

# SEVIS II: The Vision and Criteria for Success

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## 1. Introduction

This document presents the high level vision of the Student and Exchange Visitor Program (SEVP) for the development of the second generation of the Student and Exchange Visitor Information System (SEVIS).<sup>1</sup> It is intended to provide all stakeholders with essential information to enable them to understand the purpose and history of SEVIS, the need for SEVIS II, and how SEVP envisions success for the project.

SEVIS II must replace SEVIS I, providing new functionality to close SEVIS I vulnerabilities while preserving legacy data. SEVIS II will be built upon the hard lessons learned from SEVIS I along with its successes. As SEVIS II is being developed, these lessons and successes will ultimately determine the effectiveness of SEVIS II by benchmarking progress and achievement for all involved in its development.

In addition to learning from the difficulties associated with SEVIS I, SEVIS II must support a long term vision of national security. That encompasses protection from harm, promotion of cultural and intellectual ties with other nations, and contributing to the national economy.

Building SEVIS II requires more than satisfying technical requirements. It encompasses the successful execution of complex business rules that ensure data integrity, enforce regulations concerning eligibility for immigration benefits, helps ensure information is recorded in a timely manner, and ensures nonimmigrants are aware of their status.

SEVIS I is a successful system and regarded as an important component of the information available to the enforcement and intelligence communities. As SEVIS II will completely replace this successful system, the transition must be as seamless as possible. If not properly developed and deployed, there is potential to damage national security.

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<sup>1</sup> In this paper, we use the term SEVIS to describe the concept of the program. SEVIS I and SEVIS II refer to specific versions of the system.

This paper describes the vision for SEVIS II and what is needed for it to be successful. Included are sections on:

- Context and history. This section looks briefly at the reasons for creating SEVIS, the lessons learned from deploying and maintaining SEVIS I, and the impetus to create SEVIS II. We wish to learn from this history: replicating the successes and avoiding the failures.
- Three pillar concept of national security. This section outlines the three pillar concept of national security, which SEVP adheres to in carrying out its mission, which includes the development of SEVIS II. The three pillars of national security include the following: identifying those who intend to harm the United States, welcoming legitimate students to strengthen diplomatic ties and eliminate misconceptions regarding the United States, and strengthening the U.S. economy by maintaining an unimpeded flow of students and exchange visitors.
- Stakeholder community and the impact of SEVIS II. This section briefly describes the stakeholders in SEVIS II, how SEVIS II will impact them, and how they are important to the success of SEVIS II.
- Success Criteria. This section is a chart listing high level criteria for the success of SEVIS II and the reason each criterion is needed.

## 2. Context and History

Students and exchange visitors come to the United States in three different classes of admission: F for academic and language students, M for vocational students, and J for exchange visitors. While most stay for a relatively short time, others may legally spend many years in the United States.

The United States has monitored the presence of foreign students and exchange visitors in some fashion since World War II when the monitoring was decentralized and paper driven. There was no system to reliably identify how many students and exchange visitors were in the United States, what they were doing, or where they were located. During this time, there was a history of people who used these classes of admission to enter the United States and stay after their period of lawful admission expired.

The government first documented this trend and the need to better account for foreign students more than three decades ago when the Government Accountability Office (GAO) published a report emphasizing the need to better account for students and identify those who overstayed their period of status. This recommendation was based on GAO's review of Immigration and Naturalization Service (INS) that showed that many foreign students had violated the terms of their status by not enrolling in school, not completing their studies, not returning to their native countries, or working without permission.

Following the GAO report, a number of national security related incidents either related to or involving foreign students occurred. As illustrated by Figure 1, these events and subsequent action by the federal government ultimately led to the development of SEVIS.

Figure 1. Events Leading to SEVIS



In 1979, during the Iranian hostage crisis, INS could not determine how many Iranian students were in the United States or their location, again highlighting the need to better account for foreign students in the United States. This led President Carter to order special registration for Iranian students and the deportation of any who had violated their status, a model for the post 9/11 National Security Entry-Exit Registration System (NSEERS).

In 1993, the first attack on the World Trade Center again highlighted issues with the lack of accurate information on nonimmigrant students in the United States. When it was discovered that one of the terrorists involved in the attack was in the United States after overstaying his student status, the director of the Department of Justice's Office of Investigative Agency Policies sent a memorandum to the Deputy Attorney General citing concerns regarding possible terrorism and criminal activity.

A September 25, 1994 memorandum specifically mentioned the need to subject foreign students to thorough and continuing scrutiny before and during their stay in the United States. On April 17, 1995, the Deputy Attorney General asked the INS Commissioner to address this issue, which led to the formation of an INS task force in June 1995 to conduct a comprehensive review of F, M, and J visa processes.

The resulting task force report recommended, among other things, that the INS collect and monitor information electronically about foreign students through fingerprints and that students be required to notify the INS whenever they make changes to their program or other events impacting status.

In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) was enacted. It directed the Attorney General, in consultation with the Secretary of State, to develop and conduct a program to collect certain information on nonimmigrant students and exchange visitors. The information to be collected included the nonimmigrant's name, address, date of birth, class of admission, course of study, academic disciplinary actions taken, and termination dates and reasons. Congress mandated that the INS implement the system by January 1, 1998.

The INS developed a pilot program for the Coordinated Interagency Partnership Regulating International Students (CIPRIS). This successful pilot for CIPRIS began in June 1997, involving the Atlanta Hartsfield Airport and District Office, the Texas Service Center, and 21 institutions of higher learning in the states of Georgia, Alabama, North Carolina, and South Carolina. The CIPRIS pilot officially ended in October 1999. However, the program continued after that date as a prototype pending the development of a nationwide system.

The terrorist attacks of September 11, 2001 changed the United States and its approach to national security. The 9/11 Commission's Final Report details how the 19 terrorists exploited a number of vulnerabilities in U.S. intelligence and immigration system in order to bring their plot to fruition: traveling between countries to train and recruit; engaging in document fraud to cover their tracks and move freely from place to place earning and transferring money in support of the plot; exploiting the U.S. immigration system; and defeating security measures in the transportation system.

The 9/11 Commission found the fault lines within our government—between foreign and domestic intelligence, and between and within agencies. We learned of the pervasive problems of managing and sharing information across a large and unwieldy government that had been built in a different era to confront different dangers.

To address these vulnerabilities, the Department of Homeland Security (DHS) was created. Among the missions of the Department are to reduce the vulnerability to the United States to terrorism, ensure that other missions are not diminished or neglected, and ensure that the overall economic security of the United States is not diminished by the efforts to secure the United States.

## **2.1. Legislation**

The 9/11 attacks drew renewed attention to foreign students. The 9/11 Commission found that several of the terrorists abused either nonimmigrant student status or the immigration system to either gain entry into or extend their stay in the United States. These findings increased attention on government efforts to monitor the activities of foreign students and exchange visitors in the United States, and resulted in several pieces of legislation that ultimately led to the creation of SEVP and SEVIS.

Section 416 of the USA PATRIOT Act mandated the full implementation of SEVIS by January 1, 2003.

On October 26, 2001, Congress enacted the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act). Section 416 mandated the full implementation of SEVIS by January 1, 2003. The Act also required SEVIS to include information on foreign student port of entry information and date of entry, and required that

flight schools, language training schools, and vocational schools be certified before accepting nonimmigrant students.

