

STATEMENT
OF
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REGARDING A HEARING ON

**“Nonimmigrant Student Tracking:
Implementation And Proposed Modifications”
(The Student and Exchange Visitor Information
System)**

Before the

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

**2:00PM
WEDNESDAY, APRIL 2, 2003
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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE,

Thank you for the opportunity to update the Committee on the deployment of the Bureau of Immigration and Customs Enforcement's (ICE) Student and Exchange Visitor Information System (SEVIS) – a new Internet-based system that greatly enhances the government's ability to manage and monitor foreign students and exchange program visitors and their dependents during their stay in the United States. SEVIS maintains critical, up-to-date information that can be accessed electronically, making it a powerful tool for combating fraud and for ensuring that individuals comply with the terms of their visa, activities that are vital to enhancing homeland security.

State Department consular officers overseas now have instant access to this information, improving their ability to decide whether to issue a student visa. This information is also available to the Bureau of Customs and Border Protection (BCBP) officers at ports-of-entry (POEs), allowing them to better track the entry of students and exchange visitors and to guarantee that the visa holder is the same person to whom it was issued. Additionally, personnel at Bureau of Citizenship and Immigration Services (BCIS) Service Centers are using this information to better adjudicate applications for benefits.

SEVIS was initially a project of the Immigration and Naturalization Service (INS), where it was developed and deployed by the Immigration Services Division (now BCIS). When INS transitioned into the Department of Homeland Security (DHS) on March 1, responsibility for SEVIS shifted to ICE, as mandated by the Homeland Security Act. The two bureaus are working hand-in-hand to assure a smooth transition of the system.

The system is part of the overall Student and Exchange Visitor Program (SEVP), the other functions of which include certifying schools for accepting foreign students, internal and external training, fee collection, and enforcement. SEVIS tracks information about an individual's school admission, visa issuance, entry into the United States, registration for classes, changes of address, program of study, program extensions, and employment authorization. It enables schools and exchange program sponsors to quickly update information they are required to send to the DHS and the Department of State (DOS) throughout the duration of a student or exchange visitor's stay in the United States.

INS worked hard to meet the aggressive deadlines set forth in the statute. SEVIS was fully deployed and operational by January 1, 2003, as required by the USA PATRIOT Act. And, as of February 15, all DHS-approved schools and DOS-approved exchange programs were required to use SEVIS for all new foreign students and visitors.

The required use of SEVIS by schools and the implementation of its parent program are both being phased in. This phased approach, which is designed to ensure program integrity, was outlined in proposed regulations published in May 2002, highlighted in congressional testimony in the fall of 2002, and codified in final regulations in December 2002. This approach also provides necessary and adequate time for the schools to review the considerable existing data on their continuing students and enter it into SEVIS. All new and continuing foreign students and exchange visitors must be entered into the system no later than August 1, 2003. After August 1, the database will contain complete information on all foreign students and exchange visitors currently within the United States, and it will be the sole system used to monitor these non-immigrants.

As mentioned earlier, the other elements of SEVP include the collection of fees from schools, which will pay for the operation of SEVIS, and school certification. Our fee collection proposal is now under review. ICE will continually process requests for school certification under SEVIS. There will always be new schools seeking certification to use SEVIS, and those already certified must recertify every two years. As of March 19, approximately 4,300 schools (and

numerous campuses for many of those schools) and 1,400 exchange programs had been certified and were enrolled to utilize SEVIS.

Since implementation, SEVIS has performed very effectively, but it has not been without issues. Most problems are quickly addressed and resolved. For example, the intermittent inability of some schools to access the system and users timing out before they could complete their desired task had occurred. In early March, the system was taken off line for 15 minutes and the necessary fixes were made to remedy these performance problems. Currently, the only outstanding issue has to do with an issue known as "bleeding," the unintended merging of data from one school to another which results in the printing of legitimate student information at the wrong institution. ICE has hired an additional contractor specifically to address this issue, which is an issue of privacy, not accuracy. The information in SEVIS is the important component of the system and how that information enhances our ability to track foreign students. Bleeding does not affect the accuracy of the foreign student information.

SEVIS is a new system, developed and deployed under an aggressive schedule. Any new system will have bugs and anomalies that must be addressed. SEVIS is supported by a team of talented and dedicated professionals, from both the public and private sectors. Although we cannot guarantee that this new Internet application will not have additional problems over the next year, we can assure you that any such problems shall be addressed immediately, aggressively and professionally.

