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A DESCRIPTIVE CASE STUDY OF THE IMPACT OF 9/11 ON
INTERNATIONAL STUDENT VISA POLICY IN THE 20 MONTHS
FOLLOWING THE ATTACKS

A Dissertation

SUBMITTED TO THE GRADUATE FACULTY

in partial fulfillment of the requirements for the

degree of

Doctor of Philosophy

By

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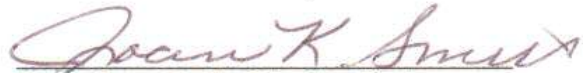2005

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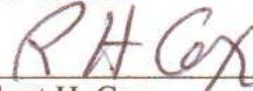DEPARTMENT OF EDUCATIONAL LEADERSHIP AND POLICY STUDIES
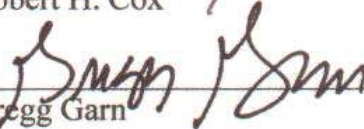
BY

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As I conducted this study, I found that the interviews with international student administrators were especially compelling for me personally, and the insights into the international education policy domain during the difficult period following 9/11 these administrators provided emphasized the human aspects of policy actions and proved that the work of international educators is important and meaningful. The administrators must remain anonymous, but for their time and willingness to talk frankly, I thank them.

Without the unstinting support of my family and friends, I could not have completed my doctoral program or this study. I give my deepest thanks to my husband, Don Meeks, who believed in me and supported me every step of this journey. I owe much to my parents, Helen and Lewis, and my sister and brother-in-law, Martha and Edward, who patiently listened over the years and helped me keep everything in perspective. I have developed a group of friends at the University of

Oklahoma while completing my program, and through their collegiality I have learned how academic communities can support thought and thoughtful interaction. In particular, I wish to thank Dr. Tammy Boyd for her gracious hospitality, intellectual insights, and straight-on friendship throughout.

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Abstract

International students in the U.S. have consistently been treated in public policy as educational, diplomatic and economic assets. In the year before 9/11, a national policy endorsing international education, including support for international student flows to the U.S., received presidential and Congressional support. After 9/11, however, the system by which international students obtain visas, enter and stay in the U.S. was identified as a national security problem. Within two months, legislative action mandated tracking of international students though the new Student and Exchange Visitor Information System (SEVIS). This was followed in the next 18 months by a cascade of other legislation, regulations and rules. These buffeted international students, the advocacy community which serves the international education exchange arena, and the administrators who work on a daily basis with international students on U.S. campuses. This case study describes the impact in three arenas: 1) The flow of policy and regulation was rapid, dense with procedures and deadlines, and mandated implementation of largely unpiloted programs and events. 2) The advocacy community responded by accepting SEVIS and some visa reforms in the name of national security, despite previous opposition. They continued to work to shape legislation, SEVIS features and visa policies; to provide extensive support for practitioners struggling to implement the new policies and regulations; and to collect data on the impact of the new policies on international students and scholars. 3) During this chaotic period, administrators in the field, as reported in in-person interviews, experienced deep changes in the work of their offices, with implementation of SEVIS the most demanding event; they also worked to protect and support their students and to

represent this population positively to their campuses and the media. They reported a variety of positive outcomes as well as difficulties. Several policy process constructs inform the results of the descriptive data, particularly those related to agenda shift following a focusing event. Other policy constructs which deepen understanding of the case include the characteristics of punctuated equilibrium, shifts in the tone of a policy's image, and use of causal stories to affect an issue's position on the governmental agenda.

Chapter 1
Introduction

On April 19, 2000 President Bill Clinton issued an Presidential Memorandum

directing actions that the U.S. international education policy community had been

working toward for many years. The memorandum, addressed to the heads of the

federal government's executive departments and agencies, carried "International

Education Policy" on the subject line and opened with a persuasive and overarching

statement of the value of international education to the U.S.:

> To continue to compete successfully in the global economy and to maintain
> our role as a world leader, the United States needs to ensure that its citizens
> develop a broad understanding of the world, proficiency in other languages,
> and knowledge of other cultures. America's leadership also depends on
> building ties with those who will guide the political, cultural, and economic
> development of their countries in the future. A coherent and coordinated
> international education strategy will help us meet the twin challenges of
> preparing our citizens for a global environment while continuing to attract and
> educate future leaders from abroad. (Presidential Memorandum, 2000)

Then plainly stating, "It is the policy of the Federal Government to support

international education," the memorandum charged the Secretaries of State and

Education with ten tasks to "increase and broaden our commitment" and to undertake

activities to define a U.S. international education policy. The goals of the directive

addressed the broad range of international education, including study abroad by U.S.

students, K-12 curriculum, workforce development, and of particular interest to the

international education policy community, it included a focus on in-bound

international students and scholars, specifically "encouraging students from other

countries to study in the United States" and "supporting the exchange of teachers,

scholars, and citizens at all levels of society."

Embracing this commitment to developing a national international education policy, Secretary of State Madeleine K. Albright praised Clinton's action, saying:

> U.S. international leadership, competitiveness, and national security are increasingly dependent on international and cross-cultural awareness on the part of U.S. citizens. Our foreign policy goals are enhanced immeasurably by international education - both American scholarship abroad and international leaders who have studied in the U.S. and consequently better understand our culture and system of government. I have a deep commitment to international education from my time as a professor. I have seen these programs work. They are pure gold and precious assets for America. (U.S. Department of State, 2000)

In additional comments in the press release, Secretary of Education Richard Riley echoed these sentiments. The Departments of State and Education established a joint partnership on international education policy to carry out the directive. Federal agencies and departments began to work on developing infrastructure to support the policy activities (Department of State, 2002).

The international education policy community was vitalized and gratified. At least 200 public and private organizations are involved in some aspect of international education exchange, and within this community over 60 organizations have public policy objectives of some sort as part of their missions, some with well-organized public policy departments and some entirely committed to policy development. Many are membership organizations serving and comprising public, non-profit and private sector administrators, practitioners, sponsors, advocates, and others involved in making international educational exchange work in the U.S. (Alliance for International Educational and Cultural Exchange, 2000). Several of these organizations in particular had been striving for years to shape public policy so that it supported, in part by eliminating obstacles to, international student and scholar

exchanges and other forms of internationalization on campuses. A top-level goal of this policy community was to establish a national international education policy as a framework within which specific policy and regulatory issues could be built or influenced. So it was particularly gratifying, and a sign of significant success on the part of the advocacy community, that the Presidential Memorandum and the charges it assigned to heads of agencies contained nearly point-by-point the action steps recommended in a position paper prepared in 1999 by NAFSA: Association of International Educators (known by the acronym "NAFSA" from its formative years as the National Association for Foreign Student Affairs) and the Alliance for International Educational and Cultural Exchange (known as the Alliance) (NAFSA, February 2000). NAFSA and the Alliance had worked to maneuver through the political and public policy system not only the points within the position paper but the concept that the U.S. needed such a national policy at all (Advancing, 1999).

While the establishment of the final policy would have to await the outcomes of the ten information-gathering and policy-design tasks assigned in the memorandum, the presidential action marked a turning point for this policy community. This was useful because among the ten charges, two focused on in-bound international students:

> The Secretaries of State and Education, in partnership with other governmental and nongovernmental organizations, shall identify steps to attract qualified post-secondary students from overseas to the United States . . . The heads of agencies, including the Secretaries of State and Education, and others as appropriate, shall review the effect of U.S. Government actions on the international flow of students and scholars as well as on citizen and professional exchanges, and take steps to address unnecessary obstacles, including those involving visa and tax regulations, procedures, and policies. (Presidential Memorandum, 2000)

Having governmental support, as a matter of public policy, to attract international students provided essential foundational strength for future recruitment and advocacy efforts, and reducing obstacles provided practical progress on policy matters, particularly those related to visa regulations. Also, among the issues the international education policy community had been working to influence were regulations being promulgated to implement a foreign student tracking provision which had been mandated in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) (Pub. L. 104-208). Having a presidential-level mandate for national policy, directing study of and support for improved access to the U.S. by international students and scholars, strengthened the hand of international educators in influencing the Immigration and Naturalization Service (INS) officers who were developing the regulations which would implement the tracking system mandated in IIRIRA.

With extensive participation of the international education policy community, a year of energetic public policy activity began as required by the presidential directive. Through 2000, the momentum continued on public policy initiatives supporting international education. Meetings were held. Mandated reports began accumulating. A Presidential Proclamation established an International Education Week. In a November 2000 discussion paper intended to "stimulate discussion among senior federal policy makers and interested organizations about how the federal government and other organizations in the field of international education can best raise awareness on the importance of international education, encourage increased investments in international education, and identify and disseminate best practices in international education," the Departments of State and Education joint partnership

outlined progress since the April 2000 Presidential Memorandum (U.S. Department of Education, 2000). The paper listed 15 actions already taken toward the goal statements, and then delved further into the core areas identified in the directive as components in building the integrated policy. Again, significant attention was devoted to the goals of attracting foreign students and scholars to the U.S. and addressing obstacles to exchange, including visa regulations.

As directed by the April 2000 memorandum, non-governmental organizations and other actors from the international educational community were invited to propose actions for implementing the directive's goals, and they complied. In addition to NAFSA and the Alliance, the American Council on Education (ACE) and the American Association of Intensive English Programs (AAIEP), for example, prepared and submitted action lists. The advocacy community felt growing influence and new empowerment. The Coalition for International Education, an *ad hoc* group of 28 national higher education associations and organizations, for example, submitted a proposal of four concrete actions and emphasized robust use of the Higher Education Act - Title VI and the Fulbright-Hays programs, saying in a letter to Secretary of Education Richard Riley, "We would be pleased to collaborate with the Department of Education in reviewing existing programs and determining any need for new initiatives to further advance the nation's international education policy" (Coalition for International Education, 2000).

Individual international education advisers, program directors, and practitioner advocates were also personally involved in shaping the policy outcomes and helping the advocacy organizations maintain momentum on public policy to support

international education, as indicated by responses from interviews I conducted. "I was also appointed to the public affairs committee working with [public policy staff] in Washington that had to do a lot. The whole focus was working on advocacy and how we could have an impact as an interest group," said Administrator A, for example, and Administrator B reported "I have participated in advocacy efforts on the Hill . . . I've probably participated in a half dozen of those initiatives. I have engaged in letter writing campaigns, again, both for policy and regulations as well as in individual cases . . . "

With the 2000 elections and the change of presidential administrations in 2001, the international education policy community feared a slowing of the policy advances, and the Bush administration did display less interest than the Clinton administration in the policy niche of international education, understandably given the disputed election and many pressing issues any new administration must deal with. Still, policy-shaping work continued, with advocacy organizations working established relationships with Congress and staffers while identifying ways to develop working connections within the new administration, stressing the value of international education to the U.S. national interests, emphasizing the need to complete a national policy statement that would provide a coherent policy infrastructure around which to organize and maximize international education efforts. "We call upon President Bush to reaffirm that it is the policy of the federal government to support international education; to take steps to ensure effective leadership and interagency coordination on the part of his administration; and to seek broad participation by educators and others in the formulation and implementation of

the policy," stated a white paper for the President-elect's transition team, prepared by the Alliance and NAFSA (Alliance, 2000).

During this period, one regulatory matter particularly was drawing attention in the policy community. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) (Pub. L. 104-208), a law addressing a range of immigration concerns, included a section devoted to establishing an automated database tracking system for international students in the U.S. This tracking program was known in the advocacy community by the acronym CIPRIS, for the agency partnership group that was carrying out development and implementation of the IIRIRA provision, the Coordinated Inter Agency Partnership Regulating International Students (Krouse & Perl, 2001). International student advocates debated and formed coalitions in efforts to shape the regulations being promulgated to implement this provision as well as the operational features of the actual tracking system itself (Hebel, 2000). The tracking system had been mandated in IIRIRA in response to the fact that one of the terrorists involved in the 1993 World Trade Center bombing had entered the U.S. on a student visa, had subsequently fallen out of status and remained in the U.S. illegally, undetected by the Immigration and Naturalization Service (INS). The legislation reflected the perception of policy makers that entry of international students and their visa compliance should be carefully monitored while in the U.S. The policy community debate and advocacy effort focused on the tracking system as an obstacle to access by legitimate international students and scholars. If the momentum toward a national international education policy could be invigorated, with its specific attention to improving access and reducing obstacles, the favorable context would mitigate

obstructive aspects of the CIPRIS program (Johnson, V, 2001b; SEVP/CIPRIS Plan, 2001; Southwick, 2001b; Thomas, 2001). Through the spring and summer of 2001, CIPRIS negotiations were continuing and other practical advocacy work was occurring. For example, the international education policy community developed systems to report on consular posts which seemed to hold unnecessarily obstructive visa practices, impeding access to study by legitimate international students. Progress toward a national international education policy continued, including encouraging support for increasing international student flows to the U.S. (Johnson, V., 2001a).

In April, 2001, Senator John Kerry (D-MA), on behalf of a bi-partisan group of 12 senators, introduced a concurrent resolution "expressing the sense of Congress that the United States should establish an international education policy to further national security, foreign policy, and economic competitiveness, promote mutual understanding and cooperation among nations, and for other purposes." The resolution was unanimously approved (S. Con. Res. 7, 2001). This was followed in July 2001 by a similar House concurrent resolution, again introduced by a bi-partisan group led by Reps. Jim Kolbe (R-AZ) and Jim Oberstar (D-MN) (H. Con. Res. 201, 2001). These resolutions were overwhelmingly favorable to the international education community and reflected years of methodical policy work by public policy advocates in the field. (The text of S. Con. Res. 7 is included in Appendix A.) As with the Clinton Presidential Memorandum from a year earlier, the concurrent resolutions displayed language and objectives drawn wholesale from policy papers and position statements generated by NAFSA, the Alliance, and other international education organizations. On August 7, 2001, Secretary of State Colin Powell in a statement proclaiming

International Education Week 2001 stated "the Department of State recognizes the role that international education and exchange play in strengthening our nation and our relations with other countries" (Powell, 2001).

Also that August, Rep. Betty McCollum (D-MN.) introduced legislation to repeal the IIRIRA automated database provision (H.R. 2779; Curry, 2001). In an early September *NAFSA Newsletter*, V. Johnson (2001, p. 15), associate executive director of public policy at NAFSA, conveyed optimism, writing "we are hopeful of putting this problem behind us by the end of the 107th Congress next year." Perhaps presciently, however, Mr. Johnson concluded by stating, "There will no doubt be many changes to [our] strategy as we proceed, because the policy process never works the way you plan it."

In general, and consistently in the months leading to September 2001, international students and the various university and English language programs where they attended classes were viewed favorably by the public, as reflected through articles in the national press. As a policy niche, the fine points of policy debate among government actors, advocates, practitioners and their associations seldom made interesting press except within the academic community, where the *Chronicle of Higher Education* followed CIPRIS negotiations and implications and other international student policy issues regularly. In national newspapers such as the *New York Times* and *USA Today*, a steady stream of articles on international students as cultural ambassadors, homestay students, and athletes flowed on a predictable annual cycle. Feature articles on individual international students illustrating a scholarship program or a summer employment trend were typical, such as *The Washington Post*

article "Lifesaving with an Accent: Pool Management Firm Goes Overseas to Find Summer Help" (Hedgpeth, 2001). The size and spread of the international student and scholar population in the U.S. made the news once a year when the Institute of International Education's annual *Open Doors* report on international student mobility, including U.S. study abroad statistics, came out. The business pages of *The Wall Street Journal* devoted occasional discussion of international students and scholars in science and technology working in high tech jobs in the U.S. Among the handful of other policy-oriented topics receiving occasional national news coverage were CIPRIS developments and visa obstacles faced by intending students coming from some countries. On September 10, 2001, for example, *The New York Times* carried an article which discussed the difficulty Chinese students were having getting visas to study in the U.S.: "Tough U.S. Visa Policy Riles Shut-Out Scholars in China" (Rosenthal, 2001).

On 9/11, the nation was transformed. The terrorist attacks of 9/11 deeply changed many public and public policy perspectives in the U.S. In many policy areas, a seismic shift occurred. Rapidly, many areas of public policy debates shifted fully to the highly visible crisis problem of national security, and diverse policy issues were redefined in light of it. This was true for the arena of international education and international students, with the size of the shift made more dramatic given the momentum and achievement of the prior 18 months. The impact on the international education community, including students, scholars, campus international officers, policy community leaders, and advocacy organizations was huge. Within a week, the international student visa system was implicated in the attacks, when information was

reported (erroneously, as it turned out) that at least one of the terrorist pilots may have trained at Embry-Riddle Aeronautical University and shortly after that, news that at least one other terrorist had entered the U.S. on a student visa to attend an English language program in Oakland but had never appeared at the school. A spotlight fell on international students and international student access to U.S. schools and universities which would not dim for some time (Goldstein & Morse, 2001; Yardley, 2001). As part of the unfolding story of the attacks, major national news outlets reported these emerging pieces of information, and amid each day's breaking news and government investigation, speculation about causal links to policy failures became part of the public discourse. The relatively closed policy arena of international education, heretofore dominated by policy elites, advocacy organizations and policy entrepreneurs, was opened to public scrutiny. The American public now followed developments in this policy arena in daily papers - the failure of the U.S. visa application and entry system to screen out terrorists, the failure of the U.S. Immigration and Naturalization Service (INS) to adequately monitor students who do enter, the failure of the U.S. international education policy community to support previous legislation to track international students once they entered the U.S. (e.g. Bravin, 2001; Goldstein & Morse, 2001; Schemo, 2001).

In the 20 months following 9/11 a flood of hearings, major and minor legislation, rules and regulations, and directives were focused on or significantly affected the U.S. international education domain. Within months, a cascade of policy events overtook incremental policy strategies years in the making. Processes and strategies which had been playing out prior to the 9/11 attacks were ruptured;

established relationships between policy actors shifted or were truncated. In the scramble to take action, legislators grasped the student visa issue as one area where visible action could be taken and certain categories of students themselves could personify the problem and solution. A new landscape emerged, one requiring policy actors, including international education organizations and practitioners, to react to a changed and unfavorable agenda beyond their control, to cope with the redefinition of issues linked to international student policies, and to subsequently implement rapidly made policies.

International education policy momentum was derailed. With public awareness already turning to international students and visa access, legislative activities quickly began to occur. On September 27, 2001 Senator Diane Feinstein (D-CA) announced that she would introduce legislation to reform the U.S. student visa program.

> Today, there is little scrutiny given to those who claim to be foreign students seeking to study in the United States. . . . In fact, the foreign student visa program is one of the most unregulated and exploited visa categories. . . . I believe that we need a temporary 6-month moratorium on the student visa program to give the INS time to remedy the many problems in the system. . . . This may be controversial, but there had to be recognition that this is an unprecedented time in the country and our national security depends on our system functioning to ensure that terrorists do not take advantage of the vulnerabilities in the student visa program. (Feinstein, 2001)

Feinstein's statement went on to specify the failure of the INS to fully implement Sections 110 and 641 of IIRIRA – the CIPRIS tracking system – linking the provision to the World Trade Center bombing of 1993, and charging schools with responsibility for implementation as well. Although the threatened 6-month moratorium never occurred, Feinstein's announcement presaged the cascade of policy activity which

would buffet the international education policy and practitioner community as well as international students themselves. The onslaught of legislative and regulatory activity, accompanied by attention in the media, presented the international education policy community with decisions about how to respond. And practitioners, international student office directors on campuses and other counselors and administrators working with international students, faced not only the regulatory changes but soul-searching as well. Were international students, and international student regulatory policy, a source of terrorism? How now to respond to the changed environment? And how to manage the flow of new policies?

The flow of legislation and regulation impacting international students, advocates and practitioners continued through 2001 and 2002. Advocacy groups shifted to defense and careful *realpolitik*. International student practitioners experienced a redefinition of their roles. Federal policy makers struggled to identify perpetrators and act decisively to prevent other terrorist attacks and thus reassure the American public. Occasional high-profile developments renewed nationwide attention to the particular problem of student visas and repeated the image of international students as terrorists. When, on March 11, 2002 – the six-month anniversary of the 9/11 attacks – INS letters and forms were issued approving INS status changes for two of the terrorists, even President George W. Bush commented during a national press conference to information about the letters: "I was stunned and not happy. I could barely get my coffee down" (Confessore, 2002). Images of the INS forms appeared on national television and made the front page of national newspapers (K. Johnson, 2002). By this time, the issue of INS dysfunction and concerns about an overall

porous visa system was commingled with any discussion of student visas (Ellinwood, 2001; Ziglar, 2001; Report of the National Commission on Terrorism, 2000).

Studies of policy making describe the power of a crisis or high-profile event to trigger sudden change in the policy agenda (Baumgartner & Jones, 1993, 2002; Birkland, 1997; Cobb & Elder, 1983; Kingdon, 1995; Rochefort & Cobb, 1994). A focusing event results in a rapid shift, changes in which issues crystallize and are moved onto the institutional or governmental agenda, typically driven by identification of a policy failure and leading to sharp limitation of policy alternatives. The media plays a role, presenting and repeating images, symbols, and perceptions which shape the policy process. The policy community must cope with the sudden government action as well as diminished power in shaping that action. This dissertation tells the story of what happened to international student visa policy and the related policy community following the 9/11 attacks; it is a richly descriptive case study of a unique focusing event that details what has happened to international education policy, specifically reflected in U.S. student visa policy and the reactions of the policy community, including international education administrators, in the critical 20 months following 9/11.

Chapter 2
Background to the Case and the Study

Introduction

The story of what happened to international student visa policy in the 20 months following the 9/11 attacks requires background and context in four areas, each provided in this chapter. First, this chapter provides a short historical overview of the presence and value of international students in the U.S., including a profile of current enrollment, and how this presence has been and is linked to various public policy goals. Second, this chapter provides an overview of the rise of the international education advocacy and policy community. Third, this chapter reviews the status of student visa policy shortly before 9/11, including a discussion of the intersection of international students and national security in visa policy. Then, in order to facilitate description of the impact of 9/11 on student visa policy, I present an overview of the public policy dynamics related to focusing events.

This presentation of the context of the case is followed by limited discussion of how this descriptive case study was framed, presented in three parts: the purpose of the study, an overview of methodological considerations, and the background of the writer. A complete presentation of the methodological choices I made in studying this case is presented in Appendix B.

Historical Overview of International Students in the U.S.

and Links to Public Policy

The Passenger Act of 1855 established a temporary immigrant category for visitors, and by 1882 students are specifically mentioned in an exempted category within the Chinese Exclusion Act of May 6, 1882, the provisions of which permitted the entry of Chinese students, teachers, merchants, or those "proceeding to the United States from curiosity." These students were among the first in what has become a long history of students sent to the U.S. from other countries seeking specific knowledge in support of the sending country's development. By 1913, U.S. Bureau of Education records indicate that 4,222 international students had been enrolled in 275 U.S. universities, colleges, and technological schools; most were sent by foreign governments for education and training which would be useful to the home country when the students returned home (Burks, 1984; Capen, 1915; Fryer, 1909). Advocacy for students facing adverse immigration policies also began early. In 1921, with leadership from the newly formed Institution of International Education (IIE), students were designated as non-immigrants, freeing them from the risk of being detained along with immigrants at Ellis Island, an unintended consequence of restrictive immigrant quotas imposed in 1917 (Goodman, 2003).

International student and scholar enrollments continued through each decade, including students in non-degree programs such as English language training, with a significant spike in the 1950's, when the number of international students in the U.S. doubled (Institution of International Education, 2005). By the 2001/2002 school year,

nearly 750,000 students (F-1 visa status) and scholars (J-1 visa status) entered the U.S.

to study (Davis 2000, Chin 2002). In the 2002/2003 academic year, the number of

associate, undergraduate, and graduate level students in degree programs, 586,323,

constituted 4.6% of the total U.S. enrollments (Chin, 2003, p. 3).

Table 1. International Student and Scholar Totals
2001/2002 and 2002/2003.

Category	2001/2 Enrollments	2002/3 Enrollments
Students	582,996	586,323
Scholars	86,015	84,281
English lang. students	78,521	51,179
Total	747,532	721,783

Note. From Chin, 2002, pp. 2, 20, 22; Chin, 2003, pp. 2, 20, 22

Students come from nearly all countries in the world, as illustrated in Tables 2

and 3, and while heavily represented in business, math, sciences and engineering,

have major interests in a wide variety of academic subjects, as illustrated in Table 4.

Table 2. Students - Top Fifteen Sending Countries 2001/2002.

Country	Number of Students	% of U.S. Intl. Students
1. India	66,836	11.5
2. China	63,211	10.8
3. So. Korea	49,046	8.4
4. Japan	46,810	8.0
5. Taiwan	28,930	5.0
6. Canada	26,514	4.5
7. Mexico	12,518	2.1
8. Turkey	12,091	2.1
9. Indonesia	11,614	2.0
10. Thailand	11,606	2.0
11. Germany	9,613	1.6
12. Brazil	8,972	1.5
13. Pakistan	8,644	1.5
14. U.K.	8,414	1.4
15. Colombia	8,068	1.4

Note. From Chin, 2002, p. 8 - 9

Table 3. Students - Top Fifteen Sending Countries 2002/2003.

Country	Number of Students	% Change from 2001/2001	% of U.S. International Student Total
1. India	74,603	11.6	12.7
2. China	64,757	2.4	11.0
3. So. Korea	51,519	5.0	8.8
4. Japan	45,960	-1.8	7.8
5. Taiwan	28,017	-3.2	4.8
6. Canada	26,513	0.0	4.5
7. Mexico	12,801	2.3	2.2
8. Turkey	11,601	-4.1	2.0
9. Indonesia	10,432	-10.2	1.8
10. Thailand	9,982	-14.0	1.7
11. Germany	9,302	-3.2	1.6
12. Brazil	8,388	-6.5	1.4
13. U.K.	8,326	-1.0	1.4
14. Pakistan	8,123	-6.0	1.4
15. Hong Kong	8,076	4.1	1.4

Note: From Chin, 2003, p.8

Table 4. Students' Major Areas of Study 2001/2002 and 2002/2003.

Subject	Undergraduate		Graduate		Other	
	01/02	02/03	01/02	02/03	01/02	02/03
Business and Management	23.3	23.7	17.4	16.4	11.5	12.5
Math & Computer Sciences	13.5	12.5	14.1	13.0	6.0	5.5
Engineering	10.9	10.2	21.4	23.9	4.9	4.0
Fine & Applied Arts	7.5	6.7	4.9	4.3	2.6	3.2
Social Sciences	7.3	7.8	9.0	8.7	3.3	3.8
Physical & Life Sciences	4.3	4.7	10.6	10.7	2.5	2.5
Health Professions	3.2	4.0	5.2	5.5	2.8	4.0
Humanities	2.1	2.4	4.4	4.5	2.0	1.6
Education	1.7	1.6	3.5	3.9	3.7	2.5
Agriculture	0.7	0.5	2.1	1.9	1.4	0.3

Note. From Chin, 2002, p.55; Chin, 2003, p. 55

Educational Value of International Education and Related Policy

U.S. governmental encouragement of international students coming to the U.S. has been relatively consistent in governmental policy. The value of the educational exchange is emphasized in early governmental commentary. In a letter of transmittal accompanying Fryer's (1909) report on opportunities for Chinese students in the U.S., Elmer Ellsworth Brown, commissioner for the Department of the Interior, Bureau of Education, writes:

> the time is undoubtedly near at hand when similar publications [to Fryer's] will be needed to set before the people of other nations the opportunities for advanced study which this country affords. American students have long enjoyed the hospitality of various European universities and schools of the several arts. Already the return wave of student attendance has set in, and a considerable number of students from foreign countries are enrolled in American institutions of learning. (p. x)

Jenkins (1983) notes that in 1911 the Committee on Friendly Relations Among Foreign Students to support international students in the U.S. was created. Capen's *Opportunities for Foreign Students at Colleges and Universities in the United States* (1915) was solicited by the U.S. Bureau of Education, prefaced with a statement of the importance of providing information to prospective international students. Development of programs continued, with the educational exchange value of international students predominating in the minds of the education and non-profit community, as illustrated by Hubbard's statement: "We [university administrators] see the presence of foreign nationals as an opportunity to expand the vistas of our domestic students, and as a means of enriching most of our curricular and research activities" (1978, p. 7). Du Bois (1956), Hariri (1964), and others document and emphasize this view of educational value as the population grew.

Sending countries often valued the liberal educational and cultural products of international educational exchange, but as a matter of state policy were more often motivated by the goals of economic and workforce development. Economic development, modernization, and development of human capacity have been foremost among motives of sending countries and as the frequent destination for these efforts, the U.S. has welcomed recognition of its leading role in technology and education. Sending selected students abroad, including to the U.S., has been a matter of state policy since the 1800's. China and Japan provide two early examples. China initiated a program for sending students abroad in 1872 so that "they would be adequately and thoroughly educated for the public services of China" (Yieh, 1934, p. 3). Chinese plans for modernizing schools through development of a national school system in 1903, and the practice of provincial administrators selecting students for technological courses of study in the U.S. in the early 1900's, for example, illustrate the Chinese motivation for engaging in international education (Capen, 1915; Fryer, 1909; Yieh, 1934). Japan's carefully orchestrated modernization initiative, carried out in the context of the Meiji Restoration, had international education as a centerpiece (Burks, 1984). The first students were registered to go abroad in 1864; in 1871 Proclamation 958 "formally adopted despatch of students as a matter of state policy." In a methodical search for knowledge in support of the national development interest, students were earmarked for countries with perceived specialities: "England – mechanics, commerce, iron manufacturing, ship-building, animal husbandry and charitable activities; France – law , international law, zoology, and botany; Germany

– political science and medicine; United States – postal communications, technology, agriculture, animal husbandry, commerce, and mining" (p. 151).

This pattern of international education in the interest of economic development, as a formal matter of state policy and in the national interest, has been a consistent theme. The sending country typically is carrying out a national development plan with specific goals, targeting knowledge sets and students, and setting quotas and time lines for completion of studies. Nigeria, Iran, Saudi Arabia, Kuwait, the United Arab Emirates, Malaysia, Thailand, Taiwan, and Turkey, for example, have at various times had or still have large educational missions in the U.S. charged with carrying out placement and oversight of international students through governmental education and training programs (Kaplan, 1983; Kondonassis, 1991; Riddell, 1996; Roukis & Montana, 1986; Viola, 1986; Woo, 1991). Clusters of students in specific areas of study have followed waves of national economic needs and job markets in other countries even when the home country has not developed a formal state policy or education and training mission. Medical trainees and physicians, scientists and engineers, for example, have attended U.S. institutions in sufficiently significant numbers at times to have warranted governmental or institutional response (Hariri, 1964; Huang, 1988; J. M. Johnson, 1998; Margulies & Bloch, 1969; Suskind, & Schell, 1968; Young & Bae, 1997). As Chandler (1998) sums up: " . . . the globally intertwined economy also places heavy demands on international education as an instrument for economic development" and workforce interdependency as well as commerce in goods and services is now fundamental to international educational motives (p. 3).

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Economic/Commercial Value and Related Policy

As mentioned in Chapter 1, international education represents a surprisingly large services export to the U.S. economy (Moll, 2002). As a condition of the issuance of a student visa, the applicant must provide evidence that he or she can afford to attend school without working; 80% of undergraduates and 51% of graduate students are self financed, and at community colleges the number reaches 91%. On average, 75% of all international students rely on non-U.S. sources as the primary source of funding for their studies. Additionally, approximately 85% of students bring, and pay expenses for, spouses or family members (Chin, 2002, pp. 4 - 5). International students on campuses pay non-resident tuition rates. This foreign source of income makes international education the 5th largest export industry in the U.S. The U. S. Department of Commerce recognizes this economic contribution in its estimate of the international education and training services sector at $11 - $12 billion (Chin, 2002; Davis, 2000; *U. S. Department of Commerce Industry Analysis Trade Report*, 1996). In the state of Oklahoma, for example, the total economic contribution of F (student) visaholders and their dependents, excluding any U. S.-sourced funding, is $143 million dollars (NAFSA, 2003a). This economic contribution in Oklahoma is so significant that the Oklahoma Department of Commerce includes "increasing international student enrollments" as a major trade initiative in the *Oklahoma International Strategic Plan* (Oklahoma Department of Commerce, 2000).

Recruitment and retention of foreign students has become an international policy issue. Because international students represent such a large services industry worldwide, competition for students among U.S. states and regions, as well as among

countries, can be sharp. In concert with their higher education communities, governments have established national policies designed to encourage international student enrollments (Desruisseaux, 1998, McBride, 1998; McMurtrie, 2001). For example, in 2001, Germany provided an incentive to science and high tech graduates to come to Germany by altering student visa policies to permit well-qualified international students educated in Germany to stay in the country after graduation to work (Bollag, 2001). Competition among English-speaking countries is especially pronounced. For example, in a direct recruiting bid in 1999, British Prime Minister Tony Blair announced a national recruitment plan for international students for the U.K., supported by $8 million in funding and including student scholarships and easier visa procedures, alarming U.S. policy makers. In 1998/1999, international students were 3.7% of the total student enrollments in the U.S., but were 8.4% in the United Kingdom, and indicating the growing power of its attraction, 11.8% in Australia. Between 1994 and 2000, due to proactive government policies promoting Australian education, the number of international students in Australia rose 73%, while the number at U.S. universities rose only 12% during the same period. The number of international students in both countries grew at a faster percentage than in the U.S. every year since 1996 (Davis, 2000, p. 24; McMurtrie, 2001). Relative to advocacy, pre-9/11 this commercial value increased the leverage of advocates seeking a reduction of obstacles to exchange, such as circuitous visa processing and fees.

Public Diplomacy Value and International Education in the National Interest

Both before and after 9/11 the theme of international education serving as a form of public diplomacy has been durable. The U. S. government has housed

international exchange agencies and information functions in the State Department, viewing international education as essentially a diplomatic initiative. This framing of the issue was shaped by the long history of international education being perceived as serving U.S. public diplomacy interests by disseminating U.S. values and developing a positive image of the U.S. abroad. As part of the U.S. development of "information services" beginning with President Woodrow Wilson's creation of the Committee on Public Information during World War I, the U.S. government has worked to actively shape the view of foreigners and their governments of the U.S. and its values. While much of the history of these information services relate to disseminating wartime propaganda and to developing capacity and content for radio transmissions (which would eventually lead to the Voice of America program), the component of cultural and educational exchange has been a consistent thread. In 1938, for example, the Department of State signed an agreement to establish cultural and educational exchange programs, primarily with Latin America and China (United States Information Agency, 2005).

