academic advisors outlining the specific (non-military) purposes of their programs and research as well as

carrying a copy of the advisor's CV and website pages. Some consular websites have requested that for all science, engineering and high technology fields of study, a detailed research proposal of study or research plan in the U.S. is required for the visa application.

98% of Clearances Now Reduced to 14-30 Days

On a positive note, the State Department recently issued a report that the long security delays for most individuals are a thing of the past. They state that 98% of Security Advisory Opinions (SAO's) are now being cleared within 14 to 30 days of application. The interagency screening process which often involved the FBI, CIA and any number of other interested governmental agencies has been streamlined and has been handled much more efficiently over the last year. A backlog of over 2000 cases was recently cleared. The process has become automated, eliminating the possibility of cases being "lost". (Harty) This is a major improvement and must be communicated to prospective students abroad. While 98% is excellent, it is still not much comfort for the 2%, which ends up being about 18,000 individual applicants who are directly impacted and subject to delays. Unfortunately even as things improve, we may be paying for the current fallout and perceptions for years to come. Current students, studying in over 200 fields subject to security clearances, who must apply to renew visas at U.S. Consulates abroad, are still concerned about traveling home or to international conferences. These students often are only given 1-2 weeks leave by their graduate departments, while many the students are still delayed abroad a minimum of 4-6 weeks counting travel time, waiting for a visa appointment to submit their application and for their security clearance.

Hardships Since 9/11

Individual cases of hardship have abounded since 9/11. Some students lost funding by not getting back in time for grant deadlines. One student who went home to get married, and after an unexpected 5-month security clearance delay, was told he had been dropped by the program and told not to return. Students have also been penalized by having to pay higher airfares since return dates cannot be scheduled in advance when booking a roundtrip ticket. Students who have returned home during the 2005/06 winter break and are delayed from returning, even though warned of possible delays have

exhibited anxiety and are still frustrated by the real hardships this creates. Many have no place to stay for extended periods at home, are jeopardizing their research, missing grant deadlines, etc. Institutions have difficult decisions on whether to continue to pay research fellowships for students delayed abroad who are unable to do their work, through no fault of their own. The University of California at Berkeley reported that 37 percent of their international students had altered research plans because of visa problems. (Teicher) Unfortunately these individual stories continue to be told to friends and relatives and other prospective students adding to the negative perceptions about the difficulties of studying in the U.S.

The toll in anxiety produced for students and scholars by the new procedures put in place since 9/11 has been high. Many have had to turn down invitations to attend or present their research at international conferences. Wendy White, who directs the Board on Scientific Organizations at the U.S. National Academies recently said, *“You can’t go to a large international scientific meeting without visas being the issue on everyone’s mind.”* (Brumfriel)

Many current students still visit their international offices repeatedly just to make sure their documents are in order or to try to get assurances that they will get their visas renewed. The frustration for advisors is that there is no guarantee they can offer the student or their academic departments whether or not they will be delayed for security clearance, or be taken into secondary inspection at the port of entry, possibly missing connecting flights or even being denied reentry to the U.S. Consistency is lacking in the visa process.

Chinese Receive Additional Relief

There is, however, some good news on the visa front that can be communicated to students here and abroad. U.S. consulates and embassies are now posting their “wait” times for visa appointments on their websites many of which have also been made much more user friendly. Special student visa lines have been added at some consulates. The State Department also recently reported that Visa Mantis Security Clearances have been

extended for up to four years for students and two years for scholars. Chinese students have also found some additional relief, since their visas are now issued for one-year duration with multiple entries, easing the problems for students who need to travel frequently. Previously students had to apply for a new visa on almost every trip home, and repeatedly go through the long security clearance delays. Consulates and visa interviews are logically the first lines of national defense and integral to increased national security efforts. However, it is important to further streamline the system that will allow for necessary checks without discouraging legitimate travelers. NAFSA, Association of International Educators has requested a prescreening process as a solution for current students and scholars already in the U.S. to allow them the assurance of traveling home or to conferences and being able to avoid delays abroad. This and other changes must be implemented to create a “timely, transparent and predictable visa process” so that visa outcomes are more predictable for both students and institutions. (NAFSA, Attachment B)

