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HOMELAND SECURITY

Performance of Information System to Monitor Foreign Students and Exchange Visitors Has Improved, but Issues Remain

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GAO Highlights

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Highlights of GAO-04-690, a report to congressional committees

HOMELAND SECURITY

Performance of Information System to Monitor Foreign Students and Exchange Visitors Has Improved, but Issues Remain

Why GAO Did This Study

The Department of Homeland Security (DHS) has implemented the Student and Exchange Visitor Information System (SEVIS) to collect and record key data on foreign students, exchange visitors, and their dependents—prior to their entering the United States, upon their entry, and during their stay. In accordance with Conference Report 108-280, GAO reviewed SEVIS. Among the areas it examined were (1) system performance, (2) actions to improve performance, and (3) plans for collecting the fee to be paid by foreign students and exchange visitors to cover SEVIS costs.

What GAO Recommends

To strengthen SEVIS, GAO is making recommendations designed to improve DHS's monitoring of key system performance requirements, address educational association performance concerns, and expedite collection of the fee. DHS agreed with most of our findings, conclusions, and recommendations. It did not fully agree with two of our findings and their associated recommendations.

www.gao.gov/cgi-bin/getrpt?GAO-04-690.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Randolph C. Hite at (202) 512-3439 or hiter@gao.gov.

What GAO Found

Several indicators show that SEVIS performance is improving. First, program office reports for some key system performance requirements show that these requirements are being met. However, not all key performance requirements are being monitored or reported on. Without formally monitoring all key performance requirements, DHS cannot adequately assure itself that potential problems will be identified and addressed early. Second, other, less formal indicators of performance, such as daily system use by program officials and unsolicited user feedback, indicate that the system is meeting requirements. Third, GAO's analysis of new requests for system changes, including changes to address reported performance problems, shows these requests are declining. Finally, officials representing educational organizations generally see performance as having improved.

DHS has taken specific actions to improve SEVIS performance. In particular, it has installed a series of new software releases and increased Help Desk staffing and training. In addition, program officials are holding regularly scheduled meetings, both internally and with educational representatives, and are asking user groups to test new releases. Despite these efforts, however, educational organizations continue to report problems, such as the quality of Help Desk assistance. The following table identifies reported system problems, examples, and DHS's responses.

DHS Actions to Address User Problems

Problem	Example	DHS response
Inability of users to download data to create custom reports	One report shows only 20 records at a time, so it must be run repeatedly to show all affected individuals	Evaluating software options to provide custom report capabilities
Slow Help Desk response; inconsistent answers to technical questions and incorrect answers to policy questions	An error on a student's status took 6 weeks to correct; user received varying responses for how to record multiple training records; user incorrectly advised not to sign travel authorization	Increased Help Desk staffing as of March 2003; training given to Help Desk on continuing basis
Incomplete transmission of data to State Department database	Change to correct birth date not updated in State Department database	Software change implemented in January 2004
Insufficient identification of schools when transferring between schools	A student was transferred to the wrong school due to similarity of school names	Schools are listed by city and state on the DHS Web site as of July 2003

Sources: GAO and DHS.

DHS submitted its final rule on the SEVIS fee to the Office of Management and Budget (OMB) in February and plans to collect the fee once OMB approves it. Representatives of educational organizations are concerned that two of the three payment options in DHS's final rule are either not available to all students in developing countries or will result in significant delays. Program officials acknowledge the increased demands on students and visitors, but do not believe that these demands warrant changes to their plans.

United States General Accounting Office

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Abbreviations

DHS	Department of Homeland Security
ICE	Immigration and Customs Enforcement
SEVP	Student and Exchange Visitor Program
SEVIS	Student and Exchange Visitor Information System
OMB	Office of Management and Budget
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
OIRM	Office of Information Resource Management
CCD	Consular Consolidated Database
NIV	Nonimmigrant Visa System
US-VISIT	United States Visitor and Immigration Status Indicator Technology
CLAIMS 3	Computer Linked Application Information Management System
CPU	Central Processing Unit
SCR	System Change Request

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United States General Accounting Office
Washington, D.C. 20548

June 18, 2004

The Honorable Thad Cochran
Chairman
The Honorable Robert C. Byrd
Ranking Minority Member
Subcommittee on Homeland Security
Committee on Appropriations
United States Senate

The Honorable Harold Rogers
Chairman
The Honorable Martin Olav Sabo
Ranking Minority Member
Subcommittee on Homeland Security
Committee on Appropriations
House of Representatives

The Student and Exchange Visitor Information System (SEVIS) is an
Internet-based system that collects and records information on foreign
students, exchange visitors, and their dependents prior to their entering the
United States, upon their entry, and during their stay. SEVIS has the
following objectives:

- support the oversight and enforcement of laws and regulations
  pertaining to foreign students, exchange visitors, schools, and exchange
  visitor program sponsors authorized by the government to issue
  eligibility documents, and

- improve the Department of Homeland Security's (DHS) processing of
  foreign students and exchange visitors at ports of entry through
  streamlined procedures and modernized data capture.

Within DHS's Immigration and Customs Enforcement organization, the
Student and Exchange Visitor Program is responsible for certifying schools
to accept foreign students in academic and vocational programs and
managing SEVIS. DHS required schools and exchange programs to start
using the system for new students and exchange visitors beginning
February 15, 2003, and for all continuing students beginning August 1, 2003.

GAO-04-690 Performance of SEVIS

In accordance with Conference Report 108-280,[1] we reviewed various aspects of SEVIS. Specifically, our objectives were to (1) determine how well the system is performing, (2) identify what actions DHS has taken to improve system performance, (3) determine what data the system collects and who uses it, and (4) determine the government's plans for collecting the SEVIS fee.[2]

On April 1, 2004, we provided your offices with a written briefing on the results of our review. The full briefing, including details of our scope and methodology, is reprinted as appendix I. The purpose of this report is to provide the published briefing slides to you and to officially transmit our recommendations to the Secretary of Homeland Security.

In summary, our briefing made the following four main points:

- According to several indicators, SEVIS performance is improving. First, program office reports relating to certain system performance requirements[3] show that requirements are being met. However, several key system performance requirements are not being formally measured. This is problematic because, without formally monitoring and documenting key system performance requirements, DHS cannot adequately assure itself that potential system problems are identified and addressed early before they have a chance to become larger problems that could affect the DHS mission objectives supported by SEVIS. Second, other, less formal indicators of performance—such as the program office's daily use of the system and unsolicited feedback from users—likewise indicate that the system is meeting requirements. Third, our analysis of new system change requests[4] shows that the

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[1]H.R. Conf. Rep. No. 108-280, at 32 (2003).

[2]The fee is to be paid by foreign students and exchange visitors to cover SEVIS costs. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) first required that schools and exchange programs collect the fee (P.L. 104-208, Sept. 30, 1996). The Visa Waiver Permanent Program Act (2000) amended IIRIRA to require that the government collect the SEVIS fee (P.L. 106-396, Oct. 30, 2000).

[3]Examples of performance requirements are (1) the system is to be available 99.5 percent of the time to all users 24 hours a day, 7 days a week, excluding scheduled downtime and (2) the time to respond to user queries, as measured as the response time between the application server and database, is to be less than 10 seconds.

[4]Change requests are used to track all system changes, including corrections to erroneous system programming, as well as planned system enhancements.

number of new requests is steadily declining, which similarly suggests that performance has improved. Finally, officials representing ten educational organizations[5] stated that system performance had improved.

- To DHS's credit, it has taken a number of actions to improve SEVIS performance. In particular, it has installed a series of new software releases and has increased Help Desk staffing and training. Nonetheless, problems continue to be reported, such as the quality of Help Desk support.[6]

- SEVIS collects a wide range of data, most of which are required by legislation, regulation, or presidential directive. The system also collects some data that are not required. Most of these elements, such as information regarding visas and passports, are important to managing the SEVIS program, but are not required and are only captured on a voluntary basis. The data are used by schools, exchange programs, and offices within DHS and State to oversee the pre-entry, entry, and stay of foreign students, exchange visitors, and their dependents. The data are also used by DHS and State to oversee the schools and exchange visitor programs.

- DHS intends to collect the SEVIS fee starting this year, but almost 7 years have passed since collection of this fee was required; thus millions of dollars in revenue have been and will continue to be lost until the fee is actually collected.[7] DHS submitted its final rule on the fee, which

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[5]We contacted representatives from the following 12 organizations: Accrediting Council for Continuing Education and Training, Alliance for International Educational and Cultural Exchange, American Association of Collegiate Registrars, American Association of Community Colleges, American Council on Education, Association of American Universities, Association of International Educators, Council for Standards for International Educational Travel, Council on International Educational Exchange, National Association for Equal Opportunity in Higher Education, National Association of College and University Business Officers, and the National Association of State Universities and Land-Grant Colleges. Two of the organizations stated that they did not have the detailed information in which we were interested for this engagement.

[6]The SEVIS Help Desk was established to assist system users by providing troubleshooting and resolution of technical problems, along with problem escalation and resolution, and changes to the database.

[7]In its comments, DHS stated that SEVIS has been supported by both appropriated and Immigration Examination fee funds. IIRIRA required that the SEVIS fee be deposited in the Immigration Examination Fee Account (P.L. 104-208, Sept. 30, 1996).

GAO-04-690 Performance of SEVIS

includes three payment options, to the Office of Management and Budget on February 19, 2004, and is waiting to hear if the rule is approved.[8] Representatives of educational organizations are concerned that two of the payment options are either not available to all students in developing countries, or that they will result in significant delays. While program officials acknowledge that collection of the fee will increase the demands placed on students and exchange visitors, they stated that such concerns do not warrant changes to their plans for collecting the fee. The longer disagreements over how the fee should be collected go unresolved, the longer SEVIS reduces the Immigration Examination Fee funds available to other programs. Resolution of such differences in perspective is precisely what the rulemaking process is intended to accomplish. Therefore, it is important that the outcome of this process be implemented quickly.

Recommendations for Executive Action

To strengthen SEVIS performance, we recommend that the Secretary of Homeland Security direct the Assistant Secretary of Immigration and Customs Enforcement to ensure that the Student and Exchange Visitor Program Director take the following three actions:

- Assess the extent to which defined SEVIS performance requirements are still relevant and are being formally measured.

- Provide for measurement of key performance requirements that are not being formally measured.

- Assess educational organization Help Desk concerns and take appropriate action to address these concerns.

We further recommend that the Secretary direct the Assistant Secretary of Immigration and Customs Enforcement to take the necessary steps to provide for the expeditious implementation of the results of the SEVIS fee rulemaking process.

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[8] In agency comments on a draft of this report, DHS stated that it received clearance of the SEVIS rule from the Office of Management and Budget on May 19, 2004.

Agency Comments and Our Evaluation

Both DHS and State provided comments on a draft of this report. In written comments signed by the Assistant Secretary, Immigration and Customs Enforcement (reprinted in app. II, along with our responses), DHS agreed with most of our findings, conclusions, and recommendations. However, it did not fully agree with two of our findings and their associated recommendations.