In January 2003, Congress enacted the Enhanced Border Security and Visa Entry Reform Act of 2002. This Act clarifies procedures for collecting and managing information on nonimmigrant students and exchange visitors. Additionally, the Act requires institutions to report any nonimmigrants who fail to enroll within 30 days of their program start date or next session start date.

The Homeland Security Act of 2002 delegated responsibility of SEVIS to the U.S. Immigration and Customs Enforcement (ICE) and required that SEVIS information be used to carry out enforcement functions.

In 2003, ICE assumed responsibility for SEVIS and established SEVP. SEVP was created to manage SEVIS, to centralize the certification process for schools wishing to enroll nonimmigrant students, to conduct outreach to the academic community, and to perform other related program functions. Of the 70,000 previously certified schools, approximately 10,000 schools now participate in SEVIS due to the enhanced and centralized SEVP certification process, which requires a site visit, and consistent reporting in SEVIS of changes in the student's status and performance at the institution.

## 2.2. Issues Associated with Earlier Systems

In 1983, the INS implemented the first database containing school and student information – the Student and Schools System (STSC). STSC contained basic information on INS-certified schools and the foreign students who entered the United States with I-20s issued by these schools. STSC only contained I-20 information (primarily school and program of study); it did not indicate whether foreign students actually enrolled in the school or include information on students' academic progress.

The INS required schools to manually collect data on foreign students attending their school, including names, addresses, dates of birth, visa classifications, student status, courses of study, academic disciplinary actions taken, and dates and reasons for termination. Schools were not required to report this information regularly. However, they were required to provide this information to the INS upon request. As a result, although the INS knew approximately how many foreign students entered the United States, it was unable to keep track of them to ensure that they complied with their visa requirements.

Among the findings detailed in the 9/11 Commission Report was that one of the terrorists abused nonimmigrant student status to either gain entry into or extend their stay in the United States while two abused the loopholes in the nonimmigrant system. Hani Hanjour<sup>2</sup>, the pilot of American Airlines Flight 77 flown into the Pentagon, entered the United States to attend an English language school. He failed to report to the ESL school that had issued the Form I-20 needed for the visa application. Without a reliable database to track Hanjour's activities, these violations went unnoticed by U.S. authorities.

In addition to Hanjour's abuse of student status, the Commission found that two of the terrorists exploited the immigration system to remain in the United States. Marwan al-Shehhi, the pilot of United Flight 175, and Mohammed Atta, the pilot of American Airlines Flight 11, came to United States as tourists. They subsequently applied for a change of status from a tourist to an M-1 student in order to remain in the United States to learn to fly.<sup>3</sup> While his application was pending with the INS, Atta left the United States.

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<sup>2</sup> Hani Hanjour was the first 9/11 hijacker to acquire a U.S. visa and come to the United States. He entered four times before September 11, three times to seek a U.S. education.

<sup>3</sup> The 9/11 Commission Report, Chapter 5, p. 223-224

On his return, Atta was sent to secondary inspection at the port of entry. The immigration inspector checked INS databases and confirmed the pending application. However, he did not check STSC. He told the 9/11 Commission that the student tracking system was “garbage”—with information that was no longer valid.<sup>4</sup>

He told the 9/11 Commission that the student tracking system was “garbage”—with information that was no longer valid.

Underlining the inadequacy of STSC were the delays in notifying the Florida flight school that al-Shehhi and Atta had been approved for a change of status. The school received these letters six months after 9/11.<sup>5</sup> Due to the cumbersome process, the information in the letters was accurate but untimely. While INS had approved the changes of status months before 9/11, this incident led to the perception that the approval was post 9/11 and received massive press attention. The president said he was “stunned and not happy” when he learned that no one intercepted the letters.<sup>6</sup> Bush ordered the Attorney General to investigate. He also said the matter was a wake-up call and that, “They (INS) got the message, and hopefully, they’ll reform as quickly as possible.”<sup>7</sup>

Following the 9/11 attacks and subsequent legislation, the INS expedited development of SEVIS I. Due to the pressing national security concerns, the time allowed to design and deploy the system was very limited. It represented a massive change in process for the government, the academic community, and sponsor organizations. The speed with which SEVIS I was developed caused problems – which attracted media attention. An article appearing in *The Boston Globe* highlighted some of the issues associated with the deployment of SEVIS I:

As President Bush trumpets his far-reaching homeland security measures, the country's \$36 million network for tracking foreign students is in disarray.

*As President Bush trumpets his far-reaching homeland security measures, the country's \$36 million network for tracking foreign students is in disarray on the eve of its official launch, say college administrators.*

*Today marks the deadline for colleges to begin using a new, ambitious, computer-based system to keep tabs on more than 500,000 foreign students. The*

*Immigration and Naturalization Service expresses confidence that its system will function adequately.*

*But more than 1,200 colleges, including Harvard University, are still waiting for the INS to approve their use of the database. And at a handful of schools in New England that have received INS approval, those trying to enter data say the system is so clogged and bug-ridden as to be essentially unusable, prompting concerns about whether technical glitches could land their institutions in hot water or even jeopardize some students' legal status in the United States.<sup>8</sup>*

In March of 2003, the Senate Committee on Science held hearings on SEVIS I. United Press International released a long article on the hearings that described the testimony:<sup>9</sup> In his testimony David Ward, president of the American Council on Education, said SEVIS is technically flawed. In several cases, forms from one school printed out at another school. In the most worrisome incident, forms printed by the Jet Propulsion Laboratory, a secured government facility, printed at a proprietary school in San Francisco. Problems with the system have also resulted in extensive delays in issuing some visas.

4 The 9/11 Commission Report, Chapter 2, p 18.

5 New York Times, “A Nation Challenged: The Hijackers; 6 Months Late, INS Notifies Flight School of Hijackers’ Visas”, March 13, 2003. David Johnston.

6 The Milwaukee Journal Sentinel, “President ‘hot about hijacker’s visas”, March 12, 2002. Sonya Ross.

7 Ibid.

8 Boston Globe Knight Ridder, “Colleges Fault System to Track Foreign Students”, January 30, 2003. Marcella Bombardieri.

9 United Press International. “System to Track Foreign Students Bashed”, March 26, 2003.

*"We believe that SEVIS is the single most important step that the federal government can take to improve its ability to monitor international students and exchange visitors and we strongly support its implementation," Ward told the science committee.*

*"However, we have repeatedly indicated a concern that this system was being implemented before it was fully operational," he said.*

*At previous hearings last fall, colleges and universities, along with the justice department inspector general, testified the program would not be ready in time.*

*"Sadly as we feared, SEVIS was not ready, and campuses are experiencing enormous difficulties," Ward said.*

*"Sadly as we feared, SEVIS was not ready, and campuses are experiencing enormous difficulties. . ."*

Beyond the issues associated with the deployment of SEVIS I, other limitations and vulnerabilities have been identified as users came to depend on SEVIS data and to demand more from the data. Throughout its existence, thousands of changes and revisions have been made to SEVIS I to adapt it to the ever-growing needs of its users. Despite all of these often-costly changes, it is not possible to close all of the gaps within the SEVIS I framework.

### 2.3. Transition to SEVIS II

As outlined above, there are certain limitations and vulnerabilities associated with SEVIS I. However, it is important to note that there are also many SEVIS I success stories. The system is generally considered a successful system and regarded as an important component of the information available to the enforcement and intelligence communities. Through extensive outreach, many updates and corrections, and the cooperation of the school and sponsor officials, SEVIS I is a reliable system that provides near real-time data.

