

<b>Question#:</b>	1
<b>Topic:</b>	Background checks
<b>Hearing:</b>	Strengthening the Integrity of the Student Visa System by Preventing and Detecting Sham Educational Institutions
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** As you and I discussed during the hearing, we have learned that there are some designated schools officials that commit fraud in order to enroll foreign students. While these school officials must be U.S. citizens or legal permanent residents, there's no requirement that the school conduct a background check on their DSOs. Some educational institutions voluntarily do a background check. During the hearing, when I asked you about ICE requiring background checks, you said, "In working with our Office of Policy, I would recommend to them that we issue a rule, absent legislation requiring it." Then, when I asked if the process was in place to issue such a rule, you responded "Yes."

Please provide a status update on the recommendation that you made to the Office of Policy about requiring all DSOs to undergo a background check.

If your recommendation to the Office of Policy has been denied, please explain why and how that decision was made.

**Response:** The Student and Exchange Visitor Program is currently drafting regulatory language via a Notice of Proposed Rulemaking (NPRM) that would address the approval process for designated school officials. The draft NPRM is in development at ICE.

<b>Question#:</b>	2
<b>Topic:</b>	Compliance log
<b>Hearing:</b>	Strengthening the Integrity of the Student Visa System by Preventing and Detecting Sham Educational Institutions
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

## Unclassified // Law Enforcement Sensitive

**Question:** The GAO reports that there is a compliance log of 172 schools that SEVP officials have determined to be potentially noncompliant with program requirements. The GAO reported that, until recently, SEVP officers had not shared this list with counterterrorism officials.

How many schools are on the compliance log today?

Of those taken off the compliance log, please provide details as to why they were once on it and what determining factor led to the decision to take them off.

Who controls the list, and how do SEVP and CTCEU communicate and coordinate with regard to compliance monitoring of these schools?

Why wasn't the list shared between these two offices, and how will you ensure that it is shared in the future?

[REDACTED]

[REDACTED]

[REDACTED]

Unclassified // Law Enforcement Sensitive

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<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

**Unclassified // Law Enforcement Sensitive**

█ [REDACTED]

█ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Unclassified // Law Enforcement Sensitive**

<b>Question#:</b>	2
<b>Topic:</b>	Compliance log
<b>Hearing:</b>	Strengthening the Integrity of the Student Visa System by Preventing and Detecting Sham Educational Institutions
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

**Unclassified // Law Enforcement Sensitive**



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<b>Question#:</b>	3
<b>Topic:</b>	SEVIS II
<b>Hearing:</b>	Strengthening the Integrity of the Student Visa System by Preventing and Detecting Sham Educational Institutions
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In 1996, following the 1993 World Trade Center bombing, Congress mandated that the INS track foreign students. SEVIS was created to maintain all information about foreign students and help monitor their activities. Yet, we've known for many years that the system is unreliable and outdated. The department has continued to delay the implementation of SEVIS II. Without a better system, individuals may take advantage of our immigration system and the student visa program.

Please provide a historical timeline of the SEVIS II development (including history of funding) as well as detailed plans to complete the project.

Why has there been a delay in rolling out SEVIS II?

Will you assure us that resources will be committed to this effort?

**Response:** In June 2006, the Homeland Security Council's Policy Coordinating Committee (HSC PCC) issued a report identifying 14 categories of vulnerabilities in SEVIS. A 15th vulnerability concerning an insufficient number of Special Agents working SEVIS-related investigations was closed after additional Special Agents were hired.

During 2008, DHS and ICE began planning for the development and acquisition of SEVIS II to replace the existing system. An initial development contract was awarded in mid-2008; however, ICE had insufficiently analyzed and defined the work that needed to be completed and the contract work was stopped in 2010.

In fiscal years 2011 and 2012, ICE performed in-depth system requirements activities. For each of the remaining 14 vulnerabilities, ICE detailed a list of action items that needed to be accomplished before each vulnerability could be closed, allowing ICE to quantify the completion rate for each vulnerability. ICE implemented many standard "operations and maintenance" software modifications that partially addressed most of the operational SEVIS vulnerabilities. By the end of 2012, 10 of the 14 remaining vulnerabilities had a completion rate between 50 to 75 percent, and four of the 14 had a completion rate of 20 percent or less.

In early 2013, DHS concluded that ICE should continue exploring updates to the existing system prior to committing to a replacement system. By April 15, 2013, ICE reported to

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DHS that most of the remaining 14 vulnerabilities could be assigned a higher completion percentage and several could be closed completely through system updates; however, two vulnerabilities will require either a major system modification or the development and procurement of a replacement system.