First, DHS did not agree with our finding that the SEVIS program was not monitoring and reporting on all system performance requirements, and it agreed in part with our associated recommendation, adding that it believes that we did not fully assess all data that the program office provided to us on this matter. DHS said it was resubmitting these data to clarify our finding. We acknowledge that DHS provided in its comments data on system performance monitoring and reporting, but we do not agree that we did not fully assess the data previously provided, and thus we have not modified our finding and associated recommendation. In particular, neither the data enclosed with its comments, nor the data previously provided, specifically addresses measurement of SEVIS availability. As we state in our report, while the program monitors and reports on the availability of the communications software on its application servers, which can be used to identify problems that could affect SEVIS availability, it does not specifically measure SEVIS availability (i.e., the SEVIS application may not be available even though the communication software is). Further, we acknowledge DHS's statement in the enclosure that it has implemented a new SEVIS-specific processor utilization tool, which relates to one of the performance requirements that our report cited as not being monitored and reported on. However, information on this tool was not previously provided to us and thus could not be verified by us and included in our briefing. We are nevertheless supportive of any recent program actions that would expand system monitoring and reporting to include all key performance requirements.

Second, DHS did not fully agree with our finding regarding the use of taxpayer dollars to fund SEVIS. According to DHS, SEVIS has been funded by both appropriated funds and immigration examination user fees, which are collected from nonimmigrants seeking benefits. We do not question DHS's statement that the program has been supported by $36.8 million in appropriated (taxpayer-funded) and $34.3 million in immigration examination user fees funds. Our finding is that 7 years have passed since the fee collection was required, and millions of dollars have been spent (both appropriated and user fees) and will continue to be spent until the

SEVIS fee is actually collected. Even if SEVIS is prospectively funded with the immigration examination user fees, until the SEVIS fee is collected, the amount of funds available to other programs funded by this account is reduced. With respect to our associated recommendation, DHS commented that it agreed in part, noting that while it shared the recommendation's sense of urgency in implementing the SEVIS user fee, it did not agree that the Assistant Secretary needed to be directed to take the necessary steps to expeditiously do so because these steps were already being taken. As we stated in our report, although we were told that steps were under way to begin collecting the fee, DHS officials did not provide us with a plan showing, for example, what these steps are. Our recommendation is intended to address this absence of explicit planning for how this shared sense of urgency in implementing the fee will be accomplished.

In written comments signed by the Department of State's Assistant Secretary and Chief Financial Officer (reprinted in app. III, along with our response), the department stated that its concerns with collecting the SEVIS fee that we cite in the report remain valid. It also stated that since the report was originally drafted, it has initiated a pilot project with DHS to explore the feasibility of collecting the fee at both consular offices using foreign financial institutions and at consular offices with internal cashiers. According to State, the pilot is to be conducted in a small number of consulates, and will only be extended on a post-by-post and country-by-country basis. The department also provided technical comments, which we have incorporated as appropriate in the report.

We are sending copies of this report to the Secretary of Homeland Security, the Secretary of State, and to the Director, Office of Management and Budget. We will also make copies available to others upon request. In addition, the report will be available at no charge on the GAO Web site at www.gao.gov.

Should you have any question on matters contained in this report, please contact me at (202) 512-3439, or by e-mail at hiter@gao.gov. The GAO contact and key contributors to this report are listed in appendix IV.

Randolph C. Hite
Director, Information Technology Architecture
  and Systems Issues

Briefing to the Staffs of the Subcommittees on Homeland Security, Senate and House Committees on Appropriations

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Homeland Security: Performance of Information System to Monitor Foreign Students and Exchange Visitors Has Improved, but Issues Remain

Briefing to the Staffs of the

Subcommittees on Homeland Security

Senate and House Committees on Appropriations

April 1, 2004

Appendix I
Briefing to the Staffs of the Subcommittees
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Overview

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Briefing to the Staffs of the Subcommittees
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Introduction

Within the Department of Homeland Security's (DHS) Immigration and Customs Enforcement (ICE) organization, the Student and Exchange Visitor Program (SEVP) office is responsible for certifying schools to accept foreign students in their academic and vocational programs and managing the Student and Exchange Visitor Information System (SEVIS).

SEVIS was initiated in July 2001 to automate manual, paper-intensive processes that schools and exchange programs already used to manage and report information about foreign students and exchange visitors. According to program officials, SEVIS began operating in July 2002.[1]

SEVIS is an Internet-based system that collects and records key information on foreign students and exchange visitors prior to their entering the United States, upon their entry, and during their stay. Using the system, schools and program sponsors can transmit information electronically via the Internet to DHS and the Department of State (State).

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[1]According to program officials, SEVIS began operations on July 1, 2002. It was available to certify schools on July 1, 2002, and to register students on July 15, 2002. According to State, SEVIS was available to exchange visitor programs in October 2002. DHS required schools and exchange programs to begin using SEVIS for new students and exchange visitors no later than January 30, 2003, however, this deadline was extended to February 15, 2003. Schools and exchange programs were required to use SEVIS for all continuing students and exchange visitors starting August 1, 2003.

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Introduction

Conference Report 108-280[1] requires GAO to report on the following aspects of SEVIS to the Committees on Appropriations by April 1, 2004:

- the technical problems faced by institutions of higher education using the system,

- corrective actions being taken by DHS to resolve system problems, and

- the need for the detailed information collected.

[1]H.R. Conf. Rep. No. 108-280, at 32 (2003).

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Objectives

As agreed with the Appropriations Subcommittees' staff, our objectives were to

- determine how well the system is performing,

- identify what actions DHS has taken to improve the system's performance,

- determine what data the system collects and who uses it, and

- determine the government's plans for collecting the SEVIS fee.[1]

We conducted our work at DHS and State headquarters in Washington, D.C., and at ten educational organizations[2] from December 2003 through March 2004, in accordance with generally accepted government auditing standards. Details of our scope and methodology can be found in the attachment.

[1]The fee is to be paid by foreign students and exchange visitors to cover SEVIS costs.
[2]We contacted 12 organizations, but two stated that they did not have the detailed information in which GAO was interested for this engagement.

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Results in Brief
SEVIS Performance

A number of indicators show that system performance has improved. For example, program office reports for some key performance requirements show that requirements are being met. However, not all key performance requirements are being measured and reported on. Nevertheless, according to program officials, other less formal indicators of performance, such as personal use of the system, daily inspection of Help Desk logs, and unsolicited user feedback, indicate that the system is meeting requirements.

Another indicator of system performance is trends in reported system problems. For SEVIS, such problems are described in system change requests.[1] Based on DHS change request data, our analysis of new change requests also suggests that performance has improved.

Officials representing schools and educational organizations also told us that SEVIS performance had improved. However, they also identified seven types of performance problems that remain, such as the quality of Help Desk support.

[1]Change requests are used to track all changes to SEVIS, including corrections to erroneous system programming, as well as planned system enhancements.

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Results in Brief
Actions to Improve Performance

DHS has taken a number of actions to improve SEVIS performance. In particular, a series of new versions of SEVIS have been installed and Help Desk staffing and training has increased. According to program officials, these actions address six of the seven problems reported by the schools and learning organizations, and solutions to the remaining problem are currently being evaluated. However, according to these organizations, some of the problems continue.

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Results in Brief
SEVIS Data and Users

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SEVIS collects a wide variety of data, the vast majority of which are required in legislation, regulation, and a presidential directive. Examples of data elements required, but not collected, are the foreign student or exchange visitor's visa change date and classes enrolled in.

SEVIS also collects some data that are not required. Examples of such data elements are the individual's visa number, visa expiration date, and visa issuing post. According to program officials, such data are not required and are only entered into SEVIS if they are voluntarily provided by the school or exchange program.

SEVIS data are used by schools, exchange programs, and numerous offices within DHS and the Department of State to oversee the pre-entry, entry, and stay of foreign students, exchange visitors, their dependents, and the schools that enroll them and the exchange visitor programs that sponsor them.

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Results in Brief
SEVIS Fee Plans

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DHS plans to collect the SEVIS fee; however, about 7 years have passed since collection of the fee was first required of schools and education programs.[1] Federal government direct collection of the fee has been required since October 2000. Since then, a variety of circumstances has delayed the fee's collection. On February 19, 2004, DHS submitted its final rule on the fee to the Office of Management and Budget (OMB).

Representatives of educational organizations identified several concerns with the SEVIS fee plans. One concern is that the payment options are either not available to all students and exchange visitors in developing countries or that they will result in significant visa application delays. While program officials acknowledged that collection of the fee will increase the demands placed on students and exchange visitors applying for admission to the United States, they stated that the concerns do not warrant changes to their plans for collecting the fee.

[1]Originally, schools were required to collect the fee beginning April 1, 1997. P.L. 104-208 (Sept. 30, 1996).

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Results in Brief
Agency Comments

To assist DHS in managing SEVIS, we are making four recommendations to the Secretary of DHS.

In commenting on a draft of this briefing, DHS officials stated that (1) measurement of SEVIS performance requirements is important and that the department needs to update defined system performance requirements, (2) all necessary system performance measurement is occurring now or will occur, and (3) it is working consistently to improve Help Desk performance, including continuously training and monitoring Help Desk staff and helping educational institutions understand that deficiencies attributed to Help Desk performance are due to problems attributed to the institutions. DHS also provided some technical comments and clarifications that we have incorporated into the briefing.

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Background
Relevant Legislation

Various laws define SEVIS-related requirements:

- The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)[1] requires that foreign students and exchange visitors be monitored and reported on, and that a data-collection system be developed for approved institutions of higher education and designated exchange visitor programs to track nonimmigrants possessing or applying for F-, M-, or J-class visas or status.[2] It also requires that a fee be collected by approved institutions of higher education and designated exchange visitor programs from students and exchange visitors in order to reimburse program expenses.

[1] P.L. 104-208 (Sep. 30, 1996).

[2] SEVIS manages information for foreign students and exchange visitors having any of the following visa types: F visas for academic study at 2- and 4-year colleges and universities and other academic institutions; M visas for nonacademic study at institutions, such as vocational and technical schools; and J visas for participation in exchange programs. (8 U.S.C. § 1101 (a) (15)).

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Background

Relevant Legislation

- The Visa Waiver Permanent Program Act (2000)[1] amends IIRIRA to require that the Attorney General, not the institutions of higher education and exchange programs, collect the SEVIS fee.[2]

- The USA PATRIOT Act[3] expands the foreign student tracking system to include other approved educational institutions, such as air flight schools, language training schools, and vocational schools. It also required that the system be fully operational by January 1, 2003, which it was.

[1]P.L. 106-396 (Oct. 30, 2000).

[2] With the creation of DHS in 2003, the Attorney General's responsibilities for collecting the SEVIS fee were transferred to DHS.

[3]P.L. 107-56 (Oct. 26, 2001).