In 2007, SEVP commissioned an independent study to evaluate the situation and identify possible remedies, one of which was the recommendation for a completely new system.

In spite of all of the updates and outreach efforts, certain limitations and vulnerabilities remain. The Homeland Security Council (HSC) noted several areas needing improvement, some critical. Concurrently, a data validation exercise made SEVP aware of some of the limitations in the data. In 2007, SEVP commissioned an independent study to evaluate the situation and identify possible remedies, one of which was the recommendation for a completely new system.

Over time, other government users came to recognize the value of SEVIS data. While SEVIS I was intended to provide information for law enforcement, it was not developed to be a primary resource for counterterrorism, counterintelligence, and threat analysis. With its implementation and use by both the Foreign Terrorist Tracking Task Force (FTTTF) and the ICE Compliance Enforcement Unit (CEU), SEVIS has become an essential tool for national security.

Upon reviewing the report, the HSC Policy Coordinating Committee authorized DHS to begin the development of a new system, referred to as SEVIS II. SEVP now had history to develop a new system based upon the vulnerabilities and priorities stakeholders had identified as well as a greater appreciation for its role in the evolving national security environment.

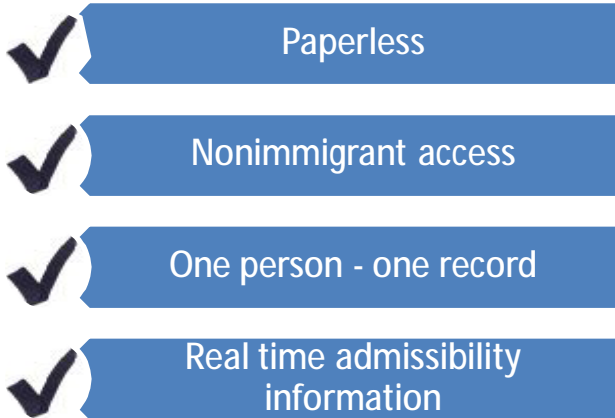
### 3. SEVIS II Enhancements

SEVIS II must replace SEVIS I; providing new functionality to close SEVIS I vulnerabilities while preserving legacy data.

Sometimes, SEVIS I information is not complete. It can take a great deal of training to interpret. A major challenge for SEVIS II is to ensure that it provides an unambiguous picture of an individual's record. This entails presenting more explicit data with few opportunities for misunderstandings and misinterpretations.

SEVIS II will improve on SEVIS I in several areas.





First, SEVIS II will support an entirely paperless process for all activities related to the admission and tracking of F/M/J nonimmigrants. SEVIS II users including F/M/J nonimmigrants and school and sponsor officials will use electronic signatures to sign electronic forms related to the student and exchange visitor process.

Government officials will also use SEVIS II—or a system that interfaces with SEVIS II—to document decisions about visa issuance, changes of status, entry into the U.S., and other requests for nonimmigrant benefits (e.g., employment authorization). School and sponsor officials will no longer print paper forms for immigration purposes.

Paper forms provide limited and possibly outdated information and are therefore susceptible to fraud. By moving to a paperless system, officials will rely on near real-time system data. This move also mitigates the risk of fraud associated with a paper-based system.

Second, SEVIS II will permit F/M/J nonimmigrants to create user accounts and directly access their own information in the system for the first time. They will be able to view information about their status, immigration benefits, and payment of fees. They will also be able to request corrections and changes. They will be responsible for providing accurate and current information such as their U.S. address and employment information. Providing nonimmigrants with this access gives them greater control over the information and their status while also enhancing personal accountability.

Third, SEVIS II will maintain one record for each public user. Currently, in SEVIS I, one person may have multiple records. SEVIS II will use an immigration identification number (IIN) for public users with links to biometric information. To receive an IIN, public users will create a customer account. Moving to this person-centric approach allows the government to maintain a more accurate history on an individual's time in the United States in F/M/J status.

Fourth, when a nonimmigrant seeks to enter the United States, SEVIS II will provide DHS officials with an unambiguous indicator as to whether a person is eligible to enter as an F, M, or J nonimmigrant. To generate the admissibility indicator, SEVIS II uses the information already in the system and a set of business rules to determine if the individual is currently eligible to enter the U.S. as an F/M/J nonimmigrant. Nonimmigrants may view their admissibility indicator in SEVIS II before traveling to the U.S. to confirm that they are eligible to enter the U.S. as an F, M, or J.

In addition to these high level improvements, SEVIS II will enhance SEVIS I by providing the following:

- Enhancing the ability to search the system without requiring a database administrator to run a query.
- Increasing the efficiency and reliability of the system by improving the interface, using business rules, and validating data as it is entered.
- Utilizing the current DHS Enterprise Architecture (EA) structure to create an open, flexible, and scalable system that integrates well with existing systems.
- Enhancing Domestic Mantis by providing reports on students and exchange visitors that change to a program of study that is identified as sensitive and potentially of national security interest.
- Increasing the ability to monitor the reporting compliance by certified schools and designated sponsors.
- Providing advanced reporting capability for government users and school and sponsor officials. Reports shall include predefined reports as well as powerful ad hoc capability.
- Providing alerts to users concerning activities, updates, status changes, status-related events, and tasks according to predefined business rules and criteria. Alerts will improve reporting by users and provide immediate information to those monitoring compliance and enforcement.

- Providing information on students involved in flight training as part of their program of study or as leisure activity.
- Improving history for individuals.
- Creating comprehensive audit trails that identify what changes are made, when they are made, and which person or system made them.

#### 4. Three Pillar Concept of National Security

National security is the primary mission of SEVP. The most common perception of national security is that it is the ability to identify those who wish to do the United States harm and protect the nation from them. National security is more than protection.

SEVP has identified three concepts; values that we consider when carrying out our mission. Pillar one is, of course, protecting the United States from harm. The second pillar reflects the diplomatic benefits associated with promoting the continued entry of nonimmigrant students and exchange visitors. Finally, the third pillar represents the impact nonimmigrants students and exchange visitors have on the national economy through their presence in the U.S. and innovation spurred by their intellectual and monetary contributions.

National security is the primary mission of SEVP. . . National security is more than protection.

##### 4.1. Pillar One. Protect the United States from harm by helping to identify those who threaten national security

An obvious goal for SEVIS II is protecting the United States from those who seek to exploit the student and exchange visitor system to do us harm. The 9/11 attacks and their aftermath exposed the government's inability to effectively communicate threats, identify individuals, or fully enforce immigration laws. There are however, other risks associated with the entry of ill intentioned individuals under the guise of nonimmigrant student or exchange visitor status.

Espionage and the illegal transfer of technology are concerns for the government and for any United States business with foreign competitors. The FBI, in a 1996 warning to Congress, stated that, "Countries recruit students before they come to the United States to study and task them to send any technological information they acquire back to their home country. . . Upon completion of their studies, some international students are then encouraged to seek employment with U.S. firms to steal proprietary information."<sup>10</sup> Efforts to control the transfer of sensitive technologies to foreign nationals studying at U.S. institutions dates back to the 1954 International Traffic in Arms Regulations (ITAR). Those efforts continue today.