A steady flow of legislation began which supported international education and the mobility of students between the U.S. and other countries, affirming the value of international education and students to U.S. public diplomacy objectives. President Franklin Roosevelt identified international education and training programs as having political as well as social and educational goals (Dudden, 1987; Jenkins, 1983). In 1941 the Department of State established the International Visitor Program, designed to bring foreign leaders to the U.S. to meet directly with their U.S. counterparts. During World War II, information agencies were established to counter Axis

propaganda, and again, within these agencies, a component supporting commercial

and cultural affairs existed to carry out the exchange of people and materials; after the

war, these services were absorbed into the Department of State, primarily into a newly

created Office of International Cultural Affairs (United States Information Agency,

2005). Two watershed acts follow shortly which have shaped and solidified the

perspective that international educational exchange, including international students'

presence in the U.S., is a cornerstone in U.S. public diplomacy. In 1946 President

Harry Truman signed the Fulbright Act (Pub. L. 79-584) to create a peacetime

international educational exchange program. This was followed in 1948 by the Smith-

Mundt Act (the U.S. Information and Educational Exchange Act, Pub. L. 80-402),

which mandated U.S. overseas information and cultural exchange programs and set

the charter for the United States Information Agency (USIA). Among the policy goals

cited by the Committee on Educational Interchange Policy in its 1955 report was the

importance of sharing American values with other countries through exchange (1955).

In 1961 the Mutual Educational and Cultural Exchange Act, popularly known as

Fulbright-Hays (Pub. L. 87-256), consolidated the U.S. international educational and

cultural exchange initiatives and established the government operation of culture and

education offices worldwide; this Act also brought about the Bureau of Educational

and Cultural Affairs. From the mid 1980's, an abundance of information is available

casting international education in this context and linking the educational value and

the economic/commercial value of international education and international students

to the cultivation of U.S. values abroad as a matter of state policy, as emphasized by

Semmel (1999), "One of the remarkable features about U.S. government-sponsored

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exchange programs is that they have enjoyed consistent and widespread official

support" (p. 60). Following the 1999 abolition of the USIA, the Bureau of Educational

and Cultural Affairs stayed in the Department of State (Bureau of Educational and

Cultural Affairs, 2002). The success of these initiatives is symbolized by the Fulbright

Program which, for example, has provided a U.S. educational experience to over

220,000 students and scholars in the 50+ years of its existence.

The April 2000 presidential memorandum and S. Con. Res. 7 clearly present

international education in a larger conceptual frame of national interest, and

recognizing the roles of a full range of actors – state, non-state, public, private, profit

and non-profit – in meeting the needs and goals of international education in the

national interest. Bowen (2000), Chandler (1998), Davis (2000), Lenn & Moll (2000),

M. Johnson (2000a, 2000b), and Semmel (1999) provide the components of the

consistently presented pre-9/11 framework of international education in the national

interest, each arguing that the post-Cold War era has introduced a deeper need for a

cosmopolitan foreign policy, a globally literate workforce, and a centrality of

globalization to meaningful education. International education helps meet these needs

by training potential leaders of foreign countries in the U.S., with multiple benefits.

The presence of international students on U.S. campuses is especially necessary

because too few American students go abroad relative to the number of international

students entering the U.S. for Americans to learn about the rest of the world, to live

and prosper as global citizens.

On August 7, 2001, Secretary Powell's office released a "Statement on

International Education Week 2001" emphasizing that the "Department of State

recognizes the role that international education and exchange play in strengthening our nation and our relations with other countries. . . . I can think of no more valuable asset to our country than the friendship of future world leaders who have been educated here" (Powell, 2001).

Foreign nationals who attended school in the U. S. would gain experience with the U.S. way of thinking, would develop networks of U. S.-friendly colleagues, and would ultimately enhance U.S. security through their service in foreign governments, a theme which has been reinforced by recent Bush (2002), Ridge (2003), and Powell (2001, 2002) statements. Nye (2002, p. 552), in analyzing global U.S. influence, makes a distinction between hard power such as military strength and commercial dominance, and soft power such as expressing U.S. values abroad; he notes that one way in which this dissemination of soft power occurs is through students from other countries coming to the U.S. to study.

The International Education Practitioner and Advocacy Community

As the flow of international students increased, universities welcomed international students, recognizing them as an educational resource on American campuses as well as to the home countries to which students would return, carrying a positive experience in the U.S. along with their education (DuBois, 1956; Hariri, 1964; Hubbard, 1978). As the number and variety of international students grew, the services provided by colleges and universities expanded, developing international student offices and advisers, cultural organizations, and English language programs. By the mid-1970's, a for-profit services community had also emerged. In 2002, nearly 2,500 U.S. universities and community colleges reported international student and

scholar enrollees (Chin, 2002, p. 13) and over 400 intensive English programs

enrolled post-secondary students (American Association of Intensive English

Programs, 2003).

As international student enrollments increased, practitioner support groups

formed. Universities, government agencies, and private organizations began to

recognize that special knowledge and competencies were required to meet the

academic and cultural needs of this diverse and growing group of international

students. Any institution authorized by INS to admit international students will have

immigration compliance practices, admissions requirements, language proficiency

requirements, and a wide range of student services needs which are beyond those

needed for admitting and serving domestic students (Dalton, 1999). Membership

organizations formed to provide training and networking support for international

student advisers, international admissions officers, cultural orientation directors, and

other practitioners. For example, in 1948, the National Association for Foreign

Student Advisers (NAFSA) was formed; it had 40 members serving a nationwide

enrollment of 25,000. In 2003, now named NAFSA: Association of International

Educators, has a membership of 9000+ serving the nationwide enrollment of nearly

750,000 students (NAFSA, 2003b). The American Association of Collegiate

Registrars and Admissions Officers (AACRAO) has 2300 member institutions in 35

countries and actively addresses international student admissions (American

Association of Collegiate Registrars and Admissions Officers, 2003). The Association

of International Education Administrators (AIEA) was founded in 1982 and now has

320+ members; AIEA is composed of principal international education administrators on college and university campuses in the U.S. and abroad.

While serving particular sets of practitioners or institutions, these organizations also emerged as an international education policy community. In 1919 the Institute of International Education was established, the first national organization concerned with student migration to and from the U.S., and organizations such as the American Council on Education (ACE) and the Association of American Colleges were addressing the increasing number of international students and exchange programs at their member institutions (Jenkins, 1983). Graduate students, exchange visitors, scholars, and researchers flow through admissions and academic policy matrices which are a combination of government regulation and university administrative practice. Controversial issues can emerge from this arena of government regulation and/or administrative policy. When they do, the practitioner communities and their professional organizations (admissions officers, language program administrators, school officials responsible for immigration regulations, international student/scholar advisors, etc.) have helped shape the definition of the problem and then called for selected remedies from appropriate policy makers. The 2000 *International Exchange Locator*, for example, a resource directory of non-profit and governmental educational and cultural exchange programs prepared by the U.S. Information Agency and the Alliance for International Educational and Cultural Exchange, lists 200 programs, associations, and governmental agencies comprising thousands of member universities and other constituent groups. The Alliance for International Educational and Cultural Exchange has over 70 member institutions and

associations. NAFSA: Association of International Educators developed policy subgroups and eventually a public affairs division. This large range of policy practitioner/advocacy organizations now also include policy elites and many of these organizations work to define issues and further national policy in support of international educational exchange.

In policy interest group terms, international education advocates in the U.S. have evolved in the last decade from a cluster of professional associations and lobbying coalitions which interacted on issues ("issue networks") to a fully developed policy community (Wirt & Kirst, 1997). With this evolution has come the advantage of numbers to influence public policy issues, some interest groups finding common ground among coalition partners with overlapping, but not precisely correlated, agendas and membership bases. For example, NAFSA: Association of International Educators, the American Council on Education (ACE), the Alliance for International Educational Exchange, the Association of American Universities (AAU), and the National Association of State Universities and Land-Grant Colleges (NASULGC), as well as other organizations, have collaborated both before, and particularly after, 9/11, producing surveys, developing policy proposals, making public statements, and providing Congressional testimony. The development of a national international education policy is a good example of how this community functioned. With NAFSA leading, the advocacy campaign on behalf of international educational exchange was launched in 1998. The centerpiece of the campaign was the call for a national international education policy and an advocacy strategy focused on the objective of having the policy endorsed and action authorized at the highest level – by the

president and Congress. In April, 2000, President Clinton signed the presidential memorandum endorsing the policy and adding directives to several governmental departments to take action in support of it, several of which took place. The Clinton administration also endorsed the first U.S. International Education Week, held in November 2000. International organizations made plans to carry momentum on the national policy despite changing administrations after the 2000 elections. The Senate Foreign Relations Committee, the subcommittee which has jurisdiction over the U.S. State Department exchange programs, held a hearing on "Exchange Programs and the National Interest" in September, 2000, during which the chief executive officer of NAFSA testified; she asked for "Congress to hold the next administration accountable for promoting our national interest with and international education policy" (M. Johnson, 2000b, p. 5). When presidential administrations changed, the policy, with an introductory white paper on international education, was submitted to the Bush administration. Congressional support continued to develop, culminating in the April 2001 unanimous passage of S. Con. Res. 7, "expressing the sense of Congress that the United States should establish an international education policy," outlining the need for a policy and listing seven objectives.

The strategy for securing endorsement of a national international education policy is prototype political and public policy advocacy practice (Weimer and Vining, 1999). The policy community collected data and compared objectives, negotiated the agenda, then developed a strategy and endorsed a public statement. Influential Congressmen and women were identified and cultivated, often through their staffers, and were kept fully informed. Constituents made regular contact with their senators

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and representatives to support the policy, or referred to the policy as a rationale in calling for reform of obstructive provisions, for example, calling for revision of INS procedures.

As late as September 10, 2001, the concerns of the international education policy community focused on isolating specific problems and obstacles to exchange, working to shape the definition of the problem and move it onto the public policy agenda. When national media such as *The New York Times* began to take up the issue of denial of student visas to Chinese visitors, for example, the policy process was moving along predictably: "From the Chinese perspective, the issue is simple: on the basis of interviews lasting less than five minutes, thousands of Chinese this year have found longstanding plans for study, travel or work jettisoned. Those denied visas include students with full scholarships to Ivy League schools and grandparents wanting to see a first grandchild" (Rosenthal, 2001). When the media identified situations which highlighted the obstacles, they often were boosted to public attention, shaped by media's presentation.

Student Visa Policy prior to 9/11

From the 1911 creation of the Committee on Friendly Relations among Foreign Students, through the 1946 creation of the Fulbright scholarship program, to the implementation of the National Security Education Program in 1993, the exchange value of students and scholars crossing borders has been recognized in national policy and generally treated in ways to encourage and support exchange. Prior to 9/11 international students as objects of policy were mainly regulated in ways linking their presence in the U.S. to the values of education, economic impact, global workforce

development and public diplomacy. Since 1921 students had entered as non-immigrants and visa controls had varied in intensity at times but generally unexceptional; the INS provided both "welcome to the U.S." services and border control enforcement functions. The Department of State (DOS) issued visas through consular offices abroad, and in the recent years prior to 9/11 had focused on improving services and welcoming students. The DOS housed the U.S. Information Agency (USIA), which in 1999 became the Bureau of Educational and Cultural Affairs (ECA); the mission of this bureau is to "foster mutual understanding between the United States and other countries through international educational and training programs." Among other programs, the ECA supports a network of 450 overseas educational advising offices, where intending students receive information about the U.S. higher education system and schools in the U.S. (Bureau of Educational and Cultural Affairs, 2002). Clearly, it has historically been U.S. policy to cultivate students from abroad, even though less aggressively and in a less coordinated fashion than some in the international education community may have desired.

The late 1990's brought consolidation of the international education policy community behind a call for an national international education policy, and as noted earlier, by the time of the 9/11 attacks, the value of international education and international students was widely recognized as the policy community had successfully moved its issues into the government agenda. Components of the view of international education in the national interest included education and cultural factors, economic impact, globalization and workforce preparation, national security, and public diplomacy, brought together in the S. Con. Res. 7 commitment to supporting

further development of this sector. Public policy attention to international students during this period was generally devoted to removing obstacles to full development of the potential of these values.

Occasionally a particular issue has emerged on the public, education, and/or legislative agenda which involved or impacted international education or students, provoking a specific scrutiny and perhaps policy. For example, training and employment in the U.S. of foreign medical doctors has been reviewed at times and reached the government agenda (Committee on Educational Interchange Policy, 1957; Margulies & Bloch, 1969; Office of International Health Manpower Studies, 1974). Training foreign military students drew congressional attention as a financial issue in the 1970's and occasionally since (Comptroller, 1976, 1977; Taw, 1993). Following the Chinese government's crack down on dissident students following Tiananmen Square in1992, the Congress passed the Chinese Student Protection Act (1992) which allowed Chinese non-immigrant students in the U.S. to stay in the U.S. until they could safely return to China.

Another area which has brought international student to the media's and public's attention and to the government's policy agenda is the role of science and technology in various situations related to foreign students. This issue has come to the systemic and institutional agendas in various guises, from the perspectives of "brain drain" as the U.S. attracts highly educated and skilled foreign scientists; of foreign students, particularly the Chinese and Indians, seeking to stay in the U.S. after studying; and of the role that foreign graduate students play in filling university seats and teaching courses (V. Johnson, 2003; National Science Foundation, 1981, 1985; Rao, 1979;

Wessel, 2001). Following hearings on high tech worker shortages, the American

Competitiveness and Workforce Act of 1998 addressed the need for high tech workers

with more liberal provisions for American companies to hire non-immigrants in the

H1b skilled labor category (J. M. Johnson, 1998).

The Student Visa Process at the Time of 9/11

The process for issuing student visas was controlled by the U.S. INS Student

and School Regulations and their accompanying Operations Instructions (United

States Immigration and Naturalization Service, 1997, 2000). The basic process was

this. Schools were authorized or approved following a petition process to issue the

Certificate of Eligibility Form I-20 and enroll non-immigrant students. Prospective

students applied to approved schools, demonstrating that they had the appropriate

admissions qualifications and sufficient funds (or sponsorship) to attend school. When

accepted, the student was issued the Form I-20 by the school, signed by the designated

school official (DSO), documenting acceptance, dates of the program, and expenses.

The student went to the embassy in the home country, or in some cases a third-party

country, and presented the I-20, evidence of financial support to attend school full-

time without working, evidence of the appropriateness of the course of study, and

evidence of ties to the home country (such as a job, family, or property) sufficient to

ensure return after study. Consular officers were charged with reviewing these

materials and checking the applicant against several security-related databases; some

consulates required a face-to-face interview with some students. If the student's

application for the visa was approved, the student then received an F-1 status visa as

indicated by a visa stamp in the passport, which, along with a copy of the approved I-

20, he/she used to document legal entry at the U.S. port of entry. There, an INS officer would collect a page from the Certificate of Eligibility Form I-20, stamp the student's passport, an entry card called an I-94, and the student copy of the I-20 with a dated mark and designation of the period of time the student could legally be in the country. For students, this period of time was typically "D/S" or "duration of status" – as long as the student stayed in compliance with regulations and stayed in status, he/she could continue to be in the U.S. legally. Requirements for staying in status included maintaining a full course of study (12 or more credit hours for credit-bearing school enrollment, or 18 or more contact hours for intensive English program enrollment) (*AACRAO International Guide*, 2001; Becraft, 2001). This process was primarily paper-based.

Security Checks in Place at the Time of 9/11

The kinds of security checks which applied to students when applying for the student visa prior to 9/11is pertinent to this study, since within weeks following the 9/11 terrorist attacks, early reports indicated that one of the 19 hijackers had entered the U.S. on an F-1 (student category) visa, and it later became known that two others had become students at a Florida flight school after entering the U.S. as tourists and then filing the necessary INS forms for change to student status. As this information was uncovered and the national media reported developments, among the many questions was how international students were screened, particularly whether applicants' links to terroristic activities or countries was probed as part of the process.

There were several layers of prohibited categories of non-immigrants, several kinds of security checks, mandated under several laws, to be carried out at both visa

issuance and admission to the U.S. For example, during both visa and admissions processes, non-immigrants had to satisfy consular officers and immigration officers that they are not inadmissible under any of the ten grounds outlined in Section 212(a) on the Immigration and Naturalization Act (INA). The INA also makes any alien inadmissible if there are reasonable grounds to believe that the alien seeks entry to the U.S. to engage in espionage or sabotage or to engage in any other unlawful activity. In particular, Section 212(a)(3)(B)(i) of the INA makes any alien inadmissible if there is reasonable ground to believe, among other provisions, he/she has engaged in or is likely to engage in terrorist activity; incite terrorist activity; is a representative or member of a foreign terrorist organization as designated by the Secretary of State (Krouse and Perl, 2001).

At least three security checks were required by law for categories of non-immigrant visa applicants, including international students. Consular officials were required by law to certify in writing that they had checked the Department of State's security database CLASS (Consular Lookout and Support System) containing approximately 4 million records including limited biographical information on terrorists, narco-traffickers, and international criminals, and to confirm that no basis existed to exclude the applicant before issuing a visa. The Department of State's Bureau of Intelligence and Research also maintained a database called TIPOFF, which included files on persons who may be considered terrorists and who would be excluded. Finally, INS immigration inspectors were to check the name of every person 14 years of age or older, except in some limited cases, in the Interagency Border Inspection System (IBIS), a database maintained by INS and the U.S. Customs

Service to provide lookout information to the federal inspection services (Becraft, 2001; Krouse and Perl, 2001). Before 9/11, but particularly after, the quality and content of these security databases was scrutinized, and issues related to their lack of integration and consistent use were raised (see *The 9/11 Commission Report*, for example).

International Student Visa Policy and the 1993 World Trade Center Bombing

Relative to the topic of the 9/11 attacks and student visa policy, the bombing of the World Trade Center in 1993 has direct bearing on student visa policy prior to 9/11 and to policy events following the 9/11 attacks. At the time it brought international students to limited public and media attention in uncharacteristically unfavorable light when it was learned that driver of the truck in the bombing had entered the U.S. legally on a student visa but had then fallen out of status by failing to comply with enrollment requirements. Policy makers gave this possibility somewhat more attention by embedding a tracking system requirement (CIPRIS) in a large immigration bill in 1996 (IIRIRA), which are discussed more thoroughly below. Regarding security checks, various legislation followed the 1993 bombing requiring additional layers of checks on visa applicants, including international students, as indicated in a 2001 Congressional Research Service report:

> The State Department and the federal inspectional services have taken a number of steps to improve and computerize their lookout systems. Although efforts were already underway in early 1990s to improve these systems, the bombing of the World Trade Center in February 1993 prompted federal officials to accelerate these efforts, since many of those involved in the conspiracy were visaed foreign nationals. . . . Following the World Trade Center bombing, State directed consular offices to form "Visa Viper" committees to ensure that the names of possible terrorists are forwarded by consular officials to the State Department. (Krouse and Perl, pp. 4 - 5)

Beyond improved security checks, *The Report of the National Commission on Terrorism* (2000), also known as the "Bremer report" in reference to the commission's chairman, Paul Bremer, recapitulates the top-level rationale for instituting more careful visa screening and tracking upon entry of international students following the 1993 World Trade Center bombing:

> Thousands of people from countries officially designated as state sponsors of terrorism currently study in the United States. This is not objectionable in itself as the vast majority of these students contribute to America's diversity while here and return home with no adverse impact on U.S. national security. However, experience has shown the importance of monitoring the status of foreign students. Seven years ago, investigators discovered that one of the terrorists involved in bombing the World Trade Center had entered the United States on a student visa, dropped out, and remained illegally. Today, there is still no mechanism for ensuring the same thing won't happen again. One program holds promise as a means of addressing the issue. . . . [CIPRIS] collects and makes readily available useful and current information about foreign student visa holders in the United States. For example, CIPRIS would record a foreign student's change in major from English literature to nuclear physics. . . . The Commission believes that CIPRIS could become a model for a nationwide program monitoring the status of foreign students. (pp. 30 - 31)

This section of the report ends with this recommendation: "The President and Congress should work together to create an effective system for monitoring the status of foreign students nationwide" (p. 31).

Policies related to IIRIRA and CIPRIS

The absence of a system to report when students depart a program and then depart the U.S. coupled with increasing government concerns about terrorism within the U.S. led to provisions for a national tracking system for international students being included in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, known by its acronym IIRIRA (Pub. L. 104-208). Section 110 of IIRIRA

required the Attorney General to develop an automated entry/exit control system that would create a record for every alien arriving in the United States and match it with the record for the alien departing the United States. Prior to CIPRIS, schools would not have been not required to record the incidence of non-immigrant students who enter the U.S. to attend school but who later fail to meet requirements for maintaining the status. CIPRIS, an acronym for Coordinated Interagency Partnership Regulating International Students, was later transitioned into the Student and Exchange Visitor Program (SEVP). The CIPRIS/SEVP program was to be funded by user fees, not to exceed $100, paid by international student visa applicants though a to-be-determined payment mechanism.

When passed, IIRIRA was widely critiqued for a variety of provisions, only a few of which related to or impacted international students. Among the education-related provisions of the new law were restrictions on adult education programs' enrollment of non-immigrant students and requirements that exchange students in public schools pay a full tuition fee (Pub. L. 104-208; Fragomen, 1997). Four impacts from IIRIRA on international students processes included changes in rules and consequences of unlawful presence, visa overstay, F-1 study in secondary schools, and the CIPRIS tracking system (*AACRAO International Guide*, 2001; House subcommittee, 1997). International students were impacted by a number of the provisions that were not focused on international students but regulated their activities as non-immigrants, such as stringent rules governing being on the public charge and paying taxes, and applying penalties for failing to maintain status.

The international education policy community handled the CIPRIS tracking

provision, which did focus on international students, by trying to redefine the issue,

pointing out that it was based on a single case of overreaction to a tenuous connection

of one of several perpetrators of the 1993 World Trade Center bombing to the student

visa system, unfairly and ineffectively targeting international students, commingled

"illegal immigration" with non-immigrant students who may be out of status due to

technicalities, INS inefficiencies, or consular officers' failure to adequately check the

lookout databases. Government reports assessing the status of CIPRIS often

referenced the higher education community's objections and resistance, as reported by

Krouse and Perl, 2001,

> Provisions to require increased entry/exit control included in the Illegal
> Immigration and Immigrant Responsibility [sic] Act of 1996 (IIRIRA; P. L.
> 104-208) have proved controversial and were amended by the 106th Congress.
> The Department of Justice (DOJ) encountered significant difficulty in
> implementing Section 110, because INS had not previously tracked arrivals
> and departures of immigrants and only had limited success in tracking arrivals
> and departures of non-immigrants. . . . Although enjoying strong support in the
> national security and counter-terrorism community, this program has drawn
> strong criticism from civil liberty groups and higher education administrators
> as a costly administrative requirement that represents an overreach of
> government authority. (pp. 6, 11-12)

As noted in the Bremer report, CIPRIS was, despite being piloted and drawing

a great deal of attention and action in the advocacy community, not operable in 2000.

It was still not in place at the time of 9/11; the CIPRIS implementation date was then

projected to be January, 2003. In June 1997, INS had implemented the program on a

pilot basis at 21 educational institutions in Georgia, Alabama, North Carolina, and

South Carolina, and at Atlanta's Hartsfield Airport. The pilot program's automated

system was designed to monitor foreign students, to improve screening of foreign

students at consular posts upon application for the visa, and link to the processing of students at INS inspections at U.S. ports-of-entry. Although the pilot phase of the program officially ended in October 1999, the INS reports that the program's automated system is still a prototype (Krouse and Perl, 2001).

The international education community's general belief and response to this policy linkage between the terrorism of the 1993 World Trade Center bombing international students can be summed up by these remarks contained in a letter sent to President Clinton by NAFSA's CEO M. Johnson, responding to the June 2000 release of the Bremer report:

> For the record, I wish to make three points about this recommendation. First, to state that "a small minority" of foreign students may abuse their status to support terrorist activity vastly overstates the case. To my knowledge, of the millions of foreign students who have studied in the United States, the number that is alleged to have remained illegally and to have been involved in a terrorist act is precisely one, and that is the case cited in the report. Second, hundreds of millions of foreigners enter the United States every year, most of them legally. The tiny minority of these that are students are already among the most closely monitored of all non-immigrants. Third, the commission fails to explicitly acknowledge that the 1996 Illegal Immigration Reform and Immigrant Responsibility Act already mandates what the commission recommends. Under this law, a nationwide foreign student monitoring system is to be in place by 2003. . . . There is no evidence that foreign students are a terrorism threat. To leap from a single allegation to a proposal for increased monitoring of all foreign students is akin to suggesting that because Timothy McVeigh was a private in the U.S. Army, all privates should be monitored. (M. Johnson, 2000a)

Of the provisions in IIRIRA relating to higher education matters and international students, the CIPRIS provision drew the most attention and action from the international education community and is the one with the most implications to student visa policy after 9/11. The CIPRIS provisions, which focused on a subset of non-immigrants, drew power by being included in a large conservative immigration

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enforcement bill which contained multiple restrictions on illegal immigrants. The provisions were presented as the no-nonsense, technology-driven remedy for the public's newly perceived vulnerability to terrorism. The international education policy community mobilized behind a strategy to emphasize that the legislation had multiple implementation problems and predictable unintended consequences, and argued that it focused on an already over-regulated population of valuable non-immigrants which as a group constituted little danger (Desruisseaux, 1996; Rubin, 1997).

Although the media frequently reported, following the 9/11 attacks, simply that U.S. colleges and universities had opposed the CIPRIS provisions, inferring that this slowed the implementation of a system which could have prevented the attacks, there were in fact several kinds of responses to CIPRIS from the higher education community; many practitioners supported data collection on students and a more efficient processing system from INS. At the time of the 9/11 attacks, 22 colleges and universities in the INS's southeast region were piloting CIPRIS and another 12 schools in the Boston area were ready to join the testing, working with INS and EDS, the private contractor hired by the government to develop the tracking system, in an effort to identify and eliminate technological and systemic problems with implementation. Objections to CIPRIS within the policy community were distilled and focused, targeting aspects of the law, specific rules and regulations governing implementation, or aspects of the technology that were ineffective. For example, the American Council on Education (ACE) took the position that better tracking of student visas, student entries, length of stay, and student departure would provide useful data on this now very large post-secondary population. This perspective emphasized that the problem

with CIPRIS was that INS was ineffective and the technology was untested, and when the system failed in any way, students suffered unnecessarily harsh penalties. However, ACE did not back CIPRIS repeal, holding the position that it was largely workable once piloted and implemented, and that the user fees which had been mandated were not large for long term students. NAFSA, as a public policy stance, agreed with ACE but ultimately concluded that repeal was possible and should be supported. In the meantime, as a practitioner membership organization, NAFSA also worked with INS to pilot the system, provide education sessions to system users, and develop guidance for advisers to give to students subject to the system. NAFSA was concerned about the user fees, particularly the mechanisms for payment, which seems unworkable and obstructive. The American Association of Intensive English Programs (AAIEP) objected particularly to the fee amounts, which were proportionally large for a short term student, as well as the system for collecting them, which had complex and unworkable components involving overseas credit card payments and required regular post confirmations, a problem in countries where mail service is unreliable (*AAIEP Position Paper*, 2000). All international education organizations objected to having to collect fees on behalf of the government, and they also resisted becoming agents of INS enforcement, collecting extraneous data from students, perhaps fingerprinting, and reporting violations of status (Southwick, 2001b).

The issue, though a component of the student visa policy environment, was embedded in the broader tapestry of a positive international education policy environment. NAFSA used the presidential and Congressional level commitment to a

national international education policy as a platform to actively pursue reducing

obstacles to international exchange, including calling for repeal of the CIPRIS

provisions as a whole rather than working to mitigate them through influencing the

INS rules and regulations being written to promulgate CIPRIS. As noted in Chapter 1,

at the time of the 9/11 attacks, a House bill calling for repeal of CIPRIS had been

posted.

Focusing Events and the Policy Process

Prior to the 9/11 attacks, the exchange policy community was succeeding in

shaping positive policy to a remarkable extent. Then the 9/11 attacks suddenly and

dramatically reshuffled public policy priorities and a new agenda took precedent, one

in which national security trumped all other issues. In rapid succession, the

international education community, including program administrators as well as

students and scholars, were subject to or affected by waves of new legislation and

regulation.

The 9/11 attacks were unanticipated and sudden, significantly harmful and

filled with powerful visual symbols. They were witnessed by policy elites, the

advocacy community and the general public simultaneously. As the media carried the

unfolding story, memorable images and symbols emerged, some socially constructed,

and shaped the public discourse. The public as well as policy actors participated in

interpreting causes and identifying specific failures of previous policy. The range of

acceptable policy alternatives narrowed as the perceived policy failures which

permitted the attacks rose on the political agenda. Policies were changed in direct

response to the perceived failures of past policy which allowed the attacks to occur.

These characteristics make the 9/11 attacks a prototypic focusing event in policy making (Baumgartner & Jones, 1993; Birkland, 1997; Edelman, 1988; Elder, 1983; Kingdon, 1995; Stone, 1989). The international education community was experiencing firsthand the power of focusing events that draw intense media attention, link the focusing event to a policy failure, trigger deep change in policy agendas, and amend the public's and policy makers' perceptions of problems and the policy alternatives considered acceptable. What happened to U.S. international education policy, specifically what happened to student visa policy and regulation; how policy makers, advocacy organizations, and international education administrators on U.S. campuses reacted; and how these reactions are informed by policy making concepts accounting for focusing events provides the background for this descriptive case study.

Purpose of the Study

In response to the radical nature of the 9/11 attacks and their extreme impact on many aspects of U.S. public policy, the federal government, the media, and the public turned urgent, emotional and justified attention to national security issues. The 9/11 attacks clearly functioned as a focusing event in U.S. public policy across many policy domains; international student visa policy is only one of many areas impacted by the rapid shifts in regulation and increased pace of policy activities. Still, for the international education policy domain, relative particularly to visa regulations and related processes for international students applying to enter or already in the U.S. and the practices of program administrators who serve them, the changes in landscape were quick and dramatic. The first months after the attacks brought weekly policy

developments, many reflecting deep changes in laws and regulations, and thus in the processes governing prospective and current international students. Hindsight, and softened memories, have provided a sense of organization and clarity that were not present during the months when the landscape was changing. The cascade of changes in policy and the upsetting and shifting perceptions of international students and programs that serve them often seemed, at the time, chaotic and irrational.

Therefore, the first purpose of this study is to use documentary data to tell the story of what happened to international student visa policy and then describe the themes of response of the international education community (advocacy organizations and international education administrators) following 9/11, leaving an account of this unique and powerful focusing event. Birkland's (1997) research indicates that the largest impact of a focusing event occurs in the first two years following it; this study captures the events of the first 20 months. Descriptive case study is an appropriate vehicle to capture multiple sources of data and tell what happened (Merriam, 1998; Stake, 1994), particularly when ample literature and discussion of the context of the case exists, and multiple types of data are available or accessible, which provide multiple perspectives on the case and permit triangulation among sources, what Stake (1994, p. 242) calls pattern recognition and "'crisscrossed' reflection."

The second purpose of this study is to record experiences and responses of international education administrators in order to gain insight into what happened to administrator/advocates' thinking and within their programs in the aftermath period. While documentary data can be collected and analyzed to reconstruct the statutory and regulatory actions, the advocacy organization responses, and media reports, only by

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talking to international education administrators themselves can I obtain their first-hand, and most informative, experiences.

The third purpose is to identify what concepts in the policy process apply to the case of such a unique focusing event. Drawing themes and patterns from the data (the government agenda, the responses of the advocacy organizations as well as individual administrators, and the media reports relating to international students and visa policy) are activities essential to making sense of and effectively responding to such a changed policy environment. Focusing events, crises, triggering events, and high-profile events are frequently described in the literature analyzing policy processes (Baumgartner & Jones, 1993, 2002; Cobb & Elder, 1983; Fowler, 2000; Kingdon, 1995; Rochefort & Cobb, 1994).

Now three years after 9/11, study of its aftermath is fully underway. Study of the impact of this extreme and unique focusing event on aspects of international education policy are appearing. However, none of the studies I reviewed investigate international student visa policy in relation to policy study of focusing events. This descriptive case study adds a perspective to many narratives and accumulating studies of policy following 9/11.

Finally, as an outcome if not a purpose of the study, this descriptive case study provides one brick in a foundation for future studies on various aspects of the impact of 9/11 on international study visa policy, government actions, and the reaction of the international education community. Chapter 7 lists the topics of future study that emerged as I carried out this case study.

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Research Questions

Creswell (1998, pp. 99 - 101) recommends "reducing [the qualitative researcher's] entire question to a single, overarching question and several subquestions" that may be framed to study either topics or issues. Topical subquestions anticipate information that will be needed to describe the case and may "foreshadow what the reader will find later in the study." Issue subquestions address the "major concerns and perplexities" of the case. In order to meet the purposes of this study, I developed one primary question and five subquestions to channel investigation of both topics and issues.

Primary Question: In the 20 month period following the 9/11 attacks, what was the impact of the attacks on the international student visa policy domain?

Subquestion 1: How did the governmental agenda change relative to student visa policy?

Subquestion 2: What themes related to international student visa policy and regulation emerged in mass media newspapers during this period?

Subquestion 3: What themes of response emerged from the policy community?

Subquestion 4: How did international education practitioners experience and respond to these changes?

Subquestion 5: What policy constructs helped me understand these themes and responses?

The Method of the Study

Birkland (1997, p. 144) cautions that *unique or near unique* focusing events cannot be studied using quantitative analysis or comparison with similar events across time. I acknowledge this concern by using a qualitative approach and descriptive case study methodology which resulted in an in-depth view of one case, an approach Birkland suggests is appropriate for "novel" events (p. 148). A complete description and defense of the method of this study, including enumeration of the documentary and interview data categories, are presented in Appendix B. However, three aspects of the study's framework provide necessary background for the case description which follows in Chapters 3 and 4 and I therefore present them here.

Timeframe

Birkland's data on focusing events indicates that the majority of policy action occurs in the first 24 months after the focusing event. The case study I have conducted captures data from the first 20 months after the 9/11 attacks, from September 2001 through April 2003.

Definition of *Policy*

Multiple definitions of policy exist in contexts of both prescriptive and descriptive typologies (Fowler, 2000; Guba, 1984; Hogwood & Gunn, 1984). In this study I use *policy* to mean the outputs of the policy making system (Guba, 1984), including expressed intentions of policy makers as well as official enactments (Fowler, 2000). Guba (1984) emphasizes that the operative definition of policy one adopts implies the likely data sources and forms of inquiry or analysis to be used in the study. When policy is the outputs of the policy making system, the type of data

likely to be collected includes "relevant laws, court decisions, executive orders, administrative guidelines, regulations, memoranda, instructions, behavior of street-level bureaucrats; responses to the above by clients; [and] opinions of experts", and the forms of inquiry or analysis will likely be "statistical data analyses, documentary analyses, interviews, observation, unobtrusive measures, investigative inquiry techniques" (p. 69). As implied by Guba's definitions of policy as outputs, and by Fowler's inclusion of expressed intentions as well as enactments, the policy data categories I employed included documents such as transcripts of committee hearings, the text of federal statutes, agency rules and regulations, executive memoranda, and State and Justice Department statements relating to international education, specifically student visa policy, before and after 9/11. I also collected data through interviews of international education administrators who were, in addition to their work, active members of advocacy groups, and documentary material produced by these groups, in order to build thick description of the policy community's actions and perceptions of the student visa regulatory environment post 9/11. Use of these multiple sources of data also provides triangulation, as described more fully in Appendix B: Methodology.

