



Voices of Hope, Voices of Frustration

Deciphering U.S. Admission and
Visa Policies for International Students

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Note: The views expressed in this report do not necessarily reflect the views of any of the individuals or organizations, governmental or private, with which the individual participants in the discussion group are affiliated.

Institute for the Study of Diplomacy
Edmund A. Walsh School of Foreign Service
Georgetown University, Washington, D.C. 20057-1025
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Foreword

The first direct contact with the United States government that many people from around the world have is at an American consulate when they apply for a visa. The quality of this experience has a direct impact on our nation's international standing and competitive position, affecting U.S. business, academia and our global image. The September 11, 2006 terrorist attacks on the United States changed many aspects of the U.S. approach to foreign affairs, including U.S. admission—in particular visa—policies.

At the Institute for the Study of Diplomacy we pay particular attention to the foreign policy process: how decisions are made and implemented, and we recognize that admission policies are an important part of this process. In 2005, the Institute decided to look closely at U.S. admission policies and practices; in particular at changes that have occurred since September 11. We were fortunate that Janine Keil, then a graduate student in Georgetown's Masters' of Science in Foreign Service (MSFS) program, was willing to undertake this ambitious project. She spent the summer of 2005 working as a State Department intern at the U.S. Embassy in Mexico City, a major visa operation. During the 2005–06 academic year, she examined the wide-ranging literature on this subject, interviewed key players in government, academic, think tank and business communities, and conducted focus groups with Georgetown students.

As the study progressed, we decided that Ms. Keil and the Institute were well positioned to make a contribution to an under-

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standing of the impact of post-September 11 admission policies on our nation's colleges and universities. Ms. Keil's resulting monograph seeks to explain the realities of, and unravel misperceptions about, U.S. admission policies for international students seeking higher education in the United States.

We were very fortunate to have the opportunity to subject the paper to review by a distinguished round-table of government, academic, and think-tank experts. We would like to thank Kathy Bellows, Executive Director, Office of International Programs, Georgetown University; Stephen Edson, Deputy Assistant Secretary of State for Visa Services; Victor Johnson, Associate Executive Director, NAFSA: Association of International Educators; B. Lindsay Lowell, Director of Policy Studies, Institute for the Study of International Migration, Georgetown University; and Susan Martin, Director, Institute for the Study of International Migration, for their participation in this round-table and for their thoughtful comments. They are of course not responsible for the judgments, conclusions, and recommendations expressed in this paper.

The United States faces a continuing challenge as it develops and implements admission policies that protect its security interests and attract the best and brightest students from around the world to study at U.S. colleges and universities. We believe that Ms. Keil's work will help international students, university administrators, and U.S. policy makers better understand both the current system and what could be done to make it better.

James P. SeEVERS
Director of Research
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I

Introduction

Can international students successfully obtain visas and pass through security checks in order to study in the United States? For most international students interested in studying in the United States, the answer is yes. In the 2005 fiscal year, nearly 256,000 student visas were issued, which marked a significant improvement from the approximately 236,000 issued in 2003 and the approximately 238,000 issued in 2004.¹ While visa issuance for international students has not rebounded to pre-September 11 levels—approximately 320,000 student visas were issued in fiscal year 2001—it would be erroneous to assume that changes implemented to U.S. admission policies post-9/11 are the sole cause for this drop in international student enrollment in U.S. institutions of higher education. First of all, a comprehensive study of the impact of 9/11 on the U.S. visa system conducted by the Washington, DC-based Migration Policy Institute revealed that changes made to the visa system following the September 11, 2001, terrorist attacks were mostly administrative.² While these “administrative” changes may have caused visa interview and adjudication backlogs that hindered visa processing, changes to the system were not designed to make it harder for international students to obtain visas. Also, the State Department contends that the worldwide number of visa applications dropped after September 11 and that “the overall visa refusal rate has remained virtually constant since prior to September 11.”³ Most importantly, there are other factors to consider when evaluating why international student enrollment has declined, such as the grow-

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ing competition from other countries' universities in terms of tuition costs, student recruitment activities, and academic programs.

This is not to say that U.S. admission policies, and the U.S. visa system in particular, have nothing to do with the post-9/11 decline in international student enrollment. According to the New York City-based Institute of International Education's (IIE) fall 2005 Online Survey on International Student Enrollments, visa application processes were most commonly cited by U.S. campuses as the primary factor affecting international student enrollment.⁴ The U.S. academic community has been particularly concerned about the impact of visa delays and cumbersome processes on both the ability and the desire of international students to study in the United States.⁵ Complaints about a lack of transparency and coherency in the U.S. visa system are not new, but the visa system has attracted especially high levels of attention and criticism since September 11.

I spent the 2005–2006 academic year examining the impact of the September 11 terrorist attacks on U.S. admission policies and practices in an effort to understand precisely how the U.S. visa system has evolved and how different stakeholders have been affected by these changes. To start, I sifted through the current literature on the topic, written from a variety of perspectives.⁶ I then conducted one-on-one interviews with key players from the U.S. government, including Ambassador Maura Harty, assistant secretary of state for consular affairs; academic community leaders including Allan Goodman, president of the Institute of International Education, and Kathy Bellows, executive director of the Office of International Programs at Georgetown University; and business community leaders including Ambassador Thomas Pickering, senior vice president of The Boeing Company (retired July 2006), and Bill Reinsch, president of the National Foreign

Trade Council. In addition, I hosted a series of focus groups with international students from Georgetown University, seeking to understand the common perceptions and misperceptions this group holds about U.S. admission policies.⁷