Espionage and the illegal transfer of technology are concerns for the government and for any United States business with foreign competitors.

Beyond terrorism and espionage, there remains the danger that unscrupulous individuals may establish fraudulent schools within the United States. These schools can serve to aid foreign nationals in gaining entry into the United States while not providing any credible education. Additionally, these fraudulent schools may serve as fronts for human smuggling, money laundering, or other criminal activities.

SEVIS II improvements will provide more comprehensive, more accurate, more timely, and less ambiguous information – all supporting Pillar One. In most cases, it is obvious how these improvements will help detect deter those who wish to harm us. Therefore, this section will discuss only a few of the improvements.

*One person-one record* will allow government users, especially law enforcement, to see a full SEVIS history on nonimmigrants. This will improve support for adjudicative decisions. Those with a history of problems will face closer scrutiny.

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<sup>10</sup> Testimony of then-FBI director Louis Freeh



Moving to a paperless system will *eliminate the use of fraudulent forms* to gain entry into the United States as a nonimmigrant student or exchange visitor. Decisions to issue a visa, allow entry into the United States, or grant an immigration-related benefit will be based on the current information in SEVIS II, rather than the often stale information found on paper forms. Currently, most officials at ports of entry, particularly those on the primary line at airports, do not have access to SEVIS I. Therefore, they allow individuals bearing paper documents to enter or return to the United States even when SEVIS I indicates the person is out of status. With SEVIS II, all CBP officials will have access, through an interface with the Treasury Enforcement Communication System (TECS), to current data.

Decisions to issue a visa, allow entry into the United States, or grant an immigration-related benefit will be based on current information in SEVIS II, rather than the often stale information found on paper forms.

*School compliance* will be easier to monitor. One major improvement will be the requirement that schools provide more detailed information on their program(s) of study. Currently the SEVP School Certification Branch approves the programs of study that schools may offer to nonimmigrant students. In SEVIS I, schools enter their own descriptions of their programs. However, these descriptions are not a constraint when school officials certify that a student is allowed to pursue a particular program of study. This can result in students with a program of study not approved for their school. It can also result in students in M status with a program of study approved only for F students and vice versa. With SEVIS II, when school officials certify a program of study for a student, they will be limited to those programs approved for their school.

#### 4.2. Pillar Two. Strengthen United States by building cross-cultural ties and attracting highly talented students and scholars

A second key element in strengthening national security is building cross-cultural ties and attracting highly talented students and scholars. This is particularly important in the post 9/11 environment. The potential exists to focus excessively on the first pillar to the detriment of the second. The DHS Strategic Objective acknowledges this risk, noting that, "Trying to protect every person from every threat at every moment would be at a tremendous cost to our freedoms, our economy, and our way of life."<sup>11</sup>

International education in the United States represents a critical, yet often undervalued, asset in our national security mission. Maintaining a steady flow of students and scholars allows for the exchange of ideas, provides future world leaders with insight into American life, values, and government. Such exchanges serve to eliminate misconceptions concerning the United States. It also provides our academic institutions with diversity, both in population and ideas, which serves to enhance the educational experience for United States students.

"Trying to protect every person from every threat at every moment would be at a tremendous cost to our freedoms, our economy, and our way of life."

Patricia Harrison, former Assistant Secretary of State for Educational and Cultural Affairs, noted the value of international education in the aftermath of the 9/11 attacks:

*"International education has become of paramount importance to economic, political, and social conditions in both developing and developed countries at all levels. Our ability to promote sustainable development, civil society, and international peace requires stronger educational and social institutions. Welcoming learners from abroad over the long term helps enormously to eliminate hostile preconceptions, to promote cultural relations and to attempt to solve conflicts peacefully."<sup>12</sup>*

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11 DHS Strategic Plan, p 27. available at [http://www.dhs.gov/xlibrary/assets/DHS\\_StratPlan\\_FINAL\\_spread.pdf](http://www.dhs.gov/xlibrary/assets/DHS_StratPlan_FINAL_spread.pdf)

12 Institute for International Education, Open Doors Report 2002, available at <http://opendoors.iienetwork.org/?p=25083>.

For these reasons and more, international education has been a part of United States foreign policy for more than 40 years. In urging the Congress to pass the International Education and Health Act of 1966, President Johnson noted that “Education . . . must be at the heart of our international relations.”<sup>13</sup>

“Simple exchanges can break down walls between us, for when people come together and speak to one another and share a common experience, then their common humanity is revealed. . . And that’s where progress begins.”

The mission to promote international education continues today. President Obama, in an April 2009 speech in Istanbul, Turkey, spoke of his focus on international education and exchange programs and addressed the diplomatic benefits associated with international education. He offered the following:

*“Simple exchanges can break down walls between us, for when people come together and speak to one another and share a common*

*experience, then their common humanity is revealed. . . And that’s where progress begins.”<sup>14</sup>*

President Obama’s remarks are indicative of a continued focus on international education. The government’s actions must be consistent with the President’s statements. This is particularly important as the potential exists for pillar one concerns for preventing harm to overshadow pillar two concerns for building bridges.

This imbalance was evident following the September 11 attacks. In the aftermath of the attacks, federal agencies made many far-reaching changes to strengthen border security. The resulting visa processing delays<sup>15</sup> and additional scrutiny focused on nonimmigrant students and exchange visitors were cited in factors in a decline in foreign student and scholar enrollment in the years following the attacks. As an example, in a 2004 report on the decrease in the number of foreign graduate students in the United States, Nils Hasselmo, president of the Association of American Universities, indicated that “the major factors [for this decline] are U.S. visa policy, increased international competition and perceptions that the United States is no longer a welcoming country.”<sup>16</sup>

According to the Institute for International Education, international student enrollment in the United States grew slightly in 2002/03 at a rate of .6% but then declined by 2.4% in 2003/04. As illustrated by Figure 2, foreign student enrollment continued to decline through 2005/06 but has steadily increased through the latest Open Doors report.<sup>17</sup>

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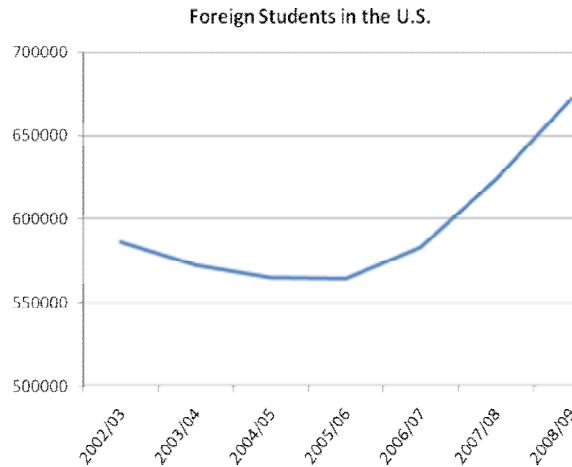
13 Lyndon B. Johnson, The White House, February 2, 1966. Available at [http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content\\_storage\\_01/0000019b/80/37/92/e8.pdf](http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/37/92/e8.pdf).

14 President Obama, April 7, 2009 in Istanbul, Turkey.

15 For example, DoS implemented a more robust visa screening system, or security advisory opinion (SAO) system, with its interagency partners that resulted in many more applicants requiring additional screening. The interagency SAO process, strained by the larger workload, led to particularly lengthy delays in 2002-2003. Processing delays were exacerbated when DoS expanded the requirement for personal interviews to include almost all visa applicants in order to enhance security, and in preparation for the implementation of a Congressional mandate that we collect biometric data from visa applicants.