Definitions of Other Terms

In the narrative which follows, I use the following terms requiring definition. *International education administrator*: Individuals who direct international student programs on U.S. campuses or in private institutions or organizations and who are responsible for policy implementation related to international students. In this study, all international education administrators interviewed are active in advocating for

public or institutional policies supporting some aspect of international education. These individuals are advocates within the context of their professional positions in international education or language programs offices, or within the context of membership in professional organizations or coalitions which have an advocacy function. Relative to this study, the administrators must have at least 5 years' experience as an international education administrator and provide evidence of advocacy activities related to international student visa policy. (For a complete description of interview participants' characteristics, see Appendix B: Methodology, Interviews).

Advocacy group: Members and organizations which have a public policy mission or department to support policy development favorable to the organization's constituency. In the international education domain, examples of advocacy groups are the Alliance for International Educational and Cultural Exchange (Alliance), American Council on Education (ACE), NAFSA: Association of International Educators (NAFSA), and Association of International Education Administrators (AIEA). In some cases, advocacy organizations have formed coalitions and acted in concert.

Focusing event: In policy study, focusing events are primarily addressed as part of concepts and theory related to agenda-setting. Focusing events overlap considerably, at times completely, with crisis, high profile, or triggering events. In this study, I use a definition derived from Birkland (1997, 2001), who has carried out concentrated study on the focal power of such events. A focusing event is rare, significantly harmful and sudden, and becomes known to the mass public and policy elites simultaneously,

draws high mass media attention, has compelling symbols and images, draws attention to an actual or perceived policy failure, and has agenda-setting or agenda-changing power.

U.S. international education: The education, training, and cultural programs and institutions for foreign international students and scholars who enter the U.S. temporarily (i.e. as non-immigrants), to study, train, teach or conduct research at the post-secondary level. The international education arena includes the administrative infrastructure and personnel of programs which deliver the academic, professional development, and/or services components of the educational program.

International student visa categories: Visa categories are distinguished by letters. Non-immigrant (temporary) visa categories F, M, and J are reserved for students and scholars and their families. An F-1 visa is for the student permitted to enter the U.S. to study in a post-secondary program or institution. An M-1 visa is for the student permitted to enter the U.S. to study or train in a vocational-technical or training program. The J-1 visa is for the exchange scholar who enters the U.S. to teach or conduct research at a U.S. university or institution, usually as part of a sponsored program.

International students: This study focuses on policies affecting F category international students particularly. I also at times refer to policies affecting international scholars, in the J category, and trainees, in the M category.

Background of the Researcher

Case study, as a qualitative research tradition, casts the researcher in the role of the "primary instrument for gathering and analyzing data" (Merriam, 1998, p. 20). This position leaves the researcher within the study, selecting some forms and sources of information and while rejecting others, interpreting documents and interview comments, judging what will amount to evidence or illustration of the case and making decisions about what to tell in the narrative. Therefore, the researcher has a responsibility to be clear about his/her background, perspectives, and "the inherent biases of this type of research" (Merriam, 1998, p. 22). Creswell (1998, p. 172) recommends that the narrative reporting the case include a section on the role of the researcher. I have included that here.

I was a director of intensive English programs or international education programming units in either a public university or a private company from 1983 through 2001. During this time I served in national leadership positions in international education organizations and worked to shape U.S. public policy in ways that would support and increase the number of international students and scholars in the U.S. I was directly involved in advocacy work on a variety of the policy issues prior to 9/11 that I discuss and analyze in this case study. I have a strong belief in the value of international education for the traditional reasons of extending global understanding and developing citizens knowledgeable about the world's ways, as well as for the enhancements it brings to public diplomacy and workforce development for all countries that have students crossing borders. Like most administrators and advocates in the field, I watched the rapid policy making affecting international

students after 9/11 with shock, dismay, and confusion. Unlike those currently administering programs, however, I was not directly involved in coping with the aftermath of new legislation and regulations, leaving me an observer to this process. Also, I have held malleable views about the relationship of international student visa policy relative to national security, shaped by the increasingly clarified stream of information now available regarding what actually happened on 9/11, how the SEVIS student tracking system is working, and information developed through this study.

In this study I act more as an observer than participant. The government documents, advocacy organization statements, and media reports I have collected for the documentary data study are part of the public record. In the interviews as well I act more as an observer than a participant, but my background as an international education administrator and advocate no doubt shaped the follow-up questions I asked and the themes I detected and coded. I have used several techniques to balance these preferences and biases as recommended by theorists of quantitative study. I have used multiple sources of data, applied critical reading techniques, and maintained transparent records to support decisions about coding and interpretation as checks on inappropriate intrusion of researcher bias (Bell, 1999; Majchurzak,1984; Ozga, 2000). As recommended by Creswell (1998), in Chapter 7 I report what I have learned through this research, how my understanding of issues may have deepened, and how my position on issues may have evolved. I have also reported how the research project itself evolved as aspects of the data guided me or resulted in obstacles.

Conclusion

The widely recognized educational, economic and diplomatic value of international students did not protect this education arena from a cascade of U.S. government policy changes that occurred when national security dominated public policy and international students were implicated in the 9/11 attacks. The U.S. international education community, including students, campus advising officers, and policy advocates, also experienced the impact of the 9/11 attacks, both in dramatically changed policy and in the day-to-day affects of the policies themselves. Among other causes, the 9/11 events were seen as a failure of U.S. policy regarding the monitoring of international students and their educational programs, and drew mass media and government attention. This attention resulted in legislation and rule-making intended to address this perceived policy failure. These dynamics are characteristic of focusing events, which may be followed by rapid, non-incremental policy activity within a policy domain. Models of such events continue to be expanded, and the 9/11 attacks were spectacular. Investigation and capture of what happened in this policy domain after this unique focusing event provides an account of the times, and may provide some insight into the policy processes which follow extreme events. The records and reports of these changes (the statutes and regulations debated and adopted, the reactions of the advocacy community, the media reports which shaped or reflected public perceptions, the response of campus international student office administrators) combine to paint a vivid picture of the aftermath in one policy domain of a unique focusing event in U.S. history. The patterns of the policy activity impacting this domain (the characteristic agenda shift, identification of a policy failure and

redefinition of the policy problem, narrowing of policy alternatives and subsequent legislation, the changed political environment, and the changed role of policy actors that follow a focusing event) provide a link to policy studies and concepts. Finally, beyond the description of the case, this study illuminates, at the end of the arc of experience, discussion, policy change, and implementation, how the value of international education is still argued.

Chapter 3
Changes in Public Policy following 9/11

Introduction

The 9/11 attacks functioned as a focusing event by all definitions. As Birkland (1997) points out, introduction of legislation is "prima facie evidence of the focal importance" of a high profile event (p. 147). With the 9/11 attacks, the incremental, accumulating and positive policy developments supporting international student visa policy were overrun as the dynamics of a unique focusing event came into play. In the 20 months following the 9/11 attacks, three major pieces of legislation were passed; numerous proposed, interim, and final rules and regulations were promulgated; and executive orders and agency notices were posted which have impact on international student visa policy. This chapter lists these actions, the "outputs of the policy making process," and describes how these actions represented the post-9/11 student visa policy environment.

Student Visa Policy after 9/11

As indicated in Chapter 1, until the week before 9/11, legislation was developing which reflected the international education community's preferences regarding limiting the negative aspects of CIPRIS, perhaps even repealing the requirement. However, within days after 9/11 it became apparent that legislative and regulatory changes would result that would have direct impact on international student visas. The Feinstein proposal issued on September 27 was a first concrete example of a government actor identifying international student visa practices as a national security loophole, and although the moratorium in the proposal was withdrawn, in part

thanks to advocacy work by the international education organizations, features of the increased regulation remained on the governmental agenda (Curry, 2001). On October 8, President George W. Bush issued a lengthy Executive Order establishing the Office of Homeland Security and the Homeland Security Council, with the charge to "develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks" and outlining all of the areas of action assigned to the office and council (Exec. Order 13228). Legislative action began rapidly, with the passage of the USA PATRIOT Act on October 26, 2001. This was followed on October 29 with executive branch action, with President Bush issuing a Homeland Security Presidential Directive which established a national policy for combating terrorism through immigration policies, saying

> The United States has a long and valued tradition of welcoming immigrants and visitors. But the attacks of September 11, 2001, showed that some come to the United States to commit terrorist acts, to raise funds for illegal terrorist activities, or to provide other support for terrorist operations, here and abroad. It is the policy of the United States to work aggressively to prevent aliens who engage in or support terrorist activity from entering the United States and to detain, prosecute, or deport any such aliens who are within the United States. (Homeland Security Presidential Directive - 2, 2001)

This directive included six sections, one of which was entitled "Abuse of International Student Status." In this section, the directive states that "The United States benefits greatly from international students who study in our country. The United States Government shall continue to foster and support international students" and then goes on to specify that

> the Government shall implement measures to end the abuse of student visas and prohibit certain international students from receiving education and training in sensitive areas, including areas of study with direct application to the development and use of weapons of mass destruction. The Government shall also prohibit the

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education and training of foreign nationals who would use such training to harm the United States or its Allies. (Homeland Security Presidential Directive - 2, 2001)

Specifically, the directive indicates that Secretaries and others across agencies will develop a program to accomplish this goal, including identifying sensitive courses of study and developing a system to "identify problematic applicants for student visas and deny their applications," tracking of international students' status after receiving visas, and development of other control mechanisms. It is quite specific in outlining what information should be collected in a tracking system and specifying that INS will periodically review schools certified to receive non-immigrant students and exchange visitors, echoing the mandate in the PATRIOT Act to implement the tracking system (discussed below) and forecasting the details which will appear in other legislation.

In the 20 months following 9/11, legislation was passed and rules and regulations developed which were consistent with the Presidential Directive. The policy activity flow was rapid and intense; legislation and regulations were peppered with interim events. Systems and programs were rolled out by mandated deadlines, even when they conflicted with one another or required use of untested or inefficient technology. Below I list these governmental actions, and then describe several in detail.

Table 5. Government Actions List (Executive, Legislative, Regulatory)
September 2001 - May 2003.

Date	Type of Action	Title and Reference
10/8/01	Executive Order	Executive Order 13228 Establishing the Office of Homeland Security and the Homeland Security Council
10/26/01	Final Legislation	Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001 Pub. L. 107-56 H.R. 3126 Mandates and funds implementation of Sec. 641 of IIRIRA
10/29/01	Presidential Directive	Homeland Security Presidential Directive - 2 Subject: Combating Terrorism Through Immigration Policies Section 3: Abuse of International Student Visas
3/7/02	Interim Final Rule	Documentation of Non-immigrants Under the Immigration and Nationality Act, as Amended: Automatic Visa Revalidation Issued by Department of State Amends 22 C.F.R. section 112(d)
4/12/02	Interim Final Rule	Requiring Change of Status from B to F-1 or M-1 Non-immigrant Prior to Pursuing a Course of Study Issued by Department of Justice, INS Amends 8 C.F.R. parts 214 and 248
4/12/02	Proposed Rule	Limiting the Period of Admission for B Non-immigrant Aliens Issued by Department of Justice, INS
5/6/02	Proposed Rule	Labor Certification for the Permanent Employment of aliens in the United States; Implementation of New System Issued by Department of Labor
5/7/02	Presidential Directive	Interagency Panel for Advanced Science and Security (IPASS)
5/14/02	Final Legislation	Enhanced Border Security and Visa Entry Reform Act Pub. L. 107-173 H.R. 3525
5/16/02	Proposed Rule	Retention and Reporting of Information for F, J, and M Non-immigrants; Student and Exchange Visitor Information System (SEVIS) Issued by Department of Justice, INS

5/30/02	Proposed Rule	Academic Honorarium for B Non-immigrant Aliens Issued by Department of Justice, INS
6/6/02	Proposed Legislation	Homeland Security Act Proposed by President George W. Bush
6/24/02	Proposed Legislation	Homeland Security Act H.R. 5005
6/26/02	Policy Change	Initiatives to Strengthen the Integrity of the Social Security Number Issued by Social Security Administration
6/27/02	Proposed Rule	Participation in the Exchange Visitor Program as Professor and Research Scholar Issued by Department of State
7/1/02	Interim Final Rule	Allowing Eligible Schools to Apply for Preliminary Enrollment in the Student & Exchange Visitor Information System (SEVIS) Issued by Department of Justice, INS
7/26/02	Proposed Rule	Address Notification To Be Filed With Designated Applications Issued by Department of Justice, INS
8/12/02	Final Rule	Registration and Monitoring of Certain Non-immigrants (NSEERS) Issued by Department of Justice
8/27/02	Interim Final Rule	Reduced Course Load for Certain F and M Non-immigrant Students in Border Communities Issued by Department of Justice, INS
9/6/02	Notice	Registration and Monitoring of Certain Non-immigrants from Designated Countries (NSEERS) Issued by Department of Justice
9/11/02	Implementation deadline	Implementation date for NSEERS at ports of entry Implementation date for ISEAS From Border Security Act 120 days
9/18/02	Interim Final Rule	Visas: Documentation of Non-immigrants Under the Immigration & Nationality Act, as Amended: Transitional Foreign Student Monitoring Program Issued by Department of State
9/25/02	Interim Final Rule	Requiring Certification of all Service Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS) Issued by INS
11/5/02	Implementation date	NSEERS call-in (in person) registrations begin
11/6/02	Notice	Registration of Certain Non-immigrant Aliens from Designated Countries (NSEERS) Issued by Department of Justice 67 Fed. Reg. 67766

11/25/02	Final Legislation	Homeland Security Act Pub. L. 107-296 H.R. 5005/5710
11/22/02	Notice	Registration of Certain Non-immigrant Aliens from Designated Countries (NSEERS) Issued by Department of Justice 67 Fed. Reg. 70526
12/11/02	Final Rule	Retention and Reporting of Information for F, J, and M Non-immigrants; Student and Exchange Visitor Information System (SEVIS) Issued by INS
12/12/02	Interim Final Rule	Exchange Visitor Program: SEVIS Regulations Issued by Department of State
12/16/02	Notice	Registration of Certain Non-immigrant Aliens from Designated Countries (NSEERS) Issued by Department of Justice
12/18/02	Corrected Notice	Registration of Certain Non-immigrant Aliens from Designated Countries (NSEERS) Issued by Department of Justice
1/16/03	Notice	Registration of Certain Non-immigrant Aliens from Designated Countries (NSEERS) Issued by Department of Justice
1/16/03	Notice	Permission for Certain Non-immigrant Aliens From Designated Countries to Register in a Timely Fashion (NSEERS) Issued by Department of Justice
1/24/03	Interim Final Rule	Adjustment of Immigration Benefit Application Fees Issued by INS
1/24/03	Interim Final Rule	Removal of Visa Passport Waiver for Certain Permanent Residents of Canada and Bermuda Issued by Department of State
1/31/03	Implementation deadline	Mandatory SEVIS use begins ISEAS sunsets
2/19/03	Notice	Registration of Certain Non-immigrant Aliens from Designated Countries (NSEERS) Issued by Department of Justice
2/19/03	Notice	Notice Designating Additional Ports-of-Entry for Departure of Aliens Who Are Subject to Special Registration (NSEERS) Issued by Department of Justice
2/28/03	Final Rule	Transfer of the functions of INS to DHS and reorganization of CFR chapter 8 to implement Issued by Department of Justice

Together, these policy activities constitute the outputs and expressed intentions of government policy actors to the focusing event. The three major pieces of legislation and four other policy actions are described here.

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, Pub. L. 107-56 (H.R. 3162), October 25, 2001.

This act contains a number of immigration-related provisions, two of which shaped the post-9/11 regulatory environment for international student and scholar visas. Section 414, titled Visa integrity and security, directs full implementation of a visa entry/exit system as quickly as practicable. The visa entry/exit system must be designed to record the entry and departure of every non-citizen, and must trigger a notification to INS that the non-citizen did or did not depart the U.S. within the time granted by the terms of the visa. This section also mandates use of technology to accomplish the goals of the system, cites a preference for using biometric data to identify visitors, for example, and requires that the entry/exit system interface with intelligence and law enforcement databases, in order to provide a screening system for identifying potential terrorists among the non-citizen visitors.

Section 416, titled *Foreign student monitoring program*, provides $36.8 million to implement Section 641 of IIRIRA, essentially CIPRIS, by January 31, 2003. (CIPRIS will eventually be renamed Student and Exchange Visitor Information System, SEVIS; it is one part of the Student and Exchange Visitor Program, SEVP.) In IIRIRA of 1996, the monitoring program which was mandated was to have been funded by user fees; as noted above, the amount and collection methods related to

these fees was a primary issue to the international education policy community. The 1996 law required that all higher education institutions authorized to enroll non-immigrant students and scholars participate in the monitoring program; Section 416 of the USA PATRIOT Act added language training schools and vocational schools, including flight training schools, to the list of institutions required to participate.

Enhanced Border Security and Visa Entry Reform Act, Pub. L. 107-173, (H.R. 3523, H.R. 1885), May 14, 2002.

This act builds on some aspects of the USA PATRIOT Act of 2001 by amending some provisions of the IIRIRA legislation to strengthen student monitoring, requiring that electronic means be developed to monitor and verify steps in the visa issuance process. It also adds reporting requirements not in IIRIRA to the charge given schools enrolling international students. By specifying the information required and the timeframes for reporting categories of information, the Border Security Act provides the architecture of an electronic net intended to tag and follow students from school application in the U.S., visa application in his/her home country, visa issuance, entry into the U.S., enrollment at the authorized school, maintenance of enrollment and progress toward academic goals, to final departure from the U.S. after completion of studies. If at any point the student fails to meet the terms of the visa status, reports should be triggered notifying enforcement agencies. Data-sharing between departments, agencies, and schools through electronic interfaces are a critical component of the success of the mandated systems. Other provisions in the Border Security Act included interim requirements for reporting until the SEVIS program is fully implemented in January 2003, through a program known as the Interim Student

and Exchange Authorization System, or ISEAS (discussed more fully below), and required re-certification of all schools authorized to enroll non-immigrant international students and scholars before being permitted to enroll students through SEVIS.

Homeland Security Act, Pub. L. 107-296, (H.R. 5005, H.R. 5710), November 25, 2002.

The Homeland Security Act establishes the Department of Homeland Security (DHS), and importantly, dissolves INS and moves all INS functions into the new DHS structure. The impact on international student visa policy stems from two aspects of the new DHS structure. The new division of functions within DHS leaves former INS functions divided between three bureaus, with services in one bureau and enforcement in another. SEVIS is overseen by the enforcement bureau, Bureau of Immigration and Customs Enforcement (BICE). Enforcement actions, in addition to SEVIS oversight, include investigations, detentions, removals, and intelligence; these are security functions. Services actions generally include processing change of status and extension of stay requests, for example. Reform of the INS has been discussed by congressional leaders prior to 9/11 and proposals reviewed (e.g. Senate's Committee on the Judiciary hearing on INS Reform: Services Side, 1999) and the international education policy community had advocated for such reform (NAFSA Issue Brief, 2001). Both Congress and the advocacy community sought to separate the INS's enforcement functions from its services functions; however, the objective of the advocacy community was for non-immigrant entry and monitoring, including for international students, to be on the services side. After several iterations of the DHS

structure, the reconfigured functions resulted in enforcement taking precedent in the DHS relationship to international student visa policy.

Four regulatory changes will be discussed in more detail here, due to their direct impact on international students and the international education practitioner community. Three of these were actions mandated in the legislation above and one was based on an executive order. (Table 5 includes additional regulations and notices which are referenced in the data sources and which had impact on unfolding policy. The frequency of these events is an important part of the dynamic to which advocacy organizations and practitioners responded.) The four regulatory changes are 1) the Student and Exchange Visitor Information System (SEVIS) rules, 2) Interim Student Exchange Authentification System (ISEAS), 3) the Interagency Panel for Advanced Science and Security (IPASS), and 4) the National Security Entry-Exit Registration Program (NSEERS).

SEVIS

The SEVIS rules are those developed by the INS to establish the computerized student tracking system mandated by the USA PATRIOT Act and the Border Security Act. The monitoring system is the third generation of the CIPRIS system mandated by IIRIRA in 1996 and is now the primary symbol among international educators of the regulatory aftermath of the 9/11 attacks. Because the charge to INS to track students became embedded in the broader need for national security, the SEVIS rules are not only about tracking students; the rules established a net of requirements and restrictions on students and their program providers. For example, the SEVIS rules establish that schools authorized to enroll non-immigrant students be re-certified by

INS before they have access to the SEVIS system, including an on-site visit by an INS contracted inspector to ensure that schools are in compliance with regulations, and that they be re-certified every two years. Schools were given dates by which to be re-certified and to have all students entered into the computerized system. The policy and practitioner communities' responses to these rules were complex; they pointed out that the deadlines were unrealistic, the computerized system was untested and frequently failed, the net of requirements was highly obstructive to prospective students, the backlog of INS processing delayed students past the dates of their enrollments (Arnone, 2003a, 2003b, 2003c; Hebel, 2003; Schemo, 2003). At the height of the difficulties, with the mandatory compliance deadline of January 31, 2003, INS functions were transferred to the new Department of Homeland Security (DHS) and were divided among three bureaus there. Responsibility for administering SEVIS was enfolded in the DHS structure, overseen by the Immigration and Customs Enforcement (ICE) National Security division when it was established effective April 2003 (ICE SEVIS Fact Sheet, 2004). Hearings and reports assessed the progress and difficulties of the implementation of the rules; the consensus is that the system worked poorly and that students and practitioners were struggling with multiple implementation problems. The Department of Justice's Office of the Inspector General, for example, published a report on its review of the government's progress in implementing SEVIS; problems cited in the report included multiple problems with school certification practices, insufficient staffing to process applications, various problems with the software and computer system, insufficient training for inspectors,

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and a forecast that the transfer of SEVIS to the DHS would cause further disruptions (Office of the Inspector General, 2003).

ISEAS

SEVIS was mandated to be in place and fully operational by January 30, 2003. However, Section 501[c] of the Enhanced Border Security and Visa Entry Reform Act of 2002, which was signed into law on May 14, 2002, required that a transitional system of electronic data sharing be put in place to track students within 120 days of enactment. Approved schools' participation was mandatory and no F, M, or J visa could be issued without the approved U.S. institution providing the overseas consular office an electronic notification that the visa applicant had been accepted by the institution. Therefore, on September 11, 2002, the Department of State began accounting for students through the Interim Student and Exchange Authorization System (ISEAS). ISEAS functioned by establishing a web page at the Department of State website "onto which approved institutions and exchange visitor programs can enter student of visitor acceptance documentation for transmission to the department," so that consular officers conducting visa issuance background checks and interviews could confirm school enrollment verifications and align them with visa issuance verifications. The Department of State then had the responsibility to, at the end of this process, transfer information to the INS port-of-entry officers so that they would then be able to confirm that students were legitimate F, J and M category non-immigrants.

The issues related to ISEAS implementation included untested technology and a rapidly assembled system of instruction for all entities involved (consular officers, port-of-entry officers, school officials, and prospective international students). As the

DOS cable announcing ISEAS's operation states: "ISEAS is being established as an

interim system, with the limited support and capacity implied by the term" (U.S.

Department of State, 2002a). Because schools could use SEVIS on a voluntary basis

from July 1, 2002, the ISEAS reporting system operated as a parallel system for the

period it was in place; school officers and consular officers were required to check

both databases to confirm the provenance of enrollment documents until the

mandatory SEVIS compliance date (and ISEAS sunset date) of January 30, 2003. The

cable is frank about this redundancy, saying "what was intended to be strictly a

transitional program has become in practical terms a parallel requirement on the

academic and exchange communities, the Department, and INS." To the policy and

practitioner community, ISEAS also represented one more case of near-weekly

changes in deadlines and procedures, for procedures which were mandatory. ISEAS

had been anticipated by the policy and practitioner community, but because the date

for its establishment was 120 days after signing the Border Security Act, and that

signing date slipped from an anticipated December 2001 to the May 2002 date, it was

not clear when the required reporting would begin and how it would occur. As the

cable states,

> Due to the very short development period mandated by the legislation ISEAS
> cannot be deployed before [the mandate date, September 11], and participating
> academic institutions and program sponsors will be unable to enter the
> required data into the system before the statutorily mandated date. Therefore,
> full ISEAS deployment on September 11 could result in an interruption in the
> processing of F, J, and M visas until participating academic institutions and
> program sponsors have an opportunity to enter the mandated data into ISEAS.
> (Department of State, 2002a)

Because no visas could be issued after September 11 unless the DOS received "electronic evidence of documentation of the alien's acceptance," backup procedures were devised for the first 30 days of implementation; schools used emails. When ISEAS was finally implemented, its lifespan was five months, September 2002 through January 2003. There were numerous difficulties with the system, with frequent practice advisories and updates posted (U.S. Department of State, 2002b).

IPASS

The attention brought by the 9/11 attacks to international students and scholars and to terrorism joined to bring possible regulatory action to restrict access by foreign nationals to sensitive science and technology courses and research topics in U.S. universities. Before being issued visas, students applying to study in one of 16 technology-related fields required additional review and background checks by consular officials; however, after 9/11 these reviews had not been done systematically. By presidential directive in May 2002, the Interagency Panel for Advanced Science and Security (IPASS) was established with, among others, the charge of updating the scientific fields of study that should be monitored when a prospective student applied for a visa and establishing consistent review processes for applications for foreign students and scholars seeking to study in selected subjects that might include knowledge that could be used to make conventional, nuclear, chemical, or biological weapons. While the 9/11 hijackers did not have such training, the media and some government policy actors have in the past presented a connection between U.S.-trained foreign scientists and activities which may pose a threat to U.S. national security and these concerns were raised again following 9/11 (World's educator,

2002; Kieman, 1999; Schemo, 2001; Southwick, 2002). The IPASS panel included representatives from a cross-government range of departments and agencies. As some graduate programs in computer technology and engineering have been dominated by international students, college officials had been worried that government actions to implement restrictions on some courses and fields, such as chemical engineering, nuclear technology, biotechnology and computer technology, would damage the quality of and enrollment in these programs. However, international education advocacy organizations indicated that IPASS would balance national security issues and science study concerns (Hebel, 2002).

NSEERS

In August 2002 the Department of Justice established a final rule for the National Security Entry-Exit Registration System (NSEERS) which required male non-immigrants older than 16 years a from certain countries to report in person at designated times during their stays in the U.S. so that their presence and status could be confirmed by an INS inspector. The non-immigrants were photographed and fingerprinted; when exiting the U.S. they were required to use only designated airports and were required to meet with a Departure Control Officer. The rule also established that the U.S. Attorney General would publish a list specifying which countries were affected as necessary. The special registrations began in December, 2002, and at the time of this study applied to males over the age of 16 born in the following 25 countries. The registrations were required in three waves of country groups. With the exception of North Korea, all are Middle Eastern or Muslim: Iran, Iraq, Libya, Sudan, Syria, Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea,

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Oman, Qatar, Somalia, Tunisia, United Arab Emirates, Yemen, Pakistan, Saudi

Arabia, Bangladesh, Egypt, Indonesia, Jordan, and Kuwait. As non-immigrants, male

international students from the NSEERS countries have reported at designated times;

their campus advisers monitor compliance. NSEERS was not directed at international

students *per se*, but all international students in the designated categories were

required to report, and this included F-1 student visaholders, who would otherwise be

in violation of the law for failing to comply. As described in the ICE NSEERS Fact

Sheet (2004)

> ICE's National Security division, within the Office of Investigations, also
> created an innovative compliance program that, for the first time, tracks and
> aggressively pursues foreign students, exchange visitors, and other non-
> immigrants who violate their immigration status. This ICE component
> coordinates all enforcement efforts related to the Student and Exchange Visitor
> Information System (SEVIS), the National Security Entry Exit Registration
> System (NSEERS) and the U.S. Visitor and Immigration Status Indicator
> Technology (USA-VISIT).

The NSEERS program has been questioned on a variety of bases, from poor

implementation and questionable effectiveness, to the symbolism it evokes of foreign,

Muslim men being "rounded up" (Efron, 2002, September 5). Responsibility for

administering NSEERS was transferred to DHS/Immigration and Customs

Enforcement (ICE) National Security division along with SEVIS when DHS took

over INS and Customs responsibilities effective April 2003, per the Homeland

Security Act (ICE NSEERS Fact Sheet, 2003). NSEERS annual re-registration was

suspended effective December 1, 2003, when the program was transitioned into the

USA-VISIT program designed to record the entry and exit of all non-immigrants to

the U.S.

Conclusion

International students were not the only focus of all this legislative action, of course. The INS had been under fire for a long time as being inefficient and unable to protect U.S. borders, and much of the changed government agenda focused on INS reform, ultimately resulting in abolition of the INS and the creation of the Department of Homeland Security. Visa reform had also been a topic of government action prior to 9/11, with calls for the State Department to more effectively and efficiently process visas, including conducting the mandated background checks to guard against terrorists being granted visas. Stricter monitoring of international students became symbolic of the momentum toward INS reform and visa reform, and represented action on these problems.

Relative to international student visa policy, the government agenda had shifted during the 20 months following 9/11 from one of support to one of restriction, monitoring and enforcement. In addition to the content of the legislative and regulatory changes, the volume of events and the frequency of hearings, bills at various stages, interim and final rules constitute an important part of the dynamic for the international education policy community. These government actions were often on conflicting timelines. Adding to the impact of these rapid changes were the mandatory implementation dates particularly for all SEVP and SEVIS-related requirements, which were problematic because of the number and types of schools involved and because the technology upon which the database system was based was untested. In Chapter 4, the responses of the advocacy community during this unique

period, to both the content of the changed government agenda and the flow of activity,

is described.

Chapter 4
Impact on Advocacy Organizations and Their Reactions

Introduction

The international education policy community is framed to a great extent by

advocacy organizations which have a membership constituency, particularly those

which have missions or operating units dedicated to policy study, development, or

government relations, including lobbying. The membership of these organizations

may be individuals, many are organizations of institutions, and some of these are

organizations of associations, building a somewhat integrated top-tier policy

community which can, when the issues warrant, speak with some continuity across the

field. Advocacy topics and strategies for addressing specific public policy initiatives

vary among these organizations depending on the constituency and mission of the

organization or coalition; not all of the broadly representational higher education

organizations have international education, or more particularly international students

in the U.S., as a primary focus, although all referenced in this chapter do have

international student and scholar policy, visa policy, or homeland security panels or

divisions. On some student visa policy issues prior to 9/11 (CIPRIS fees and

implementation for example, as discussed in Chapter 2) the organizations did not

agree at times, and did not necessarily coordinate advocacy efforts. However, in the

immediate aftermath of 9/11, the international education policy community came

together to defend the value of international education and continued thereafter to

collaborate rather extensively. This chapter describes the impact of 9/11 on the

organizations in this policy community, their reactions and responses, initially to cope

with the dramatically changed policy environment while continuing to serve their

constituents, then to re-establish the value premises for international educational

exchange so that momentum for policy support could be regained. I have organized

the presentation of information and themes I identified from this documentary study

into six areas.

1. A list of the organizations and their missions relative to international education,

international students, practitioner support, and public policy, which I reviewed

2. A description of the advocacy organizations' actions and responses to 9/11 in the

first weeks following the attacks, prior to the passage of the USA PATRIOT Act at

the end of October, 2001, including their endorsement of a student tracking system

and other security proposals

3. The evolution of the argument addressing how international students serve national

security

4. The shift in the policy image of international students from positive to negative and

the advocacy organizations' responses

5. Advocacy work of the organizations related to 9/11 policies and regulations

6. Practical work of the organizations to serve their constituents as the policy cascade

intensified

The Organizations

I collected and reviewed the public policy statements and other materials

issued by 11 organizations, associations and coalitions comprising central groups

active in the international education policy community and which have public policy

or advocacy units, or which maintain information services for international education,

addressing issues in international educational exchange. To facilitate later description,

these organizations, their missions and constituencies are listed below. This list also

illustrates the range of organizations which found the need to respond to the

legislation and regulations affecting visa issuance and other international student

issues.

Table 6. Advocacy and Public Policy Organizations Reviewed in this Study.

American Council on Education (ACE)	ACE is the most comprehensive of the higher education associations, with members from all sectors of higher education. ACE works on policy issues in the areas of institutional and federal support for international exchanges and foreign languages and maintains relationships with national, regional, and international higher education associations around the world. Non-profit. Founded 1918. 1750 institutional members.
Alliance for International Educational and Cultural Exchange (Alliance)	The Alliance is an association of non-profit organizations comprising the international educational and cultural exchange community in the U.S. Its mission is to formulate and promote public policies that support the growth and well-being of international exchanges between the U.S. and other nations. The Alliance conducts government relations activities, including direct representation with policy makers and the marshaling of grassroots constituencies, to advance public policy concerns in support of the international exchange community, and builds public awareness about international education and exchange. The Alliance issues publications about related policy issues. 60+ member associations and organizations.
NAFSA: Association of International Educators (NAFSA)	NAFSA is the largest association of international education professional in higher education. Members include most of the designated school officials and responsible officers who manage the SEVIS system for colleges, universities, and exchange programs. It promotes the exchange of students and scholars to the U.S., sets and upholds standards of good practice

	and provides professional education and training to individuals and institutions. NAFSA provides a forum for discussing issues and a network for sharing information among members. It seeks to increase awareness of and support for international education in U.S. higher education, government, and communities. Founded in 1948. 9000+ individual members.
Institute of International Education (IIE)	The IIE mission is to promote excellence in international educational exchange. In partnership with forward-looking governments, educational institutions, corporations, and foundations, the Institute's worldwide staff and programs enable emerging leaders to think globally as they work to improve the societies in which they live. Founded in 1919. 600+ institutional members.
Association of International Education Administrators (AIEA)	AIEA is composed of principal international education administrators on college and university campuses in the U.S. and abroad. It is dedicated to enhancing opportunities for key campus-based international administrators to join forces, exchange ideas, share information strategies, and provide an effective voice on matters of public policy. Founded in 1982. 320+ institutional members.
AAU	AAU serves its members by assisting in developing national policy positions on issues that relate to academic research and graduate and professional education. It provides them with a forum for discussing a broad range of other institutional issues, including international education. Member institutions are represented by their chief executive officer. Founded in 1900. 60 U.S. university members and 2 Canadian universities. http://www.aau.edu/aau/aboutaau.cfm
University and College Intensive English Programs (UCIEP)	UCIEP is an independent consortium of university and college-administered U.S. intensive English programs. UCIEP's purpose is to advance standards and quality instruction in intensive English programs. It is a member of the Alliance and cooperates on policy issues. Founded in 1967. 70 program members. http://www.uciep.org/about.php

American Association of Intensive English Programs (AAIEP)	AAIEP is committed to support the professional image of ESL instruction in the U.S. and to work for the well-being of the profession and the individual member-programs. AAIEP is a vehicle for working with NAFSA, TESOL, the Department of State, the Department of Homeland Security, and other organizations who use IEPs or whose actions affect IEPs, including U.S. and foreign government agencies, sponsors, and admissions officers and counselors. Founded in 1986. 290+ program members. http://www.aaiep.org/membership/mission.htm
American Association of State Colleges and Universities (AASCU)	AASCU is a higher education association of public colleges, universities, and university systems across the U.S. and Puerto Rico, Guam, and the Virgin Islands. Among the association's purposes is to monitor public policy at the national, state, and campus levels. 400+ institutional members.
National Association of State Universities and Land-Grant Colleges (NASULGC)	NASULGC promotes all facets of internationalization on campuses, including facilitating exchanges, study abroad, faculty development, international research, and language/area study and development. Founded in 1887.
American Association of Collegiate Registrars and Admissions Officers (AACRAO)	AACRAO's mission is to provide leadership in policy initiation, interpretation, and implementation in the global educational community, through promotion of best practice in enrollment management, information technology, instructional management and student services. Founded in 1910. 9,400 individual members representing 2,500 institutions and agencies in the U.S. and 28 countries. www.aacrao.org

Note: Excerpted from *International Exchange Locator: A Resource Directory for Educational and Cultural Exchange* (2000) and mission statements from association documents as referenced.