Additional Policy Changes Affecting Students and Scholars

U.S. VISIT and Machine Readable Passports

Beginning in January 2004, the Department of Homeland Security’s new U.S. VISIT (United States Visitor and Immigrant Status Indicator Technology) program required fingerprints and photographs of all visitors to the U.S. in addition to the standard review of documents and routine questioning at the ports of entry and consulates. The fingerprints and photographs are compared to security databases and the visitors are either admitted or sent to secondary screening. Canadians and visitors from 27 Visa Waiver countries do not currently go through this process, however, citizens from Visa Waiver countries were required to have to have new machine-readable passports with biometric indicators by 10/26/04. (Murthy)

National Security Entry Exit Registration System (NSEERS)

The National Security Entry Exit Registration System (NSEERS) has caused international students and scholars concerns and difficulties since it was first announced and implemented in 2002. Individuals from 25 predominantly Arab and Muslim countries were made subject to NSEERS inspection when they entered the U.S. at ports of entry or if they were already in the U.S. were required to report to the closest immigration office for inspection. This included, in many cases, fingerprinting, photographs, an interrogation under oath and a three page written questionnaire. They were then required to report to their closest INS (now ICE) District Office for 30-day and one-year re-registrations (a hardship for many students whose schools were far away from the district office). NSEERS registrants were also required to leave the U.S. through designated ports of departure. On December 2, 2003, with the introduction of the new US VISIT system, the NSEERS requirement for 30 day and one-year re-registration was terminated, however, individuals subject to NSEERS registration still have to leave through designated ports of departure, a hardship for some students resulting in higher airfares or longer travel routes home. Students who do not go through the departure inspection may be denied reentry. Also, students subject to NSEERS registration who subsequently apply for benefits such as Optional Practical Training at USCIS Regional Service Centers receive extra scrutiny and must prove that they complied with all NSEERS requirements. In addition, they are required to report any change of U.S. address directly to the Department of Homeland Security within 10 days of moving on a special form, AR-11SR in addition to the address changes processed through SEVIS by their institution.

New Restrictions on Study for Visitors In B-2 Tourist Status

On April 12, 2002, INS issued a regulation that prohibits visitors to the U.S. on B-2 tourist visas from “enrolling in a course of study”. Visitors in B-2 status can now only take casual, short-term classes that do not constitute a program of study or teach a potential vocation until a change in status to F, J or M student status is officially approved. This regulation had a marked negative affect on English as a Second Language programs. Also at question is the institution’s responsibility for allowing

visitors to enroll, if they choose to do so, and how aggressively to enforce this requirement, which ultimately is the individual's, not the institution's immigration concern. If the B-2 visa is stamped "prospective student" it means the applicant declared their intentions to study at the consulate before arriving in the U.S. and will more easily be able to change to student status. Some institutions are allowing B-2 visitors to study so long as they have signed a waiver stating they have been advised of the regulations prohibiting their study. Other schools expressly prohibit visitors in B-2 status from attending school full-time or part-time beyond casual or recreational purposes, although the enforceability of such prohibitions depends on the specific enrollment and identification verification procedures in place.

New Rules for Border Commuter Students From Canada and Mexico

Because of the large number of border commuter students affected by the change in B-2 visitor visa rules, the F-3 visa was created. The F-3 visa status allows students within 75 miles of the U.S. border in Canada or Mexico (that maintain their citizenship and residence in those countries) to commute on a part-time basis to study in the U.S. Now monitored through SEVIS, new I-20s must be issued each semester for these students, an additional burden for schools with large numbers of international commuter students. Schools are still awaiting regulations to the F-3 visa, 3 years after the rule was published which contributes to ongoing confusion for schools, border officials and the students.

Restrictions on Study for Spouses of Students

Many individual students, who have tried to bring their spouses to the U.S. to be with them during their studies, have had their dependent's visas denied on the grounds of nonimmigrant intent. It is a real hardship for students admitted to the U.S. for an academic program sometimes up to a 5-7 year doctoral program to be separated from their wives, husbands and children for that length of time. Although not new since 9/11 this type of visa denial adds to the negative perceptions of studying in the U.S. and needs further scrutiny. Under the new F rules, F-2 spouses who do get their visas to enter the U.S. are not allowed to work in the U.S. or to enroll in a full or part-time course of study

until an official change to student status has been approved. For spouses who want to study and apply to change status, these applications are taking up to three months or more at USCIS Service Centers. This can delay the start of the academic program for these individuals. This causes hardship for both academic departments who might want to admit them and for the spouses they admit who sometimes miss the start of classes. It is critical for advisors to be aware of processing times for change of status applications at the Regional Service Centers. While Canada has chosen to give international spouses permission to work while the student attends school, F-2 spouses in the U.S. do not have work permission and now cannot even be part-time students.