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Background
Relevant Legislation

- The Enhanced Border Security and Visa Entry Reform Act of 2002[1] requires that

  - an electronic means be established to monitor and verify (1) the acceptance of a foreign student or exchange visitor by an institution or program and (2) additional information on nonimmigrants, such as date of entry and port of entry; and

  - within 30 days after 1) the end of a school's enrollment period or 2) the commencement of an exchange program, the school or exchange visitor program must inform DHS of foreign students who fail to enroll.[2]

[1]P.L. 107-173 (May 14, 2002).

[2]On October 17, 2003, DHS issued a memorandum to SEVIS certified academic institutions explaining its implementation of this requirement. The memo stated that the deadline for reporting student registration is 30 days after the "Program Start Date" or the "Next Session Start Date" for new and continuing students, respectively.

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Background
SEVP: A Brief Description

ICE is responsible for SEVP. The SEVP office is responsible for a variety of program functions, including certifying schools to use SEVIS; providing program policies and plans; performing program analysis; and conducting communications, outreach, and training. It is also responsible for SEVIS, including identifying and prioritizing system requirements, performing system release management, monitoring system performance, and correcting data errors.

ICE's Office of Information Resource Management (OIRM) manages the information technology infrastructure (hardware and system software) on which the SEVIS application software is hosted. It also manages the SEVIS Help Desk and the systems life cycle process for SEVIS, including system operations and maintenance.

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Background
SEVP: A Brief Description

The SEVIS Help Desk was established to assist system users. It consists of three levels of support known as tiers.

- Tier 1 provides initial end-user troubleshooting and resolution of technical problems.

- Tier 2 provides escalation and resolution support for Tier 1, and makes necessary changes to the database (data fixes).[1]

- Tier 3 addresses the resolution of policy and procedural issues, and also makes data fixes.

SEVP uses a contractor to operate Tiers 1 and 2. Both the contractor and the program office operate Tier 3. Currently, Tier 1 has 26 staff, Tier 2 has 9 staff, and Tier 3 has 8 staff.

[1]According to State, fixes to records of J visas are made at Tier 3 after State reviews and approves the changes.

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Background
SEVIS: A Brief Description

SEVIS has two primary objectives:

- To support the oversight and enforcement of laws and regulations pertaining to foreign students, exchange visitors, schools, and exchange visitor program sponsors authorized by the government to issue eligibility documents.

- To improve DHS's processing of foreign students and exchange visitors at ports of entry through streamlined procedures and modernized data capture.

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Background
SEVIS: A Brief Description

SEVIS was implemented in phases, beginning with *new* students and exchange visitors, and ending with *continuing* students and exchange visitors.

- SEVIS began operating on July 1, 2002, for students and in October 2002, for exchange visitors.[1]

- Schools and exchange visitor programs were required to use SEVIS for all *new* students and exchange visitors beginning February 15, 2003.

- Schools and exchange visitor programs were required to use SEVIS for all *continuing* students beginning August 1, 2003.

[1]According to program officials, SEVIS was available to certify schools on July 1, 2002, and to register students on July 15, 2002. According to State, SEVIS was available to exchange programs in October 2002.

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Background
SEVP Process

The foreign student and exchange visitors' process generally consists of three primary functions: pre-entry, entry, and stay management.

Pre-entry

Schools and exchange visitor programs that wish to participate in SEVP must first be approved by DHS and State.

- Schools submit a certification application to DHS. If the application is approved, the school is then certified to issue forms[1] to students and their dependents to enable them to enter the United States to attend the school.

- Organizations and institutions submit an application for designation to State. If the application is approved, the organization or institution is designated and an exchange visitor program sponsor is authorized to issue forms[2] to exchange visitors, and in some cases, their dependents, to enable them to enter the United States and participate in the exchange visitor program.

[1]Form I-20A-B: Certificate of Eligibility for Nonimmigrant (F-1) Student Status -- for Academic and Language Students, and Form I-20M-N: Certificate of Eligibility for Nonimmigrant (M-1) Student Status -- for Vocational Students.
[2]Form DS-2019: Certificate of Eligibility for Exchange Visitor (J-1) Status.

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SEVP Process

To attend a school or participate in an exchange visitor program in the United States, a foreign student or exchange visitor must first apply to a DHS-certified school or State-designated exchange visitor program and receive the appropriate form. A SEVIS identification number is automatically created when the form is issued. Second, the foreign student or exchange visitor must apply for a visa at a United States consulate or embassy.

To apply for a visa, a foreign student or exchange visitor presents to the consular officer several hard copy documents, including a current passport and photograph, a copy of the appropriate forms from the school or exchange visitor program he or she plans to attend, and documentation to show that the person has the financial resources to pay for tuition and living expenses. The consular officer compares the information on the applicant's hard-copy paperwork, such as the applicant's name, date and place of birth, and SEVIS identification number, against selected information that has been automatically extracted from SEVIS through DataShare[1] to State's Consolidated Consular Database (CCD)[2]. The consular officer also conducts an in-person interview of the applicant.

[1]DataShare provides electronic data exchange between State and DHS systems.

[2]CCD is used by consular officers to verify that the student or exchange visitor has been accepted by a particular school or exchange visitor program.

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The applicant must pay a $100 nonrefundable fee for a visa application. The fee-collection procedure varies among consulates and embassies. In some cases, an off-site contractor collects the fee and provides the applicant with a receipt to take to the consulate or embassy. In other cases, the applicant pays the fee at the consulate or embassy. In certain countries there is also a separate issuance fee if the visa is approved.

The consular officer decides if the applicant is eligible for nonimmigrant status and, if so, issues a visa. If a visa is issued, the consular officer enters information about the visa application into State's Nonimmigrant Visa system (NIV). This information is sent to SEVIS through CCD and DataShare.

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Entry

Upon entering the United States, the foreign student or exchange visitor presents to the border inspector at the port of entry the passport containing the student and exchange visitor visa, the copy of the appropriate form, and other travel documents. The inspector reviews the documentation to determine if it is valid and interviews the student or exchange visitor. If the student or exchange visitor is approved to enter the country, the inspector puts the entry data into the United States Visitor and Immigration Status Indicator Technology (US-VISIT) system.[1]

[1]US-VISIT is a governmentwide program to collect, maintain, and share information on selected foreign nationals. We have issued a series of products on US-VISIT, including *Homeland Security: Risks Facing Key Border and Transportation Security Program Need to Be Addressed*, GAO-03-1083 (Washington, D.C.: September 19, 2003) and *Information Technology: Homeland Security Needs to Improve Entry Exit System Expenditure Planning*, GAO-03-563 (Washington, D.C.: June 9, 2003).

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Stay Management

Schools and exchange visitor programs manage the stays of foreign students, exchange visitors, and their dependents during their time in the United States.[1] This includes noting full-time school attendance each semester, outside employment or training, and changes in U.S. address.

CLAIMS 3[2] sends data to SEVIS when an F, M, or J visa-holder requests a nonimmigrant benefit, such as change of status, extension of stay, or work permit cards.[3]

Foreign students and exchange visitors are permitted to leave the United States and return after a temporary absence as long as they retain a valid visa. To re-enter the country, the foreign student or exchange visitor must have an official from the school or exchange program properly certify the appropriate form stating that the student or exchange visitor is leaving temporarily but will be returning.

[1]Schools designate one principal official and up to nine additional designated school officials who are authorized to use SEVIS. Exchange programs designate one responsible officer and up to ten alternates who are authorized to use SEVIS.

[2]Computer Linked Application Information Management System 3 (CLAIMS 3) is a system that contains information on foreign nationals who request benefits, such as change of status or extension of stay.

[3]According to State, these are known as Employment Authorization Documents.

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Simplified Diagram of the SEVP Pre-entry, Entry, and Stay Management Process
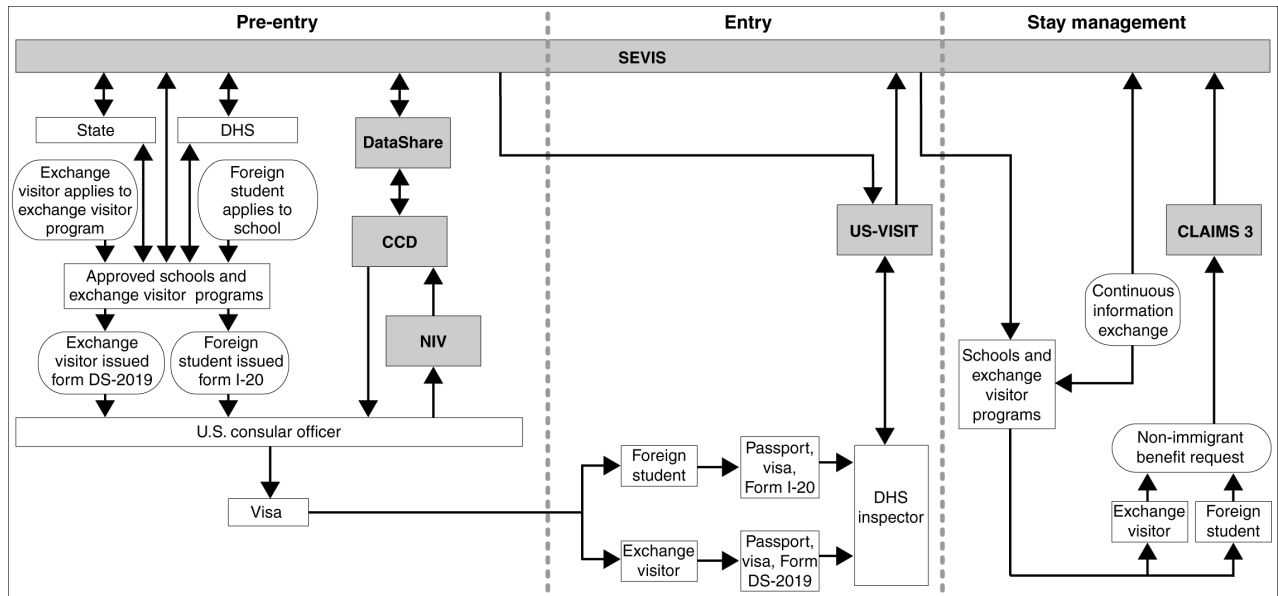
Source: GAO analysis of information provided by DHS and State.

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SEVIS Funding

According to program officials, they obligated about $28.2 million in fiscal years 2002 and 2003 for SEVIS development, testing, deployment, and operations and maintenance activities. Program officials plan to obligate an additional $9.6 million by September 30, 2004.

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SEVIS Technical Description

SEVIS application software runs on a system infrastructure (hardware and systems software) that supports multiple DHS Internet-based applications. The infrastructure includes common services, such as application servers, Web servers, database servers, and network connections. SEVIS shares five application servers and two Web servers with two other applications, the Customer Relations Information System and E-filing.[1]

Data are entered into SEVIS through one of two methods:

- Real-time interface (i.e., an individual manually enters a single student/ exchange visitor record) or

- Batch processing (i.e., several student/exchange visitor records are uploaded to SEVIS at one time using vendor-provided software or software created by the school/exchange visitor program).