16 Foreign Grad Students in U.S. Down. (2004, November 11). CNN. com.

17 Institute for International Education, Open Doors 2009, International Student and U.S. Higher Education Enrollment, 1948/49 - 2008/09, available at <http://opendoors.iienetwork.org/?p=150810>.

**Figure 2. Foreign Student Enrollment**

A computer system such as SEVIS II can do little to attract foreign students and scholars to the United States. However, if we do not properly develop and deploy SEVIS II, we can create difficulties for foreign student and scholars coming to the United States. For example, a student's visa issuance could be unduly delayed due to a SEVIS II malfunction or an eminent scholar could be denied entry due to SEVIS II inaccuracies. These types of problems can create the perception that the United States is discouraging foreign students and scholars.

Our educational institutions remain the envy of the world. More than 580,000 foreign students come here annually. However, the United States faces increasing competition for nonimmigrant students and exchange visitors. Major competitors, including the United Kingdom, Canada, and Australia, are gaining market share. We must take the global competition for international students into consideration in the development and deployment of SEVIS II.

SEVIS II will support this second pillar in the following ways:

- Ensure data is accurate and timely so nonimmigrants seeking to enter the United States are not denied a visa or entry based on incorrect or untimely information.
- Ensure that government officials are well trained in the paperless process and that visa issuance, entry into the United States, and adjudication of benefits is not unduly impeded.
- Ensure SEVIS II provides context for data and that users are trained to interpret data accurately.
- Ensure that outreach to nonimmigrants, schools, and sponsors emphasizes the benefits of SEVIS II.
- Ensure that nonimmigrants have access to their status and benefit information and receive alerts when an action or the lack of an action may affect their status.
- Ensure processes exist to quickly correct inaccurate data.

#### 4.3. Pillar Three. Strengthen the United States economy

Strengthening the United States economy represents the third pillar of national security. The United States has been able to maintain its position as a global superpower based largely on the strength of its economy. In today's global economy, it is important to understand and focus on the economic benefits associated with policies and practices that encourage nonimmigrant student and exchange visitors to come to the United States.

The economic implications for the loss of foreign students and exchange visitors to the United States are extensive. According to the Institute for International Education's 2009 Open Doors report, foreign

students and their dependents contributed more than \$15.5 Billion to the U.S. economy in 2008.<sup>18</sup> Additionally, higher education represents our nation's fifth-largest service-sector export.

Many of those who come to the United States as nonimmigrant students and exchange visitors provide a "brain gain" that helps fuel our nation's economic growth.<sup>19</sup>

According to the Institute for International Education's 2009 Open Doors report, foreign students and their dependents contributed more than \$15.5 Billion to the U.S. economy in 2008.

In recent years, economists and others have expressed concern that the United States is losing its position as a global leader in science and technology. The National Science Foundation, in its Science and Engineering Indicators 2008 stated that, "U.S. [Gross Domestic Product] growth is robust but cannot match large, sustained increases in China and other Asian economies." Because of this globalization, the United States, while still the leading producer of scientific knowledge, faces a labor market in which it must increasingly compete with these countries. The economies of the Organization of Economic Cooperation and Development (OECD) countries, particularly Australia, Canada, and certain European countries, are also providing increased opportunities for Science, Technology, Engineering and Mathematics (STEM) scientists. For example, STEM graduates from the growing economies of China, India, and Russia have increased employment opportunities in their native countries.

The Task Force on the Future of American Innovation reports "the impact of China and India on global research and development (R&D) is significant and growing rapidly: In 1990, these two countries accounted for 3.4% of foreign R&D staff, which increased to 13.9% by 2004."<sup>20</sup> In short, with their large and growing populations of STEM graduate scientists, high-tech industries in these three countries and others in the OECD now compete much more effectively against the U.S. high technology industry.

The growing concern regarding the U.S. position as a leader in STEM research and technology is pertinent since the United States relies heavily on foreign students and scholars in these fields. Studies indicate that a loss of leadership in STEM R&D could hurt the U.S. economy, living standards, and national security. NSF reports that "twenty-five percent of all college education science and engineering occupations in 2003 were foreign born, as were [forty percent] of doctorate holders in science and engineering." According to the Task Force on the Future of American Innovation, *Measuring the Moment: Innovation, National Security and Economic Competitiveness* the proportion of American students in the United States obtaining degrees in STEM fields has fallen from 32% to 27%. Later, the report reveals that since 2000, there have been more international graduate students studying engineering and the physical, computer and mathematical sciences in U.S. graduate schools than U.S. citizens and permanent residents.<sup>21</sup>

A well executed implementation of SEVIS II will help the United States present a more welcoming public face and help maintain the overall positive reputation of the United States as a destination for foreign students and exchange visitors. SEVIS II improved statistical information will allow the government, the private sector, and the academic community to plan more effectively to meet these future challenges.

## 5. Stakeholder Community and the Impact of SEVIS II

Building SEVIS II requires more than satisfying technical requirements. It encompasses the successful execution of complex business rules that ensure data integrity, enforce regulations concerning eligibility for immigration benefits, helps ensure information is recorded in a timely manner, and ensures nonimmigrants are aware of their status.

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18 Institute for International Education, *Economic Impact of International Students 2008*. Available at <http://opendoors.iienetwork.org/page/150863/>.

19 Testimony of Catheryn Cotten, Senate Foreign Relations Committee. *Addressing the New Reality of Current Visa Policy on International Students and Researchers*. October 6, 2004.

20 Task Force on the Future of American Innovation, "Measuring the Moment: Innovation, National Security and Economic Competitiveness," November 2006.

21 *ibid.*

It is vital to collaborate with the SEVIS II stakeholders during design, development, deployment, and maintenance of SEVIS II. SEVIS II users will include millions of F, M, and J nonimmigrants, thousands of officials from schools and programs, and thousands of government officials. Given the large and diverse user community, outreach and training are critical to success.

Outreach was a critical component of the deployment of SEVIS I. In the Congressional hearings concerning the deployment of the system, Glenn A. Fine, of the Office of Inspector General at the U.S. Department of Justice made the following observation:

*“. . . we believe full implementation includes not only technical availability of the system, but also ensuring that sufficient resources are devoted to the foreign student program; ensuring that only bona fide schools are provided access to SEVIS; ensuring that schools are completely and accurately entering information on their foreign students into SEVIS in a timely manner; providing adequate training for DHS employees and school representatives; and establishing procedures for using SEVIS data to identify noncompliant and fraudulent operations as well as following up when SEVIS data indicates fraud in a school's program.”<sup>22</sup>*

SEVIS is a network of users who add, revise, and/or extract information. It encompasses the federal immigration regulations and impacts decisions and processes affecting foreign students, exchange visitors and their dependents.

SEVIS is not a standalone system. It is part of a network of information systems that send and receive information from multiple sources inside and outside of the government. In developing and maintaining SEVIS II, it is our responsibility to ensure that the system receives and processes information properly and that the information shared is accurate and timely.