Several main points emerged from the wide variety of opinions I encountered in interviews and focus groups. First, concerns about the visa system and more general admission policies are often conflated, which leads to misunderstanding and misperception about the U.S. visa system. Second, the changes made to the visa system in the wake of 9/11 were reactionary and gave insufficient thought to potential negative consequences. So, while not the sole cause for a decline in international student enrollment, visa complications represent a contributing factor. Third, the visa system is improving, and some of the security-inspired changes to the system (such as fingerprinting and automated processing) are facilitating easier travel to the United States, but a negative perception of the United States as unwelcoming lingers. Fourth, greater strides must be made to show the U.S.' commitment to open doors; the visa system must be improved to better facilitate legitimate travel and study; and visa policies must be better articulated. The goal of this paper is to add texture to the current debate about the U.S. visa system by calling on the perspectives of the academic community, policy experts, and international students in analyzing the extent to which changes to the visa system have affected international students. I will first highlight the experiences of two international students studying in a post-9/11 United States. Next, I will trace the evolution of the visa system from pre- to post-9/11 so as to extinguish misperceptions and identify areas of concern. Last, I will posit several steps the U.S. government and other concerned stakeholders should take to make the U.S. visa system as coherent, transparent, and well understood as possible.⁸

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In Their Words: International Student Experiences

“After my first year of study at Georgetown, I went home to Algeria for the summer. It was my first time back to Algeria post-9/11. It was summer 2002. I applied for my visa renewal in August. I even had the Director of my graduate program write a letter explaining that I was in good academic standing . . . to submit with my visa application just in case there were any complications. I was told by the embassy that there was good news and bad news. Good news: I would mostly likely get a visa. Bad news: they couldn’t tell me when. I explained that I had classes, internships, and work, and asked them to please ballpark when I might get my visa. They told me, ‘The law doesn’t allow us to say.’ After several weeks, there was still no news. I had an apartment in D.C., and I had to keep paying rent. Classes had already started. Eventually I had some friends in D.C. sell some of the stuff in my apartment and put some in storage. I thought I might never come back to the U.S. I thought it must just be impossible for students to get a visa who, like me, fit the profile: young Muslim male. Then in November I received a call from the embassy telling me that my visa was ready to be picked up. Just like that, with no explanation. I came back to D.C. in January since I had missed the whole fall semester.”

— Former graduate student in
Georgetown’s School of Foreign Service

“Since 9/11, the visa process seems more efficient, because now you have a specific interview time. Still though, going to the embassy is stressful. Your stomach falls into your feet. After you get the visa, you feel like you have to go have a beer and celebrate. . . . The biggest problem though is the attitude of immigration officials at airports. You’re guilty until proven innocent. The officials are often intimidating and unpleasant, and you never know what information they are going to ask you for. You always worry they will ask you for something you don’t have or can’t explain. You have to have your current and all of your past I-20 forms [a visa form that certifies that a student has the academic and financial ability to study at a university] with you when you travel. Every time there is any small change to your record in SEVIS [the Student Exchange Visa Information System], they print you a new I-20. Soon you have a stack of papers to carry with you. They can also ask for financial information, so I have to travel with all of my loan documents . . . it becomes very cumbersome. And I feel like being white and from Europe I still must have an easier time at airports than other people. . . . When I start my Optional Practical Training after graduation, I won’t be able to go home for a year, because I’m scared my visa won’t be renewed. So I can’t see my family. Next time I see my nieces, they will be over a year old. It’s sad. And it’s just about fear. What do you do if you’re not let back in? You know the rules but still don’t feel secure. If embassy or immigration officials say the sky is blue, then it’s blue . . . even if it’s really grey.”

— Current graduate student in
Georgetown’s School of Foreign Service

These stories highlight several important points about U.S. admission policies and international students. First, concerns about admission to the United States are about so much more than just visa adjudication. Students may meet with visa complications at

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ports of entry, as they apply for internships, or when they consider visiting family. Improvements to U.S. admission policies must take into consideration not only students' entry into the United States but also their entire stay in the country. In order to "fix" the visa system,⁹ students and scholars must first understand precisely how that system works and then determine how this one piece of the declining international student enrollment puzzle should be addressed.

Second, international students feel the effects of U.S. visa regulations on a variety of levels. Some effects are very clear and quantifiable, such as having to miss an academic term due to visa complications. While such extreme complications may occur only for a minority of students, it should be unacceptable for this to happen to any. Other effects occur on a psychological and emotional level. The lack of transparency in the system creates anxiety and frustration among students. Separate from the visa issue but part of the broader concern about general U.S. admission policies, common complaints arise about rude treatment at ports of entry that leave many students feeling indignant and humiliated. Although difficult to quantify, these effects have a lasting impression on international students and create a long-term challenge for the U.S.' public image.

Third, there is a clear impression among international students that the U.S. visa system discriminates against people from particular backgrounds. Perhaps this is a misperception, but it is widely accepted as the truth. For such misperceptions to be addressed, policies must be better articulated.

The first step on the road to understanding the reality of the U.S. visa system and its role in facilitating or hampering international student enrollment is tracing its evolution from pre- to post-9/11.

3

Visas and International Students Prior to 9/11

The State Department

The Immigration and Nationality Act of 1952 placed the State Department in charge of visa process functions while granting both the State Department and the Immigration and Naturalization Service the authority to issue regulations governing visa issuance and processing. The State Department saw its primary consular mission as facilitating legitimate travel while denying visas to “dual intent” applicants (for example, those who seek a temporary visa with the intent to immigrate).

The Visa Adjudication Process

The nonimmigrant visa process followed several steps, including the submission of an application (either in person or by mail), the entry of the application data into the Consular Consolidated Database, the consular officer’s review of the application, the need for a passport and other documents, the requirement for a personal interview, a Consular Lookout and Automated Support System (CLASS) name check, and the requirement to undergo a security review for select applicants before visa issuance.

- **Interviews** With a major increase in the number of U.S. visa applications worldwide straining consular resources,

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the State Department sought to streamline processes and reduce the amount of time spent reviewing individual visa applications.¹⁰ Therefore, in the late 1990s, consular managers and staff were given the discretion to waive interviews for certain nonimmigrant visa applicants and to decide the length of visa validity.

- **CLASS** The Consular Lookout and Automated Support System, a name-based watch list, was the main system used to determine if visa applicants posed security risks or were suspected terrorists. According to the GAO, “The majority of the estimated 6.1 million visa lookout records in CLASS came from the State Department’s database of visa refusals.”¹¹ Consular officers performed a mandatory CLASS name check for each visa applicant, and those who were flagged on the system for potential inadmissibility underwent further security reviews.