On the other hand J-2 spouses of J-1 students are eligible to apply for work permission in the U.S. and can attend school while the J-1's status is maintained although they may be restricted from changing to student status in certain cases.

Routine Travel to Canada More Complicated

While, historically, a weekend "road trip" for international students studying near our northern border was often routine, travel to Canada has become more difficult. Those who are landed immigrants of Canada from Commonwealth Countries now need a valid U.S. visa for entry to the U.S. International students whose student visas may have expired while in the U.S. are only allowed to reenter the U.S. after a brief visit to Canada (less than 30 days) and only if they had not applied for a new U.S. visa at a Consulate there. Students who apply for a U.S. visa at an American consulate in Canada could be subjected to security clearance and delayed from returning to the U.S. up to 1 month or if denied a visa would have to go directly home to apply rather than being allowed to reenter the U.S. to resume their studies.

Student Exchange Visitor Information System (SEVIS)

Improvements Made in SEVIS

The NAFSA Advisor's Manual, an indispensable resource for international student advisors, correctly states "*SEVIS represents the biggest change in almost 40 years in how advisors practice their profession.*" (15-1) Over 7,000 U.S. institutions admit international students and scholars; some have less than 10 students and some over 5,000. Most schools have had to reevaluate their international programs and services and their business practices to find ways to meet the SEVIS reporting requirements. SEVIS is managed by the U.S. Immigration and Customs Enforcement (ICE), the largest investigative arm of DHS and is considered to critical to its homeland security mission. ICE puts a large burden on schools and their international office staff for accurate and timely reporting of information on their students and scholars to SEVIS. Since SEVIS's inception, ICE's Compliance Unit reports that this system has led to 3,342 investigative leads on potential SEVIS violations resulting in 558 arrests. Understandably, the concern for accurate reporting is very real.

No later than 30 days after the start of classes each term, schools have to report to SEVIS whether each student has enrolled at the school, dropped below a full course of study without authorization by the DSO, or failed to enroll; they must also report the current address of each enrolled student and the start date of the student's next term. Within 21 days of the following changes, schools are required to report any student who has failed to maintain status, completed their program when anticipated, changed their legal name or address, completed their program early, had disciplinary action taken against them by a school as a result of the student being convicted of a crime, and any other notification request made by SEVIS about a student's status.

The new regulations require that all immigration documents must now be issued through, and approved by, SEVIS. Small schools with few international students find this reporting more manageable than large decentralized universities with hundreds or thousands of international students, studying at various degree levels with varying term

start and end dates, spread over several campuses. Collecting and coordinating the required information for SEVIS from various offices across campuses has been a daunting task and many schools continue to refine the flow of information to the international office so that it can be sent to SEVIS timely and accurately.

Many improvements have been made in the SEVIS system during the last year. The system overall is working. Many schools that were waiting months for individual data fixes (errors in SEVIS needing to be corrected) from the SEVIS Help Desk have had them resolved and SEVIS is reporting no current backlog. SEVIS is also to be commended for a quick response and solutions to handling international students at the Katrina affected schools.

Pending SEVIS Issues

Clarification on a number of SEVIS procedures however is still “pending” even two years later. NAFSA has a list of liaison calls with the State Department and DHS that basically say, “We’ll get back to you on that question.” Which means that during the meantime, there is no final answer on how to handle some immediate student problems. Varying training and access to SEVIS of government officials at consulates and ports of entry also causes confusion. This causes concern for advisors who want to be able to give students a correct answer to their questions, and who do not want their students to get in trouble with ICE. It is clear from listserv discussions from many schools that subjective interpretation of how to enter required data often results in that data being entered differently or not all, depending on the institution. Major improvements made, however, in the last year through systems upgrades and through SEVIS-created tutorials and conference call training sessions developed to inform schools about procedures and system use have greatly reduced the number of SEVIS-related problems that schools are dealing with.

Batch Schools

Schools that batch larger amounts of information to SEVIS have noted some additional problems. At least one school’s batch of information for 30 students was lost by the system, and instead of doing data fixes for those students, SEVIS is requiring the

students to apply for reinstatement. At issue is whether the school should pay the \$300 per student (which includes reinstatement and SEVIS fees) since it was not the student's fault; however, it was not the school's fault either but rather a technical problem with SEVIS. Another concern is that regardless of who pays, this student will have a "termination and reinstatement" notation in their SEVIS record which may cause delays and complications down the road through no fault of their own.