If the system is inaccurate or undependable, people will not use it to make critical decisions. As was mentioned in Section 2, this was evident when the immigration inspector admitted Mohammed Atta without checking STSC. As he told the 9/11 Commission, STSC was “garbage.”<sup>23</sup> Stakeholders need to know and trust the system so that SEVIS II information can be incorporated in the processes used in dealing with students and exchange visitors. This requires SEVP to understand the needs of the stakeholders in designing SEVIS II and providing training and outreach that ensure stakeholders can use the system. This allows users to better understand their role and how it impacts the overall objectives of SEVIS II.

## **5.1. Agencies responsible for SEVIS II**

### **5.1.1. DHS, ICE**

The Student and Exchange Visitor Program (SEVP), a division of the ICE Office of Investigations, owns SEVIS. The Program is comprised of six branches: Policy, School Certification, Outreach, Mission Support, IT, and Liaison. SEVP is responsible for certifying academic and technical schools in the U.S. that seek to bring F or M nonimmigrants to study at their school. SEVP determines if the school meets the regulatory requirements for certification. The schools designate officials who are responsible for updating SEVIS II (and previously, SEVIS) with current school-related information and information on associated F and M students. SEVP also monitors certified schools to ensure compliance with reporting and recordkeeping requirements. SEVP has an intensive outreach program to ensure that school officials have the information and training to comply with all requirements. In addition, SEVP manages the fees collected from F/M/J nonimmigrants.

The Compliance Enforcement Unit (CEU), another unit within the Office of Investigations, has responsibility for investigations and enforcement of immigration laws. CEU relies on the information from SEVIS to identify potential status violators and organizations that may be committing immigration fraud or other violations of the Immigration and Nationality Act (INA).

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<sup>22</sup> Testimony of Glenn A. Fine before the House Judiciary Committee on the Implementation of SEVIS, April 2, 2003.

<sup>23</sup> The 9/11 Commission Report, Chapter 2, p 18.

SEVIS I data is often incomplete and does not accurately capture information on applications to adjust status, departures, and status end reasons. CEU analysts have to examine every SEVIS I termination in order to determine if there has been a violation. SEVIS II will capture more information on the reasons the period of status end and the post-status activities of the nonimmigrant. This refinement of data in SEVIS II will provide CEU with more useful data; freeing up valuable analytical and investigative resources.

#### 5.1.2. Department of State, Private Sector Exchange

The DoS has been a partner with DHS from the outset in the development and deployment of SEVIS and the current development of SEVIS II.

The Secretary of State delegated the authority to the Bureau of Educational and Cultural Affairs (ECA) to facilitate and direct educational and cultural exchange activities to develop and promote mutual understanding between the people of the United States and other countries. Governed by the provisions of the Mutual Educational and Cultural Exchange Act of 1961 (Act), as amended (Public Law 87-256, 22 U.S.C. 2451, et seq.), educational and cultural exchange is the cornerstone of the United States public diplomacy: an integral component of our nation's foreign policy.

The Exchange Visitor Program (Program) regulations (22 CFR Part 62) implement the Act. ECA's Private Sector Exchange is responsible for the administration and oversight of the Exchange Visitor Program. Part of those duties includes authorizing the public and private entities as designated sponsors for exchange visitor programs and monitoring those sponsors.

There are currently 15 different categories of exchange conducted under the Program. Nonimmigrants who participate in this Program as exchange visitors enter the United States in a J class of admission. Information on exchange visitors, their spouse and dependents, and designated sponsors is collected and maintained in SEVIS.

### 5.2. Users and Interface Partners

#### 5.2.1. Officials of Certified Schools and Designated Sponsors

All of the information in SEVIS II related to the Certificates of Eligibility and ongoing school or program sponsor related activities is entered into the system by the officials of certified schools and designated sponsors. There are over 9,600 certified schools and over 1,400 sponsors, with approximately 40,000 officials authorized to use SEVIS I.

This community is highly influential and politically powerful. It includes all major U.S. universities and major research institutions such as NIH and SCRIPPS Oceanic. It maintains ties to national advocacy associations, Congress, and the media. When government officials respond and listen carefully to the community, it is very supportive. In a GAO report on SEVIS I dated March 17, 2005, the auditors reported, "According to representatives of educational organizations, overall SEVIS performance at the time of our report had improved since the system began operating and its use was required, and the program's outreach and responsiveness were good."<sup>24</sup>

On September 11, 2009 NPR reported, "Jane Kalionzes, associate director of the International Student Center at San Diego State, says it has been a sea change. Eight years after the Sept. 11 attacks, she says colleges have become an extension of law enforcement. 'It's second nature to us now,' she says. 'We're part of keeping our nation safe.'<sup>25</sup>

"It's second nature to us now. . . We're part of keeping our nation safe."

Many school and sponsor officials are extremely dedicated, are often the immigration experts within their organization, and are highly engaged with the government officials who maintain oversight over nonimmigrant students and exchange visitors.

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<sup>24</sup> GAO, Update on SEVIS Performance, March 17, 2005, GAO-05-440T.

<sup>25</sup> NPR report



There are other portions of the community, particularly officials at institutions and organizations with limited number of foreign students or exchange visitors, who may be less engaged in the regulatory process. These officials tend to have limited interaction with SEVIS. We must work with *all* users to ensure that they understand and meet their obligations.

SEVP and DoS Private Sector Exchange have engaged in an aggressive outreach campaign, recognizing the community's importance. The successful deployment and use of SEVIS II is largely dependent on their support in design and development. As part of the preliminary efforts to engage the community, we have:

- Held four large scale user conferences.
- Established two local user groups, one of school officials and one of sponsor officials, that meet regularly with the SEVP and DoS Private Sector Exchanges.
- Established and are maintaining two large Yahoo Groups – one for batch users and one for schools that helps to keep the community informed, provides a forum for questions and answers, and solicits input from users.
- DoS Private Sector Exchange manages a list serve that serves the same purpose as the Yahoo Group for sponsors.
- SEVP and DoS participate in over 50 meetings and conferences annually with the academic and sponsor community.

#### 5.2.2. Nonimmigrant students, exchange visitors, spouses, and children

SEVIS II will empower nonimmigrants by providing them with access to their own records . . .

Nonimmigrant students, exchange visitors, and their dependents are ultimately responsible for their immigration status.

Nonimmigrants do not have direct access to SEVIS I. They are totally dependent on government, school and sponsor officials to provide immigration related information.

SEVIS II will empower nonimmigrants by providing them with access to their own records, including information on their status, benefits, and a historical record of their participation as an F, M or J nonimmigrant. Spouses and children will also be able to access their records. This will allow them to identify any errors or inaccuracies in their record, thereby *improving data integrity*. With this access also comes greater accountability for those who are ultimately responsible for their own immigration status.

#### 5.2.3. Department of State, Consular Affairs

The Department of State, through its embassies and consulates around the world, are the first representatives of the United States government encountered by most prospective students and exchange visitors. Everyone needing an F, M or J visa must appear in person at a U.S. consulate, making consular officers critical SEVIS II stakeholders. If SEVIS II impedes the process of issuing visas, we will damage the trust gained with school and sponsor officials and the long-term competitiveness for foreign students and scholars. We would repeat the serious issues seen from 2002 to 2004, as described in Section 2, where there were backlogs in issuing F, M, and J visas.

The consular officials at the Department of State rely on information from SEVIS to assist them in making a determination on an individual's application for an F, M, or J visa. Currently, this information is available via the Combined Consular Database (CCD). This is not a full picture of all data in SEVIS I, nor is it received in real time from SEVIS I. It does not contain historical information or provide context that consular officers often need to make an informed decision.