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[1] The Customer Relations Information System allows customers who have applied for immigration benefits, such as naturalization, to access the system and determine the status of their application based on their receipt number. E-filing allows customers to electronically file the I-765 (Application for Employment Authorization) and I-90 (Application to Replace Permanent Resident Card) forms, along with certain supporting evidence for these forms, such as power of attorney.

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Breakout of Visa and Institution Types

According to DHS, as of February 6, 2004, there were

- 767,529 active students and exchange visitors registered in SEVIS, of which

  - 625,754 used F visas,

  - 3,417 used M visas, and

  - 138,358 used J visas.[1]

- 10,349 institutions were in SEVIS, of which

  - 8,960 were technical schools, colleges, and universities, and

  - 1,389 were exchange visitor programs.

The breakout of visa and institutional types is shown in the following chart.

[1]In its comments on a draft of this report, State commented that some persons enrolled in SEVIS are not issued visas, and other persons may have more than one SEVIS record.
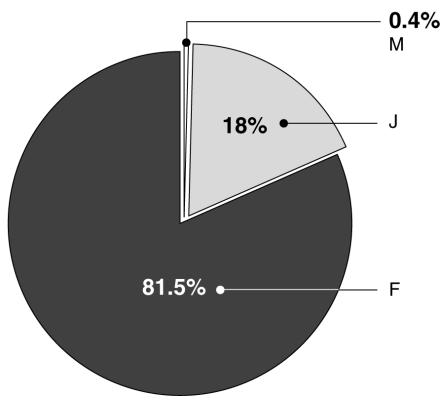
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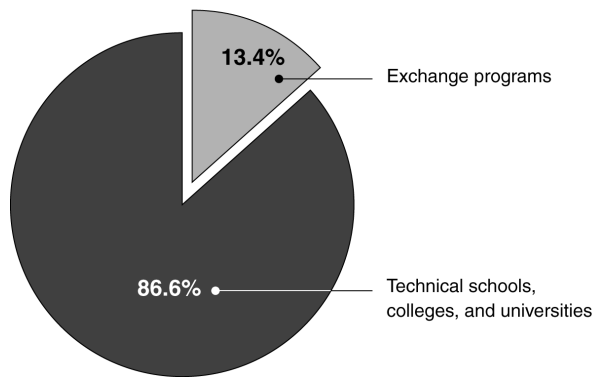
Background
Breakout of Visa and Institution Types

Breakout of Visa and Institution Types as of February 6, 2004

Visa by Type[a]

Institution by Type

Source: GAO analysis of DHS data.

[a]Percentages do not equal 100, due to rounding.

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Available indicators show that SEVIS performance is improving. Program office reports relating to certain, but not all, key system performance requirements show that the requirements are being satisfied. Other, less formal performance indicators that program officials use also show that performance requirements are being met. Another indicator of system performance—trends in system changes to address, among other things, system problems—similarly shows that system performance has improved. Additionally, school and exchange program associations reported that performance has improved, but they also cited some residual problems.

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Formal and Informal Reports of System Performance Indicate that Key Requirements Are Being Met

The SEVIS Functional Requirements Document[1] identifies a number of key performance requirements. For example:

- System availability:[2] 99.5 percent of the time to all users 24 hours a day, 7 days a week, excluding scheduled downtime.

- Response time: less than 10 seconds to return a record in response to a query using the identification number. (Time is measured from application server to database and back to application server.)

- Capacity: create at least 5,000,000 new records per year, store at least 12,500,000 eligibility records, and handle at least 7,500,000 record updates per year.

[1]Functional Requirements Document for the Student and Exchange Visitor Information System, Task Order No. COW-I-D-3847: Corporate Information Systems Program, Update, November 10, 2003.

[2]System availability is defined as the time the system is operating satisfactorily, expressed as a percentage of time that the system is required to be operational.

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- Resource usage: identify when usage exceeds 50 percent of allocated resources for (1) central processing unit, (2) disk space, (3) random access memory, and (4) network usage.

Some, but not all, of these key performance requirements are being adequately measured. Program officials identified the following reports in relation to measuring each of the requirements. Based on key requirements that are measured, SEVIS is performing satisfactorily.

- For system availability, program officials stated that they use a Hyper Text Transfer Protocol (HTTP) report that shows the time that the system infrastructure, which supports multiple DHS Internet-based applications, is successfully connected to the network. Program officials provided reports that showed the uptime percentages from August 2003 to January 2004 for the two Web servers that were 99.88 and 99.66 percent. While these reports can be used to identify problems that could affect SEVIS availability, they measure the availability of the communications software on the application servers, but do not specifically measure SEVIS availability (i.e., the SEVIS application may not be available even though the communication software is).

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- For response time, program officials stated that the contractor monitors this on a daily basis. According to the February 2004 report, daily response time ranged from .30 to .75 seconds, which is well below the 10-second requirement.

- For capacity, program officials stated that they use a weekly report on the number of records and number of record updates in SEVIS. The report for the week of January 31, 2004, through February 6, 2004, shows that SEVIS had a current total of 777,878 records since operations began. This is below the capacity requirements of 5,000,000 new records a year and 12,500,000 total records. This report also shows that there were 277,963 record updates between September 27, 2003, and February 6, 2004, which, for a 4-month period, is also below the capacity requirement of 7,500,000 record updates per year.

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- For resource usage, program officials stated that they use a central processing unit (CPU) activity report that shows the percentage of CPU capacity utilization. According to OIRM officials, they review this report on a daily basis, and if utilization exceeds an average of 20 percent, they troubleshoot to identify and resolve the problem. However, as this report focuses on the shared infrastructure environment, which supports SEVIS and the two other DHS applications, it does not specifically measure SEVIS-related CPU performance.

- For the other resource usage performance requirements, such as (1) random access memory and (2) network usage, we requested but program officials did not provide, any reports that measured performance against requirements.

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Program officials stated that they augment these formal performance measurement reports with other, less formal measures, and that these latter measures show that SEVIS is meeting its key performance requirements. These informal measurement activities include

- browsing the daily Help Desk logs to determine if there are serious performance problems that require system changes or modifications;

- receiving calls and e-mails directly from users; and

- using the system themselves on a continuous basis.

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Program officials stated that some key performance requirements are not formally measured, but believe that a combination of formal performance reports and less formal performance monitoring efforts give them a sufficient picture of how well SEVIS is performing. Further, program officials stated that they are exploring additional tools to monitor system performance. For example, they stated that they are in the process of implementing a new tool to capture the availability of the SEVIS application, and that they plan to begin using it by the end of April 2004.

Without formally monitoring and documenting all key system performance requirements, DHS cannot adequately assure itself that potential system problems are identified and addressed early, before they have a chance to become larger problems that could affect DHS mission objectives supported by SEVIS.

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Trends in Reported System Problems Indicate Improved Performance

One indicator of how well a system is performing is the number and significance of reported problems or requests for system enhancements.

For SEVIS, a system change request (SCR) is created when a change is required to the system. According to officials, SCRs are used, for example, to fix system problems, make system enhancements, and correct data.

Between January 1, 2003, and February 1, 2004, DHS reported that a total of 1,268 SCRs[1] were created.

[1]This number excludes data fixes.

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Each of the SCRs was assigned a priority of critical, high, medium, or low:

Critical	System capability is significantly prevented, seriously degraded, or compromised.[1]
High	System capability is significantly degraded, or the potential exists for significant or serious impact on the system, but does not necessarily impede the system from functioning.
Medium	System capability is affected, but it is not a serious degradation in performance or usability.
Low	Problem causes only an inconvenience, annoyance, or lack of user-friendliness, or is a recommended change for future releases.

[1]According to program officials, SCRs may be upgraded to critical or high priority, without regard to system capability, for practical and policy considerations, because the priority assigned affects the inclusion of an SCR in a system change.
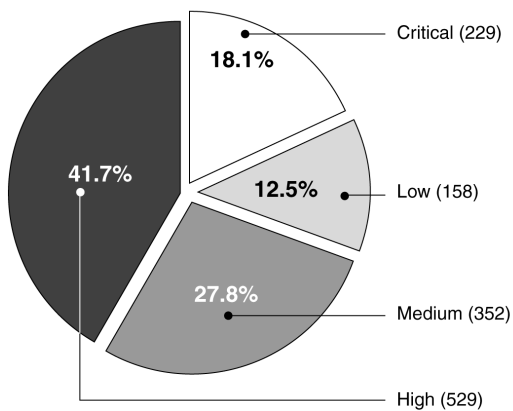
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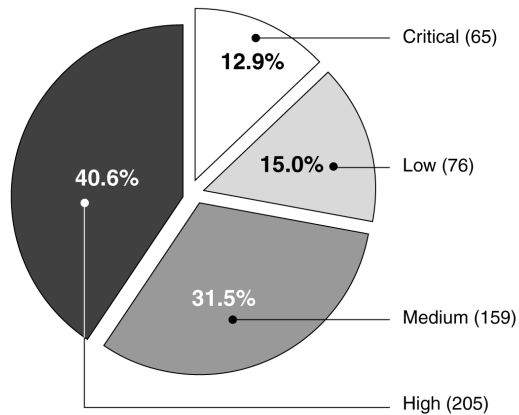
Objective 1
SEVIS Performance

Of the 1,268 SCRs, 505 were reported as open as of February 2004. Of these 505, 270 were designated as critical or high priority. The distribution of these SCRs is shown in the following graphs.

Distribution of New SCRs by Priority

All SCRs[a]

Critical (229)
18.1%
41.7%
12.5% — Low (158)
27.8% — Medium (352)
High (529)

Open SCRs

Critical (65)
12.9%
40.6%
15.0% — Low (76)
31.5% — Medium (159)
High (205)

Source: GAO analysis of DHS data.

[a]Percentages do not equal 100, due to rounding.