Culture of Approving Visas

According to a 2002 GAO report, pressures to issue visas existed before September 11. This report states that “the State Department’s policy of requiring consular managers to review all visa denials, but not visa issuances, encouraged officers to approve visas to avoid possible supervisory criticism and reversal of their initial decisions.”¹²

International Students

Student visas represented 4.2 percent of all 7.6 million visas issued in fiscal year 2001.¹³ According to the IIE, there were

547,867 international students studying in the United States in the 2000–2001 academic year. This marked a 6.4 percent increase from the previous year and represented the largest percentage increase since 1980.¹⁴ The 2001–2002 academic year saw another 6.4 percent increase in international student enrollment, bringing the total number of international students studying in the United States to a record high of 582,996 students.¹⁵ The tuition and living expenses paid by international students reveal that international education contributed over \$11 billion to the U.S. economy in 2001. The top five places of origin for international students in 2001 were China, India, Japan, Korea, and Taiwan.

4 Visas and International Students in the Wake of 9/11¹⁶

In the wake of 9/11, there was a scramble to bolster national security and more carefully screen those who enter or seek entry into the United States. Because a total of twenty-three visas were issued from April 1997 through June 2001 to the nineteen hijackers who perpetrated the September 11 attacks, the State Department's Consular Affairs Office was the target of much criticism.¹⁷ Change was expected. The changes made to the visa system following the 9/11 terrorist attacks were mostly administrative. These included the introduction of biometric identifiers, new security checks, and interview requirements. However, the Migration Policy Institute concluded that "the basic legislative framework that determines who is admissible to the United States, and, by extension, the legal structure of the visa process itself, has not changed in significant ways."¹⁸ The most significant changes to visa policies and processes are explained below.

Creation of the Department of Homeland Security

The Homeland Security Act of 2002 established the Department of Homeland Security. This act also outlined DHS involvement in the U.S. visa system, effectively dividing responsibility for the implementation of visa policies between the State Department and DHS. DHS was granted the authority to issue regulations to the laws that govern visa issuance by consular officers, while State

retained responsibility for managing the visa process.¹⁹ Additionally, DHS employees are assigned to embassies and consulates to provide expert advice to consular officers on security threats and training on terrorist and fraud detection.

The Visa Adjudication Process

- **Interviews** In July 2002, the State Department began requiring interviews for all applicants older than sixteen years of age and from a country designated as a state sponsor of terrorism, including Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria. The Intelligence Reform and Terrorist Prevention Act of 2004 extended the visa interview requirement to all applicants between the ages of fourteen and seventy-nine.
- **Security Advisory Opinions** Two new security checks were added to the visa process soon after the September 11 attacks. One was a twenty-day name check that went into effect in November 2001 and applied to all male visa applicants of certain nationalities between the ages of sixteen and forty-five. A twenty-day hold was placed on these applications while the Federal Bureau of Investigation (FBI) conducted name checks. If no negative response emerged from Washington, after twenty days the consular officer would be permitted to issue a visa to the applicant.

The Visas Condor security check was initiated in January 2002. This applied to all applicants who required the twenty-day name check and who met certain additional classified criteria. This began as a thirty-day name check with a process similar to that of the twenty-day name

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check. However, the name checks were not consistently investigated in Washington, and backlogs reached into the thousands by April 2002. In July 2002, the thirty-day waiting period was eliminated after the FBI streamlined its procedures for providing Visas Condor responses to the State Department. Instead, consular officers would have to wait for an affirmative response from the State Department (after the State Department received an affirmative from the FBI and the Central Intelligence Agency (CIA) before issuing a visa to a Visas Condor candidate. The process was long and cumbersome and often led to waiting periods longer than thirty days. According to the State Department, less than 3 percent of all visa applicants are subjected to these security checks.

- **More Automated Processes** By August 2002, the State Department had received nearly 6.4 million additional criminal records from the FBI that it added to the CLASS database.²⁰ In addition to expanded data and a heavier reliance on CLASS name checks, several other automated systems became routinely used in admissions procedures, including the Student and Exchange Visitor Information System. SEVIS is a Web-based system for managing information on international students and exchange visitors and their dependents in the United States. This system requires schools to keep attendance records for foreign students so that students not attending classes can be identified, investigated, and potentially deported. However, some in the academic community fear that the rigidity of a system focused on security and law enforcement may transform minor problems into major ones for international students. The inadvertent loss of status due to minor

technical violations could disrupt international students' studies and create barriers to international education.

Focus on Security: Culture of Denying Visas

In a post-9/11 world, no Consular Affairs officer wanted to be guilty of issuing a visa to the next terrorist planning to harm the United States. Additionally, the State Department started requiring supervisory spot-checks of visa issuances soon after 9/11. There was a cultural shift in favor of denying visas. However, this attitude change does not appear to have had a direct impact on overall visa denial rates. According to the State Department, "Although there have been changes to the way in which visas are processed, the overall visa refusal rate has remained virtually constant since prior to September 11."²¹

International Students

In 2002–2003, the number of international students in the United States grew by only 0.6 percent, which marked a major departure from the 6.4 percent growth sustained over the two previous years and represented the smallest annual increase since the mid-1990s.²² Also, 2002–2003 saw a 2.1 percent decline in international student enrollment in community colleges. This drop came after six years of strong growth in community college enrollment. Similarly, there was a 2 percent decrease in the number of international scholars teaching or conducting research at U.S. higher education institutions during the same period. The top five places of origin for international students in 2003 were the same as in 2001—China, India, Japan, Korea, and Taiwan—with India taking China's place as the leading country of origin. The 2002–2003 academic year marked the first time in which there was a decline in Chinese scholars coming to the United States since 1995–1996.