With SEVIS II, consular officials will see more data, pulled in real time, giving them a better picture of the student's or exchange visitor's situation.

Currently, many institutions are required to provide data on letterhead, a process vulnerable to fraud. SEVIS II will allow school and sponsor officials to provide comments directly in the system, thus ensuring that the information is coming directly from an authorized official.

#### 5.2.4. DHS, CBP

U.S. Customs and Border Protection (CBP) officials determine whether a nonimmigrant may be admitted to the United States and the class of admission. If the CBP officer receives inaccurate or ambiguous information, there is a potentially serious risk to national security. People may be inappropriately admitted or admitted in the wrong class of admission or be subject to unnecessary delays or denials of entry.

The F, M, and J regulations are complex. Interpreting them requires specialized training. Officers on the primary line<sup>26</sup> must make decisions in a matter of seconds. They deal with a diverse foreign population of whom students and exchange visitors make up a small percentage. It is unrealistic to expect that large numbers of officers can be experts in interpreting regulations for such a small portion of the immigrant population.

SEVIS I relies on the ability of CBP officers to use paper documents and to interpret them properly. Only agents at the land ports of entry and secondary inspection at airports have access to SEVIS I. At most ports of entry, CBP officers must rely on paper documents that may be fraudulent or outdated. When students or exchange visitors forget their documents, CBP officers may not have reliable information and admit them with a deferred inspection.

SEVIS II will interface with the Treasury Enforcement Communication System (TECS), used on the primary line, and CBP's Secured Integrated Government Mainframe Access (SIGMA), used in secondary inspections. To reduce the need for primary line inspectors to be experts in student and exchange visitor regulations, SEVIS II will have an admissibility indicator that displays in TECS. The admissibility indicator eliminates the need for paper forms and interpretation of information that can be ambiguous and eliminates opportunities for fraudulent use of paper forms.

#### 5.2.5. DHS, USCIS

USCIS adjudicates work benefits for F and M students, extension of stay and transfers for M students, and change of status determinations for all nonimmigrants. USCIS officials use SEVIS I information to assist in determining the eligibility for these benefits through the SEVIS I interfaces with the Computer-Linked Application Information Management System (CLAIMS), Verification Information System (VIS), and E-Verify.

SEVIS II will interface with CLAIMS and CLAIMS will send information on USCIS adjudicative decisions to SEVIS II. SEVIS II will use the information from CLAIMS to update a nonimmigrant record in SEVIS II.

USCIS is currently undergoing a transformation of its systems and business practices. Many of their systems are outmoded and inflexible. The vision for transformation includes a unique identifier for each person that associates to all their immigration-based activities. In order for either to be successful, the USCIS Transformation Project Office (TPO) and the SEVIS II customer account setup must be shared. The SEVIS II team has been working closely with TPO to ensure the two systems are compatible and the customer account portion can be merged at the appropriate time. Ensuring that these two projects are in alignment requires considerable effort on both sides.

The Verification Division within USCIS is responsible for managing the E-Verify program, which many employers use to verify the employment eligibility of new employees. This is extremely important for many exchange visitors as they are expected to begin employment upon entering the United States. In particular, thousands of short term visitors engage in summer work travel programs which only last two to three months. Delays and errors in verifying employment eligibility has severe consequences for them.

SEVIS II will capture more information to help in employment verification and will have a real-time direct interface with E-Verify. SEVIS II will calculate employment eligibility, the period of eligibility, and whether the person can work full time or part time. This capability should significantly reduce the verification errors for F, M, and J nonimmigrants and the number of those cases that require manual verification.

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<sup>26</sup> At airports of entry, the primary line provides initial screening for people entering the country. Officers have less than a minute to make a decision to allow entry or to send a person to secondary inspection where there is no time limit for further investigation and questioning.

#### 5.2.6. DHS, US VISIT

The US Visitor and Immigrant Status Indicator Technology (US VISIT) program is responsible for the databases that capture biometric data and entry/exit data. The SEVIS II team is working closely with US VISIT to ensure entry and exit data in SEVIS II is timely and accurate.

#### 5.2.7. Department of Justice, NJTTF and FBI

The Department of Justice relies on SEVIS information for intelligence and counterterrorism operations, criminal investigations, and prosecution of immigration related cases. This information is used to target not only nonimmigrants of interest but also organizations that may be exploiting the F, M, and J regulations.

SEVIS I is considered an important source of information in these investigations. SEVIS II should add value by providing a complete history for individuals and organizations with more context for the information. Better data will enable reporting of trends and patterns that could indicate illicit activity.

#### 5.2.8. DHS, TSA

The Transportation Security Administration is responsible for the Alien Flight Student Program (AFSP). This program conducts background checks on all non-U.S. citizens who wish to take flying lessons in the United States. AFSP utilizes data from SEVIS to assist in making determinations on its background checks.

### 5.3. Consulting government agencies

#### 5.3.1. Department of State, EducationUSA

EducationUSA is a global network of more than 400 advising centers supported by the Bureau of Educational and Cultural Affairs at the U.S. Department of State. EducationUSA centers actively promote U.S. higher education around the world by offering accurate, unbiased, comprehensive, objective and timely information about educational institutions in the United States, and guidance to qualified individuals on how best to access those opportunities.

EducationUSA advising centers do not have direct access to SEVIS. However, they do rely on information from SEVP to provide prospective international students with accurate information regarding the ability of institutions to enroll nonimmigrant students.

The SEVIS II team is building a closer relationship with EducationUSA as they will be able to provide frontline assistance to prospective students and exchange visitors who need to create SEVIS II accounts and learn to use them. The partnership between SEVP and EducationUSA will now include a combined monthly staff meeting, frequent webinars and participation in conferences. The goals are to ensure the EducationUSA staff thoroughly understands SEVIS II and to gain their input into creating training and outreach material that is sensitive to regional differences in student and exchange visitor populations.

#### 5.3.2. DHS, REAL ID

The DHS Office of State Issued Identification Support (REAL ID program office) works closely with the Departments of Motor Vehicles (DMVs) of states and territories to communicate federal policies, particularly those impacting eligibility of non-citizens for state issued documents.

Many students, exchange visitors, and their dependents experience difficulty in obtaining state driver's licenses. Currently, the paper Certificates of Eligibility and letters from school/sponsor officials are used by DMVs to verify a nonimmigrant's status and length of stay. The documents are not designed for this use and are sometimes difficult to interpret and many not meet some statutory requirements for this purpose.

SEVIS II will not produce paper Certificates of Eligibility. As few DMVs use the USCIS Systematic Alien Verification for Entitlements (SAVE) program to verify status, a paper document is needed. The SEVIS II team is working with the DHS Office of REAL ID and other stakeholders to design a document tailored for use by FMJ nonimmigrants at DMVs and other domestic entities.

### 5.3.3. Department of Education

Close coordination between SEVP and the Department of Education (ED) is essential to the success of SEVIS II, as SEVIS II must maintain current lists of recognized accrediting bodies and current Classification of Instructional Program (CIP) codes. The SEVP school certification branch relies on accurate accrediting information. Schools accredited by these recognized accrediting bodies present a lower risk to DHS because they receive a thorough review during the accreditation process.