Initial Impact of 9/11 before Passage of the USA PATRIOT Act

It is important to recall that in the year, indeed the very weeks, before 9/11, significant progress toward a national international education policy had been made and the tenor of overall discussion of policy and regulatory issues was quite favorable to international education. Within three weeks following the attacks, a variety of developments were having impact on the international education advocacy community and were symptomatic of the problematic and changed landscape for international students. References to international students and failed monitoring had begun within a week to appear in the press, although at times the emerging information was inaccurate information. Government leaders had already begun speaking about restrictions on international students, often in the context of INS ineffectiveness and border control issues, and linkages to the 1993 World Trade Center bombings were frequently cited by lawmakers and the media. Congressional hearings had begun which gave some attention to the purported role of international students in 9/11, discussed the policy community's opposition to CIPRIS, and forecast stringent student tracking and INS reform. And the first of many government actions reflecting the changed agenda and the identification of international student visa processes as a policy problem had been proposed. The Feinstein proposal had been released on September 27, calling for a six-month moratorium on foreign student visas "to give the INS time to fully develop its foreign student tracking system and to put into place the necessary infrastructure to detect foreign students who have violated the terms of their visas . . . once they have entered the U.S." and calling for a variety

of other new procedures and restrictions on students, schools, and the INS (Feinstein, 2001).

The first responses of the advocacy organizations, shocked as the rest of the nation but quite aware of what these early changes portended for international education issues, were assertive statements usually framed with the old "value of international students" statements. These responses urged perspective, noting repeatedly for example that international students, if any were in fact involved in the attacks, were a tiny portion of the non-immigrants who entered the U.S. each year. Strategies included citing data illustrating this small number of international students relative to the total non-immigrant count. ACE, for example, issued a *Facts in Brief* dated October 8, 2001, which laid groundwork for perspective by repackaging widely-available IIE and INS statistics as "recent data," to emphasize that students constitute only a small percentage of non-immigrants entering the U.S. each year.

> In the wake of the terrorist attacks on Sept. 11, questions have been raised about international students who receive visas to study at American colleges. However, recent data show that international students represent a relatively small number of those who receive visas to enter the United States each year. Statistics also show that many international students attend research institutions and pay for their education through personal funds. A total of 31.4 million non-immigrant visas were issued in 1999. . . . Of the 31.4 million, approximately 567,000 – or 1.8 percent – were educational visas. Nearly 558,000 were admitted for academic studies (F1 Visa) and 9,500 for short-term vocational training (M1 Visa). (p. 1)

The advocacy organizations were also carefully monitoring the numerous developments and working to keep their members informed, when possible defending against unfair assertions and correcting incorrect data. Throughout these weeks, the

advocates continued to assert the value of international students in comments to the media.

Two weeks later, on October 26, 2001, the USA PATRIOT Act was passed, with Sections 414 and 416 providing funding for CIPRIS/SEVIS and mandating its implementation. The Homeland Security Presidential Directive 2 was published on October 29, 2001. The definition of the problem, at least that portion of it related to international students, had quickly crystallized, and the policy alternative had been chosen. The tracking program was going to happen. The advocacy and practitioner organizations had to begin in earnest planning for the position in policy of international education and international students in the long run. Also, it was increasingly clear that much attention would need to be focused on the practical effects of the legislation and the regulations which would follow, and that the organizations would have to deploy their advocacy machinery to help shape the minutiae of rules and regulations as well as broader policy.

International Students and the National Security Argument

With the Feinstein proposal and early hearings by the House International Relations Committee, among other governmental responses, it was becoming clear that 9/11 would result in identification of policy failure in border security and that major changes in national security policy, including border, immigration, and intelligence policies, would occur. The international education advocacy community quickly recognized this and, adopting a more uniform, more proactive, even somewhat combative message, asserted the value of international students to national

security while emphasizing the value of international educational exchange to the changed national environment.

Early media reports identified students as likely targets of policy. In a representative example illustrating the confluence of these developments the *Wall Street Journal*, 10 days after 9/11 reported that "Federal officials and lawmakers are expected to review programs allowing foreign workers and students to enter the U.S., or at a minimum to boost the ability of immigration officials to spot potential terrorists." (Adams, 2001, September 19). Although the initial focus of such review would likely be on the "relatively tiny" M-1 program "that allows foreign students to come here to study at vocational or technical schools, such as flight academies. . . . lawmakers say the issue of who gets let in on M-1 visas highlights a broader problem with the nation's ability to screen students, visitors and businesspeople coming to this country." While the report identified INS ineffectiveness as the top-level source of concern and tied this into on-going Congressional criticism of INS, the example which gets cited when ineffective border and monitoring practices are discussed is CIPRIS: "Among other things, a controversial INS program to monitor foreign students in the U.S., which was mandated by Congress in 1996 but has been slow to get off the ground, is certain to see a revival." The article quotes V. Johnson, NAFSA's senior director of public policy, in a statement giving insight into the field's changing advocacy stance, one which will be repeated in various public comments from the international education community. "We have been opponents of increased monitoring of foreign students, but that debate is over now." This language, clearly a considered message, is repeated in an op-ed piece circulated at this time by NAFSA,

in which executive director and CEO M. Johnson (2001b) states: "There has been much debate over the tracking proposal, and my organization has been its leading opponent. That debate ended on September 11, 2001. The time for debate is over, and the time to devise a considered response to terrorism has arrived." M. Johnson continues, reminding the reader of the pre-9/11 rationales for supporting openness to international education and linking international exchange to improved national security, and increased scrutiny of international students to a misguided and wasteful focus, saying

> Obviously, much changed on September 11. But not everything changed. The United States still needs friends in the world – now more than ever. One of the most important but least appreciated successes of American foreign policy had been the reservoir of goodwill toward our country that we have created by educating successive generations of world leaders. As the debate on foreign students proceeds, we must recognize that our country gains much from being their destination of choice. It also remains true that that 99.99 percent of the foreign students enrolled in our institutions wish us no ill, cause no problems, and seek nothing more that the best education in the world. As the administration seeks to define an effective anti-terrorism strategy, we cannot afford to punish the many for the acts of the few.

In many forums, leadership in all advocacy organizations were all speaking up at this time, expressing similar views on the long term and broad value of international education as a response to 9/11. In another typical example, Terry Hartle, senior vice president for government relations and public affairs for ACE, makes the same case, saying "The natural reaction would be to close our doors to foreign students, and that would be exactly the wrong step. The lesson of the last week is we need more engagement with the world, not less" (Southwick, 2001b).

The organizations were repositioning in preparation for the coming discussion over major policy changes, laying the foundations for future arguments. As

this happened, the rationale for international students as a benefit to national security

began to grow more sophisticated and the advocacy organizations began to express

overt support for many of the visa reforms which were inevitable, while at the same

time maintaining opposition to obstacles. No one felt national security was not

important, just that focus on international students was misplaced, that better

monitoring of the many would not have prevented 9/11, that more focus on

background checks and the watch lists already in place plus some modest reporting

requirements would be more effective. In the first weeks of October, the higher

education community announced their own proposals for better monitoring of

international students, sent to Congress in a letter from ACE's president David Ward.

The proposals included a list of new responsibilities for institutions and for INS,

stated the need for federal funding, and called for special scrutiny for certain

categories of students:

Document 1. Higher Education's Proposals for Improving the Issuance and Tracking of Foreign Student Visas.

New Responsibilities for Institutions

- Within 30 days of the end of the enrollment period at the start of each academic term, supply an electronic update to INS of the most recent data on enrolled international students covering the following items: date of commencement of studies; degree program and field of study; termination date and reason; and status (i.e. full-time or part-time).
- Require higher education institutions to report to the INS within 30 days of the start of an academic term the non-appearance of any such student indicated by the INS to have entered the country on that institution's I-20 form or who accepted an offer of admission but did not enroll.
- Require designated school officials (DSOs) to comply with any "revised responsibilities" outlined by INS or lose authority to issue I-20s.

New Responsibilities for INS

- Notify a higher education institution within 15 days of a foreign student's entry into the United States using that institution's form I-20.
- Issue a "revised statement of responsibilities" for DSOs that takes into account new reporting requirements.

Funding and Oversight

- Guarantee the rapid implementation and effective operation of the Student and Exchange Visitor Information System (SEVIS) by replacing the current fee system with a permanent authorization and necessary appropriations.
- Increase the budget for consular affairs at the Department of State to provide additional staffing, improve facilities where necessary, and mandate more effective use of information technology.
- Provide sufficient funding for the expeditious implementation of an electronic arrival/departure system for all visa classifications, as mandated by Section 110 of IIRIRA.
- Provide clarification that data disclosures to the INS regarding foreign students are not subject to restrictions under the Family Education Rights and Privacy Act ("FERPA")(20 U.S.C.1232(g); 34 C.F.R. §99.1).

Special scrutiny for limited categories of applicants.

- Require consular officials to conduct more extensive background checks on student visa applicants from countries on the State Department's watch list of states supporting terrorism.
- Delay the issuance of an I-20 form until after a prospective student from watch list countries has formally accepted admission.
- Mandate a 30-day delay on issuance of all student visas for individuals from countries on watch list.

Note: From *Chronicle of Higher Education*, Documents [On-line]. Available: http://chronicle.com/weekly/documents/v48/i07/foreign.htm

These proposals were quite modest, even beneficial to the international education community, and served most of the pre-9/11 policy goals of the advocacy community. For example, CIPRIS required more extensive reporting than this proposal did, and IIRIRA required users (i.e., students) to pay fees to fund the monitoring program. Non-immigrants from terrorist-sponsoring countries and other

watch list countries, when requesting visas, had been subject to background checks of various sorts for decades, and particularly since 1994. Kingdon (1995) and Rochefort and Cobb (1994) describe how after triggering or focusing events policy problems come to be defined (or redefined), and once that happens the competition among policy actors to move forward their own alternatives is a predictable policy process phase. By quickly coming on-line with a proposal that embraced a national security enhancement component, which implicated other sources of responsibility and called for the involvement of various agencies already under scrutiny, and which included reinforcement of essential pieces of the framework of argument supporting the value of international education, the advocacy community undertook to keep alternatives desirable to the international education community on the table despite the changed notion and depth of the policy problem.

Ambassador Kenton Keith, Chairman of the Alliance's board, testified before a House International Relations Committee hearing on public diplomacy in early October, providing a summary of the proposals, and giving an example of the rhetorical context that contained the components of the advocacy argument, that international education initiatives are part of the solution to terrorism and enhanced national security.

> As a long-term solution to the profound problems of cultural misunderstanding, there will be no substitute for public diplomacy. It must be a key component of our long-term effort to eradicate terrorism. . . . The attacks on the United States brought with them two important lessons. One is that we need to be much better equipped to manage and control non-immigrant visitors to this country. The exchange community supports sensible, effective measures to accomplish that, and I will identify those in my testimony. The second lesson, equally important, is that we must remain open to the world. . . . Bringing students and professionals to our country provides us with the

> unique opportunity to educate the next generation of world leaders. . . . Our national security requires that we balance these two important interests – increased security and continued openness. (Keith, 2001)

Among other arguments Ambassador Keith raises is the economic value of international students, saying, "Not the least of these [negative] consequences would be economic. . . . Beyond the significant policy, social, and academic benefits we derive from these visitors, we estimate that they bring as much as $13 billion to the U.S. economy annually . . . a sector that constitutes our country's fifth-largest service sector." Ambassador Keith then referred to the Senate Concurrent Resolution which had passed to shortly before 9/11 which called for a national international education policy and called for a continuation of its initiatives, saying "Such a national policy combines the two vital interests of which I have spoken – continued openness and increased security." Many published comments and other documents from the advocacy community at this time bridge to the pre-9/11 status of the international student policy argument; such comments represent an effort to keep this policy on track and reaffirm its value as the basis of future policy, or at least to make every effort to figure it in to discussions of future policy changes. These comments, quite typical during this period, also link international student mobility to national security in a rhetorical fashion, without providing deep discussion of the immediate connection. The near-term responses included development of a consolidated strategy of support for international students in the new national security context including declaration of support for national security aims of policy being discussed, reconciliation over CIPRIS fees vs. repeal, an active response to the changed media environment.

As the first months passed and primary legislation was adopted, the advocacy community tightened their arguments linking international student directly to national security. As they evaluated the changed regulatory and social environment, the organizations convened task forces and produced position papers to consolidate new strategic directions for this changed world. Several examples follow.

NAFSA's report of its Strategic Task Force on International Student Access introduces the rationale for the proposals it contains with frank acknowledgement that the old and general arguments of the value of international education, however true, were no longer enough to underpin successful advocacy:

> For at least the second half of the twentieth century, it was an unquestioned verity of U.S. foreign policy that programs to promote international understanding advanced the national interest. It was almost universally accepted that educating successive generations of world leaders in the United States constituted an indispensable investment in America's international leadership. After September 11, 2001, these assumptions are being questioned to an unprecedented degree. (NAFSA, 2002)

ACE's Center for Institutional and International Initiatives published a policy paper endorsed by 35 higher education organizations, including many of the international advocacy associations. This paper, *Beyond Sept. 11: A Comprehensive National Policy on International Education*, states at the outset "The tragic events of September 11, 2001, crystallized in a single, terrible moment the challenges of globalization and the importance of international research and education to our national security," firmly linking national security to the policies proposed and building a rationale for increasing the number of international students. Gone was the tentative couching of the value of international students as public diplomacy assets;

now national security must be the direct concern. NAFSA's strategic plan for 2003

expresses this:

> It is NAFSA's deeply held belief that international education is part of the solution to terrorism, not part of the problem. Our priority during 2003 will be to fortify what we believe to be an existing national consensus behind that proposition, and to translate that consensus into practices that facilitate, rather than hinder, international education at the implementation level. (NAFSA, 2002)

To some extent, organizations had to persuade their own constituencies to

embrace the national security argument. Practitioners' initial responses tended to

emphasize that only one of the 9/11 hijackers had entered the U.S. on a student visa,

and legally at that. They held that international students are not terrorists, and

represented international students as cultural ambassadors with peaceful intentions. In

addition, they argued that international students are already heavily monitored. The

interviews presented in Chapter 5 will illustrate that these administrators were

pragmatic and supported better tracking of students, but didn't think it would stop a

determined terrorist.

Shift in the Policy Image of International Students

International students had, by and large, been viewed positively in the media,

which often used individual student narratives to illustrate the impact of policy

actions. Local media in particular featured at times the positive aspects of

international students and visitors, featuring exchange students and homestay families,

university activities to embrace these "cultural ambassadors," international students as

athletes, and international students valiantly attempting to adjust to American life and

values. In the national press, when policy-related issues were discussed, international

students were seldom linked to the broader issue of border control and illegal

immigration, which more often drew decidedly negative presentation. As mentioned

in Chapter 2, issues related to international students and scholars had at times

provoked sufficient discussion in the policy community to emerge in the national

press, but more typically reports were positive. CIPRIS, co-mingled with other

immigration issues in IIRIRA, greatly concerned the international education advocacy

community, but for the most part the issues which had an impact on non-immigrant

international students, and the efforts of the international education advocacy

community to protect them, were viewed sympathetically by the national press. After

9/11, the advocacy community's role in opposing CIPRIS was simplified into lack of

cooperation against terrorism, and as such came under considerable negative

reporting. Also, both before and after 9/11, the INS was portrayed as inefficient;

before 9/11, however, INS failures did not impinge on positive perspectives of

international students, who were typically viewed as the victims of bad policy and

implementation. After 9/11, international students were viewed as part of the policy

failure that allowed the attacks to occur. In a comparison of this before and after

picture, consider two articles from the national press. First, excerpts from an editorial

in *USA Today* in February 2000, titled "'Terrorism tax' targets students":

> A college student scans a packed lecture hall and sees a sea of
> nameless, studious peers. An immigration official scans the same hall and sees
> potential terrorists. Starting next year, all foreign students and scholars on U.S.
> campuses, no matter how loyal, will be treated as suspects. They'll be
> fingerprinted and watched – and they'll pay for the privilege. Under a plan
> proposed by the Immigration and Naturalization Service, the 500,000
> foreigners would be required at registration to pay a $95 fee – call it a
> terrorism tax – to support a computer system that would track their

whereabouts. Colleges would be responsible for collecting the tax and fingerprints.

Plans for taxing young visitors originated after the 1993 World Trade Center bombing: One of the convicted conspirators, Eyad Ismoil, had entered the USA in 1989 on a student visa, then remained here illegally after dropping out of Wichita State University. In the post-bombing climate, Congress in 1996 put into law the INS' recommendations about watching foreign students more closely. The INS contended that its tracking system would alert the agency when a student acted suspiciously, say, by dropping out.

Yet, exceptions aside, foreign students are model visitors. They are aggressively recruited by U.S. colleges and employers. The biggest proportion comes from Japan, Western Europe, and Canada. Fewer than 3,000 are from Iran, Iraq, Sudan, Syria, North Korea, and Cuba – countries the State Department accuses of sponsoring terrorism.

What's more, the U.S. government already has checks on foreign students, which it fails to utilize efficiently. Colleges have for decades been required to report detailed information on any foreign student the INS inquires about. . . .

One terrorist who gets into the USA under false pretenses is one too many. But rather than punish with a blanket suspicion all foreign students, the government's immigration officials should fix the genuinely troubling inefficiencies that already exist.

The tone of this editorial is representative of the image of international students, of CIPRIS, and of INS' inefficiencies prior to 9/11. In contrast with this, references to international students, the advocacy organizations, and CIPRIS post 9/11 in the mainstream press changed considerably in the post 9/11 environment. This excerpt from *The New York Times* (2002, January 28) provides an illustration of the size of the changed view of the advocacy environment as presented in the press.

Despite promises to tighten controls on student visas after Sept. 11, the government is at least a year away from making the system safer from terrorists, who used the visas while plotting the 1993 World Trade Center bombing and the September attacks, immigration officials say. A computer network to track foreign students in the country, originally ordered by Congress six years ago, is still being tested and will not be running fully until next year. . . . Moreover, colleges that see foreign students as a lucrative market are raising concerns about how the system will be paid for and operated, and their objections could delay if even further. Officials concede they do not know for sure where the 547,000 people holding student visas are

attending school, or whether they actually are. The halting efforts to plug the student visa system reflect the overall difficulty of improving domestic defense, most notably airline security. Even in a world said to be forever changed by terrorism, demands for better security are, just four months after the attacks, hitting an old reality of competing interests, entrenched lobbies and reluctance to make financial or practical sacrifices. . . . Certainly, Sept. 11 inspired widespread agreement about the need to change a system that allowed the names of foreign students to pile up unread in immigration offices and permitted Hani Hanjour, for example, to enter this country on a student visa and roam free until, authorities say, he flew American Airlines Flight 77 into the Pentagon. But last week, higher education institutions again raised a raft of objections, sending a letter to Immigration and Naturalization Service that called the planned system unworkable and demanding technical advisory groups and training. . . . Universities say that policing students violates the culture of academic freedom. . . . The issue is particularly pressing for community and technical colleges, which rely heavily on foreign students because they pay higher tuition. . . .

The Iranian hostage crisis in 1979 first raised the possibility of militants entering the country disguised as students. . . . In 1996, Congress passed a law that required computerized tracking of students when they received visas, when they entered the country and when they enrolled in college . . . The system was to track what they were studying, and any change in address. Higher education lobbying groups resisted, however, saying that there was no evidence that terrorists were abusing student visas and that any limits would deter foreign students and potentially put their institutions out of business. Twice they persuaded Congress to delay the start of the system, most recently until January 2003. . . . Small language schools, some of which combine three-week language courses with trips to Disneyland, have resisted almost any oversight. . . . "This was a system run for the profit and convenience of the universities, and it was run more with the intention of making money than anything else," said Representative George Miller, Democrat of California. Even as late as August, the Association of International Educators, an outspoken opponent of the computerized system, sent a letter to its members encouraging them to support a bill to repeal the law requiring it. The association endorsed the system in the days after Sept. 11, in part to fend off an effort in Congress to impose an outright moratorium on student visas. . . . In a letter released last week, the higher education organizations said they were "deeply worried" that the system would not be fully operating by that [January 2003] deadline. "Efforts to launch such systems without adequate preparation are doomed to failure," they warned. Immigration officials seemed annoyed by the letter. . . . The colleges continue to argue that the system would not have prevented the attacks. (Zernike, K. & Drew, C., 2002)

Similar articles appeared in other papers. In another example, *The Washington Post* reported that two years before 9/11 the INS was moving forward on an ambitious plan designed to "thwart terrorists from taking advantage of the loosely controlled student visa system. Then, the program ran into a roadblock: a fierce lobbying campaign by colleges and universities that considered students a major source of revenue. The schools complained that it was a privacy violation . . . The result of the lobbying effort was a scaled-down program that, critics say, left the INS more exposed than it should have been to misuse by terrorists involved in the Sept. 11 attacks" (Grimaldi, J., 2002, March 16).

Now the advocacy community had to work to control the perception of international students, the policies which govern them, and their own image as obstructionists. It is important to point out that a variety of perspectives of international students were presented in the press, and that other forms of media also carried images and perspectives. (A methodic study of this presentation would be revealing.) However, the trend illustrated in the examples above were apparent and had impact on the advocacy community's actions during this time. The administrators I interviewed all commented on the negative tone in the media as well, as I report in Chapter 5.

Baumgartner and Jones (1993, pp. 25 - 26) note that "How a policy is understood and discussed is its *policy image*. Policy images play a critical role in the expansion of issues to the previously apathetic. . . . Because a single policy or program may have many implications, or may affect different groups of people in different ways, different people can hold different images of the same policy." They

go on to describe that policy images have both emotional and evaluative components, and that either component may be used to present the policy and make appeals about its value.

> These appeals can be subtle or strong, but they are invariably present. Hence every policy image has two components: an empirical and an evaluative. We refer to the evaluative component of a policy image as its *tone*. . . . Tone is critical to issue development because rapid changes in the tone of a policy image held by key social actors (such as the mass media) often presage changes in patterns of mobilization. That is, as the tone of stories in the mass media changes, say, from positive to negative, opponents of the policy have an opportunity to attack the existing policy arrangement. (p. 26)

The tone had changed from positive to negative. This shift in the policy image of international education did not lead to mobilization of interest groups to advocate policy change, however, as Baumgartner and Jones discuss. Rather, the power of 9/11 as a focusing event led to this policy image shift, as well as the cascade of policy changes. Majone (1989, p. 23-24) states that "Objective conditions are seldom so compelling and so unambiguous that they set the policy agenda or dictate the appropriate conceptualization." However, the power of 9/11 was "so compelling and so unambiguous" that it did dictate the conceptualization of international students as terrorists. The advocacy community became aware that one of its long term tasks was to reclaim the positive policy image of international education, to change the tone of the policy image from negative to positive, in order to enhance traction for the policy work to be undertaken.

Issue Advocacy Work of the Organizations

Throughout the 20 months I examined, the associations comprising this policy community continued to actively work the machinery of advocacy despite, and at

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times because of, the lack of clarity in the directions of possible policy. The advocacy organizations monitored the cascade of policy developments and identified issues which required response and from these, focused on the particular issues they felt they could influence or which they felt were so portentous that action must be taken to try to affect some later development. This work was complicated by the disruptions in the relationships and communication networks with law- and regulation-makers which had been so carefully laid prior to 9/11. However, the organizations' internal advocacy mechanisms were still in place, including communications networks to keep members informed of issue developments and to mobilize them on specific issues.

Immediately after 9/11, for example, one of the first NAFSA legislative alerts to members was to draw their attention to the Feinstein proposal and ask them to write to their senators; the primary message of the alert was that "Feinstein's proposal would greatly jeopardize the U.S. foreign student flow to the United States by scrutinizing student applicants while virtually ignoring every other category of visa applicant, thereby doing nothing to effectively combat terrorism" (NAFSA Legislative Alert, 2001). During October, as the USA PATRIOT Act was quickly formed, advocates were aware that tracking provisions would be put into place, and in response argued for a workable system, funded by the government, and continued to emphasize the value of international student flows to the U.S. Then, as the policy and regulatory cascade began to intensify, numerous issues drew advocacy concern, many of them practical concerns which would appear in rules and regulations, and the organizations worked to intervene where possible. Attention to features of SEVIS was primary, including the recertification of schools, implementation issues including technology

deficiencies, multiple and conflicting deadlines, and fee amounts and fee collection. Issues which drew advocacy organization action related to the visa processing matters addressed in the Border Security Act included ISEAS and its ineffective interface with schools and SEVIS, and increased backlogs at consular posts due to visa interviews and background checks. INS reform discussions were heavily monitored; when the Homeland Security Act abolished INS and transferred its responsibilities to the new Department of Homeland Security, the advocacy organizations worked to influence where international students would be "housed" in the new structure, emphasizing that international students should be on the "services side" of the new structure rather than the "enforcement side."

As some legislative support for amelioration of or remedies for various impacts on the international education community began, or other legislation that addressed aspects of the international education community's overall agenda such as funding for exchanges was proposed, the advocacy organizations issued support statements. For example, the Alliance issued an action alert calling for support for cosponsors for the "Cultural Bridges Act of 2002," introduced by Senators Richard Lugar (R-IN) and Ted Kennedy (D-MA) which would authorize funding for exchange programs with the Muslim world. When Representative Barney Frank (D-MA) issued a letter calling for allowing short term students to enter on B visas, a matter of specific concern to intensive English programs, AAIEP, with NAFSA's collaboration, mounted a phone call campaign to encourage other Representatives to cosponsor.

Driven by common cause in support of the broad value of international education and aware that regulatory encroachment in one sector may lead to addition

regulation in other areas, the advocacy organizations, which had often in the past worked in partnerships or signed letters in consortia began to work together regularly to determine and carry out strategic interventions. In one of many examples, AAU, NASULGC, and ACE collaborated on SEVIS fee issues in a letter to DHS, saying "We write to bring to your attention a matter of significant concern related to the as-yet-to-be proposed fee collection system associated with the Student and Exchange Visitor Information System (SEVIS), and to ask your assistance to help implement a solution that will avoid potential problems." The letter went on to discuss specific issues and suggest remedies (AAU/ACE/NASULGC Letter, 2003).

The flow of advisories, action alerts, comments on rules, letters and hearing testimony from the advocacy organizations linked directly to policy developments related to 9/11 was immense. In addition, the advocacy organizations continued to work on issues related to their overall associational plans.

Practice Support to Serve Constituents as the Policy Cascade Intensified

A primary impact on the advocacy community in the post 9/11 environment was the imperative to manage the practical aspects of the regulatory changes and the implementation of new systems on a short timeline in order to keep international education practitioners serving students while coping with the chaotic flood of information and regulation. To meet this challenge, the organizations recognized the needs of their members to have information and guidance on the issues, and in many cases, extensive practice support for those implementing SEVIS.

Practice advice, support, and resources

Among the organizations, NAFSA, with a membership of thousands of designated school officials (DSOs) and responsible officers and a mission focus on practitioner issues and training as well as public policy advocacy, led in consolidating and providing hundreds of downloadable updates on the unfolding, densely detailed issue and implementation events. A list of the headlines included on the SEVIS information pages on March 12, 2003, stretching back to January 2002, each followed by discussion and other information, illustrates the kaleidoscope of regulations, implementation details, deadlines, and agency relationships the associations and their members were facing.

Table 7. Sample NAFSA Information Page Topics

January 2002 - May 2003.

Posted	Information or Resource Topic
March 10, 2003	DOS field cable explains how SEVIS information made available to consular posts.
February 26, 2003	Updated version of INS RTI [Real Time Interface] and M User Manual posted on INS website
February 13, 2003	INS responses to NAFSA SEVIS questions
February 13, 2003	Changes described in SEVIS 4.4 release notice, effective January 20, 2003
February 6, 2003	State Department issues consular guidance cable on 2-week SEVIS grace period and ISEAS
February 5, 2003	Schools that filed by November 15, 2002, but haven't had site visit yet, invited to contact INS
February 3, 2003	INS affirms two-week grace period applies to schools enrolled in SEVIS as well as those whose applications are pending
January 28, 2003	Reports of slow RTI response time
January 27, 2003	NAFSA requests INS conditionally enroll schools whose enrollment is still pending on January 30, 2003
January 23, 2003	INS announcement clarifies conversion of ASOs [Administrative School Officials] to DSOs [Designated School Officials] in SEVIS

January 23, 2003	New SEVIS batch resources now posted on INS web site
January 22, 2003	DOS cable on ISEAS sunset and SEVIS forms
January 22, 2003	NAFSA updates its compiled version of F SEVIS rule
January 16, 2003	INS provides instructions on entering OPT [Optional Practical Training] students into SEVIS
January 16, 2003	INS makes J SEVIS user manual available
December 12, 2002	Comments on J SEVIS interim rule due by January 13, 2003; J Working Group provides template for letters
December 19, 2002	Summary of December 19, 2002 NAFSA-Government liaison meeting now available
December 26, 2002	DOS posts INS user manual for completing DS-3036 to enroll in SEVIS as J exchange visitor program sponsor
December 23, 2002	Clarification on F-1 OPT [Optional Practical Training] eligibility for December 2002 graduates
December 12, 2002	Interim final J SEVIS regulation published by DOS on Thursday, December 12
Updated December 11, 2002	Final F and M SEVIS regulation published by INS on Wednesday, December 11
Updated December 4, 2002	DOS instructs exchange program sponsors to apply for SEVIS enrollment by December 16, 2002 to ensure approval by January 30, 2003
November 8, 2002	Update on SEVIS fee study conducted by NAFSA Global Adviser BearingPoint
September 25, 2002	INS publishes SEVIS interim certification rule, strongly suggests filing by November 15, 2002
September 24, 2002	INS makes SEVIS batch Q & A available
September 24, 2002	INS prepares SEVIS batch test environment
September 18, 2002	House Hearing on SEVIS implementation progress
September 18, 2002	DOS institutes ISEAS system to implement Border Security Act section 501(c)
June 12, 2002	DOS issues field cable instructing posts on SEVIS forms
June 14, 2002	NAFSA sends comment letter on proposed SEVIS implementation rule

Note: From
http://www.nafsa.org/content/ProfessionalandEducationalResources/ImmigrationAdvi
singResources.htm. Retrieved 3/12/03.

The information page linked to an even more detailed "SEVIS Practice

Resources Download Page", which provided additional materials under headings

including "Understanding and applying the regulations," "Campus impact and

planning," "Technical resources," "Law texts and other sources of authority," and

"News, updates, and networking" NAFSA posted advisories, association-developed

documents, and compilations of government-issued rules, regulations, cables,

clarifications, and other actions. Weekly electronic updates directed practitioners to

the most recent developments. A sample of a NAFSA update in March, 2003, shows

the range of topics being managed at any given time and gives a snapshot of the depth

of information administrators and practitioners were juggling with the help of the

membership organizations and their collaborative efforts. The notice notifies members

that NAFSA's SEVIS information pages have been updated to include three new

items:

> 1) SEVIS Resource SR-2003-e, which covers F-1 regulatory and SEVIS issues
> from the perspective of English language schools; 2) Department of State
> cable that instructs how far in advance of start date applications for F, M, and J
> visas can be submitted; and 3) Written responses from the Bureau of
> Citizenship and Immigration Services and the Bureau of Immigration and
> Customs Enforcement to SEVIS questions from ACE seminars [On-line].
> (Retrieved March 31, 2003: http://www.nafsa.org/sevp)

Other organizations which served practitioners also provided information particular to

their constituencies. AAIEP and UCIEP delivered frequent updates through listservs

to member programs and institutions in the intensive English arena. Admissions

officers and registrars on campuses received a great deal of primary information

through the NAFSA resources to the organization's admissions section, but were also

served by AACRAO. ACE held seminars, among other initiatives to bring guidance to

practitioners, in Spring 2003, at which they addressed questions to the Bureau of

Citizenship and Immigration Services (BCIS) and the Bureau of Immigration and

Customs Enforcement (BICE).

Data collection and generation

  Another aspect of the advocacy organization's practical support for the field and their constituencies during the post-9/11 policy making and implementation period was to generate data which could be used to identify issue trends and, perhaps, bolster arguments related to SEVIS and visa processes. Some of the data collection was part of regular practices by some organizations, such as IIE's annual statistical survey of international student and scholar population in the U.S., conducted since 1948, and reported in *Open Doors*. Many other data collections efforts were targeted to aspects of the post-9/11 environment. Finer slices of enrollment data were needed as various aspects of SEVIS and the visa procedures such as the additional background checks and mandatory consular interviews came on line; different sectors were affected in different ways and at different times by the process. IIE had conducted on-line surveys, for example, to assess enrollment closer to semester start dates rather than waiting for its usual annual reporting cycle (Chin, 2002) and collaborated with AAIEP and UCIEP to conduct "flash surveys" of enrollments in intensive English programs, whose enrollments had been the most severely impacted by the changes and who needed data to support advocacy for changes to the B regulations (Chin, 2004). Organizations in the advocacy community often collaborated to enlarge the pool of respondents, permitting a variety of data types to be pulled from a single survey, and increasing the impact of the data if reported to outside sources. For example, AAU and NAFSA conducted a joint survey of international student and scholar visas in October 2002, surveying 482 colleges and universities; in addition to reporting data broken out by categories of enrollment, the

survey inquired about visa delays that caused a student to miss the start of fall 2002 classes and visa denials (AAU Survey, 2002). NASULGC's November 2002 survey of member universities and colleges traced regional trends (NASULGC Press Release, 2002). Through its Center for Institutional and International Initiatives, ACE conducted sophisticated multi-level surveys and reported public attitudes about international education after 9/11, providing information which, for example, indicated that "80% of the 2002 survey respondents agreed that the presence of international students on U.S. campuses enriches learning experiences for American students, with 40% strongly agreeing," the sort of data that would later be incorporated into position papers and policy statements (Siyaya, Porcelli & Green, 2002). NAFSA continued to lead on practice issues, collecting snapshots of information from members by, for example, posting forms for international student advisors to use to document each instance of visa applications that had been pending more than 30 days "to help describe the scope of the visa delay problem to the Department of State and Congress" as described in a NAFSA government relations email, April 3, 2003.