5

Visas and International Students Today, Nearly Five Years After 9/11

The State Department and DHS now boast significant improvements to the visa system including the following:

- **A More Predictable Process** Certain efforts have been targeted at improving access to information about the visa process for potential applicants. Consular Affairs Web sites now post average wait times for visa appointments as well as wait times for visa processing. The U.S. State Department recently launched the online Business Visa Center that explains application procedures and provides answers to frequently asked questions. The benefit is that the more applicants know what to expect before applying for a visa, the easier the process will be once they do apply. However, the process of security checks remains opaque. Once the names of visa applicants are sent back to Washington for a Security Advisory Opinion, no information is shared with visa applicants or other interested parties (such as U.S. university officials) about where the application stands in the process or why there may be complications.
- **More Consular Affairs Officers** In an attempt to better meet the demand for U.S. visas, more than 350 new consular Foreign Service positions have been added since 2002. Additionally, the Intelligence Reform and Terrorist

Prevention Act of 2004 gave the State Department the authority to hire an additional 150 consular officers over the next four fiscal years (2006–2009). As the Consular Affairs force expands in numbers, wait times for visa appointments will continue to become shorter. Wait times for student visa appointments have already become far shorter than for other travelers (often only a one-day wait time) as Consular Affairs prioritized student visas, moving students to the front of the line, and expedited the process.

- **Fewer Processing Delays** Despite popular belief, only approximately 2 percent to 3 percent of all visa applicants are referred for interagency clearances, and these clearances are often the root of the most notorious visa processing delays. Particularly notorious are the Visas Mantis and Visas Condor clearance policies that protect against illegal technology transfer (Visas Mantis) and terrorist threats (Visa Condor) and commonly resulted in significant visa processing delays in the wake of September 11. Now, the majority of these clearances, including those granted under the Visas Mantis and Visas Condor programs, are completed in less than a month. This marks a significant improvement from two years ago. Also, approximately 97 percent of people who apply are processed within one or two days.²³

An Improving Picture for International Students

The State Department has addressed some of the short-term concerns of the academic community. When the academic community voiced the concern that visa backlogs were causing internation-

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al students to miss the beginning of the academic term, the State Department responded by prioritizing student visa interviews. When the academic community raised the issue of student difficulties in proving ties to their home country (related to section 214b of the 1952 Immigration and Nationality Act), the State Department sent a cable to all Consular Affairs officers reminding them of the importance of granting student visas. Even with these steps in the right direction, most members of the academic community agree that the government must take much bigger strides toward clearly articulating a “secure borders, open doors” policy that welcomes international students. Because international students are vital to both U.S. competitiveness and U.S. cooperation with other nations, facilitating easy entry for international students while combating negative perceptions of the United States as unwelcoming should be an immediate priority for the State Department and the Department of Homeland Security.

Also, a discouraging trend of declining international student enrollment is beginning to show signs of hope. The 2003–2004 academic year witnessed a 2.4 percent decrease in the total number of international students enrolled in U.S. institutions of higher education, with the total dropping from 586,323 to 572,509 students. This drop marked “the first absolute decline in foreign enrollments since 1971–72.”²⁴ However, according to the Institute of International Education, there is a slowing decline in international student enrollment.²⁵ The 2004–2005 academic year saw a 1.3 percent decline from the previous year, with the total number of international students standing at 565,039 students. So, while the 2.4 percent decrease in the total number of international student enrollments in 2003–2004 after decades of growth warned of a crisis, the slowing decline shows signs of a rebound in international student enrollments. In other words, while the United States cannot boast the same growth in overall

international student enrollment experienced in the two years before September 11, it should not panic about the decline either. Moreover, the number of visas issued to international students increased in both 2004 and 2005.

Concerns for the Medium and Long Term

According to NAFSA, the Association of International Educators,²⁶ “Our current visa system maximizes neither our safety nor our long-term national interests in scientific exchange and educating successive generations of world leaders—interests that the United States has recognized for more than half a century.”²⁷ NAFSA, among other stakeholders, voices concerns about unacceptably long and unpredictable visa delays for those applicants who undergo additional security checks through the “Mantis” and “Condor” clearance processes. Visas Mantis reviews target applicants with a background in advanced science and technology, thus disadvantaging a specific pool of foreign talent upon which the knowledge-based U.S. economy relies.²⁸ Other visa system problems that will persist in the medium and long term unless addressed now include a lack of sufficient resources to properly carry out all consular functions in a timely manner, wasted time and resources on low-risk applicants, and unclear policy guidance.

Another issue to contend with is the image factor. There is no way to measure the number of students whose concerns about difficult visa processes led them to not apply for a U.S. visa. While the image factor may be hard to measure, it is too important to ignore. Perception becomes reality over time. So while the debate about whether or not the U.S. visa system deserves its negative reputation is valid, it is equally important to consider how to change the negative perceptions that exist. Denying the existence

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or validity of our negative reputation will not make it go away. By addressing the roots of concern about the U.S. visa system, we can better understand the need for more transparency in visa processes, enhanced reporting on improvements made to the visa system, and policies that emphasize the value added by international scholars and visitors.

6

Moving Toward More Coherent, Transparent, and Better Understood Admission Policies

Establishing a “secure borders and open doors” admission policy requires creative thinking and action on several levels. A natural tension exists between securing our borders and opening our doors, but both are vital U.S. interests. As Ambassador Thomas Pickering assesses, “We are caught in a contest between two goods where it is difficult to make both compatible—especially since there is a low tolerance for risk on one set of goods.” It is incumbent upon all stakeholders to develop strategies to ease this tension and create win-win policies that protect both security and openness. Different players have different roles in reaching this goal.

**The U.S. Congress, the State Department, and the
Department of Homeland Security should:**

*Expedite visa processes to better facilitate legitimate
travel and study in the United States*

This involves acknowledging reasonable and widely supported recommendations for legislative changes, such as the Migration Policy Institute’s call for waivers of in-person interviews for applicants with sufficient biometric data on file.²⁹ Legislators may begin by first waiving in-person interviews for low-risk groups,

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such as returning students.

Consular efforts must be supported by sufficient resources. With the appropriate resources invested in the visa system, processes (that is, visa interviews, security clearances, and visa adjudication) could be conducted in a timely fashion. Congress must therefore appropriate additional funding for consular affairs so that the resources available match the task at hand.

