

<b>Question#:</b>	1
<b>Topic:</b>	HSI Officers in China
<b>Hearing:</b>	Student Visa Integrity: Protecting Educational Opportunity and National Security
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Deputy Assistant Director Rodi, you mentioned in your testimony that DHS is posted in locations overseas to help with screening of visa applicants to determine if there are any threats. You mentioned HSI is currently at 33 visa-issuing posts in 26 countries.

Is it true that there is no HSI officers in China?

Why is that?

**Response:** U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) has representation at 67 diplomatic posts in 50 countries. This includes China, where HSI has personnel assigned to Beijing and Guangzhou. HSI also has personnel in the Hong Kong Special Administrative Region. These personnel are responsible for supporting the entirety of the HSI mission in China.

The HSI Visa Security Program (VSP) operations are currently conducted at 33 visa issuing posts in 26 countries, the locations of which are law enforcement sensitive. Based on an established site selection process, HSI is committed to continued expansion of VSP operations to high risk visa issuing posts, and is working closely and cooperatively with the Department of State on this effort.

HSI welcomes the opportunity to provide additional information in an in person briefing on VSP operations and locations.

<b>Question#:</b>	2
<b>Topic:</b>	Screening Process
<b>Hearing:</b>	Student Visa Integrity: Protecting Educational Opportunity and National Security
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** (U) Deputy Assistant Director Rodi, you mentioned in your testimony that HSI has a domestic screening program for students who may be pursuing studies or working in areas that involve sensitive technology, materials, or information.

(U) What type of vetting does HSI conduct once a student enters the United States?

(U) Does your screening process cover when a student initially studies in a subject like English, but then subsequently changes programs to robotics or nuclear engineering?

**Response:**

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[The FOUO//LES response has been sent separately]

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<b>Question#:</b>	3
<b>Topic:</b>	Terminating Student Status
<b>Hearing:</b>	Student Visa Integrity: Protecting Educational Opportunity and National Security
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** (U) Consular officers cannot deny a visa application on national security grounds if a visa applicant is coming to work or study in a sensitive area of technology that is not export controlled like robotics or artificial intelligence.

(U) Do we have a similar problem with being able to terminate student status once a person is in the United States?

(U) Do you need changes to the immigration laws to address this discrete area?

**Response:**

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[The FOUO//LES response has been sent separately]

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<b>Question#:</b>	4
<b>Topic:</b>	Optional Practical Training
<b>Hearing:</b>	Student Visa Integrity: Protecting Educational Opportunity and National Security
<b>Primary:</b>	The Honorable John Cornyn
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** One concern is with how many foreign nationals work in the United States through the optional practical training (OPT) program. Sometimes this work can be in sensitive areas of technology.

Does HSI monitor students while they are working in OPT?

Would requiring students to check-in more frequently during OPT to help ICE better monitor students?

**Response:** Nonimmigrant students who participate in Optional Practical Training (OPT) are required to report any change of their name, address, or loss of employment. 8 C.F.R. § 214.2(f)(12)(i). In addition, a Designated School Official (DSO) who recommends a student for OPT is responsible for updating the student's record to reflect such changes. Nonimmigrant students who graduate with a qualifying science, technology, engineering and math (STEM) degree can participate in the STEM OPT extension, which has a number of additional reporting and monitoring requirements, including the completion of a Training Plan, Form I-983, and of validation reports. 8 C.F.R. 214.2(f)(10)(ii)(c) and (12)(ii).

U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) monitors OPT trends and patterns, related to both schools and students. In addition, ICE HSI researches students that meet requirements under ICE HSI's Domestic Mantis program, to include students working in OPT and their respective OPT employers.

Requiring students to check-in more frequently during OPT employment would help to better monitor students. Currently, it is the responsibility of the student to keep DSOs updated of any changes, including employment. The Student and Exchange Visitor Program PORTAL currently allows post-completion STEM OPT students to update their address, phone number and employment information. Requiring all OPT students to check-in on a more frequent basis and report any changes would help ICE HSI improve oversight.

ICE HSI is willing to consider additional safeguards for sensitive areas of technology which could include more reporting or even restrictions on OPT for particularly sensitive technologies.