Sector-specific issues

In addition to the two broad thrusts of policy change – visa processing and SEVIS development and implementation – with which all certified schools were coping, sectors of the schools and programs field were addressing issues custom to their organizations and their student and scholar populations. Two examples illustrate the nature of these impacts; one example crossed organizational lines and one did not.

The obstacles faced by students and scholars in science and technology who were subject to the delays and obstacles related particularly to additional background checks because of their areas of study or research drew attention and supporting action from a cross-section of the advocacy organizations. In part this was because these students, scholars and researchers were at a nexus of issues and advocacy arguments in the new policy environment. They were subject to the most delays and obstacles under the new policies, they represented the argument that the U.S. benefited from the work and contributions of bright minds and future scientists, and they were a link to the national security rationale, they were a link to the argument that U.S. leadership in science and technology was threatened and tapped into the argument that the U.S. was loosing its edge in global competitiveness. This sector received focus in the press as well as from the advocacy organizations. For example, *The Economist* (2002, May 21) summarizes these sector-specific concerns and gives an example of how this issue is framed among other visa policy changes:

> As the United States government moves to scrutinize more closely foreign students entering America's colleges and universities, there is growing unease among academics that new homeland security measures would deter international exchanges, deprive science and research departments of valuable talent from abroad, and ultimately damage the vaunted openness of the American university system.
> Recently, the White House announced its intention to form an interagency panel for advanced science and security [IPASS] that will review more carefully all visa applicants who want to study "sensitive topics" such as bio-warfare or missile guidance. The White House Office of Science and Technology Policy has set up an anti-terrorism committee that is reviewing issues related to foreign students. And the Agriculture Department has quietly reached a decision to bar any more foreign scientists from its research division. Congress has done its bit too. . . .
> Without these students [who study mathematics, computer science, engineering and technology], research that keeps the United States at the scientific and technological edge would flounder. . . . In the past, most [of

these students] stayed on to participate in the U.S. economy, and many of those that went home took American attitudes and values with them. This has been an important influence on America's links with other countries. . . .

Events since September 11th have actually highlighted the need for more research and development – to counter the threat of bio-terrorism, for instance – not less. The country cannot afford to slow investment in scientific research or staunch the flow of top scholars and researchers from abroad. The White House Office of Science and Technology Policy, which is providing technical assistance to the Office of Homeland Security and making recommendations about foreign students, has to strike a delicate balance between continuing to promote the valuable, and in some fields, irreplaceable flow of foreign students with the urgent need to protect national security. (World's Educator, 2002)

A consortium of associations would eventually join together to advocate for this student, scholar, and research sector. In a May 2004 press release from NASULGC, for example, announces that a consortium of "more than 20 science, higher education, and engineering groups, representing some 95 percent of the U.S. research community, today urged the federal government to adopt six practical recommendations for solving the current visa-processing crisis, by removing unnecessary barriers to multi-national discoveries." AAU, ACE, NAFSA, CGS, and NASULGC are all mentioned in the announcement, joining the AAAS, the world's largest general science society, in calling for changes in a system riddled with repetitive security checks and processing requirements, inefficient visa-renewal processes, lengthy delays, and inconsistent treatment of visa applications; the SEVIS fee mechanism was also of concern (NASULGC, 2004).

Another sector-specific concern, this one drawing less cross-organization advocacy, related to the issue of B visas. The B visa is issued to tourists and business people who plan to be in the U.S. for only a short period of time and who are not here to pursue study as the primary purpose for entering the U.S. Schools which provide

courses which are relatively short, such as Intensive English programs, for many years have argued that non-immigrants entering the U.S. for part-time study for a limited or short period, should be able to enter the U.S. on a B visa rather than on an F visa. With the obstacles presented by SEVIS, and with the major enrollment declines in the 20 months following 9/11 being accrued by these short-term programs, the urgency of advocating for changes in the use of the B visa, and for resisting pending restrictions to travel in these categories, grew. AAIEP, an association of intensive English programs, devoted considerable advocacy action to this issue on behalf of member programs. The Spring 2002 *AAIEP Newsletter*, for example, described in detail the association's advocacy work, saying "AAIEP s also very closely monitoring proposals for changes in the B visa regulations. These changes have the potential to be even more devastating to us than SEVP/SEVIS" (Thomas, 2000). While working with other organizations in the field on SEVIS and student visa processing issues, AAIEP sought partnerships with organizations outside of education for advocacy work on the B visas. The *Christian Science Monitor* reports this trend, for example, saying the overall "visa crackdown since Sept. 11 – which includes slower processing and changes in rules – is having a profound effect on many segments of society, from education to healthcare to agriculture. . . . businesses are crying foul, saying the economy's been hurt enough by the events of 9/11 . . . Tourism industry officials are especially upset about the [visa waiver] proposal because they feel they've been hardest hit since Sept. 11" (Axtman, 2002). Such collaboration with organizations devoted to the interests of tourists and business people, which were also facing changed policy and increased regulation, provided a reminder that international

education advocacy organizations were not alone in developing responses to the aftermath of 9/11.

Conclusion

The advocacy organizations in the international education policy community faced a truly chaotic policy environment in the 20 months following 9/11. Initial responses show efforts to protect advocacy and policy gains made in the years before 9/11. As the policy cascade began and international student visa policy underwent significant changes, the advocacy organizations worked to shape legislation and regulations as they could, often working in *ad hoc* consortia, and emphasizing that they supported changes which would protect national security. Organizations such as NAFSA and AACRAO, which served members who were practitioners turned to intense practice resource and information work. All organizations also dealt with the changed policy image of international students by advocating for their value.

It was a difficult time full of challenges but not without successes. Secretary of the Department of Homeland Security Tom Ridge addressed the AAU in April 2003. He addressed both visa processing issues and the difficulties the university community was facing with SEVIS implementation. He affirmed the active role of the international education advocacy and practitioner communities in advocating for changes in aspects of SEVIS implementation and visa processing policies, and he confirmed that the associations were again in the communication loop with policy makers:

> Let me first say that I appreciate the university community's continued support for the system and your hard work to deploy it. At the very same time, I appreciate and understand, because I've heard it from many of you, your

legitimate concerns. . . . No university official should have to spend countless hours trying to enter the records of one individual student or learn that one of your student's records suddenly popped up on another school's computer. To universities and to those students, these aren't merely glitches or inconveniences. Taken together, we understand they threaten your ability to conduct research and obtain funding and attract the best students you possibly can, and they put your students and researchers at risk of severe delays, or even deportation. . . . I should tell you that we began to hold weekly conference calls with major education associations to identify and correct the problems. . . . And as we approach the deadline for putting one million student files onto SEVIS, we'll work to get people the training they need to use the system . . . [Regarding visa processing], we know that your foreign students are indispensable to America's continued leadership in science and in medicine and in technology. . . . We can't do anything about the timing that's imposed, but I assure you we're going to try to do a lot better job working with you under the time limits that are imposed to avoid these [background check delay] problems in the future. . . . I believe that if we regularize our communications and conversations with this organization, as well as your colleagues in other academically-centered organizations, we will be able to meet the challenges that we each have in pursuit of what is a common goal; that is, not only a more secure, but a more prosperous, country. (Ridge, 2003)

Chapter 5
Administrators' Reactions and Experiences

Introduction

International education administrators in higher education settings were at the

crossroads of the policy dynamics which came into play in the aftermath of the 9/11

attacks. In this chapter, I describe the reactions, actions and perceptions of eight

international education administrators to the 9/11 attacks and the regulatory cascade

which followed, as expressed in interviews I conducted in their offices between

December 2003 and February 2004. As practitioners, at the time of the interviews all

were directors or senior administrators responsible for a large international student

population at a university campus or language school; prior to 9/11 these

administrators worked on a daily basis with international students, the INS regulations

and their own school or campus systems established to issue visas, document student

arrival and departure, monitor student presence and academic progress, and arrange

any post-study action. As advocates for students, these administrators were committed

international education supporters, believing strongly in the value of having

international students in the U.S. and on campuses. As policy actors, they were

involved in pre-9/11 advocacy for regulatory perspectives which facilitated student

mobility, largely acting through their professional organizations such as ACE,

NAFSA, AIEA, AACRAO, AAIEP and others. On campus, they were (and continued

to be after 9/11) central to shaping campus policies to admit international students, to

assist in their cultural learning and adjustment, and to educate the community about

the value of international education. As described in detail in Appendix B, these

administrators were active international education practitioners and campus/organization policy actors for at least five years at the time of the interviews; in addition, all had been or were in governance within advocacy organizations in the five years prior to being interviewed. The interviews, which I transcribed, coded for themes and issues, and then reduced and synthesized for presentation of content pertinent to this case, provide an in-depth view of the impact of this spectacular focusing event on the administrators who are most directly affected by the policy changes and who must implement the outputs of the policy system. The administrators also described personal experiences and their own reflections on the events-at-large, adding considerable depth to the description of the case.

The details these interviews provide to this case study are numerous and wide ranging. For presentation here I have organized the themes of response into clusters as noted below; the first two provide context for the case, followed by those topics which consistently emerged in all interviews, and concluding with the administrators' perspectives on the overall effects of 9/11 on their work and beliefs.

1. The administrator profile – snapshots showing who these administrators are, what their work is like, and why they are particularly useful respondents to describe the impact of 9/11 on the international student visa policy environment.

2. Administrators' near-term experiences and actions – descriptions of the administrators' experiences as the 9/11 policy events unfold and their growing understanding of what this meant for international students and their programs.

3. Topics which saturated the interviews – descriptions of five topics which emerged in all of the administrators' comments when they discussed the impact of 9/11,

including the visa policy changes, on specific aspects of their work and advocacy activities. These topic areas are the changed work and role of the administrators and their offices, perspectives on media involvement, political implications locally of the post 9/11 national agenda, the effectiveness of the policy changes, and advocating for international students after 9/11.

4. Positive aspects of the post 9/11 environment – administrators' affirmative views of aspects of the policies and the benefits which have resulted.

5. Overall effects – administrators' summations of the overall impact of 9/11 and the policy cascade on their work, the long-term prospects for international students in the U.S., and the status of their commitment to the value of international education. In Chapter 6, I discuss the key issues and links to the policy process distilled from these interviews.

The Administrator Profile

The administrators whom I interviewed were all practitioners who worked daily with visa regulations and systems, active members of advocacy organizations which worked to influence public policy affecting international students, and long-time international education advocates committed to the value of international students in the U.S. A typical profile of the respondents is reflected in these comments by Administrator A:

> Well, prior to 9/11 and currently I am director of the office of international student and scholars. I'm the primary, responsible officer for the F-1 program and the J-1 visa program here at the university. I think prior to September 11 our office was responsible to recruiting international students, the admission of international students, credential evaluations, the I-20 issuance for all students, new and continuing, J-1 scholar documents, programming, orientation, training on campus on intercultural issues, those sorts of things.

Because the administrators held positions at director or senior administrator levels,

they interfaced in authoritative and substantive ways with other offices and

departments to deliver services to international students. Administrator F describes

some of these linkages:

> I serve as the officer who on campus is the director of international programs.
> As such I oversee the intensive English program and study abroad exchange
> agreements, special programs, short term - long term, facility-student staff
> exchanges, as well as all international student undergraduate admissions,
> international visa applications, I-20s, DS 2019s as well as for undergraduate
> and graduate students. I'm also involved in federal grant development, and I
> work extensively with both with the TESOL program and other TESOL
> programs on campus and in the United States and the world. Our admissions
> include recruiting of international students, undergraduate and graduate level
> and searching out different types of special programs, short term and long
> term. We're responsible for the whole range of services to faculty and students
> and staff wanting to go overseas as well as people overseas who want to come
> to us. [These are my same major responsibilities] before 9/11 and after 9/11.
> We're the policy shaping arm for the university and anything having to do with
> international exchange, study abroad, international student admissions
> services. We also provide the international orientation support services to
> international students, sponsor student clubs and such things.

As Administrator F points out, these administrators were campus policy actors; they

played active roles relative to policy and regulatory systems for international students

for their institutions. In addition, they also were active advocates for public policy

supporting international education, often carried out in conjunction with their

leadership roles in the advocacy organizations which work to affect international

student visa policy, as described by Administrator B:

> I served as director of the office of the international student affairs at [a large
> state university]. I was in that capacity since 1987 through August 2003. Since
> that time I relocated to [a large university in another state] where I serve as
> director of the office for services for international students and scholars. . . .
> My work as an administrator, I think you can look at it in certain tiers. One
> relates to advocacy outside of the campus, externally. To that extent, I always

played an active role as an advocate for the general international education exchange field and suddenly, in general, and suddenly for individual cases in particular. So to that extent, I have participated in advocacy efforts on the Hill. . . . I've probably participated in a half dozen of those initiatives. I have engaged in letter writing campaigns, again, both for policy and regulations as well as in individual cases, for particular individuals. So that's pretty much at the external level. . . . Other roles that I have held during this period, my role really relates to my outreach and volunteer efforts within my professional association. In fact, during the period you are referring to, I was serving as [senior leadership position] for [a major advocacy organization].

A most important aspect of these administrators' identities was their work as educators, which all participants reported as central to their commitment to international students, programs, and services. Administrator D describes this commitment, saying "Myself, as an international educator, I consider myself to have the emphasis in that title on 'educator.' We are part of student affairs here at [state university name] and in our particular case I think that is a very good match because our real emphasis in terms of our work with students is in student development, student development theory, giving our students the kinds of opportunities they have to enhance their education both inside and outside the classroom."

All of the international education administrators I interviewed had well-developed views and deeply-held beliefs about the value of international education in all of the value areas described in Chapter 1; international students represent a cultural resource on campus, they tend to be good students, they have an appreciable economic impact on the local community and nationally, and they often serve the needs of the academic community as teaching and research assistants, particularly in the sciences and technology. These administrators shared with each other a very strong sense of the public diplomacy value of international students and a strong

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commitment to educating "the world's future leaders." The administrators emphasized

particularly the overarching value of an international perspective in today's world, and

the role of an international student presence in the U.S. and university international

educational exchange as a means for making that value concrete. Administrator A

expresses this sense of hierarchy of values, pointing out "how important [international

education] is to us not only as an institution economically and culturally but as a

nation, the impact it has on the world." Administrator H expands this sense:

> I see it in all of us in the universities. I see it again within, again I am lumping
> when I say all of us, you can lump us and say that we are very liberal in the
> sense that we feel that the university is not a university without the presence of
> international students. I think that is a principle we that have. So, from that
> point of view, we are liberal in the globality that we feel international
> education should be here. . . . And much more the U.S. because I think the
> U.S. is a leading country. It is the leading country right now. But I think that it
> should lead in every way and education is perhaps, in my mind, the most
> important component of any society.

The administrators were aware of their value system and perspective, and how this

shaped their views of both the pre-9/11 and post 9/11 environment as well as how it

shaped their reactions to the policies which followed. Administrator B provides an

example of this self-awareness:

> This country is still in an emotional state and when the emotions are stirred we
> look at things in a different perspective. We hold things dearer to our hearts
> and to our value system. In this post 9/11 environment, we tend to, or I've
> observed, that we are looking at things as more of what is right and what is
> wrong. . . . As individuals working in the field of international exchange, we
> bring to our work certain biases, certain values. Not everyone shares that. . . . I
> personally think now more than ever before we need to be encouraging more
> learning, more exposure to other cultures, a better appreciation of other
> cultures, religious beliefs, religion, gender issues, you know, the role of music,
> the role of art in one's culture. . . . I think now more than ever before we need
> to learn even more about all that.

These administrators were well-informed student services practitioners and involved

international education advocates who also felt a strong responsibility to be effective

educators. They tended to share a belief structure that values international students as

part of an overall approach to effective interaction in a connected world, believing that

international education in various forms should be part of a U.S. university

experience.

Administrators' Near-term Experiences and Actions

> If I had to pick a date when things changed, 9/11 certainly changed it. If I look
> to an event that happened that Friday before, it was the retirement of a person
> that I'd been very close to here at the university, who was executive assistant
> to the president. . . . She asked me to speak on a September afternoon. . . . It
> was one of those gorgeous days; there was a golden glow to everything. I just
> remember that day as, this is really as good as it gets. . . . And then the
> following Tuesday comes and it's been cloudy ever since in many respects.
> While there has been growth and while there's been success, the success has
> been mostly in overcoming the bad. (Administrator E)

As professionals whose work was underpinned by a belief in the value of international

connectedness, whose daily interactions were with international people, whose work

had been to identify and implement policies and programs which made their values

concrete, the impact of 9/11 coupled shock with the realities of needing to act. Their

reactions would not be limited to emotional responses and discussion among

neighbors. Immediately they began communicating, learning, monitoring the campus

and community environments for effects on their students. Administrator A described

initial memories:

> The day that the 9/11 [attacks] happened two things struck me. One, I was, I
> received emails from all over the world from our international students who
> graduated, commenting, who talked about the reaction where they were. I had
> not realized they had to evacuate the economic towers in Tokyo and in
> Malaysia and all these other places because they were afraid that it would not

be just the United States that was targeted, but other countries as well. So that
was very interesting.

It became clearer that the 9/11 events were attacks by foreigners; the terrorists were
linked to the Middle East. Then, early reports linked the attackers to flight schools,
identifying some as "students." Reminders of the 1993 World Trade Center bombing
suffused news reports, including frequent comments that one of the men convicted in
that bombing had been an out-of-status international student who had some years
before entered the U.S. on a student visa. In this context, and in the general and
extreme uncertainty of the first days and weeks following the attacks, ensuring the
safety of international students was critical. Tensions ran high and administrators
soothed students who felt their security threatened, as expressed by Administrator H:

> [Anti-foreign sentiments following 9/11] caused all kinds of, not complaints,
> but very, a great deal of anxiety in a number of students. I have some student
> presidents from various student associations that will not even call me here [in
> the office] to express some things, but they will call me at home because they
> were afraid that maybe here somebody is hearing, you know, just, you know,
> just because so and so lived in our dorm, or because he participated in
> activities, we don't want to be blamed by association and what we should do?
> So the [anxiety] level was very, very strong at that time.

Administrators monitored the students' experiences. "As we were all checking in with
our international students after 9/11" said Administrator D, "[we were] all very
worried and the first thing we were all saying to our students as they came in for
appointments or walk-ins after 9/11, how are you doing? People treating you right,
harassing you, bothering you, what have been your experiences?" These concerns
were shared by international educators and international students across the nation, as
reported on September 21, 2001, in *The Washington Post*:

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A small but growing number of Middle Eastern students are withdrawing from U.S. colleges and returning home, some to comfort worried parents on the far side of the globe, others to flee an environment they fear is turning hostile to young foreigners. . . . At American University in Northwest Washington, 32 students . . . withdrew this week. About 25 left the University of Missouri, and about 24 from North Africa or Arab states have left the University of Colorado at Denver. . . . In the days since the terrorist attacks on New York and the Pentagon, universities have rushed to respond to students' fears by holding vigils and public forums, while also offering support and protection. (Argetsinger, 2001)

Administrator G conducted such events to support students: "One of the things that I remember that we did do, is that we got together and did a safety and security workshop with all our international students. It was for three nights immediately following 9/11."

On campus, faculty and senior administrators relied on the international student administrators for information and answers. Administrator H observed that other sectors of the campus community was not immune to fears while events were still unclear:

One of the terrorists was a student, as you know. . . . I guess he'd come to get instruction in aviation and had lived at one time in [a nearby city]. There were many faculty, non-international as well as international, that would ask me, do you know how that has happened, do you have any knowledge about it? Trying to just make some kind of cohesion to all of the uncertainty and shock that they all had. It's like, anything like this you want to know more about somebody that participated, and then, you don't. Because you are afraid of the connections one may have in terms of having had a student in class.

Typically administrators and international students were receiving support from their senior university officers in responding effectively to the situation. Administrator D describes a series of campus actions:

I was extremely touched, really personally touched, as well as professionally, how can I say, supported by the reactions President [university president name] took of sending a letter to all of our international students here, by

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sending a letter to our international students abroad, by having forums through which the values, the norms, and rituals of all religions were discussed, having presidents of all international student organizations, the ecumenical council. I thought that we responded in a very effective way. Simply by doing that in such a public way, such an open way, we were telling our students that we are with them and that we respect who they are in spite of the fact that some co-citizens of their own country may have been a part of the whole 9/11. I think there has been sensitivity before [9/11] and sensitivity after.

International student personnel are usually active in the local community, believing that an important part of their charge is to expose their international students to "typical" American culture, and to expose the local community to the variety of cultural experiences their students can provide. International student offices generally conduct community outreach resulting in programming such as homestay networks and ambassador clubs which give international students a place in the community. International student organizations hold "country nights" and food fairs on campus which local community members are invited to attend. Perhaps because of these efforts, most administrators reported receiving support from their communities during this time, reflected in this response from Administrator A:

I also received about 20 calls from community members asking if they could be of any assistance and wanting to step in and help any of our students of Muslim descent. So I found, [while] there were stories of a lot of people acting very strongly, emotionally, targeting and mis-targeting many people because they though they may be Arab, I found that this community, actually I found people to be much more concerned. I received many more reports of people wanting to help than I did of people reporting that they had any problems.

All of the administrators I interviewed reported encounters with the media, all locally, most regionally, some nationally. Initially, they and their students were called on to be cultural informants, to provide personal narratives, often particularly to illustrate that international students in the U.S. from the Middle East were not hostile

to the U.S. and were good students. As the public became somewhat conversant with information about the visa system and began to speculate on more sophisticated discussions about the place of immigration regulations (and the place of foreign nationals) in the U.S., administrators were frequently called upon to describe how the student visa system worked, and to respond to criticisms that, for example, the international education field had resisted efforts to track international students by objecting to the CIPRIS provisions or to report on the status of their adoption of SEVIS requirements as deadlines loomed. Relatively quickly, within a month in some cases, administrators began to be involved in media events (panels for television broadcasts, interviews in local, regional and national newspapers, radio interviews) where they largely were advocating for the value of international education. Administrator A, for example, was involved in several media events.

> Our local [newspaper name] contacted me and they put together a series of kind of panel discussions about the impact of 9/11 on international students. I was very involved with the media here in [city name]. . . . [The panel] was held on campus, it was broadcast on local TV stations. They also ran a series in the newspaper where I was a contributor. Then I was also invited to be on a show . . . where they talked about the PATRIOT Act and its impact on international students.

Five Topics Emerging in All Interviews

Five topics emerged with such consistency among the interviews that they characterize the impact of 9/11 in the interviews. The topics overlap and cross-inform; together they paint a picture of the multiple layers of change and impact experienced by the international education administrators and the offices they headed following 9/11. Each of the following topic areas was densely reported: 1) the changed work

and role of the administrators and their offices, 2) perspectives on media involvement, 3) political implications of the post 9/11 national agenda, 4) the effectiveness of the policy changes, and 5) how they now advocated for international students.

1. **Changed Work and Role of the Administrators and Their Offices**

International student office personnel, and particularly the directors, found their work lives altered, eventually drastically altered. Some changes were amplifications of their pre-9/11 charges to be cultural informants, immigration specialists, and international student advocates within the campus community. In the immediate aftermath, as events unfolded and it became clear that there would be significant impact on international students, the administrators were called upon by faculty and senior administration for their *expertise on intercultural issues*, particularly related to Islam and the Middle East, and to discuss the international student population on campus. Administrator F describes this role:

> But certain things became more focused or more intense. For example, one of the things we have always done is we've tried to foster and promote communication and good relationships between faculty and international student staff and international students. We suddenly found ourselves stepping up opportunities for international students coming in to share their feelings. We found ourselves intensifying communication with staff, faculty, and students about we are the same people they had before 9/11 in their classes. And so we found ourselves spending a little more time promoting an understanding of other cultures and acceptance of people for whom they are and not where they come from or what they look like or their religious status.

As *immigration specialists* with ties to practitioner organizations they were recipients of frequent regulatory advisories, giving them late-breaking information about the unfurling changes and deadlines related to SEVIS, NSEERS, ISEAS, and IPASS, which often hit weekly and in some spells, daily. They often found themselves

educating faculty, provosts, and presidents. Administrator G describes how the

international student office became more responsible for educating faculty.

> What we're trying to do is to make sure that the faculty know about international student requirements, how many hours they have to keep enrolled in because sometimes the faculty will let the student drop without knowing the circumstances. We want them to know when they have a change of funding that can necessitate the need for a new I-20 because the faculty will sometimes ask us questions about that. It's kind of going out there and educating the faculty about what situations or circumstances surrounding international students will necessitate a change. Or prove to be a problem. . . . Now we understand that the student is supposed to be responsible for their own status and we do remind the faculty of that as well. But what we see is a lot of finger pointing to the international office. We have emails, we have information, but ultimately many times, the finger pointing comes back here. With the number of international students we have, we just cannot micromanage every single one of them. So our message is if we can all work together it'll help the student, but the student is ultimately responsible for their own status.

Administrator B echoed this need to keep all working groups in the institution

informed and the responsibility the international student office administrators felt to

be the source of training and information, particularly as the policy cascade was

resulting in frequent change.

> Clearly for us, we felt like we were successful in getting the departments to indeed improve the turnover time for the admissions function so that students could get admitted, get a visa, a document in their hands that allowed them sufficient time to get that visa interview date, whatever. There was, again, an example of a collaborative effort with the admissions office and all the academic units and even the graduate college. . . . I think fortunately for me I had been at [university name] a long time and created the infrastructure to allow for frequent regulations. So we already had in place a system for doing workshops on a regular basis. Every semester some kind of workshop was developed for administrators, for faculty and for staff. . . . We continued those workshops, just the topic changed and then even the frequency of those workshops changed. The volume increased as well whereas maybe prior to 9/11 we would get 100 to 150 participants, it doubled post 9/11. . . . Sometimes change was taking place monthly, even weekly. In that case we looked to other models for communication. One of [them] was an electronic newsletter that we utilized and so we were able to keep in regular communication with colleagues across campus . . .

They also found *their power increased* beyond their roles as information

gatekeepers. As designated school officials (DSOs), their pre-9/11 work screening,

admitting, and registering international students carried responsibilities framed in INS

regulation, but post-9/11, the regulatory provisions were more complex and most

importantly, were mandatory. The stakes were higher, and non-negotiable. This got

the attention of presidents and provosts as well as faculty. Because they understood

the implications of the new regulations and the consequences of failure to comply,

particularly as students would be affected, the administrators in most cases took

charge, suggesting or building infrastructure, attempting (and often succeeding) to

consolidate information and compliance functions in their offices; sometimes this was

welcomed, as indicated in Administrator B's comments:

> I would say this heightened interest in our international population was
> demonstrated by colleagues across the campus. I used it as a window of
> opportunity to take that even a step above because they were more receptive,
> more open to change towards practices on the campus [at this time]. And so I
> used it as a window of opportunity to ensure that we were indeed able to
> develop campus processes and policies, of services that best benefited our
> students. I saw that as a leadership role on my part. When I saw my colleagues
> presenting this opportunity, I stepped up to the plate.

However, several administrators described a more contested arena; Administrator A

provides an example of how some international student office administrators became

pivotal to SEVIS implementation and for educating other administrators, but struggled

with the power shift.

> I think one of the biggest changes in terms of my work on campus was trying
> to educate other administrators about the implications of SEVIS, for example,
> CIPRIS, ISEAS. And also, we had a situation here on this campus, still are
> having our various administrators that felt like they should be in charge of
> reporting to the government or taking a more active role, not understanding all

the implication involved in SEVIS and what SEVIS was. So I started a university wide committee, a SEVIS Committee, that was looking at how we were going to implement this as a campus and instead of trying to fight with people. I was going to take control and say, OK, assume this was under my jurisdiction and get a committee together to assist in the implementation. That worked fairly well. Although it is an ongoing issue, I don't know why.

Administrator F was pragmatic about managing the policy changes, which were rapid and consequential, saying "The Provost and the President have been extremely supportive. Some of the deans have been upset about that support, but we have to follow some sort of protocol."

The administrators also describe the intense and practical impact on their office's services as they became *the implementers* of various policy components, SEVIS certainly, and ISEAS, NSEERS, and IPASS at times. At the first news of new legislation and regulations, because many administrators and practitioners, veterans of the CIPRIS debate, had been subject to an unsteady flow of negotiated policy changes with the CIPRIS requirements, few initially felt that SEVIS would be successfully implemented by the mandated deadlines, and felt that some sort of negotiated rulemaking would unscramble the mix of competing deadlines and insufficiently tested software. Administrator E described how the fits and starts with CIPRIS (see Chapter 2) affected the implementation of SEVIS and other changes, saying that some practitioners initially took "more or less a role of just wait and see," believing SEVIS would "probably implode and nothing is going to come of it."

However, as it became clear that the deadlines were generally firm, despite the untested technology and multiple and overlapping deadlines, administrators worked to increase resources for their offices, and they tended to receive amplified support from

senior administration. Increased support – IT personnel, additional software, additional funding – however, did not mitigate the extreme pressures felt by the administrators as they worked to implement an untested system with many problems by mandatory deadlines, in the face of consequences for their students and their campuses. In many cases, the mission of the office was redefined, in effect when not in fact, by the intense demands of SEVIS implementation, a change that appeared to be deep and permanent, and administrators mourned this shift away from what they felt was their primary calling as educators and cultural informants. Administrator G gave this perspective:

> Since 9/11 we have had to pull those resources and invest them in software programs to support SEVIS. We've had to take that money and put it into coordinator position which we hired, basically we called a SEVIS coordinator position. So we have one person, she is actually physically located across the hall from where we are right now, who is our SEVIS database person. We have also taken a secretarial position to support that position. So the shame of it is that we have become more recorders and reporters instead of our old relations of being friends to international students. A lot of that has taken place because of the funding situations. Some of it has happened in that because we have to spend so much of our time keeping everyone's nose clean, if you will, it doesn't allow much time for casual conversation, to listen to questions and [so forth]. I feel in some ways we have gotten some bad rap from the students because they understand, we tell them that we try to facilitate, we try to help them, but at times we appear to be more policemen, have a policeman kind of role. And so it almost creates a more antagonistic relationship which is unfortunate.

Administrator A provides additional perspective on how the attention of those in the international student office was pulled away from students and advising and invested in the SEVIS implementation.

> I spend more time in that, in the past, I would hire students typically to create the I-20s, DS-2019s, and now I can't do that. Only the responsible officers can do that. So that means I'm spending more time on the computer making the visa documents than I did in the past. Before I just checked them over and

signed them. I'm definitely spending more time. I think there is definitely more time spent reviewing the alerts on the system and needing basically to pay attention to all the data, all the information on there. It's overwhelming, at times I talk with a colleague, or go to a conference, I find out something new that I wasn't aware of, "Oh, I didn't realize I was supposed to do that."

Administrator A went on to point out that the office sought and won increased funding and staffing, however, and this represented a heightened status on campus as well as a more intense role in regulatory application and dealing with data.

> My sense is that people don't have a thorough understanding of what is involved, and the fact that it is really, in my mind, so clearly, it is the responsibility of the International Student and Scholars Office. So trying to educate people about what SEVIS was, what it meant for campuses, and also trying to get support for some of the new technology. We had to buy new software; we had to get dedicated servers for that software. I was able to put in a petition and get the university to do some cost sharing with me. We raised our international fee to help pay for some of the expenses. We also put in a proposal for a new position which was granted.

All of the administrators I interviewed emphasized the ways in which their work lives and the structure of their offices and services had been changed with the need to implement SEVIS, often with emphasis on the gritty practical aspects of this transition. Administrator E adds this vignette:

> We are really dealing with these changes here in the office and a lot of that has to do with our IT situation. We started up with FSAatlas [a software program used for admissions and SEVIS functions] so quickly, a lot of mistakes were made. We had server problems. In fact it was three weeks ago that one of the computers that four people were housed on IT noticed that it was just about to go down. So it's a complete rebuilding internally, which means that historical data we had all needed to be reentered or it's basically lost. So if we could just get in a position where we feel like we are not starting over every semester, we would really appreciate that. Like I said we had to start up so quickly, we had to make some decisions so quickly that some of them were mistakes. We did the best we could with what we had at the time. We still don't have the staff, the IT staff, probably never will, that is needed to support it the way we would like to see it. But again we hope that we can just reach a little bit of a plateau, a normal working environment. It seems like so far we are having trouble

finding that norm. It's a constant battle, trying to find the biggest problem of the week.

Administrator D summarizes the state of difficulties with implementation one year in, illustrating that implementation was going to be an enduring issue:

> We certainly keep that [advising and student development] as our primary goal, but I'm disappointed to say that here we are well over a year after the mandatory implementation of SEVIS, and we are still spending an inordinate amount of our time, the complexities of getting our student data from our student record system at the university into our own batch processing software has proven to be a challenge that I never, ever could image would be so great and time consuming for us. And I don't think we are unique in that. In that sense it's like when is this going to be over, when is it going to be routine, it's not routine yet. Even now, especially dealing with 1500 international students on a campus like ours, [which has] a large number [of international students].

And Administrator F sums up the implementation issue from the administrators' perspective, saying "The government really didn't have their act together before they implemented all of this. And I understand bugs always have to be worked out. It was a nightmare. Their own people aren't trained."

2. Perspectives on Media Involvement

The administrators were all thinking about the role of the media in reporting and interpreting the events of 9/11. Within a general context that seemed unfavorable to international students, several news patterns seemed to the administrators to epitomize what they felt was unfair representation of their work and their students. They felt international students were identified as a group early and unfairly in the first weeks after the attacks as the source of the terrorist problem, usually linked to emerging details about the hijackers having been students at flight schools. (See for example Yardley's September 13, 2001, *New York Times* article which is about pilot training at Embry Riddle Aeronautical University, but carrying the more generic

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headline "After the Attacks: The University." It is worth noting that subsequent information confirmed that no hijackers attended Embry Riddle.) All administrators cited the influence of the first reports that one hijacker had been admitted for a California language school but had never shown up at the school (Goldstein & Morse, 2001). As problems with the INS became the broader focus of policy makers, the image of the change-of-status notifications for the two hijackers who had enrolled at the Miami flight school, sent 6 months after the attacks, reinforced the public perception that international students were a poorly monitored alien population (K. Johnson, 2002). As discussed in Chapters 2 and 4, the advocacy community's struggle with CIPRIS fees and implementation prior to 9/11 also was reported, and came to represent the international education arena's resistance to student monitoring, interpreted in the media as a disregard for national security. Administrators felt efforts to set the record straight were overridden by the power of these stories and images. Administrator C commented on a *60 Minutes* segment which many in the field expected and hoped would give them an opportunity to provide an affirmative argument for international students, with NAFSA's CEO Marlene Johnson speaking to critics:

> Basically the media is all sound bite to me. Diane Feinstein started a lot of the whole thing and the media just picked up on that and ran with it. You remember when they interviewed, there was a big thing on, was it *60 Minutes*?, and Marlene [Johnson, NAFSA's CEO] was interviewed and there was two seconds of what she said there. Completely out of context. And it made all of us throw shoes at our television set. . . . And the way Barbara Walters started off the interview, walking, just have a vague visual image of someone walking with her. There was, it sounded, it was just students really were a big threat. That started it off, I think, and the media just picked it up on that and ran with it. When something is hot, that is how it works.