Data Integrity and Travel Problems

Human error can and does happen and advisors are very concerned that the data that they enter into SEVIS can unfairly and permanently jeopardize their students. Institutions are concerned that there is varying access to SEVIS data by the 3 branches of the DHS, and with their inability in some cases to interact and resolve SEVIS problems. This causes confusion for students and advisors trying to help them. For example, students who were "terminated" in SEVIS because they had an authorized early withdrawal from the program have had subsequent problems attempting to get a visa at a U.S. consulate or entering the country at the ports of entry even in another visa status such as a tourist on a B-2 visa, since consular or border officials can only see partial data such as a "termination event" rather than the full notation/explanation that it was legal and not a violation of status.

Educating Students and University Administrators About SEVIS

Educating international students about the frequently changing requirements, as well as faculty, staff and administration throughout the institution, presents a significant challenge, not only in terms of logistics (especially at large, decentralized universities) but also in terms of accuracy of information and helping constituents appreciate the significance of the changes. SEVIS reporting is a continuous requirement and staff changes challenge the international office to keep personnel up to date on regulations and procedures. For example, all new academic advisors or mental health counselors must be informed of the consequences of recommending a reduced course load for academic difficulties or mental health issues without the student getting advance permission from the international office. A department administrator taking a three-week vacation and not

training a back up in SEVIS requirements could result in missing the 21-day reporting deadline for certain SEVIS events and jeopardize the student and the institution.

Commenting on the responsibility that advisors have for correct reporting, Ellen Doussard, Director of the Office of International Student and Scholar Services at the University of Buffalo asked, "Can you imagine how Americans would react if an American study abroad student in France was arrested for dropping a course?" This has happened in the U.S. in the early days of SEVIS and is still a concern with advisors that data in SEVIS be correctly used and understood by immigration officials. (Connell, 36)

While most institutions attempt to treat all students the same, different rules do apply to international students and scholars. They do not all enjoy the same privileges that U.S. citizens and permanent residents do. International students cannot just "drop a class," "take a semester off," "work at McDonalds to earn a few extra dollars," or "join a student club bus trip to Canada for the weekend". The consequences for doing the above without proper documents or advanced authorization from the international office can range from status violations and reinstatement processes to detention and deportation.

SEVIS FEE Used to Fund Monitoring System

A SEVIS fee was mandated by Congress to cover the costs to the government of monitoring international students and scholars in the U.S. The 1996 IIRIRA authorized the collection of a fee of up to \$100, even though a study by KPMG, hired by the former INS, determined \$54 would be adequate. On 9/1/2004, the \$100 SEVIS fee went into effect for most initial student and scholar visa documents after that date. Neither the \$100 visa fee nor \$100 SEVIS fee is refundable if the visa is denied. Rather than collecting the fee at the same time the visa fee is collected, an elaborate fee payment system and instructions have been developed. The DHS has a 57-page manual covering questions and instructions for paying this one-time fee. The Department of State announced it is planning to test the option of paying the SEVIS and visa fees together in several countries. Meanwhile, students must receive instructions from their schools regarding the fee and may apply online or by Western Union with a credit card or by

check and wait for a receipt to be sent by mail. While SEVIS reports that 81% of payments thus far have been made by credit card, students without credit cards are forced to pay by mail, which causes concern due to “*unreliable and theft-prone international postal systems.*” (Johnson) Individuals must carry their receipt of payment to the consular interview and present it at the port of entry. SEVIS reports that 545,000 SEVIS payments have been made, 51% by students and 49% by scholars.

Some Institutions Cover SEVIS Fee

Institutions have made internal policy decisions about whether to cover this fee for their students and scholars. Some institutions consider this expense an institutional recruiting tool. Other institutions allow individual departments to make that decision for their admitted students and scholars. The University of Rochester has taken a hybrid approach with the Undergraduate Admissions Office covering the fee up front for incoming freshmen and graduate programs are leaving it up to the individual departments (most of whom leave it up to the individual students to cover). Some institutions have decided to reimburse students for the SEVIS fee upon arrival (to avoid paying a prospective student’s fee who ends up attending another school). The University of Texas at Austin and Harvard University have publicly announced that they will pay the fee for all their students and scholars. Most institutions participating in a recent survey however are not inclined to pay this fee. (Albrecht) Since September when the fee was instituted, a few problems were found but for the most part the SEVIS fee program was instituted smoothly and has caused few unresolved difficulties aside from confusion at consulates and ports of entry by officials unfamiliar with the regulations about who is required to have paid the fee.