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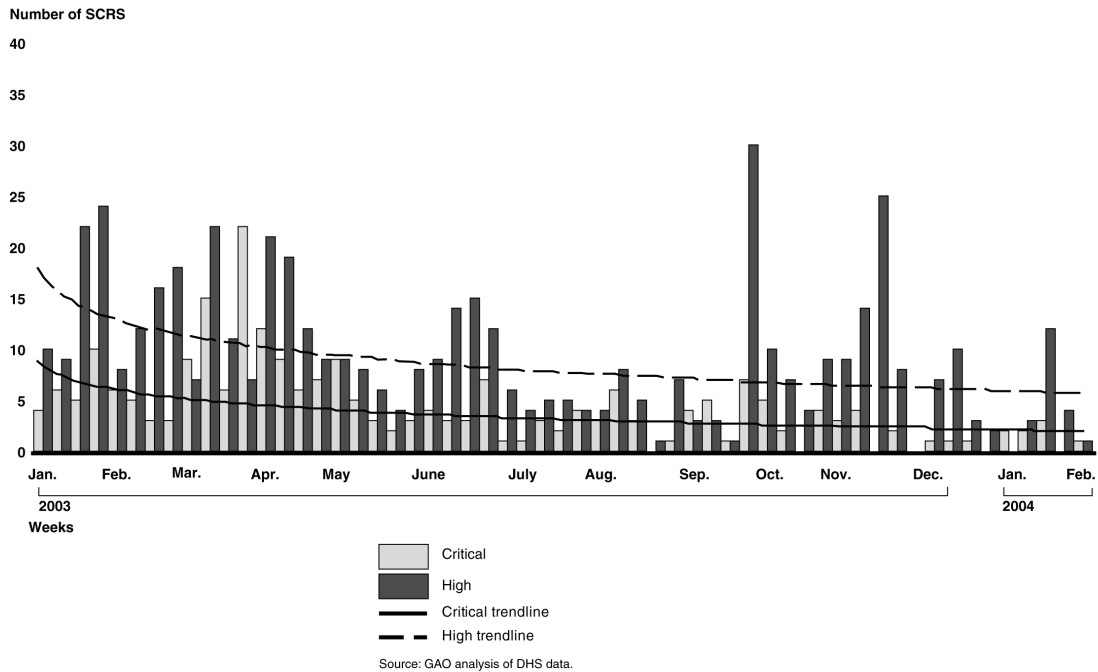**Accountability * Integrity * Reliability**

Objective 1
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An analysis of the trends in SCR data indicates that the number of new critical and high SCRs is decreasing. As can be seen in the following graph, between January and June 2003, DHS experienced 6 weeks in which more than 20 critical and high SCRs were reported per week. However, between June and December 2003, that number decreased to two.

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Trends in New Critical and High Priority SCRs

Source: GAO analysis of DHS data.

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Each SCR is also categorized as one of the following types:

Ad Hoc	Modifications that do not result in changes to the product baseline, such as a one-time report or database update.
Investment (Adaptive)	Enhancement or new requirement to the system.
Investment (Perfective)	Improvements to system performance, maintainability, processing efficiency, and cost effectiveness.
O&M – Corrective	Changes to correct problems in the current release that do not meet requirements.
O&M – Enhancement	New or altered functionality that constitutes a material change from original requirements.
Test Problem Report	Problems found in formal testing.
To Be Determined	SCRs that cannot be properly categorized in the above choices.

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Of the 1,268 SCRs submitted between January 1, 2003, and February 1, 2004, 527 were corrective fixes, meaning that the current system application did not meet requirements. The distribution of SCRs by type is shown in the graphs below.

Distribution of New SCRs by Type

All SCRs[a]

0.1%
To be determined (1)

0.1%
Ad hoc (1)

0.7%
Investment - perfective (9)

3.7%
Investment - adaptive (47)

13.9%
Enhancement (176)

41.6%

40%
Test problem report (507)

Corrective (527)

Open SCRs

0.0%
Ad hoc (0)
To be determined (0)

0.6%
Investment - perfective (3)

5.5%
Investment - adaptive (28)

6.9%
Test problem report (35)

62.2%

24.8%
Enhancement (125)

Corrective (314)

Source: GAO analysis of DHS data.

[a]Percentages do not equal 100, due to rounding.

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SCR trend data indicate that the number of new requests that are to correct system errors decreased between January 2003 and February 2004. As can be seen in the following graph, the most dramatic decrease was in the first 7 months of the program.

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Decreasing Trend in New Corrective SCRs

Number of SCRS

Source: GAO analysis of DHS data.

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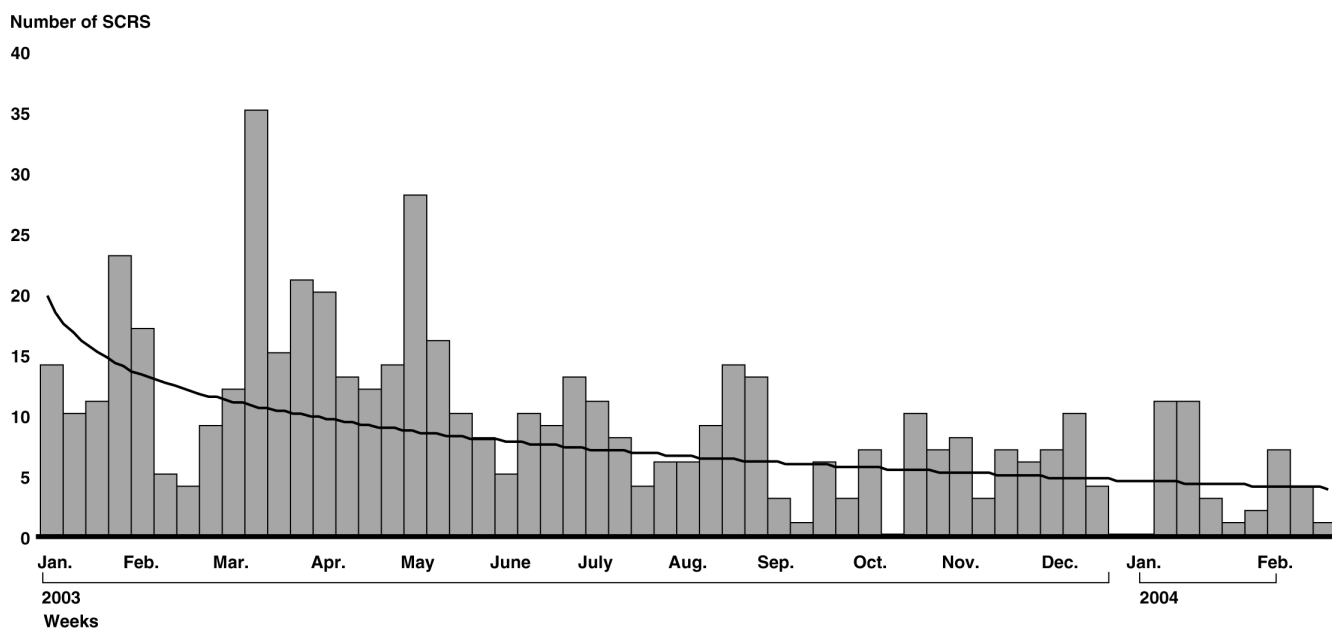
Objective 1
SEVIS Performance

Users Indicate Performance Has Improved, But Identified Residual Problems

Another indicator of performance is user feedback. According to representatives of the educational organizations, overall SEVIS performance has improved since it was implemented, and the program's outreach and responsiveness have been good. Early reported problems involved user access to the system, the system's timing out before users could complete their tasks, and merging data from one school or exchange visitor program with that from another. The representatives told us that these early problems no longer occur.

However, seven new problems were identified by at least 3 of the 10 organizations, and three of the seven problems are related to Help Desk quality. The following table shows the problems and the number of organizations that identified them.

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SEVIS Problems Identified by Organizations

Problem	Number of Organizations Citing the Problem	Example
1. Inability to download data so that users could manipulate it themselves and create useful reports.	7	A user needed a report showing the number of students who are registered for training outside of the school in which they are enrolled. However, SEVIS only allows a user to view 20 such records at a time, and because her school had over 800 foreign students, she had to run the SEVIS report repeatedly to get the full list.
2. Slow Tier 2 and 3 Help Desk responses.	7	A correction to a student's status took 6 weeks to fix.
3. Incomplete record updates in the nightly transmission from SEVIS to CCD.	6	A foreign visitor was denied a visa at the consulate because the birthdate on the hard copy form did not match the birthdate in the automated record.
4. Inconsistent Help Desk answers to technical questions.	5	A user received varying Help Desk responses for how to record multiple training records for a student.
5. Incorrect Help Desk answers to policy questions.	3	A user was told that she did not need to sign a student's I-20 for travel purposes, but the signature was required at the port of entry.
6. Insufficient identification of schools in SEVIS pull-down menus for transfer purposes.	3	A user attempting to transfer a student to a college in Arizona erroneously selected a college in California with a similar name.
7. Unexplained data differences in SEVIS.	3	A user entered data and printed a form showing the correct information. Subsequently the data were found to be different in SEVIS.

Source: GAO analysis of organization data.

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Objective 2
Actions to Improve Performance

A number of steps have been taken to identify system problems, and a number of new versions of SEVIS have been released to correct them and improve performance. Further, DHS reports that it has taken steps to address all but one category of problems identified by schools and educational institutions; however, some of the problems continue.

DHS Has Taken Steps to Improve System Performance

Program officials have described several steps that they have taken to identify system performance problems and subsequently improve system performance. Examples of steps to identify problems include

- holding biweekly internal performance meetings and weekly technical meetings,

- holding biweekly[1] conference calls with representatives from educational organizations,

- establishing special e-mail accounts to report user problems, and

- having user groups test new releases.

[1]The conference calls were being held weekly until January 2004.

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According to program officials, identified problems are reviewed and steps are taken to address the problems, such as changes to hardware or revisions to Help Desk information. Another step is creating a new SCR. The following graph shows the total number of SCRs, and the number categorized as critical and high priority that were closed by each SEVIS release since January 2003.

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Objective 2
Actions to Improve Performance

SCRs Closed by SEVIS Releases

Number of SCRs

Release number

Other SCRs (not critical or high priority)

Critical or high priority SCRs

Source: GAO analysis of DHS data.

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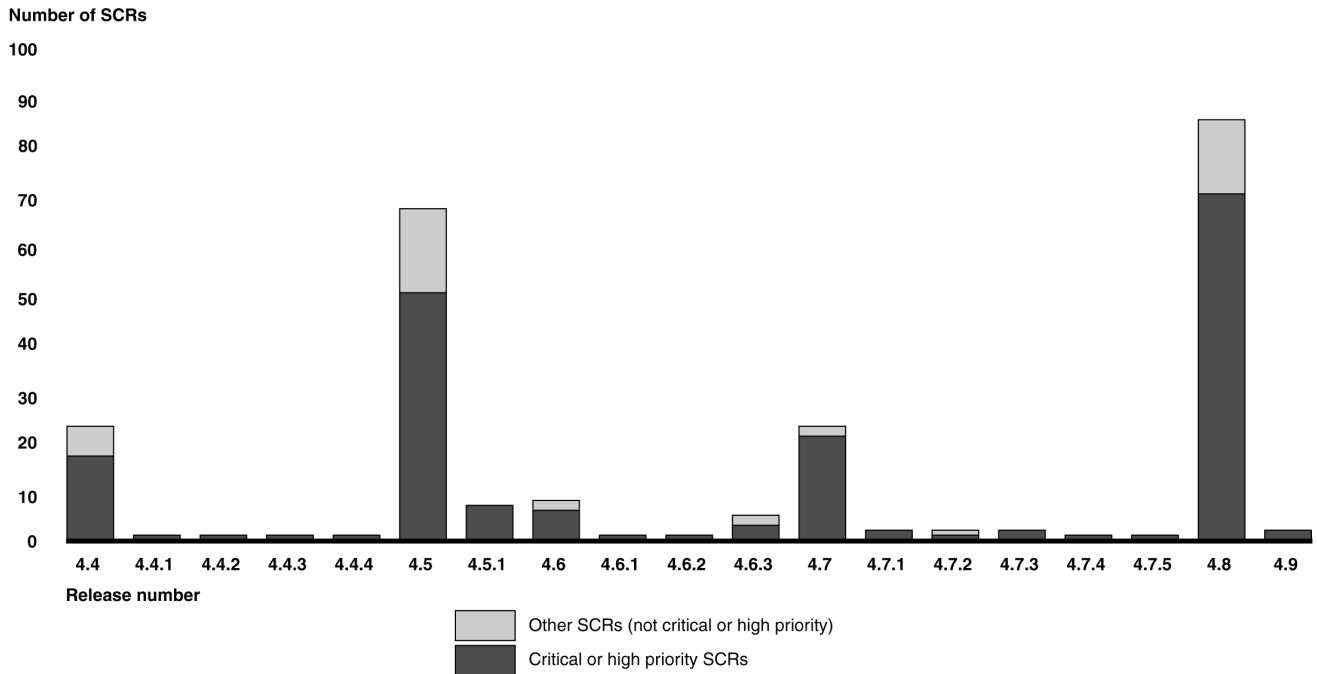
Objective 2
Actions to Improve Performance

DHS Reports that User Identified Problems Have Been Addressed, But Some Persist Well After DHS Action To Address Problem

DHS reports that it has taken action to address six of the seven problems through releases of new versions of SEVIS and Help Desk training and staffing increases. According to program officials, the remaining problem is currently being evaluated for potential solutions.