As previously noted, the administrators were called on in the early weeks and months after 9/11 to be cultural informants, representing international student perspectives on panels and in local media interviews. Interaction with the media became a regular responsibility for many, often on topics related to policies and regulatory compliance; Administrator F remarked for example that "Mostly what I want you to know is suddenly there was an interest [by the local media] were we following the letter of law. And I do mean by details of law, do we have the appropriate documentation in our files, have we followed deadlines, and I've been called by the local news media, by the TV, the paper checking out articles and impact on student enrollment, etc., [particularly] when we had to go through that recertification."

All of the administrators reported involvement with creating news stories and providing information to print and televised reports, including opinion pieces on the value of international students and supportive policy. Administrator E, for example, describes writing editorials:

> On a personal level, I was successful in getting two op-ed pieces into the [local city paper] as part of International Education Week. Both of them were advocacy pieces on changing national policy both on immigration and study abroad. That provided me with an outlet to share, I would say, our vision, our being the international education community's consensus on the need to develop a national strategy on international education . . . welcoming international student access to higher education in the United States. And then to look at ways of doing a better job again on the national level, making this country more accessible, making the welcome mat move attractive and making the process for coming in for legitimate students less obstructive, less burdensome and just to facilitate that access. At the same time, to acknowledge the need to keep our borders secure.

As experienced policy advocates they understood the value of narrative in presenting memorable and moving argument and often used a recounting of their students'

difficulties as a springboard into the issues of ineffective policy, unfair policy, and

unintended consequences of policy. Administrator A describes attending meetings

with international students in tow, to humanize the problem and effectively illustrate

the impact of the policy changes on actual students.

> [At a media event] I brought an international student in with me who, a Ph.D. student from Spain. He had a teaching assistantship and had everything in order, had never broken a law. He went home to Spain for Christmas and when he returned, it was discovered had had been born in Lebanon. And so the officials in Germany tore out his visa, tore up his I-20 and sent him back home for a background check because he was on the list of 27 countries. It didn't matter, the fact that he was a citizen of Spain and had grown up and spent all his life in Spain. It was very interesting to see how those 27 countries were identified and targeted and how people were treated differently, men in particular, between certain ages. We did have one story here, we had one professor, he was Iranian who was traveling with his family. They stopped the plane and came on the plane and walked him off, treated him like a regular terrorist just because of his country of origin even though he was a citizen and was a professor here. He actually quit his job and left the country, because he was so upset, so embarrassed by the situation.

Administrator D's comments indicate an awareness of the short lifespan of many

media images and acknowledges, perhaps hopes, that unfavorable press images of

international students would fade: "Well, I like most folks, saw what I thought were

mostly troubling reports and images of international students post 9/11, but like so

many issues in this nation, the attention span is so short and we've moved on to a new

issue and now we are looking at Michael Jackson, Scott Peterson and I guess

international students just aren't on the radar of the nation or of any interest to them."

3. Political Aspects of the Post-9/11 National Agenda

The administrators were very aware of the power of the national security and

immigration control arguments which underpinned the policy changes, and they

understood, or held opinions about, the political dynamics of the new policy

environment. They expressed a consistent view that the national security argument

resonated with conservative political culture, militating against an international

worldview, and linked the Republican Bush administration to this political reality,

despite knowing that support for international education has often come from bi-

partisan efforts; its value links to values on various points on the political spectrum.

(Current revitalization of support for international education has come from Senator

Norm Coleman, R-MN. See Chapter 7, for example.) Administrator F made a

comment typifying this impression, saying that "I don't see under the current

administration much progress in terms of change. I think if there were a change in the

presidency, that we might see a little bit of softening." Administrator B described the

political atmosphere as well, and noted the connection to the current administration. "I

just returned from [two countries] . . . and talked with so many people from overseas

and they have so little respect for the current administration. It is embarrassing

actually, it's really embarrassing. Bush is our national leader, but it is unfortunate that

we've gone around addressing it in a way that has so alienated us around the world."

The increase in anti-foreign and conservative political views had direct impact

on some administrators' campuses and on services to international students. Several

administrators described coping with the effects of conservative views and support for

national security among local citizens, staff at their own institutions and even staff in

their own offices. Administrator F reports on one such scenario, saying:

> This is a difficult time. We're rural, we tend to be southern in our mind set. . . .
> What I found on the local level, though, was suddenly people, who I thought
> really enjoyed international students, who traveled a lot, were suddenly
> looking at the students and the people around them, even [at] foreign
> professionals in our community as if "I don't know if I should," you know, are

they or aren't they. They suddenly were re-evaluating their relationships. That was very hard on me. . . . And I found them on my staff . . . [people] who had once been supportive, and now, they were just sort of hyper. And there were people in financial aid. So I was suddenly having to go back and rethink how to work with those people and how to help the students get immediate needs met and make sure they were handled fairly and equitably.

Administrator B reported similar issues; although working in an urban university, this administrator reported an increased awareness of the values inherent in the policy developments and the impact of the national political atmosphere, saying "That's [people's attitudes'] something you navigate very carefully. So when I give presentations at Kiwanis and Rotary, you have hard core patriotic people in that group and whatever information you present, you better [give it] in objective terms and not show your position one way or another." Like Administrator F, this administrator also felt the direct impact of attitudes in the community manifesting themselves among staff members.

You know, if you look at it from my perspective, working at the [university name], you were very much in the Midwest and you worked with multi audiences, you got the faculty, you got the administrators, and you got the staff out there. The staff are the people who came from [local town name], which is 10 miles down the road. But 10 miles down the road was already the corn fields of [state name]. So you had to ensure that you were dealing with the work in terms of what the government presented, that you do it, not whether you agree with it or not. Reality is there, because with all those people out in [local town name], who were 100% behind all of these regulations that were coming out. That is the population we are interacting with. One had to be very careful that you articulated your position and practices based on "this is what has been announced, this is our response," not "we like this, we are going to do it this way or we don't like that, so we are going to do it this way." It really was, this is the rule, whether we like it or not, this is that way we have to handle it.

At the campus level, the political atmosphere had an additional aspect; links between funding and compliance were noted. Administrator F mentions this,

describing how state political action immediately after 9/11 affected the international

student office director's work.

> In fact, right after 9/11, [state governor's name] came and sent someone from his staff in to meet privately with the president saying he would expect our support on all items that come forward on his bill. And I was not even called in to the meeting; I was advised later even though there was a statewide announcement later. And as I found out from my other colleagues from other state institutions, it was all handled by presidents. Very few of them talked to the director of international programs and you would think they would turn there first. But the truth is, I think, our administration is thrown off a little bit.

In advocating for changes, Administrator B noted that prior to 9/11, contact with one's

senator or representative may have been a useful approach, but the avenue of turning

to elected officials was no longer effective after 9/11. "I think we also recognize right

now, at least this last 10 or 12 months, it's hard to get government [officials] to stand

up on any issue that may be perceived weak or not in sync with what the White House

is doing. So you're in an environment where you have to be careful about appearing

unpatriotic. So we have to weather that away. . . . It's been difficult. It's something so

many people don't want to touch." As described later in this chapter, most

administrators in the interview group, though they held informed views and at times

took personal action, relied on the advocacy organizations to shape a strategy and

define tactics for surviving in the changed political atmosphere.

4. The Effectiveness of the Policy Changes

A primary theme in all of the interviews can be summed up with the question

"Will all of these changes make us safer?" The administrators viewed this issue from

several perspectives, but all questioned the ultimate effectiveness of the changes either

at the operational level (would the systems work at all) or the policy level (will they

prevent terrorists from entering the U.S.) That implementation was so problematic has already been discussed, and the fact that SEVIS, ISEAS, the background checks mandated in the Border Security Act, and other policies were being carried out through underdeveloped operations and untested technology when implemented resulted in widespread perceptions of ineffective policy. Every interview abounded with examples.

To a great extent, the administrators felt that the focus on international students for stringent and rapid regulation was unfair because they questioned the validity of the link between international students and terrorism, and at a minimum questioned the simplicity of that formulation. (These interviews took place prior to the conclusions about the terrorists' backgrounds documented in *The 9/11 Commission Report* (2004). The report confirmed that all but two hijackers had entered the U.S. legally, and that the man who had entered the U.S. on a student visa had done so legally, although he did not report for classes after entering.) They questioned the identification of international student visa issuance as the policy failure which permitted 9/11 and this led to questioning whether SEVIS tracking would prevent terrorism. International students had been the most regulated of the non-immigrant visa categories already, due to the approval loop created by required school authorizations and the linkage between INS (in-country status) requirements and Department of State (visa application) requirements. The administrators were knowledgeable about the lack of any monitoring of the millions of foreign tourists and business people who entered the U.S. each year. They questioned to a lesser extent the effectiveness of policies of additional background checks, focusing on the poor

implementation of those policies, the defect-ridden technology, and the resulting

malfunctions and bottlenecks in the visa processing system. In the end, all felt that

visa reform and SEVIS would not prevent the determined few from finding a way to

enter and stay in the U.S. However, in an inverted way, they recognized that school

and student compliance with SEVIS inoculated the field from being accused of being

a conduit. Administrator E discussed this lack of policy connectedness and the

frustrating results for international student advocates.

> Out of the 19 hijackers two were defined as having student visas, only one of
> which was actually coming into the United States on a student visa, and in
> fact, that was coming to an intensive language school program. Immediately
> all the focus falls on student visas and the need to reform the system that was
> "opening the flood gates to terrorists." Never once do you hear anything about
> the other 17 visa holders, what their categories were, how they came in. But
> because the student visa community, the student community had always been
> identified as the one that was the most identifiable and the most controllable,
> and the most monitorable, and the one around which most of the regulations
> had evolved over the last 40 years. They were the ones always pointed at; this
> is where the terrorist come from. I can understand the politics of reality and
> the politics of, you know, having to find the scapegoat, having to find, you
> know, we're going to make the world more secure because we are going to
> control this community. It's only 2 percent of the people that come into this
> country each year. It's so ludicrous and it's so pretentious and so political. It
> sells, it sells everywhere. Students are always looked upon as where the
> dangers are going to come from. Whether it be the tourist visas or the business
> visas, or the 60 different other visa categories people can come into this
> country on, no attention is ever focused on that. That's my sermon.

Administrator H, like other administrators, stated that as a practical matter SEVIS and

other policies will not be effective in preventing terrorism because "you cannot

regulate the lives of anybody to the level proposed and that you cannot achieve, if

there is a person who wants to arrive at an institution as a student and then wants to

disappear, that person will disappear. You can report twenty times that that person is

no longer here, no longer. That person can disappear."

5. Advocating for International Students after 9/11

The remaining of the five topic threads which ran through all interviews was a discussion and reaffirmation of the many ways the administrators continued to advocate for international students on their campuses, in their communities, and as a group in U.S. national policy. All reported changes in the advocacy environment. Administrator F, for example, described the way advocates worked to affect policy before 9/11, and how that changed after 9/11.

> Before 9/11 I felt I was interacting with government officials and colleagues as we would talk about what policy would work and there was a certain intellectual tension and sparing that was rather pleasant as we tried to work these things out. There didn't seem to be quite the same pressure or intensity because one could be more rational or logical, at least it felt that way. We could look at different examples and discuss. I found myself being able to educate using articles or using this or that, some of my best advocacy, that was within the professional organization, speaking up at meetings, setting up forums so that people could come together to discuss their differences, albeit it in a professional manner. There was something sort of – is the word erudite proper here? – sort of intellectual kind of thing. And the government seemed to be willing to listen and to see if we could work this out. . . . And I felt I could talk with my congressman and my senators quite frankly, political leaders. So I could worry about on the local level sending my students out to speak to people that was kind of advocacy because that helps the students go out and get into groups and interact and talk and the questions people were a bit more leisurely about asking and more open to having a broader range of people to come out and talk. . . . After 9/11, there became tension and sparring, and it's easing now, but the sparring, it felt nasty between the government [and practitioners and advocates] and the government become very rigid – no, we're not going to work this out, we're going to da da da. Even though we were sharing with the government the economic repercussions of some of the things they were doing . . . these interviews in countries we knew that are our friends – Japan, they're waiting six to eight weeks to get a visa interview. They are not going to turn them down, these are our partners. I suddenly found that there isn't an avenue, they don't really want information and it's as if the government is going on and doing their thing whether it's homeland security, and that whole reorganization and this whole visa and interview thing and how groups will work together.

Regarding the value arguments supporting international students and upon

which advocacy was built, a primary theme the administrators reported was a renewed

emphasis on international students as cultural ambassadors, focusing on their value to

public diplomacy as a way to address national security in the long run. Further, the

administrators did not back down from arguing the economic and commercial value of

international students to the U.S., despite early criticism by the media and policy

makers that the field valued the economic benefits of having full-tuition paying

international students more than they valued national security. Administrators

continued to argue that other countries were recruiting international students away

from the U.S. as visa procedures became obstructive, and that this would not, in the

long run, be ignored by policy makers. Administrator A couples these value

arguments into an overall support for international student mobility that was

expressed by the administrator group generally.

> Before I focused more on the value of basically how international students contribute to the education of all students. Now I think I tend to focus more on the fact that international students are actually ambassadors. When they go home and they've been educated in this country they actually are some of our greatest ambassadors of, and basically it's an export industry. The students we educate have a huge ramification, many of them become professors or teachers and they impact hundreds of students a year and they impact hundreds of students a year, etc. So if you can think about that ripple effect of educating these people in the United States, and the impact they have when they go home. I can think of at least 20 or 30 students I know now that are professors at other universities around the world that received their Ph.D.s here. That's a huge and positive impact. And I think one thing the United States doesn't realize, and one thing I've been trying to get our higher administration to really focus on is the benefit of international education. How important it is to us not only as an institution economically and culturally, but as a nation. The impact it has on the world. The key is really education. If we are able to, it is through education you can dislodge a lot of stereotypes and misperceptions, that you can really have an impact on, not only on those individuals that come here, but everybody that they touch, their lives they touch when they go home as well.

It's a huge impact. I think it is very short sighted for the government to target that specific group and make it more difficult. In other countries they realize this and are jumping on the wagon and saying, "Hey come to Canada, come to UK, we'll take your money, we'll educate you." I think now there is a recognition of this, that this is a huge impact a country can have through education. And so by having these policies, our top administration advocates for open doors and that we really encourage government officials not to, you know, it's a very fine balance of trying to support the government and make people feel that we are doing something to create, to tighten the borders to create a more secure place. Certainly that is what terrorism is, it is a great fear. What if someone slips in and kills hundreds of thousands of people? On the other hand, trying to balance that with these benefits, what are going to be the repercussions if you cut out even a few thousand students? In the long term that could have a tremendous impact as well.

Although the administrators accepted the reality of some connection between the international student visa system and national security, and on a personal level expressed a desire to support national security efforts, the administrators I interviewed did not present the national security argument developed by the advocacy organizations (as described in Chapter 4). Rather, they continued in the pre-9/11 strain of argument that heavy monitoring of international students was not appropriate and would not result in better national security. They emphasized that international students were legitimate, juxtaposed the trade-offs in restrictive visa processes and tighter monitoring after entry, expressing special concern that all of these efforts would not stop terrorism. Administrator E illustrates this perspective.

But is seems, out of the half million students that come into the country each year, they come from legitimate educational backgrounds. They've been in school, they've developed competencies, they've developed language proficiency, they've developed focus, that they're a cohort that can demonstrate their legitimacy as students. How we provide a test for whether they are a terrorist or not, I don't think anybody has devised that. Whether they be foreign or whether they be domestic. That's within one's own capacity for duplicity. I think that if anything was just unbelievable about the lives of the terrorists of 9/11, it was their capacity for duplicity. To lead normal, unsuspected lives within a community here and be on one track and be

undetected, and at the same time follow this passion, this commitment and not be discovered. And so I don't think there is any test for that. I don't think anything Homeland Security can do can create a selection process that will eliminate that in the visa processing thing. I think security experts can do well in intercepting calls and listening to communications and filtering all that stuff is good. But there are literally hundreds of thousands of students and scholars and scientists, and artists, and visitors being held up from coming into this country who have legitimate reasons to be here, we have legitimate reasons to have them come and it's unnecessary.

Pointing out that the intensive English programs and other international education groups had allied themselves with other advocacy groups for non-immigrants such as tourists, Administrator C emphasized that the economic value of students still is an important argument: "I think, I'm hoping that their voice will continue to make those that can affect policy understand that its going to have a big economic effect, if it hasn't already in the United States, and they will listen to that. I think the economic argument will have some power. . . . The media also, I think, has picked up on that and . . . talked about the economic impact."

The ways in which the administrators interacted with their professional associations as they worked with the policy changes and chose advocacy channels included two main themes. First, the administrators relied on the professional associations for information -- the numerous and frequent bulletins and updates supplied by the associations regarding developments on laws, regulations, and implementation issues. The administrators received their information from a wide variety of organizations, not relying exclusively on one or two sources, and they reported actively searching an array of sources for information. Administrator F commented that "I felt that I could turn to NAFSA who has always worked closely with the government on regulation, that they were respected and trusted. And I think

the same with AIEA, that there was a way we had recourse." This administrator went

on to list a variety of sources of practice and advocacy news, noting that these sources

often had "an entirely different tone, style of communication and content."

> I get the NAFSA listserv from my area. I get the AIEA listserv which I follow very carefully. The AAIEP listserv comes into my director of intensive English programs, and then the TESOL listserv. . . . So among all these listserves I was constantly getting information. Plus, I have a lot of federal grant money from the U.S. Department of Education, and believe it or not, they were sending a lot of information to education people. . . . The *Chronicle of [Higher] Education*, professional newsletters, journals, and we all read the newspapers. . . . There is another group I followed and that was AASCU because they sent things to the president. The other one we followed was IIE. AMIDEAST [a nonprofit agency serving international education needs in the Middle East] did not send so much but IIE would send things.

Since so many developments related to post-9/11 policies were late-breaking and

delivered in a saturated news environment, with many developments embedded in or

inferred from policy news about other topics, administrators consistently mentioned

the need to stay informed about both the policy environment and particular

international student visa issues. Administrator B describes this range and the reasons

for it:

> Sources of information was widespread. I mean, certainly NAFSA was one source, but it was just only one source. AAU, American Council on Education, the media, the *New York Times*, you were getting information from a lot of different sources, you couldn't rely on any single source that you may have been relying on prior. Partly, because so much of it was coming out that may impact the communication schedule of particular organizations, so you cannot rely. If NAFSA only comes out with communications on Monday and something came out on the day after, you couldn't wait a week. So you had to rely on multi sources. So the Federal Register certainly was another interim release. So you had a number of sources of information. Websites, you had to go to websites to scan websites to obtain information. I certainly had to rely on all of the information, because, you know, if we weren't fast enough, sometimes the public we serve are the ones who know. And they would even say, "Have you heard this?" And you would get emails from the student and

they would say, "Have you heard this?" If you don't watch out, students would get information before you.

Administrator C relied on IIE, and with a particular interest in the policies and student needs related to intensive English program enrollment, turned to AAIEP and UCIEP for information and advocacy support.

Second, the administrators were wearied by practical aspects of coping with the SEVIS changes in particular, as well as the other regulatory requirements, and they relied heavily on the professional organizations to do the work of strategizing for the future regarding public policy. They did not especially try to shape the policy as individuals, but responded as requested when asked. The administrators left it to the professional organizations to frame the overall strategies for responding to the policy cascade. As several said, "I'm not a national security expert." They got information from the organizations, used it to influence opinions in their institutions at times, responded to calls for action such as letter-writing on the fee issue, but generally they were overwhelmed with implementation issues. Administrator D described advocacy efforts of this sort: "I do participate and I probably respond to, I would say, 80% of their [the advocacy organizations'] requests. When there is a particular issue, I will follow up and write to my congressperson or senator or whatever, or the particular committee that might be looking at some issue." Administrator G's perspective was not unusual:

> As far as affiliation with, formal advocacy groups, we are represented in AIEA and NAFSA. I personally am, have not taken a strong position because the office staff is small and I can't be away as much as I probably should be. But our administration here does take a role and as we receive information that comes in via email and what have you, we generate letters and get them to our

chancellor. And I know that a couple months ago we drafted some information that went up the line.

Interestingly, since all of the administrators in my interview pool were long-term advocates for international education as documented by their active participation in a variety of professional association, some administrators were concerned about inter-associational conflict on the issues at a time when collaboration seemed critical. Administrator D expressed this perception:

> I just read post 9/11, getting messages from other organizations that were very often forwarded to me by colleagues in other areas, like Council of Graduate Schools, ACE, some of the folks in the admissions area. They were getting very similar kinds of messages. It really struck me in the post 9/11 times how in such times, still these organizations were [it] seemed to me, in my view, very kind of egocentric. They were all trying to be the experts on SEVIS, and what we should be doing in terms of advocacy. It troubled me to see that. I wasn't seeing the same level of collaboration as one might hope. Now I'm aware though . . . between the organizations, I'm aware that, yes, there was an extraordinary collaboration but I recall . . . that the organizations were very willing on specific issues to collaborate, but my sense was that people went on to their own agendas, at which point really disappoints me.

Positive Effects of the 9/11 Policy Changes

Some of the most interesting information to emerge from the interviews was that the administrators, despite the tremendous pressures and negative perspectives of the policy changes, identified numerous areas of positive effects of the policy changes. All liked various aspects of and effects of SEVIS, noting that tracking and data collection has benefits and that students can no longer ignore regulations. In comments which are characteristic across the interviews, Administrator D describes positive aspects of SEVIS related to controlling students on campus:

> From a regulatory standpoint, international students are no longer able to easily ignore us, ignore the regulations. I've seen over a dozen students over the last year and half or two years for whom I've made the comment: "Maria, I

really don't like to say this, but you are really a poster child for why they have created this whole SEVIS thing." Students who habitually ignore or even just consciously dismiss the regulations and all that sort of thing. I'm pleased that we have a mechanism in place that is fair and consistent and objective for reporting students who fail to meet their responsibilities of their status. I'm glad that that is there. . . .Yeah, I think there are far fewer opportunities for the student to circumvent the system and work around, whereas before there were a lot of ways a student could get away with things and I don't like that. . . . I think this gives kind of an even playing field for everyone, these are the rules, some of them you are going to like, some you are going think are stupid. But they are the rules and we play by the rules. If you are going to school, you are going to play by the rules, too. Our job is to help you play by the rules, so let's do this together. I think that is very positive.

The value of having data on international students was one benefit many professional organizations and international student administrators saw resulting from CIPRIS, and improved data on international students was also a recognized value of SEVIS and visa processing policies, as Administrator E indicates: "I always think this is a blessing in disguise. We always knew we needed good documentation, good record keeping, data, stuff." Administrator G elaborates this, while also pointing out a common problem for international student offices, that of having maintained more than one database for various users and purposes:

> I want to reiterate that I think that it is good that we have [SEVIS tracking and other monitoring] in place. . . . I think that we, the U.S., needed to know who was here, when, and what for. In fact, even before the regulations were in effect, before I was director of this office, every semester we had prepared all that information on an Excel spread sheet. Because many times I wanted to know for one reason or another, we also handled the recruitment component, so I used it a lot for that. I wanted to see how many graduate students came from a particular region or a particular institution because I wanted to try to determine where our recruitment efforts were more successful. We also wanted to look at where we were underrepresented on campus and target our recruitments efforts accordingly.

Nearly all of the administrators felt new power within their institutions as the "go to" experts on visa policy developments, and with that more influence to draw

resources and manage international student policy on campus. They reported a heightened profile of international student officers on campus as experts in both cultural and regulatory arenas, and welcomed the attention and support from university administration, presidents and provosts in particular. Administrator F comments that, for example, the campus president is more knowledgeable and aware: "As I said there has been some good fall out because the president now is more careful about looking at exchange agreements, asking questions. He has thrown far more support to us, even restructuring our reporting order so it is a more effective one. So you see it's a strange thing where some positives come out of the negatives."

This increased attention and heightened profile had practical value. Administrator F, for example, pragmatically noted that the international student office became the focus of administrative and regulatory applications after 9/11, saying "After 9/11, the administration suddenly took note that this office needed to be in power to make sure that we were following the letter of the law. And legalization, and part of that was the political environment. This is a conservative rural area and we rely heavily upon financing through special earmarked funds through our US senator and our Congresswoman."

In addition, renewed focus on the economic value of international students to the institution and to the nation was identified as a beneficial outcome of the increased attention. Although in the aftermath of the attacks, schools were accused of valuing the income international students bring to a campus or school over the national security concerns, administrators were frank in talking about the revival of the

economic value of students, due particularly to the negative pressures on enrollment

attributable to "visa policies." Administrator H described this benefit.

> I think maybe a couple of things that have come that are positive. One of them
> is that we looked at the income that the international students bring. And when
> I say we, I mean all of the universities, and in [state] perhaps it was very badly
> needed. But every school looked at that. It was, we want more. We want to at
> least remain with the same numbers, or we want to continue to have
> international students as part of the community of students. . . . This past year
> [a special panel] addressed the needs and benefits of international students on
> campus. That group has done a terrific job. They looked at everything and
> perhaps because of these regulations that threatened to have a large flow of
> international students to continue to come, there has been a great deal of
> emphasis to what we can do with recruitment, what we can do to better the
> relationships among international students and American students. I think that
> is a very positive thing that has happened.

Administrator F emphasized the view that the economic value of international

students could not be ignored and that national policies must facilitate the

international students flow to the U.S.

> I think part of what is going to happen, this summer when I was in Japan, I
> met with members of the US Dept. of Commerce in our US Embassy in
> Tokyo. They are saying that the commercial interests around the nation,
> around the world are really being hurt by our visa rules, that education is our
> fourth national import/export . . . and we rely heavily on that economy and
> they are suddenly becoming aware of it. I don't see under the current
> administration much progress in terms of change. I think if there were a
> change in the presidency, that we might see a bit of a softening. I think we are
> going to have to wait for things in the Middle East settle down.

In perhaps the most common benefit cited by administrators, as a direct outcome of

the increased attention on campus and the increased workload and technology needs

imposed by SEVIS, international student offices were receiving additional funding

and personnel. This perspective is expressed by Administrator A.

> So it actually in some ways, I would have to say in some ways, it was a real
> benefit as it highlighted the importance of our office, it raised our stature, I
> think; the importance of our office, I'd like to think. So far it has manifested in

funding decisions that have benefited us, paying for software, paying for positions, which we had been trying to procure for years. So I think in some ways, having a mandated federal law come in that had significant changes in some ways assisted international offices around the country in terms of raising, you know, making higher administrators aware of that they are very important and play an important role.

Other positive aspects of the post-9/11 environment included a boost to the educational value of international students on campus. "In some ways, this will sound terrible, but in some ways it worked as an asset because our students are now more interested in people from other cultures and study abroad," said Administrator F. "The things we did to hasten the communication process has attracted more people to looking at study abroad and mixing with our students through their Habitat for Humanity program, and students, Friends Without Borders. So it is a strange kind of cycle." Several administrators described the post 9/11 policy cascade, and the various sector responses it provoked, as positive in providing a spark to reignite political realization that a national policy shaping and supporting international educational exchange was indeed necessary. Administrator E describes this transformation:

> So, whatever advocacy there was pre 9/11, it was basically at the educational level and the institutional level. Let's get student mobility higher on the institutional agendas. The national agenda will just continue to flounder forward and long as it is not an obstacle, there was always the critical, critical absence of leadership of vision, of national strategy to promote international education. There was a vacuum for years and years. And if there is any one thing 9/11 has done on the positive side, it's helped people on both sides: there has been a vacuum and that there is a tremendous need to fill that vacuum with a strategy.

Perspectives on Overall Impact of 9/11, the Policy Changes, and the Future

Most international education administrators accept the national security value of monitoring international students, although they do not accept the premise that

international student visa policy represents the pivotal policy failure responsible for 9/11 or that international students are a more likely population to become terrorists that other, less monitored populations. We need to keep in mind that these interviews were conducted before *The 9/11 Commission Report* (2004) came out describing the terrorists' visa statuses and other avenues of entering the U.S. All of the administrators remained highly committed to the value of international education in its traditional senses (educational, cultural, economic values), and all observed that effective intercultural and educational experiences in the U.S. must, and could, occur within the new framework despite the doubts about the problems it contained and the obstacles it posed for prospective students. As Administrator F observes:

> I think eventually these things will all have new policies and procedures in place. I think some of the changes with Homeland security are such that they're good for the nation. I think some of this will work its way out. . . . Yes [international education will survive], but in a different form and shape. I think we'll see perhaps some of the smaller regional state universities, such as ours, attracting more students, because the parents are worried, too, overseas. . . . I think we will see more exchange, certain foreign language interest has picked up. No, I think good things will come out of it in terms of international education. I think we will find more money being spent in that area of faculty exchange. Things may look a little bit different though.

Administrators had the perspective that after the chaotic and rapid period of policy activity, regulation of international students and support for international education would settle down, even improve. Some felt this would happen because of the unintended consequences of the policies, including impacts on student enrollment, as reflected by Administrator G: "I would like to see things let up. We are, our international student population new enrollment for this past spring was about one quarter of the size it was two years ago. Our new students [have declined] and that is a

significant change. That hurts the diversity on the campus. Our international students pay three times the in-state rate. There's a substantial financial impact to the campus. Particularly at our institution where there is a heavy focus on graduate students. It affects our faculty, our research projects."

The administrators had a sense of what Downs (1972) has called the *issue-attention cycle*, that public attention will not stay focused on this issue, and also that as more information entered the picture, the agenda-grabbing policy activity triggered by an extreme focusing event would begin to be mitigated. Administrator E felt this way, saying that "I always envisioned the aftermath of 9/11, the regulatory aftermath as a temporary blip, as a temporary roadblock. Part of it was technological and that eventually, given enough resources, the bridges would meet. I am hopeful the government can develop the capacity to accommodate the data that's being delivered . . . that the big picture, to me the big picture is fine." The administrators expressed, often as a capstone thought, that the overall value of international education and the role and value of international students to the U.S. must be reasserted. They commented on strategies that would accomplish that, while at the same time emphasizing their own values in support of international education, even when in balance with national security issues. Administrator E continued:

> It is so much more important than ever before to be helping people from troubled regions, from regions that have people that may be hating us, to learn more about us so they don't' hate us so much. To have greater access to opportunity for us to be doing more to facilitate mobility, to facilitate understanding, to facilitate greater knowledge in these areas. To keep them from coming is making us even more of a target of an enemy. We're putting up walls where in fact we need to be having open doors.

As a final summation, Administrator D's comments were quite typical, indicating that even while in the process of change and implementation, just past the fringes of when the policy and regulatory activity had slowed, there was the perception that some stability in the visa and tracking practices would emerge.

> Well, I think I can certainly observe, now that things are calmed down and we've dealt with the initial craziness of the very initial implementation of SEVIS, we're started to hear people ask some of those critical questions again, like what do these new restrictions on security mean for research in our top universities, what does this mean for keeping America competitive in making sure that our universities continue to be the best in the world and have access to the best scholars throughout the world and how critical is that to our nation's success and to the future of our country. I'm beginning to see things like that and so I think that is the sort of thing that's going to, barring another horrific terrorist occurrence or something like that, we are starting to see conversations again about those sorts of things. I think that is a very positive development and I hope that 4 or 5 years from now we can see the impact of those kinds of movements and mitigation of some of the negative consequences. Gosh, I hope we can begin sometime in the next 5 years to think about a coordinated national policy on international education, but I sure don't see many clues on the horizon that we are getting any closer to that.

Conclusion

The administrators who participated in these interviews clearly understood the tremendous impact of the student visa polices which followed 9/11 because they were at the crossroads of that impact, dealing with campus realities, implementation, and importantly, students themselves. They understood that the agenda momentum relative to border security and perspectives on international students shifted instantly and that that shift would trigger substantive effects. They understood that the nature of the national security issue had been redefined and that international students, however unfairly, would be the subject of policy events. While they accepted the advocacy organizations' new frame of international education and international students "in the

national interest" as a national security asset, they did not focus on this argument; rather, they tended to report a sense of needing to reaffirm international education based on its traditional values as an academic and cultural asset to U.S. institutions, as an economic asset, and particularly as a public diplomacy asset. They displayed concern about the power of negative images of international students and undertook efforts to shape or combat the perceptions of international students as threats to U.S. national security. They reported on regional cultural issues and the changed national political environment. By far the biggest issue with the most impact on these administrators was SEVIS implementation, which concerned them for various reasons, including the shift of resources (both time and money) away from serving international students as people.

All expressed a number of positive outcomes of the changed policies and the challenging environment, noting that tracking and accounting for students has benefits and that their offices become more powerful in some ways as the implementers and gatekeepers of international student systems. And surprisingly, despite the intensity of challenge when interviewed, felt that over time, the impact of these changed policies would be mitigated.

Chapter 6
Key Policy Concepts and Visa Policy Issues

Introduction

Six areas of policy study provide insight into the pattern of events and themes described in Chapters 3, 4 and 5. These are the dynamics of focusing events and movement of policy issues onto the institutional agenda, the characteristics of punctuated equilibrium, policy community learning, use of narrative and causal stories in defining a policy problem, the shift in policy image, and the implementation of policy. Within the content area of this case, international student visa policy, these six policy concepts link to themes which appeared across the documents and interviews. In this chapter, I discuss each policy concept and describe how it informs the case.

Dynamics of Focusing Events and Movement of Policy Issues onto the
Institutional Agenda

Focusing events, derived from Birkland (1997), are events that are sudden, significantly harmful, and rare; they become known to the public and to policy elites virtually simultaneously; and the issue they are interpreted to symbolize is generally a failure of policy, leading to a call for addressing the real or perceived failure through policy action. They constitute a variable that opens "policy windows" (Baumgartner & Jones, 2002; Kingdon, 1995). The 9/11 attacks functioned as a focusing event for many areas of public policy, and as Birkland (1997) points out, enactment of legislation indicates that an event had focal power. As shown in Chapter 3, the legislative and regulatory cascade impacting international student visa policies following 9/11 confirms this power.

A focusing event is primarily a component of the agenda-setting part of the policy process; beyond their harmfulness, focusing events initially derive power to move an issue onto the public policy agenda through their capability to reveal or redefine a problem (Baumgartner and Jones, 1993, 2002; Birkland, 1997, 2001; Kingdon, 1995). The public policy agenda(s) of the political system as a whole comprises issues which are "under serious discussion in relation to a specific policy domain" and may be identified by the evidence of discussion by the general public, in the mass media, at professional conferences, among well-informed practitioners, and among government officials (Fowler, 2000, p. 179). As Peters (1999) describes them: "The agendas do not exist in any concrete form; they exist only in a collective judgment of the nature of public problems or as fragments of written evidence such as legislation introduced, the State of the Union message of the president, or notice of intent to issue regulations appearing in the *Federal Register*" (p. 48). In policy process literature, two kinds of agendas are generally identified, the systemic agenda and the institutional (formal, governmental) agenda (Cobb and Elder,1983; Fowler, 2000; Kingdon, 1995; Peters, 1999). The systemic agenda is broad and includes all of the issues the public, outside of government, may be concerned about at a given time. Fowler (2000) breaks down the systemic agenda into three subagendas, the professional agenda, the media agenda, and the public agenda. The institutional agenda is "the list of subjects or problems to which government officials, and people outside of government closely associated with those officials, are paying some serious attention at any given time" (Kingdon, 1995, p. 3). For an issue to be eligible for and then result in policy action, it must move from the systemic agenda to the institutional

agenda. Space on this agenda is limited and effectively competing for agenda

attention is the strategic goal of many policy actors and organizations (Hilgartner &

Bosk, 1988). Clearly, in the aftermath of 9/11, international student visa policy was

among the issues which moved from a subagenda (the professional agenda) to the

institutional agenda, resulting in major legislative and regulatory action.