<b>Question#:</b>	5
<b>Topic:</b>	Positively Contributing Members of Society
<b>Hearing:</b>	Student Visa Integrity: Protecting Educational Opportunity and National Security
<b>Primary:</b>	The Honorable Mazie Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** As stated by DHS in materials released for purposes of finding contractors to help with the Visa Lifecycle Program, the department explained that it wanted an automated system to "determine and evaluate an applicant's probability of becoming a positively contributing member of society as well as their ability to contribute to national interests," and "to assess whether an applicant intends to commit criminal or terrorist acts after entering the United States." DHS has now decided to have people, rather than machines do this work, but the goals are still alarming.

Do you believe that it is possible to predict who among the foreign students in the U.S. will become "positively contributing members of society" and "contribute to national interests?"

Do you have any evidence that the methods you use can do this effectively?

**Response:** Currently, ICE HSI uses law enforcement and analytical tools to support vetting processes that enable law enforcement personnel and analysts to make the most informed decisions. The Visa Lifecycle Vetting Initiative (VLVI) "Statement of Objectives," published June 21, 2017, served as an initial solicitation to hear from vendors about technologies that may be available to enable automation of some search and analysis processes that the agency performs manually during its vetting processes, including any possible enhancements.

Since then, ICE HSI has held two industry days, and considered whether currently available UDHS capabilities could meet its needs. The agency's goal is to increase the efficiency and accuracy of the vetting process, and identify improvements where feasible. In its current stage of development, ICE HSI's requirements for this solicitation have been refined to focus on both the overstay enforcement mission and Visa Security Program (VSP). In addition, ICE HSI's contracting practices adhere closely to all privacy, security, and workforce requirements.

ICE HSI never intended to have "machines do this work." On the contrary, the recent Request for Information centered on expanding, streamlining, and increasing the efficiency of its existing screening and vetting processes that have always included a stringent, analytical, manual review of visa applicants/holders accomplished by senior analysts and agents, as opposed to any type of "automated determination."

ICE HSI's Visa Lifecycle Program (VLP) is primarily focused on potential overstay violators from visa issuance posts located in countries of concern. Since the VLP was initiated it has endeavored to review visa applicants/holders from the time they file a visa application with the U.S. Department of State, through the time they enter the United States, and through such time

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they either depart the United States, become an overstay, or otherwise fail to comply with their terms of admission.

ICE HSI utilizes numerous tools in its screening and vetting efforts, to include those that assist agents and analysts to review open source information, including available social media information that is open and public facing. The VLP leverages social media, open source information, and analytic capabilities as tools to provide enhanced knowledge about applicants' online presence not found in U.S. Government holdings. The review of public-facing open source information provides the U.S. Government better visibility regarding an applicant's possible engagement in criminal activity, terrorist acts or associations, and administrative immigration violations.

The purpose of the VLVI contract is not to predict who among the foreign students in the United States will become "positively contributing members of society" and "contribute to national interests." HSI initiated the VLVI to establish an overarching vetting contract that will assist with streamlining and centralizing the current manual vetting process and facilitate fluid communications.

<b>Question#:</b>	6
<b>Topic:</b>	Restricting Chinese Student Visas
<b>Hearing:</b>	Student Visa Integrity: Protecting Educational Opportunity and National Security
<b>Primary:</b>	The Honorable Mazie Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** (U) I believe restricting Chinese student visas is short-sighted. I know the impact in Hawaii would be negative. The University of Hawaii believes that the current policy of only issuing 1-year visas, and requiring secondary administrative checks on top of the already rigorous vetting, discourages Chinese students from studying in the U.S., especially when they can study in Canada, Australia and the U.K.

(U) They worry that further restrictions would create the perception that the visa process is too daunting for foreign students, and fewer foreign students mean fewer tuition dollars, loss of global diversity on campus, loss of talent for research institutions, and loss of collaborative partnerships between U.S. schools and their Chinese partner institutions.

(U) In addition, once they finish school, many of these students stay in the U.S. and join high-tech firms after finishing school, bringing innovation to our industries and contributing positively to the economy.

(U) If the Chinese students can't come to America, there will be negative consequences for our universities, and they won't stay in America and contribute their skills and talents to our economy. How does that help the U.S.?

(U) Excluding a class of citizens by nationality, or religion is an ugly theme of the Trump Administration. It also echoes some of the most terrible, unAmerican things that have happened in this country, including the Chinese Exclusion Act of 1892, and the internment of Japanese Americans during World War II.

(U) How is restricting Chinese student visas consistent with American values?

**Response:**

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