The following table shows the problems, number of organizations that identified them, and DHS's actions taken to address each problem.

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DHS Actions to Address User Problems

Problem	Number of Organizations Citing the Problem	DHS Actions
1. Inability to download data so that users could manipulate it themselves and create useful reports.	7	Software options to extract user requested data, provide summary reports, and perform statistical analyses are being evaluated.
2. Slow Tier 2 and 3 Help Desk responses.	7	In March 2003, Tier 2 staffing increased from 8 to 9 people, and Tier 3 staffing increased from 5 to 8 people.
3. Incomplete record updates in the nightly transmission sent from SEVIS to CCD.	6	On January 2, 2004, a software change was implemented in Release 4.8.
4. Inconsistent Help Desk answers to technical questions.	5	Since June 2002, training is provided to Help Desk staff every time a new release is implemented or a major workaround is devised.
5. Incorrect Help Desk answers to policy questions.	3	Since June 2002, training is provided to Help Desk staff every time a new release is implemented or a major workaround is devised.
6. Insufficient identification of schools in SEVIS pull-down menus for transfer purposes.	3	Since July 2003, the list of school codes needed in SEVIS has been available on the DHS website with the schools identified by city and state.
7. Unexplained data differences in SEVIS.	3	On May 11, 2003, a software change was implemented in Release 4.6.2.

Source: GAO and DHS.

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Despite DHS actions, some problems are still being reported. For example**:**

- Program officials stated that they had addressed the problem about slow Help Desk responses by increasing staffing in March 2003. However, representatives from seven organizations stated that slow Tier 2 and 3 Help Desk responses were still a problem.

  According to program officials, the majority of calls handled by Tier 2 and 3 involve data fixes that are a direct result of end-user error. Sometimes, DHS's response to these fixes are delayed pending documentation from the end-users reflecting the nature of the data fix needed and the basis for the change.

- Program officials stated that since June 2002, training has been provided to Help Desk staff each time a new SEVIS release is implemented. Nevertheless, representatives from five of the ten organizations stated that the quality of the Help Desk's response to technical and policy questions remains a problem.

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Actions to Improve Performance

According to program officials, Help Desk response is complicated by a variety of user platforms and end-user knowledge of computers. These officials indicated that the program office is working to educate SEVIS users on the distinction between platform problems and problems resulting from SEVIS. Further, Help Desk responses may be complicated by the caller's failure to provide complete information regarding the problem.

Program officials also stated that supervisors frequently review Help Desk tickets to ensure the accuracy of responses, and these reviews have not surfaced any continuing problems in the quality of the responses.

Despite these actions, educational organization representatives told us that problems remain.

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SEVIS Data and Users

SEVIS collects a variety of data, the preponderance of which are required by various authoritative sources. These data are used by schools, exchange visitor programs, and DHS and State Department organizations to oversee foreign students, exchange visitors, and the schools and exchange visitor programs themselves.

Data Collected by SEVIS Are Largely Specified in Legislation, Regulation, and a Directive

Various laws, regulation, and a directive define the data to be collected by SEVIS. These include:

- Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)[1]

- USA PATRIOT Act (2001)[2]

- Immigration and Nationality Act[3]

- Enhanced Border Security and Visa Entry Reform Act of 2002[4]

[1]P.L. 104-208 (Sept. 30, 1996). [2]P.L. 107-56 (Oct. 26, 2001). [3]8 U.S.C. § 1101 (a) (15).
[4]P.L. 107-173 (May 14, 2002).

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- Cyber Security Research and Development Act (2002)[1]

- 8 Code of Federal Regulations 214.3[2]

- Homeland Security Presidential Directive No. 2, dated October 29, 2001[3]

These laws, regulation, and directive identify over 113 items, resulting in 230 data elements[4] to be collected by SEVIS. These data items and elements include information on students, exchange visitors, schools, and exchange visitor programs. For example,

- biographical information (e.g., student or exchange visitor's name, place and date of birth, and dependents' information, including their spouses and children);

[1]P.L. 107-305 (Nov. 27, 2002).

[2]8 C.F.R. § 214.3.

[3] S PD-02 (Oct. 29, 2001).

[4]Some data items result in several data elements. For example, the data item "address" can result in five data elements, such as number and street, apartment number, city, state, and zip code.

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- academic information (e.g., student or exchange visitor's status, date of study commencement, degree program, field of study, and institution disciplinary action);

- employment information (e.g., the student or exchange visitor's employer name and address, and employment beginning and ending dates);

- school information (e.g., campus address, type of education or degrees offered, and session dates); and

- exchange visitor program information (e.g., status and type of program, responsible program officials, and program duration).

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SEVIS is designed to collect and store all but 3 of the 113 items defined in these laws, regulations and directive. SEVIS does not collect

- date visa changed (required by IIRIRA),

- classes enrolled in (required by Homeland Security Presidential Directive No. 2), and

- accompanying dependents' addresses (required by the Enhanced Border Security and Visa Entry Reform Act of 2002).

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Reasons that program officials provided for not collecting these three data elements are as follows:

- The first required data element is not collected because another collected, but not required, data element (i.e., status change date) fills the need for this data element.

- An interagency working group established to implement Homeland Security Presidential Directive No. 2 determined that collecting the list of classes attended by each foreign student and exchange visitor required more effort than the potential benefits from this data element justified.[1]

- Accompanying dependents' addresses were erroneously assumed to be the same as the student's or exchange visitor's, but fields are now being added to the SEVIS database for a dependent's address if it is different from the student's or exchange visitor's address.

[1]Statement of the Honorable John H. Marburger, Director, Office of Science and Technology Policy, before the Committee on Science, U.S. House of Representatives, October 10, 2002.

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SEVIS is also designed to collect certain data elements that are not required by laws, regulation, or directive. According to program officials, these data elements are important to managing the SEVIS program. Specifically,

- the nonimmigrant visa number, expiration date, and issuing post are optional and only captured if entered into the system by the school or exchange visitor program;

- the nonimmigrant drivers license number and issuing state were imposed by the interagency working group and support investigative efforts; and

- the nonimmigrant passport number, passport expiration date, and passport issuing country are optional and only captured if entered into the system by the school or exchange visitor program.

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SEVIS Data are Used by a Variety of Entities

DHS has identified major groups of SEVIS data users, including DHS, State, schools, and exchange visitor program sponsors. The following tables show examples of users, and how each uses the data.

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SEVIS Users and Data

Users	How Data Are Used
DHS Users	
ICE and CIS personnel	Certify schools' applications to use SEVIS and reinstate students.
Port of entry inspectors	Admit foreign students and exchange visitors into the United States at the ports of entry.
Intelligence officers	Conduct analyses and research regarding student and exchange visitors who may be out of status, and schools and exchange programs that may be in violation of program rules.
	Determine if corrective actions against individuals, schools, or exchange visitor programs are necessary by agents.
	Identify patterns of criminal activity, including terrorism, narcotics, alien smuggling, trade fraud, weapons proliferation, and money laundering, as well as immigration fraud.
Investigators	Conduct analyses and research regarding student and exchange visitors who may be out of status, and schools and exchange visitor programs that may be in violation of program rules.
	Identify possible status violators and contact them to determine if they are in fact in violation; pass on valid leads to agents for enforcement activities. According to Office of Investigations officials, they have received about 31,000 leads from SEVIS since the summer of 2003.

Source: DHS

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SEVIS Users and Data

Users	How Data Are Used
Department of State Users	
State consular officers	Compare information on the hard copy I-20 or DS-2019, such as the applicant's name, date and place of birth, and SEVIS identification number, against information that has been automatically extracted from SEVIS to State's CCD to issue visas.
Exchange visitor program designation personnel	Administer exchange program rules and regulations in order to approve designation applications, including inputting certain actions for exchange visitors such as reinstatement, change of category, and extension beyond the maximum duration of the stay.
	Enter information on the receipt of applications, fees, and requested information.
Schools and Exchange Visitor Program Users	
Principal designated official	Submits and updates the school's certification application and adds, removes, or replaces other users for the school. Creates and updates student eligibility records.
Responsible officer	Submits and updates the exchange program's certification application and adds, removes, or replaces other users for the program. Creates and updates exchange visitor eligibility records.

Source: DHS

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DHS plans to collect the SEVIS fee, but about 7 years have passed since collection of the fee was first required, and DHS's plans have yet to be approved, much less implemented. Some have questioned DHS's plans for various reasons.

DHS Has Not Collected the SEVIS Fee, But Has Plans to Do So

Although the requirement for foreign students and exchange visitors to pay a fee to cover the costs of SEVIS has existed for about 7 years, the fee has yet to be collected. DHS plans to begin collecting the fee as soon as its plans are approved.

In 1996, IIRIRA[1] required schools and exchange visitor programs to collect a fee from each foreign student and exchange visitor in order to reimburse agency expenses. According to the act, the fee was not to exceed $100. In December 1999, INS published a proposed rule[2] that authorized collection of the SEVIS fee by the schools and exchange visitor programs, and set the fee at $95. During the comment period, INS received over 4,600 comments, many in protest of the requirement that school and exchange visitor program officials collect the SEVIS fee.

[1]P.L. 104-208 (Sep. 30, 1996).
[2]Proposed Rule 64 FR 71323.

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Subsequently, in October 2000, IIRIRA[1] was amended by the Visa Waiver Permanent Program Act (2000),[2] to require the government, not the institutions, to collect the fee. The act also required proof of fee payment before a visa could be issued.

In October 2001 the USA PATRIOT Act[3] authorized $36.8 million in appropriated funds for SEVIS to fully implement and expand the system prior to January 1, 2003.