International Student Office Service Fees

Some schools with a smaller number of students (usually 100 or less) have been able to comply with SEVIS reporting requirements by sending daily information on individual students directly via “real-time-interactive” (RTI) on the web. Schools with larger international student populations are spending huge amounts of money for increased staff, new software, computers, IT assistance and training to use the “batch”

system which processes large amounts of information at once and avoids the error-prone and time consuming need for double data entry. The government estimated in the proposed SEVIS regulations that the total cost to an institution for SEVIS would only be \$580, \$230 to file an application to be a SEVIS school and \$350 for a site visit. However, many schools, especially those with large numbers of international students, have had to spend many thousands of dollars to manage the transition to SEVIS, the ongoing reporting requirements, additional software and personnel costs. Some institutions have long had fees in place to cover the costs of running the international offices on campus and many more institutions are now evaluating adding an international service fee to cover their additional expense for SEVIS. Schools are also currently awaiting the overdue procedures for the F-1 re-certification that are required by regulation every two years. Schools will be assessed an additional fee and may have a site visit by ICE inspectors to verify compliance with program rules and review school performance.

While international students are traditionally not known for protesting and speaking out, that perception may be changing. An article in the Government Executive by Shane Harris described an angry throng of over 100 students at the University of Wisconsin at Madison. Harris reported that both American and international students protested before a panel of school administrators about a proposed fee to cover university costs (estimated at upwards of \$300,000 per year) for complying with SEVIS. Protesters thought that the school should cover the cost and that international students should not have to individually pay a fee to be monitored by the U.S. government. (Harris) Students at the University of Massachusetts at Amherst protested against the \$65 per semester service fee to cover SEVIS costs and an arbitrator ruled that the fee must be rescinded. (Smallwood) On the other hand, the State University of New York at Binghamton recently prevailed in a legal challenge to its new international student fee.

Illegal Aliens On Our Campuses

Who are these Illegal or Undocumented Students?

One category not addressed by the new regulations is the illegal or undocumented alien on campus. Many campuses have registered students who are out of status or undocumented. An article entitled “Undocumented Students and Eligibility for Enrollment at U.S. Colleges and Universities” provides a comprehensive overview of the problems both for these students and their colleges. (Badger, Yale-Loehr, et al) “*An undocumented student is a foreign national who: (1) entered the United States without inspection or with fraudulent documents; or (2) entered legally as a nonimmigrant but then violated the terms of his or her status and remained in the United States without authorization.*” (p.3) There are estimated to be over one million of these illegal aliens in the U.S. under the age of 18 and about 65,000 are graduating from U.S. high schools each year, many of which then seek admission to higher education institutions. Often they came as children and sometimes do not even know that they have no legal status in the U.S. until faced with the college admission process, rules for in state versus out of state tuition, scholarship or financial aid applications, eligibility rules for work study, etc. where proof of citizenship or permanent residency are required. “*No federal law prohibits undocumented aliens from attending public colleges or universities.*” (4) However, SEVIS is costing the country millions to track “legal” international students and scholars on our campuses but blindly looks the other way at the numbers of illegal aliens attending school. This article expands on many of the ethical problems for the international student advisor and for staff in other campus offices such financial aid, and student employment.

FERPA, Ethics and Institutional Policies Regarding Undocumented Students

International student advisors may also have a legitimate level of discomfort knowing that there are undocumented students attending their institutions from countries who are recognized “state sponsors of terrorism” for which they have no legal obligation to report. Knowledge of appropriate rules of immigration law, education law, state law, FERPA, ethics and campus institutional policies all must be considered. This is another

area where university legal counsel should be consulted. Admitting an undocumented alien or letting an undocumented alien live on campus should not subject the institution or its representatives to charges of “harboring a fugitive.” (Badger, Yale-Loehr, et al) However, those faced with these decisions are on the “front lines” and are legitimately concerned, especially in today’s enforcement minded environment.

A related policy issue that will face any institution attempting to deal with these concerns is the identification and verification process for all incoming students, not just the internationals. How do you tell the citizens and permanent residents from the individuals that are illegal unless you require all to provide identification of their status in the U.S?