Policy theorists have analyzed a variety of identifying factors, including the

roles of policy actors, and have described the dynamics of how issues move into the

systemic agenda and from there how they move onto or are selected for the

institutional agenda. Theories of interest group mobilization, issue expansion,

characteristics of policy actors and institutions, media attention, the power of

symbolism and influencing language, attention fatigue and issue cycles, and other

explanations have been advanced which appear to account for various aspects of an

issue's journey to public policy (Cobb & Elder, 1983; Downs, 1972; Kingdon, 1995;

Mead, 1994; Stone, 1989; Walker, 1991). Stone (1989), for example, emphasizes that

before an issue gets taken up by the formal agenda it must be transformed into a

problem; that this happens is pivotal to effectively competing for agenda space and

how it happens is shaped by "causal stories" which identify the source of a policy

intervention. The important point is that, as Peters (1999) states,

> Problems do not move themselves on and off agendas. Nevertheless, a number
> of characteristics can have an influence in their acceptance as part of active
> systemic and institutional agendas. We should remember, however, that most
> problems do not come with such characteristics clearly visible to most citizens,
> or even to most political actors. Agendas must be constructed and issues
> defined by a social and political process in a manner that will make them most
> amenable to political action. (p. 53)

Birkland (1997) also emphasizes that the "theoretical strands [of agenda setting theories] assume that agenda setting is not a neutral, objective, or rational process" (p. 11).

Issues may be transformed into problems and be boosted to the institutional agenda by several means. An issue may be the focus of a president, senator, or other prominent government official (Anderson, 1984; Fowler, 2000). An interest group or a policy entrepreneur may effectively frame the issue (Baumgartner & Leech, 1998; Cobb & Elder, 1983; Walker, 1991). The media may find a gripping story line with memorable symbols and images (Downs, 1972; Edelman, 1988; Elder, 1983; Peters, 1999; Stone, 1989). For example, Edelman (1988) argues that political "spectacles" are constructed through effective use of language and symbols, and wield agenda-setting and policy making power. A focusing event is one means by which an issue can be transformed into a policy problem, increasing the probability that it will move onto the institutional agenda (Kingdon, 1995; Rochefort & Cobb, 1994).

Other terms used in the policy literature for events with similar catalytic power, such as *crisis* or *emergency*, *triggering event*, or *high profile event*, overlap in definition. All essentially are high-profile events: the commonalities among the situations these terms connote are that they crystallize or redefine a problem (or can be used to accomplish this by the media or policy actors); they move a social problem onto a public and governmental agenda; they lead the public and policy actors including advocacy groups, government leaders, and policy entrepreneurs to pay attention to new, dormant, or redefined problems; the media plays a central role in shaping the issue and in drawing governmental attention; and language and symbols

are important to their power (Baumgartner & Jones, 1993, 2002; Fowler, 2000; Kingdon, 1995; Stone, 1989).

Baumgartner and Jones (1993) point out that a *triggering event* or device serves to symbolize a situation, moving it onto the public agenda, thus transforming what is perhaps a long-developing social situation into a public issue (p. 129). Unlike Birkland's focusing event, the event itself may or may not be rare, and may or may not be sudden or significantly harmful. The media play an important role in publicizing the event and therefore the issue it symbolizes, including shaping the issue through selected use of language and images (Baumgartner & Jones, 1993; Rochefort & Cobb, 1994; Peters, 1999; Stone, 1989). Many triggering events are actually "consolidating events – dramatic symbols of problems that are already rising rapidly to national attention" (Baumgartner & Jones, 1993, p. 130). When 9/11 occurred, terrorism was certainly in the public's mind as a foreign policy concern. After 9/11, the event clearly serves to symbolize terrorism, and relative to this study, serves to symbolize one aspect of student visa policy.

These events are treated as initiators which help create policy issues. Kingdon (1995), who conducted 23 case studies and 247 interviews in a large study of agenda-setting in public policy related to health and transportation, notes that 35% of the interviews regarding how an issue came onto the policy agenda "included a prominent mention of crises, disasters, or other such events, and they were important in 7 of 23 case studies" (p. 95). Kingdon treats focusing events and their variations at some length; he also emphasizes the importance of symbols as having focusing power and notes that "crises, disasters, symbols, and other focusing events only rarely carry a

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subject to policy agenda prominence by themselves" (p. 98). He describes the three

ways focusing events "need accompaniment" in order to move a subject onto the

policy agenda; they may serve as a reinforcement of something that is already taking

place, as an early warning of a possible future condition, or if in combination with

other similar events, they may affect problem definition (p. 99). Although the power

of the 9/11 attacks was sufficient in itself to carry regulatory change through to the

agenda, the need for accompanying momentum may have some explanatory power in

the 9/11 attacks relative to student visa issues. The 1993 World Trade Center bombing

and its resulting legislation (IIRIRA and CIPRIS) were not sufficient to create a sense

of a general problem when they occurred, and the legislation and the sense of the

problem it addressed became "negotiable." However, coupled with the 9/11 attacks,

the problem of porous U.S. borders generally and international student presence

specifically coalesced to redefine the issue and the nature of the problem, which has

now been addressed by legislation that is viewed as "non-negotiable."

Their suddenness and magnitude may present a mobilization opportunity for

groups which are seeking to advance their issues to the systemic or formal agenda

(Birkland, 2001; Rochefort & Cobb, 1994).

Characteristics of Punctuated Equilibrium

Baumgartner & Jones (1993; 2002) suggest that policy activity in a given

domain will show oscillations, with periods of relative inattention to an issue area

giving way at intervals to a spike of attention and activity, a pattern they call

"punctuated equilibrium." The period of attention and activity may be caused by a

high profile event which triggers action after an accumulation of issue concerns, by

the rise of a policy actor or policy community which champions the issue, by the

failure of a preferred initiative which gives new life to other alternatives, or by a

confluence of factors which cause the "policy window" to open. A causal story which

is compelling and grasped by the mass media may lead to policy activity on a dormant

or low-activity issue. Relative to policy activity on student visa issues, the data reveals

that the 9/11 attacks are not viewed as a unique focusing event. Rather, legislators and

the media linked international student involvement in 9/11 with international student

involvement in the 1993 World Trade Center bombings, making 9/11 one of at least

two events linking international students to terrorism. This linkage was amplified by

the media, which characterized to the public and to policy makers that international

students appeared to be a group needing controls. The connection was repeatedly

drawn between the 1993 World Trade Center bombing with the follow-up IIRIRA

mandate for student tracking, and the 9/11 attacks with the follow-up SEVIS mandate.

Further, this issue development grew to include other, earlier events which seemed to

reflect policy activity or government attention to international student accessibility

and terrorism. *The New York Times* article (Zernike and Drew, 2002) referenced in

Chapter 4, for example, added the Iranian Hostage crisis in 1979 to the list of

occasions when international students were linked to national security concerns,

assembling an oscillating timeline of events. The media presentation, and some

Congressional hearings, also added to the oscillation the presence of international

students who were present in the U.S. at various times legally, and carrying out no

criminal or terroristic activity, but who were using their time as students in the U.S. to

plot future attacks. The policy changes were not the result of a series of agenda

perturbations, culminating in legislation; as in other policy models the power of 9/11 overran this process. However, the "points" of punctuation were assembled in retrospect to add explanation and pattern to the changes that were occurring, illustrating for some the logic of the cascade of policy changes which otherwise did not seem warranted.

Policy Community Learning

The international education policy community played a large role in shaping this description of the 20 months following 9/11. The nature of their actions and the transition of their work and missions in response to the issues imposed on them by 9/11 can be linked to several concepts of interest group mobilization. A policy community, depending on its nature, may be comprised of closed groups of policy elites and experts (as in the "iron triangle" model), may be more open communities comprised of active and knowledgeable participants which form into advocacy groups, or may be fluid and permeable groups which coalesce but do not form advocacy coalitions (Baumgartner and Jones, 1993; Birkland, 1997). Within the international education policy domain, the second pattern largely applied; advocacy groups formed, resulting in "policy made through the patterned interaction of individual actors who are well-known to each other and who represent a range of groups and interests, including government, the private sector, the media, and academia" (Birkland, 1997, pg. 16). With the issue redefinition brought by the focusing 9/11 attacks, the relationship of interest groups and their advocacy coalitions to the policy making agencies was disrupted. Models of how interest and advocacy groups mobilize and strategize to move their issues onto the policy agenda or to take

advantage of a policy window provide some description or explanation for the international education policy community's responses to the wave of international student regulation following 9/11. For example, Sabatier (1993) presents an "advocacy coalition framework of policy change" which accommodates "policy-oriented learning" by advocates when alterations of thought or behavior are incorporated into the group's logic, especially when a consideration of external, real-world changes affect policy objectives. Sabatier's observation that most advocacy groups will "resist information suggesting that their basic beliefs may be invalid" and that "they will use formal policy analyses primarily to buttress and elaborate those beliefs (or attack their opponents' views)" (p. 19) except when external "perturbations" cause change in core aspects of policies can be seen in international education policy community's actions both before and after 9/11, as described in Chapter 4.

Use of Narratives and Causal Stories

The importance of symbols in the 9/11 attacks is widely recognized. Models describing how the use of symbols and images, by political actors, the media, and the public, affects policy activity may provide insight into meaningful organization of the data collected. Cobb & Elder (1983), for example, discuss the role of symbols and mass media in issue expansion, and how groups use and respond to symbols in achieving objectives. Edelman (1988) offers a detailed analysis of how events come to be defined as crises and argues that the social construction of "problems" in policy, including the construction and uses of "enemies," particularly foreign ones, make policy changes more acceptable to the public. Elder (1983) emphasizes the ways

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people relate to political deliberations in a complex environment, where the knowledge gap between a policy community and the general public is wide, "politics is necessarily a mediated affair often remote from their daily lives and touching them only indirectly" (p. 148). In this environment, symbols provide the vehicle for people to relate to policy.

As mentioned above, Stone (1989) presents a model explaining "how situations come to be seen as caused by human actions and amenable to human intervention" (p. 281), a transformation she suggests is the fundamental catalyst in moving a "difficulty" into "problem" status, and thus moving a policy problem onto the public agenda. In this social construction approach to policy problems, problems which are seen as (or are made by the media or political actors to be seen as) stemming from willful human action rather than fate move onto the systemic agenda, drawing public discussion and political action (p. 283). She presents a typology of four causal theories in which actions (either unguided or purposeful) intersect with consequences (either intended or unintended); events which bring together purposeful action with intended consequences, such as the known objectives of the foreign perpetrators of the 9/11 attacks, have much power in resulting in policy change. Stone's model emphasizes that since causation is usually complex, the resulting causal stories have been "managed" by media, political actors, the public, or others: "in the world of policy there is always choice about which causal factors in the lineage to address, and different choices locate the responsibility and burden of reform differently" (p. 296). Among the administrators I interviewed, they were aware that a causal story had emerged, that international students were hijackers, providing

explanation for the focus on international students and student visa policy despite the

fact that 18 of the 9/11 hijackers did not enter the U.S. as students, and the three that

were linked to student visa processes were governed by existing student visa policy

and had entered the U.S. legally.

<p align="center">**Policy Image, and Implementation**</p>

Two other policy process issues are raised by the data and described in

previous chapters, and I mention them again here. In Chapter 4, I provided

illustrations of how the tone of the policy image assigned to international students had

changed from positive to negative, and noted that the advocacy community must

attempt to reverse this shift by finding effective ways to present and argue for

international education. In Chapter 5, the administrators spoke at length about

implementation of SEVIS. They described implementation from its operational

aspects and they also expressed concern about the effectiveness of the implementation

in meeting its stated goal of preventing terrorists to use the international student visa

system to enter and stay in the U.S. illegally.

Although not an aspect of policy image control or implementation proper, the

drop off in attention to the regulatory issues was noted by the administrators, and they

linked this to their hope that the application of restrictive visa policies would be

mitigated as attention to the overall issue subsided and positive images of

international students returned to the media. In 1972 Downs wrote an article

(frequently cited since because it suggests foundational concepts picked up by other

agenda theorists) which asserts that the public and policy makers do not sustain

interest in an issue, "even if it involves a continuing problem of crucial importance to

society", due to a cycle of attention and inattention that accounts for why issues emerge on the agenda and then recede. He calls this the "issue-attention cycle" and argues that the cyclical nature of public and policymaker attention is the explanatory feature, not the impact of the issue or even its resolution: "Each of these problems suddenly leaps into prominence, remains there for a short time, and then – though still largely unresolved – gradually fades from the center of public attention. A study of the way this cycle operates provides insights into how long public attention is likely to remain sufficiently focused upon any given issue to generate enough political pressure to cause effective change" (p. 38). He presents a five-part cycle, and suggests that the problem may be "far worse" during the pre-problem stage before the public becomes interested in it, and that a gradual decline in interest sets in as it becomes clear that actually carrying out significant change will be costly in various ways. He emphasizes the role of the media in shaping the public's sense of urgency on the issue, discusses the initial value of powerful symbols and how they lose impact, and points out that identifying "public enemies" and attaching blame is part of the cycle (p. 47). Downs analyzed the ecology domain when presenting this model and used it to analyze domestic social problems.

Conclusion

In this descriptive case study of the impact of 9/11 on international student visa policy, links to pertinent policy concepts help to identify key concepts in four areas. The characteristics of focusing events inform the policy cascade, and the oscillations of punctuated equilibrium shed light on why linking 9/11 to the 1993

World Trade Center bombing added to the power of the changes experienced in the advocacy community. All of the policy actors I studied – legislators, advocacy leaders, administrator/practitioners – were using causal stories and narratives to identify preferred policy actions and enhance their arguments. Of all of the effects administrators reported after 9/11, implementation of SEVIS held the greatest impact on their work lives.

In Chapter 7, I summarize assertions from the case, present questions for future study, describe my own experience and learning, and in closing, provide several snapshots of where international education policy may be headed after the period of study.

Chapter 7
Conclusion

This concluding chapter comprises three parts. Regarding content, I draw together the final observations and assertions yielded by this description of the case and list topics which are fertile for future study. Regarding method and approach, I comment on issues which emerged in my research process *per se* and how I addressed those, and describe what I learned about the issues through the inquiry process. This chapter ends with a sampling of snapshots, illustrating the status of international student visa policy as it emerges from the whirlpool of regulatory activity triggered by 9/11.

Assertions about the Case, From Summary of Themes from the Data

As Stake (1994) and Creswell (1998) point out, intrinsic case study is on a continuum with instrumental case study, which acknowledges that the case which is of interest for its own particularity may be determined to be an example of a pattern or model of an issue or event. The policy aftermath to 9/11 in the international student visa policy arena provides an illustration of a focusing event and provides an example of agenda shift, problem redefinition, and subsequent rapid policy activity. Other concepts and models in policy making are also recognizable in the data generated by this descriptive case study, including the patterns of punctuated equilibrium which enhanced the force of the policy response focus on international student visas. The shift in the tone of the public image of international student visa policies was clearly reflected in the media reports I reviewed. All of the political actors around which I

collected data – lawmakers, advocacy organizations, and practitioners – understood the impact of individual narratives and causal stories on the changed agenda, and in shaping response and opinion about how the government should respond to the 9/11 attacks and the visa policies which resulted. As indicated by the intense practice work of the advocacy organizations and particularly as emphasized by the administrators I interviewed, implementation was a primary issue in the policy cascade aftermath, and models organizing how SEVIS and other systems were implemented and addressing the success or effectiveness of the implementation would be applicable in shaping follow-up studies.

Advocacy organizations, and to some extent international education administrators, accepted and participated in redefining the value of international students as supporting national security during the 20 months I examined, and then used that to build a case for support for changes in the international student visa policy which had been put in place in the months following 9/11. By adding an argument that international students, appropriately accounted for, served the national interest by aiding national security directly, rather than as policy and opinion leaders on the far horizon as in the previous public diplomacy sense, international education advocates shaped a survival strategy that bought time for the effects of the crisis activity to play out and some control of the agenda to return.

For administrators, meeting the regulatory requirements which flowed rapidly into the international student arena became the focus. Implementation of SEVIS became the core activity for administrators and resulted in reconfiguration of the services provided in international student offices. Administrators also found

themselves empowered by their international and intercultural expertise, both on campus and in the community, where they became resources to senior administration, campus committees and the local media. The 9/11 policy cascade felt unfair to them, targeting a non-immigrant population already regulated based on unfounded linkages between international student visas and terrorism, and they believed that it harmed international education exchange. They also felt that there were positive effects. The administrators, all of whom were active as advocates before 9/11, continued to be advocates on their campuses and in their local communities for the value of international students and intercultural learning; many were strengthened in this view. However, they tended to leave the strategy for response to the rapidly-breaking regulation and policy cascade to the professional organizations which were equipped to act on policy matters, responding to calls from these organizations to write letters and contact decision-makers.

Questions for Future Study

With a unique focusing event of the power of 9/11, characterized by so many policy actions affecting so many categories of actors, the areas fertile for future study are numerous. Detailed analysis of any of the major legislative or regulatory activities affecting international educational exchange would be a useful policy study, particularly if long-term impact is examined, including how the policies have evolved after the initial period of focal intensity.

As direct outcomes of my study, six topics have arisen which bear future study. 1) The implementation of SEVIS is a large part of the post 9/11 story reality for the international education field. The administrators whom I interviewed reported this,

it is reflected in the work to advise practitioners on operational issues by the advocacy organizations, and it is indicated in on-going government agency work on SEVIS operations. Among the aspects of policy study which link to this implementation issue are whether the program is having intended results, how implementation altered the program's initial goals, and how "street-level bureaucrats" carried out implementation. 2) As illustrated in the policy work of the advocacy organizations whose documents I collected and reviewed, decisions were made regarding how to present international students so that their value to the national interest would be credible and what strategies would advance international education in public policy. How these organizations, and others, argue for the value of international students and international education and how these formulations continue to evolve in response to policy developments bear further study. 3) The area most directly linked to my descriptive case study as an examination of a specific period of time following a focusing event would be a continuance of this study, that is, a study of aspects of the policy process in the next time period following the 20 months I investigated. In particular, questions for study might be how (and whether) advocacy organizations regained some control of the agenda for policies related to international students and how they have regained traction on an international education policy for the U.S. Study of the trajectory of the policies put in place rapidly after 9/11 would examine their durability and would be informative regarding the lifespan of focal power following a catastrophic, policy-provoking event. 4) As an indicator of the impact of SEVIS, additional background checks, new fees, and other policy changes, the number of international students and scholars applying for visas and then entering the

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U.S. is used as a barometer of the size of obstacles. The direction of enrollments generally, the direction of enrollment by subsets of international students by country and area of study, cross-time comparisons, and cross-country comparisons, for example, are still emerging and the meaning of enrollment fluctuations is contested (See for example AAU, 2002; Chin, 2004; National Association of State Universities and Land-Grant Colleges, 2002; Satloff, 2005). Collection and analysis of enrollment patterns, the implications of trends, and linkages to specific policy actions would be an extremely informative and useful study. 5) I did not include interviews or other data from international students themselves, and this very rich source of information on all aspects of the policies bears study. 6) Finally, study of the way international students and policies targeting them are portrayed in the media would benefit from methodical study, perhaps through content analysis methods.

My Experience and Learning

Creswell (1998, p. 188) suggests that in qualitative research, the writer's experience be described, including whether the writer's initial generalizations have been changed conceptually or challenged. As I indicated in Chapter 2, Background of the Researcher, I have been committed to international education for its variety of values and to policies that make the U.S. accessible to international students. Not surprisingly, although I was not a practitioner involved with SEVIS implementation at the time of the interviews, I identified with the general experiences of the administrators I interviewed. Like them, I was aware that international students in the U.S. could be poorly accounted for and agree with the administrators' perceptions that a system which accomplished accounting for the entry, exit, and maintenance of status

of students would be useful to the field. Like them, I acknowledge that foreigners who may undertake terroristic acts may use the international student visa system to enter the U.S. And like them, I question, and would like to see additional study of, whether the policy actions undertaken after 9/11 will result in reducing the threat of terrorism in the U.S. as well as tracking and accounting for students.

Regarding the process of this research, the huge amount of data available posed difficulties for me. Accounting for materials was a project in itself, including labeling, establishing systems for filing and recovering, and coding and creating themes across data were challenges. All qualitative research guides (Creswell, 1998; Merriam, 1998; Stake, 1994; Miles and Huberman, 1994) as well as my committee chair warned of issues related to focusing the report given volumes of data and indicated that one of the qualitative researcher's primary responsibilities is to make decisions about what informs the case, what is extraneous, what is necessary, what is excess. Despite bounding the case by time and identifying initial data sources consistent with the international education arena and policy process I intended to blend into the description, I labored to make informed decisions regarding how to limit the material I reviewed, analyzed, and synthesized into the case. In particular, I realized that two components of the case, the media reports referring to international students and visa policies, and the government hearings which are a subset of the material illustrating the intentions of policy makers beyond the enactment of legislation, presented two problems for me. I had superficially surveyed materials in both areas prior to proposing this study and both were categories of data typically included in case studies of policy domains. The first problem was one of volume *per*

se, and deciding what was in the purview of my study and what was not. (This was not a problem with the other data sets, in which materials were more purely topical, in title and content.) The second was that the volume of materials was far too large and complex for the method I employed, that of hand coding and condensing themes from the texts and then incorporating the distilled themes into the description. For example, the number of newspaper articles which referenced international students but had nothing to do with 9/11, reflecting instead how international students were seen and valued in their academic communities seemed to have pertinence that could not be adequately described with out a formal content analysis. Also, the way the public viewed international students during the unfolding of the 9/11 aftermath was played out in media other than newspapers, with TV and radio reports having an impact as well. Regarding the hearings, although key word searches led me to testimony focused on international student visa policies, additional research approaches such as content analysis to account for other topic areas (and their frequency) within which discussion of international students and scholars arose would give a better picture of the policy making environment faced by the advocacy groups during this chaotic period. With counsel from my committee, I recognized the media reports and hearing testimony as providing context and used them when pertinent to enrich the description and provide triangulation.

I also discovered that the most interesting aspect of this case study for me were the interviews with the administrators, whose first-hand experiences were compelling. Their roles as policy actors, practitioners grappling with the implementation of policies, community informants representing their students, and revitalized advocates

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for the value of international education would bear continuing inquiry and analysis. I

hope to extend my research agenda in the future by revisiting the perceptions,

experiences, and policy and advocacy work of administrators who serve international

students.

The Direction of International Student Visa Policy after the Study Period

When asked in December 2003 and January and February 2004 about the

longevity of the policy issues prevalent in the 20 months following 9/11, international

education administrators responded with concerns about the implications of a SEVIS

reporting system that failed to work, a visa processing system slowed by background

checks and regulatory obstacles, and long-term impact on the numbers of international

students enrolling in U.S. institutions and programs. Still, when asked about what they

felt the future held for international education in the U.S. five years after 9/11, the

administrators largely forecast optimism about a return to forms of public policy that

support international education, and a re-emergence of legislative commitment to the

value of international students and scholars linked to the values held by various

groups prior to 9/11, holding that these students are academic and cultural assets to

the U.S., they constitute a very large economic resource, and they have unique value

to the U.S. public diplomacy efforts. As Administrator G forecast:

> Well, we are really hoping that this is part of the pendulum swing that when
> anything new starts, like when you have a child who is naughty, you stay on
> them, watch their every move until they prove themselves and then you start
> letting them have a little more leniency. What we hope is that it is part of that
> pendulum, however, a good balance, a natural balance needs to be maintained.
> I think that a lot of the regulations are good and they are merit based. But I
> think that we also need to use a common sense approach in some situations. I
> think that, hopefully, in five years, that we will have reached a natural state.
> What I'm hoping is that we will be able to pick up to where we were prior to

9/11 in five years or so. I'm an optimist, I suppose, but I'm also a realist. Hopefully, we can get some of these rules and regulations ironed out and things will get back to where we were.

In snapshots of the international student visa policy domain in 2004 and 2005, the administrators' comments predictions are close to the mark. While not the focus of this study, changes are creeping into regulatory practices which mitigate some of the effects of the post 9/11 policies. Policy makers' opinions are increasingly supportive of international education once again. Advocacy organizations are working with legislators on specific aspects of visa policy, such as mitigation of some lengthy background clearance checks, and importantly, calls for a national international education policy, including many of the features of the 2000 Senate resolution, are again being openly made.

The SEVIS system, now it its fifth iteration, is undergoing constant performance review and technical changes to address user issues. International education professional organizations constantly monitor the state of implementation and report obstacles in the process (Field, 2004). Often the professional organizations and their members are at the table when agencies and committees work and are engaged in the review effort. A March 2005 Government Accountability Office (GAO) study of SEVIS performance, for example, was undertaken because despite improvements in key performance measurements "problems were still being reported by educational organizations." In a sign of the re-emergence of advocacy for international students, this report also notes another reason it was undertaken, linking visa policies to negative consequences: "In addition, concerns have been raised that the number of international students and exchange visitors coming to the United

States has been negatively affected by the U.S. visa process. Accordingly, the Congress asked GAO to testify on its work on SEVIS and related issues" (U.S. GAO Testimony, 2005). Clearly, SEVIS and other DHS functions related to international students and visa processing, including Mantis background checks, mandatory visa application interviews, and port-of-entry processing practices, are undergoing constant review, with some revisions occurring (Glenn, 2005). These practices are being reviewed in consultation with stakeholders, and with open discussion of the context and implications of the policies and procedures.

Janice Jacobs, Deputy Assistant Secretary for Visa Services noted in a May 2005 speech to international educators that while "No discussion of visa policy would be faithful to recent history with out including the horrific events of 9/11 which shaped so much of our world," a balance must be struck between securing U.S. borders and encouraging people to visit the U.S., do business here, study here, and that to overcome bottlenecks in consulates where visas are processed, one of the obstacles resulting from rapid policy changes in 2001 and 2002, the Department of State has added 350 new consular positions since 9/11, with an additional 121 proposed (Jacobs, 2005).

Recent attention has focused on the obstacles faced by international students seeking study in the sciences and technology. Because these students represent a link to U.S. leadership in science and technology innovation and dominance in research, failure of which evoke shadows of declining U.S. economic competitiveness, difficulties which these students face in getting visas and reported declines in enrollments have placed a spotlight on the consequences of visa policy developed and

implemented in response to 9/11. An active policy debate on this issue is being carried out in the national (and in some cases international) media with concerns expressed by a range of professional organizations such as the American Association for the Advancement of Science, Association of American Universities, the U.S. Chamber of Commerce, the National Foreign Trade Council, and the Business Roundtable, "an association of chief executive officers of leading corporations with a combined workforce of more than 10 million employees in the United States and $4 trillion in revenues, [which are] committed to advocating public policies that foster vigorous economic growth and a dynamic global economy" (Business Roundtable Press Release, 2005). When organizations such as these distribute policy statements calling for visa reform for international students, the nature of the public policy debate has clearly changed (Alden, 2004; Association of American Universities, 2005, 2004; Diament, 2005; Skorton and Davisson, 2005).

Perhaps most indicative of the general revitalization of public policy support for international students is proposed legislation, the American Competitiveness through International Openness Now (ACTION) Act of 2005. This bill, first introduced in 2004 as the International Student and Scholar Access Act (ISSAA) of 2004, has been introduced by Senators Norm Coleman (R-Minn) and Jeff Bingaman (D-NM). The Act would amend the Fulbright-Hays Act of 1961. Their comments, and the content of the bill, illustrate the extent to which the various policy actions following 9/11 have come into question and are openly discussed for remediation. In introducing ISSAA in July 2004, Senator Coleman argues that unintended

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consequences of post 9/11 visa policies must be mitigated, despite the need for

national security.

> September 11, 2001, was a day that changed America forever. . . . It appears as
> if the measures we have taken [such as the USA PATRIOT Act] have had
> some effect. . . . we all know there is absolutely no such thing as an absolute
> guarantee of absolute security in a free society, so what we do is measure the
> level of threat against the loss of certain other values and then we try to strike
> a balance. In the area of student visas, I believe we have pushed security
> concerns beyond the logical point and need to make adjustments to our policy.
> . . . I believe the result of what has been well intentioned [efforts to ensure
> national security] in regard to student visas has been to push the ball a little too
> far . . . now we have visa processes that are structured in a way that produces
> results that I don't think we want. . . . Again, it is in the interest of the United
> States of America to bring in the best and brightest foreign students to study in
> America. These are people who will lead their nations one day. . . . Foreign
> students also help our economy. Higher education is a major service sector
> export, bringing in $12 billion to the U.S. economy every year. . . . One of the
> issues CEOs mentioned was the difficulty in having foreign students come to
> our country and the impact it has on their opportunities for success and
> innovation, and the impact that has on the American economy. (Congressional
> Record, Senate, 2004)

Following statements of the value of international students to the U.S., the Act's

introductory rationale states: "The policies implemented by the United States since

September 11, 2001, and the public perceptions they have engendered, have

discouraged many foreign students from studying in the United States and have

frustrated the efforts of many foreign scholars and exchange visitors from visiting the

United States." The ACTION Act calls for a comprehensive marketing plan for U.S.

international education to compete with other countries which are recruiting

international students; visa process reforms including review of fees and some

interview requirements; changes in the Immigration and Nationality Act to require

only that students "have the intention, capability, and sufficient financial resources to

complete a course of study in the United States," to replace language requiring proof

that the student has "essential ties" to the home country and has no intention

immigrating; and SEVIS "data fixes" requested by universities to resolve vexing

database problems; and other provisions (Senate Bill 455, ACTION Act, 2005).

Coleman also mentions the influence that individual international education

administrators have had on his thinking.

In another sign of the viability of policies and governmental activity in support

of international education, 2006 proposed funding limits for international education

and exchanges have been increased. While the final funding depends on the work of

various appropriations committee actions in the House and Senate, in July 2005 the

Senate approved providing $442.2 million for the State Department's international

education programs; this is $10 million more than requested by the Bush

administration, $30 million more than an earlier bill proposed, and $54 million more

than approved for FY 2005 (Science-State-Justice-Commerce Appropriations bill, HR

2862, report).

The nature of the public policy debate regarding international students appears

to have returned to focus on the value of international students to aspects of public

policy beyond national security and the process of mitigating the effects of the

cascade of regulation adopted in the aftermath of 9/11 appears to be in progress.

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Appendix A
Senate Concurrent Resolution 7

107TH CONGRESS
1ST SESSION
S. CON. RES. 7

Expressing the sense of Congress that the United States should establish an international education policy to enhance national security and significantly further United States foreign policy and global competitiveness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KERRY (for himself, Mr. LUGAR, Mr. LEVIN, Mr. REID, Mr. GRAHAM, Mr. WELLSTONE, Mr. MILLER, Mr. INOUYE, Mr. LEAHY, Mrs. HUTCHINSON, Mr. HELMS, and Mr. DODD) submitted the following concurrent resolution;

APRIL 4, 2001

CONCURRENT RESOLUTION

Expressing the sense of Congress that the United States should establish an international education policy to further national security, foreign policy, and economic competitiveness, promote mutual understanding and cooperation among nations, and for other purposes.

Whereas promoting international education for United States citizens and ensuring access to high level international experts are important to meet national security, foreign policy, economic, and other global challenges facing the United States;

Whereas international education entails the imparting of effective global competence to United States students and other citizens as an integral part of their education at all levels;

Whereas research indicates that the United States is failing to graduate enough students with expertise in foreign languages, cultures, and policies to fill the demands of business, government, and universities;

Whereas, according to the Institute for [sic] International Education, less than 10 percent of United States students graduating from college have studied abroad;

Whereas, according to the American Council on Education, foreign language enrollments in United States higher education fell from 16 percent in 1960 to just 8 percent today, and the number of 4-year colleges with foreign language entrance and graduation requirements also declined;

Whereas educating international students is an important way to impart cross-cultural understanding, to spread United States values and influence, and to create goodwill for the United States throughout the world;

Whereas, based on studies by the College Board, the Institute for [sic] International Education, and Indiana University, more than 500,000 international students and their dependents contributed an estimated $12,300,000,000 to the United States economy in the academic year 1999-2000;

Whereas, according to the Departments of State and Education, the proportion of international students choosing to study in the United States has declined from 40 to 30 percent since 1982;

Whereas, international exchange programs, which in the past have done much to extend United States influence in the world by educating the world's leaders, as well as educating United States citizens about other nations and their cultures, are suffering from decline; and

Whereas American educational institutions chartered in the United States but operating abroad are important resources both for deepening the international knowledge of United States citizens and for nurturing United States ideals in other countries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS ON THE ESTABLISHMENT OF AN INTERNATIONAL EDUCAITON POLICY FOR THE UNITED STATES.

It is the sense of Congress that the Untied States should establish an international education policy to enhance national security, significantly further United States foreign policy and economic competitiveness, and promote mutual understanding and cooperation among nations.

SEC. 2. OBJECTIVES OF AN INTERNATIONAL EDUCATION PPOLICY FOR THE UNITED STATES

An international education policy for the United States should strive to achieve the following:

(1) Enhance the educational infrastructure through which the United States produces citizens with a high level of international expertise, and builds a broad knowledge base that serves the United States.

(2) Promote greater diversity of locations, languages, and subjects involved in teaching, research, and study abroad to ensure that the United States maintains a broad international knowledge base.

(3) Significantly increase participation in study and internships abroad by United States students.

(4) Invigorate citizen and professional international exchange programs and promote the international exchange of scholars.

(5) Support visas and employment policies that promote increased numbers of international students.

(6) Ensure that a United States college graduate has knowledge of a second language and of a foreign area, as well as a broader understanding of the world.

(7) Encourage programs that begin foreign language learning in the United States at an early age.

(8) Promote educational exchanges and research collaboration with American education institutions abroad that can strengthen the foreign language skills and a better understanding of the world by United States citizens.

(9) Promote partnerships among government, business, and educational institutions

and organizations to provide adequate resources for implementing this policy.

Appendix B
Methodology

Introduction

In this appendix, I explain the method of the study, including a rationale for approaching this topic through a qualitative research tradition, specifically using case study method, and the appropriateness of a descriptive case study, with references to the use of case studies in similar policy studies. The study design is presented in detail, including a description of the data sets I chose and reasons for them, and how data was collected, reduced, and analyzed.