In October 2003 DHS published another proposed rule.[4] The proposal (1) set the fee at $100 for nonimmigrant students and exchange visitors, and no more than $35 for J-1 visa-holders who are au pairs, camp counselors, or participants in a summer work travel program, in accordance with public laws; and (2) proposed two options for students and exchange visitors to pay the fee, these being

- pay the fee by mail using a check or money order drawn on a U.S. bank and payable in U.S. dollars, or

- pay the fee electronically through the Internet using a credit card.

[1]P.L. 104-208 (Sep. 30, 1996). [2]P.L. 106-396 (Oct. 30, 2000). [3]P.L. 107-56 (Oct. 26, 2001).
[4]Proposed Rule 68 FR 61148.

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On February 19, 2004, DHS submitted its final rule for approval to OMB. According to program officials, the final rule includes these two payment options, as well as a third option that permits exchange visitor programs to make bulk payments to DHS on behalf of J visa-holders. DHS plans call for publishing the final rule by June 2004. According to program officials, DHS has developed a plan for implementing the SEVIS fee collection process. However, program officials did not yet provide us with a copy of the plan.[1]

[1]In agency comments on a draft of this report, DHS stated that it received clearance of the SEVIS rule from OMB on May 19, 2004. DHS also stated that the date for implementing the SEVIS fee collection has changed from June 2004, to September 1, 2004.

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Opinions Differ on Appropriateness of DHS Plans for How the Fee Will Be Collected

Representatives from several of the organizations that we met with expressed concerns with the first two methods of payment. According to the representatives, the credit card and mail methods require that the fee be paid before the individual applies for a visa. They stated that the provision is not required by law.

Representatives from several of the organizations also stated that the credit card option may limit the reach of international education and exchange programs because not all foreign students have ready access to the Internet or credit cards in order to pay electronically. Additionally, they stated that the proposed mail option may result in significant delays to an already lengthy visa application and review process, and increase the risk that paper receipts will be lost or stolen. They estimated that this option could take 4 to 6 weeks for mail delivery and return.

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Program officials acknowledged that collection of the SEVIS fee will add a requirement to the process of applying to enter the United States as a student or exchange visitor. However, they stated that none of these problems are severe enough to warrant changes to their plans for fee collection for the following reasons.

- Students and exchange visitors who can arrange funding for tuition, living expenses, and other program costs can budget an additional amount for the one-time SEVIS fee.

- Students and exchange visitors currently have to pay application fees to schools and exchange visitor programs, and can use these same methods to pay the SEVIS fee.

- Students, exchange visitors, schools, and exchange programs can adjust their time frames for applications in order to accommodate additional processing time for payment.

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Further, program officials stated that they are exploring the possibility of entering into agreements with foreign banks that would allow foreign students and exchange visitors to pay the SEVIS fee in local currency, rather than U.S. dollars. They are also working with the State Department to create a field in the SEVIS database to allow State to verify that a student has paid the SEVIS fee in the event that the paper receipt is lost or misplaced.

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Some organization representatives, noting that the Department of State already collects a fee when issuing machine-readable visas at consulates or embassies, have suggested that State collect the SEVIS fee. State officials responded that too many process changes are needed to make this feasible. For example:

- In instances in which the visa fee is collected by an off-site contractor, State would have to renegotiate and retrain every contractor on a country-by-country basis.

- In instances in which the visa fee is paid at the consulate or embassy, State would have to reconfigure the physical layout of each consular office to add another cashier line for the collection of the fee, and many of the offices are already overcrowded.

- If State were to be responsible for collecting the fee, State officials assert, the fee amount would have to be increased to cover its costs, which does not seem feasible, given that the fee amount is capped by law and is already seen by many educational organizations as too high.

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State officials also stated that while they are willing to help DHS establish a fee collection system by sharing their experiences, the law requires DHS to collect the fee, not State, and DHS is the beneficiary of almost all of the revenue. In this regard:

- The fee-generated revenue is to fund four positions at State responsible for the designation of exchange visitors programs, as well as DHS system development and maintenance costs, staff positions, school and exchange visitor program liaison positions, system training, fee collection activities, and enforcement positions. It is also to reimburse DHS for the historical costs of establishing the system.

- The revenue was to be split between SEVP and ICE's Office of Investigation, with 54 percent going to SEVP and 46 percent going to Investigations. However, the percentage distribution to each office is currently being reevaluated.

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Various system and program performance indicators show that SEVIS performance has improved and that program officials have a basis for identifying most instances of where the system may be falling short of requirements and expectations. Such a basis is important because it allows DHS to address problems, such as the ones that organizations representing educational institutions reported to us, and thereby ensure that the system effectively supports the department's mission goals and objectives.

To DHS's credit, it has taken several recent actions to improve SEVIS performance, but a number of problems continue to be reported, and a number of key system performance requirements are not being formally measured. Without formally monitoring and documenting key system performance requirements, DHS cannot adequately assure itself that potential system problems are identified and addressed early, before they have a chance to become larger problems that could affect the DHS mission objectives supported by SEVIS.

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Conclusions

SEVIS collects a variety of data relating to foreign students, exchange visitors, and the education institutions they attend, and these data are largely in line with requirements for the system as defined in laws, regulations, and directive. These data are used by a wide range of DHS and educational institution employees for multiple purposes in support of our nation's important homeland security mission.

Notwithstanding DHS's plans to begin collecting the SEVIS fee, almost 7 years have passed since collection of this fee was required, and thus millions of dollars in revenue have been and will continue to be lost until the fee is actually collected. While DHS, State, and educational institutions do not fully agree on how the fee should be collected, the fact remains that the longer this goes unresolved, the longer taxpayers will have to pay for SEVIS. Further, resolution of such differences in perspective is precisely what the rulemaking process is intended to accomplish. Therefore, it is important that the outcome of this process be implemented quickly.

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Recommendations for Executive Action

To strengthen SEVIS performance, we recommend that the Secretary of Homeland Security direct the Assistant Secretary of Immigration and Customs Enforcement to ensure that the SEVP Director take the following actions:

- assess the extent to which defined SEVIS performance requirements are still relevant and are being formally measured;

- provide for measurement of key performance requirements that are not being formally measured; and

- assess educational organization Help Desk concerns, and take appropriate actions to address these concerns.

We further recommend that the Secretary direct the Assistant Secretary of Immigration and Customs Enforcement to take the necessary steps to provide for the expeditious implementation of the results from the SEVIS fee rulemaking process.

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Agency Comments and Our Evaluation

We provided this briefing to and discussed its contents with the SEVP program officials and OIRM officials, including the SEVP IT Manager. In providing oral comments on a draft of this briefing, the officials made three primary points.

First, they stated that measurement of SEVIS performance requirements is important and that the department needs to update defined system performance requirements, thereby ensuring that valid requirements are being measured. In our view, these statements are consistent with our conclusions and recommendations concerning measurement of SEVIS performance.

Second, they stated that all necessary system performance measurement is occurring now or will occur. We agree that SEVIS performance measurement currently occurs, as we recognize in this briefing. Further, we support any future efforts to expand on this measurement, as our recommendations are intended to appropriately provide for.

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Third, they stated that they are working consistently to improve Help Desk performance, including continuously training and monitoring Help Desk staff, and helping educational institutions understand that deficiencies attributed to Help Desk performance are due to problems attributed to the institutions. According to DHS, Help Desk performance does not warrant increases in staffing or additional training. We agree that DHS has taken steps to improve Help Desk performance, which we recognize in our briefing, and we do not question DHS's statements regarding ongoing efforts to improve. We also do not presume that staffing increases or more training are needed, but instead recommend, in light of educational institutions' continuing concerns about Help Desk performance, that DHS look at educational organization Help Desk concerns identified in this briefing, and take appropriate actions to address these concerns.

DHS also provided some technical comments and clarifications that we have incorporated into the briefing.

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Attachment
Scope and Methodology

To accomplish our objectives, we

- agreed to focus on the performance of the SEVIS system rather than the entire SEVP;

- observed the use of SEVIS at two universities;

- analyzed documents and interviewed program officials, in order to understand the management structure, roles, and responsibilities for the development and maintenance of SEVIS;

- interviewed Department of State officials to understand State's role in administering the exchange visitor program;

- analyzed SEVIS operational requirements and system infrastructure reports, and interviewed program officials, to determine whether DHS is measuring system performance against requirements and what other actions are taken to monitor system performance;

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Scope and Methodology

- obtained a flat file of SCR data from DHS, which we imported into an Access database and performed analyses, including separating data fixes from system change requests, sorting by release version, and, for SCRs created after January 1, 2003, observed trends over time for priority and type of SCR;

- analyzed supporting documentation and interviewed program and contractor personnel to gain an understanding of the controls around the creation of the SCR database; determined the existence of and likely effectiveness of those controls and, as a result, assessed that the data are of sufficient quality;

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Scope and Methodology

- contacted representatives from 12 educational organizations identified by DHS[1] as involved in SEVIS development, and interviewed representatives from 10 groups that stated that they had information to contribute to our engagement;

- analyzed responses collected from the educational organizations regarding system performance and user problems, and interviewed program officials to determine what steps they have taken to address these problems;

- analyzed laws, regulations, and directives that define the data to be collected by SEVIS, compared these against the data elements in the SEVIS data dictionary, and interviewed DHS program officials to determine whether SEVIS is designed to collect data in accordance with guidance;

[1]The 12 organizations are the Accrediting Council for Continuing Education and Training, Alliance for International Educational and Cultural Exchange, American Association of Collegiate Registrars, American Association of Community Colleges, American Council on Education, Association of American Universities, Association of International Educators, Council for Standards for International Educational Travel, Council on International Educational Exchange, National Association for Equal Opportunity in Higher Education, National Association of College and University Business Officers, and the National Association of State Universities and Land-Grant Colleges.

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- analyzed SEVIS functional requirements documentation on classes of users and automated interfaces, and interviewed DHS and State officials, to determine who is using SEVIS data; and

- analyzed legislation requiring the collection of the SEVIS fee, and interviewed DHS and State officials regarding plans to collect the SEVIS fee and how the money is expected to be distributed.

For DHS-provided data that we did not substantiate, we have made the appropriate attribution indicating the data's sources.

We conducted our work at DHS and State headquarters in Washington, D.C., and at ten educational organizations, from December 2003 through March 2004, in accordance with generally accepted government auditing standards.

(310271)

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Comments from the Department of Homeland Security

Note: GAO comments
supplementing those in
the report text appear
at the end of this
appendix.

Office of the Assistant Secretary
U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

May 27, 2004

Mr. Randolph C. Hite
Director, Information Technology
Architecture and Systems Issues
U.S. General Accounting Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Hite:

We have received your draft report, *SEVIS Performance, GAO-04-690, (310271)* and appreciate being provided the opportunity to comment. Below we have commented on each recommendation as well as on information presented in the report.