The SEVP and its SEVIS application are works in progress and will continue to evolve. We continually examine our requirements and the educational community's feedback to make the system and the foreign student program sustained successes. We believe that our interactions with the educational community are vitally important. We have worked closely with many education associations including the American Council on Education, NAFSA: Association of International Educators, the National Association of State Universities and Land-Grant Colleges, and the California Community Colleges Chancellor's Office. In fact, we host a conference call at least once a month with the major educational organizations to convey information and to receive their feedback.

SEVIS is a learning process for ICE and the schools, who are being encouraged to contact the SEVIS Help Desk should they encounter any problems accessing or using the system. The Help Desk has been receiving more than 500 calls a day, a third of which have to do with changing a user password. We are looking to decrease demand on the Help Desk through greater automation which will allow our Help Desk officers to focus on more substantive issues. We take all problems seriously, and seek to address them aggressively.

As we move forward, we will continue to enhance internal training of DHS officers, as well as improve the SEVIS training provided to schools. Looking ahead to a constant two-year cycle of school certification reviews, we will be examining the best ways to verify the *bona fides* of currently certified schools and new schools seeking to use the system. Now that SEVIS is fully implemented and all schools enrolling non-immigrant foreign students are required to utilize the system, we will also continue to examine and re-examine methods used to verify compliance with record-keeping, reporting, and other SEVIS requirements.

The DHS and the DOS Office of Consular Affairs have established Datashare, under which SEVIS data are made available for verification purposes during the visa issuance process. The program also allows State to make all non-immigrant visa issuance data available to DHS systems. SEVIS extracts data on all the F (academic), M (vocational), and J (exchange visitor) records from the Datashare system, as required by statute, and also provides this information to the schools.

SEVIS is updated at the time of an individual student's entry to the United States. The Enhanced Border Security and Visa Entry Reform Act (Border Security Act) of 2002 requires

schools to report foreign students who fail to enroll within 30 days of the schools' registration deadline. Schools appoint foreign student advisors who are required to maintain foreign student information and assist the students and the school in adhering to the laws and regulations of the Immigration and Nationality Act. These advisors, known as designated school officials, are responsible for reporting student "no shows" to the ICE Immigration Investigation Program Headquarters either by calling a dedicated toll-free number or by electronically "flagging" the student's record in SEVIS as a "no show". More than 1,800 "no shows" students have been reported to ICE through the toll-free number.

After a "no-show" has been reported, ICE has the Law Enforcement Support Center run database checks. All referrals confirmed to have entered the United States, and for which no record of departure exists, are subject to further indices searches. Student status violators who may present a heightened security risk are immediately referred to the ICE National Security Unit for appropriate action. All others are being prioritized based upon other factors such as criminal history and prior adverse immigration history, and then referred to the appropriate field office. All student violators are entered into the National Automated Immigration Lookout System to ensure replacement visas are not inadvertently issued, and to ensure any subsequent attempts to enter the United States are scrutinized. ICE is committed to enforcing our immigration laws against violators identified through SEVIS. This is founded in our belief that effective compliance enforcement against student violators is a critical component of the SEVIS system.

There has been some concern in the school community that SEVIS errors have been responsible for unwarranted enforcement actions being taken against students. ICE can assure the public that it does not rely solely on information in SEVIS. Prior to taking an enforcement action, ICE agents review each individual case, including interviewing potential violators, to confirm that action is warranted. ICE will only take action against immigration law violators when action is warranted.

SEVIS is part of the Homeland Security mosaic. It is deployed now and in the next year it will develop and grow as a program, increasing its ability to manage and monitor foreign students and exchange visitors in order to ensure that they arrive in the United States, register at the school or exchange visitor program, and maintain their status during their stay as valued guests in this country. SEVIS enhances our ability to detect and deter those who may come to America for nefarious purposes, while extending a hand in friendship to those seeking the exceptional education and training opportunities this great country has to offer. SEVIS allows our nation to strike the proper balance between openness to international students and exchange visitors and the necessary security obtained by enforcing our nation's laws.

I appreciate the opportunity to testify before the subcommittee today. I look forward to your questions.