The U.S. government, the media, and diverse interest groups should:

Articulate U.S. visa policies and improvements to the U.S. visa system

U.S. and foreign citizens alike require a fuller understanding of visa policy and practice. Greater understanding leads to greater acceptance—or at least inspires well-informed critiques as opposed to misinformed criticism. Also, highlighting the improvements made to visa procedures since visa reforms went into effect after September 11 will help improve the U.S.’ image abroad. While the negative perception of the United States as unwelcoming lingers, the government has taken some steps in the right direction. Without publicizing these positive efforts, we cannot hope to build a bridge between perception and reality.³⁰

All stakeholders should:

Continue the debate about the U.S.’ admission policies

Open dialogue and joint reflection give birth to the most well-informed recommendations for change, the recommendations most likely to be successful in improving our admission system.

Continuing to examine this issue from many angles offers the best chance of securing our borders while opening our doors in the short, medium, and long term. Even as businesses and universities adapt to new admission policies, we should not stop questioning whether all of our admission policies are the most effective means of promoting U.S. national interests.

7 Conclusion

The U.S. visa system has never been perfect and certainly never without critics, but it is fair to say that the system is better today than it was in the immediate aftermath of the September 11 terrorist attacks. Many of the initial measures put into place after September 11 have been improved upon, so that measures aimed at increasing security do not cast so wide a shadow on maintaining openness. However, while the current visa system strives to balance secure borders with open doors, U.S. policy is not yet sufficiently coherent and processes not adequately timely or transparent. This imperfect visa system represents just one of many factors hampering international student enrollment in U.S. institutions of higher education. The U.S. visa system cannot alone be blamed for a decline in international student enrollment, but addressing the problems with visa policy and practice may create an opportunity to work toward reversing this decline. It is essential to consider both the real and perceived deficiencies of the U.S. visa system when working to improve and explain visa policy and practice.

The perception of the United States as unwelcoming—which is in part perpetuated by cumbersome visa processes—inspires an ill will against America that the United States can hardly afford. The stories of those burned by the U.S. visa system spread quickly and make it that much harder for the United States to regain its status as a champion of immigration and assimilation. We need to respect and accommodate those international students and visitors who are already here and make the process easier for those

who want to come here. The power of angry anecdotes is best combated by consistent, culturally sensitive policy. The United States is on its way to reaching that goal but needs to further improve the visa system to enhance coherence and transparency—and then we need to spread the good news, educating world citizens about the improvements made. Yes, international students can study here; it is the U.S.’ job to make sure they still want to. One way to do this is to put our best face forward—and this starts with a positive visa experience.

APPENDIX I

Assessing the Concerns of the Academic Community Regarding U.S. Admission Policies

While significant improvements have been made to some of the reactionary measures hastily implemented after September 11, many in the academic community continue to insist that a U.S. admission system defined by visa delays and cumbersome processes has made it difficult for international students to study in the United States. They warn that the loss of a strong international student presence on U.S. campuses negatively impacts the U.S. students' educational experience, the U.S. economy, and U.S. competitiveness.³¹ While the deficiencies in the U.S. admission system may not constitute a crisis for international students today, the pervasive view of the United States as unwelcoming and the growing competitiveness of other countries' higher education systems should encourage the U.S. government to seek strategic solutions to weakness in the U.S.' long-term admission system. Academic community concerns echo calls from the business community for a big picture reevaluation of overall admission policy and a recalibration of the "secure borders and open doors" approach. According to many concerned stakeholders, the U.S. government is currently focused on "tweaking" the system and, in the view of Bill Reinsch, president of the National Foreign Trade Council, this is "like rearranging the chairs in the Titanic." Interviews with key thinkers in international education from Yale, Georgetown, the Institute of International Education, and the

Association of International Educators fleshed out the basic arguments of the academic community and begged the question: Where do we go from here?

The Image Factor

Difficult to assess is the impact of visa reforms on the U.S.' image abroad and how that relates to international student enrollment. There is no way to measure the number of students whose concerns about an unwelcoming U.S. environment or difficult visa process led them to not apply for a U.S. visa. The image factor may be hard to measure, but it is too important to ignore.

Perception becomes reality over time. So while the debate about whether or not the U.S. visa system deserves its negative reputation is valid, it is equally important to consider how to change the negative perceptions that exist. Denying the existence or validity of our negative reputation will not make it go away. By addressing the roots of concern about the U.S. visa system, we can better understand the need for more transparency in visa processes, enhanced reporting on improvements made to the visa system, and policies that emphasize the value added by international scholars and visitors.

Visa Problems Are Not Just About Visas

Visa policies represent just one contributing factor to the general image of the post-9/11 United States as unwelcoming. Yet, the lines between these different factors are often blurred. Complaints of invasive questioning by border patrol and customs officials and long delays at ports of entry, though not essentially visa problems, are directly linked to this broader visa issue. Additionally, post-9/11 changes to other federal policies, such as tighter regulations

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for Social Security number (SSN) issuance, have complicated life for international students in the United States. Those who do not qualify for a Social Security number include F-1 graduate students on scholarships or fellowships and any F-1 students who are not currently employed and do not have a job offer. While this seems at first glance insignificant since SSNs are primarily used to identify participants in the federal Social Security program, it is a larger problem when we consider how SSNs have become commonly used for a wide array of identification and administrative purposes, particularly in a security-conscious, post-9/11 United States. International students without a SSN often struggle when trying to open a bank account or obtain a credit card, driver's license, or cell phone. Though not impossible to work around these obstacles, daily life is made more difficult for international students, and the United States threatens to earn its unwelcoming reputation. All of this must be considered when approaching the topic of visa reform. As a representative of NAFSA explains, "The issue is not just about visas—it's about creating an inviting environment."

Declining Enrollment in the Science, Engineering, and Technology Fields

Declining student enrollment in the fields of science, engineering, and technology merits particular attention because of the security dilemma created by such a scenario. Maintaining excellence and a competitive advantage in science and engineering research requires that the United States be able to attract the best and brightest minds from around the world. Nearly 40 percent of doctorate holders in America's science and engineering work force are foreign born, and nearly 50 percent of the students enrolled in our science and engineering programs are international students.