Recommendations 1 and 2:

1. **Assess the extent to which defined SEVIS performance requirements are still relevant and are being formally measured; and,**

2. **Provide for measurement of key performance requirements that are not being formally measured.**

We concur with the first part of the performance-related recommendation and concur *in part* on the second part of the recommendation.

See comment 1.

By November 19, 2004, U. S. Immigration and Customs Enforcement (ICE) will complete the Government Accounting Office's (GAO's) recommended assessment for determining the extent to which SEVIS' defined performance requirements are still relevant. However, we respectfully believe GAO has not assessed all of the data provided to them for determining that ICE must "provide for measurement of key performance requirements that are not being formally measured." In Enclosure 1 ICE has defined formal measurements for the key performance requirements and is resubmitting them for your convenience and clarification of this issue.

Recommendation 3: Assess educational organization Help Desk concerns, and take appropriate actions to address these concerns.

We concur with this recommendation. As stated on Slide 50, we have addressed six of the seven areas regarding Help Desk support. The seventh area, "Inability to download data so that users could manipulate it themselves and create useful reports" is much more complex. We stated that we are evaluating software options to extract user requested data, provide summary reports, and perform statistical analyses. Please see Enclosure 2 for our detailed explanation.

Mr. Randolph C. Hite
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Recommendation 4: We further recommend that the Secretary direct the Assistant Secretary of Immigration and Customs Enforcement to take the necessary steps to provide for the expeditious implementation of the results from the SEVIS fee rulemaking process.

We concur in part. The Department of Homeland Security (DHS) shares the sense of urgency in implementing the SEVIS fee, but does not agree with the need for any directive. The ICE Student and Exchange Visitor Program (SEVP) is taking all steps necessary to implement the SEVIS fee in an expeditious and organized manner. The requirement of any directive as insinuated in the recommendation is unnecessary and fails to recognize the efforts taken to implement this fee. ICE and the DHS are committed to making this program, including the fee requirement, operational and successful and have dedicated senior level attention to the matter. To date, SEVP has actively worked with the Office of Management and Budget (OMB) and achieved clearance of the SEVIS Fee Rule from OMB on May 19, 2004. Our original intent in February 2004 was to publish the rule immediately upon OMB clearance and require the fee collection to be effective in early June 2004. However, due to required system changes and delays in implementing the Form I-901, *Fee Collection Process*, the effective date for fee collection was changed. Taking into consideration the timelines associated with the Form I-901, *Fee Collection Process*, as well as, the concerns raised by the educational community, implementation of the collection of the SEVIS fee was changed to September 1, 2004. The effective date will be published as part of a comprehensive communication/ outreach strategy aimed at educating all stakeholders about the SEVIS Fee process (to include academic institutions, exchange visitor programs, prospective students and exchange visitors, academic organizations and exchange visitor sponsors).
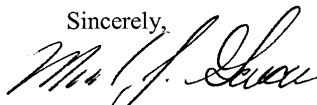
The GAO Report states that "*Notwithstanding DHS's plans to begin collecting the SEVIS fee, almost 7 years have passed since collection of this fee was required, and thus millions of dollars in revenue have been and will continue to be lost until the fee is actually collected. While DHS, State and educational institutions do not fully agree on how the fee should be collected, **the fact remains that the longer this goes unresolved, the longer taxpayers will have to pay for SEVIS** (emphasis added). Further, resolution of such differences in perspective is precisely what the rulemaking process is intended to accomplish. Therefore, it is important that the outcome of this process be implemented quickly.*" SEVP does not fully agree with the specific statement regarding the use of taxpayer funds and wishes to provide additional information. To date SEVP has been supported by $36.8 million in appropriated (taxpayer-funded) Counter-Terrorism funds and $34.3 million in Immigration Examinations Fee funds, which were used for historical development costs from fiscal years (FYs) 1997 through 2003. The Examinations Fee funds were collected from non-immigrants seeking benefits. Funds for Counter-Terrorism will no longer be available to SEVP after this fiscal year. SEVP wholeheartedly concurs with the GAO that the SEVIS fee be implemented in an expeditious manner to avoid the need for any additional taxpayer funding beyond the Counter-Terrorism funds.

Thank you again for the opportunity to respond to the draft report. If you have any questions, please contact Eddie L. Carlisle, Audit Liaison, U.S. Immigration and Customs Enforcement, at (202) 305-0132.

Sincerely,

Michael J. Garcia
Assistant Secretary

Enclosures (2)

See comment 2.

See comment 3.

Enclosure 1

GAO stated on Page 3 of the <u>April 1, 2004 Briefing to the Staffs of the Subcommittees on Homeland Security Senate and House Committees on Appropriations</u> that: "However, not all key performance requirements are being monitored or reported on." And, Slide 29 supporting the same briefing stated: "Without formally monitoring and documenting all key system performance requirements, DHS cannot adequately assure itself that potential system problems are identified and addressed early, before they have a chance to become larger problems that could affect DHS mission objectives supported by SEVIS."

We request that GAO amend their statements because of the detailed formal information that ICE employs to monitor our performance as cited on Slides 30–33 that address the documented performance requirements stated on Slide 29. In several lengthy meetings with the GAO, ICE provided additional formal reporting information on the key performance requirements and stated that the last performance requirement, (Resource Usage bullet) on Slide 30, requires modification as it is not relevant as stated for our e-Gov environment and for a large national communications network. ICE has also implemented a SEVIS-specific CPU utilization tool, mentioned on Slide 34. Further, ICE has provided additional reports that depict our formal monitoring of the CPU usage prior to our implementing the new tool.

Hence, we believe that the statement, "However, not all key performance requirements are being monitored or reported on.", does not factually reflect that we are formally monitoring *all* key performance requirements (with the understanding that some performance requirements must be reviewed for relevancy).

Enclosure 2

To provide solutions for extracting user requested data, providing summary reports, and performing statistical analyses will take at least 12 months of analysis and perhaps longer (depending on the results of the analysis) to implement.

The primary reason for the length of the analysis period is the sheer magnitude of the processing that occurs on a daily basis. In addition to thousands of Internet and Intranet users, we process 450–600 batch files each night for our large school and exchange program institutions; we also process numerous interfaces to the Department of State and the US-VISIT Program daily. And, because we are processing data 24 hours per day, our primary area of investigation will center on establishing an entirely new platform that would mirror the primary production platform.

The following are GAO's comments on the Department of Homeland Security's letter dated May 27, 2004.

GAO Comments

1. We do not agree that we did not fully assess all data that the program office provided to us. We carefully considered all the data that were provided, and neither these data, nor the data enclosed with DHS's comments, addressed all key performance requirements, such as system availability. As we state in our report, DHS monitors and reports on the availability of the communications software on the application servers, which may be used to identify problems that could affect SEVIS availability, but does not specifically measure SEVIS availability (i.e., the SEVIS application may not be available even though the communication software is). Therefore, we have not modified our finding and associated recommendation.

   We acknowledge DHS's statement in the enclosure that it has implemented a new SEVIS-specific processor utilization tool, which relates to one of the performance requirements cited in our report as not being monitored and reported on. However, DHS had not previously provided this information to us and thus we could not verify the data and include it in our briefing. Nevertheless, we are supportive of any recent program actions that would expand system monitoring and reporting to include all key performance requirements.

2. We do not question DHS's commitment to making the SEVP program, including the fee requirement, operational and successful. However, as we state in our report, although program officials told us that they had developed a plan for implementing the SEVIS collection process, they did not provide us with the plan showing their intended actions. Further, DHS did not include in its comments a plan for implementing the fee. Our recommendation is intended to address this absence of explicit planning for implementing the fee collection process.

3. We do not question DHS's comment that SEVIS has been supported by $36.8 million in appropriated funds (counter-terrorism funds) and $34.3 million in immigration examinations fee funds, which are collected from nonimmigrants seeking benefits. This comment is consistent with our finding that 7 years have passed since the fee collection was required, and millions of dollars have been spent (both appropriated and user fees) and will continue to be spent until the SEVIS fee is actually collected. Even if SEVIS is prospectively funded with the immigration

examination user fees, until the SEVIS fee is collected, the amount of funds available to other programs funded by this account is reduced.

Comments from the Department of State

United States Department of State

Assistant Secretary and Chief Financial Officer

Washington, D.C. 20520

Ms. Jacqueline Williams-Bridgers
Managing Director
International Affairs and Trade
General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548-0001

Dear Ms. Williams-Bridgers:

We appreciate the opportunity to review your draft report, "HOMELAND SECURITY: Performance of Information System to Monitor Foreign Students and Exchange Visitors Has Improved But Issues Remain," GAO Job Code 310271.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

If you have any questions concerning this response, please contact Martin Tatuch, Deputy Division Chief, Bureau of Consular Affairs, at (202) 663-1156.

Sincerely,

Christopher B. Burnham

cc: GAO – Jeanette Espinola
       CA – Daniel Smith
       State/OIG – Mark Duda
       State/H – Paul Kelly

Department of State Comments on GAO Draft Report
Performance of Information System to Monitor Students and
Exchange Visitors has Improved but Issues Remain
(GAO job code 310271)

Thank you for allowing the Department of State the opportunity to comment on the draft report "Performance of Information System to Monitor Students and Exchange Visitors has Improved But Issues Remain", which reviews the progress of the Department of Homeland Security's (DHS) Student and Exchange Visitor Information System program.

The report (pg. 35) cites DHS statistics concerning the number of persons enrolled in the program, describing them as persons who have "used visas." It is important to note that the number of persons enrolled in SEVIS does not necessarily equate to the number of visas issued by consulates overseas. Some persons enrolled in SEVIS are not issued visas, other persons may have more than one SEVIS record. It is more accurate to say that there are a number of student or exchange visitor records active in the SEVIS system.

Since this report was originally drafted, State and DHS have worked together to explore a pilot project to collect the SEVIS fee overseas through Department of State channels. This pilot is being developed to explore the feasibility of fee collection at both consular offices with outsourced fee collection using foreign financial institutions and at consular offices with internal cashiers. The pilot will be conducted in a small number of consulates.

The concerns raised by the Department of State with the GAO team remain valid. We are concerned that collection of the SEVIS fee through consular channels will raise significant issues of cost and complexity. We have agreed with DHS that a needs analysis will be done to document the requirement for an alternative fee collection method in each individual country being considered. To avoid increased fee settlement costs that would be spread among all fee payers, this pilot would be extended only post-by-post, country-by-country, on the basis of documented need.

The following are GAO's comments on the Department of State's letter.

GAO Comments

1. The information presented is based on DHS-provided data addressing active students and exchange visitors registered in SEVIS as of February 6, 2004, and is appropriately attributed to DHS. We have added a footnote to our briefing noting State's comment.

GAO Contact and Staff Acknowledgments

GAO Contact

Deborah Davis, (202) 512-6261, davisd@gao.gov.

Staff Acknowledgments

In addition to the individual named above, Camille M. Chaires, Neil Doherty, Jeanette Espinola, Michael P. Fruitman, Jamelyn Payan, and Nik Rapelje made key contributions to this report.

United States
General Accounting Office
Washington, D.C. 20548-0001

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