Lawsuits Over Disparate Tuition Charges

Another issue cropping up in various states is lawsuits against schools that are offering lower in-state tuition rates to undocumented students. Out-of-state students who have been forced to pay higher out-of-state tuition, while illegal immigrants that attend for 3 years after graduating from a California high school and have been granted the lower in-state tuition rates since 2002 are suing California’s public colleges for millions of dollars of damages. (Hebel)

Other Agencies on Campus (SSA, DOL, FBI, IRS, etc.)

Undeserved Hardships Created by New Social Security Policies

To enhance national security, the Social Security Administration has also tightened up its policies relating to international students. After June of 2002, Social Security numbers (SSN’s) are not to be issued unless immigration documents are verified by DHS through a system called Systematic Alien Verification Enrollments (SAVE). While most SSN’s are processed in two-three weeks, if information was incorrectly entered into the SAVE System at the port of entry, the issuance of a Social Security number may be delayed from eight to twelve weeks.

Another major change is that as of 10/13/2004, F-1 students are not eligible for a U.S. Social Security Number unless they have secured an on campus job and can provide proof of employment. The proof must either be a pay stub or an employer's original letter on letterhead listing the student's supervisor, dates of employment and position. International advisors are now required to give each student an original letter (on letterhead) or verification on the employer's letter confirming that the student is in status, registered at the institution and eligible to work and also confirming the job offer. Social Security has also started copying all immigration documents. These new procedures and rules complicate and may end the SSN sign-ups which many institutions host on campus as part of international student orientation programs. Many arriving international students will not have jobs and so will be ineligible to apply.

The Council of Graduate Schools is concerned about this new rule because many graduate students do not seek employment during their studies, especially many MBA students or students who may be sponsored by organizations outside the U.S. (Stewart)

Schools with payroll systems such as People Soft, that require a SSN to issue paychecks face the challenge of either not issuing paychecks until the student has a SSN or setting up special procedures. Many schools have had to change policies and allow graduate assistantship paychecks to be issued for a limited time without the SSN. This, of course, means much more work for the payroll office to set up special procedures to accommodate international students.

New international students are extremely frustrated upon arrival in the U.S. since banks, phone and cell phone companies, insurance companies, landlords, utilities, etc., all ask for the SSN which the student might not be eligible for. Even though the SSN is only supposed to be used for employment purposes, international students have a difficult time understanding or explaining this to various businesses as they go through the process of getting settled in the U.S. This change in Social Security policies has certainly had a significant negative impact on new students when they arrive in the U.S. and in many

ways affects their daily lives more so than any of the recently changed immigration regulations.

SSA Audits and Changes in DMV Policies

Students applying for driver's licenses who are not eligible for Social Security numbers must obtain a letter from Social Security verifying their ineligibility before being eligible for a driver's license. This can be a time consuming and frustrating bureaucratic process that is difficult to explain to newly arriving students. Of additional concern to institutions is a current audit by the Social Security Administration's (SSA) Office of the Inspector General, Office of Audit. Requested by the Senate Committee on Homeland Security and Governmental Affairs, a review is being conducted to determine whether F-1 students who received SSN's based on work authorization letters and documentation of promised or actual employment actually enroll in and attend classes and are employed on campus. A nationwide sample of students who recently obtained SSN's was selected and their schools were contacted by email to conduct the review and asked to send the following information to SSA on each student selected: enrollment status, employment start date, and job description. Schools contacted for this audit consulted their campus legal counsel to determine whether the requested employment information is protected by FERPA, which requires each student's permission before releasing this information.

I-9 Issues

New scrutiny after 9/11 by employers, including on-campus employers, affected many international students and scholars. Given the increased interface with government agencies (SEVIS reporting, bi-annual re-certification visits, NSEERS and US VISIT tracking to name a few), many institutions have heightened concerns about I-9 audits and compliance. As institutions review their immigration business processes, they should also reevaluate how to best process the I-9's for both internationals and U.S. citizens. This is especially tricky for the F-1 and J-1 status holders to verify on-campus employment eligibility with their current immigration documents since employment for those categories is incident to status. Most international students and scholars who works

on campus do not have an “unexpired employment authorization document” issued by CIS, as listed in the I-9 requirements. (NAFSA Manual 14-15) The need for a flexible standard and individual adjustments must be balanced against rigid, compliance-driven processes which may not only frustrate those involved but also defeat the very purpose that the I-9 rules were implemented. International office staff is often called upon to explain immigration documents, various types of work authorizations and immigration status to staff in payroll and human resources offices.