A recent report entitled *Rising Above the Gathering Storm* warned that “without high-quality, knowledge-intensive jobs and innovative enterprises that lead to discovery and new technology, our economy will suffer and our people will face a lower standard of living.”³²

Science, engineering, and technology students face unique visa challenges because they are routinely subject to Visas Mantis security checks that stall and complicate visa issuance. The Visas Mantis clearance process, concerned with transfers of sensitive technology, was resulting in waiting periods that lasted weeks and months following 9/11. Average wait times have been significantly reduced, and the validity of Visas Mantis clearances for international students has now been extended to match the length of a student’s academic program, up to four years.

At a fall 2005 national forum at the University of California-Irvine entitled “The Decline of Foreign Students to U.S. Graduate School Science and Engineering Programs: Aberration or Trend?” the primary finding of the group was that there are insufficient data to begin labeling trends. According to some scholars, we need at least five years of data to begin evaluating trends or aberrations. We are close, but not close enough. However, we do not have the luxury of waiting for more data to accumulate before dealing with the problems posed by a decline in science, engineering, and technology student enrollment. Doors must be open to these students today, for their benefit and for the benefit of America.

Going Beyond Admission Policies

While the academic community should continue a dialogue with government agencies and the U.S. Congress in order to seek improvements to the U.S. admission system, some interested par-

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ties view prospects for success from a different angle and urge the following:

- **Creating a national plan for attracting international students.** Those in favor of a national plan for international education see this as a way for the United States to maintain its competitive edge in attracting international students. A national plan would express U.S. commitment to international education and encourage a more concerted effort to attract students on the part of government agencies and universities alike. Without such a plan, we run the risk of individual government agencies creating policies without regard to the potential negative effects these policies have on international educational exchange and universities, allowing international education to slip beneath a stack of other priorities. However, some critics of this proposal see a national plan as a one-size-fits-all approach and worry that government involvement on any level may make it difficult for prospective students to distinguish between an unwelcoming visa policy and an individual university's interest in international students.
- **Ratcheting up individual universities' efforts to attract international students.** Particularly in the absence of a national plan for international education, individual universities should feel the pressure to bolster their international student recruitment. Sending provosts and other university staff, students, and alumni around the world for recruitment events goes a long way in spreading the message that international students are welcomed and valued by the United States. Work can be done at home on U.S. campuses as well. For instance, in addition to heavy

recruiting abroad, Yale has widely publicized some recent changes on campus that show cultural sensitivity, such as the creation of a prayer room and changes to dining hall menus that reflect the dietary limits and specifications of certain religions.

APPENDIX 2

Focus Groups and International Students' Perspectives

How do international students view the current U.S. visa system? In January 2006, I hosted three focus groups with a total of nearly thirty of Georgetown University's approximately 1,600 international students. This randomly selected³³ and small but representative sample of Georgetown's international student body brought forward some varied views peppered with some similar concerns. Before engaging in a conversation about U.S. visa policy and their study abroad experience, students independently completed a survey that asked them to rate the following statements from "strongly agree" to "strongly disagree":

- I feel welcome in the United States.
- It was easy to obtain my student visa.
- The wait time for my visa appointment was reasonable.
- During my visa interview, I was treated fairly and with respect.
- At U.S. airports, I am treated fairly and with respect.
- Life in the United States matched my expectations.
- I am happy with my decision to study in the United States.

The two statements that prompted the most negative response from many students were “The wait time for my visa appointment was reasonable” and “At U.S. airports, I am treated fairly and with respect.” Nearly half of the respondents disagreed or strongly disagreed with one or both of those statements. This highlights two important points. First, while the Department of State and U.S. embassies overseas have successfully managed to reduce the average wait times for visa appointments in certain locations, a significant number of students do not acknowledge this progress and remain dissatisfied. Second, where the visa process ends (at ports of entry) rather than where it begins (at U.S. embassies) is often the primary source of frustration.

The following are the principal findings from the visa discussion that ensued:³⁴

Fear and anxiety about traveling to and from the United States are pervasive among international students

Once discussion began, the majority of students from each of the focus groups—including those who had responded favorably to each of the opinion statements on the independent survey—revealed trepidation about traveling to and from the United States because of their international student status. Some students complained about intimidating customs officers and Department of Homeland Security officials at airports, while others bemoaned the extensive documentation they must be sure to carry when entering and exiting the country.

Your experience [at U.S. airports] depends on the mood of the customs officer. (Tina from Turkey, graduate student in Georgetown’s School of Foreign Service)

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I'm anxious about having all my forms with me, like the I-94. Once I was asked at the airport to show proof that my tuition was paid. I didn't expect this. . . . When I travel, my fear is: What do I not have with me today? (Katarvia from the Bahamas, undergraduate student studying French and German)

I've been sent to secondary immigration several times . . . you're treated like a criminal . . . they bark at you. (Olga from Latvia, graduate student in Georgetown's School of Foreign Service)

Since you're treated with suspicion, you start to worry even when you have no reason to worry. . . . I was the only one pulled aside and questioned for over an hour . . . and I'm paranoid after this border experience. . . . The questions they ask are aimed at tricking you, like, what is the real reason for your trip? (Shanaz from Iran, graduate student in Georgetown's School of Business)

The officer was mean, and I had to wait two hours to be questioned after I forgot my I-20 form. The form should be smaller so it fits in your passport. I was intimidated by customs. (Mayuka from Japan, graduate student in Georgetown's School of Foreign Service)

It doesn't feel like the customs officers want to help you. (Nitesh from India, research scholar studying medicine)

The general perception among international students is that the U.S. visa system is comprised of inconsistent policies that lack a coherent vision.