The use of CIP codes allows DHS to identify students participating in STEM programs and programs that are considered sensitive. While SEVIS I uses CIP codes for Certificates of Eligibility, SEVIS II will also use them to determine programs of study that schools may offer nonimmigrant students.

### 5.3.4. Social Security Administration

Students, exchange visitors, and their spouses with permission to work must obtain a Social Security number. The Social Security Administration (SSA) interfaces with SAVE to determine an individual's employment eligibility and SAVE interfaces with SEVIS. Currently, SAVE evaluates the data from SEVIS to make a determination on a nonimmigrant's employment eligibility. In many cases, the data provided to SAVE is delayed or open to interpretation. When a request for a Social Security number is denied, there are several databases that could contain the information that triggered the denial. This can cause significant delays for students, exchange visitors, and their spouses who need Social Security numbers in order to engage in authorized employment.

The SEVIS II interface with SAVE will provide explicit eligibility information, eliminating the need for interpretation. It will also eliminate the reliance on other databases for determining eligibility for a Social Security number. This should reduce delays and make it easier to correct data errors.

## 5.4. Other interested parties

### 5.4.1. Embassies of other countries

SEVIS II will require that all students, exchange visitors, and dependents create a customer account. SEVP is reaching out to foreign embassies to brief them on the changes that impact their citizens.

Additionally, Mexico and Canada rely on paper Certificates of Eligibility to determine if they will issue a visitor's visa to an F, M, or J nonimmigrant. The consular officials of Canada and Mexico want to ensure visitors to their country are eligible to return to the United States. SEVP is working closely with our partners to ensure they will have the information needed to make these determinations.

### 5.4.2. Advocacy Organizations

There are numerous national and international advocacy organizations for academic institutions with nonimmigrant students and sponsoring organizations with exchange visitors. These organizations are knowledgeable, active and vocal. They can be valuable resources to promote SEVIS II or become formidable adversaries. The primary key to gaining support is to keep the organizations and their members engaged and informed.

**6. Success Criteria**

The previous sections have provided background on the driving forces behind the implementation of SEVIS II and identified the principles that guide SEVP through the development of the system. This section identifies the primary success criteria for SEVIS II that SEVP believes are essential to success.

<b>Success Criteria</b>	
<b>Criterion</b>	<b>Reason it is needed to succeed</b>
1. SEVIS I can be taken offline and retired thirty days after full implementation of SEVIS II	Reduces the cost and ensures there is only one system of record
2. Each nonimmigrant, the school and sponsor officials, and other members of the public who use SEVIS II will have to create and maintain a customer account or, in the case of children under 14 and those who cannot access the system, have an account created and maintained for them by another user.	Allows tracking a nonimmigrant through multiple periods of status and creates a persistent history of major changes and events allowing government, school, and sponsor users to make more informed decisions  Provides a history of actions taken by school and sponsor officials that may be used to detect patterns of misuse or fraud  Part of DHS initiative to move to a customer account and one-person, one-record  Benefits individuals
3. Enable nonimmigrants to be fully informed and involved in maintaining status	Ensure transparent, open records.  Nonimmigrants are legally responsible for their own F/M/J status.
4. Unimpeded participation and flow of F, M, and J students and exchange visitors due to issues with SEVIS II including lack of access, or inaccurate, untimely or misinterpreted data	Benefits national security and competitiveness and builds system credibility with stakeholders.
5. CBP, DoS and USCIS officials will have current SEVIS II data to make determinations impacting status and entry into the United States, minimizing opportunities to use fraudulent Certificates of Eligibility	Minimize fraudulent use of paper forms to gain F/M/J status and entry into the United States  Prevent the reentry of persons as an F, M, or J where period of status has ended based on the use of admissibility indicators provided by SEVIS II  The current system allows individuals to use paper forms that appear valid but do not reflect current SEVIS data

Success Criteria		
Criterion		Reason it is needed to succeed
6.	Nonimmigrants are able to receive Certificates of Eligibility from multiple schools/sponsors	Do not discourage prospective students/exchange visitors Does not adversely impact competitiveness of schools and sponsors by limiting potential applicants
7.	Eliminate the use of Forms I-515 in the deferred entry process	The current paper based system and I-515 process creates vulnerability SEVIS II must reduce the complexity of decisions made at ports of entry
8.	Enable enforcement of immigration law as it applies to F/M/J's.	It is critical that nonimmigrant status is accurately maintained and that the school and sponsor officials comply with applicable regulations Proper benefit eligibility determinations
9.	Ensure data integrity and maintain the evidentiary value of the data	Ensure data accuracy and congruence Maintain the evidentiary value of the data for enforcement and legal proceedings
10.	Provide accurate information, close to real time	Acquire data faster to provide more accurate information that is close to real time and complies with regulatory reporting requirements
11.	Ensure that all data entered into and processed by the system is available to authorized users for viewing and extraction	Enable authorized users to extract information, identify trends, and analyze data Provide ability to accurately depict information on individuals and organizations Enable schools/sponsors to compare data from SEVIS to that in their systems
12.	Enable authorized users to find and take action on data within the system	Ability to conduct quick searches that do not require memorization of numbers or multiple data points Ability to conduct a complex Boolean search to identify an individual Ability to identify groups of individuals and take action on the records



<b>Success Criteria</b>	
<b>Criterion</b>	<b>Reason it is needed to succeed</b>
13. Provide fewer but more productive leads to CEU	<p>Improve efficiency by reducing nonproductive leads</p> <p>Provide more descriptive reasons for F/M/J status to end</p> <p>Reduce the number of records flagged where the nonimmigrant took proper steps to remain in status or depart the United States</p>
14. Minimize the burden on school and sponsor officials	<p>Mandated by legislation</p> <p>Minimizing the burden can enhance cooperation and lead to better information</p>
15. Facilitate system functionality to evolve and grow	<p>Expect changing regulatory requirements, new mandates, evolving system interfaces, maintenance of software components</p> <p>More flexible response to exigent circumstances</p> <p>Expect to make multiple releases per year to add additional functionality, fix bugs, with perform standard maintenance as needed</p>
16. Enable agile responses to exigent circumstances	<p>Flexible response to exigent circumstances is necessary for events such as disaster impacted schools, national security incidents, and economic issues that impact groups of nonimmigrants</p>
17. Establish data relationships and structure to support reliable data retrieval	<p>Data structure in SEVS I makes it difficult to provide accurate answers to simple questions such as how many students are engaged in STEM OPT</p> <p>More accurate and timely FOIA responses</p> <p>Provide reliable data for regulatory flexibility analysis</p> <p>Allow for accurate estimate of reporting burdens</p> <p>Allow for more informed decision making for changes in regulation, processes, and system changes</p> <p>Enable trend analysis</p>
18. Control who can extract data, track who extracted it, the data extracted, and when	<p>Control access to PII and sensitive data</p> <p>Protection of sensitive information while allowing necessary access to authorized users</p>

<b>Success Criteria</b>	
<b>Criterion</b>	<b>Reason it is needed to succeed</b>
19. Ensure fee collection and enable analysis	Ensure fee is being collected from those who owe it Enable analysis for fee setting
20. Ensure the system interface is accessible, promotes ease of use, and provides contextual support	Section 508 compliance Acceptance by the user community Decrease reliance on the help desk Improve data integrity because users find system easy to use
21. Meets all DHS and ICE security requirements	Ensure system availability and integrity of data To obtain an Authority to Operate