IRS Audits and Tax Compliance Issues for Non-resident Aliens

Several years ago the IRS announced that it was planning to audit at least 250 colleges for tax withholding compliance for nonresident aliens. Many institutions face millions of dollars in tax assessments and penalties. Schools with large numbers of international students (as reported in Open Doors and other publications) who had not filed a corresponding number of 1042-S forms were among the first audited. It is believed that the IRS has at least notified all 250 institutions.

If the institution does not withhold the correct amount of taxes or fails to ensure that an 8233 Tax Treaty form has been completed by an international student, both the institution and the individual face tax liability and potential penalties.

Tax laws for nonresident aliens are extremely complex and institutions are grappling with both institutional tax compliance issues and instructing their international employees and students about their individual liabilities. Taxes are difficult enough for Americans to understand, add in the language and cultural differences, and many schools struggle with helping their internationals understand their need for filing forms. Internationals have to file a tax statement, 8843 each year even if no income was earned. Tax treaties are very confusing and there is frequently disagreement on how they are interpreted and what the withholding should be. While tax compliance is normally centered in the institution’s payroll or finance office, because of the frequent questions, many international offices have become at least tangentially involved in facilitating if not providing tax advice. Tax issues for internationals will be of growing concern in the

years ahead. Many institutions are purchasing tax software, sponsoring education programs or establishing IRS-sanctioned VITA Volunteer Programs to assist both the students and scholars and the institution in tax compliance.

FBI On Campus

Many institutions have had increased contact with the FBI. In some cases, students and scholars are contacted directly, in others, information is requested from the international office on campus. Recently the FBI has contacted a number of schools for the CAUSE Program (College and University Security Effort), which is designed to foster a good relationship between academics and the FBI. FBI Director Robert Mueller announced that 17 university presidents were enlisted to advise the agency about mutual understanding and opening a dialog on such issues as treatment of international students, international exchange of technology, and security issues at laboratories where dangerous substances are used. (Associated Press) It is important for international office staff to be aware of campus policies and be in contact with the campus legal office on these issues and also to keep international students informed of their rights when questioned by the FBI or any other agency.

Employment Issues for International Students

The DOL, IRS, DHS all have regulations that directly affect the employment of international students and scholars in the U.S. In fact, international student advisors often spend a majority of their time advising on employment issues. Many students would like to take advantage of internships or practical experience that relates to their degree either during or after their studies. Most regulations are designed to protect U.S. workers, however, both the F-1 and J-1 visa programs allow certain types of employment either directly related to the student's program of study or for documented economic hardship after arrival in the U.S. While changes in regulations since 9/11 have not made many changes in the specific employment options for students, they have made advising students more complicated. Also, due to a quota system, opportunities for students who wanted to work in business and industry and change from F-1 student to the H-1B specialty worker visa had decreased. However, one positive outcome in 2004 was the

addition of 20,000 H-1B visas available for individuals who graduated from U.S. graduate schools with either a master's or doctoral degree. This was a definite step in acknowledging that individuals with higher-level degrees should have opportunities to contribute their expertise in the U.S.

Deemed Export Rules

New rules proposed by the Commerce Department on “deemed exports” would limit international student’s work with and access to sensitive technology. The Association of American Medical Colleges, among others, have written protesting that the proposed regulation would “*damage the health of the academic research community in the U.S. and in so doing, damage the economic and scientific vitality of the country as well as national security.*” (Cohen, 1)

REAL ID ACT

The REAL ID ACT, which was signed into law on 5/12/2005, but will not take effect for 3 years, will prohibit federal agencies from accepting state-issued ID cards or driver’s licenses for any official purpose if they do not meet minimum requirements. This includes verification of immigration status through the SAVE system. Documentation to obtain a driver’s license will be more difficult to produce and is expected to cause additional problems for internationals as well as U.S. citizens who will apply. (Murthy)

Health Insurance Issues

There are strict regulations requiring a certain level of health insurance coverage for J-1 students and scholars and their dependents mandated by the Department of State. However, there are no such regulations for F-1 students and their dependents though they have been rumored to be coming for years. Most campus policies require insurance coverage for their students but often do not require health insurance for family members in F-2 status. Health insurance is very expensive for families due to issues of pregnancy and children’s coverage; however, individuals who forgo coverage may risk becoming “wards of the state” by applying for Medicare, food stamps, etc. when uninsured illness

strikes which may be grounds for inadmissibility for future visas or for immigration benefits.