Many students seemed either unsure of the true intention behind visa policy and practice or unconvinced that visa policy was effec-

tively meeting its stated goals, such as preventing entry to the United States to those who want to harm America.³⁵

You start to see success with the visa process as just a matter of luck. This is not a good view. (Bhavna from Hong Kong, undergraduate student)

The new rules are mostly a show . . . we're doing it to say that we're making the country safer. . . . I have different spellings of my last name on my documents . . . only one officer ever noticed that. (Olga from Latvia, graduate student in the School of Foreign Service)

People are scared to lose their visa for minor offenses like drinking in public. . . . We have to ask, do consequences match violations? (Peter from Germany, graduate student in the School of Business)

Visa applicants don't know their rights. . . . If you are denied, they should tell you why. (Alexander from Russia, graduate student earning Ph.D. in physics)

After 9/11 there are long lines at airports . . . people open your luggage and check your bags . . . but the bad stuff is not in your bags if you're a smart terrorist. . . . And all Colombians are treated like mules. We are a country of 45 million people . . . not all are drug dealers. (Margarita from Colombia, graduate student in the Public Policy program)

The Philippines sees no clear-cut criteria as to who will get a visa. My friend had three different interviews. He was denied two times and then given a visa on the third try. Why? What was different by the third interview? (Van Anthony from the Philippines, pos-doctoral student in the Department of Pediatrics)

International students feel welcomed by Americans but not by the U.S. visa system.

Almost all students agreed on their surveys that they feel welcome in the United States, but our discussions revealed a clear distinction between being welcomed by U.S. citizens and having a welcoming visa system. While most agreed with the former, many strongly disagreed with the latter. For some, no amount of warmth from American friends and acquaintances could compensate for the chilliness of their visa experience.

Americans integrate foreigners better than anywhere else . . . but lots of mistakes are being made in the name of terrorism. . . . Now people are mistreated and there is no concern about customers [in the visa process]. (Margarita from Colombia, graduate student in the Public Policy program)

No country's bureaucracy is pleasant . . . but the American people are different. Americans have an interesting attitude; they treat you like you have a right to stay here. (Farooq from Pakistan, undergraduate student in the School of Foreign Service)

If I had to go through the process again, I would probably go elsewhere to study . . . maybe Europe. (Enrique from El Salvador, undergraduate student studying Culture and Theology)

Here the door is ajar, not open. International students are disadvantaged . . . it's harder to get internships, etc. . . . You are treated like a half-citizen, which is very frustrating. (John from the United Kingdom, graduate student in the School of Business)

I'm very happy with my studies here . . . but unhappy about the

problems my family had trying to get visas. . . . If I did this all over, I don't know if I would have gone somewhere else but I would have considered other choices. (Alexander from Russia, graduate student earning Ph.D. in physics)

While debate continues within the United States about how welcoming or unwelcoming the visa system really is, the perception among international students tilts toward a negative image of U.S. visa policies and practices as unwelcoming, inconsistent, and anxiety inducing. The vast majority of students admitted at least some minor frustration toward U.S. admission policies, but the conversation was not entirely without positive remarks.

Some comments on the merits of the U.S. visa system are listed below:

I had a quick experience with my visa appointment. It was actually easy to get the visa. I only had problems when I arrived at the airport. (Katarvia from the Bahamas, undergraduate student studying French and German)

Some of the complaints about the U.S. visa system are exaggerated. . . . Most of the regulations are not unreasonable. (Tina from Turkey, graduate student in the School of Foreign Service)

I love it here. I wouldn't have chosen anywhere else to study. . . . Having to get a visa and go through airport security doesn't change that. (Bhavna from Hong Kong, undergraduate student)

Having to leave my fingerprint and have my photo taken—that's the only change I've really noticed. (Alexander from Russia, graduate student earning Ph.D. in physics)

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Right after September 11 things were bad, but every year the system is getting better. They're refining the process. (Farooq from Pakistan, undergraduate student in the School of Foreign Service)

I don't feel I have much right to complain about U.S. policy. In terms of security, I give the U.S. an "A" grade. . . . The U.S. will only get a lower grade if they let 9/11 happen again. (Hose from Japan, undergraduate student)

APPENDIX 3

Recommended Reading on the Impact of 9/11 on U.S. Admission Policies

- Center for Strategic & International Studies, *Security Controls on the Access of Foreign Scientists and Engineers to the United States*. Washington, DC: CSIS, 2005, at http://www.csis.org/component?option=com_csis_pubs/task/view/id,1921/.
- Government Accountability Office. *Border Security: Strengthened Visa Process Would Benefit from Additional Management Actions by State and DHS*. Washington, DC: GAO-05-859, 2005, at <http://www.gao.gov/new.items/d05859.pdf>.
- NAFSA. *In America's Interest: Welcoming International Students*. Washington, DC: NAFSA, 2003, at http://www.nafsa.org/_Document/_/in_america_s_interest.pdf.
- _____. *Border Security: Visa Process Should be Strengthened as an Antiterrorism Tool*. Washington, DC: GAO-030132, 2002, at <http://www.gao.gov/new.items/d05859.pdf>.
- National Academy of Sciences, National Academy of Engineering, and National Institute of Medicine, *Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future*. Washington, DC: National Academies Press, 2006, at <http://www.nap.edu/books/0309100399/html>.
- Santangelo Group. *Do Visa Delays Hurt U.S. Business?* Washington, DC: Santangelo Group, 2004, at <http://www.nftc.org/default/visasurveyresults%20final.pdf>.
- Yale-Loehr, Stephen, Demetrios G. Papademetriou, and Betsy

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Cooper. *Secure Borders, Open Doors: Visa Procedures in the Post-September 11 Era*. Washington, DC: Migration Policy Institute, 2005, at http://www.migrationpolicy.org/pubs/visa_report.pdf.

Notes

1. Department of State Visa Report, at <http://travel.state.gov/pdf/FY05tableXVIa.pdf>.

2. Stephen Yale-Loehr, Demetrios G. Papademetriou, and Betsy Cooper, *Secure Borders, Open Doors: Visa Procedures in the Post-September 11 Era* (Washington, DC: Migration Institute, 2005), at http://www.migrationpolicy.org/pubs/visa_report.pdf.

3. Stephen A. Edson, Testimony on Tracking International Students in Higher Education, before the House Committee on Education and the Workforce, Subcommittees on 21st Century Competitiveness & Select Education, 108th Cong., 1st sess., March 17, 2005, at http://travel.state.gov/law/legal/testimony/testimony_2193.html.

4. Of the 980 campuses that responded to the survey, 35 percent (287 respondents) listed visa application processes as the most significant factor affecting international student enrollments. Source: IIE's fall 2005 Online Survey on International Student Enrollments, at http://open-doors.iienetwork.org/file_depot/0-10000000/0-10000/3390/folder/48524/Fall2005Survey.doc.

