



April 4, 2001

Mr. Kevin D. Rooney
Acting Commissioner
Immigration and Naturalization Service
421 Eye Street, NW
Washington, DC 20536

Re: Implementation of the Student and Exchange Visa Program/Coordinated
Interagency Partnership Regulating International Students (SEVP/CIPRIS)

Dear Mr. Rooney:

On behalf of the undersigned associations, I write to outline our concerns over the SEVP/CIPRIS initiative. On Thursday, March 22, Mr. Thomas Cook, Acting Assistant Commissioner for Adjudications, and members of his staff met with us to describe the INS plans to implement SEVP/CIPRIS. While we were deeply grateful for Mr. Cook's participation in our meeting, his comments only highlighted the sense of foreboding that we have with respect to the fee collection plans that you intend to implement this summer. In short, the SEVP/CIPRIS fee collection regulations are a looming disaster and I write to urge you to postpone implementation of this system until there is some assurance that it will not result in an insurmountable technological and financial barrier to participation in U.S. higher education by foreign students.

As we understand the proposal, there will be two ways for foreign students to pay the fee required for a visa. The first is to pay over the Internet using a credit or debit card. Applicants who lack access to the Internet or a credit card may pay in U.S. currency by check or money order, using regular mail delivery and allowing several weeks to obtain confirmation. We further understand that INS intends to publish the final rule on the SEVP/CIPRIS fee collection system in late spring and to begin collecting the fee just 30 days later. Major flaws in your plans are as follows:

- Excessive Reliance on Technology. Your proposed system may work satisfactorily for foreign students from Western Europe, but it will not work elsewhere. By creating a system appropriate only for technologically advanced societies, you are effectively blocking access to U.S. higher education for students from less developed countries. Many F/J/M applicants do not have access to the Internet and even those who have access often do not have credit cards.
- Lack of Alternatives. The only alternative to electronic payment is not viable. Applicants without credit cards will have to pay by mail with a money order or

personal check drawn on a U.S. bank, or with a money order in U.S. currency purchased from a foreign bank. This scheme will pose needless bureaucratic hurdles, delays, and expense for many applicants and will make payment impossible for others. Also, by INS's own estimate, it will take "several weeks" or longer for a student paying by mail to receive the I-797 payment receipt from the Bank One lockbox. This delay will inevitably result in some F/J/M applicants missing their programs' start dates. During the summer visa crunch, the backlog is likely to pose crippling problems and costs for applicants, program managers, consulates, and campuses.

- Higher Fees for Less Developed Countries. INS plans to send payment receipts by express mail for an additional fee of \$30. Since express mail will be the only possible delivery mechanism in countries without effective, nationwide mail delivery systems, this raises the fee from \$95 to \$125 for students from the poorest nations. In some countries, express mail is not even a workable option. The fact that the system does not contemplate a return of even a portion of fees for rejected applicants further means the system as proposed penalizes some students and countries more than others.
- Flawed Assumptions. In response to questions posed at the briefing, we were alarmed to hear one team member suggest that relatives or other contacts might be found in the United States who would provide applicants with the necessary bank access. Another team member suggested that applicants who do not obtain their I-797 payment receipts on time will not be turned away by consular officers. These answers only underscore the flawed operational assumptions behind the SEVP/CIPRIS fee collection system.
- Unacceptable Timetable. The timetable proposed for implementation – approximately 30 days after publication of the regulation – will bring the program to a crashing halt. The timetable is inadequate for informing colleges, potential students, embassies, consulates, and other interested parties of the myriad rules and options that exist.

We understand that many of these problems were raised in a February 6, 2001 State Department cable from the U.S. Embassy in China. However, nothing in the INS briefing last Thursday gives us assurance that problems identified by the State Department and the international education and exchange communities have been addressed.

In 1999-2000, international students brought \$12.3 billion into the U.S. economy, making it one of our strongest service-sector export industries. Now, the INS is about to erect a non-tariff barrier that will undermine the ability of students to study in the United States. The system will not only put dollars at risk, it will also threaten the good will fostered among international students who in the past have taken home fond impressions of our country. We urge you in the strongest terms to reconsider the proposed fee-payment system. If the rule is published in the form now contemplated, there will be widespread expressions of protest from the higher education community.

Other nations have taken every possible step to improve their competitive position by easing barriers for prospective foreign students. The proposed fee

regulations will do more to assist foreign competitors in enticing these students away from the United States than any single previous measure.

We urge that you delay publication and implementation of regulations for the fee payment until you have further consulted with the international exchange and higher education associations on what might be a workable system. We cannot support regulations that will do obvious harm to our programs, bilking and raising false hopes among prospective foreign students. To the contrary, we will vigorously and publicly oppose an obvious and inevitable train wreck.

Thank you for your attention to this urgent matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry W. Hartle". The signature is fluid and cursive, with a large, stylized initial "T" and "H".

Terry W. Hartle
Senior Vice President

On behalf of:

Accrediting Association of Bible Colleges
Alliance for International Educational and Cultural Exchange
American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of Intensive English Programs
American Association of Presidents of Independent Colleges and Universities
American Association of State Colleges and Universities
American Council on Education
American Council on International Intercultural Education
American Councils for International Education: ACTR/ACCELS
American Institute For Foreign Study Foundation
American Institute For Foreign Study, Inc.
Association Liaison Office for University Cooperation in Development
Association of American Universities
Association of Catholic Colleges and Universities
Association of Chiropractic Colleges
Association of Community College Trustees
Association of International Education Administrators
Association of Jesuit Colleges and Universities
Association of Presbyterian Colleges and Universities
Association of Southern Baptist Colleges and Schools
California Community Colleges
Coalition of Higher Education Assistance Organizations

Committee on Institutional Cooperation
Council for Advancement and Support of Education
Council for Christian Colleges & Universities
Council for Higher Education of the United Church of Christ
Council of Graduate Schools
Council on International Educational Exchanges
NAFSA: Association of International Educators
National Association for College Admission Counseling
National Association of College and University Business Officers
National Association of Graduate-Professional Students
National Association of Independent Colleges and Universities
National Association of State Universities and Land-Grant Colleges
National Association of Student Financial Aid Administrators
National Association of Student Personnel Administrators
North American Division of Seventh-day Adventists
Princeton University
Teachers of English to Speakers of Other Languages, Inc.
Texas A&M University
University and College Intensive English Programs
University Continuing Education Association