On May 9, 2013, DHS and ICE approved additional updates to the legacy system that resulted in minor vulnerability improvements while increasing system computing speed and response time by approximately 50 percent. In September 2013, a second set of updates was approved. In total, ICE has updated 35 SEVIS functionalities, closing 51 percent of total identified vulnerabilities.

DHS and ICE will next determine whether making major modifications to the existing system or developing a replacement system is most advantageous. That analysis, pending final departmental review, is expected to be completed this fiscal year (FY) 2014 with acquisition decisions expected early in FY 2015.

The following table provides the amount of funding spent per fiscal year on the Student and Exchange Visitor Information System (SEVIS) vulnerability remediation. The table depicts the effort on the Student and Exchange Visitor Information System separate from the improvements made in SEVIS.

Funding\* for Closing Student and Exchange Visitor Information System Vulnerabilities  
(in Millions)

	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>Total</b>
Amount Planned to Fund Closing Student and Exchange Visitor Information System Vulnerabilities	10.673	22.284	24.987	17.561	17.174	5.090	97.771
Amount of Funding Spent in Closing Student and Exchange Visitor Information System Vulnerabilities							
Student and Exchange Visitor Information System II	11.074	18.200	4.091	4.950	4.310	0.000	42.625
Student and Exchange Visitor Information System	1.827	1.610	2.189	2.023	1.989	5.758	15.397
<b>Total</b>	<b>12.901</b>	<b>19.811</b>	<b>6.280</b>	<b>6.973</b>	<b>6.299</b>	<b>5.758</b>	<b>58.022</b>

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\*Please note that these amounts only reflect the portions of total SEVIS funding committed to closing vulnerabilities.

ICE remains committed to the appropriate evolution of SEVIS to close vulnerabilities.

<b>Question#:</b>	4
<b>Topic:</b>	Letters
<b>Hearing:</b>	Strengthening the Integrity of the Student Visa System by Preventing and Detecting Sham Educational Institutions
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** SEVP is not consistently verifying “in lieu of” letters required for non-accredited institutions, despite the fact that in several past and ongoing cases schools have provided fraudulent letters to gain certification. Since ICE will still allow unaccredited schools to remain in the program, how do officers plan to address the problem of verifying the “in lieu of” letters?

**Response:** After identifying this risk in 2011, the Student and Exchange Visitor Program (SEVP) took immediate action to consistently verify all evidence received, including “letters in lieu” of accreditation. SEVP contacts the individuals and/or the organization listed on the letter to verify the letter’s authenticity. In addition, SEVP confirms the title of the signatory on the letter against the official’s position within the organization. SEVP has denied several petitions specifically for the inability to verify the authenticity of a letter submitted “in lieu” of accreditation.



<b>Question#:</b>	5
<b>Topic:</b>	Two ICE offices
<b>Hearing:</b>	Strengthening the Integrity of the Student Visa System by Preventing and Detecting Sham Educational Institutions
<b>Primary:</b>	The Honorable Charles E. Grassley
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** I understand that the SEVP office has recently been elevated to a higher level in the ICE organizational structure. What is the rationale for making that change, and how the new organizational structure will improve coordination between SEVP and CTCEU?

**Response:** In February 2012, the National Security Investigations Division (NSID) was elevated from a Division under the Assistant Director of Investigative Programs to its own Assistant Director level within U.S. Immigration and Custom Enforcement's (ICE) Homeland Security Investigations. The NSID now has a Deputy Assistant Director (DAD) for Counter Proliferation Investigations Program; a DAD for National Security Programs (NSP); and a DAD for the Student and Exchange Visitor Program (SEVP). The Counter Terrorism and Criminal Exploitation Unit (CTCEU) was grouped within NSP. Due to the expansion of NSID's counterterrorism and national security investigations support to ICE and the greater Department of Homeland Security (DHS), these organizational changes were necessary to maximize coordination and effectively manage NSID's responsibilities in these areas, which include SEVP and CTCEU.

Also around this time two important organizational changes were made to the SEVP structure:

- 1) SEVP created the SEVP Analysis and Operations Center (SAOC). The SAOC acts as a central node within SEVP that is focused on the national security aspect of SEVP operations. The SAOC is a direct liaison to various entities within Homeland Security Investigations, including the Special Agents in Charge and the CTCEU, as well as compliance enforcement entities throughout DHS and other government agencies.
- 2) SEVP added an Associate Deputy Assistant Director to oversee all external operations, which includes the SAOC.

The realignment of NSID, and subsequent elevation of SEVP, combined with these two important changes to SEVP's internal structure allowed for a more efficient arrangement of senior oversight between NSP and SEVP which has in turn improved the working relationship of SEVP and CTCEU.