5. See appendix 1 for a more comprehensive assessment of the concerns of the academic community regarding U.S. admission policies.

6. See appendix 3 for a list of recommended readings on this topic.

7. See appendix 2 for a full evaluation of student focus groups.

8. The focus of this paper is nonimmigrant student visas. Other visa categories are not examined. Additionally, the current debate in Congress regarding immigration legislation that deals specifically with questions of border enforcement, deportation, and guest worker programs is related to the larger debate about secure borders and open doors but is too broad to be covered in this study.

9. Concerns about general admission policies and the U.S. visa system are often conflated. This paper focuses narrowly on visa policy and practice within the broader context of U.S. admission policies. However,

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this paper acknowledges that (1) general admission policy woes—such as complaints about harsh treatment at ports of entry—though related to the visa system—are not essentially “visa problems,” and (2) improving the visa system is a necessary but insufficient means of improving the overall admission experience for international students.

10. The number of U.S. visa applications worldwide increased by 37 percent (from 7.7 million to 10.6 million applications) from fiscal year 1998 through fiscal year 2001. U.S. General Accounting Office (now the Government Accountability Office, or GAO). *Border Security: Visa Process Should be Strengthened as an Antiterrorism Tool* (Washington, DC: GAO-03-132, October 2002).

11. *Ibid.*

12. GAO, *Border Security: Visa Process Should Be Strengthened*.

13. GAO. *Border Security: Visa Process Should be Strengthened*.

14. Institute of International Education, *Open Doors: Report on International Educational Exchange* (Washington, DC: IIE, 2001).

15. Institute of International Education. *Open Doors: Report on International Educational Exchange* (Washington, DC: IIE, 2002).

16. Though outside the scope of this paper, it is important to note that a visa carries a foreign visitor to the border; it does not guarantee entry. At all ports of entry, Department of Homeland Security (DHS) officials perform screenings of all persons attempting entry in order to determine visa validity, identity, purpose, and length of stay. A person is sent to a secondary inspector “if the primary inspector is uncertain about an applicant’s admissibility, is otherwise suspicious, or if there is a hit on a watch list.” (Yale-Loehr, Papademeriou, and Cooper. *Secure Borders, Open Doors*. The pre-9/11 atmosphere, however, was relatively relaxed in comparison to today’s port-of-entry screenings. Many complaints of poor treatment at ports of entry are conflated as “visa problems.”

17. *Ibid.*

18. Yale-Loehr, Papademeriou, and Cooper. *Secure Borders, Open Doors*.

19. General Accountability Office. *Strengthened Visa Process Would Benefit from Additional Management Actions by State and DHS* (Washington, DC: GAO-05-859, September 2005).

20. GAO. *Border Security: Visa Process Should be Strengthened*.

21. Edson, testimony on *Tracking International Students in Higher*

Education.

22. Institute of International Education. *Open Doors: Report on International Educational Exchange* (Washington, DC: IIE, 2003).

23. Edson, *Tracking International Students*.

24. Institute of International Education, *Open Doors: Report on International Educational Exchange* (Washington, DC: IIE, 2004).

25. Institute of International Education, *Open Doors: Report on International Educational Exchange* (Washington, DC: IIE, 2005).

26. It is important to note that while many of the other stakeholders interviewed and sources consulted agree that new admissions procedures may not maximize security, many also insisted that they certainly do increase security.

27. NAFSA, *Promoting Secure Borders and Open Doors: A National-Interest-Based Visa Policy for Students and Scholars* (Washington, DC: NAFSA, June 15, 2005), at http://www.nafsa.org/_/File/_/visarecs-jan2506.pdf.

28. Between 2000 and 2003, Visas Mantis clearance requests jumped from approximately one thousand requests to more than twenty thousand. NAFSA, *Promoting Secure Borders*.

29. Yale-Loehr, Papademetriou, and Cooper, *Secure Borders, Open Doors*.

30. It is important to note the limitations of the State Department in countering negative perceptions of the United States abroad. Clearly, not all negative perceptions have been created by visa policies and implementation post-September 11. Rather, international views are also based on a negative perception generally of the United States. (See Pew Global Attitudes Project, at pewglobal.org/reports/display.php?ReportID=247.)

31. It would be inaccurate and unfair to isolate visa reform as the sole cause of a decline in international student enrollment. Another major factor to be considered is the growing competition from other countries' universities in terms of tuition costs, student recruitment activities, and academic programs.

32. National Academy of Sciences, National Academy of Engineering, and National Institute of Medicine, *Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future* (Washington, DC: The National Academies Press, 2006).

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33. An email inviting international students to participate in the focus groups was sent to a random sample (generated by the computer) of Georgetown's 1,600 international students. Students who received the email invitation then decided whether or not to participate and selected the specific focus group time that best fit their schedule.

34. Some of the concerns that the focus group participants raised echo long-standing criticisms of the U.S. visa system and cannot be isolated to a critique of post-9/11 visa reform. Yet, the fact that students expressed these specific concerns when questioned about U.S. visas in a post-9/11 world is significant. Some of these students believe that their concerns are new and directly linked to the tighter visa restrictions created after the September 11 attacks.

35. Student discussion focused less on the visa system's traditional goal of preventing the entry of intending immigrants and more on its weakness as an antiterrorism tool.

Information on ISD activities, including a calendar of events and publication information is available on the World Wide Web at:

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Voices of Hope, Voices of Frustration

Deciphering U.S. Admission and Visa Policies
for International Students

JANINE KEIL

The first direct contact with the United States government that many people from around the world have is at an American consulate when they apply for a visa. The quality of this experience has a direct impact on our nation's international standing and competitive position, affecting U.S. business, academia and our global image. The September 11, 2001 terrorist attacks on the United States changed many aspects of the U.S. approach to foreign affairs, including U.S. admission—in particular visa—policies.

Ms. Keil's resulting monograph seeks to explain the realities of, and unravel misperceptions about, U.S. admission policies for international students seeking higher education in the United States.

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