Case Study Method

This study is a descriptive, single-case, intrinsic case study. In establishing to use case study method, I rely on Creswell (1998), Merriam (1998), Yin (1994), and Stake (1994). Despite some differences in how these researchers approach case study (implications of which, when pertinent, are discussed below), they share common perspectives of the defining qualities of the method which structure my study. Creswell (1998, p. 61) describes case study as exploration of "a case (or multiple cases) over time through detailed, in-depth data collection involving multiple sources of information rich in context. . . . The context of the case involves situating the case within its setting, which may be a physical setting or the social, historical, and/or economic setting for the case." Merriam (1998, p. 38) states that a case study can be "described by the overall intent of the study", and that descriptive case study is "one that presents a detailed account of the phenomenon under study – a historical case study that chronicles a sequence of events, for example." Creswell (1998), Merriam

(1998), Stake (1994), and Yin (1994) indicate that case study is appropriate when multiple sources of information are available and necessarily important to the problem; these sources may include observations, interviews, documents, reports, or other data.

My study is an *intrinsic* case study; it focuses on a single case which, "because of its uniqueness, requires study" (Creswell, 1998, p. 62). Stake (1994, p. 237) presents the difference between an intrinsic and instrumental case studies as a matter of the researcher's primary focus. In an intrinsic case study, "study is undertaken because one wants a better understanding of this particular case" while in an instrumental case study "the case is of secondary interest" to the primary concern of refining a theory or providing insight into an issue. Stake (1994, p. 237) addresses the difficulty in making the distinction in any given case between an intrinsic primary focus and an instrumental primary focus, pointing out that because "we simultaneously have several interests [in any given study], often changing, there is no line distinguishing intrinsic case study from instrumental; rather, a zone of combined purpose separates them." While I devote discussion (in Chapter 6) to key issues to policy processes which are informed by the case data and which inform the case, the primary goal of my study is to describe the impact of 9/11 on a public policy and how policy actors and groups responded, rather than to illustrate or provide an example of the policy issues, as an instrumental case study would.

This study is primarily *descriptive*. Merriam (1998, p. 38) distinguishes between descriptive and interpretive case studies; strictly speaking, descriptive case studies are "atheoretical" and precede interpretive studies, which are "differentiated

from straightforward descriptive studies by their complexity, depth, and theoretical orientation." However, as with the overlapping distinction between intrinsic and instrumental case study, descriptive study also may blend into interpretive study; Creswell's (1998, p. 63) comments illustrate this continuum, indicating that through a case study researcher's collection of data from multiple sources, a "detailed description of the case emerges, as do an analysis of themes or issues and an interpretation or assertions about the case by the researcher." Stake (1994) discusses the ways in which the researcher's decisions about how to present the description or "tell the story" will lead to decisions about themes or abstract dimensions of the case (which "are often issues"), and the researcher will then need to take the step of developing or analyzing the issue(s), noting that "Even when stated as generalities, the issues are matters for study regarding the specific case" (p. 240). Acknowledging that descriptive case study may have interpretive or analytic components, in this case study I first investigate and describe the setting, policy events, and policy actors' responses to the 9/11 attacks; then in Chapter 6 I present key issues which inform or are informed by the case.

This study is of a *single case*. This approach is in keeping with my focus on description of the particular case for its intrinsic value. Stake (1994) stresses the value of "intrinsic study of the valued particular," pointing out that "case researchers seek out both what is common and what is particular about the case, but the end result regularly presents something unique . . . " (p. 238). Creswell (1998) also supports this focus on the unique, referencing Yin's concept "that a single case is best when a need exists to study a critical case, an extreme or unique case, or a revelatory one" (p. 187).

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Possibilities exist for multiple-case, cross-case, or collective case study of the impact of public policy changes on the international student visa arena if the researcher selects other timeframes or defines a range of policy activity not specific to 9/11. However, the 20-month aftermath of 9/11 relative to international student visa policy is a unique time, setting, and policy domain, reducing options for useful multiple-case or cross-case study. As Birkland (1997) suggests, with unique or near-unique large events, "it is difficult to detect patterns because there are no other such events in the domain" (p. 144).

Reasons Supporting This Method for This Particular Case

The use of descriptive, single-case, intrinsic case study is appropriate to the topic of the impact of 9/11 on a particular policy domain, international student visa policy, for three reasons.

First, the case study method is particularly useful when the case context is information-dense, has multiple data sources, and is made up of multiple and complex interactions. Yin (1994) characterizes this quality as "when the phenomenon under study is not readily distinguishable from its context" (p. 3). Additionally, descriptive case study is appropriate when ample literature and discussion of the context of the case exists, and multiple types of data are available or accessible, which provide multiple perspectives on the case and permit triangulation among sources, what Stake (1994, p. 242) calls pattern recognition and " 'crisscrossed' reflection." Relative to my topic, ample literature on the value of international education and international students in the U.S. exists, including historical records, statements revealing policy intent, public policy enactments (statutes and rules/regulations), and records of

discussion in the policy domain and among policy actors. Relative to focusing events, particularly when presented in the context of agenda setting and control in the policy process, ample literature and research discussion are available proposing and analyzing various models of the policy making process and the dynamics of agenda setting, problem definition and redefinition, selection of alternatives, the role of the media, and the roles of advocacy and interest groups (e.g. Baumgartner & Jones, 1993, 2002; Birkland, 1997; Cobb & Ross, 1997; Kingdon, 1995; Rochefort & Cobb, 1994). My study tapped this literature for description and issue development as needed, and to underpin a discussion of key issues raised by the descriptive components.

Second, case study is an especially valuable as a way to document events of historical significance, as indicated in Chapter 2: Method of the Study. Merriam (1998) states that case study design "can be justified on the basis that sometimes it is important to leave an account" (p. 39). Birkland (1997) strongly suggests that the effect on policy of unique or near-unique focusing events "is deserving of further historical analysis" and may be "consciously historical" (p. 148). My study captures some aspects of the rapidly unfolding effects of a uniquely powerful event on a fluid policy environment, the responses of advocacy groups, and the experiences of individual international education administrators. The documentary analysis establishes a record of this, "leave[s] an account," and the interviews provide eyewitness perspective within a time window of 20 months, while the respondents still recalled, and were in many ways still experiencing, the impact of emerging policy developments, preserving an aspect of the historical unfolding of the focusing event.

The third attribute of case study method making it appropriate for my study is that it is useful and typical in informing policy study and public policy discussion (Majchrzak, 1984, p. 63; Majone, 1989, p. 64; Merriam, 1998, p. 41; Stake, 1994, p. 245). The case study method and related designs using documentary analysis and interviews are commonly used to capture and describe the impact of policy activity, and to analyze, explain, and/or evaluate activities within public policy domains. Examples of studies which use the case study method and which have been undertaken to describe events, develop models, or expand concepts of the policy making process, including some accounting for focusing events, are below.

- Baumgartner & Jones (2002) use documentary review and tabulation to study agenda change in five policy domains (telecommunications, immigration, health care, science, and national security.)
- Birkland (1997) analyzes the policy domains of natural disasters (oil spills, earthquakes) and theorizes how to establish their focal power.
- Kingdon (1995) uses case studies and interviews in the health and transportation policy arenas to develop models of the policy process.

Particularly relevant to the study of focusing events and their role in the policy process, Birkland (1997, pp. 144 - 148), in his analysis of the focal power of crisis events, states that unique or near-unique, extremely rare or novel events should be studied using a qualitative approach, seeking understanding of what is unique to each case relative to the policies, debates, and discussions in the policy domain affected by the focusing event.

Case study research, such as in those cited above, on policy process topics at times use a model of the policy process around which to organize the study and the data. I have used Kingdon's (1994) model of the policy process and Birkland's (1997) model of focusing events to establish initial categories of data to describe my case, and following the presentation of the case and the themes and issues which have emerged, I discuss other concepts in the policy process when so doing helps to inform key issues. Case study research, and policy study, accommodates these uses of models without requiring an overall positivistic approach to research. Stake (1994), who affirms case study as having intrinsic value, includes in his typology of case studies a rationale for investigating a single case in order to "provide insight into an issue or refinement of theory" (p. 237). He suggests that in some situations it is appropriate to "arrive with an idea of what to look for" in the case or its context. Yin (1994) suggests that case study researchers establish a "descriptive theory;" such a framework does not mean a "theory" in the positivist sense. Yin defines his concept of the "descriptive theory" and its role in descriptive case study this way:

> References to the use of "theory" usually involve the formation of hypotheses of cause-effect relationships. These theories would therefore be considered relevant to explanatory case studies. "Theories," however, also can be important for descriptive case studies. A descriptive theory is not an expression of a cause-effect relationship. Rather, a descriptive theory covers the scope and depth of the object (case) being described. If you were to describe an individual, an organization, or some other possible subject of a case study, where should your description start, and where should it end? What should your description include, and what might be excluded? The criteria used to answer these questions would represent your "theory" of what needs to be described. This theory should be openly stated ahead of time, should be subject to review and debate, and will later serve as the "design" for a descriptive case study. (p. 22)

Stake (1994) takes an epistemological stance frankly supporting naturalistic inquiry while saying that in case study for Yin, "the main work is science" and emphasizing the value of the learning opportunity, rather than theory-building, available to the case study researcher: "The bulk of case study work, however, is done by people who have *intrinsic* interests in the case. Their intrinsic case study designs draw the researcher toward understanding of what is important about that case within its own world, not so much the world of researchers and theorists, but developing its issues, contexts, and interpretations" (p. 242). In explaining how case study research serves learning, Stake affirms that the researcher may begin with foreshadowed questions and meanings, and cannot avoid generalizing "to happenings of their cases at times yet to come and in other situations" (p. 243).

In sum, in descriptive case study, models may be presented which establish the priorities for data collection, help limit the scope of the study and provide a design for the study (Bell, 1999; Merriam, 1998; Miles & Huberman, 1994; Stake, 1994; Yin, 1994), but the focus remains on what can be learned from the particular case. Relative to my case study, I rely on Baumgartner & Jones (2002), Birkland (1997), and Kingdon (1995) for models of the policy process and focusing events which allow me to establish the "descriptive theory" of my case, foreshadow themes and ideas, and permit useful generalization when it supports the description of the case.

The Case, Its Boundaries and Data Sources

To distinguish the case study method from among qualitative traditions, Creswell (1998) summarizes the features of the study: ". . . a case study is an exploration of a 'bounded system' or a case (or multiple cases) over time through

detailed, in-depth data collection involving multiple sources of information rich in context . . . " (p. 61). Merriam (1998) indicates that "the bounded system, or case, might be selected because it is an instance of some concern, issue, or hypothesis" and that the case "might be selected for its very uniqueness, for what it can reveal about a phenomenon, knowledge we would not otherwise have access to" (pp. 28, 33). Creswell (1998) indicates that "Deciding the 'boundaries' of a case – how it might be constrained in terms of time, events, and processes – may be challenging. Some case studies may not have clean beginning and ending points, and the researcher will need to work with contrived boundaries" (p. 64).

The system for this case study is the policy domain within which the U.S. international student visa policy is developed and implemented. Birkland (1997) defines policy domain as "the substantive subject of policy over which participants of policy making compete and compromise" (p. 15). The policy domain includes (1) the legal environment of the policy subject, including cases, statutes and regulations; (2) the political environment of the policy subject, including evidence of the "relationship of the relevant policy problem to the dominant political culture;" (3) descriptions of "the broader understanding of the nature of the problem, its causes, and the potential solutions to the problem;" and (4) the policy community, "which consists of those actors, usually individuals acting on behalf of groups . . . who are actively involved in policy making in a particular domain" (p. 15). The boundaries of the case may be drawn or refined by the data sources available or selected and by the researcher's focus, as well as by time constraints or other decisions about what is essential (Miles & Huberman, 1994; Stake, 1994; Yin, 1994).

Case studies of policy making processes and issues make frequent use of the policy domain as the bounded case; the researcher then establishes the data sets which will be collected and analyzed. Each data set has an established unit of analysis. See for example Baumgartner & Jones, 2002; Baumgartner & Leech, 1998; Birkland, 1997; Cobb & Ross, 1997; Kingdon, 1995; Rochefort & Cobb, 1994; and Walker, 1991.

Data Sources

Case studies rely on multiple sources of data to provide the ample context and rich detail that characterize descriptive case studies particularly (Creswell, 1998; Merriam, 1998; Yin, 1994). Stake (1994) emphasizes that the researcher is responsible to select the data that will tell the story of the case most effectively. I identified four categories of data to comprise the features of the international education policy domain; three are documentary and one is interview-based. For each type of data, I selected a unit of analysis. The first document category is data is from the government/legislative environment, e.g. the federal statutes and rules/regulations affecting international student activities, public records of agency documents, and Congressional committee and subcommittee hearings. The second document category captures mass media reports from four nationally circulated daily newspapers plus *The Chronicle of Higher Education*. The third document category comprises public statements from the policy community's advocacy groups. The fourth data category is information generated from responses to eight semi-structured interviews, each approximately one hour long, with active member advocates in the policy community that functions within this policy domain. Table 8 presents these categories of data and

the unit of analysis for each. Beyond bounding the policy domain for the case,

rationale for these choices is provided in the discussion of Design.

Table 8. Data Sources and Units of Analysis.

Source	Units of Analysis - Documents	Number
I. Government documents		
Legislative branch	Congressional hearing transcript Statute text Regulation text	14
Executive branch	Memorandum Statement	3
Departments and agencies: State (DOS) Justice (DOJ) Education (ED) Homeland Security (DHS) Immigration and Naturalization Service (INS) Bureau of Immigration Control and Services (BICS) Bureau of Immigration Control and Enforcement (BICE)	Cable/Advisory Statement Congressional testimony transcript Congressional Research Service report	45 4
II. Advocacy groups	Position paper Policy statement Letter	20
III. Mass media *New York Times* *Washington Post* *Los Angeles Times* *USA Today* *Chronicle of Higher Education*	Article	120

Source	Unit of Analysis - Interviews	
Practitioner / advocates	Transcribed interview	8

Research Questions

In establishing the questions that will guide the research for descriptive case study, the researcher must decide the scope and depth of the case and establish the boundaries (Yin, 1994, p. 22). Creswell (1998, pp. 99 - 101) recommends "reducing [the qualitative researcher's] entire question to a single, overarching question and several subquestions" that may be presented in two sets: issue subquestions and topical subquestions. Topical subquestions anticipate information that will be needed to describe the case and may "foreshadow what the reader will find later in the study." Issue subquestions address the "major concerns and perplexities" of the case. I established a primary question and five subquestions, four of which are topical, reflecting my emphasis on description, and one which assembles components for discussion of key issues related to the case.

Primary Question: In the 20 month period following the 9/11 attacks, what was the impact of the attacks on the international student visa policy domain?

Subquestion 1: How did the governmental agenda change relative to student visa policy?

Subquestion 2: What themes related to international student visa policy and regulation emerged in mass media newspapers during this period?

Subquestion 3: What themes of response emerged from the policy community?

Subquestion 4: How did international education practitioners experience and respond to these changes?

Subquestion 5: What policy constructs helped me understand these themes and responses?

Design

Merriam (1998) states that a researcher assesses the strengths and limitations of a research design and then selects "the most appropriate plan for addressing the research problem" (p. 41). This case study included the collection and analysis of documentary data and interview data identified in order to answer the research questions. In this section I describe the data categories, provide rationale for these choices, and describe how the data was analyzed. Table 8 summarizes data sources and elements.

Documents

I collected three categories of documents. All of the documentary categories are typically used in case studies of public policy domains, and have been used in the policy studies previously cited. Projects assessing government attention to policy issues generally include review and analysis of pertinent laws and regulations, Congressional and agency hearings, and other materials generated by the public policy process. Therefore, the first documentary category is written public records of government actions or intentions which concern the development, final production, and implementation of legislative and rule/regulation actions leading to the legislation or regulations. This category includes, for example, the texts of the USA PATRIOT Act and the SEVIS rules, the Congressional committee and agency hearings, reports and other statements made by government or its officials such as executive

memoranda and agency notices. In addition to providing the content of policies, these documents give insight into what happened, demonstrate the intentions of policy makers, and illustrate agenda-density of the policy activity.

The second category comprised media reports from four mass circulation newspapers plus a weekly newspaper devoted to concerns of the higher education community which included articles or commentary about international students, international student tracking and visa policy developments since 9/11. The four daily newspapers are *The New York Times, The Washington Post, The Los Angeles Times,* and *USA Today;* the weekly publication is *The Chronicle for Higher Education*. Since public awareness and interpretation of the policy failures blamed for focusing events are important factors in redefining the problem or changing the policy agenda, documents illuminating the role of mass media may also be a part of study of focusing events. For example, Baumgartner & Jones (2002), Birkland (1997) and Kingdon (1995) examined selected Congressional and national media activity and density in case studies of policy dynamics.

The third category included statements from non-governmental policy groups such as the American Council on Education (ACE), NAFSA: Association of International Educators (NAFSA), the Alliance for Educational and Cultural Exchange (the Alliance), American Association of Collegiate Registrars and Admissions Officers (AACRAO), the Association of International Education Administrators (AIEA) and others. These documents include position statements, press releases, letters to government officials, and other advocacy materials, which can be used to

provide insight into the activities and responses of advocacy groups to the regulatory and legislative actions in the months following the attacks.

Interviews

To add thick description to the case study, capture additional perspective from the policy community, and to use as triangulation, I conducted semi-structured interviews with a purposive sample of eight active administrators within the advocacy community. Purposive (or purposeful) sampling is nonprobablistic; it is "well-known and widely used" in qualitative research (Merriam, 1998, p. 67) and is appropriate in case studies when the researcher seeks to understand and gain insight from a logically and consciously selected sample which will provide the most information about issues of most importance to the case (Ary, Jacobs & Razavieh, 1996; Creswell, 1998; Guba & Lincoln, 1981; Merriam, 1998). In purposive sampling, the respondents are selected for their specialized experience and competence, and the researcher must therefore identify the essential attributes necessary in the sample. Among the types of purposive sampling, I used the *typical* sample. Merriam (1998) describes the typical sample in which respondents are selected because they "reflect the average person, situation, or instance of the phenomenon of interest" and suggests that "the criteria you establish for purposeful sampling directly reflect the purpose of the study and guide in the identification of information-rich cases" (pp. 61 – 62).

The three criteria I used to select the respondents in this study, and the reason for these criteria, are below.

1. Each respondent had a minimum of the last 5 years in the field of advising international students and/or administering international student services on a US

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university campus, and had responsibilities which include application of the student visa knowledge set. This ensured that the respondent had been involved in the student visa policy arena as a practitioner consistently both before and after 9/11, and would have had firsthand experiential knowledge of the regulatory context surrounding the SEVIS program.

2. Each respondent held membership in an organization which has a public policy focus or arm as part of its mission, such as AIEA or NAFSA. This ensured that the respondent had been receiving information on a regular basis to inform them about and help clarify the impact of the many legislative and regulatory developments which occurred after 9/11.

3. Each was an active member of the policy community as confirmed by participation in advocacy events such as contact with state or federal legislators or staffers, service in an international education organization with a public policy division, or attendance at NAFSA: Association of International Educators Congressional Education Day. This criterion ensured that the respondent was aware of the development of issues and the range of argument in favor of and against the SEVIS program and other legislation and regulations which had an impact on international education since 9/11. The respondent may or may not have had a perspective on or knowledge of the policy process *per se*.

I solicited respondents through a letter of invitation posted to the listserv maintained by the Association of International Education Administrators (AIEA). I obtained approval from the AIEA Secretariat prior to posting the letter. I received 10 responses to the posting and arranged interviews with eight administrators in five

states. The interviews followed a semi-structured format, in which I guided the respondent with questions in broad categories. The questions represented a typical pattern for semi-structured interviews in qualitative investigation and were a mix of more- and less-structured questions, with the specific information needed from all respondents elicited by the more structured questions, and the descriptions, perceptions, and opinions of the respondents regarding what happened to student visa policy before and after 9/11 being open-ended and flexible (Merriam, 1998, p. 74). I conducted each interview in the respondent's office. I taped the interviews and assigned each respondent was assigned a number to ensure confidentiality in reporting findings; each respondent gave me written permission to quote verbatim from his/her interview provided all identifying information was deleted. Merriam (1998) describes two methods for capturing the interview data so that it can be analyzed, *complete transcription* and the *interview log*; I transcribed the interviews. All of my research actions, including the content of the letter of invitation and the interview schedule were approved by the University of Oklahoma's Institutional Review Board. The interview protocol documents are included in Appendix D.

Data Analysis

Broadly, in case study, analysis consists of making a detailed description of the case and its setting, and uses facts, direct interpretations, and patterns found in the documentary and interview data to elaborate the case and tell the story (Creswell, 1998, pp. 153 - 154). The process I followed aligned with Creswell's data analysis spiral, a series of process "loops" including data collection; data management such as creating files and note cards or computer files; reading and memoing the texts and

other materials; describing, classifying, and interpreting; and then representing or visualizing the account of the study (p. 142 - 143). These steps mirror Miles and Huberman's (1994) data analysis process of data reduction, data display, and conclusion drawing and verification, which I also drew on. These three steps in organizing and making sense of data in qualitative studies are cumulative, but in process are recursive and interwoven, as in Creswell's spiral, with initial understandings revised, transformed, or subsumed into larger patterns as more data is added to the analysis. In this process I accounted for foreshadowed themes and concepts, and then continually revised the data display and conclusions as facts, themes or patterns emerged (Merriam, 1994; Miles & Huberman, 1994; Stake, 1994), using data reduction as Miles & Huberman suggest, as a technique that "sharpens, sorts, focuses, discards, and organizes data in such a way that 'final' conclusions can be drawn and verified" (p. 11). Miles and Huberman (1994) illustrate a variety of methods and suggest tools for organizing and displaying data. Ultimately, I displayed findings in ways best suited to the aspect of the case being described; I present government legislation and regulatory activities chronologically. I present advocacy group responses by themes of action. I present individual administrator's responses by clusters of response topics. I use media reports to supplement and enrich all reports and as triangulation, tying the story together across aspects.

Regarding data analysis that links to other cases or to models, Stake (1994) states that generalizability may have some value in some case studies and "can usefully be seen as a small step toward grand generalization," but should not be emphasized in all case research, and notes that, "Damage occurs when the

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commitment to generalize or create theory runs so strong that the researcher's attention is drawn away from features important for understanding the case itself" (p. 238). With this caution in mind, I linked description to patterns and policy models when useful to the description or discussion of key issues.

Trustworthiness of Data and Findings

In qualitative studies questions of internal validity, external validity, and reliability are not established by statistical checks and measures. Rather, the goal is understanding, development of description and explanation, and making sense of phenomena (Merriam, 1998; Miles & Huberman, 1994; Stake, 1994; Yin, 1994). Merriam (1998) sums up that qualitative study must address concerns about validity, but that the form of these assurances will be different than in quantitative research.

> All research is concerned with producing valid and reliable knowledge in an ethical manner. . . . But how can consumers of research know when research results are trustworthy? They are trustworthy to the extent that there has been some accounting for their validity and reliability, and the nature of qualitative research means that this accounting takes different forms than in more positivist, quantitative research. (p. 198)

The necessary and desirable tests for qualitative data and interpretation are consistency and dependability. "The question then is not whether findings will be found again but *whether the results are consistent with the data collected*" (Merriam, 1998, p. 206, emphasis in original).

This research project develops and enhances trustworthiness and dependability of data and interpretation of findings through triangulation, establishing the investigator's position at the outset, and creation of an audit trail. Regarding *triangulation,* the nature of the events and environment of the policy domain I studied

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is multi-layered; the use of multiple sources of data adds to the richness of the description and allows me "to clarify meaning by identifying different ways the phenomenon is being seen" (Stake, 1994, p. 241). The redundancy in these multiple sources also permit cross-checking of content, where content is "factual" or recorded in documents – dates, provisions in law, number of visas issued, etc. Overall, triangulating data from multiple sources adds depth to the descriptiveness of the study (Merriam, 1998; Miles & Huberman, 1994; Stake, 1994). Reliability is enhanced when the *investigator's position* is transparently established, which can be accomplished by stating any pre-existing structures embedded in the study at the outset and the "basis for selecting informants and a description of them" (Merriam, 1998, p. 207). Creswell (1998, p. 186 - 187) recommends including a background statement early in the report of the study revealing the writer's position relative to the subject of the study and another statement in the concluding chapters of the study indicating how the study has affected the writer's perceptions and conclusions. I have incorporated these three recommendations into the study and the narrative report. Guba and Lincoln (1981), Merriam (1998), and others propose creating an *audit trail* to provide transparency and clarity of rationale at each phase of the study, describing in detail "how data were collected, how categories were derived, and how decisions were made throughout the inquiry" (p. 207). The prospectus, document files, interview transcripts, audit trail, and this report of my study provide this level of detail and rationale.

Structure of the Case Report

When discussing standard practice in case study, Merriam (1998) discusses the range of decisions a researcher must make when using this method: "Nor are there

guidelines in constructing the final report, and only recently have there been

discussions about how to analyze the data collected. The investigator is left to rely on

his or her own instincts and abilities throughout most of this research effort" (p. 42). I

have adhered to the pattern suggested by Creswell (1998) to organize and present this

case study, adopting the broad strategy of "narrat[ing] the study through techniques

such as a chronology of major events followed by an up-close or a detailed perspective

about a few incidents" (p. 63). More specifically, I have chosen to generally follow the

overall rhetorical structure Creswell lays out, in which the researcher

> opens with a vignette so that the reader can develop a vicarious experience to
> get the feel for the time and place of the study . . . identifies the issue, the
> purpose, and the method of the study so that the reader learns about how the
> study came to be, the background of the writer, and the issues surrounding the
> case . . . [provides] an extensive description of the case and its context . . .
> [presents] a few key issues, so that the reader can understand the complexity of
> the case . . . [and probes] several of the issues further . . . (pp. 186-187)

The report then makes any assertions about the case and presents a summary of what

the researcher has learned about key issues.

Conclusion

The 20 months following the 9/11 attacks included multiple, intersecting and

overlapping events, actions, and effects which together impacted the international

education community, particularly as regards international student visa policies. In

retrospect, some threads of policy are now clear; the influence of one policy action

over another and the value of one event or another is now somewhat understood.

However, at the time these events were unfolding, it was not clear what the outcome

would be, and the sheer volume and intensity of the flow of events was a significant

part of the policy environment. Indeed, this kind of aftermath of a unique and

powerful focusing event needs to be captured. My goal, as represented in my primary

research question, was to describe this situation, with some focus on the experiences

of the administrators whom I interviewed, ultimately identifying key policy issues

which inform the case. In order to capture such an environment and its impact on the

emerging student visa policies, descriptive case study is an appropriate approach.

Appendix C
Acronyms and Terms

Laws and regulations

CIPRIS: Coordinated Interagency Partnership Regulating International Students
IIRIRA: Illegal Immigration Reform and Immigrant Responsibility Act of 1996
INA: Immigration and Nationality Act
IPASS: Interagency Panel for Advanced Science and Security
ISEAS: Interim Student and Exchange Authorization System
NSEERS: National Security Entry-Exit Registration System
SEVIS: Student and Exchange Visitor Information System
SEVP: Student and Exchange Visa Program

Federal agencies

BICE: Bureau of Immigration and Customs Enforcement
BCIS: Bureau of Citizenship and Immigration Services
DHS: Department of Homeland Security
INS: Immigration and Naturalization Service

Visa categories

B visa: Temporary visitor for business or pleasure
F visa: Temporary visitor for study
J visa: Temporary visitor for exchange
M visa: Temporary visitor for training

Organizations

AACRAO: American Association of Collegiate Registrars and Admissions Officers
AAIEP: American Association of Intensive English Programs
AASCU: American Association of State Colleges and Universities
AAU: Association of American Universities
ACE: American Council of Education
AIEA: Association of International Education Administrators
Alliance: Alliance for International Educational and Cultural Exchange
CGS: Council of Graduate Schools
IIE: Institute for International Education
NACSULG: National Association of State Universities and Land-Grant Colleges
NAFSA, also NAFSA: AIE: NAFSA: Association of International Educators
UCIEP: University and College Intensive English Programs

The following items were approved by the University of Oklahoma, Norman Campus,

Institutional Review Board, permitting my use of human subjects in this study. These

include the Recruitment Letter sent to AIEA, the Interview Schedule, and the

Informed Consent form.

Recruitment Letter

Recruitment Letter with Introduction of Informed Consent

Date

Dear _____:

I am a graduate student under the direction of Professor J. Thomas Owens in the
College of Education's Department of Educational Leadership and Policy Studies at
The University of Oklahoma-Norman Campus. I invite you to participate in an
interview as part of a research study I am conducting under the auspices of the
University of Oklahoma Norman Campus entitled *The 9/11 Attacks as a Focusing
Event for International Student Visa Policy* (OU Institutional Review Board #03-337).
This study, the findings of which will be reported in my dissertation, will provide an
analysis of several document categories plus international education administrators'
perceptions regarding how the 9/11 impacted student visa policy in the 20 months
following the attacks and will provide information on how U.S. legislators and agency
actors, the mass media, and the international education policy community have been
viewed and how they have responded to, the 9/11 attacks, specifically in reference to
student visa policy.

Participants in the interviews must have been in a job for the last 5 years that includes
responsibility for international student advising, been a member of an international
education advocacy organization with a public policy arm for the last 5 years, and
evidence of advocacy activities in support of international education in the last 2
years.

Your participation will involve meeting me for an interview to respond to six
questions. The interview will be audio-tape recorded and should only take about 30 –
45 minutes. There is no cost to you other than the time it takes for the interview. Your
involvement in the study is voluntary, and you may choose not to participate or to

withdraw at any time. The results of this research study may be published, but your name, that of your institution, or other identifying factors will not be used. The tape of each interview will be summarized using an interview log. Participants will be identified in the log only by an assigned number. The tapes, the log and the key linking participant identity to the log will be kept in a locked cabinet in my office; only I will have access to these items. The tapes and logs
will be destroyed following completion of my study. Therefore, all information you provide will remain strictly confidential. (I will ask you to sign an informed consent form prior to the interview.)

If you have any questions about this research project, please feel free to call me at (702) 294-4848 or by e-mail at mhreeves@aol.com, or to contact my faculty sponsor Professor J. Thomas Owens at (405) 325-2447 or jtowens@ou.edu . Questions about your rights as a research participant or concerns about the project should be directed to the Institutional Review Board at the University of Oklahoma-Norman Campus at (405) 325-8110 or irb@ou.edu.

Please let me know if you meet the criteria, are willing to participate in an interview, and will agree to sign an informed consent statement for audio-taping. I will then work with you to arrange a convenient time and location.

I appreciate your willingness to consider participating in this research study.

Sincerely,

Mary Reeves

Interview Schedule

Script
Thank you for agreeing to meet with me. I'd like to ask you six questions. I anticipate that this interview session will last approximately 30 - 45 minutes.

Your responses will be confidential. The tape of each interview will be summarized using an interview log. Participants will be identified in the log only by an assigned number. The tapes, the log, and the key linking participant identity to the log will be destroyed following completion of my study.

Structured questions:

About your role as a practitioner:

1. Please describe your activities as an *international education administrator* relative to CIPRIS/SEVIS and any other student visa policy initiatives prior to 9/11.

2. Please describe your activities as an *international education administrator* relative to student visa policy since 9/11.

About your role as an advocate:

3. Please describe your activities and perspective as an *advocate for international educational exchange* prior to 9/11.

4. Please describe your activities and perspective as an *advocate for international educational exchange* since 9/11.

Open-ended questions:

5. What is your perception of the public policy environment surrounding CIPRIS/SEVIS and any other student visa policy initiatives prior to 9/11?

6. What is your perception of the public policy environment surrounding international student visa policy since 9/11?

Informed Consent

INFORMED CONSENT FORM FOR RESEARCH BEING CONDUCTED UNDER THE AUSPICES OF THE UNIVERSITY OF OKLAHOMA-NORMAN CAMPUS

INTRODUCTION: This study is entitled *The 9/11 Attacks as a Focusing Event for International Student Visa Policy*. The person directing this project is Professor J. Thomas Owens in the College of Education's Department of Educational Leadership and Policy Studies at The University of Oklahoma-Norman Campus. This document defines the terms and conditions for consenting to participate in this study.

DESCRIPTION OF THE STUDY: This descriptive case study will result in a doctoral dissertation. The purpose of this study is to collect and evaluate documentary and interview data sets leading to a description of how international student visa policy was impacted by the 9/11 attacks, including identifying any policy mechanisms and patterns which may emerge. In addition to providing a description of this unique event relative to international student visa policy, findings may inform policymaking practices in crisis settings. Interview participants have been identified through purposeful sampling. The interview data set will be collected through a taped semi-structured interview of each of 12 participants; each participant will respond to six questions outlined in an interview schedule.

RISKS AND BENEFITS: No foreseeable risks, beyond those present in routine daily life, are anticipated in this study. No benefits accrue to participants directly. The study will result in a close description of a policy problem which has not been captured and analyzed and will provide an historical record of a major focusing event which has had pivotal influence on international student visa policy. This analysis may better inform international education advocates about how to accomplish public policy goals.

CONDITIONS OF PARTICIPATION: Participation is voluntary. Refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled. Furthermore, the participant may discontinue participation at any time without penalty or loss of benefits to which the participant is otherwise entitled.

CONFIDENTIALITY: Findings will be presented in summary form with no identifying information to ensure confidentiality.   Direct quotations may be used in presenting findings, edited so that no identifying information is linked to the participant. Participants have the right to refuse to allow use of quoted statements. (Participants who refuse to allow use of quoted statements will be interviewed and will be included in the study.) Please select one of the following options.
     [ ] I consent to the quoting of my confidential statements in findings, with any identifying information eliminated.
     [ ] I do not consent to the quoting of my confidential statements in findings, with any identifying information eliminated.

AUDIO TAPING OF STUDY ACTIVITIES: To assist with accurate recording of participant responses, interviews may be recorded on an audio recording device. The tapes will be kept in a locked cabinet in the researcher's office; only the researcher will have access to the tapes and logs. Tapes and interview logs will be destroyed at the conclusion of the study. Participants have the right to refuse to allow such taping without penalty. (Participants who refuse to allow taping will not be interviewed and will not be included in the study.) Please select one of the following options.
     [ ] I consent to the use of audio recording.
     [ ] I do not consent to the use of audio recording.

CONTACTS FOR QUESTIONS ABOUT THE STUDY: Participants may contact contact Mary Reeves (ph: 702.294.4848, e-mail: mhreeves@aol.com); faculty sponsor Dr. Owens (ph: 405.325.2447,

e-mail: jtowens@ou.edu); or the Institutional Review Board at the University of Oklahoma-Norman Campus (ph: 405.325.8110, e-mail irb@ou.edu).

PARTICIPANT ASSURANCE: I have read and understand the terms and conditions of this study and I hereby agree to participate in the above-described research study. I understand my participation is voluntary and that I may withdraw at any time without penalty.

_____
_____
Signature of Participant   Date

_____
_____
Printed Name of Participant   Researcher Signature