Putting Out the Welcome Mat

Community Involvement

Higher education institutions and their communities can do much to counter-balance the negativity students have experienced from our enforcement-minded and restrictive government policies. Many communities have volunteer groups to welcome international students and visitors to their communities. Welcoming international students who are far from home by inviting them to American homes is an important way to introduce American culture and values.

Summits on Citizen Diplomacy, co-sponsored by agencies such as Sister Cities International, The Fulbright Program, and the National Council for International Visitors (NCIV) are being held in over 80 communities across the United States to bring people together from higher education institutions and community groups to learn more about citizen diplomacy. Their focus is to share perspectives on how their communities can become more globally engaged. This is an encouraging opportunity to inform community members about the internationals already in their midst on their local campuses.

Department of State Encourages User-friendly Websites

The Department of State has made their website much more user friendly and has also provided information on “What is an International-Student Friendly Institution?” and “How to have and Internationally Friendly Website”. This website includes “do’s” and “don’ts” for international admissions offices such as “don’t require a Social Security Number” since most international students don’t have them, “Don’t require at GPA” since many countries do not offer GPAs, and don’t use terms “fall” and “spring” since these might be confusing to students from the southern hemisphere or areas with no seasons. These efforts by the State Department’s Bureau of Educational and Cultural

Affairs are encouraging to those who support the development of an international education policy to welcome internationals to the U.S. (Bureau of Educational and Cultural Affairs)

Vouchers for International Students

Creative methods must be developed to keep our doors open to international students. Turning a percentage of foreign aid into need-based vouchers to provide financial assistance to international students would benefit those students, their nations and our universities suggests Stuart Anderson, Director of the National Foundation for American Policy. (Anderson) Bruce Jacobs, Dean of Graduate Studies at the University of Rochester suggests that focusing on the concrete benefits and many examples of the individual contributions that large numbers of international students and scholars have brought to the U.S. and their institutions is a more positive way to influence policy makers. (Jacobs) Giving automatic green cards (permanent residency status) to foreign nationals who earn doctoral degrees in a needed field is another idea that has been broached to try and attract the best from abroad.

Conclusion: Moving Forward

The “U.S. is no longer the whole show for foreign students” with countries like China and India trying to keep their best brains at home, the increase of Internet learning, and the increased competition for students from countries like Canada, United Kingdom, and Australia. (Marklein and Slavin) U.S. Universities must continue to look for ways to attract international students to their campuses, especially in today’s challenging environment. This could include streamlining and speeding up the application process, offering more international scholarships, forming formal partnerships with universities abroad to foster exchanges, contacting alumni abroad to spread information about their positive experiences in the U.S., paying the SEVIS fee for their students, and actively advocating for reforms in government policies.

There are many issues facing universities and our nation ahead. Most international educators will agree that tighter regulations and closer monitoring of international students was long overdue. However, we all must work to make international students and scholars admitted to our institutions feel welcome on our campuses and in our communities since they not only enrich American culture and expand our American students' experience and perception of the world, they are also critical to our national economic future and competitiveness in a global society.

NAFSA's recent survey information released on January 11, 2006, of a cross-section of Americans confirmed that international education is key to preparing the next generation. *"90% believe it is 'important' or 'very important' to prepare future generations of Americans for a global society;" and "86% believe it is important for their children and grandchildren to attend a college where they can interact with and get to know students from other countries."* (NAFSA)

Many international students and scholars will also be future government and business leaders in their home countries who will have the opportunity to influence foreign opinions about the U.S. Robert M. Gates, President of Texas A & M University and the Director of the Central Intelligence Agency from 1991 to 1993 has observed how critical this discussion is, *"Beyond the risk to economic, scientific and political interests, we risk something more: alienating our allies of the future."* (Gates)

The President's recent statements at the Summit for University Presidents and the "Rice-Chertoff Joint Vision: Secure Borders and Open Doors in the Information Age", statement issued from the U.S. Department of State on January 17, 2006, outlining a variety of methods to do this through improved technology and efficiency are steps towards finding the right balance between stronger security and being a welcoming society to international students, scholars and other visitors who want to come to the U.S.

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